

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: June 5, 2019 @ 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 5, 2019 at the District Office located in the Kittson County Courthouse in Hallock, Minnesota.

Managers present included President Paul Olsonawski, Secretary Daryl Klegstad, Treasurer Joel Muir, Bruce Anderson, Rick Sikorski, and Scott Klein. Vice President 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.), Engineers Jake Huwe & Nate Dalager (HDR Engineering), Engineer Blake Carlson (WSN Engineering), Attorney Delray Sparby, and Lonnie Davidson.

The meeting was called to order by President Olsonawski. Olsonawski then called for any additions or corrections to the proposed meeting agenda and the regular meeting minutes from May 1, 2019. Today's meeting agenda and the minutes of the May 1, 2019 regular meeting were approved upon a **motion** by Muir, **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 8776 through 8804 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 Sikorski, a **second** by Klegstad, 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: A "Project & Ditch Activity" spreadsheet was distributed and discussion was held regarding fund balances, inspections, and maintenance. Ditch inspections are underway and 4 surveys are slated for this summer. Some debris, sloughing and other damages have been noted and will be repaired, and numerous beaver activity is being dealt with. The redetermination of benefits for KCD 21 is progressing, and the Viewers are nearing completion of their report.

Possible Federal Disaster declaration: FEMA has collected preliminary disaster information and it appears Kittson County will qualify for a federal disaster declaration. Governor Walz has asked the President for this declaration and we are awaiting official notice. In the mean time all District ditches and projects are undergoing inspections for any damages caused by spring flooding.

Program Report:

One Watershed One Plan: An update was given on planning status. Planning zones have been designated and aligned according to hydrologic unit codes, and the Steering Committee has discussed general topics to include regarding water quality, surface and ground water, ag productivity and natural resources. The watershed conditions section of the plan will be drafted, and a public kickoff meeting will be scheduled for mid July. A meeting of the Policy Committee and Advisory Committees will be held on June 20th.

Water Quality Monitoring: Discussion was held regarding surface water quality, watershed restoration and protection strategies, impaired waters, clean water funding, and other studies being done by the State of MN. The District has completed several water quality monitoring studies over the years, but has not done any in the past 5 years because of all the monitoring the State MPCA has been doing. It was the general opinion of the Board of Managers that the District should resume its own monitoring program. D. Money will come up with a monitoring plan and estimate of associated costs, and begin a monitoring program for 2019.

2018 Audit & Annual Report: Brady Martz has completed and submitted the 2018 Audit report, and D. Money has completed the 2018 Annual Report. These both need to be submitted to the State by the end of June, 2019. The Board reviewed and discussed both documents, and the Audit was approved upon a **motion** by Sikorski, **second** by B. Anderson, and **unanimous vote** of the Board. The Annual Report was approved upon a **motion** by B. Anderson, **second** by Sikorski, and **unanimous vote** of the Board.

Legislative Report: The 2019 legislative session wrapped up after a special session was called. Reports from the RRWMB and MAWD were distributed. Several issues pertinent to watershed districts were discussed, including manager per diems, river watch, flood damage reduction work group, and other items.

MAWD Summer Tour: The MN Association of Watershed Districts will hold its summer tour in Moorhead on June 26-28. Any Managers that are interested should let D. Money know in order to get registered.

Kittson SWCD: The Kittson Soil & Water Conservation District will be holding a conservation tour on July 31st, and information was handed out. Also, the KSWCD is organizing a soil health tour, and has requested a donation to help support the tour. Upon a **motion** by Klein, **second** by Klegstad, and **unanimous vote** the Board decided not to participate in funding the soil health tour.

Hallock Fire Department: Information was received from the Hallock Fire Department, and they are seeking funding donations to offset the cost of educational safety information for school aged kids. The Board did not see this as an eligible expenditure of watershed taxes, and the request died for lack of a motion.

Ring Dikes: Over the years, cost share funding has been utilized to help design and construct 25 farmstead ring dikes. While there has not been a need in recent years, there was one farmstead that was sandbagged during this year's flood. The landowner has expressed an interest in a ring dike. The funding would be 50% State, 25% Red River Watershed Management Board, 12.5% Two Rivers WD, and 12.5% landowner. Upon a **motion** by Klein, **second** by Sikorski, and **unanimous vote**, the Board of Managers committed to 12.5% funding and directed the Administrator to contact the landowner to proceed, **contingent** upon the availability of the other cost share sources.

Logo: The District's logo was discussed. The current logo does not have good resolution and so it appears a bit fuzzy and blurry when used on posters, the website, and other information that the TRWD distributes. The current logo is generally a good

one, is unique, and presents the messages of drainage, flood control, and water quality. D. Money was authorized to contact consultants to get some ideas and quotes to update the logo.

MN Counties Intergovernmental Trust: The insurance claim for the Jorgenson case was discussed. The lawsuit was settled, and MCIT has closed the case. A letter was received regarding the final billing. No action was taken at this time.

July Meeting: The next regular Board meeting is scheduled for July 3, which is one day prior to the July 4th Holiday. The Board discussed changing the meeting date to accommodate holiday schedules and vacations. Upon a **motion** by Muir, **second** by Sikorski, and **unanimous vote**, the July meeting was rescheduled to 8:00 a.m. on Wednesday, July 10th, 2019.

Culvert Policy: Information was provided in the Administrator's report regarding the culvert sizing policy. In the interest of time, this was not discussed at this month's meeting, but will be on the agenda at a later to be determined date.

