

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
November 8, 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, Absent: Les Torgerson, and LeRoy Ose. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel, Delray Sparby.

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

The Board reviewed the October 25, 2018 minutes. Motion by Sorenson, seconded by Page, to approve the October 25, 2018 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated November 7, 2018. Motion by Dwight, seconded by Tiedemann, to approve the Financial Report November 7, 2018 as presented. Motion carried.

Discussion was held on the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178, landowner meeting that was held on October 29, 2018 at the District office. Engineer Nate Dalager, HDR Engineering, Inc., discussed the potential development of a Watershed Management District that would assess charges to properties within the boundaries agreed to during the public hearing. Dalager indicated that at the public hearing, the District would have to present how the properties would be assessed under a proposed Watershed Management District.

Darren Carlson, Marshall County SWCD, stated that in 2017 the SWCD installed side water inlet (SWI) culverts within the District's boundary which were in part, funded with the assistance from the District's Erosion Control Funds, RLWD Project No. 164. Carlson requested additional funding from the 2018 Erosion Control Funds, RLWD Project No. 164, in the amount of \$12,500 to assist in the design of the structures and installation of SWI culverts located within the District's boundary. Motion by Tiedemann, seconded by Page, to approve cost share in the amount of \$12,500 to assist in the design and installation of side water inlet culverts for the Marshall County SWCD from the 2018 Erosion Control Funds, RLWD 164. Motion carried. Administrator Jesme discussed the installation of SWI culverts, and the use of NRCS Specifications and Standards. Motion by Dwight, seconded by Page, to include that the side water inlet culverts shall be installed to NRCS Specifications and Standards. Motion carried, with Manager Tiedemann opposed.

Engineer Mike Flaagan, Pennington County Highway Department, discussed the Mark Boulevard Bridge Corridor Project, that would include the construction of a new bridge and roundabout, within the area of the Challenger Ditch, RLWD Project No. 122. Flaagan stated that

due to the proposed alignment of the bridge, the Challenger Ditch would need to be realigned to the south side of the road. Flaagan noted that there would be no change in drainage capacity but a retro fit to the existing drop structures would be installed near the outlet due to a portion of the road going down the hill which would be lower than the ditch, therefore a 72" culvert will need to be installed upstream of the outlet/drop structures. Administrator Jesme discussed his concern for future maintenance due to the installation of the 72" RCP and who would be responsible for the maintenance. Legal Counsel Sparby stated that the District would need to hold a hearing for the ditch system to change the alignment of the ditch, and that as part of the hearing process, maintenance on the culvert would be addressed. Flaagan stated that the county is looking at construction in July 2019.

Engineer Tony Nordby, Houston Engineering, Inc. (HEI), stated that recent correspondence from the U.S. Army Corps of Engineers (Corps) for the Black River Impoundment, RLWD Project No. 176, indicated that the Corps found nine locations of wetlands that they would have jurisdiction over. HEI is currently working on the wetland banking preliminary design, storm water prevention plans and specifications. Nordby will present an Engineer's opinion of probable cost at the next Board meeting. Discussion was held on potential funding for the project. Administrator Jesme stated that at this point, he is of the understanding that DNR is not going to request a bonding bill next session, as it is not a bonding year. Jesme added that the RRWMB, at their last meeting, indicated that they would be willing to submit a request for funding for FDR projects in the Red River Valley, through special bonding or other avenues available. Jesme discussed the importance of having a shovel ready project. It was noted that at this point, the RRWMB has not agreed to fund projects that have not been matched with State funding. Jesme stated that if State funding is received in 2019, an executed grant agreement would not be received until late September, early October 2019. Discussion was held on the rental of agricultural land the District purchased for construction of the proposed impoundment. The current renter, Nick Knott, is interested in renting the land in 2019, but has requested a decrease of rent from \$72 per acre to \$65. The renter is also requesting that the District allow the planting of soybeans, which would require the District to remove the September 30th harvest date from the rental agreement. After considerable discussion, it was the consensus of the Board, to authorize Administrator Jesme to contact Mr. Knott to inform him that seeding soybeans would be allowable and that the District declined to lower the rental rate. If Mr. Knott would like a lower rental rate, it was the consensus of the Board that the District should once again solicit quotes for the 2019 planting season.

