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Board Meeting Minutes

Monday October 10, 2022

Managers Present: Peter Fjestad; Catherine Affield; John Hanson; Paul Krabbenhoft; Gerald Van Amburg; Mark Hanson.

Managers Absent: Troy Larson.

Staff Present: Kristine Altrichter, Administrator; Lee Olson, Watershed Specialist; Matthew Schlauderaff, Watershed Specialist.

Consultants Present: Erik Jones, Engineer; Bennett Uhler, Engineer, Houston Engineering, Inc. (HEI).

Others Attending: Adrian Haugrud.

President Fjestad called meeting to order at 7:00 PM.

Agenda: Additions to agenda 2022 Annual Ditch Inspection Repair List, Project 46 – Turtle Lake Outlet Project Downstream Crossing, Lessard-Sams Outdoor Heritage Fund (LSOHF) Update, Other Items Presented by J. Hanson.

Motion to approve agenda with additions by Affield, **Seconded** by J. Hanson. **Approved.**

Secretary's Report: **Motion** to approve September 12, 2022 Board Meeting Minutes with minor corrections and September 12, 2022 Clay County Ditch No. 47 Hearing Minutes by Affield, **Seconded** by Van Amburg. **Approved.**

Treasurer's Report: **Motion** to approve Treasurer's Report as presented by J. Hanson, **Seconded** by Krabbenhoft. **Approved.**

Permits:

Permit No. 22-066. Ken Packer. Applicant proposes to install pattern tile in W ½, Section 30, Atherton Township, Wilkin County. Natural flow path of water remains unchanged. Downstream landowner notifications received, landowner in E ½ of SE ¼, Section 19, Atherton Township, expressed no concern. Landowner in SW ¼ and W ½ of SE ¼, expressed concern that flows from drain tile will flood field. During field review it was determined ditch is a minimum of 2' in depth which is adequate to handle flows. Uhler recommended approval subject to standard tile conditions and approval from County and Township to work within road right-of-way (ROW).

Permit No. 22-123. Jeff Pender. Applicant proposes to install pattern tile in SW ¼, Section 20, Elkton Township, Clay County. Natural flow path of water remains unchanged. Proposed tile outlets directly into Clay County Ditch No. 55. Land is included in benefit area for Clay County Ditch No. 55. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-124. Andrew Tribble. Applicant proposes to install field access with culvert for construction of Red River structure which is part of the Metro Flood Diversion Project. Installation of 24" culvert to match downstream culvert. Clay County has approved culvert installation. Uhler recommended approval.

Permit No. 22-125. Andy Boen. Applicant proposes to install tile in Sections 4 and 5, Trondhjem Township, Otter Tail County. Natural flow path of water remains unchanged. Proposed tile outlets on to applicant's property, which is an adequate outlet. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-1216. West Otter Tail Soil and Water Conservation District (SWCD). Applicant proposes to install grade stabilization structure and water and sediment control basins (WASCOB) in SW ¼, Section 28, Oscar Township, Otter Tail County. Project has been designed to National Resource Conservation Service (NRCS) standards. Natural flow path of water remains unchanged. Tile outlets directly into waterbody. Uhler recommended approval subject to standard tile conditions and approval from County to work within road ROW.

Permit No. 22-127. Becker SWCD. Applicant proposes to install WASCOBs in Sections 4, 9, and 10, Callaway Township, Becker County. Project has been designed to NRCS standards. Natural flow path of water remains unchanged. Project outlets onto landowner's property and flows across United States Fish and Wildlife Service (USFWS) land, which is an adequate outlet. Uhler recommended approval subject to standard tile conditions and approval from County and Township to work within road ROW.

Permit No. 22-128. Becker SWCD. Applicant proposes to install WASCOBs in SE ¼, Section 3, Audubon Township, Becker County. Project has been designed to NRCS standards. Natural flow path of water remains unchanged. Project outlets onto landowner's property. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-133. Wilkin SWCD. Applicant proposes to restore wetlands in Sections 30 and 31, Atherton Township, Wilkin County. Proposed work includes restoration of nine wetlands within Conservation Reserve Enhancement Program (CREP) land. Wetland #6 on proposed plan interferes with proposed project along South Branch of Buffalo River. Uhler recommended approval subject to removal of Wetland #6 from plans.

