

APPROVED (October 2, 2017 as corrected)
**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. September 18, 2017**

The meeting was called to order by President John W Nelson. Managers John W Nelson, Roger Mischel, David Bakke, Bill Petersen, Brad Blawat, Eric Johnson and Robert Kovar were present. Connie Kujawa, Tony Nordby, Kyle Schlomann, Danny Omdahl, Dillon Nelson, Nick Pribula, LeRoy Vonasek, Joel Praska, and Dean Danielski were also present.

Motion by Mr. David Bakke, seconded by Mr. Robert Kovar that the agenda be approved, as amended, with the addition of update on Jared Sands permit and AAS insurance. Motion unanimously carried.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat that the minutes of the September 5, 2017 meeting be approved, as presented. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Roger Mischel, seconded by Mr. Robert Kovar that the following bills be paid with the exception that administrative check #17620 for \$55.05 be voided, from the Administrative Funds that payroll checks numbered 6117 through 6126 inclusive for a total of \$13,189.83; that checks numbered 17589 through 17628 inclusive \$18,753.20; from the Project funds that checks numbered 2801 through 2817 inclusive, for a total of \$39,058.97; and from the Ditch Funds that checks numbered 3114 through and 3126 inclusive, including the service charge, for a total of \$63,354.55 be paid. Motion unanimously carried.

Lloyd Kasprick joined the meeting at approximately 8:47 a.m.

The following permits were unanimously approved:

1. Permit (17-089) to Dale Hammerlund to install 228 acres drain tile; 15 HP (1,612 GPM) VFD pump; 3/8" coefficient; 50' spacing, gravity outlet, provided there is a 3" vertical separation between the pump pipe and the underground road or spoil pipe, SE4 & S2 of NE4, Section 7, Vega Township. (Motion by Mr. Eric Johnson, seconded Mr. Bill Petersen)
2. Permit (17-090) to Kathy Barrett to install a driveway crossing with a 24" x 60' culvert, NE4 NW4, Section 33, Spruce Valley Township. (Motion by Eric Johnson, seconded Mr. Roger Mischel)
3. Permit (17-091) to Ryan Anderson to install a driveway crossing with an 18" culvert on the north side of CSAH #30, SE SW, Section 20, New Maine Township, provided approval is granted by Marshall County Highway Department. (Motion by Mr. David Bakke, seconded Mr. Brad Blawat)
4. Permit (17-092) to Mark Knutson to install 312 acres drain tile; 1/4" coefficient; 80' spacing; gravity outlet, NE4 of Section 21 and NW4 of Section 22, Marsh Grove Township. (Motion by Mr. David Bakke, seconded Mr. Roger Mischel)
5. Permit (17-093) to Mark Judovsky to install a binsite driveway crossing with (2) 36" culverts on the west line of the NW4, Section 2, Tabor Township. (Motion by Mr. Eric Johnson, seconded by Mr. Bill Petersen)

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6. Permit (17-094) to Cary Osowski to install 58 acres drain tile; 3/8" coefficient; 50' spacing; gravity outlet, NE4, Section 14, Oak Park Township. (Motion by Mr. Eric Johnson, seconded by Mr. Brad Blawat)
7. Permit (17-095) to Joel Osowski to install 153 acres drain tile; 3/8" coefficient; 50' spacing; 2-gravity outlets, NW4, Section 8, Big Woods Township. (Motion by Mr. David Bakke, seconded by Mr. Bill Petersen)

Kyle Schlomann reported he contacted the MPCA regarding the permit (17-083) of Jared Sands and the MPCA does not have any concerns or issues with the permit. He also contacted Jared Sands and informed him he could proceed with the installation of the drain tile in section 5 of Vega Township, provided the drain tile remains 50' away from the former dumpsite perimeter.

Tony Nordby reported that Zavoral Construction will begin the repair of Judicial Ditch #29 Main and Spruce Valley will begin the repair of Judicial Ditch #29 Laterals 1 and 2 this week.

Tony Nordby gave a brief progress update on Gladen Construction on the repair of Judicial Ditch #75. He reported the first two miles of dirt work have been completed and rock stabilization structures are being installed. He also requested the District authorize a partial payment for the works completed, in the amount of \$105,048.79 to Gladen Construction.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel that check #3127 be issued to Gladen Construction, in the amount of \$105,048.79, for pay request #1, for the works completed on Judicial Ditch #75. Motion unanimously carried.

