

November4(a)2019.min

APPROVED (as corrected Nov 18, 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. November 4, 2019

The meeting was called to order by President John W Nelson. Managers John W Nelson, Bill Petersen, Robert Kovar, David Bakke, Brad Blawat and Roger Mischel were present. Tony Nordby, Joel Praska, Tyler Larson, Kyle Schlomann, Jim Duckstad, Connie Kujawa, Dean Danielski, Gunnar Bowman, Erwin Stobbe and Alvin Stobbe were also present.

Motion by Mr. Roger Mischel, seconded by Mr. Robert Kovar that the agenda be approved, as amended, to include Judicial Ditch #15. Motion unanimously carried.

Rolland Miller joined the meeting at approximately 8:34 a.m.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat that the minutes of the October 21, 2019 meeting be approved, as presented. Motion unanimously carried.

Erwin Stobbe and Alvin Stobbe requested Judicial Ditch #25-2 funds be expended to raise the north grass strip spoil in section 36 of Helgeland Township. Two methods discussed were to obtain dirt from the field near the ditch's grass strip and the other was to flatten the north ditch slope to obtain dirt. They proposed to raise reaches of the spoil to 1' below the road on the south side, where it is less than 1'. The purpose is to minimize floodwater overtopping which has caused erosion to their field. Tony Nordby reported he and Technician Omdahl viewed the area and the ditch is functioning as designed. The 2019 fall flooding had not overtopped the spoil. The field erosion Stobbe's are experiencing is from the ditch being full of snow during the spring melt overtopping and flowing northwest. It was the consensus of the Board to not act on addressing the spoil height and recommended Stobbe's or their renter fill low spots within the spoil bank.

Erwin Stobbe and Alvin Stobbe left the meeting at approximately 9:20 a.m.

The following permits were unanimously tabled:

1. Permit (19-103) to Paul Novacek to install an 18" centerline culvert through CR #267 for a direct and dedicated outlet for tiled drainage into CD #2, in SW4, Section 23, Northland Township, until elevations of the pump are received and reviewed. *This permit was tabled since the landowner did not submit the elevations of the pump.* (Motion by Mr. Bill Petersen, seconded Mr. David Bakke).
2. Permit (19-108) Mike Rosendahl to install a centerline culvert through 210th St NW, to drain high water from WD #4 into the Warren Diversion Ditch, NW4, Section 12, Boxville Township. *This permit was TABLED until Houston Engineering receives information from the MN DNR and the NRCS.* (Motion by Mr. David Bakke, seconded Mr. Bill Petersen).

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Motion by Mr. Roger Mischel, seconded by Mr. Brad Blawat to deny the following permit since the size does not line up with the upstream or downstream culverts:

3. Permit (19-110) Alvin Asp to install a crossing with a 6' x 10' box culvert, on Judicial Ditch #25-2, ~station 712+00; SE4, Section 29 Numedal Township.

Gunnar Bowman left the meeting at approximately 9:30 a.m.

Administrator Praska reported the Contractor, on Polk County Ditch #175, Breidenbach Excavating, has installed the side inlet traps and has leveled the clay/dirt piles, however the riprapping remains to be done, as the Engineer is looking for a suitable product. Praska also stated the seeding will be done in the Spring of 2020.

Technician Omdahl discussed failed flapgates and an open ditch along the south edge of the Judicial Ditch #25-2 system, between Section 31 and 32 of Numedal Township. He stated it appears in high flow events, water goes southwest, leaves the MSTRWD and enters the RLWD. It overtops Pennington CSAH #61 at section line 6/7 of Bray Township. The Board directed Technician Omdahl to continue conversations with landowners Jeff Monroe and Philip Olson.

Administrator Praska reported the District staff viewed a sluff on 350th St NW, on Judicial Ditch #29, Lateral 2, in section 31 of Tamarac Township and it appears the sluff is approximately 2' deep. He stated Tamarac Township is requesting funding assistance to repair the sluff. Technician Omdahl said that 2 other sluffs were repaired on this mile in 2018.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen the District expend Judicial Ditch #29 funds, to cost share 50/50, with Tamarac Township, to repair the sluff in Section 31, Tamarac Township. Motion unanimously carried.

