

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
December 10, 2020

President Dale M. Nelson called the meeting to order via conference call at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present in person: Dale M. Nelson, Gene Tiedemann, Allan Page, and Terry Sorenson. Present via conference call: Brian Dwight, LeRoy Ose, and Les Torgerson. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel, Delray Sparby.

The Board reviewed the agenda. President Nelson requested the addition of a Subordination Agreement for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion by Page, seconded by Sorenson, and passed by unanimous vote that the Board approve the agenda with the addition of a Subordination Agreement for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Upon roll call vote, motion carried unanimously

The Board reviewed the November 24, 2020 minutes. Motion by Torgerson, seconded by Ose, to approve the November 24, 2020 Board meeting minutes. Upon roll call vote, motion carried unanimously. Motion carried.

The Board reviewed the Financial Report dated December 9, 2020. Motion by Tiedemann, seconded by Page, and passed by unanimous vote to approve the Financial Report dated December 9, 2020. Upon roll call vote, motion carried unanimously.

Staff member Arlene Novak reviewed the General Fund Budget as of November 30, 2020.

Staff member Arlene Novak reviewed the 2020-2021 League of Minnesota Cities coverage changes and premium rates, stating that the District received a \$700 dividend for 2020.

Administrator Jesme reviewed the 2019 Pay Equity Compliance Report. Motion by Tiedemann, seconded by Sorenson, to approve the 2019 Pay Equity Compliance Report. Upon roll call vote, motion carried unanimously.

Engineer Jerry Pribula, Pribula Engineering, joined the meeting via conference call. Pribula stated that construction on Ditch 16 was substantially completed and reminded the Board that the final completion date is May 18, 2021. Pribula discussed the original construction bid, and additions to the contract. Administrator Jesme stated that the additional side water inlet culverts that were installed are reimbursable through the Red Lake River 1W1P, RLWD Project No. 149 and Red River Watershed Management Water Quality funds. Pribula stated that the project is dormant seeded and will be inspected next spring. Pribula referenced a subcontractor that was problematic by delivering substandard material. The Board reviewed Pay Estimate No. 11 in the amount of \$236,108.27 to Burski Excavating, Inc. for construction of RLWD Ditch 16, RLWD Project No. 177. Motion by Tiedemann, seconded by Sorenson, to approve Pay Estimate No. 11 for \$236,108.27 to Burski Excavating, Inc., for Ditch 16, RLWD Project No. 177. Upon roll call vote, motion carried unanimously. Discussion was held on the additional work completed by

Burski Excavating, Inc., on locating telephone lines, relocation of the Marshall Polk Rural Water lines and cross over lines with PKM Electric. The Board reviewed an invoice from Burski Excavating in the amount of \$16,780 for relocation of the CenturyLink lines. Discussion was held on the \$34,341.68 deposit that the District was required to pay upfront to CenturyLink for costs associated with the assumption of moving their lines and pedestals. Pribula stated that the District also agreed to pay Olson Underground for moving CenturyLink lines located within the right of way of TH 220, which was approved by CenturyLink representative Charles Grummons and the responsibility of CenturyLink. Olson Underground indicated to Pribula that he was reluctant to bore lines for CenturyLink without the District being involved in the payment as in his past dealings with CenturyLink, they do not pay their bills in a timely manner. Jesme informed the Board that Olson Underground still has not been reimbursed by CenturyLink for that work which was to be paid back to the District. After considerable conversation about the delinquent bill, motion by Tiedemann, seconded by Page, to authorize payment in the amount of \$16,780 to Burski Excavating, Inc., for relocation of the CenturyLink utility lines. Upon roll call vote, motion carried unanimously.

Engineer Nate Dalager, HDR Engineering, Inc., stated that R.J. Zavoral & Sons, Inc., requested a reduction in the retainage from 5% to 2.5% for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion by Torgerson, seconded by Sorenson, to approve the reduction in the retainage held from R.J. Zavoral and Sons, Inc., from 5% to 2.5% for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Upon roll call vote, motion carried unanimously. Dalager stated that he is working on a breakdown of project constructions costs and overages, along with discussions with project partners. Legal Counsel Delray Sparby presented a Subordination Agreement and Easement with the City of Thief River Falls and Thief River Falls Regional Airport Authority. Sparby indicated that Federal Aviation Administration (FAA) had reviewed the document and recommended revisions. Sparby noted that the FAA has the right to terminate the document at any time. Motion by Tiedemann, seconded by Sorenson, to approve the easement as to form and content and authorize President Nelson to sign the Subordination Agreement with the City of Thief River Falls and Thief River Falls Regional Airport Authority for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Upon roll call vote, motion carried unanimously.

