



1303 4TH Ave. NE
Barnesville, MN 56514
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www.brrwd.org

Board Meeting Minutes

Monday December 11, 2023

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

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

Consultants Present: Bennett Uhler, Engineer, Houston Engineering, Inc. (HEI).

Others Attending: Dennis Hasbargen; Chad Hasbargen; Jannell Hasbargen.

Affield called meeting to order at 7:01 PM.

Agenda: Additions to agenda:

Project No. 79 – Wolverton Creek Restoration, Landowner Culvert Request.

Project No. 49 – Oakport Flood Mitigation Project, Request to Vacate 5th ST NW.

Project No. 82 – Glyndon East Tributary, Landowner Request.

Clay-Wilkin Judicial Ditch No. 1, Ditch Encroachment.

Water Storage Pilot Program Meeting Recap.

Motion to approve agenda with additions by Davis, **Seconded** by Stubstad. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Citizens to be Heard:

Dennis Hasbargen. D. Hasbargen appeared before Board of Managers to discuss request approved at the November 13, 2023 Board Meeting to install a larger culvert (existing culvert 117” x 79” x 45’; approved culvert 128” x 83” x 50’) along Wilkin County Ditch No. 4A in SW ¼, Section 7, Foxhome Township. D. Hasbargen expressed concern that increasing culvert size would push more water downstream towards their farmstead in SW ¼, Section 12, Sunnyside Township. D. Hasbargen stated that ditch along County Road (CR) 162 fills up with snow and ice causing flooding in the spring. D. Hasbargen stated the ditch is already full during spring rain events and was concerned that a larger pipe would cause additional flooding.

Chad Hasbargen. C. Hasbargen stated there are often breakouts along Wilkin County Ditch No. 4A in Section 12, Sunnyside Township. Farmstead in the SW ¼, Section 12, Sunnyside Township has a ring dike. With Current conditions, water sometimes goes over ring dike. C. Hasbargen was concerned that a larger culvert will cause water to overtop the ring dike. Uhler stated a hydraulic analysis was not completed. Uhler explained if ditch is full, more water will not go through culvert, but will back up upstream of culvert. Ditch was designed for no culvert in that location, which is why upsizing culvert should not have negative impacts downstream. Larson asked about Hasbargens raising ditch bank on west side of ditch, which was brought to Board of Managers’ attention by Mike Bergquist. D. Hasbargen stated they have been maintaining dike when it washes out but have not increased height. D. Hasbargen clarified they have not done any work on dike since they received letter from BRRWD in 2017. C. Hasbargen stated they would prefer culvert stay the same size because everything is working well. Schlauderaff noted existing culvert is failing and needs to be replaced. C. Hasbargen stated snow accumulation in ditch causes more issues when water breaks out of ditch. Uhler noted ditches are not designed for spring runoff, but for a summer rain event. C. Hasbargen stated in the spring all landowners have to hold water.

Fjestad noted Hasbargens have most to lose during flood event because of the location of their farmstead. **Motion** to rescind approval from November 13, 2023 to upsize culvert to 128” x 83” x 50’ by Fjestad, **Seconded** by Stubstad. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Motion to repair culvert at existing size with additional length to allow for better field access (117” x 79” x 55’) by Fjestad, **Seconded** by Davis. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Consent Agenda: Motion to approve consent agenda items:

November 13, 2023 Board Meeting Minutes

November 13, 2023 Upper Buffalo River Restoration Informational Meeting Minutes

Financial Report

Permit Nos.

23-084, Todd Klein – tiling, E ½, Section 26, Roberts Township, Wilkin County with conditions;

23-085, Kirt Liedahl – directional drilling fiber optic cable 6’ below Clay County Ditch No. 35, SW ¼
SW ¼, Section 12, Oakport Township, Clay County with conditions;

Project No. 80 – Stony Creek Restoration, Pay Estimate No. 2 for \$209,392.63

by Fjestad, **Seconded** by Hanson. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Permits for Discussion:

Permit No. 23-073. Trent Eidem. Applicant proposing to level previously constructed levee in field in NW ¼, Section 2, Kragnes Township, Clay County. Landowner proposing to shift existing berm in field, currently located approximately 150’ south of Clay County Ditch No. 5 right-of-way (ROW) north to be within Clay County Ditch No. 5 ROW. Uhler recommended landowner not place any spoil material in Clay County Ditch No. 5 ROW due to potential slope failure. Placement of spoil within ditch ROW would add weight to top of slope and could lead to slope failure. Uhler expressed concern to applicant. Uhler recommended denying permit and encouraging landowner to place material in field. Placing material in field will not require a permit from BRRWD. **Motion** to deny Permit Nos. 23-073 to reduce potential for slope failure by Larson, **Seconded** by Fjestad. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Denied.**

