Regular Meeting  
7:00 p.m. Sauk River Watershed District Office  
June 15, 2010

Managers Present: Dan Coughlin, Todd Foster, Jim Kral, Larry Kuseske, Virgil Rettig, Jim Rothstein, Jason Scherping and Vernon Vangsness.

Staff Present: Holly Kovarik, Administrator  
Starla Arceneau, Assistant Administrator, Mike Hayman, Ditch/Permit Coordinator, Tara Borgerding, Environmental Project Technician.

Guests Present: Chris Meehan, Dave Blommel, Jen Piekarski, Amy Skaalerud, Don Otte, Duane Pung, John Harren, Jeff Hoppe, Stan Hanson, Paul Hoeschen

Manager’s Absent: Robert Mostad

1. The meeting was called to order by President Jim Kral at 7:00 p.m. and the Pledge of Allegiance was recited.

2. President Kral asked for additions to the agenda. There were a few items added to the agenda. The proposed agenda was reviewed. Manager Coughlin moved to approve the agenda with the additions and Manager Rothstein seconded the motion. The motion passed with all in favor.

3. The consent agenda was reviewed by President Kral. The following items were included on this consent agenda.

Consent Agenda (approved by one motion)-President Jim Kral

a. Approval of minutes of the May 19, 2010 regular meeting
c. Permits
   1. 10-14 Stearns CR 157 Resurface
   2. 10-15 Stearns CR 111 Resurface
   3. 10-16 Stearns CSAH 12 Resurface
   4. 10-17 Stearns CSAH 17 Resurface and Reconstruction
   5. 10-18 T&D Enterprises-Ted Hoekstra
   6. 10-19 Todd County Boss Creek Bridge
   7. 10-20 Stearns County Road 186 Bridge Replacement
   8. 10-21 Wenner Gas Site
   9. 10-22 Westwood Area Sidewalk Improvements
d. Resolutions –
   54-10 May 2010 Journal Entries
   55-10 Douglas Co Summer Camp Funding Request
   56-10 Address 2010 audit findings from 2008 & 2009
   57-10 Credit Account w/ Brockwhite Construction Materials
e. Loans, Grants, Appropriations
   • Loans
      (1) Craig Glander Septic System $5,134.00 Payment Request
      (2) Virgil Plath Septic System $4,000 Payment Request
      (3) Dan Schneider Septic System $4,475 Payment
After reviewing the items on the consent agenda. One item, (Resolution 57-10 - Credit Account w/ Brockwhite Construction Materials) was pulled for review. A motion was made by Manager Rothstein and seconded by Manager Kuseske and carried unanimously to approve the following items on said consent agenda:

Approval of minutes of the May 19, 2010 regular meeting, Financial Report May 1-31, 2010
Permits 10-14 Stearns CR 157 Resurface, 10-15 Stearns CR 111 Resurface, 10-16 Stearns CSAH 12 Resurface, 10-17 Stearns CSAH 17 Resurface and Reconstruction, 10-18 T&D Enterprises-Ted Hoekstra, 10-19 Todd County Boss Creek Bridge, 10-20 Stearns County Road 186 Bridge Replacement, 10-21 Wenner Gas Site, 10-22 Westwood Area Sidewalk Improvements Resolution 54-10 May 2010 Journal Entries, 55-10 Douglas Co Summer Camp Funding Request, 56-10 Address 2010 audit findings from 2008 & 2009, Loans Craig Glander Septic System $5,134.00 Payment request, Virgil Plath Septic System $4,000 Payment Request, Dan Schneider Septic System $4,475 Payment Request, Kenneth & Debra Blasing Septic System not to exceed $5,000 Contract Approval
Grants Chuck & Marsha Weisbrich lakeshore restoration $6,000, Cost Share Payment Request, SCSU Foundation Upper Sauk River Assessment/Mapping $680.00
Appropriations
1. Barr Engineering Lower Sauk TMDL $22,868.77
2. Wenck 15 &26 Engineering/General Engineering $6,586.90
3. League of Minnesota Cities Premium $181.00
4. Rinke Noonan Legal Fees $1,747.00

Attorney Kolb suggested that Resolution 57-10 - Credit Account w/ Brockwhite Construction Materials be tabled until Administrator Kovarik can review the application with Brockwhite. Attorney Kolb described the two areas of concern with the credit application including the payment terms and the personal guarantee of payment. It was recommended that Administrator Kovarik look into the application further. Resolution 57-10 was tabled until the next meeting.

