

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

REGULAR MEETING
October 14, 2009
APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, October 14, 2009. 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 Bents and Marijo Vik, Brian Borgen, David Geray and Dennis Schurman, Attorney Representing Geray, Steve Airhart and landowners interested in permits.
2. Chairman Christensen called the meeting to order at 8:40 a.m.
3. A **motion** was made by Manager Ista and **seconded** by Manager J Spaeth to approve the agenda with addition of discussion regarding the County Weed Inspector. **Carried.**
4. Manager D Spaeth reported on the status of the Personnel Committee's work on hiring an administrator. Spaeth requested authorization to fund background checks for the remaining eight applicants ranging from \$50-\$100 per applicant. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik to approve the request. Carried.
5. David Geray on behalf of Geray Construction and his attorney representing him met with Managers. Geray requested the rational by the Managers for not awarding him the ring dike bids on the projects which he was low bidder. Attorney Hanson stated that the Uniform Municipal Contracting Law states that the bid be awarded to the lowest responsible bidder and that previously either the work was poor in quality or some of the work was not done properly. Engineer Bents stated that he recommended that the Board of Managers not accept the bids from Geray as a result of issues with two jobs being the Green Meadow Dam Construction Project and the Olson Ring Dike Project. Attorney Schurman stated that as a board you are supposed to take the lowest bid and he felt that this is something that has to be addressed. Attorney Hanson stated that the Board's decision was based on the fact that they believed that the contracting was not satisfactory. Geray expressed concerns about never again being able to get a job with the District if he bids again. Both Managers Ista and D Spaeth stated that this was not true. A **motion** was made by Manager Ista and **seconded** by Manager Erickson authorizing staff to prepare and provide documentation indicating why Geray did not receive the bid and that in the future Geray will be considered on the same basis as anyone else bidding the job. **Carried.**

6. Project #42, Upper Becker. Engineer Bents distributed information on the proposed bonding request for funds for Upper Becker, to be submitted to the Red River Water Management Board and the State of Minnesota Flood Damage Reduction Program. The total project cost is estimated at 10,585,000 and the state cost share is 50% and non state 50% or \$5.29 Million. The request for bonding in 2010 would be \$3.3 Million with the WD and RRWMB responsible for a cost share of \$3.3 Million. Engineer Bents stated that a Project Readiness Form needs to be presented to the Red River Flood Damage Reduction Work Group, which meets on October 29, 2009. Bents stated that a subcommittee meeting to develop a monitoring plan is scheduled for 19th of October at the Becker County SWCD office in Detroit Lakes. Consensus of Managers was that Managers Erickson, Austinson and Christensen could attend.

7. Project Team. Manager Joe Spaeth withdraw his appointment to the Project Team appointment as representative and Manager Erickson was authorized to attend as representative. Discussion was held regarding the current 50/50 cost share that is the usual breakdown of funds. A motion was made by Manager Holmvik and seconded by Manager Erickson authorizing Engineer Bents to prepare a request and submit to the RRWMB for a 75/25 cost share for Upper Becker. Carried.

8. Landowner Meeting. Manager discussed holding a meeting at Ogema or Ulen with township officers, and landowners between the area currently designated for the Upper Becker Project and downstream to the Bergren farm. Consensus of Managers was that Manager Erickson agreed to do this.

PERMIT APPLICATIONS

9. Erickson Family Trust, Section 28, Popple Grove Township. A motion was made by Manager Austinson and seconded by Manager J Spaeth to table Permit Application #10-14-09-15 of Erickson Family Trust to fill in an old ditch and construct a new ditch along the property line until landowner obtains approval from the NRCS and the District gets additional information. Carried. Manager Erickson abstained.

10. Keith Chisholm, Section 13, Green Meadow Township. A motion was made by Manager J Spaeth and seconded by Manager Ista to approve Permit Application #10-14-09-16 of Keith Chisholm to install subsurface drain tile in Section 13 of Green Meadow Township. Carried.

11. A motion was made by Manager Holmvik and seconded by Manager Austinson to approve the following permit applications with conditions listed. Carried.

- USFWS Section 14, Goose Prairie Township. Permit Application #10-14-09-18 of USFWS to restore wetlands, block ditches and dig out ponds in Section 14 of Goose Prairie Township with the condition that if any problems arise from the construction of these restorations and creations the applicant will be responsible for the necessary repairs and corrections actions as may be determined necessary by the WRWD Board of Managers.
- USFWS Section 19, Beaulieu Township. Permit Application #10-14-09-19 of USFWS to restore wetlands, block ditches and dig out ponds in Section 19 of Beaulieu Township, with the condition that if any problems arise from the construction of these restorations and creations the applicant will be responsible for the necessary repairs and corrections actions as may be determined necessary by the WRWD Board of Managers.

