

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
December 14, 2023

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.

Managers present: Dale M. Nelson, Gene Tiedemann, Terry Sorenson, Allan Page, and Brian Dwight. Staff Present: Tammy Audette, Melissa Bushy, Elaine Rychlock, Lindsey Kallis, Corey Hanson, Tony Olson, Erick Huseh, Nate Koland, 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 November 20, 2023, minutes. Motion by Sorenson, seconded by Tiedemann, to approve the November 20, 2023, Board meeting minutes, as presented. Motion carried.

The Board reviewed the Financial Report dated December 13, 2023. Motion by Sorenson, seconded by Dwight, to approve the Financial Report dated December 13, 2023, as presented. Motion carried.

Administrator Audette shared that we have been notified by Garden Valley Technologies that we will be receiving a discounted capital credit payout.

Administrator Audette stated that the Red Lake River 1W1P, RLWD Project No. 149, Planning Work Group met to discuss submission of a Grant Application for Supplemental Funds through the One Watershed One Plan Process. Red Lake SWCD has a project near the Huot bridge on the Red Lake River; with Polk County and the Polk County SWCD proposing an erosion/bank stabilization project south of Polk County Road 11 at the outlet of Judicial Ditch 60. More information will follow.

The Board reviewed a request from the Red Lake SWCD for cost share for the construction of a water & sediment control basin on the Aaron Myhre property, located in Section 2, Terrebonne Township, Red Lake County. The total project bid was \$21,833.00. Red Lake County SWCD will be using BWSR Clean Water funding to fund 75% of this project. The local match requirement is \$5,458.25. The landowner will oversee paying \$1,458.25; if the Red Lake Watershed District approves the \$4,000.00 request. Motion by Page, seconded by Dwight, to approve the cost share request in the amount of \$4,000.00 for the construction of a water & sediment control basin with the Red Lake SWCD, for the Aaron Myhre Project. Motion carried. Administrator Audette noted that this site is within the Clearwater River sub watershed.

Tony Nordby, Houston Engineering, reviewed the Elm Lake/Farms Pool Sluice Gate Inspection Report. Houston Engineering is recommending the replacement of the existing sluice gate be removed from the exterior face of the structure and replaced with a new 3'x3' sluice gate on the

interior face of the structure. Nordby estimated the cost for repair is \$51,250.00 Motion by Tiedemann, seconded by Dwight, to move forward with the sluice gate replacement for the Elm Lake/Farms Pool project, RLWD Project No. 52 project. Motion carried.

Tony Nordby, Houston Engineering, went over the Lost River Pool Outlet Structure Inspection Report. Houston Engineering recommends replacement of the entire structure with a preliminary cost of \$268,750. Motion by Dwight, seconded by Page, to move forward with the replacement of the Lost River Pool Outlet Structure, RLWD Project No. 17. Motion carried. District staff will seek funding for the project.

Nate Dalager, HDR Engineering, provided a recap from the Mud River Project, RLWD Project No. 180C, Project Team Meeting held on November 20, 2023. Discussion was held on downstream impacts of the project. HDR Engineering has demonstrated that there will be no negative impacts on downstream landowners if the Mud River Project proceeds. Further discussion was held that the Mud River Project and downstream flood concerns are two separate issues. Motion by Tiedemann, seconded by Dwight, to authorize HDR Engineering to proceed with the development of a preliminary design as part of the study phase for the Mud River Project, RLWD Project No. 180C, directing staff to move forward with potential funding sources. Motion carried.

Nate Dalager, HDR Engineering, and Wayne Johnson, City of Thief River Falls (TRF), appeared before the Board regarding funding and preliminary design for the Chief's Coulee Project, RLWD Project No. 46S. Johnson indicated that the City of TRF has agreed to fund \$800,000 as part of the project costs. Discussion was held on the various funding partners and potential funding sources for construction of the project. A Clean Water fund grant was received through BWSR in the amount of \$428,750, with the Red Lake River 1W1P assisting with funds for a portion of the Technical and Engineering. After much discussion, a motion was made by Sorenson, seconded by Tiedemann, to match the City of TRF's commitment of \$800,000, authorizing District staff to seek additional funding options for construction of the Chief's Coulee Project, RLWD Project No. 46S. Motion carried. Johnson will approach the City of TRF with this proposal and allow them to pursue other funding options.

