

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

BARNESVILLE, MINNESOTA 56514

1303 4th AVE NE

PO BOX 341  
Website: www.brrwd.org

PHONE 218-789-3100

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## MINUTES FOR MANAGERS' MEETING

February 8, 2021

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, February 8, 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, and Paul G. Krabbenhoft. Managers attending online: Mark L. Hanson and Gerald L. Van Amburg. 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 Brent Edison, Attorney, Vogel Law Firm.

At 7:02 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.** Additions to the meeting agenda: Noah and Associates, Inc. Human Resources (HR) services contract. **Motion** by Affield to approve the amended agenda. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

**Secretary's Report.** The Board reviewed draft minutes for the 1/25/21 regular meeting. Affield noted one correction. **Motion** by Van Amburg to approve the minutes, subject to correction. **Seconded** by Affield. **Approved** by unanimous roll call vote.

**Treasurer's Report.** The Board reviewed the BRRWD's 2/8/21 monthly financial report. Cash on hand is \$2,842,981.30. Income received since the 1/11/21 meeting totals \$201,297.63 and for the year, totals \$450,283.25. Year to date Accounts Receivables total \$14,355,497. **Motion** by Krabbenhoft to approve the Treasurer's Report. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

### **Citizens to be Heard:**

Commissioner Hovland commented on the importance of including items of public interest on the meeting agenda that is distributed prior to the Board meetings.

### **Other Business brought before the Board included:**

**FM Diversion Lawsuits.** Attorney Edison gave a brief update about 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 Binding agreement required the development of a more detailed Settlement Agreement, which has now been finalized and is ready for BRRWD approval and signature. Edison noted that there could be minor changes, but he didn't expect any substantial alterations before the DA approves the Settlement Agreement at their 2/25/21 meeting. Edison expects that the Wilkin-Richland Joint Powers Authority (JPA) will also sign before the DA's meeting. He emphasized that the language the BRRWD wanted in the Agreement has been addressed and will not change. Edison recommended that the Board could consider a motion to authorize Fjestad and Affield to sign the Settlement Agreement on behalf of the BRRWD and to authorize them to sign off on any future minor changes that are still in keeping with the Binding Terms Sheet. **Motion** by Larson to authorize President Fjestad and Vice President Affield to

sign the Settlement Agreement on behalf of the BRRWD and to approve any minor changes that are still in keeping with the Binding Terms Sheet, according to Edison's recommendations. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Van Amburg reported on the status of the Minnesota-Clay County Joint Powers Agreement (MCCJPA) easement work. He will supply easement acquisition map information for the Board's review at the next meeting.

**Permit No. 21-006, Steve Thompson.** Applicant proposes to install 256 acres of pattern tile in the SE<sup>1</sup>/<sub>4</sub>, Section 13, Atherton Township, and the SW<sup>1</sup>/<sub>4</sub>, Section 18, Prairie View Township, Wilkin County, outletting via lift station to Wilkin County Ditch (C.D.) No. 42, to which the land is assessed. Thompson will work with the Wilkin Soil and Water Conservation District (SWCD) to avoid encroachment on land enrolled in the Conservation Reserve Program (CRP). Jones recommended permit approval, subject to our standard tiling disclaimer. **Motion** by J. Hanson to approve Permit No. 21-006, subject to our standard tiling disclaimer. **Seconded** by Larson. **Approved** by unanimous roll call vote.

**Kritzberger Drainage Petition.** Bryan Kritzberger has filed a petition to add tile drainage from about 20 acres of the farmland he rents in the NE<sup>1</sup>/<sub>4</sub>, Section 35, Deerhorn Township, Wilkin County, to C.D. No. 13-Main and Lateral. The tile water would outlet in the NE<sup>1</sup>/<sub>4</sub> via a lift station to the south ditch of County Road (C.R.) No. 30 for approximately one-half mile to C.D. No. 13. The east half of this property isn't assessed to the ditch system. A hearing would be required to add the land to the ditch system according to M.S.A. 103E, Drainage Law. The downstream landowners have agreed to the proposal to drain water in the ditch along their property. Jones recommended that the Board could move forward with the process to hold a ditch system hearing. The Board discussed possible options for holding the hearing following Covid-19 protocols. The Board authorized the staff to move forward with the petition hearing process.

**Ditch Buffer Hearings.** HEI has prepared the Damage Statements for Clay C.D. Nos. 5, 10, 59, 39, and 65. Jones submitted the Damage Statements for the acquisition of the required buffer strips on the referenced ditches. **Motion** by Larson to authorize Fjestad and J. Hanson to sign the Damage Statements on behalf of the Board. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote. The next steps will be for the Board to schedule the hearing so that the staff can prepare the hearing notices. The hearing will be held with limited in-person or virtual attendance options.

**Whiskey Creek Enhancement.** HEI submitted the project Engineer's Report on 11/19/20, and the next step in project development will be to schedule the hearing. **Motion** by J. Hanson to authorize staff to schedule the hearing and prepare the hearing notices. **Seconded** by Affield. **Approved.**

Jones discussed using the Wilkin County Highway Department to do the work for either the Whiskey Creek Enhancement project or the Upper South Branch of the Buffalo River east of Trunk Highway (T.H.) No. 9. He will check with the various granting agencies to determine which project would be the best fit for the County depending on grant bidding requirements. After discussion, the Board agreed that Jones should check with the agencies to find out if the BRRWD can use the Highway Department for either of these projects.

