REGULAR MEETING

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, December 8, 2004, at the Wild Rice Watershed District located at 11 East 5th Avenue, Ada, MN.

2. The following members were present: Joe Spaeth, Jim Skaurud, Diane Ista, and Jim Wagner Sr. The following members were absent: Warren J. Seykora and Steve Dalen. In addition, the following persons were also present: Attorney Elroy Hanson; Administrator Bennett and Loretta Johnson, Recording Secretary.

3. Vice Chairman Wright called the meeting to order at 8:45 a.m.

4. A motion was made by Manager Ista and seconded by Manager Wagner to approve the minutes of the November 10, 2004, meeting with the following corrections: On Page #7, Paragraph #36, second paragraph, the wording “On Project No. 5, Norman Polk,” should be added and in the third paragraph, second sentence, the wording “Bennett also reported that” should be added. Carried.

5. 2002 Norman County Rural Acquisition Program. The Board discussed a disparity of $53,000 between the appraisal done by the Watershed District and the second appraisal provided by the property owner on Parcel I.D. Number 12-5342001. A motion was made by Manager Wagner and seconded by Manager Skaurud authorizing Attorney Hanson to contract for a third appraisal and report his findings to the Board. Carried. It was reported that there is also a difference of $10,000 between the two appraisals on Parcel I.D. Number 073059000. A motion was made by Manager Ista and seconded by Manager Wagner to authorizing Administrator Bennett to notify the owner of the property that the District will split the difference and offer a purchase price of $85,000 for the property. Carried.

6. Jerry Bents arrived at 8:50 a.m.


8. Steve Dalen arrived at 9:10 a.m.

9. Special Levies on Clay County Ditch Systems. Doug Marcussen reviewed the special levies for the Clay County Ditches to be levied in 2004 and collected in 2005. Manager Spaeth offered the following resolution and moved its adoption:
IT IS HEREBY RESOLVED that the Watershed District shall establish a levy for repair and maintenance payable in the year 2005, against the following Clay County Ditches:

<table>
<thead>
<tr>
<th>DRAINAGE SYSTEM</th>
<th>COUNTY PORTION OF BENEFITS</th>
<th>PERCENT OF BENEFITS LEVIED</th>
<th>2005 LEVY AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clay County Ditch No. 8</td>
<td>281,737.48</td>
<td>1.00</td>
<td>2,817.37</td>
</tr>
<tr>
<td>Clay County Ditch No. 18</td>
<td>16,924.60</td>
<td>10.00</td>
<td>1,692.46</td>
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<td>Clay County Ditch No. 44</td>
<td>22,059.32</td>
<td>20.00</td>
<td>4,411.86</td>
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<tr>
<td>Clay County Ditch No. 6</td>
<td>61,673.00</td>
<td>5.00</td>
<td>3,083.65</td>
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</table>

Manager Skaurud seconded the motion for the adoption of said resolution and, upon a vote being taken, the same was declared unanimously carried.

10. **End of the Year Account Transfers.** A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Treasurer Wagner, Accountant Marcussen and Administrator Bennett to finalize accounts for the end of the year transfers to be reviewed by the Board at the January regular monthly meeting. Carried.

11. **Monthly Billings.** A motion was made by Manager Skaurud and seconded by Manager Dalen to approve the payment of the December bills. Carried. A listing of the billings is attached at the end of these minutes.

12. **2004 Watershed District Audit.** The Board discussed contracting with Gale Schmitz to perform the 2004 audit or having the State of Minnesota Auditor’s office conduct the audit as suggested by the CCWRWD earlier this year. A motion was made by Manager Skaurud and seconded by Manager Dalen authorizing Doug Marcussen to check into having the State Auditor’s office perform the audit and report his findings to the Board at the January regular meeting. Carried.

13. **2004 Annual Report.** A motion was made by Manager Ista and seconded by Manager Dalen authorizing staff and Tim Halle to begin work on the 2004 Annual Report. Carried.

