

**APPROVED
(November 15, 2004)**

**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
6:30 P.M. OCTOBER 18, 2004**

The meeting was called to order by President Doug Sorenson. Managers Doug Sorenson, Arlyn Stroble, Alvin Nybladh, David Bakke, Tracy Anderson and John W Nelson were present. Manager Carl Green was not present. Also present were Ronald Adrian, Nick Drees, Les Howard, Loren Zutz and Jim Stengrim.

Motion by Mr. Alvin Nybladh, seconded by Mr. John Nelson that Ronald Adrian be appointed recording secretary for purposes of keeping the minutes of the meeting. Motion unanimously carried.

Motion by Mr. Tracy Anderson, seconded by Mr. David Bakke to approve the agenda as amended, to include the approval of the minutes and the treasurer's report. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Alvin Nybladh that the minutes of the September 27, 2004, meeting be accepted as corrected. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Alvin Nybladh to approve the treasurer's report, subject to audit. Motion unanimously carried.

Motion by Mr. Tracy Anderson, seconded by Mr. John Nelson, that the bills be paid including the following: from the Administrative Funds, that payroll checks numbered 4047 through 4056 inclusive for a total of \$12,327.73; that checks numbered 12409 through 12414 inclusive for a total of \$8,451.66; that checks numbered 12408 and 12415 through 12441 inclusive, including the service charge, for a total of \$190,897.85; that petty cash checks numbered 3102 through 3113 inclusive, including the service charge, for a total of \$236.94; and that checks 2047 and 2048 for a total of \$5,695.97 be paid from the ditch funds. Motion unanimously carried.

Wally Diedrich and Blake Sobolik joined the meeting at approximately 6:40 p.m.

Jim Johnson, Adrian Weslowski, Elden Elseth and Brian Jadeke joined the meeting at approximately 6:45 p.m.

A discussion was held concerning the permit policy of the District. It was agreed that Mr. Sobolik would prepare a policy based on the Two Rivers Watershed District's policy for the November board meeting.

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Nick Drees reviewed the permit applications with the Board.

Loren Zutz left the meeting at approximately 7:00 p.m.

Adrian Weslowski spoke briefly to the Board about some of his concerns concerning the Morkassel bridge replacement. He requested that he be able to present to the Board at a future meeting, further information concerning this structure.

Loren Zutz returned to the meeting at approximately 7:12 p.m.

Motion by Mr. Arlyn Stroble, seconded by Mr. John Nelson to table the permit request of Marshall County concerning the permit request for the replacement of the Morkassel Bridge until further information can be obtained. Motion unanimously carried.

Motion by Mr. Tracy Anderson, seconded by Mr. Arlyn Stroble to table the permit request of Clarence Dvorak concerning the permit request of section 36 of Sandsville township be tabled until further information can be obtained. Motion unanimously carried.

Motion by Mr. Tracy Anderson, seconded by Mr. Alvin Nybladh that the following permits be issued:

1. Permit (04-54) to Lein Schiller to move the field crossing on Lateral #2 of Judicial Ditch #29, at station 553+85 to Station 549+01, in the northwest quarter of section 32 of Tamarac Township;
2. Permit (04-55) to Norman Lindemoen to remove sediment from the Marshall County Road #28 road ditch along the north side of section 11 of Marsh Grove Township for 1100' west of field crossing and 700' east of crossing, 500' west of section corner and to lower culvert in the crossing if necessary;
3. Permit (04-56) to Kenneth Borowicz to install Texas Crossing, using a 24" diameter culvert, in the Tamarac River in the northwest quarter of the southwest quarter of section 16 of Wanger Township, provided Minnesota Department of Natural Resources approves;
4. Permit (04-57) to Glenn Nelson to remove sediment from 900 feet of the east Marshall County #21 road ditch in section 25 of Vega Township, to replace the culvert in the crossing in the vicinity of the southeast corner of section 25 with a 24" diameter culvert, provided a permit from Marshall County is obtained;

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5. Permit (04-58) to Wally Diedrich to install a new farm crossing with a 24" diameter culvert in the township road ditch, in the southwest quarter of section 7 of Brislet Township;
6. Permit (04-59) to the Marshall County Highway Department to replace the field crossing and install a 30" diameter culvert on the north side of CSAH #4, west of the Snake River in the southwest quarter of section 11 of Big Woods Township;
7. Permit (04-62) to James Bergman to install a field crossing with a culvert with the diameter of the culvert to match the culverts upstream and downstream of the new crossing in the Polk County #22 road ditch, in the northeast quarter of section 34 of Higdem Township, approximately 660' east of the driveway.

Motion unanimously carried.

Motion by Mr. Tracy Anderson, seconded by Mr. David Bakke that:

1. Permit (04-60) to Brian Kasprick/Kasprick Farms to replace the culvert through the township road on approximate quarter line of section line 18/19 of Angus Township with same size and same elevation;
2. Permit (04-61) to Brian Kasprick/Kasprick Farms to clean the township road ditch on the north side of section 19 of Angus Township, in the northeast quarter of section, with the grade of ditch to be set by the staff of the watershed district;
3. Permit request (04-63) be DENIED to Brian Kasprick/Kasprick Farms to install a trap on the east end of the culvert through the township road ditch approximately 3/8 of a mile south of the section corner 18/17/19/20 of Angus Township.

Motion unanimously carried.

Elden Elseth discussed with the Board the payment of attorney fees, and questioned where these funds are coming from.

Jim Stengrim discussed with the Board some of the Data Practices and Data Practices procedures of the District.

Les Howard discussed with the Board the background of the Agassiz Valley Water Resource Management Project, and asked that the Board move forward with this project.

