

July 20, 2026 (a)

APPROVED
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT THE DISTRICT OFFICE IN WARREN

9:30 a.m.

July 20, 2026

The Meeting was called to order by President Bill Petersen, Managers Bill Petersen, Brad Blawat, Lein Schiller, Joey McGregor, Jared Sands and Keith Szczepanski were present. Mori Maher, Kyle Schlomann, Robert Adam, Tyler Larson, Katrina Haugen, Jim Duckstad, Rolland Miller, Gunnar Bowman, Chris Kuznia, Allen Pietruszewski, Dillon Nelson, Nate Dallager and Tony Nordby were also present. Jacob Narloch, Jeff Hane, Jerry Pribula, and Michael Miller were in attendance using Microsoft Teams.

Motion by Mr. Lein Schiller, seconded by Mr. Keith Szczepanski to approve the agenda as amended to include Unpermitted flap gate in Nelson Park Township under Other as Item #1. Motion unanimously carried

Motion by Mr. Brad Blawat, seconded by Mr. Lein Schiller, to approve the minutes of the July 2, 2026, meeting as presented. Motion unanimously carried.

Motion by Mr. Lein Schiller, seconded by Mr. Keith Szczepanski to table the following After the Fact permit pending a study on the potential impacts.

Permit 26-022 Misselhorn Tile and Excavation to install a new 6" lateral in the SE4 SW4 of Section 26 Middle River Township and to extend to the East approximately 400' to install a blind surface water inlet in existing field ditch in the SW4 SE4 of the same section. New lateral and blind inlet to drain to existing lift station and pump (Permit 24-001)

Motion unanimously carried.

Tyler Larson and Allen Pietruszewski left the meeting at approximately 10:00 a.m.

The Regular Board of Managers meeting was recessed at 10:00 a.m. for the City of Newfolden Flood Prevention Project Final Payment Hearing.

The City of Newfolden Flood Prevention Project Final Payment Hearing was called to order by Mr. Bill Petersen at 10:01 a.m.

This hearing was recorded.

The attendees were Managers Bill Petersen, Brad Blawat, Lein Schiller, Jared Sands, Keith Szczepanski, and Joey McGregor. Mori Maher, Kyle Schlomann, Robert Adam, Katrina Haugen, Dillon Nelson, Nate Dalager, Rolland Miller, Jim Duckstad, Gunner Bowman, Chris Kuznia, Dustin Holmstrom, and Tony Nordby were also in attendance. Jeff Hane, Jacob Narloch, Jerry Pribula, and Michal Miller were in attendance using Microsoft Teams.

Board President Bill Petersen opened the hearing at 10:00 a.m.

Dillon Nelson from HDR Engineering presented information of the project.

Motion by Mr. Brad Blawat seconded by Mr. Keith Szczepanski To adopt the following findings and order

The above-entitled matter came on for final hearing on July 20, 2026, before the Board of Managers of the Middle-Snake-Tamarac Rivers Watershed District pursuant to Minn. Stat. § 103E555, at the District Offices at 453 No. McKinley St. Warren, Minnesota. The Board, having given due notice of the hearing as required by law, and having heard the testimony of all in attendance at the hearing, hereby makes the following FINDINGS:

APPROVED

- a. The project engineer has made a report to the Board showing the contract price, the amount paid on certificates, the unpaid balance, and the work that is completed under the contract.
- b. Notice of the hearing by publication at least ten days before the hearing was made. The notice included a statement that the report is filed, the time and location for the hearing, and that a party objecting to the acceptance of the contract may appear and be heard.
- c. The Board is satisfied that the contract has been completed in accordance with the plans and specifications, with the following limited exceptions: NONE.
- d. The Board determines that the following circumstances are relevant to the issue of liquidated damages accruing under the contract: NONE.
- e. The District issued a Completion Letter to the Canadian Pacific Kansas City (CPKC) on December 27, 2023, which noted that the bridge replacement component (Phase I) was completed in July of 2023 and the punch list was removed on September 28, 2023, and that all invoices to date were fully paid.
- f. Without any prior notice, on January 14, 2026, CPKC sent to the District a demand letter alleging it was owed an additional **\$251,677.59**. Subsequent discussions with CPKC officials pointed out the much of the alleged additional charges appeared to be unrelated to bridge construction, and discussion with local CPKC officials appeared to resolve all outstanding issues. CPKC headquarters have since never responded to addition requests for information by the District. It is the opinion of the District that CPKC has waived any further payments by the actions and representations of its local officials.
- g. Periodically, the District receives automated invoices for said sum, and responds to them by forwarding them to the local CPKC employee, Danial Sabatka. Sabatka has never responded on behalf of CPKC.
- h. The FEMA Letter of Map Revision was issued on May 8, 2026 effective October 1, 2026 accepting the project removed the City of Newfolden from the Flood Plain as designed.

THEREFORE, IT IS HEREBY ORDERED that the Contract is deemed accepted, and that a draft shall be prepared to Davidson Construction for final payment in the sum of: Four hundred and fifteen thousand, six hundred seventy eight dollars and twenty four cents (\$415,678.24), and that any further claim by CPKC is hereby DENIED.

Motion unanimously carried

The final Hearing was closed at 10:19 a.m.

The regular board meeting was reconvened at 10:20 a.m.

Motion by Mr. Joey McGregor, seconded by Mr. Jared Sands to approve the following permits:

Permit 26-023-1 MarKit County Grain LLC to install 111 acres of drain tile in portions of the SE4 of Section 4 & the SW4 of Section 3 Middle River Township with ¼" drainage coefficient; 20' and 40' tile spacings; (2) 5-hp (1041 GPM) VFD pumps to outlet to the North ditch along 330th St NW.

