

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
October 11, 2007

President Dale M. Nelson called the meeting to order at 9:00 a.m. at the Red Lake Watershed District office, 1000 Pennington Avenue South, Thief River Falls, MN.

Present were: Managers Dale M. Nelson, Lee Coe, Orville Knott, Gene Tiedemann, Arnold Stanley, Vernon Johnson and Jim Votava. Staff present: Myron Jesme and Tammy Audette and Legal Counsel Delray Sparby.

The board reviewed the agenda. A motion was made by Johnson, seconded by Votava, and passed by unanimous vote that the Board approve the agenda.

Tammy Audette read the minutes of September 27, 2007. A motion was made by Knott, seconded by Coe, and passed unanimously that the Board approve the minutes with minor corrections.

The board reviewed the Financial Report as of October 10, 2007. A motion was made by Tiedemann, seconded by Stanley, and passed by unanimous vote that the Board approve the Financial Report dated October 10, 2007.

Staff Member Loren Sanderson presented information on RLWD Permit No. 07086, Excel Township, Marshall County. Sanderson explained that Excel Township requested to remove a 48" CSP and a 36" CSPA through the township road that drains water from Marshall County Ditch No. 33 into a private ditch. The culverts and private ditch were constructed by local landowners in the 1940's. The 36" CSPA is basically nonfunctional because the east end is plugged and the culvert has deteriorated. Sanderson spoke with Marshall County Engineer Lon Aune and he stated that the culverts and private ditch are not part of the public County Ditch No. 33 system. Excel Township wants to remove the pipes because of road hazards and safety concerns. Legal Counsel Sparby stated it is diverting water from a legal system, but it is not part of the legal system. Legal Counsel Sparby stated that from the watershed's standpoint it is a typical culvert removal permit request and since there is a legal drainage system in place it seems that the permit for removal would be appropriate. A motion was made by Knott, seconded by Johnson to approve Permit No. 07086, Excel Township. The motion was passed with Manager Stanley opposed.

At 10:00 a.m., the final payment hearing for R.J. Zavoral & Sons, Inc. for construction of RLWD Ditch 11, RLWD Project No. 166 was called to order. RLWD Legal Counsel Sparby stated that the hearing had been advertised. The hearing was opened up to the public for comment concerning the making of a final payment. No person in attendance objected to the making of the final payment. Project Engineer Jerry Pribula, Pribula Engineering, Inc. submitted an Engineer's Certificate of Substantial Completion for the project; therefore recommending final payment of \$76,423.36 for RLWD Ditch 11. Motion by Tiedemann, seconded by Stanley, and motion carried to approve the final payment to R.J. Zavoral & Sons, Inc. The hearing was videotaped and is on file at the RLWD office.

Administrator Jesme stated that quotes had been received for emergency modifications on the Seeger Dam. The following quotes were received: Paul Zavoral, Inc., dba Higher Ground, \$34,106.42; R. J. Zavoral & Sons, Inc., \$38,158.00; Olson Construction, TRF, Inc. \$38,430.70; Triple D Construction & Leasing, Inc., \$51,801.50; Davidson Construction, Inc., \$66,621.50.

Discussion was held on tiling portions of the Seeger Dam. Engineer Nate Dalager will discuss tiling with the apparent low quote, Paul Zavoral, Paul Zavoral, Inc., dba Higher Ground who was present at the meeting. A motion was by made by Tiedemann, seconded by Coe, and passed by unanimous vote to accept the apparent low quote of \$34,106.42 from Paul Zavoral, Inc, dba Higher Ground for completion of the emergency work to be performed at the Seeger Dam.

Administrator Jesme and staff member Loren Sanderson discussed the Richard Stengl ring dike located northeast of East Grand Forks. Construction was completed in September 2005. The landowner owes the RLWD \$287.68 to close out his ring dike contract. Sanderson stated that the landowner has some concern over wet spots on the outside of the dike in several areas; he further explained that when construction was completed, these areas did drain, but the renter of the property has farmed right up to the dike. The dike which had a 3:1 slope when constructed is now vertical. It was the consensus of the board that a letter should be sent to Richard Stengl stating that maintenance issues are the responsibility of the landowner and that the amount owed to the RLWD shall be paid immediately or further action will be taken.

