

ORED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
September 13, 2001

President Dale M. Nelson called the meeting to order at 9:00 a.m. at the Red Lake Watershed District office at 102 North Main Avenue, Thief River Falls, MN.

Present were: Dale M. Nelson; Vernon Johnson; Leonard Moe; Roger Love; Dennis Nikolayson; Lowell Smeby; Orville Knott, Arlene Novak, Accounting/Secretary Technician II; Sandy Radniecki, Secretary/ Receptionist; and Legal Counsel Delray Sparby.

The board reviewed the agenda. A motion was made by Moe, seconded by Love and passed by unanimous vote that the board approve the agenda.

Arlene Novak read the minutes of August 23, 2001. A motion was made by Johnson, seconded by Knott, that the board approve the minutes. Motion carried unanimously.

The board reviewed the Financial Report and investment summary. A motion was made by Smeby, seconded by Johnson, and passed by unanimous vote that the board approve the Financial Report dated September 12, 2001.

Permit No. 01108 from the Pennington County Highway Department was reviewed by the board, for the benefit of several landowners affected by the permit. Following the review, a motion was made by Moe, seconded by Smeby, and passed unanimously that the board approve permit No. 01108 from Pennington County Highway Department.

Pennington County Commissioner Don Jensen informed the board that Pennington County would be submitting a resolution to the RLWD for an extension on the Good Lake dike, extending it farther north. He explained this would be presented at a future meeting.

The board reviewed five draft resolutions for presentation at the MAWD annual meeting in December. A motion was made by Knott, seconded by Moe, and passed unanimously, that the board approve the following resolutions for support of the MN Association of Watershed Districts:

**(1)**

WHEREAS, the Red Lake Watershed District, on the average, collects \$265,000 annually from Homestead Agricultural Credit Act (HACA), and

WHEREAS, the Red Lake Watershed District receives HACA from all of one county and parts of nine other counties located within the district, and

WHEREAS, the loss of the HACA aid will have a detrimental effect upon the Red Lake Watershed District in carrying out its statutorily mandated duties;

NOW, THEREFORE, BE IT RESOLVED, that the Red Lake Watershed District requests support from the MN Association of Watershed Districts to reinstate HACA funding.

**(2)**

WHEREAS, the Board of Managers' compensation has been set at \$55.00 per day for several years, and

WHEREAS, increasing this dollar amount does not mandate all watershed districts to raise their managers' compensation, and

WHEREAS, the board managers are encouraged to become more involved in managers' responsibilities, and

WHEREAS, board managers are encouraged to attend training sessions and several meetings, in addition to the regular board meetings;

NOW, THEREFORE, BE IT RESOLVED, that the Red Lake Watershed District requests the MN Association of Watershed Districts support an increase of compensation for board managers to be set at \$75.00 per day.

**(3)**

WHEREAS, Watershed Districts are authorized to undertake and construct flood control projects for the public benefit, and

WHEREAS, Watershed Districts are sometimes required to replace wetlands when they are doing a flood control project, and

WHEREAS, this requirement becomes cost prohibitive because the areas most commonly used for flood control projects that adversely impact wetland areas, and

WHEREAS, if a project is deemed to be for the common good and benefit of the public, it seems anomalous for the taxpayers to have to pay to replace wetlands;

NOW, THEREFORE, BE IT RESOLVED, that the Red Lake Watershed District requests the MN Association of Watershed Districts support an exemption from the Wetland Conservation Act for flood control projects that result in temporarily storing flood waters on existing wetlands.

**(4)**

WHEREAS, pursuant to State Statute Chapter 103D.641, watershed districts must solicit bids for projects with a cost exceeding \$25,000, and

WHEREAS, several other governmental units are not required to solicit bids until the cost exceeds \$50,000;

NOW, THEREFORE, BE IT RESOLVED, that the Red Lake Watershed District requests support of the MN Association of Watershed Districts to raise the amount requiring the solicitation of bids for projects with costs exceeding \$50,000.

