

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, June 9, 2004, at the office of the District, located at 11 Fifth Avenue East, Ada, Minnesota.
2. The following members were present: Warren J. Seykora, Robert E. Wright, James Wagner, Sr., Jim Skaurud, Diane Ista and Joe Spaeth. The following members were absent: Steve Dalen. In addition, the following persons were present: Administrator Jerry Bennett and Loretta Johnson, recording secretary.
3. Chairman Seykora called the meeting to order at 8:30 a.m.
4. A motion was made by Manager Ista and seconded by Manager Spaeth to approve the agenda. Carried.
5. Managers Special Interest Items. A motion was made by Manager Skaurud and seconded by Manager Spaeth approving the purchase of a digital camera for the office. Carried.
6. A motion was made by Manager Wright and seconded by Manager Spaeth to approve the minutes of the May 9, 2004, regular meeting and the May 24, 2004, special meeting. Carried.
7. Doug Marcussen reviewed the monthly financial report of the District dated May 31, 2004. A motion was made by Manager Wright and seconded by Manager Wagner to transfer funds from the Red River Construction Account to cover the negative balance in the Marsh Creek, Site #6, Account. Carried. Upon a motion by Manager Skaurud and second by Manager Wagner, the monthly Financial Report was approved for entry into the record. Carried.
8. Jerry Bents arrived at 8:45 a.m.
9. Janice Jensen arrived at 9:00 a.m.
10. The bills of the District were reviewed. Upon a motion by Manager Wright and second by Manager Spaeth, the bills were unanimously approved and ordered paid. Carried. A listing of the bills approved is attached at the end of these minutes.

11. Green Meadow Dam Repairs. At 9:00 a.m. landowners within Project #30, whose names appear at the end of these minutes met with the Watershed District Managers to discuss proposed geotechnical analysis of the Green Meadow Dam by Midwest Testing to determine the stability of the structure. Administrator Bennett gave an overview and history of the Green Meadow dam project. Engineer Bents stated that following the annual dam inspection, Houston Engineering found quite a few slides, more on the south side of the structure. Bents stated that in the mid 1990s some repairs were made to the dam. The original structure was built by the Soil and Water Conservation District, and the Watershed District does not have a lot of information available to determine what materials were used in the construction of the dam. Bents indicated that to determine the safety factor against failure, it would be necessary to hire a consulting firm to do soil borings and testing and provide the district with any needed repairs and cost estimates. Bents stated that cost estimates provided by Midwest Testing, to complete the geotechnical evaluations of the Green Meadow Dam is \$28,500 to \$34,000. Midwest Testing could determine a theoretical factor of safety and if there are deficiencies that may need to be addressed.

Janice Jensen questioned if the District is locked into Midwest Testing doing the analysis. Engineer Bents stated that they are not, however, in his working with other testing and analysis contractors, the prices are quite similar. Leon Johnson felt that no testing was needed; the dam has proven itself. Kevin Jensen stated that he felt the \$34,000 spent on analysis should rather be used for repair. Tim Ramstorf requested that a seepage ditch be placed in the vicinity of his home, because he is getting water in his basement from ponding in the ditch. Manager Wagner raised concerns about doing the borings and testing. If it is determined the structure does not meet modern day criteria, it may be possible that the District is unable to obtain permits to rebuild the dam.

Administrator Bennett reported that Accountant Doug Marcussen has prepared information on the financial status of Project 30. The final payment was made on the bond levy in 2003; Norman County is holding approximately \$55,000 in their account, which will be transferred to the District. With an approximate \$3,000 balance in the District account, the project will have a total of about a \$58,000 fund balance. If repairs are identified as part of the analysis, Bennett said that the district would pursue possible funding to assist with a repair from the DNR Dam Safety Program and the Red River Watershed Management Board.

Dale Sip questioned if the holes were to be filled following the boring samples. Engineer Bents stated that they are. Lynn Johnson raised concerns regarding the present dam safety. Manager Ista stated that her opinion is that the Watershed District needs to know the condition of the dam and felt that the information provided by an analysis is necessary. A property owner commented that he felt it should be patched and repaired, because if you go in and disturb what is there, you may have a lot more problems. Tim Ramstorf asked what the difference is in wondering how bad the dam may be and/or learning and knowing and not being able to do anything about it? Manager Ista stated that there might be the possibility of having an extra five years or at least some time to prepare for repairs. Several commented that since the original structure was built there is a lot of additional water being drained from upstream of the dam. Dale Sip questioned if it would be better to line the dam with a fiber or poly lining? Engineer Bents stated that geotechnical fiber blanket holds only the soil particles and allows the water to filter through. Lynn Johnson asked if anyone inspects the dam. Engineer Bents replied that the dam is inspected yearly and also following any major flood event. Tim Ramstorf stated that with larger culverts and deeper ditches being in the County Road #19 construction project, water is getting into the dam at a much faster rate.

Kevin Jensen felt that the Watershed District Managers should work at controlling the drainage and larger culverts. Manager Wagner replied that two years ago, he recommended that the District establish a moratorium on any additional drainage until the flooding issues could be addressed in the valley. Wagner stated that the District's legal counsel advised the Managers that current Minnesota law provides that all landowners are allowed reasonable drainage and a moratorium would not be advised. Administrator Bennett stated that the District developed guidelines for culvert sizing used in determining if drainage is reasonable. Manager Ista stated that the Board has been applying these guidelines. Glen Brandt stated that he preferred minor repairs and adjustments over the geotechnical testing and felt if there was a disaster FEMA might provide assistance to make any needed repairs. Kevin Jensen and Leon Johnson concurred with Brandt stating that they felt the money should be spent on repairs rather than surveys or studies. Alvin Vakoch questioned if there was a way that Green Meadow Township could get the Watershed District to make repairs to their road since the road needs repairs as a result of water entering the dam. Steve Grieve stated that on the dike tour following the construction, that same question was asked and the reply from the NRCS was that the township is responsible for repairs to the road. Manager Wagner stated that the District needs to be fair and questioned if the project should be responsible for any road washouts. Manager Ista asked that Vakoch provide the District with data and background information regarding the township's costs for repairs to the road. Manager Skaurud stated that he felt that the District should investigate the Ramstorf concerns about seepage problems affecting their home and provide some possible options. Chairman Seykora stated that his impression was that landowners would like to see repairs to the structure at the present time. Landowners left the meeting at 10:15 a.m. No action was taken.

12. Mick Alm reported on the recent tiling committee meeting held to discuss developing a database for new tiling projects being done in Norman County. The tiling committee has requested that the Watershed District provide copies of permits issued for new tiling projects to Norman County at the end of each fiscal year.

13. Alm also gave an update on the status of a landowner meeting held on Norman County Ditch #22, relating to water problems being experienced on the ditch system. Alm stated that the County is looking at alterations to the outlet structure as a possible solution. Alm stated that the County is considering a possible cleaning of Norman County Ditch #22, to address some of the drainage concerns. Bennett noted that County Ditch #22 is Norman County's jurisdiction and repairs and maintenance are under the Norman County Board of Commissioners authority.

14. Alm stated that as a new member of the Project Team, he attended the Flood Damage Reduction (FDR) workshop in Thief River Falls on Monday. Alm felt the presentation by Engineer Charlie Anderson was interesting and informative regarding the consideration given to moving water quicker into the Red River from the western portion of the basin, rather than holding it back, and in effect, getting early water into the Red River sooner, thereby reducing peak flow conditions on the Red. Alm felt that this presentation could be beneficial at a meeting for the general public to better help them understand the timing of flows to the Red River and how timing can affect flood peaks. Manager Ista commented that she and other Board members attended the same conference in Moorhead and also felt that it was informative. Ista stated that they had not given costs and how you would address the political aspects of implementation. Manager Wright also commented that he felt it was a good presentation. Manager Wagner questioned what the people along the Red River would think of this strategy.

15. 2003 Annual Report. Manager Ista asked about when the annual report would be ready. Administrator Bennett has received a rough draft from Tim Halle and a draft copy should be available for the Board to review by the July regular meeting, with possible publication by August.

