

WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East

Ada, MN 56510

Ph: 218-784-5501

SPECIAL MEETING

AUGUST 23, 2006

(APPROVED)

1. A special meeting of the Wild Rice Watershed District Board of Managers was held on August 23, 2006. The following members were present: Warren Seykora, Joe Spaeth, Bob Wright, Jim Wagner, Sr., Jim Skaurud and Diane Ista. The following members were absent: None. In addition the following persons were in attendance: Engineer Jerry Bents, Attorney Elroy Hanson, Secretary Loretta Johnson, Administrator Steve Dalen, Brian Borgen, Court Reporter Sandy Bjerke and Mick Alm.
2. Chairman Seykora called the meeting to order at 8:40 a.m.
3. Meeting Minutes. A motion was made by Manager Wright and seconded by Manager Wagner to approve the minutes of the August 9, 2006, meeting with the following corrections: Paragraph #3 delete although Ista stated that she did not hire Ms. Bjerke; Paragraph #7 line #4 change would to may; Paragraph #18 Line #2 add Sections 20-24 of Anthony Township and Section 19 of Pleasant View Township; Paragraph #22 change Rodney to Roger; Paragraph #29 Line #7, delete the purchase; Paragraph #30 change invited to notified; Paragraph #21 change sentence #2 to read "will be considering submission of all taxable costs and disbursements." Carried.
4. Board Direction. Manager Spaeth suggested that Managers, Administrator Dalen and Chairman Seykora meet with respective County Commissioners to explain funding of Watershed District projects. Administrator Dalen brought up Board direction and asked for questions. Manager Spaeth felt that discussing Board direction is a good idea. Manager Skaurud noted that David Vipond from Mahnomen County was appointed as the new Manager, but couldn't attend today due to a prior commitment. Vipond has requested previous meeting minutes to gain background information of the District. Administrator Dalen stated that he will discuss Project #42 with Vipond to bring him up to the current status of the project.
5. Monthly Financial Report. Doug Marcussen presented the financial report dated July 30, 2006. A motion was made by Manager Ista and seconded by Manager Wagner to approve the financial report as presented. Carried.

PERMIT APPLICATION

6. Dale Pazdernik, Section 7, Lake Grove Township, Mahnomen County. Upon a motion by Manager Skaurud and second by Manager Spaeth, Permit Application No. 8-23-06-1 of Dale Pazdernik to install a 36 inch culvert across a ditch for an approach was approved. Costs associated with the investigation of work being done prior to the permit will be assessed to Pazdernik. Carried.

Violations/Complaints.

7. Hendricks Violation. Administrator Dalen discussed an on site meeting with County Engineer Mick Alm regarding the Hendricks violation in Section 30 of Wild Rice Township in which a block was to be installed as part of the original permit. At this time there is no block. Mick Alm presented minutes from the Norman County Commissioner meeting requesting that the District rectify the problem. Considerable discussion was held regarding who is responsible for the costs of the maintenance or installation of a block or approach. Attorney Hanson stated that the ditch into which the water flows is a county ditch and the District is not the ditch authority for the ditch system, therefore it would be the responsibility of Norman County. Mick Alm asked if the County should apply for a permit to install the block. Attorney Hanson and Administrator Dalen recommended that the County apply for a permit and the District would then notify landowners and provide them with the opportunity to come into the meeting and discuss the block installation. Alm stated that he would complete a permit application for review at the next Board meeting.

8. Sip Violation, Section 28 of Green Meadow Township. Administrator Dalen reported that he and Manager Wagner met with Cary Sip and Cory Hanson of Green Meadow Township. Dalen stated that a couple additional elevations are necessary. Technician Mike Buerkley will get the elevations and Dalen will provide them to both parties in an attempt to settle the issue.

9. Gene Ueland Violation, Sections 29 and 30 of Good Hope Township and Section 25 of Shelly Township. Manager Wagner stated that landowners cannot be allowed to dig ditches that are one third larger without a permit and stated that the District has an obligation to the other landowners on our ditch systems not to allow this type of ditching to continue. Wagner questioned if the District is going to require restoration and if some of the District expenses can be recouped as part of the District rules. Attorney Hanson stated that expenses can be recouped and recommended that the Board vote to order the restoration of the ditch system as it is a violation of the District rules and require it to be restored to its preexisting condition. A motion was made by Manager Wagner and seconded by Manager Wright authorizing Administrator Dalen to notify Gene Ueland that the ditching in Sections 29 and 30 of Good Hope Township and Section 25 of Shelly Township is a violation of District rules and must be restored to its preexisting condition. If he refuses to restore the ditch to its original condition the District can pursue this civilly or criminally. Carried.

