

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
May 28, 2015

President Dale M. Nelson called the meeting to order at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present were: Managers Dale M. Nelson, Orville Knott, LeRoy Ose, Gene Tiedemann, Lee Coe, Albert Mandt and Les Torgerson. Staff Present: Myron Jesme and Arlene Novak and Legal Counsel Delray Sparby.

Landowner Trent Stanley requested to appear before the Board for discussion on the Permit Rules and Regulations.

The Board reviewed the agenda. A motion was made Torgerson, seconded by Mandt, and passed by unanimous vote that the Board approve the agenda. Motion carried.

Motion by Coe, seconded by Mandt, to dispense reading of the May 14, 2015 Board meeting minutes and approve them as presented. Motion carried.

The Board reviewed the Financial Report dated May 27, 2015. Motion by Ose, seconded by Tiedemann, to approve the Financial Report dated May 27, 2015. Motion carried.

Staff member Arlene Novak reported that the Northwest Service Cooperative had recently presented a health insurance rebate from the NWSC insurance pool. The refund amount of \$4,044.47 is a result of the 2013 experience year and less insurance claims than anticipated. Motion by Knott, seconded by Torgerson, and carried unanimously to apply the 2013 refund received from the NW Service Cooperative Health Insurance Pool to offset the staff members' monthly health insurance contribution.

Grand Plain Chair Joe Philipp and Moylan Township Chair Trent Stanley, appeared before the Board to request an extension of the Agreement of Maintenance for concrete box culverts within their townships and are a part of the Elm Lake Controlled Impoundment Project. Discussion was held on township inspections as well as possible bridge funds being available. Gary Kiesow reported that Lon Aune, Marshall County Engineer, had indicated to him that bridge funds were not available for this project. Discussion was held on the townships and Watershed District each appointing someone to annually inspect the area, as described in agreement. Motion by Ose, seconded by Tiedemann, to extend the Agreement for Maintenance for an additional 10 years, effective October 25, 2016, and appoint the ditch inspector from the Watershed District to jointly inspect the area with appointed township representatives. Motion carried.

Trent and Todd Stanley, as well as other landowners, were in to discuss some concerns of the Amended Permit Rules and Regulations. Their main concerns were the permit would be invalid after one year which shouldn't apply to tile, permit needed to repair 50 feet of lineal tile, public and private drainage. Administrator Jesme explained the permit extension rules as they exist today versus what is outlined in the Amended Rules. Administrator Jesme stated that he and Legal Counsel Sparby had met the previous day and made revisions to the Amended Permit

Rules and Regulations which would make some items shown in the hand out to be different than that of copies previously handed out. Jesme recommended to the audience that they take a copy of the rules lying on the table so we can assure we are all talking about the same document. Some concerns of language in the surface drainage rules seem to indicate that every time you touched your field with a scraper, you may be changing the water course. Landowners present wanted to assure that that was not the case. Todd Stanley believed the intent of the new rules was to remove the gray area in the permitting, but it appears that it did not accomplish that. Legal Counsel Sparby stated that changes have been made such as removing the sentence that references repair of 50 lineal feet of tile, stating that incidental tile repair would not be permitted. The question of inserting a minimum acre size field needed for a tiling permit rather than requiring a permit for any acre size. The size of plans needed for the tiling permit had also recommended be changed to 2-8 ½ x 11 inch sheets. Discussion was also had on if there was a need of notification of landowners one mile downstream of applicant, prior to the tiling permit approval. Manager Ose requested the newly revised Permit Rules and Regulations be available for those who request. Legal Counsel Sparby explained the hearing process and stated the Permit Rules and Regulations do not go into effect until after the hearing process.

Engineer Jeff Langan, Houston Engineering, Inc., introduced new employee Derek Kayser. Mr. Kayser will serve as the inspector for the Grand Marais Creek Outlet Restoration, RLWD Proj. 60F. Engineer Langan explained the change order the Joint Powers Board had approved and Davidson Construction should begin the work on the railings for the 3 crossings next week.

Engineer Langan stated that Zavorals are scheduled to begin work next week on the diversion structure of Project 60 F. There are 30 sites which need side water inlets and seeding is progressing well. The project should be completed within 2-3 weeks, depending on weather. Langan also indicated that Zavoral will be working on the north slope of the Grand Marais Cut Channel, Project 60FF.

Board discussion was held on the membership to the MN Lakes & Rivers Advocates. After considerable discussion, motion by Torgerson, seconded by Ose, to approve payment of annual dues of \$100. Upon call of voice vote, motion failed.

Administrator Jesme referred to a letter received from the West Polk SWCD stating the Red Lake Watershed District had received the final payment of \$97,090.00 for the cost share of Burnham Creek Erosion Control, RLWD Proj. 43C.

The Board reviewed correspondence from Rinke Noonan regarding the Riparian Protection and Water Quality Practices (Buffers-103F.48) as well as Administrator Jesme's follow up questions to Kurt Deter, Attorney at Rinke Noonan. Administrator Jesme also reported on his conversation the previous day with MN Representative Dan Fabian regarding the potential future of the Governor's vetoed agricultural bill.

Correspondence from MN BWSR regarding the Appeal of a Restoration Order for Erwin Stobbe, Belgium Township, Polk County, was reviewed. MN BWSR has denied the Wetland Conservation Act for appeal dated April 1, 2015, to appeal a Wetland Conservation Act Restoration Order and the Restoration Order is affirmed and final. Mr. Stobbe is appealing the

Final Restoration Order. Staff member Loren Sanderson has contacted BWSR regarding the appeal, but has not had a return reply.

