

APPROVED (as corrected Sept 20, 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. SEPTEMBER 7, 2010**

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

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson 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. Alvin Nybladh that the agenda be accepted as presented. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Marvin Hedlund that the minutes of the April 16, 2010 meeting be approved, as presented. Motion unanimously carried.

Wallace Diedrich joined the meeting at approximately 4:10 p.m., and taped the meeting with one recorder.

Mr. Doug Sorenson distributed each Manager the Oath of Managers for signature. Connie Kujawa notarized the signature of each Manager.

Mr. Doug Sorenson opened the floor for nominations for the reorganization of the Board.

Motion by Mr. Roger Hille, seconded by Mr. David Bakke that the Managers cast a unanimous ballot and that the current slate of officers remain as follows:

President-Doug Sorenson
Vice President-John W Nelson
Secretary-Ben Kleinwachter
Treasurer-Alvin Nybladh
Asst Secretary/Treasurer-Marvin Hedlund

Motion unanimously carried.

Mr. Roger Hille stated that he voted nay on the permit (10-036) that was approved at the August 16, 2010 meeting, and that he wished not to amend the motion to approve the minutes as presented.

APPROVED (as corrected Sept 20, 2010)

Motion by Mr. John W Nelson, seconded by Mr. Roger Hille to add agenda item #10(a) Open Forum to the agenda. Motion unanimously carried.

Don Narlock was present during the open forum session and stated his concerns regarding the permit (10-019) issued for the installation of a culvert installed on the NE/NW quarterline in section 33 of Warrenton Township. It was his opinion that the culvert may freeze shut and the trap will not function causing his farmyard to flood. He requested that a resolution be made to remove the berm on the Johnson property in the NW4 and that the open swales that have been filled be reopened.

Ken Johnson joined the meeting at approximately 4:15 p.m.

Mike McFarland joined the meeting at approximately 4:25 p.m.

After discussion, the Board provided an option that the trap on the culvert remain open in the fall, and that the height of the berms in relationship to the bins on Don Narlock's farmstead be looked into.

Don Narlock left the meeting at approximately 4:45 p.m.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Roger Hille that the following permit be issued:

1. Permit (10-037) to Brislet Township to remove a 24" centerline culvert and replace with (1) 24" centerline culvert, at the same elevation, in the SW SW of section 29 of Brislet Township.

Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. Roger Hille that the following permit be issued:

2. Permit (10-038) to Joel Vinkemeier to install a field crossing with an 24" culvert, at the established grade, on the South side of MCSAH #24, in the NE NW of Section 14 of Sinnott Township.

Motion unanimously carried.

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

3. Permit (10-039) of Don Strickler to remove sediment and reslope the North township road ditch to a 4:1 slope, for approximately 40 rods, adjacent to the Brandt/Angus Coulee, in the SE SW of Section 23 of

APPROVED (as corrected Sept 20, 2010)

Angus Township, provided permission is granted from the road authority approving the work.

Motion unanimously carried.

The following permit was approved by the District Administrator pursuant to the Permit Guidelines set by the District:

4. Permit (10-040) to Marvin Hedlund to lengthen an existing 18" field crossing culvert by approximately 10' in the NE of Section 18 of Sandsville Township.

The following permit will be granted by the District Administrator pursuant to the Permit Guidelines set by the District:

5. Permit (10-041) to Big Woods Township to remove a failed 72" Ag Levee Centerline pipe and replace with (1) 72" centerline pipe in the SE NE of Section 7 of Big Woods Township.

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

6. Permit (10-042) to Ron Pape to lower (2) 18" township centerline pipes on Polk County Ditch #175, approximately 1', in the SW SE of Section 2 of Esther Township.

Motion unanimously carried.

Ken Johnson discussed the NRCS funding for the construction of ring dikes. He requested the Board change the 25% landowner portion to 12 ½ % landowner portion and 12 ½% District portion.

After discussion, the Board took no action.

Ken Johnson and Mike McFarland left the meeting at approximately 5:20 p.m.

Nick Drees reported that a viewing of the Agassiz Valley Water Resource Management Project outlet site was held with the Minnesota Department of Natural Resources. He stated that the District is waiting to receive an easement from the property owner to perform works on the outlet, and that the District has not yet received the permit from the Army Corps of Engineers to clean the South Branch of the Snake River.

It was stated that the landowner would like to sell the property along the South Branch of the Snake River to the District. The Board agreed that the discussion

APPROVED (as corrected Sept 20, 2010)

of purchasing this property be added to agenda for the next meeting of the Board.

Nick Drees distributed a letter from Charlie Anderson of JOR Engineering, suggesting that the mudjacking of the outlet structure of the Angus Oslo #4 Impoundment be postponed until next spring to see if more settling will occur.

Motion by Mr. Doug Sorenson, seconded by Mr. Roger Hille that the District initiate JOR Engineering to perform the mudjacking of the outlet structure of the Angus Oslo #4 Impoundment this fall. Motion unanimously carried.

Nick Drees reported that the Brandt/Angus Project Work Team met last week and consent forms were signed by the representatives of the various agencies and landowners, excluding the Army Corps of Engineers who were not present.

Nick Drees also reported that a petition to Polk County has been received from the landowners along Polk County Ditch #43 and Polk County Ditch #44 requesting the Polk County Commissioners turn jurisdiction of these ditch systems to the District. He stated the Polk County Commissioners are favorable to the petition and that a hearing on the petition will be held sometime in November.

Roger Hille discussed the permit guidelines set by consensus of the Board at the April 19, 2010 meeting. He stated that the guidelines refer to the permits that the Administrator can issue, but the Board should consider a resolution adopting permit guidelines and rules for the Board to follow.

A motion was made by Mr. Ben Kleinwachter to adopt by resolution the permit guidelines set by the Board at the April 19, 2010 meeting. Mr. Ben Kleinwachter withdrew his motion.

After discussion, it was agreed that the resolution adopting permit guidelines would be addressed and added to the agenda at the next meeting of the Board.

The 2009 Advisory Committee member list was distributed. The Board will review the member list and make recommendations and changes at the next regular meeting.

A letter from Rick St. Germain of Houston Engineering was distributed regarding the effects of extending the South and North Inlet Channels of the Agassiz Valley Water Resource Management Project.

Nick Drees reported that the Motion Hearing on the Open Meeting Lawsuit of Jim Stengrim has been rescheduled to October 25, 2010; that the District received \$1,391.21 from Jim Stengrim for court costs awarded to the District for Agassiz Valley Water Resource Breach of Contract lawsuit; that the lawsuit filed against

APPROVED (as corrected Sept 20, 2010)

the Managers and staff has been appealed to the U.S. Supreme Court; and that the Managers lawsuit before the Minnesota Supreme Court is still pending; that in the lawsuit filed by Loren Zutz and Elden Elseth against Roughrider Investigations the lower court ruling has been upheld by the North Dakota Supreme Court.

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

The meeting was adjourned at approximately 6:58 p.m.

Connie Kujawa
Recording Secretary

Ben Kleinwachter
Secretary