

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
February 8, 2018

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

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

Landowners Sheldon Monson and Karen Gebhardt, requested to appear before the Board.

The Board reviewed the January 25, 2018 minutes. Motion by Tiedemann, seconded by Dwight, to approve the January 25, 2018 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated February 7, 2018. Motion by Sorenson, seconded by Tiedemann, to approve the Financial Report dated February 7, 2018 as presented. Motion carried.

Manager Dwight stated as an Alternate to the Four-Legged Lake Project Work Team, RLWD Project No. 102A, he and Manager Sorenson-Delegate, along with Administrator Jesme met with Legal Counsel Sparby for discussion and review of Project Work Teams written responses to their failed effort to reach a consensus on water elevations for Four-Legged Lake. Dwight stated that the Four-Legged Lake Project Work members have been diligent and professional regarding coming to the terms of consensus for a proposed elevation for the adoption of a project for the Four-Legged Lake area. Dwight stated that the District could pursue the Four-Legged Lake Project by a unanimous vote of the Board, which would be followed by the appointment of an Engineer, which would address the issue of the outlet culvert. Dwight noted that there is strong interest to pursue an Environmental Assessment through the MnDNR, which could lead to help determining the target elevation of the project. Dwight noted that there are other factors such as Flood Damage Reduction, which the District is committed to help reduce flooding on the Red River of the North by 20%, and also the social aspect of the project. Discussion was held on moving forward, not necessarily with a target elevation, but to complete a Preliminary Engineers Report that would take into considerations the FDR and social aspect, which would move the Board forward to public hearing. Discussion was held on current expenditures on this project. Administrator Jesme stated that included in the packet were letters from the Project Work Team members as to why they could not come to a consensus on a target elevation. Motion by Sorenson, seconded by Page, to initiate a Flood Damage Reduction Project for the Four-Legged Lake Project, RLWD Project No. 102A. Motion carried by unanimous vote. Motion by Ose, seconded by Tiedemann, to appoint HDR Engineering, Inc. as the Engineer of the Four-Legged Lake Project, RLWD Project No. 102A, and direct them to prepare a Preliminary Engineers Report. Motion carried. The Board discussed the lowering of the outlet culvert on Judicial Ditch

5, RLWD Project No. 102. At the October 12, 2017 Board meeting, the Board authorized the lowering of the outlet culvert to an elevation of 1423.8, to allow for maintenance on the Judicial Ditch 5 system. Motion by Dwight, seconded by Sorenson, and passed by unanimous vote, to extend the timeline of the lowering of the outlet culvert on Judicial Ditch 5, RLWD Project 102 pending the outcome of the Preliminary Engineers Report for the Four-Legged Lake Project, RLWD Project No. 102A. Motion passed by at least a 2/3 vote. (It is a modification of a prior motion made at the October 12, 2017 meeting).

Clearwater County Commissioner Neal Illies appeared before the Board to discuss the decision by the Board at the October 12, 2017 meeting to lower the elevation of the outlet culvert on Judicial Ditch 5, RLWD Project No. 102. Mr. Illies discussed information in the letter he submitted to Legal Counsel Sparby on January 31, 2018. Illies stated that the Clearwater County Board did not give the Clearwater County Engineer the authority to object to the abandonment of Judicial Ditch 5, RLWD Project No. 102. Legal Counsel Sparby indicated that all letters received regarding this matter have been supplied to the Board, and in Sparby's opinion Clearwater County's objection in the last motion/resolution has been accepted. Illies questioned if the Board can abandon the system according to State Statute, further stating that the abandonment procedure is sitting in the way of the FDR project. Illies noted that the abandonment and the FDR are two separate issues. Discussion was held on the process of abandonment of a system, appointment of viewers, and costs incurred to the ditch system. Legal Counsel Sparby stated that now that the Board has initiated the Four-Legged Lake Project, RLWD Project No. 102A, it will allow for the Environmental Assessment and hearing process to move forward, which will allow the Board to hear from all parties involved, and the Board to make a decision based on sound water management. The Project Work Team is still active but will not be meeting monthly. Illies stated that the Clear Zone on Clearwater County Road #2 does not get flooded until the water elevation reaches 1429.

