

July 6(a)2020.min

**APPROVED (as corrected July 20, 2020)**  
**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE**  
**MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT**  
**HELD VIA CONFERENCE CALL**  
**DUE TO STATE WIDE "STAY-AT-HOME" COVID-19 ORDER**  
**8:30 A.M. July 6, 2020**

Chairman, Mr. John W Nelson, called for a roll call of Managers. Managers Bill Petersen, David Bakke, Brad Blawat, Roger Mischel, John W Nelson and Robert Kovar acknowledged their presence. Others attending the conference call were: Tony Nordby, Joel Praska, Tyler Larson, Kyle Schlomann, Danny Omdahl, Dillon Nelson, Jim Duckstad, Tom Kleinwachter, Ben Kleinwachter, Gayle Stoltman, Ernest Pribula, Jared Sands, Jeff Hane, Kim Bjoralt and Alex Wardwell. Chairman Nelson stated a quorum of the Board is participating and called the meeting to order.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel that the agenda be amended, with the inclusion of staff performance review. Chairman Nelson called for a roll call of votes, and by unanimous vote the agenda was approved, as amended. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat the minutes of the June 15, 2020 meeting be approved as presented. Chairman Nelson called for a roll call of votes, and by unanimous vote the minutes of the June 15, 2020 Board meeting minutes were approved, as presented. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

Jared Sands addressed the Board under guests to discuss the current rainfalls and drainage issues where Judicial Ditch #1 intersects with State Hwy #220 in Sandsville Township. Mr. Sands stated the current culvert crossing is undersized and unable to allow adequate flow to the west. Mr. Sands emphasized the need for the District to encourage MNDot to address the issue. A group discussion was held on alternatives, which included adding an additional 84" x 124' pipe through the crossing, replacing the existing crossing with a bridge of equal size of upstream bridges and the establishment of the original ditch grade.

A discussion was held concerning permit application (20-036) of Tom Kleinwachter to level and replace an existing 24" centerline culvert under 410<sup>th</sup> St NW, section line 28 & 33, Lincoln Township. Elevations taken by Misslehorn Tiling & Excavating were presented for review. After a lengthy discussion, the Board evaluated the natural flow of water, the need for cleaning of the road ditch and bringing the culvert to grade.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat the following permit be approved with the condition the north end of the culvert be lowered 1/10' with the south end of the culvert to remain at the same grade.

1. Permit (20-036) Tom Kleinwachter to level and replace an existing 24" centerline culvert under 410<sup>th</sup> St NW, section line 28/33 Lincoln Township.

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Chairman Nelson called for a roll call of votes, and by unanimous vote the Board approved Permit (20-036). Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes

The following permits were Administratively approved and reviewed:

2. Permit (20-044) Marshall County Highway Department to replace an existing 48" CSP crossing culvert on Judicial Ditch #19 Br F in the NW4 of Section 24, Huntley Twp with a new 48" culvert.
3. Permit (20-045) Mark Kleinwachter to widen an existing field crossing on the East side of 220<sup>th</sup> Avenue in the SW4 of Section 19, Lincoln Twp, to replace the existing 18" crossing culvert with a longer 18" pipe, to install a dry crossing in the North CSAH #5 ditch at the natural flow break.

The affected landowners held a discussion on the placement of the outlet pump in reference to permit application (20-046).

Motion by Mr. Bill Petersen, seconded by Mr. David Bakke to table the following permit to allow landowner consensus on the placement of the drain tile pump.

4. Permit (20-046) Steve Moen to install 295 acres of drain tile in the W2 of Section 6, Vega Strip Twp, with (2) 7.5 hp VFD pumps (2085 GPM combined), 3/8" drainage coefficient, 40' tile spacing, to outlet to the East township road ditch of 450<sup>th</sup> Avenue NW.

Chairman Nelson called for a roll call of votes, and by unanimous vote the Board approved to table Permit (20-046). Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

Jeff Hane, Brink Lawyers, P.A., discussed the options he has reviewed in the matter of the District hiring an outside independent resource to perform an employee performance evaluation for the administrator and staff members. Kim Bjoralt, Human Resource Management Group, presented his criteria for the proposed evaluation of District employees to the Board. The Board directed Kim Bjoralt to submit a (RFP) request for proposal, that will include an hourly rate, timeline and pricing of services to the Board.

Administrator Praska reported the District received a petition for lands to enter the benefitted area of JD #17. The petition has been reviewed by legal council and meets all requirements.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen to accept the petition to enter the benefitted area of Judicial Ditch #17 and set the petition hearing date for August 3, 2020 at 10:00 A.M. to be held at the District office.

