

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: September 5, 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, September 5, 2018 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, and Gary Johnson. Vice President Allen Brazier, Roger Anderson, and Bruce Anderson were absent.

Others present included District Administrator Dan Money, Head Technician Matt Thompson, Attorney Jeff Hane (Brink, Sobolik, Severson, Malm & Albright, P.A.), Engineer Blake Carlson (WSN Engineering), EIT Jake Huwe (HDR Engineering), Engineer Jeff Daley (KLJ Engineering), Engineer Jeff Langan (Houston Engineering), and landowner Roger Schwenzefier.

The annual Budget Hearing was called to order at 8:00 a.m. It was noted that the proposed draft 2019 budget and the hearing notice have been advertised according to MN Statute 103D.911. There were no members of the public in attendance at the hearing.

District Administrator Money presented the proposed budget and all line items to the Board of Managers. Information from the past several years budgets was distributed and discussed. The maximum general levy for the District under statute is \$250,000 (0.048 times the taxable market value on all property within the District). The proposed budget of \$233,764 was approved and the 2019 General Fund levy was certified at \$235,000 (94% of the maximum) upon a **motion** by G. Johnson, **second** by Klegstad, and **unanimous vote** of the Managers.

The Red River Watershed Management Board levy was discussed. It was noted that the RRWMB has met, discussed their levy, and have certified it to be the maximum amount, which is by law 0.0004836 times the taxable market value on all taxable property within the District. For 2019 this amount comes to \$727,654.00, of which one half is retained by the District and one half is sent to the RRWMB.

Ditch and project levies for 2019 were discussed. Information was reviewed regarding each ditch and project that the TRWD is responsible for, including current fund balances, potential future maintenance work, and projected fund balances. Upon a **motion** by Klegstad, **second** by Olsonawski, and **unanimous vote** of the Managers, the following ditch and project levies were approved:

103D Ditch	2019 Levy
RCD #4	\$15,000
KCD #7	\$ 1,000
KCD #10	\$ 7,500
KCD #21	\$ 5,000
KCD #21 Diversion 1 Improvement	\$25,000
JD #3	\$ 6,600
JD #10	\$12,000
SD #49	\$ 2,500
SD #85 Improvement	0
103E Project	
Middle Branch #1	\$5,000
North Branch #2	\$5,000
Soler #4	\$5,000
Dewey 5 Improvement	\$10,000

Kennedy #6	\$10,000
Springbrook #10	\$10,000

Upon a **motion** by G. Johnson, **second** by Klegstad, and **unanimous vote** of the Managers, the budget hearing was closed at 8:48 a.m.

The regular monthly meeting was called to order at 8:50 a.m. by President D. Johnson. Johnson called for any additions or corrections to the proposed meeting agenda and the meeting minutes from August 8, 2018. Today's meeting agenda and the minutes of the August 8, 2018 regular meeting were approved upon a **motion** by Klegstad, **second** by G. 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 8554 through 8575 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.

Permit Application 2018-38:

Landowner Roger Schwenzefeier was present to discuss with the Board of Mangers his permit application to alter the present course of an existing tile outlet. The application proposes to reroute the tile water from its present northerly course in a county road ditch and into an unnamed watercourse to a new outlet by boring a 10" line through the county road and flowing southerly to another unnamed watercourse. Various aspects of the proposal were discussed, including pump operation, landowner concerns, road authority concerns, and potential findings of fact.

The Board of Managers referred the application back to the permit committee, with instructions to address the following items: a) need a signed statement from adjacent affected landowners (L. Pemberton), b) need signed statement from Kittson County Highway Engineer, c) review findings of fact on the original permit that was issued for the tile, d) should be reviewed by the TRWD attorney, e) need more specific design plan regarding the riser pip / ditch block as presented by the TRWD engineer, f) any approval must be accompanied by findings of fact.

Administrator's Report:

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

Legal Ditch Report:

- Kittson County Ditch #21 Diversion 1 Improvement – all work has been completed on this ditch. A final payment will be due the contractor in the amount of \$3,101.65 but cannot be paid until the contractor completes and files necessary paperwork. Upon a **motion** by Klegstad, **second** by G. Johnson **and unanimous vote**, the payment was approved pending submittal of the proper paperwork.
 - o Money will file and record all information regarding the legal ditch proceeding with Kittson County. This will include certification of the new benefitted area, ditch levy for 2019, viewer's report, engineer's report, and all other pertinent information.

