

APPROVED (May 16, 2005)

05-04.min

**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
3:30 P.M. APRIL 18, 2005**

The meeting was called to order by President Doug Sorenson. Managers Alvin Nybladh, David Bakke, Carl Green and Doug Sorenson and were present. Ronald Adrian, Jeff Hane, Bob Albrecht, John Rehder and Nick Drees were also present. Managers Tracy Anderson, John W Nelson and Arlyn Stroble were not present.

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

Manager Tracy Anderson joined the meeting at approximately 3:34 p.m.

Motion by Mr. David Bakke, seconded by Mr. Tracy Anderson to approve the agenda as presented. Motion unanimously carried.

President Doug Sorenson briefly reviewed excerpts from the State Auditors Compliance Guide concerning the contents of the minutes.

Motion by Mr. Alvin Nybladh, seconded by Mr. Carl Green, to approve the minutes of the regular meeting held March 21, 2005 as presented. Motion unanimously carried.

Jim Stengrim joined the meeting at approximately 3:37 p.m.

Motion by Mr. Tracy Anderson, seconded by Mr. Carl Green to approve the minutes of the special meetings held March 29, 2005 and April 6, 2005 as presented. Motion unanimously carried.

Wally Diedrich joined the meeting at approximately 3:39 p.m.

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

Motion by Mr. Tracy Anderson, seconded by Mr. Alvin Nybladh that the bills be paid including the following: from the Administrative Funds, that payroll checks numbered 4132 through 4145 inclusive for a total of \$17,064.67; that checks numbered 12629 through 12634 inclusive for a total of \$10,785.26; that checks numbered 12635 through 12652 inclusive for a total of \$31,295.29 including service charges and safe deposit box rent; that checks numbered 1001 through

APPROVED (May 16, 2005)

1005 inclusive for a total of \$30,196.35; that petty cash checks 3171 through 3181 inclusive for a total of \$143.41 including the bank service charges; and from the ditch funds that check number 2071 for \$330.00. Motion unanimously carried.

Ron Kmecik, Rhonda Larson, Ralph Larson and others joined the meeting at approximately 3:42 p.m.

Motion by Mr. Carl Green, seconded by Mr. Alvin Nybladh that permit (05-006) be issued to Cary Osowski to replace the 18" culvert under the crossing in the township road ditch along the south side of the southwest quarter of the southeast quarter of section 26 of Oak Park Township; and permit (05-007) be granted to Cary Osowski to replace the 18" culvert under the crossing along the north side of the northwest quarter of the northeast quarter of section 35 of Oak Park Township. Motion unanimously carried.

John Rehder and others discussed with the Board the culvert sizing upstream of Polk County Ditch #175, in the vicinity of Polk County Highway #66.

Loren Zutz joined the meeting at approximately 3:44 p.m., Ron Osowski joined the meeting at approximately 3:46 p.m., and David Judovsky joined the meeting at approximately 3:50 p.m.

Motion by Mr. David Bakke, seconded by Mr. Carl Green that the District review the culvert sizing and make recommendations for culvert sizing in the vicinity of sections 12, 7, 6 and 1 of Northland and Tabor Townships. Motion unanimously carried.

Ron Osowski discussed with the Board the CREP program.

Motion by Mr. Alvin Nybladh seconded by Mr. Tracy Anderson that the following resolution be adopted:

That the Middle Snake Tamarac Rivers Watershed District Board of Managers support and increase in the CRP allotment in the Counties of Marshall, Polk, Kittson and Pennington for purposes of establishing riparian buffer strips under the Conservation Reserve Enhancement Program. Motion unanimously carried.

John Rehder, Rhonda Larson, Ralph Larson and others left the meeting at approximately 3:58 p.m.

Correspondence was reviewed from Marshall County concerning the 2003-2004 taxes and from the Community Systems and others concerning a Grant Management Seminar.

APPROVED (May 16, 2005)

Correspondence concerning Data from and to John Rehder, and Adrian Weslowski were reviewed.

