

WILD RICE WATERSHED DISTRICT

11 East 5th Avenue – Ada, Minnesota 56510
Phone (218) 784-5501

REGULAR MEETING

1. A regular Meeting of the Wild Rice Watershed District (WRWD) Board of Managers was held on Wednesday, July 13, 2005 at 8:30 a.m. at the District Office located at 11 5th Ave East, Ada MN 56510.
2. WRWD Managers present were: Diane Ista, Steve Dalen, Jim Skaurud, Warren Seykora, Joe Spaeth, Robert Wright and Jim Wagner, Sr. Others attending included: Jerry Bents, Houston Engineering (H.E.), Mark Aanenson, Acting Administrator, (H.E.), Tim Halle, Publicist, Kari Kujava, recording secretary.
3. Chairman Seykora called the meeting to order at 8:40 a.m.
4. **Approval of Agenda – Corrections – Additions – Approval**
 - Mike Schoenborn had reported to Manager Spaeth that he has some concerns regarding the Wild Rice river bank that is collapsing. **Motion** was made by Manager Spaeth to have Mark Aanenson contact Mr. Schoenborn regarding this issue. **Seconded** by Manager Dalen. **Carried**.
 - **Super District**
Motion was made by Manager Ista to table the concept at this time. **Seconded** by Manager Dalen. **Carried**.
 - **Advisory Board Committee**
Mark Aanenson presented a list of the advisory board members who were appointed by their interest groups. There has been an Advisory Board meeting set for the 28th of July. The meeting will take place at the Wild Rice Watershed District office at 8:30 a.m. with a tour of Watershed projects starting at 10:30 a.m. with a stop in Mahnomen for lunch. Managers Spaeth, Skaurud and Ista showed interest in being on the committee. **Motion** was made by Manager Skaurud to approve the appointed Advisory Board members. **Seconded** by Manager Spaeth. **Carried**.
 - **Red River Watershed Management Board (RRWMB)**
Motion was made by Manager Ista to approve Managers Seykora, Spaeth and Skaurud to tour with the RRWMB. **Seconded** by Manager Dalen. **Carried**.
5. **Review of Regular and Special Meeting Minutes**
 - The Board reviewed draft minutes for the April 26, 2005 WRWD special meeting. **Motion** by Manager Ista to approve the minutes with the following changes:
 - Paragraph 27 line 2. Change \$10 to \$15,000 to \$10,000 to \$15,000.
 - Paragraph 27 line 4. Change \$85 to \$90,000 to \$85,000 to \$90,000.**Seconded** by Manager Dalen. **Carried**.
 - The Board reviewed draft minutes for the May 11, 2005, WRWD Regular Meeting. **Motion** to approve by Manager Dalen with the following changes:
 - Paragraph 8 line 4. Add “abstained from voting by Manager Ista and Manager Wright.”
 - Paragraph 17 – 20. Add “nominations asked for 3 times before cease of nominations” to the end of each paragraph 17-20.

- Paragraph 24 line 3. Motion was made by Manager Seykora not Manager Skaurud.
- Paragraph 41. Delete.
- Paragraph 53 line 3. Delete the word “landowners.”
- Paragraph 55 line 3. Should read, “SW ¼ of Section 18 in Winchester Township.”
- Paragraph 63 line 2. Should read “Red River Basin Commission” not “Red River Basin Board.”
- Paragraph 69 line 6. Delete the sentence “Manger Skaurud stated that he had concerns because the Citizen Advisory Committee appears to be a listing of Concerned Citizens.”
- Paragraph 73 line 6. Change “stated that she provided Peterson with an O & M Plan” to inquire if Peterson had an O & M Plan.”
- Paragraph 81 line 2. Delete “seconded by Manager Wagner.”
- Paragraph 89 line 21. Change Red River Basin Board to Red River Basin Commission.
- Paragraph 95 line 8. Motion was made by Manager Wright not Manager Skaurud.

Seconded by Manager Ista. **Carried.**

- The Board reviewed draft minutes for the May 31, 2005, WRWD Special Meeting. **Motion** to approve by Manager Wagner with the following changes:
 - Paragraph 7 line 2. Change to “Mark referred to Doug’s recommendation that during the temporary employment period the rates of \$18 and \$14 for Loretta and Kari respectively.
 - Paragraph 7 line 4 change from Manger to Manager.
 - Paragraph 10 line 1. Should read, “A.C. Heiraas submitted a repair request for the north side of Section 8 in Hagen Township.”
 - Paragraph 15 line 4. Delete “Engineer Bents’ suggestion was to move the dike where the RIM area is affected.”

