



524 4<sup>th</sup> St South, Sauk Centre, MN 56378  
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Minutes September 21, 2010 Meeting

MINUTES

**Sauk River Watershed District Regular Meeting**

**Tuesday, September 21, 2010**

**7:00 PM – Regular Meeting – Sauk River Watershed District Office, Sauk Centre**

<b>Managers Present:</b>	Bob Mostad, Larry Kuseske, Jim Kral, Jim Rothstein, Dan Coughlin, Virgil Rettig, Vern Vangsness
<b>Staff Present:</b>	Holly Kovarik, Administrator; Mike Hayman, Ditch/Permit Coordinator, Adam Hjelm, Education Coordinator, John Kolb, Attorney (Rinke-Noonan)
<b>Guests Present:</b>	Jennifer Piekarski, Dave Blommel
<b>Manager's Absent:</b>	Jason Scherping and Todd Foster

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. The proposed agenda was reviewed. **Manager Coughlin moved to approve the agenda with a few items added to the agenda by Administrator Kovarik. Vern Vangsness seconded the motion. The motion carried with all in favor.**
3. **Consent Agenda (*approved by one motion*)-President Jim Rothstein**
  - a. Financial Report August 1-31, 2010
  - b. July 26, 2010 regular meeting minutes
  - c. Contracts for Approval-Pheasants Forever Payment \$5,000 for second half of contract
  - d. Permit Extension request to May 19, 2012 for Freeport Water Tower & Utilities project (Permit 10-02)
  - e. Resolutions –
    - 66-10 July journal entries
    - 67-10 Resolution to make boundary change between Sauk River Watershed and the North Fork Crow River Watershed District  
Joint Petition to make boundary change between North Fork Crow River Watershed District and the Sauk River Watershed District
    - 68-10 August journal entries
    - 69-10 BWSR Academy Training approval
    - 70-10 Minnesota Waters Training approval
    - 71-10 Invasive Species Training approval
    - 72-10 JD2 Pond Hunting Permission request
    - 73-10 Educational Display repairs
    - 74-10 Approve Fall Open House Event
    - 75-10 Approve Submitting a Grant Application to DNR
    - 76-10 Approve final grant application Technical Assistance for Sauk River Watershed-MRBI
    - 77-10 Approve final grant application called Sauk River

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### Stormwater Runoff Reduction and Riparian Restoration Project Grant

- 78-10 To Approve an Extension to the FEMA Grant Application with the State as per the attached request
- 79-10 To Approve LIDAR Workshop Training
- 80-10 To Approve Project Earth Bussing Costs
- 81-10 To Approve October Meeting Date for the 11th

### f. Loans, Grants, Appropriations

- **Loans**

- (1) Contract Approval for David DiBrito for a Septic System \$7,000 Loan
- (2) Pam and Larry Krueger Septic System Project Payment Request \$6,407.00
- (3) Cynthia Kohman septic system installation 1 year extension request

- **Grants-none**

- **Appropriations**

- 1. Marco Copier Charges-\$3,115.31
- 2. Rinke Noonan Legal Fees \$2,239.80 CD11, Eden Valley
- 3. Health Insurance Payment-\$3,129.50 monthly premium

After the items were reviewed on the consent agenda, Administrator Kovarik pulled item d for further discussion.

**Manager Coughlin moved to approve the consent agenda as presented with item d. pulled. The following items on the consent agenda were suggested for approval: Financial Report August 1-31, 2010, July 26, 2010 regular meeting minutes, Contracts for Approval-Pheasants Forever Payment \$5,000 for second half of contract, Permit Extension request to May 19, 2012 for Freeport Water Tower & Utilities project (Permit 10-02), Resolutions –66-10 July journal entries, 67-10 Resolution to make boundary change between Sauk River Watershed and the North Fork Crow River Watershed District, Joint Petition to make boundary change between North Fork Crow River Watershed District and the Sauk River Watershed District, 68-10 August journal entries, 69-10 BWSR Academy Training approval, 70-10 Minnesota Waters Training approval, 71-10 Invasive Species Training approval, 72-10 JD2 Pond Hunting Permission request, 73-10 Educational Display repairs, 74-10 Approve Fall Open House Event, 75-10 Approve Submitting a Grant Application to DNR, 76-10 Approve final grant application called Technical Assistance for the Sauk River Watershed-MRBI, 77-10 Approve the final grant application called Sauk River Stormwater Runoff Reduction and Riparian Restoration Project Grant, 78-10 To Approve an Extension to the FEMA Grant Application with the State as per the attached request, 79-10 To Approve LIDAR workshop training, 80-10 To Approve Project Earth Bussing Costs, 81-10 To Approve October Meeting Date for the 11<sup>th</sup>. Loans: Contract Approval for David DiBrito for a Septic System \$7,000 Loan, Pam and Larry Krueger Septic System Project Payment Request \$6,407.00, Cynthia Kohman septic system installation 1 year extension request.**

