

## WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East  
Ada, MN 56510  
Ph: 218-784-5501

### REGULAR MEETING

April 8, 2009

### APPROVED Minutes

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday April 8, 2009. Managers in attendance include Diane Ista, Bob Wright, Warren Seykora, Mike Christensen, Dave Vipond, Joe Spaeth and Greg Holmvik. Absent: None. In addition the following persons were in attendance: Administrator Dalen, Engineer Jerry Bents, Attorney Elroy Hanson, Loretta Johnson, Duane Erickson, Brian Borgen, David Larson, Dave Stumbo, Kim Syverson, Shane Syverson, Ronnie Guttormson, Paul Wannarka, Marijo Vik, Raymond Hanson, Randy Pallum, John Austinson and Attorney Kristy Albrecht via teleconference.
2. Chairman Seykora called the meeting to order at 8:35 a.m.
3. Advertise for Consultants/Reconvened Meeting. A motion was made by Manager Spaeth and seconded by Manager Vipond to advertise for consultants and mowing and spraying of ditch systems and projects and to reconvene the regular board meeting at 8:30 a.m. on Wednesday April 29, 2009. Carried.
4. A motion was made by Manager Spaeth and seconded by Manager Vipond staff to assemble an information packet for new board members to include RRWMB, projects, Project #42, overall plan and fun information at the May 13<sup>th</sup> regular meeting for new Board members. Carried.
5. Wagner Beaver Contract. A motion was made by Manager Vipond and seconded by Manager Wright to accept the proposal submitted by Jim Wagner, for beaver and beaver dam removal on District projects and ditches. Carried. A copy is on file at the District office.
6. Wild Rice Watershed District Leadership Summit. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing Administrator Dalen to plan and schedule a Leadership Summit Conference, for the purpose of discussing the Flood of 2009, and establishing methods to control future flooding; inviting Mayors, County Commissioners and legislative personnel. Carried.
7. Project Team Meeting. A motion was made by Manager Wright and seconded by Manager Vipond to not hold an April Project Team Meeting. Carried.
8. Open Microphone. Brian Borgen asked when his complaint regarding the levee system on the Wild Rice River would be reviewed. Administrator Dalen stated that he would try to have it on the April 29<sup>th</sup> Agenda.
9. Meeting Minutes. A motion was made by Manager Wright and seconded by Manager Vipond to approve the March 16, 2009, regular meeting minutes as distributed. Carried. A motion was made

by Manager Spaeth and seconded by Manager Wright to approve the March 25, 2009, reconvened meeting minutes as distributed. Carried.

10. Upper Reaches Payment. A motion was made by Manager Wright and seconded by Manager Holmvik to approve payment to Eric Rockstad in the amount of \$800 for crop damages related to work on J.D. #51, east of Ada. Carried.

11. Project #42. Administrator Dalen updated the Managers on the status of both Upper Becker and CD #18. Engineer Bents discussed what the next step could be in identifying future projects within Project #42. A motion was made by Manager Spaeth and seconded by Manager Vipond to mail a questionnaire to every landowner in the 250 square mile are of the South Branch and the Citizens for Farmland Preservation to determine if there is interest in selling or providing easements of their property for a flood control project. Carried. Dave Stumbo recommended payments to landowners over time rather than a lump sum payment.

12. Litigation Update – Kristy Albrecht, Dorsey & Whitney 9:25 a.m. A motion was made by Manager Spaeth and seconded by Manager Wright 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 9:25 a.m. The closed meeting concluded at 9:55 a.m. and the regular meeting was re-opened at 9:55 a.m.

13. Project #42 Open Microphone. There were no questions from audience.

14. Project #42. Manager Ista asked how many property owners had signed agreements on Upper Becker. Dalen stated that he was optimistic and felt there is a cooperative attitude with landowners. Dalen recommended holding an informational meeting for landowners on Upper Becker, at Ulen early in May. If the District decides to focus on one project at a time, it would be easier with the funding. Engineer Bents stated that he has a meeting scheduled with Ron Ringquist on April 13 to assist in providing approximate costs for doing the older type assessment method on Project #42, to use as a comparison for costs associated with a WMD, but due to the amount of work involved and Ringquist's time schedule he didn't expect to have an answer until May. Dalen stated that if he were to vote on one choice, he would most likely vote for Upper Becker because it has more flood damage reduction for the cost. Manager Ista stated that maybe the District should be prepared to ask the RRWMB at their April 21, meeting, asking them to set aside funding for Upper Becker. Bents recommended that the District ask them about transferring the \$1.5 M funds set aside for Upper Felton to Upper Becker. Dalen stated that the District needs to continue to work with the Project Team on Upper Becker.

