

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

REGULAR MEETING
January 13, 2010
APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, January 13, 2010. Managers in attendance included Diane Ista, Joe Spaeth, Greg Holmvik, Duane Erickson, John Austinson and Dean Spaeth. In addition the following persons were in attendance: Interim Administrator Loretta Johnson, Administrative Assistant Kari Kujava, Attorney Hanson, Engineer Jerry Bents, Marijo Vik, Paul Wannarka, Brian Dwight, Curtis Borchert and landowners, and Attorney Kristy Albrecht via conference call.
2. Chairman Christensen called the meeting to order at 8:30 a.m.
3. A **motion** was made by Manager Austinson and **seconded** by Manager J Spaeth to approve the agenda with addition of discussion regarding J.D. #51 cleaning, WMD Ordinance, COE termination agreement. **Carried.**
4. **Public Information.** Manager J Spaeth asked about someone writing for Index and other newspapers. Consensus of Managers was for Loretta Johnson to send unapproved minutes to the Norman County Index.
5. **Norman/Mahnomen Flood Insurance Mapping.** Engineer Bents reported that staff has been working with the Norman and Mahnomen Counties to develop specific tasks for the FEMA Project. He stated that the tasks will be paid in a lump sum basis to prevent the trouble of going over budget, which is difficult then to get reimbursed through FEMA. A **motion** was made by Manager Holmvik and **seconded** by Manager Ista approving the following agreements with the Mahnomen and Norman County SWCDs at a rate of \$3,600 for Norman and \$2,500 for Mahnomen, tasks to be completed by February 15, 2010. Chairman Christensen authorized to execute the document. **Carried.**
6. **Project #42 Upper Becker Project.** Discussion was held about township issues that included road overtopping, damages caused by this overtopping and liability issues due to an car accident. Also included were the loss of taxes if the project went forward. Attorney Hanson stated that the liability issues regarding the road could be addressed with District insurance and loss of revenue from taxes could be addressed by payment in lieu of taxes which is capped at \$4 per acre.
7. **Complaints/Violations.** Randy Chisholm and Jim Wagner Sr. met with Managers to discuss a complaint filed by Jim Wagner alleging that Chisholm had done illegal ditching and trespassing on his property in Section 22 of Green Meadow.

A **motion** was made by Manager Erickson and **seconded** by Manager Austinson for the District to give Chisholm until the February 10, 2010, meeting of the board to come back with a resolution, or permit, as the ditching was done without a permit from the Watershed District. **Carried.**

8. Approval of Billings. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik to approve the billings for payment as presented including Managers per diems and expenses. **Carried.**

9. Financial Report. Accountant Marcussen presented the Financial Report dated 12/31/2009. A **motion** was made by Manager J Spaeth and **seconded** by Manager Erickson to approve the Financial Report. **Carried.** Marcussen also reported that former Administrator Steve Dalen's last unemployment payment was of 11/9/2009 and that mileage rates had been reduced to \$.50 per mile.

10. Vik Litigation. A **motion** was made by Manager Holmvik and **seconded** by Manager D Spaeth to closed the meeting at 11:15 a.m. for a teleconference with Attorney Kristy Albrecht to discuss attorney client confidential information regarding the Vik Litigation. **Carried.** At 11:25 a.m. a **motion** was made by Manager J Spaeth and **seconded** by Manager Austinson to open the meeting. **Carried.**

11. Meetings/Conferences. A **motion** was made by Manager J Spaeth and **seconded** by Manager Erickson authorizing managers attendance at the RRWMB Meeting and Basin Commission Conference scheduled for January 20, 2010, at Grand Forks. **Carried.**

PERMIT APPLICATIONS

12. MN Dot, Section 19, Shelly Township. A **motion** was made by Manager Austinson and **seconded** by Manager D Spaeth to table Permit Application #1-13-2010-3 of MnDOT to replace an existing bridge over the Marsh River in Section 19 of Shelly Township and send out notices. **Carried.**

