



Regular Meeting MINUTES
Tuesday, September 17, 2013
Located at: SRWD Office at 6:00 p.m.

Managers Present:	Jim Kral, Larry Kuseske, John Harren, Virgil Rettig, Bob Mostad, Jason Scherping, Vern Vangness, Tim Lunsford, Duane Willenbring
Staff Present:	Holly Kovarik, Administrator; Tara Ostendorf, Environmental Project Technician; Sarah Jo Schmitz, Monitoring Coordinator; John Kolb, District Attorney; Rebecca Kluckhohn, District Engineer
Guests Present:	Scott Lucas, Bob Bjork, Duane Pung, Don Buckhout, Melissa Roelike, Adam Hjelm
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. **Apology from the President** – President Kuseske apologized to the board, staff and public for the conduct at the August 2013 meeting. He stated that as board of managers, they are all appointed with the goal and objective of water quality and everyone should conduct themselves in a proper manner and everyone's opinions matter.
3. **Additions/corrections to the agenda items** - President Kuseske asked for additions or corrections to the agenda. Administrator Kovarik added additional items to the consent agenda and asked that item 8 be pulled. Manager Willenbring asked that the August meeting minutes be pulled.
4. **Consent Agenda**
 - a. **August 1-31, 2013 Financial Report/Meeting Minutes**
 1. Check Register for General Fund 101
 2. Revenue Guideline
 3. Grant & Cost Share Logs
 4. Expenditure Report
 5. June Meeting Minutes
 6. August Meeting Minutes
 7. To Approve the Resignation of Jim Rothstein from the Citizen Advisory Committee Effective 9-17-13
 8. To Approve the Resignation of Dick Nelson from the Citizen Advisory Committee Effective 9-17-13
 9. To Approve Gary Barber appointment to the Citizen Advisory Committee Effective 9-17-13
 - b. **Contracts for Approval – None**
 - c. **Permits recommended for approval – None**
 - d. **Grant Applications for approval – None**
 - e. **Resolutions for approval**

21-13	MPCA CWP SRWD Watershed Wide
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	Groundwater Protection Project time extension
22-13	MPCA CWP SRWD Osakis Lake Enhancement Continuation Project time extension
23-13	MPCA CWP Lower Sauk River Water Quality Project time extension
24-13	MPCA CWP Sauk River Water Quality Protection Phase III Project time extension
25-13	Approve 2013 Training Plan and Budget

f. Board Action Items for approval - None

g. Loans, Grants, Appropriations –

- Grant Project Approvals – None
- Grant Payment Approvals - None
- Loan Project Approvals

<u>Landowner:</u>	<u>Project Installed:</u>	<u>Amount to Encumber</u>	<u>Fund Code:</u>	<u>Partnered with:</u>
Robert & Myrna Gammons	Shoreline Repair Project	\$3,500	221	

- Loan Payment Approvals - None
- Appropriations

	<u>Payee</u>	<u>Description of Payment</u>	<u>Amount</u>	<u>Payment Code</u>
1.	Rinke Noonan	General and retainer	\$902.40	101
2.	Rinke Noonan	Weed Harvester	\$226.80	572
3.	Rinke Noonan	CD15 & 26	\$1,410.50	560
4.	Rinke Noonan	CD51	1,285.20	555
5.	Rinke Noonan	CD51 Zimmerman	\$107.00	555
6.	Rinke Noonan	CD51 Berndt	\$239.30	555
7.	League of Minnesota Cities Insurance Trust	Annual Dues	\$1,611	101
8.	MN Spray Foam	Down payment for roofing project	\$6,500	101
9.	Wenck	General Engineering	\$2,294	101
10.	Wenck	Comprehensive Plan	\$444.50	172
11.	Wenck	CD 19	\$967.50	CD19
12.	Wenck	CD15-26	\$4,582.50	CD15-26



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Manager Scherping made a motion to approve the consent agenda minus items 6 and 8. The motion was seconded by Manager Kral. Manager Willenbring pointed out that the minutes stated that Manager Harren was present at the August meeting, which was a mistake and will be corrected. **Manager Willenbring made a motion to approve the August 2013 meeting minutes with the correction. The motion was seconded by Manager Kral. The motion passed with all in favor.** Administrator Kovarik spoke about item 8. Kovarik informed the board that Citizen Advisory Committee member Dick Nelson had submitted his resignation from the committee, however had since changed his mind and no longer seeks to resign.

