

# RED LAKE WATERSHED DISTRICT

January 11, 2018

Agenda  
9:00 a.m.

9:00 a.m.	Call to Order	Action
	Review and approve agenda	Action
	Requests to appear	Information
	December 28, 2017 Minutes	Action
	Financial Report dated January 10, 2018	Action
	Manager Appointment	Information
	Election of Board of Officers	Action
	President	
	Vice President	
	Secretary	
	Treasurer	
	Advisory Committees	Action
	Committees for 2018 (committee list in packet)	Action
	Schedule Board Meetings	Action
	Designate Depositories	Action
9:30 a.m.	Rob Sip, RRWMB	Information
	Red Lake River 1W1P, RLWD Proj. 149 Funding	Information
	MnDNR Dam Inspection Report-Euclid East, RLWD Proj. 60C	Information
	Clearwater County Buffer Strip Ordinance	Information
	MAWD-Electronic Meeting Attendance Resolution	Information
	Administrators Update	Information
	Legal Counsel Update	Information
	Managers' updates	Information
	Adjourn	Action

## UPCOMING MEETINGS

January 15, 2018	Martin Luther King Holiday-Office Closed
January 16, 2018	RRWMB Meeting, RLWD Office, 9:30 a.m.
January 23-25, 2018	35 <sup>th</sup> Annual Red River Basin Land & Water Int. Summit Conf.,
January 25, 2018	RLWD Board Meeting, 9:00 a.m.
February 8, 2018	RLWD Board Meeting, 9:00 a.m.
February 15, 2018	Drainage and Waters Conference, St. Cloud
February 22, 2018	RLWD Board Meeting, 9:00 a.m.

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
December 28, 2017

**DRAFT**

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, Allan Page, LeRoy Ose, and Gene Tiedemann. Absent: Les Torgerson and Brian Dwight. 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.

The Board reviewed the December 14, 2017 minutes. Motion by Sorenson, seconded by Tiedemann, to approve the December 14, 2017 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated December 27, 2017. Motion by Page, seconded by Tiedemann, to approve the Financial Report dated December 27, 2017 as presented. Motion carried.

The Board reviewed the Investment Summary as of December 27, 2017. Staff member Arlene Novak stated that a Certificate of Deposit will mature on January 4, 2018 through Unity Bank-CDARS program. Motion by Sorenson, seconded by Tiedemann, to invest the Certificate of Deposit that will mature on January 4, 2018 with Unity Bank-CDARS program for a 6-month term at 1.25%. Motion carried.

The Board reviewed the General Fund budget as of December 27, 2017.

Staff member Arlene Novak reviewed the 2017 General Fund Budget as of December 27, 2017. Novak stated that payroll and any outstanding bills prior to year-end will be paid and are yet to be reflected in the balances. Motion by Tiedemann, seconded by Ose, to accept the 2017 General Fund Budget as of December 27, 2017 as presented. Motion carried.

Novak reviewed the proposed Capital Project Fund Transfers as of December 27, 2017. After discussion by the Board, motion by Tiedemann, seconded by Page, to approve the Capital Project Fund Transfers as of December 27, 2017, as proposed, with adjustments to be made following final payroll and payments of the year, and year end interest allocation. Motion carried.

Novak reviewed the 2017 League of Minnesota Cities Insurance Trust Property/Casualty Dividend Report, noting that the \$385 dividend the District received is listed in the Financial Report, which goes into the General Fund Miscellaneous Revenue Account.

Novak stated that as of January 1, 2018 the Federal Allowable Mileage rate increases to 54.5 cents.

The Board reviewed a resolution passed by the Clearwater County Commissioners to withdraw the letter dated July 22, 2105, objecting to the abandonment of Judicial Ditch No. 5; and a resolution from the Dudley Township Board in support of the Petition for Abandonment of Judicial Ditch 5. The Dudley Township Resolution states that the township will continue to maintain culverts that pass under Dudley Township roads, including the periodic eradication of beavers and beaver dams from in and around those culverts. Legal Counsel Sparby discussed the abandonment hearing, further stating that since the hearing is closed he did not think it was proper to consider additional information being presented outside of the hearing process. Administrator Jesme stated that we have a landowner that wishes to be removed from the abandonment petition. Jesme stated that he requested Dudley Township's attendance at a District Board meeting regarding lowering of the pipe in the township road. The Board reviewed correspondence from Manager Torgerson dated December 22, 2017.

