

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
April 26, 2012

Present were: Managers Lee Coe, Orville Knott, Dale M. Nelson, Albert Mandt, Les Torgerson, LeRoy Ose 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 Knott, seconded by Mandt, and passed by unanimous vote that the Board approve the agenda.

Motion by Ose, seconded by Tiedemann, to dispense reading of the April 12, 2012 Board meeting minutes and approve them as printed. Motion carried.

The Board reviewed the Financial Report and Investment Summary dated April 25, 2012. Motion by Mandt, seconded by Knott, and passed by unanimous vote that the Board approve the Financial Report and Investment Summary dated April 25, 2012.

Staff member Arlene Novak presented information on a Flexible Spending Account and Premium Only Plan that would be administered through Select Account that would allow the District and Staff members to save tax dollars on health insurance premiums along with allowing Staff to enroll in a Flexible Spending Account for medical and dependent care flexible spending account. There is a fee of \$1.83 per month for each employee that chooses to enroll. Motion by Tiedemann, seconded by Knott, to approve employee use of a Flexible Spending Account and Premium Only Plan to be administered through Select Account and that the District pay the monthly fee of \$1.83 per employee. Motion carried.

The Board reviewed a Petition for the Establishment of a New Drainage System located downstream of the Brandt Impoundment in Tabor, Angus, Euclid, and Belguim Townships, Polk County presently referred to as the Brandt Channel. Legal Counsel Sparby stated that he had reviewed the petition and recommended a few changes on the signatures on the petition. Legal Counsel for the Petitioners, Kurt Deter agreed with the recommendations of Sparby. Motion by Tiedemann, seconded by Torgerson, to accept the filing of the Establishment of a New Drainage System referred to as Red Lake Watershed District Ditch No. 15, RLWD Project No. 175, upon the approval of signatures on the Petition as stated by Sparby and receipt and acceptance of the bond. Motion carried.

Appointment of an Engineer for Red Lake Watershed District Ditch No. 15, RLWD Project No. 175 was discussed by the Board. Motion by Coe, seconded by Tiedemann, to appoint HDR Engineering, Inc. to complete the Engineering for the Red Lake Watershed District Ditch 15, RLWD Project No. 175, upon approval of the petition and receipt and acceptance of the bond. Motion carried.

The Board discussed a request from the Thief River Falls Lincoln High School Envirothon Club for monetary support to help defray expenses to attend the Regional and State Envirothon

Competition. Motion by Mandt, seconded by Tiedemann, to donate \$500 to help support attendance at the Regional and State Envirothon Competition. Motion carried.

The MAWD Summer Tour will be held June 21-23, 2012 hosted by the Prior Lake-Spring Lake Watershed District in Prior Lake, MN.

Beltrami County SWCD Manager Bill Patnaude and District Conservationist Larry Voelks presented the Bruce Weidenborner Animal Waste Project located in Shooks Township, Beltrami County. The proposed project consists of the installation of a silo system for animal waste, abandonment of current feed lots that would be seeded into grass and creation of a new lot with a drainage ditch diversion for storm runoff events prior to entering the Cormorant River. Current storm events drain into the North Cormorant River, which has shown high levels of e-coli. Total project cost is estimated at \$375,000, with EQUIP cost share of \$210,111.20. The Beltrami County SWCD is requesting cost share in the amount of \$12,500 to be allocated through the Erosion Control Funds, RLWD Project No. 164. The Board discussed the possibility of using funds from the District's Water Quality account, RLWD Project No. 46, since this project is a water quality project, rather than an erosion control project. Motion by Knott, seconded by Coe, to approve a cost share in the amount of \$12,500, from the Districts Water Quality funds, RLWD Project No. 46. Motion carried.

Administrator Jesme stated that the U.S. Army Corps of Engineers is requiring a Historic Cultural Survey for potential archaeological interests prior to submitting a permit for construction of the Grand Marais Creek Bank Stabilization Project, RLWD Project No. 60FF. Considerable discussion was had questioning the Corps authority and how the permit process would affect the timing of construction this year. Jesme expressed his dissatisfaction with the Corps regulatory process and what seems to be an unreasonable request given the channel that exists has eroded upwards of 20' from pre-settlement conditions. Due to fact there is a delay in permitting the bid opening that was scheduled for April 26, 2012 at 10:00 a.m. was changed to May 10, 2012 at 10:00 a.m.

The Grygla High School River Watch Students gave a presentation on the Mud and Moose Rivers and various parameters that they sample. Upon answering several questions from the Board, President Nelson thanked the students for their effort in this project and the time they have put toward the River Watch Program.

