

APPROVED (as corrected July 5, 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. JUNE 20, 2011

The meeting was called to order by President Doug Sorenson. Managers Doug Sorenson, John W Nelson, Alvin Nybladh, Marvin Hedlund, David Bakke and Ben Kleinwachter were present. Manager Roger Hille was not present. Nick Drees, Connie Kujawa, Danny Omdahl, Ron Adrian and Heidi Hughes were also present.

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

Motion by Mr. Alvin Nybladh, seconded by Mr. Marvin Hedlund that the agenda be accepted as presented. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that the minutes of the June 6, 2011 meeting be approved, as presented. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Wallace Diedrich joined the meeting at approximately 4:05 p.m., and taped the meeting with one recorder.

Tony Nordby joined the meeting at approximately 4:06 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the following bills be paid: from the Administrative funds: that payroll checks numbered 5174 through 5184 inclusive for a total of \$13,824.88 and checks numbered 14998 through 15029 inclusive and including the service charge for a total of \$23,315.38; from the RRWMB funds that check number 142 for a total of \$128,648.97; from the Project funds that checks numbered 1979 through 1982 inclusive for a total of \$81,489.73 and from the Ditch funds check number 2475 for a total of \$623.25 be paid.. Motion unanimously carried.

There were no individuals present who wished to address the Board.

A discussion was held on the permit (11-026) request of Wayne Feuillerat. Danny Omdahl reported that he contacted Tom Osowski informing him of the permit request and Tom Osowski stated he had no objection to the works requested by Wayne Feuillerat.

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

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1. Permit (11-026) to Wayne Feuillerat to construct a ditch and berm on the South line of the NW4 and install a dry crossing in the SW NW of the NW4 of section 28 of Bloomer Township.

Motion unanimously carried.

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

2. Permit (11-027) to the Marshall County Highway Department to mill and overlay Marshall County State Aid Highway #20 from County State Aid Highway #10 to Minnesota Trunk Highway #75, and to remove the appropriate number of 18" centerline culverts and replace with 24" culverts provided the capacity remains the same and if the capacity changes then they keep the 18" pipes in place, and that a plan is furnished to the District outlining the location of the pipes they would change.

After discussion, Mr. John W Nelson and Mr. Ben Kleinwachter rescinded their motion approving the permit (11-027) request of the Marshall County Highway Department.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the following permit be denied due to the dramatic increase in drainage flows.

3. Permit (11-027) of the Marshall County Highway Department to mill and overlay Marshall County State Aid Highway #20 from Marshall County State Aid Highway #10 to Minnesota Trunk Highway #75 and remove (34) 18" centerline culverts and replace with (34) 24" centerline culverts.

Motion unanimously carried.

The following permit was approved by the Administrator:

4. Permit (11-030) to Rivard Farms to remove a failed 24" culvert and install a 24" culvert at the same elevation and location, in the SW SW, of section 19 of Tamarac Township.

Heidi Hughes, the new Manager of the Wetland Pines and Prairie Audubon Sanctuary, introduced herself to the Board and discussed her visions of marketing the beauty and benefits of the Agassiz Valley Water Resource Management Project with the Sanctuary. She also stated that the water in the Sanctuary is not moving and requested if the Watershed could assist with increasing the flowage.

Nick Drees informed Ms. Hughes that the District will look into ways to increase the water flowage through the Sanctuary.

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Doug Sorenson distributed, for discussion, a draft document on public access. He informed Ms. Hughes and the Board that the draft public access policy would be addressed at the next regular meeting of the Board, if the full Board is present.

Brian Opsdahl joined the meeting at approximately 5:15 p.m.

Brian Opsdahl of Brady-Martz and Associates presented the 2010 Auditors Report and Management Report of the District's finances.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke that the 2010 Annual Report and Audit Report be accepted, as presented. Motion unanimously carried.

The public notice published by Marshall County and Polk County accepting applications for appointment's to the Middle Snake Tamarac Rivers Watershed District Board of Managers were distributed.

