

APPROVED (March 20, 2006)

06-02.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. FEBRUARY 27, 2006**

The meeting was called to order by President Doug Sorenson. Managers Alvin Nybladh, John W Nelson, Tracy Anderson, David Bakke, Doug Sorenson, Arlyn Stroble and Ben Kleinwachter were present. Attorney Jeff Hane, Ronald J Adrian, Nick Drees, Kelly Nelson, Connie Kalinowski, LeRoy Vonasek, Curtis Carlson, Wally Diedrich and Jim Stengrim were also present.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh, that Connie Kalinowski be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion unanimously carried.

Roger Hille joined the meeting at approximately 3:42 p.m.

Motion by Mr. David Bakke, seconded by Mr. Arlyn Stroble 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 January 23, 2006 meeting as corrected. Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. David Bakke to approve the Treasurers Report, subject to audit. Motion unanimously carried.

Motion by Mr. Arlyn Stroble, seconded by Mr. Tracy Anderson to pay check #1170, in the amount of \$250,000 to BNSF Railway Company, for future maintenance of the BNSF Railway bridge on the PL-566 project. Motion unanimously carried.

Motion by Mr. Tracy Anderson, seconded by Mr. John W Nelson, that the bills be paid including the following: from the Administrative Funds, that payroll checks numbered 4311 through 4324 inclusive for a total of \$14,459.03; that checks numbered 12936, and 12938 through 12943 inclusive for a total of \$11,249.04; that checks numbered 12935, 12937, 12944 through 12966 inclusive, including the bank service charge for a total of \$20,918.65 be paid;. From the Administrative Project Funds that checks numbered 1167 through 1170 inclusive for a total of \$451,370.36 be paid; from the Administrative RRWMB Fund check numbered 107 for a total of \$1,069.09; and from the Ditch Funds that checks numbered 2128 through 2132 inclusive for a total of \$386,990.75 be paid. Motion unanimously carried.

Bids received for the rental of properties in section 7 of Comstock (Strip) Township (T154N R 46W) were opened and read. Those submitting bids were:

APPROVED (March 20, 2006)

Blake Owens, Ron, Loren & Deb Zutz JV, Mark McGregor, Tim Sedlacek, Joey Potucek, Gordon Wetterlund, Jeff and Carol Monroe and Brandon Gornowicz.

Don Diedrich and Marvin Hedlund joined the meeting at approximately 4:03 p.m.

Glenn Bergeron joined the meeting at approximately 4:04 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Arlyn Stroble to accept the apparent high bid of Ron, Loren and Deb Zutz, JV.

A discussion was held regarding the amount of acres each bidder based their bid on. Manager Arlyn Stroble withdrew his second on the motion to accept the high bid of Ron, Loren and Deb Zutz JV.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke to accept the apparent high bid of Ron, Loren & Deb Zutz JV. Manager Doug Sorenson called for a cast of votes. Motion was denied.

Motion by Mr. Tracy Anderson, seconded by Mr. Arlyn Stroble to rent the lands in section 7 of Comstock (Strip) Township (T154N R46W) to the apparent high bidder. Manager Doug Sorenson called for a cast of votes. Motion was denied.

James Bergman, Brian Jadeke and Steve Nelson joined the meeting at approximately 4:05 p.m.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Tracy Anderson, to reject all bids and re-advertise the land for rent in section 7 of Comstock (Strip) Township (T154N R46W), with the bids to be for the total amount and not on a per acre basis. Motion unanimously carried.

Glenn Bergeron suggested the lands be advertised based on tillable acres along with the legal description.

Connie Kalinowski was directed to publish the rental of lands in section 7 of Comstock (Strip) Township (T154N R46W), for 2 weeks, with bids accepted until 3:30 p.m., March 20, 2006, with the Board to publically open such bids at the regular meeting scheduled for March 20, 2006.

