

October15(a)2018.min

APPROVED (as corrected Nov 5, 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. October 15, 2018**

The meeting was called to order by President John W Nelson. Managers John W Nelson, Bill Petersen, Brad Blawat, Robert Kovar and Roger Mischel were present. Joel Praska, Tony Nordby, Kyle Schlomann, Tyler Larson, Connie Kujawa, Rolland Miller , and Dillon Nelson were also present.

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

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that the minutes of the September 17, 2018 meeting be approved, as presented. Motion unanimously carried.

Motion by Mr. Roger Mischel, seconded by Mr. Brad Blawat that the minutes of the October 9, 2018 meeting be approved, as amended. Motion unanimously carried.

Lawrence Veralrud joined the meeting at approximately 9:00 a.m.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel, the following bills be paid: from the Administrative Funds, that payroll checks numbered 6262 through 6272 inclusive for a total of \$15,008.24; that checks numbered 18042 through 18073 inclusive, including ACH withdrawal and service charge for a total of \$20,016.42; from the Project funds that checks numbered 2945 through 2955 inclusive, for a total of \$98,825.31; and from the Ditch Funds that checks numbered 3230 through 3235 inclusive, including the service charge, for a total of \$9,606.22 be paid. Motion unanimously carried.

A discussion was held with Lawrence Veralrud on the regrading work done in the East township ditch, of 260th St NW and along the North ditch of 480th Ave NW, in Section 10 of Oak Park Township. Administrator Praska displayed photos of the regrading work in relation to the PKM poles. He stated he has been in communication with PKM and they do not have a mechanism in place to enforce Lawrence to replace the dirt. Lawrence stated he has been in contact with PKM and they are acceptable with him installing a pipe adjacent to each power pole. Lawrence stated he would like to install plastic pipes, to lessen the cost as compared to steel pipes. The Board granted Lawrence permission to install 18" steel culverts next to the PKM poles.

A discussion was then held on the request of Lawrence Veralrud to move and lower an existing 18" centerline culvert. The Board informed Lawrence to submit a permit application with the District, to move the 18" centerline culvert, approximately 30' to 50' East of the PKM pole.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that permit (18-106) to Lawrence Veralrud, (previously approved at the September 17, 2018 meeting), be revoked. Motion unanimously carried.

Lawrence Veralrud left the meeting at approximately 9:37 a.m.

APPROVED (as corrected Nov 5, 2018)

Motion by Mr. Brad Blawat, seconded by Mr. Bill Petersen to table the Permit (18-116) request of Mark Yutrzenka to install a N-S centerline culvert in the East ditch of CSAH #33, to go through 290th St NW, at the section corner of Sections 31/30 of Alma Township and Sections 25/36 of Middle River Township until Mr. Yutrzenka is available to address this matter with the Board and more information is obtained on the drainage area. Motion unanimously carried.

The following permit was unanimously approved:

Permit (18-118) to Mark McGregor to install a field crossing with an 18" culvert in the NE4, Section 23 of Helgeland Township. (Motion by Mr. Robert Kovar, seconded Mr. Roger Mischel).

Tony Nordby reported the Outlet Repair on Judicial Ditch #1 has neared completion with some seeding remaining and inquired if the District wished to have the area temporarily seeded to winter wheat this fall with the permanent seeding done in the spring. He stated the contract with Zavoral Construction could be closed if the sub-contractor will perform the seeding in the spring at the amount listed on the bid document. Tony also, presented a Certificate of Substantial Completion and a Request for partial payment, to Zavoral Construction, in the amount of \$180,632.13.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that the area in the vicinity of the Outlet repair of Judicial Ditch #1 be temporarily seeded; that Tony Nordby contact Berhow Seeding to discuss if the permanent seeding price as listed in the bid item submitted by Zavoral Construction will be honored in the spring of 2019; and if the seeding amount remains the same, the Contract with Zavoral Construction, be closed. If the seeding amount is not honored, then the Contract with Zavoral Construction will be suspended. Motion unanimously carried.

Administrator Praska reported the Outlet Repair of Judicial Ditch #1 consisted of the installation of 6 flapgates. He stated the District had 6 waterman flapgates that were reused and installed by Zavoral Construction, however, Zavoral Construction had previously ordered the flapgates and were not able to stop the shipment. He stated the Partial Payment to Zavoral Construction includes payment for the flapgates.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel that the Chairman be authorized to execute the Certificate of Substantial Completion and the Partial Payment to Zavoral Construction, in the amount of \$180,632.13. The unused flapgates are to be stored at the Omdahl Ridge Farm. Motion unanimously carried.

Administrator Praska reported Ernest Pribula has submitted a Petition to Remove Lands from the Benefited Area of County Ditch #175, in Section 7 of Northland Township. He stated he forwarded the Petition to Attorney Jeff Hane, for review, and Attorney Hane has confirmed the Petition is sufficient.

