

**WILD RICE WATERSHED DISTRICT**  
**11 5<sup>TH</sup> AVENUE EAST**  
**ADA MN 56510**  
**218-7884-5501**

**April 11, 2007**  
**APPROVED**

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, April 11, 2007, at the office of the District. The following members were in attendance: Joe Spaeth, Warren J. Seykora, Bob Wright, James Wagner, Sr., and Diane Ista. The following members were absent: Jim Skaurud and Dave Vipond. In addition the following persons were in attendance: Engineer Jerry Bents, Administrator Steve Dalen, Secretary Loretta Johnson, Publicist Tim Halle and Audio Recorder Royal Knutson and future Board Member Mike Christensen. Also in attendance were landowners and interested property owners.

2. Chairman Seykora called the meeting to order at 8:40 a.m. Seykora announced that the meeting is being taped.

3. Agenda. A motion was made by Manager Ista and seconded by Manager Wagner to approve the agenda for April 11, 2007 with additions. Carried.

4. Manager Introduction. Mike Christensen, new Manager replacing Jim Skaurud as of April 24, 2007, was introduced to the Board.

5. Public Outreach. Administrator Dalen updated the Board on Tim Halle's public information program. Halle suggested an article on the roles and responsibility of agencies, legislators and Managers. Manager Ista stated that she would like a Publicity Committee Meeting to review future information articles. Dalen stated that he would set up a meeting. Ista also provided comment on the reevaluation meeting at Twin Valley and complimented staff on how the meeting was conducted.

6. Project #42. Engineer Bents provided an update on the progress of the project. Also discussed was the additional investigation by the District into the Hagen and Faith sites and the sites upstream of Ulen. A motion was made by Manager Ista and seconded by Manager Wagner authorizing staff to notify landowners on all of the additional site investigations for an informational meeting. Carried.

Brent Kappes presented a Township Resolution from Winchester Township to the Board of Managers that formally opposes Project #42 and requests that alternatives be investigated. It was requested that resolutions that are being received by the District be read into the minutes. Administrator Dalen stated that time will be set aside at a future board meeting to read and acknowledge each resolution.

Lawrence Pollock presented the Board with maps of five locations that he proposed for holding areas in the Ulen area. A motion was made by Manager Ista and seconded by Manager Wright authorizing staff to organize a tour for Managers of the locations in the near future. Carried.

## **PERMIT APPLICATIONS**

7. City of Twin Valley, Sections 27 and 28 of Wild Rice Township. A motion was made by Manager Wagner and seconded by Manager Spaeth to approve Permit Application #4-11-07-1 of the City of Twin Valley to install storm sewers, drainage ditch and water quality pond in Sections 27 and 28 of Wild Rice Township. Carried.

8. SWCD Envirothons. A motion was made by Manager Spaeth and seconded by Manager Ista to approve a donation of \$100 to the Norman and Becker County SWCDs for their Envirothons. Carried.

9. City of Mahanomen Drainage. Engineer Bents gave a brief report on the recent meeting with the City of Mahanomen, Mahanomen County Highway Department, County Commissioner, and Managers Spaeth and Vipond regarding a drainage issue for Mahanomen. Engineer Bents stated that four different options for repair were discussed.

## **PERMIT APPLICATIONS**

10. Clay County Highway Department, Sections 5/8 of Hagen Township. A motion was made by Manager Wright and seconded by Manager Wagner to approve Permit Application #4-11-07-2 of the Clay County Highway Department to replace a bridge over the South Branch of the Wild Rice River in Sections 5/8 of Hagen Township, was approved with the condition that Clay County provides a final set of construction plans to the District in advance of completing the work. Carried.

11. Clay County Highway Department, Section 13 Georgetown Township. A motion was made by Manager Spaeth and seconded by Manager Ista to approve Permit Application # 4-11-07-3 of the Clay County Highway Department to replace a bridge/culvert on County Road #103 over Clay County Ditch #14 in Section 13 of Georgetown Township with the condition with either the One line of 154" x 97" Reinforced Concrete Pipe Arch Culvert or One line of 12' x 7' Reinforced Concrete. Clay County should be responsible to ensure that the culverts are being placed at the flowline of the channel on C.D. 14, (Plans for CD #14 Repair are available from Houston Engineering Inc.). Clay County provides a final set of construction plans prior to completing the work. Carried.

