

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
September 13, 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, Dale M. Nelson, Allan Page, Les Torgerson, LeRoy Ose and Brian Dwight. 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 Page, and passed by unanimous vote that the Board approve the agenda. Motion carried.

The Board reviewed the August 23, 2018 minutes. Motion by Torgerson, seconded by Ose, to approve the August 23, 2018 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated September 12, 2018. Motion by Sorenson, seconded by Tiedemann, to approve the Financial Report September 12, 2018 as presented. Motion carried.

The District received the signed grant agreement from the Minnesota Department of Natural Resources for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. The execution date for the grant is September 12, 2018, so any costs toward the project after that date will be reimbursed by the State. The City of Thief River Falls is proposing to install storms sewers within Pennington County Ditch 70 that is in the city limits and will be bid in conjunction with the District project. The City of Thief River Falls and Pennington County will work together for jurisdictional purposes on the public drainage system to assure proper hearings are had prior to the installation of the storm sewers. Future maintenance of the storm sewers will be the responsibility of the City of Thief River Falls. The Planning Work Group (PWG) will review the draft amendment to include the Water Management Districts for the Red Lake River 1W1P, to incorporate in the Thief River Falls Westside FDR Project as well as the Black River Impoundment. Upon approval of the PWG, the plan amendment will go out for the 60-day public comment period. The Board reviewed Task Order No. 2 from HDR Engineering, Inc., in the amount of \$515,420, for completion of final engineering on the Thief River Falls Westside Flood Damage Reduction Project. Engineer Nate Dalager, HDR Engineering, Inc., stated that this task order will get the project to the construction plans and specifications. Dalager noted that the City of Thief River Falls will reimburse the District for engineering related to the storm sewers project that is also included in Task Order #2. Motion by Ose, seconded by Dwight, to approve Task Order No. 2, from HDR Engineering, Inc. for engineering for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion carried.

Administrator Jesme stated that the NRCS RCPP funding has been exhausted for the Pine Lake Area Project, RLWD Project No. 26, with very little left to spend of the District's 30% match. The District requested an additional \$200,000 from the NRCS through the Red River Retention Authority to complete the Preliminary Engineer's Report. Discussion was held on various options and the future of the project.

At 9:30 a.m., President Nelson recessed the general meeting and called the 2019 General Fund Budget Hearing to order. President Nelson noted that the hearing was properly advertised and is on videotape and available for viewing at the RLWD office. The Board reviewed the proposed General Fund Budget and opened the hearing for public comment. Hearing no public comment, the hearing closed at 9:35 a.m. A motion was made by Tiedemann, seconded by Page, and passed by unanimous vote that the Board approve the following 2019 General Fund Budget:

	2019
	BUDGET
Manager's fees and salaries	\$ 20,000.00
Board of managers' expense	22,000.00
Staff salaries	472,500.00
Payroll taxes	36,146.000
Employee benefits	73,492.00
Travel and meetings	5,000.00
Audit	9,000.00
Legal	16,000.00
Office supplies	15,000.00
Office equipment	18,000.00
Appraisers and Viewers	2,000.00
Professional services	20,000.00
Dues and subscriptions	10,000.00
Insurance and bonds	25,000.00
Repairs and maintenance-building	10,000.00
Utilities	10,000.00
Advertising and publications	4,000.00
Telephone	11,000.00
Vehicle expense & maintenance	14,000.00
Engineering supplies	3,000.00
Engineering equipment	<u>40,000.00</u>
TOTAL	\$ 836,138.00
LESS: ESTIMATED OVERHEAD	(708,750.00)
LESS: MISCELLANEOUS REVENUE	<u>(7,000.00)</u>
2018 GENERAL FUND BUDGET	\$ 120,388.00

Staff member Arlene Novak stated that Koochiching County committed an error and failed to levy the 2018 RLWD levy to landowners within Koochiching County. The county will levy

their 2018 assessment with their 2019 assessment. Notice to landowners will be provided by the County.

Engineer Nate Dalager, HDR Engineering, Inc., suggested meeting with Managers Sorenson and Torgerson, for further discussion on the Pine Lake Area Project, RLWD Project No. 26. It was the consensus of the Board to have them present their recommendations to the Board at the September 27, 2018 meeting.