Landowners Sheldon Monson and Karen Gebhardt appeared before the Board to discuss the lowering of the outlet culvert on Judicial Ditch 5, RLWD Project No. 102. Monson and Gebhardt questioned how the District Board can table the Petition for Abandonment for Judicial Ditch, without acting on the petition. Gebhardt stated that neither the abandonment project or the flood damage reduction project should be reflected upon each other. Legal Counsel Sparby stated that he will confer with the Attorney Kurt Deter on the Board's position. Monson and Gebhardt both stated that they would like a written response from Sparby. Gebhardt commented that they are considered benefitted landowners, but what benefits are they receiving. Discussion was held on the cost of petition of abandonment, engineering costs, costs of damages and the abandonment of the system without a permit from the MnDNR. Gebhardt stated that the law does not say we need approval from the MnDNR to abandon the system.

Engineer Nate Dalager, HDR Engineering, Inc., updated the Board on the Thief River Falls West Side Flood Damage Reduction Project, RLWD Project No. 178. Dalager stated that this project is a multi-governmental project that would take the existing Pennington County Ditch 70 and divert it south of the City of Thief River Falls approximately 2-3 miles into an existing coulee that outlets to the Red Lake River. Dalager and Administrator Jesme have participated in various meetings with local governmental agencies to determine funding strategies. Several alternatives

for drainage on the west side of Thief River Falls have been reviewed. The area has a 5 square mile drainage area, with the agricultural area at a two-year design and urban area at a 10-year design. Discussion was held on a 100-year flood protection event. Landowners in the County Ditch 70 area would be responsible for paying for a 10-year ditch design due to private drainage benefits. The system would need to pay an outlet fee into the FDR Project. Landowners would need to submit a petition to the district for improvement of the system to a 10-year ditch design. A meeting with the landowners will be held soon. Attorney John Kolb, Rinke Noonan, is drafting a memo to the Board, on how this project could come together with all the entities involved. Jesme stated that he met with officials from the City of Thief River Falls regarding funding and recommends that the District apply for a Flood Hazard Mitigation Grant. Motion by Ose, seconded by Tiedemann, to apply for a Flood Hazard Mitigation Grant through the Minnesota Department of Natural Resources for the Thief River Falls West Side Flood Damage Reduction Project, RLWD Project No. 178. Motion carried. Discussion was held on the potential funding through the RRWMB. Jesme and Manager Ose will present the project to the RRWMB.

Administrator Jesme stated that the District agreed to assist the West Polk SWCD for the Red Lake River One Watershed One Plan Ditch Inventory Project, that would identify sites in need of side water inlet culverts within Polk County ditches. Pennington County SWCD received a Clean Water Fund Drainage Ditch Inventory Grant and were able to transfer the remaining funds to the West Polk SWCD. Jesme state that the grant in the amount of \$44,540.82 requires a 25% match. Jesme indicated that under the Red Lake River One Watershed One Plan concept, this project would identify sites for erosion control/sediment reduction projects, that could be funded under the District's Erosion Control Funds, RLWD Project No. 164. Motion by Dwight, seconded by Ose, to approve the 25% match for the Red Lake River One Watershed One Plan Ditch Inventory Project, not to exceed \$12,500, and to be used from the West Polk SWCD 2018 Erosion Control Funds, RLWD Project No. 164. Motion carried.

Administrator Jesme stated that in 2014 that Board authorized the staff to proceed with the necessary steps to abandon Clearwater County Ditch 1, RLWD Project No. 103. Due to staffing changes, steps were not taken to move forward with the abandonment. District staff has been working on the determining the benefitted area and will bring back further information to the Board soon.

Staff member Loren Sanderson presented a draft letter to the Tribal Council of the Red Lake Band of Chippewa Indians to consider extending the current Special Land Permit for the operation of the Good Lake Impoundment, RLWD Project No. 67. Sanderson stated that the District spends approximately \$15,000 to \$20,000 per year on maintenance for the Good Lake Project. Discussion was held on local drainage to the area prior to the construction of the project and the Operating Plan that is currently set in place. It was the consensus of the Board to submit the letter to the Tribal Council with the recommended revisions.