12. Home Lake Township, Section 1/12 of Home Lake and Rockwell Townships. Landowners and township officers were at the meeting to discuss the permit application to install a new field approach with an 18" CMP, install a new field approach with a 24" culvert and extend a township road. Curtis Reardon represented the permit application and stated that he had noticed some landowners. Russell Olson stated that he did not approve of the 24" culvert being installed but agreed with two 18" culverts. A **motion** was made by Manager Austinson and **seconded** by Manager D Spaeth to deny the permit based on the fact that it would result on additional water on neighbors and downstream. **Carried** with Manager Erickson opposed.

13. Steve Airhart met with the Board to discuss several complaints that he had filed regarding his flooding problem and a ditch block that he previously installed in Section 23 of Green Meadow Township. Airhart stated that he didn't want all of his trees killed from standing water and would like a ditch cleaned, however the ditch is not along a township road and is a private ditch on property owned by Randy Chisholm. Chisholm will allow Airhart to clean the ditch, but Airhart doesn't want to pay the costs and neither does Chisholm. A **motion** was made by Manager Austinson and **seconded** by Manager D Spaeth table the requests and permit application and give Airhart time to get some of the issues resolved prior to the board taking any action. **Carried**.

14. Ed Scherping/Dale Pazdernik, Section 34/35 Pembina Township. A **motion** was made by Manager Ista and **seconded** by Manager J Austinson to approve Permit Application #10-14-09-3 of Scherping and Pazdernik to install culverts, tile lines, fill in ditches, and install a 24" culvert and move a culvert in Sections 34/35 of Pembina Township. **Carried**.

15. Everett Hanson, Complaint Section 36, Spring Creek Township. Everett Hanson and Keith Chisholm met with Managers to discuss the complaint filed by Hanson stating that Chisholm entered his property and removed his trees when installing and extending a crossing. A **motion** was made by Manager Austinson and **seconded** by Manager J Spaeth to table action on the complaint and Chisholm will file a permit after the fact to do the work. **Carried**. Attorney Hanson stated that the land trespassing and tree removal are a civil issue not a Watershed District issue.

16. A **motion** was made by Manager Austinson and **seconded** by Manager Holmvik to approve the following permit applications with conditions listed. **Carried**.

- Floyd Hanson Section 2, Green Meadow Township. Permit Application #10-14-09-1 of Floyd Hanson with the recommendation that the applicant obtain approval from the NRCS and SWCD regarding any wetland drainage issues.
- David Kirsch, Section 15, Lake Grove Township. Permit Application #10-14-09-4 of David Kirsch to construct a rock crossing across the White Earth River with the condition that the applicant acquire MN DNR approval.
- Lake Grove Township, Section 26/35. Permit Application #10-14-09-5 of Lake Grove Township to install a centerline culvert between Section 26 and 35 of Lake Grove Township, with the condition that the downstream landowners in the NE4NE4 of Section 34 and the NW4NW4 of Section 35 approve the permit and that the Mahnomen SWCD approve of the elevation of the culvert regarding wetland issues on the north side of the road.
- David Schneiderman, Section 18, Walworth Township. Permit Application #10-14-09-7 of David Schneiderman to replace a 12" centerline culvert with a 15" culvert with the condition that the size is either a 15" or an 18" and that the township approves the permit and that the pipe is installed at the same elevation as the existing pipe.

- Glen Brandt, Section 20, Green Meadow Township. Permit Application #10-14-09-8 of Glen Brandt to install a field approach with a culvert in Section 20 of Green Meadow Township with the condition that the pipe has a minimum size of 24" and does not have a flap gate.
- Mike Roesch, Section 29, McDonaldsville Township. Permit Application #10-14-09-9 of Mike Roesch to replace an 18" CMP with a longer 18" CMP and replace a 24" CMP with a longer 24" RCP.
- Dan Krogstad, Section 33, Lee Township. Permit Application #10-14-09-11 of Dan Krogstad to replace a buried 15" or 18" culvert with a new longer 18" culvert with the condition the culvert is 18".
- Blair Hoseth, Section 14, Fossum Township. Permit Application #10-14-09-14 of Blair Hoseth to install a field approach with a 24" culvert.
- Joe Kroshus, Section 19, Mary Township. Permit Application #10-14-09-22 of Joe Kroshus to raise low areas on his dike and replace flap gates with screw gates.

