

APPROVED (as corrected February 5, 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. January 16, 2018**

The meeting was called to order by President John W Nelson. Managers John W Nelson, Roger Mischel, Bill Petersen, Brad Blawat, Eric Johnson, David Bakke and Robert Kovar were present. Connie Kujawa, Tony Nordby, Kyle Schlomann, Joel Praska, Tyler Larson, Dillon Nelson, Tammy Hanson and Jeremy Misselhorn were also present.

Motion by Mr. Roger Mischel, seconded by Mr. Robert Kovar that the agenda be approved, as amended with the correction of 2-7.5 HP pumps to permit (18-001). Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that the minutes of the December 16, 2017 meeting be approved, as presented. Motion carried, with Mr. Eric Johnson opposing.

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 that payroll checks numbered 6160 through 6171 inclusive for a total of \$16,610.50; that checks numbered 17736 through 17771 inclusive, including the service charge, for a total of \$31,704.37; from the Project funds that checks numbered 2864 through 2870 inclusive, for a total of \$24,442.61; from the RRWMB funds, check number 184 for \$9,987.96; and from the Ditch Funds that checks numbered 3163 through and 3175 inclusive, including the service charge, for a total of \$152,909.70 be paid. Motion unanimously carried.

The following permits were unanimously approved:

1. Permit (18-001) to Rolland Miller to install 373 acres drain tile, 2 – 7.5 HP (1753 GPM) VFD pumps; ¼" coefficient; 40' spacing; N2 and SE4, Section 9, Vega Township.
2. Permit (18-002) to Jon Hanson to install 14 SWI culverts in existing open drains along the N line and W line, Section 35, Marsh Grove Township.
3. Permit (18-003) to Wallace Hanson to install 9 SWI culverts in existing open drains in N2 of Section 32 and Section 33, Marsh Grove Township.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that the Chairman, Mr. John W Nelson, be authorized to execute the Clean Water Grant Agreement in the amount of \$144,000.00 for Polk County Ditch #175, with the MN Board of Soil and Water Resources, Motion unanimously carried.

Administrator Praska reported the District received a Clean Water Grant on State Ditch #3, in the amount of \$44,000.00, from the MN Board of Soil and Water Resources and this grant will be implemented by the Marshall County SWCD.

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Dillon Nelson, HDR Engineering, and Tammy Hanson, City of Newfolden Administrator, reported on the Newfolden/Middle River Project Team meeting held on January 8, 2018. Dillon stated the majority are not in favor of retention but are in favor of improving the railroad crossing/culverts and that he is putting together a report outlining the options, funding and other data.

Tammy Hanson stated the City of Newfolden is putting together a newsletter informing the residents and landowners of the alternatives to remove the City from the flood plain.

Mr. David Bakke inquired as to why some of the project team members were not notified of the meeting. Administrator Praska stated he used the mailing list prepared by the previous Administrator of the District, and was not aware that the list did not include all the members of the project team. Administrator Praska stated he will address this matter and compile a correct mailing list.

Tammy Hanson left the meeting at approximately 9:43 a.m.

Motion by Mr. Brad Blawat, seconded by Mr. David Bakke that the District advertise for rent the approximate 30 acres of hayland within the PL566 Off Channel Storage Site, in the SE4 of Section 15, Comstock Township, for a 3 year term, and Administrator Praska verify with the Districts legal council that the lands can be rented. Motion unanimously carried.

A discussion was held concerning the lands rented within the Agassiz Valley Water Resource Management Project, in Section 7 of Comstock Township. Danny Omdahl reported that an additional cutting took place, without Board approval, that windrows were left at the end of the season and the land is not being maintained in a husband-like manner. The Board directed Administrator Praska to send a letter to the renter stating the Boards position and concerns on the rental of the lands.

Tony Nordby reported a meeting was held with BTAG on January 9, 2018 in Grand Forks to review 2 alternatives on the Oslo/Access project. The two alternatives reviewed were access to Oslo during flood events and reducing flood damages upstream and downstream on the Red River in the vicinity of Oslo, Minnesota.

Administrator Praska reported three data practice requests have been received and the requested documents have been sent to the requestors.

The year-ending financial statements for 2017 were distributed and reviewed. A discussion was held regarding the costs associated with permits. The Board directed Administrator Praska to contact the Red Lake Watershed District Administrator to discuss funding for permits.

Connie Kujawa reported the Internal Revenue Service has sent the 2018 Mileage rate at .545¢, as the reimbursable amount for conducting works of the District. It was the consensus of the Board that works performed on behalf of the District be reimbursed at the IRS mileage rate of .545¢.

Administrator Praska reported that himself and Connie Kujawa met with Sheila Hoerner and Heidi Hughes to review coding of the Agassiz Audubon expenses; to discuss the works left on the kiosks; funding and the use and occupy agreement of the residence on the District property.

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Administrator Praska stated approximately \$5,800.00 remains to be paid on the completion of the panels for the kiosks. He reported the District submitted payment to Carmen Simonett, in the amount of \$9,500.00, and the AAS previously agreed to pay \$3,000.00, however, they are unresponsive to paying the \$3,000.00. Administrator Praska also reported that the AAS CRP payment of \$19,000.00 has not been received by the District and Sheila Hoerner stated the AAS is willing to submit ½ of the CRP payment now and ½ in six months.

