

**Minutes of the Regular Meeting of the Board of Managers  
Of the Two Rivers Watershed District  
Held: Thursday, November 7, 2024 @ 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, November 7, 2024. 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, Vice President Roger Anderson, Secretary Daryl Klegstad, Treasurer Gerald Olsonawski, Bruce Anderson, Scott Klein and Mark Langehaug. None were 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), Scott Nelson, Blake Nelson, Blaine Nelson, Jeremy Benson (Kittson SWCD), Leon Olson (Kittson Co. Commissioner) and Carter Novacek.

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 as mailed out. The regular meeting minutes from October 3, 2024, were reviewed and approved with no corrections upon a **motion** by Klegstad, **second** by Olsonawski 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 10265 through 10293 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 Langehaug, a **second** by B. 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:**

*Personnel Committee:* The annual staff performance and salary review will need to be completed before the December meeting. The Personnel Committee, consisting of Sikorski, Olsonawski, and Klegstad will need to meet with staff. Manager Klegstad noted he would be unavailable and Manager Langehaug was appointed to replace him for the remainder of the year on the Committee. Money was directed to schedule the meeting within the next few weeks.

*Red River Watershed Management Board:* A few items from the recent RRWMB meeting were mentioned. The MN DNR is proposing a change to statute

regarding maintenance of culverts on protected watercourses. The change could have significant impacts to road authorities and landowners. 2025 legislative initiatives were also discussed and these issues will be monitored as the session begins.

*MN Watersheds:* The annual meeting will be held December 3-6 in Nisswa, MN. Manager Anderson, Administrator Money, and Technician Coffield were authorized to attend. Other Board members are encouraged to attend and if interested contact Money to get registered. It was noted that the District office will be closed during this time to allow staff to attend the conference.

*Website:* Money reported on some updates to the website. An annual "SSL" subscription was added in order for security reasons while accessing our website. Money discussed other possible additional features, such as a search tool, which would cost around \$20/month. The Board authorized the security feature but did not authorize the search feature.

*SWCD Cost Share:* An invoice for \$13,455.87 was received from the Two Rivers Plus Joint Powers Board. This is the TRWD's share of two previously authorized erosion control structures located in South Red River Township, Kittson County. Under the program the TRWD and landowner each pay 12.5% of the cost and the TRPJPB pays 87%. A spreadsheet report showing the 2023 and 2024 projects was handed out, and the Board authorized payment of the invoice.

*Juneberry Project Work Team:* Money reported on recent developments, and handed out meeting notes. Manager Sikorski discussed the Rosea River channel restoration, a project of the Roseau River Watershed District. He and area landowners have expressed their concerns about how that project could affect the flows that cross over into the TRWD from the RRWD. The Board directed Money to contact engineer Erik Jones of Houston Engineering to present information on the project. The Board also noted it may be a good idea to schedule a meeting between the two WD's sometime this winter.

*Rental Property Issue:* Money reported on rental property the District owns in sections 27 and 35 of Klondike Township, Kittson County. The prior rental agreement expired at the end of 2023, and the Board had allowed the renter until mid 2024 to remove his fencing. Upon inspection, the renter had removed some of the posts, left other posts, and left most of the electric wire on site. This poses a safety risk along with other issues. Several emails since June of 2024 and a recent phone conversation were held with the renter, however he does not seem willing to remove the remainder of the fence material he left behind. The Board directed attorney Hane to contact the renter and direct him to finish removal of fencing and cleanup of the premises, with a final deadline of November 30, 2024.

### **Project Report:**

#### *Skull Lake / Horseshoe Lake Dam Replacement:*

- Discussion was held on the need to advertise for bids for the replacement of the damages outlet structure. Significant construction cost increases have occurred as indicated by recent bids received for this and other projects. It was noted the updated Engineer's estimate is now

\$472,250. The project has received dedicated funding of \$302,600 from DNR and from FEMA. Upon a motion by Langehaug, second by Klegstad and unanimous vote of the Managers, it was decided to apply to the RRWMB for project funding and set a bid opening for February 5<sup>th</sup>, 2025 at 3:00 pm in the TRWD office. Jake Huwe was directed to prepare the bid package and advertise for bids.

*Klondike Clean Water Retention Prj. #11:*

- **Right of Way - C. Novacek / KCWRP:**
  - Mr. Novacek was in attendance to discuss the offer that the TRWD has made to him regarding the purchase of a right of way easement along the diked inlet of the Klondike Clean Water Retention Project. Novacek asked about future land use within the easement area as he is interested in beekeeping and pollinator habitat. Discussion was held regarding acceptable vegetation within the diked inlet, and Engineer Huwe indicated it could be compatible to have pollinator friendly vegetation. Novacek indicated conversation he has had with the University of MN and that he could potentially provide the seed for his easement area. The Board of Managers agreed that a pollinator mix would be acceptable and Novacek agreed to the easement offer of \$76,100. The seed mix and details of the pollinator habitat will be determined at a later date. Novacek will sign and return the documentation.
  - Two private parcels are yet to be obtained, with one willing landowner and one opposed. J. Hane will contact the willing landowner and work toward an easement agreement. Regarding the other landowner, the Board has previously authorized eminent domain proceeding. Upon a **motion** by Klein, **second** the Olsonawski and **unanimous vote** of the Board, authorization was approved to spend \$8,000 for updated appraisals on the property.
  - Land Exchange – communication from DNR has been received regarding several items needing to be addressed. One issue has to do with a permanent easement the TRWD holds on section 10. It was noted that the easement was obtained several years ago when the TRWD was planning to include section 10. Since the area is not any longer being considered to be included in the impoundment, the easement is not needed. Upon a **motion** by Olsonawski, **second** by Klegstad and **unanimous vote**, the Board approved the release and voiding of the easement the TRWD holds in Section 10 of Klondike Township, Kittson County MN. Jeff Hane was directed to perform the necessary tasks and paperwork to finalize the transaction with the Kittson County Recorder.
- **Permitting –**
  - **Mark Aanenson** of Houston Engineering phoned into the meeting to provide an update regarding the US Army Corps of Engineers wetland permit. He noted the USCOE has indicated the permit is 98% processed. HEI will be submitting a final

