



## Board Meeting Minutes

Monday November 13, 2023

**Managers Present:** Peter Fjestad; Catherine Affield; John Hanson; Troy Larson; Gerald Van Amburg; William Davis; Curtis Stubstad.

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

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

**Others Attending:** Jenny Mongeau, Clay County Commissioner (remote).

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

**Agenda:** Additions to agenda:

Project 49 – Oakport Flood Mitigation, Landowner Request to Vacate 54<sup>th</sup> AVE N.

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

**Citizens to be Heard:**

No Citizen Comments.

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

October 9, 2023 Board Meeting Minutes

Financial Report

Permits with conditions including Permit Nos.

23-080, Wallace Danielson – wetland restoration, W ½, Section 3, Richwood Township, Becker County

23-081, Chad Johnson – pattern tiling, S ½, Section 36, Moland Township, Clay County

23-082, Tom Herfindahl – pattern tiling, SW ¼, Section 13, Cuba Township, Becker County

23-083, Ethan Mercil – land development, NW ¼, Section 29, Holmesville Township, Becker County

Project No. 80 – Stony Creek Restoration. Pay Estimate No. 1 for \$155,884.07

Project No. 81- Whiskey Creek Enhancement Phase 3. Pay Estimate No. 3 for \$319,458.40

Wilkin County Ditch No. 22 Culvert Repair and Project 79 – Wolverton Creek Restoration Repair. Pay Estimate No. 1 for \$225,444.50 by Affield **Seconded** by Hanson. **Approved.**

**Permits for Discussion:**

No Permits for Discussion.

**Projects:**

**Project No. 39 – Georgetown Levee. Property Transfer to City.** City of Georgetown informed staff of previous discussions with Board of Managers regarding transferring BRRWD land around Georgetown levee from BRRWD to City of Georgetown. Transfer never occurred, but it was the City's understanding that BRRWD would own land and the City would manage it. The City is inquiring if BRRWD would consider transferring land at this time. BRRWD has an agreement with Metro Flood Diversion Authority (MFDA) to complete design and construction of permanent flood protection for City of Georgetown. Board of Managers determined that at this time they are not interested in transferring property due to work associated with constructing permanent flood protection for the City. **Motion** to not pursue transferring land to City of Georgetown at this time by Stubstad, **Seconded** by Larson. **Approved.**

**Project No. 79 – Wolverton Creek Restoration. Subordination Agreement.** As part of the larger MFDA flood diversion project, easements need to be acquired along Wolverton Creek. Easements overlap with BRRWD project easements. MFDA has asked BRRWD to sign subordination agreement stating that BRRWD easement will be subordinate to their easement in areas where BRRWD has yet to obtain an easement. On parcels where BRRWD already has an easement, MFDA will sign subordination agreement. BRRWD attorney, Tami Norgard, Vogel Law Firm, reviewed document and presented no concerns. **Motion** to authorize Altrichter to sign subordination agreement for property described as Exhibit A on subordination agreement between BRRWD and Moorhead-Clay County Joint Powers Authority (MCCJPA) for property owned by Robert Klein and Paul Klein by Affield, **Seconded** by Davis. **Approved.**

**Project No. 81 – Whiskey Creek Enhancement. Project Update.** Ehler Excavating Inc. is making progress on Phase 3 construction. In October 2023, a landowner along the project was concerned that trees were being removed in the project right-of-way (ROW). Landowner delayed construction for approximately one week. During that week, landowner contacted Wilkin County Sheriff Department. An officer went on site, reviewed BRRWD easement documents and determined that BRRWD had adequate documentation. BRRWD staff contacted attorney Norgard to consult on the situation on review the documents. Norgard sent landowner letter indicating that the contractor had the right to be on site removing trees.

