

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: August 6, 2014 @ 8:00 a.m.**

The Board of Managers of the Two River Watershed District held their regular meeting beginning at 8:00 a.m. on Wednesday, August 6, 2014 at the District Office located in the Kittson County Courthouse in Hallock, Minnesota.

Managers present included President Roger Anderson, Vice President Jim Kukowski, Secretary Jon Vold, Treasurer Darrel Johnson, Paul Olsonawski, Allen Brazier, & Daryl Klegstad. None were absent. Anderson arrived at 10:00 a.m., and Kukowski left the meeting at 11:30 a.m.

Others present included District Administrator Dan Money, District Technician Matt Thompson, Engineer Blake Carlson, Attorney Jeff Hane, Kittson County Highway Engineer Kelly Bengtson, and Advisory Committee member Ed Walsh.

The meeting was called to order by Vice President Kukowski. Kukowski called for any additions or corrections to the proposed meeting agenda and also the meeting minutes from July 2, 2014. Today's meeting agenda and the minutes of the July 2, 2014 regular meeting were approved upon a **motion** by Olsonawski, **second** by Brazier, and **unanimous vote** of the Managers.

Treasurer's Report:

Money presented the treasurer's report including the fund balances, accounts listing, and checks and deposit detail.

The treasurer's report was then approved upon a **motion** by Johnson, a **second** by Vold, and a **unanimous vote** by the Board.

The draft 2015 budget was discussed and the annual budget hearing was set for Wednesday, September 3, 2014 beginning at 8:00 a.m. The Administrator was directed to advertise the budget hearing as required by law.

Administrator's Report:

District Administrator Money gave a report on the following and distributed a handout:

Kittson County Ditch #10; A small slough has occurred along the south ditch bank near the outlet end of the ditch, and is creating a hole in the road. Springbrook Township has agreed to split the cost of repair with the District, and a quote has been received for less than \$4,000 to excavate, backfill, shape, seed and lay erosion control fabric. Upon a **motion** by Vold, **second** by Johnson, and **unanimous vote** of the Managers, authorization was approved to pay ½ of the cost to repair, up to a maximum \$2,000.

Other Ditches: Ditch inspections have been completed on all District ditches. A number of ditches need brush mowed and cattails sprayed, and a few beaver dams are present. This maintenance work will be done and billed out to each ditch.

Springbrook #10 PL566: Discussion was held regarding 'Phase 2' of the project, located just south of MN Highway 11. Originally the proposal was to excavate 2.5 acres of floodplain alongside of the channel in order to alleviate upstream flooding of a township road. Because of permitting concerns this activity was placed on hold. According to information from the US Army Corps of Engineers, if the excavation is done with a backhoe and the material is disposed

of off site, a permit is not needed. Permits have already been approved by the DNR and the MN Wetland Conservation Act. The Board of Managers directed staff to secure a contractor to perform this work.

Volunteer Staff Gage Readers: Upon a **motion** by Kukowski, **second** by Johnson, and **unanimous vote** of the Managers, approval was given to pay all staff gage readers for mileage traveled to read staff gages at the current IRS rate.

Annual Report: The 2013 Annual Report was presented to the Board of Managers. Upon a **motion** by Brazier, **second** by Klegstad, and **unanimous vote** of the Managers, the report was approved.

Attorney's Report:

Attorney Jeff Hane of Brink, Sobolik, Severson, Malm, & Albright, P.A., gave an Attorney's report regarding the following items:

Springbrook PL 566 Project #10: Two more right of way agreements have been completed and are pending signature from the landowners.

Quick Project: The Natural Resources Conservation Service is nearing completion of the 'Wetland Reserve Program' enrollment, and once that is completed the TRWD will be able to close the land sale with Mr. & Mrs. Quick. Upon a **motion** by Olsonawski, **second** by Brazier, and **unanimous vote** of the Managers, Hane was directed to perform a title search regarding the Quick purchase and prepare the necessary documents in order to complete the purchase.

Klondike 2 (North): Discussion was held regarding the legal proceedings that need to take place in order to move the project forward. The District would need to follow MN Statute 103D.601, and hold a 'Preliminary Resolution Hearing'. Upon a **motion** by Olsonawski, **second** by Vold, and **unanimous vote** of the Managers, the hearing was scheduled for 7:00 a.m. at the District office on September 3, 2014. The Administrator was directed to prepare and publish the hearing notice as required by law. The Administrator and District Engineer will prepare the necessary report to be presented at the hearing.

Engineer's Report:

Carlson gave the Engineer's report on the following:

Klondike 2 (North): Details of the proposed impoundment were discussed, including the inlet ditch continuing 4 miles to the east and the dimensions that it would need to be constructed to. Also discussed were the inlet structure, outlet structures, emergency spillway, footprint of the impoundment, and funding scenarios. It may be possible to obtain some neighboring lands and this could alter the project design.

Tasks to be accomplished prior to September 3 include 1) the Administrator will write a letter to DNR seeking a land exchange, 2) the Engineer and Administrator will prepare and complete a concept paper to be presented at the Preliminary Resolution Hearing, 3) Manager Johnson will contact neighboring landowner D. Nelson to discuss possibilities of using that land, and 4) the Administrator was directed to contact neighboring landowner East Farms to discuss the possibility of obtaining those lands for the impoundment.

K. Bengtson: Kittson County Highway Department recently applied for a permit to do ditch and culvert work in sections 5 and 8 of Richardville Township. Bengtson discussed the application and answered questions regarding. The application was referred to the permit committee.

