

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: December 3, 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 Thursday, December 3, 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 in person included Secretary Daryl Klegstad, Treasurer Joel Muir, Bruce Anderson, Rick Sikorski, and Scott Klein. Vice President Roger Anderson attended the meeting electronically, and President Paul Olsonawski was absent.

Others present in person included District Administrator Dan Money, Head Technician Matt Thompson, Todd Erickson, Bill Erickson, and Mark Melby.

Attending electronically were Attorney Jeff Hane (Brink, Sobolik, Severson, Malm & Albright, P.A.), Engineer Blake Carlson (WSN Engineering), Engineers Nate Dalager and Jake Huwe (HDR Engineering), Rob Sip (Red River Watershed Management Board), Daryl Wicklund (Roseau County Commission), Russ Anderson (Dewey Township), Barry Kirkeide, Brandon Langaas, Ralph McKeever, Noel Snare, Scott Snare

The meeting was called to order by Secretary Klegstad. Klegstad then called for any additions or corrections to the proposed meeting agenda and the regular meeting minutes from November 5, 2020. Today’s meeting agenda and the minutes of the November 5, 2020 regular meeting were approved upon a **motion** by Sikorski, **second** by B. Anderson, and **unanimous vote** of the Managers.

Oral bidding for the rental of farmland owned by the TRWD located in section 27 of Ross Township Roseau County was considered. The Board of Managers had discussed and approved the process for oral bids at their November 5, 2020 regular meeting. The District Administrator had notified all potential bidders of the date, time, and location of the bidding. Of the three potential bidders, two were present – Bruce Anderson and Todd Erickson. Attorney Jeff Hane described the process and noted the high written bid previously submitted was \$55. He opened the bidding and bids of \$56 (Erickson), \$60 (B. Anderson) and \$62 (Erickson) were received. No further bids were made. The \$62/acre bid of Todd Erickson was accepted by the Board of Managers and was locked in for a 3 year term. The District Administrator was directed to draft and process the Farm Lease Agreement.

Erickson asked if at the end of the 3 years if he will get first chance to continue to rent or if it will be opened up for bids again at that time. The Board did not make a decision on the question but indicated that the process would be reviewed and determined at the end of the 3 years.

Treasurer’s Report:

Administrator 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 9235 through 9255 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.

Public Hearing -Roseau County Ditch #4:

A public hearing was held beginning at 8:30 a.m. regarding the petition of Middle River Farms, LLP to add certain lands located in section 36 of Lind Township Roseau County and section 1 of East Park Township in Marshall County to the benefitted area of Roseau County Ditch #4. Secretary Klegstad called the hearing to order, and Attorney Jeff Hane gave an intro to the hearing process and presented the general format for the hearing. Administrator Dan Money presented information regarding the petition and purpose of the hearing.

Information was presented regarding the original viewer's report from 1923 and the current benefitted area. Various maps were reviewed including areal photos, Lidar, and other information regarding ditches, culverts and roads.

Meeting attendees were invited to provide comments for or against the petition.

- Ralph Mckeever, a landowner, stated the land in the southern part of section 1 East Park Township does not drain to Roseau CD 4, and therefore that land should not be added. He stated it rather flows west for several miles and drains to the Tamarac River. For that reason he is opposed to adding the south half of section 1 East Park Township.
- Noel and Scott Snare stated that they are not opposed to adding the lands to the benefitted area, however they would be opposed to any drainage improvements or culvert changes. They stated that Roseau CD 4 currently is not large enough to handle all the water that comes to it and flooding is occurring when the ditch becomes overloaded.
- Russ Anderson stated he is 100% opposed to the petition. He stated he is a township officer in Dewey Township and there is currently large scale flooding that occurs. He opposed to adding new lands or to any drainage improvements that would bring water to Roseau County Ditch 4.
- Mark Melby, a landowner and township official, stated that some of the water in section 1 East Park Township does not flow to Roseau County Ditch 4 and is not in favor of re-routing it to RCD 4. He stated that if the area is added to the benefitted area there is a strong possibility of drainage improvements that would be detrimental to downstream lands. He is not in favor of the petition.

The Board of Managers deliberated the petition and the comments that were received. It appears that all of section 36 Lind Township and the north ½ section 1 East Park Township currently can drain to 3 separate system – RCD 4, Dewey 5 Improvement, & SD 91 – via a series of road ditches and culverts that split the flows and allow water to get to each of systems. It is not clear however what percentage of the water travels to which system. There is a difference of opinion regarding where the water in the south ½ of section 1 East Park Township drains. It was noted that this will be verified when a re-determination of benefits is completed in 2021.

Benefit amounts and outlet fees were discussed. Money presented information regarding the current benefit amounts for two 40 acre tracts located in section 36 Lind Township that are currently in the Roseau County ditch 4 benefit area. It was suggested to apply the same benefit amount of \$25/acre to any lands that would be added to the benefitted area as a result of this proceeding. Upon a **motion** by Klein, **second** by Muir and **unanimous vote** of the Board all of section 36 Lind Township and the north ½ section 1 East Park Township were added to Roseau County Ditch 4 benefitted area at a benefit amount of \$25/acre.

Discussion was held regarding outlet fees as described in statute and the look back time to consider. Some of the land has been draining to the ditch for many years without paying benefits, and therefore it makes sense to account for this. It was consensus of the Board of Managers to use the most recent 10 year period, and upon a **motion** by Klegstad, **second** by Klein and **unanimous vote** of the Board the outlet fee was set to be calculated as an average over the past 10 years using the 40 acre tracts that will be added to the benefit area and a \$25 per acre benefit amount.

A **motion** was made by Klein, **seconded** by Sikorski and **unanimously approved** to adjourn the hearing and re-convene the regular meeting. The regular meeting was re-convened at 10:30 a.m.