Tony Nordby reported he performed the HEC-RAS modeling on Judicial Ditch #75, in the vicinity of the bridge, in sections 4 and 5 of Northland Township. He stated the HEC-RAS modeling was analyzed to compare water surface elevation (WSE), upstream and downstream of the bridge for the synthetic 5 year, 10 year, 25 year, and 100 year rainfall event. The model results show minimal stage increase occurs for all modeled flood events. During large flood events the township road to the south will overtop providing overflow capacity maintaining the minimal stage increase. He stated that the minimal elevation difference between the bridge low member and the township road overtopping elevation is more of a clearance issue related to bridge maintenance and potential damage, but the bridge opening paired with the road overtopping area provide the necessary capacity to convey water westerly with minimal stage increase between Section 4 and 5 of Northland Township.

Due to the scheduled and published Hearing to add lands to the Benefited area of Judicial Ditch #1, the discussion on Judicial Ditch #75 was deferred.

Mike Enright joined the meeting at approximately 10:00 a.m.

Tammy Rameriz joined the meeting at approximately 10:02 a.m.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel to recess the regular meeting to hold the Hearing on the Petition of Ryan Eggen to Add Lands to the Benefited area of Judicial Ditch #1. Motion unanimously carried.

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The regular meeting was recessed at approximately 10:03 a.m.

Motion by Mr. David Bakke, seconded by Mr. Robert Kovar the hearing on the Petition of Ryan Engen be opened. Motion unanimously carried. The hearing was opened at approximately 10:03 a.m.

Chairman Nelson stated for the record the Hearing is being recorded.

Administrator Praska presented the Affidavits for Mailing, Publications, Posting on the Front Office Door and the Affidavit of Posting on the Website, as required by Minnesota Statute.

Chairman Nelson entertained comments from the Public. None were received.

Tammy Rameriz left the meeting at approximately 10:10 a.m.

After Board deliberation, a Motion was made by Mr. Roger Mischel, seconded by Mr. Bill Petersen that the Petition of Ryan Eggen to drain waters into Judicial Ditch #1, be granted. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. David Bakke that Ryan Eggen be assessed outlet fees, based on the past 5 years, at \$59.00 per acre, for a total of \$1,339.28. Motion unanimously carried.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat that the costs associated with publishing the Notice of Hearing and the mailing of the Notice of Hearing be billed to Ryan Eggen for reimbursement. Motion unanimously carried.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel the following Findings and Order be adopted:

**IN THE MATTER OF THE
PETITION OF Ryan Eggen
TO DRAIN WATERS INTO JUDICIAL DITCH #1**

FINDINGS & ORDER

The above-entitled matter came on for hearing pursuant to MN Statute 103E.401, before the Board of Managers on November 4, 2019, at the MSTRWD office located at 453 North McKinley, Warren, Minnesota, at 10:00 a.m. The following were received as exhibits: Notice of Hearing, Attendance Sheet, Description of Area, Affidavit of Publication, Affidavit of Mailing and the Mailing List, Affidavit of Posting, and the Petition.

Persons appearing regarding the matter are set forth on the attached sign-in sheet (*on file*) marked Exhibit A.

The Board, having heard all of the testimony, and having reviewed all of the exhibits, and having fully considered the matter, hereby makes the following facts:

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1. The Petitioner seeks to drain property into a public drainage system (JD #1), which property has not been assessed for benefits for the established drainage system. Petitioner seeks express authority from the District to drain the lands described on the attached Exhibit B. The District has jurisdiction over said lands, including Judicial Ditch #1;
2. Due and proper notice has been provided;
3. The Board has considered the capacity of the outlet drainage system and reviewed possible appropriate terms and conditions for use of the established drainage system, together with appropriate and reasonable terms for the Petitioner to pay as an outlet fee as and for benefits. The land to be benefitted is listed on the attached Exhibit B. If allowed to drain into Judicial Ditch #1, the property, shall receive benefits equal per acre to the adjacent land.

Based on said facts, the Board hereby makes the following:

ORDER

1. Petitioner may drain the lands described on the attached Exhibit B into Judicial Ditch #1 upon the payment of an initial outlet fee. That fee will be 5 times that of the adjacent lands. Thereafter, the Petitioner shall pay an annual fee at the same rate as the adjacent parcels.
2. Petitioner's property as described on the attached Exhibit B is henceforth liable for assessments levied from this date forward in the drainage system, on the basis of the benefits as if the benefits had been determined in the order establishing the drainage system.

A copy of the minutes of the meeting of the Board of Managers during which this hearing was held shall be attached hereto as evidence of the approval of these Findings and Order. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat the Hearing on the Petition of Ryan Eggen, to add Lands to the Benefitted area of Judicial Ditch #1, be closed. Motion unanimously carried. The hearing was closed at approximately 10:17 a.m.

