

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
October 23, 2008

Present were: Managers Orville Knott, Arnold Stanley, Jim Votava, Lee Coe, Vernon Johnson, Dale M. Nelson and Gene Tiedemann. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Delray Sparby.

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

Tammy Audette read the minutes of October 9, 2008. A motion was made by Johnson, seconded by Votava, and passed unanimously that the Board approve the minutes as printed.

The board reviewed the Financial Report and Investment Summary as of October 22, 2008. A motion was made by Knott, seconded by Tiedemann, and passed by unanimous vote that the Board approve the Financial Report and Investment Summary dated October 22, 2008.

The Board discussed the request from the Polk County Highway Department for funding to complete additional construction at an erosion site in Tynsid Township, Polk County near the Sandhill River Cemetery. Administrator Jesme stated that a letter of support from the NRCS is included in today's packet along with a letter from the West Polk SWCD requesting the RLWD Board to use their 2008 allotted funds from the Erosion Control Projects, RLWD Project No. 164 to be put towards the additional downstream construction. Jesme further stated that the West Polk SWCD Board will meet next week and will determine how much there office could contribute towards this project. A motion was made by Tiedemann, seconded by Knott, to approve the use of the West Polk SWCD allotted funds from the Erosion Control Projects, RLWD Project No. 164 in the amount of \$12,500. Motion carried.

Further discussion was held on the request from Polk County Highway Department for funding from the RLWD for additional construction on the erosion site in Tynsid Township near the Sandhill River Cemetery. A motion was made by Tiedemann, seconded by Stanley, with motion carried to approve cost share funding up to \$27,500 and instruct Administrator Jesme to pursue additional funding which would be used to reduce the Districts contribution.

Administrator Jesme and Manager Stanley attended a meeting at the Marshall/Beltrami SWCD office in Grygla. Jesme stated that Beltrami County has reduced their funding to the SWCD office which has caused severe economic problems for their office. Staff is currently reducing time, with the potential of having to cut staff members. Jesme has drafted a letter of support to submit to the Beltrami County Board for President Nelson's signature. A motion was made by Knott, seconded by Coe, to approve the letter of support in regard to the Marshall/Beltrami SWCD office. Motion carried.

Administrator Jesme discussed the bonding time frame for RLWD Ditch 12, Project No. 169. Jesme stated that the RLWD has approved the project with the county moving forward with

the bonding of the project. Jesme stated that since no significant construction will take place this fall, he recommends that the District instruct the Polk County Auditor to complete the bond acquisition next year to save the landowners money on interest as the District's interest rate would be significantly less than that of the bond sale. A motion was made by Tiedemann, seconded by Johnson, to approve that the acquisition of project bond be delayed until next spring and that the District would finance the project, with interest, until at such time the bond secured. Motion carried.

Kathy Fillmore, NRCS District Conservationist updated the Board on activities within the NRCS. After fielding various questions from the Board, Ms. Fillmore thanked the Board for the good working relationship with the RLWD office.

Administrator Jesme and Manager Johnson attended a meeting with the Clearbrook City Council to discuss the Clearbrook Stormwater Retention Pond Project, RLWD Project No. 160. Jesme stated that previously, the RLWD contributed \$10,000 towards a water quality study in the project area to define areas for retention pond sites. The Clearwater SWCD received a \$19,000 grant for engineering of three sites determined. The Clearwater SWCD is recommending construction of two of the three sites in 2009 at an approximate cost of \$60,000 and to pursue additional funding for Site 3 at a later date. Jesme stated that a MPCA grant for 2009 construction is not available, but could be pursued for Site 3 for 2010. Jesme stated that one of the sites would require relocating a sewer system line, with the costs not included in the \$60,000 cost estimate of the project. The City of Clearbrook passed a resolution in support of the project and funded \$10,000 for the two sites that were engineered, with a request to pursue funding for Site 3. Construction of the two sites will give the city approximately 24 acres of controlled runoff of water that goes into the Silver Creek then into the Clearwater River. The Clearwater SWCD has \$7,500 for construction of Sites 1 and 2. Discussion was held on the possibility of the Clearwater SWCD using their allotted Erosion Control Funding from funds through RLWD Project No. 164 for additional funding from the SWCD. After discussion by the board, a motion was Johnson, seconded by Coe, and passed by unanimous vote for the RLWD to cost share up to \$35,000, with the possibility of the Clearwater SWCD using some of their Erosion Control Funds, RLWD Project No. 164 towards the cost of the project.

Discussion was held on the resolution that will be presented at the MAWD convention regarding Con Con lands. The resolution supports the amendment of the MN Statute 84.55 to remove the absolute veto power of the Commissioner of the MnDNR in regard to Con Con lands located in legally established drainage systems.

