

June 16, 2025 (a)

APPROVED
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT THE MARSHALL COUNTY COURTHOUSE MEETING ROOM 1
8:30 a.m. June 16, 2025

The Meeting was called to order by President Bill Petersen, Managers Bill Petersen, Keith Szczepanski, Jared Sands, Lein Schiller and Joey McGregor were present. Mori Maher, Katrina Haugen, Danny Omdahl, Tyler Larson, Rolland Miller, Derek Peterson, and Jeff Hane were also present.

Motion by Mr. Lein Schiller, seconded by Mr. Joey McGregor, to approve the agenda, as amended to include JD #15 as item #5 under Ditches. Motion unanimously carried.

Managers Brad Blawat and Robert Kovar joined the meeting at approximately 8:33 a.m.

Motion by Mr. Jared Sands, seconded by Mr. Keith Szczepanski, to approve the meeting minutes from the May 19, 2025 meeting as presented. Motion unanimously carried.

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

Motion by Mr. Robert Kovar, seconded by Mr. Lein Schiller, to accept the Pay request from Klopp Construction and authorize Manager Bill Petersen to sign it. Motion unanimously carried.

Motion by Mr. Keith Szczepanski, seconded by Mr. Brad Blawat, to accept the Pay request from Gladen Construction and authorize Manager Bill Petersen to sign it. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Jared Sands to pay the following bills: Payroll #7280-7290 in the amount of \$22,340.94; from Administrative Funds checks #20133-20149 in the amount of \$124,326.00 including ACH withdrawals; From Project Funds checks #3639-3647 in the amount of \$471,179.01; from RRWMB funds check #232 in the amount of \$383,162.17; from Ditch funds checks #3780-3786 in the amount of \$23,558.99. Motion unanimously carried.

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

Permit 25-025 Gordon Kujava to install 37 acres of field pattern drain tile in the SE4 SE4 of Section 7 Marsh Grove Township with a 3/8" drainage coefficient; 40' tile spacing; 1-3 hp VFD pump (262 GPM) to outlet to west County Road 38 Road Ditch.

Motion unanimously carried.

Motion by Mr. Joey McGregor, seconded by Mr. Lein Schiller, to approve the following permit:

Permit 25-026 Neil and Tom Widner to install 16 acres of field pattern drain tile in the W2 SW4 of Section 28 Tamarac Township with 1/4" drainage coefficient; 20' and 40' tile spacing; gravity outlet to Judicial Ditch #29 Lateral 2 (~Sta 589+00).

Motion unanimously carried

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski, to approve the following permit:

Permit 25-028 Bristlet Township to replace a failed 72" culvert under 200th St NW with a 60"X40' CMP pipe on Section line 11/14 Bristlet Township.

Motion unanimously carried

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Motion by Mr. Jared Sands, seconded by Mr. Robert Kovar to deny the following permit for the following reasons:

- 1) The permit application was incomplete in that it did not include proposed depths and cross-sections- lack of needed detail.
- 2) The permit requested that a ditch be dug in a manner that required the cutting of a ridge, but nothing in the permit application explained why that was necessary or supplied compelling reasons why an exception be made to the rule that ridges not be cut.
- 3) The permit as requested would potentially result in water being directed into a legal ditch for which the draining property is not paying benefits. Nothing in the application materials addresses how this could be eliminated, permitted or alleviated.
- 4) The permit appears to be requested in place of draining into the existing adjacent public waterway, which is normally favored over cutting a ridge to make water flow unnaturally. The permit application doesn't include any information as to why draining into a public waterway would work and also fails to include a description of any efforts made to clean the public waterway or otherwise remediate the public waterway to make it more efficient as an outlet

Permit 25-029 David Jadeke to restore/create a ditch along the North side of 200th St NW from the quarter line to the East approximately ¼ mile. Also to install a field crossing and culvert on the quarter line and another crossing and culvert on the East extent of the new ditch.

Motion unanimously carried

Derek Peterson left the meeting at approximately 8:55 a.m.

The following Permit was Administratively Approved and reviewed:

Permit 25-027 MNDOT to remove a failed field entrance 18" CMP and replace it with a longer 18" CAS pipe, on the East Ditch of MN State Highway #220, in the NW4 of Section 9 Big Woods Township.

Administrator Maher and Operations Manager Danny Omdahl provided information on an incoming request from New Solum Township regarding cost share on a 42"X120' CSP on JD #14 Br. B. The Township is waiting on quotes and then will make a formal request to the Board for cost share.

