

WILD RICE WATESHED DISTRICT

11 Fifth Avenue East

Ada, MN 56510

Ph: 218-784-5510

December 13, 2006

UNAPPROVED

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, December 13, 2006, at the office of the District. The following members were in attendance: Joe Spaeth, Warren J. Seykora, Bob Wright, James Wagner, Sr., Diane Ista, Jim Skaurud and Dave Vipond. The following members were absent: None. In addition the following persons were in attendance: Attorney Elroy Hanson, Engineer Jerry Bents, Administrator Steve Dalen, Secretary Loretta Johnson, Aide to Congressman Collin Peterson, Maynard Pick; Publicist Tim Halle and Audio Recorder Royal Knutson. Also in attendance were landowners and interested property owners.

2. Chairman Seykora called the meeting to order at 8:40 a.m.

3. Agenda. A motion was made by Manager Spaeth and seconded by Manager Wright to approve the agenda for December 13, 2006, with additional discussion items. Carried.

4. Meeting Minutes. A motion was made by Manager Skaurud and seconded by Manager Vipond to approve the November 8, 2006, regular meeting minutes with the following change: On Page #8, Paragraph #44, Line #4, change Norman County to Mahnommen County. Carried.

A motion was made by Manager Spaeth and seconded by Manager Wagner to approve the November 20, 2006, Special Meeting on the J.D. #51 Repair with the following changes: On Page #3, Paragraph #1, change projects running in the deficit to projects that are in the deficit; Page #3, Paragraph #2, change impacts to the City of Ada to impacts at the City of Ada; add the "Order for the Repair to J.D. #51 by the Board of Managers" to the minutes. Carried.

A motion was made by Manager Skaurud and seconded by Manager Wright to approve the November 20, 2006, Special Meeting Minutes with no changes. Carried.

5. Annual Report 2006. A motion was made by Manager Wright and seconded by Manager Ista authorizing Publicist Tim Halle to begin work on the 2006 Annual Report. Carried.

6. Public Outreach. Administrator Dalen discussed with Managers the need for the District to keep the public updated on the work of the District and also the possibility of a reevaluation of the Twin Valley Dam. Dalen suggested using Tim Halle and articles in the local newspaper. Dalen also suggested working with the City of Ada and stated that he had already had discussions with Mayor Ellefson. Dalen stated that what better a teammate than the City of Ada. Dalen stated that we need to be together on the main stem issues of the Wild Rice River. Manager Ista stated that she agreed and had attended the City of Ada Council meeting regarding the J.D. #51 cleanout. A motion was made by Manager Ista and seconded by Manager Wright authorizing Administrator Dalen to work with the City of Ada including communicating regarding main stem issues and a possible reevaluation of the Twin Valley Dam. Carried.

Tim Halle suggested speaking to the public in 2007 regarding the reevaluation. It is now ten years since the big flood of 1997 and what is the District doing and what has been done since 1997. Halle also stated that since a lot of watershed issues are affected by the Project Team, it may be helpful if he also attended Project Team meetings. Manager Wagner stated that even in discussions he has had with County Commissioners, they are not clear on the process of the Project Team. Maynard Pick suggested it may be pertinent to provide a notice on what the Project Team is charged to do. Manager Ista stated that the Watershed District Board makes the decisions; the Project Team is an advisory board and part of their obligation is to tell the Board if they see a red flag, but the decision still belongs with the Board and not the Project Team. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing Tim Halle to attend Project Team meetings. Carried.

7. Project #42. Updated maps of Project #42 were provided to members of the public. Helen Renfrew asked if the inlets into the channel had been designed. Engineer Bents stated that road profiles and cross sections of the Wild Rice River were taken near the lower site. Modeling will be done through that stretch to determine when water would be sent through that site. Renfrew asked if observations from landowners would be used or just computer information. Bents stated that although landowners may not be solicited for comments; the comments taken from landowners at meetings will be considered. Brent Kappes stated that if \$18.5 million is going to be spent on the lower site of Project #42, wouldn't it make more sense to go up on the South Branch and put a dam and hold the water where it belongs; and couldn't you get this reduction done by downsizing every culvert in the District and everybody holding the water for a day or two.

Administrator Dalen stated that a couple of Concerned Citizens stopped by the office and they discussed ways to store water. The three options included:

1. Main Stem Storage
2. Tributary On Stream Storage
3. Off Channel Storage

The question was asked why the district didn't use mainstem storage.

