

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
August 24, 2006

Vice-President Gene Tiedemann called the meeting to order at 9:00 a.m. at the Red Lake Watershed District office, Thief River Falls, MN.

Present were: Managers Lee Coe, Arnold Stanley, Orville Knott, Vernon Johnson, Gene Tiedemann, and Allan Carlson. Absent: Dale M. Nelson. Staff present: Myron Jesme and Arlene Novak and Legal Counsel Delray Sparby.

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

Arlene Novak read the minutes of August 10, 2006. A motion was made by Coe, seconded by Carlson, and passed unanimously that the Board approve the minutes with minor changes.

The board reviewed the Financial Report and Investment Summary as of August 23, 2006. A motion was made by Knott, seconded by Johnson, and passed by unanimous vote that the Board approve the Financial Report dated August 23, 2006.

Manager Knott emphasized the need to keep the Euclid East and Brandt Impoundment dikes maintained and regularly mowed after construction.

Manager Johnson said Winsor-Hangaard Ditch had been sprayed and he has received many good comments on the maintenance of the ditches in Clearwater County.

The RLWD has been notified the rates that the premiums for health insurance, effective January 1, 2007, will increase by seven-tenths of a percent (.7%) per policy. The family policy will increase by \$5 per policy per month and the single policy will increase by \$1.50 per policy per month. The total increase in premiums for the year of 2007 health insurance will be \$258.00.

The 2007 General Fund Budget hearing date was discussed. A motion was made by Johnson, seconded by Coe, to set the General Fund Budget hearing for September 14, 2006 at 10:00 a.m. at the Red Lake Watershed District office. Motion carried.

Administrator Jesme informed the Board of the status of getting all those that receive the approved minutes and Draft agendas of the Board meeting via e-mail or postal mail, whether as an agency or through subscription. The consensus of the board is to discontinue direct mailing the draft agendas and approved minutes to those who have not contacted the RLWD regarding the method by which they wish to receive them. The matter will then be addressed in any follow up contacts from those individuals.

The petitioners of RLWD Ditch No. 11, RLWD Proj. No. 166, have submitted a bill for reimbursement for bond expense and for engineering fees expended prior to the filing of the petition, which were incurred by use of a non-watershed appointed engineer. Considerable discussion was held on the payment of the non-appointed engineering fees incurred prior to the filing of the petition. The consensus of the Board is to have Administrator Jesme confer with the

Board appointed engineer for the project, Jerry Pribula, Pribula Engineering to see if Mr. Pribula utilized any information from the prior engineer and report back at a future Board meeting.

Administrator Jesme reviewed all comments received to date on RLWD Ditch No. 11, RLWD Proj. No. 166, and after considerable discussion, a motion was made by Knott, seconded by Carlson, to adopt the following Findings and Order:

1. The engineer's detailed survey report and the viewer's report have been made, a final hearing was held and the written comment period allowed has expired, and all other proceedings have been completed as required by law.
2. The reports made or amended herein are complete and correct.
3. Damages are awarded to Dennis Novacek for lost trees and shrubs in his yard. A benefit change from \$250.00 per acre to \$100.00 per acre is allowed to landowner, Mark Holy, for the North One-Half of the South One-Half of the Northeast Quarter (N1/2S1/2NE1/4) of Section Three (3) Sullivan Township. The viewer's report assessing benefits to lands at the rate of \$10.00 per acre is amended by the Board to a rate change of \$30.00 per acre. The South One-Half of the South One-Half (S1/2S1/2) of Sections Seven (7) and Eight (8) Sullivan Township is added to the included drainage area to be assessed benefits at the rate of \$30.00 per acre. The damages and benefits of the proposed project have been properly determined.
4. The estimated benefits are greater than the total estimated costs, including damages.
5. The proposed drainage project will be of public utility and benefit and will promote the public health.
6. The proposed drainage project is practicable.
7. The Red Lake Watershed District has considered the private and public benefits and costs of the proposed drainage project.
8. The Red Lake Watershed District has considered the present and anticipated agricultural land acreage availability and use in the drainage project or system.
9. The Red Lake Watershed District has considered the present and anticipated land use within the drainage project or system.
10. The Red Lake Watershed District has considered the flooding characteristics of property in the drainage project or system and downstream for 5, 10, 25, and 50 year flood events.
11. The Red Lake Watershed District has considered the waters to be drained and alternative measures to conserve, allocate, and use the waters including storage and retention of drainage waters.
12. The Red Lake Watershed District has considered the effect on water quality of constructing the proposed drainage project.
13. The Red Lake Watershed District has considered the fish and wildlife resources affected by the proposed drainage project.
14. The Red Lake Watershed District has considered the shallow ground water availability, distribution, and use in the drainage project or system and the overall environmental impact of the above considerations.
15. The improvement is being done to provide agricultural drainage. The establishment will provide for adequate field drainage. The existing drainage system is not adequate and does not have the capacity to convey run-off for frequent return interval events and is insufficient for providing agricultural drainage.

