# WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East – Ada, MN 56510 Phone: 218-784-5501

### **REGULAR MEETING**

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, October 13, 2004, 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., Diane Ista, Jim Skaurud and Joe Spaeth. The following members were absent: Steve Dalen. In addition, the following persons were present: Administrator Jerry Bennett, Attorney Elroy Hanson and Loretta Johnson, recording secretary.

3. Chairman Seykora called the meeting to order at 8:40 a.m.

4. A motion was made by Manager Spaeth and seconded by Manager Wagner to approve the minutes of the August 11, 2004, meeting with the following change: On Page #7, Paragraph #26, Line #13, "are" should be changes to read "area" and the minutes of the September 8, 2004, regular meeting. Carried.

5. Doug Marcussen reviewed the monthly financial report of the District dated September 30, 2004. Upon a motion by Manager Spaeth and second by Manager Wagner, the monthly Financial Report was approved for entry into the record. Carried.

6. Steve Dalen arrived at 9:00 a.m.

7. Jerry Bents arrived at 9:05 a.m.

8. A motion was made by Manager Wright and seconded by Manager Wagner to approve the proposed levy of \$50,000 on the Upper Reaches Project. Carried.

9. The bills of the District were reviewed. Upon a motion by Manager Wright and second by Manager Spaeth, the bills were unanimously approved and ordered paid. Carried. A listing of the bills approved is attached at the end of these minutes.

#### 10. Project Pay Requests and Change Orders.

Upon a motion by Manager Ista and second by Manager Wright to approve the Final Pay Request on the Darlene Askegaard ring dike in the amount of \$2,488.14. The total amount of the original contract and change orders is \$21,262.73. Carried.

A motion was made by Manager Dalen and seconded by Manager Spaeth to approve Change Order No. 1 for a net reduction in the amount of \$49.50 for reduced quantity of light duty fabric and approval of Partial Pay Request #2 in the amount of \$486 to RBR Development on the Brian Hest ring dike. Carried.

A motion was made by Manager Skaurud and seconded by Manager Wright to approve Change Order No. 1 in the amount of \$547.80 for a reduction in quantity of light duty fabric and 15-inch pipe and approval of Partial Pay Request No. 1 in the amount of \$19,150.20 to Geray Dozing on the Roger Dyrdahl ring dike. Carried.

Upon a motion by Manager Dalen and second by Manager Spaeth, Change Order No. 3 to adjust the final quantities to reflect an increase in embankment quantity and a reduction for seeding and clay fill resulting in a net decrease in the original contract in the amount of \$937.50 along with approval of Partial Pay Request No. 3 in the amount of \$7,897.50 to Visser Trenching on the Anderson Wetland Restoration Project. Carried.

11. Wild Rice River COE Feasibility Study (WRRFS). Administrator Bennett provided copies of the current budget for Phase I of the WRR Feasibility Study that is estimated to be approximately \$1,198,386. Bennett gave a summary of funding secured to cover the District's portion of the 50% cost share. Current estimates are that the watershed district will have a cash contribution of approximately \$254,502.92. Bennett also gave an update on the WRRFS provided by Tom Raster, COE. Raster has indicated that Houston Engineering will be starting work on the With Project H & H Analyses. Raster stated that the COE's in-house efforts have been limited. Randy Devendorf continues to watchdog environmental issues; Virginia Gnabasik is dealing with the SHPO to get a handle on cultural sites within the proposed project limits; Mary Muraski and Marcia McCloskey, (Real Estate) are preparing a synopsis of how CRP/CREP does/doesn't dovetail with COE real estate requirements; Scott Jutila, Pat Foley and Raster will be working on the With-Project H&H Analysis scope along with Houston Engineering; Tom Raster indicates that he continues to perform the typical Project Management chores (e.g., coordination). Raster stated that his priority is preparing Feasibility Scoping Meeting materials with Steve Gebhardt's input. After these materials are forwarded he will work on setting up a face-to-face meeting in his office or Ada with representatives from his division and headquarters office, or possibly use a teleconference for the meeting. Raster estimated that Phase 2 of the project will start sometime in August.

Chairman Seykora asked if other Board members would be interested in having a more complete update on the entire Feasibility Study. Seykora stated that with the committees holding separate meetings, it might be timely for the full Board to get an update on the entire efforts of the WRRFS. Seykora suggested scheduling a specific time on the agenda at a future meeting to review progress and future efforts underway with the feasibility study. A motion was made by Manager Ista and seconded by Manager Wright to schedule time on the agenda at 8:00 a.m. on Wednesday, October 20, 2004, at the District office, to review and provide an update to the Board of Managers on the Feasibility Study. Carried. 12. <u>Farmstead Ring Dikes</u>. Administrator Bennett reported on receiving a grant agreement from the MnDNR in the amount of \$45,000 for Fiscal Year 2005 for the rural ring dike program. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing Chairman Seykora to execute the grant agreement. Carried.

Engineer Bents provided a map of the remaining ring dike applicants along with a prioritization work sheet showing project priorities for the next round of implementation. Administrator Bennett suggested identifying those projects that the Board would like to consider in FY05 along with authorizing the necessary field surveys of the sites so that work can be completed before snowfall presents a problem. Engineer Bents indicated that Mike Buerkley has completed surveys on the Schreiner, Hanson and Christianson sites. Manager Wagner would like to get the project planning completed so that projects would be ready to proceed in the spring. Consensus of Managers was to prioritize the projects in the following order: 1) Stanley Gunderson; 2) Roger Hanson; 3) Harvey Christianson; 4) Louie Bertrand; 5) Steve Mjolsness; and 6) Randy Mitteness. Manager Ista commented that at the last RRWMB meeting, discussion was held on eliminating funding support for the ring dike program. A motion was made by Manager Ista and seconded by Manager Spaeth to send a map to the RRWMB showing the number of ring dikes that remain on the list for construction and a letter indicating the Wild Rice Watershed District Board of Managers support for continued funding of the ring dike program.

