

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING May 10, 2010

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, May 10, 2010, 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 Breanna Paradeis Kobiela. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik Jones, Engineer, and Julie Jerger, Administrative Assistant, Houston Engineering, Inc. (H.E.); Kris Carlson, Engineer, Ulteig Engineers, Inc. (UEI); Scott Smith, Natural Resources Conservation Service (NRCS); Lance Yohe and Janeen Stenso, Red River Basin Commission (RRBC); Charlie Anderson, JOR Engineering; Jon Evert, Clay County Commissioner/RRBC; Mike Carroll and Paul Wannarka, Minnesota Department of Natural Resources (DNR), Lyle Hovland, Wilkin County Commissioner; Jerome Deal, Red River Watershed Management Board (RRWMB); Mike Staber, American Enterprises, Inc.; Tracy Hazelton, H&S Contracting, Inc.; Scott Sellin, Sellin Brothers, Inc., Merle Hough, Hough, Inc.; Wayne Evavold, Barry Construction; Tony Nistler, Danny Olson Construction, Inc.; Steve Johnson, Johnson Excavation, Inc.; and landowners: Terry Czichotzki, Ken Hodnefield, James and Pam Thesing, and Mark and Deb Rustad.

Chairman Ellefson called the meeting to order at 8:00 PM. He announced that the proceedings were being recorded to aid in preparation of the minutes.

Project No. 64, LaBelle/Boyer Lakes Outlet. At 8:01 PM, Ellefson announced that the receipt of bids was closed for Project No. 64, LaBelle/Boyer Lakes Outlet. The bid included an alternate for a different alignment option across Sheldon Johnson's pasture. The Engineers' estimated project cost is \$147,780. Albright read the bid results.

CONTRACTORS	TOTAL BASE BID/Alternate
American Enterprises, Inc. West Fargo, ND	\$143,093.00 \$31,270.00
Johnson Excavation, Inc. Otter Tail, MN	\$145,745.00 \$26,500.00
Racer Construction, Inc. Osage, MN	\$157,274.00 \$26,500.00
Hough, Inc. Detroit Lakes, MN	\$161,946.11 \$39,050.40
Danny Olson Construction, Inc. Lake Park, MN	\$169,988.00 \$25,334.00
Barry Construction, Inc. Fergus Falls, MN	\$177,858.53 \$25,948.80
Sellin Brothers, Inc. Hawley, MN	\$190,254.00 \$41,340.00

Albright noted that H.E. will tabulate the bids and provide a recommendation for contract award, based on bid amount and the contractor's ability to get the work done by 6/15/10. Since the Board has declared the

project an emergency, Ellefson felt the Board should schedule a special meeting to award the contract as soon as possible. Ellefson thanked the contractors for their bids.

Other business brought before the Board included:

RRBC Long Term Flood Solutions (LTFS). Lance Yohe discussed the RRBC's LTFS report for the State Legislature that is due by 1/11/11, regarding strategies to provide long-term flood protection for the Red River Basin. The RRBC received Minnesota and North Dakota funding to produce their report. They have already submitted a preliminary report to the Legislature. Charlie Anderson, JOR Engineering, is working with the RRBC on this project. The RRBC's goal is to provide recommendations for 20% flood reduction goals at various Red River of the North gauges. Anderson explained the modeling of the 26 target sites with the goal of reducing flow by 20% all the way to the Canadian border. He provided a handout regarding the model that was based on the Mike 11 software developed by DHI Water and Environment Inc., Denmark, which is calibrated to simulate the 1997 spring flood. The modeling showed that if all the tributaries did their share for flow reduction along the main stem, we could realize the 20% reduction all along the Red River for a 1997-type spring flood.

Anderson explained his work with the Bois de Sioux Watershed District in regards to the Mike 11 modeling project to find storage areas to provide the 20% overall flow reductions. Yohe noted that detention costs could be calculated at approximately \$1,000/acre-foot.

Albright noted that he is a member of the LTFS Technical Committee. The BRRWD has already authorized H.E. to investigate potential storage/retention sites in the BRRWD. Our Revised Watershed Management Plan (RWMP) also addresses targeted flood reduction within the BRRWD at about 22% reduction at Georgetown. This reduction goal could be distributed between the seven planning regions. Yohe indicated that the RRBC could provide funding assistance for site specific targeted storage proposals. Yohe encouraged the BRRWD to start with local requirements first, and then work with RRBC on basin-wide goals.

