

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
September 25, 2008

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 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 Tiedemann, seconded by Votava, and passed by unanimous vote that the Board approve the agenda.

Tammy Audette read the minutes of September 11, 2008. A motion was made by Knott, seconded by Johnson, and passed unanimously that the Board approve the minutes as printed.

The board reviewed the Financial Report as of September 24, 2008. A motion was made by Tiedemann, seconded by Coe, and passed by unanimous vote that the Board approve the Financial Report dated September 24, 2008.

Arlene Novak explained the Irrevocable Standby Letter of Credit issued on behalf of Access Bank for the two CD's recently purchased. Arlene indicated that she had been in contact with the Districts Auditor and she indicated that the Irrevocable Standby Letter of Credit was an acceptable security. It was the consensus of the Board that the District would accept this document as assurance of security.

Wade Robinson, Clearwater SWCD, was present to discuss three erosion control project sites along the Silver Creek in Clearwater County with a project cost of \$33,541.25. Mr. Robinson indicated that two of the sites have been completed and that they were short of funds to complete all three sites. Mr. Robinson indicated that the Clearwater SWCD would like to complete the third site and are requesting funding from the RLWD Erosion Control Project Funds in the amount of \$8,500. A motion was made by Johnson, seconded by Coe, to approve a cost share in the amount of \$8,500 for a streambank restoration site along the Silver Creek, Clearwater County. Motion carried.

Administrator Jesme stated that the RLWD received a request for usage of the District's boat from the University of North Dakota to perform video mapping on the Red Lake River. Jesme stated that this granted project has limited funding available, and would be able to pay for some rent or gas but would have no money to pay for any potential damages should something happen. Legal Counsel Sparby suggested we should draft a simple release form which would release the District in the event someone was injured. A motion was made by Tiedemann, seconded by Stanley, with motion carried to allow UND usage of the RLWD boat once a simple release form is completed and signed. Motion carried. Sparby will complete a simple release form for signature.

Discussion was held on a letter received from Dean and Judith Curran in regard to their benefits for the Improvement and Lateral to Polk County Ditch 53, RLWD Ditch 12, Project 169. As per the Viewers recommendation presented to the Board on September 4, 2008, this area was addressed and decision is final.

Discussion was held on Permit No. 08052, Pennington County Highway Department. A motion was made by Knott, seconded by Tiedemann, to deny permit No. 08052, Pennington County Highway Department. Motion carried.

The Board reviewed the permits for approval. A motion was made by Tiedemann, seconded by Johnson, to approve the following permits with conditions stated on the permits: No. 08069, Jade Klein, Euclid Township, Polk County; No. 08070, The Nature Conservancy, Onstad and Tilden Township, Polk County; No. 08071, Kevin Tharaldson, Highlanding Township, Pennington County; No. 08072, Maurice Stenseth, Smiley Township, Pennington County; and No. 08073, Marlin Iverson, Grove Park Township, Polk County. Motion carried.

At 9:30 a.m., the bid opening for the Construction of RLWD Ditch No. 12, RLWD Project No. 169, was conducted. Legal Counsel Sparby stated the time and that all bid proposals have been accepted by the 9:30 a.m. bid closing. Bids received and the bid amounts are as follows: Olson Construction TRF, Inc., \$590,556.52; R.J. Zavoral & Sons, Inc., \$488,491.76; Midwest Contracting, LLC, \$603,655.90; Davidson Ready Mix & Construction, \$541,770.80; Wright Construction Co., Inc., \$608,498.13; Kern & Tabery, Inc., \$564,927.27; Gladen Construction, Inc., \$548,000.00; Sellin Brothers, Inc., \$603,207.60; and TS Holte Construction, \$399,012.79. Motion was made by Johnson, seconded by Stanley, to accept the apparent low bid from TS Holte Construction in the amount of \$399,012.79, contingent upon review and approval by Legal Counsel Sparby, District staff, and Project Engineer Nate Dalager, HDR Engineering. Motion carried.

Janeen Stenso, Outreach Coordinator, Red River Basin Commission presented a Resolution on behalf of the Red River Basin for support of land and water resources within the Red River Basin. A motion was made by Tiedemann, seconded by Coe, with motion carried to authorize President Dale M. Nelson to sign the resolution adopted by the Red River Basin in support of land and water resources.

