

WILD RICE WATERSHED DISTRICT

11 East 5th Avenue – Ada, Minnesota 56510

Phone (218) 784-5501

REGULAR MEETING

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Tuesday, January 11, 2005, at the Wild Rice Watershed District located at 11 East 5th Avenue, Ada, MN.
2. The following members were present: Joe Spaeth, Warren J. Seykora, Steve Dalen, Jim Skaurud, Diane Ista, and Jim Wagner Sr. The following members were absent: Bob Wright. In addition, the following persons were also present: Administrator Bennett and Loretta Johnson, Recording Secretary.
3. Chairman Seykora called the meeting to order at 8:40 a.m.
4. Managers Special Interest. Manager Ista suggested having a meeting with the attorney from Rinke Noonan, who is working on the response to information by Jay Carlson for Curt Jacobson. Ista commented that she is concerned about costs being incurred by the District and felt that the Managers of the Wild Rice Watershed District should be directing the attorney. Accountant Doug Marcussen stated that he is currently compiling the information that will go out to Onstad Twichell. Ista requested a copy of all information that is going out from the District to Rinke-Noonan. No action was taken.
5. Monthly Meeting Minutes. A motion was made by Manager Skaurud and seconded by Manager Wagner to approve the minutes of the December 10, 2004. Carried.
6. Monthly Financial Report. Doug Marcussen distributed copies of the December 31, 2004, monthly activity, interest distribution computation, proposed year-end transfers and monthly activity after transfers and interest allocation. Marcussen reviewed the monthly financial report of the District dated December 31, 2004. Marcussen distributed information that included the amount budgeted for 2004, actual spent and variance as of December 31, 2004. Managers felt that this information would be of benefit to the Board on a quarterly basis. A motion was made by Manager Dalen and seconded by Manager Ista authorizing Accountant Marcussen to prepare quarterly budget information for the Managers. Carried.

Upon a motion by Manager Wagner and second by Manager Spaeth, the monthly Financial Report was approved for entry into the record. Carried.

7. Doug Marcussen reviewed the proposed year-end transfers to close out account balances. Marcussen also provided budget information for the year 2004 with amount budgeted for 2004, actual

spent and variance to the Managers for review. The Board of Managers discussed the year-end distribution of interest to projects. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing the allocation of interest to their respective accounts. A motion was made by Manager Spaeth and seconded by Manager Ista authorizing the year-end fund transfers to close out project account balances. Carried. The account transfers is attached at the end of these minutes.

8. The bills of the District were reviewed. A motion was made by Manager Ista and seconded by Manager Dalen to approve the payment of the December bills. Carried. A listing of the billings is attached at the end of these minutes.

9. Jerry Bents arrived at 9:15 a.m.

10. Upper Reaches Project. Engineer Bents reported on a change order to the Visser Trenching contract for a net decrease in the amount of \$3,900.18 on the 2004 repair contract. Engineer Bents noted that the reduction to the contract is a result of changes to the construction methods used at the sites. A motion was made by Manager Ista and seconded by Manager Spaeth to approve Change Order #1 for a contract deduction in the amount of (\$3,900.18) and Partial Pay Request #1 in the amount of \$19,237.33, to Visser Trenching for the Upper Reaches Project for work completed to date on the contract. Carried.

11. Wild Rice River Feasibility Study (WRRFS), Hydrologic and Hydraulic Modeling. Engineer Bents provided background and detail on cost overruns related to the Hydrologic and Hydraulic modeling on the WRRFS. The invoices provided by Houston Engineering, Inc. for additional costs to the Feasibility Study are in the amount of \$8,548.11. Administrator Bennett noted that at this time the COE has not made a decision to cost share on the overage. Bents also distributed a spreadsheet that included all of the WRRFS contracts of Houston Engineering, Inc., showing contract budgets and amount spent. Bents stated that although the modeling contracts have exceeded costs, overall the contracts are under by \$17,279. Related to the cost overruns Manager Dalen made a motion that was seconded by Manager Skaurud to approve payment of the Houston Engineering overrun in the amount of \$8,548.11 and to suspend further work to make the final report revisions pending a decision on Work in Kind (WIK) credit by the COE. Carried.

12. Farmstead Ring Dikes. Administrator Bennett distributed copies of the letters to Stanley Gunderson, Roger Hanson and Louie Bertrand accepting their properties for project in 2005 along with outlining cost share agreements.

