

September 5, 2023 (a)

**APPROVED (As corrected September 18, 2023)
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. September 5, 2023**

The Meeting was called to order by President Bill Petersen, Managers Bill Petersen, Eric Johnson, Keith Szczepanski, Lein Schiller and Robert Kovar were present. Kyle Schlomann, Danny Omdahl, Tyler Larson, Katrina Haugen, Tony Nordby, David Nelson, Don Loeslie, Doni Loeslie, Cheryl Bergeron, Russel Miller, Brady Johs, were also in attendance. Mori Maher attended virtually.

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to approve the agenda as amended with the addition of Permit 23-073, and JD #16 as Item #2 under Ditches. Motion unanimously carried.

Joey McGregor and Jeff Hane (virtual) joined the meeting at approximately 8:33 a.m.

Motion by Mr. Keith Szczepanski, seconded by Mr. Lein Schiller to approve the Minutes of the August 21, 2023, Regular Board Meeting as presented. Motion unanimously carried.

Gunnar Bowman and Ben Knott joined the meeting at approximately 8:35 a.m.

Brady Johs reviewed the 2022 Audit report with the Board of Managers. A discussion was held regarding making journal entries to balance out negative project account balances. Administrative Assistant Haugen will create a report for the Board to review at a future meeting and they will work with Haugen to keep the books in balance on an annual basis.

Neil Johnson, and Christian Erickson joined the meeting at approximately 8:41 a.m.
Brady Johs left the meeting at approximately 9:05 a.m.

Motion by Mr. Robert Kovar, seconded by Mr. Lein Schiller to deny the following permit until the Court makes a determination on the findings of Permit (21-051 Christian Erickson):

Permit (23-025) Christian Erickson to install 145 acres of drain tile with a ¼" drainage coefficient, 75 spacings, in the NW4 Section 5, install a gravity outlet into the south CSAH #2 ditch in the NE NE Section 6, in Viking Strip Twp.

Motion unanimously carried.

A member of the public was using a recording device for this portion of the meeting.

Operations Manager Danny Omdahl presented a Board directed report regarding the JD 16 Benefited Area, water flow, and culverts in the JD #16 system. David Nelson, Warrenton Twp supervisor, stated he was going to meet with FEMA staff on township road damages and will update the Board later.

A member of the public stopped using a recording device for this portion of the meeting.

David Nelson and Christian Erickson left the meeting at approximately 10:01 a.m.

Motion by Mr. Joey McGregor, seconded by Mr. Keith Szczepanski to recess the Regular Board Meeting and open the 2024 Budget Hearing. Motion unanimously carried.

The Regular Board Meeting was recessed at 10:01 a.m.

The 2024 Budget Hearing was opened at 10:02 a.m.

APPROVED

Motion by Mr. Robert Kovar, seconded by Mr. Lein Schiller to:

- 1) Adopt the 2024 Administrative and Project Fund Levies as follows:

| | | | |
|----------------------|---------|--|----------------|
| Building Maintenance | 145,333 | Legal/Profession/Administrative Services | 25,000 |
| Utilities | 6,500 | Managers Per Diem/Expenses | 35,000 |
| Supplies/Equipment | 12,000 | Association Dues | 7,000 |
| Telephone | 7,000 | Employee Mileage/Expenses | 6,000 |
| Publication/Printing | 6,000 | Vehicle Expenses | 20,000 |
| Postage | 1,500 | Employee Payroll/Fringes | 525,000 |
| Miscellaneous | 700 | Project Construction | 15,867 |
| Insurance | 26,000 | USGS Stream Gage & Cost Share | 9,500 |
| Property Taxes | 150 | Stream Maintenance | 3,500 |
| | | | 852,550 |
| | | Less Estimated Project Expenses | 390,550 |
| | | Net Administrative Budget | 462,000 |

- 2) The Secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson, and Roseau Counties an Administrative Fund Levy of \$462,000.00.
- 3) Authorize The Secretary to certify to the Auditors of Marshall, Polk, Pennington, Kittson, and Roseau Counties, a Project Fund levy of 0.0003627 times the Estimated Market Value of all taxable property within the District.

