

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: June 28, 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 28, 2017 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, & Gary Johnson. Vice President Allen Brazier and Jim Kukowski, were absent.

Others present included District Administrator Dan Money, Head Technician Matt Thompson, Attorney Jeff Hane, Engineer Blake Carlson, Engineer Nate Dalager, Jake Huwe, Kittson County Commissioners Theresia Gillie and Betty Younggren, and Luke Novacek.

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 June 7, 2017. Today's meeting agenda and the minutes of the June 7, 2017 regular meeting were approved upon a **motion** by Olsonawski, **second** by 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 8179 through 8211 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 Anderson, a **second** by Olsonawski, 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:

Staff will be conducting annual inspections on all ditches under the District's jurisdiction. Repairs of sloughing, beaver dam removal, and other items are underway on several ditches. Survey work is scheduled to be completed on the State Ditch #85 Improvement, North Branch Project, and Middle Branch Project. Once inspections are complete any maintenance work that is needed will be done.

Program Report:

Watershed Restoration & Protection Plans;

Houston Engineering has completed the WRAPS reports for both the Lower Red and the Two Rivers. These have been submitted to the MPCA for review and comment, and the MPCA will forward them to the USEPA. It is unknown how long the process will take, but at some time in the future the MPCA will hold a public meeting and eventually the WRAPS will be finalized.

Enbridge / Tax Rebate:

Enbridge and the State of MN are involved in legal action that would require taxing authorities to repay certain taxes collected from Enbridge from 2012 to present. A hearing has been slated for October 2017 to review the details and determine the outcome. At this time estimates provided by Kittson County to the TRWD indicate the District may need to repay \$85,755 to Enbridge for the 5 year period 2012-2016. If the lawsuit is not decided soon, 2017 and future years could be added to this number.

Buffer Law:

The District formally accepted enforcement responsibilities for 63.7 miles of public ditch. The state will pay the District approximately \$13,000 for 2017 for enforcement. The District now will need to choose a method of enforcement, either by updating the *Rules of the Two Rivers Watershed District* or by adopting an 'Administrative Penalty Order'. Either of these methods will need to be approved by the Board of Water and Soil Resources. Once the language is drafted and agreed to, the District will need to hold a public hearing and formally adopt the method of enforcement. The Administrator was directed to prepare a letter to all affected landowners along the 63.7 miles to inform them of requirements of the law and provide a point of contact.

Another way to address the buffer law on legal ditches would be to utilize MN Statute 103E and have the ditch establish buffers. Pros and cons of this were discussed. No action was taken at this time and it will be researched and brought up at a future Board meeting.

SWCD's are required to consult with local water management agencies and produce an "Other Waters" map. The District has received resolutions from Kittson, Marshall, and Roseau SWCD's regarding. None of the SWCD's consulted with the TRWD, and questions were raised by the Board regarding the other waters designation. At this time the law does not require buffers on other waters, but the SWCD designations need to be placed into the Watershed District's Overall Plan by July 2018.

Stream Gaging:

'Hobo' data loggers will be installed at several locations where the District has historically monitored water flows in the river, designated coulees and ditches. This information is useful in flood predictions, project design, and water quality monitoring.

Project Report:

Ross #7:

The dike and the emergency spillway need to be mowed, and the same contractor that has been used in the past will do the work.

Internet/phone service has been supplied to the outlet structure by Wikstrom Telephone at a cost of \$1,020 per year. This will allow the District to install equipment to remotely operate the gate.

Springbrook #10:

Several beaver dams have been removed, and a damaged culvert has been repaired. There are some spots along the project that may have noxious weeds, and if these become a problem they will be mowed or sprayed.

Attorney's Report:

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

PERMIT VIOLATIONS:

Arveson 4 / Pelan 33 – An update was given regarding this ongoing violation. The perpetrator has repeatedly been notified of the violation and requirements to come into compliance. To date the violation has not been corrected. Hane was directed to notify the landowner that if compliance is not done within 10 days, the District will proceed to perform the restoration and bill the landowner.

Permit 1578 – The Permittee has not complied with conditions of this permit. Staff were directed by the Board to contact the permittee and inform him that if the work is not completed by the end of July, the permit may be revoked and the matter will be turned over to the District Attorney for enforcement action.

Klondike Clean Water Retention Project #11:

Engineering: Project Engineer Nate Dalager presented the Engineer’s Report for the project. Discussion was held regarding several project features. Attorney Hane and Administrator Money outlined the process that needs to be followed to move the project forward under MN Statute 103D. Upon a **motion** by Olsonawski, **second** by Klegstad, and **unanimous vote** of the Managers, the Engineer’s report was accepted and staff and consultants were directed to proceed following MN Statute.

Project Management: Administrator Money gave updates regarding several facets of the project, including PL566 planning, Fen Management planning, land management, permitting, funding, land exchange/right of way, and project timelines. A working document was handed out to keep track of project task items and timelines as the project moves forward.

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>
2017-26	Kurt Aakre Awaiting information from applicant	Springbrook 2	Tile	Tabled
2017-27	Adam Aakre Awaiting information from applicant	Springbrook 11	Tile	Tabled
2017-28	Lloyd Johnson Farms Awaiting information from applicant	Springbrook 27	Tile	Tabled
2017-31	Craig Halfman Motion to deny by Anderson, second Klegstad and carried ;	Springbrook 32	ditching	Denied
	downstream effect – allow maintenance only			
2017-38	Darrel Johnson Motion to approve by Olsonawski, second Anderson & carried	N Red River 13	ditch/dike/drainage	Approved
2017-42	Larry Wilebski Motion to deny by Olsonawski, second G. Johnson & carried ;	Richardville 15	road raise	Denied
	upstream effect – prior permit was issued to deal with the problem			

The following permits were prior approved by the permit committee and listed below for reference:

App. #	Applicant	Location	Purpose	Action
2017-37	Mike Burkel	Stokes 10	culvert/field crossing	Approved
2017-39	Mark Foldesi	Skagen 31	culvert	Approved
2017-40	Blawat Farms	Soler 21; Soler prj	lower culvert/drainage	Approved
2017-41	Byron Christopherson	Granville 14	culvert	Approved
2017-43	Charles Walsh	Skagen 13	bridge over ditch	Approved

With no other matters to come before the Board of Managers, the meeting was adjourned at 11:28 a.m.

Attest:


Daryl Klegstad, Secretary


Darrel Johnson, President