

Red River Watershed Management Board

705 Fifth Street West Ada, MN 56510 Phone: (218)784-4156, Fax: (218)784-2015

Board of Managers

John Finney, Vice Pres.-Humboldt Farrell Erickson, Secretary-Badger Harlan Solberg-Greenbush Ron Osowski, President-Oslo Vernon Johnson-Clearbrook Daniel Wilkens, Treasurer-Fertile Robert Wright-Felton Curtis Nelson-Barnesville Jerome Deal-Wheaton Don Ogaard, Executive Director-Ada

RED RIVER WATERSHED MANAGEMENT BOARD MEETING

June 19, 2001

Wells-Fargo Bank, Barnesville, Minnesota

The RRWMB met on Tuesday, June 19, 2001, at the Wells-Fargo Bank, Barnesville, Minnesota.

Due to the recent surgery of President Osowski, John Finney-Vice President called the meeting to order.

Members present were:

Farrell Erickson	Harlan Solberg
Ron Osowski	Daniel Wilkens
Vernon Johnson	Robert Wright
Curtis Nelson	Jerome Deal

Others present were:

- Don Ogaard, Executive Director
- Dick Nelson, Financial Coordinator
- Naomi Jagol, Administrative Assistant, Sand Hill River WD
- Dan Thul, Red River Coordinator
- Charlie Anderson, Engineer, JOR Engineering
- Ron Adrian, Administrator, Middle River-Snake River WD
- Rob Sando, Administrator, Roseau River WD
- Jerry Bennett, Administrator, Wild Rice WD
- Maynard Pick, Congressman Peterson's office
- Bruce Albright, Administrator, Buffalo-Red River WD
- Karen Branden, Buffalo-Red River WD
- Angela Whitney, Red River Basin Board

No additional items were added to the agenda.

Motion by Manager Deal to approve the minutes as written with minor corrections, **Seconded** by Manager Wilkens, **Carried**.

The Treasurer's report was presented and it was approved as read. **Motion** by Manager Nelson to approve the Treasurer's Report, **Seconded** by Manager Erickson, **Carried**. A one-page handout of monthly bills to be approved was distributed. **Motion** to approve and pay bills by Manager Erickson, **Seconded** by Manager Deal, **Carried**. For further reference, copies of the bills approved are attached hereto in the Treasurer's Report.

RRWMB Office Transition

Manager Wilkens distributed the Personnel Manual developed by the personnel committee to the board for review. He stated that the committee recommends that the board forward the manual to their attorney for review prior to adopting the manual. Ogaard added that he had contacted an attorney with Rinke-Noonan regarding the review of Dick Nelson's employment agreement, and that he could contact this individual to review the Personnel Manual as this attorney specializes in employment issues.

Manager Wilkens distributed the job description for the Associate Director position. He referred to the terms "regular" vs. "at will" employee status and explained that Ogaard had obtained a response from an attorney who recommended that all employees hired by the RRWMB be "at will" employees.

Karen Branden, Buffalo-Red River WD manager, inquired about whether salary comparisons had been conducted with regard to similar positions in the Red River Basin. Manager Wilkens responded that the personnel committee had spent considerable time developing a salary recommendation for this position based on previous duties performed by Jagol for the RRWMB. Wilkens further noted that salary comparisons were not obtained since there were no comparable positions in the Red River Basin.

Manager Wilkens stated that Jagol has performed administrative services for the RRWMB for approximately five years in addition to publishing the organizations monthly newsletter. Manager Johnson added that Jagol was the most qualified candidate for the position due to her years of experience and educational background. Branden suggested that the RRWMB should develop a letter of introduction describing Jagol's qualifications should she be hired as the Associate Director.

Ogaard referred to the Joint Powers Agreement (Section 7, subd. 2) of the RRWMB regarding "at will" employees. Dick Nelson inquired about the contractual relationship of the RRWMB with the individual watershed districts relative to the future existence of the RRWMB. Manager Finney suggested that an attachment be developed and included with the job description regarding the dissolution of the RRWMB.

Manager Osowski inquired whether Occupational Safety and Health Administration (OSHA) requirements would be a consideration relative to Jagol providing a home office for the RRWMB. Dick Nelson noted that he did not believe that the Americans with Disabilities Act (ADA) requirements would apply since no public meetings would be conducted in Jagol's home.

Motion by Manager Deal to authorize forwarding the Personnel Manual, job description, and employment agreement to Rinke-Noonan to review the documents, **Seconded** by Manager Solberg, **Carried**.

Ogaard stated that he would request the attorney to review the following issues: the preparation of text regarding the possible dissolution of the RRWMB, OSHA requirements relative to home offices, and defining the differences between "regular" vs. "at will" employees.