4. OLD BUSINESS
   (a) Administrator Kovarik gave an introduction and background detail on the continued audit issue and introduced Amy Skaalerud and Jen Piekarski from KDV to present the details of the continued audit. This continued audit was in response to some of the audit findings from the previous audit year (2009) and due to the transition from MYOB to Banyon software. These efforts to continue to audit the SRWD were directed by the Board of Managers. The concern was to ensure that when the SRWD switched to the new accounting system that all lingering items needing to be resolved would be done now. In addition it was very apparent during this process that MYOB was not conducive to the SRWD multiple fund structure. A formal report will be issued once the continued audit is completed.
Amy Skaalerud and Jen Piekarski from KDV gave their findings and recommendations on the Timeliness of Disbursements, Deposits, Cost Share, and Assessment Procedures (for the period of July 1, 2009 through April 30, 2010).

KDV reviewed all deposits and found areas of concern. Payments were received (grant, permit fees, etc) and would not be deposited periodically for months. KDV reviewed the procedures in place and noted that everything is typically date stamped when received in the mail. However from the date the payment was received until the time the deposit cleared the bank could have been months. KDV explained that any deposit should be made within one week of receipt of the deposit.

Ms. Skaalerud discussed the timeliness of disbursements. KDV looked at disbursements in accordance within the Minnesota State Statutes and according to the State Auditor’s Opinion on timeliness of payments. There were 100 disbursements sampled. KDV explained the concern with disbursements was more due to process and procedural issues not timeliness. Ms. Skaalerud mentioned that Administrator Kovarik has already developed an administrative tracking method and form to resolve some of these concerns raised through the audit. Ms. Skaalerud indicated that right now no further work is needed however new practices and policies are needed to remedy the issues.

Ms. Skaalerud explained the assessment program issues. These included where the payments were lumped when the payment was made from the county and these payments were deposited in the incorrect accounts. However it was noted that the SRWD had sent each assessment separately to each county. These are issues that will need to be worked out with each county so that when the payments are made to the SRWD that they are coded correctly for the SRWD and the County staff. Some of the funds needed to be further broken down as well because in the old system several projects were under one fund. In the new system they are further broken down to make report generation easier.

Ms. Skaalerud explained the procedures for the cost share program that were reviewed and that two of the grants were explored. One was a reimbursement grant and the other grant was a state grant that the funding was received up front. There were two handouts distributed to the board for review.

Jen Piekarski looked at federal and state grants and described the summary invoice and submittal process that was done. Ms. Piekarski shared a few examples of the issues raised.

- The expense sheets that summarized the expenditures submitted with the attachments did not match.
- There were six instances that time was estimated and was not done on the actual time for submitting for reimbursement.
- There were some expenses that did not have an invoice attached to the expense and so KDV had to pull the check to show that they were incurred from the program.
- There were 2 ½ hours that were charged to a program that were not incurred for this program and were removed but then when the documentation was submitted to the state this was included and was paid. This was not an expense for this project.
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- There was $682.50 of expenses submitted on monitoring to a project that was incorrectly submitted to a continuation grant.
- There was an expenditure that did not have timesheets or attached documentation.
- A payment did not have adequate documentation to explain the service provided.
- The state no longer required a summary page more recently so the summary sheet process was dropped by staff as part of the process. This creates an issue in determining and reviewing the program.

KDV highly recommended internal control procedures including:
- To reflect hours on actual time not estimates.
- To provide supporting documentation for the reports.
- To review the expenditures.
- To create a detailed expenditure listing for the reimbursement process.

Ms. Piekarski from KDV gave a presentation on the grant programs she reviewed. Ms. Piekarski noted the following items:
- Lack of timekeeping and mileage sheets on a TMDL project were noted by Ms. Piekarski that was done in an earlier period. Ms. Piekarski did state that this problem has been taken care of with new procedures implemented by Administrator Kovarik.
- A check of $300 did not have an invoice attached.
- To ensure that all timesheets are filled out for all hours that are charged to the program
- To provide support for mileage expenses.
- To attach cancelled checks for semi-annual reports for that period.

