



## APPROVED (October 15, 2012)

3. Permit (12-130) Darrell Novacek to install a 24" culvert and field crossing on the West line; and to install an 18" culvert and crossing on South line, Sec 24, Angus Township. (Motion by Marvin Hedlund, seconded John W Nelson)

Darrel Novacek and Tom Osowski left the meeting at approximately 4:32 p.m.

4. Permit (12-129) to Jesse Ortiz to install a crossing with a culvert, NW SW, Sec 6, Brandt Township. (Motion Ben Kleinwachter, seconded Marvin Hedlund)
5. Permit (12-131) to Chad Anvinson to install 155 acres drain tile; gravity outlet in NW corner into JD #1, thru 15" pipe to an 18" CSP with trap; 4" higher than ditch bottom, NE4, Sec 2, Esther Township. (Motion John W Nelson, seconded David Bakke)
6. Permit (12-132) to Chad Anvinson to install 150 acres drain tile; 7.5 HP (1,320 GPM) VFD pump in NW corner to drain into township road to a 30" CL culvert, NE4, Sec 26, Higdem Township. (Motion John W Nelson, seconded Doug Sorenson)
7. Permit (12-133) to Lind Brothers Farm to install 80 acres field drain tile; 5 HP (1,150GPM) VFD pump in NW corner, S2 NW4, Sec 15, Higdem Township. (Motion John W Nelson, seconded Marvin Hedlund)
8. Permit (12-137) to Mark Judovsky to remove a 48" culvert and install (2) 36" culverts; install a crossing with (2) 36" culverts, 900' N of existing crossing, NW4, Sec 2, Tabor Township. (Motion Ben Kleinwachter, seconded David Bakke)
9. Permit (12-079) Jarod Peterson (to amend) to add 165 acres drain tile to existing acres; lengthen the amount of 18" tile, N2 and SE4, Sec 19, Brislet Township. (Motion John W Nelson, seconded Ben Kleinwachter)

The Board took no action on the following permits and they will remain tabled:

10. Permit (12-114) of Kenneth Borowicz to install a new crossing with a 18" pipe and trap, South side of SE4, Sec 17, Wanger Township. This permit was tabled until adjacent landowners are notified.
11. Permit (12-115) of Ernest Pribula to fill in low areas with 5" to 6" dirt in MN Trunk Hwy #220 and Polk CSAH #22 north ditches, S of Pribula farmyard, SW SW, Sec 7, Northland Township. This permit was tabled until a survey is conducted and furnished to the Board for review. Mark Yutrzenka left the meeting at approximately 4:28 p.m.

The following permit was unanimously denied:

12. Permit (12-122) of Brian Jadeke to use water from the Agassiz Valley pond to irrigate 2-3 quarters, with 10" of water per quarter, SE4 of Sec 2 and N2 of Sec 11, McCrea Strip Township. Permit was denied due to lack of detail and necessary information.

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No action was taken on the following permits due to lack of required signatures:

13. Permit (12-123) of Brian Jadeke to flatten the township road backslope, SE4, Sec 14, Helgeland Township.
14. Permit (12-124) of Brian Jadeke to flatten the township road backslope, NE4, Sec 23, Helgeland Township.
15. Permit (12-125) of Brian Jadeke to flatten the township road backslope, SW4, Sec 24, Helgeland Township.

The following permits were Administratively Approved:

16. Permit (12-134) Angus Township to lengthen an existing 24" township road centerline culvert, NW4, Sec 12, Angus Township.
17. Permit (12-135) Mark Judovsky to lengthen a 24" field crossing culvert on West line and lengthen a 24" field crossing culvert on South line, Sec 2, Tabor Township.
18. Permit (12-136) Mark Judovsky to lengthen a 15" field crossing culvert, East line of SE4, Sec 34; lengthen an 18" crossing culvert on West line of SW4, Sec 35, Farley Township.

Heidi Hughes updated the Board on the bird sightings and the Agassiz Audubon Sanctuary Open House. A discussion was held concerning waterfowl hunting on the Agassiz Valley Water Resource Management Project.

