



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

Board Meeting Minutes

Monday July 10, 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: Peter Lewis; Judy Lewis; Tim Lewis; Wylie Lewis; Alex Hanson; Steven Thompson; Rylee Anderson; Chuck Anderson; Philip Rogers; Mark Dohn; Shirley Peterson; Curtis Jalbert; Logan Lewis; Haley Lewis; Michael Dohn; Tim Aakre; Paul Krabbenhoft, Clay County Commissioner.

President Fjestad called meeting to order at 7:04 PM.

Agenda: Additions to agenda Project 79 – Wolverton Creek Water Management District (wmd) Update; Minnesota Watersheds Resolutions and Board Training Survey; South Branch Buffalo River Watershed Clean Water Fund (CWF) Phase 2 Application. **Motion** to approve agenda with additions by Davis, **Seconded** by Larson. **Approved.**

Citizens to be Heard:

Chuck Anderson. Anderson farms approximately 1,000 acres in the Stony Creek watershed. He supports the Stony Creek Restoration project. Anderson stated that landowners and BRRWD have been working on developing the project for a long time. Stony Creek has a lot of breakout flows and he has seen success of the Whisky Creek Project.

Philip Rogers. Rogers stated that BRRWD began working with landowner about 6 years ago. Project at that time included restoration and large impoundment site. Rogers noted that last year BRRWD decided to move forward with project to clean ditch (Clay County Ditch No. 31) and restore channel. Rogers farms 500 acres affected by project. He stated breakout flows would continue if project is not completed. Rogers supported the project.

Michael Dohn. Dohn noted that since the Hearing on June 26, 2023, he spoke with Uhler about a reduced easement boundary and keeping trees on his land not needed for construction. Dohn stated that as long as project follows those discussions he supported the project. Uhler noted that the original easement presented at the Hearing was approximately 13 acres. Proposal to the Board of Managers has been scaled back to approximately 6.8 acres. This reduced easement covers the minimum easement required to satisfy buffer requirements and allow for construction and maintenance of the Project. Dohn and Uhler also discussed tree removal. Uhler will work with Dohn to only remove trees that need to be removed for project construction. The original proposed easement presented at the Hearing would be required for construction. The area outside the 6.8 permanent easement would need to be acquired as a temporary easement for construction. Temporary construction easement rates are \$250.00/acre with a minimum payment of \$500.00. Uhler recommended the Board of Managers approve an amended damages statement with the reduced permanent easement of ± 6.8 acres and a temporary construction easement ± 1.83 acres. Uhler also noted that Dohn discussed road wash out on north side of property. He noted that project likely will not change these conditions. A storage site in the future could address these concerns. Uhler noted that for smaller rain events the road should not washout, but may washout at a 10-year rain event.

Peter Lewis. Lewis noted he owns approximately 100 acres that will be acquired in permanent easements. Lewis sees value in project even though he is giving up a significant amount of farmland.

Project No. 80 – Stony Creek Restoration. Approve Amended wmd, Amended Damage Statement, and Findings and Order. Altrichter recommended Board of Managers approve amended wmd to include operation and maintenance of the Hay Creek Detention, Spring Creek Detention, and Stony Creek Detention as features of the wmd. Uhler recommended Board of Managers amend the Damage Statement to reflect changes to the Dohn property. **Motion** to approve the amended wmd, amended Damages Statement, and Findings and Order as presented, by Larson, **Seconded** by Davis. **Approved.**

Board of Managers discussed letting project for bid. If Board receives no appeals, they could award a contract in August. This would allow construction to begin in 2023. Rogers noted that landowners did not plant their proposed easement areas in 2023, so he recommended Board of Mangers move forward with bidding process. **Motion** to authorize advertising bid by M. Hanson, **Seconded** by Van Amburg. **Approved.**

Consent Agenda: Motion to approve consent agenda items:

June 12, 2023 Board Meeting Minutes

June 26, 2023 Stony Creek Hearing Minutes

Financial Report

Permits Nos.:

23-029, City of Glyndon c/o Kris Carlson – utility and street improvement

23-030, Keith Faus – installation of water and sediment control basin (WASCOB)

23-031, Robert Mattson – installation of WASCOB

23-032, John Steffl – installation of WASCOB

23-033, Roger Winter – installation of WASCOB

23-034, Shawn Kologi – installation of WASCOB

23-035, TJ Schauer – installation of WASCOB

23-036, John and Mike Schouviller – installation of WASCOB

23-037, Todd Schauer – installation of WASCOB

Project 82 – Glyndon East Tributary, Pay Estimate No. 2 for \$165,300.00

South Branch Buffalo River Restoration, Pay Estimate No. 4 for \$28,167.50 by Affield **Seconded** by J. Hanson.

