

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
February 12, 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 Lee Coe, Les Torgerson, Albert Mandt and Dale M. Nelson. Absent: LeRoy Ose, Gene Tiedemann and Orville Knott. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Delray Sparby.

The Board reviewed the agenda. President Nelson requested the addition of the purchase of stream gaging equipment to the agenda. A motion was made Mandt, seconded by Torgerson, and passed by unanimous vote that the Board approve the agenda with the addition of the purchase of stream gaging equipment. Motion carried.

Motion by Torgerson, seconded by Mandt, to dispense reading of the January 22, 2015 Board meeting minutes and approve them as presented. Motion carried.

The Board reviewed the Financial Report dated February 11, 2015. Motion by Mandt, seconded by Torgerson, to approve the Financial Report dated February 11, 2015. Motion carried. Administrator Jesme stated the District was unable to purchase a Certificate of Deposit from Border State Bank as stated at the January 22, 2015 Board meeting at the rate of 1.05%, as it was not intended for public entities, but was offered and purchased a Certificate of Deposit at a rate of .8%.

The Board reviewed a letter of response to landowner Conrad Zak, regarding his request for payment of damages for the removal of a bridge on his property during construction of RLWD Ditch 15, Project No. 175. Administrator Jesme stated no response has been received from Mr. Zak.

Administrator Jesme stated that the West Polk SWCD completed construction on the Wayne Sorenson Grade Stabilization Project. The District cost shared with the West Polk SWCD through the 2013 Erosion Control Funds, RLWD Project No. 164.

The Board reviewed a letter from W. Teague Orgeman on behalf of his clients Vance and Jean Norgaard and a letter of response drafted by Legal Counsel Sparby regarding the Pine Lake Area Project Work Team.

Administrator Jesme and Legal Counsel Sparby presented a Resolution in Regard to Notice of Deferred Assessments for the Water Management District, Thief River Falls Flood Damage Reduction Project No. 171A. Sparby stated that the proposed Resolution is a shortened version of the previously approved Resolution that the abstract companies will include on any abstract changes, therefore triggering any land use changes subject to deferred assessments. Motion by Coe, seconded by Torgerson, to approve the Resolution in Regard to Notice of Deferred Assessments for the Water Management District, Thief River Falls Flood Damage Reduction Project No. 171A. Motion carried.

The Board reviewed a request from District Staff for the purchase of a Global Water Flow Probe Hand-held Flowmeter to be used for stream gaging in the amount of \$943.00. Motion by

Torgerson, seconded by Coe, to authorize of the purchase of Global Water Flow Probe Hand-held Flowmeter in the amount of \$943.00. Motion carried.

Administrator Jesme stated that he was contacted by Sjobergs Cable TV regarding the installation of utilities along the corridor of RLWD Ditch 14, Project No. 171. Jesme stated that Sjobergs and the City of Thief River Falls are working in cooperation to install utilities south of Greenwood Street to the area of the Thief River Care Center and the new Cenex facility south on Hwy 59. The utilities would be bored in, 4 feet down at the outer edge of the Ditch 14 right of way area. Jesme recommended going around the side water inlet culverts in case they need to be replaced in the future. The District currently has 60 feet of right of way from the center. Discussion was held concerning the need for Sjobergs and the City of Thief River Falls to contact adjacent landowners prior to construction and for them to sign a disclaimer absolving the District of any future costs or liability should any future ditch maintenance or project cause the utility to be relocated. It was the consensus of the Board to have Legal Counsel Sparby draft some verbiage in regard to liability and review it at a future Board meeting.

The Board reviewed a letter from Fitzgerald, Reynolds and Harbott on behalf of their client, Woodside Township requesting the purchase of 1.81 acres of wetland banking credits from the District. Woodside Township is in need of mitigating wetlands due to the recent completion of a road project. After considerable discussion by the Board, a motion was made by Coe, seconded by Mandt, to decline the request of Woodside Township for the purchase of 1.81 acres of wetland banking credits. Motion carried.

Nathan Nordlund, Clearwater SWCD presented information on the Ruffy Brook Riparian Buffer Project. Nordlund stated that the SWCD received a Clean Water Fund Grant to complete projects on rivers and lakes within the Clearwater River watershed to protect water quality. The Ruffy Brook Riparian Buffer would consist of the installation of 4,840 feet of fence that would exclude 15 acres of access to the Ruffy Brook from cattle grazing. The project would also include the installation of a solar water pump, pipe and tank and installation of a crossing to allow cattle to access to both sides. The grant includes the installation of trees and shrubs to develop a riparian forest buffer. Nordlund stated that the total project cost is \$32,200 and is requesting \$4,100 from the 2015 Erosion Control Funds, RLWD Project No. 164. Motion by Torgerson, seconded by Coe, to approve the request of the Clearwater SWCD in the amount of \$4,100 for the Ruffy Brook Riparian Buffer Strip Project from the 2015 Erosion Control Funds, RLWD Project No. 164. Motion carried.

