

WILD RICE WATERSHED DISTRICT

11 East 5th Avenue – Ada, Minnesota 56510

Phone (218) 784-5501

REGULAR MEETING

APPROVED

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, March 8, 2006, at the office of the District located at 11 Fifth Avenue East, Ada, MN.
2. The following members were present: Diane Ista, James Wagner, Sr., Joe Spaeth, Jim Skaurud, Bob Wright and Warren Seykora. The following members were absent: None. In addition the following persons were in attendance, Administrator Steve Dalen; Recording Secretary Loretta Johnson, Engineer Jerry Bents, Publicist Tim Halle and Jerry Bennett.
3. Chairman Seykora called the meeting to order at 8:30 a.m.
4. Approval of Agenda. A motion was made by Manager Skaurud and seconded by Manager Wagner to approve the agenda for Wednesday, March 8, 2006, with the addition of the following items for discussion: Moccasin Creek Dam; small flood control project; Gene Ueland request J.D. #53, Lat 1; American Crystal Sugar permit application; Brian Borgen questions on levees; Jerry Bennett's emails to District regarding billing; Personnel Manual, Wright; and RRWMB Wright. Carried.
5. Project Team Meeting. Engineer Bents recommended that the March Project Team meeting be postponed until the 26th of April because a formal response has not been received from the U.S. COE on the Purpose and Need Statement.
6. April Meeting Date Change. Consensus of Managers was to change the April meeting date to Monday the 17th of April, due to the Heiraas trial.
7. Managers Concerns/Topics. Warren Seykora distributed a copy of the Pelican River Watershed District Annual Report highlights. Seykora said that Managers could look at this as an example the District may want to follow. Engineer Bents displayed photos of a large river ice-crushing machine that the Red River Basin Board is considering purchasing.
8. Meeting Minutes. The draft minutes of the February 8, 2006, meeting were discussed. Jerry Bennett requested that a portion of the wording in Paragraph #16 be stricken. It was noted that Attorney Hanson was contacted regarding this issue, and the language was a recommendation from Hanson. A motion was made by Manager Ista and seconded by Manager Wagner to table any action on the minutes until Attorney Hanson is available. Carried. Bennett requested that he be notified if the minutes were not changed to reflect his request. Bennett left the meeting at 9:00 a.m.

9. Wild Rice River COE Feasibility Study. Engineer Bents reported that Nan Bischoff sent a copy of the draft Project Management Plan for Phase 2 of the study within the last week. Nothing was added to the plan to replace the downstream flowage easements. The federal government allocated \$99,000 to the Study for 2006 and additional monies for 2007 and 2008. Bents will be meeting with Ms. Bischoff to begin discussion on Phase 2.

10. Technical Equipment Upgrade. A copy of the proposal by Loretel Systems for a Comdial D-80 telephone system was distributed. Features of the system include intercom between stations; privacy on all lines; music on hold; conference calling; ability to use cordless phone; Caller ID. Installation and the equipment with a two-year warranty bid is \$1,106. A motion was made by Manager Ista and seconded by Manager Wagner to approve the phone system upgrade. Carried.

Administrator Dalen and Loretta Johnson met with John Murray, IT Manager at Houston Engineering, who agreed to provide assistance and expertise to District staff in the options for upgrading the computer systems. Murray's recommendations including installation and technical assistance totaled \$6,873.67. A motion was made by Manager Ista and seconded by Manager Wright to approve the purchase and installation of the computer system upgrade. Equipment billing invoices will be paid by the District directly to the retailer. Carried.

11. Sample Soil Boring Program. Discussion was held regarding the District appropriation of funds for soil borings for the purpose of providing additional information in determining possible preproject sites. Engineer Bents provided approximate cost estimates from Lowell Fetting, Midwest Testing, for the boring of four sites per square mile. Boring of sites less than 25 feet is \$10 per foot. Sites deeper than 25 feet are \$25 per foot. Ten borings per site would cost about \$9,500. Bents stated that a consultant would do the work; therefore the District may use Midwest Testing or another consulting firm, although not too many firms have drill rigs. Manager Wagner suggested preliminary preproject soil borings on a site in addition to the Borup area for the purpose of having the information to move forward. Engineer Bents stated that if the costs for the borings were paid from the Survey and Data Account, the fund could be later repaid if a project moved forward. A motion was made by Manager Wright and seconded by Manager Wagner authorizing preproject soil borings in two sites, Borup area and Lake Ida. Administrator Dalen will begin work on obtaining landowner permission. Landowners may be paid \$50 per hole drilled. Also authorized was preparation on the determination of prioritizing sites in the Upper Felton projects. Carried.