Landowner James Mattison discussed the benefitted area for property he owns at the outlet of RLWD Ditch 14/Improvement to Pennington County Ditch 1, Project No. 171/Thief River Falls Flood Damage Reduction Project No. 171A. Administrator Jesme stated that the property owners report and all correspondence for hearings had the wrong parcel ID number thus was mailed to someone other than Mr. Mattison, therefore Mr. Mattison did not receive proper notification. Mattison stated that he felt that his property from the driveway and the house drain directly into the Red Lake River and not into Ditch 14. Jesme indicated that the viewers did

address some of Mr. Mattison's concerns, but clearly not all of his. After discussion by the Board, it was determined that the Board would take it under advisement and contact Mr. Mattison.

Later, further discussion was held on the request of Mr. Mattison for his property at the outlet of RLWD Ditch 14. Motion by Coe, seconded by Ose, to authorize a 30% reduction of benefits on property owned by James and Teresa Mattison at the outlet of RLWD Ditch 14, RLWD Project No. 171/Thief River Falls Flood Damage Reduction Project No. 171A. Motion carried.

Engineer Nate Dalager and Matt Peterson, HDR Engineering, Inc. updated the Board on recent construction activities for RLWD Ditch 14/Thief River Falls Flood Damage Reduction Project No. 171/171A. Dalager stated that he and Administrator Jesme have been working on the final wetland impacts viewed by the USACOE. Wetland delineation was completed last fall by HDR staff and again last week by USACOE. Dalager stated that it appears the U.S. Army Corps of Engineers is going to require wetland mitigation for low lying areas. The Board discussed using prior established wetland banking credits and what value/cost would be charged to the project for the use of the wetland banking credits. Motion by Coe, seconded by Ose, to allow staff to use wetland banking credits the District acquired, with the acreage to be determined by Engineer Nate Dalager for construction of RLWD Ditch 14, RLWD Project No. 171/Thief River Falls Flood Damage Reduction Project No. 171A and that a cost per acre would be discussed at a later date. Motion carried.

Engineer Dalager and Administrator Jesme discussed driveway culverts along Pennington County Road 62 concerning the construction of RLWD Ditch 14, RLWD Project No. 171/Thief River Falls Flood Damage Reduction Project No. 171A. Dalager stated that the current plans show that several culverts have a steep slope that comes right off the end of the pipe, making maintenance difficult. His proposal is to reset the grade of culverts that are in good shape thus leaving the steep slope from the shoulder of driveway to top of culvert. Any pipe that is in need of replacement will be replaced and aprons added to assure that a 3:1 slope will be constructed from the shoulder of driveway to top of culvert. Discussion was held on the installation of all new pipes along Pennington County Road 62 at an estimated cost of \$10,000. It was the consensus of the Board to authorize Engineer Dalager to add new culverts along Pennington County Road 62 where needed to assure a 3:1 slope on all driveways and to use existing culverts if approved by the Engineer.

Legal Counsel Sparby discussed the letter received from Wurst & McDowell, LTD on behalf of their client Terry L. Nygaard in regard to the construction of RLWD Ditch 14, RLWD Project No. 171/Thief River Falls Flood Damage Reduction Project No. 171A . Sparby stated that the appeal period has expired and that the District followed statutory requirements for the project. Sparby stated that he will contact Nate Dalager to obtain the specific easement description for permanent and temporary ROW for land owned by Mr. Nygaard.

Engineer Jeff Langan presented a project schedule for the Grand Marais Creek Channel Restoration Project, RLWD Project No. 60F. Langan stated that they are the working on the design of the project, focusing on channel alignment and geometrics of the project and will be looking at project impacts in order to schedule meetings with various agencies that have jurisdiction for permitting.

Langan discussed the requirements of the U.S. Army Corps of Engineers and their requirement for a Phase I cultural resources survey, including a Historic Structure Survey for the Grand Marais Bank Stabilization Project, RLWD Project No. 60FF. Langan questioned the recommendations of the Corps in that if during construction any archaeological interests, were uncovered, by law, construction would come to a halt. The way it stands now, the Corps would like the area cleared prior to construction to determine if there are any archaeological interests which could potentially cost the project a significant amount of money.

Administrator Jesme updated the Board on RIM landowner sign up for the Grand Marais Creek Channel Restoration Project, RLWD Project No. 60F.

Motion by Coe, seconded by Tiedemann, to table Permit No. 12019, Merle Kolstad, Badger Township, Polk County for further review. Motion carried.

