

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

August 24, 2020

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting and annual budget hearing on Monday, August 24, 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, Gerald L. Van Amburg, Paul G. Krabbenhoft, Troy E. Larson, and Mark T. Anderson. BRRWD staff attending in person were Kathleen K. Fenger, Interim Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending: via the conference line: BRRWD Attorney Tami Norgard, Vogel Law Firm, and in person: landowner Duane Hansen.

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

Agenda. Changes or additions to the meeting agenda: Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) membership letter, two Wilkin County drainage complaints, and a discussion regarding a retention policy for meeting recordings. **Motion** by Anderson 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 7/27/20 meeting, the 8/10/20 meeting, and the 7/16/20 Project No. 23, Becker County Ditch (C.D.) No. 15 Hearing. The Board requested that landowner names be added back in to all the sets of minutes, as advised by legal counsel. **Motion** by Affield to approve the 7/27/20, 8/10/20, and 7/16/20 minutes with the noted additions. **Seconded** by Anderson.

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$2,831,394.05. Income since the 8/10/20 meeting totals \$10,894.37. Total income this year is \$4,191,777.15.

The Board discussed appointing a new Treasurer to fill out Manager Anderson's term, starting 9/1/20. **Motion** by Anderson to nominate Troy Larson. **Seconded** by Affield. **Approved** by unanimous roll call vote. Larson will work with the staff and Midwest Bank to update the BRRWD's signatories.

Citizens to be Heard. Landowner Duane Hansen reported on the condition of his area drainage following the recent heavy rainfall. Jones related his observations noted during his field review of the area last week. Hansen and the Board had an extended discussion regarding opposing opinions about how to address the drainage problems in Section 16, Riverton Township, Clay County. The Board advised Hansen that he would need Township approval and downstream landowner cooperation to do any work in the ditch along his property.

Other Business brought before the Board included:

FM Diversion Project Lawsuits. The Minnesota Department of Natural Resources (DNR) Contested Case has been extended, pending a telephone hearing to be held at 1:30 PM on 8/26/20.

The Minnesota-Clay County Joint Powers Agreement (MCCJPA) meeting is scheduled for 8/30/20 at 1:00 PM.

Permit No. 20-090, Eric Zurn. Applicant proposes to install one Becker Soil and Water Conservation District (SWCD) designed water and sediment control basin with surface intakes and underground outlet in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Hamden Township, Becker County. Jones recommended permit approval.

Permit No. 20-091, Kraig Nelson. Applicant proposes to install 13 Becker SWCD designed water and sediment control basins with surface intakes and underground outlets in the N $\frac{1}{2}$, Section 10, Audubon Township, Becker County. There are three landowners involved with the project. Jones noted that there could be impacts to a township road, so he recommended permit approval, subject to township approval to work within their road right-of-way (R/W).

Permit No. 20-092, Gary Myers. Applicant proposes to add random tile to existing water and sediment control basin tile runs in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 33, Cuba Township, Becker County, to drain low spots via existing tile outlets to natural waterways draining to Hay Creek and eventually Stinking Lake. Myers also proposes to clean an open ditch across his Conservation Reserve Program (CRP) acreage and along two township road ditches (230th ST/130th AVE) to the natural waterway. Myers already has permission to work on the CRP with the provision that the spoil be placed on cropland. Jones recommended permit approval, subject to our standard tiling disclaimer.

Motion by Van Amburg to approve Permit Nos. 20-090 through 20-092, subject to the referenced disclaimers and conditions. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Permit No. 16-098, Deal Bros. The parties involved with this permit have come to an agreement, and the work should be completed this fall. Jones plans to call Tom Deal to confirm the proposed project plans and adjacent landowner notification requirements. Manager Larson will contact the downstream landowners regarding the same details.

Project No. 33, Clay C.D. No. 50. The Board received a report regarding the HEI hydraulic review they authorized at their 8/10/20 meeting regarding the proposed culvert repairs at three sites on C.D. No. 50 in the City of Dilworth. The estimated project cost is approximately \$435,000 for the three crossings. A possible cost-share agreement could be developed with the State and Clay County to utilize local state aid bridge funding for at least two of the structures to reduce the local share of the repairs to approximately \$160,000. The City of Dilworth pays about 75% of the overall C.D. No. 50 assessments, so the estimated local ditch system costs will be considered during tonight's budget hearing. Jones discussed a possible timeline for project development. **Motion** by Anderson to continue with project development, as recommended. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

