

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 Wednesday, April 13, 2005, at the office of the District located at 11 Fifth Avenue East, Ada, MN.

2. The following members were present: Warren J. Seykora, Steve Dalen, Jim Skaurud, Diane Ista, Bob Wright, Joe Spaeth and Jim Wagner Sr. The following members were absent: None. In addition, the following persons were also present: Administrator Jerry Bennett, Attorney Elroy Hanson, Tim Halle, publicist, Loretta Johnson, recording secretary and Barry Nelson, Becker County Commissioner.

3. Chairman Seykora called the meeting to order at 8:40 a.m.

4. Monthly Meeting Minutes. A motion was made by Manager Spaeth and seconded by Manager Wagner to approve the minutes of the January 5, 2005, special meeting on the Green Meadow Dam. Carried.

A motion was made by Manager Skaurud and seconded by Manager Wright to approve the minutes of the January 24, 2005, special WRRFS Teleconference with the following correction: In Paragraph #8, Line #11, Bob Wright should be deleted. Carried.

A motion was made by Manager Ista and seconded by Manager Wagner to approve the minutes of the February 25, 2005, Special Meeting. Carried

A motion was made by Manager Ista and seconded by Manager Wright to approve the minutes of the March 9, 2005, Regular Meeting. Carried.

A motion was made by Manager Wright and seconded by Manager Wagner to approve the minutes of the March 17, 2005, Special Flood Storage Meeting. Carried

5. Annual Reorganizational Meeting. Managers discussed the upcoming May organizational meeting and if the Watershed District intended to advertise for consulting services. Administrator Bennett stated that engineering firms have expressed an interest in submitting proposals. A motion was made by Manager Dalen and seconded by Manager Wagner to schedule the annual organizational meeting for 10:00 a.m. on Wednesday May 11, 2005, and authorizing advertisement for the following consultants, to include Engineering, Legal, Accounting and Publicity. The advertisement will be published in all District newspapers for two weeks and also the Grand Forks Herald and the Fargo Forum. Carried.

6. Audit 2004. A motion was made by Manager Wagner and seconded by Manager Spaeth for the District to hire Dreese, Risky and Vallager Accounting Firm of Crookston for the 2004 audit. Carried. Managers Wright and Ista abstained.

7. Barry Nelson, Becker County Commissioner, was introduced to the Managers and gave a brief personal background of himself.

8. Financial Report. A motion was made by Manager Wright and seconded by Manager Wagner to approve the financial report dated March 31, 2005. Carried.

9. Watershed District Policy. Doug Marcussen discussed the upcoming change for office staff to become salaried personnel and the development of the benefits package. Marcussen stated that TAASC, provides assistance in setting up the guidelines for new employees for approximately \$125 and recommended that the Watershed District use their expertise for this matter. Manager Skaurud asked if the District has a liability policy in place to cover employees. Attorney Hanson stated that the District has a current liability policy, but he would recommend making sure that it covers employees.

A motion was made by Manager Dalen and seconded by Manager Ista to appoint Manager Wagner as the contact person for staff employees, with Chairman Seykora as an alternate on an interim basis. Carried.

10. Norman County Acquisition/Watershed District Acquired Property. Manager Wagner requested that a listing of all properties acquired and owned by the District, be compiled and made available to Managers. Wagner stated that he occasionally is questioned concerning this matter and would like to have the information. Consensus was for Loretta Johnson to compile the list.

11. Monthly Billings A motion was made by Manager Wright and seconded by Manager Skaurud to approve the billings for April 13, 2005. Carried.

12. Open Meeting Law. Attorney Hanson stated that he had concerns regarding the practice of Managers violation of the Open Meeting Law by calling Board members and arriving at a consensus via the phone. Hanson stated that in the future all decision made but be acted on during an open meeting. Manager Wagner stated that consensus by calling because of issues that didn't get taken care of during a board meeting has been a practice for some time, although it was always quite simple things. Manager Skaurud stated that he wanted to go on record as he had done previously stating that he was opposed to the hiring of an outside legal consultant regarding the administrative contract, in his opinion being done. Manager Dalen stated that we need to leave relating to the termination of the administrative contract in the past and the District needs to move forward. Manager Ista commented that it was her understanding regarding the administrative contract, that it would be in the best interest of the District to consult an outside attorney, due to the possibility of a conflict of interest by Attorney Hanson. Attorney Hanson stated that he is not concerned about the substance of what happened, rather the procedure in using a non-public meeting to forge a majority of the board. Ista stated that to resolve the issue, it was decided for the Watershed District's protection, an outside legal counsel should be retained and actions were taken in good faith by three board members. Manager Skaurud stated that he is opposed to the Watershed District paying the outside attorney fee. Manager Wright stated that the contract for paying the legal fees of the Nilles Law Firm was approved and felt that it is time to move forward.

