

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
Via Conference Call
April 23, 2020

President Dale M. Nelson called the meeting to order via telephonic Conference Call at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present in person Manager Dale M. Nelson. By roll call of President, others stated present via telephonic conference calling were Managers Gene Tiedemann, Terry Sorenson, Allan Page, Brian Dwight, LeRoy Ose, and Les Torgerson. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Delray Sparby.

The Board reviewed the agenda. Administrator Jesme recommended removing Check No. 38134 from the Financial Report, as this is an agenda item. Motion by Tiedemann, seconded by Sorenson and passed by unanimous vote that the Board approve the agenda with the removal of Check No. 38134 from the Financial Report. Motion carried.

The Board reviewed the April 9, 2020 minutes. Motion by Tiedemann, seconded by Sorenson, to approve the April 9, 2020 Board meeting minutes. Upon roll call vote, motion carried unanimously.

The Board reviewed the Financial Report dated April 22, 2020. Manager Dwight questioned the engineering expenditures for the Pine Lake Project, RLWD Project No. 26. Administrator Jesme stated that the expenditures were for the preparation of the incremental alternative discussion with the MnDNR. Motion by Tiedemann, seconded by Torgerson, to approve the Financial Report dated April 22, 2020, except for Check No. 38134. Upon roll call vote, motion carried unanimously.

Staff member Arlene Novak presented the 2019 Annual Audit Report. Motion by Sorenson, seconded by Tiedemann, to approve the 2019 Annual Audit Report as presented. Upon roll call vote, motion carried unanimously.

Administrator Jesme stated that he had been contacted by Bob Proulx, Parnell Township Supervisor, asking if the District would pay for damages to the Parnell Township road, directly downstream of the west outlet structure of the Parnell Impoundment, RLWD Project No. 81 during this spring's flood. After discussion by the Board that there was no error in operation of the dam during the spring flooding and that the damage to road was caused by the record flood event, motion by Tiedemann, seconded by Sorenson, and passed unanimously by roll call vote, to deny the request of Parnell Township for repair to the township road downstream of the west outlet of the Parnell Impoundment, RLWD Project No. 81.

Construction has begun at the outlet of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. R.J. Zavoral and Sons, Inc., continue to brush and strip the area of the outlet. Nate Dalager, HDR Engineering, Inc., informed the Board that the landowner did

not remove all his debris from the property the District purchased located south of Evergreen Implement. Manager Nelson is working with a local contractor to remove the debris. Dalager stated that the MPCA Storm Water Permit was received, and that a wavier was required from MnDOT to move heavy equipment despite the road limits. CenturyLink will have their lines moved by May 15, or earlier.

The Board reviewed a letter from contractor R.J. Zavoral & Sons, Inc., regarding additional costs due to the Covid 19 pandemic as it relates to the construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Administrator Jesme stated that a letter was submitted to the Contractor, informing them that there is no basis to immediately delay the contract, nor a provision for any increase in contract prices. Jesme stated that the letter did indicate that if conditions did change, the issue could be reviewed at that time.

Administrator Jesme reviewed a letter submitted to contractor R.J. Zavoral & Sons, Inc., regarding use of the District's Tax-Exempt status for the purchase of materials for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Jesme reviewed the tax-exempt classification, clarifying that several, very specific provisions of statues and rules would need to be carefully followed for the use of the District's Tax-Exempt status. Jesme did inform R.J. Zavoral and Sons, Inc., that the District would take no further action on their request.

Administrator Jesme stated that based on the wetland mitigation from WCA, the District will have to mitigate 2.98 acres of wetlands for the construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Jesme stated that the District may be able to purchase wetland credits from Pennington County for \$18,000 per acre or purchase the credits from the District's wetland bank account at an amount of \$14,000 per acre that was previously determined by the Board. Jesme indicated that check No. 38134 in today's Financial Report reflects the Annual Wetland Maintenance fee and a fee for the potential withdrawal of the 2.98 acres from the District's wetland banking site. After discussion by the Board, motion by Tiedemann, seconded by Sorenson, and passed unanimously by roll call vote, to approve the withdrawal of 2.98 acres from the District's wetland banking credits at \$14,000 per acre for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178.

The Board reviewed Task Order No. 3 from HDR Engineering, Inc., for Final Engineering for the Pine Lake Subwatershed Project, RLWD Project No. 26. Engineer Nate Dalager, HDR Engineering, Inc., stated that through a series of meetings and Project Team meetings, we have focused on a final alternative to replace the outlet structure of Pine Lake with an operable dam. Task Order No. 3 would get the project to construction. Manager Torgerson asked if replacement of the outlet structure would address the oxygen levels within the lake. Administrator Jesme stated that a provision was discussed that would call for a tube to be installed into the lake that would remove bottom water from the lake during drawdown which would prevent the release of higher oxygenated water from leaving the lake. Discussion was held on the financing of the project.

Administrator Jesme stated that he was contacted by landowner, Jeff Vonasek, regarding a grove of trees in the right-of-way on Ditch 16, RLWD Project No. 177, that was not addressed in the Viewers' Report. Mr. Vonasek is requesting \$3,000 for damages for replacement of the trees. Motion by Tiedemann, seconded by Sorenson, to approve payment of damages in the amount of \$3,000 to landowner Jeff Vonasek, for construction of Ditch 16, RLWD Project No. 177.

