MINUTES FOR MANAGERS' MEETING  
September 14, 2009

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, September 14, 2009, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Curtis M. Nelson, Gerald L. VanAmburg, and E. Robert Olson. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, and Julie Jerger, Administrative Assistant, Houston Engineering, Inc. (H.E.); Molly MacGregor, Planner, Minnesota Pollution Control Agency (MPCA); and landowners Roger Wagner, David Brandt, and Phyllis Brandt.

Chairman Ellefson called the meeting to order at 8:03 PM. He announced that the proceedings were being taped to aid in preparation of the minutes. Albright noted that Janeen Stenso, Red River Basin Commission (RRBC), had been scheduled to discuss the Legislative Comprehensive Planning effort with the Board tonight at 8:00 PM. Stenso came to the office this morning, thinking that the meeting was at 8:00 AM, so she will reschedule time to meet with the Board at their 9/28/09 meeting.

Secretary's Report. The Board reviewed draft minutes for the 08/17/09 Project No. 49, Oakport Flood Mitigation meeting and the 07/13/09 regular BRRWD meeting. Motion by Nelson to approve the minutes. Seconded by Hanson. Approved.

Treasurer's Report. The Board reviewed the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Cash on hand is $266,350.13. Administrative disbursements to date total $220,027.80, and the total income to date is $4,217,882.66. Income since the last meeting includes the first half ditch/project taxes from Clay County ($411,745.46), Farm Service Agency (FSA) landowner payments ($1,865) for Hay Creek/Stinking Lake, a payment from the Federal Emergency Management Agency (FEMA) for the 2009 spring flood ($145,289.94), and Minnesota Department of Natural Resources (DNR) grant payments for Project No. 49, Oakport Flood Mitigation ($1,615,119.02). This payment included DNR reimbursement for the Sieben buyout ($915,234.05).

Albright reported that the office is working on the bond sale transcripts, which need to be submitted next week. He anticipates that we should receive the bond sale proceeds (approximately $1.1 million) by the middle of November. Motion by Van Amburg to approve the Treasurer's Report. Seconded by Olson. Approved.

Permit No. 09-100, Roger Wagner. Applicant proposes to relocate an approach and replace a 24” dia. deteriorating culvert in the N½, Section 23, Alliance Township, Clay County, to the north approximately 100-150 yards along County Road (C.R.) No. 60 (110th ST S). Wagner would like to widen the approach and install a new 40’ x 18” or 24” dia. culvert to accommodate larger machinery. Any drainage conveyed by the culvert would be water from Wagner’s property, outletting to a natural waterway. Motion by Van Amburg to approve Permit No. 09-100, subject to County approval for work within their road right-of-way (r-o-w). Seconded by Nelson. Approved.

Wagner mentioned an area between Sections 14 and 15, Alliance Township, where the road historically washes out. Sediment has built up downstream of the road, and there is also a beaver dam blocking the waterway, which is a tributary to Whisky Creek and also DNR protected waters. Albright explained that the DNR has a permitting process for channel maintenance after a flood that could be used to clean a small
portion of the waterway. Wagner said that the County installed new culverts in the road after the spring flood, but they didn't clean the channel. Albright will contact Dave Overbo, Clay County Highway Department, about cleaning/maintaining the DNR waterway. The BRRWD has limited jurisdiction because of the waterway's protected waters status.

**Solum Lake.** David and Phyllis Brandt discussed their concerns about Solum Lake's elevation. Albright noted that the BRRWD held an informational meeting on 09/03/09 regarding an outlet for Ranum/Tansem Lakes east of Barnesville. He gave a brief history of the concerns about area lake levels in light of the recent spring floods and area high water problems, including alternatives to address flooding problems on Brad and Lanessa Hersch's farmstead. Albright noted that according to the United States Fish and Wildlife Service (USFWS), Solum Lake is outletting south via a culvert in Trunk Highway (T.H.) No. 34 across the USFWS property, so the lake elevation probably won't get any higher.

