

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

February 22, 2021

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, February 22, 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 in the office were Peter V. Fjestad, John E. Hanson, Catherine L. Affield, Troy E. Larson, Mark L. Hanson, Gerald L. Van Amburg, and Paul G. Krabbenhoft. BRRWD staff in attendance were Kristine M. Altrichter, Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending in person: Lyle Hovland, Wilkin County Commissioner, and landowner Jesse Stuehrenberg, and online: BRRWD Attorney Tami Norgard, Vogel Law Firm.

At 7:01 PM, President Fjestad called the meeting to order and informed the audience that the meeting was being recorded to aid in the preparation of minutes.

Agenda. Addition to the meeting agenda: Human Resources (HR) Report. **Motion** by Affield to approve the amended agenda. **Seconded** by M. Hanson. Affield requested the HR Report be included on future agendas during staff transition. **Approved** by unanimous roll call vote.

Secretary's Report. The Board reviewed draft minutes for the 2/8/21 regular meeting, the 3/22/11 Clay County Ditch (C.D.) Nos. 36, 40, and 60 Redetermination of Benefits Hearing, and the 4/5/11 Clay C.D. Nos. 36, 40, and 60 Redetermination of Benefits Continuation Hearing. **Motion** by Van Amburg to approve the minutes. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Treasurer's Report. The Board reviewed the BRRWD's 2/22/21 financial report. Cash on hand is \$2,688,369.40. Income received since the 2/8/21 meeting totals \$31,637.69, and for the year, totals \$481,920.93. Year to date Accounts Receivables total \$14,355,497. **Motion** by J. Hanson to approve the Treasurer's Report. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

Citizens to be Heard:

FM Diversion Lawsuits. Commissioner Hovland reported that the Wilkin-Richland Joint Powers Authority (JPA) signed the FM Diversion Settlement Agreement last week.

Van Amburg reported that the Minnesota-Clay County Joint Powers Authority (MCCJPA) has a meeting scheduled for 2/25/21.

Other Business brought before the Board included:

Permit No. 21-012, Jesse Stuehrenberg. Landowner Jesse Stuehrenberg discussed a proposal to install an additional 18" dia. surface water inlet and pump in the southwest corner of the NE¼, Section 5, Meadows Township, Wilkin County, to pump excess surface water into the east ditch of Trunk Highway (T.H.) No. 9. The water has to travel south about 0.25 miles to a culvert through T.H. No. 9 to enter the Manston Slough Restoration Project. Stuehrenberg requested that the Board consider contributing to the cost of the additional inlet and pump. He explained that the BRRWD built a levee on the south line of Section 5 and paid for an additional surface inlet and pump as part of their original easement agreement for the Manston Slough project. Since then, tile water from the land east of the Stuehrenberg property also ponds in this area. Ellingson

Companies' estimate for the tile inlet and pump installation was \$19,994. The Board discussed the Manston Slough project's impact on area drainage and authorized staff to investigate this issue for the Board's review at a future meeting. Stuehrenberg noted that Ellingson is ready to start the work in the next few days, so he plans to move forward with the project and await the Board's decision about his cost sharing request. Attorney Norgard commented that the original easement language could limit the BRRWD's liability against future compensation claims. Jones recommended approval of Permit No. 21-012, subject to our standard tiling disclaimer.

Permit No. 21-008, Randy Dickhaus. Applicant proposes to install random tile to drain several low spots in the NE $\frac{1}{4}$, Section 27, Spring Prairie Township, Clay County, to address standing water and three existing surface springs, outletting in the southwest corner of the field to a channel on the quarterline, eventually to C.D. No. 2, to which the land is assessed. Jones noted the channel is an adequate outlet with at least 3' of depth. He recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 21-013, Dallas Miller. Applicant proposes to install 200 acres of pattern tile, outletting via gravity flow with a control structure directly into Otter Tail-Wilkin Judicial Ditch (J.D.) No. 2, to which the land is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

Motion by Van Amburg to approve Permit Nos. 21-008, 21-012, and 21-013, subject to the referenced disclaimers and conditions. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Kritzberger Drainage Petition. Landowner Jeff Nord filed a petition to add tile drainage for about 30 acres of his farmland that Bryan Kritzberger rents in the NE $\frac{1}{4}$, Section 35, Deerhorn Township, Wilkin County, to C.D. No. 13-Main and Lateral. The tile water would outlet in the northeast corner via a lift station to the south ditch of County Road (C.R.) No. 30 for approximately 0.5 miles to C.D. No. 13. The E $\frac{1}{2}$ of Section 35 isn't assessed to any ditch system, while the W $\frac{1}{2}$ of the section is assessed to C.D. No. 22. The Board discussed a possible benefit rate for the subsurface tile drainage to C.D. No. 13 and a possible hearing date. Altrichter suggested that the hearing could be held prior to the March 22, 2021, Board meeting at 6:00 PM. **Motion** by Krabbenhoft to schedule the C.D. No. 13-Lateral benefit hearing, as referenced. **Seconded** by Larson. **Approved** by unanimous roll call vote.

