

# WILD RICE WATERSHED DISTRICT

11 East 5<sup>th</sup> Avenue – Ada, Minnesota 56510  
Phone (218) 784-5501

## REGULAR MEETING **APPROVED**

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, February 8, 2006, at the office of the District located at 11 Fifth Avenue East, Ada, MN.
2. The following members were present: Steve Dalen, Diane Ista, James Wagner, Sr., Joe Spaeth, Jim Skaurud, Bob Wright and Warren Seykora. The following members were absent: None. In addition the following persons were in attendance, Mark Aanenson, Interim Administrator; Loretta Johnson, recording secretary; Attorney Elroy Hanson; Engineer Jerry Bents, Tim Halle, publicist and Maynard Pick, Aide to Congressman Peterson.
3. Chairman Seykora called the meeting to order at 8:40 a.m.
4. Approval of Agenda. A motion was made by Manager Wright and seconded by Manager Spaeth to approve the agenda for Wednesday, February 8, 2006, with the addition of a report by Manager Skaurud on the River Keepers' meeting. Carried.
5. Project Team Meeting. A motion was made by Manager Dalen and seconded by Manager Spaeth to schedule the next Project Team meeting for March 22, 2006, waiting until a response is received from the U.S. COE on the Purpose and Need statement. Carried.
6. March and April Meeting Dates. Attorney Hanson informed the Board that he will be out of the area for the March 8, 2006, board meeting. Hanson also stated that unless the Heiraas lawsuit is settled out of court, several board members might need to be in attendance. Therefore, it may be prudent to also change the April meeting date. Consensus of Managers was to consider the April meeting date change at the regular March meeting.
7. Meeting Minutes. A motion was made by Manager Wright and seconded by Manager Skaurud to approve the minutes of the January 9, 2006, regular meeting with the following corrections: Paragraphs 2 and 8, Femlie should be changed to read "Femling" Paragraph 7, top of Page 2, Line 3 should be changed to read, "Hanson will prepare the proposed notice when necessary," and Paragraph 24, Line 3 should be changed to read, "Later Bennett called Attorney Hanson and stated that he did not want to honor the executed settlement document and proceeded into conciliation court." Carried.

A motion was made by Manager Wagner and seconded by Manager Spaeth to approve the minutes of the January 23, 2006, special meeting with the following correction: Paragraph 4, Line 4, "Environmental" should be added prior to the word Law. Carried.

A motion was made by Manager Ista and seconded by Manager Spaeth to approve the February 2, 2006, Special Meeting Minutes, as distributed. Carried.

8. Legislative Committee Budget. A motion was made by Manager Dalen and seconded by Manager Wagner to increase the Legislative Bonding Budget by \$5,000. Carried. Manager Wright updated the board on the status of the bonding.

### **PERMIT APPLICATION**

9. Becker County Highway Department, County Road #34, Ogema to White Earth. At 9:10 a.m. Josh Olson, Ulteig Engineering, for the Becker County Highway Department, gave a presentation on the permit application. A motion was made by Manager Skaurud and seconded by Manager Dalen to approve Permit Application #2-8-06-1, conditional on an explanation of any pipe changes be submitted to the District office. Carried. Olson left the meeting at 9:20 a.m.

10. Manager Dalen left the meeting at 9:20 a.m.

11. Administrative Position. Chairman Seykora suggested opening the discussion regarding making a decision on the administrative position. Board members discussed the three final candidates. Consensus was that an evaluation after six months should be included in the contract. A motion was made by Manager Skaurud and seconded by Manager Wagner to enter into contract negotiations with Steve Dalen. Carried with a unanimous vote.

12. Employment Contract. Mark Aanenson distributed a draft copy of an employment contract for discussion purposes. A motion was made by Manager Ista and seconded by Manager Wagner to offer an employment package to Steve Dalen of \$50,000 per year salary and benefits for medical and dental up to \$6,720. Carried. A motion was made by Manager Wright and seconded by Manager Wagner authorizing 12 days per year of PTO with a maximum of 320 hours. Carried.

13. Personnel Policy Manual. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing Manager Wright to review the personnel policy agreement and bring back to the Managers. Carried.

