

WILD RICE WATERSHED DISTRICT
11 Fifth Avenue East
Ada, MN 56510
Ph: 218-784-5501

REGULAR MEETING
September 13, 2006
APPROVED

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on September 13, 2006. The following members were present: Warren Seykora, Joe Spaeth, Bob Wright, Jim Wagner, Sr., David Vipond, Jim Skaurud and Diane Ista. The following members were absent: None. In addition the following persons were in attendance: Engineer Jerry Bents, Attorney Elroy Hanson, Secretary Loretta Johnson and Administrator Steve Dalen. In addition the following persons were in attendance, Court Reporter Sandy Bjerke, John Germolus, Brian Borgen, Maynard Pick Aide for Collin Peterson and Allen Christensen.
2. Chairman Seykora called the meeting to order at 8:35 a.m.
3. Attorney Hanson swore in David Vipond as the new Manager from Mahnommen County.
4. A motion was made by Manager Skaurud and seconded by Manager Wagner to approve the agenda for September 13, 2006. Carried.
5. Managers Concerns. Manager Skaurud asked if any Manager had been called by a Fargo radio station with questions regarding the informational meeting held in Twin Valley on the Upper Reaches Project and redetermination of benefits. Administrator Dalen stated that a local television station contacted him; however they were of the understanding it had been a controversial meeting and Dalen informed them it was just a regular meeting. Manager Wagner asked how much authority the District has regarding all the unauthorized ditching violations throughout the District. Attorney Hanson stated the District does not have legal authority to impose fines; however it can take civil action or file a criminal complaint. A permit fee may be established by the District. It was suggested that a resolution be prepared to submit to the MAWD Annual Meeting regarding permitting fees. A motion was made by Manager Wright and seconded by Manager Wagner authorizing staff and Attorney Hanson to draft a resolution to MAWD requesting authority be granted to Watershed Districts to impose a fee up to \$500 for flagrant violations. Carried. Regarding Project #42 being on the agenda at 9:00 a.m. Manager Ista suggested condensing all information on the project to be discussed at that time to allow all interested property owners the opportunity to be present.
6. Kaleidoscope. Tim Halle stated that in discussions with Dennis Roux, KRJB, he had asked if Administrator Dalen would do the first segment of Kaleidoscope with him on a one to one basis. Halle also asked the Board if they would like an article in the local newspapers on Watershed District ditching violations. Administrator Dalen discussed printing small newspaper ads with a question and answer type forum each week with District information stating that he would like the first few weeks to be related to Project #42. A motion was made by Manager Ista and seconded by Manager Wright authorizing staff and Halle to prepare each article prior to the meeting to be approved by the Board of Managers. Carried.

7. Project #42 South Branch Storage Project. Landowners whose signatures are on file at the District office, met with Managers at 9:00 a.m. to hear discussion on Project #42. Don Johnson asked if the project is in the DNR's hands already and if the DNR can take their land. Engineer Bents replied that if this project proceeds any eminent domain would be in the District's hands. Landowners stated that they felt at a previous meeting in Borup, they were told if landowners opposed the project it would not move forward. Helen Renfrew asked why the District is working on Alternative #3, and suggested using the Old Mill Dam for storage. Allen Christensen talked about the increase in the flow of water in the last few years from upstream on the South Branch and asked why the District doesn't restrict the water and slow it down. Don Johnson stated that it would be better to do nothing than do the Borup site, which will be a sewer. Joe Kroshus stated that he owns land in the middle of the project and had no knowledge of this until this spring and has not talked to any landowner who is in favor of this project. Engineer Bents tried to display the Borup site on the board and explain the reason borings were done. Don Johnson stated that no one cares about Bents' technical information that is wasting their time; the only thing he wants to know today is if the Board is going to use eminent domain and if the District is in collaboration with the DNR already. Brent Kappes asked why the District would trade eastern land against the western land if you can see that zero percent of landowners are in favor of the project. Manager Wagner stated that the MN DNR is the state agency that funnels the funds to the District, they handle the money, and it is not their project. Johnson again stated that doing nothing is better than doing this project. Helen Renfrew asked how the drilling sites were determined. Engineer Bents explained the process used for determining the sites.

Manager Ista stated that she would like to ask the District's attorney, if when she voted on a motion, can she bring that motion back to change her vote if she would choose to do this. Ista stated that she was disturbed because she felt when she voted on the project, the agreement was not to take that many acres of farmland for a storage site. She stated that there is no reason why the District cannot get storage upstream rather than use the site near Borup and use the 3,000 acres of farmland. Ista felt that times have changed; congressmen and state legislators have stated that they are not going to supply funding for storage on farmland. Ista stated that we also have information on some large projects on the Wild Rice River, which everyone is saying they will support. Ista stated that she would change her vote on the lower off channel site near Borup. Ronnie Guttormson asked how the Board justifies killing him for the neighbors down below. Chairman Seykora stated that he didn't think that any landowner would be in favor of a project if their property was included in the project and asked if anyone knew of alternatives.

Manager Ista stated that she would like to address Chairman Seykora's lack of professional attitude by saying that these people don't care about their landowners downstream; she felt that all of these landowners are sincere in believing this is not the right project. Manager Wagner questioned how many landowners would like to go back and put all of their ditches back to the same as they were in 1954. Chairman Seykora stated that everyone has made improvement to their land to be more profitable. Joe Kroshus stated that ditching down here in the flatlands is no where near as erosive as ditching in the upper reaches of the watershed district; we may contribute water to the Red River, but it is a slower process on the flatlands. Helen Renfrew requested that the District put more information in the local news media.