Dalen stated that as the District goes through the alternatives, Project #42 has developed and is near going to the Final Hearing. Dalen stated that lawmakers make the rules on the state and federal level and these are the folks you need to attack. Ronnie Baker has been in the office and agreed that you need to go to the people who make the rules. Brent Kappes asked if the District had one drop of water stored on the main stem. Dalen stated no. Kappes asked if it isn't the District's job to work with agencies. Manager Seykora stated that the District has been working with legislators in the last year. Administrator Dalen stated that landowners have been passionate in coming to meetings, why don't you use your passion and go to lawmakers. Brent Kappes felt the District has more clout. But Dalen disagreed. Manager Ista stated that we as Managers need to be leading the charge with the Project Team and legislators, but the District needs landowners help. It was stated that farmers have long been the silent majority. You need to organize in a positive way and go to the legislators and ask them to work with us in a positive way. Manager Wagner stated that unless the laws are changed all of the timberland and other lands would need to be mitigated with a Twin Valley Dam type project and you would not be getting away from using farmland for the mitigation acres. Maynard Pick stated that landowners need to be in the business of writing letters to legislators; they have all of the recreational and other constituents who are active; farmers have long been known to not write letters and if legislators have a stack of letters they will look at them and consider them. Helen Renfrew stated that it is also much better not to use a form letter, and to write it in your own words.

Engineer Bents stated that at the next Project Team meeting, an item for discussion will be to ask the Project Team members to begin looking at the mitigation requirements for Project #42 and also what type of programs could be potentially used for these sites; both the upper and the lower sites, there is a lot of difference in the land that will be inundated.

Engineer Bents reviewed the sites included in Project #42 which are CD18; UN5; UN15; UN35; UN45; UN55A; UN55B; and South Branch Off Channel site near Borup. Storage, acreage and runoff inches are included in the following spreadsheet.

Upper Basin Tributary Storage Component					
	Storage (ac-ft)	Surface (acres) E.S.	Surface (acres) Top of Dam	Runoff Capacity (inches)	Drainage Area (SM)
UN5	1261	489	964	5.4	11.7
UN15	1678	469	756	4.2	7.5
UN35	2141	576	820	6.4	6.3
UN45	1273	342	536	3.0	8.0
UN55B	1011	291	692	3.8	5.0
UN55A	610	139	343	1.1	10.7
CD18	1766	371	571	1.9	11.3
Totals	9,739	2,677	4,581	3.3	56.0
Notes:					
Total Drainage Area Listed accounts for part of UN55A controlling the UN55B Drainage Area also.					
Total Runoff-Capacity – Based on Total Storage/ Total DA					
Storage listed only storage to Emergency Spillway.					

Engineer Bents stated that a revised cost estimate will be provided in December and before the January meeting an update on the site maps will be completed. Two additional soil borings will be done by Midwest Testing on Site #55B and discussion will be held with agencies including the USDA, NRCS and SWCDs for assistance in using available programs for land acquisition. Administrator Dalen stated that Steve Hofstad, Clay County SWCD, contacted him and indicated that he wanted to assist the District in finding funding from available programs. A motion was made by Manager Wright and seconded by Manager Wagner appointing Manager Seykora to obtain soil boring releases from landowners for two sites on Site 55B. Carried.

8. J.D. #51 Cleanout. Administrator Dalen updated the Board on the status of the J.D. #51 cleanout. Dalen stated that Engineer Bents upon instruction from the special meeting, placed the project on hold. A maintenance request was also received from Ronnie Baker to clean J.D. #51 from the Highway #200 crossing to the Texas crossing, which he later submitted a letter asking to withdraw the request. A motion was made by Manager Ista and second by Manager Wagner to not clean J.D. #51 to the Texas crossing because the request has been withdrawn. Carried. Ronnie Baker also had various other concerns that he requested be addressed. Discussion was placed on hold until later in the meeting.

9. South Branch of the Wild Rice River Repair Sections 24/25 Mary, 30/36 Winchester and 1 Felton Townships. Manager Wright is not taking part in any of the discussion on this matter. Engineer Bents reported on the process regarding the repair petition submitted by landowners and indicated that the next step is to go to a hearing.