Motion by Mr. David Bakke, seconded by Mr. Brad Blawat to reconvene the regular meeting. Motion unanimously carried. The regular meeting was reconvened at approximately 10:20 a.m.

The discussion regarding the bridge, in section 4 and 5 of Northland Township, continued. Chairman Nelson inquired if the Board should raise the spoil in Section 4. Tony Nordby stated the ditch is functioning as it was designed.

Dillon Nelson joined the meeting at approximately 10:40 a.m.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel that Houston Engineering be directed to investigate a potential spoil raise of the North/South slope banks, east of the bridge, in Section 4 of Northland Township to minimize breakout flows. Chairman Nelson called for a

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roll call of votes: Manager Petersen-yea; Manager Bakke-nay; Manager Blawat-nay; Manager Mischel-yea; Manager Kovar, abstaining; Manager Nelson-yea. Motion passed.

Motion by Mr. Brad Blawat, seconded by Mr. David Bakke to recess the regular meeting to hold the Hearing on the Petition of Newfolden Coop Elevator to Add Lands to the Benefited area of Judicial Ditch #21. Motion unanimously carried.

The regular meeting was recessed at approximately 11:00 a.m.

Motion by Mr. Bill Petersen, seconded by Mr. David Bakke the hearing on the Petition of Newfolden Coop Elevator be opened. Motion unanimously carried. The hearing was opened at approximately 11:00 a.m.

Chairman Nelson stated for the record the Hearing is being recorded.

Administrator Praska presented the Affidavits for Mailing, Publications, Posting on the Front Office Door and the Affidavit of Posting on the Website, as required by Minnesota Statute.

Chairman Nelson entertained comments from the Public. None were received.

After Board deliberation, a Motion was made by Mr. Brad Blawat, seconded by Mr. David Bakke that the Petition of the Newfolden Coop Elevator to drain waters into Judicial Ditch #21, be granted. Motion unanimously carried.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that the Newfolden Coop Elevator be assessed outlet fees, based on the past 5 years, at \$20.00 per acre, for a total of \$2.37. Motion unanimously carried.

Motion by Mr. Brad Blawat, seconded by Mr. Roger Mischel that the costs associated with publishing the Notice of Hearing and the mailing of the Notice of Hearing be billed to the Newfolden Coop Elevator for reimbursement. Motion unanimously carried.

Motion by Mr. Bill Petersen, seconded by Mr. David Bakke the following Findings and Order be adopted:

**IN THE MATTER OF THE
PETITION OF Newfolden Co-op Elevator
TO DRAIN WATERS INTO JUDICIAL DITCH #21**

FINDINGS & ORDER

The above-entitled matter came on for hearing pursuant to MN Statute 103E.401, before the Board of Managers on November 4, 2019, at the MSTRWD office located at 453 North McKinley, Warren, Minnesota, at 11:00 a.m. The following were received as exhibits: Notice of Hearing, Attendance Sheet, Description of Area, Affidavit of Publication, Affidavit of Mailing and the Mailing List, Affidavit of Posting, and the Petition.

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Persons appearing regarding the matter are set forth on the attached sign-in sheet marked Exhibit A. (*on file*)

The Board, having heard all of the testimony, and having reviewed all of the exhibits, and having fully considered the matter, hereby makes the following facts:

1. The Petitioner seeks to drain property into a public drainage system (JD #21), which property has not been assessed for benefits for the established drainage system. Petitioner seeks express authority from the District to drain the lands described on the attached Exhibit B. The District has jurisdiction over said lands, including Judicial Ditch #21;
4. Due and proper notice has been provided;
5. The Board has considered the capacity of the outlet drainage system and reviewed possible appropriate terms and conditions for use of the established drainage system, together with appropriate and reasonable terms for the Petitioner to pay as an outlet fee as and for benefits. The land to be benefitted is listed on the attached Exhibit B. If allowed to drain into Judicial Ditch #21, the property, shall receive benefits equal per acre to the adjacent land.

Based on said facts, the Board hereby makes the following:

ORDER

3. Petitioner may drain the lands described on the attached Exhibit B into Judicial Ditch #21 upon the payment of an initial outlet fee. That fee will be 5 times that of the adjacent lands. Thereafter, the Petitioner shall pay an annual fee at the same rate as the adjacent parcels.
4. Petitioner's property as described on the attached Exhibit B is henceforth liable for assessments levied from this date forward in the drainage system, on the basis of the benefits as if the benefits had been determined in the order establishing the drainage system.

