

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
December 30, 2020

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

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

The Board reviewed the agenda. Motion by Ose, seconded by Torgerson, and passed by unanimous vote that the Board approve the agenda. Upon roll call vote, motion carried unanimously.

The Board reviewed the December 10, 2020 minutes. Motion by Torgerson, seconded by Tiedemann, to approve the December 10, 2020 Board meeting minutes. Upon roll call vote, motion carried unanimously.

The Board reviewed the Financial Report dated December 29, 2020. Motion by Sorenson, seconded by Tiedemann, and passed by unanimous vote to approve the Financial Report dated December 29, 2020. Upon roll call vote, motion carried unanimously.

Staff member Arlene Novak stated that as of January 1, 2021 the Federal Allowable Mileage rate decreases to .56 cents per mile.

Staff member Arlene Novak reviewed the General Fund Budget as of December 29, 2020.

Staff member Arlene Novak reviewed the proposed Capital Project Fund Transfers as of December 29, 2020. After discussion by the Board, motion by Dwight, seconded by Tiedemann, to approve the Capital Project Fund Transfers as of December 29, 2020, to include the transfer of funds from RLWD Project No. 92A in the amount of \$1,786,650.30, to RLWD Project No. 176, Black River Impoundment, for the easement and land as well as staff and administrative cost toward the project, and to include adjustments to be made following final payroll and payments of the year, and year end interest allocation. Upon roll call vote, motion carried unanimously.

Staff member Arlene Novak reviewed a list of items recommended for disposal. A motion was made by Ose, seconded by Torgerson, that the District declare the items as excess property, with no value, for proper disposal. Upon roll call vote, motioned carried unanimously.

The Board reviewed Pay Estimate No. 14 in the amount of \$163,904.53.76 to R.J. Zavoral & Sons, Inc. for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178, which reflects the reduction of the retainage. Motion by Sorenson, seconded by Page, to approve Pay Estimate No. 14 in the amount of \$163,904.53 to R.J. Zavoral & 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.

Engineer Tony Nordby, Houston Engineering, Inc., reported that construction on the Black River Impoundment, RLWD Project No. 176, has concluded for the year and that clearing has completed for the most part, on the diversion ditches. Construction on the lateral ditches will begin next spring as well as finishing yet to be determined details on the impoundment and interior ditches. The Board reviewed Pay Estimate No. 4 in the amount of \$325,528.49 to R.J. Zavoral & Sons, Inc., for construction of the Black River Impoundment, RLWD Project No. 176. Motion by Torgerson, seconded by Tiedemann, to approve Pay Estimate No. 4 in the amount of \$325,528.49.10 to R.J. Zavoral & Sons, Inc., for construction of the Black River Impoundment, RLWD Project No. 176. Upon roll call vote, motion carried unanimously.

Administrator Jesme also updated the Board about the Board of Water and Soil Resources (BWSR) and the U.S. Army Corps of Engineers (Corps) request that the District participate in a pilot project to establish a wetland bank within the Black River Impoundment, RLWD Project No. 176. At that time, the District made a motion to proceed in working with BWSR and the Corps to determine if the restored wetland within the impoundment would qualify for wetland banking credits and to retain Houston Engineer to develop a wetland banking plan. This plan was completed, sent to the Corps and BWSR for review and just last week their finding was shared with the District. The Board reviewed correspondence from the Corps, regarding their evaluation of the wetland banking prospectus. Jesme indicated that upon reviewing the Corps findings, they would only approve approximately 25% of the acres restored within the impoundment for wetland credits. This would also include long term (at least five years) monitoring which would have a cost associated with that as well. Nordby stated that the potential for credits would result in approximately of 20-30 acres but that the restored area would cover well over 100 acres. Discussion was held on setting up a meeting with the Corps and BWSR to better understand the process. Manager Dwight stated that discussion should be held with the RRWMB and request them to challenge the fact that the Corps and maybe BWSR appear to be going against the Mediation Agreement as well as the technical papers that were developed as part of the mediation.

Discussion was had on the Ditch 10, RLWD Project No. 161 and the advertisement for bids on the project. Staff realized that even though we had a date set in the bid opening, we could not find that the Board officially set the date and time. Motion by Page, seconded by Sorenson, to set the Bid Opening for the repairs to the outlet of Ditch 10, RLWD Project No. 161, for January 14, 2021 at 9:30 a.m. at the District office. Upon roll call vote, motion carried unanimously. A virtual pre-bid meeting will be held at 1:30 p.m. on January 7, 2021.

