

**Minutes of the Final Hearing of the Board of Managers
of the Two Rivers Watershed District for the Improvement of Kittson
County Ditch #7**

Held: Monday, September 22, 2025 @ 8:00 a.m.

The Board of Managers of the Two Rivers Watershed District held a Final Hearing for the improvement of Kittson County Ditch #7 (KCD7) beginning at 8:00 a.m. on Monday, September 22, 2025. The meeting was held in the Middle Meeting Room of the Kennedy Cafe located at 518 Atlantic Ave, Kennedy, MN.

Managers present included President Rick Sikorski, Vice President Roger Anderson, Secretary Daryl Klegstad, Mark Langehaug, and Bruce Anderson. Treasurer Gerald Olsonawski arrived at 9:00 a.m. Manager Scott Klein was absent.

Others present included District Administrator Dan Money, District Technician Tyler Coffield, Attorney Jeff Hane (Brink Lawyers), Engineers Blake Carlson (Widseth Engineering), Tony Nordby (HEI Engineering), Viewer Robert Wagner, Viewer Mike Baumgartner, Viewer Roger Beiswenger, and members of the public as listed on the attached sign in sheet.

Vice President R Anderson called the meeting to order at 8:05 a.m.

President Sikorski arrived at 8:10 a.m.

Introductions of the Board members, staff, engineer and viewer's were made. Attorney Hane described the purpose of the Hearing, noting that it is a formal public hearing to present the Engineer's and Viewers' Reports and take formal comments from affected persons. A petition was received from landowners which initiated the improvement proceedings for KCD7, and the TRWD is required to follow the process under MN Statute 103E. A handout was provided detailing the proceedings and procedures for drainage projects that must be followed.

Administrator Money presented various items for introduction into the meeting record including the Petition that was received, various Meeting Minutes and Hearing Minutes, Engineer's Bond and Oath, Engineer's Preliminary Survey Report, Engineer's Final Report, Oaths of Viewers, Viewers' Report, Affidavit of Mailed Hearing Notice, and other pertinent documents. The DNR comments to the Final Engineer's Report were read and entered into the hearing record.

Engineer Carlson presented his Final Engineer's Report. The following points were made and discussed:

- Present ditch conditions, drainage area, and original ditch design
- Proposed improved ditch design grades and cross sections, proposed to carry a five year rainfall / runoff event and 24 hour duration. Existing and proposed water surface profiles were discussed
- The goal is to prevent outflows from the ditch for up to a five year – 24 hour event. For larger runoff events, there are four overflow sections built into the project where water will flow out of the ditch into adjacent fields. Once the ditch recedes, the water in the fields can flow back into the ditch

- Discussed the design plan where the ditch crosses the Enbridge Pipeline
- Plan sheets were handed out and discussed
- Several grade changes and flow control structures are planned and were discussed
- A handout was distributed for the project cost estimate projected to be \$1.7 million

Hane asked the following questions of Engineer Carlson. Hane asked what the original 1905 legal capacity of KCD7 is. Carlson replied that it is less than a five year event. Hane asked if the proposed capacity of KCD7 is equal to or greater than a five year event. Carlson replied in the affirmative. Hane asked Carlson if the benefits are greater than the cost. Carlson replied yes. Hane asked if the proposed KCD7 project is of public utility and benefit. Carlson replied yes. Hane asked if the project is practicable. Carlson replied yes.

Viewer Wagner presented a power point on the process that was followed for the Viewers' Report. Wagner explained that benefits and damages need to be determined according to MN Statute 103E. Historical data, field inspections, lidar, soil and wetland maps, and land use are used to determine land value in both the current (unimproved) and proposed (improved) condition. Wagner discussed the values used, information contained in the Viewers' Report, consideration of temporary and permanent damages, and right of way. The total benefits are \$18,196,130, and the total damages are \$459,102. The tax lien for the project was estimated at \$104.92 per tillable acre.

The following comments were received from meeting attendees:

Justin Dagen, speaking on behalf of Springbrook Township, discussed language in the MN public drainage manual (MPDM) which states "lands upstream should not be assessed benefits." Springbrook Township is opposed to the project. Hane responded that the statute also factors in sediment and runoff contributed from upstream lands that can be assessed.

Dean Johnson stated his land is on the east end and upstream of the proposed improvement, and he doesn't agree that his land will increase in value or have better production. Using the MPDM and MN Statute 103E.105 subdivision 5(a) he stated that viewers must consider whether improvement is necessary and beneficial, and that viewers must consider that land upstream will not benefit with the same proportion as lands next to the improvement. Johnson stated that according to this statute, in his view, he thinks flat rate assessments are illegal. He cited several other quotes from the MPDM and submitted a letter. He is opposed to the project.

Mark Tungseth spoke on behalf of himself and his brother Keith and submitted letters. He stated that neither he nor his brother were talked to about the permanent easement. He is opposed to additional flows/flooding downstream. He stated he feels it was unethical not to talk to them, and he believes their property value will decrease. He stated there is not an adequate outlet, and this should be denied. He is opposed to the project.

Kurt Aakre stated he checked with watershed districts in Marshall and Polk counties as to how similar projects were completed in those jurisdictions and suggested this project is not consistent. He noted his land will not benefit because he is too far upstream. He submitted a letter. He is opposed to the project.

Dean Johnson spoke on behalf of Springbrook Township and stated that the viewers determined 80 acres of road will be benefited, but the members of Springbrook Township believe there is only at best 30 acres. Springbrook Township is opposed to the project.

Mark Tungseth asked what happens if a landowner doesn't agree to sell an easement. Hane answered that it is up to the TRWD Board, but that Eminent Domain could be used.

Paul King commented about his property located in Springbrook Township. He stated he does not believe his land in section 30 drains into KCD7. He thinks it drains into Judicial Ditch #10. He doesn't think that all acres should be assessed equally. He stated he is not opposed to the project, but he is opposed to the rates assessed to the upstream lands.

Troy Dagen submitted a letter and is opposed to the project.

John Webster lives in Svea Township. He stated that the water from the east is increasing in the last 100 years. He is in favor of the project because it is needed to alleviate flooding to the magnitude of a five year water event.

Kurt Kraulik spoke on behalf of himself and his brothers and stated that \$1.7 million is an outrageous cost. He said that the 45' bottom width proposed in some areas is not acceptable and is too expensive. He stated something needs to be done with ditch laws to keep the cost down. Kraulik and his brothers are opposed to the project.

Tom Dowdle spoke on behalf of Davis Township. He is opposed to the flat rate assessment, the assessment to Davis Township roads, and the per acre cost. He noted that the structures currently in place do throttle the flow of water. Davis Township is opposed to the project.

Ray Quibbel lives at the outlet and is concerned about additional flooding that will be on his land. He stated that he didn't receive a letter regarding the proposed improvements but read a letter his dad received. He is opposed to the project.

Kurt Aakre noted exhibits in his letter pertaining to his belief that a tiered benefit value should have been implemented.

Dean Johnson stated that east lands are already regulated because Highway 75 culverts are not proposed to be changed.

Upon a **motion** by Langehaug, **seconded** by Klegstad, and **unanimous vote**, the Final Hearing was recessed at 9:45 a.m. and scheduled to reconvene on Thursday, November 6, 2025, time and location to be determined.

Attest:



Daryl Klegstad, Secretary



Rick Sikorski, President