17. Roy Pinkse, Section 33, White Earth Township. Permit Application #10-14-09-6 to construction two wetland restorations. A **motion** was made by Manager Erickson and **seconded** by Manager Austinson to table the permit and determine if a two foot bounce would be considered and request that they provide hydraulic data if available. **Carried.**

18. Andrew Borgen, Section 1, Lee Township. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth to table Permit Application #10-14-09-10 of Andrew Borgen to remove a field approach with an 18" culvert and install a new field approach with an 18" or larger culvert. Landowners in the W ½ of Section 1 and the W ½ of Section 12 will be notified. **Carried.**

19. A **motion** was made by Manager Holmvik and **seconded** by Manager Austinson to table and notice landowners for the following permits. **Carried.**

- Doris Lomsdal, Section 35 Goose Prairie Township. Permit Application #10-14-09-12 to fill in tow ditches and replace them with tile lines, and install a new tile line that provides an outlet to a large wetland complex. Landowner USFWS in the SW ¼ OF Section 36 will be noticed and the permit will be revisited once the NRCS/SWCD approval is provided.
- Norman County Highway Department, Section 14, Waukon Township. Permit Application #10-14-09-13 to construction a containment dike and replace a culvert in Norman County Ditch #9. Landowners in the S ½ of Section 14 and Section 23 of Waukon Township will be noticed.

20. Norman County Highway Department, Section 23, Anthony Township. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik to approve Permit Application #10-14-09-21 to removal a bridge in Anthony Township. **Carried.**

21. Norman County Highway Department, Section 24, Lee Township. A **motion** was made by Manager Ista and **seconded** by Manager Austinson to table Permit Application #10-14-09-20 to install a culvert and outlet structure as part of a FEMA repair. Upstream landowner will be notified. **Carried.**

22. Norman/Mahnomen County FEMA Flood Plain Mapping. Kevin Ruud, Norman County Environmental Services Director, met with Managers and discussed Norman County contracting with the Watershed District to do flood plain mapping with a FEMA grant. Ruud stated that if the Managers agreed, Norman County Commissioners will develop a legal contract. A **motion** was made by Manager Holmvik and **seconded** by Manager Ista to approve Ruud's request to contract with the District for the FEMA grant flood plain mapping. **Carried**.

23. Manager Austinson left the meeting at noon.

24. Project #42 Upper Becker. Managers discussed having Rose Hoeffs attend the next meeting to discuss appraisals on property on the Upper Becker Project. Consensus of Managers was to request Hoeffs to prepare a spreadsheet with locations and appraisal results for the meeting.

25. November Meeting Change. Discussion was held regarding the necessity to change the regular meeting scheduled for November 11, 2009, due to it being a Federal Holiday, Veteran's day. A **motion** was made by Manager Holmvik and **seconded** by Manager D Spaeth to change the date to November 4, 2009. **Carried**. After discussion Attorney Hanson stated that according to statutes when the regular meeting date is changed it must be held the following Wednesday. A **motion** was made by Manager Holmvik and **seconded** by Manager D Spaeth to rescind the previous motion. **Carried**. The November Regular Meeting will be held on Wednesday November 18, 2009.

26. Reconvened Meeting. A **motion** was made by Manager D Spaeth and **seconded** by Manager Erickson to schedule a special meeting for 8:30 a.m. on Monday October 26, 2009, at the District office. **Carried**.

27. Dennis Ertelt Contract. A copy of a signed proposal submitted by Dennis Ertelt was distributed to Managers to review. Attorney Hanson recommended that he prepare an independent contract and provide to Ertelt for a signature if the Board approved his proposal. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth to approve the proposal of Ertelt and provide him with an independent contract prepared by Attorney Hanson for signing. **Carried** with Manager Erickson opposed. **CHECK NOTES**

28. Vik Lawsuit. Attorney Hanson stated that the District prevailed in the Vik Lawsuit. Attorney Haik has filed an appeal with the MN Court of Appeals and that will proceed in accordance with the rules of the Minnesota appellate procedure.

29. Watershed District Permit Appeals. Attorney Hanson discussed the District's current policy of landowners' ability to appeal the permit decisions. Hanson stated that he did compare verbiage of ten other watershed districts and they all read identical to the current verbiage of the District regarding the landowner permit appeals process. Consensus of Managers was to table any action at this time and Attorney Hanson will contact BWSR on this item to determine their recommendation.

30. Attorney Hanson left the meeting at 2:00 p.m.

31. COE WRRFS. Managers discussed the status of the COE WRRFS, and questions that they would like to discuss with Nan Bischoff at an upcoming conference call. Manager Erickson wanted to drop the Feasibility Study and for the District not to spend anymore funds on it. Managers felt that they should talk to Nan Bischoff first to determine if there could be repercussions from doing so.

