

December17(a)2018.min

**APPROVED** (January 7, 2019)  
**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. December 17, 2018**

The meeting was called to order by President John W Nelson. Managers John W Nelson, Bill Petersen, Robert Kovar, Brad Blawat and Roger Mischel were present. Joel Praska, Tony Nordby, Kyle Schlomann, Tyler Larson, Connie Kujawa, Dillon Nelson, Alan Maruska and Rolland Miller were also present.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel that the agenda be amended, with the addition of: draft letter to the Township Clerks, and Arrowwood Resort. Motion unanimously carried.

Motion by Mr. Brad Blawat, seconded by Mr. Bill Petersen that the Minutes of the December 3, 2018 meeting be approved, as presented. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that the following bills be paid from the Administrative Funds: payroll checks numbered 6283 through 6295 inclusive for a total of \$18,112.69; that checks numbered 18107 through 18135 inclusive, including the service charge and EFT withdrawal, for a total of \$15,916.19; from the Project funds that checks numbered 2968 through 2982 inclusive, for a total of \$80,572.61; from the RRWMB funds, check number 188 for \$118,693.61; and from the Ditch Funds that checks numbered 3251 through and 3262 inclusive, including the service charge, for a total of \$61,243.65 be paid. Motion unanimously carried.

Administrator Praska presented the Findings and Order on the Petition of Ernest Pribula to remove lands from the benefited area of Polk County Ditch #175. At the Hearing held, December 3, 2018, on a motion by Mr. Bill Petersen, seconded by Brad Blawat, with Mr. Robert Kovar abstaining, the following Findings and Order was unanimously adopted. Administrator Praska turned the Findings and Order over to the Chairman and Secretary of the Board for signatures.

**Order on Petition Of Ernest Pribula For Removal Of Property  
From Polk County Ditch #175**

The above-entitled matter came on for hearing before the Board of Managers on the 19<sup>th</sup> day of November, 2018, at the regular meeting, pursuant to a Petition by Ernest Pribula brought under Minnesota Statute 103E.805. The following managers were present: Managers John W Nelson, Bill Petersen, Brad Blawat, Roger Mischel, and Robert Kovar were present. Robert Kovar abstained from the proceedings.

Appearances were as follows: Tony Nordby, Houston Engineering, Thief River Falls, Minnesota, as engineer for the District; Jeffrey W. Hane, BRINK LAWYERS, Hallock, Minnesota, as District counsel; Ernest Pribula, Petitioner; and the additional following persons who attended the hearing: (see attached sheet.)

After completing the testimony portion of the hearing, it was moved, seconded and carried to continue the hearing to 10:30 a.m. on Monday, December 3<sup>rd</sup>, 2018, at the MSTWRD District Office.

### APPROVED (January 7, 2019)

At the continued hearing on December 3rd, Managers John W Nelson, Bill Petersen, Robert Kovar, and Brad Blawat were present. Robert Kovar abstained from the proceedings. Due to a delay, the hearing commenced at 10:54 a.m. At the continued hearing, appearances were as follows: Ernest Pribula, Petitioner; Danny Omdahl, staff; Jeffrey W. Hane, BRINK LAWYERS, Hallock. At the continued hearing, the Board of Managers elected to reopen the testimony portion of the hearing to receive the following public documents into the record: Permit application materials and minutes relating to the same for permit 12-116 (Ernest Pribula), and Permit application materials and minutes relating to the same for permit 13-059 (Ernest Pribula). Prior to taking additional testimony, the Chair paused the meeting to allow participants and the Petitioner to review said documents, which were thereafter entered into the record. Following receipt of the documents, the following persons offered additional testimony: Petitioner Ernest Pribula and Danny Omdahl.

The Board, having considered all of the materials filed or presented in this matter, and having heard the testimony of all witnesses, incorporates by reference the written record and the recording of the hearing as if fully set forth herein, and hereby makes the following:

#### FINDINGS OF FACT

1. The Petition was complete and properly presented.
2. The land at issue is within the benefitted area of Polk County Ditch #175.
3. Notice of the hearing was properly given.
4. That the following facts exist:

(1) waters from the petitioners' property **HAVE NOT** been fully diverted from the drainage system, or that the property can significantly or regularly use the drainage system;

We base this on the following facts: Overland flooding can still go north from the Petitioner's property into PCD#175. The Petitioner admitted this in his testimony.

