

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
April 8, 2010

Present were: Managers Dale M. Nelson, Orville Knott, Lee Coe, LeRoy Ose, Gene Tiedemann, Kelly Nordlund, and Albert Mandt. Staff Present: Myron Jesme and Tammy Audette.

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 with the addition of AutoCAD Civil 3D.

Tammy Audette read the minutes of March 24, 2010. A motion was made by Mandt, seconded by Tiedemann, and passed by unanimous vote that the Board approve the minutes as printed.

Tammy Audette read the minutes of March 25, 2010. A motion was made by Knott, seconded by Mandt, and passed by unanimous vote that the Board approve the minutes as printed.

The Board reviewed the Financial Report dated April 7, 2010. Motion by Tiedemann, seconded by Nordlund, and passed by unanimous vote that the Board approve the Financial Report dated April 7, 2010.

Motion by Coe, seconded by Tiedemann, to designate Citizens State Bank Roseau as a depository for the RLWD. Motion carried.

Administrator Jesme recommended purchasing updated computer software that would better utilize the new survey equipment the District purchased. Jesme's recommendation would be the purchase of AutoCAD Civil 3D which normally costs \$8,500 but can be purchased through Eagle Point at the starting price of \$2,500. Motion by Coe, seconded by Tiedemann, to purchase AutoCAD Civil 3D. Motion carried.

The Board reviewed the Conflict of Interest Policy. The District audit recommended the yearly review of the Conflict of Interest Policy by Board and Staff members. Motion by Mandt, seconded by Knott, with motion carried to approve the Conflict of Interest Policy for inclusion into the Board of Managers Handbook and Personnel Policies.

Administrator Jesme reviewed the Safety Equipment policy. Jesme stated that the policy requires staff members to wear safety equipment provided by the District. Motion by Knott, seconded by Nordlund, that during normal work hours "Safety Equipment" provided by the District shall be worn by all employees performing duties in which the safety equipment is deemed necessary. Said policy will be added to the Personnel Policies. Motion carried.

The Board reviewed the 2009 Annual Report. Administrator Jesme stated that staff members are making minor changes to the report.

Administrator Jesme stated that damage was done to RLWD Ditch No. 12, Project No. 169 during the spring runoff. Jesme estimated that there is approximately \$25,000 worth of damages to repair roads and culverts that were washed out and that if there is a FEMA declaration, we will try to recoup some costs to the system. Motion by Tiedemann, seconded by Ose, to proceed with the repairs to RLWD Ditch No. 12, Project No. 169. Motion carried.

The Board reviewed correspondence received from BWSR in regard to the dissolution of the Marshall Beltrami SWCD.

The Board discussed setting a date for the preliminary hearing for the Improvement to Pennington County Ditch 1, RLWD Project No. 171 and Thief River Falls Flood Damage Reduction Project, RLWD Project No. 171A. Discussion was held on where to hold the hearing and to whom notices should be sent to. Legal Counsel Sparby discussed placing a published notice in the local newspaper along with local radio stations. President Nelson stated that discussion will be continued after the RLWD Permit and Drainage rules hearing.

At 9:30 a.m. President Nelson called to order the RLWD Permit and Drainage Rules hearing. Administrator Jesme stated that the Board recommended the following proposed amendment to the RLWD Permit and Drainage Rules:

1. No work or use requiring a permit shall be commenced prior to the issuance of the permit.
2. That an "after the fact" permit may be considered by the Managers and granted to an individual, if the "after the fact" permit submission is the first submission that has been provided to the Red Lake Watershed District Board by said person or entity.
3. If a person or entity has had a prior written warning given to them in regard to their failure to follow the permitting rule requirements, a \$500.00 late filing fee shall be assessed against said person or entity in regard to any "after the fact" permit application submitted to the Red Lake Watershed District.
4. Said late filing fee assessment is in addition to any other conditions or requirements that may be ordered by the Red Lake Watershed District in regard to repair or restoration of non-permitted work by said persons or entity, concerning the approval or disapproval of said "after the fact" permit application.
5. In addition to the remedies provided in Minnesota Statute 103D.545 and other remedies provided in these rules, and those instances where work has been done before a permit is granted, the District may require that the property be returned to its original condition before considering the permit; and
6. The District may require the applicant pay the actual engineering and attorneys fees incurred by the District in dealing with the un-permitted work as a condition to granting an "after the fact" permit.

Administrator Jesme, read for the record, correspondence from BWSR regarding the review of the proposed amendments. After discussion by the Board, questions and comments were taken from those in attendance at the hearing. The hearing was videotaped and is on file at the RLWD office. Motion by Knott, seconded by Coe, to approve the proposed amendment to the RLWD Permit Rules and Regulations. Motion carried.