### PERMIT APPLICATIONS

13. <u>Norman County Highway Department, Section 14, Green Meadow Township</u>. Mick Alm met with Managers at 10:30 a.m. regarding Permit Application No. 10-13-04-1 of the Norman County Highway Department for a culvert installation in Section 14, Green Meadow Township. Upon a recommendation by Engineer Bents, a motion was made by Manager Dalen and seconded by Manager Ista to deny the permit request. Carried. Alm left the meeting at 10:45 a.m.

14. <u>Heiberg Dam</u>. Administrator Bennett reported that the watershed district received a copy of the Environmental Assessment completed by CTE Engineers, Chicago, IL, for FEMA in connection with the repairs to the Heiberg Dam. Comments on the report are to be provided by October 27, 2004. A motion was made by Manager Wright and seconded by Manager Spaeth to have Engineer Bents and Administrator Bennett work on providing any necessary comments. Carried.

15. Public Information. Katie Wohlman, H2M, met with Managers at 11:15 a.m. with a proposal for extending their contract to provide public information and education support for the Wild Rice Watershed District Feasibility Study and related District activities. Wohlman stated that the firm's focus is to assist the Board with getting out its message and providing consistent, frequent and clear communication with the public and stakeholders on the key projects within the District. Wohlman discussed some options to accomplish these goals including publicity, advertising, direct mailing, providing fact sheets/flyers and developing a District web site. Manager Ista stated that there is no doubt in her mind that the District is in need of something like this with so many projects going on, but questioned starting until the District has positive reports to provide to the public. Ista questioned if this is a presentation for District work or as a part of the COE Feasibility Study. Administrator Bennett noted that the Board had discussed meeting with H2M to discuss contract concerns and steps for improving public information. Manager Ista stated that she was disappointed in the work by Kyle Richardson from H2M, and although she felt that everything in the proposal is a good idea, the District should consider options including other firms to provide public information services. Ista however, felt that the District should continue the contract with H2M because of their contract, on the COE WRRFS.

Chairman Seykora stated that in the short term, he felt it is necessary to do a better job of getting information out to the public in a pro-active manner. Manager Ista suggested before moving forward with this proposal, another public relations firm should be given the opportunity to make a presentation on providing a public information proposal. Manager Wagner stated that he agreed with Ista, that Richardson had not performed to his expectations. Wagner felt that Wohlman's presentation was a step in the right direction, but questioned the cost. Consensus of Managers was to table the discussion until a future meeting with Manager Ista offering to contact other firms on their interest in giving the Board a presentation. Wohlman left the meeting at 12:00 noon.

16. Judicial Ditch No. 51 Repair. Mayor Jim Ellefson, Attorney Tom Opheim, City Clerk Shelly Kappes and Council Members Don Vellenga, Royal Knutson, Candy Robertson and David Stene met with Managers at 12:00 noon to discuss the J.D. #51 Repair. Mayor Ellefson stated that this meeting by the City of Ada was also being held as a special City Council meeting. Don Vellenga stated that over the last ten years \$215,997.60 has been collected by the Watershed District for maintenance and upkeep including fixing and sloughing on the Upper Reaches Project. Vellenga asked what the difference is between the Upper Reaches and J.D. #51. Administrator Bennett stated that J.D. #51 was established in the early 1900s, but was overlaid by the Upper Reaches Project in 1955 as part of an Army Corps of Engineers flood control project. Although there are no signed easements on the COE project that he is aware of, the hearing established benefits and damages similar to other drainage projects initiated under M.S. 103D. The damages paid at the time the project was established are essentially payments for the land to construct and maintain the project in the future. Vellenga asked if the District could use the 16% of the benefits contributed by the City of Ada for work on J.D. #51.

Administrator Bennett stated that the assessment on the Upper Reaches Project each year is used for a regular maintenance fund that includes the assessments collected from the portion of benefits paid by the City of Ada. The project is currently in a deficit. The assessment on the Upper Reaches Project is \$50,000 unless a public hearing is held. Bennett stated that with the projected cost of maintenance it is likely that a public hearing will be held within the next few months. Bennett also stated that the proposed repair plan for J.D. #51 was sent to the City of Ada for review and comments prior to bidding. Because the repair estimate is over \$30,000 it is necessary to go to open bidding. Mayor Ellefson questioned how the Watershed District would handle the repair requests and payment for the construction. Ellefson also raised questions regarding obtaining easements for the project, and if it would be more feasible for the City of Ada or the Watershed District to obtain the construction easements. Ellefson asked if there is any benefit for the City of Ada in holding the easement on the project. Attorney Tom Opheim stated that the real issue is the cost of the repair and the easements. Attorney Hanson questioned Ellefson if he thinks the residents have serious concerns and if this is an emergency situation. Ellefson discussed the sloughing and a storm sewer pipe, which is pinched off. Chairman Seykora asked if the pinched pipe could be fixed now, with the construction held until spring. Mayor Ellefson expressed concerns regarding the lack of a construction access and that some effected property owners had expressed concerns about damages. The Ada City Council moved to a private meeting to discuss repair options on J.D. #51. Upon returning to the meeting, Attorney Tom Opheim stated that a motion was passed by the City Council agreeing that in the best interest of construction, the project should be addressed in 2005 and requested that the Watershed District be responsible for obtaining easements. Royal Knutson stated that he hoped the project would be completed in 2005 in a timely fashion. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Engineer Bents and Attorney Hanson to move ahead with the project for spring 2005 construction. Carried.

18. Chairman Seykora recessed the meeting at 1:00 p.m. to be reconvened at 8:00 a.m. on Wednesday, October 20, 2004.

19. Chairman Seykora reconvened the meeting at 8:30 a.m. on Wednesday, October 20, 2004. The following members were present: Diane Ista, Jim Skaurud, Robert E. Wright and Joe Spaeth. The following members were absent: James Wagner, Sr. and Steve Dalen. In addition the following persons were present: Attorney Elroy Hanson, Engineer Jerry Bents, Administrator Jerry Bennett and Loretta Johnson, recording secretary.

