

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING

May 24, 2010

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, May 24, 2010, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Gerald L. VanAmburg, Curtis M. Nelson, 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.); Mike Staber, American Enterprises, Inc.; and landowners: Tony Karppinen and Evelyn Karppinen.

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.

Karppinen Ringdike. Tony and Evelyn Karppinen discussed their request for a ringdike for their property, located south of Sabin along the South Branch of the Buffalo River on County State Aid Highway (CSAH) No. 52 in Section 17, Elmwood Township, Clay County. Albright gave a brief history regarding this issue, which has been under investigation since the spring of 2008 when Albright and former Manager E. Robert Olson conducted a field review of the Karppinens' property and discussed the ringdike program. The hydraulic analysis H.E. conducted revealed no adverse affects to the area flood stages. However, Midwest Testing's geotechnical investigation showed that due to the proximity of the buildings/house to the river and an underlying problem with poor soils and riverbank failures, a ringdike for his property would not be advisable. The geotechnical engineer said the riverbank is experiencing "creep", which means that the bank slope is slowly failing and is in the process of eroding into the river. Adding weight to the area with a ringdike could make the condition worse. Karppinen suggested an alternate plan that includes a floodwall built of railroad ties near his house, which he feels would reduce loading on the bank, making it possible to construct a ringdike. Last fall, the Board authorized Jones to investigate the floodwall alternative. Karppinen said that since then, no one has contacted him.

Jones explained that because Midwest Testing's geotechnical review showed that the riverbank is currently failing, he was concerned that any additional weight could accelerate the rate of the slope failure. Jones does not feel that a ringdike or floodwall was advisable for the Karppinen property. Ellefson felt that if there was a chance that the plan might work, we should explore it. He questioned how long it could take for the riverbank to slide. Jones said that the creep action is unpredictable. The bank could fail overnight or in 100 years. Karppinen noted that his upstream neighbor has a dike right on the riverbank that has worked well for him since 1979 and shows no sign of sliding. Karppinen noted that they have removed the mobile home, so concerns about multiple dwellings on the property have been resolved. Ellefson suggested that the outbuildings could be left out of the ringdike, which would make the dike shorter and further away from the river. Karppinen offered to erect the railroad tie retaining wall himself. Jones advised that a retaining wall could create a failure plate by punching holes in the soil for the wall support posts, making the area more vulnerable to slumping. Albright read the Midwest Testing, Inc. recommendations regarding a possible floodwall.

The Board reviewed a drawing of the Karppinens' yard. Ellefson asked if the BRRWD constructed a ringdike for the Karppinens, could we provide a warranty for the project. Albright pointed out that the project might not qualify for the Minnesota Department of Natural Resources (DNR) funding because the dike height would probably need to be lower than 2' above the record flood elevation. The BRRWD isn't

held to the same design standards as the DNR in regards to project funding. The Karppinens don't qualify for the Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP) funding, which is targeted to agricultural producers. The NRCS program also has different design criteria because they are providing federal funding assistance. The group had an extended discussion regarding possible dike/floodwall configurations.

VanAmburg questioned the BRRWD's liability if we were to build a ringdike in this area. Albright said that a couple of ringdikes we built in conjunction with our ringdike program are starting to slide. Jones agreed that sometimes a risky project like this could work, but according to the geotechnical investigation, he would not recommend it. The Karppinens don't qualify for a buyout with Federal Emergency Management Agency (FEMA) funding because FEMA requires the homeowners have flood insurance, and the structure would need to have taken major flood damages. The Karppinen's house has had no flood damage. They agreed that they could leave the shop and shed out of the ringdike. Ellefson felt that keeping people in their home is better than a buyout. The Karppinens would like to stay in their house. Redesigning the ringdike to exclude the outbuildings by shortening the length of the dike to about 80' along the river instead of approximately 300' would make the project cheaper and could save the house. VanAmburg asked about possible funding sources. Ellefson felt we should work with the Karppinens to protect their house if possible. **Motion** by VanAmburg to authorize Opsahl to revise the design and cost estimate for the Board's review by 7/01/10. **Seconded** by Paradeis Kobiela. **Approved.**

VanAmburg noted that there is a safety risk for the homeowners. If they build the floodwall/dike, they could create a bank failure. Albright felt it would be best to rely on experts, but sometimes you can take a chance. However, there is a greater chance of bank failure if we have drier soil conditions.

