

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
August 12, 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, Brian Dwight, Tom Anderson, Allan Page and LeRoy Ose. Staff Present: Myron Jesme and Arlene Novak.

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

The Board reviewed the July 22, 2021, minutes. It was noted that Manager Terry Sorenson was not present at this meeting. Motion by Tiedemann, seconded by Page, to approve the July 22, 2021, Board meeting minutes with the correction. Motion carried.

Board reviewed the minutes of the August 5, 2021, Special Meeting for the Pine Lake bid opening. Motion by Sorenson, seconded by Anderson, to approve the minutes dated August 5, 2021. Motion carried.

Board reviewed the Financial Report dated August 11, 2021. Motion by Dwight, seconded by Anderson, and unanimously approve the Financial Report dated August 11, 2021. Motion carried.

Thief River One Watershed One Plan, RLWD Proj. 149A, State Ditch 83/Thief River Bank Stabilization Plans and Specifications were presented to the Board by Engineer Tony Nordby, Houston Engineering, Inc. Following discussion, motion by Ose, seconded by Dwight, to accept the plans and specifications and move forward with the project. Motion carried.

HDR, Inc., Engineer, Nate Dalager, gave a City of TRF Oxbow Restoration and Stormwater Treatment, RLWD Project 46Q, construction update. The contractor, Spruce Valley Corporation, has staged equipment in the project area and is likely to start construction on Monday, August 16, 2021.

An update of the Euclid East, RLWD Proj. 60C, Outlet Channel Update was given by Administrator Jesme. A meeting with Polk County Commissioners/Drainage Authority is scheduled for 10:00 a.m. August 17, 2021. This meeting is to not only update the County Board about the need for the project but to get permission from them to proceed with the project.

Discussion was held on the assignment of a project number for the Red Lake River 1W1P 319 Grant to better track expenditures. Motion by Dwight, seconded by Sorenson, and unanimously approved, to assign Red Lake River 1W1P-319 grant, RLWD Project No. 46R.

An update on the Judicial Ditch 72 Redetermination was given by Administrator Jesme. A Judicial Ditch 72 Joint meeting will be held at 11:00 a.m., August 24, 2021, at the Polk County

Board room. At this meeting, the consolidating or dividing drainage system hearing, date, time, and location will be set.

East Polk County SWCD is reapplying for a competitive CWF grant like the grant that they applied for back in 2018. Part of their 2018 grant application was to earmark a 25% grant match which our Board approved the match by motion at our August 23, 2018, Board meeting. The motion approved the East Polk County SWCD's submission of a Clean Water Grant application and a 25% match from the Red Lake Watershed District's Water Quality Project, RLWD Project No. 46. It was the consensus of the Board that our motion still stands as approved. Jesme will report to the East Polk SWCD to assure they can continue to apply for their grant.

Staff member Nick Olson gave an update on Permit Nos. 21017 and 21018, Elizabeth Berge, Onstad Township, Polk County. On April 5, 2021, N. Olson recommended tabling the permits until the landowner provided a revised grid and outlet location. N. Olson has received the revised grid and outlet and is now recommending approval of the permit. Motion by Tiedemann, seconded by Ose, to approve tabled Permit Nos. 21017 and 21018 with conditions stated on the permit. Motion carried.

Staff member Nick Olson gave an update to Permit No. 21100, Vince Desselier, Garnes Township, Red Lake County. This permit was tabled as there were portions of the tiling project that included areas not paying benefits to the legal drainage system they wanted to use as their outlet. At that time Olson told the landowner to contact Red Lake County Drainage Authority to hold a hearing to include the areas not presently included. N. Olson was recently contacted by the landowner asking where the permit was as he wanted to get started on the project. N. Olson informed him that their last conversation was that he was to contact the drainage authority. Landowner informed Olson that he did not do that yet. Due to this task not being completed, Olson recommended to the Board that the contractor be allowed to install the pump outlet prior to the hearing. Upon considerable discussion of the Board about the lack of hearing being completed, motion by Anderson, seconded by Page, and passed unanimously to deny approval of Permit No. 21100 until public hearing is held and drainage authority approval is obtained.

The Board reviewed the permit for approval. Motion by Tiedemann, seconded by Sorenson, to approve the following permits with conditions stated on the permit: No. 21104, Brady Lee, Badger Township, Polk County; No. 21105, Lewis Wallace, Thief Lake Township, Marshall County; No. 21106, Marshall County Highway Department, Rollis Township, Marshall County; No. 21107, Pennington County Highway Department, Kratka Township, Pennington County; No. 21108, Peter Carlson, Rocksbury Township, Pennington County; No. 21109, Tyler and Ryan Nelson, Highland Township, Pennington County; No. 21110, Quinten Nelson, Kratka Township, Pennington County; No. 21111, Steven Sistad, Beltrami County; No. 21112, Minnkota Power Cooperative, Inc., Sullivan Township, Polk County; No. 21113, Lyle Hanson, Highland Township, Pennington County; No. 21114, George Proulx, Lake Pleasant, Red Lake County; No. 21115, Andrea Bexell, Numedal Township, Pennington County; No. 21116, Matt Schow, Knute Township, Polk County; No. 21117, Pennington County Highway Department, Kratka Township, Pennington County; No. 21118, Pennington County Highway Department, Highland Township, Pennington County; No. 21119, Pennington County Highway Department, Deer Park Township, Pennington County; No. 21120, Pennington County

Highway Department, Kratka Township, Pennington County; and No. 21122, Michael Gasper, Nesbit Township, Polk County. Motion carried.