5. **Open Discussion from the Public** – Landowner Duane Pung asked to speak during the CD 15 and 26 discussion.

6. **Old Business**

a) **Manager Resignation** – Manager Lunsford asked for a public and full apology from Manager Rettig for the specious allegations and implications he made at the August 2013 meeting, or failing that, the presentation of facts and evidence to back up the allegations. Manager Rettig stated he was advised not to speak on the subject. **Manager Lunsford made a motion that the board censure Manager Rettig by resolution for his unprofessional and unethical behavior and that forthwith, a copy of that be provided to each commissioner of Meeker County. The motion was seconded by Manager Kral. Roll call vote was taken. Mostad – Nay, Scherping – Nay, Kral – Aye, Kuseske – Aye, Vangsness – Aye, Lunsford – Aye, Rettig – Abstain, Willenbring – Aye, Harren – Nay. Motion passed.** Manager Lunsford presented his written resignation to President Kuseske effective the close of the business day, September 30, 2013.

b) **Discussion Regarding August 20, 2013 Board Meeting** – President Kuseske stated that the executive board met and had some recommendations, not only from the District board, but from outside agencies. The Board of Water and Soil Resources (BWSR) Representative for the District advised that they could facilitate training on the role of a manager and President Kuseske’s opinion is that it should be done. President Kuseske also suggested the board enlist the help of a facilitator to discuss the engineering situation. For \$150 per hour, it was proposed that Cindy Bigger assist the board in finding a common ground on a method of hiring engineers. **Manager Harren made a motion to hire facilitator Cindy Bigger to assist the District decide on a method for hiring engineers. The motion was seconded by Manager Lunsford. The motion passed with all in favor.** President Kuseske stated that the executive board discussed whether or not the District could return the ditches to the county since they seem to be the District’s biggest issue. It was determined that it was not reasonable to think the County would take them back. Manager Mostad commented that all board of managers should learn more about ditch law and 103D.

c) **County Ditch 15 & 26** – District Engineer Rebecca Kluckhohn discussed the different options for tree removal along County Ditches 15 and 26, along with



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any aftermarket potential for the trees. Kluckhohn also discussed splitting the project into smaller portions and handed out a map showing the sections and suggested the board consider extending the contract term for each of the phases which could result in lower prices. Flexibility should be added to the specifications where possible such as separating out the spraying so that it can easily be sub-contracted, allow the grubbing but add the additional channel warranty and erosion control, and allowing disposal on-site with approval from the landowner and engineer. Landowner Duane Pung asked about work being done on undercut banks. Kluckhohn discussed the bidding schedule options and asked for feedback. The board talked about how the project would be bonded and the associated costs. **Manager Lunsford made a motion to break the County Ditch 15 and 26 repair project into 3 sections (County Ditch 15 in 1 section, County Ditch 26 in 2 sections) to allow more contractors to bid and to advise one month between bid packages. The motion was seconded by Manager Mostad. The motion passed with most in favor, Managers Harren and Scherping abstaining. Manager Lunsford made a motion to approve the contractors having 18 months to complete the project after receiving the notice to proceed. The motion was seconded by Manager Kral. The motion passed with most in favor, Managers Harren and Scherping abstaining. Manager Willenbring made a motion to add a bid alternate to address side slopes. The motion was seconded by Manager Lunsford. The motion passed with most in favor, Managers Harren and Scherping abstaining.** Attorney Kolb shared a letter with the board that was sent to the DNR Commissioner regarding comments not received on the proposed project on County Ditches 15 and 26, specifically how it would affect Getchell Lake. The District Attorney and Administrator and Stearns County and their Attorney will be a meeting with the Corps of Engineers at their office on September 27th. The DNR Area Hydrologist will be present at that meeting.

