

# 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, May 12, 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., Jim Skaurud, Diane Ista 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 8:35 a.m.
4. A motion was made by Manager Skaurud and seconded by Manager Spaeth to approve the agenda. Carried.
5. Steve Dalen arrived at 8:50 a.m.
6. Letter to the Editor Concerned Citizen Group. Managers reviewed a recent letter to the editor submitted by the Concerned Citizens of the Wild Rice Watershed District (CCWRWD), printed in local newspapers. The letter submitted by the CCWRWD questioned the watershed district's administrative service contract and included 19 questions on how the district is addressing flood control in the watershed district. Manager Spaeth felt that the Board is managing the District responsibly, and is making every effort to get effective flood control solutions in place. On the charges to the District for administrative services, Manager Wagner commented that the cost for salary includes overhead. Attorney Hanson stated the administrative contract is public information and available to anyone wanting a copy under the Freedom of Information Act. Hanson provided his written response to the concerned citizens' questions. Manager Spaeth felt that the CCWRWD should be supporting the District in getting projects started rather than being critical of the Board and its contractors who have been hired to carry out the Board's directives. Spaeth suggested a meeting with the Ada Area Promotions Committee (AAPC) Board of Directors to address the recent letter to the editor. The AAPC is a non-profit organization under which the CCWRWD has organized. Chairman Seykora stated that over the last couple of years there has been a lot of controversy with the CCWRWD over the proposed solution for achieving flood control. Seykora stated that the claim that the District has not been able to flood proof the district is an unrealistic goal and should not be a basis for criticism of the District. Seykora expressed support for having a meeting with the Ada Area Promotions Committee who may be able to look objectively at what is being done in an attempt to bring some resolution to the different opinions. Seykora also felt the letter to the editor should also be sent to all area legislators.

Manager Skaurud stated that in talking to residents in his part of the District including past Board members he had not received the kind of negative comments that were expressed in the recent letter to the editor. Manager Skaurud felt that a lot of time has already been spent trying to address the CCWRWD who are not representing the views of the entire district. Manager Dalen felt that the District should just try to answer the questions that can be answered. Manager Ista felt that the 19 questions at the end of the editorial have previously been addressed by the Board at prior public meetings. Ista felt that there should be more discussion regarding the Administrative contract and whether or not to hire vs. contract for the services. Manager Skaurud disagreed that the administrative contract should be looked at differently than any of the other contractors. Skaurud felt that if the CCWRWD is asking questions that are related to the business practices of JB Associates they should be directed to the contractor.

A motion was made by Manager Skaurud and seconded by Manager Dalen to send a letter to the CCWRWD explaining that while the Board approves the contract for administrative services, any questions about how the contractor operates his business should be directed to the contractor. Carried.

A motion was also made by Manager Ista and seconded by Manager Spaeth to request a meeting with the Ada Promotions Committee, the parent committee of the non-profit Concerned Citizen Group. Carried.

#### Presentations by Engineering Firms for Consulting Services

7. At 9:30 a.m. Rodney Ambrosie, P.E. and Executive Vice President of Wenck Associates, Inc., of Fargo, North Dakota, and Ed Matthiesen, P.E., gave a presentation on their proposal for providing engineering services to the Wild Rice Watershed District. Ambrosie stated that Wenck Associates provides engineering services to a number of clients in the Red River Basin. The firm is a locally owned Minnesota firm that specializes in a variety of engineering services in the field of water management, soils, and water quality. Ambrosie is the engineer for the Pelican Lake Watershed District. Ambrosie stated that Wenck Associates, Inc., is innovative in its approach to problem solving and that comes from a personal commitment to meeting their clients' needs. Ambrosie reviewed the firm's standard fee schedule and indicated that Wenck would be willing to negotiate pricing on an individual project basis. Ambrosie and Matthiesen left the meeting at 10:00 a.m. A copy of the Wenck Associates proposal is available for review at the District office.

8. At 10:00 a.m. Nate Dalager, P.E. with HDR Engineering, Inc., Thief River Falls, MN, gave a presentation on engineering services for the Wild Rice Watershed District. Dalager stated that HDR is one of Minnesota's premier water resource consultants and has a diverse experience base. The benefits of choosing HDR include experience, proven track record in getting projects completed, which include Seeger Dam, Flood Storage Easements, Sites 1 and 2, Parnell Operating Plan, Angus-Oslo 4 Expert Witnessing, Bois De Sioux Watershed Plan, Baudette Flood Control and the Grand Forks English Coulee Diversion, current knowledge of issues and project funding, sensitivity to environmental and social issues and competitive rates. Dalager stated that HDR engineering would be available to provide individual proposals for specific projects in the watershed district. Dalager stated he would like the opportunity to provide engineering services to the District. Dalager left the meeting at 10:30 a.m. A copy of the HDR proposal is available for review at the District office.

9. At 10:30 a.m., Jerry Bents and Jeff LeDoux, Houston Engineering, Inc., presented a proposal for engineering services. LeDoux stated that the Houston Engineering, Inc. rate schedule included an approximate increase of 2-3% overall from the 2003 contract with the District. Bents stated that the firm's years of experience working in the Wild Rice Watershed District eliminates the learning curve and increases overall cost effectiveness. Manager Ista stated that her preference would be to have an engineer on staff in the District office and use a consulting firm like Houston Engineering for larger projects. Manager Spaeth felt that Houston Engineering as a larger firm has more expertise available than what the District could expect if it was to hire for the service. Jeff LeDoux and Jerry Bents left the meeting at 11:00 a.m.

10. Upon review of the proposals submitted a motion was made by Manager Ista and seconded by Manager Dalen, to approve the proposal submitted by Houston Engineering, Inc. for the 2004-2005 consulting engineering services. Carried. A copy of the proposal and fee schedule is on file and available for inspection at the District office.

11. A motion was made by Manager Ista and seconded by Manager Skaurud to approve the minutes of the April 14, 2004, regular meeting with the following corrections: On Page No. 6, Paragraph No. 28, Line 4, the name "Brian" should be changed to read "David" and on Page No. 6, Paragraph No. 28, Line 7, the words "the rates came back rather high" should be changed to read "the District needed a more complete rate schedule." Carried.

