

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVE NE

PHONE 218-789-3100

Website: www.brrwd.org

MINUTES FOR MANAGERS' MEETING

June 14, 2021

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, June 14, 2021, at 7:00 PM in the Barnesville office. The meeting was also available online. BRRWD Managers present were Peter V. Fjestad, Catherine L. Affield, Gerald L. Van Amburg, John E. Hanson, Mark L. Hanson, Troy E. Larson, and Paul G. Krabbenhoft. BRRWD staff in attendance were Kristine M. Altrichter, Administrator, Erik S. Jones, Engineer, and Bennett Uhler, Engineer, Houston Engineering, Inc. (HEI); and BRRWD Attorney Tami Norgard, Vogel Law Firm. Others attending: Kim Melton, Wilkin Soil and Water Conservation District (SWCD); and landowners Dan Froslic, John Danielson, and Chris Watterud.

At 7:02 PM, President Fjestad called the meeting to order and announced that the meeting was being recorded to aid in the preparation of minutes.

Agenda. Additions to the meeting agenda: Clay County Ditch No. 3 Repair contracts, Oakport project update, Otter Tail/Wilkin Judicial Ditch (J.D.) No. 2 grant, and Whiskey Creek temporary easement maintenance. **Motion** by Affield to approve the amended agenda. **Seconded** by Larson. **Approved.**

Secretary's Report. The Board reviewed draft minutes for the 5/24/21 regular meeting, the 1/27/11 South Branch of the Buffalo River informational meeting, and the 10/3/11 Project No. 65, County Line Highwater Outlet informational meeting. **Motion** by Affield to approve the minutes. **Seconded** by Krabbenhoft. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's 6/14/21 monthly financial report. Cash on hand is \$2,872,109.47. Income received since the 5/25/21 meeting totals \$517,860.71, and for the year, totals \$2,610,791.44. Year to date Account Receivables total \$14,693,120.38. **Motion** by Van Amburg to approve the Treasurer's Report. **Seconded** by J. Hanson. **Approved.**

Other Business brought before the Board included:

Wilkin SWCD. The Board reviewed a funding request from Kim Melton, Wilkin SWCD, to cover the engineering and design costs for four erosion sites on private land in Prairie View Township. Jones discussed potential sources for project implementation funds to complete the actual repairs. He anticipated that it would cost approximately \$5,000 for HEI to prepare a preliminary design and cost estimate for the four sites. **Motion** by Larson to authorize HEI to provide engineering services to the Wilkin SWCD to develop a cost estimate for the referenced repairs. **Seconded** by Van Amburg. **Approved.**

Survey Request. Landowner John Danielson requested assistance from the BRRWD to survey a wetland area on his property in Tanberg Township. His neighbors plan to clean a ditch to the wetland to provide an adequate outlet for their proposed tile projects (Permit Nos. 21-065 and 21-067) and other existing area tile systems. The Wilkin SWCD has requested the landowner obtain a survey of the ditch to help determine if the proposed work could be in violation of the Wetlands Conservation Act (WCA) and the Swampbuster provision of the Farm Bill. **Motion** by Affield to authorize HEI to conduct the requested survey, as a BRRWD expense. **Seconded** by J. Hanson. **Approved.**

HR Committee Staff Transition. At a special meeting held at 5:30 PM tonight, the HR Committee presented a detailed review of the Staff Transition Proposal to the Board. Commissioners from Otter Tail and Wilkin County and a landowner also attended and commented on the transition process. **Motion** by J. Hanson to approve the Staff Transition Proposal. **Seconded** by Affield. **Approved.**

Zimmerman Appeal. Attorney Norgard gave a brief update on Gerald Zimmerman's appeal of the Clay County Ditch (C.D.) Nos. 3, 35, 39, and 65 Findings and Orders. Hearing transcripts have been ordered. Wade Opsahl, Technician, HEI, met with Zimmerman to review his options and advised him to provide alternatives for the Board's consideration. Norgard explained the litigation process. The Board discussed their options regarding this issue. **Motion** by Krabbenhoft for staff to send Zimmerman a letter documenting the BRRWD's efforts to assist with the buffer installation on his property in accordance with the State Buffer Law and to explain his options. **Seconded** by Larson. **Approved.**

