

# *Wild Rice Watershed District*

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## **APPROVED MINUTES**

December 12, 2007

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on **Wednesday, December 12, 2007**, at the office of the District located at 11 Fifth Avenue East, Ada, MN. The following members were in attendance: Jim Wagner, Sr., Joe Spaeth, Mike Christensen, Warren Seykora, Diane Ista, Dave Vipond and Bob Wright. In addition the following persons were in attendance: Administrator Dalen, Executive Assistant Kari Kujava, Attorney Hanson, Engineer Bents and Publicist Halle.
2. Chairman Seykora called the meeting to order at 8:35 a.m.
3. A motion was made by Manager Ista and seconded by Manager Vipond to approve the agenda. Carried.

### **Appointments**

4. **Open Microphone – Public Comments.** Brian Borgen questioned the legal ownership of the Heiberg Dam property by the WRWD. Elroy asked Mr. Borgen to request this information from the watershed district in writing. Mr. Borgen also asked if the district can use the eminent domain statute in CD18 if a landowner refuses to cooperate. Attorney Hanson said “yes” but expressed to him that the district does not want to take this route but instead work with each landowner to reach an agreement.
5. **South Branch #42.** Administrator Dalen gave an update regarding the land acquisition progress in CD18. Dave Stumbo, CD18 landowner, was present and expressed his concerns regarding the project and agreed to meet with Steve to discuss the detail pertinent to his parcel. His concerns are mainly with his neighbors within the project and how the landowners currently living there will be affected. Administrator Dalen informed the board that the District will be requesting funding from the RRWMB therefore we must start the submittal process. A motion was made by Manager Wright and seconded by Manager Vipond to prepare step 1 submittal to the RRWMB contingent on a reasonable amount of land being available. Carried.
6. **Managers Direction, Goals and Accountability.** Administrator Dalen addressed board direction, goals and accountability. He expressed his concern and frustration about the “out of direction” board members 1 in the permit process and the other in the land acquisition process. He reminded the board of the importance of staying focused and working for a common goal. It diminishes the board’s credibility and success to have board members working behind the scenes on a personal agenda.
7. **Potential Future New Articles.** Publicist Tim Halle updated the board on some of the ideas he has for future new articles along with meeting with the WRWD staff to update and maintain the webpage. Manager Ista suggested that a publicity committee be appointed to oversee the Halle’s work and make sure “all bases are covered.” After board discussion it was agreed that Publicist Halle is doing a great job and there is no desire at this time for the board to form a committee such as this. Halle also informed the board the status of the annual report and the fact that the 2007 audit must be completed before that information is included.

8. Project 12 Hearing. Motion was made by Manager Vipond and seconded by Manager Christensen to recess the meeting and open the Hearing on Project 12. Carried. Duane Thompson has petitioned for his property be removed from Project #12 assessment area. Attorney Hanson recommended that in this case the board approve Mr. Thompson's request however suggested to change the statute to avoid this situation in the future. A motion was made by Manager Vipond and seconded by Manager Wagner to remove the property from Project #12. Carried. Authorization was given to Administrator Dalen, Engineer Bents and Attorney Hanson to examine this situation and enforcement issues with a motion from Manager Wright and seconded by Manager Wagner. Carried. Motion was made by Manager Spaeth and seconded by Manager Christensen to reconvene the meeting. Carried.

9. Ambuehl/Kurpius Complaint. Richard Ambuehl and Roger Kurpius filed a complaint against Eugene Vik regarding the dike he constructed on his land. The complaint regarding the illegal diking was filed June 8, 2007. Ambuehl and Kurpius say that the dike would cause water to backup onto their land. Marijo Vik stated that during a flood event, their homestead is surrounded by water and the only way to get out is by boat. Vik was reminded that a permit must be approved by the watershed district and without one they are in violation of watershed rules. Mrs. Vik informed the board that an attorney will be involved. After discussion the board asked Ambuehl and Kurpius if they would be willing to table the complaint to be addressed at the March 2008 meeting. They agreed. Motion by Manager Ista and seconded by Manager Wagner to table complaint until March 2008. Carried.

10. CP Rail Permit #12-14-07-1. Motion was made by Manager Spaeth and seconded by Manager Vipond to approve permit to replace culverts in sections 2, 26, 35 of Pembina Twp, Mahnom County. Carried.

11. Watershed Management District (WMD) Discussion with Norman County Commissioners. Steve Jacobson, Chairman of the Norman County Commissioners reported to the board that the commissioners aren't ready to make a decision on the WMD. They do agree that it's a good way for the county to contribute as a whole to FDR but to convince the county that the money will be spent for projects seems to be the issue. The WRWD board individually voiced their opinions in support. Commissioner Lee Ann Hall reminded everyone that the decision must be made for "the greater good". The Commissioners were asked to provide a letter of support to the district. Administrator Dalen reminded the commissioners that Norman County is the largest damage area and without their support it will be hard to get the other counties in the district on board. Motion was made by Manager Spaeth and seconded by Manager Wagner for WRWD board members to attend the Norman County Commissioner meeting in January. Carried.

12. Twin Valley Dam. A meeting is scheduled for the Twin Valley Dam committee to meet on Friday, December 14, 2007 in the conference room at Houston Engineering in Fargo. Committee members are Dave Vipond, Mike Christensen, Steve Dalen, Richard Ista, Curt Jacobson, Jeff LeDoux and Jerry Bents. Goals to identify the players involved and their roles will be discussed. A motion was made by Manager Ista and seconded by Manager Wright to publish Twin Valley Meeting notices. Carried.

