



Board Meeting Minutes

Monday January 8, 2024

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

Managers Absent: Troy Larson.

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

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

Others Attending: Charlie Revering, City of Barnesville; Paul Krabbenhoft, Clay County Commission; Steven Thompson; Richard Lewis; Todd Lewis; Randy Schallack (remote).

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

Agenda: Addition to agenda: drainage setback on transmission lines. **Motion** to approve agenda with addition by Stubstad, **Seconded** by Affield. **Approved.**

Citizens to be Heard:

Charlie Revering. Public Works Director, City of Barnesville. Financial Assistance Request, Dredging Pond at Blue Eagle Park. City of Barnesville is requesting \$25,000.00 from BRRWD to help offset cost of dredging pond at Blue Eagle Park. City hired contractor in December 2023 to complete work and were invoiced \$51,000.00 for dredging. City of Barnesville requested BRRWD incur some of the cost that they feel is burdensome and has a negative effect on the tax rate of the City. Board of Managers discussed that dredging the pond at Blue Eagle Park is out of scope of BRRWD goals. Board of Managers discussed investigating practices upstream that could address sedimentation of the pond. Jones noted the Buffalo-Red River Watershed Comprehensive Watershed Management Plan identified areas upstream that could be targeted to reduce sediment. **Motion** to authorize HEI to investigate solutions to address upstream erosion by Van Amburg, **Seconded** by Stubstad. **Approved.**

Todd Lewis. At the December 11, 2023 Board Meeting, Board of Managers authorized BRRWD attorney to send letter to T. Lewis and require him to pay expenses related to damage on Clay-Wilkin Judicial Ditch No. 1 buffer in Section 26, Holy Cross Township, Clay County. T. Lewis noted he graded the area to aid in beet harvest. T. Lewis asked Board of Managers if he could repair damage himself. Norgard recommended Board of Managers have contract with T. Lewis that requires him to meet specifications, timeline, and failure to meet those would require T. Lewis to pay for repairs if Board of Managers authorize T. Lewis to complete repair. **Motion** to authorize HEI to survey ditch and determine what repairs need to be made and authorize staff to coordinate repair with T. Lewis by Stubstad, **Seconded** by Affield. **Approved.**

Steven Thompson. Thompson noted setback levee along his property in Section 4, Barnesville Township, Clay County along Project No. 80 – Stony Creek Restoration is 18 inches lower than setback levees on neighboring properties. Thompson expressed concern that his property will flood more than his neighbors. He also expressed that he was not paid adequate rates for land enrolled in Conservation Reserve Program (CRP). Uhler noted BRRWD utilized state standards for land acquisition rates for land enrolled in conservation easements. Jones noted setback levee was designed to have lower areas to allow water to break out during large rain events. Lower areas are in locations where water broke out before project. Project was designed to maintain flooding as it occurred before project to avoid negative impacts downstream. If a storage component is added to the project in the future flooding could be reduced. Thompson noted that contractor stored rock on land outside of the easement area. Uhler noted he and HEI technician asked contractor to move stockpile. Thompson asked when Phase 2 of South Branch Buffalo River would be constructed. Uhler noted BRRWD recently received a grant for the project with construction tentatively planned for 2025.

Consent Agenda: Motion to approve consent agenda items:

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Permit Nos.

23-075, Hawley Public Schools, c/o Justin Nielson – land development, NW ¼, Section 1, Hawley Township, Clay County with conditions;

23-087, Corey Haag – tiling, NW ¼, Section 5, Elkton Township, Clay Tail County with conditions;

23-090, Shawn Norman – tiling, NW ¼, Section 20, Manston Township, Wilkin Tail County with conditions;

23-091, Shawn Norman – tiling, SW ¼, Section 9, Manston Township, Wilkin Tail County with conditions;

Project No. 80 – Stony Creek Restoration, Pay Estimate No. 3 for \$132,428.87

Project No. 81 – Whiskey Creek Enhancement Phase 3, Pay Estimate No. 5 for \$31,654.00

Project No. 82 – Glyndon East Tributary Restoration, Pay Estimate No. 6 for \$153,843.00

Silver Lake outlet Modification, Pay Estimate No. 1 for \$217,048.40, by Hanson **Seconded** by Affield. **Approved.**

Annual Meeting:

Election of Officers.