David Brandt reported that the culvert through T.H. No. 34 from Tansem Lake was open and flowing all winter. He also claimed that the culvert at the intersection of 260th ST and T.H. No. 34 from Solum Lake that was draining onto the USFWS property has been plugged, and that culvert is standing in 3' of water. He also claimed that the USFWS has done some work to berm the "upper pothole" to restrict the historic drainage into the south slough to the south, so drainage out of Solum Lake is blocked. Brandt provided area maps for the Board's review. He also has concerns about the condition of 260th ST. The Township put sewer rock on the road to make it passable, but Brandt pointed out the sewer rock is not acceptable.

Albright explained that last year, he met with representatives from USFWS and Tansem Township Supervisors regarding these allegations. Water was not flowing south through T.H. No. 34 in the summer of 2008. USFWS maintained that they had not installed any blocks. The group conducted a field inspection and agreed that USFWS had not blocked any of the culverts or waterways. Ellefson pointed out that if the elevations of the Lake and the wetland are the same, water will not drain out of Solum Lake.

Albright noted that the road is a township issue and if the culvert through T.H. No. 34 is plugged, Minnesota Department of Transportation (MNDOT) should be notified. Brandt felt that the Lake level is higher because of material from the road washing into the ditch/culvert. Ellefson suggested that we might be able to work with USFWS to put a structure through T.H. No. 34 to lower the Lake. Albright mentioned that any work to increase drainage might create fish passage concerns out of Solum Lake into the USFWS wetlands. He also noted that the south end of the culvert through T.H. No. 34 is higher than the north end, meaning it was installed to facilitate drainage from the wetland to Solum Lake (south to north). With the recent wet cycle, Solum Lake is now as high or higher than the wetland and is draining south.

The group had an extended discussion regarding area drainage patterns. Albright suggested the Board conduct a Manager field review of the area. Brandt maintained that there is about 2' of black dirt on the north side of the pot hole on the USFWS property that wasn't there before. He said that historically the land drained south to the larger wetland through a ravine. More discussion followed, and Albright agreed to check with USFWS regarding the status of the pipe through T.H. No. 34 and the wetland berm elevations. The Managers plan to conduct a field review.

**Buffalo River Total Maximum Daily Load (TMDL).** Albright summarized the TMDL efforts to date. We held two public informational meetings about water quality in the BRRWD last June in Barnesville and Hawley. We also held a Technical and public outreach committee meeting on 09/09/09 to discuss the next steps to address public outreach goals for water quality in the BRRWD.

Molly MacGregor, MPCA, discussed the Social Indicators Survey (SIS) Project for the Environmental Protection Agency (EPA), designed to measure the factors people use to make decisions about water quality improvement, as a part of the TMDL Study. MacGregor explained that the University of Minnesota (U of M) is one of five land grant universities in the mid-west that is implementing this pilot program. Dr.
Karlyn Eckman, Water Resources Center, U of M, is working on the landowner SIS survey in conjunction with the project. The work includes assembling a database from which a scientific sampling will be taken to distribute a survey to selected landowners within the BRRWD. This survey is the first watershed wide survey ever attempted. Through the new Clean Water Legacy (CWL) Act, the MPCA will use the funding to launch the survey to find ways to persuade the public to take a more active role in water quality issues and to find out what the public views as problems related to water quality. MacGregor asked the BRRWD to apply for CWL grant funds (01/01/10-12/31/12) to be used as matching funds for the U of M study, plus a $5,000 contribution. She noted that if the survey process is successful, there is a possibility that it could be expanded to the entire Red River Basin. Ellefson asked who would conduct the survey. MacGregor explained that U of M students, graduate students, and possibly, the Minnesota Conservation Corps would conduct the survey and tabulate the results. Albright explained that the results of the SIS would come back to the Board as a report that will tabulate what citizens think about water quality and reveal methods to effect changes to improve it. Once the survey is completed, it could be used as one more source of information to include when applying for grants.

