

APPROVED (as presented May 1, 2017)
**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
8:30 A.M. April 17, 2017**

The meeting was called to order by President Ben Kleinwachter. Managers John W Nelson, Roger Mischel, David Bakke, Robert Kovar, Brad Blawat and Ben Kleinwachter were present. Connie Kujawa, Brent Silvis, Christina Slowinski, Dillon Nelson, LeRoy Vonasek, Rolland Miller, Tony Nordby, Dean Peterson, Nick Pribula and Carl Van Horn were also present.

Motion by Mr. David Bakke, seconded by Mr. Roger Mischel that the agenda be approved, as presented. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Roger Mischel that the minutes of the April 3, 2017 be approved, as corrected. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar that the following bills be paid: from the Administrative Funds, that payroll checks numbered 6060 through 6072 inclusive for a total of \$15,200.28; that checks numbered 17398 through 17431 inclusive, and including the safe deposit box rent, for a total of \$18,903.58; from the Project funds that checks numbered 2738 through 2747 inclusive, for a total of \$50,147.08; and from the Ditch Funds that checks numbered 3063 and 3066, including the service charge, for a total of \$22,629.55 be paid. Motion unanimously carried.

The following permits were unanimously approved:

1. Permit (17-014) to Dean Peterson to install 285 acres drain tile; 1/4" coefficient; 80' spacing; draining to a 7.5 HP (1400 GPM) pump in the NW corner of section 18, Brislet; W2, Section 18, Brislet Township. The District tiling conditions also apply. (Motion by Mr. Roger Mischel, seconded Mr. Brad Blawat).

Dean Peterson left the meeting at approximately 8:50 a.m.

2. Permit (17-009) to John W Nelson to install 30 acres drain tile; 3/8" coefficient; 60' spacing; 10" gravity outlet pipe with a control structure and flap gate, SE4 and SW4, Section 29, Oak Park Township. The District tiling conditions also apply. (Motion by Mr. David Bakke, seconded Mr. Roger Mischel, John W Nelson abstained).
3. Permit (17-010) to Jerome Nelson to replace an 18" CSP with a 30" CSP under the driveway, NW4, Section 28, New Maine Township. (Motion by Mr. John W Nelson, seconded Mr. Robert Kovar).
4. Permit (17-013) to Robert Wesolowski to plug a 24" township road centerline culvert under 180th St NW and install a temporary 700 GPM pump, effective until September 1, 2017, and with condition the pump is manned and operated during daylight hours, SE4 SW4, Section 24, Helgeland Township. (Motion by Mr. Roger Mischel, seconded by Mr. John W Nelson)

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5. Permit (17-015) to Stoltman Farms to install 160 acres drain tile; 3/8" coefficient; 50' spacing; 7.5 VFD (1136 GPM) pump outletting thru a 15" outlet pipe under township road into Judicial Ditch 29 Lateral 2; to replace 18" culvert with 18" culvert at Station 178+65 and placing the pipe diagonally under road, SE4 SW4, NE4 SE4 and S2 SE4, Section 30, Parker Township. (Motion Mr. John W Nelson, seconded by Mr. Brad Blawat)
6. Permit (17-016) to Ed Honek to cut ledge off by field along CD #175, NW4, Section 10, Northland Township, with District staff to monitor and the grass strip is established. (Motion Mr. Roger Mischel, seconded by Mr. Robert Kovar)
7. Permit (17-017) to Ed Honek to install (6) 18" x 30' culverts with flap gates in field ditches/open swales along CD #175, NE4, Section 10, Northland Township. (Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar)

The following permit was withdrawn by applicant; no action was needed.

8. Permit (17-005) of Stoltman Farms to install 160 acres drain tile; 3/8" coefficient; 50' spacing; 7.5 VFD (1136 GPM) pump outletting thru a 24" CSP under the twp road, SE4 SW4, NE4 SE4 & S2 SE4, Section 30, Parker Township; and to build a dike along the South side of SE4 SW4 of Section 30, Parker Township.