completed mitigation plan with updated information. In short, the TRWD will need to restore 156 acres of wetland to mitigate the wetland impacts from construction. The idea is to plug existing ditches, seed native species, eradicate undesirable cattail and reed canary grass, and monitor the site for progress. Final documents will be submitted by the end of the month.

- **Roads** – J. Hane indicated a permit is still needed from Soler Township to alter a portion of their township road. Hane will draft the necessary petition and file it with the township.
- **Funding**
  - Money and Huwe presented updated information regarding project costs and cost share. The TRWD will need to submit a revised step 2 application with the Red River Watershed Management Board. The last version of step 2 was approved by the RRWMB in 2017 and significant increases in construction and planning costs have happened since then. The new cost estimate is \$42.1 million. Upon a **motion** by R. Anderson, **second** by B. Anderson and **unanimous vote** of the Board, Huwe and Money were directed to submit a revised step 2 application to the RRWMB. Although the project has been broken into 3 phases, it was the opinion of the Board that full funding should be asked for. Current cost share percentages are 50% state/DNR, 33% RRWMB, and 17% local/other.

**S. Nelson / Permit issue:** Scott Nelson, Blake Nelson and Blaine Nelson were in attendance to discuss a permit violation. The TRWD had received a complaint of ditching in section 32 (fraction) of McKinley Township, Kittson County. District staff investigated and found part of the activity was maintenance, however part was determined to be an improvement of an existing ditch without a permit. A letter was sent to Nelson's requiring partial restoration of the improved ditch.

Part of the issue is that TRWD determined the improved area is not in the benefitted area of SD 84, however the work will cause water from the area to reach SD84. TRWD staff researched records, used Lidar, and applied District guidelines and criteria to determine if the work was maintenance or improvement.

Nelson's noted they used their own model to determine that the water will go to Canada and not to SD 84. TRWD had not received this information, and requested that Nelson's provide their model results. Nelson's indicated they are frustrated that they believed they were working in good faith since they have met with the District on several occasions.

The Board of Managers discussed the various details. It seems the work that was done could be permitted if all other permits are obtained (wetlands) and if the area is added to the benefit area of SD 84. The Board of Managers determined the work constituted an improvement of an existing ditch and made the following findings of fact:

- Ditch side slopes were widened and flattened beyond the original construction
- The depth of the ditch was increased by at least one foot
- The bottom of the ditch was widened
- All vegetation was removed and soil containing virgin subsoil was removed from the ditch bottom
- Pre and post survey data collected by TRWD confirms the ditch was improved and therefore requires a permit.

Upon a **motion** by Klein, **second** by Klegstad, and **approved by a 5-1 vote** with Langehaug **abstaining**, it was determined an improvement was done without a permit, and therefore a 1' high by 25' long ditch plug must immediately be installed in the eastern portion of the ditch. If the area is added to the SD 84 benefitted area, a new permit application could be submitted for review.

**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>App. #</u>	<u>Applicant</u>	<u>Location</u>	<u>Purpose</u>	<u>Action</u>
2024-26	John Grandstrand	Augsburg 2	Ditching	Approved
<b>Motion</b> Klegstad, <b>second</b> Klein – <b>approved</b>				
Condition: Must be approved by the owner of the lands where the work is being done.				
2024-42	Scott Nelson	Hampden 20/21	Erosion Control	Approved
Approved by Permit Review Group				
2024-44	M. Denault	Skane 24	crossing with 24" cmp	Approved
Approved by Permit Review Group				
2024-45	S. Red River Twp	S. Red River 14	replace 30" & 24" w/ 49" x 33" cmpa	Approved
Approved by Permit Review Group				
2024-46	S. Schriml	Dewey 26	crossing & culverts	Approved
Approved by Permit Review Group				
2024-47	Brian Waage	Barnett 16	ditching-culverts	Approved
<b>Motion</b> Klegstad, <b>second</b> Olsonawski – <b>approved</b>				
Conditions: 1) After the Fact – fee must be paid; 2) The 30" cmp that was installed in a field crossing must be removed and replaced with an 18' cmp; 3) Houston Engineering will provide a grade and cross section for the N-S ditch located along the east side of the township road, which must be adhered to. A side water inlet with an 18" cmp and trap must be installed into State Ditch #91				
2024-48	Ned Webster	Richardville 15	Field crossing/24"	Approved
Approved by Permit Review Group				
2024-49	Mark Melby	Dewey 26	remove field crossing	Approved
<b>Motion</b> R. Anderson, <b>second</b> B. Anderson – <b>approved</b> and after the fact fee is <b>waived</b>				
2024-50	Kittson Co. Hwy Dept.	McKinley 20	remove 24" install 18"	Approved
Approved by Permit Review Group				
2024-51	Deere Farms	Hampden 24	tile drainage	Approved
<b>Motion</b> B. Anderson, <b>second</b> Langehaug - <b>approved</b>				

With no other matters to come before the Board of Managers, the meeting was adjourned at 1:50 pm.

Attest:

  
 Daryl Klegstad, Secretary

  
 Rick Sikorski, President

