

WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East
Ada, MN 56510

April 17, 2006, Regular Meeting Minutes

APPROVED

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Monday, April 17, 2006, at the office of the District located at 11 East Fifth Avenue, Ada, MN.
2. Chairman Seykora called the meeting to order at 8:30 a.m.
3. The following members were in attendance: Warren Seykora, Bob Wright, Joe Spaeth, Jim Skaurud, Jim Wagner and Diane Ista. The following members were absent: None. In addition the following persons were in attendance: Administrator Dalen, Engineer Jerry Bents, Secretary Loretta Johnson and also Jerry Bennett.
4. A motion was made by Manager Wright and seconded by Manager Wagner to approve the agenda with the following additions: Farmstead ring dikes, County Ditch #21, Marsh Creek, Hendricks permit violation, personnel manual, authorization of Managers' billings, Green Meadow Dam, legislative update and SWCD small storage sites. Consensus of Managers was that Manager Spaeth would meet with the Mahnomon County SWCD on April 18, 2006, and Administrator Dalen will meet with the various SWCDs as soon as possible. Carried.
5. Project Team Agenda. Engineer Bents reported that a response has not been received from the COE on the Purpose and Needs Statement for the South Branch, but suggested that discussion be held regarding the COE WRRFS before scheduling the next Project Team meeting.
6. Heiraas and Borgen Litigation. Attorney Hanson reported that the Heiraas lawsuit has been rescheduled for July 18, 2006, and reminded board members that they might be called to testify the day of the trial. The meeting was closed at 9:00 a.m. to discuss strategies. The meeting was reopened at 9:15 a.m.
7. Randy Tufton, Jerry Bennett, Brian Borgen, Jon Peterson and Dwight Bitker arrived at 9:15 a.m.
8. Lockhart Flood Storage. Randy Tufton gave a short presentation on the workings of the Lockhart Flood Storage Project worked during the spring runoff. He displayed photos taken beginning April 1, 2006 to the present time. Tufton felt that the project performed very successfully. Jon Peterson distributed additional photos and also tabulation of the daily rainfall. Peterson agreed that the project performed well, but the downstream ditch system is not adequate and needs work. Peterson, Bitker and Tufton left the meeting at 9:35 a.m.
9. Ronnie Guttormson arrived at 10:00 a.m.

10. Upper Felton Storage Site. Manager Bob Wright is not taking part in this discussion. Engineer Bents distributed the Memorandum of Record received from Kurt Heckendorf, Geotech, Geology and Surveys Section of the COE in which he provided an independent technical review of the Report of Soil Investigation for the Proposed Upper Felton Storage Project. In general the COE agrees with Midwest Testing's report and provided the following recommendations and conclusions. The COE agrees that construction on the wet to waterbearing silts could make construction difficult. These silts could lose strength under heavy traffic loads causing considerable rutting and pumping. The COE agrees that there is a concern with the potential for piping of the silt material if used to construct the embankment. The COE also agrees that a silt embankment would require riprap on the slope to prevent erosion. The COE does not agree that the height of the embankment is limited to a maximum height of 12 feet due to the fat clays. The embankment can be constructed to the required height as long as it is designed as such. Slope stability analysis would be required to determine the configuration of the embankment. It is possible that stability berms or flatter slopes would be required to provide the required factors of safety. The COE is uncertain what settlement can be expected of the embankment. Settlement would not be a controlling factor as the embankment could be overbuilt to accommodate the anticipated settlement. The settlement at the low flow and overflow structures would be a concern. The structural design would require consideration regarding the estimated settlement. The COE recommends that the capacity of the emergency spillway be considered in initial cost estimates. The COE feels that an embankment composed of the on-site materials consisting mostly of silts is feasible if additional steps are taken during the design and construction of the embankment. These additional steps, which are below, would require additional soil exploration and testing, along with seepage and slope stability analysis. It should be anticipated that these additional steps would increase the cost of the embankment.