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

13. Marcussen also discussed the possibility of the District leasing a postage meter to address the volume of mail that needs to go out from the District each month. A motion was made by Manager Dalen and seconded by Manager Skaurud to approve leasing a postage meter for the District office. Carried.

14. The bills of the District were reviewed. Administrator Bennett stated that there were two additional billings for consideration, \$155,096.47 to Wambach and Hanson trust account for the Ken and Sue Thomas property acquisition and \$100 for the Becker County SWCD Envirothon. Upon a motion by Manager Skaurud 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.

15. Annual Organizational Meeting. Chairman Seykora called to order the Annual Organizational Meeting with the first order of business being the election of officers.

16. Vice Chairman Wright called for the nomination of Chairman. Manager Wagner made a motion to nominate Warren Seykora for Chairman, Manager Skaurud moved that the nominations cease and the Secretary cast a unanimous ballot for Warren Seykora that that was seconded by Manager Spaeth and carried by a unanimous vote of the Managers. Warren Seykora was elected to serve as Chairman.

17. Manager Dalen nominated Robert E. Wright for Vice Chairman, Manager Wagner moved that the nominations cease and the Secretary cast a unanimous ballot for Robert E. Wright that was seconded by Manager Spaeth and carried by a unanimous vote of the Managers. Robert E. Wright was elected to serve as Vice Chairman.

18. Manager Wright nominated Jim Skaurud for Secretary, Manager Spaeth moved that the nominations cease and the Secretary cast a unanimous ballot for Jim Skaurud that was seconded by Manager Spaeth and carried by a unanimous vote of the Managers. Jim Skaurud was elected to serve as Secretary.

19. Manager Ista nominated James Wagner, Sr., as Treasurer, Manager Spaeth moved that the nominations cease and the Secretary cast a unanimous ballot for James Wagner, Sr., for Treasurer that was seconded by Manager Dalen and carried by a unanimous vote of the Managers. James Wagner, Sr. was elected to serve as Treasurer.

20. A motion was made by Manager Dalen and seconded by Manager Wagner to retain the hourly rate charged by Managers at \$20 per hour. Per Diem is \$55 per day and mileage reimbursement is to be calculated at the IRS approved rate. Carried.

21. Citizens' Advisory Committee Appointments. The Board discussed appointments to the Citizens' Advisory Committee. A motion was made by Manager Ista and seconded by Manager Spaeth to reappoint to the Advisory Committee the following members: Carried. Staff is to contact new appointees on there willingness to serve on the Advisory Committee.

Citizen Advisory Appointees

Eldo	Bentley	David	Haugo	John	Otto
Patty	Borgen	Kenneth	Holum	Duane	Pazdernik
Jerry	Dahl	Steve	Jacobson	Charles	Pazdernik
David	Dunham	John	Jossund	Nathan	Redland
Wally	Eid	Sam	Larson	Joe	Slette
Perry	Ellingson	Tom	McCauley	Jerry	Waller
Wesley	Green	Ed	Miller	Roger	Winter
Mark	Harless	Dennis	Neuland	Roger	Wright

22. Wild Rice Watershed District Project Team Appointments. A motion was made by Manager Wagner and seconded by Manager Spaeth to recommend the following delegates and alternates to the Flood Damage Reduction Project Team: Carried. The District shall confirm with those appointed, their willingness to serve on the Project Team.

				D	Delegate
				A	Alternate
NAME		AFFILIATION		NAME	AFFILIATION
Dave Friedl	D	MNDNR		Steve Bommersbach	D Counties
Earl Johnson	A	MNDNR		Jerry Dahl	D Counties
Brian Dwight	D	MN BWSR		Henry Van Offelen	D Env.
Pete Waller	A	MN BWSR		Mark Ten Eyck	A Env
Mike Vavricka	D	MPCA		Ron Thorsrud	D Sportsman Gr.
Jim Ziegler	A	MPCA		Jerome (Joe) Slette	A Sportsman Gr
Tom Raster	D	Army Co. of Eng.		Mick Alm	D Cities
Leonard Grabowski	A	Army Co. of Eng.		Jim Ellefson	A Cities
Randy Tufton	D	NRCS/FSA		Glenn Brookshire	A Cities
Ryan Braulick	D	NRCS		Don Vellenga	D Citizens Group
Mark Chase	D	USFWS		Paul Houglum	D Prop. Owner
Curtis Borchert	D	SWCD (Norman)		Walter Richtsmeier	A Prop. Owner
Mark Christianson	A	SWCD (Norman)		Warren J. Seykora	D WRWD
Aaron Neubert	D	SWCD (Mah.)		James Wagner, Sr.	D WRWD
Dennis Johnson	A	SWCD (Mah.)		Robert E. Wright	D WRWD
Kevin Kassenborg	A	SWCD (Cl. Co.)		Diane Ista	A WRWD
Brad Grant	A	Co. Water Plan		Jerry Bennett	D Administrator

23. The Board reviewed the proposal from Marcussen Accounting Services for accounting services and upon a motion by Manager Ista and seconded by Manager Dalen that proposal for accounting services was approved. Carried. A copy of the proposal and fee schedule is on file and available for inspection at the District office.

24. The Board reviewed a proposal submitted by the Wambach & Hanson Law Office for legal services and upon a motion by Manager Dalen and seconded by Manager Skaurud the proposal for legal services was approved by the Board. Carried. A copy of the proposal and fee schedule is on file and available for inspection at the District office.

25. A motion was made by Manager Skaurud and seconded by Manager Spaeth to accept the proposal submitted by the Norman County Index for monthly meeting coverage. Carried. A copy of the proposal and fee schedule is on file and available for inspection at the District office.

26. 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 and available for inspection at the District office.

