

Red River Watershed Management Board

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Board of Managers

John Finney-Humboldt Farrell Erickson-Badger Harley Younggren, Secretary-Hallock Ron Osowski, Chairman-Oslo Vernon Johnson-Clearbrook Daniel Wilkens, Treasurer-Fertile Sanford Moen-Gary Curtis Nelson-Barnesville Jerome Deal-Wheaton Don Ogaard, Executive Director-Ada

RED RIVER WATERSHED MANAGEMENT BOARD MEETING

July 15, 1997

Sand Hill River Watershed District Office, Fertile, Minnesota

The RRWMB met on Tuesday, July 15, 1997, at the Sand Hill River Watershed District Office, Fertile, Minnesota.

Chairman Ron Osowski called the meeting to order.

Members present were:

Ron Osowski	John Finney
Jerome Deal	Curtis Nelson
Harley Younggren	Sanford Moen
Daniel Wilkens	

Others present were:

Don Ogaard, Executive Director
Naomi Jagol, Administrative Assistant, Sand Hill River WD
Dan Thul, Red River Coordinator
Rick St. Germain, Engineer, Houston Engineering
Ralph Christensen, Bois de Sioux WD
Ron Adrian, Engineer, Middle River-Snake River WD
Julie Goehring, TIC
Shirley Rathay-Truax, TIC
Jeff Lewis, MPCA
Charlie Anderson, Engineer, JOR Engineering
Kenneth Fox, Hamline University

Minutes of the June 17, 1997, meeting were read and approved. **Motion** to approve the minutes by Manager Deal, **Seconded** by Manager Moen, **Carried**.

The Treasurer's report was presented by Manager Wilkens and it was approved as read. **Motion** by Manager Nelson, **Seconded** by Manager Younggren, **Carried**

A **Motion** to approve and pay bills by Manager Moen, **Seconded** by Manager Younggren, **Carried**. The TIC membership renewal was discussed. The previous membership fee was \$500 and it was decided to renew at this amount. However, should TIC need additional funds in the future, they were invited to submit a request to the Board. For further reference, a copy of the bills approved are attached hereto in the Treasurer's Report.

Ogaard Report - Don Ogaard

An update was given on the RRWMB/DNR Communications Committee meeting held on July 11, 1997 in Thief River Falls. Those in attendance were Don Ogaard-RRWMB, John Finney-RRWMB, Charlie Anderson-RRWMB, Roger Holmes-Director of Fish & Wildlife Division, Kent Lokkesmoe-Director Division of Waters, and Paul Swenson-Region I Administrator. Don stated that he felt the DNR representatives possessed a general understanding of the situation in the Red River Basin. Don noted that the participants indicated that there are positions within the DNR where the individuals have very strong personal beliefs that are projected into agency positions on issues. The mediation process was also discussed. Major topics to address during mediation were not identified by this group at this meeting, however, would be determined in the future. The need to address a list of philosophical differences was discussed. John Finney added that he felt there was a genuine desire by the DNR representatives to get something done. Inviting individuals from environmental groups to a future meeting regarding mediation was discussed. Finney noted the importance of involving these groups in the discussion process so that they will feel they are being heard and making a contribution. Charlie Anderson stated that there seems to be an interest in getting down to the technical issues rather than just discussing general beliefs. Dan Thul inquired about the reason for having environmental groups represented on this committee. Don responded that this was Roger Holmes' suggestion. Finney added that they would be invited only after a solid agenda was prepared by the RRWMB and DNR and that the environmentalists would not be allowed to deviate from the agenda. Ron Adrian stated that he felt if the RRWMB invited the environmental groups to be present at the mediation, then the environmentalists should reciprocate by inviting the RRWMB to the mediation between the environmental groups and DNR.

An article that appeared in the Sunday edition of the Grand Forks Herald was distributed. The article highlighted the flood damages that occurred this spring along with a profile of Don Ogaard.

Don discussed material he had reviewed relative to the mediation initiative. He stated that in mediation, the two parties involved are always at a stand-off. He explained the process of mediation is composed of two parts. The first phase being to meet and identify the issues (the assessment phase). During this phase, the mediator meets individually with all the participants and makes a recommendation on the issues to be discussed. The second phase is the actual process of mediation and negotiation. Don explained that the RRWMB attorney, Becky Comstock of Dorsey & Whitney, had interviewed an individual from Hamline University who specializes in the field of mediation and he will explain the mediation process in detail to the RRWMB. Ron Adrian inquired about the issues to be mediated. Don responded that these issues have not been identified at this time. Dan Thul added that perhaps facilitated discussions was a better description of the process than mediation. Don stated that this is a massive educational process and that if this is not the forum to resolve the conflicting issues, which one is. Don suggested that when selecting an individual for mediator, a tour should precede the actual meeting in an attempt to understand the area under discussion and also the RRWMB should demand that the mediation process take place in the Red River Valley. During the next meeting to discuss mediation, John Finney stated that a goal should be to establish a consolidated mission statement between BWSR, MPCA, and DNR. Jeff Lewis, MPCA, added that within his agency, a MOU was prepared outlining the concept of creating new positions to work with existing agencies. These new positions would involve creating a team to represent all of the interests of the agencies involved. Jeff stated that MPCA has invited DNR to be involved in this process. Dan Thul recommended that those involved in the mediation process have the adequate authority to implement any agreements that are made during mediation.

