

RED LAKE WATERSHED DISTRICT  
Board of Manager's Minutes  
June 11, 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: Managers Dale M. Nelson, Terry Sorenson, Allan Page, LeRoy Ose and Les Torgerson. Present via conference call: Managers Gene Tiedemann and 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.

The Board reviewed the May 28, 2020 minutes. Motion by Torgerson, seconded by Sorenson, to approve the May 28, 2020 Board meeting minutes. Upon roll call vote, motion carried unanimously.

The Board reviewed the Financial Report dated June 10, 2020. Motion by Sorenson, seconded by Dwight, to approve the Financial Report dated June 10, 2020. Upon roll call vote, motion carried unanimously.

Staff member Arlene Novak reviewed the Investment Summary as of June 10, 2020.

Staff member Arlene Novak discussed the District's 2020 General Fund Levy, and how the levy is disbursed to the General Fund and the RRWMB. Novak referenced Board meeting minutes from January 29, 1988, and how the levied amount would be calculated. Motion by Ose, seconded by Torgerson, to continue using the same process as in the past. Upon roll call vote, motion carried unanimously.

Staff member Arlene Novak reviewed the General Fund Budget as of May 31, 2020.

Staff member Arlene Novak reviewed the League of MN Cities Insurance Trust 2020-2021 Notice of Premium Options for Standard Premiums of less than \$25,000 Workers Compensation. Following questions of the Regular Premium or Deductible Premium options, a motion was made by Ose, seconded by Page, to select the option of Regular Premium and approve Administrator Jesme to sign the renewal form. Upon roll call vote, motioned carried unanimously.

Staff member Arlene Novak presented information regarding the renewal of the District's League of Minnesota Cities Property and Casualty Liability Insurance and Excess Liability Coverage. Motion by Ose, seconded by Torgerson, to renew the Property and Casualty Liability Coverage with the League of Minnesota Cities, and waive the monetary limits on municipal tort liability to the extent of applicable liability insurance coverage and purchase excess liability coverage in the amount of \$2 million. Upon roll call vote, motioned carried unanimously.

The Board reviewed Pay Estimate No. 3 in the amount of \$356,473.89 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 Page, seconded by Sorenson, to approve Pay Estimate No. 3 in the amount of \$356,473.89 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.

The Board reviewed Change Order No. 4 for the construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178, with R.J. Zavoral and Sons, Inc., in the amount of \$15,594.00. Administrator Jesme stated that Change Order No. 4 is for an increase in the length of the 30-inch steel casing for sanitary sewer force main under Highway 32 by 23 feet which is part of the City of TRF portion of the contract. Motion by Sorenson, seconded by Dwight, to approve Change Order No. 4 in the amount of \$15,594.00 with R.J. Zavoral and Sons, Inc., for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178, subject to City of TRF approval. Upon roll call vote, motion carried unanimously. Engineer Nate Dalager, HDR Engineering, Inc., updated the Board on construction progress.

The Board reviewed Pay Estimate No. 2 in the amount of \$86,924.58, to Burski Excavating, Inc., for construction of RLWD Ditch 16, RLWD Project No. 177. Motion by Dwight, seconded by Sorenson, to approve Pay Estimate No. 2 to Burski Excavating, Inc., in the amount of \$86,924.58 for construction of RLWD Ditch 16, RLWD Project No. 177. Upon roll call vote, motion carried unanimously.

Administrator Jesme stated that there is a landowner on Judicial Ditch 2, RLWD Project No. 48, requesting maintenance on a portion of the system. Jesme requested authorization to allow District staff to complete a full survey of the system to develop an updated profile/plan set with current datum of the legal drainage system. Motion by Ose, seconded by Page, to authorize District staff, to complete a full survey of the Judicial Ditch 2, RLWD Project No. 48. Upon roll call vote, motion carried unanimously.

The Board reviewed a Data Practice Request from landowner Mark Holy, requesting information from the Viewer's and Engineer's for the Improvement to Polk County Ditch 39, RLWD Project No. 179. Legal Counsel Sparby stated that he will research the request and send a letter to Mr. Holy. Administrator Jesme stated that the Petitioners of the project have submitted an additional bond for the project. To date, \$120,000.00 in bonds have been secured which will get us through final engineering and final hearing costs. Discussion was held on the potential of holding the Final Hearing. Sparby indicated that a hearing can be held inside but would have to have 25-50% of the capacity of the facility. Discussion was had that due to limited public venues being available due to venues being closed, it may be difficult to hold a live hearing to comply with COVID 19 Government Orders.

