

524 4th St South
Sauk Centre, MN 56378
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MEETING MINUTES – 8-17-2010

Regular Meeting
7:00 p.m. Sauk River Watershed District Office
August 17, 2010

Managers Present: Dan Coughlin, Todd Foster, Jim Kral, Larry Kuseske, Robert Mostad, Virgil Rettig, Jim Rothstein, Jason Scherping and Vernon Vangsness.

Staff Present: Holly Kovarik, Administrator
Starla Arceneau, Assistant Administrator

Guests Present: John Kolb, John Harren, Duane Pung, Jason Weinerman, and Matt Fisher

Manager's Absent:

1. **The meeting was called to order by President Jim Rothstein at 7:00 p.m. and the Pledge of Allegiance was recited.**
2. President Rothstein asked for additions to the agenda. There were several items added to the agenda by Administrator Kovarik. The proposed agenda was reviewed. **Manager Coughlin moved to approve the agenda with the additions and Manager Rettig seconded the motion. The motion passed with all in favor.**
3. The consent agenda was reviewed by President Rothstein. The following items were included on this consent agenda.
 - a. Financial Report July 1-31, 2010
 - b. Contracts for Approval-None
 - c. Resolutions –None
 - d. Loans, Grants, Appropriations

Loans

Chase Hoppe Payment Request for SRF Loan Feedlot Project (Payments total \$40,980.87)

-Hartung Sales \$2,152.84

-Keith Burg \$2,200

-Worms Lumber \$13,385.03

-Metzger Masonry \$11,043

-Chase Hoppe \$12,200

Eric & Rita Hennen Payment Request for SRF Loan Feedlot Abatement (Payments total \$67,358.96)

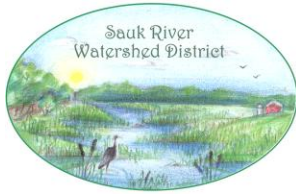
-Payment to Eric Hennen \$67,358.96

• **Grants-None**

• **Appropriations**

1. Rinke Noonan-Legal Fees Retainer, Rules, WQT, Loan Program, Audit \$4,885.00
2. Health Partners \$3,129.60
3. League of MN Cities \$494.00
4. Wenck General Engineering, CD15, CD 26 \$3,476.60

After reviewing the items on the consent agenda. **Motion was made by Manager Kral and seconded by Manager Vangsness and carried unanimously to approve the following items**



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on said consent agenda: Financial Report July 1-31, 2010, Contracts for Approval-None, Resolutions –None, Loans, Grants, Appropriations **Loan** Chase Hoppe Payment Request for SRF Loan Feedlot Project (Payments total\$40,980.87) Hartung Sales \$2,152.84 Keith Burg \$2,200Worms Lumber \$13,385.03Metzger Masonry \$11,043Chase Hoppe \$12,200 Eric & Rita Hennen Payment Request for SRF Loan Feedlot Abatement (Payments total \$67,358.96)Payment to Eric Hennen \$67,358.96**Grants-NoneAppropriations**Rinke Noonan-Legal Fees Retainer, Rules, WQT, Loan Program, Audit \$4,885.00 Health Partners \$3,129.60League of MN Cities \$494.00Wenck General Engineering, CD15, CD 26 \$3,476.60

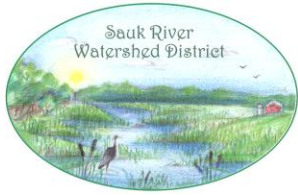
4. OLD BUSINESS

- (a) **July 26, 2010 regular meeting minutes:** Tabled until the next regular meeting
- (b) **June 15, 2010 regular meeting minutes:** Tabled until the next regular meeting
- (c) **Eden Valley Order:** Administrator Kovarik reviewed the Eden Valley Stormwater Petition (#05-01) Findings and Order Dismissing the Project and directing Payment of Cost and Expenses of \$33,282.42. The majority of those expenditures were related to the engineering work, legal fees, and staff time accrued during that petition time frame. Manager Foster asked to see the actual breakdown of money spent on the second petition. Administrator Kovarik printed out a copy of the expenditures for each of the board members to reference. Administrator Kovarik has been in communication with the City of Eden Valley with regards to these numbers. **Manager Coughlin moved approval of the Findings and Order dismissing Project 05-01 City of Eden Valley Stormwater Project and directing payment of cost and expenses. Manager Foster seconded the motion. The motion passed with all in favor.**

