

June 20, 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. June 20, 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, Katrina Haugen, Gunnar Bowman and Tony Nordby were also in attendance. Jeff Hane attended virtually.

Motion by Mr. Eric Johnson, seconded by Mr. Joey McGregor to approve the Agenda, with the following additions: Under Payment of bills; Partial Payment for SD #3; Under Projects March Property; and Under Legal Court Decision on MSTRWD and Erickson vs Zutz

Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to approve the Minutes of the June 5, 2023, Regular Board Meeting as corrected. Motion carried.

The Treasurer's Report was reviewed and filed for the Auditor.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat to authorize Mr. Bill Petersen to accept and sign the partial payment request from Anderson Excavating on the SD #3 repairs in Section 4 Bloomer and Section 34 Parker Townships. Motion unanimously carried.

Motion by Mr. Joey McGregor, seconded by Mr. Robert Kovar to approve a change order for \$35,711.00 for cracking repair and bank stabilization on SD #3. Motion unanimously carried.

Motion by Mr. Brad Blawat, seconded by Mr. Joey McGregor to pay the following bills; Payroll 6970-6980 in the amount of \$19,036.33; from Administrative funds check #19669-19694 inclusive of an ACH withdrawal and service charge in the amount of \$76,518.32; from Project funds check #3404-3412 in the amount of \$454,888.56; from RRWMB funds ck#217 in the amount of \$261,384.46; from Ditch funds check #3599-3604 inclusive of an ACH withdrawal in the amount of \$19,859.14. Motion unanimously carried

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to approve the following Permit and have staff work with Garden Valley Technologies when crossing the District's Legal ditches for placement locations to allow for potential ditch improvements in the future:

Permit (23-036) Garden Valley Technologies to install fiber optic cable in various locations throughout the Middle Snake Tamarac Rivers Watershed District.

Motion unanimously carried.

Motion by Mr. Eric Johnson, seconded by Mr. Joey McGregor, to table the following to have Tony Nordby from Houston Engineering look at the permit and provide an opinion:

Permit (23-043) Lein Schiller to install a flapgate on the N.S. 51"x31" corrugated steel pipe arch culvert in the SW SW of Section 5 of Middle River Township.

APPROVED

Motion carried with Mr. Lein Schiller abstaining.

Motion by Mr. Brad Blawat, seconded by Mr. Robert Kovar to approve the following permit:

Permit (23-044) Peter Carlson to construct a W-E dike on the quarter line of the property to prevent JD #14 main overflows from traveling west across the entire quarter before reentering the Main in the SE NW of Section 9 New Solum Strip Township.

Motion unanimously carried

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

Permit (23-046) MCHD to install two lines of drain tile under Marshall CSAH #4 in Sections 2,3,10, and 11 of Foldahl Township between County Rd 128 and County Rd 114, with ½" drainage coefficient and (2) gravity outlets into a natural tributary to the Middle River.

Motion unanimously carried.

Gunnar Bowman left the meeting at approximately 9:50 a.m.

The following Permits were Administratively reviewed and approved:

Permit (23-035) Miles Garthus to install a new field crossing w/18" pipe on the South side of 320th St NE, in the NE NW of Section 14 Holt Township.

Permit (23-037) MCHD to remove and replace an existing 30" CL pipe in-kind through Marshall CSAH #29, on the section line common to the SW4 of Section 24 and the NW4 of Section 25 Lincoln Township.

Permit (23-038) MCHD to remove and replace an existing 30" CL culvert in-kind through Marshall CSAH #19 on the section line common to the SW4 of Section 24 and the NW4 of Section 25 Middle River Township.

Permit (23-039) MCHD to remove a failing 15" entrance culvert in the West Marshall CSAH #1 ditch, on the East line of the NE4 of section 6 Wright Township, and to replace it with a new 18" culvert.

Permit (23-040) MCHD to remove and replace an existing 24" CL pipe in-kind through Marshall CSAH #19 on the section line common to the SW4 of Section 21 & the NW4 of Section 28 Bloomer Township.

Permit (23-041) Holt Township (1) To remove and replace an existing 18" CL pipe in-kind through 310th St NE, on the section line common to the SW4 of Section 18 & the NW4 of Section 19 Holt Twp. (2) To remove and replace an existing 24" CL pipe in-kind through 150th Ave NE, on the section line common to the NW4 of section 14 & the NE4 of Section 15 Holt Twp.

APPROVED

Permit (23-042) Jonathon Bolduc to remove sediment East Hwy #220 ditch in the SW4 of Section 4 Big Woods Township. (Permit requested by MNDOT.)

Easements with the Kongsvinger Church and the Hagen family along JD#75 were discussed. Permanent Easement of 0.16 acres are needed from the Kongsvinger church and .08 is needed from the Hagen Family. The Board discussed using the Reinvest in Minnesota rates and Estimated Market Value land as a base line for payments. Administrator Maher was directed to talk with the landowners and come up with an amount for the easements.

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to recess the Regular Board of Managers Meeting for the Project Establishment Hearing for Swift Coulee scheduled for 10:00 a.m. Motion unanimously carried.

The Regular Board Meeting was recessed at 9:56 a.m.

Swift Coulee Project Establishment Hearing was opened at 10:00 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, Katrina Haugen, and Tony Nordby.

Tony Nordby provided Project information and answered questions as they were presented by the Board.

Dillon Nelson joined the meeting at approximately 10:34 a.m.

**BEFORE THE BOARD OF MANAGERS
MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT**

**RE: SWIFT COULEE PROJECT
PROJECT ESTABLISHMENT ORDER**

The above-entitled matter came on for hearing on June 20, 2023, at the district offices in Warren, Minnesota, on a resolution to initiate a new project under Minn. Stat. § 103D.605. Due notice was given to the public and a copy of the engineer's report was transmitted to the Board of Water & Soil Resources and the Department of Natural Resources. At the hearing, the following persons presented testimony:

Tony Nordby, Houston Engineering.