Permit No. 21-035, Ray Johnson. Applicant proposes to install pattern tile in the SW $\frac{1}{4}$, Section 18, Morken Township, Clay County, outletting via a lift station in the southwest corner through the township road to Clay C.D. No. 49. The downstream landowners objected to Johnson's initial plan to outlet the tile in the northwest corner of the section, draining water north along their property to C.D. No. 10. Johnson revised his application to outlet the water directly south into C.D. No. 49 on his own property. Uhler recommended permit approval, subject to our standard tiling permit conditions.

Permit No. 21-062, City of Barnesville. Applicant proposes the installation of utilities, paving, and grading for Phase II of the Barnesville Commercial Condo project, including a new stormwater pond installation. The City is planning the addition of 14 commercial lots along 4th AVE NE. HEI has reviewed the plans. Uhler recommended permit approval.

Permit No. 21-063, Todd Klein. Applicant proposes to install pattern tile in the SE $\frac{1}{4}$, Section 24, Roberts Township, Wilkin County, outletting via gravity directly into Wilkin C.D. No. 29 to which the property is assessed. Uhler recommended permit approval, subject to our standard tiling permit conditions.

Permit No. 21-064, Todd Klein. Applicant proposes to install pattern tile in the NE $\frac{1}{4}$, Section 15, Nordick Township, Wilkin County, outletting via gravity to the township road ditch, eventually to Wilkin C.D. No. 6A to which the property is assessed. Uhler recommended permit approval, subject to our standard tiling permit conditions.

Permit Nos. 21-069/21-075, Erik Ronnevik/Ronnevik Farms. Applicant proposes to replace damaged clay tile in a gully in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Oscar Township, Otter Tail County, with 10" dual wall tile, using the same outlet. He also proposes to install new tile through a low spot upstream of the clay tile and add a new 10" dual wall tile line in an existing surface ditch in the same area. They plan to fill in the surface ditches so they can farm their property more efficiently. Ronnevik obtained downstream landowner approval for the proposed work. Uhler recommended permit approval, subject to our standard tiling permit conditions.

Permit No. 21-070, Matt Jennen. Applicant proposes to install additional tile lines to an existing tile system in the W $\frac{1}{2}$, Section 19, Carlisle Township, Otter Tail County, outletting to Wilkin-Otter Tail J.D. No. 2 to which the property is assessed. The existing mainlines will be replaced/upgraded and new outlets into J.D. No. 2 will be added. Uhler recommended permit approval, subject to our standard tiling permit conditions.

Permit No. 21-071, Jordan Blaufuss. Applicant proposes to install pattern tile in the southeast corner of the SE $\frac{1}{4}$, Section 6, Sunnyside Township, Wilkin County, via a lift station/culvert through the township road to Wilkin C.D. No. 2 to which the property is assessed. Uhler recommended permit approval, subject to our standard tiling permit conditions.

Permit No. 21-073, Spring Prairie Brethren, Inc. Applicant propose the construction of a permanent stormwater management system for a private rural development in the NE¹/₄, Section 15, Spring Prairie Township, Clay County, based on Minnesota Pollution Control Agency (MPCA) specifications. The project will direct water from an expanded manufacturing site in Section 14 along 70th AVE to the NE¹/₄, Section 15, through two settling ponds and a series of berms back to the road ditch, eventually outletting to Clay C.D. No. 3, to which it is assessed. Uhler recommended permit approval, subject to township approval to work within their road right-of-way (R/W).

Permit No. 21-074, Dan Bradow. Applicant proposes to install pattern tile in the NE¹/₄, Section 4, Orwell Township, Otter Tail County, outletting northeast to a wetland area. Uhler recommended permit approval, subject to our standard tiling permit conditions.

Permit No. 21-076, Scott McCaslin. Applicant proposes to install a Becker SWCD designed grassed waterway through an existing gully in addition to a water and sediment control basin in the SW¹/₄, Section 5, Richwood Township, Becker County. A riser/berm will be installed on the east end with a tile line along the length of the waterway, outletting to an existing wetland. Uhler recommended permit approval.

