

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
July 14, 2011

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

The Board reviewed the agenda. Sue Johnson requested to appear before the Board. A motion was made by Coe, seconded by Ose, and passed by unanimous vote that the Board approve the agenda with the addition of Sue Johnson.

Sue Johnson presented and read a letter to the Board on behalf of herself and her husband Claude E. Johnson, Jr. in regard to their disagreement with the actions of the Board concerning the Petition for Improvement to Pennington County Ditch 75, RLWD Project No. 170 which has been dismissed by the Board.

Motion by Knott, seconded by Mandt, to dispense reading of the June 23, 2011 Board meeting minutes and approve them as printed. Motion carried.

The Board reviewed the Financial Report and Investment Summary dated July 13, 2011. Motion by Nordlund, seconded by Knott, and passed by unanimous vote that the Board approve the Financial Report and Investment Summary dated July 13, 2011. Administrator Jesme stated that two additional CD's were purchased at First National Bank of Bemidji and Ultima Bank in Fosston.

The Board reviewed the bids received for RLWD Ditch No. 13, New Lateral to Pennington County Ditch 75, RLWD Project No. 170A. The low bidder was All Seasons Contracting, Inc. in the amount of \$72,546.42. Legal Counsel Sparby stated that the bid and bond were acceptable. Administrator Jesme and Engineer Jeff Langan, Houston Engineering, Inc. discussed moving of the power lines adjacent to the ditch and construction of 3:1 side slopes. Langan stated that Red Lake Electric, in the near future, plans to relocate the power lines outside of the ditch right of way. Engineer Langan recommends relocating the power lines now and constructing the ditch with a 3:1 slope. Red Lake Electric would contribute approximately \$6,000 with the ditch system paying the balance of approximately \$9,500. Langan estimated that the additional dirt excavation would be \$3,000 - \$4,000. Motion by Ose, seconded by Tiedemann, to accept the low bid in the amount of \$72,546.42 from All Seasons Contracting, Inc. and to move forward with the relocation of the power lines and 3:1 side slopes for construction of RLWD Ditch No. 13, New Lateral to Pennington County Ditch 75, RLWD Project No. 170A. Motion carried.

President Nelson expressed his concern that bids for a petitioned project were not opened during a regularly scheduled Board meeting. Nelson indicated that he felt smaller projects, for which quotes are solicited, are not as much of a concern, but larger petitioned projects probably should be opened during a Board meeting to keep the public and Board involved in the process. It was the consensus of the Board that if a project is petitioned and advertising of bids takes place, the bids should be opened at a Board meeting.

The Board reviewed the Grant Closure Form for the Water Quality Assessment on the Upper Lost River and Nessel Creek, RLWD Project No. 82FF.

The Board reviewed the MN Drainage Law Analysis and Evaluation document that was drafted by a committee that oversees drainage for legislative recommendations. Administrator Jesme stated that the RRWMB Attorney, Louis Smith, presented this to the RRWMB members at their June meeting held at the Red Lake Watershed District office.

Administrator Jesme and staff member Loren Sanderson met with staff from the Red Lake DNR at the Good Lake Impoundment to determine a check list of items to be completed on the impoundment. Jesme stated that the structure needs to be revamped and repairs made to the roadways providing access to the impoundment. The Red Lake DNR allocated \$50,000 to put towards repairs. The Board had previously committed to spending \$25,000 towards repairs on the impoundment. Motion by Coe, seconded by Ose, to authorize spending up to \$25,000 for repair and maintenance on the Good Lake Impoundment, RLWD Project No. 67.

The Board discussed the boundary change between the District and Beltrami/Itasca Counties. The District submitted a petition to the Board of Water and Soil Resources for a boundary change. Since this petition is for withdrawal of territory, and the area being withdrawn will not be part of an organized watershed district in the future, the petition needs to be submitted by either the landowner or the counties having 50 percent or more of the area within the proposed watershed to be withdrawn. Legal Counsel Sparby is working with Beltrami County on the petition and resolution. Manager Coe stated that a landowner involved approached him asking for a rebate or money back since he has been paying taxes for land that should not be within the District. Legal Counsel Sparby stated that all costs that have been incurred in the past are not subject to refund, but once the boundary change is completed his land will no longer pay into the District.

Staff member Corey Hanson discussed the Red Lake River TMDL Work Plan and Joint Powers Agreement, RLWD Project 157C. Hanson stated that this project is very similar to the Thief River TMDL Project in data collection, water quality monitoring and flow, stream channel stability assessments and writing of the TMDL. Hanson stated that funding will be granted in phases. Motion by Tiedemann, seconded by Knott, to approve the Joint Powers Agreement authorizing Administrator Jesme to sign the agreement. Motion carried.

Staff member Corey Hanson discussed the Thief River TMDL, RLWD Project No. 157B civic engagement. They are working on the civic engagement part of the project with RMB Environmental Laboratories, Inc., which involves looking at the demographics of the watershed.

The Board reviewed a letter from Legal Counsel Stephanie Harbott, who is representing David Dahlen, and which was sent to Berkley Surety Group in regards to the dismissal of a New Ditch to Pennington County Ditch No. 75, RLWD Project No. 170. The letter stated that all bond payments have been paid in full and requested that the file be closed and no further action be taken. The Board also reviewed a letter that was submitted by Administrator Jesme, to Berkley Surety Group, acknowledging that all payments have been made to the District and as far as the District is concerned the matter is closed.

Administrator Jesme stated that the staff wished to enroll in AFLAC and requested the Board's permission to deduct the premium amounts from the participating staff member's payroll. Motion by Coe, seconded by Nordlund, to approve the participation of staff members enrolled in AFLAC, and deduction of the premium amounts from participating staff payroll. Motion carried.

