



Board Meeting Minutes

Monday July 11, 2022

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

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: Stacy Salvevold, United States Fish and Wildlife Service (USFWS); Colby Palmersheim, Otter Tail County; Wayne Lepper; Philip Rogers; Jeff Braton.

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

Agenda: Addition to agenda Clean Water Fund (CWF) grant application. **Motion** to approve agenda with addition by J. Hanson, **Seconded** by Van Amburg. **Approved.**

Secretary's Report: **Motion** to approve June 13, 2022 Board Meeting Minutes with minor corrections by Affield, **Seconded** by Larson. **Approved.**

Treasurer's Report: Account balance was \$4,003,958.69. Income received since June 13, 2022, totals \$778,970.23, and for the year, totals \$2,328,728.04. \$759,221.70 was collected from account receivables this month. **Motion** to approve Treasurer's Report by J. Hanson, **Seconded** by Krabbenhoft. **Approved.**

Citizens to be Heard:

Stacy Salvevold, USFWS. Otter Tail County Ditch No. 64, Wetland Restoration Proposal. Salvevold discussed proposal to partner with BRRWD and others to apply for CWF grant to provide funding for restoration of USFWS wetlands and repair Otter Tail County Ditch No. 64. USFWS would provide 25 percent match for CWF grant, Otter Tail County would be fiscal agent, and requested BRRWD be grantee. Application is due August 22, 2022. Board of Managers supported project and discussed if BRRWD should be grantee if they submit other CWF grant applications. Public meeting to determine landowner interest will be held August 1, 2022 in Fergus Falls. Board of Managers will discuss if they should be grantee at their August 8, 2022 Board Meeting. **Motion** to support project to repair Otter Tail County Ditch No. 64 and restore wetlands by Van Amburg, **Seconded** by Larson. **Approved.**

Wayne Lepper. Clay County Ditch No. 16 Ditch Extension and Culvert Recommendation. Lepper discussed concerns brought to Board of Managers at their June 13, 2022 Board Meeting regarding extending Clay County Ditch No. 16 through Section 31, Highland Grove Township to Buffalo River and culvert through 43rd Ave N.

Clay County Ditch No. 16 Ditch Extension. Altrichter noted that staff investigated extending Clay County Ditch No. 16 and found many obstacles. First, channel downstream of Clay County Ditch No. 16 is designated a Minnesota Department of Natural Resources (DNR) Public Water. Second, the USFWS National Wetland Inventory (NWI) identifies a probable wetland complex along the entire channel. A wetland delineation would be required to determine actual extent of wetlands. Any impacts to these wetlands would require mitigation, adding significant expense to project. Third, MN Statute 103E.215 limits extension of ditches to improve outlets to one mile. Clay County Ditch No. 16 would need to be extended approximately three miles to improve the outlet. Fourth, MN Statute 103E.212 allows a majority of landowners to petition for a new ditch. These petitioners would be required to pay all costs of the proceedings if proceedings are dismissed. Under MN Statute 103E.015, Board of Managers acting as the drainage

authority would have to consider environmental impacts of proposed project. Based on review, it appears environmental impacts could prevent project from moving forward. Fifth, MN Statute 103E.221 allows for outlet improvement when an existing drainage system causes an overflow onto downstream properties. This requires 26 percent of landowners adjoining overflowed property to petition to improve outlet. Cost of this is expected to be very expensive and most likely not a cost-effective solution for landowners when including construction, administration, permitting, wetland mitigation, and engineering.

Clay County Ditch No. 16 Culvert Recommendation. Jones noted that culvert sizing for culvert through 43rd Ave N. was investigated in 1999. Currently, there is a 42” corrugated metal pipe (CMP) and discussions have involved upsizing to a 48” CMP. A memo from the 1999 investigation noted that water often overtops 43rd Ave N and a 48” CMP would reduce occurrence of overtopping, but overtopping would continue with regularity. If Highland Grove Township would like to increase culvert size to 48” pipe, it is recommended that they raise the road to provide adequate cover. Existing 42” CMP has approximately 1 ft of cover and it is typically recommended that there is 1.5 ft of cover. **Motion** to provide 50 percent cost-share to replace existing 42” CMP with new 42” CMP by Van Amburg, **Seconded** by Krabbenhoft. **Approved.**

Permits:

Permit No. 22-016. Barnesville Township. Applicant proposing to install culvert through 170th St and to clean approximately 1 mile of ditch in Sections 1 and 2, Barnesville, Township, Clay County. Existing 24” culvert will be replaced with 36” culvert. Proposed work is part of project with Federal Emergency Management Agency (FEMA), with technical support from BRRWD. Uhler recommended approval subject to approval from Minnesota Department of Transportation (MnDOT) to work within the road right-of-way (ROW).

Permit No. 22-038. Tom Arnhalt Farms. Applicant proposing to pattern tile E ½, Section 32, Mitchell Township, Wilkin County. Natural flow path of water remains unchanged and downstream landowner notification received. Uhler recommended approval subject to standard tile conditions and approval from Township to work within road ROW.