Northern Plains Railroad plans to replace the Culverts on JD #14 that they had inserted sleeves into on June 23, 2025.

Operations Manager Omdahl asked the board if they had any input for weed and brush spraying. It was the consensus of the board to continue with spraying the district in 3 sections to be alternated yearly.

Operations Manager Omdahl notices when inspecting weeds that the grass that was seeded on the JD #15 outlet repair in 2024 was not coming up. Omdahl stated that Lunke was in the area and he would be contacting them to see if they would be able to re-seed the location.

Administrator Maher and Tony Nordby from Houston Engineering provided an update on the Swift Coulee project.

Discussion was held regarding the outlet pipe for AO #1 that is failing. Omdahl received a quote for replacing the pipe from one contractor and was asked to reach out to more contractors after the Amended Permit from MN DNR has been received as the specs of the work may change depending on the DNR requirements. Nordby expects to have more information for the July 7 Board Meeting.

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Administrator Maher discussed holding a project work team meeting to discuss the potential of having a ungated storage area for high water events designed as part of phase 2 of the project. Maher will hold a meeting with the Project Work team early/mid July.

Administrator Maher Provided an update on Resolutions submitted to Minnesota Watersheds for consideration.

The regular Board meeting was recessed at approximately 9:52 for the JD #14 Re-establishment of Records Hearing.

The JD #14 Re-establishment of Records Hearing was opened at 10:00 a.m. by Mr. Bill Petersen. This hearing was recorded.

Mr. Bill Petersen turned the meeting over to Attorney Jeff Hane to review the process and outline how the hearing would be conducted.

Administrative Assistant Haugen listed the documents that made up the record.

Tony Nordby presented the information that was found in the Technical Memo.

The floor was opened for Public Comment

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat to accept the following Findings and Order:

Findings and Order to Re-Establish Records for JD #14

The above-entitled matter came on for hearing before the Board of Managers on June 16, 2025, at its regular meeting at 208 Colvin Ave Warren, Minnesota. The matter was before the Board due to a previous request by staff to have the records of JD#14 re-established. A lack of complete records has made it difficult for staff to properly evaluate permit requests since there was incomplete baseline elevation, cross section, grade, etc., for comparison. Accordingly, the Board directed engineer Tony Nordby to work with staff and study the existing records, investigate the existing conditions, and return an opinion substantiated with evidence as to the original alignment, cross section, profile, or right-of-way of a drainage system. Upon said direction, Nordby did the same and looked at all available evidence including but not limited to the following materials to the extent they were available: LiDar mapping, applicable aerial photographs, soil borings or test pits, culvert dimensions and invert elevations, and bridge design records. A copy of the report of engineer (Technical Memorandum dated February 10, 2025) was submitted with a grade recommendation.

The following persons gave testimony regarding the matter: Tony Nordby; Greg Drydal; and Pete Carlson.

Following the receipt of the engineer's report and recommendation, and following all other testimony, the Board made the following findings:

1. that records establishing the alignment, cross section, profile, or right-of-way of a drainage system that it administers are lost, destroyed, or otherwise incomplete;
2. Pursuant to MS §103E.101 4a, the Board may, by order, reestablish records defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of the drainage system as originally constructed or subsequently;
3. The District's engineer upon order of the Board conducted an investigation with the assistance of District staff and a report of findings by Tony Nordby of Houston Engineering, Inc., a professional engineer licensed in Minnesota, was submitted; and

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4. The report of engineer Nordby contains recommendations which are supported by existing records and evidence, including, but not limited to, applicable aerial photographs, soil borings or test pits, culvert dimensions and invert elevations, and bridge design records.

Based upon the foregoing findings, it is hereby Ordered that the recommendations set forth in the Engineer's Technical Memorandum dated February 10, 2025 are added to and supplement the existing records and are henceforth now the official design of JD#14.

Motion unanimously approved.

Motion by Mr. Jared Sands, seconded by Mr. Keith Szczepanski to close the hearing. Motion unanimously carried.

The Hearing was closed at approximately 10:45a.m.

The JD #25-2 Re-establishment of Records Hearing was opened at 11:00 a.m. by Mr. Bill Petersen. This hearing was recorded.

Mr. Bill Petersen turned the meeting over to Attorney Jeff Hane to review the process and outline how the hearing would be conducted.

Administrative Assistant Haugen listed the documents that made up the record.

Tony Nordby presented the information that was found in the Technical Memo.