Motion unanimously carried.

Motion by Mr. Joey McGregor, seconded by Mr. Robert Kovar for:

- 1) The Secretary certify the following Ditch repair and maintenance levies to the Auditors of Marshall, Polk, and Pennington Counties:

| Ditch | Marshall | | Polk | | Pennington | |
|----------|-------------------------|--------------------|-------------------------|--------------------|-------------------------|--------------------|
| | Levy Projected Receipts | Percent (Benefits) | Levy Projected Receipts | Percent (Benefits) | Levy Projected Receipts | Percent (Benefits) |
| JD #1 | 9,944 | 2.00% | 158,440 | 5.00% | | |
| JD #14 | 44,275 | 4.50% | | | 8,235 | 2.50% |
| JD #15 | 53,748 | 3.50% | | | | |
| JD #16 | 46,468 | 5.00% | | | | |
| JD #17 | 1,304 | 3.00% | 6,271 | 1.00% | | |
| JD #20 | 84,777 | 3.60% | | | | |
| JD #21 | 16,790 | 6.00% | | | | |
| JD #24 | 2,474 | 1.00% | 925 | 1.00% | | |
| JD #25-1 | 15,546 | 4.00% | 22,842 | 4.00% | 2,161 | 4.00% |
| JD #25-2 | 5,665 | 8.00% | 34,236 | 8.00% | 21,605 | 8.00% |
| JD #28 | 40,000 | MAXIMUM | | | | |
| JD #29 | 55,948 | 2.50% | | | | |
| JD #68 | | | 6,203 | 2.50% | | |
| JD #75 | | | 127,870 | 3.50% | | |
| CD #39 | 7,541 | 6.00% | | | | |

APPROVED

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|-------------------|--------|-----------|--------|--------|--|--|--|
| CD #39 Imp | 1,085 | 1.00% | | | | | |
| CD #43 | | | 64,688 | 5.50% | | | |
| CD #44 | | | 25,028 | 2.50% | | | |
| CD #175 | | | 34,069 | 0.50% | | | |
| SD #3 | 40,000 | MAXIMUM | | | | | |
| WD #2 | 1,621 | 4.00% | | | | | |
| WD #4 | 5,865 | 6.00% | 2,135 | 6.00% | | | |
| WD #5 | | | 12,840 | 0.50% | | | |
| WD #6 | | | 9,704 | 0.50% | | | |
| WD #7 | 761 | 0.25% | 3,747 | 11.00% | | | |
| WD #7 Imp | 190 | 0.25% | 2,983 | 5.50% | | | |
| PL566 Lien | 26,270 | 0.22540% | | | | | |
| PL566 Maintenance | 17,482 | 0.150% | | | | | |
| PL566 Rebuild | 3,380 | 0.000290% | | | | | |

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to accept the Red River Watershed Management Board Levy of 75% of the maximum allowable rate (0.04836).

Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Lein Schiller to close the Budget Hearing and reopen the Regular Board Meeting, at 10:45 a.m. Motion unanimously carried.

Christian Erickson joined the meeting at approximately 10:27 a.m. (virtual).

A member of the public was using a recording device for this portion of the meeting.

The discussion continued on JD #16 water overtopping 230 St NW in section 32 Warrenton. Landowners expressed concerns with snow build up, lack of maintenance to the east, and water flowing out of the ditch. Don Loeslie asked the Board if a permit was applied for or granted to raise the spoil into a levee along 230 St NW. It was stated that no permit was granted. Mr. Loeslie asked the Board to address the works that had been done without a permit in accordance with the District's Rules. The Board directed Houston Engineering to work with District staff and Warrenton Township, to come up with a solution by the next Board Meeting and decide what needs to be done with the levee.

A member of the public stopped using a recording device for this portion of the meeting.

Torin McCormick, Environmental Scientist, with HDR Engineering, joined the meeting at 10:55 a.m.

