

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

November 23, 2020

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, November 23, 2020, at 7:00 PM in the Barnesville office. Due to the Coronavirus protocols for public meetings, the Board held an electronic meeting in accordance with Minnesota Statutes Annotated (M.S.A.) Section 13D.021. BRRWD Managers present in the office were Peter V. Fjestad, Mark L. Hanson, John E. Hanson, Paul G. Krabbenhoft, and Troy E. Larson. Managers attending via conference line: Catherine L. Affield and Gerald L. Van Amburg. BRRWD staff attending in person were Kristine M. Altrichter, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending via conference line: BRRWD Attorney Tami Norgard, Vogel Law Firm; and landowner Don Nelson, and in person: Dave Owings, Glyndon City Council, and landowners LeRoy Babolian and Steven F. Thompson.

BRRWD President Fjestad called the meeting to order at 7:02 PM and informed the audience that the meeting was being recorded to aid in the preparation of meeting minutes.

Agenda. Additions to the meeting agenda: Barnesville Township repair request. **Motion** by Larson to accept the agenda, as amended. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

New Employee. Kristine M. Altrichter, the BRRWD's new Administrator, introduced herself and discussed her educational background and previous work experience. She started today in the Barnesville office on a full-time basis.

Secretary's Report. The Board reviewed draft minutes for the 11/09/20 regular meeting. **Motion** by Affield to approve the minutes. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

Treasurer's Report. The Board reviewed the BRRWD's 11/23/20 financial status. Cash on hand is \$2,498,189.99. Income received since the 11/9/20 meeting totals \$1,670.53, and for the year, totals \$4,588,005.65.

Citizens to be Heard. Councilman Dave Owings and landowner LeRoy Babolian discussed issues with beaver control on the Glyndon east tributary in the area north of the railroad tracks on 110th ST. Jones suggested that the Board consider developing a beaver control program to address the beaver infestation in locations along the east tributary channel as part of an area project. Other problems on the channel include sediment buildup, overgrown vegetation, and low water crossings where the culverts sizes are inadequate. This summer and fall, the Board hired trappers to take out beavers and contractors to remove the dams. A potential project to address the flooding issues along east tributary could be eligible for the state watershed based funding (75%/25% split) associated with the newly approved One Watershed, One Plan (1W1P), and Minnesota Department of Natural Resources (DNR) channel restoration grants. Local costs could be covered by instituting a storm water utility fee, or watershed management district (wmd), based on runoff volume/water contribution to the system, which would include the City's wastewater lagoon. Later this winter, the Board could meet with the landowners to discuss a possible 2021 project.

Steve Thompson asked about the status of the Stony Creek project in Barnesville Township, Clay County, in regard to planting intentions for the permanent easement areas. Jones explained that even if the channel restoration portion of the project could move forward in 2021, a public hearing will still need to be held and

easement acquisitions completed. Given that timeline, he thought the easement areas could be planted next spring. Thompson also asked about a culvert/flapgate installed a few years ago by the neighboring landowner between Sections 8 and 5, Barnesville Township, which diverts water across Thompson's property before reaching the county ditch. He would like to have the Board decide if the flapgate should be removed since, according to a cursory search of the permit records, there was no permit issued for the flapgate. The Board had a brief discussion regarding the history of this issue. Jones will investigate and report to the Board at their 12/14/20 meeting.

Don Nelson referenced a recent complaint hearing where the Board cited the BRRWD Rule that "a landowner can't cause an obstruction to back water onto others". He wanted to know why that rule shouldn't also apply to the Fargo-Moorhead Diversion Authority's project and why the Diversion isn't in violation of BRRWD Rules. Attorney Norgard noted that while the Diversion Authority is working with the BRRWD to follow our permitting process, the landowner blocked his neighbor's tile without applying for a permit.

