

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: September 30, 2020 @ 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 30, 2020. Due to the ongoing COVID-19 pandemic the meeting was held in the upstairs meeting room of the Kittson County Courthouse in Hallock, MN with social distancing guidelines in place. The meeting was also held via “GoTo Meeting” to allow for the public to attend electronically either by phone or by computer.

Managers present included President Paul Olsonawski, Secretary Daryl Klegstad, Bruce Anderson, and Rick Sikorski. Absent was Vice President Roger Anderson, Treasurer Joel Muir and Scott Klein.

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), and landowners Brandon Kuznia, Myles Efta, Brad Blawat, and Mike Ratzlaff.

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 September 3, 2020. Today’s meeting agenda was approved upon a **motion** by Klegstad, **second** by B. Anderson and **unanimous vote**. The minutes of the September 3, 2020 regular meeting were approved upon a **motion** by Sikorski, **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 9190 through 9212 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 B. Anderson, a **second** by Sikorski, and a **unanimous vote** by the Board.

Hearing on Appeal of Permit #1873

A **motion** was made by Sikorski, **seconded** by B. Anderson and **unanimously approved** to recess the regular meeting and open the public hearing.

Attorney Hane discussed that this is a formal hearing and went over the process that is followed. Testimony will be taken and the Board will deliberate. Technician Thompson provided information regarding the permit application, the data and information used to make a permit decision, and the permit that was issued and conditions that were placed upon it. The permit was issued to install a tile drainage system and a condition placed upon it for a riser pipe having a separation from the tile line so it is not directly connected.

Brandon Kuznia spoke against the condition of a riser pipe separating the tile line from the outlet pipe. He submitted a letter with concerns about maintenance issues that could arise with the configuration required by the condition of the permit. He inquired about the reason for the condition and suggested that instead a remote sensing system could be installed that would stop the pump as ditch level rises to the point of downstream flooding.

Discussion was held regarding the condition. Manager Klegstad mentioned the condition is a good way to go because it eliminates calls and complaints from downstream potentially affected landowners who do not want extra water during times of flooding. Attorney Hane noted that the condition is an automatic way to ensure there is no pumping when flooding is occurring downstream. Manager Olsonawski stated our current tile

policy is somewhat vague and leaves some room for interpretation. He noted that the Board could overturn the condition, alter the condition, or stick with the original condition.

Kuznia inquired about specific elevations regarding the outlet and the outlet pipe. It was noted that these could be established and that District staff could provide an on-site survey to determine the outlet elevation.

A **motion** was made by Sikorski to rescind permit condition #5 and replace it with a condition that if in the future negative downstream impacts are occurring as a result of the tile outlet operation the applicant will be required to alter the outlet to prevent those impacts from happening. The motion was **seconded** by B. Anderson and **approved**. The Board made the following findings of fact regarding the issue: 1) The designed tile outlet is 8" and it is not likely the discharges it will produce will impact the capacity of the downstream outlet ditch. 2) The adjacent ag field to the south of the project appears to be at a higher elevation than the tile outlet and will not be significantly impacted. Further the owner of the field has stated that he is not against the project. Watershed District staff were instructed to survey the outlet and provide specific elevations that will become requirements of the permit.

The hearing was closed at 8:55 a.m. and the regular meeting was resumed.

Permits:

Application #2020-57

Applicant Brad Blawat and affected landowner Myles Efta appeared before the Board of Managers to discuss the application. Blawat explained the purpose of the proposed project located in section 21 of Barto Township is to alleviate flooding on ag land by regrading a road ditch to a 0.08% grade and lowering two existing 24" culverts located in field crossings. The permit application is in review by the permit committee, and engineer Carlson discussed application of the District's culvert sizing policy and review of lidar data. A concern was noted that although the intent is to get water to go north, as proposed it may allow more water to flow west. Manager Olsonawski suggested a flap gate be installed on the east end of an existing east-west road center line culvert in order to address the issue.

Upon a **motion** by B. Anderson, **second** by Sikorski and **unanimous vote**, the permit was approved with a condition that a flap gate be installed as discussed above. The following findings of fact were made: 1) the project will improve drainage without a significant negative effect to adjacent properties. 2) a flap gate is required to be installed on the east end of an existing east-west center line culvert through Roseau County road #103. The purpose of this condition is to prevent potential adverse impacts to lands located to the west of the existing culvert.

Blawat then addressed the Board of Managers regarding a permit application for ditching that was denied in 2019. It was denied due to the lack of an adequate outlet. He mentioned a project that he believes was recently done by others without a permit that improves drainage to the same inadequate outlet. District staff will look into the issue.

