

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
June 13, 2019

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

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

The Board reviewed the May 23, 2019 minutes. Motion by Sorenson, seconded by Tiedemann, to approve the May 23, 2019 Board meeting minutes as presented. Motion carried.

The Board reviewed the June 6, 2019 Special Board meeting minutes. Motion by Tiedemann, seconded by Sorenson, to approve the June 6, 2019 Special Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated June 12, 2019. Motion by Tiedemann, seconded by Torgerson, to approve the Financial Report dated June 12, 2019 as presented. Motion carried.

Staff member Arlene Novak presented information regarding the renewal of the District's League of Minnesota Cities Property and Casualty Liability insurance and Excess Liability Coverage. Motion by Torgerson, seconded by Ose, to renew the Property and Casualty Liability Coverage with the League of Minnesota Cities, and waive the monetary limits on municipal tort liability to the extent of applicable liability insurance coverage and purchase excess liability coverage in the amount of \$2 million. Motion carried.

Discussion was held on the MAWD Summer Tour conflicting with the June 27, 2019 Board meeting date. Motion by Tiedemann, seconded by Ose, to change the June 27, 2019 Board meeting to June 24, 2019 at 9:00 a.m. at the District office. Motion carried. Managers Ose and Dwight indicated that they would be absent on June 24, 2019.

President Nelson stated that the appraisal has not been completed for the Thief River Falls Westside FDR Project, RLWD Project No. 178, therefore the Board will need to continue the hearing after today's hearing. Engineer Nate Dalager, HDR Engineering, Inc., discussed two options for alignment of the project.

The Board reviewed a Petition for Drainage System Modification and Partial Abandonment to be submitted to the Pennington County Board of Commissioners, the legal drainage authority for Pennington County Ditches 1 and 70 for construction of the Thief River Falls Westside FDR Project, RLWD Project No. 178. Motion by Ose, seconded by Dwight, to approve the Petition

for Drainage System Modification and Partial Abandonment for the Thief River Falls Westside FDR Project, RLWD Project No. 178. Motion carried.

Engineer Tony Nordby, Houston Engineering, Inc. stated that he has completed the Final Plan for the Black River Impoundment, RLWD Project No. 176, which will be submitted to the MnDNR-Dam Safety. Nordby discussed working with members of the Technical Evaluation Panel which consists of various permit agencies that administer Wetland Conservation Act. Nordby is assisting in addressing their concerns to wetland impacts, in addition to submitting additional information for potential wetland banking site design. Once the permits are in hand, the District can request funding from the RRWMB.

Administrator Jesme stated that he is working with Staff member Arlene Novak to prepare a Capital Fund Project spreadsheet to present to the Board at the next meeting.

At 9:30 a.m. President Nelson recessed the regular Board meeting and reconvened the Continuation Hearing for the Thief River Falls Westside Flood Damage Reduction, RLWD Project No. 178 Hearing from May 23, 2019 to order. Nelson stated that the hearing was continued to allow the District to Order the Establishment of the Project, establish the Watershed Management District (WMD) fees, and meet with landowners regarding the land appraisal. Nelson stated that the District did not receive the land appraisals as we had expected, therefore it would be proposed that today's hearing be continued to June 24, 2019 at 9:30 a.m. at the District office. President Nelson called upon District Engineer Nate Dalager, HDR Engineering, Inc., to discuss the Water Management District (WMD) boundary. Dalager indicated his recommendation that a certain area will remain in the WMD but will not be assessed as the property in question drains east to the river. Legal Counsel Sparby stated that Legal Counsel John Kolb representing the District, recommended that the Board not take action with the landowners until the Appraisal Report is filed with the Board and presented to the landowners. Sparby indicated that after filing of the appraisal report, the Board will meet with the landowners for negotiation, if they do not meet resolution and agree with the terms or the damage amounts that may be ordered by the Board, the landowner has the right to appeal the damages award. Motion by Ose, seconded by Sorenson to adopt the Findings and Order for Establishment of the Thief River Falls Westside FDR Project, RLWD Project No. 178, and approve the adopting the Water Management District charges and that the Board reserve a decision on the award of damages pending receipt of the appraiser's recommendation, supplemental notice to affected landowners, if necessary, and further public comment on the damage award. Motion carried. Legal Counsel Sparby stated that by adopting this today, this starts the appeal process timeline to the Board for the project establishment and water management district. Motion by Tiedemann, seconded by Torgerson, that the hearing be continued to the Board's regular meeting on June 24, 2019 at 9:30 a.m. at the Red Lake Watershed District office, 1000 Pennington Avenue South, Thief River Falls, MN 56701, for the limited purpose of reviewing and considering the appraiser's report of damage values for permanent and temporary right-of-way, to take public comment on proposed damages award, and to consider a supplemental order adopting and awarding damages. Motion carried.

