

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: Thursday, January 4, 2024 @ 9:30 a.m.**

The Board of Managers of the Two Rivers Watershed District held their regular meeting beginning at 9:30 a.m. on Thursday, January 4, 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, 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), Engineer Jake Huwe (HDR Engineering), Engineer Tony Nordby (HEI Engineering), and Barto Township officials Brad Blawat and Larry Kern.

The meeting was called to order by President Sikorski. Sikorski then called for any additions or corrections to the proposed meeting agenda and any correction to the minutes from the December 7, 2023 regular board meeting. Today's agenda and the meeting December 7, 2023 minutes were then approved upon a **motion** by R. Anderson, **second** by Klein 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 10035 through 10054 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.

Money and Treasurer Olsonawski reported that one certificate of deposit at United Valley Bank reached maturity and was reinvested for 7 months at 5.1%. A new certificate was started for a 6 month term at American Federal Bank with an interest rate of 5.2%.

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

Barto Township / Permit App 2023-38

Brad Blawat and Larry Kern representing Barto Township attended the meeting to discuss permit application 2023-38, which had previously been denied by the Board of Managers. The time period for appeal has expired, however the Township is considering re-applying and would like to discuss the issues and options available. The township is concerned with an area where their road overtops and would like to alleviate this problem. Issues were discussed with downstream lands and varying opinions, therefore care must be taken not to move a problem from one area into another. After considerable discussion, Engineer Nordby and Technician Coffield will review an option for a center line culvert and then get back to the township with a design option and any conditions regarding size and elevation.

Administrator's Report:

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

Program Report:

Administrative Assistant: The new staff position has been advertised in local papers, and will be placed on the District's website. There have been no applicants yet. It was noted

that a computer and a work station desk will be needed. Money was directed to do some research, get some quotes and present them to the Board at the February meeting.

Employment Policy: Because of some law changes that began on January 1st and along with the new staff position, a few changes are necessary to the employment policy. Money and attorney Hane discussed these with the Board. Upon a **motion** by Klegstad, **second** by Olsonawski and **unanimous vote** the proposed changes were adopted and the Administrator was directed to incorporate them into the employment policy.

Special Meeting: Money referred to numerous items regarding the Klondike Clean Water Retention Project that need to be discussed and some acted on by the Board. Discussion will need to be held which will take more time than we typically have on a regular meeting agenda. The Board scheduled a special meeting to discuss the Klondike Clean Water Retention Project beginning at 2:00 p.m. on Tuesday January 23 in the District office.

Farm Lease Agreements: There are 2 leases at the Ross Project and 1 at the Klondike Clean Water Retention Project that expired on January 31, 2023. These will need to either be renewed with the current renter or a new renter will need to be found. The Board discussed these as follows:

- Ross #7 – one renter is interested in renewing and the other has not yet been contacted. Rental rates were discussed, and several different rates are used on several parcels. It was noted that rates have not been changed in many years. Upon a **motion** by Klein, **second** by Klegstad and **unanimous vote** with B. Anderson abstaining, the Board decided to raise the rate on all parcels that are currently paying \$35/acre to \$40/acre and keep all other parcels at their current rate. Three year agreements were authorized. Money will contact the current renters to see if they are interested.
- Klondike Clean Water Retention Project – The expiring lease was at \$5 per acre on 709 acres over a 7 year term on pasture land. Discussion was held regarding assessed values and land taxes have been raised over that time quite significantly. Upon a **motion** by Klein, **second** by Klegstad and **unanimous vote** it was decided to raise the rental rate to \$15 per acre and offer it to the current renter first. If the renter does not want it the parcels will be advertised.

Watershed Management Plan: Discussion was held regarding the update of the TRWD's watershed management plan. A map of the District was handed out showing several subwatersheds. Building upon the last plan, issues for each subwatershed will be updated and then goals and action items will be identified and put into the plan. It was noted that over the winter a meeting with the Citizen's and Technical Advisory Committees should be held to get further input.

District vehicle tires: Technician Coffield mentioned the District's pickup is in need of new tires. He has inquired with three local tire dealers, and provided quotes. The Board considered the quotes and after discussion a motion was made by Olsonawski, seconded by Klein and unanimously approved to purchase tires from Bernstrom Oil at a cost of \$319 per tire.

