

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

May 10, 2021

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, May 10, 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, and Paul G. Krabbenhoft. BRRWD staff in attendance were Kristine M. Altrichter, Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI).

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

Agenda. Addition to the meeting agenda: Jones suggested adding a review of repair recommendations for Project No. 78, Clay/Wilkin Judicial Ditch (J.D.) No. 1 and Becker County Ditch (C.D.) No. 5; and updates for Project No. 81, Whiskey Creek Enhancement, Becker C.D. No. 19, and the Upper South Branch of the Buffalo River Restoration project. **Motion** by Krabbenhoft to approve the amended agenda. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

Secretary's Report. The Board reviewed draft minutes for the 4/26/21 regular meeting, the 8/15/17 Wolverton Creek Restoration Hearing, and the 6/21/11 Becker C.D. No. 5 Hearing. Affield had one correction for the 4/26/21 meeting minutes. **Motion** by Affield to approve the minutes, subject to correction. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Treasurer's Report. The Board reviewed the BRRWD's 5/10/21 financial report. Cash on hand is \$2,861,157.17. Income received since the 4/26/21 meeting totals \$899,941.03, and for the year, totals \$1,843,525.20. Year to date Accounts Receivables total \$14,693,120.38. **Motion** by Van Amburg to approve the Treasurer's Report. **Seconded** by J. Hanson. Altrichter reported that the BRRWD received the Diversion Authority's (DA) share of the DA Diversion lawsuit settlement today (\$250,000). **Approved** by unanimous roll call vote.

Other Business brought before the Board included:

FM Diversion Lawsuits. Jones, Altrichter, and Randy Engelstad, Engineer, HEI, met with the Cities of Wolverton and Georgetown last week to discuss the status the general scope of the Diversion project and the Memorandum of Understanding (MOUs) with the DA to provide certified flood protection for the cities. The DA's attorney is working on the MOUs and hopes to have a draft ready for review in the next 60 days. The Board discussed a possible stage increase the Diversion project could potentially cause at the Georgetown levee. The MOU should be able to address any minor impacts.

Permit No. 20-079, Albin Warling. On behalf of the applicant, the Becker Soil and Water Conservation District (SWCD) contacted the BRRWD to report that Warling will be unable to complete his project, approved on 7/27/20, by the one-year deadline. They requested an extension until 7/27/22. The Becker SWCD plans to install a grassed waterway and one water and sediment control basin with surface intakes and underground outlet on Warling's property in Section 25, Cuba Township, Becker County, eventually outletting to Becker C.D. No. 9. Jones recommended the permit extension.

Permit No. 21-048, Steve Kraft. Applicant proposes to construct rental storage units along Clay C.D. No. 41 east of Trunk Highway (T.H.) No. 75 in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Moorhead Township, including onsite grading, a filtration basin, a detention pond and outlet to C.D. No. 41. The only impact to the ditch right-of-way (R/W) will be from the detention pond outlet pipes. Jones recommended permit approval.

Permit No. 21-051, Clifford Froslic. Applicant proposes to install pattern tile in the SE $\frac{1}{4}$, Section 34, Prairie View Township, Wilkin County. The two affected downstream landowners submitted signed notification forms, stating they had no concerns about the proposed work. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 21-054, Joel Crabtree. Applicant proposes to install three Natural Resources Conservation Service (NRCS) designed water and sediment control basins with surface intakes and an underground outlet in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Lake Park Township, Becker County. This project was approved in 2019 (Permit No. 19-095), but it was not completed, so the Becker SWCD submitted a new application for the work. Jones recommended permit approval.

Permit No. 21-055, Kevin Lunde. Applicant proposes to install Becker SWCD designed water and sediment control basins (4) with surface intakes and an underground outlet in the SW $\frac{1}{4}$, Section 18, Lake Park Township. Jones recommended permit approval.

Permit No. 21-057, Jacob Nelson. Applicant proposes to install Becker SWCD designed water and sediment control basins (13) with surface intakes and an underground outlet in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Cuba Township, outletting to Becker C.D. No. 9, to which it is assessed. Jones recommended permit approval.

Permit No. 21-058, Jacob Nelson. Applicant proposes to install Becker SWCD designed water and sediment control basins (2) with surface intakes and an underground outlet in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Lake Park Township. Jones recommended permit approval, subject to township approval to work within their road R/W.

Permit No. 21-059, Novel Energy Solutions. Applicant proposes to install a 10-acre solar farm on the Luther Blilie property in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Wolverton Township, Wilkin County. Jones recommended permit approval.

