

APPROVED (August 2, 2010)
**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
4:10 P.M. JULY 19, 2010**

The meeting was called to order by President Doug Sorenson. Managers Doug Sorenson, David Bakke, Ben Kleinwachter, Alvin Nybladh, Roger Hille and Marvin Hedlund were present. Manager John W Nelson was not present. Nick Drees, Connie Kujawa, Danny Omdahl, Ron Adrian, Tony Nordby, Loren Zutz, Elden Elseth, Jim Stengrim, Rick St. Germain, Wallace Diedrich and others were also present.

Others present during various portions of the meeting were Lou Efta, Jeff Monroe, Larry Rud, Ronnie Swanson, Gerald Hermreck, Richard Bergeron, Peter Erickson, Brian Jadeke, Gary Nowacki, Mitch Rominski, Harvey Loeslie, John Johnson, Curtis Carlson, Earl McGregor, and Nate Dalager.

Wallace Diedrich taped the meeting with one recorder.

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.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Marvin Hedlund that the agenda be accepted as presented. Motion unanimously carried.

Mr. Roger Hille inquired if Nate Dalager of HDR Engineering could provide a status report on the Brandt/Angus Project at the next regular meeting.

Motion by Mr. David Bakke, seconded by Mr. Marvin Hedlund that the minutes of the June 21, 2010 meeting be approved as corrected with the addition of the motion by Mr. John W Nelson and seconded by Mr. Alvin Nybladh to pay the following bills, from the Administrative funds; that payroll checks numbered 5018 through 5029 inclusive for a total of \$14,498.04; and checks numbered 14572 through 14607 inclusive, including the service charge, for a total of \$33,950.55; from the Project funds that checks numbered 1836 through 1845 inclusive for a total of \$137,167.27; from the RRWMB funds that check number 135 for a total of \$108,879.94; and from the Ditch funds that checks numbered 2410 through 2414 inclusive for a total of \$7,370.00 be paid. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Roger Hille that the following bills be paid from the Administrative funds: that payroll checks numbered 5030

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through 5040 inclusive for a total of \$13,867.28; and checks numbered 14608 through 14640, including the service charge for a total of \$46,984.17; from the Project funds that checks numbered 1846 through 1857 for a total of \$52,612.31; from the RRWMB fund that check numbered 136 for a total of \$22,438.21; and from the Ditch Funds that checks numbered 2415 through 2422 for a total of \$26,641.33 be paid. Motion unanimously carried.

During the open forum session, Loren Zutz questioned the bill submitted by Houston Engineering, and Jim Stengrim inquired if agenda item #15 (AVWMP) pertained to his property.

Ron Adrian stated the bill of Houston Engineering is for Engineering Services for a box culvert and Jim Stengrim was informed by the District Administrator that agenda item #15 did not pertain to his property.

John Johnson, Harvey Loeslie and others discussed the drainage issues in Helgeland and Numedal Township. They stated there appears to be some opposition for the proposed northerly ditch and they inquired what the process would be if they only cleaned the existing ditches.

Curtis Carlson and Earl McGregor joined the meeting at approximately 4:47 p.m.

After discussion, Mr. Doug Sorenson requested that Rick St. Germain of Houston Engineering review the conditions of the Agassiz Valley Water Resource Management Project dam safety permit for clarification regarding the drainage area of the Agassiz Valley Water Resource Management Project and report his findings to the Board at a further meeting.

Nick Drees was directed to correspond with John Johnson regarding this matter.

John Johnson, Harvey Loeslie and Others left the meeting at approximately 5:12 p.m.

Earl McGregor, Joey McGregor, Paul Morken and others discussed the drainage in the vicinity of the PL-566 Off-Channel Storage Site. They stated there appears to be a problem with the drainage of the reroute ditch causing crop damage.

Nick Drees stated that the District will spray for cattails and the Staff will check the ditch to locate problem areas.

Earl McGregor, Joey McGregor, Paul Morken and others left the meeting at approximately 5:27 p.m.

Motion by Mr. Roger Hille, seconded by Mr. Marvin Hedlund that the following permit be issued:

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1. Permit (10-028) to Mitch Rominski to reslope the backslope of the North township road ditch; to raise the existing berm at the East edge of the resloped area, provided the berm remains 1 foot lower than the existing road and to install (2) 18" culverts with traps in the berm, in the SE4 of section 6 of Alma Township; and to install a 15" trap on the outlet end of the east/west culvert in the SW4 of section 5 of Alma Township.

Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Ben Kleinwachter that the following permit be denied due to the opposition of the adjacent landowners and it's the Boards position that there appears to be other alternative's available. Mitch Rominski and Gary Nowacki were directed by the Board to discuss with Don and Mark Yutrzenka the possibility of cleaning the ditch to alleviate the drainage issues.

2. Permit (10-025) of Don and Mark Yutrzenka to install (4) 18" field drain culverts with traps on the north line of the NW4 and to construct a 1200' berm on the north line of the NW4, and to construct a 1200' berm on the east line of the NW4, in section 8 of Alma Township.