20. A motion was made by Manager Spaeth and seconded by Manager Wright to approve the agenda with the addition of discussion about correspondence from Bob Kinkade regarding the acquisition buyout and evaluations. Carried.

## Wild Rice River COE Feasibility Study (WRRFS).

21. <u>Setback Levees</u>. Engineer Bents distributed maps of the areas of the conceptual design and gave a PowerPoint presentation on the proposed setback levee alignment. Bents stated that in discussions with the COE, they proposed a revised channel alignment and also provided a minimum corridor to allow the river to move back into its previous alignment. With these recommendations and following landowner meetings where they had the opportunity for input regarding a preferred levee alignment a levee alignment was chosen. This new proposed alignment will be forwarded to the COE for their approval.

Chairman Seykora questioned if the increased water in the channel due to the levees and the water not breaking out would cause increased degradation downstream. Bents stated that when doing the modeling, a lot of these questions, would be answered. The modeling will indicate how high the water would be for a ten-year level of protection. Spillways will be built to allow water to start breaking out as it historically did prior to the setback levees. Once locations are chosen for the spillways, elevations for the spillway will be set at one foot higher than the ten-year event. The balance of the levees will be built at a height three foot higher than the ten-year flood event. This will allow the ability to know where the water will break out. From this information they will know how high the water will be and have the ability to know what will most likely cause impacts downstream with setback levees only; what impact would be for downstream landowners with a minor diversion and setback levees; downstream impacts from a major diversion and no levees downstream; and finally downstream impacts with a major diversion and setback levees. Engineer Bents continued the presentation and showed the entire proposed setback levee alignment and stated that if the Board approved of the proposed alignment, he would need to be aware of this to proceed with the modeling. A motion was made by Manager Ista and seconded by Manager Wright approving the setback levee alignment as proposed and authorizing Engineer Bents to proceed with the modeling. Carried.

22. <u>South Branch Storage</u>. Engineer Bents began a PowerPoint presentation and distributed a spreadsheet listing the ten tasks and timeframe associated with the U.S. COE South Branch of the Wild Rice River Storage Investigation. The goal set by the Board of Managers is: "The goal of the investigation, as prescribed by the Wild Rice Watershed District Board of Managers is to identify projects or groups of projects, that would provide a 30-40% reduction in the ten year discharge at the outlet of the South Branch of the Wild Rice River. Additional emphasis should be placed on projects located within or above the beach ridge of the South Branch Basin." Bents stated that 15 sites have been tentatively chosen and he will review the details of these sites with the Managers.

At the upcoming Project Team meeting, this will also be reviewed with Project Team member agencies giving them the opportunity to provide input on the sites and whether they would be considered acceptable by agencies or where problems may be. Assuming that the 15 sites are acceptable, this will be followed by landowner meetings and with input could group sites together into packages to determine the amount of flow reduction at the outlet of the South Branch. Final completion of the ten tasks proposed is projected for mid March 2005.

Engineer Bents stated that the elevation could be determined for the various sites by using contour maps. He illustrated the base mapping of the entire watershed of the South Branch, which is a total of 247 square miles, and was originally broken down into five sub watersheds in the original model. A spreadsheet illustrating a review of historic flood flow records taken from the USGS data recorded at the Red River of the North at Fargo, Halstad, and Grand Forks and the Wild Rice River at Twin Valley and Hendrum. Method one would be to calculate the percent of reduction for a 25-year event. Method two would be to calculate a two-thirds reduction, but only in half of the watershed.

23. <u>A.C. Heiraas Streambank Stabilization Request</u>. Attorney Hanson stated that he has not received any recent correspondence from Zenas Baer, attorney for A.C. Heiraas regarding submitting a revised repair request to include the south river bank only, as the north side does not constitute a repair. A motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing Engineer Bents to provide a formal response to Baer which explains the reasons why the north river bank is not a repair and ask if they would like to submit a revised repair request. Carried.

24. <u>Ohnstad Twichell Correspondence</u>. Attorney Hanson stated that he has been in contact with Attorney Gerald VonKorff, who is representing the District in regards to the request by Attorney Jay Carlson and Curt Jacobson for information regarding the administrative costs of J.B. Associates, Limited. Hanson stated that VonKorff is waiting for additional information from Accountant Marcussen before submitting the response to Carlson. Manager Ista asked Hanson if his involvement would be jeopardizing the process because of conflict of interest. Hanson stated that he does not have a problem if the Board would prefer to communicate directly with VonKorff, but felt that he is acting as a scrivener at this point and that does not constitute a conflict of interest. Attorney Hanson stated that when the formal response is prepared, prior to providing it to Carlson, the entire board should review the response and see if it accurately reflects the board.

25. Upper Felton Ditch Storage Site. Manager Wright abstained from any discussion on this matter. Attorney Hanson reported on securing the option for the Wright property and the related issue of the purchase, replacement or moving of a 44' x 80' pole shed, which is within the flood storage easement area. Administrator Bennett stated that quote obtained for the removal and rebuilding of the shed are approximately \$22,000, with labor alone being \$19,600. The approximate cost of a new shed is \$22,780. An agreement was reached at \$22,000 for the shed and \$1,850 per acre for the property and with this a purchase option can be executed with the seller for a term of 24 months. Bennett stated if the Board approves the purchase offer, the next step would be to meet with property owners of the two remaining parcels to determine if they are interested following the revised appraisals due to increase in payment of recent land sales in the area. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing the execution of a 24-month purchase option for the Bob Wright property for a price of \$1,850 per acre for the property and \$22,000 for the pole shed for a \$250 non-refundable fee. Included in the language of the option will be that a seepage ditch be built to prevent possible seepage from going north onto the Brendemuhl property. Carried. Manager Wright abstained.

