

APPROVED (October 6, 2014)
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. SEPTEMBER 15, 2014

The meeting was called to order by President Ben Kleinwachter. Managers David Bakke, Marvin Hedlund, John W Nelson, Jim Jubie, Ben Kleinwachter, Tom Neibauer and Roger Hille were present. Ron Sorvig, Nick Drees, Heidi Hughes, Ron Adrian, Tony Nordby, Brian Murphy, Mary Reiersen and Lisa Hams were also present.

In the absence of Connie Kujawa, Ron Sorvig assumed the duties of recording secretary.

Motion by Mr. Tom Neibauer, seconded by Mr. Marvin Hedlund to approve the agenda, as amended, with the addition of additional Administrator powers and Red River Watershed Management Board Member to #8 Managers. Motion unanimously carried.

Motion by Mr. Roger Hille, seconded by Mr. David Bakke that the minutes of the September 2, 2014 meeting be approved, as corrected. Motion unanimously carried.

Rolland Miller joined the meeting at approximately 4:10 p.m.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. John W Nelson, seconded by Mr. Tom Neibauer that the following bills be paid: from the Administrative Funds that payroll checks numbered 5701 through 5713 inclusive for a total of \$14,937.22; that checks numbered 16306 through 16341 inclusive, including the service charge, for a total of \$21,417.48; from the Project funds that checks numbered 2404 through 2414 inclusive, for a total of \$38,957.07; and from the Ditch Funds that checks numbered 2775 through 2782 inclusive, for a total of \$33,156.16 be paid. Motion unanimously carried.

Nate Dalager joined the meeting at approximately 4:20 p.m.

Danny Omdahl reported:

1. Judicial Ditch #1-he discussed the proposed resloping of the ditch with a representative from Sandsville Township from MN Trunk Hwy #220, east to County Road #66. Sandsville Township preferred sloping to 4:1 on field side and variable sloping on the road side. A discussion was held on delaying the contracted work west of MN Trunk Hwy #220, at the request of a landowner. It was the consensus of the Board to proceed with the work this year.
2. Judicial Ditch #15, Branch B-waiting for quotes from contractors to repair the erosion on Branch B. Easements have been prepared and mailed to the landowners. He also reported that FEMA has inspected the site.
3. Judicial Ditch #15-the petition of Jill Hall to be removed from the benefitted area will be addressed at the next regular meeting pending finalization of the Judicial Ditch #14 Redetermination of Benefits proceedings.
4. That parts of Judicial Ditch #14 has been surveyed for sediment; County Ditch #175 has not been surveyed; 1 ½ miles of Judicial Ditch #17 has been surveyed and Judicial Ditch #24 will be surveyed upon the removal of the crops.

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5. Judicial Ditch #16-a letter was sent to Warrenton Township informing them of the costs to repair the sloughing issues and no response has been received.
6. Judicial Ditch #20, Branch A- Jim Vansickle has inquired if ditch funds could be used in the installation of a culvert thru MN Hwy #75 and the BNSF Railroad. Attorney, Jeff Hane stated ditch funds could not be used for this and stated that Jim Vansickle could expend his own funds to jack the culvert through the highway and railroad or he could petition the district to be removed from the benefitted area of Judicial Ditch #20. It was the consensus of the Board that Danny Omdahl be directed to send a letter to Jim Vansickle.

Danny Omdahl distributed the permit guidelines of the District and inquired if the Board would grant the Administrator the authority to issue permits for the following: 1) to install culvert(s) in open swales, (2) to relocate a crossing so long as the hydrology of the ditch or waterway is not altered, (3) that a culvert smaller than 15" be increased to an 18" culvert.

Motion by Mr. Roger Hille, seconded by Mr. Marvin Hedlund that the permit guidelines of the District be revised as follows:

**PERMIT GUIDELINES
OF THE
MIDDLE SNAKE TAMARAC RIVERS WATERSHED DISTRICT**

WHEREAS, the Board of Managers desires to respond to permit requests in a timely manner, and

WHEREAS, the District staff requires sufficient time to evaluate permit requests, and

WHEREAS, specific types of permit requests do not require consideration by the Board of Managers and may be approved by the District Administrator.

