

August 7, 2023 (a)

APPROVED
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD VIRTUALLY USING MICROSOFT TEAMS AND AT THE DISTRICT OFFICE
8:30 a.m. August 07, 2023

The Meeting was called to order by President Bill Petersen, Managers Bill Petersen, Brad Blawat, Eric Johnson, Lein Schiller, Joey McGregor and Keith Szczepanski were present. Mori Maher, Kyle Schlomann, Danny Omdahl, Tyler Larson, Rolland Miller, Jim Duckstad, Christian Erickson, Ben Knott, Dean Danielski, Russel Miller, Jim Solem, Robert Wesolowski, Don Loeslie, and Tony Nordby were also in attendance. Jeff Hane attended virtually.

Motion by Mr. Joey McGregor, seconded by Mr. Eric Johnson to approve the Agenda as presented. Motion unanimously carried.

Motion by Mr. Joey McGregor, seconded by Mr. Keith Szczepanski to approve the Minutes of the July 17, 2023, Regular Board Meeting as presented. Motion carried.

Motion by Mr. Joey McGregor, seconded by Mr. Eric Johnson, to approve the following Permit:

Permit (23-065) John Anderson and Peter Hvidsten to install 80 acres of field drain tile in portions of the NE4 and SE4 of Section 1 Parker Township with ¼" drainage coefficient; 40' tile spacings; 5-HP (377 GPM) pump on the quarter line, outletting north into CD #12. Geotextile fabric and riprap must be installed.

Motion unanimously carried.

Motion by Mr. Joey McGregor, seconded by Mr. Eric Johnson to approve the following permit:

Permit (23-067) WJS Nelson to install 5 acres of drain tile, with a ¼" drainage coefficient, a 12" CSP to gravity outlet with an equivalent of 24 GPM, into the Red River. The outlet must have Geotextile fabric and riprap, in the NW4 of Section 29 Higdrem Township.

Motion unanimously carried.

Motion by Mr. Joey McGregor, seconded by Mr. Keith Szczepanski, to approve the following permit:

Permit (23-068) WJS Nelson to install 228 acres of drain tile with ¼" drainage coefficient; 50' tile spacing; 2-gravity outlets (S2 SW 367 GPM pump equivalent and 705 GPM pump equivalent) into JD #1 via 12" and 15" CSPs, Geotextile fabric and riprap must be installed, in the S2 SW4 and SE4 Section 15 Higdrem Township.

Motion unanimously carried.

Motion by Mr. Joey McGregor, seconded by Mr. Brad Blawat, to approve the following permit:

Permit (23-070) Sharon Bring to install 44 acres of drain tile with 100' spacing; 3/8" drainage coefficient; to gravity drain, equivalent to 313 GPM, to tributaries of the Middle River using 1-10" and 2-6" steel outlet pipes, Geotextile fabric and riprap must be installed, in the N2 NE4 of Section 29 West Valley Township.

Motion unanimously carried.

The following Permits were Administratively reviewed and approved:

APPROVED

Permit (23-056) Kristi Audette to install a new crossing in the west 200th Ave NW ditch, in the SE NE of Section 7 Viking Strip Township.

Permit (23-057) MCHD to remove a crossing with a failed 44"x72" CSPA, approximately 1,000' of the quarterline, in the SE4 of Section 34 Vega Township.

Permit (23-058) Adam Gajeski to install a new field crossing to CSAH #5 with an 18" culvert on Marshall CD #12 on the quarter line between the NW4 and the NE4 of Section 6 Tamarac Township.

Permit (23-063) Tom Budziszewski to lengthen an existing 18" CSP under farm driveway in the NE NW of Section 28 Nelson Park Township.

Permit (23-066) Robert Wesolowski to move a crossing with a 30" pipe from vicinity of W.S. to vicinity E.S. of Quarter in the S2 SE4 of Section 11 Helgeland Township. The applicant also asked to remove sediment from the north 200 St NW ditch, which is not a District Rules' permittable activity.

Permit (23-071) MCHD to remove and replace a failed 30" CSP on the north Side of CSAH #5 at the same location and at the same elevation in the SW SE of Section 24 Augsburg Township.

