

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: Thursday, December 7, 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, December 7, 2023. The meeting was held in the District's office in the Kittson County Courthouse, 410 S. 5th Street, Hallock, MN.

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

Others present included District Administrator Dan Money, District Technician Tyler Coffield, Attorney Jeff Hane (Brink Lawyers), Engineer Jake Huwe (HDR Engineering), Engineer Tony Nordby (HEI Engineering), Wetlands Specialist Mark Aanenson (HEI Engineering), Jeremy Benson and Kevin Olsonawski (Kittson SWCD), and landowner Brian Dahl. Linda Ponting (BWSR) and Hannah Passolt (HEI Engineering) participated online via MS Teams.

The meeting was called to order by President Sikorski. Sikorski then called for any additions or corrections to the proposed meeting agenda and the minutes from the last meeting. Today's meeting agenda and the minutes from November 2, 2023 were approved upon a **motion** by Olsonawski, **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 10001 through 10031 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.

It was noted that a certificate of deposit in the amount of \$437,500 at United Valley Bank will be maturing on 12/13/23. Another cd will mature in February 2024. The Board directed and authorized Treasurer Olsonawski and Administrator Money to develop an investment strategy and invest watershed district funds into one or more certificate(s) of deposit.

The treasurer's report was then approved upon a **motion** by B. Anderson, a **second** by Klegstad, 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 Meeting: The Annual Meeting for 2024 was scheduled for Tuesday, January 4, 2024 in the District office.

Personnel Committee: The Personnel Committee met on November 27, 2023 to discuss employee performance, potential wage increases, and the potential to add an additional staff

person as an Administrative Assistant. The committee recommended a 6% wage increase for both current employees for 2024. Upon a **motion** by Klein, **second** by Langehaug and **unanimous vote**, the recommendation of a 6% pay increase was approved.

- Discussion was held regarding workloads, specific tasks and duties, and potential to add a staff person. The position would be part time, 20 hours per week. Wages, qualifications, job duties, and responsibilities were discussed. Upon a **motion** by Olsonawski, **second** by Langehaug and **unanimous vote**, the District Administrator was directed to advertise for the part time position at \$18-\$25 per hour based upon knowledge-skills-ability and no benefits other than required by law (social security, medicare, public employees retirement, sick & safe time, etc.). The position will be advertised until filled.
- The District's employment policy was reviewed with regard to the change in MN laws regarding sick and safe time. A fact sheet from the MN Department of Labor was reviewed describing changes to the law. These changes go into effect on January 1, 2024. Upon a **motion** by B. Anderson, **second** by Klegstad and **unanimous vote** the mandatory laws changes were accepted and the District's employment policy was amended to include the changes. The Administrator was directed to work with legal counsel to make the changes.

Roseau River WD: Roseau River Watershed District has inquired about a joint board meeting between the two districts to exchange information and share ideas. The managers indicated this would be a good idea and Money was directed to coordinate with RRWD to set up a meeting sometime in January or February.

Erosion Control Cost Share: Another application for a grade stabilization project located in section 13 of Svea Township was received. The landowner is Ziegler Trust, and the estimated cost of the project is \$17,066. Kittson SWCD will pay 75%, TRWD/RRWMB 12.5%, and the landowner 12.5%. Upon a **motion** Olsonawski, **second** by Klein, and **unanimous vote** of the Managers, the cost share agreement was approved and the Administrator was authorized to sign all documents on behalf of the TRWD.