Other Business brought before the Board included:

Permit No. 20-127, Keene Township. This permit involves a new culvert on the west side of 210th ST N to improve drainage into and out of the nearby Holte Waterfowl Production Area (WPA) and to reduce water levels in the adjacent basins to protect the township road on the east line of Section 34 from the south to the WPA. During a recent field inspection, staff located and removed an old beaver dam. If the Township wants more drawdown, they may have to clean the natural waterway running through the SE $\frac{1}{4}$ of Section 34, which would require additional agency permitting.

Permit No. 19-003, FM Diversion. All parties are working together on the details of the Mutual Settlement Agreement. Van Amburg reported that the Minnesota-Clay County Joint Powers Agreement (MCCJPA) met last week. They are working on easement acquisitions for the diversion channel on the North Dakota side of the Red River and also negotiating with landowners on the Minnesota side to obtain storage easements.

Permit No. 20-121, Connie Seidler. Applicant proposes to pattern tile the NE $\frac{1}{4}$ and the east 80 acres of the NW $\frac{1}{4}$, Section 28, Sunnyside Township, Wilkin County, on the boundary between the BRRWD and the Bois de Sioux Watershed District (BdSWD). The SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, is located in the BdSWD. Last week, BdSWD issued a permit for the portion of the project outletting into their District. Downstream landowners were informed about the project, and there were no issues noted. Jones recommended permit approval, subject to our standard tiling disclaimer and the BdSWD permit approval and conditions.

Permit No. 20-125, Justin Phillips. Applicant proposes to add random tile in the NE $\frac{1}{4}$, Section 13, Akron Township, Wilkin County, to improve drainage. Phillips has verbal consent to outlet the tile into a grassed area on Ross Johnson's property in the northwest corner of the NW $\frac{1}{4}$, Section 13, Akron Township. The Board had a brief discussion about area drainage patterns and the project plans. Manager Larson will contact the neighboring landowners regarding Phillips' proposal. **Action Postponed**, pending receipt of tiling plans and Manager contact with the applicant.

Permit No. 20-128, Mike Opatril. Applicant proposes to install an 18" dia. culvert/approach crossing an existing waterway to access his field from a pasture on his property in the northwest corner of the SE $\frac{1}{4}$, Section 4, Riverton Township, Clay County. Jones recommended permit approval.

Permit No. 20-129, Mark Blaufuss. Applicant proposes to add an additional 18" dia. pipe or to replace the existing 18" dia. culvert with a new 24" dia. pipe in the SW $\frac{1}{4}$, Section 25, Meadows Township, Wilkin County, to prevent water escaping the ditch and washing out into Blaufuss' field. The downstream culvert is significantly larger than the current approach culvert. **Action Postponed**, pending Manager field review.

Motion by Krabbenhoft to approve Permit Nos. 20-121 and 20-128, subject to the referenced disclaimers and conditions. **Seconded** by Larson. **Approved** by unanimous roll call vote.

Project No. 79, Wolverton Creek Restoration. Jones submitted Pay Request No. 2 for Gladen Construction, Inc.'s work to date on Phase 2 in the amount of \$276,337.52. In addition, Change Order No. 2 was submitted for a net increase in the Gladen Construction contract of \$29,410.99. **Motion** by J. Hanson to approve the referenced pay request and change order. **Seconded** by Larson. **Approved** by unanimous roll call vote.

Project No. 80, Stony Creek Restoration. The Board reviewed the Environmental Assessment Worksheet (EAW) Findings and Order. The EAW public comment period began 10/19/20 and ended 11/18/20. Comments from three government agencies and the BRRWD's responses were included in the Appendices to the Findings. The Record of Decision was that an Environmental Impact Statement (EIS) was not needed for the project. The Board had a brief discussion regarding the EAW. **Motion** by Van Amburg to approve the EAW and to authorize Fjestad to sign the Record of Decision. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

