

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: July 11, 2018 @ 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, July 11, 2018 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, Gary Johnson, and Bruce Anderson. Roger Anderson was absent.

Others present included District Administrator Dan Money, Head Technician Matt Thompson, Attorney Jeff Hane (Brink, Sobolik, Severson, Malm & Albright, P.A.), Engineer Nate Dalager (HDR Engineering), Engineer Blake Carlson (WSN Engineering), Engineer Brian Kettring and Daryl Dahl (Roseau Co. Highway Dept.), landowner Vernon Emery, & 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 June 6, 2018. Today's meeting agenda and the minutes of the June 6, 2018 regular meeting were approved upon a **motion** by G. Johnson, **second** by Klegstad, 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 8504 through 8530 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 Olsonawski, a **second** by G. Johnson, and a **unanimous vote** by the Board.

The Board held discussion regarding engineering services and the costs thereof. D. Johnson mentioned issues he has with the recent KCD 21 Diversion 1 Improvement project, the design, and the associated costs. The District currently needs engineering services for its watershed projects relative to statute 103D, for ditch projects under statute 103E, and for consultation regarding permit applications. Currently and in the past, the District has used WSN (formerly JOR Engineering) for projects and permits, HDR Engineering for projects, and Houston Engineering for water quality programs.

Other Board members indicated frustration with engineering services and the associated costs, particularly on the KCD 21 Diversion 1 Improvement project. Upon a **motion** by Brazier, **second** by B. Anderson, and a **4-2 vote** of the Managers, it was decided to seek proposals from several Engineering companies to compare costs and qualifications to do permit reviews and construction projects as deemed necessary. Administrator Money was directed to contact various qualified firms to submit proposals and potentially meet with the Board at a future date after the end of the 2018 construction season.

Administrator's Report:

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

Legal Ditch Report: Ditch inspections are nearly completed to document cattail, brush, beavers, and any maintenance issues or damages. Approximately 40 miles of ditch will need to be

sprayed for either cattails or for brush. Helicopter spraying has been ordered and should be completed by the end of July or early August.

Ditch repairs were completed earlier this year on the Kennedy #6 project and on JD 10 Branch B from damages that had occurred in 2017.

Program Report:

Watershed Restoration & Protection Plans;

- **Lower Red River WRAPS** - A 'Professional Judgement Group' meeting was held in Warren to discuss new impairments that the MPCA has identified. Money attended and commented to MPCA that a reach of JD 10 should not be labeled as impaired for fish and macroinvertebrates. The reasoning is that it is a man made ditch, which is designed to remove water from the landscape. It is not intended to harbor aquatic animals, in fact quite the opposite. MPCA accepted the comments and time will tell if the reach will be listed as impaired.
- **Two Rivers WRAPS** – Some comments were received from EPA and/or MPCA and Houston Engineering did some work to address the comments and formally answer them. We are unsure of the timeline to finalize the process, but assume it will be within the next year.

One Watershed, One Plan: The Kittson SWCD formally submitted a grant application. Preliminary indications from the Board of Water & Soil Resources are that it looks favorable to be funded. If it is funded, work will begin in earnest later this year and full speed ahead in 2019.

Annual Audit: Copies of the 2017 Audit have been delivered by the firm of Brady Martz. Money reviewed the audit with the Board of Managers, including beginning and year end fund balances, revenues and expenses, budget vs actual, and administrative, construction, and ditch funds.

Credit Card: Money requested the Board consider obtaining a Cenex gas credit card to make it more convenient to fill the District pickup. In the past the District had a card, but the local Cenex changed ownership and the card expired. There are Cenex stations in almost every city within the District, and a new card would be used for gas at any of Cenex stations. After discussion was held, a **motion** was made by G. Johnson, **seconded** by Klegstad, and **approved** to obtain a Cenex card for the purpose of purchasing gas for the District pickup.