The Board reviewed Pay Estimate No. 1 to Jeff Olson dba Olson Construction for work done on the Thibert Dam, RLWD Project No. 50G in the amount of \$88,403.54. Motion by Page, seconded by Tiedemann, to approve Pay Estimate No. 1 to Jeff Olson dba Olson Construction in the amount of \$88,403.54 for work on the Thibert Dam, RLWD Project No. 50G. Motion carried.

Administrator Audette reviewed the final construction numbers for the Terry Beich Ring Dike, RLWD Project No. 129AY, and the Robert Fladeland Ring Dike, RLWD Project No. 129AX. Motion by Tiedemann, seconded by Dwight, to approve payment back to the ring dike applicants for their overpayment of their estimated 12.5% cost share. Beich will receive \$778.57, and Fladeland will receive \$353.79. Motion carried.

Tony Nordby, Houston Engineering, stated that the Plans and Specifications and Opinion of Probable Cost for the construction of the Cardinal Ring Dike, RLWD Project No. 129BB and the Payment Ring Dike, RLWD Project No. 129BC have been completed and are ready to be submitted to contractors for quotes. Motion by Sorenson, seconded by Page, to approve the Plans and Specifications for the Cardinal Ring Dike, RLWD Project No. 129BB and the Payment Ring Dike, RLWD Project No. 129BC, and submit to contractors for quotes once the District has received the estimated 12.5% cost share from the applicant. Motion carried.

Staff member, Tony Olson, discussed RLWD permit No. 23216, located in Terrebonne Township, Section 25, Red Lake County. Olson stated that the drain tile installation was completed, prior to receiving permit review and approval. Olson also noted that a certain portion of land within the drain tile project area does not pay into the same benefited area of the legal drainage system which the drain tile project will outlet into, therefore the landowner will need to petition Red Lake County to be added into the benefitted area of the outlet legal drainage system. Red Lake County, as drainage authority will need to hold a hearing, notifying all landowners of the potential inclusion of property into the benefitted area of Red Lake County Ditch 2. After much discussion, a motion was made by Sorenson, seconded by Page, to deny RLWD Permit No. 23216, due to non-compliance of the permit application process and the fact that real property is proposed to be drained into a legal drainage system that it does pay benefits into. Motion carried. The Board authorized Olson to submit a letter of warning to the applicant as this is the first permit violation for the landowner. Additional discussion was held on the non-compliance of the tile installer/contractor, Field Drainage, Inc., Brooks, MN. Legal Counsel Sparby reviewed the previous non-compliance complaints the District has had with Field Drainage, Inc. Discussion was held on the filing of misdemeanor charges through the Red Lake County Sheriff's Department for violation of the District's permit rules. A motion was made by Page, seconded by Tiedemann, to report the violation of the District's permit rules and request the filing of misdemeanor charges by the Red Lake County Sheriff's Department against Field Drainage, Inc., for installation and completion of work without proper permits in place. Motion carried. After considerable discussion a motion was made by Dwight, seconded by Page, to pursue injunctive relief against Field Drainage, Inc. for repeated non-compliance and installation and completion of work within the District knowing that the proper permits had not been approved or obtained. Motion carried. Sparby also indicated that the District could require Field Drainage, Inc. to submit a bond for future work within District boundaries.

Administrator Audette provided an update on the previous permit violation in Gervais Township in Red Lake County, stating that all work has been satisfactorily completed.

Staff member, Tony Olson, discussed RLWD Permit No. 23210 in Deer Park Township, Section 6, Pennington County. This permit had been tabled at a previous meeting. The recommendation was to deny the permit. A motion was made by Dwight, seconded by Page, to deny the permit as further information is needed. Motion carried.