The group discussed the early-middle-late contributions. Ellefson feels that the BRRWD contribution should be in the middle contribution areas. Anderson noted that if the BRRWD could get 35% peak flow reduction on the Buffalo River, the RRBC could get the 20% flow reduction on the Red River at Georgetown. Anderson stressed that a good mix of gated and ungated storage is the most effective.

Albright suggested that Jones review Yohe's proposal and provide Chapter 7 from the RWMP that addresses storage within the planning regions to Anderson for his review. Yohe is looking for a contribution from the BRRWD of approximately \$20,000-\$25,000 cost-share for this project. The Board will consider Yohe's request.

RRWMB. Jerome Deal provided an update on the RRWMB's projects, funding needs, and long-term goals. He discussed the RRWMB's review of the governing documents. He provided copies of the current financial reports. He noted that most of their funds are committed to projects. The Legislature is considering increasing the Watershed Districts' borrowing limits from \$600,000 to \$2 million. He discussed Representative Collin Peterson's announcement regarding a funding allocation for one million acre-feet of storage to provide flood mitigation for the Red River Basin. Deal said that there would be two tracks for area flood mitigation. One track would be the Army Corps of Engineers (COE) Fargo-Moorhead Diversion and the other would be for Peterson's proposal. The RRWMB and the North Dakota Joint Water Resource Board are involved to look at federal authority over flood mitigation issues in the Red River Valley. Deal explained that North Dakota Senator Byron Dorgan wants the States to work out a compact that will provide for a Joint Powers Agreement to address the federal authority issue. Deal said that Representative Peterson expects to have his storage initiative accomplished and downstream impacts addressed before the

F-M Diversion project is completed. Deal expects that these issues will continue to develop over the next few months. He said that Representative Peterson's proposal earmarks \$50 million from the federal government, \$25 million states, and \$25 million from the local governments. If approved, this funding would be available for a 10-year period. He added that the RRWMB would like to have the BRRWD back as a member to participate in these important issues. RRWMB long-term financial planning and budgeting is a very important aspect for all these issues.

Deal noted that the RRWMB is looking for a "good home" for the River Watch program. He has discussed this issue with the Minnesota Commissioner of Education.

VanAmburg asked Deal if he had any idea what the structure of the "federal authority" for flood damage reduction projects would be. Deal shared a letter from Senator Dorgan regarding this issue. Dorgan doesn't support full federal authority and encourages state cooperation and participation. He advocates that the states set up a joint powers board to act for the region. VanAmburg noted that there would be some resistance for full federal authority. He thought that if a regional authority is organized, it should have enough power so that it can make decisions and act on a local level. The RRWMB will be meeting with the Congressional Delegation and other federal agencies in the near future on this issue.

Mike Carroll, DNR, noted that the RRWMB is ready to expedite the review and reestablishment of the protocols of the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) related to the Mediation Agreement. They would like to have a plan in place to process Mediation Project Team projects related to natural resource enhancement (nre) and flood damage reduction (fdr) in a timely manner.

Deal reiterated that it is important for the BRRWD to consider rejoining the RRWMB, as there are a number of very important regional issues in which we should participate.

Permit No. 10-30, Terry Czichotzki. Applicant proposes to replace an existing 18" dia. inlet culvert into Wilkin County Ditch No. 44, in 120th ST, Section 1, Manston Township, Wilkin County, with a 24" dia. pipe. The culvert is inadequate and the road overtops, causing erosion problems in this area. The second part of Czichotzki's request is a repair petition to clean the ditch along the north line of Section 12, for about 0.5 miles as a part of Wilkin County Ditch No. 44. The project is along The Nature Conservancy (TNC) property. This site is also a DNR Science and Natural Resource Area (SNA). In consideration of the two agencies' concerns regarding natural resource preservation, Czichotzki has offered to allow side casting of the spoil over the minimum maintenance road onto his property, so the only impact will be the channel excavation. Czichotzki noted that he has hired Merle Miranowski, M & M Construction, to repair the washout area in Section 1, and it only makes sense for him to do the channel cleanout at the same time while the equipment is on site. Czichotzki feels it would be a waste of money to repair the erosion site, if we don't clean the ditch. Ellefson questioned if the 24" dia. culvert was adequate.