A report on the Disaster Assistance meeting held on July 8, 1997, in Thief River Falls was given by Don. He stated that the main goal focuses on relocation rather than preventative measures. Don noted the attendance was good and the meeting was very informative.

The monthly newsletter distributed by Loyd Gilbert was discussed. Don stated that in future editions, the newsletter will include details of the RRWMB monthly meeting as well as individual district highlights. To date, the mailing list is at 1,100 names.

Red River Coordinator Report - Dan Thul

Dan indicated that Flood Damage Reduction applications should be revised and submitted as the funding cycle will be starting shortly and accurate figures need to be presented.

The Flood Recovery Task Force was discussed. Dan stated that John Stine and Terry Smith are co-chairs of this committee. High priority items include acquisition and relocation projects, with impoundments to be considered for future funding.

Dan suggested planning a meeting of the Technical Advisory Committee to coincide with the next RRWMB meeting. It was decided to hold this meeting earlier than the Board meeting so that those individuals involved would not be excluded from important Board discussion.

TIC Report - Julie Goehring

Julie introduced Shirley Rathay-Truax from TIC, who is very involved with the development of the Red River Basin Board. Julie indicated that any inquiries about the RRBB should be directed to Shirley. The first official meeting of the Red River Basin Board will be held on July 24, 1997 in Pembina, North Dakota.

The Annual TIC Conference is scheduled for November 19-21, 1997, in Grand Forks, ND, at the Ramada Inn. Julie noted that any suggestions for a theme for this year's conference would be appreciated.

Service Award - Ralph Christensen

A Service Award was presented to Ralph Christensen by Chairman Osowski. Osowski thanked Christensen for his years of dedication and involvement with the RRWMB. In conclusion, Ralph thanked the Board for the plaque and gift of money and noted how much he enjoyed serving in this capacity.

District Reports:

- The Joe River WD reported that the District conducted it's Annual Operation and Maintenance tour on July 14, 1997. With the exception of an ongoing cattail problem, and some siltation around culvert ends, the watershed laterals were in very good condition. The JRWD entered into a contract with the USGS for flow monitoring along highway 171 near St. Vincent during the spring flood event. These measurements were taken April 24, 26, and 27. The results of this data are being processed and will be available later this summer.
- The Red Lake WD reported that project construction started and was going well, until late June and early July when the rains came, so things have slowed down. We have received as much as 11 inches of rain in parts of our area, and some of our tributaries are at an all time high water level. The District is still waiting

for FEMA to inspect the damages due to flooding. They indicated they will visit the District sometime the week of July 14th.

- The Bois de Sioux WD reported that work on Traverse County Ditch #27 is progressing slowly. MnDOT is still negotiating the right-of-way purchase. GTE will be moving a 300 pair phone line to the west side of Highway #75. Actual excavation will take place after these items are complete. It is hoped to begin late summer and complete early fall.
- The Wild Rice WD reported that an application has been submitted on behalf of communities and citizens within the Wild Rice Watershed District (WRWD) to the Minnesota Recovery Disaster Task Force. The request includes multiple projects/activities for long term flood recovery. The application requests assistance on projects such as acquisition of 14 flood prone homes, flood proofing, levee/floodwall construction for the City of Ada, City of Hendrum, City of Perley and homes and buildings in the City of Mahnomon and ring dike construction for ten farmsteads. Estimated cost on projects known to date is \$3,328,000. The WRWD continues to receive interest from its residents and communities in similar flood recovery projects.
- The Buffalo-Red River WD reported that regarding the Economic Development Administration Grant for the Moorhead, Dilworth and Hawley Projects, the District is planning to issue a notice to proceed today for the concrete lined channels in Moorhead and Dilworth. Construction will likely begin this week. The concrete liner project was awarded to Municipal Industrial Contracting from Fargo with a bid of \$2,284,871. The diversion project was awarded to Strom Construction from Moorhead with a bid of \$1,009,600.50.
- The Two Rivers WD reported that regarding the Nereson Project, a contract has been awarded to reconstruct the outlet structure. Construction is anticipated to begin in approximately two weeks.
- The Sand Hill River WD reported that the District hosted a meeting on June 12, 1997, with the Union Lake Sarah Improvement Association to address the high water problem. The East Polk Soil & Water Conservation District will be conducting a survey to determine the feasibility of this project. The Union Lake Sarah Improvement Association is asking the District to assist them in establishing an outlet for the high water that has plagued them the last two years. Lake Sarah is presently in excess of 5 feet above the high water mark.
- Middle River-Snake River WD reported that representatives of FEMA reviewed the damages to the works of the District from the 1997 flood. It appears that the reduction in eligibility for various works continues. At least for the present it appears that all works involving water control facilities is being referred to the NRCS unless the work was under contract by June 25, 1997. The NRCS makes a determination if the damages are eligible under the EWP program, if it is eligible then damages will not be paid by FEMA, if it is not eligible under EWP then FEMA will consider payment for damages. The final word has not yet been received on the District's damages.
- The Roseau River WD reported that the July meeting of the Flood Control Committee was attended by about 15 Canadians, representing local governmental units in Canada. They were invited to select 3 members to sit on the committee. They will provide data and studies relative to the Canadian portion of the Roseau River Basin. About 39% of the 2700 flood control questionnaires sent out have been returned to far.

