

**APPROVED (as corrected Sept 19, 2011)**  
**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 6, 2011**

The meeting was called to order by President Doug Sorenson. Managers Doug Sorenson, Roger Hille, Alvin Nybladh, Ben Kleinwachter, Marvin Hedlund and David Bakke were present. Manager John W Nelson was not present. Nick Drees, Danny Omdahl, Ron Adrian, Jeff Hane, John Morberg, Paul Dahlman and Chris Dahlman were also present.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter that Connie Kujawa be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion unanimously carried.

Chairman Mr. Doug Sorenson requested the Board address agenda item 6 and agenda items 7 thru 11 after agenda item #3.

Motion by Mr. David Bakke, seconded by Mr. Marvin Hedlund to approve the agenda as amended. Motion unanimously carried.

Mr. Doug Sorenson distributed the Oath of Managers to each manager for signature.

Mr. Doug Sorenson requested that the District Legal Counsel conduct the nominations for the reorganization of the Board. He also stated that he did not wish to be nominated for the position of President if anyone was so inclined to do this.

Jeff Hane proceeded with the nominations to the positions of the Board of Managers.

Mr. David Bakke nominated Mr. Roger Hille for the position of President, and was seconded by Mr. Marvin Hedlund.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the nomination be closed and by unanimous ballot, Mr. Roger Hille be elected President. Motion unanimously carried.

Mr. Roger Hille nominated Mr. Ben Kleinwachter for the position of Vice President, and was seconded by Mr. Alvin Nybladh.

Motion by Mr. Doug Sorenson, seconded by Mr. Roger Hille that the nomination be closed and by unanimous ballot, Mr. Ben Kleinwachter be elected Vice President. Motion unanimously carried.

Mr. David Bakke nominated Mr. Marvin Hedlund for the position of Secretary, and was seconded by Mr. Ben Kleinwachter.

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Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the nomination be closed and by unanimous ballot, Mr. Marvin Hedlund be appointed Secretary. Motion unanimously carried.

Mr. Ben Kleinwachter nominated Mr. Alvin Nybladh for the position of Treasurer, and was seconded by Mr. Doug Sorenson.

Motion by Mr. Doug Sorenson, seconded by Mr. Ben Kleinwachter that the nomination be closed and by unanimous ballot, Mr. Alvin Nybladh be appointed the Treasurer. Motion unanimously carried.

Mr. Roger Hille nominated Mr. David Bakke for the position of Assistant Secretary/Treasurer, which was seconded by Mr. Marvin Hedlund.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Doug Sorenson that the nomination be closed and by unanimous ballot, Mr. David Bakke be appointed the Assistant Secretary/Treasurer. Motion unanimously carried.

Mr. Roger Hille presided over the meeting.

Motion by Mr. Marvin Hedlund, seconded by Mr. Doug Sorenson that the minutes of the August 15, 2011 meeting be approved, as presented. Motion unanimously carried.

There were no individuals present who wished to address the Board.

Mr. Doug Sorenson distributed a sample checklist for the Board to consider when permit applications are submitted for the installation of field drain tile. The sample checklist will be added to the next regular meeting agenda for consideration by the Board.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Doug Sorenson that the following permit be issued:

1. Permit (11-085) to Paul Dahlman to install a trap on the West end of a 62" x 84" structural plate arch pipe, on an unnamed coulee, in the SE4 of Section 3 of Fork Township, provided approval is received from the Minnesota Department of Transportation and the Minnesota DNR.

Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. Alvin Nybladh that the following permit be issued:

2. Permit (11-089) to John Morberg to install a new field crossing with a 24" x 60' culvert, in the East township road ditch, in the NE4, of Section 25 of Big Woods Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be issued:

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3. Permit (11-090) to John Morberg to install a new field crossing with an 18" culvert, in the South township road ditch, in the NE NE, of Section 35 of Big Woods Township.

Motion unanimously carried.

