

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
May 23, 2019

President Dale M. Nelson called the meeting to order at 3:00 p.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present were: Managers Dale M. Nelson, Gene Tiedemann, Terry Sorenson, LeRoy Ose, Allan Page, and Brian Dwight. Absent: Les Torgerson. Staff Present: Myron Jesme and Arlene Novak and Legal Counsel Delray Sparby.

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

The Board reviewed the May 9, 2019 and the May 17, 2019 minutes. Motion by Sorenson, seconded by Ose, to approve the May 9, 2019 and the May 17, 2019 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated May 22, 2019. Motion by Tiedemann, seconded by Ose, to approve the Financial Report dated May 22, 2019 as presented. Motion carried.

Staff member Arlene Novak reviewed the League of MN Cities Insurance Trust 2019-2020 Notice of Premium Options for Standard Premiums of less than \$25,000 Workers Compensation. Following questions of the Regular Premium or Deductible Premium options, a motion was made by Dwight, seconded by Page, to select the option of Regular Premium and approve Administrator Jesme to sign on the renewal form. Motion carried.

The City of Thief River Falls wishes to enter into a Joint Powers Agreement with the Red Lake Watershed District for the purpose of incorporating their wastewater and storm sewer project as part of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Proj. No. 178. A motion was made by Sorenson, and seconded by Tiedemann, and passed unanimously to adopt the following resolution:

WHEREAS, the City of Thief River Falls, MN, desires to enter into a Joint Powers Agreement with the Red Lake Watershed District in order to allow them to bid the City's wastewater force main project and storm sewer project as part and parcel with the District's bidding of the TRF Westside FDR Project.

NOW, THEREFORE, BE IT RESOLVED BY THE Red Lake Watershed District as follows:

THAT the City shall provide at its own cost and expense all necessary plans and specifications and any other information necessary for the planned bidding documents for the wastewater force main project; and shall be responsible for the cost and expense of all necessary plans and specifications and any other information necessary for the planned bidding documents for the storm sewer project designed and administered by the Red Lake Watershed District.

THAT the planned bidding documents shall be provided to the City's Public Works Director and Water Systems Superintendent for review and approval.

THAT after bidding and acceptance of the lowest responsible bidder, the city shall be responsible for all costs and expenses involved in the construction of its portion of the supplies bid plans and specifications and shall be responsible, either by itself or through its hired representatives or agents, for all inspection and testing for the wastewater for main project; and shall be responsible for the cost of all expense for the Red Lake Watershed inspection and testing for the storm sewer project.

Joint Powers Agreement by and between the Red Lake Watershed District and the City of Thief River Falls, MN, is hereby approved.

THAT the President or Administrator of the Red Lake Watershed District are designated the Authorized Representative for the District. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the Red Lake Watershed District or the City.

District Manager, Nicole Berndt, and District Technician, Duane Steinbrink, West Polk Soil and Water Conservation District, presented a proposal for a cost share of a grade stabilization project in the Burnham Creek area. This is one of the first projects to be funded in part with the One Watershed One Plan monies. The cost estimate is \$77,364.00 with a request for cost share funding from the RLWD's Erosion Control Funds. Following discussion, a motion was made by Tiedemann, seconded by Dwight, and passed unanimously, to approve a cost share of \$15,000 from the RLWD Erosion Control Funds for the Burnham Creek grade stabilization project.

Staff member Loren Sanderson stated there are problems with flapgates leaking onto farmland at the Brandt Impoundment and requested that 4 flapgates be removed and replaced with canal/screwgates. This will help increase releases from the Brandt Impoundment without causing crop damage. The cost estimate is \$925 per screwgate. Motion by Sorenson, seconded by Page, to purchase 4 screwgates at an approximate cost of \$925 each for the Brandt Impoundment. Motion passed with Manager Tiedemann abstaining from voting.

RLWD Permit No. 18148, Ray Kvalvog, Poplar River Township, Red Lake County, had been tabled in November 2018 until after the 2019 spring melt in order to observe runoff conditions, water elevations, existing flow patterns and possible split flow. Staff member Loren Sanderson recommends approval of the permit following these 2019 Spring runoff observations. Motion by Page, seconded by Tiedemann, to approve Permit No. 18148, Ray Kvalvog, Motion carried.

RLWD Permit No. 18156, Brent Strand, Poplar River Township, Red Lake County, had been tabled in December 2018 until after the 2019 spring melt in order to observe runoff conditions, water elevations, existing culvert sizes and flow patterns. Staff member Loren Sanderson recommends approval of the permit following these 2019 Spring runoff observations. Motion by Page, seconded by Ose, to approve Permit No. 18156, Brent Strand. Motion carried.

