



Regular Meeting MINUTES
Tuesday, May 21, 2013
Located at: SRWD Office at 6:00 p.m.

Managers Present:	Jim Kral, Larry Kuseske, Virgil Rettig, Bob Mostad, John Harren, Jason Scherping, Vern Vangness, Tim Lunsford
Staff Present:	Holly Kovarik, Administrator; Tara Ostendorf, Environmental Project Technician; John Kolb, District Attorney; Rebecca Kluckhohn, District Engineer
Guests Present:	Ron Magner, Larry Bebus, Bob Bjork, Jeff Hoppe, Don Gaebel, Ron Hoppe, Butch Thull, Joyce Thull, Scott Lucas, Lavern Scherping, Loren Scherping.
Manager's Absent:	Steve Sellnow

1. **The meeting was called to order by President Harren at 6:00 p.m. and the Pledge of Allegiance was recited.**
2. **Additions/or Corrections to the Agenda** – President Harren passed on a message from Manager Sellnow stating that due to other circumstances, he will not be applying for re-appointment in June. Manager Sellnow wanted it shared with the board that he “believes in the Watershed District’s cause”. President Harren commented that the board wishes Manager Sellnow well. Administrator Kovarik asked that Permit 13-006 under item 3 c be pulled from the consent agenda and made 2 typographical changes to the agenda. President Harren asked for further additions and approval of the agenda. The revised agenda was reviewed and no further items were added. **Manager Kral made a motion to approve the revised agenda. The motion was seconded by Manager Vangness. The motion passed with all in favor.**
3. **Consent Agenda**

- **April 1-30, 2013 Financial Report/Meeting Minutes**
 1. Check Register for General Fund 101
 2. Revenue Guideline
 3. Expenditure Report
 4. Cost Share & Loan Log
 5. April 16, 2013 Meeting Minutes
- **Contracts for Approval – None**
- **Permits recommended for approval**

13-006	Wenner Gas Phase II Permit Extension
SRWD Gen-19	Conservation on Big Fish Permit Extension
13-011	Osakis Skate Park Permit

- **Grant Applications for approval**



SRF-0271	MPCA Clean Water Partnership Loan \$665,000 for Crooked Lake Project
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- **Resolutions for approval**

10-13	MPCA SRF Loan Payment Approvals
11-13	Approve attendance at the MAWD Summer Conference
12-13	Phone Reimbursement
13-13	Resolution to Approve the Crooked Lake Restoration Project
14-13	Approve the 2012 R.I.V.E.R. Award

- **Board Action Items for approval - None**

- **Loans, Grants, Appropriations –**

- **Grant Project Approvals**

<u>Landowner:</u>	<u>Project Installed:</u>	<u>Amount to Encumber</u>	<u>Fund Code:</u>
1 st National Bank	Raingarden	\$10,000	322
Stearns County Ag Society	Raingarden	\$3,500	323
Houston Engineering	Permit & Incentive Program Database Updates	\$5,080	333

- **Grant Payment Approvals**

<u>Landowner:</u>	<u>Project Installed:</u>	<u>Amount to Pay</u>	<u>Fund Code:</u>	<u>Pay to:</u>	<u>Partnered with:</u>
Douglas Co Water Festival	Educational event	\$660.00	324	Douglas SWCD	Douglas SWCD

- **Loan Project Approvals**

<u>Landowner:</u>	<u>Project Installed:</u>	<u>Amount to Encumber</u>	<u>Fund Code:</u>	<u>Pay to:</u>
Walter Spanier	Septic System	\$12,500	223	

- **Loan Payment Approvals**

<u>Landowner:</u>	<u>Project Installed:</u>	<u>Amount to Encumber</u>	<u>Fund Code:</u>	<u>Pay to:</u>
Joan Hemker	Septic System	\$12,918	224	

- **Appropriations**

	<u>Payee</u>	<u>Description of Payment</u>	<u>Amount</u>	<u>Payment Code</u>
1.	KDV	Audit of Financial Statements	\$13,000	101
2.	Rinke Noonan	Retainer/general	\$789.00	101
3.	Rinke Noonan	CD15 Blenker	\$94.50	CD15