Project No. 48, Clay C.D. No. 59 Repairs. The Board received repair recommendations for a failed field entrance crossing in Section 26, Kragnes Township, Clay County, at the outlet of C.D. No. 59 to the Buffalo River. The structures are two lines of 60" dia. corrugated metal pipe (CMP) that are rusted out and could cost approximately \$15,000 to replace. A less expensive alternative covered under M.S.A. 103E.701, Subd. 5a, would be to remove the existing crossing and provide the landowner/renter with two new crossings and some minor ditch cleaning. The opinion of probable cost for the alternative proposal is \$8,000-\$10,000. **Motion** by Krabbenhoft to approve the recommended repairs. **Seconded** by Hanson. **Approved** by unanimous roll call vote.

Project No. 79, Wolverton Creek Restoration. The Board reviewed a proposed drainage plan for Section 21, Mitchell Township, Wilkin County, to extend the Wolverton Creek Restoration project so that water can drain north to the project, which currently ends in the southeast corner of Section 17, Mitchell Township. The proposed work would provide better separation between the ditch bottom and the field level and a better gradeline. The drainage plan will be forwarded to the area landowners for their review.

Wilkin/Otter Tail Judicial Ditch (J.D.) No. 2. The Board received Pay Request No. 4-Final for \$37,994.25 from States Borders Construction, Inc., to close out the project, and Change Order No. 2 for a net increase in the contract of \$3,851. Most of the costs for this project will be covered by Otter Tail County's Clean Water Fund (CWF) grant funding. Since there is approximately \$100,000 left in the grant, the Board will consider additional work that could be done in the J.D. No. 2 system to address erosion. The BRRWD will be reimbursed for our project expenditures from the County's CWF grant funding. The BRRWD and Otter Tail County will also share the remaining costs as ditch system expenses. Jones will send a reimbursement request to the County. **Motion** by Hanson to approve Pay Request No. 4 and Change Order No. 2. **Seconded** by Anderson. **Approved** by unanimous roll call vote.

Nyquist Coulee. The Board received a request from landowner Brice Bellmore to investigate drainage issues in the Nyquist Coulee channel, which during extreme highwater connects Wilkin C.D. No. 29 to Wolverton Creek in Sections 15, 21, and 22, Roberts Township. The survey would include culvert elevations and sediment depths. Staff would work with the Wilkin SWCD in regard to the Minnesota Wetlands Conservation Act (WCA). **Motion** by Anderson to authorize the referenced survey. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Deerhorn Township Drainage Concern. Bryan Kritzberger has concerns about drainage for 20 acres of farmland that he rents in the NE¼, Section 35, Deerhorn Township, Wilkin County. Kritzberger is interested in petitioning the BRRWD to add a portion of the land to Wilkin C.D. No. 13-Lateral at least for the tile drainage. The Board was willing to consider the hearing process to add land to a ditch system according to M.S.A. 103E, Drainage Law. Currently, the east half of this property isn't assessed to a ditch system. The west half of the quarter is assessed to Wilkin County Ditch No. 22. Jones will let Kritzberger know that the Board is willing to support the petition process.

2021 Budget Hearing. At 8:00 PM, the Board convened their 2021 annual budget hearing.

The Administrative levy assessment is capped by Statute at \$250,000. The Board also assesses an annual 1% fee to projects based on a project's annual average expenditures to help cover the BRRWD's administrative expenses exceeding the levy cap. **Motion** by Anderson to approve the 2021 Administrative Levy for \$250,000 and the 1% administrative fee. **Seconded** by Affield. **Approved** by unanimous roll call vote.

The Board next considered the 2021 insurance levy. They agreed to set the 2021 levy at \$22,000, as authorized by M.S.A. 466.06. **Motion** by Hanson to approve the 2021 insurance levy. **Seconded** by Larson. **Approved** by unanimous roll call vote.

The Board reviewed the two proposed 2021 General Levies to be taxed in accordance with the M.S.A. 103D.905, Subd. 3, *ad valorem* tax for a general fund not to exceed 0.007298% of all taxable market value to pay the costs attributable to the basic water management features of projects initiated by petition of a political subdivision within the Watershed District. **Motion** by Van Amburg to approve M.S.A. 103D.905, Subd. 3, 2021 Levy No. 1 for \$727,496 and Levy No. 2 for the Wolverton Creek 2021 special levy (\$500,000). **Seconded** by Anderson. **Approved** by unanimous roll call vote.