13. Norman County Rural Acquisition Program. Administrator Bennett reported that Steve Spaeth completed the review appraisal on Parcel #12-534201. Spaeth's opinion is that the original appraisal done by Les Trnka should be used to establish the fair market value for the property. The Trnka appraisal is \$53,000 less than the appraisal provided by the property owner. The reason for the discrepancy noted by Spaeth is that the property owner's appraisal used comparable sales closer to the Fargo/Moorhead area. Bennett also provided an update on properties currently in the acquisition process. The Board discussed leaving the asphalt driveway, during the demolition process, on property adjacent to the Wild Rice River south of Ada on State Highway #9, for possible future public access. A motion was made by Manager Wagner and seconded by Manager Ista to take out of the demolition contract the driveway and concrete turning area removal. Carried.

14. Chairman Seykora recessed the meeting at 10:45 a.m.

15. Chairman Seykora reconvened the meeting at 1:00 p.m.

16. Bob Wright and Peg Braaten arrived at 1:00 p.m.

17. Board Self Evaluation. Peg Braaten, formerly of the Minnesota Extension Service provided a workshop for the Board of Managers on Diversity, working and getting along with people who are different than yourself, speaking with diversity in addressing people different than yourself and learning about people who are different. Braaten stated that in reviewing the Board's self assessment worksheets submitted by Managers, she felt that there are some issues within the group and also recommended attending at leadership training course that will be provided that would assist Managers in learning to work together as a Board. Braaten commented that being on a board such as this is not an easy task, because this board is making major decisions for the entire region and Board members need to take the "I" out of their decisions and look at the big picture. Braaten felt that there is fear and lack of trust within the group, important issues that need to be addressed to make the group present a united front in decision-making. At the close of the workshop, Braaten indicated that she would leave the group with the following things to think about: 1) the six most important words are, "I admit I made a mistake." 2) The five most important words are, "You did a good job." 3) The four most important words are, "What is your opinion?" 4) The three most important words are, "If you please." 5) The two most important words are, "Thank you." 6) and the one most important word is, "We." Braaten suggested a follow-up session to continue work on the Board self-evaluation. Braaten left the meeting at 3:00 p.m.

18. Elroy Hanson arrived at 2:25 p.m.

19. Project No. 9, South Branch Repairs. Manager Wright abstained from the discussion. Engineer Bents distributed the Repair Report of Project No. 9, South Branch of the Wild Rice River SE¼ Section 8, Hagen Township, dated January 10, 2005. The Opinion of Probable Costs for the project is a total of \$236,780, which does not include any additional right-of-way. Administrator Bennett asked about the handling of the right-of-way and if the property is to be negotiated or acquired with the final hearing. Attorney Hanson indicated that a hearing for the repair request is necessary because the repairs exceed normal maintenance. Bennett stated that the date for the hearing could also coincide with the date for the informational meeting on the Winchester Township repairs. Attorney Hanson recommended that Attorney Zenas Baer be notified of the current status of the Heiraas repair request. Engineer Bents stated that costs for the FEMA portion of the repair would be broken out of the \$236,780 total repair costs prior to the hearing. Bents stated that the District might want to apply for a permit from the COE and send a copy of the Repair Report to BWSR, DNR and the COE for their comments. A motion was made by Manager Spaeth and seconded by Manager Wagner to approve the Repair Report for the SE ¼ of Section 8, Hagen Township, on Project No. 9, South Branch; approve the appointment of viewers to determine damages and also to notify Attorney Zenas Baer on the status of the repair request. Carried. Manager Wright abstained.

20. Manager Dalen left the meeting at 3:10 p.m.

21. Green Meadow Dam. The Board discussed the information provided at the public meeting on the Green Meadow Dam and the next steps in the implementation of a repair methodology. Damage to the dam caused by pasturing and the ability to restrict land use detrimental to the dam was

discussed. Attorney Hanson indicated that the property owner received a payment of \$5,920 for the 86 acres on the original easement, which was conveyed to the East Agassiz Soil and Water Conservation District. Hanson stated that the District might want to discuss with the SWCD conveying a deed to the Watershed District. The Board also discussed payments for additional easement rights. Hanson stated the original easements might already provide the rights necessary to restrict pasturing of the dam, however, before he makes a final conclusion, he would like to see a copy of the engineer's plans and review the original easements for the dam. Additional land rights needed for the repairs were discussed if the slopes are to be widened and borrow sites are needed. It was noted that further work is needed to get these answers depending on what form of repairs are initiated. The three proposals as presented at the public meeting were discussed. They included the following options:

Repair Option 1 – Minimum Procedure

The Option 1 repair and cost estimate assumes the repair and re-grading all existing erosion/sloughing areas of the embankment, placement of a minimum one foot thick blanket of impermeable clay soil will be imported and placed to further reduce the potential for seepage and erosion at these locations (19+00-21+00, 23+50-35+00, 45+00-46+00, and 105+50-110+00.) For reconstruction on the downstream side of the embankment, it is assumed that native material from the adjacent land will be used. Upon completion of the repairs in the identified reaches, the final embankment cross-section would have a minimum 3:1 upstream and 2.5:1 downstream slope with top elevation constructed to 991.0. Note that it is assumed that the upstream slope will not be disturbed except for in the areas that will be repaired with the imported clay soil. All disturbed areas would be recovered with topsoil, seeded and mulched. In either case, any additional soil placed on the dam having a thickness of more than one foot would be notched into the current embankment to prevent future sliding along this interface. In addition to these repairs, this option also assumes that the embankment in the South ½ of Section 15 would be fenced to prevent cattle damage and allow for a thick vegetative growth to protect the dam from further erosion.

TOTAL OPINION OF PROBABLE COST FOR OPTION 1 = \$96,225

Repair Option 2 – Resloping – Minimal Material Import Procedure

Upon completion of the repairs in the noted reaches, the final embankment cross-section would have a minimum of 3:1 upstream and 2.5:1 downstream slope with top elevation constructed to 991.0. On the upstream side of the embankment, a minimum one-foot thick blanket of impermeable clay soil will be imported and placed to further reduce the potential for seepage and erosion at these locations (102+80-105+50 and 116+50-121+50). For reconstruction on the downstream side of the embankment, it is assumed that native material from the adjacent land will be used. Note that it is assumed that the upstream slope will not be disturbed except for in the areas that will be repaired with the imported clay soil. All disturbed areas would be recovered with topsoil, seeded and mulched. As noted in Option 1, any additional soil placed on the dam having a thickness of more than one foot would be notched into the current embankment to prevent future sliding along this interface.

TOTAL OPINION OF PROBABLY COST FOR OPTION 2 = \$162,100

Repair Option 3 – Resoling – Extensive Material Import Procedure

The Option No. 2B repair and cost estimate assumes that all of the repairs noted in Option 2A are completed. In addition, a minimum one-foot thick blanket of impermeable clay soil will

be imported and placed to further reduce the potential for seepage and erosion between Stations 110+00 to 116+50 and 121+50 to 142+50. Upon completion of the repairs in the noted reaches, the final embankment cross-section would have a minimum of 3:1 upstream and 2.5:1 downstream slope with top elevation construction to 991.0. As stated in Options 1 and 2, it is assumed that the upstream slope will not be disturbed except for in the areas that will be repaired with the imported clay soil. All disturbed areas would be recovered with topsoil, seeded and mulched.

TOTAL OPINION OF PROBABLE COST FOR OPTION 3 = \$212,630

The Board spent time discussing the repair options. Engineer Bents stated that Options 1 and 2 could be considered normal maintenance and Option 3 would include improvements and would be considered to be repairs exceeding normal maintenance. Attorney Hanson stated that if the proposed repair exceeds normal maintenance, a repair report is necessary. A motion was made by Manager Skaurud and seconded by Manager Wright to accept Option #3 with an estimated cost of \$212,630, and to authorize Houston Engineering to prepare a repair report and investigate the problem of seepage on the Ramstorf property. Carried.

22. Brian Borgen met with Managers at 4:00 p.m. to discuss his request to the Board to restore the original flow split between the Wild Rice and Marsh River on the 1954 Army Corps of Engineer's Wild Rice River Upper Reaches Project. In a second request, Borgen would like to have the levees made equal for the entire Upper Reaches Project. Borgen reviewed his repair petition to have the original flow split of J.D. #51 east of C.R. #24 restored to what it had been when the project was established in 1954. Seykora questioned if there is any prior information to document the flow split between the Wild Rice and Marsh Rivers. Administrator Bennett stated that the transcript from the original hearings references the amount of intended flow split. Bennett also referenced prior Army Corps of Engineer's Reports that discuss the original flow split between the Wild Rice River and the Marsh River. Engineer Bents stated that there appears to be good documentation on the original flow split, but there is also documentation that it has been changing over time from what was originally proposed and the current conditions. Manager Spaeth commented that landowners along J.D. #51 have stated that they cannot handle any additional water due to increased local drainage since the original project was built in the 1950s. Administrator Bennett stated that based on the repair petition submitted by Borgen, the District should determine if there remains an obligation to restore the original flow condition provided when the project was constructed. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing research into the data on the original project by Attorney Hanson and Engineer Bents to determine if the District has any legal obligation to restore the flow split on the Army Corps of Engineer's Project. Carried.