13. Upper Reaches Project. Engineer Bents reported that Mike Berkley will be conducting an inspection of the Upper Reaches Project to determine any damages that may have occurred during the spring thaw. Manager Wagner stated that in various places there are logs on the levees, which should be removed. A motion was made by Manager Dalen and seconded by Manager Skaurud authorizing Manager Wagner to facilitate the removal of trees on the Upper Reaches levees with a not to exceed cost of \$5,000. Carried.

14. Upper Felton Ditch Off Channel Storage. Engineer Bents reviewed the four options included in the Upper Felton Ditch Off Channel Storage investigation. Bents recommendation was for the Managers to choose an option and present to the Project Team. Engineer Bents stated that if the Managers chose Option 3, they could always pare it down later. A motion was made by Manager Ista and seconded by Manager Dalen authorizing Engineer Bents to move forward with Option 3 of the Upper Felton Ditch Off Channel Storage Site Package and present to the Project Team at the regular April 27, 2005, meeting. Carried. Manager Wright abstained.

15. Upper Felton Ditch Off Channel Storage. A motion was made by Manager Dalen and seconded by Manager Wagner to schedule a special meeting at 7:00 a.m. on Monday, April 25, 2005, at the Felton Community Center, for the purpose of providing information to landowners in the Upper Felton Ditch Off Channel Sites. Carried. Manager Wright abstained.

16. Watershed District Personnel Manual. Managers discussed the compiling of a District personnel manual. Manager Wright stated that he is in the process of reviewing the Red River Basin Commission handbook. A motion was made by Manager Skaurud and seconded by Manager Dalen authorizing Manager Wright to complete the editing of the RRB Handbook and provide to Attorney Hanson and authorizing Attorney Hanson to review Manager Wright's comments and complete the employee handbook for the District. Carried.

17. Watershed District Job Descriptions. Manager Seykora reported that he met with a principal at Houston Engineering, who agreed to provide interim administrative assistance to the Watershed District, but could make no recommendation to the Board until he held discussions with the balance of the owners of the company. A motion was made by Manager Skaurud and seconded by Manager Seykora to appoint a committee of Managers Wagner, Wright and Spaeth, authorizing only the committee members to review the applications and narrow it down to three applications for presentation to the entire board of Managers. Managers Skaurud and Seykora voted yes, Managers Wagner, Wright, Spaeth, Ista and Dalen opposed. Motion failed due to lack of a majority.

Attorney Hanson was asked if the job applications received by the Board of Managers could be kept confidential or needed to be discussed at an open meeting. Hanson stated that the information would be treated as confidential, with the full board knowledge. A motion was made by Manager Ista and seconded by Manager Dalen authorizing the Board of Managers be provided a copy of all job applications, with the information to be treated as confidential. Carried. Manager Skaurud opposed.

Managers discussed what qualifications and skills they would prefer in the administrative position. Consensus of all the Managers was that someone with people skills was of major importance. Also considered were an engineering degree, knowledge in the water field and an environmental background.

18. A motion was made by Manager Skaurud and seconded by Manager Dalen authorizing Attorney Hanson to prepare the job application notice for the administrative position, starting date is optional, job applications to be submitted no later than June 15, 2005. Carried.

19. A motion was made by Manager Dalen and seconded by Manager Wright to place the administrative notice in all of the District's local newspapers and the Minneapolis Star Tribune, Fargo Forum, Grand Forks Herald and the MAWD newsletter. Carried.
20. A motion was made by Manager Skaurud and seconded by Manager Dalen authorizing Attorney Hanson to prepare the job application form for the administrative position. Carried.
21. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Managers Ista, Seykora and Wright to work with Attorney Hanson in preparing a job description for the administrative position. Carried.
22. A motion was made by Manager Dalen and seconded by Manager Wright authorizing Attorney Hanson to prepare the job application notice for the secretarial position, listing duties, responsibilities and salary to be negotiated at an hourly rate. Carried.
23. A motion was made by Manager Dalen and seconded by Manager Wagner authorizing Attorney Hanson to prepare the job application notice for the part time office assistant, salary to be negotiated, hours open as work load dictates, with a maximum of 32 hours a week. Carried.
24. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Attorney Hanson to place the ads for the full time secretary and part time office assistant in the local Watershed District newspapers only with the deadline for taking applications no later than May 15, 2005. The full board of Managers will make the decision and all Managers will receive copies of the applications submitted. Carried.
25. A motion was made by Manager Ista and seconded by Manager Wagner to schedule the reconvened regular meeting for 8:30 a.m. on Friday, April 15, 2005. Carried.

PERMIT APPLICATIONS

26. Canadian Pacific Railroad, Bridge Replacement, Section 22, Bejou Township, Mahnomen County. Nate Dallager, engineering representative for the Canadian Pacific Railroad met with Managers at 1:00 p.m. for the purpose of the permit review of the proposed bridge replacement. Upon a motion by Manager Skaurud and second by Manager Spaeth Permit Application No. 4-13-05-1 of C.P. Railroad to replace an existing bridge in Sec. 22, Bejou Township, Mahnomen County was approved. Carried.
27. Brenda Wagner, Section 20, McDonaldsville Township. Manager Skaurud discussed the permit application by Brenda Wagner, and indicated it is an emergency situation for the possibility of fire or ambulance as her driveway has washed away. Wagner is requesting a larger culvert to prevent future washouts. Upon a motion made by Manager Ista and seconded by Manager Spaeth Permit Application No. 4-13-05-2, of Brenda Wagner to replace a 24-inch culvert with a 36-inch culvert in Section 20 of, McDonaldsville Township was approved with the condition that downstream landowners sign on the permit. Carried. Manager Wagner abstained.