Theresa Ebbenga, MnDNR, and Engineer Nate Dalager, HDR Engineering, Inc. appeared before the Board to discuss the process of an Environmental Assessment (EA) for the Four Legged Lake Project, RLWD Project No. 102A. Ebbenga stated the completion of the Environmental Assessment, would develop different alternatives, which helps the decision makers of a project make that decision. MnDNR Wildlife and Small Lakes Program both recommend the maximum elevation of Four Legged Lake at 1425, as the preferred number. Ebbenga discussed the Environmental Assessment matrix, which allows everyone to see the different alternatives and the effects of the alternatives. MnDNR would go through the MnDNR-Public Waters to decide the appropriate water level of the basins. Discussion was held on why the MnDNR did nothing when the culvert was raised, and DNR wildlife noticed water levels rose? MnDNR-Wildlife would put together a project plan for this basin, work with the area hydrologist to look at the hydrology to determine what was done illegally and how they can rectify the situation for wildlife benefits. The MnDNR would go through the process of a project plan and work with the landowners, county and the District. The NRCS PL566 Program and Environmental Assessment (EA) is a federal process that falls under the National Environmental Policy Act. Dalager stated that completion of the EA was always part of the Four Legged Lake project plan, but in trying to agree upon water elevations, the process has taken longer. Dalager discussed his concern that we may be expecting too much from the EA in terms of determining a preferred alternative. The EA is based on available GIS data, and it may or may not clearly indicate the best alternative. Dalager stated that an Environmental Impact Statement (EIS) may look at more detail. Ebbenga discussed information that will be used to complete the EA, which will give the opportunity to bring in other public available data and public input.

Nate Dalager stated that the draft Environmental Assessment (EA) is being reviewed by the EA committee for the Pine Lake Area Project, RLWD Project No. 26. A preferred alternative should come out of the EA process to move forward with a project, if the Board chooses to do so.

Nate Dalager stated that he has been working on the design for the Little Pine Lake Wildlife Management Area outlet structure, which is also known as Site "F" of the Pine Lake Area Project, RLWD Project No. 26. By replacing the outlet structure, the District will receive a two-foot wedge for Flood Damage Reduction. Dalager stated that construction would begin as soon as spring conditions allow.

Administrator Jesme stated that the land rental agreement with Craig Stroot on the Parnell Impoundment, RLWD Project No. 81, expires December 31, 2017. The current land rental agreement was for 107 acres; the renter was able to increase the acreage to 147.3 acres. Jesme indicated that the current rental rate is \$30.00 per acre. The renter is requesting a three-year contract extension. Motion by Ose, seconded by Tiedemann, to approve a three-year contract extension until December 31, 2020 with Craig Stroot for 147.3 acres at \$30.00 per acre for land within the Parnell Impoundment, RLWD Project No. 81. Motion carried.

The Board reviewed correspondence from BWSR regarding the initial comments on the draft Buffer Ordinance for Koochiching County.

The Board reviewed the permits for approval. Motion by Tiedemann, seconded by Page, to approve the following permits with conditions stated on the permit: No. 17176, Digi Key/Widseth Smith Nolting, North Township, Pennington County. Motion carried.

The Board reviewed a Request for Proposals from the RRWMB for the provision of office and associated spaces for the RRWMB that was submitted to the District and the Wild Rice and Sand Hill Watershed Districts. Proposals are due to the RRWMB on February 1, 2018.