The survey and data acquisition levy can only be collected once every five years, according to M.S.A. 103D.905, Subd. 8. **Motion** by Anderson to approve a \$150,000 levy for the survey and data acquisition fund. **Seconded** by Hanson. **Approved** by unanimous roll call vote.

The Board set the following 2021 ditch/project levies:

Clay County

- Ditch No. 2 - \$20,000
- Ditch No. 3 - \$25,000
- Ditch No. 5 - \$25,000
- Ditch No. 9 - \$30,000
- Ditch No. 10 - \$50,000
- Ditch No. 11 - \$50,000
- Ditch No. 12 - \$20,000
- Ditch No. 16 - \$10,000
- Ditch No. 17 - \$5,000
- Ditch No. 20 - \$20,000
- Ditch No. 21 - \$20,000
- Ditch No. 22 - \$5,000
- Ditch No. 23 - \$20,000
- Ditch No. 28 - \$15,000
- Ditch No. 31 - \$5,000
- Ditch No. 32 - \$5,000
- Ditch No. 33 - \$10,000
- Ditch No. 34 - \$10,000
- Ditch No. 35 - \$20,000
- Ditch No. 36 - \$5,000
- Ditch No. 39 - \$30,000
- Ditch No. 40 - \$10,000
- Ditch No. 41 - \$50,000
- Ditch No. 41-1 - \$20,000
- Ditch No. 41-2 - \$10,000
- Ditch No. 47 - \$20,000
- Ditch No. 49 - \$10,000
- Ditch No. 50 - \$50,000
- Ditch No. 51 - \$15,000
- Ditch No. 54 - \$10,000
- Ditch No. 55 - \$20,000
- Ditch No. 58 - \$20,000
- Ditch No. 59 - \$10,000
- Ditch No. 60 - \$5,000
- Ditch No. 65 - \$20,000
- Ditch No. 67 - \$5,000
- Ditch No. 68 - \$5,000
- Ditch No. 69 - \$10,000

Becker County

- Ditch No. 5 - \$10,000
- Ditch No. 9 - \$20,000
- Ditch No. 10 - \$3,000
- Ditch No. 15 - \$15,000
- Ditch No. 19 - \$8,000
- Ditch No. 21 - \$5,000

Wilkin County

- Ditch No. 1A - \$10,000
- Ditch No. 1B - \$10,000
- Ditch No. 1C - \$10,000
- Ditch No. 2 - \$10,000
- Ditch No. 3 - \$40,000
- Ditch No. 4 - \$20,000
- Ditch No. 5A - \$10,000
- Ditch No. 6A - \$30,000
- Ditch No. 12 - \$10,000
- Ditch No. 13 - \$10,000
- Ditch No. 13 - Lateral - \$30,000
- Ditch No. 15 - \$10,000
- Ditch No. 22 - \$20,000
- Ditch No. 23 - \$20,000
- Ditch No. 26 - \$15,000
- Ditch No. 27 - \$40,000
- Ditch No. 28 - \$10,000
- Ditch No. 31 - \$10,000
- Ditch No. 37 - \$10,000
- Ditch No. 40 - \$15,000
- Ditch No. 41 - \$40,000
- Ditch No. 42 - \$10,000
- Ditch No. 43 - \$20,000
- Ditch No. 44 - \$30,000
- Wilkin/Otter Tail J.D. No. 2 - \$30,000

Projects/Ditch Systems

- No. 32, Hawley Diversion - \$5,000
- No. 39, Georgetown Levee - \$15,000
- No. 46, Turtle Lake Outlet - \$25,000
- No. 49, Oakport Flood Mitigation - \$100,000
- No. 50, Cromwell Township Outlet - \$5,000
- No. 54, Whisky Creek - \$20,000
- No. 56, Manston Slough - \$20,000
- No. 71, City of Moorhead - \$100,000
- No. 79, Wolverton Creek Restoration - \$99,407

Motion by Anderson to approve the 2021 project and ditch system assessments (\$1,615,407). **Seconded** by Van Amburg. **Approved** by unanimous roll call vote. All levies will be certified with the Auditors in Clay, Becker, Wilkin, and Otter Tail Counties by September 15, 2020.

The Board had an extended discussion regarding a process for holding ditch system buffer hearings during the ongoing COVID-19 emergency.

