



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

Board Meeting Minutes

Monday October 9, 2023

Managers Present: Peter Fjestad; Catherine Affield; John Hanson; William Davis; Curtis Stubstad.

Managers Absent: Troy Larson; Gerald Van Amburg (attended remote as citizen).

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; Jenny Mongeau, Clay County Commissioner (remote); William Nichol, William Nichol Excavating, Inc.

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

Agenda: Additions to agenda:

Viewer Training Program;

Water Storage Pilot Program.

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

Citizens to be Heard:

William Nichol, William Nichol Excavating, Inc. Nichol introduced himself to new Board Managers and indicated he was still interested in completing work for BRRWD. Nichol requested notice of bids and upcoming project and ditch repairs.

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

September 11, 2023 Board Meeting Minutes

September 11, 2023 Wolverton Creek Water Management District (wmd) Amendment Hearing Minutes

Financial Report

Permit with conditions including Permit Nos.

23-074, Ross Menholt – tiling, NW ¼, Section 4, Spring Prairie Township, Clay County

23-076, Clay County Highway Department c/o Joey Goeden – bridge replacement over South Branch Buffalo River, SE ¼, Section 16, Glyndon Township, Clay County

23-077, Dan Skolness – tiling, NW ¼, Section 12, Moland Township, Clay County

23-078, Dave Grommesh – tiling, NW ¼, Section 25, Barnesville Township, Clay County

Project No 81- Whiskey Creek Enhancement Phase 3. Pay Estimate No. 2 for \$220,464.60

Project No. 82 – Glyndon East Tributary. Pay Estimate No. 5 for \$95,116.37

South Branch Buffalo River Restoration. Pay Estimate No. 6 for \$3,116.00 by Affield, **Seconded** by Hanson.

Approved.

Projects:

Project No. 79 – Wolverton Creek Restoration. Amend Budget Resolution. Board of Managers held hearing to amend Wolverton Creek Restoration wmd and approved Order on September 11, 2023. At the Hearing, Board of Managers discussed turning off the 2024 assessment. **Motion** to approve amended 2024 budget resolution and authorize Altrichter to transmit to Wilkin in Clay Counties as presented, by Hanson, **Seconded** by Davis. **Approved.**

Project No. 79 – Wolverton Creek Restoration. Repair Recommendation. Wilkin Soil and Water Conservation District (SWCD) has been mowing Wolverton Creek project for vegetation establishment. One parcel in Section 17, Mitchell Township, Wilkin County, where vegetation did not establish was identified. Wilkin SWCD recommended re-seeding area with CP-23 seed mix. Estimated cost is \$65/acre, total estimated cost to re-seed parcel is \$1,000. Wilkin SWCD could re-seed area this fall. **Motion** to authorize repair as presented, by Stubstad, **Seconded** by Affield. **Approved.**

Project No. 81 – Whiskey Creek Restoration. Repair Recommendation. Wilkin SWCD has been mowing Whiskey Creek project area for vegetation establishment. They noted vegetation has not established well in Phase 1. Wilkin SWCD recommended re-seeding upland area with CP-23 seed mix. Estimated cost is \$65/acre, total estimated cost to re-seed Phase 1 is \$4,000. Wilkin SWCD could re-seed upland area this fall. Wilkin SWCD will inspect riparian area in spring 2024 and will provide recommendation for re-seeding if needed. **Motion** to authorize repair as presented, by Hanson, **Seconded** by Affield. **Approved.**

Upper Buffalo River Restoration. Project Update. At the February 14, 2022 Board Meeting, Board of Managers heard a proposal from Ecosystem Investment Partners (EIP) to partner with BRRWD on Upper Buffalo River Restoration. At the August 14, 2023 Board Meeting, Board of Managers gave EIP until October 1, 2023 to determine if they would like to partner with BRRWD on project. EIP has decided to pass on partnership.

Upper Buffalo River Restoration. Land Acquisition Incentives. BRRWD currently has funding through Lessard-Sams Outdoor Heritage Fund (LSOHF) to acquire land through Reinvest in Minnesota (RIM) program. Much of the land required for project is already protected for conservation. It is recommended Board of Managers authorize staff to hire an appraiser to determine land values. It is recommended Board of Managers offer incentive to landowners that utilize RIM program. This will allow BRRWD to maximize grant funding and reduce local costs. Altrichter proposed an incentive of paying landowners that utilize RIM program an extra 20 percent of the RIM rate from BRRWD basic water management account. Landowners that opt out of RIM would receive appraisal value and land will be acquired through the hearing process. **Motion** to approve incentive as proposed, by Davis, **Seconded** by Stubstad. **Approved.** Utilization of RIM program will require assistance from Becker SWCD. Altrichter recommended Board of Managers consider offering conservation marketing funding to Becker SWCD for their effort in land acquisition. BRRWD has used a similar approach on other projects and funds are included in the 2024 Budget. Board of Managers were supportive and requested staff work with Becker SWCD on funding amount.