28. Project No. 9, South Branch Repairs Public Hearing. Administrator Bennett stated that Accountant Marcussen will provide an amortization schedule for the repairs of both the Winchester and Hagen sites. Bennett stated that a handout will be made available to landowners that will include individual benefits per acre and the assessment per acre for each project. Bennett stated that Attorney Zenas Baer requested a copy of the Engineer's Repair Report on Section 11, of Winchester Township, which was provided to him. Attorney Hanson stated that each repair will be considered separately at the hearing, although it will be one meeting at which two issues are being discussed. Manager Wright reminded Managers that he will move to the audience and will not have a vote in the discussion, as he has land in the assessed area. Engineer Bents suggested that Attorney Hanson review the statutes provided under the law, the notice requirements, the obligations of the Board of Managers, and the outlet adequacy of the project, justifying benefits. Administrator Bennett also suggested that Attorney Hanson review the petitions at the hearing.

29. Green Meadow Dam. Managers discussed land acquisition necessary for the construction of the Green Meadow Dam Repair. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Engineer Bents to provide a legal description and Attorney Hanson to contact Les Trnka for an appraisal of the property needed for the repair of the Green Meadow Dam project. Carried.

30. Project No. 31. Engineer Bents distributed information regarding the process that landowners would use for the permit application and/or the petition process for the repair of othe outlet on Project No. 31. A motion was made by Manager Wagner and seconded by Manager Ista authorizing the correspondence prepared by Attorney Hanson and the information provided by Engineer Bents, be sent to Bruce Tufte regarding the process on the repair to Project No. 31. Carried.

31. Request for Information. Administrator Bennett stated that Attorney Zenas Baer requested a copy of the contract the District has with the Nilles Law Firm, which will be provided to him. Attorney Hanson stated that he reviewed the information to be provided to Brian Borgen on the Upper Reaches Project and approved sending the information to Borgen.

PERMIT APPLICATIONS

32. Juel and Bjorn Furuseh, Flume Installation, Section 16, Wild Rice Township. Juel and Bjorn Furuseh met with Managers at 2:00 p.m. to discuss the proposed installation of a flume for the purpose of generating electricity in the Heiberg Dam structure. Manager Skaurud questioned if the proposal for the installation of a flume would delay construction. Engineer Bents recommended that the Board continue to move forward, but provide Furusehs with the construction plans if they decide to contract with their own engineer. Bents stated that although the DNR permit for the project is not inhand, it should be available within a short time, the DOT permit will be provided; the White Earth Tribe does not have the grant arranged at this time, but if that is processed, FEMA will then be contacted to provide the balance of funding. Bents stated that the plans and specs are complete, if the funding issues are not resolved by the May meeting, and suggested that the District advertise for bids at that time, with the possibility of not accepting or turning down all bids if the funding is not available.

Juel Furuseh stated that they are still planning on summer construction of their flume installation and felt that it is important that the District be aware of the water rights that were acquired by Furusehs along with the purchase of the property. Furuseh now felt that as a result of having these water rights a permit is not necessary and would withdraw the permit application. Attorney Hanson stated that the position of the District is that the property has already been acquired through the hearing process, and the time for the appeal process has passed.

Furuseth stated that to his knowledge, no property has been acquired by the District. Attorney Hanson stated that Furuseths have only a half interest in the property, with the remaining half interest being previously owned by the City of Twin Valley, which was donated to the Wild Rice Watershed District. Hanson went on to say that the property was appraised by a certified appraiser and payment was made to Furuseths. Hanson stated that due to timing constraints, the District can exercise eminent domain and due a quick take of the property. Furuseth stated that as far as the appraisal is concerned they never received notification. Attorney Hanson stated that the claim of loss of income from this area is highly speculative. Furuseth commented that there is nothing speculative about it, they have the water rights and felt there was not a need to discuss this any further today, because there appears to be a stalemate. Chairman Seykora requested a clarification from Furuseths asking if it was their opinion that they do not need a permit because of the statutes. Attorney Hanson stated that if Furuseths would like to close the discussion at this time and either call or come to his office at a future time the water rights issue could be discussed. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing Attorney Hanson to investigate the issue of water rights claimed by Furuseths and meet with them to discuss this. Carried. Furuseths left the meeting at 2:45 p.m.