The total cost to develop and distribute the survey is $18,000, plus the costs for interpretation. Ellefson thought that the BRRWD's funds should only be spent on the survey work within the District, and other entities should contribute for the project implementation costs outside of the BRRWD. The Board agreed that a larger sampling should have funding support from other sources. Van Amburg thought that the information/data produced by the survey could be very useful. The Board discussed options where the survey could start in small focused area, like the BRRWD, and then if it is successful, it could be expanded to the rest of the Basin. MacGregor also asked the Board for a letter of support. **Motion** by Van Amburg to provide a letter of support, to use funding from our TMDL grant as matching funds, and to contribute an additional $5,000 to support the delivery of the survey to residents of the BRRWD. **Seconded** by Hanson. **Approved.**

**Other business brought before the Board included:**

**Permit No. 09-94, City of Barnesville.** Applicant proposes to install a diversion ditch along the east side of the Commercial Park in the NE¼, Section 29, Humboldt Township, Clay County, to divert snowmelt from undeveloped land going on to the existing street around the north side of the developed Commercial Park. No additional flows will be added to the system, as currently runoff is directed towards the existing street. Albright met with Humboldt Township Supervisor Darryl Thompson regarding this proposal. Thompson thought that the work could be approved, as water will flow to an existing stormwater pond. **Motion** by Hanson to approve Permit No. 09-94. **Seconded** by Van Amburg. **Approved.**

**Permit No. 09-95, Harmen E and Kristi J Tande.** Applicant proposes to install 96 acres of pattern tile to increase crop productivity in the SW¼, Section 19, Moland Township, Clay County, outletting via a lift station to County Ditch (C.D.) No. 35, to which the property is assessed. **Motion** by Nelson to approve Permit No. 09-95, subject to our standard tiling disclaimer. **Seconded** by Olson. **Approved.**

**Permit No. 09-96, Edward Ernst.** Applicant proposes to install a 24" dia. corrugated metal pipe (CMP) and flapgate on an inlet to the east-west quarterline ditch on the south side of the NW¼, Section 35, Deerhorn Township, Wilkin County. His farmyard flooded this spring, and the culvert/gate is necessary to keep water in the quarterline ditch to protect his farmyard. He plans to install a berm over the new culvert to protect his yard. The water will eventually drain to Wilkin C.D. No. 22, Lateral No. 1. Ernst also wants the BRRWD to survey a washout site on Lateral No. 2, which was repaired after the 2009 spring flood with FEMA funds. He thinks there are still a couple of spots that might need more fill. The Board reviewed aerial photographs Albright took on 09/09/09 and
discussed the ongoing area drainage disputes and resulting drainage patterns. **Motion** by Nelson to approve Permit No. 09-96. **Seconded** by Van Amburg. **Approved.**

**Permit No. 09-97, Jerry Matter.** Applicant proposes to restore part of the historical drainage for Becker C.D. No. 21 and the Buffalo River in the SE¼, Section 10, the E½SW¼ and the W½SE¼, Section 3, part of the S½N½, Section 15, Riceville Township, Becker County. On the south side of 320th ST, Matter wants to install a 30" dia. equivalent CMP arch pipe (CMP-A) (22" high x 36" wide) in the ditch berm, set at an elevation to be determined, and on the north side of 320th ST on the west side of C.D. No. 21, Matter wants to install an 18"-24" dia. CMP. Matter claims that during high water events, water backs out of the river and C.D. No. 21 into his property. USFWS owns the land on the north and south sides of 320th ST. Matter feels the Buffalo River needs to be cleaned. Albright suggested that the Board schedule a meeting with the USFWS, Riceville Township, and Matter to discuss the proposal and area drainage patterns. **Motion** by Olson to table Permit No. 09-97, pending the referenced meeting. **Seconded** by Hanson. **Tabled.**

