

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: Thursday, August 1, 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, August 1, 2024. 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, Bruce Anderson, and Scott Klein. Treasurer Gerald Olsonawski and Mark Langehaug 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), State Representative John Burkel, Kittson Co. Administrator Aimee Sugden, Kittson Co. Commissioner Loren Younggren, Arlen Nordine, and RRWMB Executive Director Rob Sip.

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 upon a **motion** by R. Anderson, **second** by Klegstad and **unanimous vote** of the Managers. The regular meeting minutes from June 27, 2024, were reviewed and approved upon a **motion** by B. Anderson, **second** by Klegstad 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 10182 through 10214 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 at United Valley Bank in Hallock MN will mature on August 14, 2024. The Board authorized Treasurer Olsonawski and Administrator Money to consider investment options at that time and reinvest as they deem appropriate.

Contractor Payments: A current contract with Ralph Twamley Construction for installation of rock rip rap grade stabilization structures on the North Branch – State Ditch #84 project was discussed. Pay estimate #1 in the amount of \$90,454.25 was presented by Engineer Tony Nordby. Upon a **motion** by Klegstad, **second** by R. Anderson and **unanimous vote**, the payment was approved.

A contract with Anderson Brothers Construction for installation of rock rip rap grade stabilization structures on the North Branch – JD 31 project was discussed. Pay estimate #1 in the amount of \$26,888.33 was presented by Engineer Tony Nordby. Upon a **motion** by Klegstad, **second** by B. Anderson and **unanimous vote** the payment was approved.

The treasurer's report was then approved upon a **motion** by B. Anderson, a **second** by Klegstad, and a **unanimous vote** by the Board.

RRWMB Report: Red River Watershed Management Board Executive Director Rob Sip presented information to the Board of Managers. Discussion was held regarding the RRWMB 2025 budget and tax levy (which was approved at 75% of the maximum), legislative funding and strategies for completing flood damage reduction projects, and other items including the recent Lidar update, the Drainage Work Group, and water quality programs and information.

Legislature: Representative Burkel was at the meeting and he discussed various legislative topics and initiatives:

- Flood Control Projects: These are traditionally 50% funded through the bonding bill and the DNR's Flood Hazard Mitigation Grant Program. However, this has only been funded in 2 of the last 6 years and is trending downward. Burkel indicated he would continue to support a bonding bill for flood control and also to investigate and propose other possible funding solutions using existing or new programs.
- Lake Bronson State Park: The Lake Bronson Cabin Owners Association has brought up the sediment issue in the lake and the TRWD has formed a project team with state and local agencies and citizens. Some hesitancy has been encountered from the DNR, and Burkel has made contacts to inquire with DNR. TRWD is working on a report to help decide if a sediment removal project is feasible.
- General discussion on legislative initiatives and the process. The Board thanked Rep. Burkel for attending and listening to water management issues.

Administrator's Report:

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

Program Report:

Farm/Recreation Lease Agreements: A few farm lease agreements will be expiring at the end of 2024 and current renters are starting to inquire about extending their lease. The Board of Managers discussed terms of lease agreements, including length of time and rental prices. Upon a **motion** by Sikorski, **second** by B. Anderson and **unanimous vote**, the Board set rental prices at a minimum of \$45/acre for cropland and \$25/acre for hayland. The Board indicated that 3 year rental agreements are preferred. Money will negotiate new contracts with renters.

Greenwood Cemetery: Following up to last month's board meeting, Tony Nordby and Money discussed quotes that have been received for geotechnical analysis of the river bank sloughing happening at Greenwood Cemetery in Hallock which is affecting graves. Three quotes were received ranging from \$30,000 to over \$53,000. It was noted that other funding partners should be involved. Upon a **motion** by Klein, **second** by Klegstad **and approved** it was decided to contribute \$5,000 toward the study and request Greenwood Cemetery to approach other funding partners to coordinate the project.

