

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
October 23, 2014

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 were: Managers Dale M. Nelson, Lee Coe, LeRoy Ose, Albert Mandt, Orville Knott, Les Torgerson, LeRoy Ose and Gene Tiedemann. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Delray Sparby.

The Board reviewed the agenda. Landowner Joseph Stroot requested to be added to the agenda. A motion was made Ose, seconded by Knott, and passed by unanimous vote that the Board approve the agenda with the addition of Joseph Stroot. Motion carried.

Motion by Torgerson, seconded by Ose, to dispense reading of the October 9, 2014 Board meeting minutes and approve them with corrections. Motion carried.

The Board reviewed the Financial Report dated October 22, 2014. Motion by Knott, seconded by Tiedemann, to approve the Financial Report dated October 22, 2014. Motion carried.

Staff member Loren Sanderson stated that he was contacted by a landowner in Columbia Township, Polk County, in regard to a township road culvert that was lowered without receiving a District permit application. Columbia Township Clerk Tim Johnson and downstream landowner Glen Ostrum were present to discuss the lowering of the culvert. Sanderson stated that he completed a survey of the area, stating that it is a 24" culvert that is located between two ridges that was lowered approximately three feet with minor ditch excavation completed also. Columbia Township has applied for an after-the-fact permit (Permit No. 14190). Mr. Johnson stated that the previous culvert was ½ foot between the road surface and that water would accumulate along the road. Mr. Ostrum stated that a landowner has completed some ditching to the north and that the culvert that was lowered is at the same elevation as the recent ditch excavation. Ostrum is concerned about the additional water his property will receive due to the lowering of the culvert and ditch excavation. Ostrum is requesting that the culvert be raised two feet. Johnson stated that the township is willing to raise the culvert upon the District's request. Motion by Ose, seconded by Mandt, to approve Permit No. 14190, Columbia Township, with the pipe at the existing elevation, and authorize staff to monitor the situation, with possible future adjustment. Motion carried.

Staff member Loren Sanderson and landowner Arden Lundeen were present to discuss Permit No. 14078, Arden Lundeen, Equality Township. Sanderson stated that Mr. Lundeen applied for the permit to clean the east ditch of Red Lake County Road 137 in Section 23, Equality Township. Upon cleaning the ditch, it was determined that a culvert was recently installed without obtaining a District. Sanderson stated that based on the drainage area the culvert installed was too small. Sanderson and Mr. Lundeen have tried working with the landowner to remedy the situation to no avail. Sanderson recommended three options: 1)replace the culvert with the correct size; 2)add an additional culvert alongside the in-place culvert; 3) remove the culvert completely. Motion by Knott, seconded by Coe, to authorize District staff and Legal

Counsel Sparby to send a letter to the landowner stating one of the three recommended options as stated by the District staff be completed by November 14, 2014, or the District will complete the work and bill the landowner. Motion carried.

Staff member Gary Lane discussed a drainage concern located in Whiteford Township, Marshall County. Lane stated that landowner Doug Kilen built a dike/plug along the property line of land operated by him and that of Barry Walton in 2010 near Agassiz Wildlife Refuge. The plug is in a natural drainage way and restricting flows from land upstream which is owned by Walton. Lane recommended requiring the landowner to remove the dike/plug or allow the upstream landowner to do some ditching to allow him to drain his property. Motion by Ose, seconded by Torgerson, to authorize District staff and Legal Counsel Sparby to send a letter to the landowner stating that the dike/plug be removed to an elevation determined by District staff by November 14, 2014, or the District will complete the work and bill the landowner. Motion carried.

Landowner Joe Stroot addressed the Board in regard to a ditch in Section 5 and 8, Belguim Township, Polk County, upstream of the Brandt Impoundment. Mr. Stroot stated that he currently maintains the ditch that goes through his property, but the landowner downstream in Section 8, which is located directly upstream of the impoundment does not maintain his ditch, therefore the ditch is plugged with brush and sediment. The land is currently in CRP. Discussion was held on the District's responsibility and authority for ditch maintenance upstream of an impoundment to assure water can enter the impoundment properly. It was the consensus of the Board, to authorize District staff to complete a profile of the ditch upstream from the impoundment and investigate the area and report back to the Board at a later date.

The Board reviewed the permits for approval. Motion by Knott, seconded by Ose, to approve the following permits with conditions stated on the permit: No. 14171, Timothy & Deborah Molstad, Wyandotte Township, Pennington County; No. 14179, Mathew Stenberg, Garnes Township, Red Lake County; 14194, 14196, 14196, Columbia Township, Polk County; No. 14201, Jerry Hasnedl, River Falls Township, Pennington County; No. 14202, Kevin Sanderson, Cloverleaf Township, Pennington County; No. 14204, Randy Konickson, River Township, Red Lake County; No. 14205, Monte Casavan, Wylie Township, Red Lake County; 14206, Minnesota Energy Resources Corporation, North Township, Pennington County; No. 14207, Jason Cater, Emardville Township, Red Lake County; No. 14208, Kyle Mehrkens, North Township, Pennington County; No. 14209, Linus Schmitz, Red Lake Falls Township, Red Lake County; No. 14211 and 14212, Joseph Stroot, Belguim Township, Polk County; and No. 14213, Pete C. Carlson, Rocksbury Township, Pennington County. Motion carried.

