

WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East

Ada, MN 56510

Ph: 218-784-5501

REGULAR MEETING

July 12, 2006

**(APPROVED)**

1. The regular meeting of the Wild Rice Watershed District met on Wednesday, July 12, 2006, at the office of the District located at 11 Fifth Avenue East, Ada, MN. The following members were present: Joe Spaeth, James Wagner, Sr., Bob Wright, Jim Skaurud, Diane Ista and Warren Seykora. Absent: None. In addition the following persons were in attendance: Administrator Dalen, Attorney Elroy Hanson, Publicist Tim Halle, Recording Secretary Loretta Johnson, Clayton Schmitz N.C. NRCS and Maynard Pick, Congressman Peterson's office.
2. Chairman Seykora called the meeting to order at 8:45 a.m.
3. A motion was made by Manager Wagner and seconded by Manager Wright to approve the agenda with the following additions for discussion: Clay County Ditch #14 Pay Request; Removing Files from the WD Office; Soil and Water Conservation Report. Carried.
4. Project Team Meeting. Consensus of Managers was to hold the regularly scheduled Project Team meeting on Wednesday, July 26, 2006.
5. Managers Concerns/Topics. Discussion was held regarding the taping of District meetings. Attorney Hanson recommended that he check with other government agencies prior to any taping. Manager Wright felt it would be best to put a hold on the taping of meetings until Attorney Hanson has time to do additional research.

Administrator Dalen stated that due to the A.C. Heiraas litigation, the regular meeting would be reconvened at 8:30 a.m. on Monday, July 24, 2006.

Manager Skaurud reported that the Anderson Wetland Banking acres have been approved by the Board of Water and Soil Resources (BWSR). He also gave a brief report on the latest NC Soil and Water Conservation District (SWCD) meeting and it is the NC SWCD's 65<sup>th</sup> anniversary. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing Tim Halle to do a congratulations announcement to the NC SWCD in the local media. Carried.

6. Meeting Minutes. The meeting minutes of the June 14, 2006, regular meeting were distributed to Managers for review. Action will be taken on the minutes at the July 24, 2006, reconvened meeting.
7. Tim Halle stated that he discussed a proposed Kaleidoscope radio broadcast with Woody Roux, KRJB Radio and suggested that Roux be provided with the minutes and agenda of the previous meeting for his review prior to the program. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing Administrator Dalen to coordinate with KRJB Radio and a board member to appear on the broadcast. Carried.

8. South Branch Storage Project. Administrator Dalen discussed a timeline for the project. Dalen stated that the goal would be to begin construction of one or more sites by spring of 2008. The Tributary Storage Meetings with landowners went well, property owners were very cooperative. Warren Seykora agreed to work on obtaining the easement signatures for boring sites in the Ulen area and Jim Wagner has obtained easement signatures for the Ada boring sites. Dalen stated that it has been great to have the cooperation of the local farmers and noted that at the last meeting landowners identified the preferred site, but stated that the soil borings need to be done to make sure the sites are feasible. A meeting with the environmental agency people will be held at Houston Engineering prior to bringing the information to the entire Project Team.

9. Permit Application and Reviews. Administrator Dalen requested authorization by the Managers to use Mike Buerkley and/or Mark Aanenson to assist with permit reviews. Consensus of Managers was that the administrator already has the authority to delegate jobs.

## **PERMIT APPLICATIONS**

10. Fossum Township, Sections 12/13 of Fossum Township. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application No. 7-12-06-10 of Fossum Township to replace a 36 inch culvert with a 48 inch or 60 inch culvert was tabled and returned to Fossum Township. Upon verifying culvert size and obtaining downstream landowners' signatures the permit can be returned to the District for action by the Board of Managers. Carried.

11. Clayton Schmitz left the meeting at 9:30 a.m.

12. COE WRRFS. Administrator Dalen reported that the District will be receiving \$450,000 in funding from the Energy and Water Bill that will be distributed through U.S. COE. Of that amount \$150,000 is for the COE WRRFS and the balance of \$300,000 is designated for development and planning of FDR Projects. Dalen will provide an update to the Managers regarding the verbiage for usage of funds and distribution requirements.

13. FEMA 2006 Acquisition. Loretta Johnson reported that in a recent meeting with Mary Donohue, DEM, it appears that two additional properties may be accepted into the acquisition program.

14. FEMA 2006 Project Repair. Administrator Dalen reported that a kickoff meeting was held with Tom Yost of FEMA and the 2006 project repair will proceed.

15. Upper Reaches, J.D. #51. Administrator Dalen distributed correspondence from Attorney Hanson dated July 10, 2006, in which the City of Ada Slide Repair options are addressed. Hanson stated that an engineer's repair report dated May 8, 2006, identified two slope stability problems along the north side of the City of Ada; costs for the proposed repairs are estimated at \$114,309 plus right-of-way acquisition. Total benefits for the project are \$117,788. Barring a disaster, the procedure for repair by petition would appear to be the only way to get the repairs over \$50,000 done in a timely manner. Constitutional issues could arise on ordering repairs which exceed the original benefits. Because of the cost of repairs being higher than the total benefits for the project, there should be a Redetermination of Benefits per Minn. Stat. §103E.351. Under §103E.351, any time the District determines that the original benefits do not reflect reasonable present day land values or that the benefited or damaged areas have changed, then the District can appoint three viewers to redetermine and report the benefits and damages and the benefited and damaged areas.

