

November5(a)2018.min

**APPROVED (November 19, 2018)**  
**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 5, 2018**

The meeting was called to order by President John W Nelson. Managers John W Nelson, Bill Petersen, and Brad Blawat were present. Managers Roger Mischel and Robert Kovar were not present. Joel Praska, Tony Nordby, Kyle Schломann, Tyler Larson, Connie Kujawa, LeRoy Vonasek, Brandon Gornowicz, Wilbert McGregor, Dillon Nelson, Tim Sedlacek, Mark McGregor and Robert Wesolowski were also present.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat that the agenda be approved, as presented. Motion unanimously carried.

Motion by Mr. Brad Blawat, seconded by Mr. Bill Petersen that the minutes of the October 15, 2018 meeting be approved, as corrected. Motion unanimously carried.

Mike Enright joined the meeting at approximately 8:35 a.m.

Tim Sedlacek and Brandon Gornowicz addressed concerns they have with the permit (18-045) issued to Mark McGregor to clean & regrade the west township road ditch of 250<sup>th</sup> Ave NW & the east-west line ditch on the south line of section 8 Comstock Township; to construct a levee along the west township road ditch of 250<sup>th</sup> Ave NW & along the north bank of the east-west line ditch on the south line of section 8 Comstock Township.

They stated the ditch cleaning works performed will move the water faster to the Swift Coulee at CSAH #36, causing downstream flooding. A discussion took place about possible options to reduce downstream flooding, with one option being to remove either the 18" or the 24" CMP culvert located in the SE SE of Section 8, Comstock Township. After hearing from those in attendance, the Board directed the District staff and Houston Engineering to verify the drainage and determine the downstream effects if one of the culverts, in the SE4 of Section 8, Comstock Township were to be removed; to verify the culvert sizing is correct along 250<sup>th</sup> Ave NW, in Section 8, Comstock Township; to contact the Township and look into the history of the area before the Off-Channel Storage Site was built.

Robert Kovar joined the meeting at approximately 9:15 a.m.

Nick Pribula joined the meeting at approximately 9:17 a.m.

Brandon Gornowicz, Tim Sedlacek, Robert Wesolowski, Mark McGregor and Wilbert McGregor left the meeting at approximately 9:17 a.m.

The following permits were unanimously approved:

1. Permit (18-120) to Brent Strickler to install 141 acres drain tile; 10 HP (997 GPM) VFD pump; 3/8" coefficient; 40' & 66' spacing; outletting to lift station in NW corner of farmyard E of Hwy 75; Section 35, Angus Township. (Motion by Mr. Bill Petersen, seconded Mr. Robert Kovar).

2. Permit (18-119) to Joel Anderson to move a field crossing with a 18" culvert ~ 20 rods North; to replace 18" culvert with 24" culvert with flapgate, outletting into JD #20,

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Branch A, NW4, Section 23, Vega Township. (Motion by Mr. Robert Kovar, seconded Mr. Brad Blawat).

3. Permit (18-121) to Lawrence Veralrud to lower an 18" centerline culvert thru 260<sup>th</sup> St NW, section corner in SW4 of Section 10 Oak Park Township and move ~ 30' East from section corner, SW4, Section 10, Oak Park Township, contingent upon written approval is granted by the township. (Motion by Mr. Brad Blawat, seconded by Mr. Robert Kovar).

4. Permit (18-122) to Blake Owens to install (2) flapgates on the existing 18" culverts, outletting into Judicial Ditch #25-2, NW4, Section 9, Brandt Township. (Motion by Mr. Bill Petersen, seconded Mr. Robert Kovar).

Administrator Praska reported:

1) Dufault Excavating completed 2 miles of sediment removal on the West end of Judicial Ditch #20, Branch B, in Section 7 of Vega Township.

2) Lunke's Inc has completed the side inlet pipe work on State Ditch #3 and he has been instructed to seed and install cover for erosion measures.

3) Brons Construction removed and replaced a 30" culvert on Watershed Ditch #2, in Section 34 of Marsh Grove Township.

