



1303 4TH Ave. NE
Barnesville, MN 56514
218-789-3100
www.brrwd.org

Board Meeting Minutes

Monday February 12, 2024

Managers Present: Peter Fjestad; Catherine Affield; John Hanson; Gerald Van Amburg; William Davis (remote); Curtis Stubstad.

Managers Absent: Troy Larson.

Staff Present: Kristine Altrichter, Administrator; Matthew Schlauderaff, Watershed Specialist.

Consultants Present: Bennett Uhler, Engineer, Houston Engineering, Inc. (HEI); Tami Norgard, attorney, Vogel Law Firm.

Others Attending: Todd Lewis; Richard Lewis; Paul Krabbenhoft, Clay County Commissioner.

President Fjestad called meeting to order at 7:00 PM.

Agenda: Additions to agenda:

City of Georgetown Flood Protection Update;

City of Wolverton Flood Protection Update;

Project No. 49 – Oakport Flood Mitigation and Project No. 39 – Georgetown Levee Request to Place Bee Hives.

Motion to approve agenda with additions by Affield, **Seconded** by Hanson. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Citizens to be Heard:

Clay-Wilkin Judicial Ditch No. 1 (JD1) Repair Recommendation. At the December 11, 2023 Board Meeting, Board of Managers discussed damage to BRRWD right-of-way (ROW) along JD1 in Section 26, Holy Cross Township, Clay County. At the January 8, 2024 Board Meeting, Board of Managers authorized HEI to complete a survey of the north and south spoil banks along JD 1 within the impacted area to document the location and amount of material removed. HEI compared survey data to the 2021 LiDAR data. Recent field survey, completed on January 16, 2024, showed an average of 1 foot of material was removed from the north spoil bank over a length of 250 feet, which equals approximately 140 cubic yards (CY) of material. Uhler recommended restoration to the previous spoil bank elevation. Estimated cost of repair, including turf restoration, is \$4,500 – \$5,000. T. Lewis stated he planned to reseed buffer in the spring. T. Lewis noted the spoil banks are steep and it is difficult to bring semis into field during harvest. T. Lewis noted spoil bank west of Highway 52 (HWY 52) is higher than spoil bank east of HWY 52. **Motion** to require T. Lewis to restore spoil bank in Section 26, Holy Cross Township to design elevations by Van Amburg, **Seconded** by Affield. Norgard recommended presenting T. Lewis with an agreement stating requirements for restoration. Norgard also recommended Board of Managers consider including insurance requirements for T. Lewis to complete restoration. Board of Managers directed staff to draft agreement to review at March Board Meeting. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Consent Agenda: **Motion** to approve consent agenda items:

January 8, 2024 Board Meeting Minutes

Financial Report

Permit Nos.

23-088, Bob Leiseth – tiling, SE ¼, Section 17, Alliance Township, Clay County with conditions

24-002, Roy Larson, Blackstone Construction – land development, NE ¼, Section 1, Richwood Township, Becker County with conditions

24-003, Mike Yaggie – tiling, NW ¼, Section 27, Nilsen Township, Wilkin Tail County with conditions

24-004, Mike Love, City of Moorhead – levee construction, culvert installation, NW ¼, Section 21, Moorhead Township, Clay County

24-005, Leon Emmil, Red River Valley Cooperative Power Association – utility installation, Moland, Oakport, and Spring Prairie Townships, Clay County with conditions

24-006, Chase Dewitz – tiling, W ½, Section 26, Mitchell Township, Wilkin County with conditions
Project No. 80 – Stony Creek Restoration, Pay Estimate No. 4 for \$70,312.83
by Affield **Seconded** by Van Amburg, Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

*Board of Managers went into Closed Executive Session under attorney-client privilege provisions at 7:14 PM for **Project No. 81 – Whiskey Creek Enhancement Project.** Executive Session ended at 7:40 PM.*

Permits for Discussion:

Permit No. 24-007. Gabe Dretsch, Minnesota Department of Transportation (MNDOT). Applicant proposing to repair four culverts through westbound lane of Interstate 94 (I-94) in Sections 22 and 23, Moorhead Township, Clay County. Existing culverts are 18" reinforced concrete pipe (RCP) and will be repaired with smooth liner. Installation of liner will slightly reduce waterway area of culverts, but will improve conveyance due to improved roughness coefficient. Uhler recommend approval. **Motion** to approve Permit Nos. 24-007 as presented, by Stubstad, **Seconded** by Hanson, Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Projects:

Project No. 54 – Whisky Creek Project. Temporary Easement for Repair. Plans to repair east tributary of Whisky Creek in Sections 13, 23, and 24, Barnesville Township, Clay County have been completed. Repair will fit within footprint of existing ROW. Up to 50' of additional temporary ROW is required to give contractor space to complete repair. Staff have been coordinating with landowner, Tri-T Farm, Inc. to acquire ROW. Landowner has noted there is a tile line near the proposed temporary easement boundary and is concerned about compaction. Staff are working with landowner and will adjust boundary as needed. Staff proposed a payment of \$250.00 per acre of cropland for temporary access. Maximum payment will be \$1,275.00. **Motion** to authorize staff to acquire temporary easement for repair of the east tributary of Whisky Creek as proposed and approve payment of \$250.00 per acre by Stubstad, **Seconded** by Hanson, Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Project No. 79 – Wolverton Creek Restoration. Culvert Installation. Mark and Debra Krupich signed a temporary easement and option to purchase for land in Section 4, Wolverton Township, Wilkin County along Wolverton Creek in August 2018. Per the agreement, BRRWD had 2 years to execute the option. In July 2020 a letter was sent requesting they sign the easement. M. Krupich has expressed concerns that drainage through property is not adequate. It was agreed that if a culvert became available, BRRWD would consider installing the culvert. At the December 11, 2023 Board Meeting, Board of Managers authorized HEI and BRRWD staff to work with the Metro Flood Diversion Authority (MFDA) to acquire existing culverts that will be removed as part of their project. Board of Managers also discussed installing culvert in lieu of the \$8,069.54 listed in the permanent easement documents. Staff discussed this with M. Krupich, and he expressed he thought he should be paid for his easement. M. and D. Krupich signed a temporary easement and option to purchase agreement. Within the term of the option to purchase, BRRWD attempted to execute the agreement. BRRWD could pursue a breach of contract. MFDA has agreed to move culverts to the Krupich property at no cost to BRRWD. It is estimated that it will cost \$80,000.00-\$100,000.00 to install the culvert. Altrichter recommended Board of Managers consider installing culverts and paying the \$8,069.54 easement payment and require permanent easement document to be signed before culverts are delivered. BRRWD previously agreed to install a culvert if one became available. **Motion** to authorize staff to sign permanent easement with \$8,069.54 payment to landowner and install culvert as previously approved, requiring M. and D. Krupich to sign permanent easement before culvert is delivered by Van Amburg, **Seconded** by Stubstad, Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Upper Buffalo River Restoration. Review and Discuss Appraisal Rates. At the October 9, 2023 Board Meeting, Board of Managers discussed and approved land acquisition plan for the Upper Buffalo River Restoration. Plan included hiring an appraiser to determine appraised land values, offering an incentive of 20 percent of the Reinvest in Minnesota (RIM) rate to landowners that enrolled their land in RIM; and landowners that opt out of RIM would receive appraisal value and land will be acquired through the hearing process. At the November 13, 2023 Board Meeting, Board of Managers authorized Natwick Appraisals to complete appraisals. Altrichter presented proposed payments with appraisal rates versus RIM rates with 20 percent incentive. Becker Soil and Water Conservation District (SWCD) is partnering with BRRWD to acquire RIM easements and has started landowner outreach. Altrichter recommended Board of Managers consider setting a deadline for enrolling in RIM to prepare for acquiring other land through the hearing process. Staff proposed a deadline of June 30, 2024. Staff also presented recommended payment rates of \$250.00 per acre for cropland and \$100.00 per acre for

non-cropland for temporary easements. Temporary easements only include land need for construction that is outside the permanent easement footprint. **Motion** to set a deadline of June 30, 2024 for landowner to enroll in RIM and approve temporary easement payment rates as proposed, by Van Amburg, **Seconded** by Hanson. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

South Branch Buffalo River Restoration – Phase 1. Culvert Installation Update. At the January 8, 2024 Board Meeting, Board of Managers authorized staff to work with landowners in Section 11, Manston Township, Wilkin County to install adequate access property across the South Branch Buffalo River. HEI worked with landowners to develop plan to install sunken culverts at location of where a low water crossing was before project was constructed. HEI is working with contractor on cost estimate.

South Branch Buffalo River Restoration – Phase 2. Schedule Informational Meeting. **Motion** to hold landowner informational meeting on Monday April 8, 2024 at 5:00 PM at the BRRWD office in Barnesville by Affield, **Seconded** by Hanson. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

City of Georgetown Flood Protection Update. HEI has met with BNSF Railroad roadmaster and are waiting for feedback on design. Plans and drainage plans have been submitted to MNDOT and meeting is scheduled to discuss permitting. HEI met with Clay County and submitted plans for review. Plans have also been submitted to Bollig Inc., Engineer for City of Georgetown and have received comments. Plans have been submitted to USACE for courtesy review. HEI and BRRWD staff have meeting quarterly with MFDA to discuss project coordination. HEI is continuing to finalize plans and easement exhibits and work with BNSF on coordination. Natwick Appraisals will begin land evaluation when easement exhibits are complete. Plans are anticipated to be finalized, land negotiations complete, and permits secured in 2024, with plans to bid project at the end of the year. Construction is expected to commence in 2025 with completion in 2026.