- Surveys are being done on State Ditch #49, Kennedy #6, and the Dewey #5 Improvement. Once they are complete recommendations for cleanouts will be made.

Program Report:

Watershed Restoration & Protection Plans;

- **Lower Red River WRAPS** - The MN Pollution Control Agency has posted that public comments will be accepted for the WRAPS and TMDL reports until September 12, 2018. Money will review the documents and propose pertinent comments.

One Watershed One Plan:

The "Two Rivers Plus" application to the Board of Water & Soil Resources was approved. Therefore, a Steering Committee, Policy Committee, and a Citizen's/Technical Advisory Committee will need to be assembled. The Steering Committee will consist of staff from all entities, the Policy Committee will consist of Board members from all entities, and the CAC/TAC will be various stakeholders appointed by the Policy Committee. It is expected the planning process to last about 1.5 years and consist of 20 to 30 meetings.

Some items addressed by the Board of Managers were their preference that local staff write the plan. Consultants may be used for specialized needs such as computer modelling. Members of the District's Citizen's and Technical Advisory Committees should be used whenever possible. The Steering Committee has met once and will be meeting again sometime in September. The Policy Committee will need to meet sometime this fall.

Clean Water Fund Grant Application:

Money reported that as directed he prepared and submitted a clean water fund grant regarding sediment and nutrient reduction along Judicial Ditch #3. The application was to fund 75% of the proposed cost of 93,920. Action items are to design and install up to 20 side water inlets to prevent sediment from entering the ditch. The BWSR will review applications and award grants in December 2018.

MAWD Resolutions:

The MN Association of Watershed Districts has asked for resolutions from Watershed Districts be submitted prior to October 1, 2018. These will be voted on at the MAWD annual meeting in December and brought to the 2019 legislative session. Money asked that any ideas for resolutions be submitted before the end of September.

WD Board Appointments / Terms:

The Terms of A. Brazier, R. Anderson, and G. Johnson will end on October 31, 2018. Roseau County advertised for Brazier's position, and had one applicant, who will be appointed by the Roseau Co. Commission on September 11, 2018. Kittson County is currently advertising for the two openings. Anderson has re-submitted for appointment, and Johnson will not be seeking re-appointment. Currently no one has submitted for Johnson's position. Kittson County will make appointments on October 2, 2018.

Engineering:

As directed, Money has contacted several engineering firms to provide qualifications for services. The Board will be reviewing the proposals after the 2018 construction season is over. A total of 5 firms submitted proposals, and several were present at today's meeting to introduce themselves. The matter was tabled until the November meeting.

Project Report:

Klondike Clean Water Retention Prj. #11:

- ◆ Land Survey: EIT Jake Huwe reported on the need to survey section corners and other information needed in order to identify parcels owned by the TRWD. HDR Engineering has contacted Pribula Engineering, PLLC and they have provided a quote of \$120/hour not to exceed \$15,000. The Board of Managers discussed the proposal and decided they would like to obtain a comparable quote from D. Fischer, who is the Kittson County Surveyor. HDR will contact Fischer and report back at the October meeting.
- ◆ Right of Way: Attorney Jeff Hane reported that as directed he has prepared a draft landowner right of way agreement and an option to purchase document. As has been discussed, a public meeting will be scheduled for a to be determined date in November. During or after that meeting, discussions with affected landowners can be held and the process to obtain right of way can begin.
- ◆ Land Exchange with DNR: Money discussed with the Board three potential land exchanges and reviewed the meeting notes from the DNR meeting held on June 14, 2018. The DNR has stated the exchange process can take one to one and one-half years to complete, and therefore the District should begin the process soon. Money was directed to put together an application that would involve land in Klondike sections 27 and 35 that is owned by the District and land in Klondike sections 11, 12 and 13 that is owned by the DNR. This will be presented at the October meeting.

