

# APPROVED (January 23, 2006)

05-12.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. DECEMBER 19, 2005**

The meeting was called to order by President Doug Sorenson. Managers Arlyn Stroble, John W Nelson, David Bakke, Alvin Nybladh, Ben Kleinwachter, Doug Sorenson and Tracy Anderson were present. Attorney Jeff Hane, Ronald J Adrian, Nick Drees, Kelly Nelson, Connie Kalinowski, Rhonda Larson, Jim Stengrim, Ken Honek, Bob Honek, Al Honek, and Brian Jadeke and others were also present.

Motion by Mr. Arlyn Stroble, 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.

Loren Zutz joined the meeting at approximately 3:36 p.m.

Mike Williams joined the meeting at approximately 3:37 p.m.

Motion by Mr. David Bakke, seconded by Mr. Alvin Nybladh to approve the agenda as amended to include: closing the meeting at 6:00 p.m., for a conference call with legal council and recessing at 7:00 p.m., to attend the benefit for Mayor Richard P Nelson. Motion unanimously carried.

Motion by Mr. Tracy Anderson, seconded by Mr. John Nelson to approve the minutes of the November 21, 2005 Advisory meeting, and the minutes of the November 21, 2005 regular meeting. Motion unanimously carried.

Dave Jamieson joined the meeting at approximately 3:45 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Arlyn Stroble to approve the Treasurers Report, subject to audit. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. Tracy Anderson, that the bills be paid including the following: from the Administrative Funds, that payroll checks numbered 4275 through 4294 inclusive for a total of \$17,356.06; that checks numbered 12872 through 12876 inclusive for a total of \$6,751.87; that check number 12901 for \$816.70, the bank service charge and checks numbered 12877 through 12900 inclusive for a total of \$7,307.18 be paid;. From the Administrative Project Funds that checks numbered 1144 through 1155 inclusive for a total of \$88,353.01 be paid; from the Administrative RRWMB Fund check numbered 104 for a total of \$56,077.63; and from the Ditch Funds that checks numbered 2114 through 2117 inclusive for a total of \$28,376.50 be paid. Motion unanimously carried.

Due to an engraving error on the appreciation plaque presented to Ronald J Adrian, at the November meeting, Manager Doug Sorenson presented him with a corrected plaque thanking him for 32 years of service as Engineer of the District.

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Warren Chamber of Commerce President, Mike Williams, requested that the Board consider naming the Snake River Floodway Diversion Project after Richard P Nelson.

Motion by Mr. Arlyn Stroble, seconded by Mr. Tracy Anderson to authorize the naming of the Snake River Floodway Diversion Project after Richard P Nelson. Motion unanimously carried.

Mike Williams left the meeting at approximately 3:56 p.m.

The following bids were opened for rental of the properties owned by the District in sections 11 and 14 of Sandsville Township:

Parcel #1		Parcel #2	
Preston Solberg	\$49.50 per acre	Robin Johnson	\$40 per acre
DMS Ag	\$60.50 per acre	John Copp	\$50 per acre
John Copp	\$50.00 per acre		

Motion by Mr. Tracy Anderson, seconded by Mr. Ben Kleinwachter to accept the apparent high bidder for each parcel. Motion carried with Arlyn Stroble abstaining.

The permit (05-079) application of Eugene Larson to build a dike around the E2 E2 of section 11 of Viking Township was discussed. Nick Drees was directed to contact Mr. Larson and the adjacent landowner to further discuss the need for the permit and report to the Board at the next meeting.

Motion by Mr. David Bakke, seconded by Mr. John Nelson that the permit (05-079) request of Eugene Larson be tabled until next month. Motion unanimously carried.

Motion by Mr. David Bakke, seconded by Mr. John Nelson that the following permits be issued:

- 1) Permit (05-081) be issued to Augsburg Township to replace culverts on section line 34/35 of Augsburg Township, with a recommended 60" diameter or equivalent culvert, with the height to be set by the Watershed District.
- 2) Permit (05-086) be issued to the Marshall County Highway Department to replace the bridge, on Marshall County State Highway #4 and the Middle River, on section line 3/10, of Middle River Township with a 3 span, 91' concrete slab structure.

Motion unanimously carried.

Allen Honek, Bob Honek, and Ken Honek discussed the drainage problems of County Ditch #175 and inquired about cleaning it.

