



**APPROVED**  
(as corrected February 26, 2007)

Eric Johnson, Neil Johnson and Scott Oberg joined the meeting at approximately 4:00 p.m.

A discussion was held concerning the wording on the agenda of the Financial Report.

Mr. Elden Elseth requested to remove the words "subject to audit" from item (#5) Financial Report, approving the Treasurer's report.

Mr. Doug Sorenson requested to change the word "approve" to "accept" the Treasurer's Report on item (#5) Financial Report.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the Treasurer's report be accepted with the changes recommended by Mr. Elden Elseth and Mr. Doug Sorenson. Motion unanimously carried.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson that the following bills be paid: from the Administrative funds: that payroll checks numbered 4481 through 4493 inclusive for a total of \$14,252.05, and checks numbered 13242 through 13271 inclusive for a total of \$39,066.50; and from the Project funds that checks numbered 1312 through 1320 inclusive for a total of \$31,278.25 be paid. Motion unanimously carried.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson that check #1301, issued to Rinke Noonan, in the amount of \$2,169.00 be paid. Motion unanimously carried.

Merle Stinar joined the meeting at approximately 4:15 p.m.

Tracy Anderson joined the meeting at approximately 4:15 p.m.

Nate Dalager, of HDR Engineering, discussed the Engineering services they offer and presented a powerpoint presentation of the Grand Marais #60 Project.

Nick Drees briefly discussed the proposed restoration project of the Grand Marais Coulee, which crosses the Middle Snake Tamarac Rivers Watershed District and the Red Lake Watershed District boundaries.

Harlan Boman and Rob Jacobi joined the meeting at approximately 4:37 p.m.

Jeff Langen, of Houston Engineering, discussed the Engineering services they offer.

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Motion by Mr. Arlyn Stroble, seconded by Mr. Loren Zutz that the permit (07-001) request of Dacian Bienek to clean the coulee, for approximately 1400', in the northeast quarter of section 10 of McCrea (Strip) Township, be tabled until further information is received. Motion unanimously carried.

Nate Dalager and LeRoy Vonasek left the meeting at approximately 6:17 p.m.

Harlan Boman, Merle Stinar, Eric Johnson, Neil Johnson, Dean Danielski, Rob Jacobi, and Scott Oberg discussed the elevations of the spillways on Marshall County Road #21.

Ronald J Adrian, Houston Engineering, gave a brief history on the elevations and the length of the spillways that were set by the Board of Managers in February 2002, for Marshall County Road #21 and Polk County Road #66.

After a lengthy discussion, and there being no motion entertained by the members of the Board, the elevations and lengths of the spillways on Marshall County Road #21 and Polk County Road #66 will remain as set by the Board in February 2002.

Neil Johnson, Eric Johnson, Rob Jacobi, Scott Oberg, Harlan Boman, Merle Stinar and Dean Danielski left the meeting at approximately 7:05 p.m.

It was reported that the salary committee met on January 10, 2007, and have 3 proposed options for employee compensation.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the employee's compensation be increased by \$.50 per hour and that they be compensated for overtime. Mr. Ben Kleinwachter, Mr. Loren Zutz, Mr. Elden Elseth and Mr. Doug Sorenson voted no, Mr. Arlyn Stroble and Mr. John W. Nelson voted yes.

Motion by Mr. Doug Sorenson, seconded by Mr. Arlyn Stroble that the wages of Nick Drees, Connie Kalinowski, Ron Sorvig and Doug Mager be increased by 4% and that overtime time be compensated. Motion carried, with Mr. Loren Zutz and Mr. Elden Elseth voting no.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the District retain the employment of Kelly Nelson through December 31, 2007, at a salary of \$38,000.00, and that Nick Drees prepare a job description for Kelly Nelson that includes overseeing the inspection of construction projects. Mr. Ben Kleinwachter, Mr. Loren Zutz, Mr. Elden Elseth and Mr. Arlyn Stroble voted no, Mr. John W Nelson and Mr. Alvin Nybladh voted yes. Motion failed.