The Board reviewed a Scope and Fee Proposal – Summary of Engineering Services from Houston Engineering, Inc., for the Thief River Streambank Study, RLWD Project No. 149A in the amount of \$34,759.00. Engineer Tony Nordby, Houston Engineering, Inc., stated that he reviewed five locations with District staff, having different goals for each site. Nordby noted that District staff have completed surveying of all five sites. Motion by Dwight, seconded by Sorenson, to authorize the Administrator Jesme the authority to sign the Agreement for Engineering Services with Houston Engineering, Inc., for the Thief River Streambank Study, RLWD Project No. 149A. Upon roll call vote, motion carried unanimously.

The Board viewed a proposal from HDR Engineering, Inc., for completion of a Preliminary Concept Report for the Mud River Restoration Project, RLWD Project No. 149A. Engineer Jacob Huwe, HDR Engineering, Inc., stated that a conference call was held with staff from the District, HDR Engineering and the U.S. Fish and Wildlife Service to determine the scope of the project. Discussion was held on restoring the old channel of the Mud River and ditches that feed into the Agassiz pool. Completion of a survey, ditch inverts and crossing sections will need to be completed to ground truth Lidar. Huwe estimated surveying will take approximately two weeks and could potentially begin next week. Motion by Dwight, seconded by Torgerson, to authorize Administration Jesme the authority to sign the Notice to Proceed for the Preliminary Concept Report in the amount of \$40,800 for the Mud River Restoration project, RLWD Project No. 149A.

Discussion was held on an erosion control project that outlets into an oxbow of the Red Lake River referred to as the Demarais/Hanson site, located in Sections 26 and 27, Louisville Township, Red Lake County (6 miles east of Red Lake Falls along CSAH 11). Staff member Corey Hanson stated that the Red Lake River 1W1P Planning Work Group (PWG) identified this as a potential project, to be completed in phases due to the magnitude of the project. It was also discussed by the PWG, that the RLWD should take the lead on this project due to the sheer size or scope of the project. Discussion was held on hiring an engineering firm to complete a reconnaissance of the project. Motion by Page, seconded by Ose, to approve the District to take the lead on this project and hire Houston Engineering, Inc., to prepare a feasibility study for the Demarais/Hanson Erosion Control Project, RLWD Project No. 149. Upon roll call vote, motion carried unanimously.

Administrator Jesme stated that District was awarded a \$250,000 competitive grant from the 2021 Clean Water Funds (CWF) for the Thief River Falls Oxbow Project, RLWD Project No. 46Q. Jesme informed the Board that of the 61 CWF competitive grant applications BWSR received, the District grant application ranked 13th.

The Board reviewed an Easement with Ronald and Paula Salentine in the amount of \$11,320.66 for a flowage and channel easement for 9.6 acres, upstream of the Brandt Impoundment, RLWD Project No. 60D. Motion by Tiedemann, seconded by Sorenson, to approve the Easement between the District and Ronald and Paula Salentine in the amount of \$11,320.66 for a flowage and channel easement on the Brandt Impoundment, RLWD Project No. 60D. Upon roll call vote, motion carried unanimously.

Discussion was held on RLWD Permit No. 20307, Gerald Matson, Bransvold Township, Polk County. Staff member Nick Olson recommended tabling the permit to allow the East Polk SWCD time to review the tile permit application for wetland concerns. Manager Tiedemann questioned if the review of wetlands is the responsibility of the District. Administrator Jesme stated that this is a courtesy to the SWCD's to allow them to review the potential of impacting a wetland. Motion by Tiedemann, seconded by Page, to table RLWD Permit No. 20307, Gerald Matson, Bransvold Township, Polk County. Upon roll call vote, motion carried unanimously.

The Board reviewed a letter drafted by Staff member Nick Olson, to landowner Dacian Bienek, regarding non-permitted work located in Section 36, Norden Township, Pennington. Olson

stated that he was informed by Pennington County Highway Department that work had been completed along County Road 72 without applying for the proper permits. The landowner has applied for an after-the-fact permit. Motion by Dwight, seconded by Ose, to approve submittal of the letter to landowner Dacian Bienek, and approval of the after-the-fact permit, RLWD Permit No. 20314, Dacian Bienek, Norden Township, Pennington County. Upon roll call vote, motion carried unanimously.