Next Blawat discussed a project he would like to do to lower an existing culvert that is center line through 190th street. He discussed that he and his family own the land on the downstream end of the project and they are the only ones that would be affected. The purpose of the project is to improve upstream drainage. Members of the permit committee indicated that based on the information Blawat has presented, there were no issues. He was instructed that once a permit application was filled out, signed and submitted the permit would be approved.

Application #2020-37

Landowner Mike Ratzlaff addressed the Board regarding the permit application of Chad Spilde. Ratzlaff spoke against the project. He is an adjacent downstream landowner and stated that upstream alterations that were done in the 1980's resulted in a ditch being constructed by a prior landowner. This ditch carries high

flows but if it is subjected to more water it would not handle the flows and excessive flooding would occur. Discussion was held that a natural wetland in the area does currently act to hold and meter the runoff.

Upon a **motion** by Sikorski, **second** by Klegstad and **unanimous vote** of the Managers, permit application #2020-37 was denied. The following findings of fact were made: 1) there is a potential significant negative impact to downstream property by the proposed activity. 2) the findings of the District Engineer that significant benefit could be achieved simply by doing maintenance activity were noted. 3) The proposed work to remove a crossing has great potential to make the applicant's current flooding worse than it is now by allowing water to flow un-impeded.

Ratzlaff requested the TRWD investigate and research all activities and proceedings regarding this system from the upstream end to the downstream end, dating back to the 1980's. There may be legal decisions that were made that are not being followed. As more time goes by these documents should be memorialized so current and future landowners are aware of them. The Managers directed staff to research the matter and document all proceedings that have established any rules or decisions. Ratzlaff will approach adjacent landowners and will possibly apply for a permit to do improvements that will potentially reduce flooding.

The Board considered and 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 and filed with the permit documentation in the District office. Conditions, if any, are listed on the permit sent to the individual.

<i>App. #</i>	<i>Applicant</i>	<i>Location</i>	<i>Purpose</i>	<i>Action</i>
2020-16	R. Johnson	Springbrook 3	Alter CR 61 meander	Tabled
2020-25	Deerwood Twp	Deerwood 27	install gate on in place 36"	Tabled
2020-37	Chad Spilde	Norway 34	Re-grade ditch & lower culvert	Denied
	See above.			
2020-38	Springbrook Twp	Springbrook 9	impoundment	Tabled
2020-41	Bryce Evans	Dewey 13	Ditching; 3 culverts	Tabled
2020-45	Justin Dagen	Jupiter 28	Tile Drainage	Tabled
2020-46	Middle River Fm	Lind 36; East Pk 1&12	Drainage; Culverts	Tabled
2020-52	Terry Osowski	N Red River 36	36" road cl	Tabled
2020-53	Dean Carlson	Tegner 32-33	Ditching – surface drainage	Denied
	Motion Klegstad to deny, second by Sikorski – unanimous			
	Findings: 1) not an adequate outlet, 2) significant potential to increase flooding on lands to the east.			
2020-55	John Webster	Svea 12	replace 30" w/36"	Tabled
2020-56	Dean Carlson	Tegner 30	½ mile ditch .04% grade	Tabled
2020-57	Blawat Fm; M&S Fm	Barto 21	grade ditch; lower culverts	Approved
	See above.			
2020-60	Lynette Taylor	Hazelton 23	replace existing 30" w/ 36"	Tabled

Permits Prior Approved by Committee

2020-39	Nathan Kraulik	Springbrook 10	Tile Drainage	Approved
2020-47	Ristad Farms	Hazelton 17	Remove field crossings	Approved
2020-48	Justin Howell	Stokes 15/16	replace 24" & 42" with one 42" cmp	Approved
2020-54	Hereim Twp	Hereim 16	replace 12" w/ 18"; replace 8" w/ 18"	Approved
2020-49	Hallock Township	Hallock 3	repair washout install larger clvt	Approved
2020-58	Paul Davy	Stafford 32	new crossing w/24 or 36	Approved
2020-59	Ryan Swenson	Granville 16	new crossing w/ 24"	Approved