Ogaard added that he would review the RRWMB insurance policy regarding whether the current liability insurance would include employees. Manager Deal noted that Jagol may need to be added as an additional insured on the RRWMB policy.

Ogaard distributed a list of office equipment estimates regarding the establishment of a home office relative to the Associate Director position. He noted that in addition to the estimates provided at the previous monthly meeting, he requested Jagol to obtain an estimate on a portable projector that could be used to conduct PowerPoint presentations. Branden stated that should the RRWMB want to compete with other agencies, sufficient technology is needed.

Motion by Manager Deal to proceed with purchasing the office equipment, **Seconded** by Manager Wilkens, **Carried**.

Manager Finney referred to the monthly newsletter publication and suggested that a column be added to include commentary regarding legislative updates from Dick Nelson-Financial Coordinator. Nelson responded that he could provide this information for the newsletter, and suggested that both the "News & Views" newsletter and the Flood Damage Reduction "Focus" newsletter be made available by email so that other organizations could link this information.

Motion by Manager Solberg to terminate the newsletter contract with Naomi Jagol as of her date of employment (August 1, 2001), **Seconded** by Manager Erickson, **Carried**.

Financial Coordinator Report

D. Nelson reported that this year's legislative package is currently being debated in the special session. He stated that the 75/25 language was in the last version of the bill relative to flood damage reduction funds, however, he was unable to verify its existence at this time. The House bonding chairman does not like the language as he feels it leaves a future liability open for the state.

Currently \$250,000 has been included in the DNR base budget for ring dikes. The bonding appropriation of \$300,000 last year was to be for the biennium so in many ways this can be considered a gain.

The RRWMB is also listed in the current Payment in Lieu of Taxes (PILT) legislation. The language allows only members of the RRWMB to pay PILT. The payment is based on the tax paid at the time of acquisition and cannot exceed four dollars per acre. This language was particularly difficult to secure.

The Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) funding currently is \$625,000 for this year, and \$650,000 thereafter in the base budget. It was noted that an accurate accounting of funds expended through this effort is needed in order to remain at the current funding levels.

Ring Dike/Permits for New Buildings

Manager Finney distributed an article published in the Grand Forks Herald regarding a ring dike that was constructed in Humboldt, MN. Finney explained that the landowners want to construct a pole shed for machine storage on their property, but federal and state standards require the family to elevate the structure, on fill, to a base elevation of 795.8 feet above sea level, seven-tenths of a foot below what their dike already protects.

Thul noted that a certain level of criteria set at the federal level binds the State of Minnesota, and should this criteria not change at the federal level the state would have no authority to do so.

Red River Coordinator/TAC Report

Thul stated that the Technical Advisory Committee (TAC) did not meet prior to the board meeting this month since some of the members could not attend. He noted that St. Germain and Anderson, members of the TAC, are also members of the Technical and Scientific Advisory Committee (TSAC) which has been meeting on a regular basis discussing similar issues of concern to the TAC. He added that the TAC needs direction from the RRWMB regarding issues to be discussed by the committee.

Ogaard noted that the TAC is concerned with specific issues of interest to the individual watershed districts, whereas the TSAC addresses issues of concern to the entire Red River Basin based on direction received from the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG).

Executive Director Report – Don Ogaard

A) Report on National Watershed Conference

Ogaard stated that he attended the conference conducted on May 19-23, 2001 in Richmond, VA and conducted a presentation regarding the heritage of the Red River Basin. He distributed a handout of his presentation.

Ogaard discussed potential membership of the RRWMB in the National Watershed Coalition. He explained that the membership categories are individual, organizational, and steering committee. He suggested that the RRWMB join as an organization, and that the board sponsor Dick Nelson's membership on the steering committee.

Motion by Manager Wilkens to authorize the RRWMB becoming a member of the National Watershed Coalition and sponsoring Dick Nelson as the board's representative on the steering committee, **Seconded** by Manager Wright, **Carried**.

B) Discussion on RRBFDWRWG Next Fiscal Year Funding

Ogaard explained that the work group did not obtain the regular \$1 million appropriation this year since the funding obtained during the previous biennium was not fully expended. He stated that the amount appropriated by the legislature for this year is \$625,000, with \$650,000 thereafter in the base budget.

The board discussed how the RRWMB representatives on the work group should advise that those funds be allocated. Manager Deal suggested that funds be allocated to continue the overall plan updates. Manager Wilkens added that project team funding should also be allocated.

C) Report on Presentation to County Joint Powers Board

Ogaard reported that he conducted a presentation of the Governing Documents publication at the previous County Joint Powers Board meeting. He noted that good discussion occurred with the county commissioners and suggested that he could conduct similar presentations with other organizations.

