

# 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, November 10, 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., Diane Ista, Jim Skaurud and Joe Spaeth. The following members were absent: Steve Dalen. In addition, the following persons were present: Administrator Jerry Bennett, Attorney Elroy Hanson and Loretta Johnson, recording secretary.
3. Chairman Seykora called the meeting to order at 8:40 a.m.
4. A motion was made by Manager Spaeth and seconded by Manager Wright to approve the agenda. Carried.
5. A motion was made by Manager Skaurud and seconded by Manager Wright to approve the minutes of the October 13, 2004, meeting with the following changes: On Page #3, Paragraph #15, Line #15, “should continue the contract with H2M, on the COE WRRFS” should be changed to read “should continue the contract with H2M, because of their contract, on the COE WRRFS” and on Page #6, Paragraph #24, Line #8, “Scribner” should be changed to “scrivener” and on Page #6, Paragraph #25, Line #14, “Brendemule” should be changed to “Brendemuhl” and on Page #13, Paragraph #66, Line #2 “perfumed” should be changed to “performed.” Carried.
6. Steve Dalen arrived at 8:50 a.m.
7. Doug Marcussen reviewed the monthly financial report of the District dated October 31, 2004. Upon a motion by Manager Spaeth and second by Manager Wagner, the monthly Financial Report was approved for entry into the record. Carried.
8. Special Levies. Doug Marcussen discussed the fact that he is waiting for a benefit determination from the Clay County Auditor before preparing recommendations on the levies for Clay County Ditches 7 and 8.
9. Jerry Bents arrived at 9:00 a.m.

10. The bills of the District were reviewed. Upon a motion by Manager Wright and second by Manager Dalen, the bills were unanimously approved and ordered paid. Carried. A listing of the bills approved is attached at the end of these minutes. Marcussen also reminded Managers to include their receipts with the Managers per diem and reimbursement requests. Consensus of Managers was to include all receipts for reimbursement. The threshold for expense reimbursement without a receipt will remain at \$25.

11. Pazdernik/Scherping Rule Violation. Managers discussed the violation of Pazdernik Farms in Section 36, Pembina Township, Mahanomen County. Manager Spaeth stated that Scherpings are concerned with the work completed by Pazderniks and are requesting that the ditch be restored to its original condition. Engineer Bents commented that he has no way of determining exactly the prior size of the ditch and felt that the work completed by Pazdernik Farms was adequate to carry the flow from the existing culverts through the township road. Manager Spaeth agreed that the ditch may have adequate capacity, however he felt that the original ditch was wider and had flatter side slopes. Attorney Hanson asked what the approximate cost would be to widen the ditch the way Scherpings requested. Chairman Seykora felt the cost would be minimal estimating the work taking a couple of hours. In an effort to resolve the concerns it was the consensus of the Board to have Manager Spaeth talk to Pazdernik Farms about Scherpings' concerns.

12. Low Water Crossing, Winchester Township. Administrator Bennett stated that Herman Lee is scheduled for 3:00 p.m. on the agenda to discuss the low water crossing installed in Sections 35/36 of Winchester Township. Administrator Bennett provided some background information for the Managers on the agreements with Winchester Township for the bridge replacement. Bents noted that Herman Lee was concerned that the low water crossing installation would cause back up of water on his property. Bents reviewed the hydraulic analysis prepared on the low water crossing with a comparison between the new structure and the old bridge structure.

13. Project Pay Requests.

A motion was made by Manager Dalen and seconded by Manager Skaurud to approve payment of the Final Pay Request in the amount of \$992.50 to RBR Development for the Rick Borgen ring dike. Carried.

A motion was made by Manager Spaeth and seconded by Manager Wagner to approve payment of the Final Pay Request in the amount of \$4,291.60 to Geray Dozing for the Deb Ruebke ring dike. Carried.

Managers also discussed communication received from Bob Brandt regarding the condition of the road, which was raised as part of the Deb Ruebke ring dike project. Brandt felt that the contractor may be responsible for deficient work. Engineer Bents reported that he investigated the complaint and determined that the road problems were more related to heavy traffic from the sugar beet harvest and not to deficiencies by Geray Dozing, the contractor on the project. A motion was made by Manager Ista and seconded by Manager Dalen authorizing a reply to Bob Brandt notifying him of the Board's findings. Carried.

A motion was made by Manager Ista and seconded by Manager Spaeth to approve Partial Pay Request No. 2 in the amount of \$3,344.40 to Geray Dozing on the Roger Dyrdaahl ring dike. Carried.

A motion was made by Manager Skaurud and seconded by Manager Wright, to approve payment of the Final Pay Request in the amount of \$2,504.50 to Visser Trenching on the Anderson Wetland Restoration Project. Carried. A motion was also made by Manager Skaurud and seconded by Manager Spaeth authorizing a gate be installed on the project and Chairman Seykora to coordinate the installation. Carried.

14. Heiberg Dam. Administrator Bennett reported that the District received a grant agreement from the National Fish and Wildlife Foundation in the amount of \$40,000. A portion of the DNR grant for \$100,000 will be used as the 2:1 match for the foundation's grant. Administrator Bennett also stated that information on the outside funding sources will be provided to FEMA in efforts to finalize the funding package for the project. Manager Skaurud felt that MNDOT should be contacted about possible funding for the project due to the proposed future bridge replacement project. Engineer Bents commented that he has submitted a permit application to MnDOT for the reconstruction of the dam.

