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APPROVED (September 15, 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 2, 2014

The meeting was called to order by President Roger Hille. Managers David Bakke, Tom Neibauer, John W Nelson, Ben Kleinwachter, Marvin Hedlund, Roger Hille and Jim Jubie were present. Connie Kujawa, Ron Sorvig, Nick Drees, Heidi Hughes, Ron Adrian, Tony Nordby, Bob Wesolowski, Jim Vansickle and Dylan Vansickle were also present.

By unanimous consent, the agenda was accepted as presented.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the minutes of the August 18, 2014 meeting be approved, as presented. Motion unanimously carried.

Mr. Roger Hille distributed the Oath of Managers to each manager for signature.

Danny Omdahl assumed the position of acting Chair for the purposes of entertaining nominations for the slate of officers.

Motion by Mr. John W Nelson, seconded by Mr. Tom Neibauer that Mr. Ben Kleinwachter be elected President. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that Mr. John W Nelson be elected Vice President. Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Tom Neibauer that Mr. Marvin Hedlund be elected Secretary. Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Marvin Hedlund that Mr. Tom Neibauer be elected Treasurer. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that Mr. David Bakke be elected Assistant Secretary/Treasurer. Motion unanimously carried.

Mr. Ben Kleinwachter assumed the Chair position and presided over the meeting.

Jim Vansickle discussed the drainage issue in the NW4 of Section 11 of Warrenton Township. He stated the lands are included in the benefitted area of Judicial Ditch #20 however the lands do not have an outlet to drain into Judicial Ditch #20. The Board informed Mr. Vansickle that they need to seek legal advice regarding this matter and that the District would survey approximately ½ mile along Minnesota Trunk Highway #75 if legal counsel confers.

Ben Pahlen joined the meeting at approximately 4:28 p.m.

Jim Vansickle and Dylan Vansickle left the meeting at approximately 4:30 p.m.

Robert Wesolowski stated his intention to work with the District to address the erosion problems plaguing Judicial Ditch #15. Danny Omdahl stated Marshall County has been accepted for FEMA funding; that the District is working with the FEMA for JD #15 repairs

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and the District will continue to work with Marshall County on cost sharing efforts for the repair.

Motion by Mr. Marvin Hedlund, seconded by Mr. Roger Hille to expend up to \$1000.00 to assist in the cleaning of a ditch in the N2 SE4 section 14 of Comstock Township. Motion unanimously carried.

Danny Omdahl reported:

1. A landowner is requesting the District reshape the backslope of Judicial Ditch #1, east of MN Trunk Highway #220. The Board took no action on this matter.
2. That the District will be checking for sediment in the legal drainage ditches within the District and asked for permission to remove sediment if warranted. He was directed to assess the ditch systems and report back to the Board.
3. That the survey of the sloughing areas along Judicial Ditch #16 has been completed and that Houston Engineering estimates the cost to patch each area to be approximately \$50,000 to \$60,000. The Board instructed him to relay to the Township their concerns about the projected cost.

Greg Snare, with Viking Gas Transmission, joined the meeting at about 4:47 p.m.

Motion by Mr. Roger Hille, seconded by Mr. John W Nelson that the District pursue a permanent fix to repair the sloughing areas on Judicial Ditch #16, in sections 33 and 34, provided Warrenton Township participates in the process. Motion unanimously carried.

Danny Omdahl reported that there has been concern that some beaver dams, west of Middle River, are holding back water. He stated that a landowner he contacted does not believe the dams are causing too great of a problem. Danny Omdahl was directed to contact the City of Middle River informing them the landowner does not want the dams removed.

Chris Derosier and Ben Pahlen discussed the safety issues regarding the hunting of waterfowl on the open waters of the District impoundments. The Board stated the District will contact other organizations for advice on how they regulate hunting on open waters.

Chris Derosier and Ben Pahlen left the meeting at approximately 5:10 p.m.

The following permits were unanimously approved:

1. (14-094) to Joey McGregor to amend permit (09-090) to add a 25 HP (1,050 GPM) pump instead of a gravity drain, SW4, section 11, Comstock Township, provided all other necessary permits are acquired. (Motion by Mr. Roger Hille, seconded Mr. David Bakke)

Earl McGregor and Joey McGregor left the meeting at approximately 5:25 p.m.

