

July20(a)2020.min

**APPROVED (August 3, 2020)**  
**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE**  
**MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT**  
**HELD AT THE MARSHALL COUNTY COURTHOUSE, MEETING ROOM #1**  
**DUE TO STATE WIDE COVID-19 ORDER**  
**8:30 A.M. July 6, 2020**

The meeting was called to order by President John W Nelson. Managers Bill Petersen, Robert Kovar, Roger Mischel and Brad Blawat were present. Manager David Bakke was not present. Tony Nordby, Joel Praska, Kyle Schlomann, Connie Kujawa, Mike Enright, and Rolland Miller were also present.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel the agenda be accepted, as amended, with the addition of a proposed ditch, as requested by Manager Petersen. Motion unanimously carried.

Motion by Mr. Roger Mischel, seconded by Mr. Bill Petersen the minutes of the July 6, 2020 meeting be approved, as corrected. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen the following bills be paid: from the Administrative Funds; payroll checks #6496-6505 inclusive for a total of \$16,405.57; checks #18663-18691 inclusive, including the service charge and ACH withdrawal, for a total of \$23,296.58; from the Project Funds: checks numbered 3117-3126 inclusive for a total of \$117,868.94; from the RRWMB Funds: check # 199 for a total of \$52,302.99; and from Ditch Funds: checks numbered 3367-3377 inclusive, including the service charge, for a total \$160,756.78. Motion unanimously carried.

Steve Moen and Darren Moen joined the meeting at approximately 8:40 a.m.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel, the following permit be approved:

1. Permit (20-046) to Steve Moen to install 295 acres drain tile; (2) 7.5 hp VFD pumps (2,085 GPM combined); 3/8" coefficient; 40' spacing; outletting to the East township road ditch of 450<sup>th</sup> Ave NW; W2, Section 6, Vega (Strip) Township. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat the following permit be TABLED for more information regarding the grade of the ditch:

2. Permit (20-048) Blake Johnson to lower ~ 1 foot and replace an existing 36" centerline culvert with flapgate under CR #148; to install a 24" CL culvert with flapgate under CR #148 ~ 1200' N or CR #140; to install a 24" CL culvert with flapgate under CR #140 ~2200' E of CR #148; to regrade the North CR #140 ditch to a 0.08% grade and replace crossing culverts along the South line; Section 4, Eagle Point Township. Motion unanimously carried.

Brian Opsdahl, Brady-Martz and Associates, joined the meeting at approximately 8:47 a.m.

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Jared Sands joined the meeting at approximately 8:47 a.m.

Eric Johnson joined the meeting at approximately 8:50 a.m.

Brian Opsdahl, Brady-Martz and Associates presented and reviewed the 2019 Financial Audit and Management Letter performed on the District finances.

Blake Johnson joined the meeting at approximately 9:00 a.m.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel that the 2019 Annual Report and Audit Report be accepted, as presented, and the 2019 Annual Report and Financial Report be posted on the District website and mailed to those required by Statute. Motion unanimously carried.

Brian Opsdahl left the meeting at approximately 9:10 a.m.

A discussion was held with Eric Johnson regarding the request of Justin Johnson to pull back the South spoil bank of Judicial Ditch #1 from station 359+90 to Station 412+97 in section 20 and 21 and Sandsville Township. Eric stated there are areas of out-croppings that retain snow and ice in the spring and cause flooding issues. After discussion, Managers Petersen, Blawat and Mischel stated they will view the area with Eric Johnson.

Motion by Mr. Roger Mischel, seconded by Mr. Bill Petersen the following permit be TABLED for further review by Managers Petersen, Blawat and Mischel:

3. Permit (20-047) Justin Johnson to pull back the South spoil bank of Judicial Ditch #1 from station 359+90 to Station 412+97 in section 20 and 21 and Sandsville Township. Motion unanimously carried.

Jeremy Misselhorn joined the meeting at approximately 9:27 a.m.

Roger Mathsen joined the meeting at approximately 9:35 a.m.

