

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING

April 26, 2021

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, April 26, 2021, at 7:00 PM in the Barnesville office. Due to the Coronavirus protocols for public meetings, the meeting was available online following Minnesota Statutes Annotated (M.S.A.) Section 13D.021. 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). Others attending in person: BRRWD Attorney Tami Norgard, Vogel Law Firm; and landowners Robbie Ehlert and Chris Watterud.

At 7:00 PM, President Fjestad called the meeting to order and informed the audience that the meeting was being recorded to aid in the preparation of minutes.

Agenda. Addition to the meeting agenda: Discussion on the BRRWD Advisory Committee membership list. **Motion** by Larson to approve the amended agenda. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Secretary's Report. The Board reviewed draft minutes for the 4/12/21 regular meeting, the 4/12/21 Glyndon East Tributary Restoration informational meeting, and the 4/3/14 Clay County Ditch (C.D.) No. 20 hearing. J. Hanson had one correction for the Glyndon meeting minutes. **Motion** by Affield to approve the minutes, subject to correction. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

Treasurer's Report. The Board reviewed the BRRWD's 4/26/21 financial update. Cash on hand is \$2,191,763.97. Income received since the 4/12/21 meeting totals \$209,876.51, and for the year, totals \$943,361.17. Year to date Accounts Receivables total \$14,044,701.38. **Motion** by J. Hanson to approve the Treasurer's Report. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Citizens to be Heard:

Andrea Township Crossing Request. Robbie Ehlert, Andrea Township Supervisor, discussed a landowner request for a crossing over Wilkin C.D. No. 7 on the south line of the SW¹/₄, Section 28. The Board discussed alternatives to crossing the ditch, including a possible new access road on the west section line. They also discussed crossing structure options: concrete or metal pipes. The Board authorized HEI to investigate the proposal and bring recommendations to the Board for one of the May Board meetings. Ehlert also asked if the BRRWD would consider a cost share for the crossing structures, or at least, for a survey to provide sizing and staking recommendations. Jones explained that typically, the landowners are responsible for the costs associated with a new ditch crossing, but the BRRWD might cover the survey/hydraulic analysis costs. He added that the Township might want to contact Wilkin County to see if they could provide some cost savings on pipe costs. He will also review the ditch system records to determine why a crossing wasn't included for this parcel when the ditch was originally constructed. **Motion** by Larson to authorize HEI to conduct a survey/hydraulic analysis and prepare recommendations, as referenced. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Other Business brought before the Board included:

FM Diversion Lawsuits. BRRWD Attorney Norgard provided an update on the status of the FM Diversion Settlement Agreement. All the documents have been signed by all the entities, and the documents have been submitted to the Office of the Administrative Hearings. We are now awaiting the Administrative Law Judge to sign off on the Order to dismiss the BRRWD's Minnesota Department of Natural Resources (DNR) permit contested case.

Van Amburg provided a report on the Minnesota-Clay County Joint Powers Agreement (MCCJPA) recent activities.

Permit No. 21-041, Hamden Township. Applicant proposes to raise 260th ST between 170th and 180th AVE. and install two lines of 36" dia. corrugated metal pipe (CMP) in the natural waterway crossing that outlets north to Becker C.D. No. 15 in Section 7, Hamden Township, east of Albin Warling's farmstead. In the spring, water overtops the road and washes it out. Jones recommended permit approval.

Permit No. 21-045, Jay Stenerson. Applicant proposes to install a dry field approach in the NE¼, Section 29, Moland Township, Clay County. After a field review, the staff recommended an 18" dia. culvert for the approach. Jones recommended permit approval with the referenced culvert, subject to township approval to work within their road right-of-way (R/W). He noted that the culvert was needed to avoid future area drainage issues.

Permit No. 21-046, Ollie Anderson. Applicant proposes pattern tile installation in the NE¼NW¼, Section 22, Trondhjem Township, Otter Tail County, outletting to C.D. No. 56, to which it is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 21-047, Brian Bucholz. Applicant proposes to install a tile line in an existing ditch in the NW¼, Section 31, Oscar Township, Otter Tail County, so he can fill in an existing surface drainage ditch to improve farming practices. Historic drainage patterns will not be altered. Jones recommended permit approval, subject to our standard tiling disclaimer and an agency review to ensure Wetlands Conservation Act (WCA) compliance.

Motion by J. Hanson to approve Permit Nos. 21-041, and 21-045 through 21-047, subject to the referenced disclaimers and conditions. **Seconded** by Larson. **Approved** by unanimous roll call vote.

Whiskey Creek Enhancement. The Board discussed a landowner's concern that the proposed \$250/acre temporary easement rate was too low, and they decided that the proposed rate was fair compensation. In accordance with the Board's decision at the 4/12/21 meeting, staff revised the proposed watershed management district (wmd) fee to a rate of \$1.80/acre for all cultivated agricultural land. The Board reviewed the project Findings and Order. **Motion** by Affield to approve the Findings and Order to establish Project No. 81, Whiskey Creek Enhancement. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

Bennett Uhler, Engineer, HEI, will present the project to the Wilkin County Commissioners for the County Conditional Use Permit (CUP) on Monday, May 3, 2021, at 8:30 AM in the County Recycling Center in Breckenridge.

