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**APPROVED** (June 17, 2019)  
**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE  
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT  
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN  
8:30 A.M. June 3, 2019**

The meeting was called to order by President John W Nelson. Managers Bill Petersen, Robert Kovar, Roger Mischel and David Bakke were present. Manager Brad Blawat was not present. Connie Kujawa, Tony Nordby, Kyle Schломann, Joel Praska, Danny Omdahl, Jim Duckstad, Rolland Miller, John Rehder, and Mike Rosendahl were also present.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that the agenda be approved, as amended, to include City of Warren. Motion unanimously carried.

Motion by Mr. Roger Mischel, seconded by Mr. David Bakke that the minutes of the May 20, 2019 meeting be approved, as corrected. Motion unanimously carried.

Loren Zutz and Ron Zutz joined the meeting at approximately 8:53 a.m.

A discussion was held with John Rehder and Mike Rosendahl in regards to an adjacent landowners concerns that low draws along Judicial Ditch #75, in Section 6 of Tabor Township have been filled in preventing waters from naturally flowing northwest. Administrator Praska informed the Board a permit was not issued to perform the works and a letter was sent to Rosendahl's informing them the works were done without a permit and the area would need to be returned to the original state. A letter from Mark Judovsky was read and distributed. John and Mike stated the dirt was dumped in the low draws in 2015. After discussion, the Board recommended Mike Rosendahl install cuts in 2 or 3 of the dikes and if water issues arise from excess rains, additional cuts be made, and in the fall, after the crops are removed, the Board will recommend to Mark Judovsky that he clean the ditch along his property to help alleviate the drainage issues.

John Rehder and Mike Rosendahl left the meeting at approximately 9:10 a.m.

Loren Zutz and Ron Zutz stated their opposition to the permit request (19-024) of John Johnson. The permit request is to replace a 15" culvert and install an 18" culvert, at a lower elevation. They stated lowering the culvert would affect their property, however, the Board could do what they want.

Motion by Mr. Robert Kovar, seconded by Mr. David Bakke to approve Permit (19-024) to John Johnson to replace a 15" centerline culvert with an 18" culvert, thru 190<sup>th</sup> St NW, on Section line 13/24 Helgeland Township, provided the 18" culvert is installed at same elevation. Motion unanimously carried.

The following permits were Administratively approved and reviewed:

2) Permit (19-025) to Helgeland Township to replace a 24" centerline culvert, with a 24" culvert, same elevation; SW4 of Section 11 and NW4 of Section 14, Helgeland Township.

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3) Permit (19-026) to Thomas Widner to widen an existing approach with an 18" culvert from 30' to 50'; NE4, Section 33, Tamarac Township.

Loren Zutz and Ron Zutz left the meeting at approximately 9:50 a.m.

Administrator Praska reported a pre-construction meeting was held with Kraulik Excavating to review the plans for the Repair of Polk County Ditch #43 and the Contract and Notice to Proceed have been executed. He stated Kraulik Excavating will begin the repair project, today, June 3. He also, informed the Board the gates at the Brandt/Angus and Angus Oslo #4 have been closed until the work on Polk County Ditch #43 is completed.

The Board viewed pictures of Judicial Ditch #1 sloughing that occurred for about 400' in section 20 of Higdem Township. This mile of Ditch had been repaired last year. Tony Nordby stated once a slip plain is established it is difficult to control and repair. He suggested the area be leveled and seeded this year and the area be monitored to check the movement of the slip plain so a more permanent fix can be determined at a later date. It was the consensus of the Board, to level and seed the sloughed area on Judicial Ditch #1, in section 20 of Higdem Township.

Technician Omdahl reported the 1990 Redetermination of benefits of Judicial Ditch #75 removed sections 7, 8 and 9 of Tabor Township from the benefited area, however, the waters draining from those sections has not been blocked off. He suggested the Board install a flapgate on the South side of the field crossing pipes, in the SW4 of section 6, Tabor Township and the SE4 section 1 Northland Township, on Polk County Road #66, to prevent the waters from leaving the benefited area of Polk County Ditch #175 and flowing into the Judicial Ditch #75 benefited area. After discussion, Technician Omdahl was directed to discuss this matter with the Polk County Highway Engineer.

Administrator Praska reported numerous beavers and beaver dams have been located on Judicial Ditch #28, North and East of Middle River. He stated Lunke Inc., removed a 50' wide dam and after the beavers are trapped, more dams will be removed.

