

**WILD RICE WATERSHED DISTRICT**  
**11 Fifth Avenue East**  
**Ada, MN 56510**  
**Ph: 218-784-5501**

**REGULAR MEETING**  
**February 11, 2009**  
**APPROVED Minutes**

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, February 11, 2009. Managers in attendance include Diane Ista, Bob Wright, Warren Seykora, Mike Christensen, Dave Vipond, Greg Holmvik and Joe Spaeth. Absent: None. In addition the following persons were in attendance: Administrator Dalen, Engineer Jerry Bents, Attorney Elroy Hanson, Tim Halle, Loretta Johnson, Duane Erickson, Brian Borgen, Randy Pallum, David Larson, Brent Kappes, Dave Stumbo, Marijo Vik, Ronnie Guttormson, Bruce Tufte, Curtis Borchert, Kristy Albrecht and Bruce Watkins.
2. Chairman Seykora called the meeting to order at 8:35 a.m.
3. A motion was made by Manager Christensen and seconded by Manager Wright to approve the agenda. Carried.
4. SWCD Reports. Manager Christensen stated that due to weather, the Norman County SWCD meeting was postponed. Manager Spaeth gave a brief report on the Mahnomen SWCD meeting, stating that Peter Revier would be the new chairman of the board.
5. Small Project Fund. Loretta Johnson reported that no new requests for project funding have been received.
6. Oath of Office. Greg Holmvik, the new board member, took the oath of office from Attorney Hanson. A copy is attached at the end of these minutes.
7. Project Team Meeting. Consensus of Managers was to not hold a February Project Team Meeting.
8. Meetings/Conferences/Seminars. Manager Ista stated that the Minnesota Delegation of legislators will be at the Dekko Center at 9:30 a.m. on Saturday, February 21, 2009, and at the Mahnomen School Auditorium at 4:00 p.m. on the same day. A motion was made by Manager Vipond and seconded by Manager Spaeth authorizing attendance at the meetings. Carried.

9. Meeting Minutes. A motion was made by Manager Ista and seconded by Manager Spaeth to approve the January 26, 2009, minutes as distributed, with Christ being changed to Chris and imminent changed to eminent. Carried.

10. Open Microphone. David Larson requested authorization to remove snow and ice in the spring of 2009, on Project #29, if necessary. A motion was made by Manager Ista and seconded by Manager Vipond giving Larson the authority for snow and ice removal on Project #29. This will remain in effect until either Larson does not want the job or the Managers decide a change is necessary. Larson was asked to contact the District office prior to the job. Carried.

Manager Ista recommended that the District contact the Northwest Minnesota Foundation for possible grant funding. Manager Christensen stated that Curt Borchert, NCSWCD, will be discussing this at today's meeting.

11. Project #42. Administrator Dalen discussed holding the final hearings on CD #18 and Upper Becker and felt the Managers should begin to determine which site within Project #42 they would move forward on next. Manager Ista felt that CD #18 and Upper Becker projects should be dealt with separately rather than at the same time, to not jeopardize either one. Manager Vipond stated that he had voted to combine the projects but they need to look at where they get the most project for the money being spent. He asked if the financial information regarding funding for these two sites would be available by March and Administrator Dalen said that it will be in front of the board in March. Administrator Dalen stated that financially it would be easier to move ahead with CD #18 than Upper Becker, because the District has fee title to the necessary land in CD #18 except 67 acres. Dalen stated that major landowners on the Upper Becker Dam sites will be under option by March making it much clearer. Engineer Bents stated that before the District goes to a hearing they need to know how the local funding will be paid.

Engineer Bents reported that in discussion with Scott Kahan, USFWS, Kahan indicated that the USFWS might assist the District in funding for CD #18, by providing some additional wetlands. Bents asked for authorization to work with Kahan. Manager Vipond asked for an approximate figure of costs to do this. Bents stated approximately \$3,500. A motion was made by Manager Wright and seconded by Manager Vipond authorizing Engineer Bents to work with Scott Kahan, USFWS, to investigate more fully the options for funding through them and also any other funding sources that may be available. Carried.

Engineer Bents discussed authorizing engineering to begin the development of the next sites in Project #42, which could be done by starting on the map and determining if there is public interest in any of the sites to see where the best site would be for the next one. Consensus of Managers was to bring this to the March meeting and Engineer Bents will provide additional information on each site. Dave Stumbo felt that the Project Team is overloaded with agency personnel with no landowners in the project area on it, and that is what caused the current problems with the proposed sites. After considerable discussion a motion was made by Manager Ista and seconded by Manager Vipond authorizing the creation of a committee as a subadvisory committee of the project team from representatives located on the South Branch Watershed District, with names to be brought back to the board for approval. Carried.

