

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: September 7, 2016 @ 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 7, 2016 at the District Office located in the Kittson County Courthouse in Hallock, Minnesota.

Managers present included President Darrel Johnson, Secretary Daryl Klegstad, Treasurer Paul Olsonawski, Roger Anderson, Allen Brazier, & Gary Johnson. Vice President Jim Kukowski was absent.

Others present included District Administrator Dan Money, Attorney Jeff Hane, Engineer Blake Carlson, Engineer Nate Dalager, Kevin Klein, Scott Klein, John Webster, Kurt Kraulik, Arvin Sundby, Gerald Klegstad, Bryce Minske, Stewart Minske, Brian Dahl, and Mike Kukowski.

The annual Budget Hearing was called to order at 8:00 a.m. by President D. Johnson. Notice of the hearing was published in area newspapers as required by statute. Citizens present at the hearing were S. Klein, K. Klein, K. Kraulik, and J. Webster. D. Money presented the proposed 2017 budget. The Board of Managers discussed several line items and discussed the proposed total of \$225,000 vs the maximum allowable under the law, which is \$250,000. It was noted that increased operating costs are expected because of administrative costs of the Klondike Clean Water Retention Project.

Upon a **motion** by Brazier, **second** by Klegstad, and **unanimous vote**, the general levy for 2017 was set at \$250,000. The Red River Watershed Management Board levy, previous set by that board, was noted to be \$491,722, of which ½ is sent to the RRWMB and ½ is kept by TRWD for local project funding.

Ditch levies for 2017 were discussed. Money presented his recommendations for each ditch, and noted that in considering the levies, proposed maintenance activity for 2017 and current ditch fund balances were taken into account, among other factors. Comments from landowners present at the meeting were that for Kittson County Ditch #7, they would like to see larger levies in order to be pro-active with regard to ditch maintenance activities. A **motion** was made by Olsonawski, **seconded** by Brazier and approved upon a **unanimous vote** to approve the following ditch levies for 2017: Middle Branch Project - \$10,000; North Branch Project - \$10,000; KCD 7 - \$18,000; KCD 10 - \$2,500; SD 49 - \$10,000; SD 85 Improvement - \$5,000; JD 3 - \$4,000; JD 10 - \$42,000; SB 10 PL566 - \$10,000; RCD 4 - \$ 15,000; Soler 4 - \$ 5,000; Dewey 5 Improvement - \$10,000.

Upon a **motion** by Anderson, **second** by Klegstad, and **unanimous vote**, an order for outlet fees regarding KCD 10 and Springbrook 10 PL 566 was approved. An outlet fee payable in 2017 will be assessed to KCD 10 in the amount of \$5,100 and paid to SB 10. Also, an outlet fee payable in 2017 will be assess to SB 10 in the amount of \$5,100 and paid to JD 10.

The budget hearing was closed and the regular monthly meeting called to order at 8:50 a.m.

President D. Johnson called for any additions or corrections to the proposed meeting agenda and also the meeting minutes from August 10, 2016. Today's meeting agenda and the minutes of the August 10, 2016 regular meeting were approved upon a **motion** by Olsonawski, **second** by G. Johnson, 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 7968 through 7991 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 G. Johnson, a **second** by Klegstad, and a **unanimous vote** by the Board.

Kittson Co. Ditch #7: Several landowners were in attendance to discuss with the Board of Managers drainage and flooding along Kittson CD #7. They stated that KCD 7 does not have adequate capacity and water breaks out of the ditch and enters KCD 19, negatively impacting that ditch system. They presented photos and also discussed culvert capacities at various locations. The group is working to acquire the necessary signatures for a ditch improvement petition, and will be submitting the petition and required bond at a later date.

- A. **Sundby:** Mr. Arvin Sundby addressed the Board of Managers regarding an after the fact permit fee that has been assessed against him. This issue came on originally before the Board of Managers on June 1, 2016 and again on July 6, 2016. An after the fact fee was assessed and a subsequent letter of appeal from Sundby was received asking for the fee to be waived. The Board's previous decisions on both occasions were that the fee must be paid. Sundby presented information to the Board and stated his reasons for asking that the fee be waived. The Board decided that in this case leniency would be acceptable because there were no prior offenses and although the project was installed without a permit, Sundby did contact the office and obtain an application prior to performing the work. It was deemed that his intent was to obtain a permit and upon a **motion** by Olsonawski, **second** by Klegstad, and **unanimous vote** the after the fact fee was waived.

Pelan Twp Road: Pelan Township Board member Wayne Cummins and landowners Bryce Minske, Stewart Minske, and Gerald Klegstad were in to address the Board regarding various issues. The Township prior had requested a permit to remove a 24" center line culvert in 2014. A permit was issued with the condition that an adequate outlet be provided. The work was never done, and subsequently two permit violations were discovered. One was a plug and one was a ditch improvement. After the fact permit fees were assessed and actions regarding these violations are pending. The possible solution for each of these would be to provide an adequate outlet by constructing the proposed improvements in the original 2014 permit. It was noted the applicants would also need permission from Kittson Co. Highway Dept. for work in the road right of way. The landowners and Township will discuss the project with KCHD.