Albright discussed the Agricultural Water Enhancement Program (AWEP), sponsored by the NRCS and funded through an application by the RRBC. This program will pay up to 75% of the costs of eligible projects that address wind/water erosion and will provide a measurable impact on improving water quality. Scott Smith, NRCS, worked with Czichotzki to apply for AWEP funding to repair the erosion site.

The group discussed the source of the water in this area and area drainage patterns. Albright noted that County Ditch No. 44 was cleaned in the 1980s. H.E. can provide recommendations for the ditch repair and forward it to Brian Winter, TNC, for his review, but according to Drainage Law, the BRRWD has the right to clean the ditch. Czichotzki is anxious to expedite the ditch repairs. Miranowski needs to provide a cost estimate for the ditch repair work to the BRRWD. He also needs to get the project specifications from H.E. The group briefly discussed culvert sizing. Jones thought that the existing 18" dia. culvert, which is an outlet for Czichotzki's field ditch, is probably undersized. Albright noted that the ditch berm on the west

side of Czichotzki's ditch should be 1'-1.5' higher than the road. Czichotzki thought that the existing berm is almost 1' higher than the road. Czichotzki noted that the washout is about 120' wide and 6' deep. Czichotzki discussed what work is planned for this area. Jones noted that H.E. will make this project a priority. Czichotzki hopes that the ditch along the TNC property could be cleaned at the same time as the erosion site is repaired. **Motion** by Nelson to authorize the clean out of 0.5 miles of County Ditch No. 44 and to approve Permit No. 10-30, subject to a recommendation from H.E. on the culvert sizing. **Seconded** by Hanson. **Approved.**

Sections 27/29, Barnesville Township, Clay County. Lyle Hovland operates the Quinnild property in Sections 27/28, Barnesville Township. He would like to clean the ditches at the intersection of 140th ST S and County State Aid Highway (CSAH) No. 2 approximately 1 mile west of this property. He also would like to have the BRRWD reconsider the culvert sizing in this area. There has been unpermitted diking and an approach/culvert installation on the neighboring property, which also causes problems on the Quinnild land. Albright explained Clay County's policy that they will survey their road ditch and provide the information to the landowner, who is responsible for doing and paying for the work. Albright pointed out that a BRRWD permit is not needed to clean an existing road ditch to its original grade and configuration. The group discussed area drainage patterns. Albright suggested that the BRRWD could work with Hovland to investigate drainage options, and he could contact the County to request an area survey.

Ken Hodnefield NRCS Buyout. Landowner Ken Hodnefield and Scott Smith, NRCS, discussed a possible buyout of the Hodnefield property, located in Section 5, Roberts Township, along the Red River. The river has cut a 40' high bank less than 50' from the house. Ellefson and Albright conducted a field review this weekend. Northwest and southeast of his house, the riverbank is sloughing into the river.

The NRCS has an Emergency Watershed Protection (EWP) program that would provide 75% of the costs to relocate or buyout the Hodnefield house. The house could be sold at auction or demolished. Currently, the house is not in jeopardy of flooding, but it is threatened by the eroding soils. The BRRWD and Hodnefield would assume the remaining 25% of the project costs. Ellefson suggested that before we move forward with the project, we should probably have a geotechnical review of the new potential building site. Smith said the geotechnical engineer would need to identify a "no-build" zone to restrict construction on the property. The cost of the geotechnical survey would be part of the EWP contract.

Hodnefield is concerned about the 9/10/10 EWP deadline to have the house moved. He asked if the BRRWD would sign the EWP contract prior to the soils review. Smith discussed the time restraints associated with the EWP contract. If the soil survey says that Hodnefield can't build on any part of his remaining property, the EWP contract could always be canceled.

