

**Minutes of the Regular Meeting of the Board of Managers  
Of the Two Rivers Watershed District  
Held: November 5, 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, July 1, 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 electronically via “GoTo Meeting” to allow for the public to attend either by phone or by computer.

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

Others present included District Administrator Dan Money, Head Technician Matt Thompson, and Attorney Jeff Hane (Brink Lawyers PA). Engineer Jake Huwe (HDR Engineering) and Engineer Blake Carlson (WSN Engineering) participated electronically via computer.

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 30, 2020. Today’s meeting agenda and the minutes of the September 30, 2020 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 9213 through 9234 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 Klein, a **second** by Klegstad, and a **unanimous vote** by the Board.

**Appeal Hearing – Permit #1891**

A hearing was called to order at 8:15 a.m. on the appeal of Permit #1891, which was submitted by Shane and Lori Bothum. The permit as issued granted Tom Green the right to construct a dike to protect agricultural land, subject to certain conditions.

Nobody was present in person or electronically to provide testimony for or against the permit. However letters have been received both from Bothum’s and Green and these were entered into the record. The Board of Managers deliberated the permit and all evidence and testimony. Upon a **motion** by Sikorski, **second** by B. Anderson, and **unanimous vote** of the Managers, the appeal was denied and it was ruled the permit will stand as issued. The following findings of fact were made by the Board:

1) Substantial completion of the project, which was a condition of the permit, was completed in a relatively timely manner.

2) The appellant has not established that the permit as issued continues to create harm to property.

3) The Permittee is in compliance with all of the conditions of the permit.

**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 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	Denied
2020-46	Middle River Fm	Lind 36; East Pk 1&12	Drainage; Culverts	Tabled
2020-60	Lynette Taylor	Hazelton 23	replace existing 30" w/ 36"	Denied
2020-61	Roy Frame	McKinley 26	lower culverts from 1.4' to 2.2'	Denied
2020-73	A.J. Lundeen	Svea 14	2 side water inlets KCD 19	Tabled
2020-74	Aaron Kirkeby	Davis 4	repair berm along KCD 4	Denied
2020-75	Kittson Co. Hwy Dept	Tegner 4	remove 72" span arch pipe	Approved
2020-76	Jamie Isane	Grimstad 17	install culvert in dry crossing	Tabled
2020-78	Phil/Joel Muir	Thompson 31	replace 24" with 30" cmp	Approved
2020-79	Blawat Farms	Soler 15	lower existing 24" cmp	Tabled
2020-80	Kris Folland	Deerwood 6	new crossing with 18"	Tabled
2020-81	Erik Lindegard	Hallock 28	Replace 18" cmp with 24" cmp	Tabled

Application 2020-61 – The application of Roy Frame was considered. Roy Frame appeared and spoke in favor of the application, and Roland Larter and Dan Lyberg both spoke against the application. The proposal is to re-grade the south road ditch of Kittson County CSAH #4 to a .04% grade and lower 3 culverts through a ridge area. The Board of Managers considered input from Engineer Blake Carlson and members of the Permit Committee. Consideration was given for the adequacy of the outlet, potential impacts to adjacent lands, legal ditches and ditch benefit areas, maintenance activity (or lack of), potential erosion when cutting a ridge, and other factors.

Upon a **motion** by Olsonawski, **second** by Klein, and **unanimous vote** the application was denied. The applicant was encouraged to look for maintenance opportunities that would help his situation.

Application 2020-81 - The application of Erik Lindegard to replace an 18" culvert with a 24" culvert through a driveway was considered. Lindegard appeared and spoke in favor of the project. Communication from the downstream landowner was received against the application. There is apparently a split flow at this point and allowing a larger culvert would put more water on this downstream landowner. After discussion, the application was tabled for further review.

Manager Klein left the meeting at 10:00 a.m.

Application 2020-60 – The application of Lynette Taylor to replace an existing 30" culvert with a 36" culvert was considered. The permit committee has reviewed it and is asking the Board of Managers to make a decision on it. The culvert is in an existing field crossing and

during high flow events water will break out and go around the crossing. Upon a **motion** by Muir, **seconded** by Sikorski and **unanimous vote** of the Managers, the permit was denied. The following findings of fact were made:

- 1) The crossing is in an existing township road right of way, and the Township doesn't support the increase in size.
- 2) A 24" culvert is upstream of this location and a 36" is downstream, so therefore the existing 30" seems to be consistent with these sizes.
- 3) Because of the fact that water breaks out and around the crossing, size of the culvert is not a factor at this particular location.