8. 2007 Administrative Budget. At 10:10 a.m. Chairman Seykora called to order the hearing on the proposed 2007 Administrative Budget. Doug Marcussen distributed copies of the proposed 2007 administrative budget that were published in the local newspapers in advance of the hearing. There being no testimony presented on the 2007 budget, a motion was made by Manager Ista that the following budget be adopted:

PROPOSED BUDGET FOR ADMINISTRATIVE ACCOUNT

Utilities	\$	9,000.00
Advisory Board		1,000.00
Supplies, Publications, Postage and Miscellaneous		18,000.00
Insurance and Bond Premiums		17,000.00
Engineering		20,000.00
Office Administration – Employees		78,500.00
Legal Fees		12,000.00
Accounting Fees		8,000.00
Managers’ Per Diem		25,000.00
Managers Expenses		12,000.00
Annual Report/Audits		8,000.00
Organization Dues		2,500.00
Overall Plan (10 Year)		1,500.00
Capital Improvements (10 Year)		2,500.00
Permits and Investigations		30,000.00
Mediation Project Team		5,000.00
Total	\$	<u>250,000.00</u>

Pursuant to Chapter 162, Laws of 1976, as amended, and under direction from the Red River Watershed Management Board, it is also proposed to levy .0004836 times the taxable market value of the property that lies within the District, in each county in the District for the Red River Watershed Management Fund, one-half of which remains in the Wild Rice Watershed District for construction and maintenance of projects of benefit to the District, and one-half of which is sent to the Red River Watershed Management Board for the construction and maintenance of projects of common benefit to more than one member district. Manager Wagner seconded the motion for the adoption of the 2007 administrative budget and, upon the vote being taken, the same was declared unanimously approved and carried.

9. Chairman Seykora closed the budget hearing at 10:15 a.m.

10. Project #42. The timeline for Project #42 and an informational packet that is being mailed to all landowners in the project was distributed. Manager Wagner stated that some of the landowners attending the meeting earlier are not on the South Branch; if the District has to move forward with 90% of the landowners opposed, how much money do we want to spend, if we don’t fully intend to build the project. Wagner stated that he doesn’t want to fight all of these people; his home is in this area. Administrator Dalen stated that when the district moves forward with these projects, it is not going to be easy; the farther you get and the more information that is available the better it will be. Dalen stated that the Board should keep their chin up and keep moving forward.

PERMIT APPLICATION

11. Norman County Highway Department, Section 30, Wild Rice Township. At 11:00 a.m. Derek Hendricks, Roger Hendricks, Loren Eken, Dennis Thompson and Mick Alm met with Managers. Considerable discussion was held regarding the installation of a block in the SE ¼ of Section 30, Wild Rice Township. Alm stated that he felt the ditch block should be at least two feet from the bottom of the existing ditch. Dennis Thompson stated that the culverts in the driveway were supposed to be plugged as a result of a court hearing some years ago. Engineer Bents raised the issue of the water being brought into the County Ditch system and not being assessed into the system. Attorney Hanson stated that if Hendricks would rather not have the ditch block, he has the right to file a petition with Norman County to drain his land into the County Ditch. Mick Alm agreed to work with landowners if the permit is approved. A motion was made by Manger Skaurud and seconded by Manager Wright to approve Permit Application # 9-13-06-1 of the Norman County Highway Department to install a block in Section 30 of Wild Rice Township with the condition that the block to be installed at approximate 1/16th line in the NW corner of the SW 1/4 of the SE 1/4 of Section 30 Wild Rice Township on the west side of the township roadway. The top of the block elevation should be no higher than the invert of the existing 12" CMP located through the existing approach approximately 800-ft to the north of the proposed location. The Norman County Highway Department is also responsible to obtain approval of the proposed installation from the Wild Rice Township Board. Elevations to be used are recorded on the 9/8/2005 survey of the east township road ditch completed by Mark Christianson at the Norman County. Soil and Water Conservation District. Carried with Managers Skaurud, Wagner, Wright and Seykora casting a yes vote and Managers Vipond, Ista and Spaeth opposed.

12. Maynard Pick left the meeting at 11:45 a.m.

13. Attorney Hanson left the meeting at 1:30 p.m.

14. Project #42. Engineer Bents stated that they have approximately 31 borings on the six sites, and have had permission to go on the land. Manager Seykora stated that overall there is support for the entire project. Administrator Dalen asked for comments from Board members on the morning meeting with landowners. Manager Skaurud stated that some of the landowners who were opposed were not on the project. Manager Ista asked for a list of all affected landowners. Manager Wagner stated that when a site is actually chosen, that is the time the Board will see how much eminent domain is necessary. Administrator Dalen stated that he has not received any opposition to the project from anyone in the western area of the District who is opposed to the project; he told Managers to keep their chins up and they will accomplish something. He stated that this is early in the process and he wanted to make sure that the board is still hanging in there. He stated that there will be tough decisions in the future. Chairman Seykora stated that as a board we unanimously agreed to move forward to benefit the majority of the District; do we now need to change our focus and do something other than flood damage reduction or do we proceed now in flood damage reduction. Manager Skaurud stated that he did not want this project to fail. Manager Seykora asked if there is a consensus or not in saying that the Board moves forward with our overall Watershed Management Plan and with this project. Manager Ista stated that she is not in agreement; she felt when she voted on the initiation of the project, it was to complete the upper sites and take away the focus from Borup and the lower sites. Manager Skaurud stated that in order to obtain funds from bonding we need to proceed with both the upper and lower sites. Engineer Bents stated that the size of the lower site will be based on the upper sites being in place, but when the District orders the project, that is the time when it is determined the order in which the sites are constructed. The initiation of the project that was voted on included the upper sites and the lower site.