16. Janice Jensen left the meeting at 11:00 a.m.

17. Wild Rice River COE Feasibility Study (WRRFS). Administrator Bennett provided an update on the status of the WRRFS and also distributed a draft copy of a flyer which will be mailed to all landowners in the area of the South Branch for the public meetings being scheduled for 7:00 p.m. on Thursday, July 15, 2004, at the Borup Community Center and 7:00 p.m. on Tuesday, July 20, 2004, at the Ulen VFW Meeting Room. Managers discussed scheduling a kick off meeting for 10:00 a.m. Tuesday, June 22, 2004, at the District office. Manager Ista requested any information available in advance of the kick off meeting. Administrator Bennett stated that Houston Engineering is preparing this information and the purpose of the kick off meeting is to have the Board set goals for the South Branch storage investigation. Manager Ista questioned if individual private meetings with landowners may be more appropriate. It was noted that this would be done when the Board holds the landowner meetings in Borup and Ulen. Administrator Bennett stated that the purpose of these meetings would be to inform landowners about the South Branch storage investigation and determine landowners interested in storing water on their land. Individual meetings with landowners who are involved with potential projects will be held later in the process. Bennett also reported that Attorney Curt Deter is in the process of providing his recommendations on legal issues related to the diversion under Minnesota Statutes and ways to approach project funding. A draft copy of his report should be available for Attorney Hanson to review by the July meeting. Engineer Bents commented that the H&H is on schedule and coming along fairly well. Administrator Bennett stated that the COE is looking at the channel restoration and is scheduling a field site visit of the Wild Rice River Upper Reaches project area in the near future. Manager Wagner volunteered to go along with the COE on the tour to guide them with directions and access to the project. Consensus of Managers was to schedule a coordination meeting with Tom Raster, Project Manager, in St. Paul to review the budget, schedule and any other related issues regarding the study. Manager Ista felt that it is important to determine who is responsible for specific items in the Feasibility Study and keep the communications open with Tom Raster. Engineer Bents felt that coordination meetings are very important and suggested scheduling one for approximately every six weeks. Managers discussed requesting a Gantt chart from the COE to indicate time lines and determine who has responsibility for each task. It was also suggested that Chuck Spitzack be invited to attend the coordination meeting. A motion was made by Manager Ista and seconded by Manager Wagner authorizing coordination of the meeting with the COE. Carried. The first meeting will be held on June 28, 2004, and plans are to hold additional coordination meetings in six-week intervals through the end of the study. Managers Ista, Seykora and Skaurud, along with Administrator Jerry Bennett and Engineer Jerry Bents, will be attending.

18. Farmstead Ring Dikes. Engineer Bents reported that Geray Dozing, Mahnomon, Minnesota, is the low bidder for the Dyr Dahl ring dike and recommended they be awarded the contract. A motion was made by Manager Skaurud and seconded by Manager Spaeth to award the Dyr Dahl contract in the amount of \$22,056.80 to Geray Dozing. Carried. Administrator Bennett stated that the office has been contacted regarding the Storsved ring dike constructed by the District in 1997. Rask, a neighboring landowner, is claiming that a portion of the Storsved dike is built on his property. Bennett stated that Attorney Hanson reviewed the issue and felt that Rask would need to address this issue with Storsved.

In the discussion with Rask, Hanson felt that an easement could be provided by the new property owner to leave the dike on the property or as an alternative, it was suggested that he place the property in the flood buyout program. Attorney Hanson will also contact Attorney Opheim to discuss the issue.

19. Rural Acquisition Program. Dick Sundberg provided an update of the 2002 Acquisition Program. Sundberg distributed a spreadsheet, which includes the three classifications of the original applicants, six of whom have withdrawn from the program, three of which are pending and six applicants who have completed the program and closed out the acquisition. Managers discussed scheduling a walk through of the six closed properties to determine if there is any salvage that could be offered to the public prior to demolition. A motion was made by Manager Ista and seconded by Manager Skaurud to schedule a walk through by a committee of Managers and staff for 1:00 p.m. on June 14, 2004. Carried.

20. Heiberg Dam. Engineer Bents distributed the Repair Report on Heiberg Dam, dated June 9, 2004, which included a brief history of the dam. The historic dam was constructed in approximately 1900 for the purpose of powering a flourmill and later to generate electricity. The structure had a length of 155 feet with a crest elevation at 1000.0, the same as the WRWD reconstructed dam. Power generation is believed to have ended in the 1950s. The historic structure was destroyed by high flows in 1965. From 1965 to 1975 no dam existed at the site. In February of 1975 a letter of support for the reconstruction of Heiberg Dam was filed with the Wild Rice Watershed District. Shortly thereafter, Project No. 2, Heiberg Dam was implemented. The project purpose was three-fold; 1) Assist in controlling the flow of ice during spring runoff; 2) Enhance the aquatic environment of the Wild Rice River in this region; 3) Increase recreational facilities in this region. In June of 2002, the north levee of Heiberg Dam was washed out. Following the June 2002 flood event the District applied for funding through FEMA to repair the project as it operated prior to the flood event. During the environmental review process, concerns were raised by the DNR, USFWS and the White Earth Tribe, related to providing fish passage at the site. As a result, completion of the Environmental Review is currently on hold awaiting preliminary repair plans adequately addressing the concerns expressed by these agencies. FEMA's original estimate for the repair project was \$330,000; Houston Engineering estimated \$406,000. DNR provided a concept plan to restore the structure that would be appropriate. The proposed repair generally consists of the following components: Installation of a 220-foot combined sheetpile and earthen embankment levee to replace the original levee that was washed away between the existing dam crest and T.H. No. 32. The top of this levee will be set at elevation 1009.0, same as the original plans from 1975. Removal of the existing old powerhouse and adjacent building to obtain necessary area for repair construction. Lowering the existing dam crest from elevation 1000.0 to provide a 72-foot low flow weir at elevation 994.0 and 83-foot high flow crest at elevation 996.0. Installation of concrete sloped ice blocks on top of the modified dam crest to assist in the breakup of ice. Installation of a rock arch rapids below the dam to allow for fish migration, reduced stress on banks, and increasing safety by creating low velocity water near banks and eliminating the existing hydraulic roller effect. Installation of two bendway weirs downstream of the dam to direct flow back towards the center of the channel and reduce stress on the nearly vertical north bank. Minor restoration of the south levee to obtain the original design elevation of 1009.0. With the proposed additions by the DNR for the purpose of fish passage the cost for the repair of the damsite is estimated at approximately \$824,255. This does not include costs for right of way. Bents stated that line items one through ten, and including construction contingencies and various administrative, legal and right of way costs are approximately \$572,300 and are the necessary items related to the original repair request to FEMA. Line items 11-16 relate to the DNR's recommended additions for the purpose of fish passage.

Costs related to the fish passage are approximately \$251,955 that includes construction costs, contingencies, various administrative, right of way and legal costs. Bents stated that the District should keep in mind that FEMA will not approve the funding without approval of the DNR, USFWS and the White Earth Tribe. Dick Sundberg has contacted appraiser Les Trnka, who indicated that he would be able to perform the land appraisals. The next step discussed by the Board included providing copies of the Engineer's Report to FEMA, for funding approval and other regulatory agencies. Houston Engineering will also be preparing the legal descriptions for Attorney Hanson and the appraiser.

21. Marsh Creek Site No. 6. Attorney Hanson reviewed a letter from the DNR regarding withdrawing the permit application. Attorney Hanson suggested that the permit not be withdrawn and that a letter be sent to the DNR similar to what was sent to the U.S. Army Corps of Engineers. The correspondence will indicate that the Watershed District is continuing to search for possible funding for the project and is requesting that the permit be held pending possible funding being located by the Board. A motion was made by Manager Ista and seconded by Manager Wright authorizing the Attorney Hanson to send the letter to the DNR. Carried.

22. Anderson Wetland Restoration Project. Engineer Bents reported that Houston Engineering has met with Bill Best, BWSR; Curtis Borchert, Norman County SWCD; and Aaron Neubert, Mahnomon County SWCD, about the vegetation to be established for the wetland banking site. The committee is looking at a lower cost option for seeding in getting the site accepted for banking credits.

23. Upper Felton Ditch Storage. Manager Wright abstained from discussion on this matter. Administrator Bennett stated that the District is continuing to work on the options for land in the flood storage area. Bennett indicated that Bob Wright has requested that compensation be provided for a pole shed on his property to be either moved or replaced by the District. The Board discussed options for proceeding with the request. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Attorney Hanson to provide legal guidance on the matter prior to proceeding with establishing a price to offer Wright for moving or replacing the building. Carried. Manager Wright abstained.

On the Upper Felton Storage Investigation, Engineer Bents provided an engineering estimate in the amount of \$19,447, for surveys and preliminary design work for the Upper Felton Storage site. Engineer Bents stated that since they will be need to drive on the property it may be best to wait with the surveying until the fall crops are harvested. A motion was made by Manager Ista and seconded by Manager Wagner authorizing the surveying of the property on the Upper Felton Ditch Storage area as soon as possible after the fall harvest at the discretion of the engineering, contingent on the District finalizing the purchase agreements with the landowners. Carried. Manager Wright abstained.

