

# WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East – Ada, MN 56510

Phone: 218-784-5501

## SPECIAL MEETING

1. A special meeting of the Wild Rice Watershed District Board of Managers was held on Tuesday February 3, 2004, at the office of the District located at 11 Fifth Avenue East, Ada, MN.
2. The following members were present: Warren J. Seykora, Joseph Spaeth, Diane Ista, James Wagner, Sr., Robert E. Wright and Jim Skaurud. The following members were absent: Steve Dalen. In addition, the following persons were also present: Administrator Jerry Bennett and Loretta Johnson recording secretary.
3. Chairman Seykora called the meeting to order at 8:45 a.m.
4. Upon a motion by Manager Spaeth and second by Manager Wright, the agenda for February 3, 2004, special meeting, was approved. Carried.
5. Managers Special Interest Items. Manager Wagner reported on a committee meeting held with members of the Concerned Citizens of the Wild Rice Watershed District (CCWRWD) for the purpose of scheduling a date for a combined Watershed District and Concerned Citizens meeting. Wagner stated that the CCWRWD's main thought still continues to be storage as a solution to the flooding. Manager Ista stated that in discussions with CCWRWD members they felt the recent meeting with the Managers had been a very good meeting with positive results. Manager Wagner stated that the CCWRWD suggested February 9, 2004, as a meeting date and discussed using a moderator or facilitator. Manager Wagner stated that the CCWRWD would like to have some authority given to them to pursue the DNR permit for Marsh Creek Site No. 6. The issue of delegating authority to an independent organization, that the CCWRWD could not do more than what has already been done and could cause delays and inhibit progress, was discussed. Manager Spaeth relayed his concerns over the most recent additions to the requirements made by the DNR for a Marsh Creek Site #6 permit. Managers discussed options to address the CCWRWD perceptions over the Board and its consultants. Chairman Seykora and Manager Wagner discussed using an evaluation process for the Board and its consultants to provide a fair and accurate assessment of work being done and accomplished in the District. Administrator Bennett stated that Susan Senco, Department of Administration, has been used for evaluations in other watershed districts and would be familiar with the workings of Watershed Districts. Seykora also suggested the possibility of using the University of Minnesota. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing Chairman Seykora to look into some options for a District evaluation/assessment and report back to the Board. Carried.
6. A motion was made by Manager Ista and seconded by Manager Wagner to notify the CDWRWD that the Board of Managers would not be able to attend a February 9, 2004, meeting, and would like to get some dates that might work for a meeting in late February or March. Carried.

7. FDR Project Team Report. Administrator Bennett updated the Managers on the recent Project Team meeting where there had been discussion about the on-channel assessment with all PT members given an opportunity for input. Members were provided with a questionnaire to fill out and return to the District office. Manager Ista stated that after attending the meeting, it was her thought from the comments received that the Faith Site would be negative and the DNR felt more positive about a site on the South Branch. Administrator Bennett stated that once the District office receives the PT responses, they would be compiled and provided to the Board.

8. At 10:00 a.m. Managers recessed to attend the Norman County Board of Commissioners meeting to discuss a request for support on special legislation to remove the current general levy cap for the Watershed District. As a result of the meeting, the Norman County Commissioners proposed restrictions to the special legislation that would allow the additional funding to be used for cost share on U.S. Army Corps of Engineers projects with a limit to the amount of funds to be collected for a period of five years. A motion was made by Manager Ista and seconded by Manager Wright to authorize the language changes as requested by the Norman County Board of Commissioners and submit the new language to the respective County Commissioners for their consideration/action. Carried.

#### PERMITS

9. Ada Area Promotions Committee, Inc., Section 17, McDonaldsville Township. In connection with the after the fact Permit No. 2-3-04-1, submitted by Alan Leiran, Ada Promotions Committee, to construct a berm in Section 17, McDonaldsville Township, a motion by Manager Skaurud and second by Manager Wagner to approve the permit application. Along with the after the fact permit, staff is to provide an itemized statement of all costs and expenses associated with the violation and prepare a bill to be submitted for reimbursement to the Ada Promotions Committee. Carried.

