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## Board Meeting Minutes

Monday February 13, 2023

**Managers Present:** Peter Fjestad; Catherine Affield; John Hanson; Troy Larson; Gerald Van Amburg; Mark Hanson; William Davis.

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

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

**Others Attending:** Kim Melton, Wilkin Soil and Water Conservation District (SWCD); Chuck Fritz, International Water Institute (IWI); David Kramar, IWI; Lyle Hovland, Wilkin County Commissioner; Chuck Anderson.

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

**Agenda:** Additions to agenda Stony Creek Restoration, Appoint Engineer; Oakport Flood Mitigation Project; Clay County Ditch No. 41, Snakey Creek Clean Water Fund (CWF); Red River Basin Lessard-Sams Outdoor Heritage Council (LOSHC) Reinvest in Minnesota (RIM) Funding; Staff Update. **Motion** to approve agenda with additions by Affield, **Seconded** by M. Hanson. **Approved.**

### **Citizens to be Heard:**

**Kim Melton. Wilkin SWCD. Soil Report Update.** Melton provided an update on the Wilkin SWCD Soil Health, Cover Crops, and Grade Stabilization Programs.

**Chuck Fritz. IWI. Stewardship Program.** Fritz requested BRRWD partner with IWI on CWF grant for their Stewardship Program. Partnership would involve a 10 percent match of practices in BRRWD and connecting IWI with interested landowners. Total grant request is \$150,000.00. Fritz noted depending on landowner involvement within BRRWD, BRRWD could expect to pay between \$3,000.00 and \$7,000.00. Altrichter noted that BRRWD is not set up to work directly with landowners in this capacity. BRRWD relies on SWCD partners to connect to landowners. Altrichter recommended Board of Managers consider partnering with SWCDs on this project. **Motion** to contribute up to 10 percent match for work completed in the BRRWD to IWI Stewardship Program if they are awarded the CWF grant by Larson, **Seconded** by Van Amburg. **Approved.**

**Consent Agenda: Motion** to approve consent agenda items: January 9, 2023 Board Meeting Minutes; Financial Report; and Permit Nos. 22-142 – Jeff Pender, Random Tile; 23-003 – Todd Krieger, Pattern Tile; 23-005 – Rick and Tim Kressin, Pattern Tile; 20-006 – Landrum Lake Gun Club LLC, Repair Water Control Structure; 23-007 – REV LNG, LLC, Natural Gas Facility; and 23-008 – Dan Bradow, Pattern Tile by Van Amburg, **Seconded** by Affield. **Approved.**

### **Permits:**

**Permit No. 23-001. Steve Thompson.** Applicant proposes to pattern tile Section 23, Barnesville Township, Clay County. Natural flow path of water remains unchanged. Proposed tile outlets directly into Clay County Ditch No. 34, which is an adequate outlet. Land is included in benefit area. Downstream Landowner Notification received with no concerns for tile to cross neighboring land for project outlet. Uhler recommended approval subject to standard tile conditions and approval from County to work within road right-of-way (ROW).

**Permit No. 23-009. Justin Phillips.** Applicant proposes to pattern tile N W ¼, Section 22, Akron Township, Wilkin County. Natural flow path of water remains unchanged. Proposed tile outlets into road ditch on south side of County Road 20, which is an adequate outlet. Uhler recommended approval subject to standard tile conditions and approval from County to work in road ROW.

**Motion** to approve Permit Nos. 23-001 and 23-009 with conditions outlined above by J. Hanson, **Seconded** by Larson. **Approved.**

**Projects:**

**Project 79 – Wolverton Creek Restoration. Land Acquisition Update and Discussion.** In 2019, BRRWD signed a Purchase Agreement with Kristine Bixby for the sale of two parcels on Wolverton Creek in Section 10, Wolverton Township, Wilkin County. The first tract was sold immediately for \$40,000.00. The purchase agreement stated that the second tract would be sold for \$110,000.00 minus the payment BRRWD would receive for the RIM easement once the RIM easement closed. BRRWD received \$34,580.04 for the RIM easement. Per the purchase agreement, Bixby’s final payment now totals \$75,419.96. The contract for deed was an exhibit to the purchase agreement, outlining a payment schedule. Bixby requested Board of Managers consider selling her the property for \$40,000.00, without a contract for deed arrangement. **Motion** to reduce the purchase price of the property to \$65,000.00 if Bixby will purchase the property outright, the price remains \$75,419.96 if she purchases the property through a contract for deed by J. Hanson, **Seconded** by Van Amburg. **Approved.**

