



**Regular Meeting MINUTES**  
**Tuesday, March 17, 2015**  
**Located at: SRWD Office at 6:00 p.m.**

<b>Managers Present:</b>	Larry Kuseske, Lee Bautch, Duane Willenbring, Tyler Carlson, Tim Hagemeyer, Jason Scherping, Dennis Ritter, Bruce Ferris, Gary Barber
<b>Staff Present:</b>	Scott Henderson, Administrator; Rebecca Kluckhohn, District Engineer; Zach Gutknecht, Ditch and Permit Coordinator; John Kolb, Attorney
<b>Guests Present:</b>	Cody Rogahn, Jeff Mayer, Steve Notch, Duane Pung, Karl Meyer, Ralph Inderrieden, Wayne Klaphake, Dan Linsner, Paul Hartmann, Jason Marthaler
<b>Manager's Absent:</b>	Manager Ritter excused himself at 7:00 p.m.

1. **The meeting was called to order by President Willenbring at 6:00 p.m. and the Pledge of Allegiance was recited.**
  
2. **Additions/corrections to the agenda items** – President Willenbring asked for corrections or additions to the agenda. Administrator Henderson stated that he hadn't mailed notices as per statute 103D and, therefore, there can only be discussion on the Sauk Lake weed harvest modification project rather than the scheduled hearing as listed on the agenda. **Manager Bautch made a motion to approve the modified agenda. The motion was seconded by Manager Carlson. The motion passed with all in favor.**
  
3. **Consent Agenda**
  - a. **Financial Reports/Meeting Minutes**
    1. **Check Register for General Fund 101**
    2. **Deposit Receipts**
    3. **Revenue Guideline**
    4. **Grant, Loan & Cost Share Logs**
    5. **Expenditure Report**
    6. **February 17, 2015, Regular Meeting Minutes**
  - b. **Appropriations**

<i>Payee</i>	<i>Description of Payment</i>	<i>\$ Amount</i>	<i>Fund</i>
Rinke Noonan	Interoffice Audit Review letter to KDV	\$41.70	101
Rinke Noonan	Retainer	\$600.00	101
Rinke Noonan	State Revolving Fund Matters	\$170.10	338



Rinke Noonan	CD 51 Repair	\$813.90	555
Rinke Noonan	CD 26	\$26.00	550
KDV	Consulting Services by Joe Rigdon	\$2,875.00	340
Dorsey & Whitney LLP	Bond Counsel Opinion	\$1,750.00	338
Sytek	SRWD Website	\$3,375.00	101
Wenck	CD 15 Construction Support	\$2,312.00	530
Wenck	CD 51 Extended Scope	\$34.20	555
Wenck	2014 General Engineering	\$1,197.00	101

**c. Resolutions for Approval**

<u>Resolution #</u>	<u>Title</u>	<u>\$ Amount</u>
#05-15	Closing Fund Accounts with Positive Balances	\$11,308.78
#06-15	Closing Fund Accounts with Negative Balances	\$-1,508.76
#07-15	Payment Processing Policy	N/A

**d. Contracts for Approval**

<u>Contractor</u>	<u>Description of Payment</u>	<u>\$ Amount</u>
BWSR	Ashley & Adley Creek Inventory	\$80,715

Manager Kuseske asked that the BWSR Contract be pulled for discussion. **Manager Kuseske made a motion to approve the consent agenda minus the BWSR Contract, item 3 d. The motion was seconded by Manager Scherping. The motion passed with all in favor.** Manager Kuseske asked for details on the Ashley & Adley Creek inventory. Administrator Henderson stated that the grant would be to assess buffers along both Ashley and Adley Creeks in order to focus on trouble spots within the management unit. **A motion was made by Manager Kuseske to approve the BWSR contract for the Ashley & Adley Creek Inventory. The motion was seconded by Manager Ferris. The motion passed with all in favor.**

**4. Open Discussion from the Public – None**

**5. New Business**

- a. Public Hearing on Modification of Project 2003-1, Big Sauk Lake Weed Harvest – 7:00 p.m.** – President Willenbring recessed the regular meeting and opened the public hearing on the Modification of Project 2003-01, Big Sauk Lake weed Harvest at 7 p.m. Administrator Henderson stated that since mailings did



**SAUK RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS**

524 4<sup>th</sup> St South, Sauk Centre, MN 56378  
Phone: (320) 352-2231 Fax: (320) 352-6455

not go out, the public hearing will be continue at the April 21<sup>st</sup> meeting and only discussion will take place during this time. Henderson gave a brief history of the project. **Manager Scherping made a motion to continue the hearing for the Modification of the Big Sauk Lake Weed Harvest at the April 21st meeting at 7 p.m. at the District office. The motion was seconded by Manager Bautch. The motion passed with all in favor. Manager Bautch made a motion to recess the public hearing and reopen the regular meeting. The motion was seconded by Manager Carlson. The motion passed with all in favor.**