12. Litigation Update – Kristy Albrecht, Dorsey & Whitney. A motion was made by Manager Spaeth and seconded by Manager Vipond to close the meeting to discuss pending litigation with Ms. Kristy Albrecht, Dorsey & Whitney Law Firm and exercise the attorney-client privilege regarding pending litigation against the District. The closed meeting shall be tape recorded by the district. Carried. The meeting was closed at 10:40 a.m. The closed meeting concluded at 11:30 a.m. and the regular meeting was re-opened at 11:30 a.m.

### 13. **PERMIT APPLICATION**

Minnesota Department of Transportation, Minerva and Rice Townships, Clearwater County. Upon recommendation by Engineer Bents a motion was made by Manager Spaeth and seconded by Manager Christensen to approve Permit Application #2-11-09-1 of the MNDOT to replace culverts in Minerva and Rice Townships, Clearwater County. Carried.

14. Secretary Appointment. A motion was made by Manager Wright and seconded by Manager Vipond appointing Manager Ista as secretary until the May Reorganizational meeting. Carried.

15. Public Outreach. Tim Halle suggested using Goal Setting as a future news article.

16. 2008 Annual Report. A motion was made by Manager Ista and seconded by Manager Wright authorizing Tim Halle to begin preparation of the 2008 Annual Report. Carried.

17. Customer Connections/Bonnie Ewert. Administrator Dalen stated that Ms. Ewert indicated that Bob Braseth of the Citizens for Farmland Preservation (CFP) requested that she attend one of their meetings, however she felt that she should have compensation. Consensus of Managers was that the CFP would be responsible for payment to Ms. Ewert if she speaks to their group.

18. 2009 Goals. Following is a list of some of the goals for 2009:

- Shorter meetings/possibly splitting the meetings into two sessions; 2) consent agenda; 3) informational packet; 4) annual calendar (highlighting must do tasks) 5) efficient use of consultants; 6) District policies.
- Initiatives that the District is pursuing include: 1) WMD; 2) Project #42; 3) Felton meeting with five landowners.
- Also listed were: 1) Mainstem Corridor Project-looking for State funding for the local share; 2) Mainstem Reevaluation. Administrator Dalen stated that the people he talks to feel that it will not be funded this calendar year but the District may be moved higher on the list; 3) COE Feasibility Study. Dalen stated that this is a huge draw on the local share, and he and Engineer Bents have talked to the COE regarding possibly expanding this study to look upstream. From this you could get projects that could be built.

19. Financial Report/Meeting Information. Administrator Dalen stated that there had been board discussion regarding mailing the financial information out prior to the meeting. Manager Vipond stated that there are a lot of boards that have everything available ahead of the meeting to make the meeting go quicker. A motion was made by Manager Ista and seconded by Manager Vipond that the financial report be prepared and mailed out the Friday prior to the board meeting. Administrator Dalen will also do a weekly informational mailing. Carried.

## 20. PERMIT APPLICATIONS

Eugene Vik, Sections 35-36, Hegne Township. Curtis Borchert, SWCD, and landowner Bruce Tufte met with Managers to discuss the permit application for Eugene Vik. Discussion was held regarding the feasibility of installing a structure at the project site. Borchert stated that it was his understanding that obtaining support from a certain percentage of downstream landowners would not mean absolute approval by the Board to move ahead with the project. He said that due to the limited time and staff in the SWCD, they cannot take the risk of spending this time and money on something that we know will not be approved. He asked for confirmation from the Managers of this and indicated that they would then withdraw the structure part of the permit as submitted earlier. Attorney Hanson stated that current statutes and the law doesn't provide for a set percentage. If there is one person who says you are going to put additional water on me, it could be a problem. Borchert stated that if by policy or law the board cannot approve the permit, they will remove the structure portion of the permit that was submitted on October 6, 2008. Engineer Bents stated that downstream we have heard loud and clear that they don't want any additional water and felt that there were questions and it would be hard to act on the permit without all of the level of detail of the plans. Attorney Hanson recommended that the District deny the permit as submitted, giving Vik the opportunity to submit a new one if he desires. A motion was made by Manager Vipond and seconded by Manager Spaeth to deny Permit Application # 2-11-09-2 of Eugene Vik to modify an existing dike, install new ditches and dikes and a flood control structure on the Heitman Coulee in Sections 35-36 of Hegne Township. After consideration of the engineer's comments there is insufficient information to give a professional opinion. Carried. Manager Ista opposed.