One repair option that may be viable is to split these repairs into two repairs, assuming that is not performing the repairs in a “bit by bit” “piecemeal” manner. It is impermissible for watershed districts in ordering repairs to attempt to evade the statutory costs/benefit limitations by repairing part of a ditch and subsequently repairing another part of the same ditch that required repair at the time the first repair was made. If the repair is two separate repairs, then either could proceed. Another possibility would be to have the necessary right-of-way donated to the district/project, either directly from the property owners, or by the City of Ada. In summary, the board should promptly order a redetermination of benefits for this project. Barring Upper Reaches consolidating with some other new project, a redetermination is necessary.

Costs for the Redetermination of Benefits and holding an informational meeting were discussed. Manager Ista stated that no one wants to spend money, but we know that it needs to be done and it comes to our responsibility to do the redetermination. Manager Spaeth questioned if the people who are not in the current benefiting area and could possibly be included following the redetermination of benefits should also be notified of a meeting. Consensus of Managers was to postpone a decision until the reconvened meeting. A motion was made by Manager Ista and second by Manager Wagner for Tim Halle to prepare a proposed meeting notice for a public meeting on the redetermination to be brought back for approval to the reconvened meeting. Carried.

16. South Branch Repair. Manager Wright is not taking part in this discussion. Attorney Hanson distributed information regarding the acquisition of temporary right of way for the two separate repair petitions for Project #9 filed in June 2005 by John Germolus in Sections 24 and 25 of Mary Township and Ronald Guttormson et al in June of 2005 for Section 36 of Winchester Township and Section 1 of Felton Township. The three options for acquiring the necessary temporary right-of-way are voluntary acquisition, acquisition under the Watershed Drainage Code (Minn. Stat. Ch. 103D & 103E) and eminent domain. Voluntary acquisition is likely the quickest, easiest and least expensive method for acquiring the necessary right-or-way. Acquisition of right-of-way per watershed drainage code under Minn. Stat. 103E.715 provides that before ordering repairs, the drainage authority must appoint viewers to assess and report on damages and benefits if it determines that resloping, leveling, or installation of erosion control measures will require the taking of any property not contemplated and included in the original proceeding. As an alternative to appointing viewers, the managers may under §103D.721 determine the benefits and damages themselves. The eminent domain statutes per Minn. Stat. §103D.335, Subd. 11 under Chapter 117 provide for what has become known as a “quick take” procedure. If permanent easements are required, this procedure has more appeal. For temporary easements, however, Hanson stated that he would consider this option last as he did not find it is as “quick” as either of the first two options. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing Administrator Dalen to meet with Ronnie Guttormson and John Germolus to determine if they want to continue with their request for a repair. Dalen will also take a temporary construction easement for signatures. Carried.

Brian Borgen questioned if the maintenance fund on the project would cover these costs. Dalen stated that the previous two repair projects were bonded and doesn't have enough funds for these projects.

17. Heiraas Litigation. Attorney Hanson reported that a meeting will be held with Attorney Kurt Deter and Hanson at the District office on Thursday, July, 13, 2006, to discuss trial strategies. The trial is schedule to begin on Monday, July 17, 2006, at the Clay County Courthouse.

18. Farmstead Ring Dikes. A motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing Pay Request #2 in the amount of \$2,448 to Geray Dozing for the James Regstad ring dike. Carried. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing Pay Request #3 in the amount of \$332.50 to Geray Dozing for the Rodney Olson ring dike. Carried. Administrator Dalen stated that Technician Mike Buerkley has visited the five prioritized farmstead ring dikes and will provide a report in August.

19. Clay County Ditch #14. A motion was made by Manager Spaeth and seconded by Manager Ista authorizing Pay Request #3 in the amount of \$2,947.50 to Northern States Excavating for the repair of Clay County Ditch #14. Carried.

20. Redistribution of Managers. Administrator Dalen distributed correspondence from Jim Haertel, BWSR, which included the following Order by BWSR regarding the redistribution of Managers: The Board hereby approves the petition for Redistribution of Managers for the Wild Rice Watershed District. The Mahnomen County Board of Commissioners will appoint two managers from Mahnomen and Clearwater County. A new manager district will consist of two managers appointed by the Clay County Board of Commissioners from Clay and Becker Counties. The Clay County manager position that is currently vacant will be redistributed to Mahnomen and Clearwater Counties as of the date of this order. The current Becker County manager and the current Clay County manager will finish their terms. Dated at Saint Paul, Minnesota this 28<sup>th</sup> day of June 2006. Signed MINNESOTA BOARD OF WATER AND SOIL RESOURCES by Jerome Deal, Chair.

21. Citizens Advisory and Project Team Appointments. It was suggested that Managers review the list of current appointments and bring any suggestions for changes to the 24<sup>th</sup> of July reconvened meeting.

22. District By-Laws and Rules. Manager Wright presented several proposed changes that he supported to the District By-Laws and Rules Manual for the Wild Rice WD. Attorney Hanson will draft a paragraph regarding written ballots and voting under Section #VIII, #5 and the conflict of interest section under E #1. Manager Ista reviewed several changes that she supported regarding the rotation of officers every two years, terms as chairman for two years, and term of Board members limited to 12 years. Ista commented that she was using information from the MAWD handbook. Consensus was that Managers Wright and Ista provide their verbiage to Attorney Hanson prior to the August meeting for his review and comments. Board action will be placed on the August meeting agenda.