Additional borings of greater depth are required to determine the thickness and further define the fat clay strata. Undisturbed sampling and laboratory testing is required to determine the properties of the foundation material and borrow materials. These properties are required to complete the seepage and slope stability analysis. Test pits could be completed which would provide information concerning the stability of the soil during construction and its dewatering potential. An impervious core trench should be considered upstream of the centerline to help control seepage through the shallow, most critical portion of the foundation. Seepage analysis will need to be done to determine the most economical configuration (including width and depth) and location. Laboratory testing should be conducted on the materials intended to be used for construction and these results be used for the seepage analysis. If a nearby source of clay is located, an impervious region of select borrow material should be considered within the embankment. The select borrow material would consist of a low permeable clay. The impervious region could be located on the upstream face or be an impervious core within the center of the embankment. A seepage and slope stability analysis could provide a more cost effective section. An internal drain should be considered on the downstream portion of the embankment to control seepage through the embankment. Seepage and slope stability analysis is requested to determine the most effective configuration. A seepage/stability berm should be considered at the toe of the downstream embankment to control the seepage through the foundation materials. Seepage and slope stability analysis is required to determine the most effective configuration. With the relatively long pool durations, a silt material embankment would require erosion protection. If clay was used in the upstream portion of the embankment and the slopes flattened, it could be possible that the stone protection be omitted. Erosion protection would be required around the low flow and overflow structures. The erosion protection is critical in this area especially if the embankment is constructed of silt which can readily erode and pipe

Manager Ista stated that she wanted to continue with a positive approach and asked if this project could still move forward. Bents stated it is a workable project if the District can come up with enough funding.

Bents stated that if the Board wants to proceed, the next step in the process would be to do a couple of long borings, a stability analysis and a seepage analysis for a total cost of approximately \$20,000. This would be enough information to determine a cross section of how the project would look. Bents stated that the District has a project with a Step I approval, but no land has been secured nor have permits been approved; however if funding is available from outside of the District, it can be built. Ista stated that she feels the District has enough information to present to Congressman Collin Peterson with a plan and permits. The next step would be to contact landowners and agencies. Seykora felt that there are two scenarios, one a feasible project that the District has enough funding to move forward or a project that can only move forward with outside federal funding made available through Congressman Peterson. Manager Wagner stated that he understood that Congressman Peterson may include a project in Water Resources Development Act (WRDA) bill, but that doesn't necessarily indicate that money is immediately available, it may be available from one to five years. He questioned how the District could move forward and purchase land without assurance of available funding. Ista stated that it is not necessary to purchase the land, rather obtain options. A motion was made by Manager Wagner and seconded by Manager Spaeth authorizing Administrator Dalen and Engineer Bents to meet with Maynard Pick, Aide to Congressman Peterson in an effort to obtain the details of what the District needs to present to Peterson for a funding request. Carried.

South Branch Off Channel Storage Facility Task 1. The intent of this task is to build off the conceptual design of the South Branch Off Channel site completed as part of the South Branch of the Wild Rice River Storage Evaluation. The following provides a list of anticipated work items that will be completed as part of this task: Evaluation of Alternative Alignments – Maximum 3; Field Survey; Hydrology/Hydraulics; Preliminary Dam Classification; Geotechnical/Construction Materials Testing; Embankment Design; Spillways and Outlet Works; Preliminary Environmental Impact Analysis; Determine Permit Requirements; Preliminary Operation Plan; Preliminary Plan Drawings; Preliminary Quantities/Cost Estimate; Feasibility Level Design Report. The estimated cost for Task 1 is \$55,000.

Concept Level Design/Alternative Selection & Environmental Studies for the Wild Rice Off-Channel Storage Facility Task 2. The intent of this task is to develop concept level designs for the proposed Wild Rice Off Channel Storage Facility at a level of detail sufficient to develop approximate cost estimates and aid in the screening/selection of the preferred alternative for a future more detailed feasibility report. The following provides a list of anticipated work items that will be completed as part of this task: Geotechnical/Construction Materials Testing; Preliminary Environmental Impact Analysis; Evaluation of Alternative Alignments – Maximum 3. The estimated cost of Task 2 is \$30,000.

Bents commented that the COE has approximately \$81,000 unspent funding received for Fiscal Year 2006. The COE anticipates getting \$300,000 for study in FY 2007 and \$371,000 for study in FY 2008. These funds will need to be met on a 50/50 cost share by the WRWD. The following are COE priorities and for expenditure of available funds, which will progress this study towards completion and approval as a Federal ecosystem restoration project: Develop/document ecosystem restoration goals and objectives; develop an environmental inventory; additional alternative analysis; develop and certify an environmental community model; prepare Phase I summary report; sediment/flow analysis; conduct HTRW surveys and revise Phase 2 project study plan.