Administrator Kovarik updated the board on her conversations with Steve Klein, of Barr Engineering regarding the bill which is currently in negotiation. President Rothstein asked that the board consider approving the bill as compromised with the exception that if the data is ever used by anyone, either the District or the City of Eden Valley, that the bill be paid in full because Barr Engineering would then be entitled to the payment for use of the data they collected. **Manager Coughlin moved to approve the compromised invoice from Barr Engineering with President Rothstein's suggestion that if the data is ever used, the bill be paid in full. Manager Kral seconded the motion. The motion passed with Manager Mostad and Kuseske opposing.**

President Rothstein asked if there were any other issues to discuss. **Manager Coughlin moved to authorize staff to enter into discussion with the City of Eden Valley to determine a payment schedule that would work with the city's budget, to present their recommendations at the next regular meeting, and to waive the appeal period up to 60 days. Manager Foster seconded the motion. The motion passed with all in favor.**

- (d) **CD11 Order Update:** Attorney Kolb gave an update on the August 17, 2010 court hearing in Pope County regarding the board's actions to compel compliance with the grass strip provisions of the drainage code on the Bernie Herickhoff property. Mr. Herickhoff opposed the District's request that the court issued an Administrative Warrant recognizing the District's obligation to maintain the grass strips. The court took it under advisement after lengthy dialogue from Mr. Herickhoff. The District will have to wait a week or two, but should then get an Order from the



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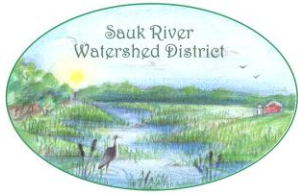
court. If it goes in the District's favor, the court will issue an Administrative Warrant that will allow the Watershed District up to 60 days to enter the property in order to do the restoration at a cost to Mr. Herickhoff.

- (e) **CD 15 and 26 Re-determination of Benefits/CRP Discussion and Updates Jerry Bennett and Contract Updates:** Administrator Kovarik mentioned that she had dialog with Jason Selvog in regards to working and talking with some of the landowners to see if there is interest in working with CRP if any of the areas along 15 and 26 are eligible. However, right now Jason is extremely busy with the general CRP sign up. Administrator Kovarik will keep the Managers up to date as more information becomes available. Administrator Kovarik reviewed the Change Order # 1 from JB Associates which would cover revisions to the Permanent R/W for a 16.5 foot grass buffer strip and to add parcels involved with drainage repairs, revise final Viewers Report, Plat Maps and Benefits area maps to reflect the R/W changes. This Change Order #1 will not involve any additional expenditure beyond the current approved Viewers Estimated Budget. **Manager Coughlin Moved to approve the Change Order #1. Manager Foster seconded the motion. The motion passed with Managers Kuseske and Scherping opposing.**
- (f) **Battle Point Park Maintenance Update:** Administrator Kovarik updated the board on dialogue she's had with Commissioner Kircher and Administrator Burkett from Todd County in regards to Battle Point Park. It was clearly articulated that the district wasn't intending to do the maintenance. The County indicated that they had volunteers who would step in but the District hasn't been able to coordinate any training with them. Commissioner Kircher and Administrator Burkett advised Administrator Kovarik to send the county a bill for work done on maintenance by the District. Administrator Kovarik is working with the Auditor to find out if the District is applicable to charging sales tax, which isn't accounted for in the invoice. Administrator Kovarik asked that the board direct staff to send the invoice and enter into a contractual relationship for maintenance efforts in the future if Todd County agrees. **Manager Rettig moved to send Todd County an invoice for maintenance completed by the District staff and to enter into a contractual relationship for future maintenance efforts as requested by Todd County. Manager Coughlin seconded the motion. The motion passed with all in favor.**
- (g) **CD 9 Issue Update:** Administrator Kovarik has been in dialogue with the Administrator from the North Fork Crow River Watershed District and it is clear which parcels on CD9 are applicable to a boundary change but on Trunk Highway 23 near Paynesville, there is an area in the Sauk River Watershed District that would be lost to the North Fork District. North Fork is working on making that determination and will be doing the survey work. Once the information is available, Administrator Kovarik will update the Board.
- (h) **Richard Buermann** was tabled until the next regular meeting so President Rothstein and Administrator Kovarik can meet with Mr. Buermann and his financial representatives.

