

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
April 8, 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 M. Nelson, Allan Page, Terry Sorenson, Gene Tiedemann, Tom Anderson, LeRoy Ose and Brian Dwight. Staff Present: Myron Jesme and Tammy Audette, and Legal Counsel, Delray Sparby.

The Board reviewed the agenda. President Nelson recommended the addition of a water level logger for the Pine Lake Project be added to the agenda. A motion was made by Ose, seconded by Page, and passed by unanimous vote that the Board approve the agenda with the addition of a water level logger for the Pine Lake Project. Motion carried.

The Board reviewed the March 25, 2021 minutes. Motion by Sorenson, seconded by Anderson, to approve the March 25, 2021 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated April 7, 2021. Motion by Tiedemann, seconded by Dwight, to approve the Financial Report dated April 7, 2021. Motion carried.

Staff member Arlene Novak reviewed the General Fund Budget as of March 31, 2021.

Administrator Jesme stated that the contractor for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178, will begin with the final punch list for the project. No response has been received from the contractor on Change Order No. 8. Jesme stated that he received a call from a local business owner regarding property the District purchased from Marlin Johnson, south of Evergreen Implement, for potential development. The Board will take this item under consideration. Discussion was held on additional funding for project costs. Jesme indicated that he had been in contact with the MnDNR Flood Hazard Mitigation personnel, and that there may be some residual funds we can obtain.

Legal Counsel Delray Sparby reviewed a draft Findings of Fact and Order for the Pine Lake Flood Damage Reduction and Fish Habitat Project, RLWD Project No. 26B. Sparby indicated that approval of the Order will initiate the running of the appeal period. Motion by Tiedemann, seconded by Ose, to approve the Findings of Fact and Order for the Pine Lake Flood Damage Reduction and Fish Habitat, RLWD Project No. 26B. Motion carried. The Board reviewed the RRWMB Funding Agreement for a maximum amount of \$837,500, for the Flood Damage Reduction portion of the project. Administrator Jesme indicated that he is working with MnDNR staff to determine if there could be an application submittal for a MnDNR Conservation Partner Legacy Grant to help fund the fish passage portion of the project. Motion by Ose, seconded by Tiedemann, to approve the RRWMB Funding Agreement in the amount of \$837,500, for the Pine Lake Flood Damage Reduction and Fish Habitat Project, RLWD Project No. 26B.

Staff member Nick Olson requested the purchase of an automated water level logger to be installed in Pine Lake, which would allow for District staff to monitor lake levels without having to drive to Pine Lake to get a manual reading, at an estimated cost of \$3,000. Motion by Dwight, seconded by Anderson, to approve the purchase of a water level logger for the Pine Lake FDR and Fish Habitat Project, RLWD Project No. 26B, at a cost not to exceed \$3,000.00. Motion carried.

At 9:30 a.m., President Dale M. Nelson recessed the general meeting and called the hearing to order for the Petition for Use of a Legal Drainage System submitted by James and Lori Reinbold for the inclusion of land into RLWD Ditch No. 7, RLWD Project No. 20. Administrator Jesme presented information in regard to the proposed property to be included into the benefitted area of RLWD Ditch No. 7, RLWD Project No. 20, discussing the statutory factors to be considered by the Board. The Board reviewed the Engineer's Findings and Recommendations as prepared by Engineer Nate Dalager, HDR Engineering, Inc. After entertaining questions from the Board, and receiving comments from the public, the hearing was closed. Motion by Tiedemann, seconded by Page, that based on the Engineers' Recommendations of no adverse downstream effects, sufficient capacity and adequate outlet with the addition of the petitioned for real property and pending the determination and payment of contingent costs billed to the landowner for petition proceedings, outlet fee and determination of benefits for future maintenance, for RLWD Ditch No. 7, RLWD Project No. 20, that the petitioned properties to be included into the RLWD Ditch 7, RLWD Project No. 20 be allowed. Motion carried.

Motion by Tiedemann, seconded by Page, to approve RLWD Permit No. 20156, James Reinbold, Equality Township, Red Lake County, with conditions stated on the permit. Motion carried.