27. Annual Review of Administrative Contract. The Board reviewed the administrative service contract provided by JB Associates. Manager Ista stated that she would prefer the District direct hire on an individual basis and eliminate the contract for administrative services. Manager Skaurud stated he was not opposed to direct hiring of the administrative staff but before making a decision he would like to have more information on the costs and how the changes would affect the District's operations. Manager Ista stated that she had contacted a couple of other watershed districts about how they handle their administrative services and in both cases they are direct hiring their staff. Manager Wright stated that he was open to the discussion, however if the District were to consider some changes the timing may not be appropriate. Skaurud felt that the administrative contract is no different than any of the other contractors being hired by the District. Attorney Hanson said that in his opinion the Administrative contract is a legally binding contract. Attorney Hanson stated that an issue at the time the contract was approved was providing workers compensation coverage for which JB Associates has complied. Seykora felt that there are pros and cons on the issue of hiring vs. contracting and personally he did not have a problem with contracting for the services. Manager Dalen stated that with the limited time on the agenda the Board should plan to discuss the matter at a future meeting.

28. Manager Dalen left the meeting at 12:45 p.m.

#### PERMIT APPLICATIONS

29. Canadian Pacific Railroad Bridge Replacement, Section 25 of Popple Grove Twp. Nate Dalager, HDR Engineering, met with Managers at 1:30 p.m. to discuss the permit application of the Canadian Pacific Railroad to replace two existing 42-inch culverts with a 24 foot bridge in Section 25, Popple Grove Township. Managers discussed the potential for changes with the new structure on the rate of flow downstream. Dalager stated that the railroad has criteria for building bridges and the new structure is designed to meet the standard criteria. To address the concern over the downstream flow conditions Dalager stated that he did not know what changes the CP rail would consider. Engineer Bents recommended that Dalager provide some additional hydraulic information for smaller storm events to determine the effects downstream. Consensus of the Board was for Dalager to develop the hydraulic information for review by Engineer Bents.

30. Marsh River Beaver Dam Removal. Harold Olson met with Managers at 2:15 p.m. to discuss providing a contract with the District for dynamite blasting for beaver dam removal on the Marsh River. Olson stated that if he were to carry the required insurance coverage the cost would increase beyond what is feasible for the dam removals. Administrator Bennett stated that he had discussed these issues with John Hoffman, the District's insurance carrier who is recommending that the District not undertake the work without the liability coverage. Bennett stated that Hoffman was going to be checking into some possible insurance companies that may be able to provide coverage for Olson. A motion was made by Manager Skaurud and seconded by Manager Wright to hold off on contracting for the beaver dam removal until insurance coverage can be provided. Carried.

31. John Germolus arrived at the meeting at 2:00 p.m.

32. Judicial Ditch No. 56, Main Repairs. Engineer Bents reviewed the bids received on the ditch repairs for Judicial Ditch 56 Main with RBR Development, Inc., of Middle River, Minnesota submitting the low bid on the project in the amount of \$47,915.60. Bents recommended award of the contract to RBR. Bents noted that because the District did not have a past record with this contractor that initially the Board might want to conduct some additional on site supervision. A motion was made by Manager Wright and seconded by Manager Wagner to award the contract for the repair to J.D. #56, Main, in the amount of \$47,915.60. Carried.

33. A motion was made by Manager Wagner and seconded by Manager Wright authorizing payment of the \$400 storm water permit fee to the MPCA for the project. Carried.

34. Rural Farmstead Ring Dike Program. Engineer Bents presented bid tabulations on the Weber, Borgen and Hest ring dikes and recommended awarding the contracts to RBR Development, Inc., Middle River, MN the low bidder on the project. Bents also recommended that the Board consider additional on site supervision since the contractor is new to working with the District. A motion was made by Manager Ista and seconded by Manager Skaurud to award the contracts for the Weber ring dike in the amount of \$24,162; Brian Borgen ring dike in the amount of \$10,005; Hest ring dike in the amount of \$16,971.10 to RBR Development, Inc. along with approving \$400 for each ring dike, to MPCA for a storm water permit. Carried.

35. Wild Rice River COE Feasibility Study. Administrator Bennett updated Managers on the status of the Feasibility Study. Bennett stated that the COE approved the H2M contract for public meetings on the South Branch storage analysis. H2M is currently working on information for a public meeting in Borup and Ulen. Consensus was to hold the South Branch storage meetings in the evening to allow for better attendance. The contract with Kurt Deter with the Rinke Noonan Law Firm to provide legal services on the WRRFS has been approved by the COE. Bennett is working with Tom Raster to schedule a meeting for sometime in June to review the revised budget and cost estimate. Engineer Bents is working on the H&H modeling that is currently on schedule. Discussion was held on having Engineer Bents attend the St. Paul meeting with COE. Upon a motion by Manager Ista and seconded by Manager Wright attendance for Engineer Bents was approved as deemed necessary. Carried.

36. A.C. Heiraas Lawsuit. Attorney Hanson reported that he would be having a teleconference with Judge Michael L. Kirk on May 19, 2004, to discuss scheduling the pre-trial hearing on the Heiraas lawsuit. Attorney Zenas Baer has requested that the Board wait on a decision for the additional repairs in Section 8 of Hagen Township, until he has had time to review the design memorandum from the original project. Managers questioned if delays in making a decision with the construction would affect funding for the pending FEMA repair project. Engineer Bents needs to know if the Board will be adding to the FEMA repair for contracting purposes. Consensus of the Board was to delay the decision until the Board's next meeting.

37. Continuation of Regular Meeting. A motion was made by Manager Spaeth and seconded by Manager Ista to recess the meeting at 5:00 p.m. and reconvene at 8:30 a.m. on Wednesday, May 19, 2004, at the District office. Carried.

38. Heiberg Dam Status Report. Engineer Bents reported that Houston Engineering is in the process of finalizing the legal description for the land acquisitions and the Engineers Report that should be completed by the June regular meeting. Attorney Hanson is going to be identifying the current ownership of the parcels involved in the repairs. Administrator Bennett reviewed the process for land acquisition ahead of the final hearing that including working with the landowners to secure options to purchase. The Board discussed utilizing eminent domain proceedings if the project is approved at the final hearing and land agreements have not been finalized.

