

August21(a)2017.min

**APPROVED** (September 5, 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. August 21, 2017**

The meeting was called to order by President Ben Kleinwachter. Managers John W Nelson, Roger Mischel, David Bakke, Ben Kleinwachter, Bill Petersen, and Robert Kovar were present. Manager Brad Blawat was not present. Connie Kujawa, Tony Nordby, Christina Slowinski, Kyle Schломann, Danny Omdahl, Dillon Nelson, LeRoy Vonasek, Nick Pribula, Jeremy Misselhorn, and Nate Dalager were also present.

Motion by Mr. John W Nelson, seconded by Mr. Bill Petersen that the agenda be approved, as amended, with the removal of permit (17-058) which was withdrawn by the applicant. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Bill Petersen that the minutes of the August 7, 2017 meeting be approved, as presented. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar that the following bills be paid: from the Administrative Funds, that payroll checks numbered 6106 through 6116 inclusive for a total of \$12,838.59; that checks numbered 17553 through 17588 inclusive, for a total of \$17,165.83; from the Project funds that checks numbered 2781 through 2800 inclusive, and check #2801, for a total of \$56,383.46; and from the Ditch Funds that checks numbered 3095 through 3113, including the service charge, for a total of \$112,016.43 be paid. Motion unanimously carried.

The Board sought advice from Attorney Jeff Hane, to review the permit (17-059) of the Marshall County Highway Department to determine whether the change in the culvert size dictated an improvement or if it is considered a repair. Mr. Hane responded the reasons for the board's decision is the Board is trying to get the ditch as nearly as practicable to the same hydraulic capacity and the engineer stated there wasn't going to be a material change, and Mr. Hane directed the permit be approved. The permit was approved, upon the advice of Attorney Hane.

Christina Slowinski and Mr. Bill Petersen reported on the meeting held with landowners along CSAH #34 to discuss providing drainage on the east side of CSAH #34, to Jared Peterson for the installation of 160 acres of drain tile, in the SW4 of Section 33, Alma Township. They reported the majority of the landowners were not in favor of moving the water north along CR #34 and suggested looking into providing drainage along the south side of Section 32, Alma Township. Mr. Petersen stated the landowners were informed that a petition to the District would be required to construct a ditch on the south side of Section 32.

John Kippen joined the meeting at approximately 8:52 a.m.

Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar that Permit (17-012) to Arden Lind to lower a 24" CSP, ~ 1 foot, in the NE4 NE4 of Section 27 and SE4 SE4 of Section 22, Higdem Township, be approved. Motion unanimously carried.

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Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar that the regular meeting be recess for purposes of conducting the noticed and published 2018 Budget Hearing. Motion unanimously carried.

The regular meeting was recessed at 9:00 a.m. to conduct the 2018 budget hearing.

Motion by Mr. David Bakke, seconded by Mr. Bill Petersen that the following resolution adopting the 2018 Administrative and Project Fund levies be adopted:

Building Maintenance	5,000	Legal/Profession/Administrative Services	50,000
Utilities	5,500	Managers Per Diem/Expenses	25,000
Supplies/Equipment	22,000	Association Dues	7,416
Telephone	5,000	Employee Mileage/Expenses	5,000
Publication/Printing	6,000	Vehicle Expenses	12,000
Postage	2,000	Employee Payroll/Fringes	260,000
Miscellaneous	700	Project Construction	48,384
Insurance	33,000	USGS Stream Gage & Cost Share	8,500
Property Taxes	56,000	Stream Maintenance	3,500
			<b>555,000</b>
		Less Estimated Project Expenses	305,000
		Net Administrative Budget	<b>250,000</b>

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 .036270 percent of the Estimated Market Value of all taxable property within the District. Motion unanimously carried.

Stuart Nordling joined the meeting at approximately 9:05 a.m.

