

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
May 13, 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. A motion was made by Ose, seconded by Tiedemann, and passed by unanimous vote that the Board approve the agenda. Motion carried.

The Board reviewed the April 22, 2021 minutes. Motion by Sorenson, seconded by Anderson, to approve the April 22, 2021 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated May 12, 2021. Motion by Page, seconded by Ose, to approve the Financial Report dated May 12, 2021. Motion carried.

Staff member Nick Olson stated that landowner, Wayne Thorson, had contacted the District regarding a 72" culvert that has failed on Branch No. 108 of Ditch 12, RLWD Project No. 169. Mr. Thorson, who participated in the meeting via Zoom, requested that the District replace the existing culvert. Olson stated that when Ditch 12, RLWD Project No. 169 was established, this lateral along with two other laterals were included in the proceedings and turned over to the District but no work was completed other than establishing the buffer strips. Olson indicated that after reviewing the 1954 and 1984 ditch plans, there was no crossing or culvert shown on the plans and it appears this crossing was not installed as part of the legal drainage system. Legal Counsel Sparby stated that if the culvert was not part of the as-built plans, a hearing will need to be held to allow for the system to pay for the replacement of the culvert. Motion by Ose, seconded by Tiedemann, to schedule a hearing for June 24, 2021 at 9:30 a.m., at the Red Lake Watershed District office, for the purpose of adding a replacement 72" culvert in Branch No. 108, of Ditch 12, RLWD Project No. 169, as an improvement to the project. Motion carried.

Nicole Bernd, West Polk SWCD, participating via Zoom, requested funding for the following two grade stabilization projects from the District's 2021 Erosion Control Funds, RLWD Project No. 164: Hangsleben Project, Huntsville Township, Polk County, estimated project cost of \$8,500, with a request for cost share in the amount of \$6,375.00; and the Boushee Project, Huntsville Township, Polk County, estimated project cost of \$9,800, with a request for cost share in the amount of \$7,350, for a total of \$13,725. Motion by Tiedemann, seconded by Sorenson, to approve cost share in the amount of \$13,725 for the Hangsleben and Boushee Erosion Control Projects from the District's 2021 Erosion Control Funds, RLWD Project No. 164. Motion carried.

Nicole Bernd, West Polk SWCD, inquired on the status of the litigation for the Improvement to Polk County Ditch 39, RLWD Project No. 179. Bernd stated that she had secured a grant in the

amount of \$160,000 for the installation of side water inlets and if the project does not get constructed this year, the grant will be lost.

Engineer Tony Nordby gave an update on the Outlet Repair for Ditch No. 10, RLWD Project No. 161. Nordby also presented Change Order No. 1 in the amount of \$7,500.00 which included the installation of "Air Vents" on the 60" RCP Outlet Structure. Motion by Tiedemann, seconded by Anderson, to approve Change Order No. 1, in the amount of \$7,500.00 for R.J. Zavoral & Sons, Inc. for repairs to the outlet of Ditch 10, RLWD Project No. 161. Motion carried.

Engineer Tony Nordby, Houston Engineering, Inc., presented Change Order No. 2 in the amount of \$3,691.44 for installation of a 71" x 47" CSPA for the Black River Impoundment Project, RLWD Project No. 176. Nordby stated that Administrator Jesme negotiated with the landowner, that he is pay for the cost of the culvert, with the District paying for the installation of said culvert. Discussion was had that if the crossing was added to the project, would it then be the responsibility of the District. Jesme indicated that for future maintenance and if added to the "As Built" it would be best to add it to the project. Motion by Ose, seconded by Tiedemann, to approve Change Order No. 2 in the amount of \$3,691.44 to R.J. Zavoral & Sons, Inc. for construction of the Black River Impoundment Project, RLWD Project No. 176. Motion by Dwight, seconded by Tiedemann, to approve Pay Estimate No. 6, in the amount of \$102,112.08, to R.J. Zavoral & Sons, Inc. for construction of the Black River Impoundment Project, RLWD Project No. 176. Motion carried. Administrator Jesme stated that the larger spruce trees are planted at the Black River Church, black dirt has been placed and will be seeded by RLWD staff and Pennington SWCD will plant the potted spruce trees this week or early next week.

Engineer Dillion Nelson, HDR Engineering, Inc., and Wayne Johnson, City of Thief River Falls, appeared before the Board for discussion on potential additional items for construction of the City of Thief River Falls Oxbow Restoration and Stormwater Treatment Project, RLWD Project No. 46Q. Nelson proposed the installation of 6" drain tile where the City of Thief River Falls currently uses the area as snow storage, deeper pool for longer life span, installation of a third structure to bypass high flows and make hydrodynamic separator more effective to filter out trash, sediment and pollutants. Total additional potential cost is \$170,000. Nelson indicated that they have added a condition in the Specifications that the owner will have the right to remove full bid items if the bids come in over budget. Discussion was held on requesting additional funding from the project partners. Motion by Ose, seconded by Dwight, to approve the Plans and Specifications for construction of the Thief River Falls Oxbow Project, RLWD Project No. 46Q. Motion carried.

