

APPROVED (July 21, 2008)
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. JUNE 16, 2008

The meeting was called to order by President Doug Sorenson. Managers Doug Sorenson, John W Nelson, Alvin Nybladh, Loren Zutz, Ben Kleinwachter and Arlyn Stroble were present. Manager Elden Elseth was not present. Nick Drees, Connie Kalinowski, Ronald J Adrian, Wallace Diedrich, Jeff Hane, and Don Buckhout were also present.

Wallace Diedrich taped the meeting with two recorders.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh, that Connie Kalinowski be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion carried, with Mr. Loren Zutz voting no.

Mr. Doug Sorenson requested to move agenda item #9 Guests-Don Buckhout to agenda item #12 Communications.

Motion by Mr. Arlyn Stroble, seconded by Mr. Ben Kleinwachter to approve the agenda as amended with agenda item #9 Guests (Don Buckhout) moved to agenda item #12 Communications. Motion unanimously carried.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson that the minutes of the May 19, 2008 meeting be approved as presented. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the minutes of the June 6, 2008 meeting be approved as amended. Motion carried, with Mr. Loren Zutz voting no.

Mr. Elden Elseth joined the meeting at approximately 4:17 p.m.

Mr. Doug Sorenson reported that checks numbered #2256 and #2257, from the District's Ditch Fund account, to the City of Oslo, are not listed in the Treasurer's Report.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Alvin Nybladh, seconded by Mr. Arlyn Stroble that the following bills be paid: from the Administrative funds: that payroll checks numbered 4711 through 4723 inclusive for a total of \$15,442.65 and checks numbered 13794 through 13827 inclusive, including the service charge for a total of \$24,018.88;

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from the Project funds that checks numbered 1467 through 1483 inclusive for a total of \$35,225.44; and from the Ditch Funds that checks numbered 2253 through 2255 inclusive for a total of \$2,420.00, and checks #2256 and #2257 inclusive for a total of \$130.00 be paid. Motion carried, with Mr. Elden Elseth abstaining and Mr. Loren Zutz voting no.

Nick Drees reported that the District has received the final 2007 audit report from Brady-Martz and Associates.

Mr. Doug Sorenson distributed copies of the revised Letter of the Chairman for the District's 2007 Annual Report. He stated that paragraphs 3, 4, and 5 on page 4 have been changed.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz to strike paragraphs 3, 4, and 5 on page 4 from the Letter of the Chairman. Motion failed.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the District accept the 2007 Financial Report, prepared by Brady Martz & Associates, and that the 2007 Annual Report be published, including the revised Letter of the Chairman, and forwarded to those required by Minnesota Statute 103D.351, and to those persons known to be interested in receiving it. Motion carried, with Mr. Loren Zutz and Mr. Elden Elseth voting no.

Motion by Mr. Alvin Nybladh, seconded by Mr. Arlyn Stroble that the following permit be issued:

1. Permit (08-020) be issued to the Marshall County Highway to install an 18" culvert thru the township road into Marshall County Ditch #44, Lateral #2, in the SW 4 of section 10 of Oak Park Township, provided the culvert on the property line, in the S2 of section 10 of Oak Park Township be removed. Motion carried, with Mr. John W Nelson abstaining.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter that the following permits be issued:

2. Permit (08-017) be issued to John Rehder to install a farmyard access crossing with an 18" CSP, on the south side of the yard, in the SE4 NW4, of section 12 of Boxville Township.
3. Permit (08-018) be issued to John Rehder to extend the 24" culvert, under a field crossing, 20' or more in the SW4 NW4 of section 5 of Tabor Township.

Motion unanimously carried.

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A discussion was held concerning the permit request (08-019) of Rolland Miller to install a 48" trap on the west end of the 48" culvert, thru the township road, in the NE4 SE4 of section 14 of Sandsville Township.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh to approve the permit request (08-019) of Rolland Miller to install a 48" trap on the west end of the 48" centerline culvert, on Polk County Ditch #7, in the NE4 SE4 of section 14 of Sandsville Township.

Motion by Mr. Elden Elseth, seconded by Mr. John W Nelson that the motion to approve permit (08-019) of Rolland Miller be amended to include that the trap be opened in the spring of each year. Motion failed.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the following permit be issued:

4. Permit (08-019) be issued to Rolland Miller to install a 48" trap on the west end of the township centerline culvert, on Polk County Ditch #7, in the NE4 SE4 of section 14 of Sandsville Township, with the stipulation that the trap would remain open in the spring of each year, upon the discretion of the District.

Motion carried, with Mr. Arlyn Stroble abstaining.

Dani Halvorson, of the Red River Watershed Management Board monitoring staff, distributed a handout and reported on the Water Quality Monitoring projects currently active within the Middle Snake Tamarac Rivers Watershed District.

Dani Halvorson left the meeting at approximately 4:46 p.m.