23. Natural Resource Conservation Service (NRCS) Meeting Report. Administrator Dalen reported on a meeting on July 6, 2006, with NRCS personnel regarding working together with the Soil and Water Conservation Districts (SWCD) and the District in an attempt to prepare a package of programs and proposed projects that the three agencies can work together on to accomplish projects.

24. Maynard Pick and Attorney Hanson left the meeting at 12:00 p.m.

25. Roger Hennen/Gene Ueland Repairs to J.D. #53 Main. A motion was made by Manager Wagner and seconded by Manager Skaurud to return the invoice submitted by Roger Hennen that was approved by Gene Ueland for work on J.D. #53 Main. Letters explaining that the billing did not have prior Board approval will be sent to both parties. Carried.

26. Monthly Financial Report. Doug Marcussen presented the May 31, 2006 financial report. A motion was made by Manager Wright and seconded by Manager Wagner to approve the May 31, 2006, financial report for entry into the record. Carried.

Marcussen also presented the June 30, 2006, financial report. Marcussen noted that an additional item to the billing sheet was a payment in the amount of \$91,969.68 to the Red River Watershed Management Board. A motion was made by Manager Skaurud and seconded by Manager Wright to approve the June 30, 2006, financial report for entry into the record. Carried.

27. Proposed 2007 Administrative Budget. Doug Marcussen discussed obtaining Board action to prepare a proposed 2007 Administrative Budget for consideration at the budget hearing in September. A motion was made by Manager Wright and seconded by Manager Wagner authorizing the finance committee of Doug Marcussen, Administrator Dalen and Manager Wagner, along with Loretta Johnson to prepare a draft budget for consideration by the Board at their August regular meeting. Carried.

28. Consider Billings. A motion was made by Manager Wright and seconded by Manager Wagner to approve the payment of the July 12, 2006, billings and Managers vouchers. Carried. A listing of the billings is attached at the end of these minutes. Carried.

29. Clay County Ditch #18. Chairman Seykora suggested that Steichen Excavating be contracted to remove the old beaver dam on Clay #18 as requested by Kelly Schultz.

30. Mowing and Spraying. Chairman Seykora reported that Dan Lakeman has been working on the mowing of District ditch systems along with the acquisition sites. The spraying contractor has not been very busy as to date the District has received few requests for spraying.

31. Tree and Debris Removal on District Projects. Manager Wagner agreed to provide maps for Contractor Hap Ambuehl for the trimming of trees on Sande Detention, Olson Agassiz and Moccasin Dam.

32. Project Maintenance. Regarding damaged pipes in Sections 22/23 of Anthony Township on Project #30 and Section 30, McDonaldsville Township on the Upper Reaches, Technician Mike Buerkley will investigate both sites.

33. Project #18, Repair Request. Administrator Dalen distributed correspondence from Houston Engineering on an investigation into a request from William Wilkens for cleaning in Section 7, Pleasant View Township on Project #18. Warren Seykora agreed to obtain the spoil easements from Stuart and Dwight Christian, William and Betty Wilkens and Daniel and Iona Voje.

## **PERMIT APPLICATIONS**

34. Circle E Farms, Section 7, Spring Creek Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application No. 8-23-05-9 of Circle E Farms to construct a new ditch in Section 7 of Spring Creek Township, was approved with the condition that neighboring landowner Jerry Matter signs on the permit. Carried.

35. DuWayne Engelstad, Section 10, Shelly Township. Upon a motion by Manager Spaeth and second by Manager Wright, Permit Application No. 7-12-06-1 of DuWayne Engelstad to install an 18 inch culvert in Section 10 of Shelly Township was approved. Carried.

36. Boman Farms, Section 19, Flom Township. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application No. 7-12-06-2 of Boman Farms to build a water retention area in Section 19 of Flom Township, was approved. Carried.
37. Robert and Shane Sharpe, Section 30, Shelly Township. Upon a motion by Manager Ista and second by Manager Wagner, Permit Application No. 7-12-06-3 of Robert and Shane Sharpe to construct a ring dike around the farmsite was approved. Carried.
38. Corey Jacobson, Section 6, Hegne Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application No. 7-12-06-4 of Corey Jacobson to level the ditch bottom and reset culverts to grade was approved. Carried.
39. Randal Chisholm, Section 15, Green Meadow Township. Upon a motion by Manager Spaeth and second by Manager Ista, Permit Application No. 7-12-06-5 of Randal Chisholm to add an approach with a 24 inch culvert was approved. Carried.
40. Greg Schilling, Sec. 4, Halstad Township. Permit Application No. 7-12-06-6, of Greg Schilling to widen a driveway and install an 18 inch culvert in Section 4 of Halstad Township, was returned to the applicant. A previous application was approved at this same site.
41. Rodger Geddes, Section 3, Anthony Township. Upon a motion by Manager Ista and second by Manager Wagner, Permit Application No. 7-12-06-7, of Rodger Geddes to install an 18 inch culvert with flap gate was tabled. Notification will be sent to all landowners on J.D. #53, Lat #2 and the permit will be brought for board action at the August meeting. Carried.
42. Lynn Johnson and Brian Erickson, Section 11, Hegne Township. Upon a motion by Manager Spaeth and second by Manager Wright, Permit Application No. 7-12-06-8, was tabled. Additional information is needed. Carried.
43. Greg Zillmer, Section 11, Hagen Township. Permit Application No. 7-12-06-9, of Greg Zillmer to install a drain tile in Section 11 of Hagen Township, will be addressed at the 24<sup>th</sup> of July meeting.
44. Flowing Township, Section 17/20, Flowing Township. Upon a motion by Manager Spaeth and second by Manager Wright, Permit Application No. 7-12-06-11, of Flowing Township was tabled pending additional information. Carried.
45. Violations/Complaints. Managers Skaurud and Seykora and Administrator Dalen will schedule a meeting with Mick Alm regarding a violation by Hendricks in Section 30 of Wild Rice Township.
46. MAWD Annual Summer Tour Report. Manager Skaurud reported on the MAWD Annual Summer Tour held June 22-24, 2006, at Alexandria. Skaurud stated that the tour was very interesting and they saw a lot of what was being done by the Sauk River Watershed District.

