

## APPROVED (April 17, 2006)

06-03.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. MARCH 20, 2006**

The meeting was called to order by President Doug Sorenson. Managers Arlyn Stroble, Alvin Nybladh, David Bakke, Doug Sorenson, John W Nelson and Tracy Anderson were present. Manager Ben Kleinwachter was not present. Attorney Jeff Hane, Ronald J Adrian, Nick Drees, Kelly Nelson, Connie Kalinowski, LeRoy Vonasek, Curtis Carlson, Wally Diedrich, Jim Stengrim, Brian Jadeke and Loren Zutz were also present.

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

Motion by Mr. David Bakke, seconded by Mr. John W Nelson to approve the minutes of the February 27, 2006 meeting as presented. Motion unanimously carried.

Manager Ben Kleinwachter joined the meeting at approximately 3:40 p.m.

Motion by Mr. Tracy Anderson, seconded by Mr. Arlyn Stroble to approve the Treasurers Report, subject to audit. Motion unanimously carried.

Managers David Bakke and Ben Kleinwachter requested a breakdown of costs for the Engineering Services provided by Houston Engineering on the Agassiz Valley Water Management Project.

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 4325 through 4335 inclusive for a total of \$13,133.07; that checks numbered 12967 through 12971 inclusive for a total of \$5,62311; that checks numbered 12972 through 12993 inclusive for a total of \$11,599.63 be paid; from the Administrative Project Funds that checks numbered 1171 through 1177 inclusive for a total of \$57,282.93 be paid; and from the Ditch Funds that checks numbered 2133 through 2136 inclusive for a total of \$2,854.61 be paid. Motion unanimously carried.

Motion by Mr. Arlyn Stroble to reject all bids for the rental of properties in section 7 of Comstock (Strip) Township, prior to opening. Motion died for lack of a second.

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Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson to close the meeting for approximately 15 minutes, to discuss with legal council the ramifications on opening or rejecting the bids. Motion unanimously carried.

The meeting was closed at approximately 3:54 p.m.

Jim Stengrim, Loren Zutz, Wallace Diedrich, Brian Jadeke, Curtis Carlson and LeRoy Vonasek left the meeting at approximately 3:54. p.m.

Motion by Mr. Tracy Anderson, seconded by Mr. Alvin Nybladh to reopen the meeting. Motion unanimously carried.

The meeting was reopened at approximately 4:08 p.m.

Jim Stengrim, Loren Zutz, Wallace Diedrich, Brian Jadeke, Curtis Carlson and LeRoy Vonasek rejoined the meeting at approximately 4:08 p.m.

Motion by Mr. Arlyn Stroble, seconded by Mr. Tracy Anderson to reject all bids for the rental of properties in section 7 of Comstock (Strip) Township.

Chairman Doug Sorenson called for a vote of the managers to reject all bids or open the bids. Managers Arlyn Stroble, Alvin Nybladh and Tracy Anderson voted in favor of the motion to reject all bids and managers John W Nelson, David Bakke and Ben Kleinwachter voted to open all bids. Chairman Doug Sorenson cast the vote to open the bids.

The bids for the rental of lands for the 2006 crop year in section 7 of Comstock (Strip) Township were publically opened and read as follows:

Tim Sedlacek	\$	20,501.00
Denise Hermreck		18,500.00
Gordon Wetterlund, Jr		17,556.00
Brandon Gornowicz		13,750.00
Terry & Joey Potucek		17,032.40
Ron, Loren & Deb Zutz		18,750.00

The managers reviewed the bids.

Motion by Mr. David Bakke, seconded by Mr. Tracy Anderson to accept the high bid of Tim Sedlacek. Manager Mr. David Bakke moved to amend his motion to accept the high bid of Tim Sedlacek upon the review of the bids by the District's legal council.

After discussion, Manager Mr. David Bakke rescinded his motion.

A discussion was held whether legal council needed to review the bids.

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Mr. Ben Kleinwachter entertained a motion that the District's legal council review the bids. Motion died for lack of a second.

Motion by Mr. David Bakke, seconded by Mr. Tracy Anderson to rent the lands in section 7 of Comstock (Strip) Township to the apparent high bidder. Chairman Doug Sorenson called for a vote, with Managers Mr. David Bakke, Mr. Tracy Anderson, and Mr. John W Nelson voting for; Manager Mr. Ben Kleinwachter voting against, and Managers Mr. Arlyn Stroble and Mr. Alvin Nybladh abstaining. Chairman Doug Sorenson cast a vote in favor of accepting the high bid.

Motion by Mr. Tracy Anderson, seconded by Mr. David Bakke to issue permit (06-007) to Mr. John W Nelson to replace the culvert through the Agricultural Levee in the SW4 of section 29 of Oak Park Township, with the elevation and culvert size to be determined by the Watershed District. Motion unanimously carried, with Mr. John W Nelson abstaining.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson to issue permit (06-004) to the Marshall County Highway Department to regrade and reslope County State Aid Highway #2, as outlined in the permit application. Motion unanimously carried.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson that the following permits be tabled pending additional information: The Permit (06-005) request of the Polk County Highway Department to replace the existing culvert, on Polk County Ditch #43, on sectionline 11/12 of Angus Township; and Permit (06-006) request of the Polk County Highway Department to replace the existing bridge, on sectionline 9/10 of Tabor Township; and to deny the permit (06-008) request of Peter Hapka to remove sediment, and flatten the road slopes on Polk County road #67, and place the spoil along the south edge of the field, on the south side of section 22 of Brislet Township. Motion unanimously carried.

A request of Loren Zutz, along with Jim Stengrim, Wally Diedrich, and Brian Jadeke to address the Board on 1) Employee conduct regarding the public, 2) Contracted service provided by Houston Engineers employee, Ron Adrian, and 3) Clarification of the MSTRWD 2004 Audit, was granted by the Board. Discussion on these issues was held.