(5)

WHEREAS, the Red Lake Watershed District has state-owned lands within the district that are qualified as conservation lands, and

WHEREAS, many of these conservation lands are located in or are part of legal drainage systems, and

WHEREAS, these legal drainage systems are dependent on the State paying its fair share of assessments for the establishment and maintenance of legal drainage systems, and

WHEREAS, Minnesota Statutes provides a fair procedure, with due process and right of appeal, for the apportionment of assessments to all properties in a legal drainage system, including state-owned lands, and

WHEREAS, the State of Minnesota Department of Natural Resources feels that Minnesota Statute Chapter 84A.55, Subd. 9, gives it the discretion to either pay or not pay any legal drainage system assessments, as it sees fit, and

WHEREAS, the State of Minnesota has refused to pay legal ditch assessments made for maintenance and repair of legal drainage systems, which has caused private land owners to carry a greater share of the burden, has caused no repair to be done on legal drainage systems, and/or has caused legal ditch systems to become bankrupt, and

WHEREAS, this contradicts the intent of the drainage law and the integrity of the legal drainage systems;

NOW, THEREFORE, BE IT RESOLVED, that the contradiction of this statute be corrected and that the Red Lake Watershed District requests the support of the MN Association of Watershed Districts amend Minnesota Statute Chapter 84A.55, Subd. 9, to read as follows:

Subd 9. Drainage. The commissioner may make necessary investigations and surveys for and may undertake projects for the drainage of state-owned lands within a game preserve, conservation area, or other area subject to this section so far as the commissioner determines that the lands will benefit from the project for the purposes for which the area was established. The commissioner may pay for the cost of drainage projects out of funds appropriated and available for them. Nothing in this action would affect 103D or 103E application to state-owned lands, conservation areas, or otherwise.

Nate Dalager, HDR Engineering, presented a hydrological study he completed on the Star and Highlanding Township Survey.

At 10:00 a.m., President Nelson called to order the 2002 General Fund hearing and turned it over to Legal Counsel Delray Sparby. Legal Counsel Sparby explained that MN State Statutes requires the RLWD to conduct this hearing and that it had been properly advertised. President Nelson read the items listed on the proposed 2002 General Fund budget. Having no questions from those in attendance, the hearing adjourned at 10:15 a.m. and is available for viewing at the RLWD office.

President Nelson reconvened the regular meeting. A motion was made by Love, seconded by Smeby, and passed by unanimous vote that the board approve the following General Fund budget for 2002:

Manager's fees, salaries, meeting expenses	\$18,000.00
Board of managers' expense	15,000.00
Staff salaries	194,480.00
Payroll taxes	17,000.00
Employee benefits	45,000.00
Travel and meetings (inc. mileage & exp.)	7,000.00
Legal	10,000.00
Audit	5,000.00
Office supplies	13,000.00
Office equipment	8,000.00
Engineering Equipment	25,000.00
Engineering supplies	2,500.00
Rent	1,000.00
Telephone	10,500.00
Dues and subscriptions	3,000.00
Insurance and bonds	22,000.00
Repairs and maintenance	15,000.00
Utilities	6,000.00
Professional services(inc. Eng. fees)	3,000.00
Advertising and publications	2,500.00
Interest	5,000.00
Vehicle expense & maintenance	8,000.00
TOTAL	<u>\$435,980.00</u>
ESTIMATED OVERHEAD	<u>(291,720.00)</u>
2002 GENERAL FUND LEVY	<u>\$144,260.00</u>

**CONSTRUCTION FUND**

An ad valorem tax of .04836 percent of taxable market value for 2001, collectible for 2002, will be levied on all taxable property within the district. One-half of the levy will remain in the district for projects listed below; the other one-half of the levy will be sent to the Red River Watershed management Board for projects within the Red River Basin.

Permitting system	Benchmarks
Flood Control Studies	Stream Gauging
Water Quality projects	Rivers
Watershed Hydrologic Analysis	Lakes
Bank Stabilization	Beaver Damage Control

President Nelson reviewed the remaining fund balances for 2001.

The board reviewed the proposed levies for 2002. Following discussion, a motion was made by Moe, seconded by Johnson, and passed by unanimous vote that the board approve the following proposed levies for 2002: State Ditch 83 Project No. 14 - \$50,000; Pine Lake Maintenance Project No. 35 - \$3,000; J.D. 72 Project No. 41 - \$7,500; Wild Rice Water Allocation Project No. 45 - \$15,000; J.D. 5 Project No. 102 - \$500.00; Jensen Petition Project No. 106 - \$500.00; Arveson Ditch Project No. 109 - \$500.00; Equality/RLWD 1 Project No. 115 - \$1,000; Polk County Ditch Improvements Project No. 119 - \$3,000; Polk County Ditch 63 Project No. 134 - \$2,000; and Polk County Ditch 33 Project No. 135 - \$4,500.