Staff member Loren Sanderson presented amended Permit No. 15003 from Marshall County Highway Department. Marshall County Highway Department wishes to change culvert sizes from the original permit. Motion by Ose, seconded by Knott, and passed unanimously for the approval of the amended permit.

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. 15044, Grove Park Township, Steve Tischman, Grove Park Township, Polk County; No. 15045, Steve Tischman, Grove Park Township, Polk County; No. 15046, Maynard Solberg, Mayfield Township, Pennington County; No. 15047 and 15048, Pennington County, Hickory Township, Pennington County; No. 15049, Mark Askeland, Belgium Township, Polk County; No. 15050, Pennington County, Goodridge Township, Pennington County; No. 15051 and 15052, Pennington County, Hickory Township, Pennington County; No. 15053, Ron Coffin, Emardville Township, Red Lake County; No. 15054, Kyle Mehrkens, Rocksbury Township, Pennington County; No. 15055, Agder Township, Marshall County; and No. 15056, Douglas Peterson, Keystone Township, Polk County. Motion carried.

The 2014 RLWD Annual Report was discussed. Motion by Coe, seconded by Mandt, for approval of the 2014 Annual Report. Motion carried.

An informational landowner meeting was held at the Dudley Township Hall, in the village Leonard, MN, for JD #5 (Four Legged Lake) on May 19<sup>th</sup> with Administrator Jesme, Legal Counsel Sparby, and Managers Torgerson and Tiedemann in attendance. They currently have 51% of the landowners who have signed the ditch abandonment petition and plan to continue to circulate for more signatures.

A Pine Lake Project Work Team meeting was held May 15<sup>th</sup>. Jesme indicated that HDR Engineering is continuing to work on some designs and we hope to have a Technical Evaluation Panel site visit mid-June.

Correspondence from MN BWSR regarding 1W1P pilot update was reviewed.

Due to the MAWD Summer Tour in Duluth scheduled during the June 25<sup>th</sup> regularly scheduled Board meeting and several Board members attending the tour, it was recommended that the meeting date be changed. Motion by Ose, seconded by Knott, to change the June 25, 2015 meeting date to Tuesday, June 23, 2015. Motion carried.

#### Administrators Update:

- Jesme and Manager Knott attended the RRWMB meeting in Fertile on May 19<sup>th</sup>.
- Two flyer retirement invites included in packet. One flyer for Gary Lee and Ruth Mandt from the East Polk SWCD which will be held from 1:00-4:00 p.m. on June 3, 2015. The other flyer is for the retirement of Marshall County Water Plan Coordinator and Zoning Administrator Jan Kaspari, which will be held May 28 from 2:00-4:00 p.m.

- Jesme and staff member Arlene Novak will partake in two State Grant Audits with Karen Cibuzar-Mueller, DNR Grants Specialist, on Friday, May 29. One grant is in partnership with the United States Geological Survey (USGS), referred to as Measuring Hydrologic Benefits from Glacial Ridge Habitat Restoration. The second grant is the Lessard-Sams Outdoor Heritage grant for the Grand Marais Creek Outlet Restoration.
- Legal Counsel Sparby and Jesme met on May 27 to complete an easement with a landowner concerning the establishment of a grass strip on the property directly adjacent to the bank stabilization project on Judicial Ditch #72. This project was awarded at our last Board meeting to Wright Construction of TRF as a result of a bid opening.
- Jesme reported, and referred to handout, on the scheduled Red River Basin Commission tour scheduled for Thursday, June 4, 2015.

Legal Counsel Sparby reported on the Agder, Moylan and Grand Plain township agreements whereas a joint meeting should be held and the townships would appoint a representative from each township to attend the meeting as well as the RLWD Ditch Inspector. Sparby also addressed the Thief River Dam and the problem the city is having concerning FERK. It appears there is a discrepancy in what the elevation the water is being held on the Red Lake River versus elevation that is shown on the easements of properties along the Thief River. Sparby indicated that lowering the water to what FERK wants could cause adverse effects to the banks of the river and sloughing could occur which could be a problem with the MNDNR. Sparby indicated that he will keep the Board posted on the issue.

A Certificate of Deposit in the amount of \$200,000 from First National Bank of Bemidji is scheduled to mature on June 2, 2015. Three different interest rates and maturity dates were presented. Motion by Coe, seconded by Tiedemann, to renew the CD for 12 month with an interest rate of .55%. Motion carried unanimously.

In manager updates, Manager Tiedemann updated the Board on a BWSR meeting regarding the Buffer Strip initiative. Tiedemann questioned who was going to be in charge of all of this. Manager Knott inquired over the 1W1P and progress. Knott also indicated that he attended a Personnel meeting for the RRWMB after the Red Board meeting held May 19<sup>th</sup>. Manager Torgerson stated he would like to see the watershed continue to move forward with Four Legged Lake in a timely manner. His concern is that it appears that the process is slow and is concerned that he may not be available for meetings as we enter late November.

Staff member Loren Sanderson updated the Board on the watershed impoundment operations. The Board inquired of Sanderson on the Malwitz/Johnson dispute. Legal Counsel Sparby has yet to draft a letter to send to the landowners.

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



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LeRoy Ose, Secretary