James Bergman, Steve Nelson and Marvin Hedlund appeared on the Higdem Ditch permit (06-002) request. They stated that they held a township meeting and that a Subordinate Service District was formed, to service and maintain the ditch. The Higdem ditch would be controlled, financed and maintained by the Service District. They also stated they have received the necessary permits from the Minnesota Department of Natural Resources and the Army Corps of Engineers.

APPROVED (March 20, 2006)

Discussion was held on the particulars of the proposed ditch. There also was discussion on the drainage in section 13 of Higdem Township and section 18 of Sandsville Township that would be affected by the ditch.

Motion by Mr. Tracy Anderson, seconded by Mr. Arlyn Stroble to issue a permit (06-002) to the Higdem Township Subordinate Service District to construct a ditch along the north side of sections 17, 16, 15, 14 and 13 of Higdem Township outletting in the NW4 of section 17 of Higdem Township into the Red River of the North, and contingent upon them securing the permits necessary for drainage of section 18 of Sandsville Township. Motion unanimously carried.

Loren Zutz joined the meeting at approximately 4:50 p.m.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh, to issue permit (06-003) to the Marshall County Highway Department to install 3 lines of 96" diameter CSP in the Tamarac River in section 18 of Wright Township (T157N R46W), as outlined in the permit request dated January 25, 2006. Motion unanimously carried.

Nick Drees stated that the permit (06-004) request of the Marshall County Highway Department to regrade and reslope CSAH #2, would be discussed at the next regular meeting after more field inspection.

Jim Stengrim addressed the board in regards to the bridge on Judicial Ditch #25-1, main branch, on the sectionline common to section 1 McCrea (Strip) Township and section 6 of Comstock (Strip) Township. He would like to have the bridge replaced. He also inquired if any FEMA disaster monies were received for the repair of this bridge in prior disaster events.

The Board informed Jim Stengrim his inquiries would be looked into.

Correspondence was reviewed from the Minnesota Association of Watershed Districts regarding the 2006 Legislative Breakfast to be held on March 23, 2006; from Governor Pawlenty regarding the Clean Water Initiative; from the Minnesota Viewers Association regarding annual dues; and from the PL-566 MN Update.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson to expend funds, to the Minnesota Viewers Association, in the amount of \$125.00 for annual dues. Motion unanimously carried.

The data practice requests of Jim Stengrim and the response from IPAD was distributed.

Jeff Hane reported that the proposed orders would be presented to the Court on March 1, 2006, on the Agassiz Valley Water Management Project.

APPROVED (March 20, 2006)

Nick Drees reported that the contract on Phase 2 of the PL-566 project has not been finalized; that backfilling of the diversion structure and seeding of this area remains to complete Phase 3B; that the landowner in the SW4 of section 6 of McCrea (Strip) Township is requesting a crossing across the BNSF railroad tracks on Phase 3; and that he is still waiting for word from the Army Corps of Engineers on the wetland mitigation on Phase 4 of the PL-566 project.

Nick Drees was directed to pursue with the railroad the landowner request for a crossing across the railroad tracks, north of the ditch on Phase 3 of the PL-566 project.

Jim Stengrim left at approximately 4:30 p.m.

Nick Drees reported that he filed a claim in small claims court on the landowner who owes the District for the construction of a farmstead ring dike, and that the District has received the executed Flood Hazard Mitigation Grant Agreement for the construction of farmstead ring dikes for 2007; and that he intends to advertise to property owners within the District, the State Farmstead Ring Dike Cost Share program.

Jeff Hane stated that he had been contacted by the delinquent landowner, and that they would like to pay the outstanding balance of \$715.11 and forgo the court hearing.

It was the consensus of the Board, that they would accept payment in the amount of \$715.11, for payment of the farmstead ring dike.

Nick Drees discussed the possibility of constructing a ring dike for the farmstead in section 6, Big Woods Township. The agricultural levee adjacent to an outbuilding is sliding and is in need of repair.

