

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING

July 12, 2010

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, July 12, 2010, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, 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.); and landowners: Gerald Zimmerman, Aron Kassenborg, Craig Runck, and Clayton Runck.

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.

Secretary's Report. The Board reviewed draft minutes for the 6/14/10 regular meeting. **Motion** by Nelson to approve the minutes. **Seconded** by Paradeis Kobiela. **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. Albright reported that we currently have \$1,470,373.21 on hand in general funds. Since our last report, we received \$ 1,214,869.75 primarily for reimbursement from the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation expenses, proceeds from the 2010 Oakport auction sale, and an Oakport rental payment from Duane Egge. We also received the first half of Becker County's 2010 tax collections. **Motion** by VanAmburg to accept the Treasurer's Report. **Seconded** by Paradeis Kobiela. **Approved.**

Acting Secretary. In the absence of Secretary John Hanson, Albright suggested that the Board appoint an acting Secretary. **Motion** by Nelson to appoint Paradeis Kobiela as acting Secretary. **Seconded** by VanAmburg. **Approved.**

Permit No. 10-54, Craig Runck. Applicant proposes to remove a centerline 18" dia. corrugated metal pipe (CMP) through 110th AVE S in Section 27, Skree Township, Clay County, draining into the Ronsberg Natural Resources Conservation Service (NRCS) wetland and relocate the culvert approximately 1,000' west. He also wants to regrade the township road ditch, and install an approach with an 18" dia. culvert. Albright mentioned that the office received a phone call today from Phil Seefeldt, DNR Conservation Officer, regarding Runck's project. It appears that Runck's ditch work is suspected of draining existing wetlands. Clayton Runck showed the Board photographs of the work that he has already completed. He explained that there are two or three 24" dia. culverts coming into his land and only one 18" dia. outlet. Runck also had Farm Service Agency (FSA) aerial photographs of the section where the work is located and documentation of past crop history. The land was in the Conservation Reserve Program (CRP) for many years. Ellefson commented on the effect of the current wet cycle on marginal land that doesn't have good drainage. A discussion followed regarding area culverts locations and sizing. Albright suggested that Runck will need to have Township approval to work within the road right-of-way (r-o-w). In addition, if the BRRWD approves the application, it would include a disclaimer regarding Swampbuster and Wetlands Conservation Act (WCA) rules, which are not under our jurisdiction. Ellefson suggested that Runck consider installing a tile line in the road ditch. **Motion** by VanAmburg to approve Permit No. 10-54,

subject to Township approval to work within their road r-o-w, and a disclaimer regarding any Swampbuster and WCA repercussions regarding possible wetland impacts. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 10-03, Gerald Zimmerman. Zimmerman asked about the status of his permit application to pattern tile the NW¼, Section 31, Morken Township, Clay County. Albright explained that his permit had been approved in April, but the office has been too busy to mail out approved permits. Zimmerman discussed his plans to appropriate water from Clay County Ditch No. 39 for his project, which includes sub-irrigation for use during drought conditions. Zimmerman is participating with a North Dakota State University (NDSU) research project regarding tiling and sub-irrigation. Xinhua Jia, a professor from NDSU who is heading up this proposal, has listed the BRRWD as a participant on the grant request because we approved Zimmerman's permit. The Board felt that we could not promise to allocate future rights to area water sources during hypothetical weather conditions. The group briefly discussed the DNR water appropriation process.

Zimmerman commented that there are still bank sloughing problems on County Ditch No. 39. The group discussed the meandering and the prevalence of ditch erosion/slumping throughout the BRRWD because of wet conditions. The group also discussed the beaver removal process and the bufferstrip program. Aaron Kassenborg is working with Zimmerman, and his permit (10-05) has also been approved. Kassenborg would like a copy.