Staff member Loren Sanderson discussed previously approved Permit No. 12016, Fisher Township, Polk County for the removal of two culverts through a township road. After the permit was approved a landowner called with concerns and was told he could attend today's meeting or submit his concerns in writing. The landowner was not present nor were any comments received.

Staff member Gary Lane discussed Permit No. 12037 and 12038, Esp Christensen, Chester Township, Polk County. Lane stated that Christensen is requesting a low flow rock crossing at two separate locations, on two legal drainage systems to allow access from one field to another. The crossings would consist of placing rock at the same elevation of the ditch and slope back the side slopes with installation of rock on the slopes. Permit No. 12037 is located within RLWD Ditch 1, Branch B/RLWD Project No. 5. Motion by Knott, seconded by Mandt, to approve Permit No. 12037, Esp Christensen, Chester Township with the condition that the applicant must hire an Engineer to design the crossing with the landowner paying all costs incurred for the design and construction and that RLWD staff receive the plans prior to work being completed. Motion carried. Permit No. 12038 is located within the Lost River, RLWD Project No. 4. Motion by Coe, seconded by Knott, to approve Permit No. 12038, Esp Christensen, Chester Township with the condition that the applicant must hire an Engineer to design the crossing with the landowner paying all costs incurred for the design and construction, applicant is also responsible for obtaining all necessary permits required and that RLWD staff receive the plans prior to work being completed. Motion carried.

The Board reviewed the permits for approval. Motion by Tiedemann, seconded by Ose, to approve the following permits with conditions stated on the permit: No. 12023, Steven Holte, Eckvoll Township, Marshall County; No. 12024, Brian Stanley, Lee Township, Beltrami County; No. 12025, Lee Township Beltrami County; No. 12026, Stanley Tvedt, Emardville Township, Red Lake County; No. 12027 and 12029, Pennington County Highway Department, Highland Township; No. 12028, Pennington County Highway Department, Deer Park Township; No. 12030 and 12031, Pennington County Highway Department, Hickory Township; No. 12033, Pennington County Highway Department, Star Township; No. 12034, Polk County Highway Department, Russia Township; No. 12035 and 12036, Polk County Highway Department, Andover Township; No. 12039, Polk County Highway Department, Chester Township; No. 12040, Polk County Highway Department, Columbia Township; No. 12041, Hubert Rodrigue, Silvertown and Smiley Townships, Pennington County; and No. 12042, Michael S. Zavoral, Sullivan Township, Polk County. Motion carried.

Manager Torgerson stated that landowners along Judicial Ditch 5 (Four Legged Lake), RLWD Project No. 102 are working on circulating a petition to improve the legal drainage system.

#### Administrators Update:

- Jesme and Manager Knott attended the RRWMB meeting in Fertile on April 17, 2012.
- Included in your packet is the Water Management Options for Subsurface Drainage Briefing Paper #2 prepared by the Red River Retention Authority/International Water Institute Tile Drainage Study. A presentation of this document was made to the RRWMB. The RRWMB requested all Watershed District Administrators and the Technical Science Advisory Committee to meet at the Sand Hill River Watershed District on April 27<sup>th</sup> to review the documents and bring back recommendations for an overall permitting processing concerning tiling in the Red River Basin.
- A meeting will be held this afternoon in the District office on the Chuck Flage Erosion Control Project, RLWD Project No. 174 with staff from the Red Lake SWCD, HDR Engineering, Inc., local landowners and Manager Knott and Administrator Jesme.
- A preconstruction meeting was held on April 18<sup>th</sup> for the SD83/Marshall County Ditch 20, Project No. 14D with Taggart Excavating with the hopes of starting the project within the next couple weeks. Due to the lower bids received we will be able to complete more work. Present at the meeting was Marshall County Engineer Lon Aune, Dan Thorstad from the Marshall SWCD, Contractor Troy Taggart and District staff.
- The Audubon Society contacted Administrator Jesme to express interest in the Parnell and Euclid East Impoundments. They indicated that they would like to complete a bird survey this spring/summer on both projects to show that these types of projects are not only good for flood relief but also bird habitat. Jesme met with Bill Blackburn representing the Audubon Society. Blackburn will complete his research by mid July and periodically update the Board on his findings.

- Included in the packet are quotes for repairing two water quality sondes that are owned by the District. We decided it was wiser to repair these items at a cost of approximately \$1,800 instead of entertaining the purchase of new ones at a cost of \$7,000. The oldest Sonde is 8 years old and the newest one is about 3 years old.

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



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Orville Knott, Secretary