

# 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, April 14, 2004, at the office of the District, located at 11 Fifth Avenue East, Ada, Minnesota.

2. The following members were present: Robert E. Wright, James Wagner, Sr., Jim Skaurud, Diane Ista and Joe Spaeth. The following members were absent: Steve Dalen and Warren J. Seykora. In addition, the following persons were present: Administrator Jerry Bennett, Attorney Elroy Hanson and Loretta Johnson, recording secretary.

3. Vice Chairman Wright 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. Doug Marcussen reviewed the monthly financial report of the District dated March 31, 2004. Upon a motion by Manager Ista and second by Manager Skaurud, the monthly Financial Report was approved for entry into the record. Carried.

6. Jerry Bents arrived at 9:30 a.m.

7. Auditor Gale Schmitz Billing. A billing invoice in the amount of \$8,975 for additional work performed by Gale Schmitz related to the 2002 audit was reviewed. Administrator Bennett and Accountant Doug Marcussen and a committee consisting of Chairman Seykora and Treasurer Jim Wagner, Sr. held a teleconference with Schmitz to discuss the billing as recommended by the Board at the March meeting. Schmitz stated that the additional costs were due to extra time and expenses incurred over and above his original bid. Bennett stated that the contract with Schmitz states that if significant additional time is necessary due to unexpected circumstances encountered during the audit Schmitz is to discuss it with the Board and arrive at a new fee estimate before incurring the additional costs. It was also noted that \$500 of the Schmitz invoice was related to work on the 2003 audit. The committee recommended that the Board consider reducing the amount of the bill to \$4,500. This amount is agreeable to Schmitz. It was felt that additional work might have been necessary as a result of the watershed district changing over its accounting software package during mid-year 2002. A motion was made by Manager Ista and seconded by Manager Skaurud to approve the committee recommendation to pay Schmitz an amount equal to \$4,500 for additional auditing costs related to the 2002 audit and payment of \$500 in connection with work on the 2003 audit. Carried.

A letter is to be sent to Schmitz with the proposed settlement stating that the District is under no legal obligation for the additional costs consistent with its contract and a statement that any future anticipated cost overruns are to be approved prior to incurring additional costs and expenses.

10. The bills of the District were reviewed. 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.

11. A motion was made by Manager Ista and seconded by Manager Wagner to approve the minutes of the March 10, 2004, regular meeting and the March 24, 2004, Special Meeting. Carried.

12. Warren Seykora arrived at 9:50 a.m.

13. Business Process Reengineering (BPR) Administrator Bennett reported on the BPR grant that is a process to look at delivery of services and assessing project needs that would likely involve talking to staff, board and clients and include training on roles and responsibilities. This is not a typical grant where an agency applies for and gets money to do something. The BRP project provides up to 100 hours to another consulting firm or another agency. The work needs to be done by one of the consultants or the Management Analysis Division (MAD). All of the applications go through Susan Senko, Department of Administration. It was also reported that the commissioner has not determined if there will be more BRP projects supported in the next fiscal year. Chairman Seykora asked if Managers felt the Board should submit an application. Chairman Seykora noted that on the subject of Board and staff evaluations he had prepared an evaluation form similar to an evaluation format suggested by the Minnesota Extension Service for the in house evaluations. Managers Skaurud and Spaeth felt it was not necessary to submit for the outside consulting service to a group that may not be familiar with watershed districts in general. Manager Ista stated that she had discussed the BPR with Susan Senko and Brian Dwight and felt that the BPR grant could be beneficial to the District. Manager Wright stated that he would be willing to consider the BRP if there was not going to be a cost for the District. Wagner felt that the consulting could help the District with flood control project implementation. A motion was made by Manager Ista and seconded by Manager Wagner to submit a request for the BPR. Carried with Managers Spaeth and Skaurud voting no.

14. Annual Reorganization Meeting. Administrator Bennett reminded Managers of the Annual Reorganization Meeting held during the Board's May regular monthly meeting. Managers discussed whether it was necessary to advertise or for the consulting services. Attorney Hanson noted that it was not required to do formal advertising. A motion was made by Manager Wright and seconded by Manager Wagner to not formally advertise for the consulting services. Carried. It was discussed that revision to contracts or consulting proposals be mailed to the Board in advance of the meeting. It was also discussed that the Board will be appointing members to the Citizen Advisory Committee and the Flood Damage Reduction Project Team. Copies of the membership on the two committees were provided to the Board for their review prior to the Annual Meeting.