Later in the meeting, Mike Staber, American Enterprises, Inc. informed the Board about a new Styrofoam block product that is used to construct dikes, which we could use in areas where weight is an issue. Staber said that the blocks are designed to create a berm that is the same height and strength as a traditional clay dike without the weight factor. The group discussed the construction process. He added that the buried blocks inside an earthen dike increases stability because the ground doesn't freeze, and the dike material doesn't move. Jones was interested in investigating this product for use on ditch systems where slumping is a problem.

Other business brought before the Board included:

Project No. 64, LaBelle/Boyer Lakes Outlet. Contractor Mike Staber questioned the status of the project development. Albright reported that he participated in a conference call with Army Corps of Engineers (COE) last week to discuss their concerns about the project. Jones emailed the COE this morning and called again at the end of the day, hoping for a decision from them regarding our project application. Mark Aanenson, H.E., Certified Wetland Delineator, has determined that any wetland impacts are temporary, and no permanent impacts were found. The Becker Soil and Water Conservation District (SWCD) also determined that the project will create no Wetlands Conservation Act (WCA) impacts. Currently there is water on Trunk Highway (T.H.) No. 10 from the overnight/early morning rainstorms that dropped over 3" of rainfall in this area, and the Minnesota Department of Transportation (MNDOT) is very concerned about their road. VanAmburg commented that the COE is concerned about impacts to about 20 acres of wetlands. The Board questioned if we needed to have a COE permit for the project since the Board made an emergency declaration. Jones pointed out that the COE has had the permit application since mid-March and explained the COE's chain of command.

The Board discussed what might have caused COE's interest in this project. The DNR permit approval is contingent on COE's decision. Albright explained the three different types of permits the COE could issue and the timeline for each. He noted that State Senator Keith Langseth called the office this morning with

concerns about T.H. No. 10 and the status of the BRRWD project. Managers Nelson and Ellefson felt that we should start the project as soon as possible. Ellefson pointed out that there are no changes to area drainage patterns, and that we are just cleaning the natural channel. Any wetland impacts are only going to be temporary. Jones noted that the COE has concerns about secondary wetland impacts, but he doesn't think there are any. Ellefson commented that there hasn't been any opposition to the project, and questioned why we shouldn't start the project as soon as the contractor is ready. Contractor Mike Staber said he was ready to mobilize tomorrow, and could start construction on Wednesday. Manager Nelson suggested a deadline of Wednesday morning for the COE to respond with a decision on our permit application. If nothing is forthcoming from them by that time, then we should authorize the contractor to start construction. The Board had an extended discussion regarding this issue. **Motion** by Nelson to award the contract for Project No. 64, LaBelle/Boyer Lakes Outlet, to American Enterprises, Inc. and to authorize the contractor to start construction on 5/26/10 at 9:00 AM in accordance with our emergency declaration for this project. **Seconded** by Hanson. **Approved.** Jones noted that the Operation and Maintenance (O&M) plan could address issues regarding exotic species, which has been a COE concern.

Jones said that the project is all staked and ready to go. Staber asked if the Board had had any contact with landowner Sheldon Johnson. Staber would prefer to construct the outlet through Johnson's hay field rather than along T.H. 10. He's concerned about the existing utilities located in the ditch and the stability of the T.H. No. 10 roadbed. Staber thinks that the road could washout during construction because of the material used to raise the road. Albright said that he and Manager Hanson met with Johnson on 5/08/10, and Johnson was not interested in having the project on his property. Staber asked if the BRRWD could try again to convince Johnson to allow the project to cross his field. Staber said he has visited with Johnson's renter, who thought the project shouldn't be a problem. Hanson agreed to meet with Johnson again to discuss this issue. Staber will be ready to start construction on Wednesday.