Manager Erickson felt the board should request that the COE assist the District in coming to a solution in an area from County Road #2 to Faith, particularly six specific areas with an objective to have construction in 2010. Manager Ista expressed concerns that small project won't ever get enough flood damage reduction. Erickson also discussed assistance from the NRCS. Chairman Christensen stated that some time ago he had NRCS come to his farm to do an on site investigation into an erosion control structure. The engineer told him it was retention, not erosion, and Christensen stated that the NRCS doesn't assist with retention. Nan Bischoff, US COE, joined the meeting at 3:00 p.m. via teleconference. She presented her monthly statement of total funds to date. Manager Erickson stated the District would like to request assistance from the COE for six specific sites from County Road #2 to the City of Faith. He stated that the District is currently focused on the lower reach of the Wild Rice River but would like to request today assistant and ask the COE for six specific sites that would reduce erosion, head cut and sediment control in the area described. Bischoff asked what the District sees as the future of the Feasibility Study. She stated that it is a possibility that a task could be added to the Feasibility Study for those areas, however it would be for planning and investigation only, construction and acquisition costs are not considered as study costs. She asked if he wanted to study those six sites. Erickson asked her to identify six sites that are acceptable, permissible and be good candidates for bank sediment control. Bischoff stated that she could identify the sites but any construction funds would have to come after the entire feasibility study. She said that the COE can come up with recommendations and then take it to local to build the projects. Manager Ista asked if maybe the District should just stop the feasibility study and not continue to spend money. Engineer Bents asked Bischoff if she new of any better cost share than the current 75/25 or are there other programs that the District to try to get funding. She stated that to her knowledge the 65/35 share would be the best that may be available and reminded the board that they are competing for federal funds. Manager Erickson again asked how to get the job done to assist with the erosion and the lower reaches currently being full of sediment. Bischoff stated that the COE could write a task for the existing study plan to look at some areas that are eroding and maybe identify some target areas and make some suggestions for stabilizing them. However the implement can not be done with federal funds. Manager Erickson stated that maybe the Managers should think about this for awhile and go to our representatives in getting some federal assistance. Engineer Bents stated that maybe the Board could ask assistance from Ron Harnack at the RRWMB to see if he could assist in getting assistance with federal funding. Engineer Bents asked Bischoff for information on the City of Ada 205 Study, but she stated that without the Mayor in the room, she didn't feel comfortable discussing this. Manager Erickson stated he felt that it is time to go to our congressman. He felt we should formulate a letter, get it approved and in the mail. Manager Holmvik asked why the Board should think of going to the state to requesting funding assistance for the federal grant. Engineer Bents stated that maybe if the District just went to the Project Team and told them that the District cannot afford to spend 1.1 Million to complete the COE WRRFS and see if they can assist. Holmvik stated that is then what we need to do.

32. Farmstead Ring Dikes. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik to approve the following ring dike payment requests: Avery Brothers, Pay Request #1 in the amount of \$5,929.59 for the Jack Nyberg project; Ziegler Construction, Pay Request #1 in the amount of \$16,155 for the Ruth Steen project; Avery Brothers Dirtworks, Pay Request #1 in the amount of \$12,313.39 for the Collin Hendrickson project; and Custom Earth, Inc. Pay Request #1 in the amount of \$21,666.60 for the Ryan Gilbertson project. **Carried**. A **motion** was made by Manager J Spaeth and **seconded** by Manager Ista authorizing award of the Prussia ring dike to Ziegler Construction in the amount of \$84,610 contingent on approval by landowner or the RRWMB to pay the overage not covered by the NRCS program. **Carried**.

A **motion** was made by Manager D Spaeth and **seconded** by Manager J Spaeth authorizing Engineer Bents to submit a request to the RRWMB to pay up to 25% of the cost of the Mike Roesch ring dike which is currently partially funded by the NRCS. **Carried.** (The RRWMB pays 25% of the state funded ring dike projects.)

33. **Billing Approvals.** A **motion** was made by Manager Ista and **seconded** by Manager Holmvik to approve the billings as presented. **Carried.**

34. **Community Ring Dikes.** A **motion** was made by Manager Holmvik and **seconded** by Manager Ista authorizing the District pass a resolution and authorizing Chairman Christensen to execute the resolution for the cities of Hendrum and Perley. The resolution will fund the local cost share of five percent, for with is \$10,000 which includes both cities. **Carried.**

35. **Request for Assistance from Area Legislators.** A **motion** was made by Manager Erickson and **seconded** by Manager Ista authorizing correspondence be sent to Congressman Peterson, Senator Klobuchar, Senator Frankin and Senator Dorgen's offices requesting funding assistance for flood control projects in the WRWD. Erickson and Ista will prepare the letter. **Carried.**

PERMIT APPLICATION

36. **Dean Spaeth, Section 18, Chief Township.** A **motion** was made by Manager Erickson and **seconded** by Manager Holmvik to approve Permit Application #10-26-09-14 of Dean Spaeth to install drain tile in Section 18, Chief Township. **Carried.**

37. **Norman County SWCD, Section 13, Home Lake Township.** A **motion** was made by Manager Holmvik and **seconded** by Manager Ista to renew a permit application of the Norman County SWCD to lower the outlet pipe for Home Lake, clean out the outlet channel, install an inlet structure and lower the water surface on Home Lake, if the permit was filed some time ago, if not it will be on the agenda for the 26th meeting. **Carried.**

38. **Approval of Billings.** A **motion** was made by Manager Ista and **seconded** by Manager Holmvik authorizing the payment of \$400 to MPCA for the permit for the Prussia ring dike. **Carried.**

39. **Financial Report, September 30, 2009.** Accountant Marcussen gave the financial report dated September 30, 2009. A **motion** was made by Manager D Spaeth and **seconded** by Manager Ista to approve the financial report as distributed and reviewed. **Carried.**

41. **Norman County Weed Inspector.** Manager Ista reported that the Norman County Weed Inspector has retired and the commissioners are investigating options regarding the weed inspections. Ista stated that the supervision may be turned over to the Norman County SWCD.

