

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
October 14, 2021

President Dale 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 Nelson, Gene Tiedemann, Terry Sorenson, Allan Page, LeRoy Ose, Brian Dwight and Tom Anderson. Staff Present: Myron Jesme, Arlene Novak and Legal Counsel, Delray Sparby.

The Board reviewed the agenda. Recommended to add the distribution of sales tax from RLWD Ditch 16, RLWD Project No. 177. A motion was made by Ose, seconded by Tiedemann, and passed by unanimous vote that the Board approve the agenda with the distribution of sales tax of RLWD Ditch 16, RLWD Project No. 177 added to agenda. Motion carried.

The Board reviewed the September 23, 2021, minutes. Motion by Tiedemann, seconded by Sorenson, to approve the September 23, 2021, Board meeting minutes as presented. Motion carried.

The Board reviewed the Special Board meeting minutes of October 6, 2021. Motion by Tiedemann, seconded by Page, to approve the minutes of October 6, 2021. Motion carried with Manager Dwight abstaining from voting due to his absence at this meeting.

President Nelson introduced new employee, Ann Jopru, to the Board.

The Board reviewed the Financial Report dated October 13, 2021. Motion by Sorenson, seconded by Page, to unanimously approve the Financial Report dated October 13, 2021. Motion carried.

Discussion was held on the regular November meeting dates which currently fall on Veterans Day and Thanksgiving. Motion by Ose, seconded by Anderson, to approve moving the November meeting dates to November 10<sup>th</sup> at 9:00 A.M. and November 24<sup>th</sup> at 9:00 A.M. Motion carried.

Matt Fischer, Board of Water and Soil Resources, presented a Legislative Summary and explained in detail the funding sources and which agency the funding sources were for. The Clean Water fund dollars projected for the next biennium for the Red Lake and Thief River One Watershed One Plan were approximately \$1,071M for Red Lake and \$500,000 for Thief River. Manager Dwight inquired of Mr. Fischer on the amount of 1W1P funds that could be used as Administrative and if that amount could be from contracted services. The answer was yes it could be used for contracted services and possibly up to 50%. Currently BWSR is planning a watershed district manager training on February 4, 2022 in Warren and February 11, 2022 in Buffalo Red. Grants training for watershed staff for competitive grants is upcoming.

The final payment hearing for Taggart Contracting, Inc. for the Threatt Ring Dike project was called to order at 9:30 a.m. Engineer, Blake Carlson, Widseth Smith Nolting, & Associates, Inc., submitted correspondence stating Taggart Contracting, Inc. has completed all construction in the amount of \$113,575.00. Administrator Jesme stated the RLWD has not received the IC134 from Taggart Contracting, Inc. Motion by Dwight, seconded by Tiedemann to close the hearing. Motion carried. Motion by Tiedemann, seconded Ose, to approve the final payment to Taggart Contracting, Inc. in the amount of \$2,000 for the Threatt Ring Dike, RLWD Project No. 129AS upon receipt of the IC134 form, consent from surety, and lien waivers from material suppliers and sub-contractors. Motion carried.

The Board reviewed Pay Estimate No. 15 in the amount of \$293,579.96 for the Black River Impoundment, RLWD Project No. 176. Motion by Tiedemann, seconded by Sorenson, to approve Pay Estimate No. 15 In the amount of \$293,579.96 to R.J. Zavoral & Sons, Inc., for the construction of the Black River Impoundment, RLWD Project No. 176. Motion carried. Engineer Tony Nordby, Houston Engineering, Inc. answered questions from the Board on the vinyl sheet piling used in the wetland area. Engineer Nordby also stated that a draft punch list has been started and he will complete a final later, prior to finalizing and scheduling the final payment in the Spring. Administrator Jesme received a phone call from Polk Centre Township regarding the shape of one of the township roads that off-road trucks used for transporting riprap to various locations along the diversion ditches of the project. The township was requesting 250 ton of gravel for the damaged stretch of township road. Motion by Ose, seconded by Page, to approve gravelling the road, for a cost not to exceed \$3,750. Motion carried.

Pennington County Engineer Mike Flaagan presented a map on roads used by off-road trucks during construction to the same diversion ditches mentioned by Polk Centre Township. Pennington County gravels their roads every 3-4 years, depending on traffic on the roads, and the roads noted were graveled 2 years ago. Pennington County is requesting financial assistance to gravel those damaged roads at 10 loads per mile or 250 ton per mile, approximately \$21,000. Flaagan also said the paved roads will need to be patched in the next 2-3 years, but the county will absorb those costs. (Engineer Tony Nordby questioned the Board if R.J. Zavoral and Sons, Inc. should be contacted for sharing in the cost of the graveling.) Motion by Dwight, seconded Tiedemann to approve up to 250 ton per mile to repair Pennington County roads in the Black River Project and to inquire with cost sharing by RJ Zavoral & Sons. Motion carried.

