

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING

January 25, 2021

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a special meeting on Monday, January 25, 2021, at 5:30 PM in the Barnesville office. BRRWD Managers present in the office were Peter V. Fjestad, John E. Hanson, Catherine L. Affield, Troy E. Larson, Paul G. Krabbenhoft, Mark L. Hanson, and Gerald L. Van Amburg. Others attending in person: Wayne Johnson and Kurt Mortenson, Otter Tail County Commissioners; Brent Edison, Attorney, Vogel Law Firm; and Jerry Bents, Houston Engineering, Inc. (HEI).

President Fjestad called the meeting to order at 5:33 PM. He explained that the purpose of the special meeting was for the Board to consider the issue of transitioning the current HEI office staff to Watershed District employees.

The Board had an extended discussion regarding the issue of staff transition. There are two opposing factors involved with the transition question: the problem of the staff's perceived appearance of a potential conflict of interest, which was raised during the BRRWD's recent lawsuits, and the potential added BRRWD costs to employ the staff, documented in Eide Bailly's cost analysis. The Managers all offered comments regarding the transition. Attorney Brent Edison presented a detailed explanation regarding the conflict issue. Jerry Bents, HEI, assured the Board that HEI would be willing to assist them with staff transition, or negotiate possible HEI contract changes if the Board decided to continue with the current staffing arrangement. At 6:50 PM, President Fjestad announced a 10 minute recess.

At 7:03 PM, President Fjestad convened the regular Board meeting and informed the audience that the meeting was being recorded to aid in the preparation of meeting minutes. Due to the Coronavirus protocols for public meetings, the meeting was available online in accordance with Minnesota Statutes Annotated (M.S.A.) Section 13D.021. BRRWD staff in attendance were Kristine M. Altrichter, Administrator, and Erik S. Jones, Engineer, HEI. Clay County Commissioner Jenny Mongeau and Bennett Uhler, Engineer, HEI, joined the meeting on the conference line.

Agenda. Additions to the meeting agenda: Office staff transition, Oakport Township grazing agreement, Upper South Branch of the Buffalo River grant agreement, and Turtle Lake Quit Claim deed. **Motion** by J. Hanson to approve the amended agenda. **Seconded** by Larson. **Approved** by unanimous roll call vote.

Secretary's Report. The Board reviewed draft minutes for the 1/11/21 annual 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 1/25/21 financial status. Cash on hand is \$2,896,273.25. Income received since the 1/11/21 meeting totaled \$242,820.84.

Other Business brought before the Board included:

HR Committee Staff Transition. Manager Affield gave a brief recap of discussions during the earlier 5:30 PM Committee meeting about the possible transition of the current HEI administrative office staff to BRRWD employment. **Motion** by Affield for the Board to transfer our four HEI employees to BRRWD employees within the next 90 days, including working out the details of the benefits and to have the Administrator, HR Committee, along with President Fjestad to facilitate the change and to bring the

recommendations back to the full Board within the 90-day time period, including providing Senior Administrative Assistant Julie Jerger the choice to remain with HEI. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote. The Board had a brief discussion about hiring a consultant to work with the HR Committee to facilitate the staff transition process. Affield has already contacted a person who specializes in working with Watershed Districts on HR issues. Commissioner Mongeau asked that the Board convey the cost differences for staffing to the County Board for their review in regard to the BRRWD's 2021 operating budget.

FM Diversion Lawsuits. Attorney Edison gave a brief update regarding the status of the Diversion Authority's (DA) permit denial lawsuit and the Minnesota Department of Natural Resources (DNR) permit contested case. The Binding Terms Sheet has been finalized, which settled the Contested Case and all issues related to the DA permit denial lawsuit. The Terms agreement requires the development of a more detailed final Settlement Agreement. The Agreement is still in draft form but should be ready for the Board's review by the 2/8/21 meeting.

Van Amburg will attend the upcoming Minnesota-Clay County Joint Powers Agreement (MCCJPA) meeting scheduled for this week.