Projects:

Project No. 80 – Stony Creek Restoration. Change Order No. 1. Uhler presented Change Order No. 1 for \$83,617.82 to AMC, LLC to increase embankment width which will reduce potential for blowouts during spring runoff events. Grant funds are available to reimburse construction expenses. **Motion** to approve Change Order No. 1 as presented, by Stubstad, **Seconded** by Fjestad. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Project No. 81 – Whiskey Creek Enhancement Phase 3. Pay Estimate No. 4. Uhler presented Pay Estimate No. 4 to Ehlert Excavating, Inc. for \$127,348.26. Pay Estimate No. 4 includes \$30,000.00 for contractor downtime in October 2023 when Richard and Audrey Terfehr had concerns about tree removal on adjacent properties. **Motion** to approve Pay Estimate No. 4 as presented, by Larson, **Seconded** by Stubstad. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Upper Buffalo River Restoration. Conservation Marketing Funds for Becker Soil and Water Conservation District (SWCD). At the October 9, 2023 Board Meeting, Board of Managers discussed offering funds for conservation marketing to Becker SWCD for assistance in acquiring Reinvest in Minnesota (RIM) easements for the Upper Buffalo River Restoration. Board of Managers requested staff work with Becker SWCD to determine funding amount. Becker SWCD is requesting up to \$20,000.00 for conservation marketing for the Upper Buffalo River Restoration. Altrichter recommended Board of Managers approve reimbursing Becker SWCD for time spent marketing RIM program for Upper Buffalo River Restoration starting after the Informational Meeting held November 13, 2023. **Motion** to approve up to \$20,000.00 in conservation marketing funds to Becker SWCD as presented, by Van Amburg, **Seconded** by Hanson. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Upper Buffalo River Restoration. Proposed Water Management District (wmd) Boundary. Uhler presented proposed boundary for Upper Buffalo River Restoration wmd, with CR 105 as the downstream point. Board of Managers discussed using same method BRRWD has used on other channel restorations, where change in land use determines assessment rate. **Motion** to authorize HEI to proceed with developing wmd with boundary and methods presented, by Davis, **Seconded** by Larson. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

South Branch Buffalo River Phase 2. Great Plains Fish Habitat Partnership (GPFHP). Uhler presented option to apply for GPFHP grant through United States Fish and Wildlife Service (USFWS). BRRWD has received grant for Whiskey Creek Enhancement and Silver Lake Outlet Modification. BRRWD could receive up to \$50,000.00 for construction on Phase 2 of South Branch Buffalo River Restoration. **Motion** to authorize HEI to draft application by Stubstad, **Seconded** by Van Amburg. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Project No. 79 – Wolverton Creek Restoration. Landowner Culvert Request. Mark Krupich, landowner in SE ¼, Section 4, Wolverton Township, Wilkin County requested BRRWD upgrade driveway crossing through Wolverton Creek. BRRWD completed work on channel through driveway as part of the Wolverton Creek Restoration and must obtain a permanent easement. Krupich does not want to sign easement until driveway crossing is improved. Board of Managers previously approved moving existing culvert that is no longer in use, if one becomes available. BRRWD staff is aware culvert through Wolverton Creek between Section 34, Holy Cross Township, Clay County and Section 4, Wolverton, Township will be replaced by Metro Flood Diversion Authority (MFDA) when they complete construction of the southern embankment. Uhler proposed working with MFDA to see if BRRWD could acquire culvert for Krupichs’ driveway. Uhler recommended installing culvert in lieu of \$8,000.00 easement payment, however, stating in easement agreement that future maintenance on culvert would be the responsibility of the landowner. **Motion** to authorize HEI and BRRWD staff to work with MFDA to determine if BRRWD can acquire existing culvert as presented, by Stubstad, **Seconded** by Davis. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Project No. 49 – Oakport Flood Mitigation Project. Request to Vacate 5th ST NW. At the November 13, 2023 Board Meeting, Board of Managers authorized Altrichter to sign document to Vacate 54th AVE N in Oakport Township at the request of landowner, Lance Erickson. City of Moorhead requested BRRWD consider vacating 5th ST NW as well. City of Moorhead was planning on vacating 5th ST NW when BRRWD transfers property to City. However, for efficiency, they requested BRRWD authorize them to vacate the street now. **Motion** to vacate 5th ST NW as requested, by Van Amburg, **Seconded** by Stubstad. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Project No. 82 – Glyndon East Tributary. Landowner Request. Kelly Duenow contacted BRRWD staff about drainage modifications associated with Glyndon East Tributary Project along 12th AVE S in Section 8, Riverton Township, Clay County. Duenow requested Board of Managers consider cleaning out ditch along 12th AVE S in SE ¼, Section 7, Riverton Township to ensure water would drain to river. Duenow expressed concern that modifications associated with Glyndon East Tributary Project would result in flooding during spring runoff. Ditch is a County road ditch and outside of the project area. Altrichter recommended Board of Managers consider determining grade of the ditch and cleaning out ditch if needed to ensure water flows to ditch. Since ditch is under the jurisdiction of Clay County Highway Department, Altrichter stated, BRRWD would work with Highway Department for permission. **Motion** to authorize HEI to determine if ditch along 12th AVE S in SE ¼, Section 7, Riverton Township needs to be cleaned out for adequate drainage and work with Clay County Highway Department to clean it out if needed, by Larson, **Seconded** by Davis. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Ditches:

Clay County Ditch No. 10. Slope Failure Discussion on Next Steps. Over the past several years, landowners and Township officials have expressed concern about slope failure along Clay County Ditch No. 10. Slope failures have created road safety concerns. Board of Managers authorized repairs in 2016 and 2021 to stabilize ditch slopes failing into Township road. Repairs have been successful, but were expensive, averaging approximately \$1,000.00 per linear foot of ditch. High costs were due to material required (cellular concrete fill) to satisfy geotechnical recommendations. In 2022, Board of Managers authorized Braun Intertec Corporation to complete geotechnical analysis to determine alternatives to stabilize ditch slopes. Braun Intertec Corporation recommended two possible alternatives, including repairing ditch using 4H:1V slopes. Their analysis assumed lean clay material would be hauled in as fill material, which would not be a cost-effective solution. Landowners continue to inquire about potential fixes. Uhler recommended Board of Managers consider holding an informational meeting to determine if there is interest in a larger ditch repair. Most cost-effective solution would be to repair ditch to less steep side slopes. Option would include purchase of additional ROW to accommodate a wider ditch footprint. Additional geotechnical analysis may be required to determine adequate side slopes for long term stability. **Motion** to scheduled informational meeting with landowners on Monday March 11, 2024 at 5:00 PM at BRRWD office in Barnesville, by Hanson, **Seconded** by Stubstad. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Ditch System Repair Recommendations.

Drainage	Township	Section	Problem/Proposed Work	Estimated Cost
Clay County Ditch No. 5	Kragnes	2	Scour hole along ditch. Approximately 80 cy of material needed for repair.	\$4,000 - \$5,000
Clay County Ditch No. 21	Elkton	5	72" x 50' corrugated metal pipe (CMP) culvert/field approach installation	\$20,000 - \$25,000
	Elmwood	3 and 4	Sediment buildup in channel. 1.25 mile ditch cleanout needed.	\$15,000 - \$18,000
	Elmwood	1	Remove fallen trees that are laying in channel.	\$3,000 - \$4,000
Wilkin County Ditch No. 44	Tanberg	17	Failing 24" flapgate. Replace with new 24" gate.	\$2,000 - \$2,500

Motion to authorize repairs as presented by Larson, **Seconded** by Davis. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Culvert Replacement Cost-share Policy Consideration. Board of Mangers discussed MN Drainage Law §103E.701 Subd. 4 and §103E.525 Subd. 2 regarding responsibility of bridge and culvert maintenance at the November 13, 2023 Board Meeting. Board of Managers generally agreed BRRWD could cost-share on culverts through Township Roads in alignment with ditches, but culverts through Township Roads entering ditches perpendicularly should not be cost-shared as a ditch expense. Board of Managers directed Altrichter to draft policy on general considerations for Board review.

