

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

BARNESVILLE, MINNESOTA 56514

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## **MINUTES FOR MANAGERS' MEETING November 22, 2010**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, November 22, 2010, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Gerald L. VanAmburg, John E. Hanson, Breanna Paradeis Kobiela, and Curtis M. Nelson. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik Jones, Engineer, and Julie Jerger, Administrative Assistant, Houston Engineering, Inc. (H.E.); Dennis Carlblom, Scambler Township Supervisor, Doug Ackling, Ackling Construction Company, and landowners: Randy Arntson, Rick Maier, and Edward Ernst.

Chairman Ellefson called the meeting to order at 7:00 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 11/08/10 regular meetings. Nelson and Jones noted minor corrections. **Motion** by Nelson to approve the minutes, subject to correction. **Seconded** by Paradeis Kobiela. **Approved.**

**Treasurer's Report.** Albright reported that the office computer server was down from the end of last week until about 4:00 PM today, but he did have a brief financial update for the Board's review. We currently have \$747,844.06 cash on hand in the Wells Fargo Bank savings account. We recently received \$1,138,912.35 from the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation. We also have two pending DNR Pay Requests for two home buyouts (Anda and Hodge/Camp).

**Project No. 67, HRBP Outlet.** Contractor Doug Ackling, Scambler Township Supervisor Dennis Carlblom, and landowner Randy Arntson discussed their concerns about the elevation of the project drain tile by Trunk Highway (T.H.) No. 34. Jones explained that there was no error with the site staking, but the plans indicated two different pipe elevations, and the assistant site supervisor chose the higher of the two numbers. Subsequently, the contractor installed the pipe approximately 0.6' too high. Jones noted that Ackling has already installed 400' of the pipe. He suggested that with only 80' more pipe to install, it would make more sense to lay the final stretch of pipe at a flat grade to yield a difference from the original plan of about 0.4' (5") at the outlet end to get the project operating as soon as possible. The goal was to lower the lakes approximately 3.6'. If we leave the pipe in place at its current adjusted elevation, the final drawdown would be about 3.2'. Jones suggested that we could monitor the project next year, and if it appears we need the extra 5" of drawdown, we could deal with it during better construction conditions. The alternative is to tear out the new pipe, excavate to the correct elevation, and then install new pipe. The contractor has done a good job so far with the project, and Jones felt we wouldn't gain much by starting over this late in the year.

Albright noted that the culverts in Arntson's driveway and the township road (165<sup>th</sup> ST) will be set at the planned grade or below the Ordinary High Water (OHW) elevation, so they will be deep enough, if we decide to make changes with the tile outlet next summer. Jones added that if we decide to relay the pipe next year after the lakes are lower, the soil conditions will also be better. Ellefson pointed out that the

BRRWD made a commitment to the Minnesota Department of Transportation (MNDOT) to have the project operational this fall to improve conditions for T.H. No. 34. Jones also noted that the Pete Lake outlet is operating.

Randy Arntson suggested that the contractor could remove the pipe and excavate an open channel at the original design elevation. Albright was concerned about erosion with an open channel. He suggested that it would be better to finish the project according to Jones's recommendation and deal with the elevation concerns next year if warranted under better construction conditions. Ellefson felt that the project will still achieve its goal to lower lake elevations and protect T.H. No. 34. He didn't think it was advisable to reset the tile now, given current weather conditions. VanAmburg was also concerned about water quality with an open ditch. **Motion** by VanAmburg to complete construction and get the project operational as soon as possible this fall. If necessary, we can make adjustments next summer under better construction conditions with a new contract. **Seconded** by Nelson. **Approved.**

H.E. prepared Pay Request No. 1 for Ackling Construction in the amount of \$49,751.55 with 10% retainage. **Motion** by Hanson to approve the referenced pay request. **Seconded** by Paradeis Kobiela. **Approved.** Albright noted that we have acquired all the easements, and he plans to schedule a meeting with the Appraisers to get them started on their work. Jones will contact Bridgett Miller, MNDOT, regarding the tile elevation changes. Arntson noted that landowner Pat Peck has some concerns about the location of the outlet control structure in relation to his driveway on Pete Lake. Jones will work with Peck regarding this issue. Arntson said that he had no complaints about the project, but if possible, he hoped that the BRRWD would try to adjust the pipe elevation next year to get it down to the original plan grade.

