

APPROVED (as corrected Feb 19, 2013)
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
4:06 P.M. JANUARY 22, 2013

The meeting was called to order by Vice President Ben Kleinwachter. Managers David Bakke, Alvin Nybladh, John W Nelson and Ben Kleinwachter were present. Managers Roger Hille, Doug Sorenson and Marvin Hedlund were not present. Nick Drees, Connie Kujawa, Danny Omdahl, Ron Adrian, LeRoy Vonasek, Tony Nordby, Heidi Hughes and Jeff Hane were also present.

By unanimous consent the Agenda was accepted, as presented.

Nick Drees announced that the District will be receiving an amendment to the Minnesota Department of Natural Resources Grant for the Brandt/Angus Project, increasing the amount of the grant an additional \$725,000.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson that the minutes of the December 17, 2012 meeting, be approved, as corrected. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson that the following bills be paid: from the Administrative Funds: that payroll checks numbered 5437 through 5451, 5462 and 5463 for a total of \$23,567.29; that checks numbered 15620 through 15654 inclusive, including the service charge for a total of \$22,313.02; from the Project funds that checks numbered 2206 through 2215 inclusive, for a total of \$650,669.71; from the RRWMB funds that check numbered 152 and 153 for a total of \$10,353.29; and from the Ditch Funds that checks numbered 2623 through 2630 inclusive, for a total of \$142,257.24 be paid. Motion unanimously carried.

Heidi Hughes of the Agassiz Audubon Sanctuary addressed the Board regarding the proposed Memorandum of Understanding between the Agassiz Audubon and the District.

Van Hapka joined the meeting at approximately 4:36 p.m..

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the District adopt the Proposed Memorandum of Understanding with the Agassiz Audubon Sanctuary and the Middle Snake Tamarac Rivers Watershed District. Motion unanimously carried.

Van Hapka and Heidi Hughes left the meeting at approximately 4:50 p.m.

The following permits were unanimously approved:

1. Permit (13-001) Earl Mallinger to install a 12" dual wall pipe under the road for an existing tile pump, draining into WD #7 from E2 SE4 of Sec 4 into E2 NE4,

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Section 9, Oak Park Strip, provided the Town Board is notified.. (Motion Alvin Nybladh, seconded John W Nelson)

2. Permit (13-002) Burlington Northern Railroad to remove the existing 3 span, 41' bridge and replace with a 2 span 42' concrete bridge with H-piling over a natural coulee, SW NE, Sec 22, Middle River Township.. (Motion Alvin Nybladh, seconded David Bakke)

Permit (13-003) City of Argyle, was withdrawn by the City of Argyle. There was no action required of the Board regarding this permit.

Correspondence from the Minnesota Viewers Association and the North Dakota Department of Transportation was distributed.

Motion by Mr. Alvin Nybladh, seconded by Mr. David Bakke, that the District pay the 2013 dues to the Minnesota Viewers Association in the amount of \$125.00. Motion unanimously carried.

Nick Drees announced that a data practice request had been received from PO Box 131, Warren, Minnesota.

Nick Drees reported on the following:

1. Agassiz Valley Water Resource Management Project-that a meeting is being planned with the Minnesota Department of Natural Resources to address coulee issues;
2. Brandt/Angus-that a 72" culvert will be installed in conjunction with the (2) 56" span culverts in the SW corner of the Project;
3. AO #4- that payment has been made to Zavoral Construction for the works on township road ditch, on the East side of Impoundment
4. Marshall County WRAC-that a Land Alteration and Maintenance of Drainage Meeting is scheduled for February 13, 2013, at the Newfolden Community Center.

Jeff Hane reported on the following:

1. That closing documents with Albert Chrusczh and Eileen Stancyk will be signed and recorded, Wednesday, January 23, 2013, on the Brandt/Angus property;
2. That briefs have been submitted to the Court of Appeals in response to the appeal filed by Jim Stengrim on his Open Meeting Lawsuit
3. That there has been no ruling yet from the District Court regarding the reimbursement of Attorney fees incurred by Loren Zutz regarding the Open Meeting Lawsuit filed by Jim Stengrim;
4. That Loren Zutz and Elden Elseth are appealing the District Court's Summary Judgement on the Open Meeting Lawsuit filed by them with closing arguments scheduled for February 14, 2013.
5. That the 9 appealants in the Redetermination of Benefits of Judicial Ditch #25-1 have requested to consolidate all 9 cases into 1 case; that they filed a motion for a protective order with the District Court to prevent providing the District with discovery documents; and that depositions are scheduled to be heard the end of February 2013.

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It was announced that the Red River Watershed Management Board meeting was held on January 15, 2013, at the Red Lake Watershed District, in Thief River Falls, Minnesota.

Jeff Hane briefed the Board on the requirements to participate in the Phased Retirement Option (PRO) plan being offered by PERA.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson that Mr. Roger Hille and Mr. David Bakke be appointed to draft a PRO arrangement with the District Administrator and report back to the Board for consideration. Motion unanimously carried.

A discussion was held concerning the installation and maintenance of field inlet culverts on legal drainage systems within the District.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke that the Bremer Bank of Warren, the Frandsen Bank of Warren, and others, as determined by the Treasurer, be the designated depositories of the District. Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke 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, Crookston Times, Thief River Times, Kittson County Enterprise, Roseau Times and the Middle River Honker. Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the District retain the services of Brink Sobolik, Severson and Malm, et al as the legal council for the District. Motion carried.

Motion by Mr. David Bakke, seconded by Mr. Alvin Nybladh that Houston Engineering be designated the Engineering firm for the District. Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson that the February 4, 2013 meeting of the Board, be cancelled. Motion unanimously carried.

The next regular meeting will be held on February 19, 2013, at 4:00 p.m., at the District office.

By unanimous consent, the meeting was adjourned at approximately 6:42 p.m.

Connie Kujawa
Recording Secretary

David Bakke
Assistant Secretary/Treasurer