

**Minutes of the Regular Meeting of the Board of Managers  
Of the Two Rivers Watershed District  
Held: Thursday, May 5, 2022 @ 8:00 a.m.**

The Board of Managers of the Two Rivers Watershed District held their regular meeting beginning at 7:45 a.m. on Thursday, May 5, 2022. The meeting was held in the District office in the Kittson County Courthouse, 410 S. 5<sup>th</sup> Street, Hallock, MN.

Managers present included President Rick Sikorski, Secretary Daryl Klegstad, Treasurer Gerald Olsonawski, Bruce Anderson, Scott Klein and Paul Johnson. Vice President Roger Anderson was absent.

Others present included District Administrator Dan Money, District Technician Tyler Coffield, Engineer Blake Carlson (Widseth), Hugh Hunt, Brian Dahl, Engineer Jake Huwe (HDR Engineering), and attorney Zach Burmeister (via phone).

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 April 7, 2022. Today's meeting agenda and the minutes of the April 7, 2022, regular meeting was 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 9600 through 9626 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 Olsonawski, a **second** by Johnson, and a **unanimous vote** by the Board.

Audit Report - The draft 2021 audit has been submitted by the auditing firm of Brady Martz. Money discussed the draft with the Board of Managers. Upon a **motion** by B. Anderson, **second** by Klegstad, and **unanimous vote**, the audit was accepted and approved by the Board of Managers. D. Money was directed to submit the audit to the State of MN as required under statute.

**Legal Ditch Report:**

*Judicial Ditch #10:* Engineer Blake Carlson presented a report regarding the survey that was done in 2021 as a part of the District's ditch maintenance and monitoring schedule. 16 miles of ditch were surveyed, and the ditch profile and cross sections were presented to the Board. Carlson advised that eight miles are in need of sediment removal. He also recommended to the Board that two miles of the original ditch do not need to be maintained to the as constructed grade and cross section. Carlson noted that if the Board so chooses, a public hearing would be needed to discuss the issue and document a new grade and cross section.

The Board discussed the report and noted questions with the ditch buffer, right of way, construction schedule, leveling of spoil outside of ditch right of way, and other items. The Board directed the engineer and staff to look into the various questions and report back to the Board with recommendations at the next monthly board meeting.

*Springbrook #10:* Carlson presented information on the survey and review of Springbrook 10 project. He recommended no cleaning of sediment at this time is needed. He also recommended an alternative maintenance schedule for this project. This will be considered by the Board and staff on an annual basis.

*Kittson County Ditch #7 – Petition for Improvement:* An update was given regarding the status of the Engineer's report. In order to complete the report, it was previously reported the depths of pipeline that is crossing the ditch are needed from two pipeline companies. Carlson noted that conditions are such that this data should be able to be collected in the near future. Once this data is available Carlson will be able to complete the engineer's report and public ditch meetings will need to be held to discuss the report and devise a path forward for the project. Some outside funding sources may be available, but it was the opinion of the Board to wait on these until a plan is presented and considered.

*Public Hearings:* The Board discussed the need to hold hearings for both JD #10 and KCD #10 pursuant to MN Statute §103E.101 subd. 4a. In performing survey work in 2021 and subsequent investigation, Engineer Carlson found discrepancies in the documentation regarding the planned versus the current grade and cross section of the ditches. He has filed an Engineer's report for both with the Board of Managers and recommends the process for re-establishment of the ditch record be followed. The board of Managers set the public hearings for these proceedings to begin at 8:00 a.m. on Thursday, July 7, 2022. The District Administrator was directed to post and mail notice of the hearings as required by statute.

### **Administrator's Report:**

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

#### **Program Report:**

*Spring Flooding – State of Emergency:* Spring flooding updates were given. It appears there will be both State of MN and FEMA funding available. Upon a **motion** by B. Anderson, **second** by Klegstad, and **unanimous vote** of the Managers, an emergency declaration was made by the Board and resolution 2022-01 was approved, in accordance with MN Statute §103D.615.

*Legislative Update:* Information was provided regarding several bills being discussed in the MN Legislature. Several proposals would affect watershed district operations and how legal ditches are managed. The Red River Watershed Management Board is requesting \$47 million in the bonding bill to fund several impoundment and flood damage reduction projects, including over \$13 million for the Klondike Clean Water Retention Project.

*Envirothon:* District staff participated in the annual Envirothon, an outdoor educational event held at Lake Bronson State Park. Eight area schools participated with Kittson Central winning the event and advancing to the State Envirothon.

