



Regular Meeting MINUTES
Tuesday, May 17 , 2016
Located at: SRWD Office at 6:00 p.m.

Managers Present:	Larry Kuseske , Lee Bautch, Duane Willenbring, Tyler Carlson, Gary Barber, Gene Rasmusen, Jason Scherping, Dennis Ritter, Tim Hagemeyer
Staff Present:	Scott Henderson, Administrator; John Kolb, Attorney; Zach Gutknecht, Ditch & Permit Coordinator, Rebecca Carlson, Engineer
Guests Present:	Cody Rogan, Randy Neumann, Ken Zimmermann, Gary Berndt, Steve Notch, Steve Wischmann, Lucas Stock, Matt Foure, Peter Ruegemer, Jeremy Ruegemer, Dan Grundman, Brian Schultz, Will Huston, Terry Wotzka, Greg Duchene, Joe Krueger
Manager's Absent:	

1. **The meeting was called to order by President Kuseske at 6:00 p.m. and the Pledge of Allegiance was recited.**

2. **Additions/corrections to the agenda items** – President Kuseske asked for corrections or additions to the agenda. Administrator Henderson added a few items to the agenda and made one correction. **Manager Willenbring made a motion to approve the consent agenda as modified. The motion was seconded by Manager Carlson. The motion passed with all in favor.**

3. **Consent Agenda**
 - a. **Financial Reports/Meeting Minutes**
 1. Checks for April for General Fund 101
 2. Receipt Book
 3. Revenue Guideline
 4. Expenditure Report
 5. Cash Balances
 6. Grant and Loan Balances
 7. April 19, 2016, Regular Board Meeting Minutes
 8. May 5, 2016 Special 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	Permits - 0086	\$94.50	101
Rinke Noonan	Stearns CD 15/26 - 0087	\$56.70	530/550



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Rinke Noonan	Stearns CD 9 – 0092	\$113.40	520
Rinke Noonan	Stearns CD 24 – 0097	\$56.70	545
Rinke Noonan	Stearns CD 51 – 0104	\$75.60	555
Rinke Noonan	Stearns CD 11 – 105	\$113.40	525
Rinke Noonan	Stearns CD 51 Legal – 0118	\$1,100.00	555
Rinke Noonan	JD 1 – 0119	\$113.40	505
Rinke Noonan	Pope CD 6 – 0120	\$113.40	515
Rinke Noonan	Melrose Community LLC, BMP Contract – 0121	\$1054.90	101
Rinke Noonan	Pope CD 11 – 0124	\$113.40	510
Wenck	Stearns CD 11 – CUP Finalizing	\$10.00	525
Wenck	Stearns CD 26	\$13,531.18	550
Wenck	Stearns CD 15	\$90.00	530
Wenck	Stearns CD 51	\$2,296.50	555
Wenck	Permits	\$5,022.25	101
MPCA	Middle Sauk River Rehab Project CWP Loan	\$28,545.95	218
MPCA	Restoring Water Resources – SRCL CWP Loan	\$28,285.27	208
MPCA	Middle Sauk Continued CWP Loan	\$23,616.99	203
MPCA	Osakis Watershed Management Cont. CWP Loan	\$12,234.05	206
MPCA	Big Sauk Lake Continued CWP Loan	\$12,391.24	202
MPCA	Middle Sauk Water Quality Restoration CWP Loan	\$28,118.13	204



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MPCA	Osakis Lake Shoreland Enhancement CWP Loan	\$1,261.62	207
MPCA	Restoring Water Resources of the Sauk River Chain of Lakes Continued CWP Loan	\$11,480.59	205
MPCA	Middle Sauk River Water Quality Restoration Continued CWP Loan	\$19,610.69	205
MPCA	Restoring Water Resources of the Sauk River Chain of Lakes Continued CWP Loan	\$8,387.16	209
MPCA	SRWD Watershed Wide Groundwater Protection CWP Loan	\$9,722.86	224
MPCA	Lower Sauk Water Quality Protection CWP Loan	\$1,175.41	222
MPCA	Osakis Lake Shoreland Enhancement Continued CWP Loan	\$2,375.66	221
MPCA	SRWD Water Quality Protection Project Phase II CWP Loan	\$9,838.15	223

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

4. **Open Discussion from the Public – None**
5. **Preliminary Audit Findings Presentation – Steve Wischmann, Bergan KDV, went over the financial statements generated from the 2015 annual audit. Manager Hagemeyer made a motion to approve the Audited Financial Statements for the year ended December 31, 2015. The motion was seconded by Manager Barber. The motion passed with all in favor. Manager Barber made a motion to commend the staff for doing a good job. The motion was seconded by Manager Hagemeyer. The motion passed with all in favor.**
6. **Reports**
 - a. **Administrator’s Report – Administrator Scott Henderson**