- d) **Monitoring Program Updates** – Sarah Jo Schmitz, Monitoring Coordinator, gave a brief recap of the monitoring season, along with changes that will be made for the 2014 season. Schmitz suggested the District research updated flow gauging equipment. Schmitz also explained the new monitoring database and how efficient and helpful it will be.
- e) **Steffenson/Shriver/Haust Project Update Meeting Update** – Tara Ostendorf, Environmental Project Technician, updated the board on the meeting held by the Stearns SWCD with the affected landowners. Attendance was poor and it appears that there won't be a project there.
- f) **County Ditch 51**– Administrator Kovarik
 - 1. **Zimmerman Improvement Proceeding** – Attorney Kolb informed the board that the District has a petition from Ken Zimmerman, along with a cost estimate and design plan. The District is looking into Mr. Zimmerman waiving some of the procedural requirements so the project can move forward. Within the next few weeks, the preliminary



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Engineers Report should be received and forwarded on to the DNR and potentially have the hearing on the project in October.

2. Berndt Improvement Dismissal Proceeding – Attorney Kolb stated that a similar petition was received by Mr. Berndt; however, they have chosen to dismiss their proceedings. All costs that have been incurred by the District in processing his petition have been reduced from the bond and the only thing needed is approval of the order dismissing the petition. **Manager Lunsford made a motion to adopt the Findings and Order Dismissing the Petition for the Gary C. Berndt ditch improvement. The motion was seconded by Manager Willenbring. The motion passed with all in favor.**

3. Repair Procedure – District Engineer Rebecca Kluckhohn asked the board where they would like to see the County Ditch 51 bid fit into the stagger with County Ditches 15 and 26 bid packages. **Manager Lunsford made a motion to send out the bid package for County Ditch 51 along with bidding for County Ditches 15 and 26. The motion was seconded by Manager Vangsness. The motion passed with all in favor.**

- g) Crooked Lake Restoration Project** – Administrator Kovarik provided the board with an update on the Crooked Lake Restoration Project and a meeting she participated in with the Douglas Soil and Water Conservation District (SWCD) and the NRCS regarding the proposed project, next steps and current challenges. The extended time frame to close on the easements has caused a few landowners to back out. The District has received loan money and once the hearing has been held, Kovarik suggests creating a petition that outlines the different ways those dollars could be used to incentivize enrollment.
- h) Roofing Contractor Selection** – Administrator Kovarik had a clarification in regards to the bid approved at the August meeting for replacement of the District office roof. The total given was calculated without the warranty and insulation around the ductwork. The additional cost of the roofing project is \$3,169. **Manager Willenbring made a motion to approve the additional cost to Minnesota Spray-Foam Insulation of \$3,169 for the warranty and additional insulation around the ductwork. The motion was seconded by Manager Lunsford. The motion passed with all in favor.**
- i) SRWD Aquatic Habitat DNR Grant 2013-2014** – Administrator Kovarik informed the board that a hearing needs to be held and an order developed establishing the project for the DNR Aquatic Habitat grant. **Manager Harren made a motion to set the public hearing for the DNR Aquatic Habitat Grant Hearing for the October 15, 2013 board meeting. The motion was seconded by Manager Kral. The motion passed with all in favor.**
- j) Database Adjustments**– Administrator Kovarik stated that she had spoken with Tara Ostendorf about the Incentive Database and there is additional work that needs to be done at a cost of \$1,425, billable to a grant. **Manager Harren made a motion to approve additional work be done to the Incentive**



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Database at a cost of \$1,425, billable to a grant. The motion was seconded by Manager Mostad. The motion passed with all in favor.

- k) **Response from MPCA Commissioner** – Administrator Kovarik informed the board of the letter received by the Commissioner of the MPCA stating that they do not want to put the burden on Wastewater Treatment Facilities.

7. **New Business**

- a) **Clean Water Fund Grant Applications** – Administrator Kovarik informed the board that staff has met with the different agency partners in the various counties and the only thing right now that the District is contemplating applying for is doing a stream assessment on Ashley Creek. There is plenty of work to do with the existing grants.

