

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: April 5, 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, April 5, 2017 at the District Office located in the Kittson County Courthouse in Hallock, Minnesota.

Managers present included President Darrel Johnson, Vice President Allen Brazier, Treasurer Paul Olsonawski, Secretary Daryl Klegstad, Roger Anderson, Jim Kukowski, & Gary Johnson. None were absent.

Others present included District Administrator Dan Money, Head Technician Matt Thompson, Attorney Jeff Hane (Brink, Sobolik, Severson, Malm & Albrecht), Engineer Blake Carlson (Widseth, Smith, & Nolting), Engineer Nate Dalager & Jacob Huwe (HDR Engineering), Roger Schwenzefier, Ryan Schwenzefier, Merle Schwenzefier, Matt Kuznia, Brandon Kuznia, .

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 March 1 and March 13, 2017. Today's meeting agenda and the minutes of the March 1 and March 13, 2017 regular and special meetings were approved upon a **motion** by Olsonawski, **second** by Kukowski, 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 8127 through 8149 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 Kukowski, a **second** by G. Johnson, and a **unanimous vote** by the Board.

TRWD Permit #1393:

Landowners Roger, Ryan, and Merle Schwenzefier and Matt and Brandon Kuznia were in attendance to discuss with the Board of Managers issues relating to Permit #1393, which was issued to Kuznia's for a tile drainage installation. Schwenzefier's contend that because of the tile system that was permitted and installed by Kuznia, they have experienced crop loss and hardship because of water that is being pumped out of the tile and onto their property. They would like the pumping stopped and an alternative solution worked out.

It was noted that when the permit was approved, changes had been made by Kuznia to the original proposed plan that reduced the project from 2 pumps to one, reduced the drainage coefficient from 3/8" to 1/4", and installed several in line water gates to address outflows and downstream impacts. In addition the TRWD made several 'Findings of Fact' regarding the project, noting that the water is discharged into a natural watercourse and not over or onto ag lands.

The Board of Managers decided not to take any further action on the issue and let the landowners work out a solution amongst themselves. It was noted that in issuing the permit, the Board followed the law and addressed the issues by making findings of fact and placing certain restrictive conditions upon the permit.

Administrator's Report:

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

Program Report:

One Watershed One Plan: Roseau County, Roseau SWCD, Kittson County, Kittson SWCD, and the TRWD have all decided to participate in a One Watershed One Plan process for the Two Rivers watershed and the unnamed coulee portion of the 'Lower Red' watershed. A staff meeting was held, and a grant application is being prepared to be submitted to the MN Board of Water & Soil Resources to access funds to write the plan. If the BWSR approves, planning will get underway most likely towards the end of 2017 and will take about 18 months to complete.

Buffer Law Implementation: Several bills are circulating in the MN Legislature, and as of now no funding has been approved for enforcement. The Board of Managers took no action at this time regarding enforcement assumption.

MWD Legislative Breakfast: Managers Anderson and D. Johnson and Administrator Money attended and were briefed on the various bills and funding opportunities. Handouts were provided detailing the various items.

Farm Lease Agreements: An agreement with Paul Davy is being drafted, and will be presented for signatures. Some of the low lying ground within the impoundment is still available for rent as hay ground.

Computer Network: For the past 20 years the TRWD has partnered with the NRCS and through this partnership NRCS has allowed the TRWD to be on their computer and phone network. NRCS has recently notified TRWD that they are trimming their budget and the TRWD will no longer be able to be on the network. This will most likely take place at the end of 2017. Therefore the District will need to purchase computer software, hardware, and networking capabilities. Administrator Money will research the pricing and report back to the board at a later date.

Wikstrom Telephone Co.: A right of way agreement was drafted by Wikstrom for them to access land owned by the TRWD to install fiber optic cable. Some wording needs to be changed, so it was sent back. Once Wikstrom makes the change and returns it to the office, it can be signed.

Project Report:

Klondike Clean Water Retention Prj. #11:

- Soil Borings – Payment in full, as discussed at the last Board meeting, has been sent to Braun Intertec, and Interstate Drilling has been hired to complete the final 6 borings. They will be scheduling this work in the near future.
- Engineering Report – Engineer Dalager stated that the Preliminary Engineer's Report will be presented to the Board at their May 2017 meeting. J. Huwe presented information on the design and operation of various inlet structures and discussion was held on the overall project.
- Environmental Report
 - Fen Team – The TRWD, DNR, & MPCA continue to meet monthly and are drafting a fen management plan. Groundwater and surface water monitoring plans for both pre project and post project conditions are being put together.