14. **Farmstead Ring Dike Pay Requests.** A motion was made by Manager Ista and seconded by Manager Wagner to approve the final pay request on the Brian Hest Ring Dike in the amount of $1,702.41. Carried. A motion was made by Manager Wagner and seconded by Manager Spaeth to approve the final pay request on the Weber Ring Dike Project. Carried.

15. **Wild Rice River Feasibility Study (WRRFS).** Engineer Bents reviewed the proposed alignments and spillway locations for the 23-mile long setback levee area on the Wild Rice River. Bents noted that the spillways will be designed to be one foot above the 10-year flood event and used as overflows for flood events in excess of the project’s designed carrying capacity. Bents noted that the preliminary locations were reviewed with the Army Corps of Engineers in St. Paul, Manager Wagner and Administrator Bennett at a committee meeting held in Fargo. Bents stated that once the spillway locations are adopted by the Board, these changes will be submitted to the Army Corps of Engineers to be included in the Phase I modeling. Houston Engineering will be performing the modeling and need the locations identified before conducting the analysis. A motion was made by Manager Ista and seconded by Manager Dalen to approve the spillway locations as suggested by Houston Engineering and reviewed by the Board and staff to be utilized in the Phase 1 modeling. Carried.
16. **WRRFS South Branch Storage Analysis.** Administrator Bennett reported that the District submitted a request to the Project Team asking for interested parties to lead the efforts in conducting the environmental reviews. Since a response was not received, a second request was made to the Project Team requesting utilization of the alternative analysis funding to contract with Houston Engineering to perform the environmental reviews. Bennett stated that he received a response from the Minnesota Center for Environmental Advocacy expressing an interest in contracting for the environmental review work. A motion was made by Manager Ista and seconded by Manager Dalen to offer a contract for the environmental review work to MCEA conditional on the work being completed by the end of December 2004. If MCEA is unable to meet this timeline, the work is to be completed under contract with Houston Engineering. Carried.

17. **2005 Farmstead Ring Dike Program.** The Board discussed project priorities for the 2005 Farmstead Ring Dike Program. Houston Engineering currently has five (5) projects identified with funding available for 2-3 projects. A motion was made by Manager Ista and seconded by Manager Spaeth to schedule a meeting with the ring dike committee for 1:00 p.m. on December 15, 2004, at Houston Engineering in Fargo to develop recommendations on the 2005 projects. Carried. Committee members include Managers Dalen, Wright and Ista, and Engineer Bents and Administrator Bennett.

18. **2002 Demolition.** It was reported that Brugen Environmental will begin asbestos removal on the 14th of December. Area fire departments planned fire training at Parcel I.D. Number 08-3707000 for December 18, 2004. Engineer Bents provided a change order to include the property for asbestos removal to allow clearance before the fire training exercise. A motion was made by Manager Ista and seconded by Manager Wagner approving the change order in the amount of $7,250 to include Parcel I.D. Number 08-3707000 for asbestos removal under the Brugen Environmental contract. Carried.

In other business related to the demolition it was noted that Taggert Construction observed possible occupancy at one of the residences along with animals that are being kept on the property. The District notified the sheriff’s office that is in the process of investigating.

The Board also reviewed a letter from Heart of the Valley Golf Course requesting approval to leave a storage building on the property until spring removal. Manager Dalen made a motion to approve the request that was seconded by Manager Ista and carried.