47. RRWMB Report. Manager Wright reported that the distribution of Farmstead Ring Dike Funds for the 2006 grant will be discussed at the next meeting of the RRWMB. Ray Bohn, interim lobbyist, stated at the meeting that he felt it would be desirable if the board split the financial coordinator position into two separate positions, a lobbyist and a project manager. Ray Bohn also agreed to act as mediator in working out an agreement between the Buffalo Red Watershed District and the RRWMB, for the purpose of bringing the Buffalo back into the RRWMB. Wright also stated that Jerome Deal will not be reappointed to the BWSR Board. The next scheduled meeting of the RRWMB will be at the District office.

48. RR Basin Board Tour. Manager Skaurud suggested that staff and spouses be given the opportunity to attend the RR Basin Tour scheduled for August 2, 2006. A motion was made by Manager Ista and seconded by Manager Wright authorizing Watershed District staff and spouses, Managers, Engineer Bents and Tim Halle to attend the RR Basin Board Tour. Carried.

49. NDSU Hire. Manager Ista suggested that the Board consider hiring an NDSU student to assist with work at the District office in the year 2007.

50. Data Practices and Information. Administrator Dalen distributed information from Attorney Hanson regarding the District's data practices and information requests for discussion at the reconvened meeting.

51. At 4:00 p.m. Chairman Seykora recessed the meeting to be reconvened at 8:30 a.m. on Monday July 24, 2006.

**Reconvened July 2006 Regular Meeting  
July 27, 2006**

52. The regular meeting of the Wild Rice Watershed District was reconvened on Thursday July 27, 2006, at the office of the District located at 11 Fifth Avenue East, Ada, MN. The following members were present: Joe Spaeth, James Wagner, Sr., Bob Wright, Jim Skaurud, Diane Ista and Warren Seykora. Absent: None. In addition the following persons were in attendance: Administrator Dalen, Engineer Jerry Bents, Publicist Tim Halle and Recording Secretary Loretta Johnson. Also in attendance were the following persons: Sande Bjerke, Court Reporter; Juel and Bjorn Furuseth; Brent Kappes, Shawn Crompton, Mark Harless, Steve Jacobson and Brian and Debby Borgen.

53. Chairman Seykora called the meeting to order at 8:30 a.m.

54. A motion was made by Manager Skaurud and seconded by Manager Wagner to approve the agenda with the following additions for discussion: boat ramp at Heiberg Dam; correspondence from Steve Jacobson; funding request from Clay County SWCD; notification of Managers for meetings; redistribution of Managers. Carried.

55. Meeting Minutes. Upon a motion by Manager Wright and second by Manager Wagner, the minutes of the June 14, 2006, meeting, were approved with the following corrections: On Page #4, paragraph #4, add "formerly the South Branch Initiative" and Page #8, Paragraph #29, add the following: "that landowners signed easements for the following boring sites: Ernest Hilde, SE 1/4 of Section 5, Rockwell Township; C.J. Lofgren, SE 1/4 of Section 19, Lake Ida Township; Debra Ruebke, NW 1/4 of Section 17, and the NE 1/4 of Section 19 of Lake Ida Township; and Charles Hopwood, the SE 1/4 and the NE 1/2 of Section 30 of Lake Ida Township." Carried.

56. Closing of Meeting. At 9:00 a.m. a motion was made by Manager Spaeth and seconded by Manager Skaurud to close the meeting to discuss Heiraas Litigation issues. Carried.

57. Members of the public left the meeting room.

58. At 9:15 a.m. a motion was made by Manager Spaeth and seconded by Manager Wagner to open the meeting. Carried.

59. Members of the public reentered the meeting room.

60. Manager Wright left the meeting at 9:25 a.m.

61. South Branch Storage Project. Engineer Bents distributed information on the South Branch Storage Project including a summarized schedule/timeline dated July 25, 2006, for the project. (A copy of the timeline is available at the District office.) Bents stated that with a year to get through the Engineer's Report, the earliest the construction would begin is spring of 2008.

