

APPROVED
(as corrected October 15, 2007)
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
4:00 P.M. SEPTEMBER 17, 2007

The meeting was called to order by President Doug Sorenson. Managers Loren Zutz, Doug Sorenson, John W Nelson, Elden Elseth, Alvin Nybladh, and Ben Kleinwachter were present. Manager Arlyn Stroble was not present. Nick Drees, Connie Kalinowski, Danny Omdahl, Ronald J Adrian, Curtis Carlson, Nate Dalager, Jeff Hane and Wallace Diedrich were also present.

Wallace Diedrich recorded the meeting with three recorders.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter, that Connie Kalinowski be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh to approve the agenda as presented. Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh to approve the minutes of the August 20, 2007 meeting as presented. Motion unanimously carried.

Mr. Elden Elseth stated he withdrew his comment on "padding the budget" as stated on page 3 of the September 10, 2007, and requested the minutes be amended.

Motion by Mr. Loren Zutz, seconded by Mr. John W Nelson to approve the minutes of the September 10, 2007 as amended. Motion unanimously carried.

The financial report was reviewed to be filed for audit purposes.

Mr. Elden Elseth requested that the bills for Attorney fees be paid separately and that he disagrees with what the Attorney's are doing.

LeRoy Vonasek joined the meeting at approximately 4:15 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the following bills be paid: from the Administrative funds: that payroll checks numbered 4596 through 4608 inclusive for a total of \$14,564.58 and checks numbered 13503 through 135032 inclusive, including the service charge for a total of \$24,520.74; from the Project funds that checks numbered 1396 through 1404 inclusive for a

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total of \$702,874.11; and from the Ditch Funds that checks numbered 2210 through 2217 inclusive for a total of \$39,657.50. Motion carried, with Mr. Elden Elseth voting no.

A discussion was held whether the Board would accept bids, on the sale of the grain bins and quonset, that are not clearly marked on the envelope as to what the bidder is bidding on.

Motion by Mr. Loren Zutz, seconded by Mr. Elden Elseth to accept the bids for the sale of the grain bins and quonset from those bidders who did not clearly label on the envelope the structure they are bidding on. Motion carried, with Mr. John W Nelson voting no.

The following bids were publicly opened and read:

Bidder:	No 1: (6) 25'9" high by 20'9" diameter GSI Bins (1) 15'4" high by 8'3" diameter Coop Bin
Brad Berg	2,278.00
Mike Kukowski	1,050.00
John Umber	3,112.00
Robert Wimpfheimer	3,655.00
Jeff Monroe	4,001.00
	No 2: (1) 32' x 60' Quonset (1) 18" high by 10'6" Liquid Fertilizer (1) 16' high by 22' diameter BS-B bin
JNM Housemovers	577.77 (Quonset)
Robert Wimpfheimer	307.00 (Bin)
Curt Zimdars	100.00 (Quonset)
Frank Brda	51.00 (Quonset) 151.00 (Liquid Fertilizer)
	No 3: (2) 16' high by 21' diameter Baughman bins
Brad Berg	531.00
John Umber	120.00
Robert Wimpfheimer	253.00
	No 4: (1) 10' high by 13'6" diameter Lindsay bin
Frank Brda	101.00
	No 5: (1) 10' by 7'10" diameter Butler bin (1) 9'10" by 17'6" diameter Coop bin (1) 32' by 80' by 10' pole barn
Curt Zindars	400.00 (grain bins)
Frank Brda	1201.00 (pole barn) 101.00 (butler bin)

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Motion by Mr. Elden Elseth, seconded by Mr. John W Nelson to accept the bid of Jeff Monroe, in the amount of \$4001.00, for item No.1. Motion unanimously carried.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz to accept the bid of JNM Housemovers, in the amount of \$577.77 for the Quonset, and to accept the bid of Frank Brda in the amount of \$151.00 for the Liquid Fertilizer, as listed in item No. 2. Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Elden Elseth to accept the bid of Brad Berg, in the amount of \$531.00, for two Baughman bins as listed in item No. 3. Motion unanimously carried.

