

July 7, 2025 (a)

**APPROVED
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT THE ALVARADO COMMUNITY CENTER**

8:30 a.m.

July 7, 2025

The Meeting was called to order by President Bill Petersen, Managers Bill Petersen, Keith Szczepanski, Lein Schiller, Brad Blawat, Keith Szczepanski and Joey McGregor were present. Mori Maher, Katrina Haugen, Kyle Schlomann, Danny Omdahl, Rolland Miller, Jim Duckstad, Tony Johnson, Gunnar Bowman, Jeremy Misselhorn, and Jeff Hane were also present.

Motion by Mr. Robert Kovar, seconded by Mr. Joey McGregor, to approve the agenda, as amended to include Spray trees as item #5 under Projects, and JD #14 Cost share as item #7 under ditches. Motion unanimously carried.

It was the consensus of the board to accept the amended May 19, 2025 meeting minutes.

Tony Nordby joined the meeting at approximately 8:32 a.m.

Motion by Mr. Joey McGregor, seconded by Mr. Keith Szczepanski, to approve the meeting minutes from the June 16, 2025 meeting as presented. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Joey McGregor to pay Misselhorn and Acre Nexus for moving drain tile pumps within the Swift Coulee Project. Motion unanimously carried.

Jared Sands joined the meeting at approximately 8:55 a.m.

Tony Johnson and Jeremy Misselhorn were in attendance to discuss the following permit that is in violation because the lift station was installed on the JD #24 Spoil Bank.

Permit 24-078 Johnson Family Farms and R&L Ag Holdings to install 316 acres of field pattern drain tile in the N2 of Section 11 Vega Strip Township with a 1/4" drainage coefficient; 40' and 80' tile spacings; 15-hp (1485 gpm) VFD pump to outlet to Judicial Ditch #24 (~163+00).

When reviewing the installation along JD#24, the Board found that while it was not done in strict conformance with the permit terms, mitigating factors that favor allowing the installation to remain include the fact that this ditch has no currently known ditch issues (sloughing, grade problems, etc.) and has no foreseeable maintenance planned (that would make the current location a problem), no neighbors have complained about the pump location, and the engineer is of the opinion that pumping during flooding conditions will merely cause the water to recirculate into the field, backing up on the applicant (provided the current culverts are not trapped in the future).

Motion by Mr. Joey McGregor, seconded by Mr. Jared Sands to authorized the Districts Legal counsel to draft a tile pump easement to be granted to the applicant. Said easement will allow the owner to keep the pump in its current location and configuration with the conditions (which the applicant must accept in writing) that:

- 1)** if the pump in the future hinders ditch maintenance, the owner will bear all expenses to relocate it to the permitted placement;
- 2)** if in the future the pump must be moved for construction or maintenance purposes, the owner will bear all expenses to relocate it to the permitted placement; the owner must hold the District harmless for any and all crop loss associated with mowing around the current pump location;
- 3)** the owner must not place traps or flap gates on the existing culverts in the vicinity;
- 4)** in the event the owner should ever convey the SW1/4 of Sandsville (S. side of the ditch oppose the pump's current location), then that new owner shall have the right to insist that the pump be removed and installed under the original permitted conditions; and

APPROVED

5) all other standard permit conditions shall also apply as set forth in the original permit. This executed pump easement shall be recorded in the real estate records and bind future owners.

Motion unanimously carried.

The following Permits were Administratively Approved and reviewed:

Permit 25-030 MNDOT to remove 2 failed field entrance 18" CMP's and replace them with new 18" CAS pipes, in the East ditch of MN State Highway #220, near the quarter line of Section 9 Big Woods Township.

Permit #25-031 Filed Brothers Farms to remove an existing field crossing culvert on the West side of 410th Ave NW, on the East-West quarter line between the NE4 & SE4 of Section 11 Parker Township, and to install a new, longer 18" culvert at the same location and elevation.

Permit 25-032 Field Brothers Farms to remove an existing field crossing culvert on the East side of 410th Ave NW, on the East-West quarter line between the NW4 and SW4 of Section 12 Parker Township, and to install a new longer 16" culvert at the same location and elevation.

