

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 11, 2005**, 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, Steve Dalen and Joe Spaeth. The following members were absent: None. In addition, the following persons were present: Interim Administrator Mark Aanenson, Engineer Jerry Bents, Publicist Tim Halle, Attorney Elroy Hanson and Loretta Johnson, recording secretary. In addition the following persons were in attendance: Don Vellenga.

3. Chairman Seykora called the meeting to order at 8:35 a.m.

4. A motion was made by Manager Dalen and seconded by Manager Wagner to approve the agenda with the addition of discussions regarding J.D. #51 repairs, flat panel computer monitor; Beach Ridge Storage Area and District payroll. Carried.

5. Mark Aanenson, Interim Administrator introduced himself and gave a brief personal background. Aanenson stated that he would be acting administrator for the District until a full time person is hired for the position.

6. Monthly Meeting Minutes. A motion was made by Manager Dalen and seconded by Manager Ista to table board action on the Meeting Minutes for the April 5, 8, 11 and 13, 2005, meetings until a later date. Copies of the original draft minutes will be provided to Managers. Carried with Manager Skaurud opposed. A motion was made by Manager Ista and seconded by Manager Wright to approve the meeting minutes of the April 25, 2005, Upper Felton Ditch Landowners. Carried.

7. Monthly Financial Report. Consensus of Manager was to table the financial report for April 30, 2005, until the next meeting.

8. 2004 Audit. A motion was made by Manager Dalen and seconded by Manager Skaurud to approve the contract for the 2004 Audit with Drees, Risky and Vallager in the amount of \$5,865 for the basic audit or \$6,450 for a single audit. Carried. Doug Marcussen stated that the trial balance and minutes for the year 2004 have been provided to the firm and the in-house audit will begin the week of May 16, 2005. Managers Ista and Wright abstained from the vote.

9. Monthly Billings. A motion was made by Manager Ista and seconded by Manager Dalen authorizing the purchase of a flat panel monitor with a not to exceed cost of \$800. Carried. A motion was made by Manager Dalen and seconded by Manager Wagner to approve the monthly billings dated May 11, 2005, with the addition of the following: Felton Fireman \$120, Felton Community Center; Nilles Law Firm \$2,588.88; Doug Marcussen Reimbursement for Quick Books Pro Upgrade \$645.29; and the removal of \$350 from the J.B. Asc. invoice in the amount of \$350 for a computer monitor. Carried.

10. Secretarial Services. Managers discussed the procedure for determining working hours for the secretarial staff. Attorney Hanson commented that his assumption was that the new administrator would decide the part time hours needed. Doug Marcussen recommended less than 32 hours per week for part time staff. A motion was made by Manager Skaurud and seconded by Manager Dalen authorizing interim part time secretarial staff to work, less than 32 hours per week. Carried.

11. 2006 Bonding Bill Funding Request. Engineer Bents reported that Dick Nelson, RRWMB, is in the process of determining projects for funding in the next biennium. Bents recommendation was to submit a request for the Upper Felton Ditch Project. A motion was made by Manager Dalen and seconded by Manager Ista to request 50 percent funding in the next biennium for the Upper Felton Ditch Storage Project, which is estimated at \$4.8 Million total. Carried. Manager Wright abstained from discussion and voting.

12. Upper Felton Ditch Storage Project. Engineer Bents reported that he had discussions with Duane Brendemuhl, and although he expressed interest in the project, he was not willing to have the property appraised at this time. The suggestion was made to begin landowner meetings on the project in the near future and provide landowners with information on the proposed project. A motion was made by Manager Wagner and seconded by Manager Spaeth authorizing Engineer Bents and Managers Seykora, Dalen and Ista as alternate, to meet with landowners on the Upper Felton Ditch Project. Carried. Manager Wright abstained.

A motion was made by Manager Wagner and seconded by Manager Dalen approving appraisals on the additional landowner sites, if consent is received from the property owners. Carried. Manager Wright abstained.

A motion was made by Manager Ista and seconded by Manager Skaurud authorizing Engineer Bents to submit a Step I Proposal on Option #3 of the Upper Felton Ditch Storage Project to the RRWMB. Carried. Manager Wright abstained.

13. Farmstead Ring Dikes. A motion was made by Manager Spaeth and seconded by Manager Dalen to award the contracts on the Farmstead Ring Dike Projects: RBR Development in the amount of \$31,524 for the Schreiner Project; Roger Hennen in the amount of \$31,331.50 for the Steve Mjolsness Project; and MPCA in the amount of \$400 each for stormwater permits on the Schreiner and Mjolsness ring dikes. Carried.

A motion was made by Manager Ista and seconded by Manager Wagner authorizing Attorney Hanson to contact landowners Schreiner and Mjolsness requesting abstract on their property to confirm ownership of land on the placement of the farmstead ring dikes. Carried.

14. 2005 Beaver Removal Contracts. A motion was made by Manager Ista and seconded by Manager Dalen to approve a contract with James Wagner, Sr. for removing beaver at a rate of \$20 per hour and mileage reimbursement at \$.405 per mile. The Board of Managers on an as needed basis will determine authorization for the work. Wagner will provide an itemized statement for billing purposes. Manager Wagner abstained. Carried.

15. Nate Dallager and Steve Jacobson arrived at 10:00 a.m.

16. Annual Organizational Meeting. At 10:00 a.m., Chairman Seykora called to order the Annual Organizational Meeting with the first order of business being the election of officers.

17. Vice Chairman Wright called for the nomination of Chairman. Manager Spaeth made a motion to nominate Warren Seykora for Chairman, and moved that the nominations cease and the Secretary cast a unanimous ballot for Warren Seykora. Nominations were asked for three (3) times before nominations ceased. Manager Skaurud seconded the motion. Carried. Warren Seykora was elected Chairman.

18. Manager Skaurud made a motion to nominate Robert E. Wright for Vice Chairman and moved that the nominations cease after asked for nominations three (3) times. The Secretary cast a unanimous ballot for Robert E. Wright. Manager Spaeth seconded the motion. Carried. Robert E. Wright was elected Vice Chairman.

19. Manager Wright made a motion to nominate Jim Skaurud for Secretary, and moved that the nominations cease after nominations were asked for three (3) times. The Chairman cast a unanimous ballot for Jim Skaurud. Manager Spaeth seconded the motion. Carried. Jim Skaurud was elected to serve as Secretary.

20. Manager Ista made a motion to nominate Jim Wagner, Sr., as Treasurer, and moved that the nominations cease after nominations were asked for three (3) times. The secretary cast a unanimous for Jim Wagner, Sr. Carried. James Wagner, Sr. was elected Treasurer.

21. Rotation of Officers. Manager Wagner talked about establishing the policy of rotation of officers on a predetermined basis and felt that this should be a topic of discussion at a future meeting. Attorney Hanson stated that there are various methods of establishing this procedure. A motion was made by Manager Ista and seconded by Manager Wagner to develop a committee for the purpose of considering revisions to the bylaws of the Watershed District and the discussion to be placed on the agenda within three months (i.e. August 2005 Meeting). Carried.

22. A motion was made by Manager Wright and seconded by Manager Ista 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.

23. Citizens' Advisory Committee Appointments. The Board discussed appointments to the Citizens' Advisory Committee. A motion was made by Manager Ista and seconded by Manager Dalen for staff to contact Mark Harless and/or Patty Borgen to determine attendance at the Citizen Advisory Meetings. Staff will provide the information to the Board at which time letters will be sent out to members to determine their interest on continuing working on the committee: Carried.

