

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

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, and Allan Carlson. Absent: Gene Tiedemann. Staff present: Myron Jesme and Arlene Novak and Legal Counsel Delray Sparby.

The board reviewed the agenda. A motion was made by Coe, seconded by Carlson, and passed by unanimous vote that the Board approve the agenda with the addition of Kent Schmitz, Schmitz Builders for approximately 10:30 a.m.

Arlene Novak read the minutes of December 28, 2006. A motion was made by Johnson, seconded by Stanley, and passed unanimously that the Board approve the minutes with minor corrections per Legal Counsel Sparby.

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

Election of officers was conducted with President Nelson turning the meeting over, in the absence of the Vice-President, to the Secretary, Vernon Johnson. Manager Johnson called for nominations for President. Manager Knott nominated Gene Tiedemann. Secretary Johnson called for further nominations. Manager Stanley nominated Dale M. Nelson. Secretary Johnson called for further nominations. After hearing no further nominations, Manager Johnson called for a voice vote with Dale M. Nelson being elected President.

Secretary Johnson turned the meeting over to President Nelson to conduct elections for the remaining Board positions.

Nominations were opened for vice-president. Manager Carlson nominated Gene Tiedemann for vice-president. Upon calling for further nominations three times, a motion was made by Stanley for nominations to cease, seconded by Johnson, and the secretary cast a unanimous ballot for Gene Tiedemann for vice-president of the Board. Motion carried.

Nominations were opened for secretary. Manager Stanley nominated for Vernon Johnson for secretary. Upon calling for further nominations three times, Manager Knott moved that nominations cease, seconded by Carlson, and the secretary cast a unanimous ballot for Vernon Johnson as secretary of the Board. Motion carried.

Nominations were opened for Treasurer. Manager Carlson nominated Lee Coe for treasurer. Upon calling for further nominations three times, Manager Johnson moved that nominations cease, seconded by Knott, and the secretary cast a unanimous ballot for Lee Coe as treasurer of the Board.

The Overall Advisory Committee and the specific watershed area Advisory Committee members were reviewed by the Board. Board members are to review the listing and report any changes to the list to Administrator Jesme.

The position of alternate to the Red River Watershed Management Board (RRWMB) was opened. Manager Knott is presently serving the second year of a three year term as the delegate. A motion was made by Knott, seconded by Carlson, to approve Manager Stanley as the alternate to the RRWMB Board. Motion carried.

The committees for the JD 2 and JD 72 Joint Ditch Boards were reviewed. Managers Johnson and Carlson currently serve on the Joint Ditch Board, respectively. A motion was made by Coe, seconded by Knott, and passed unanimously to approve Managers Johnson and Carlson to the JD 2 and JD 72 Joint Ditch Boards.

The Budget/Salary Committee was discussed by the Board. A motion was made by Johnson, seconded by Carlson, to approve Managers Nelson, Knott, and Stanley to serve on the Budget/Salary Committee.

The consensus of the Board was to continue with the Building committee of Managers Nelson, Knott, and Carlson as set forth in the January 12, 2006 Board meeting.

A motion was made by Coe, seconded by Stanley, and passed by unanimous vote that the regularly scheduled Board meetings continue to be held on the second and fourth Thursdays of each month of 2007.

A motion was made by Johnson, seconded by Knott, and passed by unanimous vote that the following financial institutions be designated as depositories for the RLWD: Northern State Bank, Unity Bank North, Northwest Community Bank, Bremer Bank, and Border State Bank and approved the following signatures on the signature cards at the financial institutions: Dale M. Nelson, Gene Tiedemann, Vernon Johnson, Lee Coe, Myron Jesme, and Arlene Novak.

Delegates and alternates to the Minnesota Association of Watershed Districts were discussed. Motion by Knott, seconded by Stanley, and passed by unanimous vote for Coe as the delegate, Carlson as first alternate, and Nelson as second alternate.

The dues of \$125 for the Minnesota Viewers Association were presented. Motion by Coe, seconded by Johnson, and passed unanimously to approve the payment of the dues in the amount of \$125 to the Minnesota Viewers Association.

Brian Vathauer, Dean Vathauer, and Gary Novak were present to address some concerns/issues with RLWD Ditch No. 10, RLWD Proj. No. 161. Mr. Brian Vathauer distributed a letter and verbally highlighted his concerns to the Board. Some of his concerns were: Some of the damage that was repaired in 2006 was due to the fact that no aprons were used on any culverts in the ditch system. Administrator Jesme stated that the ditch was constructed with MnDOT specification on the culverts and that all the field inlet culverts were designed and inspected by the SWCD as they were partially funded through EQIP dollars. He also added that the cost of the erosion repairs and costs for the additional petitioned repairs was approximately \$19,000 with a FEMA grant of \$5,600 leaving a balance of \$13,400 to the Ditch System. Mr. Brian

Vatthauer stated that he felt it was an engineering problem and should not be the responsibility of the Ditch System to pay for the additional repair costs. The response from the Board was that of the hiring of the engineer was at the request of the petitioners because of the previous work he had already completed on the project prior to the petition. It was addressed that some of the erosion around the culverts had already occurred shortly after final payment had been issued in October, 2005. The issue of warranty of the ditch system was also addressed. Brian Vatthauer felt that as a business owner, he is responsible for errors and poor work done by people he contracts with and he believes the RLWD should be responsible as well. Administrator Jesme indicated that due to the fact that FEMA cost shared this erosion problem, it has to be assumed and agreed to by the Federal Government, that the damages to the system was caused by excess flooding and not "errors and poor work". Dean Vatthauer then addressed the Board and indicated that they were not here to change history, but make sure it doesn't happen again. He also discussed and distributed pictures of a past drainage issues that he felt had been corrected in the past.

