

APPROVED (August 1, 2011)
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
4:00 P.M. JULY 18, 2011

The meeting was called to order by President Doug Sorenson. Managers Doug Sorenson, John W Nelson, Marvin Hedlund, David Bakke, Roger Hille and Ben Kleinwachter were present. Manager Alvin Nybladh was not present. Nick Drees, Danny Omdahl, Connie Kujawa, Ron Adrian, Jim Stengrim, Loren Zutz, Larry Rud, Wallace Diedrich, Robert Mager and Tony Nordby were also present.

Loren Zutz and Jim Stengrim taped the meeting.

Motion by Mr. John W Nelson, seconded by Mr. Marvin Hedlund that Connie Kujawa be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Roger Hille that the agenda be accepted as presented. Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. Ben Kleinwachter that the minutes of the July 5, 2011 meeting be approved, as presented. Motion unanimously carried.

John and Linda Bodell joined the meeting at approximately 4:02 p.m.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. John W Nelson, seconded by Mr. Marvin Hedlund that the following bills be paid: from the Administrative funds: that payroll checks numbered 5185 through 5199 inclusive for a total of \$17,718.01 and checks numbered 15030 through 15062 inclusive and including the service charge for a total of \$25,289.21; from the RRWMB funds that check number 143 for a total of \$25,425.04; from the Project funds that checks numbered 1983 through 1990 inclusive for a total of \$15,873.44 and from the Ditch funds checks numbered 2476 through 2480 for a total of \$13,969.84 be paid.. Motion unanimously carried.

Jim Stengrim stated he requested to be on today's agenda to discuss the proposed redetermination of benefits of Judicial Ditch #25-1 and was previously informed by the District Administrator that this matter was not going to be addressed at this meeting but is scheduled to be an agenda item for the August 1, 2011 board meeting. Jim Stengrim submitted a document to the Board with questions concerning redetermination of benefits of Judicial Ditch #25-1. Jim Stengrim was informed that the District would address the document.

Jim Stengrim stated as a landowner he is the owner of Judicial Ditch #25-1. Mr. Doug Sorenson corrected Jim Stengrim that jurisdiction of Judicial Ditch #25-1 belongs to the ditch authority and that he is not the owner.

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Loren Zutz requested to view documents that show the District has authorization to use Judicial Ditch #25-1 as a drainage outlet for the Agassiz Valley Water Resource Management Project.

Larry Rud questioned what initiated the proposed redetermination of benefits of Judicial Ditch #25-1 issue. Nick Drees offered to copy and present a letter from John and Linda Bodell and a fax from Jim Stengrim. Jim Stengrim stated that his fax was not for a redetermination of benefits.

Philip Olson requested that the District not drain down the Agassiz Valley Water Resource Water Management Project until the Texas crossings, on his property and Russell Sinn properties, are addressed. He also stated he will not sign any papers for the works proposed on the Texas crossings until he receives the specifications for the proposed work.

John and Linda Bodell informed the Board that they will continue to attend the Board meetings until something is done about the water issues in the South Branch of the Snake River.

Jim Stengrim and Loren Zutz left the meeting and left their recorders unattended at approximately 4:22 p.m.

John and Linda Bodell, Wallace Diedrich, Larry Rud and Philip Olson left the meeting at approximately 4:22 p.m.

Nate Dalager joined the meeting at approximately 4:25 p.m.

Irvin Mager joined the meeting at approximately 4:25 p.m.

Motion by Mr. Roger Hille, seconded by Mr. Marvin Hedlund that the following permit be tabled until a meeting is held with the landowners:

1. Permit (11-042) of Jared Sands to regrade the South ditch of Marshall County Road #100 and lengthen the 18" culvert on the farm driveway in the NW4 of Section 25 of Oak Park Township.

Motion unanimously carried.

Floyd Johnson and Doug Carlson joined the meeting at approximately 4:27 p.m.

Scott Baker joined the meeting at approximately 4:35 p.m.

Loren Zutz, Jim Stengrim and Wallace Diedrich re-joined the meeting at approximately 4:35 p.m.

Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke that the following permit be issued:

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2. Permit (11-043) to Mark Judovsky to regrade a 24" field crossing culvert, with the District to set the grade and upon approval from Tabor Township, in the NW4 of Section 17 of Tabor Township.

Motion unanimously carried.

Floyd Johnson and Doug Carlson left the meeting at approximately 4:39 p.m.

Heidi Hughes joined the meeting at approximately 4:40 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Roger Hille that the following permit be denied until a discussion is held with the Minnesota Department of Transportation and hydrological studies can be performed:

3. Permit (11-044) of Paul Dahlman to install a trap on a 57" x 83" CSPA centerline culvert, under Minnesota Trunk Highway #220, in the SW4 of Section 4 of Fork Township.