33. Ed Scherping, Culvert Modifications, Section 35, Pembina Township, Mahnomen County. At 2:45 p.m. Dan Scherping, Dale Pazdernik, Floyd Foltz, Bryan Klabunde and Scott Kahan, USFWS, met with Managers to discuss the culvert modifications proposed by Scherping. Dale Pazdernik asked if it was the intention of Scherping to place two 30-inch culverts in a side-by-side position. Scherping confirmed that was his intention. Scott Kahan stated that he is here to address the issue of beaver dams and although he did not have a chance to review the area on site, when the water stops flowing, he agreed to walk in and see if there are beaver dams. Kahan stated that the USFWS would not allow damages to the wetland basins, but if there is a problem that he can try to solve, he will do that. Dale Pazdernik commented that if Scherping is allowed to install the culverts, he wants to be able to cross his field. Engineer Bents suggested to Scherping to remember that the permit may not be approved, even if he does provide the hydraulic analysis. Scherping stated that at this time he would withdraw the permit application. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Engineer Bents to provide a listing of the hydraulic analysis information that Scherpings would need to provide to the Board of Managers before any action could be taken on the permit application of Scherpings. Carried. Scherping, Pazdernik, Foltz, Klabunde and Kahan left the meeting at 3:30 p.m.

34. Gertrude Vik c/o Eugene Vik, Lower Levee, Section 35, Hegne Township. Eugene Vik, Chuck Hopwood, Brian Borgen and Billy Tommerdahl met with Managers at 3:30 p.m. to discuss the permit by Vik to lower the levee, equalizing the lowest part of the riverbank. Engineer Bents recommended that the permit be denied based on the fact that the dike was cut. Manager Wagner stated that there is no doubt that the north side of the river has been protected more than the south side, but landowners cannot be allowed to make changes that are against the law. A motion was made by Manager Spaeth and seconded by Manager Wright to deny Permit Application No. 4-13-05-3, of Gertrude Vik by Eugene Vik, POA, to lower the levee in Section 35, Hegne Twp. Carried. Manager Wagner abstained. Tommerdahl and Vik left the meeting at 3:55 p.m.

35. Upper Reaches Levee Violation, Section 3, Mary Township. Brian Borgen discussed the violation in Section 3, Mary Township, that he cut on the Upper Reaches Project. Borgen alleged that his action did not cause harm to anyone. Managers Wagner and Ista concurred that Borgen needs to follow the rules. Attorney Hanson recommended that the Board file a complaint against Borgen with the County Sheriff. A motion was made by Manager Spaeth and seconded by Manager Skaurud for staff to file a complaint of trespassing with the Norman County Sheriff, against Brian Borgen for a violation in Section 3 of Mary Township. Carried.

36. A motion was made by Manager Skaurud and seconded by Manager Spaeth to recess the meeting. Carried.

Friday, April 15, 2005, Reconvened Meeting

37. The meeting was reconvened at 8:40 a.m. on Friday, April 15, 2005, at the office of the District, located at 11 Fifth Avenue East.

38. The following members were present: James Wagner, Sr., Joe Spaeth, Warren Seykora, Diane Ista, Jim Skaurud and Bob Wright. The following members were absent: Steve Dalen. In addition the following persons were present: Administrator Jerry Bennett, Engineer Jerry Bents and Loretta Johnson recording Secretary.

39. Skaurud Flood Storage Project. Administrator Bennett reported that in correspondence received from Ryan Braulick, the NRCS terminated the Skaurud Flood Storage Project and returned the funding due to lack of cooperation from a neighboring landowner. Manager Skaurud stated that he was disappointed in the results. Engineer Bents reminded the Managers that this was not a Watershed District project; rather the District was a funding partner.

40. Flood Storage Package. Engineer Bents discussed the recent meeting regarding the District's proposed Flood Storage Package to be provided to legislators for a funding request. The concepts included 1) setback levees, 2) Felton beach ridge storage, 3) South Branch storage, 4) Wild Rice River modified mainstem storage, 5) South Branch modified mainstem storage, i.e. Hagen Site, 6) Upper Wild Rice River tributaries; and 7) Upper South Branch Tributaries. Chairman Seykora stated that the District will have a general concept for legislators, but felt it is important to continue pursuing the setback levees and other projects. Manager Skaurud questioned Engineer Bents what he would recommend for the package. Administrator Bennett asked why Managers think it is possible to obtain funding for this package, as the Board previously requested federal legislators to assist with funding for the Twin Valley Project, and it was denied. Chairman Seykora felt the difference is that if a package is presented to legislators, and permits were obtainable from the MN DNR, the money would become available. A motion was made by Manager Ista and seconded by Manager Wright to approve the AOC Flood Control Package. Carried. Manager Wright approved, but noted that the package may change sometime in the future, and the Managers will not be dropping the RRWS.

41. Beach Ridge Storage Concept. Managers also discussed the Beach Ridge Storage Project that Manager Wagner brought forth. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Engineer Bents to contact the Bureau of Reclamation per the request of Lance Yohe, to discuss the RRWS. Carried. A motion was also made by Manager Spaeth and seconded by Manager Skaurud authorizing a committee of Managers Wagner, Wright and Ista to meet with Fargo/Moorhead mayors, per Lance Yohe suggestion to discuss the proposed Beach Ridge Storage project. Carried.

