

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: September 2, 2015 @ 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, September 2, 2015 at the District Office located in the Kittson County Courthouse in Hallock, Minnesota.

Managers present included President Roger Anderson, Treasurer Darrel Johnson, Paul Olsonawski, Allen Brazier, & Daryl Klegstad. Vice President Jim Kukowski and Secretary Jon Vold were absent.

Others present included District Administrator Dan Money, District Technician Matt Thompson, Blake Carlson (Widseth, Smith, & Nolting), Attorney Jeff Hane, Randy Knott & Jake Huwe (HDR Engineering), and landowner Ken Chruszch.

Annual Budget Hearing and Tax Levies:

The Budget Hearing was called to order by President Anderson at 8:00 a.m. The hearing notice was duly posted and advertised in newspapers as required by law.

Money presented the proposed 2016 budget that had been prepared, advertised, and distributed to the Board of Managers prior to the hearing.

There were no persons present at the hearing to speak either for or against the proposed budget.

The budget was then approved and adopted in the amount of \$213,000 and the General fund levy for 2016 was certified at \$212,500 upon a **motion** by Brazier, a **second** by Johnson, and a **unanimous vote** by the Board.

Ditch levies for 2016 were discussed. A spreadsheet detailing ditch balances, proposed work on each ditch, and a proposed ditch budget was handed out and discussed. After the Board of Managers discussed and considered the proposed levies, a **motion** was made by Olsonawski, **seconded** by Johnson, and upon **unanimous vote** of the Managers, the following ditch levies were approved.

Ditch	2016 Levy
Middle Branch Prj	10,000
North Branch Prj	7,500
KCD 7	15,000
KCD 10	7,000
SD 49	10,000
SD 85 Improvement	4,000
JD 3	11,000
JD 10	42,000
Kennedy 6	0
SB 10 PL 566	10,000
RCD 4	15,000
Soler 4	0
Dewey 5	0
Dewey 5 Improvement	10,000

Ditch outlet fees were discussed. It was noted that the Viewers Report for the Springbrook #10 PL 566 Project, which had been approved following a properly noticed public hearing and noted in the project's 'Findings of Fact and Order', dated February 6, 2013, indicates that the Board of Managers may assess an outlet fee payable by Kittson County Ditch #10 to the Springbrook #10 PL 566 project. Also, the same document allows the Managers to assess an outlet fee payable by the Springbrook #10 PL 566 project to Judicial Ditch #10.

Upon a **motion** by Olsonawski, **second** by Brazier, and **unanimous vote**, an outlet fee of \$5,000 payable to the SB 10 PL 566 project was assessed to Kittson County Ditch #10.

Upon a **motion** by Klegstad, **second** by Olsonawski, and **unanimous vote**, an outlet fee of \$5,000 payable to Judicial Ditch 10 was assessed to the SB 10 PL 566 project.

Attorney Jeff Hane was directed to draft an order for the various outlet fees.

The Administrator was directed to certify the budget, general levy, and ditch levies to the County Auditors as required by law. Upon a **motion** by Brazier, **second** by Johnson, and **unanimous vote**, the budget hearing was closed and the regular meeting was convened at 9:15 a.m.

The regular monthly meeting was called to order by President Anderson. Anderson called for any additions or corrections to the proposed meeting agenda and also the meeting minutes from August 4, 2015. Today's meeting agenda and the minutes of the August 4, 2015 regular meeting were approved upon a **motion** by Johnson, **second** by Olsonawski, and **unanimous vote** of the Managers.

Treasurer's Report:

Money presented the treasurer's report including the fund balances, accounts listing, and deposit detail. It was noted that checks written for the month include check numbers 7660 through 7682 and electronic funds transfers to PERA, MN Dept. of Revenue, and Electronic Federal Tax Payment System, as reported and contained within the report.

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

KCWRP / CRP:

Anderson reported on a meeting with the Kittson County FSA County Committee that he attended. The purpose of the meeting was to discuss the rental rate on the lands the District recently purchased located in Klondike Township, Kittson County. FSA is concerned that the rental rate is tied to the CRP contracts on the land, and that this would not be allowable under federal law. After discussions with the County Committee, it appears that the TRWD will be able to collect rent and the operator will remain eligible to collect CRP. Administrator Money was directed to work with Attorney Hane and the FSA office to file the appropriate paperwork.

