



## UNAPPROVED

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 4609 through 4618 inclusive for a total of \$13,150.61 and checks numbered 13533 through 13560 inclusive, including the service charge for a total of \$16,871.12; from the Project funds that checks numbered 1405 through 1418 inclusive for a total of \$66,843.96; and from the Ditch Funds that checks numbered 2218 through 2221 inclusive for a total of \$15,018.31. Motion unanimously carried.

Mr. Jeff Hane stated that he believes the meeting should be closed pursuant to MN Statutes 13D.05, subd. 3 (b), to discuss the PL-566 litigation of Loren Zutz; the PL-566 Riley Brothers Construction claim; Angus Oslo #4-Drewes litigation; Agassiz Valley Water Resource Management Project Breach of Settlement Agreement of Jim Stengrim; and on the defamation suit filed by Loren Zutz and Elden Elseth on John W Nelson and Arlyn Stroble.

Mr. Jeff Hane stated that Mr. Loren Zutz has a conflict of interest issue in all the pending litigations, with the exception, of possibly the PL-566 Riley Brothers Construction claim, and questioned Mr. Loren Zutz on how he intended to handle the conflict of interest.

Mr. Loren Zutz stated he does not know John Riley and his only contact with John Riley, of Riley Brothers Construction, was Riley's calling him regarding the retainage on Phase 2 of the PL-566 project that the District withheld.

Mr. Loren Zutz stated that he would not participate in the closed meeting so long as the entire closed portion of the meeting is recorded and made available after litigation is complete.

Mr. Jeff Hane stated that the closed session would not be recorded and that it would be a breach of the attorney-client privilege.

Mr. Arlyn Stroble suggested that the Board of Managers form a sub-committee with the District's legal counsel, to address in closed session, the litigations and potential litigation issues.

Mr. Alvin Nybladh joined the meeting at approximately 4:45 p.m.

Motion by Mr. Arlyn Stroble, seconded by Mr. John W Nelson, that the District establish a sub-committee to address litigation or potential litigations in scheduled, closed sessions, with the District's legal council, and that the sub-

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committee members consist of Mr. Doug Sorenson, Mr. Alvin Nybladh and Mr. Ben Kleinwachter. Motion unanimously carried.

Mr. David Jadeke joined the meeting at approximately 4:50 p.m.

Mr. Jeff Hane reported on the Information Policy Analysis Division decision regarding the Open Meeting Violation Claim submitted by Jim Stengrim. He stated that IPAD could not make a determination in this matter.

Mr. Loren Zutz questioned Mr. Jeff Hane on the interpretation of the Information Policy Analysis Division's response.

Mr. Jeff Hane reported that the agreement with Luella Potter Trust and David Jadeke has been prepared for the water issue on the Agassiz Valley Water Resource Management Project.

Nick Drees reported that he has not received any information on the employee payroll checks from Loren Zutz, Elden Elseth or the State Auditor; and that he has requested the Affidavits of Loren Zutz and Elden Elseth submitted to the Information Policy Analysis Division regarding the Open Meeting Violation, and that he has not received them.

Nick Drees reported that other data requests requested of the managers has not been received.

Rick Djernes discussed the permit (07-067) request of Enbridge Energy Company, Inc, to install two field crossing with culverts, in the Southwest Quarter of section 26 of Viking Township, along CSAH #11, in Marshall County.

Motion by Mr. Alvin Nybladh, seconded by Mr. Loren Zutz that the following permit be issued:

1. Permit (07-067) be issued to Enbridge Energy Company, Inc., to install (2) field crossing and to install an 18" CSP in each crossing, on the east side of Marshall County Road #11, south of the railroad tracks, in the NE4 SW4 of section 26 of Viking Township, with Marshall County to set the elevations.

Motion unanimously carried.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the following permits be issued:

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2. Permit (07-066) be issued to Chris Johnson to install a field crossing on the west side of the NW4, south of the farmyard, in section 15 of McCrea Township;
3. Permit (07-069) be issued to Wilbert McGregor to move an 18" culvert thru the township road, approximately 14' south to the section line, in the SE4 SE4, of section 8 of Comstock Township, with the elevation to be determined by the District;
4. Permit (07-071) be issued to Craig Jones to install drain tile in the SW4 of section 5 of Oak Park Township, to drain into Watershed Ditch #7;
5. Permit (07-072) be issued to Randy Anderson to move the field crossing south approximately ¼ mile and to replace the existing 15" CSP with an 18" CSP, in the SE4 of section 31 of West Valley Township;

Motion unanimously carried.