Motion by Mr. Loren Zutz, seconded by Mr. Ben Kleinwachter to accept the bid of Frank Brda, in the amount of \$101.00, for one Lindsay bin as listed in item No. 4. Motion unanimously carried.

Motion by Mr. Loren Zutz, seconded by Mr. Alvin Nybladh to accept the bid of Curt Zinders, in the amount of \$400, for (2) bins, and to accept the bid of Frank Brda, in the amount of \$1,201.00 for the pole barn, as listed in item No. 5. Motion unanimously carried.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz that the following permits be issued:

1. Permit (07-061) be issued to Michael Hoff to clean sediment from the west ditch of MN Trunk Highway #220, in the E2 of the SE4, of section 20 of Oak Park Township, provided a permit is obtained from the Minnesota Department of Transportation;
2. Permit (07-062) be issued to James Bergman to extend permit (04-062) to install a field crossing approximately 660' east of the driveway and to install a 24" culvert, in the Polk County #22 road ditch, in the NE4 of section 34 of Higdem Township, provided a permit is obtained from the Polk County Highway Department.

Motion unanimously carried.

Dale Hammerland, Jim Nelson and Mark Nelson inquired of the steps to be taken to petition the District for improvement of all the laterals on Marshall County Ditch #44.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh to direct the Districts legal council to prepare a format for a petition for the Improvement of

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Marshall County Ditch #44, and forward to Dale Hammerland. Motion carried, with Mr. Ben Kleinwachter voting no.

Dale Hammerland, Jim Nelson and Mark Nelson left the meeting at approximately 5:57 p.m.

Correspondence was distributed from the Minnesota Association of Watershed Districts concerning a Messaging Training Session; from the Information Policy Analysis Division concerning a request for an advisory opinion from David Hvistendahl; from Jeff Hane to the Information Policy Analysis Division; and from the Information Policy Analysis Division to Jeff Hane and David Hvistendahl.

Nick Drees announced that a Legislative Tour is scheduled for Wednesday, September 19, 2007; that the Red River Watershed Management Board meeting is scheduled for 2:00 p.m., September 19, 2007 at the Red Lake Watershed District; and that a Legislative supper is scheduled for 5:00 p.m., at the Swenson House in Thief River Falls on September 19, 2007.

Nick Drees reported that the District staff is in the process of preparing maps showing the ditch systems, under the jurisdiction of the District, that have been sprayed for cattails; that Jeff Beaudry has requested that additional rip rap be placed on State Ditch #3; that the District has been in contact with Vega Township on repairing the township roadway along Judicial Ditch #16, in the northeast corner of section 36 of Vega Township; that the District has been in contact with New Solem and Norden Townships on repairing roadways along Judicial Ditch #14, Main Branch; and that the centerline culvert on the lilac ridge on section line 31/6 of New Solem Township, has been repaired.

Nate Dalager reported that the Step 1 submittal for the proposed Angus/Brandt project has been approved by the Red River Watershed Management Board and that the next Project Work Team meeting will be held in October.

Nick Drees reported that the Army Corps of Engineers has determined there is no need to hold a public hearing regarding the Agassiz Valley Water Resource Management Project and that no archeological survey needs to be conducted as requested by the Minnesota Historical Society. He also reported that the District has received the 401 certification from the Minnesota Pollution Control Agency and that the permit from the Army Corps of Engineers could be arriving shortly for the Agassiz Valley Water Resource Management Project.

Nick Drees distributed a letter from David Jadeke concerning the rental of lands in the Agassiz Valley Water Management Project.

A discussion was held concerning the rental agreements on the properties obtained for the Agassiz Valley Water Resource Management Project. It was the

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consensus of the Board that they would review the agreements in the spring, and at that time would decide the terms of the agreements.

Nick Drees reported that the land owner agreements regarding the water supply issue on the Agassiz Valley Water Resource Management Project are being prepared.

