

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
April 14, 2022

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

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

The Board reviewed the March 24, 2022, minutes. Motion by Anderson, seconded by Dwight, to approve the March 24, 2022, Board meeting minutes with correction. Motion carried.

The Board reviewed the Financial Report dated April 13, 2022. Motion by Sorenson, seconded by Tiedemann, to approve the Financial Report dated April 13, 2022, as presented. Motion carried.

Brian Opsahl, Brady Martz & Associates, P.A., presented the 2021 Annual Audit Report. After various questions by the Board, a motion was made by Tiedemann, seconded by Ose, and passed by unanimous vote that the Board approve the 2021 Annual Audit Report as presented.

At 9:30 a.m. President Dale M. Nelson stated that the bid opening for the Knutson Dam Structure Replacement, RLWD Project No. 50F, 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: Taggart Contracting, Inc., \$150,638.00; Olson Construction TRF Inc., \$179,017.00; Triple D Construction and Leasing, Inc., \$228,569.50; and RJ Zavoral & Sons, Inc., \$243,673.05. Motion by Page, seconded by Dwight, and passed by unanimous vote to accept the apparent low bid from Taggart Contracting, Inc., in the amount of \$150,638.00 for construction of the Knutson Dam Structure Replacement, RLWD Project No. 50F, contingent upon the approval by Legal Counsel Sparby, District Staff, and Project Engineer, Tony Nordby, Houston Engineering, Inc. in their review of the bid documents and materials.

Administrator Jesme and Engineer Tony Nordby, Houston Engineering, Inc., discussed damages to the outlet of Ditch 10, RLWD Project No. 161 which occurred during the 2022 spring runoff. Nordby stated that the upper portion of the outlet eroded as it appears water went around the rock, cutting the channel back. District staff and staff from Houston Engineering and a local contractor are currently onsite to try and minimize any additional cutting/erosion. Nordby stated that they want to evaluate the situation and try to stabilize the bank to keep the blow sand and

dirt from going down into the plunge pool. Jesme will discuss this site with the Red Lake River 1W1P Planning Work Team members.

Administrator Jesme stated that the landowner that rented the land within the Black River Impoundment, RLWD Project No. 176, is not intending to rent the agricultural land this year. Discussion was held on enrolling the portion of the land that the District owns into CRP. Jesme indicated that the previous renter would be able to enroll the land immediately into CRP, whereas another renter would have to wait one year. It is proposed that the District would get 25% of the CRP payment for rent and the renter would keep the remaining portion for maintenance, etc. Motion by Dwight, seconded by Sorenson, and passed by unanimous vote, to grant Administrator Jesme the authority to negotiate with the current renter, to either farm a portion of the property with the remaining area being enrolled into a CRP contract or having the current renter enroll the entire portion into CRP.

Staff member Corey Hanson stated that the Thief River 1W1P, RLWD Project No. 149A, identified several projects that need feasibility studies. The Moose River/Judicial Ditch 21 Channel Stability Project is a site located between the Moose River Road and Highway 54. Discussion has been held with Beltrami County, indicating that they are interested in doing something in the area. Engineer Tony Nordby, Houston Engineering, Inc., discussed the priority issues of the project. Manager Dwight encouraged applying for a Clean Water Funding grant. Motion by Ose, seconded by Dwight, to authorize the approval of the Client/Owner Services Agreement with Houston Engineering, Inc., for engineering services for the Moose River/Judicial Ditch 21 Channel Stability Project, RLWD Project No. 149A. Motion carried.

The Board reviewed a memo from Andrew Graham, Red River Basin Coordinator, regarding applying for funding for a Legislative Citizen Commission on Minnesota Resources (LCCMR) grant to complete project assessment monitoring for projects developed under the 1998 Mediation Agreement. Administrator Jesme stated that Mr. Graham is looking for a letter of support to apply for a grant. Manager Ose stated that he would like to table this item until the April 28, 2022 Board meeting to allow him to have discussion of this matter at the RRWMB meeting held on April 19, 2022.

Staff member Tony Olson discussed the County Ditch 1, RLWD Project No. 103 landowner meeting held in Gonvick on April 1, 2022. Olson stated that the ditch was established in 1904 and turned over to the District from Clearwater County in 1982. The project has a benefitted area, but no construction plans to help determine the exact location of the system. Landowners were given three options; do nothing, abandon the system or redetermination of benefits. The landowners were informed that the District would give them approximately 30 days to submit any questions and if the District did not hear anything in the time frame the District would proceed with sending out petitions for abandonment to be signed by benefitted landowners.

Administrator Jesme, Engineer Nate Dalager, HDR Engineering, Inc., and Clearwater County Engineer Dan Sauve met with the Pine Lake Township Board for discussion on Phase 2 of the Pine Lake Project, RLWD Project No. 26. Phase 2 would require the replacement of the township road culvert immediately downstream of the Pine Lake outlet structure. Replacement

of the culvert would be funded through the Flood Damage Reduction portion of the Pine Lake Project. The MnDNR was on site prior to meeting with the township to review the structure and to assure there would be no fish passage issues as a result of replacing the existing culvert. Upon discussion with the Township Board, safety was also a concern as the current culvert does not have much cover over the culvert thus not allowing proper slope for a recovery area. Motion by Anderson, seconded by Sorenson, to authorize HDR Engineering, Inc. authority to get a cost estimate to develop the Plans and Specifications for Phase 2 of the Pine Lake Project, RLWD Project No. 26. Motion carried. Jesme noted that Pine Lake Township approved replacement of said culvert.