Albright called Johnson on the phone during the discussion, and he agreed to meet tomorrow morning at 7:30 AM to discuss the alternate outlet route through his field. Staber will also plan to attend. The group briefly discussed Johnson's concerns regarding the alternate route.

BRRWD 2009 Audit. At 9:00 PM, Harold J. Rotunda, Certified Public Accountant (CPA), presented the 2009 annual audit. He found that the BRRWD accounts are all in order. Rotunda noted that the BRRWD's practice of acquiring funding for projects on an as-needed basis has been an efficient way to operate. The group discussed funding for various projects, including the Oakport Flood Mitigation project. He felt that the BRRWD's new practice of trying to keep more current with the ditch system account balances by levying more aggressively on those accounts with negative balances has improved the BRRWD's cash flow. He felt the BRRWD Board has done an excellent job of administrating the BRRWD finances. The group discussed current/proposed area projects with which the BRRWD is involved. **Motion** by Paradeis Kobiela to accept the 2009 BRRWD financial audit. **Seconded** by Hanson. **Approved.** The office will file the 2009 audit with the State Auditor in the next few weeks.

Permit Field Reviews. Albright noted that there are a number of permits applications that need review. He will work with the Managers to schedule the reviews before our 6/14/10 meeting.

Permit No. 10-21, D. N. Eppler. Applicant proposes to construct a road to the Spring Prairie Cemetery in Section 24, Spring Prairie Township, Clay County, to include the installation of an approach off from 57th AVE N into the cemetery and raising the road into the cemetery site, which might have potential wetland impacts and require additional culverts. Eppler has been advised to check with the Clay SWCD regarding wetland impacts. Albright and Manager Nelson met with Eppler on 5/21/10 to review the proposal. They discussed possible wetland impacts and driveway options. Albright will work with Eppler. **Tabled.**

Permit No. 10-23, Rick Thompson. Albright plans to schedule a special meeting with the Board and the neighboring landowners to discuss the work Rick Thompson did last fall in the W½, Section 11, Alliance Township, Clay County. **Tabled.**

Permit No. 10-27, Rick Maier. Applicant proposes to change the alignment of a field ditch draining into Wilkin County Ditch No. 13-Lateral No. 1 to which it is assessed, on property he rents in the SW¼, Section 25, Deerhorn Township. At the 5/19/10 special meeting, Ellefson had some questions about the elevation of the south ditch berm. The permit was approved subject to Ellefson's field review. To date, Ellefson has not had time to review the site. **Tabled.**

Permit No. 10-34, Brent & Bryant Haugrud. Applicants have straightened an existing ditch in the SW¼, Section 34, Humboldt Township, Clay County. They started this work last week without a permit. The Haugruds claim the work is just a ditch cleanout, but the area Conservation Office stopped them when it appeared the work could impact a nearby wetland area. The Board reviewed aerial photographs of the area from several years ago to determine if there is an existing ditch/waterway on this property. The neighboring landowners and Township officials all object to the project, as the entire area is saturated and there is no adequate outlet for the drainage. **Tabled,** pending Manager field review.

Permit No. 10-35, City of Moorhead. Applicant proposes to raise and extend the Horn Park Levee within the City of Moorhead. The City plans to start construction on 6/15/10. The project will involve home buyouts and house moving. Jones didn't anticipate any problems. **Motion** by Hanson to approve Permit No. 10-35, subject to Jones' review and recommendations. **Seconded** by VanAmburg. **Approved.**

Project No. 63, Grove Lake. Wade Opsahl, Technician, H.E., still plans to have a contractor extend the outlet structure about 40' further out into the lake to avoid excess siltation in the pipe and install a concrete end section/standard trash rack on the outlet. Johnston Excavating, Inc. submitted a bid of \$3,475 for the pipe extension and end section/trash rack. **Motion** by Hanson to accept the referenced bid. **Seconded** by Paradeis Kobiela. **Approved.** The Board discussed the current lake elevation and project operation.

Project No. 58, Riverton Township. The office received a letter from the DNR Dam Safety Inspector Staff regarding their recent visit to the project site. They noted that the emergency spillway was not vegetated, making it susceptible to erosion. They also reminded the BRRWD to submit the final construction report. The group discussed the project operation during the spring flood.

