1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday May 14, 2008. Managers in attendance include Diane Ista, Bob Wright, Warren Seykora, Mike Christensen, Don Vellenga and Joe Spaeth. Absent: Dave Vipond. In addition the following persons were in attendance: Administrator Dalen, Engineer Jerry Bents, Attorney Hanson, Tim Halle, Loretta Johnson, George Reid, Marijo Vik, Brent Kappes, Ron Guttormson, Ron Thorsrud, Brian Borgen, Raymond Hanson.

2. Chairman Seykora called the meeting to order at 8:35 a.m.

3. Attorney Hanson issued the oath of office and swearing in of the new board member Don Vellenga.

4. A motion was made by Manager Ista and seconded by Manager Wright to approve the agenda with the addition of the following: establish a committee with the NCSWCD to be drainage inspectors for the district, WRR setback levee; SWCD new farm bill promo grant, Warren Olson request for clean up of acquisition property and removal of the mowing and beaver dam proposal. Carried.

4. **Open Microphone.** Curt Jacobson presented an unsigned cover letter that included his and Diane Ista's names and also referred to the Concerned Citizens (CC). Included in the mailing was a copy of minutes from a Citizens for Farmland Preservation meeting. Jacobson asked Dalen if he sent the letter. Dalen replied that he knew nothing about it. Dalen asked if the minutes that were included bothered either Ista or Jacobson and also asked what the CC has done for flood control, the amount of funding they collect, the fact that he feels the group on the Twin Valley Dam was hard to work with and if Jacobson had discussions with landowners prior to a meeting in Ulen, to which he replied yes. Ista felt the cover letter was damaging to their reputation and would like it addressed.

5. **Project #42.** Administrator Dalen distributed notes from landowner meetings on C.D. #18 and also financial data included in the purchase of the properties including Radeck; Lee/Solum; Hogtevedt/Richards and reviewed this information with Managers. Engineer Bents displayed a map which indicated the areas of each property.

6. Dave Vipond arrived at 9:30 a.m.

7. A motion was made by Manager Spaeth and seconded by Manager Wright to close the meeting to discuss offers and counter offers on property within Project #42. Carried. A motion was made by Manager Vellenga and seconded by Manager Vipond to reopen the meeting. Carried.
9. Project #42. Public Comment. Brian Borgen asked how a check for land could be written without board approval. Administrator Dalen replied that would be addressed later in the meeting. Dalen distributed a project update on Project #42, regarding the Upper Becker Dam Land Acquisition and indicated that an Engineer’s Report would provide good information and allow the project to move forward as quickly as possible. The cost for an Engineer’s Report was estimated at between $75,000 -85,000 with an additional cost of approximately $35,000 for a soils report. A motion was made by Manager Wright and seconded by Manager Vipond to proceed with an Engineer’s Report on the Upper Becker Dam site. Carried.

10. Engineering Proposals. Nate Dallager of HDR Engineering submitted a proposal to the Board for engineering services also stating that he was not here to propose to be the District’s engineer, rather as an additional consulting engineer for specific projects. Keith Winter and Brian Hauth, also spoke, Hauth explaining that he and classmates at NDSU worked on a concept of the Twin Valley Dam as part of the course. Managers Ista and Vipond requested Hauth to provide a copy for review.

Jeff LeDoux, Houston Engineering, submitted a proposal to the board for engineering services and stated that the rates include a 10% discount off the regular rates because of the work they do for the District. Manager Ista indicated that she felt it would be a cost savings for the District to hire an engineer or engineer’s technician as staff for the office. Manager Vipond felt it would be good to obtain more information on that. A motion was made by Manager Vipond and seconded by Manager Wright to approve the proposal submitted by Houston Engineering, Inc. Carried.

10. Spraying Proposal. Mark Fillbrant of Bigg Dogg Agg presented a proposal for spraying. No action was taken at this time.

11. Project #42 Resolution. Jerry Von Korff, attended the meeting via teleconference. Discussion centered around the Resolution Regarding Preliminary Project #42 Expenditures and the aspects that the Board wanted included within the resolution.

