

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
November 22, 2022

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

David Myhrer requested to appear before the Board.

The Board reviewed the November 10, 2022, minutes. Motion by Anderson, seconded by Page, to approve the November 10, 2022, Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated November 21, 2022. Motion by Sorenson, seconded by Dwight, to approve the Financial Report dated November 21, 2022, as presented. Motion carried.

David Myhrer, landowner, and Supervisor of East Valley Township appeared before the Board, in his individual capacity, to further discuss frustrations concerning the Spring flooding which occurred in the Spring/Summer of 2022 and length of time that flood waters were held on property within East Valley, Agdar and Cedar Townships. Mr. Myhrer stated that a petition was presented twice to the District Board, requesting a full cleaning of State Ditch 83. Myhrer further discussed the installation of stoplogs on Farmes Pool, noting that all logs were not in place at the time of the flood, also referring to using grant dollars to assist in cleaning out State Ditch #83. Administrator Jesme explained the history of the petitions the District received from landowners concerning the repair of State Ditch #83 with the most recent being submitted in July of 2003. Jesme also updated the Board on a settlement agreement that was signed between the RLWD and the DNR in 2000 concerning the litigation that was taken against the District, in opposition of the cleaning of State Ditch 83 and benefits awarded to Con-Con Lands. Jesme noted that in lieu of taxes being paid for Consolidated Conservation lands within the benefited area of SD #83 the MnDNR agreed to pay \$16,000 per year for maintenance of the system as long as there was no systematic cleaning of the system. Jesme touched on some basic drainage laws concerning maintenance of public drainage systems and restrictions under state law in terms of maintenance. Jesme also mentioned various sites the along SD #83 that the District is repairing sloughs to banks of SD #83 from funds received through the Thief River 1W1P, RLWD Project No. 149B. Jesme touched on the stop log issue that arose this Spring and indicated there have been steps taken to assure the USFWS and the RLWD are on the same page in terms of operation during flood stages on the Thief River. Discussion was held regarding the Mud River Project and the goal of reducing sediment into Agassiz NWR. The Board requested

Mr. Myhrer's participation in the Mud River Project Work Team, as his knowledge as a landowner, and a past employee of Agassiz NWR, could be very beneficial to the Project Work Team process.

The Board reviewed Pay Estimate No. 1-Final for the bank stabilization project on State Ditch 83 located in Agdar Township, RLWD Project No. 149B in the amount of \$123,100. Engineer Tony Nordby, Houston Engineering, Inc., recommended Final Payment contingent upon the receipt of the IC134 Form. Motion by Sorenson, seconded by Dwight, to approve Pay Estimate No. 1-Final, for Quality Spray Foam DBA Anderson Excavating, for the State Ditch 83-Agdar Township, RLWD Project No. 149B, contingent upon receipt of the IC134 Form. Motion carried.

Staff member, Tammy Audette, stated that Marshall County reached out to various LGU's regarding beaver bounty rates. The District currently pays \$75 per beaver tail, to individuals authorized by District staff. Audette noted that other LGU's are currently paying between \$60 and \$120 per beaver. Discussion was had on whether nuisance beaver could be shot or would they have to be trapped? Motion by Page, seconded by Ose, to increase the District's beaver bounty from \$75 to \$100, per beaver tail, effective January 1, 2023. Motion carried.

Motion by Sorenson, seconded by Page, to table RLWD Permit No. 22-220, Terrebonne Township, Red Lake County, for further review. Motion carried.

Motion by Dwight, seconded by Ose, to table RLWD Permit No. 22-269 Gerald Michaelson/Henry and Pauline Steer, Louisville Township, Red Lake County, for further review. Motion carried.

Motion by Page, seconded by Anderson, to withdraw RLWD Permit No. 22-247, Brandsvold Township, Red Lake County, as requested by the applicant. Motion carried.

The Board reviewed the permits for approval. Motion by Ose, seconded by Sorenson, to approve the following permits with conditions stated on the permit: No. 22136, River Falls Township, Pennington County and No. 22262, Brent Wager, Nesbit Township, Polk County. Motion carried.

The Board reviewed the 2023 MAWD Annual membership dues. Administrator Jesme stated that the MAWD Dues are determined based on valuations. Motion by Ose, seconded by Sorenson, to approve payment in the amount of \$7,500, for the 2023 MAWD Annual Dues. Motion carried.

Manager Dwight stated that Zach Gutknecht Beltrami County SWCD and Robyn Dwight, Upper Red Lake Association, planned to present the "Keep It Clean" Campaign at the MAWD Annual Convention. Gutknecht and R. Dwight were informed that they would be required to pay \$200 each to participate in the Friday only conference. After discussion with MAWD staff members, it was decided that they would be required to pay \$40, to cover the cost of the events for the day as well as meals. Manager Dwight requested that since the District was a partner in the

campaign, the District cover the costs for Gutknecht and R. Dwight Motion by Ose, seconded by Anderson, to approve payment in the amount of \$40 each to cover the cost for Gutknecht and R. Dwight. Motion carried with Manager Dwight abstaining.

Discussion was held on changing the December 22, 2022 RLWD Board of Managers meeting date to the week of December 26, 2022, to help with paying of year end billings. Motion by Ose, to change the December 22, 2022 RLWD Board of Managers meeting to December 30, 2023 at 9:00 a.m. The motion failed for a lack of second. Motion by Anderson, seconded by Page, to change the December 22, 2022 Board meeting date to December 29, 2022 at 9:00 a.m. at the Red Lake Watershed District office. Motion carried.

Administrators Update:

- Jesme participated in the November 15, 2022 RRWMB via Teams, with Manager Ose attending in person. Discussion of the 2023 Water Quality Funding was held at the meeting.
- Included in the packet was the 2022 RRWMB Annual Legislative Open House to be held at the RRWMB meeting in Ada on December 13, 2022. Jesme will present District projects at the meeting, along with information on the Upper Red Lake “Keep It Clean” campaign.
- There will be a Thief River 1W1P Steering Committee meeting on December 5th or 12th with a Policy Committee meeting on December 19th.
- We were informed that the Clearwater River 1W1P will be able to use \$30,000 of funds from the remaining Watershed Planning grant towards the Technical and Engineering cost for the preliminary survey and design of the area north of Greenwood 27 Project.
- RLWD staff is continuing to gather information on projects for FEMA. FEMA staff will be in the office on December 5th to review any projects not completed.
- Jesme will leave for the Minnesota Association of Watershed Administrators meeting in Alexandria on November 29th, with the remaining staff leaving Wednesday afternoon.

Legal Counsel Sparby indicated that according to Minnesota State Statutes 97B.655, a landowner can shoot or trap a beaver that is causing damage to the landowner’s property.

Legal Counsel Sparby stated that he reviewed and commented on Attorney Grainger’s Brief, and will be filing the Response Brief later today, as it pertains to the Appeal for the Improvement to Polk County Ditch 39, RLWD Project No. 179.

Manager Ose encouraged other Board members to attend the RRWMB Legislative Briefing on December 13th.

Manager Dwight discussed legislative activities regarding the “Keep It Clean” campaign on Upper Red Lake..

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Manager Tiedemann discussed a recent letter a landowner received regarding a permit violation in Louisville Township, Red Lake County.

Managers Sorenson, Dwight, and Anderson discussed the training session presented by Andrew Graham, RRWMB/MnDNR on the Project Team Handbook that they attended at the District office.

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

A handwritten signature in blue ink that reads "LeRoy Ose". The signature is written in a cursive style and is positioned above a horizontal line.

LeRoy Ose, Secretary