The Board reviewed the permit for approval. Motion by Ose, seconded by Sorenson, to approve RLWD Permit No. 20313, Raynold Ulrich, Sanders Township, Pennington County, with conditions stated on the permit. Upon roll call vote, motion carried unanimously.

The Board reviewed a letter of resignation from Staff member Ashley Hitt. Motion by Torgerson, seconded by Dwight, to approve with regrets, the letter of resignation from Ashley Hitt. Upon roll call vote, motion carried unanimously.

Administrator Jesme stated that with the resignation of Staff member Ashley Hitt, Staff member Christina Slowinski requested transferring to the Natural Resource Specialist position. Jesme reminded the Board that Slowinski had originally applied for the position filled by Hitt, further stating that the District has a statutory requirement to have a Ditch Inspector on staff and that no transfer of position should occur until the Ditch Inspector position is filled. Motion by Ose, seconded by Sorenson, to approve the transfer of Christina Slowinski to the Natural Resource Specialist position once a Ditch Inspector is hired. Upon roll call vote, motion carried unanimously.

Motion by Tiedemann, seconded by Dwight, to approve advertising for a Ditch Inspector/Technician II and an Engineer Specialist for the District office. Upon roll call vote, motion carried unanimously. District staff will develop the job posting for review by the Budget and Salary Committee.

Discussion was held on using Zoom as a meeting format during the current COVID19 pandemic. Manager Torgerson stated that the quality of audio during the Zoom conference was far superior to the use of the conference phone. Managers Ose, Sorenson and Tiedemann would rather attend in person if possible. Manager Page stated that he liked the use of the Zoom format, with Manager Dwight recommending using Zoom for the month of January and then re-evaluate the situation after the January 27, 2021 Board meeting. Manager Sorenson concurred with Dwight's comments. Motion by Dwight, seconded by Page, to proceed with the use of the Zoom meeting format for the month of January, and re-evaluate the format at the January 27, 2021 Board meeting. After considerable discussion, upon calling for a vote, Managers Tiedemann, Ose, Sorenson, and Dwight voted nay, with Managers Torgerson and Page voting aye. Motion failed for a lack of majority vote. Motion by Ose, seconded by Torgerson, to use the Zoom meeting format for Board members that would rather not attend the meeting in person, therefore allowing Board members that wish to attend in person the ability to do so. Upon roll vote, motion carried unanimously.

Legal Counsel Sparby indicated that he has been working on Easements for the Black River Impoundment, RLWD Project No. 176.

Manager Torgerson asked what the deadline date for the appeal on the Judicial Ditch 5 (Four-Legged Lake), RLWD Project No. 102. Legal Counsel Sparby stated that he will notify Administrator Jesme of the deadline date.

Legal Counsel Sparby stated that Attorney John Kolb, Rinke-Noonan, is putting together exhibits for the Appeal on the Improvement to Polk County Ditch 39, RLWD Project No. 179.

Administrators Update:

- Jesme and Manager Ose attended the RRWMB meeting on December 15, 2020 via Microsoft Teams. Highlights of the meeting was the submittal of Step 1 for the Pine Lake Project; attendance by Kent Lokkesmoe, MnDNR, who recently retired; and discussion with the NRCS State Conservationist regarding the RCPP Alternative funding. Jesme will attend a Water Quality and FDR funding needs virtual meeting on January 5th.
- A meeting was held on December 15, 2020, with staff from the USFWS to discuss restoration of the old channel within the Agassiz NWR that was cutoff since JD 11 main was constructed. In restoring the channel, it is assumed we would see significant reduction of sediment that presently enters the Agassiz NWR and ultimately is deposited into SD 83/Thief River.
- The first Clearwater River 1W1P Planning Work Group meeting will be held at 1:00 p.m. on December 30, 2020 to go over basic details in the development of the plan.
- Jesme was asked to attend a meeting with the Bois de Sioux Watershed District and their engineering consultant to discuss the NRCS RCPP funding and explain some of the details that occurred on our failed attempt to secure funding. The Bois de Sioux Watershed has a project that could be a candidate for NRCS RCPP funding.
- Included in the packet was the September and October 2020 Water Quality Reports.

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



LeRoy Ose, Secretary