

**Minutes of the Regular Meeting of the Board of Managers  
Of the Two Rivers Watershed District  
Held: Thursday, April 1, 2021 @ 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, April 1, 2021. 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 President Paul Olsonawski, Secretary Daryl Klegstad, Treasurer Joel Muir, Bruce Anderson and Scott Klein. Vice President Roger Anderson and manager Rick Sikorski were absent.

Others present in person included District Administrator Dan Money, Head Technician Matt Thompson, Attorney Jeff Hane (Brink, Sobolik, Severson, Malm & Albright, P.A.), landowner Eric Ristad, landowner Kyle Jensen, and wetland specialist Mark Aanenson (Houston Engineering).

Others attending electronically were Engineers Jake Huwe and Nate Dalager (HDR Engineering), Engineer Blake Carlson (WSN Engineering), Auditor Brian Opsal (Brady Martz), land manager Peter Isaacson, and Citizen’s Advisory Committee member Ed Walsh.

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 March 4, 2021. Today’s meeting agenda and the minutes of the March 4, 2021 regular meeting were approved upon a **motion** by B. Anderson, **second** by Muir, and **unanimous vote** of the Managers.

Technician Matt Thompson submitted his resignation effective on April 22, 2021. The Board of Managers regretfully accepted his resignation. The Board and Administrator thanked him for his 11 years of service and wished him well. He will be eligible for full severance pay in accordance with the District’s employee policy.

**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 9322 through 9344 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 Klein, and a **unanimous vote** by the Board.

**Permit Issue – Ristad**

Eric Ristad was in attendance to discuss with the Board a permit violation issue located in sections 16 and 17 of Hazelton Township, Kittson County. In June, 2020 work was done by Ristad without permit to raise a township road in order to prevent floodwater from damaging cropland. Site inspections, survey data, and review by the District Engineer and permit committee have indicated the project caused damage to adjacent lands. Several meetings, field and office reviews resulted in a determination of the Board of Managers at their March 4, 2021 meeting that a permit could be issued with the condition that a portion of the road where the work was done be lowered ½ foot and that a \$1,000 after the fact permit fee be paid.

Ristad addressed the Board with questions about the alternatives that were looked at in the review of the permit. He indicated that he would like to see an outlet channel be constructed to take the

flow away from the road in a ditch rather than let it run overland. Engineer B. Carlson reviewed all of the alternatives that were considered and specific details of each. Discussion was held and it was noted the alternative of an improved outlet ditch could be further reviewed but it would be up to Ristad to construct the ditch to the proper specifications as mitigation and at his cost for the work that was done by him in violation of the District's Rules. Specific ditch dimensions and culvert sizes were discussed. Since the outlet ditch would be on land owned by others and partly within MN Dept. of Transportation right of way, Ristad would need to secure any and all other permissions that would be necessary.

Ristad also questioned the \$1,000 fee that was assessed to the permit application and that he thought it would be waived. Clarification was made to him that although a motion to that effect was made at a past Board meeting, it was not approved. It was further noted that the Board did discuss and approve a motion for the \$1,000. A **motion** was made by Olsonawski to change the fee to \$500 and to ask the 3 landowners to discuss the situation to come up with a mutually agreed to solution. The **motion died** for lack of a second.

Further discussion was held by the Board and it was decided the ruling of the Board made at the March 4, 2021 meeting will stand as approved. However, the fee and permit requirements will be placed on hold until June 3, 2021. Ristad will have until then to meet with the adjacent landowners, discuss right of way requirements with MNDOT, and come up with a mutually accepted alternative mitigation plan. The plan will have to meet TRWD specifications and can be a project 1) proposed, funded and constructed by Ristad, 2) a petition to the Board of Managers, signed by landowners, as a project under MN Statutes 103D or 103E, or 3) a new permit application with detailed plans and specifications, landowner permissions, and right of way assurances. If no action is taken by Ristad, the permit violation will be subject to enforcement action that may be taken by the Board of Managers.