24. Wild Rice Watershed District Project Team Appointments. Manager Ista requested that she and Manager Wagner switch positions on the Project Team, Ista being appointed as delegate, Wagner as alternate. A motion was made by Manager Seykora and seconded by Manager Wright to approve the change from Wagner to Ista and recommend the following delegates and alternates to the Flood Damage Reduction Project Team: Carried. District staff will 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.
Nan Bischoff	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	Mike Swan	D White Earth Tribe
Mark Chase	D	USFWS	Don Vellenga	D Citizens Group
Curtis Borchert	D	SWCD (Norman)	Paul Hougum	D Prop. Owner
Mark Christianson	A	SWCD (Norman)	Walter Richtsmeier	A Prop. Owner
Aaron Neubert	D	SWCD (Mah.)	Warren J. Seykora	D WRWD
Dennis Johnson	A	SWCD (Mah.)	James Wagner, Sr.	A WRWD
Kevin Kassenborg	A	SWCD (Cl. Co.)	Robert E. Wright	D WRWD
Brad Grant	A	Co. Water Plan	Diane Ista	D WRWD
Don Buckhout	D	MN DNR		

25. Mark Harless arrived at 10:30 a.m.

26. Permitting Process. A motion was made by Manager Dalen and seconded by Ista requesting Engineer Bents to review the current practice and provide some suggestions within the next 3 months on how the WRWD permitting process could be streamlined. Carried.

27. Presentations by Engineering Firms for Consulting Services

28. Nate Dalager, P.E. with HDR Engineering, Inc., Thief River Falls, MN, gave a PowerPoint presentation on a routine river runoff hydrograph, flow measured over time and river routing. Dallager also gave a brief overview of what HDR could offer and indicated that they could bring a fresh perspective on technical information, and add some additional knowledge to what is already available. Dalager stated that he is here to request a chance at a specific project at a competitive price. A copy of the HDR proposal is available for review at the District office. Dalager left the meeting at 10:45 a.m.

29. Rodney Ambrosie, P.E. and Executive Vice President of Wenck Associates, Inc., of Fargo, North Dakota, and Chris Meim, Water Resource Engineer, gave a presentation on their proposal for providing engineering services to the Wild Rice Watershed District. Ambrosie stated that Wenck Associates has a staff of five in the Fargo office, also has a Maple Plain office and utilizes local personnel. Ambrosie stated that he tracks budgets, sets internal deadlines and maintains project control on a weekly basis. They try to use innovative ways to get the job done faster and better. Chris Meim, provided additional information stating that they have a commitment to their clients, and could provide additional insight to the District, as a supplement to the current engineering firm. A copy of the Wenck Associates proposal is available for review at the District office. Ambrosie and Meim left the meeting at 11:10 a.m.

30. At 11:10 a.m. Jerry Bents, Jeff LeDoux and Lawrence Woodbury, Houston Engineering, Inc., presented a proposal for engineering services. Woodbury stated that he came to the District in 1974 and worked on one of the very first projects. Most recently the firm has worked on the Lazarus Creek Flood Control Project. Jeff LeDoux stated that the Houston Engineering, Inc. has unlimited background knowledge of the Watershed District and activities, and provides a cost savings by knowing landowners, property locations and local and national contractors. LeDoux stated that there are additional cost savings by working with only one firm. A copy of the Houston Engineering Inc., proposal is available for review at the District office. LeDoux, Woodbury and Jerry Bents left the meeting at 11:25 a.m.

31. Curtis Borchert, Aaron Neubert and Pete Revier arrived at 11:10 a.m.

32. Chuck Hopwood, Ryan Braulick, Daniel McNamee, and Terry McCollum arrived at 11:25 a.m.

33. Norman/Mahnomen SWCD Proposal. Pete Revier, Mahnomen County SWCD supervisor, and Aaron Neubert, Mahnomen County SWCD and Curtis Borchert, Norman County SWCD, gave a presentation of a proposal for a Super District. Revier stated that he felt this is a unique situation where both the Mahnomen and Norman County SWCDs are within the Wild Rice Watershed District. Review felt that the super district concept proposal could provide administrative, engineering, legal, accounting and publicity services for the Wild Rice Watershed District, streamline the permitting process and make more efficient use of taxpayer dollars. Revier stated that a Joint Powers Board would need to be formed. Manager Spaeth asked if forming the super district would still coincide with watershed district law. Revier stated that there are some SWCDs in Minnesota who are administering Watershed Districts at this time. Revier stated that they have not had a considerable amount of time yet to work on this and there are additional questions that would need to be answered. Manager Ista felt it was a good discussion. Manager Skaurud stated that it is a good concept but felt that at this time, the Wild Rice Watershed District needs an administrator. Attorney Hanson stated that the Norman and Mahnomen County SWCDs could submit a proposal for administrative duties if they desire. Manager Ista questioned if the current proposal included Mahnomen County pursuing the administrative position at the Watershed District at this time. Revier stated that he couldn't answer that question at this moment and thanked the Board of Managers for the consideration given for their proposal. A motion was made by Manager Ista and seconded by Manager Dalen authorizing a letter be sent to the Mahnomen and Norman County SWCDs from the Watershed District stating that the Board of Managers supports the Super District concept. Carried. Revier, Neubert, Borchert, McCollum and McNamee left the meeting at 12:00 p.m.

34. Upon review of the engineering proposals submitted a motion was made by Manager Dalen and seconded by Manager Skaurud, to approve Houston Engineering, Inc. for the 2005-2006 consulting engineering services. Carried. A copy of the proposal and fee schedule is on file at the District office.

35. A motion was made by Manager Skaurud and seconded by Manager Wagner to accept the proposal by Tim Halle to provide press releases and public information coverage. Carried. A copy of the proposal and fee schedule is on file at the District office.

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

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

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

39. The proposal from J.B. Asc, for contracting consulting services was discussed. Upon a motion by Manager Wright and second by Manager Spaeth, the proposal of J.B. Asc. for consulting services was tabled until after a new administrator is hired. Carried.

40. Mowing proposals were discussed and a motion was made by Manager Ista and seconded by Manager Dalen to accept the proposal of Rodney Erickson in the amount of \$15 per job, for lawn mowing of the office property. Carried.

Warren Olson, Mick Alm, Jerry Bitker, Curt Jacobson, Chad Aldrich arrived at 1:00 p.m.

PERMIT APPLICATIONS

41. Norman County Highway Department, CSAH #19, Grading, Sections 23-24 Anthony Township and Section 19 of Pleasant View Township. Jerry Bitker provided comments stating that he did not have a problem with the permit however he was concerned about the north side of Section 21/22 of Anthony Township have increased sloughing as a result of the project and asked whose responsibility this would be and who would address the problem. Engineer Bents stated that usually the roadside of a ditch is the responsibility of the road authority. County Commissioner, Warren Olson stated that the plan is not to disturb the ditchbank; the reason for moving the road is to get it away from the ditch. Olson stated that the ditchbank would not be changed. Upon a motion by Manager Skaurud and second by Manager Wright, Permit Application No. 4-15-05-05 of the Norman County Highway Department for the regrading of CSAH #19 and installing new culverts as per plans Sections 23-24 of Anthony Township and Section 19 of Pleasant View Township was approved. Manager Ista opposed. Carried.

42. Norman County Highway Department, Section 21/22 Anthony Township. Upon a motion by Manager Spaeth and second by Manager Wagner, Permit Application No. 4-15-05-04 of the Norman County Highway Department to grade roadway and ditches and install new culverts as per plans was approved with the following conditions: "Approved as per plans dated 2-18-2005 with the following changes as set forth by Clint Rasmusson at the 5-11-2005 meeting. Station 499+96 FE. ENT. LT to be installed as a "dry" crossing. Drainage along the north side of the roadway from that point and east will be graded to drain east and then north to WRWD Project 30. The Norman County Highway Department will provide revised plans to the WRWD indicating these changes." Carried.

43. Jerry Bitker, Aldrich and Olson left the meeting at 1:30 p.m.

44. Lockhart Flood Storage Project. Upon a motion by Manager Ista and second by Manager Skaurud, the proposal by Peterson Brothers for mowing at a price of \$100 per year, on the Lockhart Flood Storage Project was approved. Carried.