Seconded by Manager Skaurud. **Carried.**

- The Board reviewed draft minutes for the June 8, 2005, WRWD Regular Meeting. **Motion** to approve by Manager Ista with the following changes:
 - Paragraph 16 line 6 should read, “Sections 24 and 25 of Mary and Sections 30 and 31 of Winchester Townships.”
 - Paragraph 27 – delete.
 - Paragraph 41 line 3 should read, “June 23-June 25, 2005.”
 - Paragraph 41 line 7 should read, “Mick Alm.”

Seconded by Manager Wagner. **Carried.**

- The Board reviewed draft minutes for the June 9, 2005, WRWD Special Flood Storage meeting. **Motion** to approve by Manager Wright with the following changes:
 - Paragraph 15 line 3. Change “meeting scheduled to reconvene on July 13, 2005.”

Seconded by Manager Dalen. **Carried.**

- The board reviewed draft minutes for the June 16, 2005 Clay County Ditch No. 18 meeting. **Motion** was made by Manager Wright with the following changes:
 - Paragraph 6 line 1 should read, “it is to keep the beaver under control”..
 - Paragraph 8 line 2 should read, “will continue to watch for.”
 - Paragraph 9 line 1 should read, “Consensus was to have three landowners on the ditch committee, one each from the upper, middle and lower part of the ditch system.”**Seconded** by Manager Dalen. **Carried**.
 - The Board reviewed draft minutes for the June 22, 2005 WRWD Special meeting. **Motion** by Manager Wright to approve the minutes with the following changes:
 - Paragraph 2, line 1. Delete Don Vellenga
 - Paragraph 5 remove both bulleted items and move paragraph 10 under Review of Employee Handbook heading.**Seconded** by Manager Wagner. **Carried**.
6. **Motion** was made by Manager Ista to recess the regular meeting to proceed with the Hearing for Project 12. **Seconded** by Manager Wagner. **Carried**.
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PROJECT 12 HEARING 10:00 A.M.

1. A **HEARING REGARDING PROJECT 12** was held by the Board of Managers on **Wednesday, July 13, 2005** at 9:00 a.m. at the District Office located at 11 5th Ave East, Ada MN 56510.
2. WRWD Managers present were: Diane Ista, Steve Dalen, Jim Skaurud, Warren Seykora, Joe Spaeth, Robert Wright and Jim Wagner, Sr. Others attending included: Jerry Bents, Houston Engineering (H.E.), Mark Aanenson, Acting Administrator, (H.E.), Tim Halle, Publicist, Kari Kujava, recording secretary.
3. Others present at the hearing were: Lloyd Hovelson, Marvin Gunderson, Linda Engen, Mark Chisholm, John Gunderson, Mick Alm
4. Chairman Seykora called the meeting to order at 10:05 a.m.
5. An application for permit was submitted by the City of Gary on May 16, 2005 proposing to be petitioned into the Wild Rice Watershed District's Project 12. After discussion with the mayor of Gary and others involved the need for a hearing was agreed on. There are two (2) aspects of the hearing: One being the actual approved of being included into Project 12 (action during the hearing) and the second being to approve the actual permit application (to take place after the hearing). The City of Gary is requesting that the following land S ½ W 30 acres of the SW ¼ of the SE ¼ of section 16 be included in the benefiting area. Jerry Bents (HE) explained to both the Board and the citizens of the hearing that there will be an assessment cost but it will be minimal. Bents recommendation would

be to assess the landowners a one time fee of \$100.00. Total benefits as of now are \$119,888 with the breakdown being the land valued at \$111,999.00, the City of Gary \$50.00 and the Railroad \$8,000. The City of Gary would be charged an outlet fee plus the assessment cost. **Motion** was made by Manager Skaurud to accept the City of Gary into Project 12. **Seconded** by Manager Seykora. **Carried**. Opposed by Manager Ista because of her concerns of the water draining through private property in order to drop into Project 12. Attorney Hanson was asked to prepare a findings and order. MPCS is in approval but if the City of Gary doesn't pay the assessment fee, the whole deal is null and void.

