

RED LAKE WATERSHED DISTRICT
Special Meeting
Improvement to Polk County Ditch 39, RLWD Project No. 179
Final Hearing Minutes
July 24, 2020
9:00 a.m.

President Dale M. Nelson called the Improvement to Polk County Ditch 39, RLWD Project No. 179, Final Hearing to order at 9:00 a.m. at the Red Lake Watershed District office, 1000 Pennington Avenue South, Thief River Falls, MN 56701.

Present were: Managers Dale M. Nelson, Gene Tiedemann, Terry Sorenson, LeRoy Ose, Brian Dwight., and Allan Page, and via conference call Manager Les Torgerson. Staff present: Myron Jesme, Tammy Audette and Legal Counsel Delray Sparby. Various other staff members were present from time to time to assist in placing people due to COVID 19 restrictions.

Motion by Ose, seconded by Tiedemann, and passed by unanimous vote to approve the agenda as presented. Motion carried.

President Nelson acknowledged that Manager Les Torgerson and landowner Stanley Hotvedt were present via conference call.

President Nelson and Legal Counsel, Delray Sparby, briefly addressed the audience concerning the purpose and format of the meeting and social distancing efforts due to the COVID-19 pandemic. Sparby indicated that correspondence received prior to the hearing will be publicly read during the hearing.

Landowner, Mark Holy, stood up unannounced a request to address the Board, legal counsel for the Board, as well as legal counsel for the petitioners, regarding statutory requirements he felt the Board must follow and statutory deficiencies he felt existed. He also indicated that in his opinion the hearing could not be held due to his assumed statutory deficiencies. Manager Nelson repeatedly told Mr. Holy that he would have a chance to speak but that he was not going to dictate the course of the hearing. Manager Nelson requested Mr. Holy sit down and take a seat. Mr. Holy refused to comply with this request. After considerable exchange between Mr. Holy and Manager Nelson, law enforcement was called in to suspend further failure to follow the meeting procedures and to allow the Board to maintain order.

Administrator Jesme read for the record the MN DNR Commissioner's Final Advisory Report.

Jerry Pribula, Pribula Engineering, and engineer for the petitioned project presented the Detailed Engineer's Report. Upon completion of his presentation, Jerry Pribula then

turned the hearing back to President Nelson. After all questions from the Board had been answered by the Engineer, the meeting was turned over to the viewers.

Viewers Jerry Bennett, Roger Beiswenger, Robert Wagner and Mike Baumgartner presented the Viewer's Report to the Board and members of the audience. Upon completion of Mr. Bennett's presentation, the meeting was turned back to President Nelson.

Administrator Jesme noted letters received from absentee landowners within the proposed project area. Administrator Jesme read into the record the letters received and indicated that copies of these letters are available to the public for viewing.

After all, in attendance were given a chance to ask questions and/or make comments, President Nelson closed the hearing as to public comment. The hearing is on video tape and available for viewing at the RLWD.

A motion was made by Tiedemann, seconded by Ose, to establish, by order, RLWD Ditch 17, RLWD Project No. 179, according to the Engineer's Report; to adopt the Viewers Report of benefits and damages, as set forth in the attached Exhibit "A"; finding that the statutory factors necessary to establish the drainage project were present and to direct Legal Counsel Sparby to prepare Findings and an Order consistent with the motion for the Board's consideration and adoption. Motion carried.

A motion was made by Ose, seconded by Torgerson, with motion carried to adjourn the meeting.



LeRoy Ose, Secretary