

APPROVED (as corrected August 17, 2009)
**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
3:30 P.M. AUGUST 3, 2009**

The meeting was called to order by President Doug Sorenson. Managers Alvin Nybladh, John W Nelson, Doug Sorenson, Loren Zutz, Ben Kleinwachter and Marvin Hedlund were present. Manager Elden Elseth was not present. Nick Drees, Ron Adrian, Danny Omdahl and Connie Kujawa were also present.

Loren Zutz recorded the meeting with one recorder.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter, that Connie Kalinowski be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion carried with Mr. Loren Zutz voting no.

Mr. Doug Sorenson requested the agenda be amended to include under item #7 (Other) PL-566 Plaque.

Mr. Loren Zutz requested the agenda be amended to include under item #7 (Other) Questions to Jerry VonKorff and Doug Sorenson letter to the Marshall County Commissioners.

Nick Drees requested the agenda be amended to include under item #7 (Other) Ring Dikes.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh to approve the agenda as amended, with the addition of the PL-566 Plaque, questions to Jerry VonKorff, Doug Sorenson letter to the Marshall County Commissioners and Ring Dikes under item #7 (Other) . Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. Marvin Hedlund that the meeting be recessed for purposes of holding the hearing to Reduce the Retainage of Zavoral Construction on Phase 1 of the Agassiz Valley Water Resource Management Project. Motion unanimously carried.

The hearing was recorded.

Zavoral Construction had requested that the retainage be reduced to the maximum allowed by law.

Mr. Doug Sorenson stated that under Minnesota Statutes 103E.535 the maximum reduction allowed is 40% of the 10% currently being withheld. Chairman, Mr. Doug Sorenson, also stated that all entities and persons required

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to be notified of said hearing were mailed a notice and that publication of said hearing was made.

A discussion was held concerning reducing the retainage of Zavoral Construction from 10% to 6% on Phase 1 of the Agassiz Valley Water Resource Management Project. It was stated that the District has retained \$380,683.94 and a reduction of the retainage by 40% would be \$152,273.58.

Roger Hille joined the meeting at approximately 3:40 p.m.

Mr. Elden Elseth joined the meeting at approximately 3:41 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the retainage of Zavoral Construction on Phase 1 of the Agassiz Valley Water Resource Management Project be reduced by 40%, the maximum allowed by the Statute. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the retainage hearing be closed and the regular meeting resume. Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Elden Elseth that the following permit be denied:

1. (Permit 09-025) of Darrell Novacek to remove a 24" culvert on the County Ditch #43 and County Ditch #44 divide, in the NW SW of section 24 of Angus Township. This permit was denied due to opposition of adjacent landowners and Angus Township, as well as the length of time the pipe has been in place.

Motion unanimously carried.

Jeff Chwialkowski joined the meeting at approximately 4:00 p.m.

Wallace Diedrich joined the meeting at approximately 4:06 p.m.

Wallace Diedrich taped the meeting with two recorders.

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

2. (Permit 09-048) to Jeff Chwialkowski to remove a 24" field crossing culvert on the west line of the NW of section 12 and replace with (1) 48" culvert or equivalent; and to remove a 24" centerline culvert, near the ½ mile line, in the NW4 of section 12, and replace with (1) 48" culvert or equivalent, all in Big Woods Township, provided permission is received from the township

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and the culverts be installed at the established grade. This is recommended by the District staff to be aligned with the upstream culvert sizing.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be granted:

3. Permit (09-029) to Robert Hamrick to install a 18" high flow culvert adjacent to a 24" RCP thru the field crossing on the north side of Polk County Road #23, on the West side of the farmyard in the SW SE of section 12 of Angus Township, with the District setting the height. The high flow culvert is to be reviewed annually to determine positive effects and if it would need to be removed, it would be removed at the landowner's expense.

Motion carried, with Mr. Loren Zutz abstaining, Mr. Doug Sorenson and Mr. John W Nelson voting no.

Motion by Mr. Elden Elseth, seconded by Mr. John W Nelson that the following permits be granted:

4. Permit (09-043) to Gowan Construction to remove sediment from the north ditch of Minnesota Trunk Highway #1, at the Alvarado Beet Piling Station, in section 31 of Vega Township;
5. Permit (09-044) to Scott Labine to install a field crossing with a 24" culvert on the west line of section 25, in the NW NW, of section 25 of Parker Township, with the crossing to be tied to the spoil of Judicial Ditch #29 Main. Applicant has the option to install a trap on the culvert.
6. Permit (09-045) to Scott Labine to install (2) 18" field drainage culverts into Judicial Ditch #29 Main, in the NW4 of section 25 of Parker Township;
7. Permit (09-046) to the Marshall County Highway Department to remove a 24" CSP and replace with (1) 24" CSP in the SE4 of section 22 of Tamarac Township;
8. Permit (09-047) to Neil Widner to remove a 15" culvert and install an 18" culvert in the SE SE of section 28 of Tamarac Township;
9. Permit (09-049) to James Novak to install a farmyard crossing with an 18" culvert in the NW SW of section 7 of Tabor Township.

Motion unanimously carried.

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The proposed 2010 Administrative Budget was reviewed. After discussion, the equipment expense was increased to \$35,000.00 and \$29,360.00 was added for Project Construction, bringing the total proposed Administrative Fund Budget to \$250,000.00.

Motion by Mr. John W Nelson, seconded by Mr. Marvin Hedlund that the District set the proposed Administrative Budget levy at \$250,000.00. Motion carried, with Mr. Elden Elseth and Mr. Loren Zutz voting no.

Mr. Elden Elseth called for a roll call of votes, with Mr. Loren Zutz and Mr. Elden Elseth voting no, and Mr. Alvin Nybladh, Mr. Marvin Hedlund, Mr. Doug Sorenson, Mr. John W Nelson and Mr. Ben Kleinwachter voting yes.

A discussion was held on cleaning Judicial Ditch #25-1. Nick Drees stated the District responds to landowner requests for ditch cleanings.

Nick Drees distributed a sketch of the proposed PL-566 Snake River Watershed Protection and Flood Prevention Project monument and samples of stone colors.

It was the consensus of the Board that the monument be a shaped differently and that the monument be done in the color "Mountain Rose".

Nick Drees briefed the Board on the Natural Resources and Conservation Service Equip program for the construction of ring dikes.

Mr. Loren Zutz distributed the questions he has for Jerry VonKorff on various matters.

Nick Drees was directed to forward the questions to Jerry VonKorff.

Loren Zutz questioned the letter submitted by Doug Sorenson to the Marshall County Commissioners, citing false allegations in the letter and questioned if other Board members were involved with the letter.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the meeting be adjourned. Motion carried, with Mr. Loren Zutz and Mr. Elden Elseth voting no.

The meeting was adjourned at approximately 6:50 p.m.