Nick Drees reported that the District has spot checked some areas on County Ditch #175 and it appears that some culverts and the ditch grade may be lower than the designed grade of the ditch.

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Ron Adrian reported that it appears the problem with County Ditch #175 is that it has a narrow bottom, a very flat slope, and that in his opinion cleaning the cattails could help the flow, but it should be surveyed to determine where the problem areas are.

The Board determined that County Ditch #175 would be surveyed in the spring of 2006, beginning 2 miles east of Minnesota Trunk Highway #220 to the outlet.

Allen Honek also noted that some of the field inlet culverts on Judicial Ditch #75 are protruding out of the ditch slope and are at risk to being damaged by ice flows.

Mark Hatton joined the meeting at approximately 4:32 p.m., and Elden Elseth joined the meeting at approximately 4:37 p.m.

Loren Zutz and Jim Stengrim commented on the letter the Attorney for the Watershed District sent to Elden Elseth pertaining to data practice requests.

Loren Zutz left the meeting at approximately 4:52 p.m.

Don Diedrich joined the meeting at approximately 5:20 p.m.

Mark Hatton of Conrad Dahl & Associates reviewed the Districts audit prepared for the year 2004. He stated there is a typographic error on page 28, and this would be corrected prior to publishing.

A discussion was held on the accrual method of accounting versus modified cash basis of accounting, which the District currently uses.

Jim Stengrim commented on items in the audit.

Motion by Mr. John Nelson, seconded by Mr. David Bakke that the District continue with the modified cash basis of accounting currently used, and change the Districts year ending from January 31 to December 31 for the 2006 year. Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter to accept the 2004 Audit and that the 2004 Annual Report be published and distributed to those known to be interested in receiving a copy and to those required to receive a copy. Motion unanimously carried.

Mark Hatton left the meeting at approximately 5:52 p.m.

Jeff Hane, Attorney for the Watershed District, requested the meeting be closed to discuss legal theories and strategies on the Agassiz Valley Water Management Project and to review Rule 4.2 Professional Responsibility.

Motion by Mr. Arlyn Stroble, seconded by Mr. Tracy Anderson to close the meeting. Motion unanimously carried.

Elden Elseth, Jim Stengrim, Don Diedrich and Brian Jadeke left the meeting at approximately 5:55 p.m.

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The meeting was closed at approximately 5:58 p.m.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson to reopen the meeting. Motion unanimously carried.

The meeting was reopened at approximately 7:10 p.m.

Alvin Nybladh left the meeting at approximately 7:13 p.m.

The Board recessed at approximately 7:14 p.m. to attend the Richard P Nelson benefit.

The Board reconvened at approximately 8:00 p.m.

It was announced that a motion hearing on the Zutz appeal on the Snake River PL 566 project is scheduled for January 10, 2006 in St. Paul, and a motion hearing on the Agassiz Valley Water Resource Management Project is also scheduled on January 10, 2006 in Warren, Minnesota.

Correspondence was distributed and reviewed from Elden Elseth regarding the rural waterline issue; from Lorman regarding a seminar being held in St. Paul; and from the Great Lakes Aquatic Habitat.

Danny Omdahl joined the meeting at 8:05 p.m.

Data Practice requests from Elden Elseth and Jim Stengrim and a request of Allen Honek for documents was distributed.

A discussion was held concerning renting the lands the District owns on the Agassiz Valley Water Management Project for the 2006 year. It was decided this matter would be reviewed at a future meeting.

Nick Drees reported that Phase 4 Mitigation on the PL-566 project is progressing; that on Phase 3B there is no further movement on obtaining additional material; and he has received a monitoring agreement from the US Geological Survey for the PL-566 project.

Motion by Mr. Tracy Anderson, seconded by Mr. Arlyn Stroble that the that the District sign the monitoring agreement with the US Geological Survey concerning monitoring of the PL-566 project. Motion unanimously carried.

A discussion was held on the landowners who owe the District funds for the construction of farmstead ring dikes. It was reported that of the 5 letters mailed, 2 owners have since paid, 2 owners have contacted the District, and 1 has not responded.

Danny Omdahl inquired about the status of the Agassiz Valley Water Management Project.

Nick Drees reported that only the seeding remains on the completion of the Angus Oslo #4 contract. He stated he is following up with the Polk County SWCD on the monitoring of the mitigated wetlands on the project.

