

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
September 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, 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. Administrator Jesme requested the addition of the sale of the District's old phone system to Garden Valley Telephone Company. A motion was made by Dwight, seconded by Tiedemann, and passed by unanimous vote that the Board approve the agenda with the addition of the sale of the District's phone system. Motion carried.

The Board reviewed the August 22, 2019 minutes. Motion by Torgerson, seconded by Page, to approve the August 22, 2019 Board meeting minutes. Motion carried.

President Nelson stated that there was an error in the July 11, 2019 RLWD Board meeting minutes. The July 11, 2019 minutes incorrectly stated the payment of \$4,250 per acre for damages for agricultural land, which should have read \$4,200 per acre. Motion by Sorenson, seconded by Dwight, to approve the amended July 11, 2019 Board meeting minutes to reflect \$4,200 per acre for agricultural land for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion carried.

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

Landowner Dennis Schultz appeared before the Board, concerning the spring flooding of his property downstream of the Euclid East Impoundment, RLWD Project No. 60C. District staff had determined 13.1 acres had been flooded when the gates had been raised on the impoundment to allow for additional outflow. Mr. Schultz indicated that the \$100 per acre the Board had previously offered was inadequate. Mr. Schultz requested \$171 per acre. Discussion was held on purchasing additional easement and the installation of a berm to alleviate future flooding on the Schultz property. Motion by Dwight, seconded by Tiedemann, to authorize the payment of \$171 per acre for the 13.1 acres flooded downstream of the Euclid East Impoundment, RLWD Project No. 60C. Motion carried.

Engineer Jerry Pribula, Pribula Engineering, Inc., updated the Board on the construction of Ditch 16, RLWD Project No. 177. Pribula stated that a Gopher One call was placed to locate all utilities. Discussion was held on communication with CenturyLink. Pribula stated that he had reviewed the CenturyLink easements and there are three areas in the ditch, that would require line relocates. Pribula discussed the estimate received from CenturyLink to relocate their lines,

and estimates he received from other vendors to trench in the lines. Legal Counsel Sparby stated that CenturyLink is not entitled to new improved lines and/or equipment, rather we are responsible for compensating them for what they have now, less any salvage value. Discussion was held on setting up a meeting with staff from CenturyLink to review the cost estimate received. Sparby discussed contacting the Public Utilities Commission to determine how to handle the matter. It was the consensus of the Board, to authorize Administrator Jesme and Engineer Jerry Pribula, to meet with CenturyLink, to review a cost break down of the proposed work. Jesme indicated that he instructed the Contractor, Burski Excavating, Inc., to document rain days. The Board reviewed an invoice from the Minnesota Department of Transportation in the amount of \$18,928.97, for inspection services for the production of the precast box culvert at the Hancock facility in Devils Lake, ND. Motion by Tiedemann, seconded by Sorenson, to authorize the payment of \$18,928.97, to the Minnesota Department of Transportation for production of the precast box culvert for RLWD Ditch 16, RLWD Project No. 177. Motion carried.

Engineer Jerry Pribula, Pribula Engineering, Inc., discussed a recent meeting held with the petitioners for the Improvement to Polk County Ditch 39, RLWD Project No. 179. Pribula stated, his office completed additional surveying to determine if additional areas of water can exit the system. The Viewers are looking at assigning outlet benefits for waters entering into the system. Pribula will meet with staff from Polk County to determine where the water is exiting the system. Discussion was held on sending hearing notices to landowners within the Polk County Ditch 66 benefitted area. Pribula stated that the Board had instructed him to investigate the possibility of a lateral to the improvement project. Pribula has determined that a lateral is not practical, although he did recommend extending the ditch one mile to the east to pick up extra water that presently breaks out from Polk County Ditch 66. Pribula indicated that due to the amount of time it takes to receive permits, he indicated that they will begin the process of permitting now to assure permits are in hand prior to bid letting.

Engineer Dillon Nelson and Randy Knott, HDR Engineering, Inc., appeared before the Board to discuss wetlands on the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Nelson stated that the Pennington County Commissioners approved the wetland determination plan contingent upon the District mitigating the wetlands. Nelson indicated that there are 2.9 acres of wetland acres to be mitigated that are adjacent to the railroad. Discussion was held on incidental wetlands and where the District should mitigate the credits from as this project is a petitioned project from the county and city. The District currently has four acres of U.S. Army Corps of Engineers certified wetland banking credits. Discussion was held on what the District should charge if we take the wetlands credits from the District bank. Pennington County has 20 acres of U.S. Army Corps of Engineers certified wetlands and they are charging \$18,000 per credit. Agreements with the Minnesota Department of Transportation are in progress. No construction will be started this fall. Boring by CenturyLink on Highway 1 has been completed for installation of their new line. It was the consensus of the Board, to contact Pennington County, for discussion on wetland banking credits.

Administrator Jesme stated that .25 acres of wetland banking credits will be needed for the construction of RLWD Ditch 16, RLWD Project No. 177. Jesme indicated that the Board needs

to determine a price per acre for wetland banking credits. Motion by Page, seconded by Ose, to charge \$14,000 per acre for wetland banking credits for construction of RLWD Ditch 16, RLWD Project No. 177. Motion carried.

Engineer Tony Nordby, Houston Engineering, Inc., stated that the preliminary design is completed for wetland banking on the Black River Impoundment, RLWD Project No. 176, and the Wetland Conservation Act permit application has been submitted. Discussion was held on the potential of wetland mitigation within the impoundment site. The Board reviewed a Funding Advance Agreement with the Red River Watershed Management Board. Motion by Ose, seconded by Sorenson, to approve the Funding Advance Agreement with the Red River Watershed Management Board for the Black River Impoundment, RLWD Project No. 176. Motion carried.