Permit No. 21-003, Richard Schultz. Applicant proposes to add a field approach/48" dia. equivalent culvert to access the NW¼, Section 6, Elkton Township, Clay County, on Clay County Ditch (C.D.) No. 21-Lateral 1. Jones recommended permit approval, subject to the referenced pipe size.

Permit No. 21-004, Harmon Tande. Applicant proposes to install 184 acres of pattern tile, outletting via a lift station in the northwest corner of the SW¼, Section 24, Oakport Township, Clay County. The water will drain north in the east ditch of County Road (C.R.) No. 90, eventually to Clay C.D. No. 35. Tande has already obtained downstream landowner permission for the project. Jones recommended permit approval, subject to our standard tiling disclaimer.

Motion by Larson to approve Permit Nos. 21-003 and 21-004, subject to the referenced disclaimers and conditions. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Glyndon East Tributary Restoration Project. Bennett Uhler, HEI, presented the Engineer's Report. The project is located east of Glyndon and north of the Buffalo River. The drainage area is 9.5 square miles and extends from Trunk Highway (T.H.) No. 9 southeast of Glyndon into Section 21, Riverton Township, Clay County, and outlets to the Buffalo River north of Glyndon in Section 35, Moland Township. A two-phase channel survey was conducted in 2018 and 2020 in response to landowner drainage concerns. The goal of the restoration project is to improve the channel drainage by removing excess sediment, restoring drainage through the historical meanders, to improve the overall drainage of the current system, and to provide and foster stable stream conditions, in accordance with DNR's guidelines. The project's estimated cost is approximately \$1.1 million to \$1.2 million. Funding sources could be the One Watershed, One Plan (1W1P) Watershed Based Implementation funding, a potential BRRWD district-wide levy contribution, and the creation of a watershed management district (wmd) to provide for the local share of the initial project construction costs and then ongoing annual maintenance. After discussion, **motion** by Krabbenhoft to accept the Engineer's Report. **Seconded** by Larson. **Approved** by unanimous roll call vote. The next steps would be to forward the Report to the City of Glyndon and the DNR for comments. A future informational meeting could be scheduled with the City and the affected landowners, prior to the project hearing.

City of Wolverton. Jones, Fjestad, Affield, and Altrichter met with the Wolverton City Council on 1/12/21 to discuss the details of future flood protection for Wolverton, which was included in the FM DA Settlement Agreement with the BRRWD. The Board reviewed maps showing a possible location for the City's flood control levy and discussed the details of the proposal. Jones suggested that the Board could authorize him to attend the next Council meeting in February to provide them with an update. **Motion** by Van Amburg to

authorize Jones to attend the next Wolverton City Council meeting. **Seconded** by M. Hanson. **Approved** by unanimous roll call vote.

Otter Tail Wetland Banking. The Board had an extended discussion about a possible banking restoration site (Shaw's Slough) in Sections 7 and 18, Foxhome Township, Otter Tail County. Jones contacted Julie Aadland, DNR, and Steve Hofstad, Minnesota Board of Water and Soil Resources (BWSR), to get feedback on the proposal. Hofstad indicated that this site could potentially be restored for banking credits depending on cropping history. Jones presented restoration options for the Board to consider. The next steps would be to contact the landowners to gauge interest in the project and then to submit a preliminary concept design to the Army Corps of Engineers (COE) and BWSR for review. The Board also discussed possible options to collaborate with the landowners to develop the site.

Upper South Branch of the Buffalo River. The Board reviewed a joint application form for activities affecting water resources for Phase 1 of the Upper South Branch of the Buffalo River Restoration project in Wilkin County. **Motion** by Krabbenhoft to authorize Fjestad to sign the application on behalf of the Board. **Seconded** by Affield. **Approved** by unanimous roll call vote.

The Board also reviewed the BWSR 2021 Clean Water Fund (CWF) \$300,000 grant agreement for Phase 2 work on the Upper South Branch of the Buffalo River Restoration. Work will include side inlet installations and Best Management Practices (BMPs) implementation along the river channel in Wilkin County from T.H. No. 9 downstream to the County line. **Motion** by Affield to authorize signature of the grant agreement. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

Ditch Buffer Hearings. HEI plans to have information compiled for the next several ditch system hearings by the 2/8/21 meeting, so the Board can schedule the required hearings and the office staff can prepare the hearing notices. Jones expects we will be ready to start holding hearings in March.

