

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

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## **MINUTES FOR MANAGERS' SPECIAL MEETING October 18, 2007**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a special meeting on Thursday, October 18, 2007, at 7:30 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Gerald L. VanAmburg, and Curtis M. Nelson. Others attending included BRRWD Administrator Bruce E. Albright, and Julie Jerger, Houston Engineering, Inc. (H.E.); David L. Overbo, Engineer, Clay County Highway Department; and landowners: Wallace Holt, Brian Durensky, William H. Thompson, Greg Settlemeyer, Virgil Holt, Janet Holt, David Janssen, Carol Janssen, Dale L. Fischer, Lois Stein, Jonathon Stein, Ron Wang, and Brian Wang.

Chairman Ellefson called the meeting to order at 7:30 PM and introduced the Managers and Staff. He explained that the BRRWD had scheduled this special meeting to deal with two issues that required more time than would have available at a regular meeting. He noted that the proceedings were being taped to aid in preparation of the minutes.

### **Business brought before the Board included:**

**Project No. 54, Whisky Creek Tributaries.** Albright gave a brief history of the ongoing erosion/flooding problems on Bill Thompson's property in SE $\frac{1}{4}$ , Section 20, Humboldt Township. The BRRWD hoped that the Whisky Creek Tributaries project would address most of the problems when it was completed in 2005. However, the Natural Resource Conservation Service's (NRCS) Kelly Nichols Wetlands Reserve Program (WRP) project (400 acres) in Section 21, Humboldt Township, was delayed for two years due to wet conditions and high construction bids. The project will be completed this fall. The WRP site is designed to retain water in the E $\frac{1}{2}$  and the E $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 21, Humboldt Township. Albright noted that Thompson has been concerned about the issue for several years. Thompson's renters, David and Fred Janssen, have also expressed concerns about the erosion problems. Thompson and his renters would like to either remove or gate the 24" dia. centerline culvert in County Road (C.R.) No. 25, which drains water from Section 21 into Section 20 across Thompson's property. Erosion from Thompson's field is causing sedimentation problems for Greg Settlemeyer in the NE $\frac{1}{4}$ , Section 20. Last year, the BRRWD replaced Greg Settlemeyer's driveway culvert west of C.R. 25 on the Minnesota Department of Natural Resources (DNR) waterway. Albright discussed the area culvert sizing, as shown on a map he provided to the landowners with the meeting notice. The Board reviewed photographs Albright took on August 31, 2007, showing the erosion in Thompson's field and the sedimentation in the waterway behind Settlemeyer's house. In conjunction with the Whisky Creek Tributaries project, approximately 800' of the DNR waterway in Section 20 was cleaned west of C.R. 25 in 2005.

Virgil Holt provided photographs of flooding that occurred on his property in 1975, and he noted that they had similar flooding problems in the 1950s. At that time, Clay County had agreed to replace the existing 24" and 36" dia. culverts in the DNR waterway through C.R. 25 with a larger culvert to help with Holt's flooding problems, but the project was allegedly stopped because downstream landowners objected. Holt explained that there are four culverts draining into Section 21 and only three culverts draining out. He feels that if the 24 " dia. centerline culvert between Sections 20 and 21 in C.R. 25 is removed or gated, it will

cause flooding on his property and water could back up to the south and flow under Trunk Highway (T.H.) No. 34 to Whisky Creek. Holt said that water runs naturally southwest in this area.

Albright noted that it might be possible to reconsider a larger culvert in the DNR waterway through C.R. 25, depending on downstream sentiments. He added that the recently completed WRP retention project in Section 21 should improve the area drainage significantly.

Bill Thompson thought that water in Section 21 used to drain north along the east side of C.R. 25 to the DNR waterway. He said a survey of the ditch along the east side of C.R. 25 shows that the 24" dia. centerline culvert is higher than the culverts in the DNR protected waterway to the north. Thompson commented that he has no desire to flood Holt's property. If there was a gate on the centerline culvert and Holt's property was in jeopardy of flooding, he would make sure that the gate was opened. Thompson felt there had to be a better solution to the area drainage problems than to reroute the DNR waterway across his property.

Brian Durensky, operator of Wally Holt's property in the SW $\frac{1}{4}$ , Section 21, felt that the Nichols WRP project would address most of the drainage issues under discussion tonight. He said that he cleaned the ditch on the east side of C.R. 25, but had to stop at the Virgil Holt property line. He suggested that if the ditch on the east side of C.R. 25 were cleaned from the property line north to the DNR protected waterway, it would solve a lot of Thompson's drainage problems. Durensky added that he would have cleaned the entire east ditch, but he knew Virgil Holt would object.

