

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: Thursday, December 2, 2021 @ 8:00 a.m.**

The Board of Managers of the Two Rivers Watershed District held their regular meeting beginning at 8:00 a.m. on Thursday, December 2, 2021. The meeting was held in the District office in the Kittson County Courthouse, 410 S. 5th Street, Hallock, MN.

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

Others present included District Administrator Dan Money, District Technician Tyler Coffield, Attorney Jeff Hane (Brink, Sobolik, Severson, Malm & Albright, P.A.), Engineer Jake Huwe (HDR Engineering), and Engineer Blake Carlson (WSN Engineering).

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 November 4, 2021. Today's meeting agenda, a corrected tile resolution from September 2, 2021, the minutes of a public hearing held on November 2, 2021 and the minutes of the November 4, 2021 regular meeting were approved upon a **motion** by B. Anderson, **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 9489 through 9509 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 Olsonawski, and a **unanimous vote** by the Board.

Administrator's Report:

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

Legal Ditch Report:

Ditch Viewing:

RCD #4 – The Viewers will hold a meeting on December 16th, 2021. They last met almost a year ago and the project has been on hold pending the completion of their work. A status report will be given at the next TRWD Board meeting.

Viewing Process – General discussion was held by the Board of Managers regarding the process of viewing and the assignment of benefits to various parcels. Manager Klein questioned if one flat rate could be assigned to all parcels in a given benefitted area in order to simplify the process. Attorney Hane indicated that this could be done, however it would need to be backed up with data and information as to the how and why the rate was established. Administrator Money expressed caution that it may work on some ditches but certainly not all ditch systems because of the variability in land values, land use, soils, and other factors from system to system. Additional information is available in MN Statute 103E and the 'Understanding MN Public Drainage Law' handbook from the MN BWSR. After discussion, it was noted that this could be a topic to be discussed at a special meeting of the Board.

Kittson County Ditch #7 - Engineer Blake Carlson presented a letter report regarding the petition for the improvement of the ditch. He discussed the adequacy of the outlet and presented a range of alternatives to address the situation. He proposed that the Board hold a meeting with the project petitioners to discuss the situation and go through the alternatives. The meeting was scheduled for December 16th, 2021 and the Administrator was directed to send out the meeting invitations. A report update will be given at the January TRWD Board meeting.

Program Report:

District Employee Annual Review: The Personnel Committee has met with the employees and discussion was held regarding employee performance and annual salary review. The Committee noted favorable employee performance during the year and noted the current 6.2% increase in the cost of living as reported by the federal consumer price index. The Committee recommends a 6% pay increase for both employees beginning January 1, 2022. Discussion was held and a **motion** was made by Klein, **seconded** by B. Anderson and **unanimously approved** to accept the Committee's recommendation for the 6% raise.

Board of Managers – Vacant Position: As previously noted, Manager Muir's term expired in October 2021 and he decided not to seek another term. Nobody has submitted to replace him. Manager Sikorski noted he had discussed the position with someone who may be interested, and it appears they will submit their name to the Kittson County Board of Commissioners for consideration.

Upcoming Meetings:

Citizen's Advisory Committee – MN Statute 103D requires the watershed district to appoint several individuals to a Citizen's Advisory Committee and hold a meeting at least once per year. This committee must consist of at least 5 residents of the watershed district and should include county commissioners, soil & water conservation district supervisors, sporting organizations, and farm organizations. The CAC meeting was scheduled for **3:00 p.m. on December 15th 2021** at the Kittson County Courthouse. The Administrator was instructed to send meeting notices to members of the Committee.

TRWD Special Meeting – It was noted there is a need to discuss the Rules of the TRWD as they relate to several permitting items. Some of these include tile drainage, culvert sizing, and the application review process. A Special Meeting of the Board of Managers was scheduled for **2:30 pm on Wednesday January 12, 2022** in the District office.

Project Report:

Klondike Clean Water Retention Prj. #11: Discussion was held regarding the project and information was provided as follows.

- Engineering – J. Huwe discussed some of the project plans with regard to recent meetings and hearings that have been held. Polonia Township held a hearing and granted the District's petition to alter the township road. Manager Sikorski questioned the plans for the dike around section 31 of Juneberry Township and noted he has been hearing concerns from the public. Huwe once again detailed the plans for the dike, exterior ditch, diked inlet, inlets from SD 72, and other project details.
 - The Board of Managers directed Administrator Money and Engineer Huwe to schedule a 'neighborhood meeting' with those who Manager Sikorski mentioned have been inquiring about the project. The meeting will be held to present the detailed plans and specifications and gather feedback from the neighborhood group.

