

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
February 25, 2010

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

Tammy Audette read the minutes of January 28, 2010. A motion was made by Coe, seconded by Nordlund, and passed by unanimous vote that the Board approve the minutes as printed.

The Board reviewed the Financial Report dated February 24, 2010. Motion by Knott, seconded by Ose, and passed by unanimous vote that the Board approve the Financial Report dated February 24, 2010. Administrator Jesme stated that quotes will be solicited for a CD that expires on March 3, 2010.

Vice President Tiedemann welcomed Albert Mandt to the Red Lake Watershed District Board. Mandt replaces Jim Votava representing East Polk County.

Administrator Jesme stated that the Board needs to replace Jim Votava on the Grand Marais Creek Joint Powers Board. Managers Tiedemann and Knott along with Votava had been appointed to serve on the Board. Motion by Coe, seconded by Ose, to appoint Dale M. Nelson to the Grand Marais Creek Joint Powers Board. Motion carried.

Nate Dalager, HDR Engineering, Inc. presented a Multiple Project Agreement for Professional Services contract that would protect the District and HDR Engineering, Inc. After discussion by the Board, motion by Coe, seconded by Knott to table the Multiple Project Agreement for Professional Services contract with HDR Engineering, Inc. for further review by the Board and Legal Counsel. Motion carried.

Michael Wyatt, Planner/Project Manager, St. Paul District Army Corps of Engineers was present to discuss the Ruffy Brook and Grand Marais Creek Army Corps of Engineers Feasibility Studies. Mr. Wyatt stated that the District requested the Corps to do a feasibility study on these two projects approximately 10 years ago. The Corps has contracted with HDR Engineering, Inc. to provide engineering services, which will be federally funded. Both projects are looked at as an ecosystem restoration project and need to focus on issues like cost per habitat units. A habitat unit is when you take a certain species of an animal (example fish) and evaluate the total number of habitat units for spawning and then take a look at the changes that would be made because of the project and how that would affect fish if the project was completed. If constructed, project cost share for the Grand Marais Project would be 65% federal funding and 35% local funding and for the Ruffy Brook Project, 75% federal funding with 25% local funding, if either respective project

proceeds. The District would be responsible to provide all the lands and easements necessary for the project and also complete state/local permit requirements. There is no obligation to the District at this point until the feasibility studies are complete and then an agreement would be signed between the District and U.S. Army Corps of Engineers. HDR Engineering, Inc. will complete their report within the next six months.

Staff member Loren Sanderson updated the Board on the 2010 Spring flood outlook. Sanderson stated that conditions are in place for a potential spring flood. With extremely wet conditions last fall compiled with a deep frost prior to snow fall, we could see a rapid spring runoff. With the existing snow moisture conditions, there is much concern within the Red River Basin of a flood event similar to the 2009 Flood.

Administrator Jesme stated that the Plans and Specifications have been completed for one site for the Clearbrook Stormwater Retention Pond, RLWD Project 160. Jesme stated that the Engineers Estimate is \$35,000 and that the Clearwater SWCD may request cost sharing for this project using funds from the Clearwater County RLWD Erosion Control funds, RLWD Project No. 164. Motion by Nordlund, seconded by Knott, to approve the Plans and Specifications for construction of the Clearbrook Stormwater Retention Pond, RLWD Project No. 160. Motion carried. Jesme stated that construction will take place after July 15, 2010 or as soon as the City of Clearbrook centennial is over.

Staff member Corey Hanson presented a Memorandum of Agreement between the District and the US Fish and Wildlife Service to continue a water quality study within Agassiz National Wildlife Refuge. Hanson indicated that this study will provide useful information for the District's Thief River Sediment Investigation. Hanson also indicated that the USFWS grant requires a local or state match. Hanson indicated that we have purchased various water quality equipment that can be used as a match as well as dollars that have been allotted from a grant that will be received from the MPCA. If for some unforeseen reason, the MPCA grant falls through, the District would have to pay \$3,000 to \$4,000 as a match, although that option seems very remote as we have received a letter from the MPCA indicating that our grant was approved. Motion by Nordlund, seconded by Knott, to approve the Memorandum of Agreement between the District and the U.S. Fish and Wildlife Service and authorize staff members Corey Hanson and Myron Jesme to sign on behalf of the District. Motion carried.

Administrator Jesme stated that the regularly scheduled Board meeting on March 11, 2010 conflicts with the MAWD Legislative Breakfast held in St. Paul. A motion was made by Ose, seconded by Coe, to change the March 11, 2010 Board meeting to Tuesday, March 9, 2010 at 9:00 a.m. Motion carried.