Permit No. 22-133. Wilkin SWCD. Applicant proposes wetland restoration in W ½, Section 36, Atherton Township, Wilkin County. Proposed work includes restoration of three wetlands within CREP land. Uhler recommended approval.

Permit No. 22-134. Adrian Haugrud. Applicant proposes to extend ditching in SE ¼, Section 34, Humboldt Township, Clay County. Proposed work includes additional ditching for BRRWD Project No. 65 – Clay/Wilkin County Line Project to connect basins together. Uhler recommended approval subject to working with Clay SWCD on wetland requirements through Wetland Conservation Act (WCA).

Permit No. 22-135. Scott Jetvig. Applicant proposes to install culvert within existing filed approach in SW ¼, Section 13 Cromwell Township, Clay County. Uhler recommended approval subject to use of 18" culvert and approval from Township to work within road ROW.

Permit No. 22-136. Luke Brakke. Applicant proposes to pattern tile in SE ¼, Section 17, Deerhorn Township, Wilkin County. Natural flow path of water remains unchanged. Proposed tile connects to tile previously permitted under Permit No. 22-047. Uhler recommended approval subject to standard tile conditions and approval from County to work within road ROW.

Permit No. 22-137. Red River Valley Coop. Applicant proposes relocation of existing overhead powerline to be buried underneath Judicial Ditch No. 1 in W ½, Section 26, Holy Cross Township, Clay County. Uhler recommended approval subject to standard utility conditions.

Motion to approve Permit Nos. 22-066, 22-123, 22-124, 22-125, 22-126, 22-127, 22-128, 22-132, 22-133, 22-134, 22-135, 22-136, 22-137 with conditions outlined above by J. Hanson, **Seconded** by Affield. **Approved.**

Ditches:

Clay County Ditch No. 36. Repair Recommendation. Tim Leiseth notified BRRWD staff of failing side inlet pipe in NE ¼, Section 10, Holy Cross Township. Schlauderaff recommended replacing side inlet with 24" x 32" corrugated metal pipe (cmp) and attaching a 24" flapgate. 5-10 cubic yards of fill material will be needed to prevent future washout. Estimated cost is \$5,000 to \$6,000. **Motion** to authorize repair of failing side inlet pipe as recommended by Van Amburg, **Seconded** by Krabbenhoft. **Approved.**

Wilkin County Ditch No. 4A. Repair Recommendation. Peter Aasness requested BRRWD survey Wilkin County Ditch No. 4A on south side of Section 10, Foxhome Township. Survey determined that portions of ditch should be cleaned out. Estimated cost is \$7,500. **Motion** to authorize cleanout as recommended by J. Hanson, **Seconded** by Affield. **Approved.**

Wilkin County Ditch No. 41. Repair Recommendation. Landowner in Section 11, Atherton Township requested BRRWD survey Wilkin County Ditch No. 41 for cleanout. Wilkin County Ditch No. 41 has a low flow channel and sediment bench. It is recommended that the sediment bench be cleaned out between 120th Street and County Road 167. Estimated cost is \$15,000. **Motion** to authorize cleanout as recommended by Krabbenhoft, **Seconded** by J. Hanson. **Approved.**

Wilkin County Ditch Inspections. Altrichter met with Colby Palmersheim, Otter Tail County Ditch Inspector, Matt Yavarow, Assistant County Engineer, and Nick Leonord, Deputy Administrator regarding potential partnership between Otter Tail County and BRRWD on ditch inspections for a portion of BRRWD’s ditches. If both Boards approve partnership, BRRWD could request Otter Tail County Ditch Inspector inspect drainage concerns, such as beaver activity or failing culvert, called in by landowners. BRRWD would pay Otter Tail County the Ditch Inspector’s hourly rate plus mileage. Board of Managers discussed potential partnership and were in favor of working with Otter Tail County on an hourly basis as needed.

