BUFFALO-RED RIVER WATERSHED DISTRICT
BARNESVILLE, MINNESOTA 56514
123 FRONT STREET SOUTH – PO BOX 341
PHONE 218-354-7710

MINUTES FOR MANAGERS' MEETING
December 27, 2010

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, December 27, 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, Zach Herrmann, Engineer, and Julie Jerger, Administrative Assistant, Houston Engineering, Inc. (H.E.).

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 5/19/10 and 7/29/10 special BRRWD meetings and the 5/03/10 Project No. 64, LaBelle/Boyer Lakes Outlet hearing. Motion by Nelson to approve the minutes. Seconded by Paradeis Kobiela. Approved.

Treasurer's Report. The Board reviewed the BRRWD's financial status. We currently have $747,844.06 cash on hand in the Wells Fargo Bank savings account. Since our 12/13/10 meeting, we have received approximately $107,000, including a payment from the Red River Watershed Management Board (RRWMB) for Mediation Project Team (PT) expenses ($9,036.87), the final funding for Phase 1 of the Minnesota Pollution Control Agency (MPCA) Total Maximum Daily Load (TMDL) study ($8,791), and the second half of the Market Value Credits from the State of Minnesota ($89,442.85). We are still waiting for reimbursement from the Minnesota Department of Natural Resources (DNR) for our last Project No. 49, Oakport Flood Mitigation, pay request, and we will be submitting another request for payment for Oakport this week. Albright mentioned that he and Treasurer Nelson should meet early next year to investigate the possibility of transferring some funds to Midwest Bank, as they offer a higher rate of interest. Nelson noted that he received a check from Clay County ($169,686.20) for their 2010 second half ditch/project tax payment.

Other business brought before the Board included:

2010 Permits. Albright noted that he plans to catch up on the permit files in the next few weeks. Due to a heavy workload this summer/fall, the office has not had time to process the approved permit applications in a timely manner. He noted that we received 146 permit applications in 2010.

Permit No. 10-146, Jaime and Amy Kronbeck. Applicants propose to install a driveway/culvert for their new house off from 220th ST S in Section 11, Hawley Township, Clay County. Albright recommends permit approval. Motion by VanAmburg to approve Permit No. 10-146, subject to Township approval to work within their road right-of-way (r-o-w) and Manager field review. Seconded by Hanson. Approved.

Minch Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 7:05 PM to discuss the status of this issue. At 7:20 PM, the Board reopened the meeting.

James Giedt Drainage Complaint. Giedt and a number of his neighbors called the office today regarding concerns about drainage in Sections 1, 2 and 3, Riverton Township, Clay County, along County Road
December 27, 2010

(C.R.) No. 86. They feel that water is seeping onto their property from Aggregate Industries’ gravel pit site. Albright noted that he and Manager Ellefson did a field review on 12/09/10. At that time, there was no, or very little, water going through the C.R. No. 86 culvert. The Board discussed their options with this ongoing complaint. After an extended discussion, Managers VanAmburg, Hanson, and Paradeis Kobiela agreed to conduct a field meeting with Giedt on 12/29/10 at 9:00 AM along C.R. No. 86 to discuss the area drainage problems and the continuing wet cycle that is affecting everyone. Albright will also contact the Clay County Highway Department and County Commissioner Jon Evert about the meeting.

**Project No. 69, Lake Alfred Outlet.** Opsahl has sent out Permission to Survey forms to the affected landowners to allow H.E. to gather elevation information for Erik Jones, Engineer, H.E., so he can prepare a preliminary design. Jones has requested that the DNR provide an Ordinary High Water (OHW) elevation for Lake Alfred. To develop a project for this area, we will need permission from the United States Fish and Wildlife Service (USFWS) to cross their Waterfowl Protection Area (WPA) with an outlet and for the wetlands east of Lake Alfred if their elevations need to be adjusted. Kevin Brennan, USFWS, has provided Jones with their criteria regarding possible wetland impacts.

