

**Minutes of the Special Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: January 29, 2020 @ 8:00 a.m.**

The Board of Managers of the Two River Watershed District held a special meeting beginning at 8:00 a.m. on Wednesday, January 29, 2020 at the District Office located in the Kittson County Courthouse in Hallock, Minnesota.

Managers present included President Paul Olsonawski, Vice President Roger Anderson, Secretary Daryl Klegstad, Treasurer Joel Muir, Bruce Anderson, Rick Sikorski, and Scott Klein. None were absent.

Others present included District Administrator Dan Money, Head Technician Matt Thompson, and Attorney Jeff Hane (Brink, Sobolik, Severson, Malm & Albright, P.A.

The meeting was called to order by President Olsonawski. He stated the purpose of the meeting was to review various laws regarding watershed districts, review district policies and procedures and to discuss how they relate to district project and programs.

Rules of the Two Rivers Watershed District:

Some questions have recently come up regarding permits required from the District, inspection of projects permitted and enforcement of the District's Rules regarding permits. Current policies being followed by District staff were handed out and reviewed. It was noted that various forms are used in the review of a permit, and these forms contain various information that aid in making a decision to approve, approve with conditions, or deny a permit. These checklists and related information that is gathered become a part of the permit record and are filed with the permit application.

The following policies and documentation are currently used in permit review:

- ✓ RRWMB Guidelines for Surface Drainage Systems – The Red River Retention Authority's Basin Technical and Scientific Advisory Committee wrote their Briefing Paper #3: "*Water Management Options for Surface Water Drainage*" in 2014. Subsequently the TRWD has been using these guidelines since they were approved by the RRWMB in 2014. These guidelines acknowledge the philosophy of providing "Adequate" drainage for agricultural lands and "Equitable" distribution of drainage across drainage systems. The guidelines incorporate a basin-wide comprehensive surface drainage management strategy that includes 1) uniform surface drainage design, 2) flood storage, 3) maintain non-contributing areas, 4) subsurface drainage management, and 5) outreach and education strategies.
- ✓ Permit Committee – The District utilizes a 3 – tiered approach when reviewing permit applications.
 1. Using prior approved permit policies and guidelines, District staff can review and approve applications for culverts that are either 18" or 24" in size.
 2. For applications not covered by category 1, a permit committee consisting of District Staff, the District consulting engineer, and one Board Member will convene and review the application. If all 3 members agree, the permit can be approved, but if they do not agree or want further input, the application can be referred to the full Board of Managers.

3. For applications not covered by categories 1 or 2, the Board of Managers will review the applications.

- ✓ Culvert Sizing Policy – The District has been following a culvert sizing policy since 1996 regarding permits. This policy was started to address flooding concerns by reducing downstream peak flows, provide equal drainage benefits throughout drainage systems, utilize temporary storage of water (24 to 48 hours) on cropland, address road overtopping and safety standards to highways, and take into consideration risks to property upstream of culverts. This policy follows generally accepted culvert sizing recommendations from the Red River Basin Flood Damage Reduction Work Group’s technical and scientific advisory committee Technical Papers #11 and #15 and BTSAC paper #3.
- ✓ Tile Drainage - The District currently uses a checklist for tile drainage applications that includes a site plan with specific details of the tile installation. The District has adopted policies to notify adjacent road authorities and landowners affected by tile installations. All tile systems shall not discharge any water when there is flooding occurring downstream of the tile outlet. Downstream flooding is generally defined to be when downstream ditches, coulees, or rivers are at a point where water is flowing out of or about to flow out of the waterway and onto adjacent lands. The TRWD will consider the Red River Watershed Management Board’s recommended guidelines (2014) for tile drainage systems when making decisions relative to tiling permit applications.
- ✓ Maintenance vs Improvement policy – The Board reviewed current policy that was adopted in 2016 regarding criteria to apply when determining whether a water related work is considered as maintenance as opposed to an improvement, thus requiring a permit from the District.

