

WILD RICE WATERSHED DISTRICT

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

REGULAR MEETING APPROVED MINUTES

1. A Regular meeting of the Wild Rice Watershed District (WRWD) Board of Managers was held on **Wednesday, August 10, 2005**, at 8:30 a.m. at the District Office located at 11 5th Avenue East, Ada MN 56510.
2. WRWD Managers present were: Diane Ista, Steve Dalen, Jim Skaurud, Warren Seykora, Joe Spaeth, Bob Wright and Jim Wagner, Sr. Others attending included: Jerry Bents Houston Engineering (H.E.), Acting Administrator Mark Aanenson (H.E.), Tim Halle, Publicist, Kari Kujava, Recording Secretary and Marvin Gunderson, Norman County Commissioner.
3. Chairman Seykora called the meeting to order at 8:33 a.m.
4. **Motion** was made by Manager Wagner to accept the agenda with no additional corrections or additions. **Seconded** by Manager Wright. **Carried**.
5. **REVIEW OF REGULAR AND SPECIAL MEETING MINUTES**
 - The Board reviewed draft minutes for the July 13, 2005, WRWD Regular Meeting. **Motion** was made by Manager to approve the minutes with the following changes:
 - Paragraph 4 line 2. Change “ditch” to “Wild Rice River bank”.
 - Paragraph 5 bullet item 5. Combine 1st and 2nd Motions to approve minutes from June 9, 2005 meeting and June 16, 2005 meeting. Motion made by Manager Wright and Seconded by Manager Dalen.
 - Project 12 Hearing, paragraph 5 line 16. Manager Ista opposed because of her concern of the water draining through private property in order to drop into Project 12 for final drainage.
 - Project 12 Hearing, paragraph 8 bullet item 7 should read, “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 3 hours to \$75.00/day or \$20.00/hr not to exceed 4 hours to \$75.00/day.”
 - Project 12 Hearing, paragraph 12 bullet item 6 should read, “Restoration work has been done however it is not correct. It is 0.3 feet too low.”
 - Project 12 Hearing, paragraph 13 bullet item 2. Manager Ista felt it was necessary to add the purpose of holding the public hearing.
 - Green Meadow Dam Hearing, paragraph 5 line 17 should include section of outlet. Line should read, “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 ¼ of Section 20, approximately ¾ mile northwest of Anthony, Minnesota.”
 - Green Meadow Dam, paragraph 8 line 1. Change “Option #3 to Option 2B.”
 - Green Meadow Dam reconvene hearing, paragraph 4 line 1 should be changed to , “Jerry Bents (H.E) reviewed the comments/concerns from the landowners and provided feedback to the Board.

- Green Meadow Dam reconvene hearing, paragraph 4 line 13 should read, "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 Dalen. **Carried.**

- The Board reviewed draft minutes from the July 20, 2005 South Branch Informational Meeting held in Ulen. **Motion** made by Manager Spaeth to approve the minutes with no additions or corrections. **Seconded** by Manager Wright. **Carried.**

6. **MONTHLY FINANCIAL REPORT**

- Doug Marcussen reviewed the proposed special levies to the Board. No action was needed on this item. He stressed the fact that these are purposed amounts and the final Levee amounts will be determined at a later date. Doug also reviewed the financial report with the Board. **Motion** was made by Manager Dalen to deny payment on the JB & Associates COE invoice due to previous action taken to terminate his contract. **Seconded** by Manager Spaeth. **Carried.** The motion also included to table Lorraine Finney and Karol Pearson invoices since both of these are still under debate.

