

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
August 13, 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, Gene Tiedemann, Terry Sorenson, Allan Page, LeRoy Ose, Les Torgerson and Brian Dwight. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel, Delray Sparby.

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

The Board reviewed the July 23, 2020 minutes. Motion by Sorenson, seconded by Tiedemann, to approve the July 23, 2020 Board meeting minutes as presented. Motion carried.

The Board reviewed the July 24, 2020 minutes. Motion by Tiedemann, seconded by Page, to approve the July 24, 2020 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated August 12, 2020. Motion by Dwight, seconded by Ose, and passed by unanimous vote to approve the Financial Report dated August 12, 2020 as presented.

The Board reviewed Pay Estimate No. 5 in the amount of \$169,232.06, 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. 5 to Burski Excavating, Inc., in the amount of \$169,232.06 for construction of RLWD Ditch 16, RLWD Project No. 177. Motion carried. Engineer Jerry Pribula, Pribula Engineering, PLLC, and Foreman Dusty Elgin, Burski Excavating, Inc., met with the Board to discuss progress made on the construction of the ditch. Pribula estimated that 40% of the excavation material was complete, with the first 1 ½ miles seeded which should make the erosion control measures in compliance with the SWPP. There is approximately 7 ½ miles of excavation left which led to a question from Manager Nelson of how Burski Excavating, Inc. figured they would finish the project by May 18, 2021? Mr. Elgin stated that additional staff and equipment has arrived on-site to assist with construction of the project. Additional questions were held along with discussion on completion date of the project. Pribula stated that he has contacted landowner, Mike Gasper, about removal of his field tile, which was installed after the contract was let and is located within the right-of-way of the project. Jesme indicated that he had been in contact with Mr. Gasper prior to installation of the tile and that Mr. Gasper tried to stop the tile contractor from installing tile in the right of way but was unable to do so in time. It was shared that Mr. Gasper would be responsible for moving and replacing damaged tile.

Legal Counsel Delray Sparby reviewed the Detailed Findings and Order for the Improvement to Polk County Ditch 39, RLWD Project No. 179, a legal drainage ditch designated as RLWD Ditch No. 17. Sparby stated that the document has been forwarded to Attorney Kurt Deter,

Rinke Noonan for review. Motion by Tiedemann, seconded by Page, to approve the Detailed Findings and Order for the Improvement to Polk County Ditch 39, RLWD Project No. 179 designated as RLWD Ditch No. 17, authorizing President Nelson and Secretary Ose, the authority to sign said document, noting that the Appeals process begins that day the Detailed Findings and Order is filed. Motion carried. Motion by Ose, seconded by Dwight, to request the Polk County Commissioners to secure Bond Funding for construction of the Improvement to Polk County Ditch 39, RLWD Ditch 17, RLWD Project No. 179. Motion carried.

Engineer Nate Dalager, HDR Engineering, Inc., stated that construction is moving forward on the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Dalager estimates that some touch up work and seeding will have to take place next spring, but the project will function as designed this Fall. Brief discussion was had on contract timeline and completion date. Quarry rock at the outlet end of the project has not been installed. R.J. Zavoral and Sons, Inc., has requested a 2-week extension on their contract, which the District has taken under advisement. Dalager noted that in accordance with the MPCA Storm Water Permit, once the contractor is done working in an area, it must be seeded within one week. The Board reviewed Pay Estimate No. 7 in the amount of \$1,145,236.50 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 Torgerson, seconded by Tiedemann, to approve Pay Estimate No. 7 in the amount of \$1,145,236.50 to R.J. Zavoral and Sons, Inc., for construction of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion carried.

Engineer Tony Nordby, Houston Engineering, Inc., reviewed a project cost breakdown for construction and potential scheduling for bid opening and construction dates for the Black River Impoundment, RLWD Project No. 176. Administrator Jesme stated that we will not know if the project is awarded funding through the NRCS until this fall, with contracts completed this winter. Discussion was held on meeting all statutory factors in moving forward with the project. Motion by Ose, seconded by Page, for establishment of the Black River Impoundment Project, RLWD Project No. 176, and directed the Engineer to complete the Final Plans and Specification for the Advertisement of Bids and to direct legal counsel to draft the Findings of Facts and Order. Motion carried. Jesme stated that he held discussions with the Sorvig Family on the purchase of land for the outlet ditch and with Scott Sorvig concerning fee title purchase along the impoundment dike footprint and interior ditch. Should the District choose to purchase fee title, Sorvigs wish to retain all hunting privileges, with no public hunting on the dike alignment adjacent to their property. Discussion was held on how much to offer the landowners for Fee Title easements. Motion by Sorenson, seconded by Torgerson, to authorize Administrator Jesme the authority to enter into a Fee Title Agreement with all landowners along diversion ditches outletting into the Black River Impoundment, RLWD Project No. 176, at the 2020 Taxable Market Value, times 1.2 per acre for Permanent Damages and \$150 per acre for two years for temporary right of way. Motion carried.