21. Lower Wild Rice River Corridor Initiative. Administrator Dalen stated that he will be meeting with BWSR personnel on the 19<sup>th</sup> of February on the allocation of funding for the area of the Vik permit and violation. Dalen stated that the real questions is will people be buying into the corridor project without having upstream storage. Curtis Borchert stated that the SWCD will continue to be involved with the setbacks and the RIM program even though the permit as submitted was denied.

22. Roger Kurpius Claim and Summons. Attorney Hanson reviewed a statement of claim and summons filed by Roger Kurpius in Conciliation Court. The plaintiff's statement of claim is for \$7,500 plus the filing fees of \$62.70 for a total of \$7,562 and reads as follows: "I filed a complaint on July 5, 2007, for a illegal dike Gene Vik made prior to that date which diverted water across County Road 132 unto my land causing property damage. The Watershed did not act in a timely manner." The hearing is scheduled for 10:30 a.m. on Wednesday, February 25, 2009. Marijo Vik stated that Kurpius is also suing Eugene Vik for the same amount. Attorney Hanson stated that the District should ask the Court Administrator that the date be moved out 30-60 days as the District is a political subdivision and only meets monthly. The District's insurance administrator should also be contacted. A motion was made by Manager Ista and seconded by Manager Vipond authorizing staff to contact the insurance carrier and the court system. Carried.

23. Bruce Watkins, Reorganization. Bruce Watkins met with Managers to present his report to the Board of Managers dated February 2009. Manager Vipond stated that he being on the personnel committee recommended hiring a consultant regarding evaluating the staff to determine if the District is staffed at the right levels and do they function the way we need to function. Vipond stated that he recommended hiring Mr. Watkins. The report (a copy of which is on file at the District office) consisted of the following categories: The Report; Findings; Recommendations for the Wild Rice Watershed District Managers.

Subcategories of the recommendations are: The Mission; Direction to the Administrator; Create Policy Manual; Policy Review; Realign Staffing; Update Job Descriptions and Organization Chart; Secure Electronic Copies of Data; Annual Calendar; Staff Development; Staff Evaluation; Board In-Service and Orientation; Consent Agenda Items; and Continue to Increase Transparency. Manager Wright asked if the governance committee would be the place to start and Watkins agreed. Watkins also asked if Administrator Dalen would be too busy as administrator to implement the recommendations and indicated that he could assist.

24. District Policies. Bruce Watkins reviewed the policies that were distributed at the previous board meeting. Policies under consideration were distributed to the Managers for review. The policies reviewed today will be considered a first reading. 1) District Vehicle Use Policy. The vehicle use policy will be amended to include that Managers use the vehicle when available, no private use and that the log book is kept in the vehicle. 2) Credit Card Policy. The credit card policy shall be amended to include that all receipts and documentation needs to be itemized. If there is not documentation, card user must pay for purchases. Records will be kept with the District accountant and at the Watershed District office, consistent with Drees, Risky & Vallager regarding the credit card which states that the policy should identify the employees and officers who are authorized to make purchases on behalf of the District, identify the particular purchases that are to be made with the credit card and establish a review process of all purchases made with the credit card, this review process should include examining supporting invoices or related documentation. The District should require supporting documentation for all purchases made with the credit card. 3) Wild Rice Watershed District Aircraft Use for Transportation Policy. The air policy shall be edited to remove all verbiage except that aircraft use for Wild Rice Watershed District business will be allowed, delete balance of sentence, and add when preapproved by the Board. In addition the verbiage will include private use of aircraft will be reimbursed to the Manager as being paid the government rate for miles driven if a private vehicle was used. 4) Wild Rice Watershed District Consultant Use Policy was stricken from the policies under consideration and new verbiage will be brought to the Board regarding access to consultants going through Watershed District Management. 5) Tasks by Board Members will be Authorized on a Day to Day Basis. After discussion Watkins recommended that the policy be removed and brought back to the board by a resolution written by Attorney Hanson that clearly defines the roles, responsibilities, per diem and mileage rates used when Managers do work for the District. A motion was made by Manager Spaeth and seconded by Manager Holmvik to consider the first three policies for first reading with changes as recommended. Carried.

25. Manager Vipond left the meeting at 3:50 p.m. and Attorney Hanson left the meeting at 4:00 p.m.

26. Monthly Billings. Accountant Marcussen distributed the billing sheets and indicated that in addition to the bills listed that checks in the amount of \$5,000 for the Read Property and \$10,000 Earnest Money for the Hogetvedt/Richards land transactions are included. A motion was made by Manager Spaeth and seconded by Manager Christensen to approve the billings as presented along with Managers per diems and expenses, holding the SWCD check until the District receives the Wetland Management Report. Carried.

