



1303 4<sup>TH</sup> Ave. NE  
Barnesville, MN 56514  
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## Board Meeting Minutes

Monday September 13, 2021

**Managers Present:** Peter Fjestad, John Hanson, Troy Larson, Gerald Van Amburg, Mark Hanson (remote), Paul Krabbenhoft.

**Managers Absent:** Catherine Affield.

**Staff Present:** Kristine Altrichter, Administrator.

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

President Fjestad called meeting to order at 7:01 PM.

**Agenda:** Additions to agenda: Upper Buffalo Restoration, Wolverton Outlet Grade Control Project, Fargo-Moorhead Diversion Project Review Potential Flooding Impacts to Jeff Nord's Property. **Motion** to approve agenda with additions by J. Hanson, **Seconded** by Larson. **Approved.**

**Secretary's Report:** **Motion** to approve August 23, 2021 Board Meeting Minutes by Fjestad, **Seconded** by Krabbenhoft. **Approved.**

**Treasurer's Report:** Account balance was \$4,163,362.09. Income received since August 9, 2021, totals \$3,692.01, and for year, totals \$5,153,159.03. No account receivables were collected this month. **Motion** to approve Treasurer's Report by Van Amburg, **Seconded** by J. Hanson. **Approved.**

### **Permits:**

**Permit No. 21-115. 3 Sisters Ogema LLC.** Applicant proposes to install water and sediment control basins with surface intakes and underground outlet in SE ¼, Section 35, White Earth Township, Becker County. Project designed by Natural Resources Conservation Service (NRCS) and meets their standards. Uhler recommends approval subject to standard tiling conditions and approval from township to work in right-of-way (ROW).

**Permit No. 21-116. Matthew Bjerke.** Applicant proposes to install water and sediment control basins with surface intakes and underground outlet in S ½, Section 31, Cuba Township, Becker County. Project designed by NRCS and meets their standards. Uhler recommends approval subject to standard tiling conditions.

**Permit No. 21-117. Michael Aamodt, City of Moorhead.** This is modification of Permit No. 16-084, located in NW ¼, Section 28, Moorhead Township, Clay County. Parcel originally designated for 76-unit apartment building will be replatted to 20 single family residential lots. Water, sanitary sewer, storm sewer, roadway with mountable curb and gutter with catch basins, and dry utilities will be installed. Proposal is part of City of Moorhead's Master Plan and drainage to large pond west of project area. Uhler recommends approval.

**Permit No. 21-118. Clay Lexen, City of Moorhead.** Applicant proposes new subdivision on 29 acres of land in SE ¼, Section 21, Moorhead Township, Clay County. Proposal is part of City of Moorhead's Master Plan. Drainage will flow to large pond northwest of project area. Uhler recommends approval.

**Permit No. 21-119. Doyle Nordick.** Applicant proposes to install pattern tile in SE ¼, Section 24, Connelly Township, Wilkin County. Outlet is proposed through 320<sup>th</sup> Street directly into Wilkin County Ditch 28, which property is assessed benefits. Uhler recommends approval subject to standard tiling conditions and approval from township to work in ROW.

**Permit No. 21-120. Harmen Tande.** Applicant proposes to install new field approach with culvert off County Road 90, in SW ¼, Section 24, Oakport Township, Clay County. Uhler recommends approval subject to using a 36” corrugated metal pipe (CMP) and approval from County to work in ROW.

**Permit No. 21-121. Matthew Bjerke.** Applicant proposes to install water and sediment control basins with surface intakes and underground outlet in N ½, Section 5, Lake Park Township, Becker County. Project designed by NRCS and meets their standards. Uhler recommends approval subject to standard tiling conditions.

**Permit No. 21-122. Tim Christopher, Wilkin County Highway Department.** Applicant proposes to install two centerline culverts to prevent road failure on County Road 3 in NW ¼, Section 14, Deerhorn Township, Wilkin County. Applicant proposes to replace existing CMP arch and with same size reinforced concrete pipe arch at same elevation. Uhler recommends approval.

**Motion** to approve Permit Nos. 21-115, 21-116, 21-117, 21-118, 21-119, 21-120, 21-121, 21-122 with conditions outlined above by J. Hanson, **Seconded** by Larson. **Approved.**

#### **Ditches:**

**Clay County Ditch No. 10. Repair Project Change Order and Pay Estimate 1.** During the March 8, 2021 Board Meeting, Board of Managers authorized repair of two slope failures along Clay County Ditch No. 10 in Sections 15 and 17, Morken Township, Clay County. During the April 26, 2021 Board Meeting, Comstock Construction Inc. was awarded contract to complete repair. Comstock Construction Inc. submitted Change Order #1 for \$13,476.30 and Pay Request #1 for \$163,282.49. **Motion** to approve Change Order #1 and Pay Request #1 by Larson, **Seconded** by Krabenhof. **Approved.**

**Clay County Ditch No. 53. Spot Cleaning.** Harold Brandt requested spot cleaning along Clay County Ditch No. 53 to remove sediment at outlet of side inlet culverts. HEI conducted field review and found several significant blocks in Sections 23 and 24, Holy Cross Township, Clay County. Estimated cost of repair is \$2,000-\$3,000. **Motion** to approve spot cleaning of Clay County Ditch No. 53 by Van Amburg, **Seconded** by J. Hanson. **Approved.**

**Clay County Ditch No. 20. Culvert Replacement.** Jeremy Clark requested investigation of failing culvert through 100<sup>th</sup> Ave. N between Sections 29 and 32, Kragens Township, Clay County. HEI conducted field review and found existing culvert separated under road resulting in hole in roadbed. HEI recommends replacing culvert with 36”x60” cmp. Estimated cost to replace culvert is \$3,000-\$4,000 with 50 percent cost-share with Township. **Motion** to approve culvert replacement with 50 percent cost-share with Township by J. Hanson, **Seconded** by Larson. **Approved.**