Permit No. 21-077, Tony Zurn. Applicant proposes to install nine Becker SWCD designed water and sediment control basins in the W¹/₂, Section 30, Callaway Township, Becker County, to address field gullies and erosion, outletting to an existing ditch. Uhler recommended permit approval.

Motion by Affield to approve Permit Nos. 21-035, 21-062, 21-063, 21-064, 21-069, 21-070, 21-071, 21-073, 21-074, 21-075, 21-076, and 21-077, subject to the referenced disclaimers and conditions. **Seconded** by Larson. **Approved.**

Whiskey Creek Enhancement. Wayne Fuder's property in the northwest corner of Section 1, Nilsen Township, Wilkin County, does not drain north to Whiskey Creek and should be removed from the project assessment area. HEI will revise the water management district (wmd) assessment area to remove Fuder's property, and the Board will review a revised wmd document with an Amended Findings and Order at the next meeting. **Motion** by Larson to authorize HEI to revise the wmd and prepare a new Order. **Seconded** by J. Hanson. **Approved.**

Uhler presented the results from the bid opening for the Whiskey Creek Phase 1 construction. The Engineer's estimate was approximately \$1.2 million. Uhler recommended that the Board award the contract to Ehlert Excavating, Inc., Wahpeton, ND, for their bid of \$737,220.50. **Motion** by Krabbenhoft to award the contract to Ehlert Excavating, Inc. **Seconded** by Affield. **Approved.**

Uhler reported on a call he received from a landowner in Connelly Township on Phase 1 of the project. He was spraying his crops for weeds and decided to spray the weeds on the temporary easement area along his property. He submitted a reimbursement request for \$1,100 for spraying 51.47 acres of easement area. The Board discussed developing a weed spraying policy to address potential future landowner reimbursement requests. They agreed to consider this issue at their next meeting.

Clay C.D. No. 3 Repairs. The construction contract with Northern States Excavating, Inc., Fargo, ND, for the C.D. No. 3 repair project in Section 8, Moland Township, was ready for Board signature. **Motion** by J. Hanson to authorize Fjestad and J. Hanson to sign the contract. **Seconded** by M. Hanson. **Approved.**

Glyndon East Tributary Restoration. The Board reviewed the Environmental Assessment Worksheet (EAW) for the Glyndon project. **Motion** by J. Hanson to authorize signature and distribution of the EAW. **Seconded** by Krabbenhoft. **Approved.**

Clay C.D. No. 39 Repair. A landowner reported that an inlet culvert in the NE¼, Section 33, Flowing Township, Clay County, is set too low, causing field erosion. HEI completed a field review and survey and determined that the existing 24" dia. culvert should be raised approximately 2' on the inlet end to allow for a flatter grade on the field ditch coming into the culvert and extended 16' to match the existing ditch slopes. The cost estimate is \$1,500-\$2,000. **Motion** by Van Amburg to authorize the recommended repair, as a ditch system expense. **Seconded** by J. Hanson. **Approved.**

Wilkin C.D. No. 41 Repair. In response to a landowner complaint about sediment buildup in the north-south channel of C.D. No. 41 in Section 11, Atherton Township, HEI recommended that this portion of the ditch through Section 11 be cleaned to the original grade and cross section, estimated to cost from \$6,000-\$8,000. **Motion** by Larson to authorize the recommended repair, as a ditch system expense. **Seconded** by Affield. **Approved.**

Clay/Wilkin J.D. No. 1 Repair. The J.D. No. 1 Ditch Committee reported concerns with three field entrance culverts in Sections 29, 30, and 31, Alliance Township. The existing culverts are short, in poor condition, and/or are set back from the ditch bank, causing poor flow. HEI recommended new gated pipes in all three locations, estimated to cost from \$7,000-\$8,000 for new materials and labor, but costs could be less if the materials can be salvaged and reinstalled. **Motion** by Krabbenhoft to authorize the recommended repairs, as a ditch system expense. **Seconded** by M. Hanson. **Approved.**