42. **MAWD Annual Meeting, & Trade Show, December 3-5, 2009, Alexandria, MN.** A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth authorizing attendance. **Carried.**

43. **Special Meeting.** A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth to rescind the prior motion scheduling a special meeting and recess the current meeting to be reconvened at 8:30 a.m. on Monday October 26, 2009. **Carried.** A **motion** was made by Manager Holmvik and **seconded** by Manager Ista authorizing attendance at the Senate Bonding meeting scheduled for October 27, 2009, at the Ada/Borup School Auditorium. **Carried.**

44. Meeting Minutes. A **motion** was made by Manager Austinson and **seconded** by Manager Ista to approve the meeting minutes for August and September. **Carried**.

45. Chairman Christensen recessed the meeting at 5:00 p.m. to be reconvened on October 26, 2009.

RECONVENED MEETING MINUTES OCTOBER 26, 2009

46. Chairman Christensen reconvened the meeting at 8:30 a.m. on Monday October 26, 2009.

47. The following members were in attendance: Joe Spaeth, Dean Spaeth, Greg Holmvik, Diane Ista, John Austinson and Duane Erickson. In addition the following were in attendance: Interim Administrator Loretta Johnson, Rose Hoefs, Hoefs Appraisals, Attorney Hanson and Attorney Kristy Albrecht.

48. Agenda Approval. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth to approve the agenda. **Carried**.

49. Project #42, Upper Becker Dam. Attorney Hanson stated that it was not necessary to close the meeting; therefore Managers did not close. Rose Hoefs discussed the appraisal spreadsheet that she prepared for the meeting. She suggested that she provide additional appraisals prior to the Managers getting too far into the negotiation process with landowners. She said that typically the negotiator is the one who goes out and discusses land negotiations with landowners, not Managers or someone from the board. She also stated that she has worked with Dennis Ertelt several times and he is very successful. Discussion by Managers followed. Manager D Spaeth suggested that Managers do some research into being able to place land that they purchase into WRP, therefore they could received some payments. Manager D Spaeth also asked whether the CRP was classified in the spreadsheet as tillable or non tillable. Hoefs stated that she cannot appraise the existing easements; rather she must appraise it as fee title. When doing appraisals she also considers motivation from the buyer or seller of comparison sales. Rose stated that she hopes to get out and complete the majority of the appraisals, however weather conditions have not cooperated. She will be moving north with the appraisals. Hoefs left the meeting at 9:30 a.m. Managers continued to discuss options regarding the project. Manager Ista brought up the fact of including a board member with the negotiations.

Manager Erickson stated that he and Manager Christensen had visited with township officers and discussed the issue with roads. Manager Spaeth asked if the township approved moving the project south. Erickson also stated that it is a possibility that we could have requested 75% state cost share, doesn't know if that is worth pursuing. The township board wants to know. They want to know if it is going to be 50 or 75% cost share. Manager Erickson brought up moving the current project location three quarters of a mile south. Ista stated that she, Erickson and Christensen discussed this earlier and she felt that local managers know what the public in their area prefers. Ista asked Managers Erickson and Austinson what their thoughts were. Erickson stated that he felt the overall thoughts of the township officers was to move it south. Manager Austinson stated that this subject was discussed by board members previously, a vote was taken and it was authorized to keep the project in the current location. Manager Ista felt that moving the dam at this time would set the project back at least a year and there would be added costs.

50. Water Management District (WMD). Attorney Hanson distributed a Board of Water and Soil (BWSR) draft Plan amendment for Board Review. A **motion** was made by Manager Holmvik and **seconded** by manager Erickson to accept the BWSR petition for Water Management Plan Amendment. **Carried**. Attorney Hanson stated that this will now come before a further hearing and BWSR will provide a decision. This would give the District authorization to amend their plan. Hanson then distributed the ordinance. Engineer Bents joined the meeting via phone at 10:35 a.m. He was asked the question as to the cost of moving the dam $\frac{3}{4}$ of a mile south. Bents stated that he had staff run some calculations and the same storage could be available but the pool could be lowered. Dean Spaeth stated that they would need to know the cost for the road relocation. Bents stated that currently the Gerald Jirava road needs to be raised, and even moving the dam location south the road would still need to be raised, however, just not as much. Manager Ista asked how much cost and time for engineering would it take to move the dam. She raised concerns with obtaining the bonding funds if the dam is moved. Bents stated that currently the engineering costs are at \$125K at the present location. Some of the time and calculations could be utilized, however a lot would have to be redone and it could not be completed by bonding time. He estimated that the District would have to respond approximately one half of the funds and be set back several months. Manager Christensen stated that he felt if we can't eliminate working on the roads he doesn't think the board should consider moving the dam south. Manager Erickson questioned the 1,000 acres of farmland being changed to grasslands and asked if it would give the District additional funding. Bents replied that he didn't think that there was any threshold when applying with the state. Manager Ista made a **motion** to move forward with the current plan. Manager D Spaeth **seconded** the motion. **Carried**.