Manager Wagner stated that there has been a lot of emphasis on the Borup sites and believed that the District does need to do the upper sites first. Manager Ista stated that the District should be visiting with Legislators who did not realize that there were 3,000 acres of farmland involved as there may not be bonding money available. Ista stated that there are other areas on the South Branch that have up to 20,000 acre feet of storage available where there are not many red flags, with only one home that would be a major buyout. Ista stated that she doesn't think the Borup site is the right or correct project and she has never been in favor of it; the only way that she would approve of the Borup site is if that site would be the only alternative for the flood damage reduction benefits. Engineer Bents stated that it was his understanding that the site in Section 14, of Hagen Township, which Manager Ista is referring to, had been eliminated as an alternative. Ista replied no, it had not. Engineer Bents stated that ultimately a COE permit would be necessary for the Hagen site; therefore it may be a good idea to bring the information that is available on Hagen to the Board for review.

Engineer Bents stated that a grant has been submitted to the DNR in the amount of \$200,000 for engineering, design, cost estimating, environmental and permitting studies related to five upper basin floodwater storage sites and one lower off-channel storage facility located along the South Branch of the Wild Rice River. A motion was made by Manager Skaurud and seconded by Manager Ista authorizing execution of the DNR grant agreement. Carried.

15. Curtis Borchert and Aaron Neubert arrived at 2:00 p.m.

16. Mahnomen County Soil & Water Conservation District (SWCD) Request for Funding. Aaron Neubert, MC SWCD, gave a presentation on a request to the District for cost share funding on a Clean Water Partnership Project for shoreline protection on Twin Lakes, Pinehurst Resort. Neubert stated that the cost proposal for the site is \$27,305 and the request to the Watershed District is 25 percent or \$6,826.25. A motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing the District to cost share in the amount of \$6,826.25 for shoreline protection on the Pinehurst Resort Site. Funds to be used will be taken from the Red River Construction Account. Carried.

17. Norman County Soil & Water Conservation District (SWCD) Request. Curtis Borchert, NC SWCD, stated that the NC SWCD, County Commissioners and landowners are submitting a request to the MN DNR to review the ordinary high water mark on Home Lake and requested that the District sign on the request. A motion was made by Manager Ista and seconded by Manager Vipond authorizing the Managers to sign on to no more than the NC SWCD's request to the DNR to review the ordinary high water mark of Home Lake. Carried.

18. Curtis Borchert and Aaron Neubert left the meeting at 2:30 p.m.

19. COE WRRFS. Engineer Bents stated that there is a need for real time data to supplement the Sediment Study Analysis being done by the COE. It is needed for the importance of the South Branch and also the Wild Rice River. The COE has agreed to cost share for real time data as long as the Feasibility Study is ongoing. Bents stated that there is also cost share money available from the USGS. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing staff to proceed with the USGS monitoring program and apply for applicable funding sources that may come available. Carried.

PERMIT APPLICATIONS

20. Mark Chisholm, Section 6, Strand Township. Upon a motion by Manager Ista and second by Manager Vipond, Permit Application #9-13-06-2 of Mark Chisholm to increase a 48” culvert to a 60” culvert in Section 6 of Strand Township was tabled pending notice to downstream landowners. Carried.

21. Mark Chisholm, Section 7, Strand Township. Upon a motion by Manager Skaurud and second by Manager Spaeth, Permit Application #9-13-06-3 of Mark Chisholm to increase an 18” culvert to a 30” culvert in Section 7 of Strand Township was tabled pending notice to downstream landowners. Carried.

22. Doug Krogstad, Section 28, Lee Township. Upon a motion by Manager Vipond and second by Manager Wright, Permit Application # 9-13-06-4 of Doug Krogstad to raise the elevation of his farmstead ring dike was tabled pending obtaining comments from Norman County and surrounding landowners. Carried.

23. Wild Rice Township, Section 30, Wild Rice Township. Upon a motion by Manager Skaurud and second by Manager Vipond, Permit Application #9-13-06-5 of Wild Rice Township to install a non perforated drain tile in Section 30 of Wild Rice Township was tabled pending notifying landowners in Section 25 and 30 of Wild Rice Township. Carried.

24. Red River Valley Coop, Section 26, Lee Township. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application #9-13-06-6 of the Red River Valley Coop to replace underground high voltage power line for service to the Perley Beet Piling Station was approved with the condition that the cross section of the coulee will not be changed. Carried.

25. Rodney Olson, Section 30, Anthony Township. Upon a motion by Manager Spaeth and second by Manager Wright Permit Application #9-13-06-7 of Rodney Olson to install an approach with an 18” culvert was approved. Carried.