**Project Report:**

*Klondike Clean Water Retention Prj. #11:*

- Engineering – Engineer Jake Huwe attended the meeting and gave an update on the project. Huwe has been working on final plans and providing information to support the state and federal wetland permits that are required.
- Right of Way – Brink Lawyers have written draft agreements. Several landowners have agreed to the terms, but others have not. Meetings will be scheduled to discuss, inform, and procure the necessary right of way for the project. Land exchange with the DNR is currently on hold pending completion of an Environmental Assessment Worksheet.
- Permitting – Work is continuing on the ditch petitions, state and federal wetland applications, and state historic preservation.
- Lessard Sams Outdoor Heritage Council – Conflict of Interest Policy: The Board considered the required conflict of interest policy relating to the grant documentation. Upon a **motion** by Olsonawski, **second** by Klein, and **unanimous approval**, the board reviewed and adopted the conflict of interest disclosure relative to the grant that is identified as “ENRTF/OHF Pass-Through Grant Agreement Attachment C: Conflict of Interest Disclosure” as noted in the grant documentation.

**Permits:**

The Board acted on the following permits. The review and comments of the permit review group 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>
2022-08	Enbridge <b>Motion</b> Klein, <b>second</b> Klegstad & <b>unanimously approved</b>	Skane 32	Pipeline Maintenance	Approved
2022-06	Brian Dahl	Davis 25	Tile Drainage	Approved

Applicant Brian Dahl was in attendance to discuss the permit application. His attorney Zachary Burmeister of Rinke Noonan participated via telephone. Land Manager Hugh Hunt was also in attendance to represent a downstream landowner . The permit review group has met and reviewed the permit application. Several issues have been addressed regarding various facets of the application.

- Two options for an outlet of the tile system have been investigated, one to Judicial Ditch #10 and one to Kittson County Ditch #7. The Applicant has submitted petitions and has been approved to outlet tile waters into both ditches. Dahl

indicated that his preference is to outlet the water westerly into Kittson County Ditch #7.

- The JD #10 outlet option would require larger pumps and installation of approximately 2,900 feet of additional tile to get the water past a high spot and into JD #10.
- Comments have been received from potentially affected landowners between the project and KCD #7 outlet. Mr. Hunt represents one of the landowners, and stated the landowner is opposed to the project. Written comments were received from 5 other landowners, and none were opposed.
- This is an after the fact permit application, and the tile has already been installed as of last fall. The Managers discussed that had the applicant followed the proper permit procedures, there could have been alterations to the design that would have alleviated some of the current concerns. Under the Rules of the Two Rivers Watershed District, after the fact permit inspection fees will apply.
- Burmeister asked questions regarding the after the fact status and fees. He also discussed how tile drainage outlets are reviewed in North Dakota and that intermittent watercourses are accepted as outlets there. He indicated his research on other tile permits the District has issued, discussed potential penalties or fees, and asked the permit be granted.

The Board of Managers deliberated the application and the information and comments that have been received. Permit complexities were discussed, and an option to grant the permit on a 3 year trial basis was suggested. Upon a **motion** by Olsonawski, **second** by Klegstad, and **unanimous vote** with Klein abstaining, the following findings and conditions were adopted and the permit application was approved.

Findings of Fact:

- Two outlets for the tile drainage system have been analyzed, and both Kittson County Ditch #7 and Judicial Ditch #10 have been determined to be adequate. Provisions would need to be made and considered for the tile water to travel to either of the ditches.
- Input has been provided by downstream landowners and technical information has been analyzed. Evidence of negative downstream impacts is inconclusive.
- The Board of Managers determines that it is prudent to monitor the project for a two year period to determine if negative impacts will occur. After the two year trial period is over a final determination on the permit will be made by the Board.

Conditions of the Permit:

- As built plans must be submitted to the Two Rivers Watershed District
- No outflows from the tile system are allowed when there is any downstream flooding occurring between the tile outlet and the Red River of the North.
- The permit is valid on a trial basis for the 2022 and the 2023 growing seasons only. The applicant/permittee must not operate the tile system beyond 2023 until such time that the Two Rivers Watershed District has reviewed the permit and made a final determination.
- The permit is not valid until such time that the applicant has signed and returned a "Tile Drainage Agreement" to the Two Rivers Watershed District. The tile system must not be operated until this agreement has been filed.

