

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
December 9, 2010

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

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

Tammy Audette read the minutes of November 23, 2010. A motion was made by Coe, seconded by Mandt, and passed by unanimous vote that the Board approve the minutes as printed.

The Board reviewed the Financial Report and Investment Summary dated December 8, 2010. Motion by Tiedemann, seconded by Nordlund, and passed by unanimous vote that the Board approve the Financial Report and Investment Summary dated December 8, 2010. Jesme stated that staff will be soliciting quotes for a CD that will be maturing December 28, 2010.

Administrator Jesme stated that on June 10, 2010 a petition had been accepted for a Lateral to Pennington County Ditch No. 31, RLWD Project No. 173 pending receipt of the bond. The landowners/petitioners have indicated that a bond will not be forthcoming and that they are working through the permit process to satisfy their needs. Jesme has indicated that since no bond was received, there has been no cost accumulated. Motion by Tiedemann, seconded by Mandt, that since no bond has been received the Board should withdraw the Petition for a Lateral to Pennington County Ditch No. 31, RLWD Project No. 173. Motion carried.

Administrator Jesme stated that Viewers Jerry Bennett, Rodney Langaas, and Roger Beiswenger are requesting an hourly rate increase of \$5.00 per hour to the \$30 per hour rate approved by the Board in December of 2008. Motion by Coe, seconded by Mandt, to approve an hourly rate increase of \$5.00 per hour, for a total rate of \$35 per hour effective December 9, 2010. Motion carried.

Staff member Corey Hanson stated that two quotes were received for establishment of a rain garden on District property. Hanson received quotes from Prairie Restorations, Inc. in the amount of \$7,150 and Breiland Landscaping for \$3,300. Motion by Tiedemann, seconded by Ose, to accept the quote in the amount of \$3,300 from Breiland Landscaping. Motion carried.

The Board reviewed a Joint Funding Agreement with the U.S. Geological Survey for a post-restoration hydrologic system at the Glacial Ridge/Nature Conservancy Water Quality Project, RLWD Project No. 152. Administrator Jesme indicated that this agreement should be similar to the existing agreement signed by the District in 2002 and that no in-kind money or services from the District would be required. Discussion was held on in-kind services listed in the amount of \$327,850 on Item #2B. Motion by Mandt, seconded by Nordlund, to authorize Administrator Jesme to sign the Joint Funding Agreement with the U.S. Geological Survey, RLWD Project No.

152, pending clarification of Item #2B, and that no money or in-kind services of the District will be required for this project. Motion carried.

Administrator Jesme stated that he has been approached in regard to the District sharing a staff member with SWCD's located within the District's boundaries to be utilized for technical services like surveying and inspection. It was the consensus of the Board that they would take this into consideration for further discussion.

The Board discussed the Darrell Dolalie and Pine Lake Township drainage dispute. Staff members sent a letter to Mr. Dolalie requesting the plugs/dike be removed by December 3, 2010, or the District would hire a contractor to complete the work and bill the landowner. Administrator Jesme stated he had met with Mr. Dolalie in regard to the ditch plugs that were installed. Mr. Dolalie has since removed two plugs that were in natural waterways that were affecting township roads. Legal Counsel Sparby stated that according to the District's Permit Rules and Regulations, installation of a dike would require the District's approval and that if the ditch plugs are on private property that would be a local concern. Sparby also stated that the District could mediate the process between the landowner and the township, if they would be voluntarily involved. It was the consensus of the Board to further discuss this issue when the landowner returns in April 2011.

Staff member Loren Sanderson discussed the drainage concerns of landowner Marlin Iverson, location in Section 36, Tilden Township and Section 31, Grove Park Township, Polk County. Sanderson discussed dikes installed by prior landowners and a beaver dam located in Section 31, Grove Park Township, Polk County. Legal Counsel Sparby suggested that the landowner and township should send a letter of request to The Nature Conservancy asking for removal of the beaver dams. Sparby has recommended that Sanderson send a letter to Iverson stating his findings, and send copies of his letter to the township and The Nature Conservancy.

The Board reviewed Permit No. 10160, King Township, Polk County. Motion by Mandt, seconded by Tiedemann, to table Permit No. 10160, King Township, until the spring of 2011 to evaluate runoff and the ditch function. Motion carried.

