



APPROVED (Oct 19, 2009)

through 14319, including the service charge for a total of \$71,051.13; from the Project funds that checks numbered 1731 through 1746 for a total of \$495,380.64; and from the Ditch Funds that checks numbered 2335 through 2343 for a total of \$60,619.73 be paid. Motion unanimously carried.

Loren Zutz addressed the Board during the open forum inquiring if the District's Attorney, Jerry VonKorff, had issued a response to the questions he had previously presented to the Board.

Wallace Diedrich addressed the Board regarding the road on section line 11/12 in Brislet Township needing additional gravel due to the construction of the Agassiz Valley Water Resource Management Project.

Motion by Mr. Roger Hille, seconded by Mr. John W Nelson that the following permit be issued:

1. Permit (09-052) of Scott Shouts to install a road approximately ¼ mile long and to install (1) 24" culvert under the road, in the West half of the East half of the SW4 of section 33 of Como Township.

Motion unanimously carried.

Loren Zutz left the meeting at approximately 4:22 p.m., without taking his recorder.

Steve Nelson, Jerry Pribula, Duane Kovar and others joined the meeting at approximately 4:28 p.m.

Jerry Narlock, Sylvester Narlock and Don Narlock joined the meeting at approximately 4:30 p.m.

Steve Nelson, Jerry Pribula, Duane Kovar and Others addressed the Board requesting information on the extent of the Judicial Ditch #75 FEMA repair and inquired if the spoil, the road or both could be raised for approximately 3 miles west of the project area to prevent waters from leaving Judicial Ditch #75.

Nick Drees reported that the FEMA grant covers approximately 4 ½ miles of repair of the Judicial Ditch #75 ditch system, in section 4, 5, 6 of Tabor Township and section 1 and part of section 2 of Northland Township.

Jerry Pribula and Others also discussed the drainage issues of County Ditch #175. They stated they would like to see the ditch improved for approximately 3 miles, between Minnesota Trunk Highway #220 and Polk County #22.

Jerry Pribula, Duane Kovar, Steve Nelson and others left the meeting at approximately 5:20 p.m.

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Don Narlock, Jerry Narlock and Sylvester Narlock discussed the drainage issues in section 16 of Warrenton Township and requested that the Board take action and restore the Texas Crossing between the Johnson and Peterson property on the ½ mile line to the original elevation.

Mr. Doug Sorenson suggested that the Engineer and staff of the District further study the area and make recommendations to the Board to help the landowners solve the drainage issues and problems in this area.

It was the consensus of the Board that the District Engineer and staff review the drainage issues in section 16 of Warrenton Township and report back to the Board.

Jerry Narlock, Don Narlock, Sylvester Narlock and Don Loeslie left the meeting at approximately 6:15 p.m.

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

2. Permit (09-058) of Tom Fillmore to install a field crossing with a 24" culvert on County Ditch #25, Lateral 4, in the NW NE, of section 12 of Holt Township, provided a permit is also received from the Red Lake Watershed District.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the following permit be issued:

3. Permit (09-060) of J Myron Larson to install a 24" culvert with a trap, adjacent to an existing 24" culvert and trap, on Judicial Ditch #8, in the SW SW of section 10 of Eagle Point Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that the following permit be issued:

4. Permit (09-066) of Gary Tanner to install 5 flap gates on the filed drain culverts that drain into County Ditch #25, Lateral 4, in the SE4 and the SE SW of section 3 of Holt Township.

Motion by Mr. John W Nelson, seconded by Mr. Marvin Hedlund that the following permit be issued:

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5. Permit (09-067) of Arlyn Stroble to renew permit (08-029) to remove sediment from the South Branch of the Snake River, in the NE4 of section 2 of McCrea (Strip) Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the following permit be issued:

6. Permit (09-068) of Dean Danielski to lengthen an existing 18" culvert and widen the crossing in the NE SE of section 21 of Farley Township.

Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. Alvin Nybladh that the District Administrator be authorized to grant permits that request lengthening of pipes, provided the pipes are of the same size, and/or the widening of crossing without the approval of Board. Motion carried, with Mr. Ben Kleinwachter voting no.

Correspondence was distributed from the Minnesota Department of Natural Resources seeking public input regarding the 10 year forest plan and the News and Views of the Red River Watershed Management Board.

The following data practice requests were distributed:

1. From PO Box 56, Borup, MN requesting sufficient evidence, and concrete persuasive evidence submitted to the District Court that Jim Stengrim violated the settlement agreement with the MSTRWD;
2. From PO Box 56, Borup, MN requesting copies of all invoices relating to Attorney services for legal action against the MSTRWD;
3. From PO Box 467, Park Rapids, MN requesting copies of all claims filed with the MSTRWD insurance carriers and all data from the MSTRWD insurance accepting/approving or rejecting/denying claims.

Nick Drees reported that the FEMA repair of Judicial Ditch #75 consisting of approximately 4 ½ miles of resloping is nearing completion with a few rock structures remaining to be installed and that Vega Township is seeking assistance from the District to repair 3 additional scour holes on Judicial Ditch #20.

Nick Drees stated that the District and Vega Township had repaired 2 scour holes, previously, on Judicial Ditch #20 and Judicial Ditch #16, on a cost share basis, with Vega township paying 1/3 and the District paying 2/3 of the cost.