10. Marsh Creek Site No. 6. Engineer Bents distributed a letter on the Marsh Creek Site No. 6, Project for Managers review and consideration. Bents stated that engineering is in the process of updating the 1993 Engineer's Report on the Marsh Creek, Site No. 6, Flood Detention Structure. The letter report is a summary of Houston Engineer's findings. The cost estimate in the 1993 report for construction, engineering, legal and contingencies, (not including right-of-way) was \$763,860. The project was expected to provide maximum benefits at the 10-year event, of roughly 3-4% flow reduction. The benefits would then diminish for larger events such as the 100-year at less than one percent. In December of 1996 Houston Engineering estimated project average annual benefits at approximately \$48,000, the total project benefits based on an assumed 50-year design life and 5 % interest rate at approximately \$880,000. This was based on approximately 900 acres benefiting on an average annual basis. Related to the City of Ada benefits, "the project would result in a flood-stage reduction of 2.8 inches for the 10 year flood event at the junction of Judicial Ditch No. 51 and the Wild Rice River east of Ada." Based on studies completed by the COE, flood damages associated with the 5-10 year flood events are negligible. As a result, it appears that the project would have no appreciable effects on reducing flood damages at Ada. An updated costs estimate completed in April of 2003, which includes all known mitigation and monitoring measures was approximately \$2,500,000. A draft copy of the DNR permit provisions contained a variety of requirements, with an estimated additional cost of \$75,000 to \$150,000 for fish passage in Section 35 and 36 of Winchester Township, Norman County on the South Branch of the Wild Rice River and mitigation for 6.7 miles of stream channel resource impacts could range from an additional several thousand dollars to well over \$1 million, depending on the design requirements.

From these facts it is anticipated that project costs have escalated from approximately \$763,860 to at least \$2.7 million and potentially over \$3 to \$4 million. The estimated project benefits (approximately \$880,000 in 1996) have decreased as a result of land use changes, transportation improvements and recent flood protection to the City of Ada. In summary, Engineer Bents stated that upon review of the cost increase experienced from April of 2003 and review of project benefits, it is Houston Engineering's opinion that the project is no longer economically justified. Manager Ista stated that it was her understanding that Kent Lokkesmoe had stated that the mitigation requirements could be done by the District over the next several years. Engineer Bents questioned that if you are going to spend the next 10-15 years to come up with 6.7 miles of mitigation for Marsh Creek, what would you use for mitigation for future projects? Manager Ista stated that the public continues to express the need to get the permit. Chairman Seykora questioned if the Managers had enough information, that they could justify building the project and spending that kind of money when the recommendations from Houston Engineering indicating that it is no longer feasible. Managers discussed taking time to review the letter report prior to making a decision on the future of the project that will be discussed further at the February regular meeting. A motion was made by Manager Ista and seconded by Manager Skaurud to provide the recent correspondence from DNR and the project report from Houston Engineering to Attorney Hanson on the Marsh Creek Site #6 Project for a legal review and to provide any recommendations by Hanson on options for the District to be discussed further at the February 18, 2004, meeting. Carried. A motion was made by Manager Wright and seconded by Manager Wagner to discontinue any further engineering work on Marsh Creek Site #6 pending board action. Carried.

11. Wild Rice River Feasibility Study Contracts for Services. Managers reviewed the Professional Services Proposals and Agreements on the WRR Hydrologic Modeling, WRR Hydraulic Modeling and the WRR Diversion Analysis Study with Houston Engineering at a total cost of \$181,087. A motion was made by Manager Wright and seconded by Manager Wagner to authorize execution of the Professional Services Agreements and Proposals. Carried. Administrator Bennett stated that there is an issue with using public information surveys to identify candidate diversion routes due to COE requirements. Options discussed by the COE included holding public meetings instead of a mailed survey. It was the consensus of the board to utilize the suggestion for a public meeting to obtain feedback on the diversion route options. Chairman Seykora brought up possibly having an executive meeting with Tom Raster, COE, to discuss the project's timeline and budget. A motion was made by Manager Wagner and seconded by Manager Wright to try to schedule a meeting with the COE during the week of February 9, 2004, when representatives from the Watershed District are in St. Paul for the Legislative Breakfast. Carried.

12. Drainage Systems Repair and Maintenance. A motion was made by Manager Spaeth and seconded by Manager Wagner to authorize an investigation of possible ditch repairs (cleanout) on Norman County Ditch No. 15, in the East ½ of Section 15, Hegne Township requested by the ditch committee. Carried. A motion was made by Manager Spaeth and seconded by Manager Wagner to investigate a request by Joe Johnson for a culvert removal in Section 35, Hegne Township on the Upper Reaches Project. Carried. A motion was made by Manager Wagner and seconded by Manager Wright to postpone the field surveys on the South Branch in Winchester Township due to weather conditions that have increased overall costs of getting the surveys completed. Carried.

13. Project No. 29. The Board discussed the winter maintenance agreement on Project No. 29, requested by landowners on the ditch system (Larson/Moe). It was suggested that one option might be to have the Watershed District contract in advance of the spring runoff for the winter maintenance. Holding an informational meeting with landowners was discussed to review the maintenance plan and obtain input. A motion was made by Manager Wagner and seconded by Manager Spaeth authorizing Attorney Hanson to prepare a winter maintenance agreement and to proceed with implementation of the agreement based on the Watershed contracting for the work and the ditch committee responsible for notifying the contractor when to proceed. Carried.

