

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

October 13, 2020

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Tuesday, October 13, 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, Catherine L. Affield, John E. Hanson, Mark L. Hanson, Gerald L. Van Amburg, and Paul G. Krabbenhoft. BRRWD staff attending in person were Erik S. Jones, Engineer, and RaeAnn Berg, Administrative Assistant, Houston Engineering, Inc. (HEI). Others attending via the conference line: Jenny Mongeau, Clay County Commissioner; and in person: Brent Edison, Attorney, Vogel Law Firm; Joel Fremstad, Attorney, Fremstad Law; Mark Carr, Elkton Township Supervisor; and Don Nelson.

BRRWD President Fjestad called the meeting to order at 7:03 PM and informed the audience that the meeting was being recorded to aid in the preparation of meeting minutes.

New Manager. The Board welcomed the new Clay County Manager, Mark Hanson. Hanson signed his Oath of Office.

Agenda. Additions to the meeting agenda: Whiskey Creek Great Plains Fish Habitat Partnership application, a draft Sand Hill River Watershed District (SHRWD) letter to the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG), and a Wilkin County Ditch (C.D.) No. 26 repair recommendation. **Motion** by J. Hanson to approve the agenda with the noted additions. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Secretary's Report. The Board reviewed draft minutes for the 9/28/20 regular meeting. **Motion** by Affield to approve the minutes. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

Treasurer's Report. The Board reviewed the BRRWD's 10/13/20 financial reports. Cash on hand is \$2,980,081.82. Income received since the last meeting totals \$2,578.84, and for the year, totals \$4,227,936.77. The administrative disbursements since 9/14/20 totaled \$50,635.90, and the total for the year is \$334,963.83. **Motion** by Van Amburg to approve the Treasurer's Report. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Later in the meeting, the Board discussed signatory authorization for the Midwest Bank operating loan. Midwest advised the Board to authorize whoever holds the Administrator's position to sign the loan paperwork to avoid future staff transition issues. **Motion** by Van Amburg to authorize the "Administrator" position to be a signatory for the operating loan paperwork. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Citizens to be Heard. Don Nelson presented his concerns about a potential settlement agreement regarding the Minnesota Department of Natural Resources (DNR) contested case and the Diversion Authority's (DA) permit denial appeal, with the DA and the Wilkin/Richland Joint Powers Authority (JPA). He commented on Clay County's alleged criteria for BRRWD Manager appointees to be pro-Diversion.

The Board discussed concerns from Mark Carr, Elkton Township Supervisor, about the status of a road crossing replacement on Clay C.D. No. 58 through 130th ST S at a probable cost of \$20,000 for materials and

labor. The Township would like to see the BRRWD contribute more than the 50/50 split they approved at their 7/13/20 meeting. Carr noted that the work should have been completed this summer. Jones explained that the work was on hold pending the Township's commitment to accept the terms of the Board's cost-share offer. Van Amburg suggested the BRRWD could send a letter to the Township regarding the terms of the cost-share agreement for their review. Jones noted that if the Township approved the agreement, the culvert replacement could possibly be completed yet this fall. If no agreement is reached, the BRRWD will attempt to repair the damaged culverts and fill in the crossing this fall.

Executive Session/DA Lawsuits. As permitted by the attorney-client privilege exception to the data practices act in accordance with M.S.A. 13D.05, Subd. 3(b), **motion** by Affield to go into closed session at 7:25 PM to consult with their attorneys regarding the DNR permit contested case and DA permit denial lawsuits, **seconded** by J. Hanson, **approved** by unanimous roll call vote. At 8:22 PM, the Board reconvened the meeting. Attorney Edison reported the Board convened a closed session to discuss the status of the DNR permit contested case and the DA permit denial appeal. Attorneys Edison and Fremstad gave reports concerning the status of the lawsuits. No action items were required from the discussion.

Van Amburg reported on the discussion items covered at the 10/1/20 Minnesota-Clay County Joint Powers Agreement (MCCJPA) meeting. The MCCJPA has received approval from the City of Georgetown to set up a sampling site on City property.