Discussion continued on whether investigation into additional storage sites on the Wild Rice River should be incorporated into the COE Wild Rice River Feasibility Study. A motion was made by Manager Wright and seconded by Manager Wagner to incorporate the investigation of additional storage sites on the Wild Rice River into the COE WRRFS. Carried.

12. Goal Setting 2006. Manager Wagner discussed the possibility of the District purchasing a PTO pump for use in times of high water problems. Consensus was that Administrator Dalen will provide a couple of cost estimates to the Managers at the next board meeting.

13. Brush Cleanup, Norman County SWCD. Administrator Dalen stated that Curtis Borchert, Norman County SWCD, called the District office and indicated that under the Sentence to Serve program, Borchert could provide a 6 man crew to do cleanup work for the District for a total of \$200 per day, to be supervised by Borchert, or \$75 per day and the District would be responsible for feeding the workers and supervision. Consensus of Managers was that the District did not have any work at the present time for this program. Dalen will notify Borchert.

14. Tree Cutting Wild Rice River. Manager Wagner stated that Bobby Miller informed him that there are downed trees in the channel of the Wild Rice River near bridges on the Upper Reaches Project. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing Wagner to contact Miller for tree cutting not to exceed \$3,500. Carried.

15. County Road #40, Faith Township. A motion was made by Manager Wagner and seconded by Manager Skaurud authorizing removal of a downed tree by the bridge on County Road #40, Faith Township with funds to be used from the Works of Common Benefit Fund Account. Norman County Highway Department agreed to pay for half of the costs. Skaurud will make arrangements with a contractor. Carried.

16. Erosion Issue Peters Property. A motion was made by Manager Wright and seconded by Manager Wagner authorizing Administrator Dalen and Manager Skaurud to investigate Peters' request into an erosion problem on his property downstream of Heiberg Dam. Carried.

17. Red River Watershed Management Board (RRWMB). Manager Wright reported that the RRWMB entered into a contract with Ray Bohn to lobby for a six-month period. Wright also asked the Managers' opinion on the RRWMB spending funds for projects other than storage. Wright stated that the Roseau River Watershed District submitted a request for cost share funding on a wetland restoration project. They were informed that they need to submit a Step I proposal. Not funding projects other than storage and adhering to the Star Value is probably the main reason that the Buffalo Red Watershed District withdrew from the RRWMB. Wright felt a solution might be to designate a certain amount of funds for non-flood control projects. Wright also noted that the next meeting will be held Tuesday, March 21, 2006, at the District office.

18. Upper Felton Ditch Project. Bob Wright abstained from all discussion regarding this project. A proposal from Bryan Ripp, Mead & Hunt, was distributed to Managers for review. Ripp alleges that based on the review by Mead & Hunt, they identified options that could potentially reduce the costs of the project by \$6-\$9 million. The alternatives include modifying the construction schedule and embankment materials, geometry and drain system designs. The proposal also includes a scope of services and estimate of engineering costs to develop the design for \$70,000. Engineer Bents reviewed the proposal in an attempt to provide the Managers with a reasonable explanation of the supposed cost reduction. A motion was made by Manager Skaurud to disregard the Mead & Hunt proposal and continue with Houston Engineering. Motion died for lack of a second. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Administrator Dalen to contact Mead & Hunt and request more specific information on the areas they allege can reduce the costs in that amount. Carried.

A motion was made by Manager Ista and seconded by Manager Skaurud authorizing Engineer Bents to submit the geotechnical report completed by Midwest Testing on the Upper Felton Ditch Project to the COE geotechnical staff for their review. Carried.

19. Small Flood Control Project. Manager Skaurud stated that Mark Christianson, Norman County SWCD, contacted him regarding the possibility of constructing a small flood control project on land owned by Skaurud which is in the RIM program. Christianson stated it would cost approximately \$45,000 to construct, but felt the District should pursue this project. A motion was made by Manager Wright and seconded by Manager Ista authorizing staff additional research on the project. Carried.

