

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
October 28, 2021

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

Present: Managers: Dale Nelson, Gene Tiedemann, Terry Sorenson, Allan Page, LeRoy Ose, Brian Dwight and Tom Anderson. Staff Present: Myron Jesme, Tammy Audette and Legal Counsel, Delray Sparby.

The Board reviewed the agenda. A motion was made by Tiedemann, seconded by Sorenson, and passed by unanimous vote that the Board approve the agenda. Motion carried.

The Board reviewed the October 14, 2021, minutes. Motion by Sorenson, seconded by Dwight, to approve the October 14, 2021, Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated October 27, 2021. Motion by Anderson, seconded by Ose, to unanimously approve the Financial Report dated October 27, 2021. Motion carried.

Staff Member Arlene Novak reviewed the General Fund Budget as of September 30, 2021.

Discussion was held on the construction of Ditch 16, RLWD Project No. 177 as it pertains to the Highway Heavy contractual error and the settlement agreement that the District is liable for paying. Administrator Jesme stated that this item had been added to the October 14, 2021 Board agenda and was overlooked on having discussion on the matter. Motion by Dwight, seconded by Tiedemann, to add Ditch 16, RLWD Project No. 177 to today's agenda. Motion carried.

Motion by Ose, seconded by Page, to designate Staff member Ann Joppru as an authorized signatory at all District Financial Institutions approved by the Board. Motion carried.

Chester Powell, Clearwater SWCD, presented information to the Board about conducting a pilot project along the Lost River, located in Section 20 and 21, Winsor Township in northern Clearwater County, which is under the jurisdiction of the District. The proposed project is to plant dormant willow stakes along the unstable and failing banks of the Lost River to establish woody perennial cover to stabilize the banks during peak flows. Data obtained during a WRAPS study on the Lost River is listed as having bank instability and is a priority resource concern. Powell stated that work would be completed in November, dependent on current temperatures. The Clearwater SWCD has funding for the project and will complete the installation. Motion by Tiedemann, seconded by Page, to grant permission to the Clearwater SWCD, for installation of willow stakes along the Lost River, RLWD Project No. 4. Motion carried. Powell stated that he will contact the local landowners.

Construction at the Pine Lake Flood Damage and Fish Habitat Project, RLWD Project No. 26B is almost complete. Engineer Nate Dalager, HDR Engineering, Inc., stated that the rock is in

place, seeding is complete, and they are waiting on structural steel and gates for the structure. Dalager stated that the rock riffle structure is in place so the lake will be able to drain down if we get a large amount of rain. Currently there is no water coming out of the lake.

Nick Karlin and Dave Zavoral with R.J. Zavoral & Sons, Inc., and representatives from Midwest Boring company appeared before the Board to discuss the requested consideration for Change Order No. 8 for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Karlin mentioned that the requested Change Order has nothing to do with the pumping of water that had to be completed during summer rainfall events or additional work they encountered due to water entering the boring site. Karlin indicated that the consideration for Change Order #8 has to do with unusual conditions that were encountered under Highway 32, where large boulders were found while completing the directional boring. Karlin noted that it is not common to run into large boulders like they did in this area, stating that they did notify staff at HDR Engineering during the weekly meetings of what they encountered. Discussion was held on the amount of time that has passed since this issue was encountered and that the procedure for Change Orders, as stated in the specifications, were not followed. Karlin stated that the concerns were addressed between the engineer and the subcontractor, further stating that he felt the costs were presented in a timely fashion, expressing that it was a busy construction season, and they are doing the best they can. It was the consensus of the Board to authorize Administrator Jesme, representatives from the City of Thief River Falls and Engineer Nate Dalager, HDR Engineering, Inc., to meet with R.J. Zavoral & Sons, Inc. prior to the Final Payment Hearing on November 24, 2021 to further discuss the request for Change Order No. 8 and report back at the November 10, 2021 Board meeting.

Engineer Tony Nordby, Houston Engineering, Inc., stated that the contractor on the Black River Impoundment, RLWD Project No. 176, is working on connecting the lateral ditches behind the spoil bank. Staff from Houston Engineering, Inc. and the District, have created a punch list of items for the contractor to complete. Nordby stated that work along CSAH 12 is not completely seeded and wet conditions are slowing down final seeding. Graveling of the county and township roads discussed at a previous meeting will be completed next spring. R.J. Zavoral & Sons, Inc. will cost share a two mile stretch of gravel that they used as a haul road with off road equipment. Nordby noted that there will be one more pay estimate prior to winter. A meeting has been scheduled for November 4th to meet with the Corps and BWSR, to receive direction to move forward on the wetland banking.

A pre-construction meeting was held with Gladen Construction for the Demarais/Hanson Outlet Project, RLWD Project No. 149. Engineer Tony Nordby, Houston Engineering, Inc., stated that the contractor is anticipating being completed with construction in three weeks.

