

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
March 25, 2021

Vice President Gene Tiedemann called the meeting to order at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present: Managers Allan Page, Terry Sorenson, Gene Tiedemann, Tom Anderson, and Brian Dwight. Absent: Dale M. Nelson and LeRoy Ose. Staff Present: Myron Jesme and Tammy Audette, and Legal Counsel, Delray Sparby.

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

The Board reviewed the March 11, 2021 minutes. Motion by Sorenson, seconded by Anderson, to approve the March 11, 2021 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated March 24, 2021. Motion by Anderson, seconded by Page, to approve the Financial Report dated March 24, 2021. Motion carried.

Mark Borseth, City of Thief River Falls, appeared before the Board for discussion on the Thief River Falls Westside FDR Project, RLWD Project No. 178. Borseth stated that the city is very pleased with the project and cooperation between the partners but does have some concern with the depth of the ditch system, due to safety concerns, north of Greenwood Street, near the bowling alley and west of Highway 32 along the south side of Digi Key. Borseth noted that the dirt has been secured at no cost to the project from Digi Key, to fill in the areas of concern. Quotes were received from Andy Anderson, \$55,730.11 and R.J. Zavoral & Sons, Inc. \$148,620.00, to complete the work. Both contractors were made aware of the free material as well as the scope of the project so there should have been no items that were not comparable. Completion of the work would not be part of the original construction contract as R.J. Zavoral & Sons, Inc. had completed all the work in this area per contract and the additional work is something the City of TRF would like to see completed to assure the project has a better finished product. Borseth requested a 50% cost share from the District and the City of Thief River Falls. Motion by Page, seconded by Anderson, to cost share 50% of the additional work, north of Greenwood Street, for the Thief River Falls FDR Project, RLWD Project No. 178 at an amount of \$27,865.05. Motion carried.

Manager Dwight questioned if Change Order No. 8 with R.J. Zavoral & Sons, Inc. had been ratified. Zavoral requested \$85,400 for Change Order No. 8, with the District approving \$30,035.34. Engineer Dillion Nelson, HDR Engineering, Inc., stated that Change Order No. 8 had been sent to R.J. Zavoral & Sons, Inc. for review, with no response received. Dwight questioned if filling in the area would impact the original project design. Nelson stated that there would be no impact to the original project as there is some storage capacity that is not necessary, noting that it will be a flattened grade raised up to the inlet structures. Nelson noted that safety could be an issue or concern with the amount of traffic in this area. Motion by Dwight, seconded by Sorenson, to approve paying 50% of the recommended \$30,035.40 for Change Order No. 8,

with the City of Thief River Falls paying the balance, for the Thief River Falls Westside FDR Project, RLWD Project No. 178. Motion carried.

Administrator Jesme stated that as part of the BWSR Grant Agreement for the Thief River Falls Oxbow Project, RLWD Project No. 46Q, a Memorandum of Agreement with the City of Thief River Falls needs to be approved to make sure that there is a clear understanding of who is responsible for the maintenance of the project and also to include an Operating Plan. Jesme noted that the project has a life expectancy of 25 years. It was the consensus of the Board to table this item until the April 8, 2021 Board meeting, to allow for drafting of the Memorandum of Agreement.

Administrator Jesme stated that as part of the construction of the Brandt Impoundment, RLWD Project No. 60D, the District purchased property from Daniel & Joyce Wallace, with the Wallace's maintaining the CRP contract. Recently, Joyce Wallace chose not to proceed with the CRP contract. Jesme contacted Ron Salentine, who owns the adjacent property, which is also in CRP. Mr. Salentine has agreed to rent the property. Jesme indicated that currently the District bases the rental rate on 25% of the CRP contract value which will help pay for maintenance. Motion by Sorenson, seconded by Page, to approve signature of the Owner Consent Form, with Ron Salentine, for rental of property owned by the District located in the Brandt Impoundment, RLWD Project No. 60D, at a rental rate of 25% of CRP contract approved by the FSA office. Motion carried.