Motion unanimously carried.

Mitch Rominski and Gary Nowacki left the meeting at approximately 5:45 p.m.

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

3. Permit (10-026) to Richard Gajeski to remove sediment from the East ditch of Minnesota Trunk Highway #220 in the W2 of section 27 of Eagle Point Township.

Motion unanimously carried.

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

4. Permit (10-027) to the Marshall County Highway Department to install an 18" centerline culvert under Marshall County State Aid Highway #5 in the NW4 NE4 of section 3 of Fork Township.

Motion unanimously carried.

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It was the consensus of the Board that since Nate Dalager of HDR Engineering joined the meeting that he be allowed to inform the Board of the status of the Brandt/Angus Project.

Nate Dalager stated that the property lines for the Brandt/ Angus Project have been surveyed; that the wetland delination portion of the project is in the final stages and that the Preliminary Plan and Specifications should be completed in approximately 2 weeks. He also stated that he is optimistic that bids for the project will be let this fall, with construction in 2011.

The District's Attorney, Jerry VonKorff, requested the Board close the meeting pursuant to MN Statutes 13D.05 subd 3(b) for Attorney/Client privileges to discuss legal theories and strategies regarding the MSTRWD vs Jim Stengrim breach of contract lawsuit and the James Stengrim open meeting violation lawsuit filed against the District Managers.

Motion by Mr. Ben Kleinwachter, seconded by Mr. David Bakke that the meeting be closed pursuant to MN Statutes 13D.05 subd 3 (b) that the meeting be closed to discuss with legal council the legal theories and strategies regarding the MSTRWD vs Jim Stengrim breach of contract lawsuit and the James Stengrim lawsuit filed against the District Managers. Motion unanimously carried.

The meeting was closed at approximately 6:00 p.m.

Ron Adrian, Rick St. Germain, Danny Omdahl, Connie Kujawa, Loren Zutz, Elden Elseth, Wallace Diedrich and others left the meeting at approximately 6:02 p.m.

Motion by Mr. Alvin Nybladh, seconded by Mr. David Bakke that the meeting be re-opened. Motion unanimously carried.

The meeting was re-opened at approximately 7:28 p.m.

Connie Kujawa, Danny Omdahl, Ron Adrian, Mark Aaenson, Arlyn Stroble and Wallace Diedrich were present.

It was the consensus of the Board to accommodate those in attendance and address agenda item #15 (Projects).

Arlyn Stroble discussed the drainage issues of the South Branch of the Snake River in the NE4 of section 2 of McCrea Strip. He stated the entire branch is in need of cleaning and that he endures crop loss from water flowing through it all summer. He also stated that he would be interested in selling the property, approximately 24 acres to the District.

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Nick Drees responded that the District has applied for a permit to clean the South Branch of the Snake River from the Minnesota Department of Natural Resources and is awaiting word on the permit. The Board expressed that they are aware of the drainage concerns in the area and are looking into achieving a goal to remedy the situation.

Arlyn Stroble left the meeting at approximately 7:45 p.m.

Mark Aaenson of Houston Engineering updated the Board on the District's Overall Plan. He stated the Board has been presented with the Draft version and he recommended the Board review it and provide any additional comments or changes to him. He also provided a brief overview of the timelines of various agencies to review and submit comments.

Loren Zutz joined the meeting at approximately 8:27 p.m.

Mark Aaenson left the meeting at approximately 8:32 p.m.

Nick Drees reported that the Brandt/ Angus project was discussed earlier in the meeting; that the District is requesting quotes on 4 ring dikes and the District is assisting the Joe River Watershed District with 2 ring dikes; that the renter of the District properties in section 13 and 14 of Sandsville Township is requesting to move a crossing; and that the mudjacking has not been completed on the repair of the outlet pipe of the Angus/Oslo #4 project.

Correspondence from the Marshall County Board of Commissioners informing the Board of the reappointment of John W Nelson and Doug Sorenson to the Board of Managers of the District to serve a 3 year term; from the Minnesota Viewers Association concerning a seminar being held on July 22, 2010 in Morton, Minnesota; and the News and Views of the Red River Watershed Management Board was distributed.

Three data practice requests were distributed:

1. from 103 Holmes St, Detroit Lakes requesting the District's Data Practice Policy;
2. from PO Box 131, Warren, MN-requesting a copy of all notices regarding the Litigation Committee meetings;
3. from PO Box 131, Warren, MN-requesting copies of all data provided to IPAD regarding the appraisal of the Stengrim property.

Nick Drees reported that he has been contacted by the landowners in Vega Township and Warrenton Township stating portions of Judicial Ditch #16 and Judicial Ditch #20 are in need of repair.

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Motion by Mr. Roger Hille, seconded by Mr. Marvin Hedlund that Nick Drees be authorized to inspect and clean Judicial Ditch #16 and Judicial Ditch #20 as needed. Motion unanimously carried.

Mr. David Bakke expressed his concerns regarding the condition of Judicial Ditch #15. He stated it is unfunctionable and requested the District look into cleaning portions of it.