16. The purpose of the ditch is not to alleviate the spring run-off events, but to improve agricultural production by improving drainage for "average" return interval events. An adequate outlet for this ditch system exists or will be constructed as a part of this project. Providing and maintaining adequate drainage will likely result in increased agricultural productivity on the farmland in the project area. Establishment of the ditch as a legal system will allow for future maintenance and orderly assessment of costs to the benefitted area.
17. Project benefits are believed to be better agricultural drainage, improved growth for crops, improved earlier access to land, and earlier warm-up for soil.
18. The project for maintaining and improving drainage is consistent with the Red Lake Watershed District Overall Plan and the local plans for the affected Polk County.
19. The project has no potential to impact wetland areas.
20. The present and anticipated land use within the drainage project system will remain rural agricultural.
21. Water quality concerns related to the construction of the proposed project and soil erosion are addressed by using erosion control measures during construction and permanent erosion controls such as grass buffer strips on the sides of the ditches to minimize erosion from agricultural fields. The ditch banks will be stabilized by providing suitable side slopes and vegetative cover.
22. The project does not directly or indirectly affect areas of public land associated with fish and wildlife habitat.
23. The project is not expected to affect local groundwater. No material overall environmental impact or adverse effects are expected as a result of the project and the usability of agricultural lands will be maintained or improved as a result of the project.
24. The Board of Managers of the Red Lake Watershed District met and fully discussed the Project, its benefits, its costs and all other aspects and concerns regarding this Project.

IT IS, THEREFORE, ORDERED:

1. That the viewer's report on file herein or as amended and the assessment of benefits and damages therein stated is hereby adopted.
2. That the detailed survey report on file or as amended is hereby adopted.
3. That the drainage project as described in the engineer's detailed survey report on file or as amended is hereby established.
4. That the Red Lake Watershed District shall obtain all necessary permits needed to construct said project.
5. That the engineer is ordered to proceed with making the necessary surveys and preparation of the plans and specifications that are needed to construct the project and to report the results of the same to the Board of Managers.
6. That the President of the Red Lake Watershed District shall have the authority to sign the Order Establishing Red Lake Watershed District Project 166.

Motion was carried unanimously.

It was the consensus of the Board to send a revised Property Owner's Report to the landowners, together with a copy of the Detailed Findings and Order.

Ron Adrian, Houston Engineering, Inc., appeared before the Board, with his report on setting trigger points or levels in order to better provide guidance in interpretation of the term "significant flooding" as it is used in the Elm Lake Operating Plan (Farmes Pool). Darrold Rodahl, landowner; Maggie Anderson and Gary Huschle from Agassiz National Wildlife Refuge; RLWD staff Gary Lane and Loren Sanderson were also in attendance. Following Mr. Adrian's presentation and questions and answers regarding the trigger points or levels recommended, a motion was made by Coe, seconded by Knott, to accept the engineer's recommendations to operate the stop logs based on elevations at three "Trigger Point Locations" which are:

1. Site #1. First structure downstream of Elm Lake on Branch 200, J.D. #11, Section 8/9 of Agder Township, Marshall County: Remove stop logs (Flood Stage) Elevation 1134.0 ft.
2. Site #2. Second structure downstream of Elm Lake on Branch 200, J.D. #11 (County Road 120) Section 7/8, Agder Township, Marshall County: Remove stop logs (Flood Stage) Elevation at 1133.0; Summer-install stop logs(5 year Summer) at elevation 1137.4 and Spring install stop logs(5 year elevation) at 1138.7 ft.
3. Site #3. First structure downstream of Elm Lake on State Ditch #83 (CSAH #12), Section 12/7, Excel/Agder Township, Marshall County: Remove stop logs (Flood Stage) Elevation 1131.6 ft.; Install stop logs (5 year Summer) at 1136.0 ft.; and Spring install stop logs (5 year) at 1137.2.

