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www.brrwd.org

## Board Meeting Minutes

Monday March 23, 2023

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

**Managers Absent:** John Hanson.

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

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

**Others Attending:** Paul Krabbenhoft, Clay County Commissioner.

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

**Agenda:** Additions to agenda Buffalo River Watershed Culvert Funding from Department of Natural Resources (DNR); Stony Creek Restoration Flood Hazard Mitigation (FHM) Funding; South Branch Buffalo River Restoration Legislative Efforts; Citizen Advisory Committee (CAC) Follow-up; Minnesota Watersheds Drainage Workgroup (DWG) Membership; Moorhead Clay County Joint Powers Agreement (MCCJPA) Update. **Motion** to approve agenda with additions by Affield, **Seconded** by Davis. AYE – Fjestad, Affield, Larson, Van Amburg, M. Hanson, Davis. **Approved.**

**Consent Agenda: Motion** to approve consent agenda items: February 13, 2023 Board Meeting Minutes; February 13, 2023 Clay County Ditch Nos. 17 and 54 Draft Hearing Minutes; Financial Report; and Permit No. 20-010 – Cary Danielson, Pattern Tile by Affield **Seconded** by Van Amburg. AYE – Fjestad, Affield, Larson, Van Amburg, M. Hanson, Davis. **Approved.**

### **Permits:**

**Permit No. 23-011. Kenneth Just.** Applicant proposing to pattern tile E ½ of SE ¼, 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. Applicant received permission from neighbor (Steve Thompson, Whiskey Creek Supply LLP) to connect to tile for proposed project approved under Permit No. 23-001. Uhler recommended approval subject to standard tile conditions and approval from County to work in road right-of-way (ROW).

**Motion** to approve Permit Nos. 23-011 with conditions outlined above by Larson, **Seconded** by Davis. AYE – Fjestad, Affield, Larson, Van Amburg, M. Hanson, Davis. **Approved.**

### **Projects:**

**Project 49 – Oakport Flood Mitigation Project. Trespassing Follow-up.** At the February 13, 2023 Board Meeting, staff notified Board of Managers that a landowner at Oakport Flood Mitigation site had notified BRRWD staff that an individual was harvesting trees on BRRWD property. Board of Managers directed staff to contact Moorhead Police Department (PD) and determine who they spoke to about the harvesting and what BRRWD could do to prevent future harvesting. Moorhead PD stated that they asked the individual to leave. BRRWD could file a Trespass Notice, which would ban the individual from accessing BRRWD property. Criminal charges could be pursued if individual is on BRRWD within one year. Board of Managers decided to not file a Trespass Notice.

**Project 80 – Stony Creek Restoration. Accept Engineer’s Report and Findings of Fact. Motion** to accept submitted Engineer’s Report and Findings of Fact for Clay County Ditch No. 31 for the Project 80 – Stony Creek Restoration by Affield, **Seconded** by M. Hanson. AYE – Fjestad, Affield, Larson, Van Amburg, M. Hanson, Davis. **Approved.**

**Project 80 – Stony Creek Restoration. Motion** to authorize HEI to stake the proposed easement areas before spring planting if project is proposed to move forward before harvest 2024 by Larson, **Seconded** by Davis. AYE – Fjestad, Affield, Larson, Van Amburg, M. Hanson, Davis. **Approved.**

**Project 80 – Stony Creek Restoration. FHM Funding.** Pat Lynch, DNR FHM Grant Program Manager, contacted Jones about potential additional funding for Stony Creek Restoration. Lynch anticipated up to \$2 million could be available. Jones noted that BRRWD could use some additional funding for land acquisition, depending on appraisal values. There may be landowners along the channel that are interested in enrolling more land into easements for project. This could provide some flood storage and increase natural resource enhancement benefits. BRRWD staff are currently contacting landowners to determine interest.

