

APPROVED (as presented June 21, 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. JUNE 7, 2010**

The meeting was called to order by President Doug Sorenson. Managers David Bakke, John W Nelson, Doug Sorenson, Ben Kleinwachter and Marvin Hedlund were present. Managers Alvin Nybladh and Roger Hille were not present. Nick Drees, Connie Kujawa, Danny Omdahl, Ron Adrian, Tony Nordby, and Wallace Diedrich were also present.

Wallace Diedrich taped the meeting with one recorder.

Motion by Mr. John W Nelson, 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.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that the agenda be accepted as presented. Motion carried.

John and Linda Bodell joined the meeting at approximately 4:04 p.m.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the minutes of the May 17, 2010 meeting be accepted as corrected. Motion unanimously carried.

Manager Alvin Nybladh joined the meeting at approximately 4:10 p.m.

John and Linda Bodell inquired if the District could stop the draw down of the Agassiz Valley Water Resource Management Project. They stated the coulee is flooding in section 35 of McCrea Township.

Nick Drees stated the District is closely monitoring the draw down of the Agassiz Valley Water Resource Management Project and he reported that if there appears to be flooding occurring, the gate is closed a few inches until the flooding recedes.

Don Loeslie joined the meeting at approximately 4:11 p.m.

John and Linda Bodell left the meeting at approximately 4:12 p.m.

Wallace Diedrich reported the township road ditch, in the SW4 of section 13, of Brislet Township, is not draining and he inquired if the District has any intentions to clean the east township road ditch.

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Nick Drees informed Wallace Diedrich that the District is in the process of preparing to clean approximately ¼ mile, in the vicinity of the culvert in the SW4 of section 13 of Brislet Township.

Don Narlock joined the meeting at approximately 4:17 p.m.

Myron Larson joined the meeting at approximately 4:20 p.m.

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

1. Permit (10-015) to Allan Smith/Eagle Point Township to remove a 24" culvert on the East side of Minnesota Trunk Highway #220 and to install a 36" culvert with a trap, in the SW SW of section 27, of Eagle Point Township.

Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke that the following permit be approved:

2. Permit (10-017) to Don Loeslie to move the crossing to the South and remove the 18" culvert and install a 24" culvert in the NW NW, of section 15 of Warrenton Township, with the District to set the height of the culvert;

Motion unanimously carried.

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

3. Permit (10-018) to Potucek Farms, Inc to install a crossing with an 18" culvert, on the East side of the township road, at the East/West 80 line, in the NW4 of section 16 of Comstock Township;

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that the following permit be tabled for further review and recommendations are received from the District Engineer;

4. Permit (10-019) of Eric and Neil Johnson to install a 30" field drain culvert with a trap into the existing swale in the NE NW, of section 33 of Warrenton Township;

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Don Loeslie left the meeting at approximately 4:55 p.m.

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

5. Permit (10-020) to Ben Kleinwachter to install a trap on the existing 15" culvert, on the North side of Judicial Ditch #19, in the SE4 of section 24 of Nelson Park Township and to install a trap on the existing 24" culvert on the South side of Judicial Ditch #19, in section 25 of Nelson Park Township.

Motion carried, with Mr. Ben Kleinwachter abstaining.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the following permit be tabled pending additional information:

6. Permit (10-021) of Gordon Pietruszewski to install a trap on the north side of the existing 30" culvert, on the south side of Judicial Ditch #19, in the NW NW of section 30 of Lincoln Township.

Motion unanimously carried.

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

7. Permit (10-022) to Johnson Farms to approve the installation of a new field crossing with an 18" culvert on the east side of Marshall County Road #104 in the SW SW of section 16 of Warrenton Township; and that the existing 18" field crossing culvert at the ½ mile line, on the east side of Marshall County Road #104 remain as is, in the SW SW of section 16 of Warrenton Township.

Motion unanimously carried.

Don Narlock left the meeting at approximately 5:25 p.m.

Motion by Mr. David Bakke, seconded by Mr. Ben Kleinwachter that the following permit (10-023) to Tom Ritoch be denied. Motion failed.

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

8. Permit (10-023) to Tom Ritoch to construct a diagonal driveway to the binsite starting at the east edge of the crossing on the east side of Minnesota Trunk Highway #220, with the elevation of the driveway to be

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no higher than 815.0', and to install (1) 30" culvert or (3) 18' culverts under the driveway.

A roll call of votes was taken with Mr. Alvin Nybladh and Mr. David Bakke voting nay; and Mr. Ben Kleinwachter, Mr. Marvin Hedlund and Mr. John W Nelson voting yes. Motion carried.

Mr. David Bakke left the meeting at approximately 5:59 p.m.

A discussion was held on the draft recording and open meeting policies of District. .

A motion was made by Mr. Ben Kleinwachter to table the draft recording and open meeting policy until the next regular meeting. The motion died for lack of a second.

Motion by Mr. Marvin Hedlund, seconded by Mr. Alvin Nybladh that the District not record the meetings and that the following open meeting policy, dated May 7, 2010, be adopted effective June 7, 2010:

Open Meeting Policy

1. Full Compliance Policy: It is the policy of the Middle Snake Tamarac Rivers Watershed District to comply fully with the letter and spirit of the Minnesota Open Meeting Law, Chapter 13D. Employees, legal counsel, and managers will make every effort to ensure complete compliance with the legal requirements for meetings. When the interpretation of the law is necessary to evaluate compliance of a proposed action, legal counsel will be consulted.
2. Meeting Notice: An annual schedule of regular meetings will be established by the Board of Managers and kept on file at the District office. Additionally, the schedule will be posted on the window of the district office and on the district website. Special meetings will be posted in accordance with MN Statute 13D. This posting will be on the window of the district office and on the district website. Topics for discussion or action will be included in the notice of the special meeting. Topics for discussion or action will be limited to those topics included in the special meeting notice. Emergency meetings will be called and noticed in accordance with MN statute 13D. When time permits, notice of an emergency meeting including the topic will be posted on the window of the district office. If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting shall include a specific description of the matters.
3. Meeting Agenda Preparation. A proposed (draft) agenda for each regular meeting will be completed 5 calendar days before the regularly scheduled meeting, except in exigent circumstances. This proposed agenda, along with supporting materials, will be distributed to managers as soon as it is completed.