15. Washington D.C. Meetings Report. Managers Vipond and Christensen and Administrator Dalen reported on their recent meetings in Washington D.C. with Senator Klobuchar, Congressman Peterson and Staff Robin Goracke, Colonel Christianson and Judy De Harnais, COE and Bill Murphy and Tim Witt, Federal Crop Insurance. Vipond stated that Congressman Peterson arranged the meetings and discussed the possibility of the Twin Valley Dam, indicating that his thoughts were more on a dry dam. Discussion was held and draft verbiage was distributed for a resolution by the District to expand the COE WRR Feasibility to include upstream investigation of alternatives including on stream storage. Vipond felt that Congressman Peterson who supported moving upstream and felt that there would be a need for dry dams and alternatives needs to be in the forefront, especially in getting the verbiage right, in order to get this done. Peterson and the COE are

supportive of this effort and want to move ahead quickly. Dalen also asked for authorization in setting up a scoping meeting with the COE in St. Paul. Considerable discussion was held regarding the verbiage in the resolution. Manager Holmvik stated that the District could get bogged down in a study and reevaluation of the current study would seem to be faster than a new study. Consensus of Managers was for Administrator Dalen, Engineer Bent and Attorney Hanson to prepare draft versions of the resolution and bring back to the Managers for review. Dalen stated that the goal of the request would be to identify in one year's time the biggest project that can be placed on the mainstem and it would be necessary for Congressman Peterson to use special consideration for this project to move quickly. Raymond Hanson asked if the setback levee wasn't identified as the solution, by the COE in the current study. Engineer Bents explained that the current study did not extend upstream on the mainstem. A **motion** was made by Manager Christensen and **seconded** by Manager Spaeth authorizing Administrator Dalen to schedule a scoping meeting with the COE as soon as possible. **Carried.** Duane Erickson asked about the meeting in Washington D.C. with agents for Federal Crop Insurance. Dalen stated that the discussion centered around building impoundments on farmland and landowners having the opportunity to plant crops but be covered by Federal Crop Insurance. Vipond stated that it could save future payments in savings downstream of the project. Agents stated that maybe makes sense, but it doesn't fit into their guidelines at this time and they would get more information and get back to the District.

16. **District Goals 2009.** 1) Mainstem Plan of the Wild Rice River (COE Expanded Study); 2) Project #42; 3) WMD; 4) Felton Creek; 5) LWR Corridor Initiative. A **motion** was made by Manager Ista and **seconded** by Manager Wright to approve the above goals for the District for 2009. **Carried.**

17. **Farmstead Ring Dikes.** Discussion was held regarding area landowners wanting to raise the height of their ring dikes and the request for new ring dikes as a result of the spring 2009 flood event. A **motion** was made by Manager Vipond and **seconded** by Manager Wright to rescind the earlier **motion** to return the balance of the DNR ring dike funds to be used by other Watershed Districts in need of ring dikes and use the funds for WR projects. **Carried.**

18. **Red River Construction (RRC) Account Update.** Doug Marcussen distributed a spreadsheet that illustrated the current balance of the RRC Account along with the majority of commitments to other programs and projects that will be closed out to RRC. Marcussen stated that subtracting the obligation to other accounts makes the RRC balance pretty small. Administrator Dalen discussed local funding options for a large project including a loan on the land that the District owns for up to \$700,000, a RRWMB loan for \$1,500,000 and a line of credit at Community Bank of the CBRRV for \$250,000. Engineer Bents recommended that Marcussen check into area counties to determine if they have the bonding capabilities for a \$2M bond.

19. **Approval of Billings.** A **motion** was made by Manager Wright and **seconded** by Manager Christensen to approve the billings as presented including Managers expenses and per diems. **Carried.**

20. **Financial Report.** Accountant Marcussen reviewed the financial report dated March 31, 2009. A **motion** was made by Manager Spaeth and **seconded** by Manager Ista to approve the financial report. **Carried.**

21. **Reorganization-Vipond.** Manager Vipond recommended that the District approve a contract with Consultant Bruce Watkins for the purpose of completing a formal policy manual, detailing out the

process for future policy review and the main focus on assisting the Watershed District in the realignment of staff for efficiencies and hiring additional technical staff. Dalen stated that he wanted to add some technical assistance for him in the office. Watkins rate is \$100/hr and \$50/hr for travel time with a not to exceed cost of \$6,000. Vipond stated that Dalen offered to include as a part of the cost the \$2,500 approved in his contract for professional development training. Manager Ista stated that she would like to see this issue tabled for another month with new Managers coming on board, and didn't think a decision should be made at the current time. Manager Holmvik stated that the quote by Watkins sounded good, but he would like to hear from the three new board members first and felt that this issue should be explained to them first. A **motion** was made by Manager Vipond to approve the contract for Bruce Watkins for a not to exceed cost of \$6,000. Manager Christensen **seconded** by **motion**. Managers Seykora, Vipond, Wright, Spaeth and Christensen voted for and Managers Ista and Holmvik against. **Motion** passed by the majority. **Carried**.

22. **Peer Assessment/Customer Connections**. Managers discussed the 360 Degree Survey Project Final Report by Bonnie Ewert of Customer Connections dated March 31, 2009. Administrator Dalen stated that he hadn't read the report but stated that this doesn't appear to be a good job for the money. His recommendation was to get back to her and tell her to get more feedback due to the fact that thirty three people were invited to participate in the survey and twelve or 36% responded with a completed survey along with two additional unsolicited surveys from landowners. Manager Holmvik asked what the average return on surveys is; this may be about average and felt that he doesn't see any reason to spend anymore money on it. Marijo Vik stated that participants were told that it would be anonymous and felt it was not; therefore people were not going to answer when they don't remain anonymous. Manager Wright asked why agency personnel did not answer the questions. Manager Spaeth stated that he did not want to spend anymore money on it. Consensus of Managers was for Administrator Dalen to contact Ms. Ewert to determine if additional participants could be contacted and a better assessment given.