2. (14-099) to Viking Gas Transmission to acquire 2.5 million gallons of water from the Agassiz Valley Water site to transfer to the Viking pipeline fill point ~ 1.3 miles West of Warren, provided necessary permits are obtained from the Minnesota Department of Natural Resources. (Motion by Mr. David Bakke, seconded by Mr. John W Nelson)

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Greg Snare left the meeting at approximately 5:35 p.m.

3. (14-090) to Gerald Jevning to establish the grade and set (1) 18" field crossing culvert in the NW4 and (1) 24" culvert in SW4, Section 23, Brislet Township. (Motion Mr. Roger Hille, seconded Mr. Tom Neibauer)

Mr. John W Nelson left the meeting at approximately 5:37 p.m.

4. (14-091) to Gerald Jevning to establish the grade and lower (2) crossing, East township road ditch, W2, section 27, Brislet Township. (Motion Mr. Roger Hille, seconded Mr. Tom Neibauer)
5. (14-098) Diedrich Family LP to install 255 acres drain tile; lift station; 7.5 HP (1,400 GPM) VFD pump; ¼" coefficient; 80' spacing; E2, section 23, Brislet Township. (Motion Mr. Roger Hille, seconded Mr. Tom Neibauer)
6. (14-103) to Rolland Miller to install 18" culverts in open swales; NW4 of section 7 Warrenton Township and the NW4 of section 14 Vega Township. (Motion Mr. Marvin Hedlund, seconded Mr. David Bakke)
7. (14-104) to Chuck Steer to regrade the East & West township road ditches, section line 15/14; to remove a 12" field crossing culvert & install an 18" culvert on ½ mile line, W2 of section 14; to remove a 12" field crossing culvert & install an 18" culvert, ½ mile line of E2 of section 15, Brandt Township. (Motion by David Bakke, seconded Mr. Tom Neibauer)
8. (14-078) to Johnson Farms to lower an existing field crossing culvert and clean the ditch to the South, SW4, section 7, Farley Township. (Motion by Mr. Marvin Hedlund, seconded by Mr. Alvin Nybladh)
9. (14-026) to Mark Blawat to amend permit to include an additional drain tile outlet to the Snake River, SW4 NE4 and NW4 SE4, section 1, Comstock Township. (Motion by Mr. Marvin Hedlund, seconded Mr. David Bakke)
10. (14-086) Jon W Nelson to install an 18" or 24" culvert with a trap under the township road, SW4, section 18, Sandsville Township, provided the District set the grade. (Motion by Mr. Marvin Hedlund, seconded Mr. Tom Neibauer)
11. (14-088) Gordon Wetterlund Jr to install 270 acres drain tile with a gravity outlet into Marshall County Ditch #42, NW4 of Section 12 and NE4 of section 11, Foldahl Township. (Motion Mr. Ben Kleinwachter, seconded Mr. John W Nelson)

Harvey Lambert joined the meeting at approximately 5:43 p.m.

The Board took no action on the following permits since no additional information has been received:

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. (Motion by Mr. John W Nelson, seconded by Mr. Tom Neibauer)
2. (14-071) Alen Szczepanski to construct a dike ~ 2 feet high along the north side of an un-named coulee, NW4, section 26, Wanger Township until approval is received from adjacent landowners. (Motion by Mr. David Bakke, seconded by Mr. Marvin Hedlund)

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Motion by Mr. Roger Hille, seconded by Mr. David Bakke that no action be taken on permit (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, until information on the threshold of the pumping is determined.

The following permits were Administratively approved and reviewed:

1. (14-093) to Mike Dunrud to install a crossing with an 18" culvert, North ditch of CSAH #2, west line, SE4 SE4, section 30, New Solum Township.
2. (14-095) to Don Strickler to remove a 18" x 30" culvert and install a 18" x 40" culvert, SE4, section 35, Angus Township.
3. (14-096) Marshall County Highway Department to remove a 30" culvert, North CSAH #14 ditch and install a 30" culvert, same grade/elevation, SW4 SE4 section 6, Comstock Township.
4. (14-097) Marshall County Highway Department to remove and replace 24" culvert, same grade/elevation, SE4 SE4, section 6, Marsh Grove Township.
5. (14-100) Don Diedrich to install 24" side water inlet culvert into north ditch PCSAH #67, SW4 SE4, section 23, Brislet Township.
6. (14-102) Helgeland Township to remove a 60" centerline CSP and install a 60" CSP, same location/elevation, section line 10/11, S2, Helgeland Township.
7. (14-105) Holt Township to remove a 36" centerline culvert under CD #2 and install a 36" culvert, same grade/location and lengthen to 50', section line 15/14, Holt Township.
8. (14-106) Ken L Johnson to lengthen a 18" field crossing culvert by 20', west line of NW4 NW4, section 25, Big Woods Township.
9. (14-107) Ken L Johnson to remove a 9" field drain culvert and install an 18" pipe, same elevation, south line of SE4 SW4, section 29, Big Woods Township.
10. (14-108) Ken L Johnson to lengthen an 18" field crossing culvert by 20', east line of NE4 NE4, section 23, Big Woods Township.

