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## Board Meeting Minutes

Monday November 14, 2022

**Managers Present:** Peter Fjestad; Catherine Affield; John Hanson; Paul Krabbenhoft; Troy Larson; Gerald Van Amburg (remote); Mark Hanson (remote).

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

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

**Others Attending:** Tami Norgard (remote), Vogel Law Firm; Lyle Hovland, Wilkin County Commissioner; Jenny Mongeau, Clay County Commissioner; Jennifer Ernst; Michael Ernst.

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

**Agenda:** Additions to agenda Permit Database Update. **Motion** to approve agenda with additions by Affield, **Seconded** by Krabbenhoft. **Approved.**

**Secretary's Report:** **Motion** to approve October 10, 2022 Board Meeting Minutes by Affield, **Seconded** by Krabbenhoft. **Approved.**

**Treasurer's Report:** **Motion** to approve Treasurer's Report as presented by J. Hanson, **Seconded** by Larson. **Approved.**

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

**Jennifer and Michael Ernst. Project 1 – Wilkin County Ditch No. 22 Repair.** Michael Ernst contacted BRRWD staff in spring 2022 regarding failing culvert through driveway at outlet of Wilkin County Ditch No. 22 into Wolverton Creek in SE ¼, Section 26, Wolverton Township. Board of Managers approved repair during May 9, 2022 Board Meeting. Engineer plans were developed and BRRWD staff contacted Michael and Jennifer regarding plans. Due to state requirements, ditch slopes will need to be stabilized and culvert will need to be placed outside of the clear zone. Michael and Jennifer expressed concerns regarding removal of trees and ditch being closer to their home. Michael and Jennifer expressed concern that property values would decrease with repair. Uhler noted that installing a bridge instead of proposed culvert would not change location of ditch and structure. Jones noted that state road standards do not allow structure to be in clear zone and slopes need to be 4:1 and can transition to 3:1 after a distance determined by state road standards. Michael and Jennifer asked about other options for repair including rerouting ditch or moving their driveway. Jones noted that moving driveway would not change the distance the ditch needs to be shifted to meet state road standards. Jones also explained that a landowner would need to petition for ditch to be rerouted and petitioner would likely assume most or all of the costs of the reroute. Jones explained that due to restrictions of state road standards, options are limited, but they tried to minimize impact as much as possible within the confines of the restrictions. Uhler noted that proposed plan is 13 feet inside of right-of-way (ROW) boundary and the top of ditch is approximately 85 feet from their deck. Jones noted that without repair, the County could lose funding for road maintenance. Van Amburg noted that if BRRWD has ROW, they should move forward with repair. Altrichter noted that if repair is delayed and culvert fails, landowners will lose access to their home. If this occurs, BRRWD will not be able to quickly repair ditch and restore access. It is currently expected to take between 9 months and 1 year to receive culvert once it is ordered due to large size. Fjestad asked if some of the trees were replaced if they would be okay with moving forward. Jennifer noted that she was more concerned about safety with the ditch so close to their house. Jennifer noted that she contacted the Title Company and the County and they have not been able to find a ROW easement on the property. Board of Managers agreed that BRRWD staff must verify ROW before moving forward with repair. BRRWD staff will review ROW and discuss with Board at their December 12, 2022 Board Meeting.

**Permits:**

**2012 Tiling Project Follow-up, Section 32, Callaway Township.** Jerry Matter contacted Manger J. Hanson in October 2022 with concerns regarding a non-permitted tiling project in SE ¼, Section 32, Callaway Township, Becker County. He was concerned that tile outlets onto his property impeding the ability to farm. Olson noted that staff contacted landowner who stated the tile was installed in 2012. Tile outlets into naturally low area that appears wet in aerial images. Current landowner noted that Jerry Matter was involved in discussions regarding the installation of tile in 2012. Olson recommended Board of Managers take no further action.

**Permit No. 22-138. Rodney Scheffler.** Applicant proposing to install culvert for new approach in E ½, Section 14, Atherton Township, Wilkin County. Uhler recommended approval subject to use of 18” culvert and approval from County to work in ROW.

**Permit No. 22-139. Austin Figgins.** Applicant proposing to install culvert for new approach in SW ¼, Section 35, Tansem Township, Clay County. Uhler recommended approval subject to use of 18” culvert and approval from Township to work in ROW.

**Permit No. 22-140. Cristian Anderson.** Applicant proposing to install tile in SE ¼, Section 32, Goose Prairie Township, Clay County. Natural flow path of water remains unchanged. Proposed tile outlets onto applicant’s property. Upstream landowner expressed no concerns regarding filling existing ditch. Uhler recommended approval subject to standard tile conditions.