In addition, no written comments were received or read.

Following the receipt of all testimony, Motion by Mr. Robert Kovar, seconded by Mr. Joey McGregor, having heard all of the testimony, and having reviewed all of the documents related to the project, makes the following Findings:

1. The project will be conducive to public health and promote the general welfare, and
2. The project is in compliance with the watershed management plan and the provisions of this chapter.

Motion unanimously carried.

APPROVED

THEREFORE, the Project is hereby ESTABLISHED and shall henceforth be known as “The Swift Coulee Channel Restoration” with a project number to be assigned in a separate resolution.

Dated this 20th of June, 2023.

Motion by Mr. Robert Kovar, seconded by Mr. Eric Johnson to close the Public Hearing to establish the Swift Coulee Project. Motion unanimously carried.

The Hearing was closed at 11:10 a.m.

Motion by Mr. Keith Szczepanski, seconded by Mr. Lein Schiller to reopen the regular Board of Managers meeting. Motion unanimously carried.

Regular Board of Managers Meeting was reopened at 11:11 a.m.

Administrator Maher provided an update on the Swift Coulee Project boundaries. Due to the Wetland Conservation Act the project footprint may change, but it is yet to be determined. Maher also mentioned the last draft of the Memorandum of Understanding (MOU) between BWSR and the District did not received any feedback from the Board which he anticipates it is acceptable by the Board. In the last version, BWSR requested the District to provide shape files and legal survey information to be used in BWSR’s easement description for which Maher asked BWSR to cost share that item. However, legal survey has been in HEI’s scope.

Administrator Maher provided an update on the Newfolden Project Ribbon Cutting Ceremony that was held on June 15, 2023; Maher also mentioned the last invoice from CP had a \$500k mistake due to which the amount of invoice decreased to \$409,226.²³. He also mentioned one of the landowners on the impoundment site (Mr. Strange) has been following up to finalize the purchase. Maher mentioned to him that whether the state funds this project or not, the land purchases are planned to happen in late September/ early October. Dillon Nelson reviewed the finishing works at the Railroad bridge.

Administrator Maher, as of this meeting, has not received an update from the Joint Judicial Ditch #19 Authority regarding the Petition the District submitted for the Nelson Slough Project. There is a meeting scheduled for June 20, 2023, at 1:30 p.m. regarding the Petition at Marshall County Courthouse.

Operations Manager Omdahl reviewed Spring 2023 erosion at the March Property and potential solutions were discussed. Maher submitted the damages for reimbursement to FEMA. Higher Ground is onsite doing contracted works. It was the consensus of the board to have Higher Ground perform the erosion repair work through a Change Order if it fits into the contractor’s schedule.

Administrator Maher presented a proposal submitted by Jason Steer to hay lands at Brandt Angus Coulee. The lands were noticed for rent the last two years, but no bids were submitted.

APPROVED

Motion by Mr. Brad Blawat, seconded by Mr. Joey McGregor to authorize Jason Steer to Hay the ~60 acres at Brandt Angus Coulee from 2023-2027 for \$100 per year, with no more than 2 cuttings per year. Motion unanimously carried.

The Budget Committee will meet at the District office on Thursday, June 22, 2023 at 8:00 a.m.

Motion by Mr. Bob Kovar, seconded by Mr. Keith Szczepanski to purchase 7 new office chairs for ~\$300.00 each. Motion unanimously carried.

The Red River Watershed Management Board meeting that was scheduled for today was moved to Tuesday June 27th 2023, due to a scheduling conflict with MN watersheds' summer tour in Albert Lee, MN.

Administrative Assistant Haugen is working on submitting expenses for the Swift Coulee Project to be reimbursed from the 1W1P planning budget.

Attorney Jeff Hane provided information on the District Court decision on the MSTRWD, Erickson vs Safar, Kalt and Zutz's Appeal of Permit 21-051. The Board asked the Staff and Engineer to provide information and report to them regarding questions that the Judge has asked for clarification on by the August 7, 2023 Board Meeting. They will review the information and make the Findings regarding the questions at the August 21, 2023 Board Meeting.

Dillon Nelson and Watershed Staff provided an update from the meeting with HDR on the JD #1/JD #75 study. HDR is making some adjustments to the modeling and then will have them ready to present to the Board.

Omdahl discussed spraying for broadleaf weeds on JD #1, JD #68, JD #75, WD #5, WD #6. At the spraying contractor's rate, the bill would come up to \$17,080.00. Spraying for the weeds was approved last year; today's information was provided as an update.

Administrative Assistant Haugen asked about purchasing a new microphone for Board meetings that has better range as it is difficult for virtual attendees to hear at times. It was the consensus of the Board for Haugen to purchase a new one.

The following meetings were announced:

1. RRWMB Meeting Tuesday, June 27, 2023, at 10:00 a.m. in Ada MN
2. MSTRWD Regular Board of Managers Meeting Tuesday, July 3, 2023 at 8:30 a.m. in Warren, MN
3. MSTRWD Regular Board of Managers Meeting Monday, July 17, 2023 at 8:30 a.m. in Warren, MN
4. JD#16 Petition Hearing on Monday, July 17, 2023, at 10:00 a.m. at the MSTRWD District Office in Warren, MN

Motion by Mr. Robert Kovar, seconded by Mr. Lein Schiller to adjourn the Meeting. Motion unanimously carried.

The Meeting was adjourned at approximately 12:27 p.m.

APPROVED

Katrina Haugen
Recording Secretary

Brad Blawat
Assistant Secretary