

APPROVED (September 19, 2005)

05-08.min

**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
7:00 P.M. AUGUST 15, 2005**

The meeting was called to order by President Doug Sorenson. Managers Doug Sorenson, Alvin Nybladh, David Bakke, John W Nelson, Tracy Anderson, and Arlyn Stroble were present. Manager Carl Green was not present. Attorney Jeff Hane, Nick Drees, Kelly Nelson and Connie Kalinowski were also present. Others present were Luther Omdahl, Birger Andeen, Curtis Carlson, Jim Stengrim, George Hess, Don Diedrich Ben Kleinwachter, Brian Jadeke, and Earl Riopelle.

Motion by Mr. John W Nelson, seconded by Mr. Tracy Anderson, that Connie Kalinowski be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion unanimously carried.

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

Motion by Mr. Tracy Anderson, seconded by Mr. John W Nelson to approve the minutes of the July 18, 2005, meeting as corrected. Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson to approve the treasurer's report subject to audit. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. John W Nelson, that the bills be paid including the following: from the Administrative Funds, that payroll checks numbered 4209 through 4228 inclusive for a total of \$19,720.56; that checks numbered 12776 through 12781 inclusive for a total of \$11,332.57; and that checks numbered 12755 through 12782 inclusive, including the bank service charge for a total of \$4,173.50 be paid. From the Administrative Project Funds that checks numbered 1059 through 1089 inclusive for a total of \$839,127.96 be paid; and from the Ditch Funds that checks numbered 2087 through 2090 inclusive for a total of \$7,917.08 be paid. Motion unanimously carried.

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

1. Permit (05-040) be issued to Neil Widner to install a crossing with a 18" CSP in the NE4 of Section 27 of Tamarac Township and to replace the 15" culvert with an 18" CSP in the NW4 of Section 27 of Tamarac Township, as requested in the permit application dated July 19, 2005;
2. Permit (05-041) be issued to Oak Park Township and Jim Thompson to replace the culvert through the township road in the S2 of Section 36 of Oak Park Township as requested in the permit application dated July 13, 2005;

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3. Permit (05-042) be issued to Tamarac Township to replace the culvert between sections 36 and 31 of Tamarac and Wanger Township with a culvert of 40 sq. ft. capacity, as submitted in the permit application dated July 20, 2005, and
4. Permit (05-043) be issued to Kenneth Kuznia to clean sediment from the Trunk Highway #220 road ditch, in the NW4 of section 34 of Eagle Point Township, as requested in the permit application dated August 9, 2005;
5. Permit (05-044) be issued to Markit County Grain, LLC to install culverts in the SE4 of Section 4 of Middle River Township, as submitted in the permit application dated August 12, 2005.

Motion unanimously carried.

Earl Riopelle discussed his permit (05-035) request to install a 30" culvert in the township road in the NW4 of section 10 and the SW4 of Section 3 of Bloomer Township. Nick Drees reported that the Watershed District has surveyed the area, and the water would go west and north.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that permit (05-035) be granted to Earl Riopelle to install a 30" culvert in the NW4 of section 10 and the SW4 of section 3 of Bloomer Township, through the township road, and that Nick Drees would contact Larry Riopelle. Motion unanimously carried.

Earl Riopelle left the meeting at approximately 7:30 p.m.

Steve Nelson and James Bergman discussed with the Board drainage in Higdem Township. They stated that they would like to construct a ditch along the north side of sections 13, 14, 15, 16 and 17 to drain into the Red River of North. They also reported that it would be done at the landowners expense and that the Higdem Township Board supports this request.

After discussion, the Board directed Nick Drees to consult an Engineer to design the ditch and report back to the Board.

Ron Adrian joined the meeting at approximately 7:40 p.m.

Steve Nelson and James Bergman left the meeting at approximately 8:00 p.m.

Philip Omdahl joined the meeting at approximately 8:00 p.m.

Correspondence from the Minnesota Association of Watershed Districts concerning a vacancy on the MAWD board; and from the Red River Basin concerning a Water Quality meeting scheduled for September 26, 2005 in Moorhead was reviewed.

Kelly Nelson reported on the Water Quality meeting he attended in Hallock, Minnesota. The Board directed Kelly Nelson to attend the Red River Basin Water Quality meeting in Moorhead on September 26, 2005.

The data practice requests from Jim Stengrim and Eldon Elseth were distributed.

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A copy of the letter to the non-appealing landowners of the Agassiz Valley Water Resource Management Project and the breakdown of damage amounts paid to the non-appealing landowners was reviewed. Attorney Jeff Hane reported that the deeds are ready and that he will proceed to update the abstracts on the non-appealing landowners.