Danny Omdahl reported that Mark Judovsky is proposing to install an 18" culvert with a flapgate at approximate station 733+50, to drain the SW corner of the SE4 of Section 34 Farley Township southerly into Judicial Ditch #75. He stated Mr. Judovsky has purchased the culvert and flapgate and he is requesting the District pay the installation costs as part of the Judicial Ditch #75 construction costs.

Motion by Mr. Eric Johnson, seconded by Mr. Bill Petersen that the District pay the installation costs of the 18" culvert with a flapgate in the SW corner of the SE4 of Section 34, Farley Township with Judicial Ditch #75 funds. Motion unanimously carried.

Danny Omdahl reported that Gowan Construction will be replacing the 47" x 71" arch culverts at station 378+28 and station 355+44 on Polk County Ditch #175 with the District paying for the culvert and installation at station 378+28 and Northland Township paying for the culvert and installation at station 355+44.

Tony Nordby reported the estimated cost to repair the eroded area at the outlet of Watershed Ditch # 7 Improvement, in Section 6 of Oak Park (Strip) Township would be around \$20,000.00. He stated he will submit the plan to the Marshall County SWCD to seek funding assistance for the installation of a 36" side inlet pipe.

Danny Omdahl reported he solicited quotes from four contractors, to clean the portion of Judicial Ditch #15 from station 89+05 to station 126+24, in sections 19 and 20 of New Solum Township and he received only one response.

Motion by Mr. Brad Blawat, seconded by Mr. Robert Kovar that the quote of Olson Construction TRF, Inc, of \$150.00 per hour, be accepted, to clean Judicial Ditch #15 from station 89+05 to station 126+24, in sections 19 and 20 of New Solum Township. Motion unanimously carried.

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Tony Nordby reported on the Judicial Ditch #1 sloughing activity on the south slope, near the Red River, in section 17 of Higdem Township. He stated it is hard to tell if the slough occurred due to seepage or from some other means. He suggested the District hire a contractor with a backhoe to remove a couple areas of the slough to determine if the slough is occurring due to seepage. It was the consensus of the Board, that Houston Engineering hire a backhoe to investigate the slough.

Tony Nordby stated he reviewed the construction plans of Judicial Ditch #1 to determine if the damaged flap gates, on Judicial Ditch #1, in the vicinity of MN Trunk Highway #220 are the responsibility of Judicial Ditch #1 or the Minnesota Department of Transportation (MNDOT). He stated the construction plans do not show the flapgates and in his opinion they are the responsibility of MNDOT.

Motion by Mr. Eric Johnson, seconded by Mr. Bill Petersen that the District purchase (4) flapgates, with the cost of the (4) flapgates not to exceed \$2,000.00, provided Jared Sands installs the flapgates on Judicial Ditch #1, in the vicinity of MN Trunk Highway #220. Motion unanimously carried.

Dillon Nelson, HDR Engineering, reported Olson Construction TRF, Inc, is finishing up the construction of the Confer Ring Dike. He also reported he secured 75% funding assistance. He stated the State will pay \$16,924.00 (50%); the RRWMB will pay \$8,462.00 (25%), and the Watershed District would be responsible for \$8,462.00 (25%) of the construction costs.

Attorney John Kolb joined the meeting at approximately 10:05 a.m.

Lloyd Kasprick addressed the Board to discuss raising the existing south levee on the coulee in Section 27 of Brandt Township and inquired if this could be done at Brandt/Angus Project expense. The Board directed Danny Omdahl to discuss the request of Lloyd Kasprick with the upstream landowner; to determine where the dirt would come from and to determine how much the spoil bank would need to be raised and report back to the Board.

Administrator Praska reported the Minnesota Audubon have sprayed the cattails at the Agassiz Valley Water Resource Management Project. District staff provided a list of mowing contractors to MN Audubon as they are seeking a contractor to mow the sprayed areas as part of the LCCMR grant.