Fees: The Board of Managers discussed after the fact fees for the permit. The Rules of the Two Rivers Watershed District state a minimum \$500 fee may be charged and in addition hourly rate fees can be assessed for inspection and review of after the fact permits.

- It was noted that Mr. Dahl has been granted permits from the TRWD in the past and therefore knew that a permit was needed prior to installation.
- The contractor, Ellingson Drainage, also has been involved in past permits and knew of the need to first obtain a permit.
- Significant costs have been incurred by the TRWD in the field inspection and review of the permit application. Much of these costs would not have been incurred if the applicant would have properly obtained the permit prior to installation.

Upon a **motion** by Sikorski, **second** by B. Anderson and **unanimous vote** of the Board with Klein abstaining, a permit fee of \$2,500 was placed upon the application. The fee is authorized by the Rules of the Two Rivers Watershed District and is made at the discretion of the Board of Managers based upon actual costs incurred by the Two Rivers Watershed District for engineering, staff time, and Manager's time spent on the review. This fee must be paid in full before the permit is considered valid.

Permit #1978 Review:

This permit was originally approved to the Kittson County Highway Department for reconstruction, culverts, and ditching along CSAH #7. It was brought to the attention of the TRWD that a culvert located at station 128+93 of the project may be undersized. It was originally approved with the condition that the culvert be an 18" diameter. A review was completed by the permit review group, and a determination was made that the predetermined drainage area was wrong. The new drainage area was delineated and the District's culvert sizing policy was applied. A determination was made that the culvert could be up to a 30" diameter.

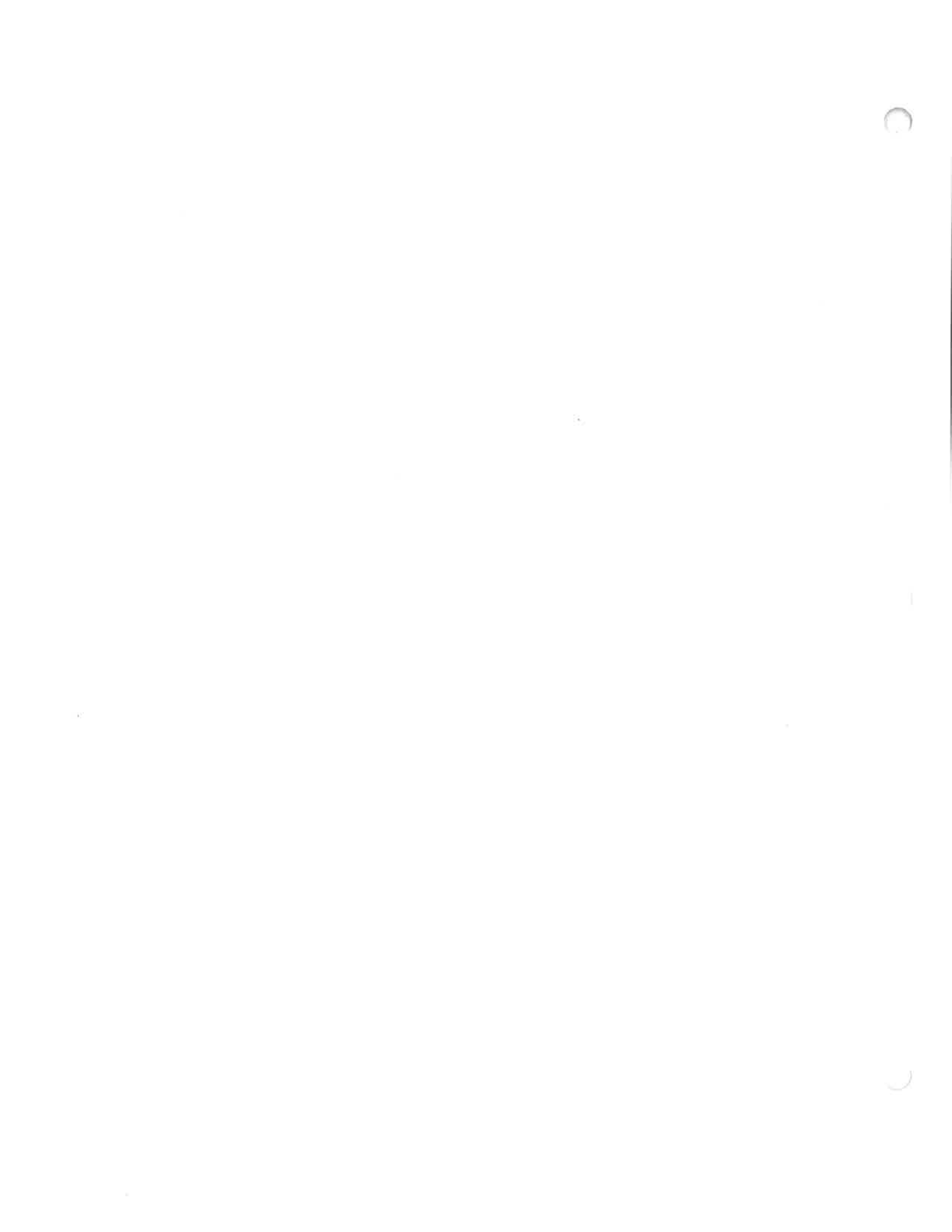
Upon a **motion** by Klegstad, **second** by B. Anderson and **unanimous vote** of the Managers, the permit was amended to change the center line culvert located at station 128+93 from an 18" diameter to a 30" diameter.