Manager Ista also discussed a request she received from Bob Kinkade to lease Parcel I.D. Number 15-5998000 that was purchased by the Watershed District through the 2002 flood buyout program. It was suggested that Bob Kinkade and Heart of the Valley Golf Course work together to arrive at an agreeable solution regarding their interests in the property before the Board considers action on a lease agreement. The Board also discussed wanting the ability to sell the properties and put them back on the tax roles. Currently FEMA does not allow properties purchased through the program to be sold to the general public. A motion was made by Manager Skaurud and seconded by Manager Ista authorizing Attorney Hanson to correspond with FEMA and request an exemption to the ruling allowing for the sale of the properties. Carried. Manager Ista also made a motion that was seconded by Manager Dalen to develop a list of the properties under Watershed District ownership acquired as part of the flood buy-out program. Carried.
19. **Project No. 9 - South Branch Felton Ditch.** The Board discussed pending repairs to the South Branch in Sections 31-35 of Winchester Township. Houston Engineering completed the survey of the channel and determined that the ditch should be cleaned to its originally constructed grade line and the side slopes reconstructed within the 5-mile reach. The estimated cost is $576,000 that does not include acquiring the 175 acres of temporary construction right of way. Elroy Hanson stated that since the project was originally constructed by the Wild Rice Watershed District, the repairs need to proceed under Minnesota Statute 103D and applicable laws. The Board discussed holding a public meeting to review the repairs and the levy to recover the costs. Appointing appraisers was also discussed to determine the amount of compensation for the temporary construction right of way. Manager Spaeth made a motion that was seconded by Manager Skaurud authorizing Administrator Bennett to contact appraisers willing to determine the property valuations and to proceed with engaging the appraisers at a rate of $60 per day plus mileage and expenses. Carried.

On the repair request submitted by A.C. Heiraas it was reported that Houston Engineering is in the process of preparing an engineer’s report to provide information on the costs and project specifications.

20. **Harold Bergstrom Complaint.** The Board met with Harold Bergstrom at 1:10 p.m. to review a complaint filed by the Nature Conservancy on property owned by Bergstrom in the Southwest Quarter (SW1/4) of Section 13, Rockwell Township. It was reported that Managers Skaurud and Seykora, Administrator Bennett, Curtis Borchert, Norman County SWCD; Brian Winter, Nature Conservancy and Ryan Braulick, NRCS, met on site with Bergstrom earlier in the week. Houston Engineering provided survey data and photos taken on the property in 2002 when the Neil Wildlife Management area was being developed as a wetland restoration project. This information showed that prior to the work done by Bergstrom, water historically ran northwesterly across the property. Bergstrom indicated that he hired a contractor to remove the blockage that prevented water from running west and removed a 30-inch culvert on the south property line, which caused the water to now run in a westerly direction. Brian Winter, Nature Conservancy, was conference into the meeting via telephone at 1:55 p.m. With the water now running in a westerly direction instead of to the northwest, the Board discussed ramifications from the change in flows and what measures may be needed to prevent further damage in the spring. Brian Winter stated that the Nature Conservancy recently addressed a complaint received from David Dahl and Pepple Farms about a washout on their property that is west of the Bergstrom property. Winter stated that he would like the flow on the Bergstrom property restored to its original pattern to prevent further damage that could be caused to the Nature Conservancy’s property. Engineer Bents said that the ditch along the south side of the Bergstrom property could be plugged and the 30-inch culvert reinstalled for now which would restore the flows back to the original drainage pattern. A motion was made by Manager Dalen to determine the work done by Bergstrom to be in violation of the District’s rules and to authorize the block in the south ditch and installation of the 30 inch culvert with Houston Engineering determining the elevations for the height of the block and depth of the culvert. If the work is not completed within one week Attorney Hanson is authorized to take the necessary legal action needed to allow the Watershed District to complete this work. Bergstrom is also to develop a restoration plan that can be implemented in the spring to bring the violation into compliance with the District’s rules. Carried with Manager Skaurud opposed.
21. **Green Meadow Dam.** The Board discussed repairs related to the Green Meadow Dam. Administrator Bennett suggested sending out information on the project to the property owners along with an invitation to an informational meeting to update them on the engineer’s findings and to discuss repair options, costs and timelines. A motion was made by Manager Ista and seconded by Manager Dalen to schedule the informational meeting for Wednesday, January 5, 2005, at the Ada VFW. Carried.