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**Appropriations: Marco Copier Charges-\$3,115.31; Rinke Noonan Legal Fees \$2,239.80-CD11, Eden Valley; and Health Insurance Payment-\$3,129.50 monthly premium. Manager Vangsness seconded the motion. The motion passed with all in favor.**

Administrator Kovarik explained that item d. should read that the permit is actually Permit 10-12 not 10-02 as presented in the agenda. (d. Permit Extension request to May 19, 2012 for Freeport Water Tower and Utilities project (Permit 10-02).) **Manager Coughlin moved to approve item d. as presented with the amendment. Manager Kral seconded the motion. The motion passed with all in favor.**

**4. Old Business**

(a) **Jen Piekarski from KDV** gave a presentation on the final reports for the project they completed for the Sauk River Watershed District. This report will help provide staff the assistance to give the SRWD beginning balances for the new software so that the SRWD can start fresh for 2010. Administrator Kovarik explained that at this time no action will be taken but a final resolution will be brought forth at the October meeting. Attorney Kolb asked for clarification about what we are going to be bringing forth. President Rothstein asked that the treasurer of the board, Starla, Attorney Kolb, and Administrator Kovarik work through the information to verify the adjusting entries that will need to be done. This will get the accounts to zero. Manager Coughlin commended the staff and KDV for their level of work and detail on this project. Attorney Kolb stated that the SRWD would not need to go through this same process in the future. In addition Kolb stated, this is 100% consistent with what the board directed. This project aided in getting the accounting in order and set up the organization for more efficiency moving forward. This is the end point of this particular project. Jen Piekarski also stated the counties are getting more efficient on the processes that they are taking to get things done so we are not re-inventing the wheel each time.

(b) **Eden Valley Proposal for Payment**-President Rothstein stated that Administrator Kovarik and he had met with the Mayor of Eden Valley and Mona Haag, the City Administrator regarding the repayment of incurred costs from the project back to the Watershed District. Administrator Kovarik gave an update on the requested payment terms. It was discussed rounding the bill to \$30,000 and spreading the cost over a 10 year time frame at a 3.5% interest rate. The City Administrator, Mona Haag, had asked that if the city were able to repay the money earlier than the 10 year time frame, and it was discussed that they could do that. Attorney Kolb indicated that there may be some legal requirements for this particular project and that the SRWD and the City of Eden Valley need to be conscious of the requirements for this type of activity.

Manager Mostad asked Attorney Kolb for clarification about this particular item and if we could get into trouble from the state auditor on this reduction in the bill. Attorney Kolb indicated that we can show that the information gathered by this project yielded beneficial data for the SRWD so it wasn't solely for the use of the Eden Valley Project. The SRWD does need to document that properly in the

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resolution and order we adopt for these payment terms. Manager Mostad stated he does not see that there were any items that statutorily should give us issues.

**Manager Coughlin moved to approve the terms and direct Attorney Kolb to put the final official order together for \$30,000 over a ten year time frame at 3.5% interest rate. Manager Mostad seconded the motion.**

Manager Kral asked if there was anything that the SRWD could do to protect the organization from issues like this in the future. President Rothstein mentioned that this project has been drug out for a long time and there was a lot of change in that time frame that created some of the issues. Attorney Kolb indicated that the SRWD has learned that the District needs to make it explicit when working with a municipality or form of government that petitions the District that even though they don't have to bond that they still have to pay if the project doesn't move forward. And as the District moves forward, staff needs to keep the board and petitioner informed as to how the costs are mounting. The District has much better accounting now and the District is getting more efficient. Manager Mostad indicated the District has been here before with a previous project and with municipalities that do not have to bond it creates some liabilities for the organization. President Rothstein indicated that Administrator Kovarik can bring forth a procedure that could be reviewed and adopted by the board. Manager Kuseske questioned the proposed interest rate for repayment.

Attorney Kolb stated that the terms that were brought forth should work. **The motion passed with all in favor.** A revised order will be brought to the board at the next meeting for final approval.