12. Clay County Highway Department, Sections 25-30 Viding/Felton Township. A motion was made by Manager Spaeth and seconded by Manager Wagner to approve Permit Application #4-11-07-4 of the Clay County Highway Department to replace a bridge/culvert on Township Road T-57 over Ditch #45 Lat. 1 with the condition that the replacement structure has two lines of 8' x 7' Reinforced Concrete Box Culvert with end sections are placed at the flowline elevation. The total culvert waterway area provided = 108 square feet. Clay County should be responsible to ensure that the culverts are being placed at the flowline of the channel as constructed as part of WRWD Project #20. Clay County provides a final set of construction plans prior to completing the work. Carried.

13. Clay County Highway Department, Sections 13/14 of Georgetown Township. A motion was made by Manager Ista and seconded by Manager Wright to approve Permit Application #4-11-07-5 of the Clay County Highway Department to replace a centerline bridge/culvert on Clay County Road #103 over an unnamed flowage in Sections 13/14 of Georgetown Township with the condition that the replacement structure has two lines of 10' x 4' Reinforced Concrete Box Culvert with the end sections placed at the flowline elevation. The total culvert waterway area provided = 76 square feet. Clay County provides a final set of construction plans prior to completing the work. Carried.

14. Farmstead Ring Dikes. Administrator Dalen reported that he had discussion on April 11, 2007, with Ron Harnack, who indicated that there may be additional funding available from the DNR and the RRWMB for farmstead ring dikes. Preliminary plans followed by site visits will be done to be ready for construction if additional funding becomes available.
15. Upper Felton Alternative Investigation. Administrator Dalen reported that the District office received replies from landowners who were asked to reply if they owned property that may be available for storage in the Upper Felton Basin. A motion was made by Manager Spaeth and seconded by Manager Ista authorizing Engineer Bents to tabulate replies to determine potential storage sites. Carried.
16. Heiberg Dam Repair. A motion was made by Manager Skaurud and seconded by Manager Ista authorizing Pay Request #8 to Landwehr Construction in the amount of \$9,432.65 for Repair of Heiberg Dam. Carried.
17. A motion was made by Manager Wright and seconded by Manager Wagner to recess the meeting until 1:15 p.m. Chairman Seykora recessed the meeting at 11:45 a.m. Chairman Seykora reconvened the meeting at 1:15 p.m.
18. Board Members. Attorney Hanson stated that Manager Skaurud's position is currently in effect until April 24, 2007, at which time Mike Christensen will replace Skaurud.
19. Approval of Billings. A motion was made by Manager Wright and seconded by Manager Wagner to approve the billings as presented. Carried.
20. Meeting Minutes. A motion was made by Manager Skaurud and seconded by Manager Ista to approve the Special Meeting Minutes dated March 5, 2007, with the following change: The last sentence on Page 2 changed to read Ista also asked for a committee of positive landowners at this meeting to work with landowners who are onstream and address that issue. Carried. A motion was made by Manager Wright and seconded by Manager Skaurud to approve the Special Meeting Minutes dated March 12, 2007, as distributed. Carried. A motion was made by Manager Skaurud and seconded by Manager Wright to approve the Regular Meeting Minutes dated March 13, 2007, with the following changes: On page #2, Item #9, paragraph #2, remove "her" in line #8; item #20 line #4 add East to land description. Carried.
21. Advertisement for Consultants. A motion was made by Manager Skaurud and seconded by Manager Spaeth to retain current consultants for the year 2007-2008 and not advertise. Managers Wright, Ista and Wagner opposed; Managers Seykora, Spaeth and Skaurud for. Motion died for lack of a majority. A motion was made by Manager Skaurud and seconded by Manager Wagner to advertise for the next two weeks for consultants in newspapers within the District. Carried.
22. Financial Report. Accountant Marcussen presented the financial report for February and March. A motion was made by Manager Wright and seconded by Manager Ista to approve the Financial Report as presented for February 28, 2007. Carried. A motion was made by Manager Wright and seconded by Manager Wagner to approve the Financial Report as presented for March 31, 2007. Carried.