22. **Upper Felton Ditch Flood Storage.** Engineer Bents reported that the field survey work is complete for the storage site. The Board discussed adding land to the project for an increase in the amount of flood storage area. Chairman Seykora has been working with landowners on this. Manager Ista stated that she wants this project moved more rapidly. Engineer Bents suggested identifying the lands first that may be needed to expand the project. With the existing data Houston Engineering could look at some options to expand the project before we talk to the property owners. The costs might be in the $6,000 range to look at expanding the project with some options. Manager Wagner stated that he would like to have some options and costs for our next meeting. Consensus or the Board was for Houston Engineering to bring back some options and costs and to have Manager Seykora to continue to be the primary contact for the landowner contacts.

23. Manager Dalen left the meeting at 3:00 p.m.

24. Brian Borgen arrived at 3:00 p.m. and presented two repair requests related to the Upper Reaches Project. Attorney Hanson indicated that the Board would consider the requests submitted by Mr. Borgen and get back to him with a response on action regarding his requests.

**Wild Rice Watershed District Drainage Systems - Repair and Maintenance Activities**

25. **Clay County Ditch No. 14.** The Board discussed problems related to a section of a township road that is sliding into the ditch system causing problems for the road and the ditch system. Discussion was held regarding whether it is the responsibility of the township responsibility or the drainage authority to address the repairs. Moving the ditch farther away from the road was also discussed. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing Houston Engineering to prepare an engineer’s report for the repairs. Carried.

26. **Project 20, Clay County Ditch 45 Lat 1 & 2.** It was the consensus of the Board to proceed with the cleanout requested by Wade Oren in the SE1/4 OF Felton Township, if weather permits.

27. **Lake Ida Ditch.** Administrator Bennett reported that he sent a second request to Kirk and Vicki Strand about obtaining permission to clean the public ditch along their property. They have not agreed to sign a temporary construction easement on the property because they would like to see the area stripped and the spoil covered with topsoil. The Watershed District offered to compensate for spreading the spoil by paying a temporary construction easement in the amount of $1,000/acre. Condemnation was discussed as an option. Administrator Bennett recommended referring the repairs back to engineering to see if they can be redesigned to reduce impact on the Strand property before further action is taken to pursue acquisition of the property. It was the consensus of the Board to have engineering revisit the repairs and see if a lesser repair option is available on the Strand property.
PERMIT APPLICATIONS

28. **Norman County Highway Department, Replace Outlet Structure CD#22, Section 13 of Halstad Township, Norman County.** A motion was made by Manager Ista and seconded by Manager Skaurud to approve the permit application of Norman County to install a drop structure at the outlet of Norman County Ditch No. 22 with the following special conditions: Norman County will provide Houston Engineering with a final grading plan for their review and approval; Norman County must comply with Minnesota Statute 103E for legal requirements in the installation; Norman County is responsible for obtaining all other permits that may be required for the installation of the outlet structure. Carried.

29. **Mark Maring/Terry Gutormson, Install Culvert, Section 13 of Hendrum Township, Norman County.** A motion was made by Manager Skaurud and seconded by Manager Ista to table the permit pending further investigation and identification of the owners of record for the properties adjacent to the culvert installation. Carried.

30. **Sundal Township, Install Culvert in Section 28 of Sundal Township, Norman County.** A motion was made by Manager Ista and seconded by Manager Spaeth to table the permit pending a field investigation by staff of the proposed culvert installation. Carried.

31. **Pazdernik Farms & John Evans, Install Culvert, Section 23 of Popple Grove Township, Mahnomen County.** A motion was made by Manager Ista and seconded by Manager Skaurud to approve the application subject to Attorney Hanson confirming the ownership of the property upstream of the proposed culvert installation to make sure the proper signatures have been included on the permit application. Carried.

32. **Mahnomen County Highway Department, Replace Culvert in Section 20/21 of Marsh Creek Township, Mahnomen County (new submittal).** It was reported that the Mahnomen County Highway Department submitted a new permit request for a smaller culvert size at this location. A motion was made by Manager Skaurud and seconded by Manager Ista to table the request pending notification of the downstream landowners. Carried.