26. <u>Heiberg Dam</u>. Administrator Bennett provided an update on the funding package for the Heiberg Dam. Bennett stated that the District has executed a \$70,000 grant agreement with the USFWS. Before any additional work is done, he wants to make sure that this particular funding can be used for the Heiberg Dam Project prior to the entire funding package being committed. A motion was made by Manager Ista and seconded by Manager Skaurud authorizing soil borings at the Heiberg Dam site. Carried.

27. <u>Brian Borgen Request</u>. Brian Borgen met with Managers at 10:45 a.m. and requested a copy of the restoration work completed by the watershed district for work done in Section 35, Hegne Township. Borgen stated that he is not in agreement with the height of the levees in this area of the Upper Reaches Project. Borgen felt that there were no permits obtained for this work and the levee should be taken down. Consensus of Managers was to provide Borgen with the information regarding the complaint (Tommerdahl) and restoration work to bring the violation into compliance that was completed by the watershed district.

28. Bridge Replacement, Section 35/36, Winchester Township. Administrator Bennett read correspondence from Joel D. Johnson, Attorney for Herman Lee. Lee is concerned that the bridge replacement structure be properly engineered so as to not cause backup and overland flooding that would not otherwise occur and thereby harm his property. Johnson also requested that the construction be stopped until the request is clarified. Administrator Bennett gave a brief background on repairs to the crossing that is under Township jurisdiction and was approved for federal funding assistance for a bridge replacement with a low water crossing following the 2000 flood event. Bennett noted that the township and adjoining property owners agreed to the modified structure rather than replacing the old bridge that was felt to be an obstruction to floating debris blocking the channel. Funding assistance was requested from FEMA to change the original project that was to repair the pre-existing bridge with the low water crossing. Funding was approved in the amount of \$85,000 to construct the low water crossing using hazard mitigation funds. Project costs increased to approximately \$175,000 when the MnDNR required that the new crossing would need to allow for fish passage. The District requested that the additional costs be covered by FEMA, which was rejected. The Norman County Highway Department agreed to implement the project under their bridge replacement program. In the letter received by Joel Johnson objection was raised to the new structure installation if the crossing is not properly engineered that would result in flows to backup and result in overland flooding that would not otherwise occur and thereby harm the Herman Lee property. Engineer Bents was asked about the cost to prepare an analysis of the structure that could be used to address the concern raised by Mr. Lee. Engineer Bents stated that surveys are completed in this area for the scheduled ditch repairs in 2005 and therefore the cost to conduct the hydraulic analysis would be minimal, estimated at somewhere around \$1,000. In response to the request by Herman Lee a motion was made by Manager Ista and seconded by Manager Wright authorizing Engineer Bents to prepare a hydraulic analysis for the new structure and to schedule a meeting with Herman Lee, Norman County and Winchester Township once the information is ready to be presented to the Board. Carried.

29. <u>Nature Conservancy Complaint</u>. Administrator Bennett reported that the Nature Conservancy filed a complaint against Harold Bergstrom for alleged unauthorized work in Section 13, Rockwell Township. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing an onsite meeting with staff, Skaurud, and Curtis Borchert, Norman County SWCD, to investigate the complaint. Carried.

30. Attorney Elroy Hanson left the meeting at 11:00 a.m.

31. <u>2002 Rural Acquisition Program</u> Manager Ista reviewed correspondence she received from Bob Kinkade requesting the purchase or lease of the property previously owned by Ken Thomas acquired by the District through the 2002 acquisition program. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing Ista to provide correspondence to Kinkade with the rules and regulations regarding the acquisition program and the information related to the sales of property that has been acquired by the District under this program. Carried.

32. South Branch Storage. Engineer Bents gave a PowerPoint presentation on the storage sites identified on the South Branch of the Wild Rice River along with providing maps of the proposed site locations. Manager Ista questioned Bents if he thought there were two to three sites where the most flow reduction could be accomplished. Bents felt that the off channel storage site was the largest and provided the greatest amount of flow reduction in one site. The current analysis is to look at upstream locations as an alternative to the large off-channel site to determine if enough storage can be implemented to meet the flow reduction goals without having to implement a single site on the lower portion of the drainage system. Ista questioned if the sites that are currently being reviewed are on-channel. Bents stated that there are on-channel sites being considered on the tributaries where the agencies felt there would be less of a permitting concern. Chairman Seykora questioned where the funding would be available for these proposed sites and asked how much time and money should be spent looking at locations that may not be feasible projects. Manager Ista commented that the District needs this information to use for possible retention areas. Manager Ista stated that this study was authorized as a part of the feasibility study and will be cost shared by the COE. Administrator Bennett felt that the storage investigation is important to determine how much storage is actually needed, the costs and permit constraints before a decision could be made on implementing the projects. Engineer Bents stated that this is an alternative analysis to determine if the goals established for reducing flows on the South Branch can be met. Manager Wright stated that at this time there is no conclusion to the study and felt it was important to continue until a conclusion is reached. The next step discussed in the process is to address any environmental concerns related to the sites identified by Houston Engineering and once constraints have been identified that could eliminate sites or effect operation engineering will begin to model the storage sites in different combinations to determine downstream effects. Bents stated the next step would be to present the sites selected to the Project Team membership at their upcoming meeting on October 20, 2004.

33. <u>Wild Rice River, Effective Mainstem Storage</u>. Administrator Bennett gave a PowerPoint presentation on the history of the original Twin Valley Lake Project. Bennett reviewed the mechanisms under watershed law the Board of Managers can use to implement projects. The following options were discussed:

- Option No. 1 M.S. 103D.601 allows the Board of Managers to implement projects by resolution of a majority of the Managers if at least 50 percent of the estimated cost is financed by grants and the costs assessed against benefiting properties is not more than \$750,000.
- Option No. 2 M.S. 103D.605 Under this provision of law the watershed district can implement basic watershed management projects and government projects that would be constructed under an agreement between the state and federal government with the cost of the projects being paid for in whole or in part by the state and federal government.
- Option No. 3 M.S. 103D. 705 Under this provision property owners must draft a petition stating the project purpose, general description of the project, description of the area to be affected and petitioners will pay all costs and expenses that may be incurred if the project is dismissed or a construction contract is not awarded for the project.

