

APPROVED
(as corrected October 16, 2006)

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz that the gross salaries of the staff be included in the monthly treasurer's report. Mr. Elden Elseth called for a roll call of votes, with Mr. Elden Elseth, Mr. Ben Kleinwachter and Mr. Loren Zutz voting in favor of and Mr. Doug Sorenson, Mr. Alvin Nybladh, Mr. John W Nelson, and Mr. Arlyn Stroble opposing. Motion denied.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson to approve the Treasurer's report, subject to audit. Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson that the bills be paid including the following: from the Administrative Funds, that payroll checks numbered 4411 through 4425 inclusive for a total of \$15,779.19; that checks 13128 through 13132 inclusive for a total of \$10,455.68; and checks numbered 13133 through 13156 inclusive and the bank service charge for a total of \$11,663.78 be paid; from the Administrative Project Funds that checks numbered 1253 through 1260 inclusive for a total of \$330,629.57 be paid; and from the Ditch Funds that checks numbered 2161 through 2164 inclusive for a total of \$26,337.94 be paid. Motion unanimously carried.

Nick Drees reported on the meeting held on Wednesday, September 13, 2006, with the landowners along State Ditch #3. He stated that the Board passed a resolution in 1991 setting the spoil bank on the North side 1 foot higher than the spoil bank on the South side, for the reach from the outlet of State Ditch #3 into the Snake River, in section 35 of Fork Township to the east line of Section 34 of Parker Township. Copies of the resolution of the Board of the December 1991 meeting were distributed.

Lon Aune, Marshall County Highway Department Engineer joined the meeting at approximately 7:30 p.m.

Comments and questions were entertained by the Board from Mark Stoltman, Leroy Nelson, Larry Riopelle, Jeff Beaudry, Dean Labine, Glen Bergeron and others regarding State Ditch #3.

A lengthy discussion was held concerning the need to stabilize the banks and the bottom grade, how the height of the spoil banks was determined in 1991, erosion problems occurring at the bridge on Marshall County Road #10, the possibility of a retention site being built, and the amount of funds available to repair State Ditch #3.

Ronald J Adrian, Engineer for the District, gave a brief report on the background of State Ditch #3, and explained what constitutes a ditch repair or ditch improvement.

APPROVED
(as corrected October 16, 2006)

Attorney Jeff Hane reported on the petition process.

A discussion was held concerning the creation of a sub-committee to work out issues regarding the height of the spoils and other options that the landowners can agree on regarding State Ditch #3. Landowner, Glen Bergeron, Managers Mr. John W Nelson and Mr. Alvin Nybladh volunteered to be part of a sub-committee. The Board asked other landowners to contact the District office if they would be willing to be part of the sub-committee.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh to expend available ditch funds, this fall, to repair the reach of State Ditch #3 on the south bank where the natural channel straightens in section 4 of Bloomer Township, as determined by the Engineer for the District. Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Alvin Nybladh to approve the following permits:

1. Permit (06-057) be issued to the Marshall County Highway Department to regrade 4 miles of County Road #150 in sections 2, 3, 10, 11, 14, 15, 22 and 23 of Augsburg Township, as defined in the plans of the Highway Department;
2. Permit (06-058) be issued to the Marshall County Highway Department to regrade, to replace the culverts and to add aggregate base on County State Aid Highway #23, in section 1, 2, 11, 12 of Sinnott Township, as defined in the Marshall County Road plan;
3. Permit (06-070) be issued to Higdem Township to install (3) 48" culverts through the township road, on section line 8/17 of Higdem Township provided the spoil of the Higdem Ditch, on the corner, is set at the same height as the roadway, and conforms to the requirements established for the Agricultural Levees, and that (1) 48" culvert be installed at a lower elevation to provide drainage, and the other (2) 48" culverts are set at a higher elevation to help equalize flood waters;
4. Permit (06-073) be issued to Jerod Peterson to replace the existing 36" culvert, under the Northern Plains railroad, in the NW4 of section 3 of Vega Strip, with a culvert of the same size, with the elevation of the culvert to be set 1 foot lower, and set by the District;
5. Permit (06-074) be issued to Paul St. Germain to clean sediment for approximately 1 mile on the east Trunk Highway #75 road ditch in section 34 of Tamarac Township, provided the District set the grade of the ditch, and that a permit is received from the Minnesota Department of Transportation;

APPROVED
(as corrected October 16, 2006)

6. Permit (06-075) be issued to H & J Farms, Inc. to replace the existing 18" culvert, through the field crossing, with (1) 24" culvert in the NW4 of section 30 of Brislet Township.

