

APPROVED (July 18, 2011)
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. JULY 05, 2011

The meeting was called to order by President Doug Sorenson. Managers Doug Sorenson, John W Nelson, Alvin Nybladh, Marvin Hedlund, David Bakke, Roger Hille and Ben Kleinwachter were present. Nick Drees, Danny Omdahl, Ron Adrian, Lon Aune, Linda Bodell, John Bodell, Doug Carlson, Jeff Chwialkowski, Mark Gowan, Curtis Haugen, David Haugen, Floyd Johnson, Cary Osowski and Joel Osowski were also present.

Motion by Mr. Alvin Nybladh, seconded by Mr. David Bakke that Danny Omdahl be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. Ben Kleinwachter that the agenda be amended to include Permit #12 (11-041) Joe McGregor. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the minutes of the June 6, 2011 meeting be approved, as corrected. Motion unanimously carried.

John and Linda Bodell addressed the Board during the Open Forum. They expressed their concern about water issues in the South Branch of the Snake River. Mr. Roger Hille suggested that the obstacles in diverting the channel to the Richard P. Nelson Floodway be looked into.

Lon Aune discussed the permit application 11-027 that had been previously denied at the June 20th Regular Board Meeting.

Motion by Mr. John W Nelson, seconded by Mr. Marvin Hedlund that the following permit be denied based on the proposed total increase in culvert dimension:

1. Permit (11-027) to the Marshall County Highway Department to mill and overlay Marshall County State Aid Highway #20 from County State Aid Highway #10 to Minnesota Trunk Highway #75, and to remove the (34)-18" centerline culverts and replace with (34)-24" culverts and to lower the roadway from 6" to 9".

Motion unanimously carried.

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

1. Permit (11-027 Amend) Marshall County Highway Department to mill and overlay Marshall County State Aid Highway #20 from Marshall County State Aid Highway #10 to Minnesota Trunk Highway #75 with the pipe sizes to remain the same and lower the roadway 6" to 9".

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Motion unanimously carried.

After discussion of permit application (11-031) by Cary Osowski, Joel Osowski, Floyd Johnson and Doug Carlson the Board decided a landowner meeting with the District staff was needed to resolve the drainage issues.

Motion by Mr. Roger Hille, seconded by Mr. John W Nelson to table the following permit:

2. Permit (11-031) Cary Osowski to remove an 18" field crossing culvert & install a 24" culvert at the NE SE and remove an 18" field crossing culvert ¼ mile north of the ½ mile line, E2, Sec 26 Oak Park Township.

Motion unanimously carried.

John Hapka joined the meeting at approximately 5:43 p.m.

To accommodate individuals in attendance the permit applications were addressed in the following order:

Cary Osowski, Joel Osowski, Floyd Johnson and Doug Carlson left the meeting at approximately 5:48 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh to approve the following permit:

9. Permit (11-038) Curtis Haugen to not regrade the 48" to the 36" elevation as was originally requested, but rather to replace the 48" and the 36" culverts with a 60" culvert as requested by MNDOT.

Upon discussion that motion was rescinded by Mr. Nelson and agreeable to Mr. Nybladh.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Roger Hille to deny the following permit:

9. Permit (11-038) Curtis & David Haugen to lower a 48" RCP centerline culvert on MN Trunk Hwy 220 to the same grade as the adjacent 36" culvert, NW NW Sec 21 Big Woods Twp.

Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Roger Hille to amend the permit, as requested by Mr. Haugen, to replace the 48" and 36" culverts with a 60" culvert to meet MNDOT standards and approval.

Motion carried.

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Motion by Mr. David Bakke, seconded by Mr. Alvin Nybladh to approve the following permit with the staff sizing the culvert and on the condition that Fork Township approves the installation of the culvert thru the township road.

10. Permit (11-039) David & Steve McGlynn to remove an 18" twp road centerline culvert that drains southerly into Judicial Ditch #29 Lateral 1 & install a new culvert, with the size to be determined by the District, with the inlet end to be installed in the SW SW Sec 30 Parker Township and the outlet end in the NE NE of section 36 Fork Township.

Motion unanimously carried.

David McGlynn left the meeting at approximately 5:45 p.m.

Motion by Mr. Roger Hille, seconded by Ben Kleinwachter to deny the following permit application in its present form.

3. Permit (11-032) Chad Anvinson to install (1)-18" field drain culvert at 2 new locations in the SE4 of section 5 Oak Park Strip Township.

Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Marvin Hedlund to approve the following permit:

4. Permit (11-033) Chad Anvinson to install 160 acres of 4" field drain tile and a 10 HP 0-1,435 GPM variable pump, in SE4 section 20 Sandsville Township.

Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by John W Nelson to approve the following permit with the condition that the permit specifies a 10" polypropylene double walled pipe is installed thru the Ag Levee as a mechanism for a gravity outlet for the tile.

5. Permit (11-034) Tim Anvinson to install 31 acres of 4" field drain tile and a 2 HP 0-285 variable GPM pump in Lot 1 section 18 Higdem Township.

Motion by Mr. John W Nelson seconded by Mr. David Bakke to approve the following permit ;

6. Permit (11-035) Tim Anvinson to install 80 acres of 4" field drain tile and a 5 HP variable GPM pump in the N2 NW4 of section 14 Higdem Township.

Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. Marvin Hedlund to approve the following permit with the clarification that the outlet pipe is an 8" polypropylene pipe that will be installed under the grass strip and spoil bank of Judicial Ditch #1.

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7. Permit (11-036) WJS Nelson to install 160 acres of 4" field drain tile and a 10HP 0-1,387 GPM variable pump in the NW4 of section 21 Higdem Township.

Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. John W Nelson to approve the following permit:

7. Permit (11-037) WJS Nelson to install 120 acres of 4" field drain tile with a 5 HP 0-1,050 variable GPM pump in the W2 NE4 and NE NE in section 29 Sandsville Township.

Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. Alvin Nybladh to approve the following permit:

11. Permit (11-040) Oak Park Township to remove an 18" township road centerline culvert & install a 24" culvert, in the west ditch of MN Trunk Highway #220 in the NE SE of section 29 Oak Park Township.

Motion unanimously carried with Mr. John W Nelson abstaining.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund to approve the following permit:

12. Permit (11-041) Joey McGregor to install 80 acres of 4" drain tile with a sump pump in the W2 SW4 of section 3 Comstock Township.

Motion unanimously carried.

Nick Drees stated that there was nothing to report for the item Communications.

A discussion was held on potential haying of the Agassiz Valley Water Resource Management Project property. Mr. Drees stated that the (3) individuals contacted expressed no interest in haying the site.

Nick Drees discussed two Jim Stengrim Data Practice Requests.

Nick Drees stated that mowing of District ditches and properties will begin shortly. He asked that the Managers make known to staff any mowing or maintenance issues they may know of concerning the ditches or properties.

Watershed Ditches 5 and 6 have had several culvert traps damaged by mowers in past years. A discussion was held on obtaining culvert marking devices for the field inlet culverts. It was the consensus of the Board that the Administrator inquire into the cost of obtaining markers.

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It was brought to the District staff's attention that the ditch leading from the City of Warren's lagoon that intersects with Judicial Ditch 16 is undercut. After discussion the Board felt that this was an issue to be monitored by Warrenton Township.

Nick Drees stated that District Judge Dixon issued an order dismissing the Stengrim/Agassiz Valley Breach of Contract lawsuit.

The MN Office of Administrative Hearings ruled that Mr. Stengrim's appeal of the OAH ruling, that the release of his land appraisal on the Agassiz Valley Project was proper, was not filed prior to the expiration of the appeal period.

Nick Drees stated the District's 10 Year Overall Plan Update has been approved by the Minnesota Board of Water and Soil Resources.

Nick Drees updated the Managers on the Brandt-Angus Coulee Project.

1. The District has received the Wetland Conservation Act (WCA) permit from the West Polk County Soil and Water Conservation District.
2. The District has not received the Army Corps of Engineers permit as of yet.
3. A site visit with Project Engineer Nate Dalager and a representative of the Natural Resource and Conservation Service will be held to see if the Project qualifies for WRP funds.
4. Landowner Option to Purchase Agreements were discussed.

Nick Drees stated that minor repair to the PL-566 Richard P. Nelson Floodway spoil was done south of the Diversion Structure. Small eroding rills have developed on the back slope of the west spoilbank.

Nick Drees said that the 3 year terms of Managers Marvin Hedlund, Ben Kleinwachter and Alvin Nybladh expire in August. And that Polk and Marshall Counties will be making appointments for the next 3 year term on July 19th.

The District's draft Public Access Policy was discussed.

Motion by Mr. Marvin Hedlund, seconded by Mr. Roger Hille that the following Public Access to Flood Control Projects policy be adopted:

PUBLIC ACCESS TO FLOOD CONTROL PROJECTS

This is first and foremost a flood damage reduction project. No public use of District property shall interfere with or negatively impact the operation, management, or maintenance of these lands.

The area around the outlet structure is dangerous. No trespassing is allowed within 50 yards of any outlet structure.

Public access is permitted for recreational activities such as hiking, bird watching, photography and horseback riding. No permit is required for these activities.

- Public access for these types of activities is prohibited during deer rifle hunting

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- season, including youth season.
- No swimming is allowed.
- Maps are available at the District office.

Public access is permitted for hunting, trapping and fishing.

- All state laws must be followed according to the MN DNR
- Anyone using a firearm during a legal hunting season must register at the District office. Any other use of a firearm on District lands is prohibited. Pick up a map at the District office identifying agricultural lands within the project.
- Portable stands and blinds may be used but may not be left overnight.

Please respect this privilege to use these lands for your enjoyment.

- The user assumes all risk.
- Leave no trace. Littering is prohibited.
- No camping.
- No motorized vehicles, except in designated areas.
- No motorized watercraft.
- No fires.
- No alcohol is allowed on District lands.

Motion carried unanimously.

Nick Drees stated that a contractor had approached him with an offer to sell the District a quantity of rock and clay mixture. Upon discussion of the offer the Managers directed Administrator Drees to decline the offer.

Nick Drees reported that area township officials had contacted him about the townships using the excavated material removed from Marshall County State Aid Highway #20 mill and overlay project to raise a number of township roadways and if a Watershed permit would be required. The consensus of the Board was to take no action at this time.

Mr. Doug Sorenson announced that the next regular meeting of the Board is scheduled to be held on July 18, 2011, (3rd Monday) at 4:00 p.m., at the District office.

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

The meeting was adjourned at approximately 8:08 p.m.

Danny Omdahl
Recording Secretary

Ben Kleinwachter
Secretary