It was reported that a response from the State concerning the Data Retention Policy has not been received.

It was reported that the Watershed Management Plan is ready to be published and it should be available in its final form sometime this week.

A discussion was held concerning the stipulation agreement with the Canadian Pacific Railroad concerning the installation of a culvert under Trunk Highway #1.

Motion by Mr. Alvin Nybladh, seconded by Mr. Tracy Anderson that Mr. Adrian be authorized to sign the stipulation agreement and other agreements with the Canadian Pacific Railway/Northern Plains Railroad/Soo Line Railroad necessary for the installation of the culverts on Minnesota Trunk Highway #1 and the floodway being constructed as part of the Snake River PL-566 flood control project. Motion unanimously carried.

A summary of the ring dikes constructed was reviewed.

Motion by Mr. David Bakke, seconded by Mr. Alvin Nybladh to authorize the Engineer to apply for funds for the completion on the repair work on the Angus Oslo Site #4. Motion unanimously carried.

Mr. Adrian reported he has not had a chance to work on Judicial Ditch #75 or Judicial Ditch #15.

Motion by Mr. Tracy Anderson, seconded by Mr. Carl Green that the District advertise for proposals for equipment rental for the 2005 construction season. Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. David Bakke that Mr. Adrian be authorized to do the following:

- 1) the mowing, spraying, and brush removal on the ditches as deemed appropriate;
 - 2) the continuation of the repair of Judicial Ditch #29;
 - 3) the continuation of the repair of Judicial Ditch #20; and
 - 4) the repair of channel of Judicial Ditch #25-1 in the vicinity of the crossing, in the vicinity of the quarter line of section 6 of Comstock (strip) Township.
- Motion unanimously carried.

APPROVED (May 16, 2005)

Motion by Mr. Carl Green, seconded by Mr. Tracy Anderson that Mr. Adrian be authorized to hire up to 3 temporary employees through the summer. Motion unanimously carried.

It was announced that a joint meeting with the Marshall County Soil and Water Conservation District is scheduled for April 19, 2005, at 8:30 a.m., at the Bremer Bank in Warren, and the joint meeting with the Red Lake Watershed District has been scheduled for April 28, 2005, at 11:30 a.m, and a meeting with the Two Rivers Watershed has not been scheduled.

Warren Hermreck and his wife joined the meeting at approximately 4:30 p.m.

The mailing list for the Annual Report and the Audit was briefly reviewed.

A discussion was held concerning the adoption of a policy concerning public involvement in meetings. By consensus of the Board the following policy is implemented:

MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT POLICY REGARDING NON-MEMBER INVOLVEMENT IN BOARD OF MANAGER MEETINGS

The rules governing the meetings of the Board of Managers hold that unless specifically invited to do so, non-members (members of the general public) are out of order if they address the chair or Board. To make the most efficient use of time, and yet balance the desire to allow reasonable and orderly citizen involvement, the Board hereby adopts the following policy:

1 Written Public Comment Is Encouraged

Any member of the public may, without limit, offer written public comment on any issue before the Board at any time. To be considered effective delivery of public comment, any written materials submitted to the Board must comply with the following:

- a. Written materials must be identified by the submitter's name, address and telephone number.
- b. For each original item submitted, there must be sufficient copies to provide the engineer with the original and each member of the board with a copy.
- c. For remarks addressed to issues raised at public hearings where testimony was taken under oath, then public comment addressing issues at those hearings must likewise be submitted under oath through affidavit

APPROVED (May 16, 2005)

form.

2 **Orderly Oral Public Comment May be Invited**

On matters it deems significant, the Board may invite persons in attendance to offer oral public comment on matters before the Board. When invited by the Board, oral public comment is allowed. The Board may restrict public comment in length and scope in its sole discretion. The Board will not receive public comment from persons involved in on-going litigation against the board, if those comments concern matters or issues touching on said litigation.