**Permit No. 22-141. Cristian Anderson.** Applicant proposing to install tile in NW ¼, Section 9, Highland Grove Township, Clay County. Natural flow path of water remains unchanged. Proposed tile outlets onto into existing basin on applicant’s property. Uhler recommended approval subject to standard tile conditions and installing upstream embankment at lower elevation than existing ground of upstream landowner to ensure water does not back onto neighboring property.

**Permit No. 22-143. Marvin Christenson.** Applicant proposing to install culvert for new approach in S ½, Section 35, Foxhome Township, Wilkin County. Uhler recommended approval subject to use of 24” culvert and approval from Township to work in ROW.

**Permit No. 22-144. Troy Larson.** Applicant proposing relocation of two existing approaches in SE ¼, Section 23, Akron Township, Wilkin County. Existing approaches do not have culverts due to sitting on high ground. New approach locations are also in areas that do not need culverts. Uhler recommended approval subject to approval from County to work in ROW.

**Motion** to approve Permit Nos. 22-138, 22-139, 22-140, 22-141, 22-143, 22-144 with conditions outlined above by J. Hanson, **Seconded** by Affield. **Approved.**

**Ditches:**

**Clay County Ditch No. 41. Repair. Final Pay Request. Motion** to authorize payment of \$1,170.00 held in retainage to Hough Inc and close project by Larson, **Seconded** by Krabbenhoft. **Approved.**

**2022 Annual Ditch Inspection Repair List.**

<b>Drainage System/Project</b>	<b>Township</b>	<b>Section</b>	<b>Problem/Work Proposed</b>	<b>Estimated Cost</b>
Clay County Ditch No. 10	Morken	23	Flapgate missing. Install new 15" gate.	\$1,000 - \$1,500
Clay County Ditch No. 39	Flowing	29	Damaged 24" cmp on south slope. Install 6' of 24" cmp and 24" flapgate.	\$2,500 - \$3,000
Wilkin County Ditch No. 13	Deerhorn	14	Damaged 24" cmp. Cut off 8' of culvert, install new 8'x24" cmp.	\$3,000 - \$4,000
Deerhorn Levees	Atherton	24	Install 36" flapgate for Richard Scheffler.	\$2,500 - \$3,000
Pj. 13 – Hay Creek	Skree	25	Repair dam site stage recorder structure.	\$3,500 - \$4,000

**Motion** to authorize repairs as recommended above by Larson, **Seconded** by Affield. **Approved.**

**Projects:**

**City of Wolverton Flood Protection Project Update.** Lyle Hovland expressed concerns about negotiations regarding City of Wolverton Flood Protection Project. Hovland wanted to make sure that the City has adequate flood protection. Mongeau expressed that BRRWD and City of Wolverton should not short-change agreement. Jones noted that engineers are waiting on soil boring data to help inform levee design.

Board of Managers entered into Executive Session to discuss Wilkin County Ditch No. 6A Redetermination of Benefits Appeal and City of Wolverton Flood Protection Project Update with Attorney Tami Norgard.

**Wilkin County Ditch No. 6A. Redetermination of Benefits Appeal.** Norgard provided Board of Managers update on Appeal submitted by The Nature Conservancy.

**City of Wolverton Flood Protection Project Update.** Altrichter provided Board of Managers update on discussions with City of Wolverton and Metro Flood Diversion Authority (MFDA) regarding the Wolverton Project. Norgard discussed agreements for project development.

**Project 79 – Wolverton Creek Restoration & Project 80 – Whiskey Creek Enhancement. Installation of Flared End Sections in County ROW.** Wilkin County requires flared ends to be installed on culverts in County ROW in Wolverton Creek and Whiskey Creek project areas. County is willing to complete work at standard rates. **Motion** to authorize Wilkin County Highway Department to install flared ends on culverts in County ROW in Wolverton Creek and Whiskey Creek project areas by Larson, **Seconded** by Affield. **Approved.**

**Project 80 – Stony Creek Restoration. Project Update.** Jones has been working with Board of Water and Soil Resources (BWSR) staff for program options for land acquisition along Stony Creek. Jones hopes to present options to Board of Managers at their December 12, 2022 Meeting. Altrichter and Jones met with landowner David Leach regarding property acquisition. He may be interested in project acquiring his entire parcel in project area.

