

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
May 14, 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 Dale M. Nelson, Orville Knott, LeRoy Ose, Gene Tiedemann, Lee Coe, Albert Mandt and Les Torgerson. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Delray Sparby.

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

Motion by Coe, seconded by Knott, to dispense reading of the April 9, 2015 Board meeting minutes and approve them as presented. Motion carried.

The Board reviewed the Financial Report and Investment Summary dated May 13, 2015. Motion by Knott, seconded by Torgerson, to approve the Financial Report and Investment Summary dated May 13, 2015. Motion carried.

Staff member Arlene Novak and Administrator Jesme met with Franchesca Wojciechowski regarding the renewal of District's Workers Compensation Insurance and Officer's Liability Insurance through the League of Minnesota Cities. Novak stated that the District should see an approximate 4% decrease in the Liability Insurance, with a slight increase in Worker's Compensation Insurance. Quotes for the policy should be received in the near future. Novak also presented information on Accident Coverage for City Volunteers and Insurance for Equipment Breakdown. It was the consensus of the Board to not participate in the Accident Coverage for City Volunteers or Insurance for Equipment Breakdown.

Engineer Tony Nordby, Houston Engineering, Inc. stated that the assessment of liquated damages would begin on Monday, May 18<sup>th</sup> for Davidson Construction, Inc. for construction of the Grand Marais Creek Channel Restoration Project No. 60F. Nordby stated that the Contractor will be completing some grubbing, seeding, and rock rip rap around several box culverts and minor approach work and armor the flat car rail crossings. Railings will be installed on three single flat car rail crossings.

Engineer Tony Nordby, Houston Engineering, Inc. stated that Zavoral Construction, Inc. will begin construction on the Grand Marais Creek Diversion Structure, Phase II, Project No. 60F once conditions allow. Nordby stated that 400' of embankment downstream of the diversion structure will be constructed as part of the Diversion Structure and a change order for that was approved by the Joint Board at their meeting this morning. Administrator Jesme stated that the Polk County Commissioners agreed to partner with the District to repair the north slope of the Grand Marais Creek Cut Channel, Project 60FF to a 5 ½:1 slope, with installation of drain tiles for seepage in the embankment. Nordby stated that he would like the Contractor to slope back the embankment and let it settle for 1-2 weeks to determine if there will be any sloughing prior to

the installation of the drain tile. Motion by Tiedemann, seconded by Mandt, to approve a 50/50 cost share with Polk County for repair of the bank slope of the Grand Marais Creek Cut Channel, RLWD Project No. 60FF. Motion carried.

Administrator Jesme stated that he received a request from the USFWS of their desire to enter into an agreement with the MNDNR and the Red Lake Watershed District to do some cattail management on BR6, RLWD Project No. 43A at no cost to the District. Motion by Knott, seconded by Tiedemann, to allow Administrator Jesme to sign an agreement with the USFWS to partner in the efforts for cattail management on BR6, RLWD Project No. 43A. Motion carried.

The Board reviewed correspondence from the MN Lakes and River Advocates (MLR), encouraging the District to become a member of the MLR to be a part of protecting lakes in Minnesota.

The Board reviewed changes to the RRWMB Governing Documents, Application Procedures for Funding for Flood Damage Reduction Projects and Related Programs document. Administrator Jesme stated that the recommended changes are indicated in blue.

The Board reviewed buffer strip legislation that is being proposed by the Minnesota State Legislature requiring buffer strips on all ditch systems and along waterways.

The Board reviewed a Press Release regarding Water Quality Concerns in Minnesota from Governor Dayton's office and two newspaper articles from the Star Tribune.

Randy Huelskamp, NRCS was present to discuss the Odney Flaot Project, RLWD Project No. 50. Huelskamp stated that the Odney Flaot Project was constructed in the late 1970's early 1980's as part of a NRCS Project, that was eventually turned over to the District. The current project dike is leaking and outlet pipes are failing. Houston Engineering, Inc. estimated it would cost around \$110,000 to repair the project. In the proposal, two pipes would be removed and replaced with one pipe and the dike would be rebuilt. Administrator Jesme stated that the project is in the Burnham Creek subwatershed and was constructed by the NRCS on private land to address erosion control issues as well as a public benefit to help protect a State Highway from washing out due to large rainfall events. The District studied the project for additional storage capacity, but have determined that no extra storage is available. Discussion was held on installing a gated structure to allow for operation. Huelskamp stated that approximately \$38,000 could be available through NRCS Equip Fund Program. The preliminary design has been submitted to Dave Jones, NRCS, for review, but additional detail into the design will be required prior to approval. Motion by Coe, seconded by Tiedemann, to authorize Houston Engineering, Inc. to pursue additional design detail to be submitted to the NRCS for approval for the Odney Flaot Project, RLWD Project No. 50. Motion carried.

The Board reviewed information on an Ecofootprint Grant Program sponsored by the Minnesota Association of Resource Conservation and Development Council and Enbridge.

Staff member Loren Sanderson discussed a drainage dispute between two landowners in River Township, Red Lake County, that was previously discussed at the November 25, 2014 Board meeting. Sanderson stated that it is a private landowner drainage dispute that can't be addressed through the District's Rules and Regulations. Legal Counsel Sparby stated that since the issue at hand does not appear to qualify as a dike, it would not require a District permit therefore the District has no jurisdiction over the matter. It was the consensus of the Board that to have Administrator Jesme and Legal Counsel Sparby draft a letter to the landowner.

