

APPROVED (as corrected June 20, 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 6, 2011

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

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

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

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the minutes of the May 16, 2011 meeting be approved, as corrected. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. John W Nelson that the minutes of the May 25, 2011 special meeting be approved as presented. Motion unanimously carried.

John Bodell and Linda Bodell inquired what the intentions of the District are to drain the waters from the South Branch of the Snake River. They stated that the draw-down of waters from the Agassiz Valley Water Resource Management Project are causing water issues on their property.

Nick Drees stated that the rate of drawn-down of the Agassiz Valley Water Resource Management Project has remained consistent.

Chairman, Doug Sorenson, stated that the District is in the process of designing a ditch along the McCrea township road and MN Trunk Highway #1 to assist the drainage and that the District may apply for a permit from the Minnesota Department of Natural Resources to continue the cleaning the coulee (South Branch of the Snake River).

John Bodell presented the Board with a letter stating that their appears to be a landowner(s) who are not authorized to drain into Judicial Ditch #25-1.

Doug Sorenson, on behalf of the Board, accepted the letter and stated that the District Administrator would forward it to legal council.

John Bodell and Linda Bodell left the meeting at approximately 4:22 p.m.

Todd Maruska addressed the Board regarding his permit application.

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Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be issued:

1. Permit (11-025) to Todd Maruska to remove 2 crossing culverts and cover over 1 crossing culvert on the north side of Polk CSAH #23; regrade the Polk CSAH #23 road ditch; install a 15" x 50' culvert in the south ditch and to regrade a 24" culvert, both on McLennan Road, in the Village of Angus, Section 9, Angus Township.

Motion unanimously carried.

Todd Maruska left the meeting at approximately 4:35 p.m.

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

2. Permit (11-019) to Wanger Township to remove (2) 48" township road centerline culverts and install (1) 57" x 83" CSPA, between the NW4 of section 4 and the NE4 of section 5 in Wanger Township, with the elevation remain the same and the District set the grade.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Marvin Hedlund that the following permit be issued:

3. Permit (11-020) to Jeff Gryskiewicz to move a field crossing, with a 24" culvert, on the west side of Marshall County State Aid Highway #34, to the north approximately 225' in the SE SE of section 16 of Wanger Township.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke that the following permit be denied until additional information is obtained regarding the pipe size and elevation:

4. Permit (11-021) of Joel Engen to regrade a 36" township road centerline culvert that drains southerly into Judicial Ditch #29, Branch A, in the SW SW of section 8, of Tamarac Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be issued:

5. Permit (11-022) to Cliff McGregor to remove a 12" plastic culvert and install an 18" culvert in the low draw, between the SE4 of section 1, McCrea Township and the SW4 of section 6 of Comstock Township, with the District to set the grade.

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Mr. Ben Kleinwachter called for a roll call of votes. Mr. Ben Kleinwachter, Mr. Doug Sorenson and Mr. Marvin Hedlund voted in favor of, and Mr. John W Nelson and Mr. David Bakke voted nay. Motion carried.

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

6. Permit (11-023) to Thomas Peterson to install a new field crossing with a 36" culvert on the east side of Marshall County State Aid Highway #22, in the SE SE of section 23 of Donnelly Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be issued:

7. Permit (11-024) to Pete Chwialkowski to install a new residence crossing, with an 18" culvert, in the SE NE, of section 31, Oak Park Township, provided Oak Park Township determines the length of the culvert.

Motion carried, with Mr. John W Nelson abstaining.

Correspondence from RJ Zavoral & Sons regarding a 60th Anniversary Open House on June 9, 2011 and a letter from Lein Schiller regarding the lowering of a field driveway in section 6 of Middle River Township was distributed.

Nick Drees reported that the data practice request (11-09) of Elden Elseth and Loren Zutz has been responded to.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the Administrator be authorized to hire contractors to clean a portion of Lateral 1 of Judicial Ditch #29, Branch A of Judicial Ditch #29 and approximately 1 ½ miles of Judicial Ditch #25-2. Motion unanimously carried.

Nick Drees reported that the District has not received the signed agreements from Philip Olson and Russell Sinn for the installation of the Texas crossing's on the Snake River and South Branch of the Snake River, in McCrea Township.

Nick Drees announced that the Minnesota Board of Soil and Water Resources will hold a hearing on the District's Overall Plan on June 9, 2011, at 7:00 p.m., at the Bremer Bank in Warren, MN; and that he will be giving a presentation to the Minnesota Board of Soil and Water Resources on June 15, 2011, at Bemidji, Minnesota.

Nick Drees stated there doesn't appear to be much optimism that funds would be available in the bonding bill for funding of the Brandt/Angus Coulee Project. A discussion was held on purchasing the lands needed for the outlet of the Brandt/Angus Coulee Project, as funding permits.

Mr. John W Nelson left the meeting at approximately 6:15 p.m.

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Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that check #14998, made payable to MAWD, in the amount of \$955.00 be paid from the District's Administrative Funds. Motion unanimously carried.