42. Norman County Acquisition. Administrator Bennett reported that after the Board prepared a counter offer in the amount of \$85,000 for the acquisition of the Roger Lee property, correspondence was received from Lee requesting reconsideration by the Board of Managers to accept the second appraisal submitted Lee in the amount of \$90,000. A motion was made by Manager Ista and seconded by Manager Skaurud authorizing Attorney Hanson to contact Steve Spaeth for an appraisal review on the Roger Lee property. Carried.

Manager Ista stated that she received a request from Bob Kinkade that the District place a hold on the well capping on the former Ken Thomas site until a reply was received from FEMA regarding the possibility of selling the property to a private individual. A motion was made by Manager Ista and seconded by Manager Wagner to delay the well sealing on the former Ken Thomas site until a determination is made by FEMA regarding the sale of the property to an individual or prior to the closing of the program. Carried.

43. Wild Rice River COE Feasibility Study. Jim Birkemeyer arrived at 10:30 a.m. Engineer Bents distributed maps, which provided the options on the project. Administrator Bennett also provided information from Project Manager Nan Bischoff, stating that the \$80,000 budget item for Public Information should be a 50/50 cost share with the COE. Bischoff requested that she needs to review all public information prior to publication. Tim Halle reported that both he and KRJB's Jim Birkemeyer are at the end of their monthly funding cycle and need to know if they are to continue. Manager Seykora stated that the original intent was to educate the public as part of the COE WRRFS. Birkemeyer said that he feels there are two separate items being discussed, the COE and what they will approve and the funding the District is willing to commit for information made available to the public. Birkemeyer also stated that he has received positive comments with the WaterWise radio and newspaper ads and felt that it is important not to allow these public information ads to lapse while the District is awaiting a response from the COE. Managers Ista and Skaurud concurred. A motion was made by Manager Ista and seconded by Manager Wright authorizing a budget of up to \$5,000 for public media information and a committee of Managers Seykora, Skaurud and Ista and Tim Halle and Jim Birkemeyer to have a conference call with Nan Bischoff, COE, at 8:00 a.m. Wednesday, April 27, 2005, at the District office to discuss the public information budget to be included as WIK credit for the WRRFS. Carried. Birkemeyer left the meeting at 11:00 a.m.

44. South Branch Storage. Engineer Bents provided information to the Managers regarding the Upper Felton Ditch Storage and stated that he would ask for a consensus on how he should proceed with choosing the sites. Managers Spaeth and Wagner stated the cost per acre-foot of storage and the most reduction per site should be considered. A motion was made by Manager Skaurud and second by Manager Ista authorizing Engineer Bents to select a group of five sites that provide the most FDR benefits for the COE WRRFS On Channel Storage. Carried.

45. Heiberg Dam Update. Attorney Hanson reported on correspondence received from Juel and Bjorn Furuseth in which they indicated that they are in the process of purchasing generating equipment to be installed on the Heiberg Dam. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing Attorney Hanson to notify Juel and Bjorn Furuseth and cautioning them against purchasing electrical generating equipment, as this is quite speculative and possibly would not be used. Carried.

46. Purchase Request Mashaug Railroad Property. Administrator Bennett reported on a request received from Oliver Wiger to purchase the Railroad Property owned by the Watershed District on the Mashaug Creek. Managers Wagner and Wright felt that the District should keep the property at this time. A motion was made by Manager Wright and seconded by Manager Skaurud to notify Oliver Wiger that the Watershed District is not interested in selling the 7.7 acre parcel of land located in Section 16 of Wild Rice Township. Carried.

47. Upper Reaches - J.D. #51 Repair Request. Manager discussed the repair request on J.D. #51, submitted by Brian Borgen. A motion was made by Manager Wagner and seconded by Manager Ista authorizing an investigation into the request by Brian Borgen for repairs on the J.D. #51 inlet structure. Carried.

48. Dalen Coulee. Administrator Bennett stated that Elizabeth Jacobson requested an investigation into water backup on her building site from the Dalen Coulee Project. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing an investigation into the request by Elizabeth Jacobson regarding water from the Dalen Coulee project backing up onto the building site. Carried.

49. Moccasin Creek Survey Requests. Administrator Bennett discussed a meeting at the Norman County SWCD office about the request by landowners for assistance in flood reduction on the Moccasin Creek. Bennett stated that landowners are requesting assistance from the Watershed District to provide a survey on seven sections of property on the Moccasin Creek, costs to be charged to the Survey and Data Acquisition Account. The Norman County SWCD surveyed one section and will complete the soil borings. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing Engineer Bents to review the work that has been completed by the N.C. SWCD on the Moccasin Creek Survey and provide a recommendation to the Board on the next step and also provide a cost estimate to complete the survey and soil borings. Carried.

50. Roger Kurpius Request, Olson Agassiz. Administrator Bennett reported that Roger Kurpius submitted at request to be able to trap beaver for the Watershed District on the Olson Agassiz Project. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Roger Kurpius to trap beaver on the Olson Agassiz project. The District will pay \$25 each for a maximum of 10 beaver. Kurpius is required to execute a private contractor agreement. Carried.