Ditch Buffer Hearings. The Board discussed scheduling buffer hearings for Clay C.D. Nos. 5, 10, 39, 59, and 65. Because the systems are located in the same general area and the benefit areas overlap to some extent, the Board agreed to group these systems together in one proceeding. **Motion** by Larson to hold the hearing on March 11, 2021, at 6:00 PM in Barnesville with virtual options, following Covid-19 protocols. **Seconded** by Affield. **Approved** by unanimous roll call vote.

The Board also considered scheduling buffer hearings for Clay C.D. Nos. 2, 3, and 35, an informational meeting for the Glyndon East Tributary, and the Whiskey Creek Enhancement project hearing. **Motion** by Krabbenhoft to schedule the Whiskey Creek hearing on April 7, 2021, at 6:00 PM, the buffer hearings on April 8, 2021, at 6:00 PM, and the Glyndon East Tributary informational meeting on April 12, 2021, at 6:00 PM, all in the Barnesville office, with virtual options, following Covid-19 protocols. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Jones submitted the Damage Statements for Clay C.D. Nos 2, 3, and 35 for the Board's review. **Motion** by M. Hanson to accept and sign the Damage Statements for the referenced ditch systems. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Whiskey Creek Enhancement. The Board reviewed a Memorandum of Understanding (MOU) between the BRRWD and the Minnesota Board of Water and Soil Resources (BWSR) "to establish a framework supporting their cooperation over the next several years in planning, implementing, and managing the Whiskey Creek Enhancement Project". **Motion** by Van Amburg to authorize signature of the MOU. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Project No. 80, Stony Creek Restoration. BWSR is interested in developing wetland banking sites on upper portions of the project flood storage areas. They are interested in the Stony Creek project's flood storage option in Sections 3, 4, and 9, Barnesville Township, specifically the area west of Interstate-94 (I-94) in Section 3. The BWSR wetland banking option could be a potential funding source for flowage easement acquisition on this parcel for a future retention site for the project.

Otter Tail Wetland Banking. The Board discussed a possible wetland banking site (Shaw's Slough) in Sections 7 and 18, Orwell Township, Otter Tail County. Fjestad contacted the landowner, Daniel Bradow, who expressed an interest in collaborating with the BRRWD to develop the site. Jones will contact the landowners on the west side of the site, who could potentially be impacted by the proposed wetland restoration.

HR Committee Staff Transition. Altrichter gave a brief report regarding the status of staff transition. She is working with Sara Noah of Noah & Associates, Inc. to develop tiered job descriptions and salary rates. Attorney Norgard plans to have the draft BRRWD Policy Manual completed for Noah's review. Altrichter has been communicating with other Watershed District Administrators regarding staffing and office operations. Noah recommended that the BRRWD join the League of Cities, which provides various HR resources.

Drainage Concern. The Board discussed a CHS Northland Grain complex in the Village of French in the SE¼, Section 34, Carlisle Township, Otter Tail County, west of Fergus Falls along T.H. No. 210. The company installed sump pumps to move the subsurface water out of their buildings. The water eventually outlets to Wilkin-Otter Tail J.D. No. 2, but spring runoff impacts the township roads and adjacent cropland. The pumps were installed without a BRRWD permit. Fjestad will work with Carlisle and Orwell Townships regarding this concern and bring more information to the next Board meeting.

Bills. The Board reviewed bills totaling \$44,313.93. **Motion** by Larson to approve payment of the bills. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote. See detailed bill list below.

The Becker Soil and Water Conservation District (SWCD) contacted the office about a partial payment they made to a landowner for work completed in 2020 for a grade stabilization project, expected to be completed in 2021. The SWCD asked if we would be willing to make a partial cost share contribution or to wait until the project is completed and make one final payment. The Board was willing to work with the SWCD to make the partial payment. The invoice will be listed on the 3/8/21 meeting bill list.

Upcoming Agenda Items. The One Watershed, One Plan (1W1P) Policy Committee will hold a virtual meeting on February 24, 2021, at 10:00 AM. An HR report will be added to the upcoming agenda, as well as a repair report for Clay C.D. No. 10.

Next Meeting. The Board will hold their next regular meeting on Monday, March 8, 2021, at 7:00 PM in our 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 8:53 PM.

Respectfully submitted,

John E. Hanson, Secretary