RRWMB: Money provided an update from the Red River Watershed Management Board. A new Lidar mapping initiative was flown and will be made available to the public by the end of January. This elevation data is an update from the last time it was collected in 2008-2009 and will be a vast improvement in the information provided. The RRWMB is also

gearing up for the next legislative session and has invited legislators in the Red River Valley to an open house on January 16th.

Legal Ditch Report:

- *North Branch / SD 84:* Severe bank sloughing and downcutting of the channel has occurred over the last several years as a result of high water and disaster declarations from 2019, 2022 and 2023. Houston Engineering has prepared a repair plan to slope, shape, and install rock rip rap grade stabilization with an estimated construction cost of \$143,000. T. Nordby discussed the process to solicit contractor quotes and suggested these be advertised as soon as possible with a deadline to submit quotes of January 31, 2024. Quotes would then be summarized and presented to the Board at their February 1, 2024 meeting to possibly award a contract. Money noted that funding sources for this project are being sought from FEMA/MN HSEM, the RRWMB, and a local match from the project fund.
- *Roseau County Ditch #4 Redetermination of Benefits:* The Viewer's Report has been submitted and staff are working on the Property Owner's Report. Attorney Hane noted the requirements to hold a hearing and to mail and post notice of the hearing according to statute. Upon a **motion** by Klein, **second** by B. Anderson and **unanimous vote**, a public hearing was scheduled for 11:00 a.m. on Thursday, February 29, 2024 in the TRWD office. Money was directed to proceed with property owner's report and hearing notices according to MN Statute 103E.
- *Kittson County Ditch #7 Improvement:* The TRWD is awaiting an updated Engineer's Report from B. Carlson of Widseth and also the Viewer's Report. Once those have been received, a public hearing will be scheduled. If after the hearing the Board orders the project, the TRWD will need to procure funding (estimated cost \$1 million). Drainage law allows for watershed districts to ask for bonding from counties. Discussion was held and Money was directed to discuss with Kittson County to coordinate this early in the process.
- *2024 Construction:* As noted at prior meetings, construction projects for 2024 will include:
 - repair of bank sloughing at 1 location on JD 10 branch B (Twamley Const.)
 - repair of side inlet erosion, removal of sediment, and installation of side water inlets on the Kennedy #6 project (Twamley Const.)
 - repair of erosion on North Branch / JD 31 by shaping, sloping and installation of 4 rock drop grade stabilization structures (Anderson Bros. Const.)

Project Report:

- *North Branch / Horseshoe Lake:*
 - Engineer J. Huwe discussed the replacement of the dam, which has been a topic at past meetings. The structure is damaged and decision was made to replace it at an estimated construction cost of approximately \$177,000. Final plans and specifications will be completed within 1 week's time and then a meeting with DNR & the ditch authority will be scheduled. Advertisements for bids could be posted with a bid opening of February 28th. Huwe will prepare a bid packet and provide info to the TRWD 1/12/24.
- *Klondike Clean Water Retention Prj. #11:*
 - Engineering – Huwe presented updated information and fact sheets regarding the proposed lateral 6 and 8 SD 72 inlet structures. These and other 10 fact sheets will be discussed in more detail at the January 23rd special meeting.
 - Funding – Money presented information on funds that have been received or dedicated and funds that still need to be procured. This will be further discussed at the January 23rd special meeting of the board.

Permits:

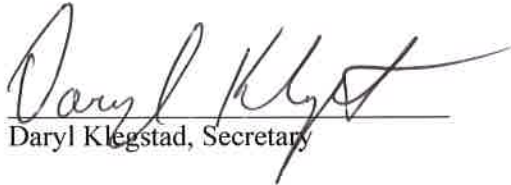
The Board acted on the following permits. The review and comments of the Permit Review Group (PRG) were carefully considered and taken into consideration. Any comments provided by members of the PRG, road authorities, or affected landowners have been recorded and filed with the permit documentation in 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>
2023-34	North Red River Twp - Awaiting requested information regarding operating/maintenance plan	N. Red River Twp	breach/lower/remove dike	Tabled
2022-56	Greg Mlodzik - Awaiting requested information and authorization from road authority	Juneberry 33	Texas Crossing	Tabled

Permit Review Policy: Discussion was held regarding permit applications and the timely submittal of additional information by the applicant when the TRWD determines and asks for it. Many times this information is necessary to properly review the application and make a decision on whether to approve, approve with conditions, or deny the application. There have been a few recent applications where additional information has been requested, but the information is not provided in a timely manner. Staff suggested that applications should not be carried over from year to year, unless there is good reason. After board discussion, a **motion** was made by Klein, **seconded** by Klegstad and **unanimously approved** to adopt policy that if an applicant does not provide sufficient information within 6 months of the request, the application will be denied.