7. **APPOINTMENTS**

- **9:00 a.m. Kim Durbin - Drees/Risky/Vallegar.** Kim reviewed with the Board the 2004 audit that was recently completed. She addressed questions and concerns from the Board and make them aware that there was nothing that seemed to be out of the ordinary.
- **10:00 a.m. Norman County Hwy Dept Permit – Section 5/8 – Fossum Twp.** There were no comments or concerns from landowners therefore a **Motion** made by Manager Spaeth to approve the permit and purposed work. **Seconded** by Manager Dalen. **Carried.** (1)
- **10:15 a.m. Judicial Ditch No. 53 Main – Sec. 27 Shelly Twp Repair Report**
Gene Ueland expressed his opinion regarding his stance on this repair project and after much discussion a **Motion** was made by Manager Ista to table this item until a meeting with the township board is scheduled to inquire to have the repair done by engineer's recommendation and ask for option 1 or option 2. **Seconded** by Manager Dalen. **Carried.**
- **11:15 a.m. Green Meadow Dam – Randy Tufton.** There has been some concern shown recently in the CRP land that lies within the Green Meadow Dam Project. Randy Tufton, FSA office; Curt Borchert, Norman Cnty SWCD and Ryan Braulik, NRCS were all here to help the Board understand the landowner concerns regarding CRP land. A letter was drafted by Mark and sent out to all landowners in the project regarding CRP letting them know about the easement rights of the Wild Rice Watershed District and leaving them individually responsible for contacting the FSA office regarding avoiding penalty by signing this letter of agreement. After a much discussion a **Motion** made by Manager Ista to have the Board including Mark Aanenson (H.E) work with FSA, NRCS and the Norman County SWCD to determine what conditions have to be met in order to abide with the rules and regulation of all entities involved. **Seconded** by Manager Wright. **Carried.** It was made known to all involved that the work wouldn't be started until August of 2006. Bents has requested that work begin on the Steve Grieve pasture property where there is no CRP land involved so there is enough time to make sure all CRP landowners are talked to individually and they are clearly made aware of the Districts work on this project.

- Randy asked for information on the Eugene Vik property regarding CRP land. **Motion** was made by Manager Spaeth and **Seconded** by Manager Skaurud to get Randy a map of the exact location requested. **Carried.**
- 8. Randy Tufton on behalf of Mick Alm let the Board know of a digital mapping meeting that will be held on August, 23, 2005 at the Mahnomen courthouse. He will get back to Mark regarding the time of the meeting.
- 9. **1:00 p.m. Nan Bischoff – WRRFS Update.** Nan was contacted via conference call and she reviewed with the Board her PowerPoint presentation that she plans to explain to the public on September 8, 2005. She discussed slide by slide to clarify all of the information to make sure the Board is in agreement with what will be presented. (refer to handout available at District office). She let the Board know that our National significance rating for funding on this project has been upgraded from a 35 to a 75 out of a total score of 80 points. Call concluded at 2:30 p.m.

Motion was made by Manager Dalen to reconvene meeting on Tuesday, August 23, 2005 at 8:30 a.m. **Seconded** by Manager Spaeth. **Carried.**

10. **Heiraas Petition – South Branch of WRR – Section 8 – Hagen Twp**
A **motion** was made by Manager Spaeth and **seconded** by Manager Wagner to accept a repair report on the river bank of section 8 of Hagen Twp on the original repair report recommended by the Engineer. **Carried.**
11. **Permit Applications**
Norman County
 - 1. Clyde Neset – Install 36” culvert – Section 6, Fossum Twp
Motion was made by Manager Spaeth to table the permit until further information is obtained. This issue is become legal. **Seconded** by Manager Wagner. **Carried.**
 - 2. Perry Skaurud – Install tiles – Section 1 – Fossum Twp
Motion made by Manager Spaeth. **Seconded** by Manager Dalen. **Carried.**
 - 3. Perry Skaurud – Install tiles – Section 2 – Fossum Twp
Motion made to approve by Manager Ista and **Seconded** by Manager Wagner. **Carried.**
 - 4. Clayton Skaurud – Install tiles – Section 3 – Fossum Twp
Motion made by Manager Spaeth and **Seconded** by Manger Ista. **Carried.**
 - 5. Skaurud Grain Farms – Install field crossing – Section 12 – Fossum Twp
Motion made by Manager Ista and **Seconded** by Manager Dalen. **Carried.**
 - 6. City of Hendrum – Construct new road, install culvert – Section 30 – Hendrum
Motion made by Manager Ista and **Seconded** by Manager Spaeth. **Carried.****Mahnomen County**
 - 7. Eric Zurn – Install tile – Section 16 – Pembina Twp
Motion made by Manager Ista and **Seconded** by Manager Dalen to table permit until more information is provided. There are some wetland issues and the NRCS may also be involved. **Carried.**
 - 8. Paul Sorenson – Install culvert – Section 9 – Pembina Twp
Motion made to approve by Manager Spaeth and **Seconded** by Manager Dalen. **Carried.****Becker County**
 - 9. Circle E Farms Inc – Construct new ditch – Section 7 – Spring Creek Twp
Motion made by Manager Dalen to table permit until crop comes off to determine work necessary. **Seconded** by Manager Spaeth. **Carried.**