15. Farmstead Ring Dikes. Administrator Bennett reported that the farm ring dike committee will need to meet again once the additional information is developed for the five candidate sites. It was noted that a committee meeting could be held as soon as late November to pare down the list for the final candidate sites for 2005 construction.

16. Project No. 9 – South Branch/Felton Ditch Project. Attorney Hanson reported that in discussions with Zenas Baer, Attorney for A.C. Heiraas, Baer indicated he would not be resubmitting a repair request and felt that it was an engineering decision on what portion of the repair request should be considered. Also discussed was the six-mile clean out on the South Branch, which would be a part of the hearing. Administrator Bennett questioned Attorney Hanson about the legal requirements for the Board to be proceeding with the repairs including the requirements for public hearing. Bennett stated that the Board should have Attorney Hanson review the procedures and provide his recommendation back to the Board including the acquisition of the additional right of way for the projects. Bennett stated that if the projects were to proceed to construction in the spring it would be necessary to finalize the procedural aspects of the projects. A motion was made by Manager Wagner and seconded by Manager Spaeth authorizing Engineer Bents to prepare a repair report only on the portion of the request in the South ½ of Section 8, Hagen Township, by Heiraas that is to be considered for repairs. Carried. Managers also discussed property acquisition needed for the projects and a motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing Administrator Bennett, Engineer Bents and Attorney Hanson to begin checking into the land acquisition process and lay out the process to be followed. Carried.

17. Norman County Rural Acquisition. A motion was made by Manager Wright and seconded by Manager Spaeth to award the bid contract for demolition to Taggart Construction contingent on the recommendation of Engineer Bents. Carried. Engineer Bents stated that bids for the abatement will be opened on November 30, 2004. A motion was made by Manager Dalen and seconded by Manager Spaeth authorizing engineering to award the bid for the removal of the asbestos, upon a recommendation provided by Angstrom Analytical. Carried.

18. Moccasin Creek Dam Operation Plan. Engineer Bents provided a report on the operations and management of the Moccasin Creek Flood Control Structure in Fossum Township, Norman County. When the operating plan was developed, it was agreed that the gate of the dam will be closed during spring flood events, but not during summer flood events. The limited operation of the project was due to concerns over environmental impacts to the pool behind the dam. A computer model was used to show the project's operation and how, if the gate were closed when flood stage is reached at Twin Valley or Hendrum, it would be operated more often. Also, if possible to close the gate during the summer months, it would also be able to hold water behind the dam for longer periods of time during summer events. Manager Skaurud stated that not being able to operate the gate during summer events has bothered him and thought that looking at operating by the Twin Valley gauge makes a lot more sense. Manager Skaurud moved to go forward with submitting the recommendations to modify the operation of the project to the permitting agencies (MnDNR and USACE). The motion was seconded by Manager Dalen and unanimously carried.

19. Judicial Ditch #53, Main. At 11:40 a.m., Norman County Commissioner Warren Olson met with Managers to discuss a request that he received from Shelly Township for assistance in seeking a solution to continued sloughing along the township road in Section 22 of Shelly Township, adjacent to Judicial Ditch 53 Main. Managers discussed the issue as to whether or not the road sloughing is the responsibility of the township or the ditch system. Commissioner Olson stated that he is presenting his request for this to be investigated on behalf of the township and is asking for consideration in doing some ditch repair to make the bank of the roadway safer for the public. Manager Skaurud questioned if the problems related to the road are the responsible of the drainage system or Shelly Township. Administrator Bennett noted that the Board may need to obtain a legal opinion on the drainage authority's responsibility to address the road problems being requested by Commissioner Olson. It was the consensus of the Board to have Administrator Bennett coordinate a response on the legal question with Attorney Hanson. In addition, the area of concern by Commissioner Olson in Section 27 of Shelly Township adjacent to the road sloughing has also been approved for field surveys related to ditch repairs requested by landowners. It was felt that efforts should be made to obtain the survey information this fall before the ditch is filled with snow. Commissioner Olson left at 11:50 a.m.

20. Upper Felton Ditch Flood Storage Project. Manager Wright abstained from all discussion. Administrator Bennett reported that survey work on the project has been delayed due to the late harvest. Because some of the crops are still in the fields, Managers discussed as an option providing compensation for crop damages. A motion was made by Manager Ista and seconded by Manager Dalen authorizing the payment of damages in the amount of \$180 per acre or such lesser amount that is agreeable if it is necessary to survey before the crop is off. Carried. Manager Wright abstained.

21. Drainage System Repair and Maintenance. Administrator Bennett reported that Wade Oren submitted a ditch cleaning request for the SE1/4 of Section 25, Felton Township, which is on Project No. 20. Bob Platt also identified an area of proposed bank repair in Section 25, Hegne Township. A motion was made by Manager Wright and seconded by Manager Skaurud to approve an investigation for the ditch cleaning on Project 20 and the bank repair in Section 25, Hegne Township. Carried.

The Board also discussed a request by Andy Guttormson for a culvert extension along J.D. #56, one mile east of Highway #9. A motion was made by Manager Dalen and seconded by Manager Ista to notify Andy Guttormson that the ditch system would not pay the cost to extend the crossing that would be considered an improvement and not repair of the current crossing. Carried.

22. Billings for Consideration. Chairman Seykora reviewed an invoice submitted by Dan Lakeman DL Construction, for work on the Upper Reaches Project. Seykora noted that Lakeman incurred additional costs to remove trees that were restricting areas authorized for mowing. The costs to assist with the cleanup of trees were \$20 per hour. A motion was made by Manager Skaurud and seconded by Manager Wagner authorizing payment to Lakeman of the additional costs. Carried.