26. Tim Hoff, Section 20, Lee Township. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application #9-13-06-8 of Tim Hoff to install an approach with a culvert was approved with the condition that the culvert is 18” in diameter. Carried.

27. Richard Ambuehl, Section 2, Mary Township. Upon a motion by Manager Wagner and second by Manager Spaeth, Permit Application #9-13-06-9 of Richard Ambuehl to install a field crossing and culvert off of his driveway was approved with the condition that the culvert size is a minimum of 18 inches. Carried.

28. Mark Chisholm, Section 5 of Wild Rice Township. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application #9-13-06-10 of Mark Chisholm to reroute a ditch/creek in the SW ¼ of Section 5 was approved with the recommendation that the applicant contact the NRCS regarding wetland issues. Carried.

29. Brent Kappes, Section 26, Winchester Township. Upon a motion by Manager Vipond and second by Manager Wright, Permit Application #9-13-06-11 of Brent Kappes to install a crossing with a 24” culvert in Section 26 of Winchester Township was approved. Carried.

30. Matson Farms, Section 6, Waukon Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application #9-13-06-12 of Matson Farms to lower an existing 18" CMP up to 1.5 feet and regrade ditch in Section 6 of Waukon Township was tabled pending notification of downstream landowners, landowner upstream of the pipe and Norman County. Carried.

31. Atlanta Township, Section 11/12, Atlanta Township. Upon a motion by Manager Wright and second by Manager Skaurud, Permit Application #9-13-06-13 of Atlanta Township to replace culverts and repair the roadway in Sections 11/12 of Atlanta Township was approved with the condition that the culvert is the same size, length, elevation and location, and the ditch grade be returned to the preexisting slopes and cross sections. Carried.

32. Atlanta Township, Section 14/23, Atlanta Township. Upon a motion by Manager Skaurud and second by Manager Vipond, Permit Application #9-13-06-14 of Atlanta Township to replace culverts and repair the roadway in Sections 14/23 of Atlanta Township was approved with the condition that the culvert is the same size, length, elevation and location, and the ditch grade be returned to the preexisting slopes and cross sections. Carried.

33. Atlanta Township, Section 18/19, Atlanta Township. Upon a motion by Manager Skaurud and second by Manager Vipond, Permit Application #9-13-06-15 of Atlanta Township to replace culverts and repair the roadway in Sections 18/19 of Atlanta Township was approved with the condition that the culvert is the same size, length, elevation and location, and the ditch grade be returned to the preexisting slopes and cross sections. Carried.

34. Atlanta Township, Section 12/13, Atlanta Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application #9-13-06-16 of Atlanta Township to replace culverts and repair the roadway in Sections 12/13 of Atlanta Township was approved with the condition that the culvert is the same size, length, elevation and location, and the ditch grade be returned to the preexisting slopes and cross sections. Carried.

35. Floyd Hanson, Section 1, Green Meadow Township. Upon a motion by Manager Ista and second by Manager Vipond, Permit Application #9-13-06-17 of Floyd Hanson to install a drainage tile and outlet to Spring Creek in Section 1 of Green Meadow Township was approved with the condition that the applicant contact the NRCS for approval. Carried.

36. Clay County Highway Department, Section 5/8, Flowing Township. Upon a motion by Manager Wright and second by Manager Vipond, Permit Application #9-13-06-18 of the Clay County Highway Department to move an existing culvert 30 feet west to better align the culvert with the ditch in Section 5/8 of Flowing Township was approved. Carried.

37. At 4:00 p.m. the meeting was recessed to be reconvened at 8:30 a.m. on Wednesday, September 20, 2006.

RECONVENED MEETING

WEDNESDAY SEPTEMBER 20, 2006

38. The regular meeting of the Wild Rice Watershed District Board of Managers was reconvened on Wednesday, September 20, 2006. Chairman Seykora called the meeting to order at 8:30 a.m. The following members were in attendance: Jim Wagner, Sr., Diane Ista, Warren Seykora, Bob Wright, Joe Spaeth and David Vipond. The following members were absent: Jim Skaurud. In addition the following persons were in attendance: Administrator Steve Dalen, Engineer Jerry Bents, Attorney Elroy Hanson, Secretary Loretta Johnson, Sandy Bjerke, Court Reporter and landowners whose names are on file at the District office.

39. Hagen Storage Site. Engineer Bents distributed a packet of information on the Hagen Site located in Section 14 of Hagen Township and the Faith Site located in Section 13 of Fossum Township. Bents reviewed the history of the two alternatives. Manager Spaeth asked if it is feasible for permitting either of these when it appeared that earlier the Project Team did not support them and supported Project #42. Manager Ista stated that she felt the information on the Hagen site was good. She stated it was her understanding that Administrator Dalen, Engineer Bents and Chairman Seykora met with Congressman Collin Peterson to discuss what Peterson would include in the Water Resources Development Act (WRDA) Bill. Ista also asked if she was correct in saying that the Hagen site was not included. Engineer Bents stated that she is correct; from that meeting it was not included. Ista stated that now things are changing within government, the emphasis is to move ahead, the District needs to use their intellect to stop the flooding; FEMA is stating this very directly; that is why congressional delegations are becoming involved. Ista stated that the Red River Basin Commission has been included in this also. There are changes within the Watershed District and changes in attitude. Ista stated that the fact is that no one is very comfortable taking 3,000 acres of farmland and has always felt that we should improve the river environmentally, before taking any farmland down below. Ista stated that these issues are being looked at with a subcommittee and there are things being worked on that are not ready for public disclosure. If the last place for storage is the Borup site and she doesn't believe this and never has believed this, but if it were she would support it. The review of the Hagen site is good, but not necessary to discuss, we should be only reviewing Project #42.