**2020 Audit Report:** Brian Opsal from Brady Martz attended the meeting electronically to present the 2020 audit report. He touched on several items contained within the report, including fund balances, budget vs actual for 2020, project funds, and covered items audited as required by government standard auditing. Comments and recommendations were given. The Board thanked Opsal for his report. Upon a motion by B. Anderson, second by Klegstad, and unanimous vote, the 2020 audit report was accepted. The District Administrator was directed to file the report with the State Auditor as required under Statute.

**S. Beauclair:** Shaun Beauclair was in attendance to address the Board of Managers regarding permit application #2020-05 from Middle River Farms. The proposed project is to do ditch improvements by changing the grade of a township road and lowering one culvert to the new grade, and also to increase the sizes of several existing culverts along the length of the proposed ditch work. It is noted that part of the project is within township road right of way, and part of it is on land owned by others. The township and the other landowner have issued statements opposing the project. The TRWD permit committee has reviewed the project and recommends 30" culverts at locations where requests are being made to increase culvert capacity. In addition, the committee recommends slight changes to the proposed ditch work to limit the capacity and avoid negative downstream impacts.

The Managers discussed the permit, and upon a **motion** by Klein, **second** by Klegstad and **unanimous vote** approved the permit with conditions that any and all other permits be obtained and that the work must adhere to the ditch design and culvert sizes recommended by the district engineer. The following findings of fact were made: 1) the work to be done and the land benefitted by it is within the benefitted area of Roseau County Ditch #4 and thus has a drainage right as determined by law; 2) the District Engineer has made a determination that the proposed work will not significantly have any adverse impacts on any downstream lands; 3) The findings made by the permit review and committee are a suitable compromise between the affected upstream, downstream, and township interests potentially affected by the proposal; and 4) The condition that the applicant must obtain any and all other permits provides an additional safeguard that adjacent lands will not suffer any adverse effects from the proposed work.

**Permit Violations:**

Section 10 Percy Township – A permit violation was reported by a concerned landowner regarding a dike and culvert constructed in section 10 Percy Township. District staff have made a site visit and have held discussions with both landowners. Information is being assembled and a complete report and recommendation will be given at a future Board meeting.

**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>
2020-76	Jamie Isane	Grimstad 17	install culvert in dry crossing	Tabled
2020-79	Blawat Farms	Soler 15	lower existing 24" cmp	Tabled
2020-03	Terry Osowski	N Red River 36	Tile Drainage	Tabled
2020-05	Middle River Farm	Lind 36; East Pk 1&12	Drainag; culverts	Approved
<b>Motion</b>	Klein, <b>second</b> Klegstad – see findings of fact and conditions listed above.			
2020-07	Justin Dagen	Jupiter 27	Tile Drainage	Tabled

The Permit Committee had previously approved the following permits. They are listed here for information purposes.

2020-02	Mike Olsonawski	Hampden 32	Tile Drainage	Approved
2020-04	Dan Younggren	Hampden 28	Tile Drainage	Approved
2020-06	Lyn Johnson	Eagle Point 5	Center Line Culvert	Approved
pending after the fact fee				
2020-08	KC Hwy Dept	S. Red River 3	increase culvert size	Approved
2020-09	Bill Moore	Hampden 31	Tile Drainage	Approved

**Administrator’s Report:**

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

**Program Report:**

*Horseshoe / Skull Lake:* A meeting was recently held between the TRWD, DNR, and St. Joseph Township. Discussion was held regarding repair of the outlet structure, maintenance and alteration of the north dike, and erosion of a township road and maintenance needs on SD 84 at the outlet of Skull Lake.

DNR had provided a draft repair plan for the outlet structure, and after discussion they agreed to make some suggested changes to the plan and re-submit. Estimated cost to repair the structure is \$60,000 to \$65,000. Other alternatives were discussed including removing the structure altogether. Kittson County, who is the ditch authority for SD 84, will look into surveying and if needed cleaning out the ditch. They will also look into repairing the ditch where a beaver channel and old ditch plug have allowed a diversion channel form. Discussion on repair or removal or reconstruction of the north dike was held. More information and investigation is needed on this issue.

Once the various items have been researched and information is collected, another meeting will be held. It was suggested that the next meeting be an in-person meeting in order to facilitate discussion. If possible, an in person meeting will be coordinated when covid restrictions have been lifted.