Tony Nordby reported the District solicited quotes to raise the spoil bank on the Angus Oslo #4 diversion ditch in the NE4 SW4 of Section 9 of Brandt Township. He stated of the two quotes received, one of the quotes, was submitted incomplete and the other quote was over 30% higher than the engineer's opinion of probable cost. He recommended the Board reject the quotes and solicit for quotes again in February 2019.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat, to reject the quotes received to raise the spoil bank on the Angus Oslo #4 diversion ditch, in the NE4 SW4 of Section 9 of Brandt Township, and that quotes for the work be solicited in February 2019. Motion unanimously carried.

Administrator Praska reported Helgeland Township has restored the township road in Section 36 of Helgeland Township, which is also the spoilbank of Judicial Ditch 25-2.

Larry Murphy joined the meeting at approximately 9:45 a.m.

Administrator Praska reported Filipi Backhoe Service has replaced (3) 18" flapgates, in Section 25 of Angus Township and (1) 18" flapgate in Section 15 of Angus Township, in the vicinity of the Brandt/Angus Impoundment. By landowner request, the 18" flapgates slated to be replaced this year, in Section 29 of Angus Township, will be replaced next year. Administrator Praska also reported that Olson Construction TRF, Inc is brush whacking in the Brandt/Angus Coulee and the inside perimeter of the impoundment.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that Mr. Bill Petersen and Mr. Roger Mischel be appointed the District's Delegates and Mr. Robert Kovar be appointed the Alternate Delegate for the 2018 MAWD Annual Meeting. Motion unanimously carried.

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Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen, to recess the regular meeting for purposes of reconvening the Public Hearing on the Determination and Redetermination of Benefits of Polk County Ditch #175. Motion unanimously carried.

The regular meeting was recessed at approximately 9:57 a.m.

Chairman Nelson, reconvened the Public Hearing on the Determination and Redetermination of Benefits of Polk County Ditch #175, at 10:00 a.m., at the District Office. Tony Nordby, Dillon Nelson, Nick Pribula, LeRoy Vonasek, Larry Murphy, Bill Petersen, John W Nelson, Brad Blawat, Robert Kovar, Administrator Praska, Connie Kujawa, Tyler Larson and Kyle Schlomann were present. Chairman Nelson stated the Hearing was being recorded.

Administrator Praska reviewed the Findings and Order. Chairman Nelson, inquired if the Board or those in attendance had any questions. There being none, the following motion was made:

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat that the following Findings and Order on the Petition of Kovar and Others for the Improvement of Polk County Ditch #175; and the Matter of the Redetermination of Benefits on Polk County Ditch #175 be adopted:

FINDINGS AND FINAL ORDER: ESTABLISHING DRAINAGE PROJECT;  
ADOPTING AND CONFIRMING THE VIEWERS' REPORT OF  
IMPROVEMENT BENEFITS AND DAMAGES; ADOPTING AND  
CONFIRMING THE VIEWERS' REPORT OF REDETERMINED PRE-  
IMPROVEMENT BENEFITS AND DAMAGES; AND DIRECTING  
CONSTRUCTION OF THE PROJECT

The Board of Managers of the Middle-Snake-Tamarac Rivers Watershed District, sitting as Drainage Authority for the improvement of Polk County Ditch 175, held a Final Hearing on October 24, 2018, continued to November 5, 2018, in the matter of the petition of Kovar and others for the improvement of Polk County Ditch 175; and the matter of the Redetermination of Benefits for Polk County Ditch 175.

Findings:

1. The petition of Kovar and others for the improvement of Polk County Judicial Ditch (CD) 175 was filed with the Board of Managers pursuant to Minnesota Statutes Section 103D.625, subd. 4 and 103E.215.
2. Concurrent with the filing of the improvement petition, the Board of Managers, upon investigation, determined that the conditions required for a redetermination of benefits on CD 175 existed and so ordered a redetermination of benefits.
3. The County Board appointed the viewing team of Bryan Murphy, Larry Murphy and Shantel Hecht to conduct the pre-improvement redetermination of benefits and the determination of improvement benefits and damages for the proposed improvement.
4. The Board and its attorney reviewed the petition and bond to verify

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compliance with Statutes chapter 103E. The Board found that the petition met the requirements of section 103E.215 and that the bond met the requirements of section 103E.202.