Motion carried, with Mr. Ben Kleinwachter and Mr. Marvin Hedlund voting against.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be approved:

4. Permit (11-045) to Paul Dahlman to install a field crossing with a 24" culvert with a trap on the South end of the culvert, in the E ditch of Minnesota Trunk Highway #220, in the SW SW of Section 3 of Fork Township, provided approval is granted by the Minnesota Department of Transportation.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the following permit be approved:

5. Permit (11-046) to Paul Dahlman to remove a failed 15" culvert and install an 18" culvert, in the SE SE of Section 3 of Fork Township.

Motion unanimously carried.

A discussion was held on the request of Irvin Mager to install an 18" centerline culvert in the SW SE of section 9 of Vega Township. It was the consensus of the Board that (1) of the 18" culverts in the SW4 of section 9 of Vega Township be moved or relocated to the SW4 SE4 of section 9 of Vega Township.

Motion by Mr. Roger Hille, seconded by Mr. John W Nelson that the following permit be tabled and that the District Administrator contact Marshall County and request that (1) 18" culvert in the SW4 be relocated to the SW SE:

6. Permit (11-047) of Irvin Mager to install an 18" centerline culvert through Marshall County State Aid Highway #20, in the SW SE of Section 9 of Vega Township.

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Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. John W Nelson that the District Administrator be authorized to issue permit (11-047) if Marshall County relocates (1) of the 18" culverts in section 9 of Vega Township.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Marvin Hedlund that the following permit be issued:

7. Permit (11-048) to Irvin Mager to raise the spoil of Judicial Ditch #20 Main to within 1' lower than Marshall CSAH #20 and to remove (1) 15" field drain culvert and install (1) 18" culvert at station 179+76, and to install (1) 18" culvert at station 193+83 or 200+22, in section 9 of Vega Township, with the District to set the grade and elevation and supervise the installation and height of the spoil.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the following permit be issued:

8. Permit (11-049) to Scott Baker to remove the trees along Judicial Ditch #20 Main levee in the NE4 of section 9 of Vega Township; and raise the spoil of Judicial Ditch #20 Main, to a height determined by the District.

Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. David Bakke that the following permit be issued:

9. Permit (11-050) to Robert Mager to construct a berm on the South spoil of Judicial Ditch #20 Main and install (1) 30" culvert with a trap in the east township road ditch, with the District to supervise the height the spoil and the installation of the culvert.

Motion unanimously carried.

A discussion was held on the costs associated with the District supervising works on landowner property and the availability of staff. Nick Drees was directed to contact Marshall County to request their assistance in supervising the works along Judicial Ditch #20 Main as granted in the permits listed above.

Irvin Mager, Robert Mager and Scott Baker left the meeting at approximately 5:55 p.m.

Correspondence from the Minnesota Viewers Association regarding a seminar on July 21, 2011 in Morton, Minnesota and an invitation from Polk County to a retirement party for Gerald Amiot was distributed.

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Nick Drees reported that another data practice request has been received from Jim Stengrim and is available for review.

Nick Drees reported that the District has begun mowing of the legal drainage ditches, under the jurisdiction of the District, and the Impoundment sites. He also stated that areas are being checked that may need to be sprayed.

The proposed 2012 budget was distributed and reviewed.

A discussion was held concerning upgrading the Districts computer network and replacing some of the Districts computers.

Nick Drees stated that the proposed ditch levy on Judicial Ditch #25-1 is listed as a 0% levy for Marshall and Polk Counties but it should be listed as 22% for Marshall County and 10% for Polk County.

The Board directed Nick Drees to correct the proposed levy on Judicial Ditch #25-1 and to increase the levy on Judicial Ditch #14 and Judicial Ditch #75.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the hearing on the proposed 2012 budget be scheduled for 4:15 p.m., August 15, 2011 and that the Administrative Assistant publish the Notice of Hearing on the Districts proposed budget for 2 consecutive weeks, in the newspapers within the District as presented:

PROPOSED BUDGET & LEVIES

1) the proposed 2012 Administrative Funds Budget be set at:

Building Maintenance	5,000	Miscellaneous	1,000
Utilities	5,000	Insurance	15,000
Supplies/Equipment	15,000	Legal/Professional/Administrative Services	70,000
Telephone	4,000	Managers Per Diem & Expenses	20,000
Publication & Printing	5,000	Association Dues	1,800
Postage	2,000	Employee Mileage & Expenses	2,000
Employee Payroll & Fringes	315,000	Vehicle Expenses	15,000
USGS Stream Gage & Cost Share	8,500	Project Construction	48,500
Property Taxes	18,000	Stream Maintenance	4,500
		Total	555,800
		Less Estimated Project Expenses (1)	296,800
		Net Administrative Fund Budget	259,000

2) that the Secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson and Roseau Counties a proposed Administrative Fund Levy of **\$250,000**.