Staff member Loren Sanderson discussed Permit No. 11070, Darrell Dolalie, Pine Lake Township, Clearwater County. Sanderson stated that Dolalie removed the plugs in a legal drainage way as requested by the Board. Dolalie presented a permit to leave the plugs as placed. Sanderson informed Dolalie that the permit was not valid and worked with him on revising the application to include the installation of culverts in the two most upper plugs he had previously placed in the ditch. Sanderson stated that the two plugs at the downstream end remain in place, but will not impact anyone other than Dolalie. Staff set the grade and elevation of the culverts prior to installation. Motion by Nordlund, seconded by Mandt, to approve Permit No. 11070, Darrell Dolalie, Pine Lake Township, Clearwater County, upon submission of a revised permit signed by Darrell Dolalie containing the recommended revisions. . Motion carried.

The Board reviewed the permits for approval. Motion by Knott, seconded by Tiedemann, to approve the following permits with conditions stated on the permit: No. 11050, Terry Anderson, Reiner Township, Pennington County; No. 11052, Pennington County, Reiner Township; No. 11054, Star Township, Pennington County; No. 11055, Gearld & Annette Nelson, Gully Township, Polk County; No. 11056, Monte Casavan, Wylie Township, Red Lake County; No. 11057, Doug Erdman, Hammond Township, Polk County; No. 11058, Doug Erdman, Andover Township, Polk County; No. 11059, George Hanson, Inc., Fairfax Township, Polk County; No. 11060, Don Lunke, Holt Township, Marshall County; No. 11062, Brad Lunke, Excel Township, Marshall County; No. 11063, Moose River and Rollis Township, Marshall County; No. 11064, Woodside Township, Polk County; No. 11065 and 11066, Pennington County; Star Township; No. 11067, Eric J Dahl, Sanders Township, Pennington County; No. 11068, Lessor Township, Polk County; No. 11069, Pennington County Highway Department, Hickory Township; No. 11071, Greenwood Township, Clearwater County; No. 11072, Delray Larson, Rollis Township, Marshall County; No. 11073, Kevin Yaggie, Garnes and Lambert Townships, Red Lake County;

No. 11075, Dan Stroot, Euclid Township, Polk County; No. 11076, David Moulds, Bygland Township, Polk County; No. 11077, Craig Stroot, Belguim Township, Polk County; No. 11078, Troy Pribyl, Wyandotte Township, Pennington County; and No. 11079, Troy Pribyl, Rocksbury Township, Pennington County. Motion carried.

Administrator's Update:

- Jesme met with the viewers for the Thief River Falls Flood Damage Reduction/Improvement to Pennington County Ditch No 1 Project. The Viewers plan to submit their report to the Board at their July 28, 2011 meeting.
- Due to recent rainfalls, the north Pool of the Moose River Impoundment has risen to the point where we will have to release flows. The South Pool is still in drawdown and it is hoped to reach summer elevations within a week barring no significant rainfalls.
- Jesme and Manager Knott will attend the RRWMB meeting on July 19th in Fertile.
- Mowing has been or will be completed within the week on State Ditch No. 83, RLWD Ditch No. 3, Burnham Creek, RLWD Ditch No. 12 and Polk County Ditch Improvement Project No. 119.
- Jesme attended the Polk, Marshall, Pennington and Red Lake County commissioners meeting along with their respective Board members.
- Included in the packet is an invitation to attend an open house for the retirement of Gerald Amiot, Polk County Auditor Treasurer to be held on July 26 from 1:00 - 4:00 p.m. at the Law Enforcement Center.
- Included in the packet is a letter from the MnDNR outlining some of the restrictions on grants and other items that will occur until the government shutdown is over.
- Included in the packet is a June 2011 Water Quality Report.
- Jesme, Jeff Langan and Henry VanOffelen completed the grant application for the Lessard Sam Outdoor Heritage Council which was due on July 15th.

Manager Knott stated that the Calvin Harmoning completed the haying on RLWD Ditch 10, but he was unable to mow the bottom of the ditch due to water. Administrator Jesme stated he has discussed this with ditch inspector Gary Lane and he indicated that when and if the ditch dries we will hire someone to mow the bottom of the ditch.

Manager Knott asked when the culverts on the Euclid East Impoundment would be installed. Administrator Jesme stated that HDR Engineering, Inc. will work on completing the installation along with contractor Dave Garry

Manager Ose asked when the hearing will be held for funding through the Lessard Sam Heritage Council. Administrator Jesme stated that the hearing will be held in September.

Manager Knott discussed Chuck Flage Erosion Control Project that the Board voted on at the June 23, 2011. Knott stated that the Red Lake County SWCD had estimated \$60,000 to \$65,000 to put towards construction of the project. Bids on a separate SWCD project came in higher than anticipated; therefore the SWCD will not be able to contribute towards the Chuck Flage Project as previously suggested. After discussion by the Board, a motion was made by Tiedemann, seconded by Coe, to hold off on completing any preliminary engineering of the project until the Red Lake County SWCD can apply for and obtain funding assistance and the Board would then address this project again at that time. Motion carried.

Manager Tiedemann discussed a wash out near the Euclid East Impoundment and felt that a side water inlet pipe should be installed at that location.

Manager Ose stated that landowners on the south border of Thief Lake have spoken to him in regard to plugged ditches that enter Thief Lake.

Motion by Mandt, seconded by Knott, to adjourn the meeting.



Orville Knott, Secretary