Motion by Mr. John W Nelson, seconded by Mr. Bill Petersen, to increase the levy of CD #175 to 2%, and the Secretary certify the following Ditch repair and maintenance levies, to the Auditors of Marshall, Polk and Pennington Counties:

<u>Drainage System No</u>	<u>Percent (Benefits)</u>	<u>Levy Projected Receipts</u>
JD #1		
Marshall	3.00%	14,910
Polk	1.00%	31,680
WD #2		
Marshall	1.00%	400
SD #3		
Marshall	10.00%	9,840
WD #4		
Marshall	1.00%	970
Polk	2.25%	800
WD #5		
Polk	.50%	12,840
BRF	4.504%	115,670
WD #6		
Polk	.50%	9,700
BRF	3.83%	74,250
WD #7		
Marshall	0.00%	0

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Polk	0.00%	0
WD #7-Imp		
Marshall	0.00%	0
Polk	0.00%	0
JD #14		
Marshall	3.00%	29,510
Pennington	5.00%	16,470
JD #15		
Marshall	2.50%	38,390
JD #16		
Marshall	.50%	4,640
JD #17		
Marshall	0.00%	0
Polk	1.00%	6,270
JD #20		
Marshall	1.00%	23,540
JD #21		
Marshall	0.50%	1,390
JD #24		
Marshall	0.10%	240
Polk	0.10%	90
JD #25-I		
Marshall	4.00%	15,540
Polk	4.00%	22,840
Pennington	4.00%	2,160
JD #25-II		
Marshall	3.00%	2,120
Polk	3.00%	12,830
Pennington	3.00%	8,100
JD #28		
Marshall	10.00%	5,590
JD #29		
Marshall	2.00%	44,750
CD #39		
Marshall	1.00%	1,250
CD #39 Improvement		
Marshall	.10%	100
CD #43		
Polk	3.00%	35,280
CD #44		
Polk	1.50%	15,010
JD #68		
Polk	0.10%	240
JD #75		
Polk	3.00%	109,600
CD #175		
Polk	2.00%	23,610
PL 566 (lien)		
Marshall	0.270%	31,520
PL 566 (maint)		
Marshall	0.150%	17,480
PL 566 (operation)		
Marshall	0.029%	3,380

Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. John W Nelson that the 2018 Budget hearing be closed and the regular meeting be resumed. Motion unanimously carried.

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The 2018 Budget hearing was closed and the regular meeting resumed at approximately 9:17 a.m.

Jeff Gryskiewicz, Dwaine Adolphson, Doug Wonnemberg and Arnold Kuznia joined the meeting at approximately 9:18 a.m. They discussed the drainage issue in section 28 and 30 of Wanger Township. They stated the water pools and drainage is impeded by overgrown willows in the coulee draining north into the Tamarac River. They stated they would like to see the coulee cleaned from the (2) 6' x 8' box culverts in Section 20 to the Tamarac River. The Board directed the District staff to check LiDAR to determine the slope of the land and contact the NRCS about regrading, removing the willows from the coulee and report their findings back to the Board.

Jeff Gryskiewicz, Dwaine Adolphson, Doug Wonnemberg and Arnold Kuznia left the meeting at approximately 9:40 a.m.

The following permits were unanimously approved:

1. Permit (17-065) to Holt Township to replace a 24" x 30' CMP culvert with a 4" x 50' CMP culvert, in the SE4 of Section 22 and the NE4 of Section 27 of Holt Township. (Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar)
2. Permit (17-066) to Kent P Benitt to install 90 acres drain tile; 5 HP (423 GPM) VFD pump, 1/4" coefficient; 100' spacing, SE4 and SW4, Section 31, Foldahl Township. (Motion by Mr. David Bakke, seconded Mr. Roger Mischel)
3. Permit (17-067) to Neil Johnson to install 311 acres drain tile; 15 HP (1,462 GPM) VFD pump; 1/4" coefficient; 44' spacing; outletting through railroad culvert and into CD #41, provided a discharge elevation control is installed and the District staff set the elevation with the contractor (Jeremy Misselhorn). (Motion by Mr. John W Nelson, seconded Mr. Robert Kovar)
4. Permit (17-068) to Todd Swenson to install a 16" CSP centerline culvert with flap gate, Section 16, Newfolden Township. (Motion by Mr. David Bakke, seconded by Mr. Robert Kovar)
5. Permit (17-069) to Stuart Nordling to install 177 acres drain tile; 3/8" coefficient; 40' spacing; 10 HP (1,350 GPM) VFD pump outletting into CD #3 and gravity outlet into JD #20 Branch B; W2 of Section 3, Vega Township. (Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel)
6. Permit (17-070) to Jon Nelson to install 158 acres drain tile; 1/4" coefficient; 50' spacing, gravity outlet into JD #1; NE4, Section 22, Higdrem Township. (Motion by Mr. Robert Kovar, seconded by Mr. John W Nelson)

Stuart Nordling left at approximately 9:53 a.m.