A motion was made by Manager Vipond and seconded by Manager Christensen to approve the following resolution. Carried.

____

WILD RICE WATERSHED DISTRICT

Resolution Regarding Preliminary Project 42
Expenditures

The purpose of this resolution is to formally guide the procedure for work preliminary to proceeding with Project 42.

1. The Managers find that it is in the public interest to acquire property prior to proceeding with formal Project proceedings for the County Ditch #18 and Upper Becker portions of Project 42.

2. Project 42 is consistent with the District’s Water Management Plan and furthers the water management objectives of Chapter 103D.
3. It is in the public interest to make an effort to complete voluntary acquisitions of parcels necessary to implement the project. This policy seeks to facilitate voluntary acquisitions of property located such that the project can be successful, while taking into account land that may be sold to the district voluntarily.

4. In addition, the managers find that the voluntary process contemplated by this resolution will make it more likely that landowners can find substitute properties with the assistance of the District.

5. The Managers further find that voluntary acquisition of properties before formal project establishment is in the public interest, and will facilitate the process of establishing a successful project configuration that is most likely to minimize or eliminate the requirement of involuntary acquisitions.

6. The District will follow the voluntary acquisition procedure contemplated by the Land Acquisition Organizational Chart is explained in this resolution.

7. A committee of the managers appointed by the board and approved by the board of managers which shall advise the administrator as he implements this resolution. The administrator will consult with the engineer and district’s attorney to assure that proposed acquisitions will further project objectives and that the acquisitions are being conducted in a lawful and prudent manner.

8. The administrator is authorized to purchase options from landowners for land deemed reasonably necessary for the project. The administrator is authorized to expend no more than reasonably necessary for an option, and in no event more than $5,000.00 for each such option. Any option acquired by the district shall include language crediting the amount paid for the option against the purchase price of the subject property if the option is exercised.

9. Land prices for exercise of the option shall be reasonable, considering the fair market value of the property, the prices paid by the district for other similar properties, and in no event shall they exceed $3,000.00 per acre.

10. Using the procedure contemplated by the Land Acquisition Organizational Chart, the administrator may facilitate land swaps and 1031 exchanges that further the purposes of this resolution.

11. Final exercise of any option and payment shall be individually authorized by the Managers upon recommendation of the administrator out of funds appropriated by the Managers for that purpose.

12. The Managers approve and ratify the transaction(s) completed in accordance with this policy and listed on Appendix A to this resolution.

Dated:  

[Signature]

Chairman

Wild Rice Watershed District
Appendix A

CD 18 Land Acquisition
Charles and Kathleen Radeck

The Radeck property located in Good Prairie Township, Sections 11 and 12 in Clay County, Minnesota consisting of 228.08 acres.

1. Ulen Township Land Sale - $2,300/acre
2. Radeck Land 228.08 acres x $2,388 = $567,463
3. Add WRWD 20% above estimated appraisal value $629,500

The Radecks chose the alternative of fee title in the WRWD Acquisition process. They said they would be willing, if the WRWD would also purchase their property in Section 12 of Goose Prairie Township. The property in Section 12 is being held for a family who would like to trade for it within the Upper Becker Dam proposed project site. Section 11 property will be involved in site CD 18. Charles and Kathleen Radeck asked that the Board be thanked for treating them fairly and professionally during the transaction. They also wanted to tell the Board that they know the flood problem needs to be addressed and they were proud to help. The Radecks asked to be paid over a 3 year Contract for Deed.

CD 18 Land Acquisition
Lee/Solum

Solum Property
The Solum property is located in Elmwood Township, Section 27, Clay County, Minnesota. It consists of 201 acres, 178.31 tillable.