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Managers who wish to have specific items included on the proposed agenda will notify the chair or district administrator as far in advance of the preparation of the proposed agenda as possible and generally more than 5 calendar days before the meeting. If the chair and administrator determine insufficient time exists to prepare the necessary supporting materials for consideration of the item, the item will be noted on the agenda along with a recommendation that the item be deferred until a later date. The proposed agenda will be posted on the window of the district office as well as the district website.

4. Availability of Meeting Documents. A complete copy of all documents (excluding non-public documents) provided to managers before or during a meeting will be available for review by the public during the meeting as well as during regular business hours following the meeting.
5. Agenda Approval. During the course of a meeting, agendas are approved by the managers by majority vote. Motions to amend the agenda are in order and will be decided by majority vote.
6. Regular Meetings. Regular meetings will be scheduled twice per month. Regular meetings are open for all business.
7. Meeting Cancellation. The chair in consultation with the District Administrator may cancel any meeting for inclement weather. The first regular meeting of the month may be canceled when the chair and administrator determine insufficient business exists to justify the time and expense of the meeting. Meeting cancellations will be noticed by posting on the window of the district office and the district website. Managers will be notified by phone or email.
8. Rescheduling Regular Meeting. If a regular meeting is not held at the time or place indicated on the schedule, notice of the meeting will be provided according to the three day notice requirements of a special meeting. The notice will indicate that this is a rescheduled regular meeting identifying the original time and place of the regular meeting as well as the rescheduled time and place.
9. Closed Meetings. Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege. The decision to close a meeting will be upon the advice of legal counsel. Framing the motion to close will be guided by legal counsel.
10. Committees. Meetings of committees that are not regularly scheduled will be noticed according to the three day notice requirements of a special meeting. Notice posting will be on the window of the district office as well as the district website. The meeting will be open for business in the area of the committee's jurisdiction.

Motion unanimously carried.

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Nick Drees distributed the document categorizing the District Data on Individuals, for the Board's review. He stated the District's legal counsel has reviewed the document and finds it acceptable.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the District adopt the Data on Individuals document as presented. Motion unanimously carried.

Correspondence from the Minnesota Association of Watershed District's regarding the Water Management Summit for Local Governments scheduled for July 12, 2010, in St. Cloud, Minnesota was distributed.

Mr. Marvin Hedlund left the meeting at approximately 6:25 p.m.

Nick Drees reported that a Flood Damage Reduction Work Group meeting is scheduled for June 23, 2010, at Detroit Lakes and the Annual Minnesota Association of Watershed District's Summer Tour is scheduled for June 24-June 26, 2010.

Nick Drees stated that the law firm of Rinke-Noonan is conducting a survey to evaluate their services. The Board directed the Administrator to participate in the survey.

Nick Drees reported the next meeting of the Red River Watershed Management Board is scheduled for June 15, 2010, in Fertile, Minnesota.

Nick Drees stated that the right of way markers and grass strip along portions of State Ditch #3 were washed away during the spring flood. He stated that portions of the right of way, maintained by the ditch system, in section 1 of Big Woods Township, have been seeded to crop by the adjacent landowners.

It was the consensus of the Board, that grass strip be re-seeded along portions of the State Ditch #3 right-of-way as soon as possible and that a letter be mailed to the landowners informing them that the crop will be worked up and the right of way will be seeded to grass.

A discussion was held concerning additional signage warning the public of the possibility of water over the roads at the Agassiz Valley Water Resource Management Project and the Angus Oslo #4 impoundment.

Nick Drees was directed to get signs warning the public of the possibility of water over the roads at the Agassiz Valley Water Resource Management Project and the Angus Oslo #4 Impoundment.

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Nick Drees reported that the CRP contract on the lands in the SW4 of section 12 of Brislet Township has expired.

It was the consensus of the Board to not renew the CRP contract in the SW4 of section 12 of Brislet Township.

Nick Drees informed the Board on the landscaping progress of the PL-566 Richard P Nelson memorial. He stated that the dedication ceremony is scheduled for July 19, 2010, with the time to be announced at a later date.

Nick Drees updated the Board on the status of the well of Darlene Olson. He reported that the lands owned by John Hapka in sections 19 and 30 of Comstock Township have been sold and he has been informed by the Minnesota Department of Natural Resources that the permit issued to the John Hapka for irrigating the tiled fields does not carry over to the new owner.

Ron Adrian stated he has prepared a power point presentation which he will present at the next regular meeting regarding the request to extend the South inlet channel of the Agassiz Valley Water Resource Management Project. Mr. Adrian briefly reviewed the details of the project and stated, that in his opinion, an Improvement Petition would be required.

Nick Drees stated he has not heard from Mike Peterka regarding the letter mailed to him requesting access to the property to replace the crossing at the inlet end of the South inlet channel.

Nick Drees was directed to send another letter to Mike Peterka requesting a written consent to access the property.

Mr. John W Nelson inquired on the status of the EQIP Ring Dike Program. Ron Adrian stated that the estimates for some of the ring dikes have been finalized and they will start soliciting quotes from contractors this week.

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

The meeting was adjourned at approximately 7:08 p.m.

Connie Kujawa
Recording Secretary

Ben Kleinwachter
Secretary