THEREFORE BE IT RESOLVED that the following PERMIT GUIDELINES shall be approved by the Board of Managers:

1. All permit requests shall be submitted to the District on forms provided
2. Permit requests shall be received a minimum of 3 working days before the next regular scheduled meeting. Permits will considered by the Board only after District staff/engineer have had an opportunity to fully evaluate the request and provide the Board with a recommended course of action. Staff evaluation of the permit request shall include affected landowners, affected agencies, and frequency design of a drainage system.
3. The District Administrator is authorized to approve the following permits:
 - a. Emergency repairs requested by a Governmental Agency when public safety is a factor;
 - b. Replacement of culverts with the same size, elevation, and location;
 - c. Lengthening of an in-place culvert; and
 - d. Requests from other Governmental Agencies (township, city, state) that include hydraulic analysis performed by a Registered Engineer.
 - e. Culverts may be installed in open swales. Said installation will be guided by using the District's existing drainage chart.

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- f. A crossing may be relocated upon the condition that the hydrology in a ditch or waterway will not be altered.
 - g. A culvert that is smaller than an 18" can be increased in size to an 18", which is the District's preferred minimum size.
4. All permits approved by the District Administrator shall be included in the numbered list of permit requests presented at the next scheduled meeting as well as subsequent minutes and noted as approved by the District Administrator.

Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Tom Neibauer that Mr. John W Nelson be appointed the alternate to the Red River Watershed Management Board. Motion unanimously carried.

Motion by Mr. Tom Neibauer, seconded by Mr. John W Nelson that Mr. David Bakke replace Mr. Alvin Nybladh on the Tamarac Rivers Project Work Team. Motion unanimously carried.

No action was taken on the following permits:

1. (14-065) Joe Bienek to install 127 acres field drain tile; 3/8" coefficient; 100' spacing; 7.5 VFD (1100 GPM) pump located in SW corner draining into East township road ditch; clean sediment from the east township road ditch along the SW4 and clean a stretch of the north township road ditch in SE4 SE4 of section 33, Wright Township, pending adjacent landowner signs the application for the ditch cleaning.
2. (14-101) of Jerry Pribula to install 159 acres drain tile; lift station with (2) 5 HP (1,600 GPM) pumps; 3/8" coefficient; 50' spacing; install (6) surface drains draining into south ditch of PC #175, NW4, section 8, Northland Township.

The following permits were unanimously approved:

1. (14-109) to Ken L Johnson to lengthen a culvert 60', west line of NW4 NW4; remove a 16" culvert and replace with an 18" culvert and lengthen the 18" culvert by 60', W2, section 12, Vega Township. (Motion by Mr. Roger Hille, seconded Mr. John W Nelson)
2. (14-110) to Ken L Johnson to move the North field crossing North and lengthen an 18" culvert to 60', West line of NW4 NW4; to clean ditch to .045 grade; to lower South crossing to grade and widen to 60', W2, section 12, Vega Township. (Motion by Mr. Roger Hille, seconded by Mr. John W Nelson)

Dave Lind joined the meeting at approximately 4:47 p.m. and discussed delaying the resloping Judicial Ditch #1, West of Minnesota Trunk Highway #220.

Dave Lind left the meeting at approximately 5:02 p.m.

3. (14-113) to Ken L Johnson to install 312 acres drain tile; 3/8" coefficient, 35' spacing, (2) 10 HP (1,100 GPM) VFD pumps outletting thru 12" disconnect pipe thru township road into CD #3. (1) pump in SW4 corner SE4, (1) pump in SW4 of SW4, S2 of section 36, Bloomer Township, provided Houston Engineering and District staff set the height of the outlet. (Motion by Mr. John W Nelson, seconded Mr. Marvin Hedlund)
4. (14-111) to Ken L Johnson to remove the North field crossing; clean ditch to a .045 grade; move South field crossing to SW corner; replace 24" culvert with 24" culvert and