Manager Ista made a motion requesting Administrator Dalen, Engineer Bents and Manager Wagner meet with the information gathering committee and bring the facts back to the Board. Manager Wright said that he thinks the Board should know who this committee is.

Engineer Bents stated that Administrator Dalen, Chairman Seykora and Bents were asked to meet with Congressman Collin Peterson. On August 31, 2006, Bents, Dalen and Seykora, along with Curt Jacobson and Richard Ista met with Peterson in Detroit Lakes. At that meeting the focus was around the Twin Valley Dam or maybe a revised version. Peterson stated that a project could be built and it would not be necessary to do a benefit costs ratio, but an environmental impact statement would be necessary. Richard Ista and Curt Jacobson pushed to include the Hagen site; but when we left the meeting, the agreement was that we were to have a conference call with Peterson's staff that would include Ista, Jacobson, Bents, Seykora and Dalen. No communication was received from Peterson's staff until Friday September 15, 2006, at which time they requested information on Project #42, which was provided along with an email that stated if they needed any further information to contact the District office.

We were told by Robin Goracke, a member of Peterson's staff, that if the Twin Valley Dam is included in the WRDA bill, it would not be as it was originally designed. Bents stated there was no committee meeting scheduled with anyone, only a conference call. Bents stated that Watershed District staff tried several times to schedule a conference call but Peterson's staff indicated that they were not ready. Dalen stated that he agreed with Bents' understanding of the meeting held with Peterson. Since that time we have attempted to set up a conference call, but it has not happened. Administrator Dalen stated that at this immediate time he is waiting for a call from Congressman Peterson. Manager Ista stated that the information gathering committee was told at other meetings with Congressman Peterson that Peterson would not include the lower off channel site, (Borup site); there was obviously a lack of communication. The committee has been working on an initiative to bring to the Board.

Manager Wagner asked if there is still a chance of including the Hagen site at some future time. Engineer Bents state that at the moment it would not be included. Brent Kappes asked why the District would include the upper sites in the same project as the lower sites. Bents stated it would be designed as one project; however the projects would be constructed as phases for one overall project in the end. Chairman Seykora stated that the concerns brought up by landowners are good, however there is no one project that is going to help everybody. When the board is looking for Flood Damage Reduction for the entire District, it looks at a total project that includes several projects. Manager Wagner stated that it appears the public feels like the lower site is the most important site. Engineer Bents stated that he could understand their thinking, and the upper sites are behind; however the ground surveys are complete, culvert elevations have been taken, all of the borings on six of the site should be done by now and currently we are waiting for the LIDAR for that area which should be complete by the end of the month. Allen Christensen asked if the holding sites will drain completely empty. Bents replied that they would drain completely; he would not envision any of them having a permanent pool behind them. The location of the outlets has not been established. From seeing the general tendency in other Watershed District projects in the Red River Basin, he believes that the District will get a request from agency folks to hold shallow water during certain times of the year; but he doesn't envision a lake or a swamp the whole year around.

Administrator Dalen reported on the teleconference he just had with Congressman Peterson. Peterson plans on incorporating Project #42, the Hagen site and the Twin Valley site into the WRDA bill; the amount to be requested is \$15-20 Million rather than the \$100 Million. Peterson supports what the District is doing and understands the issues; he knows that this area is in need of flood damage reduction; however he stated that in discussion with the U.S. COE, there is the ability to bypass the benefit cost ratio, but not the environmental issues. Peterson stated that he will support the Board and wants them to know that any issue they might have, he wants you to know they will be addressed as quickly as possible. Dalen stated that the Board should applaud Congressman Peterson for his efforts.

Manager Ista withdrew the motion. Attorney Hanson asked who the Oversight Committee is. Ista replied it is an organized committee, and Oversight is the name that was chosen.

40. Green Meadow Upper Storage Investigation. Curt Jacobson gave a report on the status of the investigation. He stated that he met with Mark Chisholm and toured the area. He has obtained boring easements from Stewart Klask, Cory Hanson and J.R. Dale and asked for an estimated cost per development of each site would be. Jacobson asked if the quality of the clay used in the Green Meadow Dam Repair was necessary for any one of these projects. Engineer Bents stated that the core of the dike would need to be at a minimum of what is used in the Green Meadow Dam repair. Jacobson asked what the funding options could be. Attorney Hanson stated that options for initiating this project include either a petition by the property owners or a petition by the Watershed Board. Jacobson asked if this would be a part of Project #30 or a separate project. Hanson stated that it would be a new project; a requisite number of property owners could petition or the Board could do it. Jacobson requested funding from the Board for soil boring of the sites. Chairman Seykora questioned what the costs would be; Engineer Bents stated approximately \$7,000-\$10,000, or just the borings could be done and not the lab tests, which would greatly reduce the cost. A motion was made by Manager Ista and seconded by Manager Vipond to proceed with the borings, and not doing the detailed analysis at this time. Carried.