Approved.

Permits for Discussion:

Permit No. 23-038. Todd Klein. Applicant proposing to pattern tile NW ¼ Section 9, Nilsen Township, Wilkin County. Natural flow path of water remains unchanged. Proposed tile outlets into Wilkin County Ditch No. 34, which is an adequate outlet. Property is included in benefit areas for Wilkin County Ditch No. 34. Uhler recommended approval subject to standard tile conditions and approval from Township to work in road right-of-way (ROW).

Permit No. 23-039. Todd Klein. Applicant proposing to pattern tile E ½ Section 12, Nilsen Township, Wilkin County. Natural flow path of water remains unchanged. Proposed tile outlets into Wilkin County Ditch No. 15, which is an adequate outlet. Property is included in benefit areas for Wilkin County Ditch No. 15. Uhler recommended approval subject to standard tile conditions and approval from Township to work in road ROW.

Motion to approve Permit Nos. 23-038 and 23-039 with conditions outlined above by Larson, **Seconded** by J. Hanson.

Approved.

Metro Flood Diversion Authority (MFDA). Permit No. 19-003 Amendment. BRRWD attorney, Tami Norgard, Vogel Law Firm, informed BRRWD staff that MFDA requested an amendment to BRRWD Permit No. 19-003. Permit conditions required MFDA to secure all property rights before construction can begin. MFDA specifically requested to proceed with the levee around Claire cemetery and road raises associated with the southern alignment of project. Currently, the Cemetery Association is in favor of the plan. Jones noted that subprojects could improve drainage. Jones recommended Board amend Permit No. 19-003 to allow for construction of subprojects if all land rights for those projects are obtained, however, the overall project cannot be operated until all land rights have been obtained. Jones also noted that all plans have to be submitted and reviewed by BRRWD before construction can proceed, as noted in the permit conditions. **Motion** to amend Permit No. 19-003 to allow features where all land rights have been obtained to be constructed as long as the overall project is not operated until all land rights for the overall project have been obtained by Van Amburg, **Seconded** by Larson.

Approved.

Projects:

Project No. 46 – Turtle Lake Outlet. Repair Recommendation. During spring operation of siphon system it was noted that gauge had unusual readings and lackluster flows as Long Lake reached drawdown elevations. Investigation determined that inlet structure has shifted and is now up against the end of the siphon pipe, restricting flow. Repair would require contractor to push structure into place with excavator. System will not be operational until repair is made. Repair is estimated to cost \$2,500.00 to \$3,500.00. **Motion** to repair outlet as presented, by J. Hanson, **Seconded** by Affield.

Approved.

Project No. 79 – Wolverton Creek Restoration. Drone Flight of Completed Project. Construction of Wolverton Creek was completed in 2020. Now that vegetation is well established, HEI can complete a drone flight. Video and photos from flight can be used on the website, at conference and other events, and show project success when promoting other stream restoration projects. Imagery can also be used to identify maintenance needs. Drone flight and image processing will cost \$5,000.00. **Motion** to authorize HEI to complete drone flight of Wolverton Creek Restoration as presented, by Van Amburg, **Seconded** by Larson. **Approved.**