11. Ron Guttormson left the meeting at 10:40 a.m.
12. A motion was made by Manager Ista and seconded by Manager Wright authorizing staff to meet with affected landowners in the Borup area and present them with the soil boring results provided by Midwest Testing. Carried.
13. A motion was made by Manager Wagner and seconded by Manager Ista authorizing Administrator Dalen and Engineer Bents to proceed with investigation of the implementation options into the South Branch Storage Initiative. Carried.
14. Borgen Litigation. Attorney Hanson stated that he received a phone message from County Attorney Tom Opheim indicating that it was not necessary for him to appear at the criminal trial of Brian Borgen. Hanson agreed to contact Opheim to determine the status of the litigation.
15. Proposal from J.B. Associates, Ltd. Jerry Bennett met with the Managers to discuss a proposal presented by Bennett, which was distributed to Managers for review, for work on the damage assessment for the District following the spring flood event. Discussion ensued. Manager Wagner said that the District was not in need of any more outside help for this purpose. Engineer Bents and Administrator Dalen indicated that Technician Mike Buerkley has completed the majority of the damage assessments. Manager Ista stated that in discussion with Kevin Ruud, he stated that staff has already submitted a preliminary assessment to his office. Manager Spaeth stated that it looked like a good money saving proposal to him, but if the work is completed, the District does not need to hire anyone. Manager Seykora also commented that the damage assessment is near completion. A motion was made by Manager Ista and seconded by Manager Wagner that the District not utilize the proposal of J.B. Associates, Ltd. as a large percentage of the work is completed. Carried. Jerry Bennett left the meeting at noon.
16. Meeting Minutes. Attorney Hanson brought up the fact that Jerry Bennett contacted him regarding the wording of the February 8, 2006, minutes. Manager Skaurud stated that he did not want Attorney Hanson taking anymore time or incurring additional funds with Jerry Bennett. Hanson stated that he will take this comment under advisement and not be wasting time.
17. A motion was made by Manager Wright and seconded by Manager Wagner to approve the March 8, 2006, Minutes as distributed. Carried. A motion was made by Manager Ista and seconded by Manager Wagner to approve the February 8, 2006, minutes with the following correction: Paragraph #16 Line #3 to read Attorney Hanson stated that the conciliation court judge ruled against the district and the court did not provide further explanation. Carried.
18. Financial. Doug Marcussen discussed a vehicle arrangement for Administrator Dalen but felt that it would need to be a company vehicle. Manager Ista questioned how it is determined what the appropriate billing method is for Managers in attending meetings outside of the regular monthly meetings. Ista asked how to determine what is reimbursable and what is not. Manager Skaurud stated that he thought Accountant Marcussen reviewed the per diem invoices submitted by Managers and decided what is reimbursable. Marcussen stated that he doesn't question anyone's billings; it is up to the board to approve the billing invoice of Managers as presented. He felt Managers should include all meeting attendance and it should be approved by the Board. Manager Ista also stated that she has received comments from taxpayers on the per diem not being paid separately from reimbursable expenses. A motion was made by Manager Wright and seconded by Manager Wagner to instruct Accountant Marcussen to separate into two checks the Managers' per diems and reimbursable expenses. Carried.

Marcussen also reminded Managers that May 5, 2006, is the anniversary date of staff and the three month anniversary for the administrator. Marcussen stated that Manager Wagner is the liaison, the personnel committee is comprised of Managers Wright, Skaurud and Ista, and these Managers need to meet to discuss staff salaries for the upcoming year.

19. Monthly Financial Report. Doug Marcussen presented the April 2006 financial report. A motion was made by Manager Wagner and seconded by Manager Wright to approve the April 2006 financial report for entry into the record. Carried.