6. Reports

a) **Administrator's Report** – *Scott Henderson*

1. **Lower Sauk Lake Project**– Administrator Henderson gave a brief history of the petitioned Lower Sauk Lake Project and the deficit that exists due to the lack of funding available at that time. Attorney Kolb has additional historical information that he will send to Henderson.
2. **Outside Watershed Boundary Collaboration – Clearwater WD, Todd County AIS, Stearns County AIS** – Administrator Henderson reported on work to be done for Todd and Stearns Counties doing Aquatic Invasive Species (AIS) monitoring, as well as including an educational component. Quite a bit of the work in Todd and Stearns Counties is within the District however, not all. Staff's time will be compensated by the Counties grants to do the work county-wide. Henderson spoke of another opportunity to work with Clearwater River Watershed District. They had heard of the good work the Public Outreach Coordinator Adam Hjelm does for our District and inquired if they could use their grant funds to pay for work to be done in their District as well. The board asked that Adam Hjelm give a report to the board at a future meeting.
3. **Request for Personnel Committee** – Administrator Henderson requested a Personnel Committee be formed to discuss the PRAP report and hire for the position vacated by Tara Ostendorf. **A motion was made by Manager Barber to form a personnel committee. The motion was seconded by Manager Hagemeyer. The motion passed with all in favor.** Managers Kuseske, Hagemeyer, Scherping and President Willenbring volunteered to be on the personnel committee. **A motion was made by Manager Bautch to approve Managers Kuseske, Hagemeyer, Scherping and President Willenbring as the personnel committee. The motion was seconded by Manager Ritter. The motion passed with all in favor.**

b) **Permit Coordinator's Report** – *Zach Gutknecht*

1. **Hartmann Permit Application** – Zach Gutknecht reintroduced the board to Paul Hartmann's permit application to redevelop a theme park into 9 single family residential lots. Gutknecht recommended approving



**SAUK RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS**

524 4<sup>th</sup> St South, Sauk Centre, MN 56378  
Phone: (320) 352-2231 Fax: (320) 352-6455

the permit with the conditions listed in the Wenck Technical Memo. **A motion was made by Manager Carlson to approve the permit with the conditions listed. The motion was seconded by Manager Ritter. The motion passed with all in favor.**

**2. Waite Park Apartments – Permit renewal** – Zach Gutknecht informed the board that Trident Development LLC would like to re-apply for a permit that was granted by the District in 2013. Since there were no substantial changes in the project, staff recommends re-approval of the permit with the revised conditions. **A motion was made by Manager Scherping to approve Permit 15-007 with conditions as presented. The motion was seconded by Manager Carlson. The motion passed with all in favor.**

**3. Permit Timelines** – Zach Gutknecht informed the board of a reoccurring issue having to do with timelines, both with the public and internally. He presented a drafted notice to be signed by the Applicant that explains the timeline. **A motion was made by Manager Scherping to approve the Permit Timeline Notice to be signed by Permit Applicants. The motion was seconded by Manager Kuseske. The motion passed with all in favor.**

**c) Board Member Meeting Reports**

**1. MAWD Day at the Capitol** – Manager Kuseske informed the board that at the District Administrator’s meeting, additional board training was discussed. Henderson expressed interest in the training and the District will be notified once training comes to fruition. Manager Kuseske discussed the Governor’s buffer initiative and the board shared their thoughts.

**2. Rule Exception Procedure** – Discussion was made to ensure that when there was a need for an exception to the District’s rules, that the procedure outlined under the procedure would be followed.

**7. Items for Next Meeting Agenda**

- a. Public Hearing on Crooked Lake Grant Acceptance
- b. Big Sauk Lake Weed Harvest Project Modification

**8. Upcoming Meetings to be Announced**

**a. Regular Board Meetings**

- 1. Tuesday, April 21<sup>st</sup>, 2015
- 2. Tuesday, May 19<sup>th</sup>, 2015

**b. Other Meetings**

- 1. CD 9 Informational Meeting – Melrose Administration Building, March 26<sup>th</sup> at 7:00 p.m.
- 2. Minnesota Viewers Association – Jackpot Junction, Morton MN – April 2<sup>nd</sup>.



**SAUK RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS**

524 4<sup>th</sup> St South, Sauk Centre, MN 56378  
Phone: (320) 352-2231 Fax: (320) 352-6455

9. **Adjourn Regular Board Meeting – Manager Bautch made a motion to adjourn the regular meeting at 7:25 p.m. The motion was seconded by Manager Carlson**

10. **Call to Order Watershed District as Drainage Authority –** President Willenbring called the Watershed District as Drainage Authority meeting to order.