Motion by Mr. Roger Mischel, seconded by Mr. Bill Petersen, that the Petition of Ernest Pribula to Remove Lands from the Benefitted area of County Ditch #175 is hereby accepted; that Houston Engineering be directed to research the drainage in Section 7 of Northland Township; and the hearing on the Petition be scheduled for November 19, 2018, at 11:00 a.m., at the District office, with Notice of the Hearing be given as required by Statute. Motion carried, with Mr. Robert Kovar abstaining.

APPROVED (as corrected Nov 5, 2018)

Administrator Praska reported Lunke Inc., has begun the side inlet culvert work on State Ditch #3 and an additional 24" culvert will be installed at station 248+55, in the NW4 of Section 4 of Bloomer Township at a cost of \$1,005.00. He stated the Marshall County SWCD has amended the grant agreement to include the additional culvert, which changes the grant agreement from \$38,955.00 to \$40,000.00.

Tony Nordby presented a Partial Payment request for Lunke Inc., for the State Ditch #3 Side Water Inlet Pipe Repair, in the amount of \$33,597.02.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel, that payment be made to Lunke Inc, in the amount of \$33,597.02 and the Chairman be authorized to execute the amended Conservation Practice Assistance Contract with the Marshall County SWCD, for a total of \$40,000.00, for the Side Water Inlet Ripe Repair on State Ditch #3. Motion unanimously carried.

Administrator Praska informed the Board he has contacted the Helgeland Township Board of Supervisors requesting them to restore the South township road in section 36 of Helgeland Township. He stated Helgeland Township does not see a need to restore the road. The Board directed Administrator Praska to discuss this matter with Attorney John Kolb and request the Helgeland Township Board of Supervisors attend a Board meeting to discuss this matter.

A discussion was held on raising the spoil bank on the diversion ditch on the Angus Oslo #4 Impoundment, in the NE4 SW4 of Section 9 of Brandt Township, to help alleviate flooding of the George Owens farmstead.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat that the District solicit quotes for costs to raise the spoil bank on the Angus Oslo #4 diversion ditch, for approximately 1300', in the NE4 SW4, of Section 9, Brandt Township. Motion unanimously carried.

Administrator Praska reported Donovan Loeslie owns a bin site in Section 10 of Brandt Township and is in the process of being sold. He stated, he received word from Attorney Jeff Hane, that the right of entrance to the bin site was not deeded back to Donovan Loeslie and before the land can be sold an easement giving Donovan right of access is required.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar the Chairmen execute the Deed of Appurtenant Easement with Donavon Loeslie and Glorianne Loeslie, on approximately 2.77 acres, in Section 10 of Brandt Township. Motion unanimously carried.

The listing of Advisory Committee members was distributed and reviewed. Administrator Praska stated the 2018 Advisory Committee meeting is scheduled for November 19, 2018, at 1:30 p.m., at the Bremer Bank, in Warren, Minnesota.

Administrator Praska reported the Minnesota Association of Watershed District and the Red River Watershed Management Board are seeking support on a resolution to increase or remove the \$250,000.00 Administrative Levy limitation, that has been in effect since 2001.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat the District support the following resolution and the Chairman be authorized to execute the resolution:

APPROVED (as corrected Nov 5, 2018)
RESOLUTION
RECOMMENDATION FOR 2019
ADMINISTRATIVE LEVY
RRWMB LEGISLATIVE PRIORITY FROM THE
MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT

WHEREAS, Minnesota watershed district administrative levies are restricted to \$250,000 by 103D.905 Subd. 3; and

WHEREAS, Middle-Snake-Tamarac Rivers Watershed District Board Managers understand that the \$250,000 was legislatively enacted in 2001 and has not kept pace with the current needs and expectations placed on watershed district operations; and

WHEREAS, the ability to fulfill water management expectations of local, state and federal government regulations, as well as that of landowners in the District, are hampered by the outdated levy limit.

NOW, THEREFORE, BE IT RESOLVED, that the Middle-Snake-Tamarac Rivers Watershed District recognizes and supports the pursuit of legislation to increase or remove the \$250,000 administrative levy limit.

BE IT FURTHER RESOLVED that the Middle-Snake-Tamarac Rivers Watershed District supports the inclusion of an annual inflationary adjustment.

Motion unanimously carried.

Administrator Praska reported the Minnesota Association of Watershed District and the Red River Watershed Management Board are seeking support on a resolution that limits the amount of time a vacancy on the Board of Water and Soil Resources can remain open.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel the District support the following resolution and the Chairman be authorized to execute the resolution:

RESOLUTION
RECOMMENDATION FOR 2019
BOARD OF SOIL AND WATER RESOURCES VACANCIES
RRWMB LEGISLATIVE PRIORITY FROM THE
MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED

WHEREAS, the Governor has been given the statutory authority to appoint members to the Board of Water and Soil Resources; and

WHEREAS, when board member vacancies occur, there is no statute that limits the length of time the position may be left vacant – and vacant board positions equate to public underrepresentation; and

WHEREAS, when board member terms expire, under Minn. 15.075 Subd. 2 successors need not be appointed and qualified until July 1st, them permitting the expired board member to serve up to an additional six full months.