5. The Board appointed the engineering firm of Pribula Engineering, Inc. (engineer Nick Pribula, P.E.), pursuant to section 103E.241, to perform the duties required of the project engineer.

6. The engineer prepared and filed a preliminary survey report with the Board.

7. The Board noticed and held a preliminary hearing on September 18, 2017, at which hearing the Board reviewed a DNR preliminary advisory report, received public comment on the preliminary survey report, adopted findings and issued a Preliminary Hearing Order.

8. In its Preliminary Hearing Order the Board:

- a. Directed the engineer to make a detailed survey with plans and specifications for the proposed drainage project and submit a detailed survey report.
- b. Directed the engineer to address comments of the DNR commissioner, and evaluate whether changes to the proposed project are feasible to address concerns raised by the commissioner. If feasible, the engineer was directed include changes in the final project plans.
- c. Directed the engineer to continue to work through the processes contained in statutes section 103E.015 to ensure that environmental, land use, and multipurpose water management criteria are considered for inclusion in final project plans.
- d. Directed the engineer to continue to coordinate with the soil and water conservation district, county and USDA planning authorities about potential external sources of funding and technical assistance for environmental, land use, and multipurpose water management features or alternatives.
- e. Directed the engineer to request additional information about potential funding or technical assistance for environmental, land use, and multipurpose water management features or alternatives from the executive director of the Board of Water and Soil Resources.

9. During preparation of the final engineer's report, the engineer and drainage authority staff investigated whether any wetlands in the watershed would be impacted by the proposed improvement. Upon investigation, the Engineer concluded that no wetlands will be impacted by the improvement.

10. On June 19, 2018, the engineer filed its final engineer's report with the Board. Concurrent with the filing, the engineer provided a copy of the final engineer's report to the Commissioner of Natural Resources, through his designated hydrologist.

11. The engineer considered the effects of the proposed improvement on water quality; the effects of the proposed improvement on fish and wildlife resources; the effects of the proposed improvement on shallow groundwater

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availability, distribution, and use; and the overall environmental impact of the proposed improvement. Based on the engineer's analysis, the Board finds that the proposed improvement will not create any negative impact on water quality; fish and wildlife; or shallow groundwater.

12. The Commissioner of Natural Resources provided comments dated August 3, 2018. The comments were read during the final hearing.

13. The viewers completed and filed their Viewers' Reports of improvement benefits along with a benefits and damages statement (improvement reports) and also completed and filed their Viewers' Report of redetermined benefits along with a benefits and damages statement (redetermination reports) on or about August 9, 2018.

14. The Drainage Authority prepared Property Owners' Reports and mailed them to the owners of property identified in the viewers' reports.

15. Notice of the final hearing on the improvement and redetermination was provided by publication, posting, and mail as required by statute.

16. Evidence of all actions in this matter, including preliminary orders, appointments, oaths, affidavits of mailing, publication and posting as well as hearing agendas and presentation materials are present in the record of proceedings and are incorporated herein by reference.

17. The viewers were made available to meet with individual property owners for the purpose of addressing individual concerns and to gain better information regarding the unique features, if any, of an individual property.

18. The Final Hearing was held at 9:00 a.m. on Wednesday, October 24, 2018, at the Bremer Bank Community Office, 202 W Johnson Ave, Warren, Minnesota. In attendance were Managers Nelson, Mischel, Peterson and Kovar. Manager Blawat was absent.

19. At the hearing, the engineer presented the final engineer's report and details of the project, including its analysis of the necessity and feasibility of the proposed improvement in light of the environmental and land use criteria contained in statute.