A copy of the minutes of the meeting of the Board of Managers during which this hearing was held shall be attached hereto as evidence of the approval of these Findings and Order. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel the Hearing of the Petition of the Newfolden Coop Elevator to Add Lands to the Benefited Area of Judicial Ditch #21, be closed. Motion unanimously carried. The hearing was closed at approximately 11:12 a.m.

Motion by Mr. Bill Petersen, seconded by Mr. David Bakke the regular meeting, be reconvened. Motion unanimously carried. The regular meeting was reconvened at approximately 11:12. a.m.

Manager Mr. Roger Mischel left the meeting at approximately 11:12 a.m.; Jim Duckstad left the meeting at approximately 11:12. a.m.

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Tony Nordby reported he calculated the estimated cost to replace two side water inlet culverts on State Ditch #3 and the approximate construction cost would be \$30,000 to \$35,000.00. He stated approximately 75% of the construction cost could be cost shared with the Marshall County SWCD.

Technician Omdahl reported the District agreed to cost share with New Solum Township to replace a failed culvert on Judicial Ditch #15, Branch A, at section line 18/19 of New Solum Township. Omdahl stated the original ditch plan called for a 48", which fit the drainage area. However, without District knowledge, the Township had previously installed a 36", and they replaced the 36" with a new 36". After viewing pictures of the 36" culvert in place, the Board took to action.

Administrator Praska and Technician Larson gave an update on the status of the water levels in the Impoundments. They stated all the impoundments are currently releasing water.

Administrator Praska reported the Polk County SWCD will provide cost share funding to seal the abandoned well in Angus Oslo #4, in the NE4 of Section 10, Brandt Township, up to \$500.00.

Motion by Mr. David Bakke, seconded by Mr. Robert Kovar the District expend Angus Oslo #4 Project funds and cost share with the Polk County SWCD to seal the abandoned well in the NE4 of Section 10, Brandt Township, and the Administrator be directed to hire a contractor to perform the work. Motion unanimously carried.

Tony Nordby reported a meeting has been scheduled with the MN DNR to discuss the Nelson Slough/JD #19 project. The meeting will be held on December 3, 2019, in Thief River Falls.

Tony Nordby reported a Project Team meeting on the Swift Coulee Project is being planned for December 10, 2019, with details to follow.

Administrator Praska reported a Data Practice Request has been received and a response was submitted.

Administrator Praska reported he discussed the Olson/Bieniski matter, in Section 26, Alma Township, with Lon Aune, Marshall County Highway Engineer. He stated the MC Highway Department is looking to repair/replace the plugged field entrance culvert, on the west side of CSAH #1, however, they are waiting to perform the replacement until the District determines the width of the cut in the unpermitted dike.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that the bottom cut of the unpermitted dike, in Section 26, of Alma Township, to be set at 10' wide with 4:1 side slopes. Motion unanimously carried.

Administrator Praska reported Matt Fischer, MN BWSR, will be in attendance at the December 2, 2019 Board meeting, to discuss the Level 2 Performance Review and Assistance Report (PRAP) report that is scheduled for the year 2020.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that the District renew the AutoCad Program, with AutoDesk, for 3 years, at a cost of \$5,955.00. Motion unanimously carried.

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Administrator Praska reported Houston Engineering plotted the survey map for Section 3 of Nelson Park, South of Karlstad, for Steve Klopp and the map has been forwarded to Steve Klopp. Technician Omdahl said that based on the survey data, he could not identify an apparent rise in ground elevation at the location where the 2012 firebreak had been.

A discussion was held on who would be attending the MAWD Annual Conference scheduled for December 5-7, 2019, in Alexandria, Minnesota. The managers were informed the deadline to register is November 15, 2019, before the cost increases.

Manager Mr. John W Nelson, left the meeting at approximately 11:55 a.m. Manager Mr. Bill Petersen presided over the remainder of the meeting.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat that Mr. Bill Petersen be appointed the District's Delegate and Mr. David Bakke be appointed the Alternate Delegate for the 2019 MAWD Annual Meeting. Motion unanimously carried.

Manager Mr. David Bakke asked Rolland Miller, Marshall County Commissioner, what the County is doing on County Road #11, in the vicinity of Viking, Minnesota. Mr. Miller responded he did not know.

The following meetings were announced:

November 18, 2019-Regular Meeting-8:30 a.m., District Office
November 18, 2019-Advisory Meeting-1:30 p.m., Bremer Bank
December 2, 2019-Regular Meeting-8:30 a.m., District Office

By unanimous consent, the meeting was adjourned at approximately 12:17 p.m.

Connie Kujawa
Recording Secretary

Roger Mischel
Secretary