

APPROVED (as corrected May 2, 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. APRIL 18, 2011

The meeting was called to order by President Doug Sorenson. Managers John W Nelson, Doug Sorenson, David Bakke, Marvin Hedlund, Roger Hille, Ben Kleinwachter and Alvin Nybladh were present. Nick Drees, Connie Kujawa, Danny Omdahl, Ron Adrian, Jim Stengrim, Loren Zutz, Tony Nordby and Jan Kaspari were also present.

Loren Zutz taped the meeting with one recorder.

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

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

Motion by Mr. Roger Hille, seconded by Mr. Marvin Hedlund that the minutes of the March 21, 2011 meeting be approved, as presented. Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. Ben Kleinwachter that the minutes of the Joint Meeting with the Red Lake Watershed District held on April 14, 2011 be approved, as corrected. Motion carried, with John W Nelson abstaining.

At the open forum, Loren Zutz stated that himself and Elden Elseth are not the responsible parties for the District losing their insurance carrier; that the materials he received on a data practice request regarding the PL-566 project were not as he requested; and inquired how the benefits for the PL-566 project were determined.

Jim Stengrim stated that he reviewed the Treasurer's Report and questioned why the Rinke-Noonan bill has not been reimbursed to the Judicial Ditch #25-1 ditch funds; inquired of the overtime paid to the District Administrator; responded on a letter from a District Employee that was printed in the Grand Forks Herald; and stated that he would like the strike-out copy of the District's Overall Plan and that it be made available on the District website.

Motion by Mr. Roger Hille, seconded by Mr. John W Nelson that the agenda be amended to include the Financial Report and Payment of Bills. Motion unanimously carried.

Connie Kujawa reported that the Administrative Funds check #14956, made payable to Frandsen Bank is to reimburse the Judicial Ditch #25-1 funds for the Rinke-Noonan bill that was paid from the Judicial Ditch #25-1 account on January 24, 2011.

Elden Elseth joined the meeting at approximately 4:22 p.m.

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The financial report was reviewed and filed for audit purposes.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the following bills be paid: from the Administrative funds: that payroll checks numbered 5149 through 5160 inclusive for a total of \$15,025.09; and checks numbered 14917 through 14959 inclusive, and including the service charge, and safe deposit box rent, for a total of \$20,616.77; from the Project funds that checks numbered 1960 through 1971 inclusive for a total of \$26,478.17; and from the Ditch funds, that checks numbered 2465 through 2467 inclusive for a total of \$3,349.65 be paid. Motion unanimously carried.

Nick Drees stated that Enbridge Energy has an issue with exposed pipes on the Tamarac River, East of Stephen, in Section 16 of Wanger Township, and are proposing a realignment of the Tamarac River. In order to proceed with the proposed work, Enbridge Energy needs a governmental agency to be the Responsible Government Unit to prepare and file an Environmental Assessment Worksheet (EAW).

Jan Kaspari reported that she has been in contact with the Minnesota Department of Natural Resources and stated that if either the Watershed District or Marshall County were unable to act as the governmental agency to prepare the EAW, then the Environmental Quality Board would nominate one of the agencies and a findings of fact would need to be completed.

A discussion was held on who would cover the costs to prepare the EAW; whether the District personnel would be available to assist Enbridge with the Project; and that an agreement with Enbridge to cover the District costs and expenses would need to be in place.

Jan Kaspari stated she would request a resolution from the Marshall County Commissioners requesting the Watershed District be the Responsible Government Unit in preparing the EAW for Enbridge Energy.

Motion by Mr. Roger Hille, seconded by Mr. Marvin Hedlund that the following permit be issued:

1. Permit (11-008) to the MarKit County Grain to construct a levee on a portion of the east line and on the south line of the property, on the north side of the township road ditch, with the levee height to be one foot or less than the height of the township road in the SE4, of Section 4, of Middle River Township.

Motion carried, with Mr. John W Nelson and Mr. Ben Kleinwachter voting no.

Jan Kaspari left the meeting at approximately 4:58 p.m.

Wallace Diedrich joined the meeting at approximately 4:59 p.m.

