

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
April 27, 2023

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

President Nelson welcomed Board and Staff members from the Middle Snake Tamarac Watershed District (MSTWD).

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

The Board reviewed the April 13, 2023, minutes. A motion by Sorenson, seconded by Anderson, to approve the April 13, 2023, Board meeting as presented. Motion carried.

The Board reviewed the Financial Report dated April 26, 2023. Motion by Ose, seconded by Tiedemann, to approve the Financial Report dated April 26, 2023, as presented. Motion carried.

Staff member Ann Joppru indicated that she contacted Edward Jones regarding interest rates for Certificate of Deposits. Current rates are at 4.95%. Discussion and review of the Capital Fund account balances was had, with a recommendation to invest some of these dollars at a higher rate than our present Investment Savings account. Motion by Sorenson, seconded by Anderson, to approve the purchase of a \$500,000 Certificate of Deposit from Edwards Jones. Motion carried.

The Board reviewed the General Fund Budget as of March 31, 2023.

Administrator Jesme stated that the Thibert Dam, RLWD Project No. 50G, was originally installed in the fall of 1979 or early 1980 with NRCS assistance, and then turned over to the District. The site includes an earthen embankment with an outlet structure consisting of a 42" diameter CMP inlet with a 30" diameter outlet conduit and a vegetative emergency spillway. A portion of the project has settled and eroded, along with the need for riprap. Jesme stated that the NRCS has designed a plan for repair with a total estimated project cost of \$120,445.

Landowners Nick and Christine Knott have applied for NRCS EQIP funding in the amount of \$30,896, along with the Red Lake River 1W1P, RLWD Project No. 149-Watershed Based Funding, contributing \$43,221 towards the project cost. The District would be responsible for the remaining balance, in the amount of \$46,328. Motion by Page, seconded by Tiedemann, to approve cost share in the amount of \$46,328, for the Thibert Dam Project, RLWD Project No. 50G. Motion carried. Motion by Ose, seconded by Page, to authorize signature on a Maintenance Agreement/Easement with landowners Nick and Christine Knott, for repairs to the Thibert Dam, RLWD Project No. 50G. Motion carried.

Staff member Nate Koland stated that water elevations on the Pine Lake Project, RLWD Project No. 35 are above target elevation, and continue to release water. Both the pools on the Moose River Impoundment, RLWD Project No. 13, began releasing water on the evening of April 26th. Gates on the Black River Impoundment, RLWD Project No. 176 were closed, due to the downstream trigger level at Oslo.

Legal Counsel Delray Sparby discussed the MN Court of Appeals Opinion on the Improvement to Polk County Ditch 39, RLWD Project No. 179. Sparby gave a brief overview of the landowners objections to the project, and the legal process that took place once the project was appealed. Engineer Jerry Pribula, Pribula Engineering, discussed the benefits and damage costs of the project, stating that with the time that has passed, costs are skewed, noting that in his estimate costs have increased dramatically. Pribula noted that with the increase of land values, the Viewers for the project most likely will have to review present day values. Administrator Jesme stated that the Petitioners are bonded for \$120,000, and very little was left of that amount when the District Board issued the final Order to proceed with the project. Sparby reminded the Board that Minnesota Watersheds (MAWD) and the Red River Watershed Management Board (RRWMB) presented an Amicus Brief in support of the District. Discussion was held on who should be responsible for paying for legal fees associated with the appeal. Sparby noted that legal fees could be paid for by the District, considering there is some latitude that this is an issue with larger scope and general benefit than just this ditch system. Petitioner, Paul Novacek stated that he would like to proceed with the project, however, requested the review of the final mile on the east end to satisfy the landowners against the project. Landowner, Mark Holy, one of the Appellants, believes the request of the Petitioners to have that final mile removed is possible as there are other alternatives. Sparby indicated that the District cannot proceed until the District Court Order is received, after the matter was remanded by the Court of Appeals.