Bennett noted that other than permitting concerns one of the main reasons that the Twin Valley Lake project has been not able to proceed is the limitation under watershed law and the ability to have a funding mechanism to actively pursue the project. Bennett reviewed actions taken by the watershed district to address these concerns including the requests to Congressman Collin Peterson for special legislation, which would waive the benefit cost ratio on the original project along with requests for legislation to re-authorize the original project and requests for an appropriation to conduct a General Reevaluation Report (GRR) on the Twin Valley Lake project. This avenue was not necessarily an option to build the project but rather to investigate alternatives to the original project that could be permitted and funded. Bennett noted recent efforts to secure legislation for an appropriation in the amount of \$300,000 to restart a GRR on the Twin Valley Lake project. Manager Ista felt that this idea is well worth trying. Manager Skaurud agreed and felt it may be something the District could pursue. Manager Wright stated that there isn't anything wrong with keeping this avenue open. Managers discussed the possibility of corresponding with legislators to keep attention on the attempt to obtain the special legislation. After further discussion a motion was made by Manager Ista and seconded by Manager Skaurud authorizing staff to work with legislative aids along with working on some of the District's questions related to the mainstem storage issues. Carried.

34. <u>Norman County Rural Acquisition Update</u>. Administrator Bennett provided a financial statement on the budget status for the Norman County Rural Acquisition Program. Bennett stated that the state has approved proceeding with the Roger Lee and Harry Haskins properties where the appraisals came in considerably higher than original estimates.

Administrator Bennett stated that the Ken Kesselberg site was recently approved by FEMA for acquisition under the 1997 DR 1175 grant. Bennett stated that in discussions with Ed Fick, Mn DNR, an additional \$10,000 from the MnDNR could be used for the Kesselberg acquisition. Bennett asked if the Board wants to follow the 1997 guidelines established for the DR-1175 program on Kesselberg that would allow the project to be acquired using 25 percent cost share from the DNR. The 2002 acquisition program is participating with a 12.5 percent contribution from the DNR and the property owners covering the remaining 12.5 percent. It was discussed that since the Kesselberg property is part of the 1997 funding, the same guidelines should be followed. A motion was made by Manager Skaurud and seconded by Manager Ista to approve the Kesselberg property for acquisition utilizing the 1997 program guidelines under the DR 1175 grant. Carried.

Chairman Seykora stated that David Rask contacted him and requested that Board members do a site visit to property in which he would like assistance under the acquisition program. Consensus of the Board was to inform Rask to first submit an application before proceeding with a field site visit of the property.

Regarding the balance of the site cleanup from the 2000 acquisition/demolition, Chairman Seykora stated that there are a few clean-up items that need to be addressed. A motion was made by Manager Spaeth and seconded by Manager Ista authorizing Chairman Seykora to work with the site clean up by hiring a local contractor to complete the work. Carried.

35. <u>2002 Demolition</u>. Engineer Bents stated that Taggart Excavating, from Newfolden, Minnesota, with a bid of \$47,500 was the low bidder for the 2002 demolition. A motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing Engineer Bents to review the bid documents and to proceed with a contract award to Taggart Excavating if determined to be the qualified low bidder. Carried.

36. <u>Upper Reaches Project</u>. Administrator Bennett reviewed site repairs on the Upper Reaches Project that included five locations planned for work this fall. Bennett noted that Engineer Bents is in the process of obtaining quotes for the repair work estimated at approximately \$30,000. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing staff to proceed with the repairs once the low bidder has been established. Carried.

A motion was also made by Manager Ista and seconded by Manager Skaurud authorizing Chairman Seykora to work with contractors for the fence removal and replacement on the Larson, Visser and Roquet properties. Carried.

37. J.D. #53, Lateral #1. A motion was made by Manager Ista and seconded by Manger Spaeth authorizing Houston Engineering to investigate a request related to possible erosion damage to the outlet structure on J.D. #53, Lateral #1; repairs to a damaged culvert on Judicial Ditch No. 51 along with authorization for Chairman Seykora to work on the removal of a Beaver Dam on the Upper Becker Dam and grass strip restorations on County Ditches including investigation of potential grass strip violation on Norman County Ditch #1. Carried.

38. <u>Norman County Ditch #15</u>. A motion was made by Manager Ista and seconded by Manager Wright authorizing Houston Engineering to proceed with a cleanout of a portion of Norman County Ditch No. 15 in Sections 15 and 16 of Hegne Township with an approximate cost estimate of \$5-\$6,000. Carried.

39. <u>Olson Agassiz Detention</u>. A motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing repairs to the Olson Agassiz Detention for approximately \$800 including mud jacking to address leakage found on one of the pipe joints on the principal spillway culvert. Carried.

40. Skaurud Flood Storage Site. Manager Skaurud abstained from the discussion. Amanda Jepson, Ryan Braulick and Curtis Borchert met with Managers at 3:00 p.m. to discuss a request by Braulick for additional cost share funding for the Skaurud flood storage project. Originally the Watershed District was asked to contribute 40 percent of the \$157,000 total estimated project costs. The NRCS would contribute 50 percent of the construction costs with the remaining balance being paid by the landowner. Skauruds have agreed to pay costs of permits and legal fees, however the total 10 percent for the project is approximately \$15,700 and a larger expense than what was originally communicated to the landowner. In meetings with Norman County officials, Braulick stated that the liability of the project is also an issue that the landowner has raised concerns over. Braulick proposed to change the original cost share having the Watershed District contribute 50 percent of the construction costs. NRCS would still contribute the remaining 50 percent of the costs. NRCS also is proposing to have Norman County retain ownership of the dam with the SWCD taking care of annual inspection and maintenance. A motion was made by Manager Ista and seconded by Manager Wright to approve the revised cost share agreement with the District agreeing to pay for 50 percent of the construction not to exceed \$78,500 which is based on the current construction cost estimate. Carried. Manager Skaurud abstained. Jepson, Braulick and Borchert left the meeting at 3:45 p.m.