Managers reviewed the second petition submitted by Borgen for road repairs between Section 35 of Hegne Township and Section 1 of Mary Township including elevating levees along the south side of the Wild Rice River making them equal in height to the north side. Engineer Bents stated that road repairs are not part of the Upper Reaches Project and therefore the Watershed District does not have authority to make the repairs. Managers suggested that Borgen contact Mick Alm, Norman County Highway Engineer. Borgen stated that he understood that County ordinances require that the riverbanks be equal. Attorney Hanson said that he was unaware of any such ordinances and suggested that Borgen provide the District with the actual ordinance he is referring to. Engineer Bents stated that there is nothing in the original plans for the Upper Reaches Project that would indicate that the elevations on both the north and south side of the river are to be equal in height. Bents' opinion was that the petition to raise the south river bank along the project would

constitute an improvement and should not be considered a repair. Borgen left the meeting at 4:45 p.m.

23. Meetings/Conferences/Seminars. Consensus of the Managers was to reconvene the regular Board meeting at 11:00 a.m. on Wednesday, January 19, 2005. Managers were reminded of the Watershed Leadership Program scheduled for January 25-26 at Thief River and January 27-28 at Detroit Lakes. Administrator Bennett also indicated that landowner meetings have been scheduled on a number of permits for January 19.

24. Other Issues-Comments-Discussion. Kari Kujava was introduced to the Managers as new staff in the District office. It was reported that Don Ogaard has retired his position from the Red River Basin Commission, and Chairman Seykora has indicated interest in running for the position. Administrator Bennett distributed public information proposals from H2M, KRJB and Tim Halle for Board consideration prior to the January 19 Board meeting.

25. Chairman Seykora recessed the meeting at 5:15 p.m.

26. Chairman Seykora reconvened the meeting at 11:00 a.m. on Wednesday, January 19, 2005. The following members were present: Joe Spaeth, Warren J. Seykora, Steve Dalen, Jim Skaurud, Diane Ista, and Bob Wright. The following members were absent: James Wagner, Sr. In addition, the following persons were also present: Attorney Elroy Hanson, Administrator Bennett and Loretta Johnson, Recording Secretary.

PERMIT APPLICATIONS

27. Clay County Highway Department, Regrading CSAH #26. At 11:00 a.m. Brad Erickson, Clay County Engineer, Larry Jacobson and Dwight Iverson met with the Managers on Permit Application No. 1-19-05-1 of the Clay County Highway Department for regrading of C.R. #26 starting at Hitterdal and extending for 3 ½ miles to the east. Erickson reviewed changes to culverts and the grading plan for the length of the proposed project. Manager Ista asked Erickson if he felt he had addressed any downstream landowner issues. Erickson felt the majority of the drainage outlets in Shallow Lakes adjacent to the road and felt there were minimal downstream issues or concerns. Manager Ista questioned if landowners in attendance had any other concerns. Hearing no objections, a motion was made by Manager Spaeth and seconded by Manager Wright to approve Permit Application No. 1-19-05-1, of the Clay County Highway Department to regrade three and one half miles of CSAH #26 east of Hitterdal, was approved. Carried. Erickson, Jacobson and Iverson left the meeting at 11:20 a.m.

28. Norman County Rural Acquisition Program. Attorney Hanson reported that he reviewed Steve Spaeth's review appraisal on Parcel #12-534201 and recommended that the Board notify the owner of the value based on the review appraisal that is \$80,000. Hanson stated that he is satisfied with the Spaeth appraisal and recommended to the Board that it be used in the final purchase offer. Chairman Seykora questioned if the property owner would have any opportunity to appeal the decision. Administrator Bennett stated that he was not aware of any further appeal process. A motion was made by Manager Ista and seconded by Manager Dalen to have Attorney Hanson provide the review appraisal and a purchase offer to the owner of the property for the \$80,000. Carried.