41. Glen Ramstad, Wayne Lee and Dwight Heitman arrived at 10:00 a.m.

42. Upper Reaches Project. Dwight Heitman presented Managers with the following request:

Major flooding has occurred with increasing frequency on the Wild Rice River in years including 1997, 2000, 2002, 2004 and 2006.

Severe damage has happened to the river bed, river banks and wild life environment as well as roads, bridges, property and crops because of this flooding.

Before the next major rain event occurs we respectfully request the following repair to the Upper Reaches Wild Rice/Marsh River Project including:

1. Repair washouts of river banks-water overflowing the banks is causing damage in areas not seen previously.
2. Remove sediment deposits from the river bed to restore the river to a waterway with a channel. Deepening does not speed flow, it creates capacity thereby lowering water levels.

Most importantly, consider and implement measures to reduce the impact of major rain and snow events including both main stream and off stream impoundments.

Thank you for your prompt consideration. Signed /s/ Dwight Heitman, Glenn Ramstad, Gordon R. Ramstad, Sam Larson, Wayne Lee, Warren Lee, Howard Heitman, Bruce Tufte, Brent Tufte, Blair Tufte, Davis Tufte, Richard Ambuehl, William Lee, Graydon Larson.

Heitman also stated that sedimentation in the river is a huge problem, landowners no longer have drainage from their fields into the river. Manager Wagner asked if Heitman realized the cost of dredging the river. Attorney Hanson stated that there are some complicated issues such as: what is the legal obligation of the District to keep these maintained; what happens in the event that the levee project and the set back levees are ordered and the fact that there is no money in the account to do the dredging.

He stated that the letter is paramount to a petition, whether the dredging is doable right now is in question, but there are other components of these repairs that should be looked at this meeting. Engineer Bents discussed the washout repair request noting that the COE has approved five locations that are eligible for 80% cost sharing, however it is not known at this time if there are funds available from the COE. Glenn Ramstad addressed the costs to property owners from crop losses and taxpayers as a result of damages to the roads. Discussion was held by the landowners regarding them working on getting a signed petition to present to the District requesting a Redetermination of Benefits on the Upper Reaches Project. Administrator Dalen indicated that Ron Ringquist is very busy and has stated that the process would take from 18-24 months, once started. Dalen asked if it would be prudent for the District to request that Ringquist put a place card in for the District, if in fact, he is the person chosen for the job.

Manager Wright felt that the Board should act on the request for repair of the washouts. Engineer Bents stated that the options are either the District moves ahead and does the work immediately or waits until a response from the COE regarding funding. Dwight Heitman asked if landowners could do the repair work with supervision from Engineer Bents or Mike Buerkley. Attorney Hanson stated it is not illegal, but terms of the arrangement would need to be set forth. A motion was made by Manager Vipond and seconded by Manager Wagner authorizing the District to move forward with repair of the five COE sites. Carried. A motion was made by Manager Vipond and seconded by Manager Ista authorizing Engineer Bents to meet with Heitman to define the sites listed in the request by landowners for repair of washouts. Carried.

Manager Ista questioned if the Board could move ahead and order a redetermination of benefits. Attorney Hanson stated that is a board call. A motion was made by Manager Ista authorizing the District to order the redetermination of benefits on the Upper Reaches Project. Motion died for lack of a second. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing Attorney Hanson to research information on bonding issues related to the Redetermination of Benefits of the Upper Reaches Project. Carried.

42. J.D. #51 Slide Repair. Engineer Bents stated that Roger Hennen is the low bidder for the project in the amount of \$26,525. Manager Wagner stated that he received a request for the extra dirt to be used on a portion of the levee that has a washout as a result of the spring flooding. A motion was made by Manager Wagner and seconded by Manager Spaeth authorizing the bid awarded to Roger Hennen for the J.D. #51 Slide Repair. Engineer Bents will coordinate with the City of Ada for the dirt removal to be used for levees. Carried. Engineer Bents also discussed the request for sediment removal on J.D. #51 in Sections 7 and 18 of Lake Ida Township and 12 and 13 of McDonaldsville Township. A motion was made by Manager Spaeth and seconded by Manager Vipond authorizing Administrator Dalen to contact landowners requesting spoil easements. Carried.

43. A motion was made by Manager Wagner and seconded by Manager Ista authorizing Administrator Dalen to contact Paul Larson regarding moving the setback levees out from the river. Carried .

44. Heiraas Litigation. Attorney Hanson reported that an offer on the amount of reimbursements the District would settle for in costs incurred in the Heiraas lawsuit would settle has been submitted to Attorney Baer. Heiraas will wave all appeals, etc. if the District drops the charges to retain the moneys. Cost and expenses have been submitted to the insurance company.

45. Project #12 Repair. Engineer Bents discussed a repair request for cleaning of Sections 4 and 9 of Project #12 Wild Rice Township Ditch. The total construction cost is estimated at \$12-14,000. In order to complete the work and dispose of the spoil releases will be necessary. As previously discussed grass buffer strips will be restored as part of the original project, which have been destroyed at some locations. Records indicate that the southerly ¾ mile of Section 16 was transferred from the BNRR to Norman County. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing the repair in Sections 4 and 9 of Wild Rice Township, the restoration of grass buffer strips and Attorney Hanson to write and record legal descriptions of the right of way. Carried. A motion was made by Manager Ista and seconded by Manager Wagner to adjust the tax levy on Project #12 until all costs on the project are paid. Carried.

