

July 1, 2024 (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 1, 2024**

The Meeting was called to order by President Bill Petersen, Managers Bill Petersen, Keith Szczepanski, Robert Kovar, Brad Blawat, Joey McGregor and Lein Schiller were present. Mori Maher, Katrina Haugen, Tyler Larson, Danny Omdahl, Rolland Miller, Jim Duckstad and Tony Nordby were also present. Jeff Hane attended virtually.

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to approve the Agenda, as amended, to include PCD #175 Petition Hearing as item #4 under Ditches and DPA as item #2 under Administrator. Motion unanimously carried.

Motion by Mr. Brad Blawat, seconded by Mr. Lein Schiller to approve the Meeting Minutes from the June 17, 2024 Board of Managers Meeting as presented. Motion unanimously carried.

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

Permit 24-036 Garden Valley to install new fiber optic cable lines at various locations within the MSTRWD.

Motion unanimously carried.

Neil Johnson joined the meeting at approximately 8:36 a.m.

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

Permit 24-037 Scott Oberg to install 122 acres of drain tile in the SE4 of Section 4 Angus Township with 1/4" drainage coefficient; 80' tile spacings. To tie into Permit 24-002 and outlet to the Gerde Coulee through a 15-hp (574GPM) VFD pump

Motion unanimously approved

Motion by Mr. Joey McGregor, seconded by Mr. Keith Szczepanski to amend Permit 24-002 from a 7.5-hp pump to a 15-hp pump. Both permit 24-002 and permit 24-037 are conditional on the completion of Permit 24-004. Motion unanimously carried

The Following permits were administratively approved and reviewed:

Permit 24-038 Dean Peterson to install a new field crossing with a 24" culvert on the West line of the SW4 of Section 18 Brislet Township, approximately 80 rods North of 190th St NW

Permit 24-039 Dean Peterson to remove 3 existing culverts and crossings on 340th Ave and install a new crossing with 24" CSP in the NW4 and a new crossing with a 24" CSP in the SW4 of Section 13 Warrenton Township off of 250th St NW

Administrator Maher provided information on the JD #75 outlet repair that was completed last year and the cracks and sluffing that has occurred and asked if there was any update on a potential Petition to improve JD #75. The Petition is on hold until some more information is obtained. Technician Larson provided information on the potential fix. There are 6 cracks that need repaired with geo-grid on the roadside slope.

APPROVED

Motion by Mr. Joey McGregor, seconded by Mr. Robert Kovar to move ahead with the repair on the outlet of JD #75. Motion unanimously carried

Jared Sands joined the meeting at approximately 8:51 a.m. (virtual)  
Dillon Nelson joined the meeting at approximately 8:52 a.m.

Discussion was held regarding the SD #3 Redetermination of Benefits and the Findings and Order should be ready for the Board to review and sign at the July 15, 2024 Board of Managers meeting.

Administrator Maher provided an update on the JD #15 outlet repair. 1W1P Clean water funds are being pursued to help with this project. Maher was asking for the Board's direction on proceeding with the repair.

Motion by Mr. Brad Blawat, seconded by Mr. Keith Szczepanski to proceed with the JD #15 outlet repair. Motion unanimously carried.

Motion by Mr. Joey McGregor, seconded by Mr. Robert Kovar to reschedule the PCD #175 Petition hearing to August 19, 2024 at 10:00 a.m. Motion unanimously carried.

Dillon Nelson provided an update on the progress of the Newfolden Project. Administrator Maher updated the Board on two change orders that he approved. One was for an additive for the concrete and the other was for addition of rubber water-stop on horizontal joints.

Administrator Maher provided an update on Nelson Slough. The Joint Powers Agreement has been received back from the DNR with a few comments. The Easement with East Park Township for the access road has been sent to the Township. The Lessard Sams fund, secured for this Project, is available to be used starting today. Maher is confident that this Project will not need to be phased and construction will be able to start in 2025. Tony Nordby from Houston Engineering is planning on having the Permits online tomorrow. This will start the clock on the DNR's comment period.

Administrator Maher provided an update on the Swift Coulee and the progress with the Reinvest In Minnesota (RIM) applications. There is still one landowner left to sign for phase one but they are currently unavailable due to an unrelated matter. Maher discussed the 20% additional payment the District is going to pay to landowners on top of the RIM payments and the temporary easements that are needed.

Administrator Maher provided an update on the renovation and addition to the office. Maher has sent some comments back to the architect after receiving staff and building committee input. Operations Manager Omdahl stated that he had received a quote from one contractor and will be asking for another one on removing the trees on the West side of the office.

Robert and Karen Mager joined the meeting at approximately 9:43 a.m.