51. Vik Lawsuit. Dorsey; Whitney Attorney, Kristy Albrecht, met with Managers at 11:00 a.m. to discuss strategy for the Vik Lawsuit. The meeting was closed to discuss the strategy at 11:00 a.m. The meeting reopened at 11:50 a.m.

52. Farmstead Ring Dikes. Manager Erickson asked Attorney Hanson if the District should be the applicant on the wetland mitigation for the Roesch and Scherfenberg ring dikes. Hanson stated that he should get the information and he would look at it.

PERMIT APPLICATIONS

53. Scott Visser met with Managers at 1:00 p.m. regarding a permit for a field road into his property. Consensus of Managers was to allow him a temporary field approach for farming purposes and then to submit a permit application that they would act on.

54. Norman County Highway Department, Section 14, Waukon Township. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik to **deny** Permit Application #10-26-09-2 of the Norman County Highway Department to construct a containment dike and replace a culvert in Norman County Ditch #9 due to downstream impacts. **Carried**.

55. Norman County Highway Department, Section 24, Lee Township. A **motion** was made by Manager J Spaeth and **seconded** by Manager Austinson to approve Permit Application #10-26-09-3 of the Norman County Highway Department to install a culvert and outlet structure. **Carried**.

56. Norman County Highway Department, Sections in Sundal and Bear Park Township. A **motion** was made by Manager Erickson and **seconded** by Manager Holmvik to **table** Permit Application #10-26-09-4 to resurface County Road #1 and change and add culverts at different locations. Landowners affect by the project will be notified. **Carried**.

57. Norman County SWCD, Section 13, Home Lake Township. A **motion** was made by Manager Holmvik and **seconded** by Manager Erickson to approve Permit Application #10-26-09-5 of the Norman County SWCD to lower the outlet pipe for Home Lake, clean out the outlet channel, install an inlet structure and lower the water surface on Home Lake. **Carried.**

58. Andrew Borgen, Section 1, Lee Township. A **motion** was made by Manager D Spaeth and **seconded** by Manager Erickson to approve Permit Application #10-26-09-1 of Andrew Borgen to remove a field approach with an 18" culvert and install a new field approach with an 18" culvert or larger culvert. The permit was approved with an 18" culvert and no larger. **Carried.**

59. Project #42, Upper Becker. Engineer Bents stated that he would be giving a 15 minute presentation on October 27, 2009, at the Senate Bonding Committee tour. Bents questioned how the board wanted him to present the cost share to the bonding committee. Consensus of Managers was to give the presentation with a 50/50 cost share and then approach the next Project Team meeting requesting approval to request a 75/25 cost share. He said that he would give the information to the Townships that there would be no more moving the dam south. Manager Erickson requested that the record showed he did not agree with the Board's decision not to move the dam ¾ mile south.

60. Curtis Borchert SWCD Small Projects Report. Curtis Borchert gave a presentation on the Small project report. He used a map showing areas of small projects. This is a list of the ones that we know will get done this fall. He stated that they need representation from the Board, he would like someone appointed. He stated he would work with one of the board members or staff. Borchert presented maps indicating projects. Chairman Christensen recommended running it through the office. Consensus was for Manager Erickson and staff to work with Borchert. Manager Erickson stated that he wanted to withdraw from projects on the mainstem discussions and stand back on the Becker Dam and focus on small projects and as he would be working with Borchert on small SWCD projects.

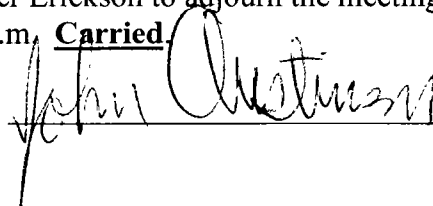
61. Clay County SWCD Meeting. The Clay County SWCD scheduled a meeting for 6:00 p.m. on Thursday, November 12, 2009, at their Moorhead office. The purpose of the meeting is to discuss storage on the Todd Kjos property located in Sections 22, 23, 26 and 27 of Goose Prairie Township. Managers Erickson, Ista and Austinson were to attend the meeting.

