



Board Meeting Minutes

Monday September 12, 2022

Managers Present: Peter Fjestad; Catherine Affield; John Hanson; Paul Krabbenhoft; Troy Larson; Gerald Van Amburg; Mark Hanson.

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

Consultants Present: Bennett Uhler, Engineer; Wade Opsahl, Civil Technician, Houston Engineering, Inc. (HEI).

Others Attending: Bill Austin, Viewer; Eddie Bernhardson, Viewer; Dennis Olsen, Viewer; Matt Graeve, The Nature Conservancy (TNC); Eric Hoff, TNC; Jay Nord; Arvis Wiese; Adrian Haugrud; Ardean Haugrud; Bryan Henderson.

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

Agenda: Additions to agenda Clay County Ditch No. 47 Findings and Order. Altrichter requested to move Wilkin County Ditch No. 6A and Clay County Ditch No. 47 Redetermination of Benefits discussion ahead of Permits. **Motion** to approve agenda with additions and adjustments by Affield, **Seconded** by J. Hanson. **Approved.**

Secretary's Report: **Motion** to approve August 8, 2022 Board Meeting Minutes with minor correction, August 8, 2022 Clay County Ditch No. 31. Hearing Minutes, and August 22, 2022 Wilkin County Ditch No. 6A Hearing Minutes by Affield, **Seconded** by Krabbenhoft. **Approved.**

Treasurer's Report: **Motion** to approve Treasurer's Report by Van Amburg, **Seconded** by Larson. **Approved.**

Ditches:

Wilkin County Ditch No. 6A. Redetermination of Benefits. Opsahl presented adjustments to Viewers' Report following Hearing. New proposed total benefits are \$5,467,336.28. 84.85 percent of benefits in Wilkin County and 15.15 percent in Otter Tail County. Total proposed damages are \$155,261.50 for acquisition of 104.30 acres of permanent right of way (ROW) to establish required one rod vegetated buffer strips.

Citizens to be Heard:

Matt Graeve, representing TNC, discussed position that assigned benefits in Wilkin County Ditch No. 6A redetermination of benefits is unfair. Graeve discussed that conservation land should not be assessed benefits because they receive no benefit from ditch. Graeve outlined assumptions he thought Viewers made that were incorrect including: 1) water only moves laterally and Viewers did not account for infiltration; 2) water must move as fast as possible off landscape; 3) all landowners want water to move off land as fast as possible; 4) all landowners benefit from artificial drainage. Graeve stated that TNC lands are damaged by water draining off their property.

Graeve stated that allowing water storage on conservation land benefits other landowners within system.

Opsahl noted that damages generally reference acquisition of land for ditch or ROW for vegetated buffers. Van Amburg stated concerns with assessing conservation land. Larson noted that Viewers assessed TNC land lowest benefit rate and benefit area is proposed to expand, so TNC will likely pay less with redetermination of benefits than they are currently assessed. Larson noted that water does drain off their property and uses ditch. Krabbenhoft noted that other conservation land is assessed for benefits on drainage systems and TNC should be treated the same as other landowners. Affield and J. Hanson noted agreement with amended Viewers' Report presented. **Motion** to approve Findings and Order with amended Viewers' Report by J. Hanson, **Seconded** by Larson. **In Favor:** Fjestad, Affield, J. Hanson, P. Krabbenhoft, Larson, M. Hanson. **Opposed:** Van Amburg. **Approved.**

Clay County Ditch No. 47. Redetermination of Benefits. Motion to approve Findings and Order as presented by Krabbenhoft, **Seconded** by Van Amburg, **Approved**.

Permits:

Permit No. 22-026. Doug Nordick. Applicant proposing to pattern tile E ½, Section 3, Roberts Township, Wilkin County. Slight change in natural flow path of water. Currently, runoff is split between north and east. Downstream landowner notifications received, landowner to east expressed concern with drainage of road ditch. Downstream road ditch appears adequate to handle flow if culvert though driveway is lowered. Uhler recommended approval subject to working with landowner to east to lower culvert or working with neighbor to north to clean road ditch, standard tile conditions, and working with road authority for approval to work in road ROW.

Permit No. 22-040. Mark Stotesbery. Applicant proposing bank repair project on Buffalo River in NE ¼, Section 29, Moland Township, Clay County. Project in partnership with BRRWD and Clay Soil and Water Conservation District (SWCD). Landowner in process of acquiring Minnesota Department of Natural Resources (MN DNR) Public Waters Work permit. Uhler recommended approval subject to approval from MN DNR.

Permit No. 22-093. Jay Nord. Applicant proposing to lower and extend culvert and ditch cleaning in NW ¼, Section 28, Deerhorn Township, Wilkin County. Proposed work will lower existing culvert 1 foot, extend culvert length 16 feet, and clean ditch approximately 2,400 feet. Uhler recommended approval.