The floor was opened for Public Comment.

Motion by Mr. Keith Szczepanski, seconded by Mr. Lein Schiller to accept the following Findings and Order:

Findings and Order to Re-Establish Records for JD #25-2

The above-entitled matter came on for hearing before the Board of Managers on June 16, 2025, at its regular meeting at 208 Colvin Ave Warren, Minnesota. The matter was before the Board due to a previous request by staff to have the records of JD#25-2 re-established. A lack of complete records has made it difficult for staff to properly evaluate permit requests since there was incomplete baseline elevation, cross section, grade, etc., for comparison. Accordingly, the Board directed engineer Tony Nordby to work with staff and study the existing records, investigate the existing conditions, and return an opinion substantiated with evidence as to the original alignment, cross section, profile, or right-of-way of a drainage system. Upon said direction, Nordby did the same and looked at all available evidence including but not limited to the following materials to the extent they were available: LiDar mapping, applicable aerial photographs, soil borings or test pits, culvert dimensions and invert elevations, and bridge design records. A copy of the report of engineer (Technical Memorandum dated April 8, 2025) was submitted with a grade recommendation.

The following persons gave testimony regarding the matter: Tony Nordby; Greg Drydal, and Bryan Bolstad.

Following the receipt of the engineer's report and recommendation, and following all other testimony, the Board made the following findings:

1. That records establishing the alignment, cross section, profile, or right-of-way of a drainage system that it administers are lost, destroyed, or otherwise incomplete;

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2. Pursuant to MS §103E.101 4a, the Board may, by order, reestablish records defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of the drainage system as originally constructed or subsequently;
3. The District's engineer upon order of the Board conducted an investigation with the assistance of District staff and a report of findings by Tony Nordby of Houston Engineering, Inc., a professional engineer licensed in Minnesota, was submitted; and
4. The report of engineer Nordby contains recommendations which are supported by existing records and evidence, including, but not limited to, applicable aerial photographs, soil borings or test pits, culvert dimensions and invert elevations, and bridge design records.

Based upon the foregoing findings, it is hereby Ordered that the recommendations set forth in the Engineer's Technical Memorandum dated April 8, 2025 are added to and supplement the existing records and are henceforth now the official design of JD#25-2.

Motion unanimously approved.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat to close the hearing. Motion unanimously approved

The hearing was closed at approximately 11:34 a.m.

The regular Board meeting was reconvened at approximately 11:35 a.m.

Administrator Maher provided an update on Buffer enforcement. At this time everyone identified by Marshall County SWCD is now in compliance.

Administrative Assistant Haugen provided an update on the progress of the Office renovation and addition.

Haugen stated that the budget committee will need to meet in July to review and prepare for setting the 2026 budget and Levy.

The Personnel Committee and Administrator Maher recommended hiring Robert Adam for the Engineering Technician I position at an annual salary of \$46,000.

Motion by Mr. Keith Szczepanski, seconded by Mr. Robert Kovar to hire Robert Adam as a Engineering Technician I with a starting annual salary of \$46,000. Motion unanimously carried.

Motion by Mr. Lein Schiller, seconded by Mr. Brad Blawat to authorize the purchase of a new computer and cell phone for Robert Adam. Motion unanimously carried.

Administrator Maher discussed being asked to be on the Red River Watershed Management Boards Budget and Finance committee. The committee will be meeting after the RRWMB regular meeting on Tuesday, June 17th.

Discussion was held regarding the upcoming One Watershed One Plan Policy Committee meeting that will be held on Wednesday, June 18, 2025 at 1:00p.m. at the Marshall County SWCD Office in Warren.

Administrator Maher Informed the board of two Data Requests he had received. One was from an individual regarding permit information and the other was from Barr Engineering regarding the hydraulic Modeling from the Oslo Access Study that Houston Engineering did.

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Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to authorize Houston Engineering to provide requested information to Barr Engineering. Motion unanimously carried.

The following meetings were announced:

1. RRWMB meeting and Budget and Finance Committee Meeting Tuesday, June 17, 2025 at 10:00 a.m. in Ada MN
2. 1W1P Policy Committee Meeting Wednesday, June 18, 2025 at 1:00 p.m. at the Marshall County SWCD Office
3. MN Watersheds Summer Tour June 24-25th Roseau MN

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

The Meeting was adjourned at 12:11 p.m.

Katrina Haugen
Recording Secretary

Brad Blawat
Asst Sec/Treasurer