## **PERMIT APPLICATIONS**

23. A **motion** was made by Manager Spaeth and **seconded** by Manager Wright to approve the following permit applications.

- Natural Resource Group, Sections in Bear Creek and Moose Creek, Clearwater County. Permit Application # 4-8-09-1 of the Natural Resource Group to renew of previously approved permit to construction a 24" diameter crude oil pipeline through the eastern part of the District in Clearwater County.
- Fossum Township, Section 12, Fossum Township. Permit Application #4-8-09-2 of Fossum Township, to extend an existing 36" CMP in Section 12 of Fossum Township, with the condition that the culvert size and elevation will not change.
- Mahnomen County, Section 30, Rosedale Township. Permit Application #4-8-09-4 of Mahnomen County to extend the runway and replace a crushed drain tile with a 24" RCP in Section 30 of Rosedale Township with the following additional information. The runway work will cause some additional runoff to go through the pipe instead of around the end of the runway. The adjacent landowner, Mark Amberg in a phone conversation with Mark Aanenson dated April 3, 2009, approved the permit.
- Mark Hanson, Section 21, Lockhart Township. Permit Application #4-8-09-5 of Mark Hanson to install a field approach with a 30" culvert.

24. **Roger Kurpius, Section 2, Mary Township**. A **motion** was made by Manager Holmvik and **seconded** by Manager Ista to table Permit Application #4-8-09-3 of Roger Kurpius to install a culvert in Section 2 of Mary Township, until a field review can be done. **Carried**.

25. Violations/Complaints. Michael Gillis Complaint, Section 14, Lake Ida Township. Gillis filed a complaint alleging that neighboring landowner opened three inlet culverts on the south side of Project #6, Lake Ida Township Ditch, allowing runoff to travel south in Section 14 eventually entering the NE1/4 of Section 23 of Lake Ida Township causing damages to the Gillis property located in the NE ¼ OF Sec. 23. Based on a field review with Manager Seykora and conversations with Gillis and Brandt, Mark Aanenson did not find evidence of a violation of District rules. Aanenson further recommended that the Board of Managers authorize staff to send a letter to Gillis indicating that the Board is not going to proceed with this matter as a violation. A *motion* was made by Manager Ista and *seconded* by Manager Holmvik authorizing staff to send the correspondence to Gillis. *Carried*.

Brad Fairbanks submitted a complaint for work done in Section 27 of White Earth Township alleging that wetland was plowed and a culvert installed under the road. Fairbanks requested that the culvert be removed and the wetlands restored. Fairbanks later stated that he wanted to drop the complaint. A *motion* was made by Manager Spaeth and *seconded* by Manager Vipond to notice Fairbanks and verify that he has dropped the complaint. *Carried*.

Brian Borgen submitted a complaint regarding the maintenance of the levees on the Upper Reaches Project in Sections 7 and 18 of Mary Township. A *motion* was made by Manager Spaeth and *seconded* by Manager Vipond authorizing Attorneys Von Korff and Hanson to review the complaint. *Carried*.

26. Public Outreach. Tim Halle stated that he would do the lead story from the regular Board meeting, regarding the Watershed District Leadership Summit.

27. Meetings/Conferences. Manager Holmvik asked if the Managers were approved to attend the Concerned Citizens Maple River Dam Tour on April 21, 2009. Consensus was authorization was previously given. It was noted that the RRWMB tour scheduled for Upper Becker and CD #18 is scheduled for April 21, 2009.

28. Lower Wild Rice RIM Priority Area. Manager Ista distributed a request from Curtis Borchert, SWCD, regarding the District's possible contribution of a 20% above appraised value for landowners who signed up for the program. Administrator Dalen stated that he would get the information to Borchert.

29. Recess Meeting. A *motion* was made by Manager Christensen and *seconded* by Manager Wright to recess the meeting at 2:30 p.m. to be reconvened at 8:30 a.m. on Wednesday April 29, 2009. *Carried*.

**DRAFT APPROVED  
RECONVENED MEETING  
APRIL 29, 2009**

30. Chairman Ista called the meeting to order at 8:40 a.m. The following Managers were in attendance: Managers Seykora and Wright sat in the audience: Managers Ista, Holmvik, Christensen and Spaeth. Manager Vipond absent. In addition the following persons were in attendance. Attorney Hanson, Engineer Bents, Loretta Johnson and Tim Halle and Ron Guttormson, Ray and Margo Hanson, Mark Habedank, Marijo Vik, David Larson, Brian Borgen, Bob Wright, Warren Seykora, Shane Syverson, Kim Syverson, Ron Thorsrud and Erick Bakke.

31. Oath of Office. John Austinson and Duane Erickson, two new board members, took the oath of office from Attorney Hanson. **A copy is attached at the end of these minutes.** (They replaced Managers Seykora and Wright.)

32. Agenda Approval. A **motion** was made by Manager Austinson and **seconded** by Manager Erickson to approve the agenda with the following additional items: open meeting law issue; May Reorganizational meeting; Summit Meeting cancelled; letter from the State Auditor; Bruce Watkins contract; Update on Upper Becker Tour by RRWMB; Brian Borgen complaint. **Carried.**

33. Open Microphone. Raymond Hanson distributed a Summary of Wild Rice Watershed District projects dated April 15, 2009, and reviewed them from the summary sheet. He opposed the addition of main stem dam to the WRDA bill and stated that the District should follow the Project Team approach. Mark Habedank felt this was an opportune time to apply for stimulus money that can come right to the local community.

