

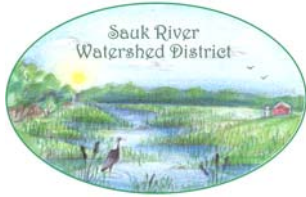
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MEETING MINUTES

Regular Meeting
7:00 p.m. Sauk River Watershed District Office
February 3, 2009

Managers Present: Dan Coughlin, Chub Hensley, Jim Kral, Larry Kuseske, Sharen Kutter Richard Raeker, Virgil Rettig, Jim Rothstein, and Bob Mostad.
Staff Present: Holly Kovarik, Administrator
Guests Present: BWSR; Jason Weinerman
Manager's Absent:

1. **The meeting was called to order by President Kral and the Pledge of Allegiance was recited.**
2. President Kral asked for additions to the agenda.
3. The proposed agenda was reviewed. **A motion was made by Manager Kutter to approve the agenda with additions. Manager Kuseske seconded the motion.** The motion passed with all in favor.
4. There were no items on the said Consent Agenda.
 - a. Minutes of the January 27, 2009 meeting were tabled till the next meeting.
5. The Administrator's Report was reviewed. Kovarik reviewed the following information:
 - a. MAWD Legislative Breakfast is scheduled for March 18th and 19th. **Manager Coughlin made a motion to authorize the Board and Administrator to attend the MAWD Legislative Breakfast and to cover the hotel and registration costs associated with the event. Manager Rothstein seconded the motion.** The Managers expressing interest in attending included: Coughlin, Mostad, Kuseske, Hensley, Rothstein and Kral and Administrator Kovarik. Kovarik asked if the board would be interested in sharing rooms the consensus was that this would be acceptable. **The motion passed with all in favor.** Kovarik will setup meetings with the local Legislatures and get those intending to attend registered. Kovarik also expressed that the Legislative Days is very important for the Board of Managers to attend.
 - b. Kovarik reported that the staff has been directed go back to the entity that was interested in purchasing the Zodiac Boat and to have that entity make an offer and get quotes on other types of boats for an upcoming board meeting. Kovarik will bring the information back when it becomes available. Manager Hensley questioned why this boat does not meet the needs of the District. Administrator Kovarik will get more information on the history of this issue and report that back to the board.



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- c. Kovarik reviewed the Resolution #02-09 on the Health Insurance that is concurrent with previous action on policy by the board at January 27, 2009 meeting. **Manager Coughlin moved to approve Resolution #02-09. Manager Rettig seconded it. The motion passed with Manager Hensley opposing.**

- d. Kovarik reminded the board to turn in their R.I.V.E.R Award forms.

- e. Kovarik walked thru an exercise to come up with the 2009 Annual Plan of Operations.
 - i. The board of managers reviewed the current Mission statement. It was agreed by general consent that the current Mission statement still describes the central purpose of the organization.

 - ii. The board of managers worked on developing a vision statement. The staff had already developed a vision statement.
 - 1. *"The vision of the Sauk River Watershed District is to protect and enhance our natural resources by increasing public awareness and involvement. The District board and staff will utilize its unique abilities and authorities to expand projects and programs through technical assistance to identify impaired waters and establish TMDL's. The District will continue to pursue financial assistance for the general public to implement Best Management Practices (BMP's) and also to continue to provide support to project partners technically and financially. The District will be wise stewards of our water resources and will work along side our partners to leave the water quality better for future generations.*

 - iii. The board of manager reviewed the goals and objectives for 2009 and suggested adding the following goals to the list.
 - 1. The Roman Schaefer project continuation.
 - 2. Expanding additional outreach to local governmental units.
 - 3. The Carp project.
 - 4. On going drainage management.

 - iv. It was also suggested by the board to include the July 1, 2009-June 30, 2010 budget recently approved in this annual report.

 - v. Administrator Kovarik explained that the Budget vs. Actual Expenditure information on the income for the July 1, 2007-June 30, 2008 Budget and the July 1, 2008-June 30, 2009 Budget is still missing and will be included in the next copy of the report.

 - vi. Attorney Kolb clarified in regards to Manager Hensley's concerns



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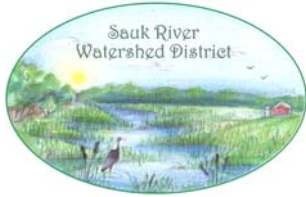
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about the general administrative levy that this District is not just spending the funding on administration and that this District is getting work done.

- f. Attorney Kolb made a general revision to the Administrator's contract regarding health insurance before Administrator Kovarik signs.
- g. For Your Information items were:
 - The District office sewer system backed up which was caused by tree roots. There will be a bill coming in at a later date.
 - The Handicap doors were installed and the buzzer switch on the back door needs replacing. Kovarik will get a quote and bring to the board for information.
 - The vacuum cleaner is in the shop for repairs.

Manager Hensley stated what brought this whole \$14,000 handicap expenditure up on handicap accessibility is that Arceneau had stated an individual could not get thru the door and there was no parking available. It doesn't make one bit of difference on this issue until the board indicates a handicap parking space. Manager Hensley said that the District could have saved \$14,000 by eliminating this expenditure. Manager Hensley said the District didn't need these doors and no laws require the electric doors. Manager Rothstein said that those doors were not adequate and had to be fixed. Administrator Kovarik mentioned an added benefit to replacing the doors was it has eliminated the cold draft that entered into the back office. Manager Hensley said for \$14,000 there could have been infra red heat.