Minske discussed the after the fact fee that has been issued to him for a permit to improve the township road ditch. He would like to appeal the District's determination, and says that it was maintenance, not an improvement. He was informed by the District that in order to proceed he would need to provide evidence showing that it was maintenance, and the District will compare to the information that is on file and was used to make their determination that it was improvement. This must be submitted in a timely manner.

Administrator's Report:

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

Legal Ditch Report: Cattail and brush spraying was completed on RCD 4, KCD 7, KCD 10, JD 3, JD 10, JD 10B, SD 49, North Br. Prj., Middle Br. Prj., and Soler 4. Beaver trapping and beaver removal has been ongoing this year on SB 10.

Program Report:

Watershed Restoration & Protection Plans;

- **Lower Red River WRAPS** - MPCA is asking for any comments regarding the WRAPS Report and the TMDL report to be submitted by 9/9/16.
- **Two Rivers WRAPS** – A technical advisory committee meeting is scheduled for 9/29/16 at Hallock in the Kittson Co. Courthouse. Discussion will be held on the draft WRAPS and TMDL reports, and the draft impaired waters suggestions.

Project Report:

Klondike Clean Water Retention Prj. #11: Braun Intertec was on site and completed 17 of the 31 soil borings that were to be done. They encountered wet conditions and were stuck once. They left with the idea that the rest of the borings will be completed in the winter once the ground has frozen and can carry a drill vehicle.

Money has been working on the PL 566 documents, and has completed the planning structure document, letters of invitation, plan of work, public participation plan, and public meeting. These have all been accepted by NRCS. The next item is the feasibility report, which is underway.

Land – J. Hane reported on the land sale / easement agreement the District has with landowners in sections 10-11-12 of Klondike Township. Sale yet this year to the District most likely will happen and so funding should be dedicated for this transaction. Hane will keep the District informed as this progresses.

Fen Plan – The MN DNR has representatives out on the fen this week to do vegetation mapping and to install monitoring wells along various transects. Head Technician Thompson is with them in the field assisting in these efforts.

Project Request from KCHD: Kittson Co. Hwy Dept. has brought up a possible project along CSAH #7 east of the City of Kennedy. A graveyard is frequently flooded, and there are water and drainage issues along the road for about 5 miles. KCHD has proposed a diversion ditch, diking, and an impoundment east of town to deal with the water. Money has suggested a possible culvert sizing project. Discussions will continue with the Highway Dept. and the City of Kennedy.

MAWD: The MN Association of Watershed Districts will hold their annual meeting in Alexandria on December 1-3. They are asking at this time for Watershed Districts to submit any resolutions that they may have.

SD 72- SD 69- JDA – RRWD: A joint meeting was held between the Kittson-Roseau County Joint Ditch Authority, the Roseau River WD, and the Two Rivers WD to discuss water flows north of Roseau County CSAH #7. Research on the various ditch systems will be done by the Watershed Districts and ideas for projects to manage overflows from Roseau River into Two Rivers will be looked at. Another meeting will be called on an ‘as needed’ basis.

Attorney’s Report:

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

Klondike Clean Water Retention Prj. #11: Hane discussed an easement and land purchase agreement that was made with D. Nelson et. Al. A deadline is coming up near the end of this year for Nelson to decide to sell the land to the TRWD. A \$900 / acre purchase price could be invoked, and therefore the District should consider its payment options.

Engineer’s Report:

Kittson CD #21 Petition:

Blake Carlson, project engineer, reported that he has begun looking at the ditch improvement project. He stated that it appears the proposed work may not totally solve the flooding problems, and discussion ensued. Carlson will look at how much the project will reduce the area flooded and the duration of the flooding, and discuss with the petitioners.

Polonia / Quick:

Carlson reported that he has provided two outlet structure plans to the Natural Resources Conservation Service, one for the north site and one for the south site. NRCS has not replied as yet. It is hopeful that site dewatering could begin this year and construction next year. NRCS has not indicated the status of permitting as yet nor have they replied to the acceptability of the outlet plans.

KCWRP #11:

Project engineer Nate Dalager was present to discuss the status of the Engineer’s report. Braun Intertec was only able to collect 17 out of the 32 proposed because of wet site conditions. Braun indicated they would attempt to come back and get the rest once the soils have frozen and the ground has firmed up. Dalager indicated that he can use the 17 borings and make some inferences so it should not slow the progress of the engineer’s report.

Dalager indicated that progress on the engineer’s report is being made and he is doing hydraulic modelling and looking at options and designs for the various inlet ditches, diked inlet, structures and other project components.