The Board reviewed a Lease Agreement with landowner Craig Stroot, for the rental of agricultural land within the Parnell Impoundment, RLWD Project No. 81. Administrator Jesme

stated that Mr. Stroot wishes to extend the lease set to expire in December 2020 at a rate of \$30.00 per acre. Discussion was had as to possible increase of rental rate. After considerable discussion, it was agreed that due to risk of farming within an impoundment, \$30.00 per acre for rental rate seems fair. Motion by Ose, seconded by Tiedemann, to approve the Lease Agreement with landowner Craig Stroot for the Parnell Impoundment, RLWD Project No. 81 at a rate of \$30.00 per acre. Upon roll call vote, motion carried unanimously.

Administrator Jesme stated that several beavers have been removed from a beaver dam near outlet of the Judicial Ditch 5, RLWD Project No. 102 system. Administrator Jesme questioned if the Board would like to have the beaver dam removed. Access to the beaver dam would need to be obtained from the north side of JD 5 and may need approval for access by local landowner. It was the consensus of the Board, to hold off on the removal of the beaver dam until after the court hearing on the Four-Legged Lake appeal to be held in July.

The Board reviewed the 2020 BWSR Grant Agreement for the Red Lake River 1W1P, RLWD Project No. 149, in the amount of \$1,071,149.00. Motion by Ose, seconded by Dwight, to authorize Administrator Jesme the authority to sign the 2020 BWSR Grant Agreement for the Red Lake River 1W1P, RLWD Project No. 149. Upon roll call vote, motion carried unanimously.

Staff members Nick Olson and Dave Marshall discussed repairs needed to the Seeger Dam Project, RLWD Project No. 50. Marshall stated that the estimated cost for repairs to the structure would be \$4,080. Motion by Torgerson, seconded by Page, to approve the repairs to the Seeger Dam, RLWD Project No. 50. Upon roll call vote, motion carried unanimously.

Engineer Nate Dalager, HDR Engineering, Inc., and Wayne Johnson, City of Thief River Falls, appeared before the Board to discuss the potential of the restoration of an oxbow located within the City of Thief River Falls. Dalager stated that it is an old oxbow that is now the home of cattails and seven feet of fill and lime sludge. Restoration of the oxbow would improve water quality, and phosphorus and chloride reduction, with the installation of a sediment pond. Johnson has spoken to the MnDNR, indicating that an Environmental Assessment Worksheet would be required. Johnson requested a partnership with the District, and potential of funding through the RRWMB as this would be a water quality project. Administrator Jesme stated that this project would be like the Bagley Urban Stormwater Project, RLWD Project No. 151. Manager Dwight recommended applying for a Clean Water Fund Application to assist in the funding of the project. Motion by Dwight, seconded by Sorenson, to approve the partnership with the City of Thief River Falls for the restoration of oxbow, to present the project to the RRWMB for funding of a Water Quality Project, RLWD Project No. 46. Upon roll call vote, motion carried unanimously.

The Board reviewed the Release of Claims and Indemnification and Hold Harmless Agreement for the following individuals and projects: LeRoy Christenson, RLWD Project No. 60D, RLWD Project No. 81 and LRWD Project No. 121; Mark Askeland, RLWD Project No. 60C, and, RLWD Project No. 60D; Kyle Novacek, RLWD Project No. 175; John Sorenson, RLWD Project No. 169; Josh Barrett, RLWD Project No. 166; Andrew Johnson, RLWD Project No. 171/171A.

After considerable discussion about terminology in the agreements, Motion by Ose, seconded by Torgerson, to approve the Release of Claims and Indemnification and Hold Harmless Agreements as presented. Upon roll call vote, motion carried unanimously.

Motion by Sorenson, seconded by Page, to approve the purchase of an additional ESRI Desktop Basic and two Spatial Analyst licenses for \$300.00 and AutoCad Civil 3D license at a cost of \$1,506.99. Upon roll call vote, motion carried unanimously.

Staff member Dave Marshall presented three options for additional survey equipment. Motion by Sorenson, seconded by Torgerson, to authorize the purchase of a new data collector, Trimble Software, and upgrades to the GPS units to utilize the latest firmware and available satellites from Frontier Precision at a cost of \$12,759.55. Upon roll call vote, motion carried unanimously. Marshall stated that this price also includes a GPS rod, batteries, charger, carrying bag, and onsite installation/training.

Staff member Nick Olson discussed a letter that was submitted to landowner Robert Miller regarding a drainage dispute located in Section 13, Star Township, Pennington County. Olson stated that Miller removed the blockage, and it appears that it has been brought back to the prior elevation. Discussion was had on District's Rules and Regulations as well as what options were available for landowners to resolve the issue on their own.

The Board reviewed a letter from Enbridge Energy for approval of their Line 3 Replacement Project. Administrator Jesme stated that Enbridge Energy is requesting a written Statement of No Objection. Motion by Torgerson, seconded by Tiedemann, to approve the submittal of a letter to Enbridge Energy for approval of their Line 3 Replacement Project. Upon roll call vote, motion carried unanimously.

