

August17(a)2020.min

APPROVED (September 8, 2020)
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT THE DISTRICT OFFICE
8:30 A.M. August 17, 2020

The meeting was called to order by President John W Nelson. Managers Bill Petersen, Robert Kovar, Brad Blawat and David Bakke were present. Manager Roger Mischel was not present. Tony Nordby, Joel Praska, Kyle Schlomann, Danny Omdahl, Tyler Larson, Gunnar Bowman, Jeremy Misselhorn, Wally Diedrich, Wayne Torgerson and Jeff Chwialkowski were also present.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat the agenda be accepted, as amended, with the addition of Judicial Ditch #75. Motion unanimously carried.

Motion by Mr. Brad Blawat, seconded by Mr. Bill Petersen the minutes of the August 3, 2020 meeting be approved, as presented. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen the following bills be paid: from the Administrative Funds; payroll checks #6506-6516 inclusive for a total of \$17,172.07; checks #18692-18717 inclusive, including the service charge and ACH withdrawal, for a total of \$17,812.70; from the Project Funds: checks numbered #3127-3136 inclusive for a total of \$72,666.88; from the RRWMB Funds: check #200 for a total of \$94.00; and from Ditch Funds: checks numbered #3378-3381 inclusive, including the service charge, for a total \$38,018.04. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. David Bakke the following permit be TABLED until Steve Goodwin has conversations with the adjacent landowners and a drainage plan is agreed upon. Motion unanimously carried.

1. (20-061) Cole & Lucas Goodwin to install 160 ac drain tile; ¼" D.C.; 100' spacing; 5 HP (750 GPM) pump. Pump will be on the W line of Qtr at the ~80 rod line; Water will flow N, some regrading and sediment removal would need to take place; SW4, Sec 11, Brislet Twp.

Motion by Mr. Bill Petersen, seconded by Mr. David Bakke the following permit be approved. Motion unanimously carried.

2. (20-071) Wayne Torgerson to install a 24" culvert under driveway crossing into farmyard; finish constructing dike S side of farm; create a spillway into field ditch East of farm yard w/24" culvert & flapgate, SW4, Sec 17, Brislet Twp.

Steve Goodwin, Cole Goodwin and Lucus Goodwin joined the meeting at approximately 8:40 a.m.

A brief discussion was held pertaining to the tabling of permit (20-061). The Board's directed the Goodwin's to continue to reach out to neighboring landowners prior to the Board's next meeting to resolve their drainage concerns.

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Wally Diedrich, Steve Goodwin, Cole Goodwin and Lucus Goodwin left the meeting at approximately 9:12 a.m.

The following permit was Administratively approved and reviewed:

3. (20-078) Middle River Twp to replace 24" CL culvert with a longer 24" culvert, under 380th Ave NW; SecLine 17-18, Middle Rvr Twp.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat to TABLE the following permit to correct the application request. Motion unanimously carried.

4. (20-080) Eric Johnson to install 153 ac drain tile; 1/4" coefficient; 44' & 88' spacing; 719.1 gpm VFD pump; outlet to CD #43 Lat 1 thru a 15" steel pipe; NE4, Sec 15, Angus Twp.

Motion by Mr. John Nelson, seconded by Bill Petersen the following After-the-Fact permit be approved with Manager Nelson, Petersen, Kovar voting yea, with Bakke and Blawat voting nay.

5. (20-084) Jeff Chwialkowski to extend an existing levee along S CSAH #14 ditch, ~230' W to West section line; to install 24" CSP w/flapgate in open swale draining into S ditch of CSAH #14; to install a field approach with 30" CSP w/ flapgate in East ditch of 460th Ave NW; NW NW, Sec 13, Big Woods Twp.

Dillon Nelson joined the meeting at approximately 9:30 a.m.

Motion by Mr. David Bakke, seconded by Mr. Bill Petersen the following permit be approved. Motion unanimously carried.

6. (20-079) Jeff Chwialkowski to install 303 ac drain tile; 1/4" coefficient; 40' spacing; 15 hp (1,424 gpm) VFD pump; outlet to S ditch of CSAH #4; W2, Sec 13, Big Woods Twp.

Jeff Chwialkowski left the meeting at approximately 9:42 a.m.

Motion by Mr. Brad Blawat, seconded by Mr. Robert Kovar the following permit be approved. Motion unanimously carried.