29. Green Meadow Dam. Managers discussed the process for moving ahead with the Green Meadow Dam Repair Project. Engineer Bents questioned which option the Managers want to use in the Engineer's Repair Report. Attorney Hanson stated that if the intent is to use Repair Option #3, a

hearing is necessary. Also discussed was the possibility of seeking outside funding assistance for the project. A motion was made by Manager Ista and seconded by Manager Wright authorizing preparation of a Flood Damage Reduction (FDR) grant application for funding assistance on the Green Meadow Dam Project. Carried. It was also reported that the Norman County SWCD took action to transfer the Green Meadow Dam easements to the Watershed District at their last monthly meeting.

30. Heiberg Dam. Administrator Bennett reported that the District received the executed grant agreement from the United Fish and Wildlife Service (USFWS) and efforts are currently underway to finalize the tribal grant. The District is waiting the approval from FEMA for the project. Bennett stated that until the funding package is finalized, the District would not be able to move forward to construction. The Board discussed the possibility of requesting legislative support to speed up the process. Manager Ista felt that the project is highly visible and the District should keep pressure on getting the project started. Engineer Bents suggested preparing plans and specs for the project, which he estimated would cost approximately \$20,000. How this would be paid for was discussed if the project is not completely funded. A motion was made by Manager Ista and seconded by Manager Dalen authorizing engineering preparation of the final specs and plans on the Heiberg Dam Project with funding for the engineering services to be budgeted out of the District's Red River Construction Account. Carried.

31. Upper Felton Ditch Storage. Manager Wright abstained from the discussion. Engineer Bents provided a spreadsheet with an engineering cost estimate and maps showing optional levee alignments for possibly expanding the current project area. Options 1-4 would extend the project into Sections 10, 11, 14 and 15 of Flowing Township, Clay County. Bents stated that surveying is complete in Section 15 and questioned Managers' preference for either moving ahead with the original 480-acre project area or developing alternative storage scenarios using Options 2, 3, or 4. Manager Ista suggested holding a landowner meeting to provide them the information prior to proceeding with the alternative analyses. Manager Dalen agreed. Engineer Bents asked if it might be preferable to determine the amount of benefits prior to holding a landowner meeting. Administrator Bennett suggesting having property owners meet with Engineer Bents at the offices of Houston Engineering, Inc. to save costs and provide the technical information. A motion was made by Manager Spaeth and seconded by Manager Dalen authorizing Engineer Bents to prepare the preliminary analyses for Options 1, 2, 3 and 3A dropping Option 4 for an estimated cost of \$207,367.50. Carried. Manager Wright abstained. A landowner meeting will be scheduled once the information is compiled.

Manager Wright questioned the timeline for a project related to his ability to enter into a rental agreement in the upcoming year. Engineer Bents and Attorney Hanson indicated that there would not be a project ready to proceed for this summer and Wright should plan to rent the property out for the 2005 season.

PERMIT APPLICATIONS

32. Sundal Township, Section 28. Eugene Hanson, Sundal Township Chairman, met with Managers at 1:00 p.m. in regard to Permit Application No. 12-8-04-3. to add a culvert through the Wendell

Johnson driveway in Section 28 of Sundal Township. Hanson stated that the township would like to install an additional 36-inch culvert to prevent the driveway from washing out. Administrator Bennett said the office mailed notification of the permit to neighboring landowners. Wendell Johnson, owner of the building site in Section 28, provided comments that the increased culvert size might cause additional problems at the next crossing downstream. Manager Ista asked Hanson if he had any solutions to the increased water. Hanson stated that because of the way it has been previously ditched, he does not know how to slow it down with most of the upstream area farmed and drained. Chairman Seykora asked Hanson about trying to work toward a better solution in the spring by performing a field investigation and look for some options to which Hanson was agreeable. A motion was made by Manager Wright and seconded by Manager Skaurud to table the permit application of Sundal Township to install a culvert in Section 28, Sundal Township, until spring, when more of a field investigation can be conducted. Carried. Hanson left the meeting at 1:40 p.m.

33. Mahnomen County Highway Department, Section 20/21 Marsh Creek Township. Administrator Bennett reported that notice was sent to neighboring property owners of the pending permit application. David Haugo provided comments that the proposed culvert size should be reduced in size until the next culvert downstream through the township road can also be increased. Haugo had indicated that he would like Engineer Bents to contact him to discuss the current proposal. Bents indicated he had not had a chance to contact Haugo before the meeting. Engineer Bents stated that the current sizing request is reasonable and recommended approval. A motion was made by Manager Spaeth and seconded by Manager Skaurud to approve the Mahnomen County Highway Department Permit Application No. 1-19-05-2 to install a 102" x 62" culvert between Sections 20/21 of Marsh Creek Township, Mahnomen County. Carried.