13. John Pazdernik, Section 4, Lake Grove Township. A **motion** was made by Manager J Spaeth and **seconded** by Manager Austinson to table Permit Application #1-13-2010-1 of John Pazdernik to construct an ATV bridge across the White Earth River until information provided by the DNR. **Carried.**

14. Steven Airhart, Section 23, Green Meadow Township. A **motion** was made by Manager J Spaeth and **seconded** by Manager Austinson to **deny** Permit Application #1-13-2010-2 to install a 12" inch culvert in Section 23 of Green Meadow Township. **Carried.**

15. Keith Chisholm, Section 13, Spring Creek Township. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik authorizing a time extension for Keith Chisholm restoration/violation until March 10, 2010. **Carried.**

16. USGS Stream Report. Chris Ellison and James Fallon, USGS, reported on the sediment monitoring and collecting of data for the WRR Sediment Study 2007-2009. They gave a PowerPoint presentation which illustrated their data information. The interpretation of their initial data was that turbidity turned out to be the best indicator. They talked about continuing the work into 2010. Manager Erickson asked if this is a duplication of the TMDL study that the District is currently working on. Engineer Bents stated that it is not. A motion was made by Manager J Spaeth and seconded by Manager Erickson to table a decision on future funding until the February meeting. **Carried.**

17. SWCD Small Projects Report. At 2:00 p.m. Curtis Borchert presented an SWCD Small Projects Report in which he stated that they had completed 484 acre/feet of storage in 2009 and would be presenting that invoice for payment in February.

18. Farmstead Ring Dikes. Attorney Hanson reported that Fargo Parts, Attorney Kaeler has contacted Attorney Hanson and it appears that Fargo Parts and Avery Brothers Dirtworks have settled their unpaid bills issues, but he told staff to hold the payment until Hanson received a lien waiver from Attorney Kaeler. A **motion** was made by Manager J Spaeth and **seconded** by Manager Ista authorizing Pay Request #1 in the amount of \$5,150.25 to Custom Earth, for the Tom Carlson Ring Dike. **Carried.** A **motion** was made by Manager J Spaeth and **seconded** by Manager Austinson to authorize Pay Request # 1 to Ziegler Construction in the amount of \$12,151.80 for the Mike Borgen Ring Dike. **Carried.**

19. FEMA Repairs. A **motion** was made by Manager Ista and **seconded** by Manager J Spaeth authorizing Pay Request #2 in the amount of \$17,750 to Gordon Construction for the FEMA repair by Roger Myers. **Carried.**

20. Administrative Contract. Attorney Hanson stated wrote up a contract and Manager Holmvik made revisions to the PTO time, etc. After editing per Holmvik, it was sent to Odegaard, he will sign it if board approves today. Previously the board approved accepting the offer that Odegaard presented to the Board. A motion was made by Manager Holmvik and seconded by Manager Ista to accept the agreement as presented. **Carried.**

21. WMD Upper Becker Project. Managers returned to discussion regarding the Upper Becker Project. It was reported that the second part of the District's process will be to implement the ordinance and take that along with the Engineer's Report to the hearing. The ordinance will include how the District will finance the local share of the project. Norman County Commissioner Warren Olson commented that he was not opposed to a WMD or the Upper Becker Project, however his concern was the plan that his constituents north of Norman County Ditch #1 are included in the assessment area and he was opposed to this. Managers discussed the fact that the payment is not by benefits but rather based on runoff contribution. Engineer Bents distributed the five year plan draft for board consideration regarding the funding of the RRWMB and stated that in discussions with Ron Harnack stated that there are a lot of projects in the valley and if the District is not ready at this time, there may not be funding left from the RRWMB. Manager Ista stated that she supports the current WMDA and supports going to a project hearing and moving forward.

After considerable discussion a **motion** was made by Manager Ista and **seconded** by Manager Holmvik to move forward with the WMD, set the hearing date and adopt the ordinance and order the project for 10:00 a.m. on Feb. 17, 2010. **Carried** with Manager Austinson opposed. Manager Erickson stated later in the meeting that for the record he opposed the hearing like Manager Austinson.