20. Heiraas Litigation. Administrator Dalen stated that Attorneys Hanson and Deter took depositions from A.C. Heiraas and Heiraas surveyor Roger Grimsly. Trial date is still scheduled for April 11, 2006. Dalen will continue to update with Attorney Deter on a daily basis.

21. Monthly Financial Report. Accountant Marcussen reviewed the February 2006 monthly financial report. A motion was made by Manager Wagner and seconded by Manager Wright to approve the February 2006 financial report for entry into the record. Carried

A motion was made by Manager Skaurud and seconded by Manager Spaeth to approve the request for a \$100 donation to the Envirothon, from the Becker County SWCD. Carried.

Administrator Dalen distributed an email from Jerry Bennett in which Bennett makes a complaint that employees' checks are not listed on the billing sheet and requested that it be corrected. Accountant Marcussen stated that staff wages are a preauthorized expense item and not an independent contractor bill to be approved. Consensus was to present staff costs as a line item along with the billing.

22. Consider Billings. A motion was made by Manager Ista and seconded by Manager Wright to approve the payment of the February bills with the addition of \$5,412.69 for the RRWMB cost share. Carried. A listing of the billings is attached at the end of these minutes.

23. Heiberg Dam. Engineer Bents stated that construction of the Heiberg Dam repair is proceeding quite well. A motion was made by Manager Wagner and seconded by Manager Skaurud authorizing approval of Change Order #2 for a net decrease of \$7,026.83 for a total contract of \$920,197.67 and Pay Request #2 in the amount of \$339,156.15. Carried.

24. Green Meadow Dam Project. Engineer Bents reported that advertisement for bids will begin next week on the Green Meadow Dam Project. Construction will be consistent with the nesting period on the CRP acres.

25. Farmstead Ring Dikes. Engineer Bents distributed a bid tab for the Rodney Olson and James Regstad farmstead ring dikes. Bents noted that the Rodney Olson site also has an Option 2 bid item in the amount of \$52,878.24 for additional sheetpiling to prevent any future problems from bank sloughing. Option 1 low bid is in the amount of \$28,870.24. A motion was made by Manager Wagner and seconded by Manager Ista to give Olson the opportunity to decide between the two options prior to awarding the contract to Geray Dozing for the low bid. Olson will also need to pay the balance of his 12 ½ percent cost share at that time. Carried.

A motion was made by Manager Wagner and seconded by Manager Wright to award the contract to Geray Dozing in the amount of \$22,601.40 for the James Regstad ring dike. Carried.

26. Upper Reaches Project. Brian Borgen met with Managers at 2:15 p.m. to provide an update on the recent court proceedings for removing a culvert on the Upper Reaches Project. Borgen stated that he intends to file a guilt plea to the charges, but will continue to pursue his allegation that Norman County Engineer Mick Alm installed the culvert without a watershed district permit and submitted the claim for the culvert installation to FEMA as a bridge repair. Borgen left the meeting at 2:30 p.m.