PERMIT APPLICATIONS

51. Roger Kurpius, Install Culvert, Section 9, Lockhart Township. Upon a motion by Manager Wagner and second by Manager Spaeth Permit Application No. 4-15-05-1, of Roger Kurpius to install a culvert in Section 9, Lockhart Township, was approved with the following conditions: The applicant must obtain permission from the road authority for work within the road right-of-way. It is also recommended that the applicant contact the Natural Resource Conservation Service for compliance with the USDA Farm Program benefits. The pipe installation must be of a proper length so that the top of the pipe matches the existing north/south road slopes. Carried.

52. Norman County Highway Department, Bridge Replacement, Section 24, Shelly Township. Upon a motion by Manager Ista and second by Manager Wright the Permit Application No. 4-15-05-2, of the Norman County Highway Department for a bridge replacement in Section 24, Shelly Township will be returned to the applicant with notification of the additional information required before the Watershed District can consider the application. Carried.

53. Norman County Highway Department, Bridge Replacement, Section 25, Lee Township. Upon a motion by Manager Wright and second by Manager Skaurud Permit Application No. 4-15-05-3 of the Norman County Highway Department for a bridge replacement in Section 25, Lee Township will be returned to the applicant with notification of the additional information required before the Watershed District can consider the application. Carried.

54. Terry Rocker, Lower Ditch, Section 26, Lockhart Township. Upon a motion by Manager Ista and second by Manager Wagner, Permit Application No. 5-19-04-1, of Terry Rocker to renew his permit application to lower a ditch in Section 26, Lockhart Township, was approved. Conditions remain the same as the original permit. Carried.

55. Norman County Highway Department, Upgrade County Road #19, Section 21/22, Anthony Township. Upon a motion by Manager Skaurud and second by Manager Wright, Permit Application No. 4-15-05-4, of the Norman County Highway Department for road improvements was tabled. Neighboring landowners will be notified that the Board of Managers will take action on the permit at 1:00 p.m. on Wednesday, May 11, 2005. Carried.

56. Norman County Highway Department, Upgrade County Road #19, Section 13/14, Anthony Township/Section 18, Pleasant View Township. Upon a motion by Manager Skaurud and second by Manager Wright, Permit Application No. 4-15-05-5, of the Norman County Highway Department for road improvements was tabled. Neighboring landowners will be notified that the Board of Managers will take action on the permit at 1:30 p.m. on Wednesday, May 11, 2005. Carried.

57. Norman County Highway Department, Install Crossing, Section 14, Green Meadow Township. Upon a motion by Manager Skaurud and second by Manager Wagner, Permit Application No. 4-15-05-6, of the Norman County Highway Department to install a crossing in Section 14, Green Meadow Township was denied. Carried.

58. WRWD Utility Agreement. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Attorney Hanson to prepare a utility agreement that will be a part of all future Watershed District permit applications for utility crossings by underground cable installation companies. Carried.

59. Loretel Systems, Install Cable, Section 25, Lee Township. Upon a motion by Manager Wright and second by Manager Ista, Permit Application No. 4-15-05-7, of Loretel Systems to install underground cable in Section 25, Lee Township, was approved with the following conditions: The permit is being granted subject to the existing easement of the Wild Rice Watershed District. The permittee understands and agrees that the granting of the permit by the WRWD is contingent upon the permittee agreeing to assume full financial responsibility for all present and future costs, including, but not limited to, consequential costs incurred by the permittee to locate, relocate, maintain, and otherwise repair the permittee's cable lines within the WRWD's right of way. In the event the WRWD's engineer determines that the permittee's cable lines must be relocated, or other related apparatuses of the permittee, due to necessary maintenance, repair, or improvement to the WRWD's drainage system within the WRWD's right of way, then the permittee agrees to relocate its line/apparatuses at the grantee's expense. Carried.

60. Loretel Systems, Install Cable, Section 9, McDonaldsville Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application No. 4-15-05-8, of Loretel Systems to install underground cable in Section 9, McDonaldsville Township, was approved with the following conditions: The permit is being granted subject to the existing easement of the Wild Rice Watershed District. The permittee understands and agrees that the granting of the permit by the WRWD is contingent upon the permittee agreeing to assume full financial responsibility for all present and future costs, including, but not limited to, consequential costs incurred by the permittee to locate, relocate, maintain, and otherwise repair the permittee's cable lines within the WRWD's right of way. In the event the WRWD's engineer determines that the permittee's cable lines must be relocated, or other related apparatuses of the permittee, due to necessary maintenance, repair, or improvement to the WRWD's drainage system within the WRWD's right of way, then the permittee agrees to relocate its line/apparatuses at the grantee's expense. Carried.