2022 Annual Ditch Inspection Repair List.

Drainage System	Township	Section	Problem/Proposed Work	Estimated Cost
Clay County Ditch No. 11	Holy Cross	2	Missing flap gate on 24" cmp through road. Install new 24" gate on south end of cmp.	\$2,000 - \$2,500
	Kurtz	35	Damaged flapgate on 24" cmp. Cut off 1' from damaged cmp, install new 24" gate.	\$2,000 - \$2,500
Clay County Ditch No. 2	Spring Prairie	27	Smashed culvert end. Straighten with excavator.	\$1,000 - \$1,500
Clay County Ditch No. 32	Elmwood	18	Missing Flapgate. Cut off 1' of damaged cmp, install new 18" gate.	\$1,500 - \$2,000
	Elmwood	18	Install new flapgate on 18" RCP. Use 24" gate.	\$2,000 - \$2,500
	Elmwood	18	Install new flapgate on 18" RCP. Use 24" gate.	\$2,000 - \$2,500
Clay County Ditch No. 41 Lateral 1	Dilworth	2	Replace damaged 36" flap gate.	\$2,500 - \$3,000
Clay County Ditch No. 63	Moland	36	Damaged culvert. Replace with new 18"x24' cmp with flapgate.	\$4,000 - \$5,000
Judicial Ditch No. 1	Wolverton	1	Replace damaged 18" flapgate.	\$1,500 - \$2,000
	Wolverton	12	Repair damaged 18" cmp w/gate. Cut off 4' of damaged cmp, replace with new 18"x4' cmp and new 18" flapgate.	\$2,500 - \$3,000
	Deerhorn	18	Install 24" flapgate.	\$2,000 - \$2,500
Wilkin County Ditch No. 1A	Meadows	28	Replace failed 24" cmp. Install 24"x40' cmp with new flapgate. Import approx. 30cy fill.	\$8,000 - \$8,500
Wilkin County Ditch No. 1B	Meadows	33	Replace failed gate on 30" RCP.	\$2,500 - \$3,000
	Meadows	33	Replace failed gate on 30" RCP. Farmstead to south concerned for spring flooding.	\$2,500 - \$3,000
Wilkin County Ditch No. 2	Sunnyside	3	Replace flap gate on 18" cmp.	\$1,500 - \$2,000
	Sunnyside	3	Damaged 18" cmp. Cut off 1'-2' of cmp, install new 18" flapgate.	\$1,500 - \$2,000
	Sunnyside	3	Install new 18" flapgate.	\$1,500 - \$2,000

Wilkin County Ditch No. 3	Nilsen	31	Install new 18" flapgate. East side of ditch.	\$1,500 - \$2,000
Wilkin County Ditch No. 31	Andrea	15	Install 18" flapgate on cmp.	\$1,500 - \$2,000
	Connelly	15	Repair damaged 18" cmp. Remove 18"x4' cmp. Install new 18"x4' cmp with new flapgate.	\$2,000 - \$2,500
	Connelly	15	Install new 18" flapgate.	\$1,500 - \$2,000
Wilkin County Ditch No. 41	Atherton	14	Install new 15" flapgate on cmp.	\$1,000 - \$1,500
Wilkin County Ditch No. 44	Manston	11	Corroded bolts not allowing flapgate to completely close.	\$1,500 - \$2,000
Wilkin County Ditch No. 5A	Deerhorn	19	Replace damaged 15" flapgate.	\$1,000 - \$1,500
Wilkin County Ditch No. 7	Andrea	28	Existing 18" cmp failed. Install new 24"x50' cmp with flapgate.	\$6,000 - \$7,000

Motion to authorize repairs as recommended above by Krabbenhoft, **Seconded** by Van Amburg. **Approved.**

Projects:

Project No. 49 – Oakport Flood Mitigation Project. Update on Transfer to City of Moorhead. City of Moorhead completed inspections of 7 of 8 easement encroachments. One homeowner has not contacted the City, a follow-up letter has been sent. HEI surveyed the encroachments and inspection reports will be sent to the homeowners. Once a majority of the sites are in compliance, the staff will discuss setting a transfer date. Transfer Agreement is ready once encroachments have been addressed.

Project No. 49 – Oakport Flood Mitigation Project. Wetland Mitigation. BRRWD has been overseeing the Oakport Wetland Mitigation Project designed to compensate for approximately 9.74 acres of wetland impacts from construction of permanent flood levees at Oakport. Mitigation sites were constructed in 2014, and annually monitored since 2015. One site did not perform as expected. Close out plan was submitted to Clay County WCA Technical Evaluation Panel (TEP). Proposed plan includes the need to purchase/transfer 0.13 acres of Type 2/3 wetlands and 1.10 acres of Type 7. Actual acres of wetlands required to be purchase/transfer will be determined by the TEP. Currently, BRRWD does not have any Type 7 wetland credits available. Therefore, those will likely need to be purchased. Altrichter presented options to invoice Project No. 49 for required wetland credits or transfer credits to Project without cost. Fjestad suggested Altrichter should decide how Board of Managers should proceed.