Solum Property Cost
1. WRWD won bid at 201 acres x $2,100
2. Mr. Solum did not agree to sale less than $2,300/acre
3. 201 acres x $2,300 = $462,000
4. 178.31 tillable acres x $2,591 = $462,000
5. Solum tillable 178.31 - Lee Land 159.8 = 18.5 acres
6. Herman Lee 18.51 purchased acre overage for $2,300/acre = $42,573
7. Solum property total cost to WRWD = $419,573
8. Alerus appraised value $2,450 with WRWD 20% above = $2,940/acre
   159.8 acres of Solum land traded for Herman Lee’s 159.8 acres in CE 18. Herman Lee also received 22.69 non-tillable (ditch coulee bottom) as part of the trade.

Lee Property
The Lee property is located in Goose Prairie Township, Section 11, Clay County, Minnesota consisted of 159.8 acres in site CD 18 of Project #42.

1. Ulen land sale comparison - $2,300
2. 159.8 acres x $42,300 = $367,540
3. Add WRWD 20% above estimated appraisal value = $2,760/acre x 159.8 = $441,048
J & B Richards Property

The Richards property located in Georgetown Township, Section 18, Clay County, Minnesota consisting of 228 acres, 208 tillable.

J & B Richards Property Cost – Actual Cost
1. Alerus appraised value - $2,500/acre
2. Add WRWD 20% above appraised value - $3,000/acre
3. 228 acres x $2,193 = $500,000
4. Tillable – 208 acres x $2,403 = $500,000

The WRWD purchased this property fee title. This property will now be exchanged.

12. Twin Valley Dam Steering Committee. Manager Christensen reported that there are no updates from the steering committee except the name has been changed to Wild Rice River General Reevaluation.

13. Approval of Billings. A motion was made by Manager Wright and seconded by Manager Spaeth to approve the billings as presented along with Managers per diems and expenses. Carried.

14. Project #31, Heitman Coulee. Attorney Hanson stated that contractors were at the outlet of Project #31 on May 9, 2008, at which time Mr. Vik called the District office and told staff that they needed to leave within one hour. Hanson stated that the District does have 100 foot right of way on the north side, but Mr. Haik, Vik’s attorney does not agree. Engineer Bents had the survey crew move off the site and stated that he contacted the Norman County Sheriff who felt it was a civil matter and Houston Engineering should hire its own security company to protect them. However, they had not completed the work. A motion was made by Manager Vellenga and seconded by Manager Vipond to contact the Norman County Sheriff, request that he come to the District office at 8:00 a.m. on Friday May 16, 2008, and also invite Mr. Vik and his counsel Mr. Haik. Carried.

15. Acquisition Update. Engineer Bents provided a proposal on asbestos removal for the two current acquisition properties. No action was taken; Manager Vellenga will provide Engineer Bents with an additional list of contractors to obtain quotes for asbestos removal.

16. COE WRRFS. Engineer Bents stated that Nan Bischoff has prepared a Project Management Plan (PMP) of $2 Million, however the District would need to match one-half with non federal dollars. Bents stated that he could request using the Upper Becker Site costs as the local share as WIK to match federal dollars. A motion was made by Manager Ista and seconded by Manager Vipond authorizing Engineer Bents to submit a request to the COE for approval to match the Feasibility Study federal share with Upper Becker Dams. Carried. A motion was made by Manager Ista and seconded by Manager Vipond to request that the COE that the next step in the WRRFS be addressing the sedimentation issues. Carried.

17. A motion was made by Manager Vipond and seconded by Manager Vellenga to recess the meeting until 7:00 a.m. on Friday May 16, 2008. Carried. Chairman Seykora recessed the meeting.
1. The regular meeting of the Wild Rice Watershed District Board of Managers was reconvened at 7:05 a.m. on Friday May 16, 2008. The following members were in attendance: Warren Seykora, Joe Spaeth, Bob Wright, Don Vellenga, Mike Christensen, and Diane Ista. Absent: Dave Vipond. In addition the following persons were in attendance: Administrator Dalen, Jerry Bents, Elroy Hanson, Loretta Johnson, Tim Halle, Marijo Vik and Brian Borgen.

2. Upper Felton Project. Administrator Dalen reported that he has been working with Dave Stumbo on a possible small storage site in Section 17 of Goose Prairie Township.