23. Scherping/Pazdernik Complaint Section 34 Pembina Township and Section 2, Popple Grove Township. Dan Scherping and Dale Pazdernik met with Managers at 2:00 p.m. to discuss the complaint filed by Scherpings who are requesting that Permit Application #11-10-99-10 to install a culvert that would drain 80 acres of land in Section 36 of Pembina Township be revoked by the District. Scherpings allege that the culvert in question drains well over 200 acres and that they have experienced extensive flooding and crop damage in the southwest corner of their farm in Section 35 of Pembina Township since the installation of the culvert. He stated that they his parents in good faith signed off on the permit because they were under the impression that on 80 acres were draining into the culvert. He stated that they only wanted something fair. Scherping also want to replace a 36 inch culvert with a 42 inch culvert in Section 34 of Pembina Township to gain access to their property without crossing on Folz property. Attorney Hanson reviewed the various options available to Managers that he provided in correspondence dated 3/8/07. Manager Skaurud and Attorney Hanson asked landowners if they would be willing to meet and work together in getting this issue resolved. Scherping stated that previously he had requested a meeting with the Watershed District at which time it was denied and was told that the issue was between Scherpings and Pazderniks. He stated that he would be willing to meet but would like the Board of Managers to be involved. Engineer Bents stated that the District has spent considerable time over the past two years being involved with the issue and there is also a permit appeal process under the law and no one appealed the permit within the time frame. Bents stated that it may be good for both parties to apply for a permit to install a reducer or civil action can be taken in District Court. Manager Seykora asked both parties if they would agree to a reducer and could they discuss this as soon as possible. A motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing staff to schedule a meeting with both parties in an effort to resolve the issue. Carried. Dan Scherping suggested tabling discussion on Item #2 to replace the 36 inch culvert with a lengthened 42 inch culvert until the permit issue is resolved. Landowners left the meeting at 3:00 p.m.

#### **PERMIT APPLICATIONS**

24. Norman County Highway Department, Sections 27/28-33/34 of Flom Township. A motion was made by Manager Skaurud and seconded by Manager Spaeth to approve Permit Application # 4-11-07-10 of the Norman County Highway Department to Reconstruct CSAH #38 from Highway #113 south to the Becker County Line. Carried with Manager Ista opposed.

25. Keith Lavoι Violation, Section 36, Pembina Township. Keith Lavoι and Duane Pazdernik met with Managers to discuss the violation of Lavoι who installed two blocks without a permit in Section 36, Pembina Township, Mahnomēn County. Pazdernik requested that the blockage be removed by May 1, 2007. Lavoι agreed to remove the blocks as soon as the weather permits. A motion was made by Manager Wagner and seconded by Manager Spaeth to approve Permit Application # 4-11-07-11 of Keith Lavoι located in Section 36 of Pembina Township, to fill in one ditch to "1985 levels" at location #1 and fill in ditch at location #2 as shown on the map attached to the permit with the following conditions : Site #1. No additional work; block must be removed per March 14, 2007, letter from the Board or dirt cleared away so the culvert can function. Site #2. Block may be placed at location indicated or just to the south of the northerly wetland, but regardless of the location the elevation shall not exceed the current outflow elevation (99.0 as shown on his permit attachment or elevation 1235.5 on NGVD 1988 datum as shown on the LIDAR map.) Staff was also authorized to set the elevation of Block #2. Carried.

26. Upper Reaches, Water Management District (WMD) Update. Engineer Bents presented information on options that could be used to establish the assessment rates for a WMD. Questions that will need to be answered include what area you want assessed; for what purpose is the assessment; what is the fee schedule.

27. Project #9, South Branch of the WRR Repair Petition, Sections 24/25 of Mary Township, Sections 30/36 of Winchester Township and Section 1 of Felton Township. Manager Wright is not taking part in any discussion or voting on this issue. Attorney Hanson recommended that the District hold a hearing with notification to property owners for the purpose of presenting the hydraulic information prepared by Engineer Bents regarding the repair petition in Mary, Winchester and Felton Townships. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing staff to schedule a hearing on Project #9 later after spring field work. Carried.

28. Riceville Township Request for Assistance. Chairman Seykora reported that Wilhelm Walters on behalf of Riceville Township requested additional funds for the culvert installation located between Sections 6/7 of Riceville Township. A motion was made by Manager Spaeth and seconded by Manager Skaurud to approve costs up to \$6,800 for the culvert installation, costs will be charged to Project #4, Becker Dams. Carried.

29. Project #12/Dalen Coulee. Duane Thompson submitted a petition to be removed from the assessment area of Project #12 and Donovan Kolness submitted a petition to be removed from the Dalen Coulee assessment area. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing Engineer Bents to research and provide engineering data on both requests. Carried.

30. Mahnomen County SWCD "Thank You." The Wild Rice Watershed District received a thank you from the Mahnomen County SWCD for authorizing a 50% cost-share for the Pinehurst Resort Shoreline Protection Project, stating that the project will provide valuable benefits to Mahnomen County's natural resources.