15. In related office business a motion was made by Manager Spaeth and seconded by Manager Skaurud to amend the current agreement with G R Graphics to include a scanning feature to the present copy machine at a cost of \$29 per month. Carried.

16. Bennett discussed the issue of updating the watershed's letterhead that had been mentioned by Manager Ista. It has been suggested to include the Managers name and phone number on the letterhead. It was also discussed that Manager Dalen had been working with Jeff LeDoux on a watershed logo. It was suggested that Managers bring their ideas to the District office for working up a layout.

17. Moccasin Creek "SWCD" Investigation. Manager Skaurud provided a copy of a survey completed on the Moccasin Creek prepared by Mark Christensen, Norman County SWCD. Chairman Seykora stated that landowners on the Moccasin Creek had submitted a request to the District to look at a universal solution to the water management problems along Moccasin Creek a couple of years ago similar to what was done on the Dalen Coulee. The understanding after the landowner meetings was to have the SWCD and NRCS look at the problems utilizing existing programs like EQUIP. Bents suggested that the watershed district hold a meeting with the Norman County Soil and Water Conservation District (SWCD) staff to get an update on the status of the landowners' request. A motion was made by Manager Skaurud and seconded by Manager Wagner to arrange for a meeting with SWCD staff for an update on the status of Moccasin Creek to include a committee made up of Managers Seykora, Skaurud, Ista with Manager Wagner as alternate along with Administrator Bennett. Carried.

18. Anderson Wetland Restoration Project. A motion was made by Manager Spaeth and seconded by Manager Skaurud to approve the low bid of Visser Trenching, Inc. in the amount of \$22,480 for the Anderson Wetland Restoration Project. Carried. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing payment to MPCA in the amount of \$400 for a storm water permit for the project. Carried.

19. Marsh Creek Site No. 6. The Board of Managers discussed comments received from the March 30, 2004, public meeting. Administrator Bennett reported that Dave Haugo submitted a resolution of support from the Concerned Citizens Wild Rice Watershed District requesting the Board of Managers to continue efforts to procure the permit for the construction of Marsh Creek Site 6 project. Manager Ista stated that Haugo also requested getting the costs spent to date on this project. A motion was made by Manager Ista and seconded by Manager Skaurud authorizing correspondence to Dave Haugo notifying him of the District's policy related to review of files and requests for information in accordance with the Minnesota Government Data Practices Act. Carried. A copy of the District's Government Data Practice Act policy is to be included with the letter to Haugo.

In addition, the Board reviewed a letter prepared by Houston Engineer dated February 2, 2004, on the project's economic feasibility and correspondence received from the Wambach and Hanson Law firm dated February 26, 2004, related to implementation authorities under M.S.103D. Upon review of the information presented, a motion was made by Manager Ista and seconded by Manager Skaurud that on the basis of the current analysis, the project can no longer be economically justified, therefore future planning on the project shall be terminated and the project shall be classified as inactive. Carried.

A motion was made by Manager Wright and seconded by Manager Skaurud to no longer pursue the Doug Spaeth property for wetland mitigation in connection with the Marsh Creek Site #6 at this time. Carried.

20. Attorney Zenas Baer arrived at 11:20 a.m. and A.C. Heiraas arrived at 11:25 a.m.

21. Farmstead Ring Dikes. Engineer Bents reported that the recent bids for the Weber, Hest and Borgen ring dikes came in below the engineer's estimates. Based on the cost under run, funding may be available for the construction of additional ring dike project(s). A motion was made by Manager Ista and seconded by Manager Wagner authorizing the bidding and award of the Dyrdaahl and Bertrand projects dependant on remaining funding in the grant and the bids not exceeding 10 percent of the engineer's estimate. Carried.