(c) **CD 11 Order Update (Herickhoff site Pope County)-Attorney Kolb**

Attorney Kolb discussed with the board that the District received the final order on the CD11 enforcement order. This order confirmed the District's authorities already outlined under Minnesota Statutes 103D and 103E. This order was issued effective September 15<sup>th</sup>. The contractor, Administrator Kovarik, and Inspector Hayman were all on site yesterday, September 20<sup>th</sup> to complete the work. The District has an invoice later on in the agenda to address. This should resolve the issue; however, the warrant is open until November 15<sup>th</sup>. If there is damage after the rain that is predicted this week, the District can go in and repair the site. If later this fall, the District does not have the growth needed, the District has the right to go in and do a dormant seeding. The next step is to implement MS 103E.021 sub. 5 which is to assess the costs to the landowner because it wasn't done voluntarily. Attorney Kolb indicated that the board will see this as a line item in the budget for your assessment requests for 2011 which the board will approve at that time and the auditor is required by statute if it is not paid to them, to apply it to the landowner's property tax statement.

There was discussion about the payment terms for this particular project as well as the history and threat of harm made to District staff. Attorney Kolb answered questions including long term enforcement. Kolb indicated that regardless of the current legal order the District has the right to enter at any time to inspect the ditch

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system. Given the nature of the ditch the District can do this under the ordinary authorities under M.S. 103E and if needed the District can request the Conservation Officer.

President Rothstein gave a brief update on his perspective from the site visit that he participated with Manager Kuseske and Inspector Hayman and that in this case the landowner was playing the staff and board members against one another. President Rothstein also shared with the board that this particular landowner threatened staff and an official report was filed per his direction. Manager Rothstein shared that it is also important that the board and staff not allow this to happen in the future.

- (d) **Richard Buermann Item***(tabled from a previous meeting)* Administrator Kovarik met with Richard and his wife, along with their financial advisor, and banker to come up with some options in regards to the payback of their loan. Administrator Kovarik then spoke with the Vickie Blomgren, the District's contact with the Minnesota Pollution Control Agency (MPCA) regarding these options. Vickie indicated that the MPCA would be receptive to a 15 year loan contract, which would be a 5 year extension to his existing loan. To do this, the MPCA would extend the entire loan contract with the District to 15 years. In turn, the District would then extend Richard Buermann's loan contract to 15 years. **A motion was made by Manager Rettig to extend the District's loan contract with MPCA to 15 years, the Buerman contract to 15 years and to have Administrator Kovarik work with MPCA to extend the contracts. The motion was seconded by Manager Coughlin. Motion passed with all in favor.**

- (e) **CD 15 & 26 Re-determination of Benefits Updates**-*Ditch Inspector Hayman* Inspector Hayman stated he spoke with Jerry Bennett and that the revisions to CD 26 and the report have been updated and CD 15 should be finished by the end of the week. Mapping and plat maps should be completed by the end of the month.

- (f) **St. Cloud Exemption Agreement** Inspector Hayman explained that the City of St. Cloud had asked the SRWD to make a revision because of a conflict in wording. This information was forwarded to legal council to review. There was an additional section that was added stating: "Subdivision items d, e, and f relate only to county and judicial ditches or public drainage systems as defined in Minnesota Statute Chapter 103E and did not relate to municipal drainage systems such as city storm sewer facilities." The new wording was sent to the City for comment however none were received back. **Manager Coughlin moved approval of the amendment to the agreement as presented and Manager Kral seconded the motion. The motion passed with all in favor.**

### 5. New Business

- (a) **SRWD Education program updates**-*Adam Hjelm*

Adam Hjelm, Education Coordinator, gave an update on the educational program, as well as events done in the past year and the District's core programs. He also presented some options for programming in 2011. Manager Coughlin asked Hjelm if he thought there was enough funding to meet these goals for 2011. Hjelm thought the budget was going to be tight. Manager Rettig hopes the District does not have to cut anything from the education program.

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Manager Mostad discussed his property tax statement, what he pays for the Watershed tax and how much his WD tax would go up if the District didn't cut 22%. It would only cost \$2.38 which isn't much compared the value. Manager Kuseske asked if the District has applied to other foundations for grants. Adam said the District has but those grant opportunities are more competitive and sometimes the Districts not eligible to apply.

**(b) Fall Waterfests discussion-Adam Hjelm**

Adam informed the board that the Waterfest committee has gone out to look for more donations. He requests that the District wait until all the bills are in after the Waterfest before the board discusses about further funding issues.