Discussion was held regarding the environmental assessment and permitting. Much of this work is being done through the funding provided by NRCS under the RCPP/PL566 program. D. Money is working on the various steps required, and at the moment is preparing a ‘feasibility report’. Timelines were discussed for both the PL566 process and the Engineer’s report process.

B. Dahl: Mr. Dahl was in attendance to discuss his permit application, number 2016-50, for a tile drainage system. He presented the plan for the system, and discussion was held regarding downstream landowner concerns. Davis Township may be interested in pursuing an alternate direction for the outlet, and it will be discussed at a town board meeting. The permit application was tabled pending further information, and was referred to the permit committee.

M. Kukowski: Kukowski addressed the Board of Managers regarding a permit violation letter that he had received from the District and his subsequent permit application, 2016-54. He had moved an existing crossing and placed a 24” culvert in addition to the existing 18” culvert, which is an activity that required a permit. He had received township and county approval, but neglected to apply for a TRWD permit. He asked that the permit fee of \$650 be reduced to \$150. The permit was approved and the fee was reduced to \$150 upon a **motion** by Olsonawski, **second** by Anderson, and **unanimous** vote.

Permits:

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

<i>App. #</i>	<i>Applicant</i>	<i>Location</i>	<i>Purpose</i>	<i>Action</i>
2016-48	MNDOT Motion D. Johnson, second G. Johnson - carried	Hwy 75 in Hallock	ditching, culverts	Approved
2016-50	Brian Dahl	Davis 13	tile drainage	Tabled
2016-53	M Ratzlaff	Jupiter 11	tile drainage	refer to committee
2016-54	M Kukowski See motion listed above; Condition - \$650 ATF fee reduced to \$150 – must be paid before permit is valid	Skagen 27	crossing	Approved
	- Approved one 18” cmp and one 24” cmp in crossing			
2016-55	A. Brazier Motion Anderson, second Klegstad - carried	Barto 26	move culvert; ditch	Approved
2016-56	M. Walsh	Barnett 2-3	replace culvert with larger	sent to committee
2016-57	K Levenhagen	Percy 18	Culvert	Denied

Motion Klegstad, second Olsonawski - carried

The following permit applications were acted on prior to the meeting by the permit committee:

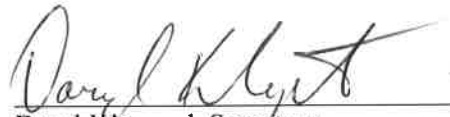
<u>App. #</u>	<u>Applicant</u>	<u>Location</u>	<u>Purpose</u>	<u>Action</u>
2016-34	Terry Osowski	N Red River 36	tile	Approved
	Condition: Must remove traps on 2 existing pipes in KCD 21			
2016-49	Brian Anderson	Svea 22	replace 48" w/2-24"	Approved
2016-51	Keith Okeson	Percy 12	18" or 24"	Approved 18"
2016-52	Blawat Farms	Soler 10	lower 18" 1.6'; ditching	Approved

The following permit enforcement and other issues were discussed:

- - Deerwood Sect. 4: A road and gravel pit are impeding flowage – D. Money was instructed to write letter to landowner, require a culvert.
- - Richardville 5-8: TRWD asked to investigate potential project alternatives – Found boundary issue with JRWD & is affecting KCD 22; Issue was tabled.
- - Barto 2 NE: culvert size changed and culvert lowered – landowner has stated he will restore to prior condition; deadline was missed. Attorney will send letter.
- - Barto 2 NW: trap for culvert permitted, however method of installation effectively reduces the size of culvert; deadline was missed. Attorney will send letter.
- - Skagen 4: crossing installed w/o permit; letter sent; investigation is pending.
- - Deerwood 33: crossing installed w/o permit; letter sent; phone call; application and fee pending
- - Several other enforcement & permit issues were discussed. Office personnel will follow up on these various items.

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

Attest:


Daryl Klegstad, Secretary


Darrel Johnson, 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 7th of September, 2016, 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 Managers also made note of a resolution made by the Board of Managers on May 3, 2005, numbered 2005-01, setting an annual outlet fee of \$1,000 to be charged to the City of Karlstad and deposited in the Kittson County Ditch #10 maintenance fund. This outlet fee allows the City to use KCD #10 as an outlet to drain its storm sewer and sanitary sewage treatment ponds.

The Board, having heard the testimony of its engineer, and having considered once again the Viewer's Report, the aforementioned resolution, 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 fee for the year 2017 of \$5,100.00 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 outlet fee for the year 2017 of \$5,100.00 to be assessed against Springbrook PL 566-Project # 10 to compensate for its discharge into Judicial Ditch No. 10.

2. That there continues to be assessed an annual outlet fee of \$1,000 to the City of Karlstad for its discharge into Kittson County Ditch #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 #10 PL 566 project, and the TRWD resolution #2005-01 approved by the Board on May 3, 2005.


Dated this 7th day of September, 2016.

TWO RIVERS WATERSHED DISTRICT



Daryl Klegstad, Secretary

ATTEST:



Darrel Johnson, President