20. The engineer performed hydraulic modeling of the drainage system watershed and outlet downstream of the drainage system to determine the impact of the project on the outlet of the system. Based on the modeling, the engineer concluded that the outlet was adequate to convey any increased flows from the project, that with inclusion of the pond at the system outlet the rate and volume of water discharged from the project would be reduced, and that any residual increase in downstream flows were not damaging to adjacent property or the outlet channel. Both the DNR and Board of Water and Soil Resources concurred in these conclusions.

21. The engineer evaluated the need for the improvement by analyzing the current hydraulic efficiency of the system and comparing it to the USDA recommended drainage efficiency. The engineer concluded that the

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current system is operating at less than recommended efficiency. The proposed project will bring the system to the recommended hydraulic efficiency.

22. The engineer concluded that the improvement could be constructed within the area contemplated and included in the original proceedings to establish CD 175 and that no additional right of way damages were required. The engineer determined a temporary damage area for the spreading and leveling of spoils from the improvement.

23. The viewers appeared and presented amended improvement and redetermination reports based on landowner meetings. The viewers further provided detail of the viewing process and the information used by the viewers to: (1) verify the boundary of the watershed of the Ditch; (2) verify and confirm the existence of drainage benefit; and (3) determine the economic benefit to lands deriving a drainage benefit from both the construction of the original drainage system (redetermination of benefits) and the proposed improvement (determination of improvement benefits and damages).

24. Members of the public attended the hearing and asked questions or made comments regarding the project or determination of benefits. Comments received were as follows:

**Greg Stocker:** Appeared and commented regarding his disagreement with the viewing process. Mr. Stocker states that he owns property at the outlet end of the system and believes that a viewing process that assigns benefits based on distance required to carry benefitting water is more appropriate. The viewers responded by reiterating the process they use to determine benefits. The attorney outlined the requirements of statutes section 103E.315 regarding the basis of benefits and offered his opinion that the viewers performed their benefits determinations in a manner consistent with the statute. The attorney also commented on legislative proposals to modify options for benefits determinations that might address Mr. Stocker's concerns.

**Ron Vasek:** Appears and commented expressing his support for the project.

25. The Board and its staff addressed comments during the hearing and no substantive comments requiring formal response were recorded.

26. Following public comment, the Board closed the public comment portion of the proceedings. After deliberation, Manager Peterson moved, seconded by Manager Mischel to:

- a. establish and order the improvement of Polk County Ditch (CD) 175;
- b. confirm and adopt the viewers' determination of improvement benefits and damages;
- c. confirm and adopt the viewers' redetermination of pre-improvement benefits; and
- d. recess the hearing to the Board's regular meeting on November 5, 2018 at 10:00 at the Watershed District office in Warren, MN, and direct staff to

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prepare an order for the Board's consideration at the continued hearing that is consistent with the proceedings, the evidence presented and the actions previously stated.

The motion passed with all in favor and Manager Kovar abstaining.

Findings Specific to the Determination of Improvement Benefits and Damages:

27. The viewers reviewed all property within the drainage area of the proposed improvement to determine the improvement benefits and damages.

28. To determine the economic benefit to lands deriving a drainage benefit from the proposed improvement, the viewers conducted a condition comparison comparing the current efficiency of the drainage system with the improvement efficiency. The viewers used this comparison in determining the increased market value of the properties receiving a direct drainage benefit.

29. Based on their detailed observations, the viewers determined benefit classifications, classified acres and assigned economic benefit on a per acre basis.

30. The viewers determined that some acres within the watershed of the proposed improvement, i.e. existing wetlands and non-contributing basins, received no benefit from the proposed improvement.

31. The viewers accounted for the efficiency of the drainage system, as designed, and the proximity of lands to and the elevations of lands above the ditch.

32. The viewers determined the amount of economic benefit to property benefited immediately by the proposed improvement, or for property for which the proposed improvement can become an outlet for drainage, make an outlet more accessible, or otherwise directly benefit the property.