6. **Motion** made by Manager Ista and **Seconded** by Manager Wright to adjourn the Hearing. **Carried**.

Jim Skaurud, Secretary

7. When the meeting re-convened a **Motion** made by Manger Dalen to approve City of Gary permit with conditions. **Seconded** by Manager Spaeth. **Carried**.
8. **Monthly Financial Report**
- **Motion** was made by Manager Wright to authorize the finance committee to set a proposed budget for 2006. **Seconded** by Manager Wagner. **Carried**.
 - Doug Marcussen presented the financial report to the board. Manager Ista inquired about the cost of the interim administrator from were high but now as that Mark is becoming more comfortable with the projects and becoming more familiar with things around the office the number of hours spent here will start to decline. **Motion** was made by Manager Ista to approve the Houston Engineering bill and the motion was **Seconded** by Manager Wright. **Carried**.
 - **PERA** – It was explained to the Board that Loretta is exempt from PERA since she is drawing retirement from another source. Doug made the recommendation that the Board make the adjustment to her hourly wage to compensate the percentage that is owed to PERA which calculates out to .57 increase per hour. **Motion** was made by Manager Ista to accept this recommendation. **Seconded** by Manager Wagner. **Carried**.
 - **DENTAL INSURANCE** – There was some confusion during the transition between JB and Associates and becoming a Watershed Employee in Loretta's dental insurance. Somehow the insurance had lapsed and it was brought to her attention after she had received a bill from the dentist stating that her insurance denied payment. Doug is going to check with Steve Bommersbach (insurance agent) about the coverage since typically there is a 30 day grace period in this type of instance. However the board will address the outstanding bill from Prairie Dental next month after hearing what Doug gathered from Bommersbach.
 - **AUDIT REPORT** - The 2004 audit has been completed and the results will be kept in the District Office. The policy of the audit company is to have the draft audit available to Board members but it is not to be distributed to them individually. In general there was nothing out of the ordinary that was discovered through the audit process. There were a couple items that may need to be

addressed in the future which are the lack of segregation of duties and FDIC. Mark, Loretta, Jerry Bents and Doug Marcussen review the draft audit in more depth.

- **DISTRICT INSURANCE** – Manager Wagner, Manager Ista, Mark Aanenson and Doug Marcussen volunteered to sit on this committee to determine what kind of insurance is needed within the Watershed and then bring back to the Board their recommendations. **Motion** was made by Manager Spaeth and **Seconded** by Manager Wright. **Carried**.
- **PER DIEM RATE CHANGE** – The State Legislature approved the per diem rate increase to which at this point it is up to each Watershed District to approve the increase internally. **Motion** was made by Manager Wright to confer with the State and raise the rate from the current \$55.00/day or \$20.00/hr not to exceed 4 hours to \$75.00/day or \$20.00/hr not to exceed \$75.00/day. **Seconded** by Manager Skaurud. **Carried**.
- **JULY BILLINGS** – **Motion** made by Manager Spaeth to approve monthly billings. **Seconded** by Manager Wright. **Carried**.

9. **EDWIN NELSON RING DIKE** – There have been some concerns raised by the Edwin Nelson family regarding the ring dike that was constructed around his farm site in the fall of 2000. Barbara Nelson (daughter of Ed) was here on behalf of her father and voiced the concerns that they had. The two requests they have are:

- To replace the existing flap gate located on the southwest corner of the dike with a screw down gate.
- To repair the west and south sections of the dike that was seeded poorly and appears bare.

The Nelsons are frustrated with the work that was preformed by Nelson Earth Movers and feel they did a poor job. They also stated that there was never a final inspection or walkthrough completed to which these items could've been addressed at that time. Houston Engineering had sent Mike Burkley out to look at the dike and he did agree that there is a problem with the flap gate and did think that a screw type gate would work better however didn't think the seeding and the actual dike coverage was that bad. After discussion, **Motion** was made by Manager Skaurud to replace the flap gate with a screw gate. **Seconded** by Manager Ista. **Carried**. As far as the grass coverage of the dike a **motion** was made by Manager Ista that the District will pay up to \$2500 with the Nelson's repairing the dike themselves and submitting the invoice to the Watershed District. The time frame for completion was set for the 1st of the year. **Seconded** by Manager Wagner. **Carried**.