Tiffany Tischer from Lincoln High School Science presented her Science Fair Project that she will be presenting at a national science fair in San Jose, CA. Her topic was, "The Effects of Varying Depths of Water on the Germination Rate of *Carex hystericina* in its Natural Habitat".

Discussion was held on Permit No. 10007, Michael B Hanson, Fairfax Township, Polk County. Administrator Jesme stated that the applicant does not pay benefits into the County Ditch #144 benefitted area. A motion was made by Tiedemann, seconded by Mandt, to deny permit No. 10007, Michael B Hanson. Motion carried.

The Board reviewed permits for approval. A motion was made by Knott, Seconded by Nordlund, to approve the following permits with conditions stated on the permits: No. 10008, Polk County Highway Department, Crookston Township; No. 10009, Robert H. Johnson, Pine Lake Township, Clearwater County; No. 10011, Orvis Byklum, Benville Township, Beltrami County; and No. 10012, MN Department of Transportation, Waskish Township, Beltrami County. Motion carried.

#### Administrators Update:

- Included in the packet is the MAWD Legislative updated dated March 29, 2010. The document shows programs that were vetoed by Governor Pawlenty in the final Capital Investment bill.
- The south pool of the Moose River Impoundment was opened March 25, 2010, summer levels were reached on April 6th, with the gates closed that day. The north pool of the Moose River Impoundment was opened on March 25, 2010, reached summer levels on April 2nd with gates being closed that day. All stoplogs were removed from Pine Lake on March 15th, with stoplogs being replaced on April 6th. Gates on the Parnell Impoundment were closed on March 19th and reopened on March 29th. The pool crested at 938.3 with current elevations sitting at 936.0. There were delays in the drawdown as there was a problem with downstream conditions were full with no room to outlet at the desired rate. The Brandt and Euclid East Impoundments were closed on March 22, 2010. Gates were opened on March 25th and both impoundments are now empty.
- Jesme will inquire into hiring Prairie Restorations to review the wetland mitigation on the Brandt and Euclid East Impoundments. The District is in year two of a five year monitoring plan. It is very important to assure adequate growth on both sites.
- A conference call was held on March 26, 2010 with the committee assembled to review the RFP's for the FEMA DFIRM Grant. It is apparent that additional information is

required from all three firms to clarify some of the tasks and costs that are associated with each task. All questions and replies have been received. The committee will have a recommendation to the Board at the April 22, 2010 Board meeting.

- Included in the packet is a March 2010 Water Quality Report.

Legal Counsel Sparby discussed the Conflict of Interest policy. Sparby stated that when managers abstain from voting, they should also abstain from Board discussion.

Legal Counsel Sparby presented his recommended changes to the agreement submitted by HDR Engineering, Inc. After discussion by the Board, it was the consensus of the Board to submit the agreement to HDR Engineering, Inc. for their comments. It was also suggested by the Board that if any other engineering firms require a signed agreement from the District, that we offer the same agreement to them. Legal Counsel Sparby stated that he had a discussion with the State of Minnesota Finance office in regard to the transfer of the Carnegie Library building.

The Board continued their discussion on the preliminary hearing for the Improvement to Pennington County Ditch 1, RLWD Project No. 171 and Thief River Falls Flood Damage Reduction Project, RLWD Project No. 171A. Motion by Knott, seconded by Coe, to set the Preliminary Hearing for June 30, 2010 at the Imperial Room of the Ralph Engelstad Arena at 7:00 p.m. for the Improvement to Pennington County Ditch 1, RLWD Project No. 171 and 7:30 p.m. for the Thief River Falls Flood Damage Reduction Project, RLWD Project No. 171A. Motion carried.

Manager Coe discussed the Woodland Stewardship Plan and various goals put together by the landowner and the stewardship. Coe inquired if the Board would like to hear a presentation on the Woodland Stewardship Plan. It was the consensus of the Board to invite them to a future Board meeting.

Administrator Jesme stated that Don Schirreck requested information pertaining to the Schirrick Dam, RLWD Project No. 25. Jesme stated that he asked Mr. Schirrick to submit a letter to the District with the requested information. To date no letter has been received.

Administrator Jesme stated that he has not heard from the Pennington County Ditch 75, RWLD Project No. 170 petitioners in regard to any further proceedings .

Manager Coe asked if any response was received from the Red Lake Tribe in regard to the Good Lake Impoundment, RLWD Project No. 67? No response has been received.

Administrator Jesme stated that Preliminary Engineers Report for Pennington County Ditch 1, RLWD Project No. 171 was given to Representative Olin. Olin will distribute copies to Senators Stumpf and Langseth and Representative Sailer.

Motion by Ose, seconded by Nordlund, 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