Administrator Maher informed the Board that he had received a Data Practices Request from Minnesota Fair Contracting asking for the Payroll certifications for the Newfolden Project.

Discussion on the SD #3 Redetermination of Benefits Hearing was held and the Board members who were not able to attend the hearing were provided updates. Discussion was held on how or if the District should inform the landowners of the decision that was made.

Danny Omdahl left the meeting at approximately 10:15 a.m.

Attorney Jeff Hane provided an update on ongoing legal matters

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Communication was provided regarding the Red River Retention Authority Partner Summit July 31, 2024 in East Grand Forks, MN as well as a notice from Brink Lawyers on an increase in attorney fees starting July 1, 2024.

Neil Johnson was in attendance to see if Administrator Maher had received an e-mail he sent him on Friday regarding the progress on raising the road along JD #16. Maher will review and provide an update to the Board at another meeting.

Dillon Nelson left the meeting at approximately 10:43 a.m.

Reconsideration of Permit (24-025) Robert Mager to raise an existing crossing and 18" culvert near the half mile line, in the NW4 of Section 16 Vega Township. Culvert to be a point lower than Chris Broz yard to protect the yard during a high water event.

Technician Schlomann provided information that was collected by staff and provided by Robert Mager and Shane Dagoberg including photos of a 2023 spring event and a 2024 Summer (June) event both of which occurred after the diagonal pipe was installed. Discussion was held on alternative solutions to this permit.

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to uphold the decision to deny Permit 24-025 for the following reasons:

1. None of the Applicant's recent submissions present facts different than those previously found. The current proposal, to raise the culvert 1.7 feet, in effect is really no different than the proposal in denied Permit 24-008.
2. The high-flow diagonal pipe installed pursuant to Permit 22-092 appears to be working as demonstrated by the photos and data observed by the staff from the June 18-19 rain event.
3. Opposition from neighboring landowners and the township has not changed since the initial application.
4. Staff analysis shows that water will merely flow around the proposed crossing during high water events, and a dry crossing may actually make high water impacts worse due to changing the timing of inundation and forcing high water to flow overland, around the crossing, more frequently.
5. The Applicant is not without other alternatives. Among those alternatives, the Applicant could clean the township road ditch on the east side of the road, from the Broz yard South to JD 20 Branch A. They could also apply for a permit to install another high-flow culvert that would drain high water into JD 20 Branch A in the Southwest corner of Section 16, or to possibly install a new centerline culvert near an existing line ditch that runs across the SW4 of Section 17 Vega Township, from the East quarter corner to the South quarter corner in an "L" shape.
6. There are concerns that have been raised in previously submitted permit applications, comments made by potentially affected landowners, and the Vega Township Board of Supervisors regarding the potential impacts to the Broz farmyard and an apparent issue of groundwater seepage in the basement of the house.
7. In general, the Board does not find the idea of forcing all the water that originates in the SW4 to always stay in the SW4 during flooding conditions to be practical, fair, or reasonable, considering the natural lay of the land, as well as the current JD 20 benefitted area and benefit assessments in Section 16 Vega Township.

Motion unanimously carried

Neil Johnson left the meeting at approximately 10:42 a.m.

APPROVED

Jim Duckstad left the meeting at approximately 11:00 a.m.

Technician Omdahl reported that he has found leafy spurge in some ditches and has made arrangements to have them sprayed.

Mike Bienek is farming a part of the Sommers property that the District had acquired for the AGV inlet ditch but the design was changed. There had previously been discussion on giving the land back to the Sommers family but nothing was done with it. No action occurred.

Technician Larson provided an update on the Lowell Hamrick unpermitted (and tabled decision) diking in the NW NE section 330 Helgeland Twp that occurred in 2022 or before. Larson monitored the situation after the rain events of June 18 and 19<sup>th</sup> and reported that the condition was not out of norm due to the amount to rain received and saw no harm in the current condition due to the dike. No action occurred.

Robert and Karen Mager left the meeting at approximately 11:42 a.m.

The following meetings were announced:

1. MSTRWD Regular Board of Managers Meeting Monday, July 15, 2024 at 8:30 a.m. at the District Office in Warren, MN
2. RRWMB Regular Board Meeting Tuesday, July 16, 2024 at 10:00 a.m. in Ada, MN
3. RRRRA Partner Summit Wednesday, July 31, 2024 in East Grand Forks MN
4. MSTRWD Regular Board of Managers Meeting Monday, August 5, 2024 at 8:30 a.m. at the District Office in Warren, MN

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat to adjourn the Meeting. Motion unanimously carried.

The Meeting was adjourned at approximately 11:47 a.m.

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Katrina Haugen  
Recording Secretary

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Brad Blawat  
Secretary