14. Judicial Ditch No. 56 Main. In connection with J.D. #56 Main, Administrator Bennett reported that Houston Engineering has estimated the repair costs at \$90,000. Bennett stated that Accountant Marcussen has prepared an amortization schedule to show landowners payment rates. The payment schedule was reviewed by the Board recommending internal financing over a ten-year period. The cost per acre is estimated to be in a range of \$0.87 to \$2.61. A motion was made by Manager Wagner and seconded by Manager Wright authorizing an informational meeting with landowners on the ditch system to review the repairs and project costs to be held at 10:00 a.m. on March 10, 2004, at the District office. Carried.

15. Marsh River Maintenance. Managers discussed beaver dam removal on the Marsh River. Mike Buerkley, Houston Engineering, has developed a map, which shows the location of each dam site. Manager Wagner stated that the beaver should also be trapped in the area. A motion was made by Manager Wagner and seconded by Manager Spaeth authorizing up to \$6,000 for beaver dam removal and a budget for beaver removal not to exceed 150 beaver at a cost of \$25 per beaver. Carried.

#### COMPLAINTS/INVESTIGATIONS

16. Tanya Hanson, Section 21, Strand Township. Administrator Bennett reported that Tanya Hanson submitted a request for investigation into a permit issued to Mark Chisholm in Section 21, of Strand Township, a part of the permit, which required an overflow section. Hanson is requesting that the elevation of the overflow be checked. A motion was made by Manager Wagner and seconded by Manager Wright authorizing investigation into the request by Tanya Hanson. Carried.

17. Larson/Visser – Section 16, McDonaldsville Township. Managers were updated on the status of the Visser violation in Section 16, of McDonaldsville Township. Manager Ista stated that Visser has agreed to remove the blockage in the spring. Chairman Seykora stated that he had discussed with the NRCS and the SWCD the possibility of programs to assist Visser with land setaside and possible water storage on his property. A motion was made by Manager Ista and seconded by Manager Wright authorizing Chairman Seykora and Manager Wagner to assist Visser in the pursuit of program assistance through the NRCS and the SWCD. Carried. Kenny Visser also submitted a request for an investigation into a dike built by Paul Larson in Sections 28-29 of McDonaldsville Township for possible impacts to his property. A motion was made by Manager Wagner and seconded by Manager Skaurud authorizing Houston Engineering to investigate the complaint. Carried.

18. Envirothon Funding. A motion was made by Manager Wagner and seconded by Manager Spaeth authorizing a donation of \$100 to the Mahanomen County SWCD for the 2004 Envirothon. Carried.

19. Manager Skaurud updated the Managers on the status of the Jerome Thompson complaint in Section 23 of Wild Rice Township. Skaurud stated that he has been working with Wild Rice Township and Jerome Thompson in an attempt to resolve the request by Thompson for a cleaning in Section 23.

20. LCMR Request for Proposals. Administrator Bennett stated that the City of Hendrum has contacted the District for assistance in submitting a request to the LCMR for a grant to install a public access on the Wild Rice River. Bennett stated that the District could resubmit its previous application for boat landing without a lot of extra work. A motion was made by Manager Wagner and seconded by Manager Wright to submit the request on behalf of the City of Hendrum to the LCMR for the public water access sites on the Wild Rice and Red River. Carried.

21. Manager Wagner left the meeting at 2:45 p.m.

22. Mahnomen County SWCD Request to BWSR. Managers reviewed correspondence from Ron Harnack, BWSR, relating to a letter requesting BWSR intervention in an effort to resolve what is being alleged as an ongoing communication problem between the Wild Rice Watershed District and the Mahnomen County SWCD. Bennett stated that he had contacted all SWCDs in the District on January 16, 2004, to discuss possible problems with the SWCDs that were prompted by the questions raised by the CCWRWD letter. A delegation from the Wild Rice Watershed District also met with the Mahnomen County SWCD and had asked about current working relations at the SWCD meeting, at which time no problems or concerns were registered. Managers were concerned because Mr. Harnack did not talk with the District prior to mailing the letter and his response was based on misinformation. Bennett also reviewed a request provided by the Mahnomen County SWCD to have the Watershed provide funding for cost share assistance programs. Bennett indicated that maybe the SWCDs were concerned about the District not providing funding to them in the form of cost share assistance. Chairman Seykora stated that it was his understanding that other Districts are not funding specific SWCD programs but have provided some assistance to SWCDs on a case-by-case basis. Manager Ista stated that it is a good idea to coordinate with the SWCD and NRCS, on projects/programs that can benefit flood damage reduction, but the District has limited funding for its projects. Manager Skaurud stated that he felt it was a good idea to provide support for the SWCDs where possible, however the District has many ongoing projects and does not have the resources to fund all requests. Managers discussed having a conference call with Ron Harnack at the February 18, 2004, during the WRWD regular meeting. Chairman Seykora also suggested setting up a meeting with Mr. Harnack when Managers are in St. Paul for the MAWD Legislative Breakfast. A motion was made by Manager Wright and seconded by Manager Skaurud to provide a written response to Ron Harnack with a suggestion to have a meeting in St. Paul and or a conference call on February 18, 2004, to discuss the SWCD correspondence. The Board would also like to obtain a copy of the letter sent to BWSR by Chairman Radke, Mahnomen County SWCD, before its discussion with Ron Harnack. Carried.