Engineer Tony Nordby, Houston Engineering, Inc., reported that construction on the Black River Impoundment, RLWD Project No. 176, has proceeded extremely well with the good weather conditions. Nordby stated that the concrete in the outlet structure is in-place. Discussion was held on a clay liner that was installed on the emergency spillway to reduce the risk of erosion and discussion with a landowner's concern regarding the diversion ditch around the church and potential of erosion. The Board reviewed Pay Estimate No. 3 in the amount of \$631,576.10 to R.J. Zavoral & Sons, Inc., for construction of the Black River Impoundment, RLWD Project No. 176. Motion by Sorenson, seconded by Tiedemann, to approve Pay Estimate No. 3 in the amount of \$631,576.10 to R.J. Zavoral & Sons, Inc., for construction of the Black River Impoundment, RLWD Project No. 176. Upon roll call vote, motion carried unanimously. The Board reviewed a Special Construction Proposal in the amount of \$16,947.56, from CenturyLink, for work along CSAH 3 and County Road 67. Motion by Tiedemann, seconded by Page, to approve the Special Construction Proposal with CenturyLink, in the amount of \$16,947.56, for the Black River

Impoundment Project, RLWD Project No. 176. Legal Counsel Sparby stated that signed easements with the landowners along the diversion ditches are not required prior to the start of construction. The District has given notice to the public that the land is encumbered. Nordby noted that once construction is completed on the dike, the contractor would like to do some clearing and snagging along the diversion ditches. Administrator Jesme will contact the landowners and pay out their damages. Sparby will draft a template for the easements.

Administrator Jesme discussed hiring Engineer Services for two projects for the Thief River 1W1P, RLWD Project No. 149A. Jesme recommended hiring HDR Engineering, Inc., to complete a reconnaissance report on the restoration of the Mud River in Agassiz National Wildlife Refuge which was diverted during the construction of Judicial Ditch 11 Main. Motion by Ose, seconded Tiedemann, to retain HDR Engineering, Inc., for the draft proposal of services to complete the Mud River/JD 11 Reconnaissance Report for the Thief River 1W1P, RLWD Project No. 149A. Upon roll call vote, motion carried unanimously. Jesme recommend retaining Houston Engineering, Inc., to complete a study to prioritize areas for the Thief River Streambank Project. Motion by Page, seconded by Sorenson, to retain Houston Engineering, Inc., for completion of the Thief River Streambank Study, RLWD Project No. 149A. Upon roll call vote, motion carried unanimously. Both engineering firms will submit proposals to the Board.

Administrator Jesme reviewed the Work Plan that was approved for the 2020 biennium for the Red Lake River 1W1P, RLWD Project No. 149. Discussion was held on the repairs to the outlet of Pennington County Ditch 96, west of the old railroad bed south of St. Hilaire, and additional items that need attention. President Nelson stated that he will contact the Pennington County Commissioners and Engineer regarding potential repairs to the system.

The Board reviewed Pay Estimate No. 2 to Davidson Construction in the amount of \$50,000 for the installation of a box culvert for the Agassiz National Wildlife Refuge/Ditch 11 Project, RLWD Project No. 180B. Motion by Ose, seconded by Torgerson, to approve Pay Estimate No. 2, in the amount of \$50,000, to Davidson Construction for the Agassiz National Wildlife Refuge/Ditch 11 Project, RLWD Project No. 180B. Administrator Jesme indicated, that once the final payment is made, the Final Report to the MnDNR will be completed to close out the Conservation Partners Legacy Grant.

The Board reviewed an itemized worksheet for the installation of side water inlet (SWI) culverts located in Marshall County. The Marshall SWCD is requesting their 2020 Erosion Control Funds, RLWD Project No. 164, appropriation for the installation of SWI's. Motion by Dwight, seconded by Page, to approve payment in the amount of \$12,500 from the District's 2020 Erosion Control Funds, RLWD Project No. 164, to the Marshall SWCD. Upon roll call vote, motion carried unanimously.

The Board reviewed the Project Evaluation Worksheet that will be submitted to the RRWMB as part of the Step 1 funding submittal for the Pine Lake Flood Damage Reduction and Fish Passage Project, RLWD Project No. 26B. Motion by Torgerson, seconded by Sorenson, to authorize President Nelson, sign the Project Evaluation Worksheet and Step 1 funding submittal to the

RRWMB for the Pine Lake Flood Damage Reduction and Fish Passage Project, RLWD Project No. 26B. Upon roll call vote, motion carried unanimously.