3 **Requests to Address the Board of Managers (Appear on the Agenda)**

The agenda of regular or special meetings of the Board of Managers is determined by the managers. The public may request to appear on the agenda and address the Board of Managers. Any request to appear on the agenda and address the Board must be submitted in writing on a form provided, must be received five (5) working days prior to the date of the meeting, and the request must specify:

- a) The topic or issue to be raised;
- b) The name, address and telephone number of the requester;
- c) The location of the specific parcel of land or drainage problem at issue;
- d) The amount of time the requestor intends to use.

Requests are then voted on by the Managers in the order that they are filed, and granted when approved by a majority of the managers. The Board of Managers reserves the right to deny a request or limit the length of any presentation. Only new matters not brought before the Board may be raised as agenda items, except with permission by the Board of Managers. The Board will not place on the agenda persons involved in on-going litigation against the board, if their topic or issue to be raised concerns any matter touching on said litigation.

MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT AGENDA REQUEST

Name of Requesting
Person: _____

Address: _____

APPROVED (May 16, 2005)

Phone Number:_____

2. I request to have the topic and/or issue listed below placed on the agenda for the Meeting scheduled for (date)_____

3. I wish to:

_____ Have the item heard on my documents only, without an oral presentation.

_____ Be allowed to make an oral presentation to the Board. I request to be allowed to use _____ minutes.

4. The specific topic and/or issue I intend to address is
(Provide as much detail as possible and attach supporting documents)

5. The location of the specific parcel of land or drainage problem at issue is:
(Attach map and/or photo if possible)

Loren Zutz, Wally Diedrich, and Jim Stengrim left the meeting at approximately 4:45 p.m.

Warren Hermreck and his wife discussed the drainage in the vicinity of the point common to the townships of Helgeland, Bray, Numedal, and Brandt Township.

Warren Hermreck and his wife left the meeting at approximately 5:09 p.m.

Nick Drees left the meeting at approximately 5:09 p.m.

Motion by Mr. Tracy Anderson, seconded by Mr. Alvin Nybladh that the meeting be closed for purposes of discussing litigation concerning the Snake River PL-566 project and the Agassiz Valley Water Resource Management Project.
Motion unanimously carried.

The meeting was closed at 5:09 p.m.

APPROVED (May 16, 2005)

The meeting was reopened at approximately 6:08 p.m.

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

BE IT RESOLVED that the Board of Managers directs its attorneys to take the following actions concerning lands subject to taking for the Agassiz Valley Water Resource Management Project:

- a) That the attorneys order and obtain updated Owners and Encumbrances Reports for all parcels of land involved in the Project;
- b) That with regard to the parcels of land owned by non-appealing landowners, for parcels where there are no encumbrances or issues concerning good and marketable title, the attorneys are directed to make arrangements to transmit payment of damages as determined by the Board of Managers. For parcels where there are encumbrances or issues concerning good and marketable title, the attorneys are directed to make arrangements to pay and deposit damages as determined by the Board of Managers into Court; to be held there in escrow until title can be cleared or until other suitable arrangements can be made;
- c) That with regard to the parcels of land owned by the appealing landowners, the attorneys are directed to make arrangements to pay and deposit into Court the damages as determined by the Board of Managers; and
- d) The attorneys are directed to prepare a Final Certificate for each effected county describing the property therein taken, the purpose of the taking, and reciting the fact of payment of all awards determined by the Board of Managers by either deposit into Court or direct payment. Said certificate shall be returned to this body for approval, upon which will establish the right of this watershed district in the property taken, and said certificate further shall be filed with each county recorder after approval.

Motion unanimously carried.

Paul Aakre, Curtis Swanson, David Erickson, and Curtis Halvorson joined the meeting at approximately 6:08 p.m.

Paul Aakre and others discussed the drainage in the vicinity of the point common to the townships of Helgeland, Numedal, Brandt and Bray townships.

APPROVED (May 16, 2005)

Paul Aakre and others left the meeting at approximately 7:12 p.m.

Motion by Mr. Tracy Anderson, seconded by Mr. Carl Green that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 7:12 p.m.

Ronald Adrian
Recording Secretary

Carl Green
Secretary