- 10. Eric Zurn – Tile & create dikes – Section 28 – Spring Creek Twp
Motion was made by Manager Dalen to table permit until more information is obtained from landowner. **Seconded** by Manager Spaeth. **Carried.**
- 11. James Jirava – Install tile – Sections 19&20 – Spring Creek Twp
Motion was made by Manager Dalen to table the permit until crop is off to determine work necessary. **Seconded** by Manager Spaeth. **Carried.**
- 12. Daniel Stevens – Install culvert – Section 23 – Walworth Twp
Motion made by Manager Ista to approve permit. **Seconded** by Manager Dalen. **Carried.**

12. Complaints/Violations Investigations

- *Update on Pederson violation*
Attorney Hanson suggested that this matter be represented by Rinke-Noonan since they are pursuing legal action. Attorney Opheim's recommendation was to talk the Mahnomon County and the Fish and Wildlife Department to see if they want to pursue criminal charges.
- *Update on Hendricks violation*
There is a number of agencies that are affected by this violation. Norman County – splits the drainage, NRCS – 2 wetland areas are affected, Wild Rice Watershed District – violation. Motion was made by Manager Skaurud that we wait for the other entities involved do their part and then have Hendricks complete a "after the fact" permit. Seconded by Manager Dalen. **Carried.** Eken is seeking legal action.
- *Gene Ueland violation*
Motion was made by Manager Dalen that Chairman Seykora go out and look at it and report back at September's meeting. **Seconded** by Manager Wagner. **Carried.**

13. UNFINISHED BUSINESS

- SWCD – Joint Powers Agreement
Motion was made by Manager Dalen to deny the Joint Powers Agreement and Seconded by Manager Wagner. Carried. Mark will send them notification that the Wild Rice Watershed District isn't interested in pursuing.
- Acquisition / Demolition Update
The District cannot sell the property unless there is a change in the law. The property also cannot be transferred to the Ada Promotions Committee or the Heart of the Valley Golf Course since both are non-public entities. The other option the District has is to lease the property which would rid us of all liability. Attorney Hanson advised that a year-to-year lease would be the best option incase situations arise during the year or the District chooses to change their mind and take another direction. The Board would like to keep the property on the tax base and by transferring it we would lose that option. **Motion** was made by Manager Ista to table this item until the September Board meeting in order for Manager Ista to gather further information of Colin Peterson's office. **Seconded** by Manager Wright. **Carried.**
- Demolition – Status and Pay Request
Motion was made by Manager Spaeth and **Seconded** by Manager Skaurud to honor pay request #3 to Taggart Excavating in the amount of #16.672.50.
- Acquisition – Status
Mark reported that there is enough money to complete both the Merkel and the Stene land acquisitions.