23. Manger Dalen left the meeting at 12:15 p.m.

#### PERMIT APPLICATIONS

24. Brian Visser, Section 27, Green Meadow Township. Brian Visser, Robert Yost, Korey Hegreberg and Cary Sip met with Managers at 1:00 p.m. to discuss the permit application of Brian Visser to install drain tile in the NW ½ NW ¼ of Section 27, Green Meadow Township. Manager Wagner moved to the audience. Robert Yost, representing David Stevens stated that over the years seepage off the beach ridge area has affected the Stevens property and they were not in favor of the proposed permit application to install drain tile on the Visser property. Cary Sip noted his concerns with the proposed permit application and felt that the project as proposed would result in seepage to his property in Section 28, Green Meadow Township. Engineer Bents questioned Yost if he had any concerns regarding the outlet along Section 12, of Green Meadow Township, which is currently in CRP. Yost stated that they do not have a problem with the proposed project. Brian Visser stated that he felt the tiling may be a benefit to the Stevens property, because it would be catching some of the seepage from the fish ponds located in Section 22 of Green Meadow Township. Engineer Bents questioned Visser about the possibility of installing non-perforated pipe for ¾ of a mile, to the corner. Visser replied that it could be done, however it would be more cost efficient to clean the ditch. Sip stated that with the reservoir of the fishponds causing seepage to the west, this drain tile would cause additional seepage to the west onto his property. Visser stated that he did not feel the drain tile installation would contribute to any additional problems on the Sip property. Brian Visser stated that he would like to entertain the idea of installing a portion of the system. Robert Yost stated that on behalf of David Stevens he objected to any tiling. A motion was made by Manager Ista and seconded by Manager Wright to return Permit Application No. 11-10-04-1 to the applicant requesting that additional information be provided to address the downstream impacts as outlined by Houston Engineering. Carried.

25. Brian Borgen arrived at 1:30 p.m.

26. Mahnomen County Highway Department, Sections 20/21, Marsh Creek Township. At 1:30 p.m. David Haugo met with Managers to discuss the permit application of the Mahnomen County Highway Department to replace a culvert in Sections 20/21 of Marsh Creek Township. David Haugo raised concerns that there is not enough downstream capacity to take the increased water that will result if the culvert is increased between Sections 20 and 21 of Marsh Creek Township. Haugo also stated that the downstream road has washed out numerous times as a result of water overtopping the road. Manager Spaeth questioned why Mahnomen County was recommending a larger culvert if the downstream culverts could not handle the flow. Engineer Bents stated that they had prepared the hydraulic analysis for Mahnomen County as part of a plan to upgrade a crossing that experienced problems following the 2002 flood event. Bents stated that increasing the downstream crossing to a size equal to the pipe between Sections 20/21 was discussed with Mahnomen County. Haugo stated that the problem with increasing the downstream crossing is that it is on a township road and the township does not have funding to replace the crossing at the present time.

After considerable discussion and based on the testimony a motion made by Manager Skaurud and seconded by Manager Wagner, Permit Application No. 11-10-04-2, of the Mahanomen County Highway Department to install a culvert in Sections 20/21 was denied until such time that the downstream pipe sizing can be addressed. Carried.

27. Dave Haugo left at 2:40 p.m.

28. At 2:00 p.m. Dan and Ed Scherping met with Managers regarding the complaint against Pazderniks for work in Section 36, Pembina Township. Dan Scherping requested that Pazderniks restore the ditch to its original condition by increasing the bottom width and providing flatter side slopes. A motion was made by Manager Spaeth and seconded by Manager Skaurud authorizing Manager Spaeth to contact Pazderniks about their willingness to comply with the Scherpings' request. Carried. Scherpings left the meeting at 3:00 p.m.

29. Ken Visser arrived at 3:30 p.m.

30. Winchester Township Low Water Crossing. At 3:00 p.m. Mick Alm, Rob Myers, Tim Weber, Mark Harless and Herman Lee met with Managers to discuss the recently installed low water crossing in Sections 35/36 of Winchester Township. Engineer Bents provide information from a hydraulic study completed for the current structure, which consists of three lines of 12 feet, by 4-foot pre cast concrete box culverts. Hydraulics were calculated for the two year event, 16 year (design flood) 50 year and 100 year (regional flood) event and compared with the previous structure for the same events. Bents also provided scenarios, which included the box culverts being partially blocked. Administrator Bennett provided photos of the bridge installation. Tim Weber stated that even with the recent four-inch rain the photos showed the high water level only utilized a small percentage of the channel capacity at this location. Herman Lee indicated that this is not the kind of low water crossing he had envisioned. Lee also questioned at what time the Board of Managers intended to draw the line with agencies and get some impoundment projects to halt the increased drainage and runoff, which contains fertilizer, which he felt is very harmful to his land. Manger Ista stated that the local agencies, i.e. USFWS and DNR are trying to be helpful, but they have legislative laws which they oversee. Ista commented that she felt the District is working very hard with projects including finishing the COE WRR Feasibility Study and the setback levees. Mark Harless commented that he did not like the comparison in the hydraulic report with the old bridge, but would rather use a comparison of the new crossing to an open channel. Engineer Bents review the hydraulics comparing the structure to the open channel and felt that the new structure had minimal changes to the channel stage. Tim Weber felt that the big trees that come down as debris from the east would wash right over the top of the new bridge. Herman Lee felt that what he would like to see efforts put toward upstream storage. Weber, Myers, Alm, Lee and Harless left the meeting at 3:45 p.m.

