

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: Thursday, January 6, 2022 @ 8:45 a.m.**

The Board of Managers of the Two Rivers Watershed District held their regular meeting beginning at 8:45 a.m. on Thursday, January 6, 2022. 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, Treasurer Gerald Olsonawski, Bruce Anderson, and Scott Klein. Newly appointed Manager Paul Johnson was 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), Engineer Blake Carlson (Widseth), Roseau County Commissioner Daryl Wicklund, Roseau Co. Engineer Stephen Slick, landowner Kurt Kraulik, Senator Mark Johnson, Representative John Burkel, Mark Aanenson (wetland specialist with Houston Engineering), and landowners Matt and Brandon Kuznia.

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 December 2, 2021. Today's meeting agenda and the minutes of the December 2, 2021 regular meeting were approved upon a **motion** by Klein, **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 9507 through 9536 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 Olsonawski, and a **unanimous vote** by the Board.

Permit #1795 / Kuznia

Matt and Brandon Kuznia were in attendance to discuss permit number 1795, which was issued to them in 2018 for a tile drainage system. The permit was issued with a condition that the outlet pipe must have an air gap and the riser pipe must not exceed elevation 824.0, NAVD 88.

District staff noticed deficiencies with the installation during the fall of 2021, specifically there was no air gap, and the outlet construction did not meet the requirements of the permit. Kuznia's appeared at the meeting at the request of the District's attorney in order to be heard on the matter and show cause as to why they have not complied with the terms of the permit.

Brandon Kuznia stated that he had previously appeared before the Board on a different tile outlet regarding permit #1873. In that instance, the Board of Managers had waived the condition and allowed an alternate installation. Kuznia stated that he assumed the same would

apply to other permits. He was informed that his assumption was not correct, and each permit is reviewed on a case by case basis. He stated that the contractor, Ellingson Drainage had recently done the work regarding permit number 1795 and provided information from them regarding the work.

The Board of Managers discussed the purpose of the condition and the concerns with downstream flooding. Kuznia questioned whether an automated control gate could be used as an alternative.

After discussion, it was noted that the current status of the permit is that the applicant is out of compliance with the conditions of the permit, and therefore must take actions to come into compliance. The Board directed the Engineer and staff to contact the contractor and see if a workable alternate solution could be proposed, and report back to the Board at the February 3 regular meeting.

Legislative Session

Senator Mark Johnson and Representative John Burkel were in attendance at the meeting to meet TRWD Board and staff members, discuss water related issues, and discuss the upcoming Minnesota legislative session that begins later in January 2022.

Administrator Money gave a short presentation regarding flooding problems in the State Ditch 72 and State Ditch 95 systems on the eastern side of the District, and also discussed overflow flooding that comes from the Roseau River. Discussion was held regarding the Red River Watershed Management Board's and the MN Association of Watershed District's legislative initiatives. These include a focus on a bonding bill for flood damage reduction of around \$47 million for the Red River Valley. Another focus should be on an increase for watershed district general levies, which are currently capped at \$250,000 per year.

The two legislators indicated they are aware of the issues and generally support them, and provided comments on how to move bills forward to address the projects. They asked specific questions regarding the Klondike Clean Water Retention Project and appreciated the opportunity to meet with the Board and discuss issues.

Kittson County Ditch #7 Improvement Petition

Kurt Kraulik who is one of the project petitioners was in attendance to discuss with the Board the project and the project status. The District held a landowner/petitioner meeting on December 16, 2021 to discuss the Engineer's letter and range of alternatives that Blake Carlson had submitted at the December Board meeting. The petitioners generally preferred the option of constructing set back levies along the ditch to prevent breakout flooding and also to provide better conveyance of the water within the ditch. Carlson discussed the various project components and particularly focused on downstream effects and an adequate outlet determination. Funding options were discussed and the process that needs to be followed under statute 103E.

Kraulik asked several questions regarding the set back levy design and stated he is concerned about that option costing a large amount of money. He is not convinced that option would solve the problem and stated at this point he is against the set back levy option. Discussion was held regarding the scope, downstream impacts, feasibility, and cost.

The Board of Managers discussed the process under statute, which will be to complete an engineer's report, hold a hearing with the affected landowners, appoint viewers to determine benefits and damages, and complete the project. It was noted that with some of the questions that have been brought forth, it would be good to complete the preliminary engineer's report and then use the information from the report to determine how to move forward. A **motion**

was made by Klein, **seconded** by Klegstad and **unanimously approved** to direct Carlson to complete the Engineer's report to be brought to the Board when done. The petitioners will be kept informed at each step of the project.

Administrator's Report:

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

Program Report:

Board of Managers: Paul Johnson was appointed by the Kittson County Commission and replaced Joel Muir. He could not attend today's meeting but has been contacted and will be welcomed at the February meeting.

2021 Audit: The annual audit will need to be done, and the past few years the firm of Brady Martz has been hired to perform it. A quote has been provided for the 2021 audit at \$7,600 which is a 4.6% increase from the previous year. After discussion by the Board, a **motion** was made by R. Anderson, **seconded** by B. Anderson and **unanimously approved** to hire Brady Martz to perform the 2021 audit at a cost of \$7,600.

