

April3(a)2017.min

APPROVED (as corrected April 17, 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 3, 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, Danny Omdahl, Dillon Nelson, LeRoy Vonasek, Roger Mathsen, Todd Dvorak, Joe Pierce, Dean Danielski and Rolland Miller, and Tony Nordby were also present.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat 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 March 20, 2017 be approved, as corrected. Motion unanimously carried.

Nick Pribula joined the meeting at approximately 8:37 a.m.

Administrator Silvis reported he met with the Township Officials of Sandsville and Farley to discuss the sloughing repair on the North side of Judicial Ditch #75. Todd Dvorak, Joe Pierce, Dean Danielski and Roger Mathsen, speaking on behalf of their respective townships, stated they are in favor of the proposed work and the townships are in favor of covering the cost of the gravel.

A discussion was held concerning the purchasing of additional right-of-way and moving the Judicial Ditch #75 road. Tony Nordby, Houston Engineering, stated the plans are ready and stakes can be set so the landowners can see where the road will be and what additional right-of way is needed.

It was the consensus of the Board and the Farley and Sandsville Township officials to hold a public hearing, on May 2, 2017, at 8:30 a.m., at the Bremer Bank in Warren to inform the landowners of the proposed work, the need for additional right of way and the need to move the road.

The Board directed Tony Nordby and the District staff to proceed with setting the stakes, when conditions allow, along the North side of Judicial Ditch #75 in Farley and Sandsville Township.

Jon Nelson and Steve Nelson joined the meeting at approximately 8:46 a.m.

Joe Pierce and Roger Mathsen left the meeting at approximately 9:12 a.m.

The following permit was unanimously approved:

1. Permit (17-008) to Todd Dvorak to install 138 acres drain tile; 1/4" coefficient; 40' spacing; 5 HP VFD (649 GPM) pump, SW4, Section 24, Sandsville Township. The District tiling conditions also apply. (Motion by Mr. Robert Kovar, seconded Mr. John W Nelson).

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Nick Pribula presented a Petition, with the signatures of the owners of 38 parcels within the benefited area, for the Improvement of Polk County Ditch #175 and the Improvement of the Watershed Ditch #5 Outlet.

Motion by Mr. John W Nelson, seconded by Mr. Roger Mischel that the Board accept the Petition of Nick Pribula and Others for the Improvement of Polk County Ditch #175 and the Improvement of the Watershed Ditch #5 Outlet, contingent upon a bond being received by the District, and that Administrator Silvis be directed to forward the Petition to the District's legal counsel for review. Motion carried, with Mr. Robert Kovar abstaining.

Todd Dvorak left the meeting at approximately 9:27 a.m.

No action was taken on the following permit and remains tabled until the District staff can meet with Stoltman Farms to determine the height of the proposed dike:

1. 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. (Motion by Mr. John W Nelson, seconded by Mr. Brad Blawat).

The following permit was Administratively Approved and reviewed:

2. Permit (17-007) to Duane Kovar to install an 18" culvert with flapgate thru an open swale, CD #175 South, NW NE, Section 8, Northland Township.

Danny Omdahl reported a 30" x 38' culvert has failed on the North side of the ditch on State Ditch #3, in section 32 of Parker Township. The Board directed the District staff to view the culvert when conditions allow and add this item to the next meeting agenda.

A discussion was held concerning paying the damages for the establishment of the grass strip on Judicial Ditch #14. Administrator Silvis stated, in 2014, when the redetermination of benefits on Judicial Ditch #14 was completed, payment for the establishment of the grass strip was deferred pending a review of potential cost allocation for a potential flood damage reduction project within the sub-watershed of Judicial Ditch #14. However, it appears that a flood reduction project will not be in place before the buffer strip law deadline approaches. The Board took no action on this matter but requested it be added to the next meeting agenda for further discussion.

Administrator Silvis reported a bill has been received from the Minnesota Department of Transportation requesting reimbursement of ineligible expenses that were paid to the District on Phase 1 of the Oslo Access project. Administrator Silvis stated he is working with Houston Engineering, as they computed the billing on behalf of the District, to determine what expenses the Minnesota Department of Transportation has determined to be ineligible. He stated once this is determined it will be added to an upcoming board meeting agenda for discussion.

Danny Omdahl reported a slough has occurred at the March Impoundment site, in section 14 of Sandsville Township, south side of the Snake River. He stated a survey of the area will need to be conducted and once completed it will be forwarded to Stephanie

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Klamm of the Minnesota Department of Natural Resources for review and to determine how to repair the slough.

Danny Omdahl also reported that some areas along the Snake River, in the vicinity of the March Impoundment site, are in need of repair due to recent bank sloughing; the property will need the grass strip seeded or modified to bring it up to the requirements mandated by the State. He stated he has contacted the renters of the property and informed them that this work will need to take place to conform to the MN Buffer Law. The Board directed Danny Omdahl to contact the Marshall County SWCD for assistance in determining "the edge of the normal water level" and to get estimates for seeding the 50' buffer strip. The Board requested this matter be added to the next meeting agenda.

Administrator Silvis reported Arden Lind will be attending the Board meeting on April 17, 2017 to discuss the permit violation (16-061) of Lind Brothers.

Administrator Silvis reported he is conducting interviews for the Engineer Technician position and stated that if a new employee is hired, the District would need to purchase an additional computer system. He stated TechOne Technologies provided a quote of \$1,588.00 for a new system.

Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar that Administrator Silvis be authorized to purchase a computer system, from TechOne Technologies, for \$1,588.00, contingent upon the District hiring a new employee. Motion unanimously carried.

Dean Danielski left the meeting at approximately 10:13 a.m.

