

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
July 27, 2017

Vice President, Gene Tiedemann, called the meeting to order at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present were: Managers Allan Page, Gene Tiedemann, Les Torgerson, Terry Sorenson, LeRoy Ose and Brian Dwight. Absent: Manager Dale M. Nelson. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Sparby.

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

Motion by Sorenson, seconded by Page, to dispense reading of the July 13, 2017 Board meeting minutes and approve them as printed. Motion carried.

The Board reviewed the Financial Report dated July 26, 2017. Motion by Dwight, seconded by Torgerson, to approve the Financial Report dated July 26, 2017. Motion carried.

Administrator Jesme stated that a landowner on the Black River Impoundment Project, RLWD Project No. 176, requested partial payment for the purchase of their property in 2017, with the remaining balance in 2018. Legal Counsel Sparby stated that as long as this action doesn't delay the project he had no objection to partial payments, further stating that the Purchase Agreements would need to be amended to reflect a closing date in January 2018. Motion by Sorenson, seconded by Page, to approve the amendment to the Purchase Agreement, at each landowners request, with partial payment in 2017, and the remaining balance in 2018 for the purchase of property for the Black River Impoundment, RLWD Project No. 176. Motion carried.

Engineer Tony Nordby, Houston Engineering, Inc., stated that a meeting will be held with landowners along the inlet and outlet ditches for the Black River Impoundment, RLWD Project No. 176, on August 9, 2017 at the District office. Nordby is currently working on preliminary and temporary right-of-way limits to present to the landowners. Landowners will have the opportunity to sign up for EQIP funding through the NRCS for installation of side water inlet culverts. Sign-up for EQIP ends August 19, 2017. Nordby reviewed the budget and schedule of the project, with a Step II funding submittal to the RRWMB scheduled for September. Administrator Jesme will contact the RRWMB to request to be added to the September agenda. Further discussion was held on the lack of available funding from the State of Minnesota. Jesme will contact Henry VanOffelen, DNR Waters Coordinator with the RRWMB, to request a Project Acceleration Grant.

Engineer Nate Dalager, HDR Engineering, Inc., and Administrator Jesme updated the Board on the Four Legged Lake, RLWD Project No. 102A Project Work Team meeting that was held July 21, 2017. Dalager stated that in his opinion it would be very difficult to come to a consensus with all the interested parties. Dalager further stated that he could finish the plan showing impacts with the various water levels. The MnDNR stated at the Project Work Team meeting that it would have no objection to the District lowering the culvert at the outlet to 1423.8 to allow

the District to maintain the legal drainage system without holding a public hearing. Discussion was held that the District has a duty to maintain the ditch. The culvert is currently at an elevation of 1427. If the elevation of the culvert is lowered to an elevation other than 1423.8, a public hearing would need to be held. According to the State of MN, a petition with signatures from 75% of the landowners would need to be acquired to change the culvert elevation. The MnDNR has stated that the Ordinary High Water (OHW) mark was recorded in 2010 at 1430. The NRCS has indicated that they are reviewing their options of participating further with this project until the unresolved issue of culvert elevation is resolved. If they were to opt out of the agreement, they could potentially pull out of all funding opportunities. Legal Counsel Sparby stated that if the District lowers the culvert, he recommends informing the landowners of the decision of the Board, and then proceed with initiating the action to lower the culvert back to the original elevation.

At 10:00 a.m., Vice President Tiedemann stated that the bid opening for the construction of the Blackduck Lake Outlet Repair, RLWD Project No. 50E would be conducted. Legal Counsel Sparby noted the time and that no further bid proposals would be accepted after the 10:00 a.m. bid submittal deadline. Bids were opened and bid amounts were publicly announced and are on file at the office District office. Motion by Torgerson, seconded by Ose, and passed by unanimous vote to accept the apparent low bid from Gerit Hanson Contracting, Inc. in the amount of \$87,968.00 for construction of the Blackduck Lake Outlet Repair, RLWD Project No. 50E, contingent upon the audit and review and approval by Legal Counsel Sparby, District staff, and Project Engineer Jeff Langan, Houston Engineering, Inc.