The following permit was unanimously tabled:

9. Permit (17-012) of Arden Lind to lower the section line culvert under 180th St NW, CR #70 to depth of the ditch; NE4 NE4, Section 27 and SE4 SE4, Section 22, Higdem Township. This permit was tabled due to the application did not list how much lower the culvert would be lowered; this permit will need approval from Polk County, and due to the pending permit violation in the same vicinity. (Motion by Roger Mischel, seconded by Mr. Brad Blawat)

The following permit was Administratively Approved and reviewed:

10. Permit (17-011) to Enbridge Energy Ltd to widen the existing CSAH #2 approach over north ditch to existing facility at Viking Station and extend culvert 25' to the West, culvert diameter will remain 30", SE4, Section 28, Viking Township.

Christina Slowinski left the meeting at approximately 9:20 a.m.

Administrator Silvis stated a public hearing will be held on May 2, 2017, at 8:30 a.m., at the Bremer Bank to inform the landowners about the proposed work to repair the sloughs on the North side of Judicial Ditch #75. He also inquired what offer the District would entertain to the landowners for temporary and permanent right of way.

Motion by Mr. John W Nelson, seconded by Mr. Roger Mischel that the landowners be offered \$4,500.00/acre for permanent right of way and \$150.00/acre, per year, for a period of two years for temporary right of way for the proposed works to repair the sloughing on the North side of Judicial Ditch #75. Motion unanimously carried.

Administrator Silvis reported that Attorney John Kolb, has reviewed the Petition received for the Improvement of Polk County Ditch #175 and has found it to be acceptable.

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Administrator Silvis also informed the board that the required bond, in the amount of \$10,000.00, has been received.

Darrell Peterson joined the meeting at approximately 9:55 a.m.

Motion by Mr. Brad Blawat, seconded by Mr. Roger Mischel that the following Findings and Order be adopted for the Improvement of Polk County Ditch #175:

FINDINGS:

1. The petition of Kovar and Others for the Improvement of Polk County Ditch #175 was filed with the Board of Managers pursuant to Minnesota Statutes Section 103D.625, subd.4 and 103E.215.
2. The Board verified the signatures and ownership interests of the petitioners and finds that the petitioners are the owners of 12 of the 18-40 acre parcels that the proposed improvement passes over. As such, petitioners are at least 26 percent of the owners of the property affected by the proposed improvement; or the owners of at least 26 percent of the property area that the proposed improvement passes over.
3. The petition was properly filed with the Board of Managers to initiate improvement proceedings.
4. The petition properly designated the drainage system proposed to be improved by number or another description that identifies the drainage system.
5. The petition alleges that the drainage system has insufficient capacity or needs enlarging to furnish sufficient capacity.
6. The petition describes the improvement, including the names and address of owners of the 40-acre tracts or government lots and property that the improvement passes over.
7. The petition alleges that the proposed improvement is necessary and will be of public utility and promote the public health.
8. The petition contains an agreement by the petitioners that they will pay all costs and expenses that may be incurred if the improvement proceedings are dismissed.
9. The petition was accompanied by cash bond from one or more petitioners of \$10,000 in the form of a check payable to the Watershed District. The cash deposit, once cleared, is adequate surety and has been reviewed and approved by the Board's attorney. The bond is conditioned to pay the costs incurred if the proceedings are dismissed or a contract is not awarded to improve the drainage system proposed in the petition.
10. The costs incurred before the proposed drainage project is established may not exceed the amount of the petitioner's bond. A claim for expenses greater than the amount of the bond may not be paid unless an additional bond is filed. Therefore, petitioners may be required to provide additional cash surety or procure a payment bond from a bonding company during these proceedings. If the drainage authority determines that the cost of the proceeding will be greater than the petitioner's bond before the proposed drainage project is established, the drainage authority shall require an additional bond to cover all costs to be filed within a prescribed time. The proceedings will be stopped until the additional bond prescribed by the drainage authority is filed. If the additional bond is not filed within the time prescribed, the proceedings will be dismissed.
11. The Board's attorney has reviewed the petition and bond and has determined they meet the requirement of these proceedings.

