

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
July 25, 2019

Vice President Gene Tiedemann called the meeting to order at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

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

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

The Board reviewed the July 11, 2019 minutes. Motion by Sorenson, seconded by Page, to approve the July 11, 2019 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated July 24, 2019. Motion by Page, seconded by Dwight, to approve the Financial Report dated July 24, 2019 as presented. Motion carried.

The Board reviewed a proposal from Brady Martz for professional audit services in the amount of amount of \$9,450 for the years 2019, 2020, and 2021. Motion by Sorenson, seconded by Dwight, to approve the continuation of the yearly audit at a rate of \$9,450 for the years 2019, 2020, and 2021 with Brady Martz and Associates. Motion carried.

The Board reviewed the Red River Watershed Management Board (RRWMB) 2020 Levy Resolution. Administrator Jesme stated that the RRWMB chose to do levy 75% of the maximum levy amount for 2020.

Rob Sip, RRWMB, appeared before the Board to discuss the RRWMB 2020 levy and budget, funding commitments, state bonding and 2018 Annual Report. Sip stated that the RRWMB staff recently moved into their new office. Sip attended the Red Lake County and Pennington County Commissioners meetings this past week. Discussion was held on the funding of water quality projects and the formation of a Water Quality Committee. Administrator Jesme stated that he asked Staff member Corey Hanson to represent the District on the Water Quality Committee. Sip completed a Scope of Services for the Red River Basin Commission to better understand the funding the RRWMB gives to the Red River Basin Commission. Discussion was held on the Red River Retention Authority Joint funding with the North Dakota Red River Joint Water Resource District.

Staff member Nick Olson stated that the emergency spillway on the Brandt Impoundment, RLWD Project No. 60 was built 1.5 feet too high. Olson stated that he completed a survey on landowner Ron Salentine's field, where it was determined that the field ditch was allowing water to back out into Salentine's field. Discussion was held on the installation of side water inlet pipes with a screw gate flapgate and a berm to prevent water from backing up. Olson determined

the berm height that would be required on both sides to keep the water in the channel, stating that it does daylight out as you go to the east. Discussion was held on if we go thru the woods or around. Administrator Jesme indicated that a flowage easement had been purchased on this property in 2006 at the time the Brandt Impoundment was constructed, but it appears based on updated technology (LiDAR) the easement may not reflect all the impacts in those fields during high flooding events. Jesme stated that we may need to redefine what that easement would cover unless other provisions were made. Motion by Page, seconded by Torgerson, to authorize the staff to determine a plan to get the emergency spillway to an elevation of 917.0 feet, and associated work and costs to install a berm, side water inlet culverts and gates which would reduce the impacts to the adjacent fields and report back to the Board with the associated costs. Motion carried. Administrator Jesme stated that funds for repairing the project could be paid from the District's Capital Improvement fund.

Discussion was held on the outlet channel of the Euclid East Impoundment, RLWD Project No. 60C. District staff determined that a total of 13.1 acres of uncropped lands owned by Dennis and Brian Schultz was flooded when the gates were raised on the impoundment to allow for additional outflow. Discussion was held on the potential of purchasing an easement or a CRP contract. Motion by Dwight, seconded by Sorenson, to approve the rental of 13.1 acres at \$100 per acre for the crop year of 2019 for the inability to crop the acreage due to outflow from the Euclid East Impoundment, RLWD Project No. 60C, and to further discuss the option to a purchase of the property. Motion carried.

Administrator Jesme stated that the Minnesota Department of Transportation (MnDOT) will investigate the need to send an inspector to Hancock Concrete plant in Devils Lake, ND, to inspect the manufacturing of a culvert for RLWD Ditch 16, RLWD Project No. 177. The contractor is working on obtaining the MPCA Stormwater permit. Landowner Mark Holy asked about potential construction this fall and additional costs for moving the box culvert and prevailing wage issues. Jesme indicated that the hope was to start construction as soon as permits are received. Legal Counsel Sparby indicated that the additional costs to comply with Highway Heavy State Wage Scale would have to be paid by the District and not borne on the landowners.