34. Mark Maring/Terry Guttormson, Section 13, Hendrum Township. A motion was made by Manager Ista and seconded by Manager Dalen to approve Permit Application No. 1-19-05-3, of Mark Maring/Terry Guttormson to install a culvert in Section 13, Hendrum Township. Carried.

35. Skaurud Flood Storage. Administrator Bennett reported that Norman County agreed to be responsible for the Operation and Maintenance (O & M) Plan for the Skaurud Flood Storage site. Ryan Braulick, NRCS, is in the process of working to obtain an engineering grant for that portion of the project.

36. SWCD Flood Storage Grant Program. It was reported that the Norman and Mahnomen County SWCDs held landowner meetings for the Coon Creek and Spring Creek tributary watersheds. Around 25 percent of the landowners have expressed interest in the program. The next step for the SWCDs will be to begin working with landowners on site identification.

37. Project No. 29, Winter Maintenance. Administrator Bennett reported that David Larson contacted the District office in regards to acquiring a contract for winter/spring maintenance on the project to prevent flooding in the event of the ditch being compacted and full of snow during the spring thaw. A motion was made by Manager Skaurud and seconded by Manager Ista for staff to update the 2004 contract for snow removal in the ditch system to 2005. Carried.

38. Upper Reaches Project, J.D. #51 Repair. Engineer Bents reported on the bid opening held on the repair project. Visser Trenching was the low bidder on the project with a total base bid of \$22,520. Attorney Hanson finalized easements on the property needed for construction. A motion was made

by Manager Ista and seconded by Manager Wright authoring Manager Seykora to work at contacting property owners to obtain the easements with payment established at \$.24 per square foot. Carried. A motion was made by Manager Skaurud and seconded by Manager Ista authorizing Visser Trenching to be awarded the contract on the project as low bidder in the amount of \$22,520, contingent on obtaining land rights for the construction. Carried.

39. COE Wild Rice River Feasibility Study (WRRFS). Administrator Bennett reported that Tom Raster, Project Manager for the Wild Rice River Feasibility Study retired and Nan Bischoff will be replacing Raster as the new Project Manager. Bennett stated that Bischoff has been project Manager on the original COE 205 study for the City of Ada. Bennett indicated that Bischoff will be attending the upcoming Project Team meeting and will provide an update to the Managers on the WRRFS.

40. South Branch Flood Storage Site Development - Environmental Review Status. Henry Van Offelen, Minnesota Center for Environmental Advocacy (MCEA), and Jerry Bents, Houston Engineering, provided a report on the environmental review conducted for the 15 sites under consideration. Van Offelen presented a preliminary assessment of natural resource issues that are likely to be considerations proposed storage sites under consideration on the South Branch. Van Offelen indicated that natural resource assessment worksheets were completed for each of the storage sites. Information to complete these worksheets was gathered in meetings and discussions with Clay County, Becker County and Norman County SWCD/NRCS/FSA personnel and with MN DNR and USFWS personnel that cover these counties. In addition to evaluating the change in current conditions at each site, discussions were expanded to impacts as a result of design, operation, and mitigation conditions for each of the sites. Different criteria were considered for impacts to aquatic habitat, fish passage, wetlands, uplands, and other environmental concerns. Van Offelen's conclusions are that most of the storage sites can be candidates for future consideration. Natural resource personnel did not view any of the issues at these sites as "showstoppers." Fisheries is willing to forego aquatic habitat and fish passage at sites to help create better hydrologic conditions on the South Branch. Fish passage should still be considered in future design of some of these projects. Wildlife and county staff had wetland and upland concerns. The upland concerns are likely to be mitigated. Wetland concerns need additional on site review and analysis. Discussions with natural resource folks need to continue as these projects move forward. Sediment reduction must be included in future project plans. Van Offelen felt that these projects need to move forward together in development and permitting. If these individual projects are packaged together to include wetland and upland restorations along with sediment reduction benefits, it is possible that this could result in a large self-mitigating project with substantial flood damage reduction benefits. It was discussed that landowner contacts are needed and delays in getting out information on the status could affect landowner trust.

Engineer Bents provided a storage evaluation summary on each of the 14 storage sites, which included the drainage area, potential acre feet of storage, inches of runoff capacity, estimated environmental costs per acre feet and estimated environmental mitigation costs for each of the proposed sites. Van Offelen and Bents reviewed each site with Board members. Administrator Bennett recommended that this information and report be provided to Project Team members at the upcoming meeting January 26, 2005.

