

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: Thursday, April 10, 2023 @ 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, April 10, 2023. 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. Mark Langehaug was absent.

Others present included District Administrator Dan Money, District Technician Tyler Coffield, Attorney Jeff Hane (Brink Lawyers), Senator Mark Johnson, and Engineer Tony Nordby (Houston Engineering).

The meeting was called to order by President Sikorski and today's meeting agenda was approved as previously sent out. Sikorski then called for any additions or corrections to regular meeting minutes of March 2, 2023, which were then approved with no corrections upon a **motion** by R. Anderson, **second** by B. Anderson 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 9845 through 9867 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 Olsonawski, a **second** by R. Anderson, and a **unanimous vote** by the Board.

Senator Mark Johnson:

Senator Johnson attended the meeting to update the Board of Managers regarding the current ongoing 2023 legislative session. He remarked on several bills that are being discussed and acted upon, the status of several watershed district related bills, and the likelihood of funding for flood control projects in the Red River Valley. Discussion was also held regarding changes to the drainage law that are being proposed.

The Board of Managers emphasized the pending spring flooding, the frequency of major flooding, and the urgent need to construct projects. It is frustrating to hear that full funding for Red River Watershed Management Board projects continually is denied or only partially funded. It was noted there is a plan to reduce peak flows on the Red River by 20%, target numbers have been established for each contributing tributary, 8 projects have been proposed and 50% funded locally, and yet the state of Minnesota for the past 5 years has not funded their fare share.

Long term stable funding was discussed, and possible changes to the flood hazard mitigation program under MN Statute 103F. An idea was also discussed for a new program that would utilize general fund money, similar to the current disaster assistance funding program the State has established.

The Board of Managers thanked Senator Johnson for his work at the Capitol.

Administrator's Report:

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

Program Report:

Erosion Cost Share: The District received a request from Kittson SWCD to provide cost share funding for an erosion control project on an unnamed coulee that is tributary to the South Branch Two Rivers. The total cost is \$39,376.70 and the request to TRWD is 12.5% or \$4,922. The landowner would match this amount the Kittson SWCD would provide 75% through state grant programs. The funding request fits into the District's previously approved cost share program, and was approved upon a **motion** by Olsonawski, **second** by Klein, and **unanimous vote** of the Managers.

Ring Dike Request: The State of MN currently has 50% cost share funding available for the design and construction of farmstead ring dikes. A request has been received for a dike located along the North Branch Two Rivers. A cost estimate is needed, and a survey would be needed to help determine the cost. Upon a **motion** by Olsonawski, **second** by Klegstad and **unanimous vote** of the Managers, approval was granted to have office staff survey the site and prepare a cost estimate.

Water Quality Monitoring Program: The District's water quality monitoring program proposal for 2023 was discussed. Water samples will be collected at 10 different sites once per month between May and October and be sent to a certified laboratory to be analyzed for 7 different parameters. Field data collection will also be done for a range of parameters. The total cost of the program is estimated at \$18,400 with cost share funding available through the Red River Watershed Management Board. The program was approved upon a **motion** by Olsonawski, **second** by Klegstad and **unanimous vote** of the Managers.

Juneberry Project Work Team: A meeting was held on March 15th, 2023. The group discussed the scope of work for the team, the possibility of hiring a meeting facilitator, core makeup of the project team, funding and other items. The next meeting is scheduled for May 11th.

FEMA 2022 Disasters Items: The TRWD has been awarded FEMA funding from the 2022 spring flooding disaster in the amount of \$16,555 for KCD 21 and \$36,867 for JD 10 Branch. The District is still waiting to hear FEMA's decision on potentially \$91,000 for Horseshoe Lake dam. Approximately \$13,000 was denied for staff time related to flood work.

Legal Ditch Report:

KCD 7 Improvement. The District has received advisory reports from DNR and BWSR regarding the Engineer's Preliminary Survey Report. The petitioners have submitted an additional bond to cover project costs should the project be dismissed.

The next step is to schedule a public hearing. Upon a **motion** by Klein, **second** by Olsonawski and **unanimous vote** of the Managers, the KCD 7 Public Hearing was set for 8:00 a.m. on Wednesday May 10th, 2023, and the May regular monthly meeting was moved from May 4, 2023 to follow the public hearing on May 10th, 2023.

RCD 4 Redetermination of Benefits: The Viewers continue to meet and plan to complete their work this spring. A Viewers Report will be forthcoming.

KCD 13: A group of landowners is contemplating a ditch improvement petition. This was discussed as an informational item at this point, and if the petition and bond are submitted, the District would need to appoint an engineer to proceed with a preliminary survey report.

North Branch Prj: Staff are working with engineering to determine damages, prepare a scope of work to repair the erosion that is occurring, and propose a plan to prevent future erosion.

