

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
October 8, 2009

Present were: Managers Orville Knott, LeRoy Ose, Dale M. Nelson, Kelly Nordlund, Gene Tiedemann, Lee Coe and Jim Votava. 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 Nordlund, and passed by unanimous vote that the Board approve the agenda.

Tammy Audette read the minutes of September 24, 2009. A motion was made by Knott, seconded by Nordlund, and passed by unanimous vote that the Board approve the minutes.

The Board reviewed the Financial Report dated October 7, 2009. Discussion was held on the payment of check No. 30032 to Johnston Fargo Culvert, Inc. Motion by Coe, seconded by Votava, passed by unanimous vote that the Board approve the Financial Report dated October 7, 2009 excluding check No. 30032 for further discussion by the Board.

The District has been informed that a \$250,000 non matching grant has been received from the MPCA to develop a watershed wide TMDL and protection plan for the Thief River. Funding for the project will be available in 2010. The project is expected to take up to four years to complete. To obtain funding, the District must develop a work plan for the project for review and approval by the MPCA. Once the work plan is approved, the MPCA will draft up a contract. Motion by Tiedemann, seconded by Ose, to accept the \$250,000 non matching grant from the MPCA to develop a TMDL and protection plan for the Thief River, RLWD Project No. 157B. Motion carried.

Information on the MAWD 39th Annual Meeting and Trade Show to be held December 3-5, 2009 in Alexandria was reviewed by the Board.

Administrator Jesme stated that MAWD is looking for representatives from Region 1 to review resolutions and make recommendations to the MAWD Board for consideration. Motion by Nordlund, seconded by Ose, to appoint Manager Lee Coe to represent Region 1 to assist MAWD in the resolution process. Motion carried.

John Knisley, Clearwater County SWCD presented information on two bank stabilization projects in Clearwater County. Knisely stated that the Winsor Township site is located in Section 35 along the Lost River with a total project cost of \$7,200. Knisely is requesting cost share in the amount of \$750. The Eileen Horn site is located in Section 35, Winsor Township along the Silver Creek. The total project cost is \$14,000, of which they are requesting cost share in the amount of \$2,000 from the District. Knisely stated that the same contractor will be used for both sites with construction slated for 2009. Motion by

Nordlund, seconded by Coe, to approve cost share in the amount of \$750 for the Winsor Township site and \$2,000 for the Eileen Horn site with monies allotted from the 2009 Erosion Control Project Funds, RLWD Project No. 164. Motion carried.

The Board reviewed a letter from Jayson Menke, Alerus Financial in regard to the improvements to the Parnell Impoundment presented at the August 13, 2009 hearing.

The Board discussed check #30032, Johnston Fargo Culvert, Inc. for payment of a culvert for Judicial Ditch 72, RLWD Project No. 41. LeRoy Sundquist, Winsor Township had previously appeared at the April 23, 2009 Board meeting and requested to have a culvert replaced within JD 72 that had recently washed out and also requested that the culvert replacement be assessed to the JD 72 system. Legal Counsel stated that according to MN Statutes 103E.701, Subdivision 4(a), highway bridges and culverts constructed on a drainage system established on or after March 25, 1947 must be maintained by the road authority charged with the duty of maintenance. If the culvert was initially placed prior to that time as part of the drainage project, replacement of the culvert would be the responsibility of the drainage system. If the culvert was initially placed prior to that time as a part of a public roadway or as part of the drainage project and damages had been paid to the road authority, replacement would be the responsibility of the roadway authority. Since this is a Joint Ditch between Polk County and Clearwater County, in which the RLWD took over the Clearwater County portion, action is required by the JD 72 Joint Board and the RLWD did not have jurisdiction or authority to take action on this matter at the prior April 23, 2009 RLWD board meeting. Administrator Jesme stated that the JD 72 Joint Board will meet on October 14th at 10:00 a.m. at the Polk County Courthouse, Crookston, MN, to discuss this issue. Managers Nordlund and Votava will attend the meeting, along with Jesme and staff member Gary Lane. Motion by Ose, seconded by Nordlund to withdraw the action item at the April 23, 2009 Board ordering the installation of the culvert in the JD 72 system for lack of jurisdiction by the RLWD Board. Motion carried.

The Board discussed the payment of the culvert ordered for the JD 72 system. Administrator Jesme stated that the District could sell the culvert or keep it for a future project. Motion by Knott, seconded by Votava, with motion carried to approve the payment of check No. 30032 to Johnston Fargo Culvert, Inc. Motion carried.

The Board reviewed correspondence received from the Northwest Regional Development Commission for recruitment of Public Interest Representatives.

