

**Minutes of the Public Hearing of the Board of Managers  
Of the Two Rivers Watershed District on the Petition to Add Lands to the  
Benefitted Area of Kittson Co. Ditch #7  
Held: Thursday, May 5, 2022 at 7:00 a.m.**

The Board of Managers of the Two Rivers Watershed District held a Public Hearing beginning at 7:00 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. The purpose of the meeting was to hear the petition of Brian Dahl to add specified lands to the benefitted area of Kittson County Ditch #7.

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, Engineer Blake Carlson (WSN Engineering), District Technician Tyler Coffield, Hugh Hunt, Kurt Kraulik, and Brian Dahl. Participating via telephone was Zachary Burmeister (Rinke Noonan law firm).

The meeting was called to order by President Sikorski. Sikorski then explained the purpose of the public hearing.

District Administrator Dan Money gave an overview of how the public hearing would be held. He noted that the hearing is being held in conformance with MN Statutes §103E.401 regarding a petition that was received from Brian Dahl to add land to the benefitted area of Kittson County Ditch #7. The Statute requires that once a valid petition is received the Drainage Authority must hold a public hearing to consider the capacity of the outlet and determine by order the terms and conditions for use as an outlet and establish any outlet fees.

District Administrator Dan Money summarized the petition. He indicated that that some of the lands named in the petition are not owned by Mr. Dahl, nor have the owners of those lands signed on to the petition. He recommended and Mr. Dahl confirmed that those lands will be removed from consideration under the petition. In addition, Money pointed out that lands lying south of the Two Rivers Watershed District's "Springbrook #10 Project" drain into the Springbrook #10 project and do not have the opportunity to drain to Kittson County Ditch #7. Therefore, those lands should not be included in the petition, and Mr. Dahl concurred with this change as well.

District Technician Tyler Coffield entered into the hearing record several documents, including:

- Petition of Brian Dahl
- Notice of Hearing, published in newspapers of general circulation and mailed to selected downstream landowners
- Opinion of District Engineer regarding downstream potentially affected lands
- Map of current benefitted area of Kittson County Ditch #7 and also showing lands petitioned to be added
- Written comments that have been received by downstream affected landowners and farm operator
  - o Ray Thorkildson

- Greg Bogestad
  - Jennifer Reitmeier
  - Zach Beaudry
  - Kurt Kraulik
- It was noted several other landowners have provided verbal comments.

Engineer Blake Carlson discussed the technical review that was done to determine the downstream impacts of the proposed additional water and whether Kittson County Ditch #7 is adequate to accept the additional flowage. He stated the proposal is to be able to drain sub-surface tiled water from the proposed area to KCD #7, and that this would be regulated by an operating plan that would prevent outflows during times of downstream flooding. The KCD #7 outlet is adequate because the discharges will not be allowed when flooding is occurring. Carlson went on to explain that during low flow times, the downstream private ditch will be wetter when the tile is operating, however it is difficult to determine the magnitude of this impact.

The meeting was opened for comments from attendees.

Kurt Kraulik questioned the reason for the hearing, and stated that the current ditch adequately handles the surface waters, however he is mainly concerned with the additional subsurface water. He stated he is not against the project.

Hugh Hunt, land manager for landowner Jennifer Reitmeier, stated concerns about the new tile drainage system changing ditch and making it wetter for a longer period. He stated she is not a “no” and not a “yes”.

Zachary Burmeister of Rinke Noonan noted that the focus of this hearing should be to determine the capacity of KCD #7 and whether to allow the addition of lands are benefitted by the ditch and therefore pay into the ditch fund. He noted that deliberation on the merits of the tile drainage system should be held for the subsequent Board discussion on the tile permit.

President Sikorski asked all those in attendance whether they had any further comments or new information to enter into the hearing record. There were no further comments.

A motion was made by Manager Klegstad, seconded by Manager Olsonawski, and unanimous vote, the following findings of fact and order were approved. Manager Klein abstained from voting.