24. Nate Dalager, HDR Engineering, met with Managers at 2:00 p.m. regarding the permit application of CP Railway to replace culverts with a bridge in Section 25, Popple Grove Township, Mahnomon County. Managers raised concerns over the possibility of downstream impacts. Dalager stated that the modeling by engineering was found to meet railroad criteria provided by the Federal Railroad Administration. Dalager also stated that this design will protect the railroad and the City of Waubun ponds and although there will be an increase of ½ foot on the south side of Highway #113, the flows will attenuate down to nothing within one half mile. Dalager stated that there are some downstream effects, but doesn't think that the opening in the bridge can be made any smaller and still meet the railroad requirements.

Manager Ista commented about the public's concern over increasing culvert sizes. Engineer Bents felt that it may be advisable to notify the downstream landowners of the potential impacts before issuing a permit. Manager Wagner suggested as a requirement for the permit, CP Railroad should be required to obtain signatures from the downstream landowners. A motion was made by Manager Skaurud to approve the permit with the condition that CP Railroad contact landowners and obtain signatures or do whatever is necessary to obtain approval from landowners. The motion died for lack of a second. A motion was made by Manager Spaeth and seconded by Manager Ista to table Permit Application No. 4-14-04-8 of CP Railroad to install the bridge in Section 25, Popple Grove Township, until June 22, 2004, giving the applicant time to provide engineering data to determine downstream impacts under the ten year rainfall event. Carried. Manager Skaurud opposed. Dalager requested that staff provide correspondence to CP Railroad with a brief explanation of the reason for the tabling of the permit application. Dalager left the meeting at 2:45 p.m.

25. Upper Reaches Project. Administrator Jerry Bennett gave a PowerPoint presentation showing the areas identified by the committee that should be prioritized in 2004 for maintenance on the Upper Reaches Project. Bennett reported that the committee has excluded certain areas for repair that were not as critical. The repairs and maintenance are a requirement of the U.S. Army Corps of Engineers (COE) in order to maintain eligibility for federal funding assistance under a disaster declaration. A motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing staff to proceed with the maintenance work identified in the PowerPoint presentation by the committee for the critical areas in need of repair on the Upper Reaches Project. Carried.

PERMIT APPLICATIONS

26. Herman Lee, Section 4, Felton Township. The Board met with Herman Lee in connection with Permit Application No. 6-9-04-1 located in Section 4 of Felton Township. A motion was made by Manager Skaurud and seconded by Manager Ista, to approve the application for the two culvert installations in Section 4, of Felton Township. Carried.

27. Herman Lee also requested that Engineer Bents ensures that the low water crossing to be constructed in Section 36 of Winchester Township, be installed at the same grade as the original channel construction. Lee indicated there was a lot of sediment buildup in the channel and wanted to make sure the new crossing is installed to the proper grade.

28. South Branch FEMA Repairs. It was reported that Attorney Hanson sent a letter to Attorney Zenas Baer on the status of the FEMA repairs and informed Baer that if he needed any further information on the South Branch Project, it is available to him. Hanson also received correspondence from Attorney Zenas Baer asking to stop by the office of Houston Engineering to review additional data. It is Baer's opinion that the annual benefits derived in 1975 for the Felton Ditch and South Branch Project were \$591,900, therefore, the District should consider the south side river repairs that given the annual benefits to the project are more than justifiable. There was no action taken. Attorney Hanson will check with Attorney Baer about obtaining a decision shortly regarding being able to proceed with the FEMA repairs.

29. Moccasin Creek Storage Investigation. Managers discussed the status of the Moccasin Creek Investigation. Manager Skaurud stated that it is his understanding that landowners have not received any information on the status of the investigation from the Norman County SWCD. Consensus of Managers was to have Manager Ista correspond with Curtis Borchert, Norman County SWCD, to determine when the letter is going to be sent out to landowners.

30. Soil and Water Conservation Districts' Funding Requests. Managers discussed a request from Kevin Kassenborg, Clay County Soil and Water Conservation District Manager, for cost share funding to be used for well sealing. Administrator Bennett provided some information from the Wild Rice Watershed District Water Management Plan to support projects or programs that can improve water quality within the Watershed District. Chairman Seykora felt the District might want to wait on the funding request by Clay County until there is a discussion with other SWCDs in the Watershed District. Bennett stated that another option for funding assistance might be through the watershed special levy authority. Manager Spaeth stated that the SWCDs have a major concern with the recent budget cuts because they do not have any taxing authority. Manager Wright suggested waiting on an answer for the funding request to the Clay County SWCD until the Buffalo Red River Watershed District decides if they are going to provide funding for the well sealing request by the Clay County SWCD. A motion was made by Manager Ista and seconded by Manager Skaurud to send a letter to Clay County SWCD tabling the request and suggesting that a joint meeting be held to discuss some possible funding options. Carried.

31. Wild Rice Watershed District Office Repairs. Administrator Bennett stated that with the recent damp and wet conditions there is a problem with swelling and mold around the front office door. Jamie Hennen, Northwest Multi County Nursing, did a site visit to the Watershed District office and explained that under current law business and government have no legal obligation to address mold issues. However there appears to be leakage in and around the door, which is getting into the substructure. A motion was made by Manager Wagner and seconded by Manager Spaeth approving staff to discuss with a contractor repairing the damage to prevent the moisture from coming into the building. Carried.

32. Clay County Ditch No. 18. Chairman Seykora reported that he received a call from a citizen in the South one half of Section 10, Goose Prairie Township, about beaver dams backing up water on the ditch system. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing Manager Wagner to remove the beaver. Carried.

33. J.D. #51 Levee Repairs. Administrator Bennett reported problems along the north side of Ada on the levees near the repairs that were done in 2003 under the EWP program. Mike Burke notified Houston Engineering that there were more slides behind his home where there was not room to move the levee back when doing the 2003 repairs. Bennett stated that the slides are not confined to just one area. Photos were sent to Mayor Jim Ellefson and a meeting with the City of Ada was discussed to give them an opportunity for input into the repair process. The Board also discussed the Army Corps of Engineer's levee improvements for Ada. The City of Ada levee is not COE certified and the cost to complete the COE Feasibility Study for the City of Ada is approximately \$400,000 of which the COE would contribute \$200,000 and the DNR has committed \$200,000. At this time the City of Ada has not entered into an agreement with the COE to complete the study. A motion was made by Manager Ista and seconded by Manager Wagner to invite the City Council to meet with the Board on June 22, 2004, to discuss a short-term repair and/or long-term measures to provide flood protection for the community. Carried.

34. In connection with the 2003 Levee repairs on the Mike Burke property, a motion by Manager Wright and second by Manager Ista to approve some reseeding by CJ Landscaping at a cost of \$600. Carried.

35. J.D. #56 Main. A motion was made by Manager Ista and seconded by Manager Skaurud to approve partial pay request to RBR Development, Inc., of Middle River, Minnesota, in the amount of \$7,058.70 for the J.D. #56 repair contract. Carried.

36. Dalen Coulee. Managers discussed possible encroachment issues on the right of way of the Dalen Coulee Project. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing Attorney Hanson to notify all landowners within the Dalen Coulee Project that grass buffer strips are to be preserved on the project in which the District has an easement and all landowners are to be aware that there can be no unauthorized activity within the right of way area. Carried.

37. Chairman Seykora recessed the meeting at 5:15 p.m. to be reconvened at 8:30 a.m. on Tuesday June 22, 2004, at the District office.

38. Chairman Seykora reconvened the meeting at 8:30 a.m. on Tuesday, June 22, 2004. The following members were in attendance: Warren J. Seykora, Robert E. Wright, James Wagner, Sr., Jim Skaurud and Joe Spaeth. The following members were absent: Diane Ista and Steve Dalen. In addition, the following persons were present: Attorney Elroy Hanson, Administrator Jerry Bennett and Loretta Johnson, recording secretary.

39. A motion was made by Manager Skaurud and seconded by Manager Wagner to approve the agenda with additions. Carried.

40. A.C. Heiraas South Branch Repairs. Attorney Hanson updated the Managers on the status of the A.C. Heiraas lawsuit and repairs to the South Branch. Hanson stated that Attorney Zenas Baer at the upcoming meeting with the Managers will claim that according to the 1975 Army Corps of Engineers study, the total average benefits for the Felton Ditch and South Branch Project is \$591,900 and his belief is that Houston Engineering's opinion that suggested only \$25,000 in benefits could be realized from this project is not a realistic assumption. Attorney Baer still wants the Board to consider the repairs on the South Branch as requested by his client, A.C. Heiraas. Managers discussed the cost of the repairs for a small area on the project.