31. Kenny Visser met with Managers on the complaint filed by Larson for rocks placed in a natural watercourse in Section 21 of McDonaldsville Township. Visser claimed that he cleaned out the rock two months ago and felt that the complaint had been resolved. Chairman Seykora stated that the District is asking him to restore it to the original condition based on a recommendation from Houston Engineering that the work that was done is not satisfactory. To assist in a resolution of the complaint, a motion was made by Manager Ista and seconded by Manager Spaeth authorizing a delegation of the Board and Houston Engineering to meet on site with Visser. Carried with Manager Wagner opposed. Visser left the meeting at 4:00 p.m.

32. Brian Borgen met briefly with Managers to review photos of the recent flooding of the levees following the October rainfall runoff event. Borgen left the meeting at 4:00 p.m.

33. Mick Alm met with Managers at 4:00 p.m. with a request for a Manager to attend the Hendrum City Council meeting scheduled for 7:00 p.m., Wednesday, November 10, 2004. Alm presented a draft letter from the City of Ada, seeking a flooding solution and proposing a Flood Summit with Norman County Commissioners, Wild Rice Watershed District Board of Managers, and the cities. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing Manager Ista and Administrator Jerry Bennett to attend. Carried. Alm left the meeting at 4:10 p.m.

34. Engineer Jerry Bents left the meeting at 4:15 p.m.

#### PERMIT APPLICATIONS

35. Norman County Highway Department, Section 25, Mary Township. Upon a motion by Manager Ista and second by Manager Wagner, Permit Application No. 11-10-04-3 of the Norman County Highway Department to replace a bridge in Section 25, Mary Township, was approved. Carried.

36. Drainage System Repairs and Maintenance. A motion was made by Manager Skaurud and seconded by Manager Wagner to award the contract for repairs and maintenance on the Upper Reaches Project to Visser Trenching in the amount of \$32,602.50. Carried.

Administrator Bennett reviewed the project repair report dated November 10, 2004. A motion was made by Manager Ista and seconded by Manager Wright to approve repairs to the fences on the outlet structure at an estimated cost of \$2,500 on Project No. 5 Norman Polk Carried.

Administrator Bennett reported that in negotiating spoil easements for the ditch cleaning on Project #6, Kirk Strand requested that the topsoil be stripped and placed back over the spoil bank. Bennett also reported that Engineer Bents estimated the cost of doing this at approximately \$2-3,000. It was felt that to accommodate the request would not be feasible. A motion was made by Manager Ista and seconded by Manager Wagner authorizing staff to correspond with Strand and offer the original proposal of \$1,000 per acre for the temporary spoil easement. Carried.

37. Manager Spaeth left the meeting at 4:45 p.m.

Engineer Bents stated that all of the construction on the District's flood control projects have been completed. Administrator Bennett stated that each project would need to be checked prior to freeze up to make sure that the structures are operational for the spring runoff. Manager Wagner offered to take care of this.

38. Meetings/Conferences/Seminars. Managers discussed the possibility of canceling the Project Team November meeting. A motion was made by Manager Ista and seconded by Manager Wagner, authorizing Managers and staff attendance at the RRBFDWVG meeting scheduled for November 17, 2004, at Crookston. Carried. A motion was made by Manager Ista and seconded by Manager Wright authorizing Managers and staff attendance at the County Ditch #22 meeting scheduled for November 22, 2004, at the Norman County Court House. Carried. A motion was made by Manager Ista and seconded by Manager Wagner authorizing Managers and staff attendance at the RRWMB/RRBC Legislative Meeting, scheduled for November 23, 2004, Moorhead, MN. Carried.

39. Meeting Motions. Managers discussed their preference of the two versions of the meeting motions, which were sent out for review. Manager Ista preferred the longer, more precise version with the remaining members concurring with the shorter version. Consensus of the Board was to leave it up to administration to select the format to be utilized.

40. Chairman Seykora recessed the meeting at 5:30 p.m. to be reconvened at 10:30 a.m. on Monday November 15, 2004, at the District office.

41. Chairman Seykora reconvened the meeting at 10:30 a.m. The following members were in attendance: Joe Spaeth, Jim Skaurud and Diane Ista. The following members were absent: Steve Dalen, James Wagner, Sr., and Robert E. Wright. In addition the following persons were in attendance: Engineer Jerry Bents, Administrator Jerry Bennett and Loretta Johnson, recording secretary.

42. A motion was made by Manager Spaeth and seconded by Manager Skaurud to approve the agenda with the addition of an engineer's report on the Green Meadow Dam Evaluation. Carried.

43. Clay County Ditch #14. Engineer Bents reported on the cleanout in Sections 15 and 16 of Georgetown Township, on Clay County Ditch #14. Bents reported that in the process of completing the repairs, an area on the south bank has recently begun to crack and slough into the ditch near the center of the section. The slough area is currently approximately 150-feet in length. However, due to the steep slopes on the south bank in the area of this slough, it is likely that this slough will increase. Bents recommended completing the remainder of the cleanout this year and re-evaluating the extent of the sloughing in the spring of 2005. Bents felt that it is likely that the ditch will need to be realigned and re-sloped (i.e. 3:1 slope) for that portion of Section 16 that is experiencing the problem. Bents stated that Houston Engineering has cross sections through the entire system; so no additional surveying will be necessary. A motion was made by Manager Skaurud and seconded by Manager Ista authorizing Engineer Bents to prepare a Repair Report and staff to concur with Attorney Hanson to determine proper procedure for the work under a repair or improvement of the drainage system. Carried.