**Permit No. 09-98, Steve Rodke.** Applicant proposes to repair an existing 6" dia. concrete tile with 4" dia. plastic perforated tile and add 4" dia. tile in specified areas and along open ditches in the NW¼, Section 4, Parke Township, Clay County, to address wet areas in the field where the existing tile is washing out. The Natural Resources Conservation Service (NRCS) has reviewed the site and provided setback distances for the existing wetland areas. **Motion** by Nelson to approve Permit No. 09-98, subject to our standard tiling disclaimer. **Seconded** by Van Amburg. **Approved.**

**Permit No. 09-99, Steve Rodke.** Applicant proposes to install random tiling in Sections 29, 30, and 31, Eglon Township, Clay County, to address erosion problems in the existing waterways. The NRCS has reviewed the site and provided setback distances for the existing wetland areas. **Motion** by Nelson to approve Permit No. 09-99, subject to our standard tiling disclaimer. **Seconded** by Van Amburg. **Approved.**

**Humboldt Township.** Humboldt Township plans to rent a pump from Parke Township to pump water across their road (170th AVE S between Sections 26 and 27, and Sections 34 and 35) into the ditch along C.R. No. 31. The Board discussed the pumping process and if the Township needed a BRRWD permit and downstream landowner permission. They agreed that the Board would have to evaluate these pumping projects on a case by case basis, as more may arise with the recent area high water problems. The Board decided that in this specific situation, the Township could go ahead with the work.

**Kenneth Schellack Drainage Complaint.** The Board will invite the landowners affected by Curt Stubstad and Ronald Erdman's ditching in the NW¼, Section 8, Elkton Township, Clay County, to an upcoming meeting. H.E. conducted an elevation survey, and Jones will prepare a report for the landowners' review.

**Minch Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:42 PM to discuss the status of this issue. At 10:00 PM, the Board reopened the meeting.

**DNR Permit Comments.** The DNR submitted a permit for work on the north dam in Moorhead. There is a 30-day comment period. Albright and Manager Van Amburg conducted a review of the site and recommended that the work be completed. **Motion** by Van Amburg to recommend permit approval. **Seconded** by Nelson. **Approved.**
Project No. 66, Tansem/Ranum Lakes Outlet. Albright noted that following the 09/03/09 landowner informational meeting, the group decided that any work on the project could take place next spring.

Project No. 65, County Line Outlet. Albright reported that Dan and Kevin Solum were in the office last week with questions about the project status. They are the operators of the Blankenship land where the outlet would cross. The owner would like to meet with the BRRWD to discuss the project. They also discussed minor repair work on an area waterway and Wilkin C.D. No. 41, Branch 5, that would help water flow west. Zach Herrmann, H.E., has contacted the DNR with a request for an Ordinary High Water Level (OHWL) determination on the County Line project, and we are currently waiting for a response. MNDOT has concerns about draining water along Interstate-94 (I-94). Albright mentioned that Darryl Thomas, Humboldt Township, has indicated that the Townships (Humboldt and Prairie View) might be willing to share part of the project costs. The Board discussed the various project design alternatives and the associated costs.

There was also a brief discussion regarding possible ditch work in the SW¼, Section 34, Humboldt Township, proposed by Harlan Haugrud.

Project No. 64, LaBelle/Boyer Lakes Outlet. Landowners want to continue to work on an outlet project and funding search this winter. The appraisal process could also be completed this winter, so that construction could start next spring.

Project No. 61, Clay C.D. No. 11 N-Outlet Improvement. Jones reported that the contractor was working on the seeding.

Project No. 58, Riverton Township Retention. Jones reported that there is some seeding and final grading on the embankment to finish. Wade Opsahl, Technician, H.E., met with Brian Winter, The Nature Conservancy (TNC), who asked that we not seed the flood pool. TNC plans to do that work this fall with native plant species.