- b) **Jesse Hagemeyer Request** – Administrator Kovarik informed the board that Jesse Hagemeyer is requesting the District adjust his assessment from 10 years to 15 years. The District has already gotten permission from the MPCA to extend its contract obligations from 10 to 15 years. **Manager Harren made a motion to adjust Jesse Hagemeyer's assessment from 10 years to 15 years. The motion was seconded by Manager Rettig. The motion passed with all in favor.**

8. **Reports**

- a) **Administrator's Report** –

1. **Thelen Campaign Proposal** – Administrator Kovarik asked the board to designate the budgeted \$10,000 that was not used for newsletters and publications such as those, to begin the campaign with Thelen.

Manager Lunsford made a motion to designate \$10,000 that was marked for newsletters and publications to begin the campaign with Thelen. The motion was seconded by Manager Kral. The motion passed with all in favor.

2. **Computers Discussion** – Administrator Kovarik informed the board that because of the current operating system, the District needs to update all of the hard drives, server, switch, and router. Kovarik consulted with Manager Lunsford. The cost of the upgrade is \$25,491.77. **Manager Mostad made a motion to proceed with the replacement of computer equipment and to set aside money in the budget yearly for future replacements. The motion was seconded by Manager Lunsford. The motion passed with all in favor.** Manager Lunsford offered to volunteer (no pay) to assist with any questions going through this process. **Manager Kral made a motion to allow Manager Lunsford to volunteer to assist the District while going through the process of replacing computer systems. The motion was seconded by Manager Vangness. The motion passed with all in favor.**

3. **Job Descriptions/Pay scale/Project Staffing** – Tara Ostendorf read her letter of resignation effective October 18, 2013 and presented a list of current tasks and workload. Administrator Kovarik then read her letter of resignation effective October 1, 2013, asked that her sick and vacation



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pay be paid out according to the Personnel Policy, and provided recommendations for her current tasks and workload. **Manager Lunsford made a motion to accept Holly Kovarik's resignation with regrets as per her terms. The motion was seconded by Manager Kral. The motion passed with all in favor.** Adam Hjelm informed the board that he too has another employment opportunity on the table. President Kuseske asked the board to hold a special meeting. Administrator Kovarik stated that the board should approve a scope prepared by Wenck Engineering for permit and drainage project coordination until a new Administrator is hired. Manager Kral announced that he will be submitting a formal resignation from the board. **Manager Lunsford made a motion to convene a regular (special) meeting of the board to discuss the recommendations made by the Administrator on September 24th at 4:00 p.m., with a backup date of the 25th. The motion was seconded by Manager Mostad. The motion passed with all in favor.** There was discussion on what the process would be to hire a new administrator. Administrator Kovarik will contact Springstead to see if they are able to attend the meeting on the 24th (or 25th). **Manager Lunsford made a motion that authorizes President Kuseske to speak with Melissa Roelike about the workload issues. The motion was seconded by Manager Harren. The motion passed with all in favor. Manager Lunsford made a motion to hold the September 24th meeting at the Sauk Centre City Hall, with the District office being the secondary plan. The motion was seconded by Manager Harren. The motion passed with all in favor.**

b) **Attorney's Report** – Attorney Kolb discussed bonding for the various drainage proceedings currently under way. He explained statutes sections 103E.635 - .655 for the purpose of both immediate and long term financing of costs. Attorney Kolb presented a Reimbursement Resolution related to the immediate payment of costs from the reserve account and future, long term financing of costs by bonding. Manager Lunsford moved, seconded by Manager Kral to adopt the Reimbursement Resolution. Vote was unanimous to adopt with Managers Harren and Scherping abstaining because they are benefitted landowners on CD 26.

c) **Engineer's Report** – None

d) **Permits** –

1.13-028 Riverside Inn Addition - Tara Ostendorf gave a brief recap of the Riverside Inn Addition in Cold Spring. A storm water permit is necessary for them to put in an underground infiltration treatment practice underneath the parking lot. Ostendorf recommended approval with the conditions listed in the permit. **Manager Lunsford made a motion to approve permit 13-028 Riverside Inn Addition with**



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conditions. The motion was seconded by Manager Willenbring. The motion passed with all in favor.