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1. Crooked Lake Grant Language Change – Administrator Henderson presented Resolution #04-16 to the board regarding the Crooked Lake Grant Project. The resolution asks for a change in the use of the funds from funding one large basin to several smaller retention basins and conservation BMP's. **Manager Carlson made a motion to approve Resolution #04-16. The motion was seconded by Manager Bautch. The motion passed with all in favor.**

2. Conservation Easements – JD 2 Area – Administrator Henderson asked for approval to reword language in the conservation easement approved at the December 2015 board meeting. Staff learned of concerns of lost income and property taxes when having discussions with landowners in the area. Staff recommends allowing easement holders to hay the area until a project is implemented and then with limited use, based on the direction of the District after project implementation. **Manager Willenbring made a motion to approve the rewording of the conservation easement to allow for haying the area until a project is implemented and with limited use after that. The motion was seconded by Manager Ritter. The motion passed with all in favor.**

3. MAWD Summer Tour – Administrator Henderson asked for a head count of managers wanting to attend the MAWD Summer Tour. Managers Willenbring, Barber, and Kuseske stated they would like to attend.

4. Environmental Initiative Award Nomination – Rebecca Carlson, Engineer, explained that she nominated the District's Environmental Education Program for an Environmental Initiative Award for excellence in environmental stewardship. The nomination was accepted and the award will be given on May 26th. Administrator Henderson stated he would attend the award ceremony and asked if a manager wanted to attend as well, that they should let him know.

5. Dwelly/Dooley Landowner Project – Administrator Henderson gave a brief overview of a civil lawsuit taking place on Maple Lake between the Dwelly's and the Dooley's in regards to property drainage. The landowners are seeking funding from the District to help repair the issues. Manager Bautch asked if this was a responsible way to use grant dollars when it's something that could have been helped by the Lake Association. Manager Willenbring felt he needed more information to make a decision. **Manager Willenbring made a motion to table the Dwelly/Dooley project until the June meeting. The motion was seconded by Manager Carlson. The motion passed with all in favor.**

b. Permits –

1. 7th Avenue Parkway – Waite Park – Zach Gutknecht, Ditch & Permit Coordinator, presented a permit application from SEH on behalf of the



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City of Waite Park to construct a street and utility extension for a commercial development near Menards in Waite Park. Gutknecht explained the conditions listed in the permit for the board's review.

Manager Ritter made a motion to approve Permit 16-008 with the conditions listed. The motion was seconded by Manager Willenbring. The motion passed with all in favor.

- a. **Exception** – Gutknecht explained that the City of Waite Park is requesting an exception to the District's rules based on the physical and geological conditions of the site. The project will include an oversized infiltration basin to try to satisfy the intent of the rules. **Manager Hagemeyer made a motion to approve the exception with the City of Waite Park. The motion was seconded by Manager Scherping. The motion passed with all in favor.**

2. Rockville Truck Dealership – Exception – Gutknecht informed the board that Brian Schultz, on behalf of the landowner, is requesting a variance related to the infiltration requirements for the proposed Minnesota Truck Headquarters Facility which will be located in Rockville. Schultz provided a geotechnical report supporting low infiltration rates in the area. Rebecca Carlson, engineer, determined that the soil would not support a typical infiltration basin but that a filtration stormwater BMP and/or a capture reuse system could be used to meet the District's requirements. **Manager Ritter made a motion to approve the variance related to the infiltration requirements for the proposed Minnesota Truck Headquarters Facility in Rockville. The motion was seconded by Manager Barber. The motion passed with majority in favor, Manager Willenbring abstaining.**

3. MN National Bank Road – Sauk Centre – Gutknecht presented Permit 16-009 from Minnesota National Bank for a new roadway east of the new bank site. Staff recommends approval of the permit with the conditions listed. **Manager Carlson made a motion to approve Permit 16-009 with the conditions listed. The motion was seconded by Manager Hagemeyer. The motion passed with all in favor.**

4. MN National Bank – Sauk Centre – Gutknecht presented Permit 16-010 from Minnesota National Bank for the construction of a new bank, asphalt pavement parking, utilities, and stormwater management system. Staff recommends approval of the permit with the conditions listed. **Manager Ritter made a motion to approve Permit 16-010 with the conditions listed. The motion was seconded by Manager Willenbring. The motion passed with all in favor.**

5. River's Ridge – St. Joseph – Gutknecht presented Permit 15-016 for River's Ridge in St. Joseph. The permit was conditionally approved in