Upper Buffalo River Restoration. Authorize Permitting. Motion to authorize BRRWD staff and HEI to coordinate project permitting by Davis, **Seconded** by Affield. **Approved.**

Upper Buffalo River Restoration. Informational Meeting. At the August 14, 2023 Board Meeting, Board of Managers scheduled an informational meeting for Monday November 13, 2023 at 5:00 PM. Informational meeting is to discuss project and land acquisition with landowners along the channel and in project area. Board of Managers discussed mailing notice to landowners along the channel in project area; upstream to railroad in Section 18, Callaway Township, Becker County; portion of channel between two project areas in Sections 14 and 15, Riceville Township, Beck County; and downstream of project area through Sections 20 and 29, Riceville Township.

Lower Otter Tail River Restoration. Project Update. BRRWD staff has been working with United States Army Corps of Engineers (USACE) on potential federal funding. USACE could contribute up to \$10 million to project and BRRWD would be responsible for 25 percent cost share and any costs in excess of the federal limit as approved at the October 25, 2021 Board Meeting. BRRWD has \$2.25 million to utilize RIM for land acquisition, which expires December 31, 2026. BRRWD also has \$8.28 million in project funding from Metro Flood Diversion Authority (MFDA), which must be spent by March 2026. Deadlines of existing funding require BRRWD to begin land acquisition. As discussed at the September 11, 2023 Board Meeting BRRWD staff have been working with USACE to determine acceptable land acquisition for project. Altrichter met with USACE staff in September 2023. USACE staff stated BRRWD could not use any conservation funding, including RIM funding as part of the required 25 percent match. During initial funding discussions with USACE, BRRWD and HEI expressed intent to utilize RIM as a portion of the local match. If BRRWD continues to pursue federal funding from USACE, BRRWD will be required to fund a minimum of \$2.5 million. None of the existing secured funding qualifies for local match. It is recommended that Board of Managers no longer pursue funding through USACE. With \$10.53 million (from RIM and MFDA) secured, BRRWD can complete much of the work. If needed BRRWD can pursue other funding sources to complete future phases. **Motion** to proceed with project and no longer pursue USACE funding at this time as recommended, by Davis **Seconded** by Stubstad. **Approved.**

Barnesville Township. Authorize Project Design and Initiation of Environmental Assessment Worksheet (EAW). Uhler provided an overview of project design and previously completed survey. Project was reinitiated by flooding in Section 17, Barnesville Township, Clay County during the 2023 spring flood. An EAW must be completed before project

design can continue. Phase 1 of proposed project extends along Whisky Creek/Clay County Ditch No. 34 from County Road (CR) 21 east of Section 20, Barnesville Township, to CR 2 north of Section 26, Barnesville Township. Phase 2 proposes to restore south tributary of Whisky Creek from Section 10, Alliance Township, Clay County, to Section 31, Barnesville Township along the Clay-Wilkin County line. Due to flooding concerns in this watershed, a storage site could also be included in project design. Uhler discussed completing a single EAW for proposed Phases 1 and 2 of project. **Motion** to authorize development of project design and initiation of EAW for Phase 1 and Phase 2 of proposed project by Stubstad, **Seconded** by Affield. **Approved.**

Ditches:

Drainage Repair Recommendations.

Drainage	Township	Section	Problem/Proposed Work	Estimated Cost
Clay County Ditch No. 11	Kurtz	36	Failing 60" x 50' reinforced concrete pipe (RCP). Replace with 87" x 63" x 50' corrugated metal pipe arch (CMPA).	\$23,000 - \$25,000
	Kurtz	36	Failing 36" x 50' RCP. Replace with 57" x 38" x 50' CMPA.	\$17,500 - \$20,000
Clay County Ditch No. 49	Kragnes	13	Missing flapgate. Install new 24" flapgate.	\$1,500 - \$2,000
Judicial Ditch No. 1	Deerhorn	18	RCP separating at joints. New 42" x 50' corrugated metal pipe (CMP) recommended and minor dirt work.	\$8,000 - \$10,000
	Deerhorn & Wolverton	7 and 12	Channel cleanout due to excess sediment.	\$18,000 - \$20,000
Wilkin County Ditch No. 4	Foxhome	7	Failing 24" x 25' inlet pipe. Replace with 24" x 35' inlet pipe with flapgate and haul in one load of fill.	\$4,000 - \$5,000
Wilkin County Ditch No. 23	Meadows	17	Originally repair #23-022. Replace with 24" x 60' CMP.	\$4,000 - \$5,000
Pj. 54 Whisky Creek	Barnesville	13	Channel cleanout due to excess sediment.	\$2,000 - \$3,000

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

Wilkin County Ditch No. 4. Landowner Concern. Mike Berquist contacted BRRWD regarding diking along Wilkin County Ditch No. 4 in Section 7, Foxhome Township. In 2018, HEI completed survey and determine western spoil bank was higher by 0.1' to 1.5'. Berquist is requesting BRRWD remove excess material on western spoil bank or add material on eastern spoil bank so both sides of the ditch are the same elevation. Jones noted during high water events, water breaks out to the west in Section 6 creating relief. Jones also noted there are some areas along west spoil bank where elevation is the same on both sides of the ditch. During high water events, water will break out of the ditch to the west in these areas. Lowering west spoil bank could result in negative impacts downstream. There is a dwelling a mile to the west that could be protected by existing spoil bank. Raising east spoil bank could also have negative impacts to ditch and could restrict overland flow from the east. Board of Managers requested staff work with landowners to resolve concern.

