

SPECIAL MEETING
November 20, 2006

APPROVED

1. A Special Meeting of the Wild Rice Watershed District Board of Managers was held on Monday, November 20, 2006. The following members were in attendance: Diane Ista, Jim Wagner, Sr., Bob Wright, Joe Spaeth, Jim Skaurud, Warren Seykora. The following members were absent: David Vipond. In addition the following persons were in attendance: Engineer Jerry Bents, Administrator Dalen and Secretary Loretta Johnson. Also attending the meeting were Royal Knutson, Jerry Bennett, Gene Ueland, Brian Borgen.
2. Chairman Seykora called the meeting to order at 8:40 a.m. Chairman Seykora also noted that the meeting is being voice recorded by Royal Knutson.

PERMIT APPLICATIONS

3. Fossum Township, Sections 11/14, Fossum Township. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application # 11-20-06-1 of Fossum Township to install a 36 inch culvert across a township road to allow high flows to back up into a triangular piece of township property adjacent to County Road #40 was tabled. Fossum Township changed the permit application to an 18" CMP. Downstream landowner and Norman County will be notified prior to board action. Carried.
4. Ronald Baker, Section 12, McDonaldsville Township. Upon a motion by Manager Skaurud and second by Manager Ista, Permit Application #11-20-06-2 of Ronald Baker to replace an 8 inch tile in the same location was approved with the condition that the applicant obtain approval from MnDot for work in the State Highway #200 R-O-W and the adjacent landowner if applicant goes on his property. Carried.
5. Norman County Implement, Section 9, McDonaldsville Township. Upon a motion by Manager Wagner and second by Manager Ista, Permit Application #11-20-06-3 of Norman County Implement to install a culvert trap on the north end of a 24 inch CMP in Section 9 of McDonaldsville Township was approved. Carried.
6. Paul Borgen, Section 16, Winchester Township. Upon a motion by Manager Spaeth and second by Manager Ista, Permit Application # 11-20-06-4 of Paul Borgen to lower the north end of a 24 inch CMP by 0.3 feet in Section 16 of Winchester Township was approved with the condition that the south end of the culvert is a minimum of 18 inches off the ditch bottom. Carried.
7. Wayne Borgen, Section 10, Hendrum Township. Upon a motion by Manager Skaurud and second by Manager Wagner, Permit Application #11-20-06-5 of Wayne Borgen, to install a field approach and a 24 inch CMP in Section 10 of Hendrum Township was approved. Carried.

8. Weber Brothers, Section 16, Winchester Township. Upon a motion by Manager Spaeth and second by Manager Wright, Permit Application # 11-8-06-6 of Weber Brothers to install a 24 inch culvert, replacing an existing 30 inch culvert in Section 16 of Winchester Township was approved. Carried.

9. Perry Ellingson, Section 27/34, Lee Township. Upon a motion by Manager Wright and second by Manager Wagner, Permit Application #11-8-06-4 of Perry Ellingson to replace and lower an 18 inch culvert with a longer one and replace a 24 inch culvert with a longer one in Section 27/34 of Lee Township, was approved. Carried.

10. Richard Visser, Section 3 of Lake Ida Township. Upon a motion by Manager Wright and second by Manager Skaurud, Permit Application #11-20-06-6 of Richard Visser to clean a ditch in Section 3 of Lake Ida Township, will be returned to the applicant, notifying him that a permit is not needed for cleaning the ditch to its original condition. Carried.

11. Gene Ueland Violation, Sections 25 of Shelly Township and Sections 29/30 of Good Hope Township on J.D. #53, Main. Gene Ueland and Jerry Bennett were in attendance to discuss the violation of Gene Ueland in Sections 25 of Shelly and 29/30 of Good Hope Township.

12. A motion was made by Manager Wright and seconded by Manager Spaeth to close the meeting to discuss pending litigation measures/actions by the District against Gene Ueland for the violation in Sections 25 of Shelly and 29/30 of Good Hope Townships. Carried.

13. Chairman Seykora closed the meeting at 9:15 a.m.

14. Chairman Seykora reconvened the meeting at 9:40 a.m.

15. Gene Ueland Violation, Sections 25 of Shelly Township and Sections 29/30 of Good Hope Township on J.D. #53, Main. Gene Ueland and Jerry Bennett were in attendance to discuss the violation of Gene Ueland in Sections 25 of Shelly and 29/30 of Good Hope Township. Ueland stated he did the ditch repairs because the previous two cleanings that he requested were not backslotted by Roger Hennen.