RLWD is to continue to monitor the levels of the three trigger points throughout the year. Motion passed with Manager Stanley voting nay.

Tom Jones of Jones Architectural presented the Preliminary drawings for the Red Lake Watershed District office building and garage. Mr. Jones stated that Plans call for the office dimension to be 48' x 80' and the garage to be 42' x 58'. It was recommended by the Board that a sound system be incorporated into the Board room and obtain a cost estimate for a geothermal heating/cooling system. Following considerable discussion on the building and construction materials, a motion was made by Johnson, seconded by Coe, to order the architect to prepare Plans and Specs for advertisement for bids for construction. Motion carried.

The real property owned by the RLWD land in Lessor Township was discussed. There are two parcels in Lessor Township, Polk County, consisting of one parcel in Section 31 for 79.23 acres and a second parcel in Section 19 of 198.49 acres. Discussion was held on the purpose of the land and its original intent. The consensus of the Board is to investigate to see if there is a project need anymore, visit the site, and then decide what to do with the land. The Board will reconvene on Monday, August 28, 2006 at 10:00 a.m. for the purpose of touring the site.

Red Lake County has requested a cost sharing with the RLWD in cleaning a portion of Poplar River. The Sentence to Service (STS) will do the work. A motion was made by Coe, seconded by Knott and passed unanimously to cost share the cleaning of Poplar River up to \$2,500 and give authorization to Administrator Jesme to sign contracts, etc.

The Federal Emergency Management Agency (FEMA) grants for the Schirrick Dam and RLWD Ditch No. 10 have been received. Funding has been allocated as follows: \$25,690 for the Schirrick Dam repairs, RLWD Proj. No. 25A and \$5,624 for RLWD Ditch No. 10, RLWD Proj. No. 161A. Administrator Jesme requested that he be authorized as a signor for the contracts. Knott motioned, seconded by Carlson, and passed unanimously to approve authorization of Administrator Jesme to act as the authorized agent of the RLWD for execution of the FEMA grants contracts.

Administrator Jesme reported that following the August 10, 2006 Board meeting in which the Board requested seeking funding from the Federal Emergency Management Agency (FEMA) for State Ditch 83, RLWD Project No. 14. FEMA representatives inspected State Ditch 83 on Friday, August 11, 2006, and stated that they did not believe the sloughing observed was an occurrence resulting from the 2006 flooding event.

Administrator Jesme stated that the RLWD vehicles are required to have identification on each vehicle and presented the Board an example logo of identification to have on the sides of vehicles. The options presented were to have as a magnetic or a peel and stick identification. A motion was made by Coe, seconded by Stanley, and passed unanimously for Administrator Jesme to investigate the options for an identification logo for the vehicles.

A letter from Dan Zwilling, Dam Safety Unit of the Minnesota Department of Natural Resources (DNR) was received regarding the Seeger Dam inspection. The inspection addressed three deficiencies that need to be addressed: 1. The shaping of the embankment was nicely done though the seeding of the embankment appears to have failed due to dry conditions. This will need to be reseeded before September 15, 2006. 2. Inspection of the downstream embankment over the outflow culvert showed numerous large cracks in the soil. Entering the outlet culverts, inspection revealed that culvert separation has begun at one joint, with the end of the culvert fracturing at the joint. Overall, it appeared that the lower three sections of the outlet conduit and the overlying embankment are separating from the main embankment and slowly moving downstream. 3. The plunge pool at the bottom of the outlet has inadequate riprap protection. Riprap should be added to the plunge pool to reduce scouring velocities and to protect the outlet culvert from undercutting and erosion from swirling waters. The consensus of the Board was to make the necessary repairs under emergency conditions. Contact will be made to confirm that this will be allowed.

