

October21(a)2019.min

APPROVED (Nov 4, 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. October 21, 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, Rachel Miller, Shawn Groven, Mike Rosendahl, Steve Klopp, David Bieniski, Gunnar Bowman, Blake Owens, George Owens, Ron Magnuson, David Nelson, Dillon Nelson, Karen Olson, Ron Kmecik, Paul Novacek and Ron Novacek were also present.

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

Motion by Mr. David Bakke, seconded by Mr. Brad Blawat that the minutes of the October 7, 2019 meeting be approved, as presented. Motion unanimously carried.

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: payroll checks numbered 6395-6405 for a total of \$16,427.51, checks numbered 18402-18429 inclusive, including the service charge and ACH withdrawal, for a total of \$17,321.55; from the Project Funds: checks numbered 3054-3065 inclusive for a total of \$72,218.81; and from Ditch Funds: checks numbered 3316-3320 inclusive, including the service charge, for a total \$31,037.26. Motion unanimously carried.

Administrator Praska reported on the flooding conditions occurring at the residence of Karen Olson in the SW4, Section 25 of Alma Township. He stated the District staff viewed the area and it appears a dike was constructed along field side of the CSAH #1 ditch in the SE4 of Section 26, Alma Township, impeding the flow of water from the East/West centerline culvert under CSAH #1. He stated District staff reviewed records and the dike is unpermitted. He stated he contacted, David Bieniski, a member of the landowner's family, in Section 26 of Alma Township. A trench was cut in the dike, to natural ground, allow water to exit Section 25 of Alma Township, to the natural ground level in Section 26. The Board informed Karen Olson it is the District's position to address the unpermitted dike. The condition of the ditch and the centerline culvert under CSAH #1, are the responsibility of Marshall County Highway Department.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel that the District staff verify the cut in the dike is sufficient to the lowest point in Karen Olson's yard and the elevation of the cut be set by the Watershed Staff. Motion unanimously carried.

Karen Olson, Ron Kmecik, Ron Magnusson and David Bieniski left the meeting at approximately 9:30 a.m.

Steve Klopp, Karlstad, MN, stated he had Kraulik Excavating take elevation shots, in the vicinity of the DNR fire break constructed during the 2012 County 27 Fire, in Section 3 of Nelson Park

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Township, south of Karlstad. Administrator Praska stated Steve Klopp has presented the data to the District and inquired if the Board would allow the District Staff to put the data into an electronic survey map. Technician Schlomann informed the Board the District does not have the software to support the data provided by Steve Klopp to prepare the map and the map would need to be plotted by Houston Engineering or HDR Engineering.

Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat to expend up to \$400.00, in Administrative Funds, to Houston Engineering, to prepare a map using the data provided by Steve Klopp, and if the cost exceeds \$400.00 the remainder would be the responsibility of Steve Klopp. Motion unanimously carried.

Blake Owens stated he would like to see the Angus Oslo #4 exterior bypass ditch built up, from the SE4 NE4 to the tree line in Section 9 of Brandt Township and gates installed on the (2) 18" culverts on Judicial Ditch #25-2 in Section 9 of Brandt Township. A discussion was held on whether the dirt or material would be in a useable condition, due to the extreme wet conditions, to build up the existing bypass ditch dike. After discussion, it was the Consensus of the Board, to not perform any works on the Angus Oslo #4 exterior by-pass ditch this fall, but directed Administrator Praska to have a backhoe lined up to remove ice jams in the By-pass Ditch in the Spring of 2020.

Motion by Mr. Robert Kovar, seconded by Mr. David Bakke the District furnish (2) 18" flapgates to Blake Owens to be installed on the (2) 18" culverts on Judicial Ditch #25-2, in Section 9 of Brandt Township, with the installation costs to be paid by Blake Owens. Motion unanimously carried.

Manager David Bakke left the meeting at approximately 10:13 a.m.

Blake Owens and George Owens left the meeting at approximately 10:23 a.m.

The following permit was approved in "good faith" as Phase 1 of the Newfolden Project which means MN DOT needed approval of the permit for bid letting however the replacement of the bridge will be on hold until the status of the Newfolden Project is determined :

1. Permit (19-099) to the MN Dept of Transportation to replace bridge #9544 (2- 10' x 10' box culverts) with a new bridge #45X20 (1-16' x 10' box culvert in between 2-10' x 10' box culverts) where US Highway 59 crosses the Middle River in the City of Newfolden. (Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen).

Rachel Miller, MN DOT Projects Manager, reported after the last board meeting, she discussed with MN DOT management, the 4-36" x 48' CSP field entrance culverts, at the intersection of MN Trunk Hwy #220 and Judicial Ditch #1, located on State Right-of-Way. She stated MN DOT is responsible for replacing the culverts.

