

**APPROVED**  
(as corrected Nov 17, 2008)  
**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. OCTOBER 27, 2008**

The meeting was called to order by President Doug Sorenson. Managers Alvin Nybladh, John W Nelson, Doug Sorenson, Loren Zutz, and Elden Elseth were present. Nick Drees, Connie Kalinowski, Danny Omdahl, Jeff Hane, Don Buckhout, Brian Dwight, Ernest Pribula, Curtis Carlson and Wallace Diedrich were also present.

Wallace Diedrich recorded the meeting with two recorders.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh, that Connie Kalinowski be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion carried, with Mr. Loren Zutz and Mr. Elden Elseth voting no.

Mr. Elden Elseth requested that the Eugene Larson dike be added to agenda item #8 (Permits) as item #11.

Motion by Mr. John W Nelson, seconded by Mr. Loren Zutz that the agenda be amended to add Eugene Larson to agenda item #8 (Permits), item #11. Motion unanimously carried.

Mr. Ben Kleinwachter joined the meeting at approximately 4:10 p.m.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson that the minutes of the September 22, 2008 meeting be approved as corrected. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz to exclude the payment of check #1614, to Holte Contracting, until further discussion. A roll call of votes was taken, with Mr. Elden Elseth and Mr. Loren Zutz voting in favor of, and Mr. Arlyn Stroble, Mr. Alvin Nybladh and Mr. Ben Kleinwachter voting no, and Mr. John W Nelson abstaining. Motion failed.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz to exclude payment of check #1616 to Rinke Noonan, from the payment of bills, and vote on said check separately. Motion failed.

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Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the following bills be paid: from the Administrative funds: that payroll checks numbered 4764 through 4775 inclusive for a total of \$14,611.95; and checks numbered 13929 through 13958 inclusive, including the service charge for a total of \$16,009.43; from the Project funds that check numbered 1535, and checks numbered 1602-1616 inclusive, and check #1617 for a total of \$1,008,804.05; and from the Ditch Funds that checks numbered 2279 through 2282 inclusive for a total of \$9,596.25 be paid. Motion carried, with Mr. Elden Elseth and Mr. Loren Zutz voting no.

Ernest Pribula addressed the Board on his dissatisfaction of the farmstead ring dike constructed on his property in the SW4 of section 7 of Northland Township.

After discussion, it was agreed that the Managers would view the ring dike and address the issue at next month's meeting.

Ernest Pribula left the meeting at approximately 5:17 p.m.

Don Buckhout, of the Minnesota Board of Soil and Water Resources, presented possible candidates to serve as facilitators to address the internal conflict issues plaguing the Board and to initiate a strategic planning process.

He stated that one conflict of the Board is the lawsuits among Board members and staff, which makes it difficult for discussions and debates.

Motion by Mr. Arlyn Stroble, seconded by Mr. Ben Kleinwachter to invite the possible candidates to serve as facilitators from Hamline University and the University of North Dakota to attend the next regular meeting of the Board and present a short presentation, without cost to the District. Motion unanimously carried.

Motion by Mr. Elden Elseth, seconded by Mr. Ben Kleinwachter that the individuals meet with the Board on a different date other than the regular board meeting. Motion failed.

Motion by Mr. John W Nelson, seconded by Mr. Elden Elseth that the individuals be invited to meet with the Board at 3:00 p.m., on November 17, 2008, at the District office, and if they are unable to attend, they provide alternate dates for the Board to consider. Motion unanimously carried.

Mr. Loren Zutz wished to amend the motion to remove providing alternate dates. Motion died for lack of second.

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Brian Dwight, Minnesota Board of Soil & Water Resources, discussed the advantages and disadvantages of using an internal facilitator for preparing the Districts Overall Plan.

Motion by Mr. Loren Zutz, seconded by Mr. John W Nelson that the District accept the proposal furnished by Nate Dalager of HDR Engineering to provide facilitator services in preparing the Districts Overall Plan, and that he facilitate every meeting. Motion unanimously carried.

Don Buckhout and Brian Dwight left the meeting at approximately 7:10 p.m.

Motion by Mr. Arlyn Stroble, seconded by Mr. Elden Elseth that the following permit be approved:

1. Permit (08-050) to David Nelson to install a field crossing on the east side of the township road with a 30" culvert, ¼ mile north of the SW4 SW4 of section 5 of Warrenton Township.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Arlyn Stroble that the following permit be approved:

2. Permit (08-051) to Leif Aakre to remove a 15" culvert and replace with a 24" culvert that drains into Judicial Ditch #29, Lateral 2, in the SW4 SE4 of section 26 of Fork Township.

