

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
October 13, 2011

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

Motion by Knott, seconded by Tiedemann, to dispense reading of the September 22, 2011 Board meeting minutes and approve them as printed. Motion carried.

The Board reviewed the Financial Report and Investment Summary dated October 12, 2011. Motion by Tiedemann, seconded by Mandt, and passed by unanimous vote that the Board approve the Financial Report and Investment Summary dated October 12, 2011.

Administrator Jesme stated that the District received a request by First National Bank-Bemidji to release excess securities. Jesme stated that the District will have adequate securities to cover the current investments. A motion was made by Coe, seconded by Tiedemann, to authorize the release of excess securities at First National Bank-Bemidji. Motion carried.

Lisa Newton, Marshall SWCD was present to discuss a streambank erosion control project on the north bank of the Mud River west of the Marshall County Highway 54 bridge near Grygla Newton stated that the total project cost is \$5,310, and the SWCD is requesting \$2,655 from the 2011 Erosion Control Project, RLWD Project No. 164 towards the cost of repairing the bank of the Mud River. Motion by Ose, seconded by Coe, to approve the request of the Marshall SWCD for cost share in the amount of \$2,655 for the streambank erosion on the Mud River from the 2011 Erosion Control funds, RLWD Project No. 164. Motion carried.

The Board reviewed the Final Order Establishing Project and Implementing Water Management District Charges for the Thief River Falls Flood Damage Reduction Project, RLWD Project No. 171A. Legal Counsel Sparby stated that this document will start the 30 day appeal period for the project. Motion by Coe, seconded by Ose, to approve the Final Order Establishing Project and Implement Water Management District Charges for the establishment of the Thief River Falls Flood Damage Reduction Project, RLWD Project No. 171A.

Administrator Jesme reviewed a memorandum and Notice of Deferred Water Management District Charges drafted by Attorney John Kolb, Rinke Noonan. Jesme discussed the recording of the Notice of Deferred Water Management District charges with properties located within the Water Management District of the Thief River Falls Flood Damage Reduction Project, RLWD Project No. 171A.

The Board reviewed the Lessard Sam Outdoor Heritage Council Final Allocation for Fiscal Year 2013, which includes \$2,320,000 for the Grand Marais Creek Channel Restoration, RLWD Project No. 60F. Administrator Jesme stated that three additional landowners have been approved for RIM, with approximately 270 acres of the estimated 400 acres secured for RIM. Jesme stated that a Joint Powers Board meeting and hearing should be held in the near future. Engineer Jeff Langan stated that the survey and final engineering will be completed this fall.

Jeff Langan presented an overview of the Grand Marais Creek Channel Restoration, RLWD Project No. 60F and the Grand Marais Creek Cut Channel, RLWD Project No. 60FF.

Jeff Langan stated that construction of Red Lake Watershed District Ditch 13, New Lateral to Pennington County Ditch 75, RLWD Project No. 170A has been completed. Langan requested approval of Pay Request No. 3 to All Seasons Contracting, Inc. in the amount of \$17,739.07. Motion by Coe, seconded by Mandt, to approve payment in the amount of \$17,739.07 to All Seasons Contracting for construction of the Red Lake Watershed District Ditch 13, New Lateral to Pennington County Ditch 75, RLWD Project No. 170A. Motion carried. Motion by Coe, seconded by Tiedemann, to set the Final Payment Hearing for construction of Red Lake Watershed District Ditch 13, New Lateral to Pennington County Ditch 75, RLWD Project No. 170A at the regularly scheduled Board Meeting on November 10, 2011 at 9:30 a.m. Motion carried. Administrator Jesme reviewed with the Board, payments made to the two landowners with crop damage for construction of Red Lake Watershed District Ditch 13.

Administrator Jesme stated that contractor Derek Brummund, Brummund Excavating wished to get out of his contract with the District for construction of the Radi ring dike. Mr. Brummund felt that he did not have the expertise required to complete the ring dike in a timely manner. Upon discussion with the NRCS and HDR Engineering, Inc., it was determined to contact the contractors of the next two lowest quotes. Contractor Paul Zavoral from Paul Zavoral, Inc., dba Higher Ground, was able to meet all obligations requested of him to satisfy the contract. The Board reviewed a partial pay estimate for Paul Zavoral, Inc. for construction of the Radi ring dike. Motion by Knott, seconded by Tiedemann, to approve the payment in the amount of \$29,479.14, to Paul Zavoral, Inc. for construction of the Radi ring dike. Motion carried, with Manager Mandt voting nay. Jesme stated that no payment will be made to Brummund Excavating for work completed until all time and costs to the project have been totaled and all necessary deductions, if any, are satisfied.

The Board reviewed correspondence from Polk County Highway Department requesting the District to develop a mechanism consistent with other watershed districts to permit tiling. After

a lengthy discussion by the Board, the Board will review the information presented and discuss at a future meeting.

Administrator Jesme stated that the Red River Basin Flood Damage Reduction Work Group is seeking a citizen advisor to sit on the Work Group. Manager Knott stated that they would like a member of the District's Overall Advisory Committee to serve with this Group. It was the consensus of the Board to table this until the October 27, 2011 Board meeting.