22. District Property Sale, Kragnes Township. A **motion** was made by Manager Austinson and **seconded** by Manager Erickson authorizing Attorney Hanson and staff to move forward with advertisement for bids and sale of District Property formerly owned by Richards in Kragnes Township, pursuant to the right to reject any bids. **Carried.**

23. Funding Request to RRWMB. A **motion** was made by Manager Holmvik and **seconded** by Manager Erickson authorizing Attorney Hanson to draft a letter of request to the RRWMB for an advance of funding for land purchases on Upper Becker not to exceed \$2.3 Million. **Carried.**

24. Community Ring Dike Funding. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik authorizing the District request for the 2011 funding cycle for land acquisition dollars for the Hendrum and Perley ring dike repairs. **Carried.**

25. Chairman Christensen recessed the meeting to be reconvened at 8:30 a.m. on Wednesday January 27, 2010.

RECONVENED REGULAR MEETING January 27, 2010

26. Chairman Christensen reconvened the meeting at 8:30 a.m. on Wednesday, January 27, 2010, at the office of the District. Managers in attendance were Joe Spaeth, John Austinson, Duane Erickson, Mike Christensen, Greg Holmvik, Diane Ista and Dean Spaeth. Managers absent: None. In addition those in attendance were: Engineer Jerry Bents, Interim Administrator Loretta Johnson and Brian Borgen, and landowners on the Upper Becker Project. Steve Odegaard, Administrator of the District beginning February 1, 2010, visited the meeting. Dennis Ertelt also joined the meeting via conference call.

27. Meeting with Senator Langseth. Managers discussed the motion made previously regarding a proposed meeting with Langseth. Ista stated that she had made a motion to meet with Langseth although after thinking about it became concerned about doing it right now and thought it could wait. Manager Erickson stated that he felt it was a good idea when talking about moving the dam south but when the board wasn't interested in moving the dam, he didn't want to meet with Langseth.

28. March 2010 Regular Meeting Date Change. A **motion** was made by Manager Ista and **seconded** by Manager Austinson to change the March 10, 2010 Regular Meeting date to March 17, 2010, due to the MAWD Annual Meeting scheduled for the 10th of March. **Carried.**

29. Moccasin Creek Project, Section 6, Flom Township. Manager Erickson stated that he wanted to update Wally Sparby, Aide to Representative Collin Peterson on the status of work on the Moccasin Creek Project and a request to the DNR to change the operating plan to include summer flooding. Engineer Bents distributed the reply received from the District on December 29, 2009. Managers discussed whether they should follow the process through the Project Team and/or pursue the changes without it. A list of information requested by the DNR was included in the letter. Chairman Christensen stated that he would talk to Ronald Larson, owner of the land where the project is located to find out his thoughts on the trees. A **motion** was made by Manager Holmvik and **seconded** by Manager Ista to work with the Project Team on Moccasin Creek. **Carried.**

30. Project #42 Upper Becker Project. Tom Bergren asked how the District could purchase land on Upper Becker that they already had a lease on from the current Becker Dams Project. Manager Austinson stated that the terms of the agreement will change. Bergren also felt that the payment of \$4 per acre for 20 years in lieu of taxes was not enough tax money to pay the townships. Engineer Bents reported that the attorneys are currently researching the laws to determine if that amount is limited. Bergren also felt that the cost for the project was impractical for the amount of storage. Manager Ista stated that storage is not the only goal for this project. It includes erosion control and reducing the sediment for downstream.

Dennis Ertelt joined the meeting via conference call to discuss the negotiator report that was distributed. Lowell Anderson stated that he would prefer to trade for the SW1/4 of Section 12 of Goose Prairie rather than the NE1/4 as originally thought. Jim Jirava talked about the issues of CRP and WRP on property located within the project. Tom Bergren stated that Riceville Township has not changed their position on the project and are opposed.