41. <u>Meeting Date</u>. A motion was made by Manager Ista and seconded by Manager Wright to reconvene the October regular monthly meeting to finalize the agenda at 8:00 a.m. on Wednesday, October 27, 2004. Carried.

42. <u>Proposal for Public Information</u>. Administrator Bennett stated that the Red River Watershed Management Board recently approved funding for a web page for member districts. The budget for H2M was also discussed. Also considered was Tim Halle providing additional public information for the District. Halle stated that he is open to helping with some additional publicity on watershed district projects if it is the wishes for the Board. Related to the H2M proposal the Board discussed holding a committee meeting with staff, H2M and Halle. Manager Ista felt that if Tim Halle is willing it is more appropriate to have a local person work with the public information needs of the District. Chairman Seykora felt that H2M has a well-rounded program and suggested having them working with the District and a local contact like Halle. Manager Wright suggested having the committee work on options and recommendations to be brought back to the full Board. A motion was made by Manager Skaurud and Seykora and Administrator Bennett to meet with Halle and H2M, to work on a Board recommendation. Carried. A tentative schedule for a meeting with H2M was set for 9:00 a.m. on November 4, 2004.

43. Warren Seykora left the meeting at 4:10 p.m.

44. <u>SWCD Flood Storage Grant Program 319 Grant Application</u>. Administrator Bennett provided information on the 319 Grant Application for implementation money to be used to build flood storage projects identified by the SWCDs under the Flood Storage Grant Program. A motion was made by Manager Skaurud and seconded by Manager Spath to approve submittal to the 319 Grant Application in the amount of \$298,500 that is 50/50 cost shared with the watershed district. Carried.

## PERMIT APPLICATIONS

45. <u>Dale Sip, Section 10, Lockhart Township</u>. Upon a motion by Manager Skaurud and second by Manager Spaeth, Permit Application No. 10-20-04-1, of Dale Sip to construct a by pass channel in Section 10, Lockhart Township, was approved with the recommendation that the applicant notify the NRCS for plan approval prior to commencing work to ensure eligibility in the USDA farm program. Carried.

46. <u>Clyde Neset, Section 6, Fossum Township</u>. A motion was made by Manager Spaeth and seconded by Manager Skaurud to table the Permit Application of Clyde Neset with the requirement that the applicant provide a hydraulic analysis to determine the impacts of installing the proposed culvert. Carried.

47. Joel Sather, Section 35, Bear Park Township. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 10-20-04-2, of Joel Sather to install a culvert in Section 35, Bear Park Township, was approved upon verification by staff of any adjoining landowner issues. Carried.

48. <u>Joel Sather, Section 3, Waukon Township</u>. Upon a motion by Manager Spaeth and second by Manager Skaurud, Permit Application No. 10-20-04-3, of Joel Sather to install a culvert in Section 3, Waukon Township was approved upon verification by staff of any adjoining landowner issues. Carried.

49. Norman County Highway Department, Section 22, Green Meadow Township. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 10-20-04-4 of the Norman County Highway Department to install a culvert in Section 22, Green Meadow Township, was approved. Carried.

50. <u>Bryan Hest, Section 8, Mary Township</u>. Upon a motion by Manager Skaurud and second by Manager Ista, Permit Application No. 10-20-04-5 of Bryan Hest to install a culvert in Section 8, Mary Township, was approved. Applicant must also obtain permission from the road authority for work being proposed within the road right-of-way. Carried.

51. John Germolus, Section 24, Mary Township. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 10-20-04-6, of John Germolus for changes to the driveway entrance on his ring dike was approved. Applicant must also obtain permission from the Norman County Highway Department for work within the road right-of-way. Carried.

52. <u>Rick Borgen, Paul Borgen, Section 27, Lee Township</u>. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 10-20-04-7 of Rick Borgen and Paul Borgen to install a culvert in Section 27, Lee Township, was approved. Applicant must also obtain permission from the road authority for work within the road right-of-way. Carried.

53. <u>Mike Roesch, Section 29, McDonaldsville Township</u>. Upon a motion by Manager Skaurud and second by Manager Spaeth, Permit Application No. 10-20-04-8, of Mike Roesch to install a culvert in Section 29, McDonaldsville Township, was approved. Carried.

54. <u>Chisholm Trust, Section 13, Green Meadow Township</u>. Managers discussed the request for investigation by Janis Jensen for work in Section 13, Green Meadow Township. Chisholm Trust submitted a permit application for the work, but Keith Chisholm, renter, provided a letter stating that this ditch had not been deepened or widened. Engineer Bents stated that he felt the ditch may have been widened but without additional information on how the original ditch was constructed it would be difficult to make the case that the work was in violation of the District's rules. Bents suggested sending a letter to Jensen informing her of the difficulty in the burden of proof unless she could provide additional information on what the original ditch would have looked like. A motion was made by Manager Skaurud and seconded by Manager Spaeth to return the permit to the Chisholm Trust and correspond with Jensen informing her of the District's decision not to pursue the complaint as a violation unless she can provide additional information to support her complaint. Carried.

55. <u>Rick Borgen, Section 7, Mary Township</u>. Upon a motion by Manager Skaurud and second by Manager Spaeth, Permit Application No. 10-20-04-9, of Rich Borgen to install a culvert in Section 7, Mary Township, was approved. Applicant must also obtain permission from the Norman County Highway Department for work within the road right-of-way. Carried.

56. <u>Tom Habeck, Section 25, Lake Ida Township</u>. Upon a motion by Manager Skaurud and second by Manager Ista, Permit Application No. 10-20-04-11 of Tom Habeck to install a culvert in Section 25, Lake Ida Township was approved with the condition that Fred Skaurud signs on the permit. Carried.

