

RED LAKE WATERSHED DISTRICT

Board of Manager's Minutes

September 27, 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, Jim Votava, and Vernon Johnson. Staff present: Myron Jesme and Tammy Audette and Legal Counsel Delray Sparby.

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

Manager Nelson requested dispensing of reading of the minutes and asked each manager to briefly review the minutes. A motion was made by Knott, seconded by Stanley, and passed unanimously that the Board dispense reading of the minutes and approve them as printed.

The board reviewed the Financial Report and Investment Summary as of September 26, 2007. A motion was made by Coe, seconded by Tiedemann, and passed by unanimous vote that the Board approve the Financial Report and Investment Summary dated September 26, 2007.

Discussion was held on Permit No. 07082 from Badger Township. Staff member Loren Sanderson handed out information pertaining to the permit application. Sanderson stated that he had surveyed the area to determine flow direction and that the area 1000' north of this crossing flows in a southerly direction. It was also noted that when the township removed the ditch plug, there was an old 24" culvert through the crossing but appeared to be plugged. The township was not aware that this culvert existed. A letter from landowners Bill Kresl and Jon Berger was also distributed to the Board requesting the permit to be tabled until further issues pertaining to the improvement to the township roadway could be resolved. Since the permit in hand only request that a culvert and crossing be installed within township right of way the watershed district does not have jurisdiction to address any roadway issues. A motion was made by Votava, seconded by Coe, to approve Permit No. 07082, Badger Township, Polk County, for the installation of a 24" culvert. The elevation of the new culvert shall be at the approximate same elevation of the original 24" culvert. Motion carried.

Administrator Jesme presented two options prepared by HDR Engineering for lowering of the Seeger Dam. Option 1 included a 20' cut and removal of the dam. Option 2 is a 10' cut and partial removal of the dam with slopes no steeper than 5:1. Manager Knott stated he had spoken with local landowners Mike Seeger and Paul Hanson prior to the meeting regarding closure of the township road. Paul Hanson was in attendance and discussed usage of the road and tiling, he further informed the board of the fact that the day before the Seeger Dam failure, Red Lake County had used the township road to haul gravel. After considerable discussion was held in regard to this matter, President Nelson noted that it was 9:30 a.m., the time scheduled for a final payment hearing. The Seeger Dam discussion was delayed until after the hearing.

At 9:30 a.m., the final payment hearing for R.J. Zavoral & Sons, Inc. for construction of the Euclid East Impoundment, RLWD Project No. 60C and Brandt Impoundment, RLWD Project No. 60D was called to order. RLWD Legal Counsel Sparby stated that the hearing had been advertised and that there was no one in attendance objecting to the final payment. Project

Engineer Nate Dalager, HDR Engineering, Inc. submitted an Engineer's Certificate of Substantial Completion for each project; therefore recommending final payment of \$42,244.54 for the Euclid East Impoundment and \$51,084.73 for the Brandt Impoundment. Motion by Tiedemann, seconded by Knott, and motion carried to approve the final payments to R.J. Zavoral & Sons, Inc. The hearing was videotaped and is on file at the RLWD office.

Orren Bendickson, Bakke Insurance, presented information on the staff health insurance. Mr. Bendickson stated that the RLWD insurance is through the Northwest Service Cooperative (NWSC) that has 47 members that buy insurance as one unit. The NWSC looks at the pool needs and each member of the pool. The RLWD over a number of years has helped out the pool with low usage for minimal rate increase and several years of rebates. Within the last 1 ½ years, claims have increased resulting in an increase of premiums of approximately \$9700 for 2008. Mr. Bendickson explained the coverage we currently have and several other options. Increase in premiums is effective January 1, 2008. The NWSC needs to be notified by October 18th with any changes.

The Board continued their discussion on Seeger Dam. A motion was made by Tiedemann, seconded by Knott, and passed by unanimous vote to declare an emergency at Seeger Dam and authorize HDR Engineer Nate Dalager proceed with quote documents for Option 2 with the possibility of tiling.

Administrator Jesme and staff member Loren Sanderson discussed with the Board the proposed boundary changes by the Sand Hill River Watershed District (SHRWD) in Russia Township, Polk County. The SHRWD is proposing the removal and installation of several culverts along the boundary of the RLWD and SHRWD. It was suggested that costs for removing one of the culverts in the Burnham Creek ditch system be paid by the system and the other culverts be paid by the District from their Construction Fund. Legal Counsel Sparby stated that paying for the replacement of one culvert on the Burnham Creek system seemed appropriate but that the cost of removing and installing the other culverts in this projects should be investigated further. It was stated that Russia Township had been contacted and that they currently have no money to pay for culvert replacement. It was the consensus of the Board to table the item and direct Administrator Jesme to contact the SHRWD to determine what criteria they are using to do the work.

A request was received for a permit extension for permit No. 06101, George Hanson, Inc. and No. 06102, Michael Hanson. A motion was made by Tiedemann, seconded by Stanley to accept the request of a one year extension of permit No. 06101 and No. 06102. Motion carried.