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4.	Rinke Noonan	CD15-26 Getchell lake	\$4,163.80	CD15-26
5.	Wenck	CD15-26	\$11,726.50	CD15-26
6.	Wenck	CD15-26 Getchell	\$576.00	CD15-26
7.	Wenck	CD11 Stearns	\$3,320.70	Stearns CD11
8.	Wenck	CD51	\$554.50	CD51
9.	Wenck	CD51 Zimmerman	\$288.00	CD51
10.	Wenck	Permitting	\$3,791.12	101
11.	Wenck	Grant projects	\$590.40	332
12.	Wenck	Grant project	\$14.40	323

Manager Rettig made a motion to approve the consent agenda with the exception of Permit 13-006 which was pulled from the consent agenda. The motion was seconded by Manager Scherping. The motion passed with all in favor. Tara Ostendorf, Environmental Project Technician, recommended the board approve Permit 13-006 with conditions due to the inability to meet infiltration requirements for the project because of the high water table. Wenner Gas is asking for an exception to that requirement. All needs have been met to grant the exception according to District Rules. **Manager Lunsford made a motion to approve Permit 13-006 with conditions for Wenner Gas. The motion was seconded by Manager Kral. The motion passed with all in favor.**

4. **Open Discussion from the Public** – Ron Magner and Larry Bebus, residents of Little Birch Lake, were present at the meeting to discuss storm water treatment concerns they have on Angler Drive. Mr. Magner and Mr. Bebus provided a letter which Administrator Kovarik read to the board. Staff conducted a site visit and an impact on water quality has not been identified. The District currently does not have funding for a project but the hope of the landowners is that the District can help them work with other agencies to assist them with their problem. **Manager Lunsford made a motion to authorize staff to prepare a resolution for the next board meeting recognizing that the District agrees with the township that there is an issue on Angler Drive and that the township takes the lead in developing a plan to resolve it. The motion was seconded by Manager Rettig. The motion passed with all in favor.**

5. **Old Business**

a) **County Ditch 51**– Administrator Kovarik presented the County Ditch 51 Engineer’s Repair Report. The next step is preparation of the bid documents and once approved, would be out for bids. **Manager Rettig made a motion to approve the Engineers Repair Report for County Ditch 51 and to prepare bid specifications. The motion was seconded by Manager Lunsford. The motion passed with all in favor.**

b) **Comprehensive Plan Update** – Administrator Kovarik informed the board that the section of the Plan that they received is the Implementation Plan portion of the Comprehensive Plan update. There are additional documents, some



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similar to the last plan, that are available if any managers would like a copy. Administrator Kovarik would like to set up a workshop before the next board meeting to go through the plan. It was decided by general consent of the board to hold a workshop at the District office on June 4th at 6:00 p.m. to go through the Comprehensive Plan.

- c) **County Ditch 15 and 26 Repair Proceeding Update** – Administrator Kovarik stated there were many items that have come up for discussion in regards to the County Ditch 15 and 26 Repair Proceeding. The Wetland Conservation Act Officer contacted the District about a site near CSAH 11 owned by Neal Borgerding. Last fall, Mr. Borgerding did some work along the drainage system which has incurred an Army Corps of Engineers violation and a possible WCA violation. He is also in violation of the Watershed District’s drainage authority. Administrator Kovarik has met with the landowner and he understands there may be penalties involved. Just up from this site is CSAH 11, where a road project was done by the county in 2011. The Army Corps of Engineer sent the County a letter stating that culvert is too low and that they are in violation. Attorney Kolb further explained that the County installed the culvert at the elevation that the District would have put it at rather than the elevation which they had permission from the Corps. As far as Mr. Borgerding’s project, the District should survey the area to determine if what was done would be consistent with what the District was planning to do in case the Corps would require him to remedy the site and then the District would do the maintenance and remove it all anyways. **Manager Lunsford made a motion to authorize staff to verify the elevation on the drainage system that Neal Borgerding has cleaned. The motion was seconded by Manager Kral. The motion passed with most in favor, Manager Scherping abstaining.** Attorney Kolb stated that the District put in a Data Practices request to the DNR to get all of the data regarding the establishment of Getchell Lake as a public water body. There was limited information on Getchell Lake but what we received was helpful. The District is putting together a final grade and repair component plan for that portion of the ditch so that the District can go back to the DNR under the permission proceedings and force them to address the issue. The Ordinary High Watermark that was determined was never ascertained to what the altered run out would be because it was done in the winter and things weren’t flowing. The elevation they have now is slightly above were the District would presume the ditch bottom should be. Based on the law, the District is allowed to clean within reason to the “as constructed” grade but it requires following the permission proceeding. District Engineer Rebecca Kluckhohn provided a memo to the board outlining the addition information that needs to be gained before going to the DNR for the permission proceeding. **Manager Mostad made a motion to approve the proposal to survey Getchell Lake, CSAH 11 and map survey results for a total of \$2,329. The motion was seconded by Manager Kral. The motion passed with most in favor, Manager Scherping abstaining.** Administrator Kovarik informed the board that Albany Township