**(c) MAWD Resolution Process in packet-**

Manager Kovarik requests the District ask for clarification as to who is the official public record holder when a ditch is transferred to a Watershed District from the county. There is conflicting language in statute and Administrator Kovarik would recommend the District put a resolution in with the District's opinion. Attorney Kolb told the Board that the District is not the only Watershed District with this issue right now and that going through MAWD would be complimentary to the process depending on the phrasing on the resolution. Manager Kuseske informed the board about a resolution that he's been hearing about on variances with cities and what the effect is going to be on Watersheds. Administrator Kovarik will try to get more information on the resolution Manager Kuseske is referring to. By general consensus, Administrator Kovarik will go ahead and create the resolution to bring to the October 11<sup>th</sup> meeting for approval.

### 6. Reports

**a. Administrator's Report-Administrator Kovarik**

**1. City of Sauk Centre Stormwater project**

The City of Sauk Centre is working on a Stormwater project that would take 2/3 of the storm water that goes to Sauk Lake and discharge it into a wetland nearby the Sauk River. Tara Ostendorf and Administrator Kovarik had a meeting with the City to request some BMPs be built into their project. If the City would work with landowners and the Watershed District to install some BMP's, it may qualify as a trade with the Ecosystem Services Program. Money was built into a grant application to work with the City if the District would receive it.

**2. Ecosystem Services Project updates**

New forms are being worked on and the overall group is also working on a marketing and monitoring plan.

**3. Outstanding District Employee program**

The Board of Water and Soil Resources has just released that they are going to do an Outstanding District Employee Program. Manager Kovarik asked for board direction. Manager Rothstein advised the board that if they had any recommendations, to talk to him. By general consensus of the board

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Administrator Kovarik and President Rothstein will prepare and submit any recommendations brought forth.

### 4. Ditch Files

Ditch files were talked about during the MAWD resolution conversation.

### 5. Certification of Assessments

SRF loan contracts that have been approved throughout the year need to be certified through the counties for 2 grant and loan project funds. The first one is the Middle Sauk SRF Loan Fund 0198 that includes: Jim DeRose \$29,193.25, Virgil Plath \$4,000, and Dan Schneider \$4,475.00. **A motion was made by Manager Coughlin for approval and certification to the county. The motion was seconded by Manager Mostad. The motion passed with all in favor.** The second loan to be certified is Middle Sauk SRF Loan 0170 that includes: Darrel Ward \$8,694, Dave Gamradt \$20,000, Rex Fesching \$6,110, Craig Kuruizenger \$2,476, Carol Klehr \$78,000, Fred Arnzen \$38,360.93, John Fuchs \$15,000, Craig Glander \$5,134, Mike Hart \$4,220, Ken Blasing \$5,000, Kim Vogler \$7,360, Tom Brunner \$3,650, Eric Hennen \$67,358.96, and Chase Hoppe \$40,980.87. **A motion was made by Manager Coughlin for approval and certification to the county of the listed projects excluding Richard Buermann as highlighted on the handout. The motion was seconded by Manager Kral. The motion passed with all in favor.**

### 6. Adjusting Entries Approval

This will be discussed at the next meeting.

### 7. Resolution 83-10 To Approve Staff Participation on Todd County Park Board

Todd County has requested the Watershed District to participate with the Todd County Park Board. Administrator Kovarik will be attending these meetings as needed and will assign staff as indicated in the resolution. **A motion was made by Manager Coughlin to approve Resolution 83-10 allowing Administrator Kovarik to attend the Todd County Park Board meetings with the amendment of the position being called "A Technical Advisor to the Park Board". The motion was seconded by Manager Vangness. Motion passed with all in favor.**

### 8. Resolution 82-10

**Motion was made by Manager Coughlin to approve Resolution 82-10 approving our annual maintenance agreement and software agreement with Marco for our Alchemy software in the amount of \$1,295.00. The motion was seconded by Manager Vangness. The motion passed with all in favor.**

### 9. Sauk River Chain of Lakes Newsletter Inserts

The District has a fair amount of funding left in the Sauk River Chain of Lakes area to use for more aggressive advertising. The Sauk River Chain of

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Lakes Association is going to be putting out a newsletter at the end of September and will be printing 1,250 flyer inserts through the Cold Spring Record for \$350. **A motion was made by Manager Coughlin to approve the expenditure for the 1,250 inserts in the amount of \$350 with the Cold Spring Record. It was seconded by Manager Kral. Motion passed with all in favor.**