Permit No. 10-49, Lon Richard Olson. Applicant proposes to install one culvert/crossing on Becker County Ditch No. 15, Branch No. 1, in the SW¼NE¼, Section 22, Hamden Township, Becker County, to access his farmland. Chad Mattson, who is doing the repair work on County Ditch No. 15, will do this work. Opsahl will investigate and forward the details to Jones for his review and recommendation. **Tabled.**

Permit No. 10-50, Art Anderson. Applicant proposes to install a crossing with two culverts on Becker County Ditch No. 15 in the SE¼, Section 15, Hamden Township, to provide access to his farmland. Mattson will also do this work. Ellefson questioned the culvert sizing. Opsahl will investigate and forward the details to Jones for his review and recommendation. **Tabled.**

Permit No. 10-53, James Baker. Applicant proposes to lower the ditch elevation 0.6' for approximately 1,900' along County State Aid Highway (CSAH) No. 52, NW¼, Section 21, Elmwood Township, Clay County. Baker provided project plans and a map for the Board's review. The work will be done in conjunction with Clay County's project to resurface CSAH No. 52. Baker would like to improve the poor drainage along the southwest side of CSAH No. 52 and deepen the ditch grade to enhance his drainage. The Board discussed Baker's drainage problems. The County provided a survey of the ditch. **Motion** by Nelson to approve Permit No. 10-53. **Seconded** by VanAmburg. **Approved.**

Permit No. 10-55, Keene Township. Applicant proposes to install a 15" dia. equalizer pipe through 100th ST N between Sections 26 and 35 to protect the road. The area wetlands may be under DNR and United States Fish and Wildlife Service (USFWS) easements/jurisdiction. Albright noted that he will forward copies of the application to Robert Merritt, Area Hydrologist, DNR, and Scott Kahan, USFWS, for their review. Warren Dunham, Township Supervisor, also indicated that they would like to deepen the DNR protected waterway in this area to facilitate drainage. Albright noted that changing the DNR protected waterway would have to be addressed as a separate permit issue. **Motion** by VanAmburg to approve Permit No. 10-55, subject to approval from DNR and USFWS. **Seconded** by Paradeis Kobiela. **Approved.**

Lewis Diking Complaint. In 2007, Mike Lewis installed a culvert on the west side of Trunk Highway (T.H.) No. 9 in the NE¼, Section 2, Barnesville Township. Neighboring landowner Ronald Erdman was

concerned about the culvert installation because he felt that the culvert was undersized, crushed in the middle, and in a poor location. Last fall, the Board conducted a field review and agreed to monitor the culvert to see if it functions properly. Recently, Erdman removed the existing culvert and constructed a dike on the property line west of culvert's former location without a BRRWD permit. The BRRWD might have a used 72" dia. x 22' long culvert from Wilkin County Ditch No. 44 that Lewis could purchase to replace the culvert Erdman removed, if necessary. Ellefson plans to check on the condition of the culvert to determine its value to the ditch system and contact Lewis to see if he is interested in buying it.

Wetland Ditching Complaint. Someone has completed some drainage work along 190th ST S in Sections 17 and 18, Skree Township, Clay County, north of County Road (C.R.) No. 10. Albright and Ellefson conducted a field review on 6/11/10. It appears the work may have drained a wetland. Representatives from the Clay Soil and Water Conservation District (SWCD) and the NRCS office are investigating the work for potential Swampbuster and WCA violations.

Project No. 67, HRB Outlet. Jones said that the Minnesota Department of Transportation (MNDOT) plans to raise T.H. No. 34 in several low areas being threatened by highwater later this fall. MNDOT has also expressed an interest in a long-term solution for this area, although they are concerned about their share of the cost for permanent lake outlets. MNDOT needs to move forward at this time to protect their road because they don't have time to wait for the BRRWD to develop a project. The Board plans to hold an informational meeting later this fall regarding a possible outlet project for this area.

Project No. 66, Tansem/Ranum Lakes Outlet. Jones will follow up with MNDOT regarding a project to assist Brad and Lanessa Hersch with the flooding problems they are experiencing with their homestead along T.H. No. 34. MNDOT has expressed an interest in exploring a lake outlet project for this area.