Manager Ista addressed the Board of Managers with a letter stating:

"My understanding of the motion approved by the Watershed Board was authorization of Houston Engineering to prepare an engineer's report on the South Branch Initiative, which would include five to seven sites upstream on the South Branch and one off channel site, which was identified by Borup.

Also my understanding was that after the engineer's report was completed, the first sites to be under construction would be at least two sites upstream which would slow the water down and reduce the amount of sediment, before anything would be started on the Borup site. I noted that there was a strong suggestion that the wording of the motion should include 'two upstream sites and may be in conjunction with the Borup site.' I was naïve enough to believe that this meant that the two upper sites would be completed or nearly completed before the 'in conjunction with' would go into play. I now am of the impression I was not properly informed of what the intention was of the Administrator and chair of the WRWD Board in their instructions to Houston Engineering.

At the May 16, 2006, Red River Watershed Management Board (RRWMB) meeting held in Thief River Falls, the WRWD report to the RRWMB stated under the title South Branch Storage Initiative the following: 'The WRWD has submitted a second revised version of the Purpose and Need Statement to the USACE for the project. In addition, negotiations with the landowners at the largest off-channel site have also begun. If all goes well, a number of soil boring and preliminary geotechnical reports on the site will be completed later this spring.'

Project development money from the state bonding bill looks hopeful and will enable the District to put the South Branch Storage Initiative on the fast track towards their vision of potential alignments for the off-channel site at a recent meeting. A third landowner meeting is planned when more information develops.'

I as a WRWD manager was not informed of any of these meetings. I learned of one to be held with the landowners on the evening before the meeting after office hours and had committed to attend a meeting at the Red River Basin Commission in Winnipeg. I called Steve Dalen on his cell phone about 7:00 a.m. the next morning (the morning of the meeting with the landowners) and asked him what it was about. He stated that the meeting was just to present the findings of the soil borings to the landowners on which soil borings were taken. The day after the meeting I was informed by landowners that they were under the impression that the Borup site was going to be going forward. The impression I have received from the landowners in and around the Borup site was this site was being pushed to get under construction soon.

Of course I was under the impression the only involvement at the present time was to do a preliminary engineer's report was just that, preliminary, as the South Branch Initiative included all of the sites, upstream and the Borup site, so all of the sites would need to be included in the preliminary engineering report."

Administrator Dalen replied that the lower site does depend on what happens with the upper sites. Manager Wagner stated that he felt the upper sites would be under construction first, however at the same time there would be work on developing the lower site.

Administrator Dalen stated that regarding Managers not being informed of meetings, at the regular May meeting, it was his understanding that in order to expedite the process and capitalize on the bonding funds received from the State of Minnesota; he had authorization to choose the best people in his estimation to attend landowner meetings. Dalen asked Manager Wagner to attend the landowner meeting in Ada and Managers Seykora and Skaurud to attend the meeting in Ulen. Dalen felt the Board should be very happy to have progressed to this stage in a short amount of time.

Manager Ista stated that she did not understand how other Managers can jeopardize the project, funding, negotiations or landowner informational meetings. She stated that she didn't see how Administrator Dalen could choose who he wanted to attend these meetings. Manager Skaurud asked if Ista was referring to how the legislative committee that included Managers Skaurud, Wright and Seykora were chosen. Ista stated that she was not referring to the bonding and felt they had done an excellent job in securing funds.

Chairman Seykora stated that special meetings must be posted five days in advance of a meeting and the landowner meetings were scheduled in a very short time. Ista stated that she was aware of the five day posting notice requirement, but felt she was not being appointed to committees, which was her way to being kept informed.

Engineer Bents stated that in reference to the schedule, the off channel would be designed according to how the upper sites were constructed, but the timeline needs to identify the order the projects are to be completed. Permitting the sites may require that the schedule be staged due to agencies wanting the environmentally friendly sites to be completed first. Manager Ista stated that she understood Engineer Bents, but wanted clarification from Managers. Administrator Dalen stated that he and Engineer Bents are going to do what is directed by the Board.

Engineer Bents reviewed the three options for the off channel site and felt the board should choose the top priority in September. Administrator Dalen stated that he felt it is logic to have the soil boring information to determine what the soils types are. Shawn Crompton asked how deep the soil borings are and Mark Harless asked why the Project Team prioritized the sites in the way that they did?

Bents stated that the Project Team explanation was to not only take into account the environmental issues, they had problems with the City of Borup being so close, Highway #9 issues and wetlands and building sites.

Brent Kappes asked how stream monitoring could take place in October; it needs to be done during flood events. Engineer Bents stated that since we can't wait until all flood events, we now go back and look at the data that is available and also at the monitoring. Manager Wagner said that at the present time the District is using high school students for monitoring, however due to safety issues, they cannot monitor some areas during flood events. Mark Harless asked if the District has someone on retainer to do the sediment monitoring. Administrator Dalen stated that Kappes has a legitimate issue; the Board will be working at establishing additional sediment and stream monitoring personnel.

Kappes stated that he did not understand how the upper sites can be combined with the lower off channel site. Bents stated that the reason to group the projects is that it is difficult to get outside funding with just the upstream or above the ridge projects. Manager Skaurud stated that the District cannot get funding without combining the whole project. Engineer Bents explained the funding process and stated that funds received from the State Legislature need to be matched with other outside funds.