61. Loretel Systems, Install Cable, Section 22, Pleasant View Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application No. 4-15-05-9, of Loretel Systems to install underground cable in Section 22, Pleasant View Township, was approved with the following conditions: The permit is being granted subject to the existing easement of the Wild Rice Watershed District. The permittee understands and agrees that the granting of the permit by the WRWD is contingent upon the permittee agreeing to assume full financial responsibility for all present and future costs, including, but not limited to, consequential costs incurred by the permittee to locate, relocate, maintain, and otherwise repair the permittee's cable lines within the WRWD's right of way. In the event the WRWD's engineer determines that the permittee's cable lines must be relocated, or other related apparatuses of the permittee, due to necessary maintenance, repair, or improvement to the WRWD's drainage system within the WRWD's right of way, then the permittee agrees to relocate its line/apparatuses at the grantee's expense. Carried.

62. Red River Valley Power, Install Cable, Section 13, Georgetown Township. Upon a motion by Manager Ista and second by Manager Skaurud, Permit Application No. 4-15-05-10, of the Red River Valley Power Coop to install underground cable in Section 13, Georgetown Township, was approved with the following conditions: The permit is being granted subject to the existing easement of the Wild Rice Watershed District. The permittee understands and agrees that the granting of the permit by the WRWD is contingent upon the permittee agreeing to assume full financial responsibility for all present and future costs, including, but not limited to, consequential costs incurred by the permittee to locate, relocate, maintain, and otherwise repair the permittee's cable lines within the WRWD's right of way. In the event the WRWD's engineer determines that the permittee's cable lines must be relocated, or other related apparatuses of the permittee, due to necessary maintenance, repair, or improvement to the WRWD's drainage system within the WRWD's right of way, then the permittee agrees to relocate its line/apparatuses at the grantee's expense. Carried.

63. Red River Valley Power, Install Cable, Section 27, McDonaldsville Township. Upon a motion by Manager Spaeth and second by Manager Wright, Permit Application No. 4-15-05-11, of the Red River Valley Power Coop to install underground cable in Section 27, McDonaldsville Township, was approved with the following conditions: The permit is being granted subject to the existing easement of the Wild Rice Watershed District. The permittee understands and agrees that the granting of the permit by the WRWD is contingent upon the permittee agreeing to assume full financial responsibility for all present and future costs, including, but not limited to, consequential costs incurred by the permittee to locate, relocate, maintain, and otherwise repair the permittee's cable lines within the WRWD's right of way. In the event the WRWD's engineer determines that the permittee's cable lines must be relocated, or other related apparatuses of the permittee, due to necessary maintenance, repair, or improvement to the WRWD's drainage system within the WRWD's right of way, then the permittee agrees to relocate its line/apparatuses at the grantee's expense. Carried.

64. Felton Telephone Company, Install Cable, Section 24, Mary Township. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 4-15-05-12, of the Felton Telephone company to install underground cable in Section 24, Mary Township, was approved with the following conditions: The permit is being granted subject to the existing easement of the Wild Rice Watershed District. The permittee understands and agrees that the granting of the permit by the WRWD is contingent upon the permittee agreeing to assume full financial responsibility for all present and future costs, including, but not limited to, consequential costs incurred by the permittee to locate, relocate, maintain, and otherwise repair the permittee's cable lines within the WRWD's right of way. In the event the WRWD's engineer determines that the permittee's cable lines must be relocated, or other related apparatuses of the permittee, due to necessary maintenance, repair, or improvement to the WRWD's drainage system within the WRWD's right of way, then the permittee agrees to relocate its line/apparatuses at the grantee's expense. Carried.

65. Todd Swalstad, Install Culverts, Section 10, Shelly Township. Upon a motion by Manager Skaurud and second by Manager Ista, Permit Application No. 4-15-05-13, of Todd Swalstad to install culverts in Section 10, Shelly Township, was approved with the following conditions: The applicant must obtain permission from the road authority to work within the road right-of-way. The applicant must also obtain permission from Norman County to work within the county ditch right-of-way. The new pipe installation must have an adequate length so that the top of the pipe matches the existing road slopes. It is also suggested that the applicant have the proposed drainage plan reviewed by the Natural Resource Conservation Service (NRCS) to ensure compliance with the USDA Farm Program. Carried.

66. Jerry Matter, Time Extension for Restoration, Section 32/33, Popple Grove Township. Administrator Bennett reported that Jerry Matter submitted a request for a time extension for restoration work ordered by the Watershed District as a result of a violation in Section 32/33 of Popple Grove Township. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Matter a time extension until August 30, 2005. Carried. Manager Seykora abstained.

67. Northstar Materials, Inc., Install Culvert, Section 21, Hagen Township. Upon a motion made by Manager Ista and second by Manager Spaeth, Permit Application No. 4-15-05-14, of North Star Materials to install a culvert in Section 21, Hagen Township, was approved. Carried.

68. Permit Policy Handbook. Administrator Bennett distributed a draft copy of the original policies regarding permit applications that are included in the Watershed Districts Rules and Policies Handbook. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Administrator Bennett to continue work on compiling permitting rules, policies and guidelines in a more user friendly report, time permitting. Carried.