7. (20-081) Marshall Cty Hwy Dept to remove a bridge #45509 (3 span 93'-1,740' sq ft) replace with bridge #45579 (3 span 255'-2,790' sq ft); 1/2 mile line, Sec 22 & 23, Donnelly Twp.

Motion by Mr. Robert Kovar, seconded by Bill Petersen the following permit be TABLED until the applicant obtains authorization from the Marshall County Highway Department to regrade the west CSAH #11 ditch and the South ditch of 310th St NW in the NE4 of section 22, Marsh Grove Twp. Does application include a levee to channelize water, what is the culvert sizing and is a 0.05% grade suffice to the low draw where it meets 310th Street? Motion carried with Manager Mr. Bakke abstained.

8. (20-082) Deland Bakke to regrade East line & North line of NE4; to install 24" culvert in farmyard driveway; to install a 24" culvert in field crossing; NE4, Sec 22, Marsh Grove Twp.

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Motion by Mr. Bill Petersen, seconded by Mr. David Bakke the meeting be recessed for purposes of holding the noticed and published hearing on the District's 2021 Budget. Motion unanimously carried.

The meeting was recessed at approximately 10:00 a.m.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar the Hearing on the Middle Snake Tamarac Rivers Watershed District 2021 Budget be opened. Motion unanimously carried.

The Hearing was opened at approximately 10:00 a.m.

Chairman Nelson opened the floor to hear comments from the public. There being no comments entertained from the public, the following motions were unanimously approved:

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen to adopt the 2021 Administrative and Project Fund levies as follows: Motion unanimously carried.

Building Maintenance	15,000	Legal/Profession/Administrative Services	50,000
Utilities	6,500	Managers Per Diem/Expenses	35,000
Supplies/Equipment	20,000	Association Dues	7,000
Telephone	5,000	Employee Mileage/Expenses	1,000
Publication/Printing	5,500	Vehicle Expenses	25,000
Postage	1,500	Employee Payroll/Fringes	325,000
Miscellaneous	700	Project Construction	1,400
Insurance	28,000	USGS Stream Gage & Cost Share	9,000
Property Taxes	52,000	Stream Maintenance	2,500
			590,100
		Less Estimated Project Expenses	340,100
		Net Administrative Budget	250,000

2) That the secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson and Roseau Counties an Administrative Fund Levy of \$250,000;

3) That the secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson and Roseau Counties a Project Fund Levy of .003627 percent of the Estimated Market Value of all taxable property within the District.

Motion by Mr. Brad Blawat, seconded by Mr. Robert Kovar, the Secretary certify the following Ditch repair and maintenance levies, to the Auditors of Marshall, Polk and Pennington Counties: Motion unanimously carried.

Ditch	Marshall		Polk		Pennington	
	Levy Projected Receipts	Percent (Benefits)	Levy Projected Receipts	Percent (Benefits)	Levy Projected Receipts	Percent (Benefits)
JD #1	19,888	4.00%	79,220	2.50%		
JD #14	29,516	3.00%			16,471	5.00%
JD #15	42,231	2.75%				
JD #16	4,647	0.50%				
JD #17			6,271	1.00%		

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JD #20	40,033	1.70%					
JD #21	5,037	1.80%					
JD #24	1,855	0.75%		694	0.75%		
JD #25-1	15,546	4.00%		22,842	4.00%	2,161	4.00%
JD #25-2	3,186	4.50%		19,258	4.50%	12,153	4.50%
JD #28	11,198	20.00%					
JD #29	55,948	2.50%					
JD #68				372	0.15%		
JD #75				109,603	3.00%		
CD #39	1,244	0.99%					
CD #39 Imp	1,074	0.99%					
CD #43				50,574	4.30%		
CD #44				20,022	2.00%		
CD #175				35,435	2.75%		
CD #175 BRF				65,587	5.09%		
SD #3	14,765	15.00%					
WD #2	498	1.23%					
WD #4	1,222	1.25%		712	2.00%		
WD #5				12,840	0.50%		
WD #6				9,704	0.50%		
WD #7	1,522	0.50%		170	0.50%		
WD #7 Imp	190	0.25%		136	0.25%		
PL566 Lien	28,371	0.24343%					
PL566 Maintenance	17,482	0.150%					
PL566 Rebuild	3,383	0.029%					

Motion by Mr. David Bakke, seconded by Mr. Brad Blawat the 2021 Budget hearing be closed.
 Motion unanimously carried.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar the regular meeting be reconvened.
 Motion unanimously carried.