Viewer Training. Request to Participate. Staff have been coordinating training for new viewers in 2024. Otter Tail County contacted staff requesting if their viewers can also attend training and mentioned Wadena County may be interested in having Viewers attend training at BRRWD office. Staff reached out to Ron Ringquist, Director of Minnesota Drainage Viewers Association, and Tami Norgard, Vogel Law Firm, to inquire if there were any concerns with allowing other drainage authorities to participate. Board of Mangers agreed to allow Otter Tail and Wadena Counties Viewers to attend training coordinated by BRRWD staff. **Motion** to charge \$265.00 per viewer for each training by Larson, **Seconded** by Fjestad. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Clay-Wilkin Judicial Ditch No. 1. Ditch Encroachment. BRRWD staff was informed of damaged to BRRWD ROW along Clay-Wilkin Judicial Ditch No. 1 in SE ¼ NE ¼, Section 26, Holy Cross Township, Clay County. Approximately 150 yards in length of material was removed from top of north spoil bank. BRRWD staff was told material was removed from site and used as fill material for new building. North spoil bank was designed to be higher to reduce flooding north of ditch. Removal of material could cause flooding to landowners north of ditch. Damage was caused to seeded buffer, so is in violation of MN Buffer Law. **Motion** to authorize BRRWD attorney, Tami Norgard, to send letter to landowner and require landowner to pay damage expenses for BRRWD to repair spoil bank, by Davis, **Seconded** by Stubstad. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Other:

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

Flood Damage Reduction Workgroup (FDRWG). 5 Year Monitoring Program. At the April 11, 2022 Board Meeting, Board of Managers were notified FDRWG planned to submit application to Legislative-Citizen Commission on Minnesota Resources (LCCMR) for a 5-year Monitoring Program. FDRWG proposed to fund project assessment monitoring for projects developed under the 1998 Mediation Agreement. At this time, four BRRWD projects were identified as potential projects. At the June 13, 2022 Board Meeting, Board of Managers approved signing support letter for application submitted on behalf of FDRWG to LCCMR for a 5-year Monitoring Program. FDRWG was awarded grant in 2023. Since funds were awarded, other Red River Basin Watershed Districts have expressed concerns with program and have opted out of participating. There is no requirement to participate in monitoring program. Board of Managers discussed concerns with participating and directed Altrichter to discuss process with FDRWG program manager, Andrew Graham.

North Dakota State University (NDSU) Student Research Request at Oakport. Koby Pearson-Bortle, biology student at NDSU, requested permission to use BRRWD property in Oakport Township to access Red River for research purposes. Pearson-Bortle plans to use property for access from January through April. **Motion** to authorize Pearson-Bortle to use BRRWD property in Oakport Township as requested, with the caveat that BRRWD is not liable for any damage, lost, or stolen equipment, by Van Amburg, **Seconded** by Hanson. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Minnesota Watersheds Annual Conference Recap. Altrichter provided overview of Minnesota Watersheds survey results of Districts in Minnesota and accomplishments towards Strategic Plan. Managers that attended Annual Conference concurred that conference was a beneficial educational experience.

Water Storage Pilot Program Meeting Recap. Affield, Altrichter, and Uhler attended a meeting with a small project team to develop strategies for implementing storage practices on the landscape to reduce peak flows at the outlet of South Branch Buffalo River. Project team is testing a model developed to identify best locations for storage on the landscape. Fjestad, Affield, Stubstad, Altrichter, and Uhler will attend five additional meetings.

Bills. Motion to approve bills totaling \$532,568.81 by Fjestad, **Seconded** by Larson. Aye – Fjestad, Affield, Hanson, Larson, Van Amburg, Davis, Stubstad. **Approved.**

Funding Update. Uhler noted BRRWD is slated to receive \$850,000.00 from Clean Water Funds (CWF) that will be approved by Board of Water and Soil Resources (BWSR) Board in December. \$450,000.00 will be for South Branch Buffalo River and \$400,000.00 will be for repairing headcut on the Lower Otter Tail River Restoration. Wilkin SWCD received \$195,000.00 for upland practices in Lower Otter Tail River Watershed. BRRWD also received \$5 million from National Water Quality Initiative (NWQI) program for South Branch Buffalo River. NWQI program is a 5-year program, so \$348,000.00 was awarded the first year project implementation and upland practices

Next Regular Meeting. Monday January 8, 2024, at 7:00 PM in the Barnesville office. Board of Managers will hold their annual meeting at 7:00 PM with the regular board meeting to follow. Agenda will be posted on BRRWD’s website prior to meeting.

Affield adjourned meeting at 9:47 PM.

/s/ John E. Hanson
Secretary