Dillon Nelson, HDR Engineer, joined the meeting at approximately 11:40 a.m.

Mr. McCormick then gave a report, as directed by Administrator Maher, about using the March Property for wetland banking to sell credits or use credits for future projects. No action was taken.

Neil Johnson, Russel Miller, Cheryl Bergeron, Doni Loeslie, Don Loeslie, and David Nelson left the Meeting at approximately 11:40 a.m.

Torin McCormick left the meeting at approximately 12:23 p.m.

APPROVED

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

Permit (23-062) Kevin Johnson to install 78 acres of drain tile; 50' spacing; 3/8 drainage coefficient; 5 HP (528 GPM) VFD pump; 2-12", 1-10", 2-8" French drains with standpipes, to outlet into the North 170th St NW ditch in the W2 of Section 29 Sandsville Township.

Motion unanimously carried.

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

Permit (23-075) Alan Pietruszewski and Stoltman Farms to install 105 acres of tile in the S2 NE4 (less farmyard) and a portion of the E2 SW4 (East of U.S. Hwy #75) with 1/4" drainage coefficient; 40', 80' and 120' spacing, utilizing a gravity outlet into the Middle River thru a 12" steel culvert, with the equivalent of 494 GPM.

Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Joey McGregor to table the following permit and ask that the applicant work with the neighbor on a suitable pump location:

Permit (23-076) Van Hapka to install 323 acres of drain tile with 3/8 drainage coefficient; 20', 85', and 100' spacing to outlet into the Steiger Coulee via an 8" PVC inside a 15" dual wall pipe, with (2) 10 HP (2,294 GPM) VFD pumps in the NW4, S2 NE4 and N2 SE4 of Section 33 Brislet Township.

Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Eric Johnson to approve the following permit:

Permit (23-078) Jared Sands to install 146 acres of drain tile with 3/8" drainage coefficient; 50' tile spacings; 10 HP (1032 GPM) VFD pump which outlets to the East Highway Ditch.

Motion unanimously carried.

Ben Knott left the meeting at approximately 12:52 p.m.

Motion by Mr. Robert Kovar, seconded by Mr. Eric Johnson to approve the following permit with a 24" culvert:

Permit (23-080) David Bray to install a new field crossing with a culvert TBD in the south 400th St NW ditch in the NE NW of Section 36 Lincoln Township.

Motion unanimously carried.

Motion by Mr. Keith Szczepanski seconded by Mr. Joey McGregor to approve the following permit with an 18" culvert:

Permit (23-081) David Bray and Chuck Edgar to install a new crossing with culvert size TBD, in the west 160th Ave NW ditch on the quarter line in the E 1/4 line of Section 1 West Valley Township.

Motion unanimously carried.

APPROVED

Motion by Mr. Joey McGregor, seconded by Mr. Keith Szczepanski to approve the following After the Fact Permit:

Permit (23-082) Arnie Kuznia **A)** To remove, from the east 280 Ave NW ditch, a field crossing culvert from the NW SW and from the SW SW section 30 and install (1) 24" culvert in each crossing and to regrade the west line of the quarter southerly to CD 45 Interceptor Ditch. **B)** To remove, from the north 410th St NW, a ditch plug approximately 1,080' east of CSAH #1 and to regrade the south line of the SW4 section 29, westerly to CSAH #1. Both are in Nelson Park Township.

Motion unanimously carried.

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

Permit (23-083) Arlyn Lind to install 76 acres of drain tile with 40' spacings 1/4" drainage coefficient; (2) gravity drains utilizing a 10" steel pipe with a 358 GPM capacity in the S2 NW4 of Section 15 Higdem Township.

Motion unanimously carried.

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

Permit (23-084) Arlyn Lind to install 154 acres of field drain tile in the NW4 of Section 27 Higdem Township with 1/4" drainage coefficient; 40' and 50' tile spacings; 5 HP (724 GPM VFD pump to outlet to the South 190th St SW ditch.

Motion unanimously carried.