46. Gene Ueland Violation, Sections 29 and 30 of Good Hope Township and Section 25 of Shelly Township. Administrator Dalen stated that Gene Ueland agreed to restore the ditch to its pre-existing condition. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Engineer Bents to research the pre-existing conditions and provide them to Attorney Hanson who will notify Ueland outlining the necessary restoration. Carried.

47. COE WRRFS Feasibility Study. Engineer Bents provided an update on the sediment study currently being done by the COE. A Clean Water partnership application was submitted to MPCA for cost share funding for the District's sediment study. Bents is in the process of scheduling a meeting with USGS personnel to come to the area the first week in October. A report from Midwest Testing on the boring sites near Ada will be provided at the October meeting.

48. News Publication. Tim Halle distributed three proposed short new items to be published for the next three weeks in local newspapers. Managers reviewed the information and consensus was to publish the three items as presented.

49. Brian Borgen Complaint, Section 7, Mary Township. Brian Borgen presented a complaint for work in Section 7, Mary Township along with other concerns. Borgen agreed to withdraw this complaint and return with a more detailed complaint for the Board's action.

50. Brian Bacher Request. A motion was made by Manager Ista and seconded by Manager Vipond to deny the request by Brian Bacher to cut trees on District acquisition property due to the liability issue and past policy. Carried.

51. Anderson Wetland. A motion was made by Manager Wright and second by Manager Wagner authorizing staff to investigate the concern of a neighboring landowner that some of the created wetlands on the Anderson site are larger than they were supposed to be. Carried.

PERMIT APPLICATIONS

52. Marlis & Cliff Fraser, Section 33, Rosedale Township. Upon a motion by Manager Spaeth and second by Manager Vipond, Permit Application # 9-20-06-1 of Marlis and Cliff Fraser to install a crossing and two 36 inch culverts was approved. Applicant is recommended to contact USFWS to determine if they hold an easement. Carried.

53. Kevin Lee, Section 5, Winchester Township. Upon a motion by Manager Ista and second by Manager Wagner, Permit Application #9-20-06-2 of Kevin Lee to install a crossing and a culvert in Section 5 of Winchester Township was approved with the condition that the pipe sizes be a 30 inch and a 24 inch culverts. Carried.

54. Keith Chisholm, Section 5, Pleasant View Township. Upon a motion by Manager Spaeth and second by Manager Vipond, Permit Application #9-20-06-3 of Keith Chisholm to install drain tile in Section 5 of Pleasant View Township was approved with the condition that the applicant obtain approval from the NRCS and SWCD. Carried.

55. Matt Jirava, Section 2, Spring Creek Township, Becker County. Upon a motion by Manager Vipond and second by Manager Wagner Permit Application #9-20-06-4 of Matt Jirava to install drain tile in Section 2 of Spring Creek Township, was tabled pending applicant providing the District with the tiling plan. Applicant will also need NRCS and SWCD approval. Carried.

56. FEMA 2006 Repairs. Engineer Bents stated that FEMA is currently in the process of making a decision on the degree of funding for the repair of Project #30.

57. Heiberg Dam Repair. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Pay Request #5 to Landwehr Construction in the amount of \$208,518.45 for repair to Heiberg Dam. Carried. A motion was made by Manager Spaeth and second by Manager Vipond authorizing billing the City of Twin Valley one half of the cost or \$772.52 of the boat ramp installation as agreed upon. Carried.

58. Green Meadow Dam. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing Pay Request #1 to Geray Construction in the amount of \$56,745 for work on Green Meadow Dam. Carried. A motion was made by Manager Ista and seconded by Manager Wagner authorizing a 30 day time extension as requested by Geray Construction, with the condition that the work be done as soon as possible and damages will be determined at the end of the project. Carried.

59. J.D. #53 Lat 1. A motion was made by Manager Ista and seconded by Manager Spaeth to abandon the cleaning in Section 35 of Shelly Township. The ditch committee may request a cleaning after the 2007 ditch inspection. Carried.

60. Citizens' Advisory Committee. A motion was made by Manager Ista and seconded by Manager Wagner to approve the following list for the 2006-2007 Citizens Advisory Committee. Carried.

Eldo Bentley	Tom Bergren	Brian Borgen
Allen Christensen	Jerry Dahl	David Dunham
Wally Eid	Perry Ellingson	Dwight Fevig
Wesley Green	Mark Harless	David Haugo
Steve Jacobson	Sam Larson	Barry Nelson
Sue Nelson	Dennis Newland	John Otto
Charles Pazdernik	Duane Pazdernik	Nathan Redland
Joe Slette	Jerry Waller	Hendrum Mayor

61. Project #4 Upper Becker Dams. A motion was made by Manager Vipond and seconded by Manager Wagner to notify Riceville Township to restore the Upper Becker dam to its original elevation and authorize staff to meet with township officials. Carried.

62. Acquisition 2002 DR 1370. A motion was made by Manager Spaeth and seconded by Manager Wright to approve a time extension until November 1, 2006, for personal property removal requested by Roger and Susan Lee. Carried.

63. County Commissioner Funding Meetings. Administrator Dalen distributed copies of the presentation on District Project Funding Options, given at the Norman County Commissioners' meeting. (A hard copy is on file at the District office.) Information included 1) existing levy authorities; 2) review of 2005 programs/costs; 3) large project initiatives and 4) potential alternative funding options. Dalen noted that staff will be giving the same presentation at both Clay and Mahanomen County Commissioner meetings.