39. Norman County Rural Acquisition Program. Dick Sundberg updated the Managers on the current status of the Norman County Rural Acquisition Program. Sundberg stated that Harry Haskins submitted a second appraisal for his property prepared by Bremer Bank, which was considerably higher than the watershed district's appraisal. It was the consensus of Managers to try and use the Haskins appraisal if acceptable by the Division of Emergency Management. The appraisal would need to be adjusted to reflect the values of the property based on pre-flood conditions. Sundberg also reported that Robin Stene, Halstad, submitted a request to be included in the acquisition program. It was the consensus of the Board to have Sundberg submit an application on behalf of the Robin Stene to FEMA.

40. Marsh Creek Site No. 6. A letter received from the U. S. Army Corps of Engineers was reviewed requesting the District to confirm they will not be validating the permit for the Marsh Creek Site 6 project. Managers discussed action on the COE request. A motion was made by Manager Wright and seconded by Manager Ista authorizing Attorney Hanson to send a letter to the COE indicating that the permit for the project should be left un-validated pending a possible petition or alternative-funding source that could be used to reactivate the project. Carried.

41. Marsh Creek U.S. Army Corps of Engineers Section 205 Storage Flood Storage Investigation. Administrator Bennett provided a resolution prepared for the Board's consideration requesting the U.S. Army Corps of engineers to consider the Marsh Creek basin for a flood storage investigation.

42. A motion was made by Manager Spaeth to adopt the following resolution:

#### RESOLUTION

BE IT HEREBY RESOLVED, that the Board of Managers of the Wild Rice Watershed District requests the U.S. Army Corps of Engineers to conduct an investigation of the Marsh Creek Watershed (Minnesota) to determine the feasibility of developing a small flood control project under the authority provided by Section 205 of the 1948 Flood Control Act, as amended,

BE IT FURTHER RESOLVED, that, if a project in the Marsh Creek Watershed (Minnesota) is found feasible and advisable, the Board of Managers of the Wild Rice Watershed District would consider such further action as may be appropriate in partnering with the U.S. Army Corps of Engineers to develop a small flood control project within the Marsh Creek Watershed (Minnesota).

Upon the resolution being seconded by Manager Wright and the vote being taken was unanimously carried.



43. Upper Felton Ditch Storage. Administrator Bennett provided copies of a revised appraisal for the Prosby and Wright properties prepared by Les Trnka, real estate appraiser, Mahnomon, MN. Trnka research indicates that based on recent sales the Wright property has a current value of \$1,650 per acre and the Prosby property has a value of \$1,850 per acre. The Board discussed submitting offers based on the revised appraisals. A motion was made by Manager Wagner and seconded by Manager Ista to authorize purchase options for ten percent over the appraised value on the properties and to authorizing Houston Engineering to provide a Scope of Work to perform the preliminary engineering necessary to submit a Step 1 submittal to the RRWMB. Carried. Manager Wright abstained from the discussion and voting.

44. Soil and Water Conservation District (SWCD) Water Retention Grant Program. Administrator Bennett distributed copies of the water retention grants submitted to the District by the Mahnomon SWCD in the amount of \$7,954 and Norman County SWCD in the amount of \$6,768 for Managers review. The proposals will be considered further at the June regular meeting.

45. Red River Valley CREP. Chairman Seykora reported that the CREP program would be discussed at the upcoming MAWD meeting. To stay informed on the status of the CREP program Chairman Seykora requested authorization for Administrator Bennett to attend CREP implementation meetings. A motion was made by Manager Wright and seconded by Manager Wagner authorizing attendance on the CREP meetings by Administrator Bennett. Carried.

46. A request for funding to the Red River Basin Board (RRBB) was reviewed. The funding would be used to assist with lobbying efforts to secure CREP funding for the region. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing a contribution of \$200 to the RRB to assist with CREP. Carried

47. Department of Administration Correspondence. Administrator Bennett reviewed correspondence from Judy Plante, Director of the Management Analysis Division of the Department of Administration for Minnesota. The letter indicated that the Department of Administration would not qualify the District for the reengineering grant and that Susan Senko will contact the office within a few days to discuss other options.

48. Program Software for the District Office. Administrator Bennett recommended the District update computer software to include Auto Cad LT and Microsoft Project Standard. An estimated cost for the software is \$1,200. The software should improve management, reduce costs and aid with file management. A motion was made by Manager Ista and seconded by Manager Wright approving the purchase of the software. Carried.

49. USGS Stream Gage, South Branch Wild Rice River. Administrator Bennett reported that the U.S. Department of the Interior, U.S. Geological Survey (USGS) has provided the District with a grant agreement for the installation of a stream gage on the South Branch of the Wild Rice River. The USGS will provide 50/50 cost share of the \$22,995 cost to install the stream gage. The Board also discussed requesting cost assistance from the Red River Watershed Management Board (RRWMB) to assist with the local cost share. A motion was made by Manager Ista and seconded by Manager Wagner to approve the agreement with the USGS and to request fifty percent of the local cost share to be funded by the RRWMB. Carried.

50. Flood Damage Reduction - Project Team. Consensus of Managers was to forgo the May Project Team meeting and to notify PT members of the June 6<sup>th</sup> &-7<sup>th</sup> Flood Damage Reduction Work Group Meetings in Moorhead and Thief River Falls where the Technical and Scientific Advisory Committee will be presenting recent findings related to flood control project implementation.
51. Meetings/Conferences/Seminars. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing Managers and staff attendance at the MAWD Summer Tour scheduled for June 24-26, 2004, in Moorhead. Carried.
52. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing Chairman Seykora and Administrator Bennett attendance at the USACE Regional Flood Assessment meeting scheduled for June 16, 2004, at Moorhead. Carried.
53. Consensus of Managers was to schedule the informational meeting on the Green Meadow Dam inspections recommending a geotechnical analysis of the structure to be held at 9:00 a.m. on Wednesday, June 9, 2004, at the June regular meeting.
54. Administrator Bennett reported that Norman County Tiling Committee would be meeting on May 27, 2004. A motion was made by Manager Spaeth and seconded by Manager Wagner, authorizing a committee made up of Managers Wagner, Wright and Skaurud and Administrator Bennett to attend. Carried.
55. 2004 Mowing Contracts. Administrator Bennett reported that Dan Lakeman has indicated a willingness to perform the mowing on the District's projects and ditches at the same hourly rate as last year. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing a contract with Lakeman for the 2004 mowing at the same hourly rate as last year with the same minimum of hours. Carried.
56. Chuck Hopwood Petition. Chairman Seykora presented the following petition filed by Chuck Hopwood with 182 signatures stating:
- “We the undersigned residents of the Wild Rice Watershed District feel the Wild Rice Watershed District management displays incompetence and the Wild Rice Watershed District operations are ineffective in the general operation and in their ability to reduce flooding in the Wild Rice Watershed District.”
- Attorney Hanson stated that the Board has no legal obligation to respond to the petition. No action was taken and the petition will be placed on file for inspection at the District office.
57. Chairman Seykora recessed the meeting at 5:20 p.m. to be reconvened at 8:30 a.m. on Wednesday, May 19, 2004, at the District office.

