

# WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East – Ada, MN 56510

Phone: 218-784-5501

## REGULAR MEETING

May 10, 2006

## APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, May 10, 2006, at the office of the District, located at 11 Fifth Avenue East, Ada, Minnesota.
2. The following members were present: Warren J. Seykora, Robert E. Wright, James Wagner, Sr., Jim Skaurud, Diane Ista and Joe Spaeth. The following members were absent: None. In addition, the following persons were present: Administrator Steve Dalen, Engineer Jerry Bents, Publicist Tim Halle, Attorney Elroy Hanson and Recording Secretary Loretta Johnson. In addition the following persons were in attendance: Members of the public, Concerned Citizens and Property owners of the District.
3. Chairman Seykora called the meeting to order at 8:30 a.m.
4. A motion was made by Manager Wright and seconded by Manager Skaurud to approve the agenda with the addition of the following: FEMA 2006 Update: Permit application cover sheet; SWCD small storage projects. Carried.
5. Project Team Meeting. Consensus of Managers was to schedule the next Project Team meeting for 10:00 a.m. on Wednesday May 24, 2006. Discussion items will include the South Branch Storage Initiative; bonding request, Heiberg Dam update and at 10:00 the Ulen River Watch Team is scheduled for the agenda.
6. Managers Concerns/Topics. Manager Skaurud stated that he was contacted regarding a large beaver dam on the Marsh Creek Site #3 Project. Manager Wagner will take care of this.
7. Monthly Meeting Minutes. A motion was made by Manager Ista and seconded by Manager Wagner to approve the April 10, 2006. Special Meeting Minutes with the following addition to Item #4, Paragraph 1. "The Board should conduct a dam breach analysis to determine property owners that may be affected in the event of a dam failure. An Emergency Response Plan should be developed to address operation, inspection and precautionary measures when there is a risk from possible structure failure. It is recommended that additional freeboard is required to prevent overtopping of the dam embankment. An analysis should be conducted on ways to modify the emergency spillway of the principal outlet controls on the project. Discussions should be conducted with the Minnesota DNR Dam Safety officials as a planning resource and to explore funding options to modify the outlet controls and secure funding to be used for a voluntary buyout program for residences at risk of substantial damage in the event of a dam breach." Carried.
8. At 9:00 a.m. Curt Jacobson met with Managers. He presented a request that the Board of Managers begin a rotation of officers, which Jacobson said was stated in the Watershed District handbook. Jacobson also said that the Advisory Board and the Citizens of the Watershed District are requesting the rotation and felt that all board members are qualified. He felt that to have an effective board it is necessary to rotate positions. Jacobson closed with a thank you to the Board for the time slot on the agenda. Norman County Commissioner Steve Jacobson stated that the County Board rotates chairmanship and felt it made a better board.

9. Complaints/Violations. John Schultz Complaint Section 19, Shelly Township. Warren Seykora stated that he and Mark Aanenson did a site visit on the complaint filed by Schultz and it appears that there may be a potential violation and suggested trying to work something out between the parties. Manager Ista stated that she wanted to be notified when the site visit is scheduled and wants the Managers kept informed. Manager Wagner questioned if this is part of the Managers job to be going out on all violations because if it is going to take his entire life, he doesn't want to be a board member. Manager Skaurud felt that it is good to have the Manager who lives in the area notified of violations and/or complaints. Administrator Dalen will coordinate a meeting with Managers and landowners.

10. Heiberg Dam. A motion was made by Manager Skaurud and seconded by Manager Ista to approve a change order in the amount of \$1,810.50 and Pay Request No. 4 in the amount of \$1,947.17 to Landwehr Construction for the Heiberg Dam Construction. Carried.

11. Annual Organizational Meeting. At 9:00 a.m., Chairman Seykora called to order the Annual Organizational Meeting with the first order of business being the election of officers and turned the meeting over the Vice Chairman Wright.

12. Vice Chairman Wright called for the nomination of Chairman. Manager Ista submitted her name for chairman. Warren Seykora submitted his name for chairman. A motion was made by Manager Spaeth and seconded by Manager Skaurud that the nominations cease. Carried. Manager Ista gave a brief introduction listing her qualifications and expertise. Ista stated that she felt she has the ability, is involved in local farming, knows the district fairly well, felt there is a need for better communication and trust between landowners and the District and stated that she would give whatever time is necessary and would be honored to serve with all of the board members. Seykora stated that he would work hard in addressing the District's needs for Flood Damage Reduction: felt there is a need to focus on the overall plan, not just one particular issue. Seykora stated that he believes he has tried to work with the board and give the administrator support. Seykora stated that the Board should be giving direction to the administrator in carrying out the objectives of the District.