City of Wolverton Flood Protection Update. HEI has met with BNSF Railroad roadmaster and are working through permitting requirements with United States Army Corps of Engineers (USACE). Plans and drainage plans have been submitted to MNDOT and meeting is scheduled to discuss permitting. HEI met with Wilkin County and submitted plans for review. HEI has had regular communication with the Mayor of Wolverton and have met with some of the impacted landowners. Plans have been submitted to USACE for courtesy review. HEI and BRRWD staff have meeting quarterly with MFDA to discuss project coordination. HEI is continuing to finalize plans and easement exhibits and work with BNSF on coordination. Crown Appraisals will begin land evaluation when easement exhibits are complete. Plans are anticipated to be finalized, land negotiations complete, and permits secured in 2024, with plans to bid project at the end of the year. Construction is expected to commence in 2025 with completion in 2026.

Project No. 49 – Oakport Flood Mitigation and Project No. 39 – Georgetown Levee Request to Place Bee Hives. Paul Luthi, owner of Three Bears Honey, requested permission to set up bee hives on BRRWD owned properties in Oakport and Georgetown. **Motion** to authorize Luthi to utilize BRRWD owned property in Oakport and Georgetown with conditions that he must stay out of the levee clear zone, structures may need to be moved at any time to accommodate maintenance or construction, and BRRWD is not responsible for any loss or damage that may occur to his property by Stubstad, **Seconded** by Van Amburg. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Other:

2023 Audit Engagement. Review and Approve. **Motion** to authorize Fjestad and Altrichter to sign Audit Engagement letter with Brady Martz & Associates, PC as presented, by Stubstad, **Seconded** by Hanson. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Clean Water Fund (CWF) Grants. South Branch Buffalo River Watershed Restoration – Phase 2 and Lower Otter Tail River Restoration – Head-cut Stabilization. Review and Approve Grant Agreement. **Motion** to authorize Altrichter to sign CWF grant agreements as presented, by Stubstad, **Seconded** by Affield. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Watershed Based Implementation Fund (WBIF). Review and Approve Fiscal Year (FY) 2024 Grant Agreement. **Motion** to authorize Altrichter to sign WBIF grant agreement as presented, by Van Amburg, **Seconded** by Stubstad. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Flood Damage Reduction Workgroup (FDRWG). Citizen Participation. In 2012, Eddie Bernhardson was appointed to the FDRWG. Since then, he has participated as a citizen representing BRRWD. Bernhardson contacted staff to confirm if Board of Managers would like him to continue to participate. Currently, BRRWD pays him for his time and mileage to attend meetings. **Motion** to continue to pay for Bernhardson’s time and mileage to attend FDRWG Meetings for one year by Hanson, **Seconded** by Stubstad. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

All-Terrain Vehicle (ATV) Purchase. At the Annual Budget Hearing in August 2023, Board of Managers approved a budget of \$15,000 to purchase an ATV, trailer, and other necessary equipment for the ATV. Following review of quotes from three local dealerships, staff recommended purchasing a 2024 Polaris Industries Sportsman 450 H.O for an estimated \$8,500.00 from Frontier Marine and Powersports in Fergus Falls, a Karavan Trailer 5.5 x 9 Pro for an estimated \$2,000.00 from Tractor Supply Company in Dilworth, MN, an Ultra-Tow Tri-Ball Hitch with Pintle for an estimated \$150.00 and SmartStraps Ratchet Straps 3,000 lb Breaking Strength for an estimated \$50.00 from Northern Tool + Equipment in Fargo, ND. Bender Self Storage in Barnesville has an available 10’ x 25’ Storage Unit for \$134.00 per month (\$1,608.00 annually) Overall cost for all equipment and storage is estimated to be \$11,000.00 with an annual charge of \$1,608.00 for storage. **Motion** to authorize purchase of ATV and necessary equipment as presented by Hanson, **Seconded** by Affield. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Server Maintenance Renewal. Lenovo R650 Server maintenance contract must be renewed. **Motion** to authorize renewal of Lenovo Hardware Maintenance 7x24 Onsite contract for \$1,445.00 for the term of March 6, 2024 through March 5, 2025 by Stubstad, **Seconded** by Van Amburg. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Citizen Advisory Committee (CAC). Schedule Meeting. **Motion** to schedule the annual CAC meeting for Monday March 25, 2024 from 1:30 PM to 3:30 PM by Affield, **Seconded** by Hanson. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Bills. **Motion** to approve bills totaling \$805,555.85 by Hanson, **Seconded** by Affield. Aye – Fjestad, Affield, Hanson, Van Amburg, Davis, Stubstad. **Approved.**

Next Regular Meeting. Monday March 11, 2024, at 7:00 PM in the Barnesville office. Agenda will be posted on BRRWD’s website prior to meeting.

President Fjestad adjourned meeting at 8:35 PM.

/s/ John E. Hanson
Secretary