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

59. Managers Special Interest Items. Manager Spaeth reported on a Soil and Water Conservation District (SWCD) meeting that he had attended on May 18, 2004. Spaeth stated that at the meeting the Mahnomen SWCD discussed concerns over not being involved in contracting for the Norman County Flood Buyout project and instead the watershed district had contracted for the work internally. Other concerns noted were over collecting taxes in Mahnomen County with the majority of the work done in the western portion of the District. It was also felt that that flooding problems in Mahnomen County were not a priority for the watershed district.

60. Manager Ista arrived at 8:45 a.m.

61. Jerry Bents arrived at 9:20 a.m.

62. Ada Area Promotions Committee (AAPC). Administrator Bennett provided for review correspondence received from the AAPC that was in response to the watershed district's request for a joint meeting to discuss the recent letter to the editor from the Concerned Citizens of the Wild Rice Watershed District (CCWRWD). The CCWRWD is organized under the AAPC as a sub committee. The AAPC response to the request was not to meet with the watershed district and recommended that the District continue its efforts toward meaningful dialog with the CCWRWD.

63. Evaluation of Administrative Contract. In regard to furthering discussions on the administrative contract a motion was made by Manager Ista and seconded by Manager Wagner authorizing Doug Marcussen, Marcussen Accounting Services, to contact other Watershed Districts in the State of Minnesota, requesting criteria i.e. Workers Compensation, vehicle expenses, Social Security and other expenses included in their administrative costs to develop a comparison on evaluating services and costs for direct hiring vs. contracting for the administrative services. Carried. Chairman Seykora opposed.

64. Mark Harless arrived at 10:00 a.m.

65. South Branch Alternative Repair, Section 8, Hagen Township and Heiraas Lawsuit. Attorney Hanson stated that the trial date for the Heiraas Lawsuit is scheduled for 9:00 a.m., December 14, 2004, in Moorhead, Minnesota. The discovery deadline is November 14, 2004, however Attorney Hanson wants all discovery information submitted two to three months in advance. A pretrial date is scheduled for November 29, 2004, in which all exhibits will be marked and proposed jury instructions will be presented to the courts. Hanson also indicated that in a recent phone conference Attorney Zenas Baer requested that no further action be taken on the South Branch repair until he has time to review additional information, because there is the possibility that there may be a global solution to this matter. Managers discussed the timeline for completing the FEMA repairs and hydraulic analysis information to be used in the pending trial. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Houston Engineering to apply to a time extension on the FEMA repairs and to proceed with the hydraulic analysis at an estimated cost of around \$15,000. Carried. Manager Wright abstained.

If the time extension for the FEMA repairs is not granted it was the consensus of the Board that Houston Engineering is to proceed with the repairs to the site to allow for completion under the current project deadline. Mark Harless stated that he felt the landowners west of the proposed repairs would not be in favor of having the west bank lowered on the Heiraas property. Attorney Hanson stated that the hydrologic analysis being done by Houston Engineering will be used to verify the correct bank height consistent with a repair at this location.

Mark Harless mentioned another breakout approximately one eighth mile east of the Stewart Bjorhus building site and questioned if the area is included within the Project No. 9 area. Administrator Bennett stated that Project No. 9 extends part way into the Bjorhus property but does not extend east of his building site. It was suggested that Bjorhus contact the NRCS and request assistance under their EQUIP program for stream bank damages.

66. Brian Borgen Request for Compensation on Upper Reaches. The Board discussed policy over emergency operation and work done on the project. It was felt that engineering supervision is needed to regulate what work gets done so that damages do not extend to others on the project. It was discussed that the request for payment had previously been considered and denied. A motion was made by Manager Skaurud and seconded by Manager Wright to reaffirm the Board's prior decision to not compensate for the levee work. Carried.

67. Managers discussed the need for District policy to address emergency work on the Upper Reaches Project. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing Managers and staff to adopt specific guidelines for how emergency work is executed on the project. Carried.

68. Wild Rice Watershed District 2003 Audit. Gale Schmitz met with Managers at 10:45 a.m. to present a draft of the 2003 Annual Audit Report. Schmitz stated that the draft report has been submitted to the State Auditor for approval, and upon receipt of the approval, Schmitz will forward a final copy to the District. The audit includes a combined statement of revenues and expenditures and changes in fund balances for the year ending December 31, 2003, and a combined statement of revenues and expenditures and changes in fund balances. Schmitz stated that the schedule of changes in fund balances is the most important part of the report, which includes interest allocation, transfers, and receipts verified at the end of the year. Schmitz reported that the income and expenses allocations balanced to the penny. The report should be ready for publication sometime in the next couple of weeks. Schmitz commented that in comparison to other watershed districts, the Wild Rice is larger, received more federal and state funding making it a much more complex audit. Manager Ista asked about scheduling for the 2004 audit and if the audit could be completed earlier. Schmitz stated that he and Accountant Marcussen have made arrangements for June or July and again September or October, to check on the account balances and reconciliations that should help speed up the audit for next year. Schmitz left the meeting at 11:10 a.m.