The Board reviewed an invoice to Hammond Township from the Polk County Highway Department in the amount of \$20,000, for replacement of a culvert in a Hammond Township road on the Burnham Creek Project, RLWD Project No. 43B. Manager Tiedemann met with Hammond Township in 2020, urging them to coordinate with Polk County Highway Department in the application of State Highway Funds to assist in the cost of replacing the culvert. Polk County Highway Department received the funds, with the remaining balance of \$20,000 due. Administrator Jesme indicated that the Burnham Creek Project has a benefitted area that the remaining balance could be assessed back to the system. Discussion was held on the Settlement Agreement handed down by the courts which stated the RLWD agreed to install the additional culverts at this location. Motion by Tiedemann, seconded by Ose, to authorize payment in the amount of \$20,000 to Polk County Highway Department for replacement of the culvert in Hammond Township on the Burnham Creek Project, RLWD Project No. 43B. Motion carried.

Administrator Jesme stated that as part of the Clearwater River 1W1P, RLWD Project No. 149B, it is recommended that we should include a section for the establishment of a Water Management District should the need arise. The language would be similar to what we completed for the Thief River 1W1P. Motion by Dwight, seconded by Tiedemann, to request that establishment of a Water Management District to be included in the Clearwater River 1W1P, RLWD Project No. 149B. Motion carried.

The Board reviewed previously tabled RLWD Permit No. 21-181, Ron Grande, Godfrey Township, Polk County. Motion by Sorenson, seconded by Page, to approve RLWD Permit No. 21-181, Ron Grande, Godfrey Township, Polk County. Motion carried.

Staff member Tony Olson stated that after staff member Nick Olson viewed RLWD Permit No. 22-013, Pennington County Highway Department, Smiley Township, during the spring run-off conditions, it was determined that the existing centerline culvert shall remain in-place and not be plugged. Motion by Tiedemann, seconded by Page, to rescind the motion made at the March 24, 2021 RLWD Board meeting for approval, and based upon further review to deny RLWD Permit No. 22-013, Pennington County Highway Department, Smiley Township. Motion carried.

Motion by Anderson, seconded by Ose, to table RLWD Permit No. 22-019, Randy Lee, Badger Township, Polk County, until after the proposed land has been included into the benefitted area of Polk County Ditch No. 111. Motion carried.

Motion by Page, seconded by Sorenson, to approve the following permits with conditions stated on the permit: No. 22015, Patricia Erdman, Andover Township, Polk County; No. 22021, Tim Dufault, Gentilly Township, Polk County; No. 22-025, Louisville Township, Red Lake County; No. 22026, Mike and Gene Tiedemann, Euclid Township, Polk County; and No. 22027, Randall W. Ayers, Norden Township, Pennington. Motion carried, with Manager Tiedemann abstaining.

Motion by Tiedemann, seconded by Anderson, to approve renewal of the District's ESRI ArcGIS at a reduced rate obtained by Staff member Christina Slowinski for a cost of \$420.00. Motion carried.

Administrator Jesme stated that a joint summer tour will be hosted by MAWD, Red River Basin and BWSR on August 23-25, 2022.

Discussion was held on filling the position vacated by Staff member Nick Olson. Administrator Jesme stated that the posting was advertised until April 19, 2022. Jesme and the hiring committee will come back with a recommendation to the full Board at our meeting held April 28th.

Administrators Update:

- Manager Ose will participate in the RRWMB on April 19th, with Jesme joining via Teams. Included in the packet was an update on LiDAR Data Acquisition.
- Included in the packet was a BWSR Newsletter focusing on the Red Lake SWCD and work they have completed within the Clearwater River watershed.
- Jesme and Staff member Corey Hanson attended a meeting regarding Chiefs Coulee on April 8th.
- Jesme participated in a State of Minnesota 404 Certification meeting set by the RRWMB. The meeting allowed the member Watershed Districts the opportunity to ask questions to BWSR as to the process and changes which may occur should the State of Minnesota assume 404 permit authority.
- Staff member Corey Hanson participated in the Pennington County WRAC meeting held in the District office.
- The first organizational meeting for the Upper/Lower Red Lake Watershed 1W1P was held on March 24, with Staff member Corey Hanson participating in person.
- The Mud River Project Work Team meeting was held on March 18, with Staff member Corey Hanson representing the District.
- The Red Lake River 1W1P met on April 13th at the District office.

Legal Counsel Sparby discussed House File 4274 regarding the implementation of a portal for ditch maintenance that would be administered by BWSR. It was the consensus of the Board to draft a letter of opposition to House File 4274 and submit to the proper authorities.

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Legal Counsel Sparby reviewed a Response to a Brief on the Appeal for the Improvement to Polk County Ditch 39, RLWD Project No. 179. Sparby will notify the District when the hearing will be held via Zoom.

Manager Brian Dwight discussed a “Keep it Clean” news article in the Star Tribune in which they interviewed Robyn Dwight, President Upper Red Lake Area Association.

Administrator Jesme discussed a handout from the Red River Retention Authority regarding future FDR projects and goals. Jesme will discuss this further at the April 28, 2022 Board meeting.

Manager Anderson discussed a request from a landowner on Joint Ditch 101, RLWD Project No. 41 (formerly JD 72) regarding the process to have the ditch system transferred to the District instead of the Joint Board presently in place. Legal Counsel Sparby suggested that the landowner submit a letter to the Joint Board requesting the transfer of the Joint Ditch 101 to the RLWD.

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



LeRoy Ose, Secretary