

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
June 14, 2018

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, Brian Dwight, Gene Tiedemann, LeRoy Ose, Allan Page and Les Torgerson. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Sparby.

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

The Board reviewed the May 24, 2018 minutes. Motion by Sorenson, seconded by Tiedemann, to approve the May 24, 2018 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated June 13, 2018. Motion by Tiedemann, seconded by Ose, to approve the Financial Report dated June 13, 2018 as presented. Motion carried.

Staff member Arlene Novak presented information regarding the renewal of the District's League of Minnesota Cities Liability insurance, Workers Compensation insurance, and Excess Liability Coverage. Discussion was held on the premium option of selecting the regular premium or the \$250.00 deductible premium option. The deductible premium option offered only a \$27 premium savings. Motion by Tiedemann, seconded by Page, to approve the renewal of the regular premium option for Workers Compensation Premium with the League of Minnesota Cities. Motion carried. Motion by Tiedemann, seconded by Sorenson, to renew the Liability Coverage with the League of Minnesota Cities, and waive the monetary limits on municipal tort liability to the extent of applicable liability insurance coverage and purchase excess liability coverage in the amount of \$2 million. Motion carried.

The Board reviewed the Scope of Work for the Wetland Habitat Quality and Management Enhancement Project at Agassiz NWR, RLWD Project No. 180. Administrator Jesme stated that the District received a grant from the Clean Water Legacy for cattail management and repairs to water control structures within Agassiz NWR. The District will be the fiscal agency, with District staff completing the construction quote documents. Staff from Agassiz NWR will be responsible for construction inspection.

Administrator Jesme stated that on Tuesday June 12th at their regularly scheduled meeting, the Pennington County Commissioners voted to hold a Public Hearing on August 9, 2018 for the potential abandonment of a portion of Judicial Ditch 25-III which used to be Pennington County Ditch #35. The portion of the public drainage system proposed to be abandoned, will be added and maintained with the three new ditches which will be constructed as part of the establishment of the Black River Impoundment, RLWD Project No. 176. Legal Counsel Sparby recommended that the District hold the Black River Impoundment hearing in conjunction with the Pennington

County Commissioner's hearing. Motion by Ose, seconded by Tiedemann, to set the hearing for the Black River Impoundment Project, RLWD Project No. 176, for August 9, 2018 at 9:45 a.m. at the District office. Motion carried.

Administrator Jesme stated that an additional \$40,000 bond was received from the Petitioners for the establishment of RLWD Ditch 16, RLWD Project No. 177. Jesme indicated that he will meet with the Viewers for the project on June 18, 2018.

Administrator Jesme reviewed the Board of Water and Soil Resources draft Buffer Law Implementation for Watershed District's under Minnesota State Statute 103E Systems Only Buffer Rule. Jesme stated that since the existing public drainage systems under the jurisdiction of the District are managed under 103E, there are provisions in the Statutes that allows compensation to landowners for land lost due to the establishment of buffer strips under MN State Statute 103E. Jesme indicated that he would like the Board of Managers to review the document which may assist them in moving forward with the buffer enforcement rule that was recently passed.

The Board reviewed the permits for approval. Motion by Page, seconded by Ose, to approve the following permits with conditions stated on the permit: No. 18025, Enbridge Energy, Polk, Red Lake, Pennington and Clearwater Counties; No. 18032, Greg Harris, Rollis Township, Marshall County; No. 18033, Justin Rose, Moylan Township, Marshall County; No. 18034, Mike Harmoning, Gervais Township, Red Lake County; No. 18035, Mike Harmoning, River Township, Red Lake County; No. 18037, Roger DeLap, Silverton Township, Pennington County; No. 18038, Marshall County Highway Department, Grand Plain Township, Marshall County; No. 18039 and 18040, Lessor Township, Polk County; and, No. 18041, Louie Cater, Rocksbury Township, Pennington County. Motion carried.

Administrator Jesme stated that Agassiz NWR advertised excess property under the GSA Auction, which included 5 Eureka Multi Probe Sondes that the District had previously used for water quality sampling. Staff member Ashley Hitt secured the purchase of the Sondes at the minimum bid price of \$10.00 for all five Sondes.