Davis nominated Fjestad to be President in 2024. **Motion** to elect Fjestad President by Davis, **Seconded** by Affield.

Approved.

Fjestad nominated Affield to be Vice President in 2024. **Motion** to elect Affield Vice President by Davis, **Seconded** by Hanson. **Approved.**

Affield nominated Larson to be Treasurer in 2024. **Motion** to elect Larson Treasurer by Affield, **Seconded** by Stubstad.

Approved.

Van Amburg nominated Hanson to be Secretary in 2024. **Motion** to elect Hanson Secretary by Affield, **Seconded** by Stubstad. **Approved.**

Financial Report and Year End Transfers. Board of Managers reviewed annual financial report including 2023 interest, drainage, basic water management fund #1 and #2, and riparian buffer aid allocations. **Motion** to approve Financial Report with year-end transfers by Van Amburg, **Seconded** by Stubstad. **Approved.**

2024 Financial Designation. **Motion** to designate Midwest Bank, Barnesville as the official 2024 depository by Hanson, **Seconded** by Affield. **Approved.**

2024 Board Meeting Schedule. **Motion** to set date and time of regular Board Meetings for the second Monday of each month at 7:00 PM at the BRRWD office in Barnesville except in November when the regular meeting will be held Tuesday November 12 at 7:00 PM at the BRRWD office in Barnesville, by Stubstad, **Seconded** by Davis. **Approved.**

2024 Staff Holidays. At the July 10, 2023 Board Meeting, Board of Managers discussed if BRRWD office should be closed the day before or after a Holiday if the Holiday falls on a Tuesday or Thursday. Board of Managers determined the Administrator should bring these to Board of Managers on a case-by-case basis. In 2024, the only day where the holiday falls on a Tuesday or Thursday is Independence Day, Thursday July 4. **Motion** to close the office on Friday July 5, 2024 by Stubstad, **Seconded** by Davis. **Approved.**

2024 Newspaper Designation. **Motion** to designate Barnesville Record Review as official newspaper for 2024 by Davis, **Seconded** by Affield. **Approved.**

Legal Services. **Motion** to contract with Vogel Law Firm for legal services from January 2024 through December 2025 as proposed, by Hanson, **Seconded** by Stubstad. **Approved.**

Engineering Services. **Motion** to contract with Houston Engineering Inc. for engineering services from January 2024 through December 2025 as proposed, by Stubstad, **Seconded** by Van Amburg. **Approved.**

Citizen Advisory Committee (CAC). 2024 Appointments.

County	Member	Representing
Becker	Barry Nelson	County Representative
	Bryan Malone	SWCD Representative
Clay	Jenny Mongeau	County Representative
	Tony Nelson	SWCD Representative
	Randy Schellack	SWCD Representative
	Wayne Brendemuhl	Landowner
	Sally Casey	Landowner
	Jon Evert	Landowner
	Roger Haglund	Landowner
Otter Tail	Wayne Johnson	County Representative
	Kurt Mortenson	County Representative
	Aaron Larson	SWCD Representative
	Andy Boen	Landowner
	John Haarstad	Landowner
	Jay Leitch	Landowner
Wilkin	Kim Melton	SWCD Representative
	Jerry Nordick	Landowner
	Ross Aigner	Landowner
	Michael Radig	Landowner

Motion to appoint members to Citizen Advisory Committee as presented, by Affield, **Seconded** by Hanson. **Approved.**

Board of Managers went into Closed Executive Session at 7:57 PM for Project No. 81 – Whiskey Creek Enhancement Project. Attorney Norgard provided an update on construction and land acquisition. Board of Manager appointed Stubstad, Davis, and Affield to serve on a subcommittee for negotiations. *Executive Session ended at 8:27 PM.*

Permits for Discussion:

Permit Database Update. New permit database is now live. If anyone has any issues, they should contact staff.