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Based on the foregoing findings, the Board of Managers adopts the following:

ORDER:

- a. The Board appoints the engineering firm of Pribula Engineering, PLLC (Nicholas P Pribula, P.E.) to make a preliminary survey and file and report within 90 days of this order.
- b. The engineer shall serve as the engineer for the drainage project throughout the proceedings and construction unless otherwise ordered.
- c. The engineer shall file an oath to faithfully perform the assigned duties in the best manner possible and file a bond with the managers.
- d. The engineer shall include in his preliminary survey and report an investigation of the scope of improvement to include consideration of alternative improvement configurations and the impact of regulatory permitting requirements related to wetlands or other environmental factors on the possible alternatives.
- e. The engineer shall include in his preliminary survey and report an investigation of the current condition of the portion of the drainage system proposed to be improved and provide a recommendation on the property of a seperable maintenance allocation of project costs.

After discussion, Chairman Kleinwachter called the question. The question was on the adoption of the foregoing finds and order, there were 3 yeas (*Ben Kleinwachter, Roger Mischel, Brad Blawat*) and 2 nays (*John W Nelson and David Bakke*), with one (*Robert Kovar*) abstaining. Upon which vote, the Chairman declared the motion passed.

Administrator Silvis reported that a 18" culvert in Section 36 of Fork Township and a 30" culvert in Section 32 of Parker Township, on State Ditch #3, have failed. The Board directed the Staff to have the culverts replaced.

Carl VanHorn addressed the Board reporting a culvert caving in Section 28 of New Solum Township. The Board directed the District staff to review the area and make a recommendation to the Board.

Carl VanHorn left the meeting at approximately 10:13 a.m.

A discussion was held concerning paying the damages for the grass strip on Judicial Ditch #14 which was deferred in the proceedings of the Redetermination of Benefits of Judicial Ditch #14, held in 2014. The Board directed the District staff to view Judicial Ditch #14 and determine what areas are in need of the grass strip.

Administrator Silvis reported that late last year the Board agreed to place rock structures in Judicial Ditch #29 main, Section 22 of Fork Township, to help stabilize the bottom of the ditch, in the areas where sloughing has occurred. However, Fork Township officials were opposed to the placement of rock structures and would rather the District move the road, at District expense. Administrator Silvis indicated that Houston Engineering will provide some cost estimates for the installation of the rock structures and that Cary Osowski, Fork Township official, will be attending the May 1, 2017 board meeting.

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The Board was directed to contact the District office when any Manager would like a tour of the District and view some of the ditches within the District, with an emphasis on Judicial Ditch #1, State Ditch #3 and Judicial Ditch #75.

Administrator Silvis reported that the District Technicians are setting stakes on Judicial Ditch #24 for the seeding of the grass strip.

Darryl Peterson presented a check for partial payment on the rent due on the Agassiz Valley Water Resource Management Project and a letter proposing when he would make additional rent payments. Due to the fact that the rental agreement was signed by Jamey Brandon, dba Peterson Farms, the Board deferred this matter to the District's attorney for direction.

Darryl Peterson left the meeting at approximately 10:42 a.m.

Administrator Silvis reported that he met with Managers Brad Blawat and Robert Kovar to discuss the Omdahl properties owned by the District. He stated there could be potential to convert the barn into a meeting/ workshop facility and in an effort to move forward with developing the property, he recommended that the Board visit the property after the Board meeting.

Administrator Silvis reported that three, staggered, informational meetings regarding the Swift Coulee are scheduled for April 20, 2017 at the Bremer Bank in Warren, Minnesota and a Project Team meeting is scheduled for May 4, 2017, at 9:00 a.m., at the Bremer Bank, in Warren, Minnesota.

Motion by Mr. Roger Mischel, seconded by Mr. John W Nelson that Fred Nicholls be added as a stakeholder to the Swift Coulee Project Team. Motion unanimously carried.

Administrator Silvis reported that Houston Engineering is addressing the request from the Minnesota Department of Transportation for reimbursement of what they have determined to be ineligible expenses on the Phase 1 Oslo Access Study. He stated this matter should be resolved shortly.