Staff member Loren Sanderson discussed correspondence from BWSR regarding a Wetland Conservation Act Restoration Order Appeal in Belguim Township for a permit that the District had permitted. Sanderson stated that the applicant had approval to clean along a township road, but no permit was authorized to work in wetlands. A Wetland Restoration Order has been put in place that the landowner is trying to appeal.

The Board reviewed the permits for approval. Motion by Tiedemann, seconded by Mandt, to approve the following permits with conditions stated on the permit: No. 15014, Wallace Bengston, Cedar Township, Marshall County; No. 15015, Nathan Bukowski, Cedar Township, Marshall County; No. 15016, Steve Jorland, East Valley Township, Marshall County; No. 15017, Ray Kvalvog, East Valley Township, Marshall County; No. 15018, Daniel Rantanen, Cedar Township, Marshall County; No. 15019, Nathan Westlund, East Valley Township, Marshall County; No. 15025, Faye Auchenpaugh, Smiley Township, Pennington County; No. 15026, 15027, 15028, 15029, 15030, Gully Township, Polk County; No. 15031, Agder Township, Marshall County; No. 15032, East Valley Township, Marshall County; No. 15033, Dwight Johnson, Nordin Township, Pennington County; No. 15034, Marshall County Highway Department, Excel Township, Marshall County; No. 15035, Earl Pederson, Winsor Township, Clearwater County; No. 15036, Earl Pederson, Greenwood Township, Clearwater County; No. 15037, Red Lake Falls Township, Red Lake County; No. 15038, Scott Hickerson, Smiley Township, Pennington County; No. 15039, Pennington County Highway Department, Deer Park Township; No. 15040, Pennington County Highway Department, Silverton Township, Pennington County; No. 15041 and 15042, Pennington County Highway Department, Smiley Township, Pennington County; and No. 15043, Richard Dulka, Deer Park Township, Pennington County. Motion carried.

The Board reviewed the 2014 Annual Report. It was the consensus of the Board, to allow the Board members time to review the report and make any suggested changes for approval at the May 28, 2015 Board meeting.

Administrator Jesme stated that the Water Quality Department wishes to hire a Summer Intern to assist with water quality sampling, Jesme further indicated that Gary Lane would be willing to work on a temporary part time basis at the same hourly rate as what he was making when he retired to help with construction work on the State Ditch 83 and also the District's maintenance inspection.

At 10:00 a.m., President Nelson stated that the bid opening for the construction of the Judicial Ditch 72 Grade Stabilization Project, RLWD Project No. 41 and RLWD Project 164, would be conducted. Legal Counsel Sparby noted the time and that all bid proposals have been accepted

by the 10:00 a.m. bid closing. Bids were opened and bid amounts were publicly announced and are on file at the office District office. Motion by Ose, seconded by Tiedemann, and passed by unanimous vote to accept the apparent low bid from Wright Construction, Inc. in the amount of \$65,867.30 for construction of Judicial Ditch 72 Grade Stabilization Project, RLWD Project No. 41 and RLWD Project 164, contingent upon the audit and review of the bids and approval by Legal Counsel Sparby, District staff, and Project Engineer William Westerburg, North Central MN Joint Powers Board.

Administrator Jesme reminded the Board that an Informational Meeting with the Judicial Ditch #5 (Four Legged Lake) landowners will be held at 5:30 p.m. at the Dudley Township Hall, in the Village of Leonard, MN.

#### Administrators Update:

- Jesme and Manager Knott will attend the RRWMB meeting in Fertile on May 19<sup>th</sup>.
- LGU staff met on April 7<sup>th</sup> to discuss information concerning the writing of the 1W1P to identify and rank priority issues, and the "Resources of Concerns or Impairment list" to remove tributaries not located in the Red Lake sub-watershed. The next 1W1P meeting will be held on May 20<sup>th</sup> at the District office.
- All District staff members participated in a First-Aid Training Course on May 7<sup>th</sup> at the District office. Staff members completed the class room phase provided by HDR Engineering, Inc. along with a four hour on-line training session.
- Staff members Olson and Hitt participated in the Thief River Falls Expo held at the Ralph Engelstad Arena on April 23<sup>rd</sup>.
- Included in the packet was information regarding a seminar held on June 17<sup>th</sup> sponsored by the Farmers National Company to assist landowners in understanding our local rental markets which are key to negotiating a fair lease for future projects.
- A February 2015 Water Quality Report was included in the packet.

Legal Counsel Sparby stated that he will schedule an additional meeting with Administrator Jesme to work on several matters that will require attention.

Further discussion was held on a summer temporary part time employee. Administrator Jesme stated that Gary Lane would be hired a maximum of two days a week on an as needed basis to allow Lane to phase in Staff member Olson with construction on State Ditch 83 and in regard to ditch maintenance. It was the consensus of the Board, to authorize Administrator Jesme to proceed with the hiring of Lane and a Water Quality Summer Intern.

Manager Torgerson stated that he would like to encourage the Board to join the Minnesota Rivers and Lakes Advocates. It was the consensus of the Board to add this item to the May 28, 2015 Board agenda to allow the Board time to review information on the organization.

President Nelson stated that he had received several calls on the District's Permit Rules and Regulations. Nelson stated that the following items seem to be in question by local landowners: permit extension time frame, private drainage, repair and replacement of 50 linear feet, emergency work on channels. It was the consensus of the Board to add this item to the May 28, 2015 Board agenda, to allow time for Administrator Jesme and Legal Counsel Sparby to go over

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the proposed changes and allow time for the Board and landowners to review the changes. Legal Counsel Sparby stated that once the document has been reviewed, it would move forward to the hearing process to see if any additional items come out through that process. Landowner Todd Stanley stated that the surface drainage issue is what brought their attention to this document.

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



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LeRoy Ose, Secretary