

APPROVED
(as corrected April 16, 2007)
**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 19, 2007**

The meeting was called to order by President Doug Sorenson. Managers Alvin Nybladh, John W Nelson, Elden Elseth, Loren Zutz, Doug Sorenson and Arlyn Stroble were present. Manager Mr. Ben Kleinwachter was not present. Attorney Jeff Hane, Nick Drees, Connie Kalinowski, Ronald J Adrian, Jim Stengrim, and Curtis Carlson were also present.

Mr. Elden Elseth stated that he is recording the meeting for a 3rd party.

Jim Stengrim also recorded the meeting.

Motion by Mr. John W Nelson, 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.

Wallace Diedrich joined the meeting at approximately 3:34 p.m.

Mr. Loren Zutz requested to add the waterline issue to the agenda. A roll call of votes on the addition of the waterline issue was taken, with Mr. Arlyn Stroble, Mr. John W Nelson, Mr. Alvin Nybladh voting no, Mr. Loren Zutz voting yes, and Mr. Elden Elseth abstaining.

Mr. Elden Elseth requested adding Distribution of Managers to the agenda.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the agenda be approved, as amended, with the addition of Distribution of Managers to item (#21) Other. Motion unanimously carried.

Tracy Anderson joined the meeting at approximately 3:41 p.m.

Lon Aune, Marshall County Highway Engineer, joined the meeting at approximately 3:50 p.m.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson to approve the minutes of the February 26, 2007 meeting as corrected. Motion carried with Mr. Arlyn Stroble, Mr. John W Nelson, and Mr. Alvin Nybladh voting yes, Mr. Elden Elseth and Mr. Loren Zutz voting no.

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The financial report was reviewed to be filed for audit purposes.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh that the following bills be paid: from the Administrative funds: that payroll checks numbered 4514 through 4528 inclusive for a total of \$17,458.31, and checks numbered 13304 through 13334 inclusive for a total of \$26,670.89; and from the Project funds that checks numbered 1328 through 1336 inclusive for a total of \$293,285.96; and from the Ditch Funds that checks numbered 2185 and 2186 inclusive for a total of \$3,536.71 be paid. Motion unanimously carried, with Mr. Elden Elseth abstaining.

Lon Aune gave a brief report on the permit request of the Marshall County Highway Department to replace a bridge on County State Aid Highway #17 on section line 3 of Oak Park Township and section 34 of Bigwoods Township.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that permit (07-002) be issued to the Marshall County Highway Department to replace the bridge on County State Aid Highway #17, on sectionline 3 of Oak Park Township and section 34 of Bigwoods Townships, as outlined in the permit application. Motion unanimously carried.

Manager, Mr. Ben Kleinwachter joined the meeting at approximately 4:07 p.m.

Lon Aune left the meeting at approximately 4:07 p.m.

Data Practice Requests and an article in the Star Tribune Newspaper were distributed.

Jeff Hane, District Attorney, presented a proposed policy on Managers Data Practice Requests.

After review and discussion on data practice issues, it was agreed that the proposed policy on Managers Data Practice Requests would be added to the next regular meeting agenda.

LeRoy Vonasek joined the meeting at approximately 4:14 p.m.

Correspondence was distributed from the Board of Soil and Water Resources concerning the acceptance of applications for Local Water Management Challenge Grants; from the Red River Watershed Management Board concerning the Red River Basin Flood Damage Reduction Work Group meeting scheduled for March 28, 2007, and the Joint Conference scheduled for March 29, 2007 at the Northland Inn, in Crookston, Minnesota; from Tracy Anderson

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concerning remarks of Mr. Elden Elseth at the February 26, 2007 regular meeting, concerning the waterline issue; and from the Minnesota Viewers Association concerning a meeting scheduled for April 5, 2007, in Morton, Minnesota.

Nick Drees reported the District will submit an application for funding, to assist in the culvert inventory of the District, through the Board of Soil and Water Resources Challenge Grant.

Danny Omdahl reported that there are two grants, one from the Environmental Protection Agency for community based wetland and streambank restoration projects, and one from Ottertail Power Company, which could assist in funding for the buffer strip along State Ditch #3. He also reported that the Marshall County Water Planning Office has funds available to assist in the purchasing of seed.