Whiskey Creek Enhancement. Jones submitted the Engineer's Report. The Report will be forwarded to the Minnesota Board of Water and Soil Resources (BWSR) and the DNR for comments prior to the project hearing. **Motion** by Larson to accept the Engineer's Report. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Jones reported that the Minnesota Pollution Control Agency (MPCA) 319 Grant application was approved for \$284,275, which will be used as cost-share for a portion of the State funding for the project. The Board considered a grant application for the United States Fish and Wildlife Service (USFWS) Great Plains Fish Habitat Partnership (GPFHP) for the Whiskey Creek project. **Motion** by Larson to authorize Fjestad to sign the application submittal letter on behalf of the Board. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

1W1P. The BWSR Northern Regional Committee and the full BWSR Board have approved the Buffalo-Red River Watershed (BRRW) 1W1P. The next step is for all the local government units (LGUs) involved with the 1W1P to adopt the Plan. **Motion** by Krabbenhoft to adopt the 1W1P. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

LiDAR Update. Van Amburg attended the Red River Watershed Management Board (RRWMB) last week where the International Water Institute (IWI) LiDAR data update was considered. The Board discussed the benefits of conducting a completely new data collect or to update certain corridors that have changed or need to be refined from previous the 2008-2010 LiDAR data collect.

Minnesota Association of Watershed Districts (MAWD). The Board discussed the MAWD 2020 resolutions to be considered at the virtual Annual Meeting and Trade Show on December 1-4, 2020. The Managers and Altrichter plan to participate in the meeting via the boardroom AV system.

HR Report. The HR Committee and representatives from the BRRWD's Advisory Committee will meet with Eide Bailly personnel for an in-depth presentation of the staffing analysis on Tuesday, December 8, 2020, at 7:00 PM.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
American Enterprises, Inc.	Remove Vegetation	Pj. 46-Turtle Lk. Outlet	\$ 987.50
Cardmember Service	Registered Mail (1) Abstract	Pj. 79, Wolverton Crk.	\$ 26.44
Cardmember Service	Office Supplies & Computer software	Admin.	\$ 429.36
City of Moorhead	2020 Ditch Mowing/Maintenance	Varies	\$ 47,709.93
Fargo Rubber Stamp Works, Inc.	#V22001673 name plates for frames	Admin.	\$ 22.45

Gladen Construction, Inc.	Pay Request No. 2	Pj. 79, Wolverton Crk.	\$ 276,337.52
Joel Carlson, Inc.	December 2020 Lobbyist Fees	Admin.	\$ 850.00
Lake Region Electric Cooperative	10/01/20-11/01/20 Service	Pj. 79, Wolverton Crk.	\$ 28.42
Moorhead Public Service	10/02/20-11/03/20- Service FL #18	Pj. 49, Oakport	\$ 37.71
Moorhead Public Service	10/02/20-11/03/20- Service FL #21	Pj. 49, Oakport	\$ 34.63
Sellin Brothers, Inc.	Ditch Cleaning	Pj. 51, Clay	\$ 6,747.50
Terry Kohler	Beaver Dam Removal	Varies	\$ 787.50
Vogel Law Firm	#264767 November Billing	Admin.	\$ 1,411.00
Vogel Law Firm	#264960 November Billing	COE	\$ 22,742.50
			\$ 358,152.46

Motion by J. Hanson to approve payment of the bills. **Seconded** by Larson. **Approved** by unanimous roll call vote.

Audubon Township Drainage. Jones reported that according to staff field review, landowner Todd Boit unearthed his neighbors' tile outlets located on their easements across his property in Section 13, Audubon Township, Becker County, by the Board's 11/23/20 deadline. The Board discussed Jones' proposed drainage plan for Boit's property.

Barnesville Township Request. The Board reviewed Barnesville Township's request for the BRRWD to pay to clean the township road ditch along 170th ST near the anhydrous plant. The Managers decided not to contribute to the ditch maintenance costs. Jones will contact the Township with the Board's decision.

Next Meeting. The next regular BRRWD meeting is scheduled for Monday, December 14, 2020, at 7:00 PM in our Barnesville office via online conferencing, depending on the COVID-19 meeting restrictions.

Adjournment. President Fjestad adjourned the meeting at 8:33 PM.

Respectfully submitted,

John E. Hanson, Secretary