Projector: The projector that the District currently uses at meetings to give presentations and show maps and other information is aging, and the color no longer shows very well on the projections. Further, because of its age, there is not a connection that can be used for newer computers. Money requested authorization to purchase a new projector, up to a cost of \$1,000. Upon a **motion** by Brazier, **second** by Klegstad, and **unanimous vote** the request was approved.

BWSR: It was noted that recent appointments to the BWSR Board have been made. A map listing Board members and where they are located in the State was distributed. Of the 20 members, 4 are north of Fergus Falls and 16 are in the southern ½ of the state.

Discussion was held regarding the 'Drainage Work Group', and a list of their prioritized discussion topics list and status was distributed. The DWG will be meeting several times between now and the next legislative session to discuss drainage law issues.

Project Report:

Ross #7: A couple of parcels that have been rented in the past are idle, however there has been an interested party. Since it has been idle, Money suggested a 3 year rental agreement at \$25 per acre for hayland, with the first year rent free. This has been done in the past, and the Board agreed with the arrangement. Money will contact the prospective renter.

Mowing of the dike was discussed. The Board indicated they would be willing to allow it to be hayed if anyone would be interested. Care would need to be taken not to leave ruts or in any way compromise the integrity of the dike.

Springbrook #10: There are known pockets of thistle present on the project. Mowing has been done in the past, however members of the Board suggested spraying as a viable option. Given the time of year, it was decided to mow the thistle now before it goes to seed, and then spray it later in the year to kill it.

Vernon Emery:

Mr. Emery addressed the Board of Managers with concerns about a permit that was issued to Roseau County Highway Department to install a crossing with a 24" culvert. The project was located in the City of Greenbush, south of the race park. Emery is concerned with water backing up into a residential area of town where his home is located. He stated a recent 0.6" rainfall caused problems in the area. Brian Ketring and Daryl Dahl from the Roseau Co. Highway Dept. were in attendance and stated that this crossing is scheduled to be paved near in the future. They are willing to consider changing the culvert size however they would want the issue resolved prior to doing the paving. TRWD engineer Blake Carlson will review the project and determine what size pipe could be utilized to address the concern but limit downstream flooding. Roseau Co. Hwy Dept. will provide road plans and cross sections, and Carlson will review expediently in order to facilitate the paving project.

Roseau Co. Highway Dept.:

Ketring and Dahl addressed the Board of Managers regarding a permit that was issued to them for a bridge replacement in section 25 of Hereim Township, Roseau County. The permit had been issued with the condition that rip rap be added to limit the channel capacity under the bridge. Roseau County stated this condition could cause problems with their state aid funding for the bridge and the timelines to install it. They also are concerned with erosion and maintenance issues they believe would be caused by the rip rap. They provided the results of an unsteady flow model that they contracted with Houston Engineering to perform. The report stated that downstream water elevations as a result of the project would increase less than 0.03 feet. Comments were provided by watershed district engineer B. Carlson and are on file with the permit.

After discussion and consideration, a motion was made by Brazier, seconded by B. Anderson, and unanimously approved to remove the condition regarding rip rap that had been placed on the permit and to extend the permit expiration date for two years from the date it had been issued. The following findings of fact were made in support of the decision:

- 1) The unsteady flow model analysis done by Houston Engineering indicates that downstream water surface elevations would increase 0.03' or less. This amount is deemed by the Board of Managers to be an insignificant increase and will not cause or exacerbate undue flooding.
- 2) Roseau County Highway Department stated that installing rip rap as conditioned by the original permit would cause the bridge structure to be used as a flow restrictor instead of the ditch channel. RCHD requests that the bridge not be used as a restrictor. The Board of Managers deems this request as reasonable.
- 3) Concerns that the condition that was placed upon the permit would increase the chances of erosion around the bridge outweigh concerns with increased downstream flooding, and therefore the request of RCHD is reasonable.

