

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

July 17, 2001

Sand Hill River Watershed District, Fertile, Minnesota

The RRWMB met on Tuesday, July 17, 2001, at the Sand Hill River Watershed District office, Fertile, Minnesota.

Chairman Ron Osowski called the meeting to order.

Members present were:

John Finney	Farrell Erickson
Harlan Solberg	Dennis Nikolayson
Daniel Wilkens	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
- Rick St. Germain, Engineer, Houston Engineering
- Brent Johnson, Engineer, Houston Engineering
- Ron Adrian, Administrator, Middle River-Snake River WD
- Nate Dalager, Engineer, HDR Engineering
- Rob Sando, Administrator, Roseau River WD
- Maynard Pick, Congressman Peterson's office
- Lance Yohe, Executive Director, Red River Basin Board
- Angela Whitney, Red River Basin Board
- Dale M. Nelson, Red Lake WD

An additional item was added to the agenda in the Executive Director's Report as 9. (D).

Motion by Manager Finney to approve the minutes as written with minor corrections, **Seconded** by Manager Deal, **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 Solberg, **Carried**. A one-page handout of monthly bills to be approved was distributed. **Motion** to approve and pay bills by Manager Deal, **Seconded** by Manager Solberg, **Carried**. For further reference, copies of the bills approved are attached hereto in the Treasurer's Report.

RRWMB Levy

The Board discussed the tax levy rate determination. **Motion** by Manager Deal to maintain the levy at 100% for FY 2002, **Seconded** by Manager Erickson. As there was no further discussion a vote was taken. Those voting in favor of the motion included: Erickson, Solberg, Osowski, Nikolayson, Wilkens, Wright, and Deal. Those opposing the motion included: Finney and Nelson. **Motion carried.**

RRWMB Office Transition

Ogaard distributed the response received from Jerry Von Korff, attorney with Rinke-Noonan regarding his review of the Personnel Manual, Associate Director (AD) Employment Agreement, and AD Job Description and Duties.

Ogaard suggested that the board should address only the items relative to the AD position, and refer the items relating to the Personnel Manual to the personnel committee. Manager Osowski concurred with his recommendation. Manager Solberg added that once the personnel committee meets and incorporates the proposed changes, drafts of the revised manual should be forwarded to the board members for review prior to the next board meeting.

Ogaard reviewed the letter from Von Korff regarding the AD Employment Agreement. The first issue relates to which party is providing insurance for the home office. The RRWMB is covered under a general liability policy for any and all possibilities relative to board activities. Ogaard suggested that Jagol contact her insurance agent and inquire about an amendment to her own policy regarding incidental office coverage. Jagol responded that she would contact her insurance agent regarding the above-mentioned item.

Ogaard noted that the second issue discussed by Von Korff was whether the communication lines and other facilities are subject to reimbursement. He explained that these items are listed on the second page of the employment agreement where it clearly states that the RRWMB will provide reimbursement for phone/fax/copier/internet monthly service charges.

Ogaard stated that the third issue relates to the hours that the employee shall be available for consultation during regular business hours. He stated that the employment agreement states that the employee shall be available for consultation/communication during regular business hours daily, commonly accepted to be from 8 AM to 5 PM, Monday through Friday.

The final issue discussed by Von Korff was regarding the term of the contract and the termination provisions. Ogaard stated that both of these provisions are clearly identified in the employment agreement. The term of the agreement shall automatically continue until otherwise terminated as provided in this agreement. If Employee wishes to terminate her employment with the RRWMB, a written notice shall be filed with the Secretary at least 30 days prior to the date of resignation. If the RRWMB wishes to terminate the employment agreement with the Employee, a written notice shall be provided to the Employee at least 60 days prior to the date of said termination.

Manager Wilkens noted that the issues discussed by Von Korff do not require any modifications to the employment agreement, as these items are already included in the agreement. Ogaard added that he has a final draft of the contract ready for signature.

Motion by Manager Erickson to accept the Employment Agreement as presented and authorize the appropriate signatures, **Seconded** by Manager Wright, **Carried.**

Manager Finney inquired about the response received from Von Korff regarding the liability among member districts upon dissolution of the Board. Ogaard explained that he forwarded a copy of the Governing Documents to Von Korff for review and he indicated that according to the Joint Powers agreement there would be no financial responsibility to individual districts in the event of dissolution of the RRWMB.

Manager Nelson referred to Von Korff's response to the issue of a home office. He inquired whether Occupational Safety and Health Administration (OSHA) requirements would apply to this situation. Manager Wilkens responded that OSHA requirements or Americans with Disabilities Act (ADA) requirements would not apply since Jagol would never conduct a public meeting in her home.

