

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
October 24, 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, LeRoy Ose, Terry Sorenson, Les Torgerson, Allan Page, and Brian Dwight. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Delray Sparby.

The Board reviewed the agenda. Manager Dwight requested an addition to the agenda for the potential position discussion as it relates to Staff member Loren Sanderson's position, who retired on October 18, 2019 from the District. A motion was made by Tiedemann, seconded by Ose, and passed by unanimous vote that the Board approve the agenda with the potential position discussion for replacement of Loren Sanderson's position. Motion carried.

The Board reviewed the October 10, 2019 minutes. Motion by Sorenson, seconded by Page, to approve the October 10, 2019 Board meeting minutes. Motion carried.

The Board reviewed the Financial Report dated October 23, 2019. Motion by Tiedemann, seconded by Ose, to approve the Financial Report dated October 23, 2019, as presented. Motion carried.

Staff member Arlene Novak reviewed the Investment Summary as of October 24, 2019. Novak recommended investing \$1 million from American Federal Bank-Fosston, and the Certificate of Deposit set to mature on November 8, 2019 into the CDARS program with Unity Bank at an interest rate of 2.25%. Motion by Ose, seconded by Sorenson, to invest \$1.2 million into CDARS program with Unity Bank. Motion Carried.

Jess Determan, Field Drainage, Inc., and landowners David Bachand, Wayne Vettleson and Shawn Balstad, appeared before the Board to discuss recent tile drainage project that was completed without proper permitting through the District's tile permitting program. Determan referenced the letter received dated October 10, 2019, from Legal Counsel Sparby regarding the installation of tile without the landowner receiving the proper permit approval. Determan stated that he, nor the landowners, meant to proceed with tiling, without having the proper permits in place, noting that they felt they had completed all requirements. Determan further explained his concern with the letter as the District is where the majority of Determan's clients reside. The Board discussed the process that was taken to implement the District Tile Permit Rules and Regulations and indicated that while they understand Determan's concerns, it was very clear that on three occasions, tile was installed by Field Drainage, Inc., without proper permitting. The Board emphasized that enforcement of the Rules and Regulations is required to ensure tile is installed in accordance to the rules set forth by the District.

Engineer Nate Dalager, HDR Engineering, Inc., stated that we are still waiting for the U.S. Army Corps of Engineers (Corps) permit and the Minnesota Department of Transportation (MnDOT) Agreement for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Legal Counsel Sparby stated that the easement with the City of Thief River Falls will be placed on the city agenda for consideration. It was the consensus of the Board, that calls should be made to the Corps and MnDOT prior to the next Board meeting to ask for an expected timeframe.

The Board reviewed correspondence from the Marshall County Emergency Management stating that due to the 2019 fall heavy rainfall/flood event, Marshall County is potentially eligible for federal or state disaster declaration for damages relating to this event.

Staff member Nick Olson updated the Board on the following gate operation on District Impoundment's: Brandt Impoundment, RLWD Project No. 60D-open 15"; Euclid East Impoundment, RLWD Project No. 60C-open 4"; Parnell Impoundment, RLWD Project No. 81-west pool opened .75', east pool is flowing freely with no issues; Moose River Impoundment, RLWD Project No. 13-north pool, 1-36" gate opened 18", south pool, 1-36" gate open 36" and 1-36" gate opened 18".

Discussion was held on adding additional storage west of the 80-acre Flood Storage Easement Site, RLWD Project No. 133C, downstream of the Parnell Impoundment. Olson stated that gopher holes were found in the embankment of the Flood Storage Easement Site. Staff from the District and HDR Engineering, Inc., used Quick Crete cement to fill the holes to help minimize the damage. Olson stated that it appears the fix worked. Discussion was held on the possibility of using the inter-pool structure within the Parnell Impoundment to transfer water from the west pool to the east pool. Olson indicated that it appears we are at a point on the west pool where no water can transfer back to the east pool.