Administrator Jesme reminded that Board that the Final Hearing for the Improvement to Polk County Ditch 39, RLWD Project No. 179, had been suspended due to the Covid 19 pandemic. Jesme indicated that the Petitioners have reached out to him and would like to see the hearing be held in June if possible, for the potential of fall construction. The Petitioners have suggested holding the Final Hearing at the Tabor Town Hall, which is a large facility with garage doors that would allow for an open-air meeting and allow for social distancing. Legal Counsel Sparby discussed his concerns with holding the hearing with the Governor's current shelter in place order. It was the consensus of the Board, to continue this conversation at the next Board meeting, and if the Governor were to lift the shelter in place order an Emergency Board meeting could be held to schedule the hearing.

Administrator Jesme stated that with the proposed State bonding bill, the District will not receive funding from the State of MN for construction of the Black River Impoundment, RLWD Project No. 176. The RRWMB has indicated they are committed to moving forward with their funding should no state funds be made available in this year's bonding bill. The District will need to complete a Step 3 submittal to the RRWMB, which can not be submitted until all permits have been acquired. Discussion was held on the jurisdiction of upstream wetlands with the U.S. Army Corps of Engineers (Corps). Engineer Tony Nordby, Houston Engineering, Inc., stated that he asked the Corps to complete a new jurisdiction of the wetlands. Plans and Specifications are ready to go, with minor revisions depending on the permitting. Easements on the diversion ditches would need to be acquired. The signed Land Rental agreement was received from Nick Knott.

Surveying was completed on the outlet of Ditch 10, RLWD Project No. 161. Engineer Tony Nordby, Houston Engineering, Inc., stated that they are researching an additional route to install the pipe to potentially allow for the rock structure to stay in place to help save some costs.

The Board reviewed two quotes for the replacement of the stem risers on the outlet structure of the Schirrick Dam, RLWD Project No. 25. Motion by Tiedemann, seconded by Sorenson, to approve the low quote from Lee Plumbing and Heating in the amount of \$1,620 for replacement of the stem risers on the Schirrick Dam, RLWD Project No. 25. Upon roll call vote, motion carried unanimously.

Administrator Jesme stated that two landowners downstream of the Euclid East Impoundment, RLWD Project No. 60, have requested the potential of installing a berm on Branch C of Polk County Ditch 66. Jesme will reach out to Polk County Ditch Inspector to begin dialogue on the subject. District Staff has also been working with landowner, Dennis Schultz, for improving the outlet channel on his land downstream of the Euclid East Impoundment.

The Board reviewed an impoundment update prepared by Staff member Nick Olson.

Motion by Tiedemann, seconded by Sorenson, to table RLWD Permit No. 20-011, Tom Goddard, North Township, Pennington County. Upon roll call vote, motion carried unanimously.

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. 20015, Rocksbury Township, Pennington County; No. 20016, David Faldet, Lessor Township, Polk County; No. 20017, Terrebonne Township, Red Lake County; No. 20019, Polk County Highway Department, Brandsvold Township, Polk County; No. 20020, Marshall County Highway Department, Rollis Township, Marshall County; and No. 20023, Pennington County Highway Department, Silverton Township, Pennington County. Motion carried unanimously following roll call vote.

Administrator Jesme informed that Board, that Staff member Ashley Hitt was able to secure the renewal of the Districts ESRI-GIS maintenance rate at an amount of \$686.80, which is a substantial savings.

Administrator Meeting:

- Jesme and Manager Ose participated in the RRWMB meeting via conference call on April 21, 2020.
- Staff member Hanson participated in a telephone conference to discuss the workplan for the upcoming MPCA 319 Grant that was approved for the Red Lake River Watershed. This grant will provide an additional \$467,132.00 of federal funding for water quality projects in a priority planning area with the Red Lake River and Black River Watershed. These funds can be used as a match with the approved Red Lake River 1W1P funding. Areas within the Black River Impoundment watershed where this funding can be used and matched will be determined. The Work Plan and budget will be reviewed by the Board at a later date
- Staff members Hanson and Hitt participated in a PTMApp meeting on April 22nd. The meeting was intended to assist in identifying areas in the watersheds where projects would show the most measurable results.
- MnDOT will be holding a bid letting for various projects located in TRF on April 24th.
- MnDOT will host a virtual public meeting intended to update the public on MnDOT projects within the TRF area. MnDOT has asked the County, City and Watershed to participate in order to answer any questions the public may have. The meeting will take place on Wednesday, April 29th, from 5:00 to 7:00 p.m.
- Included in the packet was the Marshall County Emergency Declaration concerning potential eligibility for federal or state disaster declaration for damages related to spring flooding.

Manager Dwight asked the status of hiring for the Engineering Technician position. Interviews are scheduled for the week of May 4th.

Manager Ose updated the Board on the RRWMB meeting.

Legal Counsel Sparby stated that the Four-Legged Lake, RLWD Project No. 102 hearing is scheduled for this summer. More information will be given later.

Manager Page discussed the outlet of Ditch 10, RLWD Project No. 161, and the replacement of the stems on the Schirrick Dam, RLWD Project No. 25. Administrator Jesme stated that he had several landowners inquire about the lease of property for the pool on the Schirrick Dam. Jesme informed the landowners that the easements for the project are perpetual and no further negotiations will be had. Landowner Don Schirrick also asked for additional compensation due to damages on his fences. Administrator Jesme reminded Mr. Schirrick that it was his request/demand during the original negotiations, that he be allowed to pasture that area so coming back now for additional compensation may fall on deaf ears.

Administrator Jesme discussed a phone call he received from a landowner regarding an old gravel pit that was made into a lake. The adjacent landowner stated that the water in the pit is causing his field to remain wet and would like the old private channel to the north to be cleaned out. In discussion with Legal Counsel Sparby, it was his opinion that the District has no jurisdiction to make the landowner clean an old private channel to regulate the private pond. Motion by Tiedemann, seconded by Ose, and passed by unanimous roll call vote to adjourn the meeting.



LeRoy Ose, Secretary