The Board reviewed Permit No. 10090, Pennington County Highway Department, Reiner Township, Pennington County. Motion by Tiedemann, seconded by Nordlund, to approve the permit with conditions stated on the permit. Motion carried.

The Board reviewed Permit No. 10192, Roger & Greg Herden, Greenwood Township, Clearwater County. Sanderson recommended tabling this permit until the spring of 2011 since the permit was received late in the year and it is a four mile cleaning which involves county and township roads. Motion by Tiedemann, seconded by Mandt, to table Permit No. 10192, Roger and Greg Herden, until the spring of 2011. Motion carried.

The Board reviewed Permit No. 10086, Todd Evenson, Small Vineland Township, Polk County. Motion by Tiedemann, seconded by Coe, to deny Permit No. 10086, Todd Evenson. Motion carried.

The Board reviewed permits for approval. Motion by Ose, seconded by Nordlund, to approve Permit No. 10199, Minnesota Department of Transportation, Vineland and Andover Township, Polk County. Motion carried.

The Board discussed the Bond for the Pennington County Ditch 75, RLWD Project No. 170. Legal Counsel Sparby discussed the original petition and the change of legal designation. The petitioner's attorney stated the Board could use the original signatures to support the amended petition. Because of irregularities, the project was dismissed. Sparby stated that we could make a demand of the petitioners to pay all costs incurred to date. If the petitioners do not pay the costs incurred by a time to be determined by the District, the District could then make an application to the bonding company. Motion by Ose, seconded by Tiedemann, to submit a letter to the Petitioners for Pennington County Ditch 75, RLWD Project No. 170, requiring the Petitioners to pay all costs incurred to date within 60 days of receipt of the letter. Motion carried. Manager Mandt abstained from voting.

The 28th Annual Red River Basin Land & Water International Summit Conference will be held January 18-20, 2011 in Fargo, ND.

Administrators Update:

- As of January 1, 2011, the standard mileage rate will change to .51 per mile.
- The Moose River Impoundment south pool reached winter level and gates were closed on December 8th. Reflectors and orange mesh fencing were placed around the culverts located near the inlet of the Euclid East Impoundment. These culverts are intended to be installed next spring/summer as part of the Euclid East Impoundment.
- Included in the packet is a November 2010 water quality update. Some of the highlights in the report feature final payment being made by the MPCA in the amount of \$9,650, providing USFWS with in-kind matching expenditure amounts that can be used for the Agassiz NWR Water Quality Study Grant, and the completing of a Surface Water Assessment Grant proposal for monitoring in the Thief River Watershed.
- Knott and Jesme attended the Flood Damage Reduction Work Group meeting held in the district office on December 8th.

Discussion was held on the Informational Meeting for Four Legged Lake, Judicial Ditch No. 5, RLWD Project No. 102. Jesme and Manager Nordlund will work on setting a date and location for the meeting.

Manager Ose was reappointed by the Marshall County Board of Commissioners for an additional three year term.

Manager Tiedemann inquired about the water at the outlet of the Parnell Impoundment, RLWD Project No. 81.

Administrator Jesme and Managers Ose, Coe and Tiedemann accepted the 2010 Watershed District of the year by the Minnesota Department of Natural Resources at the Minnesota Association of Watershed District's Annual meeting held in Alexandria, MN.

Discussion was held on funding for the Grand Marais Creek Restoration Project, RLWD Project No. 60A. Manager Tiedemann suggested getting the support from the local Pheasants Forever, Turkey Federation, and Deer Hunters Association. Administrator Jesme discussed the possibility of obtaining funding for the cut channel at the outlet of the Grand Marais Creek to the Red River.

Manager Mandt stated that past Board member Jim Votava had expressed concerns of a drainage problem on the Poplar River on Merle Kolstad's land. Administrator Jesme indicated that at this point there really isn't much the District can do to assist Mr. Kolstad as it appears the problem lies within the channel of the Poplar River. Jesme indicated that the Poplar River is a protected waters and that Mr. Kolstad would have to apply for a permit through the MnDNR and would have to pay for all costs related to cleaning of the channel on his property.

Discussion was held on the Fargo Diversion meeting that Managers Tiedemann, Coe and Ose attended as part of the MAWD Annual meeting in Alexandria, MN.

Motion by Coe, seconded by Ose, to adjourn the meeting.



Orville Knott, Secretary