The Board reviewed permits for approval. A motion was made by Knott, seconded by Tiedemann to approve the following permits with conditions stated on the permits: No. 07076, Monte Casavan, Wylie Township, Red Lake County; No. 07081, The Nature Conservancy, Tilden Township, Polk County; No. 07084, Polk County Drainage Authority, Crookston Township, Polk County; No. 07085, Polk County Drainage Authority, Grove Park Township, Polk County; Nos. 07087, 07089 and 07090, Mike Tiedemann, Euclid Township, Polk County; No. 07088, Mike Tiedemann, Fanny Township, Polk County; No. 07091, Clearwater County Highway Department, Winsor Township, Clearwater County; and No. 07092, Dale Nelson and Kenneth Poole, Rocksbury Township, Pennington County. Motion carried.

Administrator Jesme discussed the meeting held with the US Fish & Wildlife Service and the MN Department of Natural Resources regarding maintenance issues with Farms Pool – Elm Lake. Jesme stated that a MnDNR Dam Safety Engineer inspected the structure and determined that the stoplogs can be installed and that the pool can safely store water this fall, operate the structure next spring as planned, and then draw it down next summer for repairs. An estimate will be prepared for new stoplogs, repair all bays, and one column. Jesme indicated that discussion was held at the meeting to split the cost 1/3 between each agency. Repairs would be completed the summer of 2008.

Administrator Jesme stated that construction on the new RLWD Building has been substantially completed and recommended that a final payment hearing be scheduled for Schmitz Builders, Inc. Motion by Johnson, seconded by Coe, and passed by unanimous vote to set the final payment hearing for Schmitz Builders, Inc. for November 8, 2007, at 10:00 a.m. at the RLWD office.

The Board discussed the purchase of a sign for the new RLWD building. It was the consensus of the Board to get various ideas from around the community and report back at a later time.

Administrators Report:

- Seeding has been completed at the new RLWD building with the exception of the mulch. Architect Tom Jones will provide a certificate of substantial completion to Schmitz Builders and provide information to proceed with the final payment hearing.
- Included in today's packet is a copy of the Administrative Law Judge decision on the matter of the proposed Permanent Rules Relating to Drainage Projects Impacting State Owned Lands and Consolidated Conservation Area. The document is 53 pages long and will take some time to review.
- Manager Knott and Administrator Jesme met with Red Lake County Commissioners on September 25 to present the 2006 Annual Report.
- A grant agreement for the Grand Marais Outlet Restoration was received from the state for Pre-Engineering. Administrator Jesme met with Houston Engineering to discuss a time line.
- A grant agreement was received from the State for construction of farmstead ring dikes. Due to the fact that a large ring dike participant has backed out, the entire amount of the grant is not needed. Administrator Jesme contacted Ed Fick, MnDNR, and indicated to him how much money will be required to complete the ring dikes that have been requested. Shannon Schauer ring dike has been completed with final payment being approved in today's financial report. To date approximately \$24,000 is remaining of the State Grant Agreement which expires June 30, 2008.
- The District, with a special thanks to Vernon Johnson, received a thank you from Eddy Township for the cost share project with the Clearwater SWCD concerning the Silver Creek Restoration Project.
- In today's packet is a public meeting notice that is held today from 9:30 a.m. to 3:00 p.m. This meeting is concerning legislation that was drafted by Jim Oberstar which would amend present legislation concerning the Federal Clean Water Act of 1972.

Administrator Jesme stated that he is meeting today with the Pennington SWCD regarding EQUIP funding. He further stated that there is a possibility of a petition for a lateral to Pennington County Ditch #75 may be forthcoming from landowners in Star Township.

Pay Estimate No. 4 in the amount of \$48,797.36 for R.J. Zavoral & Sons, Inc for construction of RLWD Ditch No. 11, RLWD Project No. 166 was presented for approval. A motion was made by Tiedemann, seconded by Knott, to approve Pay Estimate No. 4 in the amount of \$48,797.36. Motion carried.

Legal Counsel Sparby stated he has drafted a petition for Winsor Township for the removal of township roads from the JD No. 72 system and another petition to include the roads in the Winsor Hangaard Ditch, RLWD Project No. 113. He further stated he had received a letter from legal counsel representing Strander Abstract concerning property on the Brandt Impoundment once owned by the Weiland family and purchased by Ron Salentine. Mr. Sparby indicated he would investigate this issue and update the Board at a later date.

Manager Knott discussed the Red Lake County Commissioners meeting he attended.

Discussion was held regarding staff health insurance. A motion was made by Johnson, seconded by Coe, and passed by unanimous vote to cap the amount paid by the RLWD for staff health insurance at \$1,000 for a family policy and \$300 for a single policy with future increases over these amounts to be paid by the staff.

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



Vernon Johnson
Vernon Johnson, Secretary