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lower culvert to match grade and widen crossing to 60', SW4 of section 19, Bloomer Township. (Motion by Mr. David Bakke, seconded by Mr. John W Nelson)

5. (14-114) to Ken L Johnson to install 300 acres drain tile; 3/8" coefficient; 35' spacing; (2) 10 HP (1,100 GPM) VFD pumps outletting to North Cty #19 road ditch; (1 pump in SW SE, (2) pump in SW SW, S2 of section 19, Bloomer Township. (Motion by Mr. Roger Hille, seconded by Mr. Tom Neibauer)
6. (14-112) to Ken L Johnson to install 18 acres drain tile; 3/8" coefficient; 25' spacing to gravity drain, outletting to pond; SE4 SE4, section 14, Big Woods Township. (Motion by Mr. Roger Hille, seconded by Mr. John W Nelson)
7. (14-115) to Ken L Johnson to install 71 acres drain tile; 3/8" coefficient; 35' spacing thru gravity outlet into 12" pipe thru County Ditch #3 spoil; N2 NE4, section 5, Warrenton Township. (Motion by Mr. Roger Hille, seconded by Mr. Marvin Hedlund)
8. (14-116) to Ken L Johnson to install 145 acres drain tile; 3/8" coefficient, 35' spacing; 7.5 HP (1,000 GPM) VFD pump outletting to West Cty #17 road ditch; NW4, section 34, Big Woods Township. (Motion Mr. Roger Hille, seconded Mr. Marvin Hedlund)
9. (14-117) to Dean Peterson to install field crossing with 18" culvert, ~1600' South of section corner 22/23 27/28; to install dry crossing North of NPR RR, E2, section 27, McCrea Township. (Motion by Mr. Marvin Hedlund, seconded Mr. David Bakke)
10. (14-121) to Bill Szczepanski to install 320 acres drain tile; 3/8" coefficient; 100' & 50' spacing, outletting to pump in SW corner SW4; 10 HP (1,500 GPM) VFD pump; SW4 and W2 of NE4 and W2 SE4, section 23, Wanger Township. (Motion by Mr. Roger Hille, seconded by Mr. Tom Neibauer)
11. (14-122) to Barrett Szczepanski to install 320 acres drain tile; 3/8" coefficient; 100' spacing draining to 10 HP (1500 GPM) VFD pump on quarter line of NW4; N2, section 12, Wanger Township. (Motion by Mr. David Bakke, seconded by Mr. Jim Jubie)
12. (14-124) to Jarod Peterson to install a crossing with 36" culvert, NW4, section 36, Brislet Township, provided he notifies the Township. (Motion by Mr. Roger Hille, seconded by Mr. Tom Neibauer)
13. (14-125) to Robert Kris Moody to install a trap on East end of 18" culvert under driveway, NE4, section 10, Huntley Township. (Motion by Mr. Roger Hille, seconded by Mr. Tom Neibauer)
14. (14-126) to Blake Szczepanski to install 200 acres drain tile in N2 N2 and SE4 NW4; 3/8" coefficient; 100' spacing to 7.5 HP VFD pump in NW corner; NW4, section 33, Nelson Park Township. (Motion by Mr. Marvin Hedlund, seconded by Mr. Roger Hille)

The following permit was denied:

15. (14-071) Alen Szczepanski to construct a dike along N side of an un-named coulee, NW4, section 26, Wanger Township. (Motion by Mr. Roger Hille, seconded by Mr. Tom Neibauer)

The following permit was tabled due to lack of information:

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16. (14-119) Robert Wesolowski to install a culvert (size TBD) under CSAH #38 between NW4 of section 5 and NE4 of section 6; NW4, Viking Township. (Motion by Mr. Roger Hille, seconded by Mr. David Bakke)

The following permits were Administratively approved and reviewed:

17. (14-118) to Dean Peterson to install a southerly flow 24" culvert into N Polk CSAH #57 ditch, SW4 SE4, section 23, Brislet Township.
18. (14-123) to Norden Township to remove a 36" field crossing CSP and replace with a 36" CDP, same grade and location; JD #15 Br E, ½ mile, Section 16, Norden Township.
19. (14-127) to Andrew Skaar to replace 40' x 36" culvert with a 36" culvert with aprons under field crossing, same elevation, JD #14 Br E, SW4, section 16, Brislet Township.