#### Administrators Update:

- Jesme and Manager Ose attended the RRWMB in Ada on December 19<sup>th</sup>. The next RRWMB meeting will be held at the District office on January 16<sup>th</sup>.
- A Planning Committee teleconference for the Thief River 1W1P was held December 20<sup>th</sup> to discuss the upcoming public informational meetings on January 9<sup>th</sup> in TRF and January 10<sup>th</sup> in Grygla.
- A Planning Committee meeting for the Thief River 1W1P will be held on January 4 at the Pennington SWCD office. This meeting is a result of the approved Clean Water funding from BWSR which will be coming soon. The Planning Committee will address the Work Plan to be presented for approval by the Policy Committee.
- There will be a JD 72 Joint Board meeting at the regular Polk County Board meeting on January 2, 2018. The main agenda item will have to do with the possible consolidation of various ditches that overlap drainage areas.
- There will be a Thief River Westside Flood Damage Reduction meeting on January 11<sup>th</sup> at 1:00 p.m. at the District office with staff, Pennington County, City of Thief River Falls, MnDOT and HDR. The meeting is intended to get input from MnDOT as they proceed

with the design and construction as well as timeline for their project in and around the west side of the City of TRF.

Manager Sorenson inquired on the status of the Darrell Dolalie drainage issue located in Pine Lake Township, Clearwater County. Administrator Jesme stated that he had spoken to Pine Lake Township, informing them they have the authority to proceed with the cleaning. Pine Lake Township is a concerned about staying within the right-of-way to complete the cleaning.

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

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LeRoy Ose, Secretary

**RED LAKE WATERSHED DISTRICT**  
**Financial Report for January 5, 2018**

<b>Ck#</b>	<b>Check Issued to:</b>	<b>Description</b>	<b>Amount</b>
online	EFTPS	Withholding for FICA, Medicare, and Federal taxes	\$ 4,292.11
online	MN Department of Revenue	Withholding taxes	720.99
online	Public Employees Retirement Assn.	PERA	2,365.00
online	EFTPS	Withholding for FICA, Medicare, and Federal taxes	26.44
online	Public Employees Retirement Assn.	PERA	24.20
online	EFTPS	Withholding for FICA, Medicare, and Federal taxes	195.36
online	MN Department of Revenue	Withholding taxes	50.00
36546	Houston Engineering, Inc.	*Engineering fees (replaces check #36493)	83,971.81
36547	Red River Watershed Mgmt. Board	Add'l 2nd half taxes	293.02
36548	Dale M. Nelson	Mileage	50.29
36549	Northwestern Mutual Financial	Deferred Compensation	484.84
36550	Rolland Office Furniture	HON Desk and return	1,590.00
36551	Robert S. & Dorinda K. Sorvig	Second half of land payment	336,712.00
36552	Tammy Audette	Clean offices in December	315.00
36553	City of Thief River Falls	Water, sewer, electricity, storm water, etc.	621.33
36554	Houston Engineering, Inc.	** Engineering fees	11,437.83
36555	Hugo's #7	Meeting expense	40.25
36556	Les's Sanitation, Inc.	Garbage pickup	33.70
36557	Marco	Monthly fee for 36 month managed IT contract	1,200.00
36558	NCPERS	Life insurance premium	128.00
36559	Pennington Square, Inc.	Vehicle washes and gas for vehicle	128.44
36560	Pitney Bowes Global	Rental of postage meter	84.00
36561	SelectAccount	Flex Spending Account fees	8.44
36562	Sjoberg's Cable TV	Internet expense	70.75
36563	Thief River Falls Times	Ad for TR 1W1P Open houses and Christmas ad	440.00
36564	Gene Tiedemann	Mileage	467.59
36565	Pennington SWCD	PTMApp assistance	471.66
36566	Farmers Union Oil	Gas for Ford pickup and windshield washer fluid	54.85
36567	Marco	Monthly copier maintenance + color overages	664.10
36568	Voided		-
36569	Northwest Beverage	H2O for office	9.00
36570	Olson Construction	Snowplow parking lot in December	360.00
36571	TD Ameritrade Trust Company	Deferred Compensation	461.75
36572	Marshall County SWCD	2017 Erosion Control Funds	12,500.00
36573	Rolland Office Furniture	HON lateral file/book case hutch/stack on storage	2,086.00
36574	Century Link	Telephone	269.64
36575	Marco	M-Files Yearly Maintenance	305.69
36576	Minnesota Energy Resources	Utilities	124.81
36493	Houston Engineering, Inc.	Voided Check	(130,121.12)
direct	Terry Sorenson	Mileage and meal	294.33
direct	Brian Dwight	Mileage and meal	613.17
	<b>Payroll</b>		
	Check #11304 -11317		12,424.73
	<b>Total Checks</b>		\$ 346,270.00