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Permit 26-023-2 MarKit Grain LLC to install (6) surface inlets in the SE4 of Section 4 Middle River Township to drain excess water through a proposed subsurface drain tile system under Permit 26-023-1.

Motion unanimously carried.

Motion by Mr. Jared Sands, seconded by Mr. Joey McGregor to approve the following permit.

Permit 26-024 Johnson Family Farms to install 246 acres of field pattern drain tile in the SE4 and N2 SW4 of Section 11 Sandsville Township with ¼" drainage coefficient; 40' and 80' tile spacings; to outlet to an existing lift station (Permit 24-078) with (2) 15-hp (2642 GPM combined) VFD pumps that discharge to JD #24.

Motion unanimously carried

Gunnar Bowman and Chris Kuznia left the meeting at approximately 10:33 a.m.

Tony Nordby from Houston Engineering presented a construction update on the Nelson Slough Project.

Motion by Mr. Keith Szczepanski, seconded by Mr. Brad Blawat to authorize Mr. Bill Petersen to sign Partial Payment Request #1 from Spruce Valley in the amount of \$600,246.76. Motion unanimously Carried.

Administrator Maher provided an update on the Swift Coulee project. Maher asked the board to approve a one time payment for landowners on Phase II of Swift Coulee in the amount of \$1,000 per parcel and \$400 per acre for temporary easement for 2 construction seasons. Maher also asked the board to set a final payment hearing for Phase I of Swift Coulee for August 17th, 2026 at 9:30am.

Motion by Mr. Joey McGregor, seconded by Mr. Lein Schiller to authorize a one time payment of \$1,000 to Swift Coulee Phase II landowners plus the \$400 per acre for temporary easements. Motion unanimously carried.

Motion by Mr. Lein Schiller, seconded by Mr. Keith Szczepanski to set the final payment hearing for Swift Coulee Phase I for Monday, August 17, 2026 at 9:30a.m. at the District Office in Warren, MN. Motion unanimously carried.

The Treasurers Report was reviewed and filed for the Auditor.

Motion by Mr. Lein Schiller, seconded by Mr. Brad Blawat to pay the following checks: Payroll Checks #7436-7449 in the amount of \$25,144.15; From Admin Funds checks #20378-20390 in the amount of \$34,912.48 including ACH Withdrawals; from Project Funds checks #3782-3797 in the amount of \$1,147,167.78; From Debit Card Funds transactions totaling \$1,913.31; from RRWMB funds check #241 in the amount of \$101,454.95; and from Ditch Funds checks #3851-3861 in the amount of \$158,755.61. Motion unanimously carried.

Motion by Mr. Brad Blawat, seconded by Mr. Keith Szczepanski to authorize Mr. Bill Petersen to sign the Final Payment request from Davidson Construction for \$415,678.24. Motion unanimously carried.

Administrator Maher provided a Quick Claim Deed to the Board of Managers to turn the former Klipping property over to Polk County.

APPROVED

Motion by Mr. Keith Szczepanski, seconded by Mr. Joey McGregor to authorize Mr. Bill Petersen and Mr. Brad Blawat to sign the Quick Claim Deed turning the former Klipping property over to Polk County. Motion unanimously carried.

An invoice in the amount of \$187.99 from Miles Gulbranson for the replacement of bridge planks that were damaged by a mower on project 60/ WD #6 outlet in 2024 was presented to the board.

Motion by Mr. Lein Schiller, seconded by Mr. Keith Szczepanski to pay Miles Gulbranson \$187.99 for the 2024 replacement of bridge planks on Project 60/WD #6 outlet. Motion unanimously carried.

The proposed Administrative Budget was presented to the board for review.

Motion by Mr. Brad Blawat, seconded by Mr. Joey McGregor to set the 2027 Budget Hearing for Monday, August 17, 2026 at 10:00 a.m. at the Watershed District Office in Warren, MN. Motion unanimously carried.

Administrator Maher stated that the two DPA's that had been received have now been responded to.

The Summer Tour set for August 25-26 in Detroit Lakes, MN will be attended by Engineering Technician III Tyler Larson as Administrator Maher will not be available.

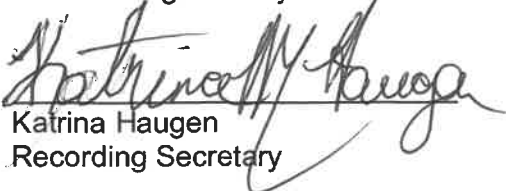
Discussion was held regarding an unpermitted flap gate that had been installed on the South end of a township road centerline culvert, Northeast of the village of Englund (Section Line 16-21) in Nelson Park Township. It was the consensus of the Board that Administrator Maher send a letter to the landowner on the North side, stating that he has 10 days to remove the flap gate or an authorized representative of the District will be assigned to remove and salvage it.

The following meetings were announced:

1. RRWMB Regular Meeting Tuesday, July 21st, 2026, at 10:00 a.m. in Ada MN.
2. MSTRWD Board of Managers Meeting Monday, August 3, 2026 at 8:30 a.m. at the District Office in Warren, MN
3. MSTRWD Board of Managers Meeting Monday, August 17, 2026 at 8:30 a.m. at the District Office in Warren, MN.

Motion by Mr. Keith Szczepanski seconded by Mr. Lein Schiller to adjourn the Meeting. Motion unanimously carried.

The Meeting was adjourned at 11:27 a.m.


Katrina Haugen
Recording Secretary


Brad Blawat
Secretary