Heidi Hughes reported on the birding trail, the kiosk project with the Warren/Alvarado/Oslo school and the pollinator garden. She reported that the US Fish and Wildlife Service have agreed to fund works with the Agassiz Audubon for vegetation removal at the site of the pollinator garden.

Attorney Jeff Hane joined the meeting at approximately 5:56 p.m.

Nick Drees reported:

1. On the Flood Damage Reduction work group and Pine to Prairie meeting held in Detroit Lakes
2. Discussed the Green Meadow Project;
3. That the contract with the Minnesota Department of Transportation has not arrived in regards to the flooding and transportation in Oslo;
4. That the Tamarac Project Work Team meeting held in August furthered works towards the problems and need statement;
5. That a potential impoundment within the Judicial Ditch #14 system has been discussed

By unanimous consent, the meeting was recessed, at approximately 6:08 p.m., to reconvene the recessed hearing on the Redetermination of Benefits of Judicial Ditch #14. Danny Omdahl, Lisa M Hams, Mary Reiersen, Don Dyrdal, Nate Dalager, Jeff Hane, Marvin Hedlund, Roger Hille, Jim Jubie, Tom Neibauer, Ben Kleinwachter, David Bakke, John W Nelson, Ron Sorvig and Rolland Miller were present. The hearing was recorded.

The Board reviewed the Findings and Order drafted by Attorney, John Kolb.

After review, President Mr. Ben Kleinwachter called for a roll call vote to affirm the Board's position on the adoption of the Finding and Order accepting the Viewers' Reports and Adopting the Redetermined Benefits; and Deferring acquisition of the grass buffer areas in the matter of the Redetermination of Benefits of Judicial Ditch #14, consisting of 7 pages, as drafted by Attorney, John Kolb. Those voting Yea: David Bakke, Marvin Hedlund, Roger Hille, Ben Kleinwachter, Tom Neibauer and James Jubie. John W Nelson abstained.

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Motion by Mr. Roger Hille, seconded by Mr. Tom Neibauer that the hearing on the Redetermination of Benefits of Judicial Ditch #14 be adjourned. Motion unanimously carried.

The hearing was adjourned and the regular meeting reconvened at approximately 6:21 p.m.

It was announced that the Red River Watershed Management Board meeting is scheduled for September 16, 2014, at 9:30 a.m., at the Red Lake Watershed District.

Danny Omdahl reported that four applicants have applied for the Engineering Technician position. Roger Hille and Danny Omdahl will interview two candidates within the next two weeks.

Motion by Mr. John W Nelson, seconded by Mr. Jim Jubie that the District support the Minnesota Board of Soil and Water Resources grant request, with a 25% local match to inventory open swales of ditch systems and the potential seeding of grass strips. Motion unanimously carried.

It was the consensus of the Board to supply an 18" culvert to be installed on Chuck Steer property, in the NW corner of Section 2, Brandt Township, on the Angus Oslo #4 impoundment site, with the landowner to supply the dirt.

Jeff Hane reported that the Summary Judgment in the Zutz vs MSTRWD is scheduled to be heard on September 23, 2014, at 8:30 a.m.

Danny Omdahl reported that the Marshall County Auditor has inquired if the District would be interested in assisting funding of a Grant Writer. No action was taken pending further discussions with Marshall County on this matter.

A letter of support, received from the Minnesota Department of Natural Resources, for the development of a regional visitor center and birding trails was distributed.

The next regular meetings are scheduled for October 6, 2014 and October 20, 2014, at 4:00 p.m., at the District office. .

By unanimous consent, the meeting was adjourned at approximately 6:40 p.m.

Ron Sorvig
Recording Secretary

Marvin Hedlund
Secretary