Deerhorn Township County State Aid Highway (CSAH) No. 11 Road Ditch Survey. The Board briefly discussed the survey results for ditch and culvert elevations in Sections 13 and 24, Deerhorn Township, Wilkin County, along the west side of CSAH No. 11. Jones will share the survey information with the affected landowners.

2021 Joint Conference. The Board considered potential discussion topics for the 2021 Red River Watershed Management Board (RRWMB)/RRBFDRWG Joint March Conference.

HR Committee Report. The Board received an update on the status of the request for proposals (RFP) to hire a consultant to analyze staffing costs. Manager Affield contacted Eide Bailly, who recommended another company who could facilitate the potential employee transition process. She expects to have information from these resources for the Board's review at either the 9/14/20 or 9/28/20 meetings. Manager Van Amburg forwarded the RFP to a few consultant firms. He suggested that the Committee might need to meet with potential consultants to clarify our expectations so they can create a proposal that will meet our needs.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Agassiz Mechanical, Inc.	#222527, Spring Furnace Maintenance	Admin.	\$ 388.00
Fergus Falls Daily Journal	2021 Budget Hearing Notice	Admin.	\$ 704.12
Forum Communications Co.	#CL01764189-2021 Budget Hearing Notice	Admin.	\$ 267.26
Forum Communications Co. (DL Tribune)	#C-04006634-2021 Budget Hearing Notice	Admin.	\$ 619.40
Joel Carlson, Inc.	September 2020 Lobbyist Fees	Admin.	\$ 850.00
Liberty Mutual Surety	Bond fee 10/01/20-10/01/21	Insurance	\$ 453.00
LREC	07/01/20-08/01/20 Service	Pj. 79, Wolverton Creek	\$ 26.95
MN BWSR	Wetland credit transfer fees	Wetlands	\$ 34,280.00
MPS	07/02/20-08/04/20- Service FL #18	Pj. 49, Oakport	\$ 31.73
Network Center Incorporated	#139342, Additional Server Storage	Admin.	\$ 524.63
R. J. Zavoral & Sons, Inc.	#2993, Reinstall Culvert	Pj. 61, Clay 11-N Imp.	\$ 2,977.04
RMB Environmental Laboratories, Inc.	#511842 WQ Analysis	M.S.A.103D.905, Sub.3	\$ 291.00
RMB Environmental Laboratories, Inc.	#511851 WQ Analysis	M.S.A.103D.905, Sub.3	\$ 443.00
RMB Environmental Laboratories, Inc.	#514063 WQ Analysis	M.S.A.103D.905, Sub.3	\$ 411.00
States Borders Construction, Inc.	Pay Request No. 4 - Final	J.D. No. 2	\$ 37,994.25
Tony Leaf	SSR Cost -Share Reimbursement	Pj. 46, Turtle Lake Outlet	\$ 1,950.00
Vogel Law Firm	#260512 August Billing	Admin.	\$ 2,054.00
Wilkin County Highway Department	Repair/Replace Culvert	Wilkin C.D. 6A	\$ 1,729.39
			\$ 85,994.77

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

Wilkin County Drainage Complaints. The Board briefly discussed two drainage concerns in Wilkin County. The first location is between Sections 13 and 24, Manston Township, on County Road (C.R.) No. 176, and the second is between Sections 10 and 15, Meadows Township. Manager Larson and Jones will conduct a field review of these sites.

Judicial Ditch No. 2 Complaint. The Board discussed a complaint from an Otter Tail County landowner regarding excessive water on his low-lying property following the recent upstream heavy rainfall.

RRBFDRWG Membership. The Board reviewed a draft joint letter the staff prepared from the BRRWD and the Sand Hill River Watershed District (SHRWD) formally requesting that the RRBFDRWG define a membership category for non-RRWMB Watershed Districts to allow them to be represented by one delegate

and one alternate delegate. **Motion** by Anderson to send the letter to the RRBFDWRWG. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

Comments. Van Amburg and Anderson commended Fenger and staff for the good job they did in preparing the budget hearing materials and also for the new practice of preparing and distributing the meeting materials prior to the meetings. Anderson noted that this was his last meeting as a BRRWD Manager, and that it has been a pleasure serving on the Board.

Next Meeting. The next regular BRRWD meeting is scheduled for September 14, 2020, at 7:00 PM in our Barnesville office via teleconferencing, depending on the COVID-19 meeting restrictions.

Adjournment. Acting President Fjestad adjourned the meeting at 9:12 PM.

Respectfully submitted,

John E. Hanson, Secretary