Nick Drees reported that he is in the process of determining how much land we acquired to move the dike on State Ditch #3 in section 5 and 4 of Bloomer Township; that the survey crew, along with Chad Konickson of the Minnesota Department of Natural Resources inspected Branch A of Judicial Ditch #15 in sections 19 and 30 of New Solem Township. They also checked ground elevations to determine if high waters in these sections could be lowered. There has been much landowner concern on the high water on their properties in this area. Marshall County Highway Department has also expressed a desire to have the waters lowered adjacent to Marshall County State Aid Highway #2. The Board approved the removal of limited obstructions in the drainage ditch.

Nick Drees was directed to contact the Marshall County Highway Department and advise them on the removal of the obstructions adjacent to Marshall County State Aid Highway #2, on Branch A of Judicial Ditch #15.

APPROVED (March 20, 2006)

Ronald J Adrian, of Houston Engineering, reported he is progressing on the report on Judicial Ditch #15, Main branch.

Nick Drees reported on the Red River Watershed Management Board meeting held on February 21, 2006, in Fertile. He reported on a program dealing with water quality called "Red River & You Teachers Institute", and that he recommends that the District have Kelly Nelson attend. He also stated that other Watershed Districts in the area are providing financial support to teachers from their districts to attend.

Mr. Drees was directed to check on the costs of other districts on the funding of this program.

The Districts' activity report and the Red River Watershed Management Board News and Views were distributed.

LeRoy Vonasek left the meeting at approximately 6:00 p.m.

Nick Drees reported that the joint meeting with the Marshall County SWCD on the signing of the Memorandum of Understanding was cancelled, and that they requested the District sign the agreement; that Alvin Nybladh and John W Nelson attended a joint meeting with the Marshall County Board of Commissioners committee at the Watershed office. Discussion on items of joint concerns was held, and it was agreed to continue to hold monthly meetings; that the Minnesota Department of Natural Resources inquired if the District desired to purchase a 40 acre tract in section 22 of Brandt township in Polk County. The District already maintains a flowage easement on the property. The Board has no desire to acquire the property at this time; and that the H.F. No 2846 bill on eminent domain is scheduled to be heard on March 1, 2006.

Connie Kalinowski reported the ICS Agency has requested an application to increase the managers bonds; that the District has received the renewal of the Districts insurance from Thompson Insurance; and that she has requested quotes for insurance from other companies.

Connie Kalinowski reported that, upon advise from Consulting Unlimited and Auditor, Mark Hatton, it would have been difficult to close the books effective December 31, 2005, and that the books for year 2005 were closed effective January 31, 2006; and that Mark Hatton would be contacting the District in March to prepare the 2005 audit.

The Board directed Connie Kalinowski to check the timelines of other Auditors in preparing the District's 2005 audit.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the District prepare the 2005 Annual Report. Motion unanimously carried.

APPROVED (March 20, 2006)

Nick Drees reported that all District employees are now covered by health insurance.

The employee handbook was distributed and reviewed.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter to accept the employee handbook with the changes recommended by the District's legal council, effective February 27, 2006. Motion unanimously carried.

Manager Ben Kleinwachter requested the Board act on agenda item #20, before #19.

Motion by Mr. Arlyn Stroble, seconded by Mr. David Bakke, to expend \$2000.00 to the Minnesota Association of Watershed Districts for the Districts annual dues. Motion unanimously carried

Connie Kalinowski was directed to check on the yearly maintenance agreement with Quickbooks.

Motion by Mr. David Bakke, seconded by Mr. Ben Kleinwachter to close the meeting for purposes of discussing strategies and theories on the Agassiz Valley Water Management Project. Motion unanimously carried.

Curtis Carlson, Glen Bergeron and Brian Jadeke left the meeting at approximately 6:30 p.m.

The meeting was closed at approximately 6:30 p.m.

Motion by Mr. Tracy Anderson, seconded by Mr. John W Nelson to reopen the meeting. Motion unanimously carried.

The meeting was reopened at approximately 7:09 p.m.

The next regular meeting of the Board of Managers was scheduled for 3:30 p.m., March 20, 2006, at the District office.

Motion by Mr. Arlyn Stroble, seconded by Mr. Ben Kleinwachter that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 7:11 p.m.