

July 17, 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.** **July 17, 2023**

The Meeting was called to order by President Bill Petersen, Managers Bill Petersen, Robert Kovar, Brad Blawat, Eric Johnson, Lein Schiller, Joey McGregor and Keith Szczepanski were present. Mori Maher, Kyle Schlomann, Danny Omdahl, Tyler Larson, Rolland Miller, Jim Ducksted, Keaton Laymon, Keith Weston, Brian Fuder, Jerome Hooper, Matt Fischer, Loren Zutz, Howard Dufault and Tony Nordby were also in attendance. Jeff Hane attended virtually.

Motion by Mr. Robert Kovar, seconded by Mr. Joey McGregor to approve the agenda with the addition of the letter from Loren Zutz under legal. Motion unanimously carried

Doug Schindle joined the meeting at approximately 8:31a.m.

Motion by Mr. Brad Blawat, seconded by Mr. Keith Szczepanski to approve the Minutes of the July 3, 2023, Regular Board Meeting as presented. Motion carried.

The Treasurers Report was reviewed and filed with the auditor.

Gunner Bowman joined the meeting at approximately 8:37 a.m.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat to pay the following bills: Payroll checks #6981-6990 in the amount of \$23,799.74; from Administrative Funds check # 19195-19721 inclusive of ACH withdrawal and service charge in the amount of \$26,256.71; from Project Funds Check #3414-3419 in the amount of \$1,098,786.62; from RRWMB Funds check #218 in the amount of \$58,014.52; From Ditch Funds check #3605-3614 in the amount of \$547,110.54. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Eric Johnson to accept the Partial Payment Requests presented for works on JD#75, March Property, and SD#3 and authorize President Bill Petersen to sign them. Motion unanimously carried.

Matt Fischer was in attendance to review recent Legislative updates relating to Clean water funding, 1W1P funding, Soil Health, RIM Funding, and Flood Hazard Mitigation as well as talk about the Manager Training to be held July 28, 2023 at the Marshall County Courthouse from 9:00-12:00 p.m.

Christian Erickson joined the meeting virtually at approximately 8:52 a.m.

Keith Weston was in attendance to announce his plans to retire from the Red River Retention Authority and introduced Brian Fuder as the new Director of the Retention Authority to the Board.

Loren Zutz left the meeting at approximately 8:57 a.m.

Keith Weston and Brian Fuder left the meeting at approximately 9:08 a.m.

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

- 1) The final culvert location and elevation TBD by MSTRWD Staff
- 2) The 18" culverts must be gated, and the gates shall remain open during Winter and until after the Spring flooding has subsided.

And based on the following findings:

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- 1) The proposed solution appears to be the best way to achieve cover over the culvert yet still provide high water drainage.
- 2) The proposed solution appears to be the best result for keeping water in a channel and off a field.
- 3) The proposed solution is tailored to the problem, which is high water events caused by spring flooding as opposed to summer events.
- 4) Two 18" culverts are essentially the same drainage equivalent to the requested 24".
- 5) The Landowner and renter involved verbally agreed to the solution on the record during the meeting, including expressing their agreement as to cost share of the project.

Permit (23-047) Doug Schindele to install (2) – 18" high-flow centerline culverts through 340th Ave NW, on the Range Line common to the SE4 of Section 36 Sinnott and the SW4 of Section 31 Augsburg, approximately 370' North from Marshall CSAH #5.

Motion unanimously carried.

Dillon Nelson joined the meeting at approximately 9:30 a.m.

Doug Schindele and Jerome Hooper left the meeting at approximately 9:37 a.m.

Doni Loeslie and Don Loeslie joined the meeting at approximately 9:37 a.m.

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to deny the following permit due to correspondence received from the contractor stating that a new application will be submitted with a new outlet design.

Permit (23-032) John Anderson and Peter Hvidsted to install 70 acres of drain tile with ¼" drainage coefficient, 40' spacing, a 5 HP (337 GPM) pump outletting into 410<sup>th</sup> Ave NW, in portions of the NE4 and SE4 of Section 1 Parker Township.

Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Joey McGregor to recess the Regular Board of Managers Meeting for the petition to add lands to the benefited area of JD #16 Hearing scheduled for 10:00 a.m. Motion unanimously carried.

The Regular Board Meeting was recessed at 10:02 a.m.

Motion by Mr. Keith Szczepanski, seconded by Mr. Lein Schiller to open the Public Hearing on the Petition to add lands to the Benefited Area of JD #16. Motion unanimously carried

The Petition to add lands to the Benefited Area of JD #16 Public Hearing was opened at 10:03 a.m. and recorded.

