

August 6(a)2018.min

APPROVED (August 20, 2018)
**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. August 6, 2018**

The meeting was called to order by President John W Nelson. Managers John W Nelson, David Bakke, Robert Kovar, Brad Blawat, Bill Petersen and Roger Mischel were present. Joel Praska, LeRoy Vonasek, Tony Nordby, Dillon Nelson, Kyle Schlomann, Tyler Larson, Danny Omdahl and Jarod Peterson were also present.

In the absence of Recording Secretary, Connie Kujawa, Administrator Praska assumed the duty.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel that the agenda be approved, as amended with the addition of Alex Wardwell of Audubon MN under guests. Motion unanimously carried.

Motion by Mr. Roger Mischel, seconded by Mr. Bill Petersen that the minutes of the July 16, 2018 meeting be approved, as corrected. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat that bond payment on WD #5 & WD #6 (check #3205) be paid to Polk County. Motion unanimously carried.

The following permit was unanimously tabled to gather additional information. Staff is directed to contact Polk County. Staff is also directed to seek legal opinion on drainage into a legal system.

13) Permit (18-069) Jarod Peterson to install 760 ac drain tile; (2) 10 hp (3500 gpm) VFD pumps; 1/4" coefficient; 50' & 100' spacing; outlet into North township road ditch; Section 15 & 14, Brislet Township. (Motion by Mr. Brad Blawat, seconded Mr. Bill Petersen).

Alex Wardwell joined the meeting at approximately 8:40 a.m.

Alex Wardwell, Audubon MN, addressed the Board regarding the cattail project that is taking place within AGV. To achieve maximum impact and to prevent germination of cattails in prime season, Ms. Wardwell requested the Board consider a prolonged drawdown deadline beyond September 1. It was also noted that staff closed the gate from 10" to 6" on August 3 as requested by the Marshall County Highway Department. Water elevation at a bridge replacement project north of Alvarado along the Snake River had increased. It was the consensus of the Board to continue to monitor the situation and to support Audubon MN in the cattail project.

Rolland Miller joined the meeting at approximately 8:50 a.m.

Alex Wardwell and Jarod Peterson left the meeting at approximately 9:04 a.m.

The following permits were Administratively Approved:

1) Permit (18-058) Shawn Bubb to replace 15" field crossing culvert with a 18" culvert, S2 NE4, Section 25, Higdem Township.

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2) Permit (18-068) Mark McGregor to widen a crossing & extend a culvert thru an approach; NE4, Section 15, Middle River Township.

3) Permit (18-070) MC Hwy Dept to remove & replace (2) 60" culverts w/ (2) same size and elevation; NE4, Section 9, Newfolden Twp.

Jared Sands joined the meeting at approximately 9:16 a.m.

The following permits were Unanimously Approved:

4) Permit (18-059) Brian Jensen to install 18 ac drain tile; (65 gpm) gravity outlet; 1/4" coefficient; 40' spacing; outlet into CSAH #5, S2, Section 29, Augsburg Township. (Motion by Mr. Roger Mischel, seconded Mr. David Bakke).

Jerry Pribula joined the meeting at approximately 9:19 a.m.

5) Permit (18-060) Marsh Grove Township to replace a N-S centerline culvert (72" w/ span culvert) with a 84" culvert; Section Line 30/31, Marsh Grove Township. (Motion by Mr. Robert Kovar, seconded Mr. David Bakke).

6) Permit (18-061) Damon Stroble to install 142 ac drain tile; 5 hp (700 gpm) VFD pump; 1/4" coefficient; 40' spacing; outlet JD #75 Br 1, NW4, Section 14, Tabor Township. (Motion by Mr. Brad Blawat, seconded Mr. Bill Petersen).

Jeremy Misslehorn joined the meeting at approximately 9:32 a.m.

7) Permit (18-063) Jared Sands to move a crossing with an 18" x 70' CSP, ~ 700' S to the 1/2 mi line; NE4, Section 27, Oak Park Township. (Motion by Mr. Robert Kovar, seconded Mr. Brad Blawat).

Jared Sands left the meeting at approximately 9:35 a.m.

8) Permit (18-064) BNSF Railway to replace bridge #0245-51.0 (50' timber) with (2) 36" x 34' CSP culverts; to replace bridge #0245-51.4 (25' timber) with a 36" x 31' CSP culvert; SW4, Section 17, Sinnott Township. (Motion by Mr. David Bakke, seconded Mr. Robert Kovar).

9) Permit (18-065) Ross Pape to install a crossing with a 18" culvert; SE4 Section 14, Esther Township. (Motion by Mr. Brad Blawat, seconded Mr. Robert Kovar).

10) Permit (18-066) Ross Pape to install a crossing with a 18" culvert; North/South line, Section 16, Northland Township. (Motion by Mr. Robert Kovar, seconded Mr. Roger Mischel).

11) Permit (18-067) Ross Pape to install a crossing with a 18" culvert; SW corner SE4, Section 2, Esther Township. (Motion by Mr. Bill Petersen, seconded Mr. Roger Mischel).