Project No. 79 – Wolverton Creek Restoration. Wmd Update. Altrichter noted that Order to establish Project 79 – Wolverton Creek Restoration established a wmd in effect for 10 years from the date of the Order. BRRWD first assessed Project 79 in 2018. Since then, BRRWD has established perpetual wmds on other projects to account for long term maintenance. It was recommended that Board of Managers hold a hearing to establish a perpetual wmd. Currently, there is \$974,378.30 in the Project 79 account. There are \$161,849.47 remaining in permanent easement payments and around \$60,000.00 of additional known upcoming expenses. If the Board holds a Hearing and approves an Order for a perpetual wmd before December 15, 2023, BRRWD could remove the Wolverton Creek Assessment for 2024. Since this system has not required much maintenance since construction was completed in 2020, Board of Managers could potential turn off assessment or reduce the assessment for a few years. **Motion** to authorize staff to schedule hearing to amend wmd as presented, by Larson, **Seconded** by J. Hanson. **Approved.**

Project No. 80 – Stony Creek Restoration. Flood Hazard Mitigation (FHM) Resolution. At the October 11, 2022 Board Meeting, Board of Managers approved resolution to accept \$320,000.00 in FHM funding from Minnesota Department of Natural Resources (DNR) with a 50 percent funding match. These funds are to be used for land acquisition. Due to conversations with landowners that rates did not match market value, Board of Managers hired Natwick Appraisals to determine land values for permanent easements. Total permanent easement payment was higher using this method. BRRWD was able request an additional \$80,000.00 (\$400,000.00 total) from FHM Grant to account for increase. **Motion** to pass resolution to accept additional \$80,000.00 from FHM Grant with a 50 percent match by Larson, **Seconded** by Affield. **Approved.**

Project No. 81 – Whiskey Creek Enhancement Project Phase 1. Approve Change Order No. 3 and Pay Estimate No. 7. **Motion** to approve Change Order No. 3 for \$38,605.75 and Pay Estimate No.7 for \$66,420.46 and close contract with Ehlert Excavating Inc. for Phase 1 by J. Hanson, **Seconded** by Larson. **Approved.**

Hay Creek wmd. Approve Findings and Order. Board of Managers discussed comments from Hearing held July 10, 2023 prior to regular Board Meeting. **Motion** to approve Findings and Order as presented, by Larson, **Seconded** by Davis. **Approved.**

Ditches:

Wilkin County Ditch No. 6A. Repair Recommendation. **Motion** to authorize repair scouring of inlet pipe in SE ¼ Section 7, Meadows Township with an estimated repair cost of \$1,000.00 to \$1,500.00 as presented, by Larson, **Seconded** by M. Hanson. **Approved.**

Wilkin County Ditch No. 22. Approve Contract for Outlet Repair. At the June 12, 2023 Board Meeting, Board of Managers awarded contract for outlet repair to John Riley Construction, Inc. **Motion** to approve contract by Davis, **Seconded** by Affield. **Approved.**

2023 Ditch Spraying. BRRWD has routinely sprayed ditches for trees, leafy spurge, and cattails as part of annual maintenance. Schlauderaff inspected BRRWD ditches and determined which areas are recommended to be sprayed in 2023. **Motion** to authorize spraying these areas as part of annual ditch maintenance by Larson, **Seconded** by Van Amburg. **Approved.**

Viewer Recruitment. At the June 12, 2023 Board Meeting, Board of Managers discussed plan to recruit additional Viewers for drainage projects. Altrichter presented proposed training plan and compensation as well as potential factsheet to distribute to interested individuals. Board of Managers discussed paying Viewers \$35.00 per hour plus mileage at the standard Internal Revenue Service (IRS) rate. Board of Managers discussed working with the Minnesota Drainage Association President to see if he would be willing to work with our Viewers on a project for training purposes. It was also discussed that BRRWD would pay for Viewers to attend Minnesota Drainage Viewers Association Seminars. These seminars are held quarterly. Viewers can become accredited if they attend two seminars per year. Board of Managers also discussed distributing the information to Township Supervisors, SWCD staff and Supervisors, and other interested landowners. **Motion** to approve Viewer compensation at \$35.00 per hour plus mileage at the standard Internal Revenue Service (IRS) rate, paying for Viewers to attend Minnesota Drainage Viewers Association Seminars, and authorize staff to work with Minnesota Drainage Association as presented, by Van Amburg, **Seconded** by Larson. **Approved.**

Other:

Flood Management Policy. Board of Managers discussed potential Flood Management Policy and Outreach Plan at their June 12, 2023 Board Meeting. Altrichter presented updated policy and outreach plan based on previous discussion. Flood Management Policy states that BRRWD staff will be available to landowners during the hours of 6:30 AM and 7:00 PM Monday through Friday during flood events. BRRWD staff will aid in removing snow and ice from blocked public drainage systems and BRRWD projects and their culverts to alleviate flooding of dwellings. Flood Management Policy outlines that public drainage systems established under MN Statute 103E and BRRWD Project established under MN Statute 103D are designed for summer rain events and not spring melt. As such, during this time, these drainageways often do not function to design standards. BRRWD is only able to address concerns if they are notified of an issue, contractors are available, and if area is accessible. Policy also outlined items BRRWD would not be responsible for such as protection of agricultural land, protection of structures beyond dwellings unless resources are available, providing pumps to landowners, and reimbursement for flood damage to properties. Outreach plan included publishing information in Barnesville Record Review, posting on website and social media page, and sending letters to landowners who frequently contact BRRWD during flood events. BRRWD would follow same steps prior to spring flooding in 2024 and subsequent years. Approved policy will be posted on www.brrwd.org. **Motion** to accept Flood Management Policy as presented, by Affield, **Seconded** by J. Hanson. **Approved.**

2024 Budget Hearing. Set Time and Date. Altrichter presented draft budget documents to be reviewed at the 2024 Budget Hearing. **Motion** to set 2024 Budget Hearing for 7:00 PM on Monday August 14, 2023 at the BRRWD Office by J. Hanson, **Seconded** by Affield. **Approved.**

State Holiday Update. During the 2023 Legislative Session, Juneteenth (June 19th) was added as a State Holiday, effective February 3, 2023. Per Minnesota Statute 645.44 Subd. 5 “No public business shall be transacted on any holiday, except in cases of necessity and except in cases of public business transacted by the legislature, nor shall any civil process be served thereon.” As such, BRRWD offices were closed June 19, 2023 and Juneteenth will be added to the list of Holidays for Board of Managers and staff. **Motion** to accept Juneteenth as a Holiday by Davis, **Seconded** by J. Hanson. **Approved.** Board of Managers also discussed if BRRWD office should be closed the day before or after a Holiday if the Holiday falls on a Tuesday or Thursday, (for example Independence Day Holiday in 2023 was a Tuesday, so Board discussed option to close office on Monday). Board of Managers determined that Administrator could bring these situations to the Board on a case-by-case basis.

Minnesota Watersheds. Summer Tour, Board Training Survey, and Resolutions. Fjestad, J. Hanson, Altrichter, and Jones attending Summer Tour in Albert Lea. A recap of tour sites was provided. Altrichter noted that Minnesota Watersheds is investigating ways to improve services they provide to watershed districts across Minnesota. Minnesota Watersheds is reviewing data from a survey of how they can improve. Minnesota Watersheds requested managers complete survey on additional training opportunities they would like provided. Altrichter stated that Minnesota Watersheds is beginning to accept resolutions for 2024 legislative efforts. If Board of Managers would like to submit a resolution, they should contact Altrichter before the August 14, 2023 Board Meeting.

South Branch Buffalo River Watershed CWF Phase 2 Application. BRRWD received a CWF grant for upland practices in South Branch Buffalo River watershed in partnership with Wilkin SWCD and West Otter Tail SWCD. Wilkin SWCD has been able to allocate the funding to landowner projects in the watershed. Wilkin SWCD and West Otter Tail SWCD have additional landowners interested in upland practices. Uhler asked Board of Managers if they would be interested in submitting an application for Phase 2 to assist in funding additional work in the watershed. Uhler stated an application would be drafted for Board review at the August 14, 2023 Board Meeting. **Motion** to authorize HEI to draft an application for a CWF application for Phase 2 for the South Branch Buffalo River watershed by Van Amburg, **Seconded** by Larson. **Approved.**

Bills. Motion to approve bills totaling \$529,671.96 by M. Hanson, **Seconded** by Affield. **Approved.**

Manager Appointments. M. Hanson noted he would not be submitting his name for reappointment to the BRRWD Board.

Next Regular Meeting. Monday August 14, 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 8:30 PM.

/s/ John E. Hanson

John Hanson
Secretary