After discussion, it was agreed that the District would make available a copy of the contract with Houston Engineering.

Nick Drees reported that Mr. John W Nelson, Mr. David Bakke and Mr. Tracy Anderson would be attending the Legislative Breakfast scheduled for March 22, 2006, at the Kelly Inn in St. Paul, Minnesota.

Mr. Tracy Anderson announced he would not be attending.

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Nick Drees reported on the number of data practice requests received for the year 2006.

The "Draft" revision of the Data Policy of the Middle Snake Tamarac Rivers Watershed District's was distributed and reviewed.

After review, Mr. Jeff Hanes was directed to re-draft the Data Policy with the suggested changes.

Eldon Elseth joined the meeting at approximately 6:00 p.m.

Mr. Jeff Hane reported that a meeting of the legal councils, with the Attorney General's office, is scheduled on the Agassiz Valley Water Resource Management Project.

Nick Drees reported that there is no progress in finalizing Phase 2 of the PL-566 project; that he has been in contact with the BNSF railroad regarding the installation of a crossing in the SW4 of section 6 of McCrea (Strip) Township on Phase 3B; and there has not been an agreement reached regarding wetland mitigation on Phase 4 of the PL-566 project.

It was announced that payment has been received from the delinquent landowner on the construction of a farmstead ring dike.

Nick Drees reported on the status of the survey done to determine how much land was needed for the re-sloping of State Ditch #3; that some dams were removed on Branch A of Judicial Ditch #15, and that it appears the bridge between section 1 of McCrea (Strip) Township and section 6 of Comstock (Strip) Township, on Judicial Ditch #25-1, main branch, is the responsibility of McCrea Township.

It was reported that the Red River Watershed Management Board is scheduled to meet on March 21, 2006, at Ada, Minnesota. No activity report for the District was prepared.

Nick Drees reported that the Joint meeting of the Red River Watershed Management Board and the Red River Basin Flood Damage Work Group is scheduled for March 30, 2006, at Crookston, Minnesota.

Jim Stengrim stated he will be giving a presentation at the joint meeting on March 29, 2006.

Nick Drees reported that he has been in contact with Donovan Pietruszewski of the Minnesota Department of Natural Resources regarding the Nelson Slough, and that a meeting has been tentatively scheduled for Wednesday, March 29, 2006, with Alvin Nybladh, Ben Kleinwachter and Tracy Anderson attending.

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Nick Drees gave a brief description on Marshall County's 10 year Water plan; he stated that legislation is moving forward on grass buffer strips; that the Sentence to Serve has cleaned the Middle River in sections 27, 28, and 29 of West Valley Township and he presented cost estimates to replace the District's pickup and one ATV.

Nick Drees was directed to check the Snake River by Morkassel bridge for debris; and to check the Snake River in sections 8 and 9 of Marsh Grove Township for beaver dams.

Motion by Mr. Alvin Nybladh, seconded by Mr. David Bakke to authorize Nick Drees to purchase on behalf of the District a suburban and an ATV, upon the condition that he receive two quotes. Motion unanimously carried.

It was reported that Kelly Nelson attended the Water Quality meeting held in Crookston, Minnesota on March 14, 2006.

Nick Drees was directed to contact last year's summer employee's to determine if they are interested in returning for the 2006 construction season.

Connie Kalinowski reported that ICS Agency, is preparing the bonds for the managers, and that all managers are currently covered.

Connie Kalinowski reported that she contacted Drees, Risky & Vallagher, CPA of Crookston, Minnesota, for an approximate timeline and cost estimate on preparing the District's 2005 audit; and that Mark Hatton, of Conrad Dahl and Associates, will begin the District's audit for the year 2005 on April 25, 2006.

Manager Mr. David Bakke requested the District check with the State Auditor on the timeline and costs in preparing the Districts audit.

Nick Drees reported that the employee health insurance is due for renewal on April 1, 2006 and that he is checking into a health reimbursement arrangement and medical savings accounts for the District employees.

It was agreed that agenda item #20 would be moved before the closed portion of the meeting.

Mr. Jeff Hane discussed the tape recording of employees and managers of the District. He stated that the District could adopt a policy forbidding the use of electronic recording equipment under Chapter 624.

Motion by Mr. Tracy Anderson, seconded by Mr. Arlyn Stroble, to adopt the following policy:

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“Electronic recording of Managers and Employees is strictly prohibited on these premises, except with express permission, or except during official public meetings.”

Chairman Doug Sorenson called the vote with Mr. Arlyn Stroble, Mr. Alvin Nybladh, and Mr. Tracy Anderson voting in favor of; Mr. David Bakke, Mr. Ben Kleinwachter voting against, and Mr. John W Nelson abstaining. Mr. Doug Sorenson voted in favor of. The motion to adopt the recording policy of the District was passed by vote.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson to close the meeting for purposes of discussing strategies and theories regarding the Agassiz Valley Water Resource Management Project. Motion unanimously carried.

Jim Stengrim, Loren Zutz, Wallace Diedrich, Brian Jadeke, Eldon Elseth, LeRoy Vonasek and Curtis Carlson left the meeting at approximately 7:10 p.m.

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

Motion by Mr. John W Nelson, seconded by Mr. David Bakke to reopen the meeting. Motion unanimously carried.

The meeting was reopened at approximately 8:05 p.m.

The next regular meeting was scheduled for April 17, 2006, at 3:30 p.m., at the District office.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh to adjourn the meeting. Motion unanimously carried.

The meeting was adjourned at approximately 8:05 p.m.

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Connie Kalinowski  
Recording Secretary

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Ben Kleinwachter  
Secretary