

APPROVED (April 18, 2011)
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
4:00 P.M. MARCH 21, 2011

The meeting was called to order by Vice President John W Nelson. Managers John W Nelson, Ben Kleinwachter, Alvin Nybladh, David Bakke and Roger Hille were present. Managers Doug Sorenson and Marvin Hedlund were not present. Nick Drees, Connie Kujawa, Danny Omdahl, Ron Adrian, and Wallace Diedrich were also present.

Wallace Diedrich taped the meeting with one recorder.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter that Connie Kujawa be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Alvin Nybladh that the agenda be accepted as presented. Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. Ben Kleinwachter that the minutes of the February 22, 2011 meeting be approved, as presented. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the following bills be paid: from the Administrative funds: that payroll checks numbered 5137 through 5148 inclusive for a total of \$13,903.29; and checks numbered 14889 through 14916 inclusive, and including the service charge for a total of \$26,275.72; from the Project funds that checks numbered 1956 through 1959 for a total of \$42,706.50; and from the Ditch funds, that checks numbered 2461 through 2464 inclusive for a total of \$1,323.09 be paid. Motion unanimously carried.

There were no individuals present, during the open forum, who wished to address the Board.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the following permit be issued:

1. Permit (11-003) to the Minnesota Department of Transportation to (1) mill and overlay Minnesota Trunk Highway #220, from Minnesota Trunk Highway #1 to Minnesota Highway #11; (2) to mill and overlay Minnesota State Highway #317 from the Red River to Minnesota Trunk Highway #220; (3) to replace the 4' x 4' box culvert, at station 1126 + 36 with a culvert that is one size larger; provided discussions are held with the landowners, townships, and the county; and (4) that the other culvert changes are approved as submitted on the permit.

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Motion unanimously carried.

Steve Goodwin joined the meeting at approximately 4:15 p.m.

Neil Johnson and Eric Johnson joined the meeting at approximately 4:17 p.m.

Don Narlock joined the meeting at approximately 4:18 p.m.

Justin Johnson joined the meeting at approximately 4:20 p.m.

Don Narlock discussed the appeal he submitted to the Board regarding permit (10-019) for the installation of a culvert in the NE NW of section 33 of Warrenton Township and also the request to remove the berm constructed on the west half of section 33 of Warrenton Township.

Jeff Hane informed the Board that once a permit is granted, the person has an established right for the works granted, and that the granted permit (10-019) did not contain any provisions or conditions. He also stated the Board can take action on a permit if there appears to be a permit violation, otherwise, it is his contention that the landowners find a means to settle the dispute amongst themselves.

Mr. John W Nelson stated it is his recollection that the permit was granted to keep waters in Judicial Ditch #16; that the size of the culvert was based upon the District's recommendation; and that the installation of the culvert was installed following the cost share specifications set by the Natural Resource Conservation Service.

Mr. Roger Hille stated permit (10-019) was permitted in the summer of 2010 and installed in the fall of 2010. In the winter of 2010, the Narlock's requested, and the Board granted, Don Narlock, a chance to have the permit decision reviewed based partly upon Narlock's statement that they lacked notice of the permit decision. Both parties have since had a chance to put forward their arguments for and against the culvert.

Motion by Mr. Roger Hille, seconded by Mr. David Bakke that the original reasons: (1) to keep waters from Judicial Ditch #16 in Judicial Ditch #16; (2) that the size of the culvert was based upon the District's recommendation; and (3) that the installation of the culvert was installed following the cost share specifications set by the Natural Resource Conservation Service, remain sound, and that the Board's decision on the permit is now final and appealable effective today. Motion unanimously carried.

Nate Dalager joined the meeting at approximately 5:20 p.m.

Mr. John W Nelson advised Don Narlock and the Johnson's to reach a mutual agreement.

Neil Johnson, Eric Johnson and Justin Johnson left the meeting at approximately 5:28 p.m.

Don Narlock left the meeting at approximately 5:28 p.m.

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Motion by Mr. Roger Hille, seconded by Mr. Alvin Nybladh that the following permit be issued:

2. Permit (11-004) to the City of Warren to remove the 8" storm sewer pipe on North 7th Street, and to install 18" storm sewer pipe, with a gate installed, at the city's option draining into the Snake River.

Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. Ben Kleinwachter that the following permit be issued:

3. Permit (11-005) to Steve Goodwin to install 4" field drain tile and (3) 12" gravity flow outlets into Polk County Ditch #43, Lateral 1, on the west line of the NE4 of Section 17 of Angus Township.

Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. Alvin Nybladh that the following permit be issued:

4. Permit (11-006) to Steve Goodwin to install 4" field drain tile and a sump pump with a 7.5 pump/2.6 CFS capacity, contingent upon approval being received to install a well and center pivot irrigation system, in the NE4 of Section 9 of McCrea (Strip) Township.

Motion unanimously carried.

Steve Goodwin was informed that the irrigation portion of his permit is incomplete and was directed to supply the Board with the Minnesota Department of Natural Resources specifications for the irrigation system. The Board would then have 60 days to review and act on that portion of the permit.

Nick Drees was directed to send a letter to Steve Goodwin citing the reasons the irrigation portion of his permit is incomplete.

Steve Goodwin left the meeting at approximately 6:25 p.m.

Phillip Olson inquired if there is some means to allow the waters to flow thru the Texas Crossing, on his property on the Snake River, instead of the waters flowing over it. He stated that the waters remain at high heights for extended periods of time making it difficult to get to the lands on the other side.