Virgil Holt suggested that Thompson install a grassed waterway across his property in Section 20 from the centerline culvert back north to the DNR waterway. Janet Holt noted that for many years the Thompson property suffered from severe wind erosion because the operators didn't leave any type of cover on the soil in the fall. Dave Janssen noted that since he has farmed the property, he has used "no-till" practices, and the soil does not erode.

Ellefson questioned the pipe elevations for the culverts in T.H. 34, the C.R. 25 centerline culvert outletting into Thompson's field, and the culverts in the DNR waterway. He wondered how much water could back up to the north from the centerline culvert before it would go south to T.H. 34. Virgil Holt said that water flows south and west in this area. The group discussed area drainage patterns. Holt said his biggest water problem is from the east. Albright explained that water comes from the east and is supposed to flow west under C.R. 25 in the DNR waterway. Ellefson questioned if this water could be diverted into Stony Creek, east of Virgil Holt's property. Albright noted that water would have to be forced uphill back to the east.

Thompson said that the erosion in his field started when the 24" dia. centerline culvert was cleaned and Virgil Holt no longer properly maintained his ditch. Since then, the water had been creating a new channel across his property. Holt said that the 24" dia. centerline culvert has been in place since the 1950s. Janssen thought that the culvert was new. Albright thought that the County installed a new culvert in this location about 5 years ago. Wally Holt commented that the old plugged pipe was only opened at that time.

Janet Holt suggested that the group could agree to wait until next year to see how the Nichol WRP retention site functions. It could be that this project will significantly reduce all their drainage problems. Nelson commented that the wet cycle we've experienced for the past 14 years hasn't helped area drainage. Wally Holt pointed out that if the 24" dia. centerline culvert is gated, water will stand on his property. It won't drain north to the DNR waterway because Virgil Holt's ditch needs cleaning.

Albright noted that Thompson could plant a buffered grass waterway across his property to prevent further erosion. Janssen explained that it would be very difficult to plant and maintain a bufferstrip on the

Thompson property as the flows coming across the field would wash out the seeding, and all of the topsoil is gone. The Farm Service Agency (FSA) determined that they would not fund an erosion project for this area, as it there was not sufficient fall. Another option would be to clean the west side of C.R. 25 to the north and then install a ditch on the property line west along Settlemeyer's driveway to the DNR waterway. A third option would be to clean the west side of C.R. 25 to the north all the way to the DNR waterway. Ellefson noted that he thought there hadn't been a problem in this area until the previous operator installed ditches on Thompson's property with a scraper. Settlemeyer felt that this work increased the erosion/sedimentation problems in the waterway behind his farmyard. He discussed how the waterway path has changed because of the erosion and how the waterway has actually filled in with sediment near his buildings. Settlemeyer was concerned that cleaning the ditch along his property line would cause water to flood his field. Dave Overbo, Clay County Highway Department, said that a SWCD survey shows 1.5'-2' cuts would be needed along the west side of C.R. 25 near the DNR waterway. The group discussed the location of various area culverts.

Holt pointed out that the waterway, or "coulee", has a lot of pressure when high water comes from the east. He said that normal rainfall doesn't affect the area, but heavy rainfall events/spring runoff will cause flooding. He claimed the water came all the way from County State Aid Highway (CSAH) No. 31.

Ellefson questioned if Janssen worked through the washout area this spring. Janssen said he worked it, but it washout again this summer. Ellefson noted that Janssen needed to try to get vegetation established in this area. He reiterated that the previous operator's scraper work caused the erosion problem. Albright will do research to get some old FSA photographs. He felt the erosion started long before Thompson's former renters did the ditch work. Thompson hoped that the upstream retention project will protect the area from flooding. He noted that when they broke up the pasture/grass cover in Section 21 in the 1980s to farm it, the drainage problems started. Ellefson agreed that breaking up the grass in this tract would cause more drainage problems downstream because it is a very wet parcel. Holt talked about the previous landowners' farming problems because of the wet conditions in this area. Ellefson pointed out that if the area water problems started when the pasture was broken up in Section 21, it could be that the Nichol WRP project might have a significant impact on reducing the area water problems. Thompson agreed that the WRP site should improve area drainage.

