

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
September 14, 2017

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, Les Torgerson, Terry Sorenson, Allan Page, Brian Dwight, Gene Tiedemann and LeRoy Ose. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Sparby.

The Board reviewed the agenda. Manager Torgerson requested the addition of Judicial Ditch 5 (Four Legged Lake), RLWD Project No. 102. A motion was made by Torgerson, seconded by Sorenson, and passed by unanimous vote that the Board approve the agenda with the addition of Judicial Ditch 5 (Four Legged Lake), RLWD Project No. 102. Motion carried.

Motion by Tiedemann, seconded by Sorenson, to dispense reading of the September 13, 2017 Board meeting minutes and approve them as corrected. Motion carried.

The Board reviewed the Financial Report dated September 13, 2017. Motion by Ose, seconded by Tiedemann, to approve the Financial Report dated September 13, 2017 as presented. Motion carried.

Engineer Tony Nordby, Houston Engineering, Inc., discussed the Black River Impoundment Project, RLWD Project No. 176, Project Work team meeting held on September 8, 2017. Discussion was held on permitting of rock structures within the ditch systems, wetland delineation report and wetland banking. Nordby stated that the Step 1 funding submittal to the RRWMB had a probable cost of \$5.5 million, which did not include the additional five mile inlet ditches. The Step 2 submittal will include a 10 year ditch design which in part increases the probable cost of the project to an estimated \$6.9 million. Discussion was held on constructing the ditches to a 5 year ditch design, and elimination of some crossings to lower the costs. Discussion was held on the Star Value process used by the RRWMB. Manager Dwight discussed the Mediation Agreement and support through the Flood Damage Reduction Work Group for project's designed at a 10 year ditch design. It was the consensus of the Board, to have Nordby determine an estimated cost savings from a 10 year ditch design to a 5 year ditch design and report back to the Board.

Engineer Tony Nordby, Houston Engineering, Inc., reviewed a proposal for Geotechnical Engineering Services from Terracon Consultants, Inc., in an amount of \$34,485 for the Black River Impoundment Project, RLWD Project No. 176. Nordby stated that the locations of the borings are indicated in the proposal, with the alignment of the impoundment and potential borrows areas. Motion by Torgerson, seconded by Page, to approve the proposal for Geotechnical Engineering Services from Terracon Consultants, Inc. in an amount of \$34,485 for the Black River Impoundment Project, RLWD Project No. 176. Motion carried.

The Board reviewed correspondence from the MnDNR in regard to an Environmental Assessment Worksheet (EAW) for the Black River Impoundment, RLWD Project No. 176.

Engineer Tony Nordby, Houston Engineering, Inc., stated that discussion has been held with MnDNR Staff regarding what environmental impacts construction of the project could cause, which would determine if there is a need for an Environmental Impact Statement (EIS). MnDNR staff determined that the project does not meet the threshold for an EAW. MnDNR recommended that since the District is the Local Governmental Unit (LGU), there should be an official determination whether or not to complete an EAW for the project. Nordby stated that he does not feel the project is a high impact area, therefore, since the District is the LGU, the District can waive the need for an EAW. Motion by Dwight, seconded by Ose, that the District, as the LGU for the project, waive the need to complete an EAW for construction of the proposed Black River Impoundment, RLWD Project No. 176. Motion carried.

The Board reviewed a Clean Water Fund Assistance Contract with the West Polk SWCD for stabilization of the outlet of Polk County Ditch 63, RLWD Project No. 134. Administrator Jesme stated that the total amount of the contract is \$128,750, with the District responsible for a 25% match, in the amount of \$25,570, and the Clean Water Fund Assistance providing \$103,000. Motion by Sorenson, seconded by Tiedemann, to approve the Clean Water Fund Assistance Contract with the West Polk SWCD, in the amount of \$128,750, with a 25% in-kind match in the amount of \$25,570 from the District's Erosion Control Funds, RLWD Project No. 164. Motion carried.

The Board reviewed a Memorandum of Agreement between the District, Pennington SWCD and the West Polk SWCD for the Red Lake River One Watershed One Plan Ditch Inventory. Administrator Jesme stated that the Pennington SWCD received a Clean Water Fund Drainage Ditch Inventory and Inspection grant in 2014. Pennington SWCD had remaining funds from the grant and were able to transfer the balance to the West Polk SWCD. Inventory of over 372 miles of legal ditch systems needs to be completed by December 31, 2018. The West Polk SWCD contacted the District, to inquire if the District would have staff available to assist with the completion of the grant. Jesme indicated he felt that the District staff would be able to assist the West Polk SWCD with the inventory of legal ditch systems and since this area is located in the Red Lake River 1W1P, the information could be used to solidify funding from the Clean Water Legacy for implementation of projects. Motion by Tiedemann, seconded by Ose, to approve the Memorandum of Agreement between the District, Pennington SWCD and West Polk SWCD for the Red Lake River One Watershed One Plan Ditch Inventory. Motion carried.