41. Manager Dalen left the meeting at 3:15 p.m.

40. South Branch Flood Storage Site Development - Environmental Review Status. (Continued) A motion was made by Manager Spaeth and seconded by Manager Wright to approve a contract with Henry Van Offelen, MCEA Natural Resource Scientist, for the Environmental Review of the South

Branch Subwatershed in the amount of \$2,858. Carried. A motion was made by Manager Ista and seconded by Manager Wright to also approve the Houston Engineering contract for the Environmental Review of the South Branch Watershed in the amount of \$5,000. Carried.

42. Complaints/Violations/Investigations. Related to the Eugene Vik violation in Section 36, Hegne Township. Administrator Bennett reported that the MN DNR has issued a cease and desist order and also intends to issue a restoration order on the Vik violation. Attorney Hanson stated that there are a number of remedies that the Watershed District may use, one of which is criminal. The District may also continue to pursue a restraining order parallel to the MN DNR order, however Hanson's recommendation is to wait depending on Norman County's decision on whether to prosecute as a result of the MN DNR's violation. Hanson also stated that neighbors can certainly bring their own civil action and also recommended a good communication level with the District and the MN DNR. An option discussed included removing the fill that is blocking channel on the District's right of way. Engineer Bents stated that the District does not have enough right-of-way to remove the entire blockage having to access private property, however it would be possible to open the channel portion. Manager Ista asked about the District's jurisdiction and if the District has a legal obligation. Manager Skaurud asked if the District could go along their right of way in the spring and remove and clean out the dike while staying within our right of way. After some discussion, Attorney Hanson asked the Board how they would like to proceed. Consensus of Managers was for Attorney Hanson to continue communication with the MN DNR and Norman County in the next two weeks and proceed with appropriate legal action as Hanson determines to be appropriate. A report is to be provided at the February meeting at which time a decision can be made on the next steps.

43. Jay Carlson Request for Information. Chairman Seykora discussed a request from Manager Ista in which she asked for copies of all letters and correspondence and consultants' costs including the Rinke Noonan Law Firm regarding the Carlson/Jacobson request for information. Attorney Hanson stated that he had talked to Attorney Jerry Van Korf, who is representing the District in this matter. Van Korf indicated to Hanson that he is in the process of compiling the information, much of which will be provided by Marcussen. Van Korf has indicated that he wants to review the information provided prior to formulating an answer to Attorney Carlson. Administrator Bennett distributed a packet of information requested by Manager Ista, that was available and on file at the District office. Bennett also stated that in reviewing the file, the minutes do not reflect a committee and it was felt that the Board should clarify the need for a committee and what authority the committee would have in representing the Board on this matter. Attorney Hanson also stated that Van Korf was available to hold a conference call with the Board to address any questions related to the Carlson information requests. No action was taken.

44. Attorney Hanson left the meeting at 4:05 p.m.

Complaints/Violations/Investigations.

45. Harold Bergstrom, Section 1, Rockwell Township. Administrator Bennett reported that Harold Bergstrom installed the culvert and a temporary block as requested. Representatives from the DNR and Nature Conservancy want a meeting to finalize a restoration plan. Bennett suggested due to current conditions, it might be better to postpone any further investigation until spring in an effort to

reduce costs and expenses being incurred to Bergstrom. A motion was made by Manager Spaeth and seconded by Manager Skaurud to notify Bergstrom of his costs incurred to date and that the District will schedule a meeting in the spring in an effort to resolve the matter. Carried.

46. Kenny Visser, Section 21, McDonaldsville Township. Administrator Bennett reported that he had talked to Glenn Larson about signing off on the complaint filed against Kenny Visser in Section 21, McDonaldsville Township. Paul Larson filed the original complaint and still needs to be contacted. Consensus of Managers was for Administrator Bennett to talk with Paul Larson in an attempt to resolve the matter.

47. City of Ada, Section 9, McDonaldsville Township. Administrator Bennett reported that correspondence went to the City of Ada regarding the manhole installation on J.D. #51 and they are in the process of having their engineer submit an after the fact permit application to the District.