**Project 79 – Wolverton Creek Restoration. Approve Appraisal Engagement. Motion** to approve appraisal engagement with Natwick Appraisals for \$900.00 per parcel for landowners on Wolverton Creek with expired temporary easements requesting appraisals by J. Hanson, **Seconded** by M. Hanson. **Approved.**

**Project 80 – Stony Creek Restoration. Petition to Reroute Clay County Ditch No. 31. Motion** to accept petition to reroute Clay County Ditch No. 31 for the Stony Creek Restoration by Larson, **Seconded** by Affield. **Approved.**

**Project 80 – Stony Creek Restoration. Appoint Engineer. Motion** to appoint Bennett Uhler Engineer for the Stony Creek Restoration by Van Amburg, **Seconded** by Affield. **Approved.**

**Project 80 – Stony Creek Restoration. Authorize Permitting.** Department of Natural Resources (DNR) has informed BRRWD that the Stony Creek Restoration will not require a DNR Public Waters Work Permit. BRRWD will need to obtain a United States Army Corps of Engineers (USACE) Section 404 Permit, Wetland Conservation Act (WCA) Approval, and Minnesota Pollution Control Agency (MPCA) Stormwater Permit. **Motion** to authorize all permitting for the Stony Creek Restoration by J. Hanson, **Seconded** by Affield. **Approved.**

**Project 80 – Stony Creek Restoration. Approve Appraisal Engagement. Motion** to approval appraisal engagement with Natwick Appraisals for \$6,500.00 to determine land acquisition rates for Stony Creek Restoration by Larson, **Seconded** by Davis. **Approved.**

**South Branch Buffalo River. National Water Quality Initiative (NWQI) Funding Update.** BRRWD received \$45,000.00 to develop a plan to utilize NWQI funding. BRRWD staff, HEI, and Wilkin SWCD are working together to submit a request for NWQI funding. This will help fund a portion of the channel restoration and additional upland practices.

**Lower Otter Tail River Restoration. Authorize Permitting. Motion** to authorize permitting for Lower Otter Tail Project, including future phases of permitting as funding becomes available by Affield, **Seconded** by J. Hanson. **Approved.**

**Otter Tail County Ditch No. 64 Wetland Restoration. Discuss Next Steps.** At the August 8, 2022 Board Meeting, Board of Managers approved request by US Fish and Wildlife Service (USFWS) for BRRWD to be grantee of CWF Grant Applicant for a wetland restoration along Otter Tail County Ditch No. 64. As the Drainage Authority, Otter Tail County was also involved in the partnership and slated to be the fiscal agent for the grant. This project was not selected for the 2023 CWF grants. USFWS is requesting BRRWD continue to partner on the project. They would like to submit another CWF grant application. USFWS also requested BRRWD authorize HEI to determine pollution reductions for grant application. Uhler estimated cost around \$1,000.00. **Motion** to continue partnership on Otter Tail County Ditch No. 64 wetland restoration, approve BRRWD to be grantee for future application, and authorize HEI to help determine pollution reductions for the grant application by Van Amburg, **Seconded** by M. Hanson. **Approved.**

**Project 49 – Oakport Flood Mitigation.** A landowner with property near BRRWD land notified BRRWD staff that an individual was cutting down trees on BRRWD owned property without authorization in Oakport, northwest of the Broadway Bridge separating Fargo and Moorhead. Staff inspected the property and found four trees that were felled, as well as an old telephone pole. Board of Managers asked staff to follow-up with Moorhead Police.