**Wilkin County Ditch No. 22, Branch No. 1.** Edward Ernst and Brian Kritzberger filed a ditch repair request to clean Branch No. 1 with a laser, starting at 200<sup>th</sup> AVE and going west (downstream) as far as needed to drain standing water in the culvert at 200<sup>th</sup> AVE. Because the ditch is so flat (0.04% grade), vegetation and sediment are blocking flows. The County also has a gravel pit in the area, which may have affected the ditch grade line. The petition estimated that 0.5 miles of cleaning may be sufficient, but the repair may have to extend downstream to 190<sup>th</sup> AVE (one mile). The Board referred to the ditch benefit map. Ernst explained that his neighbor, Jeff Nord will need to redirect drainage to the ditch. Albright noted that a permit would be required to change drainage patterns. Ernst would like the BRRWD to discuss this issue with Nord. Ernst pointed out that he will no longer clean the ditches on his property that provide drainage for Nord's property. Albright explained that the Ernst farmstead flooded in 2009 from water coming out of Lateral No. 2. Nord has offered to work with Ernst to possibly plug the culverts that convey water towards Ernst's property during a flood. Albright suggested that Ernst, Kritzberger, and Nord should submit a joint application for the referenced project. The group had an extended discussion regarding area drainage patterns and possible project alternatives. **Motion** by Nelson to approve the repair petition. **Seconded** by Paradeis Kobiela. VanAmburg questioned if Ernst had considered a farmstead ringdike. Albright noted that it is a large farmstead, and the north-south road Permit No. the quarterline is on private property, which already acts as a dike that he can control. A ringdike might be cost prohibitive. Albright pointed out that County Ditch No. 22 is only designed for 10-year runoff event, and the ditch needs to be maintained. **Approved.**

**Project No. 62, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1), Branch 4.** Rick Maier, who operates Dean Paschke's land on the south side of County Road (C.R.) No. 32 in Section 8, had questions about why the assessments for this project doubled from the cost estimate on the Property Owner's Statement versus the final tax statement from the County. Paschke owns property in Sections 4, 5, and 8, Deerhorn Township, Wilkin County. Manager Ellefson and Albright have both spoken to Paschke regarding his concerns about estimated costs/final costs.

The Board discussed Paschke's request for the removal of the temporary 24" dia. restrictor plate on a 35" dia. culvert in C.R. No. 3 in the southwest corner of Section 5, Deerhorn Township. Albright explained that the County installed the temporary restrictor plate on the culvert in the fall of 2002 following a C.R. No. 32 ditch cleanout project conducted by the upstream neighboring landowners. Paschke wants the plate removed because it restricts drainage for his property. He points out in an email message that after 8 years, the pipe is plugged with debris/vegetation, and it was not supposed to be a permanent fixture. The Board reviewed Paschke's email regarding his concerns.

The Board agreed that once an assessment is levied, it can't change without a redetermination of benefits. They discussed the current benefit areas/rates. Ellefson noted that Paschke indicated that if the restrictor plate were removed, he would withdraw his concerns about the assessments. Ellefson asked if Rick Brakke, the operator of Section 5, has filed any complaints about the plate. Albright said that Brakke has not contacted the office regarding this issue. Paschke just wants the culvert back to the way the ditch was originally designed. Ellefson thought the restrictor plate doesn't affect Paschke's property, and if Brakke isn't concerned, then the BRRWD should not remove the plate since it protects Michael Pete's farmstead from flooding.

Albright discussed Eldon Hermunslic/Tim Viland's permit application to do ditch cleaning in Section 6, Deerhorn Township, along C.R. No. 3 and 165<sup>th</sup> AVE. The Board had an extended discussion regarding the restrictor plate removal. The Board felt we would need to meet with the area landowners in the future regarding the restrictor plate/drainage.

Albright said that he would check the project financial records to see if there were any errors on the assessments. The County sent out the tax collection notices. Albright explained the landowner's payment options. Albright will investigate the project costs and will report to the Board at the next meeting regarding this issue.