President Nelson reconvened the regularly scheduled Board meeting.

Administrator Jesme stated that the Red River Retention Authority submitted a letter to the NRCS on May 31, 2019, to end the RCPP process for the Four-Legged Lake Project, RLWD Project No. 102A.

Manager Torgerson discussed the lack of drainage on the Judicial Ditch 5, RLWD Project No. 102 system. Administrator Jesme indicated that we have had concerns raised about water levels and that District staff are working with Engineer, Dan Sauve, Clearwater County Highway Department, regarding the removal of beaver and beaver dams at the inlet of the culvert under the old railroad grade. Staff has been completing weekly monitoring of the staff gage at the outlet end of the system. Sauve has indicated that the township is complaining that the water is too high on the township road.

The Board reviewed a letter from landowner Dennis Ptacek, regarding the Thief River Falls Westside FDR Project, RLWD Project No. 178. Administrator Nelson stated that he will contact Mr. Ptacek.

Administrator Jesme stated the he will be meeting with Engineer, Jerry Pribula, Pribula Engineering, Inc., and the Viewers, for the Improvement to Polk County Ditch 39, RLWD Project No. 179, on June 17th, in order to begin the process of the Viewer's Report.

Administrator Jesme noted that CenturyLink has been contacted by Pribula Engineering for the construction of RLWD Ditch 16, RLWD Project No. 177, but due to the lack of staff and timing, we are really not satisfied with them in addressing the timeline or interest in working with us concerning their fiber optic cable located within the ditch system right-of-way. Jesme stated that it is still hoped that the culvert through Highway 220 will be installed by August.

Manager Sorenson excused himself from the meeting.

Staff member Loren Sanderson discussed the release of water from the Brandt Impoundment and Euclid East Impoundment after storing water from the spring flood event. Gates were closed on both impoundments on April 6th with the release of water starting on April 22nd. Sanderson indicated that due to downstream conditions, the release of water was extremely slow, with water being stored for approximately 10 weeks. Discussion was held on the possibility of obtaining flowage easements or installation of berms to allow for a quicker release of water. Manager Tiedemann suggested the possibility of portions of real property participating in RIM or CRP. The District would need to determine downstream trigger points when releasing water. Discussion was held on paying for crop damage for downstream landowners for the release of water this spring. Motion by Torgerson, seconded by Dwight, to authorize staff to survey the downstream area that received crop damage for the Euclid East Impoundment, RLWD Project No. 60C and the Brandt Impoundment, RLWD Project No. 60D, and report back to the Board with the amount of acreage damaged to determine a per acre value for damages. Motion carried, with Manager Tiedemann abstaining. Manager Tiedemann stated that he would like to investigate an area downstream of the Brandt Impoundment, near the Lois Glass property, where water can possibly leave the outlet channel. Sanderson stated that the Brandt Impoundment has been drained, and the Euclid East Impoundment is close. Local contractors are in the process of clearing debris from the spring flood.

Staff member Loren Sanderson stated that he has been working with several landowners for ring dike assistance. Administrator Jesme stated that the RRWMB has available funding from the State of Minnesota.

Administrator Jesme discussed the possibility of incorporating additional Viewers into Northern Minnesota. Jesme stated that the Roseau River Watershed District have a few individuals that would be interested in learning the viewing process. Jesme requested the hiring of an additional viewer as a trainee. The trainee wages would be \$30 per hour but would not be billed to the project being viewed. Rob Wagner who will be the lead viewer for the Improvement to Polk County Ditch 39, RLWD Project No. 179, is willing to mentor the additional viewer. Motion by Tiedemann, seconded by Ose, to authorize the hiring of a trainee viewer at an hourly rate of \$30.00, to be paid from the District's Capital Funds. Motion carried.

The Board reviewed a quote in the amount of \$1,268.05 from Engineer Supply for the purchase of 20 – 4' wide unnumbered stream gauges. Motion by Ose, seconded by Tiedemann, to authorize the purchase of stream gauges in the amount of \$1,268.05 from Engineer Supply. Motion carried.