Administrator Kovarik stated that some new procedures have been implemented which have addressed these issues. They include: a new timesheet form and process, administrative tracking form, and policies adopted by resolution.

Administrator Kovarik indicated that the continued audit is not complete yet and further work is needed to finish the work and that the District can contract with KDV to finish this work or have someone in the office finish the work.

Manager Kuseske asked about the timesheets and asked if the mileage could be tracked on the timesheets. Administrator Kovarik explained the two separate processes and that mileage logs are kept for the company vehicles in a separate process.

Ms. Skaalerud discussed the proposal for the continued audit work with the board.

Manager Coughlin suggested getting KDV to do some low level training with the staff and suggested to do a heavier sampling during the audit process next year.

Manager Coughlin moved to have KDV conduct some low level training with the staff and then to do a heavier sampling of the finances during the next year’s audit. Manager Foster seconded the motion. The motion passed with all in favor.
Ms. Skaalerud explained the issues related to the constraints of MYOB with not being able to track the funds easily. She also stated that there are some discrepancies that were categorized into certain funds that were not tracked in the system in the best or most appropriate method for fund accounting.

**Manager Coughlin then moved to allocate up to $10,000 to have the Auditors make sure everything is broken out and to give true and accurate beginning balances.** Manager Rothstein seconded the motion. The motion passed with all in favor.

Administrator Kovarik clarified that this process is to transition us from the old system to the new system and to get the information into the new system accurately and to resolve some of the old issues. Administrator Kovarik also indicated that the training will be helpful for the staff to make the transition smoothly.

Manager Rothstein also clarified that this is a work in progress and that if there are additional items needed that the board can address that later. Manager Rothstein stated that the board was aware of some of this transition issues when the District began this process.

**b) Barr- Eden Valley Project invoice.** Administrator Kovarik handed out a letter from Eden Valley stating that they officially withdrew their petition. Attorney Kolb reviewed the chain of events and his perspective on the Barr Engineering invoice. Attorney Kolb discussed that there were some items in the billings from Eden Valley that the District did not agree with but suggested a motion to accept the withdrawal of the Petition and to submit an invoice to the City of Eden Valley. Attorney Kolb also stated that the District does believe that they did do the work they are asking payment on for the project. Attorney Kolb discussed three items to finalize this and to dismiss the project.

1. How we pay the Barr bill and if the District were to ask Barr to discount or reduce the bill.
2. The District also needs to give some direction to dismiss the project.
3. As part of the resolution to include what portion of the Barr bill will be passed onto the City of Eden Valley.

Manager Coughlin recapped his recollection of the events and stated that there were a variety of misconceptions on both sides of this issue and that the District should meet somewhere in the middle with Barr on the payment.

Manager Coughlin also suggested a process to have a change order in writing on any changes that may happen on a project from the contractor. This will then include a paper trail to ensure that this does not happen again.

Administrator Kovarik referred to the 5/19/2010 meeting minutes on the amount in question for the Barr Invoicing that totals $11,407.89.

Manager Foster asked for clarification from the board on the Eden Valley project and the Barr bill. He questioned the process taken by Barr. If Barr would have come to the Board to ask for the approval on the additional work would the District ask the City to approve prior to
proceeding with the work? The Board by general consent agreed that the District would have had to go back to the City before proceeding at that time and the City would have probably terminated the project at that time. However the SRWD was unaware that a bill was incurring for some of this work because Barr had stated that there would be no additional expense to get them to the point where Houston left off on the petition.

Manager Rothstein clarified that the District was working on this project in good faith and that the City of Eden Valley was the one that backed out on the project.

Manager Rettig questioned why the District is currently having to pay this bill and why the City does not just pay it directly.

Administrator Kovarik clarified the process for project costs and why the District is paying this bill and passing it through to the City. Attorney Kolb also stated that this is part of the petition process and that the City will end up reimbursing the District for all costs incurred on this project and that this will be brought forth for the board to approve when the project is dismissed.

Manager Rothstein indicated that if in the future this project is brought forth again that any costs should be paid by the City for the work at that time. Attorney Kolb stated that if Barr chooses to compromise the bill then that is the final bill on the project.