Administrator Jesme stated that due to all the permitting issues we have faced and the delays we have seen in getting permits, he hopes the Technical Evaluation Panel will review any wetland impacts for the Improvement to Polk County Ditch 39, RLWD Project No. 179. The hope is that U.S. Army Corps of Engineers will not require an archaeological survey since this is an existing ditch.

The Board reviewed the proposed 2020 General Fund Budget. Manager Dwight stated that the Budget and Salary Committee members Dwight, Tiedemann and Sorenson, had met previously to review the 2020 Budget and Salary recommendations. Dwight discussed the process the committee used in determining budget items which included staff salaries. Discussion was also had on the recent Gallagher Report. Dwight indicated that based on all the information gathered by staff and the committee, the committee proposes a General Fund Budget of \$146,040. There was also discussion was on increasing staff health insurance compensation that has not been

updated for a number of years. Staff member Arlene Novak reviewed the 2019 General Fund Budget as of June 30, 2019. It was noted that the District has not levied on the General Fund Budget for several years. Discussion was held on the amount of reserve the District should maintain in the General Fund. Administrator Jesme and Novak discussed the District's billable rates and possible review of the rates used. Motion by Sorenson, seconded by Page, and passed unanimously to approve the proposed 2020 General Fund Budget, in the amount of \$146,040, and set the 2020 General Fund Budget hearing for 9:30 a.m. on Thursday, August 22, 2019 at the RLWD Office. Motion by Sorenson, seconded by Dwight, and passed unanimously to set the 2020 General Fund Levy at \$100,000.

Manager Dwight proposed accepting the Gallagher Report recommendations identified on page 29 of the report for filing. Discussion was held on adopting new salary ranges for those employees in the new salary ranges. Motion by Dwight, seconded by Torgerson, to adopt the recommendations on page 29 of the Gallagher Report for filing and information leading to recommendations in the report will be considered as the Board moves forward with setting budget and salary. Motion carried. The Budget and Salary Committee will meet to set the salary ranges.

Administrator Jesme stated that during the hearing process of the Thief River Falls Westside FDR Project, RLWD Project No. 178, the Board did not address damage on the north side of Highway 1 for agricultural land owned by Pat Gerszewski. Jesme noted that 1.5 acres of permanent right-of-way and 2.5 acres of temporary right-of-way would be needed on Gerszewski's property. Jesme spoke with Gerszewski, who agrees for payment of \$4,250 per acre for permanent damages and \$150 per acre/per year, for two years, for temporary right-of-way. Motion by Page, seconded by Torgerson, to award Pat Gerszewski, 1.5 acres of permanent right-of-way damages in the amount of \$4,250 per acre, and 2.5 acres of temporary right-of-way damages in the amount \$150 per acre/per year, for two years, for inclusion of land, upon receipt of acceptance and signature of waiver of hearing notice for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion carried.

Engineer Nate Dalager, HDR Engineering, Inc., stated that all permits have been applied for, for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. The project has received the DNR and SWCD permits and are currently waiting on the FAA and U.S. Army Corps of Engineers permit. Dalager is proposing a phased approach to implement the project that would allow us to advertise for bids. Dalager noted that the box culverts for Highway 32 and Highway 1 have been ordered. Dalager proposes advertising for bids for the entire project, but Phase 1 would only be for the installation of the box culverts on Highway 32 and Highway 1, for a completion date of November 1, 2019. Phase 1A would put the contractor on notice, which would give the District two months to get the permits. Once the permits are received, we would notify the contractor that they could proceed with Phase 1A, which would be the drainage ditch along Highway 32. Construction would be spread out over two years. Dalager stated that MnDOT wants the culverts installed this year to allow the culverts to settle for drainage aspects next year. Discussion was held on applying for a permit to just install the culverts. Dalager will investigate the matter and have a discussion with MnDOT. Motion by Sorenson, seconded by Page, to advertise for bids, in two phases, for the Thief River Falls

Westside FDR Project, RLWD Project No. 178, to allow for the installation of box culverts on Highway 32 and Highway 1 upon approval of all permitting entities, and set the bid opening date of August 22, 2019 at 9:30 a.m. at the District office. Motion carried.

