



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

Board Meeting Minutes

Monday December 12, 2022

Managers Present: Peter Fjestad (remote); Catherine Affield; John Hanson; Gerald Van Amburg; Mark Hanson.

Managers Absent: Paul Krabbenhoft; Troy Larson.

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

Consultants Present: Erik Jones, Engineer; Bennett Uhler, Engineer, Houston Engineering, Inc. (HEI).

Others Attending: Jennifer Ernst; Michael Ernst.

Affield called meeting to order at 7:00 PM.

Agenda: Additions to agenda Clay County Ditch No. 2 Repair. **Motion** to approve agenda with additions by Van Amburg, **Seconded** by J. Hanson. **Approved.**

Secretary's Report: **Motion** to approve November 14, 2022 Board Meeting Minutes with minor addition by M. Hanson, **Seconded** by Van Amburg. **Approved.**

Treasurer's Report: **Motion** to approve Treasurer's Report as presented by Van Amburg, **Seconded** by J. Hanson. **Approved.**

Citizens to be Heard:

Jennifer and Michael Ernst. Wilkin County Ditch No. 2 Repair. Jennifer and Michael Ernst expressed concern that BRRWD did not have right-of-way (ROW) to complete repair of culvert through driveway in SE ¼, Section 26, Wolverton Township. Jennifer noted that she spoke with Wilkin County Recorder who was unable to find easements on their property. Jones noted that per MN Statute all ditch records were held with County Auditor. Jennifer requested that BRRWD attorney review ROW document to determine if BRRWD holds existing ROW. BRRWD staff and consultants explained that BRRWD found the Engineer's Report, Viewers' Report, court documents, and final payments to landowners for 120' ROW from improvement completed in 1980s. Board of Managers requested BRRWD attorney review documentation and follow-up with Jennifer and Michael once attorney opinion is determined.

Permits:

Permit No. 22-145. Gehrig Properties. Applicant proposing new subdivision with 8 lots in NW ¼, Section 21, Tansem Township, Clay County. Stormwater runoff from proposed subdivision routed through proposed stormwater pond sized to reduce peak discharge from site for proposed conditions. Uhler recommended approval.

Permit No. 22-146. Michael Cook. Applicant proposing to pattern tile NE ¼, Section 12, Elmwood Township, Clay County. Natural flow path of water remains unchanged. Proposed tile outlets directly into Clay County Ditch No. 58, which is an adequate outlet. Land is included in benefit area for Clay County Ditch No. 58. Uhler recommended approval subject to standard tile conditions and approval from Minnesota Department of Transportation (MNDOT) to work in road ROW.

Motion to approve Permit Nos. 22-145, 22-146 with conditions outlined above by M. Hanson, **Seconded** by Van Amburg. **Approved.**

Ditches:

Wilkin County Ditch No. 22. Repair Recommendation Approved May 2022 Follow-up. BRRWD staff and consultants provided Board of Managers detail on documents found supporting purchase of ditch ROW in 1980s. Board of Managers discussed repair plan limitations due to road standard requirements from the State.

Wilkin County Ditch Inspections. Memorandum of Understanding (MOU) with Otter Tail County. At the October 10, 2022 Board Meeting, Board of Managers discussed proposed agreement with Otter Tail County to partner with Otter Tail County Ditch Inspector to complete initial inspection of simple drainage concerns called in by landowners. **Motion** to authorize Fjestad to sign MOU with Otter Tail County for periodic inspections of ditches in the southeast portion of the BRRWD by J. Hanson, **Seconded** by M. Hanson. **Approved.**

Clay County Ditch No. 2 Repair. Board of Managers discussed repair approved at the May 9, 2022 Board Meeting to repair inlet culvert in Section 25, Moland Township. On an inspection, BRRWD staff discovered wrong inlet culvert was repaired. Board of Managers discussed error and determined staff should pay contractor and directed staff to hire another contractor to complete original repair work.

Projects:

Project 49 – Oakport Flood Mitigation. Wetland Credit Transfer Recommendation. At the October 10, 2022 Board Meeting, Board of Managers discussed wetland credit replacement for mitigation wetlands that under performed at the Oakport Project. Board of Managers requested staff provide recommendation for payment rate. The Technical Evaluation Panel (TEP) met and determined BRRWD would need to purchase or transfer 0.6619 credits of any wetland Type to close out mitigation project. It is estimated that BRRWD spent \$17,000.00 per credit in creation of their wetland bank site. Altrichter recommended BRRWD charge the Oakport Project \$17,000.00 per credit plus fees. The total for the Oakport Project will be \$13,191.66 (\$11,252.30 for wetland credits and \$1,939.36 in transfer fees). **Motion** to approve recommendation by Van Amburg, **Seconded** by J. Hanson. **Approved.**

Project 65 – Clay/Wilkin County Line Outlet Project. Landowner Request for Survey. Adrian Haugrud, landowner in SE ¼, Section 34, Humboldt Township, Clay County requested Board of Managers survey field to determine intake and outlet elevations for permit (Permit No. 22-134) to add non-perforated tile to existing ditch that was part of the County Line Outlet Project. Haugrud also requested BRRWD survey channel between two wetland basins for a potential cleanout. Board of Managers determined they would not survey this work because there is not an overall benefit to other landowners within the Clay/Wilkin County Line Outlet Project benefiting area.