Permit No. 21-060, Matthew Bjerke. Applicant proposes to install NRCS designed water and sediment control basins (3) with surface intakes and an underground outlet in Section 5, Lake Park Township, Becker County. Jones recommended permit approval.

Motion by J. Hanson to approve Permit Nos. 21-048, 21-051, 21-054, 21-055, and 21-057 through 21-060, and the extension of Permit No. 20-079 until 7/27/22, subject to the referenced disclaimers and conditions. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Clay C.D. No. 3 Repairs. Repairs for C.D. No. 3 in Section 8, Moland Township, Clay County, were planned a few years ago, but the work was postponed until the vegetated buffer strips were installed. To complete the repairs this year, more temporary construction R/W is needed from landowners Vern Wik and Ray Johnson. **Motion** by Krabbenhoft to approve the acquisition of additional temporary R/W, as referenced. **Seconded** by M. Hanson. **Approved** by unanimous roll call vote.

Clay C.D. No. 5 Appeal. Gerald Zimmerman may be available to meet with the BRRWD on his appeal of his damages for the installation of buffer strips on C.D. No. 5 when field work is completed. The Managers discussed the timeline for the appeal process. Staff will check with BRRWD Attorney Tami Norgard, Vogel Law Firm, to be sure we are meeting the legal appeal process requirements.

Clay C.D. No. 10 Repairs. The Board awarded the construction contract to Comstock Construction, Inc., Wahpeton, ND, at their 4/26/21 meeting. The contract documents are prepared and ready for signature. **Motion** by J. Hanson to authorize signature of the construction contract. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Andrea Township Crossing Request. At their 4/26/21 meeting, the Board authorized HEI to conduct a survey/hydraulic analysis and prepare recommendations in response to Andrea Township's request for a crossing over Wilkin C.D. No. 7 between Sections 28 and 29 on the south line of the SW¼, Section 28, at the intersection of C.D. No. 7 and 300th AVE. Jones recommended a minimum size of two lines of 87" x 63" corrugated metal arch pipe (CMP-A) with a total waterway area of 64 sq. ft. to minimize upstream impacts, keep the culvert crown below the adjacent field elevation, and allow for adequate cover over the proposed culverts. The field approach should be a minimum width of 24' with 3H:1V sideslopes and step-beveled ends. The culvert should be approximately 60' long with riprap placed at both ends to prevent erosion. Jones added that the original 1907 C.D. No. 7 plans showed a "Bridge No. 9" was proposed in this location, but the 1973 improvement plans did not show a bridge. More research will be needed on this issue. The Township is looking for potential cost share from the BRRWD for the crossing/installation costs.

Project No. 54, Whisky Creek Tributaries Repair. Landowner Dennis Butenhoff, who farms along the west tributary of Whisky Creek, reported that two culverts in the gravel road in the NW¼, Section 16, Barnesville Township, Clay County, are silted in with leaking flapgates. HEI completed a field review and determined that two of the four area inlet culvert flapgates were leaking. Jones recommended the replacement of two inlet culvert flapgates on the east side of 140th ST S. The estimate for the work is approximately \$1,500. **Motion** by Krabbenhoft to approve the proposed flapgate replacements. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

Project No. 30, Clay/Wilkin J.D. No. 1 Repair. The J.D. No. 1 Ditch Committee reported a failed culvert through 80th ST S between Sections 28 and 29, Alliance Township, Clay County. The existing culvert is a 71" x 47" x 50' CMP-A. Jones recommended replacing the culvert with the same size pipe. The estimated cost is \$10,000-\$12,000 for materials and labor. The Board would consider a 50/50 cost share with the Township for this repair. The Township will contact the BRRWD regarding this proposal. **Motion** by J. Hanson to approve the repair and split the costs with the Township 50/50. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

Becker C.D. No. 5 Repair. Landowners Lester and Jim Kiehl have requested a culvert replacement in C.D. No. 5 through 165th ST in Section 35, Audubon Township. The structure was washed out and replaced after a flood several years ago but was not installed at the proper elevation. Jones recommended replacing the existing 15" x 42' CMP with a same sized new pipe, placed approximately 1.4' lower than the current grade. The cost estimate is \$3,000-\$4,000 for materials and labor. The Board would consider a 50/50 cost share with the Township for this repair. The Township will contact the BRRWD regarding this proposal. **Motion** by J. Hanson to approve the repair and split the costs with the Township 50/50. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Tile Drainage Concerns. The BRRWD issued a tile permit (Permit No. 12-142) to Mark Yaggie in 2012 in Section 4, Manston Township, Wilkin County. The tile outlet is along T.H. No. 9, and there are ongoing concerns about blockages on both sides of the road that restrict the tile water from draining south into the South Branch of the Buffalo River. In 2019, the Board reviewed this issue and asked the area landowners to work together to get the ditches cleaned. A Minnesota Department of Transportation (MNDOT) permit would be required to work in their road R/W along T.H. No. 9. Opsahl met with a few of the landowners last week, but they didn't reach a consensus. Jones recommended that the Board schedule a meeting with the area landowners and MNDOT to consider a solution for this problem. The Board asked Staff to set up the meeting after spring field work is completed.