Further discussion was held on Four Legged Lake, RLWD Project No. 102A. It was noted that the Project Work Team has not yet made a recommendation to the Board. Discussion was held on the Abandonment Petition for Judicial Ditch No. 5, RLWD Project No. 102 that was tabled by the Board, to allow for the Project Work Team process to move forward. Motion by Ose, seconded by Sorenson, to lower the outlet culvert of Judicial Ditch No. 5, RLWD Project No. 102 to an elevation of 1423.8 which would allow needed maintenance of the public drainage system. Motion carried with Managers Sorenson, Torgerson and Ose, voting aye, and Manager Dwight voting nay. Motion carried. Legal Counsel Sparby recommended sending notices of the Board action to all landowners.

Engineer Nate Dalager, HDR Engineering, Inc., updated the Board on the Pine Lake Area Project, RLWD Project No. 26 Project Work Team meeting held on July 21<sup>st</sup>. Discussion was held on possible impacts to upstream impoundments, landowner participation and modifications to the current Pine Lake outlet.

Administrator Jesme stated that to date, approximately \$24,000 has been spent on repairs to State Ditch #83, RLWD Project No. 14. Jesme will update the Board as work proceeds to determine if additional funds will be expended this year. Discussion was held on recent work completed in Section 32, East Valley Township, Marshall County. Manager Ose stated that he had viewed the area, and determined that the work is satisfactory.

Review of the petition submitted by Eric Larson at the July 13, 2017 meeting for the Establishment of a New Drainage System located in Tabor, Northland and Esther Township, Polk County was completed by Administrator Jesme and Legal Counsel Sparby. Both determined that the petition is valid, with minor corrections submitted to Attorney Jeff Hane, legal counsel for the petitioners. Sparby discussed a required revision to Item No. 9 of the petition; the petition must state that the petitioners pay all costs of the proceedings if it is dismissed or the contract for construction is not awarded. Motion by Sorenson, seconded by Dwight, to accept the petition contingent upon the required changes for the Establishment of a New Drainage System to be named RLWD Ditch No. 16, RLWD Project No. 177, appointing Jerry Pribula, Pribula Engineering, as the Engineer for the Project. Motion carried.

The Board reviewed a request from Attorney Kurt Deter, Rinke Noonan, to waive a conflict of interest, which would allow Deter to represent landowners who wish to submit a petition for the Improvement to Polk County Ditch 39 to the District. The District currently has Rinke Noonan on retainer to assist with legal questions as needed. Motion by Dwight, seconded by Sorenson, to waive the conflict and suspend the retainer during the time that Mr. Deter is assisting the landowners with the petitioned project for the Improvement to Polk County Ditch 39 and that the Board revisit the retainer issue upon completion of the project. Motion carried.

The Board reviewed information from the MnDNR regarding the Riparian Protection Aid the District will receive for years 2017 and 2018 for the establishment of buffer strips on systems under the jurisdiction of the District. Administrator Jesme asked for direction from the Board, if the funds received should be allocated into each ditch system's account, or into the General Fund. Motion by Dwight, seconded by Torgerson, that funds received for the Riparian Protection Aid for the years 2017 and 2018, which is for the enforcement of the buffer law, be allocated to each legal ditch system's account. Motion carried.

The Board reviewed Governor Mark Dayton's 25BY25 plan to accelerate the pace of progress towards clean water in Minnesota. Manager Tiedemann showed a map that indicated vulnerable soils within the state and the proposal by the Department of Agricultural to ban the fall application of nitrogen state wide.

Manager Dwight discussed his recommendation to BWSR, to complete a follow-up with One Watershed One Plan pilot projects.

Administrator Jesme stated that Christina Slowinski had accepted the position of Technician II for the District, tentatively starting the end of September. Motion by Ose, seconded by Page, to approve the hiring of Christina Slowinski as a Technician II, at an hourly rate of \$21.00, plus benefits. Motion carried.