Project No. 65, County Line Outlet. Kevin Brennan, USFWS, Fergus Falls Wetland Management District (WMD), notified Albright that they have submitted a funding proposal to the Lessard-Sams Outdoor Heritage Council (LOHC) Grant Program to study the wetland highwater problems. Project No. 65 was included in the application, which has been filed already. Jones explained that the project is complicated by the fact that the east lying protected wetlands and the private wetlands have overflowed into each other. Jones has asked DNR for an Ordinary Highwater (OHW) survey.

Project No. 64, LaBelle/Boyer Lakes Outlet. Jones reported that both outlets are operating. We are currently waiting for the Boyer Lake trash guard to be delivered and installed before that project can operate at full capacity.

The Board discussed their concerns about the Sheldon Johnson easement acquisition process. Jones stressed that the Johnsons have verbally agreed to allow access to their property for the project, for which the BRRWD has agreed to pay them \$1,000. Jones has revised their easement agreement several times to incorporate additional items the Johnsons and their attorney, Zenas Baer, have requested. The Board already approved the easement payment at a recent meeting. They directed Albright to process the check with the other items on tonight's bill list and told Jones to inform the Johnsons that their check is ready for them as soon as they sign the easement agreement.

Albright noted that Becker County Ditch No. 9 cleanout is working well. Jones noted that Loren Jetvig has concerns regarding his Texas crossing on the Boyer Lake outlet. Opsahl will meet with him tomorrow. A landowner near LaBelle Lake called the office repeatedly regarding a possible easement payment. Opsahl contacted him and explained that since his property wasn't anywhere near the project, he would not receive any monetary compensation.

Project No. 56, Manston Slough Restoration. The office plans to set aside one day next week to work on the easement options.

Project No. 50, Cromwell Township. The DNR forwarded a Flood Damage Reduction (FDR) grant application for 50% project funding for the Board's signature. **Motion** by Paradeis Kobiela to submit the application. **Seconded** by Nelson. **Approved.**

Kenny Wouters, a landowner in the project area, filed a letter of protest regarding the project. The Board discussed his objections. Albright will send him the project information.

Jones presented the Engineer's Report, which offers two project options. The Board reviewed the plans and maps. It appears that the project will not completely dewater "Cemetery Road", as previously thought. The Township will have to work with Federal Emergency Management Agency (FEMA) to raise the road. The Appraisers have started their work. The Board had an extended discussion regarding a possible 25% contribution to the project costs. **Motion** by VanAmburg to contribute 25% to the project costs. Motion failed for the lack of a second. Albright said the Appraisers are asking if the BRRWD is going to help fund this project as they've done in the past for Turtle Lake, Grove Lake, and LaBelle/Boyer Lake.

Jones is working with the USFWS and the DNR regarding wetland issues. The Army Corps of Engineers (COE) has determined that they have no jurisdiction regarding this project. The Board would like to schedule the project hearing in August. The Appraisers would like to finalize their work on 7/26/10. The Board discussed the project timeline and the agency permitting process. Ellefson felt that we should tell the agencies that if we don't receive a decision regarding our permits by 8/09/10, we will assume that no permits are necessary. **Motion** by VanAmburg to accept the Engineer's Report and apply for all necessary permits with emphasis that we need them by 8/09/10. **Seconded** by Paradeis Kobiela. **Approved.**

Project No. 49, Oakport. Ulteig Engineers, Inc. (UEI) forwarded the contracts for Phases 1A (R. J. Zavoral and Sons, Inc.) and 3B (Master Construction, Inc.) for the Board's approval **Motion** by Nelson to sign Phase 1A and 3B contracts, as referenced **Seconded** by Paradeis Kobiela. **Approved.**

Albright noted that we have about three home buyouts left, plus the VanRaden property needed for Phase 4. Josh Kadrmas, H.E., is working on the demolition specifications for three sites: one house in Oakport, the Justin Jackson house in Georgetown, and the Ken Hodnefield house in Wolverton Township. The Wilkin County officials are not interested in conducting the hazardous materials inspection for the Hodnefield property, so we will have to hire someone to do the work.