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contacted staff regarding 2 CD 15 culvert replacements on 350th and 360th Streets. Administrator Kovarik has done site visits and it would seem to make sense to work with the Township to coordinate efforts to get the greatest efficiency however the cost associated with the culvert replacements would still be the Township's responsibility and the District would just be coordinating the effort. Administrator Kovarik is waiting for the Township to contact the District to set up a meeting on site with the possibility of more information brought to the next meeting. Manager Harren asked how the Corps was going to be notified about the potential culvert replacement. Attorney Kolb stated that the as constructed, subsequently improved elevations will be provided to the township and the township could apply for a Corps permit, regardless of the process, the information will be provided to the township. Administrator Kovarik showed pictures of the ditch systems. District Engineer Rebecca Kluckhohn provided drawings to the board showing the existing culverts and the proposed elevations of the new culverts. There was discussion on benefitting property. Manager Lunsford commented on the statute requirements of the drainage authority. **Manager Lunsford made a motion to proceed with the statutory obligation to maintain CD 15 & 26 as designed and to go out for bids on the project. The motion was seconded by Manager Rettig.** President Harren turned the meeting over to Vice-President Kral. Vice-President Kral called the motion. **The motion passed with most in favor, Manager Kuseske against, and Manager Harren and Scherping abstaining.** The meeting was turned back over to President Harren.

- d) **Crooked Lake Project** – Administrator Kovarik informed the board that a letter of support was received by Todd County for the Crooked Lake Project. Administrator Kovarik stated that the board has already approved \$665,000 for the project; however, the District still has to get the bond counsel opinion and obligatory note. **Manager Lunsford made a motion to authorize staff to get the bond counsel opinion and obligatory note required for the loan money for the Crooked Lake project. The motion was seconded by Manager Vangsness. The motion passed with all in favor.** Administrator Kovarik asked the board how they intended to repay the loan for the Crooked Lake Project. Attorney Kolb stated that he would prepare an explanation of the District's funding authorities and what the requirements are for each one of them in conjunction with the project proceedings. Attorney Kolb suggested that the public hearing be set for the July meeting. **Manager Kral made a motion to set the date for the public hearing on the Crooked Lake project for the July 16, 2013 regular meeting. The motion was seconded by Manager Mostad. The motion passed with all in favor.**
- e) **Weed Harvest Meeting with Lake Association Update**– Administrator Kovarik reported that the work group met on May 13th to discuss the weed harvest project. Administrator Kovarik stated that the work group discussed the project status and the process and flow charts. Vicky Willer, with the City of Sauk Centre, was present at the work group meeting and stated the City feels the



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project should be dismissed and if the funds were returned to the City, they could be used to treat if necessary. The Big Sauk Lake Association was also present at the work group meeting and wants to keep the funds with the SRWD and have it accessible for chemical treatment. Only the open areas would be treated rather than individual landowners so that there is a benefit for all. Administrator Kovarik proposed a process to the board that the Big Sauk Lake Association (BSLA) would work with the DNR to determine if treatment is necessary and to obtain a permit, the BSLA would get approval from the SRWD, work with the contractors to do the treatment, and then present an invoice and any other information the District will require to the board for payment approval. It is required of the Watershed District now to send notice to all of the affected, benefitted landowners notifying them of the public hearing on alternative project implementation. The project and purpose of the project remains the same, the method by which the District will implement that project purpose is changing. **Manager Kral made a motion to direct the staff to proceed to initiate alternative project proceedings for the Sauk Lake Weed Harvest Project. The motion was seconded by Manager Kuseske. The motion passed with all in favor.**

