

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: Thursday, December 8, 2022 @ 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 8, 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, Treasurer Gerald Olsonawski, Bruce Anderson, and Scott Klein. Secretary Daryl Klegstad and Paul Johnson were absent.

Others present included District Administrator Dan Money, District Technician Tyler Coffield, Attorney Jeff Hane (Brink Lawyers), Engineers Nate Dalager & Jake Huwe (HDR Engineering), Engineer Blake Carlson (Widseth) and landowner Kurt Kraulik. Wetland specialist Mark Aanenson (HEI Engineering) attended a portion of the meeting by phone.

The meeting was called to order by President Sikorski. Sikorski then called for any additions or corrections to the proposed meeting agenda, which was then approved upon a **motion** by B. Anderson, **second** by R. Anderson and **unanimous vote** of the Managers. The regular meeting minutes from November 3, 2022, were reviewed and approved upon a **motion** by R. Anderson, **second** by B. Anderson and **unanimous vote**.

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 9756 through 9775 and electronic funds transfers to PERA, MN Dept. of Revenue, Electronic Federal Tax Payment System, and MN State Retirement System as reported and contained within the report.

The treasurer's report was then approved upon a **motion** by Klein, a **second** by R. Anderson, and a **unanimous vote** by the Board.

Administrator's Report:

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

Program Report:

Annual Employee Performance and Wage Review: The Personnel Committee recently met with the employees. Activities performed in 2022 were discussed and annual wage reviews were done. The Committee recommended to the board that wages be increased for 2023 by 6% for both the Administrator and the Technician. It was also recommended that insurance benefits be raised from \$1,000 to \$1,200 per month for each employee. The Board discussed the recommendation, and a **motion** was made by Klein, **seconded** by R. Anderson, and **unanimously approved** to accept the recommendations of the Committee.

Engineering Succession: Upon the announcement by Blake Carlson that he will be retiring, the Board discussed the need to find a new engineer to do general engineering for permit review, impoundment operations, and general consultation on daily activities of the District. After considerable discussion, Administrator Money was directed to discuss the needs of the District with Houston Engineering. No decisions are needed at this time and the District has a couple of months to gather information.

MAWD Conference: Manager R. Anderson and both staff attended the conference held in Alexandria. Several training sessions were attended and it was noted that the District's resolution regarding stable funding was approved.

Annual Meeting: The 2023 Annual Meeting was set for 8:00 a.m. on Thursday, January 5th 2023 at the District office. Money will advertise the meeting in local newspapers.

Stream Gaging Equipment: The District's current equipment is aging and new technology has evolved making this equipment outdated. The collection and dissemination of stream flow data could be immensely streamlined and efficiency improved by upgrading the equipment. A quote of \$19,251.75 was provided to purchase a "Xylem" model RS5 from Sontek company. The purchase was **approved** upon a **motion** by Olsonawski, **second** by B. Anderson and **unanimous vote** of the Board.

Horseshoe Lake / North Branch Prj: As previously reported the pipe at the outlet structure is aging and it appears that it will fail. Engineer Carlson put together a cost estimate of \$90,000 to replace the structure. A meeting was held between the DNR, TRWD, Kittson County and St. Joseph Township. It was decided to submit the project to FEMA for funding. We are currently awaiting a decision.

Judicial Ditch #10: At prior meetings, Engineer Carlson had presented a survey that was done in 2021 along with his recommendation that areas of the ditch be cleaned out. Many questions were raised at the time including the cost, high assessments, needed right of way, the current function and value of the ditch, and other questions. It was noted that maybe a meeting should be held with the landowners during the winter months. The matter was discussed again by the Board and input was given by Managers Klein and R. Anderson that the ditch is functioning, there have been no complaints from landowners, and there are concerns with the cost and assessment of levies. The Board of Managers determined that there is not a need to perform maintenance of the ditch at this time, and therefore no need to hold a meeting with the landowners.

Roseau CD #4 – Redetermination of Benefits: As discussed in the past, this project is on hold pending submission of the Viewer's Report to the Board. Money reported that he has discussed the project with viewer Jon Vold, and the Viewers have not met in quite some time. Vold was going to get ahold of the other 2 Viewers and begin meeting to finish the project. Vold will let Money know what their timeline and schedule will be to get the report completed. Once the report is received, a property owners report will need to be prepared by the District and sent out, and then a public hearing will need to be held.