The Red Lake River 1W1P, RWLD Project No. 149, Policy Committee meeting will be held on December 19, 2018 at the District office in conjunction with a Plan Amendment Hearing. The Planning Work Group will gather all comments and submit them to BWSR, prior to the BWSR Northern Planning meeting on January 2, 2019. Administrator Jesme will present of a timeline of the process at the November 27, 2018 meeting.

The Thief River 1W1P, RLWD Project No. 149A, Policy and Advisory Committee will meet on November 14, 2018 in Grygla.

Administrator Jesme met with staff from Polk County and the Viewers for the redetermination of benefits for Judicial Ditch 72, RLWD Project No. 41 and State Ditch No. 61. Jesme stated that staff will present a proposal to the Joint Ditch 72 Board, to separate most of the JD 72 ditch systems in Polk County and combine them with State Ditch No. 61, as they don't have a common outlet. The Joint Ditch 72 Board would be abolished, with the District solely have the jurisdiction of Judicial Ditch 72. The Joint Ditch 72 Board will meet on November 20th in Crookston to discuss this matter.

The Board reviewed the NRCS Maintenance Inspection report for the BR-6 Impoundment, RLWD Project No. 43A. The report indicated that the impoundment was found to be in good shape.

Administrator Jesme stated that the District is waiting for BWSR's determination on enforcement and penalties for the Buffer Law Implementation. Legal Counsel Sparby stated that he made several edits to the document that the Board had approved prior. The final document will be submitted to BWSR.

The Board reviewed the permits for approval. Motion by Page, seconded by Dwight, to approve the following permits, with conditions stated on the permit: No. 18149 and 18150, Dennis Schultz, Belguim Township, Polk County; No. 18151, Dennis Schultz, Euclid Township, Polk County; No. 18152, Bill Pahlen, Brandt Township, Polk County; No. 18153, Pennington County Highway Department, North Township, Pennington County; No. 18154, Mike Harmoning, Gervais Township, Red Lake County; and No. 18155, Belguim Township, Polk County.

Rinke-Noonan will hold a Drainage and Water Conference in St. Cloud on November 14, 2019.

Administrators update:

- Manager Ose will attend the RRWMB in Crookston on November 20, 2018. Jesme will attend the RRWMB meeting, after he participates in the JD 72 Joint Board meeting.
- Jesme participated in a special City of TRF Council meeting on October 31st with MnDOT, City of TRF Police and Utility Departments to discuss various projects that will be completed in the City of Thief River Falls, which includes the TRF Westside FDR Project.
- The Red Lake River 1W1P Planning Work Group met on November 1st to discuss the PTMApp Grant, projects listed in the approved Workplan, MPCA 319 Grant and Pennington County Ditch 96 outlet repair project.
- The Thief River 1W1P meeting that was cancelled on October 10th due to weather, has been rescheduled for November 14th in Grygla. The Planning Work Group held a conference call on November 2nd to review the budget, Section 4, Water Management District and Section 5.
- Included in the packet was a newsletter from BWSR featuring an article referred to as SWCD Managers Collaborate to Solve Problems, Save Money.

- Included in the packet was information on a retirement party on December 14th for Dan Wilkens from the Sandhill River Watershed District.
- Included in the packet was the RRWMB 2017 Annual Report.

Legal Counsel Sparby stated that the notice the District received for a Scheduling Conference from the Four-Legged Lakes Landowners and Affected Taxpayers is done by telephone conference. Sparby will request to have the issue dismissed. Discussion was held on an email received from landowner Patty Olson regarding current water levels on her property. The outlet for the basin on Olson's property is plugged with bog and a beaver dam and appears to be located upstream of the legal drainage system. Legal Counsel Sparby indicated that maintenance upstream of the system would not be allowable under statute, as it would constitute an improvement or lateral. Administrator Jesme stated that he advised Olson to contact the MnDNR for their assistance.

Manager Tiedemann inquired about the wetland infraction the District received from Clearwater County. Administrator Jesme stated that he has briefly talked to the area hydrologist for the MnDNR and with BWSR staff in regard to the origin of the letter.

Manager Nelson stated that he submitted his reappointment letter for an additional 3-year term to the Pennington County Commissioners.

Manager Dwight stated that he has questions on the terminology of the Gallagher (Fox Lawson Study). Legal Counsel Sparby will organize a meeting with the Budget and Salary Committee and Gallagher prior to the next meeting.

Motion by Dwight, seconded by Page, to adjourn the meeting. Motion carried.



LeRoy Ose, Secretary