Klondike Clean Water Retention Prj. #11:

Reports were given from Administrator D. Money, Engineer J. Huwe, Attorney J. Hane, and Wetland Specialist M. Aanenson regarding the following items:

- Right of Way -
 - Discussion was held regarding a right of way agreement being negotiated with J. Frislie for lands located in section 4 of Polonia Township, Roseau County. He countered the original offer of the TRWD and would like additional compensation because he would need to move an existing fence. Upon a **motion** by B. Anderson, **second** by R. Anderson, and **unanimous vote** of the Managers, it was decided to enter into a right of way agreement with Mr. Frislie at a total cost to the TRWD of \$30,998.52. It was noted that \$9,040 of that amount is intended for costs associated with moving the existing fence.
 - General discussion was held about the remaining right of way that is needed. There are a few private parcels yet to obtain and also some public parcels. Staff and consultants have been working on these and meeting with property owners.
- Land Exchange - D. Money is in contact with DNR and has provided information. One of the parcels needs to be reviewed by the federal US Fish & Wildlife Service, so the review will take some time.
- Permitting - Work is progressing on the federal and the state wetland permits that are needed, and the acres that are needed for mitigation and how these mitigation acres will be restored to wetland. Regarding ditch petition proceedings, Houston Engineering should have their reviews completed in the next month or two, so we can expect that there will be ditch hearings shortly after. Road hearings will also be forthcoming as Roseau County will need to get these scheduled.
- Funding - Discussion was held regarding project funding including pre project, during the project construction, and post project construction. The Board of Managers will need to consider long term maintenance costs of this complex project. There are multiple sources of funding that are available. J. Hane suggested

the TRWD focus first on right of way, then the necessary hearings for ditches and roads, and then focus in on funding after those processes are near completion.

Attorney's Report:

Attorney Jeff Hane reported he was contacted regarding a Lis Pendens the TRWD had filed a few years ago on property in Moose Township, Roseau County that was owned by Rick Solberg. This had to do with a permit violation and the requirement of Solberg to rectify the situation to comply with permits of the District. The landowner is asking for the release of the Lis Pendens. Administrator Money was directed to verify the work has been completed, and then the situation can be cleared by the District.

Permits:

The Board acted on the following permits. The review and comments of the Permit Review Group (PRG) were carefully considered and taken into consideration. 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>
2023-04	Brad Hemmes - Needs more information.	Hill 32	ring dike	Tabled
2023-05	Matt Denault - Needs more information including pipe size and scope of work.	Tegner 30	Side Inlet – field erosion	Tabled
2023-10	Myles Juhl Motion Klein, Second Klegstad, Unanimous Conditions: 1) no discharges during downstream flooding, 2) erosion control required, 3) no structures allowed within existing right of ways	Hereim 4	Tile Drainage	Approved
2023-11	Terry Washburn Motion Klegstad, Second Olsonawski, Unanimous Condition: Project must comply with provisions provided by the JD 31 ditch authority.	Cannon 15	JD 31 crossing	Approved
2023-12	Roseau Co. Hwy Dept. Motion Olsonawski, Second B. Anderson, Unanimous Condition – Submitted road plans approved with the additional plan sheet addendum provided by RCHD.	CSAH 23 in Dewey Twp	Grading, Ditches, Culverts	Approved
2023-13	Cory Wallenberg Motion Klegstad, Second Klein, Unanimous	remove/alter crossing	Erosion control; access	Approved
2023-06	Scott Nelson A meeting was held, and Nelson will provide new application with specific project purpose and survey information.	McKinley 2	ditching & culvert	Denied
2023-09	Partners of Peatland The Permit Review Group will meet to review and consider this permit.	Peatland 8	SWI – 24”	Tabled

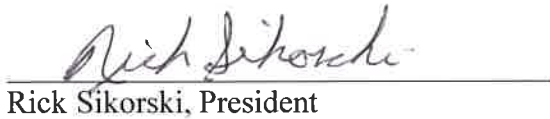
Tile Policy: The Board of Managers reviewed their policy with regard to permit applications for tile drainage. Comments from road authorities and ditch authorities that have been received have concerns with structures within these types of right of ways and future maintenance. It was also noted that many tile systems that have not included erosion control such as rip rap or geotextile mats tend to erode ditch banks.

Upon a **motion** by B. Anderson, **second** by Klegstad, and **unanimous vote**, the Board's tile policy was amended to include 1) requirements that all tile outlets whether gravity or pumped must include erosion control measures, and 2) no pumps, pipes, or other structural measures associated with the tile installation are allowed in any existing road or legal ditch right of way.

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

Attest:


Daryl Klegstad, Secretary


Rick Sikorski, President

