



1303 4TH Ave. NE
Barnesville, MN 56514
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www.brrwd.org

Board Meeting Minutes

Monday September 11, 2023

Managers Present: Catherine Affield; John Hanson; Troy Larson; William Davis; Curtis Stubstad.

Managers Absent: Peter Fjestad; Gerald Van Amburg (attended remote as citizen).

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

Consultants Present: Bennett Uhler, Engineer, Houston Engineering, Inc. (HEI); Tami Norgard, Vogel Law Firm.

Others Attending: Stephanie Day; Paul Krabbenhoft, Clay County Commissioner.

Affield called meeting to order at 7:00 PM.

Introduction of New Board Manager: Curtis Stubstad was appointed by the Clay County Board of Commissioners to the BRWRD Board of Managers for a three-year term from September 1, 2023 to August 31, 2026.

Agenda: Additions to agenda:

Project No. 1 – Wilkin County Ditch No. 22 Repair Discussion;

City of Wolverton Levee Update;

City of Georgetown Levee Update.

Motion to approve agenda with additions by Larson, **Seconded** by Davis. **Approved.**

Wilkin County Ditch No. 7 Hearing:

Affield called Hearing to Order at 7:02 PM.

Hearing is for Petition for the Authority to use Wilkin County Ditch No. 7 as an outlet filed by Kevin Etzler on August 1, 2023 for NW ¼, Section 34, Andrea Township, Wilkin County. Once presentation was complete, all were invited to provide comment. Altrichter noted that if Board of Managers approved an Order, individuals wishing to appeal Order may file notice of appeal with court administrator of the district court within 30 days of the date of the Final Order.

Uhler presented that Etzler is proposing to pattern tile the S ½, NW ¼, Section 34, which is not currently in benefiting area for Wilkin County Ditch No. 7. Uhler recommended Board Order authorize petitioned land be assessed benefits for future drainage at a rate of 50 percent of the adjoining lands (\$7.50 per acre), which is \$3.75 per acre for a total benefit of \$300 to Wilkin County Ditch No. 7. BRRWD set no outlet fee for said subsurface drainage. Total system benefits will be \$94,755.00.

No audience comments were presented.

Motion to approve Order as presented, by Larson, **Seconded** by Davis. **Approved.**

Citizens to be Heard:

No audience comments or concerns were presented.

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

August 14, 2023 Board Meeting Minutes

Financial Report

Permit Nos.

23-052, John Haarstad – tiling, NW ¼, Section 20, Oscar Township, Otter Tail County.

23-062, Tyson Trosvik – tiling, NE ¼, Section 25, Akron Township, Wilkin County.

23-066, Chuck Schreiber – tiling, SW ¼, Section 27, Foxhome Township, Wilkin County.

23-068, John Haarstad – tiling, SW ¼, Section 28, Oscar Township, Otter Tail County.

23-069, Ed Askegaard – tiling, Sections 28 and 29, Manston Township, Wilkin County.

23-070, Tom Radig – culvert installation and ditch extension, NW ¼ Section 1, Breckenridge Township, Wilkin County.

23-071, Jody Davis – culvert installation, NW ¼ Section 22, Homboldt Township, Wilkin County.

23-073, Blane Benedict – culvert removal, SW ¼ Section 13, Kurtz Township, Clay County.

Project No. 82 – Glyndon East Tributary Restoration. Pay Estimate No. 4 for \$198,395.63 by Hanson, **Seconded** by Stubstad. **Approved.**

Permits for Discussion:

Permit No. 23-055. Kevin Etzler. Applicant proposing to tile NW ¼, Section 34, Andrea Township, Wilkin County. Natural flow path of water remains unchanged. Proposed tile outlets into WCD No. 7 which is an adequate outlet. Property was petitioned to be included in benefit area for Wilkin County Ditch No. 7. Uhler recommended approval subject to standard tile conditions, approval from Township to work within road right-of-way (ROW), and finalization of land added to Wilkin County Ditch No. 7 benefit area. **Motion** to approve Permit Nos. 23-055 as presented with outlined conditions by Larson, **Seconded** by Davis. **Approved.**