5.

New Business:

- (a) Matt Fisher, Pope County Wildlife Technician, gave a report on the projects he has been working on within the Sauk River Watershed District. The main thing he has worked on has been continuous CRP and continuous sign-up which targets the most sensitive areas. The main practices in that area are grass filters, tree filters, wetland restoration, duck nesting



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habitat, pheasant habitat, and living snow fences. He is now working with the general CRP sign-up and with RIM alongside the Pheasants Forever representative in the Pope County office. Within the Sauk River Watershed, Matt has enrolled 26.5 acres in perpetual easement along Pope County Ditch 6 before it enters Ashley Creek, 5.5 acres of grass filters, a living snow fence and some pheasant habitat. He is currently working on some pheasant habitat and a wetland restoration near Ashley Creek but hasn't heard back on the proposals yet. He's enrolled a 5.9 acre piece of land in the general sign up but it hasn't been accepted yet. The board thanked Mr. Fisher for an informative presentation.

(b) Budget Discussion – Administrator Kovarik briefly reviewed the 2011 budget based on a meeting with the treasurer of the Board, Manager Coughlin. The District has a heavy reliance on grant funds and has 4 staff with 80% of their time billable to those grants. The District will need to have a paradigm shift from what was previously grant funded to the general levy. There will need to be a plan on how to do baseline monitoring when the grants can only cover one full time equivalent. There also needs to be funding for the overall plan update and possibly a building fund and depreciation fund. If the District were to keep the existing budget as is with the additional items needed to be addressed, this would be an increase of \$120,000 which would be a 22% increase to the budget. Administrator Kovarik will be looking for recommendations from the board on what to do. The Citizen Advisory Committee, who met on August 12, wanted to articulate to the board that the consensus of their committee was that the District continue its monitoring efforts and should at least commit funds for one full time employee under the general fund.

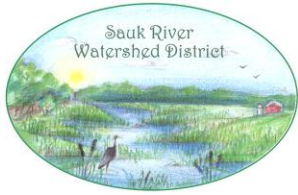
(c) The 6 month review of the rules was tabled until the next regular meeting.

(d) Leer Promotions: President Rothstein gave a brief update on an opportunity to do a documentary on environmental issues within the District with public television. The board approved by general consensus to allow President Rothstein to get more information for the next regular meeting.

6. Reports:

Administrator's Report-*Administrator Kovarik*

- (1) DTV Documentary Video:** Administrator Kovarik mentioned that the Journey's with Jenny show spotlighting the Sauk River Watershed District will be aired on DTV starting Friday, August 13th. The Managers questioned if the video could be shared with other public TV stations. Administrator Kovarik will check on their copyright policy.
- (2) Pontoon Tour and Workshop Expense:** Manager Kovarik advised the board of the expenses from the Pontoon Tour. **Manager Coughlin moved to pay the expenses incurred by the Pontoon Tour. Manager Mostad seconded the motion. The motion passed with all in favor.**
- (3) Minnesota Waters River Night Ticket Donation:** Attorney Kolb notified the board that Rinke-Noonan has 2 extra tickets for River Night and would like to donate them to the District. **Manager Coughlin moved to accept the two ticket donation from Rinke-Noonan**



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and allow the Administrator to designate the use of the tickets and since the Administrator is already attending, it would be in the public interest to allow her to bring her spouse along and to grant administrative authority to give the remaining tickets to whomever wishes to attend the event. Manager Kral seconded the motion. The motion passed with all in favor.

- (4) **Clean Water Fund Application:** Administrator Kovarik notified the Board that the application periods are officially open and the staff is working on several applications. The final versions will be brought to the board at a future meeting.