Manager Kuseske stated that his opinion is that the District should not consider compromising the bill for the City of Eden Valley and the engineers should be compensated in full.

Manager Coughlin made a motion to have Administrator Kovarik offer Barr Engineering $6,453.95 to finalize the payment and fully satisfy the current bill. Manager Foster seconded the motion. The motion passed with Manager Kuseske opposed.

Manager Rettig moved to accept the City of Eden Valley’s withdrawal of the petition and dismiss the project and to direct the staff to put together an order to dismiss the project and to submit an invoice to the City of Eden Valley for all costs incurred to date. Manager Coughlin seconded the motion. The motion passed with all in favor.

(c) Ecosystem Services Joint Powers Agreement Attorney Kolb stated that there has been a meeting with the Stearns SWCD and there was some core language sent to the SWCD for review. There is some general concurrence with the SWCD staff on some of the language in the draft agreement at this time. This item should be tabled to a future meeting until Tara Borgerding can get a chance to meet with the Stearns SWCD to work on some of the other items needing to be completed. This information includes: forms, procedures, and such. This information will be needed to finalize the Joint Powers Agreement. Once these details are finalized the agreement can be reviewed again by the SRWD and the Stearns County SWCD.

(d) CD11 Order Update: Mike Hayman gave an update on the CD11 order that was issued by the Board in October 2009 that required work to be completed to meet the order requirements by June 15. The recommendation in that order was to establish a buffer and protection of the inlets. Hayman stated as of June 1st he called the landowner as a courtesy to remind him of the deadline
and Herickhoff told Hayman that no work had been completed but that Herickhoff stated that he intended to do the work. Hayman stated that an inspection was completed today 6/15/10 and that the landowner has seeded a portion of the north and west areas on the ditch which were required by the order from the board. The areas that were seeded ranged between 10-14 feet which did not fully meet the requirements of the order which were 16 ½ feet. In addition there was no protection of the inlets done at this time which were required in the order issued by the District. Herickhoff also made it clear to Hayman that he felt that any protection of the inlets would not be effective regardless if you were to do so or not. Herickhoff also stated that the round up applications he would apply would kill the vegetation anyway and the seeding would be a waste of time. Hayman provided photos to the board of the inspection that was completed today 6/15/10 of the site. Hayman did provide options to Herickhoff of other methods that could be utilized for inlet protection but Herickhoff deferred to the board and stated that if the board wanted the inlets protected by a seeding that he would comply and do the seeding. Manager Rothstein asked Inspector Hayman if this work completed meets the requirements in the order approved by the SRWD Board in October. Inspector Hayman stated that the work completed does not fully comply with the order. **Manager Rothstein moved to order Attorney Kolb to proceed with whatever legal means are necessary to correct this situation. Manager Coughlin seconded the motion for purposes of discussion.** Manager Coughlin read the order about the failure to comply section and asked for clarification from Manager Rothstein based on the order that this would be enforced pursuant to the literal requirements of M.S. 103E.021. Manager Rothstein concurred with this. **The motion passed with all in favor.**

Manager Kral stated that when he was onsite last year that Herickhoff indicated that he was willing to comply at that time at that he would plant the 16 1/2 foot buffers and the protection of the drop pipes and Herickhoff asked who he should work with. Manager Kral told him he should work with Mike and Lynn from the office.

(e) **Chris Meehan gave a power point presentation on the easement process on the CD 15 & 26 Re-determination of Benefits.** Based on the presentation and discussion from landowners Manager Coughlin moved to set a policy in the case of CD 15 & 26 to abide by the minimum that statute requires which is a one rod buffer strip and that if the Engineer or Staff has a specific area of concern that the staff can bring it to the board for special consideration. There was considerable discussion on the process that has led to this point. In addition there was discussion about the Mississippi River Basin Health Watershed’s initiative (MRBI) funds recently announced. Administrator Kovarik discussed various programs available for landowners to voluntarily enroll in programs. Administrator Kovarik mentioned that the District was recently notified that both MRBI applications were funded. These funds can be used for landowners along CD15 &26 to enroll into practices. These projects will be conducted by the Stearns SWCD and NRCS office along this particular part of the watershed. Administrator Kovarik stated that as this process moves forward that the District will work with these agencies to approach landowners along these ditches. This part of the project is separate from the ditch work and funded through these private programs. Manager Kuseske discussed that the inlets are a part of the system and that they should be addressed as this project moves forward. There was discussion about this statement and that this could be addressed through these incentive programs. The staff will work with the viewers and engineers to revise the redetermination of benefits viewer’s reports to reflect these changes as directed by the District.
Board. Attorney Kolb clarified the previous easement area discussed in the original project was from center line of the ditch to include some of these BMPs and this areas was not all buffer versus the current motion which only addresses a 16 ½ foot buffer and easement area. There was discussion about the additional areas to be looked at for BMPs and the staff will bring those forward as applicable. The motion passed with all in favor.

