

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
June 25, 2020

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 in person: Gene Tiedemann, Terry Sorenson, Allan Page, LeRoy Ose and Les Torgerson. Present via conference call: Brian Dwight. Absent: Dale M. Nelson. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel, Delray Sparby.

The Board reviewed the agenda. Motion by Torgerson, seconded by Ose, and passed by unanimous vote that the Board approve the agenda. Motion carried.

The Board reviewed the June 11, 2020 minutes. Motion by Sorenson, seconded by Page, to approve the June 11, 2020 Board meeting minutes. Upon roll call vote, motion carried unanimously.

The Board reviewed the Financial Report dated June 24, 2020. Engineer Jerry Pribula, Pribula Engineering, PLLC., requested the opportunity to review the payment to Marshall & Polk Rural Water System prior to submittal of the payment. Motion by Page, seconded by Torgerson, to approve the Financial Report dated June 24, 2020, and allow Mr. Pribula time to review the payment to Marshall & Polk Rural Water System. Upon roll call vote, motion carried unanimously.

The Board reviewed a proposed 2021 General Fund Budget timeline. It was the consensus of the Board, that the Budget and Salary Committee meet prior to the July 23, 2020 Board meeting to prepare a draft 2021 General Fund Budget.

Rob Sip, Executive Director for the Red River Watershed Management Board (RRWMB) presented a 2019 Year in Review to the Board. Sip discussed the recent RRWMB newsletter where the Thief River Falls Westside FDR Project, RLWD Project No. 178 was highlighted. Sip discussed the development of progress indicators, comparison of costs from now to 2017, strategic costs, new vision statement and the adoption of the water quality program. Each local Watershed District within the RRWMB, can apply for water quality funding up to \$100,00 for base funding, with a required match of 25%. Sip indicated that the RRWMB will also have a Competitive Grants Program for water quality projects that will also require a local match. A Water Quality Committee has been formed to review and recommend projects for funding to the full RRWMB. The 2019 Audit has been completed and is available for review on the RRWMB website. Sip discussed the 2021 levy and budget process and recent legislative session.

The Board reviewed Pay Estimate No. 4 in the amount of \$450,116.08 to R.J. Zavoral and Sons, Inc. for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion by Ose, seconded by Page, to approve Pay Estimate No. 4 in the amount of \$450,116.08 to R.J. Zavoral and Sons, Inc., for construction of the Thief River Falls

Westside Flood Damage Reduction Project, RLWD Project No. 178. Upon roll call vote, motion carried unanimously.

The Board reviewed a request from the Sandhill River Watershed District for a boundary review in Onstad Township, Polk County, along the State Highway 102 corridor. Participating in the conversation via conference call was: Administrator April Swenby, Sandhill River Watershed District, Zach Hermann, Houston Engineering, Inc., and Staff member Loren Sanderson. Swenby indicated that a local landowner called the Sandhill River Watershed District regarding a drainage issue. In reviewing the area, they determined that there are areas in the old railroad grade that should have plugs installed, which would make the railroad grade the official boundary. Herman discussed a 24" culvert installed by MnDOT, that was meant to be a dry crossing. Sandhill River Watershed District ordered the culvert to be removed by MnDOT, which has not been completed. Swenby noted that there are additional culverts that allow the flow of water, which could cause water to break out. Sanderson discussed work completed in 2009 and boundary changes in 2011. Herman reviewed an estimated cost of \$5,000-\$8,000 to complete a field survey and hydraulic impact analysis. Manager Sorenson asked if MnDOT has been contacted to clean the off-take ditch. Swenby stated that three letters were sent to MnDOT asking them to clean the ditch. Motion by Dwight, seconded by Torgerson, to approve hiring Houston Engineering, Inc., to complete the tasks as presented, with the RLWD and Sandhill River Watershed District sharing the costs. Further discussion on the matter was held, with Manager Sorenson asking Sanderson for his opinion. Sanderson commented that the off-take ditch is restricted by cattails, and the issue could be resolved with some minor adjustments to the drainage boundary. Upon roll call vote, motion carried unanimously.