Motion by Ose, seconded by Anderson, to approve the Memorandum of Agreement between the City of Thief River Falls and the District for the Thief River Falls Oxbow Project, RLWD Project No. 46Q. Motion carried.

Engineer Tony Nordby, Houston Engineering, Inc., stated that R.J. Zavoral & Sons, Inc., plan to resume construction on the Black River Impoundment, RLWD Project No. 176 on April 19, 2021, with utilities companies, Red Lake Electric Cooperative, Garden Valley and hopefully CenturyLink, starting around the same time. Administrator Jesme indicated that District staff has staked all permanent and temporary right-of-way limits for the area landowners and utility companies. Manager Dwight questioned the status of the wetland banking. Nordby stated that a meeting was held recently with staff from BWSR and the U.S. Army Corps of Engineers, indicating their request for additional probing of areas to get a better understanding of at the various soil types.

Staff member, Nick Olson, stated that Polk County Highway Department applied for a permit, RLWD Permit No. 21015, to reconstruct CSAH 11, east of the City of Crookston. Olson stated that the permit did not call out all of the culvert work to be completed, referencing Polk County Ditch 99 that flows from the north, crosses CSAH 11, south into an oxbow and then enters the Red Lake River. The legal ditch plans dating back to the 1960's indicated there was a 60' concrete centerline culvert in-place where it crosses CSAH 11. Olson presented a timeline of the

centerline culvert where requests were made for the installation of a flap gate and downsizing of the centerline culvert. Olson stated that a 28" concrete culvert was placed inside the 60" concrete culvert, without a petition to improve the public drainage system, to alleviate downstream flooding. RLWD Permit No. 21015, was approved at the March 25, 2021, for reconstruction of CSAH 11, but at that time Olson was not aware of the intention to install two-48" culverts. Since the approval of the permit, the District has been contacted by landowners Bob Herkenhoff, Craig Larson, and Mike Bouche, all present at today's meeting, regarding downstream flooding concerns. Craig Hoseth, City of Crookston Economic Developer, stated that this area has a history of flooding issues. Administrator Jesme discussed the potential of a petition for improvement of the legal drainage system which would include sizing all culverts, accordingly, plus improve the outlet end of the project as this is a highly erodible area. Larson discussed flooding of his home with the various ditches coming into the area. Discussion was held on the box culverts that Crookston Township would like to install. Legal Counsel Sparby stated that the landowners could petition for an improvement to the ditch south of CSAH 11, and that Polk County could petition to repair the outlet if they were willing to do so. Motion by Dwight, seconded by Ose, to deny RLWD Permit No. 21015, Polk County Highway Department. Motion carried with Manager Tiedemann abstaining.

The Board reviewed an invoice from CenturyLink for relocation of utilities for construction of Ditch 16, RLD Project No. 177. Administrator Jesme discussed observations made by Engineer Jerry Pribula, Pribula Engineering, Inc., while CenturyLink had equipment on site. No action was taken on the invoice.

Engineer Tony Nordby, Houston Engineering, Inc., stated that a pre-construction meeting for the Ditch 10 Outlet Repair, RLWD Project No. 161, will take place on April 13, 2021 with the contractor, R.J. Zavoral & Sons, Inc.

Administrator Jesme discussed the Hearing for the Redetermination of Benefits for Judicial Ditch 72, RLWD Project No. 41, that was held on April 6, 2021 at the McIntosh Community Hall. Jesme indicated that the JD 72 Joint Board recessed the hearing to be continued on June 24, 2021 at 2:00 p.m. at the McIntosh City Hall.

Motion by Sorenson, seconded by Ose, to approve renewal of the District's ESRI ArcGIS at a reduced rate obtained by Staff member Christina Slowinski for a cost of \$600. Motion carried.

The Board reviewed a letter drafted by Staff member Nick Olson, to landowner Dan Caillier, regarding non-permitted work located in Sections 29 and 33, Louisville Township, Red Lake County. Olson stated that the landowner cleaned along a township road ditch in several areas, without applying for the proper permits. Motion by Page, seconded by Dwight, to approve submittal of the violation letter to landowner Dan Caillier, regarding non-permitted work, with the addition that work shall maintain township road slope. Motion carried.