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Motion by Mr. Arlyn Stroble, seconded by Mr. Ben Kleinwachter to eliminate the position of Kelly Nelson effective February 28, 2007. Motion carried, with Mr. John W Nelson and Mr. Alvin Nybladh voting no.

LeRoy Vonasek re-joined the meeting at approximately 8:05 p.m.

Nick Drees reported that he has contacted an individual from North Dakota State University to further educate the employees of the District on computer aided drawing programs.

Motion by Mr. Arlyn Stroble, seconded by Mr. Elden Elseth that the District advertise for a registered professional engineer interested in water management, with a salary range of \$50,000.00-\$75,000.00, with the deadline for applications to be February 23, 2007. Motion carried, with Mr. Ben Kleinwachter voting no.

Motion by Mr. Elden Elseth that the meeting be recessed until next week. Motion died for lack of second.

Motion by Mr. Loren Zutz, seconded by Mr. John W Nelson that the District purchase a new time clock. Motion unanimously carried.

Motion by Mr. Loren Zutz, seconded by Mr. Elden Elseth that the meeting be recessed at 10:30 p.m. Motion failed.

Data practice requests of Loren Zutz, Jim Stengrim, Elden Elseth and Tracy Anderson, and a request for an advisory opinion from the Information Policy Analysis Division were distributed.

A discussion was held concerning the data practice requests.

Nick Drees was directed to forward to the Board, copies of his responses, to the individuals requesting data.

Nick Drees reported that the District has not received a response from the Information Policy Analysis Division on the request for an advisory opinion filed by the District with the regards to the data requests of Wallace Diedrich and Tracy Anderson.

Loren Zutz requested to go on record stating that the data practice issues are important to him and he doesn't want them to be blown over.

Correspondence was distributed from the Marshall County Water and Land Office concerning a Floodplain Map Meeting on January 23, 2007, at 1:00 p.m, at the Courthouse in Warren; from the International Water Institute concerning the

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Third International Water Conference and Red River Basin River Watch Forum on March 13-15, 2007, at the Alerus Center in Grand Forks; and individual letters received from Rob Jacobi, Eric and Neil Johnson, Denis Stalboerger, Scott Oberg, Harlan Boman and Rolland Miller concerning the spillway elevations of Marshall County Road #21.

Nick Drees stated that the District is receiving an award for the PL-566 Flood Control Project, on the Snake River, at the Red River Basin Land & Water Conference being held on January 23-25, 2007, in Fargo, and that Mr. Ben Kleinwachter and Mr. John W Nelson are registered to attend the conference and will accept the award on behalf of the District.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the District pay \$2,000.00 to the Minnesota Association of Watershed Districts for dues for 2007. Motion unanimously carried.

Nick Drees reported that what remains to be done to finalize the Angus Oslo Site #4 Impoundment is the Dam Safety Report that is being prepared by JOR Engineering; and that there has been no correspondence regarding the lawsuit of Drewes, Inc.

Attorney Jeff Hane reported that the Hearing on Motion regarding the Peterka land was held on January 2, 2007; that the Order has been recorded and the Les Pendis has been filed on the Agassiz Valley Water Management Project.

Nick Drees reported that the District has not received any word from the Minnesota Department of Revenue concerning the land tax issue on the Agassiz Valley Water Resources Management Project.

Motion by Mr. Loren Zutz, seconded by Mr. Elden Elseth that the District pay the 2006 land taxes on the Agassiz Valley Water Management Project and reimburse those landowners who paid the land taxes for 2006. Mr. Loren Zutz withdrew his motion, upon advice of legal council, due to possible conflict of interest.

Nick Drees reported that a meeting was held in Bemidji regarding the Army Corps of Engineers Permit; that a Project Work Team meeting is scheduled for 3:30 p.m, on February 1, 2007, at the City of Warren meeting room; and that Luther Omdahl would like permission to plant trees, at his expense, on the properties acquired by the District for the Agassiz Valley Water Resource Management Project.

Motion by Mr. Elden Elseth, seconded by Mr. John W Nelson that Luther Omdahl be granted permission to plant trees on the lands owned by the District, that are

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not in the CRP program, in the W2 W2 of section 13 of Bristlet Township and at no expense to the District. Motion unanimously carried.