John Germolus stated that Norman County Highway Department has decided to go ahead with the new bridge structure installation and Section #25 will no longer be holding water; therefore he felt that the ditch repair in Sections 24/25 of Mary Township should be withdrawn. Engineer Bents stated that this should be brought up at the hearing. Attorney Hanson stated that the Board does have the discretion to withdraw the repair, but the Board should hold a hearing to provide a basis to withdraw the repair order. Manager Wagner stated there may be landowners at the hearing, who want to do the cleaning, and they should know how much additional costs would be incurred prior to going to the cleaning. Attorney Hanson stated that property owners must be noticed no less than ten days prior to the hearing. A motion was made by Manager Vipond and seconded by Manager Wagner to schedule the hearing for 7:00 p.m. on Thursday January 4, 2007, at the Borup Community Hall. Carried. Manager Wright did not vote.

10. Molly McGregor, MPCA, and Bethany Boles Kurz, Energy and Environmental Resource Center (EERC), met with Managers to discuss a Clean Water Partnership grant with the District participating, for the purpose of doing a water quality study and determining sediment load on impaired waters. Molly stated that water quality monitoring would also be included. Engineer Bents stated that the modeling would be good but is only as good as you calibrate the information. McGregor stated that the Riverwatch data would be included along with the three gauge locations. Bethany said that the LIDAR data would make a big difference. Manager Skaurud stated that he would agree to the District participating in the study as long as it doesn't cost anything for the District. Manager Ista questioned the goal of the study for the MPCA. McGregor stated that it is to relate sediment load back to the source of the sediment, along with different flows and come up with a daily load as required under the Clean Water Act. The second goal is to come up with a strategy to reduce the load. Ista expressed concerns that the study would target agriculture as the source of the sediment load. McGregor stated that the end goal is not to target agriculture but to establish the Total Maximum Daily Load (TMDL) and assign the sources. The strategies to address reduction will not be brought forward until they are brought to the public. Implementation would hopefully begin in 2008. Manager Wagner asked if this study would have any chance of long term benefit to the District in implementing water storage on the Wild Rice River by showing that the sediment on the Wild Rice is coming down so fast that something needs to be done. McGregor stated that how the District uses the information product is up to the District. Administrator Dalen stated that the District will need this data to pursue the goals of the District but asked Engineer Bents if he thought the information would fit into the big picture. Bents stated that he doesn't see any objection to doing the study but suggested focusing on the Wild Rice River before moving ahead with the Marsh River. He stated that coordinating with McGregor and Bethany Kurz to get the results for these projects would be crucial. McGregor stated that it would be good to coordinate with Engineer Bents to review data and data sources. The grant of \$47,000 could be used as a cost share on the COE WRRFS. Engineer Bents estimated a cost of approximately \$5,000 for his input. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing the District's participation in the project only doing the study on the Wild Rice River at this time. Staff is also authorized to work with McGregor and Kurz. Carried. Manager Ista opposed stating she did not oppose doing the work, but would like a long term plan showing the implementation and who is going to have the ability to use the negative and positive information.

11. RRWMB Presentation Dan Wilkens. Dan Wilkens, Treasurer Red River Watershed Management Board (RRWMB) and Administrator of the Sande Hill Watershed District (SHRWD) gave an interesting presentation on the initiation and history of the RRWMB. Wilkens also discussed the mediation process.

12. The meeting was recessed at 12:15 p.m. and reconvened at 1:15 p.m.

13. J.D. #51 Slide Repair. A motion was made by Manager Spaeth and seconded by Manager Skaurud to approve Pay Request #1 in the amount of \$18,331.20 to Roger Hennen for the slide repair on J.D. #51 north of Ada. Carried.

A motion was made by Manager Spaeth and seconded by Manager Vipond authorizing Engineer Bents to review the Ronnie Baker request for cleanout on J.D. #51 and bring suggestions to the January board meeting. Carried.

14. Upper Felton Reevaluation. Administrator Dalen reported that Henry VanOffelen contacted him with a request to reevaluate the Upper Felton Storage Site and do a more cost feasible project. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Administrator Dalen to coordinate with VanOffelen to possibly bring a proposal to the January meeting. Carried. Manager Wright abstained.