The question was raised if the balloting needs to be public information. Attorney Hanson stated that generally speaking under the open meeting law, any information is public data and his opinion is that this information is public. Secretary Kari Kujava tabulated the ballots and copied them for anyone who asked for the voting results. Vice Chairman Wright stated that Warren Seykora is elected chairman with the following votes: Spaeth, Skaurud, Wright, Seykora for Seykora; Wagner and Ista for Ista. Seykora was elected Chairman.

13. Manager Skaurud made a motion to nominate Robert E. Wright for Vice Chairman. Manager Ista submitted her name for Vice Chairman and Chairman Seykora called for a vote. The balloting for Vice Chairman was as follows: Wagner, Wright and Ista for Ista; Skaurud, Seykora and Spaeth for Wright. Due to the tie vote a motion was made by Manager Skaurud and seconded by Manager Wright to delay the nominating and voting for Vice Chairman, with the current Vice Chairman continuing the duties, until the Clay County Commissioners appoint a replacement for Steve Dalen's position as manager. Carried with Manager Ista opposed.

14. Manager Skaurud nominated Diane Ista for Secretary, and moved that the nominations cease and the secretary cast a unanimous ballot for Ista. Diane Ista was elected to serve as Secretary.

15. Manager Ista made a motion to nominate Jim Wagner, Sr., as Treasurer, and moved that the nominations cease and the secretary cast a unanimous for Jim Wagner, Sr. Carried. James Wagner, Sr. was elected Treasurer.

16. A motion was made by Manager Spaeth and seconded by Manager Wagner to retain the hourly rate charged by Managers at \$20 per hour. Per Diem is \$75 per day and mileage reimbursement is to be calculated at the IRS approved rate. Carried.

17. Visitors left the meeting at 9:45 a.m.

18. Monthly Meeting Minutes – April 17, 2006, Regular Meeting Minutes. Manager Ista stated that it was not her understanding that the motions on Page Number 4, Paragraphs 12 and 13 were correct and requested that they be changed. A motion was made by Manager Wagner and seconded by Manager Ista to approve the April 17, 2006, regular monthly meeting minutes with the following corrections. On Page No. 4, Paragraph 12 should be changed to read, "A motion was made by Manager Ista and seconded by Manager Wright authorizing staff to meet with affected landowners in the Borup area and present them with the soil boring results provided by Midwest Testing. Carried." Paragraph 13 should be changed to read, "A motion was made by Manager Wagner and seconded by Manager Ista authorizing Administrator Dalen and Engineer Bents to proceed with investigation of the implementation options into the South Branch Storage Initiative. Carried." Page No. 7, Paragraph 40, "utilizing Houston Engineering staff" should be deleted. Carried. Mark Harless, Brian Borgen, Jon Peterson and Joe Kroshus were in attendance.

19. South Branch Storage Initiative. For the purpose of clearing up the details, discussion was held regarding the South Branch Storage Initiative. Manager Ista stated that it was her understanding that the Administrator and Engineer were to gather the available information. Administrator Dalen and Engineer Bents felt the Board authorized meeting with landowners who agreed to the soil borings and provide them with the results of these borings. Dalen stated that he called the specific landowners for a meeting, was fairly specific in telling them we would update them on the soil borings and was not aware of how all of the other landowners who attended the meeting were notified. Dalen stated that he thought he was moving in the board's direction when having the meeting.

Engineer Bents discussed his communications with Attorney Hanson regarding the process that would be used if the District decided to move forward with the South Branch Storage Initiative. Hanson recommended bringing Kurt Deter and Jerry Von Korff of the Rinke Noonan Law Firm to assist in making the determination.

Chairman Seykora also distributed information on the District's plan for the Act of Congress (AOC) package and the funding initiative that he and Managers Wright and Skaurud have been lobbying the Minnesota legislature for funding. Manager Skaurud stated that he feels the Board is proceeding with FDR as quickly as possible.

Manager Ista questioned what the actual South Branch Storage Initiative consisted of and if it included the Borup site. Engineer Bents said that it includes the original 15 potential storage sites, the Borup site being included in the 15. Ista stated that she has been made aware that some landowners in the Borup area are feeling pressured and are extremely opposed to this site. They are extremely opposed to the site until a project is done above the site, on the South Branch to slow the water down and reduce the sediment. Mark Harless stated that he felt some of the confusion is initiative versus the project. He doesn't have any problem if the money that is being spent is not for land acquisition or a project specific. Chairman Seykora stated that the District is investigating whatever is possible on the South Branch. Administrator Dalen stated that he felt for the big picture, landowner meetings are the most important factor in this District. Dalen stated that landowners who signed the easements for soil boring were assured that they would be provided with the analysis from the borings. Dalen felt it was a good meeting and most of the landowners would come back and listen again if they were contacted. Manager Ista stated that the District should hold public meetings, be more open in communications, so that landowners understand that this is not a project.