27. Mahnomen County Request for Reapportionment of Managers. Administrator Dalen reported that BWSR scheduled the hearing on the request by Mahnomen County for the reapportionment of Managers for 7:00 p.m. on Thursday, March 30, 2006, at the Twin Valley Community Center. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing staff and Managers attendance at the meeting. Carried.
28. Buffalo Red River Watershed District (BRRWD) Joint Meeting. Administrator Dalen reported that the BRRWD invited staff and committee to attend a joint meeting at 4:00 p.m. on Thursday, March 9, 2006, at the Houston Engineering office to discuss a joint powers agreement between both watershed districts to work on the Red River Accesses/Canoe Portages with River Keepers. The staff also will discuss the permitting for the USFWS and primarily the Detroit Lakes Wetland Management District (WMD) for wetland restorations, since the WMD has approached the Wild Rice about a “generic” permit, similar to the one the BRRWD issued to them in 2004 and 2005. Manager Skaurud stated that the DNR has \$300,000 available funding to be used for river accesses and/or canoe portages on the Red River and the Wild Rice River. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing Dalen and Skaurud to attend the joint meeting. Carried.
29. Building Repairs. Administrator Dalen reported that Visser Trenching will begin demolition of the shed within the next couple of days.
30. Homeland Security and Division of Emergency Management (DEM) Acquisition. Administrator Dalen stated that he will be in discussions with Mary Donohue, DEM, regarding the acceptance of Robin Stene into the program and securing funding.
31. Moccasin Creek Dam. Administrator Dalen was reminded that he would need to operate the Moccasin Creek Dam structure this spring in accordance with the plan.
32. Personnel Manual. Manager Wright reported that he reviewed and editing the Personnel Manual. He provided the edited manual to staff that would make the changes and forward to Attorney Hanson for final approval prior to distributing to the Managers.
33. J.D. #53, Lat. 1 – Gene Ueland Request. Engineer Bents distributed a report on a request submitted by Gene Ueland to evaluate the elevations of culvert numbers 1-5 in Sections 33-36 Shelly Township and Sections 31-33 of Good Hope Township. According to the request, culverts 1 and 5 were thought to be at least 1-foot too high and culverts 2, 3, and 4 were thought to be at least 2-foot too high. After review, the engineer’s conclusion is as follows: There is only limited information available to re-establish the elevation datum used for a repair in 1968. Due to that fact, it is impossible to be certain of the 1968 design gradeline. However, using the two culverts that remain from the 1968 repair appeared to provide a good match. Using these assumptions, it was shown that Culverts 1-5 all appear to be lower than the assumed 1968 flow line. Based on this information, Engineer Bents recommended that the Watershed District not lower the elevations of Culverts 1-5 and instead simply proceed with the repairs set forth in the November 8, 2005, report. Based on the surveying of seven miles as approved by the ditch committee, one mile is in need of repair. A motion was made by Manager Ista and seconded by Manager Wright authorizing Engineer Bents and Administrator Dalen to set up a meeting with Ueland and review the information as presented. Carried.

PERMIT APPLICATIONS

34. Dale Sip, Section 10, Lockhart Township. A motion was made by Manager Spaeth and seconded by Manager Skaurud to approve the renewal of Permit Application No. 10-20-04-1, of Dale Sip to construction a by pass channel in Section 10, of Lockhart Township. Carried.
35. John Kraft, Section 6, Fossum Township. A motion was made by Manager Ista and seconded by Manager Spaeth to table Permit Application No. 3-8-06-1 of John Kraft to clean ditches in Section 6 of Fossum Township. Staff is unable to investigate the request due to the amount of snow. Carried.
36. John Kraft, Section 6/11 Wild Rice Township. A motion was made by Manager Wright and seconded by Manager Spaeth to table Permit Application No. 3-8-06-2 of John Kraft to clean ditches in Section 6/11 of Wild Rice Township. Staff is unable to investigate the request due to the amount of snow. Carried.
37. Mattson Farm, Inc. Section 4, Riceville Township, Becker County. A motion was made by Manager Skaurud and seconded by Manager Ista to deny Permit Application No. 3-8-06-3 of Mattson Farm Inc, to construct a new ditch in Section 4, Riceville Township, Becker County, because of downstream concerns by the DNR and USFWS. Carried.
38. Alan Christensen, Section 11, Felton Township, Clay County. A motion was made by Manager Ista and seconded by Manager Spaeth to approve Permit Application No. 3-8-06-4 of Alan Christensen to install 2 screwgates and a flapgate on culverts in Section 11, Felton Township, Clay County. Carried.
39. A motion was made by Manager Skaurud and seconded by Manager Spaeth to deny the request by Alan Christensen for funding assistance on the purchase of the screwgates and flapgates to be installed in Section 11, Felton Township, due to the fact that the project has been previously closed out. Carried.
40. American Crystal Sugar, Section 3, Waukon Township. A motion was made by Manager Skaurud and seconded by Manager Wright to approve the Permit Application of American Crystal Sugar to install a culvert in Section 3, Waukon Township. Carried.
41. Upper Reaches Project. A motion was made by Manager Wright and seconded by Manager Ista authorizing Attorney Hanson to do research on the Upper Reaches Project regarding the levee system and the questions being raised by Brian Borgen. A letter explaining the research and Hanson's findings is to be brought to the Managers. Carried.
42. Pederson Brothers Violation. Administrator Dalen stated that he sent a pretyped letter and stamped envelope to Mahnomen County Attorney, Julie Bruggeman, stating that the Mahnomen County Attorney's office did not intend to prosecute the Pederson Brothers violation and requested that she forward the correspondence to the USFWS in Detroit Lakes.
43. Hendricks Violation. Manager Skaurud stated that in discussion with landowners, they allege that the block which was to be put in as part of the Hendricks after the fact permit, has not been installed. Consensus of Managers was to investigate in the spring after the snow melt.