Project #42

34. CD #18. Administrator Dalen stated that he is scheduled to meet with two landowners on April 30, and is ready to close on another and is trying to meet with Spring Creek and Riceville Townships within a short time. He stated that he felt that a couple of Board members should visit St. Paul and visit with legislators and agency personnel regarding funding. Attorney Hanson reminded everyone that they cannot hold a quorum of Managers outside of the physical area of the Watershed District. Consensus of Managers was to wait on this item until Dean Spaeth, Mahnommen County appointee, is sworn in on May 13.

35. CD #18 Petition for Impoundment. Engineer Bents distributed the CD #18 Petition for Impoundment and stated that when water is stored on a ditch system it is necessary to petition the ditch system for authorization. A **motion** was made by Manager Austinson and **seconded** by Manager Erickson to table any action on the petition until the May meeting at which time all new Managers will be in place. **Carried.**

Administrator Dalen stated that he is scheduled to meet with landowners on Upper Becker and asked if Managers would like him to wait until the May meeting for a decision. Consensus of Managers was to wait and discuss again on May 13.

36. Upper Becker Record of Decision-Findings of Fact, Conclusions, and Order. A ***motion*** was made by Manager Holmvik and ***seconded*** by Manager Spaeth to adopt the following resolution approving the Order on Upper Becker which states that the Wild Rice Watershed District determines that there are no potential significant environmental effects reasonably expected to occur from the Upper Becker Dam Enhancement Project and that there is no need for an Environmental Impact Statement. ***Carried.***

### **Upper Becker Resolution**

A motion was made by Manager Holmvik, seconded by Manager Spaeth and unanimously approved by the board to adopt a resolution regarding the need for an environmental impact statement re the Upper Becker Dam Enhancement Project:

*Whereas*, discussion was had among the board and with the district's engineer, Jerry Bents, relative to the need for an environmental impact statement regarding the Upper Becker Dam Enhancement project, said project being part of Project #42; and

*Whereas*, the WRWD Board of Managers determines that there are no potential significant environmental effects which are reasonably expected to occur from the Upper Becker Dam Enhancement Project and there is no need for an environmental impact statement; now, therefore, be it

*Resolved*, that the WRWD Board of Managers concludes that no environmental impact statement is needed regarding the Upper Becker Dam Enhancement Project and is adopting those certain Findings of Fact, Conclusions, and Order as is set forth on Exhibit "A" which is attached hereto and incorporated by reference herein and that the chairperson of the board is authorized to sign said Order.

37. CD #18 Record of Decision-Findings of Fact, Conclusions, and Order. A ***motion*** was made by Manager Christensen and ***seconded*** by Manager Spaeth to adopt the following resolution approving the Order on County Ditch #18 – Goose Prairie Water Management Project which states that the Wild Rice Watershed District determines that there are no potential significant environmental effects reasonably expected to occur from the County Ditch #18 – Goose Prairie Water Management Project and that there is no need for an Environmental Impact Statement. ***Carried.***

### **County Ditch 18 Goose Prairie Water Management Project Resolution**

A motion was made by Manager Christensen, seconded by Manager Spaeth and unanimously approved by the board to adopt a resolution regarding the need for an environmental impact statement re the County Ditch 18 Goose Prairie Water Management Project:

*Whereas*, discussion was had among the board and with the district's engineer, Jerry Bents, relative to the need for an environmental impact statement regarding the County Goose Prairie Water Management Project, said project being part of Project #42; and

*Whereas*, the WRWD Board of Managers determines that there are no potential significant environmental effects which are reasonably expected to occur from the County Ditch 18 Goose Prairie Water Management Project and there is no need for an environmental impact statement; now, therefore, be it

*Resolved*, that the WRWD Board of Managers concludes that no environmental impact statement is needed regarding the County Ditch 18 Goose Prairie Water Management Project and is adopting those certain Findings of Fact, Conclusions, and Order as is set forth on Exhibit "B" which is attached hereto and incorporated by reference herein and that the chairperson of the board is authorized to sign said Order.

38. Financial Report/Funding Options for Project #42. Administrator Dalen distributed a financial statement for Project #42 which illustrated State Grant Dollars, funds received and spent to date along with disbursements by category. Consensus was to bring back for review at the May regular meeting.

Questions were raised regarding ownership of land, who is responsible for the real estate taxes, and if landowners had the option of receiving annual payments rather than a lump sum. Dalen stated that the Watershed District would retain ownership and after the first year, the real estate taxes would be taken off the tax role. Manager Erickson asked about an annual rental for those who do not want to sell their land. Administrator Dalen stated that he would prepare some information on that for the May meeting.

39. Closed Meeting-Litigation Update – Kristy Albrecht, Dorsey & Whitney 10:15 a.m. A **motion** was made by Manager Holmvik and **seconded** by Manager Spaeth to close the meeting to discuss strategy on pending litigation and exercise the attorney-client privilege regarding pending litigation against the District with Ms. Kristy Albrecht, Dorsey & Whitney Law Firm. The closed meeting shall be tape recorded by the district. **Carried**. The meeting was closed at 10:15 a.m. The closed meeting concluded at 10:55 a.m. and the regular meeting was re-opened at 10:55 a.m.