Upper South Branch Buffalo River Restoration. Pay Estimate No. 1. Motion to approve Pay Estimate No. 1 to Minnesota Native Landscapes, Inc. in the amount of \$193,467.50 by Krabbenhoft, **Seconded** by Van Amburg. **Approved.**

Silver Lake Outlet Project. BRRWD has received Conservation Partners Legacy (CPL) Grant funds from Minnesota Department of Natural Resources (DNR) for \$230,000. BRRWD is waiting for approval of application through Great Plains Fish Habitat Partnership (GPFHP) Grant which will serve as match to CPL funds. DNR has easement to complete construction of Silver Lake outlet structure from when DNR constructed initial structure. Landowner signed letter of support for project when grant application was submitted. BRRWD staff is now working with landowner to sign temporary access agreement to install crossing downstream to address three undersized perched culverts. Landowner is concerned project is taking too long and does not want to sign agreement. Uhler and Altrichter have meeting scheduled with landowner to discuss concerns and project. Since DNR holds an easement over the structure, landowner approval for temporary access is only needed for culvert improvement portion of project. DNR staff have indicated that they will proceed with the construction of the new structure even if landowner does not authorize culvert improvement.

Project No. 46 – Turtle Lake Outlet Project. Crossing downstream of project in Section 13, Parke Township, Clay County needs to be repaired. Initial crossing was installed as part of original project because additional water passes through culvert due to project. **Motion** to authorize repair of downstream crossing by J. Hanson, **Seconded** by M. Hanson. **Approved.**

LSOHF Update. BRRWD was notified that the Chair's recommendations includes a \$3,296,000 award to BRRWD for Phase 3 of the Stream Habitat Program. Final estimate will be determined in December, which will be presented for approval during the 2023 Legislative Session.

Other:

J. Hanson Landowner Concerns. Jerry Matter contacted J. Hanson on September 27, 2022 regarding three concerns. 1) There is a tile outlet in Section 32, Callaway Township, Becker County that outlets onto his land. Matter does not think outlet is adequate. BRRWD staff will investigate concern. 2) Matter received letter from BRRWD that land is not in compliance with Minnesota Buffer Law (Buffer Law). Matter would like to be compensated for rental rates he is losing due to installation of buffers. Altrichter noted that it is the landowner's responsibility to be in compliance with the Buffer Law. In Clay County, BRRWD purchased ROW and established buffers because ditches were mostly straight with farming up to the ditches. In Becker County, ditches often cut through unfarmed wet areas. Board of Managers could decide to acquire ROW now or wait and acquire ROW as damages through the redetermination of benefits hearing. 3) Matter does not want proposed restoration project along Upper Buffalo River to proceed. Jones noted that BRRWD will likely not be issued permits for cleaning out the outlet of Becker County Ditch No. 21 without the river restoration.

Consent Agenda. Altrichter presented option to use consent agenda for regular board meetings. Board discussed options and tabled discussion until November 14, 2022 Board Meeting.

Bills. Motion to approve bills totaling \$480,434.42 by J. Hanson, **Seconded** by Affield. **Approved.**

Board Packet. Van Amburg requested Board Packet be presented in a single document without links, as currently presented. Altrichter noted that the Board Packed used to be presented in this manner but it takes a significant amount of staff time to coordinate and does not allow for information to be added at the last minute. BRRWD staff will look into Board Packet options.

City of Barnesville Stormwater Pond. Affield noted that landowner around stormwater pond near BRRWD office contacted her about snakes in yards due to the pond. Altrichter noted that it is a City stormwater pond and BRRWD is not responsible. City of Barnesville sent landowners around the pond a letter regarding issue, Altrichter will forward to Affield.

Next Regular Meeting. Monday November 14, 2022, at 7:00 PM in the Barnesville office. Agenda will be posted on BRRWD's website prior to meeting.

President Fjestad adjourned meeting at 8:53 PM.

/s/ John Hanson
Secretary