**\*Houston Engineering, Inc.**

Proj. 149A TR 1W1P 12,029.75

Proj. 176 Black River Impoundment 71,942.06

**TOTAL** 83,971.81

**\*\*Houston Engineering, Inc.**

Proj. 149AA PTMApp Project

Proj. 149A Thief River 1W1P

**TOTAL**

1,594.00

9,843.83

11,437.83

**Northern State Bank**

Balance as of December 27, 2017

1,934,611.32

Total Checks Written

\$ (346,270.00)

Receipt #016482 Red Lake County-Decertify TIF district

587.05

Receipt #016483 Northern State Bank-Monthly interest

808.77

Receipt #016485 CDARS (Unity Bank)-Monthly interest on CDs

1,482.91

Receipt #016486 Pennington County-In lieu of taxes (HUD) and second half of riparian aid

7,682.57

Receipt #016487 Marshall County-State Ditch 83 Special Assessments &amp; second half riparian aid

9,927.16

Receipt #016488 Farmers Union-Dividends

16.00

Receipt #016489 Red Lake County-Special Assessments

8,764.20

Balance as of January 5, 2018

\$ 1,617,609.98**Border State Bank**

Balance as of November 30, 2017

\$ 10,592.44

Receipt #016484 Monthly interest

2.25

Balance as of December 31, 2017

\$ 10,594.69

# Overall Advisory Committee

John A. Nelson, Walker Brook Area  
Lloyd Wiseth, Landowner  
Steve Holte, Farmer/Landowner  
Emmitt Weidenborner, Upper Red Lake Area  
John Ungerecht, Upper Red Lake Area  
Dan Schmitz/Black River Area  
John Gunvalson, Clearwater River Area  
Roger Love, Grand Marais Area  
Dave Rodahl, Thief River Area  
Shane Bowe, Red Lake Band of Chippewa Indians  
Loiell Dyrud, Landowner

## Advisory Committee Members

### Black River Area

\*Dan Schmitz, RLF  
Curt Beyer, RLF  
Greg Dyrud, TRF

### Moose River Area

Wayne Larson, Middle River  
Elroy Aune, Gatzke

### Burnham Creek Area

Mary Ann Simmons

### Clearwater River Area

Steve Linder, Oklee  
\*John Gunvalson, Gonvick

### Lost River Area

Gary Mathis, Gonvick

### Grand Marais/Red Area

Jeep Mattson, EGF

### Poplar River Area

### Clearwater Lake Area

### Thief River Area

\*Dave Rodahl, TRF  
Larry Hagen, Gatzke  
Trent Stanley  
\*Steve Holte  
Jim Sparby

### Walker Brook Area

\*John A. Nelson, Clearbrook

### Pine Lake Area

Dave Dalager

### Red Lake River Area

Keith Driscoll, EGF

### Upper Red Lake Area

\*Emmitt Weidenborner, Kelliher  
\*John Ungerecht, Northome

### Hill River Area

Jake Martell, Oklee

\*Overall Advisory Committee Members



## 2017 Board Committees

### Red River Watershed Management Board (RRWMB)

LeRoy Ose-Alternate (2017 3<sup>rd</sup> year of a 3 year term - 2015 Orville's 1<sup>st</sup> yr., 2016)  
Les Torgerson-Alternate