69. FDR Project Team. Consensus of Managers was to provide the On Channel Assessment of the Felton Ditch Project at the Project Team Meeting on April 27, 2005. A field review of the area will also be held and time on the agenda for discussion and completing the on channel assessment worksheet.

70. Harold Bergstrom Violation, Section 13, Rockwell Township. A motion was made by Manager Ista and second by Manager Wright authorizing Manager Seykora to contact Brian Winter, Nature Conservancy and Earl Johnson, DNR, to determine the status of the complaint filed by the Nature Conservancy against Harold Bergstrom. Carried.

71. There being no further business to come before the Board of Manager, a motion was made by Manager Spaeth and second by Manager Skaurud to adjourn the meeting. Carried.

72. Chairman Seykora adjourned the meeting at 3:10 p.m.

Jim Skaurud, Secretary

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Checking-RAR				
04/13/2005	8759	AmeriPride	Cleaning Services	(28.08)
04/13/2005	8760	Auto-Owners Insurance	Flood Insurance	(534.00)
04/13/2005	8761	Brian Hest	Prepay Overrun	(2,423.76)
04/13/2005	8762	Brian, Mr. Rasmusson	Prepay Overrun	(1,905.30)
04/13/2005	8763	Chuck Hilde	Prepay Overrun	(2,527.61)
04/13/2005	8764	City of Ada	Utilities	(268.59)
04/13/2005	8765	Clay County Auditor	Special Assmts	(115.56)
04/13/2005	8766	Darlene Askegaard	Prepay Overrun	(1,248.28)
04/13/2005	8767	Diane Ista	Per Diem and Expense	(1,068.44)
04/13/2005	8768	Eddie Bernhardson	Viewers	(334.09)
04/13/2005	8769	Francotyp-Postalia, Inc.	Postage Meter Scale Rental	(99.05)
04/13/2005	8770	Genesys Conferencing	Conference Call	(118.25)
04/13/2005	8771	H2M	Public Information/COE	(675.00)
04/13/2005	8772	Hawley Herald	South Branch Hearings	(203.40)
04/13/2005	8773	Houston Engineering, Inc.	Engineering Fees	(35,077.79)
04/13/2005	8774	James Wagner, Sr.	Per Diem\Expense Reimb	(538.74)
04/13/2005	8775	Jan Self	Prepay Overrun	(1,734.49)
04/13/2005	8776	JB Associates, Ltd., Inc.	Administrative Fees	(15,622.85)
04/13/2005	8777	Jim Skaurud	Per Diem and Expenses	(1,143.75)
04/13/2005	8778	Joe Spaeth	Per Diem and Expense	(385.15)
04/13/2005	8779	KRJB Radio	Water Wise Spots	(891.25)
04/13/2005	8780	Loretel Systems	Office Phone	(359.06)

04/13/2005	8781	Mahnomen County SWCD	Grant Match	(1,402.00)
04/13/2005	8782	Mahnomen Pioneer	4 Waterwise	(116.80)
04/13/2005	8783	Marcussen Accounting	Bookkeeping/Mtg Attendance	(350.00)
04/13/2005	8784	Minnesota Conservation Volunteer	contribution	(20.00)
04/13/2005	8785	Norman County Auditor/Treasurer		(830.00)
04/13/2005	8786	Norman County Index	Press Release/Water Wise/Office Supplies	(671.40)
04/13/2005	8787	Norman County SWCD	Envirothon	(100.00)
04/13/2005	8788	North Star Water	Water/Office	(50.00)
04/13/2005	8789	Office Supplies Plus	Office Supplies	(26.57)
04/13/2005	8790	PERA	04/01 - 04/13	(423.61)
04/13/2005	8791	Petty Cash	Petty Cash	(256.93)
04/13/2005	8792	Red River Watershed Management Board	1/2 cost share	(224.71)
04/13/2005	8793	Richard Borgen	Prepay Overrun	(1,488.35)
04/13/2005	8794	Robert E. Wright	Per Diem and Expenses	(510.06)
04/13/2005	8795	Rural American Bank	FICA Withholding, Managers\Wtrshed	(609.72)
04/13/2005	8796	Steve Dalen	Per Diem and Expenses	(606.84)
04/13/2005	8797	The Shopper	Water Wise	(73.80)
04/13/2005	8798	The Union	Water Wise	(200.00)
04/13/2005	8799	Tim Halle	Publicity/Annual Report/Contract Work	(1,627.00)
04/13/2005	8800	Tim Weber	Prepay Overrun	(2,684.86)
04/13/2005	8801	Trnka Real Estate & Appraisal Svc.	Kesselberg	(849.50)
04/13/2005	8802	Twin Valley Times	Water Wise	(147.93)
04/13/2005	8803	Unicel	Cell Phone	(56.96)
04/13/2005	8804	Wambach & Hanson	Legal Fees	(5,823.15)
04/13/2005	8805	Warren J. Seykora	Per Diem & Expenses	<u>(1,772.75)</u>
Total Checking-RAB				(88,225.43)