President Nelson called for a brief recess prior to the scheduled final payment hearing.

At 9:30 a.m., President Nelson called to order the final payment hearing for Swingen Construction for the Burnham Creek Wildlife Pool Structure Replacement, RLWD Proj. 43A. Water Resource Engineer Jacob Huwe, HDR Engineering, Inc., stated that Swingen Construction had completed the contracted work and Minnesota Department of Natural Resources has assumed ownership of the structure with stoplogs and other accessories and is managing the water levels within the BR-6 Wildlife Pool. Motion by Tiedemann, seconded by Page, and passed unanimously, to close the hearing and approve the final payment to Swingen Construction in the amount of \$34,476.00, contingent upon receiving the IC-134 form.

Engineer Tony Nordby, Houston Engineering, Inc., indicated that the project is moving along great and that the south diversion ditch is completed with construction now focusing on CR 68 and CR 12 diversion ditches. Norby also presented Pay estimate No. 11 for the Black River Impoundment in the amount of \$388,239.16 to R.J. Zavoral & Sons, Inc. Motion by Ose, seconded by Tiedemann, to approve Pay Estimate No. 11 in the amount of \$388,239.16 for R.J. Zavoral & Sons, Inc. Engineer Nordby presented Change Order No. 3 in the amount of \$12,993.75 for R. J. Zavoral & Sons, Inc., which includes an alternate method in the installation of vinyl sheet piling due to drought conditions. With this recommended change order, this raises the total contract amount for Black River Impoundment Project will increase to \$4,442,707.50. Motion by Page, seconded by Sorenson, to approve Change Order No. 3 in the amount of \$12,993.75 to R. J. Zavoral & Sons, Inc. Motion carried.

Administrator Jesme provided an invoice from Red Lake Electric for the burying of power lines in the Black River Impoundment area that was approved per September 24, 2020. The amount approved at that meeting in 2020 was in the amount of \$144,000. Due to increase of materials since the approval of the cost share, the revised invoice is more than the original estimate and has increased to \$158,506.61. After considerable discussion and understanding of the increase in material costs, motion by Tiedemann, seconded by Page, to pay Red Lake Electric Cooperative the amount of \$158,506.61. Motion carried.

Administrators Update:

- Manager Ose will attend the RRWMB meeting in person in Wheaton on August 17, 2021. A tour is scheduled for the afternoon. Administrator Jesme will attend the meeting via Teams. Included in this packet are the approved RRWMB 2022 Operating and Program Budget and 2022 Project Spending Plan.
- Participated in Red River Basin Watershed District Administrators' Coffee Chat Drainage Law conference August 20, 21 via Teams, which was a basic question and answer session concerning drainage law and implementation of drainage projects.
- Attended a Pennington County Technical Evaluation Panel meeting via Zoom with representatives from USCOE, MnDNR, BWSR, and Pennington SWCD to review the proposal of a floodplain project on the Thief River Golf Course.

- Met with Rod Skoe on August 2 to discuss the Clearwater River Wild Rice Water Appropriation Project and how it relates to the MnDNR pulling all water appropriation permits.
- Clearwater River 1W1P Planning Work Group will meet at 9:00 a.m., August 18, 2021 in preparation for the Policy Committee meeting scheduled for 1:00 p.m., August 25, 2021.
- A telephone conference with Pat Lynch, MnDNR, on August 2, 2021 to discuss requirements from MMB for the additional funding for the Thief River Falls Westside FDR Project.
- A Teams meeting was held on August 9 with Polk County staff, Legal Counsel Kurt Deter, and watershed staff to discuss the scheduling for the proposed consolidation hearing for Judicial Ditch 72 and SD 61 ditch systems.
- Administrator Jesme and Managers Tiedemann, Dwight, and Anderson attended the Red River Basin Commission tour held on July 21, 2021. The tour involved various RLWD projects.
- Due to some staff and Board being exposed to an active COVID case, the Pennington County and Clearwater County meetings scheduled for August 10, 2021, were postponed and will be rescheduled. Beltrami County's meeting is scheduled for August 17, 2021.