Discussion was held on the proposed boundary changes by the Sand Hill River Watershed District (SHRWD) located in Russia Township, Polk County. SHRWD has completed their work and is requesting the removal of three east/west culverts and the installation of one 36" diameter culvert. Russia Township is considering the 36" diameter culvert work along with the removal of the three east/west culverts and will discuss this at a future township meeting. The 24" culvert located near Burnham Creek will be replaced with a 48" diameter culvert. Work will be assessed to the Burnham Creek Improvement Project, RLWD Project #43B. A motion was made by Tiedemann, seconded by Knott, and passed by unanimous vote to replace the 24" culvert with a 48" diameter culvert and assess the costs to the Burnham Creek Improvement Project, RLWD Project #43B.

Landowner Gilbert Weber requested that we review his assessment located in Section 16, Russia Township. His concern is that this same property is now assessed the Burnham Creek Project and a recent ditch improvement project by the Sandhill River Watershed District. The Board directed Administrator Jesme and staff to inspect the site and report back to the board at a later date.

Engineer Nate Dalager and Contractor Paul Zavoral further discussed tiling on the Seeger Dam. Dalager distributed a copy of options for tiling that was discussed in 2005. They are estimating two rows of tile at approximately 1200', excavate and backfill at an approximate cost of \$3,000. A motion was made by Stanley, seconded by Coe, to authorize tiling at the Seeger Dam, not to exceed \$4,000. Motion carried. Manager Knott and Dalager discussed the need for excessive signage to indicate the change of road elevation. Upon further discussion, it was determined that it is a township road and that the signing should be the responsibility of Red Lake Falls Township.

The second Board meeting scheduled in November falls on Thanksgiving Day. A motion was made by Coe, seconded by Johnson, to change the November 22, 2007 Board meeting to November 19, 2007. Motion carried.

Administrator Jesme stated that he has contacted Northern Paving concerning the repairs of the low spots on the paved portion of the parking lot as well as the additional parking area under the

contract of the new RLWD building. Northern Paving has indicated to Jesme that paving and repairs should be completed by the end of October.

Staff Loren Sanderson stated that surveying needs to be completed on Permit #07083, Roger Kriel, Star Township, Pennington County and requested the permit to be tabled for a future meeting. A motion was made by Stanley, seconded by Knott, and passed by unanimous vote to table Permit #07083, applied for by Roger Kriel, until further information may be obtained.

The Board reviewed permits for approval. A motion was made by Tiedemann, seconded by Knott to approve the following permits with conditions stated on the permits: No. 07093, Agassiz National Wildlife Refuge, East Valley Township, Marshall County; No. 07094, Dean Peterson, Keystone Township, Polk County; No. 07095, James Knott, Red Lake Falls Township, Red Lake County; No. 07096, Todd Wieland, Wylie Township, Red Lake County; and No. 07098, Russell Wilson, Woodside Township, Polk County. Motion carried.

Administrators Update:

- Administrator Jesme and Manager Stanley met with the Marshall County Board members on October 2 and distributed the 2006 Annual Report.
- Administrator Jesme has been working on a draft agreement with a landowner in Smiley Township concerning the potential of a ring dike which would allow the RLWD to enter onto the landowner's property to obtain dirt for their neighbors ring dike.
- Included in today's packet is a signed proposal from the Department of Geology and Geological Engineering for the University of North Dakota portion of the Fish and Wildlife Service environmental contaminants grant concerning the Water Quality Study on JD #66 within the boundaries of Glacial Ridge.
- Included in today's packet is a progress report concerning various water quality projects.
- Full payments have been received for costs incurred toward the bonds for the petitions for Polk County Ditch 19, RLWD Project #158 and Tynsid Erosion Control Project, RLWD Project #163.

Manager Johnson inquired on the status of the calibration of pumps for the Clearwater River Wild Rice Growers.

Legal Counsel Sparby discussed the letter he received from Drahos Kieson & Christopher, PA in regard to the property once owned by the Weiland Family purchased by Ron Salentine and also a letter he sent to the MN Historical Society regarding deeding of the former RLWD building back to the City of Thief River Falls.

Manager Coe discussed the Minnesota Association of Watershed Districts meeting to be held November 29 – December 1, 2007 in Alexandria, MN.

Motion by Coe, seconded by Johnson, with motion carried to adjourn the meeting.


Vernon Johnson, Secretary