Staff member, Nick Olson, provided a timeline for RLWD Permit No. 20-305, Dustin Neuschwander, Valley Township, Marshall County, for removal of a centerline culvert through a township road. Olson stated that the District received a permit in 2006 (No. 06-062) to install a centerline culvert with a trap through the township road. The District did not recommend the installation of the culvert and trap as it could cause downstream impacts as the downstream ditch was not adequately maintained, rather recommending that the water stay on the south side of the road and the culvert and trap be placed near the NW corner of the section. In September 2006, an agreement between the two landowners was reached to install a centerline culvert with a trap and the outlet ditch was cleaned which was against the recommendation of the District. Olson stated in 2020 the outlet ditch was filled in and Neuschwander applied for a permit to remove the centerline culvert, with landowner Gary Anderson submitting a letter in opposition to the removal of the centerline culvert. Anderson stated that prior to owning the property, he rented the land and was not satisfied with the way the water drained so he removed the centerline culvert and attempted to drain his water entirely to the west. Anderson stated that this was a poor decision on his part, therefore in 2006 he asked the owner to apply for a permit to reinstall a centerline culvert and pay to have the ditch on the north side of the township road and through property now owned by Neuschwander repaired. In 2020, Neuschwander filled in the ditch and arranged for water to flow east in the township road ditch and then north to the Mud River/Judicial Ditch 11-Main. Olson noted that there currently is a trap on the north side of the culvert that Neuschwander wants removed. Motion by Page, seconded by Dwight, to leave the culvert in place, remove the trap on the north side of the township road, and if consistent high-water events take place, the landowner can bring the issue back to the Board for further review. Motion carried.

Administrator Jesme stated that the RRWMB approved the Step 2 funding submittal for the Pine Lake Project FDR and Fish Habitat Project, RLWD Project No. 26B. Discussion was held on estimated construction time frame. Jesme stated that he would like to apply for a MnDNR Conservation Partner Legacy (CPL) Grant, which would not be appropriated this year, but would help fund the habitat portion of the project. Jesme indicated that a CPL grant needs to be approved and signed prior to any construction being completed.

Staff member Nick Olson stated that the Pine Lake Project, RLWD Project No. 35, aeration system has been turned off, and noted that it had run for a total of 5 weeks. Due to no runoff, the lake is currently at the summer target elevation. Olson reported that a beaver dam was found upstream of the structure. The beaver has been trapped and the dam will be removed. Olson noted that water levels at Little Pine Lake, RLWD Project No. 26A, are below summer target elevations.

Staff member Nick Olson stated that both structures on the Moose River Impoundment, RLWD Project No. 13, are well below the summer targets levels.

Administrator Jesme stated that he attended the hearing for the Abandonment of Judicial Ditch 25-III, in regard to construction of the Black River Impoundment, RLWD Project No. 176. Jesme stated that the Pennington County Board of Commissioners approved the abandonment, therefore this is now officially a part of the Black River Impoundment Water Management District. Discussion was held on whether the Judicial Ditch 25-III needs to comply, with the buffer rules. Legal Counsel Sparby stated that it would be a good idea to put the laterals of JD 25-III on the final "as built plan" for the Black River Impoundment project, and the buffer strip policy should then properly apply.

Engineer Tony Nordby reviewed the Demarais/Hanson Feasibility Report, which was identified as a potential project within the Red Lake River 1W1P, RLWD Project No. 149. Nordby stated that this project is located SW of Red Lake Falls, along CSAH 11, where a large gully has formed south of the highway, going north towards the Red Lake River. Houston Engineering was hired to look at various options and completed a feasibility study of the area. Nordby stated that he recommends shaping what is currently there, armour the bottom with riprap, include a coarse aggregate combination, to allow water to run on top of the rock instead of under and enter a plunge pool. Nordby stated that the reach of the project would only go to the woods area. The project would protect ag and pastureland. There could be some erosion in the woods and oxbow, which will be discussed with the Red Lake River 1W1P members. Manager Dwight asked about the possibility of upland treatment in the area. Nordby stated that this area has a 1.7 sq.mi. drainage area, with low flow cuts, water speeds up, cuts, etc. Water has split the oxbow with trees in the middle of the two oxbows. Nordby reviewed the cost estimate. This project will be presented to the Red Lake River 1W1P Policy Committee at their next meeting. Manager Page stated that he was informed of a permit violation upstream of this area, where a landowner used a scraper in the bottom of the ditch.

Administrator Jesme discussed the Judicial Ditch 72 Joint Board meeting that was held on March 23, 2021. The hearing for the Redetermination of Benefits will be held on April 6, 2021 at 2:00 p.m. at the McIntosh City Hall. Jesme discussed the area that will be added into the JD 72,

RLWD Project No. 41, that currently does not pay benefits to the system, as well as areas to be removed.

Administrator Jesme stated that Engineer Blake Carlson, Widseth, reviewed his engineers estimate and determined that steel is 40% higher than the cost estimate last year. Carlson has spoken to the landowner, who wishes to proceed with the construction. Carlson will have discussion with the contractor to clarify any questions they may have. Further discussion will be held at the April 8, 2021 Board meeting.

