

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
November 24, 2020

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

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

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

The Board reviewed the November 12, 2020 minutes. Motion by Tiedemann, seconded by Ose, to approve the November 12, 2020 Board meeting minutes. Upon roll call vote, motion carried unanimously. Motion carried.

The Board reviewed the Financial Report dated November 23, 2020. Motion by Tiedemann, seconded by Ose, and passed by unanimous vote to approve the Financial Report dated November 23, 2020. Upon roll call vote, motion carried unanimously.

Administrator Jesme stated that construction on Ditch 16, RLWD Project No. 177 is substantially complete. Engineer Jerry Pribula, Pribula Engineering, Inc., is working with the contractor to determine project quantities to date.

In the last several weeks, no additional work has been completed on the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Administrator Jesme reported that a breakdown of costs will be presented to the Board at the next meeting. Staff from HDR Engineering, Inc. are working with the contractor on a change order for boring under State Highway 32 at the intersection of State Highway 32 and Greenwood Street. The subcontractor encountered rock and then due to the sequence and staging of the construction, pumping of water had to be done after rain events, to allow the subcontractor to proceed. Discussion was held on a potential request of the City of Thief River Falls to fill in the ditch along Greenwood Street, south of the Peder Engelstad Pioneer Village. Engineer Nate Dalager, HDR Engineering, Inc., noted that the ditch was constructed as designed.

Engineer Nate Dalager, HDR Engineering, Inc., presented information on the replacement of the outlet structure on Pine Lake. Dalager stated that this project has went through the Project Team format set up by the Red River Flood Damage Reduction Workgroup and staff with the MnDNR are fully onboard with the project concept. Dalager discussed downstream capacity and potential increase of culvert sizes, further recommending that the Board should initiate the project under Minnesota State Statute 103D.605, which would authorize Dalager to submit a Step 1 submittal to the RRWMB. Dalager would then submit the Engineers Report to the DNR and BWSR for comment, followed by a hearing, possibly held next spring. Administrator Jesme

stated that he will work with MnDNR staff to apply for a Conservation Legacy Grant for funding assistance related to allowance for fish passage. Motion by Tiedemann, seconded by Ose, to establish the Pine Lake Flood Damage Reduction and Fish Habitat Project, RLWD Project No. 26B. Upon roll call vote, motion carried unanimously.

The Board reviewed Pay Estimate No. 2 in the amount of \$624,077.15 to R.J. Zavoral & Sons, Inc., for construction of the Black River Impoundment, RLWD Project No. 176. Motion by Tiedemann, seconded by Ose, to approve Pay Estimate No. 2 in the amount of \$624,077.15 to R.J. Zavoral & Sons, Inc., for construction of the Black River Impoundment, RLWD Project No. 176. Upon roll call vote, motion carried unanimously. Construction of the west berm has been completed, with the north berm being completed this week. If conditions allow after Thanksgiving, construction will continue on the south berm. Administrator Jesme and Legal Counsel Sparby are working on easements with the landowners and Black River Church, followed by the easements along all three diversion ditches. Jesme participated in a meeting with staff from the NRCS, where Jesme was informed the project will most likely not be receiving federal funding. Jesme stated that the NRCS does not have rules written for the RCPP funding process, therefore in his opinion they are using their old rules which will not allow a NEPA review to be completed. Jesme and Rob Sip, RRWMB, are working on submitting a letter to the NRCS expressing our disappointment in the process set forth by NRCS.

Administrator Jesme discussed updating of the Workplan for the Red Lake River 1W1P, RLWD Project No. 149.

Administrator Jesme stated that he spoke with Engineer Blake Carlson, Widseth Smith Nolting, Inc., regarding construction of the Threat Ring Dike, RLWD Project No. 129AS. Carlson will publish the construction notice on Quest CDN, for construction in Spring 2021. The RRWMB has already agreed to a funding ratio for this project to make up for lost State ring dike funding.

