



Board Meeting Minutes

Monday May 9, 2022

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

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); Tami Norgard, Attorney, Vogel Law Firm (remote).

Others Attending: Kevin Campbell, Clay County Commissioner; Jay Nord; Jerry Butenhoff, Alliance Township Supervisor; Nathan Strand, Barnesville High School; Chuck Anderson; Derek Syverson; Phillip Rogers; Mark Hanson (remote); Roger Hagland (remote).

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

Agenda: Additions to agenda: Wilkin County Ditch No. 13 – Lateral Repair, Clay County Ditch No. 2 Repair, Concurrence for Finding of No Significant Impact for Lower Otter Tail River Restoration Feasibility Study, Metro Flood Diversion Authority (MFDA) Memorandum of Understanding (MOU) for Mitigation Contribution to Lower Otter Tail River Restoration, Outdoor Heritage Fund (OHF) Stream Habitat Program Application.

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

Secretary's Report: Motion to approve April 11, 2022 Board Meeting Minutes and April 11, 2022 Wilkin County Ditch No. 13 Hearing Minutes with minor corrections by Affield, **Seconded** by Krabbenhoft. **Approved.**

Treasurer's Report: Account balance was \$2,996,914.48. Income received since April 11, 2022 Board Meeting, totals \$212,027.39, and for the year, totals \$778,019.62. \$210,716.06 was collected from account receivables this month. **Motion** to approve Treasurer's Report by Van Amburg, **Seconded** by Affield. **Approved.**

Citizens to be Heard:

Derek Syverson. Syverson notified Board of Managers that this spring his property in NE ¼, Section 17, Barnesville Township, Clay County, had significant flooding. Clay County Highway Department replaced a bridge with culverts a few years ago. Syverson thinks there is something wrong with culverts and does not think ice dams contributed to flooding. Syverson is considering constructing a ringdike around his property. Jones noted that there have not been funds appropriated for ringdikes for the last few years at the legislative level. BRRWD will add Syverson to list if funds become available in the future.

Permits:

Permit No. 22-017. Whiskey Creek Farms. Steve Thompson. Applicant proposing to install pattern tile in NE ¼, Section 24, Deerhorn Township, Wilkin County. This permit is in association with Hearing held on April 11, 2022 for this quarter-section to use Wilkin County Ditch No. 13 as an outlet. Natural flow path remains unchanged. Uhler recommended approval subject to standard tile conditions and expiration of the 30-day appeal period following Board approval of Order signed April 11, 2022 to bring land into Wilkin County Ditch No. 13 benefiting area (expires May 12, 2022).

Permit No. 22-027. Randy Cook. Applicant proposing to install driveway approach and culvert in NW ¼, Section 21, Elkton Township. Uhler recommended approval subject to approval from Minnesota Department of Transportation (MnDOT) to work within road right-of-way (ROW).

Permit No. 22-028. City of Dilworth. Dan Hanson. Applicant proposing to reconstruct 7th St. NE and partial abandonment of Clay County Ditch No. 50 within City of Dilworth, Clay County. This permit is in association with Hearing held April 5, 2022 for the partial abandonment of Clay County Ditch No. 50. Project has no additional impacts on drainage. Uhler recommended approval.

Permit No. 22-029. Charles Schreiber. Applicant proposing installation of random tile in S ½, Section 36, Foxhome Township, Wilkin County. Natural flow path remains unchanged. Proposed tile connects to existing tile installed under Permit No. 21-093. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-032. Andrew Maier. Applicant proposes to install pattern tile in S ½, Section 25, Deerhorn Township, Wilkin County. Natural flow path remains unchanged. Proposed tile outlets into Wilkin County Ditch No. 13, which serves as an adequate outlet and property is within benefit area. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-034. City of Moorhead. Applicant proposing street and utility improvement on Center Ave. from 4th St. to 8th St. within City of Moorhead, Clay County. Proposed project does not negatively impact drainage. Uhler recommended approval.

Permit No. 22-035. Paul Dubbels. Applicant proposing installation of approach with culvert in SE ¼, Section 6, Humboldt Township, Clay County. Uhler recommended approval subject to use of 18” corrugated metal pipe (CMP) and approval from Township to work in road ROW.

Permit No. 22-036. Tom Arnhalt Farms. Applicant proposing installation of pattern tile in E ½, Section 20, Manston Township, Wilkin County. Natural flow path remains unchanged. Proposed tile outlets into adequate outlet. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-037. Big Tree Nursery. Tim Fischer. Applicant proposing installation of approach and culvert in SW ¼, Section 16, Oakport Township, Clay County. Uhler recommended approval subject to use of 18’ CMP and approval from County to work within road ROW.

