

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVE NE

PO BOX 341
Website: www.brrwd.org

PHONE 218-789-3100

MINUTES FOR MANAGERS' MEETING

March 22, 2021

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, March 22, 2021, at 7:00 PM in the Barnesville office. Due to the Coronavirus protocols for public meetings, the meeting was available online following Minnesota Statutes Annotated (M.S.A.) Section 13D.021. BRRWD Managers present in the office were Peter V. Fjestad, John E. Hanson, Catherine L. Affield, Gerald L. Van Amburg, and Paul G. Krabbenhoft and online: Mark L. Hanson. BRRWD staff in attendance were Kristine M. Altrichter, Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending in person: Ross Aigner, Gerald Zimmerman, Dan and Natalie Herzog, Michael and Kelly Dohn, Clay Dietrich, and Mark Dohn, and online: Ben Underhill, East Otter Tail Soil and Water Conservation District (SWCD).

At 7:00 PM, President Fjestad called the meeting to order and informed the audience that the meeting was being recorded to aid in the preparation of minutes.

Agenda. Addition to the meeting agenda: Oakport Levee project discussion items. **Motion** by Larson to approve the amended agenda. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Secretary's Report. The Board reviewed draft minutes for the 3/08/21 regular meeting, the 3/11/21 buffer strip hearing for Clay County Ditch (C.D.) Nos. 5, 10, 39, 59, and 65, and the 10/10/12 Project No. 32, Hawley EDA Diversion Redetermination of Benefits hearing. Affield noted minor corrections to the regular meeting and the Hawley hearing minutes. **Motion** by Affield to approve the minutes, subject to correction. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Treasurer's Report. The Board reviewed the BRRWD's 3/22/21 financial report. Cash on hand is \$2,462,480.21. Income received since the 3/8/21 meeting totals \$96,421.50, and for the year, totals \$582,419.56. Year to date Accounts Receivables total \$14,350,263.10. **Motion** by Van Amburg to approve the Treasurer's Report. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

In response to the Board's request at the 3/8/21 meeting, Altrichter reported that the 2021 Budget Hearing assessment for Clay C.D. No. 10 was \$50,000 to cover the buffer installation expenses.

Citizens to be Heard:

WRAPS/TMDL. Ben Underhill, Water Planner/Watershed Coordinator, East Otter Tail SWCD, presented a report on the Lower Otter Tail Watershed Restoration and Protection Strategies (WRAPS) and Total Maximum Daily Load (TMDL) Study. The report will be circulated for public notice at the beginning of April. Underhill explained how the WRAPS report can be used to identify and prioritized impaired resources in the Lower Otter Tail River watershed to enable the implementation of best management practices (BMPs). Once the WRAPS and TMDL public notice process is completed, then local government entities will be able to use the data to prioritize projects and funding opportunities through the One Watershed, One Plan (1W1P) watershed-based funding.

Stony Creek Project Concerns. Michael Dohn presented a list of concerns about possible impacts of the proposed Stony Creek Restoration project on his property. Jones discussed the project features and potential operation of the project. Dohn would like the BRRWD to consider a buyout option for his property. Jones

suggested that the staff could investigate the items of concern, prepare a response, and then meet with Dohn again. Kelly Dohn asked about the project status and timeline. The BRRWD has funding to complete the stream restoration/flood control component of the overall project in 2022.

Permit No. 21-016, Trygve Skolness. Dan and Natalie Herzog discussed their concerns about Trygve Skolness' permit application to pattern tile the W½, Section 23, Moland Township, Clay County, outletting via a lift station in the northwest corner of the NW¼ into the east township road ditch to the north for one mile, eventually to C.D. No. 3, passing by the Herzog farmstead and two other neighboring properties. Staff has already advised Skolness to consider outletting the tile to the south into C.D. No. 2, to which the property is also assessed. The Herzogs submitted their downstream landowner notification form, documenting their concerns about potential impacts to their property if Skolness drains his tile to the north. Jones recommended that the Board delay action on this permit application until Skolness reconsiders the outlet location. **Action Postponed.**

Other Business brought before the Board included:

FM Diversion Lawsuits. Fjestad reported that Attorney Brent Edison, Vogel Law Firm, has not been available to review the most recent revision of the FM Diversion Settlement Agreement. When Edison completes his review, Fjestad and Affield will sign the document.

The next Minnesota-Clay County Joint Powers Agreement (MCCJPA) meeting is scheduled for 3/24/21.

Permit No. 21-022, Curtis Stubstad. Applicant proposes to install drain tile the portion of the field south of Whisky Creek in the NE¼, Section 19, Barnesville Township, Clay County, outletting to Whisky Creek in conjunction with Steve Thompson's tile project (Permit No. 21-011). Jones recommended permit approval, subject to our standard tiling disclaimer with the condition that any tile and the lift station be positioned a minimum of 100' south of the channel centerline to allow for a potential future project on the Creek.