Motion unanimously carried.

Motion by Mr. Loren Zutz, seconded by Mr. Elden Elseth that the following permit be approved:

3. Permit (08-052) to Enbridge Energy to install a crossing with a 30" culvert north of MCSAH #2, situated on the West side of the Viking Pumping Station, in the SE4 of section 28 of Viking Township.

Motion unanimously carried.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the following permit be approved:

4. Permit (08-053) to Kevin Sundby to remove a 24" culvert, and to install a 18" culvert, 1' lower, that drains into Judicial Ditch #29, Main, in the NW4 NE4 of section 23 of Parker Township.

Motion unanimously carried.

Motion by Mr. Arlyn Stroble that the permit (08-054) request of Lane Loeslie be denied. Motion failed.

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Motion by Mr. Elden Elseth, seconded by Mr. Ben Kleinwachter that the following permit be issued:

5. Permit (08-054) to Lane Loeslie to remove a 24" culvert and replace with an 18" culvert, with the District to set the height, and to widen the crossing in the NE4 NE4 of section 28 of Comstock Township.

Motion carried, with Mr. Arlyn Stroble opposing.

Mr. Elden Elseth wished to amend the motion to include the option of installing a trap. Motion failed.

Motion by Mr. Elden Elseth, seconded by Mr. Ben Kleinwachter that the permit (08-054) to Lane Loeslie state that a trap be installed. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the following permit be approved:

6. Permit (08-055) to Wilbert McGregor to extend permit (07-069) to move an 18" centerline culvert on the township road, approximately 14' south to the section line, in the SE4 SE4, of section 7 of Comstock Township, with the elevation to be determined by the District.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Arlyn Stroble that the following permit be approved:

7. Permit (08-056) to Bloomer Township replace a 36" culvert with 36" culvert and to lower the culvert to a grade established by the District, on the south side of MCSAH #19; to replace (2) 48" RCP's on the coulee, under the township road, with (2) 48" culverts, all in the NW4 NW4 of section 26 of Bloomer Township.

Motion unanimously carried.

Motion by Mr. Loren Zutz, seconded by Mr. Elden Elseth that the following permit be approved:

8. Permit (08-057) to Jim Potucek to extend permit (07-039) to lower a 29" x 42" CSPA in the North ditch of CSAH #14, at section corners 1 & 6 on the McCrea-Comstock Township line, provided a permit is obtained from the Marshall County Highway Department.

Motion unanimously carried.

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Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the following permit be issued:

9. Permit (08-058) to Jim Potucek to extend permit (06-026) to install an 18" culvert thru an existing field crossing on the ½ mile line of the SE4 NE4 of section 18 of McCrea Township with the conditions that (1) the ditch to the south be cleaned, and (2) that the downstream landowner sign the permit application.

Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. Arlyn Stroble that the following permit be issued:

10. Permit (08-059) to Elden and Robert Elseth to extend permit (06-080) to replace (2) 24" and (2) 30" culverts with (1) 36" and (1) 42" arch pipe or with culverts of equivalent capacity under the driveway, in the SW4 of section 19 of McCrea Township.

Motion carried, with Mr. Elden Elseth abstaining.

A discussion was held concerning the past permit application regarding the proposed dike of Mr. Eugene Larson.

Danny Omdahl was directed to correspond with Mr. Larson.

Nick Drees reported that the District is in the process of inventorying the grass strips on the legal drainage ditches of the District; that approximately 1 mile of 6 miles of Judicial Ditch #29 has been cleaned; that Vega Township has agreed to a 1/3, 2/3 cost share to repair a scour hole on Judicial Ditch #16; and that the Knute driveway on Judicial Ditch #75 has been completed; and that grant funds could be available to assist the District and Marshall County in scanning ditch records.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the District apply for a BWSR challenge grant to modernize ditch records with Marshall County. Motion unanimously carried.

A discussion was held concerning the township road elevation adjacent to Judicial Ditch #75 in two locations. Nick Drees was directed to pursue this matter with the townships.

Nick Drees reported on the condition of County Ditch #39, north of Oslo.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson, that Nick Drees be authorized to clean approximately 500', and repair the bank on County Ditch #39. Motion unanimously carried.

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Nick Drees reported that he has been contacted by Higdem Township to verify that the assessment has been paid by the landowner to utilize drainage into the Judicial Ditch #68 ditch system.