UPPER REACHES

- Review of Borgen Petition – JD51
In October 2004, Brian Borgen requested that the levees be equalized throughout JD51. Engineer Bents informed both Mr. Borgen and the Board that this can't be done since there isn't evidence that it was ever done at the start of the project. He was questioned if the silt and sand could be cleaned out of JD51. Engineer Bents informed the Board that the repair report will be back by the September meeting and will be addressed then. After more discussion whether the Request is a Repair or an Improvement Engineer Bents asked Attorney Hanson to look into it and make recommendations at the September 14, 2005 meeting.
- Recommendations for Right-of-Way Recording
Attorney Hanson has sent the recordings for the Upper Reaches project but hasn't received confirmation of them being formerly recorded yet. Engineer Bents recommended that they file Right-of-Ways for all ditches.

HEIBERG DAM STATUS

- There has been verbal commitment from FEMA to increase the funding for this project. We have yet to hear from the Fish and Wildlife Service regarding the progress of they have been requested to do. The tribe has to submit a work plan to the Fish and Wildlife Service and this hasn't been completed yet. When the funding comes through – the work will proceed. **Motion** was made by Manager Wagner to increase funding up to \$18,000 towards the Heiberg Dam Project. **Seconded** by Manager Wright. **Carried.**
- The District has been summoned to court from the Furuseth's for the property they feel they are entitled to. Attorney Hanson has referred this case on to Rinke/Noonan. **Motion** was made by Manager Spaeth and **Seconded** by Manager Dalen to have Rinke/Noonan represent the District legally on this issue. **Carried.**

UPPER FELTON STORAGE

- Review of Preliminary Resolution Report
Engineer Bents reviewed with the Board the Step 1 Submittal and explained to them that Step 2 is very similar to Step 1 which will eliminate a lot of extra research and hopefully speed up the application process.
- Land Acquisition Options
Motion was made by Manager Skaurud and **Seconded** by Manager Spaeth to close the meeting to discuss the offers and counter-offers on the property in Sections 14&15 of Flowing Township. **Carried.**
- After discussion **Motion** was made by Manager Ista and **Seconded** by Manager Spaeth to re-open the meeting. **Carried.**

FARMSTEAD RING DIKES

- Status, Pay Requests, Change Orders....
Steve Mjolness. **Motion** was made by Manager Dalen and **Seconded** by Manager Wagner to approve Pay Request #1 to Roger Hennen in the amount of \$26,367.75. **Carried.**
Earl Schreiner. **Motion** was made by Manager Spaeth and **Seconded** by Manager Wright to approve Pay Request #1 to RBR Development in the amount of \$28,245.60. **Carried.**
Roger Dyrdaahl. **Motion** was made by Manager Spaeth and **Seconded** by Manager Ista to approve Pay Request #2 to Gery Dozing in the amount of \$1,071.00. **Carried.**
- Schedule Final Ring Dike Walkthroughs
Motion was made by Manager Ista that on August 22, 2005 at 1:00 final ring dike walkthroughs will take place. **Seconded** by Manager Dalen. Managers Skaurud, Ista and Wright will complete the walkthroughs with Mike Berkley of Houston Engineering on above stated date. **Carried.**

SOUTH BRANCH OF WWR – WINCHESTER AND HAGEN REPAIRS

- **Motion** made by Manager Ista and **Seconded** by Manager Dalen to approve Pay Request #1 to Midwest Seeding (Middle River) in the amount of \$57,420.00. **Carried.**

GREEN MEADOW DAM – STATUS, LAND, SCHEDULE

- **Motion** was made by Manager Wagner and **Seconded** by Manager Spaeth to delay construction until fall of 2006. Appeal period expires September 13, 2005. **Carried.**

CLAY COUNTY DITCH NO. 14 – SECTION 16, GEORGETOWN TWP REPAIR

- Bids were opened on August 12 and the low bidder was Northern States Excavating in the amount of \$48,217.00. **Motion** was made by Manager Dalen and **Seconded** by Manager Wagner to approve Northern States Excavating bid pending insurance information provided to the District. **Carried.**
- **Motion** was made by Manager Ista to agree to the proposed rates of the easements. **Seconded** by Manager Spaeth. **Carried.**