Administrator Jesme stated that he received an email from Rob Sip, RRWMB, stating that the U.S. Army Corps of Engineers has posted the District's Wetland Banking Site, for review, for approximately 56.66 total credits for construction of the Black River Impoundment, RLWD Project No. 176.

Engineer Mike Flaagan, Pennington County Highway Department, appeared before the Board to discuss a RRWMB Water Quality Grant Application for repairs to the outlet of Pennington County Ditch 96 in the amount of \$26,313.00. Flaagan stated that bids for the project came in higher than anticipated. Discussion was held on the District contributing towards the cost of the project. Motion by Dwight, seconded by Ose, to contribute \$26,313.00 for repairs to the outlet of Pennington County Ditch 96 from the District's Erosion Control Fund, RLWD Project No. 164. Motion carried.

Administrator Jesme, Manager Tiedeman and Polk County Ditch Inspector Jody Beauchane met with landowners downstream of the Euclid East Impoundment, RLWD Project No. 60C, for discussion on investigation of the downstream channel's ability to support the release of water from the impoundment. Beauchane will present the information to the Polk County Commissioners as the downstream channel is PCD 66 Branch C and is under the jurisdiction of Polk County. Manager Tiedemann stated that there is a culvert downstream of the impoundment that Euclid Township will try to receive state bridge funds for replacement. Manager Dwight questioned if any discussion was held with the landowners on the east side of Highway 75. Jesme stated that they have spoken to all landowners and they will assist in determining the best alternatives.

Staff member Nick Olson stated that previously the Board had authorized Engineer Jeff Langan to inspect the north pool of the Moose River Impoundment, RLWD Project No. 13. Olson stated that the gates on the north pool will be opened this weekend, which will take approximately two weeks to drawdown to allow for a complete inspection of the structure. The gates will be closed after the inspection is completed.

Staff member Nick Olson stated that there is a beaver dam in the Parnell Impoundment, RLWD Project No. 81 and the BR6-Burnham Creek Impoundment, RLWD Project No. 43A. The Euclid East Impoundment, RLWD Project No. 60C, and Brandt Impoundment, RLWD Project No. 60D, are both dry.

Staff member Christina Slowinski presented information on a culvert failure located in Ditch 1, Lateral B, RLWD Project No. 5, located in Section 26, Equality Township, Red Lake County. Slowinski stated that the culvert at this location was originally designed as a 36" culvert. In 1980, Ditch 7, RLWD Project No. 20 was improved using two outlets. Ditch 7 was designed to carry 80% of the flow and send approximately 15% of the total flow from the drainage system into Ditch 1, Lateral B, RLWD Project No. 5. At this time, the culvert in Section 26 should have required a 42" culvert. After a complete inspection by Slowinski, it was determined that the 36" culvert is inside of the 42" culvert, therefore not giving the ditch the outlet capacity as designed. Slowinski received a quote from True North Steel in the amount of \$4,122.80 for a 42"x56' culvert, plus the cost of installation. Motion by Torgerson, seconded by Page, to approve replacement of the culvert at an 80/20 split, with Ditch 1, Lateral B, RLWD Project No. 5, paying 80% of the cost and Ditch 7, RLWD Project No. 20, paying for 20% of the cost. Motion carried.

Staff member Christina Slowinski presented information on a culvert failure referred to as Hanson crossing on the Burnham Creek Project, RLWD Project No. 43B. The crossing was originally designed as a Texas crossing, built in 1991. In 1993, the crossing needed to be repaired, so the District installed a 9'x15' SPPA and 12" SPP that was paid for by the ditch system. Hammond Township pursued a lawsuit alleging there was not enough capacity in the crossing, so the District installed a third culvert, an 8' CMP in 1995. During inspection, Slowinski noticed that the southwest 12' diameter SPP inlet end has folded in on itself. The culvert had been previously straightened. The center 9'5" x 15'6" SPPA is buckling on the bottom and caving in on the top. The north east 8' circular pipe is in good shape. Slowinski contacted Northern Steel to receive a quote to replace both pipes at an estimate cost of the pipe of \$106,562.50. Slowinski has been in contact with Hammond Township, who referenced the potential of closing the road if the township was responsible for replacing the culverts. Administrator Jesme stated that there is an agreement with the NRCS (formerly SCS) regarding maintenance of the project until 2038. Polk County had an emergency declaration for the spring of 2020, that the District did sign up for FEMA aid. If the crossing were put back to the original design, they could potentially cover 75% of the costs. Manager Tiedemann stated that he would contact the Hammond Township Chairman to discuss the matter. It was the consensus of the Board, to authorize Legal Counsel Sparby to investigate the jurisdictional matters between the District, township, and landowners.