Other Permit Issues

- Permit application 2020-43 from Tom Green to build a dike and divert water located in Deerwood Township section was reviewed by the Board of Managers. This application was approved at last month's meeting however a condition had been placed upon it that the work was to be completed within one week. Some work was started but the work was not completed in the one week timeframe. The Board of Managers discussed enforcement of the one week deadline. It was noted that this had been an after the fact application, and that the work done prior had been effectively restored by breaching a dike that had been constructed. Site inspection affirmed that the dike was breached and the work permitted has only partially been completed. The Board ruled that the work is proceeding in good faith and the applicant will not be held to the one week timeline as long as the work is completed in a timely manner. Further site inspections will be done to monitor progress on this permit and verify that elevation conditions of the permit are adhered to.
- Permit issues in section 17 of Hazelton Township were discussed. A permit violation was noted in June and was discussed at the July 1, 2020 regular Board meeting. Landowner Ristad Farm had illegally raised a township road which potentially both ponded and re-routed floodwaters, affecting the road and adjacent lands. At the July 2020 meeting it was noted that Ristad must apply for an after the fact permit prior to the August Board meeting. It was agreed that a meeting would be held between Ristad and 3 other potentially affected landowners in order to come to a mutually agreed to solution. To date no permit application has been submitted. The District has performed survey work and researched prior projects and permits regarding the issue. The Board of Managers discussed the need to construct either an approved project or mitigation measures to restore conditions to what they were prior to the violation.

The Board directed the permit committee, consisting of the District Technician, District Engineer, and Manager Muir, to meet in order to review the information and develop a proposed plan of work. The Committee should then meet with the landowner group and if there is consensus Ristad should be required to get the work done this calendar year. Consideration should be given to the elevation of the road and mitigating measures such as culverts at both the north end and the south end of the section. Staff and the committee were directed to complete a proposal as soon as possible and hold the meeting with the affected parties in a timely manner so as to facilitate completion of the work before freeze up.

Administrator's Report:

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

Projects and Legal Ditch Report:

North Branch Project – several sloughs occurred during heavy rains this past summer. Contractors have been hired to repair 3 sloughs and to repair/reinforce damages to a grade stabilization structure. All are scheduled to be completed before the end of the year.

KCD 21 – removal of accumulated sediment has been completed on an 8,000 foot section of the ditch. The spoil from the excavation has not yet been done, and the contractor is asking for an additional \$800. He stated that this is to account for the leveling of spoil that was there prior to this project. Upon a **motion** by B. Anderson, **second** by Klegstad, and **unanimous vote** the additional \$800 was authorized.

RCD 4 – a petition was received from a landowner to be added to the benefitted area. Review of the petition by Attorney Hane revealed the petition was not complete because it did not have the signature of the landowner and an adequate description of the lands. Hane will advise the landowner and once a legal petition is received a hearing will be scheduled.

Program Report:

One Watershed One Plan: The writing of the plan is progressing. The Steering team is working on sections 5 and 6, and they have been sent to the Citizen's and Technical Advisory Committee for review and comment. The Policy Committee will meet on October 15th to review and

possibly approve section 5. Section 6 will be drafted by then and section 7 will need to be discussed in detail.

Ross #7: Land that has been rented by Todd Erickson is up for renewal. In past Board meetings it was determined that this parcel would be made available for bids among anyone who currently rents land from the District at the Ross Project. Money will advertise this with a deadline to submit bids for the next board meeting on November 5th 2020.

Red River Watershed Management Board:

A report was given on activities at the RRWMB monthly meeting. One item the RRWMB would like member districts to discuss is their water quality funding program. For 2020 they had made available \$3 million for water quality projects. This seems to be a worthwhile venture, however there has been some debate that the main focus of the RRWMB should be flood damage reduction. The TRWD Managers discussed the issue, and consensus was that the RRWMB should continue with the water quality funding, however they agreed that the primary focus should be on flood reduction.


Project Report:

Klondike Clean Water Retention Prj. #11:

- Operating Plan Draft – 2 meetings have been held with HDR Engineering, the MN DNR, and the MN Pollution Control Agency to discuss the draft operating plan. Agreement has been reached on operations for both flood damage reduction and for natural resources enhancement and a draft copy is in today's packet. This will be on the agenda for the November Board meeting. After that it should be discussed with the Big Swamp Project Work Team and recommendations be brought back to the Board for Approval.
- Permitting – Houston Engineering has completed their wetland delineation report. This report will now be used to apply for permits from the US Army Corps of Engineers and the MN Board of Water & Soil Resources. The District has formally asked the USACE & BWSR for concurrence on the report and for a jurisdictional determination for the existing wetlands.
- Funding – The application for \$3.25 million to the Lessard Sams Outdoor Heritage Council is pending. Discussions are also being held with the MN DNR through their flood hazard mitigation grant program.

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

Attest:


Daryl Klegstad, Secretary


Paul Olsonawski, President

