

September4(a)2018.min

APPROVED (September 17, 2018)
**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 4, 2018**

The meeting was called to order by President John W Nelson. Managers John W Nelson, Bill Petersen, Roger Mischel and Robert Kovar were present. Manager Brad Blawat was not present. Joel Praska, Tony Nordby, Kyle Schlomann, Tyler Larson, Connie Kujawa, Jeremy Misselhorn, Lon Aune, Jarod Peterson, Jeff Steer and Dillon Nelson were also present.

Motion by Mr. Roger Mischel, seconded by Mr. Bill Petersen that the agenda be approved, as amended with the addition of Jeff Steer, as Guest. Motion unanimously carried.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that the minutes of the August 20, 2018 meeting be approved, as presented. Motion unanimously carried.

Chairman Nelson, distributed the Oaths to the Managers. The Managers reviewed and signed the Oaths and they were notarized by Administrative Assistant, Connie Kujawa.

Chairman Nelson, opened the floor for reorganization of the Board.

Motion by Mr. Mr. Bill Petersen, seconded by Mr. Roger Mischel to appoint Mr. John W Nelson, as Chairman of the Board. There being no other nominations, Mr. Bill Petersen motioned, seconded by Mr. Robert Kovar that Mr. John W Nelson be appointed Chairman of the Board. Motion carried unanimously.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel that Mr. Bill Petersen be appointed Vice Chairman of the Board. There being no other nominations, the motion carried unanimously.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that Mr. Roger Mischel be appointed Secretary of the Board. There being no other nominations, the motion carried unanimously.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel that Mr. Robert Kovar be appointed Treasurer of the Board. There being no other nominations, the motion carried unanimously.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that Mr. Brad Blawat be appointed Assistant Secretary/Treasurer. There being no other nominations, the motion carried unanimously.

Jeff Steer would like the Board to consider adding an additional East/West culvert, in the vicinity of the north inlet to Brandt/Angus Impoundment, in the SW NW4 of Section 17, Brandt Township. He stated water pools in the NW4 and adding a culvert would speed up the flow of water into the impoundment. The Board directed the Staff to contact Nate Dalager, HDR Engineering, to determine what impact there would be to the impoundment if the culvert was increased.

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Lon Aune, Marshall County Highway Engineer, addressed the Board requesting to amend the permit (18-062) that was approved at the August 20, 2018 meeting. Mr. Aune stated the Board approved the installation of a 52" x 77" culvert, in the SE4 of Section 14 of Foldahl Township, however, they have determined there would not be enough cover over the culvert without having to raise the road elevation. Mr. Aune is requesting the permit be amended to include the installation of (2) lines of culverts with the same or close to the same capacity as the 52" x 77" culvert that was previously approved.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that Permit (18-062) to the Marshall County Highway Department be amended to install (2) lines of 31" x 51" CMPA, instead of a 52" x 77" CMPA, in the SE4 of Section 14, Foldahl Township. Motion unanimously carried.

Lon Aune left the meeting at approximately 8:57 a.m.

The following permit was tabled until a Hearing is held by Polk County to determine if the lands can be added to the benefited area of County Ditch #42:

1) Permit (18-069) Jarod Peterson & Dwight Peterson to install 760 acres drain tile; (2) 10 HP (3,500 GPM) VFD pumps; ¼" coefficient; 50' & 100' spacing, outletting into N Township road ditch, Section 15 & 14, Brislet Township. (Motion by Mr. Bill Petersen, seconded Mr. Robert Kovar).

Blake Owens, George Owens and one other individual joined the meeting at approximately 8:57 a.m.