A request was received from Roger Hinrichs for a one year extension to Permit No. 08087 until November 19, 2010. Motion by Knott, seconded by Tiedemann, to extend Permit No. 08087, Roger Hinrichs to November 19, 2010. Motion carried.

The Board reviewed permits for approval. A motion was made by Tiedemann, seconded by Ose, to approve the following permits with conditions stated on the permits: No. 09061, Thomas Fillmore, Holt Township, Marshall County; No. 09105, Ken Mehrkens, Rocksbury Township, Pennington County; No. 09106, Ken Mehrkens, North Township,

Pennington County; No. 09107, Kyle Mehrkens, North Township, Pennington County; No. 09108, Eldon Augustine, Excel Township, Marshall County; No. 09109, Ron McKercher, Black River Township, Pennington County; No. 09111, Michels Pipeline, North Township, Pennington County; No. 09112, Pennington County Highway Department, North Township, Pennington County; Nos. 09113, 09114, 09115 and 09116, Lee Township, Beltrami County; No. 09117, Tom Oscarson, River Township, Red Lake County; No. 09118, Bob Fladeland, Rocksbury Township, Pennington County; No. 09119 and 09120, Gregory LeBlanc, Gentilly Township, Polk County. Motion carried.

Administrators Update:

- Jesme attended a site inspection on the Farmes Pool/Elm Lake Structure repairs with the engineer on September 24th. It appeared that the pour went well and the forms were removed. Handrails and grates will be installed soon. The Lost River Pool has been releasing water into Farmes Pool since October 2nd in hopes to get enough water in the pool for duck hunting.
- The Final Payment hearing for the construction of RLWD Ditch 12, Polk County Ditch #53, Project No. 169 will be held on October 22, 2009 at 9:30 a.m..
- Stop logs were removed from Pine Lake in accordance to the operating plan. Drawdown on the Moose River Impoundment will start the week of October 12th with the intent that winter elevation will be reached prior to deer hunting. Good Lake is below summer elevation do to the fact that logs have been prematurely removed by others. Locks have been installed on that structure so we hope that will deter future issues. Logs have been installed to winter levels. The trapper has returned to the Parnell Impoundment to remove beaver prior to freeze up.
- The Contractor has started on the Parnell Impoundment Modifications. To date pipes and canal gates are installed and the west channel complete. Construction should be completed by October 23rd.
- 183 hearing notices were mailed out for the preliminary hearing to be held on October 22, 2009 for Pennington County Ditch 75, RLWD Ditch 13, Project No. 170.
- The Bond has not been received for the Pennington County Ditch #1 petition. Jesme has received notice that the petitioners are working on the bond. Jesme and Legal Counsel Sparby attended the October 6th TRF City Council meeting to answer questions the Council had in regard to the petition. The City passed a resolution in support of the petition which does not commit the city to any financial obligation should the project not proceed.

Legal Counsel Sparby stated he had spoken to Senator LeRoy Stumpf in regarding to funding for Pennington County Ditch 1 petition, RLWD Project No. 171. Senator Stumpf recommended the District submit information for the Senate Bonding bill.

Administrator Jesme stated that the U.S. Army Corps of Engineers will not grant a permit for the Jerome Street Bank Stabilization Project, RLWD Project 97B until the State Historic Preservation office makes a decision on the archeological survey.

Legal Counsel Sparby stated that City of Thief River Falls Attorney, Paul Ihle will discuss with the city action required to transfer ownership of the Carnegie Library.

Manager Votava stated he will resign from his position on the Board when his term expires on January 10, 2010.

Manager Coe discussed the meeting he attended at the Marshall Beltrami SWCD office on September 29th.

Administrator Jesme distributed a map of all ditch systems within the District.

The Board discussed touring the Pennington County Ditch 75, RLWD Project No. 170 site. Motion by Coe, seconded by Nordlund, to adjourn the meeting until 11:30 a.m. on October 8, 2009 at the Pennington County Ditch 75, RLWD Project No. 170 site. Motion carried. Members of the public were invited to attend.

On October 8, 2009 at 11:30 a.m. motion by Coe, seconded by Tiedemann, with motion carried to reconvene the Board meeting for the purpose of touring Pennington County Ditch 75, RLWD Project No. 170 site. Managers Tiedemann, Coe, Ose and Nordlund along with Administrator Jesme toured the Pennington County Ditch 75, RLWD Project No. 170 site.

Upon completion of the tour at 2:00 p.m., motion by Coe, seconded by Tiedemann, with motion carried to adjourn the meeting.



Orville Knott, Secretary