Engineer Bents stated that the goals of the South Branch Storage Study were for a 30-40% reduction at the outlet of the South Branch and to reduce erosion on the South Branch. The study identified a total of 15 sites and at a meeting held in June of 2005; three different plans to achieve these goals were discussed: alternative #1, one of channel site; alternative #2, 14 upper sites by strictly choosing from quad maps; alternative #3, a combination of off channel sites along with five upper sites. No actual decision was made on a specific alternative. Bents listed the steps for building a project. 1. Do an up front feasibility study by looking at maps etc. Typically the District pays for these costs. 2. Project implementation begins with being given a name and number. 3. Engineer's Report, Viewers' Report and voluntary land acquisition. 4. Project establishment hearing at the end of which the board would order a project.

Bents stated that he would like the authority for Administrator Dalen, Attorney Hanson and him to meet with Rinke Noonan and discuss the process to use established under Watershed District law. This initiative was submitted to the legislature for \$1.5 million in bonding which needs to be matched by the Watershed District. If approved the funds need to be used within two years or they must be returned to the state. A feasible project would allow the District to request matching funding from the RRWMB. The COE will require a permit for which the District has started laying the groundwork. Currently we are awaiting approval on the Purpose and Need Statement. The Corps Feasibility Study is currently in progress, and due to the fact the District has stated that they do not want the downstream flowage easements, at the last board meeting the COE was asked to set aside a portion of the Feasibility Study funding to study the off channel storage initiative. Engineer Bents stated that the Board and staff are working at laying out a process, making sure that it is clearly thought through and that would withstand the test of appeals from the public.

Joe Kroshus felt that all landowners at the last public meeting were opposed to that particular site, the biggest concern being that upstream sediment both on the main stem and the South Branch were not addressed prior to this project. Engineer Bents asked Kroshus if he felt that the negative was a definitive "no matter what" or if landowners would approve if the price of their land was high enough and if the alignment were moved. Would there be support by landowners with these changes? Mark Harless asked at what point in time the board is required to initiate a project. He stated that there will probably always be opposition. Kroshus stated that his property doesn't usually flood and asked why the District would want to build retention on cropland that doesn't flood? Manager Ista questioned why the stress has been placed on the Borup site, and why the Upper Felton site has not been pursued more aggressively. She felt the Borup site could be put on the back burner.

A motion was made Manager Skaurud and seconded by Manager Wagner to proceed with the South Branch Storage as follows: The South Branch Storage Initiative (SBSI) consists of the implementation of five sites in the upper basin in combination with one large off-channel storage site in the lower basin. The five upper basin sites would provide a total of 6,450 acre-feet of flood storage. The lower off-channel facility would provide approximately 15,000 acre-feet of storage. The SBSI Plan would control floodwaters from an approximately 250 square mile drainage area. As proposed, the planned sites provide approximately a 36% reduction in flow in the South Branch of the Wild Rice River at the confluence of the Wild Rice River. In addition, the proposed plan would provide substantial natural resource enhancement and significant bank erosion reduction along the South Branch of the Wild Rice River. Carried.

20. Joe Kroshus left the meeting at 11:15 .m. and Mark Harless left the meeting at 11:25 a.m.

21. Mowing Proposal Peterson Farms. A motion was made by Manager Wagner and seconded by Manager Ista to accept the proposal submitted by Peterson Farms for the mowing on the Lockhart Flood Storage Project. Carried.

22. Engineering Proposal. Administrator Dalen reported that Nate Dallager of HDR Engineering contacted the District office and indicated that he would be interested in any engineering overrun that may come available. Upon reviewing the Houston Engineering Proposal, a motion was made by Manager Ista and seconded by Manager Wagner, for approval for the 2006-2007 consulting engineering services. Carried. A copy of the proposal and fee schedule is on file at the District office. A motion was made by Manager Wright and seconded by Manager Ista authorizing staff to schedule a meeting with Houston Engineering personnel within the next 30 days for the purpose of a review and discussion. Carried.

23. Publicity Firm Proposal. A motion was made by Manager Ista and seconded by Manager Wright to accept the proposal by Tim Halle to provide press releases and public information coverage. Carried. A copy of the proposal and fee schedule is on file at the District office.

24. Attorney Proposals. Administrator Dalen reported that Attorney Jay Carlson indicated that he would be interested in any overruns that became available, not a full time position. The proposal submitted by Wambach & Hanson Law Office for legal services was reviewed and upon a motion by Manager Skaurud and second by Manager Spaeth the proposal for legal services was approved by the Board Carried. A copy of the proposal and fee schedule is on file at the District office.