Blake Owens and George Owens discussed the issue of the water overtopping the Angus Oslo 4 exterior bypass ditch's levee in the SW NW Section 10 of Brandt Township. They inquired if an additional inlet ditch could be installed on the East side or South side of the Angus Oslo #4 Impoundment. Tony Nordby stated the addition of another outlet ditch into the impoundment would be a violation of the dam safety permit and the mitigation permit. A discussion took place of other possible options such as raising the dike, south of the JD 25-2 spoilbank, southerly to the original ridge, in the NW4 of Section 15 and raising the height of the Judicial Ditch #25-2 spoilbank trail along the North line of Section 1 of Brandt Township. The Board directed the staff to check the profile of the road along the North side of Section 1 of Brandt Township and directed Tony Nordby to meet with the Owens to discuss how much the dike would need to be raised in Section 9 of Brandt Township.

Blake Owens, George Owens and one other individual left the meeting at approximately 9:25 a.m.

Jared Peterson addressed the Board requesting to amend permit (18-080) to change the outlet from a lift station to a gravity outlet.

Motion by Mr. Roger Mischel, seconded by Mr. Robert Kovar that permit (18-080) to Jarod Peterson, be amended to change the lift station to a gravity outlet, outletting into Judicial Ditch #1, SW4 of Section 18 of Farley Township. Motion unanimously carried.

Jared Peterson also requested to amend permit (18-081) to allow direct outlet into MCD #41 instead of outletting into a field ditch through an existing culvert into MCD #41.

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Motion by Mr. Roger Mischel, seconded by Mr. Bill Peterson that permit (18-081) to Jarod Peterson be amended to allow direct outlet into MCD #41. Motion unanimously carried.

The following permit was Administratively Approved and reviewed:

5) Permit (18-085) to Minnesota DOT to remove and replace a 24" centerline culvert with a 24" x 70' culvert, same location and elevation, NW4 Section 21 and SW4 Section 16, Tamarac Township.

The following permits were unanimously approved:

6) Permit (18-086) to John W Nelson to install a 24" field drain culvert with flap gate, in an open swale, outletting into CD #44, Lateral 4, NE4, Section 29, Oak Park Township. (Motion by Mr. Bill Peterson, seconded Mr. Robert Kovar, with John W Nelson abstaining).

7) Permit (18-087) to Rodney Teigen to install (3) 18" field drain culverts with flap gates in open swales outletting into CD #44, Lateral 5, NW4, Section 33, Oak Park Township. (Motion by Mr. Robert Kovar, seconded Mr. Roger Mischel).

Jared Peterson left the meeting at approximately 9:36 a.m.

8) Permit (18-096) to Dean Peterson to fill in the low spot in the South spoil bank of Judicial Ditch #25-2 (~Sta 273+00 – ~276+00), with the District to monitor the work. (Motion by Mr. Bill Petersen, seconded Mr. Robert Kovar).

9) Permit (18-088) to James Bergman to install a 18" x 60' culvert thru a dry crossing, SE4 SE4, Section 13, Higdem Township. (Motion by Mr. Robert Kovar, seconded Mr. Bill Peterson).

Dean Peterson left the meeting at approximately 9:45 a.m.

10) Permit (18-089) to Neil Johnson to install 18" field drain culvert with flap gate in open swale, outlet to Judicial Ditch #16, NW4, Section 35, Warrenton Township. (Motion by Mr. Robert Kovar, seconded Mr. Roger Mischel)

11) Permit (18-090) to Reed Quern to install a 24" x 30' field drain culvert in open swale, outlet to CD #44 Lateral 2, NE4, Section 17, Oak Park Township. (Motion by Mr. Robert Kovar, seconded Mr. Roger Mischel).

12) Permit (18-091) to Vaughn Quern to install (2) 18" field drain culverts in open swales, outletting to CD #44, Lateral 2, NE4, Section 17, Oak Park Township. (Motion by Mr. Robert Kovar, seconded Mr. Roger Mischel).

13) Permit (18-095) to Todd Dvorak to install a field crossing with 24" culvert, SW corner SE4, Section 24, Sandsville Township. (Motion by Mr. Bill Peterson, seconded Mr. Robert Kovar).