The Board authorized Albright to prepare an application to nominate the Riverton Project for the Minnesota Association of Watershed Districts (MAWD) Project of the Year award in the Capital Improvement category, which needs to be submitted by 10/09/09. We'll need to solicit two letters of support from agency personnel and submit project photographs with the application.

Jones submitted Pay Request No. 6 in the amount of $66,541.65 for Nanik Construction. Motion by Hanson to approve the reference pay request. Seconded by Nelson. Approved.

Albright noted that he will work with Jones and Opsahl to finalize the budget for this project and the other projects to be included in the upcoming bond sale.

Project No. 57, Moorhead I-94 Diversion. Albright discussed the status of Blaine Benedict's request for drainage work along the west line of Section 24, Moorhead Township. Jones noted that the final design is completed, but the utilities still need to be moved. Albright suggested that we should send a letter to the affected parties (Benedict, Ernie Oberg, and the City of Moorhead) noting that with the current dry fall weather, the landowners and City should work together to get this project completed. Motion by Olson to authorized Albright to send the referenced letter. Seconded by Hanson. Approved.

Project No. 56, Manston Slough Restoration. The contractor, Lyle Wilkins, Inc., expects to have his bond in place within the next two weeks for the Holubok site demolition. Rick St. Germain, H.E., contacted Albright regarding easement acquisition. The Board previously authorized H.E. to work on the
easements. Albright will check back with St. Germain to get started. The Board briefly discussed payments to those landowners who have already signed easement agreements.

**Project No. 49, Oakport Flood Mitigation.** The Oakport Technical Committee is meeting tomorrow (09/15/09) at 1:30 PM. Albright and Van Amburg plan to attend. The Board discussed an Oakport Township Supervisor's suggestion that the BRRWD could build a ringdike around the Odegaard Addition this fall. The Mangers agreed that this proposal was not realistic given the number of buyouts already proposed in this area and the short timeline. The group also talked about house moving deadlines and demolition progress. There was also some discussion regarding the Fischer family easement.

Ulteig Engineers, Inc. (UEI) has scheduled the preconstruction conference with Excavating, Inc. for Phase 3A on Friday, September 18, 2009, at their Fargo office.

**Project No. 39, Georgetown Levee.** The State of Minnesota has approved a $240,000 grant to the City of Georgetown for project design, planning, and geotechnical work. Jones will meet with the City to coordinate the geotechnical study bidding.

Georgetown is celebrating their 150th Centennial on September 18-21, 2009. The BRRWD was invited to participate in their parade on Saturday, September 18, 2009, at 11:00 AM. Managers Nelson and Ellefson plan to represent the BRRWD.

**Project No. 38, Farmstead Ringdikes.** We have one Environmental Quality Incentives Program (EQIP) ringdike, plus six farmstead ringdikes ready for construction. Opsahl will work with Midwest Testing and the landowners regarding the geotechnical investigations. Ziegler Construction, Inc. was hired to build the Gary Olson ringdike earlier this summer and has also been working on the Kragnes flood repairs.

The Board discussed the Karppinen ringdike plan. Midwest Testing's geotechnical review found that the riverbank is currently failing and any additional weight from a ringdike structure could accelerate the slope failure. Van Amburg suggested that Jones forward the geotechnical results to Karppinen.

The Managers also discussed the potential NRCS EQIP funding process, which would be split 75%-EQIP, 12.5%-BRRWD, and 12.5%-landowner. It appears to be a complicated process with a number of criteria, which might be difficult to fulfill.

**BRRWD Fall Tour.** The 2009 Fall Tour is scheduled for Thursday, September 17, 2009, at 1:00 PM at the Galaxie Supper Club, Barnesville. The Board briefly discussed the itinerary.