Administrator Jesme stated that easements will be required for two landowners for the construction of the Pine Lake Flood Damage Reduction and Fish Habitat Project, RLWD Project No. 26B. Jesme stated that on other FDR projects, the District has offered the landowner the taxable market value multiplied by 1.2 per acre. Motion by Anderson, seconded by Sorenson, to authorize the purchase of a permanent easement from Robert & Gail Coxen for 1.53 acres at total cost of \$9,447.35; and Alan & Katie Gingerich for .400 acres at a cost of \$2,874.91 which includes 2021 taxable market value multiplied by 1.2. Motion carried. Jesme indicated that one of the landowners requested a small plaque in honor of her late father who had previously owned

the property and was an instrumental in getting the original project completed. It was the consensus of the Board, that the District would place a plaque on the structure.

Administrator Jesme discussed an invoice to CenturyLink for the utilities for construction of Ditch 16, RLWD Project No. 177. Jesme discussed previous invoices submitted, and request to CenturyLink to review the invoices versus work actually completed. Motion by Sorenson, seconded by Page, to approve payment to CenturyLink in the amount of \$16,844.45, for construction of Ditch 16, RLWD Project No. 177. Motion carried.

Staff member Nick Olson participated in an inspection of the BR 6 Impoundment, RLWD Project No. 43A with staff from the NRCS. There is some concern with the outlet pipe cradle that has been tipping, and wave action erosion on the bank of the impoundment.

The Board reviewed a letter from the MnDNR regarding a domestic well interference complaint in Red Lake County that has been fully settled with the local landowners with irrigation systems.

Staff member Corey Hanson presented a quote in the amount of \$4,869.70 from Eureka for the purchase of a water quality sonde. Hanson discussed the cost to repair the current sonde versus purchasing new equipment. Motion by Tiedemann, seconded by Ose, to approve the purchase of a water quality sonde in the amount of \$4,869.70 from Eureka. Motion carried.

The board reviewed the permits for approval. Motion by Page, seconded by Anderson, to approve the following permits with conditions stated on the permit: No. 21038, Daniel Caillier, Louisville Township, Red Lake County; No. 21040, Knute Township, Polk County; No. 21041, Wayne DeMarais, Kertsonville Township, Polk County; No. 21044, Clarice DeBoer, Kertsonville Township, Polk County; No. 21045, Thief River Falls Regional Airport, Rocksbury Township, Pennington County; No. 21046, Minnesota Department of Transportation, Knute Township, Polk County; No. 21047, Red Lake County Highway Department, Terrebonne Township, Red Lake County; No. 21048, Red Lake County Highway Department, Red Lake Falls Township, Red Lake County; No. 21049, Kevin Malwitz, Emmardville Township, Red Lake County; No. 21050, Donavon Dahl, Rollis Township, Marshall County; No. 21051, Trent Stanley, Moylan Township, Marshall County; No. 21052, Moylan Township, Marshall County; No. 21053, Lonnie Longtin, Garnes Township, Red Lake County; No. 21054, Marshall County Highway Department, Grand Plain, Marshall County; and No. 21055, Como Township, Marshall Township. Motion carried.

The Board reviewed a list of Excess or Surplus Property that was determined to be no longer needed or needs replacement. Motion by Tiedemann, seconded by Sorenson, the Advertise of Bids the Excess or Surplus Property, with bids to be received by 4:30 p.m., June 23, 2021 at the Red Lake Watershed District office, and will be publicly opened at the Board of Managers meeting on June 24, 2021 at 9:15 a.m. The Board reserves the right to reject any or all bids.

#### Administrators Update:

- Jesme and Manager Ose will attend the May 18, 2021 RRWMB meeting.
- The Policy Committee for the Clearwater River 1W1P met on April 28, 2021. Included in the packet was the agenda for the meeting.
- Staff member Slowinski has been working with schools on River Watch this spring.

- MAWD Region 1 Administrators will meet on May 19, 2021 to discuss BWSR activity and other legislative items as we near the end of the legislative session.

Legal Counsel Sparby discussed the Appeal for the Improvement to Polk County Ditch 39 Project, RLWD Project No. 179. Sparby filed a Motion, and a hearing has been held before the Court. Sparby stated that the court has to decide if they have jurisdiction and if the appeal was filed properly.

Manager Ose discussed the RRWMB meeting and research the USGS is conducting on the lack of water and water quality in the Thief River 1W1P.

Manager Ose stated that he will not be at the May 27, 2021 meeting.

Manager Page stated that landowner Mike Knott approached him with his concerns on the burying of stumps at the outlet of Ditch 10, RLWD Project N. 161, and the possibility of the area settling once the stumps rot. Administrator Jesme stated that he asked the contractor to bury the trees close to the tree row and that the concerns of the landowner can be addressed in the temporary easement document. The District will monitor the situation.

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



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LeRoy Ose, Secretary