Upper South Branch of the Buffalo River Restoration. Jones suggested that the Board consider holding an informational meeting for Phase 1 and 2 landowners to discuss the proposed channel cleanout and the future restoration project. Jones added that he was contacted by the Minnesota Board of Water and Soil Resources (BWSR) and Pheasants Forever (PF) regarding the Rogelstad tract in Section 10, Manston Township, Wilkin County. PF purchased this property for a future 320-acre Wildlife Management Area (WMA). The BRRWD contributed funds to the purchase, and in exchange, the BRRWD will have access to the tract for the work needed to complete the stream restoration project on the upper South Branch of the Buffalo River and for future project maintenance. Jones has requested time on the Lessard-Sams Outdoor Heritage Council (LSOHC) 5/26/21 meeting agenda to get formal approval for the BRRWD to access the WMA tract for our channel restoration project since this purchase and the purchase of some of the Reinvest in Minnesota (RIM) easements in Section 11, Manston Township, were acquired using Outdoor Heritage Fund grant funding.

Becker C.D. No. 19 Culvert Complaint. Landowner Ritchie Just has concerns about the elevation of Rock Lake and the condition of the culverts between Rock and Rice Lakes. Last year, Holmesville Township had planned to lower one of the culverts, but a recent survey showed that the culvert elevations have not changed since 2006. HEI will prepare an elevation survey map for the Township's review. Jones explained that the dam on Buffalo Lake has the most effect on the area lakes' elevations. In response to concerns about blockages in the culverts upstream of Rock Lake near Momb Lake, HEI conducted a field review and found no blockages. There could be beaver dams in the channel from Momb to Rock Lakes. Because Rock Lake is considered Public Water, a Minnesota Department of Natural Resources (DNR) permit would be needed to raise the permanent elevation.

Whiskey Creek Enhancement. Bennett Uhler, Engineer, HEI, presented the project to the Wilkin County Planning Commission on 5/3/21. The County Commissioners will consider the Conditional Use Permit (CUP) on 5/11/21. Uhler will attend the meeting to answer any possible questions.

A Minnesota Pollution Control Agency (MPCA) representative contacted Jones to inform him that there might be unspent 2020 319 Grant funding available. Jones submitted a request for the Whiskey Creek project, which could yield an additional \$50,000 for project funding. The BWSR Clean Water Funds (CWF) awarded to the project should be available to cover most of the local match (60% Section 319 grant/40% non-federal match).

BRRWD Advisory Committee. The Board reviewed a list of the current Advisory Committee members. They discussed updating the membership list and potential options for scheduling the Annual Committee meeting and 2021 Fall Tour. The Managers agreed to contact the Advisory Committee members from their respective counties to find out if they are still interested in participating. The Board agreed to revisit plans for the Fall Tour in a few weeks, depending on changes in the State Covid restrictions.

HR Committee Staff Transition. Altrichter reported on the progress with the staff transition. The HR Committee met with Attorney Norgard to review the Employee Handbook. The HR Committee met after the 4/26/21 Board meeting and will meet again later tonight. They will review the Handbook, a draft Request for Proposals (RFP) for IT services, and benefit package options. Altrichter met with a HR services company, who submitted a proposal for the HR Committee to review.

Bills. The Board reviewed bills totaling \$200,075.75. **Motion** by J. Hanson to approve payment of the bills. **Seconded** by Affield. **Approved** by unanimous roll call vote. See detailed bill list below.

Next Meeting Agenda. Jones noted there will be results and a recommendation for award from the Clay C.D. No. 3 repair bid opening for the Board's review.

Upcoming Events. The Clay C.D. Nos. 12, 21, 55, 58, and 69 buffer establishment hearing will be held Thursday, May 13, 2021, at 7:00 PM in the Barnesville office with online options.

Next Meeting. The Board will hold their next regular meeting on Monday, May 24, 2021, at 7:00 PM in the 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 8:25 PM.

Respectfully submitted,

John E. Hanson, Secretary