Mr. Arlyn Stroble left the meeting at approximately 5:45 p.m.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the following permits be denied:

6. Permit (07-068) of Eugene Larson to install a dike on the east side of the NE4, next to the township road, and to lower the existing field access culvert, draining into Judicial Ditch #15, in the NE4 NE4 of section 11 of Viking Township;
7. Permit (07-070) of Lorne K Johnson to remove the dike and slope the sides of the Swift Coulee in the SE4 of section 2 of Warrenton Township. Work has been performed without a District permit or a permit from the Minnesota Department of Natural Resources.
8. Permit (07-073) of Franklin Knoll to install a field crossing with a 22" culvert with a trap in the NE4 NE4 of section 17 of McCrea Township, pending additional information.

Motion unanimously carried.

David Jadeke and Pam Wockenfuss discussed opening the District lands acquired for the Agassiz Valley Water Resource Management Project for hunting.

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Pam Wockenfuss distributed a letter from the Minnesota Department of Natural Resources supporting hunting on the lands acquired for the Agassiz Valley Water Resource Management Project.

A discussion was held concerning liability issues, controlling the number of hunters, and damages that could occur to the District properties.

Motion by Mr. Doug Sorenson, seconded by Mr. Alvin Nybladh that the District open all lands acquired for the Agassiz Valley Water Resource Management Project, with the exception of the inlet channels, for the 2007 hunting season, provided permission is received from the District. Motion failed, with Mr. Alvin Nybladh and Mr. Doug Sorenson voting yes, and Mr. Ben Kleinwachter, Mr. John W Nelson and Mr. Loren Zutz voting no.

All lands owned by the District will remain posted, no hunting.

Mr. Loren Zutz left the meeting at approximately 6:40 p.m.

Correspondence was distributed from the Minnesota Association of Watershed Districts concerning the Annual Meeting and Trade show scheduled for November 29-December 1, 2007, in Alexandria, Minnesota; from the Minnesota Viewers Association regarding a seminar scheduled for November 1, 2007, in Morris, Minnesota; from Mara Wittman requesting financial support for a commemorative book on the floods of 1996 and 1997; and from BigWoods Township supporting the redetermination of benefits on County Ditch #3.

Nick Drees reported that the Red River Watershed Management Board meeting is scheduled for October 16, 2007, at the Bois De Sioux Watershed, in Wheaton, Minnesota. No activity report of the District was available.

A discussion was held on the Engineer for the District providing technical assistance to Marshall County regarding County Ditch #44, Judicial Ditch #19, and Judicial Ditch #27.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the following permits be denied:

9. Permit (07-063) of Como Township to resize the culvert on Judicial Ditch #19, between sections 6/5 of Como Township;
10. Permit (07-064) of Woinarowicz Brothers to install a field crossing on Judicial Ditch #27 in the SE4 of section 31 of West Valley Township.

Motion unanimously carried.

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Nick Drees reported that the grass strip on portions of Judicial Ditch #75 have been cultivated.

It was the consensus of the Board that the Districts legal counsel prepare letters to the landowners of the affected properties informing them that the grass strip on Judicial Ditch #75 needs to be replaced.

Mr. John W Nelson stated that he would be leaving the meeting. There being no remaining quorum of the Board, the following motion was entertained.

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the remaining agenda items of the October 15, 2007 meeting be included on the agenda for the permit meeting scheduled for November 5, 2007. Motion unanimously carried.

The next meeting of the Board of Managers of the Middle Snake Tamarac Rivers Watershed District is scheduled for November 5, 2007, at 4:00 p.m., to address the remaining agenda items of the October 15, 2007 meeting; and to review permit applications. The litigation committee will meet in closed session with the District's legal counsel immediately following the regular meeting pursuant to Minnesota Statutes 13D.05, subd 3 (b).

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter that the meeting be adjourned. Motion unanimously carried.

The meeting was adjourned at approximately 7:40 p.m.

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Connie Kalinowski  
Recording Secretary

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Ben Kleinwachter  
Secretary