Application 2020-74 – The application of Aaron Kirkeby to construct a dike alongside Kittson County Ditch #4 was considered. Discussion was held regarding whether this is a new project or a repair. Consideration was also given to MN Statute 103E, the ditch law. If it is a repair then no permit is needed from the District. If it is an improvement a permit will be needed, and potentially the procedure under ditch law will need to be followed. A **motion** was made by Muir, **seconded** by Sikorski and **approved** to deny the permit. Applicant will be notified if this is an improvement then he should submit a petition following the ditch law.

Application 2020-75 – The application of the Kittson County Highway Department to remove an existing crossing and arch pipe in Kittson County Ditch #8 was considered. The permit committee has referred this to the Board of Managers for consideration. The existing culvert does provide some culvert sizing storage, and removing it may allow larger flows to happen downstream. Alternatives were considered, such as a Texas crossing or an overtopping crossing. After deliberation, a **motion** was made by Sikorski, **seconded** by Klegstad, and **unanimous vote** to approve the permit. Manager Muir abstained from voting. The following findings of fact were made:

- 1) The project will keep water in the channel, instead of breaking out overland.
- 2) The culvert that is in place is too small with regard to the sizing policy.
- 3) The alternatives considered are not practical and/or are too costly to implement.

Application 2020-78 – The application of Phil and Joel Muir to replace a 24" culvert with a 30" culvert was considered. The permit committee has referred this to the full board because it is located in an area outside of a legal ditch benefit area but the water goes to the legal ditch. Interpretation of ditch law was considered and considerable discussion was held. Engineer Carlson stated that for various reasons, in this instance his opinion is that changing the pipe size will not significantly change how the water gets to KCD #25. A **motion** was made by Olsonawski it was **seconded** by Sikorski and **carried upon a 3-2 vote** with Muir abstaining to approve the permit application.

Application 2020-16 – The application of Roger Johnson to alter an existing watercourse and associated diking was considered. This application has been tabled for several months because it is incomplete and the District has asked for more information. The permit was denied because the information has not been provided in a timely manner. If the applicant so chooses he can re-apply and submit the information at that time.

Permit number 1103, which was issued in 2007 was brought up for discussion. The permittee never completed the work, and is now asking that the permit be re-issued. Technician Thompson has reviewed the permit and the work contemplated. The Board of Managers ruled that the permit can be re-issued with a new expiration date if the work to be done is exactly the same as what was approved in 2007.

### Permit Violations and Pending Issues:

Hazelton Section 17 – Ristad - This issue came up during the heavy rainfall in June and July 2020 and has been before the Board of Managers prior. A township road was raised for several hundred feet by Ristad Farms without a permit. District staff have met with the affected landowners and the permit committee is working on a solution or range of solutions. Potential mitigation could be to lower a section of the road or place one or more center line culverts through the road to restore prior conditions. The situation may warrant a larger planning effort which could culminate in a watershed district project under statute 103D. The question was asked if there should be any mitigation required while the project is being looked at. Upon a **motion** by Sikorski, **second** by Klegstad and **unanimous vote** the Board ruled that no immediate mitigation will be required, and that a special meeting will be scheduled to discuss the issue and how to move forward with a project, permits, and other factors.

Folland – a crossing with an 18” culvert was installed without a permit application and no permit was issued. Discussion was held and it was the decision of the Board of Managers to grant an after the fact permit. All fees were waived.

### **Administrator’s Report:**

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

**Ross #7 Land Rent Bids:** As noted at last month’s meeting the District advertised for bids from all current renters for a parcel in section 27 Ross Township that the current lease has expired. Three bids were received ranging from \$50 to \$55. Bidders Bill Erickson and Bruce Anderson were present at the meeting. Erickson stated he is the current renter and has taken care of the land through proper tillage and maintenance. Anderson, who is also a Board member and stated he abstains from voting, submitted the high bid. The Board of Managers discussed the bids and Attorney Jeff Hane indicated their options of refusing any or all bids and also no obligation to select the highest bid. Considerable discussion was held, and a **motion** was made by Muir to award the bid to Erickson because of a perceived conflict of interest with Anderson on the Board. The **motion died for lack of a second**. Manager Roger Anderson made a **motion** to reject all 3 bids and invite all 3 bidders to the next board meeting to bid orally. The motion was **seconded** by Muir and **approved** upon a 3-1 vote. Managers B. Anderson and Olsonawski abstained. The bidding was scheduled to begin at 8:00 a.m. on Thursday, December 3 at the Kittson County Courthouse in Hallock, MN.