**Upper Buffalo River Restoration. Authorize Appraiser Engagement.** Board of Managers authorized staff to coordinate with appraiser to determine land values for property acquisition for the Upper Buffalo River Restoration. Altrichter presented quote from Natwick Appraisals to complete 16 appraisal reports for 27 parcels for \$10,000.00. **Motion** to authorize Fjestad to sign engagement letter by Stubstad, **Seconded** by Van Amburg. **Approved.**

**City of Wolverton Flood Protection. Authorize Appraiser Engagement.** Altrichter, Jones, and Uhler met with the land acquisition group for the MFDA regarding land acquisition for the City of Wolverton Flood Protection Project. Per the Memorandum of Understanding (MOU) between BRRWD and MFDA, MFDA must approve easement purchase price for each easement acquired for Project. Consistent with similar projects, staff recommend BRRWD hire an appraiser to determine rates for land acquisition. MFDA will also need to acquire flowage easements from some of the same landowners. MFDA has used Crown Appraisals, Inc to determine purchase price for flowage easements and requested BRRWD consider using Crown Appraisals, Inc to determine land values for land acquisition. **Motion** to authorize staff to engage Crown Appraisals, Inc. to determine land values for City of Wolverton Flood Protection Project by Hanson, **Seconded** by Affield. **Approved.**

**Project 49 – Oakport Flood Mitigation. Landowner Request to Vacate 54<sup>th</sup> AVE N.** Lance Erickson, landowner in Section 19, Oakport Township, Clay County requested BRRWD vacate 54<sup>th</sup> AVE N. Erickson built a house on property and if BRRWD does not vacate 54<sup>th</sup> AVE N, Erickson will have to build driveway approach off of Broadway or improve 54<sup>th</sup> AVE N to meet City road standards. BRRWD must authorize request to vacate because BRRWD owns property along 54<sup>th</sup> AVE N. If vacated, the ROW will be divided between BRRWD and Erickson, each will receive 40 ft of ROW. Erickson initially brought request to Board of Managers in April 2021. Board of Managers determined that since BRRWD planned to transfer property to the City of Moorhead they did not want to make a decision that would impact how the City would like to use and access the property. The City of Moorhead has indicated that they do not have concerns with vacating 54<sup>th</sup> AVE N. Since BRRWD is still working out the details on the land transfer to the City of Moorhead and the City does not have concerns with vacating 54<sup>th</sup> AVE N it was recommended that Board of Managers authorize Altrichter to sign document to vacate 54<sup>th</sup> AVE N. **Motion** to authorize Altrichter to sign document to vacate 54<sup>th</sup> AVE N by Van Amburg, **Seconded** by Davis. **Approved.**

#### **Ditches:**

**Clay County Ditch No. 41 Outlet Repair. Authorize Permitting.** Altrichter and Uhler met with City of Moorhead to discuss Clay County Ditch No. 41 Outlet Repair. City of Moorhead owns all the land around the outlet. City of Moorhead requested BRRWD obtain a Conditional Use Permit. **Motion** to authorize HEI and staff to obtain necessary permits for project by Larson, **Seconded** by Stubstad. **Approved.**

**Wilkin County Ditch No. 4A. Landowner Repair Request.** A culvert is failing and should be replaced in Section 7, Foxhome Township along Wilkin County Ditch No. 4A. Mike Bergquist requested BRRWD upsize culvert to improve drainage. Chad Hasbargen, who owns property downstream, requested culvert remain the same size, due to concerns that more water will be sent faster downstream towards the Hasbargen's house. Current culvert is a 117" x 79" x 45' corrugated

metal pipe arch (cmpa). The next larger size is a 128" x 83" cmpa. Uhler reviewed culvert sizing upstream and downstream of crossing and determined the existing culvert is adequately sized. However, upsizing the culvert should not have a negative impact on the downstream property and could provide the upstream landowner with some relief during a large rain event. Estimated cost to replace culvert with a culvert of the same size is \$43,000 - \$53,000. To upsize the culvert, estimated cost is \$45,000 - \$55,000. The culvert should also be extended from 40' to 50' to allow for safer access into the field. **Motion** to upsize culvert to 128" x 83" x 50' by Davis, **Seconded** by Stubstad. **Approved.**