*One Watershed One Plan:* The new 1W1P has been written and is currently out for 60 day review and comment. Once that is over, a public hearing will be held and is scheduled for May 3. After the public hearing, the plan can be submitted to the Board of Water & Soil Resources for review and final approval. If all goes well, the plan will be approved by the end of June, 2021, and approximately \$2 million over the next 2 years will be provided by BWSR under the Clean Water Fund for water quality projects.

One of the items that needs to be resolved before the plan can be approved is the formation of either a Joint Powers Entity or a Collaborative Agreement between the 5 local plan partners. The Entity/Agreement needs to be formed in order to accept and disperse grant money. The local partners are split at the time being – Roseau SWCD would like a Joint Powers Entity, while Kittson SWCD, Kittson County, and TRWD have said they would prefer a collaboration. Roseau County has not commented either way as yet. A Policy Committee meeting is being scheduled to further discuss the matter. The Managers tabled the issue and will discuss this further at the May Board meeting.

**Legal Ditch Report:** Several ditch projects have been considered for construction in 2021.

JD 3 – Survey work and inspections in 2020 indicate that portions of this ditch need to be cleaned and also some landowners along the ditch are not in compliance with buffer law. Money has contacted the landowners and plans are underway to design and install several side water inlets that will both bring the landowner into compliance and also prevent sediment from entering the ditch, which will reduce the future maintenance costs. Under the buffer law, state cost share, Red River Watershed Management Board, and ditch law funding is available to design and install the side water inlets. Widseth has been hired under prior action of the Board to do the required culvert designs. It would be desirable to have a landowner agreement that points out responsibilities for establishment and maintenance of the buffer and of the side water inlets. A **motion** was made by Muir, **seconded** by Klegstad, and **unanimously approved** to move forward with the project and to direct staff to obtain the necessary agreements. The engineering plans and landowner agreements will be developed and presented to the Board at next month's meeting. Pending these and any board discussion, a contractor will then be hired to complete the work.

KCD 21 – last year about 8,000 feet of this ditch was cleaned at the outlet end. It was surveyed and considered that in 2021 the rest of the ditch would be cleaned. Funding and need for cleaning out accumulated sediment were discussed and it was also determined a 24" culvert needs to be installed between sections 13 and 24 of North Red River Township to allow for better drainage. Upon a **motion** by Klein, **second** by B. Anderson and **unanimous vote** it was approved to proceed with the proposed work. District staff were directed to inquire with the contractor if the estimate from 2020 would still be good for 2021 and if not to provide a new estimate.

**Project Report:**

Ross #7:

- Farm lease agreements were discussed. Two leases are up for renewal, each for 3 year terms. The Board discussed these and reviewed the rates, terms, and other items contained within the leases. Upon a **motion** by Klegstad, **second** by Klein and **unanimous vote** of the Managers, a 3 year lease agreement was approved for \$35 per acre with Bruce Anderson. Manager Anderson **abstained** from voting.

Upon a **motion** by Muir, **second** by Klein and **unanimous vote** of the Managers, a 3 year lease agreement was approved for \$35 per acre with Todd Erickson. All terms of each lease are contained in the agreements that will be signed by all parties.

- Maintenance activity for 2021 was considered. Some lands have become un-farmable due to heavy rains and the need to have the impoundment gate closed. This has resulted in the loss of rent for some lands. It was noted that with a potential dry year some maintenance could be done to reclaim these lands to be able to hay them.

Manager B. Anderson will inquire with local fire departments about possibly doing some burning. Some field ditches may also need to be looked at for clean out of sediment and beaver dams.