### Minnesota Association of Watershed Districts

LeRoy Ose-Delegate  
Gene Tiedemann-Delegate  
Allan Page-Alternate

### Budget and Salary Committee

Dale M. Nelson  
Terry Sorenson  
Gene Tiedemann

### Grand Marais Creek Joint Powers Board

Dale M. Nelson  
Gene Tiedemann  
Allan Page  
Terry Sorenson-Alternate

### Judicial Ditch 2 and Judicial Ditch 72 Joint Ditch Board

Terry Sorenson  
Les Torgerson

### Pine Lake Area Project Work Team

Les Torgerson  
Terry Sorenson  
Brian Dwight

### Four Legged Lake Project Work Team

Les Torgerson  
Terry Sorenson  
Brian Dwight-Alternate

### Black River Impoundment Project Work Team

Dale M. Nelson  
Allan Page  
Gene Tiedemann-alternate

### 20% Flood Reduction Committee

Dale M. Nelson  
LeRoy Ose  
Les Torgerson

### Red Lake River One Watershed One Plan (1W1P)

Gene Tiedemann-Policy Committee  
Dale Nelson-Alternate  
Dale Nelson-Advisory Committee  
Allan Page-Advisory Committee

### Thief River One Watershed One Plan (1W1P)

LeRoy Ose-Policy Committee  
Dale M. Nelson-Alternate  
Dale M. Nelson-Advisory Committee  
Brian Dwight-Advisory Committee

### Blackduck Lake Structure Joint Powers Board

Brian Dwight  
Les Torgerson

Red Lake Watershed District  
as of January 5, 2018

<u>Name of Institution</u>	<u>Purchase</u>	<u>Int. Rate</u>	<u>Mat. Date</u>	<u>*Maturity Amount</u>
10010 Northern State Bank (checking)	\$ 1,617,609.98	0.30%		\$ 1,617,609.98
10200 Border State Bank (Investor savings) Thief River Falls	\$ 10,594.69	0.20%		\$ 10,594.69
10470 CDARS-Central Bank of the Ozarks monthly interest payment via ACH	\$ 200,000.00	0.95%	1/4/2018	\$ 200,000.00
10660 CDARS-FirstCapital Bank of Texas, N.A. 12 mos. CD, int. paid monthly	\$ 200,000.00	0.95%	1/18/2018	\$ 200,000.00
10240 CDARS-TriState Capital Bank-Pittsburgh 12 mos. CD, int. paid monthly	\$ 200,000.00	0.94553%	2/8/2018	\$ 200,000.00
10580 American State Bank, Grygla (1058) #15486 12 month CD(int. pd quarterly)	\$ 200,000.00	0.75%	3/4/2018	\$ 200,375.00
10840 Edward Jones (Ally Bank) 30 mos. CD	\$ 200,000.00	1.45%	3/30/2018	\$ 207,250.00
10850 CDARS-Amarillo National Bank-TX Interest direct deposited monthly	\$ 97,000.00	1.15%	3/15/2018	\$ 97,000.00
10850 CDARS-Bank Hapoalim B.M.-NY Interest direct deposited monthly	\$ 143,000.00	1.15%	3/15/2018	\$ 143,000.00
CDARS-Bank of America, Charotte, NC monthly interest payment via ACH	\$ 200,000.00	1.05%	7/4/2018	\$ 200,000.00
10550 Citizens State Bank, Roseau #59137 18 mos.(int.pd semi-annually)	\$ 200,000.00	1.05%	9/3/2018	\$ 201,090.96
10760 Ultima Bank Minnesota-Fosston (1076) #16623 12 month CD	\$ 200,000.00	1.00%	10/2/2018	\$ 202,000.00
10770 CDARS-Bank of China, NY Interest direct deposited monthly	\$ 243,500.00	1.50%	10/18/2018	\$ 243,500.00
10770 CDARS-Great Plains National Bank Interest direct deposited monthly	\$ 113,000.00	1.50%	10/18/2018	\$ 113,000.00
10770 CDARS-MainStreet Bank Interest direct deposited monthly	\$ 243,500.00	1.50%	10/18/2018	\$ 243,500.00
10830 Edward Jones-Morgan Stanley Interest paid at maturity	\$ 200,000.00	1.50%	10/30/2018	\$ 203,000.00
10650 First National Bank-Bemidji-12 mos. CD #94230 Qtrly interest-direct deposit(1065)	<u>\$ 200,000.00</u>	1.05%	12/12/2018	<u>\$ 202,100.00</u>
	<u>\$ 4,468,204.67</u>			<u>\$ 4,484,020.63</u>