**Project 82 – Glyndon East Tributary Restoration. Award Bid. Motion** to award bid to apparent lowest bidder, States Borders Construction Inc., for \$1,105,498.00 by Larson, **Seconded** by J. Hanson. **Approved.**

**Upper South Branch Buffalo River Restoration. Pay Estimate No. 2. Motion** to authorize payment of \$301,658.25 to Minnesota Native Landscapes, Inc by J. Hanson, **Seconded** by Affield. **Approved.** Uhler noted that contractor has ceased construction for the year and will resume in Spring 2023.

**Silver Lake Outlet Modification. Project Update.** Altrichter, Uhler, and Minnesota Department of Natural Resources (DNR) staff met with landowner Bill Johnson regarding Silver Lake Outlet Modification. Johnson supports project but would like project to be completed already. Uhler noted that project is ready to move forward, however, BRRWD is waiting on final 10 percent of funding. Johnson requested BRRWD or DNR maintain channel on property beyond existing DNR easement. DNR has declined. Uhler recommended BRRWD not acquire permanent easement for channel maintenance because BRRWD is a partner with DNR on project, however, DNR hold the easement over Silver Lake outlet structure and will be responsible for future maintenance. Uhler noted that Johnson currently has to maintain channel on property. **Motion** to not acquire permanent easement for maintenance of channel beyond Silver Lake outlet structure by Larson, **Seconded** by J. Hanson. **Approved.**

**Ganz Dam Removal.** Jones noted that Ganz Dam is in disrepair, does not have a current use, and is a fish barrier in the Buffalo River. Entire structure is within BNSF Railway ROW. In past, BNSF Railway has not been supportive of removing structure. Now, BNSF Railway is open to Ganz Dam removal. DNR would like to move forward with BRRWD as a partner. BRRWD would provide technical assistance and DNR would fund survey, site review, design, and construction. Jones has been coordinating with Amanda Hillman, DNR, who has funds available for survey, site review, and design so BRRWD can develop plans to submit for BNSF Railway review. DNR will then start looking for funds for construction. **Motion** to authorize Altrichter to sign funding agreement with DNR subject to all funding coming from DNR by Krabbenhoft, **Seconded** by J. Hanson. **Approved.**

**Other:**

**Consent Agenda.** Altrichter provided Board of Managers with a sample consent agenda. Norgard noted that consent agenda can be used as long as Managers have access to review information prior to Board Meeting. If a Board Manager would like to discuss an item on the consent agenda, they can request an item be removed for discussion. Altrichter noted that BRRWD agenda would have Citizen to be Heard section ahead of the consent agenda in the event that their testimony would compel a Board Manager to remove an item for further discussion. **Motion** to approve resolution to utilize a consent agenda starting in January 2023 by Affield, **Seconded** by Krabbenhoft. **Approved.**

**Permit Database Update.** Uhler presented proposal from HEI regarding updating BRRWD Permit Database. Current system was developed in 2012 and is not compatible with mobile technology. HEI Information Technology (IT) staff recommended BRRWD replace with new system. Estimated cost for implementation is \$15,000.00 with an annual subscription fee of \$3,000.00. Implementation would include new permit system, data migration, implementation of permit form, ability for landowners to upload plans directly to application, and 2 custom reports (application and approved permit). Annual subscription fee would include hosting in the cloud, technical support, onboarding training (1 virtual meeting), program enhancements, and upgrades. Goal of update will be to provide a more streamlined process for landowners and staff. **Motion** to update permit database with HEI proposal as presented by Larson, **Seconded** by Affield. **Approved.**

**Citizen Advisory Committee (CAC). 2023 Appointment.** Altrichter noted that Board of Managers will appoint CAC members at their annual meeting January 9, 2023. Altrichter provided a list of current members and statutory requirements for CAC members. Board of Managers will need to add a SWCD representative for Becker County and Otter Tail County.

**Minnesota Association of Watershed Districts (MAWD) Annual Conference. Appoint Delegates and Alternates.** **Motion** to appoint J. Hanson and Affield to be Delegates at the MAWD Annual Conference and Fjestad to be the Alternate by Larson, **Seconded** by Krabbenhoft. **Approved.**

**Bills. Motion** to approve bills totaling \$615,213.28 by Affield, **Seconded** by J. Hanson. **Approved.**

Krabbenhoft was elected to Clay County Board of Commissioners and announced that this would be his last BRRWD Board Meeting.

Van Amburg requested Board Packets be sent as a single document verses one page Board Packet with links. After discussion it was determined that a majority of the Board of Managers utilize and prefer current Board Packet with links.

**Next Regular Meeting.** Monday December 12, 2022, at 7:00 PM in the Barnesville office. Agenda will be posted on BRRWD's website prior to meeting.

President Fjestad adjourned meeting at 9:34 PM.

/s/ John Hanson

Secretary