The Board reviewed Pay Estimate No. 3 in the amount of \$165,917.62, to Burski Excavating, Inc., for construction of RLWD Ditch 16, RLWD Project No. 177. Motion by Sorenson, seconded by Ose, to approve Pay Estimate No. 3 to Burski Excavating, Inc., in the amount of \$165,917.62 for construction of RLWD Ditch 16, RLWD Project No. 177. Upon roll call vote, motion carried unanimously. Engineer Jerry Pribula, Pribula Engineering, PLLC, discussed his concerns with Burski Excavating, Inc.'s ability to complete the project prior to the May 8, 2021 completion date. Pribula stated that he is very pleased with their workmanship, but with only $\frac{3}{4}$ mile of the ditch completed and a remaining $8\frac{1}{2}$ miles left to complete, Pribula was concerned that they will not have the excavation completed in time. Pribula stated that the Highway 220 culvert has been completed, but no field inlets or centerline culverts have been installed. Pribula noted that when the Highway 220 culvert was installed there was zero material to salvage, so additional sand was purchased. If construction goes into the 2021 construction season there may have to be additional temporary damages that will need to be purchased from the landowners for crop damage. Pribula has expressed his concern with the completion of the project to the foreman. Motion by Torgerson, seconded by Sorenson, to submit a letter to Burski Excavating, Inc., documenting the concerns of the District regarding completion of construction of RLWD Ditch 16, RLWD Project No. 177. Upon roll call vote, motion carried unanimously. Pribula displayed a photo of a portion of completed ditch, noting the 5:1 in-slope and backslope, which appears to be vulnerable to the ground water table and slumping on the field side where water is weeping through the clay. Pribula noted that he will monitor the situation.

Discussion was held on a potential Final Hearing date for the Improvement to Polk County Ditch 39, RLWD Project No. 179. Administrator Jesme stated that the petitioners have been calling and requesting that the hearing process begin. Discussion was held on potential locations to hold the hearing and the possibility of using the District garage and arrange for a tent and sound system to allow for social distancing due to COVID 19. After considerable discussion concerning COVID 19 and compliance with Governors most recent executive orders, motion by Ose, seconded by Torgerson, to schedule the Final Hearing for the Improvement to Polk County Ditch 39, RLWD Project No. 179 on July 24, 2020 at 9:00 a.m. at the District office. Upon roll call vote, motion carried unanimously.

Administrator Jesme stated that the District has received their U.S. Army Corps of Engineers permit for construction of the Black River Impoundment, RLWD Project No. 176. Jesme indicated that due to President Trump's roll back from the 2015 U.S. Army Corps of Engineer rules for jurisdiction which became effective at midnight June 22, 2020, the Corps was able to submit a Nationwide Permit versus mitigating various wetlands they had taken jurisdiction of. Engineer Tony Nordby, Houston Engineering, Inc., reviewed funding alternatives and the RRWMB Star value. Nordby stated that he is ready to submit the Step 3 submittal to the RRWMB at their July meeting. Jesme indicated that with no option for state funding, if the project does receive federal funding, we would incorporate that into the funding package. The District would need to sign a prioritization plan before submittal to the RRWMB. It was the consensus of the Board to use Funding Alternative 4.

The Board reviewed the FDR Work Group Budget for Fiscal Year 2021. Rob Sip, RRWMB stated that the FDR Work Group will be looking at reallocation of funds.

The Board reviewed a Memorandum of Agreement between the West Polk SWCD and the District for Administration of the Buffer Law on Watershed District Jurisdictional Ditches. Administrator Jesme stated that the West Polk SWCD requires this for their role in the inspection and enforcement of the State buffer law. Motion by Sorenson, seconded by Dwight, to approve signature of the Memorandum of Agreement between the West Polk SWCD and the District for the Administration of the Buffer Law on Water District Jurisdictional Ditches, subject to review of Legal Counsel Delray Sparby. Upon roll call vote, motion carried unanimously.

Staff member Nick Olson stated that with the early June rain events, the North and South Pool at the Moose River Impoundment, RLWD Project No. 13, increased over the max no flood elevation. Both pools began releasing water on June 19, 2020, which will take an estimated 3-6 days to reach the summer target elevations.

The Board reviewed the Final Pay Estimate in the amount of \$2,172.80 to Higher Ground/Paul Zavoral for construction of the Shaumburg Ring Dike, RLWD Project No. 129AR. Motion by Ose, seconded by Torgerson, to approve the Final Pay Estimate in the amount of \$2,175.80 to Higher Ground/Paul Zavoral for completion of the Shaumburg Ring Dike, RLWD Project No. 129AR. Upon roll call vote, motion carried unanimously.