57. <u>Charles Balstad, Section 3, Gregory Township, Mahnomen County</u>. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 10-20-04-12, of Charles Balstad to install a culvert in Section 3, Gregory Township, Mahnomen County was approved subject to the following: the applicant must verify possible wetland impacts and comply with the Mahnomen County Soil and Water Conservation District and the Natural Resource Conservation Service and the U.S. Army Corps of Engineers. Carried.

58. <u>Pazdernik Farms, David Haugo, Section 34, Pembina Township, Mahnomen County</u>. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 10-20-04-13 of Pazdernik Farms and David Haugo to install a culvert in Section 34, Pembina Township, Mahnomen County, was approved with the condition that the proposed culvert installation is equal to or greater in size than the upstream pipe size through County Road #10. Carried.

59. <u>Mahnomen County Highway Department, Section 10, Pembina Township</u>. Upon a motion by Manager Ista and second by Manager Skaurud, Permit Application of the Mahnomen County Highway Department for a bridge installation in Section 10, Pembina Township was approved. Carried.

60. <u>Mahnomen County Highway Department, Section 13/24 Bejou Township</u>. Upon a motion by Manager Spaeth and second by Manager Skaurud, Permit Application No. 10-20-04-14, of the Mahnomen County Highway Department to install a culvert in Sections 13/24 of Bejou Township was approved conditional on maintaining a 150 foot road overflow at elevation 999.10 as described in the hydraulic study prepared by Houston Engineering. Carried.

61. <u>Mahnomen County Highway Department, Section 32/33 Marsh Creek Township</u>. Upon a motion by Manager Spaeth and second by Manager Ista, Permit Application No. 10-20-04-15, of the Mahnomen County Highway Department to install a culvert in Sections 32/33 of Marsh Creek Township, was approved conditional on the existing road profile being maintained as described in the hydraulic study prepared by Houston Engineering. Carried.

62. <u>Mahnomen County Highway Department, Section 20/21 Marsh Creek Township</u>. A motion was made by Manager Ista and seconded by Manager Skaurud to table the permit application of the Mahnomen County Highway Department to install box culverts in Section 20/21 of Marsh Creek Township pending notification of downstream property owners. Carried.

63. <u>Greg Zillmer, Section 13, Hagen Township, Clay County</u>. Upon a motion by Manager Skaurud and second by Manager Spaeth, Permit Application No. 10-20-04-16 of Greg Zillmer to install a crossing in Section 13, Hagen Township was approved. Carried.

64. Vice Chairman Wright recessed the meeting at 6:15 p.m. to be reconvened at 8:30 a.m. on Wednesday, October 27, 2004.

65. Chairman Seykora reconvened the meeting at 8:30 a.m. on Wednesday, October 27, 2004, at the VFW meeting room. The following members were present: Diane Ista, Jim Skaurud, Robert E. Wright and Joe Spaeth. The following members were absent: James Wagner, Sr. and Steve Dalen. In addition the following persons were present: Engineer Jerry Bents, Administrator Jerry Bennett and Loretta Johnson, recording secretary.

66. <u>Complaints/Investigation/Violations</u>. Administrator Bennett reported that Houston Engineering reviewed the survey data for the restoration work performed by Pazdernik Farms and determined that the restored work is acceptable. Consensus of the Board was to notify Pazderniks of this along with a final billing of costs incurred as a result of the violation. Chairman Seykora reported that he represented the District in small claims court to collect the balance of the costs on the Diane Erickson violation and stated that the Judge issued an order for payment in favor of the District.

Chairman Seykora reported that Flom Township completed restoration of the complaint filed by Signe Aune. A motion was made by Manager Skaurud and seconded by Manager Ista authorizing correspondence to Flom Township notifying them of the costs incurred as a result of the violation. Carried. Engineer Bents stated that Mike Buerkley looked at the restoration work completed by Kenny Visser and determined that the restoration has not been completed in a satisfactory manner. A motion was made by Manager Spaeth and seconded by Skaurud authorizing staff to obtain an estimate and hire a contractor to restore the violation to its previous condition after consulting with Attorney Hanson on the correct procedure to complete the restoration in this manner. Carried. Administrator Bennett reported that concerns were raised by a private landowner regarding a possible violation for work done by the City of Ada on J.D. #51 Stormwater Outlet. A motion was made by Manager Ista and seconded by Manager Wright authorizing Houston Engineering to conduct a site investigation. Carried.

#### 67. Meetings/Conferences/Seminars.

<u>MAWD Annual Meeting</u>. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing Managers and staff attendance at the MAWD Annual Meeting scheduled for December 2-4 at Alexandria, Minnesota. The Board agreed to not register for a booth at the trade show. Carried. A motion was made by Manager Skaurud and seconded by Manager Spaeth appointing Managers Skaurud and Ista as delegates and Wright as alternate and Administrator Bennett as media spokesman. Carried.

A motion was made by Manager Wright and seconded by Manager Spaeth authorizing Managers and staff attendance at the MN Association of Floodplain Managers Drainage Seminar in Rochester, November 3-5. Carried.

68. J.D. #53 Main. Administrator Bennett reported that a request for cleaning sediment in the NW Quarter of Section 25, Shelly Township was submitted by Gene Ueland. A motion was made by Manager Ista and seconded by Manager Wright authorizing Houston Engineering to investigate the request and perform the cleaning this fall if determined necessary to the function of the drainage system. Carried.

69. <u>Ditch Maintenance</u>. Managers discussed having Warren Seykora work with staff in providing assistance for fall maintenance on projects. A motion was made by Manager Spaeth and second by Manager Skaurud authorizing Warren Seykora to work with staff and provide assistance with landowner contacts on ditch maintenance, beaver removal, dam inspections, permit reviews and negotiating options for easements on the Upper Felton Ditch Storage Site. Carried.