Attorney Jeff Hane reported that Eric Bartsch has filed a motion for summary judgment on behalf of the Northwest Minnesota Foundation and the Agassiz Audubon Society on the public purpose challenge in regards to the Agassiz Valley Water Resource Management Project.

Manager Tracy Anderson left the meeting at approximately 8:20 p.m.

Brian Jadeke left the meeting at approximately 8:25 p.m.

Correspondence from the NRCS appointing Dave Jones as the acting Government Representative for the PL-566 project was handed out.

Jeff Hane presented the documents filed in the Loren Zutz appeal on the PL-566 project that were received from Zutz's Attorney.

Nick Drees reported on the PL-566 project in regards to the following:

1. that the prevailing wage issue on Phase 2 with Construction Engineers appears to be moving toward settlement,
2. that the Trunk Highway #1/CPRR contract is in the final stages with the ice breaker and seeding remaining;
3. that there has been no movement on the Phase 4 mitigation plan;and
4. the placement of rip rap under the BNSF railroad has not been completed, gaining right of entry with the railroad continues to be a problem.

Nick Drees reported on the progress of the Farmstead Ring Dikes. He stated that 3 ring dikes have been completed and we are waiting for quotes to start construction on another.

Motion by Mr. Arlyn Stroble, seconded by Mr. Tracy Anderson that the following resolution be adopted:

WHEREAS, the bids were accepted and publicly opened on July 27, 2005 for the Completion of Construction of the Angus Oslo #4 Impoundment;

NOW THEREFORE, the low bid of Triple D Construction of Oklee, Minnesota, for the Completion of Construction of the Angus Oslo #4 Impoundment is hereby accepted and that the chairman and secretary are hereby directed to enter into a contract to complete such project.

Motion unanimously accepted.

Nick Drees reported that he has not heard from Mark Judovsky in regards to Judicial Ditch #75.

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Nick Drees reported that the survey of Judicial Ditch #15, west of CSAH 11 has been completed; and that only 1700' of Branch A of Judicial Ditch #15 could be surveyed due to the blockage of the ditch with cattails and brush.

Motion by Mr. David Bakke, seconded by Mr. John W Nelson that Nick Drees be directed to consult with an Engineer to explore options and obtain estimates of costs to improve the function of Judicial Ditch #15 Main, Branch B, Branch E and Branch F. Motion unanimously carried.

A brief discussion concerning County Ditch #39 was held. Nick Drees was directed to determine the grade of County Ditch #39 and continue with the removal of sediment.

Nick Drees reported that the contractor is ready to repair the spoil on Judicial Ditch #75, in section 3 and 4 of Tabor Township, once the crops are harvested.

The maintenance of Judicial Ditch #14, Branch D was discussed. Nick Drees was directed to inspect said ditch, and report back to the Board.

A discussion was held concerning the traps on Watershed Ditch #5, at the outlet end. It was reported by the landowners that the traps that are currently in place are leaking. Nick Drees stated he has received estimates for other traps and the cost to replace each one would be approximately \$3,100.00. The Board directed Nick Drees to contact the landowner(s) with the possibility of cost sharing on new traps, and he is also to prepare estimates for filling the washouts on the field inlet culverts near the outlet of Watershed Ditch #5.

It was reported that the mowing and ground spraying of the legal drainage systems is continuing, and that a helicopter will be used to spray, the legal drainage systems that could not be reached by ground, at a cost of approximately \$250 per mile.

It was reported that the managers per diem has been increased from \$55 to \$75, effective August 1, 2005, by the Red River Watershed Management Board.

Motion by Mr. Arlyn Stroble, seconded by Mr. David Bakke that the managers per diem of the Middle Snake Tamarac Rivers Watershed District remain at \$55 per meeting or event attended by each board member. Motion unanimously carried.

It was announced that the Red River Watershed Management Board meeting is scheduled for August 16, 2005 at the Warren City Council Offices, and that a tour of the Middle Snake Tamarac Rivers Watershed District projects including Angus Oslo #4, PL-566, and the Agassiz Valley Water Resource Management Project is also scheduled. The activity report of the Watershed District was distributed.

Connie Kalinowski reported that the audit for the year 2004 has not been completed. She was directed to contact Mark Hatton on a completion date.

Nick Drees reported that the culvert on Judicial Ditch #20 main branch on section line 10/11 is listed in the Engineer's report to be a 36" and he recommended that it remain that size.

Nick Drees reported that the drainage issue of Cary and Joel Osowski in the NE4 of section 26 of Oak Park Township has been surveyed.

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Nick Drees reported that he has contacted Bruce Hammnes in regards to the apparent blockage of the coulee in the SW4 of section 35 and the SE4 of section 34 of Tamarac Township.