Motion by Mr. David Bakke, seconded by Mr. Ben Kleinwachter that the following permit be issued:

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2. Permit (11-009) to Merlyn Lindemoen to install a farm yard crossing with an 18" culvert on the South side of Marshall County State Aid Highway #28, in the NE NW, of Section 9, of Newfolden Township.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke that the following permit be denied. The requested culvert is too large for the drainage area:

3. Permit (11-010) of Bruce Ranstrom to remove an 18" culvert and to install a 36" culvert in the SW SW, of Section 15, and if the levee in the NE NE, of Section 16 cannot be removed, or the 18" culvert then to install a 24" culvert in the SW SW, of Section 15 of Vega Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be issued:

4. Permit (11-011) to Field Brothers to lengthen, or replace and lower an existing 36" township road centerline culvert in Branch A of Judicial Ditch #29, in the NE NE of Section 13, of Parker Township, with the District to set the grade.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the following permit be issued and that the District bill Marshall County for reimbursement of the District's time and expenses in setting the grade:

5. Permit (11-012) to David Stusynski to lower an existing 30" culvert to grade, on the West side of Marshall County State Aid Highway #1, in the NE SE SE of section 19 of Nelson Park Township, with the District to set the grade.

Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. John W Nelson that the following permit be issued:

6. Permit (11-013) to Comstock Township to remove a failed 21" culvert and replace it with a 24" culvert, in the NW NE, of Section 26, of Comstock Township.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Roger Hille that the following permit be issued:

7. Permit (11-014) to Thomas Widner to install 89 acres of 4" field drain tile in the South 20 acres of the NW4; the West 20 acres of the N2 SE4 and 49 acres in the

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N2 SW4 of Section 27 of Tamarac Township; with a 10 HP electric motor and 419 GMP pump.

Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Marvin Hedlund that the following permit be issued:

8. Permit (11-015) to Neil Widner to install 94 acres of 4" field drain tile, and to install a sump pump with a 10HP electric motor and a 419 GMP pump, in the West 94 acres of the NW4 of Section 26 of Tamarac Township.

Motion unanimously carried.

Nick Drees reported that data practice requests were received from 400 Birch Briar Lane, Park Rapids, MN; from Loren Zutz; and from PO Box 131, Warren, MN and are available for review.

Nick Drees reported that he received correspondence from Bob Kovar and Duane Kovar requesting the District continue resloping Judicial Ditch #75, for approximately 3 miles to Minnesota Trunk Highway #220. He also stated that additional right of way would need to be determined before any work could be done.

Nick Drees was directed to get estimates for the continuation of resloping Judicial Ditch #75.

Mr. David Bakke reported that the works performed by the District in the removal of sediment and installing the culvert to grade on Judicial Ditch #15 has had a positive on the drainage of Judicial Ditch #15.

Ron Adrian reported that he has been in contact with the Minnesota Department of Natural Resources, Division of Waters, regarding the Texas Crossing on the Snake River, on the Philip Olson property. He is awaiting comments from the Minnesota Department of Natural Resources Fisheries Department regarding this issue.

Nick Drees stated that as part of the Agassiz Valley Water Resource Management Project Mitigation plan, the Army Corps of Engineers has asked the District to remove the sentence permitting the use of the motorized vehicles from the plan. It was the consensus of the Board that the use of motorized vehicles is left in the Mitigation Plan.

Nick Drees reported that Loren Zutz had previously requested that the District install traps on the culverts, east of Marshall County State Aid Highway #34, and that upon monitoring the situation he feels that traps are not necessary.

Loren Zutz requested to go on record stating that if a problem would exist that the Watershed District take full responsibility for damages for water backing into his field. Nick Drees stated that he was positive that if Mr. Zutz wanted to install a trap(s) on the culverts in question that the District would permit it.

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Nick Drees reported that the renter of the Agassiz Valley Water Resource Management properties in the SW4 of Section 12 of Brislet Township has requested the District contact the adjacent renter to improve his fencing to prevent his cattle from damaging his crops.

Nick Drees was directed to send a letter to David Jadeke stating that he maintains the fencing of his cattle from entering the properties rented by John Copp in the SW4 of Section 12 of Brislet Township.

Mr. Ben Kleinwachter left the meeting at approximately 6:00 p.m.

Nick Drees reported that the attempt to drop the lawsuit against Jim Stengrim has been appealed to the Minnesota Court of Appeals; and that the Administrative Law Judge has dismissed Jim Stengrim's request for an Administrative Hearing concerning the appraisal of the Stengrim property.

Nick Drees reported that he will be giving a presentation on the Districts Overall Plan Update at the Flood Damage Reduction Work Group Meeting scheduled for April 20, 2011, in Detroit Lakes, Minnesota.