District Reports

- The Joe River WD reported that the District entered into an agreement with the Minnesota Conservation Corps to conduct a culvert inventory. The work is progressing well and is scheduled to be completed by July 1st. The inventory will be included in the overall plan update.
- The Roseau River WD reported that a planning meeting was conducted on May 17th at the District office with the Citizens Advisory Committee (CAC) and the Technical Advisory Committee (TAC) members. The team members discussed various concerns within the watershed and also divided the area into 6 different sub-watersheds and began assessing each area.

- The Two Rivers WD reported on the hiring of new staff. Erin Johnson has been hired as a summer intern for the months of June, July and August. Johnson's specific duties include culvert inventories, survey work, water quality analysis, data management, and general office duties. Johnson is a recent graduate of Kittson Central High School and will be attending college this fall.

The District has also hired Kim Dziengel as the new Administrative Assistant. She will begin duties on June 18th. This is a permanent part-time position consisting of three days per week. Specific duties will include accounting, program assistance with permits, clerical, data entry and management, and general office assistance.

- The Middle River-Snake River WD reported on the status of the Angus Oslo Site No. 4 project. The District has commenced a declaratory judgment in District Court to determine the rights and responsibilities of the parties under the contract. The contractor has filed a counter claim seeking reimbursement in excess of the contract price. The dispute will be resolved through this action.
- The Red Lake WD reported that the District is providing funding assistance to eight schools for the River Watch program. The funding will be provided over a period of ten years and includes technical assistance from the District and Soil & Water Conservation District personnel. Wayne Goeken and Ryan Odenbach have been meeting with individual teachers and school administrators regarding an agreement for the 10-year program. Odenbach will conduct presentations on the River Watch program during the month of July to school boards for their approval and signature.
- The Sand Hill River WD reported that the District agreed to participate with the West Polk Soil & Water Conservation District and Polk County Environmental Services by contributing to the cost of a booth at the Polk County Fair. The fair is scheduled for July 11-15, 2001 in Fertile, MN.
- The Wild Rice WD reported on the status of the Dalen Coulee project. In April, the Board of Managers issued the order to proceed with the project. Staking has been completed on the land set-aside areas. The District has been working with the agencies on providing information to landowners on the Reinvest in Minnesota (RIM) and Conservation Reserve Program (CRP) portion of the payments that will be used as compensation for the land set-aside portion of the project. It is anticipated that permitting will be finalized in early July. When all permits have been obtained, the District will be awarding contracts on the channel restoration phase of the project.
- The Buffalo-Red River WD reported on the Manston Slough Wildlife Management Area (WMA). The DNR has submitted a proposal to install natural resource enhancements on their property in Wilkin County. The proposed east basin would be a 300-acre retention area for spring runoff. Levees would be constructed around the entire perimeter. The proposed west basin is a 42-acre wetland restoration. The District would like to see the project development include flood damage reduction benefits. Landowners near the project have expressed opposition because of potential seepage/drainage concerns. The DNR has hired Dr. Jimmie Richardson, North Dakota State University (NDSU), to analyze the seepage issues.
- The Bois de Sioux WD reported on the positive aspects of the high runoff events. Good stream gage and rainfall data will be obtained in order to calibrate the hydrologic model being developed as part of the overall plan update. The gage readers have been requested to monitor the gages closely following heavy rainstorms. All weather rain gages have been purchased for each reader in order for detailed information to be obtained to correlate with the stream gage data to allow the timing effects to be recorded.

Middle River-Snake River WD

Manager Osowski inquired about the alternate designation for individual watershed districts on the RRWMB. He explained that due to health problems, he has not been able to attend the previous two monthly board meetings and neither was his alternate. He inquired whether any board member from the individual watershed districts could attend RRWMB meetings rather than just the designated alternate.

Ogaard responded that should the RRWMB wish to have a designee to the alternate position, an amendment would be needed to the Joint Powers Agreement. Manager Erickson stated that trust is needed among fellow RRWMB members and that should a significant issue be presented to the board without a full board in attendance, the issue could be tabled until the following meeting. Manager Finney suggested that this issue could be revisited when an update is conducted for the Joint Powers Agreement.

District's Funding Requests:

1. Wild Rice WD / Lockhart Flood Storage Pilot Project / Step III Submittal:

Bennett distributed a funding request to the RRWMB in the amount of \$100,000 for the Lockhart Flood Storage Pilot Project. **Motion** by Manager Johnson to approve the Step III submittal for the project, **Seconded** by Manager Nelson, **Carried**.

The next meeting will be on July 17, 2001, 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 2:30 p.m.

Respectfully submitted,

Farrell Erickson
Secretary

Naomi L. Jagol
Administrative Assistant