

**Minutes of the Regular Meeting of the Board of Managers  
Of the Two Rivers Watershed District  
Held: September 6, 2017 @ 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 6, 2017 at the District Office located in the Kittson County Courthouse in Hallock, Minnesota.

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

Others present included District Administrator Dan Money, Head Technician Matt Thompson, Attorney Jeff Hane, Engineer Blake Carlson, and Jake Huwe.

The meeting was called to order by President D. Johnson. Johnson called for any additions or corrections to the proposed meeting agenda and also the meeting minutes from August 2, 2017. Today's meeting agenda and the minutes of the August 2, 2017 regular meeting were approved upon a **motion** by Anderson, **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 deposit detail. It was noted that checks written for the month include check numbers 8242 through 8266 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.

**2018 Budget Hearing:**

The regular monthly meeting was temporarily adjourned and the budget hearing was called to order by President D. Johnson at 8:30. There were no members of the public present at the meeting.

Administrator D. Money presented the proposed Administrative budget of \$228,642 and discussed each line item. The Board discussed the budget and the amount that would need to be levied. Upon a **motion** by Klegstad, **second** by Brazier, and **unanimous vote**, the 2018 budget was approved and the general levy for 2018 was certified at \$240,000.

The Red River Watershed Management Board levy was discussed. The RRWMB previously had approved their budget \$532,963 and made the decision to levy the maximum, which is .0004836 times the taxable market value of all taxable property within the District. For 2018 this comes to \$679,045 of which ½ is sent to the RRWMB and ½ is kept to use locally on flood control projects.

Levies payable in 2018 for legal ditch systems under the jurisdiction of the Two Rivers Watershed District were discussed next. D. Money presented information on current ditch balances, proposed upcoming work needed on each ditch, and a proposed levy amount. The board deliberated and approved the following levies totaling \$129,300 upon a **motion** by Brazier, **second** by Anderson, and a **5-1 vote** of the Managers.

-Middle Branch Prj \$5,000	-North Branch Prj \$10,000	-KCD 7 \$10,000
-KCD 10 \$7,500	-SD 49 \$10,000	-SD 85 Improvement \$5,000
-JD 3 \$6,600	-JD 10 \$25,200	-Kennedy 6 \$10,000
-SB 10 \$10,000	-RCD 4 \$15,000	-Soler 4 \$5,000

-Dewey 5 Improvement \$10,000

Ditch outlet fees regarding Kittson County Ditch #10, Springbrook #10, and Judicial Ditch #10 were discussed. Currently the City of Karlstad pays a \$1000 annual outlet fee to Kittson County Ditch #10 for the right to discharge sanitary and storm sewer to the ditch. This amount has not been increased since 2005, and there is some justification to raise this fee. KCD #10 has been paying a \$5,100 outlet fee to SB #10, and in turn SB #10 has been paying an annual outlet fee to JD #10 of \$5,100.

Upon a **motion** by Olsonawski, **second** by Anderson, and **unanimous vote**, the Board set the 2018 fee for Karlstad to pay KCD #10 \$1,500; KCD #10 to pay SB #10 \$5,100, and SB #10 to pay JD #10 \$5,100.

The Budget Hearing was closed at 9:25 a.m. and the regular monthly meeting was re-convened.

### **Administrator's Report:**

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

**Legal Ditch Report:** A spreadsheet was distributed and a report given regarding maintenance activities on ditches and waterways under the TRWD's jurisdiction. Repairs of sloughs this year has or will be performed on KCD #7, KCD #10, JD #10, and Kennedy #6. Removal of sediment, beaver dams, and other obstructions has or will be performed on SD #49, State Ditch #85 Improvement, North Branch Project, Kennedy #6, and Springbrook #10. Surveys will be completed on the Middle Branch Project, North Branch Project, and State Ditch #85 Improvement.

### **Program Report:**

*Water Quality:* Governor Dayton is holding meetings around the state regarding his "25% by 2025" initiative, which aims to improve water quality in the state by 25% by the year 2025. A meeting was held in Crookston, and was attended by Manager G. Johnson and Administrator D. Money. Money reported to the Board that small group discussions were held and input was given, however it did not seem that the meetings were very well organized nor were they a productive means of generating useful information.

