



**APPROVED (Sept 7, 2010)**

made to increase the Building Maintenance item to \$8,000; and to decrease the Project Construction item to \$43,540.

**RESOLUTION ADOPTING BUDGET & LEVIES**

1) the proposed 2011 Administrative Funds Budget be set at:

Building Maintenance	8,000	Miscellaneous	1,000
Utilities	5,000	Insurance	20,000
Supplies/Equipment	15,000	Legal/Professional/Administrative Services	62,000
Telephone	5,000	Managers Per Diem & Expenses	15,000
Publication & Printing	5,000	Association Dues	1,500
Postage	2,000	Employee Mileage & Expenses	1,500
Employee Payroll & Fringes	311,400	Vehicle Expenses	18,000
USGS Stream Gage & Cost Share	8,500	Project Construction	43,540
Property Taxes	20,000	Stream Maintenance	7,500
		Total	549,940
		Less Estimated Project Expenses (1)	299,940
		Net Administrative Fund Budget	250,000

2) that the Secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson and Roseau Counties a proposed Administrative Fund Levy of **\$250,000**.

3) that the Secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson and Roseau Counties a proposed Project Fund Levy of .04836 percent of the estimated Market Value of all the taxable property within the District.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the Secretary certify to the Auditors of Marshall, Polk and Pennington Counties the levies for the repair and maintenance of the Ditch funds, as amended, with the levy of Judicial Ditch #75 increased to 2%:

<u>Drainage System No</u>	<u>Percent (Benefits)</u>	<u>Levy Projected Receipts</u>
JD #1		
Marshall	0.00%	0
Polk	0.00%	0
WD #2		
Marshall	0.00%	0
SD #3		
Marshall	0%	0
WD #4		
Marshall	0.00%	0
Polk	0.00%	0
WD #5		
Polk	.25%	6,420

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BRF	6.281%	161,290
WD #6		
Polk	.50%	9,700
BRF	5.34%	103,540
WD #7		
Marshall	3.00%	9,130
Polk	1.00%	340
WD #7-Imp		
Marshall	0.00%	0
Polk	2.00%	1,080
JD #14		
Marshall	2.00%	890
Pennington	2.00%	400
JD #15		
Marshall	.50%	7,670
JD #16		
Marshall	2.00%	18,580
JD #17		
Marshall	0.00%	0
Polk	0.25%	1,560
JD #20		
Marshall	.25%	5,880
JD #21		
Marshall	0.00%	0
JD #24		
Marshall	.03%	60
Polk	.03%	20
JD #25-I		
Marshall	0.00%	0
Polk	0.00%	0
JD #25-II		
Marshall	0.00%	0
Polk	0.025%	100
Pennington	0.00%	0
JD #28		
Marshall	2.00%	1,120
JD #29		
Marshall	1.00%	22,370
CD #39		
Marshall	3.00%	3,770
CD #39 Improvement		
Marshall	5.88%	6,370
JD #68		
Polk	0.03%	60
JD #75		
Polk	2.00%	73,060
BRF	3.142%	114,790
CD #175		
Polk	0.01%	110
PL 566 (lien)		
Marshall	0.316%	36,810
PL 566 (maint)		
Marshall	0.010%	1,160
PL 566 (operation)		
Marshall	0.030%	3,460

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Motion unanimously carried.

Dale Narlock joined the meeting at approximately 4:27 p.m.

Ron Osowski joined the meeting at approximately 4:30 p.m.

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

The Budget hearing was closed and the regular meeting was reconvened at approximately 4:30 p.m.

Motion by Mr. David Bakke, seconded by Mr. Marvin Hedlund that the minutes of the August 2, 2010 meeting be approved, as corrected. Motion unanimously carried.

The Financial Report was reviewed and filed for purposes of audit.