41. Heiberg Dam. Attorney Hanson discussed a hearing for the proposed project; however, he felt it might be better to determine how the project financing will be handled prior to scheduling the hearing date. Engineer Bents reviewed the FEMA financing for the project. Administrator Bennett stated that the DNR, USFWS and the White Earth Tribe are in agreement with the proposed repair and are working on securing funding for the nonfederal portion of the project. Attorney Hanson stated that the District could proceed with the land appraisals, which would be done prior to finalizing the funding methodology. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing the District to contract with Les Trnka for doing the appraisals on the Heiberg Dam Project and for having Attorney Hanson to prepare the purchase options. Carried.

42. Green Meadow Dam. Managers discussed the public safety concerns with the dam and a need to conduct the geotechnical analysis to determine the stability of the dam. Manager Wagner stated that there is not much visible sign that the dam is unstable, however if the testing is done, Wagner felt it was unlikely that the dam would meet current safety standards and raised concern that the District may be unable to obtain a permit to rebuild the structure. Engineer Bents felt that the testing of the dam by Midwest Testing should be completed to determine its stability and to identify any needed corrective measures.

Manager Spaeth felt that the Managers should move ahead with the testing to determine the dam's structural integrity. It was mentioned that there might be some funding through the NRCS for the repair. A motion was made by Manager Wright and seconded by Manager Spaeth to approve going ahead with the analysis having Houston Engineering proceed with contracting for the investigation with Midwest Testing. Carried.

43. Northern Improvement Dam. Discussion was also held regarding the possibility of conducting a similar analysis on the Northern Improvement Dam. A motion was made by Manager Skaurud and seconded by Manager Wagner to proceed with the repairs identified in the inspection report prepared by Houston Engineering and not to proceed with the geotechnical analysis at this time. Carried.

44. Perry Ellingson and Mark Harless arrived at 10:00 a.m.

45. South Branch Storage Investigation Kickoff Meeting. Engineer Bents reviewed the Houston Engineering contract that is a part of the storage investigation on the South Branch and discussed future scheduling and the level of detail to be expected from the storage investigation. Bents also reviewed the previous work in the South Branch area that included Becker Dam evaluation; Atlanta Township on channel investigation; Ulen Township on channel investigation; Stiner Creek analysis; Hagen Township on channel investigation and the Borup off channel investigation. Engineer Bents stated that the District would also need to establish goals and a level of protection on the proposed sites, which may be a certain percent reduction at a 10-year event, or a percent flow reduction, probably at the confluence of the South Branch and Wild Rice River. Manager Spaeth questioned if the storages site outflow would be calculated so that the release time is when the Wild Rice River is down? Bents stated that would depend on the size of the sites and how they operate in concert with one another and how effective the storage will be. Bents stated that no combined analysis on the grouping of the sites has been completed. Bents stated that one option would be to target the goal at the outlet of the South Branch and provide similar protection to what the large off channel site near Felton would be. The most favorable outcome of the study would be a choice of projects that could be permitable and go forward to construction. Mark Harless liked the proposal, but had concerns about discarding sites early in the process due to environmental issues, because these sites may be some of the better ones, referring to the on-channel, Hagen site. Harless also suggested using the Bjorhus Bridge to measure the amount of flow reduction, rather than the confluence of the Wild Rice River. Engineer Bents felt that there could be two or more locations used in the model for measuring the amount of flow reduction for any of the proposed storage sites identified in the investigation. Harless also stated that it was his understanding that there would be additional public input prior to identifying possible storage sites. Administrator Bennett stated that two meetings have been scheduled to get landowners input that would be held on July 15, in Borup and July 20 in Ulen. Harless stated that he felt it is a priority to get some storage on the South Branch that would go a long way in settling the anxiety of the public. Manager Wagner stated that at some time the District needs more of a commitment from landowners. Engineer Bents stated that he feels an important result of the discussion would be to set a goal for the storage that will determine the outcome of this investigation. A motion was made by Manager Skaurud and seconded by Manager Wright to adopt the following goal for the South Branch Storage Investigation: "The goal of the investigation, as established by the Wild Rice Watershed District Board of Managers is to identify projects or groups of projects, that would provide a 30-40% reduction in the 10 year discharge at the outlet of the South Branch of the Wild Rice River. Additional emphasis should be placed on projects located within or above the beach ridge of the South Branch Basin." Carried.

46. Soil and Water Conservation Districts (SWCD) Grant Program Funding Requests. Managers discussed the grant program for SWCDs established by the District for the purpose of identifying small flood storage sites within their respective counties. Administrator Bennett stated that the Mahnomen and Norman County SWCDs have now submitted grant requests to the District that were reviewed by the Board. Manager Spaeth stated that there would also be a possibility of SWCDs identifying larger storage sites under this program. Administrator Bennett stated that due to the recent state budget cuts the SWCDs have a shortfall in funding and it was discussed at a recent meeting with the SWCDs the possibility of the Watershed District levying additional tax dollars as a source of funding. The Mahnomen County SWCD stated that they wanted to meet with their county commissioners before pursuing the Watershed District levy option. A motion was made by Manager Wright and seconded by Manager Wagner authorizing approval of the Norman and Mahnomen County SWCDs request for grant funding under the Flood Storage Grant Program. Carried.

47. Beaver Dam Removal Marsh River. Managers discussed beaver dam removal on the Marsh River and the recent contract with Harold Olson to use explosives to remove the dams. Attorney Hanson recommended that either the contractor or the District carry liability insurance for the use of explosives in removing the dams. Both Harold Olson and the District's insurance carrier quoted the high cost of coverage for using explosives for this particular type of project. Managers concurred that it would not be feasible to remove the dams using explosives and discussed the alternative of removal by a laborer or individual contractor. A motion was made by Manager Skaurud and seconded by Manager Spaeth authorizing a beaver removal contract with James Wagner, Sr. at a price of \$400 per dam for 22 dams. Carried. Attorney Hanson is to draft a formal contract between the District and Wagner for the work.

48. City of Ada Community Levee Protection. At 12:00 p.m. Mayor Jim Ellefson, Council Persons, Darin Ramey, Royal Knutson, Don Vellenga, Candy Robertson, and Clarence Weippert, Shelly Kappes, City Clerk and Arlen Sillerud, Property Owner met with Managers to discuss possible repairs to the Ada levee system along J.D. 51 north of Ada. Administrator Bennett gave a PowerPoint presentation on the history and current issues related to the community's levee protection. Bennett stated that following the 2002 flood event, the repairs to J.D. #51 were declared eligible for assistance under the NRCS Emergency Watershed Program (EWP). Two different methods of repairs were used for construction, one using geofoam behind the Mike Burke property due to the inability to move the levee back away from the channel because of the close proximity of the Burke home. Bennett showed photos of areas behind the Burke property, which are now sloughing, and in need of additional repair. The damaged levee is beyond the repair done using the geofoam. There is also standing water outside of the levee, which is creating additional problems. Bennett stated that City of Ada council members and mayor were invited to the meeting to discuss options available through the District to address the bank sloughing as part of repairs to J.D. #51. Bennett stated that under the ditch repair process the District would have engineering investigate the sites and provide a recommendation back to the Board on a repair methodology. Since the city's levee is adjacent to J.D. #51, the Watershed District wants to coordinate any work with the City of Ada. Darin Ramey questioned if the slough was at the same place as the previous repair work? Engineer Bents provided a photo of the previous construction and the slough near by but not on the same location. Engineer Bents stated that the City of Ada protection is the elevated berm and questioned if council members would prefer to just repair the slough or do a more thorough analysis because it is likely that this will be a continuing problem where the levees have been constructed along J.D. #51. Bents felt that the city should also be considering a long-term fix. Bents stated that the work done in 1997 was under a limited budget with no local cost share, but his perception at that time was that it is not the ultimate protection for the city, rather a quick fix.

