

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
April 9, 2015

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 Orville Knott, LeRoy Ose, Gene Tiedemann, Dale M. Nelson, Lee Coe and Albert Mandt. Absent: Les Torgerson. Staff Present: Myron Jesme, Tammy Audette, Arlene Novak, Gary Lane, Corey Hanson and Legal Counsel Delray Sparby.

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

Motion by Knott, seconded by Tiedemann, to dispense reading of the March 27, 2015 Board meeting minutes and approve them as presented. Motion carried.

The Board reviewed the Financial Report dated April 8, 2015. Motion by Tiedemann, seconded by Mandt, to approve the Financial Report dated April 8, 2015. Motion carried.

Engineer Tony Nordby discussed the Grand Marais Creek Channel Restoration-Diversion Channel, Project No. 60F. Nordby stated that R.J. Zavoral & Sons, Inc. was awarded the Contract for installation of the Diversion Channel. Nordby discussed various forms of bank stabilization that were installed on the Grand Marais Creek Cut Channel, Project No. 60FF. The north bank of the cut channel was stabilized with a 4:1 slope with the south bank at 5:1 slope. Nordby stated that the north bank saw sloughing after the first year, so clay plugs were added with rock drains in various areas. Additional sloughing has since occurred. Nordby recommends sloping the north bank to 5 ½:1 as well as the installation of additional rock drains, if required. Administrator Jesme and Nordby attended a meeting with Rich Sanders and Jody Beauchane, Polk County Highway Department/Ditch Authority, in regard to Polk County cost sharing the bank stabilization of the north side due to the system being a county ditch system. Jesme indicated Sanders and Beauchane would present the proposal to the Polk County Board of Commissioners and report back to Jesme. Nordby stated that when preparing an estimate, he used bids prices that R.J. Zavoral & Sons, Inc. used for construction of the previous Cut Channel. Based on those figures, Nordby estimated the cost to be approximately \$85,000. Nordby is in discussion with R.J. Zavoral & Sons, Inc. to see if they would be willing to repair the north bank at the same time when they complete the Diversion Structure. Motion by Coe, seconded by Tiedemann, to approve a 50/50 cost share with Polk County, for stabilization of the north bank of the Grand Marais Creek Cut Channel, Project No. 60FF. Motion carried. Nordby stated that a pre-construction meeting with the contractor is scheduled for April 20<sup>th</sup> at 1:30 p.m. for the Grand Marais Creek Channel Restoration-Diversion Channel, Project No. 60F.

Staff member Corey Hanson presented three quotes for replacement of the Hydrolab-Sonde for the Water Quality Department. A Hydrolab-Sonde is used to collect measurements directly from the stream; such as dissolved oxygen, temperature and pH. Hanson stated that the current

Hydrolab was purchased in December 2005, and has been having problems. Hanson recommended purchasing the Hydrolab from OTT Hydromet in the amount of \$8,854. Motion by Tiedemann, seconded by Ose, to purchase the Hydrolab in the amount of \$8,854 dollars from OTT Hydromet. Motion carried.

Manager Ose discussed the Marshall County WRAC meeting he attended along with Staff member Corey Hanson. Ose stated that in 2014, several dogs died from ingesting water that they drank out of the Mud River. Hanson stated that the District did complete some samples for testing, and due to the low water levels at the time, it appears they died from blue-green algae. It was the consensus of the Board, to continue to do sampling in the area, to determine what, if anything, can be done.

Staff member Arlene Novak discussed the cancellation of Great American Bond Professional Directors and Officers Insurance that will expire in April. Novak stated that the District had double coverage when insurance was purchased through the League of Minnesota Cities on July 7, 2014. Novak stated that there are a few differences between the two policies: 1) overall policy limits are higher with the League of MN Cities; 2) covered parties/independent contractors-there is no coverage for Independent Contractors with the League of MN Cities; 3) prior acts coverage-since the District has had continuous coverage, Great American will provide prior acts coverage even after the coverage is cancelled. If a claim was made while the District had double coverage, the two insurance companies would have to figure out which policy would be considered primary. Discussion was held on insurance for Independent Contractors, as an example Dam Tenders. It was the consensus of the Board to make sure Independent Contractors such as Dam Tenders, homeowners insurance is adequately protected. Motion by Ose, seconded by Mandt, to approve the cancellation of Directors and Officers Insurance with Great American Bond Professional Directors and Officers Insurance, as Directors and Officers Insurance is held with the League of Minnesota Cities. Motion carried.

Discussion was held on reimbursement for mileage and expenses for the three citizens appointed by the District to the Red Lake River 1W1P Advisory Committee. Motion by Tiedemann, seconded by Coe, to approve reimbursement for mileage and expenses for the individuals on the Red Lake River 1W1P Advisory Committee. Motion carried.

Becky Eckstein, MnDNR was present to discuss the structure modification on the Pembina/Goose Lake Structure. Eckstein stated modifications will be made to install stoplog bays to allow the operation of the structure to lower the water levels. In order to allow the modifications, the water levels will be drawn down with the installation of temporary siphon tubes. Once the water is drawn down, the cattails will be burned. As part of the permitting process, the MnDNR is required to hold a public hearing as described under MN Statutes 103G and to receive public comment since the MnDNR does not own the entire basin. Eckstein asked if the District would be willing to hold a Public Hearing for the structure modification to be held in conjunction with a District Board meeting. As part of the permitting process, an Operation Plan needs to be completed and approved by the MnDNR permitting process, which could potentially push back the construction date. Motion by Knott, seconded by Ose, to approve

holding a MnDNR Public Hearing for modification of the Pembina/Goose Lake Structure in conjunction with a future District Board meeting. Motion carried.