Chairman Seykora stated that this is a special meeting and Ueland may only address the violation in which the Watershed District informed Ueland through Attorney Hanson that he had to restore with ditch system to its original condition. Jerry Bennett stated that he is here with Ueland to address the violation. Bennett stated that Ueland is willing to do a restoration, but wants an agreement with the board prior to any restoration. Bennett stated that Ueland is asking the Board of Managers to withdraw the motion for legal action and get together with Managers; have some meaningful discussion and come to an agreement that would benefit both parties. Bennett stated that because there are some legal issues, he would like to meet at Attorney Hanson's office with Hanson and a couple of Board members and then come back to the full Board for approval.

Manager Ista stated that with the motion made by the Managers to proceed with litigation against Ueland for the violation, it is Ueland's responsibility to come to the Board with a proposed settlement that the Board could take action on. Bennett stated from Ueland's standpoint there is a right-of-way issue and he feels he owns the land to the middle of the ditch and feels there is some confusion over the ditch laws.

Bennett alleged that Ueland was not aware that he could not backslope the ditch. Bennett stated that there are ways to resolve the issues, and he doesn't believe that restoring the ditch to its original condition is a good restoration.

Ueland made allegations that he could not get any Managers to do a site visit and discuss the ditch work. Manager Skaurud replied that he and Manager Seykora were on site with Mr. Ueland on three different occasions. Ueland also alleged that he tried to contact the District office and Administrator Dalen without success. Administrator Dalen stated that Ueland's allegations were not true and the important thing for the Board is to continue moving forward on whatever decision they decide to make. Chairman Seykora told Ueland that he needs to fulfill the obligations as set forth by the District and indicated that he would not continue to argue with him. Jerry Bennett stated that this is something that Ueland cannot go back and fix and doesn't think that a violation has been committed. Engineer Bents disagreed that the violation was unfixable and asked Bennett if he intended to work with Ueland in bringing a restoration plan to the District. Bennett said that he intends to continue working with Ueland. Chairman Seykora questioned Managers if they intended to keep moving forward with the violation litigation against Ueland. Consensus of Managers was to continue the litigation per the motion made on November 8, 2006. Bennett again asked that Engineer Bents, Attorney Hanson and a board member meet with Ueland and Bennett to discuss the issue. Manager Spaeth felt it was time to move on. Manager Wagner told Bennett that he knew this is a violation and agreed with Manager Spaeth in moving forward as originally intended. Ueland and Bennett left the meeting at 10:15 a.m.

16. Financial Report Dated October 31, 2006. Doug Marcussen gave the financial report dated October 31, 2006. A motion was made by Manager Wagner and seconded by Manager Wright to approve the financial report for entry into the record. Carried.

17. Jerry Bennett returned to the meeting and requested that Attorney Hanson provide the Minnesota statute under which the District is pursuing litigation to Ueland.

18. Hendricks Violation, Section 29, Wild Rice Township. Manager Skaurud distributed photos taken of the ditch plug that was installed by Norman County in Section 29 of Wild Rice Township. Skaurud stated that only a few rocks and a small amount of dirt were scattered at the place of the ditch plug. Engineer Bents stated that the ditch plug was to be installed by elevation and if neighboring landowners aren't satisfied they should file a complaint.

19. Public Relations. Tim Halle distributed drafts of possible "Eye on #42" news publications for Managers review. Discussion centered on whether the news articles should continue to be on Project #42 or move to another subject. Also discussed was whether the Managers wanted to use radio ads to inform the public. Administrator Dalen stated that he would like to get a plan together for public relations and felt the Board would prefer providing more information on the upper sites. Manager Skaurud stated that he would like to be more specific with information on the upper sites. Consensus of Managers was for Tim Halle to prepare an informational article on the scheduled December 11, 2006, informational meeting on the upper sites to be held in Ulen. Halle stated that he would be attending the meeting.

A motion was made by Manager Wagner and seconded by Manager Wright authorizing further radio public information spots for one month. Carried.

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Engineer Bents distributed the proposed schedule for Project #42 and reviewed the timeline following the upper tributary landowner meeting scheduled for December 11, 2006, in Ulen. A motion was made by Manager Wright and seconded by Manager Wagner to provide legal notice for the December 11, 2006, Ulen Meeting, with Tim Halle to notify the local newspapers with the notice. Carried. Halle also suggested that Managers begin a budget for January 2007 to be used on Project #42 public information.

20. There being no further business to come before the Board of Managers a motion was made by Manager Spaeth and seconded by Manager Wright to adjourn the meeting. Carried. Chairman Seykora adjourned the meeting at 12:00 p.m.

Diane Ista, Secretary