Bents questioned if council members would prefer to use their own engineering staff to look at the problem in this area of the levee or have the District proceed with its normal repair for J.D. #51 and provide a copy to the City Council of the recommendation proposed to correct the problem as part of the ditch repairs. Bents also stated that Midwest Testing has a considerable amount of information available from the previous repairs to the levees. Mayor Ellefson asked if the District would only repair the lower portion of the ditch. Attorney Hanson stated that he didn't think that the repairs necessary for the City of Ada and ditch repairs could be separated as they would all be considered part of the J.D. #51 Project, however the city may have their own idea on what the repair should be. Administrator Bennett questioned if the council would want the District's engineer to prepare a proposal to repair the bank failure and provide it to the City of Ada for its review prior to an agreement on a final fix for the problem. Arlen Sillerud stated that the initial geofoam repair at this location cost \$20,000 and did not correct the problem. Sillerud stated that the buoyancy of the foam is a problem and not enough fill was placed over the foam leaving the city at a threat for future failure. Don Vellenga stated that he agreed the city needs a long term fix, but felt the project was compromised by putting vegetation on the side slope of the ditch and questioned if there was an engineering or construction warranty. Engineer Bents stated that there is not a warranty for either; however, the slough currently being discussed is not in the same location as the foam repair work was done. Chairman Seykora asked if the City of Ada is pursuing the COE 205 Study with the U.S. Army Corps of Engineers for a certified levee. Mayor Ellefson stated that the city is in a holding pattern due to the issue of a local sponsor and part of the jurisdiction being outside of the city limits. Ellefson asked what considerations the city should think about when deciding on a local sponsor for the COE 205 study for Ada. Ellefson asked if the District could provide a proposal to the city listing the responsibilities of the local sponsor. Darin Ramey stated that the COE 205 study is obviously the best solution for the city but questioned the time frame. Administrator Bennett stated that the COE process will take time, however until the city activates the study, nothing will happen. Bennett stated that the City of Roseau requested bonding money in the last legislative session and felt that the City of Ada could utilize their efforts as an opportunity to support flood protection for the Ada. Ramey stated that there appears to be an immediate problem and wanted to see a temporary repair completed now and to continue efforts toward a permanent solution. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing staff to provide information to the City of Ada detailing the responsibilities and types of services that are required by the sponsor. Carried. City of Ada representatives left the meeting at 1:30 p.m.

49. Neal Wildlife Management Area (WMA) Presentation. Jon Schneider, Ducks Unlimited, Carl Schultz, Local Volunteer for Ducks Unlimited; Gordy Forester, MN DNR, Regional Assistant Wildlife Supervisor; Tom Kucera, DNR, Assistant Wildlife Manager and Brian Winter, Nature Conservancy met with Managers at 1:30 p.m. for a presentation on the proposed Neal Wildlife Management Area Project located in Sections 13 and 24 of Rockwell Township, five miles south and four miles west of Twin Valley. The proposed project involves the restoration of approximately 76 acres of marsh on the WMA that currently drains into an unnamed ditch that runs north into County Ditch #29. The southern portion of the Neal WMA can also drain to the south under Norman County State Aid highway (CSAH) #39. This water eventually enters County Ditch #16. The proposed project includes the construction of an approximately 4,500-foot long earth embankment along the northern and western edges of the marsh. It also involves the construction of an approximately 800-foot long earth embankment running east/west to the north of CSAH #39 on the south edge of the marsh. The south embankment will prevent water from backing against CSAH #39 and then flowing south through CSAH #39 during runoff events. The tops of the embankments will be set at elevation 1051.5. Normal water levels will be controlled at elevation 1049 by a 16-foot sheet pile weir.

The south embankment does not include an outlet structure, although one could be included if desired to allow some passage of water to the south as currently occurs. Proposed for the embankments are 4:1 side slopes for ease of maintenance, stability and aesthetics. The drainage area for the proposed project is approximately 1,500 acres. Based on the survey data provided for this project, it appears that the elevation of the lowest part of the marsh area is 1046. The proposed pool level of 1049 will provide a marsh with a maximum depth of three feet and a surface area of approximately 59 acres in the main marsh area. The outlet structure for the proposed project consists of a 16-foot wide sheet pile weir. The crest of the weir will be set at elevation 1049. Based on the conceptual analysis and the information provided, it appears the restoration of the Neal WMA marsh is feasible and would provide natural resource enhancement. The restoration will also provide benefits to downstream landowners by reducing peak flows during flood events with storage at approximately 200 acre-feet. The proposed project will require the acquisition of additional right-of-way in the SE¼, SW¼ and the SW¼ SE¼, Section 13 Rockwell Township. Construction of the project is estimated at \$135,000 and optimistically the DNR would acquire 160 acres at approximately \$160,000, however it appears that Harold Bergstrom, the landowner is not interested in selling his land, but may consider a swap for similar property. Schneider stated that Ducks Unlimited has some funding available and would like to partner with the Watershed District and the DNR in an effort to see the project implemented. Administrator Bennett questioned who the project sponsor would be. Gordy Forester stated that the DNR would be the sponsor for the project with the Watershed District's assistance needed in securing property from Bergstrom if the project is going to be a possibility. A motion was made by Manager Wagner and seconded by Manager Wright authorizing Managers Skaurud and Wagner to meet with Harold Bergstrom in an attempt to discern if he is interested in a land swap or the sale of his property. Carried. A motion was made by Manager Wright and seconded by Manager Wagner authorizing staff and Houston Engineering to also provide information on the amount of storage that can be provided by the proposed project from available data developed by Houston Engineering. Carried. Schneider, Winter, Schultz, Kucera and Forester left the meeting at 2:30 p.m.

50. A.C. Heiraas South Branch Repairs. Manager Wright abstained from the discussion on this subject. At 2:30 p.m. Attorney Zenas Baer and A.C. Heiraas met with Managers to discuss the request by Heiraas for repairs to the South Branch Project located in Section 8 of Hagen Township. Attorney Baer described the request proposed by A.C. Heiraas to remove the constriction on the north river bank and to conduct additional repair work between reach one and reach two of the pending FEMA repairs and between reach two and the county bridge project, all on the south river bank. Heiraas stated that in reviewing historic files on the project, a report dated 1990 showed work had previously been done in Section 8, under a contract awarded to Zeigler Construction. The total amount of the contract was \$251,000 that included work on Project #9 and repairs on portions of the project near the Heiraas home site. A.C. Heiraas stated that the repairs from the 1990 project were not done on his property, because Heiraas refused to give an easement. Attorney Baer said that the current repair they are requesting is in a similar location to the 1990 FEMA repairs. According to the Army Corps of Engineers report prepared in 1975 the total average annual benefits for the Felton Ditch and South Branch Project is \$591,000. Baer stated that he felt the District should reconsider its position to complete the stabilization of the south side of the river between the upstream and downstream 2000 FEMA repairs estimated to cost between \$90,000 and \$100,000. Baer stated that given the annual benefits to the project area of \$591,000, a one-time cost of \$100,000 is more than justifiable. Baer urged the Board to take another look at the wisdom of connecting reach one and reach two and continue with reach two up to the County bridge project and remove the constriction of a large tree and sediment, using the material taken from the north side to restore the slopes on the south side of the project.

Baer stated that if the District agrees to the repair that A.C. Heiraas is requesting, they would not need to proceed with the lawsuit and a global settlement may be in the cards. Engineer Bents stated that the April repair report by Houston Engineering did not include removing the sediment on the north side and placing it on the south side, therefore these repairs are not included in the costs of \$90-\$100,000. Bents also stated that additional land right of way would be required on the north side. Attorney Hanson questioned Heiraas if he would be willing to consider the District acquiring the additional land. Heiraas stated no, he would not. Heiraas expressed concerns that the bank would continue to erode. Engineer Bents stated that he did not disagree with Heiraas; however, his opinion is that the project being proposed is not economically justifiable. As for the status of the FEMA repairs, Engineer Bents stated that he applied to FEMA for a time extension on the project and the extension was granted. Attorney Hanson asked if the District completed some of the repairs approved in the 1990 FEMA project that Heiraas is now requesting that include the following: connecting reaches one and two; connecting reaches two and county bridge project and moving the constriction and sediment from the north side to the south side of the project, would this solve the lawsuit problem with Heiraas. Attorney Hanson also questioned the approximate cost of the removal of the constriction and sediment and moving it across the river to the south side. Hanson's recommendation to the Board was that before making a decision, the Board should know the costs for these options. Chairman Seykora noted that in previous discussion with adjoining landowners, concerns were raised on spending a large sum of money that would not be economically justified. Engineer Bents asked Heiraas to more accurately define the amount of north bank that he wanted to have removed. Attorney Hanson suggested that the Board authorize engineering to go onsite with Heiraas to establish the alignments and quantify the repairs being requested. Baer stated that they would like a commitment from the Board to use the repair plan agreed to by the parties as part of a global solution to the lawsuit. Attorney Hanson will confer with Engineer Bents following the meeting with Heiraas and Bents will prepare the necessary cost estimates and plans for Board consideration at the July meeting. Attorney Baer and A.C. Heiraas left the meeting at 3:40 p.m.

