

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
July 9, 2020

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

The Board reviewed the agenda. Motion by Ose, seconded by Page, and passed by unanimous vote that the Board approve the agenda. Motion carried.

President Nelson recognized in the audience NRCS Staff, Cassie Ahmed and Abbi Klos and Pennington County Commissioner Darryl Tveitbakk.

The Board reviewed the June 25, 2020 minutes. Motion by Sorenson, seconded by Page, to approve the June 25, 2020 Board meeting minutes. Upon roll call vote, motion carried unanimously.

The Board reviewed the Financial Report dated July 8, 2020. Motion by Sorenson, seconded by Page, to approve the Financial Report dated July 8, 2020. Upon roll call vote, motion carried unanimously.

Engineer Jerry Pribula, Pribula Engineering, PLLC, appeared before the Board to discuss construction on Ditch 16, RLWD Project No. 177 and the lack of progress he is witnessing. Construction has been extremely slow and clearly a lack of equipment and manpower to complete the job. He is also concerned about the lack of hours that are being spent working on the project. Staff leaves at 1:00 on Friday afternoon and arrive around 9:00 am Monday morning. After considerable discussion it was determined that a letter be drafted to Ron Burski, owner of Burski Excavating, Inc. to express our concerns with the completion progress of the project within the allotted 365 working days, as stated in the Contract. Pribula further stated that it is not reasonable to make the landowners pay for a third year of crop damage. Discussion was held on Contract completion dates and the start date of enforcement for liquidated damages at a rate of \$1,000 per day. Motion by Sorenson, seconded by Ose, that all work shall be completed by the extended date of May 18, 2021, with liquidated damages enforced after the extended completion date. Upon roll call vote, motion carried unanimously.

Landowner Eric Larson appeared before the Board, to discuss his drainage concern on Ditch 16, RLWD No. 177. Larson stated that originally the NW1/4 NW1/4 of Section 31, Northland Township, Polk County was left out of the benefited area of the project as all water would flow south along State Highway 220 road ditch to a location approximately 2000 feet south of the project where it would then enter the Grand Marias. Now that the box culvert through HWY #220 was moved 400 feet to the south, it has blocked approximately 20 acres of his drainage in

the NW1/4, Section 31, Northland Township, Polk County. Administrator Jesme stated that due to the USACOE and WCA permitting and wetland impacts associated with that, it was decided to move the culvert thus blocking the drainage. Jesme indicated that Larson had proper drainage prior to moving the culvert in State Highway 220. Jesme indicated that not only does Larson need drainage for the 20 acres that is blocked, he also needs access to his property. Jesme indicated we can either put a culvert through the spoil thus allowing his water to drain into the newly constructed ditch or construct a perimeter ditch along the east side of the soil and install a culvert for access to the property. After considerable discussion of cost for each item, motion by Ose, seconded by Page, to install a 18" field inlet culvert through the spoil of the newly constructed ditch to allow 20 acres of his field to drain into the newly constructed ditch, add this property to the benefited area, with an Addendum to the Viewer's Report to include the area into the assessment of the project with zero benefits from the project, as the landowner had adequate drainage prior. Upon roll call vote, motion carried unanimously.

The Board reviewed Pay Estimate No. 5 in the amount of \$396,399.85 to R.J. Zavoral and Sons, Inc. for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion by Ose, seconded by Sorenson, to approve Pay Estimate No. 5 in the amount of \$396,399.85 to R.J. Zavoral and Sons, Inc., for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Upon roll call vote, motion carried unanimously. Engineer Dillion Nelson and Randy Knott, HDR Engineering, Inc., discussed installation of the culvert in Pennington County Road 7, recent rain events and pumping of the water. Nelson stated that boring of the pipe under State Highway 32 has encountered rock.

The Board reviewed two sound system rental proposals from Kezar Music for the Final Hearing for the Improvement to Polk County Ditch 39, RLWD Project No. 179. Administrator Jesme indicated that with Option 1 in the amount of \$330.00, would include Kezar Music being on-site to assist with the operation of the equipment. Motion by Torgerson, seconded by Dwight, to approve Option 1 for rental of a sound system for the Final Hearing for the Improvement to Polk County Ditch 39, RLWD Project No. 179. Upon roll call vote, motion carried unanimously. Jesme indicated that Hearing Notices listed procedures for COVID 19.

Discussion was held on the restoration of an oxbow located within the City of Thief River Falls, RLWD Project No. 92. Pennington County Commissioner Darrel Tveitbakk thanked the Board for their efforts in the project in working with the City of Thief River Falls.

The District has received the U.S. Army Corps of Engineers Permit application for the Black River Impoundment, RLWD Project No. 176. The Step 3 funding submittal will be presented to the RRWMB on July 21, 2020. Pennington County had previously held a hearing and will turn their legal drainage systems over to the District once the project is completed, which will include the benefited area of what used to be referred to as Lateral 3 of Judicial Ditch 25. Engineer Tony Nordby, Houston Engineering, Inc., reviewed the increased costs changes from the Step 2 submittal to the Step 3 submittal. Discussion was held on the RRWMB Star Value and what rate the District should request for funding. The Board reviewed the RRWMB Evaluation Worksheet for FDR Projects. Motion by Sorenson, seconded by Page, to authorize the Step 3 Submittal to

the RRWMB, authorizing President Nelson and Secretary Ose, the authority to sign the RRWMB Evaluation Worksheet for FDR Projects, for construction of the Black River Impoundment, RLWD Project No. 176. Upon roll call vote, motion carried unanimously.