Other Business brought before the Board included:

Permit No. 20-088, Hawley Township. The Township has decided to withdraw this application to add or install a larger culvert in the SW $\frac{1}{4}$, Section 4, until they develop a workable plan. **Administratively withdrawn.**

Permit No. 20-097, Kirk Watt. Watt has decided to withdraw this application to install an additional culvert through County State Aid Highway (CSAH) No. 100 in the SW $\frac{1}{4}$, Section 31, Georgetown Township, Clay County, after it was determined to be unnecessary in the proposed location. **Administratively withdrawn.**

Permit No. 20-098, Kirk Watt. Applicant proposes to replace a 30" dia. corrugated metal pipe (CMP) in the NW $\frac{1}{4}$, Section 31, Georgetown Township, Clay County, with a larger culvert. Jones suggested that Watt could replace the existing CMP with a 36" dia. or 42" dia. pipe or add pipes to the existing culvert to achieve a similar waterway area. He recommended permit approval, subject to township approval to work within their road right-of-way (R/W).

Permit No. 20-102, Brian Piekarski. Applicant proposes to install random tile in low spots on his property, discharging via an existing tile project outlet (Permit No. 17-099) in the S $\frac{1}{2}$, Section 22, Carlisle Township, Otter Tail County, and another outlet into the CSAH No. 11 road ditch. The downstream landowner has already signed her form and does not have concerns with the proposed work. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 20-108, Brice Bellmore. Bellmore has decided to withdraw his application to clean the Wilkin C.D. No. 26 channel, which will be handled by the BRRWD as a standard ditch system repair. Jones noted that Bellmore can clean the road ditch along County Road (C.R.) No. 3 in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 8, Mitchell Township, without a BRRWD permit. **Administratively withdrawn.**

Permit No. 20-110, Karlo Etten. Applicant proposes to pattern tile the NW $\frac{1}{4}$, Section 3, Meadows Township, Wilkin County, outletting via a lift station to Wilkin C.D. No. 6A, to which it is assessed. Jones reviewed the proposal and found that water leaving the lift station follows a different drainage route than originally identified by the applicant. Jones shared this existing drainage pattern information with the applicant. He forwarded downstream notification forms to Etten, so he can get signatures from the landowners along the identified outlet route. **Action Postponed.**

Permit No. 20-112, Justin Phillips. Applicant proposes to install a field approach/culvert on the south side of the SE¼, Section 27, Tanberg Township, Wilkin County, to gain access to his field from C.R. No. 26. Jones noted that he will contact Phillips regarding pipe sizing. **Action Postponed**, pending more information.

Permit No. 20-113, Eric Skolness. Applicant proposes to clean out two ditches in the SE¼, Section 22, Alliance Township, Clay County, to their original grade. Skolness is requesting BRRWD assistance to install two inlet culverts/flapgates into the South Branch of the Buffalo River. Jones noted that Skolness doesn't need a BRRWD permit to clean existing ditches, but he will need a signed downstream landowner notification form from the downstream neighbor to clean the ditch on their property. Jones suggested that the inlet installations could be eligible for watershed-based funding once the BRRWD's One Watershed, One Plan (1W1P) is approved in the next several weeks. He will contact Skolness to see if the inlets could be postponed until next spring. **Action Postponed**.

Permit No. 20-114, Shawn Norman. Applicant proposes to install pattern tile in the SW¼, Section 14, Manston Township, Wilkin County, outletting to Project No. 56, Manston Slough Restoration/Wilkin C.D. No. 13 in conjunction with the Board Order adding this area to those project benefit areas. This is the final phase of Norman's master plan for his tiling project, associated with Permit Nos. 18-003 and 20-005. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 20-115, Red River Valley Cooperative Power Association. Applicant proposes to bore a new underground line from south to north under Clay C.D. No. 69 in the N½, Section 34, Glyndon Township, to replace overhead power lines on the south side of the ditch. Jones recommended permit approval, subject to our standard utility disclaimer.

