

APPROVED (May 17, 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. APRIL 19, 2010

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

Wallace Diedrich taped the meeting with 1 recorder.

Mr. Doug Sorenson asked the Vice-President, Mr. John W Nelson to chair the meeting.

Mr. John W Nelson took the chair and presided over the meeting.

Motion by Mr. Alvin Nybladh, seconded by Mr. Marvin Hedlund that Connie Kujawa be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion unanimously carried.

Danny Omdahl requested to add a permit (10-012) of Oak Park Township to agenda item #7 (3) (Permits) and Nick Drees requested to add "in lieu of taxes" to agenda item #13 (c) Agassiz Valley Water Resource Management Project. The Board also requested to change the wording of agenda item #16 (2) to read Policy Report.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the agenda be amended to include the addition of permit (10-012) to item #7 (3); to add "in lieu of taxes to item #13 (c); and to change the wording agenda item #16 (2). Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke that the minutes of March 15, 2010 meeting be approved as presented. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that the minutes of the April 5, 2010 meeting be approved as presented. Motion unanimously carried.

James E Johnson joined the meeting at approximately 4:06 p.m.

John Rehder joined the meeting at approximately 4:07 p.m.

APPROVED (May 17, 2010)

Larry Rude and John Johnson joined the meeting at approximately 4:17 p.m.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter that the following bills be paid from the Administrative funds: that payroll checks numbered 4993 through 5004 inclusive for a total of \$15,009.08; and checks numbered 14502 through 14535, including the service charge and safe deposit box rent for a total of \$113,379.53; from the Project funds that checks numbered 1819 through 1826 for a total of \$23,637.12; and from the Ditch Funds that checks numbered 2399 through 2405 for a total of \$7,822.01 be paid. Motion unanimously carried.

Wallace Diedrich addressed the Board during the open forum session of the meeting stating he had a question regarding the Agassiz Valley Water Management Project and wanted to know if he should address it during the open forum or later in the agenda. It was the decision of the Board that this would be addressed during the Agassiz Valley Water Resource Management portion of the meeting.

Motion by Mr. David Bakke, seconded by Mr. Roger Hille that the following permit be issued:

1. Permit (10-010) to Stanley Lane to install a crossing, with an 18" culvert on the north side of CSAH #31, in the SE4 SE4, of section 28, Newfolden Township, with Marshall County to set the elevation.

Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. Doug Sorenson that the following permit be **denied** based on the recommendation of the Minnesota Department of Transportation Traffic Engineer:

2. Permit (00-011) of Tom Ritoch to lengthen the existing 36" cartway culvert, approximately 12' to 16' on the East side of Minnesota Trunk Highway #220; and to install a diagonal driveway into the bin site with either (1) 30" or (3) 18" culverts, in the NW4 SW4 of section 17, of Sandsville Township.

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

3. Permit (00-012) to Oak Park Township to replace and lengthen the 18" culvert with a trap, in the NW4 of section 20 of Oak Park Township.

APPROVED (May 17, 2010)

Motion unanimously carried.

James E Johnson, John Rehder and Dean Danielski discussed the flooding problems associated with Judicial Ditch #1 and the damages to the Farley and Sandsville township roadways. They requested the District look at re-sloping the spoil and set the elevation 1 foot higher than the South spoil as stated in the Middle Snake Tamarac Rivers Watershed minutes of September 1990.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the District perform survey work on Judicial Ditch #1 and research the records to determine how much property the District has to reslope on Judicial Ditch #1; and to check with the District's legal council on the procedure to follow. Motion unanimously carried.

James E Johnson, Dean Danielski and John Rehder left the meeting at approximately 4:55 p.m.

Larry Rude and John Johnson stated that they would like to see the South inlet ditch of the Agassiz Valley Water Resource Management Project extended to the East approximately 5 miles and to include a lateral 1 mile in length between section 13 of Helgeland Township and section 18 of Numedal Township. They also inquired if an approximate cost per benefited landowner could be determined.

Motion by Mr. Roger Hille, seconded by Mr. Doug Soresnon that the Engineer for the District expend up to 15 hours of time and prepare a cost estimate to extend the South inlet ditch of the Agassiz Valley Water Resource Management Project. Motion unanimously carried.

John Johnson and Larry Rude left the meeting at approximately 5:15 p.m.

Correspondence from the Minnesota Views Association concerning a seminar scheduled for April 8, 2010; a policy and procedure statement from Helgeland Township; and the News and Views of the Red River Watershed Management Board were distributed.

Data Practice Requests received from PO Box 131, Warren, MN; from PO Box 467, Park Rapids, MN; and from Tom Ritoch were made available to those who wished to receive a copy of them. Wallace Diedrich and Roger Hille received copies.