Legal Ditch Report:

- *Roseau CD 4 Redetermination of Benefits:* The District previously authorized a redetermination of benefits for this ditch through MN Statute 103E, and Viewers were hired according to ditch law. They have completed their work and a Viewer's Report has been submitted. The District will now need to prepare a Property Owners Report, schedule a ditch hearing, and send out the proper notices for the hearing. The Administrator was directed to prepare the property owners report and the matter was tabled until the January 2024 meeting.
- *Kittson CD 7 Improvement:* A petition for this project was received, an engineer was appointed and viewers were hired. The project is awaiting the viewer's report and once that is received a final hearing will be held. If the project moves forward to construction, funding will need to be addressed for the \$1 million cost estimate. Ditch law describes how large ditch construction projects can be funded. One way is that a county can issue bonds. After discussion the Managers tabled the matter to be discussed further at future board meetings.
- *Kittson CD 10 request for outlet:* The City of Karlstad has requested permanent permission to be able to outlet floodwaters into KCD #10 from an area in the City that currently does not pay benefits to the ditch. Temporary permission was previously granted for a 3 year period which expires at the end of 2023. A public hearing is required

and the Board of Managers set this hearing to be held at 9:00 a.m. on Thursday January 4, 2024. The Administrator was directed to provide notice of the meeting as required by law.

- Kittson CD 13 Improvement: A petition and bond has been received and Houston Engineering was appointed as the project engineer. The next steps are to receive the preliminary engineer's report and then to hold a public hearing. T. Nordby of Houtston Engineering stated the engineer's report is in the works and should be ready to present to the board in February 2024.

Project Report:

- ❖ North Branch / SD 84: Engineer Nordby discussed the project, timeline and process for the repair of this project. The estimate is \$143,000 and the TRWD is required to solicit at least 2 quotes from contractors. Nordby suggested the District send out notice to contractors for quotes in January and review quotes received in January with a construction deadline by August/September 2024. Upon a **motion** by Klegstad, **second** by Klein and **unanimous vote** of the Managers it was decided to advertise in January and award a contract at the February 2024 Board meeting. The Engineer and Administrator were directed to advertise the project.
- ❖ Horseshoe Lake: Engineer J. Huwe discussed the project plans, estimate and timeline. The construction phase is estimated at \$177,000, and therefore formal bids must be solicited. Huwe indicated that plans will be completed in the next 1-2 months, and the bid process could be completed in March. Huwe informed the board that the previous engineer's contract did not include a task for preparing bidding documents and letting bids. He noted this additional cost would be approximately \$10,000. Upon a **motion** by Klein, **second** by B. Anderson and **unanimous vote** of the Managers, authorization was made to approve up to the \$10,000 to HDR Engineering to complete the plans and bid documents and to let bids. Huwe and Money were directed to advertise as required by law.
 - Administrator Money discussed the funding of the project. The total estimate is \$212,000 for construction, engineering, and administration. To date FEMA has approved \$82,000 and DNR has approved \$50,000 leaving a shortfall of \$80,000. Money will apply to FEMA for a cost increase. Other funding sources include project funds administered by TRWD and also grant funding available from the Red River Watershed Management Board.
- ❖ *Klondike Clean Water Retention Prj. #11:*
 - Permitting:
 - Wetland Conservation Act: Jeremy Benson and Kevin Olsonawski from Kittson SWCD were in attendance and Linda Ponting from BWSR attended electronically to discuss the recent "Notice of Decision" that was delivered to the TRWD. Mark Aanenson of Houston Engineering presented information and a timeline of the application and decisions. It was noted that the TRWD submitted an application on 6/6/23, was informed the application was complete on 6/13/23, and was informed on 11/1/23 that the application was denied. According to WCA rule, a decision must be made within 60 days of a complete application. Since the 60 days were not met, the TRWD asserts that its application is approved by rule and has appealed the decision to BWSR.

Discussion was held and Ponting agreed that the TRWD is approved by rule because the KSWCD did not follow the 60 day time frame. TRWD will continue to work with BWSR/KSWCD on the mitigation site. KSWCD apologized for the confusion, and will issue a new "Notice of Decision" that the application is

approved. Upon a **motion** by Klein, **second** by Langehaug and **unanimous vote**, it was decided to stay the appeal and authorize correspondence from the TRWD to KSWCD and RSWCD indicating the approval by rule and asking for a response from them regarding a new notice of decision.