Mark Harless asked if the size of the larger upper sites would change if monitoring indicates high sedimentation loads. Engineer Bents stated that the sites were sized according to runoff, and didn't anticipate making the sites larger would be as beneficial as adding more sites. Brent Kappes brought up the time the District has been planning and landowners not being aware of it.

Kappes also stated that until a year ago, his information came from the local news media. He felt that landowners had been in the dark; however he did indicate that he and other landowners received information within the last few months including landowner meetings which he had attended. Manager Ista stated that in visiting with landowners they want to be informed at the very beginning. Administrator Dalen stated that as soon as the results of the boring are available on Site #3, landowners will be notified of the results.

62. Landowners left the meeting at 11:45 a.m.

63. Manager Wright arrived at 1:00 p.m.

64. Stream Sediment Monitoring. Administrator Dalen requested Managers to authorize a stream monitoring program. A motion was made by Manager Ista and seconded by Manager Wagner authorizing staff to establish a stream sediment monitoring program to include assistance from Mark Aanenson, Environmental Scientist, Engineer Jerry Bents and Administrator Dalen. Carried.

65. South Branch Storage Project. Manager Wright did not take part in the discussion on this project. Attorney Hanson joined the meeting via phone. Discussion continued regarding the proposed schedule for the project. Bents questioned the Managers regarding whether Administrator Dalen and he had authorization to continue moving ahead with the project. Manager Wagner asked how far the board continues the project without landowner support. Manager Seykora stated that the Board may never get total support. Engineer Bents stated that the project can be stopped at the end of any month the Board chooses. "Let the minutes reflect that the schedule was dispersed to all Board members and consensus of the Managers is that this schedule be followed as distributed." Attorney Hanson stated that in discussions with Attorney Jerry Von Korff, there were a few concerns regarding the schedule that need to be taken into account. Manager Ista stated that she would like to see, after every month, a very clear and concise report put in the local paper to keep the public informed. Administrator Dalen stated that landowner meetings will continue to be held for both the upper and lower sites.

66. Heiberg Dam. Juel and Bjorn Furuseth and Brian Borgen discussed installation of hydroelectric plants at the Twin Valley Dam. Borgen stated that he felt funding could be made available to the District for renewable energy and stated that hydroelectric generators could still be installed at the Heiberg Dam repair project. Manager Seykora stated that the project will be completed within a month. Manager Ista stated that Furuseths would have to discuss the hydroelectric choices with the MN DNR; at this point the District cannot change the Heiberg Dam project.

67. Dam Inspection Report. Engineer Bents distributed a report from Houston Engineering on the 2006 Dam inspections and suggested repairs. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing the following repairs: Install three sections of outlet pipe on the Upper Becker Dam; complete a survey to compare the existing vs. design roadway elevation of the Upper Becker Dam. Based on the results of the survey the next steps to rectify the issue of the possibility that the road profile may have been raised in the area of the emergency spillway of the Upper Becker Dan can be decided. Dead and down trees should be removed near the inlet structure of the Mashaug Creek Dam to prevent potential for blockage of the control structure. Removal of upstream beaver dam and replace the nuts on the trash racks and secure all others at the Marsh Creek, Site #3, Structure. Repair the trip cable assembly to prevent vandalism and install "No Motorized Vehicle" signs and several posts west of the existing access of the Rockwell Dam to prevent vehicles from entering the site. Also install concrete posts into the ground.

Remove the plywood blockage from in front of the draintile and replace the bar to maintain the minimum opening based on the revised O & M plan in September 2005 to a five inch opening on the Lockhart Flood Control Storage Project. Administrator Dalen will contact Peterson Brothers before any repairs are done at the site. Carried.

68. Green Meadow Dam Repair Project. Engineer Bents stated that changing the emergency spillway design on the Green Meadow Dam Project would constitute an improvement to the project and landowners should petition for the changes. Engineer Bents has a change order for the repair for the spillway to be restored to only its original design. A motion was made by Manager Skaurud and seconded by Manager Wagner to repair the emergency spillway to its original design and notify landowners of the decision by the District. Carried. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing a change order in the amount of \$7,087. Carried.

Administrator Dalen reported that Curt Jacobson brought maps of the proposed sites that the Green Meadow Dam Steering Committee has been working on and requested that the Board authorize Engineer Bents and Manager Wagner meet with Jacobson and review the sites. A motion was made by Manager Ista and seconded by Manager Wright authorizing Administrator Dalen to coordinate the onsite meetings with Curt Jacobson, Manager Wagner and Engineer Bents. Carried.

69. Marsh River Debris Removal and Cleanout. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing payment in the amount of \$2,452.50 to Arvid Ambuehl for debris removal and cleanout of the Marsh River. Carried.

70. Upper Reaches Project. A motion was made by Manager Wagner and seconded by Manager Wright authorizing final pay request in the amount of \$1,457.12 to Visser Trenching for the 2005 repairs to the Upper Reaches Project. Carried.

71. Heiberg Dam Boat Ramp Request for Cost Share Funding. Manager Skaurud reported on a meeting he attended along with Manager Seykora, Dave Friedl, MN DNR, and Dennis Thorson and Dan Buckle from the City of Twin Valley, in which the City agreed to cost share with the District and the MN DNR for a boat ramp installation at Heiberg Dam. A motion was made by Manger Ista and seconded by Manager Skaurud authorizing cost share funding up to a maximum of \$2,000, payable to the DNR or City of Twin Valley for a boat ramp installation at Heiberg Dam. Carried.

