

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
December 28, 2023

Vice-President, Gene Tiedemann, called the meeting to order at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present: Managers: Gene Tiedemann, Terry Sorenson, Allan Page, LeRoy Ose, Tom Anderson, and Brian Dwight. Absent: Dale M. Nelson and Delray Sparby. Staff Present: Tammy Audette, Melissa Bushy, Elaine Rychlock, Lindsey Kallis, Corey Hanson, Erick Huseeth, Tony Olson, and Nate Koland. Guests: Nate Dalager, Tony Nordby, Grant Nelson, and Dave Myhrer.

The Board reviewed the agenda. A motion was made by Ose, seconded by Page, and passed by unanimous vote that the Board approve the agenda as presented. Motion carried.

A request to appear was made by Marshall County resident, Dave Myhrer.

The Board reviewed the December 14, 2023, minutes. Motion by Sorenson, seconded by Page, to approve the December 14, 2023, Board meeting minutes, as presented. Motion carried.

The Board reviewed the Financial Report dated December 27, 2023. Motion by Tiedemann, seconded by Page, to approve the Financial Report dated December 27, 2023. Motion carried.

Dave Myhrer shared his concerns about the proposed Mud River Project.

Administrator Audette reviewed the State of MN Earned Sick and Safe Time (ESST) employee notice handout. Employees in Minnesota are entitled to earned sick and safe time, a form of paid leave. The RLWD already has a policy in place that allows more earned time than what is required. It will be conformed to reflect the statutory ESST requirements.

Administrator Audette reviewed the League of MN Cities Dividend announcement. The District received a dividend in the amount of \$673.00.

Administrator Audette stated that discussion was held amongst the Red Lake River 1W1P, RLWD Project No. 149, Planning Work Group members regarding Request for Proposals (RFP) to engineering firms for a feasibility study regarding repairs to the outlet of Judicial Ditch 60. Funding requests for the Supplemental Funds through the 1W1P process need to be submitted by January 5, 2024.

Administrator Audette participated in a meeting with staff from BWSR and the Middle Snake Tamarac Watershed District (MSTWD) regarding the boundary lines between the District and the MSTWD as it relates to the 1W1P boundary. Audette stated that if the two watersheds' boundary was moved to correlate with the 1W1P boundary, the MSTWD would lose approximately 15 sections to the District. Since the District has a Joint Powers Agreement with the MSTWD for the Grand Marais Creek Watershed, RLWD Project No. 60F, BWSR will approve using the watershed boundary lines as they are currently determined. Although, this will need to be presented to the Red Lake River 1W1P Policy Committee for their approval.

A request was made by email from Jake Seidel, TKDA for BNSF Railway Company for an extension to RLWD Permit No. 22004, Popple Township, Section 28, Clearwater County. A motion was made by Anderson, seconded by Sorenson, to approve the one-year extension to permit no. 22004. Motion carried.

Staff member Tony Olson discussed RLWD Permit No. 23086, Aaron Miller, Star Township, Pennington County. Olson stated that the application was approved in June 2023 for the installation of pattern tile with a gravity outlet. The District was notified by a Star Township officer that the outlet was placed in a different location than that on the permit, that a pump was installed rather than the proposed gravity system, and that the pump was within the Star Township road-right-of-way. Work was also completed by a different installer/contractor, than named on the application. After considerable discussion by the Board, a motion was made by Sorenson, seconded by Dwight, to submit a warning letter to Aaron Miller pertaining to unauthorized work as it relates to installation of a pump versus the approved gravity outlet, requesting that an "after the fact" permit be submitted; also, a letter will be sent to the installer/contractor for work performed without permit compliance. Motion carried.

Staff member Tony Olson reported that the District was informed of a ditch blockage located in Section 15, Badger Township, Polk County. Motion by Sorenson, seconded by Page, to submit a letter to the landowner stating that they are in violation of the District's Diking Rules and Regulations by diverting/blocking waters with a raised berm, said blockage shall be removed by January 24, 2024, or the District will remove the blockage and the landowner will be responsible for all costs incurred. Motion carried.

Administrator Audette updated the Board on the permit violation for RLWD Permit No. 23216, Section 25, Terrebonne Township, Red Lake County. Audette stated that the Red Lake County Sheriff's Department has submitted the information to the county's legal counsel to determine if charges should be filed. Legal Counsel Sparby, who spoke via telephone conference call, advised that the District could look at injunctive relief with a civil suit. After much discussion, a motion was made by Dwight, seconded by Page, to stay the seeking on civil injunctive relief until the January 11, 2024, board meeting to determine the county's efforts in pursuing criminal charges. Motion carried.

Legal Counsel Sparby stated we have filed our Appeal Brief with the Supreme Court for the Improvement to Polk County Ditch 39, RLWD Project No. 179, and that the Amicus Brief has been filed as well. Dates have yet to be set for the time and location of oral arguments before the Supreme Court.

Motion by Anderson, seconded by Page, to adjourn the meeting.



LeRoy Ose, Secretary