Manager Tiedemann turned the meeting over to Manager Sorenson and exited the meeting.

Discussion was held on terminating the NRCS RCPP contract extension on the Pine Lake Project, RLWD Project No. 26, with the intention that if the project were to move forward the District could apply for a NRCS 319 Grant. Manager Torgerson stated that he would like to see a delegation to meet with the appropriate members to change the designation of the trout stream in the Lost River. Engineer Nate Dalager, HDR Engineering, Inc., stated that this Board could take a site assessment. District staff are currently monitoring the water quality in the area. Dalager suggested holding a Project Team meeting in September to discuss habitat value and water quality monitoring. The MPCA has completed some monitoring of the stream and found it is not good habitat for trout. Motion by Torgerson, seconded by Page, to terminate the RCPP contract with the NRCS, and that the Board move forward with looking for alternatives for the project, continue with the monitoring of the stream, with the goal of a Project Team meeting in the future. Motion carried.

Staff member Christina Slowinski discussed damages to the Ditch 10, RLWD Project No. 161 outlet during the 2019 spring flood event. Slowinski stated that a crack has formed down the outlet chute and along the sides, with holes forming along the bank side of the chute. Slowinski reviewed a timeline of the project since 2016, when a temporary fix was completed. Administrator Jesme discussed the potential ear marking of funds in the next round of funding for the Red Lake River 1W1P. The District would be required to have a cost share. Manager Dwight encouraged the District to apply for Clean Water funds for repairs of the outlet. Discussion was held on installing drain tile along the side of the outlet. Engineer Tony Nordby, Houston Engineering, Inc., will review the report completed in 2016 and report back to the Board.

The Board reviewed the notice of availability and request for comments on the draft Red Lake River Watershed Restoration and Protection Strategies (WRAPS).

Staff member Loren Sanderson presented a District impoundment update. Manager Page recommended replacing the hydraulic hoses on the Schirrick Dam, RLWD Project No. 25, due to their age. Motion by Page, seconded by Dwight, to authorize District staff to change out the hydraulic hoses on the Schirrick Dam, RLWD Project No. 26. Motion carried.

Staff member Loren Sanderson stated that we have two potential landowners interested in construction of a ring dike around their properties, and several other ring dikes that are having culvert/flap gates issues. The Board affirmed the cost share of ring dikes as followed: 50% State, 25% RRWMB, 12.5% RLWD and 12.5% landowner.

The Board reviewed a letter from JD Kezar for the Thief River Falls Westside FDR Project, RLWD Project No. 178. Legal Counsel Sparby stated that the Order was approved by the Board

on June 13, 2019 regarding Water Management District (WMD) fees and that the appeals period has expired for the WMD charges.

Discussion was held on the Red Lake County non-permitted work where an undersized culvert was installed. Staff member Loren Sanderson stated that the current landowner did not own the property when the culvert was installed. Sanderson's survey of the high-water mark, indicated that the 24" culvert in place would have been submerged by a ½ foot. The landowner upstream is complaining due to water backing up onto their property. Discussion was held on the District completing the work under Project 31 funds. Sanderson recommended installing an additional 30" culvert alongside the current culvert. Motion by Torgerson, seconded by Page, to approve the addition of a 30" culvert alongside the existing 24" pipe, to be paid for by funds from RLWD Project No. 31. Motion carried.

The Board reviewed RLWD Permit No. 19075, Eric Larson, Tabor Township, Polk County, and an agreement with the Middle Snake Tamarac Watershed District (MSTRWD) to allow water flowing into the District and Polk County No. 2, which affects both the District and the MSTRWD. Motion by Page, seconded by Torgerson, to approve Permit No. 19075, Eric Larson, with conditions stated on the permit, and authorize the signature of the agreement with the Middle Snake Tamarac Watershed District. Motion carried.