(2) the property **IS** benefited by the drainage system;

We base this on the following facts: During high water events such as spring flooding and heavy rains, water will drain from the subject premises and head north, which provides a benefit to the Petitioner.

and

(3) removing the property from the drainage system **WILL** prejudice the property owners and property remaining in the system.

We base this on the following facts: Similarly situated properties in the benefitted area of PCD#175 receive some benefit from the ditch in spite of their partial use of WD#5 to the south. These properties pay a similar benefit rate as that of the Petitioner. Therefore, removing the Petitioner from the benefitted area will result in inequitably treatment of parcels.

#### ORDER

THEREFORE, IT IS HEREBY ORDERED THAT THE ABOVE-DESCRIBED PROPERTY **IS NOT** REMOVED FROM THE BENEFITTED AREA OF POLK COUNTY DITCH #175, and the Petition is hereby DENIED.

Administrator Praska stated landowner Duane Kasprick had relayed concerns with the sloughing occurring along the east slope of Polk County Ditch #43 Lateral 1 and an 80' washout of the #43 Main north spoil bank, both in the SE4 of Section 8 of Angus Township. The Board held a discussion with Mr. Kasprick's renter, Alan Maruska, regarding the drainage issue and offered possible options to improve the drainage. After discussion, the Board stated they would monitor the spring thaw. They also directed Houston Engineering to draw up estimates to repair the ditch, contact the adjacent landowners to inform them of the proposed repair, and check with the West Polk County SWCD to see if there would be funding available for inlet and rock structures.

## APPROVED (January 7, 2019)

Administrator Praska reported Don Matz, McCrea Township Supervisor, discussed the volunteer trees growing in Judicial Ditch #25-1, in Section 1, of McCrea Strip. Mr. Matz stated the Township intends on removing the trees however, Administrator Praska stated one of the landowners would like the trees to remain as a windbreak. Administrator Praska also stated he informed Don Matz the District is responsible to remove trees in the bottom and backslope of the ditch, while the township is responsible for the inslope. A discussion was also held on where the trees would be disposed. Technician Omdahl informed the Board of two locations that could be used as disposal site for the trees. It was the consensus of the Board, that Administrator Praska contact McCrea Township, to see if they would pay for the removal of the trees on the road side. The Board also directed Administrator Praska and Technician Omdahl to contact the landowners and seek quotes for the removal and disposal of the trees.

Technician Omdahl reported Helgeland Township raised the Judicial Ditch #25-2 spoilbank dirt trail, which Helgeland has recorded as a road in Section 36 of Helgeland Township. He stated the District staff will verify areas in need of further raising in the spring. He also reported one culvert location and the diagonal bend will need to be ripped.

Tony Nordby reported he sent the proposed amended operation and maintenance plan on the Nelson Slough to the Minnesota Department of Natural Resources and is waiting for a response.

Alan Maruska left the meeting at approximately 9:40 a.m.

Dillon Nelson, HDR Engineering, reported the soil borings on the Newfolden/Middle River Project have been completed by NTI Technologies, Inc. He also, reported a second south diversion alignment alternative is being looked at in Section 3 of Newfolden Township.

Tony Nordby reported the Oslo Access BTAG group is meeting with representatives from Walsh County, North Dakota, on December 18, 2018 to discuss cost sharing on preparing a presentation and the design and printing of pamphlets that would summarize the Oslo Access Study. Tony Nordby also reported he received a list from BTAG of what they would like to have included in the presentation and the brochure. Tony Nordby recommended, and the Board agreed, to wait with preparing the presentation and brochure until they hear if North Dakota will help with funding.

Ernest Pribula joined the meeting at approximately 9:50 a.m.

Technician Omdahl reported he attended a meeting at the Red Lake Watershed District to discuss a drainage matter on the border of the MSTRWD and the Red Lake Watershed District.

Administrator Praska reported the District received the dam inspection report on the Off Channel Storage/PL-566 Diversion from the NRCS and they recommend the District continue with rodent control.

Administrator Praska reported he received three data practice requests and the data was furnished to the requestor.

**APPROVED (January 7, 2019)**

Administrator Praska stated the License to Use and Occupy with the Agassiz Audubon on the District's property, located at 27453 190<sup>th</sup> St NW, Warren, will expire on December 31, 2018.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that the District renew the License to Use and Occupy with the Agassiz Audubon, for an additional year, with the license to expire December 31, 2019. Motion unanimously carried.