27. Financial Report. Accountant Marcussen presented the financial statement dated January 31, 2009. A motion was made by Manager Ista and seconded by Manager Christensen to approve the financial report dated January 31, 2009, with the addition of the payment to the RRWMB in the amount of \$4,855.38. Carried.

28. Program Account Transfers. A motion was made by Manager Ista and seconded by Manager Wright to approve the program transfers dated year ending December 31, 2007, to the Red River Construction Account in the amount of \$484,274.49, Project #9 in the amount of \$13,936.54; Survey and Data in the amount of \$19,675.26; Section 205 Mitigation in the amount of \$59,992.42 and Works of Common Benefit in the amount of \$13,667.24. Carried. A copy is attached at the end of these minutes.

29. Wild Rice River COE FS. A motion was made by Manager Ista and seconded by Manager Christensen authorizing staff to seek additional State and PCA matching dollars for the Feasibility Study. Carried.

30. Water Management District (WMD). Administrator Dalen reported on a recent meeting with the Clay County Commissioners who previously opposed the WMD concept, but agreed to step back and wait getting updates on how the process is proceeding. On February 6, 2009, Dalen and Engineer Bents attended a meeting in St. Cloud with Julie Klocker and Brian Dwight of BWSR, and Attorney Jerry Von Korff. BWSR personnel strongly felt that the watershed should be split into smaller WMDs by individual subwatersheds, but with the ability to charge more than one WMD for a project. Dalen stated that to gain BWSR support the WD would have to at least look at multiple option WMDs. A motion was made by Manager Christensen and seconded by Manager Holmvik authorizing Administrator Dalen and board members from each respective county to attend upcoming county board meetings to update the county commissioners on the multiple WMD sites rather than just one large WMD throughout the entire District. Carried.

31. Meetings/Conferences/Seminars. A motion was made by Manager Wright and seconded by Manager Ista authorizing Board attendance at an upcoming seminar on February 19, 2009, with representatives of the BWSR, to gain information on the RIM funding. Carried. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing attendance at the February RRWMB meeting. Carried.

32. Plaque for Years of Service. A motion was made by Manager Wright and seconded by Manager Ista authorizing purchase of a plaque for former Board Members Jim Wagner, Don Vellenga and Jim Skaurud for their years of service on the Watershed District. Carried.

33. There being no further business to come before the Board of Manager a motion was made by Manager Spaeth and seconded by Manager Ista to adjourn the meeting. Carried. Chairman Seykora adjourned the meeting at 4:50 p.m.