Last year, the Board did set a second \$250,000 levee in accordance with M.S.A. 103D.905, Subd. 3, to fund buyouts of flood plain/erosion threatened structures. The Board reviewed the site map and discussed Smith's project budget. The estimated cost for the project is \$208,200, which would leave approximately \$53,000 for the BRRWD and Hodnefield to split (25% of the costs). Hodnefield has had Schmitt House Movers investigate moving the house. It appears that the structure will be hard to move. Albright recently contacted Northern Technologies to conduct the geotechnical analysis. To date, he has received no response. Hodnefield indicated that they don't want to pass these problems on to someone else, and they would like to take advantage of the program. The group discussed the danger of slumping for the house and the amount of the BRRWD's cost share. Once the EWP contract is signed, expenditures would be covered under the EWP project. Because of the site concerns, covenants would be placed on this site to prevent future building on unstable soils. **Motion** by Hanson to split the remaining costs after the EWP program payments with Hodnefield (50/50). **Seconded** by VanAmburg. **Approved.** **Motion** by VanAmburg to authorize Albright to sign the EWP contract documents on behalf of the BRRWD. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 10-23, Rick Thompson. Applicant proposes to increase the culvert sizes in two approaches along County Road No. 15 in the SE1/4, Section 11, Alliance Township, Clay County, to address a neighborhood drainage dispute. Neighboring landowner Jerry Butenhoff would rather have one of the approaches moved around the corner, so it won't affect his drainage.

Mark Rustad questioned why the Board hasn't addressed the issue of Thompson's illegal diking activity in this area. He feels that the Board needs to enforce their Rules and order Thompson to remove his dike. Ellefson noted that Thompson is just trying to keep the water in the road ditch. An extended discussion followed regarding area drainage patterns and Thompson's project. Butenhoff noted that Thompson has a history of draining water on neighboring property. Rustad also questioned why the Board doesn't enforce their Rules more vigorously. Ellefson felt the other Managers should see the work. Nelson thought the BRRWD should schedule a special meeting to discuss the dike issue with all of the other affected parties. The Board will schedule a field meeting in the near future when all the Managers are available.

Whisky Creek Diking. Mark Rustad discussed a permit that Whisky Creek Farms received in October 2009 to install a berm to replace an old fenceline that Rustad partially removed when he moved a house onto his property in 2007. The Board approved Permit No. 09-50 for this work, subject to Manager field review and Rustad's approval. Rustad feels the fenceline has been built up higher than the previous elevation. Rustad pointed out that the same people that are complaining about his driveway elevation are also the ones that are diking on the fenceline. Ellefson thought that when Rustad's ringdike was built, the driveway was built too high. Albright discussed water staging regarding the driveway. Rustad wants Thompsons to put the fenceline back to the original elevation, which has not been documented. Albright noted that Thompson had intended to restore the fenceline to the original elevation. At this point, no one has any elevations. Albright noted that the fenceline berm is not a finished product. The Board felt Rustad's ring dike was higher than the fenceline elevation, so Rustad has protection either way.

Rustad also asked why the Grove Lake outlet wasn't shut off this spring before flooding occurred on his property. He said that the Board had assured the downstream landowners that the outlet would not operate during flood events. He pointed out flooding started in his area on 3/12/10, and the Gove Lake outlet was stopped on the same day. Rustad had an extended discussion with the Board regarding his concerns about how the Watershed District is managed. Albright suggested that the Board could take a look at Rustad's property at the same time they review the Rick Thompson dike issue.

Pam and James Thesing. Pam Thesing distributed a map of the lots in her area. She said that she had been satisfied this spring with David Sogge's sump pump drainage. Sogge's water is going to the C.R. No. 86 ditch in front of his house. She objected to the assertion that she had agreed to install a 12" dia. culvert in her driveway. She wants Sogge to remove his 3" dia. pipe through the driveway. Ellefson pointed out that the BRRWD probably doesn't have jurisdiction over this issue because it involves less than a 5-acre drainage area. Thesing had an extended discussion with the Board about her neighbor's sump pump drainage. If Sogge will remove the 3" dia. pipe in the driveway, Thesing offered to install a 3" dia. pipe closer to her property in the driveway that she can monitor. Thesing also requested that the office provide a copy of the materials in the Thesing/Sogge file.