Permit (23-072) MCHD to remove a failed 18" RCP and install a new 18" CSP at the same location and elevation in the SE SE of Section 24 Big Woods Township.

Ben Knott left the meeting at approximately 8:43 a.m. Doni Loeslie joined the meeting at approximately 8:47 a.m. Damon Stroble joined the meeting at approximately 8:54 a.m. Richard and Cheryl Bergeron joined the meeting at approximately 8:50 a.m. Christian Erickson left the meeting at approximately 8:50 a.m.

Engineer Tony Nordby, with Houston Engineering, reported on the Board directed JD #16 survey in Section 36 Vega Township, Sections 31, 32, 33, and 34 in Warrenton Township. He compared current road and spoil bank elevations with 1974 survey elevations. Don Loeslie, Damon Stroble, Cheryl and Richard Bergeron voiced their concerns where the existing spoil is as high or higher than 230th St NW. There was a discussion of unbenefited waters entering JD #16, during spring runoff events and the Townships pursuing FEMA mitigation funds to repair and flatten the inslope and raise the road. The Board directed staff to work with landowners, Townships and Houston Engineering to develop solutions and provide a report at a future Meeting.

Keaton Laymon joined the meeting at approximately 9:22 a.m. (virtual)

Russel Miller discussed a JD #16 damaged culvert during the recent sediment removal. District staff stated the the contractor reported the damage and will repair it.

Technician Larson and Administrator Maher mentioned SD #3 is sluffing at a previous 2023 repair. A Change Order is needed for the repair and Andy Anderson agreed to do the work.

Motion by Mr. Joey McGregor, seconded by Mr. Lein Schiller to authorize President Bill Petersen to sign the Change Order for SD #3 in the amount of \$5,000.00. Motion unanimously carried.

Robert Wesolowski addressed the Board relating to his Permit 23-066. He plans to remove sediment and establish a grade in the north 200th St NW ditch, in the SE4 of Section 11 Helgeland Township. It was the consensus of the Board that the proposed works are maintenance and a District Permit is not needed.

Rob Sip and Dillon Nelson (virtual) joined the meeting at approximately 9:44 a.m. Cheryl and Richard Bergeron left the meeting at approximately 9:47 a.m.

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Keaton Laymon left the meeting at approximately 9:50 a.m. (virtual) Russel Miller left the meeting at approximately 9:52 a.m.

Operations Manager Omdahl and Higdem Township Supervisor Jim Solem discussed a failed JD #68 60" culvert under 490 Ave NW, on S.L. 32/33 Higdem Township. Higdem will apply for FEMA funds for the repair and reduce the size from a 60" to a 48" to match the JD #68 culvert scheme. The Board concurred.

Don Loeslie, Doni Loeslie, and Damon Stroble left the meeting at approximately 10:10 a.m.

RRWMB Executive Director Rob Sip was in attendance to provide Legislative updates and the 2024 budget. Sip also provided an update on the Drainage Work Group's adequate outlet definition and information on the drainage portal registry.

Attorney Jeff Hane stated he is working on entering the correct citations/exhibits into the Board's response to the judge's questions in the MSTRWD and Erickson vs Zutz et al, legal action. When completed, he will send it to the Board for review at the next Regular Board Meeting.

Omdahl discussed the SD #3 repair needs on the north side of the Ditch, in the SE SW Section 34 Parker Twp. A discussion was held on the SD #3 Redetermination of Benefits and applying for grant funds for Ditch repairs. A conversation was held on the possible need to hire additional staff and contracting with a grant writer.

Maher provided a JD #75 Repair update. Technician Larson and Tony Nordby have inspected the Ditch. PKM will be lowering a 3 phase line before the Kongsvinger Church resloping occurs. Omdahl said brushwacking is done on JD #75 Branch. Kraulik Excavating will repair the JD #1 inslope sluffs in Section 19 Farley Township and the 2022 flood damages on JD #75.