10. **GEORGETOWN TOWNSHIP** – There was a repair report submitted in February on Ditch 14. The repair is for approximately 1 mile of road. There was a re-determination of benefits done in 1982 in which nothing was assessed to the township. After Board discussion, **Motion** was made by Manager Ista to have Houston Engineering review the request and go through the bidding process for the repair. **Seconded** by Manager Wagner. **Carried**.

11. **PERMIT APPLICATIONS**
NORMAN COUNTY

1. **Norman County Highway Department**
Install field entrance and culvert – Section 14 – Green Meadow Twp, **Motion** to approve by Manager Ista and **Seconded** by Manager Wagner. **Carried.**
2. **Dwight Bitker**
Install culverts with traps – sections 22, 23 – Lockhart Twp. **Motion** to approve by Manager Skaurud and **Seconded** by Manager Wright. **Carried.**
3. **Gene Ueland**
Back slope ditch – Sections 30, 32 – Good Hope Twp. **Motion** to deny made by Manager Skaurud and **Seconded** by Manager Wagner. **Carried.**
4. **Jerry Bitker**
New outlet to Project 30 – Section 13 – Anthony Twp. **Motion** was made by Manager Ista to table until further information can be gathered to determine culvert size and elevation. **Seconded** by Manager Skaurud. **Carried.**
5. **Norman County Highway Department**
Remove culvert and add Texas style crossing – Section 5/8 – Fossum Twp. **Motion** was made by Manager Ista to table this permit until notification of landowners downstream is completed. **Seconded** by Manager Skaurud. **Carried.**
6. **Charles Borgen Jr.**
Install culverts with flaps – Section 22 – Hegne Twp. **Motion** was made by Manager Wright to deny this permit. **Seconded** by Manager Wagner. **Carried.**

CLAY COUNTY

7. **Dave Nelson**
Install new driveway with 10” culvert – Section 8, Highland Grove. **Motion** made by Manager Ista to approve permit. **Seconded** by Manager Dalen. **Carried.**

MAHNOMEN COUNTY

8. **Mahnomen County Highway Department**
Reconstruction of CSAH 10 from CSAH 5 to CSAH 9 – Section 3,9,10, 15 & 16 – Pembina Twp. The Engineer Mahnomen County presented the logistics to the proposed project. After discussion **Motion** was made by Manager Wright to approve the permit. **Seconded** by Manager Spaeth. **Carried.**
9. **Popple Grove Township**
Install culvert – Section 18 – Popple Grove Twp. **Motion** to approve permit by Manager Ista. **Seconded** by Manager Wagner. **Carried.**

10. **Popple Grove Township**
Install culvert – Sections 10 & 11, Popple Grove Twp. **Motion** was made by Manager Ista to approve the permit with the recommendation that the DNR and Public Waters are notified. **Seconded** by Manager Skaurud. **Carried.**
11. **Douglas Spaeth**
Change driveway culverts – section 30 – Chief Twp. **Motion** to deny permit made by Manager Ista. **Seconded** by Manager Skaurud. **Carried.**
12. **Jerome Slette**
Install tile – Section 31 – Marsh Creek Twp. **Motion** was made by Manager Ista to table this permit until further information is provided by Mr. Slette. **Seconded** by Manager Dalen. **Carried.**
13. **Jerome Slette**
Install tile – Section 8 – Pembina Twp. **Motion** was made to approve permit by Manager Wright with the recommendation that the NRCS be contacted prior to the start of the work. **Seconded** by Manager Wagner. **Carried.**