- DNR Protected Waters: Aanenson noted that this permit application has been submitted and we are awaiting response from DNR.
- USACE / CWA sect. 404: This application is progressing through the process. The TRWD received notification from the MN Pollution Control Agency that the 401 water quality certification is approved. The next steps are to work with the US Army Corps of Engineers on the final permit acceptance.
- Roads: Roseau County, acting as the road authority for Juneberry Township, still has not scheduled a hearing on the TRWD's petition to alter and abandon portions of the township roads. Jeff Hane will research if there is a timeline by when they must act. Money will continue to seek a hearing from Roseau County.
- Ditches: The TRWD's petition to the Joint Ditch Authority of SD 72 and SD 95 is still pending. The JDA consulting engineer has completed and submitted his report regarding the project and petition, and we are awaiting the Joint Ditch Authority to schedule the required public hearing. Money will continue to seek a hearing from the Joint Ditch Authority.
- **Engineering:**
 - Huwe indicated construction plans and specifications for phase 1 will be ready for bidding in April 2024. Once these are complete he will make application to the DNR for the required dam safety permit. Huwe will revise the project star value and a step 3 funding proposal will be submitted to the Red River Watershed Management Board once all permits have been secured. The project should be ready to be bid by mid to late 2024, pending permits and project funding.
- **Right of Way:** As directed by the Board, an appraiser was hired to do appraisals on the parcels where landowners have not yet agreed to right of way easements. The appraisals will be completed by the end of the year and will be discussed at the January 2024 board meeting. Signed right of way agreements are being updated and payments will be ready to be made to landowners once new signatures are secured regarding the updated information.
- **Land Exchange:** The land exchange between the TRWD and the DNR continues to be a back and forth exchange of information. Money has been working with DNR representatives in St. Paul.
- **Funding**
 - Once permits have been secured the TRWD can approach the RRWMB for step 3 funding. A revised star value and project funding plan will need to be presented.
 - Phase 1 estimate is \$13+ Million. Funding secured so far is \$6.5 Million. A minimum \$6.5 Million match will be sought through the Flood Hazard Mitigation Grant program in the upcoming legislative session. Total project funding would require an approximately \$16.5 Million match from the state.

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.

<u>Op. #</u>	<u>Applicant</u>	<u>Location</u>	<u>Purpose</u>	<u>Action</u>
2023-34	North Red River Twp - Awaiting supplemental information from applicant	N. Red River Twp	breach/lower/remove dike	Tabled
2023-53	Roland Larter - Motion Olsonawski, second Klegstad & unanimous vote - Condition: comply with WCA requirement of 24" cmp at elevation 984.5	Mckinly 28-29	ditch bank repair / 30"	Approved
2022-54	Oakdale Farm/Jensen - Motion Klegstad, second B. Anderson & unanimous vote - Conditions: 1. No discharges when downstream flooding is occurring 2. No structures allowed in any rights of way 3. Erosion control at tile outlet required.	Springbrook 33	Tile	Approved
3022-55	Bruce Anderson - Motion Klegstad, second Olsonawski & unanimous vote; B. Anderson abstained	Hereim 29	install gate on existing 18" cmp	Approved
2022-56	Greg Mlodzik - Application is to alter a township road, so the road authority needs to be contacted to be a part of the plans and specifications and approval process.	Juneberry 33	Texas Crossing	Tabled

Permit #1938: This permit was granted to Brian Dahl for installation of a tile system. It was granted on a 3 year trial basis, and expired in October 2023. Mr. Dahl was in attendance and is asking the permit be made permanent. Technician Coffield noted that downstream affected landowners have been contacted and no comments have been received against with one favorable comment received. Discussion was held by the Board of Managers, and upon a **motion** by Klegstad, **second** by Langehaug and **unanimous vote** the permit was permanently approved. Manager Klein **abstained** from voting.

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

Attest:



 Daryl Klegstad, Secretary



 Rick Sikorski, President