2.12-002 Osakis Creamery Permit Extension – Tara Ostendorf informed the board that the Osakis Creamery has requested an extension of their current permit from 2012 under the construction plan they previously had. **Manager Harren made a motion to approve an extension for the 12-002 Osakis Creamery Permit. The motion was seconded by Manager Lunsford. The motion passed with all in favor.**

3. 13-027 Jerry Kuhlman Wetland Restoration – Tara Ostendorf told the board that the Jerry Kuhlman wetland restoration is a project being done in conjunction with the U.S Fish and Wildlife. It falls under the District permit because the wetlands are being enlarged. Staff recommended approval. **Manager Rettig made a motion to approve the 13-027 Jerry Kuhlman Wetland Restoration Permit. The motion was seconded by Manager Mostad. The motion passed with all in favor.**

4. Kandota Landing– Tara Ostendorf explained that the Kandota Landing permit was approved; however, the landowner’s attorney condensed the document for easier recording. Staff recommends re-signing the documents. **Manager Harren made a motion to approve the President sign the amended agreements for the Kandota Landing documents. The motion was seconded by Manager Willenbring. The motion passed with all in favor.**

5.34-13 City of St. Cloud Whitney Board Action Form – Tara Ostendorf presented a board action form to approve grant funding for a riparian restoration project with the City of St. Cloud at Whitney Park. **Manager Lunsford made a motion to approve grant funding for the riparian restoration project at Whitney Park with the City of St. Cloud. The motion was seconded by Manager Kral. The motion passed with all in favor.**

6.35-13 City of St. Cloud Seberger Park Board Action Form – Tara Ostendorf presented a board action form to approve grant funding for an infiltration project at Seberger Park with the City of St. Cloud. **Manager Lunsford made a motion to approve the grant funding for the Seberger Park infiltration project with the City of St. Cloud. The motion was seconded by Manager Harren. The motion passed with all in favor.**

7.36-13 City of Cold Spring Board Action Form – Tara Ostendorf presented a board action form to approve grant funding for an infiltration project on CSAH 50. **Manager Willenbring made a motion to approve the grant funding for an infiltration project on CSAH 50. The motion was seconded by Manager Lunsford. The motion passed with all in favor.**



- e) **Calendar Items** – Preliminary Levy Set, Water Fests conducted, Resolutions prepared for MAWD submittal.
 - f) **Board Member Meeting Reports** – None
9. **Items for Next Meeting Agenda** – None

10. **Upcoming Meetings to be Announced**

<u>Meeting Date</u>	<u>Meeting Description</u>	<u>Meeting Location</u>	<u>Meeting Time</u>
10-15-13	SRWD Board Meeting	SRWD office	6:00 p.m.

11. **Informational Items** –

- a. **Comprehensive Plan Update:** *The plan was submitted to the required agencies and is out for review. We will be waiting now for the comments to come in and to compile them. We have not received formal comments on the plan yet*
 - b. **NRCS Local Work Group Meetings:** *Staff has participated in discussions with Pope, Douglas, Stearns, and Todd Counties regarding their open enrollment for the Environmental Quality Incentive Program. This information helps rank priorities in each of the counties for this federal funding and how and what types of projects end up getting funding. The SRWD staff brought forth priorities for the draft comprehensive watershed management plan.*
 - c. **Drainage Inspector Meeting:** *Administrator Kovarik attended the Drainage Inspectors meeting on August 9th in Willmar. The highlight of the meeting was a presentation from Houston Engineering on a database for drainage system management. This database takes things a step further than the current work we are doing with Houston. Staff at a later date may make some recommendations on how we could use this information to enhance our existing database work underway with Houston.*
 - d. **Thank you:** *A thank you was received from Commissioner Otte’s Family.*
 - e. **MAWD Awards:** *The SRWD projects and program submitted for the 2014 MAWD Awards program were not selected as finalists and will not be moving on to the next round.*
 - f. **County Ditch 9/Sediment Pond Thistle Control:** *Treatment was conducted on a section of County Ditch 9 for thistle and shrub treatment and for thistle control on the Judicial Ditch #2 Sediment Pond. The cost did not exceed the Administrators Approval Authority so the work was completed. The total cost \$1,275.00 CD 9 and \$560 Judicial Ditch Sediment Pond Project to Minnesota Native Landscapes.*
12. **Adjourn** – **Manager Lunsford made a motion to adjourn the meeting at 9:20 p.m. The motion was seconded by Manager Kuseske. 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.