Glyndon East Tributary Restoration. The Board discussed landowner comments from the 4/12/21 informational meeting. The landowners will have another chance to provide input when the Board holds the project hearing. The next steps in project development will be to prepare the Environmental Assessment Worksheet (EAW), to finalize the plans, and to hold the final project hearing. The project is eligible for the One Watershed, One Plan (1W1P) watershed-based funding. **Motion** by Krabbenhoft to authorized HEI to prepare the EAW and continue project development. **Seconded** by J. Hanson. **Approved** by unanimous roll

call vote. Project construction could start later this fall or early next year, depending on how long the EAW takes to complete and the contractor bidding environment this fall.

Ditch Buffer Hearings. The Board considered optional dates for the Clay C.D. Nos. 12, 21, 55, 58, and 69 buffer hearings. **Motion** by J. Hanson to approve the Order to schedule the hearing on Thursday, May 13, 2021, at 7:00 PM in the Barnesville office with online options. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Clay C.D. No. 10 Repairs. The Board reviewed construction bids for the C.D. No. 10 repairs. Uhler noted that costs are higher this year across all construction items, but one of the three bids was within the 30% range of the Engineer's estimate of \$125,000. Jones noted that the higher construction bids were influenced by increased contractor demand this spring and higher labor and material costs. Uhler recommended that the Board award the contract to the low bidder, Comstock Construction, Inc., Wahpeton, ND, for their bid of \$158,400. **Motion** by J. Hanson to award the construction contract to Comstock Construction, Inc. **Seconded** by M. Hanson. **Approved** by unanimous roll call vote.

Project No. 79, Wolverton Creek Restoration. The Reinvest In Minnesota (RIM) easement process is nearing completion for the former Blilie property, and the Board needs to designate a signer for the RIM Easement Agreement with the Minnesota Board of Water and Soil Resources (BWSR). **Motion** by Van Amburg to authorize President Fjestad to sign the RIM Agreement on the Board's behalf. **Seconded** by Larson. **Approved.**

The Board also needs to designate a signer for the Natural Resources Conservation Service (NRCS)/Farm Service Agency (FSA) Assignment of Payment form for the Conservation Reserve Enhancement Program (CREP) seeding. The document will make it possible for NRCS to reimburse the BRRWD directly for the CREP seed costs. **Motion** by Larson to authorize the BRRWD Administrator to sign the NRCS payment form on behalf of the Board. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

Jones reported that Phase 2 construction will restart this week.

Lower Otter Tail River Restoration. As part of the Army Corps of Engineers (COE) Lower Otter Tail River 1135 channel restoration project, the COE would like to schedule a landowner informational meeting to discuss the project status. The Board discussed meeting options.

Project No. 49, Oakport Flood Mitigation. The Board discussed New Age Ventures' request to the City of Moorhead to vacate 54th AVE N in the Oakport area. They purchased a tract of land along Wall ST (north) and North Broadway (east), adjoining both 54th AVE and 5th ST NW. They are having trespass issues on their property, and the roads are no longer in use. The Board discussed concerns about losing access to the dike areas for maintenance. The City requires BRRWD approval of the proposal before moving forward with the request. Attorney Norgard discussed her investigations into alternatives for vacating the entire 54th AVE N and potential easement access concerns. The Board agreed to put this issue on hold until the City provides more information and also directed Norgard to stop her work on the request until they have more justification to move forward with the vacation.

Jones reported that he is conducting preliminary research along with Attorney Norgard and Bob Zimmerman, City of Moorhead Engineer, regarding a possible future transfer of the Oakport project to the City.

Clay C.D. No. 5 Appeal. Gerald and Sherry Zimmerman filed an appeal of their damages for the installation of buffer strips on C.D. No. 5. They are concerned about the R/W payment rate for their property. Attorney Norgard reported that the appeal will be heard in District Court and discussed the BRRWD's position on the issue. The Board discussed Zimmerman's concerns about his land value. The staff and Managers will attempt

to schedule a meeting with Zimmerman to discuss his appeal. Norgard said she could be available to meet with Zimmerman, if necessary.

HR Committee Staff Transition. Altrichter reported on her progress with the staff transition. She has been working with HighRoad Partners on employee benefit packages in an effort to finalize plans for the Board. The HR Committee and Altrichter are nearing completion of the draft Employee Handbook. Altrichter is working with Norgard to prepare a request for proposals for IT services.

The office now has a new mailbox and a document drop box on the premises. The PO box rental has been discontinued.

Bills. The Board reviewed bills totaling \$230,758.33. **Motion** by J. Hanson to approve payment of the bills. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote. See detailed bill list below.

Next Meeting. The Board will hold their next regular meeting on Monday, May 10, 2021, at 7:00 PM in our Barnesville office. The conference line phone number is 1-701-404-1699. Conference ID: 365 708 012#. If you wish to visit the BRRWD office in person, masks and social distancing are required. 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 8:36 PM.

Respectfully submitted,

John E. Hanson, Secretary