The Board discussed the permit (20-048) with Blake Johnson. After discussion, a motion was made by Mr. Robert Kovar, seconded by Mr. Brad Blawat to rescind the motion to table permit (20-048). Motion unanimously carried.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar the following permit be approved:

4. Permit (20-048) to Blake Johnson to remove the 18" and 36" culvert and replace with a 42" culvert under CR #148, in the SE4 of Section 5, Eagle Point Township; install a 24" centerline culvert with a flapgate under CR #148 ~ 1200' North of CR #140; install a 24" centerline culvert with a flapgate under CR #140 ~ 2200' East of CR #148; to regrade the North CR #140 road ditch to a 0.08% grade and realign the crossing culverts along the South line, all in Section 4 of Eagle Point Township, with the District to set the elevation of the 42" culvert and Blake receives permission from Marshall County. Motion unanimously carried.

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Eric Johnson left the meeting at approximately 9:48 a.m.

The following permits were Administratively approved and reviewed:

5. Permit (20-049) to Lein Schiller to install a 30" culvert in the West township road ditch of 390<sup>th</sup> Ave NW where the road ditch outlets to the Middle River from the South; NW4, Section 6, Middle River Township.
6. Permit (20-050) to Marshall County Highway Department to remove a failed 60" CSP centerline culvert and install a 54" CSP; same location and elevation, JD #16 station 494+74, under CR #104; section line 33 and 34, Warrenton Township.
7. Permit (20-052) to Ross Pape to replace a 12" field drain culvert with a 18" culvert, draining into the West Hwy #220 ditch; NE4, Section 13, Esther Township.
8. Permit (20-056) to Marvin Hedlund to replace an 18" field drain culvert with an 18" culvert, draining into JD #1, station 196+10; NW4 NE4, Section 23, Higdem Township.

Randy Huderle joined the meeting at approximately 10:10 a.m.

The following permits were unanimously approved:

9. Permit (20-051) to Ross Pape to lower an existing 30" field crossing culvert and regrade the West State Highway #220 ditch for ~800' from an East-West field ditch to Watershed Ditch #5 in the NE4 of Section 13 Esther Township. CONDITIONS: Permit is contingent on applicant obtaining authorization from the MN Department of Transportation. (Motion by Mr. Brad Blawat, seconded Mr. Bill Petersen).
10. Permit (20-055) to Jared Sands to install 301 acres of drain tile in the E2 of Section 19 Sandsville Twp with (2) – 7.5 hp (2125 GPM combined) VFD pumps; 3/8" drainage coefficient; 40' & 50' tile spacings; to outlet into the West State Highway #220 ditch; with conditions. (Motion by Mr. Roger Mischel, seconded by Mr. Bill Petersen).
11. Permit (20-058) to Stoltman Farms to install 308 acres drain tile in the N2 of Section 8 Bloomer Twp with 15 hp (1447 GPM) VFD pump; 1/4" drainage coefficient; 50' tile spacing; to outlet to South ditch of 330th St NW; with conditions. (Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel).
12. Permit (20-059) to Jared Sands to install 290 acres of drain tile with 3/8" drainage coefficient & 50' tile spacings in the E2 of Section 32 Vega Township with 10 hp (968 GPM) VFD pump to outlet to Marshall County Ditch #41 & a 10 hp (1082 GPM) VFD pump to outlet to Judicial Ditch #16; with conditions. (Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel).
13. Permit (20-060) to Tim Sedlacek to install 297 acres of drain tile with two 10 hp (2108 GPM) VFD pumps; with 3/8" drainage coefficient; 35' tile spacing; outlet into County Road 21 ditch and into County Ditch #41; with conditions. (Motion by Mr. Brad Blawat, seconded by Mr. Bill Petersen).

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Chairman Nelson announced he will be abstaining from Permit (20-053), Vice President Petersen presided.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat, the following permit be approved:

14. Permit (20-053) to Oak Park Township to replace a 15" field crossing culvert with a 24" culvert; NE4, Section 7, Oak Park (Strip) Township. Motion carried, with Mr. John W Nelson abstaining.