33. **White Earth Tribal Council, Outlet Replacement Lower Rice Lake, Section 15 of La Prairie Township, Mahnomen County.** The Board reviewed the proposal by the White Earth Tribal Council to replace the bridge on Lower Rice Lake in Section 15 of La Prairie Township. A motion was made by Manager Spaeth and seconded by Manager Wagner to accept the proposal conditional on the White Earth Tribal Council filing a formal permit application that can be included with the plans and specifications and kept on file with the Watershed District. Carried.

WILD RICE WATERSHED DISTRICT INVESTIGATION

34. **Pazdernik Farms Permit Violation, Section 34 of Pembina Township, Mahnomen County.** Manager Spaeth reported that Pazdernik Farms performed additional work to the ditch in Section 34 of Pembina Township, that had been requested by Ed Scherping to bring the violation into compliance. Based on this work being completed a motion was made by Manager Skaurud and seconded by Manager Ista to close the file on the complaint and assess all costs incurred by the District as a result of the violation, to Pazdernik Farms. Carried.
35. Keith Danks Violation, Sections 29 and 30 of Island Lake Township, Mahnomen County. The Board discussed that Keith Danks has complied by restoring the site in accordance with the MnDNR restoration order. A motion was made by Manager Wagner and seconded by Manager Spaeth to close out the Keith Danks file and assess Danks all costs incurred by the District in bringing the violation into compliance. Carried.

36. Jerry Matter Violation Section 33 of Popple Grove Township, Mahnomen County. Administrator Bennett reported on a field review conducted by Manager Skaurud, Jerry Matter, Lloyd Jirava and Tom Kuchera with the Minnesota Department of Natural Resources. Agreement was reached to have Matter backslope the ditch along the Department of Natural Resources property and the Township road. Also discussed was the permit for tiling submitted by Lloyd Jirava in Section 4, of Spring Creek Township, Becker County. Matter has agreed to this work that would outlet on his property. The next step discussed by the Board was to send the proposed restoration plan to Jirava for his signature and to send the Jirava permit application for the tiling in Section 13, of Spring Creek Township to Jerry Matter for his signature. Once these documents have been executed further consideration can be given to finalize a restoration order to close out the Matter violation and Board consideration of the Jirava permit application.

37. Kenny Visser Violation Section 28 of McDonaldsville Township, Norman County. It was reported that Administrator Bennett talked to Glen Larson about dropping the complaint against Visser. Bennett will continue to get something worked out in the form of a written agreement. No further action is required at this time.

38. Dammen Violation Section 9 of Shelly Township, Norman County. It was reported that Manager Seykora inspected the site and an effort was made to burn the hay bales blocking the channel, however the refuse remains that needs to be removed. A motion was make by Manager Ista and seconded by Manager Wagner to send Dammen a second letter stating that the channel remains obstructed and he is responsible for removing the remaining blockage left in the channel. Carried.

39. Pederson Brothers Violation Sections 7 and 8 of Gregory Township, Mahnomen County. Administrator Bennett reported that he negotiated a settlement between Pederson Brothers Farms and the U.S. Fish & Wildlife Service (USFWS) on establishing an outfall elevation for the ditch construction and with Pedersons to allow the ditch on the USFWS property to be abandoned. A motion was made by Manager Ista and seconded by Manager Spaeth to approve Pederson Brothers after the fact permit application including the conditions agreed to by the USFWS along with requiring Pederson Brothers Farms to complete the work by June of 2005. Carried.

40. Canadian Pacific Railroad Violation Section 23 of Pembina Township, Mahnomen County. It was reported that concerns remain on the restoration work done by CP Rail to reduce the capacity of the culvert installed without a Watershed Permit through the railroad grade in Section 23 of Pembina Township. Manager Seykora has photos and the dimensions of the reducer placed on the culvert that will be sent to Houston Engineering to verify its capacity.