The Board reviewed the Grand Marais Creek Targeted Survey completed by the Minnesota Department of Natural Resources. The survey assessed the Grand Marais Creek Channel Restoration Project, RLWD Project No. 60F, by surveying throughout and upstream of the project to document the fish community inhabiting the reconnect portion of Grand Marais Creek during springs flows.

Engineer Blake Carlson, Widseth Smith Nolting, presented information on the Threat Ring dike located in Andover Township, Polk County, adjacent to Burnham Creek. Carlson stated that due to the elevation and available area, a total earthen dike is not practical therefore a floodwall and small portion of earthen levee is recommended. The project has an estimated cost of \$65,400, with a request for 12.5% cost share from the District. Motion by Sorenson, seconded by Tiedemann, to approve a 12.5% cost share on the Threat Ring Dike. Motion carried.

Administrator Jesme presented information on the Schaumburg Ring Dike located in Bygland Township, Polk County. Jesme stated that the current ring dike has a culvert through a township road, that enters the ring dike. The culvert will be moved to the outside of the ring dike and run the water around the ring dike to another township road. The project has an estimated cost of \$8,004, with a request for 12.5% cost share from the District. Motion by Torgerson, seconded by Ose, to approve a 12.5% cost share on the Schaumburg Ring Dike. Motion carried. Jesme stated that a request for funding assistance for both ring dikes will be presented to the RRWMB on September 17, 2019.

Motion by Tiedemann, seconded by Dwight, to approve the withdrawal of RLWD Permit No. 19093, Doug Barth, North Township, Pennington County. Motion carried.

The board reviewed the permits for approval. Motion by Sorenson, seconded by Tiedemann, to approve the following permits with conditions stated on the permit: No. 19119 and 19120, Doug Barth, North Township, Pennington County; No. 19121, Earl Roe, Lessor Township, Polk County; No. 19122, University of Minnesota-Crookston, Crookston Township, Polk County; No. 19123, Kratka Township, Pennington County; No. 19124, Steve Kirchoffner, Keystone Township, Polk County; No. 19125, Aaron Hyland, Grand Plain Township, Marshall County; 19126, Al Hugg, Norden Township, Pennington County; 19127, Scott Edgar, Kratka Township,

Pennington County; No. 19128, Nicolle Ellison, River Falls Township, Pennington County; No. 19129, Tim Chaput, Lake Pleasant Township, Red Lake County; No. 19130, Belguim Township, Polk County; No. 19131, Farmers Cooperative Grand and Seed, North Township, Pennington County; No. 19132, Robin Wagner, Lowell Township, Polk County; No. 19134, Darin Glass, Grove Park Township, Polk County; No. 19136, Del Determan, Bray Township, Pennington County; No. 19137, Greg Nelson, Norden Township, Pennington County; No. 19138, Jerry Skjerven, Emardville Township, Red Lake County; No. 19139, Craig and Melinda Larson, Crookston Township, Polk County; and No. 19140, Robert Mayer, Badger Township, Polk County. Motion carried.

#### Administrators Update:

- Jesme and Manager Ose will attend the RRWMB meeting in Ada on September 17, 2019. Jesme will also participate in a Budget and Finance Committee meeting following the RRWMB meeting.
- Jesme, with assistance from HDR and MnDNR staff, is submitting a grant from the Conservation Legacy Funding for repairs to the outlet structure of the BR6 Wildlife Habitat Pool along the east side of the Burnham Creek Impoundment.
- The Clearwater SWCD fall tour will be held on September 12, 2019, at the Douglas Lodge at Itasca State Park.
- Staff member Loren Sanderson has indicated that his final day of employment with the District will be October 18, 2019.
- Included in the packet was a May 2019 Water Quality Report.

Administrator Jesme stated that the East Polk SWCD did not receive their grant for the Clearwater River Watershed and Cameron Lake for installation of sediment basins and potential shoreline restoration projects that the District agreed to a 25% cost share in August 2018. The East Polk SWCD is re-applying for the grant application and is requesting a 25% match from the District. Motion by Dwight, seconded by Torgerson, to approve the submittal of a Clean Water Fund Grant application from the East Polk SWCD for the Clearwater River Watershed and that the District be identified for the 25% match, with funds to come from the District's Water Quality Project fund, RLWD Project No. 46. Motion carried.

Administrator Jesme stated that Garden Valley Telephone Company has waived the remainder of the Service Agreement that the District had with them for the old phone system, when the District recently purchased a new phone system. Garden Valley Telephone Company has offered to pay the District, \$200 for the old phone system. Motion by Ose, seconded by Tiedemann, to approve at fair market value, the sale of the old District telephone system to Garden Valley Telephone Company in the amount of \$200. Motion carried.

Legal Counsel Sparby stated that he has not received any information from the courts on Judicial Ditch 5, RLWD Project No. 102.

Legal Counsel Sparby indicated that the District could proceed with eminent domain with CenturyLink for the construction of Ditch 16, RLWD Project No. 177 and let the courts

determine the damages to CenturyLink. Sparby, Administrator Jesme and Engineer Jerry Pribula will discuss the issue further following the meeting.

Meeting's with the county commissioners will be scheduled to present the 2018 Annual Report.

Manager Dwight discussed the Red River Basin Commission meeting he attended.

Manager Page asked the status of the outlet of RLWD Ditch 10, RLWD Project No. 161. Administrator Jesme stated that Houston Engineering, Inc., is working on the design and alternatives and will present the information to the Board soon.

Motion by Tiedemann, seconded by Torgerson, to adjourn to the Douglas Lodge, Itasca State Park at 9:00 a.m. to allow the Board to participate in the Clearwater SWCD Fall tour. 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