Danny Omdahl announced the Red River Watershed Management Board meeting is scheduled to be held September 16, 2014, at the Red Lake Watershed District.

Chairman, Mr. Ben Kleinwachter, recessed the regular meeting at approximately 5:58 p.m.

Jeff Hane joined the meeting at approximately 6:01 p.m.

Chairman, Mr. Ben Kleinwachter, called the recessed hearing on the Redetermination of Benefits of Judicial Ditch #14 back in session, at approximately 6:01 p.m. Those in attendance were Roger Van Horn, Michael Van Horn, Jonathan Hams, Harvey Lambert, Tony Nordby, Ron Adrian, Nick Drees, Connie Kujawa, Danny Omdahl, Ben Kleinwachter, Roger Hille, Tom Neibauer, David Bakke, Marvin Hedlund and Jim Jubie. The hearing was recorded.

Mr. Ben Kleinwachter called on Mr. Hane to bring the Board and those in attendance up to date and to advise on the hearing process.

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Mike Van Horn produced a document, which was marked and entered into the record as "Exhibit A:"

Mr. Jeff Hane reviewed three options for the Board to consider as prepared by John Kolb of the Rinke Noonan law firm in regards to the Viewers Report prepared for the Redetermination of Benefits of Judicial Ditch #14.

Motion by Mr. Roger Hille, seconded by Mr. Tom Neibauer that an adjustment be made to the Viewers Report on the Redetermination of Benefits of Judicial Ditch #14, on a parcel of property, consisting of not more than 10 acres, reducing the benefitted amount to \$20.00 per acre, in the SE4 SW4 of section 22, New Solum Township. Motion unanimously carried.

Chairman, Mr. Ben Kleinwachter closed the testimony portion of the hearing in the Redetermination of Benefits of Judicial Ditch #14.

Motion by Mr. Roger Hille, seconded by Mr. Tom Neibauer that the Board pursue option 3, as outlined by the attorney; and that the Board recess this hearing to September 15, 2014, at 6:00 p.m., at the District office, for consideration of findings and an order concluding these redetermination of benefits proceedings; and that staff prepare findings and an order consistent with these proceedings, addressing public comments received in the proceedings and directing further actions consistent with the drainage code. Motion unanimously carried.

Chairman, Mr. Ben Kleinwachter recessed the hearing on the Redetermination of Benefits of Judicial Ditch #14 at approximately 6:53 p.m., and called the regular meeting back into session.

Danny Omdahl reported that a letter of resignation has been received from the District's Outreach Coordinator.

Motion by Mr. Roger Hille, seconded by Mr. Tom Neibauer that the District extend to Heidi Hughes part time employment for 6 months to continue works on the Birding Trail. Motion unanimously carried.

Danny Omdahl reported that the District has advertised for the Engineering Technician position. The Board set the yearly salary range for this position at \$30,000 to \$45,000, dependent on the qualifications of the applicants.

Jeff Hane stated that the Summary Judgment in the lawsuit of Zutz vs MSTRWD is scheduled to be held in September 2014

Motion by Mr. Roger Hille, seconded by Mr. Jim Jubie that the District expend \$1,477.95, to Sanford First Aid and Safety, for an automated external defibrillator. Motion unanimously carried.

The next regular meetings are scheduled for September 15, 2014 and October 6, 2014, at 4:00 p.m., at the District office and the recessed hearing on the Redetermination of Benefits of Judicial Ditch #14 is scheduled to reconvene on September 15, 2014, at 6:00 p.m.

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By unanimous consent, the meeting was adjourned at approximately 7:15 p.m.

Connie Kujawa
Recording Secretary

Marvin Hedlund
Secretary