69. Brian Dwight, Ron Shelito, Ed Miller, Kyle Richardson and Steve Bommersbach arrived at 11:10 a.m.

70. BWSR Presentation and Report on SWCD and County Commissioner Meetings. Ron Shelito gave a report on the meetings held with the SWCDs, County Commissioners and Wild Rice Watershed District representatives to address the SWCDs' concerns over improving communication between the two organizations. Copies of the findings provided are available at the District office. Shelito stated that following the meetings and after compiling the information, he and Brian Dwight were led to believe that additional work is needed to improve the communication between the two organizations. Chairman Seykora stated that one of the issues is that the SWCDs are structured differently and take a different approach due to being involved in voluntary programs. Seykora mentioned that the watershed district goals are a bit different and with outcomes of the Systems Approach Planning Process are somewhat misunderstood. Seykora noted that Becker and Clay Counties did not indicate the same problems. Manager Ista felt that improving communications was important for the watershed district since both Norman and Mahnomen Counties are major players in addressing our water management issues.

Shelito indicated that from the feedback received, BWSR is suggesting as a next step, for the watershed district to consider the following recommendations to improve communications between the organizations: 1) That the WRWD and the SWCDs, within the watershed district, review the strategies for improving communications from the January 2003 meetings. 2) The WRWD and SWCDs make a stronger effort to regularly attend each others' board meetings and recommendations that the WRWD and SWCDs each conduct self-assessments. Ron Shelito distributed a copy of an example "self-assessment tool for SWCDs & WDs" that was used in the Red Lake Watershed District. The self-assessment was used to assist their organizations in organizational planning, results and relationships with external customers and partners. Brian Dwight felt that the watershed district should consider using the self-assessment tool.

Chairman Seykora felt that there are times when there is a misunderstanding of the roles and responsibilities of the organizations and the WRWD has a far different role than the SWCDs. Because the goals and missions are different the watershed district ends up focusing on different things than the SWCDs. Seykora questioned if the SWCDs were trying to change the District's focus. Brian Dwight stated that he didn't think the purpose was to ask anyone to change its mission, but rather to work toward a common understanding. Seykora indicated that what is needed is acceptance of the process, rather than attempts to change the mission of the organizations, with a part of BWSR's role to assist the SWCDs in becoming more involved in the Mediation Process.

On the issue of meeting attendance Manager Ista suggested a short report including comments be provided to the District office when Managers attend SWCD meetings and questioned if quarterly meetings would be helpful. Administrator Bennett stated that the workload since 1997 has affected the watershed's ability to dedicate staff time to meetings; however it becomes a matter of what the priorities are and with the recent addition of staff, capacity has been increased that could be used to dedicate more time to the SWCDs. Manager Ista also commented that additional meetings with the SWCDs would not be useful unless there is a purpose and objective to accomplish something constructive. Manager Skaurud stated that he was baffled over the whole issue, because the District has included the SWCDs in the Project Team meetings and used them to assist with permit violations and felt that they were very cooperative.

Dwight recommended that the District consider the self-assessment tool with the possibility of hiring an outside consultant to survey customers for input and feedback. Dwight felt Cliff Tweedale could be helpful in providing his services and BWSR estimates the cost of somewhere between \$4,000 and \$5,000. Kyle Richardson stated that although self-assessment is good, he felt that the timing might not be appropriate when the District is in the middle of the WRRFS. Richardson felt it would be better to conduct some type of an assessment once the first phase of the WRRFS is completed. Dwight stated that if you are dealing with a few local individuals who are very vocal, your response is quite different than if the issues are widespread. Richardson stated that with his observations, he felt that a considerable amount of the issues mentioned by the BWSR could be handled through phone calls, and had concerns about the timing of an assessment conducted in the middle of the feasibility study. Dwight stated that the assessment is not project specific and would not be addressing the Feasibility Study. In closing, Ron Shelito stated that what has been provided today by BWSR is their suggestion for Board consideration to assist them with ways to improve their working relationship with the SWCDs.

71. Shelito and Dwight left the meeting at 12:30 p.m.

72. Steve Dalen arrived at 12:15 p.m.

73. Ed Miller left the meeting at 12:25 p.m.

74. CCWRWD Letter to the Editor. Chairman Seykora stated that he had requested Kyle Richardson to sit in on the meeting today to provide recommendations on the recent letter to the editor from the CCWRWD. Richardson recommended preparing a written response to the comments in the letter to the editor and provided a draft for the Board to consider. Manager Wagner suggested that each of the Board members review the answers to the questions and provide their comments. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing the response be sent to all local news papers as an editorial letter and also copies mailed to County Commissioners, legislators, Project Team members, Citizen Advisory Committee and CCWRWD. Comments or suggested changes to the draft are to be provided to the District office by Friday, May 21, 2004. Carried.

75. Kyle Richardson left the meeting at 2:00 p.m.

76. Terry Rocker Permit Application, Section 26, Lockhart Township. Terry Rocker arrived at 2:00 p.m. to discuss a permit application to clean and lower a ditch in Section 26, Lockhart Township. Rocker gave a short presentation on what he described as needing a permanent solution to an age-old problem. Upon a motion by Manager Skaurud and second by Manager Dalen, Permit Application No. 5-19-04-1, of Terry Rocker to clean and lower a ditch in Section 26, Lockhart Township, was approved with the following conditions. Applicant must obtain approval of the landowners in SW1/4 of Section 26 to perform the work and approval from the downstream owner in Section 36 along with Norman County Highway Department for work to be done within the road right-of-way. Carried.

77. Upper Reaches Project. Managers discussed a recommendation to the Board of Managers by the Citizen Advisory Committee for surveys of the levees on the Upper Reaches Project to determine levee heights. Manager Ista questioned if costs for a survey were diverted to the Upper Reaches Project. Engineer Bents questioned if information from the LIDAR would suffice or is a more detailed survey necessary? Considerable discussion was held about the need for the survey to document the current levee heights. It was discussed that the survey is to document the current conditions and be used to prevent unauthorized changes to the levees. The surveys would also provide data that can be used in restoring damaged levees to their pre-flood conditions. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Manager Wagner and staff to prepare a map of the critical areas that should be surveyed to use in obtaining estimates for conducting the survey work. Carried.

