

APPROVED
(February 23, 2009)

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the minutes of the December 15, 2008 meeting be approved as corrected. Motion carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz to separate the payment of legal bills from the payment of bills and vote on them separately. Motion failed.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter that the following bills be paid: from the Administrative funds: that payroll checks numbered 4803 through 4815 inclusive for a total of \$19,261.81; and checks numbered 14015 through 14051 inclusive, including the service charge for a total of \$25,402.44; from the Project funds that checks numbered 1643 through 1649 inclusive, for a total of \$163,011.61; from the RRWMB funds that checks numbered 123 and 124 for a total of \$11,541.91; and from the Ditch Funds that checks numbered 1497, 2299 and 2300 for a total of \$337,734.57 be paid. Motion carried, with Mr. Elden Elseth and Mr. Loren Zutz voting no.

Randy Englestad joined the meeting at approximately 4:30 p.m.

During the open forum portion of the meeting, Wallace Diedrich, questioned the Board on the significance, of listing in the minutes, who is recording the meetings, and with how many recorders.

Randy Englestad discussed the lack of access to the lands owned by the District and Randy Englestad in section 1 of Boxville Township.

A discussion was held on what possible solutions could be made to remedy the situation. Mr. Loren Zutz offered to work with Randy Englestad in contacting Harvest States and see if they would be willing to work with the District in obtaining cooperation from the Burlington Northern Railroad to provide Randy Englestad access to his lands in Section 1 of Boxville Township.

Ernest Pribula addressed the Board on his dissatisfaction of the farmstead ring dike constructed on his property in the SW4 of section 7 of Northland Township.

After a lengthy discussion, it was the consensus of the Board, that Nick Drees contact Davidson Construction to discuss their quote provided to Ernest Pribula and to check further on costs to clean the East township road ditch north to County Ditch #175, and that he also discuss with District employee, Ron Sorvig, the issues Ernest Pribula has raised with regards to the ring dike constructed in the SW4 of section 7 of Northland Township, and report back to the Board at the next regular meeting.

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Motion by Mr. Ben Kleinwachter, seconded by Mr. Loren Zutz that the following permits be tabled, pending further information:

1. Permit (09-001) of the Marshall County Highway Department to widen the grade on CSAH #4 from Trunk Highway #220 easterly 5 miles to CSAH #10 and replace existing culverts in Big Woods and Bloomer Townships;
2. Permit (09-002) of the Marshall County Highway Department to widen the grade on CSAH #10 from CSAH #4 northerly 8 miles to CSAH #5 and replace the existing culverts in Parker and Bloomer Townships.

Motion unanimously carried.

The News and Views of the Red River Watershed Management Board were distributed.

Brian Dwight, of the Minnesota Board of Soil and Water Resources, discussed the PRAP follow-up letter and recommended that the District engage the services of a professional consultant to conduct Phase 1 of the interview/issue identification process to identify the problem areas plaguing the Board of Managers.

Tracy Anderson joined the meeting at approximately 6:37 p.m.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Elden Elseth that the District proceed with Phase 1 of the interview/issue identification, with the University of North Dakota Conflict Center, with costs not to exceed \$5,000, provided that there is full cooperation of the board. Motion unanimously carried.

Nick Drees reported that he has met with landowners along Judicial Ditch #75 to discuss the proposed repair as outlined in the FEMA grant agreement. He stated that additional right of way would need to be acquired, and that the landowners expressed a willingness to cooperate with the District.

It was the consensus of the Board that Nick Drees find the fair market value for the properties needed for the right of way to repair the south side of Judicial Ditch #75 and report back to the Board at the next regular meeting.

Nick Drees reported on the Project 60, Joint Powers Board Meeting held at the Red Lake Watershed District; and that a kick-off meeting regarding the District's Overall Plan has been scheduled for January 29, 2009 at 10:00 a.m., in Newfolden, Minnesota.

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Nick Drees reported that he met with the landowners who would be affected by the construction of the inlet channels proposed in Phase 2 of the Agassiz Valley Water Management Project and that construction of Phase 3, wetland mitigation, is scheduled to begin in the summer of 2009.

A discussion was held concerning the PL-566 assessment benefits of the Eric and Mara Wittman property located within the City of Warren. Ron Adrian stated that the parcel ID number had changed and an error had been made in the original assessment with the Wittman's property and they are being assessed \$17,816.00 when the actual assessment benefits should be \$5,877.00.