Motion to approve Permit Nos. 22-017, 22-027, 22-028, 22-029, 22-032, 22-034, 22-035, 22-036, 22-037 with conditions outlined above by Larson, **Seconded** by J. Hanson. **Approved.**

Ditches:

Clay County Ditch No. 47. Redetermination of Benefits Update. During the March 11, 2022 Board Meeting, Board of Managers approved moving forward with 2008 redetermination of benefits pending approval from attorney. BRRWD received memo from Vogel Law Firm that too many years have passed and the 2008 redetermination of benefits are invalid. It was recommended that BRRWD appoint viewers to redetermine the benefits and negate the information from the 2008 Hearing. **Motion** to appoint Eddie Bernerdson, Bill Austin, and Dennis Olson to be viewers for redetermination of benefits by Krabbenhoft, **Seconded** by Affield. **Approved.**

Clay County Ditch No. 54. Repair Recommendation. Jerry Butenhoff, Alliance Township Supervisor, requested repair of culvert through 120th St. S, a township road on east side of Section 25 within Clay County Ditch 54 system. Existing culvert, 66” CMP has separated resulting in road failure. Township is willing to participate in 50/50 cost-share of repair. Uhler presented two options. Option 1 would involve installing 66” band around separating pipe section if existing pipe is found to be in good condition. Estimated cost of Option 1 is \$7,000 to \$8,000. Option 2 involves installing new 66” x 40” CMP culvert if existing pipe is found to be in poor condition. Estimated cost of Option 2 is \$24,000 to \$25,000. **Motion** to authorize HEI to inspect pipe and move forward with Option 1 or Option 2 depending on condition of pipe with 50/50 cost-share with Alliance Township by Larson, **Seconded** by Krabbenhoft. **Approved.**

Wilkin County Ditch No. 22. Repair Recommendation. Michael and Jennifer Ernst requested repair of culvert through driveway in SE ¼ Section 26, Wolverton Township within Wilkin County Ditch No. 22 system. Existing driveway culvert, a 12' x 10" x 8'-4" x 66' Structural Plate Pipe Arch (waterway area = 86 sq. ft), has bucked from bottom of pipe, reducing pipe capacity. Hydraulic analysis was completed to determine correct size of replacement pipe. Hydraulic analysis showed repair will require installation of new 12' x 6' x 56' Reinforced Concrete Box Culvert (waterway area = 70 sq. ft) and two 12' x 6' Reinforced Concrete Box end sections. Estimated cost is \$95,000 to \$105,000. **Motion** to approve recommended repair as part of ditch expense by J. Hanson, **Seconded** by Larson. **Approved.**

Wilkin County Ditch No. 13 – Lateral 1. Repair Recommendation. Henry Baumgartner requested repair of dam structure within Wilkin County Ditch No. 13 – Lateral 1 system in Section 26, Deerhorn Township. Repair will require west slope of ditch to be rebuilt and sheetpile be reburied within side slope. In addition, rock should be placed on downstream slope of structure to prevent erosion. Estimated cost is \$3,000 to \$4,000. **Motion** to approve recommended repair as part of ditch expense by Larson, **Seconded** by Van Amburg. **Approved.**

Clay County Ditch No. 2. Repair Recommendation. David Watt reported damaged field inlet culvert on south side of Clay County Ditch No. 2 in Section 25, Moland Township. Culvert has failed and slope washed out over the top of culvert. Culvert needs to be replaced and slope rebuilt. Repair will require new 24" CMP 60' long and new 24" flapgate. Estimated cost is \$7,500 to \$8,500. **Motion** to approve recommended repair as part of ditch expense by Van Amburg, **Seconded** by J. Hanson. **Approved.**

Projects:

Project 80 – Stony Creek Water Resource Enhancement Project (WREP). Project Status Update. Board of Managers reviewed list of Board actions regarding Stony Creek WREP from Board Meeting Minutes between 2014 and 2022. Jones noted that HEI and BRRWD staff have had conversations with Board of Water and Soil Resources (BWSR) staff regarding funding opportunities for easement acquisition. BRRWD staff are waiting on additional details about the Reinvest in Minnesota (RIM) Wetland program. Board of Managers discussed moving forward with impoundment and stream restoration versus stream restoration. Landowners in attendance expressed that they would like stream restoration to move forward at a minimum. **Motion** to finalize survey and design to bring stream restoration to Final Hearing by Affield, **Seconded** by Van Amburg. **Approved.** Board of Managers clarified that Final Engineer's Report for Final Hearing would only contain information regarding stream restoration. Board of Managers will review need for impoundment site in future.

Project 46 – Turtle Lake Outlet Modification. Legislative-Citizens Commission on Minnesota Resources (LCCMR) Grant Application and Resolution. Motion to authorize staff to submit LCCMR Grant Application and Fjestad to sign resolution to submit application by J. Hanson, **Seconded** by Larson. **Approved.**

Upper South Branch Buffalo River Restoration. Phase 1 Bid Update. Bid opening was held on May 2, 2022. Apparent low bidder was Minnesota Native Prairie Landscapes, Inc. Board of Managers will award contract during June 13, 2022 Board Meeting so all easements are signed before contract is awarded.