20. Consider Billings. A motion was made by Manager Ista and seconded by Manager Wagner authorizing up to \$500 for equipment purchases by Wayne Goeken for river monitoring. Carried. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing \$100 for the Norman County SWCD Envirothon. Carried. A motion was made by Manager Wright and seconded by Manager Wagner to approve the payment of the April billings and Managers vouchers. Carried. A listing of the billings is attached at the end of these minutes. Carried.

PERMIT APPLICATIONS

21. Norman County Highway Department, Sections 1 and 2, Mary Township. A motion was made by Manager Wright and seconded by Manager Skaurud to table Permit Application No. 4-17-06-1 of the Norman County Highway Department to install two additional 36 inch culverts in Sections 1 and 2 of Mary Township, pending landowner notification. Carried.

22. Clyde Neset, Section 7, Fossum Township. A motion was made by Manager Skaurud and seconded by Manager Wright to table Permit Application No. 4-17-06-2 of Clyde Neset for in Section 7, Fossum Township, to build a water retention area and install a culvert, pending notification of Scott Kahan, USFWS; Bob Merritt, DNR; and Amanda Peterson, NRCS, for their input. Carried.

23. Clyde Neset, Section 6, Fossum Township. A motion was made by Manager Skaurud and seconded by Manager Wright to return Permit Application No. 4-17-06-3, of Clyde Neset, to install a 36 inch culvert in Section 6, Fossum Township and inform him that as an alternative he may have neighboring landowner sign onto the permit application. Carried.

24. Robert Holl, Section 22, Popple Grove Township, Mahnomen County. A motion was made by Manager Wagner and seconded by Manager Spaeth to approve Permit Application No. 4-17-06-4, of Robert Holl to install an 18 inch culvert in Section 22, Popple Grove Township. Carried.

25. Clay County Highway Department, Sections 34-36 Keene Township, Sections 31-33, Goose Prairie Township, Sections 1-4 Cromwell Township and Sections 5-6 Highland Grove Township. A motion was made by Manager Spaeth and seconded by Manager Wagner to table Permit Application No. 4-17-06-5 of the Clay County Highway Department for 5.7 miles of grading and aggregate surfacing, pending landowner notification. Carried.

26. Complaints/Violations. Steve Mattson Violation, Sections 3-4 Riceville Township, Becker County. Chairman Seykora reported that correspondence went to Mattsons notifying them that they may file a new permit, and the USFWS and DNR have offered a solution to the violation, however Mattsons choose not to comply. Until they agree to the solution, there is nothing further for the District to do.

Manager Skaurud distributed photos illustrating the area in Section 30 of Wild Rice Township, where there is supposed to be a block installed. Engineer Bents commented that if the block is not there, Hendricks is not complying with his permit. A motion was made by Manager Ista and seconded by Manager Wright authorizing an investigation by Managers or staff to determine if the block is present. If the block is not currently in place, notification will be sent to Hendricks, with a copy to Norman County Engineer Mick Alm, that he is in violation and is draining additional water into Norman County Ditch #39, to which he is not assessed. Carried.

27. Mahnomen County Request for Reapportioning of Watershed District Managers. Administrator Dalen distributed an email from Jim Haertel, BWSR, regarding a time extension for the close of the hearing record. Haertel also discussed a couple of scenarios in the distribution of Managers.

28. Darrel Chisholm Request for Crop Damage Payment. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing payment for crop damages in Sections 29/30 of Good Hope Township to landowner Gene Ueland, with a copy of the letter and payment being sent to rener Darrel Chisholm, who requested the payment. Carried with Manager Wright opposed.

29. Farmstead Ring Dikes. Manager Skaurud stated that he met with Kent Lokkesmoe, DNR and was informed that the DNR will have additional ring dike funding July 1, 2006.

30. Project Team Meeting. A motion was made by Manager Skaurud and seconded by Manager Spaeth to schedule the next Project Team meeting for May 24, 2006. The District will have additional information at that time regarding the bonding, South Branch and what decisions the COE will make regarding the Feasibility Study.

31. Advertise for Consultants. A motion was made by Manager Wright and seconded by Manager Ista authorizing Publicist Tim Halle to be responsible for advertising in the local papers for consultants. Carried.

32. Mowing and Spraying. A motion was made by Manager Ista and seconded by Manager Skaurud authorizing advertising for mowing and spraying projects and ditches for the District. Carried.