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Nick Drees reported that an he has been in contact with Sharon Kelly of the Division of Homeland Security and Emergency Management on filing an extension with FEMA on the Judicial Ditch #75 PW #796 project and is awaiting word from her.

The Board agreed to continue the maintenance of Branch B of Judicial Ditch #15 east of Marshall County State Aid Highway #11.

Nick Drees reported that the spoil on the south side of State Ditch #3 has been set back for approximately 1 ¼ miles from CSAH #10 to the east in sections 5 and 4 of Bloomer Township and the banks have been resloped. He also stated he is checking into the availability of programs for seeding into grass the lands acquired for this project.

Nick Drees was directed to send a copy of the County Ditch #175 preliminary petition to Rhonda Larson.

Nick Drees reported he received a letter from Ray Bohn of the Minnesota Association of Watershed Districts regarding the Board of Water and Soil Resources Buffer Strip Survey. The Board directed Nick to proceed with the survey, if time permits.

John Nelson informed the Board on the status of the Higdem Township Community Ditch.

It was announced that the Red River Watershed Management Board meeting is scheduled for December 20, 2005 at Fertile, Minnesota. The Middle Snake Tamarac Rivers Watershed District's activity report was distributed.

David Bakke and Ben Kleinwachter reported on the MAWD Annual meeting held December 1-3 in Alexandra.

Nick Drees reported on the Administrators Governance Workshop he attended at the MAWD Annual Meeting, and on the use of credit cards by the Watershed District.

Motion by Mr. Arlyn Stroble, seconded by Mr. Tracy Anderson that the District set up a debit card with Bremer Bank and with the funds not to exceed \$5000. Motion unanimously carried.

Ron Adrian was directed to check with Rick St. Germain on areas that the Districts Assistant Engineer should be focusing on to help utilize his skills and talents.

Nick Drees reported that the Red Lake Watershed District is preparing the Beaver Control Grant, and that they will be the local government agency to oversee the program. The Board agreed that the Watershed District would participate in this program.

Nick Drees reported on the Red Lake Watershed District Project #60 to restore low flows in the Grand Marais coulee in Esther Township. He stated the coulee cuts across the District's boundaries with the Red Lake Watershed District and any works would need the cooperation of the Middle Snake Tamarac Rivers Watershed. No action was taken.

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Nick Drees reported that he has been contacted by Blake Owens regarding a desire to create a recreational area, as a 4-H club project, in the vicinity of the Angus Oslo #4 Impoundment site. The Board stated that the impoundment is posted for No Trespassing and due to liability issues they would not grant permission for this area to be used as a recreational area.

The Districts insurance policies in force were reviewed. Connie Kalinowski was directed to verify that all lands owned by the District are listed for liability insurance; to check into the cost of an umbrella policy for \$3 million on the Districts General Liability insurance; and to get quotes from ICS Agency increasing the Position Schedule Bond coverage on all managers to \$25,000.

A discussion was held on an open house recognizing Ronald J Adrian for his 32 years of employment with the District. It was decided to hold the open house on January 19, 2006, from 2:00 – 5:00 p.m., contingent on the Bremer Bank meeting room being available.

Connie Kalinowski was directed to check into the availability of the Bremer Bank meeting room, and make plans for such.

Motion by Mr. Tracy Anderson, seconded by Mr. Arlyn Stroble that the District expend funds of a reasonable amount for a gift to Ronald J Adrian. Motion unanimously carried.

It was announced that the District office will be closed on December 26, 2005, and January 2, 2006, for the holidays.

A brief discussion on the deposition hearing of Rick St. Germain on December 16, 2005 regarding the Agassiz Valley Water Management Project was held.

A discussion on employee health insurance and salary was held. It was agreed that managers Tracy Anderson and John W Nelson would meet and negotiate with the employees and report back to the board at the next meeting.

Mr. Doug Sorenson stated that the salary adjustments would be retroactive to January 1, 2006.

The next regular meeting of the Middle Snake Tamarac Rivers Watershed District is scheduled for January 23, 2006 at the District office.

Motion by Mr. Arlyn Stroble, seconded by Mr. David Bakke to adjourn the meeting. Motion unanimously carried.

The meeting was adjourned at approximately 10:50 p.m.

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Connie Kalinowski  
Recording Secretary

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Ben Kleinwachter  
Secretary