

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

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

The Board reviewed the agenda. President Nelson requested to add RLWD Permit No. 20238, Mike Gasper, to the agenda. Motion by Tiedemann, seconded by Ose, and passed by unanimous vote that the Board approve the agenda with the addition of RLWD Permit No. 20238. Motion carried.

The Board reviewed the September 10, 2020 minutes. Motion by Torgerson, seconded by Ose, to approve the September 10, 2020 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated September 23, 2020. Motion by Sorenson, seconded by Dwight, and passed by unanimous vote to approve the Financial Report dated September 23, 2020. Administrator Jesme presented an additional invoice from Pribula Engineering, PLLC, to be added to the financial report in the amount of \$21,600.00. Motion by Tiedemann, seconded by Ose, to approve payment of Pribula Engineering, LLC, as presented. Motion carried.

Staff member Arlene Novak reviewed the Investment Summary as of September 23, 2020. Novak stated a \$200,000 CD in the CDARS program at Unity Bank is scheduled to mature on October 1, 2020. Novak presented an interest rate quote for both, the CDARS program and Unity Bank, as well as the interest rate currently receiving at American Federal Bank, Fosston. Motion by Sorenson, seconded by Tiedemann, and passed unanimously to invest the maturing CD into American Federal Bank, Fosston.

Engineer Jacob Huwe, HDR Engineering, Inc., and Administrator Jesme, presented the solo bid from Swingen Const. Co., Grand Forks, ND, in the amount of \$148,400.00 for the Burnham Creek-BR-6 Wildlife Pool Structure Replacement. The bid had been opened on September 22, 2020 at 9:30 a.m. at the Red Lake Watershed District office. Motion by Page, seconded by Dwight to accept the bid from Swingen Const. Co., Grand Forks, ND in the amount of \$148,400 for the construction of the Burnham Creek-BR-6 Wildlife Pool Structure Replacement. Motion carried.

Administrator Jesme informed the Board that the Black River Impoundment Project had received a \$3M grant from the USDA as part of their Regional Conservation Partnership Program (RCPP). President Nelson asked if there is Board interest in touring the Black River Impoundment area. Since there was an interest, Manager Nelson will arrange for a bus tour in

the near future. The land use and rental rates for 2021 was discussed. Administrator Jesme is to contact current renter, Nick Knott, to discuss the construction to and rental for the 2021 crop year. After discussion on crop damage, staking of the property, and 2021 rental rates, a motion by Tiedemann, seconded by Page, to grant permission to Administrator Jesme to offer the same rental rate as 2020 for the 2021 crop year to current renter, Nick Knott. Motion carried.

Geotechnical quotes for the Black River Impoundment had been received by Northern Technologies, LLC, \$10,710.00; Terracon, \$17,422.00; and Braun Intertec, \$29,2020.00. Following discussion of the quotes received, a motion was made by Torgerson, seconded by Dwight to approve accepting the low quote of \$10,710.00 from Northern Technologies, LLC for geotechnical services at Black River Impoundment. Motion carried.

Engineer Tony Nordby presented a proposal from Red Lake Electric Cooperative (RLEC) on the power lines within the Black River Impoundment. To sum up various costs, RLEC estimated replacement of existing overhead lines plus factoring in depreciation of existing poles to total \$102,000. However, if the District would be willing to cost share in installing underground versus overhead, RLEC estimated the cost to put it all in underground and moving some random poles to be \$288,000.00 but was willing to split the costs with the District. Max cost to the District would be \$144,000.00. If the project costs over \$288,000.00 RLEC will cover those costs, if its less, we will split the cost. Motion by Dwight, seconded by Ose, to approve the Red Lake Electric Cooperative cost share proposal up to a maximum of \$144,000 to move random poles and bury electrical power lines within the Black River Impoundment area. Motion carried.

The Board reviewed Pay Estimate No. 8 in the amount of \$190,095.65 to Burski Excavating, Inc. for construction of RLWD Ditch 16, RLWD Project No. 177. Motion by Ose, seconded by Tiedemann, to approve Pay Estimate No. 8 for \$190,095.65 to Burski Excavating, Inc. for Ditch 16, RLWD Project No. 177. Motion carried. Administrator Jesme gave a construction update of the project and stated that the contractor had completed the project through Mr. Mark Holy's area and were progressing quite well.