Mr. Loren Zutz requested to receive all documents pertaining to the Board's action to increase the appraised value of the Omdahl properties acquired for the Agassiz Valley Water Resource Management Project.

Mr. Elden Elseth inquired about the drainage area of the Agassiz Valley Water Resource Management Project, and stated that it appeared that waters from Judicial Ditch #25-2 would also drain into the Agassiz Valley Water Resource Management Project.

After discussion, Mr. Elden Elseth was directed to meet with Nick Drees and Ronald J Adrian, of Houston Engineering, to review the drainage area of the Agassiz Valley Water Resource Management Project.

Attorney, Jeff Hane, reported that he reviewed the documents pertaining to the bridge on Judicial Ditch #25-1, at Gerard Neil's office, Attorney for Jim Stengrim, and that it was difficult to tell if the bridge was one of fourteen original bridges. He stated that he is investigating this matter further for the Boards review at the next regular meeting.

Nick Drees reported that the Minnesota Pollution Control Agency settlement agreement has been signed; that the Army Corps of Engineers settlement agreement has to be signed by January 26, 2007; that he has received an Amendment Agreement from the NRCS providing funding for Phase IV; that a reduction in retainage hearing on KGM Contractors was held and after a split vote the retainage has been reduced; and that the District received a Stream Gage Monitoring Agreement, from the US Geological Survey for the stream gage on the Snake River for the PL-566 project .

Motion by Mr. Arlyn Stroble, seconded by Mr. Ben Kleinwachter that Nick Drees be authorized to sign the Amendment Agreement for Phase IV on the PL-566 with the Natural Resources Conservation Service. Motion unanimously carried.

Motion by Mr. Elden Elseth, seconded by Mr. John W Nelson that the President and Secretary be authorized to sign the Joint Funding Agreement with the US Geological Survey for the stream gage on the PL-566 Project, in the amount of \$13,500.00, effective October 1, 2006 to September 30, 2007. Motion unanimously carried.

Mr. Elden Elseth inquired about the insurance certificate required of Adrian Weslowski before he can proceed to remove trees from his property on the Snake River in section 32 of McCrea Township.

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Mr. Elden Elseth inquired about the Flood Plain Zoning issues in Warren.

Nick Drees reported that Randy Engelstad would like permission to put the tillable acres he is renting from the District on the PL-566 Diversion, in section 6 of McCrea (Strip) Township into a RIM program. Nick Drees was directed to inform Randy Engelstad that the District is not interested.

Mr. Loren Zutz inquired where the District wants to go with his pending litigation against the District. He stated he is without legal council and wants to be out of the benefited area of the PL-566 project.

Attorney, Jeff Hanes, reported that a Scheduling Hearing on the Zutz litigation is scheduled for February 2, 2007.

Tracy Anderson left the meeting at approximately 10:30 p.m.

LeRoy Vonasek left the meeting at approximately 10: 53 p.m.

Nick Drees reported that the District has received from the State of Minnesota a Flood Hazard Mitigation Grant Agreement, in the amount of \$20,000.00 for the construction of farmstead ring dikes.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the President and Secretary sign the Flood Hazard Mitigation Grant Agreement with the State of Minnesota for the construction of farmstead ring dikes and that the following resolution be adopted:

**FARMSTEAD RING DIKES  
RESOLUTION DESIGNATING AUTHORIZED OFFICIAL**

BE IT RESOLVED that Middle-Snake-Tamarac Rivers Watershed District, hereinafter referred to as the Applicant act as legal sponsor for the project contained in the Flood Damage Reduction Grant Assistance Program Application submitted on May 27, 1998 and that Nick Drees is hereby authorized to apply for the Department of Natural Resources for funding of this project on behalf of the Applicant.

BE IT FURTHER RESOLVED that the Applicant has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate acquisition, maintenance and protection of the proposed project.

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BE IT FURTHER RESOLVED that the Applicant has not incurred any construction costs or has not entered into any written agreements to purchase property proposed by this project.