The COE has requested an archeological investigation along the Red River and the Oakport Coulee in association with their wetland permit review. Mike Michlovic, Minnesota State University-Moorhead (MSUM), plans to conduct the investigation this week. If he doesn't find anything, the contractors can start work in non-wetland areas. Albright will ask the COE to expedite the wetland permitting.

Project No. 46, Turtle Lake Outlet. The Turtle Lake Association will hold their annual picnic/meeting on 7/17/10. The office will prepare an annual report and lake elevation graphs.

Project 38, Farmstead Ringdikes. Contracts have been awarded for several Environmental Quality Incentives Program (EQIP) ringdike projects. Ziegler Construction, Inc. will build the Curt Stubstad and Daniel Luhman dikes and Chad Mattson was low bidder for the Ryan Nelson dike. Adam Grothmann, Northern States Excavating, will build the Ryan Nelson and Brian Thomas ringdikes. Johnson Excavating will build Hal Mikkelsen's dike. The NRCS will fund about 75% of the EQIP ringdike costs. **Motion** by Nelson to approve and sign the ringdike contracts for Mikkelsen and Thomas. **Seconded** by Paradeis

Kobiela. **Approved.** The Board briefly discussed the status of the Karppinen ringdike negotiations. H.E. was going to look at a revised design by 7/01/10. Jones said that Karppinen has been in the hospital.

Project No. 37, Clay County Ditch No. 41, Lat. No. 1. Minnkota submitted a revised easement agreement for the Board's signature. **Motion** by VanAmburg to authorize Ellefson to resign the easement agreement. **Seconded** by Paradeis Kobiela. **Approved.**

Project No. 29, Buffalo River Log Jams. Opsahl plans to go out with the contractors to determine the location of the logjams. American Enterprises, Inc., the same contractor working on the LaBelle/Boyer Lakes Outlets, was low bidder on the NRCS Emergency Watershed Protection (EWP) log jam removal contracts. He plans to start on the log jams (weather permitting) as soon as he finishes Project No. 64.

Project No. 1, Wilkin County Ditch No. 22. Jeff Nord's attorney has asked for a copy of the file in regards to the lawsuit with his neighbor. This pertains to overtopping of the north berm on Lateral No. 2 during the 2009 spring flood.

COE Metro Flood Study. It has been determined that the Cities of Fargo and Moorhead will be the project sponsors. At the last meeting, Albright distributed the draft Joint Powers Agreement (JPA) for the Board's review and comments. The Managers discussed the 7/07/10 Task Force meeting. VanAmburg explained that they are considering either a nine or an eleven person Board on the JPA. They are proposing three Minnesota positions. The Task Force is considering if the BRRWD should have voting rights. The Board discussed this issue, and agreed that we want to be able to vote on issues that impact the BRRWD. **Motion** by Nelson to sign the JPA contingent upon the understanding that the BRRWD will have voting rights and that the Agreement will be revised if the project comes back to the Minnesota side. **Seconded** by Paradeis Kobiela. **Approved.**

Ken Hodnefield NRCS Buyout. As previously discussed, H.E will prepare specifications and advertise for demolition of the Hodnefield house. Hodnefield is concerned about the timeline. He is waiting for the purchase agreement from Vogel Law Firm. The EWP contract deadline is 9/10/10.

MPCA Social Indicators Survey. The pre-survey notice will be mailed this week. The Water Quality Day at the Clay County Fair has been cancelled.

Permit No. 09-131, Detroit Lakes WMD/USFWS. Jones has completed the Engineer's Report regarding the USFWS proposed wetland restoration on Becker County Ditch No. 5, upstream of the Amer Froyland (Todd Branden) SWCD dam in Sections 21, 22, 27, and 28, Audubon Township. The project is being developed in accordance with Minnesota Statutes Annotated (M.S.A.) 103.227, Impounding Surface Waters on a County Ditch. The Board can now schedule a ditch system hearing. The office will prepare a mailing list, and the Board can schedule a hearing at their next meeting.