Administrator Silvis, Dillon Nelson and Nate Dalager, HDR Engineering, met with some landowners on April 14th to discuss potential flood retention locations and to obtain landowner feedback regarding the flooding in the vicinity of the City of Newfolden. A Newfolden/Middle River Project Team is scheduled for April 24, 2017, at 6:00 p.m., at the Newfolden Community Center.

Administrator Silvis inquired how to proceed with repairing the sloughing on the Snake River at the March Impoundment site. The Board requested Tony Nordby view the area and report back to the Board with recommendations.

Administrator Silvis stated that a requirement of the permit the District received from the Minnesota Department of Natural Resources to clean the branch of the Snake River, also referred to as the Agassiz Valley Water Resource Management Outlet is the establishment of a 50' grass strip. The District paid the landowner for the damages to establish the strip and the landowner has been notified that the grass strip will need to be seeded.

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Motion by Mr. Brad Blawat, seconded by Mr. Robert Kovar that the District proceed with the seeding of the 50' grass strip on the branch of the Snake River (Agassiz Valley Water Resource Management Outlet). Motion unanimously carried.

Administrator Silvis reported that part time employee, Perlie Johnson, is requesting to work additional hours over the summer months. The Board directed Administrator Silvis to determine how many additional hours she would be looking at and report back to the Board at the next regular meeting.

Administrator Silvis reported the Personnel Committee met and conducted an interview with Kyle Schlomann for the Technician position.

Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar that Administrator Silvis offer the Technician position to Kyle Scholmann at an annual salary of \$33,000.00. Motion unanimously carried.

Administrator Silvis stated he has submitted his letter of resignation, as the District Administrator, effective July 14, 2017.

Motion by Mr. John W Nelson, seconded by Mr. Roger Mischel that the District proceed with advertising for the Administrator position. Motion unanimously carried.

Administrator Silvis reported that the PRAP workshop conducted by Laura Jester, with the District managers and staff was held on April 10th, 2017. He stated Ms. Jester is in the process of developing a survey to assess the District and that it will be sent to the townships, counties, government agencies, contractors and citizens within the District for feedback. He also stated the survey will be posted on the District website for those individuals who may be interested in responding.

Connie Kujawa reported that Brady-Martz and Associates will be conducting the 2016 audit of the District's financial records on May 11 and May 12, 2017.

Motion by Mr. Robert Kovar, seconded by Mr. John W Nelson that the District upgrade one of the District's cell phones to a smart phone for Christina Slowinski to use while performing works for the District. Motion unanimously carried.

Chairman Kleinwachter gave a brief recap of the recessed Board meeting of April 3, 2017 that was reconvened on April 4, 2017 at a meeting with the Marshall County Commissioners held at the Marshall County Courthouse. The minutes of the reconvened meeting are reflected in the minutes of the April 3, 2017 board meeting.

The following meetings were announced:

- April 18, 2017-RRWMB, 9:30 a.m., Wild Rice WD, Ada, MN
- April 24, 2017-Newfolden/Middle River PT, 6:00 p.m., Newfolden Community Center
- May 1, 2017- Regular Meeting, 8:30 a.m., District office
- May 2, 2017- JD #75 Public Hearing, 8:30 a.m, Bremer Bank, Warren
- May 4, 2017-Swift Coulee Project Team, 9:00 a.m, Bremer Bank, Warren
- June 21-23, 2017-MAWD Summer Tour, Bemidji

By unanimous consent, the meeting was recessed at approximately 11:45 a.m., for the Board to tour the Agassiz Audubon properties owned by the District.

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The meeting was reconvened at approximately 12:30 p.m., on the District properties, located at the Agassiz Valley Water Resource Management Project.

Administrator Silvis assumed the duties of recording secretary.

Administrator Silvis, and Managers John W Nelson, Brad Blawat, David Bakke, Ben Kleinwachter, Robert Kovar and Roger Mischel toured the properties and viewed the buildings. No action was taken by the Board.

The meeting was unanimously adjourned at approximately 1:00 p.m.

Connie Kujawa
Recording Secretary

David Bakke
Secretary

Brent Silvis, Administrator