**Drainage System Repair Recommendations.**

Drainage System	Township	Section	Problem/Proposed Work	Estimated Cost
Clay County Ditch No. 40	Kurtz	25	Damaged ends on inlet pipe. Install 18" x 12' corrugated metal pipe (cmp) with flapgate and one load of fill material.	\$3,000 - \$4,000
Clay County Ditch No. 59	Morken	28	Two failing 48" cmps. Install two new 48" x 50' cmp's. Haul in one load of fill material.	\$12,000 - \$15,000

**Motion** to authorize repairs as presented, by Larson, **Seconded** by Hanson. **Approved.**

**Culvert Replacement Cost-share Policy Consideration.** Board of Managers reviewed MN Drainage Law §103E.701 Subd. 4 and §103E.525 Subd. 2 regarding responsibility of bridge and culvert maintenance. Board of Managers discussed scenarios when they would consider cost-sharing with a road authority and when repair would be the responsibility of the road authority. Board of Managers will discuss more at the December 11, 2023 Board Meeting.

**Other:**

**Citizen Advisory Committee (CAC) Discussion.** Altrichter discussed Board of Managers appointing CAC members at their annual meeting in January and noted that if Board of Managers had any changes to their appointments they should notify Altrichter.

**Minnesota Watersheds Annual Conference. Review Resolutions.** Altrichter reviewed resolutions to be presented at Minnesota Watersheds Annual Conference. Resolutions included 1) require watershed district permits for Department of Natural Resources (DNR); 2) clarify budget adoption deadlines and certification types for watershed districts; 3) support new legislation modeled after HF2687 and SF2419 (2018) regarding DNR regulatory authority over public drainage maintenance and repairs; 4) support streamlining the DNR Flood Hazard Mitigation Grant Program; 5) support increased flexibility in open meeting law to utilize interactive technology; 6) support Minnesota Watersheds education and outreach to encourage formation of watershed districts in unserved areas. Board of Managers attending the annual conference will vote on resolutions to inform the priorities of Minnesota Watersheds.

**Minnesota Watersheds Annual Conference. Appoint Delegates.** Board of Managers determined Hanson and Affield will be delegates at the annual conference and Fjestad will be the alternate. Delegates will represent BRRWD during Minnesota Watersheds annual business meeting.

**Minnesota Earned Sick and Safe Time Leave.** Altrichter presented information on Minnesota Earned Sick and Safe Time Leave enacted during the 2023 legislative session, which will go into effect January 1, 2024. High Road Partners, BRRWD's human resources partner, will update the employee handbook to ensure compliance.

**Bills. Motion** to approve bills totaling \$1,169,986.39 by Stubstad, **Seconded** by Hanson. **Approved.**

**Viewer Training Program.** Larson asked if Viewers will be paid for attending training. Altrichter confirmed Viewers would be paid \$35 per hour plus mileage to attend the training as approved at the October 9, 2023 Board Meeting.

**Minnesota Watersheds. Lobbyist Update.** Fjestad provided an update that Minnesota Watersheds selected a new firm to provide lobbying services beginning in 2024. Selected firm will work with current lobbyist through the 2024 legislative session.

**Project 82 – Glyndon East Tributary.** Davis asked if contractor plans to clean up soil piles in project area. Uhler noted contractor is required to level and smooth the piles or haul the material away.

**Upper Buffalo River Restoration.** Hanson asked when the historic channel was cut off. Jones stated he believed it occurred in the 1980s. Hanson questioned if river adjusted to handle current conditions, since the region has been in a wet cycle since 1993. Hanson stated channel should be expanded to handle larger flows. Jones noted that the plans include widening the channel where needed.

**Next Regular Meeting.** Monday December 11, 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 8:20 PM.

/s/ John E. Hanson  
Secretary