Project No. 49, Oakport. Kris Carlson asked the Board to authorize bid lettings for Phases 1A and 3B. Nelson questioned if we have funding for the construction. Albright noted that Pat Lynch, Financial Coordinator, DNR Waters, has assured Albright that the DNR will have money available for the project this year. Albright advised that the Board could bid the phases, and if funding is not available, we wouldn't have to award the contract. We can also delay the project award for 60 days. Nearly all the easements have been acquired. Carlson explained that there will be an alternate bid that will include approximately 90% of the work to be done to ensure we have flood protection next spring. Albright related that the Bedards called Senator Langseth regarding their concerns about the value of their property. **Motion** by

Hanson to accept the plans and specifications for Phases 1A and 3B, and to schedule a special meeting to open the bids on Thursday, June 3, 2010, at 10:00 AM. **Seconded** by Paradeis Kobiela. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Barnesville Record-Review	BWSR Hearing Notice	RWMP	\$ 153.00
Becker SWCD	Bjerke staking/inspection	Hay Creek CWL	\$ 1,139.00
Breanna Paradeis Kobiela	#1010, 3/01/10-4/30/10	Varies	\$ 1,232.71
Bruce E. Albright	5/06/10 Galaxie Supper Club	Admin	\$ 594.70
Clay Co. Union	#171, BWSR notice	RWMP	\$ 121.00
Computer Professionals	#10046, computer listing	Buffalo River TMDL	\$ 160.00
Curtis M. Nelson	#1008, 3/01/10-4/30/10	Varies	\$ 1,315.94
Darren R. Cossette	Right-of-way	Pj. 64, LaBelle/Boyer	\$ 623.00
Gerald L. VanAmburg	#1009, 3/01/10-4/30/10	Varies	\$ 1,477.20
H.E.	May Billing Summary	Varies-see attached	\$ 108,021.26
Jason E. & Cristy Daniels	Construction easement	Pj. 49, Oakport	\$ 18.00
John E. Hanson	#1007, 3/01/10-4/30/10	Varies	\$ 1,349.41
John M. & Dee R. Wayman	Right-of-way	Pj. 64, LaBelle/Boyer	\$ 395.00
Jonathan & Catherine Tiedeman	Construction easement	Pj. 49, Oakport	\$ 22.50
Kevan J. Nelson	Right-of-way	Pj. 64, LaBelle/Boyer	\$ 7,065.00
Lori Johnson, Auditor/Treasurer	1st half property taxes	Pj. 49, Oakport	\$ 33,177.79
Marlace J. Fahrlander	Right-of-way	Pj. 64, LaBelle/Boyer	\$ 7,908.00
Mattson Excavating	#271, beaver dam removal	Clay Co. Ditch Nos. 21/58	\$ 810.00
MAWD	Summer Tour reservations (4)	Admin	\$ 970.00
MCEA	Natural resource assessment	RWMP	\$ 8,705.00
MN DNR	#204486, permit fee	Pj. 49, Oakport	\$ 1,000.00
MN DNR-OMB	#204492, permit fee	Pj. 56, Manston	\$ 1,000.00
MPCA	Stormwater/sanitary fees (3)	Pj. 49, Oakport	\$ 1,110.00
Premium Waters, Inc.	#366590-04-10	Admin	\$ 22.55
Quill	#5284175, printer drum	Admin	\$ 195.57
Roger G. Ellefson	#1006, 3/01/10-4/30/10	Varies	\$ 1,124.94
Rose Ann Hulne, Wilkin Treas.	1st half property taxes-Holubok	Pj. 56, Manston	\$ 1,364.00
Scott D. & Melissa M. Erickson	Construction easement	Pj. 49, Oakport	\$ 4,813.50
Terry J. Eidem	Right-of-way	Clay County Ditch No. 49	\$ 2,400.00
The Forum	#CL01576921, bid ad	Pj. 64, LaBelle/Boyer	\$ 35.64
The Hawley Herald, Inc.	#1031, BWSR notice	RWMP	\$ 171.60
TRN Abstract & Title F-M	Abstract updates (2)	Pj. 49, Oakport	\$ 310.00
Wm. Nichol Excavating, Inc.	#38, outlet repair	Wilkin 41, Branch 5	\$ 5,614.50
WREC	3/19/10-4/19/10 service (2)	Pj. 46, Turtle Lake	\$ 399.86
Xcel Energy	3/28-4/26 Electrical (7)	Pj. 49, Oakport	\$ 192.49
			\$ 195,013.16

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

Next Meeting. The Board of Managers, BRRWD, will hold a special meeting on Monday, May 19, 2010, in the Barnesville office at 8:00 PM. Their next regular meeting is scheduled for Monday, May 24, 2010, at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 12:05 AM.

Respectfully submitted,
John E. Hanson, Secretary