



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

Board Meeting Minutes

Monday September 9, 2024

Managers Present: Peter Fjestad (remote); Catherine Affield; Troy Larson; Gerald Van Amburg; William Davis; Curtis Stubstad; Todd Andresen.

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

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

Others Attending: Paul Krabbenhoft, Clay County Commission.

Affield called meeting to order at 7:00 PM.

Agenda: Additions to agenda:

Project No. 80 – Stony Creek Restoration. Seeding.

Motion to approve agenda with additions by Davis, **Seconded** by Stubstad. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Introduction of New Manager. Todd Andresen was appointed by Becker County Board of Commissioners to BRRWD Board of Managers for a three-year term from September 1, 2024 to August 31, 2027.

Board of Managers went into Closed Executive Session at 7:03 PM for Project No. 81 - Whiskey Creek Enhancement Project. Attorney Chasse Thomas provided an update on active litigation. Executive Session ended at 7:34 PM.

Citizens to be Heard:

During the closed session, Uhler spoke with Gary and Kat Bennett, landowners on Long Lake. Uhler presented their concern to Board of Managers. The Bennetts were concerned that lake levels on Long Lake have dropped significantly. The Long Lake Siphon was operated recently, per standard operating procedure. Uhler plans to discuss concern with Wade Opsahl, civil technical, HEI, who has been operating siphon for many years.

Consent Agenda: **Motion** to approve consent agenda items:

August 12, 2024 Board Meeting Minutes

Financial Report

Permit Nos.

24-085, Allen Yaggie – tiling, N ½, Section 20, Nilsen Township, Clay County, with conditions

24-086, Clifford Frosliie – tiling and ditching, NE ¼, Section 34, Prairie View Township, Wilkin County, with conditions

24-087, Shannon Maack – tiling, SW ¼, Section 14, Andrea Township, Wilkin County, with conditions

24-088, Jirak Bros – grade stabilization structure, SE ¼, Section 36, McCauleyville Township, Wilkin County

24-089, Swenson Family Revocable Living Trust (RLT) – water and sediment control basin (WASCOB) structures, SE ¼, Section 17, Parke Township, Clay County, with conditions

24-090, Mark Kasin – WASCOB structure, S ½, Section 27, Highland Grove Township, Clay County, with conditions

24-093, Charles Steiner – tiling, SW ¼, Section 33, Andrea Township, Wilkin County, with conditions

24-094, Curtis Berg – WASCOB structures, SW ¼, Section 23, Eglon Township, Clay County, with conditions

24-096, Joe Axness – WASCOB structures, SE ¼, Section 8, Trondhjem Township, Otter Tail County, with conditions

Project No. 54 – Whiskey Creek East Tributary Repair, Pay Request No. 2 for \$16,241.77

Project No. 81 – Whiskey Creek Enhancement Phase 3, Pay Request No. 9 for \$274,360.00

Clay County Ditch No. 41 Outlet/Snakey Creek, Pay Request No. 2 for \$61,202.80

by Larson **Seconded** by Davis. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Permits for Discussion:

Permit No. 24-077. Harmon Tande. Applicant is proposing to pattern tile NW ¼, Section 26, Oakport Township, Clay County. Natural flow path of water remains unchanged. Proposed tile outlets in northwest corner of property. Applicant received downstream landowner notification with no concerns to outlet tile into road ditch. Uhler recommended approval subject to standard tile conditions and approval from County and Township to work in road right-of-way (ROW).

Permit No. 24-092. Darin Rohl. Applicant proposing to pattern tile NE ¼, Section 4, Orwell Township, Otter Tail County. Natural flow path of water remains unchanged. Proposed tile outlets on west side of property. Applicant received downstream landowner notification with no concerns. Uhler recommended approval subject to standard tile conditions.

Permit No. 24-097. Mark Peterson. Applicant proposing to pattern tile NW ¼, Section 33, Nilsen Township, Wilkin County. Natural flow path of water remains unchanged. Proposed tile outlets directly into Wilkin County Ditch No. 3 and land is included in benefiting area. Uhler recommended approval subject to standard tile conditions and approval from Township to work in road ROW.

Motion to approve Permit Nos. 24-077, 24-092, and 24-097 with conditions outlined above by Stubstad, **Seconded** by Andresen. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Projects:

South Branch Buffalo River Restoration. Project Discussion. Uhler provided update on South Branch Buffalo River Restoration. During the landowner meeting in April 2024, landowners expressed concern about completing channel restoration prior to constructing a storage site. Uhler noted BRRWD has funding for channel restoration that expires in December 2025. Finalizing design and funding of a storage site will likely take more time. Staff and HEI have been meeting with landowner who may have land available for a potential storage site. To date, there is generally support from the impacted landowners. Staff continue to look for funding for a storage site.

Whiskey Creek and South Tributary Channel Restoration. Environmental Assessment Worksheet (EAW) Finding of Fact. Motion to approve EAW Finding of Fact as presented, by Van Amburg, **Seconded** by Stubstad. Aye – Affield, Davis, Larson, Van Amburg, Stubstad, Andresen, Absent – Fjestad. **Motion Carried.**

Project No. 80 – Stony Creek Restoration. Change Order No. 3 and Pay Request No. 8. Motion to approve Change Order No. 3 for \$23,918.58 increasing the total contract with ACM, LLC to \$1,134,762.06 and approve Pay Request No. 8 for \$64,703.05 by Davis, **Seconded** by Stubstad. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Project No. 80 – Stony Creek Restoration. Seeding. HEI noticed an encroachment on BRRWD easement in Sections 2 and 11 in Barnesville Township, Clay County when completing the as-built survey. It is estimated that 25 acres of established vegetation was plowed and planted with alfalfa. Estimated cost to reseed easement is over \$18,000.00. Contractor completed project and has left project area. BRRWD will need to find new contractor to complete seeding. **Motion** to authorize Vogel Law Firm to send letter notifying landowner of encroachment and requiring reimbursement for repair by Larson, **Seconded** by Van Amburg. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Project No. 82 – Glyndon East Tributary Restoration. Change Order No. 2 and Pay Request No. 8. Motion to approve Change Order No. 2 for \$70,617.50 increasing the total contract with States Borders Construction, Inc. to \$1,273,365.50 and approve Pay Request No. 8 for \$157,097.23 by Stubstad, **Seconded** by Fjestad. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Project/Drainage System Repair Recommendations.