Engineer Nate Dalager, HDR Engineering, Inc. updated the Board on construction activity for RLWD Ditch 15, Project No. 175. Dalager stated that construction is approximately 90% complete, with the Contractor planning to have most of the dirt excavation completed by October 31. Motion by Tiedemann, seconded by Coe, to approve Pay Estimate No. 4, in the amount of \$192,757.84 to Davidson Construction, Inc. for construction of RLWD Ditch 15, Project No. 175. Motion carried.

Sam Umlauf, Houston Engineering, Inc. reviewed a liquidated damages assessment letter dated October 16, 2014, that was sent to Davidson Construction, Inc., contractor for the Grand Marais Creek Restoration Project No. 60F. Umlauf stated that the Contract states work shall be completed on or before October 31, 2014. Assessment of liquidated damages will begin on November 1, 2014, assessed at \$100 each calendar day until the following work items are substantially completed within the reference period described. Umlauf stated that Houston Engineering, Inc. met with Kevin Davidson and reviewed a list of items that would be considered liquidated damages. Umlauf further stated that liquidated damages will not be charged if the conditions don't allow it. Liquidated damages will be charged on all channel excavation until the channel is opened up. Seeding will not be assessed liquidated damages. RIM seeding has to be seeded by June 30, 2014. Administrator Jesme stated that the temporary easements expire this construction season, and may need to be extended. Umlauf stated that after a recent tour of the downstream section of the project, the channel which is left to be excavated is cut thru a high ridge thus the channel is narrow and the ridge is high. The Contractor indicated, Engineer agrees, that the best scenario to excavate that portion of the channel would be to excavate the channel in the winter when frozen. Motion by Coe, seconded by Mandt, to approve the contents/conditions of the letter sent to Davidson Construction, Inc. regarding the liquidated damages as recommended by the Engineer for construction of the Grand Marais Creek Restoration Project No. 60F. Motion carried.

Sam Umlauf, Houston Engineering, Inc. discussed the Grand Marais Creek Restoration - Diversion Channel, Project No. 60F. Engineer Tony Norby, Houston Engineering, Inc. prepared a Notice to Suspend Work to be carried over to next spring for construction of the Grand Marais Creek Restoration - Diversion Channel for R.J.Zavoral and Sons, Inc. Umlauf stated that due to the lack of fractured rock, strict compaction requirements and completion of the Grand Marais Creek Restoration portion of the project, Norby felt it was in the best interest of the project to suspend the work. A partial payment request will be forthcoming for partial mobilization and sheet pile material on hand.

The Board reviewed Pay Estimate No. 3 for construction of the Burnham Creek Project No. 43B,C and D. Motion by Mandt, seconded by Knott, to approve Pay Estimate No. 3 in the amount of \$89,026.87, to Wright Construction, Inc. for construction of the Burnham Creek Project No. 43B,C and D. Motion carried. Administrator Jesme stated that during construction it was determined that an additional 300 feet of bank is eroding and scouring. Engineer Jim Hest estimated it would cost an additional \$15,000 to fix the area. Motion by Tiedemann, seconded by Mandt, to authorize construction of an additional 300 feet of work at an approximate cost of \$15,000 for the Burnham Creek Project No. 43B, C and D. Motion carried. Jesme stated that construction should be completed by October 31, 2014 and recommended setting a final payment hearing for the November 24, 2014 Board meeting. Motion by Tiedemann, seconded by Mandt, to set the Final Payment Hearing for the construction of the Burnham Creek Project No. 43B, C and D, for 9:30 a.m. on Tuesday, November 25, 2014 at the District office. Motion carried.

Administrator Jesme indicated that both the November 27, 2014 and December 25, 2014 Board meeting dates fall on holidays. Motion by Ose, seconded by Torgerson, to change the November

27, 2014 Board meeting to November 25, 2014 and the December 25, 2014 Board meeting to December 30, 2014. Motion carried.

The Board reviewed correspondence from landowner Terry Sorenson in regard to participating on the Project Work Team for the Pine Lake Area Project No. 26. Manager Torgerson requested that no action be taken on the Pine Lake Area Project Work Team at this meeting as they are still reviewing possible candidates.