Manager Muir left the meeting.

Lonnie Davidson:

Davidson addressed the Board of Managers regarding permit #1819 that was issued in 2019 to Howell Farms. The permit had a condition that the work would be monitored until the end of 2020 to see what the effects of the work are. Because of severe flooding in the fall of 2019 and again in the spring and summer of 2020, there has not been sufficient time to monitor the site under normal conditions. Therefore, it was recommended by Technician Matt Thompson to extend the monitoring period for one more year until the end of 2021. Davidson commented on how water moves into and out of the section that he lives in and suggested further study of the area. He agreed that the study period should be extended for one year. Upon a **motion** by Sikorski, **second** by B. Anderson and **unanimous vote** of the Board, the permit condition was amended and the monitoring period was extended by one year until December 30, 2021.

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.

<i>App. #</i>	<i>Applicant</i>	<i>Location</i>	<i>Purpose</i>	<i>Action</i>
2020-46	Middle River Fm	Lind 36; East Pk 1&12	Drainage; Culverts	Tabled
2020-76	Jamie Isane	Grimstad 17	install culvert in dry crossing	Tabled
2020-79	Blawat Farms	Soler 15	lower existing 24" cmp	Tabled
2020-82	Robert Pearson	Tegner 33	drainage; flood control	Tabled

Administrator's Report:

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

Legal Ditch Report:

Program Report:

One Watershed One Plan: The planning group is nearing completion of the draft plan. The Policy Committee will be looking at section 7, which deals with the administration of the plan. It is anticipated that around \$1 million in clean water funds will be dedicated by the State for plan implementation with regard to water quality improvements. In order for the group to receive and spend funds, a governance structure must be set up, which can be one of several options. This could be a Joint Powers Agreement or a simple collaboration between all 5 local governments. The Policy Committee has discussed this and recommends a collaboration be organized instead of a joint powers board. More information on the agreement will be forthcoming. The group hopes to submit the final plan to the state in January 2021.

MN Association of Watershed Districts: MAWD will not be holding an in person annual meeting this year, however there will be a virtual on-line conference. Delegates are R. Anderson and P. Olsonawski, and R. Sikorski is the alternate. All conference sessions will be recorded and will be available to be viewed at a later date.

Red River Watershed Management Board: A handout report was provided regarding RRWMB activities. The RRWMB is considering spearheading another collection of LIDAR data because the last collect is over 10 years old. Updates were given on

program funding, the bonding bill and funding from the DNR flood hazard mitigation program, and general operational updates.

Special Meetings: A suggestion was made that over the winter the Board hold a few special meetings. Topics that could be discussed that the Board generally does not have enough time to go in depth during a regular meeting include the Klondike Clean Water Retention Project, ditches and general planning and operations of the District. The Board of Managers scheduled special meetings in 2021 for January 20th and February 18th from 3:00 – 5:00 pm.

Project Work Teams: These were scheduled for two separate areas – Twin Lakes/Twistal Swamp and Skull Lake. Because of the COVID 19 pandemic and the Governor's executive order to limit meetings, these were both postponed until state agency / DNR personnel can attend in person.

Personnel Committee: The Personnel Committee previously met and discussed employee performance and salary reviews for 2021. The Committee recommended a 4% increase in salary for all employees. Upon a **motion** by B. Anderson, **second** by Klein and **unanimous vote** of the Managers the 4% employee salary increase for 2021 was approved.

Kittson County Ditch #10 Petition: The City of Karlstad had submitted a petition to use Kittson County Ditch #10 as an outlet. An area that is outside of the KCD 10 benefitted area, located along the north side of town, receives water from the Twistal Swamp area. The City would like to be able to pump the excess water to KCD 10. The petition process will follow MN Statute 103E. The Board of Managers set a public ditch hearing to be held on January 7, 2021 in the Kittson County Courthouse beginning at 9:00 a.m. The Administrator was directed to advertise the hearing as required by law. The Administrator, Attorney, and Engineer will prepare all documentation and materials needed for the hearing.

Buffer Law Enforcement: Both Kittson and Marshall SWCD's have provided the TRWD a list of properties that are not in compliance with the buffer law. A letter will go out to the owners of these properties to inform them they are in violation of the buffer law and the District will proceed to enforcement as stated in the Rules of the TRWD.

Farm Lease Agreements: Money informed the Board of several rental agreements that are expiring at the end of the year, and discussion was held on the process to rent them out. It was the consensus of the Board of Managers to first offer the land back to the current renters for a minimum 3 year term. Money was directed to first re-negotiate with current renters. If the current renter does not want it, then it will be opened up between all other current renters. If none of the current renters are interested it will then be advertised to the general public for bids.

Project Report:

Klondike Clean Water Retention Prj. #11:

- Permitting – Mark Aanenson from Houston Engineering gave an update to the Board regarding the wetland delineation and the process that will need to be followed to apply for wetland permits on the State and Federal level. Information was provided on the acres and types of potential impacts like diking, ditching, borrow areas, and pool areas. Discussions have begun with each of the permitting agencies.

- Funding – The Lessard Sams Outdoor Heritage Council has awarded the project funding in the amount of \$1.7 million. The money is to be used specifically for habitat for fish and to protect and enhance a naturally occurring rich fen. These elements will be part of the project by providing low flow augmentation for fish, trading land with the MNDNR, and protecting existing fen by preventing floodwaters and invasive species from encroaching.
- Phase 1 is estimated to cost \$13 million. To date the District has secured about \$5 million and therefore another \$8 million is needed in order to construct the project.

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

Attest:



Daryl Klegstad, Secretary

Joel Muir, Treasurer

