

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: June 7, 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, June 7, 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, Jim Kukowski, & Gary Johnson. Roger Anderson was absent.

Others present included District Administrator Dan Money, Head Technician Matt Thompson, Attorney Jeff Hane, Engineer Blake Carlson, Engineer Nate Dalager, and landowner Myles Efta.

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 May 3, 2017. Today's meeting agenda and the minutes of the May 3, 2017 regular meeting were approved upon a **motion** by Kukowski, **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 8173 through 8197 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 Brazier, a **second** by G. Johnson, and a **unanimous vote** by the Board.

Administrator's Report:

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

Legal Ditch Report: Annual ditch inspections will begin in June. Any brush, cattail, beaver dams, sloughing, or other issues will be inventoried and corrective measures taken if necessary. Surveys are scheduled for the North Branch and Middle Branch Projects, and State Ditch 85 improvement.

HSEM: The MN Homeland Security Emergency Management has appropriated funding to repair damages to public infrastructure from the spring runoff flooding. The TRWD has 8 damage sites to repair at a cost of approximately \$77,000. Money asked if any Managers knew of other sites, as they can be added to the list if need be. Repairs to these damages will begin during the next month and the District has one year to complete. Cost share on the repairs is 75% state and 25% TRWD.

Program Reports:

Buffers: The MN Legislature approved funding for local drainage authorities who elect to do enforcement of the buffer law. The TRWD would receive approximately \$14,000 for their ditches. To receive funding, the decision to enforce the law would need to be certified to the Board of Water & Soil Resources by June 28. An informational meeting will be held locally on June 8 in Hallock and regionally on June 13 in Thief River Falls. Upon a **motion** by Brazier, **second** by Olsonawski, and **unanimous vote**

of the Managers, the Board elected to do the enforcement of buffers on ditches under the jurisdiction of the District relative to MN Statute 103F. A resolution regarding the decision was duly adopted and approved.

MAWD: The MN Association of Watershed Districts will hold their summer tour in Bemidji June 21-23. Managers Anderson and Brazier have been authorized as delegates and registered to attend. A vote of the MAWD membership will be held to update the by-laws and also to change the dues structure and move forward with staffing considerations.

July Board Meeting: The July Board meeting falls on July 5th, which is one day after the 4th of July holiday. The Board of Managers decided to hold the July meeting on June 28th, one week prior than what was originally scheduled.

Wikstrom Telecommunications: Wikstrom Telecom has asked for easements, at no charge, from the District in order to place a new fiber optic cable. Discussion among the Board was held regarding whether to charge Wikstrom for the easement. In most Watershed District project, road projects, or other public infrastructure projects, right of way is purchased, not granted. A motion was made by Kukowski to charge for the easement. The motion died for lack of a second. Upon further discussion the Board decided to grant the easement request at no cost and the District Administrator was authorized to sign the easements.

RRWMB: The Red River Watershed Management Board has been formulating a strategic plan for the next 5 to 10 years. There is a need to hire new staff as some have recently retired and other positions are in flux. The RRWMB has asked for input and comments from each member district on a plan to restructure the staff by establishing an Executive Director position, and also having an Executive Secretary to handle most all of the administrative duties. In addition the Red River Coordinator position will continue to be shared between the RRWMB and DNR. A lobbyist will also be contracted to work on funding issues during the legislative session. The TRWD Board of Managers had no comments and endorse the strategic plan of the RRWMB.

District Survey Services: The Board of Managers discussed the policy for providing survey services to the public. Survey grade gps equipment was purchased in 2008 by the District to be able to survey work on District ditches and projects. A policy was incorporated at that time that the primary purpose was to survey district projects, and as a secondary purpose the District can do private surveys for a minimum \$200 fee and \$100 per hour thereafter if the work takes more than 2 hours. The Board reviewed this policy and decided not to make any changes at this time.

Project Reports:

Ross #7: Manager D. Johnson has constructed a prototype for the remote operation of the gate at the Ross Project. In order to install this equipment, internet access is necessary to the project site. Administrator Money received a quote from Wikstrom Telecom to provide this service at a cost of approximately \$1,000 per year for the connection and equipment. Upon a motion by Kukowski, second by Brazier, and unanimous vote of the Managers, authorization was approved and Administrator Money was directed to contact Wikstrom.