- Kovarik reviewed more For Your Information items.
 - a. The Performance Review and Assistance Program thru BWSR were handed out.
 - b. The Minnesota Star Lakes and Rivers Program fact sheet was handed out.
 - c. The Guidebook that BWSR put together to have available for the public and legislatures about Watershed Districts was distributed.
 - d. The Water Expedition at the Science Museum act sheet was distributed.
 - e. The Douglas County Water Plan will be having their public hearing on February 17th. Lynn Nelson will represent the Watershed District
 - f. Arceneau and Roelike have been working with the Auditor. Hopefully the audit will be completed within the next few weeks.
 - g. The Pay Equity Report was filed.
 - h. Administrator Kovarik will be meeting on Friday with the Sauk Centre Herald to get quotes on an Annual Review and future newsletter publications.
6. Attorney's Report
 - a. Attorney Kolb reviewed the changes made to the draft rules when he met with Administrator Kovarik, Managers Rothstein and Kuseske on January 23rd. Attorney Kolb will work with Administrator Kovarik on a time line. Please refer to the attached revised rules.
 - b. Attorney Kolb deferred to Manager Hensley to address his question on Re-



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determination of benefits. Manager Hensley stated that he is running into a conflict of being involved in two separate ditch issues. Manager Hensley questioned the \$3000 debt that is already on the County Ditch 26 and the \$1000 debt on the County Ditch 15 and if it can be passed on to the people that are going to be brought in on the Re-determination of Benefits. Attorney Kolb said that this is a debt of the drainage system and the majority of that debt has been incurred in scoping out the maintenance needs of the ditch and in determining from the drainage system records whether or not a Re-determination of benefits makes sense. Attorney Kolb said yes, it all accrues against whatever the new benefits might be determined.

Manager Hensley took this message and carried it to another ditch authority and he questioned if this same circumstance would apply to another ditch issue (JD2). Attorney Kolb said this recommendation is in regards to the history and circumstances of the CD 15 & 26 only. Manager Hensley stated that the circumstances in the other issue would be deliberately incurring a debt on JD2. Manager Hensley commented that this refers to the ditch clean out the District just approved at the 1/27/09 board meeting. Manager Hensley asked the Todd/Douglas Joint Ditch Authority to not pay it and establish a debt and then if a re-determination of benefits moves forward that the assessment for the clean out are included with a re-determination of benefits. Attorney Kolb would not offer an opinion on this issue. Manager Hensley questioned if a debt is a debt and if this was similar to the District's circumstances. Attorney Kolb stated that this circumstance is not the same and there wasn't any maintenance debt on the current benefits role for CD 15 & 26. The CD15 & 26 debt is associated with meeting with the landowners to determine if there is any maintenance needed or if a re-determination of benefits is needed. Attorney Kolb stated these two scenarios are not the same.

Manager Hensley also questioned why Attorney Kolb said the District should not have assessed the \$10,000 benefit knowing that there were new benefited acres that should have been included. Attorney Kolb said that the general preference of the drainage code read as a whole is that if it is known that the benefits or the benefited acres are improper you should not assess creating a new maintenance fund until a new benefit role is completed. Attorney Kolb stated that if you are not going to do a re-determination of benefits that you cannot carry a debt on the ditch system.

- c. Kolb reviewed the Findings of Facts and Orders for the Re-determination of County Ditch 26 & 15 and a petition of repair of the drainage system. **Manager Coughlin made a motion to approve the Findings as listed and the Order the Re-determination of Benefits and the Petition of Repair on County Ditch 26 and 15. Manager Kuseske seconded the motion. The motion passed with Manager Hensley Opposed.**
- d. Kolb handed out a draft Job Share Program Agreement for the Stormwater Compliance Officer position. The board will review and discuss at a later board meeting.



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7. Miscellaneous Agenda Items included:
 - a. Manager Rothstein questioned the meeting between board members and the County Commissioner in reference to the Districts extra funds, Rothstein said the District needs to come up with a consensus not with a one party opinion. Rothstein said the District should wait to see what the actual financial reports are and if the District does have extra funds the District should find something to spend it on. If the District has to wait for the County to tell the District its budget, then the District should close the doors. Manager Hensley said that Arceneau said in the year end presentation that there was a \$60,000 surplus.
 - b. Manager Coughlin stated that the City of Richmond is working with the District on various project and suggested the Administrator to write a letter to be sent out to the Municipalities that explains the Districts resources and how the District can help.
 - c. Kuseske asked for Jason Weirnerman from BWSR to give BWSR's position on the Clean Water Legacy Funds. Weirnerman said that 5% of the funding has to go towards drinking water. The clean water funding will go toward 65% on the underground implementation.
 - d. Kovarik will send an educational letter of what the Watershed District can offer to the Municipalities, Townships and County Commissioners.
 - e. Kovarik requested two Managers review the general journal entries. The board by general consent approved the President and Treasurer and Administrator Kovarik to review the journal entries and to submit a final resolution at one of the next board meetings.
8. John Kolb gave an update on the Legislation talking points. (see attached)
9. Manager Kral said that he called and gave an update to Paul Baker regarding the CR 71 Bridge.
10. Manager Kutter suggested going to one board meeting a month. Administrator Kovarik said the District will have to work thru the financial process. **Coughlin made a motion to have Administrator Kovarik develop a policy and bring back to the board. Manager Kutter seconded the motion. The motion passed with all in favor.**
11. The meeting was adjourned.

Secretary, Virgil Rettig
Recording Secretary, Holly Kovarik