A **motion** was made by Manager Ista and **seconded** by Manager Austinson authorizing Attorney Hanson to research the tax issues and the maximum amount that can be paid townships in lieu of taxes. **Carried.**

31. **District Property Sale, Kragnes Township.** A **motion** was made by Manager Austinson and **seconded** by Manager Erickson authorizing Special Meeting for land sale on February 19, 2010, at Georgetown, MN. **Carried.**

32. **Project Team Meeting.** Consensus of Managers was schedule Project Team Meetings the fourth Wednesday every month.

33. **Community Levee Projects Hendrum, Perley.** Engineer Bents distributed information on the Community Levee Projects. Bents stated that for the purpose of determining the value of the assessed area of the projects the Board can either appoint viewers or can act as viewers. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth for the Board of Managers to act as the viewers for the Hendrum and Perley Projects. **Carried.** Discussion was held regarding the manner to use for the assessments. A **motion** was made by Manager Ista and **seconded** by Manager Austinson to appoint Managers Ista, Holmvik and Christensen to be on the assessment committee. Managers also decided to authorize the cities to determine the manner of assessments and caps. **Carried.**

34. **NRCS South Branch Project.** Discussion was held regarding previous authorization for Engineer Bents to contact John Beckwith, NRCS to discuss the NRCS commitment to assist on the South Branch project. Manager Holmvik questioned why Bents had not contacted Beckwith. Bents stated that Manager Erickson had contacted him and told him not to. Holmvik stated that one Manager cannot be telling staff not to do something that was authorized by the Board. Bents will contact Beckwith.

35. **Meetings/Conferences.** A **motion** was made by Manager Austinson and **seconded** by Manager Erickson authorizing Manager Spaeth to attend the Water Resources Conference in Crookston. Carried. A motion was made by Manager Holmvik and seconded by Manager Ista authorizing Managers D Spaeth, Christensen and Erickson to attend the Farm Management Tiling Conference. **Carried.**

36. **FEMA 2006 Rural Property Acquisition.** A **motion** was made by Manager Holmvik and seconded by Manager J Spaeth authorizing the purchase of the Merkle/Setervang property with the FEMA 2006 Program. Carried.

37. **FEMA 2009 Rural Property Acquisition.** Engineer Bents and Loretta Johnson presented information to the board on the 12.5% local cost share that the State of Minnesota will not be paying under the current 2009 Rural Acquisition Program. Staff asked direction from the Board if they were willing to contribute the 12.5% cost share which with 9 projects could be approximately \$150K. A **motion** was made by Manager D Spaeth and **seconded** by Manager Erickson directing staff to inform landowners that the District would not be contributing the 12.5% cost share and landowners options were to deduct that amount from their payment at closing or not to be in the program. **Carried.**

38. **Quick Books Payroll.** A **motion** was made by Manager Erickson and **seconded** by Manager Holmvik to do the Payroll in-house on the current Quick Books Program. **Carried.**

39. WRWD Insurance. Manager Erickson expressed concerns that the District had not received payment for costs related to the Vik Lawsuit. He also wanted to make sure that Managers were covered under the insurance clause and immune from liability.

40. Vik Lawsuit. A **motion** was made by Manager Holmvik and **seconded** by Manager Erickson to close the meeting to discuss attorney/Client information on the Vik Lawsuit. **Carried**.

41. There being no further information to come before the Board of Managers a **motion** was made by Manager Holmvik and **seconded** by Manager Erickson to adjourn the meeting. **Carried**. Chairman Christensen adjourned the meeting at 12:45 p.m.