Albright suggested that he could obtain the FSA aerial photographs of this area to see when the erosion in Section 20 started. Janssen suggested that the 24" dia. centerline culvert could be capped temporarily, so that he could establish a grassed waterway in Section 20 without threat of more washouts. Durensky said that there will be less water coming from the east now that the WRP project is completed. Janssen reiterated that it will be very difficult for him to establish a grassed waterway with the 24" dia. centerline culvert open. Albright pointed out that most of the water naturally goes north, but high water can go south under T.H. 34. Thompson commented that if the culvert were gated, it could be opened if Holt's property starts to flood. Durensky pointed out that water will not drain off Wally Holt's quarter unless the ditch is cleaned further north to the DNR waterway on Virgil Holt's land. Janssen said that he has proposed several possible projects on the west side of the road to alleviate the drainage problems. He added that at this point, he is just farming around the washout area. Albright noted that something should be done, as the erosion is filling up the waterway and killing trees behind Settlemeyer's house. Settlemeyer agreed, saying that the waterway channel is spreading out, covering more land and killing more trees.

Janssen noted that he would be willing to clean the ditch on the west side of C.R. 25, but he questioned who would pay for the work.

At 8:30 PM, Ellefson summarized the discussion by stating that at this point, he felt that the centerline culvert should not be gated, as it could cause flooding on Wally Holt's field, and Virgil Holt's farmstead.

He suggested that we could consider options for work along the ditches on both sides of C.R. 25, and wait until next spring to see how the upstream retention site performs. Virgil Holt reiterated his concerns about area flooding. The group discussed possible ditch cleaning options. Durensky said that he removed about 3' of silt from the east side of C.R. 25 on Wally Holt's property. He had to stop the cleanout when he reached Virgil Holt's property line. Durensky thought that if the C.R. 25 ditch along Virgil Holt's property could be cleaned north to the DNR waterway, it would divert a lot of the water on Wally Holt's property in Section 21 north to the DNR waterway, and keep it from going through the centerline culvert to Thompson's property in Section 20. Overbo noted that if the ditch was originally graded to drain north, it should be cleaned to drain north. Thompson restated his commitment not to cause flooding on Virgil Holt's property, and thanked the Board for their help.

The Board agreed to table Thompson's flapgate/culvert removal request until next spring to see how the Nichols WRP affects area drainage. Ellefson thanked the landowners/operators for attending tonight's meeting.

**Ron Wang Flapgate Request.** The second issue before the Board was a request from Ron Wang to install a flapgate on the 24" dia. north/south culvert in the southeast corner of Section 4, Moland Township, Clay County. Wang feels he is not able to handle water from two 24" dia. culverts draining into his property from Sections 4 and 10. In 2004, Wang applied for a permit for the flapgate, which the Board tabled with the hope that the landowners could work together to address their drainage problems. Albright drew a diagram of the intersection showing the locations of the culverts in question in Sections 3, 4, 10, and 11, Moland Township, Clay County. There are four 24" dia. culverts in this intersection. Albright noted that the BRRWD has conducted an area ditch survey and held numerous informational meetings for this area. Clay County Ditch No. 65 is located 1 mile north of this intersection, and Clay County Ditch No. 3 is one mile south. He discussed the location of the ditch benefit areas and area drainage patterns. Albright noted that the landowner/operator in Section 10 filed a petition to add the N $\frac{1}{2}$ N $\frac{1}{2}$ , Section 10, Moland Township, to the Clay County Ditch No. 3 system. They also filed a permit application to enlarge the 24" dia. east/west culvert in the northwest corner of Section 10, which drains west onto Wang's property.

Lois Stein owns a house in the SW $\frac{1}{4}$ , Section 3. She feels that if the Board approves a gate on the north/south 24" dia. culvert in Section 4, water will back up into her farmyard. If Wang were allowed a flapgate, Stein would also like to gate the east/west culvert in the southwest corner of Section 3. Stein said that Keith Fischer just acquired a new laser scraper, and he plans to clean C.R. 68 along her property to the north and on the west side of C.R. 68. Stein noted that the culvert in her driveway and another approach further north are too high and should be reset.

Ellefson asked Wang how Stein's request would affect his property. Wang was not opposed to Stein's proposal. Both Section 3 and 4 are assessed to drain north to County Ditch No. 65 and should drain that direction. Albright pointed out that the landowners who attended tonight's meeting seem to agree, but the owner of Section 10, Dan Skolness, and his renter, Chad Jetvig, were not able to attend the meeting. We did not have Dan Skolness' correct address, and we had to resend his meeting notice yesterday. He may not have received the notice in time to attend. Chad Jetvig probably received his notice, but might not have been able to attend because of harvest. Albright noted that Skolness and Jetvig filed a notice of opposition to Wang's 2004 flapgate permit application. As noted previously, Skolness filed a permit to increase the 24" dia. east/west culvert in the northwest corner of Section 10 to a 30" dia. culvert. The Board also tabled this permit application.