14) Permit (18-097) to Neil Johnson to install 27 acres drain tile; ¼" coefficient; 44' spacing; gravity outlet to Judicial Ditch #16 and 3/8" coefficient; 22' spacing; 1 HP (99 GPM) pump; outletting to County Ditch #41, E2, Section 36, Vega Township. (Motion by Mr. Robert Kovar, seconded Mr. Roger Mischel).

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Jeremy Misselhorn left the meeting at approximately 10:00 a.m.

Motion by Mr. Bill Peterson, seconded by Mr. Roger Mischel that the following Findings and Order be adopted:

**FINDINGS AND ORDER
IN THE MATTER OF THE PETITION OF ROBERT KOVAR AND OTHERS
FOR THE IMPROVEMENT OF POLK COUNTY DITCH #175**

FINDINGS

WHEREAS; the Middle Snake Tamarac Rivers Watershed District is the drainage authority for Polk County Ditch #175;

WHEREAS; a Petition for the Improvement to Polk County Ditch #175 was received by the Drainage Authority;

WHEREAS; the Drainage Authority adopted Findings and Order accepting the petition and appointing Nick Pribula, Pribula Engineering, as the Project Engineer. Nick Pribula was ordered to prepare a preliminary survey and file a preliminary survey report with the Drainage Authority.

WHEREAS; the Preliminary Survey Report was filed with the Secretary on July 16, 2017;

WHEREAS; on September 18, 2017, the Drainage Authority noticed and held a Preliminary hearing on the Preliminary Survey Report. The drainage authority adopted the findings and an order accepting the Preliminary Survey Report, ordering the Engineer to proceed with the detailed survey, and appointing three viewers to determine and re-determine the benefits and damages;

WHEREAS; on August 6, 2018, the Engineer filed the Detailed Survey Report with the Secretary. A copy of the Detailed Survey Report was mailed to the Commissioner of Natural Resources for review.

WHEREAS; on September 4, 2018, the Viewers filed the Viewer's Report with the Secretary.

WHEREAS; Pursuant to MN Statutes §103E325, subd.3, the final hearing must be noticed by publication, posting and mail.

ORDER

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as drainage authority for Polk County Ditch #175, hereby orders as follows:

1. A final hearing on the Detailed Survey Report and Viewer's Report shall be held on October 24, 2018, at 9:00 a.m., at the Bremer Bank, in Warren, Minnesota.

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2. The secretary shall publish notice of the final hearing once per week for three consecutive weeks in a newspaper of general circulation in the area of the proposed project.
3. The secretary shall post a printed copy of the final hearing notice for each affected county at least three weeks before the date of the final hearing at the front door of the courthouse in each affected county;
4. Within one week after the first publication of notice, the secretary shall give notice by mail of the time and location of the Final Hearing to the Commissioner of Natural Resources, all affected property owners, and others affected by the proposed project and listed in the Detailed Survey Report and Viewer's Report;

After discussion, the Board called the question. The question was on the adoption of the foregoing Finding and Order, there were 3 yeas (Peterson, Nelson, Mischel) 0 nays 1 abstaining (Kovar) 1 absent (Blawat). Motion carried.

Tony Nordby reported that quotes for the Repair of State Ditch #3, will be accepted until 10:00 a.m., on September 6, 2018, at which time they will be publically opened. A discussion was held concerning awarding the work to the lowest bidder prior to the next regular board meeting.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Peterson that Administrator Praska be authorized to accept the low quote on September 6, 2018 for the Repair of State Ditch #3 and award the work, provided all insurance and requirements are met. Motion unanimously carried.

Administrator Praska reported he has contacted Dufault Excavating to begin the sediment removal on Judicial Ditch #20, Branch B, with the cost not to exceed \$20,000.00.

Tony Nordby reported Zavoral Construction will begin the outlet repair of Judicial Ditch #1, in sections 17 & 20 of Higdem Township, the week of September 10, 2018. Administrator Praska reported he contacted the landowner regarding crop damages that will occur to approximately 2.1 acres of corn. The Board directed Administrator Praska to offer the landowner \$600.00 per acre for the damages to the crop.