- f) **RFP's Closed for Watershed Wide Modeling and Runoff Rates and Fees for Management Districts** - Administrator Kovarik informed the board that the District has received the RFP's for the Watershed Wide Modeling and Runoff Rates and Fees for Management Districts. The RFP's have been scored and compiled. Tara Ostendorf, Environmental Project Technician, explained the process use for scoring the RFP's. The top 2 candidates based on the criteria and scoring were RESPEC and Houston Engineering. Based on the budget and the cost proposed by both firms, it was recommended to award both RFP's to RESPEC. **Manager Lunsford made a motion to support the staff's recommendation to award the RFP's for the Watershed Wide Modeling and Runoff Rates and Fees for Manager Districts to RESPEC. The motion was seconded by Manager Rettig. The motion passed with all in favor.**
- g) **Engineering RFP Project Update** – Administrator Kovarik stated that she would have a draft copy of the RFP for engineering services in the next board packet.
- h) **Drainage Assessment Updates** – Administrator Kovarik reminded the board of a potential error on the County Ditch 24 Assessment. Staff researched the assessment and it was found to be correct and therefore the assessment remains the same. The landowner has been notified. Administrator Kovarik also reminded the board of a concern brought on County Ditch 17 from a landowner who feels he gets no benefit from the ditch. By general consent of the board, staff should move forward and conduct a site visit of this landowner's property and bring the information to the next board meeting.
- i) **CSAH 11 County Road Project**- This topic was covered under item 5c.



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6. **New Business**

- a) **Roofing Quotes** – Administrator Kovarik presented the quotes received for roofing the building. By general consent of the board, it was decided that the budget committee will use the quotes for budgeting for 2014.
- b) **Thelen Project Updates** – Administrator Kovarik presented the latest campaign idea from Thelen Advertising. **Manager Vangsness made a motion to continue to work with Thelen Advertising on the current campaign idea. The motion was seconded by Manager Mostad. The motion passed with all in favor.**
- c) **2014 Budget** – President Harren stated that it is time to begin the budget process for 2014. He asked for volunteers to be on the budget committee. The board treasurer, Manager Lunsford, will be on the committee, along with Managers Kral and Scherping. President Harren will be a non-voting member. The first budget committee meeting will be June 4th at 4 p.m. at the District office.
- d) **Property** – Administrator Kovarik informed the board of an available lot in the Sauk Centre Industrial Park. There was discussion on how to fund the purchase. Attorney Kolb will provide information at the next meeting regarding bonding. The budget committee will further discuss any potential money to set aside in the building fund.

7. **Reports**

a) **Administrator's Report**

1. North Browns Lake Association Invasive Species concern –

Administrator Kovarik reported to the board that North Brown's Lake Association has approached the District with concerns over invasive species. At this time, the District doesn't have the resources to assist the Lake Association. **Manager Lunsford directed staff to write a letter to the North Browns Lake Association. The motion was seconded by Manager Mostad. The motion passed with all in favor.**

2. Fall Event/Pontoon Tour Discussion –

Administrator Kovarik informed the board that staff would like to coordinate a pontoon tour that would be open to the public. By general consent of the board, staff should coordinate the pontoon event. Administrator Kovarik also told the board about possibly hosting a fall educational event to report to the general public. More details will be brought to the next meeting.

3. Little Birch Lake Resource Concern – This topic was covered under item 4

4. MPCA Representative – Administrator Kovarik introduced the District's new Project Representative, Scott Lucas.

5. SWCD Supervisor – Administrator Kovarik informed the board that long-time Stearns SWCD Supervisor Jerry Bechtold passed away. Kovarik passed a sympathy card for board and staff to sign.

6. Osakis Coop – Administrator Kovarik informed the board that it was noticed that the Osakis Coop was washing off their chemical equipment



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onto the street. The City of Osakis was notified and they indicated that even though there are ordinances, they don't do anything unless there is a complaint. Administrator Kovarik recommends staff write a letter to the Osakis Coop cautioning them about the practices which puts their project in jeopardy, write a letter to the City of Osakis to make sure they are enforcing their ordinances, and contact the Department of Ag and make them aware of the issue. **Manager Kral made a motion to write a letter to the Osakis Coop and the City of Osakis, and to notify the Department of Ag. The motion was seconded by Manager Rettig. The motion passed with most in favor, Manager Scherping abstaining.**

b) **Attorney's Report** – Attorney Kolb gave a recap of what he needs to have prepared for the next meeting.

c) **Engineer's Report** – None

d) **Permits** –

7.JD2 Assessment Update – Tara Ostendorf, Environmental Project Technician, gave an update on the JD 2 Assessment. More clarification is needed to determine tier 1 and tier 2 properties because they are assessed at different rates, and of that, only 1,000 feet from the OHW are assessed. Ostendorf has been working with Houston Engineering to determine those properties parcel by parcel. It is hoped that the assessment roles will be ready by the next meeting.