Administrator Praska reported the Hearing on the Petition to Add Lands to the Benefited area of Judicial Ditch #17, is scheduled for July 1, 2019, at 10:00 a.m., at the District Office. He stated he will be mailing out the notice and posting it on the District's website. The Board also advised Administrator Praska to publish the notice in the Warren Sheaf.

Technician Omdahl reported the District has performed sediment removal on portions of Judicial Ditch #21 Main and a portion of Judicial Ditch #21 Lateral 1. He stated approximately 1 ½ miles of Lateral 1 remain to be cleaned. It was the consensus of the Board to proceed with the sediment removal contingent upon the availability of funds in the ditch account.

Technician Omdahl reported a portion of Judicial Ditch #15 Branch A had sediment removed, last year and suggested that more be removed this year. It was the consensus of the Board, to continue with the removal of sediment and beaver dams, contingent upon the availability of funds in the Ditch account.

Administrator Praska reported Philip Klopp, of Klopp Construction, has suggested the District consider installing a 45' x 6' apron to the garage entrance, at a cost of \$3,300.00.

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Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that Administrator Praska be authorized to execute a Change Order, with Klopp Construction, to include a 45' x 6' apron to the District garage, at a cost of \$3,300.00. Motion unanimously carried.

Motion by Mr. Roger Mischel, seconded by Mr. Robert Kovar the following resolution be adopted:

RESOLUTION IN SUPPORT OF PROJECT ESTABLISHMENT

WHEREAS, on April 2, 2018, the Board of Managers did adopt a Resolution establishing a project providing the City of Newfolden with flood protection together with down stream low flow stream augmentation for the Middle River, and

WHEREAS, the Board of Managers did direct HDR Engineering to develop preliminary plans for the same, and

WHEREAS, HDR Engineering has returned a preliminary plan, and

WHEREAS, the Managers have determined that the proposed plan is consistent with the basic water management plan for the District, and

WHEREAS, a copy of the preliminary plan has been transmitted to the Board of Water and Soil Resources and to the Director of the Department of Natural Resources, and after due notice pursuant to statute by publication together with notice by mail given to the Director and the municipalities within the project area, a project hearing was held where the Managers heard all parties interested in the proposed project, and

WHEREAS, the Managers have found the project will be conducive to public health, promote the general welfare and the project is in compliance with the Watershed Management Plan and the provisions of Minnesota Statutes Chapter 103E.

THEREFORE, the Board of Managers does hereby establish the City of Newfolden Flood Prevention Project.

The Engineer is hereby Ordered by the Board to proceed with making the necessary surveys and preparing plans and specifications that are needed to construct the project and report the results of the surveys and plans to the Managers. In addition, the Engineer is ordered to prepare a description of the properties to be acquired, describing them by forty-acre tracts or less, together with the names of the owners of the properties.

Motion carried, with Mr. David Bakke, opposing.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel the following Findings and Order on the City of Newfolden Flood Prevention Project be adopted:

FINDINGS AND ORDER

The above-entitled matter came on for hearing pursuant to Minnesota Statute Chapter 103D before the Board of Managers of the Middle Snake Tamarac Rivers Watershed District at 11:00

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a.m. on Monday, May 6, 2019, after due and proper notice, at the offices of the Watershed District at 453 North McKinley Street, Warren, Minnesota 56762.

In order to better accommodate the number of people in attendance, the hearing was convened, recessed, and immediately reconvened at the basement meeting room of the Bremer Bank at 202 W Johnson Avenue, Warren, Minnesota.

An electronic recording of the proceedings was made.

After the opening of the hearing but prior to receiving testimony, the Chair asked that the documents comprising the written hearing record be announced, which were as follows: see attached Documents of Record list. (*on file*)

The following persons appeared on the matter: See attached Appearance list. (*list is on file*)

The Board having received all of the testimony, and having reviewed all of the documents of record (including the engineer's preliminary plans), hereby makes the following:

1. The proposed Project will be conducive to public health. The Board finds that the following facts support this findings: the Project as recommended by the Engineer will remove all of the City of Newfolden from the flood plain as determined by FEMA.
2. The proposed Project will promote the general welfare. The Board finds that the following facts support this finding: removal of the City of Newfolden from the regulatory floodplain will the City the chance to build and expand without the burden of costs and risks associated with building within the floodplain.
3. The proposed Project is in compliance with the Watershed Management Plan and the provisions of MN Statutes Chapter 103E. The Board finds that the following facts support this finding: the proposed Project has goals consistent with the District's Overall Plan and achieves objectives which address the downstream effects of floodwater diversion (namely mitigation of downstream flooding caused in part by increased flows).