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Loren Zutz discussed with the Board two permits. One was for work on the Melgaard Coulee, and the other was for installation of a culvert into County Ditch #22. He indicated that he would get the applications for the permit to the District within about a week.

Jim Johnson, Les Howard, Loren Zutz and Nick Drees left the meeting at approximately 8:00 p.m.

Copies of correspondence from Elden Elseth, Jim Stengrim and Adrian Weslowski concerning copies/data practices were distributed.

Correspondence was reviewed from James R Weir, concerning Workman's Compensation Insurance; from the Minnesota Viewers Association concerning the upcoming seminar; and from the Public Employees Retirement Association concerning PERA membership for elected officials.

It was announced that the notices of the amended Water Management Plan were published on October 6, except in the Roseau Times, which was published October 9, 2004, and that a request for a hearing should be made before November 8, 2004.

A discussion was held concerning finalizing the construction of Angus Oslo Site #4. Mr. Adrian briefly reviewed some of the works remaining to be done to finalize the project. He indicated that he has discussed the matter with the Engineer, Charles Anderson, and will instruct him to proceed with the work as soon as possible.

It was announced that a scheduling conference for the Agassiz Valley Water Resource Management Project has been scheduled for November 5, 2004.

Mr. Adrian reported that the construction of Phase 2 of the PL-566 project, is nearly complete and that the outlet works have been installed; that the construction by the Burlington Northern/Santa Fe Railroad is now tentatively scheduled to begin on October 25, 2004, and should be completed by November 8, 2004, and that he is seeking quotes from contractors to construct a channel on the portion of the floodway on BNSF right-of-way, and the Canadian Pacific Railroad apparently plans to provide us with additional details sometime in November.

Loren Zutz rejoined the meeting at approximately 8:20 p.m.

Motion by Mr. Tracy Anderson, seconded by Mr. John Nelson that the following resolution be adopted:

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FARMSTEAD RING DIKES
RESOLUTION DESIGNATING AUTHORIZED OFFICIAL

BE IT RESOLVED that Middle-Snake-Tamarac Rivers Watershed District, hereinafter referred to as the Applicant act as legal sponsor for the project contained in the Flood Damage Reduction Grant Assistance Program Application submitted on May 27, 1998 and that Ronald J Adrian is hereby authorized to apply for the Department of Natural Resources for funding of this project on behalf of the Applicant.

BE IT FURTHER RESOLVED that the Applicant has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate acquisition, maintenance and protection of the proposed project.

BE IT FURTHER RESOLVED that the Applicant has not incurred any construction costs or has not entered into any written agreements to purchase property proposed by this project.

BE IT FURTHER RESOLVED that the Applicant has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the State, the Applicant may enter into an Agreement with the State of Minnesota for the above references project, and that the Applicant certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

NOW, THEREFORE BE IT RESOLVED that Ronald J Adrian is hereby authorized to execute such Agreements as are necessary to implement the project on behalf of the Applicant.

Motion unanimously carried.

Mr. Adrian reported that representatives of the Department of Natural Resources have apparently met with three landowners along the Ag Levees, and they have apparently agreed to lower the portion of the Levee system, and that to date we have received 2 requests to set stakes, with one request completed and one request pending.

Mr. Adrian reported that the repair of Judicial Ditch #29, is underway with Triple D Construction doing the work.

A discussion was held concerning the placement of the crossing on the Main Branch of Judicial Ditch #15. It was agreed that the Board would try to view this location on the tour.

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It was reported that the Red River Watershed Management meeting was scheduled for October 19, 2004, at 9:30 a.m., in Ada, Minnesota. The activity report prepared for the District, was reviewed.

A discussion was held concerning the revised By-Laws. Mr. Adrian was directed to prepare a set of the proposed By-Laws with the suggested changes incorporated.

A discussion was held concerning the upcoming Minnesota Association of Watershed District's meeting.

Mr. Adrian reported that the Marshall County Highway Department had sprayed approximately 1 ½ miles of Judicial Ditch #28. Mr. Adrian was directed to have them submit a bill to the District for the Board's consideration.

Mr. Adrian reported that the Polk County Local Water Management Plan update scoping document is available, and that he expects shortly a document prepared for Marshall County.

A discussion was held concerning the interviewing of job applicants.

Motion by Mr. David Bakke, seconded by Mr. Arlyn Stroble that the membership of the Middle Snake Tamarac Rivers Watershed District Advisory Committee be modified as follows: That David Bakke, Larry Laudal, Roger Anderson, and Otto Anderson be removed from the Advisory Committee and that Donald Larson of Newfolden, Jim Johnson of Warren, Ron Osowski of Oslo, Jerome Potucek of Warren, Howard Person of Thief River Falls, Earl McGregor of Warren, and Kenneth Krohn of Viking be added to the Advisory Committee.

Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. John Nelson that the meeting of the Middle Snake Tamarac Rivers Watershed District Advisory Committee be scheduled for 1:30 p.m., November 15, 2004. Motion unanimously carried.

A tour of the District was scheduled for November 3, 2004, at 8:00 a.m., for the purpose of the Board of Managers touring and reviewing various projects and areas in the District.

The next regular meeting was scheduled for 3:30 p.m., November 15, 2004, at the District office.

Loren Zutz, Elden Elseth, Jim Stengrim, Brian Jadeke, Adrian Weslowski and others left the meeting at approximately 9:37 p.m.

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The meeting was closed at approximately 9:37 p.m. for purposes of discussing litigation concerning the Snake River PL-566 project.

The meeting was reopened at approximately 9:51 p.m.

It was agreed that rules violations would be placed on the agenda for the next regular meeting.

Motion by Mr. Tracy Anderson, seconded by Mr. John Nelson that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 9:55 p.m.

Ronald Adrian
Recording Secretary

Carl Green
Secretary