64. Manager Wright left the meeting at 4:30 p.m.

65. Farmstead Ring Dikes. A motion was made by Manager Spaeth and second by Manager Wagner to approve Pay Request #5 in the amount of \$1,353.75 to Geray Dozing for the Rodney Olson ring dike. Carried. Administrator Dalen reported that Gordon Construction is the low bidder on the Haskins ring dike, however the Farm Ring Dike Account does not have funds to cover the total project. Dalen has been discussing possible funding options with John Finney, RRWMB Chairman and Ed Fick, Mn DNR. A motion was made by Manager Ista and seconded by Manager Wagner authorizing awarding the bid to Gordon Construction in the amount of \$40,344 for the Harry Haskins ring dike and for staff continue working with agency personnel for future ring dike funding. Carried.

66. Brian Borgen Request. Brian Borgen presented a request to Managers to video and audio tape record meetings. The request will be discussed at the October regular meeting.

67. There being no further business to come before the Managers Chairman Seykora adjourned the meeting at 5:00 p.m.

Diane Ista, Secretary

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
09/06/2006	9906	USDA FSA	Digital Aerial Photos	(300.00)
09/13/2006	9909	Ada Feed & Seed, Inc.	Spraying Ditches & Projects	(2,223.30)
09/13/2006	9910	AmeriPride	Cleaning Services	(32.56)
09/13/2006	9911	ARC Lanes	Mgrs Lunch	(50.20)
09/13/2006	9912	City of Ada	Utilities	(213.13)
09/13/2006	9913	Clay County Auditor	Labels	(5.00)
09/13/2006	9914	Crookston Daily Times	Budget Hearing	(214.00)
09/13/2006	9915	David Vipond	Exp Reimbursement	(38.72)
09/13/2006	9916	Detroit Lakes Newspapers	Budget Hearing	(256.14)
09/13/2006	9917	Diane Ista	expense reimb	(13.35)
09/13/2006	9918	Farmers Publishing Company	Budget Hearing	(70.00)
09/13/2006	9919	Fertile Journal	Budget Hearing Notice	(43.50)
09/13/2006	9920	Geray Dozing	Pay Requests	(58,098.75)
09/13/2006	9921	Gordon Construction	Pay Requests	(20,853.04)
09/13/2006	9922	Houston Engineering, Inc.	August Engineering Fees	(39,915.79)
09/13/2006	9923	HSBC Business Solutions	office supplies	(414.00)
09/13/2006	9924	Index Printing Inc.	Flyers Upper Reaches/Notice of Hearing	(803.12)
09/13/2006	9925	James Wagner Sr-Mgr	exp reimburse	(52.51)
09/13/2006	9926	Jim Skaurud	exp reimburse	(80.53)
09/13/2006	9927	Joe Spaeth	Expense Reimb	(82.77)
09/13/2006	9928	Landwehr Construction, Inc.	Pay Requests	(210,063.49)
09/13/2006	9929	Loretel Systems	Utilities	(360.50)
09/13/2006	9930	Loretta Johnson	Office Reimbursement	(93.66)
09/13/2006	9931	Marcussen Accounting	August Billings	(615.00)
09/13/2006	9932	McCollum Hardware, Inc.	Wagner Pickup	(4.47)
09/13/2006	9933	Midwest Testing Lab.	Green Meadow Dam	(210.00)
09/13/2006	9934	Min Energy Resources Corporation	Utilities	(45.00)
09/13/2006	9935	North Star Water	Water/Office	(169.00)
09/13/2006	9936	Office Supplies Plus	Office Supplies/Color Copies Upper Felton	(801.68)
09/13/2006	9937	PERA	Sep Managers	(363.41)
09/13/2006	9938	Ralph's Food Pride	Lunch Supplies	(34.28)
09/13/2006	9939	Renae Kappes	Cleaning Services	(60.00)
09/13/2006	9940	Robert E. Wright	exp reimburse	(82.33)
09/13/2006	9941	Rodney Erickson	Lawn Mowing & Trimming	(157.50)
09/13/2006	9942	Steichen Excavating	Beaver Dam Removal	(239.40)
09/13/2006	9943	Tim Halle	Press Rel & Public Redetermination Hearing	(919.00)
09/13/2006	9944	Unicel	Cell Phone	(147.64)
09/13/2006	9945	Wambach & Hanson	August 06 Billings	(4,144.17)
09/13/2006	9946	Warren J. Seykora	exp reimb	(1,125.51)
09/13/2006	9948	David Vipond	Per Diem	(138.52)
09/13/2006	9949	Diane Ista	per diem	(195.40)
09/13/2006	9950	James Wagner Sr-Mgr	per diem	(277.91)
09/13/2006	9951	James Wagner, Sr.	Beaver Control & Beaver Dam Removal	(656.91)
09/13/2006	9952	Jim Skaurud	per diem	(286.61)
09/13/2006	9953	Joe Spaeth	per diem	(260.54)
09/13/2006	9954	Robert E. Wright	per diem	(212.78)
09/13/2006	9955	Warren J. Seykora	per diem	(1,511.19)
09/22/2006		ARC Lanes	Mgrs Lunch	(48.33)
		Total Checking-CBRRV		(346,984.64)