Administrator Silvis requested a meeting of the Personnel Committee to discuss future staffing needs. The Personnel Committee scheduled a meeting for April 10, 2017, at 4:15 p.m., at the District office.

Administrator Silvis reported the 2017 Equipment Rental proposals were received and publically opened on April 3, 2017. The tabulated rates were distributed.

Connie Kujawa requested to transfer \$200,000.00 of Administrative Funds from Bremer Bank of Warren to American Federal Bank of Warren. She stated American Federal Bank is a participant in the CDARS program (Certificate of Deposit Account Registry Service) through Promontory Interfinancial Network, LLC. Promontory assists in placing funds in time deposits with depository institutions whose accounts are insured through the FDIC. For this reason, American Federal Bank of Warren can offer better rates of returns on investments. Currently the rate for a \$200,000 Certificate of Deposit, on a six-month term is 1%. There are no fees associated with the program, however, an agreement with American Federal Bank of Warren and District would need to be executed.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat that Connie Kujawa be authorized to transfer \$200,000.00 of Administrative Funds from Bremer Bank of Warren and invest in a 6-month Certificate of Deposit with American Federal Bank of Warren, in the CDARS Program with Promontory Interfinancial Network, LLC. Motion unanimously carried.

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Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar that Administrator Silvis be authorized to execute the CDARS Deposit Placement Agreement with the American Federal Bank of Warren, Motion unanimously carried.

Administrator Silvis reported that the Marshall County Commissioners are requesting Managers Ben Kleinwachter, John W Nelson and Administrator Silvis meet with the Commissioners on April 4, 2017, at 10:00 a.m., at the Marshall County Commissioner's meeting. After discussion, the Board decided that any Manager who wished to attend do so.

Chairman Kleinwachter inquired if the Marshall County Commissioner's received any applicants to serve on the MSTRWD Board of Managers and if so, if an appointment has been made. Marshall County Commissioner stated one applicant has been received but no appointment to the MSTRWD Board has been made yet.

Chairman Kleinwachter gave a brief update on the Minnesota Legislative Breakfast and Reception held in St. Paul, Minnesota on March 28th and 29th.

Manager David Bakke inquired who would be the responsible authority for enforcing the buffer law. Marshall County Commissioner, Rolland Miller, replied that the County and the Watershed District could be responsible for their respective systems, but, should either entity refuse jurisdiction, the other entity could accept jurisdiction of both.

Administrator Silvis announced the Omdahl 40 Committee is meeting, at the District Office, at 1:00 p.m., today.

The following meetings were announced:

- April 10, 2017-PRAP Workshop, 1:00 p.m., Bremer Bank, Warren
- April 17, 2017-Regular Meeting, 8:30 a.m., District Office
- April 24, 2017-Newfolden/Middle River PT, 6:00 p.m., Newfolden Community Center
- June 21-23, 2017-MAWD Summer Tour, Bemidji

By unanimous consent, the meeting was recessed at approximately 11:00 a.m., to be reconvened at 10:00 a.m., April 4, 2017, at the Marshall County Commissioners meeting, Warren, Minnesota.

The meeting of the MSTRWD Board of Managers was reconvened at 10:00 AM on April 4, 2017 at the Marshall County Board of Commissioners chambers. Present were Managers Ben Kleinwachter, John W Nelson, David Bakke and Roger Mischel. Commissioners Kenneth Borowicz, Sharon Bring, Gary Kiesow, Rolland Miller and LeRoy Vonasek, County Auditor Scott Peters and Watershed District Administrator Brent Silvis were also present.

MSTRWD Administrator Silvis assumed the duties of recording secretary for the District.

A discussion related to complaints made by attendees of a public hearing and by County Commissioners related to the performance and activities of the watershed district was held between attendees. No official action was taken by either Boards.

Some of the matters discussed included the handling of grass strip seeding on Judicial Ditch 25-1, the repair of Judicial Ditch 1, the mowing of crops on Judicial Ditch 20, general discussion of grass strips, the Watershed District accounting, the need for the

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appointment of a Watershed District Manager to fill the seat vacated by Jim Jubie, the new buffer law and the maintenance of buffers and grass strips.

Regarding JD25-1, Rolland Miller said that the District did not handle the landowner's refusal to allow District staff's access to the property and the County's refusal to enforce statute properly, and should have explored options other than a lawsuit. Ben Kleinwachter responded that two mediation sessions had been scheduled, but the defendants did not show up for either.

Rolland Miller also expressed his opinion that the Judicial Ditch 1 repair was not handled properly.

There was a discussion of the alleged mowing of crops along JD-1 by a mower under contract with the Watershed District. It was generally agreed that there had been some failure of communication which resulted in this issue not being addressed.

The County's request for an audit of the Watershed District was also deliberated. It was generally agreed that, if this request is to be acted upon, the County needs to provide clear direction and parameters for the audit and identify specific areas of the District's accounting which would be reviewed.

During the meeting, representatives of the Watershed District agreed that the District does need to put more emphasis on outreach and communication with landowners and stakeholders, and provide a better explanation of the services it provides, its purpose, its accounting system, and the benefits received from affiliation with organizations such as the Red River Watershed Management Board. The District also needs to attempt to address each of the complaints made by various individuals regarding the District's operations.

The Watershed District will address these issues through meetings, publications and postings on its website. Also, the Watershed District Administrator and other representatives of the Watershed District and associated agencies and organizations would visit with the Board of Commissioners periodically. The Administrator should appear before the Board of Commissioners at least once a quarter.

The meeting of the MSTRWD Board of Managers was adjourned, by acclamation, at approximately 11:00 AM.

Connie Kujawa
Recording Secretary

David Bakke
Secretary

Brent Silvis, Administrator