The following permit was Unanimously Tabled for clarification on requested culvert sizing by the Marshall County Highway Department:

12) Permit (18-062) Marshall County Highway Dept to replace (2) 36" RCP's with a 57" x 83" CMPA or 66" circular pipe; SE4, Section 14, Foldahl Township. (Motion by Mr. David Bakke, seconded Mr. Roger Mischel).

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John Golden joined the meeting at approximately 9:55 a.m.

Rolland Miller left the meeting at approximately 9:55 a.m.

Administrator Praska updated the Board on SD #3. Clean water grant funds in the amount of \$40,000 will be used in erosion control along the ditch system. Tony Nordby, HEI engineer, presented a preliminary opinion of probable cost for the project. An additional \$24,860 is needed to ensure all areas of concern are addressed. Administrator Praska stated additional funds may be requested from the Marshall County SWCD Board for approval.

Motion by Mr. Bill Petersen, seconded by David Bakke to recess the regular Board meeting to hold the public hearing on the Matter of the Petition of John Golden to Drain Waters into Judicial Ditch #16. Motion unanimously carried.

The public hearing began at 10:00 a.m. Chairman Nelson announced the hearing is being recorded.

Managers John W Nelson, David Bakke, Robert Kovar, Brad Blawat, Bill Petersen and Roger Mischel were present. Administrator Praska, LeRoy Vonasek, Tony Nordby, Dillon Nelson, Kyle Schlomann, Tyler Larson, Danny Omdahl, Jeremy Mistlehorn, John Golden & Jerry Pribula were also present.

Administrator Praska, noted for the record, the affidavit of mailing notice to all affected landowners, the affidavit of publishing within the affected county and the notice of public hearing posted at the District office have been filed.

Administrator Praska reviewed the District staff's findings and recommendations for parcel # 45-0142-000, in section 36, of Warrenton Township to include into the benefitted area of Judicial Ditch #16.

Chairman Nelson opened the floor for public comment. No public comments were received.

After Board deliberation, motion by Mr. Robert Kovar, seconded Mr. Bill Petersen to allow said parcel to drain waters into Judicial Ditch #16. Motion unanimously passed.

Administrator Praska presented a map of the benefitted area and the price per acre allocated to lands adjacent to parcel #45-0142-000.

Motion by Mr. Robert Kovar, Seconded Mr. Roger Mischel to set the outlet fee at a rate equal to 2018, 2017, 2016, 2015 and 2014 ditch tax levy rate for parcel #45-0142-000, with each year after to be equal to adjacent lands within the Judicial Ditch #16 benefitted area.

Motion by Mr. Bill Petersen, Seconded Brad Blawat to Adopt the Findings and Order on the Matter of the Petition of John Golden to Drain Waters into Judicial Ditch #16. Motion unanimously carried.

MIDDLE SNAKE TAMARAC RIVERS WATERSHED DISTRICT

IN THE MATTER OF THE

**APPROVED (August 20, 2018)
PETITION OF JOHN GOLDEN
TO DRAIN WATERS INTO JUDICIAL DITCH #16**

FINDINGS & ORDER

The above-entitled matter came on for hearing pursuant to MN Statute 103E.401, before the Board of Managers on August 6, 2018, at the MSTRWD office located at 453 North McKinley, Warren, Minnesota, at 10:00 a.m. The following were received as exhibits: Notice of Hearing, Attendance Sheet, Description of Area, Affidavit of Publication, Affidavit of Mailing and the Mailing List, Affidavit of Posting, and the Petition.

Persons appearing regarding the matter are set forth on the attached sign-in sheet marked Exhibit A.

The Board, having heard all of the testimony, and having reviewed all of the exhibits, and having fully considered the matter, hereby makes the following facts:

1. The Petitioner seeks to drain property into a public drainage system (JD #16), which property has not been assessed for benefits for the established drainage system. Petitioner seeks express authority from the District to drain the lands described on the attached Exhibit B. The District has jurisdiction over said lands, including Judicial Ditch #16;
2. Due and proper notice has been provided;
3. The Board has considered the capacity of the outlet drainage system, and reviewed possible appropriate terms and conditions for use of the established drainage system, together with appropriate and reasonable terms for the Petitioner to pay as an outlet fee as and for benefits. The land to be benefitted is listed on the attached Exhibit B. If allowed to drain into Judicial Ditch #16, the property, shall receive benefits equal per acre to the adjacent land.

Based on said facts, the Board hereby makes the following:

ORDER

1. Petitioner may drain the lands described on the attached Exhibit B into Judicial Ditch #16 upon the payment of an initial outlet fee. That fee will be 5 times that of the adjacent lands. Thereafter, the Petitioner shall pay an annual fee at the same rate as the adjacent parcels.
2. Petitioner's property as described on the attached Exhibit B is henceforth liable for assessments levied from this date forward in the drainage system, on the basis of the benefits as if the benefits had been determined in the order establishing the drainage system.

A copy of the minutes of the meeting of the Board of Managers during which this hearing was held shall be attached hereto as evidence of the approval of these Findings and Order.

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Motion by Mr. Roger Mischel, seconded Robert Kovar to close the public hearing on the Matter of the Petition of John Golden to Drain Waters into Judicial Ditch #16. Motion unanimously carried.