The Board reviewed the permits for approval. Motion by Tiedemann, seconded by Page, to approve the following permits with conditions stated on the permit: No. 19010, North Dakota Pipeline Company, LLC, Leon Township, Clearwater County; No. 19027, Gerald Hermreck, Numedal Township, Pennington County; No. 19028, Colleen Kaste, Rocksbury Township, Pennington County; No. 19029, Bruce Driscoll, Nesbit Township, Polk County; No. 19030, Sara L. Faivre, Terrebonne Township, Red Lake County; No. 19031, Carolyn J. Faivre, Terrebonne Township, Red Lake County; No. 19032, David Faivre, Terrebonne Township, Red Lake County; No. 19033, Carolyn J. Faivre, Terrebonne Township, Red Lake County; No. 19034, Steve Faivre, Poplar River Township, Red Lake County; No. 19035, MN Department of Transportation, Kelliher Township, Beltrami County; No. 19036, Polk County Highway Department, Lowell Township, Polk County; No. 19037, Polk County Highway Department, Gully Township, Polk County; No. 19038 and 19039, Jerry Hasnedl, River Falls Township, Pennington County; No. 19040, Jeff Novak, Rocksbury Township, Pennington County; No. 19041, Michael G. Davidson, Crookston Township, Polk County; and No. 19045, El-Rio Wishard, Hickory Township, Pennington County. Motion carried.

Due to the loss of a water level logger in a stream and the addition of 6 additional water testing sites in 2019, staff member Corey Hanson presented a proposal to purchase 5 -7 Water Level loggers. Following discussion on the equipment, motion by Ose, seconded by Dwight, to purchase 7 Onset HOB0 water level loggers at a quoted price of \$3,164. Motion carried.

Administrator Jesme presented information on Beacon light bars used on top of the vehicles. Four Beacons are needed for safety reasons on all vehicles used by engineering and water quality personnel. Motion by Tiedemann, seconded by Page, and passed unanimously to purchase 4 Beacon light bars at an estimated cost of \$720.00.

Engineer Tony Nordby, Houston Engineering, Inc. presented an update on the Black River Impoundment project and distributed an Opinion of Probable Cost. Nordby reviewed the foreseeable remaining items to complete prior to construction.

At 3:30 p.m., President Nelson stated that the bid opening for the construction of RLWD Ditch No. 16, Project No. 177 would be conducted. Legal Counsel Sparby noted the time and that all bid proposals have been accepted by the 3:30 p.m. bid closing. Bids were opened and bid amounts were publicly announced and are on file at the office District office. The following bids were received: Davidson Construction & Ready Mix, Inc., Newfolden, MN, \$2,341,700.00; Burski Excavating, Inc., Rice, MN, \$1,454,118.40; Gladen Construction, Laporte, MN, \$1,649,630.80; RJ Zavoral & Sons, Inc., East Grand Forks, MN, \$1,745,560.00; Park Construction Company, Minneapolis, MN, \$2,023,596.80; and Diversified Infrastructure Services, Inc., Fond DuLac, WI, \$2,346,609.20. Motion by Ose, seconded by Tiedemann, and passed by unanimous vote to accept the apparent low bid from Burski Excavating, Inc. in the amount of \$1,454,118.40 for construction of RLWD Ditch 16, Project No. 177, contingent upon the audit and review of the bids and approval by Legal Counsel Sparby, District staff, and Project Engineers Jerry and Nick Pribula, Pribula Engineering, Inc.

Engineer Tony Nordby, Houston Engineering, Inc., further discussed the proposed budget of the Black River Impoundment Project and stated that some Environmental items still need to be completed.

The Technical Evaluation Panel requested that a wetland delineation be completed on RLWD Ditch No. 16 prior their inspection of wetlands which may be impacted during construction. A quote was received from Houston Engineering for \$4,100.00 to complete the delineation. Motion by Tiedemann, seconded by Ose, to approve the quote from Houston Engineering in the amount of \$4,100 to complete the wetland delineation on RLWD Ditch No. 16. Motion carried. Administrator Jesme stated that Joe McFarland, McFarland Consulting, indicated that the Phase I Archaeological Survey has been completed on RLWD Ditch 16. Upon receipt of the Report, Jesme will forward to USACOE staff.

Managers Sorenson and Dwight discussed the Pine Lake Project Work Team meeting held at the RLWD on May 17, 2019. The pros and cons of extending the Natural Resources Conservation Regional Conservation Partnership Program grant was reviewed. Motion by Ose, seconded by Tiedemann, to request an extension of the grant in order to give landowners time to review information and to seek alternatives.

Attorney John Kolb, Rinke Noonan, reviewed the order of the hearing for Thief River Westside Flood Damage Control project hearing scheduled for 6:00 p.m. today. Considerable discussion was held on appraisal of land, land acquisition, Water Management District, and timeframe of the project. Engineer Nate Dalager, HDR Engineering, Inc., stated that since this project is part of a larger project with other agencies, he felt that the timeframe needs to be adhered to.

MAWD Summer Tour handout was reviewed. If interested in attending the MAWD Summer Tour, please contact office to register.

Legal counsel Delray Sparby stated that a motion for continuance was filed for Four-Legged Lake hearing. It is tentatively scheduled for July 15, 2019.