Nick Drees and Ron Adrian were directed to re-draft the Change Order Policy of the District for the Board to review at the next regular meeting.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following policy be adopted:

OUT OF STATE TRAVEL POLICY

Due to the proximity and impact of North Dakota and Manitoba, the out-of-state travel policy of the Middle Snake Tamarac Rivers Watershed District shall be the same as the in-state travel policy. Conferences and meetings outside these jurisdictions require board or chair approval. As part of the new policy, the District plans to accept the GSA Domestic per diem rates.

Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke that the following policy be adopted:

ELECTRONIC FUNDS POLICY

All electronic payments shall be reviewed and noted as such by two employees of the District, with the exception that the Withholding taxes for Federal and State be made when due and payable.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following policy be adopted:

DEBIT CARD EXPENDITURES POLICY

The use of the District debit card shall be limited to no purchases made in excess of \$5,000.00, unless prior approval is granted by the Board of Managers.

Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke to approve the draft open meeting policy (May 7, 2010) as amended, and that the policy be adopted:

OPEN MEETING POLICY

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1. **Full Compliance Policy** It is the policy of the Middle Snake Tamarac Rivers Watershed District to comply fully with the letter and spirit of the Minnesota Open Meeting Law, Chapter 13D. Employees, legal counsel, and managers will make every effort to ensure complete compliance with the legal requirements for meetings. When the interpretation of the law is necessary to evaluate compliance of a proposed action, legal counsel will be consulted.
2. **Meeting Notice** An annual schedule of regular meetings will be established by the Board of Managers and kept on file at the district office. Additionally, the schedule will be posted on the window of the district office and on the district website. Special meetings will be posted in accordance with MN statute 13D. This posting will be on the window of the district office and on the district website. Topics for discussion or action will be included in the notice of the special meeting. Topics for discussion or action will be limited to those topics included in the special meeting notice. Emergency meetings will be called and noticed in accordance with MN statute 13D. When time permits, notice of an emergency meeting including topic will be posted on the window of the district office. If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting shall include a specific description of the matters.
3. **Meeting Agenda Preparation** A proposed (draft) agenda for each regular meeting will be completed as soon as possible, before the regularly scheduled meeting. This proposed agenda, along with supporting materials, will be distributed to managers as soon as it is completed. Managers who wish to have specific items included on the proposed agenda will notify the chair or district administrator as far in advance of the preparation of the proposed agenda as possible and generally more than 5 calendar days before the meeting. If the chair and administrator determine insufficient time exists to prepare the necessary supporting materials for consideration of the item, the item will be noted on the agenda along with a recommendation that the item be deferred until a later date. The proposed agenda will be posted on the window of the district office as well as the district website.
4. **Availability of Meeting Documents** A complete copy of all documents (excluding non-public documents) provided to managers before or during a meeting will be available for review by the public during the meeting as well as during regular business hours following the meeting.
5. **Agenda Approval** During the course of a meeting, agendas are approved by the managers by majority vote. Motions to amend the agenda are in order and will be decided by majority vote.
6. **Regular Meetings** Regular meetings will be scheduled twice per month. Regular meetings are open for all business.
7. **Meeting Cancellation** The chair in consultation with the district administrator may cancel any meeting for inclement weather. The first regular meeting of the month may be canceled when the chair and administrator determine insufficient business exists to justify the time and expense of the meeting. Meeting cancellations will be noticed by

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posting on the window of the district office and the district website. Managers will be notified by phone or email.

8. Rescheduling Regular Meeting If a regular meeting is not held at the time or place indicated on the schedule, notice of the meeting will be provided according to the three day notice requirements of a special meeting. The notice will indicate that this is a rescheduled regular meeting identifying the original time and place of the regular meeting as well as the rescheduled time and place.
9. Closed Meetings Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege. The decision to close a meeting will be upon the advice of legal counsel. Framing the motion to close will be guided by legal counsel.
10. Committees Meetings of committees that are not regularly scheduled will be noticed according to the three day notice requirements of a special meeting. Notice posting will be on the window of the district office as well as the district website. The meeting will be open for business in the area of the committee's jurisdiction.

Motion unanimously carried.

The Board deferred action on the Access of Lands policy until the entire Board is present.

Correspondence from the Minnesota Board of Water and Soil Resources was distributed. It was the consensus of the Board that they are not interested in meeting with the Board of Water and Soil Resources Dispute Resolution Committee.

Nick Drees announced that Brady-Martz will be presenting the 2010 audit of the District's finances at the regular meeting of the Board scheduled for June 20, 2011.

Nick Drees reported that the 2011 proposals for equipment rental have been received and were publically opened on June 6, 2011.

Nick Drees announced that a meeting is scheduled with the Federal Emergency Management Agency on Tuesday, June 7, 2011 regarding the 2011 disaster declaration.

Mr. Doug Sorenson announced the next regular meeting is scheduled for Monday, June 20, 2011, at 4:00 p.m., at the District office.

Motion by Mr. David Bakke, seconded by Mr. Marvin Hedlund the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 6:42 p.m.

Connie Kujawa
Recording Secretary

Ben Kleinwachter
Secretary