

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

BARNESVILLE, MINNESOTA 56514

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## **MINUTES FOR MANAGERS' MEETING January 24, 2011**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, January 24, 2011, 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.); Greg Anderson and Jeff Schaumann, Supervisors, Oakport Township, and landowners: Jim Myers, Jay Hochhalter, Chris Stepp, and Debbie Stepp.

Chairman VanAmburg 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 12/27/10 regular BRRWD meeting. Nelson noted a couple of minor corrections. **Motion** by Hanson to approve the minutes, subject to correction. **Seconded** by Nelson. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's financial status. We currently have \$1,566,751.12 cash on hand. Since the last meeting, we received \$83,041.29, which hasn't been allocated yet, including a payment from the Red River Watershed Management Board (RRWMB) for the December 2010 Mediation Project Team (PT) expenses (\$2,085.80), Becker County for delinquent 2010 property taxes (\$2,421.49), Oakport rental check (\$100), and the Bridgepointe Community Church (\$78,534.00) for their share of the Clay County Ditch No. 41, Lateral No. 1, crossing costs. Pay Requests totaling about \$1 million are still pending from the Minnesota Department of Natural Resources (DNR) for the Oakport Flood Mitigation project. The Board briefly discussed moving some funds from Wells Fargo Bank to Midwest Bank, as Midwest's interest rates are higher.

### **Other business brought before the Board included:**

**Project No. 39, Georgetown Levee Improvement.** Albright reported that we have received 14 of the 15 permission to appraise forms we recently sent to Georgetown landowners. The office will send requests for proposals to local appraisers this week, and the Board can review them at an upcoming meeting. The Board briefly discussed the various properties that are eligible for a buyout. Jim Myers was in the audience to find out about the status of the appraisal process.

**Project No. 46, Turtle Lake Outlet.** Greg Anderson, Turtle Lake Association (TLA), had questions about the operation of the siphon system and noted concerns about the lake elevation. Currently, the Long Lake siphon is under repair. Turtle Lake continues to rise, and Anderson reported that the lake homeowners are concerned about spring flooding. Anderson distributed a handout from the TLA regarding various committees they have organized to address possible spring flooding issues. The Board reviewed a timeline regarding siphon system operation/repairs. The contractor expects to have the valve repairs completed this week. Albright noted that the Long Lake siphon has always been more problematic than the Turtle Lake siphon.

The group discussed a potential new gravity flow system for Long Lake, including costs and permitting/environmental issues. Albright suggested that we hold a meeting with the TLA and agency officials regarding this possible new outlet proposal. If Turtle Lake is still high this spring, VanAmburg questioned if we would still have to shut down the project during spring flooding in accordance with the operation plan. Albright thought we'd have to make that determination later this spring. Ellefson felt that some might feel that the siphon system has not operated as promised. Herrmann pointed out that H. E. designed the project for a specific discharge volume. The current ongoing wet cycle, which started in about 1993, has added more water to the system than H.E. could have anticipated. Albright added that the lake elevation graphs show that the project performed as promised up until the last couple of years. The Board had an extended discussion regarding possible project design options. **Motion** by Nelson to authorize H.E. to conduct an investigation regarding the gravity flow proposal. **Seconded** by Ellefson. **Approved.**

**Project No. 65, County Line Outlet.** Robert Hovland, Supervisor, Prairie View Township, was in the office to find out about the status of the project and to report that the Township is having a hard time keeping their road (30<sup>th</sup> AVE) open with the current high water, cattails, and excessive snowfall. Albright explained that the BRRWD delayed this project for a number of reasons. First, the wetland has reached its runout elevation and is flowing west naturally, so the elevation has stabilized and will not get any higher. In addition, the Minnesota Department of Transportation (MNDOT) refused our request to drain the area west to the Interstate-94 (I-94) road ditch. Another concern regarding project development is about where we will be able to find benefitting properties/landowners to help pay for the project. The United States Fish and Wildlife Service (USFWS), who owns the wetlands in Prairie View Township, is concerned about a project with a gated outlet structure that could affect their wetland elevations. Albright noted that the wetlands east of the original area have grown into one large body of water, and if they get much higher, they will also flow west over the ridge into the County Line Project area. Kevin Brennan, USFWS, has informed Albright that the USFWS has listed this area as a potential Shallow Lakes Initiative project site, but they would probably do nothing with it until 2012, which won't address the immediate landowner concerns.

Ellefson discussed his concerns about Wilkin County's decision to stop maintaining the township roads, which he feels is compromising road conditions. Chris Stepp expressed concern about what is going to happen to the road and their property this spring. Albright explained that the BRRWD has been extremely busy with similar highwater emergencies, and the fact that the wetland is running out naturally, put the project on hold last summer. Jay Hochhalter said that the road was overtopped again last fall, and water is threatening his farmstead. He distributed a map and discussed his ideas about a possible drainage route for the water, going north to Whisky Creek. The group reviewed Hochhalter's map and a map prepared by H.E., showing the most recent proposal to drain water to the centerline culvert in I-94. Herrmann noted that H.E. explored the route that Hochhalter suggested, but the most cost effective route for the water is to utilize the I-94 centerline culvert located southwest of the wetland. Ellefson felt that MNDOT should reconsider their decision regarding the use of their road ditch. He felt that since their road crosses the BRRWD from east to west, there are going to be situations where we will need to use their ditch for drainage.

