

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
November 27, 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 Terry Sorenson, Gene Tiedemann, Brian Dwight, Dale M. Nelson, Allan Page, and LeRoy Ose. Absent: Les Torgerson. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel, Delray Sparby.

The Board reviewed the agenda. President Nelson requested the addition of the Four-Legged Lake Project, RLWD Project No. 102A, be added to the agenda. A motion was made by Ose, seconded by Dwight, and passed by unanimous vote that the Board approve the agenda with the addition of the Four-Legged Lake Project, RLWD Project No. 102A. Motion carried.

The Board reviewed the November 8, 2018 minutes. Motion by Sorenson, seconded by Page, to approve the November 8, 2018 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated November 26, 2018. Motion by Dwight, seconded by Tiedemann, to approve the Financial Report dated November 26, 2018 as presented. Motion carried. The Board reviewed the Investment Summary as of November 27, 2018. It was the consensus of the Board to authorize staff to solicit quotes for the Certificate of Deposit to mature on December 12, 2018, and accept the highest quote presented.

The Board reviewed the Engineer's Certificate of Substantial Completion and Final Pay Estimate in the amount of \$19,369.50, to Red Lake Builders, Inc., for construction of the Little Pine Lake Wildlife Management Area Outlet Structure Repair, RLWD Project No. 26. Administrator Jesme indicated that he had contacted Minnesota Department of Natural Resource Wildlife Manager, Dave Rave, to inform him of the final payment. Mr. Rave indicated that they were very happy with the project and felt there was no reason not to proceed in final payment. Motion by Tiedemann, seconded by Page, to approve Final Payment, in the amount of \$19,369.50, to Red Lake Builders, Inc., for construction of the Little Pine Lake Wildlife Management Area Outlet Structure Repair. Motion carried.

Nate Dalager, HDR Engineering, Inc., stated that the subcommittee for the Pine Lake Area Project, RLWD Project No. 26, requested Dalager to review the six potential retention sites to determine if the sites meet the criteria for on-channel storage. Dalager stated that he will gather the information and present a report back to the Board.

Nate Dalager, HDR Engineering, Inc., stated that the District needs to submit, to the Natural Resource Conservation Service (NRCS), official Board action if the District wishes to proceed with the RCPP process for the Four-Legged Lake Project, RLWD Project No. 102A. After considerable discussion, Motion by Tiedemann, seconded by Ose, to dismiss the NRCS RCPP process, for the Four-Legged Lake Project, RLWD Project No. 102A. Motion carried.

Chester Powell, Clearwater SWCD, appeared before the Board to request funding assistance for Clearwater County to complete 3D aerial imaging of Clearwater County. Mr. Powell indicated that the estimated cost of the aerial imagery is \$75,375. Clearwater SWCD was awarded a grant through BWSR, but it did not cover all cost for the 3D aerial imaging project. Mr. Powell stated that funds from Wild Rice Watershed District and Clearwater County have been secured contingent upon funding from the District. Upon questions from the Board, Mr. Powell indicated that he would like to request funding from the District in the amount of \$7,537.50 which would assist in funding the shortfall. Motion by Page, seconded by Sorenson, to approve cost-share in the amount of \$7,537.50, with the Clearwater SWCD to complete 3D aerial imaging in Clearwater County. Motion carried.

Administrator Jesme stated that he and Manager Sorenson attended the Judicial Ditch 72 Joint Board meeting on November 20, 2018, to discuss the alternative for the redetermination of benefits for Judicial Ditch 72, which is under the jurisdiction of the Joint Board, and State Ditch 61, which is under the jurisdiction of Polk County. If the alternatives mentioned proceed to the final hearing, it could lead to elimination of the Judicial Ditch 72 Joint Board. Jesme stated that based on recommendation, some laterals of Judicial Ditch 72 would be combined with State Ditch 61 and the remainder of Judicial Ditch 72 system would be turned over to the District and Polk County would keep County Ditch 88 and State Ditch 61. As part of the proceeds, the Joint Ditch 72 Board, Polk County and District would hold a joint hearing. Jesme stated that as part of the hearing proceedings, the District could also abandon Judicial Ditch 11, which was never abandoned when the Winsor-Hangaard Project, RLWD Project No. 113 was constructed.

Additional discussion was had with Chester Powell, Clearwater SWCD, concerning buffer compliance in Clearwater County. Mr. Powell stated all ditches in Clearwater County are in compliance with the new buffer law. Powell further noted that the SWCD just completed installation of four side water inlets that were partially funded by the District.

Engineer Tony Nordby, Houston Engineering, Inc. (HEI), appeared before the Board to discuss the estimated costs and funding breakdown for the proposed Black River Impoundment, RLWD Project No. 176. The estimated project costs if \$8,063,940.00. Nordby stated that the additional increase of drainage area, contributed to the increased the project costs. Manager Dwight questioned the possibility of establishment of wetland banking acres. Nordby stated that costs for wetland banking are not included in the costs presented today. Nordby reviewed the RRWMB Star Value funding process. Staff at HEI is moving forward with the permitting process. Discussion was held on funding scenarios with the RRWMB and the State of Minnesota.