Motion by Mr. Elden Elseth, seconded by Mr. Ben Kleinwachter that the assessment benefits of the PL-566 project on the Eric and Mara Wittman property be corrected, and that the assessed benefits be listed as \$5,877.00. Motion unanimously carried.

Nick Drees reported that an agreement with KGM Contractors on the PL-566 Phase 3B project has been reached provided funding is obtained by the Natural Resources Conservation Service.

Nick Drees distributed the highlights of the December and January meetings of the Red River Watershed Management Board.

Jeff Hane reported that the documents required to purchase a strip of land from Wilbert McGregor, north of the railroad tracks, in the SE4 of section 14 of Comstock Township are being prepared; provided information on the Stengrim bridge issue on Judicial Ditch #25-1; that the Red River Watershed Management Board has sought an opinion from the Attorney General regarding an alleged open meeting violation; that the response of IPAD regarding mediation is that conversations are not considered public data but notes and recordings are public data; that he has not received word on whether Drewes, Inc would be appealing the Angus Oslo #4 judgment; that the Managers suit has been dismissed by the Federal courts; and recommended that the District retain the services of Attorney, Steve Anderson, regarding the alleged open meeting violation lawsuit against the District by Jim Stengrim.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the District hire Mr. Steve Anderson to represent the Board regarding the alleged open meeting violation brought by Jim Stengrim. A roll call of votes was taken with Mr. Elden Elseth and Mr. Loren Zutz voting no, Mr. Ben Kleinwachter, Mr. Alvin Nybladh and Mr. John W Nelson voting yes.

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Nick Drees distributed the 2008 year ending financial reports.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter that the District pay the Minnesota Association of Watershed District annual dues in the amount of \$2,000.00. Motion unanimously carried.

Mr. Loren Zutz distributed an email, that he had obtained, between Kent Lokkesmoe and Nick Drees regarding a meeting held in May 2008 and requested from the Administrator, Nick Drees, why the meeting was held and what was discussed.

Nick Drees stated the meeting was held to secure state funding for the Agassiz Valley Water Resource Management Project and to enlist Kent Lokkesmoe of the Minnesota Department of Natural Resources to assist in obtaining the dam safety permit for the Agassiz Valley Water Resource Management Project. He also stated that the Ron listed in the email was Ron Harnack and not Ron Adrian.

Motion by Mr. Loren Zutz, seconded by Mr. Ben Kleinwachter that the land rental agreement with Robin Johnson, to rent a parcel of land in section 11 and section 14 of Sandsville Township, consisting of approximately 17.2 acres be renewed for a 3 year term at a rental rate of \$688.00 per year. Motion carried, with Mr. Elden Elseth abstaining.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Loren Zutz that the District advertise the properties in section 11 and 14 of Sandsville Township, south of the Snake River, consisting of approximately 147 acres, for rent, for a 3 year term. Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter that the District sign the FY 2009 Drainage Records Modernization Challenge Grant Agreement with the Minnesota Board of Soil and Water Resources in the amount of \$20,000.00. Motion unanimously carried.

Motion by Mr. Elden Elseth, seconded by Mr. Ben Kleinwachter that the 2009 mileage rate be set at the Internal Revenue rate of \$.55 per mile. Motion unanimously carried.

The next regular meeting of the Board of Managers was set for February 23, 2009, at 4:00 p.m.

A discussion ensued on whether the District could hold a closed meeting without legal representation being present. Jeff Hane stated "no" the District could not hold a closed meeting without an attorney present.

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Jeff Hane requested that the meeting be closed for purposes of discussing the Agassiz Valley Water Management Project, Stengrim litigation and the PL-566 Riley litigation.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Elden Elseth that the meeting be closed.

The meeting was closed at approximately 8:30 p.m.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Loren Zutz that the meeting be reopened. Motion unanimously carried.

The meeting was reopened at approximately 10:00 p.m.

Motion by Mr. Loren Zutz, seconded by Mr. Ben Kleinwachter that Nick Drees be authorized, on behalf of the District, to get an appraisal to assess land values. Motion unanimously carried.

Motion by Mr. Loren Zutz, seconded by Mr. Ben Kleinwachter that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 10:03 p.m.

Connie Kalinowski
Recording Secretary

Ben Kleinwachter
Secretary