22. Project No. 9, South Branch Repairs – Section 8 of Hagen Township, Clay County. Attorney Zenas Baer and A.C. Heiraas attended the meeting. Engineer Bents reviewed a supplemental letter report dated April 5, 2004, outlining estimated construction costs for completing the repairs requested by A. C. Heiraas from the Board's March 30, 2004 meeting. The cost estimate assumed that the channel constriction modification would be resolved by the Clay County Highway Department as part of the Bridge Replacement Project. The items requested and associated cost estimates are as follows:

- Removal of trees and tree blockages in the channel within the entire reach (estimated cost \$3,000)
- Bank stabilization on the south side of the river from the bridge to the location of the upstream most 2000 FEMA repair site along with bank stabilization upstream and downstream (estimated costs \$90,000 - \$100,000)
- Repair of oxbow plugs on the north side of river (estimated cost \$0 – note that only one oxbow, plug site 1 shows any signs of erosion)
- Reshape the north bank to remove the channel constriction (estimated cost \$0 – with riprap placement the Clay County Highway Department plans to address this issue)

Bents noted that the work presented does not constitute an engineering recommendation and only cost estimates to do this work. No benefit cost analysis was done, however Bents pointed out that the repair report dated January 16, 2004, stated that the present day value is approximately \$25,000 assuming reduced cost for sedimentation resulting from future erosion.

Attorney Zenas Baer drew a sketch showing what was felt to be increased erosion that is creeping to the south as a result of the bend in the river on the north side and felt that the west riverbank is two feet higher than the northeast river bank, causing the overflow to spill over in the direction of the Heiraas building site. Heiraas would like to see the material removed from the north river bank and used to raise the north side berm. Seykora indicated that the channel repairs and the levee heights are two separate issues. Engineer Bents stated that there is a misconception that the work done in 2001 caused flooding to the Heiraas property in 2002, and both the 2000 and 2002 events far exceed the 16-½ year event for which the project was designed to handle. Attorney Hanson questioned if the work outlined by Zenas Baer is beyond the scope of any repair and maintenance of the original project, if so it would take a separate petition for an improvement to the project. In Engineer Bents estimation the repairs requested exceed the scope of project maintenance. Zenas Baer questioned if the 2000 FEMA repair had undergone an economic analysis. Administrator Bennett stated that FEMA uses their own criteria for eligibility of repairs. The damage areas are identified by the local sponsor and FEMA determines if the repairs sites are eligible for disaster assistance. Chairman Seykora felt that unless there was an alternative source of funding other than the project assessment area it would be difficult to justify proceeding with the work under a repair. Attorney Baer asked about getting a copy of the original design memorandum prepared by the COE on the project. Attorney Hanson suggested tabling the decision on the repairs until Attorney Baer has had the opportunity to review the design memorandum. There being no further discussion a motion was made by Manager Spaeth and seconded by Manager Wagner to table the Board's decision on the channel repairs for Section 8 of Hagen Township on Project No. 9 until Attorney Zenas Baer has had an opportunity to review the design memorandum. Carried. Manager Wright abstained from the vote. Attorney Baer and AC Heiraas left the meeting at 12:30 p.m.

23. Chairman Seykora left the meeting at 1:00 p.m.

24. Lyle Manthe and Mick Alm arrived at 1:00 p.m.

#### PERMIT APPLICATIONS

25. Norman County Highway Department, Sections 3,4/33,34 Fossum/Flom Township. Mick Alm reviewed the permit application by the Norman County Highway Department for a grading project on County Road No. 31 located in Sections 3,4/33,34 of Fossum and Flom Townships. Manthe commented that the grading project was not necessary. Wagner questioned the road project since it will ultimately improve the drainage along with the road improvements. Alm provided the county's justification for the grading project including increasing the roads rating and providing for a wider and safer road. Manthe suggested eliminating centerline culverts along his property and allowing the water to continue west along the north side of the road. Alm felt the county could look into the changes that Manthe was requesting during the landowner meetings with the County. Alm also discussed raising the roadway at Station 290+307 thereby increasing the water surface elevation on the Manthe property for around a 500-year event. Manthe indicated that he was not concerned with the road raise since it would only affect his property at very extreme rainfall events. There being no further comments a motion was made by Manager Skaurud and seconded by Manager Spaeth to approve permit application No. 4-14-04-4 of the Norman County Highway Department for the re-grading of CSAH #31 in Sections 33, 34/4, 3 of Fossum/Flom Townships with the following stipulation that the permit approval will amend a previous permit application number 1-21-04-2, of the Norman County Highway Department to include the road raise at Station 290-307. Carried. Manager Wagner opposed. Manthe left the meeting at 2:20 p.m.