Nick Drees stated the District will check the condition of Judicial Ditch #15 and maintenance of the ditch will be performed as needed.

It was announced that the Red River Watershed Management Board is scheduled to meet on July 20, 2010 at the Courtyard by the Marriot in Moorhead, Minnesota, at 9:00 a.m., and a Joint Meeting will be held in the afternoon with the Red River Watershed Management Board/North Dakota Joint Resources Board will meet.

Nick Drees informed the Board that he had nothing to report from the District's legal council, Jeff Hane.

Loren Zutz inquired on the status of the Stengrim open meeting lawsuit; the Agassiz Valley Breach of Settlement Agreement with Jim Stengrim; and the IPAD opinion.

Loren Zutz left the meeting at approximately 8:55 p.m.

The proposed 2011 District budget was distributed for the Board to review.

Motion by Mr. Alvin Nybladh, seconded by Mr. Marvin Hedlund, that the hearing on the proposed 2011 budget be scheduled for 4:00 p.m., August 16, 2010 and that the Administrative Assistant publish the Notice of Hearing on the Districts proposed budget for 2 consecutive weeks, in the newspapers within the District as presented:

PROPOSED BUDGET & LEVIES

1) the proposed 2011 Administrative Funds Budget be set at:

Building Maintenance	5,000	Miscellaneous	1,000
Utilities	5,000	Insurance	20,000
Supplies/Equipment	15,000	Legal/Professional/Administrative Services	62,000
Telephone	5,000	Managers Per Diem & Expenses	15,000
Publication & Printing	5,000	Association Dues	1,500
Postage	2,000	Employee Mileage & Expenses	1,500
Employee Payroll &	311,400	Vehicle Expenses	18,000

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Fringes			
USGS Stream Gage & Cost Share	8,500	Project Construction	46,540
Property Taxes	20,000	Stream Maintenance	7,500
		Total	549,940
		Less Estimated Project Expenses (1)	299,940
		Net Administrative Fund Budget	250,000

2) that the Secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson and Roseau Counties a proposed Administrative Fund Levy of **\$250,000**.

3) that the Secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson and Roseau Counties a proposed Project Fund Levy of .04836 percent of the estimated Market Value of all the taxable property within the District.

4) that the Secretary certify to the Auditors of Marshall, Polk and Pennington Counties proposed levies for the repair and maintenance of the Ditch funds as listed:

<u>Drainage System No</u>	<u>Percent (Benefits)</u>	<u>Levy Projected Receipts</u>
JD #1		
Marshall	0.00%	0
Polk	0.00%	0
WD #2		
Marshall	0.00%	0
SD #3		
Marshall	0%	0
WD #4		
Marshall	0.00%	0
Polk	0.00%	0
WD #5		
Polk	.25%	6,420
BRF	6.281%	161,290
WD #6		
Polk	.50%	9,700
BRF	5.34%	103,540
WD #7		
Marshall	3.00%	9,130
Polk	1.00%	340
WD #7-Imp		
Marshall	0.00%	0
Polk	2.00%	1,080
JD #14		
Marshall	2.00%	890
Pennington	2.00%	400
JD #15		
Marshall	.50%	7,670
JD #16		
Marshall	2.00%	18,580
JD #17		
Marshall	0.00%	0
Polk	0.25%	1,560
JD #20		
Marshall	.25%	5,880
JD #21		

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Marshall	0.00%	0
JD #24		
Marshall	.03%	60
Polk	.03%	20
JD #25-I		
Marshall	0.00%	0
Polk	0.00%	0
JD #25-II		
Marshall	0.00%	0
Polk	0.025%	100
Pennington	0.00%	0
JD #28		
Marshall	2.00%	1,120
JD #29		
Marshall	1.00%	22,370
CD #39		
Marshall	3.00%	3,770
CD #39 Improvement		
Marshall	5.88%	6,370
JD #68		
Polk	0.03%	60
JD #75		
Polk	1.00%	36,530
BRF	3.142%	114,790
CD #175		
Polk	0.01%	110
PL 566 (lien)		
Marshall	0.316%	36,810
PL 566 (maint)		
Marshall	0.010%	1,160
PL 566 (operation)		
Marshall	0.030%	3,460

Motion unanimously carried.

Mr. Marvin Hedlund and Nick Drees gave a brief recap of the Water Management Summit held on July 12, 2010 at St. Cloud, Minnesota.

Nick Drees reported that Minnesota Trunk Highway #220 is scheduled to be repaired by the State of Minnesota and this may be an opportunity to resize the culvert on Marshall County Ditch #7.

The next regular meeting of the Board of Managers is scheduled for Monday, August 2, 2010 at 4:00 p.m., at the District office; and the 2011 budget hearing and regular meeting is scheduled for Monday, August 16, 2010, at the District office.

Motion by Mr. David Bakke, seconded by Mr. Ben Kleinwachter that the meeting be adjourned. Motion unanimously carried.

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The meeting was adjourned at approximately 9:32 p.m.

Connie Kujawa
Recording Secretary

Ben Kleinwachter
Secretary