

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
July 11, 2019

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, Gene Tiedemann, Terry Sorenson, Les Torgerson, Allan Page, 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 June 24, 2019 minutes. Motion by Torgerson, seconded by Sorenson, to approve the June 24, 2019 Board meeting minutes as presented. Motion carried.

The Board reviewed the July 8, 2019 Special Board meeting minutes. Motion by Tiedemann, seconded by Ose, to approve the July 8, 2019 Special Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated July 10, 2019. Motion by Sorenson, seconded by Ose, to approve the Financial Report dated July 10, 2019 as presented. Motion carried.

The Board reviewed the Investment Summary as of July 10, 2019. Staff member Arlene Novak stated that the District has six Certificate of Deposits that will mature by the end of July. Motion by Dwight, seconded by Ose, to deposit the maturing Certificate of Deposits into the District's checking account and obtain the necessary securities. Motion carried. Manager Ose requested Novak to check with Bremer Bank regarding interest rates on various accounts.

Discussion was held on the Red River Watershed Management Board (RRWMB) levy allocation or reduction. Administrator Jesme stated that the RRWMB had agreed to allow watershed district's the ability to set their own levy rate if they have an existing reserve that is equal to 2 ½ times the amount of their levy. After further review by the RRWMB Attorney, Louis Smith, it was found that watershed districts cannot decrease the amount of levy collected, but the RRWMB can. Jesme stated that the RRWMB Finance Committee met and are going to recommend the RRWMB approve 75% of the maximum levy.

Administrator Jesme stated that the RRWMB has moved into their new office location and will be hosting the July 16, 2019 Board meeting.

Staff member Arlene Novak reviewed the 2020 General Fund Budget timeline, stating that notices of the approved levies need to be submitted to each county by September 15, 2019. It was the consensus of the Board, that the Budget and Salary Committee will meet prior to the next Board meeting, July 25, 2019, and bring their recommendation to that meeting.

The Board reviewed the 2019 Estimated Market Values for Watershed Districts in Minnesota from the Minnesota Department of Revenue.

Staff member Corey Hanson appeared before the Board to request Microbial Source Tracking Monitoring and Sampling that the District does not typically sample. Hanson stated that this sampling has indicating markers of what type of fecal coliform is found. Hanson would like to complete samples on Chief's Coulee within the City of Thief River Falls and County Ditch 2/Grand Marais Creek area at an approximate cost of \$2,100. Motion by Tiedemann, seconded by Dwight, to approve the Microbial Source Tracking Monitoring and Sampling as requested. Motion carried.

Manager Dwight commended the effort being made by Staff member Corey Hanson for work on the Bartlett Lake Management Plan.

Acting Interim Director, Jim Graham, Agassiz National Wildlife Refuge (NWR), appeared before the Board to request a Interagency Cooperative Agreement between the District and the U.S. Fish and Wildlife Service for a grant Agassiz NWR received to assist in cleaning of approximately 1.25 miles of Judicial Ditch 11, located within the Agassiz NWR. Motion by Tiedemann, seconded by Ose, to approve an Interagency Cooperative Agreement with the U.S. Fish and Wildlife Service for cleaning of Judicial Ditch 11. Motion carried.

At 9:30 a.m. President Nelson recessed the regular Board meeting and reconvened and called to order the Hearing for the Thief River Falls Westside Flood Damage Reduction, RLWD Project No. 178 which had been continued from June 24, 2019. Nelson stated that the Appraisal Report for each landowner was received by the Board and that Nelson had met with all the landowners regarding negotiations for permanent damages. Legal Counsel Sparby discussed the establishment of the Project and Watershed Management District (WMD) fees, stating that the only process left was for any easement, right-of-way required, and the amount of permanent and temporary damages to be paid to the landowners. Sparby stated that the Appraisal Reports have been filed with the District and are available to the public for viewing. The hearing today is to explain what those appraised values are and allow the public the opportunity to comment. Landowner Peter Carlson asked if the Board had considered his request of installation of two crossings on his property from County Road No. 16. Nelson indicated that although this is not part of this hearing for awarding of damages, there was agreement in discussion with the City that the District will install one crossing across from First Street. Installation of the crossing is not part of the damages of the project. Nelson stated that it was the recommendation of the committee to award damages in the amount of \$3,500 per acre for agricultural land with a multiplier of 20% for a total of \$4,200 per acre and \$9,000 per acre for commercial property. After allowing for public comment by those in attendance, President Nelson closed the hearing as to public comment.

President Nelson reconvened the regularly scheduled Board meeting.

Motion by Dwight, seconded by Ose, to award damages in the amount of \$4,200 per acre for agricultural land and \$9,000 per acre for commercial property for construction of the Thief River Falls Flood Damage Reduction Project, RLWD Project No. 178. Motion carried.

Motion by Torgerson, seconded by Tiedemann, to pay \$150 per acre/per year, for two years, for temporary right-of-way damages for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion carried.

Engineer Nate Dalager, HDR Engineering, Inc., discussed the timeline for Advertisement of Bids as it relates to ordering of the box culverts on Highway 32 and Highway 1. Dalager indicated that all the project partners wish to see the culverts installed this year, therefore recommending that the culverts be ordered and purchased prior to the Advertisement for Bids. Dalager proposes that, with the permission of the Minnesota Department of Transportation (MnDOT), to authorize a MnDOT inspector to be present at the location of the manufacturer of the culverts for inspection purposes during the making of the box culverts, which is a requirement of MnDOT. Dalager indicated that if the District chooses to purchase the culvert, the contractor would only bid the installation portion of the culverts. Motion by Ose, seconded by Tiedemann, to authorize the District to pursue the purchase of box culverts on Highway 32 and Highway 1, prior to the Advertisement for Bids, for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion carried. Administrator Jesme stressed the importance of securing all permits prior to the Advertisement of Bids. Discussion was held on completing the advertisement process, but not award the project to the Contractor until all permits are received.