78. Dalen Coulee Project Right-of-Way Maintenance. Managers discussed areas of encroachment to the right of way on the project. A motion was made by Manager Wright and seconded by Manager Ista authorizing staff and Board representatives to conduct an investigation of the project area for possible encroachments and report back to the Board. Carried.

Managers also discussed the need to establish District policy relating to encroachment on the grass buffer areas on the Dalen Coulee Project. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing Attorney Hanson to prepare a letter that can be sent to landowners on the Dalen Coulee Project to address preservation of the grass buffer areas, informing landowners that unauthorized access by the public is prohibited to anyone other than the landowner and/or watershed district and its agents, with the purpose of the policy to ensure the integrity of the project. Carried.

79. Drainage System Repairs and Maintenance. Administrator Bennett provided a report on the 2004 drainage system repair and maintenance which listed work items approved by the Board along with a list of new drainage system repair requests filed in May. It was the consensus of the Board to add the new requests to the 2004 maintenance list. In connection with Clay County Ditch No. 14 a motion was made by Manager Dalen and second by Manager Wright authorizing a meeting with landowners on Clay County Ditch No. 14, once survey work is completed to establish the gradeline in Sections 15 and 16 of Georgetown Township. Carried.

80. In connection with a request filed by Gene Guttormson for a culvert to be installed on Judicial Ditch 56 Main as part of the project a motion was made by Manager Spaeth and seconded by Manager Dalen to notify Guttormson that the pipe installation would be considered an improvement and the landowner should consider filing a permit to install the culvert. Carried.

81. Regarding an request by Peterson Brothers to look into erosion problems on the Lockhart Flood Storage Project a motion was made by Manager Skaurud and seconded by Manager Wagner authorizing Engineer Bents to investigate the request and work with Petersons to address any issues. Carried.

82. 2004 Flood Control Facility Inspections. Administrator Bennett discussed conducting dam inspections to identify any maintenance issues for 2004. A motion was made by Manager Wagner and seconded by Manager Wright authorizing Houston Engineering to perform the dam inspections with the policy established to have an engineering technician conduct the field inspection every two years and a certified engineer to perform a certification every third year. Carried.

83. Moccasin Creek Water Management Request. The Board discussed the request submitted by landowners on the Moccasin Creek sub watershed and a recent meeting with the Norman County SWCD to review progress on possible solutions to the landowners' request for assistance. One mile of the system has been surveyed by the SWCD and Seykora mentioned that there might have been some miscommunication on what was to be expected as an outcome of the investigation. Watershed District representatives that attended the meeting indicated that the SWCD was going to be sending a letter to the landowners along Moccasin Creek informing them of the progress thus far and requesting the landowners to consider submitting a request to the NRCS for EQUIP funding that could be used to further the investigation. Engineer Bents stated that someone needs to take the lead and commit funding to obtain the initial information that could lead in the direction of a possible project. Manager Dalen asked if there was a way the District could assist with funding for the initial investigation. Bennett stated that one option may be to utilize the District's Survey and Data Acquisition fund. The consensus of Managers was that for now the District should continue to work on this with the Norman County SWCD. Manager Ista volunteered to contact Curtis Borchert on the status of the letter and look into the options for utilizing the NRCS as a possible resource to assist with the investigation.

#### PERMIT APPLICATIONS

84. Randal Chisholm, Section 14, Strand Township. Upon a motion by Manager Ista and second by Manager Dalen, Permit Application No. 4-16-04-4 of Randal Chisholm to install drain tile in Section 14, Strand Township was approved with the condition that John Gunderson sign on the permit application. It is recommended that the applicant notify the NRCS to ensure compliance with USDA farm program benefits. Carried.

85. Jake Bitker, Section 36, Halstad Township. Upon a motion by Manager Skaurud and second by Manager Wright, Permit Application No. 5-12-04-11, of Jake Bitker to install a field crossing in Section 36, Halstad Township, was approved as an "after the fact" permit, due to the work being done prior to approval of the permit. Carried. Applicant is to be notified of the penalties involved in performing the work without watershed approval that is to be sent along with the permit application.

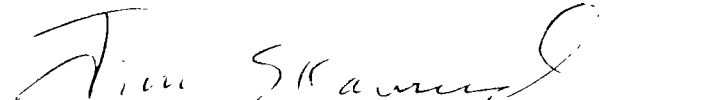
86. Cary Sip, Section 14, Pleasant View Township. Upon a motion by Manager Dalen and second by Manager Spaeth, Permit Application No. 5-12-04-12, of Cary Sip to increase a culvert from 24 inches to 30 inches was denied, according to District guidelines that the existing 24 inch culvert is considered adequate. Carried.

87. Norman County Highway Department, Section 34, Winchester Township. Upon a motion by Manager Ista and second by Manager Dalen, Permit Application No. 5-12-04-8, of the Norman County Highway Department to install a culvert and Texas Crossing in Section 34, Winchester Township was approved. Carried.

88. Eric Bergeson, Section 7, Bear Park Township. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application No. 5-12-04-7, of Eric Bergeson to install a driveway crossing in Section 7, Bear Park Township, was approved with the condition that the culvert not exceed 18 inches. Carried.