62. Drainage Modernization Grant. Manager Ista brought up the Drainage Modernization Grant Application regarding the work plan and the tasks being assigned to Houston Engineering. This was a request for Curtis Borchert to do it. Now she is concerned regarding Houston Engineering doing it. She is asking. Houston prepared the work plan which has been submitted, which was authorized at board meeting. Loretta Johnson explained that the work itself is mainly going to the court house, getting all of the records we have at the District, at Houston Engineering and scanning them into digital format that is available for whoever is decided. The grant is for \$45,000; \$30,000 is paid for by the District's ditch systems.

63. COE WRRFS. Manager Erickson discussed NRCS and their limitation with working on the mainstem and their primary focus being on conservation programs with farmers. A **motion** was made by Manager Erickson to cease the District's cost share in working with the COE on the Feasibility Study. The District would notify the COE either by email or letter that no more federal dollars need to be spent by November 1, 2009. Manager Ista stated that she agreed that no more funds be spent but didn't want to cut work with the COE. Manager Holmvik expressed concerns with possible ramifications. He recommended that prior to taking any action the District make sure of the ramifications that could happen as a result. Consensus of the Managers was to wait until staff had discussions with Nan Bischoff, COE, to make sure of the details.

64. Clay County Highway Department Request for Payment. Engineer David Overboe submitted a request for a 50% cost share request for payment in the amount of \$800 on a bridge repair on Clay County Ditch #6, which is on of the District's ditch systems. Consensus of Managers was to contact Overboe and discuss concerns prior to the November meeting and bring back to the Board prior to payment.

65. There being no further business to come before the board of Managers a **motion** was made by Manager D Spaeth and **seconded** by Manager Erickson to adjourn the meeting. Chairman Christensen adjourned the meeting at 3:15 p.m. **Carried**.



Date	Num	Name	Memo	Amount
Sep 10 - Oct 14, 09				
09/10/2009	12439	Mahnomen Soil & Water Cons. District	Small Project Fund Kramer	-3,000.00
09/10/2009	12440	MPCA	Ring Dike Permit Fees	-400.00
09/10/2009	12477	MPCA	Sherfenberg Ring Dike	-400.00
09/10/2009	12478	MPCA	Mike Borgen	-400.00
09/10/2009	12479	MPCA	Terry Guttormson MPCA Permit	-400.00
09/10/2009	12480	MPCA	Tom Carlson MPCA Permit	-400.00
09/10/2009	12481	MPCA	MPCA Permit Fee	-400.00
09/10/2009	12482	MPCA	Ruth Steen	-400.00
09/10/2009	12483	MPCA	Leon Miller	-400.00
09/10/2009	12484	MPCA	Collin Hendrickson	-400.00
09/10/2009	12485	MPCA	Ryan Gilbertson	-400.00
09/10/2009	12486	MPCA	Donald Pingree	-400.00
09/10/2009	12487	MPCA	Jeff Hoff	-400.00
09/10/2009	12431	ARC Lanes	Managers Lunch	-43.13
09/16/2009	12489	Dean Spaeth	per diem	-410.16
09/16/2009	12490	Diane Ista	per diem	-436.07
09/16/2009	12491	Greg Holmvik	per diem	-414.48
09/16/2009	12492	Joe Spaeth	per diem	-246.10
09/16/2009	12493	John Austinson	per diem	-309.37
09/16/2009	12494	Kari Kujava-Ins/mileage	medical reimbursement	-422.90
09/16/2009	12495	Kari Kujava-Payroll	thru 9/13/09	-969.67