**Periodic Dam Safety Inspection:** Euclid Impoundment, MN01423, Polk County

**DNR Inspectors:** Dana Dostert and Dan Zwilling

**Date:** 10/18/2017

**Owner:** Red Lake Watershed District

**Dam Hazard Rating:** Low

***Dam Type: Earth embankment with concrete riser and conduit.***

Feature	Action Required			Comments
	Repair	Monitor	None	
1. Principal spillway				
a. Concrete deterioration			X	Sand is leaking through a conduit joint. See photo 1.
b. Joint separation	X			
c. Differential settlement			X	
d. Obstruction, debris			X	
e. Seepage			X	
2. Emergency spillway				
a. Inadequate vegetation			X	
b. Band rills and gullies			X	
c. Channel erosion			X	
d. Obstructions			X	
3. Embankment				
a. Settlement or cracking			X	
b. Erosion			X	
c. Seepage			X	
d. Animal burrows			X	
e. Inadequate vegetation			X	
f. Weeds, brush, etc.			X	
4. Reservoir				
a. Embankment shoreline			X	
b. Debris			X	
5. Misc				
a. Drains				
b. Riprap				
c. Other				
<b>Overall Condition Rating</b>	<b>Fair</b> – the conduit separated joint could leak to failure along the conduit			

Notes:





Photo taken inside the conduit showing sand leaking from the joint. A few other joints had sand leaking.



Photo taken near the southwest corner of the dam. The grass cover on the embankment is in good condition.



January 2, 2018

Dean Newland, Chair  
Clearwater County Board of Commissioners  
213 Main Avenue North  
Bagley, MN 56621

Sent Via Email:

**RE: Determination of Adequacy, Clearwater County Buffer Ordinance**

Dear Chairman Newland,

Thank you for sending a copy of the county's buffer ordinance along with a signed resolution documenting adoption by the Clearwater County Board of Commissioners on December 12, 2017 to the Board of Water and Soil Resources (BWSR) for a final determination on adequacy.

We appreciate the county's efforts in making changes to the ordinance in response to our initial comment letter (dated 10/25/17). At this time, we have no additional suggestions or guidance regarding the adopted ordinance.

BWSR has completed its final review in conformance with state law and concluded that Clearwater County has adopted an ordinance, titled Clearwater County Buffer Ordinance that contains adequate provisions for compliance and enforcement of Minn. Stat. §103F.48 (the Buffer Law). Therefore, BWSR is pleased to inform you that Clearwater County is determined to be "With Jurisdiction" in accordance with Minn. Stat. §103F.48 Subd. 1 (j).

Finally, any change to this adopted ordinance must be submitted to BWSR at least 60 days prior to the effective date of the change in accordance with Procedure 9: BWSR's Review of County and Watershed District Buffer Rules, Ordinances and Official Controls. This will ensure that BWSR has adequate time for review and determination of adequacy on any proposed changes.

On behalf of BWSR, I wish to extend our appreciation for the commitment of the County Board of Commissioners and all others associated with the development of this ordinance.

Thank you for your cooperation on this matter. Should you have any questions, please contact Appeals and Regulatory Compliance Coordinator Travis Germundson at (651) 297-4958, or at [travis.germundson@state.mn.us](mailto:travis.germundson@state.mn.us).

Sincerely,



David Weirens  
Assistant Director Programs and Policy

cc: Allen Paulson, Clearwater County Administrator  
Dan Hecht, Clearwater County Environmental Services  
Nathan Nordlund, Clearwater SWCD  
Myron Jesme, Red Lake WD  
Kevin Ruud, Wild Rice WD  
DNR- Jennifer Shillcox, Dan Petrik, Brent Mason  
BWSR: Travis Germundson, Tom Gile, David Leuthe, Chad Severts

## **2016 MAWD Resolutions Background Information**

**Proposing District:** Middle Fork Crow Watershed District

**Contact Name:** Margaret Johnson

**Phone Number:** 320-796-0888

**Resolution Title (brief subject statement):** Amendment to the Minnesota Open Meeting Law (MOML) (Statutes Chapter 13D) to allow watershed district manager participation in meeting via electronic means outside of the territorial limits of the watershed district or state.