Budget Hearing: The annual budget hearing is required by law. Ditch and tax levies must be certified to the county auditors by September 15th of each year. The Board of Managers scheduled the budget hearing for Thursday, September 5, 2024 at 8:00 a.m. in the District office. The Treasurer and Administrator were directed to finalize the proposed 2025 budget and advertise the hearing as required by law.

Buffer Law Enforcement: It was reported at last month's meeting there were 2 parcels along JD #10 B that were not in compliance with the buffer law, and hearings had been scheduled with the landowners for today. Both landowners have contacted the TRWD and the Marshall SWCD and indicated they will come into compliance. Therefore today's hearings are not needed.

Employee Insurance Benefit: An insurance benefit amount is set annually by the Board of Managers. Employees can either choose a cash payout of this or for the TRWD to pay this toward a health plan, health savings account or other plan, or a combination of these. It was noted that Technician Coffield will take the cash option and Administrator Money will take the health plan option.

MN Watersheds: MN Watersheds is currently accepting resolutions from its members. The deadline to submit is September 1, 2024 and therefore if any Board members have ideas for resolutions, they should submit these to District staff as soon as possible.

Legal Ditch Report: Annual ditch inspections are in progress to document any problems with cattails, brush, beaver activity, erosion or other problems.

- North Branch Project – Erosion control projects on both the SD 84 and JD 31 laterals are finishing up. Rock rip rap grade stabilization structures were installed on both.
- KCD 7 – TRWD is waiting on both the final engineer's report and the viewer's report and both are expected to be finished toward the end of summer or beginning of fall. Once those are received a public hearing can be scheduled.
- KCD 21 – seeding of buffers and bare areas on the side slopes of the ditch is being completed.

Project Report:

Klondike Clean Water Retention Prj. #11:

- Engineering – Engineer Huwe discussed the project phases, the tasks that he has been working on, and requested revisions to 'Task Order #4' and authorization of an additional \$169,918. He noted additional work that is required to obtain right of way, permits, and provide engineering drawings for the RRWMB step 3 process, changing project designs, and final plans. This change in the task order will provide engineering services through final project design and bidding through phase 1. It does not include construction staking, inspection or approvals. Upon a **motion** by R. Anderson, **second** by Klegstad and **unanimous vote**, task order #4 revision was approved in the additional amount of \$169,918.
- Right of Way –
 - Attorney Hane discussed the ongoing discussions with three landowners who have not yet accepted right of way offers from the District. The

process of eminent domain was reviewed. The board directed Hane, Money and Huwe to schedule and hold one more meeting with these landowners, determine if they will accept or reject the District's offer (or propose a counter offer), and report back at the next Board meeting on the status.

- Right of way is also being requested from the DNR on several of their parcels. Money and Huwe have been working with DNR on information that they have requested. DNR is currently reviewing the District's application.
- DNR Land Exchange is currently awaiting for the TRWD to obtain sufficient title insurance. This is being worked on and will be provided to the DNR.
- Permitting – The TRWD has obtained 14 of the 18 required permits. The US Army Corps of Engineers continues to review the federal wetland permit, and HDR Engineering is working with the MN DNR regarding the dam safety permit.

Permits:

Tile Drainage: Discussion was held regarding recent tile drainage and issues with tile outlets, downstream effects from discharging, and what is an adequate outlet. Issues do not seem to be a problem when tile outlets directly into a legal ditch, a river or creek, or an established and maintained watercourse. However, discharges into private ditches or unnamed watercourses with multiple landowners involved seem to cause issues. This discussion has come up in other watershed districts. Attorney Jeff Hane handed out and described a list of 'tile reasonable use factors' that could be used help with decisions regarding tile. The board deliberated the matter, and upon a **motion** by Klein, **second** by R. Anderson and **unanimous vote** the factors, listed below, were approved. These will be applied by the permit review group and the Board of Managers for all tile permit applications in the future.