Administrators Update:

- Managers Ose and Page, and Administrator Jesme attended the RRWMB meeting held 9:30 a.m. on May 21, 2019 at the University of Minnesota Crookston. Some of the highlights from the RLWD perspective as they officially approved the Funding Agreement and Resolution for the Thief River Westside FDR Project.
- Jesme was informed by the West Polk SWCD Wetland Conservation Act Specialist that the RLWD is to complete a delineation of wetlands near the outlet at the Grand Marais to determine the impacts for the project and reached out to Houston Engineering wetland staff to provide a quote to complete this project. All this stems from our Joint Permit application for the project. Jesme also added that the cultural survey required by the Corps has been completed and the RLWD expects to receive a report from the Archaeologist soon.

- Jesme attended a portion of the meeting which included the project readiness form for the Black River Impoundment. The result was the FDRWG approving the report and recommending this project for funding from the State of Minnesota Flood Hazard Mitigation funding.
- Included in your packet is a thank from West Polk and Pennington SWCD for our donation to their event.
- Included is a newsletter from Jean Chadwick, President of Clearwater Lake Area Association, for your review. The newsletter includes various activities and events that are occurring this summer.

Motion by Ose, seconded by Sorenson, to recess the board meeting to the Quality Inn, 1060 Highway 32 South, Thief River Falls, MN, at 6:00 p.m. for the purpose of conducting the hearing on Thief River Falls Westside Flood Damage Reduction Project. Motion carried.

President Dale M. Nelson convened the recessed meeting to order at 6:00 p.m. at the Quality Inn, 1060 Highway 32 South, Thief River Falls, MN.

Present were: Managers Dale M. Nelson, Gene Tiedemann, LeRoy Ose, Terry Sorenson, Allan Page, and Brian Dwight. Absent: Les Torgerson. Staff Present: Myron Jesme, Nick Olson and Arlene Novak and Legal Counsel John Kolb.

At 6:00 p.m. President Dale M. Nelson called the final hearing on the establishment of the Thief River Falls Westside Flood Damage Reduction Project; RLWD Project No. 178 at the Quality Inn, 1060 Highway 32 South, Thief River Falls, MN.

President Dale M. Nelson stated the purpose of the hearing and instructed the audience on the format that would be used in conducting the public meeting. Nelson stated that the hearing is being videotaped in order to preserve record. Nelson turned the hearing over to John Kolb, legal counsel for this project.

Attorney Kolb presented a summary of procedural process for this hearing and gave a history of the project petitioned by the City of Thief River Falls and Pennington County. Kolb stated Nate Dalager, HDR Engineering, had been appointed engineer for the project. Advisory reports from Board of Water and Soil Resources were received on July 18, 2018 and Minnesota Department of Natural Resources on July 23, 2018 and were made available to the public. Funding sources for the project were also reviewed.

Engineer Nate Dalager, HDR Engineering, Inc. and the Engineer for the project gave a detail of the proposed Thief River Falls Westside Flood Damage Reduction Project, RLWD Projects No. 178, goals of the project, proposed alternatives, as well as the committed funding partners.

Administrator Jesme further explained the funding partners and each partners' financial commitment.

Attorney Kolb further addressed the Board and audience regarding the storm frequency and rain fall amounts. He stated that drainage improvement is the secondary benefit, but the primary benefit is to remove flood damage.

Upon completion of the presentations, questions and public comment were received from the audience. Some of the comments received included question whether there was a cost benefit analysis completed, how benefits were derived, why benefits are different on either side of 130th Street, how is land draining north to a lateral of County Ditch 70 which drains directly into the Thief River north of city limits benefited by the project, and is the City of Thief River Falls being charged for land they own within the project area, property in the benefited area of Pennington County Ditch #1 should have less benefits than that of property located in the Pennington County Ditch #70 benefited area? All members of the audience had adequate opportunity to express questions and comments.

Manager Tiedemann moved to close the public comment portion of the hearing and that the RLWD direct staff to prepare Findings and an Order consistent with the proceedings, that the draft Findings and Order be written to establish the project according to the engineer's recommendations and confirming the allocation of no more than \$500,000 to water management district charges. That this hearing be continued to the Board's regular meeting on June 13, 2019 at 9:30 a.m. or thereafter as appropriate on the Board's meeting agenda. That the Board reserve a decision on the award of damages pending receipt of the appraisers' recommendation, that supplemental notice be provided to affected landowners, and to allow further public comment on the damage award at the continued hearing. That the order includes adjustment of the water management district charge area to omit those properties not placing a burden on the project because they drain away from the project. Motion seconded by Manager Ose and unanimously carried.

Motion by Sorenson, seconded by Page, with motion carried to recess the public hearing to the regular scheduled meeting on June 13, 2019 at 9:00 a.m. at the Red Lake Watershed District office with public hearing starting at 9:30 am. Motion carried.



Terry Sorenson, Secretary