

**Minutes of the Regular Meeting of the Board of Managers  
Of the Two Rivers Watershed District  
Held: Thursday, July 7, 2022 @ 8:00 a.m.**

The Board of Managers of the Two Rivers Watershed District held their regular meeting beginning at 8:20 a.m. on Thursday, July 7, 2022. The meeting was held in the upstairs meeting room in the Kittson County Courthouse, 410 S. 5<sup>th</sup> Street, Hallock, MN.

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

Others present included District Administrator Dan Money, District Technician Tyler Coffield, Attorney Jeff Hane (Brink Lawyers), Engineer Jake Huwe (HDR Engineering), Engineer Blake Carlson (Widseth), and Kittson County Commissioner Darrel Johnson.

The meeting was called to order by President Sikorski. Sikorski then called for any additions or corrections to the proposed meeting agenda and the regular meeting minutes from June 16, 2022. Today's meeting agenda and the minutes of the June 16, 2022 regular meeting were approved upon a **motion** by Johnson, **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 9652 through 9664 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 R. Anderson, a **second** by Olsonawski, and a **unanimous vote** by the Board.

**Administrator's Report:**

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

**Program Report:**

*Survey Software:* Discussion was held regarding the possible purchase of Auto CAD software to be utilized in converting surveys into plan sheets and drawings showing ditch grades and cross sections. T. Coffield provided information on annual costs vs a 3 year subscription. Some cost savings can be achieved with the longer term subscription. Upon a **motion** by Klein, **second** by Johnson and **unanimous vote** of the Managers, the Board approved the purchase of the software for a 3 year term at a cost not to exceed \$7,500. District staff were directed to obtain the software.

*Spring Runoff – Federal FEMA Disaster Status:* It is anticipated that there will be a Federal disaster declaration however it has not been made official as yet. There have been at least 4 damage location where ditch side slopes are sloughing. The problem is that these need to be repaired soon because the construction season is close to ½ over. FEMA rules allow for repairing to pre-disaster condition, however to fix these properly we would need to be approved for what FEMA considers 'mitigation'. Because of the FEMA rule, this would mean that in order to qualify for FEMA mitigation funds and the time frame of the declaration, these may not be fixed this year if we wait. If we proceed we may not receive FEMA funds, and if we

wait the work may not be done until next year and may become worse during spring 2023 runoff. Upon a **motion** by Olsonawski, **second** by B. Anderson, and **unanimous vote** it was decided to hire a contractor and move forward with repairs. Staff were directed to document all damages and submit to FEMA.

*Ditch Spraying Maintenance:* Because of the late spring and long duration of runoff, all ditches have not been able to be inspected yet. However, staff recommends using last year's inspection reports to determine areas along legal ditches that need to be sprayed for cattails and woody vegetation. There was no spraying last year that was done, and therefore last year's maps should be valid. Upon a **motion** by R. Anderson, **second** by Klein and **unanimous vote** of the managers, it was decided to use 2021 inspections to determine areas on ditches to spray and authorize staff to hire Larson Helicopters to do the work.

*Copy Machine:* Recently the copy machine has needed repairs and maintenance. It was noted that the machine is beginning to age and may need to be replaced in the near future. As the annual budget will be looked at in August and September, staff were directed to look into the cost of replacement and consider adding a capital purchase to the 2023 budget.

The Meeting was recessed at 9:00 a.m. for the Board to hold a public hearing regarding Kittson County Ditch #10.

The Meeting was re-convened at 10:00 a.m.

*Overall Plan / Comprehensive Management Plan:* Information was provided on the update of the plan that is currently in progress. One item that is required is to send an outline of the plan to the Board of Water & Soil Resources. Discussion was held that the current plan format can be used again as an outline for the update of the plan. The Board of Managers directed staff to send a plan outline to BWSR.

*Tile Outlets:* Manager R. Anderson brought up for discussion tile permits, specifically enforcement and how to ensure that tile outlets are actually closed during times when there is downstream flooding. The location of some field outlets is such that it is difficult to access when there is a flood. Many times during flooding the District relies on neighbors to report violations.

The definition of downstream flooding for tile systems was discussed. It is generally noted on permits issued by the District that no discharges are allowed from tile systems when downstream flooding is occurring. This is defined as being from the tile outlet all the way to the Red River. Discussion was held regarding Red River trigger points and travel time from tile outlets to the Red River. The Board ruled that the definition of downstream flooding, for the purposes of tile permits, is when conditions between the project and the Red River are such that the channels are bank full or within 6 inches of bank full or when water is leaving the channel and flowing onto adjacent property.