Kittson County Ditch #21 Diversion Improvement: The project is continuing and the District is following MN Statute 103E. Since the petition was received, a preliminary Engineer's report was completed, comments received from the DNR and the public at a public hearing, and a revised Engineer's report was filed. DNR has agreed with the final report. Viewers have been appointed and they are looking at lands that are benefitted and lands that are damaged. Once a Viewer's report is filed, a final public hearing will be held, and if all is

approved construction can commence. This hearing will be scheduled once the Viewer's report is received.

2017 Legislature: Several bills were signed by the legislature that have an effect on programs and services of watershed districts. Information on these was handed out and discussed.

Myles Efta: Mr. Efta addressed the Board regarding concerns he has with a tile drainage installation that is affecting State Ditch #95. Although the permit states the tile is not to discharge when there is downstream flooding going on, he feels it may not actually be shut off, and further it is constructed in a way that allows it to put water into the ditch faster than other fields can discharge. He would like to see an automatic shutoff be installed to insure that the tile does not discharge during downstream flooding.

The Permit Committee will review the matter and come up with recommendations.

Permits:

Upon a **motion** by Klegstad, **second** by Kukowski, and **unanimous vote**, 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>
2017-19	Meisner	St. Joseph twp	culvert sizing	Approved
	Approval for field crossing only; Center line culverts denied – refer to road authority			
2017-26	Kurt Aakre	Springbrook 2	Tile	Tabled
2017-27	Adam Aakre	Springbrook 11	Tile	Tabled
2017-28	Lloyd Johnson Farms	Springbrook 27	Tile	Tabled
2017-31	Craig Halfman	Springbrook 32	ditching	Tabled
2017-32	Conrad Dahl	Svea 3	ditching & culvert	Denied
Prmt 1485	KCHD request to re-issue	Richardville 14	culverts	Approved

The following permits have been acted upon by the permit committee and are listed here for information purposes.

App. #	Applicant	Location	Purpose	Action
2017-29	Duane Weollet	Jupiter 4	18" cmp thru driveway	Approved
2017-30	Gerald Klegstad	Pelan 32	ditch crossing/24"	Approved
2017-33	Noel Snare	Lind 21	two crossings (18" & 36")	Approved
2017-34	Vaughn Langaas	Lind 16 & 21	lower culvert .40'	Approved
2017-35	Darrel Johnson	Hallock 32	crossing w/18" cmp	Approved
2017-36	Corey Sys	Lind 26	crossing w/18' cmp	Approved

The following permit enforcement issues were discussed with input from Attorney Jeff Hane.

- Permit #1578 – was originally issued with conditions that erosion control measures be done and also that an as built survey be submitted. The conditions have not been met, and Attorney Hane will follow up with an enforcement letter to the permittee.
- Arveson 4/ Pelan 33: Prior 'findings of fact and order' were delivered to the landowner, who has an ongoing permit violation. Attorney Hane will send an enforcement letter with a deadline to comply with the order.

Manager Kukowski left the meeting at 11:30 a.m.

Klondike Clean Water Retention Project #11:

Engineer Nate Dalager presented his draft 'Preliminary Engineer's Report' to the Board of Managers. He presented information regarding the diked inlet ditch, inlet structures, inlet diversion ditches, access crossings on the diked inlet, outlet ditches, outlet structures, dikes, exterior ditches, and operation. Many different alternatives for construction were discussed, depending on land acquisition, right of way, Board preferences, storage goals, and other factors. An estimated cost at this point is between \$38.7 million and \$42 million.

Project phasing was discussed with construction possibly being done in 3 separate phases. This would depend upon the availability of funding. Phase 1 could include the diked inlet and a 1 square mile impoundment with associated structures, phase 2 the main dike around the entire impoundment and associated outlet structures, and phase 3 could be the inlet diversions and associated structures.