12. **COMPLAINTS/VIOLATIONS/INVESTAGATIONS**

- **HAROLD BERGSTROM**
Motion made by Manager Skaurud to put a hold on billing out the amount owed to the District at this time. **Seconded** by Manager Spaeth. **Carried.**
- **EUGENE VIK**
Attorney Hanson was instructed to update the billing owed to the District and the criminal complaint.
- **CURTIS & JOLENE DAMMEN**
There was a consensus to send a bill for the costs related to the violation.
- **JEROME MATTER**
This violation is currently on hold. There has been an extension granted for restoration through the month of August 2005.
- **LLOYD JIRAVA**
This violation is currently on hold. There has been an extension granted for restoration through the month of August 2005.
- **PEDERSON BROTHERS FARMS**
Restoration work has been done however it is not correct. It is 0.3 feet too low. Mark is to contact Pedersons to correct it. **Motion** was made by Manager Dalen to have the District to set the elevation of the culvert at the landowners expense. **Seconded** by Skaurud, **Carried.**
- **KENNETH VISSER**
Motion was made by Manager Ista to notify him of payment due and give him the choice of setting up a payment plan within 2 weeks or a judgment will be filed against him. **Seconded** by Manager Wright. **Carried.**
- **CANADIAN PACIFIC RAILWAY**
Consensus to check status of the costs related to the violation.

- **PAZDERNIK FARMS**
This violation is being billed out of Attorney Opheim's office. Attorney Hanson will keep us updated on the status.
- **MERLYN MERKENS**
Motion was made by Manager Skaurud to drop the violation. Seconded by Manager Dalen. Carried.
- **BRIAN BORGEN**
This violation is in criminal court, on hold pending outcome of criminal proceeding. County Attorney Opheim and Attorney Hanson's office are working with this violation and will keep the Board informed as changes occur.
- **BRIAN VISSER**
Motion was made by Manager Ista to give him 2 weeks to file an "after-the-fact" permit or he will be charged with a violation. Seconded by Manager Dalen. Carried.

13. **UNFINISHED BUSINESS**

- **2005 MOWING AND SPRAYING BIDS**
After Agassiz Land Management withdrew its spraying bid Ada Feed and Seed was contacted and awarded the bid. They will start spraying as soon as possible.
The mowing contract was awarded to Dan Lakeman. He will also start as soon as he can.
- **UPPER REACHES**
Motion was made by Manager Skaurud to schedule the Upper Reaches hearing for 9:00 am on Tuesday, August 30, 2005, at the VFW in Ada. The purpose of the hearing is to address the purposed special assessment for 100% of the benefits to be assessed in 2006 for purposes of paying maintenance and repairs on the Upper Reaches Project. Seconded by Manager Wright. Carried.
- **LOCKHART O&M**
It was the recommendation of the Lockhart Flood Storage Project Team Committee to change the current operating plan to maximize the flood storage capability of the project while keeping in compliance with the TSAC recommendations for wetland impacts. The resulting recommendations was to operate the project with a continuous five (5) inch gate opening except if the pool elevation reaches or exceeds 933.5 (0.5 feet below the emergency spillway) to prevent compromising the outlet structure.
- **HEIBERG DAM**
Attorney Hanson is going to file a declaratory judgment action against the Furuseths. There is no motion needed since it has already been acted on at the June 8, 2005 meeting Board of Managers Meeting. If they don't accept the Declaratory Judgment, a Quick Take action will be acted upon.
 - Bid Opening
Bid opening was completed on July 12, 2005, with Shipper Construction being awarded the bid. Motion was made by Manager Ista to go ahead with construction after checking with the COE and

getting a commitment letter from the USFWS. **Motion** was made by Manager Ista and **Seconded** by Manager Spaeth. **Carried**.

- **NORMAN COUNTY ACQUISITIONS**

- **Roger Lee**

- Mr. Lee is interested in the acquisition of his property. He is in the process of providing his abstract and determining the value of the buildings for a possible buy back.

- **Kenny Kesselberg**

- There have been several attempts to contact Mr. Kesselberg. Because he hasn't returned phone calls, messages or certified mailings. He will be dropped from the program.

- **Larry Merkle and Robin Stene**. Mark will be contacting them to begin the acquisition process,

- Wagner Property**

- **Motion** was made by Manager Ista to have Attorney Hanson research and draft a letter on how to transfer the Wagner property to a public entity, i.e. the Ada Area Promotions Committee. **Seconded** by Manager Wagner. **Carried**.

- **DEMOLITION PAY REQUEST**

- Motion** was made by Manager Ista to approve Pay Request #2 to Taggert Excavating in the amount of \$18,652.50. **Seconded** by Manager Wagner. **Carried**.

- **JUDICIAL DITCH NO. 51 SLIDE REPAIRS**

- **Change order**

- **Motion** was made by Manager Skaurud to approve Change Order #1 to Visser Trenching with a net increase of \$1,094.50. **Seconded** by Manager Spaeth. **Carried**.