BE IT FURTHER RESOLVED that the Applicant has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the State, the Applicant may enter into an Agreement with the State of Minnesota for the above references project, and that the Applicant certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

NOW, THEREFORE BE IT RESOLVED that Nick Drees is hereby authorized to execute such Agreements as are necessary to implement the project on behalf of the Applicant.

Motion unanimously carried.

Nick Drees reported that a Project Work Team meeting on the Brandt/Angus Coulee has been scheduled for February 1, 2007 at 1:00 p.m., at the Warren City Office meeting room.

Mr. John W Nelson and Nick Drees are to research comparable sales and meet with the landowners and negotiate land prices.

Nick Drees reported that the Red River Watershed Management Board meeting was held on January 16, 2007, in St. Paul. No activity report of the District was distributed.

Nick Drees reported that the State Ditch #3 sub-committee met on January 22, 2007.

Nick Drees briefly discussed the Grand Marais Restoration Project (Project 60). He stated that some time in the near future an agreement with the Red Lake Watershed District will need to be signed to proceed with the project.

Nick Drees discussed the need to control beavers within the Watershed District. The Board directed Nick Drees to use his discretion on compensating individuals for beavers taken outside the legal drainage systems of the District.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Arlyn Stroble that the designated depositories for the funds of the District be the Bremer Bank in

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Warren, Minnesota and the Community Bank of Warren, Minnesota, and other depositories as the Board may designate. Motion unanimously carried.

Motion by Mr. Alvin Nybladh, seconded by Mr. John W Nelson that the official newspapers of the District include the following: Warren Sheaf, Stephen Messenger, Crookston Times, Thief River Falls Times, Kittson County Enterprise and the Roseau Times, and that the official publications be made in any or all of these newspapers as required by statute. Motion unanimously carried.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the Districts Legal Council be the law firm of Brink, Sobolik Severson, Malm and Albrecht of Hallock, Minnesota. Motion carried, with Mr. Loren Zutz and Mr. Elden Elseth voting no.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the 2007 mileage rate, for purposes of conducting watershed business, follow the Internal Revenue Service guidelines, with the rate set at 48.5¢, effective January 1, 2007. Motion unanimously carried.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz that the District purchase audio recording equipment at a cost of approximately \$600.00. Motion failed.

The next regular meeting of the Board of Managers has been scheduled for February 26, 2007, at 3:30 p.m., at the District office.

Mr. Elden Elseth requested to call the following special meetings:

1. A meeting of the committee which was formed on November 20<sup>th</sup>, 2006 by the advisory committee to formulate the proposed Watershed District's eminent domain policy and land valuation policy for land acquired for flood mitigation and drainage projects. I request that this committee would meet on or before March 1, 2007.
2. A meeting of the project work team of the Agassiz Valley Project. I would request that this work team meeting be held on or before April 1, 2007.
3. A special meeting to which the public as well as members of the Board of Managers shall be invited and shall be allowed to ask questions concerning issues of eminent domain and any questions concerning the Agassiz Valley Project. I would request that Mr. Ron Adrian, Mr. Nick Drees, Mr. Rick St. Germain, and Mr. Jeff Hane be available at this meeting to answer questions and that this meeting be held on or before

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March 1, 2007 at the Bremer Bank Building or at another location other than the Watershed office in order to accommodate the public.

4. A meeting of the Public Hearing of the Agassiz Valley Project which was called under Minnesota Statutes 103D.601 which has been recessed and not adjourned. I would request that this meeting be held on or before April 1, 2007, and at a location suitable to accommodate the public.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson, that the District employees, legal council, engineering firms, and others who attend the informational meetings requested, attend at their own expense, with the exception of the Agassiz Valley Water Resource Management Project Work Team meeting, which is scheduled for February 1, 2007. Motion carried, with Mr. Loren Zutz and Mr. Elden Elseth voting no.

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

The meeting was adjourned at approximately 12:15 a.m.

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Connie Kalinowski  
Recording Secretary

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Ben Kleinwachter  
Secretary