Project No. 49, Oakport Township. The Board discussed a proposal from Harvest Hope Farm to graze sheep on the non-levee sites in the Oakport project area. The Farm is a non-profit organization that raises sheep for South Dakota State University (SDSU) Huntington Disease research. Audubon Dakota plans to assist in preparing a grazing plan that would benefit the native plantings at the Oakport Flood Mitigation site. Since State funding was used to develop the Oakport project, no activities can take place that would impact the flood protection features of the levee project. Jones prepared a use agreement for the Board's review. He suggested the Board ask BRRWD Attorney Tami Norgard, Vogel Law Firm, to review the document. The Board also discussed possible grazing rental options. **Motion** by Van Amburg to continue to work with Harvest Hope Farm to develop an agreement to graze portions of the Oakport Flood Mitigation site with rental rates to be determined pending further investigation. **Seconded** by M. Hanson. **Approved.**

Project No. 46, Turtle Lake Outlet. The Board reviewed a quit claim deed for property on the project outlet, indicating that the project is not associated with the property in question. The BRRWD attorneys reviewed the quit claim and concluded that if it doesn't affect the project easement area then the quit claim deed could be signed. Jones reviewed the parcel and determined that the easement is not on the parcel. **Motion** by Krabbenhoft to sign the quit claim deed. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

1W1P. The Policy Committee has a virtual meeting scheduled for 1/27/21 at 10:00 AM. The Planning Team consisting of staff from the local Soil and Water Conservation Districts (SWCD), BRRWD staff, and BWSR staff met last week to discuss the proposed \$1,296,838 watershed based implementation funding. The current draft of the workplan for the watershed-based funding allocates \$400,000 for stream restoration related projects in the watershed.

2020 PRAP Review. Van Amburg suggested the Board review BWSR's Performance Review and Assistance Program (PRAP) standards with the staff to gauge if the BRRWD is meeting expectations.

Bills. The Board reviewed bills totaling \$260,587.63. **Motion** by Van Amburg to approve payment of the bills. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote. See detailed bill list below.

Upcoming Agenda Items. Jones noted that the Board should be able to schedule the next round of buffer hearings at the 2/8/21 meeting.

Next Meeting. The Board will hold their next regular meeting on Monday, February 8, 2021, at 7:00 PM in our Barnesville office. The meetings will be held in person and via online conferencing.

Adjournment. President Fjestad adjourned the meeting at 9:13 PM.

Respectfully submitted,

John E. Hanson, Secretary

01/21/21

Buffalo-Red River Watershed District
01/25/21 Billing Summary
As of January 25, 2021