- **Pay Request**

- **Motion** was made by Manager Ista to approve Partial Pay Request #2 to Visser Trenching in the amount of \$12,195.00. **Seconded** by Manager Wagner. **Carried**.

- **UPPER FELTON STORAGE**

- **Update on Appraisals** – **Motion** was made by Manager Ista to close this part of the meeting to discuss purchase of real estate and land values. **Seconded** by Manager Wagner. **Carried**.

- MEETING OPENED TO THE PUBLIC**

- **Options for Project Initiation**

- Attorney Hanson informed the Board that this Project Initiation falls under Statute 103D.601. Hanson would like to review the plans with Doug Thomas from BWSR. He is questioning if the Board has the authority to move ahead with the Project under the Watershed Management Plan (WMP) and if we don't the initial plan will have to amended. Both Jerry Bents (HE) and Jeff LeDoux (HE) feel the Districts WMP does have enough for a specific project. Consensus was that Manager Seykora begin contacting lobbyists and

legislators to advise of what is happening and to possibly get assistance with the funding. Preliminary plans should be in place by November for bonding, to have the land secured and the Project to actually be ordered. **Motion** was made by Manager Wagner to initiate the project and have Attorney Hanson formulate a resolution and to set a preliminary notice for a hearing. **Seconded** by Manager Skaurud. **Carried. Manager Wright abstained.**

- **SOUTH BRANCH REPAIR**

- Bonding

- Motion** was made by Manager Spaeth stating that a resolution must be reviewed and signed by the District for the reimbursement of bond proceeds. **Seconded** by Manager Wagner. **Carried.**

- Construction

- Attorney Hanson recommended that a Joint Powers Resolution be executed between Clay and Norman County. **Motion** was made by Manager Spaeth to go ahead with this recommendation. **Seconded** by Manager Wagner. **Carried.**

14. **Motion** made by Manager Skaurud to recess for Green Meadow Dam hearing. **Seconded** by Manager Wright. **Carried.** Separate set of minutes.

GREEN MEADOW DAM HEARING

The Minutes of the Green Meadow Dam Hearing held on June 29, 2005 are added to the conclusion of these minutes.

15. **WILD RICE RIVER FEASIBILITY STUDY**

- COE Update

- Nan Bischoff was here and presented the Board with a Power Point presentation. Please see enclosed agenda and handouts.

16. **NEW BUSINESS**

- **Becker County Soil and Water Conservation District**

- There was a letter thanking the Watershed District for their participation in the Envirothon.

- **Ditch Inspection Report Status Update**

- The inspection reports are being returned. Warren has been reviewing them and relaying the information to the spraying and mowing contractors.

- **JB and Associates, LTD – WRRFS Contract**

- Attorney Hanson assured the Board that the position on this issue has not changed. The agreement was that when Jerry Bennett resigned as administrator all contracts were terminated after 30 days which includes the WRRFS contract. At the time of his resignation, Lynn Hummel

(Bennett's attorney) stated that Bennett wanted all ties to be severed with the District in which this contract would fall under. **Motion** was made by Manager Ista to have Attorney Hanson draft a letter and to be the communicant between the Watershed Board to explain this to Bennett. **Seconded** by Manager Wagner. **Carried**.

17. **Meetings/Conferences/Seminars**

- MN Viewers Assoc July Seminar – Due to the regular scheduled Board meeting no one will plan on attending this seminar.

18. **Other Issues – Conferences – Discussions**

- Administrator interviews scheduled for tomorrow, July 15, 2005, for 9:00 a.m. and 11:00 a.m.

19. **Motion** to recesses meeting until Friday, July 15, 2005 made by Manager Skaurud and **Seconded** by Manager Spaeth. **Carried**.

20. Meeting reconvened Friday, July 15, 2005 at 8:00 a.m. Interviews were conducted by the Board of Managers with perspective administrative candidates Dick Sundberg and Michael Moore. **Motion** was made by Manger Wright to inform both candidates that a decision will not be made for up to six (6) weeks. **Seconded** by Manager Wagner. **Carried**.

21. **Motion** was made by Manager Ista to hire current office staff permanently. **Seconded** by Manager Wagner. **Carried**.