Permit Nos. 23-067, 20-054, 19-060. Todd Boit. Boit submitted permit application (Permit No 23-067) to lower culvert on property along County Road (CR) 144 in Section 13, Audubon Township, Becker County. In 2019 and 2020, the same permit (Permit Nos. 19-060 and 20-054) was denied due to unpermitted drainage activities on Boit’s property. Several letters have been sent to Boit with corrective actions. Staff met with Boit in August 2023 to discuss permit application and past drainage violations. Boit still had one remaining drainage violation to correct. Prior to drainage modifications, the east driveway had a culvert about 130 feet south of CR 144. Boit moved culvert to road ditch and ditched along east side of the driveway. Neighbor, Greg Ronning, has an easement that allows access to adjacent field. Current culvert location and ditching activities created steeper ditch for Ronning to access field. Board of Managers discussed application and past drainage violations. **Motion** to authorize staff to send letter to Boit notifying him that all drainage violations must be addressed before Board of Managers will consider permit application and he must work with his neighbor to rectify violations on their property by Larson, **Seconded** by Davis. **Approved.**

Permit No. 19-003. Metro Flood Diversion Authority (MFDA) Project Plan Review Comments. A condition of Permit No. 19-003 was MFDA must send design plans to BRRWD engineers for review and comment. BRRWD received 65 percent plans for Southern Embankment, Reach SE-5. Jones reviewed plans and submitted comments. In general, plans were in conformance with the permit requirements.

Board of Managers went into a Closed Executive Session for Wilkin County Ditch No. 6A. Redetermination of Benefits Appeal Update. Attorney Norgard provided an update on the Redetermination of Benefits Appeal.

Ditches:

Wilkin County Ditch No. 31. Authorize Survey and Hydraulic Analysis. There is a failing culvert in Section 15, Andrea Township. Existing culvert is 185” x 110” x 42’ corrugated metal pipe (cmp) arch. Due to upstream and downstream culvert sizes, it is believed that the culvert is inadequately sized. It is recommended that hydraulic analysis and survey are completed to determine appropriate culvert size. Estimated cost for hydraulic analysis and survey is \$5,000.00. **Motion** to authorize hydraulic analysis and survey, by Larson, **Seconded** Hanson. **Approved.**

Drainage Repair Recommendations.

Drainage	Township	Section	Problem/Proposed Work	Estimated Cost
Clay County Ditch No. 21	Elkton	4	Failing cmp. Install new 18" x 24' cmp with flapgate.	\$3,000 - \$3,500
Clay County Ditch No. 58	Elmwood	10 and 11	(to be completed in 2024) Channel cleanout for roughly 1.25 miles.	\$18,000 - \$20,000
Wilkin County Ditch No. 1C	Nilsen	7	Crushed inlet end of inlet pipe. Replace with 18" x 8' cmp with flapgate	\$2,000 - \$2,500

Motion to authorize repairs as recommended, by Hanson, **Seconded** by Stubstad. **Approved.** Board of Managers discussed crushed pipe repair on Wilkin County Ditch No. 1C. Board of Managers requested staff send letter to landowner notifying them to contact BRRWD if flapgate needs to be repaired in the future.

Tile Outlet Marking Policy. Board of Managers reviewed draft Tile Outlet Marker Policy that requires markers to 1) be placed within 5 feet of the outlet, in line with tile, along the slope; and 2) be a minimum of 4 feet in height. Larson recommended policy require markers to be flexible, reflective, fiberglass posts. Policy will be updated for Board consideration at their October 9, 2023 Board Meeting.

Project No. 1 – Wilkin County Ditch No. 22. Culvert Repair Discussion. Michael and Jennifer Ernst contacted staff to inquire if Board of Managers would plant trees or install fence on their property at the outlet of Wilkin County Ditch No. 22 into Wolverton Creek. Culvert repair project expected to commence in fall 2023 will eliminate trees from the ditch ROW. Altrichter provided an overview of previous discussions from the November 14, 2022, December 12, 2022, and February 13, 2023 Board Meetings. Board of Managers determined that all removed trees are in the ROW. Board of Managers previously discussed planting trees or installing a fence to compromise with landowners. Landowners were unable to come to an agreement and stated they disagreed that BRRWD had established ROW. Landowners then requested Board of Managers authorize their attorney to review documents and determine if BRRWD had ROW. Board of Managers approved this request and it was determined that BRRWD had the ROW. **Motion** to deny request to plant trees or install fence to replace trees removed from ROW due to removed trees being located in existing ROW and additional costs incurred for attorney review by Davis, **Seconded** by Larson. **Approved.**

Projects:

Project No. 31 – Deerhorn Creek Restoration. Repair Recommendation. At the August 14, 2023 Board Meeting, Ed and Renee Hirsch asked Board of Managers to analyze levee on their property along Deerhorn Creek for potential erosion and settlement. Board of Managers authorized a survey of levee. HEI reviewed elevations of levee and noted two areas of settling that should be repaired. Areas have a combined length of approximately 150’ and are up to one foot lower than original design elevation. Uhler recommended completing repairs as a project expense. Estimated cost is \$4,000.00 to \$5,000.00 and may vary depending on availability of suitable borrow material. Altrichter noted that this repair as well as the repair approved at the August 14, 2023 Board Meeting will be submitted to Federal Emergency Management Agency (FEMA) for reimbursement for damage from April 2023 flooding. If approved by FEMA, BRRWD will be reimbursed 100 percent for repairs. **Motion** to authorize repair by Stubstad, **Seconded** by Hanson. **Approved.**

Project No. 79 – Wolverton Creek Restoration. Water Management District Amendment. Consider Order. Motion to approve Order as presented, by Hanson, **Seconded** by Davis. **Approved.**

Project No. 79 – Wolverton Creek Restoration. Approve Land Sale and Authorize Administrator to Sign Agreement. Board of Managers discussed sale of property in Section 10, Wolverton Township, Wilkin County at many Board Meetings. Board of Managers agreed to sell land for \$65,000.00 if interested buyer, Kristine Bixby, purchased property outright or for \$75,419.96 plus interest if purchase land through contract for deed as outlined in a Real Estate Purchase Agreement dated May 6, 2019. Bixby agreed to purchase land for \$65,000.00. It is recommended that Board of Managers authorize Altrichter to negotiate and sign agreement based on terms set by Board of Managers. **Motion** to authorize Altrichter to sign agreement as outlined above, by Larson, **Seconded** by Hanson. **Approved.**

Lower Otter Tail River Restoration. Project Update. Altrichter provided an update to Board of Manager regarding progress with United States Army Corps of Engineers (USACE) on their potential project funding. BRRWD staff have been working with USACE to determine acceptable land acquisition for project since May 2022. USACE requires BRRWD acquire land through fee title acquisition. For BRRWD to utilize easements for land acquisition, USACE must authorize a “non-standard estate” or a deviation from the “standard estate” (fee title acquisition). USACE does not allow conservation easements to be utilized for these types of projects. This is in direct opposition to BRRWD’s funding source. BRRWD has \$2.25 million to utilize Reinvest in Minnesota Program (RIM) for land acquisition. This funding expires December 31, 2026. BRRWD also has funding from the MFDA for their project mitigation which must be spent by March 2026. Deadlines of existing funding require BRRWD to begin land acquisition soon. Craig Lingen with the Wilkin Soil and Water Conservation District (SWCD) is planning to begin land acquisition this fall.

Silver Lake Outlet Modification. Approve Construction Agreement. Motion to approve construction agreement with Lyle Wilkens, Inc. by Larson, **Seconded** by Stubstad. **Approved.**

Project Repair.

Project	Problem/Proposed Work	Estimated Cost
05 - Spring Creek Dam	Remove flood debris around structure. Cut and spray trees, brush, cattails.	\$ 2,500.00
08 - Stony Creek Dam	Cut and spray trees, brush.	\$ 1,000.00
13 - Hay Creek Dam	Cut and spray trees, brush, cattails. Remove around structures.	\$ 3,500.00
13 - Hay Creek Dam	Damage culvert. Replace 18"x14' cmp riser for stage recorder.	\$ 3,500.00
16- Stinking Lake Detention	Cut and spray trees, brush, cattails. Remove around structures. Mow area.	\$ 5,000.00
32 - Hawley Diversion	Cut and spray trees, brush, cattails.	\$ 1,000.00
32 - Hawley Diversion	Remove sediment along CR 33 for approximately 1/4 mile.	\$ 5,000.00
38 - Anderson Acres Ringdike	Mow areas of levee that haven't been mowed. Cut and spray trees, brush.	\$ 2,500.00
38 - Kragnes Ringdike	Spray vegetation around screwgates.	\$ 1,000.00
38 - Kragnes Ringdike	There is a leaky culvert joint that should be seal joint with tar.	\$ 500.00
54 - Whisky Creek Tribs.	Cut and spray trees, brush, cattails.	\$ 3,500.00
54 - Whisky Creek Tribs.	Damaged culvert. Replace 18"x30" cmp with flapgate gate.	\$ 3,000.00
56 - Manston Slough	Cut and spray trees, brush, cattails.	\$ 2,500.00
58 - Riverton Township	Straighten and replace bend stem on screw gate.	\$ 500.00
63 - Turtle Lake Outlet	Spray cattails as needed downstream.	\$ 500.00
64 - Boyer Lake Outlet	Repair erosion around control structure.	\$ 7,500.00
65 - County Line Outlet	Cut and spray trees, brush, cattails.	\$ 2,500.00
65 - County Line Outlet	Remove sediment from inlet. Remove and replace rusted padlock.	\$ 2,500.00
68 - Lake Jacobs Outlet	Cut and spray trees, brush, cattails.	\$ 1,500.00
71 - 50th Ave S Flood Control	Replace 2-18" flapgates.	\$ 1,500.00
71 - 50th Ave S Flood Control	Cut and spray trees, brush, cattails.	\$ 5,000.00