The draft Buffer rule/ordinance prepared by Attorney John Kolb was distributed. Attorney Kolb stated the proposed rule/ordinance must be submitted to the Board of Soil and Water Resources by November 1, 2017, and that BWSR would have 45 days to review and respond to the proposed rule/ordinance. He also suggested the Board schedule a hearing date on the proposed rule/ordinance at the October 16th meeting of the Board. Chairman John W Nelson directed the Board to review the proposed rule/ordinance and forward any changes or comments to Administrator Praska and he would forward them to Attorney Kolb. Administrator Praska was directed to add this item to the October 16, 2017 board meeting agenda.

Administrator Praska reported the District is soliciting quotes for the repair of the March Property's 36" outlet culvert, in section 14 of Sandsville Township and they are due by September 20, 2017.

Tony Nordby reported he had a discussion with the Marshall County Engineer, Lon Aune, regarding Marshall County assisting with funding of the Swift Coulee/CD #3 project. He stated Lon Aune didn't think funding would be available but recommended he meet with the Marshall County Commissioners. Tony Nordby stated he is on the September 19th Marshall County Commissioner meeting at which time he will present the project to them.

Administrator Praska reported he participated in a Webinar on the Drainage database and permit database presented by Brian Fischer of Houston Engineering. He stated the Drainage Modernization

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grant funds would be a 1:1 cost share and the software would not be eligible for the grant funds. He also reported the deadline to apply for the Drainage Modernization Grant funds is October 2, 2017.

Administrator Praska reported he received two quotes to replace the side doors on the garage and the quonset at the Agassiz Audubon Sanctuary. He stated the quotes seemed high and he is seeking additional quotes.

Administrator Praska reported a data practice request has been received requesting the resumes of the applicants for the Administrator and Engineer Technician positions.

The Personnel Committee reported they would like the Board to consider re-advertising for the Engineer Technician position. They stated they received some good applications, however, they would like to see if there are others interested in the position. It was the consensus of the Board that the Engineer Technician position be re-advertised.

Connie Kujawa reported that the amended pay equity was submitted and that she received notification that the District is in compliance.

Motion by Mr. Roger Mischel, seconded by Mr. Bill Petersen that the regular meeting be recessed to prepare for the Hearing on the Preliminary Engineers Report on County Ditch #175, scheduled for 11:00 a.m. Motion unanimously carried.

The regular meeting was recessed at approximately 10:52 a.m.

Dean Danielski left the meeting at approximately 10:53 a.m.

Chairman Nelson opened the Hearing on the Preliminary Engineers Report on County Ditch #175, at 11:00 a.m., and announced the Hearing was being recorded.

All managers were present. Others present: Connie Kujawa, Joel Praska, LeRoy Vonasek, Tony Nordby, Duane Kovar, Jon Nelson, Brian Erickson, Steve Nelson, Jim Novak, Ron Vasek, Patrice Pribula, Kyle Schlomann, Nick Pribula, Attorney John Kolb and Nicole Bernd.

Attorney Kolb reviewed the purpose of the Preliminary Hearing and Connie Kujawa presented the affidavit of publication and affidavits of Mailings. Engineer Nick Pribula reviewed the Preliminary Engineers Report.

The Board provided comments on the report. Chairman John W Nelson then entertained comments from the public. After hearing testimony from the public the following resolutions were adopted:

Preliminary Hearing Order

The Board of Managers of the Middle-Snake-Tamarac Rivers Watershed District, sitting as Drainage Authority for Petition for Improvement of Polk County Ditch 175 (CD 175) met at 11:00 a.m. on September 18, 2017, at the Watershed District meeting room 453 N. McKinley St., Warren, MN 56762. The hearing was held according to Minnesota Statutes Section 103E.261. Having considered the preliminary engineer's report, the DNR's Preliminary Advisory Report and the comments and testimony received at hearing, Manager Bill moved, seconded by Manager Eric, for adoption of the following:

Findings:

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1. The Drainage Authority met at 11:00 a.m. on Monday, September 18, 2017 at the Watershed District office in Warren, for the preliminary hearing on the petition for improvement of CD 175.
2. The hearing was held according to Minnesota Statutes Section 103E.261.
3. The drainage authority's attorney presented the history of the proceedings through the preliminary hearing and summarized the requirements of the drainage code.
4. The hearing was noticed according to statute after filing of the preliminary engineer's report.
5. The drainage authority's attorney presented an examination of the petition to determine its sufficiency.
6. The drainage authority finds the following regarding the sufficiency of the petition:
 - a. The Board verified the signatures and ownership interests of the petitioners and finds that the petitioners are the owners of at least 12 of the 18 — 40-acre parcels that the proposed improvement passes over. As such, petitioners are at least 26 percent of the owners of the property affected by the proposed improvement; or the owners of at least 26 percent of the property area that the proposed improvement passes over. (103E.215)
 - b. The petition was filed with the Watershed District Board of Managers. The petition was properly filed with the Board of Managers to initiate improvement proceedings. For the purpose of a properly filed petition for improvement of a drainage system within the Watershed District, the Board of Managers composes the Drainage Authority for the improvement and, if the improvement is ordered and constructed, for all subsequent actions on the drainage system. (103D.625)
 - c. The petition properly designated the drainage system proposed to be improved by number and map description that identifies the drainage system; the petition alleges that the drainage system has insufficient capacity or needs enlarging to furnish sufficient capacity; the petition describes the improvement, including the names and addresses of owners of the 40-acre tracts or government lots and property that the improvement passes over; the petition alleges that the proposed improvement is necessary and will be of public utility and promote the public health; the petition contains an agreement by the petitioners that they will pay all costs and expenses that may be incurred if the improvement proceedings are dismissed; the petition alleges that the existing drainage system needs repair and further petitions the Board to consider separable maintenance when determining the allocation of costs of the improvement; and the petition was accompanied by cash bond from the petitioners of \$10,000, conditioned to pay the costs incurred if the proceedings are dismissed or a contract is not awarded to construct the drainage system proposed in the petition. (103E.215)
7. The preliminary engineer's report was read and reviewed by the drainage engineer.
8. CD 175 provides beneficial drainage to agricultural properties, public roadways, and other lands in portions of Esther and Northland Townships, Polk County, Minnesota.

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9. CD 175 is in need of repair. CD 175 has remained in service since its original construction. Besides minor repairs, no major repair has occurred since original construction. The open ditch experiencing more frequent out of bank flows, localized flooding and bank failure. Sediment and vegetation currently obstruct the flow of the ditch.
10. CD 175 is in need of improvement. Even in a repaired state, CD 175 is inadequate to support beneficial drainage for current farming and drainage practices. CD 175 has insufficient capacity and needs enlarging to furnish sufficient capacity. CD 175 does not meet current design criteria: the original construction of CD 175 was not deep enough to accommodate adequate drainage to much of the watershed it was intended to serve; and because the original construction did not anticipate the future demands on the drainage system, a construction design was implemented that is insufficient to carry the drainage demand from the contributing watershed.
11. The proposed improvements include: lowering the depth of the drainage system to accommodate current farming practices, tile outlets and improve drainage efficiency; increasing the length and lowering the existing culverts to accommodate improved flow; and construction of new side inlets where necessary to provide improved, buffered and stabilized inlets and to prevent erosion of soil into the system.
12. The preliminary engineer's report indicates that the capacity of the portion of CD 175 proposed to be improved is inadequate to convey the drainage demand being placed on the drainage system.
13. The proposed improvement includes a separable maintenance portion of cost as recommended by the engineer based on the current condition of CD 175.
14. A copy of the preliminary engineer's report was mailed to the Commissioner of Natural Resources as required by Minnesota Statutes Section 103E.255. By letter dated August 22, 2017, the commissioner provided comments (preliminary advisory report) on the preliminary engineer's report. The comments were read into the record.
15. A copy of the preliminary engineer's report was mailed to Board of Water and Soil Resources (BWSR). By letter dated August 31, 2017, BWSR's engineer provided comments on the preliminary engineer's report. The comments were not read into the record. However, the Drainage Authority notes these comments and the engineer has reviewed them.
16. A copy of the preliminary engineer's report was also provided to the Polk County SWCD, Polk County Environmental Services and the Polk County NRCS office to initiate coordination and investigation of potential external sources of funding to facilitate incorporation of environmental, land use, and multipurpose water management features or alternatives into the project as required by Minnesota Statutes Section 103E.015. As part of this process the engineer has identified external sources of funding to facilitate incorporation of environmental, land use, and multipurpose water management features or alternatives, including the West Polk County Soil and Water Conservation District Erosion Control and Water Management Program.
17. The Board invited comment from landowners present at the hearing.
18. Comments were received regarding the condition of the ditch and the need for the improvement.