Viewing: A general discussion regarding ditch viewing was held. Several District ditches are in need of redetermination of benefits, however problems have been encountered finding qualified viewers, disagreement on how to establish benefit amounts, and frustration with the process that takes extended amounts of time and expense.

Attorney Hane and Administrator Money discussed what is required under statute and the process of viewing. Several Managers indicated they would like to see the process simplified and discussed the possibility of establishing one benefit amount for all parcels on a ditch system instead of the common practice of assigning several different benefit amounts based upon factors like proximity to the ditch, soil type, land classification, slope, and others.

Hane noted that there is some leeway within the law as to how benefit amounts are established. However, he cautioned that defensible reasons need to be given to justify the benefit amounts that are ultimately established. Therefore, the benefits need to be based upon criteria laid out in statute and not be arbitrary. Further information will be provided to the Board and further discussion will be held at future meetings.

Hunting Lease Request: A request has been made to lease District owned land at the site of the Klondike Clean Water Retention Project for hunting. It was noted that 320 acres are currently leased to another individual through 2025. Those acres are outside of the proposed impoundment while the new request is inside the impoundment. The board discussed the proposed construction timeline, which depending on several factors could be as early as 2024. The Board also discussed generally whether district owned land should be leased out for hunting or whether it should be made available to the public for everyone to hunt. After considerable discussion, a **motion** was made by Klein, **seconded** by Olsonawski and **unanimously approved** to adopt a resolution stating the District's intent to cease the practice of leasing out District land for hunting and further to not renew any current hunting lease agreements.

Project Report:

Klondike Clean Water Retention Prj. #11:

- Right of Way
 - Several landowners have signed to sell right of way, but several remain to be done. The District will schedule meetings with these landowners in January 2023. Right of way with the DNR and proposed land exchange will resume once the EAW is completed.
- Permitting
 - Mark Aanenson with Houston Engineering phoned into the meeting to give an update on the progress of wetland permitting. He is working with the US Army Corps of Engineers to provide data and information to them and to decide upon mitigation requirements. As for the state wetland conservation act, he is pursuing an application and mitigation under subpart 6 which states land that was enrolled in CRP can be used for mitigation. Further details on both permits will be provided at the next meeting.
 - Dan Money discussed the progress of the environmental assessment worksheet. Due to workload, the second draft has not yet been submitted to DNR. This will be done in the next few weeks and will be presented to the Board at the January meeting prior to being published in the EQB monitor.

The process should be completed by the end of February 2023 and come before the Board for their final decision on the EAW.

- Ditch Petitions the District had submitted are still under review and should be ready for public hearing early in 2023. No updates have been received from the Joint Ditch Authority.
- Road petitions submitted to Roseau County have not been acted upon, but a hearing is expected in early 2023.
- Funding
 - Several methods for long term maintenance funding were discussed, including a benefitted area, establishing a water management district, outlet fees to SD 95, and other options. This will need to be explored further in the coming months.

Kittson County Ditch #7 Improvement:

Engineer Blake Carlson provided an update on the progress of the preliminary engineer's report for this project. The project design is affected by several oil and gas pipelines that cross under the ditch, limiting the depth to which it can be improved. There are a few alternatives that may work, and Carlson will provide the full report including alternatives and cost estimates at the January 5th, 2023 Board meeting. The Board will then need to set a ditch hearing to present the report, discuss with the petitioners, and decide a path forward under ditch law.

Permits:

The Board acted on the following permits. The review and comments of the permit review group were carefully considered. Any comments provided by members of the PRG, 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> |
|---------------|--------------------|----------------------|---------------------|---------------|
| 2022-39 | MNDOT | Hwy 32 | overlay; culverts | Tabled |
| 2022-44 | Karlstad Golf Club | Karlstad Golf Course | Water Appropriation | Approved |

Motion B. Anderson, **Second** Olsonawski – **unanimous**

Condition: Permittee must cease pumping if any water supply wells within one mile are affected. Permit is subject to revocation if this condition is not adhered to.

With no other matters to come before the Board of Managers, the meeting was adjourned at 12:55 p.m.

Attest:


Roger Anderson, Vice President


Rick Sikorski, President