After discussion, Administrator Praska was directed to contact Sheila Hoerner and inform her that the agreement states the District is to receive the CRP funds of \$19,000.00 in January; that the District will pay the additional \$2,800.00 towards the kiosks provided the AAS pays the \$3,000.00 they previously agreed to; and the AAS look for funding sources for the installation of the kiosks.

Administrator Praska reported the use and occupy of the residence by Heidi Hughes has expired and the AAS is requesting the District renew the agreement to allow Heidi Hughes to occupy the residence for an additional year. It was the consensus of the Board that the use and occupy of the residence by Heidi Hughes be granted, for an additional year beginning January 1, 2018 and expiring December 31, 2018, contingent upon the District receiving the \$19,000.00 CRP payment.

It was announced the Buffer Rule/Ordinance Hearing is scheduled for January 18, 2018, at 9:00 a.m., at the Bremer Bank in Warren, Minnesota.

Administrator Praska reported the overhead door to the District shop is inoperable and he has contacted PS Doors to access and fix the problem.

Administrator Praska reported that Engineer Technician, Danny Omdahl, has enrolled in the Watershed Specialist Training classes through the University of Minnesota Water Resources Center.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel that the depositories of the District be the Bremer Bank of Warren, Frandsen Bank of Warren, American Federal of Warren and others, as determined by the Treasurer of the Board. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Brad Blawat that the Warren Sheaf and the Middle River Honker be designated the official newspapers of the District; and that official publications may be made in any or all of the following newspapers as required by statute: Warren Sheaf, Stephen Messenger, Middle River Honker, Crookston Times, The Exponent, Thief River Times, Kittson County Enterprise and the Roseau Times. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Peteresen that the District retain the legal services of Brink, Sobolik, Severson, Malm et al, as the legal counsel for the District; and that other legal counsel may be retained as determined by the Board. Motion carried, with Mr. Eric Johnson opposing.

Motion by Mr. David Bakke, seconded by Mr. Roger Mischel that Houston Engineering be designated the Engineering firm for the District and that HDR Engineering and others as determined by the Board of the Managers. Motion unanimously carried.

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Administrator Praska reported public hearing on the District's Amended Rules, held on December 18, 2017, was well attended, and the comments received have been documented. He also stated the District staff have provided comments and concerns over the clarity of the document. The Board briefly reviewed the comments and directed Administrator Praska to forward the changes to John Kolb for review.

Administrator Praska stated the recessed hearing on the District's Amended Rules is scheduled to reconvene on February 5th, 2018. It was the Board's position that the changes to the Amended Rules will not be completed by February 5, 2018 and sought legal advice as to how to cancel the scheduled hearing date and reschedule it at a later date. A conference call was placed to Attorney, John Kolb, to get advice on this matter.

Motion by Mr. Brad Blawat, seconded by Mr. Robert Kovar that the recessed hearing on the District's Amended Rules be changed from February 5th, 2018 to March 19th, 2018 and notification be made as required by Statute. Motion unanimously carried.

It was announced the Red River Watershed Management Board meeting, is scheduled, for today, at 9:30 a.m., at the Red Lake Watershed District in Thief River Falls, Minnesota.

Administrator Praska stated the District's insurance carrier, Minnesota Joint Underwriters Association, has retained Thomas Carlson to represent each individual manager, and Jerry Von Korff has been retained to represent the District, in regards to Zutz/Stengrim matter.

Administrator Praska reported that the Petition of Loren and Deborah Zutz and Ron Zutz to remove lands from the benefited area of Judicial Ditch #25-1 is scheduled for 1:30 p.m., January 18, 2018 at the District office and should extra room be required, the Bremer Bank Community Room has been reserved. He also reported Loren Zutz and Jim Stengrim were in the District office reviewing files on Judicial Ditch #25-1 and the Agassiz Valley Water Resource Management Project.

Engineer Technician, Tyler Larson, reviewed the impoundment inspections performed by the District staff. He cited some areas of concern are beaver issues at the PL-566 OFCSS and AO #4, gopher issues at all the District impoundments, and a broken fence on the by-pass structure on the PL-566 diversion. He also recommended a guide rail be installed on the Brandt/Angus inlet for safety concerns.

The Board directed the District Staff to look into installing a guide rail on the Brandt/Angus inlet and obtain quotes from exterminators to combat the gopher problem at the impoundments.

Tyler Larson also reported that he has set up email accounts for each manager. He distributed the addresses to each manager.

The following meetings were announced:

- January 18, 2018-Buffer Rule/Ordinance Hearing, 9:00 a.m., Bremer Bank
- January 18, 2018 – JD #25-1 Petition Hearing, 1:30 p.m., District Office
- January 23-25, 2018 - RRB Land & Water Conference, Winnipeg
- February 5, 2018 - Regular Meeting, 8:30 a.m., District Office
- February 20, 2018-Regular Meeting, 8:30 a.m., District Office

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February 13, 2018-Drainage & Wetland Conference, St. Cloud, MN

Mr. Eric Johnson, stated in his opinion, it would be beneficial to sit down with Loren Zutz and Jim Stengrim to discuss their concern, without Board interaction. He also stated he wished to clarify his motion at the December 18, 2017 meeting, stating the Board should write down questions for Loren Zutz and Jim Stengrim.

Mr. Eric Johnson wished to entertain a motion, to which the Chairman declined to acknowledge, citing this was not an agenda item.

The meeting was adjourned at approximately 12:47 p.m.

Connie Kujawa
Recording Secretary

David Bakke
Secretary