Name	Num	Memo	Amount
aramark			
aramark	160600433	Admin. - Acct. #160600433 December billing, Office Rugs (3)	142.88
Total aramark			142.88
Cardmember Service			
Cardmember Service	Admin.	Admin. - Credit Card Fee	23.47
Total Cardmember Service			23.47
Carmen Pattengale			
Carmen Pattengale	Admin.	Admin. - December Office Cleaning (3)	195.00
Total Carmen Pattengale			195.00
Consolidated Communications			
Consolidated Communications	Admin.	Admin. - Acct.# 2187893900 01/1/21 Phone Service	5.96
Total Consolidated Communications			5.96
Curtis Nelson			
Curtis Nelson	Upper BR	Upper BR Sed. Reduction 319 - WASCObS/Lake Park Twp. Sec. 11	22,427.08
Total Curtis Nelson			22,427.08
Lake Region Electric Cooperative			
Lake Region Electric Cooperative	Pj. 79	Pj. 79, Wolverton Creek - 12/01/20-01/01/21 Service	3.86
Total Lake Region Electric Cooperative			3.86
Mattson Excavating, Inc.			
Mattson Excavating, Inc.	259	Pj. 19, Becker Co Ditch No. 21, #259, Beaver Control	19,085.00
Mattson Excavating, Inc.	260	Pj. 23, Becker Co Ditch No. 15, #260, Beaver Control	1,072.50
Mattson Excavating, Inc.	261	Clay Co Ditch No. 21 - #261 Ditch Cleaning/Maint.	1,960.00
Mattson Excavating, Inc.	261	Clay Co Ditch No. 58 - #261 Ditch Cleaning/Maint.	20,814.00
Mattson Excavating, Inc.	262	Pj. 20, Clay Co Ditch No.12 - #262 Beaver Control	825.00
Mattson Excavating, Inc.	263	Pj. 24, Wilkin Co Ditch No. 44-Imp - #263 Beaver Control	3,366.00
Mattson Excavating, Inc.	264	Pj. 23, Becker Co Ditch No.15 - #264 Ditch Cleaning/Maint.	330.00
Total Mattson Excavating, Inc.			47,452.50
Moorhead Public Service			
Moorhead Public Service	Pj. 49 LS #17	Pj. 49, Oakport - 12/02/20-01/05/21- Service LS #17	25.01
Moorhead Public Service	Pj. 49 FL #18	Pj. 49, Oakport - 12/02/20-01/05/21- Service FL #18	76.93
Moorhead Public Service	Pj. 49 FL #21	Pj. 49, Oakport - 12/02/20-01/05/21- Service FL #21	83.85
Total Moorhead Public Service			185.79

01/21/21

Buffalo-Red River Watershed District
01/25/21 Billing Summary
As of January 25, 2021

Name	Num	Memo	Amount
Quill Corporation			
Quill Corporation	13376671	Admin. - Acct # 7734206 Office supplies	120.16
Quill Corporation	13550554	Admin. - Acct # 7734206 Office supplies	217.95
Total Quill Corporation			338.11
Randall's Excavating, Inc.			
Randall's Excavating, Inc.	3335	Pj. 48, Clay Co. Ditch No. 59 - Culvert	8,072.90
Randall's Excavating, Inc.	3336	Pj. 14, Clay Co Ditch No.10 - Culvert	3,463.20
Randall's Excavating, Inc.	3337	Glyndon East Tributary - Beaver Control	2,835.00
Randall's Excavating, Inc.	3338	Glyndon East Tributary - Beaver Control	1,985.00
Randall's Excavating, Inc.	3339	Glyndon East Tributary - Beaver Control	837.50
Total Randall's Excavating, Inc.			17,193.60
Red River Valley Co-op Power			
Red River Valley Co-op Power	Pj. 49	Pj. 49, Oakport - 12/01/20-01/01/21 Service	78.00
Total Red River Valley Co-op Power			78.00
River Keepers			
River Keepers	2021 Approp.	M.S.A. 103D.905, Sub. 3 - 2021 Appropriation	55,000.00
Total River Keepers			55,000.00
Wilkin County Highway Department			
Wilkin County Highway Department	503	Wilkin C.D. No. 3 - Repair/Replace Culvert	3,287.34
Wilkin County Highway Department	504	Wilkin C.D. No. 4 - Repair/Replace Culvert	6,760.00
Wilkin County Highway Department	506	Wilkin C.D. No. 6A - Install & Repair Riprap	1,035.00
Wilkin County Highway Department	515	Wilkin C.D. No. 15 - Repair/Replace Culvert	918.00
Wilkin County Highway Department	522	Pj. 72, Wilkin 22-Lat.3 - Repair/Replace Culvert	865.00
Wilkin County Highway Department	527	Wilkin Co Ditch No. 27 - Install Culvert Gate	353.45
Wilkin County Highway Department	551	Pj. 30-Clay-Wilkin Judicial 1 - Repair/Replace Culvert	27,457.03
Total Wilkin County Highway Department			40,675.82
Wilkin Soil & Water Conservation District			
Wilkin Soil & Water Conservation District	2021-018	Pj. 79, Wolverton CRK - Seeding	47,909.85
Wilkin Soil & Water Conservation District	2021-020	Wilkin Co Ditch No. 27 - Seeding	1,171.00
Total Wilkin Soil & Water Conservation District			49,080.85
TOTAL			232,802.92