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

Attest:


Daryl Klegstad, Secretary


Rick Sikorski, President

In the Matter of the Petition of the)
City of Karlstad to use Kittson County)
Ditch #10 as a permanent drainage outlet)

**ORDER ALLOWING MUNICIPALITY TO USE DRAINAGE SYSTEM AS OUTLET
AND DETERMINING BENEFITS**

The above-entitled matter came on for final hearing before the Board of Managers on Thursday, January 4, 2024, at 9:00 a.m. at the Two Rivers Watershed District office located in the Kittson County Courthouse in Hallock, Minnesota. The matter was first brought before the Board on January 7, 2021, by a Petition from the City of Karlstad as Petitioner pursuant to Minn. Stat. 103E.411. The affected properties are in the North Half of Section 19, Arveson Township, within the city limits of the City of Karlstad, Minnesota. See the map attached to the original Petition for a more specific location of the property and the proposed route for the requested drainage. After a public hearing, the Board of Managers made findings of fact and order to allow the City to use KCD 10 as an outlet for a 3 year period ending December 31, 2023. The City has recently requested the order be made permanent.

The following documents constituted the written record of the proceedings: 1) Written request from the City of Karlstad, 2) Prior findings of fact and order (1/7/21), 3) Affidavit of Publication of Hearing Notice.

The hearing was brought to order, and after a summary presentation by staff, the following persons offered testimony: Dale Nelson, Mayor of Karlstad was in support of making the permit permanent. No other persons offered any testimony regarding the permit. No members of the Board expressed an opinion opposing a permanent extension of the permit. The staff remained in favor of the proposed permanent extension. The prior opinion of the engineer supporting the permit remained on file.

Following the receipt of testimony, the Board deliberated, and thereafter made the following FINDINGS OF FACT:

1. Proper notice has been given; and
2. After considering the capacity of the outlet drainage system, it appears that there is sufficient downstream capacity to grant the Petition;

3. A necessity exists for the use of the drainage system as an outlet for the municipal drainage system or the overflow from the system;
4. The use of the drainage system will be of public utility and promote the public health;
and
5. The proposed connection conforms to the requirements of the Pollution Control Agency.

Therefore, it is hereby ordered;

1 The Petition request to make the prior 1/7/21 findings of fact and order permanent is granted, and the findings are hereby re-affirmed. The City may use Kittson County Ditch #10 as an outlet for the lands described in the Petition in perpetuity. In the event that waters rise above the home damage trigger elevation (the elevation which causes sewer system backup or basement flooding), which elevation has been set by the Watershed District, the City may pump surface waters without first notifying the District. If the City wishes to pump waters equal or below the home damage trigger elevation, the City must first notify the Watershed District to confirm that no flooding is occurring on the downstream Ditch;

2. The amount to be paid per year by the Petitioner as an outlet fee will be reviewed annually in September of each year. The outlet fee for 2024 will be \$100. The municipality is henceforth liable for all subsequent liens and assessment for the repair and maintenance of the ditch in proportion to the benefits, as though the benefits were determined in the order establishing the drainage system.

3. Pursuant to M.S. 103E.401, subd. 5, the Petitioner is restricted from using Kittson County Ditch #10 as an outlet until any outlet fee set by order is deposited in the Kittson County Ditch #10 fund.

4. THIS ORDER IS LIMITED TO THE DRAINAGE OF THE LANDS DESCRIBED IN THE PETITION AND THE DRAINAGE AREA DETERMINED BY THE DISTRICT ENGINEER.

Dated this 4th day of January, 2024.


Daryl Klegstad, Secretary

Attest:


Rick Sikorski, President