The Board reviewed a letter of recommendation from Staff member Loren Sanderson for an increase of rates for the Gate Operators for District impoundments. It was noted that over the past 20 years, the current gate operator for the Moose River Impoundment, RLWD Project No. 13, receives \$45.00 per round trip which is approximately 30 miles. Sanderson recommended an increase to \$75 per trip. Gate operator for the Parnell Impoundment, RLWD Project No. 81; Euclid East Impoundment, RLWD Project No. 60C, and Brandt Impoundment, RLWD Project No. 60D, currently receives \$20 per hour and has been at that rate since the projects were constructed. Sanderson recommended an increase to \$40 per hour. Motion by Ose, seconded by Torgerson, to approve the recommendation to increase the Moose River Impoundment, RLWD Project No. 13, gate operator to \$75 per trip, and to \$40 per hour for the gate operator on the Parnell Impoundment, RLWD Project No. 13; Euclid East Impoundment, RLWD Project No. 60C, and Brandt Impoundment, RLWD Project No. 60D. Manager Dwight questioned why the District pays one gate tender by the trip and the other by the hour? He felt to be consistent, all gate tenders should be paid by the hour. Manager Torgerson agreed with Dwight and felt it would be reasonable to pay all gate tenders by the hourly rate set by the Board. Manager Tiedemann stated that due to the proximity of the gate tenders to the projects, these are two totally different situations. Motion by Ose passed with Manager Torgerson and Dwight opposed.

Discussion was held on the appointment of a committee to review the District Permit Rules and Regulations. Motion by Torgerson, seconded by Sorenson, to appoint Managers Dwight, Page and Tiedemann to the District Permit Rules and Regulations Committee. Motion carried with Manager Ose opposed.

Staff member Nick Olson discussed a survey that was completed on RLWD Permit No. 17056, Gary Roisland, Kratka Township, Pennington County. Olson stated that there was an error on the elevation of the culvert, and that the profile was developed based on that error. District staff received a cost estimate in the amount of \$4,500 to lower the culvert and clean the remaining ditch system. Administrator Jesme stated that two culverts need to be lowered and 3500 feet of ditch cleaned. Motion by Tiedemann, seconded by Page, to approve the lowering of the two culverts and cleaning of 3500 feet of ditch at a cost of \$4,500. Motion carried.

Motion by Tiedemann, seconded by Dwight, to table RLWD Permit No. 19162, MnDOT, Gentilly Township, Polk County and RLWD Permit No. 19163, MnDOT, Northwood Township, Pennington County, to allow staff to further review the permits. Motion carried.

The Board reviewed the permits for approval. Motion by Torgerson, seconded by Ose, to approve the following permits with conditions stated on the permit: No. 19157, Ray Martell, Gervais Township, Red Lake County; No. 19169, Garden Valley Technologies, Woodside Township, Polk County; No. 19176, PCB & MDB, LLLP, Lambert Township, Red Lake County; No. 19177, Minnesota Department of Natural Resources, Eckvoll Township, Marshall County; No. 19178, Tom Scholin, Bray Township, Pennington County; No. 19179, Gary Novak, River Falls Township, Pennington County; No. 19180, Gary Novak, Browns Creek Township, Pennington County; No. 19181, Wayne Vettleson, Equality Township, Red Lake County; No. 19182, Lyle Hanson, Highlanding Township, Polk County; 19183, Elliott Solheim, Solheim Farms, Fairfax Township, Polk County; No. 19184, Ronald Audette, Norden Township, Pennington County; No. 19185, Smiley Township, Pennington County; No. 19186, Kristina Dahle, Smiley Township, Pennington County; No. 19187, Robert Baune, Smiley Township, Pennington County; No. 19188, Randy Myhre, Terrebonne Township, Red Lake County; No. 19189, Tom Oscarson, River Township, Red Lake County; No. 19190, Brent Strand, Lessor Township, Polk County; 19191, Brent Strand, Badger Township, Polk County; No. 19192, Esp Christensen, Wyndotte Township, Red Lake County; and No. 19193, Murray Engelstad, River Falls Township, Pennington County. Motion carried.