Project No. 50, Cromwell Township Highwater Investigation. Albright noted that the Appraisers will start work on the Project No. 32, Hawley EDA Diversion redetermination of benefits. The City of Hawley requested a benefit redetermination and a resolution to the 60" dia. culvert issue before they would consider discussing the Cromwell Township's highwater concerns. A number of landowners in Cromwell Township upstream of Hawley have asked the BRRWD to investigate an outlet for the highwater that is impacting their property and a township road. An outlet for the area would be to the Hawley Diversion project.

Project No. 49, Oakport Flood Mitigation. A special BRRWD meeting will be held on 6/03/10 to open bids for Phases 1A and 3B at 10:00 AM in the Barnesville office. Albright discussed project funding with Pat Lynch, Financial Coordinator, DNR Waters, who advised him that after we open bids for the next two phases, DNR will make a decision about the amount of funding they will make available for this project in 2010. Albright noted that we will have to include funding for easements acquisition and buyouts that could be completed this year.

The Board discussed the most recent offer the Hasses have made on the Streifel house. They have resubmitted their bid of \$120,000, but it is contingent on the BRRWD buying their property. Realtor Fran Snelgrove tried to contact Albright today regarding this issue. A third appraisal for the Hasse house will be

done in the next several weeks. Jerger noted that Snelgrove suggested the Board table a decision on the Streifel house until we conclude negotiations with the Hasses on their house. **Tabled**, pending Albright's contact with Snelgrove. The Board can discuss further this issue at their 6/03/10 special meeting.

Project No. 38, Farmstead Ringdikes. Albright noted that Brian Thomas is qualified for the NRCS EQIP funding for his proposed ring dike. The proposed design will provide protection for the 25-year event. The BRRWD has agreed to split the balance of the costs on a 50/50 basis after EQIP contributes 75% of the project costs. The Board authorized Opsahl to proceed with the Thomas ringdike.

Project No. 37, Clay County Ditch No. 41-Lat No. 1. Albright is working with Kelly Anderson, Right-of-Way Agent, Minnkota Power Cooperative, regarding an easement for the installation of power poles on the ditch r-o-w in Section 1, Moorhead Township. The poles will be higher and in the same location as the existing poles. The current proposal from Minnkota Power Association is to split the easement payment 50/50 with the affected landowners and the BRRWD. The total amount of the BRRWD easement payment is \$16,625.00. Minnkota added the BRRWD's standard utility disclaimer language to the easement agreement, including site restoration if there is damage to the grass while installing and maintaining the poles. **Motion** by VanAmburg to authorize Ellefson to sign the referenced agreement. **Seconded** by Paradeis Kobiela. **Approved.**

Project No. 29, Buffalo River Log Jams. Jones has reviewed the DNR high resolution low altitude aerial photographs of the Buffalo River channel and will have recommendations ready for the next meeting regarding logjam locations. The Board discussed the current wet conditions and the need to start on this work as soon as possible. The deadline for the Emergency Watershed Protection (EWP) grant funding (\$95,000) is 9/10/10.

Project No. 24, Wilkin County Ditch No. 44. Merle Miranowski, M&M Construction, has contacted the office regarding the cleanout work for County Ditch No. 44 in conjunction with a project landowner Terry Czichotzki has hired him to do in the area. The Board decided at the last meeting that Miranowski should provide a written bid for the work. Miranowski is anxious to get started, but he has requested more information about the project before he can submit a bid. The Board discussed the cleanout work that will take place along property owned by The Nature Conservancy (TNC). TNC does not want spoil placed on their property, so the contractor will need to side cast the spoil across the road. The Board questioned if Miranowski had the appropriate equipment for the job. Ellefson felt it would be cheaper to move the spoil once with a long reach backhoe. Jones will solicit bids from Miranowski and another local contractor. He will check to be sure that they have adequate equipment. The office will arrange a meeting with TNC.

Mediation Project Team (PT). The next PT meeting is scheduled for Thursday, June 17, 2010, at 7:00 PM at the MSUM Science Center, Glyndon. The office will mail notices.