Water Quality Coordinator Corey Hanson presented the following activities update: Completion of a District Water Quality Monitoring and SWAG monitoring; Clearwater River Dissolved Oxygen and Fecal Coliform TMDL Study; continued sampling, flow measurement and equipment maintenance for the Thief River Watershed Sediment Investigation. Other continuous activities are River Watch, E-Coli, lake monitoring, flow measurements and training. Hanson also stated that the Maple Lake Improvement District is interested in starting up lake monitoring again.

Corey Hanson is requesting a six month MPCA Grant Extension for the Clearwater River Dissolved Oxygen/TMDL Study to extend the SWAT contract and the contract with the MPCA. A motion was made by Knott, seconded by Johnson, to extend the MPCA Grant for the Clearwater River Dissolved Oxygen/TMDL Study for a 6 month extension. Motion carried.

The Board reviewed an Audit Proposal from Drees, Risky & Vallager, Ltd. A motion was made by Coe, seconded by Tiedemann, and passed by unanimous vote to accept the quote from Drees, Risky & Vallager, Ltd. in the amount of \$8,000 for 2008 and \$8,105 for 2009.

Administrators Update:

- The Contractor for the Brandt Outlet Restoration Project 60E, Phase II, has stated that construction of the project should be substantially completed today. Seeding of the channel was completed approximately two weeks ago along with implementation of erosion control measures.
- Holthusen Construction has started the repairs on the Moose River Impoundment. As of September 22, construction started at the southern point of the levee and has progressed to ¼ mile south of the Moose River road. The last area to be addressed will be the berm separating the north pool and the south pool.
- Included in today's packet is a letter from Rydell National Wildlife Refuge manager Dave Bennett establishing the District's needs for access to the Burnham Creek Impoundment. The Department is on the same page as the District concerning the culvert in question and the need to keep the crossing in place. Once the land has been transferred from the TNC to the U.S. Fish and Wildlife Service, a Special Use Permit will be requested which will grant the District exclusive access to the site.
- Included in today's packet is an update received from John Braastad concerning the repair to the outlet of Marshall County Judicial Ditch #11 located within the boundaries of the Agassiz National Wildlife Refuge.
- The City of Clearbrook has asked for assistance in drafting a resolution for the Clearbrook Stormwater Retention Project. Jesme and Wayne Robinson will meet with the City of Clearbrook on October 20, 2008 at 7:30 p.m. to introduce the project to the council and to discuss with them on how we think they should fit into this project if it proceeds.
- Jesme will be joining the Technical Evaluation Panel on a site visit on October 2 to review the parameters of the Louisville/Parnell Wetland Banking project. This should be very helpful in getting all parties on the same page.

Legal Counsel Sparby discussed The Nature Conservancy and the abandonment of the Jensen Petition, RLWD Project 106. Sparby stated we could abandon the ditch system but reserve the right to access to the BR-6 Impoundment. Sparby indicated that he would need a legal description to draft an easement for permanent access through Section 1, Onstad Township, Polk County.

Legal Counsel Sparby stated he had spoken to and submitted a letter to Greg Widseth, Polk County Legal Counsel, in regard to Polk County turning over the three branches of County Ditch 53 to the District.

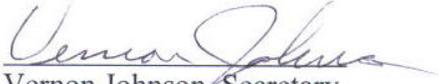
Legal Counsel Sparby stated he spoke with Jeff Hane, Attorney for the Middle Snake Tamarac Rivers Watershed District. A Joint Powers Agreement for the Grand Marais Restoration Project, RLWD Project No. 60F will be forthcoming.

Legal Counsel Sparby stated he hasn't heard from Strander Abstract in regard to the Roger Hagen abstracts.

Manager Stanley discussed Con Con lands issue. Stanley stated he is asking for fair representation when they do a redetermination of benefits. Stanley asked if the Board would go on record asking for a fair mediation process, follow the ditch law and have local representation. Discussion was held on

drafting up a resolution and present it to MAWD. Legal Counsel Sparby suggested trying to amend the Minnesota State Statute. It was the consensus of the Board to authorize Sparby to draft up a sample resolution to review.

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

  
Vernon Johnson, Secretary