Tyler Larson joined the meeting at approximately 9:25 a.m.

Jeremy Misselhorn also wanted to discuss Goodwin Farms Permit 24-082. The drain tile pump apparatus was installed to discharge into the township road ditch in the NW corner of the Section. However, the pump was made to discharge on the downstream side of a crossing culvert and flap gate, so the pump effectively discharges directly into WD #6 with no air gap. After discussion Staff will meet with Misselhorn and Steve Goodwin to discuss potential solutions that will work for all parties and report back to the board.

Tyler Larson, Gunnar Bowman, and Jeremy Misselhorn left the meeting at approximately 9:30 a.m.

Randy Knott joined the meeting at approximately 9:31 a.m.

Beaver dams and a 67X95" culvert on JD #25-2 that runs under 190th St NW was discussed. The pipe is set below grade and beavers are building dams causing it to be plugged. Staff has reached out to township officials regarding the pipe and will report back when there is more information.

An update regarding ongoing sediment removal on JD #15 was provided.

Staff has identified a culvert that is set below grade and is causing a scour on the Section Line 35/36 in Vega Township. After discussion Rolland Miller stated that the pipe was set lower because during flooding events the pipe would lift and take out the road. The board directed staff to repair the scour and leave the pipe at the current location.

Administrator Maher discussed a request from New Solum Township to help cost share the replacement of the 120'X42" culvert on JD 14 Br. B.

Motion by Mr. Robert Kovar, seconded by Mr. Joey McGregor to cost share the replacement of the pipe with New Solum Township with a limit of \$7,000. Motion unanimously carried.

A construction update on Swift Coulee was provided by Administrator Maher and Engineer Tony Nordby. Schedule delay is a concern and has been communicated with the contractor. The contractor is planning to add more equipment and update the schedule accordingly. Administrator Maher updated the board on a

APPROVED

project Work Team meeting scheduled for Monday, July 21, 2025 regarding the potential holding area as an addition to Phase 2 of the project.

Motion by Mr. Brad Blawat, seconded by Mr. Robert Kovar to adjourn the regular board meeting for the Determination of Benefits Hearing on WD #8 Public Hearing. Motion unanimously carried.

The regular meeting was recessed at approximately 9:59 a.m.

The WD #8 Determination of Benefits Hearing started at approximately 10:05 a.m.

The Hearing was recorded.

Mr. Bill Petersen opened the meeting and turned it over to Attorney Jeff Hane to review the procedure for the Hearing.

Findings:

1. **Middle-Snake-Tamarac Rivers Watershed District** is the drainage authority for **WATERSHED DITCH #8**.
2. On August 19, 2024, the drainage authority adopted findings and ordered the initiation of a determination of benefits and damages for Watershed Ditch #8 pursuant to Minn. Stat. § 103E.351. MSTRWD Staff was directed to view lands deemed to be affected by WD#8. Kyle Schломann, Tyler Larson, and Danny Omdahl (staff members of MSTRWD) acted as viewers, with Kyle Schломann taking the lead and working in consultation with District Engineer Tony Nordby.
3. The Staff, with the assistance of the District Engineer analyzed the lands benefitted by WD#8 and applied the 2018 PCD#175 benefits to the same, then completed their report, which included a benefits and damages statement, on April 21, 2025, which report was revised on May 23, 2025, for all property affected by the drainage system and filed their report with the drainage authority.
4. The Staff, under direction from the drainage authority Board, prepared a combined Engineer's Report/Viewer's Report/Property Owner's Report, which was served on all affected owners.
5. The drainage authority, by order, set a public hearing for review of the viewers' report on July 7, 2025, which is within 30 days after the property owners' reports were mailed.
6. A printed copy of the final hearing notice was posted for at least three weeks before the date of the final hearing at 190 Marshall Street, Alvarado, MN.
7. Notice of the final hearing was published in the Warren Sheaf for three successive weeks prior to the hearing.
8. Within one week after the first publication of the notice, the District provided notice by mail of the time and location of the final hearing to all property owners and others affected by the redetermination of benefits and listed in the viewers' report.
9. Proper notice of the determination hearing was made in conjunction with Minn. Stat. § 103E.351 requirements and chapters 103E. A record of the notice requirements is on file with the drainage

APPROVED

authority.