President Anderson left the meeting at 9:40 a.m.

Administrator's Report:

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

Watershed Restoration & Protection Plans;

- **Lower Red River WRAPS** - The 'Stressor ID' report is being undertaken by the MPCA and is scheduled to be completed by the end of November 2015.
- **Two Rivers WRAPS** - MPCA continues to collect data, currently they are monitoring several sites to get low flow dissolved oxygen information.

SD 91: Recent review of permit applications revealed that in 2012 Roseau County had undergone proceedings to add two new laterals to State Ditch #91. It does not appear that a legal grade and cross section were established. The Board of Managers directed Attorney Hane to research the matter.

Ditches and Projects: All ditches and impoundments have undergone annual inspections. Some brush, cattail, and beaver issues will be taken care of. There is also some minor erosion at the Ross #7 impoundment, which will be addressed. Roseau County Ditch #13 appears to be overgrown with brush and cattail, and Money requested the county to spray the vegetation.

Beaver Bounty: Discussion was held regarding potentially raising the amount the District pays for beaver bounty. Currently the District pays \$40 per beaver on ditches under its jurisdiction as the ditch authority. This amount has been the same since 2001, and could be due for an adjustment. Upon a **motion** by Olsonawski, **second** by Klegstad, and **unanimous vote**, the beaver bounty was raised to \$75 per beaver.

Rural Municipality of Franklin, Manitoba: A informational meeting was held with the Rural Municipality of Franklin, Manitoba and the Kittson County Highway Department. Manager Olsonawski and Administrator Money attended. Information regarding drainage along the international border was exchanged, and projects that are planned in Canada may help local drainage in the U.S.

Website: Money met with website developer A. Swenby. The District needs to forward information to Swenby that will be included on the website. The site should be up and running in about 2 months.

Quick WRP Project: Money and Engineer Carlson met with 4 members of NRCS in order to go over the NRCS request for more information. Discussion items included proposed depth and duration of impounded water, and how that would affect the wetland types on the site. Information was provided to the NRCS and we are now awaiting their reply.

Klondike Clean Water Retention Project #11: Discussion was held regarding several aspects of the project including funding, land management and sale of bins, a public information and education strategy, permits, natural resource enhancements, landowner meetings, engineering and survey, and operations and management planning.

The District has been approved through the Red River Retention Authority to receive up to \$500,000 from the NRCS "RCCP" PI 566 funding. This is a 70% - 30% program and the District would be required to provide up to a \$200,000 match. The funding would go towards the development of an environmental assessment plan, and would develop preliminary engineering and preliminary permitting. Upon a **motion** by Brazier, **second** by Klegstad, and **unanimous vote**, the Board accepted the funding and authorized the Treasurer and the Administrator to sign any and all grant documents.

Attorney's Report:

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

SB 10 PL566: The District has obtained signed agreements from all but two landowners regarding right of way. Several attempts have been made to finalize these agreements. Of the 2, one has verbally agreed to sign and return the paperwork. Once all agreements have been received they will be recorded on the properties. Hane was instructed to contact the final landowner by letter.

Permits:

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

<u>App. #</u>	<u>Applicant</u>	<u>Location</u>	<u>Purpose</u>	<u>Action</u>
2015-29	Jensen Farms Partnership	N. Red River 12	Tile	Approved
	Upon a motion by Olsonawski, second by Brazier, and 3-1 vote CONDITION: Gates must be installed to be able to control outflows No discharges from the system are allowed when there is downstream flooding An as-built diagram must be submitted upon completion			
2015-31	Joel Deere	Granville 17	culvert / xing	incomplete - tabled
2015-35	Terry Dahl	Teien 33	Culvert	Approved
	Upon a motion by Brazier, second by Klegstad, and unanimous vote			
2015-36	Chad Spilde	Norway 24	24" culvert	Approved
	Upon a motion by Klegstad, second by Brazier, and unanimous vote CONDITION: must be an 18" culvert			
2015-37	Ward Wilson	Skagen 15	ditching, culvert	Approved
	Upon a motion by Brazier, second by Klegstad, and unanimous vote CONDITION: erosion must be controlled as per Engineer & Administrator Ditch side slopes must be 3:1 Erosion of Township Road side slope must be stabilized Head cut in Township Road must be repaired/stabilized After the fact permit fees must be paid in full Must submit as-built survey with grade and cross sections			
2015-38	DK Farms	Polonia 25	Tile	Approved
	Upon a motion by Klegstad, second by Brazier, and unanimous vote CONDITION: No discharges from the system are allowed when there is downstream flooding Must submit as-built diagram			
2015-39	Larry Scharmer	Teien 28	Tile	Approved
	Upon a motion by Klegstad, second by Olsonawski, and unanimous vote CONDITON: No discharges from the system are allowed when there is downstream flooding Mus submit as-built diagram			
2015-41	Jeff Mortenson	Skane 29	ditching/culvert	tabled – referred
	to permit committee			
2015-42	Solberg / Christianson	Barto 2	trap on culvert	tabled – referred
	to permit committee			
2015-43	Rick Solberg	Barto 2	trap on culvert	tabled – referred
	to permit committee			
2015-44	Lloyd Johnson Farms	Springbrook 35	Tile	tabled – referred
	to permit committee			
2015-45	Mike & Amy Jorgenson	Moose 19 & 30	Dike	tabled – referred
	to permit committee			