31. Project #30, Tommy Carlson Request for Crop Damage Payments. Tom Carson requested a reimbursement for crop damages in Section 21, of Anthony Township as a result of the repair done in 2006. A motion was made by Manager Ista and seconded by Manager Wright authorizing payment in the amount of \$683.85 for crop damages. Carried.

32. Project #4, Becker Dams. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing investigation into the Becker Dams operating plan when the LIDAR information is available to determine if there is a possibility of additional storage. Carried.

#### **PERMIT APPLICATIONS**

33. Jammy Anderson, Section 18, Fossum Township. A motion was made by Manager Ista and seconded by Manager Spaeth to approve Permit Application #4-11-07-6 of Jammy Anderson to construct a new driveway approach and culvert in Section 18 of Fossum Township, with a 24" culvert. Carried.

34. Jason Keller, Section 20, Heier Township. A motion was made by Manager Spaeth and seconded by Manager Wright to table the permit application of Jason Keller to construct an erosion control measure including two water and sediment basins and a tile outlet in Section 20 of Heier Township. Keller will be notified that the permit will be tabled until the District receives a detailed set of design drawings from the NRCS. Carried.
35. Clair Askelson, Section 23, Felton Township. A motion was made by Manager Wright and seconded by Manager Skaurud to approve Permit Application #4-1-07-7 of Clair Askelson as submitted to construct a ditch plug for a wetland restoration in Section 23 of Felton Township. Carried.
36. Mahnomen County, Section 30, Rosedale Township. A motion was made by Manager Spaeth and seconded by Manager Wright to table the permit application of Mahnomen County to construct a new runway at the Mahnomen County Airport, regrade the area, install culverts, and bring some additional acres of land to drain west through Highway #59 and notify landowners in Section 30 and the N ½ of Section 31 of Rosedale Township and Section 25 of Pembina Township. Carried.
37. John Haugo, Section 13, Popple Grove Township. A motion was made by Manager Ista and seconded by Manager Wagner to approve Permit Application #4-11-07-8 of John Haugo to install an 18" CMP in an existing approach in Section 13 of Popple Grove Township. Carried.
38. Duane Brendemuhl, Section 14, Flowing Township. A motion was made by Manager Skaurud and seconded by Manager Spaeth to table the permit application of Duane Brendemuhl to clean and maybe deepen a ditch in Section 14 of Flowing Township until field conditions improve for the field review. Carried.
39. City of Hendrum, Section 30, Hendrum Township. A motion was made by Manager Spaeth and seconded by Manager Wagner to approve Permit Application #4-11-07-9 of the City of Hendrum to remove a culvert and private driveway; regrade an existing ditch, construct an approach with a 24" CMP in Section 30 of Hendrum Township. Carried.
40. April Project Team Meeting. A motion was made by Manager Wright and seconded by Manager Ista to postpone the April Project Team Meeting and notify all members. Carried.
41. WRWD Managers Goal Setting 2007. Administrator Dalen stated that he will prepare a list of items to be considered for prioritizing in 2007 and send to Managers for review and input prior to the May meeting.
42. Project #42. Chairman Seykora stated that two requests have been sent to the Concerned Citizens requesting copies of the tapes of the Ulen landowner meetings on project #42. No response has been received to date. Manager Ista commented that she thought the Concerned Citizens were going to approve the request.

43. Legislative Update. Administrator Dalen asked each Manager's interpretation of the WRDA verbiage and the informational meeting held at Twin Valley. Dalen stated that the COE representatives' interpretation is that they will investigate the old Twin Valley Dam and all alternatives to find the most feasible, permittable, fundable project, if funding would become available. Dalen stated that the District should not be inhibited on the length of the process, rather work at finding a way to speed up the process. Dalen stated that he will look for opportunities for funding, keep in touch with local legislators and prepare for the 2008 session.

44. Meetings/Conferences/Seminars. Administrator Dalen reported on the Legislative Breakfast and the March Conference of the RRWMB.

45. Ueland Violation. Attorney Hanson requested that the Board close the meeting to discuss legal strategy regarding the Gene Ueland legal issues. A motion was made by Manager Spaeth and seconded by Manager Wright to close the meeting at 5:15 p.m. Carried. A motion was made by Manager Wright and seconded by Manager Spaeth to open the meeting at 5:25 p.m. Carried.