40. Redetermination of Benefits/Costs. Engineer Bents stated that Ron Ringquist will have an estimate of costs for viewing and appraising Project #42 to determine benefits at the May meeting.

41. Goals 2009. Consensus was to review the goals at the May meeting.

42. Bruce Watkins, Consultant Contract. A **motion** was made by Manager Erickson and **seconded** by Manager Austinson to cancel Bruce Watkins contract immediately and pay the hourly rate and costs to date. **Carried** with Manager Christensen opposed. Administrator Dalen requested that he be able to use the \$2,500 in his contract for professional training for additional assistance from Watkins. Consensus of Managers was to table the request until the May meeting.

43. Upper Reaches Maintenance and Repairs. Glen Ramstad submitted a request for repair in Section 27 of McDonaldsville Township. Request #1 was to clean an outlet and repair a washing of river bank; Request #2 was to fix area of washout and repair problem. Engineer Bents recommended to hold action on request #2 as this would be discussed later on Upper Reaches Maintenance Policy. Washout #1 would be the landowner responsibility to repair and project funds would not be used. Ramstad stated that he wanted to bring both of these areas of damages to Managers' attention.

Arvid (Hap) Ambuehl updated the Managers regarding 2009 debris cleanup that he is working on for the Upper Reaches Project. Ambuehl stated that he does have the insurance required by the District. A **motion** was made by Manager Austinson and **seconded** by Manager Spaeth authorizing Ambuehl to continue working under his 2008/09 Contract. **Carried**.

## PERMIT APPLICATIONS

44. Mark Harless, Section 34, Winchester Township. A **motion** was made by Manager Spaeth and **seconded** by Manager Erickson to approve Permit Application #04-29-09-01 of Mark Harless to clean a ditch and level spoil in Section 34 of Winchester Township (Norman County Ditch #37) with the following conditions: 1) Work is completed in accordance with the gradeline listed in the 10-23-08 Houston Engineering plans with the exception of the westerly 300-feet where the gradeline should be adjusted as necessary to daylight into the existing ditch bottom profile at the north ¼ line of Section 34. 2) Ditch bottom should be constructed with 5-foot bottom width and slopes from excavation blended to match existing slopes. 3) Applicant should be responsible for all necessary erosion and sediment control measures. 4) Applicant should obtain necessary land rights for spoil disposal. **Carried.**

45. Warren Seykora, previous Board Member and Chairman, stated that he wished the District the best and indicated that there are opportunities for the District and hoped that the new board moves forward. Manager Ista thanked both Warren Seykora and Bob Wright for their years of dedication.

46. Office Appointments. A **motion** was made by Manager Holmvik and **seconded** by Manager Austinson to appoint Manager Christensen as secretary/treasurer until the May meeting. **Carried.**

47. Signature Authorization. A **motion** was made by Manager Austinson and **seconded** by Manager Holmvik to appoint Manager Ista to be second signature on Wild Rice Watershed District checks until the May meeting. **Carried.**

48. COE Wild Rice River Feasibility Study Expansion. Verbiage that would expand the COE Feasibility Study was distributed for Managers' review. Consensus of Managers was to table any action until the May meeting.

49. Committee Meeting Reevaluation of the Twin Valley Dam. A committee meeting is scheduled for 9:00 a.m. on Thursday May 7, 2009. Greg Holmvik volunteered to fill Dave Vipond's position on the committee until the regular May meeting.

## PERMIT APPLICATIONS

50. A **motion** was made by Manager Spaeth and **seconded** by Manager Erickson to table the following permit applications. **Carried.**

51. Highway Grove Township, Sections 11 and 12 Highland Grove. Permit Application #4-29-09-2 to increase a centerline 18" CMP to a 30" CMP through a township road. Landowners in the NW1/4 and the W1/2 of the NE1/4 of Section 12 will be notified that the permit will be acted on at the May 13, 2009, meeting.

52. Warren Lee, Section 33, Hegne Township. Permit Application #4-29-09-3 to install an 18" culvert through a field approach that is currently a dry block. Landowners in Section 33 of Hegne Township will be notified that the permit will be acted on at the May 13, 2009, Meeting.

53. Loren Eken, Sections 25/30 Lake Ida/Wild Rice Township. Permit Application #4-29-09-9 to increase a 24" CMP in a field approach and install a tile line from Norman County Ditch #30 to the Coon Creek. The line will have a surface inlet located in the ditch bottom. Managers will proceed with the permit once Norman County (the ditch authority) approves the tile outlet.

54. Erik Rockstad, Section 14, McDonaldsville Township. Permit Application #4-29-09-11 to build up the driveway approximately 1-2 feet on the east side of his farmstead and also build up the berm along the south side of the Marsh River at the junction with the Wild Rice River just north of his farmstead. Landowners in the west ½ of Section #14 and the south ½ of Section 15 of McDonaldsville Township will be notified that the permit will be acted on at the May 13, 2009, Meeting.

55. A **motion** was made by Manager Austinson and **seconded** by Manager Erickson to approve the following permit applications. **Carried.**

56. Mark Habedank, Section 31 Fossum Township. Permit Application #4-29-09-7 to install a water and sediment control basin in cooperation with the Norman County Soil and Water Conservation District with the condition that the applicant provides adequate erosion control measures at the outlet of the tile line.