APPROVED (May 17, 2010)

Nick Drees reported that Zavoral Construction has repaired the damage to the south spoil of Judicial Ditch #75 caused by the spring flooding and that seeding of the slopes remains to be completed.

Nick Drees stated that there is some erosion and damage to the spoil of Watershed Ditch #5 which was caused by the spring flooding and the outlet end of a 36" CSP appears to be damaged in the NE4 of Section 9 of Esther Township.

The Board authorized the District Administrator hire a contractor to repair the damage caused to Watershed Ditch #5.

Nick Drees stated that he would like the Board to authorize some spot cleaning on Judicial Ditch #14.

Nick Drees reported that the Overall Plan Grant Amendment to the Minnesota Board of Soil and Water Agreement has been signed and returned to them; and that a Draft copy of the District Wide Goals and Policies is available for review.

Nick Drees was directed to furnish each manager a copy of the Draft District Wide Goals and Policies document.

Wallace Diedrich inquired if he would receive a key to the gate on the Agassiz Valley Water Resource Management Project for access to his property in the SE4 of Section 18 of Helgeland Township. The Board informed Wallace Diedrich he would be furnished with a key.

Danny Omdahl stated he has been contacted by a landowner who wishes to have culverts installed in a Texas crossing on the Snake River on his property. The Board stated they needed to look into this matter further.

Nick Drees reported on the damage caused by the spring runoff to the Agassiz Valley Water Resource Management Project. The District would review the damages and report back to the Board.

Nick Drees stated that the crossing, at the inlet end of the South inlet channel of the Agassiz Valley Water Resource Management Project needs to be replaced. The landowner has verbally agreed to allow access to his property, however, it was the opinion of the Board, that a letter from the District's Legal Council is necessary to get written approval from the landowner.

Nick Drees reported that the "in lieu of taxes" paid to Marshall County and Polk County for the Agassiz Valley Water Resource Management Project have been disbursed to appropriate townships, however, the District's property in the N2 of

APPROVED (May 17, 2010)

Section 7 of Comstock Strip and the NE4 of Section 12 of McCrea (Strip) Township have been assessed on the 2010 Marshall County tax statements.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Doug Sorenson that the District inquire to Marshall County as to the exact amount of tax levied for 2010. and that the check issued for payment of the 1st quarter of the 2010 taxes be held until clarification is received. Motion unanimously carried.

Nick Drees reported that the District received a \$10,000 Acceleration Grant from the Flood Damage Reduction Work Group for Engineering costs associated with the Brandt/Angus Impoundment Project and the District should know shortly how much bonding money will be available.

Nate Dalager distributed a schedule he prepared outlining the estimated timelines of the Brandt/Angus Project. He stated that if the permits are received and funding is secured, that construction is tentively scheduled to begin in May 2011.

After discussion, it was agreed that Nate Dalager work with the various Agencies to shorten up the timelines. The Board expressed their desire to let the Brandt/Angus project out on bids this year.

Nate Dalager left the meeting at approximately 6:08 p.m.

Nick Drees reported that more information regarding the funding of ring dikes under the NRCS Ring Dike Equip Program has been received. He stated that the NRCS intends to fund 75% of the construction cost of the ring dike.

A discussion was held concerning the remaining 25% costs for construction of ring dikes under the NRCS Equip Program.

Motion by Mr. Roger Hille, seconded by Mr. Alvin Nybladh that the District pay 20% of the non- NRCS cost of the ring dike with the District portion not to exceed 5% of the total construction cost and that the landowner portion be received before construction begins. Motion carried, with Mr. Marvin Hedlund abstaining.

Nick Drees reported that he attended the hearing on the Marshall County Conditional Use Permit held regarding the Leland and Joel Anderson ring dike. He stated that Marshall County has granted Leland and Joel Anderson a Conditional Use Permit and the District will provide the height of the dike.

It was announced that the Red River Watershed Management Board meeting is scheduled for April 20, 2010, at the Red Lake Watershed District in Thief River Falls. The meeting will begin at 9:30 a.m.

APPROVED (May 17, 2010)

In the absence of the District's legal council, Nick Drees reported that there has been no word from Minnesota State Supreme Court regarding the Manager lawsuit and that the 8th Circuit Court of Appeals has affirmed the lower courts decision in the Manager/Staff lawsuit; that the District is waiting word from the Minnesota State Supreme Court on the Agassiz Valley Water Resource Management Breach of the Settlement Agreement (Stengrim lawsuit); that the Drewes lawsuit has been finalized and we are awaiting word from the Court Administrator on the final costs; that a Writ of Mandamus has been filed in the alleged open meeting lawsuit filed by Jim Stengrim; and that the District prepared a response to the IPAD inquiry.