*RRWMB:* The Red River Watershed Management Board has advertised for the position of Executive Director, and a formal office will be established either in Ada, Fertile, or Thief River Falls. The closing date for applications is September 29<sup>th</sup>, 2017. The RRWMB is also considering a change to their tax levy rate, which would allow a member district to lower the RRWMB levy if certain criteria are met. This may become effective for the 2019 tax year.

*Buffer Law (Statute 103F.48):* Discussion was held regarding the Buffer Law and the election to undertake enforcement activities by the TRWD. The MN Board of Water & Soil Resources is requiring local governments who have elected enforcement to have either rules, ordinances, or an administrative penalty order in place on or before November 1, 2017. Upon a **motion** by Brazier, **second** by G. Johnson, and **unanimous vote** of the Board of Managers it was decided to update their Rules to incorporate buffer enforcement. The Administrator and Attorney were directed to utilize model rule language provided by BWSR as a template to update the District's Rules, and begin the update process as described in MN Statute 103D.

### **Project Report:**

*Ross #7:* A request has been received from a citizen that would like to remove dirt from the project site on land owned by the District. It was decided by the Board of Managers that this would not be allowed, and the pile of dirt is not for sale.

*Klondike Clean Water Retention Proj. #11:*

- Work is continuing with the MNDNR regarding the 'Fen Plan'. This will be used as the project moves forward with the Environmental Assessment Worksheet, the PL 566 Environmental Assessment, permitting, and project designs.
- The public hearing on the Engineer's report will be held November 1, 2017 at 1:00 p.m.
- The RRWMB step 2 funding request will be presented to the RRWMB at their October 17<sup>th</sup> meeting. A funding strategy and needs plan should be put together and discussion should take place with Representative Fabian and Senator Johnson for the upcoming legislative session.
- Specific project components and designs can be drawn up after the public hearing is held. A special meeting may be needed to discuss project components, funding, permitting, and other items as necessary.

*Kittson County Ditch #21 Diversion Improvement:* The Viewer's Report has been submitted, and therefore the next steps are to 1) prepare and distribute a property owner's report, 2) schedule and hold a public hearing, 3) obtain another bond from the petitioners. Upon a motion by G. Johnson, second by Brazier, and unanimous vote of the Managers, a public hearing on the ditch was scheduled for 8:00 a.m. on Wednesday, October 4, 2017. The Administrator was directed to prepare the property owner's report, secure an additional bond, and proceed according to MN Statute 103E.

**Polonia Clean Water Retention Project #12 (Quick):** Caroline Clarin from the Natural Resources Conservation Service attended the meeting to provide information and update the Board of Managers regarding the engineering plans and designs. She has been working with the US Army Corps of Engineers regarding wetland permits, and that process is proceeding. Construction plans are 75% completed for a project that will hold 1,000 acre feet of water. The estimate is between \$1.7 and \$2 million, and would require a 75% federal 25% TRWD cost share.

Several options were discussed regarding the project. The NRCS would mainly like to see the wetlands restored, and is not as concerned about how much flood storage is achieved. It was noted that 4 years ago when this project was being designed, the District did not have the large KCWRP#11 and was looking to build several smaller projects. The objective now is to build one larger project and therefore the Quick project could be scaled back.

Clarin will work up general plans and cost estimates for two options and provide to the TRWD for consideration. She would like to hear back from the District on their preference on or before October 4, 2017. Once the District decides on the project specifics, NRCS will do detailed plans and specs, secure permits, and bid the project for construction in 2018.

**Attorney's Report:**

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

**Rules:** Hane reviewed the process and time line necessary to amend the District's Rules with regard to what is needed for enforcement of the buffer law. A draft rules revision needs to be written and provided to the Board of Water & Soil Resources for a 45 day review. After the 45 days a public hearing must be held. The Board tentatively set November 1 for the public hearing.