Permit No. 22-100. Greg Grieser. Applicant proposing to install water and sediment control basins (WASCOB) in SW ¼, Section 3 and SE ¼, Section 4, Audubon Township, Becker County. Project in partnership with Becker SWCD and has been designed to NRCS standards. Natural flow path of water remains unchanged. Uhler recommended approval subject to standard tile conditions and approval from County to work within road ROW.

Permit No. 22-101. Matt Bjerke. Applicant proposing to install WASCOBs in Section 5, Lake Park Township, Becker County. Project in partnership with Becker SWCD and has been designed to NRCS standards. Natural flow path of water remains unchanged. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-102. Matt Bjerke. Applicant proposing to install WASCOBs in S ½, Section 31, Cuba Township, Becker County. Project in partnership with Becker SWCD and has been designed to NRCS standards. Natural flow path of water remains unchanged. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-105. Chad Okeson. Applicant proposing to install WASCOBs in NE ¼, Section 20, Callaway Township, Becker County. Project in partnership with Becker SWCD and has been designed to NRCS standards. Natural flow path of water remains unchanged. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-109. Brad Koetz. Applicant proposing to repair retaining wall and deck in SE ¼, Section 19, Cormorant Township, Becker County. Proposed work will not have a negative impact on drainage or other protected water bodies. Uhler recommended approval subject to approval from authority regulating Wetland Conservation Act (WCA).

Permit No. 22-111. Steve Haverland. Applicant proposing to pattern tile NW ¼, Section 6, Mitchell Township, Wilkin County. Natural flow path of water remains unchanged. Downstream landowner notification received, no concerns identified. Uhler recommended approval subject to standard tile conditions and approval from Township to work within road ROW.

Permit No. 22-112. Joe Wulfekuhle. Wilkin County Highway Department. Applicant proposing to install filed approval in SE ¼, Section 5, Manston Township, Wilkin County. Uhler recommended approval subject to use of 18" culvert.

Permit No. 22-113. Tim Christopher, Wilkin County Highway Department. Applicant proposing to replace culvert in existing approach in NE ¼, Section 36, Roberts Township, Wilkin County. Current crossing is an 18" and 24" culvert. Uhler recommended approval subject to use of one 30" culvert.

Permit No. 22-114. Ronald Krump. Wilkin County Highway Department. Applicant proposing to install field approach in NW ¼, Section 31, Mitchell Township, Wilkin County. Uhler recommended approval subject to use of 18” culvert.

Permit No. 22-115. Ted Peterson. Applicant proposing to pattern tile in NE ¼, Section 31 and NW ¼, Section 32, Meadows Township, Wilkin County. Natural flow path of water remains unchanged. Proposed tile outlets directly into Wilkin County Ditch No. 1A, which is an adequate outlet. Land is included within benefit area. Uhler recommended approval subject to standard tile conditions and approval from Township to work in road ROW.

Permit No. 22-116. Kelly Etten. Applicant proposing to install field approaches in SE ¼, Section 19 and SW ¼, Section 20, Foxhome Township, Wilkin County. Uhler recommended approval of 24” culvert for each approach subject to approval from County to work in road ROW.

Permit No. 22-117. Doug Nordick. Applicant proposing to install culvert in SE ¼, Section 12, Wolverton Township, Wilkin County. Uhler recommended approval subject to use of 36” culvert and approval from County to work within road ROW.

Permit No. 22-119. Troy Larson. Applicant proposing to pattern tile SW ¼, Section 35, Akron Township, Wilkin County. Natural flow path of water remains unchanged. Project outlets directly into stream through property, which is adequate outlet. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-120. Heather Hanson. Applicant proposing to install approach and culvert in SE ¼, Section 23, Moorhead Township, Clay County. Uhler recommended approval subject to use of 18” culvert and approval from County to work in ROW.

Permit No. 22-121. Mike Aamodt, City of Moorhead. Applicant proposing to construct new industrial subdivision development with installation of roads, utilities, and a stormwater pond in SW ¼, Section 23, Moorhead Township, Clay County. Stormwater runoff from proposed subdivision routed through proposed stormwater pond which is sized through City Master Plan for development of project site. Uhler recommended approval.

Permit No. 22-122. Chad Larson. Applicant proposing to pattern tile SW ¼, Section 25, Akron Township, Wilkin County. Natural flow path of water remains unchanged. Proposed tile connects to main installed under Permit 16-112, which outlets directly into stream through property, which is an adequate outlet. Uhler recommended approval subject to standard tile disclaimer.