RRWMB: The monthly Red River Watershed Management Board report was handed out and discussed. The RRWMB is updating its Governing Documents, and will be holding discussion on the development of a strategic plan.

Project Report:

Klondike Clean Water Retention Prj. #11:

- RRWMB Loan – The funding advance between the TRWD and the RRWMB was discussed. Language in the advance states certain deadlines for the project to advance to RRWMB step 2 and step 3 funding. Due to circumstances beyond the TRWD control, it appears that the step 3 deadline will not be met. Upon a **motion** by Sikorski, **second** by Klegstad, and **unanimous vote**, it was decided by the Board of Managers to ask the RRWMB for a 3 year time extension. This will allow for completion of the step 3 requirements and align the funding advance language with the language in the Governing Documents.
- DNR Issues – As reported in the past, the MN DNR has several issues and questions regarding the project. A meeting with DNR was attended by Money, Dalager, and Huwe and discussion topics included the north outlet, rich fen plan, environmental permitting, Land exchange and right of way, monitoring of surface water, ground water, and vegetation, and other items. Follow up will be done by DNR, TRWD, and HDR to keep the ball rolling on the various items. This information will be used in the permitting and project team process.
- BSPWT – A project team meeting should be scheduled to follow up on the NRE portions of the project and the funding portion through the Flood Damage Reduction Work Group. Discussion was held regarding NRE proposals and regarding permitting. One of the permits needed will be from the Joint Ditch Authority to alter existing ditch systems. It was noted at meeting should be held with the JDA prior to holding a BSPWT meeting. Money will look into scheduling these meetings within the next month.
- ROW – An application will be submitted to DNR for an easement on their lands along the diked inlet and the north diversions. In addition letters will be sent to private landowners in these areas to purchase options.
- Permitting – Houston Engineering has completed a level 1 wetland inventory, which will be used to begin the process of applying for wetland permits.

- Funding – The legislature did not pass a bonding bill, so there will be no grants from the DNR this year. Any program activity in 2019 will need to be funded out of District funds, unless other funding can be obtained.

Walchuk / Weston: The Regional Conservation Partnership Program agreement with the Natural Resources Conservation Service was discussed. Deb Walchuk from the NRCS and Keith Weston from the Red River Retention Authority gave an update on the program and status of projects and in particular the Klondike Clean Water Retention Project agreement. The deadline to complete the planning under the current agreement is September 30, 2019, however the Board has previously authorized to request a one year extension. Details of the KCWRP were discussed as was how the project aligns with the NRCS - PL566 program. Walchuk will check to make sure the time extension request was received, and will process the request. Money will continue to work on the project review points and submit them in a timely manner.

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.

Permit 2019-01: Technician Thompson gave an intro on the permit application, which is an after the fact permit application from Howell Farms seeking approval of ditching and culvert alterations that has been done in section 25 of Stokes Township, Roseau County. The permit committee has reviewed the application and recommends approval with the condition that an 18” culvert and field crossing be installed to restore pre-project flows in the area. Landowner Lonnie Davidson and his attorney, Delray Sparby were in attendance to provide comments. Davidson stated that this is a significant ditch improvement and Davidson would like to see the ditch filled in to ground elevation. He also feels that his farmstead to the north will experience greater flooding than it does now. He did not provide survey information, testimony, or any technical information to support his position. He provided historical photos of an intersection located east of the project and historical photos showing water that in the past has flooded his farmstead. TRWD Engineer Blake Carlson stated that the review of the permit committee shows that no significant damages are expected to occur as a result of the work if the 18” culvert is installed to mitigate what was done.

Upon a **motion** by Sikorski, **second** by B. Anderson, and **unanimous vote**, the permit was approved. The following findings of fact were made:

- The permit restores prior hydraulic conditions as practicable as possible to prevent undue damages to adjacent lands.
- The TRWD has issued after the fact permits to Lonnie Davidson, the landowner of the farmstead located north of the proposed work. These permits were to improve drainage and install culverts to prevent flood damages to the farmstead. Davidson stated that these newly installed culverts as permitted provided sufficient flood protection during the 2019 spring runoff even.
- Davidson also stated that prior to any of the recent work, the farmstead had a historical problem with flooding.

Permit 2019-12: This permit application is from the Roseau County Highway Department seeking to replace an existing 72" culvert located on a crossing on State Ditch #72 in section 19 of Soler Township, Roseau County, with 2 lines of 60" culvert. The review and recommendation of the permit committee indicates that the current culvert is undersized according to the District's culvert sizing policy, and that there should be no resulting problems to adjacent or downstream lands. Upon a **motion** by Sikorski, second by **Muir**, and **unanimous vote** of the Managers, the permit application was approved.

Permit Violations:

As discussed at prior meetings, three permit violations of Rick Solberg are currently pending enforcement action. Thompson has met with Solberg, and one of the violations can be resolved by issuing an amendment to permit number 1586A that was issued to Solberg in 2015 but the work was never completed. The location of the permit is amended to be moved 300' to the north upon a **motion** by Klein, **second** by Muir, and **unanimous vote** of the Managers.

Two other violations by Solberg were discussed. The Board of Managers will set a deadline that these be rectified by Solberg on or before June 30th, 2019. If the landowner does not comply, the District will have the work done and bill the landowner for it. Thompson was directed to contact the landowner and inform him of the Board's decision.

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

Attest:



Daryl Kregstad, Secretary



Paul Olsonawski, President