

**APPROVED (June 17, 2013)**  
**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 3, 2013**

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

By unanimous consent the agenda was accepted, as amended, with the addition of Judicial Ditch #1, under Ditches.

Motion by Mr. Marvin Hedlund, seconded by Mr. Doug Sorenson that the minutes of the May 20, 2013 meeting be approved, as presented. Motion unanimously carried.

Open Forum: there were no individuals present.

Ed Honek joined the meeting at approximately 4:07 p.m.

By unanimous consent, the following permits were unanimously approved:

1. Permit (12-015) Jerry Krueger to change the design of the tile layout, as requested. (Motion John W Nelson, seconded by Alvin Nybladh)

2. Permit (13-024) Ed Honek to move a field crossing to the South and remove sediment from the East township road ditch, NW4, Sec 3, Northland Township. (Motion Marvin Hedlund, seconded David Bakke)

Ed Honek left the meeting at approximately 4:15 p.m.

3 Permit (13-021) Marshall County Highway Department (Administratively Approved) to remove (2) 30" culverts in the field crossing and install (1) 38" x 57" CMPA, Marshall County Ditch #41, SE4, Sec 31, Warrenton Township

4. Permit (13-022) Marvin Hedlund to install field drain tile, W ½ of NW4 and W ½ of SW4, 50' spacing, ¼" drainage coefficient, 7 ½ HP pump (1,250 GPM) Sec 23, Higdrem Township. (Motion John W Nelson, seconded Alvin Nybladh, Marvin Hedlund abstained).

5. Permit (13-023) Joey McGregor to install 4" drain tile, 50' spacing, 7 ½ HP pump (1,100 GPM) SW corner of field, SE4, Sec 28, Sandsville Township. (Motion David Bakke, seconded Doug Sorenson)

Jeff Hane joined the meeting at approximately 4:17 p.m.

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Danny Omdahl reported that James Bergman has requested documentation of the Red River Agricultural Levees.

A discussion concerning the Red River Agricultural Levees was deferred until the Manager portion of the agenda.

Mike Ruthig of InvisiMax joined the meeting at approximately 4:35 p.m., and discussed the services offered by InvisiMax.

Mike Ruthig left the meeting at approximately 5:00 p.m.

Danny Omdahl reported that he received culvert prices to repair the crossing on Judicial Ditch #16.

Danny Omdahl was directed to request quotes for the installation of the culvert and to discuss the costs with the landowner.

Motion by Mr. John W Nelson, seconded by Mr. Doug Sorenson that the District provide up to 30' feet of culvert and a minimum 20' top, on the crossing on Judicial Ditch #16, with the landowner covering any additional costs for the culvert and for the additional fill needed to construct 3:1 side slopes. Motion unanimously carried.

Joe Pierce joined the meeting at approximately 5:15 p.m.

The following permit was unanimously approved:

Permit (13-020) to Joe Pierce to install a 24" centerline culvert with a trap on the south end, on County Ditch #22, SE SE, Section 27 of Comstock Township. (Motion by Mr. David Bakke, seconded by Mr. John W Nelson).

Nick Drees reported:

1. Judicial Ditch #1- Houston Engineering is in the process of preparing the documents needed to request quotes for the re-sloping project;

2. that there has extensive erosion from field crossing culverts installed with the new bridge on Polk County #70.

Nick Drees was directed to contact Polk County regarding the erosion issue on the bridge on Polk County Ditch #70.

Joe Pierce left the meeting at approximately 5:48 p.m.

Agassiz Water Resource Management Project

1. Heidi Hughes updated the Board on activities and stated the Annual meeting of the Agassiz Audubon Sanctuary is scheduled for June 8, 2013.

2. It was the consensus of the Board that they support the Agassiz Audubon Sanctuary in re-enrolling 152 acres of CRP lands into a grass mixture in section 18, Helgeland Township.

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3. Marvin Hedlund and John W Nelson are to meet with the landowner regarding acquiring right of way for the Agassiz Valley Flood Control outlet.

Motion by Mr. Marvin Hedlund, seconded by Mr. Alvin Nybladh to adopt the Operation and Maintenance Plan with the Natural Resources Conservation Service for the Brandt/Angus Project. Motion unanimously carried.

Motion by Mr. Doug Sorenson, seconded by Mr. David Bakke to adopt the Memorandum of Agreement with the Natural Resources Conservation Service on the Brandt Angus Project. Motion unanimously carried.

Nick Drees reported the Tamarac Rivers Project Work Team meeting is scheduled for June 6, 2013, at 10:00 p.m., in Stephen, Minnesota.

The meeting of the Red River Watershed Management Board is scheduled for June 18, 2013, location to be determined.

Motion by Mr. Doug Sorenson, seconded by Mr. John W Nelson that the Middle Snake Tamarac Rivers Watershed District supports local townships in their review of the Red River Agricultural Levee Agreement, to identify potential beneficial changes to the agreement that might be proposed. Motion unanimously carried.

Nick Drees reported:

1. that the 2012 audit will be presented at a date to determined;
2. that parts of the grass strip seeded on the Brandt/Angus Flood Control Project have been tilled.
3. Polk County is requesting the lands for the grass strip on Polk County Ditch #43 and Polk County Ditch #44 be classified as tax-exempt.

It was the consensus of the Board

1. that the District re-seed the grass strips on the Brandt/Angus Project and bill the landowners accordingly.
2. that the lands required for the grass strip on Polk County Ditch #43 and Polk County Ditch #44 be classified tax exempt as recommended by Polk County.

Jeff Hane requested the Board close the meeting for purposes of discussing legal strategies and legal issues regarding the ongoing litigation of Stengrim v Managers (OML #1) and Zutz & Elseth v Roger Hille et al (OML #2), pursuant to Minnesota Statutes 13D.05 subd 3(b).

Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke that the meeting be closed as stated by Mr. Jeff Hane. Motion unanimously carried.

Danny Omdahl, Ron Sorvig, Ron Adrian, Tony Nordby, Connie Kujawa, Heidi Hughes and Rolland Miller left the meeting at approximately 6:40 p.m.

The meeting was closed at approximately 6:40 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Doug Sorenson that the meeting be reopened. Motion unanimously carried.

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The meeting was reopened at approximately 7:36 p.m.

Motion by Mr. Doug Sorenson, seconded by Mr. John W Nelson that the following resolution be adopted:

WHEREAS, the Minnesota Court of Appeals has recently reversed the trial Judge's ruling, which trial judge ruling denied Plaintiffs' Zutz and Elseth motion to amend their complaint to add the District as a separate party defendant; and,

WHEREAS, upon remand, it is contemplated that the Plaintiffs may renew their motion, and the District wishes to use the law firm of Rinke Noonan to represent it and oppose such efforts; and,

WHEREAS, it appears to the managers that it is in the best interests of the District to retain counsel to represent the District as a separate party;

THEREFORE, be it resolved that the District retain the law firm of Rinke Noonan of St. Cloud, Minnesota, to represent the District.

Motion unanimously carried.

The next regular meeting was scheduled for June 17, 2013, at 4:00 p.m., at the District office.

By unanimous consent the meeting was adjourned at approximately 7:46 p.m.

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Connie Kujawa  
Recording Secretary

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Marvin Hedlund  
Secretary