Nick Drees reported that the amount of \$1200 per acre, for right of way along the coulee, for the Brandt/Angus Project seems acceptable to the landowners; he requested that the Board reconsider the amount of damages for right of way along Polk County Ditch #43 and Polk County Ditch #44 and the North and East outlet ditches; stated that the hearing on the Petition to the Drainage Authority to Outlet the Brandt/Angus project into Polk County Ditch #43 and Polk County Ditch #44 is scheduled for April 28, 2011, at 9:00 a.m., at the Bremer Bank, in Warren, Minnesota; that the Army Corps of Engineers 404 Permit is up for review; and that additional information is required on the Minnesota Department of Natural Resources Dam Safety Permit.

Nick Drees reported that the sealed bids for the rental of the PL-566 properties, owned by the District, for a 4 year term, in Section 1 of Boxville Township, were publically opened on April 4, 2011, with the bid results as follows:

BIDDER	TOTAL BID/YEAR
Dustin Kalt	\$1,273.27
Mike Baird	\$1,250.00

Motion by Mr. John W Nelson, seconded by Mr. Marvin Hedlund that the District accepts the bid of Dustin Kalt for the rental of the PL-566 properties, in Section 1 of Boxville Township, for a 4 year term, in the amount of \$1,273.27 per year. Motion unanimously carried.

Nick Drees reported that the District is continuing to receive monies from the Natural Resource Conservation Service on the District's Equip Ring Dikes and the ring dike construction that started last fall will be completed this year, when the weather permits.

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Nick Drees reported a meeting is scheduled for Thursday, April 21, 2011 at the District Office regarding the Tamarac/Two Rivers/ Joe River TMDL Study.

Nick Drees announced the Red River Watershed Management Board meeting is scheduled for April 19, 2011, at 9:30 a.m., at the Sand Hill Watershed District in Fertile, Minnesota. The News and Views were distributed.

Mr. John W Nelson gave a brief report on the Legislative Briefing held in St. Paul, on March 23 and 24, 2011. He reported that there is strong support, from the legislators, for flood control and water retention projects.

A brief discussion was held on the Joint Meeting held with the Red Lake Watershed District.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke that the District advertises for equipment rental proposals for the 2011 construction season. Motion unanimously carried.

Nick Drees presented a report from the district employee, Ron Sorvig, regarding the Minnesota Drainage Inspection Meeting he attended in Wilmar, Minnesota.

Nick Drees reported that the Auditors from Brady-Martz will be performing the audit of the District's 2010 financial records on April 27th and April 28th, at the District office.

The report submitted by the Public Access Committee, that was formed to develop criteria for hunting on the District property, was distributed. After discussion, it was agreed that any comments, changes and/or additions should be directed to the District Administrator, for the Board's review at a future meeting.

PJ Schiller and Lein Schiller joined the meeting at approximately 7:00 p.m.

A discussion was held regarding recording of the District meetings and other District matters. Connie Kujawa was directed to check into sound systems and recording equipment with the area business and report back to the Board when the information is available.

A discussion was held on developing a policy dealing with tiling systems to regulate pumping and ensuring adequate discharge outlets. It was agreed that additional information is required to develop a tiling policy.

Nick Drees inquired if the District should trim the fungus off the trees in front of the District office or replace them. He stated the approximate cost for removal would be \$200 per tree.

Nick Drees was directed to contact the City of Warren to see if they would remove the trees and to also seek bids for the removal and replacement of the trees in front of the District office.

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PJ Schiller and Lein Schiller discussed the placement of fill on the driveway in the SW SE and the SW SW of section 6 of Middle River Township. The Board recommended that PJ and Lein Schiller attempt to resolve the issue with the adjacent landowner, and Nick Drees was directed to send a letter to the Schiller's restating the Board's position that a 1 foot differential is required from the township road to the level of the driveway.

PJ Schiller and Lein Schiller left the meeting at approximately 7:28 p.m.

Nick Drees reported he has been contacted by Everett Langlett expressing his interest in impounding waters on his property in Section 23 and 26 of East Park Township. It was the consensus of the Board that Nick Drees gather additional information on this matter.

Nick Drees stated that he sent a letter to the Tabor Township Board of Supervisors regarding their non-compliance of the permit (09-075) that was issued to them, concerning the removal of the 24" field crossing culvert and the regrading of the township road ditch in the SW4 of Section 17 of Tabor Township. He reported that he has received no response from Tabor Township regarding this matter. Nick Drees was directed to follow up on the matter.

It was announced that the next regular meetings of the Board of Managers are scheduled for May 2, 2011 and May 16, 2011, at 4:00 p.m., at the District office.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 7:40 p.m.

Connie Kujawa
Recording Secretary

Ben Kleinwachter
Secretary