E. Walsh: Walsh asked questions regarding cleanouts of DNR protected waters and what procedures need to be taken prior to doing work. He discussed a potential cleanout in section 33 of Stokes Township, and inquired what activities require a permit from the Two Rivers Watershed District, in particular pertaining to culverts. He was informed that any alteration of any existing culvert or installation of any new culvert on any public or private project needs a permit.

Appeal Hearing – R. Christian: Ray Christian appeared before the Board of Managers regarding an appeal of the Board’s denial of permit application 2014-14. The appeal hearing was called to order at 11:00 a.m. It was noted the purpose of the hearing and the procedure that will be followed to conduct the hearing. The permit application was made to install 24” culverts at two separate locations to drain water from Mr. Christian’s land in section 31 of Juneberry Township, Roseau County, MN into lateral 1 of State Ditch #95. The Two Rivers Watershed District, in denying the permit application, found that 1) lateral 1 SD 95 is undersized for the amount of drainage area and flow that it handles, 2) section 31 already has two outlets via culverts draining into lateral 13 of SD 72, which gives the section adequate drainage, 3) there are known flooding and drainage problems on lateral 1 SD 95 and further drainage into the ditch would exacerbate the problems that already exist.

Christian presented his case as to why he thinks the culverts should be approved. He discussed his drainage plan for the section, stating these culverts would provide a better outlet for ag drainage and would remove water from his land ahead of water that comes from the east in SD 95.

The Board of Managers described to Christian historical water flows and flooding within that area, and also described the District’s culvert policy of sizing culverts to help reduce flooding, which dictates that for a certain size drainage area, only a certain size culvert is allowed. The following findings of facts were made by the Board of Managers: 1) the District’s culvert policy was cited and it was noted that the existing culverts already provide enough opening for the drainage area Christian is trying to drain. 2) It has been determined that Lateral 1 SD 95 is not an adequate outlet and cannot handle additional water coming to it. 3) At the outlet on the west end of the property, water can and does flow both south and north depending on how high the water is and the extremity of the runoff event. Therefore, it makes a difference what ditch the water is allowed to enter and when.

Upon a **motion** by Brazier, **second** by Vold, and **unanimous vote** of the Managers, the original permit decision was upheld and the application remains denied. The hearing was adjourned at 11:45 a.m.

The Board acted on the following permits. Conditions, if any, are listed on the permit sent to the individual.

Permits Referred to the Board of Managers

<i>App. #</i>	<i>Applicant</i>	<i>Location</i>	<i>Purpose</i>	<i>Action</i>
2014-33	Pelan Twp - TRWD needs survey information before a decision can be made	Pelan 32-33	remove center line culvert	table
2014-34	Justin Dagen - Applicant must submit tile drainage plans and specifications	Springbrook 23	tile	table
2014-37	Barto Twp - Motion Brazier, second Johnson, unanimous;	Barto 5-6	raise road	approve
2014-38	Craig Halfman - Motion Johnson, second Klegstad, unanimous;	Springbrook 17	ag dike	approve
2014-39	Erik Lindegard	Hallock 29	coulee diversion	approve

2014-40	- Motion Johnson, second Klegstad, unanimous Ron Mooney	Dewey 4-5	culverts & ditching	table
2014-41	- Need more information and permit fee Rick Solberg	Moose 29	coulee crossing w/24"	approve
	- Motion Brazier, second Vold, unanimous; condition – approve 30" culvert at same elevation as upstream culvert			
2014-42	Rick Solberg	Moose 30	field crossing w/2-24" & gate	approve
	- Motion Brazier, second Johnson, unanimous; condition – no gates and no pumps allowed			
2014-43	Kittson Co Hwy Dept	Richardville 5	ditching & culverts	table
2014-44	David Helm	Hazelton 15	access road and crossing	approve
	- Motion Vold, second Johnson, unanimous			
2014-45	Hallock Twp	Hallock 3	riverbank stabilization	approve
	- Motion Vold, second Klegstad, unanimous – Johnson abstained			

Permits Reviewed by Administrator or by Committee

<i>App. #</i>	<i>Applicant</i>	<i>Location</i>	<i>Purpose</i>	<i>Action</i>
2014-19	Blawat Farms	Barto	crossing with 7.1'x10.11'cmpa	approve
2014-27	Enbridge	Svea 25	2 crossings with 24" cmp's	approve
2014-28	DK Farms	Polonia 24	Tile	approve
2014-29	Thomas Silbernagel	East Park 1	ditching / crossing	approve
2014-30	Doug Green	Dewey 10	crossing with 30"	approve
2014-31	City of Kennedy	Kennedy	water main work	approve
2014-32	Poppleton Twp	Poppleton 32	crossing with 18"	approve
2014-35	DK Farms	Hereim 8	crossing with 18"	approve
2013-36	Mark Prosser	Pelan 1, 2, 4	Side water inlets	approve
ammendment	MNDOT – request for amendment to Permit #1479 Hwy 11			approve

Discussion was held regarding the District policy regarding survey work that the District does in relation to review of permit applications. In some cases the amount of work required to properly review a permit gets excessive. In most cases review of permits is not charged out, but takes a few hours of staff time. The issue arises when large surveys are required, and whether that should be a cost to the applicant.

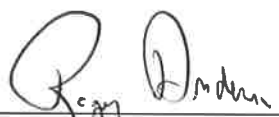
After deliberation and discussion, the Board of Managers decided normal permit review activities will not be charged to a permit applicant, however survey work with the survey grade gps will be charged at the normal rate.

With no other matters to come before the Board of Managers, the meeting was adjourned.

Attest:



Jon Vold, Secretary



Roger Anderson, President