44. Manager Wright arrived at 10:45 a.m.

45. Upper Reaches Project. Administrator Bennett reported on a repair request filed for bank repair in Section 30 of McDonaldsville Township by Dwight Heitman. Heitman requested that the levees in this portion, that have either settled or been lowered by equipment travel, be restored to their original height. Engineer Bents stated that there are no original profiles in this area of the levees and felt it may be difficult to determine the actual levee heights. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing an investigation into the request by Houston Engineering and provide a recommendation back to the Board of Managers. Carried. Consensus of Managers was that if Houston Engineering finds areas that are critical for repairs this fall the work should be completed prior to the Board's next meeting.



#### PERMIT APPLICATION

46. Mark Chisholm, Section 14, Green Meadow Township. Managers reviewed the permit application of Mark Chisholm to install a 24-inch culvert and field crossing and also make drainage improvements in the NE4 and the N2SE4 of Section 14, Green Meadow Township. Administrator Bennett reported that Managers Seykora and Skaurud investigated the permit application and noted concerns over problems with the outlet for the proposed drainage improvements. Options recommended included improvements to the existing outlet on the property; having the downstream landowners sign on to the permit application as joint applicants or alternatively providing additional information to address outlet adequacy. A motion was made by Manager Wright and seconded by Manager Spaeth to return Permit Application No. 11-15-04-1 to Mark Chisholm requesting the additional information needed prior to making a decision on the permit application along with providing some the additional options discussed that could be considered in addressing the water concerns. Carried.

47. Marvin Menge, Section 25, Halstad Township. Upon a motion by Manager Skaurud and second by Manager Ista, Permit Application No. 11-15-04-3 of Marvin Menge to remove a ridge on the field side of the road ditch in Section 25, Halstad Township was approved. Carried.

48. Dan Brommenschenkel, Section 3, Hendrum Township. The permit application of Dan Brommenschenkel request for the installation of a field inlet and flap gate in Section 3 of Hendrum Township was reviewed by the Managers. Since the request by Brommenschenkel is for the ditch system to pay for the installation of the field drain it was felt more appropriate to have the request filed as a ditch repair request on Norman County Ditch No. 1. A motion by Manager Ista and seconded by Manager Wright to return the permit application to Brommenschenkel, requesting that he file a ditch repair request and once submitted the watershed district would proceed with the installation with Brommenschenkel responsible for the cost of the culvert. Carried.

49. Janis Jensen arrived at 11:30 a.m.

50. Green Meadow Dam. Engineer Bents distributed the Engineer's Report for the Green Meadow Dam Evaluation and a report prepared by Midwest Testing Laboratory, Inc. (MTL) on the soils investigation performed on the dam.

The MTL report states; *"In our opinion, seepage and erosion will continue to be a problem for the dam which is constructed primarily of sand deposits. In our opinion, long-term seepage through the dam can transport fines from the sandy soils and may establish flowpaths for seepage, which can cause increased problems over time. Erosion of the embankment slopes should be expected to continue due to the sandy, erodible nature of the soil and topsoil found in this area. If these problems are unacceptable, we recommend constructing a new dam with a clay core (to control seepage), a keyway and a filter or drain on the downstream section of the embankment to permit free passage of water and prevent migration of fines through the filter."* Bents commented that since funding is most likely not available to reconstruct the dam he has prepared recommendations on a series of optional repairs for the Board to consider.

#### Option 1 – Minimum Procedure

From the MTL report it recommends; *“If past performance of the dam has been acceptable, as a minimum procedure, we recommend repairing all currently eroded portions of the dam and reestablishing the one foot thickness of the most impermeable soil on the outer portion of the dam, followed by the establishment of a thick vegetative growth to protect the dam from further erosion.”*

The Option 1 repair and cost estimate assumes the repair and re-grading all existing erosion/sloughing areas of the embankment, placement of a minimum one foot thick blanket of impermeable clay soil will be imported and placed to further reduce the potential for seepage and erosion at these locations (19+00-21+00, 23+50-35+00, 45+00-46+00, and 105+50-110+00.) For reconstruction on the downstream side of the embankment, it is assumed that native material from the adjacent land will be used. Upon completion of the repairs in the identified reaches, the final embankment cross-section would have a minimum 3:1 upstream and 2.5:1 downstream slope with top elevation constructed to 991.0. Note that it is assumed that the upstream slope will not be disturbed except for in the areas that will be repaired with the imported clay soil. All disturbed areas would be recovered with topsoil, seeded and mulched. In either case, any additional soil placed on the dam having a thickness of more than one foot would be notched into the current embankment to prevent future sliding along this interface. In addition to these repairs, this option also assumes that the embankment in the South ½ of Section 15 would be fenced to prevent cattle damage and allow for a thick vegetative growth to protect the dam from further erosion.