Blake Johnson left the meeting at approximately 10:33 a.m.

Administrator Praska reported some landowners along County Ditch #175, particularly in Sections 8 and 9 of Northland Township, would like to see County Ditch #175, East of MN Trunk Highway #220 improved. He reported the District staff surveyed the area and it appears the ditch is undercut and is plagued with cattails. He stated, there is little the District can do without a petition from the landowners requesting an improvement to the Ditch system. He also reported the ditch is difficult to mow due to the slope of the ditch and it will need to be aerial sprayed.

Kyle Schlomann left the meeting at approximately 10:30 a.m.

A discussion was held on the timing of the aerial spraying of the ditches under the jurisdiction of the District. The Board directed Administrator Praska to compile the aerial spraying maps and forward them to Larson Helicopters.

Eric Johnson and Jared Sands inquired if there has been communication with MN DOT regarding replacing the bridge where Judicial Ditch #1 and MN Trunk Highway #220 intersect. Administrator Praska reported MN DOT is not willing to consider replacing the bridge, however, they may be able to provide some funding. Chairman Nelson informed Eric and Jared the landowners should consider filing an Improvement Petition with the District.

Danny Omdahl joined the meeting at approximately 10:47 a.m.

Administrator Praska reported Technician Larson set the control points and Right of Way stakes on the Judicial Ditch #1 slough repair in section 20 of Higdem Township and Kraulik Construction began working on the project on July 17. He also reported that Steve Nelson planted corn on the easement area and is seeking damages for the corn that will be damaged. Tony Nordby stated there is a minimal area that is not within the Right of Way of the District that may have damage. It was the consensus of the Board, to view the area after construction and determine if damages are warranted.

Manager Kovar stated he would like waterman gates installed on the culverts that are leaking in sections 3, 4, 5, and 6 of Northland Township. He stipulated that he will be willing to pay half the expense on property he is farming. Technician Omdahl stated interior flapgates might be a better option. Manager Kovar and Technician Omdahl will assess the flapgates and Administrator Praska was directed to get prices on waterman gates for the next board meeting. Roger Mathsen stated he would like the road and spoil elevations of Judicial Ditch #75 checked.

Jeremy Misselhorn left the meeting at approximately 11:20 a.m.

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Administrator Praska reported he attended the Administrator's meeting, via conference call, last week and a discussion was held on the uses approved for Riparian Aid funds. He stated he contacted Matt Fischer of BWSR and inquired if the funds could be used for reseeding and reshaping the eroded areas of County Ditch #43. Matt acknowledged the funds could be used for this purpose. It was the consensus of the Board that Administrator Praska expend Riparian funds to reshape and reseed the eroded areas of County Ditch #43.

Administrator Praska reported at the request of Chairman Nelson, the District Staff has viewed Watershed Ditch #7 and located areas where debris and sediment are blocking the ditch. He also reported Brion Nelson reported blockage that appears to be caused by sediment deltas from field ditches. Administrator Praska informed the Board, that after harvest, a plan will be formulated to address the blockages. Technician Omdahl stated he believed the entire system should be cleaned as it has been around 10 years since it had maintenance.

Administrator Praska reported 3 -18" flap gates on Watershed Ditch #5 and Watershed Ditch #6, in section 13 of Esther Township, section 16 of Northland Township and section 24 of Esther Township, had rusted out. Ross Pape inquired if he could replace and install new gates. Administrator Praska informed the Board that he approved the purchase of the 3 -18" flap gates from the Marshall County Highway Department, at \$388.00 each, and Ross Pape will provide the labor to install them.

Administrator Praska reported he contacted Ron Dennison with Polk County Auditors office, to verify the bond retirement accounts on Watershed Ditch #5 and Watershed Ditch #6 have been paid in full. Ron Dennison verified the bond retirement accounts have been paid in full and no other charges or bills will be forthcoming for either ditch. Administrator Praska stated the remaining bond retirement funds will be transferred to the respective Watershed Ditch #5 and Watershed Ditch #6 maintenance fund. Assistant Administrator Kujawa requested deferment of the transfer until a formal Resolution is drafted and adopted. This will be addressed at the next regular meeting.