Administrator Jesme stated that Nick Knott has agreed to pay the same rental rate from 2018 in 2019, \$72.00 per acre, for rental of agricultural land located on land purchased by the District for the proposed Black River Impoundment, RLWD Project No. 176. Knott requested that he be allowed to plant soybeans, therefore the harvest date of September 1, would need to be removed. The District agrees to pay crop damages, if needed, for construction purposes. Motion by Ose, seconded by Tiedemann, to approve the rental agreement with Nick Knott at \$72.00 per acre,

remove the September 1, 2019 harvest date to allow for the planting of soybeans, and the District agrees to pay crop damages for purposes of construction only, for agricultural land in the proposed Black River Impoundment, RLWD Project No. 176. Motion carried.

Administrator Jesme stated that District staff is currently accumulating names for the Viewers' Report for the Water Management District on the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. The Watershed Management District fee process will need to be set up prior to the hearing process.

Administrator Jesme stated that the comment period for the draft Plan Amendment to the Red Lake River Comprehensive Watershed Management Plan, RLWD Project No. 149, ends November 30, 2018. The Red Lake River 1W1P Planning Workgroup Committee will meet the following week to review any comments received and forward the comments to BWSR. The hearing for the Plan Amendment will be held on December 19, 2018 at 10:00 a.m. at the District office in conjunction with the Red Lake River 1W1P Policy Committee meeting. Engineer Tony Nordby, HEI, will plan to attend the hearing, and will be prepared to give information on the proposed Black River Impoundment.

The Board reviewed correspondence requesting individuals from Northwestern Minnesota to apply to be on the BWSR Board.

The Board reviewed a quote in the amount of \$1,022.35 for AutoCAD Civil 3D Government single-user annual subscription renewal. Motion by Dwight, seconded by Tiedemann, to approve the renewal of the AutoCAD Civil 3D Government single-user annual subscription renewal in the amount of \$1,022.35. Motion carried.

Motion by Ose, seconded by Tiedemann, to table Permit No. 18148, Ray Kvalvog, Poplar River Township, Red Lake County, until the 2019 spring melt. Motion carried.

The Board reviewed a letter from Red Lake County Interim County Engineer, Jerilyn Swenson, regarding RLWD Permit No. 18126, Pat Wichterman, Emardville Township, Red Lake County. Staff member Loren Sanderson stated that applicant did not receive approval to cut a Red Lake County road prior to the installation of the tile system. The landowner indicated to Sanderson, that he was not aware that the Contractor, Field Drainage, Inc., was going to cut the county road. Conditions on the permit stated that the applicant must meet the specifications/conditions of the public road and/or ditch authority. Sanderson referred to the District's Rules and Regulations as it relates to Contractor liability, as Field Drainage, Inc., also installed a tile system south of Terrebonne Township, Red Lake County, without applying for a District permit. It was the consensus of the Board, to check with Red Lake County on their compliance procedures for after the fact permits. A letter should be submitted to the landowner for installation of tile in Terrebonne Township, Red Lake County, stating that they are in violation of the District's Permit Rules and Regulations.

Administrators update:

- Jesme and Manager Ose attended the RRWMB in Crookston on November 20, 2018. Jesme did leave the meeting early to attend the Joint Ditch 72 Board meeting, also in Crookston.
- A Thief River 1W1P Advisory and Policy Committee meeting was held on November 14, 2018 in Grygla. The next meeting will be held on December 12, 2018 at the District office.
- There will be a Clearwater River Watershed Restoration and Protection Strategies meeting at the District office on November 28, 2018. The meeting will include various state and local governmental agencies to discuss and brainstorm restoration and protection strategies for the Clearwater River watershed. Staff member Corey Hanson and staff from MPCA will lead the meeting and gather information to be included in the final WRAPS report.
- Jesme will be attending the MAWD Administrators meeting on November 27<sup>th</sup>, followed by the MAWD Annual meeting in Alexandria. Jesme will participate in a panel discussion concerning recent DNR Guidance Document and how it pertains to Public Waters and Public Drainage Systems.
- A May 2018 Water Quality Report was included in the packet.

Legal Counsel Sparby discussed a letter received from the Clearwater County Environmental Services regarding the lowering of the outlet culvert on Judicial Ditch 5, RLWD Project No. 102. Sparby recommended forwarding a copy to the MnDNR, and contacting them in regard to their jurisdiction.

Manager Ose asked if other counties had requested funding for 3D Aerial surveying. Administrator Jesme stated that the District funded Beltrami County in 2012 to complete aerial photography in Beltrami County.

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



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LeRoy Ose, Secretary