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

Permit (23-085) Brent Riopelle to install 138 acres of drain tile with 1/4" drainage coefficient; 40' tile spacings; 5 HP (649 GPM) VFD pump which outlets into JD #29 Lat 2 at approximate Station 365+73, in the E2 E2 of Section 24 Parker Township.

Motion unanimously carried.

Motion by Mr. Eric Johnson, seconded by Mr. Keith Szczepanski to approve the following permit:

Permit (23-086) Zachary Green to install 113 acres of drain tile with 1/4 drainage coefficient; 100' spacings; 5 HP (532 GPM) VFD pump which outlets into the West County Road #28 Ditch in the N2 S2 of Section 33 West Valley Township.

Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Joey McGregor to approve the following permit:

Permit (23-087) John Wesolowski to install 19 acres of drain tile with 3/8" drainage coefficient; 100' tile; gravity outlet (135GPM) to the North County Highway Ditch #4 in the SW4 of Section 1 Foldahl Township.

Motion unanimously carried.

APPROVED

Motion by Mr. Eric Johnson, seconded by Mr. Lein Schiller to approve the following permit with an 18" culvert:

Permit (23-089) Bill Szczepanski to install a new crossing and culvert (TBD) in the North Marshall CSAH #5 ditch, in the SW SE of Section 21 Nelson Park Township.

Motion unanimously carried.

Motion by Mr. Eric Johnson, seconded by Mr. Joey McGregor to approve the following permit upon successful Petition of the S2 SE1/4 (80 acres) of Section 11 Farley Township into the Benefited Area of WD #4:

Permit (23-073) Rivard Revocable Trust (Glen Rivard) to install 80 acres of 4" tile with 1/4" drainage coefficient; 40' spacing in the S2 SE4 section 11 Farley Twp. Water will flow north at a rate of 350 GPM and connect to Jarod Peterson's existing tile main in the N2 SE4, which drains northerly to the NW NE section 11 Boxville Twp to WD #4, at approximate Station 34+39. Permit validity is conditional on the approval of Mr. Rivard's Petition to Add Lands to Watershed Ditch 4 on September 18, 2023.

Motion unanimously carried.

The following permits were reviewed and administratively approved:

Permit (23-050) Arveson Township to remove a failed 24" centerline culvert in the east 440th St ditch and replace with a new 24" culvert, on the west line of the SW SW, section 32 Arveson Township.

Permit (23-060) Bloomer Township to add a culvert extension to side by side 24" & 30" centerline culverts under 330th Ave NW in the E2 NE4 of Section 12 Bloomer Township.

Permit (23-061) Bloomer Township to permanently remove a failed 24" RCP and trap (north side) centerline culvert under 290th St NW in the E quarters of section line 29/32.

Permit (23-064) Adam Gajeski to install 5 acres of drain tile in a farmyard with a 1/4" drainage coefficient; 20' spacings; 1 HP (23.5 GPM) pump; 2 surface inlets; 8" PVC pipe inside a 15' dual wall culvert to outlet into 450th St NW in the SE SE of Section 3 Donnelly Township.

Permit (23-079) MNDOT to install a Cured-In-Place-Pipe (CIPP) liner in (2)-60" RCP centerline culverts where MN Trunk Highway #220 crosses WD #6, at Station 126-96.

Gunnar Bowman left the meeting at approximately 1:31 p.m.

Technician Tyler Larson provided an update on the progress of works being done on JD #1 and JD #75. He said the sluffing repair, at 7 locations, on JD #1 in Section 19 of Farley Township is done. The wave erosion in Section 20 Higdem was repaired using FEMA funds received from the 2022 flood declaration. Kraulik Excavating did the work. Kraulik is also repairing JD #75 sluffing locations in Section 1 Northland Township, using FEMA funds from the 2022 flood declaration.

Gladen Construction's work on JD #75 is almost complete on the 2-mile repair of the outlet. The dirt and culvert work are done. Seeding, adjusting flapgates, removing the Class 2 riprap and install the correct Class 3 riprap are the only items left to finish.

Danny Omdahl provided information to the Board on a future potential Rodent Control proposal for managing rodents at the impoundments. More information will be presented as it becomes available.