### **Factual points providing background and basis of the issue:**

Minnesota statutes section 13D.02 allows any public body to meet by interactive television so long as:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
- (3) at least one member of the body is physically present at the regular meeting location; and
- (4) each location at which a member of the body is present is open and accessible to the public.

Minnesota Department of Administration (MDA) Advisory Opinion 13-009, issued on March 19, 2013, states that plain language of the statute does not forbid a member of a public body from “attending” a public meeting at a location “open and accessible to the public” outside of the entity’s geographic area. Though opinion 13-009 is in direct conflict with the Minnesota Supreme Court decision in Quast v. Knutson, 150 N.W.2d 199 (Minn. 1967), future courts will give some deference to the MDA opinion. In Quast, the Court ruled that the phrase “open to the public” as used in the MOML means “within the territorial confines” of the public body.

Several counties face challenges finding watershed district managers who are willing and able to attend all meetings at all times during the year. For this reason, some very well qualified individuals decline service on watershed boards. Some watershed districts are unable to assemble a quorum during winter months when several managers may be temporarily relocated to warmer climates.

Allowing meetings by interactive television will allow for efficient continuity of watershed district governance at times when one or more managers is vacationing or temporarily relocated. It will also broaden the pool of individuals willing to serve as watershed district managers.

### **Based upon the above facts, what is the proposed solution to the problem:**

In order to eliminate confusion or concern over the two differing interpretations of Chapter 13D (i.e., that articulated in Advisory Opinion 13-009 and that articulated in Quast v. Knutson), we recommend that MAWD work with MDA to sponsor an amendment to section 13D.02 to clarify that the term “open and accessible to the public” can include a location or locations outside of the geographical jurisdiction of the entity, including out of state.

**This issue is of importance (Check one):**

To just our District:

To just our Region:

To the entire State: **X**

**WHEREAS**, Minnesota statutes section 13D.02 allows any public body to meet by interactive television so long as:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
- (3) at least one member of the body is physically present at the regular meeting location; and
- (4) each location at which a member of the body is present is open and accessible to the public; and

**WHEREAS**, Minnesota Department of Administration (MDA) Advisory Opinion 13-009, issued on March 19, 2013, states that plain language of the statute does not forbid a member of a public body from “attending” a public meeting at a location “open and accessible to the public” outside of the entity’s geographic area; and

**WHEREAS**, MDA Advisory Opinion 13-009 is in direct conflict with the Minnesota Supreme Court decision in Quast v. Knutson, 150 N.W.2d 199 (Minn. 1967), in which the Court ruled that the phrase “open to the public” as used in the MOML means “within the territorial confines” of the public body; and

**WHEREAS**, several counties face challenges finding watershed district managers who are willing and able to attend all meetings at all times during the year. For this reason, some very well qualified individuals decline service on watershed boards. Some watershed districts are unable to assemble a quorum during winter months when several managers may be temporarily relocated to warmer climates; and

**WHEREAS**, allowing meetings by interactive television will allow for efficient continuity of watershed district governance at times when one or more managers is vacationing or temporarily relocated. It will also broaden the pool of individuals willing to serve as watershed district managers; and

**WHEREAS**, at its annual meeting in 2013, MAWD adopted a resolution supporting watershed district manager participation in meetings via conference call or other electronic means; and

**WHEREAS**, to date no action has been taken in furtherance of the resolution.

**THEREFORE**, the Minnesota Association of Watershed Districts directs its staff to work with MDA to sponsor an amendment to section 13D.02 to clarify that the term “open and accessible to the public” can include a location or locations outside of the geographical jurisdiction of the entity, including out of state.