Myles Efta – continued hearing on appeal of permit:

Mr. Efta was issued permit number 1751 to install a dike alongside Branch 4, Lateral 1, SD 95. The permit was issued with the condition that the dike be set back away from the ditch a distance of between 50 to 75 feet. Mr. Efta appealed and a hearing was held June 6, 2018. The hearing was continued to July 11th, 2018 and the hearing was re-opened for discussion. Technician Matt Thompson reviewed the permit that was issued, the conditions that were required, and prior information presented at the last hearing. The Roseau Co. Highway Dept. is doing survey work to determine if Efta can use material from the ditch backslope in the construction of his dike. He has formally requested the dike set back to be 10 feet from the ditch to the toe of his dike. Engineering analysis done by B. Carlson of WSN Engineering indicates this setback distance would cause a rise in the surface water elevation of 0.45 feet, which could affect lands both upstream and downstream. It was noted that the TRWD owns downstream lands, which are enrolled in the federal wetland reserve program.

After discussion, a motion was made by Brazier, seconded by Klegstad, and unanimously approved to change the original condition from a 50' to 75' setback to a 10 foot setback. The new condition of the permit will also state: If it is determined that excessive negative impacts are occurring on adjacent lands as a result of the dike construction, mitigation shall be required which may involve lowering the dike overflow section or removing the traps on the culverts.

The following findings of fact were made by the Board in support of the Board's decision:

- 1) Engineering analysis shows that a 10' setback distance will raise water levels in the ditch by 0.45 feet.
- 2) Mitigating factors for the 0.45' rise will be the construction of the "Quick" wetland reserve program by the Two Rivers Watershed District, and the proposed "Klondike Clean Water Retention Project", which will attenuate flows and mitigate impacts of this dike.
- 3) The applicant, Myles Efta, stated that he is willing and agreeable to lower the dike height at the overflow section and / or remove the flap gates on the culverts through the dike if it is determined that the proposed 0.45' raise in water levels causes excessive flooding impacts either upstream or downstream of the project.

Engineer's Reports:

Kittson County Ditch #21 Diversion 1 Improvement:

Blake Carlson presented information regarding pay request #2 to Kraulik Excavating in the amount of \$26,795.35. This payment was approved by the Board earlier in the meeting with today's bills. It was noted that 5% has been retained and that a final hearing needs to be held before a final payment can be made.

Attorney Jeff Hane briefed the Board regarding the procedure required under ditch law, and that a final hearing on the ditch also needs to be held. The contract hearing and the ditch hearing can be combined and held at the same time. The hearing was scheduled for 8:30 a.m. on Wednesday, August 8, 2018 in the District office. Money will advertise the hearing as required by statute, and Carlson and Hane will prepare the necessary materials to be reviewed at the hearing.

A design issue was brought up by D. Johnson. A rain event recently occurred and there is about 4" of water standing in the upper end of the ditch because the ditch was excavated deeper than a culvert that is present in a field crossing. Carlson stated that this was designed that way because it was specifically stated in the project petition received from the landowners. Further, Carlson stated that it was discussed in the ditch proceedings with the affected landowners and with the Board.

One potential fix for this problem would be to install an 18" culvert in the crossing at the new ditch grade so that the 4" of water will drain out.

Klondike Clean Water Retention Project #11:

Nate Dalager presented Engineering Task Order #4 for review and approval by the board. The task order contains work items that will be required under phases 1 and 2 to design and provide detailed plans and specifications for the project, provide support services for the various permitting process, and provide project management items where needed. The estimated cost for these services is \$800,000. Considerable discussion was held regarding the task order, and the Board raised

questions with the cost, procedures that are required to be followed with contracting, permitting issues, and other project variables. Upon a **motion** by Olsonawski, **second** by Klegstad, and **unanimous vote**, the task order and estimated cost were approved.