Permit No. 20-116, Kirk Watt. Applicant proposes to install a 24" dia. CMP through C.R. No. 100 in the northwest corner of the SW¼, Section 31, Georgetown Township, Clay County, related to Permit No. 20-098. Jones recommended permit approval, subject to County approval to work within their road R/W.

Motion by Van Amburg to approve Permit Nos. 20-098, 20-102, and 20-114 through 20-116, subject to the referenced disclaimers and conditions. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Project No. 79, Wolverton Creek Restoration. Gladen Construction, Inc., submitted Change Order No. 1 for Phase 2 construction for a net contract increase of \$47,446.35. **Motion** by J. Hanson to approve the referenced change order. **Seconded** by Affield. **Approved** by unanimous roll call vote. The Board received the 10/03/20 project status report from HEI for work Gladen Construction, Inc. has completed on Phase 2.

Whiskey Creek Enhancement. The Board discussed a grant opportunity from the Great Plains Fish Habitat Partnership program. The grants range from \$10,000-\$50,000 and could be used as matching funds for our Lessard-Sams Outdoor Heritage (LSOHC) grant. DNR Red River Fisheries Specialist Nicholas Kludt suggested the BRRWD consider applying for the grant and volunteered to prepare and submit the application. **Motion** by Krabbenhoft to authorize the submission of the grant application, as referenced. **Seconded** by Affield. **Approved** by unanimous roll call vote. Jones reviewed the project funding sources and potential opportunities for obtaining outside matching funds to optimize federal funds and minimize local project costs.

Wilkin C.D. No. 26 Repairs. The Board reviewed Jones recommendation for the repair of C.D. No. 26 upstream of CSAH No. 3 in Section 8, Mitchell Township, as requested by landowner Brice Bellmore. The Opinion of Probable Cost is \$6,000-\$8,000. **Motion** by Van Amburg to approve the referenced ditch repair. **Seconded** by Affield. **Approved** by unanimous roll call vote.

1W1P. The Minnesota Board of Water and Soil Resources (BWSR) Northern Region Committee approved the Buffalo-Red River watershed (BRRW) 1W1P on 10/7/20. The full BWSR Board will meet on 10/28/20 to review and consider Plan approval. Following Plan approval, the BRRW Planning Team will meet to discuss potential watershed-based funding requests for the area. The Board discussed a possible meeting of

the 1W1P Policy and Advisory Committees to consider strategies for implementing the Plan. Jones will check with BWSR and the Planning Team to discuss facilitating a meeting.

Lower Otter Tail River Restoration Grant Funding. Jones reported that the BRRWD was tentatively awarded \$2 million from the LSOHC through the Reinvest In Minnesota (RIM) program to acquire easements for the Lower Otter Tail River project. HEI submitted an updated Accomplishment Plan to LSOHC this week with another update typically due in December. The funding for easement acquisition should be available after July 1, 2021.

HR Committee Report. The Board discussed an update on the status of applicant interviews for the BRRWD Administrator position that took place last week. Jones explained that the HR Committee's consensus was for the Board to consider potentially hiring for two positions: Administrator and another position that could focus on landowner contact and easement acquisition.