Legal Counsel Sparby discussed the Findings of Fact, Conclusions of Law, Order and Judgement on the decision by the District Court for the appeal of the Board's decision on the petition to abandon Judicial Ditch 5, RLWD Project No. 102. The Judge of District Court sustained the decision of the Board of Managers. The Plaintiffs have 60-days to appeal the decision by the District Court. Administrator Jesme indicated that there are beaver dams that need to be removed within the system. The consensus of the Board was to refrain from completing any maintenance, until the appeal period has expired. Jesme will proceed with acquiring the necessary permits for future removal of the beaver dams.

Staff member Nick Olson discussed a centerline culvert that Red Lake County replaced this Summer, stating that a local landowner wanted the culvert lowered when it was installed, with the intention of cleaning the ditch. Olson surveyed the area to determine if the request of the landowner was permissible. Red Lake County contacted the District, questioning if a permit had been received to complete the ditch cleaning. Olson stated that the landowner, Roger Hinrichs, had not contacted the District, nor applied for a District permit. The Board reviewed a draft letter to be submitted to Hinrichs, regarding the violation and an after-the-fact permit application. Motion by Tiedeman, seconded by Ose, to approve the submittal of the letter to landowner Roger

Hinrichs, regarding the violation and an after-the-fact permit for work completed. Upon roll call vote, motion carried unanimously.

The Board reviewed RLWD Permit No. 20309, Esp Christianson, Gervais Township, Red Lake County, and a draft letter to be sent to the applicant, regarding a violation and installation of a dry crossing without acquiring a RLWD permit. Motion by Tiedemann, seconded by Ose, to approve RLWD Permit No. 20309, Esp Christianson, Gervais Township, Red Lake County, with conditions stated on the permit, and the submittal of the letter to the applicant regarding the violation and an after-the-fact permit. Upon roll call vote, motion carried unanimously.

Staff member Nick Olson, reviewed RLWD Permit No. 20305, Dustin Neuschwander, Valley Township, Marshall County. Neuschwander requested the removal of centerline culvert through a Valley Township road. Olson discussed the history of the area, reviewing RLWD Permit No. 06062, and recent ditching in the adjacent area that affected the existing flow paths. Neuschwander recently filled in his field ditch, which in part blocked water from the south side of the road through two centerline culverts. Motion by Tiedemann, seconded by Ose, to Table Permit No. 20305, to allow District staff the ability review all the work that has been completed and to monitor the flow patterns during the Spring 2021 runoff. Upon roll call vote, motion carried unanimously.

Motion by Tiedemann, seconded by Sorenson, to approve the request to amend RLWD Permit No. 20281, Brian Vathauer, Lake Pleasant Township, Red Lake County. Upon roll call vote, motion carried unanimously.

Motion by Tiedemann, seconded by Ose, to table RLWD Permit No. 20264, Jeff Steer, Brandt Township, Polk County. Upon roll call vote, motion carried unanimously.

The Board reviewed the permits for approval. Motion by Tiedemann, seconded by Ose, to approve the following permits with conditions stated on the permit: No. 20277, Baylen Hagen, Veldt Township, Marshall County; No. 20302, Matt Kolstoe, Garnes Township, Red Lake County; No. 20303, Dustin Neuschwander, Valley Township, Marshall County; and No. 20306, Gary Anderson, Valley Township, Marshall County. Upon roll call vote, motion carried unanimously.

President Nelson indicated that the second Board meeting in December falls on Christmas Eve day. Motion by Tiedemann, seconded by Ose, to change the December 24, 2020 Board meeting date to December 30, 2020 at 9:00 a.m. at the District office. Motion carried.

Legal Counsel Sparby discussed the easement with the Black River Church for the Black River Impoundment, RLWD Project No. 176. Sparby indicated that the Church Council had to give notice to the parishioners for four consecutive Sundays and that the congregation had voted to authorize the President and Secretary to sign the easement on behalf of the Black River Church.

Manager Torgerson stated that due to the Covid 19 pandemic, he will not be traveling back to Minnesota in December as originally planned.

Motion by Sorenson, seconded by Ose, to adjourn the meeting. Motion carried.

A handwritten signature in blue ink that reads "LeRoy Ose". The signature is written in a cursive style with a light blue background behind the text.

LeRoy Ose, Secretary