Engineer Bents reported that the Lockhart Flood Storage Operating and Maintenance (O & M) Plan states that from December 1 through May 1, the gate is closed; from May 1 through November the gate is to be fully open. Technician Mike Buerkley opened the gate on May 1, at which time Jon Peterson stated that he closed the gate and placed a lock on it. Manager Ista stated that Jon Peterson contacted her and discussed the operation of the gate. Peterson stated that he was concerned about downstream flooding. Manager Wagner stated that he has watched the project over the years and there is never any water down by the dam structure. Engineer Bents stated that as part of operating the system, it was agreed on by Petersons that they would monitor the rain gage and keep records of rainfall events. Bents stated that this would be beneficial for the District to provide to permitting agencies. Manager Skaurud suggested that Manager Ista provide Petersons with a copy of the monitoring plan and make it clear to them that this is a District project and the District's liability. Ista commented that she could provide written comments to Petersons notifying them that the District cannot at this time change the O & M Plan and it must be followed. Engineer Bents stated that the gate has also been vandalized with the stop cut off.

A motion was made by Manager Wagner and seconded by Manager Wright authorizing staff to coordinate with a contractor to replace the stop on the gate on the Lockhart Flood Storage Project. Carried.

A motion was made by Manager Wagner and second by Manager Wright authorizing Manager Ista to notify Petersons that the chain lock on the gate of the Lockhart Flood Storage Project needs to be removed and also Ista to meet with Petersons. Carried.

45. Perry Ellingson arrived at 2:00 p.m.

PERMIT APPLICATIONS

46. Darcy Braaten, Install Field Crossing, Section 25, Felton Township, Clay County. Engineer Bents stated that a hydraulic analysis of the pipe sizing would be necessary before the Board of Managers could take any action. A motion was made by Manager Ista and seconded by Manager Wright to table the permit application of Darcy Braaten and authorizing Engineer Bents to provide Braaten with a listing of the specific hydraulic information that is necessary. Carried.

47. Green Meadow Dam. Engineer Bents reported that the appraisal for the seven tenths (.7) of an acre parcel of land owned by Ed Ramstorf and needed as part of the construction on the dam has been completed by Les Trnka for a lump sum of \$1,850. The original dam is not on the DNR's dam safety list. Mark Aanenson will contact the Norman County SWCD regarding the Wetlands Conservation Act (WCA). Aanenson stated that there are WCA exemptions if the wetlands were created as a result of the dam. Estimated cost of construction is \$127,815, which does not include the land acquisition. Aanenson stated that in discussions with Ed Fick, MN DNR, a 50 percent cost share or \$114,000 funding would be available from Minnesota State bonding with a timeline of until June 30, 2007, to spend the funds. Attorney Hanson stated that a hearing date should be set with a 30 day time period between mailing of the hearing notice and the hearing date. At the hearing the Board would formally adopt the Engineer's report and adopt the appraisal as a basis of establishing the land payment rate.

A motion was made by Manager Ista and seconded by Manager Skaurud to appoint the Board of Managers of the Wild Rice Watershed District as viewers on the Green Meadow Dam project and establish the rate of payment for land on the Green Meadow Dam Repair Project, per appraisal of Les Trnka. Carried.

Engineer Bents suggested talking to the landowners in the construction area with whom the District will need easements. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing Warren Seykora to meet with landowners within the construction area and Attorney Hanson to prepare an easement for execution by property owners who are agreeable at the time of the meeting. Carried.

A motion was made by Manager Spaeth and seconded by Manager Wright to schedule the hearing on the Green Meadow Dam Repair Project for 9:00 a.m. on Wednesday, June 29, 2005, at the VFW Meeting Room, Ada, MN. Carried. All property owners assessed on Project #30 will receive written notification of the hearing; property owners within the construction area will be provided a copy of the existing easement document.

Managers discussed the option of providing Grieve with compensation for his pastureland. Attorney Hanson stated that it appears to him that the District already has rights for the proposed project on the Grieve property as a result of the existing easement. Manager Ista questioned if this should be addressed at the hearing? Attorney Hanson stated that there is not a legal obligation for compensation, but members of the board may want to meet with Grieve prior to the hearing.

A motion was made by Manager Ista and seconded by Manager Wagner to accept the Engineer's Report for the Green Meadow Dam Repair Project. Carried.

48. Grass Buffer Strip Seeding Contract. A motion was made by Manager Wright and seconded by Manager Skaurud authorizing contractor Dale Berhow's contract for seeding of grass buffer strips on the following projects at a rate of \$350 per acre or \$4,200: Clay County Ditch #45, Lat. #1; Project No. 23, County Ditch #34, Lat. #1; Project #3, County Ditch #20; Judicial Ditch #53, Lat. #1; and Judicial Ditch #56. Carried.

49. Clay County Ditch #14. A motion was made by Manager Wright and seconded by Manager Spaeth to schedule a meeting with Georgetown Township officials on Clay County Ditch #14. Carried.

50. Sande Detention. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing investigation by Engineer Bents and moving forward with the repair to the Sande Detention Project. Carried.

51. A.C. Heiraas, Attorney Zenas Baer and Alan Christensen arrived at 2:45 p.m.

52. Clay County Ditch No. 18. A motion was made by Manager Spaeth and seconded by Manager Wagner authorizing an informational meeting at 7:00 p.m. at the Ulen VFW Meeting Room, for landowners on Clay County Ditch #18 for the purpose of discussing costs for repairs and beaver control. Chairman Seykora will contact the Ulen VFW for a date. Carried.

53. Upper Reaches Project. A motion was made by Manager Wagner and seconded by Manager Spaeth authorizing staff to do an investigation and repair in the request by Billy Tommerdahl into the dike settlement in the NE ¼ of Section 35, Hegne Township and sediment causing an outlet culvert blockage. Carried.

54. Project No. 19. A motion was made by Manager Ista and seconded by Manager Wright to investigate a request by Ed Miller for the replacement of a culvert and repair to the low water crossing in the Section 18 SW ¼ of Winchester Township. Also authorized is repair of the culvert and crossing with a not to exceed cost of \$2,500. Carried.

A motion was made by Manager Ista and seconded by Manager Wagner authorizing an investigation into the request by Wayne Stevenson for ditch maintenance, i.e. trees, cattails and sediment removal in Sections 28 and 29 of Rockwell Township on Project No. 19. Carried.

55. Project No. 9, Repair Request of the SE ¼ of Section 8, Hagen Township. Manager Wright provides no discussion or voting regarding this topic. At 3:00 p.m. Attorney Zenas Baer, A.C. Heiraas, Raymond and Helen Renfrew and Alan Christensen met with Managers to discuss the repair request by A.C. Heiraas in Section 8 of Hagen Township. Engineer Bents stated that the location of the proposed repair is on Project No. 9, in the SE ¼ of Hagen Township, Clay County, along County Road #40, four miles east of MN State Highway No. 9 and four miles south of County Road #39. The proposed repair generally consists of back-sloping and installing riprap slope protection throughout the entire reach between Station 100+00 and the bridge on CSAH No. 40 (122+50).

Bents stated that the estimated construction costs are \$198,880, with total cost of the proposed repair at \$236,780. This estimate does not include additional right-of-way acquisition, permanent and temporary, hydraulic analysis and costs incurred to date. Current FEMA funding from the 2002 flood event is at \$85,000 with the balance of the costs being covered by the project. These costs are for the south side of the riverbank; the only part in his opinion that is a repair.

Attorney Baer stated that A.C. Heiraas is requesting that dirt be taken out of the north side of the channel to remove the constriction and placed on the south side of the channel. Attorney Baer requested that the Managers exercise their authority as a board and take the artificial choke point of the river, remove the weir out of the bridge as part of the repair project. Baer's estimate of costs was between \$60,000 to \$80,000, probably about nine (9) cents per acre for landowners, suitable to protect downstream landowners.