## **RESOLUTION # 16-02**

### **RESOLUTION OF THE MIDDLE FORK CROW WATERSHED DISTRICT BOARD OF MANAGERS**

#### **Recommending Amendment to the Minnesota Open Meeting Law (MOML)(Statutes Chapter 13D) to Allow Watershed District Manager Participation in Meeting via Electronic Means Outside of the Territorial Limits of the Watershed District or State**

**WHEREAS**, Minnesota statutes section 13D.02 allows any public body to meet by interactive television so long as:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
- (3) at least one member of the body is physically present at the regular meeting location; and
- (4) each location at which a member of the body is present is open and accessible to the public; and

**WHEREAS**, Minnesota Department of Administration (MDA) Advisory Opinion 13-009, issued on March 19, 2013, states that plain language of the statute does not forbid a member of a public body from “attending” a public meeting at a location “open and accessible to the public” outside of the entity’s geographic area; and

**WHEREAS**, MDA Advisory Opinion 13-009 is in direct conflict with the Minnesota Supreme Court decision in Quast v. Knutson, 150 N.W.2d 199 (Minn. 1967), in which the Court ruled that the phrase “open to the public” as used in the MOML means “within the territorial confines” of the public body; and

**WHEREAS**, several counties face challenges finding watershed district managers who are willing and able to attend all meetings at all times during the year. For this reason, some very well qualified individuals decline service on watershed boards. Some watershed districts are unable to assemble a quorum during winter months when several managers may be temporarily relocated to warmer climates; and

**WHEREAS**, allowing meetings by interactive television will allow for efficient continuity of watershed district governance at times when one or more managers is vacationing or temporarily relocated. It will also broaden the pool of individuals willing to serve as watershed district managers; and

**WHEREAS**, at its annual meeting in 2013, MAWD adopted a resolution supporting watershed district manager participation in meetings via conference call or other electronic means; and

**WHEREAS**, to date no action has been taken in furtherance of the resolution.

**THEREFORE BE IT RESOLVED**, that the Middle Fork Crow Watershed District approves submitting the attached resolution to MAWD and directing it to work with MDA to sponsor an amendment to section 13D.02 to clarify that the term “open and accessible to the public” can include a location or locations outside of the geographical jurisdiction of the entity, including out of state.

## **Red Lake Watershed District - Administrators Report**

**January 11, 2018**

**Red River Watershed Management Board** – I will be attending the upcoming RRWMB monthly meeting which will be held at 9:30 am, January 16, 2018 at the Red Lake Watershed District office.

**Thief River 1W1P-** Various staff members attended the public open house in Thief River Falls, January 9<sup>th</sup> and in Grygla, January 10<sup>th</sup>. At the time I drafted this report, the meetings were not held so will elaborate more today.

**Red Lake River 1W1P** – There was a Planning Committee meeting held at 1:00 pm, January 4<sup>th</sup>, at the Pennington SWCD office. This meeting was held to address the approved Clean Water funding which was approved by BWSR at their Board meeting held December 20, 2017.

**Judicial Ditch #72** – There was a Joint Board meeting held at 10:00 am January 2, 2018. The main agenda item was to approve moving forward with the possible consolidation of various ditches that have overlapping drainage areas with that of JD #72. The Joint Board also made a recommendation to the Polk County Ditch Authority to also move forward with landowner meetings of the respective legal drainage systems to explain why the consolidation of these systems make sense. This request was approved by the Polk County Board at their regularly scheduled meeting held later in the day of January 2, 2018. We are in the process of setting up landowner meetings in either Gully or Gonvick sometime in late February.

**Pine Lake** – A webinar to discuss the Environmental Assessment of Pine Lake will be held at 9:30 am, January 19, 2018.

**Four-Legged Lake** – We are holding a PWG meeting at 11:00 am January 19, 2018 at the RLWD office. The only agenda item is to try and reach a consensus on water elevations. If there is not a consensus reached, the RLWD Board has requested in writing, why no consensus can be reached.

**Thief River Westside Flood Damage Reduction Project** – There will be a meeting held at 1:00 pm January 11<sup>th</sup> at the RLWD office with Mike Flaagan, Mark Borseth, Nate Dalager, myself and various MnDOT staff. The meeting is intended to get input from MnDOT as they proceed with the design and construction as well as timeline for their project in and around the city of TRF.