Engineer Jerry Pribula, Pribula Engineering, Inc, discussed wetland delineation on the Highway 220 box culvert for Ditch 16, RLWD Project No. 177. Pribula stated that installation of the culvert at the current location would have impacted greater than .5 acres of wetlands, which requires a special permit. Pribula proposed to MnDOT, to move the culvert 400 feet to the south, which would reduce the acres of wetland mitigation to be less than .5 acres but would require additional soil borings to be completed. Pribula submitted the soil borings to MnDOT on July 5th and is waiting to hear back from them. Pribula has spoken to the landowners affected by the proposed change, as an additional .36 acres of permanent and .23 acres of temporary right-of-way will be required. Pribula noted that the culvert will be the same size but will need an extension and different ends, which will result in a reduction of materials. Pribula will draft a change order for the Contractor to include the culvert, alignment change and materials. Pribula discussed his concerns with the timing of closing Highway 220, due to beet harvest and issues with CenturyLink. The Board reviewed correspondence from Burski Excavating, Inc., requesting delaying the work start and completion dates. Administrator Jesme discussed the requirement of the contractor to complete a MPCA Stormwater Pollution Plan permit application. Jesme stated that due to moving the location of the culvert the following changes will need to be made to the Viewers Report: Ray Larson, 1.88 acres additional permanent ROW and .88 acres additional temporary ROW, and Doug Peterson a reduction of 1.5 acres of permanent ROW and .065 acres of temporary ROW. Motion by Tiedemann, seconded Torgerson, to approve the recommended changes to the Ditch 16, RLWD Project No. 177 Viewers Report as stated. Motion carried with Manager Dwight abstaining. Motion by Ose, seconded by Tiedemann, to approve the request of Burski Excavating, Inc. to delay the work start date to August 5, 2019, which could continue to a September 1st date, with the end date reflecting the actual start date in regard to working days allowed in the contract. Motion carried.

Administrator Jesme stated that the Viewers and Engineer Nick Pribula are meeting today with the landowners on the Improvement to Polk County Ditch 39, RLWD Project No. 179.

The Board reviewed the permits for approval. Motion by Sorenson, seconded by Page, to approve the following permits with conditions stated on the permit: No. 19064, Mike Drangstveit, Moylan Township, Marshall County; No. 19065 and 19066, Earl Pederson, Emarville Township, Red Lake County; 19067, Todd & John Sorenson, Fisher Township, Polk County; No. 19068, PARJM Farmland GP, Poplar River Township, Red Lake County; No. 19069, FSMN Agri Partners, Cloverleaf Township, Pennington County; No. 19072 and 19073, Ted Luckow, Fanny Township, Polk County; No. 19074, Adirondack Farmland Holdings GR, Moylan Township, Marshall County; No. 19076, Brady Lee, Badger Township, Polk County; and No. 19077, Elliott Solheim, Fairfax Township, Polk County. Motion carried.

The Board reviewed the 2019 MAWD Resolution timeline. Manager Tiedemann requested that the District draft a resolution regarding Prevailing Wages and submit to MAWD.

Staff member Loren Sanderson and Nick Olson stated that the screw gates on the Brandt Channel, RLWD Project No. 60E downstream of the Brandt Impoundment, have not been installed due to recent rains and flow in the channel. Discussion was had concerning loss of crop income on both Euclid East and Brandt Channel due to flooding and leaking of the existing flapgates, while releasing water from the impoundments as well as the possibility of installation of a berm. District staff surveyed the area and estimated a loss of 4.86 acres of corn on Jeannette Kliner's property and .53 acres of wheat on the Lois Glass property and loss of soybean crop on Dennis Schultz land downstream of Euclid East. Motion by Ose, seconded by Dwight, to pay \$5.00 per bushel for wheat, \$8.00 per bushel for soybeans and \$4.00 for corn. Motion carried with Manager Tiedemann abstaining. District staff will survey the Dennis Schulz property and report back to the Board.

Manager Ose discussed a recent aerial view of the Good Lake Impoundment, RLWD Project No. 67.

Legal Counsel Sparby stated that the telephone conference for Judicial Ditch 5, RLWD Project No. 102, will be held on July 19th.

Administrator Jesme stated that the beaver dam upstream of the outlet on Judicial Ditch 5, RLWD Project No. 102 was removed. A beaver trapper was hired and was able to remove a beaver. Jesme stated that the trapper would rather not have to drive to the District office to submit the beaver tail for payment but agreed to submit a photo of the beaver he trapped for payment.

Legal Counsel Sparby discussed Prevailing Wages, stating that there does not appear to be a lot of case law on it. Sparby will do further research and report back to the Board.

Manager Tiedemann questioned if the culvert issue with the Sandhill River Watershed District and MnDOT was resolved? Staff member Loren Sanderson informed the Sandhill River Watershed that the culvert in question was permitted prior to the boundary change.

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Manager Page questioned if the landowner for the non-permitted work in Red Lake County had responded to the letter that was submitted to him, requiring the work to be completed by July 24th. Administrator Jesme stated that he had not heard from the landowner.

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

A handwritten signature in cursive script that reads "Terry Sorenson". The signature is written in black ink and is positioned above a horizontal line.

Terry Sorenson, Secretary