Manager Mr. John W Nelson, stated that the issue of the spoil heights along State Ditch #3 appears to be reaching an agreement, and wondered if there is some agency that would be interested in a pilot program to construct rock check dams in the channel bottom of State Ditch #3 to help stabilize the banks of the ditch.

Nick Drees reported on the apparent malfunction on the ridge culvert in section 31 and section 6 of Viking Township on Judicial Ditch #14. He stated it is unclear what the problem is with the culvert, but it has the potential of becoming an unsafe situation.

Motion by Mr. Arlyn Stroble, seconded by Mr. Elden Elseth that the District Administrator, due to safety issues, be authorized to make emergency repairs in section 31 and section 6 of Viking Township on Judicial Ditch #14. Motion unanimously carried.

Nick Drees reported that the final reports on the Angus Oslo #4 Completion Project have been mailed to the agencies required to receive them.

Mr. Jeff Hane stated that a Motion for Summary Judgment regarding the Drewes lawsuit for the Completion of the Angus Oslo #4 Project is scheduled for March 20, 2007 at 10:15 a.m. at the Marshall County Courthouse.

Nick Drees provided a brief report on the Brandt/Angus Project Work Team Meeting that was held on March 8, 2007 and stated the next Project Work Team meeting is scheduled for April 26, 2007. He suggested the Board designate landowner representation to the Project Work Team.

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Motion by Mr. Arlyn Stroble, seconded by Mr. Loren Zutz that landowners, Don Strickler, Lloyd Kasprick and Russ Steer be designated to the Brandt/Angus Coulee Project Work Team. Motion unanimously carried.

Mr. Doug Sorenson called upon the Board to suspend the rules on point of order to add the following motion to the agenda. Their being no objections from the Board the motion was in order and added.

Motion by Mr. Arlyn Stroble, seconded by Mr. Loren Zutz that the District seek the services of HDR Engineering to design and prepare the plans for the Brandt/Angus Coulee project. Motion unanimously carried.

David Jadeke joined the meeting at 5:00 p.m.

Jeff Hane reported that the landowner has submitted a counteroffer of \$7.50 per acre for lease back plus the payment of land taxes, on the lands in section 19 of Brandt Township.

Motion by Mr. John W Nelson, seconded by Arlyn Stroble that the District accept the counteroffer submitted by the Chruszch Trust in the amount of \$7.50 per acre for lease back plus the payment of land taxes, on the lands in section 19 of Brandt Township. Motion unanimously carried.

Nick Drees was directed to negotiate with other landowners.

Nick Drees reported that the next meeting of the Red River Watershed Management Board is scheduled for March 20, 2007, at the Red Lake Watershed District. The activity report of the District was distributed.

A discussion was held on the rental of the lands acquired for the Agassiz Valley Water Resource Management Project.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Arlyn Stroble to place all lands acquired for the Agassiz Valley Water Resource Management Project up for rental, on a yearly basis. An amendment to the motion was offered by Mr. Loren Zutz, seconded by Mr. Elden Elseth to place all lands acquired for the Agassiz Valley Water Resource Management Project up for rent, on a yearly basis, with the exception that David Jadeke be offered the option to rent approximately 20 acres of pasture land, in the Southwest quarter of section 12 of Brislet Township. The amendment to the motion was unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Arlyn Stroble that the amended motion to place all agricultural lands acquired for the Agassiz Valley Water Resource Management Project for rent, with the exception of the Hess

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property, and the pasture land offered to David Jadeke be allowed. Motion carried, with Mr. Arlyn Stroble abstaining.

Mr. Jeff Hane was directed to prepare the necessary documents for the rental agreements of the lands acquired for the Agassiz Valley Water Resource Management Project.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson, to allow the District Administrator to negotiate a rental price with David Jadeke, on a year to year basis, for approximately 20 acres of pasture land, in the Southwest Quarter of section 12 of Brislet Township. Motion unanimously carried.

The Board will receive and open the land rental bids at the next regular meeting scheduled for April 16, 2007, at the District office.

Nick Drees briefly reported on the Agassiz Valley Water Resource Management Project Work Team Meeting held on March 8, 2007. He stated the next Project Work Team meeting is scheduled for April 26, 2007.