John Austinson, Secretary

Date	Num	Name	Memo	Amount
Dec 10, '09 - Jan 13, 10				
12/14/2009	12641	Clay County Auditor Treasurer	Proj Clay Co. Ditch #6	-800.00
12/14/2009	12642	Loretel Systems	Utilities	-223.08
12/15/2009	12797	Frandsen Bank	payroll deposit	-2,495.74
12/16/2009	12643	Billy Stalboerger	SWCD Small Projects Payment	-3,000.00
12/21/2009	DD	Alltel	closed account w/penalty	-604.84
12/22/2009	12720	Gordon Construction	Pay Req #1	-53,311.50
01/13/2010	12675	Ada Electric, Inc	Hoff Ring Dike	-591.36
01/13/2010	12676	AmeriPride	Rug Rental	-62.75
01/13/2010	12677	Arvid L Ambuehl	J.D. #51 by Ada	-500.00
01/13/2010	12678	Braun Intertec Corporation	Hendrum/Perley	-14,234.00
01/13/2010	12679	Cardmember Service	Due Jan 24	-785.22
01/13/2010	12680	City of Ada	January	-289.63
01/13/2010	12681	Custom Earth, Inc	Pay Req #1 Carlson	-5,150.25
01/13/2010	12682	Dean Spaeth	per diem	-250.42
01/13/2010	12683	Dept of Employment & Econ Development	Unemployment Steve Dalen	-3,396.00
01/13/2010	12684	Diane Ista	per diem	-211.56
01/13/2010	12685	Duane Erickson-Mgr	per diem	-349.72
01/13/2010	12686	Frandsen Bank	payroll deposit	-2,223.51
01/13/2010	12687	Gordon Construction	FEMA Project Repair	-22,395.33
01/13/2010	12688	Greg Holmvik	per diem	-272.43
01/13/2010	12689	Houston Engineering, Inc.	Jan 2010 Billings	-36,046.65
01/13/2010	12690	ICS Agency	Inv #38651	-11,339.00
01/13/2010	12691	Joe Spaeth	per diem	-280.64
01/13/2010	12692	John Austinson	per diem	-295.52
01/13/2010	12693	Jon Schauer	Technical Assnts	-400.00
01/13/2010	12694	Kris Versdahl	Web Site Hosting	-302.00
01/13/2010	12695	Loretel Systems	Utilities	-291.26
01/13/2010	12696	MARCO, Inc.	Inv #141200196	-598.50
01/13/2010	12697	Marcussen Accounting	January Statement	-2,664.00
01/13/2010	12698	McCollum Hardware, Inc.	January Billings	-131.70
01/13/2010	12699	Midwest Testing Lab.	Inv #29643	-572.26
01/13/2010	12700	Mike Christensen	per diem	-228.83
01/13/2010	12701	Minnesota Energy Resources Corporation	Heat	-54.97
01/13/2010	12702	Norman County Index-Ada	Office Supplies	-68.85
01/13/2010	12703	Norman County SWCD	Small Project	-2,400.00
01/13/2010	12704	North Star Water	Utilities	-53.55
01/13/2010	12705	Office Supplies Plus	January Billings	-315.54
01/13/2010	12706	Ralph's Food Pride	Jan Invoice	-95.07
01/13/2010	12707	Red River Coop Power	Hoff Ring Dike	-364.60
01/13/2010	12708	Red River Watershed Management Board	1/2 cost share	-162,530.40
01/13/2010	12709	Renae Kappes	Cleaning	-100.00
01/13/2010	12710	Rinke Noonan	Legal Fees	-278.50
01/13/2010	12711	RM Hoefs & Associates, Inc.	Hendrum/Perley	-7,020.00
01/13/2010	12712	Thomson West	MN Statutes	-29.93
01/13/2010	12713	Wambach & Hanson	Legal Fees	-3,678.35
01/13/2010	12714	Ziegler Construction	Farm Ring dikes	-13,171.80
01/13/2010	12715	Dean Spaeth	mileage	-152.00
01/13/2010	12716	Diane Ista	mileage	-10.00
01/13/2010	12533	Duane Erickson-Mgr	mileage\meal reimburse	-227.75
01/13/2010	12669	Greg Holmvik	mileage	-30.80
01/13/2010	12670	Joe Spaeth	mileage	-111.75

01/13/2010	12671	John Austinson	mileage	-138.85
01/13/2010	12672	Mike Christensen	mileage	-150.00
12/10/09-1/13/10		Payroll/emp ins &	Med exp & Payroll taxes	<u>-6,280.77</u>
		Total		-361,561.18