

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

President Dale M. Nelson convened the adjourned meeting to order at 5:30 p.m. at the Red Lake Watershed District office, 1000 Pennington Avenue South, Thief River Falls, MN.

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

President Nelson stated that today's meeting was reconvened from the September 8, 2011 board meeting.

The Board reviewed the agenda. Motion by Coe, seconded by Tiedemann, and passed by unanimous vote that the Board approve the agenda.

Attorney John Kolb, Rinke Noonan discussed the hearing process to be held at 7:00 p.m. at the Ralph Engelstad Arena for the Improvement to Pennington County Ditch 1 and Thief River Falls Flood Damage Reduction Project, RLWD Project No. 171 and 171A. Discussion was held in regard to future financing of the RLWD Project No. 171 and the remaining costs after application of grant monies for RLWD Project 171A. It was the consensus of the Board that the projects would be funded by bond issuances through Pennington County, if the projects were approved. Any bond issuances would be paid for by way of collection of assessment charges related to the respective projects.

The Board reviewed Pay Request No. 1 to All Seasons Contracting in the amount of \$21,311.24, minus 10% retainer, for construction of the New Lateral to Pennington County Ditch 75, RLWD Project No. 170A. Motion by Tiedemann, seconded by Coe, to approve payment, minus 10% retainer, in the amount of \$19,180.12 to All Seasons Contracting for construction of the New Lateral to Pennington County Ditch 75, RLWD Project No. 170A. Motion carried.

Motion by Mandt, seconded by Ose, to adjourn the meeting to 7:00 p.m. in the Imperial Room of the Ralph Engelstad Arena to attend the final hearing for the Improvement to Pennington County Ditch 1 and Thief River Falls Flood Damage Reduction Project, RLWD Project No. 171 and 171A. Motion carried.

At 7:00 p.m. President Dale M. Nelson called the final hearing to order concerning the Improvement to Pennington County Ditch 1 and Thief River Falls Flood Damage Reduction Project, RLWD Project No. 171 and 171A at the Imperial Room, Ralph Engelstad Arena, Thief River Falls, MN.

President Dale M. Nelson instructed the audience on the format that would be used in taking questions from the audience. Nelson then turned the meeting over to Legal Counsel John Kolb to address the hearing and its process. Kolb indicated that the hearing is being videotaped and will be available for viewing at the RLWD office. Kolb informed the audience that the hearing

was called to order to receive public comment in regard to the petition for the Improvement to Pennington County Ditch 1 and the Thief River Falls Flood Damage Reduction Project.

Kolb read into the record the Minnesota Department of Natural Resources Commissioners Final Advisory Report. A copy was included as part of the hearing materials.

Engineer Nate Dalager, HDR Engineering, Inc. and the Engineer for the project gave an overview of the proposed Improvement to Pennington County Ditch 1 and Thief River Falls Flood Damage Reduction Project, RLWD Projects No. 171 and 171A, as well as an overview of proposed Water Management District storm water charges.

Jerry Bennett, Roger Beiswenger and Rodney Langaas, viewers for the project presented their Viewers Report for the project. Mr. Bennett reviewed various parcels of land that the Viewers recommended removing from within the benefited area of the project.

Administrator Myron Jesme read into the record a letter received from Jason G. Lina from the Law Office of Fluegl, Anderson, McLaughlin, Brutlag, Chartered, in regard to land owned by their client, Pennington Health Services. A copy was included as part of the hearing materials.

Upon completion of the presentations, questions and public comment were received from the Board and audience. All members of the audience had adequate opportunity to express questions and comments.

Manager Nelson closed the hearing. Attorney John Kolb, addressed the Board indicating their options if they were to dismiss the projects as well as their options and procedures for approving the project and moving forward.

Motion by Coe, seconded by Tiedemann, to Establish the Improvement to Pennington County Ditch 1 according to the Engineers Report for the project; to adopt the Viewers Report of benefits and damages for the County Ditch No. 1 Improvement; to establish the Thief River Falls Flood Damage Reduction Project according to the Engineers Report and Agency Advisory Reports; to recess the hearing to the Board's regular meeting on September 22, 2011; and to direct staff to prepare Findings and Orders consistent with the motion for the Board's considerations and adoption. Motion carried.

Motion by Coe, seconded by Tiedemann, with motion carried to recess the meeting to the regular scheduled meeting on September 22, 2011 at 9:00 a.m. at the District office. Motion carried.

A handwritten signature in cursive script that reads "Orville Knott". The signature is written in black ink on a light-colored background.

Orville Knott, Secretary