**Enforcement Issue:** An enforcement issue has come up with regard to a rules violation, located Pelan Township, Kittson County. Several letters and have been sent to the violator, and a deadline of September 6 was given to perform restoration or come into compliance. The deadline has come and no action has been taken. Hane outlined the TRWD's options. The Board of Managers decided to hire the restoration work done and bill the violator upon a **motion** by Brazier, **second** by Klegstad, and **unanimous vote**. Staff were directed to proceed.

Manager Olsonawski left the meeting at 12:15 p.m.

**Ross #7 gate operation:** Manager D. Johnson updated the Board on the project to automate operation of the gate at the Ross #7 project. Internet has been supplied to the site, and the setup is utilizing solar panels to supply power to the motor that runs the gate. However, there is enough power draw that about every 2-3 weeks the batteries drain and there is not enough power to operate the gate. Johnson recommends that the District dig in power to the site. He offered to buy back from the District the inverter, batteries, and other equipment associated with the solar power setup, and this money could be put toward paying for power.

Upon a **motion** by Brazier, **second** by Klegstad, and **unanimous vote**, it was authorized to dig power into the site. The solar equipment will be sold back to D. Johnson.

**KCWRP #11 – scrap iron:** Ed Walsh addressed the Board of Managers regarding scrap iron and old abandoned farm equipment that is on the site of the Klondike Clean Water Retention Project. He inquired whether he could remove the equipment. It was the opinion of the Board that this equipment has little value to the District, and that removal of it would clean up the site by getting rid of the useless farm equipment. The Board allowed Walsh to remove equipment at no cost with the condition that all risk is assumed by Walsh and that he agrees to hold the District harmless from any liability.

**Permits:**

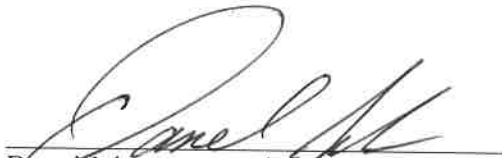
Upon a **motion** by Klegstad, **second** by G. Johnson, and **unanimous vote**, the Board acted on the following permits. Conditions, if any, are listed on the permit sent to the individual.

<u>App. #</u>	<u>Applicant</u>	<u>Location</u>	<u>Purpose</u>	<u>Action</u>
2017-53	Meisner See Permit file for conditions	St. Joseph 30-31fra	enlarge road culverts	Approved
2017-59	J. Dagen See Permit for conditions	Springbrook 35	Tile	Approved
2017-26	Kurt Aakre See permit for conditions	Springbrook 2	Tile	Approved
2017-27	Adam Aakre See permit for conditions	Springbrook 11	Tile	Approved
2017-28	Lloyd Johnson Farms See permit for conditions	Springbrook 27	Tile	Approved
2017-54	Lawrence	McKinley 31	crossing w/ 18" cmp	Approved
2017-55	Lawrence	McKinley 31	crossing w/ 18" cmp	Approved
2017-56	L. Wilebski	Richardville 15	Install 24" cmp	Approved
2017-57	J. Kukowski	Deer 20	crossing w/ 18" cmp	Approved
2017-58	J. Kukowski	Deer 26	2 crossings w/18" cmp's	Approved
2017-60	B. Diamond	Hampden 21	crossing w/ 18" cmp	Approved
2017-61	J. Howard After the fact permit fee reduced from \$675 to \$175; see permit for conditions	Dewey 27	Texas Crossing	Approved
2017-62	P. Magner	Pelan 1	Ditch crossing/ 11' cmp	Approved
2017-63	B. Peterson	Richardville 9	Crossing w/ 18" cmp	Approved
2017-64	J. Carlson	Thompson 23	Crossing w/ culvert	Sent to Committee
2017-65	E. Walsh	Stokes 19	Crossing w/ culvert	Sent to Committee
2017-66	E. Walsh	Stokes 20/21	Ditching; Lower culverts	Sent to Committee

With no other matters to come before the Board of Managers, the meeting was adjourned at 12:55 p.m.

Attest:

  
Daryl Klegstad, Secretary

  
Darrel Johnson, President