**Project No. 68, Lake Jacobs Outlet.** Wade Opsahl, Technician, H.E., is in the process of obtaining signed Permission to Survey forms from the local landowners to clear the way for H.E. to conduct an elevation survey of this area. Landowners are interested in a project that would include control structures on the lake and protection for their roads, houses, and septic systems.

**Project No. 67, HRBP Outlet.** During the meeting, Ellefson received a telephone call regarding open water concerns between the project outlet on Pete Lake and Grove Lake. Opsahl has posted signs along Trunk Highway (T.H.) No. 34 on the project r-o-w where the ice is thin. Herrmann will alert Opsahl to this new open water hazard so he can get signs up. Herrmann reported that Pete Lake is down about 1.5’, and Helgeson is down about 0.5’ along T.H. No. 34.

H.E. prepared Change Order No. 1 and Pay Request No. 3 for Ackling Construction in the amount of $17,118.01 with 10% retainage. **Motion** by Paradeis Kobiela to approve the referenced change order and pay request. **Seconded** by Nelson. **Approved.**

**Project No. 66, Tansem/Ranum Lakes Outlet.** Albright will meet with Brad and Lanessa Hersch in January regarding their buyout and potential funding from the Department of Employment and Economic Development (DEED). The buyout would just include the Hersch’s house. No outbuildings or land would be included.

**Project No. 65, County Line Outlet.** Ellefson reported that before freeze up, water was draining naturally out of this area to the west. The Board briefly discussed possible benefits for a potential project that could lower all the wetlands in this area. The USFWS has indicated that an outlet project could actually improve their waterfowl habitat. Issues will include establishing an acceptable drawdown elevation for the DNR protected waters and USFWS protected wetlands.

**Project No. 64, LaBelle/Boyer Lakes Outlet.** Herrmann said that Boyer Lake is down about 5’. Opsahl has installed stop logs in the outlet structure at the 4’ runout elevation. Herrmann indicated that we could add more stop logs to the structure this spring if necessary. Albright noted that we still need to meet with Chad and Loren Jetvig regarding outlet issues on Boyer Lake and crop loss concerns/damages on LaBelle Lake.

**Project No. 62, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1), Branch No. 4.** Albright noted that the office has mailed revised assessment notices to the landowners.
**Project No. 61, Clay 11 N.** The Board discussed options to address the erosion slide along the former John Leseth farmstead. To date, Leseth hasn't paid his share of the farmstead crossing costs.

**Project No. 57, Moorhead I-94 Flood Control.** Blaine Benedict contacted the office regarding their request for a ditch cleanout in Section 24, Moorhead Township. H.E. provided Benedict with an elevation survey for the project. The City of Moorhead will get the work done this spring.

**Project No. 56, Manston Slough Restoration.** The office mailed letters last week regarding the eleven remaining easement options. Albright prepared a detailed funding breakdown and sent an email to Pat Lynch and Kent Lokkesmoe, DNR, regarding additional possible cost share for the project. The project should meet the State's 75% funding criteria. Albright made an official request for additional funding to the DNR, including a letter from the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG), approving the Manston Slough Restoration project for the increased state funding. Opsahl will work with the Appraisers on their report. The Kent Rod and Gun Club easement acquisition issue will be referred to Tami Norgard, Vogel Law Firm, to start the friendly condemnation process.

**Project No. 50, Cromwell Township Highwater Investigation.** The project (Grefsrud wetland) has reached the desired water elevation and has been stopped. The Board discussed following up on the unsigned easements this winter. We have received signed easements from the Petermann Trust and Muriel Grefsrud. Albright and Jones will need to work with the USFWS regarding the permanent wetland elevations after the project is operational. The Appraisers will work on completing the assessment of benefits for the project this winter. The Board would like to have the appraisal and easement work completed, so the project can be finished this spring.