Administrator Jesme stated that Manager Tiedemann and he had been in contact with Jeanette Kliner regarding her potential setback levee easement within the Brandt Channel. The survey of acres needed for this project was not completed but hope to have it completed prior to the next Board meeting.

HDR Engineer Nate Dalager presented an approximate cost analysis page for completion of a preliminary engineer's report for the Grand Marais Outlet Restoration Project. Considerable discussion was held on potential funding of this project and its benefactors. It was the consensus of the Board to table the decision to proceed with the preliminary engineer's report and to have Administrator Jesme investigate the option of acquiring cost share partners for this report.

The Board reviewed the permit applications. A motion was made by Stanley, seconded by Coe, to table RLWD Permit No. 06131, applied for by Marshall County Highway Department, Moylan Township, until further information can be obtained.

Motion by Johnson, seconded by Carlson, and passed unanimously to approve the following permits with conditions stated on the permits: No. 06133 from John T. Zavoral, Steenerson Township, Beltrami County; No. 06138 from Minnesota Pipe Line Company, LLC, various Townships, Clearwater County; No. 07001 from Scott Baatz, Russia Township, Polk County; and No. 07002 from Scott Baatz, Fairfax Township, Polk County.

Kent Schmitz of Schmitz Builders, Inc. appeared before the Board to request a change order in the amount of \$2,568 for the additional expense created due to the fact the District moved the building 50 feet east after the bids had been awarded and prior to construction. This change order is for additional plumbing, electrical, supplies, labor, etc. A motion was made by Knott, seconded by Coe to approve the change order in the amount of \$2,568. Motion carried. Mr. Schmitz also gave an update of the construction progress and answered questions of the Board of various nature. During discussion, there was a question on what would be protocol concerning minor changes and decisions that have to be made to the building between Board meetings. A motion by Coe, seconded by Johnson that would allow the building committee to make decisions on an as need basis. Motion carried. It was also determined that a meeting between the Building Committee, Architect Tom Jones and Mr. Schmitz, should occur in the near future to discuss interior items such as cabinets, paint, etc. President Nelson asked Mr. Schmitz about the sub

contractors and how the District should address the issue of subcontractors coming into the office and making requests to the Building Committee for material they would need to complete their project. Mr. Schmitz stated that all subcontractors should work directly through him and that he will relay to the District the time frame in which construction items and materials would be needed.

Administrator Jesme read his written report:

- The Minnesota Pollution Control Agency Joint Powers Agreement executed contract for the Clearwater River Dissolved Oxygen and Fecal Coliform TMDL's Project was received on January 2, 2007.
- Pay Estimate #1 to R.J. Zavoral & Sons, Inc. in the amount of \$247,888.85 for the construction of RLWD Ditch #11, RLWD Project #161 was paid. Pay estimate #2 will be made January 15, 2007 in the amount of \$77,385.20. No further payments are scheduled until construction restarts in the spring.
- A petition for the improvement to and improvement of the outlet to Polk County Ditch No. 53 has been received. Upon review of the petition and discussion with the petitioners, it was agreed that the petition be returned to the petitioners so additional signatures can be acquired.
- Preliminary costs estimate for the four ring dike requests the RLWD has received total approximately \$250,000. To date, considering a 50/50 cost share match pending with the State of Minnesota, \$74,000 will be expended by June 30, 2008. A request, through the Red River Watershed Management Board (RRWMB), in the amount of \$88,000 for additional funding from the State of Minnesota will be needed to cover the remaining balance required.
- Administrator Jesme and Manager Knott will be attending the RRWMB regularly scheduled January meeting which will be held in conjunction with a legislative briefing on January 16, 2007 from 1:00 to 5:00 p.m. at the Kelly Inn, St. Paul, MN.
- Enclosed in the Manager's packet is the December 2006 Water Quality report completed by Corey Hanson. Some highlights to the report are: Data Assessment, Clearwater River Dissolved Oxygen and Fecal Coliform Agreement for the Their River Watershed Sediment Investigation. The grant agreement for the Thief River Watershed Sediment Investigation should be ready for signatures at the January 25, 2007 Board meeting.
- The 2007 Agricultural Tile Drainage Design & Soil Water Management Workshop is scheduled for February 14 and 15, 2007 at the Courtyard by Marriot Conference Center in Moorhead, MN. Staff member Corey Hanson will be giving a presentation on the "Water Quality of Tile Drainage" on Thursday, February 15, 2007.
- A Floodplain Map Modernization in Marshall County meeting will be held on Tuesday, January 23, 2007 at 1:00 p.m. at Meeting Room 1, Marshall County Courthouse, Warren, MN. The meeting is intended to gather various entities to discuss the need for and produce accurate, digital countywide floodplain maps which would be useable to local officials and agencies for flood hazard mitigation and local building codes for GIS mapping, lending institutions, and insurance agents. The map will be produced using available data from the Federal Emergency Management Agency (FEMA) and new data from local agency sources.
- A note from Stephen R. Young, representing Trout Unlimited, thanking the RLWD for agreeing to participate in the Clearwater River study.

Manager Knott addressed a concern of a landowner in Red Lake County regarding a drainage issue near his property.

Manager Stanley asked the Board if they would approve his attendance to the 2007 Agricultural Tile Drainage Design & Soil Water Management Workshop in Moorhead. It was the consensus of the Board, that it would be a good idea to have Mr. Stanley attend this meeting.

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


Vernon Johnson, Secretary