The Board reviewed a letter drafted by Staff member Nick Olson, to landowner Wayne Demarais, regarding non-permitted work located in Section 33, Kertsonville Township, Polk County. Olson stated that the landowner cleaned a ditch and installed a ditch plug without applying for the proper permits. Motion by Sorenson, seconded by Anderson, to approve submittal of the violation letter to landowner Wayne Demarais, regarding non-permitted work, stating that work shall be satisfactorily completed by April 15, 2021, or the District will hire a contractor to complete the work, with the landowner responsible for all costs incurred. Motion carried.

The Board reviewed Permit No. 20286, George Proulx, Lake Pleasant Township, Red Lake County. Motion by Page, seconded by Sorenson, to approve Option B, on Permit No. 20286, George Proulx, Lake Pleasant Township, Red Lake County, with conditions stated on the permit. Motion carried.

Motion by Sorenson, seconded by Anderson, to table Permit No. 21006 and 21007, Darwin Boutain, Hickory and Reiner Townships, Pennington County. Motion carried.

Motion by Page, seconded by Dwight, to approve the following permits with conditions stated on the permit: No. 21001, Kenneth Rolandson, Rolandson Family LLP, Smiley Township, Pennington County; No. 21002, Red Lake County Highway Department, Garnes Township, Red Lake County; No. 21008, Mike and Mario Paulson, Polk Centre Township, Pennington County; No. 21009, Gary Purath, Lake Pleasant Township, Red Lake County; No. 21010, Lon Seeger, Red Lake Falls Township, Red Lake County; No. 21011, Wade Joppru, North Township, Pennington County; No. 21012, Minnkota Power Cooperative, Inc., Sullivan Township, Polk County; No. 21013, Eric Johnson, Euclid Township, Polk County; No. 21014, Polk County Highway Department, Gentilly and Crookston Township, Polk County; No. 21015, Polk County Highway Department, Crookston Township, Polk County; No. 21020, Cody Walseth, Norden Township, Pennington County; and No. 21021, NC Estates, Rocksbury Township, Pennington County. Motion carried.

Motion by Sorenson, seconded by Dwight, to approve the purchase of five HOB0 Dissolved Oxygen Data Loggers and replacement dissolved oxygen sensor caps from Onset, at a purchase price of \$6,675.00. Motion carried.

Motion by Dwight, seconded by Sorenson, to approve a 3-year renewal for the District's Barracuda for licensing, support, and updates from Corporate Technologies at a cost of \$\$4,318.00. Motion carried.

Discussion was held on the recommended revisions by the Budget and Salary Committee to the District's Personnel Policy to include addition of Employee Performance Evaluations on all staff members. Motion by Sorenson, seconded by Anderson, to approve the recommended changes to the District's Personnel Policy regarding Employee Performance Evaluations as set forth by the Budget and Salary Committee. Motion carried.

Administrators Update:

- Jesme and Manager Tiedemann participated in the March 16, 2021 RRWMB meeting. The RRWMB approved the District's Step II funding submittal for the Pine Lake Project.
- Jesme was not able to participate in the MAWD Legislative meeting on March 17, 2021.
- Jesme and Hanson participated in the March 26, 2021 Thief River 1W1P Policy Committee meeting.
- Jesme and Hanson participated in the Clearwater River 1W1P PWG meeting on March 24, 2021.
- Jesme and Hanson will participate in the Red Lake River 1W1P PWG on April 1, 2021.
- Jesme will attend a pre-listening session with RRV Watershed District Administrators to discuss the upcoming listening session with BWSR.

Vice President Tiedemann discussed the MAWD Legislative meeting and discussion with Ray Bohn regarding BWSR.

Legal Counsel Sparby discussed the Appeal to the Improvement to Polk County Ditch 39, RLWD Project No. 179. Sparby stated that stipulation was that the motion hearing continuance was not to be scheduled for more than 60 days out.

Legal Counsel Sparby discussed the decision by the Board regarding the Neuschwander and Anderson drainage issue in regarding to sufficient ditch capacity.

Jesme and Legal Counsel Sparby have been working on the Black River Project, RLWD Project No. 176 easements.

Manager Dwight asked about the progress on the outlet downstream of the Euclid East Impoundment, RLWD Project No. 60C. Administrator Jesme stated that landowner Mike Gasper would like to see fall construction and will pre-haul his beets that are within the needed right-of-way. Jesme indicated that the project is moving forward.

Manager Dwight updated the Board on the two job announcements and applications received. Interviews will be scheduled with approximately five applicants.

Vice President Tiedemann stated that with no further business, the meeting was adjourned.



LeRoy Ose, Secretary