33. Project No. 9. Administrator Dalen reported that a group of landowners on Project No. 9 have discussed the possibility of working on a Redetermination of Benefits. Dalen reported that the Bois de Sioux Watershed District is in this process at the current time. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Administrator Dalen to attend a Bois de Sioux Watershed District meeting and meet with Administrator Roeschline for the purpose of obtaining information on the redetermination of benefits. Carried.

34. Green Meadow Dam Project. A motion was made by Manager Spaeth and seconded by Manager Skaurud to award the bid for the Green Meadow Dam Project to Geray Dozing in the amount of \$194,068.84 contingent on bid tabulation, discussion with Geray regarding a Wetlands Conservation Act (WCA) permit and determination that the contractor can meet the construction schedule. Carried.

Discussion was also held regarding a meeting Managers Wagner and Ista attended with a group of Green Meadow Dam area landowners who formed a committee and are interested in developing small storage sites above the dam. Most landowners felt that too much additional water is coming into the dam causing problems with the structure. Engineer Bents stated that along with the construction project the District can investigate additional work that could be done to protect the dam structure.

35. Norman County Ditch #21. Manager Ista brought up concerns raised by a landowner on Norman County Ditch #21. Ista agreed to meet with the property owner and have them bring a request to the Board for a survey in Section 5/8 of Hegne Township.

36. COE WRRFS. Nan Bischoff, COE, met with the Board at 4:15 p.m. Engineer Bents reviewed the morning discussion of Watershed Tasks 1 and 2, costs related to these proposed projects and the Phase 2 Work Items and priorities established by the COE with Bischoff. Bents stated that Tasks 1 and 2 would cost approximately \$85,000 which would leave approximately \$47,000 in the budget. Nan stated that she would like to show progress in a couple of areas including documentation where the goals and objectives on ecosystem restoration. Nan stated that she doesn't think the Mississippi Valley Division (MVD) is not convinced on the benefits gained by moving the levees out and felt that there is a need to show the effect of levees completely taken out of the study and also with the levees set back. Chairman Seykora said that unless the flowage easements are addressed first there will not be a project. Manager Wagner stated that putting the sinuosity back in the channel is necessary and because there is no river valley, if the levees are not there the river will run northwest to the Red River. Bents stated that there is a need for levees to be set for a 10 year level of protection. Manager Wagner stated that flowage easements are not acceptable.

Bischoff agreed with the District's plan for Tasks 1 and 2 which would cost approximately \$85,000 and indicated that she would find out what the COE should do with the excess dollars available in the budget.

37. City of Ada 205 Study. Nan Bischoff stated that she just met with City of Ada representatives and they indicated they would like to move J.D. #53 to the north. Engineer Bents recommended that the feasible way to do that would be to only move north as far as needed and no more.

38. Meeting Attendance. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing Board and staff attendance at the Basin Meeting scheduled for April 19, 2006. Carried.

39. Chairman Seykora thanked the Board for their assistance with the bonding. Manager Wright stated that Seykora deserves credit for his hard work on the bonding.

40. Watershed District Damage Assessment. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Administrator Dalen to complete the damage assessment. Carried.

41. There being no further business to come before the board of Managers, Chairman Seykora adjourned the meeting at 5:30 p.m.