Administrator Praska reported he has been unable to make contact with David Lokstad in regards to their Purchase Agreement for the Newfolden Project and the Bret Strange Estate Agreement has been reviewed by their lawyer and they are requesting some changes to the wording of the easement and purchase option. He stated he has forwarded the requests of Strange's Attorney to the Districts Attorney, Jeff Hane, for review.

Eric Johnson, Steve Moen, Darren Moen, Randy Huderle and Roger Mathsen left the meeting at approximately 11:39 a.m.

Tony Nordby reported a Project Team meeting on the Judicial Ditch #14 RCPP project was held on July 7, 2020. He stated landowner participation was poor, however, several agencies participated. He stated the Alternative Screening document was reviewed and the deadline to submit comments on the screening document is July 21, 2020.

Administrator Praska reported he has been contacted by Deb Walchuk, NRCS, and there may be a chance the grant agreements on the JD #14 RCPP and JD #19 RCPP projects could be

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extended to September 30, 2021. He stated the request to extend the grant agreements will need to be executed by the Chairman.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel, that Chairman Nelson be authorized to execute the Judicial Ditch #14 RCPP and Judicial Ditch #19 RCPP grant extension request forms. Motion unanimously carried.

Administrator Praska reported Kraulik Excavating has completed the Angus Oslo Bypass Ditch Spoil Raise in section 10 of Brandt Township and the final payment is included in the Treasurer's report, in the amount of \$34,393.00.

The proposed 2021 Administrative Budget and Ditch Levies were reviewed.

A discussion was held concerning landscaping around the new garage and the installation of rain gutters. It was the consensus of the Board that gutters be installed on the garage and landscaping be completed.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that the Hearing on the 2021 Budget be scheduled for August 17, 2020, at 10:00 a.m., at the District Office, and publication be made as required by Statute. Motion unanimously carried.

Administrator Praska reported Attorney Jeff Hane forwarded the response from Attorney John Kolb in regards to the dispute with Northland Township on who has authority to size culverts, the township or the District and John Kolb gave no clear answer citing there is no case history. Attorney Hane stated the District has possible 3 options: 1) seek BWSR mediation; 2) go to court; 3) or let it go or continue with the dispute. Chairman Nelson directed Administrator Praska to request Attorney Kolb attend the next regular meeting via conference call.

Administrator Praska informed the Board the BTAG group will be attending the next regular meeting to address entering into Joint Powers Agreement with the District and Water Resource Districts in North Dakota.

Administrator Praska presented the proposal of Kim Bjoralt, Human Resource Management Group, to perform the Performance Review of the Staff. The proposal is for \$1,250.00, however there will be an additional charge of \$350.00 to rewrite the job descriptions and \$115.00 to perform in-person interviews.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel the District retain the services of Kim Bjoralt, of Human Resource Management Group, to perform the Performance Review of the District Staff, re-write the job descriptions, and perform in person interviews, with the total proposal not to exceed \$2,000.00. Motion unanimously carried.

Manager Petersen reported Larry Dziengel contacted him regarding the drainage issues in Section 19 of Nelson Park Township. He stated the landowners are seeking advice from the District on how to get drainage as the water has no place to go. The District staff was directed to investigate the area and report back to the Board.

Manager Mischel announced the Red River Watershed Management Board is scheduled for July 21, 2020, at the RRWMB office, in Ada, Minnesota.

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The following meetings were announced:

August 3, 2020-Regular Meeting-8:30 a.m., District Office  
August 3, 2020-WD #4 Hearing-10:00 a.m., District Office  
August 3, 2020-JD #17 Hearing-10:00 a.m., District Office  
August 17, 2020-Regular Meeting-8:30 a.m., District Office

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 12:42 p.m.

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Connie Kujawa  
Recording Secretary

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Roger Mischel  
Secretary