Permit No. 23-092. Rick Schultz. Applicant proposing to install culvert in NW ¼, Section 6, Elkton Township, Clay County through Clay County Ditch No. 21 Lateral 1 for a new dwelling. Uhler recommended approval subject to installing a 48” culvert and obtaining approval from the Township to work within road right-of-way (ROW). **Motion** to approve Permit Nos. 23-092 with conditions as presented, by Stubstad, **Seconded** by Hanson. **Approved.**

Permit No. 24-001. Simon Christensen, Xcel Energy. Application proposing substation demolition and reconstruction in SE ¼, Section 33, Flowing Township, Clay County. Proposed project does not negatively impact drainage. Impervious surface increase is less than 1.0 acres, so no stormwater treatment is required. Uhler recommend approval subject to approval from County to work within road ROW and complying with all Minnesota Pollution Control Agency (MPCA) standards. **Motion** to approve Permit Nos. 24-001 with conditions as presented, by Van Amburg, **Seconded** by Davis. **Approved.**

Projects:

Project No. 79 – Wolverton Creek Restoration. Review and Approve Subordination Agreement. As part of the larger Metro Flood Diversion Authority (MFDA) flood diversion project, easements need to be acquired along Wolverton Creek. Easements overlap with BRRWD project easements. MFDA has asked BRRWD to sign subordination agreement stating BRRWD easement will be subordinate to their easement. Norgard reviewed document and presented no concerns. **Motion** to authorize Altrichter to sign subordination agreement for property described as Exhibit A on subordination agreement between BRRWD and Moorhead-Clay County Joint Powers Authority (MCCJPA) for property owned by Michael J. Mastin and Peggy E. Mastin in NE ¼, Section 4, Wolverton Township, Wilkin County by Stubstad, **Seconded** by Affield. **Approved.**

Upper South Branch Buffalo River Restoration. Great Plains Fish Habitat Partnership (GPFHP) Grant Application. Review and Approve. **Motion** to authorize staff to submit GPFHP grant application as presented, by Van Amburg **Seconded** by Hanson. **Approved.**

Upper South Branch Buffalo River Restoration. Project Discussion. Staff has been working with landowners in Phase 1 to correct easements that were recorded incorrectly. Keith Neumann, representing property owned by Alida Neumann in SW ¼, Section 11, Manston Township, Wilkin County has concerns with access road installed on property to access project area and allow neighboring landowner to access property on south side of the channel. K. Neumann requested BRRWD install another access for the neighbors. Staff requested Board of Managers authorize staff to work with landowners to install adequate access. K. Neumann has stated he would sign corrective easement once a plan is in place. **Motion** to authorize staff to work with landowners to find adequate access for property in Section 11, Manston Township as presented, by Van Amburg, **Seconded** by Stubstad. **Approved.**

City of Georgetown Flood Protection. Engage Appraiser for Land Acquisition. **Motion** to authorize staff to engage Natwick Appraisals, Inc. to determine land values for City of Georgetown Flood Protection Project by Stubstad, **Seconded** by Hanson. **Approved.**

Ditches:

Culvert Replacement Cost-share Policy Consideration. At the December 11, 2023 Board Meeting, Board of Managers directed staff to draft a cost-share policy for culverts repairs through township roads in alignment with ditches. Board of Managers reviewed draft policy. Policy notes that per Minnesota Statute §103E.701 Subd. 4 and §103E.525 Subd. 2 road authorities are responsible for maintenance of bridges and culverts on public roads. BRRWD acknowledges culverts along public drainage systems can be large and costly for townships to repair and maintain. Proposed policy states BRRWD may cost share up to 50% of the local cost of the culvert upon request by a township official if 1) culvert in need of repair is through a township road in alignment with a public drainage system with a benefiting area and 2) the financial account of the ditch can bear cost of cost sharing the culvert. Cost sharing on repair of culverts through township roads on public drainage systems will be at the sole discretion of BRRWD Board of Managers. **Motion** to approve policy as presented, by Stubstad, **Seconded** by Davis. **Approved.**

Becker County Ditch No. 9. Culvert Cost Share Request, Hamden Township. Hamden Township is requesting cost share for culvert through 230th ST between Sections 30 and 31, Hamden Township that is in alignment with Becker County Ditch No. 9. Culvert should be repaired with a 30” x 50’ high density polyethylene (HDPE) culvert. Estimated cost for culvert is \$2,500 - \$3,000, with \$1,500.00 as the share from Becker County Ditch No. 9 account. **Motion** to cost share up to 50 percent of the culvert cost or \$1,500.00 per the Cost share for Culverts through Township Roads on Public Drainage Systems Policy by Davis, **Seconded** by Hanson. **Approved.**

Ditch System Repair Recommendations.

