

APPROVED (as corrected Feb 1, 2010)
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. DECEMBER 21, 2009

The meeting was called to order by President Doug Sorenson. Managers Doug Sorenson, Alvin Nybladh, Ben Kleinwachter, Marvin Hedlund, John W Nelson, Roger Hille and David Bakke were present. Nick Drees, Connie Kujawa, Danny Omdahl, Wallace Diedrich, Ron Adrian, Loren Zutz and Jeff Hane were also present.

Wallace Diedrich taped the meeting with 2 recorders and Loren Zutz taped with 1 recorder.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter that Connie Kujawa 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. Marvin Hedlund that the agenda be accepted as presented. Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. Ben Kleinwachter that the minutes of the November 16, 2009 meeting of the Board of Managers be approved as presented. Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke that the minutes of the November 30, 2009 meeting of the Board of Managers be approved as presented. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

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 4944 through 4963 inclusive for a total of \$17,019.46; and checks numbered 14376 through 14405, including the service charge for a total of \$43,299.37; from the Project funds that checks numbered 1774 through 1799 and including the wire transfer for a total of \$858,016.54; from the Red River Watershed Management Funds that check number 131 for a total of \$73,954.51; and from the Ditch Funds that checks numbered 2359 through 2384 for a total of \$376,357.80 be paid. Motion unanimously carried.

There were no individuals present during the open forum who wished to address the Board.

APPROVED
(as corrected February 1, 2010)

Don Loeslie joined the meeting at approximately 4:14 p.m.

Mark Judovsky joined the meeting at approximately 4:15 p.m.

Damon Stroble joined the meeting at approximately 4:17 p.m.

Arlyn Stroble and Nate Dalager joined the meeting at approximately 4:18 p.m.

Alan Pietruszewski, Pat Crummy, Damon Stroble and Arlyn Stroble discussed the ditch plug Alan installed on the east township road ditch in the SW4 NW4 of section 26 of Middle River Township.

Alan Pietruszewski stated that the Board of Supervisors of Middle River Township have jurisdiction over the road and that the township has expressed a desire to remedy the drainage dispute.

It was the consensus of the Board that they would agree to allow Middle River Township to replace the existing 24" culvert and replace it with an 18" culvert, so long as the ditch plug is removed and an additional 18" culvert is installed on the ½ mile line, approximately 100' south of the existing 24" culvert, provided a permit request is submitted to the Board. Nick Drees and Danny Omdahl were directed contact the Middle River Township Board of Supervisors.

Mr. Loren Zutz left at approximately 4:48 p.m. and left without taking his recorder.

Alan Pietruszewski, Pat Crummy and Damon Stroble left the meeting at approximately 5:04 p.m.

Davis, Jason and Terry Woinarowicz discussed the ditch plug they installed in a field ditch on the west side of the property line between the NW4 NE4 and the NE4 NE4 of section 11 in Eagle Point Township. Jason Woinarowicz stated that Mr. Dahl should be able to drain waters east to section line 11/12 of East Park Township and then northerly into Judicial Ditch #27 thru an unspecified pipe in the ditch spoil.

Davis, Jason and Terry Woinarowicz left the meeting at approximately 5:30 p.m.

Don Loeslie discussed the permit (09-081) request that was denied at the regular meeting of the Board of Managers held November 16, 2009.

After discussion, it is the Board's recommendation that Don Loeslie submit a permit request to remove the 18" culvert and install a 24" culvert in the NW NW and leave the 18" in the SW NW quarter of section 15 of Warrenton Township.

Don Loeslie left the meeting at approximately 6:00 p.m.

APPROVED
(as corrected February 1, 2010)

Mark Judovsky discussed the permit request he submitted to install a 24" culvert in the NW4 and to install an additional 24" culvert adjacent to the existing 24" field crossing culvert, and the permit (09-075) granted to Tabor Township to remove 2 – 24" centerline culverts in the NW4 of section 17 of Tabor Township.

After discussion, the Board directed Nick Drees to send a letter to Tabor Township stating the works approved in the permit (09-075) must be done concurrently with the removal of the 2-24" centerline culverts, as stated in the approved permit.

Motion by Mr. David Bakke, seconded by Mr. Marvin Hedlund that the following permit be denied, because the perceived drainage area does not warrant additional culverts;

1. Permit (09-092) of Mark Judovsky to install a 24" field crossing culvert adjacent to an existing 24" culvert (SW NW); and to install a 24" culvert adjacent to an existing 24" culvert in Watershed Ditch #5 (NW NW) of section 17 of Tabor Township.

Motion unanimously carried.

Mark Judovsky left the meeting at approximately 6:30 p.m.

The District's new website being developed by Houston Engineering was viewed.

Correspondence from the Red River Basin Commission concerning the 27th Annual Red River Basin Land & Water Conference scheduled for January 19-21, 2010, in Grand Forks; the quarterly newsletter from the Flood Damage Reduction Work Group; the News and Views of the Red River Watershed Management Board; and from the Minnesota Viewers Association regarding a seminar scheduled for January 14, 2010, in Morton, Minnesota and annual dues were distributed.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the District submit payment of \$125.00 for the annual membership dues to the Minnesota Viewers Association. Motion unanimously carried.

Nick Drees reported that six data practice requests have been received since the last regular Board meeting.

Nick Drees reported that the payments to the landowners, for the additional right of way for the FEMA repair on Judicial Ditch #75, are listed on the Treasurer's report for payment and that work has been suspended on the cleaning of Judicial Ditch #25-1 until the spring, due to the ground being frozen.

APPROVED
(as corrected February 1, 2010)

Nick Drees distributed copies of the letter he sent to the landowners along Judicial Ditch #25-1, Main Branch, regarding the replacement of the bridge at station 102+77 and copies of a letter the District received from Jim Stengrim regarding the bridge replacement.