At 9:45 a.m., President Nelson called the final payment hearing for Burski Excavating, Inc. for the Red Lake Watershed District Ditch No. 16, RLWD Project No. 177 to order. President Nelson asked the Board members or audience if there were any comments or objections to the final payment to Burski Excavating, Inc. in the amount of \$172,303.11. Jesme indicated that he had recently received the IC-134 from Burski Excavating, Inc. With no other comments or objections from the Board or audience, a motion was made by Ose, seconded by Dwight, to close the final hearing. Motion carried. Motion by Sorenson, seconded by Anderson, and carried unanimously, to approve the final payment to Burski Excavating, Inc. in the amount of \$172,303.11.

The Budget/Personnel Committee consisting of Managers Dwight, Sorenson, and Nelson, met on August 5, 2021, to discuss budget and salary recommendations for 2022. Cost of Living (COLA) was discussed, and it was requested at that time to check with other agencies, etc. on their anticipated COLA for 2022. Manager Dwight explained the current Salary Structure and the COLA that other state and local governmental units are approving or have approved. Administrator Jesme asked about the new employees relating to the Salary Structure and correlation to budget. Consensus of Board was that it will be discussed at their 6-month probationary meeting with the employee. Administrator Jesme addressed the RLWD employees' share of the health insurance premiums. Since the health insurance provider will change effective January 1, 2022, the new plans and monthly premiums will be revealed at the Northwest Service Cooperative's Small Group insured's meeting on August 24, 2021, therefore the health insurance premiums will be addressed at a future board meeting. Motion by Sorenson, seconded by Ose, to approve the Budget/Personnel Committee's recommendation of COLA of 2.5% for all positions in the salary structure for the year 2022. Motion carried.

At 10:00 a.m., President Nelson called the final payment hearing in regard to R.J. Zavoral & Sons, Inc. for Outlet Repairs to Ditch 10, RLWD Project No. 161, to order. President Nelson

asked the Board and audience if there were any questions or comments regarding this final payment. With no objections from the Board or audience, motion by Tiedemann, seconded by Page, to close the final payment hearing to R.J. Zavoral & Sons, Inc. Motion carried. Motion by Ose, seconded by Anderson, and passed unanimously to approve the final payment to R.J. Zavoral & Sons, Inc. in the amount of \$13,245.63, for the Ditch 10 Outlet Repair, RLWD Project No. 161, contingent upon receiving any required forms.

RLWD Staff had met with Mike Knott to discuss some concerns he had with the condition his CRP property was left in after the completion of the Ditch 10 Outlet Repair, RLWD Project No. 161. Knott requested a payment of \$500 to complete the repairs after the expiration of his CRP contract. Motion by Page, seconded by Tiedemann, and passed unanimously, to pay the Knott's \$500 to complete the additional work as he sees fit and that payment be made contingent upon the receipt of the signed easement.

The Proposed 2022 General Fund Budget was presented by Administrator Jesme. He also presented a worksheet on description of what expense is included in each line item of the budget as well as a history of the past several years of the amounts set for the General Fund Budget. He stated the salaries listed are with the 2.5% COLA for each employee and the salary structure for 2022. Motion by Tiedemann, seconded by Anderson, to approve the proposed 2022 General Fund Budget, in the amount of \$148,025.50, and set the 2022 General Fund Budget hearing for 9:30 a.m. on Thursday, September 9, 2021, at the Red Lake Watershed District office. Motion carried.

In legal counsel update, the Board reviewed the ruling filed in District Court of Minnesota concerning the appeal of Improvement to Polk County Ditch 39, RLWD Project No. 179. In the conclusion of the ruling, Petitioners-Respondents and Appellate are not entitled to summary judgement based on their argument that the court lacks jurisdiction because of Appellants' improper service of the appeal. The appeal was properly served by alternative service or properly served during the waiver of the statute of limitations. As such, their motion for summary judgement is denied.

Managers Sorenson and Tiedemann reported on the meeting with the Polk County commissioners on July 27, 2021. One item addressed at that meeting was FEMA floodplain changes.

The Clearwater and Pennington County commissioner meetings were postponed because of COVID and will be rescheduled in the near future. Beltrami County commissioner meeting is scheduled for August 17.

The question of the contract progression for Davidson Construction, Inc. for the Pine Lake FDR, RLWD Proj. No. 26B, was presented to Engineer, Nate Dalager, HDR Engineering, Inc. It was stated that the contracts were drafted and awaiting legal counsel review. Jesme also indicated that he has not received the easement from one of the landowners but will reach out to them this week.

Red Lake Watershed District

August 12, 2021

Page 6 of 6

Manager Page asked about Schirrick Dam maintenance for 2021 that was discussed a few months ago. Jesme indicated that we hope to complete this project yet this fall.

Question on Four-Legged Lake maintenance was addressed. A beaver dam was noted by staff member Tony Olson in the area. With annual levy at a maximum of \$2,000 per year, that limits the amount of maintenance to be performed on the system.

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



LeRoy Ose, Secretary