Manager Johnson reported on a storm sewer project that the City of Bagley would like to establish. Legal Counsel Sparby responded by saying he had attended a storm sewer meeting a couple years ago and felt a storm sewer watershed could be established. Doug Thompson, Clearwater County SWCD, will be attending a future meeting of the RLWD to discuss this potential project.

Ryan Odenbach, Water Quality Coordinator, presented a written update for the board, since he was unable to attend this meeting.

Legal Counsel Sparby presented his update to the board. He explained the Alternative Writ Petition was in the appeal period and requested approval from the board to contact Rinke Noonan regarding the RLWD's response to the appeal.

Legal Counsel Sparby stated he spoke to Dan Trontvet regarding the withdrawal of the offer by the RLWD. Mr. Trontvet indicated he would be attending the board meeting, but was not in attendance.

The board read a letter from Marshall/Beltrami SWCD regarding maintenance on the Moose River outlet. Sheryl Sistad will be notifying the RLWD when this project is being implemented.

President Nelson recognized Rod Voss in the audience and asked if he had a concern to address. Mr. Voss explained he was the project manager for the Glacial Ridge Tilden Farms/Nature Conservancy, and was at the meeting to request approval of the permits he had presented some time ago. Dave Jones, NRCS, explained that approval was only needed for two sites at the present time. A motion was made by Johnson, seconded by Nikolayson, that the board approve the permits for two of the sites, contingent upon conditions stated by the RLWD and approval by Polk County. Motion carried with Moe opposed.

Rod Voss also discussed a grant agreement in process with the RLWD that explains the project objectives and requests the RLWD to be the administrative entity. Mr. Voss will present this agreement at a future board meeting.

Loren Sanderson explained to the board that the mowing and surveying between the two pools on the Parnell Impoundment Project was completed, but that the rock would not be hauled in on the dike until freeze-up. Manager Moe made a motion to obtain a cost estimate on putting in another culvert between the east and west pool, with RLWD staff doing the work to drain the wetlands out of the dry impoundment. Manager Love seconded the motion. Motion carried.

The board discussed the meeting of September 4 regarding the lower diversion portion of the Thief River Storage and Diversion Project. President Nelson stated that letters had been received from landowners in favor of this project, providing the control structure be placed on Ditch 20. It was the consensus of the board that President Nelson should contact Charlie Anderson, JOR Engineering, and request that present this option at a future board meeting

Permit No. 01073 from Russell Wilson, Woodside Township, Polk County, was reviewed by the board. Loren Sanderson explained the permit in detail. Following his review, a motion was made by Moe, seconded by Knott, and passed by unanimous vote, that the board approve this permit with conditions as stated.

Permit No. 01098 from John Erickson, Black River Township, Pennington County, was reviewed. Following Loren Sanderson's explanation, a motion was made by Moe, seconded by Nikolayson, and passed by unanimous vote that the board deny this permit.

Permits for approval were reviewed by the board. A motion was made by Love, seconded by Johnson, and passed by unanimous vote that the board approve the following permits: No. 01097\* from Robert Love, Nesbit Township, Polk County; No. 01099 from S. and Maggie Leach, Rocksbury Township, Pennington County; No. 01100 from Greenwood Township, Clearwater County; No. 01101 from Burlington Northern Railroad, Badger Township, Polk County; No.s 01102\* and 01103\* from J.P. Knox, Fisher Township, Polk County; No. 01104\* from Richard Mattson, Lake Pleasant Township, Red Lake County; No. 01105\* from Keith Driscoll, Huntsville Township, Polk County; and No. 01109\* from Kevin Berg, Gully Township, Polk County. \*With conditions stated on permit.

Legal Counsel Sparby informed the board that he and Loren Sanderson spoke to Brent Johnson, Houston Engineering, regarding a culvert sizing policy for the RLWD. Loren will speak to Dan Wilkens and obtain culvert sizing policies from other watershed districts in the Red River Valley.

Manager Moe made a motion to adjourn the meeting to September 21, 2001, at 9:30 a.m. Manger Love seconded the motion. Motion carried.

The board of managers, with the exception of Orville Knott, reconvened at 9:30 a.m., Friday, September 21, 2001. Ron Shelito and Brian Dwight, BWSR, were present to discuss the pilot self-assessment project.

Motion was made by Moe, seconded by Love, that the meeting adjourn. Motion carried.

Signed

Dennis Nikolayson, Secretary