

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

December 14, 2020

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, December 14, 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, Catherine L. Affield, and Troy E. Larson. Managers attending via conference line: Paul G. Krabbenhoft 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: Clay County Commissioner Jenny Mongeau and BRRWD Attorney Tami Norgard, Vogel Law Firm, and in person: landowners John Haarstad and Chris Watterud.

BRRWD President Fjestad called the meeting to order at 7:00 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: Tiling issue in Wilkin County, Glyndon East Tributary project funding options, Minnesota Campaign Finance Disclosure update, and an additional staff workstation. **Motion** by Larson to accept the amended agenda. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Secretary's Report. The Board reviewed draft minutes for the 11/23/20 regular meeting. **Motion** by Affield to approve the minutes. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Treasurer's Report. The Board reviewed the BRRWD's 12/14/20 financial reports. Cash on hand is \$2,913,097.14. Income received since the 11/09/20 meeting totals \$800,942.43, and for the year, totals \$5,361,065.26. The administrative disbursements since the last report totaled \$29,694.58, and for the year, \$398,130.11. **Motion** by Van Amburg to approve the report. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

Other Business brought before the Board included:

Permit No. 19-003, FM Diversion. Attorney Norgard gave a brief report on the status of the preparation of the draft Mutual Settlement Agreement. The FM Diversion Authority's (DA) permit denial appeal has been dismissed, based on the Settlement Agreement, and there is also a recommendation for dismissal of the Minnesota Department of Natural Resources (DNR) permit contested case.

Permit No. 20-125, Justin Phillips. At their 11/23/20 meeting, the Board postponed action on Phillips' permit to add random tile in the NE¹/₄, Section 13, Akron Township, Wilkin County, to improve drainage, pending manager contact with Phillips and receipt of signed downstream landowner notification forms. The tile will outlet into a grassed area on Ross Johnson's property in the northwest corner of the NW¹/₄, Section 13, Akron Township. Johnson signed and returned his notification form. John Haarstad and Chris Watterud, who farm and/or own land downstream of Johnson's property, were in attendance. Watterud discussed concerns about the tile outlet's potential for pooling water on their property in SE¹/₄, Section 11, Akron Township. John Haarstad, representing the Skogen family in the NE¹/₄, Section 14, Akron Township, noted that while they don't have a problem with the proposed project, they also expect that Phillips will develop a contingency plan to address the potential for the tile to run longer than originally planned and the impacts to

downstream property. This project could also impact Manager Larson's property. The group discussed the downstream concerns. Attorney Norgard noted that the Board must be mindful of their 60-day permit review rule and suggested that Phillips should be advised to work with his downstream neighbors to develop an easement agreement. Jones will contact Phillips to discuss withdrawal of his application until he develops a plan to address downstream concerns.

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 a field approach in the SW¹/₄, Section 25, Meadows Township, Wilkin County, to prevent water from breaking out into Blaufuss's field. The downstream culvert is significantly larger than the current approach culvert. After a field review and discussion, Jones recommended permit approval, subject to County approval to work within their road right-of-way (R/W). Manager Larson noted that there will be concerns if the applicant comes back in the future to upsize culverts downstream of the culvert upgrade requested in this permit application.

Permit No. 20-130, Pheasants Forever. Applicant proposes the restoration of 17 wetlands by filling ditches, sediment removal, and potentially, tile removal in Sections 7 and 8, Callaway Township, Becker County. The work will be limited to the landowner's property. Jones recommended permit approval with the provision that any tile coming into the property from adjacent landowner tile systems should not be altered.

Permit No. 20-131, Scott Holt. Applicant proposes to install random 8" dia. tile in the SE¹/₄NW¹/₄, Section 33, Tansum Township, Clay County, in two low areas in his field. The first tile will be installed in an existing ditch to drain water south to an existing wetland along Whisky Creek with a standpipe inlet on the north and the other tile line will also drain water to the same wetland with a similar inlet pipe. The Natural Resources Conservation Service (NRCS) conducted a wetland determination. Jones recommended permit approval, subject to our standard tiling disclaimer with the provision that Holt work with NRCS regarding the elevation of the inlet pipes.

Permit No. 20-132, Jeff Mortenson. Applicant proposes to pattern tile 25 acres in the northwest corner of Section 25, Spring Prairie Township, Clay County, outletting via gravity to a natural waterway, eventually to County Ditch (C.D.) No. 2, to which the land is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 20-133, Thomas Radig. Applicant proposes to extend the ditch along the south edge of Dan Moderow's property in the NW¹/₄, Section 1, Breckenridge Township, Wilkin County, straight west to the ditch on the east side of County Road (C.R.) No. 10 and to install a new 30" dia. culvert/field entrance off C.R. No. 10, eventually draining to C.D. No. 3. The Wilkin County Highway Department will provide the approach culvert, and Jason Ehlert will install it. All the acreage west of the culvert will be enrolled in the Conservation Reserve Program (CRP). Jones recommended permit approval, subject to County approval to work within their road R/W.

Permit No. 20-135, Troy Larson. Applicant proposes to install a new culvert approximately 1' lower than the existing culvert in the S¹/₂, Section 22, Akron Township, Wilkin County, on the south side of the section at the half-mile line, to convey existing tile water to C.D. No. 3, and to grade the ditch near the culvert to improve drainage. Jones recommended permit approval, subject to township approval to work within their road R/W.