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

16. Approval of Billings. Chairman Seykora reported that Dan Lakeman submitted a request for payment for a fuel surcharge on the mowing contract for 2005 and 2006. A motion was made by Manager Spaeth and seconded by Manager Ista authorizing a payment of \$591.59 for a fuel surcharge for 2006. Lakeman will be notified that this is a one time occurrence and any future payment must be reflected in the contract. Carried. A motion was made by Manager Ista and seconded by Manager Wagner to deny the fuel surcharge request in the amount of \$891 for the year 2005. Carried.

A motion was made by Manager Wright and seconded by Manager Spaeth to approve the monthly billings for payment. Carried.

17. A motion was made by Manager Spaeth and seconded by Manager Vipond to close the meeting at 2:00 p.m. for the purpose of discussing the Gene Ueland lawsuit. Carried. The meeting was reopened at 2:45 p.m.

18. Gene Ueland Violation, Section 25, Shelly Township and Sections 29/30 of Good Hope Township. Gene Ueland and Jerry Bennett met with Managers to discuss the Gene Ueland violation. Attorney Hanson stated that the Board will not be making any decision today, rather this is a fact finding mission, and he wants to hear whatever Ueland is claiming or why he is claiming it. Jerry Bennett reviewed the complaint and stated that they are here today to answer any questions, or see where the board has any remaining concerns regarding the proposals for the settlement of the violation, in the letter sent to Attorney Hanson. Bennett stated they are not here to discuss a counter claim; that would not be relevant. Attorney Hanson asked if Ueland would be willing to convey to the District the right of way on the work already done for future maintenance purposes. Bennett stated that the process normally would be to follow the additional right of way with payment of damages and stated the Board would have to pay for the right of way. Bennett stated that Ueland would like to have more information regarding the District's right of way on J.D. #53 Main. Attorney Hanson stated that the Board has not had a chance to consider the proposal but they will go back to it at a later time. Bennett and Ueland left the meeting.

19. Upper Storage Green Meadow Dam LIDAR. Curt Jacobson met with Managers to discuss LIDAR information for the proposed Green Meadow Dam upper storage sites. Engineer Bents stated that the DNR will continue to take deliveries on the LIDAR data until the spring of 2007. Bents stated that the DNR provided Houston Engineering with data for the Wild Rice Watershed District which can be used at their discretion. Houston has a computer program that has the ability to read the data and it would cost approximately \$500 per site to develop the contours. Curt Jacobson stated that he would like to keep the Green Meadow Storage project moving forward and it would be good to get the data generated to determine if either is a good site. Manager Spaeth stated that he would like to make sure the land is available before moving forward and spending a lot of money. Manager Ista stated that she agreed that a lot of groundwork has already been done and if we can find programs to pay for it; that is even better. She would like to encourage the Managers to make the decision to make the LIDAR available also for the integrity of the Green Meadow Dam. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Wagner and Engineer Bents to meet with Curt Jacobson and review the LIDAR data to determine if either of the projects is feasible. Carried.

PERMIT APPLICATIONS

20. Keith Chisholm, Section 31, Pleasant View Township. Keith Chisholm and Jerry Bennett met with Managers to discuss the permit application of Keith Chisholm to install larger culverts. Considerable discussion was held regarding the installation of larger culverts. Bennett stated that Chisholm helped prepare the hydrologic model, the numbers are quite conservative and the stage increases as a result of the increased sizes do not tell the whole story. Curt Jacobson stated that people downstream will get more water. Manager Wagner stated that the Board is trying to hold the line in draining water, and increase in culvert sizes. A motion was made by Manager Wagner and seconded by Manager Wright to deny Permit Application #12-13-2006-1 of Keith Chisholm to install a field approach with a 30" CMP, increase the pipe sizes in an existing field approach from a 24" to a 30" CMP and add a 24" centerline pipe due to concerns of impacts to downstream landowners. Carried. Manager Ista abstained.

21. Leon Johnson, Sections 24/25 Pleasant View Township. A motion was made by Manager Spaeth and seconded by Manager Vipond to table the permit application of Leon Johnson in the N1/2 of Section 25, Pleasant View Township, to notify landowners in the N1/2 of Section 25 of Pleasant View Township, for comments. Carried.

22. A motion was made by Manager Spaeth and seconded by Manager Vipond to recess the meeting and reconvene at 8:30 a.m. on Wednesday December 20, 2006, at the District. Carried.