Revised Watershed Management Plan (RWMP). Jones has prepared a letter of response to the comments we received regarding our draft RWMP, which will be forwarded to all entities on our mailing list. He has also completed the revision of the draft RWMP document. **Motion** by VanAmburg to authorize Ellefson to sign the comment letter on behalf of the BRRWD. **Seconded** by Hanson. **Approved.** H.E. will incorporate the changes into the draft plan and post it to the BRRWD's Website. The Minnesota Board of Water and Soil Resources (BWSR) hearing was held on May 5, 2010, in Barnesville. The BWSR Northern Region Team will tentatively meet on 6/16/10 in Wadena to give their approval for the Plan. The final approval from BWSR could be in late June.

Red River Basin Commission (RRBC) Long Term Flood Solutions (LTFS). The RRBC has been working on a study regarding flow reduction for all watersheds from Lake Traverse to Canada by an average of 20%. At our 5/10/10 regular meeting, representatives from the RRBC met with the Board to

request that we investigate potential flow reduction areas in the BRRWD. In response to Congressional interest in flood control, the Board had already authorized H.E. to investigate 5-6 potential large retention projects within the BRRWD. Jones and Rick St. Germain, H.E., prepared a report to work with Charlie L. Anderson, P.E., RRBC, regarding modeling for potential BRRWD retention projects. The estimated costs for the modeling would be approximately \$30,000. The maximum amount available from RRBC is \$10,000. The Board discussed possible sites that could provide significant water retention. **Motion** by VanAmburg to participate with the RRBC's LTFS effort. **Seconded** by Paradeis Kobiela. **Approved.**

Pump Lake Erosion. The Board discussed a washout problem on the Karen Plemel property in Section 31, Lake Park Township, Becker County. Albright felt that this situation could present a serious downstream threat. Hanson and Albright reviewed the erosion site last Thursday with representatives from the Becker SWCD and DNR. There is a crevice approximately 20' deep and 30' wide. The Board reviewed the aerial maps showing where the washout area is located. Albright and Hanson are planning another field review in June to investigate the entire area around the lake. The concern is that Pump Lake might breakout and drain into Ness Lake, which is also extremely high. Ellefson felt that the lake should have an outlet structure to control the water release. Albright noted that we need to find the historic outlet. Previously, the current washout area was a side hill seep. The lake has no public access.

River Watch. A meeting with Barnesville School Superintendent Scott Loeslie and School Board Member Tim Thompson has been scheduled for 8:00 AM on 5/28/10 to discuss the fate of the Barnesville River Watch Program. At their last meeting, the School Board tabled action on the River Watch 2010-2011 budget until the end of June. This action has created a problem for the BRRWD, as the River Watch Team is responsible for conducting the water quality sampling for our Total Maximum Daily Load (TMDL) project. This work must be done the first week in June to preserve the data's integrity. Legally, without the School's permission/participation, the River Watch students will not be able to participate in the sampling. Managers VanAmburg and Ellefson plan to attend the 5/28/10 meeting. The total 2010-2011 proposed budget for the River Watch program is \$10,552, of which Barnesville High School contributes approximately \$2,000. The Board feels the River Watch program is valuable asset, and funding should not be an issue. River Watch Team Advisor Sheila Carlson has agreed to do the sampling by herself if necessary, but feels the Team members will be very disappointed if they can't participate.

The Hawley High School submitted a funding request of \$1,130.00 for their 2010 River Watch program. **Motion** by Nelson to contribute the requested funding. **Seconded** by VanAmburg. **Approved.**

New Office. The Board reviewed a preliminary sketch of the new office space provided by Foltz Buildings. BRRWD Attorney Corey Elmer has reviewed and approved the purchase agreements with the City of Barnesville for two lots with an option for a third in the Barnesville Industrial Park. The cost is \$1,950 per lot, plus specials. Albright recommended that the Board consider a resolution for publically financing the new building. The Board discussed building a new facility versus buying an existing building. Albright noted that at their last meeting, the BRRWD Advisory Committee recommended that the BRRWD construct a new building. **Motion** by Hanson to authorize Ellefson to sign the purchase agreement/options for the lots and to approve a resolution for public financing of a new building. **Seconded** by Paradeis Kobiela. **Approved.**

MAWD Summer Tour. The Minnesota Association of Watershed Districts (MAWD) has scheduled their 2010 Summer Tour, hosted by Nine Mile Creek Watershed District, on June 24-26, 2010, in Bloomington, MN. Managers VanAmburg, Hanson, Paradeis Kobiela, and Nelson plan to attend.