3. Mahnomen West Side Drainage. Engineer Bents stated that survey for the project is complete; engineering will begin preparation of construction plans.

4. Moccasin Creek Dam. Engineer Bents distributed copies of correspondence dated May 13, 2008, sent to Michele Puchalski, DNR, which requests an amendment to the Operation and Maintenance Plan for Project #8, Moccasin Creek Dam, which would allow summer operation.

5. Water Management District (WMD). Administrator Dalen reported on the recent WMD meeting held at the District office with county commissioners from Norman, Clay, Mahnomen and Clearwater. The proposed ordinance was discussed. Attorney Hanson recommended that the District begin the process of adopting the ordinance in the near future if the intention is to go to construction as quickly as possible. Hanson stated that the process takes a considerable amount of time.

6. Commissioner Warren Olson Request. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing investigation into a request by Olson to clean up a property near Halstad, purchased by the District in the acquisition program. Carried.

7. Dwight Heitman and Norman County Deputy Sheriff arrived at 8:00 a.m.

8. SWCD Requests. Manager Ista brought a resolution from the Norman County SWCD asking to establish a committee to utilize them in permits, investigations and violations. Also discussed was a farm bill promotion grant for $45,000, in which the SWCD requested a cost share from the District. A motion was made by Manager Ista and seconded by Manager Vellenga authorizing $2,250 in matching funds for the Farm Bill Promotion Grant. Carried with Manager Spaeth opposed.

9. Project #31 Cleanout. Dwight Heitman stated that it has been 11 months since the original request for a cleanout and it needs to be done soon. Discussion was held regarding Mr. Vik and his attorney Mr. Haik disagreeing that the District has ROW and concern over a phone call from Vik on Friday, May 9, 2008, in which he stated he wanted the surveyors off within an hour. A motion was made by Manager Vellenga and seconded by Manager Christensen authorizing staff and consultants to use their authority in calling for protection in the event of maintenance on district projects to take such actions as imminently necessary to complete the maintenance and repairs on a project. Carried. Manager Ista opposed. Engineer Bents also reported that Viks contacted the DNR to determine if the District needs a permit. Bents received notice from DNR that a permit is not necessary. A motion was made by Manager Ista and seconded by Manager Wright to complete the repair to project #31 as described in the cost estimate to be less than $25,000. Carried.
10. Dwight Heitman and Deputy County Sheriff left at 8:35 a.m.

11. J.D. #51 Cleanout. Engineer Bents distributed a packet of information on the J.D. #51 cleanout. Administrator Dalen also stated that Mrs. Grivno requested staff to do a field review and determine if contractors inadvertently left a block near the bridge, which he and Engineer Bents will be conducting later today. A motion was made by Manager Wright and seconded by Manager Spaeth to proceed with the cleanout. Carried. Manager Vellenga abstained.

12. Data Policy Approval. A motion was made by Manager Spaeth and seconded by Manager Christensen authorizing approval of the following resolution. Carried.

   RESOLUTION

The Wild Rice Watershed District Board of Managers under the provisions of Minnesota Statutes, section 13.02. Subdivision 16, as amended, Steve Dalen is hereby authorized to take all actions necessary to assure that all programs, administrative procedures and forms used by the Wild Rice Watershed District Board are administered in compliance with the provisions of Minnesota Statutes, chapter 13, as amended, and with rules as lawfully promulgated by the Commissioner of Administration and published in the State Register on May 16, 2008.

Chairman

Secretary

A motion was made by Manager Ista and seconded by Manager Vellenga authorizing staff to complete the forms attached to the resolution that was distributed and return to the board. Carried.

13. Attorney Proposals. A motion was made by Manager Ista and seconded by Manager Vellenga to accept the proposal for legal services submitted by Wambach & Hanson. Carried. A copy of the proposal and fee schedule is on file at the District office.

14. Department of Administration. Attorney Hanson reported that the Department of Administration is requesting additional information from him regarding his request about the open meeting law. He will provide the information.

15. SWCD Small Project Fund Request. A motion was made by Manager Christensen and seconded by Manager Spaeth authorizing a cost share on two projects requested by the Mahnomen County SWCD for a total of $3,300. Carried.