The permit (05-037 and 05-038) requests of David Haugen to construct agricultural levees along the Snake River was discussed.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the permit (05-037 and 05-038) request of David Haugen be denied at the present time, and that Nick Drees contact them and state the reasons why this permit is denied. Motion unanimously carried.

A discussion was held concerning the compliance of the Agricultural Levees on the North Dakota side. Nick Drees was to inform the Minnesota Department of Natural Resources on this matter.

The proposed budget for the 2006 year was distributed.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the following resolution be adopted:

RESOLUTION ADOPTING PROPOSED BUDGET & LEVIES

1) the proposed 2006 Administrative Funds Budget be set at:

Building Maintenance	7,000	Miscellaneous	1,000
Utilities	5,000	Insurance	16,000
Supplies	20,000	Legal & Professional	59,000
Equipment	52,000	Managers Per Diem & Expenses	22,000
Telephone	6,000	Association Dues	2,200
Publication & Printing	5,000	Employee Mileage & Expenses	2,000
Postage	3,000	Vehicle Expenses	16,000
Employee Payroll & Fringes	290,000	Contingency	10,000
USGS Stream Gage & Cost Share	4,000	Stream Maintenance	15,000
Property Taxes	16,000	Total	551,200
		Less Estimated Project Expenses (1)	363,000
		Net Administrative Fund Budget	187,900

2) that the Secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson and Roseau Counties a proposed Administrative Fund Levy of **\$201,736**.

3) that the Secretary certify to the Auditors of Marshall, Polk, Pennington, Kittson and Roseau Counties a proposed Project Fund Levy of .04386 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		

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Marshall	1.00%	4,970
Polk	1.00%	31,680
WD #2		
Marshall	6.00%	2,430
SD #3		
Marshall	0%	-----
WD #4		
Marshall	2.00%	1,950
Polk	2.00%	710
WD #5		
Polk	0.50%	12,840
BRF	7.55%	193,880
WD #6		
Polk	1.00%	19,400
BRF	6.41%	124,460
WD #7		
Marshall	2.00%	6,090
Polk	2.00%	4,330
WD #7-Imp		
Marshall	8.96%	6,820
Polk	8.96%	4,860
JD #14		
Marshall	0%	0
Pennington	0%	0
JD #15		
Marshall	0%	0
JD #16		
Marshall	1.00%	9,290
JD #17		
Marshall	1.00%	430
Polk	1.00%	6,270
JD #20		
Marshall	2.00%	47,090
JD #21		
Marshall	1.00%	2,790
JD #24		
Marshall	2.00%	4,940
Polk	2.00%	1,850
JD #25-I		
Marshall	6.40%	1,100
Polk	19.20%	6,180
JD #25-II		
Marshall	3.00%	2,120
Polk	3.00%	12,830
Pennington	3.00%	8,100
JD #28		
Marshall	1.00%	560
JD #29		
Marshall	2.00%	44,750
CD #39		
Marshall	1.00%	1,250
CD #39 Improvement		
Marshall	7.48%	8,110
JD #68		
Polk	3.32%	8,080
JD #75		
Polk	1.00%	36,530

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BRF	4.03%	147,230
CD #175		
Polk	3.00%	35,410

Motion unanimously carried.

The applications for the Consulting Engineer and Administrator were distributed. The interviewing committee recommended that Houston Engineering and Nick Drees be invited to attend the next regular board meeting for further review of their applications. A letter to the Polk County Commissioners and the Marshall County Commissioners in regards to the status of the Engineer and Administrator positions would be sent, and to invite them to attend the next regular meeting of the Board.

The Engineers Professional Liability Insurance was reviewed. It was agreed that this insurance could be terminated and that a letter be sent to the ICS Agency canceling this coverage.

Nick Drees was directed to apply for a notary public certificate.

Nick Drees reported that he was unable to secure quotes for employee health insurance from the Northwest Service Coop, and will try to have these ready at the next meeting.

A letter from Sjobergs Cable TV regarding the rental or purchase of the modem was distributed. It was agreed that the District would purchase the modem for \$49.95 plus tax, and this would include one year of warranty.

A special meeting of the Board of Managers was set for Tuesday, September 6, 2005 at 7:00 p.m., to adopt the 2006 budget and to reorganize the Board.

The next regular meeting of the Board of Managers was set for Monday, September 19, 2005, at 7:00 p.m., at the District office.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson to adjourn the meeting. Motion unanimously carried.

The meeting was adjourned at 10:00 p.m.

Connie Kalinowski
Recording Secretary

Carl Green
Secretary