Administrator Jesme stated that the Planning Group, Advisory Committee and Policy Committee for the Thief River 1W1P, RLWD Project No. 149A met on September 13, 2017 in Grygla, to discuss the approval of the Stakeholders Participation Plan, Plan Outline, regional boundaries and preparation for the Kick-Off meetings. A Policy Committee will be held on October 11, 2017 at the District office.

Administrator Jesme stated that he attended a meeting with staff from Polk County and the Viewers for the redetermination of benefits for Judicial Ditch 72, RLWD Project No. 41. Jesme indicated that at the meeting it came to light that there are many miles of Polk County ditches that cross over with the Judicial Ditch 72 system. Discussion was held on the potential consolidation of the ditches into one benefitted area. A Judicial Ditch 72 Joint Ditch meeting will be held in the near future to continue discussion on the matter.

Administrator Jesme stated that landowner, Maynard Gulbranson, requested that the District be responsible for maintenance on the Reinvest in Minnesota (RIM) acreage on their property for the Grand Marais Creek Channel Restoration, RLWD Project No. 60F. Gulbranson will turn over their RIM payment to the District. Motion by Tiedemann, seconded by Dwight, to accept the RIM maintenance for the Grand Marais Creek Channel Restoration Project, RLWD Project No. 60F on the Maynard Gulbranson property. Motion carried.

The Board reviewed a letter of appreciation from Jon Clementson for the recent assistance from the District for repairs to the City of Erskine American Legion Memorial Park. Administrator Jesme indicated that the District has not received the cost share funding from the City of Erskine or the Erskine American Legion. Manager Sorenson stated that he will inquire with officials from both entities in regard to their cost share obligations.

Administrator Jesme stated that he was informed by Attorney Jeff Hane, who represents the petitioners for RLWD Ditch 16, RLWD Project No. 177 that Mr. Hane had received all the signatures required for the amendment to the RLWD Ditch 16 petition. Jesme indicated that he had contacted Engineer Jerry Pribula, Pribula Engineering, to inform him that he could proceed with the Preliminary Engineers Report for the project now that a valid petition has been obtained.

Administrator Jesme stated that the District has until November 1, 2018 to submit the District's Buffer Strip Enforcement Policy and Procedures to BWSR. Jesme stated that there is adequate guidance for counties to submit their information, but very little information for Watersheds under Minnesota State Statute 103F. Jesme questioned under what State Statute the District would work under. Minnesota Statute 103E gives the drainage authority various alternatives to establish and maintain the buffer strips, but until the buffers are established using these Statutes, the District can't use the enforcement authority given to it under 103E. By amending our rules and working under 103F, the District could implement the Administrative Penalty Order if a landowner refuses to implement a buffer strip. The District would be required to amend its rules to include Buffer Strip Enforcement. Discussion was held on establishing a grass strip without a doing a redetermination of benefits. Hearings would need to be held if the District does not have right-of-way.

The Board reviewed a request to extend Permit No. 16114, Red Lake Falls Community Hybrid, LLC, Red Lake Falls Township, Red Lake County, until September 30, 2018. Motion by Page, seconded by Ose, to grant a one year for RLWD Permit No. 16114, Red Lake Falls Community Hybrid, LLC, Red Lake Falls Township, Red Lake County, until September 30, 2018. Motion carried.

Staff member Loren Sanderson discussed RLWD Permit No. 17067, Jim Urness, Onstad Township, Polk County. Sanderson stated that the applicant requested cleaning and deepening the township road ditch on three sides of Section 7. Due to the existing steep gradient of the east/west portions and erosive soils, Sanderson recommends to deny deepening of the road side ditch. However, if the applicant wishes to widen these portions, that would be permissible. Sanderson recommends the approval of the ditch cleaning on the west side of Section 7, from south to north for approximately ½ mile. Staff will provide the applicant with the proposed grade

for the cleaning on the west side of Section 7. Motion by Tiedemann, seconded Sorenson, to approve the recommendations as presented by Staff member Loren Sanderson, for RLWD Permit No. 17067, Jim Urness, Onstad Township, Polk County. Motion carried.