**Permit No. 10-77, Richard A. Sorby.** Applicant proposes to replace the existing 24" dia. culvert through 5<sup>th</sup> ST N in the northwest corner of Section 28, Kragnes Township, Clay County, with a 30" dia. culvert and lower it 6", as part of a repair request for Clay County Ditch No. 22. **Motion** by VanAmburg to approve Permit No. 10-77, according to Jones' recommendation. **Seconded** by Hanson. **Approved.**

**Clay County Ditch No. 22 Repair.** Richard Sorby, Wayne Brendemuhl, Harlan Sauter, and David Swanson filed a repair request to have County Ditch No. 22 cleaned with a culvert-to-culvert grade. Jones estimated the project cost with the culvert change requested by Richard Sorby via Permit No. 10-77, would be approximately \$12,000. The repair will be for approximately one mile of ditch. Jones noted that the test pit investigations showed that Sorby's proposed culvert could also be lowered approximately 6". Jones said it appears most of the culverts were installed when the project was initially constructed. He said the all the culverts downstream of Sorby's culvert are 36" dia. or larger, so he felt that there was justification to enlarge culvert. He added that according to the original ditch design, the culvert could also be lowered. **Motion** by Hanson to approve the requested repair, to be done yet this fall, weather permitting. **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 10-88, Wilkin County Highway Department.** Applicant proposes to replace a 60" dia. Corrugated metal pipe (CMP) in 310<sup>th</sup> AVE on Deerhorn Creek with two lines of 10' x 4' reinforced concrete pipe (RCP), and raise the road to prevent overtopping. Jones will check with the County to obtain their survey results. **Tabled,** pending H.E.'s application analysis.

**Permit No. 10-132, Ryan Nelson.** Applicant proposes to add a 36" dia. culvert and raise the driveway approximately 2' in the NW<sup>1</sup>/<sub>4</sub>, Section 3, Kragnes Township, Clay County, to prevent overtopping/eroding of his driveway, which overtops every spring from flooding along the Buffalo River. Jones reviewed the

application and found that the proposed 2' driveway raise could have upstream impacts. He suggested that if Nelson only raised his driveway about 0.9', the project wouldn't impact the 10-year floodplain. Tim Magnusson, Clay County Planning & Zoning, recommended that Nelson could raise his driveway 1.7' without causing upstream impacts. **Motion** by VanAmburg to approve Permit No. 10-132, subject to Magnusson's recommendations. **Seconded** by Hanson. **Approved.** Jones noted that Nelson won't need a Conditional Use Permit (CUP) until the new floodplain maps have been adopted in January 2011, and they will become effective July 2011.

**Permit No. 10-138, Jimmie R. Nelson.** Applicant proposes to install a field ditch/berm along the east side of his property in the N½NW¼, Section 14, Elmwood Township, Clay County, to control overland flooding. Albright and Manager Ellefson conducted a field review on 11/19/10, and discussed the proposed work with the neighboring landowner, Dan Rosenfeldt, who expressed concerns about the installation of berm along the property line. Albright noted that there might be a couple of options for Nelson other than the berm. Albright will contact Clay County to ask them to conduct a survey of the C.R. No. 17 road ditch. The BRRWD may want to conduct a survey of the ditch north of Rosenfeldt's farmstead to see if they could drain water north to County Ditch No. 58. **Tabled,** pending review of the surveys next spring, and a meeting with all affected landowners.

**Permit No. 10-142, Bill Davis.** Applicant proposes to increase the culvert sizing in a field approach along 28<sup>th</sup> AVE S in Section 20, Riverton Township, Clay County, on the quarter line. The existing culvert is 18" dia. CMP. Directly upstream, the culvert is a 36" dia., and the next upstream structure is a 60" dia. arch pipe. Albright felt that the 18" dia. culvert is obviously undersized. Albright and Manager Ellefson conducted a field review on 11/19/10. Ellefson recommended that a 30" dia. culvert work be sufficient. **Motion** by Nelson to approve Permit No. 10-142 according to Ellefson's recommendation, subject to Township approval to work within their road right-of-way (r-o-w). **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 10-143, Chad Jetvig.** Applicant proposes to clean to clean the township road ditches to the original grade along the E½SE¼, Section 6, Kragnes Township, Clay County, and add an inlet pipe/gate to County Ditch No. 23. During spring floods, water overtops the township road on the south line of his property. The township doesn't maintain the ditch, and it is nearly nonexistent. Jetvig also wants to install a 24" dia. culvert through road to drain to County Ditch No. 23. Albright noted that Jetvig's property is assessed to County Ditch No. 23. **Motion** by Paradeis Kobiela to approve the ditch repair request and Permit No. 10-143. **Seconded** by Hanson. **Approved.**