Staff member Christina Slowinski stated that repairs to the outlet of Ditch 10, RLWD Project No. 161, received funding in the amount of \$84,412.86 from FEMA. Engineer Tony Nordby, Houston Engineering, Inc., stated that he is working on permitting aspects of the project as the plunge pool will be larger than the existing pool. Slowinski will determine the timeline of FEMA funding and report back to the Board.

The Red Lake River 1W1P, RLWD Project No. 149, was awarded a MPCA Section 319 Clean Water Act grant for the Red Lake River Targeted Watershed Grant-Phase 1 in the amount of \$280,000.00. Administrator Jesme stated that this is a federal grant so we can use state Clean Water funds to match the grant.

Motion by Dwight, seconded by Ose, to approve the withdrawal of RLWD Permit No. 20-131, Dave Faldet, Lessor Township, Polk County. Motion carried.

The Board reviewed the permits for approval. Motion by Torgerson, seconded by Tiedemann, to approve the following permits with conditions stated on the permit: No. 20125 and 20126, Jason Reitmaier, Sullivan Township, Polk County; No. 20127, Gary Pulkrabek, Keystone Township, Polk County; No. 20151, Brady Lee, Badger Township, Polk County; No. 20154, Aaron Miller, Star Township, Pennington County; No. 20164, Pennington County Highway Department, Star Township; No. 20166, Earl Pederson, Lambert Township, Red Lake County; No. 20167, Robin Brekken, Russia Township, Polk County; No. 20168, Wayne Diekrager, Russia Township, Polk County; No. 20169, Robert & Lynell Wayne, Rocksbury Township, Pennington County; No. 20170 and 20171, Poplar River Township, Red Lake County; No. 20172 and 20173, Curtis Amundson, Sullivan Township, Polk County; No. 20175, John Giese, Keystone Township, Polk County; No. 20176, Kevin Tharaldson, Highlanding Township, Polk County; No. 20177, Ryan

Barth, Excel Township, Marshall County; No. 20178, Charles Simpson, Emardville Township, Red Lake County; No. 20179, Rudolph & Howard Applequist, Onstad Township, Polk County; No. 20180, Wikstrom Telephone Company, Northland Township, Polk County; No. 20181, Charles C. Carlson, Wyandotte Township, Pennington County; No. 20182, Murray Engelstad, Rocksbury Township, Pennington County; No. 20184, Michael Gasper, Keystone Township, Polk County; No. 20186, Brent Strickler, Angus Township, Polk County; and No. 20191, Steve Adams, Esther Township, Polk County. Motion carried.

Administrators Report:

- Jesme and Manager Ose will attend by virtual meeting, the RRWMB meeting held on August 18, 2020. The TRF Oxbow funding request will be submitted as well as the Pennington County Ditch 96 project.
- Due to the East Euclid Impoundment downstream landowner meeting, Jesme was unable to attend the RRWMB Governing Documents meeting held on August 4th.
- Jesme received a call from Congressman Collin Peterson's office as well as from the U.S. Army Corps of Engineers concerning the high-water levels on the Upper Red Lake. The calls were directed at damages to private properties and shorelines due to high water conditions.
- The submittal to withdraw wetland banking credits for the City of Crookston was submitted to BWSR. Total amount for wetland banking withdrawal and fees totaled \$1,112.
- Included in the packet was the proposed due structure for MAWD. There does not appear to be any changes in dues for the District, as we are already capped at \$7,500.

Manager Nelson suggested an update of District Capital Projects to help educate the Board on what is coming in and how much is designated.

Discussion was held on the Burnham Creek, RLWD Project No. 43B information that was presented to the Board. It was noted that there is a benefitted area set-up for the project.

Legal Counsel Sparby stated that the hearing was held for the Judicial Ditch No. 5, (Four-Legged Lake), RLWD Project No. 102. The judge indicated that she would likely use the full 90-days to take judgement on the matter.

Manager Tiedemann questioned if Polk County Ditch Inspector Jody Beauchane had approached the Polk County Board regarding the area downstream of the Euclid East Impoundment. Administrator Jesme will reach out to Mr. Beauchane.

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



LeRoy Ose, Secretary