16. Attorney Hanson left the meeting at 9:25 a.m.

17. Mowing Proposal. A motion was made by Manager Ista and seconded by Manager Christensen to accept the proposal of Arvid Ambuehl for the mowing contract and for Administrator Dalen and Kari Kujava to work with Ambuehl. Carried. A copy of the proposal and fee schedule is on file at the District office.

18. Spraying Proposal. A motion was made by Manager Ista and seconded by Manager Wright to accept the proposal for spraying of district projects of Bigg Dogg Agg. Carried with Manager Vellenga opposed. A copy of the proposal and fee schedule is on file at the District office.
19. **Publicity Firm Proposal.** A motion was made by Manager Vellenga and seconded by Manager Wright to accept the proposal submitted by Tim Halle to provide press releases and public information coverage. Carried. A copy of the proposal and fee schedule is on file at the District office.

20. **Accountant Proposal.** A motion was made by Manager Christensen and seconded by Manager Spaeth to accept the proposal submitted by Marcussen Accounting for accounting services. Carried. A copy of the proposal and fee schedule is on file at the District office.

21. Chairman Seykora turned the meeting over to Vice Chairman Wright.

22. Vice Chairman Wright called for the nomination of Chairman. Manager Ista nominated Mike Christensen. Manager Spaeth nominated Warren Seykora. Manager Ista moved and Manager Vellenga seconded the motion that nominations cease. Carried. Warren Seykora was elected Chairman.

23. Chairman Seykora resumed the duties of Chairman.

24. Manager Christensen nominated Bob Wright as Vice Chairman and Don Vellenga nominated Diane Ista. Manager Spaeth moved the nominations cease. The vote was tie and Manager Ista withdrew her name and indicated that she would like to be considered for Treasurer. Bob Wright was elected Vice Chairman.

25. Manager Ista nominated Don Vellenga for Secretary, and Manager Christensen moved that the nominations cease and the secretary cast a unanimous ballot for Vellenga. Vice Chairman Wright cast a unanimous ballot for Vellenga who was appointed Secretary.

26. Chairman Seykora nominated Mike Christensen and Manager Vellenga nominated Diane Ista for Treasurer. Manager Spaeth moved that the nominations cease and cast a ballot for Treasurer. Mike Christensen was appointed Treasurer. Carried.
27. Chairman Seykora introduced the following letter into the record.

![Citizens for Farmland Preservation]

Our mission is to preserve agricultural land for crop production, promote viable alternatives for flood damage reduction and on-farm erosion control while providing environmental enhancement. All resources will be managed to gain the most benefit for the public good.

May 6, 2008

Warren Seykora
13683 390th St
Ulen, MN 56585

Dear Mr. Seykora,

At a recent meeting of our Board of Directors, a motion was passed concerning the Wild Rice Watershed District’s upcoming re-organization on May 14, 2008. Therefore, you are receiving this letter, as are all the other watershed managers.

It is our recommendation that since a new treasurer will be installed on the WRWD board, an audit should be considered and hopefully conducted.

At this important juncture in the re-organization of the board, an audit protects the outgoing treasurer as well as the incoming treasurer and is fiscally responsible.

We appreciate your consideration of this recommendation.

Sincerely,

Robert Braseth, President
25415 190th Ave N
Ulen, MN 56585

Kim Syverson, Vice President
P.O. Box 216
Ulen, MN 56585

cc. Nancy Bode J D
   State of Minnesota
   Office of the State Auditor
   525 Park Street, #500
   St Paul, MN 55103

www.citizensforfarmlandpreservation.org

A motion was made by Manager Vellenga and seconded by Manager Christensen for the District to request an audit from the Office of the State of Minnesota Auditor. Carried.
28. Compensation for Mileage. Action on setting the compensation for mileage was postponed until the June meeting to obtain additional information on the guidelines.