23. City of Gary, Midwest Assistance Program. Administrator Bennett reported on a letter received from the Midwest Assistance Program regarding a permit application by the City of Gary. A motion was made by Manager Ista and seconded by Manager Wright with an explanation that the Watershed District maintains its own rules and regulations and the Midwest Assistance Program may want to file a joint notification form with the DNR and COE in seeking any other environmental concerns over their proposed project. Carried.

24. Red River Watershed Management Board (RRWMB) Report. Manager Wright gave a brief report on the RRWMB meeting. Wright stated that an election of officers was held with Chairman John Finney, Vice Chairman Farrell Erickson, Secretary Bob Wright and Treasurer Dan Wilkens being reelected. Discussion was held at the meeting about the possibility of the upcoming legislature going into the drainage laws and making some major changes. Wright stated that staff has purchased a new computer and Tom Raster will no longer be on the Roseau Project Team. The next RRWMB meeting is scheduled for 9:30 a.m. on Tuesday, February 17, 2004, at Fertile, Minnesota.

25. Meetings/Conferences/Seminars. Manager Ista stated that she had been contacted about sitting on a panel at the upcoming RRBFDROWG meeting scheduled for February 5, 2004, at the Northland Inn, Crookston. Panel discussion will be related to new board experiences in watershed district planning. Ista stated that any comments from Managers would be appreciated. A motion was made by Manager Wright and seconded by Manager Skaurud authorizing Managers and staff attendance at the RRBFDROWG meeting in Crookston on February 5, 2004. Carried.

26. Managers were reminded of the upcoming MAWD Legislative Breakfast scheduled for February 11-12, 2004, at the Kelly Inn, St. Paul.

27. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing Managers and staff attendance at the Agricultural Tile Drainage Workshop, February 24-26, 2004, at the Northland Inn, Crookston. Carried.

28. A motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing Managers and staff attendance at the MN DOT Annual Meeting, March 9, 2004, Detroit Lakes, Minnesota. Carried. Chairman Seykora indicated that he would attend.

29. Ed Miller, Norman County Commissioner, met with Managers at 3:45 p.m. to notify them that the Commissioners had passed a resolution of support for the Watershed District in an effort to seek legislation to remove the administrative cap for the District. Conditions included a five-year sunset provision on the levy and that funds are to be directed toward the WRR Feasibility Study. Miller also stated that he would be willing to meet with Managers and the Mahnomen County Commissioners on February 10, 2004, in an effort to show support by Norman County. Miller left the meeting at 4:00 p.m.

30. Moccasin Creek Project. Chairman Seykora reported that the Norman County SWCD stated the survey work on Moccasin Creek is completed and meetings with landowners can be scheduled. Manager Skaurud will be checking into this further on possible meeting dates.

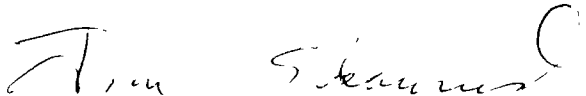
31. Chairman Seykora reported on an upcoming meeting at the Clay County SWCD because of the intended signup for the EQUIP signup. A motion was made by Manager Ista and seconded by Manager Wright authorizing Managers and staff attendance for the EQUIP meetings. Carried.

32. COE Feasibility Study Public Meeting. Managers discussed holding a meeting with landowners on the lower Wild Rice River to discuss information regarding the COE Feasibility Diversion Study. A motion was made by Manager Ista and seconded by Manager Wright to schedule a special board meeting once a date can be worked out. Carried.

33. Norman County Ditch No. 22. Manager Ista reported on attending the Norman County Commissioners meeting and submitting a petition to the County Commissioners for a survey on Norman County Ditch No. 22. Ista stated that County Engineer Mick Alm has agreed to do a survey of the ditch system to address ongoing problems on the drainage system.

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

35. Chairman Seykora adjourned the meeting at 4:15 p.m.

  
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Jim Skaurud, Secretary