

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
December 14, 2006

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

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

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

Arlene Novak read the minutes of November 28, 2006. A motion was made by Coe, seconded by Johnson, and passed unanimously that the Board approve the minutes as amended.

The board reviewed the Financial Report as of December 13, 2006. A motion was made by Coe, seconded by Johnson, and passed by unanimous vote that the Board approve the Financial Report dated December 13, 2006.

All monies for the Lessor Township land acquisition have been received from Michael Oie, closing costs completed, and the expenses of the land auction have been paid to Pifer Auction and Realty.

Legal Counsel Sparby presented a form called the Notice of Establishment of Legal Drainage System which would be used to notify landowners that their property may be subject to the jurisdiction of a legal drainage system. This document would show up in any title opinion so any land exchanges in the legal drainage system would have a form of notification of the jurisdiction of the legal drainage system. Motion was made by Coe, seconded by Knott, and passed unanimously to accept the form called the Notice of Establishment of Legal Drainage System document.

Administrator Jesme stated that as of today's meeting, two of the walls of the new RLWD building had been erected. President Nelson requested a meeting with the building committee, Architect Tom Jones, and the contractor, Schmitz, to discuss the interior items of the building.

Staff member Loren Sanderson presented a request for additional compensation of \$3500 from Steve Olson Construction of TRF, Inc. for revisions made to the walkway of Seeger dam which increased the width of the walkway an additional 6". Considerable discussion was held on the work completed, the need for the additional 6" and value of the additional 6". The consensus of the Board was to have Administrator Jesme contact Steve Olson and have Mr. Olson present a written request as to why he felt there should be additional compensation and a breakdown of cost for the additions. Mr. Jesme is to present this information to the Board at the December 28, 2006 Board meeting.

Staff member Corey Hanson reviewed a Clean Water Partnership Resource Investigation Grant pre-proposal for the Thief River Watershed Sediment Investigation project. The MPCA has approved funding for this project. Mr. Hanson provided information on the proposed project and the timeline. The monetary amount of the grant from the MPCA is \$96,500 with a grant match of

\$96,500 in the form of cash and in-kind from the RLWD and other agencies. A grant agreement and resolution for this project will be presented to the Board at the January 11, 2007 Board meeting.

On a motion made by Knott, seconded by Tiedemann, and passed unanimously, the following resolution was adopted:

WHEREAS, the Board of Managers at their September 28, 2006 meeting heard the presentation of the proposed project, and

WHEREAS, The Red Lake Watershed District has been awarded a \$96,500 Clean Water Partnership Resource Investigation Grant for the purpose of conducting an intensive study of water quality problems in the Thief River watershed.

WHEREAS, a new project must be established for accounting purposes;

NOW THEREFORE, BE IT RESOLVED THAT the Red Lake Watershed District name this "Thief River Watershed Sediment Investigation" and assign it Red Lake Watershed District Project No. 168.

Corey Hanson also presented additional information for the proposed joint project of Trout Unlimited, MN DNR, and the RLWD that had been presented at the November 28, 2006 Board meeting. Mr. Hanson recommended approving the cost sharing of the program effective for the budget year of 2007. The project would study the effects of water quality on winter carryover of trout in the Clearwater River. A motion was made by Coe, seconded by Johnson, to approve the cost share of the Trout Study with a cost share up to \$8,000. Motion carried.

The grant received from the MPCA for the Clearwater River Fecal Coliform and Dissolved Oxygen Total Maximum Daily Load Project was reviewed by Corey Hanson. The grant received was in the amount of \$100,000 and will be used to investigate the sources of pollution in the Clearwater River. The duration of the grant is through December, 2008. After discussion of the project and its goals, a motion was made by Johnson, seconded by Coe to approve the President and Secretary of the Board sign the grant application. Motion carried.

On a motion by Johnson, seconded by Stanley, and passed unanimously to approve the following resolution:

WHEREAS, the Board of Managers at their September 28, 2006 meeting heard the presentation of the proposed project, and

WHEREAS the Board of Managers approved acceptance of the grant at this Board meeting, and

WHEREAS, a new project must be established for the documentation of revenue and expenditures;

NOW THEREFORE, BE IT RESOLVED, THAT the Red Lake Watershed District name this "Clearwater River Dissolved Oxygen and Fecal Coliform TMDL Study" and assign it Red Lake Watershed District Project No. 157A.

Informational handouts for the Red Lake River Farm to Stream Tile Drainage Study, Red River Watershed Management Board's Red River Basin Stream Monitoring and Assessment Clean Water Legacy Act funding application, and the November 2006 Water Quality Program Progress Summary were also included in the Board's materials.

Administrator Jesme presented a letter from Naomi Erickson, Administrator of the Red River Watershed Management Board (RRWMB), requesting a total number of ring dikes remaining to be constructed over the next two years. Administrator Jesme stated that there are four ring dikes that could be constructed in the next two years, two of them have been approved for funding but are waiting for the contracts from the State of Minnesota and the other two potential dikes would be a part of this funding approach. Since there would not be cost-share from the State of Minnesota to complete an accurate survey of those two ring dikes, Administrator Jesme requested funding from the Capital Projects Fund in order to complete the survey at a cost of approximately \$3,000. On a motion by Johnson, seconded by Tiedemann, and passed unanimously, to appropriate funds from the Capital Fund to complete an accurate survey of the two ring dikes. Manager Tiedemann requested that a landowner near the Parnell Impoundment site be included in the survey and would contact the landowner regarding his 12.5% cost share of the ring dike.