The Public Hearing was closed at 10:13 a.m.

Motion by Mr. Bill Petersen, seconded Dave Bakke to reconvene the regular Board meeting. Motion unanimously carried.

The regular Board meeting reconvened at 10:14 a.m.

The following permit was unanimously approved:

1) Permit (18-023) Northern Plains Track to install 3 ac drain tile; 1 HP (155 GPM) pump; 1/2" coefficient; 20' spacing, S2 NE4, Sec 36, Warrenton Twp. (Motion by Mr. Robert Kovar, seconded Mr. Bill Petersen).

John Golden left the meeting at approximately 10:16 a.m.

Jerry Pribula, Pribula Engineering Inc, addressed the Board on Polk County Ditch #175 petitioned improvement project. The existing and new spoil elevations will cause the flood rate to be the same after the project is constructed as it was before the project is constructed. The three spillways are adequate to cause the project to have no net affect upstream or downstream during any flood event. The size of the box culvert through Polk Co. Hwy #22 is the limiting factor on how fast backwater from the Red River can flood land upstream to the east of Polk Co. Hwy #22. Polk County Highway Department has designed this culvert to convey a 100 year flood event for water approaching from the east. The MNDNR finds the proposed drainage project to be of public benefit. Mr. Pribula identified the Boards concern of the project adversely affecting upstream and downstream landowners.

Motioned by Mr. Bill Petersen, seconded Brad Blawat to accept the Final Engineers Report for Polk County Ditch #175 and Watershed Ditch #5 Improvement upon adjustments made to the spillway in Section 11 of Northland township. Motion Carried. Yea – Petersen, Blawat, Mischel. Nay – Bakke. Abstain – Kovar.

Administrator Praska reported the culverts Jared Sands has agreed to install flap gates on in section 5, 6 of Northland township are in dire need of replacement as the bottoms are rusted out with large holes present. District staff has inspected and concur with Mr. Sands. Mr. Omdahl has been in contact with Polk Co. Highway Department to determine the responsible authority. It was also announced bid opening for the slough repair along the west most end of Judicial Ditch #1 will be held August 13, at 10:00 a.m. at the District office.

Administrator Praska had been directed by the Board to examine the damages paid for the grass strip on Judicial Ditch #25-1. He reported that the damages were obtained as part of the Redetermination of Benefits. The recording of which was done by Attorney Jeff Hane on February 11, 2015 at the Marshall County Recorder's Office and on February 9, 2015 at the Polk County Recorder's Office.

Administrator Praska reported a 1 mile stretch of grass along CD #43 has been mowed. The contractor was directed to bypass the 1 mile located in section 6 of Angus township at landowners' request. The Board instructed Administrator Praska to have Attorney

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John Kolb review and write a summation of the Districts responsibilities in the matter of ditch maintenance and mowing.

Tony Nordby reported the east slope of CD #43 in section 8 of Angus township is in need of repair and portions of the west slope. Possible rock structure may need to be implemented within the channel bottom to prevent channel erosion from continuing to move upstream. The Board requested Mr. Nordby prepare a cost estimate for the project and to see if possible maintenance of CD #43 would have support from Polk County SWCD.

Dillon Nelson reported the Technical Advisory Committee will report their recommendations for funding the Newfolden/Middle River Project to the Red River Water Management Board on August 21, 2018. The RRWMB has scheduled a bus tour of the proposed project sites for August 21, 2018. Mr. Nelson informed the Board quote requests for soil boring at 15 locations along the proposed sites are due August 15, 2018, and will be opened August 20, 2018, with the proposed work completed by October 31, 2018.

Tony Nordby presented a project scope and budget for the Swift Coulee/MCD #3 Watershed Plan through Concurrence Point 2, where resource concerns will be reviewed, and alternatives will be analyzed. A unanimous decision was made by the board to have HEI continue the process of Watershed Planning for the project.

Chairman John W Nelson left the meeting at approximately 12:16 p.m.

Vice Chairman Bill Petersen presided over the meeting at approximately 12:17 p.m.

Administrator Praska reported the Kiosks have been installed at Brandt/Angus and Agassiz Valley impoundments sites and at the Pollinator Garden located at Agassiz Audubon. A press release has been issued to the Warren Sheaf and ran in the August 1, 2018 edition. Other area newspapers will be notified of the press release.

Administrator Praska informed the Board a CRP contract located in section 22 of Brandt township will expire September 30, 2018. Polk County FSA has notified Administrator Praska that 12 acres of the 40.20 acre parcel may be enrolled for a 1 year extension.

Motion by Robert Kovar, seconded Roger Mischel to apply for a 1 year extension on the CRP land located in section 22 of Brandt township with the Polk County FSA. Motion unanimously carried.

The following meetings were announced:

August 20, 2018-Regular Meeting, 8:30 a.m., District Office
2019 Budget Hearing-August 20, 2018, 10:00 a.m., District Office
September 4, 2018-Regular Meeting, 8:30 a.m., District Office

By unanimous consent, the meeting was adjourned at approximately 12:27 p.m.

Joel Praska
Recording Secretary

David Bakke
Secretary