57. Mark Habedank, Section 31, Fossum Township. Permit Application #4-29-09-8 to install a water and sediment control basin in cooperation with the Norman County Soil and Water Conservation District with the condition that the applicant provides adequate erosion control measures at the outlet of the tile line.

58. Felton Telephone Company, Section 26, Viding Township. Permit Application #4-29-09-10 to conduct a directional bore under Ditch #45 to install a fiber optic cable with the condition that the ditch cross-section will not be altered and that the minimum depth under the ditch bottom to the fiber optic line is 30 inches.

59. The Christian Outpost, Section 16, Wild Rice Township. Permit Application #4-29-09-12 to install a drainage tile around the church and outlet to the Highway #32 roadway ditch, with the condition that the applicant gets MNDOT approval to outlet into the Highway 32 roadway ditch.

60. Sundal Township, Section 28, Sundal Township. A **motion** was made by Manager Erickson and **seconded** by Manager Austinson to approve Permit Application #4-29-09-4 of Sundal Township to increase a centerline 24" CMP to a 36" CMP through a township road. **Carried.**

61. McDonaldsville Township, Section 26, McDonaldsville Township. A **motion** was made by Manager Austinson and **seconded** by Manager Christensen to deny Permit Application #4-29-09-5 of McDonaldsville Township to increase a centerline 18" CMP to a 36" CMP through a township road due to possible downstream impacts. Carried.

62. McDonaldsville Township, Section 26, McDonaldsville Township. A **motion** was made by Manager Austinson and **seconded** by Manager Christensen to deny Permit Application #4-29-09-6 of McDonaldsville Township to increase a centerline 30" CMP to a 36" CMP through a township road due to possible downstream impacts. **Carried.**

63. Manager Wright, previous Board Member and Vice Chairman, stated that he had enjoyed working with the board, Administrator Dalen and staff over the years. Wright stated that he currently has two years left of his appointment to the Red River Watershed Management Board (RRWMB) and would be willing to continue for a year or two if the Managers approved. Wright stated that he is appointed from the RRWMB to be a delegate to the Flood Damage Reduction Work Group (FDRWG) and would therefore consider to be the appointee from the District. Chairman Ista stated that the Board would make a determination on May 13.

64. Minnesota Center for Environmental Advocacy (MCEA) Request for Letter of Support. A **motion** was made by Manager Erickson and **seconded** by Manager Holmvik to approve the request from MCEA to send a letter of support from the District to the Northwest Minnesota Foundation for a grant to MCEA for the purpose of continued participation in the Red River Mediation process, specifically in the Wild Rice Watershed District as well as the Two Rivers Watershed District. **Carried.** Staff will determine prior to any action that this funding request is not in competition with the Norman County SWCD and the NRCS. Engineer Bents commented that the work may be creditable as Work in Kind (WIK) for the District's U.S. Army Corp of Engineers (COE) Wild Rice River Feasibility Study (WRRFS).

65. Minnesota Congressman Collin Peterson Invitation. Administrator Dalen stated that Congressman Collin Peterson has invited Managers and Administrator to Washington, D.C. to attend a flood summit conference. Dalen stated that City of Ada Mayor Jim Ellefson was also invited. A **motion** was made by Manager Erickson and **seconded** by Manager Christensen authorizing Managers Ista and Christensen, and Administrator Dalen to attend the meeting. **Carried.**

66. Customer Connections/Bonnie Ewert. Administrator Dalen reported that Bonnie Ewert agreed to attend a meeting and review with Managers the report on the peer process. A **motion** was made by Manager Erickson and **seconded** by Manager Austinson to contact Ms. Ewert and notify her that no further services and/or conference is necessary. **Carried.**

67. Wild Rice Watershed District Summit Meeting. Managers discussed the process of scheduling a summit meeting with mayors and other township officers in the watershed district to discuss avenues for flood control in the District including cities, townships, etc. A **motion** was made by Manager Austinson and **seconded** by Manager Austinson appointing Manager Holmvik to contact city leaders and mayors to determine their interest in such a meeting. **Carried.**

68. Project #42 Manager Contact Person. A **motion** was made by Manager Austinson and **seconded** by Manager Spaeth appointing Manager Erickson to act as contact for landowners on Project #42. **Carried.**

69. Flood Damages 2009/FEMA Assistance. Engineer Bents distributed a spreadsheet and map illustrating damages and estimates for repair to projects in the Watershed District as a result of the spring flood of 2009. Bents explained that the District could do the emergency repairs with costs less than \$3,800 prior to being reviewed with FEMA and wait with the more costly repairs until review with a FEMA representative.