Jeremy Nelson, Agder Township Chairman, was present to discuss the maintenance agreement between the District and Agder Township, which was dated October 25, 1990 and had a term of 26 years for a concrete box culvert structure located on the east end of the Elm Lake Project. Nelson stated that Agder Township is concerned with the responsibility for maintenance of the structure, and is requesting that the District extend the maintenance agreement. The structure is located on a township road, but in a county ditch system, and was installed as part of the Elm Lake Project. Discussion was held on determining the useful life of the structure, and if any changes have occurred. Motion by Ose, seconded by Coe, to approve extending the current Maintenance Agreement with Agder Township for an additional 26 years. Managers Knott, Tiedemann and Mandt opposed, motion failed due to a lack of majority. Motion by Knott, seconded by Ose, to extend the Maintenance Agreement for an additional 10 years since the structure is part of a Flood Damage Reduction Project. Motion carried with Manager Mandt opposed.

Becky Eckstein, MnDNR stated that the District and or Agder Township should check into the possibility of funding assistance through the MnDNR State Park Road account since the structure Agder Township is concerned about allows for access to a Wildlife Management Area.

Administrator Jesme reviewed an email he received from landowner Karen Gebhard regarding the Four Legged Lake Project No. 102. Jesme has been working with the landowners to move forward with the Abandonment Petition. There was a recommendation by Gebhard to possibly hold another meeting with the landowners to explain the procedure for abandonment and have a petition available for signature after the meeting. Jesme indicated that he would set up a meeting with landowners and report back to the Board.

The Board reviewed the revisions made to the District's Permit Rules and Guidance Document. Administrator Jesme stated that corrections made by Legal Counsel Sparby are in blue, with Jesme's corrections in red. Items that are highlighted will need to be addressed. It was the consensus of the Board to review the document at a future Board meeting date.

The Board reviewed the permits for approval. Motion by Ose, seconded by Mandt, to approve the following permits with conditions stated on the permit: No. 15004, Patrick Erickson, Cedar Township, Marshall County; No. 15010, Gary Gabrielson, Johnson Township, Polk County; No. 15011, Polk County Highway Department, Onstad Township, Polk County; No. 15012, Polk County Highway Department, Fisher Township, Polk County; and No. 15013, Emardville Township, Red Lake County. Motion carried.

The Board reviewed the MAWD Legislative Update dated April 6, 2015 and MAWD Legislative Positions.

Administrator Jesme stated that MAWD approved funding to conduct a survey of salaries for watershed district employees throughout the state. MAWD hired Noah and Associates to complete the survey.

Polk County Environmental Services is holding a meeting on April 25, 2015 at 9:00 a.m. at the Polk County Government Center to establish an Aquatic Invasive Species (AIS) prevention committee in Polk County. Administrator Jesme stated that he will have Staff member Ashley Hitt attend the meeting.

#### Administrators Update:

- Jesme and Manager Knott will attend the RRWMB meeting held in Ada on April 21<sup>st</sup>.
- A 1W1P Advisory Committee meeting will be held at the District office on April 15<sup>th</sup> at 9:00 a.m., with the Policy Committee meeting held at 11:00 a.m.
- Included in the packet was an article on the Des Moines Water Works outlining the proposed lawsuit in Iowa where the Des Moines Water Works organization is threatening to sue various “drainage districts”. The proposed suit claims that the “drainage districts” are not doing enough to assure laws are being followed by farmers to assure nitrates running off of fields are being properly treated.
- Jesme will be a presenter at the NW MN Foundation of Legacy Fund Training on April 16<sup>th</sup> at the Quality Inn in TRF. Jesme will present on both LCCMR grants, Glacial Ridge Wildlife Refuge, as well as Lessard-Sams Outdoor Heritage grant, Grand Marais Outlet Restoration.

Manager Knott discussed the 17<sup>th</sup> Annual Joint Conference-RRWMB/Red River Basin FDR conference he attended in Moorhead.

President Nelson stated that in discussion with Administrator Jesme, he was reminded that as of May 1<sup>st</sup>, Natural Resource Technician Ashley Hitt will have reached her six month employee review period. Discussion was had that when Ashley was hired, the Budget and Salary Committee recommended Administrator Jesme make a recommendation to the Board for future salary considerations. At this time Administrator Jesme has requested the approval of \$1.00 per hour increase in pay for Hitt effective May 1, 2015. Motion by Mandt, seconded by Coe, to approve the \$1.00/hour raise for Ashley Hitt starting May 1, 2015. Motion carried.

Administrator Jesme informed the Board that the District’s Ditch Inspector Gary Lane had verbally shared his wishes to retire from his position effective April 30, 2015. Jesme also stated that Lane intends to take some unused vacation time prior to his retirement. After considerable discussion with the Board, Jesme indicated that due to a slower construction season forthcoming, he recommends seeing what the current staff can absorb from Lane’s duties with the intent of filling the position at a later date or as the opportunity arises. It was also mentioned that Lane may be available for part time employment with the District for a short time if he is needed or Administrator Jesme feels it could work.

Manager Coe stated that Beltrami County has hired a full time Aquatic Invasive Species (AIS) Coordinator.

Motion by Mandt, 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.

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LeRoy Ose, Secretary