The following permits were received and are being reviewed by the District Administrator and / or the permit committee.

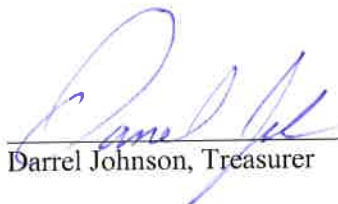
<u>App. #</u>	<u>Applicant</u>	<u>Location</u>	<u>Purpose</u>	<u>Action</u>
2015-40	Deer Township permit review	Deer 36	culvert	pending
2015-47	Vince Meyer permit review	Juneberry 23	culvert	pending

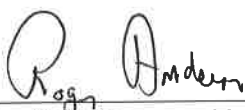
The following permit issues were discussed.

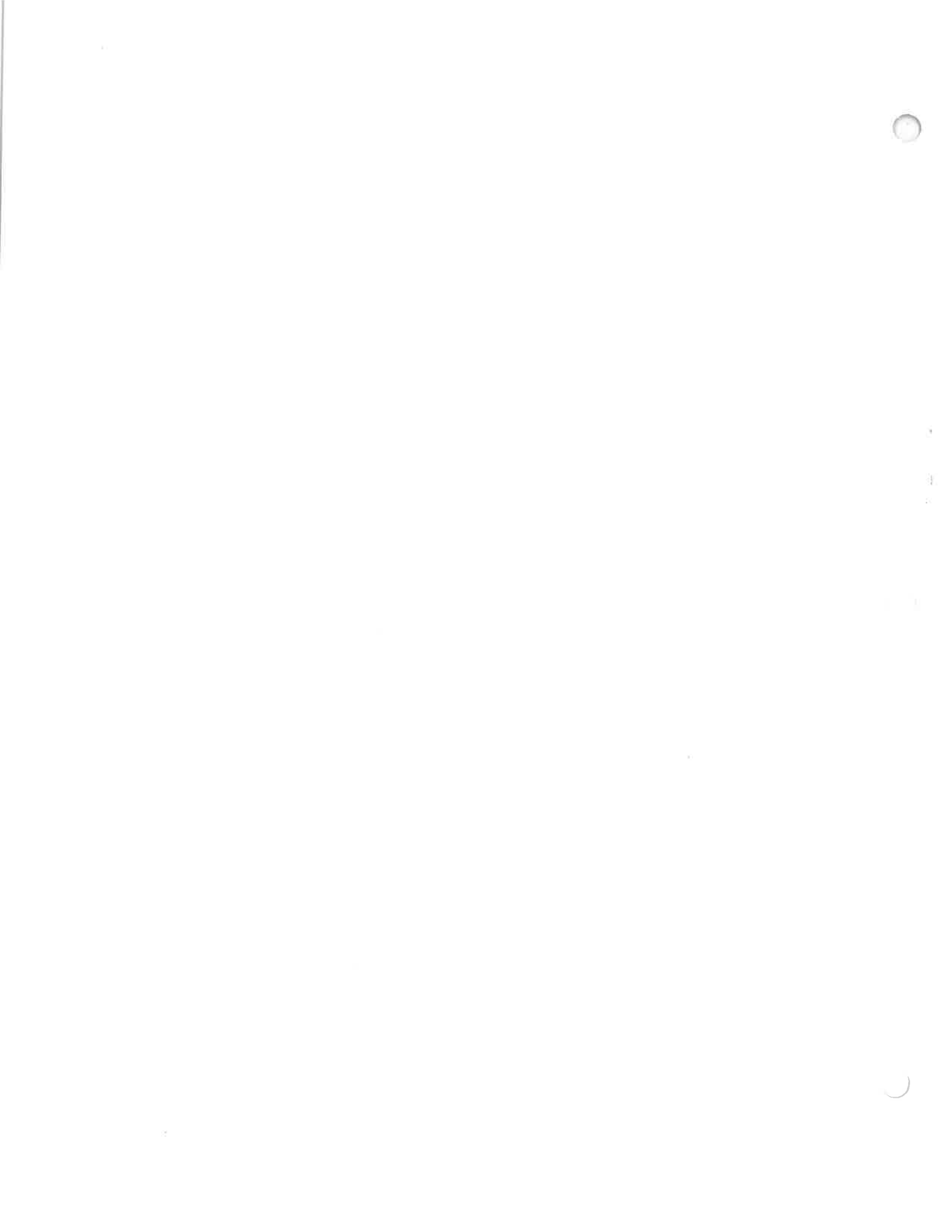
- A complaint was received regarding a crossing with a 12” culvert that had been installed in section 25 of Ross Township. No permit application has been received. Upon review and field inspection, it appears the crossing would be approved as installed pending the submittal of a permit application. Staff has determined that the project does not negatively affect any adjacent private properties or infrastructure. Discussion was held regarding after the fact fees. A **motion** was made by Johnson and **seconded** by Olsonawski to waive the after the fact fees. The motion **failed on a 2-2 vote** of the Managers. The Administrator was directed to send a letter regarding the requirement of a permit application and fees.
- It has come to the attention of the District that a culvert through a township road in sections 6-7 of Thompson Township has been lowered. There has not been a permit application received for this activity. The Administrator was directed to contact the landowner and the Township regarding the need to submit a permit application and the required after the fact fee.