The Board reviewed the permits for approval. Motion by Tiedemann, seconded by Sorenson, to approve the following permits with conditions stated on the permit: No. 23206, Gary Mathis, Winsor Township, Clearwater County; No. 23207, Gary Mathis, Hangaard Township,

Clearwater County; No. 23209, Cole Schmitz, Red Lake Falls Township, Red Lake County; No. 23212, Trent Wayne, Lake Pleasant Township, Red Lake County; No. 23213, Jacob Malwitz, Emarville Township, Red Lake County; No. 23214, Cathy Bergstrom, Trustee, King Township, Polk County; No. 23215, Andrew Quam, Badger Township, Polk County; No. 23218, Randy Myhre, Terrebonne Township, Red Lake County; No. 23219, Raymond Severts, Veldt Township, Marshall County; No. 23220, Knute Knutson, Gervais Township, Red Lake County; No. 23221, Matt Bitter/MnDOT, Shooks Township, Beltrami County; No. 23222, Jordan Riendeau, Poplar River Township, Red Lake County; No. 23223, Gary & Patricia Purath, Terrebonne Township, Red Lake County; No. 23224, Pennington County, Kratka Township, Pennington County; Motion carried.

Gail Myers, resident of the City of Crookston, Charles Getsman, City of Crookston, appeared before the board requesting financial assistance for the Houston Avenue Project in Crookston. There are 8 homes along Houston Avenue/ Houston Cliff where large amounts of the bank have been washed away. Residents' backyards have become dangerous. They are requesting city and local government entities to partner together and find funding, correct the issues, and provide a clear path for the work. Motion by Page, seconded by Sorenson, to authorize Houston Engineering, Inc. to hire a geotechnical firm and review the project site to make recommendations to the District. Motion carried.

We received a request from the MN Department of Public Safety for assistance of a land/property buy-out within the City of Red Lake Falls. A motion was made by Sorenson, seconded by Tiedemann, to deny the request of the MN Department of Public Safety. Motion carried.

Administrator Audette shared that effective 2024, Rinke Noonan rates for legal services will be increasing as per the provided fee schedule.

Staff member Kallis requested approval for the purchase of 15 River Watch jackets for the students who participate in the River Watch program. A motion was made by Sorenson, seconded by Tiedemann, to approve the purchase of the jackets for the participating students. The motion carried. Manager Page abstained from discussion and vote.

The Board reviewed information from the U.S. Army Corps of Engineering requesting public input on the Red Lake Dam Water Control Manual Update.

The 41st Annual Red River Basin Land & Water International Summit Conference is coming up January 15-18, 2024, in Fargo, ND. Administrator Audette told the managers to let staff member Bushy know if you would like to attend.

There is an upcoming RRWMB Legislative Open House coming up January 16, 2024, in Moorhead, MN.

Administrator Audette shared that the 2022 Annual Report has been completed. Audette provided a copy to each board manager. The report can also be found on our website and our

Facebook page. Motion by Tiedemann, seconded by Page, to approve the 2022 Annual Report as presented. Motion carried.

Administrators Update:

- Minnesota Watersheds Conference – Staff members Audette, Rychlock, Hanson, Bushy, Kallis and Huseth participated in the 2023 Minnesota Watersheds Annual meeting. Audette thanked the Board for allowing staff to participate in the event. This is a good opportunity for our staff to see the various projects going on throughout the state, which create new ideas, engagement, and contacts.
- Crescent Avenue Project - Emails and phone calls were made to the two additional landowners on the Crescent Avenue Project. Audette was finally able to speak with one landowner who indicated that they are not interested in pursuing the bank stabilization project behind their home. The other landowner has not returned her phone call or email.
- Grand Marais Sub watershed - BWSR is requesting that the District and the Middle Snake Tamarac Watershed District hold a meeting for discussion purposes on the boundary of the Grand Marais Creek Sub watershed and the potential of realigning the boundary between both watersheds. Audette has asked Myron Jesme to participate in the call.

Legal Counsel Sparby stated we have filed our appeal brief with the Supreme Court, and that the Amicus brief has been filed as well. Dates have yet to be set on the time and location of oral arguments before the Supreme Court.

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



LeRoy Ose, Secretary