Minnesota Board of Water and Soil Resources (BWSR) Funding. Albright distributed a handout regarding potential BWSR 2011 funding opportunities.

Tamarack Refuge. Albright distributed copies of the draft Comprehensive Conservation Plan and Environmental Assessment for the Tamarack National Wildlife Refuge for the Board's review.

Water Management Summit. Albright attended this conference today in St. Cloud. He reported that there were about 400 attendees. Topics included an overview of financial management for State and local government entities.

Managers' Meeting. Nelson suggested that the Board schedule a closed meeting to discuss future needs, staff, and goals. He felt it should be held as soon as possible. **Motion** by Nelson as referenced. **Seconded** by Paradeis Kobiela. **Approved.** Albright distributed guidelines from the *Watershed District Handbook* on how to conduct a "closed" meeting.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Barnesville ISD #146	River Watch Expenses 6/09-5/10	Buffalo River TMDL	\$ 15,172.48
Breanna Paradeis Kobiela	#1015, 5/01/10-6/30/10	Varies	\$ 1,573.95
Bruce E. Albright	7/08/10 Appraisers' dinner	Pj. Nos. 32/50	\$ 39.00
City of Fargo	Christine/Hickson dam retrofits	M.S.A. 103D.905, Subd. 3	\$ 50,000.00
City of Moorhead	Jessie Swanson CUP	Pj. 49, Oakport	\$ 221.00
Clarks Excavating	Cornstalk removal	Clay C.D. No. 51	\$ 225.00
Curtis M. Nelson	#1013, 5/01/10-6/30/10	Varies	\$ 1,719.96
Daniel Olson	Easement	Pj. 49, Oakport	\$ 21,013.50
Fargo Water Equipment	#133667, basin/valve	Pj. 64, LaBelle/Boyer	\$ 3,381.95
Gerald L. VanAmburg	#1014, 5/10/10-6/30/10	Varies	\$ 1,711.84
H&S Contracting, Inc.	#2010-00136, repairs	Becker C.D. 9	\$ 6,970.00
H.E.	June billing summary	Varies-see attached	\$ 103,853.51
IRS	2nd QTR Form 941 taxes	Admin	\$ 885.11
John E. Hanson	#1012, 5/01/10-6/30/10	Varies	\$ 2,119.98
M&M Construction	#94, TNC repair	Pj. 24, Wilkin 44	\$ 12,092.50
M&M Construction	#96, culvert installation	Pj. 24, Wilkin 44	\$ 14,557.00
Mattson Excavating, Inc.	#289, Ditch cleaning/tree removal/culvert	Pj. 23, Becker 15	\$ 30,462.50
Petty Cash	Postage, supplies, etc.	Admin	\$ 200.00
Premium Waters, Inc.	#366590-06-10	Admin	\$ 22.55
RMB Environmental Lab	#125470, BRIWM-S	Buffalo River TMDL	\$ 26.00
RMB Environmental Lab	#125597, BRIWM-S	Buffalo River TMDL	\$ 35.00
RMB Environmental Lab	#126104, River Watch	Buffalo River TMDL	\$ 26.00
Roger G. Ellefson	#1011, 5/01/10-6/30/10	Varies	\$ 1,131.94
Sheldon & Carolyn Johnson	Easement	Pj. 64, LaBelle/Boyer	\$ 1,000.00
Wilkin SWCD	FY11 Farm Bill grant	M.S.A. 103D.905, Subd. 3	\$ 2,250.00
WREC	5/18/10-6/19/10 service (2)	Pj. 46, Turtle Lake	\$ 384.76
Xcel Energy	5/25/10-6/24/10 Electrical (6)	Pj. 49, Oakport	\$ 55.38
			\$ 271,130.91

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

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, July 26, 2010, in the Barnesville office at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 11:25 PM.

Respectfully submitted,

John E. Hanson, Secretary