Permit No. 10202, from Tom Oscarson, Gervais Township, Red Lake County that was previously tabled was reviewed by the Board. Motion by Knott, seconded by Mandt, to approve Permit No. 10202, from Tom Oscarson, with conditions stated on the permit. Motion carried.

Staff member Loren Sanderson discussed Permit No. 11002, David Brule, Terrebonne Township, Red Lake County. Mr. Brule completed unpermitted ditch cleaning along a township road in 2010 and was sent a letter of warning requiring him to complete an after the fact permit application. Mr. Brule recently cleaned additional excavation along the township road with a vertical cut and with no slope to the township road. Motion by Tiedemann, seconded by Nordlund, to table Permit No. 11002, David Brule, Terrebonne Township Red Lake County, until the spring 2012 for further review. Motion carried.

The Board reviewed correspondence from Pennington County Highway Department requesting the Board to rescind Permit No. 11115. Motion by Coe, seconded by Tiedemann, to rescind Permit No. 11115, Pennington County, Deer Park Township. Motion carried.

The Board discussed a recent repair that had taken place on Pennington County Ditch 75. Concern was expressed that a review of the ditch system brought into question whether certain areas had been improved. It was the consensus of the Board to authorize staff members to complete a survey of the ditch and to request the original ditch plans from the county. Legal Counsel Sparby discussed the letter he sent to Pennington County Attorney Alan Rogalla in regard to the County's intent to remove a culvert located in the legal drainage system, Pennington County Ditch 75.

The Board reviewed the permits for approval. Motion by Knott, seconded by Ose, to approve the following permits with conditions stated on the permit: No. 11132, Eric Engelstad, Onstad Township, Polk County; No. 11147, Daniel Haack, Eckvoll Township, Marshall County; No. 11148, Andy Rubischko, Highlanding Township, Pennington County; No. 11161, Emardville and Wyandotte Townships, Red Lake and Pennington County; No. 11162, U.S. Fish and Wildlife Service, Woodside Township, Polk County; No. 11163, Polk County Highway

Department, Euclid Township, Polk County; No. 11164, Jeff Genereux, Terrebonne Township, Red Lake County; No. 11165, Bryan Grove, Wyandotte Township, Pennington County; No. 11167, Sam Olson, Kertsonville Township, Polk County; No. 11168, Marshall County Highway Department, Espelie Township; No. 11169, Marshall County Highway Department, Excel Township; No. 11170, Gary Novak, River Township, Red Lake County; No. 11171 and 11172, Louis R Schafer, Red Lake Falls Township, Red Lake County; and No. 11173, Randall Wagner, Nesbit Township, Polk County. Motion carried.

The regularly scheduled Board meeting on November 24, 2011, falls on Thanksgiving Day. A motion was made by Ose, seconded by Tiedemann, to change the November 24, 2011, Board meeting to Wednesday, November 23, 2011 at 9:00 a.m. Motion carried

The MAWD Annual Meeting and Trade Show will be held December 1-3, 2011 in Alexandria.

Correspondence from the NW Regional Development Commission seeking recruitment of Public Interest Representatives was reviewed by the Board.

Administrator Jesme reviewed a quote from Marco for a HP Server, scanner and Management Solutions software in the amount of \$28,076.13. Manager Coe inquired on the cost of the license agreement and if that amount would increase over time. Administrator Jesme will report back at the October 27, 2011 Board meeting.

Administrators update:

- The monthly meeting of the RRWMB will be held in Ada on October 18, 2011.
- Included in the packet is the July, August and September Water Quality Report.
- Included in the packet was a letter from Dave Friedl, MnDNR NW Region Clean Water Legacy Specialist thanking the District staff for their assistance in completing the Geomorphology study on various areas within the Thief River Watershed.
- Included in the packet was an email from David Wierens, BWSR regarding an agreement between the NRCS and BWSR for implementation of the Wetland Conservation Act and the "Swampbuster" provisions in the federal farm bill.
- Included in the packet was a letter from Kurt Deter to Anthony Pulkrabek concerning a proposed ditch downstream of the Brandt Impoundment.

Manager Ose inquired on construction activities on State Ditch 83 and his concern on several side water inlet pipes.

Manager Nelson asked about the status of the Goose Lake Impoundment. Administrator Jesme stated that the MnDNR would like to complete a study of the ridge this fall. Once the study is completed the Goose Lake committee should have a meeting. It was the consensus of the Board, to have Jesme send a letter to the Goose Lake committee in regard to the status of the project.

Manager Tiedemann discussed the NRCS/BWSR Swamp Buster and Wetland Conservation Act.

Discussion was held on the Clearbrook Stormwater Retention Pond Project, RLWD Project No. 160. Manager Nordlund stated that the area is still wet and was wondering if there was a spring in that area.

Jeff Nyquist, RRWMB Public Information Officer was present at the Board. Mr. Nyquist stated that he is in the process of attending all watershed district meetings within the RRWMB area and would like to make himself available to assist the Board with any informational items the District may have.

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



Orville Knott, Secretary