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:

- Farm Lease Agreement: an update was provided with regard to the proposed lease agreement with Bjornstad East Farms. Hane has proposed the District's terms to R. Johnson and an agreement has been made. Hane will draft the lease document and have all parties sign. The agreement will run through October 2028. Upon a **motion** by G. Johnson, **second** by Klegstad, and **unanimous vote**, the lease agreement was approved as proposed by Hane.
- Right of Way: Hane presented information on a draft right of way agreement that will be needed from landowners along the dike inlet and diversion ditches. Terms of the agreement / option will be that the TRWD pays a down payment of 10% of the county assessed market value in return for a 15 year option to buy. The District must exercise the option and make an additional payment of 100% of the assessed market value within 15 years. The landowner can continue to farm the land until such time that the District constructs the project. Upon a **motion** by G. Johnson, **second** by B. Anderson, and **unanimous vote**, the proposal was approved.
- The Board decided to hold a public meeting later this fall to inform the public of the latest project plans and phases. At that time the District will also discuss the options with landowners and proceed with procuring the right of way.

Permits:

The Board acted on the following permits. The review and comments of the permit committee were carefully considered and taken into consideration. Any comments provided by members of the committee, road authorities, or affected landowners have been recorded filed with the permit documentation in the District office. 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>
2018-28	Roseau Co Hwy Dept	Skagen 27	crossing w/2-72"cmp	pending
	Motion Klegstad, second B. Anderson - approved			
2018-32	Perry Kostrewski	Springbrook 24	24"cmp in dry crossing	pending
	Motion Brazier, Second Klegstad - Denied ; Lack of adequate outlet - see Technician's report on file with the permit application			
	The applicant if he so chooses could hire the District to perform survey work to investigate an adequate outlet,			
2018-33	Kittson Co. Hwy Dept	CSAH 1 / CSAH 7	culverts	pending
	Motion G. Johnson, second Klegstad - approved ; see findings contained in reports on file with the permit application			
2018-34	Curt Hauger	Skagen 2	Culverts	pending
	Tabled and referred to Committee			

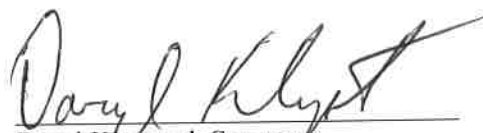
The following permits were previously reviewed and acted upon by the Permit Committee. Supporting documentation regarding the permit decisions is on file at the office of the Two Rivers Watershed District.

App. #	Applicant	Location	Purpose	Action
2018-10	Mike Jorgenson	Moose 19 & 30	Diking; Ditch Plug	Denied
■ <u>Appeal Pending</u> -				
2018-14	Matt Kuznia	Tegner 7	Tile Drainage	Approved
■ <u>Amendment Requested</u> - The tile installer is requesting an amendment to tile through the ditch berm instead of using the existing culvert through the ditch berm. The Board ruled that the holder of the permit must apply for a permit amendment, and the District will then review the request using the normal permit process.				
2018-15	M. Olsonawski	Hill 35	Tile Drainage	Approved
2018-19	Jerod Hanson	Davis 8	field crossing w/36"	Approved
2018-21	Darrel Johnson	Hampden 25	tile drainage	Approved
2018-22	Lloyd Johnson Fm	Springbrook 22	Tile Drainage	Approved
2018-23	James Diamond	Hampden 22	Tile Drainage	Approved
2018-24	Ben Diamond	Hampden 22	Tile Drainage	Approved
2018-25	Hill Township	Hill	Road Re-alignment	Approved
2018-26	Juhl Farms	Skagen 11	xing w/30"	Approved
2018-27	Marc Langen	Percy 29	xing w/ 18" cmp	Approved
2018-29	Wendell Green	Hereim 7	xing w/ 18" cmp	Approved
2018-30	Ivan Juhl	Skagen 11	Tile Drainage	Approved
2018-31	Bill Moore	Hampden 28	Tile Drainage	Approved

Enbridge has requested a time extension for permit number 1760 that has been issued to them. Upon a **motion** by Klegstad, **second** by G. Johnson, it was **approved** to extend the permit expiration date by 3 years.

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

Attest:


 Daryl Klegstad, Secretary


 Darrel Johnson, President