The Board reviewed Pay Estimate No. 1 for the Thief River Falls Streambank Stabilization Project, RLWD Project No. 14/ Thief River 1W1P, RLWD Project No.149A to Quality Spray Foam/Anderson Excavating in the amount of \$75,510.96. Motion by Ose, seconded by Page, to approve Pay Estimate No. 1 to Quality Spray Foam/Anderson Excavating in the amount of \$75,510.96 for the Thief River Streambank Stabilization Projects, RLWD Project 14/149A. Motion carried.

Thief River Falls Westside Flood Damage Reduction Project is in the final stages of completion and it was noted that the Board should set the final payment hearing. Motion by Ose, seconded by Dwight, and passed unanimously to set the final payment hearing for R.J. Zavoral & Sons, Inc. in regard to the Thief River Falls Westside Flood Damage Reduction Project for Wednesday, November 24, 2021 at 9:30 a.m. Administrator Jesme updated the Board on the

additional \$240,000 grant from MnDNR for the Thief River Westside FDR Project. Jesme also stated that the funds for the construction work for MnDOT Trunk Highway 1 in the amount of \$288,435.60 had been received and a submittal to MnDOT in the amount of \$400,000 for Trunk Highway 32 will be completed in the next week or so.

Administrator Jesme stated that he had been contacted by a landowner regarding the Marlin and Sharon Johnson property purchased by the District for the Thief River Westside FDR Project, RLWD Project No. 178. After considerable discussion by the Board, a motion was made by Sorenson, seconded by Dwight, to declare the remaining land not used within project area as excess property and advertise for sale with the option to reject any or all bids Motion carried. Jesme indicated he will get the land property legal description and bid information together and submit it to the Board for approval at a future meeting.

The Board reviewed Pay Estimate No.1 for the Thief River Oxbow Restoration and Stormwater Treatment Project, RLWD Project 46Q, to Spruce Valley Corporation, Inc., in the amount of \$269,731.32. Dillon Nelson, HDR, Inc., stated that Spruce Valley Corporation, Inc. is approximately 75% completed with the project. Motion by Ose, seconded by Anderson, and passed unanimously to approve Pay Estimate No. 1 to Spruce Valley Corporation, Inc. in the amount of \$269,731.32.

Pay Estimate No. 1, Larson Ring Dike, RLWD Project No. 129AV, for Bertils Gravel in the amount of \$27,091.75 was reviewed by the Board. The Larson Ring Dike is located east of Crookston. Motion by Tiedemann, seconded by Page, to approve Pay Estimate No. 1 to Bertils Gravel in the amount of \$27,091.75. Motion carried.

Engineer Nate Dalager, HDR, Inc. gave a Pine Lake construction update, RLWD Project No. 26B. Dalager indicated that the outlet structure has been poured, the outlet channel has been constructed, the fish passage rock weirs were placed and the inlet channel from the lake to the concrete structure have been completed. MnDNR had been onsite for a complete day to help with placement of the rock for the fish passage. Currently the optimum winter elevation has already been reached.

Quotes for the Demarais/Hanson Outlet Project, Red Lake River 1W1P, RLWD Project No. 149, were reviewed. The engineer's estimate for the project is \$160,625.00. The low quote was from Gladen Construction, Laporte, MN, in the amount of \$147,350. A preconstruction meeting is scheduled for October 20, 2021 at the Red Lake Watershed District office. Motion by Tiedemann, seconded by Page, and unanimously passed, to accept the low quote from Gladen Construction, Inc., and award the contract in the amount of \$147,350.

Cost share requests from Red Lake Soil and Water Conservation Districts for Grade Stabilization Projects were reviewed. The Beyer project is located in Section 10 of Louisville Township and \$1,100 is requested to assist with the local match requirement for this project. The total project cost is \$9,170 and 75% of project will be using the 2020 Watershed Based Funding. Second cost share request is \$1,000 for two grade stabilization projects located in Section 28 of Gervais Township for landowner Gagnon. The total project costs for the Gagnon project were \$9,110.50 with Red Lake SWCD using Board of Water and Soil Resources Clean Water Fund to fund 75%

of the project cost. The third cost share request is for two grade stabilization projects in Section 32 of Browns Creek in the amount of \$3,000. The total project cost is \$28,446.00. The Red Lake SWCD will be using 2020 Watershed Based Funding for 75% of total project cost. Motion by Page, seconded by Ose, to approve the three pay requests to Red Lake SWCD in the amount of \$5,100, with funds to come from the 2021 Streambank Erosion Fund, RLWD Project No. 164. Motion carried.