Permit No. 21-023, Ross Aigner. Applicant proposes to install pattern tile on the east headland in the NE¼, Section 7, Mitchell Township, Wilkin County, outletting in the northeast corner of the field to Wilkin C.D. No. 26, to which the land is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 21-024, Ross Aigner. Applicant proposes to install 91 acres of pattern tile in the E½, Section 1, Mitchell Township, Wilkin County, outletting southwest from a lift station to a treatment wetland, and then via gravity flow to Wilkin C.D. No. 22-Lateral 3, to which the land is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 21-025, Paul Daugherty. Applicant proposes to install pattern tile in the NE¼, Section 22, Holy Cross Township, Clay County, outletting via gravity to C.D. No. 53 to which the land is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 21-026, Tansem Township. Applicant proposes to lower the culvert in 180th AVE S to the approximate original elevation in the SW¼, Section 35, Tansem Township, Clay County. Jones recommended permit approval.

Permit No. 21-027, Ross Aigner. Applicant proposes to install 106 acres of pattern tile in the SE¼, Section 4, Manston Township, Wilkin County, outletting from a lift station in the northwest corner of the section to a treatment wetland, then via gravity to the Trunk Highway (T.H.) No. 9 ditch, and eventually to the South Branch of the Buffalo River. Jones recommended permit approval, subject to our standard tiling disclaimer. The Board and Aigner discussed the "treatment wetland" component of his tiling project.

Permit No. 21-028, Edward Strom. Applicant proposes to pattern tile 143 acres in the NE¼, Section 7, Hamden Township, Becker County, outletting to the south to Becker C.D. Nos. 5 and 15. Jones recommended permit approval, subject to our standard tiling disclaimer.

Motion by Larson to approve Permit Nos. 21-022 through 21-028, subject to the referenced disclaimers and conditions. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

The Board discussed establishing a policy for how long a permit application should be kept active while awaiting documentation from the landowner. Fjestad directed Altrichter to consult with BRRWD Attorney Tami Norgard, Vogel Law Firm, on this issue.

Revised Tiling Permit Conditions. The Board reviewed a revision of the BRRWD's standard tiling permit conditions/disclaimers. **Motion** by Van Amburg to approve the revised permit conditions. **Seconded** by Larson. **Approved** by unanimous roll call vote.

Whiskey Creek Enhancement. The Board reviewed information about the upcoming hearing on Wednesday, April 7, 2021, at 6:00 PM in the Barnesville office, following COVID-19 protocols. They discussed a potential district-wide contribution of up to 20% of the total project costs through a M.S.A. 103D.905, Subd. 3, general tax levy. Most of the Phase 1 construction costs will be covered by Natural Resources Conservation Service (NRCS), Minnesota Board of Water and Soil Resources (BWSR), and Minnesota Pollution Control Agency (MPCA) grants. Easement acquisition would be the only item that is currently not covered by grants. The Minnesota Department of Natural Resources (DNR) and BWSR grants will fund most of the Phase 2 construction. The Board will create a watershed management district (WMD) to raise funds to cover the local share of the project (approximately 10% of the total costs). The WMD funds and the BWSR grant can be used as a match for the federal funding. **Motion** by Krabbenhoft for the BRRWD to contribute up to 20% of the total Whiskey Creek Enhancement project costs to be raised by a M.S.A. 103D.905, Subd. 3, district-wide general levy. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Project No. 79, Wolverton Creek Restoration. The Board reviewed the Targeted Watershed Continuation BWSR grant agreement amendment to provide more Lessard-Sams Outdoor Heritage Council (LSOHC) funds to include upstream contributing areas and downstream reaches of Wolverton Creek. **Motion** by Van Amburg to authorize the BRRWD Administrator to sign the amendment on behalf of the Board. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Stuehrenberg Cost Share Request. Jesse Stuehrenberg attended the 2/22/21 meeting to request the BRRWD to cost share the installation of an additional 18" surface water inlet and pump in the southwest corner of the NE¼, Section 5, Manston Township, Wilkin County. This property is under an easement with the BRRWD for the Wolverton Creek project. After reviewing the 9/11/15 easement agreement language, the Board determined that Duane Stuehrenberg received a \$30,000 one-time payment to cover the costs of purchasing sump pumps and running electrical lines in addition to his permanent project easement payment. The language of the easement indicates that this extra payment was "intended as compensation in full for all easements granted under this Agreement." Given this wording, the Board decided to deny Jesse Stuehrenberg's request. Jones recommended that the BRRWD review the condition of the ditch running west on the north line of Section 5 to maintain drainage from the upstream parcels.

Ditch Buffer Findings and Order. The Board reviewed the Findings and Order for the buffer installations on Clay C.D. Nos. 5, 10, 59, and 65. Gerry Zimmerman had concerns about his right-of-way (R/W) damages involving the location of the section line in Section 31, Morken Township, along C.D. No. 39, where there is a newly established Judicial section line. The damage statement for C.D. No. 39 will be adjusted, so the Order for Clay C.D. No. 39 will be handled in a separate Board action at the 4/12/21 Board meeting. **Motion** by M. Hanson to approve the Findings and Order for the referenced four ditch systems. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

Wilkin C.D. No. 13 Petition. The Board reviewed the Findings and Order for Jeff Nord's petition to add subsurface (tile) drainage in the NE¼, Section 35, Deerhorn Township, to the C.D. No. 13 ditch system. The ditch system hearing was held at 6:00 PM prior to tonight's Board meeting. **Motion** by Krabbenhoft to approve the Findings and Order. **Seconded** by M. Hanson. **Approved** by unanimous roll call vote.