Administrator Money discussed the land management plan. Surveys have been done on some of the existing ditches and it appears that some could be cleaned out to a .04% grade in order to dewater the site and provide interior drainage. Discussion was held regarding vegetation spraying and cattail management. The Board decided to proceed with hiring a contractor to clean out existing ditches, but to not spray any cattails at this time. District staff will hire a contractor and work with them to do the ditch work.

Money discussed the permitting, PL 566 plan, fen plan, and other natural resource enhancements being considered. The various documents that will be needed include the PL 566 Environmental Assessment, a state Environmental Assessment Worksheet, a Fen Plan, a project Engineer's Report, and a 404 permit Points of Concurrence. These are all progressing at various speeds.


Funding was discussed, with several potential sources available. These include the RRWMB, State of MN Flood Damage Reduction grant, Lessard Sams Outdoor Heritage Council, other State of MN Clean Water funds, and various other state and federal programs. Once the Engineer's Report is completed and some of the other documents are near completion, funding sources can be identified and funds can be applied for. A public hearing will need to be held, hopefully later this summer or early fall.

With no other matters to come before the Board of Managers, the meeting was adjourned at 2:30 p.m.

Attest:



Daryl Klegstad, Secretary



Darrel Johnson, President

Two Rivers Watershed District

In Roseau, Kittson, & Marshall Counties



*Board of Managers: President-Darrel Johnson, V.P.- Allen Brazier, Secretary-Daryl Klegstad, Treasurer-Paul Olsonawski
Manager-Roger Anderson, Manager- Jim Kukowski, Manager-Gary Johnson*

Staff: Dan Money, District Administrator; Matt Thompson, Head Technician

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June 7, 2017

Motioned by Manager Brazier, **seconded** by Manager Olsonawski, the following resolution, numbered 2017-03, **passed upon a 6-0 vote** of the Board of Managers of the Two Rivers Watershed District.

RESOLUTION OF THE BOARD OF MANAGERS OF THE TWO RIVERS WATERSHED DISTRICT Accepting Enforcement Authority of MN Buffer Law

WHEREAS, provisions of Minnesota Statutes, §103F.48 (MN Buffer Law) allow a watershed district to affirm jurisdiction to carry out the compliance provisions regarding riparian vegetated buffers and alternative water quality practices for those waterbodies identified on the MN Department of Natural Resources' Buffer Protection Map, and

Whereas, a watershed district with jurisdiction over a noncompliant site shall enforce corrective actions through a coordinated approach under the authority granted in the Minnesota Statute §103B.101, subd. 12a, the Buffer Law and Minnesota Chapter 103D, and

WHEREAS, The Two Rivers Watershed District agrees to carry out corrective actions on a parcel basis to ensure compliance with the buffer requirements, which may include an Administrative Penalty Order (APO) plan under the authority provided in Minnesota Statutes §103B.101, subd. 12a and §103F.48, and

WHEREAS, The Two Rivers Watershed District is electing jurisdiction on all public drainage ditches for which it is the drainage authority identified on the Department of Natural Resources' Buffer Protection Map located in the individual counties as follows:

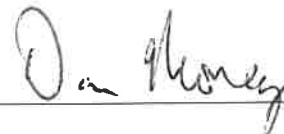
County Name	Kittson	Marshall	Roseau	Total Miles
Miles of 103E Public Ditch	40.5	15.5	7.7	63.7

, and

WHEREAS, the Buffer Law requires that each Local Government Unit provide notice affirming jurisdiction and identify the rule, ordinance, or other official controls that will be used to carry out the compliance provisions of the buffer requirements to the Board of Water & Soil Resources, including a copy of the adopting resolution.

NOW, THEREFORE, BE IT RESOLVED, the Two Rivers Watershed District Board of Managers hereby accepts the authority and administrative responsibility to implement the Buffer Law as the Local Government Unit within the legal boundaries of the Two Rivers Watershed District for the water features identified above as of June 7, 2017 in accordance with Minnesota Statutes §103F.48.

I certify that the above resolution was adopted by the Two Rivers Watershed District Board of Managers on Wednesday, June 7, 2017.



Dan Money
District Administrator