**Revised Watershed Management Plan (RWMP).** Albright noted that the completion deadline for the Plan is 12/31/09. Jones and Albright are working on drafting and reviewing the Plan update. They met with Brian Dwight and Pete Waller, BWSR, who reviewed the most current draft and made some suggestions. Information regarding the process of setting up watershed management districts (wmds) on a planning region basis has been distributed to the Managers for their review. Albright explained the timeline for completing the RWMP, and the Board decided that the staff should make the Plan completion a priority. **Motion** by Van Amburg to set a 10/13/09 deadline for the completion of the draft RWMP for the Board's review. **Seconded** by Nelson. **Approved.**

**Wilkin C.D. No. 40.** Albright and Ellefson met with the Arlan Schalekamp, DNR, regarding Mark Yaggie's options for his irrigation well in conjunction with the DNR Lawndale Trout Stream Restoration project. The DNR has come up with a plan to provide funding for the piping and control structures so that Yaggie can operate both systems off his one existing well. The DNR has agreed to pay $35,000 of the costs for Yaggie’s irrigation project, if the BRRWD will contribute $5,000 towards the project. The Board discussed the trout stream restoration project's benefits and agreed that to get this issue settled, they could
approve the proposal. **Motion** by Hanson to approve a $5,000 contribution to Yaggie's irrigation system retrofit. **Seconded** by Van Amburg. **Approved.**

**2010 Annual Budget.** Albright noted that Chairman Ellefson signed all the paperwork associated with the 2010 ditch/project levies and resolutions. The letters to the counties will be mailed tomorrow.

**Wilkin C.D. No. 43.** Tom Richels, Wilkin County Highway Department, called regarding the two lines of used 85' x 54" CMP-A that Otter Tail Valley (OTV) Railroad replaced as part of a repair project on C.D. No. 43 near Lawndale. He offered the BRRWD $1,000 per pipe. Ellefson was interested in buying the culverts and agreed to match Wilkin County's offer. **Motion** by Nelson to sell the two used culverts to Roger Ellefson for a total price of $2,000. **Seconded** by Hanson. **Approved.**

**MAWD Annual Meeting.** MAWD is planning to hold their annual meeting on December 3, 4, and 5, 2009, in Alexandria. The deadline for resolution submissions is 10/09/09.

**BWSR Leadership Training.** BWSR will be hosting a Leadership Training seminar to be held in Brainerd on November 2-4, 2009.

**New Watershed District.** Albright attended a meeting in Breckenridge on 09/10/09 to discuss the possible formation of a new watershed district for parts of Wilkin and Otter Tail Counties south of the BRRWD. The Board had an extended discussion regarding the potential Upper Red-Lower Otter River Watershed District, which would cover approximately 427 square miles from Orwell Dam west to the Red River of the North. Wilkin County Commissioner Lyle Hovland plans to meet with the Otter Tail County Commissioners in the near future regarding this proposal. The Counties had also considered joining the BRRWD.

**The following bills were presented for approval:**

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Motion by Nelson to approve payment of the bills. Seconded by Hanson. Approved.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1. Ellefson mentioned that Ross Rehder called him to find out if he could pasture the J.D. No. 1 ditch r-o-w. The Board discussed concerns about impacts to the ditch from grazing livestock. Albright observed that all the landowners in the benefitting area own the ditch, and some might have concerns about grazing cattle on the ditch bank. He suggested that the Board could send a letter to Rehder, advising him that he would need to monitor the condition of the ditch, and the Board would retain the right to revoke the privilege if problems develop. Albright added that the J.D. No. 1 Ditch Committee reviews the ditch annually, and if they see problems, they would also have the right to recommend that the grazing be stopped. Motion by Hanson to approve Rehder’s request to pasture livestock on his J.D. No. 1 easement acreage, and to send Rehder a letter noting the above referenced stipulations. Seconded by Van Amburg. Approved.

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, September 28, 2009, at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 11:10 PM.

Respectfully submitted,

John E. Hanson, Secretary