Those present were Managers Bill Petersen, Robert Kovar, Brad Blawat, Keith Szczepanski, Lein Schiller, Eric Johnson, and Joey McGregor. Others present were Mori Maher, Danny Omdahl, Kyle Schlomann, Tyler Larson, Tony Nordby, Doni Loeslie, Don Loeslie, Rolland Miller, Jim Duckstad, Keaton Layman, Gunnar Bowman, Dillon Nelson, Howard Dufault, and Matt Fischer.

APPROVED

Motion by Mr. Brad Blawat, seconded by Mr. Robert Kovar to close the public hearing on the matter of the petition of Tim Sedlacek to add lands to the benefitted area of Judicial Ditch #16. Motion unanimously carried.

**ORDER ON PETITION TO ADD LANDS TO  
THE BENEFITTED AREA OF  
JUDICIAL DITCH #16**

The above-entitled matter came on for hearing before the Board of Managers pursuant to Minn. Stat. § 103E.401 on Monday, July 17, 2023, at the District Offices located at 453 No. McKinley St., Warren, MN 56762. The matter was before the Board on a Petition by Tim Sedlacek as agent for landowners the Gerald F Sedlacek Trust and Gary and Mary Sedlacek to add approximately 2.6 acres of land to the benefitted area of JD#16, said lands being located in the North Half of the Northwest Quarter, together with the Northeast Quarter of Section 36, Warrenton Township, Marshall County, identified as lands within parcel numbers 45-0140-000 and 45-0136-000. Said Petition was dated May 22, 2023 and received on May 30, 2023 at the District Offices. After review and determination of the sufficiency of the Petition, a hearing was set for July 17, and due notice was given to all effected landowners by mail and to the general public by publication pursuant to statute.

After a review of the Record, the District Staff presented information outlining the location of the proposed lands to be added. Following said presentation, the engineer made a presentation to the Board outlining the impact of adding said lands to the drainage system. The Petitioners did not appear, and no other person appeared either in person or electronically to either support or oppose the Petition.

The Board, having reviewed the Petition, and having heard the presentation of the District staff and the District engineer, hereby makes the following:

FINDINGS OF FACT

1. The capacity of the outlet drainage system is such that the channel is adequate.
2. The effect of adding the proposed lands to the drainage system is negligible.
3. The engineer specifically recommends approval of the Petition.
4. The lands proposed to be added are situated essentially identically to the surrounding acres.

Therefore, IT IS HEREBY ORDERED

a. The Petition is conditionally GRANTED. The addition of the lands to the benefitted area is conditioned upon payment by the Petitioners.

b. The outlet fee required by statute shall be as follows: the past 5 years of levy based on the per acre Benefits received for a total of \$2.60.

The costs of the proceeding include the Engineering expense, the expense of Publication and the expense of written notice to all those in the benefitted area of JD#16 for a total of \$1,021.96.

c. Upon payment to the District by the Petitioners of the outlet fee and the costs of the proceeding, the lands requested are deemed added to the benefitted area of Judicial Ditch #16, and the added lands may drain water into the legal ditch.

d. Upon Petitioners' full payment of the fees and costs, the District shall amend the benefitted area rolls and the benefitted area map of JD#16 to reflect the addition of said lands.

Approved of July 17, 2023.

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Bill Petersen, Chair

Motion by Mr. Joey McGregor, seconded by Br. Eric Johnson to allow the petitioned lands into the benefitted area. Motion unanimously carried.

Motion by Mr. Joey McGregor, seconded by Mr. Brad Blawat to charge the petitioner \$1,024.56 for the cost of the petition proceedings and the previous 5 year levy. Motion unanimously carried.

The Public Hearing was closed at 10:29 a.m.

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Motion by Mr. Keith Szczepanski, seconded by Mr. Robert Kovar to reopen the Regular Board of Managers Meeting. Motion unanimously carried.

Regular Board of Managers Meeting was reopened at 10:29 a.m.

Gunner Bowman left the meeting at approximately 10:30 a.m.

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

- 1) The permit is conditional upon the permittee obtaining permission from the Middle River Township Board of Supervisors.
- 2) The improvement of the Northerly crossing with existing 42" CSP and flap gate
- 3) The improvement of the Southerly riverbank per Houston Engineering's Technical Memorandum dated July 14th, 2023.
- 4) The proposed gate shall remain open throughout Winter and until after Spring flooding has subsided.

And based on the following findings:

- 1) This application seeks a remedy for high water events and the parties are in favor of the placement of a gate to be open from the beginning of winter until the conclusion of the annual spring flood.
- 2) The permit is subject to Township approval.
- 3) The proposed solution is approved by the engineer.
- 4) The landowners agree with the proposed solution and are willing to negotiate the costs of installation.