26. Norman County Highway Department, Section 2, Hegne Township. The Board discussed the proposed bridge replacement in Section 2 of Hegne Township. Bents indicated that the county was installing an overflow to the west of the bridge to maintain the existing conditions. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application No. 2-16-2000-3 of the Norman County Highway Department to replace a bridge in Section 2, Hegne Township, was approved. Carried. Mick Alm met left the meeting at 2:30 p.m.

27. Ramstad Brothers Farm, Section 1, Winchester Township. Glenn Ramstad met with Managers at 2:30 p.m. to discuss his permit application to construct a berm in Section 1 of Winchester Township. Ramstad stated that they had originally planned to make the improvements in connection with the Norman County Road No. 33 re-grading project. The road project has since been put on hold. Managers heard that Barry Kappes, the downstream landowner expressed concerns over the improvements proposed by the Ramstads that could increase water at his building site. Engineer Bents stated that the Board might want to stay consistent with prior permits submitted by Hilde and Myers. A motion was made by Manager Skaurud and seconded by Manager Spaeth to table the Ramstads' permit pending time to gather information on prior Board action related to the permit applications. Carried. Glenn Ramstad left the meeting at 3:10 p.m.

28. SWCD Letter to the Board of Water and Soil Resources (BWSR). Brian Dwight and Ron Shelito, Board of Water and Soil Resources (BWSR), met with Managers at 3:10 p.m. regarding recent correspondence received by BWSR from the Mahnomen, Clearwater and Norman County Soil and Water Conservation Districts (SWCD). The letter suggested that there were communication issues between the groups and requested that the BWSR meet with representatives from both agencies to help facilitate an open discussion.

The watershed district responded to the letter with concerns over the Ron Harnack letter that was sent without first discussing its contents with the watershed district. Manager Spaeth stated that he had talked to Chairman Radtke, of the Mahanomen County SWCD and Radtke had indicated he had no knowledge of the letter that was sent to the BWSR. Manager Skaurud talked to Chairman Brian Mickelson, Norman County SWCD, who also indicated that he was not aware of the letter. Manager Ista felt that the District had offered the Norman and Mahanomen County SWCDs projects, but in requesting a proposal, the rates came back rather high and the Board felt it more appropriate to complete the workload in-house. Manager Skaurud stated that both the Norman and Mahanomen SWCDs have worked on permit violations for the District and relayed what he felt to be the working relationship on these projects. Ron Shelito stated that in discussion with the SWCDs it appeared that they are interested in improving the coordination between the two agencies. Spaeth mentioned the recent grant program being offered to the SWCDs to assist with flood control project development. Dwight indicated that the BWSR was suggesting a joint meeting between all SWCDs in the watershed district including those that were not involved with the original letter to show support from other SWCDs working with the District. Ista felt that if the District is going to meet with the SWCDs the BWSR should be providing the District with written information in advance of the meeting. Ron Shelito stated that the BWSR could provide its findings to the Managers and SWCD on what has been learned from their recent meetings. Administrator Bennett stated that with previous coordination meetings the department heads have not been included and felt that any future meetings should also include the Managers and staff. Ron Shelito summarized his comments by saying that apparently the District was surprised and unaware of the concerns expressed by the SWCDs, but would be willing to participate in further discussions to gain a better understanding of what the SWCDs would like to see from the watershed district. Shelito and Dwight left the meeting at 4:15 p.m.

29. Green Meadow and Borup Dam Evaluations. Administrator Bennett reported on an investigation into possible funding options for repairs to the Green Meadow and Borup Dams. Bennett stated that rehabilitation funding through the NRCS would not qualify for the repairs since neither project was built under the NRCS 566 authority. Bennett has also contacted Mel Sinn with the DNR dam safety unit and is awaiting a response as to possible assistance. Since the Green Meadow Dam is a part of Project 30 the remaining option would be to assess the investigation and repairs under the project's assessed area. Bennett felt that prior to proceeding with any assessment of this magnitude, landowners should be notified. After discussion a motion was made by Manager Ista and seconded by Manager Wagner to hold an informational meeting on the pending repair investigation at the June regular monthly meeting. Carried.