The Mediation Process - Kenneth Fox, Hamline University

Kenneth Fox, of Hamline University, who specializes in the field of mediation, was invited to explain the mediation process to the Board. He stated that the mediation process is designed to help parties negotiate out of a corner and resolve a dispute. Mediation involves a neutral third person who helps parties negotiate their differences. It includes an aspect of self-determination in that the parties involved have complete control over their participation in the process, influence over designing the process, and the flexibility to determine which way the process is going. Mediation differs from arbitration in that arbitration involves presenting ideas to a third party who makes a binding decision. In arbitration, the participants have no control over the outcome and only legal issues can be reviewed. Mediation allows the parties to address conflicts and resolve underlying issues. The complexity of the issues grows as the number of parties participating in mediation grows. The two phases of mediation include:

1. **Phase I - Assessment**: This involves deciding what parties need to be at the table and what are the issues to be mediated.
2. **Phase II - Mediation**: This involves actually starting mediation and negotiation.

There are two aspects to consider when determining whether or not mediation is successful and these include objective factors and subjective factors. Objective factors should be used when multiple parties are involved, when more than straight questions of money or authority can be negotiated, or when there are a lot of technical issues to deal with. Subjective factors should be used when determining how much control you want over the outcome of the process, when there is a need to preserve the relationship between the parties, or when outside influences will be involved.

The estimated cost to initiate and complete Phase I is under \$10,000. **Motion** to proceed with Phase I by Manager Wilkens, **Seconded** by Manager Moen, **Carried**.

The members to include on the mediation panel were discussed and it was decided to have a maximum of five members on the panel. The panel could be composed of two RRWMB members, RRVVMB Executive Director, a County Commissioner, and a City Mayor. The suggested Board members for the RRWMB were Manager Deal and Manager Wilkens. The Board listed several commissioners and mayors that would be good candidates for the panel. Dan Thul suggested that perhaps an advisor could be obtained to advise the Board on who would be appropriate to have at the table. Dan stated that those individuals who are stakeholders in the valley and who have a particular interest in this process should be included on the panel. Ogaard responded that experience at the local level would not necessarily be an asset in this case. **Motion** to retain the services of Kenneth Fox on an as needed basis by Manager Deal, **Seconded** by Manager Wilkens, **Carried**.

The RRWMB discussed the proposed levy for 1998. Currently, the levy is at 75% of the maximum amount allowed by law. **Motion** to leave the levy at the same level as last year which is .0003627 times the taxable market value by Manager Wilkens, **Seconded** by Manager Moen, **Carried** on a vote of 6 for the motion and 1 opposed to the motion. Manager Nelson voted against the motion, while Managers Osowski, Finney, Deal, Moen, Younggren, and Wilkens voted for the motion.

A proposal for Canadian Radarsat Imagery was discussed. Charlie Anderson explained that the COE will make a map available that will be put on GIS that will track a majority of the water as it went from south to north during the spring flood. Dan Thul added that this would be a valuable tool to document the flooding that occurred in 1997. Ron Adrian concurred that this information would be meaningful if implemented on the GIS system. Ogaard stated that he would do some investigating and report back at the next meeting.

Ogaard distributed several handouts to the Board. The first being a copy of Minnesota Statutes 103 D - Watershed Law. Secondly, a diagram explaining the purpose of a watershed district was handed out. Next, a memo from Rod Headrick at HDR Engineering, Inc. was distributed regarding the Flood Damage Assessment process. And finally, a quarterly progress report was handed out to the Board regarding the U.S.G.S. Methyl Mercury Study.

Memorandum of Understanding Agreement

Manager Wilkens updated the Board on the meeting held on July 11, 1997, at the Sand Hill River WD office, Fertile, MN. Ray Bohn of the Minnesota Association of Watershed Districts was in attendance and explained the legislation leading up to the passage of the MOU and answered questions relating to this document. The purpose of this meeting was to address all member districts' ideas and concerns and arrive at a united front. A copy of those minutes will be sent to all watershed district managers under a separate cover.

District's Funding Requests;

No requests for funds were submitted this month.

The next meeting will be held on August 19, 1997, at 9:30 a.m. at the Sand Hill River WD office in Fertile, Minnesota.

There being no further business, the meeting was adjourned at 4:00 p.m.

Respectfully submitted,

E. Harley Younggren
Secretary

Naomi L. Jagol
Administrative Assistant