The Board reviewed Pay Estimate No. 10 in the amount of \$255,969.62 to R.J. Zavoral and Sons, Inc. (Zavoral) for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Following the September 10, 2020 Board meeting, Engineer Nate Dalager, HDR Engineering, Inc., submitted the response to R.J. Zavoral & Sons, Inc.'s July 14, 2020 request for a contract extension stating the Board had denied their request and cited a summary description of substantial completion of work items. Dalager stated by October 10, 2020, the project should be substantially completed. President Nelson stated that he had received phone calls regarding water backup and had reached out to Engineer Dalager. City of Thief River Falls Water Systems, Superintendent Wayne Johnson, stated that there had been a cattail plug and that was corrected. Engineer Dalager stated the outlet needs to be done by October 10, 2020. After October 10, technically the Board could impose penalties. Wayne Johnson stated that they have 2 discharges usually completed by end of Fall. First discharge was completed on Wednesday, September 23, 2020, and the second discharge is still planned. The Force Main is just about complete, still need to do pressure testing. The storm sewer is currently being installed. Motion by Ose, seconded by Sorenson, to approve Pay Estimate No. 10 in the

amount of \$255,535.60 to R.J. Zavoral and Sons, Inc., for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion carried.

Administrator Jesme informed the Board that the FEMA grant extension for RLWD Ditch 10, RLWD Proj. 161, submitted by Christina Slowinski, was approved by FEMA. Based on the approved extension, the grant deadline is now September 30, 2021. Red Lake River 1W1P, FEMA grant and RLWD Proj. 164, Streambank Erosion Project, funds are being used for the repairs to this project.

At 9:30 a.m. President Nelson stated that the bid opening for the construction of the Black River Impoundment, RLWD Project 176, would be conducted. Legal Counsel Sparby noted the time and that no further bid proposals would be accepted after the 9:30 a.m. bid submittal deadline. Bids were opened and bid amounts were publicly announced and are on file at the District office. The following bids were received: Red Lake Builders, Red Lake, MN, \$6,340,822.03; Gladen Construction, Laporte, MN, \$7,725,271.09; R.J. Zavoral & Sons, Inc., East Grand Forks, MN, \$4,374,457.66; Kern & Tabery, Inc., Wadena, MN, \$5,424,009.90; and Park Construction, Minneapolis, \$7,908,449.39. Motion by Ose, seconded by Tiedemann, and passed by unanimous vote to accept the apparent low bid from R.J. Zavoral & Sons, Inc, in the amount of \$4,374,457.66 for construction of Black River Impoundment Project, RLWD Proj. 176, contingent upon the review of the bid documents and approval by Legal Counsel Sparby, District Staff, and Project Engineer Tony Nordby, Houston Engineering, Inc.

Discussion was held of the Pine Lake Project Work Team (PWT) meeting held on Friday, September 18, 2020, at the Red Lake Watershed District office. The consensus of the PWT was to move forward with the concept presented and present their recommendations to the RLWD Board. Following discussion of the concept from the Pine Lake PWT, Torgerson moved to establish Pine Lake as a project and move forward with the design. Motion was seconded by Sorenson and unanimously passed. Watershed district should continue to monitor the Lost River, as well as the water quality and water temperature.

Staff member Nick Olson gave an update on the Moose River pool. There is a Minnesota Department of Natural Resources Conservation Partners Legacy Grant which was awarded in partnership with the RLWD and Agassiz National Wildlife Refuge to complete the work within the Agassiz NWR. Construction was to be completed last Fall but due to large rainfall events, construction was delayed until this Fall. The project is scheduled to begin the first part of October. The gates at Moose River have been closed and water has moved from the North Pool to the South Pool, which will allow better working conditions for the contractor.

Administrator Jesme gave an update on the JD 72, RLWD Project 41, Redetermination of Benefits. Due to the fact that there is considerable work yet to be completed, the hearing tentatively scheduled in October has been postponed. The question was raised as to what legal counsel should be used. In response, the Board stated Polk County would be legal counsel for Polk County 61, and the RLWD would be for JD 72.

A report was presented on JD 4, RLWD Project 101, by Staff member Christina Slowinski. Slowinski stated the last maintenance completed on the system was cattail spraying in 2015. She went onto explain various deficiencies she and Nick Olson had observed upon their inspection of the system. It appeared that a four-wheeler trail/dike had been constructed across a portion of the drainage system and by utilizing Google maps along with windshield inspection, it appeared there are approximately 20+ beaver dams in the system. Slowinski's recommendation was to hold a landowner meeting to discuss the present condition of the ditch system and to share with them the maintenance that may have to be had as well as hearing of any damages that may be occurring to lands benefitted by the system. After considerable discussion by the Board, the consensus was to hold a landowner meeting this coming winter and get input from the landowners and their direction on future maintenance on the system.

Legal Counsel Delray Sparby gave a legal update on RLWD Ditch 17, RLWD Proj. 179.