**Project No. 49, Oakport Flood Mitigation.** Albright will meet on Thursday with the Hasses to close on their house acquisition. The Board hoped that this will be the final meeting regarding their closing. Opsahl will work on the assessment of benefits corrections this winter. Kris Carlson, Ulteig Engineers, Inc. (UEI), reported that we will need approximately $8.3 million to complete the project next summer. The Construction Committee will discuss this issue at their next meeting. The Board discussed income we have received from the project and the final projected construction costs.

**Project No. 46, Turtle Lake.** Opsahl has been working on repairs for a valve on the Long Lake siphon. He plans to hire Master Construction to remove the valve and replace it with a rubber connector to allow the siphon to function this winter, and then attempt repairs next spring under better weather conditions.

**Project No. 39, Georgetown Levee Improvement.** Albright sent the appraisal contact information for buyouts to Georgetown Mayor Tracey Goble for her review. As soon as she has returns the information, the office will send out letters to about 15 Georgetown residents regarding the appraisal/buyout process. The Board reviewed a map showing locations of the potential buyout properties and discussed project benefits/costs.

**Project No. 38, Farmstead Ringdike Program.** Most of the 2010 ringdike construction is completed, with just clean up left next spring. Bob Crowe recently submitted a ringdike request for next year. Kent Lokkesmoe, DNR, has agreed to provide some funding for the Karppinen ringdike, assuming money will be available. The DNR will provide funding for the retaining wall costs at the same rate as the earthen dike. Karppinen will have to pay the remaining costs of the retaining wall.

**Project No. 32, Hawley EDA Diversion.** The Board discussed the redetermination of benefits. Albright noted that the Appraisers will be working on this project. The office still has to mail the agreements for signature regarding repair of the 60” dia. reinforced concrete pipe (RCP).
**Project No. 30. Clay/Wilkin J.D. 1.** The Board needs to meet with Dean Paschke regarding his request for the BRRWD to remove the temporary 24" dia. restrictor plate on the culvert in C.R. No. 3 in the southwest corner of Section 5, Deerhorn Township. Eldon Hermunslie also wants to meet regarding his ditch cleanout requests.

**Project No. 29. Buffalo River Log Jam Removal.** Scott Smith, Natural Resources Conservation Service (NRCS), notified the BRRWD that the administrative expenses could only be 14% of the total costs. Albright resubmitted an adjusted billing, and he expects that we will receive the NRCS log jam payment soon. The City of Georgetown requested that the BRRWD remove a log jam by the Texas crossing on the Buffalo River. Opsahl will get cost estimates for the work and bring them back to the Board for their review. Georgetown would like to have the work completed this winter before the spring flood.

**Project No. 1. Wilkin County Ditch No. 22.** The Board briefly discussed the lawsuit between two landowners on Branch No. 1. Albright noted that the attorneys will be contacting him for information regarding the suit. Landowners on the east end of the Lateral No. 3 would like to meet regarding a possible ditch improvement petition.

**Mediation PT.** The next PT meeting is tentatively scheduled for Thursday, February 17, 2011, at 1:30 PM, MSUM Science Center. A landowner/agency informational meeting for the South Branch of the Buffalo River project will be held on Thursday, January 27, 2011, at 2:00 PM in Hildebrand Hall, Assumption Church, Barnesville.

**COE Metro Flood Study.** The Board spent some time discussing possible Diversion project alignments.

**Red River Basin Commission (RRBC) Long Term Flood Study (LTFS).** Albright will schedule a meeting for the Board to meet with Rick St. Germain, H.E., to review the results of retention study results. H.E. investigated possible sites that could provide a 20% flow reduction for a selected gauging point on the Red River of the North.