The Board considered existing permit review procedures and discussed how to improve the process. Upon a **motion** by Muir, **second** by Klegstad, and **unanimous vote of the Board**, the policies listed above and indicated by a check mark were re-affirmed and the following new policies and procedures listed below and indicated by a dash were formally adopted:

- For every permit that is reviewed a “Findings of Fact” document will be included in the permit record that identifies data and information that was reviewed and clearly identifies specific reasons supporting the decision to approve, approve with conditions, or deny the application.
- District staff are directed to complete an annual field spot check each fall of at least 50% of the permits that were issued in the year prior. The purpose of this spot check is to ensure that projects are installed according to the terms of the permit that was issued and no alterations have been made.
- It was noted that education and information should be disseminated in the District newsletter and on the District web site regarding tile drainage permits that have been issued. Specifically, a notification should be posted reminding permit holders of the requirement that no discharges can be made from any tile drainage systems during times of downstream flooding.

Laws and Watershed Governance: Attorney Jeff Hane discussed with the Board several laws that govern watershed districts and the duties of the Board of Managers under each. These are summarized as follows.

103D Watershed Law: Information regarding the watershed law, which governs watershed district activities, was provided and discussed. Duties and powers of Managers and of the District were reviewed.

103E Drainage Law: This law governs legal drainage ditches and the responsibilities and duties of drainage authorities. A primer that summarizes the various aspects of the law was handed out and discussed.

Chapter 13D Open Meeting Law: Hane discussed the open meeting law, focusing on posting of regular and special board meetings and also committee meetings. Information on the law was handed out and discussed. Generally, the District annually posts a schedule of its regular monthly meetings. Notice of any Special meetings are posted in accordance with the law at a minimum 3 days prior to the meeting. Hane specified that the law applies to committee meetings as well, and that these must be posted at least 3 days prior with the time, location, and meeting purpose. Discussion was held regarding Managers attending meetings electronically and the rules that need to be followed.

Uniform Contracting Law: Whenever contractors are hired to perform construction work for the District, the uniform contracting law applies. For projects estimated to cost less than \$25,000 quotations can be made or the contract can be made in the open market. For contracts between \$25,000 and \$100,000 sealed bids can be solicited or direct negotiation can be used by obtaining at least 2 quotations. For contracts exceeding \$100,000 sealed bids are required.

Records Retention: Discussion regarding the requirements of government agencies to preserve certain records was discussed. The District currently has a mixture of paper files and electronic files to preserve all records and historical documents. Discussion was held and the Board directed the Administrator to research various options for records retention, including appropriate software, consulting services, and cloud storage.

Insurance: The District purchases insurance from the Minnesota Counties Intergovernmental Trust. The 2020 insurance documents were reviewed and Hane and Money gave updates and recommendations as follows:

- The valuable papers limit should be raised from \$5,000 to \$15,000
- Uninsured/underinsured motorist coverage should be raised to \$100,000 each
- Property in the open coverage schedule should be revised to reflect present day prices, and the extra expense limit should be raised to \$25,000.

The additional cost to make the above changes is estimated to be \$66. Upon a motion by Sikorski, second by B. Anderson and unanimous vote of the Board, authorization was approved to make the changes as indicated above.

Ross #7 Land Rent: Manager B. Anderson inquired about the status of land rents at the Ross #7 project. He recalled that last year the Board had discussed advertising available lands with current renters and asking these renters to submit bids if they are interested in renting additional lands. The Board set a deadline to submit bids of March 4th, 2020 and directed Administrator Money to send notification to current renters.


Klondike Clean Water Retention Project: Manager Olsonawski inquired about long term operating funds and potentially setting up a benefitted area for the project. Money mentioned the current income from rent and other sources like the RRWMB funds that could be used for operation and maintenance. The various funding streams were discussed. No action was taken at this time, but it will be discussed at future meetings as project planning proceeds.

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

Attest:



Daryl Klegstad, Secretary



Paul Olsonawski, President