**Permit No. 10-144, Orlen Valan, Jr.** Applicant proposes to replace a 24" dia. culvert in the northeast corner of Section 18, Alliance Township, Clay County, with a 30" dia. pipe. **Tabled.**

**Permit No. 10-145, Torrey Vigesaa.** Applicant proposes to build a three-sided private ringdike for his house in the Odegard Addition in Oakport Township, Clay County. His neighbors already have permits to install private ringdikes, as their property will not be protected by the Oakport levee project. Albright noted that Vigesaa's dike wouldn't affect any other property. **Motion** by VanAmburg to approve Permit No. 10-145, subject to any additional permitting that may be required by the City of Moorhead. **Seconded** by Hanson. **Approved.**

**Robert Norby Diking Complaint.** VanAmburg hasn't been able to set up a meeting with Norby regarding his dike work in Section 22, Kragnes Township, Clay County. He will continue to try to contact him.

**Clayton Runck Drainage Violation.** Albright noted that an agency meeting was held on 11/18/10 in the BRRWD office regarding Clayton and Craig Runck's drainage work in Section 27, Skree Township, Clay County. Brandon Runck, Craig's son, is the actual operator. The group reviewed a map showing incoming

culverts, and other drainage features along 110<sup>th</sup> AVE S and Runck's property. Because of the Privacy Act, Sharon Lean, District Conservationist (DC) Natural Resources Conservation Service (NRCS), couldn't discuss the Runcks' information and did not attend the meeting. Albright would like to schedule another meeting with Craig, Brandon, and Clayton Runck later in December. The neighboring renter, Tom Friederichs, wants the Township to replace the culvert that the Runcks altered before freeze-up. The Board felt that this work might not be done this year since frost has already set up in the roadbed. The Board felt that once the agencies reach an agreement regarding the Runck drainage issues, we will refer any new work that they do without the proper agency permits to the Clay County Attorney for legal action.

**Drainage Complaint.** In 2006, Merle and Bruce Nelson and Terry Czichotzki resolved a drainage dispute regarding a fenceline/berm on the property line in Section 28, Atherton Township, Wilkin County, by cleaning their existing drainage ditch/culvert in the middle of the quarter to improve field drainage and divert water away from the fenceline spillway. They also added a 15" dia. culvert in the spillway at the same elevation as Czichotzki's field to slow down flows and reduce erosion. In 2009, the Nelsons bought the 80 acres that Czichotzki was farming in Section 28 where the fenceline and metering pipe were located. They removed the fence on the property line, but left the metering pipe in place. Now water flows downstream via the pipe or overland toward Ken Cook's property. Cook visited the office to discuss his concerns with Albright and to provide photographs of his drainage concerns for the Board's review. The photographs show that water drains downstream and this could cause problems on the Cook property. While the Board agreed that removing the fenceline does probably change drainage patterns in Section 28, they didn't feel they could tell the Nelsons not to remove the fenceline on their own property. The Board will monitor the metering culvert to see how it affects drainage/flooding on Cook's property next spring.