25. Accountant Proposal. The proposal from Marcussen Accounting Services for accounting services was reviewed and upon a motion by Manager Ista and second by Manager Skaurud the proposal for accounting services was approved. Carried. A copy of the proposal and fee schedule is on file at the District office.

26. Mowing Proposal. A motion was made by Manager Spaeth and seconded by Manager Wagner to accept the proposal for mowing of Watershed District ditches and projects as submitted by Dan Lakeman. Carried. A copy of the proposal and fee schedule is on file at the District office.

27. Spraying Proposal. No spraying proposals were submitted to the District.

28. Employee Proposals. A motion was made by Manager Wagner and seconded by Manager Ista to approve the proposal as submitted by Kari Kujava. Carried with Managers Skaurud and Spaeth opposed. A motion was made by Manager Wright and seconded by Manager Wagner to approve the proposal as submitted by Loretta Johnson. Carried with Manager Skaurud opposed. Regarding the Administrative proposal, Manager Skaurud stated that if \$55,000 is considered the average, he did not think this proposal would be out of line.

29. Employee Reviews. Discussion was held regarding using employee evaluations and reviews. Manager Ista distributed a draft evaluation for Managers to use. A motion was made by Manager Ista and seconded by Manager Wright for staff evaluations to be prepared by the Managers and submitted prior to the upcoming meeting. Carried. A motion was made by Manager Wright and seconded by Manager Wagner to schedule a review and evaluation for Administrator Dalen. Carried.

30. Monthly Financial Report. A motion was made by Manager Spaeth and seconded by Manager Skaurud to approve the April 30, 2006, Financial Report as submitted by Doug Marcussen. Carried.

31. Project No. 9 – Donovan Kolness Request for Removal of Property Section 14, Georgetown Township. Administrator Dalen agreed to provide Kolness with the proper documentation for removal of property from a ditch system for signatures.

32. Ditch #12 – Duane Thompson Request. A motion was made by Manager Wright and seconded by Manager Skaurud authorizing Attorney Hanson to prepare documents for landowners who request their property be removed from projects. Thompson will be provided with this information. Carried.

#### PERMIT APPLICATIONS

33. Norman County Highway Department, Sections 1 and 2 of Mary Township At 1:00 p.m. the following landowners and Norman County Engineer Mick Alm met with Managers to discuss the permit application to install two additional 36 inch culverts: Jim Olson, Bruce Tufte, Blair Tufte, Ronnie Guttormson, Brian Borgen and Richard Ambuehl. Bruce Tufte stated that there is a group of landowners who are opposed to the permit due to the additional problems that would be created. Tufte felt that the outlet on Project #31 needs to be addressed before additional culverts are considered. Mick Alm stated that Eugene Vik approached Norman County with a request for the additional culverts. A motion was made by Manager Skaurud and seconded by Manager Wagner to deny Permit Application No. 5-10-06-1 of the Norman County Highway Department to install two additional 36 inch culverts in Sections 1 and 2 of Mary Township, due to downstream impacts to landowners. Carried.

34. Project No. 31 Outlet Improvement Petition, Section 35 and 36 of Hegne Township. Engineer Bents distributed information regarding the Outlet Improvement Petition on Project #31.

A petition was submitted to the District in the fall of 2005 by the Norman County Commissioners and several residents along the project. The petition requested the Board of Managers to complete an Improvement of the Outlet for Project No. 31. The intent of the petition was to redesign the outlet of Project 31 to allow local overland water and the discharge within Project 31 to enter the Wild Rice River in Section 36 of Hegne Township, Norman County, while at the same time preventing water from the Wild Rice River from backing up Project 31 resulting in damage to roads and local lands. The initial analysis completed involved the review of three scenarios for preventing the backup of the Wild Rice River in Project #31. The intent of the analysis was to estimate the elevation to which a control structure could be installed on Project #31 without causing significant downstream impacts.

Based on the initial scenarios, it was evident that the installation of a closure structure at project #31 equal to or greater than the five year Wild Rice River Flood Level would cause significant damage along downstream reaches of the Wild Rice River and would likely not be feasible. As a result two optional closure elevations were evaluated. It was the engineer's option that the Wild Rice River does not provide an adequate outlet for the proposed improvement to Project #31 unless breakout flows are allowed to continue to occur for flows greater than approximately the two year event (elevation 890.0). Even under this option, it would require that the increased downstream damage potential be included in the damage determined by the viewers and the necessary mitigation expenses paid accordingly. It was recommended that the Board hold an informational meeting with the petitioners to explain the existing results before proceeding further with the Preliminary Survey Report and other steps to follow.