The Board reviewed the permits for approval. Motion by Torgerson, seconded by Dwight, to approve the following permits with conditions stated on the permit: No. 19059, Brandsvold Township, Polk County; No. 19070, Jay KAM Farmland Holding, GP, Badger Township, Polk County; No. 19071, PARJIM Farmland, AP, Excel Township, Marshall County; No. 19078, Louisville Township, Red Lake County; No. 19079, Earl Pederson, Gervais Township, Red Lake County; No. 19080, Rollis Township, Marshall County; No. 19081, Marshall County Highway Department, Valley Township; No. 19082, Kratka Township, Pennington County; No. 19083, Aaron Miller, Reiner Township, Pennington County; No. 19084, Ron & Paul Novacek, Sullivan Township, Polk County; No. 19085, Derek & Kristine Gieseke, Hickory Township, Pennington County; No. 19086, Pennington County Highway Department, Kratka Township; No. 19087, AWG Farms, Inc., Lowell Township, Polk County; No. 19088 and 19089, Brent Strickler, Euclid Township, Polk County; and, No. 19090, Marshall County Highway Department, East Valley Township. Motion carried.

It was the consensus of the Board to review the information on Board Room Technology at the August 8, 2019 Board meeting.

Administrator Jesme stated that the District was informed that the District Cisco fire wall and Cisco switch will need to be updated for the installation of the District's new phone system. Jesme noted that the District was previously made aware of the aging equipment. Motion by Dwight, seconded by Torgerson, to approve the purchase of a Meraki fire wall and switch, prior to the installation of the District's new phone systems. Motion carried.

Administrator update:

- Jesme and Manager Ose attended the RRWMB meeting on July 16, 2019 in the new RRWMB office in Ada. Included in the packet was the RRWMB Meeting Highlights.
- Included in the packet was information from MAWD, showing the proposed MAWD due structures for 2020 along with each watershed district's estimated market values. It appears the District's dues will remain at \$7,500 for fiscal year 2020.
- The Minnesota Association of SWCD, along with MAWD will be providing a governance training for all respective members. This conference will cover a host of items that will assist board members and staff in better understanding the roles we all play in assuring smooth office management as well as a training tool to refresh or learn new skills on how boards function as well as governance and authorities outlined in MN State Statutes. Included in the packet was the two-day conference schedule which will be September 12 and 13, 2019 in Bloomington, MN.
- The Thief River 1W1P Planning Committee will hold a telephone conference on July 26th to review comments submitted by the Advisory and Policy Committee members, concerning the draft plan that was sent out on July 8, 2019.

Legal Counsel Sparby discussed the Prevailing Wage information his office gathered. Administrator Jesme stated that he will share the information with the Board. It was the consensus of the Board, to discuss this item further at the August 8, 2019 meeting.

Legal Counsel Sparby stated that he attended the Judicial Ditch 5, RLWD Project No. 102 motion hearing, further stated that the judge took the information under advisement and has 90 days by rule to issue an Order.

Manager Torgerson stated that it appears there is a fair amount of water coming out of the Judicial Ditch 5, RLWD Project No. 102 outlet. Administrator Jesme stated that District staff did pull a beaver dam upstream of the outlet. Jesme also indicated that Clearwater County Trails removed a beaver dam on the upstream end of the culvert on the old abandoned railroad grade, near Clearwater County Highway 23, was also removed. There still is blockage that needs to be cleaned out west of County Road 23. Dudley Township has experienced flooding of their township road and complained to Clearwater County.

Administrator Jesme stated that he just received a quote via email for replacement of the Cisco firewall and switch, indicating that the quote from Marco was more than anticipated. Motion by Dwight, seconded by Torgerson, to rescind the motion to purchase the Meraki firewall and switch, for the District's phone system, to allow for further review. Motion carried.

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



Terry Sorenson, Secretary