Drainage	Township	Section	Problem/Proposed Work	Estimated Cost
Clay County Ditch No. 65	Spring Prairie	9	Channel cleanout for 1 mile.	\$15,000 - \$18,000
Clay-Wilkin Judicial Ditch No. 1	Wolverton	12	Drill seeding portion of buffer.	\$500

Motion to authorize repairs as presented, by Affield, **Seconded** by Davis. **Approved.**

Transmission Line Setback to Drainage Systems. Bois de Sioux Watershed District (BdSWD) contacted BRRWD about supporting efforts to work with Wilkin County to update wind turbine zoning requirements to require utility transmission lines to be 50’ from the edge of drainage systems. BdSWD found relocating existing utilities on retrofit repairs and improvements is expensive and can be cost prohibitive. Board of Managers generally supported a 50’ setback. Board of Managers discussed looking into problems and potential solutions more before formally committing to a 50’ setback. Board of Managers directed Altrichter to notify BdSWD that there was general support in working with Wilkin County to update requirements. Board of Managers also discussed working with the other three counties as well.

Other:

2023 Annual Report. Review and Approve. **Motion** to approve 2024 Annual Report as presented, Affield by **Seconded** by Stubstad. **Approved.**

Employee Handbook. Review and Approve. BRRWD Human Resources (HR) consultant, HighRoad Partners, updated the employee handbook to address new Minnesota Laws and other recommended guidelines. BRRWD HR Committee met on December 19, 2023 reviewed updates and provided the following recommendations to Board of Managers. Addition of the Juneteenth Holiday, a Reasonable Accommodations & Interactive Dialogue section, Artificial Intelligence policy, Family and Medical Leave for Employers not covered by Family and Medical Leave Act (FMLA). Updates to Sick Leave policy to address Minnesota Sick and Safe Time Leave requirements. **Motion** to approve BRRWD Employee Handbook effective January 1, 2024 as recommended, Stubstad by **Seconded** by Affield. **Approved.**

Flood Damage Reduction Workgroup (FDRWG). 5 Year Monitoring Program. At the December 11, 2023 Board Meeting, Board of Managers discussed participation in the FDRWG 5-Year Monitoring Program funded through the Legislative-Citizen Commission on Minnesota Resources (LCCMR). Board of Managers directed Altrichter to discuss concerns with Andrew Graham, FDRWG program manager. Graham stated FDRWG will have their contractor produce a report for each project monitored and a summary report that will be given to LCCMR. Graham stated that District would be able to provide input and context in monitoring report. Currently, Deerhorn Creek and Wolverton Creek Projects are on their list for monitoring. Board of Managers discussed if Deerhorn Creek should be monitored since design standards and best practices have changed since project was designed and constructed. Board of Managers also recognized valuable information could be learned from monitoring Deerhorn Creek. **Motion** to participate in FDRWG 5-Year Monitoring Program and monitor Wolverton Creek only with confirmation from Graham that BRRWD staff will be able to review reports and provide input by Davis, **Seconded** by Stubstad. **Approved.**

2024 Legislative Agenda and Minnesota Watersheds Legislative Event. Board of Managers discussed potential legislative efforts in 2024. Based on forecasting, it does appear there will be many opportunities for additional funding. Fjestad will attend Minnesota Watersheds Legislative Event, currently no plans for other Managers and Altrichter to attend.

MN Campaign Finance Board Annual Disclosure Reporting. Altrichter presented reminder to Board of Managers that they will receive information from Minnesota Campaign Finance Board to file annual certification by January 29, 2024.

Bills. Review and Approve. **Motion** to approve bills totaling \$1,175,948.05 by Van Amburg, **Seconded** by Hanson. **Approved.**

Next Regular Meeting. Monday February 12, 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 9:44 PM.

/s/ John E. Hanson
Secretary