Bruce Tufte stated that landowners were hoping for protection for smaller flood events, not the large events and felt that their land had been providing flood protection forever and any kind of protection is better than nothing.

A motion was made by Manager Ista and seconded by Manager Wagner to hold an informational meeting with all petitioners for the Project #31 Outlet Improvement to provide the updated information. Carried. Engineer Mick Alm requested a cost accounting to date on this petition be provided.

35. At 2:00 p.m. Bob and Mindy Kinkade met with Managers regarding a solution to the repetitive flooding of their homestead property in Section 15, McDonaldsville Township. Bob stated that his parents moved here in 1957 and his family has been there since 1987. He stated that they have flooded two or three times since 1987 and asked if there was anything that can be done to keep the water from coming into their home. Kinkade felt that some of the flooding came as a result of not closing the gate valve of the 48 inch culvert upstream of him. Engineer Bents stated that the gate was installed as part of the Upper Reaches Project and is operated based on the water receding at the Billy Lee Bridge. Manager Wagner stated that he operates the gate in question and felt that the difference in impact to the Kinkade property is minimal and probably immeasurable. Managers asked Kinkade if he was interested in either a ring dike or the acquisition program. Kinkade replied that he could consider a ring dike although his home is close to the road and there is very little room on any side of his home for a dike. He indicated that he would not consider acquisition of his property. Administrator Dalen will meet with Kinkade and discuss a possible ring dike. Kinkades left the meeting at 2:35 p.m.

36. Monthly Billings. A motion was made by Manager Ista and seconded by Manager Wright to approve the payment of the May 2006 billings and Managers vouchers. Carried. A listing of the billings is attached at the end of these minutes. A motion was made by Manager Ista and seconded by Manager Wright to approve the renewal of the existing insurance policy, rejecting the terrorist clause. Carried.

37. Personnel Manual. A motion was made by Manager Wright and seconded by Manager Skaurud to adopt the Personnel Manual as distributed. Carried.

38. J.D. #51 Slide Repair. Engineer Bents distributed an Engineer's Repair Report dated May 8, 2006 on J.D. #51. Two slope stability problems areas were identified by City of Ada personnel in the fall of 2005. Site #1 is located just upstream of T.H. #9 on the south side of the ditch. Site #2 is located just north of 4<sup>th</sup> street in Ada on the south side of the ditch near the existing MnDOT truck station. Two previous slope stability problem areas located just upstream and downstream from Site #1 were repaired in 2003. The proposed repair of Site #1 consists of relocating the levee further to the south and flattening the ditch side slope to remove excess weight. Due to the close proximity of the existing buildings at Site #2, the repair will be completed generally by flattening the south side slope and realigning the channel through this approximately 580 feet reach to the north. Estimated construction costs are \$114,309 in addition to land acquisition and costs to date. This will cause the costs to exceed the \$117,788 benefits for the total Upper Reaches Project. Attorney Hanson stated that he felt that it seems almost imperative and mandatory that there is a redetermination of benefits on the project. Administrator Dalen stated that the Bois de Sioux is in the process of a Redetermination and Dalen plans on attending a meeting with the Administrator to gain information on the process. The possible Redetermination of Benefits will be placed on the regular June agenda.

39. COE WRRFS. Administrator Dalen reported that it appears that Nan Bischoff did not have the authority to make the decision when she agreed to the District's plan for Tasks 1 and 2 which would cost approximately \$85,000. At that time she had stated that she would find out what the COE should do with the excess dollars available in the budget. Judy DesHarnais from the Mississippi Valley Division (MVD) indicated there is a need to update the Project Management Plan (PMP) for an estimated cost of \$10-15,000. The question was should the District agree to the update to the PMP or request a meeting or conference call with Judy DesHarnais. Warren Seykora felt this much money should not be spent on administration. A motion was made by Manager Ista and second by Manager Spaeth authorizing Chairman Seykora to schedule a conference call with Judy DesHarnais and inform her that the Board of Managers intends to abide by the original agreement set for by Nan Bischoff on April 17, 2006. Carried.

40. Sande Hill Watershed District Boundary Issue. Administrator Dalen stated that he and Mark Aanenson met with Dan Wilkens of the Sande Hill Watershed District regarding a landowner issue in the adjoining watersheds. Dalen stated that he will contact Wilkens again, as the property owner may submit a permit application.

41. Beaver Control Grants. A motion was made by Manager Skaurud and second by Manager Seykora authorizing Administrator Dalen to coordinate the Beaver Control Grant with Aaron Neubert, Mahnomen County SWCD. Carried.