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Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the District enter into a 50/50 cost share with Vega Township to repair the 3 additional scour holes on Judicial Ditch #20. Motion unanimously carried.

Nick Drees reported that approximately 2 2/3 miles of Judicial Ditch #25-1, Lateral 2, which outlets into the North inlet of the Agassiz Valley Water Management Project is in need of cleaning.

Motion by Mr. Alvin Nybladh, seconded by Mr. Roger Hille that the District clean approximately 2 2/3 miles of Judicial Ditch #25-1, Lateral 2, in Helgeland and Comstock Townships. Motion unanimously carried.

Nick Drees reported that the appraisals of the properties of Sonny Chruszch and Ilene Stancyk, for the Brandt/Angus Project have been completed by Toren Appraisal.

It was the consensus of the Board that the previous offer of the Board to Sonny Chruszch and Ilene Stancyk remain as previously passed and that Nick Drees report back to the Red River Watershed Management Board stating the District's position on the purchase price of the properties for the Brandt Angus Project.

Nate Dalager reported that Legislature is still appropriating funds for Flood Damage Reduction projects and suggested the District file a Flood Damage Reduction Application with the Minnesota Department of Natural Resources for the Brandt/Angus project, and he also stated, if the Board so desired, the wetland delineation portion of the Brandt/Angus project could be completed this year.

Motion by Mr. Roger Hille, seconded by Mr. Alvin Nybladh that the Engineer be authorized to proceed with the wetland delineation portion of the Brandt/Angus project with the costs not to exceed \$10,000.00. Motion unanimously carried.

Nate Dalager left the meeting at approximately 7:40 p.m.

Nick Drees reported that the scheduled Project 60 meeting was cancelled; that the District's overall plan committee has been divided into 5 committees to plan goals in education, water quality, water management, erosion sedimentation and natural resources; that Phase 1 and Phase 2 of the Agassiz Valley Water Resource Management Project is basically done with only some graveling remaining; and that funding of the PL-566 project with the Natural Resources Conservation Service will expire the end of September.

Nick Drees briefed the Board on the Farmstead Ring Dike Equip Program and inquired if the Board wished to cost share on the landowner portion of the cost. The Board took no action.

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Nick Drees reported that the Red River Watershed Management Board meeting was held on September 15, 2009 at the Warren City Council Meeting Room.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the District retain the audit service's of Brady, Martz and Associates for the years 2009, 2010 and 2011. Motion unanimously carried.

Mr. Marvin Hedlund and Mr. Roger Hille distributed a report on the Minnesota Association of Watershed District's Leadership meeting they attended. It was suggested that the Board appoint work groups to help shorten the length of the District's Board meetings.

Mr. Ben Kleinwachter requested the Board add to the next regular meeting agenda the use of power point or other visual presentations for the Board meetings.

Jeff Hane stated he had nothing to report regarding the Managers lawsuit; that he is waiting for word from the Supreme Court on the Agassiz Valley Water Resource Management Breach of the Settlement Agreement (Stengrim lawsuit); that the court has ordered payment of \$119,000 to Riley Construction in the PL-566 lawsuit; that arguments are scheduled to be heard on September 24, 2009, at 10:40 a.m., in Moorhead, Minnesota on the Drewes (Angus Oslo #4) lawsuit; that depositions will be set regarding the alleged open meeting lawsuit filed by Jim Stengrim; and that pleadings have been filed in the Tom Ritoch case.

Jeff Hane questioned whether the Texas crossing filled in by Johnson's and Peterson's constitutes a dike under the District rules and regulations. He also suggested that guests supply information for the Board to review prior to the board meetings and that the Board should look into developing a policy, limiting the amount of time allocated for guests to speak.

Nick Drees reported that the District has received from FEMA approximately \$6,500.00 for debris removal, and that a grant agreement for approximately \$85,000.00 needs to be signed for flood repairs.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the Chairman be authorized to sign the grant agreement with FEMA, for approximately \$85,000.00 for flood repairs. Motion unanimously carried.

Nick Drees stated that Kristin Paranca, with the UND Conflict Resolution Center, has contacted him wondering if the Board wants to sever the services with them.

A discussion was held concerning facilitator services.

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Motion by Mr. Ben Kleinwachter, seconded by Mr. Roger Hille that the District seek more information from the Minnesota Board of Soil and Water Resources concerning a planning session. Motion unanimously carried.

The next regular/permit meeting was scheduled for October 5, 2009 at 4:00 p.m., and the next regular meeting of the Board was scheduled for October 19, 2009 at 4:00 p.m.

Jeff Hane requested that pursuant to Minnesota Statutes 13D.05 3(b) the meeting be closed for Attorney Client Privileges to discuss legal theories and strategies regarding the PL-566 litigation, the Stengrim general lawsuit and the Stengrim open meeting lawsuit.

Motion by Mr. John W Nelson, seconded by Mr. Marvin Hedlund that the meeting be closed.

The meeting was closed at approximately 8:35 p.m.

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

The meeting was reopened at approximately 10:07 p.m.

Motion by Mr. Alvin Nybladh, seconded by Mr. David Bakke that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 10:08 p.m.

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Connie Kujawa  
Recording Secretary

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Ben Kleinwachter  
Secretary