5. New Business:
   (a) Granite Landing permit was reviewed by Mike Hayman, Stan Hanson and Paul Hoeschen. Mike Hayman presented details about the project and a memo was shared with the board. Stan Hanson with Boonestro discussed the City of Cold Spring project and the site that was 100% pervious surface for the past several years. Cold Spring Granite has relocated and the City is working on developing the site. The City of Coldspring is looking at reconstructing 3rd Ave and to create a road 2nd Ave in the existing area where the pervious currently is. He discussed the discharge. There are 2.91 acres in the first phase which is mostly the road. There will be an infiltration area and some treatment of the stormwater before it reaches the Sauk River which is currently impaired. Hayman stated that the project information shows that this only meets 33% of the full requirement in our administrative rules. The board members discussed some options to do additional treatment methods to help meet the requirements. There is a preliminary plat of the rest of the site but that as each lot develops that will come into the Watershed District for a permit and will have to meet the permit requirements. This current permit for the City of Cold Spring project is the road and the building on lot 2 only. Manager Coughlin discussed his perspectives on this particular project. Manager Coughlin moved to approve the permit as presented. Manager Foster seconded the motion. The motion passed with all in favor. Manager Coughlin also indicated that the City of Cold Spring should work with Mike Hayman as they proceed with the project.

6. Reports:
   Administrator’s Report-Administrator Kovarik
   (1) Melrose Project Replant: Tara Borgerding recommended to the City to use shrubs or woody vegetation but the City was not receptive to this suggestion due to the public input they have received. Tara Borgerding discussed the information and the inspection report with the board. She indicated that there was concern that doing the same vegetation as in the previous plan may not hold the bank and that staff was not comfortable with doing the same plan. Manager Coughlin moved to have the Attorney write a letter to the City of Melrose on the provisions in their current contract and to list out the options under the agreement that would include an amendment to the agreement or to enter into a process to break the contract if they so choose. Manager Rothstein seconded the motion. The motion passed with all in favor.

President Kral discussed the Battlepoint Park Project and some of the issues with getting the watering done and that the District had approval from the County to go in and do the work necessary.
(2) Todd County GIS: Manager Coughlin moved to partner with Todd County GIS Department as requested for obtaining GIS mapping information when the DNR does the flyover to capture the data. Manager Foster seconded the motion. The motion passed with all in favor.

(3) Water Management Summit is scheduled for July 14th, 2010. Manager Foster and Administrator Kovarik will be attending.

(4) Manager Rothstein moved to pay the $110 NALMS Membership dues. Manager Coughlin seconded the motion. The motion passed with all in favor.

(5) Stearns SWCD Social is scheduled for Tuesday, July 13, 2010. Administrator Kovarik and Manager Rothstein will attend.

(6) Manager Rothstein moved to schedule the SRWD Pontoon Tour for Monday, July 26, 2010 after the regular meeting at 5:00 pm. Manager Coughlin seconded the motion. The motion passed with all in favor.

(7) Manager Coughlin moved to schedule the SRWD Bus Tour for Wednesday, August 25, 2010. Manager Rettig seconded the motion. The motion passed with all in favor.

(8) Manager Coughlin moved to approve the yearly Postal Presort Rate Privilege as presented in the board packet. Manager Kuseske seconded the motion. The motion passed with all in favor.

(9) Manager Coughlin moved to allow any staff and managers to attend and pay for any expenditure for the CMM National Advisory Tour on June 30th. Manager Rothstein seconded the motion. The motion passed with all in favor. Administrator Kovarik and Manager Kuseske will potentially attend.