Technician, Danny Omdahl, stated he has been in contact with the Minnesota DOT in regard to replacing the culverts on Judicial Ditch #1, in the vicinity of MN Trunk Highway #220. He reported MN DOT does not want to replace the culverts. The Board directed Danny Omdahl to send an invitation to MN DOT to attend a board meeting, so this matter can be discussed.

Administrator Praska and Tony Nordby reported they met with the Polk County SWCD to discuss possible funding assistance with the rock structures and side inlets for the proposed sloughing repair on County Ditch #43. They stated the Polk County SWCD would be willing to assist with funding of the side inlet pipes, dirt work and seeding on a 75/25 cost share, which would amount to approximately \$9,000.00 based on the Engineer's estimate of \$50,000.00. Administrator Praska also reported the Polk County SWCD needs the primary landowner to be the primary contact for the funding assistance, which means if the funding is granted by the Polk County SWCD, the funds would be paid to the landowner who would then in turn send the funds to the District. Administrator Praska informed the Board, the primary landowner, does not believe the

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project is necessary and it may be difficult to obtain a signature. Manager, Robert Kovar, stated he will have a discussion with the landowner to discuss the necessity of the proposed work.

Administrator Praska reported Alex Wardwell, Audubon Minnesota, is requesting the District continue to hold water in the augmentation pool at the Agassiz Valley Water Resource Management Project, at an elevation of 912. Technician Omdahl stated the elevation is currently at ~909. It was the consensus of the Board, to hold the waters for another 3 weeks.

Dillon Nelson, HDR Engineering, reported the Red River Watershed Management Board, has approved funding of the Step 1 submittal, for the Newfolden/Middle River Project, in the amount of \$1.36 million.

Administrator Praska informed the Board that there are 6 flapgates in the vicinity of the Brandt/Angus Impoundment that are leaking and are in need of replacement. The size and location of the flapgates are: (3) 18" in Section 25, (1) 18" in section 15 and (1) 18" and (1) 24" in Section 29, of Brandt Township. The Board directed Administrator Praska to obtain prices for the traps and report back to the Board.

Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel that Administrator Praska be appointed the District's Data Practice Responsible Authority and Connie Kujawa be the designated Designee. Motion unanimously carried.

Administrator Praska reported he received word from Laura Stengrim, representative of the Pine to Prairie Birding Trail, that the Angus Oslo #4 and Brandt/Angus Impoundments have been accepted as bird friendly places and she is requesting authorization, from the Board, to include these two sites on the Pine to Prairie Birding Trail map.

Motion by Mr. Roger Mischel, seconded by Mr. Bill Petersen that the Pine to Prairie Birding Trail be authorized to add the Angus Oslo #4 and Brandt/Angus Impoundment sites to the Pine to Prairie Birding Trail map. Motion unanimously carried.

Administrator Praska announced the 2018 BWSR Academy will be held October 29-31, 2018, at the Breezy Point Conference Center, Breezy Point, Minnesota.

The presentation of the plaque to David Bakke will take place when Mr. Bakke is able to attend a board meeting.

Manager, Mr. Roger Mischel, reported the Sand Hill Watershed District, has withdrawn from the Red River Watershed Management Board, effective October 1, 2018.

A discussion was held with Administrator Praska on the progress of receiving quotes for a new District garage. Administrator Praska reported he received one quote and has not heard from the Warren Volunteer Fire Department as far as what they would offer the District for the current garage. The Board directed Administrator Praska to draw up plans and solicit quotes for the garage, so each quote would be based on the same plan.

The following meetings were announced:

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September 17, 2018-Regular Meeting, 8:30 a.m., District Office
October 1, 2018-Regular Meeting, 8:30 a.m., District Office

By unanimous consent, the meeting was adjourned at approximately 11:30 a.m.

Connie Kujawa
Recording Secretary

Roger Mischel
Secretary