APPROVED (as corrected Nov 5, 2018)

NOW, THEREFORE, BE IT RESOLVED, that the Middle-Snake-Tamarac Rivers Watershed District supports the pursuit of legislation to requirement board member appointment within 90 days of a vacancy or board member term expiration.

Motion unanimously carried.

Administrator Praska reported the Minnesota Association of Watershed District and the Red River Watershed Management Board are seeking support on a resolution to lift or increase the per diem rate paid to Managers serving on the District Board.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel the District support the following resolution and the Chairman be authorized to execute the resolution:

**RESOLUTION
RECOMMENDATION FOR 2019
BOARD MANAGER COMPENSATION
RRWMB LEGISLATIVE PRIORITY FROM THE
MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT**

WHEREAS, Board Manager compensation is restricted to \$75 per day by 103D.315 Subd. 8; and

WHEREAS, Middle-Snake-Tamarac Rivers Board Managers feel \$75 no longer reflects current pay standards, and does not represent fair compensation for the knowledge, skills, abilities, and effort provided by individuals serving in the highly-specialized public service of governing water quantity and quality; and

WHEREAS, the ability to recruit and retain willing individuals to fill Board Manager positions is hampered by the outdated compensation limit.

WHEREAS, the per diem has not been increased by the Minnesota Legislature since 2004; and

NOW, THEREFORE, BE IT RESOLVED, that the Middle-Snake-Tamarac Rivers Watershed District recognizes and supports the pursuit of legislation to lift and/or increase the \$75 per day statutory maximum, and supports the inclusion of an annual cost of living adjustment.

BE IT FURTHER RESOLVED that the Middle-Snake-Tamarac Rivers Watershed District supports legislative authority for Board Managers, as appointed by elected county boards of commissioners, to determine their own district per diem meeting/salary rates.

Motion unanimously carried.

Administrator Praska reported the Minnesota Association of Watershed District and the Red River Watershed Management Board are seeking support on a resolution that WMA Operation and Maintenance Plans of the Minnesota Department of Natural Resources are brought current or drafted with input from local governmental entities.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat the District support the following resolution and the Chairman be authorized to execute the resolution:

APPROVED (as corrected Nov 5, 2018)
RESOLUTION
RECOMMENDATION FOR 2019
STATE WILDLIFE MANAGEMENT AREA PLAN UPDATES
RRWMB LEGISLATIVE PRIORITY FROM THE
MIDDLE-SNAKE-TAMARAC RIVERS RIVER WATERSHED

WHEREAS, Minnesota's Wildlife Management Area (WMA) system started in 1951, when the State established its "Save the Wetlands" program to buy wetlands and other habitats from willing sellers to address the loss of wildlife habitat in the state and has evolved into the present-day system of WMAs; and

WHEREAS, today there are over 1.3 million acres of high-quality habitat in about 1,500 WMAs located throughout the state, making it one of the largest WMA systems in the country; and

WHEREAS, the Minnesota Department of Natural Resources is responsible for the management of these acres; and

WHEREAS, consistency of written operation and maintenance plans for individual WMAs vary considerably from no written plan to extremely dated plans; and

WHEREAS, the state of Minnesota has made watershed management plans a priority with the One Watershed One Plan (1W1P) initiative; and

WHEREAS, effective management, including interagency coordination of said management, of our natural resources is imperative to the health and wellbeing of the visitors and residents of the state,

NOW, THEREFORE, BE IT RESOLVED, that the Middle-Snake-Tamarac Rivers Watershed District supports the pursuit of whatever action necessary to ensure that WMA Operation and Maintenance Plans and/or Management Plans are either drafted or brought current, with input from local governmental entities, to ensure their consideration in future 1W1P efforts.

Motion unanimously carried.

Administrator Praska announced the Red River Watershed Management Board will be holding a meeting, October 24, 2018, at 10:00, at the Bremer Bank in Warren, to discuss alternative financing, and the regular meeting of the Red River Watershed Management Board will be held at 9:30 a.m., October 16, 2018, at the Roseau River Watershed District, in Roseau, Minnesota.

Connie Kujawa reported that former manager, David Bakke, stopped by the office, and Administrator Praska presented him with the plaque thanking him for his years of service as a MSTRWD Board Manager.

In other business, Tony Nordby reported that he, Administrator Praska and Manager Bill Petersen had a meeting on October 4, 2018, with representatives from the Minnesota Department of Natural Resources to discuss their wiliness to alter the Operation and Maintenance Plan of the Nelson Slough. He stated he is currently working on a proposal to submit to the DNR that will aid both parties in the operation of Nelson Slough. Mr. Nordby expects to have the proposal ready to present to the Board at the next meeting.

The following meetings were announced:

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October 24, 2018-CD #175 Public Hearing, 9:00 a.m., Bremer Bank
November 5, 2018-Regular Meeting, 8:30 a.m., District Office
November 19, 2018-Regular Meeting, 8:30 a.m., District Office

By unanimous consent, the meeting was adjourned at approximately 11:43 a.m.

Connie Kujawa
Recording Secretary

Roger Mischel
Secretary