- Sikorski mentioned again the flooding that crosses over from the Roseau River during large flood events. He again mentioned his belief that this is illegal because landowners in the Roseau River/SD 69 system do not pay benefits into the Two Rivers / SD 72 system. The TRWD Attorney has looked at the issue and issued the District his opinion in June 2020 whereby the District decided not to pursue any action. It was also noted the TRWD has on several occasion met with Roseau County and the Roseau River Watershed District. It was noted on several occasions that ground level plugs be placed in open ditches on the boundary line between the two Watershed Districts. While agreed to, Roseau County (the ditch authority) has never taken any action. Upon a **motion** by B. Anderson, **second** by Klein and **unanimous vote**, the Board of Managers approved writing a letter of request to the ditch authority to have the plugs installed. Administrator Money was directed to write the letter.
- Permitting – Houston Engineering has been working with the District to provide information to the US Army Corps of Engineers and the MN Board of Water & Soil Resources. Both have required additional information before they deem our permit applications complete. We are currently assembling the additional information as required. One of the items is regard to mitigation required, and it seems the District may not be able to use the “Quick” wetland restoration site. Therefore, other lands owned by the District will need to be considered or possibly other mitigation strategies.
- Funding – The Lessard Sams Outdoor Heritage Council is recommending a grant award totaling \$964,000. This will be in addition to the \$1.9 million awarded last year. This grant money is for establishing fish habitat and fen enhancement. The RRWMB will be seeking an estimated \$47 million in bonding funds from the legislature, of which a portion would go toward the project. So far approximately \$6 million has been secured for the project construction. In order to construct phase 1, another \$7 million is needed and to complete phase 2 a total of between \$12 - \$13 million is needed.

Permits:

Upon a **motion** by Olsonawski, **second** by Klegstad, and **unanimous vote**, 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>
2021-49	MNDOT	US hwy 75	culverts, road	Approved
2021-56	Bill Sugden	Hampden 14 & 23	tile drainage	Approved
	Condition – no pumping while downstream flooding; must sign tile agreement; gates required on outlets			
2021-60	Justin Dagen	Jupiter 27	tile drainage	Approved
	Condition – no pumping while downstream flooding; must sign tile agreement; gates required on outlets			
2021-61	Brian Jensen	Hampden 16	tile drainage	Approved
	Condition – no pumping while downstream flooding; must sign tile agreement; gates required on outlets			
2021-62	Brian Jensen	North Red River 12	tile drainage	Approved
	Condition – no pumping while downstream flooding; must sign tile agreement; gates required on outlets			
2021-63	Luther Anderson	Eagle Point 4	side water inlet (x2)	Approved
	Condition – if traps/flap gates are requested, culvert size must conform to TRWD culvert sizing policy			

2021-64	Roger Ellingson	Davis	coulee straightening	withdrawn
2021-65	Mike Bergsnev	Soler 9	crossing with 18" cmp	Approved
2021-66	Mike Bergsnev	Soler 9	crossing with 18" cmp	Approved
2021-67	Shane Kilen	Poplar Grove 19	crossing with 18" cmp	Tabled
2021-68	City of Drayton	Red River	Dam Removal / Rehab	Approved

Several permit violations were discussed. Attorney Jeff Hane was directed by the Board of Managers to consult with the Administrator and send violation letters to the offenders. The letters will indicate that the matter will come before the Board of Managers at the January 6th meeting. If the offending party does not appear at the meeting or otherwise come into compliance, the permits will be revoked and / or enforcement action will be undertaken by the Board of Managers including mitigation requirements.

A follow up report on the status of work that Kittson County did to County Ditch #13 was given. It is the position of the TRWD that the work constitutes and improvement according to MN Statute 103E. It is the County's opinion that what was done constitutes a repair under MN Statute 103E. If the work comes under an improvement it is apparent the county did not follow the law. After considerable discussion, the Board decided to reserve action regarding any enforcement activities. It was noted that if the county applies to the TRWD for permits regarding the grade, cross section, or structures along the ditch, none will be approved that do not adhere to ditch law or are not within the legal dimensions of the ditch.

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

Attest:



 Daryl Klogstad, Secretary



 Rick Sikorski, President