30. Upper Felton Ditch Flood Storage. Manager Wright moved to the audience. Administrator Bennett reported that the District offered Joe Prosby 10% over his appraisal, to which Prosby returned with a counter proposal of \$2,000 per acre. Bennett stated that the District has received a 24-month purchase option on the Prosby property for the \$2,000 per acre. Bob Wright stated that he felt there were discrepancies in his property appraisal because of the pastureland comparables and recent sales comparables. Prosby indicated that recent sales in his area were over \$1,600 per acre. Managers discussed working with the appraiser to update the appraisals based on more recent land sales and the discrepancies in the Wright appraisal before agreeing to the option proposed by Prosby. Manager Wright returned to the Board of Managers.

31. Heiberg Dam. Attorney Hanson reported that his staff would be going to the County Recorder's office to research and determine current ownership of the land required for the Heiberg Dam repair. Houston Engineering is working on the project design that is to be completed by the end of June.

32. COE Feasibility Study. Administrator Bennett reported that Kurt Deter has agreed to take over the legal contract of Becky Comstock, for the COE Feasibility Study. Deter will be submitting a new proposal for the legal service work as determined acceptable for the Phase portion of the study by the COE.

33. The meeting was recessed at 5:15 p.m. to be resumed at 8:30 a.m. on Friday, April 16, 2004.

34. Vice Chairman Wright reconvened the meeting at 9:00 a.m. on Friday, April 16, 2004. The following members were in attendance: Jim Skaurud, James Wagner, Sr., and Joe Spaeth. The following members were absent: Diane Ista, Warren J. Seykora and Steve Dalen.

35. Diane Ista arrived at 9:10 a.m. and Jerry Bents arrived at 9:30 a.m.

#### PERMIT APPLICATIONS

36. Keith Chisholm, Section 5, Pleasant View Township. Managers discussed the permit application of Keith Chisholm to install a Texas crossing with culverts to access his property and concerns over possible impact to the drainage system (Norman County Ditch No. 11). The Board discussed requesting a hydraulic analysis for the low water crossing. It was suggested that if the crossing was installed without the culverts (low water crossing) there would not be a need to conduct the hydraulic analysis. Upon a motion by Manager Ista and second by Manager Spaeth Permit Application No. 4-16-04-1 of Keith Chisholm to install a Texas crossing in Section 5, of Pleasant View Township, was tabled pending notification to Chisholm of these options. Carried.

37. Keith Chisholm, Section 15, Strand Township. Upon a motion by Manager Ista and second by Manager Skaurud, Permit Application No. 4-16-04-2, of Keith Chisholm to install drain tile in Section 15, Strand Township was approved with the following conditions: Applicant must contact the Norman County Highway Department for work within the road right-of-way and the county ditch. It is recommended contacting the NRCS to ensure work does not affect compliance with the USDA Farm Program benefits. Carried.

38. John Habedank, Section 15, Fossum Township. Upon a motion by Manager Skaurud and second by Manager Spaeth, Permit Application No. 4-16-04-3, of John Habedank to install drain tile in Section 15, Fossum Township, was approved with the following conditions: Applicant must contact the Norman County Highway Department for work within the road right-of-way. It is recommended notifying the NRCS to ensure compliance with the USDA Farm Program benefits. Carried.

39. Randall Chisholm, Section 14, Strand Township. Randy Chisholm met with Managers at 9:50 a.m. to discuss a permit application to install drain tile in Section 14, of Strand Township. John Gunderson, downstream landowner, has expressed concerns over the improvements. Managers Wagner and Skaurud suggested that staff work with Chisholm and Gunderson to work out a solution.

40. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application No. 4-16-04-4 of Randy Chisholm to install drain tile in Section 14 of Strand Township, was tabled pending a discussion between the parties in an attempt to work out an agreement on the tile installation. Carried. Chisholm left the meeting at 10:10 a.m.

41. Wild Rice River COE Feasibility Study (WRRFS). Engineer Bents distributed maps of the ten proposed diversion routes along with a color-coded matrix with various categories used to rate lowest, middle or highest impacted routes. Comments from the Hendrum public meeting held in March were discussed. Related to the public meeting comments Manager Ista made a motion that was seconded by Manager Wagner authorizing secretarial staff to prepare a written transcript of the taped comments from the meeting. Carried.