Legal Counsel Sparby discussed the resolution passed by the District Board on May 24, 2018 for funding through the Flood Damage Reduction Grant Assistance Program for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Sparby wished to clarify that the resolution states that the Board is committed to providing any additional capital that may be needed for the completion of the Thief River Falls Westside Flood Damage Reduction Project. It was the consensus of the Board, that it has a clear understanding of the commitments under the resolution.

Administrators Update:

- Jesme and Manager Ose will attend the RRWMB meeting in Hallock on June 19, 2018. Jesme participated in a RRWMB Budget and Finance Committee meeting at the District office on June 5, 2018.

- Brad Dokken, Outdoor Writer for the Grand Forks Herald published his article featuring the Grand Marais Creek Outlet Restoration Project in the June 10, 2018 publication of the Grand Forks Herald. This article is featured in part to the ten-year anniversary for Clean Water, Land and Legacy Amendment passing.
- Included in the packet was information from Enbridge for the proposed Line #3 replacement.
- Staff member Corey Hanson attended the Pennington County Water Resource Advisory Committee meeting in the District office on June 11, 2018.
- A Thief River 1W1P Policy and Advisory Committee meeting was held on June 13, 2018 at the District office. The meeting focused on reviewing and approval of comments for Section 3: Measurable Goals as well as the introduction to Section 4: Tools for Targeting Practices.
- Jesme and Manager Nelson presented the 2017 Annual Report to the Pennington County Commissioners on June 12th; followed by Jesme and Manager Page presenting the report to the Red Lake County Commissioners. The following meetings have been scheduled with the remaining counties: Polk County, June 26th; Clearwater County, July 10th, Marshall County, July 17th, and Beltrami County, TBD.

Manager Page stated that the river bank which is part of the road entering the Huot Park caved in during a recent rainfall event. Administrator Jesme stated that this could be a potential project for future funding through the Red Lake River 1W1P process.

At 9:30 a.m., President Nelson stated that the bid opening for the replacement of the Little Pine Lake WMA Outlet Structure, RLWD Project No. 26 would be conducted. Legal Counsel Sparby noted the time and that no further bid proposals would be accepted after the 9:30 a.m. bid submittal deadline. Bids were opened and bid amounts were publicly announced and are on file at the District office. Motion by Tiedemann, seconded by Dwight, and passed by unanimous vote to accept the apparent low bid from Red Lake Builders, Inc., in the amount of \$119,220.00 for the replacement of the Little Pine Lake WMA Outlet Structure, RLWD Project No. 26, contingent upon the audit and review and approval by Legal Counsel Sparby, District staff, and Project Engineer Nate Dalager, HDR Engineering, Inc.

Engineer Nate Dalager, HDR Engineering, Inc. presented, for Board information, the proposed Preliminary Engineer's Report for the Thief River Falls West Side Flood Damage Reduction Project, RLWD Project No. 178. Dalager stated that this project was initiated by a petition from Pennington County and the City of Thief River Falls to determine alternatives to alleviate flooding on the west side of the City Thief River Falls, located within the Pennington County Ditch 70 benefitted area. Dalager discussed several alternatives, including the potential improvement to Pennington County Ditch 70, which would require a petition from the landowners within the Pennington County Ditch 70 benefitted area. Dalager stated that the preferred alternative would be the south alternative, which would divert water from the corner of the Hwy 59/Petro Pumper corner, south along the west side of CSAH 16, thence run parallel to Highway 32 and existing railroad grade, thence continuing south through Pennington County Road 7 intersection where it would then cross through Highway 32 in a south westerly direction

using the existing outlet to a public drainage system referred to as Pennington County Ditch #1, thence out-letting into the Red Lake River. Administrator Jesme stated that the Pennington SWCD had already identified the outlet channel as a potential erosion control project in the Red Lake River 1W1P. Dalager discussed the potential of routing the water around Evergreen Implement and then proceeding south along CSAH 16. Dalager discussed the various partners of the project, project timeline with potential construction scheduled for the fall 2019 and coordination with the Minnesota Department of Transportation work on Hwy 32 slated for 2020. Motion by Tiedemann, seconded by Ose, to approve for filing, the Preliminary Engineers Report for the Thief River Falls West Side FDR Project, RLWD Project No. 178. Motion carried. A hearing date for the project will be scheduled once the Advisory Reports are received.