USACE Wetland Credit Purchase. The United States Army Corps of Engineers (USACE) submitted a request to purchase 0.5 wetland credits from the BRRWD's wetland bank to mitigate impacts from the FM Diversion Red River Control Structure on the Minnesota side of the river. They inquired about the BRRWD's interest in selling credits and what rate they would charge. The Board reviewed average credit cost information from the Minnesota Board of Water and Soil Resources (BWSR) and a report showing the BRRWD's past banking credit sales. **Motion** by Krabbenhoft to sell the USACE the requested 0.5 banking credits for \$50,000 per acre, plus associated fees. **Seconded** by Larson. **Approved.**

Otter Tail/Wilkin J.D. No. 2 Repairs. The BRRWD has approximately \$50,000 left in their BWSR Clean Water Fund (CWF) grant for J.D. No. 2 that could be used for inlet repairs along the ditch system. Jones reported there are approximately 31 sites where additional inlet culverts could be repaired with the remaining funding. The Wilkin County Highway Department would be available to start the work in July or early August. The J.D. No. 2 Joint Board designated the BRRWD as the fiscal agent to complete construction administration duties for the grant fund expenditures. **Motion** by Larson to authorize the recommended repairs, using the remaining CWF grant funds. **Seconded** by J. Hanson. **Approved.** Jones will notify the J.D. No. 2 Joint Ditch Board about the approved repairs.

Oakport Project Update. Jones reported that he, Altrichter, and BRRWD Attorney Tami Norgard, Vogel Law Firm, will meet with the City of Moorhead on 6/23/21 to begin the process to potentially transition the Oakport project ownership from the BRRWD to the City. Jones also gave an update on the Harvest Hope Farm sheep grazing on the non-levee sites in the Oakport project area.

RRWMB LiDAR. The Red River Watershed Management Board (RRWMB) is planning to collect LiDAR data in the Red River Valley and offered to include non-member Watershed Districts at the RRWMB member rate of \$125-\$150/square mile (sq. mi.). The regular non-member rate is approximately \$400/sq. mi. Jones explained that the new collect data will provide improved accuracy, but it will take longer to recoup the investment compared to the earlier LiDAR collection effort. The Board discussed the potential benefits of the new LiDAR data. **Motion** by Krabbenhoft to participate in the RRWMB LiDAR collection effort. **Seconded** by Van Amburg. **Approved.**

NWQI Funding. The Board reviewed potential National Water Quality Initiative (NWQI) funding for the Upper South Branch of the Buffalo River project from the Clay/Wilkin County line upstream to Trunk

Highway (T.H.) No. 9. **Motion** by Van Amburg to authorize HEI to prepare and submit an application for NWQI funding. **Seconded** by Affield. **Approved.**

BRRWD Advisory Committee. The Managers discussed potential candidates for the Advisory Committee.

2020 Annual Report. The Board discussed the draft 2020 Annual Report and will consider Report approval at their next meeting.

Bills. The Board reviewed bills totaling \$303,789.51. **Motion** by J. Hanson to approve payment of the bills. **Seconded** by Affield. **Approved.** See detailed bill list below.

Flood Protection MOUs. Jones reported that the Diversion Authority's (DA) Engineer has agreed to allow the BRRWD to start the design work on the Wolverton and Georgetown flood protection projects before the DA/BRRWD Memorandum of Understandings (MOUs) were finalized. HEI has submitted scopes of work for surveying and geotechnical investigations to the DA for their approval. Altrichter noted that the BRRWD would be responsible for the investigation costs until the MOU is in place. HEI has agreed to hold billing for their work until the MOUs are completed.

MAWD Region I Meeting. The Minnesota Association of Watershed Districts (MAWD) will hold an in-person meeting in Ada on 6/22/21 at 9:00 AM. Altrichter and Managers Fjestad and Krabbenhoft plan to attend.

Next Meeting. The Board will hold their next regular meeting on Monday, June 28, 2021, at 7:00 PM in the Barnesville office. The conference line phone number is 1-701-404-1699. Conference ID: 317 550 108#. More information will be posted on the BRRWD's website prior to the meeting at www.brrwd.org.

Adjournment. President Fjestad adjourned the meeting at 9:02 PM.