

**Minutes of the Regular Meeting of the Board of Managers  
Of the Two Rivers Watershed District  
Held: January 8, 2020 @ 8:45 a.m.**

The Board of Managers of the Two River Watershed District held their regular meeting beginning at 8:45 a.m. on Wednesday, January 8, 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, and Rick Sikorski. Scott Klein was absent.

Others present included District Administrator Dan Money, Head Technician Matt Thompson, Engineer Jake Huwe (HDR Engineering), Engineer Blake Carlson (WSN Engineering), Keith Weston (Red River Retention Authority), Debra Walchuk (Natural Resources Conservation Service), and State Representative Dan Fabian.

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 December 4, 2019. Today's meeting agenda and the minutes of the December 4, 2019 regular meeting were approved upon a **motion** by Sikorski, **second** by B. Anderson, 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 8956 through 8994 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 Klegstad, a **second** by R. Anderson, and a **unanimous vote** by the Board. The Board directed the Administrator to check with certain utility companies to see if a yearly payment could be made instead of a monthly payment.

**Attorney's Report:**

Attorney Jeff Hane of Brink, Sobolik, Severson, Malm, & Albright, P.A., could not attend today's meeting, however he submitted a written Attorney's report regarding the following items:

Open Meeting Law & Records Retention: Periodically it is a good idea to review TRWD policies and procedures, and information regarding compliance with applicable laws was noted. Board regular, special, emergency and committee meetings need to be properly noticed and conducted properly so as to give the public an opportunity to hear what is being said.

MN law requires that the District adopt a records retention schedule that indicates how long records are kept, when or if they can be destroyed, and where they will be archived.

Lis pendens regarding permits: Several options were discussed the matter of the Lis pendens that was filed by the District for lands associated with the permit violation of Rick Solberg, located in section sections 20 and 29 of Moose Township, Roseau county. Solberg has contacted the District and would like release of the conditions. A potential solution would be to require a written agreement with

certain conditions, including requirement of a cash bond and ability of the District to enter onto the lands and perform the work if it is not completed in a timely manner.

The Board of Managers directed the Administrator and Attorney to proceed with preparing and executing an agreement between the District and Rick Solberg with the requirement that he submits a cash bond in the amount of \$10,000 and completes the required work by June 1, 2020.

### **Fall Flood & Legislative Issues:**

Representative Dan Fabian was in attendance to discuss legislative issues and opportunities for the upcoming 2020 session.

- D. Money gave a presentation on the fall flooding, the proposed Klondike Clean Water Retention Project, permitting issues, and legislative initiatives. Discussion was held regarding the need for flood control projects and the amount of funding that would be needed within the TRWD and the Red River valley. It was noted that funding levels to address the issue have fallen short in the past few years, resulting in millions of dollars of damages to public infrastructure and agricultural lands. Impacts include road closures, road and culvert washouts causing detours and dangerous travelling conditions, extensive crop losses, delays in crop harvest, and other flood related issues. Overflow flooding from the Roseau River into the Two Rivers is an additional problem that needs to be addressed. Funding of the KCWRP is imperative to provide flood protection, reduce flooding impacts, and reduce the flood duration and flood peaks.
- Mr. Fabian addressed the Board and suggested working with Senator Johnson to possibly schedule a senate hearing to provide information and create awareness of the magnitude of the flooding problems, funding shortfalls, and pitfalls of designing, permitting, and constructing a project. It was noted that proposals for a bonding bill are being prepared but at this time the amount for flood damage reduction is being discussed with the DNR suggesting around \$20 million and the RRWMB suggesting \$70 million.
- Fabian discussed the US Army Corps of Engineers 404 wetland permitting and the continuing efforts of the State of MN to assume regulatory responsibility and take over the program from the USACE. The advantage of doing this would hopefully be to reduce the time it takes to apply for and receive a permit. This issue will be further addressed in the coming year.

The Board of Managers thanked Mr. Fabian for attending and discussing the issues that are pertinent to watershed district.

### **Administrator's Report:**

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

**Legal Ditch Report:** Survey work was collected on in 2019 on Kittson County Ditch #7, Kittson County Ditch #21, Judicial Ditch #10 Branch B, and Springbrook #10. Technician Thompson is in the process of drawing up the survey data and a full report for each ditch / project will be given at the February meeting. The report will include recommendations for sediment removal and/or repair of sloughing to be done in 2020.

A Federal disaster was declared for spring 2019 flooding and the District had submitted information for cost share to remove debris and repair sloughing. FEMA is still processing these requests and they have not yet been approved. The State of MN has made funding available for damages that have occurred during fall 2019 flooding, and one site has been submitted by the District.

## Program Report:

*One Watershed One Plan:* The planning process is proceeding, and the Steering Team has been meeting to establish overall goals. 8 goals have been drafted, and the next meeting will be held with the Citizen's and Technical Advisory Committees on January 23, 2020. The Board discussed the goals and indicated that goals for flood damage reduction need to be included. Once the goals are finalized, the Policy Committee will need to meet and approve them.

*Joint Meeting with Roseau River WD:* The District has been approached by the Roseau River WD to schedule a meeting between the two Districts and county commissioners. This has been done in the past, and with the recent flooding now would be a good time to meet. The Board of Managers agreed to hold the meeting and a tentative date was set for February 12, 2020 from 11:00 am to 1:00 pm in Karlstad, MN.