A discussion was held regarding the amount of funds the District receives from the Agassiz Audubon for maintenance of the CRP lands and expenses related to occupancy of the house. Administrator Praska reported a meeting was held with Jillian Fejszes, from the Pennington County SWCD office to discuss Phase I brush removal and clipping of approximately 145 acres of CRP lands in Section 24 of Brislet Township. He reported the FSA will contribute \$12.00/acre towards the cost for a total of \$1,740.00.

Ernest Pribula left the meeting at approximately 10:25 a.m.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel that Administrator Praska be authorized to seek additional funding from the Agassiz Audubon for the lands enrolled in the CRP program and discuss maintenance and expenses with the representatives of the Agassiz Audubon board. Motion unanimously carried.

A discussion was held concerning the request of Ryan Fenning to hay an additional approximate 28 acres of hay land at the Off Channel Storage Site. Administrator Praska reported he contacted the District's Attorney to seek advice on whether the additional lands would need to be put out on bids or if they could be added to the current land rental agreement with Ryan Fenning. He stated he was informed the lands could be added to the current land rental agreement. A discussion then took place on whether the NRCS would allow haying of the lands as they are planted into native grass. The Board directed Administrator Praska to contact the NRCS to determine if the lands could be hayed; to contact Ryan Fenning to determine a rental price for the lands if they can be hayed and report his findings back to the Board.

Administrator Praska reported the Bois De Sioux Watershed District is requesting support for a resolution to increase the amount of the Multipurpose Drainage Management Grant Program from \$610,000.00 to \$2,000,000.00.

Motion by Mr. Brad Blawat, seconded by Mr. Bill Petersen that the Chairman be authorized to sign the Resolution supporting the Bois De Sioux Watershed District in requesting the Multipurpose Drainage Management Grant Program be increased from \$610,000.00 to \$2,000,000.00. Motion unanimously carried.

Administrator Praska reported Manager Petersen has been contacted by a landowner, in Section 34 and 35 of Deerwood Township, Kittson County, who would like a dike constructed on his property removed. Administrator Praska stated he has been in contact with Ruth Anne Franke of the MN DNR and she stated the dike was built in 2012, by the MN DNR Forestry Department to prevent the Karlstad Fire of 2012 from spreading. A meeting is being scheduled with the landowner and MN DNR Forestry Department to view the site and determine what options are available.

Manager's Mr. Bill Petersen and Mr. Roger Mischel reported they met with the District staff on December 13, 2018, to discuss employee compensation and are recommending Praska, Kujawa, Schlomann and Larson be granted a 3% increase in salary, Omdahl a

**APPROVED (January 7, 2019)**

5% increase in salary and the District contribute \$600.00 per employee/per month towards a single policy for health insurance coverage.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat that the District contribute \$600.00 per employee/per month towards an employee's single health insurance policy, and Praska, Kujawa, Schlomann, Larson be granted a 3% salary increase and Omdahl a 5% salary increase effective, January 1, 2019. Motion unanimously carried.

The following monthly employee gross salaries will be effective January 1, 2019:

Praska	\$4,818.26
Kujawa	\$4,981.82
Omdahl	\$4,381.96
Schlomann	\$3,213.18
Larson	\$3,213.18

It was announced the Red River Watershed Management Board meeting is scheduled for December 18, 2018, at 9:30 a.m., at the Ada Event Center.

Administrator Praska stated he prepared a draft letter he would like to send to the Township Clerks within the jurisdiction of the District, informing them that the Marshall County Commissioners are looking for two individuals to fill the vacant seats on the Watershed Board. After discussion, the Board directed Administrator Praska to forward the letter to the Marshall County Auditor as they are responsible for soliciting and appointing individuals to the Watershed Board.

Administrator Praska reported he has been working with Arrowwood Resort to clear up the erroneous charges made to the District's Debit Card. He said currently, \$257.50 remains to be cleared up.

The following meetings were announced:

- January 7, 2019- Regular Meeting, 8:30 a.m., District Office
- January 22, 2019-Regular Meeting, 8:30 a.m., District Office
- January 15-17, 2019-Red River Basin Conference-Alerus, Grand Forks

By unanimous consent, the meeting was adjourned at approximately 11:15 a.m.

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Connie Kujawa  
Recording Secretary

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Roger Mischel  
Secretary