42. Farmstead Ring Dikes. A farmstead ring dike committee meeting is scheduled for 9:00 a.m. on Monday, June 5, 2006, for the purpose of prioritizing ring dike applications that the District office has received.

43. Manager Spaeth left the meeting at 4:00 p.m.

44. SWCD Small Storage Sites. Administrator Dalen reported that he had discussions with Aaron Neubert, Mahnomen County SWCD, regarding small storage sites. Neubert is preparing a report on sites proposed in Mahnomen County.

45. FEMA 2006 Report. Engineer Bents reported that the repair costs for the spring 2006 flood event established to date are approximately \$86,000 and may go higher.

46. Green Meadow Dam Managers Wagner and Ista provided an update on the meeting held with a committee of landowners who are investigating small storage sites upstream of the Green Meadow Dam to reduce the stress to the storage site of the dam. A motion was made by Manager Ista and seconded by Manager Wright appointing Manager Wagner as liaison to coordinate with the Green Meadow Dam Committee. Carried. A motion was made by Manager Ista and seconded by Manager Wright authorizing costs incurred to identify storage sites upstream of the Green Meadow Dam to be funded from the Survey & Data Account. Carried. Administrator Dalen requested that Manager Wagner bring the site information to the District office for review. Administrator Dalen reported that he and Engineer Bents met with Jake Gust on two separate occasions and felt that he is a very talented person. Dalen stated that Gust is not forcing his way into the District; he is a very smart energetic person. Dalen plans to schedule another meeting with Gust.

47. Meetings/Conferences/Seminars. A motion was made by Manager Wright and seconded by Manager Ista authorizing Board and staff to attend the MAWD Annual Tour June 22-24, at the Sauk River Watershed District. Carried.

48. RRWMB Report. Manager Wright provided a brief report on the RRWMB meeting. Wright also discussed the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) draft handbook that is currently being produced and stated that the goal is to address any revisions prior to their June meeting.

49. Request for Permit Copies Discussion was held regarding the request by Jerry Bennett for copies via email of all permit applications prior to the regular Board meeting. Attorney Hanson stated that he would request a determination from the State Office of Administration on the proper procedure. Consensus was that copies of the June permits will be mailed to Bennett with the proper charge per copy, mailing and staff time.

50. Chairman Seykora recessed the meeting at 5:00 p.m. to be reconvened at 10:00 a.m. on Wednesday, May 17, 2006, at the District office.

**RECONVENED REGULAR MAY 2006 MEETING**  
**Wednesday May 17, 2006**

51. Chairman Seykora reconvened the meeting at 8:30 a.m. on Wednesday May 17, 2006. The following members were in attendance: Bob Wright, Joe Spaeth, Jim Skaurud, Warren Seykora and Diane Ista. The following members were absent: James Wagner, Sr. In addition Administrator Steve Dalen, Engineer Jerry Bents, Publicist Tim Halle and Recording Secretary Loretta Johnson were in attendance.

52. Staff Evaluations. Evaluations for each WRWD employee were filled out by the managers and placed in the file. The employees will complete their portion of the evaluation which allows them to state their goals and concerns for the next year. The employee self goal forms will be turned in at the June WRWD regular meeting.

53. Employee Proposals. A motion was made by Manager Skaurud and seconded by Manager Spaeth to approve the proposal as submitted by Steve Dalen. Carried with Manager Ista opposed.

54. Information Requests. A motion was made by Manager Wright and seconded by Manager Skaurud authorizing Administrator Dalen to confer with Attorney Hanson and obtain clear direction for the distribution of information requests to the public, managers and consultants. Carried.

55. Emergency Operating Manuals (EOM). Manager Ista raised concerns received from landowners regarding the need for EOM for the District's dams. A motion was made by Manager Ista and seconded by Manager Wright authorizing Engineer Bents to prepare an EOM for each dam site. Carried.

56. South Branch Storage Initiative. Discussion was held about the recent landowner meeting. Dalen stated that the District provided soil boring results and analysis to the landowners at the meeting. Seykora felt that the District is using procedure, pursuing the whole initiative. Administrator Dalen stated that Manager Ista will prepare a review of the South Branch Storage Initiative to clarify the board's position on the Initiative when speaking to landowners in the area. Ista will bring this review to the board meeting in June and if the Board of Managers and Administrator Dalen concur with the contents, this could be a short overview of the sites, with their size, land description and motions made on the Initiative.

57. Spraying Proposals. A motion was made by Manager Skaurud and seconded by Manager Spaeth to accept the proposal submitted by the Ada Feed & Seed for spraying. Carried. A motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing Warren Seykora to coordinate with the contractors and Administrator Dalen for mowing and spraying in the summer 2006. Approved with Manager Ista opposed. Chairman Seykora abstained.