TOTAL OPINION OF PROBABLE COST FOR OPTION 1 = \$96,225

#### Option 2A – Resloping – Minimal Material Import Procedure

From the MTL report it recommends; *“If the previous dam performance has been acceptable and you wish to improve the seepage and erosion aspects of the current dam, we recommend flattening all upstream slopes which are currently steeper than the typical design slope of 3:1 and downstream slopes which are steeper than 2.5:1. Flattening of the slopes should help decrease seepage through the embankment.”*

Upon completion of the repairs in the noted reaches, the final embankment cross-section would have a minimum of 3:1 upstream and 2.5:1 downstream slope with top elevation constructed to 991.0. On the upstream side of the embankment, a minimum one-foot thick blanket of impermeable clay soil will be imported and placed to further reduce the potential for seepage and erosion at these locations (102+80-105+50 and 116+50-121+50). For reconstruction on the downstream side of the embankment, it is assumed that native material from the adjacent land will be used. Note that it is assumed that the upstream slope will not be disturbed except for in the areas that will be repaired with the imported clay soil. All disturbed areas would be recovered with topsoil, seeded and mulched. As noted in Option 1, any additional soil placed on the dam having a thickness of more than one foot would be notched into the current embankment to prevent future sliding along this interface.

TOTAL OPINION OF PROBABLY COST FOR OPTION 2A = \$162,100

### Option 2B – Resoling – Extensive Material Import Procedure

From the MTL report it recommends; *“Placement of a minimum one foot thick blanket of impermeable clay soil is recommended on the upstream slope to further reduce the potential for seepage through the existing dam. This layer of clay should be covered with topsoil and vegetation should be established capable of withstanding erosion from wave action and runoff.”*

The Option No. 2B repair and cost estimate assumes that all of the repairs noted in Option 2A are completed. In addition, a minimum one-foot thick blanket of impermeable clay soil will be imported and placed to further reduce the potential for seepage and erosion between Stations 110+00 to 116+50 and 121+50 to 142+50. Upon completion of the repairs in the noted reaches, the final embankment cross-section would have a minimum of 3:1 upstream and 2.5:1 downstream slope with top elevation construction to 991.0. As stated in Options 1 and 2, it is assumed that the upstream slope will not be disturbed except for in the areas that will be repaired with the imported clay soil. All disturbed areas would be recovered with topsoil, seeded and mulched.

TOTAL OPINION OF PROBABLE COST FOR OPTION 2B = \$212,630

Engineer Bents stated that the estimates do not include administrative and legal costs associated with land easement and rights of way. Chairman Seykora asked if engineering had looked into the concerns over seepage on the downstream side of the dam. Bents indicated that they had not since the seepage is not affecting the integrity of the dam. Chairman Seykora opened the floor to questions.

Janis Jensen questioned if clay were used would be brought in from another area. Bents answered yes, it would need to be hauled into the site. Administrator Bennett asked Bents what would be his preferred repair method after reviewing the Midwest Testing report and conclusions from the field survey work performed by Houston Engineering. Engineer Bents stated that his recommendation was to at a minimum the first level of repairs should be completed outlined under Procedure #1. Manager Ista questioned if there is an option of obtaining funding from the DNR, EQIP or the RRWMB? Administrator Bennett stated that requesting funding from the RRWMB may be a good option as well as the DNR under their dam safety program. Manager Ista also felt she would like to see a direct mailing sent to all of the landowners within the project area to provide information on the project's status. Administrator Bennett felt that the watershed district should also be meeting with the property owners that are involved with property on the project. Manager Ista felt that everyone should be informed first and provided with the current information. A motion was made by Manager Ista and seconded by Manager Skaurud authorizing staff to prepare a draft letter that could be sent to landowners on the project that could be reviewed at the December monthly meeting. Carried. Manager Ista stated that she felt the Norman County Commissioners and the Norman County Engineer should also be notified. Jensen left the meeting at 12:30 p.m.

### PERMIT APPLICATIONS

51. Tom Tommerdahl, Section 21, Hendrum Township. Upon a motion by Manager Skaurud and second by Manager Wright, Permit Application No. 11-15-04-4, of Tom Tommerdahl to install a field approach in Section 21, Hendrum Township, was approved. The applicant must obtain permission from Norman County for work within the road right-of-way. Carried.

52. David Narum/Joe Kroshus, Section 4, McDonaldsville Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application No. 11-15-04-5, of David Narum and Joe Kroshus to clean an existing ditch in Section 4, McDonaldsville Township was approved. The applicant must also obtain permission from the Minnesota Department of Transportation for work within the State Highway right-of-way. Carried.

53. Brian Visser, Section 27, Green Meadow Township. Engineer Bents discussed the Brian Visser permit application to install drain tile in Section 27 of Green Meadow Township. Bents said that Cary Sip stated that Visser cannot use the Sip private ditch to empty the drain tile without permission. Bents stated that the easiest thing to do would be to inform Visser that he would need to obtain permission from neighboring landowners; or have Visser provide a plan to address the outlet concerns. Consensus of Managers was to provide Visser with the two options of obtaining permission from the neighboring property owner, or providing the District with a plan including the bottom of ditch profile.

54. Lloyd Jirava, Section 4, Spring Creek Township. Managers discussed the permit application of Lloyd Jirava to install drain tile in Section 4, Spring Creek Township. Upon a motion by Manager Ista and second by Manager Wright, Permit Application No. 11-15-04-6, of Lloyd Jirava to install drain tile in Section 4, Spring Creek Township, was tabled, contingent on the applicant obtaining the signature of Jerry Matter. A meeting with Jirava, staff and Managers Skaurud and Ista in an attempt to seek a solution to the problem was also authorized. Carried. Manager Seykora abstained from the discussion and vote.