Nick Drees stated that a data practice request from Jim Stengrim has been received and is available to those who may be interested in it.

Nick Drees reported that he has been in contact with the District's legal council concerning the letter of John Bodell implying that there may be landowners who are draining into Judicial Ditch #25-1 and are not paying benefits. He stated that legal council suggested the Board consider redetermining the benefits on Judicial Ditch #25-1.

It was the consensus of the Board, that Nick Drees be directed to contact legal council on the response to John Bodell's letter.

Nick Drees reported that there is nothing new on the Stengrim lawsuit regarding the Agassiz Valley Water Management Project and that the agreements for the repair of the Texas crossings on the Snake River (south branch) have not been received from the landowners.

A discussion was held on whether the District should continue to mow the Agassiz Valley Water Resource Management Project or if the lands, owned by the District, should be offered for haying purposes.

Nick Drees was directed to secure quotes for the haying of the District property on the Agassiz Valley Water Resource Management Project.

Mr. Doug Sorenson gave a brief overview on the hearing and the presentation to the Minnesota Board of Water and Resources on the District's Overall Plan that he and Mr. Ben Kleinwachter attended.

Nick Drees reported that it appears eminent that the State of Minnesota will be shutting down July 1, 2011 and if that should happen, bonding money for the Brandt/Angus Impoundment would be put on hold; that Jeff Hane is drafting purchase agreements for the land rights on the Brandt/Angus Impoundment; that the plans and specs are ready to

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be let for the construction of the Brandt/Angus Impoundment and that the District has not received the Army Corps of Engineers permit.

Nick Drees reported that the TMDL Joint Powers Agreement has been signed by all 3 watershed districts; the Joe River, Two Rivers and Middle Snake Tamarac Rivers Watershed District, and announced a Joint Powers meeting has been scheduled for July 12, 2011, at 1:30 p.m., in Hallock, Minnesota.

Nick Drees announced the Red River Watershed Management Board meeting is scheduled for June 21, 2011, at the Red Lake Watershed District, in Thief River Falls, Minnesota.

Nick Drees, Mr. Ben Kleinwachter, Mr. John W Nelson and Mr. Doug Sorenson gave a brief recap of the 2011 MAWD Summer Tour hosted by the Middle Snake Tamarac Rivers Watershed and the Red Lake Watershed District.

Richard Kuzel joined the meeting at approximately 6:30 p.m.

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

CONTRACT AND CHANGE ORDER POLICY

The District Administrator shall have the authority to execute contracts up to \$50,000 and to execute change orders up to 10% of the contract price. Said change orders and contracts will be documented and provided to the Board of Managers, at the next scheduled meeting. All other contracts and change orders shall be approved by the Board of Managers. In instances where contract conditions need immediate action, the Chairman of the Board or designee from the Board may execute contracts and change orders in excess of \$50,000.

Motion unanimously carried.

Heidi Hughes left the meeting at approximately 6:38 p.m.

Richard Kuzel addressed Tabor Township's position on the permit (09-075) issued to Mark Judovsky. He stated that Mark Judovsky has cleaned the east ditch along the township road in the NW4 section 17 and has, in some areas, dug into the township road inslope. The township wants this repaired at Mr. Judovsky's expense before they regrade an inverted 24" field crossing culvert on his land. Also, they do not know the condition of the inverted culvert and stated they would not be responsible for the costs of replacing the culvert, should it be damaged and need to be replaced during the excavation of the culvert.

It was the consensus of the Board that Tabor Township and Mark Judovsky meet to attempt to resolve this issue.

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Danny Omdahl was directed to send a letter to Mark Judovsky and Tabor Township Board of Supervisors offering suggestions to remedy this dispute.

Mr. Doug Sorenson announced that the next regular meetings of the Board are scheduled to be held on July 5, 2011 and July 18, 2011, at 4:00 p.m., at the District office.

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

The meeting was adjourned at approximately 7:16 p.m.

Connie Kujawa
Recording Secretary

Ben Kleinwachter
Secretary