

**WILD RICE WATERSHED DISTRICT
11 Fifth Avenue East
Ada, MN 56510**

**SPECIAL MEETING
FEBRUARY 5, 2010
Upper Becker Hearing and Land Negotiations
APPROVED MINUTES**

1. A special meeting of the Wild Rice Watershed District was held on Friday, February 5, 2010, at the office of the District located at 11 Fifth Avenue East, Ada, MN. The purpose of the meeting was to discuss Upper Becker Land Negotiations and other issues. The following Managers were in attendance: Joe Spaeth, Mike Christensen, Diane Ista, Greg Holmvik, Duane Erickson, John Austinson and Dean Spaeth. Managers absent: None. In addition the following persons were in attendance: Administrator Steve Odegaard, Assistant Administrator Loretta Johnson, Engineer Jerry Bents, Attorney Elroy Hanson, Brian Dwight, Paul Wannarka, Steve Green, Tom Bergren, Jim Jirava and Lowell Anderson. Chairman Christensen called the meeting to order at 8:35 a.m.

2. Meeting Minutes November and December 2009. A **motion** was made by Manager Holmvik and **seconded** by Manager J Spaeth to approve the meeting minutes for November and December 2009. **Carried.**

3. Upper Becker Hearing Discussion. Engineer Bents gave a PowerPoint presentation on the background of the Upper Becker Project. Discussion followed regarding the process and included input from interested landowners in attendance. Considerable time was taken regarding whether the District should hold its hearing prior to the BWSR hearing on Wednesday February 17, 2010, at 10:00 a.m. at the Ada VFW meeting room, as scheduled, or whether the District should wait until they know if BWSR makes a decision on the amendment to the District's Water Management Plan giving the District the ability to implement the Water Management District. The reason some Managers opposed waiting until after the approval was the fact that it puts the District behind in the process of seeking state bonding funding from the Legislature. The initial hearing on bonding is scheduled for Thursday, February 11, 2010. Engineer Bents stated that all funding from the state bonding comes on a first come/first serve basis and there are many other projects seeking funding that are ready to proceed. Waiting may hinder the District in getting funding or they may not get it at all. Manager Erickson suggested sending voting letters to all landowners in the project asking them to reply yea or nay to the project, and then allowing managers to make their decision based on the replies. Attorney Hanson stated that he didn't advise it, the process of hearings has been used for many years and he didn't recommend not using that process, although he said if managers wanted to they could.

Landowner Tom Bergren felt that when the District presents the costs to landowners on the project it should be more inclusive and have all costs including interest and maintenance together to present a total cost for the project. Manager Ista agreed that would be a good idea.

Brian Dwight, BWSR, discussed the process that would be used at their hearing in the afternoon following the District's. Dwight stated that he would like someone from the District to give a presentation. Dwight also talked about BWSR holding the decision on approval of the District being able to implement a Water Management District, for several days giving the public additional time for input. Dwight, after consulting with his advisors, stated that a decision would be made by BWSR on March 24, 2010.

After considerable discussion the consensus of the Managers was to continue the hearing as scheduled for Wednesday February 17, 2010, at 10:00 a.m. at the VFW Meeting Room at Ada, MN.

4. Jim Jirava presented the following statement from Spring Creek Township:

- Spring Creek Township will stand in opposition to Project 42, Upper Becker for the following reasons:
- The appraisal of land involved in the project in some cases is too low, and on other property, too high.
- Other means of storing water have not been addressed seriously.
- The liability on the road that is going to be raised has not been addressed to our satisfaction.
- We don't like the tax structure that will be in place after completion.
- The diversion talked about in the Fargo/Moorhead area around town is not in final form, is there a need for this if that is finally approved?
- We feel that the tax burden on taxpayers in Spring Creek Township is unfair.
- We feel that Spring Creek Township had done its part for flood control already.

s/s James B. Jirava 2/5/10; Spring Creek Township

5. Richards Land Sale/Transaction. Attorney Hanson reported that the attorney for Richards sent correspondence requesting a time extension on the land swap until March 15, 2010. A **motion** was made by Manager Holmvik and **seconded** by Manager Erickson authorizing the extension be given to Richards for the land swap. **Carried**. Hanson also reported that due to the delay in the land swap, he removed the Richards land auction, which the District would own as a result of the swap, scheduled for February 19, 2010, from the market.

6. Legislative Hearing, Thursday, February 11, 2010. A **motion** was made by Manager J Spaeth and **seconded** by Manager D Spaeth authorizing Managers Ista and Christensen and Engineer Bents and Administrator Odegaard attendance at the hearing. **Carried**.

7. A **motion** was made by Manager Ista and **seconded** by Manager J Spaeth to close the meeting pursuant to the open meeting law for the purpose of selling real estate and discuss land negotiations. **Carried**. Lands to consider were the following: Donald Hastings, NW4 & SE4 Sec. 32-142-42; Robert Hastings, Lots 1, 2, 3, 10 & 11, and NW4SE4 Sec. 6-141-42 and Lots 7 & 12 and the se4 Sec. 31-142-42; Lowell Anderson, E2SW4 lying NW of the river and the W2SW4, Sec. 32 and the NE4SE4 of Sec. 6 and the N2SW4, SW4NW4, and SW4SW4 OF Section 5; Loren Jetvig, Sly 825' NE4, Sec. 32-142-42 and the E2SW4, NW4SE4, S2NW4, SW4NE4 of Sec. 33-142-42; Gerald Jirava, SE4SE4 of Sec 21 and SW4NE4 and NW4SE4 Sec 22; nw4sw24, S 10 acres of SW4NW4 and S 10 acres of SE4NW4 of Sec. 22; E2SW4 and SW4SW4 of Sec. 22; NW4NE4 and N2NE4 and N2NW4 of Sec. 2 and the NE4NE4 of Section 29 and Mark Stalberger, N2NE4, N2SE4NE4, NE4NW4 OF Sec. 33.

Chairman Christensen closed the meeting at 12:00 p.m. Following the closed meeting, Chairman Christensen adjourned the regular meeting at 2:30 p.m.