33. The viewers determined economic benefits based on: (1) an increase in the current market value of the property as a result of constructing the project; (2) an increase in the potential for agricultural production as a result of constructing the project; or (3) an increased value of the property as a result of a potential different land use.

34. Within the watershed of the drainage system, the viewers determined outlet benefits on property that is responsible for increased drainage system maintenance, or increased drainage system capacity because the natural drainage on the property has been altered or modified to accelerate the drainage of water from the property.

35. Among other considerations, the viewers considered yield, crop prices, rental rates, land sales and conservation program payment rates in making their determination of value.

36. The viewers determined road benefits based on accelerated drainage

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from road surfaces and based on the reduced cost of road maintenance and construction because the ditch provides an outlet for drainage from the road and adjacent road ditches.

37. The viewers determined damages for the areas required to spread and level spoils from the improvement.

38. The viewers prepared a report which describes how the improvement benefits and damages were determined ("Benefits and Damages Statement") which is attached and included as part of **Attachment A** of these findings.

39. The viewers determined improvement benefits of \$1,288,554.09. The viewers determined improvement damages of \$7,368.00.

Findings Specific to the Redetermination of Benefits:

40. The Board confirms its prior determination that the areas benefitted by the original construction of CD 175 have changed and that land values have changed.

41. The viewers reviewed all property within the drainage area of the drainage system during their redetermination of benefits.

42. To determine the economic benefit to lands deriving a drainage benefit from the drainage system, the viewers conducted a condition comparison comparing the expected, pre-ditch and post-ditch conditions of the watershed. The viewers used this comparison in determining the increased market value of the properties receiving a drainage benefit.

43. Based on their detailed observations, the viewers determined benefit classifications, classified acres and assigned economic benefit on a per acre basis.

44. The viewers accounted for the efficiency of the drainage system, as designed, and the proximity of lands to and the elevations of lands above the ditch.

45. The viewers applied an economic analysis using sales and income approaches to determine the increased value to each classification acre based on the drainage benefit provided by the drainage system.

46. The viewers determined the amount of economic benefit to property benefitted immediately by the drainage system, or for property for which the drainage system can become an outlet for drainage, make an outlet more accessible, or otherwise directly benefit the property.

47. The viewers determined economic benefits based on: (1) an increase in the current market value of the property as a result of constructing the drainage system; (2) an increase in the potential for agricultural production as a result of constructing the drainage system; or (3) an increased value of the property as a result of a potential different land use.



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48. Within the watershed of the drainage system, the viewers determined outlet benefits on property that is responsible for increased drainage system maintenance, or increased drainage system capacity because the natural drainage on the property has been altered or modified to accelerate the drainage of water from the property.

49. The viewers determined road benefits based on accelerated drainage from road surfaces and based on the reduced cost of road maintenance and construction because the ditch provides an outlet for drainage from the road and adjacent road ditches.

50. The viewers prepared a report which describes how the redetermined benefits were determined ("Benefits and Damages Statement") which is attached and included as part of **Attachment B** of these findings.

51. The viewers redetermined total, net benefits for CD 175, prior to improvement are \$5,525,243.12.

Improvement Costs:

52. The engineer's estimate of the cost of construction of the improvement is \$834,162.00.

53. The total improvement benefits (\$1,288,554.09) exceed the improvement cost (\$834,162.00) plus damages (\$7,368.00).

Costs of Proceedings:

54. The viewers kept an accurate account of all time engaged in viewing and examination; the nature and kind of work performed; the days each viewer was engaged in said work; the amount charged per day by each viewer; and every item of expense incurred by the viewers in said work.

55. The engineer kept an accurate account of all time engaged in analysis and preparation of reports and every item of expense incurred by the engineer in said work.

56. The Board's attorney kept an accurate account of all time engaged in assisting the Board in the proceedings and every item of expense incurred by the county attorney in said work.

57. The viewers', engineer's, and attorney's accounts of work have been filed with the Board.

General Findings:

58. The detailed survey report and viewers' reports have been made and other proceedings have been completed as required by Minnesota Statutes, chapter 103E.