Chairman Seykora stated that as a review for those unable to attend the hearing, the determination of Engineer Bents, Attorney Hanson and Managers was that the removal of the dirt on the north side of the riverbank constitutes an improvement and not a repair. Attorney Hanson stated that resloping of the bank would be a repair but realignment of the north bank is an improvement. Hanson stated that an improvement couldn't be done under the guise of a repair. Bents went on to further say that there is a way to accomplish this clearly under Minnesota statutes, which would constitute an improvement. Landowners could petition for an improvement, if the project moves forward all costs are incurred by the project. An adequacy outlet analysis would be necessary and the only problem could be approval by the Mn DNR. Attorney Baer stated that he has photos taken in 1980, which showed the project and that from the standpoint of semantics, if you are going to do repair, is requesting that it be repaired to the condition of 1980. Baer stated that the District, under the guise of a repair is taking more of A.C. Heiraas' property, from him in resloping and if this had been a ditch project, you wouldn't be able to do it that way; why treat this different than a ditch project. Baer stated that since this project was converted in 1976 to Project No. 9, it is no longer a river and should be looked at like a ditch and restored as a ditch. Baer stated that what they are asking for is the removal of a little bit of constriction, a choke point and source of future erosion that should be looked as a part of the repair. Manager Ista stated that she does have concerns about the sediment traveling to the Red River, however watershed district engineering and legal consultants are saying it is an improvement. Ista asked Attorney Baer why he did not answer her question on the reason that A.C. Heiraas is not petitioning for an improvement. Attorney Baer stated that in his opinion engineering used the definition for drainage systems in MN Statute 103E.701. Baer stated that this

is a flood control project and his opinion was that MN Statute 103D.635 applies to flood control projects and allows for repairs exceeding normal maintenance on projects. If there is a need to repair or restore the project to bring it back to the way it was as originally constructed, we are asking that it be repaired under 103D.635. Chairman Seykora stated that the Managers rely on the expertise of engineering and legal counsel. Manager Skaurud concurred with Seykora. Alan Christensen stated that additional rock placed 295 feet from the new county bridge was discussed at the hearing and questioned the cost. Chairman Seykora stated that landowners on the system pay for the funding for the project. Seykora asked for a motion from the Board for one of the four options: 1) order in the repair report as presented at the hearing; 2) order in the repair report as presented at the hearing with additional riprap with either a not to exceed cost or a determined number of feet; 3) Attorney Hanson stated that if the Board found any component of the repair to be on the north side of the river the repair report could be amended to include the additional repair on the north side; 4) dismiss the proceeding.

A motion was made by Manager Spaeth and seconded by Manager Skaurud to approve the Engineer's Repair Report to include the extra riprap for the additional price of either/or a not to exceed cost of \$10,000 or a distance of 300 feet, with riprap to the full bank site. Carried. Manager Ista opposed. Manager Wright abstained.

A motion was made by Manager Ista and seconded by Manager Wagner authorizing Accountant Marcussen and Attorney Hanson to work with a bonding agency for the project and Chairman Seykora to execute the bonding documents. Carried. Manager Wright abstained.

A motion was made by Manager Wagner and seconded by Manager Spaeth to accept the Viewers' Report on the SE ¼ of Section 8, Hagen Township, Clay County. Carried. Manager Wright abstained.

A motion was made by Manager Ista and seconded by Manager Skaurud to proceed with plans and specifications for the repair project in the SE ¼ of Section 8, Hagen Township, Clay County. Carried. Manager Wright abstained.

56. Attorney Baer, A.C. Heiraas and Helen and Raymond Renfrew left the meeting at 4:00 p.m.

57. Heiberg Dam. Engineer Bents provided an update to the Managers on the Heiberg Dam project. Bents stated that the USFWS will not approve grant until the Environmental Assessment is completed, is published and the 30 day appeal period has passed. The plans and specifications are complete, and recommended that the Managers wait until June to advertise for bids on the project.

Attorney Hanson reported on correspondence received from Juel and Bjorn Furuseth in which they stated they were tribal members and trustees of the Pembina Nation Little Shell Band of North America, and the subject land is the property of the Little Shell Band. Furuseths contend that they have water rights, the same as mineral rights for which there is no time limit and they intend to install turbines and generators. Further, they contend that it is not necessary for them to apply for a Watershed District permit to install the turbines and generators; rather the District has to apply for a permit from the Indian Nation. Furuseths also stated that financial compensation is not hypothetical as indicated at the Watershed District meeting, because the capacity is established and on record with Ottertail Power. Attorney Hanson stated that he did some research into the Little Shell Band of North America and stated that they are not a federally recognized tribe. The original property of the Little Shell Band was from the Red River westerly and did not include the Heiberg Dam property. Hanson stated that he found nothing with any credibility and a recent case handed down brought to a lawsuit in North Dakota was thrown out of court. There is not a claim to the Heiberg Dam real estate, or are there any water rights. Attorney Hanson also stated that the income described by Furuseths for generating electricity is highly speculative. Hanson recommended that although the District has an easement for the property on the north side that they obtain a quitclaim deed from the

City of Twin Valley for an undivided one-half interest in the property. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing Attorney Hanson to contact the City of Twin Valley and request a quit claim deed for an undivided one half interest in the property. Carried.

Attorney Hanson also stated that the Managers might want to bring this action before the courts and request a declaratory judgment to declare District rights.

58. Reconvened Meeting Date. A motion was made by Manager Ista and seconded by Manager Spaeth to schedule the reconvened meeting at 8:30 a.m. on Monday, May 16, 2005, at the District office. Carried.

59. Project No. 4, Becker Dams. A motion was made by Manager Spaeth and seconded by Manager Skaurud approving the request by Tom Bergeron for beaver and beaver dam removal in Section 6, Riceville Township, Becker County. Carried.

60. Upper Reaches Project, Brian Borgen Request. A motion was made by Manager Ista and seconded by Manager Wright authorizing survey of Section 13, McDonaldsville Township and Section 18, Lake Ida Township, as requested by Brian Borgen for a cleanout at the concrete weir structure. Carried.

61. Norman County 2002 Rural Acquisition, FEMA #1370. A motion was made by Manager Ista and second by Manager Wagner to approve the request by Brian Borge to grant him an extension for the removal of a garage and shed until August 15, 2005, per an agreement drawn up by Attorney Hanson and executed by Borge. Carried. A motion was made by Manager Wright and seconded by Manager Wagner to approve a Change Order Option B in the amount of \$5,500. Carried.

62. Interim Administrative Services. Upon a motion by Manager Ista and seconded by Manager Wagner to approve the contract with Houston Engineering, Inc. for Interim Administrative Services for the Wild Rice Watershed District. Carried. Copies of the contract are available at the District office.

63. Personnel Manual. Manager Wright stated that he and Attorney Hanson have been working on the Personnel Manual. Hanson stated that he contacted the Red River Basin Board and they agreed to provide a copy of their manual to Hanson via email for utilization by the Managers.

64. Chairman Seykora recessed the meeting at 5:10 p.m.

MAY 16, 2005 RECONVENED MEETING

65. Chairman Seykora reconvened the meeting at 8:30 a.m. on Monday, May 16, 2005. The following members were present: Joe Spaeth, Bob Wright, James Wagner, Sr., Diane Ista and Jim Skaurud. The following members were absent: Steve Dalen. In addition the following persons were in attendance: Attorney Elroy Hanson, Engineer Jerry Bents, Interim Administrator Mark Aanenson and Recording Secretary Loretta Johnson.

66. A motion was made by Manager Wagner and seconded by Manager Skaurud to approve the agenda with the following additions or corrections: No action by the Managers on the minutes will be taken at this meeting. Carried.

67. Meeting Minutes. Chairman Seykora suggested due to a concern regarding minutes, Secretary Loretta Johnson mail out originals for the April 5, 8, 11 and 13, 2005, meetings, for review and action by the Board of Managers at an upcoming meeting. A motion was made by Manager Skaurud and

seconded by Manager Wright to table action on the meeting minutes for April 5, 8, 11 and 13, 2005, until a later date. Carried.

68. Citizen Advisory Committee Appointments. Administrator Mark Aanenson stated that he contacted Mark Harless and Patty Borgen for attendance records on previous Citizen Advisory meetings and distributed a compiled listing. Aanenson stated that there was not an attendance record for December of 2004; however, he used names included in the minutes for members present. Aanenson also distributed copies of MN Statute 103D that related to the appointment of committee members. Aanenson said that in discussion with Mark Harless, he had requested a meeting in June. A motion was made by Manager Wright and seconded by Manager Skaurud authorizing a letter be sent to Commissioners in each county within the Watershed District except Polk, which is a very small portion, and all County Soil and Water Conservation Districts, including Clearwater, asking them to recommend an appointee to the Citizen Advisory Committee from each prospective county. Responses will be requested by July 8, 2005. Carried.