Becker County Ditch No. 9. In association with Project No. 64, LaBelle/Boyer Lakes Outlet, the Board has appointed Viewers for a redetermination of benefits proceeding. H.E. has completed the right-of-way

(r-o-w) analysis. Jones noted that of the 23.83 acres of required bufferstrip area, there is only about 10 acres that will actually need new seeding. The rest of the r-o-w is already vegetated.

Otter Tail County Coalition of Lake Associations (COLA). The Otter Tail COLA sent a funding request for the Lakes Area Guidebook, which is similar to the guidebook Becker County published last year on shoreline management. The BRRWD contributed \$200 to the Becker County publication. **Motion** by Hanson to contribute \$200 to the Otter Tail County COLA Guidebook. **Seconded** by Nelson. **Approved.**

Anderson Wetland Restoration. Jones discussed his review of Chuck Anderson's proposed wetland restoration project. He noted that while the site shows potential, it could also have an impact on neighboring farmland. Jones suggested that by enrolling their property in a set aside program, the neighbors could collaborate with the project and add a significant amount of storage. Hanson and VanAmburg thought we should follow up with proposed project, which could potentially yield about 20 acres of new wetland credits. The Managers would like to field review the area.

Hawley Buffalo River Streambank Stabilization. Sherbrooke Turf, Inc. provided a quote for seeding and bank restoration (willow trees) for a total of \$6,200. The quote includes \$1,295 for willow trees. The Board discussed the quote. Albright suggested that the Board could approve the grass seeding for \$3,981, and address the trees next spring. The trees are used for erosion control, but since the site didn't erode this spring, the Board didn't feel the expenditure for the trees was necessary. **Motion** by VanAmburg to approve the lawn seed and hydro mulch. **Seconded** by Nelson. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Art Anderson	Sediment Control Basins	M.S.A. 103D.905, Subd. 3	\$ 636.00
David M. Stensland	2009 crop damages, Phase 2	Pj. 49, Oakport	\$ 6,967.21
Don Culp	Lot 2010-1B, deposit	Pj. 49, Oakport	\$ 237.50
H&S Contracting, Inc.	#2010-00101-Ditch slide repair	Pj. 20, Clay County Ditch No. 12	\$ 12,922.50
J&J Braton Properties, LLC	June office rent	Admin	\$ 540.00
Otter Tail COLA	Shoreland Guide donation	M.S.A. 103D.905, Subd. 3	\$ 200.00
RMB Environmental Labs	#120401, BRIWM-S	BRRWD TMDL	\$ 36.00
RMB Environmental Labs	#120579, BRIWM-S	BRRWD TMDL	\$ 72.00
Ronald Hiltwein	Lot 2010-5D, deposit	Pj. 49, Oakport	\$ 18.75
Sue Duvall	Easement	Pj. 49, Oakport	\$ 6,440.50
TRN Abstract & Title	#6182554, Robley	Pj. 49, Oakport	\$ 155.00
Wm. Nichol Excavating, Inc.	#39, Ditch Cleanout	Wilkin County Ditch No. 41	\$ 6,004.50
Xcel Energy	4/26/10-5/19/10 service (5)	Pj. 49, Oakport	\$ 26.78
			\$ 34,256.74

Motion by Nelson. **Seconded** by Paradeis Kobiela. **Approved.**

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, June 14, 2010, in the Barnesville office at 8:00 PM. A special meeting to open bids for Phases 1A and 3B on the Oakport Flood Mitigation project is scheduled for Thursday, June 3, 2010, at 10:00 AM in the Barnesville office.

Adjournment. Chairman Ellefson adjourned the meeting at 10:45 PM.

Respectfully submitted,

John E. Hanson, Secretary