Permit (23-043) Lein Schiller to install a flap gate on the North end of an existing 51"x31" CSPA centerline culvert under 330th St NW, on the section line common to the NW4 of Section 8 and the SW4 of Section 5 Middle River Township.

Motion carried with Mr. Lein Schiller abstaining.

Howard Dufault left the meeting at approximately 10:46 a.m.

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

Permit (23-048) Jarod Peterson to move an existing crossing with a 24" CSP in the East County Road #104 ditch, along the West line of the SW4 of Section 21 Warrenton Township, South approximately 350 feet to the existing crop line. 2) To remove an existing crossing with a 12" CSP in the North County Road #104 ditch and to widen the existing Westerly dry crossing along the South line of the SW4 of Section 21 Warrenton Township.

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

Permit (23-059) Johnson Family Farms to install 237 acres of field pattern drain tile in the SW4 and S2 NW4 of Section 10 Vega Township with ¼" drainage coefficient; 40' tile spacings; 7.5-hp (1114 GPM) VFD pump to outlet to the North Marshall CSAH #20 Ditch.

Motion unanimously carried.

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The following Permits were Administratively reviewed and approved:

Permit (23-054) Wanger Township to remove a failing 36" natural channel culvert, replace with a 36" culvert, same elevation and location, under 280<sup>th</sup> Ave NW, in the SE4 36 Wanger Twp and SW4 Sec 31 Wright Twp.

Permit (23-055) Bloomer Township to lengthen the East end of an existing 24" centerline culver under 410<sup>th</sup> Ave NW.

Technician Larson provided an update to the Board on the completed bank stabilization project for SD #3. Operations Manager Omdahl urged the Board to consider repairs on the North Bank of SD #3 yet this year in Section 34 Parker Township. It was the consensus of the Board to proceed with the repairs if the necessary funds are available.

Technician Larson also provided an update on the outlet repair of JD#75. The first mile of the project going West of CSAH #22 was currently wrapping up. The contractor was preparing to complete works and continue downstream to the next mile.

Larson provide a brief update on the completed repairs at the March Property. He highlighted a few additional works that would need to be completed later this fall after the renter has harvested his crop.

Administrator Maher provided information on the following projects:

**Newfolden-** An updated project timeline was shared with the Board, outlining the remaining work for the entire project. Discussion was held surrounding the dam safety permit for the future impoundment.

**Nelson Slough-** Terracon has completed the additional borings for the modified outlet structure. Maher and Tony Nordby are working on the upcoming Lessard Sam's grant application and meeting.

Maher gave a brief update on the new District laptop and cellphone that were ordered to replace the ones that had been stolen. A proposed 2024 budget was shared with the Board to review. Discussion was held in regard to the increased max admin levy and potential plans for work on the district office building.

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to set the 2024 Budget Hearing for August 21<sup>st</sup>, at 10:00 at the District office.

Motion unanimously carried.

Discussion was held regarding a petition to add lands to the WD #4 Benefited Area. District staff were directed to obtain more information from the petitioner regarding a future permit should he be successfully added to the WD #4 Benefited Area.

Motion by Mr. Keith Szczepanski, second by Mr. Lein Schiller to set the petition hearing date for September 18<sup>th</sup> at 10:00 a.m. at the District office. Motion unanimously carried.

Jim Ducksted left the meeting at approximately 12:12 p.m.

Attorney Jeff Hane provided information to the Board on funds available for upgrades to the district's building. He also outlined different funding options for potential maintenance and repairs to the different river systems within the district's boundary. Hane will prepare a written memo on both subjects and present it to the Board at a future meeting.

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Communication was provided to the Board for an upcoming drainage conference August 16-18, request for 2023 MN Watershed Resolutions and the July 28<sup>th</sup> Watershed Manager Training being held in Warren.

Administrator Maher provided copies of a letter the District received late last week from Loren Zutz pertaining to ongoing and past concerns with the District. Following discussion, it was the consensus of the Board to have District Staff and Attorney Hane review the letter further and compile data related to each concern. Once compiled, the Board would discuss each issue at a future meeting.

The following meetings were announced:

1. RRWMB Board Meeting Tuesday, July 18, 2023, at 10:00 a.m. at the RRWMB District Office in Ada, MN
2. MSTRWD Regular Board of Managers meeting Monday, August 7, 2023 at 8:30 a.m. at the District Office in Warren, MN

Motion by Mr. Robert Kovar, seconded by Mr. Joey McGregor to adjourn the Meeting. Motion unanimously carried.

The Meeting was adjourned at approximately 12:41 p.m.

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Tyler Larson  
Recording Secretary

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Brad Blawat  
Assistant Secretary