

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
Via Conference Call
April 9, 2020

President Dale M. Nelson called the meeting to order via telephonic Conference Call at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present in person Manager Dale M. Nelson. By roll call of President, others stated present via telephonic conference calling were Managers Gene Tiedemann, Terry Sorenson, Allan Page, Brian Dwight, LeRoy Ose, and Les Torgerson. Staff Present: Myron Jesme and Arlene Novak and Legal Counsel Delray Sparby.

Motion by Dwight, and seconded by Tiedemann, the following Resolution was presented.

WHEREAS the COVID-19 pandemic event will impact the population of Red Lake Watershed District due to the disruption of services to include the closure of schools, arenas, theaters, businesses and other services that will negatively impact day to day life; and

WHEREAS the COVID-19 pandemic event will cause an impact to public services due to the closure of schools, arenas, businesses and other services; and

WHEREAS the COVID-19 pandemic event will place hardship and challenges on the business owners, employees, children and families of the Red Lake Watershed District; and

WHEREAS, the World Health Organization has declared a global pandemic is occurring as the COVID-19 (Coronavirus) has spread across the United States and Minnesota; and

WHEREAS, the daily operations of county and state and local government are anticipated to be impacted to comply with Minnesota Department of Health and Center for Disease Control recommendation to minimize the spread of COVID-19; and

WHEREAS, the President of the United States has declared a National Emergency enacting the Stafford Act and the Governor of Minnesota has declared a Peacetime State of Emergency; and

WHEREAS, the President of the Red Lake Watershed District requests the Board of Managers to declare the Red Lake Watershed District in a State of Emergency for the COVID-19 Pandemic Event of 2020;

WHEREAS, a State of Emergency is hereby declared by the Red Lake Watershed District Board of Managers on the 9th day of April 2020, and

NOW, THEREFORE, The Red Lake Watershed District, a political subdivision of the State of Minnesota, is

hereby in a State of Emergency for the period of 30 days effective April 9, 2020 through May 9, 2020 or until circumstances no longer require a State of Emergency.

Upon roll call vote, motion passed unanimously to accept the Declaring a State of Emergency for COVID-19 Pandemic resolution.

The Board reviewed the agenda. Being no further additions or corrections to agenda, a motion was made by Dwight, seconded by Tiedemann and passed by unanimous vote that the Board approve the agenda. Motion carried.

The Board reviewed the March 12, 2020 minutes. Motion by Sorenson, seconded by Tiedemann, to approve the March 12, 2020 Board meeting minutes. Upon roll call vote, motion carried unanimously.

The Board reviewed the March 16, 2020 minutes. Motion by Ose, seconded by Dwight, to approve the March 16, 2020 Board meeting minutes. Upon roll call vote, motion carried unanimously.

The Board reviewed the March 20, 2020 minutes. Motion by Sorenson, seconded by Ose, to approve the March 20, 2020 Board meeting minutes. Upon roll call vote, Motion carried unanimously.

The Board reviewed the Financial Report dated April 8, 2020. Motion by Tiedemann, seconded by Ose, to approve the Financial Report dated April 8, 2020. Upon roll call vote, motion carried unanimously.

Staff member Arlene Novak reviewed the Investment Summary as of April 8, 2020. Certificates of Deposit from Ultima Bank, Fosston, and Unity Bank (CDARS program), Red Lake Falls, are scheduled to mature by the end of April. After considerable discussion, a motion was made by Sorenson, seconded by Ose and passed unanimously by roll call vote, to cash in the maturing CDs when matured and deposit at American Federal Bank, Fosston.

A proposal for Thief River Falls Westside Flood Damage Reduction Project, Task Order #3, Construction Services from HDR Engineering, Inc. was reviewed. Manager Dwight commented on some billing rates in the proposal and stated he just wanted to point them out. Following discussion, motion by Ose, seconded by Dwight, to approve the contract with HDR for construction services of the Thief River Falls Westside FDR Project for the completion of Tasks 1 through 8 as listed in the Project Understanding and Scope of Services in the amount of \$260,255.00.

Administrator Jesme stated that contract agreement documents had been sent out to RJ Zavoral & Sons, Inc. and signed documents had been received. A Conference call pre-construction meeting had been held on Wednesday, April 8. The Notice to Proceed document was received by RJ Zavoral & Sons, Inc. and will be executed upon proper signature being completed.