### 10. Recording of Files

Tara Ostendorf has been working with the cost share contracts and the counties to get the files organized and the contracts are now ready to be recorded. The cost to record these contracts is \$46 each and with 14 contracts this is a total of \$644. **A motion was made by Manager Coughlin to approve recording the contracts for the following projects: Tim & Glen Schlichte, Wes and Mary Gibson, Kraig and Jolene Kruizenga, Darlene and David Mareck, Rex and Linda Fasching, Brad Moening Trustee, Todd County, Eugene and Jane Eickhoff, Chuck and Marcia Wesibrich, Norbert and Julia Waldorf, City of Eden Valley, City of Sauk Centre, Michael and Ann Barten, and Conrad and Sandra Gruber. The motion was seconded by Manager Kral.**

**Attorney Kolb suggested that moving forward; the District will need to include in the cost of the agreement, for any new contracts, the recording cost and the assessment fees so that the District doesn't have to supplement this out of the general fund. The motion was amended to include Attorney Kolb's suggestion. The motion passed with all in favor.**

### 11. Additional FYI Items

Manager Kovarik told the Board that there was an information sheet in their packet to answer any questions they have regarding blind and standard samples. Also, there is a tracking sheet of the MPCA reimbursements of grant funding to the District. All but approximately \$25,000 has been received. The board received a copy of the Watershed District Open House flyer. Lastly, the bill for CD11 from Heartland Conservation Services in the amount of \$1,392.52 was brought forth for approval. **A motion was made by Manager Coughlin to pay Heartland Conservation Services in the amount of \$1392.52. It was seconded by Manager Kral. Motion passed with all in favor.**

#### b. Ditch/Permit Inspector Report-Michael Hayman

(1) **Permits**-Inspector Hayman indicated that there are no permits for approval currently and that he is working on a template to put in the board packet for permits that have been administratively approved or were issued a general permit. These permits do not need to go before the full board for approval per the new Administrative Rules adopted this past February.

(2) **CD9**-Inspector Hayman explained the major flooding issues along the ditch system currently. He conducted an inspection on the system and found there are

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areas with heavy vegetation. Hayman also shared that Manager Rothstein, Administrator Kovarik, and himself went onsite with Albert Yarke to discuss the issues at hand. Hayman has discussed this potential clean out area with the County WCA LGU and Greg Bechtold, as well as the engineer. Manager Rothstein encouraged the board to approve this request. The landowner has removed some corn in preparation for us coming in to clean the site out. **Manager Coughlin moved to do the clean out project on CD9 as proposed using Mid-Minnesota Excavating. Manager Rettig seconded the motion. The motion carried with all in favor.**

- c. **Attorney's Report-John Kolb** –Attorney Kolb provided clarification on the question from Manager Kuseske regarding variances and if they follow the standard as articulated by the state. Attorney Kolb shared he does not believe that this is applicable to our District rules.

Attorney Kolb asked if the District had set a date for the budget hearing. Administrator Kovarik explained that the committee will meet again and the intent is that a final draft and the committee's recommendations will be brought to the board in October and the hearing will be set for the November 16<sup>th</sup> regular meeting scheduled.

Manager Coughlin was invited to sit in on a discussion panel for the Minnesota Rural Water Association. The Department of Health has interpreted statute to say that they have sole authority over all wells. Cities have nothing to say about it. There is going to be an effort this next legislative session to clarify who's got authority over what. Manager Coughlin will be participating in this and will keep the District informed on this.

Manager Rettig asked about the junk yard East of Melrose along the Sauk River. Under the District rules, there isn't much to enforce. Administrator Kovarik will look into this more and report back to the board on the status of this issue.

- d. **Calendar Items:** Waterfests, Upper Sauk Project, Ditch Assessments, SRF Loan Repayment begins

e. **Board Member Meeting Reports-none**

7. **Open Discussion for the Public**-No one from the public brought forth any discussion items.

8. **Items for Next Meeting Agenda**-None were shared at this time

10. **Adjourn**-Manager Coughlin moved to adjourn the meeting and Manager Kral seconded the motion. The motion passed with all in favor. The time was 9:00 p.m.

**NEXT MEETING: Regular Meeting– October 11<sup>th</sup>, 2010- Sauk River Watershed District Office Sauk Centre MN 7:00 p.m.**

\_\_\_\_\_  
Jim Rothstein, President

\_\_\_\_\_  
Date

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Jim Kral, Vice President

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Date

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Jason Scherping, Secretary

\_\_\_\_\_  
Date

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Dan Coughlin, Treasurer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Virgil Rettig

\_\_\_\_\_  
Date

\_\_\_\_\_  
Vern Vangness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry Kuseske

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Mostad

\_\_\_\_\_  
Date

\_\_\_\_\_  
Todd Foster

\_\_\_\_\_  
Date

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