PERMIT APPLICATIONS

51. C.P. Railroad, Section 8, Popple Grove Township. At 3:40 p.m. Nate Dalager, HDR Engineering, met with Managers to discuss Permit Application No. 6-22-04-1, of C.P. Railroad to replace culverts in Section 8, Popple Grove Township, with an open span bridge. The bridge proposed would have a water way opening of 102 square feet. Dalager stated that it is the railroad's position that this is a reasonable proposal in meeting design standards for crossing such as railroads. Administrator Bennett suggested tabling the permit and giving downstream landowners public notice on the project, informing landowners of a date and time for consideration of the permit by the Board. After considerable debate, a motion was made by Manager Wright and seconded by Chairman Seykora to table the permit application until the July 14, 2004, meeting and provide public notice to the downstream landowners. Chairman Seykora and Manager Wright voted yes and Managers Skaurud and Wagner voted no. Motion failed for lack of a majority. A motion was made by Manager Skaurud to approve the permit application of C.P. Railroad with the condition that the railroad notifies downstream landowners of the proposed changes to the structure. Motion died for lack of a second. Upon a motion by Manager Skaurud that was seconded by Manager Wright, Permit Application of C.P. Railroad to construct a bridge in Section 8 of Popple Grove Township was approved with the condition that CP Railroad obtains the signatures of downstream landowners impacted by the project that was determined by engineering data to be T.H. #113. Carried with Manager Wagner opposed.

52. Complaints/Investigations/Violations. It was reported that Ken Visser has not made any agreed upon payments for the costs incurred as a result of the violation. Attorney Hanson agreed to contact Visser and request full payment. Duane Erickson also has not paid the balance of costs incurred on the complaint. Attorney Hanson will provide additional legal fees and notify Erickson of the need to pay the costs.

53. Chairman Seykora recessed the meeting to be reconvened on June 30, 2004.

54. Chairman Seykora reconvened the meeting at 8:45 a.m. on Wednesday, June 30, 2004. The following members were in attendance: James Wagner, Sr., Bob Wright, Joe Spaeth, Jim Skaurud, Steve Dalen and Diane Ista. In addition the following persons were in attendance: Administrator Jerry Bennett and Loretta Johnson, recording secretary.

55. MAWD Summer Tour. Administrator Bennett reported on the MAWD Summer Tour and stated that the Buffalo Red River Watershed District did a very good job in putting together an interesting and informative event. Chairman Seykora reported on discussions by MAWD related to proposed changes to the Minnesota drainage laws and talked about the discussions related to tile drainage. Seykora stated that there is an upcoming seminar about drainage and tiling, which he felt was important and would like to see board authorized attendance. Manager Ista also talked about the DNR presentation at the MAWD Summer Tour. Ista stated that Minnesota Department of Agriculture Assistant Commissioner Perry Aasness is working with Governor Tim Pawlenty in an attempt to assess tiled land at a higher rate in an effort to raise taxes on that property. Ista also felt the upcoming drainage seminar would be a good session for Managers to attend. A motion was made by Manager Wright and seconded by Manager Wagner authorizing Managers and staff attendance at the Minnesota Association of Drainage Inspectors Seminary, scheduled for July 19, 2004, at Willmar, Minnesota. Carried.

56. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing payment of the following billings: Grinnell Mutual \$1,483, building insurance; Visser Trenching, \$3,110, Anderson Wetland; GR Graphics, \$15, office supplies. Carried.

57. Drainage System Repair and Maintenance. Administrator Bennett distributed spreadsheets for the June 2004 Ditch Repair Requests, Ditch Repair and Maintenance Report Dated 6/9/04 and the 2004 Authorized Repairs to Flood Control Facilities dated 5/19/04. Bennett stated that as additional requests are received they would be added to the list. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing approval to proceed with needed investigation/repairs on the listed June requests. Carried.

58. Upper Reaches Emergency Operations Policy. At 9:15 a.m. Attorney Hanson joined the meeting via teleconference. Administrator Bennett distributed a draft copy of an Unauthorized Maintenance Policy for Managers review prepared by Hanson. Manager Ista felt that there should be something in writing as to the Board's statement on policy for unauthorized maintenance on District projects. Chairman Seykora had concerns about unauthorized work being done on the levees causing possible liability issues for the District. Attorney Hanson had a concern regarding the Board adopting a policy regarding paying for work that the District did not request in the first place. Manager Ista suggested a possible guideline being added. Attorney Hanson stated that he doesn't think there are guidelines, either there is policy or no policy. Administrator Bennett stated that he would like procedures adopted that authorized the expenditure of District funds and the ability to engage engineering services in an emergency situation.

A motion was made by Manager Dalen and seconded by Manager Skaurud authorizing Administrator Bennett and Engineer Bents to work on preparing protocol for emergency operations on the Upper Reaches Project for further consideration by the Board. Carried. Attorney Hanson left the teleconference at 9:30 a.m.

59. Dalen Coulee Project. Administrator Bennett stated that Attorney Hanson sent correspondence to all landowners within the project area notifying them on the grass buffer strips compliance requirements. It was noted that Managers Dalen and Seykora will be meeting on site with Kevin Kassenborg, Clay County SWCD and Ryan Braulick, Norman County NRCS, to do an inspection of the project and the grass buffer areas.

60. Lockhart Flood Storage. A motion was made by Manager Wright and seconded by Manager Dalen authorizing a contract in the amount of \$816.82 with Peterson Brothers for labor, material and installation of gates on the Lockhart Flood Storage Project. Carried.

61. South Branch Low Water Crossing, Section 35/36 Winchester Township. Administrator Bennett stated that Norman County has let bids on the low water crossing installation in Section 35/36 of Winchester Township. Bennett stated that there are approximately \$40-\$50,000 left in FEMA funds that could possibly be used for the local cost share that is about \$10,000 and is the township's responsibility. At the preconstruction meeting it was discussed that since the crossing is located on the South Branch Project, placing the two box culverts on grade and determining the elevation of the adjacent berms should be the District's responsibility. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing Houston Engineering to conduct needed survey work and construction staking to establish the gradeline, alignments and berm heights. Carried.

62. Grass Buffer Strip Restoration. Managers discussed how best to address the problems with landowner encroachments on project right of ways and the farming of the grass buffer strips. Manager Wagner stated that he is in favor of not allowing encroachment and the law allows for the restoration of the grass strips to its previous condition, but it doesn't do any good if the District doesn't enforce the law. Manager Ista suggested having Tim Halle issue a press release to inform landowners of the importance of preserving the grass buffer strips. Administrator Bennett stated that the Board previously agreed to work on this issue and suggested selecting three ditch systems to start with that could be investigated for corrective action. A motion was made by Manager Ista and seconded by Manager Skaurud authorizing Tim Halle to prepare the press release for distribution to the media and to have Chairman Seykora review a selected number of ditch systems to gather various photos and information related to areas of encroachment on grass buffer strips. Carried.

63. Spraying and Mowing Contracts. Administrator Bennett stated that the District received a proposal for helicopter spraying for cattails and trees from Midwest Helicopter, which will also be doing some work for Norman County in this area. This could make it more cost effective for the District. Manager Spaeth felt that spraying is more cost effective than mowing. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Warren Seykora to review the ditch systems identified for mowing and spraying by the ditch committees to determine the appropriate methods for contracting and coordination of the work. Carried. A motion was also made by Manager Dalen and seconded by Manager Spaeth authorizing Administrator Bennett and Chairman Seykora to obtain bids and to coordinate the necessary spraying, once the field reviews have been completed. Carried.

64. Upper Reaches Project. Administrator Bennett stated that he and Manager Wagner and Engineer Bents identified those areas of the Upper Reaches Project that should have the levees profiled to establish the current levee heights. Engineer Bents stated that the costs would be about \$5,000-\$7,000 if the work is done this fall after the leaves are off. A motion was made by Manager Wagner and seconded by Manager Spaeth authorizing Houston Engineering to conduct the surveys and mapping of the levees along the Upper Reaches Project. Carried.

It was also reported that an unidentified person has increased the height of the levees along the Wild Rice River in Section 31, Hegne Township. A motion was made by Manager Dalen and seconded by Manager Wright authorizing Houston Engineering to conduct an investigation into the raising of the levee and to check into who may be the responsible party. Carried.

PERMIT APPLICATIONS

65. Robert Brandt, Section 15, Lake Ida Township. Upon a motion by Manager Skaurud and second by Wright, Permit Application No. 6-30-04-1, of Robert Brandt to install a culvert in Section 15, Lake Ida Township, was approved. Carried.