*MN Association of Watershed Districts:* Managers R. Anderson and Muir and Administrator Money attended the annual meeting of MAWD. They reported on meetings attended, legislative resolutions and general MAWD policies. The MAWD legislative day at the Capitol will be held on March 18-19, 2020.

*Special Meeting:* Several topics have come up that should be discussed. During a regular meeting there is not much time to spend on things like by-laws and policy review, the District rules and procedures for permits and enforcement, and current events affecting watershed districts. The Board of Managers set a special meeting for 8:00 a.m. on Wednesday, January 29<sup>th</sup>, 2020 to discuss the open meeting law, records retention policies, the rules of the District, and other matters that may come before the Board. The Administrator was directed to post notice of the meeting as required by law.

*Water Quality Monitoring:* Over the past few months the Board has discussed resuming its water quality monitoring program. This was done annually for many years but discontinued during the time that the MN Pollution Control Agency was doing extensive monitoring as a part of their watershed restoration and protection strategies. D. Money provided an estimate of \$12,000 per year to monitor baseline conditions at up to 12 established sites on a monthly basis between April and October. On site sampling would be done for depth, temperature, pH, turbidity, conductivity, and dissolved oxygen. Water samples would be collected and sent to a certified laboratory to analyze for nitrogen, phosphorous, chlorophyll a, and total suspended solids. The Board directed staff to proceed with the water quality monitoring program, and to keep all data collected and subsequent reports locally in the District's data base.

*Equipment:* It was noted that the 2020 budget included funding to purchase a new atv for the District. The Board discussed options, makes, and models, and directed District staff to get 3 quotes on a new atv to be reviewed at the February Board meeting.

D. Money indicated that the District's flow monitoring equipment was purchased in 1996 and is aging. New technology and equipment are available that would increase accuracy and reduce the time needed to collect the data. The Board would like more information and costs estimates to be provided at a future meeting.

*Impoundment and Dam Operations:* Communications during flooding is generally fairly good between the DNR and the TRWD regarding operation of flood gates, the Lake Bronson Dam, Nereson Impoundment, and Ross Impoundment. Money suggested holding a 'operator's meeting' with all involved to review the various operating plans

and streamline when gates are operated throughout the District. A review of 2019 flooding could be done, along with preparing for potential 2020 flooding.

**Project Report:**

*Klondike Clean Water Retention Prj. #11:*

- Engineering – HDR Engineering is working on final plans and has indicated they will be 90% completed by March 1, 2020.
- Right of Way – Although the land with the impoundment has been purchased by the District, additional right of way will be needed along the diked inlet and the south diversion. Once HDR has submitted plans, the acreage that is needed can be computed and offers can be calculated in order to negotiate with landowners.
- Land Exchange – The District submitted applications to the DNR for land exchange approximately 1 year ago. DNR notified the District last week that they cannot process the applications any further until an Environmental Assessment Worksheet is done and other environmental review that is required is completed.
- Permitting – Once the plans are provided by HDR, the District will proceed with preparing and submitting 1) Environmental Assessment Worksheet, 2) US Army Corps of Engineers 404 wetland permit application, 3) State of MN Wetland Conservation Act application, 4) Application to the SD 95 ditch authority to make alterations and impound water on a legal ditch, 5) cultural resources review to the State Historic Preservation Office, 6) application to Kittson County/Klondike Township to alter township roads. Other permits that are needed will be applied for as the project proceeds. It is anticipated that it will take a full year or more to obtain necessary permissions.
- Funding – Discussion was held regarding state bonding, federal RCPP funding, RRWMB funding, State of MN Clean Water Funds, and any and all other private, local, regional, state, and federal monies.
- Natural Resources Enhancements – Several meetings have been held with the NRE subcommittee of the ‘Big Swamp Project Work Team’, made up of several DNR representatives, USACE, MPCA, TRWD, and the Nature Conservancy. Progress is being made, and the subcommittee should be able to give their recommendations the end of January 2020. This will have implications for receiving up 75% project cost share from the state, as opposed to 50%.

**Regional Conservation Partnership Program:** Debra Walchuk (Natural Resources Conservation Service) and Keith Weston (Red River Retention Authority) were in attendance to discuss with the Board the RCPP contract/agreement between the District and the NRCS. The deadline to complete the planning process is September 30, 2020 and several steps are needed. Discussion was also held regarding the project alternatives and the fact the project may not meet some of the program thresholds. Requirements of the plan process include cost benefit analysis for each alternative, cultural review, and selection of a preferred alternative. The value of continuing with the RCPP plan and details of how to proceed were discussed. Money will work with Walchuk and Weston and updates will be provided at future Board meetings.

**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.


<u>App. #</u>	<u>Applicant</u>	<u>Location</u>	<u>Purpose</u>	<u>Action</u>
2019-43	M. Schwenzefier	Hampden 2	sidewater inlets x 2	Referred to Committee
2019-44	C. Christopherson	Hampden 11	sidewater inlet x 1	Referred to Committee
2019-45	J. Dagen	Springbrook 36	tile drainage	Referred to Committee

A letter has been received appealing the District's decision to approve permit number 1843. The Board of Managers set a public hearing on the appeal to be held at 8:00 a.m. on Wednesday February 5, 2020 in the District office in the Kittson County Courthouse, Hallock MN. The Administrator was directed to post the hearing notice and mail to the appellate, affected landowners and other interested persons.

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

Attest:

  
Daryl Klegstad, Secretary

  
Paul Olsonawski, President