**Glyndon East Tributary Restoration Project.** At the last meeting, the Board received the Engineer's Report. Jones forwarded the report to the City of Glyndon and the DNR for comments. A virtual informational meeting will be scheduled with the City and the affected landowners in the near future, prior to the project hearing. The informational meeting notices would have online participation instructions.

**Project No. 79, Wolverton Creek Restoration.** The DNR contacted the office about erosion concerns on the Wolverton Creek outlet channel. Altrichter and Jones took part in a conference call with the Lessard-Sams Outdoor Heritage Council (LSOHC) to discuss moving funds between the LSOHC grant and the Minnesota Board of Water and Soil Resources (BWSR) Clean Water Funds (CWF) grant to free up some of the LSOHC funding, which expires on 6/30/21. Pete Waller, BWSR, is willing to consider the grant changes

to maximize the CWF funding to address the Wolverton Creek outlet erosion issue. Jones will work with the DNR on permitting revision for the Wolverton Creek project. **Motion** by Van Amburg to authorize Jones to work with the agencies to revise the Wolverton Creek permits and grant agreements to maximize funding utilization. **Seconded** by M. Hanson. **Approved** by unanimous roll call vote.

**Upper South Branch of the Buffalo River.** Jones presented the Phase 1 Engineer's Report. The project cost estimate is approximately \$1.5 million and is proposed to be developed in phases. The report recommends rerouting Wilkin C.D. No. 44-Lateral A and abandoning the stretch of C.D. No. 44 along the south side of 170<sup>th</sup> ST, converting it into a sloped road ditch. The BRRWD will need to acquire new easements along the newly restored ditch channel for construction and future maintenance. This property is already enrolled in Reinvest In Minnesota (RIM). Jones recommended that nominal right-of-way (R/W) payments would need to be made to the two landowners for their easements because the project will not change the current land use. The BRRWD should not have to pay again to acquire easements for the channel restoration in Section 10, Manston Township, on the former Rogelstad property because the District has already contributed funds to Pheasants Forever to acquire that property. **Motion** by Larson to authorize staff to move forward with easement acquisition, as referenced. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote. Jones will discuss the channel restoration and easement process with BWSR and the DNR.

**Project No. 49, Oakport Township.** Altrichter discussed a draft lease agreement with Harvest Hope Farm to graze sheep on the non-levee sites in the Oakport project area. Jones, Altrichter, and BRRWD Attorney Tami Norgard, Vogel Law Firm, are working on the lease language. The Board discussed grazing rental rates, fencing costs, liability issues, and the grazing benefits for the native plantings.

**1W1P.** The Policy Committee had a virtual meeting on 1/27/21 to review the One Watershed, One Plan (1W1P) watershed-based funding Memorandum of Agreement (MOA), which will make \$400,000 available for the BRRWD's stream restoration related projects, as well as additional funding for other conservation practices in the watershed. **Motion** by J. Hanson to authorize signature of the MOA. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

**Stream Restoration Worksheet.** The DNR has funding available annually for stream restoration projects through the LSOHC fund. The BRRWD traditionally submits potential stream restoration projects for this funding opportunity. Because the BRRWD was on the list last year, the DNR plans to make \$520,000 available for the Whiskey Creek Restoration project in Wilkin County. Jones suggested that applications for the South Branch of the Buffalo River-Phase 2 restoration in Wilkin County and the upper Buffalo River restoration in Becker County, including the stretch of river downstream of Becker C.D. No. 21, could be submitted for the LSOHC 2021 stream restoration funding. **Motion** by Van Amburg to authorize HEI to submit prioritization worksheets for these projects for the DNR's stream restoration funding list. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

**Cash Management System.** Staff is working with Midwest Bank to set up an Automated Clearing House (ACH) management system to make electronic payments online without using our traditional checks. **Motion** by Larson to authorized staff to move forward with the proposed ACH system. **Seconded** by Affield. **Approved** by unanimous roll call vote.

**HR Committee Staff Transition.** The Board discussed the proposal from Sara Noah of Noah & Associates, Inc. to assist the BRRWD with staff transition, estimated to cost \$4,375-\$6,375. Noah & Associates, Inc. has experience working with Watershed Districts on HR issues. **Motion** by Affield to hire Noah and Associates, Inc. to work with Managers and staff to facilitate HEI staff transition to BRRWD employees. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

**Bills.** The Board reviewed bills totaling \$182,681.64. **Motion** by Affield to approve payment of the bills. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote. See detailed bill list below.

**Upcoming Agenda Items.** The 1W1P Policy Committee will hold a virtual meeting on February 24, 2021, at 10:00 AM.

**Next Meeting.** The Board will hold their next regular meeting on Monday, February 22, 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, be aware that masks and social distancing are required. More information will be posted on the BRRWD's website prior to the meeting at [www.brrwd.org](http://www.brrwd.org).

**Adjournment.** President Fjestad adjourned the meeting at 8:18 PM.

Respectfully submitted,

John E. Hanson, Secretary