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

Accounts Payable	Description	Account	Amount
Ackling Construction Co.	Pay Request No. 1	Pj. 67, HRBP Outlet	\$ 49,751.55
Assumption Catholic Church	11/23/10 Hildebrand Hall	Lake Jacobs Outlet	\$ 200.00
Barnesville Township	50% culvert replacement	Pj. 54, WCT	\$ 6,096.70
City of Moorhead	2010 mowing/cleaning	Varies-see attached	\$ 71,368.67
Clay Co. Auditor/Treasurer	Makela special assessments	Pj. 49, Oakport	\$ 1,764.55
Haugen's Landscaping	#478, driveway gravel	Pj. 48, Clay 59	\$ 350.00
Haugen's Landscaping	#479, repairs	Pj. No. 52, Clay 69	\$ 375.00
J&J Braton Properties, LLC	December office rent	Admin	\$ 570.00
Joel Carlson	December Lobbyist fees	Admin	\$ 850.00
John L. & Karen P. Hovland	Temporary easement	Pj. 49, Oakport	\$ 58.50
John L. & Karen P. Hovland	Trees	Pj. 49, Oakport	\$ 4,200.00
Louis H. Tschakert	Easement option	Pj. 56, Manston	\$ 100.00
Master Construction, Inc.	Pay Request No. 3, Phase 3B	Pj. 49, Oakport	\$ 324,747.91
Moorhead Public Service	10/07/10-11/08/10 (6)	Pj. 49, Oakport	\$ 165.81
NDSU Development Foundation	Easement	Pj. 49, Oakport	\$ 767.00
Northern Escrow, Inc.	Pay Request No. 1	Pj. 50, Cromwell	\$ 107,367.00
Northern Technologies	#4835, 10/03/10-10/30/10	Pj. 49, Oakport	\$ 26,837.20
Office Essentials Plus	Calendars	Admin	\$ 20.28
Petty Cash	Postage, supplies, misc.	Admin	\$ 100.00
R. J. Zavoral & Sons, Inc.	Pay Request No. 4, Phase 1A	Pj. 49, Oakport	\$ 416,777.21
RRV Cooperative Power	10/10/10-11/10/10 service (2)	Pj. 49, Oakport	\$ 60.27
Red River Valley CPA	#78489, utility modifications	Pj. 49, Oakport	\$ 170,000.00
Sellin Brothers, Inc.	#9152, ditch cleaning	Becker C.D. No. 15	\$ 2,985.00
Sharon K. Tschakert	Easement option	Pj. 56, Manston	\$ 100.00
Sheldon A. & Carolyn Johnson	Easement	Pj. 64, LaBelle/Boyer	\$ 1,000.00
TDS MetroCom- MN	11/13/10 long distance	Admin	\$ 25.04
TRN Abstract & Title F-M	#6212249-NDSU O&E Report	Pj. 49, Oakport	\$ 75.00

UEI	#18292, Oct. billing, Phase 1	Pj. 49, Oakport	\$ 17,650.32
UEI	#18295, Oct. billing, Phase 2	Pj. 49, Oakport	\$ 16,955.58
UEI	#18297, Oct. billing, Phase 3	Pj. 49, Oakport	\$ 50,451.67
UEI	#18298, Oct. billing, Phase 4	Pj. 49, Oakport	\$ 1,969.00
Vogel Law Firm	#46654, October Billing Summary	Admin	\$ 300.00
Vogel Law Firm	#46655, October Billing Summary	Pj. 49, Oakport	\$ 5,057.50
Vogel Law Firm	#46656, October Billing Summary	COE FM Diversion	\$ 40.00
Vogel Law Firm	#46657, October Billing Summary	Pj. 50, Cromwell	\$ 627.50
Vogel Law Firm	#46826, October Billing Summary	Pj. 56, Manston	\$ 1,067.25
Vogel Law Firm	#46827, October Billing Summary	Pj. 39, Georgetown	\$ 343.00
Wilmer Shynkaruk & T. Shume	Easement	Pj. 67, HRBP Outlet	\$ 357.60
Wilmer Shynkaruk & T. Shume	Easement option	Pj. 67, HRBP Outlet	\$ 100.00
			<b>\$ 1,281,632.11</b>

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

**Viewers/Appraisers.** Arvid Thompson had open-heart surgery last week. The Board discussed possible candidates to fill in for Thompson while he recuperates.

**Next Meeting.** The Board of Managers, BRRWD, will hold their next regular meeting on Monday, December 13, 2010, at 7:00 PM.

**Adjournment.** Chairman Ellefson adjourned the meeting at 10:15 PM.

Respectfully submitted,

John E. Hanson, Secretary