58. River Watch Program. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing \$185 and shipping costs to be used for supplies on the River Water Program. Carried.

59. FEMA 2006 Repairs. Engineer Bents reported that emergency repairs on the District's ditch system are near completion. A report will be submitted to the Board at the June meeting.

60. Complaints/Violations. Managers discussed a complaint filed by Lockhart Township regarding Permit Application #4-15-05-1, located in Section 9 of Lockhart Township, of Roger Kurpius to install a driveway. Conditions of the permit include that "the pipe installation must be of a proper length so that the top of the pipe matches the existing north/south road slopes." Upon review it was determined that the current installation does not comply with this portion of the permit. A motion was made by Manager Spaeth and seconded by Manager Skaurud to notify Roger Kurpius and forward a copy to Lockhart Township that the violation must be brought into compliance. Carried.

61. Green Meadow Township requested an investigation into Permit Application dated 10-9-96 of Cary Sip for work in Section 28 of Green Meadow Township, alleging that a portion of the work is not complete causing road damages from water ponding. A motion was made by Manager Ista and seconded by Manager Wright authorizing Administrator Dalen to review the permit applications for compliance issues with Attorney Hanson and to notify Green Meadow Township of Hanson's recommendations. Carried.

#### PERMIT APPLICATIONS

62. David Knudtson, Section 19, Good Hope Township. A motion was made by Manager Spaeth and seconded by Manager Wright to table Permit Application #5-17-06-1 of David Knudtson to install a culvert in Section 19 of Good Hope Township until a culvert size and approval is received from the ditch authority, Norman County. Carried.

63. Todd Swalstad, Section 10, Shelly Township. A motion was made by Manager Spaeth and seconded by Manager Skaurud to table Permit Application #5-17-06-2 of Todd Swalstad to clean an existing ditch along a county road pending notification of neighboring landowner. Carried.

64. Paul Viker, Section 13, Halstad Township. A motion was made by Manager Wright and seconded by Manager Spaeth to approve Permit Application #5-17-06-3 of Paul Viker to raise his farmstead ring dike in Section 13 of Halstad Township, contingent upon Viker obtaining a conditional use permit from Norman County Planning and Zoning. Carried.

65. Menholt Farms, Section 10, Viding Township. A motion was made by Manager Spaeth and seconded by Manager Skaurud to approve Permit Application #5-17-06-4 of Menholt Farms to lower a culvert in Section 10, Viding Township. Landowner will pay the costs. Carried.

66. John Kraft, Section 6 Fossum Township and Sections 6/11 of Wild Rice Township. A motion was made by Manager Skaurud and seconded by Manager Spaeth to return the permit application #3-8-06-1 of John Kraft to clean an existing ditch in Section 6 of Fossum Township and permit application #3-8-06-2 of John Kraft to clean an existing ditch in Sections 6 and 11 of Wild Rice Township along with notification that no permit is required for regular cleaning. Notification will be included stating if Kraft intends to go beyond regular cleaning, he may resubmit a new permit application. Carried.

67. Steve Anderson, Section 4, Halstad Township. A motion was made by Manager Spaeth and seconded by Manager Wright to approve Permit Application #5-17-06-5 of Steve Anderson to install a farmstead driveway in Section 4, Halstad Township contingent on submitting a permit application and review by staff. Carried.

68. Mike Christensen, Section 23, Fossum Township. A motion was made by Manager Skaurud and seconded by Manager Spaeth to table Permit Application #5-17-06-6 of Michael Christenson to create a wetland in Section 23, Fossum Township pending Christensen providing a construction plan. Carried.

69. Citizens Advisory and Project Team Appointments. A motion was made by Manager Wright and seconded by Manager Ista to table Citizens Advisory and Project Team appointments until the regular June meeting. Carried.

70. Violation Investigation. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing staff investigation into a possible violation in Section 4 of Flowing Township. Carried.