69. COE Wild Rice River Feasibility Study (WRRFS), J.B. Asc. Contract. Attorney Hanson discussed whether the separate contract that J.B. Asc., had with the COE for the Feasibility Study was terminated concurrently with the District contract. Attorney Hanson suggested that Jerry Bennett be notified that the balance of his COE contract terminated at the same time as his contract with the District. Hanson stated that when Bennett resigned that basically terminated the COE WRRFS contract. Hanson stated that when Attorney Hummel, representing Jerry Bennett, stated that he was terminating his contract, Hanson's assumption was that the COE contract was terminated at the same time. Manager Wagner agreed with Hanson. A motion was made by Manager Ista and seconded by Manager Wright authorizing Attorney Hanson to notify Jerry Bennett that the COE contract with J.B. Asc., was considered terminated at the same time as the District contract. Carried.

70. Larry, Marvin, and Jon Peterson, Dwight and Charlie Bitker, Curt Jacobson and Mick Alm arrived at 9:30 a.m.

71. Upper Reaches Project. Attorney Hanson discussed the District's right of way on the Upper Reaches Project. Hanson stated that some of the easements have a specific width from the center of the channel. The question was raised, does the width of the easement expand as the channel expands. Hanson stated that it is a possibility. Hanson stated that he believes the District should continue to maintain the present rights that they have. Engineer Bents questioned what contractors should be advised when working on the levees, regarding the District right-of-way. Attorney Hanson stated that the District would claim that the right-of-way is 175 feet from the center of the river. Hanson also recommended that this be noticed in newspapers not unlike township notices that state they have a set amount of right-of-way from the center of roadways, although there is not a corresponding law in Watershed District statutes. Attorney Hanson suggested giving notice to all landowners on the Upper Reaches Project along with a location map, where the District right-of-way is established. A motion was made by Manager Wagner and seconded by Manager Spaeth stating that the District is taking the legal position that they have 175 feet of right-of-way from the centerline of the Wild Rice River on the Upper Reaches Project. Attorney Hanson will prepare the language for such. Carried.

72. Lockhart Flood Storage Project. Manager Ista reported that she met with Petersons on May 11, 2005, and indicated that the bar on the gate for the 8-inch closing is missing. Jon Peterson is aware of the Operation and Maintenance Plan (O & M), but has concerns about Bitkers being flooded out. Also discussed was the fact that Norman County Ditch #5 has a lot of cattails in the ditch, which prevents good drainage. Mick Alm stated that the county highway department does not do cleanout of road ditches, but does allow landowners to do it on county roads, with a watershed district permit. Manager Ista inquired if Peterson was provided with an O & M Plan, and also informed him that he is

in violation for closing the gate. Jon Peterson distributed photos taken at the outlet structure and also rain gauge data that he has been collecting. Engineer Bents stated that the O & M Plan was set based on the original project funding and based on the wetland impact. Curt Jacobson felt that the guidelines for the project should have stated that the outlet structure was based on a two-foot bounce. Manager Skaurud felt that it was important for the District to work on changes to the O & M Plan. Engineer Bents suggested that if the Board of Managers would like to see changes to the plan it would be a good idea to present it to the Project Team. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing Engineer Bents to compile data received from Jon Peterson and schedule a time on the June Project Team agenda to discuss proposed changes with members. Carried.

Discussion continued regarding the fact that Bitkers have flooding problems in this area. Mick Alm stated that maybe the outlet ditch up to Highway #9, should be evaluated for adequate drainage of the impoundment and to prevent downstream landowners from the project flooding. Larry Peterson stated that they want to work to correct the problem and avoid dissention with downstream landowners. Bitkers questioned if they could put traps on the culverts to prevent water backup into their fields.

A motion was made by Manager Spaeth and seconded by Manager Wright to notify Peterson Brothers that the O & M Plan must be followed until a time in which a change or amendment is approved by the Project Team. Carried.

A motion was made by Manager Seykora and seconded by Manager Spaeth authorizing Interim Administrator Mark Aanenson and Managers Ista and Skaurud to meet with Peterson Brothers on site with new padlocks and keys for the gate structure. Carried.

73. Attorney Hanson left the meeting at 10:25 a.m.

PERMIT APPLICATIONS

74. Sundal Township/Eugene Hanson, Section 28, Sundal Township. A motion was made by Manager Spaeth and seconded by Manager Skaurud to table the permit application of Sundal Township/Eugene Hanson to increase the culvert size from 24 inches to 36 inches in Section 28 of Sundal Township. Notification will be provided to adjacent landowners for input to the Board of Managers prior to action being taken. Carried.

75. City of Ada, Section 9, McDonaldsville Township. Upon a motion by Manager Wright and second by Manager Wagner, Permit Application No. 5-16-05-1 of the City of Ada to install Storm Sewer structures along J.D. #51 and Highway #9, in Section 9, McDonaldsville Township, was approved with the following conditions: Any future maintenance, repair, or relocation will be the responsibility of the City of Ada (i.e. if slope stability problems occur, the city will be fully responsible to repair slope failures, if future maintenance activities by the WRWD result in the need to relocate the manholes from the WRWD R/W, the city will be responsible for this relocation,...) Carried.

76. City of Gary, Section 16, Strand Township. Manager Skaurud reported that he was contacted by the City of Gary regarding a permit application to install an 18-inch culvert with a trap in Section 16, Strand Township, to alleviate water problems within the city. The recommendation by Engineer Bents was to table the permit until engineering review. A motion was made by Manager Ista and seconded by Manager Wright to approve the City of Gary Permit Application No. 5-16-05-2 contingent on Engineer Bents recommendation for approval. If upon further investigation by Bents it is determined that he cannot recommend approval, notification is to be sent to adjacent landowners and the permit will be reviewed by the Board of Managers at a future meeting. Carried.

77. Paul Larson, Section 28, McDonaldsville Township. Upon a motion by Manager Wagner and second by Manager Wright, Permit Application No. 5-16-05-3 of Paul Larson to raise his ring dike in Section 28, McDonaldsville Township, was approved. Carried.

78. Peter Steen, Section 6 Anthony Township. Upon a motion by Manager Wright and second by Manager Skaurud, Permit Application No. 5-16-05-4 of Peter Steen to construct a new ditch in Section 6 of Anthony Township was approved with the recommendation that the applicant contact the NRCS for approval under the USDA farm program. Carried.

79. Rick Oberg, Section 17, McDonaldsville Township. Upon a motion by Manager Wagner and seconded by Manager Ista, Permit Application No. 5-16-05-5 of Rick Oberg to remove a field crossing in Section 17, McDonaldsville Township was approved with the condition that the property owner sign on the permit. Carried.

80. Lawrence Arndt, Section 6, Flowing Township, Clay County. Upon a motion by Manager Wagner and second by Manager Wright, Permit Application No. 5-16-05-6 of Lawrence Arndt to install a field crossing in Section 6, Flowing Township, Clay County, was approved with the condition that no flap gate be installed on the north end of the culvert. Carried.

81. Violations/Complaints. Regarding the violation of Harold Bergstrom in Sections 13 and 24 of Rockwell Township, Warren Seykora reported that he contacted Earl Johnson, MnDNR, who is in the process of scheduling a meeting with Bergstrom. Consensus of Managers was to table any watershed district action until a recommendation is received from Johnson. Manager Wagner reported that one of the culverts removed by Brian Borgen in Section 3, Mary Township, was replaced, but one more needs to be put back in place. Engineer Bents stated that Attorney Hanson is working on the Vik violation in Section 36, Hegne Township. Engineer Bents stated that he would contact the USFWS regarding the Pederson Brothers violation in Section 7, Gregory Township, Mahanomen County, to determine the status of the violation. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing notification to Kenny Visser regarding final payment for fees incurred as a result of the violation in Section 21, McDonaldsville Township. Manager Wagner opposed. Carried.