A **motion** was made by Manager Spaeth and **seconded** by Manager Erickson approving the following resolution authorizing emergency repair work as a result of the 2009 spring flood. **Carried.**

FINDINGS AND ORDER RE: EMERGENCY REPAIR WORK  
RE: 2009 SPRING FLOODING

A meeting of the Wild Rice Watershed District Board of Managers was held on April 29, 2009, at the district office in Ada, Minnesota, at 8:30 a.m. A quorum of the board was present including the following: Diane Ista; Mike Christiansen; Greg Holmvik; John Austinson; Duane Erickson; and Joe Spaeth. Also present were the district's administrator, Steve Dalen, the district's engineer, Jerry Bents, and the district's legal counsel, Elroy Hanson. Members of the public were also present. Based on certain discussion, the board makes the following Findings of Fact:

1. WHEREAS, the Board of Managers for the Wild Rice Watershed District find that as a result of the 2009 spring flooding that conditions exist which present a clear and imminent danger to the health or welfare of the people of the watershed district;

2. WHEREAS, to delay action will prejudice the interests of the people of the watershed district, or will be likely to cause irreparable harm due to numerous damages along numerous projects of the district including those projects which are identified on Exhibit "A" which is attached hereto;

3. WHEREAS, the board of managers finds that it is in the best interests of the district to immediately proceed to get the damages identified on Exhibit "A" repaired as soon as possible;

4. WHEREAS, those certain damages and proposed repairs identified on the attached Exhibit "A" should likewise be repaired as soon as possible.

5. WHEREAS, that the board of managers hereby declares the existence of an emergency to perform those certain repairs which are identified on Exhibit "A." The location, nature, and extent of the damages and necessary repairs are identified on Exhibit "A."

NOW, THEREFORE, Based on the above Findings of Fact, the board makes the following Order:

1. That the work identified on Exhibit "A" should be performed as soon as possible under the direction of the managers and engineers due to the existence of an emergency. The engineer is to coordinate with FEMA any repairs which FEMA will pay for.

2. That the work identified on Exhibit "A" be done under the direction of the managers and the district's engineer, without a contract.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2009.

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Chairman, Board of Managers

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Secretary, Board of Managers

A ***motion*** was made by Manager Austinson and ***seconded*** by Manager Christensen authorizing Engineer Bents to proceed with repair of sites that FEMA approves. If not approved by FEMA, Engineer Bents will bring the information to the Board for review. ***Carried.***

70. Upper Reaches Levee Maintenance Policy. Engineer Bents stated that with damages on the levees of the Upper Reaches along with the complaint filed by Brian Borgen, it may be a good idea to develop a maintenance policy for the Upper Reaches Project. A ***motion*** was made by Manager Christensen and ***seconded*** by Manager Erickson appointing Managers Holmvik and Ista as representatives to work on the policy along with Engineer Bents, and Attorneys Von Korff and Hanson to work at setting up a specific policy for the Upper Reaches Project. ***Carried.***

71. Board of Water and Soil Resources (BWSR) Request for Partners in Legislative Commission of Citizens of Minnesota Resources (LCCMR). Joel Peterson, BWSR, is asking for support on a grant they are submitting to the LCCMR to optimize side inlet design to improve water quality. A ***motion*** was made by Manager Erickson and ***seconded*** by Manager Holmvik to submit a letter of support, but indicate the District will not be dedicating any funding at this time. ***Carried.***

72. Violation of Open Meeting Law. Attorney Hanson stated that it was brought to his attention that four Managers including Vipond, Seykora, Spaeth and Christensen along with Administrator Dalen and Engineer Bents and new possible appointee from Mahnommen County, Dean Spaeth, attended an unauthorized private meeting at Manager Vipond's office on April 6, 2009. Hanson stated that this is a violation of the open meeting law and something that board's cannot do. If violated three times, Managers may be sanctioned. Administrator Dalen agreed that it was a violation. Hanson stated that there should be acclimation for new board members and each one should also be given a Watershed District Manual.

73. Manager Spaeth left the meeting at 2:35 p.m.

74. Small Projects Request for Funding. Loretta Johnson presented small project requests submitted by Mahnommen County SWCD. Consensus of Managers was to table the requests for funding until the May meeting.

75. State of MN, Office of State Auditor Correspondence. Discussion was held regarding correspondence received from Nancy Bode, Assistant Legal Counsel, for the Office of the State Auditor, by the District office; all individual Managers, Attorney Hanson, Accountant Marcussen and Drees, Risky & Vallager, Auditors for the District. The letter included information regarding the District's request for a State Audit, dated May 28, 2008. Ms. Bode indicated that the reason action has not been taken by the Auditor's office, is that they have not received the necessary documents to begin the process. The document is a resolution signed by the Board of Managers, which was requested by the State Auditor on August 11, 2008, upon direct conversation with Administrator Dalen along with an email confirming the same, dating August 11, 2008. A resolution as required by the State Auditor was signed and Staff will forward to the State Auditor's office.

76. Termination of Administrator. Manager Holmvik expressed his frustration with Administrator Dalen regarding the issue of not providing the resolution to the State Auditor, as necessary. Holmvik stated that he has talked with farmers on the east and west side of the District and there is absolutely no trust of the District. He felt that a clean slate is needed and the sooner a clean slate, the better it will be. Holmvik stated that this kind of thing can't continue and doesn't think that the District will get trust back for the community until the Board terminates the contract of the Administrator and starts over. Manager Holmvik then made a *motion* that was *seconded* by Manager Erickson to terminate the contract of Administrator Dalen, effective immediately. All items belonging to the District including keys, cell phones, lap top, etc. will be turned in. Any personal items found by staff belonging to Dalen will be returned. Discussion followed. Attorney Hanson expressed concerns regarding possible recriminations and wanted to make sure that the District did not take on any additional liabilities. Upon a quick review of the contract and the Watershed District Manual, he acknowledged that it is a month to month contract, with or without cause. John Austinson stated that the county commissioners who appointed him make it clear that they wanted change. A roll call vote was taken, with Managers Austinson, Erickson, Holmvik and Ista voting yes, and Manager Christensen voting no. *Carried by Majority vote.*