Manager Knott discussed the Briefing Paper #3: Water Management Options for Surface Drainage for the Red River of the North Basin. Knott assured the Board that this paper is not law, it is meant to be a guideline. Engineer Nate Dalager, HDR Engineering, Inc noted that it's the amount of rain/snow that determines the damage. This paper gives guidance to design standards when designing a ditch and that all agencies have approved it.

The Board reviewed correspondence from Rinke Noonan that was sent to the Environmental Protection Agency and U.S. Army Corps of Engineers regarding rules defining "waters of the United States under the Clean Water Act.

Administrator Jesme stated that the laptop computer in the Board room has been giving us warnings of failure. Jesme would like to replace the computer at an approximate cost of \$1,500. Motion by Knott, seconded by Mandt, to authorize the replacement of the Board room laptop computer at an approximate cost of \$1,500 and dispose of the old computer. Motion carried.

The Board reviewed Electronic Attendance at Board meetings that is provided by the League of Minnesota Cities. Legal Counsel Sparby stated that this policy should apply to the District, if we wish to adopt it as the District is a public entity. Sparby stated that if the District chooses to use Electronic Attendance at a meeting both parties have to be able to hear everyone, and that any vote taken needs to be taken as a roll call vote. There are other requirements that will need to be addressed at the time, if the Board decides to use this option.

The 32<sup>nd</sup> Annual Red River Basin Land and Water International Summit Conference will be held January 20-22, 2015 at The Fort Garry Hotel, Winnipeg, MB.

#### Administrators Update:

- Jesme and Manager Knott attended the RRWMB meeting on October 21<sup>st</sup> at Karlstad, MN. Jesme and Knott also participated in a tour of the Two Rivers Watershed District Klondike Impoundment Project. Included in the packet were the RRWMB meeting minutes from August 19, 2014 and September 16, 2014.
- Jesme attended a 1W1P meeting at the District office on October 2<sup>nd</sup> to review the Memorandum of Agreement (MOA). The Committee approved the MOA which is now being circulated for signatures. The Committee is working on a Request for Interest (RFI) which will be submitted to consultant firms at which time the Policy Committee will choose a first to assist the District as we move forward with the 1W1P. A committee meeting will be held at the BWSR Academy to discuss the RFI.

- A Four Legged Lake Project Work Team meeting will held on October 24<sup>th</sup> at 9:00 a.m. followed by an Odney Flaas Project Work team at 1:30 p.m.
- Jesme will attend the BWSR Academy at Breezy Point from October 28-29<sup>th</sup>. Jesme will participate in a roundtable panel that will give a presentation on the 1W1P Pilot Project.
- Jesme, staff member Sanderson and Houston Engineering staff met with Dave Jones and Anna Bramblet, NRCS State Conservationist Engineers to discuss the various NRCS Dams and how future maintenance could be addressed. The NRCS informed the District of their hiring of HDR Engineering, Inc. to complete a dam breach analysis on BR-6 which is one of the dams the District has put on the list of maintenance. All future work will be put on hold until this study is complete.
- The District received 23 applications for staff member Jim Blix position. Jesme will review the applications to determine how many to interview.
- Included in the packet was a June 2014 Water Quality Report.

Legal Counsel Sparby asked if there was anything we can do to address the findings of e-coli issues as stated in the June Water Quality Report.

Legal Counsel Sparby stated that due to the timing of inclement weather, if District staff determines some temporary work could be completed upstream of the Brandt Impoundment, the Board could hold a special meeting to further discuss the matter.

Discussion was held on Best Management Practices (BMP) within the District. Administrator Jesme stated that local SWCD's are working on BMP's with landowners on various things that can be done.

Manager Torgerson discussed his concern regarding not hearing back from Clearwater County as to who would represent the County on various Project Work Teams.

Discussion was held on who was representing the landowners for the Odney Flaas Project Work Team. Administrator Jesme stated that Jerry and Cathy Forgit are the only landowners on the project and both will be in attendance at the Project Work Team meeting.

Manager Tiedemann asked if Staff Member Loren Sanderson has looked into the gates at the Parnell Impoundment. Administrator Jesme will discuss this issue with Sanderson.

Manager Tiedemann discussed tiling recently completed on his property with various agencies touring the project after installation.

Discussion was held on downstream maintenance on tile. Manager Nelson stated that he had been contacted by Pennington County regarding forming a committee to address downstream maintenance. Administrator Jesme stated that he received a call from landowner Todd Stanley in regard to the District's permitting of tile. Jesme indicated that we hope to have the District's rules and regulation presented to BWSR so they are in effect by the spring 2015. Jesme asked Stanley how he felt about shutting off his tile pumps on lands not in crop when downstream ditch maintenance was required. Stanley indicated that the pump would have to be turned off for

several weeks to allow for downstream maintenance to be completed but did not seem concerned if that were to happen.

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

A handwritten signature in blue ink that reads "LeRoy Ose". The signature is written in a cursive style and is positioned above a horizontal line.

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LeRoy Ose, Secretary