46. Manager Skaurud Departure. Manager Skaurud stated that this is his last Board meeting as Mike Christensen will be replacing him and he would like to express his appreciation to the whole board and will miss the people he has met here, staff and Managers. Skaurud thanked everyone for the gift and card.

47. There being no further business to come before the Board of Managers, a motion was made by Manager Spaeth and seconded by Manager Wagner to adjourn the meeting. Carried.

---

Diane Ista, Secretary

Regular Meeting Minutes

April 11, 2007

Page 8 of 8

Date	Num	Name	Memo	Amount
04/11/2007	10437	AmeriPride	cleaning supply	-41.75
04/11/2007	10438	Auto-Owners Insurance	Insurance	-696.00
04/11/2007	10439	Becker County SWCD	Envirothon	-100.00
04/11/2007	10440	City of Ada	Utilities	-299.38
04/11/2007	10441	Clay County Auditor	Permits	-5.00
04/11/2007	10442	Clay County Treasurer	RE Taxes	-164.84
04/11/2007	10443	Diane Ista	per diem	-311.76
04/11/2007	10444	G R Graphics-Maint	072493281	-258.21
04/11/2007	10445	Houston Eng, Inc.	Engineering Fees	-46,067.85
04/11/2007	10446	HSBC Business Solutions	Office Supplies	-352.05
04/11/2007	10447	Index Printing Inc.	TV Dam & Letterhead paper	-143.35
04/11/2007	10448	James Wagner Sr-Mgr	per diem	-181.86
04/11/2007	10449	Jim Skaurud	per diem	-329.07
04/11/2007	10450	Joe Spaeth	per diem	-324.75
04/11/2007	10451	KRJB Radio	Radio Spots	-300.00
04/11/2007	10452	Landwehr Construction, Inc.	Heiberg Dam	-9,432.64
04/11/2007	10453	Loretel Systems	Utilities	-350.29
04/11/2007	10454	McCollum Hardware, Inc.	Supplies	-50.54
04/11/2007	10455	Midwest Testing Lab.	Soil Borings UN55B	-4,195.40
04/11/2007	10456	Nor. County Auditor/Treasurer	R.E. Taxes	-834.10
04/11/2007	10457	Norman County SWCD	Environthon	-100.00
04/11/2007	10458	North Star Water	Office Water	-116.00
04/11/2007	10459	Office Supplies Plus	Office Supplies	-448.11
04/11/2007	10460	Ralph's Food Pride	Cleaning Supplies & Mgr Groc	-3.88
04/11/2007	10461	Renae Kappes	Cleaning	-60.00
04/11/2007	10462	Rinke Noonan	Legal Fees	-3,213.00
04/11/2007	10463	Robert E. Wright	Per diem	-259.80
04/11/2007	10464	Royal Video	Audio Rental & Taping Mtg	-186.38
04/11/2007	10465	Sun-Flowers	Flowers Woodbury	-41.53
04/11/2007	10466	The Shopper	Permits/TV Mtg Notice	-92.00
04/11/2007	10467	The Union	TV Dam Mtg	-67.50
04/11/2007	10468	Tim Halle	Public Media	-585.00
04/11/2007	10469	Twin Valley Times	Public Media	-21.75
04/11/2007	10470	Wambach & Hanson	Legal Fees	-885.39
04/11/2007	10471	Warren J. Seykora	per diem	-930.95
04/11/2007	10473	Diane Ista	exp reimb	-252.07
04/11/2007	10474	James Wagner Sr-Mgr	exp reimburse	-21.34
04/11/2007	10475	James Wagner, Sr.	Beaver Control	-835.85
04/11/2007	10476	Jim Skaurud	exp reimburse	-324.77
04/11/2007	10477	Joe Spaeth	exp reimb	-124.65
04/11/2007	10478	Robert E. Wright	exp reimburse	-353.42
04/11/2007	10479	Warren J. Seykora	exp reimburse	-739.09
04/11/2007	10481	James Wagner Sr-Mgr	addn mileage	-3.41
04/11/2007	10480	Warren J. Seykora	exp reimburse	-146.29
04/16/2007	10434	Dolly Merkens	Mgrs Lunch	-20.00
04/16/2007	10435	Tom Carlson	Proj. #30 Crop Damages	-683.85
04/16/2007	10436	Alltel	Cell Phone	-92.70
04/16/2007	10472	Mn Energy Resources Corp	Utilities	-74.06
04/19/2007	10488	Mahnomen County SWCD	Envirothon	-100.00
				<b>-75,221.63</b>