77. Washington D.C. Trip. Manager Erickson amended the previous *motion* to attend the Washington D.C. meeting to not include the Administrator. Manager Austinson *seconded* by amended motion. *Carried.*

78. Interim Administrator. A *motion* was made by Manager Erickson and *seconded* by Manager Austinson appointing staff Loretta Johnson and Kari Kujava to manage the District office until May 13, 2009. Staff is authorized to hire additional assistance if necessary. *Carried.*

79. There being no further business to come before the Board of Managers a *motion* was made by Manager Erickson and *seconded* by Manager Holmvik to adjourn the meeting. *Carried.* The meeting was adjourned at 3:30 p.m.

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Secretary/Treasurer Mike Christensen

APPROVED Meeting Minutes

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Date	Num	Name	Memo	Amount
<b>Mar 17 - Apr 8, 09</b>				
03/23/2009		Alltel	Alltel Cell Phone Bill	-183.92
03/25/2009	12138	ARC Lanes	Managers Lunchs Reg & Spec	-67.09
03/26/2009	12139	Larry's Auto Body	Deductable on Tahoe Claim Repair	-250.00
03/26/2009	12140	Vic's Aircraft Sales	Flyover Wild Rice River	-352.00
04/01/2009	DD	Garrett Ambuel	Snow Removal	-20.00
04/01/2009	DD	Arvid L Ambuehl	Snow Removal	-32.00
04/01/2009	DD	Arvid L Ambuehl	Snow Removal	-48.00
04/08/2009	12147	AmeriPride	rugs	-122.81
04/08/2009	12148	ARC Lanes	Managers lunches	-67.72
04/08/2009	12149	Arvid L Ambuehl	Flood Watch Bridges and Dams	-1,241.48
04/08/2009	12150	Becker County SWCD	Envirothon-Prairie Wetlands	-100.00
04/08/2009	12151	Cardmember Service	Credit Card Billing	-4,620.97
04/08/2009	12152	City of Ada	thru 3/15/09	-365.49
04/08/2009	12153	Community Bank of the RRV	Safe Dep Box Rent	-23.00
04/08/2009	12154	Customer Connections	Phase 3 Results and Reports	-1,987.57
04/08/2009	12155	Dorsey & Whitney LLP	Litigation-Vik vs WRWD	-10,138.87
04/08/2009	12156	Erik Rockstad	Crop damage from JD 51 repair	-800.00
04/08/2009	12157	Greg Holmvik	per diem	-318.61
04/08/2009	12158	Houston Engineering, Inc.	March Billing	-12,043.83
04/08/2009	12159	Norman County Index-Ada	Flood contact info	-40.00
04/08/2009	12160	James Wagner, Sr.	Flood Watch-Bridges and Dams	-3,150.75
04/08/2009	12161	Joe Spaeth	per diem	-246.10
04/08/2009	12162	Loretel Systems	#4085 and #5501	-283.96
04/08/2009	12163	MARCO, Inc. Maintenance	Copier contract	-308.85
04/08/2009	12164	Marcussen Accounting	Bills\Payroll\Mnthly Rep\RRWMC rev	-561.00
04/08/2009	12165	McColum Hardware, Inc.	Office Supplies	-12.00
04/08/2009	12166	Mike Christensen	per diem	-617.40
04/08/2009	12167	Norman County Auditor/Treasurer	Ditch Assessment-cleaning	-30.00
04/08/2009	12168	North Star Water	Water-Office	-41.65
04/08/2009	12169	Office Supplies Plus	Office Supplies	-342.50
04/08/2009	12170	Ralph's Food Pride	Food for meetings	-112.27
04/08/2009	12171	Red River Watershed Management Board	1/2 cost share	-3,262.01
04/08/2009	12172	Rena Kappes	Clean office 3/8 & 3/22	-100.00
04/08/2009	12173	Rinke Noonan	Legal Counsel	-12,622.52
04/08/2009	12174	Robert E. Wright	per diem	-129.52
04/08/2009	12175	Steichen Excavating	clean culverts and ditches	-568.00
04/08/2009	12176	The Union	Legal Notice #18 and Upper Becker	-264.00
04/08/2009	12177	Twin Valley Times	Subscription	-21.50
04/08/2009	12178	Visser Trenching	Flood Watch Backhoe @ JD 51	-3,450.00
04/08/2009	12179	Wambach & Hanson	Admin	-1,520.20
04/08/2009	12180	Warren J. Seykora	per diem	-744.77
04/08/2009	12183	Diane Ista	per diem	-129.52
04/08/2009	12184	Greg Holmvik	mileage	-82.50
04/08/2009	12185	Joe Spaeth	mileage and expense reimburse	-351.31
04/08/2009	12186	Mike Christensen	mileage and exp reimb	-684.50
04/08/2009	12187	Robert E. Wright	mileage	-39.60
04/08/2009	12188	Warren J. Seykora	mileage and reimb costs	-731.72
04/08/2009	12181	David Vipond	Per Diem/Mileage	-486.02
3/17-4/8/09		Payroll/emp ins & Med exp & Payroll taxes		-8,749.97
				<b><u>-72,467.50</u></b>