#### **Legal Ditch Report:**

Maintenance activities for 2022 were discussed. A side water inlet will be installed along JD #10, a culvert will be added through a township road on JD #3, a support brace will be installed on a structure on the North Branch project, and sloughing will be repaired on JD #10 Branch B. Ditch inspections are yet to be completed, and therefore there may be more repair needed from the spring runoff.

**Tours:** Kittson SWCD will be holding a conservation practices tour on July 20<sup>th</sup> and one of the stops will be on the TRWD's Springbrook #10 Project. There will be a farm bureau meeting at

Eeg Farms on July 21 and the TRWD will be speaking on ag water issues. On August 23-25 the MAWD summer tour will be held in conjunction with the RRWMB and one of the stops will be the TRWD's Springbrook #10 project. Board members are encouraged to attend.

**Attorney's Report:**

Attorney Jeff Hane of Brink, Sobolik, Severson, Malm, & Albright, P.A., gave an Attorney's report regarding the following items:

District Employment Policy: Hane recently reviewed the District's policy as it pertains to wages and hourly rates. He crossed referenced MN Statute 177.23 subdiv. 7, and indicated that although the District's current policy is compliant, it could be worded differently in order to provide more clarity. Upon a **motion** by Johnson, **second** by Olsonawski and **unanimous vote**, it was approved to alter section II. of the District's employment policy by adding the following sentence: "Except for employees who are exempt workers under MN Statute 177.23, subd. 7(6), all employees must be paid on an hourly basis. At its discretion, the Board of Managers may elect to pay the Administrator on a salary basis."

**Project Report:**

Klondike Clean Water Retention Prj. #11:

- Engineering – discussion was held regarding the cost estimates for phase 1, phase 2, and phase 3. J. Huwe indicated the estimates that were provided a couple of years ago most likely need to be updated, however this has not been done. He stated plans are about 90 % done, however some changes may occur pending wetland permit requirements.
- Permitting
  - Env. Assessment Worksheet: Staff have completed a draft of this document, and have forwarded it to DNR for review and comment. Once the draft has been made final, it will submitted to the Environmental Quality Board and will go on a 30 day public notice. Any comments received will then need to be responded to and the Board of Managers will make a decision on the need for an EIS.
  - Federal and State wetland permits: A field visit to the proposed mitigation site will be scheduled with the SWCD, BWSR, TRWD and DNR. This is a necessary step in order to gather the information needed to apply for the state permit. For the federal permit, the USACE has submitted a list of the information needed. Because of the long lasting spring flooding, a site visit has not been possible, but will be done as soon as conditions allow.

**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.

App. #	Applicant	Location	Purpose	Action
2022-10	Poplar Grove Twp	Poplar Grove 3	Drainage	Tabled
2022-13	DJB Farms	Svea 33	Tile	Approved
Conditions: Pump outlet located in the SE corner must have an air gap design; No discharges allowed when flooding is occurring downstream to the Red River; Slide gates are required at all gravity outlets; Tile agreement required.				

2022-14	DJB Farms	Davis 32	Tile	Approved
	Conditions: Pump outlet located in the SW corner must have an air gap design; No discharges allowed when flooding is occurring downstream to the Red River; Slide gates are required at all gravity outlets; Tile agreement required.			
2022-15	DJB Farms	Davis 29	Tile	Approved
	No discharges allowed when flooding is occurring downstream to the Red River; Slide gates are required at all gravity outlets; Tile agreement required.			
2022-16	DJB Farms	Svea 34	Tile	Approved
	No discharges allowed when flooding is occurring downstream to the Red River; Slide gates are required at all gravity outlets; Tile agreement required.			
2022-19	Brian Dahl	Springbrook 19	Tile	Tabled
2022-20	N. Olsonawski	N. Red River 22	Field Xing/24"cmp	Approved
2022-21	Sander Dagen	Deerwood 20	Tile	Tabled

The following permits were previously approved by the Permit Review Group:

2022-12	Ryan Swenson	Clow 23	crossing w/24" cmp	Approved
2022-18	Kittson Co. Hwy Dept.	S. Red River 1	Field Xing/2-36" cmp	Approved

Other Permit Issues:

Discussion was held regarding the J. Bridger permit that was discussed at last month's meeting. The permit was originally issued for a 30" culvert, however new information was received showing a much larger upstream drainage area, and the permit was re-issued for two 36" culverts. Kittson County Highway Department noted that they had already delivered the original culvert and there would be additional costs for the extra work. KCHD has asked whether the TRWD would participate in any of the costs. The Board discussed costs and ruled they would not participate in the request of the Kittson County Highway Department to pay all or a portion of the additional delivery costs.

With no other matters to come before the Board of Managers, the meeting was adjourned at 12:20 pm.

Attest:

  
 Daryl Klegstad, Secretary

  
 Rick Sikorski, President