

**APPROVED (as corrected November 21, 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.                      NOVEMBER 7, 2011**

The meeting was called to order by Vice President Ben Kleinwachter. Managers Doug Sorenson, David Bakke, John W Nelson, Ben Kleinwachter, Alvin Nybladh and Marvin Hedlund were present. Manager Roger Hille was not present. Nick Drees, Danny Omdahl, Connie Kujawa, Ron Adrian, Arlyn Stroble, Wallace Diedrich, Steve Nelson, Wayne Torgerson, Jim Vanyo and Edward Vanyo were also present.

By unanimous consent, the agenda was accepted as presented.

By unanimous consent, the minutes of the October 17, 2011 meeting were approved as presented.

There were no individuals present who addressed the Board during the open forum.

The following permits were unanimously approved:

1. Permit (11-136) to Michael McFarland to install a 24" field culvert with a trap on Judicial Ditch #20, Branch B, NW4 NW4, Section 8 of Vega Township.
2. Permit (11-137) to Tamarac Township to remove a 48" centerline culvert and replace with a 36" culvert, NW4 of Section 2, Tamarac Township.
3. Permit (11-138) to Vertical Limit Construction to install a crossing with a 18" culvert, NW4, Section 2 of Warrenton Township.
4. Permit (11-139) to Mike Bienek to grade the East township road ditch, W2 of Section 16, Brislet Township and to lower a 24" field crossing culvert, SW4 SW4, of Section 16 of Brislet Township. (contingent upon Brislet Township approval).
5. Permit (11-140) to Jeff Bolduc to construct a berm adjacent to the South township road ditch, (berm is to be at least 1' lower than road), west side of quarter and to install a 18" culvert with a trap, NW4 NE4 of Section 18, Parker Township.
6. Permit (11-141) to Dan Pape to remove and replace a 24" culvert, NW NE, Section 35, Higdem Township.
7. Permit (11-143) to WJS Nelson to install ~250 acres field drain tile with a gravity outlet, North line of NE4, Section 2 and NW4 of Section 1, Oak Park Strip Township. (contingent upon Township approval).
8. Permit (11-144) to Patrice Pribula to construct a berm adjacent to Polk County Ditch #175 (1' lower than township road) and to install culverts and traps, SW4 of Section 6, and N2 of Section 7, Northland Township.
9. Permit (11-145) to James J Vanyo to construct a berm adjacent to Polk County

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Ditch #175 (at least 1' lower than the road) and install (5) 18" culverts with traps; To move the existing field crossing and culvert in the NE SE to the SE SE and to Install a trap on the culvert, (compliant with MN DOT requirements) in the SE4 of Section 6, Northland Township.

10. Permit (11-146) to Enbridge Pipeline to install (2) field crossings with 18" culverts, North line of NE4 and East line of NE4, Section 28, Foldahl Township.
11. Permit (11-148) to Jarod Peterson to move a dry field crossing, West ditch of MCSAH #104 to the North and install an 18" culvert with trap, adjacent to Judicial Ditch #16, NE NE, Section 33, Warrenton Township.
12. Permit (11-149) to Gayle Stoltman to install a culvert in a coulee located near the South line of the NE SW, Section 24, Sinnott Township. (District Engineer to determine culvert size)

The following permit was unanimously tabled:

13. Permit (11-142) of Kurt P Aakre to install 387 acres of drain tile, with 4 gravity outlets, NW4 of Section 3 and NE4 of Section 4, Augsburg Township.

The following permit was unanimously denied:

14. Permit (11-147) of Philip Olson to install an 18" culvert with trap, West township road ditch, SE4 SE4, Section 12 of Angus Township.

Heidi Hughes joined the meeting at approximately 4:45 p.m.

Steve Nelson, Edward Vanyo and James Vanyo left the meeting at approximately 5:00 p.m.

Nick Drees stated that a data practice request has been received that is requesting materials be forwarded to a fax number. Nick Drees was directed to inform the recipient that the District does not provide materials to a fax number.

Nick Drees reported that cleaning of Judicial Ditch #16 has been completed and that there are scour holes along portions of Judicial Ditch #16 and Judicial Ditch #20 that are in need of repair. It was the consensus of the board that Nick Drees be directed to work with the Townships on a cost share basis to repair the scour holes.

Nick Drees reported that there are scour holes at the end of some culverts along State Ditch #3 and that they are in the process of being repaired. He stated he is working with the Bloomer Township to cost share on the repairs.

Nick Drees reported that Patricia Pribula and one other individual have asked that their names be removed from the Petition to Repair Polk County Ditch #175. Mr. Jeff Hane was directed to draft a letter to the other signatories informing them the petition is no longer valid.

Nick Drees reported the 2 ½ miles of survey work and design on Judicial Ditch #75 has been completed. It was the consensus of the Board, that the District offer \$2400 per

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acre to the landowners for additional right of way for the lands required to reslope the additional 2 ½ miles along Judicial Ditch #75, and that the District survey an additional mile to Minnesota Trunk Highway #220.

Nick Drees reported that the Minnesota Pollution Control Agency is requesting to implement a monitoring pilot program on the Agassiz Valley Water Resource Management Project.

Heidi Hughes of the Agassiz Audubon Sanctuary informed the Board on the various agencies and organizations she has contacted for funding of natural enhancement projects.