Ogaard reviewed the insurance premium billing of \$757.00 received from ICS Agency, Inc. for Workers' Compensation insurance. Manager Wilkens responded that this insurance would cover the employees hired relative to the Project Monitoring proposal as well as Jagol.

Motion by Manager Deal to authorize payment of the insurance premium in the amount of \$757.00, **Seconded** by Manager Wright, **Carried**.

Ogaard distributed a proposal for an office table and two chairs in the amount of \$858.30 for Jagol's home office. He explained that he would be spending some time with Jagol during her first few months of hire to assist with the transition period, as well as working with her on projects on an ongoing basis. He added that she and Manager Wilkens as treasurer would also be working together regarding financial information. He added that a sufficient work area is needed to conduct these tasks.

Motion by Manager Wilkens to authorize the purchase of the table and chairs as presented, **Seconded** by Manager Wright, **Carried**.

Financial Coordinator Report

D. Nelson reported that \$234,000 is included in the bonding bill for the RRWMB, and was lobbied specifically for the Agassiz Valley Water Resource Management Project. The 75/25 language was not passed in this year's bill. The House Chairman of the Committee would not allow the language, and it appears that approval may need to be obtained on a project by project basis.

D. Nelson stated that \$250,000 was allocated for ring dikes and is in the base budget. He added that to be included in the base budget is a significant accomplishment as funds will not have to be sought for this program on an annual basis.

D. Nelson discussed the issue of Payment in Lieu of Taxes (PILT). He stated that the passing of this bill allows taxes on projects to be paid to other Local Units of Government (LUG's). A maximum of \$4.00 per acre is allowed on current taxes, with either 20 years of annual payments or an upfront present valued payment.

Report on Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) Meeting

Manager Osowski noted that the Middle River-Snake River WD project team had been notified that the funding request for final engineering submitted for the Agassiz Valley Water Resource Management Project had been

denied by the work group. Ogaard responded that questions regarding whether the proposed modifications by the project team had been incorporated to the project were discussed by the work group, and there was no one from the project team in attendance to answer the questions. Manager Deal noted that in the future when funding requests are submitted to the work group, at least one member from the project team should be in attendance. Manager Wilkens added that the funding request submitted for preliminary engineering costs for the project was approved, but not funding for the final engineering costs.

Ogaard stated that the finance committee of the work group had met a couple of weeks prior to the meeting conducted on July 11, 2001. He noted that funds of approximately \$54,000 remained from the previous year and needed to be allocated. He explained that Kent Lokkesmoe, DNR, diverted the remaining funds to the Bois de Sioux WD's North Ottawa project since they received less funding from the previous legislative session.

Red River Coordinator/TAC Report

Thul stated that the Technical Advisory Committee (TAC) met prior to the board meeting and discussed the monitoring plan currently being developed by the Technical and Scientific Advisory Committee (TSAC). Anderson stated that the TSAC is recommending that the individual project teams should define the monitoring plans for projects, as each project would need to be reviewed on an individual basis. Anderson noted that the TSAC would be developing guidelines or protocols that should be observed by the project teams to provide consistency in monitoring plans throughout the basin. Anderson added that the draft monitoring proposal includes the following categories: 1) Project Specific, 2) Basin Background Data, and 3) Research. Ogaard noted that the purpose of the monitoring plan is to determine whether the projects are functioning as intended by accomplishing the specified goals.

Thul noted that the TAC agreed to limit their meeting time from 8:30 a.m. to 10:00 a.m. prior to the RRWMB meeting. He explained that members of the TAC agreed that they should attend the majority of the board meetings in order to hear the issues addressed and participate in the discussion. He noted that special meetings would be scheduled when the items to be discussed would require additional meetings.

Red River Coordinator Position

Ogaard discussed the contract with the State of Minnesota for a cost share with the RRWMB relative to the renewal of the Red River Coordinator position. The coordinator position is funded by the two agencies as follows: 70% DNR and 30% RRWMB. The RRWMB's 30% cost share is \$24,000 per year. Ogaard noted that the position facilitates communication between the two organizations.

Motion to renew the Red River Coordinator position contract for another one-year term by Manager Wilkens, **Seconded** by Manager Deal, **Carried**.

Executive Director Report – Don Ogaard

A) Red River Basin Board (RRBB)/Flood Damage Reduction (FDR) Task Force Report

Ogaard stated that the committee is meeting again on a regular basis and is in the process of accumulating the necessary information to be included in the report. He added that the FDR task force has been coordinating with the hydrology task force in this effort.