Motion by J. Hanson to approve Permit Nos. 20-129 through 20-133, and 20-135, subject to the referenced disclaimers and conditions. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Project No. 79, Wolverton Creek Restoration. Jones provided a construction update for the Phase 2 work from Gladen Construction, Inc. Pro Landscape is working on site mulching. Final Phase 2 cleanup work will be completed next spring when conditions permit. Easement options and acquisitions for Phases 1 and

2 will need to be completed by the 6/30/21 Lessard-Sams Outdoor Heritage Council (LSOHC) Grant contract deadline.

Whiskey Creek Enhancement. Jones provided an update regarding the Phase 1 and 2 easement option acquisition process. Wilkin Soil and Water Conservation District (SWCD) Resource Specialist Craig Lingen is working with landowners on the Conservation Reserve Enhancement Program (CREP) easement acquisitions along the channel corridor. Jones discussed the method and rates of acquiring easements and easement options based on an example easement map, dated July 22, 2020. The Board briefly discussed the easement process. **Motion** by Larson to move forward with Jones's proposal to acquire easement options and temporary easements for Phases 1 and 2 of the Whiskey Creek Enhancement project. **Seconded** by J. Hanson. The Board discussed potential construction timelines. Jones indicated that Phase 1 construction could begin later next summer once the required project hearing is held in early 2021. **Approved** by unanimous roll call vote.

Andrea Township Drainage Concern. The Managers discussed an issue involving access to the SW¼, Section 28, Andrea Township, Wilkin County, upstream of Wilkin C.D. No. 7. The Board agreed to revisit this issue once the landowner provides more information.

Georgetown Low Water Crossing. The Board discussed a low water crossing ("Mason ST crossing") in the City of Georgetown, associated with the levee project, where log jams frequently build up. The DNR has suggested that the BRRWD consider a project to remove this crossing. Potential funding could come from the LSOHC Conservation Partners Legacy (CPL) Grant program. United States Fish and Wildlife Service (USFWS) staff prepared a CPL grant application for the BRRWD to submit for the proposed project. This grant requires a 10% match, which could come from USFWS federal funds. The DNR has funding available for the project design. The FM DA has agreed to fund permanent flood protection for Georgetown, which involves closing the openings in the levee project. Jones explained that this crossing will be difficult to close and we should consider removing it before the DA starts their permanent flood protection project if funding is available. **Motion** by Van Amburg to approve working with the DNR and to apply for the CPL grant application for the above referenced crossing removal. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

2019 Annual Report. The Board reviewed the draft 2019 Annual Report. **Motion** by Van Amburg to approve the Annual Report and to submit it to the required agencies. **Seconded** by Larson. **Approved** by unanimous roll call vote.

One Watershed, One Plan (1W1P). The 1W1P Planning Team will meet on 12/17/20 to work on the next implementation steps, which will be forwarded to the Policy Committee for approval early next year.

Minnesota Association of Watershed Districts (MAWD). The Board discussed the MAWD 2020 virtual Annual Meeting presentations.

HR Report. The HR Committee and representatives from the BRRWD's Advisory Committee met with Eide Bailly personnel for an in-depth presentation of the staffing analysis on 12/8/20. Another special Committee meeting will be scheduled later in January. The Board encouraged Administrator Altrichter to visit the other area Watershed Districts to meet their Administrators and observe their office operations.

Glyndon East Tributary. Jones discussed setting up a watershed management district (WMD) to assess an annual levy for a limited term to pay the local costs for a future comprehensive project to address drainage problems along the Glyndon East Tributary and long-term project maintenance. The potential WMD rates would be calculated based on discharge/runoff contribution and land use for agricultural land and properties within the City of Glyndon. Jones thought there could be outside funding available from the 1W1P watershed based funding to help defray some of the local costs. Once the Engineer's Report has been completed, Jones

will have a better idea of the actual project costs. The Board agreed that Jones should move forward with the development of a WMD, as discussed.

New Office Workstation. Altrichter offered a recommendation to add a new office workstation for Zach Anderson, our new Watershed Specialist. The Board gave Altrichter permission to move forward with the proposal.

Grant Update. Jones gave the Board an update of the recent grant awards the BRRWD received last week, totaling approximately \$1 million for three of our current projects: Whiskey Creek Enhancement, Upper South Branch of the Buffalo River Channel Restoration, and Otter Tail River Habitat Restoration.

Bills. The Board reviewed bills totaling \$358,526.42. **Motion** by J. Hanson to approve payment of the bills. **Seconded** by Larson. **Approved** by unanimous roll call vote. **Motion** by Affield to authorize staff to pay any bills before the next meeting that would accrue late fees. **Seconded** by M. Hanson. **Approved** by unanimous roll call vote.

Next Meeting. The next regular BRRWD meeting and 2021 annual meeting will be held on Monday, January 11, 2021, at 7:00 PM in our Barnesville office. The second December meeting (December 28) will not be held due to the Holidays. The meeting will be held via online conferencing, depending on the COVID-19 meeting restrictions.

Adjournment. President Fjestad adjourned the meeting at 8:52 PM.

Respectfully submitted,

John E. Hanson, Secretary