29. Committee Appointments. Manager Wright distributed a handout listing the various committees and possible appointments. Wright stated that in working on the listings he tried to include every Manager on various committees. He also suggested that Managers review the listing and postpone any action until the June meeting.

30. Violations. A motion was made by Manager Wright and seconded by Manager Vellenga to provide Everett Darco with the correspondence from Houston Engineering regarding his complaint in Section 3 of Marsh Creek Township. Carried.

PERMIT APPLICATIONS

31. A motion was made by Manager Ista and seconded by Manager Vellenga to approve the following permit applications. Carried.

32. West Central Ag, Section 17, McDonaldsville Township. #5-16-08-1 to construct a grain handling facility with two driveways each with an 18" CMP. Two 12" pipes will be installed within the site to facilitate internal drainage, with the condition that the existing drainage patterns are maintained within the project site.

33. Paul Borgen, Section 8, Anthony Township. #5-16-08-2 to replace an 18" CMP and flap gate that has become damaged with the condition that the pipe and flap gate is the same size, at the same location and at the same elevation as the existing pipe.

34. Skaurud Grain Farms, Section 33, Waukon Township. #5-16-08-3 to install subsurface drainage tile with two lift station outlets to the township road ditch with the condition that the applicant get approval from the landowner in the NE1/4 of Section 33 of Waukon Township and with a recommendation that the applicant get township approval for the outlets.

35. City of Mahnomen, Sections 11 and 14 of Pembina Township, #5-16-08-6 to install a water main, sanitary sewer, storm sewer and replace a lift station.

36. Erick Zurn, Section 27/28 of Spring Creek Township. #5-16-08-8 to install tile and grass waterway with the condition that the applicant install any erosion control measures necessary at the outlet of the tile.

37. A motion was made by Manager Wright and seconded by Manager Christensen to table the following permit applications. Carried.

38. Roy A. Christianson, Section 35, Halstad Township. #5-16-08-4 to install a field approach with an 18" culvert and flap gate. Will need to verify the number and locations of flap gates on the ditch system.

39. Richard Delaney, Section 33, Fossum Township. #5-16-08-5 to clean sediment out of a natural waterway. Applicant will need to obtain approval from the MNDNR (protected waters permit) and the Norman County SWCD/NRCS office relative to wetland impacts.
40. **Gregory Township, Sections 3-4 of Gregory Township, #5-16-08-7** to extend the existing culvert and lower it by two feet, the applicant is also requesting funding for the work. Tabled until work is completed by Mahnomen County Engineer as to the status of the work (repair or improvement). Deny the funding request because the ditch system is not managed by the Watershed District.

41. A motion was made by Manager Ista and seconded by Manager Christensen authorizing payment of $23.72 to Minnesota Energy Resources Corporation. Carried.

42. **Project Team Meeting.** A motion was made by Manager Christensen and seconded by Manager Wright to schedule a Project Team meeting on May 28, 2008. Carried.

43. **Staff Reorganization.** Consensus of Managers was that Administrator Dalen hire Sherry Essen to assist the office staff in reorganization.

44. A motion was made by Manager Wright and seconded by Manager Christensen to close the meeting to discuss the review of Administrator Dalen. Carried. Chairman Seykora reopened the meeting.

45. **Meeting Minutes.** A motion was made by Manager Ista and seconded by Manager Christensen to approve the regular meeting minutes dated April 9, 2008. Carried. A motion was made by Manager Spaeth and seconded by Manager Wright to approve the reconvened meeting minutes dated April 28, 2008, with the addition of “distribution” in Paragraph #17. Carried.

46. **MAWD Summer Tour.** A motion was made by Manager Wright and seconded by Manager Christensen to approve staff and Managers attendance at the MAWD Summer Tour. Carried.

47. There being no further business to come before the Board of Managers a motion was made by Manager Spaeth and seconded by Manager Wright to adjourn the meeting. Carried.
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-61,576.01
Geo Deal
Marija Viz
Bret Tiffet
Ray Hansen (opposed to Dam)
Ron Theanid also opposed to 7 Dam
Bren Boyer
Ray Tullison
Nute Delager
Mark Fullbright