82. Secretarial Interviews. A motion was made by Manager Skaurud and seconded by Manager Seykora to table the hiring of permanent secretarial staff until new administration is in place. Upon the chairman calling for a vote, the motion passed with Managers Wright and Ista opposed. Carried.

Discussion was also held regarding Board members participation in reviewing job applications for administrative personnel. Manager Ista stated that all board members should review the applications. Manager Wagner stated that he felt full participation by everyone on the board is necessary. Manager Skaurud expressed concerns about the privacy of the applicant. Manager Ista stated that government agencies have a responsibility in making certain things public information. Interim Administrator Mark Aanenson stated that there appears to be two separate issues; delaying hiring secretarial staff until new administration is employed and open or closed meetings when reviewing the applications for the administrative position.

83. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing Accountant Marcussen to notify all secretarial applicants that the positions will not be filled until the Administrative position is filled. Carried. A motion was made by Manager Wagner and seconded by Manager Wright authorizing Loretta Johnson to contact Ray Bohn, MAWD, and request that he place the administrative application on the MAWD web site. Carried.

84. Project No. 30, Green Meadow Dam. A motion was made by Manager Ista and seconded by Manager Wagner to schedule the Green Meadow Dam hearing for 9:00 a.m. on Wednesday, June 29, 2005, at the VFW Meeting Room, 415 West Main Street, Ada, MN. Carried.

85. COE Wild Rice River Feasibility Study (WRRFS). Interim Administrator Mark Aanenson stated that he will be getting an update from Kurt Deter on the status of the legal portion of the WRRFS. Engineer Bents recommended scheduling a coordination meeting with COE staff and Watershed District committee members in St. Paul in the near future. Bents agreed to contract Nan Bischoff to determine a time that would be convenient. A motion was made by Manager Ista and seconded by Manager Wright authorizing committee members Skaurud, Seykora and Ista and Engineer Bents attendance at a COE WRRFS coordination meeting in St. Paul. Carried. A motion was made by Manager Ista and seconded by Manager Wright authorizing Engineer Bents to take over the balance of the J.B. Asc. contract with the COE. Carried. Bents stated that he would probably utilize in house staff for this purpose.

86. Moccasin Creek Storage Investigation. Engineer Bents reported that he received the survey data from the Norman County SWCD on the Moccasin Creek Storage Investigation. He will be compiling this information before preparing an Opinion of Probable Cost for field surveys and plan profiles for Sections 22, 23, and 26 of Flom Township and Sections 7 and 12 of Walworth Township.

87. FEMA Coordination Meeting. Engineer Bents stated that a time extension was submitted to FEMA for Clay County Ditch #18, Low Water Crossing and Heiberg Dam. A motion was made by Manager Wright and seconded by Manager Skaurud authorizing execution of the time extension. Carried.

88. Red River Water Supply (RRWS) 2005 Storage Investigation. Engineer Bents distributed a report on the Red River Water Supply Project – Drought Analysis Evaluation for Managers review. The report gave a brief background including project location maps. The concept was originally identified by the WRWD Board at a series of special Flood Water Storage Meetings. (A copy of the report is attached at the end of these minutes.) The conclusion stated that the concept of storage at the base of the beach ridge is a viable option for flood water retention on a smaller scale, however the large scale versions analyzed are likely not feasible for providing both water supply and flood storage. It further stated that the Bureau of Reclamation and the Garrison Diversion Conservancy District are in the process of preparing an Environmental Impact Statement on the Red River Valley Water Supply Project. The purpose of the project (as stated on their website) is to identify reliable sources of water of sufficient quantity and quality to supply homes, businesses, industries, wildlife and recreation in the Red River Valley within North Dakota through at least the next five decades. The report concluded with Bents stating that if the Board of Managers so desires, they would forward the information from the analysis to the Bureau of Reclamation for consideration as an option in the on-going Red River Valley Water Supply Project EIS.

Engineer Bents also stated that Managers Wagner, Wright and Ista met with the Fargo and Moorhead mayors to provide them with the concept and information. Managers felt that they were very receptive at the meeting. Manager Wright stated that the Mayors requested the Watershed District Board pass a resolution requesting the Red River Basin Commission to investigate this project. Engineer Bents stated that moving forward with the project would be a board decision, but he felt it is not feasible due to being cost prohibitive, large number of building sites and the magnitude of land involved. A motion was made by Manager Wright and seconded by Manager Ista to pass a resolution to the Red River Basin Board requesting consideration for this project. Carried. Engineer Bents stated that he would provide the report and information to the Bureau of Reclamation.

89. Project Maintenance. Engineer Bents discussed procedure regarding repair and maintenance requests that come into the District office and an attempt to establish policy in an effort to move

these requests along quicker, smoother and in a timely fashion. A motion was made by Manager Ista and seconded by Manager Wagner authorizing administrative staff to investigate and coordinate existing project repairs with a not to exceed cost of \$3,500. Information regarding the repairs will also be provided to the Managers. Carried.

90. Clay County Ditch #18. A motion was made by Manager Spaeth and seconded by Manager Wright scheduling a landowner informational meeting for 7:00 p.m. on Thursday, June 9, 2005, at the Ulen VFW Meeting Room. The purpose of the meeting is to discuss the financial status of the ditch system and repairs and maintenance. Carried.

91. 2002 Twin Valley Hydrograph Analysis. Manager Ista requested that Engineer Bents be authorized to prepare a hydraulic analysis of the 2002 Flood Event at the Twin Valley Gage Site. Discussion entailed regarding the value and necessity of this information. A motion was made by Manager Ista and seconded by Manager Wagner to authorize Engineer Bents to compile the information. Managers Spaeth, Seykora and Skaurud voted no. Managers Ista, Wagner and Wright voted yes. Motion died due to lack of a majority.

92. Open Meeting Discussion. Attorney Hanson joined the meeting via teleconference to discuss whether a board meeting can be closed to discuss applicants for the administrative position. Hanson stated that the meeting is open but names are not used when discussing the applicants, until they become finalists. Finalists are defined as one who is to be interviewed. Hanson stated that information from the Minnesota Supreme Court stated that the open meeting is not an exception, but the names remain private, there is a distinction. Manager Ista felt that all board members should have the applicant information and Manager Skaurud raised concerns about exposing the names of the applicants prior to being finalists. Attorney Hanson reiterated the fact that the names are private data until they become finalists, but the meeting is open.

93. Violations. Attorney Hanson stated that he received correspondence from Deputy Jeremy Thornton, regarding the Vik violation and he indicated that Vik has restored the damages. Regarding the Brian Borgen violation, Hanson suggested that Mick Alm, County Engineer, should be contacted. Manager Wagner stated that the violation is also within the District's 175-foot right-of-way. Attorney Hanson stated that he would contact Deputy Thornton with that information. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing Attorney Hanson to contact Engineer Alm to discuss the violation by Borgen. Carried. Engineer Bents stated that he would also contact the MN DNR to determine if they are acceptable to the restoration.

94. Red River Watershed Management Board (RRWMB) Report. Manager Ista gave a report on the RRWMB meeting. Ista stated that Wayne Goeken gave a presentation on water monitoring. Ista stated that Goeken is seeking assistance with the river monitoring program in funding and leadership. Manager Wagner stated that the water quality information may be prudent, but it is not provided to the public. Manager Seykora felt that the District should purchase the equipment for use by the local schools and other Districts or Soil and Water Conservation Districts. It was agreed that Interim Administrator Aanenson work with Wayne Goeken and arrange for a presentation at a future meeting.

A motion was made by Manager Wright and seconded by Manager Seykora authorizing a change in the delegates to the RRWMB from Ista to Skaurud. Carried.

95. Meetings/Conferences/Seminars. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing attendance at the MAWD Summer Tour, June 23-25, Brainerd. Carried.

96. SWCD Super District Meeting. A motion was made by Manager Skaurud and seconded by Spaeth that no WRWD Managers are authorized to attend the upcoming meeting on the issue scheduled for May 26, 2005. Discussion followed that managers could attend, but not on behalf of the Wild Rice Watershed District. Carried.