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2015; however, there was a change in engineering firms and the required paperwork and surety has been received. Staff recommends approval of the permit with the conditions listed. **Manager Willenbring made a motion to approve Permit 15-016 with the conditions listed and a performance bond of \$10,000 or more. The motion was seconded by Manager Carlson. The motion passed with all in favor.**

6. Douglas County CSAH 17 – Gutknecht presented Permit 16-011 for the 4 miles of Douglas County CSAH 17 that will be reconstructed and resurfaced. Staff recommended approving Permit 16-011 with one condition. **Manager Hagemeyer made a motion to approve Permit 16-011 with the condition listed in the permit. The motion was seconded by Manager Rasmusen. The motion passed with all in favor.**

7. Centracare Melrose Hospital – Melrose – Gutknecht provided information on Permit 16-012. Staff recommends approval of Permit 16-012 with conditions. **Manager Ritter made a motion to approve Permit 16-012 with conditions. The motion was seconded by Manager Barber. The motion passed with all in favor.**

8. Country Manor – St. Joseph – Will Huston, engineer, updated the board on the old River's Bend site. The most current design plan is to eliminate some of the single family homes in favor of patio homes, assisted and independent living and memory care facility, and a chapel in many different phases.

9. Grundman/Boogaard Violation – Westport – Gutknecht informed the board of tiling and drainage excavating done around Burrows Lake. The excavation has circumvented water around Burrows Lake and has lowered the water level. Permits were not applied for or received for the excavating and tiling from the District or other agencies. Dan Grundman, landowner, stated he thought he had received all of the permits and permission that he needed to. Gutknecht asked the board for direction. The board directed Administrator Henderson to work on this project.

10. Permit Fee Schedule – Administrator Henderson provided a spreadsheet of other Watershed District's permitting fees as well as a draft amounts that the District could adopt. **Manager Carlson made a motion to approve the draft amounts for permitting fees that were presented in the spreadsheet and to move forward with the implementation process. The motion was seconded by Manager Ritter. The motion passed with majority in favor, Manager Willenbring opposed.**

11. Black Oaks Staging – Gutknecht informed the board that a staging area was needed for the Black Oaks Wind Farm nearby a railway where trains would be delivering materials beginning in July. This project will require a permit for erosion control and stormwater. A stormwater plan



has been submitted and will be reviewed; however, there is concern that a quick turnaround is needed to prepare the area in time for the first deliveries. Waiting until the June meeting for a decision would not be feasible. **Manager Carlson made a motion to delegate the authority to approve the permit for the Black Oaks Staging to Administrator Henderson. The motion was seconded by Manager Ritter. The motion passed with majority in favor, Manager Willenbring abstaining.**

- c. **Manager Reports - None**
- 7. **Items for Next Meeting Agenda**
 - a. **Draft Annual Report**
 - b. **Dwelly/Dooley Landowner Project**
 - c. **Black Oaks Staging Area**
 - d. **Public Hearing on the Permit Fee Schedule**
 - e. **Grundman/Boogaard Violation**
- 8. **Upcoming Meetings to be Announced**
 - a. **Regular Board Meetings**
 - 1. Tuesday, June 21st, 2016 at 6:00 p.m. – Regular Meeting
 - 2. Tuesday, July 19, 2016 at 6:00 p.m. – Regular Meeting
 - b. **Other Meetings**
 - 1. MAWD Summer Tour, June 22-24, Winona MN
 - 2. SRWD Summer Tour, July 26th, St. Cloud @ Whitney Park, 5 p.m.
 - 3. Todd County SWCD River & Lake Day, May 27th, Hub Supper Club, Burtrum, MN. 1 p.m.
- 9. **Adjourn Regular Board Meeting – Manager Willenbring made a motion to adjourn the regular meeting at 8:00 p.m. The motion was seconded by Manager Bautch. The motion passed with all in favor.**

Drainage Meeting MINUTES

- 1. **The Drainage Authority meeting was called to order by President Kuseske at 8:05 p.m.**
- 2. **Additions/corrections to the agenda item – There were no additions or corrections to the agenda. Manager Willenbring made a motion to approve the agenda. The motion was seconded by Manager Bautch. Motion passed with all in favor.**
- 3. **Open Discussion from the Public – None**
- 4. **Reports**