The Board also considered Bryan Kritzberger's Permit No. 21-005 to install the tile project associated with the referenced approved petition. The downstream landowners have given their approval for the project. Jones recommended permit approval, subject to our standard tiling disclaimer. **Motion** by Larson to approve Permit No. 21-005, subject to the noted conditions. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Project No. 49, Oakport Township. The Board discussed some ongoing issues related to the Oakport project:

- Gladys Bohmer's driveway along 70th AVE on the north dike of the project where the ground has settled along her approach. The cost estimate for the repair is \$2,000. The Board agreed to complete the repairs as a one-time project expense.
- Duane Egge's concerns about his property along North Broadway associated with the project. The road ditch was reconstructed as part of the levee project, and the ditch in front of Egge's lot needs to be graded to improve drainage. He also is concerned that the asphalt apron on his driveway is uneven. The Board thought that the BRRWD could work with the County to address the asphalt issue, and the ditch repairs could be completed as a project expense.

Motion by J. Hanson to approve the referenced repairs as project expenses. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

LSOHC Stream Habitat Program Funding Request. Jones discussed the LSOHC 2022 funding applications. Potential restoration areas to include in the application could be the continuation of the Upper South Branch of the Buffalo River in Wilkin County, Whisky Creek southwest of Barnesville in Barnesville Township, Clay County, and the Upper Buffalo River Restoration in Callaway Township, Becker County. **Motion** by Van Amburg to submit the grant application for the referenced projects. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

Water Quality Monitoring. The International Water Institute (IWI) submitted a contract for the 2021 water quality monitoring season. The project budget is estimated not to exceed \$23,250. **Motion** by J. Hanson to authorize Altrichter to sign the IWI 2021 monitoring contract. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Wilkin SWCD Funding Request. At the 3/8/21 meeting, Craig Lingen, Wilkin SWCD, requested a \$22,000 contribution from the BRRWD to support their Conservation Marketing and Technical Assistance program. The Board asked staff to research the BRRWD's past contributions to this program and to determine if there was money set aside in the 2021 budget for the counties' technical assistance programs. Altrichter reported that the BRRWD contributed \$22,000 to the program in 2020, and the BRRWD's 2021 budget targeted \$140,000 for all four County SWCD technical assistance programs. **Motion** by Krabbenhoft to approve the Wilkin SWCD funding request. **Seconded** by Affield. **Approved** by unanimous roll call vote.

MS4. The office prepared Municipal Separate Storm Sewer System (MS4) Memorandum of Understandings (MOU) for Clay County and the Cities of Moorhead and Dilworth to address overlapping MS4 responsibilities with the other Local Government Units (LGUs). Changes were also made to the Emergency Response Plans (ERP) and Standard Operating Procedures (SOP) associated with the MS4. Jones noted that the BRRWD contributes funding to RiverKeepers in Moorhead. Each year, this organization hosts an annual youth Water Festival, which fulfills part of the MS4 water quality educational requirement. **Motion** by J. Hanson to approve submittal of the MS4 MOUs, the MS4 Part 2 permit application, the MS4 2020 Annual

Report, and to approve the changes to the ERP and SOP. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

Red River Valley Drainage Water Management (DWM) Project. The Minnesota Department of Agriculture (MDA) provided the Board with a factsheet on the progress of a study in Wilkin County. The MDA is planning to host a field day for partners this summer.

HR Committee Staff Transition. Altrichter met with Attorney Norgard to review the Policy Manual and Handbook. Attorney Norgard forwarded a draft copy to the HR Committee for review. Altrichter and the HR Committee met with Kristina Schultz, Highroad Partners, to discuss benefit options.

Cash Management System. Altrichter reported that the direct deposit process is now setup and being used to pay bills.

Bills. The Board reviewed bills totaling \$54,643.19. **Motion** by J. Hanson to approve payment of the bills. **Seconded** by Affield. **Approved** by unanimous roll call vote. See detailed bill list below.

Upcoming Agenda Items. Upcoming Hearings/Meetings:

- Wednesday, April 7, 2021, 6:00 PM–Whiskey Creek Hearing.
- Thursday, April 8, 2021, 6:00 PM–Buffer Strip Hearing Clay County Ditches 2, 3, 35.
- Monday, April 12, 2021, 6:00 PM–Glyndon East Tributary Informational Meeting.

Next Meeting. The Board will hold their next regular meeting on Monday, April 12, 2021, at 7:00 PM in our Barnesville office. The conference line phone number is 1-701-404-1699. Conference ID: 365 708 012#. If you wish to visit the BRRWD office in person, masks and social distancing are required. More information will be posted on the BRRWD's website prior to the meeting at www.brrwd.org.

Adjournment. President Fjestad adjourned the meeting at 9:25 PM.

Respectfully submitted,

John E. Hanson, Secretary