Permits:

The Board acted on the following permits. The review and comments of the permit committee were carefully considered. Any comments provided by members of the committee, road authorities, or affected landowners have been recorded and filed with the permit documentation in the District office. Conditions, if any, are listed on the permit sent to the individual.

Permits Approved by the Board of Managers

<i>App. #</i>	<i>Applicant</i>	<i>Location</i>	<i>Purpose</i>	<i>Action</i>
2018-41	DK Farms	Polonia 24	18" culvert	Approved

Findings of Fact: although the applicant already has adequate and equitable drainage for the 10 year runoff event, it was determined that the small less than 10 acre upstream drainage area will not be a significant contribution to downstream areas. In addition, an 18" culvert will be required, which fits with the District's current culvert sizing policy to reduce downstream flooding.

Motion by D. Johnson, **seconded** by Olsonawski, **approved** on 4-0 vote.

Permits Referred to Committee

<i>App. #</i>	<i>Applicant</i>	<i>Location</i>	<i>Purpose</i>	<i>Action</i>
2018-38	Roger Schwenzefier	Hampden 1&12	re-route tile outlet	sent to committee
2018-43	Matt Kuznia	Tegner 7	tile outlet	sent to committee
2018-44	Theresia Gillie	Granville 26	crossing with culvert	sent to committee

Permits Approved by Committee

<i>App. #</i>	<i>Applicant</i>	<i>Location</i>	<i>Purpose</i>	<i>Action</i>
2018-34	Curt Hauger	Skagen 2	Culverts	Approved
2018-36	Mike Kukowski	Skagen 27	move bridge	Approved
2018-37	Davis Township	Davis 2	remove 30" install 36"	Approved
2018-39	Enbridge	multiple locations	ditch crossings	Approved
2018-40	Bill Erickson	Ross 25	18" crossing	Approved

Permit Violations Investigated

- *Sections 20 & 29, Moose Township, Roseau County*

A report was received that a crossing was put in and possibly other actions that will alter water flow paths. Upon field investigation it was discovered that 1) a surface inlet has been installed in the SW corner section 20, 2) an 18" culvert has been installed in a crossing that previously had no culvert, located in the NW 1/4 NW 1/4, section 29, and 3) a new crossing with no culvert (plug) has been installed in an existing ditch located in the NE 1/4, NW 1/4, section 29.

The Board of Managers, after discussion and review of the available information, ruled that 1) the surface inlet would not be permitted, and ordered it removed / restored. Regarding 2) the board ruled it would allow the 18" pipe, however an after the fact permit fee and application must be submitted. Regarding 3) the board ruled that the plug would not be permitted, however a 24" pipe would be allowed with the submission of an after the fact permit application and fee. If no applications are received, all sites must be restored on or before September 30, 2018.

It was noted that all three violations are located on land that is currently up for sale on a bankruptcy land auction. Attorney Hane advised that the District file a lis pendens to notify any potential buyer that there is a pending rules violation and potential restoration on the site. A violation letter will be sent by District staff to the current owner stating the violations and giving 15 days to either restore or apply for a permit. Attorney Hane will file the lis pendens and seek further information from the court ordered land auction.

- *Section 18, Arveson Township, Kittson County*

A complaint was received regarding ditching. A concern was raised that water would be transferred from one subwatershed and delivered to another subwatershed. Upon field and Lidar review of the Technician Thompson, it was determined the activity was maintenance of an existing ditch.

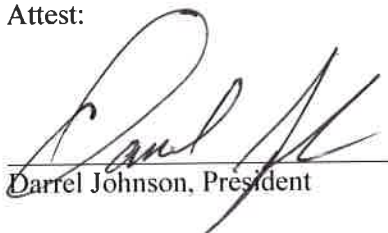
Permit Appeals

- M. Jorgenson

Permit application 2018-10 to install a ditch plug and erect ag dikes was previously denied by the Board of Managers. Jorgenson has appealed, discussions have been held, and the TRWD is awaiting a revision to the application for a culvert rather than a plug, and more specific design plans for the dike. Once these are received the TRWD will review and take action.

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

Attest:


Darrel Johnson, President


Daryl Klegstad, Secretary