The Board reviewed permits for approval. A motion was made by Knott, seconded by Carlson, to approve the following permits with conditions stated on the permits: No. 06081 from Darrin Olson, Tilden Township, Polk County; No. 06086 from C & J's Corner Cafe, Goodridge Township, Pennington County; No. 06087 from Canadian Pacific Railway, North Township, Pennington County; No. 06088 and 06089 from Bukowski Farms, Cedar Township, Marshall County; and No. 06090 from Timothy J. Helt, North Township, Pennington County. Motion carried.

RLWD Permit Nos. 06079 and 06080 were recommended to be denied. After discussion, a motion was made by Knott, seconded by Carlson to deny RLWD Permit No 06079 applied for by Bob Useldinger & Sons, Inc., Huntsville Township, Polk County and RLWD Permit No.

06080 applied for by Lyle Abrams Farms, Inc., Vineland Township, Polk County. Motion carried.

Administrator Jesme read his written report:

- Enclosed with the manager's packets is an outline for funding of Clean Water Legacy Act which the Minnesota Governor signed into law on June 2, 2006. Administrator Jesme added that a meeting was held with Marshall-Beltrami County SWCD, Marshall County Engineer, BWSR, and staff member Corey Hanson along with Administrator Jesme in which they drove around areas in and around the Moose River (MBJD #21) looking for sites that may qualify for funding under the Clean Water Legacy Grant. An application will be completed by the SWCD.
- A Weekly Diary and Statement of Working Days for the Euclid East and Brandt Impoundment Sites are included in the Manager's packet. Administrator Jesme reviewed the percentages of construction completed on each site.
- As stated earlier in the Board meeting, FEMA representatives toured various slough areas along State Ditch 83, RLWD Proj. No. 14, and determined the areas they looked at were not caused by the 2006 flooding.

Administrator Jesme informed the Board of receiving \$47,500 for ring dike construction. The contracts from the State of Minnesota are anticipated to be received in October so chances are slim that any dikes will be constructed this year.

Legal Counsel Sparby stated that letters have been mailed to the attorney of Alam Sher, landowner, stating the drainage issue between the City of Goodridge and Leon Iverson, renter of Sher property, needs to be resolved privately. Mr. Sparby also stated that a similar water issue at Maple Lake, as reported by Jean Bernard, will also need to be resolved privately between the parties.

Ron Seaworth has contacted Administrator Jesme requesting removal of contents from the farmstead the RLWD purchased from John Weiland of Orofino, Idaho. The farmstead is located in the middle of the Brandt Impoundment site and will be removed when construction reaches that point. Legal Counsel Sparby recommended receiving a simple written statement from John Weiland stating he has removed his property and surrendering the remaining personal property to the RLWD prior to the destruction of the farmstead.

Manager Coe reported on his testimony on behalf of Minnesota Association of Watershed District's (MAWD) drainage committee on August 17, 2006 regarding changing the taxing authority on Con Con lands. Legal Counsel Sparby gave a history on why this resolution was initiated and presented to MAWD annual convention in December, 2005.

Motion was made by Knott, seconded by Coe, to adjourn the meeting to Monday, August 28, 2006 at 10:00 a.m. at the Ness Café in Erskine, MN, for the purpose of touring the RLWD real property in Lessor Township, Polk County. Motion carried.

The meeting was convened on August 28, 2006 from the August 24, 2006 regular Board meeting at the Ness Café in Erskine, MN. Managers present were: Gene Tiedemann, Allan Carlson, Vernon Johnson, Lee Coe, and Orville Knott. Staff present: Myron Jesme, Administrator

The parcels of land in Lessor Township owned by RLWD were toured. Following considerable discussion of the prospect of a potential project in the area and land use, a motion was made by Johnson, seconded by Coe, and passed unanimously to declare the land as excess or surplus property and advertise for the sale with bid opening scheduled for 10:00 a.m., Thursday, October 12, 2006. Each parcel of land will be bid separately.

Being no further business, the meeting adjourned.

  
Vernon Johnson, Secretary