City of Thief River Falls Public Works Director Mark Borseth and Administrator Rod Otterness appeared before the Board to discuss the installation of storm sewers along the old County Ditch 70, as it enters the westside of the City of Thief Falls. Mr. Borseth requested that the proposed storm sewer project be included and coordinated in conjunction with the overall project of the Thief River Falls Westside FDR Project, RLWD Project No. 178, as many of the components being bid together could save both the City of Thief River Falls and the District money. Borseth stated that they would like to see HDR Engineering, Inc. be responsible for the engineering of the project, and all project costs to the storm sewer project be bid with the FDR project but billed directly to the City of Thief River Falls. Legal Counsel Sparby stated that a Joint Resolution between the City of Thief River Falls and the District could be drafted to spell out the financial agreement of the joint effort. It was the consensus of the Board, to proceed with the joint effort between the City of Thief River Falls and the District for the installation of storm sewers, during the construction of the Thief River Falls Westside FDR Project, RLWD Project No. 178. A short recess was taken.

At 10:00 a.m., President Dale M. Nelson reconvened the general meeting and called the hearing to order for the Abandonment of Judicial Ditch 5, RLWD Project No. 102. The Petition for Abandonment of RLWD Project No. 102-Judicial Ditch 5 was read into the record. Administrator Myron Jesme presented a timeline of the ditch system. President Nelson turned the meeting over to Legal Counsel Sparby to address the legal standards involved in the hearing and its process. Sparby indicated that the hearing is being videotaped and will be available for viewing at the RLWD office. It was also noted that the appropriate notices as required by statute had been given. Engineer Nate Dalager, HDR Engineering, Inc. presented information regarding the usefulness and function of the ditch system as it related to the possible abandonment of Judicial Ditch 5, RLWD Project No. 102. After public comments and Board discussion was had, the hearing was closed. Legal Counsel Sparby stated that as the drainage authority, the District has substantial discretion one way or the other if it would choose to abandon the ditch system. President Nelson asked Mr. Dalager for his recommended elevation of the outlet culvert in order for the drainage system to still have useful benefit. Dalager recommended an elevation of 1426. Manager Torgerson questioned if landowners within the benefitted area would be responsible for the repairs? Sparby indicated that all future maintenance would part of the system and paid by the benefitted area should the abandonment of the system not be approved. Motion by Dwight, seconded by Ose, to deny the Petition for Abandonment of RLWD Project #102, Judicial Ditch 5 based upon the fact that the drainage system served a useful purpose to property within the system and to the general public. Motion carried with Manager Torgerson opposed. Motion by

Ose, seconded by Page, to repair the drainage system and set the elevation of the outlet of Judicial Ditch 5, RLWD Project No. 102 at an elevation of 1426, as recommended by the Engineer. Motion carried.

Engineer Tony Nordby, Houston Engineering, Inc. appeared before the Board to update the Board on the status of the proposed Black River Impoundment, RLWD Project No. 176. Nordby stated that he submitted the Plans and Breach Analysis Report to the DNR-Dam Safety. Nordby also indicated that Administrator Jesme and himself will be attending a conference call with DNR staff this afternoon to review the documents. Permitting and wetland documents are completed and will be submitted next week. The Technical Evaluation Plan (TEP) Committee will complete field verification soon. Nordby discussed the RRWMB Star Value spreadsheet as it is used to evaluate the benefit and need for the project. Currently the total project cost is \$7.8 million. It was noted that Houston Engineering, Inc. is currently over budget on the engineering fees. Nordby stated that even with the cost overrun, Engineering costs will still fall in the 15% to 18% of the total project costs. It was the consensus of the Board, to authorize Houston Engineering, Inc. to submit all billing for engineering fees incurred and the District staff will continue to monitor engineering bills as the project proceeds forward.

The Board read a letter from landowner, Jim Nelson who lives along RLWD Ditch 14/Thief River Falls FDR Project, RLWD Project No. 171/171A, thanking the staff for maintenance recently completed on the ditch system.

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



LeRoy Ose, Secretary