Motion by Mr. John W Nelson, seconded by M. Roger Hille that the following bills be paid: from the Administrative funds: that payroll checks numbered 5041 through 5053 inclusive for a total of \$14,968.82; and checks numbered 14641 through 14676, including the service charge for a total of \$19,163.47; from the Project funds that checks numbered 1858 through 1878 for a total of \$421,289.94; and from the Ditch Funds that checks numbered 2423 through 2431 for a total of \$52,391.59 be paid. Motion unanimously carried.

John and Linda Bodell addressed the Board during the Open Forum portion of the meeting. They stated that they have been in contact with the Minnesota Department of Natural Resources concerning cleaning the South Branch of the Snake River in section 35 of McCrea Township. They reported the Minnesota DNR is not willing to allow cleaning the entire coulee at this time.

Nick Drees informed John and Linda Bodell that the Minnesota DNR is reluctant to clean the entire coulee and that the Watershed District has applied for a permit to clean the 1<sup>st</sup> reach of the coulee, which he expects the District to receive shortly.

John and Linda Bodell left the meeting at approximately 4:45 p.m.

Ron Osowski discussed the drainage issues plaguing Marshall County Ditch #38. He stated that when the ditch is full the lands on the North side can not drain and inquired if the Watershed District could check the elevations of the culverts along Marshall County Ditch #38. He also stated that Bloomer Township will supply

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the culverts and labor to perform whatever works need to be done to drain the lands.

Ron Osowski was directed to complete a permit application and submit it to the District.

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

1. Permit (10-033) to Solem Farms to remove a township road 15" centerline culvert and replace with (1) 18" culvert, in the SE SW of section 20 of Higdem Township.

Motion unanimously carried.

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

2. Permit (10-034) to Paul Novacek to install a field crossing on the North side of Polk County Road #67, with an 18" culvert, in the SE SW of Section 23 of Northland Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be denied due to the works requested are not on the properties of the applicant:

3. Permit (10-035) of Gerald Hermreck to remove a dike on the West side of the property line, in the SE NW of section 7 of Viking Township.

Motion unanimously carried.

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

4. Permit (10-036) to Jarod Peterson to install 4" field drain tile in the NE4 and outlet the water in the SW SE; to install a 10HP motor with a 754 GPM pump, in the E2 of Section 16 of Brislet Township, subject to the requirements of other governing bodies that may be affected.

Motion unanimously carried.

Ron Osowski gave a brief update on the Joint Powers Commission Board regarding Federal funding and meetings held with Legislature's on the flooding issues within the Red River Basin.

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Nick Drees stated the Red River Basin Commission meeting is scheduled to meet September 2, 2010.

Ron Osowski left the meeting at approximately 5:40 p.m.

Correspondence was distributed from the Minnesota Viewers Association concerning a seminar scheduled for August 26, 2010; from John Johnson concerning the drainage issues upstream of Judicial Ditch #25-1; and from Elden Elseth requesting legal council representation in regards to the Jim Stengrim Open Meeting lawsuit.

A discussion was held on the drainage issues upstream of Judicial Ditch #25-1 and the Agassiz Valley Water Resource Management Project, and the landowners request to extend the South inlet ditch of the Agassiz Valley Water Resource Management Project. It was the consensus of the Board that no action be taken at this time, until a meeting with the landowners is held to determine what avenue they would like to pursue.

Jeff Hane directed the Board to address the letter from Elden Elseth during the closed portion of the meeting since it relates to the Jim Stengrim Open Meeting lawsuit.

A data practice request from 103 Holmes Street East #109, Detroit Lakes, Minnesota was distributed.

Nick Drees reported that cleaning of Lateral 2 of Judicial Ditch #25-1 is nearly complete; and that there are numerous trees on the slopes and spoil of Judicial Ditch #14, Main Branch, that are hindering the drainage of Judicial Ditch #14.

It was the consensus of the Board that the District Administrator work with the landowners in removing the trees along the spoil and slope of Judicial Ditch #14.