Special Meeting: A reminder was given that the Board had previously scheduled a special meeting to be held on January 12, 2022. The purpose of the meeting is primarily to discuss the District's Rules and policies pertaining to the Rules. Also some update information will be provided on the Klondike Clean Water Retention Project.

Ring Dike: A request for assistance was received by a landowner for assistance with repair and maintenance on an existing private dike. The dike was constructed privately many years ago, and is now apparently being affected due to erosion along the South Branch Two Rivers. It was the opinion of the Managers that since this was not a ring dike constructed by the TRWD and there are other cost share opportunities available to the landowner that the TRWD will not participate in the maintenance or repair of the dike.

Project Report:

Ross #7: Several farm lease agreements have been either written or renewed according to the guidelines policies and procedures used in the past to renew agreements. One item was presented to the Board regarding a proposal from a renter. Gary Hammer would like to renew his agreement on 20 acres for a 3 year period, but requests the first year be free. His reason is that a hay crop was drowned out due to operation of the impoundment and he has not been able to re-establish it. If the first year was free it would help with the cost of seed and establishment. Upon a **motion** by Klegstad, **second** by B. Anderson and **unanimous vote** it was approved to rent to Hammer for a 3 year period with the first year free and the second 2 years at \$25/acre.

Shawn Stanislowski is a potential new renter who is interested in renting approximately 60 acres for hay. The area used to be rented out but has been vacant for about 2 years. Upon a **motion** by Klein, **second** by R. Anderson and **unanimous vote**

of the Managers, approval to rent the parcel was approved for a 3 year term at \$25/acre. Manager B. Anderson **abstained** from voting citing a potential conflict of interest.

Klondike Clean Water Retention Prj. #11:

- Permitting –
 - Mark Aanenson of Houston Engineering was in attendance to provide information and updates on the wetland permits with the MN Board of Water & Soil Resources under the wetland conservation act and with the U.S. Army Corps of Engineers under section 404 of the clean water act. He discussed the large acreage of wetland the project will impact and the required number of acres to mitigate. It was originally thought and originally indicated by agencies that the Quick wetland site restoration could be used for mitigation. It has recently been indicated by the agencies that this will now not be easily done, or cannot be done. Therefore other mitigation sites are being considered. The preferred location at this time is to remove Juneberry section 31 from the impoundment and rather use it to restore wetlands. The pros and cons of this option were discussed, and the Board generally agreed that Aanenson should move forward to develop a wetland mitigation proposal on section 31 site.
 - Petitions submitted by the TRWD to the Joint Ditch Authority to alter and impound waters on SD 72 and SD 95 and also to Roseau County to alter several roads were discussed. It appears hearing for both of these petitions will be postponed to allow County engineers to review and comment of the proposed changes. Attorney Hane mentioned the need to submit a revised road petition to Roseau County showing the proposed alternate routes. The Board directed Hane to work with Administrator Money and Engineer Huwe to revise the petition and submit it to Roseau County.
- Funding – As discussed with legislators, the project will be submitted with the bill the RRWMB is pursuing. This would potentially fund the project at 50% and the TRWD is asking for around \$13 million for phases 1 and 2.
- Natural Resources Enhancements: Discussion was held regarding the NRE papers that were written by the Project Work Team. These include proposed benefits for fish habitat, enhancement of a prairie rich fen, and water quality benefits.
- Engineering – Several fact sheets have been developed by the Administrator and Engineer to better define and provide information for each of the project components. These were used at a recent citizen meeting that was held and were received favorably. Information was provided regarding the meeting and that a few follow up meetings with citizens will be held.

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>
2021-67	Shane Kilen	Poplar Grove 19	Lower 18" center line culvert	Approved
pending review by the Permit Committee of whether the drained area is within the benefitted area of SD 63.				
2021-69	Knife River Materials	Norway 31	Pumping/Dewater gravel pit	Denied
Info provided by District Technician indicated the applicant will not pump any water until spring thaw and at that time they will re-apply for a permit. It was noted that the immediate downstream landowners all are against the project as proposed.				

The following permit application were previously acted upon by the Permit Work Group. These were reviewed and ratified by the Board of Managers.

2021-70	Dale Dunn	St. Joseph 21	Field crossing w/24" cmp	Approved
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A request was received from landowner Brian Dahl to add the north ½ of Section 25, Davis Township (T159N, R48W) to the benefitted area Judicial Ditch #10. The Board scheduled a public hearing on the matter to be held on Thursday February 3, 2022 at 8:00 a.m. in the District Office in the Kittson County Courthouse in Hallock, MN.

Discussion was held regarding the request, which comes as a result of an after the fact permit application that was received from Dahl regarding a tile installation. The application was previously denied because of concerns with the outlet. The board directed the Permit Committee to meet with Dahl prior to the public hearing and review with him the various issues and concerns with the permit application.

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

Attest:



 Daryl Klegstad, Secretary



 Rick Sikorski, President



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