(10) The Minnesota Water Resources Conference has selected Tara Borgerding to give a presentation on the Battle Point Park Project at their conference in October. There will be more information that will be brought forth to the board at a later date.

(11) Administrator Kovarik reviewed Resolution 58-10 on the Employee Reviews Report. Manager Coughlin moved to approve Resolution 58-10 as presented. The motion passed with all in favor.

(12) Administrator Kovarik reviewed the process of developing the 2011 Budget and presented the template for the budget vs. actual report the board will see once the accounting is all in order. Manager Rothstein moved to direct the staff begin to develop the draft budget for 2011 and to complete the prioritization process. Manager Coughlin seconded the motion. The motion passed with all in favor.

(13) A letter was sent out to the Citizen Advisory Board inviting them to the Pontoon Tour and to get the CAC functioning again.
(14) Summer Event Schedule was given to the Managers to sign up for times to work.

(15) FYI Items in Packet: Road Authority Letter was sent and no correspondence has been received as of the board meeting.

(16) SRCL TMDL information was included for the Managers to review.

(17) TMDL’s will be going out for Public Notice soon on some of the TMDL studies.

(18) Administrator Kovarik attended Data Practices training and mentioned that a few modifications will be needed to the District’s Policy.

(19) Administrator Kovarik informed the board that the District was informed today that they were awarded the two grants from the Mississippi River Basin Initiative. More information will be given at a later date.

(20) Appropriations: Health Partners- $2,533.90, Manager Coughlin moved to approve the appropriations: Health Partners in the amount of $2,533.90. Manager Rettig seconded the motion. The motion passed with all in favor.

(21) Manager Coughlin moved to direct staff to develop grant applications for the Clean Water Partnership Projects. Manager Kuseske seconded the motion. The motion passed with all in favor.

(a) Ditch/Permit Inspector Report-Mike Hayman

(1) Hagemeier Permit Manager Coughlin moved to approve Permit 10-23 as presented. Manager Rettig seconded the motion. The motion passed with all in favor.

(2) Mike Hayman reviewed a memo on maintenance needed on CD 17. Manager Kuseske moved to approve the repair and maintenance as described by Inspector Hayman in the memo provided. Manager Coughlin seconded the motion. The motion passed with all in favor.

(3) Mike Hayman gave an update on CD 24. The final information is being completed by Wenck and Rinke-Noonan. More information to follow at a later date.

(4) Mike Hayman reviewed a memo on CD6/JD1. Manager Rothstein moved to leave the ditch area described as is at this time with no maintenance required. Manager Coughlin seconded the motion. The motion passed with all in favor.

(5) Mike Hayman reported minor maintenance (seeding, removal of trash) needed on the JD2 Sediment Ponds. By general consensus of the Board Hayman was directed to do this work.
(6) Mike Hayman reviewed complaint/non-permit issues. How does the board want the staff to handle them. Attorney Kolb said that Hayman has the authority to enforce and this should be handled internally.

(c) Attorney’s Report-No Attorney Report

- **Calendar Items** – Plan County Fair Booths, Storet information to MPCA, performance reviews on all staff, preliminary budget recommendations discussion, MAWD Summer Tour, Get Outdoors and Garden Event has been tabled

(d) **Board Member Meeting Reports**- Administrator Kovarik informed the board that the funding for an intern that was going to be provided by MPCA has been re-shifted. The state no longer has the funds available however they may be pursued next year.

The Managers thanked Administrator Kovarik for doing a good job presenting to the County Commissioners.

President Kral mentioned the Junkyard near Melrose. The Managers asked the staff to look into this and bring to a future meeting.

Manager Foster mentioned that the Friends of the Sauk are having a canoe event on the Sauk River on Saturday, June 19th from 1-3.

7. **OPEN DISCUSSION FROM THE PUBLIC:** None

8. **ITEMS FOR NEXT MEETING AGENDA:**

9. **ADJOURNMENT:** President Kral adjourned the meeting at 9:45 p.m.

Secretary, Virgil Rettig
Recording Secretary, Starla Arceneau

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Jim Kral ____________________________ Date ____________________________

James Rothstein ____________________________ Date ____________________________

Dan Coughlin ____________________________ Date ____________________________

Virgil Rettig ____________________________ Date ____________________________

Bob Mostad ____________________________ Date ____________________________
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