13. Upper Reaches Project Hydraulic Model. Engineer Bents recommended the board reconsider after further information is received from the COE. He feels this would eliminate duplication and ensure consistent results. COE Section 205 study scheduled to be complete in April 2008. Motion by Manager Vipond and seconded by Manager Wagner to wait for completion of the COE Section Study. Carried.

14. Farmstead Ring Dike Update. Engineer Bents submitted pay requests were submitted for approval from D&J Excavating, Ziegler Construction and Gordon Construction. Motion made by Manager Vipond and seconded by Manager Wagner to approve pay requests. Carried. Bents also reported that the watershed will be receiving an additional \$50,000 from the DNR for ring dike construction.

15. Mahnomen Drainage Project. The Red River Watershed Management Board has approved the boards request for 25% of the cost of the project.
16. Heitman Coulee Access. Attorney Hanson reported that he has sent correspondence to Eugene Vik and to date has heard nothing. He will follow up and report the status at the January 2008 board meeting. Brian Borgen spoke up and stated that he and Mr. Vik are concerned with who will be responsible for the clean out.
17. Line of Credit. Doug Marcussen reported to the board regarding acquiring financing for projects. He feels the best way to obtain funding is through the Red River Watershed Management Board. He plans to attend the December meeting, present them the figures and ask for approval for the million dollar line of credit. He has also been working with Jerry Knutson from the Community Bank of the Red River Valley. The first step of the procedure to request for a \$200,000 line of credit is to get authorization from the treasurer, James Wagner to proceed with the process. Motion by Manger Wright and seconded by Manager Christensen. Carried.
18. Project Team. Due to the Red River Basin Commission Conference, the Project Team meeting has been rescheduled for January 16, 2008.
19. Red River Management Board Resolutions. The board as submitted the following resolutions to the RRWMB for approval. Enforcements on violations, Lidar Access and Utilization Costs, Statute 103D – Redetermination of Benefits.
20. Twin Valley Dam. Authorization was given to WRWD staff with a motion by Manager Ista and seconded by Manager Vipond to publicly notice all committee meetings of the Twin Valley Dam. Carried. A meeting is scheduled for the Twin Valley Dam committee to meet on Friday, December 14, 2007 in the conference room at Houston Engineering in Fargo. Committee members are Dave Vipond, Mike Christensen, Steve Dalen, Richard Ista, Curt Jacobson, Jeff LeDoux and Jerry Bents. Goals to identify the players involved and their roles will be discussed.
21. Upper Felton Project. Administrator Dalen reported that a meeting is scheduled with Chuck Larson about negotiating a price per acre on his property.
22. Main Stem Corridor Project. Ron Harnack has scheduled a meeting at the watershed office on Monday, December 17, 2007 to discuss the possible different types of easements available to be used to acquire land for short term and long term benefit towards the COE set back levee project. Bruce Tufte, Dwight Heitman, Manager Vipond, Manager Ista have been notified. Marijo Vik stated that she will be there also.
23. JB & Associates Logo Issue. Since the watershed district is in a legal dispute with Mr. Bennett the meeting must be closed for discussion. Motion by Manager Vipond and seconded by Manager Wagner to close the meeting. Carried,.
24. Home Lake Permit. Since the WRWD's approval of the Home Lake permit the DNR has notified the Norman County SWCD and the district that they would like to an additional survey of wildlife and vegetation therefore have tabled the permit. Motion was made my Manager Vipond and seconded by Manager Christensen recommending Administrator Dalen asking for this process to be expedited.
25. Attorney at Meetings. It was decided to advise staff to structure the agenda in a way that addresses all legal matters consecutively. This would make Attorney Hanson's time at meetings more efficient and more

cost effective to the District. Mr. Hanson stated that he would be available per phone for any legal advice that may arise when he isn't present.

26. Financial Report. A motion was made by Manager Wagner and seconded by Manager Christensen to approve the Financial Report for November 2007. Carried.

27. Anderson Wetlands. A motion was made by Manager Spaeth and seconded by Manager Wagner to accept the resolution for purposed wetland banking. Carried.


28. Approval of Billings. A motion was made by Manager Vipond and seconded by Manager Spaeth to approve the December 2007 billings. Carried.

29. Meeting Minutes. A motion was made by Manager Vipond and seconded by Manager Wright to approve the meeting minutes from the November Regular meeting with corrections as noted by Managers Ista and Wright. Carried.

30. Meeting/Conferences/Seminars. Chairman Seykora reported on the Annual Minnesota Association of Watershed District annual meeting that was held at Arrowwood in Alexandria November 29-December 1, 2007. The WRWD was presented with the award for Project of the Year 2007.

There being no further business to come before the Board of Managers, Manager Spaeth made a motion to adjourn the meeting which was seconded by Manager Wright. Carried.

Meeting Adjourned.

  
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Diane Ista, Secretary

December 12<sup>th</sup>, 2007 Sign-IN

Name

Address

Brian Borger

Perley

Kim Syverson

Ulen

Eric Bohle

Ulen

Butt Thye

Borup

Ron Suttonson

Borup

Richard Smith

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David ~~Amundson~~

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Marijo Vik

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