



**Regular Meeting MINUTES**  
**Tuesday, April 19, 2016**  
**Located at: SRWD Office at 6:00 p.m.**

<b>Managers Present:</b>	Lee Bautch, Duane Willenbring, Tyler Carlson, Gary Barber, Gene Rasmusen, Jason Scherping, Dennis Ritter, Tim Hagemeyer
<b>Staff Present:</b>	Scott Henderson, Administrator; John Kolb, Attorney
<b>Guests Present:</b>	Cody Rogan, Randy Neumann, Ken Zimmermann, Gary Berndt, Steve Notch
<b>Manager's Absent:</b>	Larry Kuseske

1. **The meeting was called to order by Vice-President Willenbring at 6:00 p.m. and the Pledge of Allegiance was recited.**
  
2. **Additions/corrections to the agenda items** – Vice-President Willenbring asked for corrections or additions to the agenda. There were a few additions to the agenda. **Manager Bautch made a motion to approve the consent agenda. The motion was seconded by Manager Hagemeyer. Motion passed with all in favor.**
  
3. **Consent Agenda**
  - a. **Financial Reports/Meeting Minutes**
    1. Checks for March for General Fund 101
    2. Receipt Book
    3. Revenue Guideline
    4. Expenditure Report
    5. Cash Balances
    6. Grant and Loan Balances
    7. March 15, 2016, Regular Board Meeting Minutes

**b. Appropriations**

<i>Payee</i>	<i>Description of Payment</i>	<i>\$ Amount</i>	<i>Fund</i>
Rinke Noonan	Retainer - 0049	\$600.00	101
Rinke Noonan	Employee Matters - 0029	\$75.60	101
Rinke Noonan	Permits - 0086	\$56.70	101
Rinke Noonan	BMP Contract Matter - 0121	\$439.90	101
Rinke Noonan	Stearns CD 51 - Court of Appeals - 0118	\$8,521.20	555



Wenck	Stearns CD 26 Phase I	\$1,080.00	550
Wenck	Stearns CD 26 Phase II	\$18,358.62	550
Wenck	Stearns CD 11	\$523.65	525
Wenck	Stearns CD 51	\$846.00	555
Wenck	Permitting	\$3,303.45	101
Wenck	General	\$360.00	101

Manager Ritter made a motion to approve the consent agenda. The motion was seconded by Manager Barber. The motion passed with all in favor.

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

5. **Reports**

a. **Administrator’s Report** – *Administrator Scott Henderson*

**1. League of MN Cities Insurance Coverage** – Administrator

Henderson presented Resolution #02-16 to the board to approve the District to stay with the League of Minnesota Cities for Liability Insurance and Workers Compensation. The annual premium decreased from 2015 to \$8,373. Henderson stated that the only change this year is that the District will be moving it’s agent of record from First State Bank to Minnesota National bank for various reasons. Henderson then explained the Liability Coverage – Waiver Form and asked the board if they would like to keep with what they’ve done in the past and NOT waive the monetary limits on municipal tort liability. There was some discussion on the financial difference to each option, as well as the total a claimant would be able to recover. **Manager Ritter made a motion not to waive the monetary limits on municipal tort liability. The motion was seconded by Manager Carlson. The motion passed with all in favor. Manager Barber made a motion to approve Resolution #02-16. The motion was seconded by Manager Scherping. The motion passed with all in favor.**

**2. Health Partners Health Insurance – Change in Deductible** –

Administrator Henderson presented Resolution #03-16 to the board regarding the renewal of the District’s Health Insurance Policy and an increase in the District’s HSA compensation to reflect the deductible increase. **Manager Bautch made a motion to approve Resolution #03-16. The motion was seconded by Manager Scherping. The motion passed with all in favor.**

**3. Legal Services Letter of Engagement, Rinke Noonan** –

Administrator Henderson read a letter of engagement for the 2016 fiscal



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year. The letter was intended to confirm continuing the current agreement which combines a flat fee retainer of \$600 per month and an hourly billing rate of \$189/month for attorneys and less for paralegals. This amount has remained unchanged since 2008.