66. Paul Larson, Section 28, McDonaldsville Township. Upon a motion by Manager Wright and second by Manager Dalen, Permit Application No. 6-30-04-2, of Paul Larson to install a farm ring dike in Section 28, McDonaldsville Township, was approved as an "after the fact" permit. Carried. Larson will also be billed for costs incurred with his violation and the cost associated with the "after the fact" permit. Carried. Language is also to be included on the permit approval related to penalties involved in performing work without a watershed permit.

67. Paul Borgen, Section 15, Hegne Township. Upon a motion by Manager Ista and second by Manager Wagner, Permit Application No. 6-30-04-3, of Paul Borgen to install a field crossing in Section 15 of Hegne Township, with a 15 inch gated culvert was approved. Carried.

68. Agassiz Recreational Trail JPB, Section 16, Strand Township. Upon a motion by Manager Ista and second by Manager Dalen, Permit Application No. 6-30-04-4, of Agassiz Recreational Trail JPB to install a bridge in Section 16, Strand Township, was approved. Carried.

69. Degerness Farms, Section 36, Sundal Township. Upon a motion by Manager Dalen and second by Manager Spaeth, Permit Application No. 6-30-04-5, of Degerness Farms to install a culvert in Section 36 of Sundal Township was approved with the condition that the culvert installation can be no larger than 18 inches in diameter. Carried.

70. Charles Borgen, Jr., Section 26, Hendrum Township. Upon a motion by Manager Skaurud and second by Manager Wright, Permit Application No. 6-30-04-6, of Charles Borgen, Jr. to install a culvert in Section 26, Hendrum Township, was approved with the condition that the invert elevation of the new culvert is at the same elevation as the existing culvert. Carried.

71. Charles Borgen, Jr., Section 13, Hendrum Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application No. 6-30-04-7, of Charles Borgen, Jr. to install an 18-inch culvert in Section 13, Hendrum Township, was approved. Carried.

72. Charles Borgen, Jr., Section 14, Hendrum Township. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 6-30-04-8, of Charles Borgen, Jr., to install a 24-inch culvert in Section 14, Hendrum Township, was approved with the condition that the culvert size be limited to 18 inches in diameter. Carried.
73. Guttormson Farms, Section 3, Felton Township, Clay County. Upon a motion by Manager Dalen and second by Manager Wagner, Permit Application No. 6-30-04-9, of Guttormson Farms to install a 48-inch culvert with trap in Section 3, Felton Township, was approved. Carried. Applicant is required to obtain MN DOT approval for work within the R/W.
74. John Haugo, Section 30, Popple Grove Township, Mahnomen County. Upon a motion by Manager Spaeth and seconded by Manager Skaurud, Permit Application No. 6-30-04-10, of John Haugo to install a culvert in Section 30 of Popple Grove Township was approved as an "after the fact" permit, with the condition that the culvert size be limited to 18 inches in diameter. Carried. A bill will be sent to Haugo for all costs and expenses related to the violation and in preparing the "after the fact" permit. Carried. Language is to be included on the permit approval identifying what penalties may be involved in performing the work without a watershed permit.
75. Pazdernik Farms, Section 23, Pembina Township, Mahnomen County. Upon a motion by Manager Ista and second by Manager Wagner, Permit Application No. 6-30-04-11, of Pazdernik Farms to replace a 24-inch culvert with a 48-inch culvert in Section 23, Pembina Township, was tabled pending further investigation. Carried.
76. Pazdernik Farms, Section 23, Popple Grove Township, Mahnomen County. Upon a motion by Manager Skaurud and second by Manager Spaeth, Permit Application No. 6-30-04-12, of Pazdernik Farms to install a 30 inch RCP culvert in Section 23, Popple Grove Township, was tabled pending the applicant obtaining the signature of the adjacent landowner. Carried.
77. Randie Engeseth Conner & Yvonne Engeseth Opdahl, Section 25, Atlanta Township, Becker County. Upon a motion by Manager Dalen and second by Manager Ista, Permit Application No. 6-30-04-13, of Randie Engeseth Conner and Yvonne Engeseth Opdahl, to replace a culvert in Section 25, Atlanta Township, was returned to the landowner with notification that a more detailed permit application including the specific details of the proposed work, is necessary before action will be taken by the Board of Managers. Carried.
78. Lloyd Jirava, Section 4, Spring Creek Township, Becker County. Managers discussed the permit application of Lloyd Jirava and stated that an onsite meeting was held with Jirava and neighboring landowner, Jerry Matter, at which time an agreement was reached that a block would be installed on the ditch constructed by Jirava to resolve the violation. A motion was made by Manager Spaeth and seconded by Manager Dalen, that the permit application submitted by Lloyd Jirava to construct a ditch and install a culvert in Section 4, Spring Creek Township, be returned to the applicant so that the conditions for resolving the complaint are added to the permit application and that he may resubmit the permit application once these provisions are added in an attempt to resolve the complaint filed by Matter. Carried.

79. Complaints/Investigations/Violations. It was reported that Kenny Visser has not submitted any payments for the costs related to a permit violation. Manager Ista volunteered to contact Visser to remind him of his agreed upon obligation. Regarding the Pazdernik violation, it was reported that Steve Kroll, a Drainage and Design Consultant has been working with Pazderniks and Scherpings to arrive at a resolution of the complaint by Scherpings. Due to the length of time that has passed, a motion was made by Manager Spaeth and seconded by Manager Dalen authorizing a letter to be sent from Attorney Opheim's office, notifying Pazdernik of the costs related to the violation to date and that the District needs a response no later than July 14, 2004, about the status of a resolution between the parties. Carried. The correspondence is to be copied to Scherpings. It was reported that the MN DNR and the Mahnomon County SWCD have been working with Keith Danks on restoration of the violation. A motion was made by Manager Spaeth and seconded by Manager Skaurud to notify Keith Danks of the District's costs to date and requesting an update on the status of the violation. Carried. Chairman Seykora stated that Signe Aune has not returned to the area and it is his understanding that her farmland will be put into the CRP program, therefore no action can be taken on the Aune complaint at this time. Engineer Bents stated that he has inspected the Duane Erickson violation and felt it was restored correctly. Staff is in the process of collecting the balance of costs incurred as a result of the violation. Managers discussed the Pederson Brothers violation and consensus was for staff to prepare an "after the fact" permit application to include all of the conditions agreed to in the field visit and if agreeable to the Pedersons they could endorse the document to bring the violation to closure. The District will also forward a copy of the application to the USFWS for their comments prior to taking any action.

80. City of Ada Community Levee Protection. Manager Spaeth requested an update on the earlier meeting with the City of Ada personnel regarding levee repairs to J.D. #51. Administrator Bennett provided a brief overview of the meeting and stated that the next step in the process will be for the City of Ada to determine who will act as local sponsor for the COE Section 205 Study. If the District remains the sponsor the local cost share agreement would not need to be resigned and the project could move forward as soon as the DNR grant is finalized. Bennett stated that he has discussed with Nan Bischoff, U.S. COE, a reply to the City of Ada's request on information related to the responsibilities of the local sponsor and will be getting this information to them shortly.

81. Manager Ista asked Administrator Bennett about the Clay County LIDAR mapping project that was discussed at a recent meeting held at the Clay County Courthouse. Bennett stated that Tim Magnusson, Clay County Planner, has been working on obtaining LIDAR mapping for all of Clay County. Because a part of the WRWD is located within Clay County and includes the South Branch, Magnusson would like to be able to have LIDAR mapping for the South Branch area. Bennett stated that Magnusson has indicated that he would do some additional checking into the possibility of expanding the LIDAR mapping to the South Branch area.

82. Wild Rice River COE Feasibility Study (WRRFS). Administrator Bennett reported on a recent coordination meeting held on the 28th of June in St. Paul, with Tom Raster, Chuck Spitzack, Randy Devereaux, Engineer Bents, Chairman Seykora and Bennett. Part of the meeting was used to review the organizational structure for the WRRFS and the roles and responsibilities of both the COE and the District. A key point discussed was having the COE take responsibility for overall project management, which they have seemed to want and shirk off on the District. Bennett noted that in reviewing the Project Management budget, the COE has budgeted dollars to perform the overall management and the District needs to keep pressure on the COE to carry out their obligation under the cost share agreement. Bennett stated that Chuck Spitzack agreed to check into this.