Permit No. 22-039. Tom Arnhalt Farms. Applicant proposing to pattern tile SW ¼, Section 21, Mitchell Township, Wilkin County. Natural flow path of water remains unchanged, downstream landowner notification received. Uhler recommended approval subject to standard tile conditions and approval from Township to work within road ROW.

Permit No. 22-042. Ross Aigner. Applicant proposing to install culvert for field approach in NE ¼, Section 7, Mitchell Township, Wilkin County. Proposed approach crosses over Wilkin County Ditch No. 26. Uhler recommended approval of 36” culvert subject to approval from County to work within road ROW.

Permit No. 22-049. Jeff Lavigne. Applicant proposing to pattern tile SW ¼, Section 33, Humbolt Township, Clay County. Natural flow path of water remains unchanged and Philip Rogers, representing downstream landowner, gave verbal approval at meeting. Project in area identified as probable wetlands by NWI. Uhler recommended approval subject to standard tile conditions, approval from Township to work within road ROW, and approval from all entities with jurisdiction over possible wetlands.

Permit No. 22-050. Jeff Lavigne. Applicant proposing to clean ditch and lower two culverts in SE ¼, Section 32 Humbolt Township, Clay County. Philip Rogers, representing downstream landowner, requested BRRWD survey ditch and verify that lowering culverts will not negatively impact downstream drainage. Board of Managers agreed to review culvert elevations. **Tabled.**

Permit No. 22-063. Gary Forsberg. Applicant proposing to replace three culverts in Sections 8, 23, and 28, Parke Township, Clay County. Existing culverts vary in size between 12” and 18”. Applicant would like to install 18” culverts. Uhler recommended approval of installation of 18” culvert in all three locations.

Permit No. 22-067. Adam Schenck, Hawley Township. Applicant proposing installation of culvert approximately 1,600 feet east of intersection of 210th St. and 50th Ave. S in NW ¼, Section 34, Hawley Township, Clay County. Downstream landowner notification received. Uhler recommended approval of installation of 18” culvert.

Permit No. 22-068. Dirk Swanson. Applicant proposing to pattern tile Sections 13 and 24, Kragnes Township, Clay County. Natural flow path of water remains unchanged. Proposed tile has adequate outlet. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-069. Gabe Dretsch, MnDOT. Applicant proposing reconstruction of Highway 9 (Hwy 9) from City of Barnesville to Interstate 94 (I-94) in Section 25, Barnesville Township, Clay County. Proposed project does not adversely impact drainage. Uhler recommended approval.

Permit No. 22-071. Joe Prosby. Applicant proposing to pattern tile Section 23, Morken Township, Clay County. Natural flow path of water remains unchanged. Proposed tile outlets into Clay County Ditch No. 10, which is an adequate outlet. Property is included in the benefit area for Clay County Ditch No. 10. Uhler recommended approval subject to standard tile conditions.

Permit No. 22-072. Troy Larson. Applicant proposing to install two field approaches in Section 36, Tanberg Township, Wilkin County. It was determined that north location does not need a culvert and an 18" CMP will be installed in the south location. Uhler recommended approval subject to approval from County to work within road ROW.

Permit No. 22-073. Tom Cianci. Applicant proposing installation of field approach in Section 16, Skree Township, Clay County. Uhler recommended approval of 18" culvert subject to approval from Township to work within road ROW.

Permit No. 22-074. Shawn Norman. Applicant proposing to install pattern tile in W ½, Section 13, Manston Township, Wilkin County. Natural flow path of water remains unchanged. Proposed tile outlets into Wilkin County ditch No. 44, which is an adequate outlet. Property is included in the benefit area for Wilkin County Ditch No. 44. Uhler recommended approval subject to standard tile conditions and approval from Township to work within road ROW.

Permit No. 22-078. Richard Scheffler. Applicant proposing to install pattern tile in W ½, Section 24, Atherton Township, Wilkin County. Proposed tile generally follows natural flow path. Tile is split due to existing pipeline running through parcel. North section will outlet into Wilkin County Ditch No. 22 and is included in the benefit area. South section will outlet into Deerhorn Creek. Both systems are adequate outlets. Uhler recommended approval subject to standard tile conditions and approval from County to work within road ROW.

Permit No. 22-079. Eric Larson, City of Rothsay. Applicant proposing to install culvert in NW ¼, Section 31, Trondhjem Township, Otter Tail County. Uhler recommended approval.