7. Permit (17-071) to Jon Nelson to complete installing 106 acres of the permitted (14-132) 400 acres of drain tile, NE4 of section 11 Oak Park (Strip) Township and SE4 of section 11, Higdrem Township. (Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar)

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8. Permit (17-072) to Chad Anvinson to install 143 acres drain tile; gravity outlet; 1/4" coefficient; 50' spacing, install 15" steel pipe under CSAH #22 to drain southerly into Watershed Ditch #5, SW4 Section 12, Esther Township. (Motion by Mr. Roger Mischel, seconded by Mr. David Bakke)
9. Permit (17-073) to Jerome Hoper to install 153 acres drain tile; 7.5 HP (1,095 GPM) VFD pump; 3/8" coefficient; 80' spacing, NE4, Section 21, Augsburg Township. (Motion by Mr. Roger Mischel, seconded by Mr. David Bakke)

Jeremy Misselhorn left the meeting at approximately 10:02 a.m.

10. Permit (17-074) to David Jadeke to remove an 18" field crossing and culvert and install (2) new field crossings with 18" culverts, on the east line of SE4 of Section 10, Brislet Township and NE4 of Section 11, McCrea Strip Township. (Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar)

John Kippen left the meeting at approximately 10:05 a.m.

11. Permit (17-075) to Daniel Stusynski to install a field crossing with 18" culvert off CSAH #6, NE4, Section 7, West Valley Township, provided Marshall County approves. (Motion by Mr. John W Nelson, seconded by Mr. Bill Petersen)

The District has been informed by the Marshall County SWCD that they have additional funds available to assist in the repair of Judicial Ditch #29 and the original grant agreement, executed on August 7, 2017, will need to be amended. The original grant was for \$59,499.88 and the amended grant will provide funding in the amount of \$75,072.58.

Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar that the Chairman execute the amended agreement with the Marshall County SWCD, in the amount of \$75,072.58, for the repair of Judicial Ditch #29. Motion unanimously carried.

Tony Nordby reported quotes for the repair of Judicial Ditch #29 are being solicited and will be received until 10:00 a.m., on August 23, 2017, at which time they will be publicly opened.

Tony Nordby stated Gladen Construction, Inc. will begin the Repair of Judicial Ditch #75 by the end of this week or the beginning of next week. A discussion was held regarding whether District staff or Houston Engineering would oversee the construction. The Board stated District staff and Houston Engineering work out an on-site schedule.

Nick Pribula, Pribula Engineering, reported that he performed modeling on County Ditch #175 and it appears the flows from upstream to downstream, to the outlet of Watershed Ditch #5 do not appear to be significant. The Board directed Nick Pribula to forward the modeling to Houston Engineering for their review.

Connie Kujawa reported she will be publishing the Order and Notice of Hearing on Polk County Ditch #175 in the Exponent and that said Order and Notice will be mailed to the landowners in the benefited area and that Attorney John Kolb will be attending the hearing on the Preliminary Engineers Report on County Ditch #175 scheduled for September 18, 2017 at the District office 453 N McKinley St. in Warren, MN.

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Christina Slowinski reported she received word from the Marshall County SWCD that they may have funding available, for up to 75% of the costs, to assist in repairing a slough that has occurred on Watershed Ditch #7 Improvement.

Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar that Houston Engineering be directed to survey the slough on Watershed Ditch #7 Improvement for submittal to the Marshall County SWCD for funding assistance. Motion unanimously carried.

Christina Slowinski distributed the Ditch Summary Report listing the works that are priority and works currently in progress.