10. Evidence of all actions in this matter, including findings and orders, appointments, affidavits of mailing, publication, and posting as well as hearing agendas, presentation materials, and recordings are present in the record of proceedings and are incorporated by reference.
11. The drainage authority held a public hearing on the determination of benefits on July 7, 2025 at Alvarado, Minnesota. At the public hearing, Kyle Schlomann presented the viewers' report and explained the process of completing the viewers' report. Schlomann further provided detail of the viewing process and the information used by the viewers to: (1) verify the boundary of the watershed of the drainage system; (2) verify and confirm the existence of drainage benefit; and (3) determine the economic benefit to lands deriving a drainage benefit from Watershed Ditch #8. Schlomann explained that the 2018 PCD#175 Viewers Report used Light Detection and Ranging (LiDAR) derived topographical data to determine the extents of the benefitted area. The total acreages for each parcel and 40-acre tract were determined from records from the Polk County Assessor's Office. The PCD#175 viewers also held meetings with individual landowners, project engineers, and district staff in assessing drainage conditions. Other sources of information used were USDA – Natural Resource Conservation Service (NRCS) Web Soil Survey data, USDA satellite imagery, US Fish and Wildlife Service National Wetland Inventory (NWI) maps, and Polk County sales data and annual reports.
12. The landowners were informed that they were entitled to a new and comprehensive review of the ditch including:
 - A. The use of maps, LiDAR data, and other information, along with visual inspection of the watershed of the drainage system, to determine the boundaries of the benefiting area;
 - B. An examination of altered land use and drainage alterations which facilitate the removal of water from property directing it to the drainage system;
 - C. A determination of the economic benefit to lands deriving a drainage benefit from the drainage system, a condition comparison comparing the expected, pre- ditch, unaltered state of the watershed to the existing, altered and improved condition of the watershed, using this comparison in determining the increased market value of the properties receiving a direct drainage benefit;
 - D. A determination of the benefit classifications, classified acres, and assigned economic benefit on a per acre basis;
 - E. A review of the acres within the watershed of the drainage system, i.e. existing wetlands and non-contributing basins, receiving no benefit from the drainage system;
 - F. An accounting for the efficiency of the drainage system, as designed, and the proximity of lands to and the elevations of lands above the ditch;
 - G. An application of an economic analysis using sales and income approaches to determine the increased value to each classification acre based on the drainage benefit provided by the drainage system;
 - H. A determination of the amount of economic benefit to property benefited immediately by the drainage system, or for property for which the drainage system can become an outlet for drainage, make an outlet more accessible, or otherwise directly benefit the property;
 - I. A determination of the economic benefits based on: (1) an increase in the current market value of the property as a result of constructing the project; (2) an increase in the potential for agricultural production as a result of constructing the project; or (3) an increased value of the property as a result of potential different land use;

APPROVED

J. A determination of the benefits on property that are responsible for increased drainage system maintenance, or increased drainage system capacity because the natural drainage on the property has been altered or modified to accelerate the drainage of water from the property; and,

K. An accurate account of all time engaged in viewing and examination; the nature and kind of work performed; the days each viewer was engaged in said work; the amount charged per day by each viewer; and every item of expense incurred by the viewers in said work.

13. At the informal landowner meetings, all of the affected landowners opposed a full and comprehensive redetermination of benefits due to the inordinate cost associated with the same, and fully and knowingly waived their rights to a statutory redetermination in favor of the application by the staff of the 2018 PCD#175 benefits.
14. Upon review of information provided to the Board during the public hearing, the Board further finds and confirms its earlier findings that the benefits and damages determined in the original proceedings, as well as the benefited and damaged areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefitted areas.
15. The combined Engineer's Report/Viewer's Report/Property Owner's Report is attached as **Exhibit A**.
16. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board's response is indicated in italics following each comment):

NONE.