#### Findings of Fact

- 1) The petition of Brian Dahl is a legal petition and proper notice of hearing has been given.
- 2) The petition originally included lands not owned by Dahl, and the owner of those lands has not signed the petition. Those lands will not be considered for addition to the KCD 7 benefit area.
- 3) A portion of the lands petitioned do not and cannot by the nature of where they are located drain to KCD 7. Those lands will not be considered for addition to the KCD 7 benefit area.
- 4) The lands to be considered under this petition to be added to the benefitted area of KCD 7 are:  
 SE ¼ Section 25 and the SE ¼, NE ¼, Section 25, Township 159 N, Range 48 W (Davis Township), Kittson County, MN

EXCEPT: All lands lying south of the Two Rivers Watershed District's "Springbrook #10 Project" in the SE ¼ section 25, Twp-159 Range-048, and

EXCEPT: Sect-25 Twp-159 Range-048 5.83 AC PART OF NE1/4 AND SE1/4 COMMG AT NE COR OF SE1/4; TH SOUTH 00D47M52S WEST, ASSUMED BEARG ALONG EAST LINE OF SE1/4; 487.10FT; TH NORTH 88D51M03S WEST 237.67FT; TH N 01D46M25S EAST 71.31FT; TH N 88D45M20S WEST 154.21FT; TH S 01D17M23S WEST 12.88FT; TH S 89D35M47S WEST 123.56FT; TH NWLY 178.44 FT ALONG NON-TANGENTIAL CURVE CONCAVE TO SW HAVING A RADIUS OF 286.42FT, CENTRAL ANGLE OF 35D41M46S AND A CHORD BEARING NORTH 62D36M05S WEST; TH NOT TANGENT TO LAST DESCRIBED CURVE NORTH 89D12M08S WEST 98.03FT; TH N 00D47M52S EAST 540; THS 89D12M08S EAST 770FT TO EAST LINE OF NE1/4; TH S 01D00M06S WEST 190FT M/L TO PT OF BEG, EXCEPTING A TR IN NE1/4SE1/4; COMM AT NE COR OF NE1/4SE1/4; TH W 640.2FT; TH S 341.55FT; TH E 640.2FT; TH N 341.55FT TO PT BEG, and

EXCEPT: Sect-25 Twp-159 Range-048 5.00 AC TR IN NE1/4SE1/4: COMM AT NE COR OF NE1/4SE1/4; TH W 640.2FT; TH S 341.55FT; TH E 640.2FT; TH N 341.55FT TO PT OF BEG

- 5) The capacity of Kittson County Ditch #7 is adequate to accept the additional surface and sub surface drainage that will potentially come to it, provided the discharge of the tile is controlled in conformance with the current Rules of the District.

Order:

- 1) That the Petition is partially granted and express authority is hereby granted to the petitioner to use Kittson County Ditch #7 as an outlet for the lands named in item 2 below.
- 2) The following tracts shall be added to the benefitted area of Kittson County Ditch #7:
  - a. That part of SE ¼, NE ¼, section 25, T159N, R48W contained within Kittson County Parcel #50252190.
  - b. The NW ¼, SE ¼, section 25, T159N, R48W.
  - c. That part of the NE ¼, SE ¼, section 25 T159N, R48W contained within Kittson County Parcel #50252280.
  - d. That part of the SW ¼, SE ¼, section 25, T159N, R48W contained within Kittson County Parcel #5025220 and lying north of the Two Rivers Watershed District's "Springbrook #10 Project".
  - e. That part of the SE ¼, SE ¼, section 25, T159N, R48W contained within Kittson County Parcel #50252200 and lying north of the Two Rivers Watershed District's "Springbrook #10 Project".
- 3) That the amount the added lands are benefitted by the KCD #7 drainage system is \$60 per acre. The approved lands are henceforth liable for assessments levied in the

drainage system, on the basis of the benefits as if the benefits had been determined in the order establishing the drainage system.

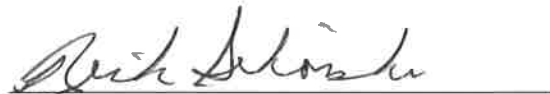
- 4) Pursuant to M.S. 103E.401, subd. 5, the Two Rivers Watershed District as the drainage authority for Kittson County Ditch #7 hereby sets the outlet fee at \$0.

With no other matters to come before the Board of Managers, the meeting was adjourned at 7:45 a.m.

Dated this 5<sup>th</sup> day of May, 2022

Attest:

  
Daryl Klegstad, Secretary

  
Rick Sikorski, President