72. Administrator Dalen stated that Norman County Commissioner Steve Jacobson invited Dalen to the August 8 County Board meeting.

## **PERMIT APPLICATIONS**

73. Don Eckhoff, Section 8, Pleasant View Township. Upon a motion by Manager Ista and seconded by Manager Spaeth, Permit Application No. 7-27-06-1 of Don Eckhoff to construct a farmstead ring dike in Section 8 of Pleasant View Township, was approved with the condition that the construction is according to the sketch provided with the application and the recommendation that the applicant check with the NRCS about possible wetland issues. Carried.

74. Canadian Pacific Railway, Section 3, Marsh Creek Township. Upon a motion by Manager Skaurud and second by Manager Wright, Permit Application No. 7-27-06-2, of the Canadian Pacific Railway to replace a 36 inch culvert with a longer 36 inch culvert at the same elevation was approved. Carried.

75. Canadian Pacific Railway, Section 35, Marsh Creek Township. Upon a motion by Manager Spaeth and second by Manager Spaeth Permit Application No. 7-27-06-3 of the Canadian Pacific Railway to replace a 30 inch culvert with a longer 30 inch culvert at the same elevation was approved. Carried.

76. Clay County Highway Department Section 10, Viding Township. Upon a motion by Manager Wright and second by Manager Spaeth, Permit Application No. 7-27-06-4, of the Clay County Highway Department to install a new 18 inch centerline culvert and do ditch improvements in Section 10, Viding Township was approved as is. Carried.

77. Clearwater County Highway Department, Sections 31/32 of Minerva Township. Upon a motion by Manager Spaeth and second by Manager Skaurud, Permit Application No. 7-26-06-5 of the Clearwater County Highway Department to replace an existing steel arch pipe with a 14' x 7' box culvert was approved as is. Carried.

78. Marvin Peterson, Section 17, Lockhart Township. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application No. 7-27-06-6 of Marvin Peterson to lower a culvert and deepen a ditch in Section 17, Lockhart Township was approved as is. Carried.

79. Robert Pontow, Section 21, Sundal Township. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 7-27-06-7, of Robert Pontow to install a larger culvert in the driveway was tabled until the August regular meeting pending notice to downstream landowner Mark Chisholm. Carried.

80. Norman County Highway Department, Section 14, Lee Township. Upon a motion by Manager Skaurud and second by Manager Wright, Permit Application No. 7-27-06-8 of the Norman County Highway Department to replace an existing bridge with two 12' x 12' RCB-C in Section 14 Lee Township was approved as is. Carried.

81. Greg Zillmer, Section 1, Hagen Township. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application No. 7-27-06-9 of Greg Zillmer to install an overflow 6" tile between a stockpond and a township road ditch was approved. Carried.

82. Becker County Highway Department, Section 19, White Earth Township. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 7-27-06-10 of the Becker County Highway Department to replace an existing 43" x 27" CMP with a 44" x 26" RCP and install an additional 24" overflow pipe, was tabled pending requesting the applicant to provide a hydraulic study to illustrate the impact between the installation and Highway #59. Mark Anenson will follow up with the Becker County Highway Department. Carried.

83. Upper Reaches Project. Discussion was held regarding the possible redetermination of benefits for the Upper Reaches Project. Administrator Dalen asked Managers what their thoughts were regarding inviting Ron Ringquist, Certified Appraiser, who could provide information on the redetermination of benefits, to a public meeting. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Administrator Dalen to schedule a public landowner meeting and invite Ringquist to speak at the meeting. Carried.

84. Project No. 9, South Branch Repair Requests. Administrator Dalen stated that in discussions with John Germolus and Ron Guttormson, they asked if their repair request could be postponed due to the tax levy for the repair project completed in 2005. Both indicated that they would like to attend the public informational meeting on the redetermination of benefits.

85. Violations/Complaints. Regarding the billing invoice submitted by Roger Hennen on repairs to J.D. #53 Main, Hennen stated that the invoice is from work authorized in 2005 and completed in the spring of 2006. Technician Mike Buerkley will do a site visit prior to the District making payment.

86. RRWMB Report. Manager Skaurud gave a brief report on the RRWMB meeting. A water quality report was given by Wayne Goeken and discussion was held regarding the financial coordinator position and the lobbying position. The August 15 meeting will be held at Warren.

87. Project No. 9, South Branch. Manager Wright did not take part in the discussion. Attorney Hanson joined the meeting via phone. Engineer Bents stated that landowners petitioned for two repair sites on Project #9. The Board authorized an Engineer's Report that indicates there is the need for the repairs. It is not a bonded repair; costs for surveys have been incurred. Petitioners have now changed their mind and do not want the repairs due to their concerns about the costs. Administrator Dalen asked Attorney Hanson if there is a problem with not doing the repairs until at least 2007. Can the hearing date for the repairs be scheduled following the landowner meeting on redetermination of benefits? Hanson stated that a Viewer's Report should be prepared and table any further decisions until the August regular meeting when the report will be completed.