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19. The proposed improvement of CD175 as petitioned and as addressed in the engineer's preliminary report, as amended, is feasible, necessary, will be of public benefit and promote public health.
20. The environmental and land use criteria in drainage code have been adequately considered by the engineer and, as directed herein, will be further investigated in considering the final scope of improvement.
21. Based on the engineer's evaluation of the receiving watercourse, the outlet for the proposed improvement is adequate.
22. The drainage authority has identified a viewing team, consisting of three disinterested residents of the state, qualified to assess benefits and damages, available to view this project and willing to perform the duties of viewers for the is project.

Based on the foregoing findings, the Drainage Authority adopts the following:

Order:

- a. The Board accepts and adopts the preliminary engineer's report for the petitioned improvements.
- b. The Board, upon filing this preliminary hearing order with the Polk County auditor, orders the engineer to make a detailed survey with plans and specifications for the proposed drainage project and submit a detailed survey report to the drainage authority as soon as possible.
- c. The Board directs the engineer to address comments of the DNR commissioner and BWSR, and evaluate whether changes to the proposed project are feasible to address concerns raised by the commissioner. If feasible, the engineer should include changes in the final project plans.
- d. The Board directs the engineer to continue to work through the processes contained in statutes section 103E.015 to ensure that environmental, land use, and multipurpose water management criteria are considered for inclusion in final project plans.
- e. The Board directs the engineer to continue to coordinate, in addition to the coordination which occurred in advance of this order, with soil and water conservation district, county and USDA planning authorities about potential external sources of funding and technical assistance for environmental, land use, and multipurpose water management features or alternatives.
- f. The Board directs the engineer to request additional information about potential funding or technical assistance for environmental, land use, and multipurpose water management features or alternatives from the executive director of the Board of Water and Soil Resources.
- g. The Board appoints the following viewers to determine the benefits and damages to all property affected by the proposed drainage project and make a viewers' report:

Bryan Murphy

Deborah Rynda

Larry Murphy

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- h. Upon issuance of the Secretary's Order calling the first meeting of the viewers, the viewers shall subscribe to an oath to faithfully perform their duties.
- i. The Board directs the viewers, once qualified, to work with the engineer and to commence viewing as soon as practical upon receipt of the engineer's design plans and specifications indicating the efficiency of the drainage system improvement.
- j. The engineer is directed to assist the viewers in identifying properties receiving a hydrological improvement from the project and in identifying properties responsible for increased sedimentation in downstream areas of the watershed or responsible for increased drainage system maintenance or increased drainage system capacity because the natural drainage on the properties has been altered or modified to accelerate the drainage of water from the property.

After discussion, the Board President called the question. The question was on the adoption of the foregoing preliminary findings and order, and there were 5 yeas and 0 nays, with Robert Kovar abstaining.

Upon vote, the President declared the motion passed.

Findings and Order for Redetermination of Benefits

Manager Mr. Roger Mischel moved, seconded by Manager Mr. David Bakke for adoption of the following:

The Board of Managers of the Middle-Snake-Tamarac Rivers Watershed District (the Board), sitting as the Drainage Authority for Polk County Ditch 175 (CD 175) under statutes chapter 103E, makes the following:

FINDINGS

The Board, upon petition, initiated proceedings for the improvement CD 175.

During the course of his investigation for the detailed survey report for the project, the Drainage Engineer has reported that, based on an examination of the watershed of the ditch, the existing benefits roll and the nature of drainage from properties within the watershed of the CD 175, the original benefits or damages determined for CD 175 do not reflect reasonable present day land values and the area benefited by CD 175 has changed.

The Board, having considered the report of the Engineer and having reviewed the watershed area of CD 175 finds that the nature of drainage from properties within the watershed of the CD 175 such that the originally determined benefits for CD 175 are no longer valid.

Further, the Board finds, based on an examination of the original roll of benefits for CD 175, that the original benefits or damages determined for CD 175 do not reflect reasonable present day land values.

The Board has already engaged viewers to determine the improvement benefits and damages for the current drainage project.