44. A motion was made by Manager Ista and seconded by Manager Wright authorizing Administrator Dalen to meet with Jake Gust within the next three months. Carried.
45. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing Manager Wright's attendance at the River Watch Conference in Crookston. Carried.
46. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing Managers attendance at the Citizens Advisory Meeting on March 13, 2006, at Mahnomen. Carried.
47. There being no further business to come before the Board of Managers, Chairman Seykora adjourned the meeting at 3:30 p.m.

Jim Skaurud, Secretary

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Checking-RAB				
03/02/2006	9502	Clay County Planning & Zoning	Recording Fee Regstad Ring Dike	(46.00)
03/08/2006	9504	AmeriPride	Cleaning Services	(32.02)
03/08/2006	9505	Aquila	Utilities	(307.98)
03/08/2006	9506	Becker County SWCD	Envirothon	(100.00)
03/08/2006	9507	Buckle's Hardware	Office Lighting	(32.09)
03/08/2006	9508	City of Ada	Utilities	(299.36)
03/08/2006	9509	Diane Ista	Per Diem and Expense	(99.87)
03/08/2006	9510	F & R Floral	Flowers	(29.61)
03/08/2006	9511	Genesys Conferencing	Conference Call, Bonding	(124.25)
03/08/2006	9512	HES Environmental Services	Asbestos Inpsection Storage Shed	(425.00)
03/08/2006	9513	Houston Engineering, Inc.	Engineering Fees	(47,773.77)
03/08/2006	9514	HSBC Business Solutions	Office Supplies	(133.64)
03/08/2006	9515	James Wagner Sr-Mgr	Per Diem\Expense	(243.50)
03/08/2006	9516	Jim Austinson	Office Supplies	(10.65)
03/08/2006	9517	Jim Skaurud	Per Diem and Expenses	(356.29)
03/08/2006	9518	Joe Spaeth	Per Diem and Expense	(257.71)
03/08/2006	9519	Jon Schauer	Quick Books Consulting	(150.00)
03/08/2006	9520	Landwehr Construction, Inc.	Pay Req. #2, Heiberg Dam Repair	(339,156.15)
03/08/2006	9521	Loretel Systems	Office Phone	(288.47)
03/08/2006	9522	Menholt Farms	Snow Removal Sec. 14, Flowing	(150.00)
03/08/2006	9523	Midwest Testing Lab.	J.D. #51 Ada Levee Slide	(2,743.80)
03/08/2006	9524	MN Viewers Asc.	Viewers Asc.	(125.00)
03/08/2006	9525	Norman County Index	Supplies, ring dike bids	(443.03)
03/08/2006	9526	North Star Water	Water/Office	(22.00)
03/08/2006	9527	Office Supplies Plus	Supplies, copying & printing, filing	(708.65)
03/08/2006	9528	Ralph's Food Pride	Groceries & Cleaning Supplies	(95.95)
03/08/2006	9529	RRWMB Board	1/2 cost share	(5,412.69)
03/08/2006	9530	Renae Kappes	Cleaning	(60.00)
03/08/2006	9531	Robert E. Wright	Per Diem/Expense	(404.21)
03/08/2006	9532	Roger Hennen	Leveling Spoil	(5,880.00)
03/08/2006	9533	Tim Halle	Press Release/Annual Report	(570.00)
03/08/2006	9534	Unicel	Phone & Phone Service	(145.34)
03/08/2006	9535	Visser Trenching	Snow Removal	(105.00)
03/08/2006	9536	Wambach & Hanson	February Billings	(6,553.70)
03/08/2006	9537	Warren J. Seykora	Per Diem/Cell Phone & Project Expenses	(1,823.77)
03/08/2006	9538	Your Phone Company	Phone cord	(14.90)
03/08/2006	9503	ARC Lanes	Noon Lunch Mar 8, 06	(39.14)
03/10/2006	9546	Trnka Real Estate & Appraisal Svc.	Robin Stene Acquisition	(500.00)
03/30/2006	9561	MN Dept of Natural Resources - OMB	Digital Elevation Model	(30,000.00)
03/30/2006	9562	MPCA	James Regstad Ring Dike	(400.00)
03/30/2006	9563	MPCA	Olson Ring Dike	(400.00)
Total Checking-RAB				(446,463.54)