Chairman Nelson called for a roll call of votes, and by unanimous vote the Board accept the petition to enter the benefitted area of JD #17 and set the petition hearing date for August 3, 2020 at 10:00 A.M. to be held at the District office. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

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Administrator Praska reported the District received a petition for lands to enter the benefitted area of Watershed Ditch #4. The petition has been reviewed by legal council and meets all requirements.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen to accept the petition to enter the benefitted area of WD #4 and set the petition hearing date for August 3, 2020 at 10:00 A.M. to be held at the District office.

Chairman Nelson called for a roll call of votes, and by unanimous vote the Board accept the petition to enter the benefitted area of WD #4 and set the petition hearing date for August 3, 2020 at 10:00 A.M. to be held at the District office. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

Administrator Praska reviewed the MSTRWD, Appendix A, Covid-19 Business Reopening Plan and Addendum to Personnel Manual Policy for informing Employees of Covid-19 Exposure in the Workplace and for Protecting Privacy of Workers' Health Status.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel to pass Appendix A, to the MSTRWD Personnel Policy Manual.

Chairman Nelson called for a roll call of votes, and by unanimous vote the Board approved to pass Appendix A to the MSTRWD Personnel Policy Manual. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

Administrator Praska reviewed the MSTRWD, Appendix B, Covid-19 Business Reopening Plan and Addendum to Personnel Manual Policy for Temporary Emergency Paid Leave for Covid-19.

Motion by Mr. Bill Peterson, seconded by Mr. Robert Kovar to pass Appendix B, to the MSTRWD Personnel Policy Manual.

Chairman Nelson called for a roll call of votes, and by unanimous vote the Board approved to pass Appendix B to the MSTRWD Personnel Policy Manual. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

Administrator Praska reviewed the MSTRWD Covid-19 Return to Work Plan, referred to as the State mandated Preparedness Plan.

Motion by Mr. David Bakke, seconded by Mr. Bill Petersen to pass the MSTRWD Covid-19 Return to Work Plan.

Chairman Nelson called for a roll call of votes, and by unanimous vote the Board approved to pass the MSTRWD Covid-19 Return to Work Plan. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

Jeff Hane addressed a letter the District received from Northland Township derived from a permit application of Ed Honek to move an existing township road approach. The Board issued the permit with the installation of an 18" culvert, based on the drainage area. Northland Township wants a 24" culvert installed. Mr. Hane advised the Board he has reached out to Rinke Noonan Law Firm and Minnesota Association of Watershed Districts for clarification on

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Township powers to regulate and to set policy. Mr. Hane advised the Board to take no action at this time until further information is received by outside sources.

Administrator Praska presented the results of quotes received for the repair of a slough in section 20 of Higdem Twp, Judicial Ditch #1. The bid received by Kraulik Excavating, \$72,582.50, after audit, is determined to be the low quote.

Motion by Bill Petersen, seconded by Mr. Robert Kovar to award the JD#1 slough project located in section 20 of Higdem Twp to Kraulik Excavating.

Chairman Nelson called for a roll call of votes, and by unanimous vote the Board awards the JD #1 slough project to Kraulik Excavating. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

Manager Bob Kovar addressed water backing into fields from faulty flapgates along JD #75 in sections 3, 4, 5 and 6 of Northland Township. Mr. Kovar suggested some of the field inlets be removed and replaced with smaller sized culverts with flapgates that seal properly. Mr. Kovar inquired as to why Angus/Oslo #4 Impoundment gates remained open after the area received several inches of rain. Administrator Praska stated the gate remained open at Angus/Oslo #4 due to the fact that contracted work to raise the exterior bypass in the SW corner of the impoundment is taking place and the shutting of the outlet gate would hinder the completion of the project. Further discussion by the Board questioned the Districts current Operation and Maintenance plans for all impoundments. Chairman Nelson stated the summer operation of all impoundments must be reviewed with the possibility of amending the Operation and Maintenance plans to include the closing of all impoundment sites after the spring snow melt waters have been released. Chairman Nelson stated currently, the District is not operating the impoundment sites in an efficient manor and need to retain as much waters as possible during summer rain events.

Administrator Praska reported he attended a meeting held by Polk County Emergency Management where they discussed possible funding for flood damages occurring in the spring of 2020. Mr. Praska stated FEMA will not be involved in the funding as flooding was not declared a Federal disaster. Instead, the State will need to declare the 2020 spring flood a disaster prior to any relief being awarded. The District will be eligible for 75% of repair costs if the State declares the 2020 spring flood a disaster. Mr. Praska informed the Board he has submitted damages to JD #75 and CD #43 for disaster relief.