48. Public Information Contract. Tim Halle reviewed his proposal to provide public information services to the District related to the Wild Rice River Feasibility Study. Halle said that his proposal is a preliminary estimate of costs and services that can be provided to the District. The total estimated costs to provide the service through June 15, 2005, is \$24,305. Managers also discussed the proposals submitted by H2M and KRJB radio and Skaurud and Spaeth felt there would be an advantage to utilizing the services of H2M in addition to involving Halle's service. Manager Ista felt Halle could provide all of the services that could be provided by H2M. Administrator Bennett questioned the hourly rate in the Halle proposal at \$45 per hour when Halle already has a contract with the District for public information at \$28 per hour. Halle indicated that the \$45 per hour rate is only being proposed for work under the COE Feasibility Study contract and all other work done for the District outside of the contract will be at a rate of \$28 per hour. Manager Wright stated that he was comfortable with Halle's proposal rate if only used on the COE WRRFS contract. Administrator Bennett stated that he felt it might be good for the committee to get together with Halle and work more on the media relations' part of the COE WRRFS before finalizing a contract with Halle. Consensus of Managers was to schedule a committee meeting to include Managers Skaurud, Seykora, Ista, Tim Halle and Administrator Bennett.

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

50. Chairman Seykora adjourned the meeting at 5:45 p.m.

Jim Skaurud, Secretary

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Checking-RAB				
01/05/2005	8615	G R Graphics, Maintenance	Copier agreement/scanner agreement	240.11
01/05/2005	8616	Unicel	Cell Phone	67.12
01/11/2005	8617	ARC Lanes	Noon Lunch	40.20
01/11/2005	8621	AmeriPride	Cleaning Services	28.08
01/11/2005	8622	Angstrom Analytical, Inc.	Monitoring Asb Removal	2,805.00
01/11/2005	8623	Bits & Bytes	Computer Consultation	49.60
01/11/2005	8624	Brugen Environmental	Hazardous Material Abatement	7,250.00
01/11/2005	8625	Candys Drug	Photos	15.94
01/11/2005	8626	City of Ada	Utilities	203.05
01/11/2005	8627	Clay County Auditor	Permits	5.00
01/11/2005	8628	Dakota Mailing	Supplies for Postage meter	41.67
01/11/2005	8629	Diane Ista	Per Diem and Expense	236.95
01/11/2005	8630	Francotyp-Postalia, Inc.	Postage Meter Scale Rental	99.05
01/11/2005	8631	Houston Engineering, Inc.	Engineering Fees	50,422.25
01/11/2005	8632	James Wagner, Sr.	PER Diem\Expense Reimb	146.89
01/11/2005	8633	JB Associates, Ltd., Inc.	Administrative Fees	16,100.07
01/11/2005	8634	Jim Skaurud	Per Diem and Expenses	474.95
01/11/2005	8635	Joe Spaeth	Per Diem and Expense	288.70
01/11/2005	8636	Loretel Systems	Office Phone	259.91
01/11/2005	8637	Mahnomen County SWCD	Environmental Notes	264.36
01/11/2005	8638	Marcussen Accounting	Acct fees & mtg attendance	430.00
01/11/2005	8639	Norman County Auditor/Treasurer		629.35
01/11/2005	8640	Norman County Index	Press Release/Supplies	476.45
01/11/2005	8641	North Star Water	Water/Office	5.33
01/11/2005	8642	PERA	12/01-12/31/2004	276.38
01/11/2005	8643	Peterson Brothers		679.96
01/11/2005	8644	Petty Cash	Petty Cash	220.84
01/11/2005	8645	Red River Watershed Management Board	1/2 cost share	103,791.65
01/11/2005	8646	Rinke Noonan	Legal Fees	114.00
01/11/2005	8647	Robert E. Wright	Per Diem and Expenses	258.10
01/11/2005	8648	Rural American Bank	FICA Withholding, Managers\Wtrshed	397.80
01/11/2005	8649	Sjoldal Hardware	Gate Padlocks	23.08
01/11/2005	8650	Steve Dalen	Per Diem and Expenses	200.84
01/11/2005	8651	Tim Halle	Press Release/Annual Report	389.00
01/11/2005	8652	Twin Valley Times	News Subs	24.00
01/11/2005	8653	Visser Trenching	Snow Removal	120.00
01/11/2005	8654	Wambach & Hanson	Legal Fees	4,623.47
01/11/2005	8657	PERA	01/01-01/31/05	203.56
01/11/2005	8658	Visser Trenching	2004 Upper Reaches Repair	19,237.33
01/11/2005	8659	Warren J. Seykora	Per Diem & Expenses	1,615.20
			Total Checking-RAB	212,755.24