Nick Drees was directed to secure easements from the remaining landowners along the Brant/Angus channel.

Heidi Hughes left the meeting at approximately 6:42 p.m.

Motion by Mr. Doug Sorenson, seconded by Mr. John W Nelson that Nick Drees be authorized to sign the amended Army Corps of Engineers permit on the Brandt/Angus Impoundment project. Motion unanimously carried.

After hearing from all those in attendance, wishing to give testimony at the Brand Angus Project Final Hearing, the following motion was made by Mr. John W Nelson, seconded by Mr. David Bakke:

**ORDER ON FINAL HEARING  
BRANDT/ANGUS IMPOUNDMENT PROJECT AND COULEE RESTORATION**

WHEREAS, pursuant to Minnesota Statutes §103D.605, a public hearing was held before the Middle Snake Tamarac Rivers Watershed District Board of Managers at the District Office, in Warren, Minnesota, on November 7, 2011, at 3:00 p.m. This public hearing was held regarding the Brandt/Angus Impoundment Project and Coulee Restoration.

WHEREAS, the following Managers of the Middle Snake Tamarac Rivers Watershed District were in attendance John W Nelson, Doug Sorenson, Ben Kleinwachter, Marvin Hedlund and David Bakke; together with their attorney, Jeff Hane of Brink, Sobolik, Severson, Malm & Albrecht, P.A. of Hallock, Minnesota, who presided and conducted the hearing on behalf of the Board of Managers; and

WHEREAS, the following persons made an appearance before the Board of Managers: Ron Adrian, Engineer; Nick Drees, Administrator; Danny Omdahl, Technician; Connie Kujawa, Administrative Assistant; Nate Dalager, HDR Project Engineer; Duane

Kasprick; Anne Kasprick; Todd Maruska; Lloyd Kasprick; Darrell Novacek; John LaBine; James Vanyo and Edward Vanyo.

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WHEREAS, the purpose of the hearing was to hear all parties interested for and against the construction of the proposed project and the confirmation of the Engineer's Report; ;

WHEREAS, at said hearing, the managers heard from all interested parties for and against the project, and accepted and reviewed all written comments, both for and against the project;

WHEREAS, Nate Dalager, Engineer of HDR Engineering, appointed by the Board of Managers to prepare the Engineer's Report, for the construction or implementation of the project, provided his testimony at the hearing; and

WHEREAS, all jurisdictional documents required by statute and other documents were presented at the hearing and were introduced into the record and identified and made a part of the record; and

WHEREAS, the hearing was video recorded; and

WHEREAS, based upon opinion of counsel for the District, public comments received at the public hearing, and written comments received at the time of the hearing, and having reviewed all of the documents, reports and other items before the Board of Managers, the Middle Snake Tamarac Rivers Watershed District Board of Managers makes the following Findings of Fact and Order:

**FINDINGS OF FACT:**

1. The Board has jurisdiction over the project
2. The Resolution is sufficient in terms of being practicable.
3. There is necessity for the project
4. The Engineer's report includes properties required for the construction of the project.
5. The project is conducive to public health, promotes the general welfare, is in compliance with Minnesota Statutes, Chapter 103D.
6. Construction of the project will result in benefits that will be greater than the costs of the construction or implementation and damages, because all of the costs of construction of the project are being paid by outside federal funding, grants from Minnesota State funding, the Red River Watershed Management Board funding, and Middle Snake Tamarac Rivers Watershed District construction funds, and none of the costs of the project are being assessed or levied against any of the parcels identified in the Engineer's Report.
7. That notice of said Final Hearing was given pursuant to Statute.

THEREFORE, based upon the Findings of Fact, the Board of Managers does hereby order and authorize as follows:

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**ORDER**

1. Construction or implementation of the project as a whole or in different parts as the engineer, may, in his discretion, direct;
2. The Engineer shall proceed with making the necessary surveys and preparing plans and specifications as may still be needed to construct the project and report the results of the surveys and plans to the Board of Managers.
3. The Administrator is hereby directed to proceed with the implementation of the project as funding becomes available.

Motion unanimously carried.

Nick Drees briefed the Board on the Tamarac River Watershed TDML and on the Project 60 funding.

It was announced the next Red River Watershed Management Board meeting is scheduled for November 22, 2011, at the Red Lake Watershed District, in Thief River Falls, MN, at 9:30 a.m.

The Minnesota Association of Watershed District's proposed resolutions were distributed.

Nick Drees announced that the River Watch students will be presenting their demonstration at the Advisory Committee Meeting of the District, on November 21, 2011; and that the draft Marshall County Water Plan has been completed; and that the District has been threatened with litigation regarding the District's Public Access Policy (Hunting).

A discussion was held regarding the rental agreements of the District property that are set to expire December 31, 2011.

Nick Drees was directed to advertise for rent the properties along the PL-566 diversion, March Impoundment and the Agassiz Valley Water Resource Management Project properties.

It was the consensus of the Board that Nick Drees negotiate with Johnson Family Farms for the rental of approximately 17 acres along the March Impoundment.

By unanimous consent, the meeting was adjourned at approximately 7:35 p.m.

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Connie Kujawa  
Recording Secretary

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Marvin Hedlund  
Secretary