**a. Administrator’s Report**

**1. CD 26 Phase II Letter from DNR –** Administrator Henderson informed the board that a letter was received from the DNR about the CD 26 Phase II repair stating that the District will be required to get a permit and a preparation of an EAW. The DNR would like a meeting with their staff and District staff to further discuss options going forward. Attorney Kolb walked the board through the process that was followed in preparing for and ordering the repair of CD 26 and the statutory requirements that were met. Kolb requested that the board authorize Rebecca Kluckhohn to see if there are modifications that can be done in the area of Oak Lake and Unnamed Public Wetland #73-522W to eliminate the DNR’s concerns and whether the modification to the as constructed grade in those locations would have any substantial impact on the drainage efficiency for properties upstream. It would be beneficial to have this information before a meeting with the DNR is held. Kolb also asked that the board authorize him to pull those specific records out of the public waters inventory hearings in Stearns County related to these specific waters into CD 26 to see if there is anything noted that would support the position that there is no condition that they can require a permit for future maintenance of CD 26. After discussion with Attorney Kolb and Rebecca Kluckhohn, **Manager Ferris made a motion to authorize Kluckhohn to research modifications in the Oak Lake and Unnamed Public Water Wetland #73-522W area and to have that information available before the meeting with the DNR. The motion also authorized Attorney Kolb to research specific records from the public waters inventory hearings in Stearns County. The motion was seconded by Manager Carlson. The motion passed with all in favor, and Manager Scherping abstaining.** Attorney Kolb shared that he and Kluckhohn worked on changes in language to 103E that have been submitted to MN Representative Denny McNamara that will hopefully clean up the process.

**b. Attorney’s Report**

**1. CD 51 Update –** Attorney Kolb stated that he is still waiting for the judge’s order as to whether he will dismiss the appeal or not. Kolb has also been made aware that one or two of the appellants has been actively harassing and threatening the contractor. Attorney Kolb wrote up a memo explaining the District and Contractor’s rights and obligations regarding the drainage system. He promptly received a memo from Mr.





**SAUK RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS**

524 4<sup>th</sup> St South, Sauk Centre, MN 56378  
Phone: (320) 352-2231 Fax: (320) 352-6455

Berndt's attorney stating the District couldn't establish any grass strips until the payment was ordered, which was already done. If those landowners try to stop the contractor, they would be interfering with the contract. Kolb has spoken with the County Attorney and County Sheriff's Office and if the contractor runs into any issues with those landowners, a Sheriff will accompany the contractor so that he cannot be interfered with.

**c. Engineer's Report – Rebecca Kluckhohn, Wenck Associates, Inc.**

**1. CD 15 Pay Requests** – Rebecca Kluckhohn spoke with the board about the pay request received from Geise Excavating for the work done on CD 15. Kluckhohn and Zach Gutknecht met with Gary Geise on site and spoke to him about the pay request and the wording of the request. A payment can be made for \$200,048.63 which includes a 5% retainage for finish work. **Manager Barber made a motion to pay \$200,048.63 to Geise Tiling and Excavating Inc. for work done on CD 15. The motion was seconded by Manager Kuseske. The motion passed with majority in favor, Manager Scherping abstaining.**

**d. Ditch Program – Zach Gutknecht**

**1. Pope CD 11 clean out – MBC request on behalf of Malecha Dairy** – Zach Gutknecht explained a request from Malecha Dairy to clean out 1,000 feet of CD 11 in Westport Township at their expense. Malecha Dairy would also like to tile into a private ditch that subsequently drains into CD 11. Malecha Dairy is not currently assessed for benefits. Attorney Kolb stated that since they are not a benefitted property owner, they would have to petition the drainage authority, there would be a hearing, and an outlet fee and future benefits would be determined. President Willenbring stated that no board action can be made on this request this time and that Malecha Dairy should continue to work with staff.

**2. CD 9 Landowner Petition** – Administrator Henderson informed the board that he and Zach Gutknecht met with a group of landowners from CD 9 and that they would like to speak to the board. CD 9 Landowner Karl Meyer asked the board to hold off any non-emergency repairs until they are able to change the way in which properties are viewed for their benefits. At that point, a redetermination should be done.

11. **Items for Next Meeting Agenda** - None

12. **Adjournment of Drainage Authority Meeting** – Manager Carlson made a motion to adjourn the Drainage Authority Meeting at 8:30 p.m. The motion was seconded by Manager Scherping. The motion passed with all in favor.