Manager Van Amburg reported that Eide Bailly has requested an extension for their cost comparison analysis of transitioning the current office staff to BRRWD employment until the 11/9/20 Board meeting. The Board agreed to their request.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
AmeriPride Services, Inc.	September billing, Office Rugs (2)	Admin.	\$ 95.92
Barnesville Record-Review	District Administrator Ad (3)	Admin.	\$ 210.00
Barnesville Record-Review	Public Hearing Notice	1W1P	\$ 60.00
Cardmember Service	Registered Mail (2) Abstracts	Pj. 79, Wolverton Crk.	\$ 54.73
City of Barnesville	09/25/2020 Phone & utilities billing	Admin.	\$ 601.47
Ehlert Excavating, Inc.	Install Culverts	Wilkin Co Ditch No. 03	\$ 3,909.00
Eric Zurn	Water and Sediment Control Basins	Upper BR Sed. Red	\$ 6,265.00
Forum Communications Company	Public Hearing Notice, Detroit Lakes (2)	1W1P	\$ 391.20
Fremstad Law Firm	October Billing	COE	\$ 2,200.50
HEI	October Billing	Varies-See attached	\$ 126,869.10
Lake Region Electric Cooperative	09/01/20-10/01/20 Service	Pj. 79, Wolverton Crk.	\$ 27.30
Mark T. Anderson	Voucher # 20-35	Admin.	\$ 265.37
Moorhead Public Service	08/18/20-09/17/20- Service FL #21	Pj. 49, Oakport	\$ 30.32
Pelican Rapids Press	Public Hearing Notice (2)	1W1P	\$ 256.50
Petty Cash	Office supplies, misc.	Admin.	\$ 200.00
Purchase Power	Postage	Admin.	\$ 150.00
Record Keepers	Paper Shredding service	Admin.	\$ 29.00
Red River Valley Co-op Power	08/31/20-10/01/20 Service	Pj. 49, Oakport	\$ 78.00
RMB Environmental Lab.	#517422 WQ Analysis	M.S.A.103D.905	\$ 474.00
RMB Environmental Lab.	#517766 WQ Analysis	M.S.A.103D.905	\$ 29.00
RMB Environmental Lab.	#517582 WQ Analysis	M.S.A.103D.905	\$ 522.00
RMB Environmental Lab.	#518109 WQ Analysis	M.S.A.103D.905	\$ 174.00
Sellin Brothers, Inc.	Install Culverts	Pj. 63, Grove Lake	\$ 4,395.00
The City of Dilworth	Mowing/Weed Maintenance	Pj. 33, Clay C.D. 50	\$ 7,850.00
TrueNorth Steel, Inc.	Culverts	Becker Co Ditch No. 5	\$ 1,842.60
U.S. Bank Equipment Finance	09/27/20-10/27/20 Copier Lease	Admin.	\$ 274.65
United States Treasury	2020 3rd QTR Form 941 taxes	Admin.	\$ 1,224.00
Vogel Law Firm	#262501 October Billing	Pj. 79, Wolverton Crk.	\$ 990.00
Wilkin County Highway Department	Repair/Replace Culvert	Wilkin C.D. No. 3	\$ 601.74
Wilkin County Highway Department	Cleaning Ditch and Culverts	Wilkin C.D. No. 27	\$ 16,971.34
William Nichol Excavating, Inc.	#327 Cleanup spillover and seeding	Pj. 54, Whisky Crk.	\$ 432.00
William Nichol Excavating, Inc.	#328 Beaver Dam and tree removal	Whiskey Creek ENH	\$ 2,325.00
WREC	08/18/20-09/18/20 Service (2)	Pj. 46, Turtle Lake	\$ 70.76
Xcel Energy	08/24/20-09/23/20 Gas Service	Admin.	\$ 62.99
			\$ 179,932.49

Motion by Van Amburg to approve payment of the bills. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

RRBFDRWG Membership. The Board reviewed a draft letter the SHRWD prepared in response to the RRBFDRWG's decision to deny an additional membership category for non-Red River Watershed Management Board (RRWMB) Watershed Districts. The Board recommended that this issue could be revisited in the future.

Beaver Control. Jones reported increased beaver activity throughout the District this fall. He asked for authorization to address beaver complaints as they come in without seeking Board approval for each individual request. **Motion** by Fjestad to authorize staff to address beaver complaints, as needed. **Seconded** by Affield. **Approved.**

Comments. Van Amburg suggested that the Board and staff hold a workshop/retreat to review the BRRWD's projects/activities/history. The group could also review the 1W1P.

Next Meeting. The next regular BRRWD meeting is scheduled for Monday, October 26, 2020, at 7:00 PM in our Barnesville office via online conferencing, depending on the COVID-19 meeting restrictions.

Adjournment. President Fjestad adjourned the meeting at 9:17 PM.

Respectfully submitted,

John E. Hanson, Secretary