**Project 82 – Glyndon East Tributary Restoration. Approve Permit Contract for BNSF. Motion** to approve permit contract with BNSF and BNSF Railroad Protective Policy for insurance by Larson, **Seconded** by Van Amburg. AYE – Fjestad, Affield, Larson, Van Amburg, M. Hanson, Davis. **Approved.**

**Buffalo River Watershed Culvert Funding from DNR.** DNR received grant to eliminate inadequate/perched culverts in Buffalo River Watershed. Jones discussed option to utilize funds to replace culverts that will need to be replaced with the Upper Buffalo River Restoration Project. DNR could provide up to \$500,000.00 with no match required. **Motion** to work with DNR to acquire funding to replace culverts associated with Upper Buffalo River Restoration by Larson, **Seconded** by Davis. AYE – Fjestad, Affield, Larson, Van Amburg, M. Hanson, Davis. **Approved.**

**Ditches:**

**Clay County Ditch Nos. 17 and 54. Authorize Buffer Staking. Motion** to authorize buffer staking by Van Amburg, **Seconded** by Affield. AYE – Fjestad, Affield, Larson, Van Amburg, M. Hanson, Davis. **Approved.**

**Other:**

**Clay County Flood Insurance Study Request.** In 2017, BRRWD entered into a 50/50 cost-share agreement with Clay County to update Flood Insurance Map northwest of Glyndon. Clay County contracted with HEI to work with Federal Emergency Management Agency (FEMA) to develop map. Original contract was for \$78,000 (BRRWD paid \$39,000). In 2018, Clay County asked for an additional \$29,902 (BRRWD paid \$14,951.00) and in 2020 Clay County asked for an additional \$37,268.74 (BRRWD paid \$18,634.37). Clay County is now asking for an additional \$35,000 (BRRWD to pay \$17,500). It is anticipated that this will be the final request. The report is almost complete. **Motion** to contribute \$17,500 to Clay County Flood Insurance Study as requested by Clay County by Van Amburg, **Seconded** by Davis. AYE – Fjestad, Affield, Larson, Van Amburg, M. Hanson, Davis. **Approved.**

**Legislative Efforts. South Branch Buffalo River.** Representatives Backer and Joy introduced bill for the design for South Branch Buffalo River Restoration, which was referred to the Committee on Capital Investment. Senator Rasmusson introduced a companion bill, which was also referred to the Committee on Capital Investment. The committee hearing for the Senate bill is scheduled for March 14, 2023. Uhler will attend on behalf of BRRWD.

**CAC Meeting Follow-up.** Board of Managers held 2023 CAC meeting on March 9, 2023. Board of Managers discussed feedback from closed discussion. Board of Managers decided to have the CAC portion of the meeting be open in the future. CAC noted that they would like BRRWD to host Fall Tour. Altrichter recommended Board of Managers form subcommittee to help plan and coordinate meeting. Board of Managers will select date and appoint committee members at the April 10, 2023 Board Meeting.

**Minnesota Watersheds DWG Membership.** Minnesota Watersheds is looking for feedback from watershed district drainage authorities on membership in the DWG. In 2022, legislation for a drainage registry portal was introduced without being brought to the DWG and legislation did not pass. In 2023, DWG discussed portal, but did not reach a consensus. Legislation was introduced, bill received hearing in House Environment and Natural Resources Finance and Policy Committee and was laid over for possible inclusion in an omnibus bill. Board of Managers determined that it was beneficial for Minnesota Watersheds to continue membership in DWG.

**MCCJPA Update.** Van Amburg provided an update on discussions MCCJPA have had regarding buyouts for the Metro Flood Diversion Project (Diversion). Minnesota is expected to pay for a portion of the costs. Clay County proposed asking the legislature to approve \$36 million for Clay County for the Diversion. City of Moorhead already submitted request for \$24 million for flood protection. Clay County will be clear in their require that City of Moorhead will receive their allocation before Clay County, if an allocation is given jointly to City of Moorhead and Clay County.

**Bills. Motion** to approve bills totaling \$315,636.76 and Manager Vouchers totaling \$5,980.61 by Affield, **Seconded** by Larson. AYE – Fjestad, Affield, Larson, Van Amburg, M. Hanson, Davis. **Approved.**

**Next Regular Meeting.** Monday April 10, 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 8:09 PM.

/s/ John Hanson  
Secretary