Motion unanimously carried.

Larry Nelson and Sandra Simonson requested to be removed from the agenda, and requested to be put on the agenda for the next regular meeting.

Larry Nelson and Sandra Simonson left the meeting at approximately 9:35 p.m.

Don Narlock, Sylvester Narlock, and Dean Narlock discussed the drainage in the SW4 and the SE4 of section 33 of Warrenton Township by their farmstead.

Eric Johnson and Neil Johnson stated that they would like some suggestions from the Watershed District on what needs to be done to protect Narlock's farmstead from flooding, and requested the Board grant permission for the Watershed District to perform a survey of the area.

Representatives of Vega Township presented the Board with a letter requesting a re-evaluation of the spillway elevations, set by the Watershed District in 2002, on Marshall County #21, in the NE4 of section 1 of Vega Township.

Merle Stinar and others, discussed the importance of maintaining the spillways on Marshall County #21, and questioned what the elevation of the spillway should be, and how long the reach of the spillway should be between the Snake River and Trunk Highway #1 and for County Ditch #41 to be remain functional.

Lon Aune, Marshall County Highway Engineer, reported that Marshall County #21 is scheduled to be paved in 2009. He further stated that the County will construct the roadway to the elevation that is determined by the Watershed District.

It was agreed that the spillway should be at least 1 foot below the height of the Kuznia yard, and the length of the reach would have to be determined.

Correspondence from the Minnesota Association of Watershed Districts concerning the Resolution Process and the 2006 Awards Program for Watershed District Project of the year was distributed.

Manager Mr. Eldon Elseth entertained the following resolution regarding eminent domain:

APPROVED
(as corrected October 16, 2006)

As a matter of general policy, the Middle Snake Tamarac Rivers Watershed District shall treat all landowners equally and fairly with respect to just compensation for land taken by eminent domain or under threat of eminent domain. Equally shall mean that the same multiplier times appraised valuation or tax appraised valuation shall be used in making just compensation. Further, this Watershed District will not discriminate with respect to compensation between landowners based on race, religion, financial or social status.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz that the Resolution concerning eminent domain be adopted. A roll call of votes was taken, with Mr. Elden Elseth and Mr. Loren Zutz voting in favor of, and Mr. Ben Kleinwacher, Mr. Doug Sorenson, Mr. Alvin Nybladh, Mr. John W Nelson and Mr. Arlyn Stroble voting against. Motion denied.

Nick Drees reported that the Watershed District is in the process of securing the required permits for the Agassiz Valley Water Resource Management Project; that the District received the Order Confirming Acquisition of Lands from the District Court; and he distributed the proposals received from George Hess and LeRoy Andresen on behalf of Mabel Andresen.

Attorney Jeff Hane informed the Board that the non-appealing landowners have an appeal period regarding the District's Court Order Confirming the Acquisition of Lands.

Manager Mr. Loren Zutz, distributed a spreadsheet he had prepared regarding the settlement amounts received by some non-appealing and appealing landowners for the Agassiz Valley Water Management Project.

A discussion was held with George Hess and Joyce Way. They stated that land values have gone up and that they should be compensated at the present values, not the 2002 land values, as determined in the Findings and Fact for the Establishment of the Agassiz Valley Water Resource Management Project.

David Jadeke inquired about compensation for damages that his crops sustained during the survey work being done on the Agassiz Valley Water Resource Management Project. David Jadeke was directed to submit a statement for damages for the Board to consider at the next regular meeting.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz that a sub-committee be formed to re-evaluate the non-appealing landowner settlement amounts. A roll call vote was taken, with Mr. Elden Elseth and Mr. Loren Zutz voting in favor of, and Mr. Doug Sorenson, Mr. Ben Kleinwachter, Mr. Alvin Nybladh, Mr. Arlyn Stroble, and Mr. John W Nelson voting against. Motion denied.

APPROVED
(as corrected October 16, 2006)

Mr. Loren Zutz discussed his court appeal on PL 566. He questioned why he should be assessed benefits for the project when his house is not located in the 100 year flood plain. A discussion was held on how properties could be benefited even though they may not be in the 100 year flood plain.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz that the meeting be recessed until September 22, 2006, citing Roberts Rules of Order. A roll call vote was taken, with Mr. Elden Elseth and Mr. Loren Zutz voting in favor of, and Mr. Alvin Nybladh, Mr. Doug Sorenson, Mr. John W Nelson, Mr. Arlyn Stroble, and Mr. Ben Kleinwachter voting against. Motion denied.