Tile Outlet 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; 2) be a minimum of 4 feet in height; and 3) be flexible, reflective, fiberglass posts. BRRWD will make every effort to avoid tile lines during construction and maintenance, however, BRRWD is not liable for damage to tile lines in legal ditch right-of-way (ROW) or project easements. Tile Marker Policy shall take effect January 1, 2024. Staff will post notice of policy. **Motion** to approve policy as presented, by Davis, **Seconded** by Affield. **Approved.**

Viewer Training Program. Altrichter presented Viewer Training Program to Board of Managers. Objectives of training program is to provide viewers with: background on Minnesota Drainage Law (MN Statute 103E0, a general knowledge of viewing process, hands-on experience, and access to routine training. BRRWD will utilize Minnesota Drainage Viewers Association quarterly seminars, Association of Minnesota Counties drainage conference, training with Vogel Law Firm on drainage law, and hands-on training with experienced viewers. Altrichter spoke with Joe Jacobs, President of Minnesota Drainage Viewers Association who agreed that Ron Ringquist, Director of Minnesota Drainage Viewers Association would provide a day or two classroom training for viewers. BRRWD Board of Managers will then appoint Jacobs and his Viewing Team to redetermine benefits of one or two ditch systems and BRRWD Viewers will be apprentices on those systems. **Motion** to approve Viewer Training Program as presented, by Stubstad, **Seconded** by Affield. **Approved.**

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 DNR) 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. In September 2023, BRRWD staff and HEI submitted an application behalf of Raquel Green, landowner in SW ¼, Section 36, Alliance Township, Clay County, and her application was approved. Following approval, Green stated she would not proceed with construction unless a larger ring dike were allowed. Uhler reviewed larger plan and determined it was unlikely that larger alignment could be constructed. To determine if option is viable and meets Federal Emergency Management Agency (FEMA) requirements a no-rise analysis is required. FEMA requires applicants to show no impact on water elevations during 100-year flood when placing fill material in floodway. Larger alignment would restrict flow downstream of 180th Ave, which would not accomplish no-rise during a 100-year event. Uhler also cautioned against building large levee near channel. BRRWD staff discussed restrictions and recommendation to Board of Managers with Green. It is recommended that Board of Managers should not sign grant agreement with MN DNR to construct ring dike since Green has stated she will not proceed with construction unless she can construct larger alignment and larger alignment will not meet FEMA requirements. **Motion** to forego signing grant agreement with MN DNR for engineering and construction of ring dike in SW ¼, Section 36, Alliance Township, Clay County as recommended, by Davis **Seconded** by Stubstad. **Approved.**

Water Storage Pilot Program. Altrichter, Jones, and Uhler met with Board of Water and Soil Resources (BWSR) staff to discuss Legislative Citizen Commission on Minnesota Resources (LCCMR) funded water storage project. Project purpose is to develop a framework to prioritize water storage projects strategically throughout the State using existing data and local stakeholder input. Goal is to provide a tool to identify and implement water storage practices on the landscape. BWSR is asking BRRWD to participate in a pilot program to test applicability of the tool. BRRWD and project partners such as SWCDs would participate in up to 6 meetings and identify water storage options. There is no cost share requirement for this pilot project only the time involved. Participating in pilot program could lead to future funding opportunities. **Motion** to participate in water storage pilot program by Stubstad, **Seconded**, by Affield. **Approved.**

Minnesota Watersheds (MW) Annual Conference Registration and Agenda. Minnesota Watersheds is hosting their annual conference November 29 through December 1. Fjestad, Affield, Hanson, and Stubstad will attend.

Bills. Motion to approve bills totaling \$587,067.78 by Hanson, **Seconded** by Affield. **Approved.**

Glyndon East Tributary. Davis asked why contractor hauled excess material from project area. Uhler stated contractor is responsible for removal of excess material. Contractors often spread material within project area or haul to off-site location for disposal. Davis asked if trees would be removed from project area. Uhler stated contractor is working with landowners to burn and bury trees. Davis asked if right-of-way (ROW) would be planted soon. BRRWD staked ROW last year and nothing has been planted. Schlauderaff will follow up on this item.

Next Regular Meeting. Monday November 13, 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 8:40 PM.

/s/ John E. Hanson
John Hanson
Secretary