Administrator Jesme gave a presentation on the Turtle Connection Cross Lakes area. Jesme indicated that this is a chain of lakes with several structures that have failed. The area also includes a legal ditch system built in 1918, known as Polk County Ditch 68 that was used to drain the lakes. In 1933, all three dams were built, and water levels established by court order. In 1940, much debate was held on removing the dams. Since this time, two structures have washed out and are non-functioning and the third should most likely be replaced as well. Discussion was held on the possible replacement of the structures, so that the District could look at potential Flood Damage Reduction (FDR) components. Jesme indicated that in order to change the lake elevations, a hearing would need to be held with 100% of landowners in agreement. Jesme stated that after the landowner meeting was held in April, a Project Work Team should be appointed to further look into the possibilities of a potential project. Motion by Ose, seconded by Page, to establish the Turtle Connection Cross Lakes Area, RLWD Project No. 114, Project Work Team and appoint Manager Sorenson as the Delegate and Manager Anderson as alternate, to bring recommendations back to the full Board. Motion carried.

Staff member Ann Joppru distributed the updated RLWD Board of Managers' Handbook.

The Board reviewed the permits for approval. Motion by Ose, seconded by Sorenson, to approved the following permits with conditions stated on the permit: No. 23017, Rick and Lorae Roed, Hill River Township, Polk County; No. 23018, Rick and Lorae Roed, King Township, Polk County; No. 23022, David Zuprod, Badger Township, Polk County; No. 23023 and 23024, Erik Roed, Hill River Township, Polk County; No. 23026, Pam Paradis, Poplar River Township, Red Lake County; and No. 23028, Clearwater County Highway Department, Leon Township, Clearwater County. Motion carried.

The Minnesota Watersheds' (formerly MAWD) Summer tour will be held in Albert Lea on June 20-21, 2023.

The Board discussed moving the June 22, 2023 Board meeting date due to the Minnesota Watersheds (MAWD) summer tour. Motion by Ose, seconded by Tiedemann, to move the June 22, 2023 Board meeting to June 29, 2023. Motion carried.

President Nelson stated that upon the retirement of Administrator Jesme, the Budget/Salary/Personnel Committee recommends hiring Staff member Tammy Audette to replace Jesme as the Administrator of the RLWD at a Step 6 level. Motion by Tiedemann, seconded by Anderson, to approve hiring Staff member Tammy Audette as Administrator of the RLWD, upon the June 30th retirement of Administrator Jesme at a Step 6 level. Motion carried.

Motion by Sorenson, seconded by Ose, to approve advertising for an Office Manager. Motion carried.

Administrators Update:

- Jesme and Manager Ose participated in the April 18, 2023 RRWMB meeting.
- Jesme attended the April 24, 2023 Drainage Work Group meeting in Alexandria.
- Due to inclement weather, the Mud River Project Work Team meeting scheduled for April 14th was postponed until May 5th.
- The Thief River 1W1P Planning Work group/ Steering Committee will meet on May 1st.
- The Upper/Lower Red Lake 1W1P held their first meeting on April 17th at the Red Lake DNR office.
- Staff member Hanson met with MPCA staff to discuss details on the Surface Water Assessment Grant.
- Jesme will attend the Pennington County Township meeting on May 4th.
- Staff member Hanson participated in the Lake Bronson Envirothon on April 26th.

Manager Ose discussed the operation of the Lost River Pool and Farmes Pool during the Spring runoff event, commending the staff on the removal of logs during ice conditions. Ose stated that stoplogs are back in at summer elevation. The Board discussed replacing the structure on the Lost River Pool and the gate on the Farmes Pool. It was the consensus of the Board to discuss this item further at the next meeting.

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Manager Anderson discussed the Upper/Lower 1W1P Policy Committee he attended. Tim Sumner was elected Chairman, with Manager Dwight the Vice-Chair. There is a possibility that two fiscal agents will be needed for this project.

Discussion was held on potential ring dikes and landowners that had flooding issues.

Engineer, Nate Dalager, HDR Engineering, Inc., stated that he is working on the design of the Chiefs Coulee Project, RLWD Project No. 46S, which would involve a storm sewer and North diversion of the agricultural land going East to the river, with will also involve ditch proceedings.

Motion by Ose, seconded by Page, 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