Motion to approve Permit Nos. 22-026, 22-040, 22-093, 22-100, 22-101, 22-102, 22-105, 22-109, 22-111, 22-112, 22-113, 22-114, 22-115, 22-116, 22-117, 22-119, 22-120, 22-121, 22-122 with conditions outlined above by J. Hanson, **Seconded** by Larson. **Approved.**

Ditches:

Wilkin County Ditch No. 23. Repair Recommendation. A failing culvert in W ½, Section 22, Meadows Township was identified. Current culvert is 90” x 50’. Recommendation for replacement is 84” x 50’ corrugated metal pipe (CMP) to align with downstream culvert. Estimated cost is \$20,000-\$22,000. **Motion** to approve repair by Larson, **Seconded** by Affield. **Approved.**

Wilkin County Ditch No. 31. Repair Recommendation. Nilsen Township notified BRRWD staff regarding two undersized side inlets under 310th St. outletting into ditch between Sections 15 and 22, Nilsen Township causing erosion along the embankment on both sides of the road. It is recommended that both culverts be replaced with 30” x 70’ CMP with 30” flapgates. Estimated cost is \$15,000-\$19,000. Nilsen Township requested 50/50 cost-share with BRRWD for repair. **Motion** to approve repair and 50/50 cost-share with Nilsen Township by J. Hanson, **Seconded** by M. Hanson. **Approved.**

Wilkin County Ditch No. 34. Repair Recommendation. Todd Klein notified BRRWD staff regarding failing culvert in SE ¼, Section 5, Nilsen Township through 240th Ave into ditch. Recommendation to replace existing 36” x 38’ culvert with new same sized culvert. Estimated cost is \$13,000. Nilsen Township requested 50/50 cost-share with BRRWD. **Motion** to approve repair and 50/50 cost-share with Nilsen Township by Larson, **Seconded** by Krabbenhoft. **Approved.**

Wilkin County Ditch No. 44. Repair Recommendation. Randy Lochert notified BRRWD staff regarding failing flapgate in NW ¼, Section 14, Manston Township. Corrosion is preventing flapgate from closing property. Recommendation to replace 18” flapgate. Estimated cost is \$1,500-\$2,000. **Motion** to approve repair by J. Hanson, **Seconded** by Affield. **Approved.**

Projects:

Lower Otter Tail River Restoration. Option and Temporary Construction Easement Payments. Wilkin SWCD will reach out to landowners along project corridor regarding enrolling land in project area in Reinvest in Minnesota (RIM) program. Landowners that enroll in RIM will sign Option Agreement with BRRWD to allow BRRWD to purchase permanent conservation easement. Board discussed payment options. **Motion** to offer landowners \$500.00 to sign Option Agreement with language to obtain a Temporary Construction Easement if needed for \$250.00 per acre for farmland and \$100.00 per temporary easement for non-farmland by Van Amburg, **Seconded** by Larson. **Approved.**

Lower Otter Tail River Restoration. Water Management District (wmd). **Motion** to authorize HEI to develop wmd for Lower Otter Tail River Restoration with downstream end of watershed the outlet end of Lake Breckenridge by Van Amburg, **Seconded** by Krabbenhoft. **Approved.**

Project 81 – Whiskey Creek Enhancement Project. Change Order No. 2 and Pay Estimate No. 5. Ehlert Excavating, Inc. completed Phase 1 of construction. Final seeding will be completed in 2023. Retainage of \$64,825.46 withheld. **Motion** to approve Change Order No. 2 for \$17,500.00 and Pay Estimate No. 5 for \$308,128.53 by Larson, **Seconded** by Affield. **Approved.**

Other:

Otter Tail County Ditch No. 64 Wetland Restoration. Memorandum of Agreement (MOA). **Motion** to authorize Altrichter to sign MOA between United States Fish and Wildlife Service (USFWS), Otter Tail County, Orwell Township, and BRRWD to apply for Clean Water Fund grant and complete the Otter Tail County Ditch No. 64 Wetland Restoration by J. Hanson, **Seconded** by Affield. **Approved.** BRRWD will be grantee and responsible for grant compliance including reporting. Otter Tail County will be fiscal agent

Minnesota Association of Watershed Districts (MAWD). Strategic Plan. **Motion** to support updated Strategic Plan with draft date August 2022 by Van Amburg, **Seconded** by Krabbenhoft. **Approved.**

MAWD Summer Tour Recap. Eminent Domain Education. Altrichter provided Board recap eminent domain education presented during MAWD Summer Tour by Louis Smith, Smith Partners; Tracy Halstengard, Roseau River Watershed District; and Tara Jensen, Wild Rice River Watershed District. Presentation focused on instances where landowners in other watershed districts have requested boards proceed with eminent domain process.

MAWD 2022 Annual Conference. Altrichter reminded Board of Managers of Annual Conference scheduled for December 1-3, 2022.

Bills. **Motion** to approve bills totaling \$522,299.02 by M. Hanson, **Seconded** by Affield. **Approved.**

Next Regular Meeting. Monday October 10, 2022, at 7:00 PM in the Barnesville office. Agenda will be posted on BRRWD’s website prior to meeting.

President Fjestad adjourned meeting at 8:34 PM.

/s/ John Hanson

Secretary