41. City of Ada Rule Violation, Section 9, McDonaldsville Township. It was reported that a letter will be sent to the City of Ada stating that they need to file an after the fact permit application for the manhole installed within the right of way on Judicial Ditch No. 51. Conditions for approval of the permit application will be that the city is responsible for future operation and maintenance on Judicial Ditch No. 51 as it relates to the manhole installation.
42. **Eugene Vik Violation, Section 36 of Hegne Township, Norman County.** The Board reviewed the investigation of the work done by Eugene Vik in Section 36 of Hegne Township. A motion was made by Manager Skaurud and seconded by Manager Ista determining the work performed to be in violation of the District rules and authorizing Attorney Hanson to notify Vik requiring removal within one week or legal action will be started to allow the District to remove the blockage. Carried.

43. **Change in January Regular Monthly Meeting Date.** Due to a conflict with the Red River Basin Board Annual Conference a motion was make by Manager Wagner and seconded by Manager Skaurud to reschedule the Wild Rice Watershed Districts January regular monthly meeting date to 8:30 a.m. on Tuesday, January 11, 2005. Carried.

44. **Wild Rice River Feasibility Study (WRRFS) Public Information Contract.** Administrator Bennett reported on the committee meetings held with Managers Seykora, Ista and Skaurud, Tim Halle, Norman County Index and April Anderson, H2M, to discuss the public information strategies as part of the Army Corps of Engineers WRRFS. Bennett noted that H2M suggested a number of strategies to provide a unified message from the Watershed District and provide a favorable opinion by taking a proactive approach and including different audiences. The committee recommendation was to take a balanced approach utilizing Halle as the local contact and H2M to provide support for the effort under a contract for their services. Estimated costs for H2M are around $6,000 to run until the end of Phase 1 of the WRRFS. If the Watershed District is interested in development of a Web Site the cost is somewhere in the $7,000 range.

Manager Ista stated that after further consideration she was not in favor of having a new contract with H2M and suggested that the Watershed District enter into a contract with Tim Halle for the remainder of the WRRFS. Manager Ista made a motion to authorize a budget of $10,000.00 for Tim Halle to perform the public information work on the WRRFS. The motion was seconded by Manager Wagner. Upon further discussion the motion was withdrawn by Manager Ista and Wagner. A motion was made by Manager Ista and seconded by Manager Wagner to have Tim Halle prepare a proposal to perform the public information work in connection with the WRRFS for consideration by the Board at theirJanuary regular monthly meeting. Carried.

45. **Legislative Update.** Administrator Bennett reported on the November 18, 2004, meeting with Senator Rod Skoe related to legislative support for watershed district projects and programs. Bennett noted that topics discussed included development of a flood storage program for the Soil & Water Conservation Districts to implement, WRRFS funding, Green Meadow Dam and storage initiatives under development on the South Branch of the Wild Rice River and Felton Ditch. Legislative meetings held in Moorhead on November 23, 2004, sponsored by the Red River Basin Board and the Red River Watershed Management Board were also discussed. Manager Ista requested that Bennett provide a written summary for the Skoe meeting.

46. **Part Time Office Assistant.** Administrator Bennett stated that he is in the process of advertising for part time office help to assist with the current workload and fill in for staff out on vacations over the holidays. Bennett indicated that he has had good interest from the advertisements and suggested that the committee be involved during the interview process. Bennett suggested that if a person is found that would also be willing to coordinate the permit program and ditch maintenance program this would be discussed during the interviews. An amendment to the bill out rate was discussed that is currently set at $18.00/hr for a part time office assistant position, if the job description of project coordinator is what is agreed upon. Consensus of the Board is to allow the committee to have some flexibility on arriving at a rate that would need to be brought back to the Board for final approval.
47. Engineer Bents left the meeting at 5:40 p.m.

48. Wild Rice Watershed District Flood Damage Reduction Project Team Meeting. Consensus of the Board was to cancel the December FDR Project Team Meeting and plan to convene in January.

49. There being no further business to come before the Board a motion was made by Manager Skaurud and seconded by Manager to Ista to adjourn. Carried.

50. The meeting was adjourned at 6:05 p.m.

Jim Skaurud, Treasurer