a. Stearns CD 51 –

1. **Zimmermann Improvement** – Administrator Henderson reported on a meeting he had with Ken Zimmermann regarding the costs involved with the improvement proceedings. Zimmermann offered to pay \$750 of the \$5,084.60 of the cost incurred by the District for the improvement. Henderson also spoke of a potential misunderstanding of the actual length of the ditch. Zimmermann explained his concerns. Henderson asked Zimmermann if he would like to continue with the petitioned improvement proceedings, at which time, Zimmermann stated “Absolutely not”. After extensive discussion, **Manager Willenbring made a motion to rescind the improvement order. The motion was seconded by Manager Carlson. The motion passed with all in favor.** Attorney Kolb stated that he would prepare findings for the June meeting. Kolb discussed the decision of the Supreme Court not to accept the review of the Appellate Court decision on the grass strip matter. The Remand Order of the Court of Appeals remains in place and the matter will go back to the District Court to figure out whatever issue is left on remand. This means that the board did not acquire buffer areas adjacent to CD 51 on their property. However, on November 1, 2018, statute 103F.48 will take affect and will require the establishment of buffers by the landowners of a 16 ½ foot buffer adjacent to the open channel of the ditch.

2. **Construction Update**– None

b. Stearns CD 26

1. **Pay Request** – Administrator Henderson presented pay request #4 from Blackstone Contractors for \$107,931.09 which has been reviewed and approved by the Engineer. **Manager Ritter made a motion to approve Pay Request #4. The motion was seconded by Manager Bautch. The motion passed with majority in favor, Manager Scherping abstaining.**

2. **Construction Update** – None

c. Stearns CD 15

1. **Construction Update** – Zach Gutknecht, Ditch & Permit Coordinator, informed the board that Prairie Restoration was out seeding CD 15 and should finish today. He will go out to inspect and make sure that in a couple weeks that things are coming up. Soon, he will be out marking buffer areas. Administrator Henderson asked the board to keep in mind that there may be landowners who have taken exception to where the grass buffer is.

d. Stearns CD 11



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1. **Update on Permitting** – Rebecca Carlson, Engineer, stated that they are waiting to finalize engineer’s report and it keeps getting bounced around at the Army Corps of Engineers. Carlson anticipates it being done by the June meeting. Carlson was informed that the District also needed to apply for a Conditional Use Permit with Stearns County however it’s still being questioned at the County level.

e. Redetermination of Benefits

1. **CD 19** – Administrator Henderson stated that per landowner request, he spoke with viewers Jim Weidemann, John Cunningham, and Brian Murphy to discuss the costs of performing a redetermination of benefits on Stearns CD 19 and Zion Munson. Since CD 19 has a small watershed, costs would be between \$5-\$10/acre plus travel costs, estimated at a cost of \$5,000 plus travel expenses.

2. **Zion Munson** – Zion Munson has a larger watershed, which could decrease the costs per acre. Costs are anticipated to be \$3-\$4 per acre plus travel costs. Attorney Kolb gave an overview on the redetermination process. **Manager Carlson made a motion to authorize the Administrator to send of Requests for Proposals for redetermination of benefits on CD 19 and Zion Munson. The motion was seconded by Manager Willenbring. The motion passed with the majority in favor, Manager Bautch abstaining.**

f. Pope CD 6

1. **Order Initiating Repairs** – Administrator Henderson presented the Order Initiating Repair Proceedings under Statutes Section 103E.705 for Pope County Ditch 6, Pope CD 11 and JD 1. **Manager Carlson made a motion to approve the Orders Initiating Repair Proceedings under Statutes Section 103E.705 for Pope County Ditches 6 & 11 and JD 1. The motion was seconded by Manager Hagemeyer.** Since JD 1 outlets into Pope CD 6 and ISG is the engineering firm on contract for the repairs of Pope CD 6 and Pope CD 11, the order initiating the repair on JD 1 included hiring ISG as the engineer for the preliminary report. The motion passed with all in favor.

g. Pope CD 11

1. **Order Initiating Repairs** – All in one motion.

h. JD 1

1. **Survey Report** – Zach Gutknecht passed around a map of JD 1 and gave a brief history of the District’s involvement with the ditch and the survey he did with Kevin Brown. Gutknecht informed the board that a landowner has requested that some sluffing banks be pulled back along with needing some vegetation removal. **Manager Ritter made a**



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motion go ahead with the minor maintenance issues Gutknecht brought to the board's attention. The motion was seconded by Manager Willenbring. The motion passed with all in favor.
2. Order Initiating Repairs – All in one motion.

- 5. Items for Next Meeting Agenda – Manager Willenbring asked that a Manager Code of Conduct be circulated amongst the managers and be presented at a workshop.**
- 6. Upcoming Meetings to be Announced**
- 7. Adjournment of Drainage Authority Meeting – Manage Carlson made a motion to adjourn the meeting at 9:05 p.m. The motion was seconded by Manager Ritter. The motion passed with all in favor.**