17. At the close of the public comment hearing, Manager Bill Petersen moved to direct staff to prepare Findings and an Order consistent with the proceedings, including all comments received through the public comment process; that the draft Findings and Order be written to confirm the determined benefits and damages as reported by the Staff.
18. Based on the proceedings herein, the evidence presented during the pendency of these proceedings, the testimony of the Staff, and the public comments received, the Board finds:
 - a. that the viewers' report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E;
 - b. that the viewers' report is complete and correct;
 - c. that no evidence was presented in opposition to the benefits and damages determined by the Staff in the viewers report;
 - d. that the redetermined benefits and damages, as reflected in the viewers' report as **Exhibit A**, are proper, reasonable, and conform to the drainage code.

Order:

APPROVED

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Watershed Ditch #8, hereby orders as follows:

- A. The determined benefits of Watershed Ditch #8, the viewers' report attached hereto as **Exhibit A** is hereby adopted by the Board and shall be used in place of the original benefits and damages in all subsequent proceedings.
- B. The Secretary shall ensure that the determined benefits replace the existing benefits previously determined for Watershed Ditch #8 when formerly it was a portion of PCD#175.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were 6 yeas, 0 nays, 0 absent, and 1 abstentions as follows:

	Yea	Nay	Absent	Abstain
Blawat	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kovar	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McGregor	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Petersen	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Schiller	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Szczepanski	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

Motion by Mr. Joey McGregor, seconded by Mr. Keith Szczepanski to close the Public Hearing for the Determination of Benefits for WD #8. Motion unanimously carried.

The Hearing was closed at approximately 10:20 a.m.

Discussion was held regarding replacing the 36" CSP and Anti-Seep Diaphragm at AO #1 outlet. The DNR is requesting an amendment to the original permit.

Randy Knott was present to provide an update on the Newfolden Project. Davidsons will start mobilizing mid week.

Administrator Maher provided an update on the buoy that was put at Nelson Slough. The original unit has failed but has been replaced.

Operations Manager Danny Omdahl provided a report on trees in impoundment that need spraying. There was a discussion about renting to private party again and have the land under CRP is still a viable option as in the past the previous renter missed the enrollment time and thus the land is off CRP now. The matter needs to be discussed with Polk County FSA/SWCD.

Administrative Assistant Haugen provided information on the Office renovations and gave an overview presentation of MN Paid Medical and Family Leave that will go into effect January 1, 2025.

APPROVED

Polk County is moving to Auto Deposits for those interested in receiving funds that way instead of paper checks. Haugen talked with Polk County and both the County and Haugen agree that continuing to receive paper checks for Levy funds would work the best for us. It was the consensus of the board to continue receiving paper checks from Polk County.

Purchasing tablets for board managers, and new computers for staff with outdated ones was discussed.

Motion by Mr. Keith Szczepanski, seconded by Mr. Robert Kovar to purchase 8 new tablets for the board spending no more that \$600 each and to purchase 3 new computers from Garden Valley to replace staffs outdated ones. Motion unanimously carried.

A proposed Draft of additions to the Personnel Policy was presented to the board.

Motion by Mr. Joey McGregor, seconded by Mr. Robert Kovar to adopt the Draft Personnel Policy. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to authorize Mr. Bill Petersen to sign the presented Memorandum of Understanding with the Red River Watershed Management Board on RIM projects. Motion unanimously carried.

Administrator Maher and Mr. Bill Petersen provided an update of the June Red River Watershed Management Board Meeting.

Mr. Joey McGregor provided an update on the One Watershed One Plan meeting that was held in June.

Administrator is still working on a DPA request from June 10, 2025. Maher has been in contact with the requester and has received confirmation that have been notified that the request will take more time to fill.

Attorney Hane provided an update on the purchase of the Smith House in Newfolden and the Court Costs that are to be paid to the District regarding a previous lawsuit.

The following meetings were announced:

1. RRWMB meeting Tuesday, July 8, 2025 at 10:00 a.m. in Ada MN
2. MSTRWD regular Board of Managers Meeting Monday, July 21, 2025 at 8:30a.m. at the Temporary District Office in Alvarado.

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

The Meeting was adjourned at 11:47 p.m.

Katrina Haugen
Recording Secretary

Brad Blawat
Asst Sec/Treasurer