Drainage	Township	Section	Problem/Proposed Work	Estimated Cost
Clay County Ditch No. 36	Holy Cross	10 and 11	1.5 mile channel cleanout.	\$21,000 - \$23,000
Clay County Ditch No. 39	Flowing	34	Remove mature trees on buffer.	\$10,000 - \$12,000
Wilkin County Ditch No. 13 Lateral 1	Deerhorn	36	Spray clumps of cattails on slopes and in channel.	\$500
Project No. 54 – Whisky Creek	Barnesville	14	Haul 55 yards of clay to fill low spot in spoilbank. Seed spoilbank after repair.	\$4,000 - \$5,000

Motion to approve repairs as presented, by Larson, **Seconded** by Andresen. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Ditches:

Clay County Ditch No. 30. Concrete Liner Repair Discussion. Approximately 60 feet of concrete liner has failed on Clay County Ditch No. 30 in 17 Section, Moorhead Township. Plans for repair need to be engineered. Estimated cost is \$15,000.00. **Motion** to authorize HEI to develop repair plans by Stubstad, **Seconded** by Van Amburg. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Clay County Ditch No. 41 Snakey Creek Outlet Repair. Request to Extend Contract. Tunheim Construction, LLC has made good progress on Clay County Ditch No. 41 outlet repair. Due to weather conditions in early summer, contractor is requesting contract extension from September 15, 2024 to October 15, 2024. Contractor believes they should be able to complete repair by September 15, however, they are requesting extension in case there are unforeseen delays. Uhler recommended granting request with condition that contractor establishes vegetation from Oakport St. N to first rock drop structure to stabilize streambank by September 15. **Motion** to grant contract extension request to October 15, 2024 with condition that contractor establishes vegetation from Oakport St. N to first rock drop structure to stabilize streambank by September 15 as recommended, by Fjestad, **Seconded** by Davis. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Clay County Ditch No. 41/Snakey Creek Outlet Repair. Project design included excavating and filling material with a net balance of material needed to excavate and fill. Due to summer rain events, some excavated material eroded from site. This resulted in not enough fill material on site. Contractor can excavate more material to have enough material to fill. Uhler recommended paying contractors an hourly rate to complete work. Estimated cost is \$18,000.00. Board of Managers authorized Uhler to proceed with repair as recommended. Board of Managers also discussed mixing rye with seed mix to ensure some vegetation establishment before winter.

Clay County Ditch Nos. 10 & 33 Outlet Repairs. Review Funding Recommendation. BRRWD has funds available for projects and practices and technical assistance through the Watershed Based Implementation Fund (WBIF) for activities that will reduce erosion. Clay County Ditch Nos. 10 and 33 have previously been identified as priority areas to address sediment loading into the Buffalo River and Red River, respectively. It was recommended Board of Managers authorize HEI to begin survey and design to repair outlets of Clay County Ditch No. 10 and Clay County Ditch No. 33. **Motion** to authorize HEI to complete survey and design for Clay County Ditch No. 10 and Clay County Ditch No. 33 outlets with WBIF covering eligible expenses and ditch systems responsible for 10 percent match as funds are available in existing WBIF grants as presented, by Stubstad, **Seconded** by Larson. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Other:

Brady, Martz & Associates. Audit Quote. Brady, Martz & Associates have been completing the annual audit since the audit for 2021. Previous contract including 2021 through 2023. A new quote was presented for 2024 through 2026. **Motion** to enter contract with Brady, Martz & Associates for 2024 through 2026 audits as presented, by Stubstad, **Seconded** by Andresen. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Manager Pay Transition 2025. Motion to switch Managers from employees (Internal Revenue Service (IRS) W-2 form) to contracted (IRS W-9 form) as recommended by Human Resources provider, High Road Partners, by Fjestad, **Seconded** by Davis. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Wilkin Soil and Water Conservation District (SWCD). Conservation Marketing Funding Request. Wilkin SWCD is requesting up to \$25,000.00 for conservation marketing. Wilkin SWCD is proposing to submit invoices for conservation marketing efforts quarterly. **Motion** to contribute up to \$25,000.00 for conservation marketing by Wilkin SWCD as invoiced for work completed, by Van Amburg, **Seconded** by Davis. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Bills. Review and Approve. Motion to approve bills totaling \$893,498.02 by Larson, **Seconded** by Stubstad. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Project No. 49 – Oakport Flood Mitigation Site. Van Amburg noted that Citizen Advisory Committee Member, Roger Haglund, expressed concern about the condition of the prairie at the Oakport Flood Mitigation Project. Haglund stated there are significant stands of Canada thistle. Board of Managers discussed mowing and spraying site. **Motion** to authorize staff to proceed as needed to reestablish vegetation at the Oakport Prairie by Stubstad, **Seconded** by Van Amburg. Aye – Fjestad, Affield, Davis, Larson, Van Amburg, Stubstad, Andresen. **Motion Carried.**

Next Regular Meeting. Monday October 14, 2024, at 7:00 PM in the Barnesville office.

Affield adjourned meeting at 9:08 PM.

/s/ William Davis
Secretary