Staff member Nick Olson discussed two tile permit applications, where both permits have land that do not pay benefits into the same system where the tile system would outlet into. Olson has been working with Red Lake County Ditch Inspector Kurt Casavan, regarding the addition of property into the benefitted areas. Due to the COVID19 pandemic, holding a hearing at this time is not feasible, therefore Casavan has contacted landowners on both systems for verbal permission to allow the tile permits to proceed. Hearings will be held once it is allowable. Olson stated that both tile permits received pre-approval from him and Manager Page after approval from Casavan. Discussion was held on not allowing pre-approval on tile permits prior to review and approval at a regularly scheduled Board meeting. Discussion was also had on approving permits prior to public hearings being held and the problems that may arise from doing so in the future. Motion by Dwight, seconded by Ose, that all RLWD Tile Permit applications will not be approved until submitted to the Board at a regularly scheduled Board meeting. Upon roll call vote, motion carried unanimously. Discussion was held on submitting a letter to each of the counties within the District, stating that any tile permits that require adding additional lands, that do not currently pay benefits into the benefitted area, will need to comply with the Minnesota State Statutes prior to approval by the Board. Motion by Ose, seconded by Page, to authorize Administrator Jesme to submit a letter to each County Ditch Authority within

the District, indicating that any tile permits will need to comply with Minnesota State Statutes, prior to approval by the District Board. Upon roll call vote, motion carried unanimously.

Motion by Page, seconded by Ose, to approve RLWD Permit No. 20-072, Earl Pederson, Gervais Township, Red Lake County, based on confirmation from Red Lake County Board that a public hearing will be held as directed under Minnesota State Statutes. Upon roll call vote, motion carried unanimously.

Motion by Ose, seconded by Page, to approve RLWD Permit No. 20-089, Kevin Malwitz, River Township, Red Lake County, based on confirmation from Red Lake County Board that a public hearing will be held as directed under Minnesota State Statutes. Upon roll call vote, motion carried unanimously.

The Board reviewed the permits for approval. Motion by Sorenson, seconded by Torgerson, to approve the following permits with conditions stated on the permit: No. 20071, Earl Pederson, Gervais Township, Red Lake County; No. 20073, Earl Roed, King Township, Polk County; No. 20075, Lessor Township, Polk County; No. 20076, Garden Valley Technologies, Sanders Township, Pennington County; No. 20077, Wylie Township, Red Lake County; No. 20081, Pennington County Highway Department, River Falls Township, Pennington County; No. 20082, Pennington County, Deer Park, Pennington County; No. 20083, Shirley Strand, Poplar River Township, Red Lake County; No. 20085, Shirley Strand, Poplar River, Red Lake County; and No. 20090, Robert Finstad, Rocksbury Township, Pennington County. Motion carried unanimously following roll call vote.

#### Administrators update:

- Jesme and Manager Ose will attend the June 16, 2020 RRWMB meeting via Microsoft Teams. Jesme will update the RRWMB on the TRF Westside FDR Project.
- Jesme attended the RRWMB Finance Committee on June 2, 2020 at the District office.
- Included in the packet was the River Watch Newsletter. Red Lake County won Gold 2 years in a row. Red Lake Falls was recognized for their 20 years of River Watch participation and Sidney Olson (RLCC) was awarded the first River Watch Scholarship in the amount of \$2,000. This is a great reflection of the District's program as well as Staff member Hitts' commitment in making sure the kids have ownership in the program.
- Plans and Specifications for the Threat Ring Dike have been completed and with quotes expected in by June 15<sup>th</sup>. Staff member Marshall will complete on construction inspection and review of plans and specifications.
- Jesme will participate in a FEMA/DFIRM Coordination meeting on June 17<sup>th</sup>. The purpose of the meeting is to update community officials and map process, discuss next steps, ordinance information, public comment period and areas of concerns. This is all part of a grant the District and MnDNR partnered in to review the floodplain along the Red Lake River from Thief River Falls to East Grand Forks.

Legal Counsel Sparby discussed the pre-trial conference on the Judicial Ditch 5/Four-Legged Lake, RLWD Project No. 102. Sparby indicated that it appears that it will be mostly on the record that we provide and as agreed to by the parties. Arguments will be held over zoom video, with the Clearwater County Engineer possibly being the only witness called.

Manager Torgerson thanked the District staff members for their efforts in carrying out District business in spite of recent events.

Motion by Torgerson, seconded by Ose, and passed by unanimous roll call vote to adjourn the meeting.

A handwritten signature in blue ink that reads "LeRoy Ose". The signature is written in a cursive style and is positioned above a horizontal line.

LeRoy Ose, Secretary