

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
July 8, 2021

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: Managers: Dale M. Nelson, Terry Sorenson, Brian Dwight, Tom Anderson, Allan Page and LeRoy Ose. Absent: Gene Tiedemann. Staff Present: Myron Jesme and Tammy Audette, and Legal Counsel, Delray Sparby.

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

The Board reviewed the June 24, 2021 minutes. Motion by Ose, seconded by Page, to approve the June 24, 2021 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated July 7, 2021. Motion by Dwight, seconded by Anderson, to approve the Financial Report dated July 7, 2021. Motion carried.

Engineer Jake Huwe, HDR Engineering, Inc., presented his final report for the Burnham,Creek Wildlife Pool Structure Replacement, RLWD Project No. 43A. Huwe stated that the original contract amount was \$148,400, with a remaining unpaid balance to the contractor of \$34,476. Motion by Sorenson, seconded by Dwight, to set the Final Payment Hearing to Swingen Construction Company for construction of the Burnham Creek Wildlife Pool Structure Replacement, RLWD Project No. 43A, for 9:30 am August 12, 2021, at the Red Lake Watershed District office. Motion carried.

Engineer Jerry Pribula, Pribula Engineering, Inc., presented his Report of Substantial Completion for the construction of RLWD Ditch 16, RLWD Project No. 177. Pribula stated that the total contract cost was \$1,568,247.74, with a remaining unpaid balance to the contractor in the amount of \$172,303.11. Pribula noted that the additional costs were for a centerline culvert and additional side water inlet culverts. Motion by Ose, seconded by Page, to set the Final Payment Hearing to Burski Excavating, Inc., for construction of RLWD Ditch 16, RLWD Project No. 177, for August 12, 2021 at 9:45 a.m. at the Red Lake Watershed District office. Motion carried.

Engineer Tony Nordby, Houston Engineering, Inc., stated that construction for the Ditch 10 Outlet Repairs, RLWD Project No. 161 have been completed. Nordby and Manager Page discussed the elevation of the spoil, as landowner Mike Knott, had expressed his concerns. Nordby recommended scheduling the Final Payment Hearing to the Contractor, R.J. Zavoral & Sons, Inc. Motion by Dwight, seconded by Anderson, to set the Final Payment Hearing to R.J. Zavoral & Sons, Inc. for the Outlet Repairs to Ditch 10, RLWD Project No. 161, for August 12th, 2021 at 10:00 a.m. at the Red Lake Watershed District office. Motion carried.

The Board reviewed Pay Estimate No. 9 for the Black River Impoundment, RLWD Project No. 176 in the amount of \$207,248.76. Motion by Page, seconded by Sorenson, to approve Pay Estimate No. 9 in the amount of \$207,248.76 to R.J. Zavoral & Sons, Inc., for construction of the Black River Impoundment, RLWD Project No. 176. Motion carried. Administrator Jesme stated that landowner, Chad Broadwell, had .22 acres of crop damage which was not within the construction boundaries of the project. Motion by Dwight, seconded by Ose, to pay landowner Chad Broadwell, \$125.00 for crop damage for construction of the Black River Impoundment, RLWD Project No. 176 that occurred outside of the construction boundaries of the project. Motion carried. Engineer Tony Nordby, Houston Engineering, Inc., stated that he participated in a meeting regarding wetland banking within the Black River Impoundment. Nordby referred to the U.S. Army Corps of Engineers (Corps) concern over hydric soils. Nordby requested that Administrator Jesme contact Craig Jarnot for discussion on wetland banking.

Engineer Nate Dalager, HDR Engineering, Inc., stated that R.J. Zavoral & Sons, Inc., contractor for the Thief River Westside Flood Damage Reduction Project, RLWD Project No. 178, met their July 1, 2021 deadline for completion of the project, with the exception of the portion of the ditch which drains the new roundabout at the intersection of Highway 1 West and T.H. 59 to the diversion channel. R.J. Zavoral & Sons, Inc. will complete that portion of the channel upon completion of the MnDOT project. Dalager reminded the Board that the final shaping of the channel was agreed to by both parties. Dalager also stated that the milling and overlay of the pavement along Greenwood Street, as requested by the City of Thief River Falls, was completed and that Change Order No. 8 has not been resolved. Dalager did have a conversation with Dave Zavoral regarding the issue and indicated that Dalager plans to contact the sub-contractors to ensure that they have been paid. Dalager also reported that under a separate contract, Anderson Construction is hauling in fill and raising up the structures on the area North of Greenwood Street East of Highway 32.

Engineer Nate Dalager, HDR Engineering, Inc., stated that bids for the Pine Lake Flood Damage Reduction and Fish Habitat Project will be opened on July 22, 2021. Staff from HDR and Staff member Nick Olson met with landowners to mark the trees to be removed in the easement area for construction. Dalager discussed the design of the structure.

Administrator Jesme updated the Board on the hearing that was reconvened for the Redetermination of Benefits for Judicial Ditch 72, RLWD Project No. 41. Managers Anderson and Sorenson attended the hearing. The Joint Board approved the Redetermination of Benefits for JD 72 and County Ditch 61. The next step will be a consolidation hearing. Legal Counsel Sparby stated that a hearing should be held for the request of Gary Mathis to withdraw his property from the system. Jesme indicated that this issue will need to go back to the Joint Board for decision.

Landowner Meade Marquis requested to have RLWD Permit No. 21080 withdrawn. Motion by Sorenson, seconded by Ose, to withdraw RLWD Permit No. 21080, Meade Marquis, Espelie Township, Marshall County. Motion carried.

The Board reviewed the permits for approval. Motion by Anderson, seconded by Ose, to approve the following permits with conditions stated on the permit: No. 21007, Darwin Boutain,

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Reiner Township, Pennington County; No. 21027, Earl Pederson, Grove Park Township, Polk County; No. 21088, Jared Vettleson, Mayfield Township, Pennington County; No. 21090, Pennington County Highway Department, Deer Park Township, Pennington County; and, No. 21091, Red Lake County Highway Department, River Township, Red Lake County. Motion carried.

Administrators Update:

- Jesme and Manager Ose will attend the RRWMB meeting in Ada on July 20, 2021.
- Staff member Hanson participated in a Clearwater River 1W1P PTMapp meeting on July 7th to discuss Priority Resource Point locations. A Planning Work Group meeting will be held on July 21, 2021, which will be attended by Staff members Hanson and Slowinski.
- The Red Lake River 1W1P Planning Work Group will meet on July 14th, following by the Policy Committee meeting.
- Jesme, Kurt Deter and Rich Sanders will meet on July 15th to discuss the Consolidation Hearing for JD 72.
- Jesme will attend the Red River Basin Commission Tour scheduled for July 21st.
- Included in the packet was the MN Department of Revenue 2021 Riparian Protection Aid to watersheds worksheet.

Manager Ose discussed requesting additional funding from the RRWMB for the Thief River Falls Water Treatment and Oxbow Project, RLWD Project No. 46Q.

Legal Counsel Sparby stated that there has been no decision on the Appeal for the Improvement to Polk County Ditch 39, RLWD Project No. 179. Sparby stated that he is moving along with the timeline schedule of the Court and submitting a joint witness list and exhibit list.

Manager Ose stated that State Ditch 83, RLWD Project No. 14 is low, with very little water coming out of the Agassiz Refuge. Administrator Jesme stated that staff is working on various sites for maintenance of the system.

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



LeRoy Ose, Secretary