The Board reviewed information on the Minnesota Association of Watershed Districts Annual Meeting to be held December 5-7, 2019 in Alexandria, MN.

The Board discussed changing the December 26, 2019 Board meeting date, due to the Christmas Day holiday being the day before. Motion by Torgerson, seconded by Page, to change the December 26, 2019 Board meeting date to December 30, 2019 at 9:00 a.m. at the District office. Motion carried.

Administrator Jesme stated that the District received the students' River Watch jackets, that the Board had approved purchasing at the September 6, 2019 Board meeting. Jesme requested approval to pay the invoice in the amount of \$1972 to Page's Country Creations. Motion by Tiedemann, seconded by Sorenson, to approve payment in the amount of \$1972 to Page's Country Creations for the River Watch jackets. Motion carried.

Administrators Update:

- Manager Ose attended the RRWMB meeting in Ada on October 15, 2019. Jesme was unable to attend due to workload at the office.
- Jesme and Manager Torgerson will attend the Clearwater County Commissioners meeting on October 29<sup>th</sup> to present the 2018 Annual Report.
- The Red Lake River Planning Work Group met with staff from the MPCA on October 21<sup>st</sup> at the District office to develop a draft work plan for the upcoming MPCA 319 grant that was approved for the middle Red Lake River 1W1P.
- Jesme took part in a telephone conference with Attorney Louis Smith concerning topics of interest for the 2<sup>nd</sup> Annual RRWMB Drainage Conference to be held January 27, 2020. There are some concerns throughout MN on counties not wanting to, or willing to, bond for public drainage projects in which the watershed district will be the ditch authority. Although the District has not had this issue, it will be a good topic for the upcoming conference.
- Included in the packet was the June 2019 Water Quality Report.

Legal Counsel Sparby updated the Board on the Conclusions of Law, and Order regarding the Judicial Ditch 5, RLWD Project No. 102/Four-Legged Lakes Landowners appeal. Sparby indicated that the Judge ordered that the District to complete and file a Findings of Fact and Order, which would then be subject to a 30-day appeal period.

Additional discussion was held on the comments received from Jess Determan. It was the consensus of the Board, to uphold the contents of the letter that was presented to Mr. Determan.

Manager Dwight discussed the potential staff replacement for the position held by Loren Sanderson. Dwight proposed the hiring of a Professional Engineer, who could also assist with the development and design side of projects. Dwight discussed the pay scale identified for the vacant position, and various scales for an Engineer's position. Discussion was held that if the workload allows for outside activities, assistance could be given to One Watershed One Plan projects. Administrator Jesme stated that when Staff member Nick Olson was hired, he was also given the job title of what Sanderson held. Discussion was held on appointing a committee to investigate the options and develop a job description. Motion by Ose, seconded by Tiedemann, to appoint Managers Nelson, Dwight and Sorenson, to serve on a committee to investigate for a potential Engineer's position for the District office. Motion carried.

Manager Torgerson stated that the 2018 Annual Report will be presented to the Clearwater County Commissioners on October 29, 2019.

Manager Torgerson stated that landowner Mark Larson is willing to serve on the District's Advisory Committee representing the Upper Clearwater River area. Motion by Tiedemann, seconded by Sorenson, to appoint Mark Larson to serve on the District's Advisory Committee representing the Upper Clearwater River area. Motion carried.

Manager Torgerson discussed a recent meeting with staff from the Minnesota Department of Natural Resources, regarding the Pine Lake Project, RLWD Project No. 26. Torgerson stated that he would like to update the Clearwater County Commissioners on the status of the project.

Manager Ose discussed the October 2019 RRWMB meeting.

Motion by Dwight, seconded by Torgerson, 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