10. J.D. #51 Slide Repair/Upper Reaches Project. Engineer Bents reported that in a meeting with City of Ada officials they indicated they were not able to reach an agreement with the landowner for the necessary right of way for Site #2 of the repair. They are also aware of the possibility of the Redetermination of Benefits on the Upper Reaches Project and indicated they would prefer to find a solution to a smaller repair of the project. Bents stated that it would make sense to repair Site #1 and the city could repair their storm water drain on site #2. Bents also requested that Attorney Hanson research the law to determine what the District can assess the project per year prior to the September 11, 2006, meeting on redetermination of benefits in Twin Valley. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing the District to move forward with the repair of Site #1 and notify the City of Ada that they may request a permit from the District for the repair of the stormwater drain on Site #2. Carried.

11. Green Meadow Steering Committee Update. Curt Jacobson met with Managers at 11:00 a.m. to update the Board on the status of the investigation by the steering committee on the search for storage sites above the Green Meadow Dam. Jacobson stated that he has a boring easement from one landowner and another agreed to sign a boring easement. He also requested a synopsis of what the funding options for the storage sites could be. Manager Ista suggested presenting the proposed project to the Red River Watershed Management Board (RRWMB) requesting funding. Manager Wright stated that there would be no harm in presenting it to the RRWMB. Chairman Seykora asked Board members if they are comfortable moving forward with this project for the next two weeks. No one opposed. Seykora stated that Jacobson will bring the site identifications to Engineer Bents and he will assist in identifying the boring sites. Jacobson requested being appointed coordinator for this project. Attorney Hanson stated that he didn't think anyone, including Manager Wagner and/or Jacobson should be appointed coordinator at the present time. Jacobson left the meeting at 11:50 a.m.

12. Brian Borgen Request. Brian Borgen explained his thoughts regarding an alleged unauthorized culvert installation in Section 3 of Mary Township, in 2002 by Norman County. Borgen acknowledged that he removed the culvert without permission; Norman County reinstalled the culvert and billed Borgen \$8,000 for the installation. Borgen requested storage to stop the flooding. Manager Wagner told Borgen that he needs to quick bucking the system, he had no right to remove the culvert; the District is trying to obtain storage. Wagner told Borgen that he was in violation of the District's rules and if wants to do something he needs to apply for a permit. Attorney Hanson informed Borgen if he would have applied for a permit to remove the culvert, it is not known whether the Managers would have approved the permit; however it would have been the proper procedure. Wagner also stated that if you want a culvert change you can file a permit application or a written request. Borgen asked why the County could install the culvert without a permit and he is charged with a violation by the District for removing the culvert. Attorney Hanson stated that regardless of whether any other property owner has violated District rules, it has nothing to do with what Borgen can do. Borgen requested that the Managers rescind the motion which authorized a request to the Norman County Attorney to bring criminal charges against him for the violation. Attorney Hanson stated that he would not recommend this. Manager Ista told Borgen that she understands the emotion of all landowners and the flooding, but for the Board to take action on his requests he should submit them in writing. Manager Skaurud also asked Borgen for the record if he is hiring Court Reporter Sandy Bjerke. Borgen replied yes.

13. J.D. #51 Upper Reaches Slide Repair. Attorney Hanson discussed with Managers the repairs for the J.D. #51. He recommended that the Managers make a conclusion that the repairs are necessary for the integrity of J.D. #51 and that all costs will be assessed in one year. A motion was made by Manager Ista and seconded by Manager Wright authorizing Attorney Hanson to prepare language for the order for the repairs on J.D. #51 Slide Repair. Attorney Hanson will also record the order for the repair. Carried.

14. Meeting Minutes. A motion was made by Manager Wright and seconded by Manager Ista to approve the July 12, 2006, meeting minutes with the following correction: Page #12, Paragraph #71 add the following names: Manager Seykora, Dave Friedl, MN DNR, and Dennis Thorson and Dan Buckle from the City of Twin Valley. Carried.

15. Attorney Hanson and Manager Skaurud left the meeting at 2:10 p.m.

16. COE WRRFS. Administrator Dalen reported on a meeting held on August 21, 2006, with Nan Bischoff, COE. Those in attendance were Dalen, Engineer Bents, Maynard Pick and Bischoff. The purpose of the meeting was to obtain clarification from the COE on the sedimentation analysis. Bischoff provided a financial update of costs spent to date for both the COE and the District. COE costs through August 4, 2006, were \$757,174.46; District costs through August 4, 2006, were \$668,076.61. Bischoff presented the following financial statement:

COE Financial Statement as of August 5, 2006		
FY 05 Funds Carryover	9/1/2005	5,500.00
Fy 06 Funds Allocated	9/30/2006	99,000.00
Total Funds Available	8/5/2006	104,500.00
FY 06 Federal (COE) Expenditures	8/5/2006	104,500.00
Federal (COE) Funds Remaining	8/5/2006	53,691.11
FY 07 (COE) Funds Proposed		150,000.00