A discussion was held with Paul Novacek concerning his request to install an 18" centerline culvert through CR #267 for direct and dedicated outlet for tiled drainage into CD #2 in the SW4 SW4 of Section 23, Northland Township. The Board requested Paul Novacek provide elevations for the pump.

2. Permit (19-103) to Paul Novacek to install a field entrance with an 18" culvert on the North side of CR #267, in the SW4, Section 23, Northland Township; and to TABLE the request to

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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. (Motion by Mr. Robert Kovar, seconded Mr. Roger Mischel).

The following permits were unanimously approved:

3. Permit (19-104) to Paul Novacek to remove and replace a 18" field entrance culvert to the South 53-acre parcel in the NW4, Section 23, Northland Township and to clean the East CSAH #62 road ditch to the road ditch grade going North to WD #6, *contingent upon Eugene Dauksavage signing the permit application and approval is granted by Polk County.* (Motion by Mr. Brad Blawat, seconded by Mr. Bill Petersen).

4. Permit (19-105) to Paul Novacek to remove and replace an 18" RCP field entrance culvert, provided an 18" trap is installed on the South end, and to clean the East CSAH #66 ditch and the North CR #267 road ditch, to ditch grade from the field crossing going South and then East to the existing centerline culvert through CR #267, SW4, Section 23, Northland Township. *This permit is contingent upon approval from Polk County.* (Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel).

Ron Novacek and Paul Novacek left the meeting at approximately 11:10 a.m.

The following permits were unanimously denied:

5. Permit (19-109) Mike Rosendahl to install a centerline culvert through 210th St NW, to drain high water from WD #4 into Warren Diversion Ditch, NE4, Section 12, Boxville Township, *due to the fact (2) highwater culverts are already in place on the East side of MN Trunk Highway #75 and this permit is redundant to Permit (19-108).* (Motion by Mr. Robert Kovar, seconded Mr. Brad Blawat).

6. Permit (19-106) Lorraine Bieniski requesting an After the Fact Permit to erect a levee along the West CSAH #1 ditch in the SE4 of Section 26, Alma Township. *This permit was denied until Marshall County can provide a plan.* (Motion by Mr. Bill Petersen, seconded Mr. Robert Kovar).

7. Permit (19-107) Lorraine Bieniski to install a 12" culvert through an existing levee along the West CSAH # ditch in the SE4 of Section 26, Alma Township. *Permit was denied as the District does not approve the installation of 12" culverts.* (Motion by Mr. Robert Kovar, seconded Mr. Brad Blawat).

The following permit was unanimously tabled:

8. 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 reviews the request and a makes a recommendation on the size and elevation of the culvert.* (Motion by Mr. Bill Petersen, seconded Mr. Roger Mischel).

Administrator Praska reported:

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- the Notices of the Hearing to Add Lands to the Benefited Area of Judicial Ditch #1, scheduled for November 4, 2019, at 10:00 a.m., at the District Office, have been mailed and published as required by MN Statute.
- the Notices of the Hearing to Add Lands to the Benefited Area of Judicial Ditch #21, scheduled for November 4, 2019, at 11:00 a.m., at the District Office, have been mailed and published as required by MN Statute.

Administrator Praska stated the erosion control measures on the Repair of Polk County Ditch #175 have not been completed and the riprapping, leveling of the dirt/clay piles, and flap gates on the side inlet culverts have also not been completed. He stated the seeding will have to wait until next year.

Motion by Mr. Brad Blawat, seconded by Mr. Bill Petersen, Administrator Praska be directed send a letter to Breidenbach Excavating, and cc a copy to Pribula Engineering demanding the erosion control measures are in place by December 1, 2019 and are in compliance with MPCA requirements; the side inlet traps are installed; the riprapping is completed; the clay/dirt piles are leveled and the spillways are at the designed elevation and if the above mentioned items are not in compliance by December 1, 2019, the penalty for not meeting the completion date will be assessed and will be retroactive. Motion carried, with Mr. Robert Kovar abstaining.

Manager Mr. Robert Kovar reported it appears the flapgates on Judicial Ditch #75 in sections 3, 4, 5, and 6 Northland Township are leaking. Technician Danny Omdahl stated the east 1 of the 2, 36" flapgates in the NE4 section 3 in Northland, is out of repair.

Administrator Praska reported Erwin Stobbe is still concerned with the erosion that occurred in his field in Section 36 of Helgeland Township. At a previous meeting, the Board suggested the landowner/renter scrape field dirt up to raise the field side ditch slope. Mr. Stobbe has informed Administrator Praska that he will not perform the suggested work and that he will attend the November 4, 2019 board meeting to address this matter.

Technician Omdahl reported he inspected lands, in Section 31 and 32 of Numedal Township, along the Judicial Ditch #25-2 system and he believes the installation of a side inlet culvert with a trap, in the SE4 of Section 31 and in the SW4 of Section 32, and fixing the leaking flap gates could alleviate the reoccurring issue of water overtopping the road in section 10/11 of Brandt Township. The Board directed Technician Omdahl to work with Philip Olson in pursuing the installation of a side inlet culvert with a trap and discuss the condition of the leaking flap gates with Jeff Monroe.