MAWD dues for 2010 were presented to the Board. Motion by Knott, seconded by Nordlund, and passed unanimously to approve paying \$3,500 for the 2010 MAWD dues.

The Board reviewed the MAWD Legislative Program 2010 session priorities. Manager Coe stated that MAWD based their priorities on the MAWD resolutions presented and passed.

Discussion was held on a request from the Pennington SWCD for financial support of the Area 1 Envirothon. Motion by Coe, seconded by Mandt, to donate \$300.00 to the Pennington SWCD Area 1 Envirothon. Motion carried.

Legal Counsel Sparby stated that after reviewing the District's Permit Rules and Regulations it is required that a hearing must be held to modify the Permit Rules and Regulations. Sparby indicated that a retraction should be made to the motion to adopt the "after the fact" permit resolution that was approved at the December 28, 2009 Board meeting. Motion by Ose, seconded by Knott, to retract the motion to adopt the "after the fact" permit resolution approved at the December 28, 2009 Board meeting and to schedule a hearing for April 8, 2010 at 9:30 a.m. during the regularly scheduled Board meeting to receive public comment on the proposed modifications to the Permit Rules and Regulations. Motion carried.

The Board reviewed the permits for approval. A motion was made by Knott, seconded by Nordlund, to approve the following permits with conditions stated on the permit: No. 10001, Pennington and Red Lake Counties, Mayfield Township, Pennington County; and No. 10002, Garden Valley Township, Clearwater and Pennington Counties. Motion carried.

The Board reviewed Permit No. 09129, Douglas Peterson, Sullivan Township, Polk County. Jesme stated that Permit No. 09129 had previously been tabled on November 24, 2009 to allow Sullivan Township to comment on the proposed work. Notice of the permit was sent to the township and the District has not received any response from the township objecting to the proposed permit. After notice to the township and without receiving any objection from the township, a motion was made by Mandt, seconded by Ose, to approve Permit No. 09129, Douglas Peterson, Sullivan Township, Polk County. Motion carried.

Administrators Update:

- Managers Knott and Ose and Jesme attended the RRWMB meeting held on January 19, 2010.
- Included in the packet is the BWSR 2010 Adjusted Calculated Wetland Banking Values for fee pricing for wetland banking on a county basis.
- Three "Request For Proposals" (RFP) for the Digital Flood Insurance Rate Maps and studies for Polk County and floodplain mapping studies for Red Lake and Pennington Counties were received. A committee consisting of Administrator Jesme, Suzanne Jiwani-MnDNR, Gary Bennett- MnDNR and Rich Sanders, Polk County Engineer has been set up to review the RFP's. After the review is completed, a recommendation will be submitted to the Board for approval.

- Included in the packet is information on a Stormwater Seminar that is geared toward Legal Counsel to be held in Minneapolis, MN on April 1, 2010.
- A letter was received from the Pennington County Auditor confirming the appointment of Dale M. Nelson to an additional three year term.
- A meeting was held with the petitioners of Pennington County Ditch No. 75, RLWD Project No. 170 asking them to reaffirm the existing petition. The petitioners are considering various options concerning the petition for a new ditch or additional alternatives.
- The January 2010 Water Quality Update is included in the packet.

Motion by Ose, seconded by Knott, to approve paying the registration and related expenses for Legal Counsel Sparby to attend the Stormwater Seminar to be held on April 1, 2010 in Minneapolis, MN and that Administrator Jesme attend the seminar as well. Motion carried.

Administrator Jesme updated the Board on the status of the petition for a new ditch, Pennington County Ditch 75, RLWD Project No. 170, and the fact that two of the petitioners chose not to reaffirm the existing petition as requested by the Board. As more information becomes available as to the wishes of the petitioner, Jesme will update the Board.

Manager Mandt inquired about Workers Compensation that covers the Board of Managers.

Manager Ose asked about representation on the RLWD Overall Advisory Committee. Motion by Ose, seconded by Mandt, to approve the appointment of Loiell Dyrud to the RLWD Overall Advisory Committee. Motion carried.

Administrator Jesme stated that he had been contacted by Mike Carroll, MnDNR in regard to the discussion with the Red Lake Tribal Council on the Land Agreement for the Good Lake Impoundment Project, RLWD Project No. 67. Mr. Carroll has offered his assistance in resolving this matter.

At 12:00 p.m. the Board recessed to the 1:00 p.m. Laser Fiche demonstration to be held in the RLWD District office.

The meeting was reconvened at 1:00 p.m. to hear a presentation on Laser Fiche, a document scanning system that the District may want to consider purchasing in the future.

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



Orville Knott, Secretary