Discussion on the Judicial Ditch 72 Consolidation hearing was had. Administrator Jesme indicated that the Joint Board approved the separation of the remaining portion of "old" JD 72 into two systems. One system located west of the Lost River they named Joint Ditch 100, and the other system located east of the Lost River they named Joint Ditch 101. It was recommended to the Board that we should abandon Project 41 and start with two new project numbers, RLWD Project No. 41A for Judicial Ditch 100 and RLWD Project No. 41B for Judicial Ditch 101. It was also recommended to appoint Manager Sorenson and Anderson to the two Joint Boards.

Motion by Tiedemann, second by Dwight to separate the two systems and name them RLWD Project No. 41A and RLWD Project No. 41B and to appoint Managers Sorenson and Anderson to the two Joint Boards. Motion carried.

River Watch Advisors from the school districts were inquiring about purchasing additional River Watch apparel for newer students in the groups. Motion by Tiedemann, seconded by Anderson, to approve the purchase of additional River Watch apparel for current River Watch Students. Motion carried. Manager Page abstained from discussion and voting.

Motion by Tiedemann, seconded by Ose, to approve a one-year extension of Permit No. 19181, Wayne Vettleson. Motion carried.

Motion by Page, seconded by Anderson, to approve the following permits with conditions stated on the permit: No. 21144, Red Lake Band of Chippewa Indians, Hangaard Township, Clearwater County; No. 21153, Polk County Highway Department, Onstad Township, Polk County; No. 21154, Red Lake County Highway Department, Emardville Township, Red Lake County; No. 21155, Sullivan Township, Polk County; No. 21156, Gerald Wayne, Grand Plain Township, Marshall County; No. 21157, Peter Quam, Badger Township, Polk County; No. 21158, Leif Kolstoe, Garnes Township, Red Lake County; No. 21159, Doug Derosier, Gervais Township, Red Lake County; No. 21160, Cody Walseth, Norden Township, Pennington County; No. 21161, Harlow Johnson, Rocksbury Township, Pennington County; No. 21162, Carl Moland, Onstad Township, Polk County; No. 21163, Matt Schafer, Gervais Township, Red Lake County; No. 21164, Dale Kolseth, Wyandotte Township, Pennington County; and No. 21165, Wayne Vettleson, Equality Township, Red Lake County.

Administrators update:

- Jesme and Manager Ose will attend the October 19, 2021 RRWMB Meeting.
- Jesme and Manager Anderson attended the Clearwater County Board meeting on October 12<sup>th</sup>, 2021.
- Jesme plans to participate in a virtual Drainage Workgroup meeting this afternoon at 1:00 p.m.

- A Mud River Restoration Update meeting will be held on October 15, 2021.
- The Clearwater River Planning Workgroup meeting will be held October 20<sup>th</sup>, with a Policy Committee meeting held on November 3, 2021.
- The Red Lake River 1W1P Policy Committee met on October 13, 2021 to review budgets, update projects and funding requests and approve the amended Cost-Share Policy.
- Staff member Slowinski along with the Red Lake Falls River Watch students completed a macroinvertebrate sampling on October 5<sup>th</sup>. Slowinski also took the Clearbrook/Gonvick River Watch students kayaking on the Clearwater River south of Clearwater Lake.
- Staff member Hanson attended the Pennington County WRAC meeting held in the District office on October 11<sup>th</sup>.

Legal Counsel Sparby stated that he had reviewed the Gladen Construction contract documents for the Demarais/Hanson Outlet Project, RLWD Project No. 149, finding them to be adequate.

Discussion was held on a Court of Appeals Case in Renville County, MN where they did not complete an EAW as part of the improvement proceedings and the case was later appealed by Minnesota Environmental Advocacy Group. Renville County lost the case on appeal. As part of the appeal, it was determined that even though the water involved was not listed as a public waters in the DNR public waters inventory, the court sided that an EAW should have been completed. Administrator Jesme will follow-up with Renville County.

Discussion was held on the appeal for the Improvement to Polk County Ditch 39, RLWD Project No. 179. Due to the former judge recusing himself due to a potential conflict of interest with a petitioner, Judge Tamara Yon will replace the current sitting judge. Administrator Jesme asked if this will set back the timeline for a conclusion and Mr. Sparby stated that it would have to follow the new Judge's schedule.

Managers Ose updated the Board on the Red River Basin Commission and their plans to host the annual conference in Winnipeg in 2022.

Motion by Tiedemann, seconded by Page, to enter into Executive Session for discussion related to labor negotiations. Immediately after closing the meeting, there was a motion by Ose, seconded by Tiedemann, to re-open the meeting. Motion carried. Discussion was had on expanding training options for newly hired Accounting Officer. Motion by Tiedemann, seconded by Sorenson to allow Staff member Arlene Novak additional overtime hours for training the new staff person through October 29, 2021.

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



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LeRoy Ose, Secretary