A discussion was held concerning amending the 2010 meeting schedule of the Board of Managers.

Motion by Mr. Roger Hille, seconded by Mr. Ben Kleinwachter that the District's 2010 meeting schedule be amended to read that (2) regular meetings be scheduled per month, with the meeting's held on the first and third Monday of each month, with the exception of Holiday's. Motion unanimously carried.

It was announced that the Joe Martin, of Brady-Martz and Associates will be presenting the 2009 audit at the May 3, 2010 board meeting.

The Board reviewed the District's Draft response to the Auditor's Management Letter. It was the consensus of the Board to forward the recommendations to Brady-Martz and Associates for review.

It was the consensus of the Board that the following Permit Guidelines be approved:

That all permit requests shall be submitted to the District on forms provided. District Staff will conduct appropriate investigation of the request, including site investigation, Engineer review and recommendations, and contacts of affected individuals and agencies as deemed necessary to provide a recommendation to approve or deny. The frequency design of the affected ditch and district policies that apply shall be noted by District staff, as well as anticipated effect of the request. All permit requests shall come before the Board at a scheduled meeting for further review, discussion, and appropriate action. The following exceptions shall apply:

That the District Administrator is authorized to approve the following permits prior to the next regular scheduled board meeting:

- a. Temporary emergency repairs requested by a Government Agency (township, city or state) when public safety is a factor;

APPROVED (May 17, 2010)

- b. Replacement of culverts with similar diameter and or elevation and location;
- c. Lengthening of in-place culverts
- d. Requests from other governmental agencies (township, city and state) that include hydraulic analysis performed by a registered Engineer.

Adequate time for review of the permits shall be not less than 3 working days prior to the regular scheduled board meeting. Permits that are received, that do not have sufficient time for the District Staff or the Engineer to review shall be addressed at the next scheduled meeting.

Nick Drees distributed the quotes received from Town and Country Plumbing and Heating to repair or replace the Office air conditioning unit.

Nick Drees was directed to request quotes on the air conditioning unit with other businesses and that he also contact electricians requesting cost estimates to install off peak electricity. It was the consensus of the Board that Mr. John W Nelson would review the quotes with the District Administrator and make a determination.

Mr. Ben Kleinwachter left the meeting at approximately 7:27 p.m.

Nick Drees reported that the following quotes, to replace the 2000 Chevrolet Suburban, were received:

Westside Motors of Thief River Falls: \$23,645, with trade
Dahlstrom Motors of Oslo: \$25,000, with trade
Northern Motors of Thief River Falls: \$30,625 without trade
Thief River Ford of Thief River Falls: \$26,265 with trade

Motion by Mr. Roger Hille, seconded by Mr. David Bakke that the District trade the 2000 Chevrolet Suburban with Westside Motors of Thief River Falls and purchase a 2010 Dodge Crew Cab pickup, at the trade-in price of \$23,600. Motion unanimously carried.

Nick Drees reported that he received two quotes for the installation of a television to be used for visual presentations. He stated that Diamond Home Entertainment of Warren, submitted a quote of \$ 2,194.95 and Budget Electronics submitted a quote of \$1,999.99, not including additional installation costs.

Motion by Mr. Alvin Nybladh, seconded by Mr. Roger Hille that the District purchase a television, including the installation charges, from Diamond Home Entertainment of Warren, for \$2,194.95. Motion carried, with Mr. Doug Sorenson abstaining.

APPROVED (May 17, 2010)

Nick Drees announced that a dedication ceremony of the Agassiz Valley Water Resource Management Project and the PL-566 Richard P Nelson monument is being planned for this summer.

Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke that the District expend up to \$4,500 of PL-566 project funds, with Tabor Prairie Nursery to complete the landscaping of the PL-566 Richard P Monument. Motion unanimously carried.

A discussion was held concerning the employment of summer help.

Motion by Mr. Alvin Nybladh, seconded by Mr. Marvin Hedlund that the District Administrator be authorized to hire summer help if deemed necessary. Motion unanimously carried.

Nick Drees stated that the District does not use one of the 4-wheelers and asked if the District should sell it.

It was the consensus of the Board that the District is not interested in selling the 4-wheeler, at this time.

Connie Kujawa announced that the advertisements to receive bids for equipment rental for the 2010 construction season have been published and mailed. The equipment bid rental opening is scheduled for May 17, 2010, at 1:00 p.m., at the District office.

The next regular meeting's of the Board of Managers are scheduled for May 3, 2010, at 4:00 p.m., and May 17, 2010, at 4:00 p.m., at the District office.

Motion by Mr. Doug Sorenson, seconded by Mr. David Bakke that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 7:50 p.m.

Connie Kujawa
Recording Secretary

Ben Kleinwachter
Secretary