Omdahl told the Board there is a request to raise the west CD #44 spoil in 4 locations in the NE4 of Section 29 Angus Township. Omdahl will provide updates as more information becomes available.

Technician Schlomann reported that he is in the process of inspecting ditches for aerial spraying of brush and cattails, checking for beaver dams and the status of grass strips.

Updates on the following projects were provided:

Newfolden - Attorney Hane contacted the owner of a house that needs to be bought and is working on an agreement to obtain the property. HDR is working on the Dam Safety Permit.

Motion by Mr. Joey McGregor, seconded by Mr. Brad Blawat to authorize President Bill Petersen to sign the Wetland Credit Purchase Agreement for 20.3 credits at a total of \$355,250.00. Motion unanimously carried.

Nelson Slough - The Lessard Sams Outdoor Heritage Fund Hearings will be held on August 29 and 30. Administrator Maher and Tony Nordby both plan to attend and present the project for funding.

In the initial review, the project ranked high so it is hopeful that there will be a favorable outcome. Houston is working on setting up a meeting regarding the WACA permit.

Impoundment Mowing- Mowing is done at Agassiz Valley, most of Brant Angus Coulee is done and AO #4 is being mowed.

Swift Coulee - After the RIM easement applications were submitted, BWSR announced it's looking to acquire approximately 70% more easement land for the project than what was submitted. Maher is working on getting clarification from BWSR on this and will talk with the landowners.

Administrator Maher reviewed projects he was applying for funding on, including SD #3 and Swift Coulee. He asked the Board if he should continue. It was the consensus of the Board for Maher to continue.

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Administrator Maher provided information on an alternative way to assess outlet fees for petitions to add lands into drainage systems. The Board will review and address it at the next Regular Board Meeting.

Administrative Assistant Haugen asked the Board how to take leave needed this month as she does not have sufficient time to cover it banked up due to family health care needs. Haugen had the ability to end the year with 40+ hours in Annual leave and 40+ hours in Sick leave. It was the consensus of the Board to allow Haugen to go into the negative, if needed, as there is ample time for it to balance out by the end of the year.

Administrative Assistant Haugen discussed the balances in the Agassiz Valley and AO #4 bank accounts, compared to their balances in the books. In the past, property taxes were paid from the Projects' bank accounts and all of the rent was deposited into those accounts. All expenses, other than taxes, were paid out of the Project general fund. In order to keep an accurate account of the Projects' balances, they will remain where they are and the funds from the bank accounts will repay the Project general fund.

Administrator Maher received a request from Glenn Rivard to move the Petition Hearing to add lands to the Benefited area of WD #4 from September 21, 2023, as set by the Board at the previous meeting, to September 5, 2023. It was the consensus of the Board not to change the Hearing date as Mr. Rivard has not yet submitted his Permit application related to the Petition. The Board appointed Tony Nordby as the Engineer of Record for this Petition.

Memos from Attorney Hane were provided to the Board regarding building up a construction fund and funding of bank stabilization in the City of Warren. The Board will review them and it will be discussed at the next Regular Board Meeting.

A FEMA meeting notice to be held at the Marshall County Courthouse at 9:00 a.m., on August 9, 2023, was discussed.

Maher and Omdahl discussed potential resolutions to present to Minnesota Watersheds for consideration. The deadline to submit resolutions to Minnesota Watersheds is October 1, 2023.

The following meetings were announced:

1. RRWMB Board Meeting Tuesday, August 15, 2023, at 10:00 a.m. at the RRWMB District Office in Ada, MN.
2. Minnesota Drainage Conference August 16-18, 2023, in St. Cloud, MN.
3. MSTRWD Regular Board of Managers Meeting Monday, August 21, 2023 at 8:30 a.m. in Warren, MN.
4. MSTRWD Budget Hearing August 21, 2023 at 10:00 a.m. at the District Office in Warren, MN.

Motion by Mr. Brad Blawat, seconded by Mr. Keith Szczepanski to adjourn the Meeting. Motion unanimously carried.

The Meeting was adjourned at approximately 1:04 p.m.

Katrina Haugen
Recording Secretary

Brad Blawat
Assistant Secretary