December 13, 2006
 UnApproved Regular Meeting Minutes
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Date	Num	Name	Memo	Amount
Checking-CBRRV				
12/06/2006	10132	Mike & Julie Roesch, etal	Setback Levees McDonaldsville Twp.	(5,056.80)
12/06/2006	10131	Paul Larson, Landowner	Setback Levees McDonaldsville Twp.	(2,034.90)
12/12/2006	10187	ICS Agency	renewal	(68.00)
12/13/2006	10140	Alltel Communications	Cell Phone	(111.89)
12/13/2006	10141	AmeriPride	Cleaning Services	(65.12)
12/13/2006	10142	Arvid L Ambuehl	Tree Removal	(737.50)
12/13/2006	10143	City of Ada	Utilities	(318.47)
12/13/2006	10144	David Vipond	mileage	(23.14)
12/13/2006	10145	Diane Ista	mileage\exp reimburse	(397.87)
12/13/2006	10146	DL Construction	Mowing October 2006	(2,145.00)
12/13/2006	10147	G R Graphics-Maintenance	Copier agreement/scanner agreement	(318.86)
12/13/2006	10148	Geray Dozing	Pay Req #4, Green Meadow	(8,239.50)
12/13/2006	10149	Gordon Construction	Inv. & Ring Dike	(45,563.88)
12/13/2006	10150	Houston Engineering, Inc.	Nov. 2006 Engineering Fees	(83,083.15)
12/13/2006	10151	HSBC Business Solutions	Office supplies	(209.34)
12/13/2006	10154	James Wagner Sr-Mgr	mileage	(126.38)
12/13/2006	10155	James Wagner, Sr.	Beaver Control & Beaver Dam Removal	(1,350.06)
12/13/2006	10156	Jim Skaurud	nov exp reimb	(100.00)
12/13/2006	10157	Joe Spaeth	Mileage\reimb exp	(366.52)
12/13/2006	10158	Loretel Systems	Utilities	(319.38)
12/13/2006	10159	Marcussen Accounting	Nov Billings	(337.50)
12/13/2006	10160	McColum Hardware, Inc.	Fluorescent bulbs, bowl cleaner, cords	(51.14)
12/13/2006	10161	MN Energy Resources Corp	Utilities	(45.00)
12/13/2006	10162	Norman County Recorder	Maps 22-144-46 Mcdonaldsville	(10.00)
12/13/2006	10163	North Star Water	Water/Office	(33.50)
12/13/2006	10164	Northern States Excavating	Const. Work	(39,459.00)
12/13/2006	10165	Office Supplies Plus	Comp Paper, Towel holder, office sup	(841.74)
12/13/2006	10166	Ralph's Food Pride	Lunch Supplies	(18.25)
12/13/2006	10167	Red River Basin Commission	Jim Skaurud Registration Conference	(155.00)
12/13/2006	10168	Red River Management Board	1/2 cost share	(14,483.22)
12/13/2006	10169	Renae Kappes	Cleaning Services	(60.00)
12/13/2006	10170	Rinke Noonan	Upper Reaches Legal	(2,567.00)
12/13/2006	10171	Robert E. Wright	mileage\exp reimburse	(513.97)
12/13/2006	10172	Roger Hennen	Pay Req. #1 J.D. #51 Slide Repair	(18,331.20)
12/13/2006	10173	Tim Halle	Press Release & Proj #42	(803.00)
12/13/2006	10174	Twin Valley Times	Proj. #42 ads	(45.68)
12/13/2006	10175	Wambach & Hanson	Nov Billing Invoices	(4,401.20)
12/13/2006	10176	Warren J. Seykora	mileage\exp reimburse	(1,193.77)
12/13/2006	10177	Ziegler Construction	Const. Work	(17,406.98)
12/13/2006	10179	David Vipond	per diem	(65.14)
12/13/2006	10180	Diane Ista	per diem	(390.82)
12/13/2006	10181	James Wagner Sr-Mgr	per diem	(594.92)
12/13/2006	10182	Jim Skaurud	mileage\exp reimburse	(505.97)
12/13/2006	10183	Joe Spaeth	per diem	(325.68)
12/13/2006	10184	Robert E. Wright	per diem	(425.57)
12/13/2006	10185	Warren J. Seykora	per diem	(1,367.89)
12/13/2006	10178	Jim Skaurud	per diem	(629.66)
12/18/2006	10186	DL Construction	Fuel Surcharge 2006	(591.50)
Total				<u>\$(256,290.06)</u>