The Board reviewed the permits for approval. A motion was made by Tiedemann, seconded by Knott, to approve the following permits with conditions stated on the permits: No. 08078, Lloyd & Everett Reitmeier, Fairfax Township, Polk County; No. 08079, Minnesota Department of Transportation, Onstad Township, Polk County; No. 08080, Richard Luckow, Nesbit Township, Polk County; No. 08081, Roger Love, Parnell Township, Polk County; No. 08082, Larry L Tack, Sullivan Township, Polk County; No. 08083, Minnesota Department of Transportation, Red Lake Indian Reservation, Clearwater County; No. 08085, Burlington

Northern Santa Fe Railway Company, Copley Township, Clearwater County; No. 08086, Bradley & Rozlynn Johnsrud, Goodridge Township, Pennington County. Motion carried.

At 10:00 a.m., President Dale M. Nelson recessed the general meeting and called the Preliminary Hearing for the Lateral to Pennington County Ditch 75, RLWD Project No. 170 to order. President Nelson turned the meeting over to Legal Counsel Sparby to address the hearing and its process. Sparby indicated that the hearing is being video taped and will be available for viewing at the RLWD office. It was also noted that the appropriate notices had given. Administrator Jesme stated that the MnDNR Commissioner and BWSR Advisory Reports were handed out to those in attendance and were also incorporated as part of the record. Ron Adrian, Houston Engineering, Inc. and Engineer for the project presented the Engineers Preliminary Survey Report for the project and entertained questions from the Board and the audience. After all in attendance were given a chance to ask questions and/or make comments, the preliminary hearing was closed. After discussion by the Board, a motion was made by Knott, seconded by Tiedemann, to approve the Engineers Preliminary Survey Report authorizing the Engineer to complete the Detailed Survey Report and the appointment of Viewers for the project. Motion carried. Legal Counsel Sparby stated that he will prepare a Findings of Fact and Order for the project.

The regular meeting reconvened.

Administrators Update:

- The District began releasing water from the Moose River Impoundment on October 15th. The Good Lake Impoundment continues to rise so staff removed another stop log in an effort to draw down the impoundment to the appropriate level. Staff will also be performing a test run on the gating mechanism on the Schirrick Dam to make sure it is ready if needed next spring. Inspections of all dam structures under the jurisdiction of the watershed district for beaver dams will be completed prior to freeze-up.
- HDR Engineering, Jesme and Loren Sanderson attended a pre-construction meeting in the RLWD office on Thursday, October 9th at 2:00 p.m. with Dave and Dan Zavoral, R.J. Zavoral and Sons for construction of RLWD Ditch 12. At that time, Zavoral's were anticipating starting construction as soon as possible. Due to recent rain events, it appears that the most that will be completed this fall may be some of the culvert installations. We are continuing to receive W-9 forms from landowners.
- Manager Knott and Jesme attended the RRWMB meeting held on Tuesday, October 21st in Warren. Included in today's packet are the approved minutes from the September 16, 2008 RRWMB meeting.
- Included in today's packet is water quality update prepared by Corey Hanson.

Administrator Jesme discussed a MPCA Surface Water Assessment Monitoring Grant. The proposal is to apply for a 50/50 grant application for surface water assessment monitoring for Nessett Creek. The grant application deadline is due by November 4th. Motion by Johnson, seconded by Coe, to authorize Administrator Jesme to submit an MPCA Surface Water Assessment Monitoring Grant application for Nessett Creek. Motion carried.

Manager Tiedemann asked about the Joint Powers Agreement with the Middle Snake Tamarac Rivers Watershed District for the Grand Marais Restoration Project, RLWD Project 60F. Legal Counsel Sparby stated that he is working with Legal Counsel Jeff Hane on drafting up a Joint Powers Agreement and it should be available for signature at the next RLWD Board meeting.

Legal Counsel Sparby stated he sent another letter to Polk County Attorney Greg Widseth in regard to Polk County turning over jurisdiction of the laterals for RLWD Ditch 12, Project No. 169.

Legal Counsel Sparby stated he submitted a letter to the MN Historical Society in regard to transferring the title of the old RLWD building. It was the consensus of the Board to authorize Sparby to send a letter to the MN Historical Society stating the Districts intent to begin the transfer of ownership of the building back to the City of Thief River Falls.

Legal Counsel Sparby indicated that he is finishing up the Title Opinions on the Roger Hagen property for the Brandt Channel Restoration, RLWD Project 60E.

At 11:00 a.m., President Dale M. Nelson recessed the general meeting and called the hearing to order for the petitions submitted by Leslie Hofstad and Robert Solien for inclusion into RLWD Ditch 7, Project No. 20. Administrator Jesme presented information in regard to the proposed property to be included into the benefited area of RLWD Ditch 7 and also discussed the statutory factors to be considered by the Board. Administrator Jesme entertained questions from the Board and members of the audience. The hearing was closed. After discussion by the Board, a motion was made by Knott, seconded by Coe, that RLWD Ditch 7 has adequate capacity and an adequate outlet which would allow the petitioned properties to be included in the RLWD Ditch 7 drainage system and set the benefit rate at for said property at \$100 per acre which is the rate of the adjacent farmland with similar characteristics and to approve the petitions submitted by Leslie Hofstad and Robert Solien for inclusion into the RLWD Ditch 7, Project No. 20 benefited area. Motion carried.

The regular meeting was reconvened.

Motion by Knott, second by Coe, with motion carried to adjourn the meeting.


Vernon Johnson, Secretary