Nick Drees reported that the hearing on the Watershed Ditch #7 petition is scheduled for July 30, 2008, at 7:00 p.m., at the Oslo Community Center; that the hearing on the Judicial Ditch #68 petition is scheduled for July 23, 2008, at 7:00 p.m., at the Oslo Community Center; and that mediation regarding the Riley lawsuit on the PL-566 project is scheduled for July 24, 2008.

Nick Drees stated that he would like the Board to authorize the removal of sediment from the main branch of Judicial Ditch #29.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the District Administrator be authorized to proceed with the removal of sediment from the main branch of Judicial Ditch #29. Motion unanimously carried.

A discussion was held on the mowing and spraying of the legal drainage systems under the jurisdiction of the District. It was the consensus of the Board that the

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District Administrator has the authority to mow and spray the legal drainage systems under the jurisdiction of the District, as needed.

Nick Drees reported that the letter being prepared by himself and Brian Dwight requesting qualified firms to provide a detailed Scope of Service document for preparation of the District's Overall Plan has not been completed.

Mr. Jeff Hane stated that the District does not have to solicit bids for the Scope of Services, as this is a professional service.

Nick Drees reported that the contract with Zavoral Construction for Phase 1 of the Agassiz Valley Water Resource Management Project is ready to be signed; that the District has received the required Certificates of Insurance and Payment and Performance Bonds from Zavoral Construction; and that 4 wells have been sealed on the properties acquired for the Agassiz Valley Water Resource Management Project. He also stated that he has received word of an abandoned well on the properties in section 12 of Brislet Township. He stated that Brian Jadeke would show the location of the abandoned well if the District would reimburse him \$100.00.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz that the District reimburse Brian Jadeke, \$100.00, for providing the location of the abandoned well in the SE4 of section 12 of Brislet Township. Motion unanimously carried.

A discussion was held concerning the materials removed by Philip Omdahl from the District's property in the SW4 of section 13 of Brislet Township.

Attorney, Jeff Hane, was directed to check the deed regarding what materials Philip Omdahl could remove from the property.

Arlyn Stroble reported that he, Elden Elseth and Nick Drees met with members of the Agassiz Audubon Sanctuary to see what they envision for the Sanctuary with regards to the Agassiz Valley Water Resource Management Project.

Nick Drees reported that the extension of the option to purchase with Sonny Chruszch on the property in section 19 of Brandt Township, expires on June 28, 2008.

It was the consensus of the Board that Mr. John W Nelson and Mr. Arlyn Stroble would meet with Sonny Chruszch to see if he would be interested in swapping lands or some other agreement on his property.

Mr. Loren Zutz stated their maybe a conflict of interest with Mr. Arlyn Stroble negotiating options with Sonny Chruszch.

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Mr. Arlyn Stroble stated he would not meet with Sonny Chruszch to avoid a conflict of interest. Mr. John W Nelson and Nick Drees would meet with Sonny Chruszch.

Nick Drees reported that the bid opening on Phase IV of the PL-566 project is scheduled for July 9, 2008, at 1:00 p.m.; that he and Ronald J Adrian gave their depositions last week on the PL-566 lawsuit with Riley Construction; and that the depositions of Riley Construction personnel are scheduled for June 18 and June 20, 2008.

Don Buckhout reported that the Minnesota Board of Soil and Water Resources are going to conduct a Level 3 review of the District at the request of the Marshall County Board of Commissioners. He stated that BWSR will be gathering information from the District staff and managers and that they will prepare recommendations for specific issues that appear to be out of the ordinary. It was recommended by the Board that this information be available for the August 4th permit meeting.

Nick Drees reported that the loan agreement with the Red River Watershed Management Board for funding of the Agassiz Valley Water Resource Management Project is still being finalized; and that the Red River Watershed Management Board meeting is scheduled for June 19, 2008 at the Dakota Magic Hotel in Hankinson, North Dakota. The activity report of the District was distributed.

Attorney, Jeff Hane reported that he has not received any information from the State or Federal level regarding the Manager's suits; that Mr. Jerry VonKorff sent a memo to the Board managers regarding litigation; that mediation with Riley Construction is scheduled for July 24, 2008; and that the trial of Drewes Inc was held with the jury awarding Drewes Inc, \$9,600.00.

Nick Drees reported that the architectural firm of Widseth, Smith and Nolting should have some plans put together in a couple of weeks regarding the remodeling of the District office.

Nick Drees reported that the Farmstead ring dikes of Rustad, Teigen and Pribula have been completed and seeded; that construction of the Steve Abbey farmstead ring dike should begin this week; and that Houston Engineering is drawing up plans for the ring dike of Myron Larson.

Mr. Doug Sorenson stated that the terms of Mr. Ben Kleinwachter, Mr. Alvin Nybladh and Mr. Arlyn Stroble will expire in August 2008.

The next permit meeting was scheduled for July 7, 2008, at 4:00 p.m. and the regular meeting was scheduled for July 21, 2008, at 4:00 p.m.

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

The meeting was adjourned at approximately 7:35 p.m.

Connie Kalinowski
Recording Secretary

Ben Kleinwachter
Secretary