Additional discussion on Thief River Westside FDR, RLWD Proj. 178, construction was held. Pennington County asked to do a change order for the culvert on County Ditch 61, a change order was completed and approved by the Board, but Zavorals have not signed the \$39,000 change order due to the fact they did not want the work days for that structure to be held against them. Dave Zavoral had asked if he should attend the next Board meeting. Administrator Jesme stated there is considerable work to be completed by next Board meeting but the hopes are the project will be substantially completed by that time.

Red Lake SWCD has requested 2020 Project 164, Erosion Control Funds, for the following individual projects:

The total cost for the Ray Delorme Grade Stabilization Project is \$7,335.59 with a request from RLWD for \$1,000 cost share for the Project. Motion by Page, seconded by Ose, and passed unanimously to approve the cost share of \$1,000 to Red Lake SWCD for the Ray Delorme project.

The total cost for the Dave Ste Marie Grade Stabilization Project is \$10,921.43 with a request from RLWD for \$1,630.00 cost share for the Project. Motion by Page, seconded by Dwight, and passed unanimously to approve the cost share of \$1,630.00 to Red Lake SWCD for the Dave Ste Marie project.

The total cost for the Ralph Perreault, Gervais Township, Grade Stabilization Project is \$12,621.12 with a request from RLWD for \$7,521.00 cost share for the Project. Motion by Page, seconded by Tiedemann, and passed unanimously to approve the cost share of \$7,521.00 to Red Lake SWCD for the Ralph Perrault project.

Staff member Nick Olson discussed presented permit No. 20-052, Tim Chaput, to the Board for discussion. Mr. Chaput had applied to clean the road ditch to improve drainage to the East. Mr. Chaput's claim was the water drained to the west prior to Red Lake County's road improvement in 2001. At that time, he claimed there had been a culvert in his crossing that let water go west. Olson stated that Red Lake County's Road Plan from 2001 called for a culvert in the now dry

crossing, thus letting water go west and not east. Olson had stated to Mr. Chaput that if a culvert was found in the crossing, the permit would be approved to replace the culvert thus allowing the water to go west as no permit is on record at the District to bury the existing culvert if there indeed is one, in accordance with Red Lake County's 2001 road plan. Consensus of the Board to allow Mr. Chaput to drain west should he find a culvert.

The Board reviewed the permits for approval. Motion by Ose, seconded by Tiedemann, to approve the following permits with conditions stated on the permit: No. 20-188, Monte Casavan, Red Lake Falls Township, Red Lake; No. 20-205, Pennington County Highway Department, Star Township, Pennington County; No. 20-209, Willis R. Ihrke, Columbia Township, Polk County; No. 20-212, Delores V. Schulz, Belgium Township, Polk County; No. 20-218, John Swanson, Grove Park Township, Polk County; No. 20-219, Gary Grove, Gervais Township, Red Lake County; No. 20-220, Daniel S. Wichterman; Gervais Township, Red Lake County; No. 20-221, Dallas Stine, Gully Township, Polk County; No. 20-222, Donald Stenberg, Garnes Township, Red Lake County; No. 20-223; Minnesota Department of Transportation, Huntsville Township, Polk County; No. 20-224. Kertsonville Township, Polk County; No. 20-225, Edgar Miller; Reiner Township, Pennington County; No. 20-226, John Garry, Euclid Township, Polk County; No. 20-227, Earl Pederson, Badger Township, Polk County; No. 20-228, Dale Furuseth, Sanders Township, Pennington County; No. 20-229, Grant Asp, Norden Township, Pennington County; No. 20-230, Douglas Peterson, Sullivan Township, Polk County; and No. 20-239, Michael Gasper, Euclid Township, Polk County. Motion carried.

Michael Gasper, RLWD Permit No. 20-238, Euclid Township, Polk County, tile permit was presented to the Board for discussion. Following considerable discussion, motion by Tiedemann, seconded by Ose, and unanimously passed to approve RLWD Permit No. 20-238, with conditions stated on permit.

Administrator Jesme stated he did not have a report for the Board.

Legal Counsel Sparby updated the Board on the Notice of Appeal for RLWD Ditch No. 17, RLWD Project No. 179.

In Managers' updates, Tiedemann inquired about Burnham Creek discussion that previously was had with Jerome Simmons and Robin Brekken. Torgerson asked if there was a record of operations on Little Pine Lake to which Administrator Jesme stated that staff member Dave Marshall is monitoring it and it is currently at winter level. The status of the floating bogs on Little Pine Lake was asked by Nelson.

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



LeRoy Ose, Secretary