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

Attest:

  
Daryl Klegstad, Secretary

  
Rick Sikorski, President



# *Two Rivers*

# *Watershed District*

## *In Roseau, Kittson, & Marshall Counties*



*Board of Managers: President- Rick Sikorski, V.P.- Roger Anderson, Secretary-Daryl Klegstad, Treasurer-Gerald Olsonawski, Manager-Bruce Anderson, Manager-Scott Klein, Manager-Paul Johnson*  
*Staff: Dan Money, District Administrator; Tyler Coffield, District Technician*

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May 5, 2022

Managers Present: Sikorski, Klegstad, Olsonawski, B. Anderson, Klein, Johnson  
Managers Absent: R. Anderson

Motioned by Manager B. Anderson, seconded by Manager Klegstad, the following resolution, numbered 2022-01, passed upon a 6-0 vote of the Board of Managers of the Two Rivers Watershed District.

### **RESOLUTION OF THE BOARD OF MANAGERS OF THE TWO RIVERS WATERSHED DISTRICT**

#### **DECLARATION OF EMERGENCY FOR SPRING FLOODING**

**WHEREAS**, the Two Rivers Watershed District is a legally organized watershed district under MN Statute §103D and was established in 1957.

**WHEREAS**, MN Statute §103D.615 enables watershed districts to find that if conditions exist that present a clear and imminent danger to the health or welfare of the people of the watershed district, and that to delay action would prejudice the interests of the people of the watershed district or would be likely to cause irreparable harm, the managers may declare the existence of an emergency and designate the location, nature, and extent of the emergency;

**WHEREAS**, beginning on or about March 25<sup>th</sup>, 2022 spring snowmelt and spring rainfall has caused significant out of bank flows on the Two Rivers and area ditches, coulees and creeks tributary to the Two Rivers; and,

**WHEREAS**, several rainfall events have caused 5 separate river crests resulting in historic top 10 levels on the Two Rivers at Hallock, MN and top 3 levels on the Red River of the North at Pembina; and,

**WHEREAS**, damages to public infrastructure have been documented, including erosion such as bank sloughing, damage to culverts and bridges, potential structural damages, and deposition of sediment and debris; and,

**WHEREAS**, significant resources have been dedicated to monitor, report, and prevent flooding; and,

**WHEREAS**, the Two Rivers Watershed District's 'Nereson', 'Ross #7', and 'Skull Lake' impoundments have been operated and are storing significant levels of floodwater, and,

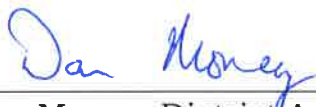
**WHEREAS**, due to flooding on the Two Rivers and the Red River of the North, numerous roads are inundated and impassable, and

**WHEREAS**, the Board of Managers finds that there is a clear and imminent danger to the health and welfare of the people living within the District, due to large scale and historic flooding.

**NOW THEREFORE, BE IT RESOLVED** that due to spring snowmelt and severe and repeated rainfall that has caused extreme flooding, the Board of Managers hereby declares a state of emergency within the Two Rivers Watershed District.

**BE IT FURTHER RESOLVED** that the dates of the emergency began with the onset of spring flooding on March 25<sup>th</sup>, 2022 and will continue until all river systems have receded below flood stage.

I certify that the above resolution was adopted by the Two Rivers Watershed District Board of Managers at their regular monthly meeting held on Thursday, May 5, 2022.



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Dan Money, District Administrator