The 2021 Budget hearing was closed and the regular meeting reconvened at approximately 10:15 a.m.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat the following permit be approved.
 Motion unanimously carried.

9. (20-083) Randy Huderle to install 35 ac drain tile; 1/4" coefficient; 40' spacing; gravity outlet into JD #75; NE NW, Sec 1, Northland Twp.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat to deny the following After-the-Fact permit and to restore the CSP diagonal CL culvert to the previous 36" size this fall. Motion unanimously carried.

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10. (20-085) Big Woods Twp to remove & replace 36" CSP diagonal CL culvert with a 48" CSP; intersection of 460th Ave & 310th St NW; SW SW, Sec 13, Big Woods Twp.

Curt Haugen, James Bergman and Craig Jones joined the meeting at approximately 10:25 a.m.

Administrator Praska presented the pay request from Lunke Inc. for the installation of side water inlets along State Ditch #3. The project is complete and has been inspected by Houston Engineering and meets specifications of the design.

Motion by Mr. Bill Petersen, seconded by Mr. David Bakke the Chairman Nelson and engineer, Tony Nordby, be authorized to sign the received pay request. Motion unanimously carried.

Administrator Praska presented the Voucher and Practice Certification form received from the Marshall County Soil and Water Conservation District for cost share in the amount of \$14,025.78 for works performed along State Ditch #3.

Motion by Mr. Brad Blawat, seconded by Mr. Robert Kovar the Chairman Nelson and engineer, Tony Nordby, be authorized to sign the Voucher and Practice Certification form and Administrator Praska be directed to return document to the Marshall County SWCD. Motion unanimously carried.

Jeremy Misselhorn and Gunner Bowman left the meeting at approximately 10:30 a.m.

Engineer Nordby presented a Change Order for the Outlet Repair of JD #1. Coarse filter aggregate is required for installing additional subsurface drainage outlets to allow groundwater seepage to drain from the south ditch slope. Work shall include all work required to excavate coarse filter aggregate outlet trenches, furnishing and placing the coarse filter aggregate, backfilling and compaction of clay material for coarse filter aggregate outlets.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat the Chairman Nelson and engineer, Tony Nordby, be authorized to sign Change Order Number 1 on the Outlet Repair of JD #1. Motion unanimously carried.

Engineer, Tony Nordby, presented a partial pay request from Kraulik Excavating for works performed along JD #1, section 20 Higdem Twp.

Motion by Mr. Robert Kovar, seconded by Mr. David Bakke the Chairman Nelson and engineer, Tony Nordby, be authorized to sign the partial pay request to Kraulik Excavating for works on JD #1 in section 20, Higdem Township in the amount of \$65,220.50. Motion unanimously carried.

Engineer Nordby reviewed the Grade Stabilization Plans for the installation of rock riffles in various locations along JD #1. Seven locations are being proposed in the plan for rock riffle structures. The engineer's opinion of probable construction cost is \$61,600 with an overall project cost of approximately \$74,000.

Engineer Nordby reviewed the Grade Stabilization Plans for the installation of rock riffles in various locations along JD #75. Twelve locations are being proposed in the plan for rock riffle

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structures including three in JD #75 Branch. The plan also includes repairing the failed road slope in Section 1 of Northland Township. The engineer's opinion of probable construction cost is \$152,068 with an overall project cost of approximately \$182,500. Engineer Nordby stated that the MSTRWD received \$100,000 from the Red River Watershed Management Board (RRWMB) for both the JD #1 and JD #75 Grade Stabilization Projects through their water quality funding program. The failed road slope in Section 1 of Northland Township also qualified for State Disaster Relief funds and a portion of that cost will be eligible for reimbursement.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen to have Houston Engineering provide the MSTRWD final plans and specifications for rock riffle structures along JD #1 and JD #75 and to call for quotes from prospective contractors. Motion unanimously carried.

Members of BTAG, James Bergman, Curt Haugen and Craig Jones, informed the Board they are seeking to enter a Joint Powers Agreement between the Walsh County Water Resource District, Grand Forks County Water Resource District, MSTRWD and BTAG to further develop the Oslo Access Study and seek funding through the State's FDR program. BTAG members have met with the Walsh County Water Resource District and received support to develop a Joint Powers Agreement. Under the agreement, a five member Board would be created with each entity having one member, while the MSTRWD would place two voting members on the Board.

In support, the Board directed the members of BTAG to seek legal council and have a Joint Powers Agreement drawn up and present the agreement to the MSTRWD Board for consideration. It was the consensus of the Board to support BTAG in their efforts to move forward with the Oslo Access Study.