A flow chart was distributed which identified tasks to complete the study and how all of the critical items need to be accomplished in order to keep on schedule. Consensus of the Board was to continue with the coordination meetings in approximately six-week intervals. Administrator Bennett also reported that the COE is working to identify an optimum width for the setback levees and areas where the old oxbows could be used in restoring the channel. Once the COE provides the outline items, Houston Engineering will be selecting the proposed levee alignment. Landowner meetings are planned for the end of August to review the proposed alignments. Managers also discussed providing maps and consent forms to all property owners within the six-mile area on the Wild Rice River. A motion was made by Manager Ista and seconded by Manager Wagner authorizing staff to send notification to all landowners within the proposed off-channel storage area, to determine interest in providing consent to perform preliminary investigation and to schedule a meeting to be held at 9:00 a.m., Wednesday, July 21, 2004, at the District office for the purpose of taking input and to answer questions related to the off-channel storage concept. Carried.

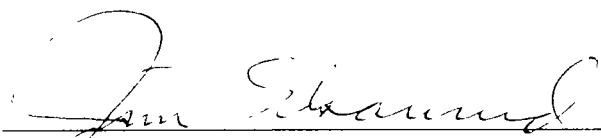
Manager Wright asked about the South Branch Storage Study that is a part of the COE WRRFS and if the COE would be partnering in a possible future project along the South Branch. Bennett stated that the COE has indicated that they would provide cost share assistance to investigate potential storage locations within the South Branch Basin, however the COE did not feel that projects coming out of the investigation would meet the benefit cost criteria needed to support federal interest in a project.

Discussion was also held about an upcoming meeting scheduled for sometime in August with Representative Collin Peterson at the St. Paul office of the U.S. Army Corps of Engineers, for the purpose of providing Congressman Peterson with an update on the COE WRRFS. Bennett stated that staff would be contacting Congressman Peterson's staff about a meeting date.

83. Norman County Highway No. 19, Road Project. Manager Ista stated that she received several concerns expressed by landowners about increased culvert sizings on the Norman County Highway Department's County Road No. 19 regrading project and that the changes would cause problems with the Green Meadow Dam. Manager Skaurud stated that he also received a call and there are no increases in the sizes of the culverts currently on site. Manager Ista indicated that she has verified changes east of the Green Meadow Dam with Norman County Engineer, Mick Alm. Administrator Bennett reported that Horace Ooley, property owner in Green Meadow Township, was in the District office with questions regarding culvert sizings along County Highway #19. Mr. Ooley was provided the road construction plans outlining the proposed changes and a copy of the letter from Attorney Hanson, outlining state law regarding permitting of drainage and culvert improvements. Manager Skaurud also stated that he had been questioned on the Board's decision to proceed with the engineering investigation of the Green Meadow Dam, when it was the consensus of landowners not to proceed with the analysis. Skaurud indicated that he supported the Board's decision and felt the investigation was necessary to ensure public safety and that the dam would remain to be a liability until engineering could certify that it meets current standards.

84. Farmstead Ring Dikes. Managers discussed holding a final walk through on completed ring dikes that are ready to be closed out prior to approving the final contracts for payment. A motion was made by Manager Wagner and seconded by Manager Wright to schedule a final walk through with a committee of Managers and staff for 1:00 p.m. on Tuesday, July 6, 2004. Carried.

85. 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.



 Jim Skaurud, Secretary

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Checking-RAB				
06/02/2004	8237	Grinnell Mutual Payment Center	Policy #0027004721	-63.00
06/03/2004	8235	ARC Lanes	Noon Lunch	-46.00
06/03/2004	8233	Rural Cellular Corp	April Billing	-56.84
06/09/2004	8240	AmeriPride	Cleaning Services	-27.39
06/09/2004	8241	Auto Value/Radio Shack	Camera Batteries	-33.42
06/09/2004	8242	Cecil Malme	Gauge Reading	-50.00
06/09/2004	8243	City of Ada	Utilities	-263.23
06/09/2004	8244	City of Halstad	Fire Call	-250.00
06/09/2004	8245	Dennis Habeck	Debris by Structure	-150.00
06/09/2004	8246	Diane Ista	Per Diem and Expense	-255.70
06/09/2004	8247	G R Graphics, Copier	Copier agreement/scanner agreement	-230.79
06/09/2004	8248	Houston Engineering, Inc.	Engineering Fees	-38,905.40
06/09/2004	8249	ICS Agency	Directors & Officers Renewal	-3,295.00
06/09/2004	8250	James Wagner, Sr	Per Diem\Expense	-424.28
06/09/2004	8251	JB Associates, Ltd., Inc	Administrative Fees	-18,347.56
06/09/2004	8252	Jim Skaurud	Per Diem and Expenses	-239.29
06/09/2004	8253	Joe Spaeth	Per Diem and Expense	-250.11
06/09/2004	8254	Loretel Systems	Phone Billings	-335.94
06/09/2004	8255	Lunde Blade & Gravel	Project #29	-135.00
06/09/2004	8256	Marcussen Accounting	Accounting Fees	-975.00
06/09/2004	8257	Norman County Abstract	Borge Abstract	-103.00
06/09/2004	8258	Norman County Index	Billings	-762.54
06/09/2004	8259	North Star Water	Water/Office	-6.99
06/09/2004	8260	Office Supplies Plus	Office Supplies	-11.30
06/09/2004	8261	Otto's Welding & Machine Shop, Inc	Flap Gates	-149.10
06/09/2004	8262	Outback Engineering	Computer Repair	-60.00
06/09/2004	8263	PERA	Payroll @ 5 1%\employer 5 53%	-125.88
06/09/2004	8264	Petty Cash	Petty Cash	-257.36
06/09/2004	8265	RBR Development, Inc	Clay #56 Repair	-7,058.70
06/09/2004	8266	Reardon Office Equipment, Inc	Office Supplies	-178.32
06/09/2004	8267	Red River Coop Power	Acquisition	-745.02
06/09/2004	8268	Red River Basin Commission	CREP Contribution	-200.00
06/09/2004	8269	Red River Watershed Management Board	Cost Share Stream Gages Shelly/Hendrum	-5,220.00
06/09/2004	8270	Robert E Wright	Per Diem and Expenses	-129.73
06/09/2004	8271	Roger Hennen	JD 53, Sec 21, Shelly	-1,400.00

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Checking-RAB				
06/09/2004	8272	Rural American Bank	FICA Withholding, Managers\Wtrshed	-166.76
06/09/2004	8273	Rural Cellular Corp	VOID May Billing	0.00
06/09/2004	8274	Tim Halle	Press Release 5/19 & 03 Annual Report	-424.00
06/09/2004	8275	Trnka Real Estate & Appraisal Svc.	Prosby & Wright update	-500.00
06/09/2004	8276	US Postal Service	Envelopes	-152.70
06/09/2004	8277	Visser Trenching	Inv Dated 6/2/04	-1,760.00
06/09/2004	8278	Wagner Saw Mill, L.L.C.	Lumber fo Gates	-284.00
06/09/2004	8279	Wambach & Hanson	May Billings	-2,959.77
06/09/2004	8280	Warren J Seykora	Per Diem & Expenses	-1,083.79
06/09/2004	8281	Ziegler Construction	Project No 20	-359.75
06/09/2004	8282	James Wagner, Sr.	Beaver Removal	-300.00
06/09/2004	8283	Red River Watershed Management Board	1/2 cost share	-164.19
06/09/2004	8284	US Postal Service	VOID: Postage Meter	0.00
06/14/2004	8285	Wambach & Hanson Trust Account	Brian Borge 2002 Buyout	-19,446.54
06/23/2004	8286	Rural Cellular Corp	VOID: May Billing	0.00
06/23/2004	8287	Office Max Credit Plan	Camera, 2 computer programs	-1,742.20
06/23/2004	8288	Subway	Managers Lunch 6/22/04	-65.00
06/23/2004	8289	Rural Cellular Corp	May & June Billing	-115.13
06/23/2004	8290	MPCA	Dyrdal Ring Dike Permit Fee	-400.00
06/28/2004	8292	Visser Trenching	Inv. Dated 4/26/04	-3,110.00
Total Accounts Payable				-113,775.72

10-9-09
9:00 AM.

Green Meadow Dam.

<u>Name</u>	<u>Address</u>	<u>Phone</u>
1. Leon Johnson		2913
2. Lon Johnson		7208
3. Janis Jensen		356-8679
4. Alvin Johnson		784-4037
5. Tim Ramstorff		218-766-8785
6. Edward Ramstorff		356-8676
7. Horace Coley		784-4379
8. Donald Olson		
9. Duane Hanson		784-7972
10. Steven H. Arene		
11. Kevin Jensen		
12. Chud Ruchke		
13. Bill Ruchke		
14. Wayne Brandt		
15. Marvyn Menge		
16. Adina Brandt		
17. Dale Sig		