59. All reports made or amended in these proceedings are complete and correct.

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60. The benefits for CD 175 have been properly redetermined.
61. The damages and benefits for the improvement of CD 175 have been properly determined.
62. The improvement benefits are greater than the total, estimated improvement cost.
63. The proposed improvement of CD 175 will be of public utility and benefit, and will promote the public health and welfare.
64. The proposed improvement of CD 175 is practicable.
65. As part of its review, the engineer presented alternatives to the improvement requested in the petition. The Board, having considered those alternatives as well as the County's Water Plan and the Board's own Watershed Management Plan, finds that the proposed project is consistent with each of the plans and presents the best alternative considering private and public benefits; the costs of the proposed project; conservation, allocation, and use of drainage waters for agriculture, stream flow augmentation, or other beneficial uses; reduction of downstream peak flows and flooding; drainage system capacity requirements; reduction of erosion and sedimentation; and protection or improvement of water quality.
66. As part of the evaluation of alternatives, the Board considered whether any external programs or resources could be applied to an alternative in order to achieve additional benefits within the proposed improvement. This project has been awarded fiscal year 2018 Clean Water Fund Competitive Grant in the amount of \$144,000 for the construction of field side water inlets and an erosion control berm. These features are authorized for inclusion in the project. The Board encourages private landowners to consider implementing additional best management practices on their own property to the extent those practices might be beneficial to the function of the drainage system.
67. The proposed improvement is consistent with the present and anticipated land use within project area and is consistent with the County's land use ordinance. The proposed improvement will further the public health benefits created by the original ditch establishment and will improve the public health by reducing flood and other deleterious conditions within the drainage area of the project.
68. The engineer evaluated the current and potential flooding characteristics of property within project area and evaluated the downstream outlet of the proposed improvement. The evaluation included consideration of 5-, 10-, 25-, and 50-year run-off events. Based on the engineer's analysis, the Board finds that the proposed improvement will not increase flood potential and will provide relief from flood conditions within the project area. The Board further finds that the outlet is adequate for the proposed improvement.
69. Based on the record and findings herein, the Board finds that proper

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consideration of conservation of soil, water, wetlands, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters as provided by law has been made in determining that the proposed improvement will be of public utility, benefit and welfare.

70. Based on the foregoing findings, the Board enters the following:

Order:

A. The Middle-Snake-Tamarac Rivers Watershed District Board of Managers, Drainage Authority for the improvement of Polk County Ditch 175, hereby establishes and orders said improvement according to the project as described in the final engineer's report.

B. Further, the Board directs the engineer to prepare detailed plans and specifications and other necessary documents to allow for bidding on the project.

C. Further, the Board directs its administrator, in conjunction with the Polk County Auditor, to take all necessary actions for the construction of said improvement and authorizes the administrator to proceed as necessary, reserving to itself only those matters that the Board, by vote, must authorize.

D. Upon completion of the project, the drainage system record shall be updated with the as-built alignment and conditions of the improvement.

E. The viewers' determination of improvement benefits and damages contained in the viewers' report dated August 9, 2018 (See **Attachment A** of these findings) and the benefits and damages statement are hereby confirmed and adopted by the Drainage Authority.

F. The viewers' redetermination of benefits contained in the viewers' report dated August 9, 2018 (See **Attachment B**), and the benefits and damages statement are hereby confirmed and adopted by the Drainage Authority.

G. From **Attachments A and B**, the viewers are directed to prepare consolidated rolls for use by the auditor for extending assessments for the improvement and for extending assessments for future maintenance against all lands benefited by CD 175.

H. The viewers, engineer, and attorneys are allowed payment of their accounts of work.

I. The Auditor, upon receipt of consolidated rolls from the viewers as referenced above shall ensure that the benefits roll is updated to reflect the redetermination of benefits for future costs on the drainage system.