Jim Skaurud, Secretary

WILD RICE WATERSHED DISTRICT
11 East 5th Avenue – Ada, Minnesota 56510
Phone (218) 784-5501

SPECIAL MEETING
HEARING GREEN MEADOW DAM
(UNAPPROVED MINUTES)

1. A Special Meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, June 29, 2005, at the VFW Meeting Room located at 415 West Main Street, Ada, MN.
2. The following members were present: Warren J. Seykora, Jim Skaurud, Diane Ista, Bob Wright, Joe Spaeth and Jim Wagner Sr. The following members were absent: Steve Dalen. In addition, the following persons were also present: Engineer Jerry Bents, Attorney Elroy Hanson and Recording Secretary Loretta Johnson. Also in attendance were interested landowners whose names appear at the end of these minutes.
3. Chairman Seykora called the meeting to order at 9:00 a.m.
4. Attorney Hanson reviewed the statutes regarding the legal procedures and obligations of the District. Hanson stated that today's meeting is a mandatory part of the procedure, which includes testimony from affected property owners and a review of the damage determinations. Hanson stated that Steve Grieve may have additional damages that were not included as a part of the prior easement and felt that he should be compensated for that.
5. Engineer Jerry Bents reviewed the repair report dated May 6, 2005. The Green Meadow Dam is part of the Wild Rice Watershed District Project #30 located in Anthony, Pleasant View and Green Meadow Townships of Norman County. The original project included channel improvements along the original alignments of the Hadler State Ditch and Norman County Ditch #68 and the installation of levees along Green Meadow Creek. The project also included the existing Green Meadow Dam that had previously been constructed by the Soil Conservation Service (SCS). The Green Meadow Dam was included as part of Project #30 to ensure perpetual maintenance and repair of the structure, due to the fact that it provides flow reduction for the downstream channels. Project #30 has a drainage area of approximately 63 square miles. This includes approximately 28 square miles of drainage area upstream of the Green Meadow Dam. The Green Meadow Dam is located in Sections 10 and 15 of Green Meadow Township, Norman County. The Project 30 ditch commences at the Green meadow Dam and then flows generally in a westerly direction through

Green Meadow, Pleasant View and Anthony Townships to its outlet at the Marsh River which is in the SW $\frac{1}{4}$ of Section 20, approximately $\frac{3}{4}$ mile northwest of Anthony, Minnesota.

6. In April of 2005, the WRWD Board requested the preparation of a repair report based on Repair Option 2B from the November 2, 2004 letter. The proposed repairs will involve the repair of the existing erosion and seepage damage that currently exists. This will be completed by installing a clay blanket on the inside (upstream) slope of the embankment in the areas that have experienced erosion or have steep slopes. This clay blanket will provide an impermeable layer to aid in the reduction of seepage and also will be less susceptible to erosion. On the downstream slope of the embankment, the slope will be reconstruction to have a minimum of 2.5:1 slope. This will increase the flow paths through the embankment and further help to reduce seepage.
7. Midwest Testing Laboratory, completed soil borings in August 2004 to determine the soil conditions for the project and to obtain samples for laboratory analysis. A report was provided to the District on October 25, 2004, with three recommendations:
 - 1) Repairing all currently eroded portions of the dam and re-establishing the one foot thickness of the most impermeable soil on the outer portion of the dam, followed by the thickness of the most impermeable soil on the outer portion of the dam, followed by the establishment of a thick vegetative growth to protect the dam from further erosion.
 - 2) flattening all upstream slopes which are currently steeper than the typical design slope of 3:1 and downstream slopes which are steeper than 2.5:1 and placement of a minimum one foot thick blanket of impermeable clay soil on the upstream slope to further reduce the potential for seepage through the existing dam or
 - 3) reconstructing a new dam with a clay core and 3.5:1 slope for the upstream slope and 3:1 slope for the downstream slope,
8. Managers previously authorized Option 2B, with a construction cost estimated at \$173,730, and a total estimated cost at \$212,630. Bents reported that permits for the project were submitted to the MnDNR, MnDNR Dam Safety, the Norman County SWCD/WCA, U.S. COE and MPCA. No formal response has been received to date. Bents stated that there are some miscellaneous CRP issues, which will be addressed. The Minnesota bonding bill allocated $\frac{1}{2}$ cost share or \$115,000 funding through the DNR which should be available as of July 1, 2005. Bents reviewed the benefiting area and estimated costs per acre for the project.
9. Chairman Seykora opened the meeting to comments. Dave Vilmo requested that the seepage ditch in the bypass ditch be cleaned. Ed Ramstorf requested that the Board consider installing an additional clay liner down to the existing clay

below the surface to prevent seepage into his basement. Steve Grieve asked about the additional compensation for the pasture area that will be fenced off from his property. Kevin Jensen asked the procedure in removing 30 acres of his land from the benefiting area.