Project 79 – Wolverton Creek Restoration. Easement Update and Discussion. During project development, Board of Managers agreed to acquire easements along Wolverton Creek downstream of restored area through Sections 16 and 21, Holy Cross Township, Clay County to Highway 75. BRRWD has initiated outreach to landowners and found that some landowners in this stretch are not interested in entering into a permanent conservation easement with BRRWD. Altrichter recommended that Board of Managers focus on finalizing easement acquisition in restored reaches and forgo acquiring downstream easements. Board of Managers agreed with recommendation. Schlauderaff discussed easements within restored reaches where Temporary Options to purchase permanent conservation easements have expired. Altrichter recommended Board of Managers hire an appraiser to assess lands where landowners no longer agree with purchase price listed in expired Temporary Option. Board of Managers agreed with recommendation and directed staff to work with landowners to close permanent conservation easements. Altrichter noted staff would work with appraiser and landowner and bring updates to Board of Managers as progress is made.

Project 80 – Stony Creek Restoration. Land Acquisition Update and Discussion. Jones noted that BRRWD received \$320,000.00 in Flood Hazard Mitigation (FHM) funding from Minnesota Department of Natural Resources (DNR) with a 50 percent match for land acquisition along Stony Creek. Current Conservation Reserve Enhancement Program (CREP) rates, which have been used for land acquisition on other projects, do not reflect current land sales. Discussions with landowners have informed staff that purchase price of easements may need to be reevaluated. Jones recommended Board of Managers hire appraiser to assess entire project area. Board of Managers agreed with recommendation. Jones noted that BRRWD may be able to appraise land and acquire land through Hearing process without separate easement agreements with each landowner. Altrichter and Jones will work with DNR staff for authorization with grant requirements.

Project 81 – Whiskey Creek Restoration. Phase 4 Project Extension Update and Discussion. Uhler provided update on landowner support of extending Whiskey Creek restoration along tributary through Sections 19, 29, 30, and 32, Nordick Township, Wilkin County. All landowners along this reach are supportive of adding the tributary to the project. 7 of the 8 landowners have completed applications for National Water Quality Index Grant (NWQI) funds. It is anticipated that this reach will be added to Phase 4 of the project which is expected to start construction in 2024.

Other:

Citizen Advisory Committee. 2023 Appointments. Altrichter noted that Board of Managers will need to select Citizen Advisory Committee Members for 2023 at the annual meeting in January.

Lobbyist Consulting Agreement for 2023. BRRWD contract with Joel Carlson, Inc. expires December 31, 2022. Carlson has agreed to continue to work with BRRWD at same rate as previous contract, \$10,000.00 per year. Board of Managers agreed that new contract should be drafted to be signed at the annual meeting in January.

Staff Computer Replacement. Altrichter noted that staff computers are outdated and should be replaced. HighPlains Inc., BRRWD information technology (IT) partner, anticipates that each computer, a laptop and docking station, will cost up to \$2,000. Altrichter recommended BRRWD replace 4 staff computers with laptops with docking stations, the Board Room laptop, and 1 monitor that no longer functions. **Motion** to replace staff computers per recommendation by J. Hanson, **Seconded** by M. Hanson. **Approved.**

Discuss 2023 Meeting Dates and Time. Altrichter noted that Board of Managers will need to set meeting schedule for 2023 at the annual meeting in January. Altrichter noted that if Board of Managers wanted to change the meeting time, this would be an opportunity. Board of Managers discussed how a change in time may impact landowners and how a change in time may conflict with other meetings, such as county board meetings. Board of Managers agreed to discuss further at annual meeting in January.

Bills. Motion to approve bills totaling \$462,674.86 by Van Amburg, **Seconded** by M. Hanson. **Approved.**

Next Regular Meeting. Monday January 9, 2022, at 7:00 PM in the Barnesville office. Agenda will be posted on BRRWD's website prior to meeting.

Affield adjourned meeting at 9:09 PM

/s/ John Hanson
Secretary