**b. Permits –**

- 1. Luther Honda – Waite Park** – Administrator Henderson asked the board to consider reducing the number of infiltrometer tests at the Luther Honda site in Waite Park from six, which was a condition of the permit, to four. The project was scaled down and as stated in the Minnesota Stormwater Manual, supported by the MPCA, 4 tests are adequate. **Manager Hagemeyer made a motion to allow the applicant to reduce the number of infiltrometer tests from six to four. The motion was seconded by Manager Carlson. The motion passed with all in favor.**
- 2. St. Cloud Cold Storage – St. Cloud** – Administrator Henderson informed the board that Westwood Professional Services submitted a permit application on behalf of Rice Building Systems for the construction of a 40,700 square foot storage facility and storm sewer. Ditch & Permit Coordinator Zach Gutknecht prepared a memo for the board detailing the project and the items triggering a District Permit. Staff recommends approving permit with the conditions listed in the permit. **Manager Ritter made a motion to approve Permit 16-006 St. Cloud Cold Storage with conditions. The motion was seconded by Manager Barber. The motion passed with all in favor.**
- 3. Osakis Downtown Improvement – Osakis** – Administrator Henderson informed the board of a permit submitted by Bolten & Menck, Inc. on behalf of the City of Osakis for the reconstruction of storm sewer and roads in the downtown area. Gutknecht prepared a memo for the board detailing the project items triggering a District Permit, as well as, recommended conditions that should be met. **Manager Hagemeyer made a motion to approve Permit 16-003 Osakis 2016 Downtown Improvements with conditions. The motion was seconded by Manager Bautch. The motion passed with all in favor.**

**c. Manager Reports**

- 1. MAWD Legislative Days** – The managers in attendance at the MAWD Legislative Days gave a short report of their activities and discussions.
- 2. State of the Water** – Manager Barber spoke on his experience at the State of Water meeting and the connections he made. He asked for reimbursement for his attendance. **Manager Ritter made a motion to allow Manager Barber to receive reimbursement for his participation at the State of the Water Conference. The motion was seconded by Manager Carlson. The motion passed with majority in favor, Manager Barber abstaining.**



6. **Items for Next Meeting Agenda**
  - a. **2015 Financial Audit Presentation**
  - b. **Crooked Lake Work Plan**
  
7. **Upcoming Meetings to be Announced**
  - a. **Regular Board Meetings**
    1. Tuesday, May 17<sup>th</sup>, 2016 at 6:00 p.m. – Regular Meeting
    2. Tuesday, June 21<sup>st</sup>, 2016 at 6:00 p.m. – Regular Meeting
  - b. **Other Meetings**
    1. Budget Committee Meeting
    2. Personnel Committee Meeting
    3. MAWD Summer Tour, June 22-24, Winona MN
  
8. **Adjourn Regular Board Meeting – Manager Carlson made a motion to adjourn the regular meeting at 6:45 p.m. The motion was seconded by Manager Ritter. The motion passed with all in favor.**

### **Drainage Meeting MINUTES**

1. **The Drainage Authority meeting was called to order by Vice-President Willenbring at 6:45 p.m.**
  
2. **Additions/corrections to the agenda item – Vice-President Willenbring asked if there were additions or corrections to the agenda. Manager Bautch asked to add discussion of the Viewers Association Meeting. Administrator Henderson added 4. b.3. Bonding Discussion. Manager Rasmusen asked to be added to the Ditch 51 construction update. Manager Bautch made a motion to approve the agenda with one addition. The motion was seconded by Manager Carlson. Motion passed with all in favor.**
  
3. **Open Discussion from the Public – None**
  
4. **Reports**
  - a. **Stearns CD 51 –**
    1. **Zimmermann Improvement – Administrator Henderson presented the invoices related the Zimmermann Petition and the updated amount owed by Zimmermann. Manager Hagemeyer made a motion to correct the costs incurred for the Zimmerman petition from \$7,945.50 to 5,084.60. The motion was seconded by Manager Bautch. Motion passed. Manager Rasmusen stated that he visited Zimmerman and doesn't agree with the engineering that was done on the property. Legal counsel stated that the design isn't the issue at hand. Manager Carlson made a motion to table the discussion on**



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the Zimmermann petition. The motion was seconded by Manager Barber. The motion passed with majority in favor.

2. **Construction Update**– Henderson stated that an inspection was done and it was found that there were areas where excavation was not complete. The contractor will be doing that excavating, tree removal, spoil spreading, seeding, and installing rip-rap.