Administrator Jesme requested the purchase of an iPad to assist staff for culvert inventory. Motion by Tiedemann, seconded by Dwight, to authorize staff to purchase an iPad in the amount of \$560.00. Motion carried.

Administrator Jesme stated that after further reviewing RLWD Permit No. 19103, Dan Johnson, Huntsville Township, Polk County, that was previously denied, staff is recommending approval of the permit with conditions. Motion by Tiedemann, seconded by Dwight, to rescind the motion to deny RLWD Permit No. 19103 at the May 9, 2019, authorizing the approval of the permit with conditions stated on the permit. Motion carried.

The Board reviewed the permits for approval. Motion by Ose, seconded by Torgerson, to approve the following permits with conditions stated on the permit: No. 19042, Polk County Highway Department, Andover Township; No. 19043, Polk County Highway Department, Fanny Township; No. 19044, Dennis Schulz, Euclid Township, Polk County; No. 19046, Kevin Lien, Roome Township, Polk County; No. 19047, Noel Joppru, North Township, Pennington County; No. 19048, John McDonald, Nesbit Township, Polk County; No. 19049, Grove Park/Tilden Township, Polk County; No. 19050 and 19051, Red Lake County Highway Department, Terrebonne Township; No. 19052, Chad Lian, Moylan Township, Marshall County; 19053, Minnesota Department of Natural Resources, Moylan Township, Marshall County; No. 19054, John Jeffrey, Huntsville Township, Polk County; No. 19055, Moylan Township, Marshall County; and No. 19056, Gary Roisland, Kratka Township, Pennington County. Motion carried.

Staff member Tammy Audette requested revising the internal office permitting process after the Board has acted on a permit. Audette stated that with the current permit data base the District is using, the database generates a status report that could be given to the applicant once the permit is acted on by the Board, which would save staff time not to have to manually type up the report.

The revision would require some additional programming on the District's permit data base from Houston Engineering, Inc. Motion by Torgerson, seconded by Tiedemann, to approve the request presented to update the District's permit database. Motion carried.

Administrator Jesme stated that it is the 50th Anniversary of the District. The District was contacted by BWSR, inquiring if the District was planning any event to celebrate the milestone. It was the consensus of the Board, to give the item some consideration and to discuss the matter at a later meeting. At a minimum, a Public Announcement would be made stating the accomplishments of the District.

Administrators Report:

- Jesme and Manager Ose will attend the RRWMB meeting in Ada on June 18th and a RRWMB Budget and salary Committee meeting in Moorhead on June 26th.
- Included in the packet was a January 2019 Water Quality Report.

Discussion was held on the hearing Pennington County will hold for the partial abandonment and relocation of ditches as it relates to the Thief River Falls Westside FDR Project, RLWD Project No. 178. Discussion was held on the permitting process with Corps and FAA.

Legal Counsel Sparby stated that the Four-Legged Lake, RLWD Project No. 102A hearing has been rescheduled for July 24, 2019.

Discussion was held on forming a committee to review the Appraisal for the Thief River Falls Westside FDR Project, RLWD Project No. 178, prior to the June 24, 2019 continuation hearing. Motion by Dwight, seconded by Tiedemann, to appoint Managers Nelson and Ose, Administrator Jesme and Engineer, Nate Dalager, to work with the landowners on the alignment and appraisal, once the appraisal is received, and report back to the Board with a recommendation. Motion carried.

Administrator Jesme stated that the four new computers were recently installed for District staff.

Discussion was held on the review of the Thief River 1W1P Plan. Administrator Jesme stated that the Planning Work Group is currently reviewing the document. Once the review is complete the document will be submitted the Policy and Advisory Committees, with a potential meeting date of July 31st.

Manager Ose discussed items presented to the RRWMB Human Resources committee.

Manager Torgerson expressed his gratitude on the NRCS grant extension for the Pine Lake Area Project, RLWD Project No. 26.

Manager Torgerson discussed irrigation pumps in the Oklee area.

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Motion by Tiedemann, seconded by Torgerson, with motion carried to recess to a scheduled meeting date and time on June 24, 2019 at 9:00 a.m. at the Red Lake Watershed District office with the continued public hearing starting at 9:30 am. Motion carried.

A handwritten signature in cursive script that reads "Terry Sorenson". The signature is written in black ink and is positioned above a horizontal line.

Terry Sorenson, Secretary