Tony Nordby announced the District has been awarded \$100,000 from the Red River Water Management Board under their Clean Water funding program. Houston Engineering is developing a plan to implement rock drop structures within JD #1 and JD #75 to aid in slowing flows within JD #1 and JD #75 that will aid in preventing erosion along said ditches.

Motion by Mr. Roger Mischel, seconded by Bill Petersen for Houston Engineering to move forward with plans to implement rock drop structures along JD #1 and JD #75 and report back to the Board.

Chairman Nelson called for a roll call of votes, and by unanimous vote the Board approved Houston Engineering to move forward with the plans to implement rock drop structures along JD

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#1 and JD #75. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

Tony Nordby reported he and District staff have inspected erosion issues to Polk County Ditch #43, West of Highway #75 and have determined spring flood waters eroded areas downstream from several rock drop structures that were installed last summer. Administrator Praska informed the Board that it is possible to fill in the eroded locations where needed and reseed the lower levels of the ditch banks to prevent further erosion. Mr. Praska stated that funds needed for repair and seeding may fall under Riparian Aid received annually through BWSR within the Buffer Law requirements.

Administrator Praska informed the Board the inlet replacement project located in section 4 of Bloomer Township, State Ditch #3, has been delayed. Lunke Inc. has not received all of the ordered culverts.

Administrator Praska reported minor damages to Robert Gjerdingen's electric fence in section 2 of Spruce Valley Township, which occurred last year during contracted beaver dam removal along Judicial Ditch #28. The landowner documented the damages and has sent the District a request to be reimbursed \$100.00 for material and labor.

Motion by Mr. Brad Blawat, seconded by Mr. Roger Mischel to approve payment of \$100.00 to Robert Gjerdingen for damages to his electric fence.

Chairman Nelson called for a roll call of votes, and by unanimous vote the Board approved payment of \$100.00 to Robert Gjerdingen for damages to his electric fence. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

Administrator Praska updated the Board on the City of Newfolden Flood Prevention Project. Landowner meeting continue to progress as various alterations to individual land purchase agreements are being worked out to accommodate landowner requests.

Tony Nordby informed the Board landowner meetings have taken place to gauge interest in possible impoundment site locations that have been identified as preliminary alternatives to meet the purpose and needs of Judicial Ditch #14 RCPP project. Mr. Nordby also informed the Board that a Project Work Team meeting has been scheduled for Tuesday, July 7, 2020 at 10:00 A.M. outside the Viking Diner. For agencies and individuals who are unable to attend in person, the presentation will be available via Microsoft Teams Meeting.

Tyler Larson gave an update on the Angus/Oslo #4 exterior bypass raise project. The material needed to raise the bypass is being taken from the borrow pit inside the impoundment. Work is progressing nicely and Kraulik Excavating is scheduled to complete the project soon.

Danny Omdahl updated the Board on the Brandt/Angus Impoundment project to widen and deepen the NE inlet. Works have been performed by Kraulik Excavating with only seeding of the area remaining.

Alex Wardwell, MN Audubon, updated the Board on the success rate of cattail removal from AGV in reference to the three-year study MN Audubon and the District partnered in. Ms. Wardwell indicated by controlling water levels above the normal operational plan of the

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impoundment, cattails drown and the prevention of further growth is noticeable. The benefits of retaining water levels above the normal 910.65' go beyond deterring cattail growth as natural resource enhancements flourish by holding larger amounts of water during the summer months. Ms. Wardwell inquired if the Board would be willing to increase the water level at AGV to 912.65 and retain this level into the month of August. The Board of Managers agreed the primary goal of AGV is flood prevention and not for natural resources. Due to the extreme weather conditions over the last two years, the Board will continue to operate the impoundment as prescribed in the operation and maintenance plan.

The following meetings were announced:

July 20, 2020-Regular Meeting-8:30 a.m., District Office or electronic means  
August 3, 2020-Regular Meeting-8:30 a.m., District Office or electronic means

Motion by Mr. Bob Kovar, seconded by Mr. Brad Blawat the meeting be adjourned.

Chairman Nelson called for a roll call of votes, and by unanimous vote the Board approved the adjournment. Managers Nelson, Petersen, Mischel, Blawat, Kovar and Bakke voted yea, with no nay votes.

The meeting was adjourned at approximately 12:03 p.m.

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Joel Praska  
Recording Secretary

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Roger Mischel  
Secretary