It was the consensus of the Board to place a restriction that there shall be no hunting of waterfowl on the waters within the Agassiz Valley Water Resource Management Project for the 2013 hunting season and beyond.

Motion by Mr. Doug Sorenson, seconded by Mr. John W Nelson that the District draft a letter of interest with the Agassiz Audubon Sanctuary stating the District's intent to work together. Motion unanimously carried.

Heidi Hughes left the meeting at approximately 5:50 p.m.

Correspondence from the Red River Basin Commission regarding the 30<sup>th</sup> Annual Red River Basin International Summit Conference, scheduled for January 22-24, 2013, was distributed.

Nick Drees reported on the following:

1. Judicial Ditch #1- that the plans for the resloping works are being prepared by Houston Engineering;
2. Judicial Ditch #21- that the ditch is in need of tree removal.
3. Judicial Ditch #75-that brushing has been completed along the bridge
4. County Ditch #43 (Main Branch)-that the landowners East of Trunk Highway #75

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are interested in the resloping of the South Bank and the landowners West of the highway are not. It was the consensus of the Board to reslope the South bank, East of MN Trunk Highway #75.

Nick Drees reported that Polk County has been requested to install signs on a portion of 200<sup>th</sup> St NW, between 280<sup>th</sup> Ave NW and 270<sup>th</sup> Ave NW; and a portion of 270<sup>th</sup> NW, between 190<sup>th</sup> St NW, in Brislet Township; and it appears that the Minnesota Department of Natural Resources will be issuing an amended permit to clean the outlet of the Agassiz Valley Water Resource Management Project with the works to be completed in phases.

Jeff Hane reported that he has been contacted by the Minnesota State Attorney General's office regarding the mineral rights on 80 acres of WRP lands, in Section 19 of Brandt Township, on the Brandt/Angus Impoundment. He stated that even though the State never started the Forfeiture process for Mineral Interests prior to the District filing for a Quiet Title, he has been informed that the State of Minnesota is now going to file for a Forfeiture of Mineral Rights on the property. Jeff Hane stated he will continue to work with the NRCS regarding the WRP lands.

Nick Drees gave a brief update on the construction progress of the Brandt/Angus Impoundment and on the discussions held concerning the cost overrun.

It was the consensus of the Board to schedule a Special Meeting for 2:00 p.m., October 15, 2012 to tour the Brandt/Angus Impoundment and Channel Restoration Project.

LeRoy Vonasek left the meeting at approximately 7:10 p.m.

Nick Drees reported that the Burlington/Northern Sante Fe Railroad has denied the District's request for a crossing to access the Randy Engelstad property on PL-566.

Nick Drees informed the Board that the Red River Watershed Management Board will not be renewing their contract with the Public Information Officer.

Jeff Hane reported that Jim Stengrim has appealed the District Court's ruling to the Court of Appeals regarding the open meeting lawsuit he filed against the District.

Jeff Hane reported that it appears that Loren Zutz and Elden Elseth have also appealed the District Court's ruling to the Court of Appeals regarding the open meeting lawsuit they filed against the District and directed the managers to make a finding that the circumstances regarding the need to provide counsel for the managers have not changed since the Stengrim Open Meeting lawsuit was commenced, namely: 1) five of the managers have asked the District to select and provide counsel; 2) it is still in the public interest for the District to provide a defense to the managers, and 3); it is still a necessary expense of the managers in the performance of their official duties to participate in this lawsuit.

Motion by Mr. John W Nelson, seconded by Mr. Doug Sorenson that the Board authorizes the District to select counsel on the appeal for the five managers and pay bills of counsel which are reasonable and incurred in the performance of official duties. Motion unanimously carried.

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Motion by Mr. John W Nelson, seconded by Mr. David Bakke that the District has an interest (separate and in addition to the managers) in the litigation on appeal, and therefore the District counsel is directed and authorized to monitor the litigation and participate in the appeal as needed to the protect the District's interests. Motion unanimously carried.

The next regular meetings were scheduled for October 15, 2012 November 5, 2012, at 4:00 p.m., at the District office.

By unanimous consent the meeting was adjourned at approximately 7:32 p.m.

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Connie Kujawa  
Recording Secretary

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Marvin Hedlund  
Secretary