55. Kim Syverson, Section 13, Ulen Township. Upon a motion by Manager Ista and second by Manager Spaeth, Permit Application No. 11-15-04-5 of Kim Syverson to install a culvert in Section 13, Ulen Township, will be returned to the landowner along with the information that it appears that there has been work done by an unknown property owner which may be in violation of District rules. Syverson may either provide additional information on the permit request or submit a written complaint regarding removal of a culvert that the watershed district would then investigate the complaint. Carried.

56. Dahl Brothers, Section 4, Marsh Creek Township. Upon reviewing the permit application of Dahl Brothers to install drain tile and an erosion control structure in Section 4, Marsh Creek Township, it was felt that the neighboring landowner, Herman Dittmer should be allowed the opportunity to comment or alternatively Dahl Brothers could expedite the application by having Dittmer sign onto the application as a joint applicant. A motion was made by Manager Wright and seconded by Manager Skaurud, to approve the Permit Application No. 11-15-04-6, of Dahl Brothers to install drain tile and an erosion control structure in Section 4, Marsh Creek Township with special conditions requiring the applicant to have the plan approved by the NRCS and that the project cannot proceed until the watershed district receives comments from Dittmer or alternatively Dittmer signs onto the permit application as a joint applicant. Carried.

57. Complaints/Violations. Chairman Seykora distributed photos of the complaint filed by Kevin Kuehl for bales dumped in the drainage way in the SE4 of Section 9, Shelly Township. A motion was made by Manager Skaurud and seconded by Manager Wright authorizing a certified letter be sent to Curtis and Jolene Dammen notifying them that they are in violation of District rules and the blockage needs to be removed. Carried.

58. J.D. #51, City of Ada. Regarding the investigation by Engineer Bents into the recent storm sewer work completed by the City of Ada along J.D. #51, which involves the installation of a manhole and storm sewer line that will be used as a pumping station during flood events, Bents recommended that the City be contacted and notified that a permit application is necessary. A motion was made by Manager Ista and seconded by Manager Skaurud to notify the City of Ada that a watershed district permit application is required. Included in the notification will be the information that the storm sewer improvements do not impede the flow of J.D. #51, but there is concern by the District regarding future maintenance and the possibility of sloughing in the area. Carried.

59. Old Business. Chairman Seykora stated that he had discussions with Peg Braaten, who assisted in the preparation of the Board Self Evaluation Worksheets. Braaten requested a two-hour time slot on the agenda of a future meeting for the purpose of reviewing the replies and her input into the process. Consensus of Managers was to schedule a special meeting for this purpose on Monday December 20, 2004, at 10:30 a.m. following the Norman County SWCD monthly meeting. December 15, 2004, selected as a possible alternative date.

60. RRBFDRWG Meeting. Administrator Bennett reported on a recent meeting sponsored by the Red River Watershed Management Board (RRWMB) to discuss concerns related to project implementation in the Red River Basin. Don Buckhout with the Flood Damage Reduction Work Group (RRBFDRWG) was in attendance and commented that he felt that organized groups opposing the Watershed District projects is one of the major obstacles in getting projects implemented in the basin. This is a topic that the RRWMB and the RRBFDRWG plan to be giving more attention in the future.

61. CCWRWD Mediation of FDR Issues. Administrator Bennett reviewed a letter received from Kurt Deter, Rinke Noonan that offered to provide mediation services to address differences on flood damage reduction solutions for the Wild Rice Watershed District and the Concerned Citizen group.

62. Norman County Flood Summit. The Board of Managers discussed correspondence received from the City of Ada requesting a Flood Summit to discuss flooding issues and solutions. A motion was made by Manager Wright and seconded by Manager Skaurud authorizing staff to reply to the City of Ada stating that the Board of Managers is supportive of holding a Flood Summit and would like to be involved in setting dates and the meeting agenda. All of the communities within Norman County should be invited if a flood summit is to be held. Carried.

63. Chairman Seykora brought up the issue of property owners' infringement on ditch system rights of way. Seykora noted that he had observed four ditch systems in addition to the Dalen Coulee Project, in his ditch inspections during the summer. A motion was made by Manager Spaeth and seconded by Manager Wright to authorize Houston Engineering to review the ditch systems to determine the actual amount of encroachment. Carried.

64. South Branch Storage Site Reviews. Administrator Bennett discussed options for doing the environmental reviews on the South Branch Storage sites. The options included referrals back to the Project Team subcommittee or having Mark Aanenson, Houston Engineering, provide the initial environmental review and mitigation costs associated with the sites. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Engineer Bents to provide timeline and approximate costs for Aanenson to conduct the environmental reviews. Carried.

65. Meetings/Conferences/Seminars. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing Board and staff attendance at the Red River Basin Land and Water Conference, January 12-14, Fargo. Carried.

66. MAWD Resolutions. Chairman Seykora requested comments from Managers on the proposed MAWD resolutions. Consensus of the Board was to support the resolutions proposed at the MAWD Annual Meeting.

67. Carlson/Jacobson Request for Information. Manager Ista questioned the status of the information requested by Attorney Jay Carlson, for client, Curt Jacobson. Administrator Bennett stated that the District has not received a reply since the costs for the information were sent to Carlson.