8.Presentation of Fee Schedule – Tara Ostendorf informed the board of her research and process of creating a new Fee Schedule for the District and also informed them of the existing schedule which does not meet the Districts needs or come close to covering the actual cost of permitting. Ostendorf gave the number of the types of projects and the number of permits reviewed from 2010 until 2012. The type of fee schedule proposed to be established is a depository (surety) fee schedule where the type of project determines the fee which is then drawn on as costs are accrued. Any remaining funds after the project is completed would go back to the landowner or any deficit would be billed to the landowner. Ostendorf presented the new proposed fee schedule. There still needs to be clarification with Attorney Kolb on a rules violation fee and any noticing and public hearing requirements.

e) **Calendar Items** – Lynn Nelson anniversary date 19 years, Waterfest events held, discuss summer educational events, conduct board/staff planning meeting for 2014.

f) **Board Member Meeting Reports** – Administrator Kovarik asked board members who would like to attend the MAWD Summer Water Resources Tour. Managers Mostad, Kuseske, Scherping and Rettig will attend.

8. **Items for Next Meeting Agenda** – None

9. **Upcoming Meetings to be Announced**



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<u>Meeting Date</u>	<u>Meeting Description</u>	<u>Meeting Location</u>	<u>Meeting Time</u>
5-7-13	Meeker Co Commissioners	Litchfield (Holly & Virgil)	9:10 a.m.
5-14-13	Douglas Co Commissioners	Alexandria (Bob & Holly)	9:55 a.m.
5-21-13	Todd County Commissioners	Long Prairie (Holly, Jim, and Vern)	TBD
6-11-13	Pope County Commissioners	Glenwood (Holly & Larry)	9:00 a.m.
6-18-13	SRWD Regular Meeting	SRWD Office	6:00 p.m.
6-25-13	Stearns County Commissioners	St. Cloud (Holly, John, Steve, Jason, and Tim)	9:05 a.m.

10. **Informational Items –**

- **League of Minnesota Cities Insurance Trust:** The LMCIT Dividend payment for the year ended December 31, 2012 was in the amount of \$754 which is significantly less than historically. Last year our dividend payment was \$3,262. A full report is available for review upon request by the board.
- **Clean Water Fund Legislative changes:** We submitted formal comments regarding Legacy Bill H.F. 1183. Those comments as directed by the board are attached in the board packet.
- **MPCA Staff Changes:** Greg VanEeckhout will no longer be our account representative from MPCA. We will be in a transition for about six months on several of our current projects with the agency. Scott Lucas has been identified as our new representative on some of our MPCA projects.
- **Manager Reimbursement Submittals:** In October of 2012, there were legislation changes under the Minnesota New Hire reporting that require all Managers to be reported under the system and that if there is a gap in payroll for sixty days then we must re-report the Manager as a New Hire. This means that if Managers submit their reimbursement requests once every six months or quarterly that staff may have to complete a New Hire report every time. In order to avoid this extra reporting it is suggested that Managers submit their requests for reimbursement monthly. Typically this report is completed only when we have a new hire.
- **Managers Positions:** There are three positions up for reappointment including: Steve Sellnow, Virgil Rettig, and Larry Kuseske. Notification was provided to each county to allow them to initiate proceedings for the appointment process. Counties will post notice, receive applications, and make an appointment sometime in June. July 1st begins the new terms.



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- **County Meeting Update:** Administrator Kovarik and applicable Managers have been meeting with the Counties. All Managers should have received a copy of the schedule. The meetings are going well and if you would like a report on the meetings that can be accommodated under Board Member meeting reports.
 - **Fiedler Livestock Truck Wash Facility:** Comments were provided to the Stearns County Planning Commission regarding the facility a copy of the letter submitted is included for your information in the packet.
 - **Houston Engineering Database:** Houston Engineering under the newly approved grant will continue some of the database updates for the Incentive and Permit programs. These were efforts underway already and the grant will assist in paying for some of the project. A project approval for these additions is listed above for approval under the consent agenda.
11. **Adjourn – Manager Lunsford made a motion to adjourn the meeting at 8:50 p.m. The motion was seconded by Manager Rettig. The motion passed with all in favor.**

All Sauk River Watershed District meetings are handicap accessible.

An attempt will be made in advance to accommodate any other individual need for special services. Call the above number if any special arrangements need to be made.