Nick Drees stated that the installation of rip rap on Watershed Ditch #5, in Esther Township, has not been completed by the township; that a beaver dam has been removed from Judicial Ditch #15, Branch A; that concerns have been raised regarding drainage issues along Judicial Ditch #14; and that cleaning of Judicial Ditch #29 will continue in 2010.

A discussion was held concerning the procedure to improve County Ditch #175.

Nick Drees was directed to inform Steve Nelson, Jerry Pribula and Others the process that needs to be followed, according to Statute, to improve County Ditch #175.

It was reported that Managers John W Nelson and Marvin Hedlund had met with Alice Whitehead to discuss terms for the land purchase in the SE4 of section 18 of Brandt Township for the proposed Brandt/Angus Impoundment Project.

Motion by Mr. John W Nelson, seconded by Mr. Marvin Hedlund that the Chairman and Secretary be authorized to sign the purchase agreement and the contract for deed with Sonny Chruszch for the properties in section 19 of Brandt Township, with the terms as stated in the agreement and contract for deed. Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. John W Nelson that the Chairman and Secretary be authorized to sign and affirm the resolution of support for funding from the Red River Watershed Management Board for the proposed Brandt/Angus Impoundment Project. Motion unanimously carried.

Nate Dalager gave a brief report on the Flood Damage Reduction Funding process and the criteria that needs to be met for funding.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that Nate Dalager, of HDR Engineering, be directed to prepare and submit a Step 2 submittal for the Brandt/Angus Impoundment project, to the Red River Watershed Management Board at their next scheduled meeting. Motion unanimously carried.

Nick Drees reported that the Red Lake Watershed District had applied for a Lessard-Sams Outdoor Heritage Council grant, for funding of Project 60, which was denied; that the wetland mitigation portion of the Agassiz Valley Water

APPROVED
(as corrected February 1, 2010)

Management Project will be addressed next year; and that the outlet structure of the Angus Oslo #4 Impoundment has been repaired.

Nick Drees stated that Mr. Ben Kleinwachter and Elden Elseth were the District's representative's on the District's Overall Plan Committee and inquired if the Board wished to appoint another Manager to replace Elden Elseth. It was the consensus of the Board that Mr. Ben Kleinwachter remain the representative on the District's Overall Plan committee and that no replacement would be made for Elden Elseth.

Nick Drees reported that the Red River Watershed Management Board met on December 15, 2009 at the Sand Hill Watershed District.

Motion by Mr. Doug Sorenson, seconded by Mr. Marvin Hedlund that all Manager's be designated signatories on the District funds until further action by the Board. Motion unanimously carried.

Mr. Roger Hille and Mr. Ben Kleinwachter briefly reported on the Minnesota Association of Watershed District Annual meeting that was held December 3-5, 2009.

A discussion was held concerning the Managers conducting "Manager Workshop Meetings." Mr. Roger Hille requested that this be included on the January agenda.

Nick Drees briefly reported on the Advisory Meeting held November 30, 2009.

Jeff Hane stated that arguments were heard in the Federal Court regarding the Managers/Staff lawsuit; that he is waiting word from the Supreme Court on the Agassiz Valley Water Resource Management Breach of the Settlement Agreement (Stengrim lawsuit); that the litigation on the PL-566 (Riley) case has been settled; that the Court of Appeals upheld the District's Court decision on the Drewes (Angus Oslo #4) lawsuit; that arguments were heard in District Court in the alleged open meeting lawsuit filed by Jim Stengrim; and that the Court ruled in favor of the District in the Tom Ritoch case.

A discussion was held on whether to continue with the Open Forum portion of the Board Meetings. No action was taken.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that Patty Fayette be reimbursed at a rate of \$60.00 per week for cleaning of the District office, effective January 1, 2010. Motion unanimously carried.

The review of the District Insurance policies will be reviewed at the January meeting and included as an agenda item.

APPROVED
(as corrected February 1, 2010)

Nick Drees stated that some additional landowners, east of the Agassiz Valley Water Resource Management Project are inquiring as to extending the South inlet channel into the Agassiz Valley Water Resource Management Project, to the East; that Tabor Nursery has proposed to remove the Canadian Cherry trees, at the District office, at a cost of \$200 each and replace them with Harvest Gold Linden's at a cost of \$250 each; and that Tabor Nursery submitted a proposal of \$4,500 to landscape the PL-566 monument.

Jeff Hane requested the meeting be closed, pursuant to Minnesota Statutes 13D.05 subd 3 (b), under the Attorney/Client Privileges for purposes of discussing legal theories and strategies regarding the alleged open meeting lawsuit of Jim Stengrim and the cross claim of Loren Zutz.

Motion by Mr. John W Nelson, seconded by Mr. Roger Hille that the meeting be closed. Motion unanimously carried.

Wallace Diedrich removed 3 recorders from the Board table.

The meeting was closed at approximately 8:45 p.m.

Connie Kujawa, Danny Omdahl, Ron Adrian, and Wallace Diedrich left the meeting at approximately 8:45 p.m.

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

The meeting was reopened at approximately 9:37 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Roger Hille that the employee compensation remain the same as 2009 with no increase in salaries, with the exception that the Board increase the District's contribution to the employee health insurance policy to \$850 per family/month and \$350 per single/month . Motion unanimously carried.

The next regular meeting was scheduled for Monday, January 25, 2010 at 4:00 p.m., at the District office.

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

The meeting was adjourned at approximately 10:05 p.m.

Regular Meeting Minutes
December 21, 2009
Page-7

APPROVED
(as corrected February 1, 2010)

Connie Kujawa
Recording Secretary

Ben Kleinwachter
Secretary