**Ditches:**

**Clay County Ditch Nos. 17 and 54. Approve Findings and Order. Motion** to approve Findings and Order for the incremental implementation of vegetated ditch buffer strips on Clay County Ditch Nos. 17 and 54 by Affield, **Seconded** by Davis. **Approved.**

**Wilkin County Ditch No. 22. ROW Follow-up.** At the December 12, 2022 Board Meeting, Board of Managers requested BRRWD attorney review ROW documents on Wilkin County Ditch No. 22 in SE ¼, Section 26, Wolverton Township through Jennifer and Michael Ernst’s property. BRRWD attorney reviewed documents and opined that BRRWD legally held the ROW based on MN Statute. **Motion** to authorize Vogel Law Firm to draft letter to the Ernsts with their findings and answer Ernst’s attorney questions regarding the opinion by M. Hanson, **Seconded** by J. Hanson. **Approved.**

**Clay County Ditch No. 41. Snakey Creek CWF Grant.** BRRWD in partnership with the Clay SWCD received a CWF grant for Clay County Ditch No. 41 (Snakey Creek). This grant will be used to repair the outlet of the ditch into the Red River. Board of Managers previously approved a 25 percent match of \$100,000.00 which will be paid for by the ditch system. The workplan for the grant has been submitted and work can begin in spring 2023.

**Other:**

**Citizen Advisory Committee (CAC). Discussion and Set Meeting Date and Time.** Board of Managers discussed holding one annual meeting with the CAC and potentially hosting a summer tour in 2024. **Motion** to set CAC Meeting for March 9, 2023 from 1:30 PM to 3:30 PM by Van Amburg, **Seconded** by Fjestad. **Approved.**

**Legislative Efforts. 2023 Legislative Agenda.** Staff proposed BRRWD request \$500,000.00 from the State to complete preliminary design of future phases for Upper South Branch Buffalo River Water Resource Management Project. Staff also recommended BRRWD request legislative support for administrative levy increases for watershed districts and increased funding to Flood Hazard Mitigation (FHM) funding in the Red River Basin. **Motion** to approve 2023 legislative agenda as presented by Larson, **Seconded** by Van Amburg. **Approved.** Altrichter also discussed upcoming proposed drainage legislation. **Motion** to work with lobbyist, Joel Carlson, to oppose legislation detrimental to Drainage Authorities by Fjestad, **Seconded** by Davis. **Approved.**

**2022 Audit. Approve Audit Engagement. Motion** to engage Brady Martz & Associates in the 2022 Financial Audit by J. Hanson, **Seconded** by Affield. **Approved.**

**QuickBooks Upgrade.** BRRWD staff recommended updating QuickBooks from Accountant Desktop 2015 to QuickBooks Online Plus. First year subscription will be \$457.50, with annual expense of \$915.00. **Motion** to approve QuickBooks upgrade as recommended by M. Hanson, **Seconded** by Van Amburg. **Approved.**

**M-Files Contract Renewal.** BRRWD staff recommended BRRWD does not renew M-files contract because staff are already backing-up documents in a manner consistent with best practices. **Motion** to not renew the contract per staff recommendation by Larson, **Seconded** by Affield. **Approved.**

**Red River Basin LSOHC RIM Funding.** Red River Water Management Board (RRWMB) is considering submitting an application to LSOHC for RIM funding specific to Red River Basin. **Motion** to support RRWMB proposal and be open to utilizing potential future RIM funding opportunities specific to Red River Basin by Larson, **Seconded** by J. Hanson. **Approved.**

**Staff Update.** Watershed Specialist Lee Olson’s last day with BRRWD was February 10, 2023. Schlauderaff will take on majority of job duties. Altrichter will provide support as needed. Human Resources Committee (HR Committee) recommended Schlauderaff receive a 15 percent pay increase and a grade increase to Watershed Specialist II. **Motion** to approve HR Committee recommendation by Davis, **Seconded** by Affield. **Approved.** Schlauderaff requested BRRWD

purchase hip waders to aid in ditch inspections. HR Committee recommended approval. **Motion** to authorize Schlauderaff to purchase hip wader by Van Amburg, **Seconded** by J. Hanson.

**Bills. Motion** to approve bills totaling \$442,606.48 by Affield, **Seconded** by J. Hanson. **Approved.**

**Next Regular Meeting.** Monday March 13, 2023, at 7:00 PM in the Barnesville office. Agenda will be posted on BRRWD's website prior to meeting.

President Fjestad adjourned meeting at 9:17 PM.

/s/ John Hanson  
Secretary