Nick Drees reported that the Agassiz Valley Water Resource Management Project contract is approximately 80% complete.

A discussion was held concerning the outlet structure on the Agassiz Valley Water Resource Management Project.

Nick Drees reported that a 1' curb has been constructed on the inlet weir into the PL-566 Off Channel Storage Site impoundment and that only dormant seeding remains on the Wetmore site; and that Wilbert McGregor is interested in selling the District a strip of land, north of the railroad tracks, for access to the east side of the Snake River.

It was the consensus of the Board that Nick Drees discuss with Wilbert McGregor the possibility of purchasing the entire parcel of approximately 13 acres of land.

Nick Drees reported that the Myron Larson farmstead ring dike has been completed, with seeding remaining; and that part of the Travis Bushaw ring dike is a township road, that continues to have a soft spot approximately 50' in length.

Correspondence was distributed from the Minnesota Association of Watershed District concerning the 38<sup>th</sup> Annual Meeting; from Don Buckhout regarding funding of the Districts Overall Plan and the search for a facilitator; and from Jim Stengrim regarding a complaint of unprofessional and unethical conduct by MSTRWD personnel.

Motion by Mr. Loren Zutz, seconded by Mr. Elden Elseth that Mr. Alvin Nybladh and Mr. John W Nelson be appointed the District's delegates and that Mr. Ben Kleinwachter be appointed the District's alternate for the 2008 MAWD Annual meeting scheduled for December 4 – December 6, 2008. Motion unanimously carried.

Nick Drees reported on the Red River Watershed Management Board meeting held on October 21, 2008, at the Warren City Office. He stated that the Board of Soil and Water Resources is requesting funds from the Red River Watershed Management Board to assist in the cost of a facilitator for the District.

Nick Drees reported that the United States Geological Survey staff gage located on the Cook Bridge will be moved to the Morkassel Bridge, and that funding for the gage moving and maintenance is requested.

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Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the District request funding from the Red River Watershed Management Board for ½ the local cost of maintaining the USGS staff gage. Motion unanimously carried.

Mr. Loren Zutz questioned if the Board had any comments regarding the letter from Jim Stengrim regarding the proposed unprofessional and unethical conduct of a District employee.

Jeff Hane, stated that if the Board was to take disciplinary action, it would need to be done in closed session, unless, the employee wished the meeting be kept open and that a motion would need to be made to amend the agenda to include the disciplinary action or the Board could add it to the next regular meeting agenda.

A motion by Mr. John W Nelson to continue with the agenda and not address the disciplinary issue died for lack of a second.

A discussion ensued on the responsibility of the District's Administrator relating to staff authority and the District's policy on recording,

Mr. Loren Zutz wished to entertain a motion that Mr. Doug Sorenson step down as Chairman. No action was taken.

Jeff Hane was directed to review Minnesota Statutes regarding the recording issues.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the complaint of Jim Stengrim be addressed by the District Administrator and that he give a report to the Board at the next regular meeting and respond to Mr. Stengrim's correspondence. Motion unanimously carried.

Attorney, Jeff Hane, stated that he has nothing to report on the suit filed by Managers Loren Zutz and Elden Elseth against Managers John W Nelson and Arlyn Stroble and staff; that the Agassiz Valley Water Resource Management suit with Jim Stengrim filed in the Court of Appeals has been scheduled to be heard on November 20<sup>th</sup> in Stearns County; that the PL-566 Riley case is pending and the trial date has been continued to May 2009; and that the court decision on the Drewes, Inc. case, regarding Angus/Oslo #4 is under advisement.

Attorney, Jeff Hane, reported that a draft Joint Powers Agreement with the Red Lake Watershed District regarding Project 60 is being prepared, and suggested that a Joint Powers Board be formed.

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Mr. Doug Sorenson stated that he will not be attending the January or February board meetings.

Nick Drees reported on the Snake River TMDL meeting and that the PL-566 Project has been submitted to the Minnesota Association of Watershed Districts for the Project of the Year award.

The Board reviewed the 2007 Advisory Committee mailing list. No additions or deletions were offered.

Mr. Elden Elseth stated that he wished to have the Eminent Domain sub-committee meet. He was directed to get the information to the District's Administrator.

The Advisory Committee meeting is scheduled for November 17, 2008, at 1:00 p.m., at the Bremer Bank in Warren, and the regular board meeting is scheduled for November 17, 2008, at 3:00 p.m., at the District office.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at 10:11 p.m.

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Connie Kalinowski  
Recording Secretary

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Ben Kleinwachter  
Secretary