Administrator Jesme stated that a request was made to the RRWMB for additional funding for the Threat Ring Dike, RLWD Project No. 129AS, due to the expiration of state funding agreement on June 30, 2020. Jesme stated that this project was quoted out in three items: sewer, dirt work and retaining wall; with all the quotes coming in much higher than expected. The Engineer's Estimate for the project was \$96,000 and the lowest quote for the retaining wall was \$118,000. Jesme stated that the Engineer is now looking at other alternatives such as an earthen or timber wall

Staff member Nick Olson discussed the drainage dispute in Section 13, Star Township, Pennington County. Olson stated that he, along with staff member Dave Marshall, met with both landowners to assist in resolving the issue.

Motion by Page, seconded by Sorenson, to table RLWD Permit No. 20-100, Josh Barrett, Sullivan Township, Polk County, to allow for further review. Upon roll call vote, motion carried unanimously.

The Board reviewed the permits for approval. Motion by Ose, seconded by Page, to approve the following permits with conditions stated on the permit: No. 20-073, E&D Roed Revocable Living Trust, King Township, Polk County; No. 20-078, Robert A. Englund, Spruce Grove Township, Beltrami County; No. 20-080, Cole Perry, Vineland Township, Polk County; No. 20-084, Nancy Byklum, Valley Township, Marshall County; No. 20-086, Donald J. Mack, Northland Township, Polk County; No. 20-087, Donald J. Mack, Sullivan Township, Polk County; No. 20-088, Roger Love, Fanny Township, Polk County; No. 20-091, Randall & Judith Adamson, Norden Township, Pennington County; No. 20-092, Pete Carlson Revocable Trust, North Township, Pennington County; No. 20-093 and No. 20-094, King Township, Polk County; No. 20-095, Dale Rupperecht, Agder Township, Marshall County; No. 20-096, Bernard Fallon, Emardville Township, Red Lake County; No. 20-097, Douglas Peterson, Grand Forks Township, Polk County; 20-098, Folsom Farms, Sullivan Township, Polk County; No. 20-099, Douglas Peterson, Sullivan Township, Polk County; No. 20-101, Gary & Faith Riggle, Rocksbury Township, Pennington County; No. 20-103, Russell Jaspersen, Mayfield Township, Pennington County; No. 20-104, KAM Farmland Holdings GP, Badger Township, Polk County; No. 20-107, Enbridge Energy, LP, Lambert Township, Red Lake County; No. 20-110; Violet Doda, Euclid Township, Polk County; No. 20-111, John Anton, Sanders Township, Pennington County; No. 20-112, Peter Carlson Revocable Trust, Rocksbury Township, Pennington County; No. 20-113, Mike Wiebolt, Sanders Township, Pennington County. No. 20-115, Sanders Township, Pennington County; and No. 20-117 and 20-118, Louisville Township, Red Lake County. Motion carried unanimously following roll call vote.

Administrators Report:

- Jesme and Manager Ose attended the June 16, 2020 RRWMB via Microsoft Teams. Due to a lack of time, Jesme was unable to present his presentation on the TRF Westside FDR Project.
- Jesme was asked to participate in a RRWMB Governing Document meeting on July 7, 2020, to assist in the discussion on Step 3 funding options.

- The Clearwater River 1W1P application for Watershed Based Funding for the Clearwater River was submitted on June 12, 2020.
- Jesme participated in a virtual FEMA Coordination meeting on June 17, 2020. The purpose of the meeting was to update community officials and discuss the map process, next steps, ordinance information, public comment period and areas of concern. This was all part of a grant the RLWD and MnDNR partnered in to review the floodplain along the Red Lake River from TRF to EGF.
- Staff member Slowinski has inspected the buffer strip mowing on all legal drainage systems of the District. There have been some issues, in that contractors have either broken down or not started in a timely manner. Slowinski is working on reallocating ditches to other contractors.
- The District is working with the City of TRF and HDR Engineering to get a proposal and funding package together to present to the RRWMB at their July 21, 2020 meeting for the Thief River Oxbow Project.
- Included in the packet was an article from the Wahpeton Daily News Article regarding the removal of a Watershed Board member.
- The District office will be closed on July 3rd in observance of the July 4th Holiday. Jesme is planning vacation from July 2nd to July 8th but may need to partake in the Governing Document telephone conference on the 7th.
- Included in the packet was the April and May 2020 Water Quality Report.

Vice President Tiedemann turned the meeting over to Secretary LeRoy Ose and then left the meeting.

Administrator Jesme asked Legal Counsel Sparby about the hearing on Judicial Ditch 5 (Four-Legged Lake), RLWD Project No. 102. Sparby indicated that Clearwater County Engineer Dan Sauve would possibly be the only one subpoenaed.

Motion by Sorenson, seconded by Page, and passed by unanimous roll call vote to adjourn the meeting.



LeRoy Ose, Secretary