Engineer Tony Nordby, Houston Engineering, Inc., reviewed the Plans and Specifications for the Schirrick Dam Outlet Repair Project, RLWD Project No. 25. An amended DNR Dam Safety Permit is out for comment at this time. Quotes will be received at the District office until 9:00 a.m. on November 10, 2021. Motion by Ose, seconded by Page, to approve the Plans and Specifications for the Schirrick Dam Outlet Repair Project, RLWD Project No. 25. Motion carried.

Rob Sip, Executive Director, RRWMB appeared before the Board to present information on the 2021 lidar collection areas. Sip stated that collection of the data is about 52% complete, with the contractor flying approximately 16 days. If the weather holds out, the contractor estimates that the work will be done in the next 2-4 weeks. Sip discussed the Lidar Media Day held on October 27th. Lidar information was last completed in 2009 at an approximate cost of \$5 million dollars. The estimated cost for 2021 data is \$2.3 million. Discussion was held on preparing for the 2022 legislative season, mentioning that the Minnesota House of Representatives will all be electronic this session. The RRWMB will host an Open House at their office in Ada, MN, inviting all local legislators to attend.

The Board reviewed the permits for approval. Motion by Tiedemann, seconded by Ose, to approve the following permits with conditions as stated on the permits: No. 21166, Moylan Township, Marshall County; No. 21167, Peter Nelson, Grand Plain Township, Marshall County; No. 21168, Lucas Wolff, Silverton Township, Pennington County; No. 21169, Bobby Miller, Star Township, Pennington County; No. 21170, Terry L Anderson, Reiner Township, Pennington County; No. 21171, Geraldine Lindemoen, Wyandotte Township, Pennington County; and No. 21172, Marion Sorenson, Mayfield Township, Pennington County. Motion carried.

The MAWD Annual Meeting will be held virtually on December 1-3, 2021.

Motion by Anderson, seconded by Tiedemann, to approve the River Watch Agreement between the District and the Clearbrook-Gonvick Independent School District #2311. Motion carried.

Administrators Update:

- Jesme will participate virtually in the RRWMB held on October 19, 2021. Manager Ose will be in attendance at the meeting.
- Jesme will participate in the virtual Drainage Workgroup meeting this afternoon.
- The Thief River 1W1P Planning Work Group met on October 18, 2021.
- Clearwater River 1W1P Planning Work Group met on October 20th in preparation for the Policy Committee meeting on November 3rd.
- Included in the packet were various months of Water Quality Reports.

Administrator Jesme stated that he will meet with Staff member Tony Olson to complete his 6-month review. Jesme stated that Olson was hired at a Step 3 and recommended moving him to a Step 5 effective November 1, 2021. Motion by Sorenson, seconded by Ose, to approve moving Staff member Tony Olson from a Step 3 to a Step 5 effective November 1, 2021. Motion carried.

Administrator Jesme requested replacing the 55" monitor in his office as his current one is no longer working and is out of warranty. Motion by Page, seconded by Ose, to approve the purchase of a new 55" monitor for Administrator Jesme's office. Motion carried.

Administrator Jesme indicated that the Board of Managers will have to determine what fund the Highway Heavy settlement that the District is liable should be taken out of for the construction

of Ditch 16, RLWD Project No. 177. Jesme reminded the Board that we did not include Highway Heavy documents in the Specifications for the project, which lead to a settlement handed down by the Minnesota Management and Budget (MMB) in the amount of \$118,078.30. The District was informed by the MMB, that the landowners on the project were not liable for the penalty, therefore it must be paid by the District. After considerable discussion, motion by Tiedemann, seconded by Dwight, to charge Project Development, RLWD Project No. 92 for the penalty in the amount of \$118,078.30, to be credited to the construction costs of RLWD Ditch 16, RLWD Project No. 177. Motion carried.

Manager Dwight discussed Clean Water Fund Grants that will be coming out in early 2022, and the need for discussion on the Fiscal Manager appointment for the One Watershed One Plan Projects. Further discussion will be held in early 2022.

Jesme updated the board on the meeting held with Brady Martz and Associates regarding the District's accounting software. Jesme indicated that a proposal should be ready for the next Board meeting.

Manager Tiedemann will participate in the MAWD Annual meeting.

Manager Ose stated that he attended the Lidar Media Day hosted by the RRWMB in Fargo and the BWSR meeting.

Manager Dwight will sit in on the November 4th Wetland Banking meeting for the Black River Impoundment Project, RLWD Project No. 176.

Manager Anderson stated that he will participate in the November 3rd Clearwater River 1W1P Policy Committee meeting.

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



LeRoy Ose, Secretary