The Board reviewed the permits for approval. Motion by Torgerson, seconded by Sorenson, to approve the following permits with conditions stated on the permit: No. 17080, Todd Brule, Terrebonne Township, Red Lake County; No. 17086, Michael Bachand, Lambert Township, Red Lake County; No. 17090, David Hoppe, Gentilly Township, Polk County; No. 17091, Pennington County Highway Department, Hickory Township; No. 17092, Brad, Chad and Jeff Larson, Keystone Township, Polk County; No. 17093, Craig Schmitz, Red Lake Falls Township,

Red Lake County; No. 17094, Kratka and Smiley Townships; Pennington County; No. 17095, Mike Useldinger, Sullivan Township, Polk County; and No. 17096, Owen Peterson, Keystone Township, Polk County. Motion carried.

Administrators Update:

- Jesme participated in a RRWMB finance committee meeting on July 14<sup>th</sup> in Moorhead. Jesme and Manager Ose attended the RRWMB meeting held in East Grand Forks on July 18<sup>th</sup>. The RRWMB did elect to levy the ad valorem taxable rate at 100% of the current taxable market value for 2018.
- Jesme attended the RRWMB/Red River Joint Water Resource meeting on July 19<sup>th</sup> in Grand Forks. A bus tour was held after the meeting where the Grand Marais Creek Channel Restoration Project and the proposed Black River Impoundment Project were viewed.
- Marco was onsite and upgraded the District's server on July 19<sup>th</sup>, with off-site work completed on the 19<sup>th</sup>.
- A Joint Ditch 72 Board/landowner meeting will be held on July 31, 2017 at 2:00 p.m. at the McIntosh Community Center. The meeting will include the history of the public drainage system, as well as the need for a redetermination of benefits.
- Jesme attended, via webcam/telephone, a Local Governmental Water Round Table Workgroup meeting on July 24<sup>th</sup>. The workgroup reviewed the funding appropriated this last legislative session to assist BWSR in making final recommendations to the Clean Water Council on distribution of the funds.

Manager Dwight discussed potential funding through BWSR for the Red Lake River 1W1P, RLWD Project No. 149.

Staff member Arlene Novak reviewed the 2017 Taxable Market Values for Watersheds in Minnesota and the 2018 Taxable Market Value Work Paper.

Vice President Tiedemann presented the Proposed 2018 General Fund Budget. Tiedemann stated that the Budget/Salary committee members Nelson, Tiedemann and Sorenson had met previously to review the 2018 Budget and Salary recommendations. Motion by Sorenson, seconded by Torgerson, to approve the following staff salaries to read as follows: increase Natural Resource Technician Hitt, \$1.00 per hour effective July 31, 2017; increase salaries for Natural Resource Technician Hitt, Water Quality Program Coordinator Hanson, Administrator Jesme, Accounting Officer Novak, and Office Manager Audette by \$1.25 per hour effective January 1, 2018; and Engineer Aide/Technician III Sanderson by 1.85 per hour effective January 1, 2018. Motion carried.

Vice President Tiedemann stated that the 2018 Budget is similar to 2017, with a General Fund Budget in the amount of \$164,135. Discussion was held on setting the 2018 General Fund Budget levy to Counties at zero for 2018 and using the reserve funds in the General Fund to pay the proposed General Fund for the 2018 Budget. Motion by Sorenson, seconded by Ose, and passed unanimously to approve the proposed 2018 General Fund in the amount of \$164,135, to not levy the Counties for the 2018 General Fund Budget and use the District's General Fund reserve fund, and set the 2018 General Fund Budget hearing for 9:30 a.m. on Thursday, August 24, 2016 at the RLWD office.

The Board reviewed the Budget and Salary Committee's recommended changes to the District's Personnel Policies and Procedures. Motion by Ose, seconded by Dwight, to approve the recommended changes to the District's Personnel Policies and Procedures effective immediately. Motion carried.

Legal Counsel discussed the West Side Drainage Project and a potential meeting the week of July 31, 2017.

Discussion was held on the purchase of iPads for the Board members to use during Board meetings. It was the consensus of the Board to instruct the staff to explore the purchase of iPads and report back to the Board.

Manager Dwight discussed various funding options for clearing and snagging within the District. Motion by Torgerson, 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