89. Norman County Highway Department, Section 17, McDonaldsville Township. Upon a motion by Manager Wright and second by Manager Wagner, Permit Application No. 5-12-04-9, of the Norman County Highway Department to install a storm sewer, sedimentation ponds and sanitary sewer in Section 17, McDonaldsville Township, was approved. Carried.
90. Rob Myers, Section 23, Mary Township. Upon a motion by Manager Ista and second by Manager Skaurud, Permit Application No. 5-12-04-10 of Rob Myers to install culverts in Section 23, Mary Township was denied because the current culvert capacity is equal to the upstream culverts sizing. Carried.
91. Clayton Arthurs, Section 28, Anthony Township. Upon a motion by Manager Wright and second by Manager Spaeth, Permit Application No. 5-12-04-5, of Clayton Arthurs to construct a farmstead ring dike in Section 28, Anthony Township was tabled. Applicant will be notified that the District needs a copy of his ring dike plan, alignment and aerial photo before taking any action on the permit application. Carried.
92. Wayne Stevenson, Section 3-4, Viding Township. Upon a motion by Manager Wagner and second by Manager Wright, Permit Application No. 5-12-04-1, of Wayne Stevenson to raise the berm along Judicial Ditch 56 Main in Sections 3-4, Viding Township, Clay County was approved with the condition that the approval is to raise the spoil bank over culverts to prevent overtopping and erosion and the continuous filling along the spoil bank is not included as part of this permit application. A sketch will be provided as an example of the work being approved. Carried.
93. Paul Borgen, Section 7, Felton Township. Upon a motion by Manager Wagner and second by Manager Wright, Permit Application No. 5-12-04-2, of Paul Borgen to install flap gates in Section 7, Felton Township, was approved with the condition that it is at the landowner's expense. Carried.
94. John Haugo, Section 7, Popple Grove Township. Upon a motion by Manager Dalen and second by Manager Ista, Permit Application No. 5-12-04-3, of John Haugo, to install a culvert in Section 7, Popple Grove Township was approved with the condition that the size of the pipe not exceed 18 inches. It is recommended that the applicant notify the NRCS to ensure compliance with USDA farm program benefits. Carried.
95. Pazdernik Farms, Section 23, Popple Grove Township. Upon a motion by Manager Dalen and second by Manager Skaurud, Permit Application of Pazdernik Farms to install culverts in Section 23, Popple Grove Township, Mahanomen County was tabled pending further information. Carried.
96. A spreadsheet was also provided on the status of pending violations in the Wild Rice Watershed District. There being no further business to come before the Board a motion was made by Manager Spaeth that was seconded by Manager Wagner to adjourn. Carried.
97. There being no further business to come before the Managers Chairman Seykora adjourned at 5:00 p.m.



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Jim Skaurud, Secretary

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
<b>Checking-RAB</b>				
05/12/2004	8189	A R C Lanes	4/16/04 Lunch	(36.58)
05/12/2004	8190	AmeriPride	Cleaning Services	(27.13)
05/12/2004	8191	City of Ada	Utilities	(240.83)
05/12/2004	8192	Diane Ista	Per Diem and Expense	(256.85)
05/12/2004	8193	G R Graphics-Supplies	Networking	(62.50)
05/12/2004	8194	G R Graphics, Copier		(230.79)
05/12/2004	8195	Gale E. Schmitz, Ltc.	Audit	(4,975.00)
05/12/2004	8196	H2M		(3,186.12)
05/12/2004	8197	Houston Engineering, Inc.	Engineering Fees	(48,900.22)
05/12/2004	8198	James Wagner, Sr.	Per Diem\mileage\expense reimb	(174.91)
05/12/2004	8199	JB Associates, Ltd., Inc.	Administrative Fees	(30,233.70)
05/12/2004	8200	Jim Skaurud	Per Diem and Expenses	(174.03)
05/12/2004	8201	Joe Spaeth	Per Diem and Expense	(340.91)
05/12/2004	8202	Jonathon Olson	Beaver Removal Marsh River Diversion	(1,575.00)
05/12/2004	8203	Kappes-Leiran Agency, Inc.	Building Ins.	(491.00)
05/12/2004	8204	Loretel Systems	Phone Billings	(370.80)
05/12/2004	8205	Marcussen Accounting	Accounting Fees	(455.00)
05/12/2004	8206	Norman County Abstract	Ken Thomas Abstract	(130.00)
05/12/2004	8207	Norman County Auditor/Treasurer	Beaver Removal	(2.50)
05/12/2004	8208	Norman County Index	Billings	(494.84)
05/12/2004	8209	North Star Water	Water/Office	(5.00)
05/12/2004	8210	Office Supplies Plus	Office Supplies	(47.07)
05/12/2004	8211	Opheim Law Office	Pederson Bros	(52.08)
05/12/2004	8212	Outback Engineering	Computer Repair	(60.00)
05/12/2004	8213	PERA	Payroll @ 5.1%	(234.94)
05/12/2004	8214	Petty Cash	Petty Cash	(145.80)
05/12/2004	8215	Reardon Office Equipment, Inc	Supplies/Toner Jerry' Printer	(90.82)
05/12/2004	8216	Reed Business Information	JD #56 Bids	(126.06)
05/12/2004	8217	Robert E. Wright	Per Diem and Expenses	(188.96)
05/12/2004	8218	Rural American Bank	FICA Withholding, Managers\Wtrshed	(338.13)
05/12/2004	8219	Sjoldal Hardware	Supplies	(10.19)
05/12/2004	8220	Steve Dalen	Per Diem and Expenses	(65.99)
05/12/2004	8221	Tim Halle	Press Release 4/16/ mtg & 03 Annual Report	(351.00)
05/12/2004	8222	US Postal Service	Roll .23 stamps and roll .37 stamps	(60.00)
05/12/2004	8223	Visser Trenching		(135.00)
05/12/2004	8224	Wambach & Hanson	April Billings	(1,643.15)
05/12/2004	8225	Wambach & Hanson Trust Account	Ken Thomas '02 Acquisition	(155,096.47)
05/12/2004	8226	Warren J. Seykora	Per Diem & Expenses	(1,701.01)
05/12/2004	8228	Gale E. Schmitz, Ltc.	Audit of 12/31/03 Financial Statement	(6,000.00)
05/12/2004	8229	James Wagner, Sr.	Beaver Removal	(1,550.00)
05/13/2004	8230	ARC Lanes	VOID Noon Lunch	0.00
05/13/2004	8227	ARC Lanes	Noon Lunch	(35.94)
05/18/2004	8231	Aquila	Utilities	(23.13)
05/18/2004	8232	MPCA		(1,600.00)
05/19/2004	8234	Becker County SWCD	Envirothon	(100.00)
05/25/2004	8236	G R Graphics, Copier	Scanner/Copier	(262.69)
<b>Total Checking-RAB</b>				<b>(262,282.14)</b>