Jeff Hane provided recommendations to the Board on how to proceed with the Breech of the Settlement Agreement of the appealing landowners on the Agassiz Valley Water Resource Management Project.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson, to direct the District's legal council to prepare a legal document for relief and other steps regarding the Breech of the Settlement Agreement on the Agassiz Valley Water Resource Management Project, for the Board to consider at the next regular meeting. Motion carried with Mr. Ben Kleinwachter, Mr. John W Nelson, Mr. Alvin Nybladh, and Mr. Arlyn Stroble voting yes, Mr. Elden Elseth voted no, and Mr. Loren Zutz abstaining.

Nick Drees reported he met with a representative from the Burlington Northern Santa Fe Railroad regarding the installation of a crossing to access lands owned by Randy Engelstad, north of the PL-566 Floodway in section 1 of Boxville Township, south of Warren.

Nick Drees was directed to contact Harvest States Elevator and get information on the location of an additional railroad track and fertilizer plant being planned.

Nick Drees reported that Zavoral Construction is requesting to purchase fill material from the PL-566 Floodway for the construction of an additional rail line at the Harvest States Elevator.

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Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the District Administrator negotiate with Zavoral Construction on a price for fill material from the spoil of the PL-566 Diversion ditch, provided Zavoral Construction reseed the spoil, and install a crossing in section 1 of Boxville Township provided permission is granted from Burlington Northern Santa Fe Railroad. Motion unanimously carried.

Mr. John W Nelson, Mr. Arlyn Stroble and Mr. Doug Sorenson gave a brief report on the Legislative Breakfast they attended on March 15, 2007.

Mr. Arlyn Stroble and Nick Drees reported on the Polk County Commissioners meeting they attended on March 6, 2007.

Connie Kalinowski reported that the accounting firm of Brady Martz, Inc., will begin the 2006 Audit of the Districts records on April 18, 2007.

Nick Drees distributed the State Per Diem & Expense allowances for the year 2007.

Connie Kalinowski was directed to contact Brian Dwight of the Board of Soil and Water Resources for assistance in gathering information from other Watershed Districts relating to reimbursement policies of expenses submitted by Board Managers.

The Conflict of Issue agenda item, was tabled until next month, pending legal advice as whether this matter could be discussed in an open meeting or if it meets the requirement of a closed meeting.

Jeff Hane distributed a draft "Policy on the Use of Recording Devices by Managers during meetings of the Watershed District", for review by the Board.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz that the Policy on the Use of Recording Devices by Managers during meetings be tabled and added to the next regular meeting agenda. Motion unanimously carried.

Mr. Loren Zutz briefly addressed the letter he received from the District's legal council regarding the lease agreements with George Hess, in section 12 of Comstock Township, on lands acquired for the Agassiz Valley Water Resource Management Project.

Motion by Mr. Loren Zutz, seconded by Mr. Arlyn Stroble that the District apply for a credit card. Motion unanimously carried.

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A discussion was held on the release of information to members of the Board, by a depository of the District, without prior approval of the Board. It was stated that any information obtained without Board approval, makes the person who obtained the information and or documents responsible for maintaining the confidentiality of such documents.

Nick Drees was directed to obtain information from other banks regarding their policy on the release of documents.

Mr. Elden Elseth stated that he is seeking clarification from the Attorney General on clarification of MN Statutes 103D.301, the Distribution of Managers. He stated he would like the Board to write a letter to the Attorney General seeking clarification of the word "among" as cited in MN Statutes 103D.301.

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz that the District direct Mr. Jeff Hane to draft a letter to the Attorney General seeking clarification of what legislation meant by the word "among" as used in MN Statutes 103D.301. Motion failed, with Mr. Ben Kleinwachter, Mr. John W Nelson, Mr. Alvin Nybladh, and Mr. Arlyn Stroble voting no, Mr. Loren Zutz and Mr. Elden Elseth voting yes.

The next meeting of the Board of Managers of the Middle Snake Tamarac Rivers Watershed District was set for April 2, 2007, at 7:00 p.m., at the District office, for purposes of reviewing permit applications.

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

The meeting was adjourned at approximately 7:55 p.m.

Connie Kalinowski
Recording Secretary

Ben Kleinwachter
Secretary