Engineer Bents stated that from the comments received at the public meeting, most of the opposition was to the routes along State Highway #200. Based on the public comments it was the consensus of Board to eliminate the alternative outlet along State Highway #200 and the east/west route, which goes primarily east/west on the south side of the City of Ada. Discussion was held on paring the four remaining diversion options down to the final two in an attempt to reduce costs, however upon further discussion it was the consensus of Board to continue with analyzing the four routes selected before screening down to the final two diversion routes.

Administrator Bennett provided an update on the additional work included in the WRRFS that had been approved by the Board including the conceptual designs for the setback levees, diversion-operating plan, off-channel storage and South Branch storage. Bennett updated the Board on the recent meeting held in St. Paul with the COE and distributed budget information related to the original and adjusted feasibility costs share projections. The watershed district WIK approved to date is \$545,637 and with the estimated new add-on WIK is estimated to be \$272,000. The COE is proposing to handle the Houston Engineering added contracts via a David Miller and Associates pass-through. This would include the additional contracts for the South Branch Storage analysis, conceptual designs and with project H&H. This would get the District to a reasonably close cost split of 50/50 on the total estimated Phase 1 costs of 1 million. In addition, Bennett reported that the H2M contracts for public involvement did not include costs for the extended timeline. H2M has estimated cost to complete the remainder of Phase 1 public involvement would be approximately \$6,000. An amendment would be necessary to the H2M contract if the Board desires to have H2M involved in the remainder of the Phase 1. A motion was made by Manager Ista and seconded by Manager Spaeth to approve an amendment to the H2M contract for the additional costs (\$6,000) contingent on COE approval for WIK. Carried.

42. Red River Basin CREP. Managers discussed options for prioritizing areas for the Red River Basin CREP and the potential for utilization for flood control efforts with the U.S. Army Corps of Engineers Wild Rice River Feasibility Study. Administrator Bennett suggested opening some preliminary discussions with Kevin Scheidecker, RRBC, who is working with the program. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing administration and Houston Engineering to schedule a meeting with Kevin Scheidecker to discuss flood control options for the proposed Red River CREP program. Carried.

43. Red River Watershed Management Board. Administrator Bennett also discussed submitting a request to the RRWMB for cost share funding to update the existing HEC-1 Model to create a HEC-RAS for the LIDAR/Cross-section area. A motion was made by Manager Ista and seconded by Manager Wagner authorizing a request to the RRWMB for cost share funding assistance on the HEC-RAS Model to be used in the Wild Rice River COE Feasibility Study. Carried.

44. WRRFS Diversion Screening. At 1:15 p.m. a teleconference was held with Tom Raster and Randy Devendorf, COE, to discuss the diversion screening map and matrix. Engineer Bents reviewed the matrix for the diversion screening and stated that Managers previously discussed the



routes, taking into account input from the public meeting and tentatively narrowed the number to four. Devendorf and Raster agreed on the Board decision for narrowing the current list to the four selected routes. The conference call was ended at 1:40 p.m.

45. Beaver Dam Removal. A motion was made by Manager Ista and seconded by Manager Wagner approving preparing a contract for the beaver dam removal on the Marsh River on the Upper Reaches Project with Harold Olson blasting contractor. Carried.

46. SWCD Water Retention Grant Program. Administrator Bennett suggested having a planning meeting with the area SWCDs interested in submitting proposals for the watershed district's Flood Storage Grant Program. Meeting is to be held ahead of the FDR Project Team meeting at 9:00 a.m. on Wednesday, April 28, 2004 for the purpose of answering any questions on the grant program and assisting the SWCDs with applications. It was the consensus of the Board to go ahead with scheduling the meeting with the SWCDs.

47. Manager Skaurud left the meeting at 3:00 p.m.

48. Upper Reaches Project Debris Removal. Manager Wagner reported that there is a considerable amount of debris on the levees reaches of the Upper Reaches Project. Concerns were expressed with the debris causing problems for mowing the levees this summer. Wagner suggested having local contractors remove the debris before the vegetation is a problem. A motion was made by Manager Ista and seconded by Manager Wagner authorizing removal of the debris to prevent problems for the mowing contractors. Carried.

49. Lake Ida Ditch Repairs. Engineer Bents discussed options in dealing with the spoil from the excavation of the cleaning out on the Lake Ida Ditch. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing payment of \$1,000 per acre for additional right-of-way to spread the spoil. Carried.