**Legal Ditch Report:** Work is scheduled to finish the repair of sloughing on the N. Branch Project prior to freeze up. Work on all other ditches is completed, including beaver removal.

### **Program Report:**

*One Watershed One Plan:* The Policy Committee has approved section 5 of the plan, and the next Policy Committee will be held on November 19<sup>th</sup>, 2020. They will look at the draft section 6 and consider approving it and also hear from the MN Counties Intergovernmental Trust regarding section 7 and insurance considerations if entering into agreements.

*COVID-19:* Kittson County has adopted a COVID-19 preparedness plan, which covers courthouse operations and possible closures. Money recommended the Board discuss and possibly adopt the document, since the TRWD office is located in the courthouse. The Board of Managers declined to adopt the document, but indicated to staff that best judgement should be used and if COVID situations arise with staff or office operations to keep the Board informed.

*DNR Natural Heritage Information System:* A license agreement with DNR to use this information was handed out and discussed. This information will be useful to the District for preparing environmental assessments and applying for permits on the Klondike Clean Water Retention Project. DNR requires a license agreement. Attorney Hane has looked over the agreement and recommended signing it. Upon a **motion** by Muir, **second** by Klegstad, and **unanimous vote** it was approved to enter into a license agreement with the DNR.

*Roseau CD #4:* A petition has been received from a landowner who is currently not in the benefitted area of the ditch but wished to be added in order to make drainage improvements that bring water to the ditch. In following MN Statute 103E, the Board scheduled a public hearing for 8:30 a.m. on December 3, 2020 in the Kittson County Courthouse.

In addition, the Board previously authorized the re-determination of benefits for the ditch. Three viewers have been hired for this job, and staff will be meeting with them to get the process underway. At some point a public hearing will be needed for this process as well.

*MAWD:* The MN Association of Watershed Districts will be holding their annual meeting virtually this year, rather than in person. They are asking that each watershed district appoint 2 delegates and one alternate to vote on business issues and resolutions. Roger Anderson and Paul Olsonawski were appointed as delegates and Rick Sikorski was appointed as the alternate. Money will get everyone registered for the meetings which will be held December 1-3, 2020.

*Personnel Committee:* Annual salary and staff reviews are normally done at the December meeting each year. The Personnel Committee scheduled a meeting for 9:00 a.m. in the District office to discuss these items and meet with the staff.

*Timber Lease Agreement:* The District has been approached by Cameron Olson, who requests an agreement to allow him to cut firewood on District owned land. This has been done in the past, and Money recommended the same terms as the last agreement, which was \$18/cord. Upon a **motion** by Sikorski, **second** by B. Anderson, and **unanimous vote** the Board approved a contract for \$18/cord.

*Skull Lake Project Team:* This project team was organized and used in the mid 2000's, but has not met since that time. Recently St. Joseph Township has experienced some flood damages to one of their roads. They request a meeting with the DNR, TRWD, Kittson County, and the Township to discuss the problems and what possible solutions could be undertaken. Money will organize a meeting and send out a meeting notice.

**Project Report:**


*Klondike Clean Water Retention Prj. #11:*

- Engineering – Jake Huwe from HDR Engineering appeared via electronic means to discuss the draft operating plan. This draft was the result of a meeting held with the DNR, MPCA, HDR, and TRWD Administrator. The plan is to close the gate whenever there is flooding going on. Trigger points will be identified and various staff gages used to make the determination of when to close and when to open the gates. Operation during low flow times will also be done in order to try and keep a minimum 25-30 cfs of flow in the South Branch Two Rivers. This will be done by holding a 2,000 to 3,000 acre foot pool until July or August and then releasing it. The plan was discussed by the Board and generally accepted. It will be brought to the Project Work Team later this winter.
- Permitting – A wetland delineation has been completed and we are in the process of preparing wetland permit applications to the USCOE and the SWCD's for the federal and state permits.
  - HDR is preparing information to allow the District to apply to the ditch authorities and the road authorities for proposed alterations.
  - The Environmental Assessment Worksheet will be started in the near future.
  - Most permits should be near completion by fall of 2021
- Funding – Lessard Sams Outdoor Heritage Council has approved \$1,692,000 toward the project. This funding is dedicated for the fish habitat/low flow component and for the fen protection and enhancement component of the project.
- Project Team – The Board discussed the need to meet with the Project Work Team and also to get general project information out to the public. This could be done by news releases, newsletters, email, direct mail, and the District website. A PWT meeting will be scheduled either in person, electronically, or by a combination of both later this winter.

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

Attest:

  
Daryl Klegstad, Secretary

  
Paul Olsonawski, President