Glyndon East Tributary Restoration. Damage Statements. Damage statements including rates approved during the April 11, 2022 Board Meeting were sent to landowners. Hearing will be held Monday May 23, 2022 at 7:00 PM in Barnesville.

Lower Otter Tail River Restoration. Environmental Assessment Worksheet. Motion to accept Findings of Fact for Lower Otter Tail River Restoration stating that no Environmental Impact Statement (EIS) is required by Larson, **Seconded** by Affield. **Approved.**

Lower Otter Tail River Restoration. Land Acquisition Update. BRRWD staff are working with HEI and Wilkin Soil and Water Conservation District (SWCD) staff to develop handouts for landowners interested in participating in Lower Otter Tail River Restoration Project. BRRWD will utilize Lessard-Sams Outdoor Heritage Fund (LSOHF) to enroll landowners in RIM program with option for BRRWD to purchase easement contingent on RIM easement closing. BRRWD previously approved paying 20 percent of RIM rate for watershed easement. Wilkin SWCD will focus outreach on landowners who have expressed interest in project participation. Outreach will focus on feature group 8, 1, 2 and 7.

Lower Otter Tail River Restoration. Concurrence for Finding of No Significant Impact for Lower Otter Tail River Restoration Feasibility Study. Motion to authorize Fjestad to sign Findings of No Significant Impact to concur with findings of feasibility study by Van Amburg, **Seconded** by Affield. **Approved.**

Lower Otter Tail River Restoration. MFDA MOU for Mitigation Contribution to Lower Otter Tail River Restoration. Motion to authorize Norgard to send comments MFDA by J. Hanson, **Seconded** by Van Amburg. **Approved.**

Other:

MFDA and BRRWD MOU regarding Georgetown Project and Wolverton Project. Norgard provided review of updates to document. Motion to authorize Fjestad to sign MOU by Krabbenhoft, **Seconded** by Van Amburg. **Approved.**

Barnesville River Watch. Program Funding Request. Nathan Strand, Barnesville High School, presented proposal for River Watch Program. Motion to approve funding request totaling \$5,545.14 for 2022-2023 by Larson, **Seconded** by Affield. **Approved.**

Open Meeting Law Reminder. Board of Mangers reviewed Minnesota Open Meeting Law requirements.

Beaver Management Policy. During the April 11, 2022 Board Meeting, Board of Managers approved a Beaver Management Policy where BRRWD will be responsible for beaver management on all jurisdictional legal ditch systems and projects with benefiting areas within their jurisdiction. BRRWD will manage beavers if they are a nuisance to legal ditch systems, restored stream channels with benefiting areas, or other project features. If landowners manage beavers in these areas, without prior authorization from BRRWD Board, it will be at their own expense. Prior authorization requires total estimated costs, actual costs billed to BRRWD may not to exceed limit approved by Board of Managers. Board of Managers requested Altrichter determine set cost per beaver to add to policy. Based on a review of average cost for beaver trapping, it was recommended that BRRWD add a cost limit of \$100 per beaver plus actual mileage paid at the Internal Revenue Service Standard Mileage Rate. Motion to amend beaver policy to include maximum cost per beaver plus mileage by Larson, **Seconded** by J. Hanson. **Approved.**

Board of Managers discussed request made by Julie Jerger in Section 16, Deerhorn Township, Wilkin County to remove beaver dam within one mile of outlet of Deerhorn Creek Project. Under Beaver Management Policy approved April 11, 2022, beaver management would be responsibility of landowners. Jerger noted that BRRWD had managed beavers in the past. Motion to authorize BRRWD to coordinate removal of beaver and dam within one mile of outlet one time by Larson, **Seconded** by Van Amburg. **Approved.** Board of Managers clarified that all future beaver management would be the responsibility of the landowners unless a water management district (wmd) is established. Board of Managers discussed establishing a wmd for Deerhorn Creek Project and will include cost in 2023 budget.

Vehicle Purchase Update. A vehicle for District use has been reserved at Nelson Auto Center in Fergus Falls. Vehicle is anticipated to be available at the end of 2022 or beginning of 2023.

IT Security Firewall Renewal. Motion to renew Firewall Security License and Support for three years totaling \$829.88 by Larson, **Seconded** by Van Amburg. **Approved.**

Lessard-Sams Outdoor Heritage Council (LSOHC) 2023 Request for Funding for Buffalo River Watershed Stream Habitat Program. Funding request of \$7,901,000 will be used for stream restoration and easement acquisition. Motion to submit grant application by Krabbenhoft, **Seconded** by Van Amburg. **Approved.** Motion to approve paying watershed easements at a rate of 20 percent RIM rate for Buffalo River Watershed Stream Habitat Program by Larson, **Seconded** by J. Hanson. **Approved.**

Bills. Motion to approve bills totaling \$149,476.41 by J. Hanson, **Seconded** by Krabbenhoft. **Approved.**

Next Regular Meeting. Monday June 13, 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 9:10 PM

/s/ John Hanson
John Hanson
Secretary