Albright explained that the N $\frac{1}{2}$ N $\frac{1}{2}$ , Section 10 is assessed to go north to County Ditch No. 65, while the southern three-quarters of Section 10 are assessed to go south and west to County Ditch No. 3. Ellefson said that Skolness will still have the same two 24" dia. culverts in the northwest corner of Section 10.

There is at least one inlet to County Ditch No. 3 on the south line of Section 10. The group discussed adding another north/south 24" dia. culvert on the north line of either Section 10 or 11 to provide Skolness with another outlet to County Ditch No. 65.

Albright felt that Skolness and Jetvig will be opposed to the flapgate proposals that the group discussed tonight. Wang thought that if Skolness is allowed to increase the east/west 24" dia. culvert in the northwest corner of Section 10 to a 30" dia. pipe, the road ditch along his property in Section 9 probably wouldn't be able to handle the flows.

Dale Fischer, who owns land in Sections 5 and 8 pointed out that he doesn't want to take all the water coming from the east. Albright suggested that the C.R. 89 ditches could be cleaned so water could flow north to County Ditch No. 65, which would improve Fischer's drainage to County Ditch No. 65. Fischer agreed that cleaning the area road ditches would help. Fischer added that the natural waterway that flows across his property in Section 5 also needs cleaning. Ellefson questioned if the flapgate that Steins' requested would serve any purpose. He wondered if water would flow from west to east in this location. The landowners assured him that it would.

Lois Stein suggested that the flapgate requests could be tabled until the road ditch cleanout work is completed to see if area drainage improves. Both Stein and Wang preferred the ditch cleaning option to the flapgate installations. Albright said the 24" dia. culvert in an approach on the west side of C.R. 68 across from Stein's house should be lowered about 1.5'. On the east side of C.R. 68, Stein's driveway culvert should be lowered about 0.6'. He added that there is a field approach culvert to the north on the east side of C.R. 68 that also should be lowered, and two more approaches placed side by side on the west side of C.R. 68 with one approximately 1' higher than the other. Albright suggested that they could remove one of the approaches, place the culvert on grade, and the landowners could share an access. Stein suggested that the BRRWD should provide Fischer with a copy of the survey. Dale Fischer commented that he can't take all the water from Sections 9, 10, and 11, and Wang shouldn't have to take all the water either. Wang noted that if area drainage could be improved, he could possibly remove the flapgate on the north/south 36" dia. culvert in the southwest corner of Section 4, which was installed to keep water assessed to County Ditch No. 65 from flowing south and entering County Ditch No. 3. More discussion followed regarding sending more water from Sections 10 and 11 north to County Ditch No. 65 where it is assessed to go.

At 9:30 PM, Albright summarized the discussions by suggesting that the Board wait with a decision on the flapgate requests until Keith Fischer completes the proposed ditch cleaning work. Nelson suggested that the Board send a letter regarding tonight's discussions to all the affected landowners, stating that the Board is considering requests to install one flapgate for Wang per his permit application and another flapgate on the east/west culvert in the southeast corner of Section 4 for Lois Stein. The letter will also mention the ditch cleaning options. Albright commented that perhaps the Board should hold another meeting with an expanded invitation list so that more of the area landowners could discuss solutions for the drainage problems. VanAmburg suggested that the BRRWD could assess a user fee to those landowners who are draining their property to the wrong ditch system.

The Board agreed to table the flapgate requests and to work with Keith Fischer regarding area ditch cleaning and culvert lowering. Stein would need a BRRWD permit to lower her culverts.

**South Moorhead Drainage.** Olson updated the Board regarding his work with Magellan Pipeline regarding lowering the ditch grade along 50th AVE S over two pipes east of T.H. 75 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 32, Moorhead Township. Magellan would like to install a 6" concrete pad (12' x 19') over the pipes to protect them. The estimated cost is approximately \$6,000. Olson plans to look for a contractor who could do the work for less money.

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**Adjournment.** Chairman Ellefson adjourned the meeting at 9:40 PM.

Respectfully submitted,

John E. Hanson, Secretary