

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
May 14, 2009

Present were: Managers Gene Tiedemann, Lee Coe, Jim Votava, Orville Knott, LeRoy Ose, Dale M. Nelson and Kelly Nordlund. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Delray Sparby.

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

Tammy Audette read the minutes of April 23, 2009. A motion was made by Tiedemann, seconded by Nordlund, and passed by unanimous vote that the Board approve the minutes as corrected.

The Board reviewed the Financial Report and Investment Summary dated May 13, 2009. A motion was made by Coe, seconded by Tiedemann, and passed by unanimous vote that the Board approve the Financial Report dated May 13, 2009.

Administrator Jesme stated that approximately 98% of the landowners along the Grand Marais Outlet Restoration Project have signed up for RIM. The District was contacted by one landowner that does not wish to sign up for RIM but is willing to work with the District to keep as much agricultural land in production as possible. Manager Tiedemann stated that a Joint Powers Board meeting will be held in the near future to discuss the EAW that is being prepared by Houston Engineering, Inc.

Landowners, Roger Kriel and Dave Dahlen, presented a Petition for the Improvement of Pennington County Ditch No. 75. Previously, on January 24, 2008, Roger Kriel presented a Petition for a Lateral to Pennington County Ditch No. 75, RLWD Ditch 13, Project No. 170. The petition presented today refers to an extension of the existing legal system. Legal Counsel Sparby stated that for legal purposes an extension can only extend an existing legal drainage system downstream for a distance of one mile and that the petition presented today should be properly characterized as a petition for a new drainage system, which includes the lateral drainage system previously submitted by Roger Kriel on January 24, 2008. Legal Counsel Sparby will contact petitioner's legal counsel to clarify the nature of the petition and the applicable statutory designations. Motion by Knott, seconded by Ose, and passed by unanimous vote to accept and approve the newly presented petition submitted by landowners, Roger Kriel and Dave Dahlen, contingent on clarification of the petition as being one for a new legal drainage system. Motion by Tiedemann, seconded by Knott, with motion carried unanimously to appoint Houston Engineering, Inc. as the Engineer for the newly presented petition for a new drainage system.

Legal Counsel Sparby indicated that if any of the prior engineering expenses incurred as part of the Lateral Petition are useful to engineer the new drainage system that the usable

costs and expenses could be shifted to and included as part of the new drainage system petitioned project.

Jim Courneya, MPCA presented information on Watershed Based Total Maximum Daily Limits (TMDL). Courneya stated that the MPCA is changing direction on how they handle TMDL's on a watershed basis. TMDL signifies the total amount of pollutant that a body of water is able to receive and still maintain state standards. Monitoring of various parameters are measured, if parameters come back higher than state standards then that body of water is considered to be on the impaired waters list. Once on the list there are restrictions on what can be done in that watershed and reach of stream, than an implementation plan is put in place, which can open the door for funding to complete projects. Courneya stated that the MPCA has requested funding to complete a watershed wide study on the Thief River Watershed. If funding is acquired the District would be the manager of the project, prepare a work plan and budget to implement projects in the targeted reaches. Motion by Ose, seconded by Coe, to accept the proposal submitted by the MPCA to enter into a grant agreement which would be used to complete a watershed wide study on the Thief River Watershed. Motion carried.

Roger Beiswenger presented the Appraisers Report for the redetermination of benefits on two miles of a legal system referred to as RLWD Ditch No. 8, Project No. 36. Administrator Jesme stated that in the mid 1980's, the District received a petition to improve what was once known as Judicial Ditch 4. The petition did not address the upstream two miles and therefore were not included in the improvement proceedings and there was no benefited area established for the remaining two miles. Beiswenger stated that the total benefited dollar amounts in the Redetermination of Benefits to RLWD Ditch No. 8 totals \$79,031. Motion by Tiedemann, seconded by Coe, to accept the filing of the Appraisers Report for the Redetermination of Benefits for RLWD Ditch 8, Project No. 36. Motion carried.

Administrator Jesme stated that when District staff staked the right of way for construction of RLWD Ditch 12, Project No. 169 it was determined that the Viewers did not award damages for the easterly 660 feet of James O. Grove property located in the NE1/4 NE1/4, Section 20, T149N, R48W. Jesme requested of the Board that they amend damages as reported in Exhibit 1 (Amended 9/04/08) and Addendum "A" to Exhibit 1 of the Viewers Report to include an additional .28 acres of permanent right of way in the amount of \$560. Motion by Tiedemann, seconded by Knott, to amend Exhibit 1 Amended 9/04/08 and Addendum "A" to Exhibit 1 of the Viewers Report for RLWD Ditch 12, Project No. 169 to include an additional .28 acres of permanent right of way in the amount of \$560 for James O. Grove. Motion carried.

Administrator Jesme discussed the drainage concern of Don Schirrick on the Schirrick (Black River) Dam, RLWD Project No. 25. Mr. Schirrick requested placing a notch in the berm to allow water to drain east away from his driveway. In recent years, the District placed a culvert under Mr. Schirrick's driveway to alleviate ponding water, which has since been plugged with debris. JOR Engineering, Inc. reviewed the situation and has determined that it would not be in the best interest of the District to place a notch

in the berm since the berm is an essential component to the safety of the dam. JOR Engineering recommended placing a swale along the downstream side of the tie back dike that would then drain water south to the road ditch, thus out letting into the Black River. It was the consensus of the Board to authorize staff to proceed with the recommendations of JOR Engineering.