Ditch/Permit Inspector Report-*Mike Hayman*

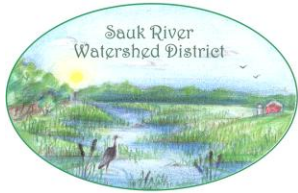
- (1) **Permit- None**
- (2) **CD 24-** Nothing to act on at this point.
- (3) **FEMA Pope County Ditches:** Administrator Kovarik mentioned that the District received the FEMA money to complete the repairs needed. **Manager Coughlin moved to continue with the required repairs. Manager Rettig seconded the motion. The motion passed with all in favor.**

Attorney's Report Attorney Kolb highlighted a few items contained both in the District's Minutes Policy and the District's By-Laws. He cautioned that there is potential risk when the board makes a decision and issues an Order that it is very dangerous for Managers to have discussions with parties involved with that order that are inconsistent with the board's direction. Kolb reminded the Managers to look at Article 14 in the District's By-Laws, the board has a unified voice provision. That provision admonishes members of the board that once a decision has been made by the board that further discussion on that decision outside of the context of a board meeting or outside of deliberations by the board, is improper for board members. Once the board has acted on a decision, the assumption is that is the will of the board regardless of whether you disagreed with it or not. The second item Attorney Kolb wanted to highlight was that in the minutes of April 7, 2009, there was discussion about what is the policy of Board working thru staff versus around staff. It was decided that there would be a policy that if the Board had issues that needed to be addressed to come thru the Chairman. **Manager Coughlin moved that the Board restate their commitment to Article 14 of the By-Laws and the Policy established on April 7th 2009 regarding the actions and activities of Board Members. Manager Rettig seconded the motion. The motion passed with all in favor.**

Administrator Kovarik mentioned that the Water Quality Trading Rule is out on notice and the Minnesota Pollution Control Agency (MPCA) are taking comment. The board approved for Administrator Kovarik to put together any necessary comment.

The GUS TMDL is out on public notice. Comments are being taken right now. The District will need to set up public hearing dates and publish legal notices for the GUS and Lower Sauk TMDL's. **Manager Rettig moved to approve the Administrator to set up the hearings and publish as needed. Manager Foster seconded the motion. The motion passed with all in favor.**

Administrator Kovarik reminded the Managers of the Bus Tour next week at 5:00. Thus far, 38 people have signed up.



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Administrator Kovarik notified the board that there was going to be a meeting on the August 18th about JD 2. Administrator Kovarik was unofficially told there was going to be discussion on the ditch check, however it wasn't on the agenda. The Lake Association asked for someone from the District to attend. Manager Vangsness and Administrator Kovarik will attend the August 18th meeting in regards to Judicial Ditch 2. In addition, there was a report of vegetation hung up on the ditch check and carp traps from the recent storm events that have come through the ponds. Staff took care of removing the debris and there is no flow currently being impeded within JD 2. Administrator Kovarik showed pictures of the maintenance completed on the Judicial Ditch 2 Sediment Ponds.

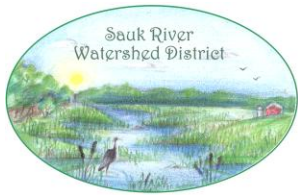
Calendar Items –Pope, Douglas, and Todd County Fairs were held.

Board Member Meeting Reports- Manager Kuseske gave an update on the Water Quality Trading seminar he attended in St. Louis, MO. He reported on the speakers and sessions that he found interesting.

7. **OPEN DISCUSSION FROM THE PUBLIC:** Jason Weirnerman from Board of Water and Soil Resources mentioned the Clean Water Fund Applications.
8. **ITEMS FOR NEXT MEETING AGENDA:**
9. **ADJOURNMENT:** Manager Coughlin made a motion to adjourn the meeting. Manager Kral seconded the motion. The motion passed with all in favor. President Rothstein adjourned the meeting at 9:05 p.m.

Secretary, Jason Scherping
 Recording Secretary, Starla Arceneau

_____	Date	_____
James Rothstein		
_____	Date	_____
Jim Kral		
_____	Date	_____
Dan Coughlin		
_____	Date	_____
Virgil Rettig		
_____	Date	_____
Bob Mostad		
_____	Date	_____
Larry Kuseske		



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Jason Scherping

Date

Vernon Vangsness

Date