Danny Omdahl recommended that the permit application (11-086) be tabled, pending further information.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Doug Sorenson that the following permit be tabled for further information:

4. Permit (11-086) of Cecil Deschene to renew permit (06-071) for the installation of 40 acres of 4" drain tile, in the SE NE of Section 5 of Middle River Township; and the installation of 50 acres of 4" drain tile, in the North 40 rods, of the N2 of Section 5 of Middle River Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that the following permit be issued:

5. Permit (11-087) to Joel Engen to remove a 36" township centerline culvert and install a 24" culvert, 0.4' lower; to lower the existing 48" centerline culvert inlet end by 0.3' on Judicial Ditch 29, Branch A, station 151+04, in the SW SW of Section 8 of Tamarac Township, with the District to set the grades.

Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Ben Kleinwachter that the following permit which has been Administratively Approved, be issued:

6. Permit (11-088) to Ed Huderle to remove a failed 18" culvert and install a 18" culvert, at station 299+32, on Judicial Ditch #25-2, at the same location and elevation, in the NE4 of Section 8 of Brandt Township.

Motion unanimously carried.

Motion by Mr. Doug Sorenson, seconded by Mr. Alvin Nybladh that the following permit be issued:

7. (Permit (11-091) to install a new field crossing with a 24" culvert, in the South ditch of Marshall County #30, in the NE4 of Section 27 of Wright Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that the following permit be issued:

8. Permit (11-092) to the Marshall County Highway Department to install a new field crossing with a 24" culvert, in the West ditch of County Road #141, in the NE NE of Section 23 of Newfolden Township.

Motion unanimously carried.

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Motion by Mr. Marvin Hedlund, seconded by Mr. Doug Sorenson that the following permit be issued:

9. Permit (11-093) to Mike Bienek to install 145 acres of 4" field drain tile with a 7.5 HP pump (1,000 GPM); and outlet through an 18" centerline culvert thru Marshall County Highway #20, into Judicial Ditch #20 Main, in the SW4 of Section 9 of Vega Township, provided there is no pumping after freeze up or during flood events and the outlet is rip rapped, and that the works do not affect the township and county Right of Way.

Motion unanimously carried.

Wallace Diedrich joined the meeting at approximately 4:52 p.m., and recorded the meeting with one recorder.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that the following permit be issued:

10. Permit (11-094) to Mike Bienek to install 40 acres of field drain tile with a gravity outlet, thru Judicial #20 Main spoil bank, in the NE NW of Section 16 in Vega Township, provided there is no pumping after freeze up or during flood events and the outlet is rip rapped.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be issued:

11. Permit (11-095) to Robert Wesolowski to install (2) lines of 4" drain tile with a gravity outlet, on the East line of the W2 NE4 in Section 32 of McCrea Township.
- Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be issued:

12. Permit (11-096) to Robert Wesolowski to install (1) line of 4" drain tile with a gravity outlet in the NW SE, parallel to the Northern Plains Railroad, then North and Northwest to the center of the NW4, in Section 32 of McCrea Township, provided a permit be received from the Northern Plains Railroad.

Motion unanimously carried.

Motion by Mr. Doug Sorenson, seconded by Mr. Alvin Nybladh that the following permit be issued:

13. Permit (11-097) to John W Nelson to install an 18" field drain culvert, in an open ditch, Marshall County Ditch #44, Lateral 6, near the West line of the NE4 of Section 6 of Oak Park Strip Township.

Motion unanimously carried.

John Morberg left the meeting at approximately 5:04 p.m.

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Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke that the following permit be issued:

14. Permit (11-098) to Jarod Peterson to remove sediment in the south township road ditch, on the North line of section 27 of Warrenton Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be issued:

15. Permit (11-099) to Jarod Peterson to install 4" field drain tile, with a 7.5 HP pump (754 GMP) in the NW4 of Section 20 and a portion of the NE4 of Section 19 of Brislet Township, provided there is no pumping after freeze up or during flood events and the outlet is rip rapped.

Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Alvin Nybladh that the following permit be issued:

16. Permit (11-100) to the Polk County Highway Department to remove the existing 61' bridge (92847), station 161 + 37, and replace with a 3 span (144'), 2 pier bridge, over Judicial Ditch #1, in the NW NW of Section 23 of Higdem Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be issued:

17. Permit (11-101) to Stoltman Farms to install 160 acres of 4" field drain tile, with a 10 HP VFD pump (0-1,500 GPM) in the S2 S2 of Section 5 of Bloomer Township, provided there is no pumping after freeze up or during flood events and the outlet is rip rapped.