**Integrated Storage "Waffle" Concept.** The Board had an extended discussion about acting as a possible lead agency for this pilot project. Ellefson felt that we already have a heavy workload scheduled for 2011. Herrmann suggested that more detailed modeling could be done in the Wolverton Creek/Comstock Coulee area before we commit to a pilot project. Albright pointed out that a few landowners have expressed interest in the concept. VanAmburg suggested that once we have completed the Oakport Flood Mitigation project, this might be a good project to consider. Steve Dalen, Pinnacle Water Management, Inc., will attend the next meeting to discuss this issue further with the Board.

Landowner Jeff Nord would like the BRRWD to schedule a meeting with the Wolverton Creek/Comstock Coulee Committee this winter. We have received another Minnesota Board of Water and Soil Resources (BWSR) Clean Water Legacy (CWL) grant to continue work on this project. We have a Steering Committee setup to discuss this area.

**28th Annual RRBC Land & Water International Summit Conference.** The RRBC will hold their Annual Conference on January 18-20, 2011, Ramada Plaza & Suites, Fargo, ND. Albright will make the Board's reservations. The RRBC will provide booth space for the BRRWD free of charge. Nelson, Hanson, VanAmburg, and Albright all plan to attend various days of the conference. On 1/19/10, Albright will make a presentation, entitled "Managing Highwater Lakes and Wetlands in Minnesota".

**Social Indicators Survey.** The office mailed the second draw of the water quality survey last week, and reminder postcards will be sent this week. We have already received a number of completed surveys.
Red River Retention Authority. The Board discussed the status of this group. Albright visited with Jerome Deal, RRWMB, last week regarding the Authority's recent activities.

Clay County Buyout Program. The BRRWD and Clay County have agreed to share the buyout costs (50/50) for the house at 10003 3rd ST S in association with the County's buyout program. The demolition will take place next summer. The office will bill Clay County for their share of the buyout costs.

New Office. The Board agreed to solicit Request for Proposals from a number of local design/architect firms for the new office building. The office will prepare a mailing list and send the letters. The Board discussed the option of purchasing the third lot in the Commercial Park adjacent to the lots we have already purchased. They decided to wait until their next meeting to make a decision on the lot purchase. The Board also discussed alternative heating systems for the new building.

Fargo-Moorhead Diversion Speaker. Dr. G. Edward Dickey will make a presentation regarding the FM Diversion on January 12, 2011, at 11:00 AM at the NDSU Memorial Union.

Aquatic Invasive Species Legislative Summit. Hubbard, Otter Tail, and Becker Counties are hosting an invasive species summit on Saturday, January 15, 2011, at 9:30 AM in the Detroit Lakes Vocation/Technical College.

Anderson Wetland Restoration. The Board discussed the Anderson Wetland Restoration project. Mark Aanenson, H.E., has been working with the Army Corps of Engineers (COE) regarding possible wetland banking credits from this project. Aanenson will contact Tom Mings, COE, to review their final ruling on the number of bankable wetland credits the BRRWD would be able to develop.

The following bills were presented for approval:

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<tr>
<th>Accounts Payable</th>
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<th>Account</th>
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<tr>
<td>Ackling Construction Co.</td>
<td>Pay Request/Change Order</td>
<td>Pj. 67, HRBP Outlet</td>
<td>$17,118.01</td>
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<td>Bruce E. Albright</td>
<td>SIS survey mailing postage</td>
<td>Buffalo River TMDL</td>
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<td>Hein Farms</td>
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<td>M.S.A. 103D.905, Subd. 3</td>
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<td>January 2011 Lobbyist fees</td>
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<td>Pj. 07, Clay 39</td>
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<td>Vogel Law Firm</td>
<td>#349096, November Billing</td>
<td>Pj. 56, Manston</td>
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Motion by Nelson to approve payment of the bills. Seconded by Hanson. Approved.
**Next Meeting.** The Board of Managers, BRRWD, will hold their annual meeting on Monday, January 10, 2011, at 7:00 PM.

**Adjournment.** Chairman Ellefson adjourned the meeting at 9:45 PM.

Respectfully submitted,

John E. Hanson, Secretary