**b. Stearns CD 26**

1. **Pay Request** – Administrator Henderson presented pay request 2 from Blackstone Contractors for \$155,229.71. **Manager Carlson made a motion to approve Pay Request #2. The motion was seconded by Manager Ritter. The motion passed with majority in favor, Manager Scherping abstaining.**

2. **Construction Update** – Henderson updated the board on the repairs on CD 26. The repairs have been going very well and Blackstone has been a very good contractor to work with. They have some excavation left and have been spreading the soil piles and seeding.

3. **Bonding Discussion** – Henderson told the board that the Stearns County Commissioners moved and approved the sale of the bond for Ditches 15, 26, and 51.

**c. Stearns CD 15**

1. **Buffer Seeding and Compliance Letter** – Administrator Henderson informed the board of a letter sent to landowners on CD 15 discussing the permanent grass strip along both sides of the ditch. The letter also asked landowners to contact Zach Gutknecht if they have concerns on the repair to their parcels. Henderson presented a memo to the board in regards to the seeding along CD 15 including prices from two companies to do the work and markers to place approximately every quarter mile informing the landowners to exclude farming practices within the buffered area. **Manager Hagemeyer made a motion to hire Prairie Restoration to do the seeding of grass strips along CD 15 and stake the grass strip areas. The motion was seconded by Manager Carlson. The motion passed with majority in favor, Manager Scherping abstaining.**

2. **Construction Update** – Administrator Henderson informed the board that Geise Excavating was giving a punch list of items to be completed on CD 15 this spring.

**d. Stearns CD 19**

1. **Redetermination of Benefits** – Administrator Henderson received a call from a landowner on CD 19 who was concerned that the benefit area determined on the ditch is not current. It was determined that there is a discrepancy with the benefit as noted in the original determination versus



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the watershed of the ditch. Staff recommends the board solicit the services of three viewers, appoint them during a public hearing at the May Drainage Authority Meeting, along with a Finding and Order detailing why the drainage authority is pursuing a redetermination of benefits. **Manager Carlson made a motion to solicit the services of three viewers and appoint them during a public hearing at a Drainage Authority Meeting. The motion was seconded by Manager Hagemeyer. The motion passed with the majority in favor, Manager Bautch abstaining.**

**e. Pope CD Zion-Munson**

1. **Redetermination of Benefits** – Administrator Henderson received a call from a landowner on Stearns County Ditch Zion-Munson, near Roscoe, who was concerned that the benefit area determined on the ditch is not current. It was determined that there is a discrepancy with the benefit as noted in the original determination versus the watershed of the ditch. Staff recommends the board solicit the services of three viewers, appoint them during a public hearing at the May Drainage Authority Meeting, along with a Finding and Order detailing why the drainage authority is pursuing a redetermination of benefits. **Manager Bautch made a motion to solicit the services of three viewers and appoint them during a public hearing at a Drainage Authority Meeting. The motion was seconded by Manager Ritter. The motion passed with the all in favor.**

**f. Pope CD 6**

1. **Repair Engineers** – Administrator Henderson updated the board on a meeting of the Ditch Committee to review the submittals of the engineering for the repair proceedings of Pope CD 6 and Pope CD 11. The committee narrowed the 9 submittals down to 2, Houston Engineering and I&S Group. The committee recommends that the firm that's chosen, receives contracts for both CD 6 and 11. **Manager Ritter made a motion to hire Houston Engineering for the repair proceedings on Pope CD 6 and 11. The motion was seconded by Manager Willenbring. The motion failed with 2 for and 6 against. Manager Carlson made a motion to hire I&S Group for the repair proceedings on Pope CD 6 and 11. The motion was seconded by Manager Ritter. The motion passed with all in favor.**

**g. Pope CD 11**

1. **Repair Engineers** – Discussed with Pope CD 6.

**h. Viewers Association Meeting** – Manager Bautch talked about the Viewer's Association Meeting he attended with Administrator Henderson. He mentioned



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the lack of viewers and potentially beginning to use apprentices for experience. Speakers also spoke about the bills that were before the legislature and the differences in farming now versus when ditches were built and how the expectations of those ditches don't match what they were originally made to do.

**5. Items for Next Meeting Agenda**

- a. JD 1 – Survey results
- b. Possible public hearing on redetermination of benefits

- 6. Adjournment of Drainage Authority Meeting – Manager Ritter made a motion to adjourn the meeting at 8:16 p.m. The motion was seconded by Manager Carlson. The motion passed with all in favor.**