Dillon Nelson reported he reviewed the proposed design of the ring dike around the Rick Confer residence, with the adjacent landowner, Jeff Steer and Mr. Steer agrees with the proposed design. Dillon stated the proposed design will require purchasing approximately  $\frac{3}{4}$  acre from Jeff Steer.

Motion by Mr. John W Nelson, seconded by Mr. Bill Petersen that the District offer \$1,600 per acre, to Jeff Steer, for an easement, for the construction of the proposed ring dike around the Rick Confer residence and that HDR Engineering proceed with the process required to proceed with construction. Motion unanimously carried.

Christina Slowinski reported a meeting was held with the Permit and Drainage Committee on August 14, 2017, to review the changes made to the draft Permit and Drainage Policy of the District. She stated she will send the revised draft Policy to the Managers for their review.

Tony Nordby reported he attended the Flood Damage Reduction Work Group meeting held in Detroit Lakes on August 16, 2017. He stated he submitted a request for a Project Acceleration Grant, on behalf of the District, for the Swift Coulee/CD #3 project and the District will receive an acceleration grant in the amount of \$5,000.00 from the FDRWG. A discussion was held concerning involvement with Marshall County on the project. The Board directed Tony Nordby to attend a Marshall County Commissioner meeting, in September, and present the scope of the project.

Tony Nordby and Kyle Schlomann attended the Oslo/Access meeting held on August 18, 2017. They reported they are narrowing down the 72 restrictions within the flood plain, in the vicinity of Oslo, Minnesota and two alternatives are being looked into.

Danny Omdahl discussed the LCCMR grant that Audubon MN received to remove approximately 500 acres of cattail from the Agassiz Valley Water Resources Impoundment. He stated it appears the District would be responsible to provide in-kind assistance in the amount of \$54,000.00. A telephone conference is scheduled with Kristin Hall of the Audubon MN, on August 28<sup>th</sup> to discuss the project and how to proceed.

Connie Kujawa reported that two journal entries were made in QuickBooks and as part of the District's internal controls, she reviewed them with the Board. After review, Chairman Kleinwachter initialed the entries.

Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar that the District purchase (3) Marshall Plat Books, in the amount of \$50.00 each, from Farm & Home Publishers, Ltd. Motion unanimously carried.

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It was announced that the unpublished opinion filed by the Minnesota Court of Appeals regarding the Zutz et al vs Nelson et al, was received on August 14, 2017.

Correspondence from the Northwest Community Action requesting comments on a Small Cities project; from the MN Board of Soil and Water Resources regarding Listening/Discussion Sessions; from Governor Dayton announcing Ten Water Quality Town Hall meetings; from Polk County regarding a Notice of Intent to Amend Polk County's Land Use/Zoning Ordinance; from the Department of Administration regarding a seminar on Intro to Data Practice Policies; a memorandum from the Minnesota Association of Watershed District's regarding their recommended due structure and a buffer update from the Minnesota Board of Soil and Water Resources, were distributed.

Connie Kujawa reported she accepted an offer of \$1,260.00 for the District's 1997 Suburban and she will be attending the CCOGNA meeting in Erskine on August 28, 2017.

Mr. Bill Petersen and Mr. Roger Mischel reported they interviewed Joel Praska for the Administrator position and requested the agenda be amended so they could give their report and recommendation to the Board.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke, that the agenda be amended, to include the report and recommendation of the Personnel Committee. Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Robert Kovar, that the Personnel Committee offer the Administrator position to Joel Praska and that the Personnel Committee be authorized to negotiate a salary and a start date, with Mr. Praska. Motion unanimously carried.

Christina Slowinski stated her last day with the District will be September 15, 2017.

The following meetings were announced:

- September 5, 2017-Regular Meeting, 8:30 a.m., District Office
- September 5, 2017-Regular Meeting, 8:30 a.m., District Office
- September 18, 2017-CD #175 Hearing, 11:00 a.m., District Office

By unanimous consent the meeting was adjourned at approximately 11:43 a.m.

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Connie Kujawa  
Recording Secretary

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David Bakke  
Secretary