Administrator Praska reported roadside sloughing has occurred on Judicial Ditch #29, Lateral 2, in Section 31 and 32 of Tamarac Township. He stated last year, the District cost shared with Tamarac Township to repair the sloughing that occurred in a different location and the Township has inquired if the District will cost share again to repair this latest slough. It was the Consensus of the Board to defer this matter until the extent of the slough can be determined.

Administrator Praska reported all the Impoundments are full and the automatic spillways are engaged. He stated the District will be taking an aggressive approach to reduce the impoundment water levels once levels in the Snake River and the Legal ditches have receded enough to handle the water.

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Dillon Nelson reported a meeting is scheduled with the Canadian Pacific Railroad, in St. Paul, on November 14, 2019 at 1:00 p.m., to discuss the Newfolden Project. Administrator Praska and Manager Petersen will be attending.

Tony Nordby reported he received a response from John Williams, DNR Regional Wildlife Manager, in regard to the meeting held, September 19th, to discuss the maintenance plan of the Nelson Slough. He stated he is hoping to schedule another meeting with the DNR, in November.

Engineer, Tony Nordby, presented a Project Memorandum on the Judicial Ditch #14 RCPP and Judicial Ditch #19 RCPP Projects. The Memorandum outlined options the District could choose for the remainder of the RCPP studies. Option 1- would be to stop and closeout the Current RCPP effort; Option 2-Finish Hydraulic and Hydrology modeling of additional alternatives; Option 3-Develop a Locally Supported/Permittable plan (includes Option 2); Option 4-Complete RCPP Study (includes Option 3). The Board directed Engineer, Tony Nordby, to proceed with Option 3.

Engineer, Tony Nordby, reported he received a response from the US Army Corps of Engineers on the Draft Concurrence Point #3, submitted on the Swift Coulee Project. He stated a Project Team meeting should be scheduled to review the response, however, with the late harvest, it is difficult to schedule a meeting anytime soon.

Administrator Praska reported a data practice request has been received and a response has been forwarded.

Administrator Praska reported he attended the Marshall County Commissioner meeting on October 15, 2019 and gave them an update on the current water levels and the status of the impoundments.

Dean Danielski stated he has seen numerous tile pumps pumping tile water from fields that have been harvested. He inquired how the District is enforcing "no pumping" during flooding events. Administrator Praska reported if the Staff receives a complaint or observes a tile pump running, efforts are made to contact the landowner requesting them to shut off the pumps. He stated according to the Rules and Regulations of the District, any violation of a permit, could result in no additional permits being issued to that individual. He stated this will be a subject that will be addressed at the Advisory meeting scheduled for November 18, 2019, at the Bremer Bank, in Warren, Minnesota.

Administrator Praska stated some works proposed to be completed this year will be postponed to next year due to the extreme wet conditions. These include: cleaning the NW4 section 4 Bloomer Township 24" inlet culvert on State Ditch #3; raising the SW corner bypass ditch's dike on the Angus Oslo #4 impoundment; regrading the north inlet channel inside of Brandt/Angus Impoundment; and repairing the slough on the Snake River in the vicinity of the March Impoundment.

Manager Mr. Roger Mischel reported the Red River Management Board is moving forward in the development of their Strategic Plan.

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Administrator Praska reported he has received word that Pribula Engineering completed the road slope toe survey, in regard to the NELD Lawsuit, in Section 14 and 15 of Sandsville Township. The surveyed line will serve as a new Judicial Ditch #1 easement boundary.

Administrator Praska reported due to the extreme rainfall events this fall, some employees may reach the limit of Compensatory Time that is allowed in a calendar year, and it could be possible that overtime will need to be paid out.

A brief discussion was held on the bridge located at section corner 32/33 of Sandsville Township and a bridge at sections 5/4 of Northland Township. The options discussed were raising the levee on the North and South side of Judicial Ditch #75 or demand the Township or County raise the bridge. Engineer, Tony Nordby stated he is in the process of reviewing the plans and hydraulics of Judicial Ditch #75, in the vicinity of bridge, to determine if the ditch is functioning as designed.

The following meetings were announced:

November 4, 2019-Regular Meeting-8:30 a.m., District Office
November 4, 2019-JD #1-Petition Hearing-10:00 a.m., District Office
November 4, 2019-JD #21-Petition Hearing-11:00 a.m., District Office
November 18, 2019-Regular Meeting-8:30 a.m., District Office
November 18, 2019-Advisory Meeting-1:30 p.m., Bremer Bank

By unanimous consent, the meeting was adjourned at approximately 1:17 p.m.

Connie Kujawa
Recording Secretary

Roger Mischel
Secretary