The Board reviewed a proposal from Rinke Noonan for 2021 Legal Services. Administrator Jesme stated that there are two options: Option 1 is a \$200 monthly retainer and hourly services; Option 2 is hourly services only. Both hourly services will use rates for governmental clients. Motion by Dwight, seconded by Tiedemann, to authorize President Nelson to sign the Rinke Noonan Retainage Renewal, with Option 2. Upon roll call vote, motion carried unanimously.

The Board reviewed a letter drafted by Staff member Nick Olson, to landowner Monte Casavan, regarding the completion of unsatisfactory work along a Louisville Township road in Red Lake County, RLWD Permit No. 20189. Motion by Page, seconded by Tiedemann, to authorize the submittal of the letter to landowner Monte Casavan, regarding unsatisfactory work as it relates to work completed under RLWD Permit No. 20189, stating that work shall be satisfactorily completed by June 1, 2021, or the District will hire a contractor to complete the work, with the landowner responsible for all costs incurred.

Motion by Torgerson, seconded by Ose, to table RLWD Permit No. 20286, George Proulx, Lake Pleasant Township, Red Lake County, to allow for further survey and review. Upon roll call vote, motion carried unanimously.

The Board reviewed the permits for approval. Motion by Ose, seconded by Tiedemann, to approve the following permits with conditions sated on the permit: No. 20301, Gene Schmitz, Red Lake Falls Township, Red Lake County; No. 20304, David N. Bertils, Godfrey Township, Polk County; No. 20308, Curtis Funk, Wylie Township, Red Lake County; No. 20310, Alex Hinrichs, Browns Creek Township, Red Lake County; No. 20311, Duane Stroot, Belguim Township, Polk County; and No. 20312, Stanley Skibicki, Highlanding Township, Pennington County. Upon roll call vote, motion carried unanimously.

Discussion was held on the District's internet service. Motion by Sorenson, seconded by Tiedemann, to install internet service through Garden Valley Technologies in the amount of \$73.90 per month. Upon roll call vote, motion carried unanimously.

The 38<sup>th</sup> Annual Red River Basin Land and Water International Summit Conference will be a virtual event held on January 21, 2021. Engineer Tony Nordby, Houston Engineering, Inc., reported that the Black River Project, RLWD Project No. 176, will be featured at the conference.

#### Administrators Update:

- Jesme and Manager Ose will participate in the virtual RRWMB meeting on December 15, 2020, where the Step 1 submittal for the Pine Lake Project will be submitted.
- Jesme and Manager Ose attended the virtual Red River Basin Flood Damage Reduction Work Group meeting on December 9, 2020.
- The BWSR Annual meeting will be held December 17, 2020. Part of the agenda is the approval of the 2021 Clean Water Funds Competitive Grants Award, which includes \$250,000 for the TRF Oxbow Project. Of the 61 applicants, this project rated 13<sup>th</sup> and is tentatively in line for funding.

- Jesme and Staff members Hanson and Slowinski and Manager Tiedemann, participated in the virtual MAWD Annual Conference.
- Jesme will participate in a meeting with the U.S. Fish and Wildlife Service for a potential project under the Thief River 1W1P on June 15<sup>th</sup>.
- The first Clearwater River 1W1P Planning Work Group meeting will be held later today to review details of the development of the plan.
- Jesme attended the MAWD Legislative Committee meeting held on December 8<sup>th</sup>. Included in the packet was the 2020 MAWD Legislative Platform for review.
- The District was informed from the US Corps of Engineers regarding the release of waters from the Upper and Lower Red Lakes. Recent flooding concerns downstream of the dam, from the Kratka Bridge to the City of Thief Rivers Falls have been stressed. The USCOE reduced the flows to alleviate downstream flooding.
- Jesme participated in a zoom open house on December 2, 2020, regarding the FEMA DFIRM mapping developed for the Red Lake River within Pennington County and the City of Thief River Falls.
- Included in the packet was an August 2020 Water Quality Report.

Administrator Jesme informed the Board that Staff member Ashley Hitt has a pending offer for employment with the NRCS. Discussion was held on offering Hitt's position to a staff member within the District or advertising. The Board authorized Administrator Jesme to bring back options to the Board for future employment hiring.

Legal Counsel Sparby discussed a scheduling conference for the appeal on Ditch 17, RLWD Project 179.

Legal Counsel Sparby stated that he has not heard any additional information on the appeal for the abandonment of Judicial Ditch 5 (Four-Legged Lake), RLWD Project No. 102.

Manager Tiedemann reported that he was appointed to serve an additional 3-year term, representing West Polk County.

Manager Torgerson reported that he applied for an additional 3-year term serving Clearwater County, but has not heard on his confirmation.

Discussion was held on using Zoom for future Board meetings. District staff will set up a practice run with the Board President.

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



---

LeRoy Ose, Secretary