Nathan Nordlund, Clearwater SWCD stated that he has been working with staff member Gary Lane and volunteer landowners to purchase right of way easements for Judicial Ditch 72, RLWD Project No. 41. The Clearwater SWCD received a grant to establish buffer strips as there is no current easement for right of way to allow for ditch maintenance. Administrator Jesme stated that the Judicial Ditch 72 Joint Board met several years ago and approved the establishment of buffer strips for landowners who volunteered to participate. Landowners are offered \$1,500 per acre for establishment of the buffer strip. Staff member Gary Lane stated that most of the area is currently in pasture. Lane stated that several years ago the District received a request to clean the ditch. Approximately 1 ½ miles were cleaned, but after a large rain event and with sandy soils in the area about 1300 feet requires significant repairs. Nordlund stated that the goal of the project is to acquire a 20' buffer from the top of the slope, and the repair area will be sloped

back. Since the RLWD is the drainage authority of this portion of the system located in Clearwater County, the District will be responsible to acquire and hold the easement to the right of way. The SWCD will pay for 75% of the project with the Joint Ditch has agreed to pay the remaining 25%. No cost estimate is available at this time.

Engineer Nate Dalager updated the Board on the Pine Lake Area Project Work Team meeting that was held on February 6th. Administrator Jesme stated that he spoke with Dan Thul, MnDNR in regarding to concerns about raising the water level on Pine Lake, as well as storing water on the WMA. Thul indicated that they want to make sure the RRWMB is involved, as well as discussion with Engineer Charlie Anderson. Dalager discussed his presentation to the Project Work Team on the development of identifying retention sites upstream from Pine Lake. Jesme and Dalager will be meeting with agency staff to identify any potential red flags for permitting.

The Board reviewed information regarding Legacy Amendment Funds Training in Northwest Minnesota.

Administrator Jesme stated that the District received a grant for the development of a data base for the District's legal ditch systems. District staff will work with Brian Fischer, Houston Engineering, Inc. to implement the grant.

MAWD dues for 2015 were presented to the Board. Motion by Mandt, seconded by Torgerson, and passed unanimously to approve paying \$3,500 for the 2015 MAWD dues.

The Board reviewed the February 5, 2015 MAWD Legislative Update from Ray Bohn.

The 2015 MAWD Legislative Reception and Breakfast and Day at the Capitol will be held March 11 and 12, 2015. Administrator Jesme indicated that he may have some personal conflicts that will prevent him from attending this event.

The 17th Annual Joint Conference-RRWMB and Red River Basin FDR will be held March 25-26th in Moorhead. An agenda for the conference will be presented to the Board when it is received.

Administrator Jesme stated that he was asked if the District would like to participate in a joint meeting with the Middle Snake Tamarac Rivers Watershed District. It was the consensus of the Board that if there was a need to meet on a specific issue, they could do so, otherwise a future joint board meeting could coincide with any future Grand Marais Creek Joint Powers Board meeting.

Discussion was held on changing of the March Board meeting dates due to the MAWD Legislative Reception and the Annual Joint Conference both events being held on the March Board meeting dates. It was the consensus of the Board to discuss this at the February 26, 2015 Board meeting.

Administrator's Update:

- Jesme and Manager Knott will attend the RRWMB meeting at the District office on February 17th and the Red River FDR Workgroup meeting on February 18th. Project

Acceleration Grants will be submitted at the FDR Workgroup meeting for the Pine Lake Area Project Work Team and the Four Legged Lake Area Project Work Team.

- The 1W1P Kick-off meeting will be held March 18 at the District office. Jesme participated in a telephone conference to gather information together for the meeting such as the Public Survey and Kick Off meeting notice.
- There will be a Grand Marais WRAP technical meeting held on March 9 at the East Grand Forks Public Library. The public meeting is intended to introduce the Watershed Restoration and Protection Plan for the Grand Marais and give the public an idea as to what this study is trying to accomplish.
- Jesme and Managers Knott and Nelson attended a meeting on January 23 with landowners and DNR staff for the Pembina WMA/Goose Lake area. This meeting included an update from the MnDNR as to the improvement proposed on the outlet structure as well as discussion concerning the outlet channel of the WMA. Included in the packet was the draft meeting minutes.
- Jesme was invited to attend a meeting with Henry VanOffelen, Brian Dwight, Jim Zieger and Tracy Halstengard to review the Project Readiness Form that is used by the Red River Valley FDR Workgroup to better measure projects that are ready for FDR funding. This document was drafted six years ago and they were instructed to review the document for any recommended changes.
- Included in the packet was two articles regarding the public perception of agriculture versus clean water. One article is about the state's largest water board in Iowa, filing a lawsuit against three northern Iowa counties, holding them responsible for high levels of nitrates in rivers and another article how farmers are finding solutions on dealing with water quality.
- Included in the packet was a Water Work Magazine article concerning the attempt by various congressional folks that are trying to block the legislation passed last April which gives the EPA and USACOE the authority to clarify their jurisdiction under the Clean Water Act following the Supreme Court rulings of 2001 and 2006 that limits their power.
- An October 2014 Water Quality Report was included in the packet.

Manager Coe stated that he will be attending the Governor's Buffer Initiative Sector Meeting on February 19th in St. Paul. Discussion was held on landowner compensation, grazing and public access.

Administrator Jesme stated that he drafted a draft Petition for Abandonment for Judicial Ditch #5-Four Legged Lake, RLWD Project No. 102, and has submitted it to Legal Counsel Sparby for review.

Motion by Torgerson, seconded by Mandt, to adjourn the meeting. Motion carried.



LeRoy Ose, Secretary