The Board reviewed Change Order No. 1 in the amount of \$3,825 for the Little Pine Lake WMA Structure, RLWD Project No. 26A to Red Lake Builders, Inc. Motion by Page, seconded by Torgerson, to approve Change Order No. 1 for \$3,825, to Red Lake Builders, Inc, for the Little Pine WMA Structure, 26A. Motion carried. The Board reviewed Pay Estimate No. 1 to Red Lake Builders, Inc., for the Little Pine Lake WMA Structure, RLWD Project No. 26A in the amount of \$103,675.50. Motion by Torgerson, seconded by Tiedemann, to approve Pay Estimate No. 1 in the amount of \$103,675.50 to Red Lake Builders, Inc., for the Little Pine Lake WMA Structure, RLWD Project No. 26A. Motion carried.

The Board reviewed correspondence from Dudley Township's legal counsel, and a response back from Legal Counsel Sparby, regarding the repair work ordered on Judicial Ditch 5, RLWD Project No. 102. Sparby stated that he will prepare a Stipulation for Dismissal and forward it to Karen Gebhardt's attorney for signature. In discussion with the other party's legal counsel, it was agreed that due to improper service, the court does not have proper jurisdiction. Sparby recommended that the District hire a contractor to perform the ordered repair work in the near future. Administrator Jesme stated that as part of the maintenance of the system, a beaver dam will need to be removed from the channel, upstream of the outlet culvert. The Board directed Administrator Jesme to hire a contractor to complete the ordered repair work, as the Township has had a reasonable time to do so, but has failed to perform the repair work requested. Jesme will inform the township that the work will be completed in the near future. Jesme will send correspondence to the MnDNR in regard to the ordered repair work.

Administrator Jesme stated that Houston Engineering, Inc. has been working with the landowner on the Blackduck Lake Outlet Structure, RLWD Project No. 50E, to haul additional fill in a low area of the project at an approximate cost of \$3,000. Motion by Dwight, seconded by Sorenson, to authorize the staff to hire a contractor to haul additional fill for the Blackduck Lake Outlet Structure, RLWD Project No. 50E. Motion carried.

Administrator Myron Jesme stated that Attorney John Kolb, Rinke Noonan, prepared information to amend the Red Lake River 1W1P to include the development of a Water Management District (WMD) for the Black River Impoundment Project, RLWD Project No. 176. Engineer Tony Nordby, Houston Engineering, Inc., stated that the MnDNR requested the District submit a letter regarding questions on the Environmental Assessment Worksheet (EAW). Nordby stated that the MnDNR submitted comments regarding; dam safety, Operation and Maintenance Plan and Final Engineers Report. Communication with the Corps of Engineers is moving forward regarding wetlands. Nordby estimated that the Final Engineers Report and Plans and Specifications are 90% complete. Funding mechanisms are the biggest obstacles as to

when actual construction can be scheduled. A hearing for the WMD will need to be held to approve the funding mechanism for maintenance on the ditches.

The following quotes were received for the Agassiz NWR-Wetland Habitat Quality and Management Enhancement Grant Project, RLWD Project No. 180A, for repairs to the Thief Bay Water Control Structure located within the Agassiz NWR: Triple D Construction and Leasing, \$23,000; Davidson Construction, \$31,000; Olson Construction TRF, Inc., \$47,900; and Spruce Valley Corporation, \$49,600. Motion by Torgerson, seconded by Tiedemann, to approve the low quote in the amount of \$23,000, from Triple D Construction and Leasing, contingent upon the final audit and review of the quotes for the Agassiz NWR-Wetland Habitat Quality and Management Enhancement Grant Project, RLWD Project No. 180A. Motion carried.

Administrator Jesme stated that he recently met with the Viewers for RLWD Ditch 16, RLWD Project No. 177. Engineer Jerry Pribula, Pribula Engineering, has been working with engineers from MnDOT regarding the need to cut Highway 220 for installation of a box culvert. Jesme estimated that the final hearing will be held in January with construction planned for Spring 2019.

Administrator Jesme reviewed the Buffer Law Implementation, refencing changes made by staff from Houston Engineering, Inc. The District will be using MN State Statute 103E but will also acknowledge MN State Statute 103F. Discussion was held on penalties for non-compliance. Local SWCD offices will notify the ditch authority if there is non-compliance. The ditch authority will then be responsible for enforcement. Under Statute 103E a landowner would be required to have a 16.5 feet buffer strip, 103E does not allow for alternative practices. Jesme requested revisions/comments from the Board within the next several weeks, with approval at the September 27, 2018 Board meeting. Once the document is approved, it will be submitted to BWSR. After the District receives BWSR's Final Determination of Adequacy, a hearing will be required to amend the District Rules and Regulations.