Nick Drees reported what remains to be completed on Phase IV of the PL-566 project is the removal of some rocks at the outlet and inlet of the Off Channel Storage Site, removal of a Texas crossing and some channel stabilization work on the Snake River upstream of the inlet structure. He also reported that a concrete sill is to be installed in the inlet structure of the off channel storage site and additional riprap added.

Nick Drees reported that the District has received cost share funds from two property owners for the construction of farmstead ring dikes, and that the Joe River Watershed District is requesting assistance from the District staff for the construction of one farmstead ring dike.

Nick Drees reported that a meeting regarding County Ditch #3/Swift Coulee sub-watershed is scheduled for September 20, 2007, at 9:30 a.m., at the Bremer Bank in Warren.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson that the following resolution be adopted:

RESOLUTION ESTABLISHING
COUNTY DITCH #3/SWIFT COULEE PROJECT WORK TEAM

Whereas; there is a recurring flooding problem in the County Ditch #3/Swift Coulee sub-watershed;

Whereas; the Board of Managers is desirous of mitigating flood damages in the District;

Whereas; the District is desirous of complying with the 1998 Mediation Agreement;

Now Therefore Be It Resolved by the Board of Managers of the Middle Snake Tamarac Rivers Watershed District;

1. That a Project Work Team be established to operate in accordance with the 1998 Mediation Agreement to advise the Board concerning issues and options for flood control works in the sub-watershed of County Ditch #3/Swift Coulee,
2. That the following agencies are appointed to serve on the Project Work Team and that each agency is requested to appoint one person to represent there agency positions:

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Middle Snake Tamarac Rivers Watershed District
Marshall County Commissioners
Marshall County Soil and Water Conservation District
Big Woods Township Board of Supervisors
Bloomer Township Board of Supervisors
Middle River Township Board of Supervisors
Alma Township Board of Supervisors
Foldahl Township Board of Supervisors
Oak Park Township Board of Supervisors
Vega Township Board of Supervisors
Warrenton Township Board of Supervisors
McCrea Township Board of Supervisors
Comstock Township Board of Supervisors
Minnesota Department of Natural Resources
Minnesota Pollution Control Agency
Minnesota Board of Soil and Water Resources
Natural Resources Conservation Service
US Army Corps of Engineers
US Fish & Wildlife Service

3. Additional Landowners appointed by the Board of Managers.

Motion unanimously carried.

Attorney, Jeff Hane reported that the Scheduling Conference with Drewes, Inc concerning the Angus Oslo #4 Impoundment project is scheduled for January 8, 2008; that discovery has begun on the Breach of the Settlement Agreement with Jim Stengrim regarding the Agassiz Valley Water Resource Management Project; that there has been no response from the Minnesota State Auditor; that the courts have taken under advisement the Summary Judgment Motion regarding the PL-566 Zutz Appeal; that the suit filed by Elden Elseth and Loren Zutz regarding Arlyn Stroble and John W Nelson has been turned over to the Districts insurance company; and that he is in the process of preparing agreements to the Agassiz Audubon Sanctuary and David Jadeke regarding the water issue of the Agassiz Valley Water Resource Management Project.

No data practice requests were distributed.

The listing of the 2006 Advisory Committee members was distributed. It was the consensus of the Board that the 2007 Advisory Committee membership would be reviewed and that the date of the 2007 Advisory Meeting would be scheduled, at the next regular meeting of the Board of Managers scheduled for October 15, 2007.

Pam Wockenfuss joined the meeting at approximately 7:05 p.m.

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Nick Drees reported that there has been no change in the status of the whereabouts of the District's employee's payroll checks obtained by members, and that he has requested affidavits on Jim Stengrims open meeting issue from members, and as of this date, he has not received them.

The next permit meeting was scheduled for 4:00 p.m., Monday, October 1, 2007; and the regular meeting was scheduled for 4:00 p.m., Monday October 15, 2007, at the District office.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 7:10 p.m.

Connie Kalinowski
Recording Secretary

Ben Kleinwachter
Secretary