Engineer Bents stated that the purpose of the sediment analysis is to determine sources and sinks for sediment throughout the Wild Rice Basin (not just in the COE WRRFS project reach). The watershed spatial scale should be emphasized instead of the project reach scale. The study should result in mass loadings (or volumes of material) from sub-reaches of the Wild Rice River. The tasks associated with the Geomorphic Assessment and Sediment Budget for the Wild Rice River include the following: 1) Identify geomorphic reaches with similar characteristics based on a number of criteria with a budget of \$17,690; 2) Hydrology assessment, frequency, duration, specific gage analysis with a budget of \$6,480; 3) Bed and banks sediment yield analysis with a budget of \$43,680; 4) Watershed sediment yield analysis with a budget of \$3,600; 5) Sediment capacity analysis with a budget of \$7,200; 6) Report with a budget of \$7,200. Engineer Bents stated that the COE will provide a map of the South Branch indicating the cross sections of boring sites, but will need permission from the landowners. A motion was made by Manager Spaeth and seconded by Manager Ista authorizing Tim Halle to print a news article explaining the sediment analysis being done by the COE on the South Branch and the need for permission from landowners; and authorizing Managers Wagner, Skaurud and Seykora to contact landowners for the purpose of obtaining signatures. Carried. Administrator Dalen also brought up the District obtaining real time data for obtaining sediment analysis. Consensus of Managers was for staff to investigate the possibility of obtaining an MPCA 319 grant for the work.

PERMIT APPLICATIONS

17. Ruud Farms, Section 3, Flom Township. Upon a motion by Manager Spaeth and second by Manager Wagner Permit Application #8-23-06-2 of Ruud Farms to install an erosion control structure and drain tile in Section 3 of Flom Township was approved with the conditions that the drain tile will be 6 inches, structures are to be 4 feet high or less and adjacent landowners in the NE1/4 of Section 3 of Flom Township, (Robert Svobodney and James Natwick) sign on the permit. Carried.

18. Darrel Leiser, Section 7, Spring Creek Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application #8-23-06-3 of Darrel Leiser to install an 18 inch CMP pipe in Section 7 of Spring Creek Township was approved. Carried.

19. Randy Chisholm, Section 14, Strand Township. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application #8-23-06-4 of Randy Chisholm to install an 18 inch CMP and driveway in Section 14 of Strand Township was approved with the condition that downstream landowner sign on the permit; permission is obtained from Norman County and the culvert installed is 18 inches. Carried.

20. Mark Chisholm Section 6, Strand Township. No action was taken on the permit application of Mark Chisholm to install larger culverts in Section 6 of Strand Township. Mark Aanenson and Manager Ista will do additional research before any District action.

21. Nancy Merkens, Section 31, Lockhart Township. Upon a motion by Manager Ista and second by Manager Wagner, Permit Application #8-23-06-5 of Nancy Merkens to install a field crossing with a 24 inch culvert was approved. Carried.

22. Tim Hoff, Section 20 Georgetown Township. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application #8-23-06-6 of Tim Hoff to install two 48 inch CMPs and a crossing in Clay County Ditch #52 In Section 20 of Georgetown Township, was approved with the conditions that the two 48 inch culverts will be installed on the half mile line; the adjacent landowner will sign on; the District will set the elevation and the applicant will give the District one week notice prior to installation of the culverts. Carried.

23. Jim Hastings, Section 25, Viding Township. Upon a motion by Manager Wright and second by Manager Wagner, Permit Application #8-23-06-7 of Jim Hastings to replace a 20 inch culvert with a 24 inch culvert in both crossings was approved. Carried.

24. Green Meadow Township, Section 10, Green Meadow Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application #8-23-06-8, of Green Meadow Township to replace a 24 inch culvert with a 24 inch culvert was approved with the condition that the pipe is the same size, same location and same elevation. Carried.

25. Doug Nelson, Section 33, Pleasant View Township. Upon a motion by Manager Wagner and second by Manager Spaeth, Permit Application #8-23-06-9 of Doug Nelson to replace an 18" x 20' CMP with an 18" x 40' CMP was approved with the condition that the pipe is the same size, same location and same elevation. Carried.

26. Administrator Dalen asked for authorization from the Board to appoint Mark Aanenson to be in charge of permits. Manager Ista felt that Dalen did not need authorization, which was a consensus of the Managers. Engineer Bents stated that it might be a good idea for a Board member to be involved in the field investigation along with Aanenson.

27. There being no further business to come before the Board of Managers, a motion was made by Manager Spaeth and seconded by Manager Wagner to adjourn the meeting. Carried. Chairman Seykora adjourned the meeting at 4:10 p.m.

Secretary, Diane Ista