B) U.S. Army Corps of Engineers (USACE) Reconnaissance Study Progress

Ogaard explained that an initial document has been published. He noted that prior to the completion of the study, the USACE would try to obtain signors to assist with the preparation of a feasibility study. The signors could assist with in-kind contributions as well as providing funding assistance. He added that the St. Paul district has indicated that the watershed districts' overall plans would be acceptable as in-kind contributions. He noted that the goal of the study is to determine the future federal involvement in the Red River basin.

C) RRBFDRWG Request for Potential Future Project Development/Estimated Cost

Ogaard reported that he had prepared a questionnaire to all member watershed districts requesting information on future project development costs regarding the individual project teams. He noted that this information is needed to develop future funding projections of the work group.

D) Ring Dikes

Ogaard requested the individual watershed districts to forward him information regarding the potential number of ring dikes that could be constructed during the upcoming year. He noted that \$250,000 has been allocated in the base budget and funds must be prorated among the individual watershed districts.

District Reports

- The Joe River WD reported that work is continuing on the District's overall plan update. A citizen's input meeting is scheduled for July 26, 2001. The technical committee is scheduled to meet at a later date. The Minnesota Conservation Corps has completed the culvert inventory of the District. The results of this endeavor will be included in the updated overall plan.
- The Roseau River WD reported on the status of the Hay Creek project. Rob Sando, Administrator, toured the project site in June with an appraiser from the U.S. Army Corps of Engineers (USACE). The Board of Managers is currently moving forward with a possible land purchase in the project area.
- The Two Rivers WD reported on the Nereson Sub-Impoundment project. The original contractor has hired local contractor, Don Lunke, to sub-contract the job. Lunke has been on the site removing beaver dams and trying to dry out the site in order to resume construction on the dike. Staking is currently being done with construction to begin shortly. This project has been funded through the RRWMB and due to wet weather conditions has been an ongoing project since 1991. The District is hopeful that construction could be completed yet this year.
- The Middle River-Snake River WD reported on the Public Law 566 project. The public hearing for the appraiser's report was conducted on June 28, 2001. Although some discussion occurred regarding the benefited area, the majority of the questions related to the damages for the property acquired for right-of-way. The hearing was continued until the next regular board meeting. The board will review the available information received and issue the order concerning the benefits and damages.
- The Red Lake WD reported that the Greenwood 27 project in Clearwater County is partially completed and is progressing well. Sites involving bank stabilization with rock riprap and willow plantings and seeding

are complete. The willows and grass appear to be taking a good catch. Other sites involving rock riffles are yet to be completed.

- The Sand Hill River WD reported that an engineering study for fish passage issues is being completed as well as preliminary engineering to determine the feasibility of developing holding areas on Maple Creek. The project team is waiting for the completion of these studies so the needed information can be used to develop proposals if they deem practical. Horntvedt requested the project team to work on formally establishing the team membership and other guidelines that could assist in their future operation.
- The Wild Rice WD reported on the Dalen Coulee project. The Board of Managers authorized landowner payments for the set-aside areas on the project. Engineering has been authorized to prepare bidding documents to proceed with implementation on Phase I of the project. The District is waiting to secure permits needed for the project and will plan to proceed to construction once the permits have been acquired.
- The Buffalo-Red River WD reported that the District and the Soil & Water Conservation District (SWCD) of Clay County were successful in obtaining a Board of Water & Soil Resources (BWSR) challenge grant to study the Spring Prairie township erosion area. The grant is in the amount of \$25,000 and will be matched by the District (\$10,000), SWCD (\$5,000), and the Natural Resource Conservation Service (NRCS) through CRP buffer strips (\$10,000). Severe erosion is occurring along a 3.4-mile stretch of a DNR protected waterway located in Sections 1, 2, and 3 of Spring Prairie Township. The drainage area is approximately 28.8 square miles. Erosion is causing downstream problems for Clay County Ditch No. 39. The project will be coordinated through the District's project team.
- The Bois de Sioux WD reported that public meetings have been conducted for the purposes of gathering information for the overall plan update. The meetings were well attended and involved a good exchange of information. The issues discussed included ag land flooding and infrastructure damages. Most residents of the District stated that more upstream retention is needed.

Middle River-Snake River WD

Manager Osowski reported that individuals from the Tamarac Watershed area have been conducting meetings to discuss the possibility of developing a resolution to incorporate the Tamarac Watershed into the Middle River-Snake River WD.

District's Funding Requests:

No requests for funds were submitted this month.

The next meeting will be on August 21, 2001, at 9:30 a.m. at the City Council Chambers, Warren, Minnesota.

There being no further business, the meeting was adjourned at 1:30 p.m.

Respectfully submitted,

Farrell Erickson
Secretary

Naomi L. Jagol
Administrative Assistant