- Land swap - Discussions on the process for this are being held, and this will be worked on in the coming months.
- PL 566 – The District continues to work with NRCS on drafting and submitting a purpose and need statement.
- **Funding –**
 - The District has been awarded a grant in the amount of \$100,000 from Enbridge through their ‘Ecofootprint’ program. This will be used to protect and enhance the rich fen that is adjacent to the project site.
 - The District is seeking \$600,000 through the State Flood Damage Reduction program (bonding) for 2017-2018. This would be used for project design, engineering, and permitting. There has been no indication from the State that this will be approved, and a bonding bill is being debated in the legislature.

Quick Clean Water Retention Prj#12:

NRCS has indicated that the final plans have not been completed as yet, and they hope to get them done in 2017. On that schedule, they would like to start to dewater the site in 2017, and go to construction in 2018. Final construction plans will be provided to the District once they are available.

Ross #7:

President D. Johnson discussed the outlet structure, specifically the operation of the gate. The project is located 50 miles from the office, and his concern is being able to close the gate in a timely manner after a significant rainfall. He is working on a prototype using remotely operated equipment, cameras, and other equipment to be able to operate the gate without having to be present on site. The cost estimate for the equipment that he is utilizing is around \$2,500. It was noted that the District office staff would be the only ones authorized to operate the gate, however if Managers so desire, they could have access to view the cameras. The operating plan was discussed, and it was decided the operating plan, trigger points, and the like will stay exactly the same, this will only alter the ability to remotely open and close the gate. Upon a **motion** by Brazier, **second** by Kukowski, and **unanimous vote**, the insatallation was approved at a cost of \$2,500.

Attorney’s Report:

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

Kittson County Ditch 21 Improvement: A public hearing will be held today to take comments, and if the Board decides to proceed a ‘Findings of Fact and Order’ will be approved to determine the project is feasible, accept the Preliminary Engineer’s Report, call for a Final Engineer’s Report, and appoint Viewers to look at benefits and damages.

Permit Violations: Two letters have gone out to permit violators. Each is in various stages of enforcement.

Charges for Survey Services: When the District performs surveys for individuals it is customary to charge a fee for these services. An individual has refused to pay this bill to the District, and so options were discussed to collect the funds. Administrator Money will reply by letter to the individual. In the future all requests for survey services should be submitted in writing to the District.

Permits:

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

App. #	Applicant	Location	Purpose	Action
2017-10	B Christopherson Further information required from adjacent landowner	Granville 14	ditch diversion	Tabled
2017-14	Kittson Co. Hwy Dept. Motion Kukowski, Second G. Johnson – Carried	Skane 14-15	Ditch Work SD #1	approved
2017-15	C. Novacek Motion Klegstad, Second Brazier – Carried ; Condition – expires in one year; no discharges are allowed during times of downstream flooding.	Soler 26	pumping	approved
2017-16	C. Novacek Motion Olsonawski, Second Anderson – Carried ; Condition – pipe size must be equivalent to an 18” culvert	Soler 30	Trap	approved
2017-17	Kuznia Motion G. Johnson, Second Klegstad – Carried ; Condition – no discharges are allowed during times of downstream flooding.	Polonia 25	Tile	approved
2017-18	Kuznia Motion G. Johnson, Second Klegstad – Carried ; Condition – no discharges are allowed during times of downstream flooding.	Polonia 21	Tile	approved
2017-19	Meisner Kittson County must be the applicant because the culvert is in their highway right of way	St. Joseph twp	culvert sizing	Tabled
2017-20	Blawat Motion Klegstad, Second Brazier - Carried ; Condition – expires in one year; no discharges are allowed during times of downstream flooding.	Soler 25	pumping	approved

The following permit applications were previously approved by the permit committee:

2017-12	C. McDonald		culvert	approved
2017-13	City of Lancaster	city limits	water appropriation	approved

Enforcement Items:


Permit enforcement issues were discussed regarding conditional work that was required on Permit #1578 but to date has not been done. A “Findings and Order of Violation and Order” was approved and sent to the permittee, and he has responded stating that corrective action will be taken this spring.

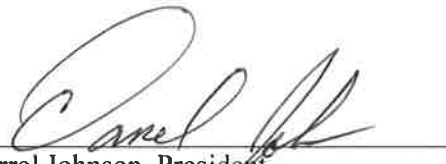
A permit violation involving a township road ditch in Pelan Township was discussed. A ‘Findings of Fact and Order’ was previously approved by the Board and provided to the perpetrator. To date, the violation has not been corrected by the landowner and the District has not received any correspondence in reply. Attorney Hane will follow up with enforcement notification.

Manager Brazier raised a question on whether permits can be revoked. He cited a recent case where a permit was issued, the permittee did not comply with the conditions of the permit, was notified to make changes to the installation, but to date has not finished the work. The site has been restored to its pre-project condition. Staff will check to see if the permit has expired and take appropriate action regarding the matter.

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

Attest:


Paul Olsonawski, Treasurer


Darrel Johnson, President