The Board reviewed a letter submitted to "Visit Thief River Falls" for inclusion of the Euclid East Impoundment, RWLD Project No. 60C and the Parnell Impoundment, RLWD Project No. 81 as new sites to the Pine to Prairie Birding Trail. Administrator Jesme stated that there has been some discussion to include the Burnham Creek Project/BR-6, RLWD Project No. 43 into the Pine to Prairie Birding Trail. Jesme noted that better access to the project would be required if this site is pursued.

Staff member Christina Slowinski discussed concerns of damaged side water inlet (SWI) culverts and flapgates discovered during maintenance inspection on District ditches. Recently while staff were inspecting Ditch 1, RLWD Project No. 115, a local landowner requested culvert markers indicating the location of a SWI to prevent damage during routine maintenance. Slowinski noted the need to identify the location when there is thick vegetation, or culverts under sediment/water/snow, etc. Slowinski recommended the installation of culvert markers. Culvert markers are a durable fiberglass rod secured in spring, which would return to an upright position if hit. Culvert markers are easily installed and are available in 4 feet or 5 feet, with optional reflective tape. Approximate cost with reflective tape is 4 feet markers, \$7.95 each; and 5 feet

markers, \$9.05 each. Motion by Tiedemann, seconded by Ose, to authorize District staff to proceed with the installation of culvert markers on District ditch systems, as needed. Motion carried.

Staff member Loren Sanderson stated that he attended a meeting with staff from the MnDNR, local officials and sportsman clubs regarding the use of the dike on the Moose River Impoundment, RLWD Project No. 13, as a possible ATV route. The District has previously submitted letters of support for the use of the Moose River Impoundment dike. The Moose River Impoundment is currently open for vehicle traffic from July 16th to September 15th and from freeze up until March 31st, but excludes the use of ATV's.

The Board reviewed letters submitted to seven landowners in Polk and Red Lake County's regarding well interference investigation as they pertain to Water Appropriation Permits authorized from the MnDNR. Local landowners are having well problems, which is correlated to irrigation of agricultural lands.

Staff member Loren Sanderson discussed after-the-fact permit, RLWD Permit No. 18112, David Balstad, Lessor Township, Polk County for the installation of tile drainage. Discussion was held on the continued lack of the contractor, Field Drainage, Inc., Brooks, MN, notifying their customers of the need to apply for a District permit, when Field Drainage, Inc. assisted the District in the development of a tile permit process. Discussion was held on the possible amendment of the Rules and Regulations to potentially include that the landowner shut off their tile until the project is approved by the District, and that the Contractor could be liable for non-compliance of District rules. The Board directed Legal Counsel Sparby to submit a letter to Field Drainage, Inc., and the landowner regarding the lack of non-compliance.

The Board reviewed the permits for approval. Motion by Ose, seconded by Torgerson, to approve the following permits with conditions stated on the permit: No. 18092, Tyler Zimmerman, Equality Township, Red Lake County; No. 18093, Dennis DeBoer, Andover Township, Polk County; No. 18094, Earl Pederson, Lake Pleasant Township, Red Lake County; No. 18095, Curtis Swanson, Bray Township, Pennington County; No. 18096, River Falls Township, Pennington County; No. 18097, Gary Novak, Rocksbury Township, Pennington County; No. 18098, Mitchell Stanley, Moylan Township, Marshall County; No. 18099, Polk County Highway Department, Onstad Township, Polk County; No. 18100, John Frahm, Goodridge Township, Pennington County; No. 18101, Lyle Anderson, Grand Plain Township, Marshall County; No. 18102, Craig Stroot, Brandt Township, Polk County; No. 18103, Michael Gasper, Crookston Township, Polk County; No. 18104, Joel Gasper, Crookston Township, Polk County; No. 18106 and 18107, Phillip Quam, Badger Township, Polk County; No. 18108, Luke Forness, Louisville Township, Red Lake County; No. 18109, Phillip Olson, Brandt Township, Polk County; No. 18110, Lessor Township, Polk County; No. 18111, Scott Tersteeg, Badger Township, Polk County; and No. 18113, Kyle Haake, Nesbit Township, Polk County. Motion carried.