50. FDR Project Team April Meeting Agenda Items. Administrator Bennett suggested that the proposed agenda for the upcoming Project Team meeting include a CREP presentation by Kevin Scheidecker, an update on the COE Feasibility diversion screening, concept design work and channel restoration and a report on the SWCD Flood Storage grant Program. Consensus of the Board was to proceed with the items as discussed for the Project Team agenda.

#### PERMIT APPLICATIONS

51. Ramstad Brothers Farms, Section 1, Winchester Township. Glenn Ramstad met with the Managers at 2:00 p.m. to discuss the permit application of Ramstad Brothers Farms to construct a berm in Section 1 of Winchester Township. Engineer Bents recommended an overflow equal to the top of the centerline culvert located on the west end of Section 1 that would need to be at a minimum of 50 feet in length. A discussion was held on action taken on similar permit applications for constructing dikes adjacent to county roads. Landowner concerns were noted over potential downstream impacts from the project. Bents felt that by installing the overflow the Ramstad's would increase their current level of flood protection, however by increasing the berm height could substantially increase flows to the west.

Upon review of the comments a motion was made by Manager Skaurud and seconded by Manager Wagner to approve the permit of Ramstad Brothers Farms to construct the berm in Section 1 of Winchester Township contingent on special conditions that the berm height be no higher than the top of the westerly centerline culvert (42"X 26" CMAP, located in southwest corner of Section 1); overflow to be constructed for a minimum distance of 50 feet in length. Applicant is to obtain permission from the Norman County Highway Department for work within road right-of-way and it is recommended that the NRCS be contacted to ensure compliance with USDA program benefits. Carried. Glenn Ramstad left the meeting at 3:00 p.m.

52. Terry Rocker, Section 26, Lockhart Township. A motion was made by Manager Ista to invite affected landowners into a meeting with Terry Rocker to discuss his permit application, for work proposed in Section 26 of Lockhart Township. Motion died for lack of a second.

53. Canadian Pacific Railroad, Section 25, Popple Grove Township. Upon a motion by Manager Ista and seconded by Manager Wagner, Permit Application No. 4-14-04-8, of the Canadian Pacific Railroad to replace culverts with a bridge in Section 25, Popple Grove Township, Mahnomen County, was tabled pending the CPR provide a comparison of existing vs. proposed discharge rates for the bridge installation. Carried.

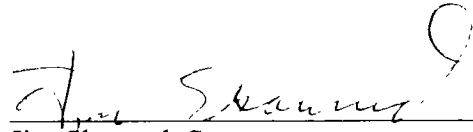
54. Mattson Farms, Section 25, Atlanta Township. Upon a motion by Manager Ista and second by Manager Spaeth, no action was taken on Permit Application No. 4-16-04-5, of Mattson Farms, since the work proposed would not require a permit application. Staff is to notify the owner that a permit is not needed and elevations are to be taken of the existing culvert including its size to verify any future changes not indicated in the application for permit. Carried.

55. Complaints/Investigations/Violations. Managers reviewed a spreadsheet prepared by Dick Sundberg, which provided an update on the current complaints and violations. It was reported that Houston Engineering inspected the work done by Paul Larson who constructed a dike in Section 21, McDonaldsville Township without a permit. A motion was made by Manager Wagner and seconded by Manager Ista to notify Larson of the violation. Carried. In connection with the permit violation of Pazdernik Farms in Section 34, Pembina Township, Mahnomen County, it was reported that Scherpings are continuing to work with the Pazderniks in arriving at a solution. Attorney Opheim will correspond with Kurt Deter, Attorney for Keith Danks, to determine the status of Danks violation and proposed restoration.

It was reported that Duane Erickson owes a remaining balance of \$810 on costs incurred as a result of a violation investigation. Attorney Opheim will be sending a follow-up letter to Erickson. Chairman Seykora is working on the Signe Aune complaint and a meeting is planned for later this spring with the Township officials and Aune. Upon investigation of a complaint filed by Jerry Matter, it was determined that Lloyd Jirava has constructed a ditch without a watershed permit in Sections 30/33 of Popple Grove Township, Mahnomen County. On the same complaint filed by Matter it was reported that David Haugo installed a dry crossing in Section 7 of Popple Grove Township, Mahnomen County. A motion was made by Manager Ista and seconded by Manager Wagner authorizing notification to Haugo and Jirava that a violation has been committed, and they have until May 12, 2004, to submit a restoration plan or after the fact permit application. Carried.