88. Managers Notification of Meetings. Manager Ista previously gave Administrator Dalen a letter requesting notification of the dates and places of all meetings. Attorney Hanson recommended that the District have an open exchange as far as meetings that are scheduled. Administrator Dalen requested Attorney Hanson to research any policies regarding Managers' attendance of meetings not authorized by the Board and bring it to the August meeting. Manager Skaurud stated that he felt the person appointed to attend meetings is the one who should attend and speak for the District.

89. Attorney Hanson left the phone conference at 3:30 p.m.

90. There being no further business to come before the Board of Managers a motion was made by Manager Wagner and seconded by Manager Spaeth to adjourn the meeting. Carried.

91. Chairman Seykora adjourned the meeting at 4:00 p.m.

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Diane Ista, Secretary

Date	Num	Name	Memo	Amount
07/12/2006	9780	AmeriPride	Cleaning Services	(32.56)
07/12/2006	9781	City of Ada	Utilities	(205.91)
07/12/2006	9782	Clay County Auditor	Proj #9 Labels	(13.00)
07/12/2006	9783	Diane Ista	May Expense	(195.40)
07/12/2006	9784	Francotyp-Postalia, Inc.	Postage Meter Scale Rental	(99.05)
07/12/2006	9785	G R Graphics-Maintenance	Copier agreement/scanner agreement	(295.34)
07/12/2006	9786	G R Graphics-Supplies	Staples	(72.46)
07/12/2006	9787	Geray Dozing	Farmstead Ring Dikes	(2,780.50)
07/12/2006	9788	Grinnell Mutual Payment Center	Policy #0027004721	(1,520.00)
07/12/2006	9789	Houston Engineering, Inc.	Engineering Fees	(29,969.81)
07/12/2006	9790	James Wagner Sr-Mgr	Expense Reimburse	(488.88)
07/12/2006	9791	James Wagner, Sr.	Beaver Control & Beaver Dam Removal	(1,675.92)
07/12/2006	9792	Jim Skaurud	Per Diem	(1,297.96)
07/12/2006	9793	Joe Spaeth	Expense Reimb	(289.95)
07/12/2006	9794	Loretel Systems	Office Phone	(371.16)
07/12/2006	9795	Marcussen Accounting	June billings	(390.00)
07/12/2006	9796	McCollum Hardware, Inc.	Bathroom Supplies	(7.65)
07/12/2006	9797	Norman County Auditor/Treasurer	Proj #9 Labels	(10.65)
07/12/2006	9798	North Star Water	Water/Office	(181.49)
07/12/2006	9799	Northern States Excavating	Clay Co. #14	(2,947.50)
07/12/2006	9800	Office Supplies Plus	Ink Cartridges/Adaptor	(1,039.38)
07/12/2006	9801	Ralph's Food Pride	Snack for Mtgs	(109.26)
07/12/2006	9802	Red River Watershed Management Board	1/2 cost share	(91,969.68)
07/12/2006	9803	Renae Kappes	Cleaning Services	(60.00)
07/12/2006	9804	Rinke Noonan	South Branch Storage Initiative	(1,797.50)
07/12/2006	9805	Robert E. Wright	Exp. Reimb.	(558.64)
07/12/2006	9806	Rodney Erickson	Lawn Mowing & Trimming	(90.00)
07/12/2006	9807	Roering Woodworking	Building Repairs	(1,200.00)
07/12/2006	9808	Thomas Scientific	Water Quality Monitoring Equipment	(214.71)
07/12/2006	9809	Tim Halle	Press Release	(430.00)
07/12/2006	9810	Unicel	Cell Phone	(66.19)
07/12/2006	9811	Wambach & Hanson	Legal Fees	(3,136.72)
07/12/2006	9812	Warren J. Seykora	Exp. Reimb.	(2,505.88)
07/12/2006	9813	Wm Nichol Excavating, Inc	2006 Flood Debris Cleanup	(980.00)
07/12/2006	9818	Joe Spaeth	Expense Reimb-doubled-deduct in August	(223.19)
07/12/2006	9698	ARC Lanes	Mgrs Lunch	(69.31)
07/13/2006	9814	Kari Kujava-Payroll	Payroll thru 7/9/06	(818.51)
07/13/2006	9815	Loretta Johnson-Payroll	Payroll thru 7/9/06	(788.89)
07/13/2006	9822	Steve Dalen	mileage\exp reimb	(494.43)
07/13/2006	9821	Steve Dalen-Payroll	Payroll thru 7/9/06	(1,490.07)
07/17/2006	9823	Community Bank of the RRV	FICA \ Fed W/H June	(4,342.60)
07/19/2006	9825	DL Construction	Mowing/Debris Removal	(8,608.75)
07/24/2006	9826	Arvid L Ambuehl	Remove Debris Marsh River Clearance	(2,452.50)
07/24/2006	9827	Unicel	Cell Phone	(64.67)
07/24/2006	9828	G R Graphics-Maintenance	Copier agreement/scanner agreement	(264.69)
07/24/2006	9829	HSBC Business Solutions	Office Supplies	(205.98)
07/24/2006	9830	Minnesota Energy Resources Corporation	Utilities	(10.35)
07/27/2006	9831	Payroll & Benefits	Thru 7/23/06	(3,979.68)
07/28/2006	9836	Visser Trenching	Final Pay Req. Repair on Upper Reaches	(1,457.12)
				(172,937.79)