The Improvement to Polk County Ditch 39, RLWD Project No.179, Final Hearing date was discussed. Administrator Jesme stated that proper permits have been received, and reminded that Board that due to the COVID-19 pandemic, the Board suspended the Final Hearing scheduled for April 20, 2020. Due to an additional stay-at-home order by Governor Walz to May 4, 2020, Jesme questioned how we should move forward with the final hearing and the timeline to begin the project would be affected should the results of the final hearing result in the order of the Board to move forward. It is still the wishes of the petitioners to continue with construction this year dependent on the results of the final hearing. The consensus of the Board was to investigate alternative ways to host a Final Hearing.

Administrator Jesme informed the Board that Polk County had sent out 2020 tax statements to landowners along with their ditch assessments for the RLWD Ditch No. 16, RLWD Proj. No. 177. Jesme indicated that due to errors in the statements, Polk County has elected to void those tax statements and issued new statements at a later date to allow the taxpayers the opportunity to prepay their ditch assessments prior to the lien being assessed on their taxes. Polk County had bonded the project in 2019 and had sent the bond proceeds to the RLWD also in 2019. The project was not started due to permitting issues and wet conditions last Fall. In discussions the past week with Polk County, the first bond interest payment came due and was paid in February 2020. Following discussion on the interest payment of the bond, a motion was made by Ose, seconded by Tiedemann, and passed unanimously by roll call vote to pay the \$49,778.06 interest payment to Polk County with their reimbursement payment being paid to the RLWD following the advance payments received from landowners this coming Fall.

Permitting on the Black River Impoundment was discussed and appears that the permitting is now moving forward. Jesme informed the Board that there was some concern as to what role in the permitting process the Minnesota Pollution Control Agency was going to take concerning a permit under Section 401. Jesme was informed by the MPCA, late last week, that they were going to waive their 401 authority which will allow the wetland delineation and mitigation already completed through WCA, stand.

The Board discussed the current status of funding of the Black River Impoundment and rental of the land for 2020. The previous lease agreement ended December 31, 2019, and the former landowner wishes to lease the land again for crop year 2020 at a rate of \$50 per acre. Following considerable discussion on the state of the land, ag production, and possibly opening the land rent up for bids, a motion was made by Tiedemann, seconded by Dwight, and upon roll call vote was passed unanimously to renew the land rental agreement at a rate of \$50 per acre for the 2020 production year to Nicholas (and Jim) Knott.

Administrator Jesme informed the Board that FEMA had requested additional information for flood damages to the outlet structure for RLWD Ditch No. 10, Proj. 161 which occurred in 2019. The information was submitted, and the plan may have to change slightly from what was originally thought which may move project to the west slightly and may also require additional right of way easement above and beyond the current easement. Final plans and a cost estimate will be completed in the next couple weeks.

Administrator Jesme informed the Board that a landowner, approximately two miles downstream of the Euclid East Impoundment, had contacted him regarding the outlet channel of the impoundment. Discussion was that the landowner or multiple landowners may have an interest in a two-stage ditch design similar to the outlet of the Brandt Impoundment. Jesme also informed the Board that Polk County Ditch authority would have to be contacted as the outlet to the Impoundment is Polk County Ditch 66 Branch C. Motion by Tiedemann, seconded by Sorenson, to give staff the authority to pursue a survey and a cost estimate to complete the design requested for the outlet improvement to the Euclid East Impoundment. Upon roll call vote, motion passed unanimously. Manager Dwight also inquired about investigating purchasing easements of property directly downstream of the Euclid East Impoundment which had been discussed at a prior Board meeting. Administrator Jesme said the RLWD would look at it as a holistic package and would include that area as well.

The Minnesota Board of Water and Soil Resources recommended as part of their approval of the Thief River Comprehensive Watershed Management Plan (CWMP), that the RLWD approve a more transparent appeals process should the WMD be triggered. In Board discussion, it was noted that there is an appeals process covered by Minnesota State Statutes already in place, therefore it appears there is no need to establish another appeals process. Motion by Tiedemann, seconded by Dwight, to deny the request to establish an appeals procedure as recommended by BSWR and to follow the appeals process already in Statutes. Following roll call vote, the request to deny was passed unanimously.

The following resolution to Adopt and Implement of the Thief River Comprehensive Watershed Management Plan was moved by Ose, seconded by Torgerson, and upon roll call vote was unanimously passed:

Whereas, the Red Lake Watershed District has been notified by the Minnesota Board of Water and Soil Resources that the Thief River Comprehensive Watershed Management Plan has been approved according to Minnesota Statutes 103B.801 and Board Resolution #16-17:

Now, Therefore, Be it Resolved, the Red Lake Watershed District hereby adopts and will begin implementation of the approved Thief River Comprehensive Watershed Management Plan.