70. <u>Wild Rice Watershed District Professional Service Agreement, With Project Modeling</u>. Managers discussed the Proposal and Agreement submitted by Houston Engineering for With Project Hydrologic and Hydraulic Modeling of the proposed WRRFS conceptual projects. A motion was made by Manager Wright and seconded by Manager Ista to approve the contract by Houston Engineering in the amount of \$73,886 contingent on submitting the contract to the COE for final approval. Carried.

#### PERMIT APPLICATION

71. <u>Dan Brommenschenkel, Section 3, Hendrum Township</u>. No action was taken on the permit application of Dan Brommenschenkel to install a culvert in Section 3 of Hendrum Township pending additional field investigation.

72. <u>Brian Visser, Section 27, Green Meadow Township</u>. A motion was made by Manager Skaurud and seconded by Manager Wright to table the permit application of Brian Visser to install drain tile in Section 27, Green Meadow Township pending notification to neighboring landowners. Carried.

73. <u>Dean Johnson, Section 2, Spring Creek Township</u>. Upon a motion by Manager Wright and second by Manager Spaeth, Permit Application No. 10-27-04-1 of Dean Johnson to install a field approach in Section 2, Spring Creek Township was approved. Carried.

74. There being no further business to come before the Board of Managers, Chairman Seykora adjourned the meeting at 10:00 a.m.

Ekour Jim Skaurud, Secretary

Date	Num	Name	Memo	Amount			
Checking-RAB							
10/05/2004	8471	SOLARFILMco	Window Shades	264.00			
10/06/2004	8468	Aquila	Utilitles	4.27			
10/06/2004	8465	DL Construction	Mowing/Removing Trees	4,180.00			
10/06/2004	8469	G R Graphics, Copier	Copier agreement/scanner agreement	230.79			
10/06/2004	8470	Rural Cellular Corp	July Billing	56.70			
10/06/2004	8467	Norman County Auditor/Treasurer	State Audit Costs	624.37			
10/13/2004	8474	Ada VFW Post 7557	Room Rent Three Days	197.92			
10/13/2004	8475	AmeriPride	Cleaning Services	27.39			
10/13/2004	8476	Auto Value/Radio Shack	Camera Batteries	10.00			
10/13/2004	8477	Becker Co. Auditor	Special Assmt Billing Maintenance	59.00			
10/13/2004	8478	Candys Drug	Photos	40.10			
10/13/2004	8479	City of Ada	Utilities	226.74			
10/13/2004	8480	Clay County Auditor	Permits	5.00			
10/13/2004	8481	Crookston Daily Times	Legal Notice	150.75			
10/13/2004	8482	Dennis Habeck	Debris & Trees	925.00			
10/13/2004	8483	Detroit Lakes Newspapers	Legal Notice of Hearing	238.88			
10/13/2004	8484	Diane Ista	Per Diem and Expense	162.71			
10/13/2004	8485	DL Construction	Mowing & Tree Removal	485.00			
10/13/2004	8486	Farmers Publishing Company	Hearing Notice	88.20			
10/13/2004	8487	Fertile Journal	Budget Hearing Notice	39.15			
10/13/2004	8488	Francotyp-Postalia, Inc.	Postage Meter Scale Rental	99.05			
10/13/2004	8489	Geray Dozing		19,600 20			
10/13/2004	8490	H2M		1,940.06			
10/13/2004	8491	Houston Engineering, Inc.		23,278.53			
10/13/2004	8492	James Wagner, Sr	Beaver Control & Dam Removal	1,697.23			
10/13/2004	8493	JB Associates, Ltd., Inc.	Administrative Fees	19,331.55			
10/13/2004	8494	Jim Skaurud	Per Diem and Expenses	136.92			
10/13/2004	8495	Joe Spaeth	Per Diem and Expense	72.73			
10/13/2004	8496	Loretel Systems	August Billings	311.97			
10/13/2004	8497	Mahnomen Pioneer	Budget Hearing Notice	36.40			
10/13/2004	8498	Marcussen Accounting	Accounting Fees	1,170.00			
10/13/2004	8499	Norman County Auditor/Treasurer		173.50			

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Date	Num	Name	Memo	Amount			
Checking-RAB							
10/13/2004	8500	Norman County Highway Department	Culverts & Bands	1,896.82			
10/13/2004	8501	Norman County Index	Press Release/Supplies	446.81			
10/13/2004	8502	North Star Water	Water/Office	10.65			
10/13/2004	8503	PERA	Payroll @ 5.1%\employer 5.53%	295.01			
10/13/2004	8504	RBR Development, Inc.		1,336.00			
10/13/2004	8505	Reardon Office Equipment, Inc	Office Supplies	45.13			
10/13/2004	8506	Rinke Noonan		3,761.93			
10/13/2004	8507	Robert E. Wright	Per Diem and Expenses	62.98			
10/13/2004	8508	Roger Hennen	Askegaard Ring Dike Final Pay Req	2,488.14			
10/13/2004	8509	Rural American Bank	FICA Withholding, Managers\Wtrshed	424.58			
10/13/2004	8510	The Union	Budget Hearing Notice	162.90			
10/13/2004	8511	Tim Halle	Press Release for Heiberg	200.00			
10/13/2004	8512	Triangle Agronomy Services	Spraying/Labor/Chemical	21,419.39			
10/13/2004	8513	Twin Valley City	Community Center Rental	50.00			
10/13/2004	8514	Twin Valley Times	Budget Hearing Notice	78.30			
10/13/2004	8515	Visser Trenching	Pay Req. #3	7,897.50			
10/13/2004	8516	James Wagner, Sr.	Per Diem - FICA\PERA	199.21			
10/13/2004	8517	PERA	Payroll @ 5.1%\employer 5.53%	178.08			
10/13/2004	8518	Wambach & Hanson	Legal	2,969.20			
10/13/2004	8472	Warren J. Seykora	Per Diem & Expenses	2,220.63			
Total Checking	Total Checking-RAB						

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