Nick Drees distributed a revised Section 6 of the District's Overall Plan for the Board to review. He also informed the Board that the Board of Water and Soil Resources has not reviewed the draft as of yet. After the review, a CAC/TAC meeting will be held prior to a hearing on the plan.

Nick Drees reported that the lease agreement and CRP contract with Philip Omdahl on 38 acres in Section 13 of Brislet Township in the Agassiz Valley Water Resource Management Project is due to expire and that Philip Omdahl is requesting to the extend the CRP contract and change the seed mixture to more native grasses.

A discussion was held on the terms of the lease agreement and whether there should be a charge imposed per acre to extend the agreement. Nick Drees was

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directed to work out some details with Philip Omdahl and also seek the advice of the District's legal council.

Nick Drees informed the Board that a petition is being prepared for circulation by the landowners along Polk County Ditch #43 and Polk County Ditch #44 requesting jurisdiction of the ditches be turned over to the Watershed District.

Nick Drees stated that a Project Work Team meeting for the Brandt/Angus Project is scheduled for August 26, 2010.

Dale Narlock addressed the issue of the trap leaking on the culvert placed on the ring dike of Selene Narlock. He stated that numerous attempts have been made to remedy the situation with nothing working. He inquired if the Board had any recommendations or if the District would cost share to replace the culvert and trap.

Motion by Mr. Roger Hille, seconded by Mr. Marvin Hedlund that the District cost share, on a 80/20 basis, with Dale Narlock, for the installation of a canal gate on the culvert through Selene Narlock's ring dike. Motion unanimously carried.

It was announced that the Red River Watershed Management Board meeting is scheduled for August 17, 2010 at the Courtyard by the Marriot, in Moorhead, Minnesota; and a letter from John Finney, President of the Red River Watershed Management Board to the Army Corps of Engineers concerning the Fargo/Moorhead diversion was distributed.

Jeff Hane reported that the United States District Court has dismissed the Managers and Staff Lawsuit and that the 8th District Court of Appeals has upheld the District Court's decision; that the Supreme Court has ruled on the SLAPP Motion and that the taxed costs have been ruled in favor of the District regarding the Agassiz Valley Water Resource Management Breach of Contract lawsuit; and that depositions are scheduled this week regarding the Open Meeting lawsuit filed by Jim Stengrim.

The agenda item 16 (4) IPAD, was not intended to be included on the agenda as this is not a pending issue.

Nick Drees reported that he has been in contact with the grant writer for the City of Warren, and is checking to see if the District would qualify for funding to fix the District's garage.

The next regular meeting's of the Board of Managers is scheduled for Tuesday, September 7, 2010, at 4:00 p.m., and Monday, September 20, 2010, at 4:00 p.m., at the District office.

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Jeff Hane announced that the meeting be closed pursuant to Minnesota Statutes 13D.05 subd 3 (b) for Attorney Client Privileges to discuss legal theories and strategies regarding the Stengrim Open Meeting lawsuit and the MSTRWD vs Stengrim (Breach of Contract) lawsuit.

Motion by Mr. Marvin Hedlund, seconded by Mr. Ben Kleinwachter that the meeting be closed for Attorney/Client privileges pursuant to Minnesota Statutes 13D.05 subd 3 (b) to discuss the Stengrim Open Meeting lawsuit and the MSTRWD vs Stengrim (Breach of Contract) lawsuit. Motion unanimously carried.

The meeting was closed at approximately 6:50 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 7:55 p.m.

Upon the advice of the District's legal counsel there will be no response to the letter received August 14, 2010 from Elden Elseth.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that Jeff Hane be authorized to sign a Joint Defense Agreement regarding the Stengrim Open Meeting lawsuit. Motion unanimously carried.

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

The meeting was adjourned at approximately 8:09 p.m.

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Connie Kujawa  
Recording Secretary

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Ben Kleinwachter  
Secretary