14. Dalen returned to the meeting at 10:30 a.m. and moved to the audience. Doug Marcussen explained the employment package being offered to Dalen by the Managers, contingent on his resignation from the Board. Steve Dalen accepted the job offer, which will be complete upon his resignation from the District as a board member and upon execution of the contract.

15. A motion was made by Manager Skaurud and seconded by Manager Wright to notify the two remaining applicants that the position of administrator is filled. Carried.

16. JB Associates, Ltd., Litigation and Correspondence. Mark Aanenson distributed correspondence received from JB Associates, Ltd. Regarding the litigation, the judge ruled against the District in the amount of \$4,487.83 including court fees. Attorney Hanson stated that the conciliation court judge ruled against the district and the court did not provide further explanation. Notwithstanding, the board concluded that further appeal to District Court for a trial de novo was not warranted given the amount in controversy and instructed the administrator to issue a check for the amount of the judgment. The check was sent to JB Associates, Ltd. Hanson stated that there is no reason to respond to correspondence regarding the job application.

17. Complaints/Violations. Attorney Hanson discussed correspondence dated January 30, 2006, received from Attorney Zenas Baer, representing Kenneth Visser. Baer indicated that Visser was willing to settle all possible claims against the District conditional on the District satisfying the judgment against Visser. Attorney Baer indicated that if this is not acceptable by the District, Baer and Visser will file an appeal of the judgment decision. Hanson stated that Attorney Baer informed him that the settlement offer is valid through today, February 8, 2006.

A motion was made by Manager Ista and seconded by Manager Wagner authorizing the District to dismiss the judgment against Visser based on the fact that the District should not be spending taxpayer funds going to District Court over a judgment in the amount of \$727.12. Carried with Manager Seykora opposed.

18. Riverwatch Program. Wayne Goeken met with Managers at 11:00 a.m. and provided a report on the Riverwatch Program, which the District contributed cost share funding to the Ulen Hitterdal High School for equipment to be used for water quality monitoring. Four sites were monitored to characterize conditions in the upper portions of the South Branch of the Wild Rice River. Two additional sites were monitored in this area including Stiner Creek, a tributary to the Wild Rice River South Branch and Felton Creek, which flows northwest to the Wild Rice River mainstem. Sampling was done monthly from May through November with a total of between five and six sampling events occurring at each site. Goeken provided a summary of the results from the 2005 sampling season. Additional data will be included in the final report. Manager Wagner stated that water quality is important, as water is a very valuable commodity. Goeken also stated that a Riverwater Forum is being held on March 13, 2006, at UMC, Crookston. Goeken said that the morning is set up more for schools and the afternoon may be more informational for watershed districts. Wayne said that the program is still in need of additional equipment and he would like to come back to the Board later with a request. Goeken left the meeting at 11:55 a.m.

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

Marcussen reported that Auditor Kim Durbin scheduled the Watershed District for April 24, 2006, to begin preparation of the 2005 audit.

20. USFWS General Permit Application. Larry Hanson, USFWS, met with Managers at 1:00 p.m. to discuss a general permit application by the USFWS to be used for wetland restorations. Hanson stated that USFWS would like the general permit application approved by the District to accelerate the process of wetland restorations when possible. Hanson stated that the USFWS does have the same type of permit with the Buffalo Red Watershed District. Manager Ista commented that it was her understanding there were some seepage issues with the wetland restorations in the Buffalo District. Mark Aanenson also read excerpts from the Buffalo District minutes with issues over the general permit. Hanson stated that the USFWS has changed its policy to use clay cores in areas where seepage may be a problem. A motion was made by Manager Spaeth and seconded by Manager Wagner to table the general permit application by the USFWS until the District can coordinate with the Buffalo Watershed to obtain consistency between the two Watershed Districts on the general permit application. Carried.

Mark Aanenson also brought up the violation by Pederson Brothers on USFWS property in Section 7 of Gregory Township. Attorney Hanson noted that he has a conflict of interest in this matter due to representing Pedersons in other areas. Julie Bruggeman, Mahnomen County Attorney, has indicated that she was unwilling to prosecute Pedersons. Aanenson stated that in discussions with Scott Kahan, the USFWS will go to District court with the violation, but needs a written statement from Bruggeman stating that she will not prosecute. Attorney Hanson agreed to forward that message to Ms. Bruggeman.