*Klondike Clean Water Retention Prj. #11:*

- Rent

A hunting and recreation lease agreement is up for renewal and is proposed for a 5 year term. Upon a **motion** by B. Anderson, **second** by Klegstad, and **unanimous vote** a rental agreement was approved with Bruce Mortenson on 320 acres for a 5 year term at a total price of \$1,520 per year.
- Engineering

Dalager and Huwe provided project updates for the Board. An alternative plan for handling water that overflows from the Roseau River was presented. This would allow for some of the water to go into the impoundment, but also allow for some of the water to go around the impoundment via some ditching and improved spillways. Design concepts were presented and this is available to develop further into plans should the Board decide this is a viable option. More information will be presented at future meetings.
- Right of Way

Letters are ready to be sent to landowners for right of way that is needed for the diked inlet. Hane, Huwe, and Money are working on the letters, maps, and associated information that will be sent to landowners with offers from the District as was authorized at the March 4, 2021 regular board meeting.
- Land Exchange

Money participated in a meeting on March 16<sup>th</sup> with the DNR regarding the process and information needed by the DNR for the land exchange that the District has applied for. DNR is holding an internal meeting and said that they will provide a list of information that is needed. They have not yet provided this list, and Money will continue to inquire with them regarding. It is unknown what the timeline for the land exchange will be.
- Permits

Wetlands: Mark Aanenson of Houston Engineering was in attendance to discuss wetland permit applications to the MN BWSR and the U.S. Army Corps of Engineers that he has been working on. Updates on the information that is needed, what has been accomplished, and timelines moving forward was presented. Consideration is going to be needed by the Board of Managers regarding where to obtain wetland credits that will be needed. Discussion was held regarding potential to use the 'Quick' site by establishing permanent easements for the wetlands that were restored. Additional work will be needed and an additional contract will be needed with Houston Engineering. Details will be provided as they become available.

Roads: Hane and Money discussed the permits that will be needed from the various road authorities to alter township and county roads as a part of the project. A petition will need to be submitted to the road authorities and a draft version was handed out to the Managers. Hane indicated that a public hearing is needed and we will also need to physically visit the road with the road authority prior to a vote of the road authority. Upon a **motion** by Muir, **second** by Klein, and **unanimous vote** of the Managers, approval was given for Money and Hane to formally apply to Kittson County, Roseau County, Barto Township, Polonia Township, and Soler Township on behalf of the TRWD to apply to make alterations to existing public roads.

Ditches: Discussion was held regarding ditch law and the need to submit petitions to the ditch authorities to impound water on a legal ditch system. Three ditch systems will be impacted, and discussion was held on the petition process. For State Ditch 72 and State Ditch 95, recommendation was made to formally petition the joint ditch authorities to impound water. For State Ditch 50 it was recommended that the

District petition the ditch authority (Kittson County) to take over the ditch system. It was noted that this would make sense, since the TRWD will own 3 of the 5 miles along and adjacent to SD 50. Upon a **motion** by B. Anderson, **second** by Klegstad, and **unanimous vote**, resolutions were approved to petition the joint ditch authorities to impound waters on SD 72 and SD 95. Upon a **motion** by Klegstad, **second** by Muir, and **unanimous vote**, a resolution was approved to petition Kittson County as the ditch authority for SD 50 to transfer the administration of the ditch from Kittson County to the Two Rivers Watershed District.

- Funding

A DNR flood hazard mitigation grant has been approved in the amount of \$250,000 for engineering, permitting, and administrative work to develop the project to the final plans and specifications stage. This must be matched 50% by the TRWD. Upon a **motion** by Klein, **second** by Muir and **unanimous vote**, a resolution was approved allowing the District to enter into a grant agreement with the DNR and designating the District Administrator to sign and execute agreements with the DNR on behalf of the TRWD.


The Lessard Sams Outdoor Heritage Council approved \$1.9 million for the project. However, our original request was \$3.25 million. D. Money would like to apply in the next funding cycle for the remainder of the request. Upon a **motion** by B. Anderson, **second** by Klegstad and **unanimous vote** of the Board, D. Money was authorized to apply for a grant from the LSOHC on behalf of the TRWD. He was authorized to prepare, sign and submit all grant application materials.

**Head Technician Position:** The Board discussed the transition period that will be upcoming in light of the resignation of M. Thompson. A job description should be developed and a want ad will need to be placed in area papers, at local colleges, on the District's website and other electronic and print media outlets. D. Money was directed to put together a position description and help wanted ad. It was generally discussed to advertise the position through the month of May and review applications at the June Board meeting to decide a path forward for interviews and filling the vacant position.

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

Attest:

  
Daryl Klegstad, Secretary

  
Paul Olsonawski, President