The viewers are available to conduct a redetermination of benefits.

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Based on the foregoing findings, the Board orders the redetermination of benefits of CD 175 pursuant to statutes section 103E.351.

The Board appoints the following viewers to conduct the redetermination of benefits and damages and make a viewers' report:

Bryan Murphy

Deborah Rynda

Larry Murphy

The viewers shall subscribe to an oath to faithfully perform their duties.

The Board directs the viewers, once qualified, to work with the engineer and to commence viewing as soon as practical.

The engineer is directed to assist the viewers in identifying the watershed of CD 175 and the nature and extent of hydraulic benefit or watershed demand occurring to properties within the watershed, including identifying properties responsible for increased sedimentation in downstream areas of the watershed or responsible for increased drainage system maintenance or increased drainage system capacity because the natural drainage on the properties has been altered or modified to accelerate the drainage of water from the property.

After discussion, the Board President called the question. The question was on the adoption of the foregoing preliminary findings and order, and there were 5 yeas and 0 nays, with Robert Kovar abstaining.

Upon vote, the President declared the motion passed.

BONDING TERM, INTEREST RATE AND DEFICIENCY RESOLUTION

At the regular meeting of the Board of Managers of the Middle-Snake-Tamarac Rivers Watershed District, Drainage Authority for Polk County Ditch (CD) 175, on September 18, 2017, Manager Mr. Eric Johnson moved, seconded by Manager Mr. Brad Blawat for adoption of the following Resolution:

1. The petition of Kovar and others for the improvement of Polk County Ditch 175 (CD 175) was filed with the Board of Managers pursuant to Minnesota Statutes Section 103D.625, subd. 4.
2. The Board, as Drainage Authority, initiated proceedings and held a Preliminary Hearing on September 18, 2017. At the Preliminary Hearing the Board ordered the preparation of a Detailed Survey Report, Appointed Viewers and directed the determination of improvement benefits pursuant to statute.

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3. Until establishment of the proposed project, the Petitioners' bond will cover costs incurred in the proceedings. However, if the Board establishes the project, all costs, including the costs of proceedings prior to establishment, must be paid from the proceeds of assessments to benefitted properties. The Board may incur costs on behalf of the drainage system prior to bonding for the project.
4. Statutes section 103E.655 requires the costs for drainage project proceedings and construction to be paid from the drainage system account by drawing on the account. Statutes section 103E.645 requires the payment of fees and expenses.
5. Statutes section 103E.635 authorizes the County Board to issue bonds after the contract for the construction of a drainage project is awarded, in an amount necessary to pay the cost of establishing and constructing the drainage project, such bonds to be in an amount not in excess of the total cost, including expenses, to be assessed to pay for the drainage system.
6. If established, the Board will levy assessments against property benefitted by the ditch project payable to the treasurer of Polk County in up to 20 equal annual installments, in accordance with Statutes section 103E.611, which provides that the interest rate on such assessments cannot exceed the rate determined by the state court administrator for judgments under section 549.09 (currently 4% maximum), and Polk County may issue bonds pursuant to statutes section 103E.635 to pay the costs of the drainage project proceedings and construction.
7. Because of the interest rate limitation, prepayment of assessments and delinquencies, it is possible that the collection of drainage assessments to pay the principal and interest on the drainage bonds will be less than that required to meet the repayment obligations.
8. Despite possible deficiencies in the drainage assessments collected to pay the principal and interest on the drainage bonds, the obligation to repay the bonds remains a cost and obligation of the drainage systems. (See §§103E.645; E.655).

Based on the foregoing, the Drainage Authority Resolves:

- A. Should the proposed project be established and Polk County issue bonds to cover the costs of the project, the Drainage Authority obligates itself to pay to Polk County the amount in each year by which the drainage assessments collected by the County in such year are insufficient to pay the principal and interest on the drainage bonds. Such deficiency payment shall be paid from the reserve account and debited against the drainage system account from which the deficiency originates.
- B. Funds transferred from the reserve account shall be repaid by additional annual assessments certified against property in the debited drainage system.

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After discussion, the President called the question. The question was on the adoption of the Resolution and there were 5 yeas and 0 nays, with Robert Kovar abstaining.