Administrator Jesme stated that he previously had participated in a Governmental Round Table for the development of the One Watershed One Plan process. Meetings were held several times a year in the St. Cloud/St. Paul area. Jesme inquired if the Board wishes for him to continue his

participation. Motion by Tiedemann, seconded by Dwight, to approve the participation of Administrator Jesme on the Governmental Round Table for the One Watershed One Plan concept. Motion carried.

The Board reviewed correspondence from BWSR regarding Determination of Adequacy for Pennington County.

The Board reviewed a letter from the City of Thief River Falls regarding the development of a pilot project to explore a flexible permitting requirement for the Thief River Falls municipal wastewater treatment system. Administrator Jesme stated that the wastewater treatment system releases high phosphates into the Red Lake River, but when they look at the upstream and downstream water numbers it has no effect on the water quality. Jesme stated that the MPCA can require that the city improve the phosphate limits. The City is proposing a potential project within the Red Lake River subwatershed, to implement with the District, to find a project that will provide “more bang for the buck”, rather than buy low-value/high-cost upgrades to the waste water treatment system. Administrator Jesme stated that the District could complete a PTMapp study that would determine locations to reduce sediment loads within the subwatershed. It was the consensus of the Board to gather more information and report back to the Board.

Discussion was held on changing the March 2018 Board meeting dates due to a conflict with the MAWD Legislative Day at the Capitol and the RRWMB March Conference. It was the consensus of the Board to address the March meeting dates at the February 22, 2018 Board meeting.

Administrators Update:

- Jesme and Manager Ose will attend the RRWMB meeting in Ada on February 20, 2018.
- Jesme participated in a Thief River 1WIP telephone conference to discuss information gathered at the public informational meetings to be presented to the Policy Committee meeting on February 14th at the District office.
- In Jesme’s absence, Staff member Corey Hanson attended a Red Lake River 1WIP Planning Committee meeting at the Pennington County SWCD office. The meeting was held to gather information on projects and budget for forthcoming funding. This information will be presented to the Red Lake River Policy Committee on February 21st at the District office.
- Staff member Ashley Hitt and Christina Slowinski participated in the Red River Basin River Watch Forum on February 7th in Grand Forks.
- Jesme attended the RRWMB Administrators meeting in Fertile on January 31st. Agenda items included the RRWMB reorganization update, 2018 Legislative agenda, MAWD Resolutions, FDR funding and general discussion and district updates.
- Staff members Sanderson, Stanley and Slowinski along with Manager Page will attend the Drainage Conference in St. Cloud on February 14th.

Administrator Jesme stated that he recently completed a six-month employee evaluation for staff member Brady Stanley, recommending an increase of \$1.00 per hour pay raise, retroactive to

January 31, 2018. Motion by Ose, seconded by Dwight, to approve the \$1.00/hour raise for Brady Stanley effective January 31, 2018. Motion carried.

Staff member Loren Sanderson stated that the yearly impoundment meeting for the Moose River Impoundment with Thief Lake WMA and Agassiz NWR will take place February 21st at 9:30 a.m. at the Thief Lake WMA headquarters. The yearly Parnell Impoundment/JD 60 meeting will take place on February 28th at 10:00 a.m. at the District office.

Staff member Loren Sanderson that the Sportsman Club notified that aeration on Pine Lake will begin next week due to low oxygen levels. The District is the permit holder for the aeration permit, with the Sportsman Club responsible for notification, signage and operation.

Administrator Jesme stated that there will be Judicial Ditch 72, RLWD Project No. 41 and three ditches located within Polk County, landowner meeting on February 27th at 2:00 p.m. at the Gully Community Center to discuss the possible consolidation/redetermination of benefits for the various systems.

Manager Tiedemann stated that as a MAWD Board member, he was appointed to the 1W1P Local Governmental Unit Roundtable committee.

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



LeRoy Ose, Secretary