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

57. The meeting was adjourned at 4:00 p.m.

  
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Jim Skaurud, Secretary

## Regular Meeting Minutes

April 14, 2004

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<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
<b>Checking-RAB</b>				
04/09/2004	8145	Clay County Recorder	236 Felton Storage	(5.00)
04/09/2004	8144	Rural Cellular Corp	March Billing	(56.68)
04/14/2004	8147	AmeriPride	Cleaning Services	(27.13)
04/14/2004	8148	Aquila	Utilities	(56.71)
04/14/2004	8149	ARC Lanes	Noon Lunch	(70.00)
04/14/2004	8150	Auto-Owners Insurance	Flood Insurance	(491.00)
04/14/2004	8151	Auto Value/Radio Shack		(97.05)
04/14/2004	8152	City of Ada	Utilities	(248.04)
04/14/2004	8153	Clay County Auditor	Property Tax	(127.02)
04/14/2004	8154	Diane Ista	Per Diem and Expense	(393.12)
04/14/2004	8155	G R Graphics-Supplies		(173.99)
04/14/2004	8156	G R Graphics, Copier	Contract Allowance to 5/10/04	(198.89)
04/14/2004	8157	Gordon Construction	#1845, Proj. #29	(630.00)
04/14/2004	8158	Houston Engineering, Inc.	Engineering Fees	(55,423.92)
04/14/2004	8159	James Wagner, Sr.		(1,143.82)
04/14/2004	8160	JB Associates, Ltd., Inc.	Admin	(19,369.00)
04/14/2004	8161	Jerry Bennett	Printer	(137.78)
04/14/2004	8162	Jim Skaurud	Per Diem and Expenses	(106.71)
04/14/2004	8163	Joe Spaeth	Per Diem and Expense	(333.76)
04/14/2004	8164	Jonathon Olson	Beaver Removal Marsh River Diversion	(525.00)
04/14/2004	8165	Loretel Systems	Phone Billings	(391.36)
04/14/2004	8166	Mahnomen Pioneer	Heiberg Dam Meeting Notice	(9.10)
04/14/2004	8167	Marcussen Accounting	Accounting Fees	(630.00)
04/14/2004	8168	MPCA	Anderson Wetland	(400.00)
04/14/2004	8169	Norman County Auditor/Treasurer	RE Taxes	(681.22)
04/14/2004	8170	Norman County Index	Billings	(687.16)
04/14/2004	8171	North Star Water	Water/Office	(5.00)
04/14/2004	8172	Opheim Law Office	Pazdernik Violation	(106.16)
04/14/2004	8173	PERA	Payroll @ 5.1%	(114.80)
04/14/2004	8174	Petty Cash	Petty Cash	(174.57)
04/14/2004	8175	Reardon Office Equipment, Inc	Fax Toner	(34.07)
04/14/2004	8176	Reed Business Information	JD #56 Bids	(252.12)
04/14/2004	8177	Robert E Wright	Per Diem and Expenses	(411.67)
04/14/2004	8178	Rural American Bank	FICA Withholding, Managers\Wtrshed	(133.87)
04/14/2004	8179	The Union	Heiberg Dam Meeting Notice	(25.00)
04/14/2004	8180	Tim Halle	Press Release, Annual Rep. Site #6	(542.00)
04/14/2004	8181	Trnka Real Estate & Appraisal Svc.	Haskins	(50.00)
04/14/2004	8182	Twn Valley Times	Heiberg Dam Mtg. Notice	(24.49)
04/14/2004	8183	US Postal Service		(478.00)
04/14/2004	8184	Wambach & Hanson	March Billings	(1,921.25)
04/14/2004	8185	Wambach & Hanson Trust Account		(170,689.01)
04/14/2004	8186	Warren J. Seykora	Per Diem & Expenses	(1,701.01)
04/22/2004	8146	US Postal Service	Void Check-Out of Sequence	(60.00)
<b>Total Checking-RAB</b>				<b>(259,136.48)</b>