10. Attorney Hanson stated that the legal recourse for removing property is a re-determination of benefits, which can become costly to the project. Hanson also stated that Minnesota Statute provides the opportunity for petitioning the board to have certain property removed. Dave Vilmo asked if an original easement on the project could be narrowed. Hanson stated that Vilmo should prepare a written request to the District and if the project does not need the portion of land it could be removed. Steve Grieve asked if the borrow area inside the levees would be recovered and seeded. Bents stated that it would be, where ever there is topsoil that is removed, it will be replaced. Ryan Braulick, NRCS, stated that land in the CRP program would need to be removed if the borrow area became a gravel pit.
11. Regarding Grieve's request for compensation, Attorney Hanson stated that in discussions with Grieve's attorney it was concluded that \$1,000 per acre for a total of eight acres or land, or \$8,000, was considered. Grieve agreed with this determination. Engineer Bents stated that Ed Ramstorf received a lump sum payment for his property in the amount of \$1,850, which was determined by a certified appraiser.
12. Engineer Bents was asked for an estimate of supplementary costs for the additional work items discussed. Bents stated the would be approximately \$28,500 for the clay, tree removal ditch work and flap gate. Alvin Vakoch asked about including future funding for the Green Meadow Township road, that he indicated continues to wash out with every flood event.
13. Continued discussion was held regarding protection to be provided to the Ed Ramstorf property. Kevin Jensen indicated that he approved assistance for Mr. Ramstorf, but wanted to do it as economically as possible.
14. Being no further comments a motion was made by Manager Skaurud and seconded by Manager Ista to recess the hearing and reconvene at 3:00 p.m. on Wednesday July 13, 2005. Engineer Bents is authorized to provide an engineer's estimate for the additional repairs requested by the public. Carried.

Chairman Seykora recessed the meeting at 10:30 a.m.

1. The continued meeting of Green Meadow Dam Hearing was on **Wednesday, July 13, 2005** at 9:00 a.m. at the District Office located at 11 5th Ave East, Ada MN 56510.
2. WRWD Managers present were: Diane Ista, Steve Dalen, Jim Skaurud, Warren Seykora, Joe Spaeth, Robert Wright and Jim Wagner, Sr. Others attending

included: Jerry Bents, Houston Engineering (H.E.), Mark Aanenson, Acting Administrator, (H.E.), Tim Halle, Publicist, Kari Kujava, recording secretary.

3. Chairman Seykora called the meeting to order at 3:05 p.m.
4. Jerry Bents (HE) reviewed the comments/concerns from the landowners and provided feedback to the Board. Cory Hanson (Green Meadow Twp Board member) expressed to the Board the washout problems they've experienced. He also handed out information to the Board that showed the amount of money that has been spent on washout repairs since 2000. Bents recommended adding another 48" pipe. After discussion the landowners felt that a 48" pipe may not be able to handle the excess water flow. **Motion** was made by Manager Ista to install 72" pipe. **Seconded** by Manager Wagner. **Carried.** Ed Ramstorf has been assessed \$17,000 and Steve Grieve has been assessed \$8,000.00. Grieve has signed an easement contingent that the District pay him \$8,000 for the area in the dike that he can't pasture. DAMAGE THAT DIDN'T SHOW UP IN THE PREVIOUS ENGINEERS ESTIMATE. Bents showed concern on how this project would be funded. **Motion** was made by Manager Ista for Attorney Hanson look into funding through either the South Branch Project or Clay County Ditch #14. **Seconded** by Manager Wright. **Carried.**
5. All CRP issues will be directed to County Attorney Tom Opheim.
6. **Motion** made by Manager Ista and **Seconded** by Manager Wright to adjourn the Hearing. **Carried.**

Jim Skaurud, Secretary