The Board reviewed the permits for approval. Motion by Torgerson, seconded by Page, to approve the following permits with conditions stated on the permit: No. 17116 and 17117, Michael Gasper, Euclid Township, Polk County; No. 17118, Michael Gasper, Sullivan Township, Polk County; No. 17119, Michael Gasper, Northland Township, Polk County; No. 17120, Pennington County Highway Department, Highland Township, Pennington County; No. 17121, Pennington County Highway Department, Goodridge Township; No. 17122, Pennington County Highway Department, Mayfield Township, Pennington County; No. 17123, Curtis Swanson, Bray Township, Pennington County; No. 17124, David O. Landsverk, Brandsvold Township, Polk County; No. 17125, Jeremy J. Nelson, North Township, Pennington County; No. 17126, James Rodd Lehrer, Rocksbury Township, Pennington County; No. 17128, Minnesota Department of Transportation, Columbia Township, Polk County; No. 17129, Neil Peterson, River Falls Township, Pennington County; No. 17130, Marshall County Highway Department, Espelie Township, Marshall County; No. 17131, Larry Rosland, Kratka Township, Pennington County; No. 17133, Larry L. Dahl, Rollis Township, Marshall County; and No. 17134, Pennington County Highway Department, Kratka Township, Pennington County. Motion carried.

#### Administrators Update:

- Jesme and Manager Ose will attend the RRWMB meeting on September 19<sup>th</sup> in Fertile.
- Jesme and Staff members Audette and Hanson participated in a telephone conference to discuss the upcoming Thief River 1W1P Advisory Committee meeting. Jesme and Audette attended the Thief River 1W1P Advisory Committee meeting in Grygla on September 13<sup>th</sup>. The Thief River 1W1P Policy Committee will meet on October 11<sup>th</sup> in the District office.
- The Red Lake River 1W1P Planning Group will meet on September 26<sup>th</sup> to discuss project ideas in preparation for funding that will be forthcoming from BWSR.
- Jesme attended a BWSR listening session in Detroit Lakes on September 6<sup>th</sup> which was a follow-up of a meeting held by the Governor throughout the State.
- The Annual River Watch Kick-Off meeting was held September 11<sup>th</sup> in the District office. Approximately 60 studies from 8 different schools participated in the event.
- Staff members Hanson, Hitt and Stanley participated in the Pennington County Water Festival on September 13<sup>th</sup>. Approximately 170 six grade students were in attendance for the activities.
- A Red River Corridor Enhancement Project meeting will be held in the District office on September 29<sup>th</sup>, from 11:00 a.m. – 1:00 p.m.
- Jesme will participate in the MAWD Executive Director Interviews on September 15<sup>th</sup> at the Capital Region Watershed District in St. Paul.
- The Clearwater River Watershed Restoration and Protection Project Update Newsletter was included in the packet.

Manager Dwight inquired on the status of a permanent office for the RRWMB. Manager Ose stated that the Strategic Planning Committee has indicated that an office will be located either in the City of Fertile, Ada or Thief River Falls. Applications for the Executive Director position are due by September 29, 2017.

Administrator Jesme stated that he had received a call from landowner Patty Olson regarding lowering of the outlet culvert on Judicial Ditch No. 5 (Four Legged Lake), RLWD Project No. 102. Olson indicated that she had spoken to officials within the MnDNR, in regards to lowering the outlet culvert to an elevation of 1423.8 to allow for ditch maintenance. Olson was at the understanding that the MnDNR had agreed to allow the District to lower the outlet culvert. Manager Torgerson stated his concern about the lack of progress being made to remedy the issue. Manager Sorenson inquired if the District should submit their rebuttal letter to the MnDNR. It was the consensus of the Board, to have Administrator Jesme contact the MnDNR as to the status of lowering the culvert.

Legal Counsel Sparby recommended that a Joint Powers Agreement should be drafted with the West Polk SWCD and Pennington SWCD for the Side Water Inlet and Buffer Inventory Grant.

Legal Counsel Sparby discussed the consolidation of ditches for the redetermination of benefits for Judicial Ditch 72, RLWD Project No. 41 and various Polk County ditches within the benefitted area. Sparby questioned the statutory provisions for redetermination of benefits when turning them back over to the county, or whether the District would take over jurisdiction. Sparby will do further research and report back to the Board.

Legal Counsel Sparby discussed the West Side Diversion Project, in cooperation with the City of Thief River Falls and Pennington County. Sparby, Administrator Jesme and Engineer Dalager drafted a petition for the county board and city council to review. Sparby discussed the various Minnesota State Statutes that could be followed to proceed with the project.

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



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LeRoy Ose, Secretary