Motion to authorize repairs as recommended, by Hanson, **Seconded** by Stubstad. **Approved.**

City of Wolverton Levee and City of Georgetown Levee. Project Updates. HEI has been working on project design and permitting. Land acquisition could begin in Spring 2024. Construction is expected to begin in 2025.

Other:

Ring Dike Funding Update. In 2022, Minnesota Legislature appropriated \$320,000.00 with a 50 percent local match requirement to Minnesota Department of Natural Resources (MN DN) for grants to support construction of rural and farmstead ring dikes in the Red River Basin. At the May 8, 2023 Board Meeting, Board of Managers authorized HEI to provide up to \$20,000.00 in preliminary design work for potential ring dike funding and for BRRWD to provide up to an equal 25 percent cost-share with landowners if MN DNR provides funding for ring dike construction. Three landowners, Billie Anderson, Raquel Green, and Derek Syverson requested assistance. Schlauderaff and Wade Opsahl, HEI Civil Technician, reviewed plans with all three landowners. Anderson and Syverson opted out of submitting applications to MN DNR. An application was submitted on behalf of Green early September.

2024 Conservation Reserve Program (CRP). State Incentive Pilot Program. Grant Agreement. Through Watershed-based Implementation Funding (WBIF) and the Buffalo-Red River Watershed (BRRW) Comprehensive Watershed Management Plan (CWMP), BRRW is eligible to receive \$30,000.00 for CRP incentives. This funding would be utilized by BRRW CWMP SWCD partners and BRRWD would be the grantee. **Motion** to authorize Altrichter to sign grant agreement for BRRWD to be grantee by Larson, **Seconded** by Stubstad. **Approved.**

International Water Institute (IWI). Request for Funds. IWI Monitoring and Education Specialist requested \$500.00 to transport the Barnesville Public Schools' fourth-grade class to participate in the River of Dreams (ROD) Program during spring 2024. ROD Program teaches students watershed terminology and how subwatershed fits into the Red River Basin. The transportation will be used to bring students to the river to launch canoes to learn about water flows in the Red River

Basin. **Motion** to fund the \$500.00 in transportation costs for Barnesville Public Schools' fourth-grade class to participate in the ROD Program by Davis, **Seconded** by Hanson. **Approved.**

North Dakota State University (NDSU). Request to Use Oakport Prairie for Biology Course. Dr. Erin Gillam, professor in Biological Science Department at NDSU requested to utilize Oakport Prairie for a field biology course this fall. Projects generally involve placement of trail cameras, bird feeders, or completing vegetation surveys. **Motion** to authorize Dr. Gillam to utilize the Oakport Prairie for the field biology course in fall 2023 with the understanding that BRRWD is not responsible for lost, stolen, or damaged property by Larson, **Seconded** by Hanson. **Approved.**

Bills. Motion to approve bills totaling \$402,991.33 by Hanson, **Seconded** by Davis. **Approved.**

Viewer Recruitment Update. Currently, there are seven individuals that have expressed interest in Viewing. Norgard offered to provide new Viewers with drainage law training. Altrichter will develop a training plan and present to Board of Managers at the October 9, 2023 Board Meeting.

BRRWD Project Tour. Davis thanked staff and consultants for their efforts on the Project Tour held August 16, 2023. Board discussed future project phases and scope of current projects.

Next Regular Meeting. Monday October 9, 2023, at 7:00 PM in the Barnesville office. Agenda will be posted on BRRWD's website prior to meeting.

Affield adjourned meeting at 9:01 PM.

/s/ John E. Hanson
Secretary