Date	Num	Name	Memo	Amount
Checking-CBRRV				
04/05/2006	9564	Karol Pearson	2 yr easement Clay #14	877.50
04/05/2006	9565	Lorraine Finney	2 yr easement	877.50
04/10/2006	9575	Cenex	Tour Fuel for Van	10.00
04/10/2006	9574	Landwehr Construction, Inc.	Pay Req. #3, Heiberg Dam Repair	214,333.48
04/10/2006	9573	Wild Rice Dining Emporium	Managers & Guest Lunch 4/10/06	132.41
04/17/2006	9576	AmeriPride	Cleaning Services	32.02
04/17/2006	9577	Aquila	Utilities	142.70
04/17/2006	9578	Auto-Owners Insurance	Flood Insurance	593.00
04/17/2006	9579	Bobby Miller	Tree & Debris Removal	2,500.00
04/17/2006	9580	City of Ada	Utilities	230.56
04/17/2006	9581	Clay County Auditor	R.E. Tax Assmts	423.72
04/17/2006	9582	Community Bank of the RRV	FICA \ Fed W/H March	2,581.12
04/17/2006	9583	Diane Ista	Per Diem	325.68
04/17/2006	9584	F & R Floral	Flowers	43.94
04/17/2006	9585	Francotyp-Postalia, Inc.	Postage Meter Scale Rental	99.05
04/17/2006	9586	G R Graphics-Maintenance	Copier agreement/scanner agreement	249.69
04/17/2006	9587	Genesys Conferencing	Conference Call	30.00
04/17/2006	9588	Houston Engineering, Inc.	Engineering Fees	36,588.76
04/17/2006	9589	HSBC Business Solutions	Filing Supplies	123.39
04/17/2006	9590	ICS Agency	Work. Comp Fund	1,364.00
04/17/2006	9591	Insight	Office Equipment	5,941.54
04/17/2006	9592	James Wagner Sr-Mgr	Per Diem	703.48
04/17/2006	9593	James Wagner, Sr.	Beaver Control & Beaver Dam Removal	1,028.75
04/17/2006	9594	Jim Skaurud	Per Diem	529.78
04/17/2006	9595	Joe Spaeth	Per Diem	325.68
04/17/2006	9596	Jon Schauer	Quick Books Consulting	520.00
04/17/2006	9597	Loretel Systems	Utilities	431.56
04/17/2006	9598	Mattson Excavating, Inc.	Trackhoe Cleanout Ditch #29	1,040.00
04/17/2006	9599	McCollum Hardware, Inc.	Office Supplies & Batteries	13.08
04/17/2006	9600	N.C. Auditor/Treasurer	R.E. Tax Assmts	464.44
04/17/2006	9601	Norman County Index	Green Meadow Dam Bids	203.07
04/17/2006	9602	Norman County SWCD	Monitor Ring Dikes	750.00
04/17/2006	9603	North Star Water	Water/Office	44.00
04/17/2006	9604	Office Supplies Plus	Copy Paper, filing & office supplies	677.58
04/17/2006	9605	PERA	April-managers	461.74
04/17/2006	9606	Ralph's Food Pride	Groceries & Cleaning Supplies	39.60
04/17/2006	9607	Reed Business Information	Ad for Green Meadow	305.28
04/17/2006	9608	Renae Kappes	Cleaning Services	60.00
04/17/2006	9609	Rinke Noonan	Heiraas Litigation	52.50
04/17/2006	9610	Robert E. Wright	Per Diem	377.79
04/17/2006	9611	Tastad Sand & Gravel	Tree Removal Faith Bridge	500.00
04/17/2006	9612	Tim Halle	Press Releases	660.00
04/17/2006	9613	Unicel	Cell Phone	64.18
04/17/2006	9614	Visser Trenching	Building Demo Partial Payment	2,500.00
04/17/2006	9615	Wambach & Hanson	March Billings	2,573.50
04/17/2006	9616	Warren J. Seykora	Per Diem	1,224.58
04/17/2006	9617	West Payment Center	MN Statute Book	146.97
04/17/2006	9618	Your Phone Company	Office Phone System Upgrade	1,148.91
04/17/2006	9621	Diane Ista	Per Diem	482.14
04/17/2006	9622	James Wagner Sr-Mgr	Expense Reimburse	361.23
04/17/2006	9623	Jim Skaurud	Expense Reimb	448.60

04/17/2006	9624	Joe Spaeth	Exp Reimb	89.01
04/17/2006	9625	Robert E. Wright	Expense Reimb	410.87
04/17/2006	9626	Warren J. Seykora	Expense Reimb\Mileage	1,510.05
04/20/2006	9633	Aquila	Utilities	64.29
04/20/2006	9634	G R Graphics-Maintenance	Copier agreement/scanner agreement	249.69
04/20/2006	9635	Gene Ueland	Crop Damages J.D. #53 Main	946.75
04/20/2006	9630	US Postal Service	Envelopes	210.00
04/20/2006	9631	US Postal Service	Envelopes Two Boxes	442.05
04/21/2006		Payroll & Reimbursement	Payroll thru 4/16/06	3,959.10
			Total Checking-CBRRV	<hr/> 293,520.31