TILE REASONABLE USE FACTORS

1. If there is reasonable necessity for such drainage;
2. If reasonable care is taken to avoid unnecessary injury to the land receiving the burden;
3. If the utility or benefit accruing to the land drained reasonably outweighs the gravity of the harm resulting to the land receiving the burden;
4. If, where practicable, it is accomplished by reasonably improving and aiding the normal and natural system of drainage to its reasonable carrying capacity, or if, in the absence of a practicable natural drain, a reasonable and feasible artificial drainage system is adopted.
5. Any other factors which, in the Board's judgement, are relevant to a determination of reasonable use.
 - a. What is the capacity of the proposed outlet in the impacted area. Outlets must have sufficient capacity.
 - b. Is the proposed outlet ditch public, natural, natural improved, or artificial. Public or natural outlets are preferred over private artificial.

c. Do the effected landowners object and is their objection reasonable. Affected downstream landowners are entitled to reasonable due process.

d. If a downstream issue has been raised, how far is that issue from the proposed outlet. Remote issues carry less weight than immediate issues.

e. What is the need for maintenance of the proposed outlet ditch and can the outlet ditch be reasonably maintained. Ease of maintenance is always preferred.

f. If the proposed outlet is not public, has it been farmed through historically. Maintaining past farming practices is preferred.

g. What ability will there be to access and idle pumps or shut off gravity tile. Tile should be installed, operated and maintained in a manner that does not contribute to downstream flooding.

h. Are there any available reasonable alternatives. Increased cost does not necessarily make an alternative unreasonable.

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>
2024-26	John Grandstrand	Augsburg 2	Ditching	Tabled
2024-28	Hallock Township	Hallock 8	Riverbank Stabilization	Tabled
2024-29	Klein Farms	Thompson 7	Grade Ditch; Lower culvert 1'	Approved
	Motion R. Anderson, second Klegstad - approved 4-0 with Klein abstaining			
2024-30	Waage Farms	Barnett 20	Tile Drainage	Tabled
2024-32	Justin Osowski	Thompson 5	Add 24" to in place 30"	Approved
	Motion Klein, Second Klegstad - unanimous			
2024-35	Carl Gaukerud	Stokes 3	New field crossing	Tabled
2024-36	Joey Shaw	Stokes 11	New field crossing w/18" cmp	Tabled
2024-37	Devan Efta	Soler 27	Surface Drainage - lower culvert	Tabled
2024-38	Devan Efta	Soler 27/28	Surface Drainage - lower culvert	Tabled
2024-39	Bruce Goldstrand	Cannon 22	Surface Drainage - spoil bank	Tabled
2024-40	Brian Hanson	Richardville 25	Crossing w/ 18" cmp	Tabled

Permit Amendments - Applications have been received to amend permit numbers 1989, 1990 and 1992 that were issued to DJB Farms in 2022. These permits were for tile drainage systems with gravity outlets. The request for amendment is to change the gravity outlet to a pumped outlet. Pump sizes and locations have been submitted to the TRWD for review.

Upon a **motion** Klein, **second** B. Anderson and **unanimous vote**, the amendments to allow tile gravity outlets to be changed to pumped outlets for each of these permits were approved.

Conditions: erosion control must be installed at the pump outlet discharge location; all original conditions of the permit remain in force.

The following permits were previously approved either by District staff or the Permit Work Group and according to guidelines within the District's Rules. They are listed here for informational purposes.

2024-08	Brian Jensen	N. Red River 11	Tile Drainage	Approved
2024-27	Cody Kraska	Hazelton 3	Crossing w/18" cmp	Approved
2024-33	Payton Waage	Hereim 27	Driveway w/18" cmp	Approved
2024-34	Mark Melby	Deer 8	Field Crossing w/ 24"cmp	Approved

Condition: must be an 18" instead of 24" to comply with culvert sizing policy.

Permit Violations – T. Coffield reported on the recent runoff events occurring around July 4th. Many tile pumps were operating when downstream flooding was occurring and Coffield notified all permit holders to shut off their pumps. Two violations were noted and the permit holders will be sent letters informing them of the violation of their tile agreement.

With no other matters to come before the Board of Managers, the meeting was adjourned at 12:41 p.m.

Attest:



Daryl Klegstad, Secretary



Rick Sikorski, President