

July7(a)2014.min

APPROVED (as corrected July 21, 2014)
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 7, 2014

The meeting was called to order by President Roger Hille. Managers Ben Kleinwachter, David Bakke, John W Nelson, Roger Hille and Tom Neibauer were present. Nick Drees, Rolland Miller, Danny Omdahl, Todd Dvorak, Billy Franks and Greg Snare were also present.

In the absence of Connie Kujawa, Nick Drees assumed the duties of Recording Secretary for the meeting.

By unanimous consent, Judicial Ditch #25-1 Redetermination of Benefits' costs under #5 Ditches, Project 60 under #10 Administrator and two correspondence items were added to the agenda under #12 Communications.

Motion by Mr. Ben Kleinwachter, seconded by John W Nelson to approve the agenda as amended to include Judicial Ditch #25-1 Redetermination of Benefits' costs, Project 60 and two correspondence items. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Tom Neibauer that the minutes of the June 16, 2014 meeting, be approved, as corrected. Motion unanimously carried.

Jeff Hane joined the meeting at approximately 4:06 p.m.

Danny Omdahl reported that the Judicial Ditch #14 Redetermination of Benefits Public Hearing will be reconvened July 21st at 6:00 p.m. at the District office; that he has contacted the Northern Plains Railroad concerning the potential installation of an 18" culvert thru the railbed on Branch A and that no return of communication has transpired.

Steve Nelson, Bob Kovar, Jared Kovar and Richard Kovar joined the meeting at approximately 4:15.

The Board discussed Polk County Ditch #175 with the attendees. Danny Omdahl stated that the ditch bottom from Polk CSAH #22 east to MN Trunk Highway #220 is undergrade. The landowners voiced their concerns that flows are not adequate in this reach. The District's attorney Jeff Hane was directed to further study potential alternatives of a Repair and an Improvement in this reach and report back to the Board. Landowners expressed desire for a Repair rather than Improvement.

Steve Nelson, Bob Kovar, Jared Kovar and Richard Kovar left the meeting at approximately 4:47.

Danny Omdahl discussed Judicial Ditch 25-1 Redetermination of Costs. Ron Adrian discussed the Board's options of a multiyear levy for paying damages. The amount of damages is approximately \$52,000. The District has in the past set a levy of 5 years. The Board agreed that the recording of easements on the damages should be done.

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The Board addressed ONEOK Inc. employees Greg Snare and Billy Franks concerning tabled Permit (14-032) Viking Gas Transmission on Judicial Ditch 20 Br A. Mr. Snare stated his company's proposal to apply for a permit to install a crossing with a 36" culvert over the line.

Doug Mager joined the meeting at approximately 5:02 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter to install a temporary crossing with a 36" culvert over the pipeline to ditch grade, to stay in place for 24 months to allow for the company to finalize a plan to lower the pipeline to original grade. ONEOK Inc. can apply for a permit extension, if needed. The Engineer will supply ONEOK Inc. with ditch and road elevations. Motion unanimously carried.

The Board took no action on the following permits, pending additional information:

Permit (14-022) of Robert Wesolowski to clean the north ditch of the NRR track, SW4 of Section 13 and SE4 of Section 14; to replace 48" CSP under the township road, with a culvert TBD at section line 14-13 of Comstock Township.

Permit (14-047) of Lein Schiller to repair the dike along the north and south side of the Middle River in the NE4 of section 1 Bloomer Township and the NW4, NE SW, SE SW of section 6 of Middle River Township.

The following permits were unanimously approved:

Motion by Mr. Ben Kleinwachter, seconded by John W Nelson to approve the Permit (14-034) of Richard Gratzek to raise approximately 250' of a low area of an existing dike along the South edge of the Middle River, in the NW4 of Section 22 of Alma Township with the condition that the dike be raised no more than 1' below the existing dike elevation on the north side of the Middle River.

Motion by Mr. John W Nelson, second by Mr. Tom Neibauer to approve the permit (14-041) of Chad Anvinson to install 591 acres field drain tile, 1/4" drainage coefficient, 50' spacing, into a lift station with (2) 10 HP pumps, 3,000 GPM pumps to drain into the east Polk CSAH #22 ditch, in section 16 Higdem Township.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson to approve Permit (14-043) Thomas Widner to install 10 acres of drain tile on the west side of the BNSF Railroad tracks in the SW4 section 27 and to connect them to proposed tile of Neil Widner's in the NE4 section 28 on the west side of the BNSF, all in Tamarac Township.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson to approve Permit (14-044) Neil Widner to install 10 acres of drain tile on the west side of the BNSF Railroad tracks in the NE4 section 28 and to connect it to the proposed tile of Thomas Widner's in the SW4 section 27 in Tamarac Twp on the condition that there be (1) metal outlet pipe into JD 29 Lat 1 and a gate valve be installed in the tile off of the road or ditch Right of Way and no outletting during freezing or flooding conditions.