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

72. Chairman Seykora adjourned the meeting at 11:30 a.m.



Diane Ista, Secretary

| <u>Date</u> | <u>Num</u> | <u>Name</u>                     | <u>Memo</u>                                 | <u>Amount</u> |
|-------------|------------|---------------------------------|---|---------------|
|             |            | <b>Checking-CBRRV</b>           |   |               |
| 05/02/2006  | 9636       | Kenneth & Cynthia Nelson        | Easement for Work                           | 1,540.00      |
| 05/10/2006  | 9642       | AmeriPride                      | Cleaning Services                           | 32.02         |
| 05/10/2006  | 9643       | Bobby Miller                    | Tree & Debris Remo on Levees by Scout Acres | 3,490.00      |
| 05/10/2006  | 9644       | Brian Miller                    | Sand Bagging Green Meadow                   | 20.00         |
| 05/10/2006  | 9645       | City of Ada                     | Utilities                                   | 267.50        |
| 05/10/2006  | 9646       | G R Graphics-Maintenance        | Copier agreement/scanner agreement          | 249.69        |
| 05/10/2006  | 9647       | Houston Engineering, Inc        | Engineering Fees                            | 30,029.81     |
| 05/10/2006  | 9648       | James Wagner Sr-Mgr             | Expense Reimburse                           | 63.32         |
| 05/10/2006  | 9649       | James Wagner, Sr                | Beaver Control & Beaver Dam Removal         | 1,275.95      |
| 05/10/2006  | 9650       | Jim Austinson                   | Keys  | 14.91         |
| 05/10/2006  | 9651       | Jim Skaurud                     | Per Diem                                    | 234.50        |
| 05/10/2006  | 9652       | Joe Spaeth                      | Per Diem                                    | 260.55        |
| 05/10/2006  | 9653       | Kelly's Chrysler Center, Inc    | Vehicle Rental for Tour                     | 31.24         |
| 05/10/2006  | 9654       | Landwehr Construction, Inc      | Pay Req #4, Heiberg Dam Repair              | 1,947.17      |
| 05/10/2006  | 9655       | Larry's Excavating              | Culvert Cleanout                            | 180.00        |
| 05/10/2006  | 9656       | Loretel Systems                 | Office Phone                                | 357.58        |
| 05/10/2006  | 9657       | Lyle & Kathy Docken             | Overpayment Ring Dike                       | 1,817.74      |
| 05/10/2006  | 9658       | Mahnomen Pioneer                | Consultants/Farm Dikes/Acq                  | 116.40        |
| 05/10/2006  | 9659       | Marcussen Accounting            | Feb/March/April Billings                    | 2,460.00      |
| 05/10/2006  | 9660       | Midwest Testing Lab.            | Heiberg Dam                                 | 7,999.78      |
| 05/10/2006  | 9661       | Norman County Auditor/Treasurer | Tax Assmts                                  | 106.14        |
| 05/10/2006  | 9662       | Norman County Hwy Department    | Low Water Crossing Installation             | 66,500.00     |
| 05/10/2006  | 9663       | Norman County Index             | Professional/Mowing/Spraying                | 169.26        |
| 05/10/2006  | 9664       | Norman County Treasurer         | Tax Assmts                                  | 162.00        |
| 05/10/2006  | 9665       | North Star Water                | Water/Office                                | 55.00         |
| 05/10/2006  | 9666       | Office Supplies Plus            | Filing & Office Supplies                    | 273.36        |
| 05/10/2006  | 9667       | Payton Kujava                   | Sand Bagging Green Meadow                   | 20.00         |
| 05/10/2006  | 9668       | Ralph's Food Pride              | Groceries & Cleaning Supplies               | 59.05         |
| 05/10/2006  | 9669       | Reed Business Information       | Green Meadow Dam Adv for Bids               | 152.64        |
| 05/10/2006  | 9670       | Renaee Kappes                   | Office Cleaning                             | 60.00         |
| 05/10/2006  | 9671       | Robert E Wright                 | Per Diem                                    | 65.13         |
| 05/10/2006  | 9672       | The Shopper                     | Consultants Proposals/Acq/Ring Dikes        | 51.00         |
| 05/10/2006  | 9673       | The Union                       | Consultant/adv/Ring Dikes/Acq               | 70.44         |
| 05/10/2006  | 9674       | Tim Halle                       | Press Releases/Public Notice/Annual Report  | 420.00        |
| 05/10/2006  | 9675       | Twin Valley Times               | Consultants/Acq/Ring Dikes ads              | 46.66         |
| 05/10/2006  | 9676       | Unicel                          | Cell Phone                                  | 63.88         |
| 05/10/2006  | 9677       | Visser Trenching                | Snow Removal                                | 35.00         |
| 05/10/2006  | 9678       | Warren J Seykora                | Per Diem                                    | 1,064.35      |
| 05/10/2006  | 9681       | James Wagner Sr-Mgr             | Per Diem                                    | 447.27        |
| 05/10/2006  | 9682       | Jim Skaurud                     | Exp Reimb                                   | 92.22         |
| 05/10/2006  | 9683       | Joe Spaeth                      | Reimb Exp                                   | 59.63         |
| 05/10/2006  | 9684       | Robert E Wright                 | Expense Reimb                               | 17.80         |
| 05/10/2006  | 9685       | Warren J Seykora                | Exp Reimb                                   | 1,013.51      |
|             |            | Total Checking-CBRRV            |   | 123,392.50    |