Engineer Blake Carlson, Widseth, stated that he reviewed the Engineer's Estimate for construction of the Threat Ring Dike, RLWD Project No. 129AS, and did not find any major discrepancies with the cost of materials, etc. Carlson spoke with the apparent lower bidder for the project, noting that he felt the Engineers Estimate underestimated the amount of manpower to

build the retaining wall, which would amount to an additional \$11,000. Therefore, Carlson revised his Engineers Estimate to \$99,000. Motion by Sorenson, seconded by Page, to proceed with the construction of the Threat Ring Dike, RLWD Project No. 129AS and accept the apparent low bid from Taggart Contracting, Inc., in the amount of \$118,675.00. Motion carried.

Motion by Tiedemann, seconded by Anderson to table RLWD Permit No. 21017 and 21018, Elizabeth Berge, Russia and Onstad Townships, Polk County, to allow for revisions to the permit by the landowner. Motion carried.

Motion by Page, seconded by Ose, to table RLWD Permit No. 21027, Earl Pederson, Grove Park Township, Polk County, to allow for the applicant to address issues with the benefitted area. Motion carried.

Motion by Dwight, seconded by Anderson, to table RLWD Permit No. 21030, Breda Scherer, et.al., Garnes Township, Red Lake County, to allow for the applicant to address issues with the benefitted area. Motion carried.

Motion by Page, seconded by Tiedemann, to withdraw RLWD Permit No. 20039, Knute Knutson, Gervais Township, Red Lake County. Motion carried.

The Board reviewed an agreement between the District and the Middle Snake Tamarac Rivers Watershed District (MSTRWD) as it relates to RLWD Permit No. 21016, Angus Farms, Angus Township, Polk County. Staff member Nick Olson stated that the applicant will install agricultural tile which lies within the MSTRWD, but outlets into RLWD Ditch 15, RLWD Project No. 175. Olson noted that the area to be tiled does pay benefits into the Ditch 15 system. Motion by Tiedemann, seconded by Dwight, to authorize the approval of the agreement between the District and the MSTRWD, for installation of agricultural tile as it relates to RLWD Permit No. 21016, Angus Farms, Angus Township, Polk County. Motion carried.

Motion by Sorenson, seconded by Anderson, to approve the following permits with conditions stated on the permit: No. 21022, Darin Glass, Terrebonne Township, Red Lake County; No. 21023, Fanny Township, Polk County; No. 21024, Linda Gail Ulrich, Wyandotte Township, Pennington County; No. 21025, Earl Pederson, Grove Park Township, Polk County; No. 21026, Earl Pederson, Lambert Township, Red Lake County; and No. 21031, Jeffrey A Olson, Rocksbury Township, Pennington County. Motion carried.

Administration

- Jesme and Manager Ose will participate in the April 20, 2021 RRWMB meeting. Representative Steve Green has reached out to various individuals, including Rob Sip, to discuss FDR Projects and funding. Included in the packet with the response from each Watershed District within the RRWMB to Mr. Greens questions.
- Jesme, Hanson and Novak attended the March 26, 2021 Thief River 1W1P Policy Committee meeting. Jesme and Hanson participated in a conference call with various agencies regarding reduction of the sediment loads within the Agassiz NWR as it outlets into the Thief River.
- Jesme, Hanson and Novak attended the Red Lake River 1W1P Planning Work Group meeting on April 1st. A Policy Committee meeting will be held on April 14th.

- Jesme, Manager Dwight, and Hanson will participate in a Zoom meeting for the Bartlett Lake Planning Work Group.
- Jesme spoke to the Thief River Falls Lions Club on March 31st, regarding District projects.

Discussion was held on the interviews held for the Ditch Inspector/Technician II position and Engineering Senior/Hydro II position. Motion by Ose, seconded by Tiedemann, to authorize the Budget and Salary Committee the authority to hire for the two positions, and report back to the Board at the next meeting. Motion carried.

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



LeRoy Ose, Secretary