21. Upper Felton Ditch Project. Bob Wright abstained from all discussion regarding this project. Brian Ripp, Meade and Hunt, met with Managers to gain information on the project. Ripp gave some background information on himself, stating that he is a registered PE and has geotechnical experience with erodible materials. Ripp heard about the difficulties with the Upper Felton embankment and thought he could be of assistance in getting the project back on track. Midwest Testing preliminary report indicated that the majority of soils are silts and if used for dike construction, the dike would be susceptible to seepage. There are no soils available for impermeable core. Soft clays below the site, limit the embankment height to 12 feet, not the proposed 20-22 feet. The dike may experience long-term settlement on the order of 8-12 inches. If silts are used to construct the embankments, the silts are highly erodible from wave action. Riprap or other slope erosion protection would be necessary. Gentle slopes would be needed for dike construction, maybe 4:1 or 5:1.

Bents distributed information about three possible alternatives which included the total estimated costs of the project, land costs and the maximum RRWMB contribution based on the Star Value. Bents also stated that after reviewing additional soils maps he doesn't think the soils problems will go away, the base of the beach ridge soils may all be the same. Brian commented that he felt there are ways to do the structure. Bents stated that the changes to build the structure force the cost of the project considerably higher and also reduce the cost share available from the RRWMB. However, economic feasibility is not an engineering decision, it is a board decision. Manager Skaurud suggested that in an effort to move the meeting forward, Bents and Ripp discuss the project in one of the offices for a short time.

22. Storage Building Demolition. Mark Aanenson reported that he contacted Jim Heinen of HES Environmental Services to do an asbestos inspection of the storage shed. Heinen will provide the District with a letter if there are no environmental concerns. Visser will submit the letter along with a form to MPCA for a permit to demo the building.

23. Acquisition. Mark Aanenson reported that the District closed on the Roger Lee acquisition and Les Trnka agreed to do the appraisal on the Robin Stene property.

24. Web Site Update. Mark Aanenson reported that Kris Versdahl is ready to begin work on the District's web site. Kari Kujava will begin sending her information within the next week.

25. Mahnomen County Request for Reapportionment of Board Members. Mark Aanenson discussed the request to MN BWSR by Mahnomen County petitioning for a redistribution of Managers to the Wild Rice Watershed District. Mahnomen County requested additional representation on the Board of Managers. Representatives from BWSR will meet with the District at the March meeting to discuss the request.

26. River Keepers Meeting Report. Manager Skaurud reported on a meeting he attended in which discussion was held about a DNR Grant for the purpose of building boat ramps and portages along the Red River for improved access. Robert Bachman of River Keepers stated that the DNR would like to see the \$200,000 in grant funding matched by local entities. Skaurud stated that Bruce Albright, Buffalo Red WD is asking if the District would be interested in working with them on this project. A motion was made by Manager Ista and seconded by Manager Wagner authorizing the District to enter into a Joint Powers Agreement with the Buffalo Red WD for this project. Carried.

27. MAWD Legislative Breakfast. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing attendance of Managers and staff at the MAWD Legislative Breakfast scheduled for March 22 and 23, 2006. Carried. Letters will also be sent to legislators inviting them to the breakfast.

28. Kenny Visser Violation. Attorney Hanson stated that upon Attorney Baer's office receiving the fax from the District stating that we would satisfy the judgment against Visser, they withdrew their counter claim. No further action required.

29. Upper Felton Ditch Project. Engineer Bents stated that Brian Ripp indicated that he had concerns regarding the soils analysis done by Midwest Testing, especially the depths. Bents said that he has problems justifying the extra costs that would be incurred with additional testing. Ripp may come back to the Board at another meeting with a proposal. Board consensus was for Bents to place a hold on the project at least until March except for some discussion with Midwest Testing regarding Ripp's questions.

Managers Wright and Seykora felt that they should provide legislators with an update on the project for input regarding the bonding.

### **PERMIT APPLICATIONS**

30. Dale Sip, Section 10, Lockhart Township. A motion was made by Manager Skaurud and seconded by Manager Spaeth to table Permit Application #2-8-06-2 of Dale Sip to renew a permit to construct a bypass channel in Section 10 of Lockhart Township, until staff can verify location with a field review. Carried.

31. City of Waubun, Sections 24/25, Popple Grove Township. A motion was made by Manager Spaeth and seconded by Manager Wagner to approve Permit Application #2-8-06-3, of the City of Waubun to reconstruct T.H. #113 in Sections 24/25 of Popple Grove Township. Carried.

