

APPROVED (May 19, 2008)
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
4:00 P.M. APRIL 21, 2008

The meeting was called to order by President Doug Sorenson. Managers John W Nelson, Alvin Nybladh, Arlyn Stroble, Doug Sorenson, Ben Kleinwachter, and Loren Zutz were present. Manager Elden Elseth was not present. Nick Drees, Connie Kalinowski, Danny Omdahl, Ronald J Adrian, Wallace Diedrich, Nate Dalager, Dean Peterson and Jeff Hane were also present.

Wallace Diedrich taped the meeting with two recorders.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh, that Connie Kalinowski be appointed the recording secretary for purposes of keeping the minutes of the meeting. Motion carried, with Mr. Loren Zutz and Mr. Elden Elseth voting no.

Manager Elden Elseth joined the meeting at approximately 4:07 p.m.

Chairman Doug Sorenson requested advice from Attorney, Jeff Hane, regarding agenda item #7 (Board Resolution).

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh to approve the agenda as amended with the removal of agenda item #7 (Board Resolution). Motion unanimously carried.

Motion by Mr. Ben Kleinwachter, seconded by Mr. Arlyn Stroble that the minutes of the March 17, 2008 meeting be approved as corrected. 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 minutes of the April 7, 2008 meeting be approved as corrected. Motion carried, with Mr. Loren Zutz and Mr. Elden Elseth voting no.

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

Motion by Mr. Elden Elseth, seconded by Mr. Loren Zutz that the payments for the attorney bills be voted on separately from the other bills. Motion failed, with Mr. John W Nelson, Mr. Alvin Nybladh, Mr. Arlyn Stroble and Mr. Ben Kleinwachter voting no, and Mr. Loren Zutz and Mr. Elden Elseth voting yes.

APPROVED (May 19, 2008)

Mr. Loren Zutz stated that the District is spending a lot of money on Attorney bills and that the Board is not informed as to what is going on with the pending lawsuits when the Litigation Committee meets.

Motion by John W Nelson, seconded by Mr. Alvin Nybladh that the following bills be paid: from the Administrative funds: that payroll checks numbered 4686 through 4696 inclusive for a total of \$13,576.81 and checks numbered 13719 through 13750 inclusive, including the safe deposit box rent and the service charge for a total of \$40,747.72; from the Project funds that checks numbered 1453 through 1458 inclusive for a total of \$47,622.74; and from the Ditch Funds that checks numbered 2247 through 2249 inclusive for a total of \$3,834.58. Motion carried, with Mr. Elden Elseth and Mr. Loren Zutz voting no.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the following permits be issued:

1. Permit (08-004) be issued to Wallace Labine to lower the existing 18" x 50" culvert in the SW4 SW4 of section 30, in Tamarac Township, draining into Judicial Ditch #29, Lateral 2, with the Watershed District to set the grade.

Motion unanimously carried.

Van Hapka joined the meeting at approximately 4:23 p.m.

James Bergman, Chad Anvinson, Steve Nelson and Jim Solem joined the meeting at approximately 4:27 p.m.

Van Hapka and Dean Peterson stated their position on the permit request (08-005) submitted by Dean Peterson to renew his permit (98-028) to construct a dike, on the south side of SE4 of section 21 of Brislet Township, parallel to Polk County State Aid Highway #67.

Motion by Mr. Arlyn Stroble, seconded by Mr. Loren Zutz that permit (08-005) of Dean Peterson be tabled until elevations and grades are determined in the SE4 of section 21 and the SW4 corner of section 22 of Brislet Township. Motion unanimously carried.