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3) that the Secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson and Roseau Counties a proposed Project Fund Levy of .04836 percent of the estimated Market Value of all the taxable property within the District.

4) that the Secretary certify to the Auditors of Marshall, Polk and Pennington Counties proposed levies for the repair and maintenance of the Ditch funds as listed:

<u>Drainage System No</u>	<u>Percent (Benefits)</u>	<u>Levy Projected Receipts</u>
JD #1		
Marshall	0.00%	0
Polk	0.00%	0
WD #2		
Marshall	0.00%	0
SD #3		
Marshall	20.00%	19,680
WD #4		
Marshall	0.00%	0
Polk	0.00%	0
WD #5		
Polk	.25%	6,420
BRF	6.027%	154,770
WD #6		
Polk	.50%	9,700
BRF	5.12%	99,350
WD #7		
Marshall	3.00%	9,130
Polk	1.00%	340
WD #7-Imp		
Marshall	0.00%	0
Polk	2.00%	1,080
JD #14		
Marshall	5.00%	2,240
Pennington	5.00%	1,010
JD #15		
Marshall	.50%	7,670
JD #16		
Marshall	1.00%	9,290
JD #17		
Marshall	0.00%	0
Polk	0.25%	1,560
JD #20		
Marshall	0.00%	0
JD #21		
Marshall	0.00%	0
JD #24		
Marshall	0.00%	0
Polk	0.00%	0
JD #25-I		
Marshall	22.00%	3,780
Polk	10.00%	3,220
JD #25-II		
Marshall	0.00%	0

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Polk	1.00%	4,280
Pennington	0.00%	0
JD #28		
Marshall	2.00%	1,120
JD #29		
Marshall	1.00%	22,370
CD #39		
Marshall	3.00%	3,770
CD #39 Improvement		
Marshall	5.88%	6,370
JD #68		
Polk	0.00%	0
JD #75		
Polk	6.00%	219,200
BRF	2.965%	108,320
CD #175		
Polk	0.00%	0
PL 566 (lien)		
Marshall	0.325%	37,820
PL 566 (maint)		
Marshall	0.030%	3,490
PL 566 (operation)		
Marshall	0.030%	3,460

Motion unanimously carried.

Ron Adrian of Houston Engineering distributed two options for a parking area and observation site at the Agassiz Valley Water Resource Management Project.

Heidi Hughes, Manager of the Agassiz Audubon Sanctuary suggested areas that would be the best observation sites.

The Board took no action, but will continue to look at options for a parking area and observation sites at the Agassiz Valley Water Resource Management Project.

Ron Adrian suggested that it could be possible to alleviate the water shortage at the Agassiz Audubon Sanctuary by utilizing Judicial Ditch #25-1; installing a culvert under the township road in the SE corner of the south inlet ditch of Agassiz Valley Water Resource Management Project. The Board took no action.

Nick Drees reported that he contacted (3) individuals who might be interested in haying the properties of the District on the Agassiz Valley Water Resource Management Project and stated that there was no interest from the individuals.

Heidi Hughes left the meeting at approximately 7:10 p.m.

Nate Dalager reported that a tour of the Brandt/Angus Impoundment site was conducted by himself, Nick Drees and a representative from the Natural Resource Conservation Service and that the Natural Resource Conservation Service might have funding available in the Wetland Restoration Program to assist in the construction of the

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Brandt/Angus Impoundment; that the Wetland Conservation Act permit has been received and he anticipates receipt of the Army Corps of Engineers 404 permit shortly.

Nick Drees reported that of the landowners contacted regarding purchasing land rights along the coulee for the Brandt/Angus Impoundment only two have expressed concerns that the price offered is too low.

It was announced that Nick Drees and Mr. Ben Kleinwachter attended the Tamarac River TMDL Joint Powers meeting held on July 12, 2011 in Hallock, Minnesota.

Nick Drees announced the next Red River Watershed Management Board meeting is scheduled for July 19, 2011 at 9:30 a.m., at the Sand Hill Watershed District, in Fertile, Minnesota.

Nick Drees reported that depositions are scheduled to begin this week on the first open meeting lawsuit filed by Jim Stengrim.

Mr. Doug Sorenson announced the next regular meetings of the Board are scheduled for August 1, 2011 and August 15, 2011, at 4:00 p.m., at the District office.

Motion by Mr. David Bakke, seconded by Mr. John W Nelson that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 7:23 p.m.

Connie Kujawa
Recording Secretary

Ben Kleinwachter
Secretary