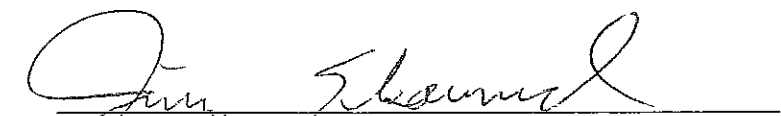
68. Skaurud Flood Storage. Administrator Bennett reported on the status of the Skaurud Flood Storage Project. At a recent Watershed District meeting, Managers were requested by the NRCS to increase the cash contribution by an additional ten percent on the project, which was approved by the Board. Part of the agreement to provide the additional funding was for Norman County to provide the future operation and maintenance of the structure. The Norman County Board of Commissioners suggested to address future maintenance cost that the Watershed District should establish a stormwater utility. Concerns of the Managers were that they felt Norman County should participate in the maintenance of the project, since the Watershed District is providing 50% of the construction costs. A motion was made by Manager Ista and seconded by Manager Wright authorizing a letter to the Norman County Commissioners requesting that they provide Operation and Maintenance on the project if a request is submitted to have the District consider a stormwater utility. Carried. Attorney Hanson is also instructed to check into the difficulty of establishing a stormwater utility on the project.

69. Part Time Office Staff. Administrator Bennett stated that he would be looking into hiring additional part time office staff and would be reporting back to the Board.

70. Manager Spaeth left the meeting at 4:30 p.m.

71. Norman County Commissioner Meeting. A motion was made by Manager Wright and seconded by Chairman Seykora authorizing Managers Skaurud, Wagner and Ista who represent Norman County, to meet with Norman County Commissioners and the CCWRWD to discuss Norman County flooding issues. Carried.

72. There being no further business to come before the Board of Managers, Chairman Seykora adjourned the meeting at 4:45 p.m.

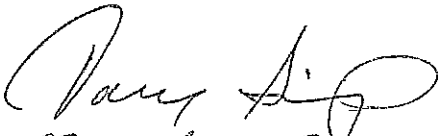
  
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Jim Skaurud, Secretary

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
<b>Checking-RAB</b>				
11/04/2004	8519	AmeriPride	Cleaning Services	27.39
11/04/2004	8520	Aquila	Utilities	11.79
11/04/2004	8521	G R Graphics, Maintenance	Copier agreement/scanner agreement	230.79
11/04/2004	8523	Unicel	September Billing	58.70
11/10/2004	8531	Ada VFW Post 7557	Room Rent, Lunch	274.40
11/10/2004	8532	AmeriPride	Cleaning Services	27.39
11/10/2004	8533	ARC Lanes	VOID: Lunch 10/20/04	0.00
11/10/2004	8534	Bits & Bytes	Computer Consultation	36.80
11/10/2004	8535	City of Ada	Utilities	225.30
11/10/2004	8536	Diane Ista	Per Diem and Expense	269.93
11/10/2004	8537	DL Construction	Mowing & Tree Removal	2,575.00
11/10/2004	8538	DOI - USGS	#4-8607-00082 Stream Gage, South Branch	8,621.00
11/10/2004	8539	Geray Dozing		7,636.00
11/10/2004	8540	Houston Engineering, Inc	Engineering Fees	37,405.13
11/10/2004	8541	James Wagner, Sr.	Per Diem - FICA/PERA	50.23
11/10/2004	8542	JB Associates, Ltd., Inc.	Administrative Fees	14,631.10
11/10/2004	8543	Jim Skaurud	Per Diem and Expenses	1,081.34
11/10/2004	8544	Joe Spaeth	Per Diem and Expense	275.20
11/10/2004	8545	Loretel Systems	September	321.41
11/10/2004	8546	Marcussen Accounting	Accounting Fees	600.00
11/10/2004	8547	Midwest Testing Lab.	Heiberg Dam Repair	2,328.20
11/10/2004	8548	Norman County Auditor/Treasurer		21.30
11/10/2004	8549	Norman County Index	Press Release/Supplies	437.84
11/10/2004	8550	North Star Water	Water/Office	10.65
11/10/2004	8551	PERA	Payroll @ 5.1%\employer 5.53%	452.11
11/10/2004	8552	Petty Cash	Petty Cash	124.87
11/10/2004	8553	RBR Development, Inc.	Borgen Final Pay Request	992.50
11/10/2004	8554	Red River Coop Power	Hest Farmstead Ring Dike	1,426.92
11/10/2004	8555	Rinke Noonan	Legal Fees	280.00
11/10/2004	8556	Robert E. Wright	Per Diem and Expenses	188.96
11/10/2004	8557	Rural American Bank	FICA Withholding, Managers\Wtrshed	231.03
11/10/2004	8558	Tim Halle	Press Release	400.00
11/10/2004	8559	Visser Trenching	Final Pay Request	2,504.50
11/10/2004	8560	Warren J. Seykora	Per Diem & Expenses	1,940.88
11/10/2004	8561	James Wagner, Sr.	Beaver removal	482.20
11/10/2004	8562	PERA	9/1/03-9/30/03 Payroll	86.10
11/10/2004	8563	Ziegler Construction	Tommerdahl Violation	110.00
<b>Total Checking-RAB</b>				<b>86,376.96</b>

11/10/04

Sign In Sheet

Brian Visser Permit

1. 
2. David Steves — Robert Yost representing
3. Corey Heuberg
4. Brian Visser
- 5.



Sign Up 11-10-04  
3:00 P.M.

Winchester Twp. Bridge

1. Mick Ahm Nonman Co.
2. Herman Lu
3. MARK HARLESS
4. Rob Myers
5. Tim Weber
6. Ken Verner
- 7.

11-10-04 1:30 PM  
Mahnomen Co. Permit

1. David Kelleys
2. Brian Berger
- 3.
- 4.

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11-10-04  
Scheeping Violation

1. Tom Schaus
2. ~~Tom Schaus~~
- 3.
- 4.
- 5.