Motion by Mr. Elden Elseth, seconded by Mr. Alvin Nybladh that the following permits be approved:

2. Permit (06-006) be issued to Oak Park Township to remove the existing 50" x 31" arch culvert and replace with a 49" x 33" arch culvert in the NW4 of section 27 of Oak Park Township, on County Ditch #44, Lateral 4;

APPROVED (May 19, 2008)

3. Permit (06-007) be issued to Oak Park Township to remove the existing 50" x 31" arch culvert and replace with a 49" x 33" arch culvert in the NW4 of section 22 of Oak Park Township, on County Ditch #44, Lateral 3;
4. Permit (06-008) be issued to Oak Park Township to remove the existing 60" culvert and replace with a 60" culvert in the NW4 of section 20 of Oak Park Township, on County Ditch #44, Lateral 3;
5. Permit (06-009) be issued to Oak Park Township to remove the existing 58"x36" arch culvert and replace with a 57" x38" arch culvert in the NW4 of section 34 of Oak Park Township, on County Ditch #44, Lateral 5;
6. Permit (06-010) be issued to Oak Park Township to remove the existing 58"x36" arch culvert and replace with a 57" x38" arch culvert in the NW4 of section 3 of Oak Park Township, on County Ditch #44, Lateral 6.

Motion unanimously carried.

Kevin Krueger and Dennis Mack discussed the drainage issue in the NW4 of section 35 of Higdem Township. They stated they would like to petition into the Judicial Ditch #68 benefited area and install a culvert through the township road, in the NW corner of section 35 of Higdem Township, to drain waters to the west into Judicial Ditch #68.

After discussion, Kevin Krueger was directed to bring a petition to the District requesting to be included in the benefited area of Judicial Ditch #68.

Kevin Krueger and Dennis Mack left the meeting at approximately 5:02 p.m.

Correspondence from the Minnesota Association of Watershed Districts concerning the Summer Tour on June 19-June 21, 2008 was distributed.

Nick Drees gave a brief status report on the Agassiz Valley Water Management Project regarding funding and the letting of bids on Phase 1.

Jeff Hane reported that a second lawsuit has been filed by Loren Zutz and Elden Elseth against Managers, Arlyn Stroble and John W Nelson; employees, Nick Drees and Danny Omdahl; Roughrider Investigations and Dave Kamrowski, and that it has been turned over to the Districts insurance; that he has nothing to report on the Stengrim case; and that the PL-566 lawsuit of Riley Brothers is in the discovery phase.

Jeff Hane requested to meet with the Litigation Committee immediately after the adjournment of the regular board meeting to discuss the Drewes litigation.

APPROVED (May 19, 2008)

Nick Drees reported that the District has received notification that the Pay Equity Report filed with the Minnesota Department of Employee Relations is in compliance with the Local Government Pay Equity Act.

Elden Elseth requested copies of the District's previous and present insurance policies and bonds. Nick Drees provided him with the copies and made additional copies available to the remainder of the Board.

James Bergman, Chad Anvinson, Steve Nelson and Jim Solem discussed the petition presented to the District requesting removal of properties from the benefited area of Watershed Ditch #7.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the Engineer of the District study the benefited area of Watershed Ditch #7 and determine if there are protection benefits provided to these areas.

A special meeting of the Board of Managers will be held at the District office, on April 28, 2008 at 12:00 p.m., for purposes of publically opening the bids for the rental of the Agassiz Valley Water Management lands.

The next permit meeting was scheduled for May 5, 2008 at 4:00 p.m.; and the next regular meeting was scheduled for May 19, 2008 at 4:00 p.m., at the District office.

Mr. Doug Sorenson announced that the litigation committee would be meeting following the adjournment of the regular meeting.

Motion by Mr. Arlyn Stroble, seconded by Mr. Alvin Nybladh that the meeting be adjourned.

The regular meeting was adjourned at approximately 5:43 p.m.

The litigation committee met at 5:52 p.m.

The committee voted to close the meeting pursuant to Minnesota Statutes 13D.05, subd 3 (b), for the purpose of receiving information in the Drewes lawsuit from the District's legal counsel.

The litigation committee voted to reopen the meeting.

The litigation committee adjourned at approximately 6:05 p.m.

Connie Kalinowski
Recording Secretary

Ben Kleinwachter
Secretary