The Board reviewed a MPCA 319 Grant Proposal Workplan for the Red Lake River Targeted Watershed Grant-Phase 1, for the Red Lake River 1W1P, RLWD Project No. 149. Administrator Jesme stated that as part of the grant, the District would be required to be the Fiscal Agent. Motion by Ose, seconded by Dwight, to approval the proposed Workplan with the District being the Fiscal Agent for the MPCA Section 319 Grant for the Red Lake River Targeted Watershed Grant-Phase 1, Red Lake River 1W1P, RLWD Project No. 149. Upon roll call vote, motion carried unanimously.

Staff member Nick Olson discussed the July 1, 2020 rain event, and with the predicted storms for the following weekend, gates on the Euclid East Impoundment, RLWD Project No. 60C, and Brandt Impoundment, RLWD Project No. 60D, were closed. The west gate of the Parnell Impoundment, RLWD Project No. 81, and the south lateral 2 weir gates were also closed. Release of water from the impoundments began on July 6, 2020, except for the Lateral 2 weir. Gates at the south pool of the Moose River Impoundment, RLWD Project No. 13, were also closed on July 1, 2020. Gates on the south and north pool will be opened on July 10, 2020. The Board discussed the outlet of the Brandt Impoundment, and possibility of buying additional easements. Olson stated that the area downstream of the Brandt Impoundment was not inundated, as they acted quickly on closing the gates. A survey of the downstream area has been completed, but contact has not been made with the landowners. Manager Tiedeman asked about the Euclid East Impoundment and discussion with the local landowners. Administrator Jesme indicated that a meeting with the landowners and Polk County will need to be held to discuss the legal drainage system.

Motion by Sorenson, seconded by Ose, to approve Permit No. 20-105 and 20-106, Linda Hanson, Star Township, Pennington County, contingent upon obtaining the signature of the landowner on the permit application. Upon roll call vote, motion carried unanimously.

Motion by Page, seconded by Torgerson, to approve RLWD Permit No. 20-109, Earl Pederson, Lake Pleasant Township, Red Lake County, contingent upon obtaining the signature of an additional landowner on the permit application. Upon roll call vote, motion carried unanimously.

The Board reviewed the permits for approval. Motion by Ose, seconded by Sorenson, to approve the following permits with conditions stated on the permit: No. 20-100, Josh Barrett, Sullivan Township, Polk County; No. 20-102, Jeremy Henry, Moylan Township, Marshall County; No. 20-108, Earl Pederson, Emardville Township, Red Lake County; No. 20-114, Ross Cota, Wylie Township, Red Lake County; No. 20-122 and 20-123, Dan Driscoll, Keystone Township, Polk County; No. 20-124, Dan Stroot, Belguim Township, Polk County; No. 20-127, Earl Pederson, Terrebonne Township, Red Lake County; No. 20-129, Arlen & Jared Eidelbes, Mayfield Township, Pennington County; No. 20-135, Mike Tiedemann, Euclid Township, Polk County; No. 20-136, Jarod Peterson, Northland Township, Polk County; No. 20-137, Donovan Wold,

Keystone Township, Polk County; and, No. 20-140, Robert Johnson, Winsor Township Clearwater County. Motion carried unanimously following roll call vote.

The Board reviewed a request from the City of Crookston to purchase .08 acres of wetland banking credits from the District, RLWD Project No. 147, for the installation of access to the Red Lake River on CSAH 11 at the Gentilly bridge area. This project is part of the Red Lake River Corridor Enhancement Project. Motion by Page, seconded by Tiedemann, to approve selling the City of Crookston, .08 acres of the District's Wetland Banking Credits, RLWD Project No. 147. Motion carried unanimously following roll call vote.

The Board reviewed correspondence from the Minnesota Association of Watershed Districts (MAWD) regarding submittal of 2020 MAWD Resolutions for consideration.

#### Administrators Update:

- Jesme and Manager Ose will attend the July 21, 2020, RRWMB meeting in Ada. The meeting will include a Step III submittal for the Black River Impoundment Project as well as an update of the TRF Westside FDR Project.
- Jesme attended the RRWMB Governing Documents meeting on July 7, 2020, at the District office.
- A Thief River 1W1P Policy Committee meeting will be held on July 14, 2020 at the District office. Review and approval of a cost share policy will be discussed.
- Jesme will participate a meeting following the Board meeting regarding the Moose River Streambank Project identified in the Thief River 1W1P.
- Lisa Frenette was awarded the River Watch Voyageur Award for her work securing funding for the River Watch Program.
- Staff member Olson continues to work with contractors to assure all buffer strips are maintained and inspected for compliance. Included in the packed was a mowing update as of July 7, 2020.

Engineer Jerry Pribula, Pribula Engineering, PLLC, discussed culvert sizes on the westerly portion of Ditch 16, RLWD Project No. 177 from State Highway 220 east to Polk County Road 62. The original ditch was designed with a 3-foot drop per mile with 5:1 slope. Pribula discussed the velocity of the ditch and potential of upsizing the culverts at all crossings to reduce the velocity and projected erosion problems in the future. Pribula determined that it would be cheaper to upsize the culverts then buy additional riprap to prevent erosion, stressing that this change does not affect or change the capacity of the ditch channel as presented at the public hearing. Motion by Sorenson, seconded by Page, to approve the change in culverts sizes from State Highway 220 east to Polk County Road 62 to reduce the velocity of the ditch and projected erosion for Ditch 16, RLWD Project No. 177. Motion carried unanimously following roll call vote.

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Legal Counsel Sparby stated that the Brief for Judicial Ditch 5 (Four-Legged Lake), RLWD Project No. 102 is due on July 13, 2020, with the Plaintiffs having one week to respond. A Zoom video is scheduled for July 21, 2020.

Manager Sorenson discussed the boundary change with the Sandhill River Watershed District located in Onstad Township, Polk County.

Motion by Page, seconded by Sorenson, and passed by unanimous roll call vote to adjourn the meeting.



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LeRoy Ose, Secretary