Motion unanimously carried.

Motion by Mr. Doug Sorenson, seconded by Mr. Marvin Hedlund that the following permit be issued:

18. Permit (11-102) to Stoltman Farms to install 160 acres of 4" drain tile with a 10 HP (0-1,500 Variable Drive Pump), ¼ mile North of State Ditch #3, in the N2 S2 of Section 31 of Bloomer Township, provided there is no pumping after freeze up or during flood events and the outlet is rip rapped.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh that the following permit be issued:

19. Permit (11-103) to Scott Labine to install 160 acres of 4" field drain tile with a 7 ½ gravity pump (0-1,000 GPM variable drive) in the SW4 of Section 30 of Tamarac Township, provided the Judicial Ditch #29, Lateral 1 right of way is measured by

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the District prior to installation, and that there is no pumping after freeze up or during flood events and the outlet is rip rapped.

Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. David Bakke that the following permit be issued:

20. Permit (11-104) to Earl Mallinger to install 4" field drain tile with (4) gravity floe outlets in the NW SE, S2 SE4, E2 SW and the SE NW of Section 32 of Oak Park Township, provided the works are not on the Right of Way and that there is no pumping after freeze up or during flood events and that the outlet is rip rapped.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Doug Sorenson that the following permit which has been Administratively Approved be issued:

21. Permit (11-105) to John Rehder to remove a failed 24" field drain culvert and install a 24" culvert, at the same grade and location, in the NE NW of Section 28 of Farley Township.

Motion unanimously carried.

Motion by Mr. Marvin Hedlund, seconded by Mr. Ben Kleinwachter that the following permit be issued:

22. Permit (11-106) to Thompson Brothers Farm to install a new field crossing with an 18" culvert in the West township road ditch in the SE NE of Section 12 of Esther Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Doug Sorenson that the following permit be issued:

23. Permit (11-107) to Orin Knutson to remove a field crossing and a 31" x 51" culvert, in the West ditch of MN Trunk Hwy #220, South side of County Ditch #44, Lateral 1, and relocate the field crossing 50' South and install a 24" culvert, in the NE4, of Section 8 of Oak Park Township.

Motion unanimously carried.

Motion by Mr. Doug Sorenson, seconded by Mr. Alvin Nybladh that the following permit be issued:

24. Permit (11-108) to Solem Farms to remove an 18" culvert and install a 18" culvert, in the South township road ditch, in the NW NE of sSection 32 of Higdem Township.

Motion unanimously carried.

Chris Dahlman left the meeting at approximately 5:32 p.m.

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Motion by Mr. David Bakke, seconded by Mr. Ben Kleinwachter that the following permit be issued:

25. Permit (11-109) to Jared Sands to install a 42" centerline culvert, next to the existing 24" Texas crossing culvert, in the SE SE of Section 14 of Oak Park Township.

Motion unanimously carried.

Paul Dahlman left the meeting at approximately 5:35 p.m.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the following permit be denied as submitted, but, approve the permit provided the outlet is lowered 0.8' and the inlet is lowered 0.6' and that the District set the grade:

26. Permit (11-110) to Earl Mallinger to lower an existing 18" township road centerline culvert, provided the outlet is lowered 0.8' ; the inlet is lowered 0.6'; and the District set the grade, in the E2 SE4 of Section 4 of Oak Park Strip.

Motion unanimously carried.

Permit (11-111) has been tabled by the request of the applicant, Dvorak Farms.

Motion by Mr. David Bakke, seconded by Mr. Alvin Nybladh that the following permit be issued, as amended:

27. Permit (11-064) (AMENDED) to the Marshall County Highway Department to remove a failed 43" x 64" CSPA and install a 43" x 64" CSPA, in the SE SW of Section 36 of Vega Township.

Motion unanimously carried.

Motion by Mr. Doug Sorenson, seconded by Mr. Ben Kleinwachter that the following permit be issued:

28. Permit (11-112) to Donnelly Township to remove (2) failed 60" township road centerline culverts and replace with (2) 60" culverts, on Judicial Ditch #9, in the NW4 of Section 32 of Donnelly Township.

Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that the following permit be issued:

29. Permit (11-113) to Jeff Beaudry to remove sediment from the East ditch of US Highway #75, in the W2 NE4 of Section 22 of Middle River Township.

Motion unanimously carried.

Correspondence from the Minnesota Association of Watershed Districts commending the District on the 2011 Summer Tour and a letter from the Minnesota Board of Water and Soil Resources regarding the request of Jim Stengrim for an informal resolution to resolve a dispute was distributed.

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Nick Drees reported that the mitigated sites of the Agassiz Valley Water Resource Management Project that was seeded in the fall of 2010 did not take and will need to be re-seeded and the contractor will begin working the area this week.

Nick Drees reported that a letter had been sent to John and Linda Bodell requesting access to their property to perform a survey regarding the drainage issues they have raised, however, the District was denied access to the property. Nick Drees stated he sent a second letter requesting them to re-consider and allow the District to survey the property, to which they have not responded.

Nate Dalager joined the meeting at approximately 6:15 p.m.

Nick Drees reported that the District has not received the Dam Safety Permit for the Brandt/Angus Project. Nate Dalagher stated that he has been verbally assured by the Minnesota Department of Natural Resources that the Dam Safety Permit is imminent; however, he also has not received it.

Nick Drees reported that the permit from the Army Corps of Engineers has been approved, as requested, for the Brandt/Angus Impoundment. However, it appears that the mitigated lands, as proposed, could be reduced if the District modifies the Corps permit to reflect the self-mitigating wetlands within the project.

After a lengthy discussion, Nick Drees stated he will get additional information and clarification on the issue of the mitigated lands required for the Brandt/Angus Project, at the Red River Retention Authority meeting, scheduled for next week in Fargo. It was the consensus of the Board to address the mitigated land issue at the next regular meeting of the Board.

Nick Drees reported that agreements for the right of way along County Ditch #43, the north inlet, east inlet and outlet areas of the Brandt/Angus Project have been mailed to the individuals.

A discussion was held concerning the additional costs that would be incurred if the District were to re-negotiate the Contract for Deed agreements with the landowners of the Brandt/Angus Project in order to participate in the WRP and RIM programs.

Motion by Mr. Doug Sorenson, seconded by Mr. David Bakke that Jeff Hane be authorized to negotiate, with both parties, an agreement that is consistent to the Board's discussion of September 6, 2011, and if an agreement is made with the landowners, the President and Secretary are authorized to sign the required agreements for the WRP and RIM programs, and that the agreements will be ratified by the Board at the next ensuing meeting. Motion unanimously carried.

A list of the 2010 Advisory Committee members was distributed for the Board to review and if there are any changes or corrections they will be addressed at the next regular meeting.

The Minnesota Association of Watershed District Resolution process was distributed.



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Nate Dalager left the meeting at approximately 7:25 p.m.

Nick Drees reported that the District has received notification from the Minnesota Department of Employee Relations that the District is in compliance with their guidelines regarding Pay Equity; that a Ditch Inspector meeting is scheduled for next week in Wilmar, Minnesota and one staff member was authorized to attend; that the Court of Appeals has declined to hear the Stengrim lawsuit regarding the appraisal of his property; and that the District Court has ruled that the depositions of Nick Drees, Connie Kujawa, and Danny Omdahl in regards to the Manager's lawsuit filed by Loren Zutz and Jim Stengrim can proceed.

Mr. Roger Hille announced the next regular meeting of the Board of Managers is scheduled for Monday, September 19, 2011, at the District office.

Mr. David Bakke commended Mr. Doug Sorenson for his years of service as President of the Board.

Motion by Mr. Doug Sorenson, seconded by Mr. Alvin Nybladh that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 7:30 p.m.

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Connie Kujawa  
Recording Secretary

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Marvin Hedlund  
Secretary

\*\*\*On a motion dated October 17, 2011, clarification was made to these minutes (September 6, 2011) changing, Paragraph 2, Page 9, the last sentence to read Loren Zutz and Elden Elseth can proceed, and removed Jim Stengrim's name.