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

Attest:


Darrel Johnson, Treasurer


Roger Anderson, President



**BEFORE THE BOARD OF MANAGERS
TWO RIVERS WATERSHED DISTRICT**

**ORDER FOR OUTLET FEES
REGARDING KITTSON COUNTY DITCH NO. 10
AND SPRINGBROOK PL 566-PROJECT #10**

The above-entitled matter came on before the Board of Managers for hearing on the 9th of September, 2015, pursuant to Minn. Stat. § 103D.915 and Minn. Stat. § 103E.651 for the annual adjusting of ditch fund levies.

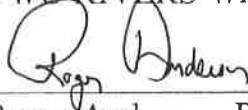
The Managers noted at the hearing that pursuant to the Viewer's Report submitted October 31, 2012, on Springbrook PL 566-Project #10, which Viewer's Report was accepted and incorporated into the Findings and Order on Final Hearing at the hearing on Wednesday, February 6, 2013, the Viewer's Report specifically set forth that an outlet annual fee of up to \$5,100.00 per year will be charged to Kittson County Ditch No. 10 System at the discretion of the Two Rivers Watershed District to be used as a maintenance annual fee. It further specifically sets forth that the Springbrook PL 566-Project #10 will be charged an annual outlet fee of up to \$7,800.00 as determined at the discretion of the Two Rivers Watershed District, to be paid to the Judicial Ditch # 10 system.

The Board, having heard the testimony of its engineer, and having considered once again the Viewer's Report, the comments from the administrator, the comments of counsel, and the testimony of any witnesses appearing at the hearing, hereby ORDERS as follows:

1. That there is now assessed an outlet annual fee of \$5,000.00 to Kittson County Ditch No. 10 for its discharge into Springbrook PL 566-Project #10. In addition, the Board orders that there is hereby assessed an annual outlet fee of \$5,000.00 to be assessed against Springbrook PL 566-Project #10 to compensate for its discharge into Judicial Ditch No. 10.
2. Incorporated by reference are the Findings of Fact set forth in the Findings and Order on Final Hearing adopted by the Board on Wednesday, February 6, 2013 and the Findings and Order adopted at the final hearing on Springbrook PL

Dated this 2nd day of September, 2015.

TWO RIVERS WATERSHED DISTRICT



Roger Anderson, President

ATTEST:



Secretary