32. Mahnomen County Highway Department, Sections 20, 21, 28 & 29 Beaulieu Township. A motion was made by Manager Ista and seconded by Manager Spaeth to approve Permit Application #2-8-06-4 of the Mahnomen County Highway Department for a bridge replacement in Sections 20, 21, 28 & 29 of Beaulieu Township. Carried.

33. Heiberg Dam. Engineer Bents reported that the Heiberg Dam repair is under construction. A construction change order is necessary to include controlled density backfill on the project. A motion was made by Manager Skaurud and seconded by Manager Wright to approve Pay Request #1 to Landwehr Construction in the amount of \$34,170 and Change Order #1 in the amount of \$34,494. Carried.

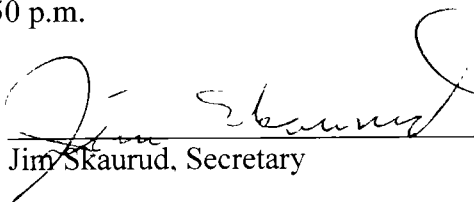
34. Farmstead Ring Dikes. Engineer Bents reported that advertisement for bids on the Olson and Regstad ring dikes is scheduled for opening on March 7, 2006. Olson agreed to sign an indemnification agreement regarding possible slope failure.

35. COE Feasibility Study. Engineer Bents stated that Nan Bischoff will have a draft copy of Phase II of the Feasibility Study by mid February.

36. RRWMB Report. Manager Wright reported on the meeting held on January 17, 2006. Wright also stated that the RRWMB appointed him as a delegate to the Flood Damage Reduction Work Group (FDRWG).

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

38. Chairman Seykora adjourned the meeting at 3:50 p.m.

  
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 Jim Skaurud, Secretary

**Accounts Payable**

02/08/2006	9459	AmeriPride	Cleaning Services	29.63
02/08/2006	9460	City of Ada	Utilities	232.95
02/08/2006	9461	Dakota Mailing	Cartridge for Postage Meter	69.56
02/08/2006	9462	Diane Ista	Per Diem and Expense	502.60
02/08/2006	9463	G R Graphics-Maintenance	Copier agreement/scanner agreement	264.69
02/08/2006	9464	Houston Engineering, Inc.	Engineering Fees	19,588.58
02/08/2006	9465	James Wagner Sr-Mgr	Per Diem\Expense	304.51
02/08/2006	9466	Jim Skaurud	Per Diem and Expenses	1,747.42
02/08/2006	9467	Joe Spaeth	Per Diem and Expense	820.81
02/08/2006	9468	Landwehr Construction, Inc	Pay Req #1, Heiberg Dam Repair	34,170.75
02/08/2006	9469	Lee Electric	Electric Heater Installation	357.38
02/08/2006	9470	Loretel Systems	Office Phone	278.59
02/08/2006	9471	Marcussen Accounting	Monthly Billings	876.00
02/08/2006	9472	MAWD	Dues	2,000.00
02/08/2006	9473	McCollum Hardware, Inc.	Supplies & Christmas Decorations	31.95
02/08/2006	9474	North Star Water	Water/Office	52.68
02/08/2006	9475	Office Supplies Plus	Supplies, copying & printing	189.17
02/08/2006	9476	Ralph's Food Pride	Groceries & Cleaning Supplies	50.68
02/08/2006	9477	Red River Basin Commission	Joe Spaeth Registration	195.00
02/08/2006	9478	Renaë Kappes	Cleaning	60.00
02/08/2006	9479	Rinke Noonan	Legal Fees	4,073.25
02/08/2006	9480	Robert E Wright	Per Diem and Expenses	500.50
02/08/2006	9481	Steve Dalen	Per Diem and Expenses	727.62
02/08/2006	9482	Steve Gordon	R-O-W Proj #9	1,577.60
02/08/2006	9483	Tim Halle	Press Release/Annual Report	540.00
02/08/2006	9484	Wambach & Hanson	January Billings	2,028.50
02/08/2006	9485	Warren J Seykora	Per Diem/Cell Phone & Project Expenses	1,831.09
02/08/2006	9486	Ziegler Construction	Pay Request	2,214.19
				75,315.70