October 14, 2009

APPROVED Regular Meeting Minutes

Page 12 of 13

Date	Num	Name	Memo	Amount
Sep 10 - Oct 14, 09				
09/16/2009	12496	Loretta Johnson-Payroll	thru 9/13/09	-846.72
09/16/2009	12497	Taylor Kujava	thru 9/13/09	-48.88
09/16/2009	12498	Dean Spaeth	mileage	-211.20
09/16/2009	12499	Diane Ista	mileage reimburse	-132.00
09/16/2009	12500	Greg Holmvik	mileage	-11.00
09/16/2009	12501	Joe Spaeth	mileage	-158.95
09/16/2009	12502	John Austinson	mileage	-150.70
09/16/2009	12503	Mike Christensen	per diem	-828.96
09/16/2009	11990	Mike Christensen	mileage and exp reimburse	-381.00
09/21/2009	DD	Alltel	August Bill	-178.98
09/30/2009	12488	AmeriPride	As of 9/30/09	-62.75
10/06/2009	12509	Crop Production Services	Chemical for Spraying	-2,184.06
10/06/2009	12313.39	Avery Brothers Dirtworks	Hendrickson Req #1 Ring Dikes	-12,313.39
10/14/2009	11469	Admin-IPA	Data Practices	-95.00
10/14/2009	11470	AmeriPride	Utilities	-126.44
10/14/2009	11471	ARC Lanes	mngn lunches	-39.01
10/14/2009	11472	Arvid L Ambuehl	Project Mowing	-8,800.00
10/14/2009	11473	Avery Brothers Dirtworks	Ring Dikes	-18,242.98
10/14/2009	11474	Becker County SWCD	Small Proj Cost Share	-2,040.00
10/14/2009	11475	Cardmember Service	Office Supplies	-164.98
10/14/2009	11476	City of Ada	Utilities	-303.65
10/14/2009	11477	Clay County Union	Budget Hearing	-254.50
10/14/2009	11478	Community Bank of the RRV	payroll taxes	-3,937.95
10/14/2009	11479	Custom Earth, Inc	Req #1 Gilbertson Ring Dike	-21,666.60
10/14/2009	11480	Dean Spaeth	per diem	-189.97
10/14/2009	11481	Diane Ista	per diem	-621.72
10/14/2009	11482	Dorsey & Whitney LLP	Vik Lawsuit	-299.20
10/14/2009	11483	Duane Erickson-Mgr	per diem	-837.60
10/14/2009	11484	Farmers Publishing Company	Hearing Notice	-42.30
10/14/2009	11485	Fertile Journal	Budget Hearing	-69.60
10/14/2009	11486	Genesys Conferencing	Conference Calling	-57.59
10/14/2009	11487	Greg Holmvik	per diem	-222.74
10/14/2009	11488	Houston Engineering, Inc.	Engineering Fees	-55,544.33
10/14/2009	11489	James Wagner, Sr.	Beaver Control	-1,781.70
10/14/2009	11490	Jim's Locksmith Service	Keys for office	-10.69
10/14/2009	11491	Joe Spaeth	per diem	-168.38
10/14/2009	11492	John Austinson	per diem	-69.26
10/14/2009	11495	League of MN Cities	Web Adv. Administrator	-150.00
10/14/2009	11496	Loretel Systems	Utilities	-325.33
10/14/2009	11499	Mahnomen Soil & Water Cons. District	Cost Share Small Projects	-5,140.20
10/14/2009	11500	MARCO, Inc	copier	-1,197.00
10/14/2009	11501	Marco, Mpls	copier	-320.91
10/14/2009	11502	Marcussen Accounting	Accounting September Billing	-704.00
10/14/2009	11503	Mike Christensen	per diem	-254.73
10/14/2009	11504	Minnesota UI Fund	Quarter Ending 9/30/09	-7,924.00
10/14/2009	11505	Norman County Heating & Cooling	Furnace Repair	-104.00
10/14/2009	11506	North Star Water	Bottled Water	-35.70
10/14/2009	11507	Ralph's Food Pride	Mgrs Lunches & Cleaning Supplies	-97.54
10/14/2009	12510	Renae Kappes	Cleaning	-100.00

October 14, 2009

APPROVED Regular Meeting Minutes

Page 13 of 13

Date	Num	Name	Memo	Amount
Sep 10 - Oct 14, 09				
10/14/2009	12511	Rinke Noonan	Legal Fees	-87.50
10/14/2009	12512	RM Hoefs & Associates, Inc.	Appraisals	-18,564.00
10/14/2009	12513	Twin Valley Times	Budget Hearing	-69.60
10/14/2009	12514	Wambach & Hanson	Legal Counsel, thru Oct 7-09	-1,976.01
10/14/2009	12515	Wambach & Hanson Trust Account	Ray Bisik	-7,500.00
10/14/2009	12516	Wm Nichol Excavating, Inc	VOID:	0.00
10/14/2009	12517	Ziegler Construction	Req #1 Steen Ring Dike	-16,155.00
10/14/2009	12518	Dean Spaeth	mileage	-105.60
10/14/2009	12519	Diane Ista	mileage	-297.00
10/14/2009	12520	Duane Erickson-Mgr	exp reimburse	-522.50
10/14/2009	12521	Joe Spaeth	mileage	-52.25
10/14/2009	12522	John Austinson	mileage	-31.90
10/14/2009	12524	Mike Christensen	exp reimburse	-269.50
10/14/2009	12525	Wambach & Hanson Trust Account	Wickstrom Prop. Mahnommen Proj	-7,500.00
10/14/2009	12526	MPCA	MPCA permit	-400.00
10/14/2009	12527	Red River Watershed Mgmt Board	Cost share-USGS	-9,950.00
10/14/2009	11459	Wm Nichol Excavating, Inc		-15,732.50
10/14/2009		Payroll/emp ins &	Med exp & Payroll taxes	<u>-9,910.73</u>
Sep 10 - Oct 14, 09				<u>249,624.16</u>

Oct 14- 2009
Regular Board Mtg

1. David Leroy Leroy Pozing
2. Marisa Vaca
3. ~~James Sullivan~~ - Attorney for Leroy Pozing
4. Steve Hubert Steve.Hubert@yahoo.com
5. Erion Bergen
6. Keith Chisholm
7. Dan Schuy
8. Kyle Fuchs
9. Pete Moery
10. Bob Dubek