James Bergman, Curt Haugen and Craig Jones left the meeting at approximately 11:05 a.m.

Engineer Nordby informed the Board a PWT meeting will be held to review potential alternatives for the Swift Coulee/CD #3 project. The meeting will be held on Wednesday, August 19, 2020 at 10:00 a.m. at the Marshall County Courthouse in Meeting Room 1. For individuals unable to attend in person, the meeting will be available via remote access, Microsoft Teams Meeting.

Administrator Praska updated the Board on the progress of landowner signings of purchase agreements for the proposed impoundment site in section 33, New Maine Twp, for the Newfolden Flood Prevention project. Minor alterations to contracts are being resolved and it is anticipated that all landowner contracts will be signed soon.

Dillon Nelson, HDR, discussed the future of the Newfolden Flood Prevention project in terms of developing a final engineering plan for both the impoundment site and for the replacement of the Canadian Pacific Railroad crossing in Newfolden. A task order will be present to the Board at their September 8, 2020 meeting.

Engineer Nordby updated the Board on JD #14 RCPP. Concurrence Point #2 has been submitted for review by USACE. Concurrence Point #3, which involves reviewing alternatives for environmental impacts is under development. Once approval is received on Concurrence Point #2, a PWT meeting should be held to review Concurrence Point #3 prior to submittal.

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Engineer Nordby updated the Board on JD #19 RCPP. He stated that they are still waiting on the geotechnical report from Terracon and is hoping to see it by the end of the week. The HEI environmental staff has finished the wetland delineation field work and report. An HEI intern is currently out at the project site collecting survey data immediately upstream and downstream of Nelson Slough along the JD #19 system. This survey information will be used during preliminary design. HEI is in the process of developing the preliminary engineers report and plans to have a Step 1 submittal prepared for the RRWMB sometime late fall.

Administrator Praska informed the Board he received a DPA request for information pertaining to the MSTRWD vs NELD Johnson Farms mediation agreement. All required information has been forwarded to the requester.

Administrator Praska discussed a proposal to extend the hay rental agreement between the District and Tom Nelson and David Erlenmeyer for one year for the ~200 acres in section 7, Comstock Strip Twp. Mr. Praska advised the Board he has reviewed the proposal with legal council and has been advised that the District may choose to extend the contract with no obligation to advertise for bids.

Motion by Mr. Brad Blawat, seconded by Mr. David Bakke to extend the hay rental contract for the ~200 acres of alfalfa hay in section 7, Comstock Strip Twp for an additional 1 year term to Tom Nelson and David Erlenmeyer with the stipulation of all cutting of hay to be completed by September 15, 2021. Motion unanimously carried.

Administrator Praska informed the Board he has added additional areas to be sprayed by Larson Helicopter this year. After staff review of OCSS, it was determined many trees within the impoundment require removal. The Board inquired on the rates and whether spraying by plane would be more cost effective. Mr. Praska stated he would determine the difference in application methods and use the technique most advantageous.

Administrator Praska updated the Board on the employee performance review conducted by Kim Bjoralt, Human Resource Management Group, on August 11, 2020. Position description and role clarification have been clearly defined while a final assessment report will be submitted to the Administrator and Board for review once it is completed. Kim Bjoralt will be available to address Board questions at their September 8, 2020 meeting.

Administrator Praska addressed the Board on the Administrative Assistant position. It was the consensus of the Board to advertise in local newspapers, MSTRWD website, and internet sites such as Indeed. The deadline for application submittal to be September 18, 2020 with the pay range to be set at \$32,000 to \$38,000 dependent on qualifications.

Dillon Nelson left the meeting at approximately 12:00 p.m.

Administrator Praska inquired on the term of Manager David Bakke. He stated that on May 7, 2019 the Marshall County Commissioners appointed Mr. Bakke to fill the vacant two year term. It is Mr. Praska's understanding that the vacated term Mr. Bakke was appointed to remains in effect until 2021.

The following meetings were announced:

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August 19, 2020-Swift Coulee/CD #3 PWT Meeting-10:00 a.m., MC Courthouse
September 8, 2020-Regular Meeting-8:30 a.m., District Office
September 21, 2020-Regular Meeting-8:30 a.m., District Office

Motion by Mr. Robert Kovar, seconded by Mr. David Bakke the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 12:05 p.m.

Joel Praska
Recording Secretary

Brad Blawat
Asst. Secretary/Treasurer