J. The Board reserves to itself, by future order, the decision to bond for the proposed improvement and to determine the term and other conditions of assessment for the proposed improvement and the separable maintenance portion of costs.

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After discussion, the Board President called the question. The question was on the adoption of the foregoing final findings and order, and there were 3 yeas and 0 nays, with Manager Kovar abstained.

Upon vote, the President declared the motion passed.

Motion by Mr. Brad Blawat, seconded by Mr. Bill Petersen the Hearing on the Petition of Kovar and Others for the Improvement and Redetermination of Benefits of Polk County Ditch #175 be closed. Motion carried, with Mr. Robert Kovar abstaining.

The Hearing was closed at approximately 10:07 a.m.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat the regular meeting be reconvened. Motion unanimously carried. The regular meeting resumed at approximately 10:07 a.m.

Manager Mr. Robert Kovar left the meeting at approximately 10:07 a.m.

Dillon Nelson, HDR Engineering, informed the Board that NTI completed the soil borings on the Newfolden/Middle River Project. He stated 17 borings were performed on two sites, and the data is being analyzed. He also reported, HDR Engineering is in the process of updating the hydraulics and hydrology modeling on the project.

Nick Pribula and Larry Murphy left the meeting at approximately 10:15 a.m.

Tony Nordby gave a presentation to update the Board on the Nelson Slough flood damage reduction strategy the Watershed District is proposing for submittal to the DNR as part of the RCPP JD #19 watershed planning effort. He stated the current Operation and Maintenance Plan (dated 1971) has a normal pool operation of 1102.3' which is the height of the fixed lower concrete weir and it appears, under the current operating plan, during large rainfall events the water elevation bounces several feet and the duration of time it takes to drawdown to normal pool elevation is significant enough to question the current normal pool operation. The proposal is currently being assembled and will be distributed to the DNR within the next few weeks.

Administrator Praska stated the District received an amendment to the Contract with the Minnesota Pollution Control Agency, to extend the contract expiration date on the Snake-Middle River WRAPS, to December 31, 2019.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat the Chairman be authorized to execute the amendment to the Contract on the Snake-Middle River WRAPS, with the Minnesota Pollution Control Agency, extending the expiration date to December 31, 2019. Motion unanimously carried.

Administrator Praska informed the Board the License to Use and Occupy the 40 acre building site at the Agassiz Valley Water Resource Management Project is set to expire at the end of the year. He also reported Sheila Hoerner, President of the Agassiz Audubon, has requested to be added to the November 19, 2019 board meeting agenda.

Administrator Praska reported the South entrance door of the Office is in need of replacement. It was the consensus of the Board that Administrator Praska get cost estimates to replace the door.

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Administrator Praska informed the Board, that five rental agreements, on the District properties, will expire December 31, 2018. He inquired if the Board wished to advertise the properties for rent. The Board requested this matter be added to the December 3, 2018 meeting agenda.

Administrator Praska reported he has been notified by the District's Insurance carrier, that a scheduling conference was held and a scheduling order has been issued in regards to the NELD Johnson Farms lawsuit; and there is no activity regarding the Zutz/Stengrim request.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat that Permit (18-116) of Mark Yutrzenka to install a N-S centerline culvert in the East ditch of CSAH #33, to go thru 290<sup>th</sup> St NW, at section corner 31/30 of Alma Township and 25/36 of Middle River Township, be denied based on the recommendation of the Marshall County Highway Department Engineer. Motion unanimously carried.

The following meetings were announced:

- November 19, 2018-Regular Meeting, 8:30 a.m., District Office
- November 19, 2018-Public Hearing on the Petition to Remove lands from  
the Benefited Area of PC #175-11:00 a.m., District Office
- November 19, 2018-Advisory Committee Meeting, 1:30 p.m., Bremer Bank
- December 3, 2018- Regular Meeting, 8:30 a.m., District Office

By unanimous consent, the meeting was adjourned at approximately 11:07 a.m.

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Connie Kujawa  
Recording Secretary

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Roger Mischel  
Secretary