The Red Lake Watershed District previously entered into a cost sharing engineering agreement with Marshall County Drainage Authority in conjunction with Marshall County Ditch 20 and State Ditch 83. As part of this agreement, RLWD Project 14D was approved to assist in the reduction of sediment from CD #20 depositing into State Ditch #83 ditch system. As part of that project, there were various side water inlet culverts installed along with flap gates. Marshall County Ditch authority has asked if the Red Lake Watershed District would assist in the cost share to repair one of the SWI's as the spoil has settled and culvert and water is going over the spoil and causing flood concerns to an adjacent landowner. An extension would be installed on the culvert and a berm built higher. Motion by Ose, seconded by Page, and passed unanimously by roll call vote to approve cost share of 50/50 with Marshall County to repair an area of Marshall County Ditch 20/State Ditch 83.

The RLWD Impoundment Update as of April 8, 2020 was reviewed.

Pennington Soil and Water Conservation District thanked the Red Lake Watershed District for their financial support for the 2020 Envirothon, but due to the COVID-19 pandemic, the event was cancelled for this year. Pennington SWCD inquired how the RLWD wished to handle the 2020 financial support given them. Motion by Tiedemann, seconded by Ose, and passed unanimously following roll call vote, to apply the support to the 2021 Envirothon.

The Draft 2019 Annual Report will be sent to each Board member for their review.

Motion by Sorenson, seconded by Ose, to table RLWD Permit No. 20007, BRAF Farmland Holdings GP, Excel Township, Marshall County, to allow staff to further review the permit following the 2020 spring runoff. Motion carried unanimously following roll call vote.

Motion by Torgerson, seconded by Tiedemann, and passed unanimously following roll call vote, to table RLWD Permit 20012, Brent Strand, Badger Township, Polk County to allow staff to further review the permit following 2020 spring run-off.

The Board reviewed the permits for approval. Motion by Sorenson, seconded by Dwight, to approve the following permits with conditions stated on the permit: No. 20006, Donovan Dyrdal, Norden Township, Pennington County; No. 20008, City of Thief River Falls, North Township, Pennington County; No. 20009, Minnkota Power Cooperative, Inc., Lambert Township, Red Lake County; No. 20010, Pheasants Forever, Inc., Rosebud Township, Polk County; No. 20011, Tom Goddard, Evans Scrap and Steel, Inc., North Township, Pennington County; No. 20013, Minnesota Pipe Line Company, LLC, Nora Township, Clearwater County; and No. 20014, Minnesota Department of Transportation, Tilden Township, Polk County. Motion carried unanimously following roll call vote.

RLWD President's Determination Regarding Conducting Meetings by Telephone or Other Electronic Means and the President's Declaration of a State of Emergency due to COVID-19 Pandemic were reviewed by the Board. Discussion was also had of Governor Walz's extension of the Stay-at-Home Order to May 4 and question raised if staff should continue working remotely. Legal Counsel Delray Sparby indicated that the RLWD is an essential critical sector entity so therefore staff could report to office, however, it is encouraged to have staff work at home, if possible. Administrator Jesme stated that a few staff have been coming into office as needed and but mostly working remotely from their home. Jesme also indicated that he felt that this working from home policy has worked out well with only some minor issues. Consensus of the Board was staff should work remotely and report to office as needed.

Administrators update:

- Jesme and Manager Ose plan to attend the RRWMB meeting via conference call on April 21, 2020 at 10:00 a.m.
- Jesme attended the Thief River 1W1P Policy meeting on Monday, April 16, 2020 held at RLWD office. Items covered were review of bylaws, determination of fiscal agent to be

RLWD, and determination that Darren Carlson, Marshall SWCD, act as coordinator, and also approved the 2020/2021 Work Plan. Allocation of contingency and unused agency funds were made, based on percentage of overrun, to Pennington SWCD and RLWD. The workplan, which is part of the Thief River, was also approved.

- The District's Overall Advisory Committee meeting was held on March 16th at 9:30 a.m. Attendance was down but could be due to COVID-19.
- The status of the Red River Basin Commission Tour of projects located within the RLWD and the Middle Snake Tamarac Rivers Watershed Districts scheduled to be held on June 3, 2020 is unknown at this time. The tour will include the Thief River Falls Westside FDR Project and Black River Impoundment.
- The January and February 2020 water quality reports are included in packet.

The Board discussed the presentation and delivery, as well as possible paper copies, of the Agenda and Board meeting packets prior to the meeting during this time of hosting meetings remotely.

Being no further business to come before the Board, a motion by Sorenson, seconded by Dwight, and passed unanimously by roll call vote to adjourn.



LeRoy Ose, Secretary