Upon vote, the President declared the Resolution passed.

REIMBURSEMENT RESOLUTION

At the regular meeting of the Board of Managers of the Middle-Snake-Tamarac Rivers Watershed District, Drainage Authority for the Improvement of Polk County Ditch (CD) 175, on September 18, 2017, Manager Johnson, moved, seconded by Manager Blawat for the adoption of the following resolution:

1. The petition of Kovar and others for the Improvement of Polk County Ditch 175 (CD 175) was filed with the Board of Managers pursuant to Minnesota Statutes Section 1030.625, subd.4.
2. The Board, as Drainage Authority, initiated proceedings and held a Preliminary Hearing on September 18, 2017. At the Preliminary Hearing the Board ordered the preparation of a Detailed Survey Report, appointed Viewers and directed the determination of improvement benefits and damages pursuant to statute.
3. Until establishment of the proposed project, the Petitioners' bond will cover costs incurred in the proceedings. However, if the Board establishes the project, all costs, including the costs of proceedings prior to establishment, must be paid from the proceeds of assessments to benefitted properties. The Board may incur on behalf of the drainage system prior to bonding for the project.
4. Statutes section 103E.655 requires the costs for drainage project proceedings and construction to be paid from the drainage system account by drawing on the account. Statutes section 103E.645 requires the payment of fees and expenses.
5. Statutes section 103E.655 allows the Drainage Authority, in the event the drainage system account is insufficient to pay costs, to transfer money from another account to pay costs until such time as alternative financing is in place to cover costs.
6. Statutes section 103E.635 authorizes the County Board to issue bonds after the contract for the construction of a drainage project is awarded, in an amount necessary to pay the cost of establishing and constructing the drainage project, such bonds to be in an amount not in excess of the total cost, including expenses, to be assessed to pay for the drainage system.

Based on the foregoing, the Drainage Authority Resolves:

- A. If the project is established, payment of costs in the current proceedings may

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be paid from the reserve account, or from interim financing from the County, until such time as alternative financing or bonding is in place to cover costs.

- B. Payment of costs may be reimbursed by the issuance of tax exempt bonds, issued pursuant to statutes sections 103E.635-641.

After discussion, the President called the question. The question was on the adoption of the resolution and there were 5 yeas and 0 nays, with Robert Kovar abstaining.

Upon vote, the President declared the Resolution passed.

Motion by Mr. Brad Blawat, seconded by Mr. David Bakke that the Hearing on the Preliminary Engineer's Report for Polk County Ditch #175 be closed. Motion unanimously carried. The hearing was closed at approximately 12:10 p.m.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that the regular meeting be reconvened. Motion unanimously carried.

Mr. John W Nelson left the meeting at approximately 12:10 p.m.

Vice Chairman, Mr. Bill Petersen, presided over the meeting.

Administrator Praska reported that Richard Abrahamson has inquired if the District has knowledge if the Minnesota DNR will remove or spray more cattails at the Florian WMA. Administrator Praska stated he contacted Ruth Anne Franke of the MN DNR and was told that they will not be removing or spraying cattails this year due to funds being used elsewhere.

Administrator Praska informed the Board that the lease on the Canon C5030 copier will be expiring. He reported he has been in contact with Marco, Inc, and it appears it would be more cost effective to lease a new copier than renew the lease on the current copier.

Motion by Mr. Roger Mischel, seconded by Mr. Robert Kovar that the District lease a new printer with Marco, Inc upon the expiration of the current lease on the Canon C5030 copier. Motion unanimously carried.

Administrator Praska reported he is waiting for an update on a new computer for the office.

Administrator Praska stated Heidi Hughes has no personal liability coverage under the current MSTRWD insurance policy covering the Agassiz Audubon Society (AAS).

It was announced the Red River Watershed Management Board meeting is scheduled for September 19, 2017, at 9:30 a.m., at the Sand Hill Watershed District, in Fertile, Minnesota.

UNAPPROVED

The following meetings were announced:

October 2, 2017-Regular Meeting, 8:30 a.m., District Office
October 16, 2017-Regular Meeting, 8:30 a.m., District Office

By unanimous consent the meeting was adjourned at approximately 12:35 p.m.

Connie Kujawa
Recording Secretary

David Bakke
Secretary