Motion to approve Permit Nos. 22-016, 22-038, 22-039, 22-042, 22-049, 22-050, 33-063, 22-067, 22-068, 22-069, 22-071, 22-072, 22-073, 22-074, 22-078, 22-079 with conditions outlined above by Larson, **Seconded** by J. Hanson. **Approved.**

Ditches:

Clay County Ditch No. 31. Accept Petition and Set Hearing. Motion to accept petition submitted by Philip Rogers to use Clay County Ditch No. 31 as an outlet and set hearing for Monday August 8, 2022 at 6:30 PM at the watershed office in Barnesville by J. Hanson, **Seconded** by Krabbenhoft. **Approved.**

Wilkin County Ditch No. 13. Hydraulic Analysis for New Structure. During the June 13, 2022 Board Meeting, Jay Nord requested BRRWD support the Township in their effort to replace a Wilkin County Ditch No. 13 crossing for field access. Wilkin County Highway Department agreed to complete survey work and design plans for replacement so Township can apply for funding. Wilkin County Highway Department needs a hydraulic study to complete the design work. **Motion** to authorize HEI to complete hydraulic study for replacement structure by Larson, **Seconded** by Affield. **Approved.**

Wilkin County Ditch No. 6A. Redetermination of Benefits. Accept Viewers' Report and Set Hearing. Motion to accept Viewers' Report dated July 11, 2022 and set hearing for Monday August 22, 2022 at 6:00 PM at the watershed office in Barnesville by J. Hanson, **Seconded** by Krabbenhoft. **Approved.**

Wilkin County Ditch No. 29. Repair Recommendation. Mark Miller, landowner in Section 28, Roberts Township requested repair of road ditch outletting into Wilkin County Ditch No. 29. Miller requested a side inlet culvert be installed

to stabilize ditch and prevent future headcutting. Uhler recommended installation of 18” culvert with riprap at upstream and downstream side of culvert. Repair estimated to cost \$7,000 to \$8,000. **Motion** to authorize repair by Larson, **Seconded** by Krabbenhoft. **Approved.**

Buffer Establishment. Discuss Next Steps. In 2020 and 2021, Board of Managers held Hearings to acquire ROW and establish vegetated buffers for Clay County. Since then, multiple attempts have made to seed these acquired buffers. There are still 20 acres of buffer that have not been seeded because landowners have planted within staked buffer area. **Motion** to send letters notifying landowners that the final attempt to seed buffers will occur in Spring 2023 and if landowners fail to stay out of the buffer area they will be responsible for establishing buffers and those that fail to establish buffers will be subject to enforcement per the buffer law by Krabbenhoft, **Seconded** by Larson. **Approved.**

Weed Spraying Ditch Systems. Motion to contract spot spraying of cattails, leafy spurge, and trees in ditches by J. Hanson, **Seconded** by M. Hanson. **Approved.**

CWF Grant Application. BRRWD currently has three CWF grants for Whiskey Creek Enhancement Project, South Branch Buffalo River Restoration, and South Branch Buffalo River Watershed. There are a number of Clay County Ditches including Clay County Ditch Nos. 41, 36, 39, 65, and 2, that could utilize these funds to repair the outlets. **Motion** to authorize HEI and BRRWD staff to develop CWF application for Clay County Ditch outlet repairs by Krabbenhoft, **Seconded** by M. Hanson. **Approved.**

Projects:

Project 49 – Oakport Flood Mitigation. Transfer Update. BRRWD staff, attorney Tami Norgard, City of Moorhead staff have finalized a transfer agreement document. Prior to signing agreement, City of Moorhead requested final inspection of project area. Wade Opsahl (HEI), meet with City staff for inspections. During inspections approximately 6 possible easement encroachments were identified. City of Moorhead requested BRRWD determine comprehensive list of easement encroachments. Once these have been identified City of Moorhead will notify BRRWD of how to proceed with enforcement.

Wolverton Creek Outlet Repair. Final Pay Request. Motion to approve Final Pay Request from Lafreniere Construction, LLC for \$7,161.17 by Affield, **Seconded** by J. Hanson. **Approved.**

South Branch Buffalo River Restoration. Approve and Sign Contract. Motion to authorize Fjestad to sign contract with Minnesota Native Landscapes, Inc. for the construction of Phase 1 South Branch Buffalo River Restoration by Van Amburg, **Seconded** by Krabbenhoft. **Approved.**

Other:

Budget Hearing Discussion. Board of Managers received and reviewed draft documents for the 2023 Budget Hearing. **Motion** to hold 2023 Budget Hearing on August 8, 2022 at 7:00PM at the watershed office in Barnesville by J. Hanson, **Seconded** by Affield.

Minnesota Association of Watershed Districts (MAWD) Resolutions. Board of Managers discussed request for resolutions.

North Dakota State University (NDSU), United States Department of Agriculture (USDA) Vegetated Buffer Strip Project Proposal. NDSU researchers requested BRRWD’s support in researching the impacts of buffers in Minnesota and North Dakota. They would like to focus their study in Minnesota on BRRWD. Altrichter directed them to contact Soil and Water Conservation Districts for information on landowners that may be interested. Board of Managers discussed BRRWD involvement and determined BRRWD staff could work with them in an outreach capacity.

Bills. Motion to approve bills totaling \$354,490.11 by J. Hanson, **Seconded** by Affield. **Approved.**

Next Regular Meeting. Monday August 8, 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 9:16 PM

/s/ John Hanson
John Hanson
Secretary