APPROVED

For the Newfolden Project, Dillon Nelson discussed the agency permits and legal descriptions for land acquisition. Maher stated the Resolution from our Board for the Flood Hazard Mitigation funds, was approved by Minnesota Management and Budget (MMB) and the CLOMAR agreement is not finalized with FEMA.

Dillon Nelson discussed the JD #1/JD #75 study that HDR has been working on. JD #1 is wrapping up and should be ready for a staff meeting shortly. There is more surveying and information needed for JD #75.

Maher stated that he is still waiting on WACA and BWSR to move forward on the Swift Coulee Project.

The Lilac Ridge Project is on hold as the DNR identified Calcareous Fens in the Project area. Maher is working with Houston Engineering to come up with alternatives to present to the DNR to allow the project to continue.

Administrator Maher discussed the Resolutions he drafted to submit to Minnesota Watersheds and provided an update on the Lessard Sams Outdoor Heritage Council Hearings he attended August 29 & 30.

Discussion was held regarding a tile permit application from Johnson Farms and the status of the height of the levee on JD #16. Maher asked the Board for direction on how to proceed. It was the consensus of the Board to wait on a decision on the application until more is known regarding JD #16, at the next Board Meeting.

Administrative Assistant Haugen provided information to the Board on Earned Safe and Sick Leave (ESSL) that was passed as part of the Omnibus Jobs Act that must be implemented starting January 1, 2024. Haugen asked for direction from the Board on how they wanted the ESSL stated in the handbook as well as how it should be implemented. Below is a summary of what was agreed upon:

All current full time employees will receive 96 hours of ESSL on January 1st of each year to use as needed.

New full time employees will receive 8hrs of ESSL per month for their first year of employment and until the next January 1st. The January 1st after their 1-year anniversary they will receive 96 hours per year to use as needed.

Part time, Seasonal, and Temporary employees will earn 1 hour of ESSL for every 30 hours worked.

All Employees will be able to carry over up to 400 hours of ESSL and be eligible to cash out ESSL as requested or with termination of employment at 50% of their current compensation rate. Any employee who has employment terminated will have accrued leave pro-rated at time of payout when requested.

Potential outlet fees for future petitions to add lands to the benefited area of a ditch were discussed. It was decided to review potential options at the next Board Meeting.

Katrina Haugen left the meeting at 2:30 p.m. Tyler Larson became Recording Secretary at 2:30 p.m.

Memos from Attorney Jeff Hane on funding bank stabilization within the City of Warren and Administrative construction funding were briefly reviewed and will be discussed at the next meeting.

The Board reviewed and discussed the staff's recommendation on the Findings for Permit 21-051 Christian Erickson, in response to questions the court had directed to the Board on reasonable use.

Motion by Mr. Keith Szczepanski seconded by Mr. Robert Kovar to accept the response and have attorney Hane submit it to the court after Chairman Petersen and Secretary Blawat sign it. Motion carried 4-0,

APPROVED

Managers McGregor and Johnson abstained due to a lack of prior involvement and knowledge on the proceedings of Permit 21-051.

The following meetings were announced:

1. MSTRWD Regular Board of Managers Meeting Monday, September 18, 2023, at 8:30 a.m. in Warren, MN.
2. Petition Hearing to add lands to the Benefited area of WD#4 Monday, September 18, 2023, at 10:00 a.m. at the MSTRWD District Office in Warren, MN.
3. Reconsideration of Permit (23-030) Monday, September 18, 2023, at the MSTRWD District Office in Warren, MN after Petition hearing for WD#4
4. RRWMB Monthly Meeting Tuesday, September 19, 2023, at 10:00 a.m. in Ada, MN

Motion by Mr. Robert Kovar, seconded by Mr. Eric Johnson to adjourn the Meeting. Motion unanimously carried.

The Meeting was adjourned at approximately 3:23 p.m.

Tyler Larson
Recording Secretary

Brad Blawat
Secretary

Katrina Haugen
Recording Secretary