IT IS HEREBY ORDERED

- A. The Project is hereby established. A separate Resolution for the same is attached hereto. (*on file*)
- B. The official name (and number if used) of the Project shall henceforth be The City of Newfolden Flood Prevention Project.
- C. The Engineer is directed to make further surveys, maps and a report on the Project and return the same to the Board for further proceedings.

Motion carried, with Mr. David Bakke opposing.

A discussion was held concerning setting a date to reconvene the hearing on the City of Newfolden Flood Prevention Project which was recessed on May 6, 2019. Nate Dalager, HDR Engineering, stated the Board has to determine which option of the Project they wish to go with. He also stated, he is waiting to receive the hydraulics from the Minnesota Department of

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Transportation and are planning a meeting with the Canadian Pacific Railroad to discuss replacing the culverts under the tracks. The Board decided, after the information is received and reviewed from the MN Department of Transportation and discussions are held with the Canadian Pacific Railroad, a determination will be made and a date to reconvene the recessed Hearing will be set.

Administrator Praska reported the Agassiz Audubon is requesting the District enter into a contract with the USFGS, which would provide \$600.00 of free native and forbs seed to cover approximately 2 acres around the pollinator garden and as part of the agreement the District would be responsible for the maintenance of the area for 10 years. He stated, he contacted the Agassiz Audubon for clarification regarding maintenance and seeding and he has been informed by the Agassiz Audubon that they would seed the grasses and forbs and the District would be responsible for mowing the area. The mowing maintenance, already being performed, qualifies as an in kind contribution towards the contract. Chairman Mr. John W Nelson, called for a motion to enter into an agreement with the USFGS. There being no motion entertained, the request died.

Administrator Praska reported Arlyn Stroble rents the hayland on the PL-566 Diversion and is requesting permission to sub-lease the property to Travis Nelson. He stated the rental agreement with Arlyn Stroble states the property may be sub-leased upon Board approval.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel, that Arlyn Stroble be granted permission to sub-lease the rental land on the PL-566 Diversion properties, to Travis Nelson, provided the lessee provides the required liability insurance. Motion unanimously carried.

Administrator Praska reported he contacted Brandon Deschene of TechOne Technologies to discuss if there would be any changes or costs to the District if we purchased our own server. He stated he has been informed by Brandon the services and charges will not change as they are part of the monthly cost.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that the District expend Administrative Funds to purchase a server at \$4,375.50 and new computers at \$6,485.50, for a total of \$10,861.00 from TechOne Technologies. Motion unanimously carried.

Administrative Praska gave a brief report on the Legislative updates from the Minnesota Association of Watershed District. He stated one outcome of the Legislative session is the Managers may increase the per diem rate to \$125.00 per day. He stated, once the effective date is announced, this will be added to the board meeting agenda, for action.

Correspondence from the Minnesota Association for Watershed Responsibility was distributed.

Administrator Praska reported the City of Warren is expanding the gas pipe line east of Warren and is requesting an easement with the District to bore the gas line thru the PL-566 Diversion south of MN Trunk Highway #1. Administrator Praska was directed to inform the City of Warren they will need to submit a permit application with the District and Administrator Praska is to check with legal counsel regarding the depth requirements of the gas line.

Mr. Bill Petersen announced he will be attending the MAWD Summer Tour, June 26-June 28, 2019, in Moorhead, Minnesota.

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Administrator Praska stated the Marshall County Commissioners are advertising for the remaining open seat, set to expire August 2020, and for the two seats, expiring August 2019.

Mr. Roger Mischel reported the Red River Watershed Management Board is proceeding with the development of a strategic plan.

The following meetings were announced:

June 17, 2019-8:30 a.m.-Regular Meeting, District Office  
July 1, 2019-8:30 a.m.-Regular Meeting, District Office

By unanimous consent, the meeting was adjourned at approximately 11:11 a.m.

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Connie Kujawa  
Recording Secretary

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Roger Mischel  
Secretary