Mr. Ronald J Adrian stated that in his opinion Mr. Zutz's property is not located within the 100 year flood plain, but Mr. Zutz should contact the local Zoning Authority to make that determination.

Nick Drees updated the Board on the PL-566 project. He stated that the District is waiting for the final estimate for payment on Phase 3B, and that there has been no word from the Minnesota Pollution Control Agency or the Army Corps of Engineers regarding the wetland mitigation on Phase 2.

Mr. Elden Elseth brought up the removal of debris along the Snake River on Adrian Weslowski's property in section 32 of McCrea Township.

Nick Drees stated that it could be possible to utilize the Sentence to Serve to remove the debris between Marshall County #34 and the PL-566 diversion structure, provided the landowner grants permission to the District to enter his property.

Nick Drees reported that the cleaning of Judicial Ditch #15 is continuing; and that the repairing of the sloughing areas on State Ditch #3, by the Dean Labine and Glenn Bergeron farmsteads, will be completed this fall.

It was reported that the District is in the process of receiving quotes for the construction of a farmstead ring for the Danielski and Dammen properties.

Nick Drees reported that the depositions scheduled for the Angus Oslo #4 Completion Project was postponed, and are anticipated to be rescheduled in a couple of weeks.

It was announced that the next meeting of the Red River Watershed Management Board is scheduled for September 19, 2006, at the Red Lake Watershed District in Thief River Falls, at 9:30 a.m. The District's activity report was distributed.

APPROVED
(as corrected October 16, 2006)

Mr. Ronald J Adrian distributed the Reconnaissance Report prepared by Houston Engineering for the Floodwater Impoundment Site in Brandt and Angus Townships and a listing of potential project work team members. It was the consensus of the Board that this would be reviewed at the next regular meeting.

Nick Drees reported that a meeting was held on September 15, 2006 with landowners affected by the Swift Coulee and Marshall County Ditch #3.

A discussion was held concerning hunting on the properties owned by the District. It was stated that it is the policy of the District that all lands be posted for No Hunting or Trespassing.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh, that the properties owned by the District be posted No Hunting or Trespassing without permission for the 2006 season. Motion unanimously carried.

Nick Drees was directed to check into the cost of permanent no hunting signs.

The Capitol Expenditures items were tabled until the next regular meeting.

Connie Kalinowski reported that she has attempted to contact Mark Hatton regarding the District's audit for 2005, and he has yet to contact her.

Nick Drees and Connie Kalinowski were directed to check with other firms who would be certified to conduct the annual audits of the District.

A discussion was held concerning membership to the District's Advisory Committee.

Motion by Mr. Elden Elseth, seconded by Mr. Alvin Nybladh, that the secretary send letters to each county, township and city within the Watershed District inviting them to submit names of individuals who would be interested in serving on the Advisory Committee, and that a notice be published in the Stephen Messenger and the Warren Sheaf inviting individuals who may be interested in serving on the Advisory Committee to submit their names to the Watershed District. Motion unanimously carried.

Nick Drees was directed to contact the City of Warren to see if they are interested in purchasing the District's shed.

Nick Drees reported that he attended a meeting at the Marshall County Courthouse with representatives of Marshall County, landowners and a representative from the Minnesota Department of Public Safety on potential farmstead buyouts.

APPROVED
(as corrected October 16, 2006)

A discussion was held concerning the amount of insurance coverage the District currently has on the contents of the District.

Motion by Mr. Arlyn Stroble, seconded by Mr. Elden Elseth, that the insurance coverage on the District's contents be increased to \$60,000. Motion unanimously carried.

A discussion was held on digitizing the records of the District. Nick Drees was directed to check into the cost of this service.

Mr. Jeff Hane reported that he did some checking regarding the budget and levies of the Red River Watershed Management Board, and that he contacted the Attorney for the Red River Watershed Management Board and asked him to check into these matters.

Mr. Jeff Hane inquired what the policy of the District is regarding individual board members contacting him to do research. It was the consensus of the Board that if it does not consume too much time, that they have no problem with him providing the service.

The next regular meeting of the Board of Managers was scheduled for Monday, October 2, 2006, at 7:00 p.m., at the District office.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 1:10 a.m.

Connie Kalinowski
Recording Secretary

Ben Kleinwachter
Secretary