Motion by Mr. David Bakke, seconded by Mr. Ben Kleinwachter to approve Permit (14-045) of Darwyn Anderson to clean sediment and lower a 42" culvert, add an additional

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36" culvert in the east Kittson CSAH #21 ditch on the west line of section 27 Arveson Township with the condition that the culverts have geotextile fabric and riprap installed and comply with Kittson County Highway Department's recommendations.

Motion by Mr. John W Nelson, seconded by Mr. Tom Neibauer to approve Permit (14-046) of Robert Ellerbusch to renew Permit 13-014.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Tom Neibauer to approve Permit (14-051) of Chad Anvinson to remove a field crossing with a 24" culvert in the south Polk CSAH #22 ditch and relocate it in the same ditch 1570' east to the ½ mile line in section 12 Esther Township.

Motion by Mr. David Bakke, seconded by Mr. John W Nelson to approve Permit (14-052) of Russell Steer to install a new farm crossing and 18" culvert on the west line of the SW NW section 29 Brandt Township.

The following administratively approved permits were reviewed:

Permit (14-040) of MNDOT to remove a failed 24" culvert and replace it with a 24" culvert the same elevation and grade in the SW SW section Viking Strip Township.

Permit (14-042) of Justin Gajeski to lengthen a 24" culvert with trap under field crossings the first being on the east line of the NE4, the second on the west line of the NW4 in section 30 Parker Township.

Permit (14-049) of Viking Township to remove a failed 24" township road centerline culvert and install a new 24" culvert at the same location and elevation between the SE4 section 12 and the NE4 section 13 Viking Township.

Permit (14-053) of Russell Steer to remove a failing 18" culvert and install a new 18" culvert at the same location and elevation on the east line of the NE NE section 29 Brandt Township.

Danny Omdahl reported that two data practice requests have been received from PO Box 155 Warren, MN and responses are being prepared.

It was announced that the Red River Watershed Management Board meeting is scheduled for 9:30 a.m., July 15, 2014, at the Sand Hill Watershed District. Nick Drees updated the Board on the meeting he attended in Moorhead with the Secretary of Agriculture Tom Vilsack concerning the new Farm Bill and allocation of \$50 million to the Red River Basin. District staff attended a meeting with members of the Agassiz Audubon Society with members of the Omdahl family at Bremer Bank to discuss future management of the Audubon site.

Danny Omdahl reported that the staff has started compiling the 2015 draft budget; that he attended a meeting of Polk and Marshall Commissioners and an agreement was reached concerning matters of the past being tabled; there have been CRP contract holders who have reenrolled the contracts on District lands; a staff member will attend an educational meeting of prairie plant species identification.

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Tony Nordby with Houston Engineering and Mr. John W Nelson updated the Board of Project 60.

Danny Omdahl stated a case number has been given in the Zutz v. MSTRWD concerning rental land on the Agassiz Valley Project; no new items were discussed concerning the Open Meeting Suit.

Copies of the birding trail letters of support were distributed.

At approximately 6:44 p.m. the Board addressed Mr. Doug Mager to discuss his intent to leave agenda item #15 open to the public or if he desired to have it closed to the public. Mr. Mager expressed that the meeting be closed to the public.

At approximately 6:45 p.m., by unanimous consent, the meeting was closed pursuant to Minnesota Statute 13D.05 subd. 2 (b), to review allegations against an individual subject to the Board's authority.

Mr. Hille informed the public that they could attend the remainder of the open portion of the meeting if they wanted to be notified. No one wished to be notified.

Rolland Miller, Ron Adrian and Tony Nordby left the meeting at approximately 6:45 p.m.

Motion by Mr. John W Nelson seconded by Mr. Tom Neibauer that the meeting be reopened. Motion unanimously carried.

The meeting was reopened at approximately 7:10 p.m.

The Board reached a conclusion that Mr. Mager exceeded all available leave.

Motion by Mr. Roger Hille, seconded by Mr. David Bakke to affirm the recommended termination of Mr. Mager by the District's Administrator. Motion unanimously carried.

The next regular meetings are scheduled for July 21, 2014 and August 4, 2014, 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 7:14 p.m.

Nick Drees
Acting Recording Secretary

Marvin Hedlund
Secretary