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Diane Ista, Secretary

Date	Num	Name	Memo	Amount
<b>Jan 15 - Feb 11, 09</b>				
02/09/2009	12024	Consolidated Abstract	Proj #42	-10,000.00
02/09/2009	12025	George and Shirley Read	Proj #42	-5,000.00
02/11/2009	12042	Ada-Borup Public Schools	Time to Build	-100.00
02/11/2009	12043	Bob Kinkade Catering	Time to Build	-1,904.64
02/11/2009	12044	Cardmember Service	CC charges	-700.93
02/11/2009	12045	City of Ada	City Bill	-347.00
02/11/2009	12046	Clay Co Auditor Treasurer	county brd DVD	-30.00
02/11/2009	12047	David Vipond	mileage	-60.84
02/11/2009	12048	Diane Ista	mileage	-17.55
02/11/2009	12049	Don Vellenga	Meeting	-69.26
02/11/2009	12050	Dorsey & Whitney LLP	legal for February	-12,914.93
02/11/2009	12051	Greg Holmvik	per diem	-69.26
02/11/2009	12052	Houston Engineering, Inc.	Jan Engineering	-49,081.41
02/11/2009	12053	Index Printing Inc.	Time to Build	-120.00
02/11/2009	12054	Joe Spaeth	mileage	-77.55
02/11/2009	12055	KRJB Radio	Time To Build	-400.00
02/11/2009	12056	Loretel Systems	office phone	-277.89
02/11/2009	12057	Mahnomen Pioneer	Tim To Build	-65.10
02/11/2009	12058	MARCO, Inc. Maintenance	maint\overage fee	-641.42
02/11/2009	12059	Marcussen Accounting	January Billing	-846.14
02/11/2009	12060	Mike Christensen	per diem	-233.14
02/11/2009	12061	Norman County SWCD	mitigation and review	-1,500.00
02/11/2009	12062	North Star Water	water	-102.05
02/11/2009	12063	Office Supplies Plus	supplies\sound system	-1,106.13
02/11/2009	12064	Payton Kujava	assist with meeting	-50.00
02/11/2009	12065	Petty Cash	reimburse spent from petty cash	-182.80
02/11/2009	12066	Ralph's Food Pride	supplies	-48.60
02/11/2009	12067	Red River Basin Commission	Spaeth\Whitten	-387.00
02/11/2009	12068	RRWMB	1/2 cost share	-4,855.38
02/11/2009	12069	Rinke Noonan	legal for February	-4,148.00
02/11/2009	12070	Robert E. Wright	mileage	-79.20
02/11/2009	12071	Sun-Flowers	arrangements mtg	-62.82
02/11/2009	12072	The Forum	publication	-135.00
02/11/2009	12073	The Shopper	ad	-38.40
02/11/2009	12074	The Union	Time to Build	-192.00
02/11/2009	12075	Tim Halle	Time to Build\Project Team	-614.00
02/11/2009	12076	Twin Valley Times	Time to Build	-104.40
02/11/2009	12077	Visser Trenching	snow removal	-240.00
02/11/2009	12078	Wambach & Hanson	legal for January	-2,095.70
02/11/2009	12079	Warren J. Seykora	mileage and reimburse expense	-709.34
02/11/2009	12080	Zenas Baer	Zurn	-271.84
02/11/2009	12081	David Vipond	per diem	-138.52
02/11/2009	12082	Diane Ista	per diem	-64.76
02/11/2009	12083	Don Vellenga	per diem	-69.26
02/11/2009	12084	Joe Spaeth	per diem	-181.33
02/11/2009	12085	Mike Christensen	reimburse expense	-157.50
02/11/2009	12086	Robert E. Wright	per diem	-259.05
02/11/2009	12087	Warren J. Seykora	per diem to meetings	-535.37
02/11/2009	12088	David Vipond	mileage	-57.20
02/11/2009	12026	A R C Lanes	Managers Lunch 2-11-09	-55.00
02/11/2009		Payroll/emp ins &	Med exp & Payroll taxes	-4,847.00
<b>Jan 27 - Feb 11, 09</b>				<b><u>(106,244.71)</u></b>

**WILD RICE WD**  
**TRANSFERS**  
 Yr End 12/31/2007

FUND	BALANCE	TO	SURVEY/	RRWMB	SEC 205	WORKS OF	BAL
DESCRIPTION	12/31/2007	PROJECTS	DATA	CONST	MITG	COM	1/1/2008
						BENEFIT	
Permits & Invest/Violations	(124,504.82)			124,504.82			0.00
Public Info/Data Request	(13,667.24)					13,667.24	0.00
Upper Felton Storage	(62,691.44)			62,691.44			0.00
Bennett Litigation	(157.00)			157.00			0.00
Med FDR Work Group-06-07	8,626.14			(8,626.14)			0.00
Riverwatch Str Gauge Monitoring	(403.00)			403.00			0.00
Legislative Funding	(11,016.17)			11,016.17			0.00
Upper Moccasin Storage	(377.50)			377.50			0.00
Wiger Flood Storage	(189.00)			189.00			0.00
Heiraas Lawsuit to Proj #9	(13,936.54)	13,936.54					0.00
Upper Moccasin Creek Storage	(497.00)			497.00			0.00
Home Lake DNR Permit	(3,182.41)			3,182.41			0.00
WRCOE Feasibility Study	(282,321.67)			222,329.25	59,992.42		0.00
Wastweet Storage	(1,301.50)		1,301.50				0.00
Flood Storage Investigation	(812.75)			812.75			0.00
Hendrum City Review	(761.50)			761.50			0.00
Anderson Wetland Banking	(3,314.30)			3,314.30			0.00
TMDL Study	(1,919.95)			1,919.95			0.00
TV Dam RE-evaluation	(8,708.12)			8,708.12			0.00
USGS Sediment Investigation	(18,373.76)		18,373.76				0.00
Upper Felton Alternative Site	(29,461.91)			29,461.91			0.00
Project #8-Moccasin Creek	(18,771.60)			18,771.60			0.00
Project #10-Mashaug Creek	(794.39)			794.39			0.00
Project #35-Sande Detention	(3,008.52)			3,008.52			0.00
<b>TOTALS</b>		<b>13,936.54</b>	<b>19,675.26</b>	<b>484,274.49</b>	<b>59,992.42</b>	<b>13,667.24</b>	

OATH

I, Greg Helmvik, do hereby swear to support the constitution of the United States and of this State and to discharge faithfully the duties of the office of a watershed district manager to the best of my judgment and ability.

Dated: 2-11-09

x 