Ron Adrian commented that for the waters to flow thru the Texas crossing it would require the installation on 5 - 24" pipes.

Nick Drees cited 3 possible issues with the installation of the pipes: 1) it would require shutting down the impoundment to get the field work done; 2) the cost of the installation

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of the culverts; receiving permission from the Minnesota Department of Natural Resources for the installation of the culverts and who would own the crossing.

After discussion, it was the consensus of the Board that the District Administrator and Ron Adrian contact the Minnesota Department of Natural Resources for their input in addressing this issue.

Phillip Olson left the meeting at approximately 6:53 p.m.

Correspondence from Mark Judovsky regarding the lack of cooperation of Tabor Township to perform the works, as requested by the District in a letter to Tabor Township, dated November 17, 2009 was distributed.

Nick Drees was directed to contact Tabor Township and Mark Judovsky to resolve this issue.

Correspondence from Minnesota Waters concerning a 2011 Lakes and Rivers Conference scheduled for April 27-29, 2011, in St. Cloud; and from the Minnesota Viewers Association concerning an Annual Meeting and Seminar scheduled for April 7, 2011, in Morton, Minnesota was distributed.

Nick Drees stated that the Public Access Committee, that was formed to develop criteria for hunting on the District property, have submitted their recommendations to the District, and that these recommendations will be addressed at the next meeting of the Board of Managers.

Nick Drees reported that a meeting was held with the landowners along County Ditch #175 on March 2, 2011. He stated that for improvements to be made to County Ditch #175, a signed petition with 26% of the affected landowners, would need to be filed with the District.

Mr. Roger Hille stated he researched the bill submitted by Kurt Deter, paid by check #2460, from the Judicial Ditch #25-1 ditch funds, in the amount of \$1,947.50, and requested the Board reimburse the Judicial Ditch #25-1 ditch funds account and payment for this bill be made from the District Administrative Funds.

It was the consensus of the Board, that the payment to Kurt Deter, in the amount of \$1,947.50 be reimbursed to the Judicial Ditch #25-1 Ditch funds, and payment be made from the District Administrative Funds.

Nick Drees reported that Tony Johnson has inquired if the District would survey the township road in the SE SW of Section 5 of Warrenton Township, to determine the low areas.

Nick Drees was directed to inform Tony Johnson that the District does not perform survey services and that the District furnish him with information regarding the District's farmstead ring dike program.

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Nick Drees reported that the notices concerning the comment period for the District's Overall Plan have been mailed; that copies of the Overall Plan are available for inspection at the Warren City Library, the Marshall County Auditor's office and at the District office and that an extension has been filed concerning the comment period, hearing and for additional funding.

Nate Dalager reported that the final permit application, for the Brandt/Angus Project has been completed and that the plan has also been completed.

Nick Drees reported that he has had no objections from landowners on the price established for the purchase of right of way for the Brandt/Angus Project; and that he anticipates receiving the contract for funding of the Brandt/Angus Project while in the cities for the Legislative Breakfast.

Motion by Mr. Roger Hille, seconded by Mr. David Bakke that the following resolution be adopted:

RESOLUTION TO PETITION TO THE DRAINAGE AUTHORITY TO OULET INTO COUNTY DITCH #43 AND COUNTY DITCH #44

WHEREAS, the outletting of waters into an established legal ditch system is allowed by petition pursuant to Minnesota Statutes 103E.401; and

WHEREAS, the Brandt/Angus Impoundment Project will outlet into either or both Polk County Ditch #43 and Polk County Ditch #44; and

WHEREAS, THE Middle Snake Tamarac Rivers Watershed District is the ditch authority for both Polk County Ditch #43 and Polk County Ditch #44 and for the Brandt/ Angus Impoundment Project;

IT IS HEREBY RESOLVED that the Middle Snake Tamarac Rivers Watershed District should petition itself for permission to outlet the Brandt/Angus Impoundment Project into Polk County Ditch #43 and Polk County Ditch #44, and hold a public hearing regarding the same, as set forth in Minnesota Statutes 103E.401.

Motion unanimously carried.

There were no reports on the Red River Watershed Management Board meeting held on March 15 or the Joint Red River Watershed Management Board and Flood Reduction Work Group meeting or on the River Watch Forum held on March 17, 2011.

Nick Drees announced that the joint meeting with the Red Lake Watershed District will be held in April 2011; and that Mr. John W Nelson, Mr. Ben Kleinwachter and himself would be leaving March 22, 2011 to attend the Minnesota Legislative Breakfast in St. Paul, Minnesota.

Nick Drees reported that the gates on the District's impoundments are closed; that the bids for the rental of the haying land on the PL-566 Diversion Ditch is scheduled to be

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publically opened on April 4, 2011 at 1:00 p.m., at the District office; and that Ron Sorvig is attending the Minnesota Drainage Inspectors seminar in Willmar, Minnesota.

Nick Drees reported that Cliff McGregor has met with him to discuss the dispute with Jim Potucek. He stated that Cliff McGregor has agreed to cut the road should water threaten the property of Jim Potucek.

Nick Drees reported that the response statement opposing the Administrative Hearing has been filed with the Department of Administrative Hearings.

Jeff Hane reported that he is continuing to work on the title work for the Brandt/Angus project.

The next regular meetings of the Board of Managers have been set for April 4, 2011 at 4:00 p.m., and April 18, 2011 at 4:00 p.m., at the District office.

Motion by Mr. Alvin Nybladh, seconded by Mr. Roger Hille that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 8:25 p.m.

Connie Kujawa
Recording Secretary

Ben Kleinwachter
Secretary