CLAY COUNTY DITCH 18 – SECTION 11 – ULEN TOWNSHIP

- **Motion** was made by Manager Wagner to approve Brainerd's request for \$1400/ac x 1.8 acres for a total of 2,700.00 **Seconded** by Manager Ista. **Carried.**

UPPER REACHES PROJECT

- **Motion** was made by Manager Spaeth not to pursue COE certification on Eugene Vik Dike. **Seconded** by Manager Wagner. **Carried.**
- Mowing on Vik property. It is a part of the COE Certification compliance to mow the property but Mr. Vik refuses to allow the Watershed District on his property. **Motion** was made by Manager Dalen to have Manager Ista talk to Vik about his concerns. Mark will notify the Norman County Sheriff's Department when the District is allowed on his property to mow since he has threatened Board Members in the past. **Seconded** by Manager Wagner. **Carried.**

FENCE REMOVAL

- **Motion** was made by Manager Dalen and **Seconded** by Manager Skaurud to remove the fence in Section 13 of McDonaldsville Township (Roquet property). **Carried.**
- **Motion** was made by Manager Ista to have Chairman Seykora negotiate with Kenny Visser and Ronnie Baker about removing the fences on their property that is conflicting with District projects. **Seconded** by Manager Spaeth. If they aren't willing to have the fences removed, the District will pursue the issue legally since we have the Right-of-Way on both individuals property. **Carried.**

TREE AND DEBRIS REMOVAL

- **Motion** was made by Manager Wagner to have Mark Aanenson send a letter to Hap Ambuel regarding the trees and debris in Section 3 of Mary Township. He will be given until September 30, 2005 to clean it up since he has already been requested to do so and hasn't. **Seconded** by Manager Dalen. **Carried.**

14. WILD RICE RIVER FEASIBILITY STUDY

- Discussion on September 8, 2005 Public Meeting
There was discussion on what to present to the public. **Motion** was made by Manger Ista to have Engineer Bents and Nan Bischoff to present to the public the other options and to make it clear that the District hasn't made any concrete decisions but want feedback from the public before going forward. **Seconded** by Manager Wagner. **Carried.**

15. **NEW BUSINESS**

- Weber Brother, Request for Tree Spraying South Branch
Motion was made by Manager Spaeth to deny request and send the Weber's a letter letting them know the reason why the request was denied and of the upcoming projects that will address some of their concerns regarding their reasons for wanting to spray. **Seconded** by Manager Ista. **Carried**.
- Dean Johnson Request – Proj 14 – CD 45 – Section 2&11, Spring Creek Twp
Motion was made by Manager Dalen to deny request and send a letter to Mr. Johnson explaining why request was denied. **Seconded** by Manager Wagner. **Carried**.
- 2005 Dan Inspections
Engineer Bents presented a summary of the dam inspections. **Motion** was made by manager Ista to proceed with the recommended dam repairs. **Seconded** by Manager Wagner. **Carried**.

16. **WRWD BYLAWS DISCUSSION**

Motion was made by Manger Ista to table this issue until September meeting. **Seconded** by Manager Dalen. **Carried**.

17. **AUGUST PROJECT TEAM MEETING AGENDA**

Approved.

18. **MEETINGS / CONFERENCES / SEMINARS**

- 2005 MN Association of Floodplain Mgrs Annual Conf – Marriott Hotel Mrhd 9/12-13/05. **Motion** made by Manger Ista and **Seconded** by Manager Dalen for all Wild Rice Watershed Board of Managers to be in attendance. **Carried**.
- Other Issues – Discussions
Midwest Helicopter (David Morton)
Motion was made by Manager Dalen and **Seconded** by Manager Spaeth to have Mark sent a letter to Midwest Helicopter informing them that the District has already selected a contractor for this 2005 spraying but his information will be kept on file and they are welcome to bid again next year. **Carried**.

19. **ADJOURN**

Motion was made by Manager Ista and **Seconded** by Manager Dalen to adjourn the meeting at 5:10 p.m. **Carried**.

Jim Skaurud, Secretary