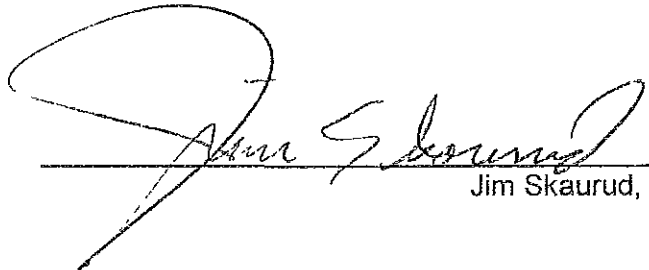
97. COE Marsh Creek Section 205 – Engineer Bents reviewed the resolution passed by the Board of Managers in March of 2004 requesting the U.S. Army Corps of Engineers to conduct an investigation of the Marsh Creek Watershed (Minnesota) to determine the feasibility of developing a small flood control project under the authority provided by Section 205 of the 1948 Flood Control Act, as amended. Engineer Bents also stated that he had been contacted by Neil Helming (USACE) who requested information on the Marsh Creek Basin as well as attendance at a meeting for the study. A motion was made by Manager Wagner and seconded by Manager Wright authorizing attendance and coordination with the USACE on the 205 study as well as notification to Mahnomon County Commissioner, Jerry Dahl as to the date of the proposed meeting with the USACE. Carried.

98. Personnel Manual. Manager Wright stated that the Personnel Manual would be distributed and recommended that all Managers review for any changes or questions. A time on the June agenda will be set for discussion and Board action.

99. Flood Storage Meeting. Consensus of Managers was to schedule the Flood Storage Meeting for the June agenda.

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

101. Chairman Seykora adjourned the meeting at 3:30 p.m.



Jim Skaurud, Secretary

Date	Num	Name	Memo	Amount
Checking-RAB				
05/02/2005	8812	Unicel	Cell Phone	57.04
05/11/2005	8813	Ada VFW Post 7557	Room Rent Apr 5, 05 Mtg	130.00
05/11/2005	8814	AmeriPride	Cleaning Services	28.08
05/11/2005	8815	Auto-Owners Insurance	Flood Insurance	534.00
05/11/2005	8816	Auto Value/Radio Shack	Batteries	4 25
05/11/2005	8817	City of Ada	Utilities	248.67
05/11/2005	8818	Dennis Habeck	Debris & Trees	4,777.00
05/11/2005	8819	Eddie Bernhardson	Hearing	161.45
05/11/2005	8820	Edwin M. Johnson	Viewers Costs	300.02
05/11/2005	8821	Farmers Publishing Company	Professional Services	14.70
05/11/2005	8822	Felton Firefighters	3 meetings-rent for hall	120 00
05/11/2005	8823	H2M	Public Information/COE/Mailer	1,263.12
05/11/2005	8824	Hawley Herald	Professional Services	202.50

Date	Num	Name	Memo	Amount
Checking RAB				
05/11/2005	8825	Houston Engineering, Inc.	Engineering Fees	44,268.85
05/11/2005	8826	JB Associates, Ltd., Inc	Administrative Fees	15,409.25
05/11/2005	8827	Jim Austinson		112.78
05/11/2005	8828	Kenneth Holum	Viewers Per Diem/Exp	331.18
05/11/2005	8829	KRJB Radio	Water Wise Spots	560.00
05/11/2005	8830	Loretel Systems	Office Phone	308.02
05/11/2005	8831	Mahnomen Pioneer	Legal Notice Adm. staff	11.63
05/11/2005	8832	Marcussen Accounting		1,240.29
05/11/2005	8833	MCEA	South Branch Storage Investigation	2,858.00
05/11/2005	8834	MPCA	Mjolsness Ring Dike	400.00
05/11/2005	8835	Nilles Law Firm	Legal for Special Issue	2,588.88
05/11/2005	8836	Norman County Auditor/Treasurer	Address Listings	42.60
05/11/2005	8837	Norman County Highway Department	Culvert & Band	463.53
05/11/2005	8838	Norman County Index	Press Release/Water Wise/Office Supplies	514 81
05/11/2005	8839	North Star Water	Water/Office	25.00
05/11/2005	8840	Office Supplies Plus	Office Supplies	13 85
05/11/2005	8841	PERA	04\14 - 05\11	270.44
05/11/2005	8842	Petty Cash	Petty Cash	101 03
05/11/2005	8843	Rural American Bank	FICA Withholding, Managers/Wtrshed	374.85
05/11/2005	8844	Star Tribune	Adm. Adv	255.49
05/11/2005	8845	Steichen Excavating	Beaver Dam removal/culvert cleanout	1,035.25
05/11/2005	8846	The Forum	Professional Services Adv	66.15

	6			
	884			
05/11/2005	7	The Shopper	Water Wise	49.70
	884			
05/11/2005	8	The Union	Professional Services/Water Wise	94.70
	884			
05/11/2005	9	Tim Halle	Publicity/Annual Report/Contract Work	751.00
	885			
05/11/2005	0	Twin Valley Times	Prof Serv & WaterWise	61.41
	885			
05/11/2005	2	MPCA	Schreiner Ring Dike	400.00
	885			
05/11/2005	3	US Postal Service	Envelopes	210.85
	885			
05/11/2005	4	Wambach & Hanson	Legal Fees	4,241.10
	885			
05/11/2005	5	Diane Ista	Per Diem and Expense	466.72
	885			
05/11/2005	6	James Wagner, Sr	Per Diem\Expense Reimb	595.53
	885			
05/11/2005	7	Jim Skaunud	Per Diem and Expenses	436.23
	885			
05/11/2005	8	Joe Spaeth	Per Diem and Expense	391.81
	885			
05/11/2005	9	Robert E. Wright	Per Diem and Expenses	401.32
	886			
05/11/2005	0	Steve Dalen	Per Diem and Expenses	202.28
	886			
05/11/2005	1	Warren J. Seykora	Per Diem & Expenses	836.65
	871			
05/11/2005	3	A R C Lanes	Mng Lunch	37.22
	886			
05/16/2005	3	A R C Lanes	Mng Lunch	30.03
	886			
05/17/2005	2	Star Tribune	Adm. Adv	255.49
	887			
05/23/2005	0	ICS Agency	Renewal, Directors & Officers	3,295.00
	887			
05/24/2005	2	G R Graphics, Maintenance	Copier agreement/scanner agreement	240.11
	887			
05/24/2005	3	Office Max Credit Plan	Office Supplies	132.89
	887			
05/24/2005	4	Star Tribune	Adm. Adv	510.98
	887			
05/24/2005	1	Unicel	Cell Phone	57.86
				<u>92,791.59</u>

Highway Dept Permit
5/11/05 1:00 pm

Name

1. CLINTON RASMUSSEN
2. Don Vellenga
3. Ronald Hansen
4. Bud Hansen
5. Warren Olson
6. Chad Aldrich
7. Jerry Butler
8. Paul Jackson
9. Kerry Ellingsen
- 10.

WILD RICE WATERSHED DISTRICT

11 East 5th Avenue – Ada, Minnesota 56510
Phone (218) 784-5501

SPECIAL MEETING

A Special Meeting of the Wild Rice Watershed District (WRWD) Board of Managers was held on **Tuesday, May 31, 2005** at 8:30 a.m. at the District Office located at 11 5th Ave East, Ada MN 56510. Agenda items to be discussed are as follows:

- City of Gary Permit
- Violations – Borgen and Vik
- Staff Billing Rates
- South Branch – Winchester Township & Bonding
- South Branch – Hagen Township and Bonding
- JB and Associates Contracts
- Green Meadow Dam – Update
- Heiberg – Update
- 2005 Flood Storage Investigation
- Lockhart Flood Storage
- MN DNR Permit Appeals – Keith and Randy Chisholm – Section 31 – Sundal Twp – Norman County

WRWD Managers present were: Steve Dalen, Jim Wagner, Bob Wright, Warren Seykora, Jim Skaurud, Diane Ista, Joe Spaeth (arrived at 8:50 a.m.).