The Board reviewed permits for approval. A motion was made by Knott, seconded by Coe, to approve the following permits with conditions stated on the permits: No. 06130 from James McWalter, Nesbit Township, Polk County; No. 06132 from Marshall County Highway Department, Agder Township, Marshall County; No. 06134 from J & S Gravel, Inc., Gentilly Township, Polk County; No. 06135 from Parnell Township, Parnell Township, Polk County; No. 06136 from Moose River, Marshall Township, Polk County; and No. 06137 from Minnesota Department of Transportation, Rocksbury Township, Pennington County. Motion carried.

Minnesota Department of Natural Resources (MN DNR) requested extensions on RLWD Permit Nos. 05087, 05088, 05089, 05090 from Beltrami County; and 05092 from Marshall County. A motion was made by Johnson, seconded by Carlson to accept the request of a one year extension of the RLWD Permits for MN DNR. Motion carried.

Adger Township, Marshall County, requested an extension on RLWD Permit No. 05159. A motion was made by Knott, seconded by Stanley, to approve the extension of Agder Township permit. Motion carried.

The 24th Annual Red River Basin Land & Water International Summit Conference will be held on January 23-25, 2007 at the Ramada Plaza Suites, Fargo, ND.

Administrator Jesme read his written report:

- All payments have been made for the construction season for the Brandt and Euclid East Impoundments, Proj. Nos. 60C and 60D. Construction has been seized until spring at which time final inspections and payments can be completed.
- Construction for the improvement of RLWD Ditch No. 11, RLWD Proj. No.166, is going well. Construction has substantially been completed on 3 miles of the ditch system and work has started on the fourth and final mile for this construction year. It is assumed that if the weather conditions stay as they are now, construction will end by the middle of

next week. Discussion was held on the MPCA permit and its impaired waters listing and how it delayed the construction of the project.

- Managers Coe, Carlson, Tiedemann, and Administrator Jesme attended the three day Minnesota Association of Watershed District's (MAWD) Convention in Alexandria on November 30-December 2.

Manager Coe reported on resolutions and amendments presented at the MAWD meeting. The amendment to the resolution regarding the Permitting Rule Violations Penalty stated that the fee may be imposed, but is discretionary to each watershed board. The amendment to the resolution was passed but the limit of penalty increased to \$5,000 that may be imposed as a permitting rule violation. The other resolution presented was the payment to former board members who have been subpoenaed for litigation purposes. The resolution was passed with an amendment, suggested by Legal Counsel Sparby, to also include former board members when their assistance is deemed necessary by watershed legal counsel.

Additional discussion was held on the MAWD convention and the termination of a watershed district that had happened this year.

Administrator Jesme continued on with his written report.

- One hundred eighty-three Clean Water Legacy Act funding requests were received for approximately \$45 million, while only \$7.81 million was available to be awarded. Because of the competition of the funds, the RLWD was notified by the Minnesota Pollution Control Agency (MPCA), that our applications were not selected for funding. An award statement along with our application is included in the manager packets.
- An agreement with the Sentence to Service has been renewed to clean and snag the lower 4 miles of the system of State Ditch 83. Due to ice conditions in the winter of 2005, this area could not be completed.
- The Clearwater Soil and Water Conservation District is hosting a retirement party for Doug Thompson on Friday, December 15, 2006 at 11:30 a.m.
- An invitation is extended to attend the retirement party for the Board of Water and Soil Resources Executive Director Ron Harnack on December 20, 2006 at the Liffey in St. Paul, MN, beginning at 4:00 p.m.

In addition to his written report, Administrator Jesme stated that sediment removal on 1 ½ miles of JD 2, RLWD Project No. 49 channel has been completed.

Legal Counsel Sparby stated he had been in contact with legal counsel for Debbie Hawkinson regarding the RLWD property purchased for the Brandt Impoundment site from her brother, John A. Weiland of Orofino, Idaho.

Manager Knott stated he had been contacted by a local snowmobile club to request the permission to use the last half mile of RLWD Ditch No. 10 ditch system as a snowmobile trail. A motion was made by Knott, seconded by Coe, to grant permission to the Snowmobile Club to use the area covered by the Red Lake Watershed District easement as a snowmobile trail, subject to approval by landowners, assumption by Snowmobile Club of maintenance and upkeep of the trail, provision of reasonable liability insurance, and provided that any use as a snowmobile trail would be subject to easement interest of the RLWD. Motion carried.

Manager Knott reported that at the previous RRWMB's last meeting, it was announced that Ron Harnack had accepted the position of their Financial Coordinator at a salary of \$60,000 plus expenses.

Motion by Carlson, seconded by Stanley, with motion carried to adjourn the meeting.


Vernon Johnson, Secretary