The Board reviewed several 2018 MAWD Resolutions to be submitted for consideration at the 2018 MAWD Annual meeting. Discussion was held on the adoption of a resolution or letter of

support to the Wild Rice Watershed District resolution regarding obtaining MnDNR permits/permission as they relate to maintenance on public drainage ditches under the jurisdiction of a local watershed. The proposed resolution seeks to reinforce and re-state what the Rice Creek Watershed District believes is the DNR's role in evaluating and providing input to public drainage system repairs. Rice Creek and other Watershed Districts is experiencing (or have experienced in recent years), the DNR, as a matter of policy, has extended its authority by asserting authority to regulate, permit and restrict drainage system repairs. Most recently, the DNR issued guidance, in February 2018, which turns long-standing practices of the DNR and understanding of the interface of public waters law and public drainage law on its head. It was the consensus of the Board to support clarification of the role the DNR has on general maintenance of drainage system repairs.

Motion by Ose, seconded by Tiedemann, to accept the resignation of Staff member Brady Stanley. Motion carried.

Motion by Tiedemann, seconded by Sorenson, to appoint Staff member Christina Slowinski, as the Ditch Inspector for the District. Motion carried.

Staff member Arlene Novak stated that District staff will see a 4.9% increase in health insurance premiums. Novak attended a Northwest Service Cooperative Advisory Committee meeting and was informed of health insurance premium rate increase in a range of 4.9% to 14.9%. Due to the low usage by District staff, premiums should have seen a decrease, but since the District's health insurance is through a pool, a 4.9% increase was implemented. Novak stated that a new wellness program will be coming out. Dental insurance premiums will not change.

Discussion was held on spam emails the District Board members have been receiving. It was the wishes of the Board to have staff consult proper authorities to investigate the issue.

Discussion was held on the 2019 General Fund Budget and the amount levied to the Counties. The past several years, the District set their General Fund levy at zero and used reserve funds in the General Fund. Motion by Ose, seconded by Tiedemann, to set the 2019 General Fund Budget in the amount of \$120,388, to not levy the Counties for the 2019 General Fund Budget and use the District's General Fund reserve fund. Motion carried with Managers Torgerson and Dwight opposed.

Administrators Update:

- Jesme and Manager Ose will attend the RRWMB meeting on September 18th in Ada.
- Jesme will participate in the NW Minnesota Administrators meeting after the RRWMB meeting in Ada on September 18th.
- The Red Lake River 1W1P Planning Work Group (PWG) met via telephone conference to discuss the budget for all LGU partners concerning the approved BWSR Clean Water Funds Grant. The intent of the meeting was to better develop an internal budget document for the LGU's to assist in their planning and funding in the future. A PWG

meeting with BWSR and MPCA staff will be held on September 17th to discuss a potential MPCA 319 Grant application.

- The Thief River PWG met at the Pennington SWCD to go over the Thief River 1W1P action document that was developed by Houston Engineering, Inc. This document was an attempt to put in action items from all LGU plans, into the Thief River 1W1P.
- Staff member Hanson attended the Pennington County WRAC meeting on September 10th.
- Staff member Hanson attended the Polk County WRAC meeting on September 11th.
- Staff members Hanson, Hitt and Slowinski participated in the Pennington County SWCD Outdoor Education Day for area youth in Pennington County.
- Jesme participated in a phone conference with staff from HDR Engineering and MnDNR regarding the Burnham Creek Wildlife Management Area structure to discuss alternatives for the replacement of the outlet structure.
- Jesme may participate in a Minnesota Association of District Administrators meeting in St. Cloud on September 25th.
- Manager Dwight will attend the September 11th Beltrami County Commissioners meeting to present the 2017 Annual Report.

Manager Ose stated that he participated in the Red River Basin Commission tour on September 5, 2018.

Manager Sorenson requested that the Board meet in Executive Session, when the District receives the results of the Fox (Gallagher) Lawson results, rather than a review of just the Budget and Salary Committee. Jesme indicated that Ms. Olson, (Gallagher), has indicated that she will give a teleconference update to the Board during one of our meeting, if requested. It was the consensus of Board, to have the full Board review the results in Executive Session once the report is received.

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



LeRoy Ose, Secretary