Others in attendance: Mark Aanenson, Engineer Jerry Bents, Attorney Elroy Hanson, Publicist Tim Halle and Recording Secretary Loretta Johnson. Ryan Braulick. Mick Alm arrived at 8:45 a.m., Brian Borgen arrived at 8:50 a.m.

The meeting was called to order by Chairman Seykora at 8:40 a.m.

CITY OF GARY PERMIT

Manager Skaurud reported that he met with the City of Gary and as of now they are not included into any drainage system but would like to petition to be part of Project No 12 for an outlet. Manager Skaurud has a signed petition with him that he presented to the board for approval. Engineer Bents listed the steps that need to be followed in order for the City of Gary to be petitioned into Project No. 12. **Motion** was made by Manager Dalen to set the hearing date for July 13, 2005 with a published notice and mailed to all assessed property owners in Project 12. **Seconded** by Manager Skaurud. **Carried**.

VIOLATIONS

Brian Borgen – Section 3, Mary Township

Attorney Hanson spoke with the Norman County Attorney, Tom Opheim, who has not provided an update on the case or stated if a decision has been made to process it criminally. Brian questioned if the culverts could be changed to two (2) 36" culverts to better handle the water flow. Engineer Bents recommended that he apply for a permit.

Eugene Vik – Section 35, Hegne Township

It was reported that Eugene Vik has allegedly restored the work done in Section 35 in Hegne Township to its original state. Engineer Bents said that he'll check it out to make sure that the restoration is acceptable.

STAFF BILLING RATES

Mark Aanenson reported that he asked Doug Marcussen to put together numbers to arrive at a billing rate for office staff. Since he has not received a reply, Mark recommended that during the temporary employment period the rates of \$18 and \$14 for Loretta and Kari respectively. **Motion** was made by Manger Wright to accept the recommended rates. **Seconded** by Manager Wagner. **Carried**.

SOUTH BRANCH – WINCHESTER AND HAGEN TOWNSHIPS REPAIRS **BOB WRIGHT HAS NO COMMENT DURING THIS PORTION OF THE MEETING.**

WINCHESTER TOWNSHIP

Attorney Hanson reported that he had a telephone conference with Zenas Baer and Zenas indicated that A.C. Heiraas was not likely to appeal the Winchester or Hagen repair projects if more repairs would be done on the north side of Section 8 in Hagen Township. Attorney Hanson believes that the 30 day appeal time line is over since the order for the Winchester site was signed on April 26, 2005. Bid opening is scheduled for Friday, June 3, 2005.

HAGEN TOWNSHIP

A.C. Heiraas submitted a new repair request for the north side of Section 8 of in Hagen Township. Hanson informed that Board that if they were to accept this request they may want to publish the amended order to make the public aware of the request. At that point another meeting may be scheduled which would become a considerable expense to the District. Manager Wagner felt that the public must be informed if the request is accepted since they are paying for the project. Bid opening is scheduled for Wednesday, June 15, 2005. Bonding amount can't be decided until all the bids are in. **Motion** by Manager Dalen to deny the amended repair request by A.C. Heirass. **Seconded** by Manager Wagner. **Carried**. Manager Wright abstained. Bid opening for the Hagen site is Wednesday, June 15, 2005.

Warren Olson arrived at 9:45 a.m.

J.B. ASSOCIATES CONTRACT ON COE WRRFS

Attorney Hanson reported that he has received several email messages from Jerry Bennett concerning the reimbursement of the computer monitor and the USCOE contract. Bennett believes that there was a separate contract between JB and Associates and COE WRRFS. It was the Board's assumption that when Bennett terminated his contract this included the COE contract. Bennett requested that if the Board considers the contract terminated the remaining portion be paid to J.B. and Associates. Attorney Hanson read from the original contract that Bennett is representing the District to which then upon termination of administrative services would mean termination of the COE contract also. Chairman Seykora commented that he doesn't see where the District is obligated in any way to the J.B. Associates COEWRRFS contract. **Motion** was made by Manager Wagner to have Attorney Hanson notify Bennett that his services on the COE contract are no longer needed. **Seconded** by Manager Dalen. **Carried**.

Motion was made by Manager Dalen to reimburse Bennett for the computer monitor in the amount of \$350. **Seconded** by Manager Wagner. **Carried**.

Janis Jensen arrived at 10:00 a.m.

GREEN MEADOW DAM PROJECT

Engineer Bents talked to all property owners and the (two) 2 that have concerns are: Ed Ramstorf and Steve Grieve. Ed Ramstorf is concerned that part of the land is currently in RIM. Mark will be working with BWSR to find out if the District would have to mitigate the RIM contract. Engineer Bents' suggestion was to move the dike where the RIM area is affected.

Steve Grieve's concern is not receiving compensation for 7-8 acres after the dike has been fenced. Grieve is also concerned how he would get his cattle to pasture after the fencing. Ryan Braulick from FSA is working issues concerning CRP.

HEIBERG DAM UPDATE

Engineer Bents is working with USFWS and the tribal grant. He has had several conversations with Henry Van Offlen (MCEA) and USFWS. The environmental assessment (EA) necessary for the grant has not been published to date. As soon as the EA is published there is a 30-day appeal period for comments and concerns.

Attorney Hanson thought it may be prudent that the City of Twin Valley provide a Quit Claim Deed to the District for the land at the Heiberg Dam site. Although the District has an easement from the City of Twin Valley for their ½ share, it may be better if the District owns it.

LOCKHART FLOOD STORAGE

Manager Wagner voiced his concern on getting something decided to protect the landowners downstream from the Lockhart Project from flooding. It was decided to bring it before Project Team at the June 22, 2005, meeting. Engineer Bents talked with Brian Dwight, BWSR and he said that he would support looking at the revisions and making changes if necessary. Ryan Braulick, FSA asked for a quick overview of what's going on and if it affects the CRP land. It was decided to bring the measurements and all of the data collected to the Project Team meeting and ask for input on a solution.

PERMIT APPEALS

Randy and Keith Chisholm's permit applications from 1996-1997 were denied by the DNR. Larry Kramka, DNR, contacted the Board about the status of these permits. After discussion **Motion** was made by Manager Dalen to send all of the information to Chisholm's and have them proceed with the DNR. **Seconded** by Manager Wright. **Carried**.

MOCCASIN CREEK STORAGE SURVEY AND PROFILES

Sections 22, 23, 26, Flom Twp and Section 7 in Walworth Twp. Engineer Bents estimated the cost of surveying and profiles at \$12,800. **Motion** was made by Manager Skaurud to obtain permission to survey from landowners and proceed with surveying and profiling. **Seconded** by Manager Wagner. **Carried**.

2005 FLOOD STORAGE

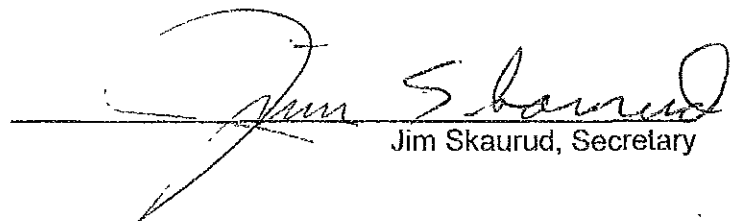
Manager Dalen said that he would like to have a couple meetings and include Engineer Bents for the purpose of prioritizing what the goals are. After the flood storage package is in place he would like to contact Maynard Pick to set up a meeting with Congressman Collin Peterson to ask for his input. The Board prepared an agenda for the June 9, 2005 Flood Storage meeting.

Motion was made by Manager Dalen for the District to pay up to \$400 to Houston Engineering for providing the 2002 hydraulic calculation for the Twin Valley gauge. **Seconded** by Manager Wagner. **Opposed** by Manager Skaurud and Chairman Seykora. **Carried**.

Motion was made by Manager Wright to schedule the next flood storage meeting for 9:00 a.m. on June 9, 2005. **Seconded** by Manager Wagner. **Carried**.

Motion was made by Manager Dalen to adjourn meeting. **Seconded** by Manager Skaurud. **Carried**.

Meeting adjourned at 12:15 p.m.



Jim Skaurud, Secretary