Staff member Loren Sanderson discussed letters received from Alf Hulteng and K. David Hulteng in regard to a drainage concern along Maple Lake, Godfrey Township, Polk County. Sanderson stated that in 1996, landowners and township officials presented their drainage concerns to the District. At that time, the District did receive a permit for installation of culvert. Sanderson stated that the township road between the cabins and the back lots does not allow water from the back lots to get to the lake. It was the consensus of the Board to have Administrator Jesme write a letter to the Hultengs to discuss various options in regard to their drainage issues.

A request from Clifford Schulz was received to hay the south end of the Euclid East Impoundment, RLWD Project 60C. Motion by Tiedemann, seconded by Knott, with motion carried to authorize Clifford Schulz to hay the south end of the Euclid East Impoundment, RLWD Project 60C. Legal Counsel Sparby stated that a general waiver and release in consideration of the ability for the right to hay the impoundment should be signed by Mr. Schulz.

Loren Sanderson updated the Board with current impoundment levels.

The Board reviewed the permits for approval. A motion was made by Ose, seconded by Knott, to approve the following permits with conditions stated on the permit: No. 09020, City of Thief River Falls, Rocksbury Township, Pennington County; No. 09022, Jeremiah and Holly Vad, Nordin Township, Pennington County; No. 09023, The Nature Conservancy, Tilden/Grove Park and Onstad Townships, Polk County; No. 09024, St Frances Health Services, Rocksbury Township, Pennington County; No. 09025, Tynsid Township, Polk County; No. 09026, The Nature Conservancy, Onstad and Tilden/Grove Park Townships, Polk County; No. 09027, Cedar Township, Marshall County; and No. 09029 and No. 09030, River Falls Township, Pennington County. Motion carried.

The U.S. Fish and Wildlife (USFWS) Service Grant Agreement Modification No. 2 for water quality data collection on Judicial Ditch No. 66 was reviewed by the Board. Motion by Knott, seconded by Votava, with motion carried to authorize Administrator Jesme to sign Modification No. 2 of the USFWS Grant Agreement.

Administrator Jesme stated that a modification to a grant agreement will be forthcoming from The Nature Conservancy for water quality data collection on Judicial Ditch No. 66. Motion by Tiedemann, seconded by Nordlund, with motion carried to approve the modification to the grant agreement with The Nature Conservancy, and authorize Administrator Jesme to sign the same once it is received.

Administrator Jesme stated that he and other staff members met with Suzanne Jiwani, MnDNR to discuss a FEMA Cooperating Technical Partner remapping grant. The grant would update FIRM maps along the Red Lake River in Polk County and could include additional counties along the Red Lake River if deemed necessary. Jesme stated that the District would be named the local governmental unit to be used as a flow through of funding for the Engineering firm hired or the District could actually administrate the project. Discussion was held on whether the District would have out of pocket expenses. Jesme stated tasks performed by the District would be reimbursed if listed in the work plan but if at some time during the re-mapping the District decided additional work should be completed outside the work plan, it would have to be paid by the District or any other entity recommending the task. Motion by Tiedemann, seconded by Ose, to seek the MnDNR/FEMA Cooperating Technical Partner remapping grant with the understanding that the District will not have any out of pocket expenses without prior approval by the Board. Motion carried.

The 2009 MAWD Summer Tour will be held June 25-27, 2009 at the Shell Rock River Watershed District.

#### Administrators Report:

- Included in the packet is an article written by George Marx, Professor Emeritus at the University of MN, Crookston explaining the flood of 1826.
- Included in the packet are the approved RRWMB minutes of March 17, 2009.
- Attached is a thank you from the Pennington SWCD for the Districts contribution to the 2009 Envirothon held April 29<sup>th</sup> at Lake Bronson.
- A copy of the "Official Statement" for the General Obligation Drainage Bond in the amount of \$925,000 issued by Polk County for the Improvement to Polk County Ditch No. 53, RLWD Project No. 169 is included in today's packet. Staff has completed staking temporary right of way along the entire ditch system.
- The 2008 Annual Report was presented to the following counties during their regularly scheduled board meetings: Marshall, Beltrami, Pennington and Clearwater Counties.
- Included in today's packet is a notice of hearing for the partial abandonment of County Ditch #40, Lateral A which is under the jurisdiction of the Polk County Ditch Authority.
- A retirement party will be held for Ron Lindberg, Public Works Director for the City of Thief River Falls on May 29, 2009 from 2:00 – 5:00 p.m.

The Advisory Committee meeting for the Parnell Impoundment was discussed by the Board. Discussion was held on repairing an interior ditch within the impoundment so Judicial Ditch 60 water could flow through the impoundment properly when we are not storing water. Motion by Tiedemann, seconded by Knott, to authorize staff to repair the interior ditch of Judicial Ditch 60 within the Parnell Impoundment for better interior drainage. Motion carried.

Further discussion was held regarding the Parnell Impoundment and releasing of stored water after a flood event. Manager Tiedemann discussed addressing the trigger levels in

East Grand Forks in comparison to when water can be released from the Parnell Impoundment. It was the consensus of the Board, to discuss this further at the May 28, 2009 Board meeting.

Manager Votava discussed a wash out on the east side of Hill River Lake.

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

A handwritten signature in cursive script that reads "Orville Knott". The signature is written in black ink on a light-colored background.

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Orville Knott, Secretary