#### **Projects:**

**South Branch Buffalo River Restoration/Wilkin County Ditch No. 44.** During the July 12, 2021 Board Meeting, Board of Managers authorized HEI to consult with attorney Tami Norgard, Vogel Law Firm, on legal hearing process to abandon and reroute Wilkin County Ditch No. 44 for the South Branch Buffalo River Restoration through Sections 9, 10, and 11, Manston Township, Wilkin County. Norgard recommended acquiring easements for the 140 ft corridor required for future maintenance of project. Uhler recommended easement payments of \$50 per acre as these properties are in existing permanent conservation easements. Land owned by Pheasants Forever will not require easement payment since BRRWD contributed to acquisition of property. Minnesota Statute 103E.227 requires petitioner to acquire rights for long term maintenance when public drainage systems are rerouted. Minnesota Statute 103E.806 requires a benefiting landowner to petition to partially abandon a legal ditch system. Jones recommends working with Pheasants Forever to develop joint petition to reroute and partially abandon Wilkin County Ditch No. 44, where BRRWD would be responsible for cost of proceedings. **Motion** to approve \$50 per acre easement payments for the South Branch Buffalo River Restoration to Edwin J. Haick and Deutsch Family Living Partnership and no payment to Pheasants Forever and to develop petition to reroute and partially abandon Wilkin County Ditch No. 44 with Pheasants Forever by Van Amburg, **Seconded** by J. Hanson. **Approved.**

**Yort Lake Outlet. Discussion on 8/30 Field Review and Potential Next Steps.** Bruce Paakh requested review of Yort Lake outlet, Section 7 and 8, Lake Park Township, Becker County. Paakh is concerned about bounce of water levels on Sand Lake, Talac Lake, Sorenson Lake, and Yort Lake and the resulting loss of old oak trees. Jones recommended completing survey work to determine locations of restriction in system. Estimated cost of survey is \$1,500. **Motion** to

authorize HEI to conduct survey to determine elevations and identify possible locations of restriction in system by Van Amburg, **Seconded** by J. Hanson. **Approved.**

**Red River Control Structure. Discussion of Plan Review.** Jones reviewed 100 percent plans from Metro Flood Diversion Authority for Red River Control Structure. Condition of Permit No. 19-003 was plan review by BRRWD staff for phases of project in Minnesota. Local drainage and erosion control in plans appeared adequate to meet conditions of permit. Jones drafted letter to send to Metro Flood Diversion Authority acknowledging plans meet requirements of Permit No. 19-003 once necessary property rights are obtained.

**Upper Buffalo Restoration.** During the August 23, 2021 Board Meeting, Board of Managers discussed landowner request to clean out outlet of Becker County Ditch No. 21. Jones discussed plans with Minnesota Department of Natural Resources (DNR) requesting an exemption to acquiring permit to complete clean out. Since project impacts more than 500 ft of channel, an Environmental Assessment Worksheet (EAW) is required before a permit can be reviewed. HEI is compiling information for the EAW and will continue to move forward with acquiring permit. Jones anticipates permit will be obtained and work can commence in January 2022. Estimated cost is \$400,000-\$500,000.

**Wolverton Outlet Grade Control Project.** HEI conducted a bid opening to install series of rock riffles near the Wolverton Creek outlet. Once permits from DNR and United States Army Corps of Engineers (USACE) are obtained, work can commence. Rock riffles will be installed by end of year to use remainder of acquired Clean Water Funds. LaFreniere Construction LLC, Grafton, ND had low bid at \$238,705.50. **Motion** to award contract to LaFreniere Construction contingent on acquiring permits from DNR and USACE by Larson, **Seconded** by Van Amburg. **Approved.**

**Fargo-Moorhead Diversion Project Review Potential Flooding Impacts to Jeff Nord's Property.** During August 9, 2021 Board Meeting, Jeff Nord requested BRRWD submit letter on his behalf to Metro Flood Diversion Authority requesting they contribute to the cost of loading and transporting material so he could build a ring dike and protect his property in SE ¼, Section 24, Wolverton Township, Wilkin County from impacts of Fargo-Moorhead Diversion Project. Board of Managers authorized HEI to review site and determine potential impacts from Fargo-Moorhead Diversion Project on Nord's property. Uhler reviewed elevations and impacts of Fargo-Moorhead Diversion project from Red River and Wolverton Creek on Nord's property. It was determined that Nord's property is outside the inundation area impacted by the Fargo-Moorhead Diversion Project.

**Other:**

**Budget Hearing Clarification – Pj. 34/Pj. 37 – Clay County Ditch 41 & Lateral 1.** Following a review of the Viewer's Report dated 1996, it was determined that Project 34 – Clay County Ditch 41 and Project 37 – Clay County Ditch 41 – Lateral 1 were intended to be combined once project was completed. During the Budget Hearing August 23, 2021, \$50,000 was levied for Project 34 – Clay County Ditch 41 and \$20,000 was levied for Project 37 – Clay County Ditch 41 – Lateral 1. To accurately reflect the Viewer's Report these two have been combined Project 34/Project 37 – Clay County Ditch 41 & Lateral 1 with a levy of \$70,000.

**Bills. Motion** to approve bills totaling \$332,185.15 by J. Hanson, **Seconded** by Krabbenhoft. **Approved.** See bill list attached.

**Next Regular Meeting.** Monday September 27, 2021, at 7:00 PM in the Barnesville office. Agenda will be posted on BRRWD's website prior to meeting.

President Fjestad adjourned meeting at 8:32 PM.

/s/ John Hanson  
Secretary