Albright discussed a letter from Victor Haugrud regarding a ditching proposal permit in this same area. Stepp asked if project funding was a concern. Albright explained that we would need to work with the Fergus Falls USFWS regarding an outlet control structure, wetland permitting, and finding enough benefits to pay for the project. Currently, the BRRWD has not asked the DNR for 50% funding. Stepp suggested that he could do the ditch work by BRRWD permit to help minimize costs. Albright gave brief overview of the project to date for Managers VanAmburg, Hanson, and Paradeis Kobiela. Herrmann noted that the USFWS could lower the wetland below the OHW if they classify it as a natural resource enhancement (nre) project to manage fish populations, etc.

Hochhalter pointed out that the BRRWD had indicated that once we had the LaBelle/Boyer Lake project completed, we would focus on this project. Albright provided the landowners with a copy of the H.E. 6/14/10 report, and the group discussed the report maps showing alternative drainage routes. Wilkin County Ditch No. 41 would be the proposed outlet, and the project landowners might have to pay a one-time outlet fee to drain to the ditch system.

Albright talked about funding acquisition. Since, the DNR has provided 50% funding for a number of recent outlet projects, the first step would be to contact them to find out if they would fund (50%) this project, too. Ellefson noted that the local farmers have indicated that they would not object to the project crossing their property. The group had an extended discussion regarding alternative designs and project funding. Stepp was very interested in doing the project himself according to H.E.'s design, but was concerned about handling the agency permitting on his own. Albright suggested that H.E. could contact USFWS regarding the proposed project. The Board discussed scheduling a meeting with the landowners and agencies to discuss this issue. Kevin Brennan, Fergus Falls Wetland Management District (WMD)/USFWS, has retired, so Jones will contact Doug Wells to restart the project.

**Project No. 49, Oakport Flood Mitigation.** Albright sent a letter to Kent Lokkesmoe, DNR Waters, today regarding the final funding needed to complete the project. During the Red River Basin Commission (RRBC) Conference in Fargo, Manager Nelson discussed this issue with Lokkesmoe. Ulteig Engineers, Inc. (UEI) has estimated that it will take approximately \$8.7 million to complete the project. Just to complete work on the four current contracts will cost approximately \$2.75 million. The BRRWD has approximately \$1,125,500 in the project account and the current DNR grant, so we would need an additional grant of \$1.6 million to complete this contracted work. Manager Nelson said that Lokkesmoe said the DNR should be able to provide this funding. We also need \$1.5 million to finish the road raises east of the Coulee on County Road (C.R.) No. 96 and Wall Street for Phase 3B that were postponed last year. Albright told Lokkesmoe we would also like to complete this work in 2011. To complete Phase 4, we will need an additional \$5.5 million. We could delay this work until 2012, if needed. Phase 3B has to be finished before we can start Phase 4. The Board briefly discussed possible 2011 bonding bill legislation for to fund flood damage reduction (fdr) work in the state.

At a recent BRRWD meeting, Oakport Township asked the BRRWD for a contribution for the 2011 flood fight. The Board discussed possible funding sources for flood expenses, including, Federal Emergency Management Agency (FEMA), the DNR, and the Army Corps of Engineers (COE). Albright suggested that the Board could designate the needed flood fight expenditures as a project expense. He thought that we could allocate costs following the flood. **Motion** by Ellefson to designate any emergency diking/construction expenses incurred for the Oakport Flood Mitigation project area in preparation for the possible 2011 spring flood as project expenses, with the understanding that the BRRWD will seek reimbursement from any available funding agency. **Seconded** by Hanson. **Approved.**

Albright discussed the final easement acquisitions. Brian Dresser's easement is going to condemnation. We will need his easement this spring when construction can start again. ARC Appraisals will conduct the appraisal. Greg Anderson and Albright met with Steve Nelson regarding his concerns about his easement language, his payment, and tree reimbursement. Nelson also might be interested in purchasing one of the buyout houses. Tami Norgard, Attorney, Vogel Law Firm, will make the changes. Nelson's easement is involved with Phase 4, so it won't delay spring construction. The Albertsons' land trade is still pending. Albright needs to work with Corey Elmer, Attorney, Vogel Law Firm, to complete this transaction. The final acquisition is the VanRaden land purchase for the storm water pond. The BRRWD wanted 14 acres for the pond, but VanRaden would like to have the BRRWD buy the entire tract of about 18 acres. Norgard forwarded our offer for the 18 acres today. The BRRWD could resell the extra 4 acres once the project is completed. VanRaden also wants to lease some BRRWD acreage for snow storage. Albright noted that we

have several lots along Broadway that VanRaden could lease for this purpose. Norgard will put together a lease agreement.

The Board thanked Jeff Schaumann and Greg Anderson, Oakport Township, for their efforts in obtaining the easement agreements and for coordinating the last several flood fights.

**Permit No. 11-04, David Kragnes.** Applicant proposes to pattern tile the NE¼, Section 25, Kragnes Township, Clay County, with five outlets to Clay County Ditch No. 59. **Motion** by Ellefson to approve Permit No. 11-04, subject to our standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

**Minch Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 8:50 PM to discuss the status of this issue. At 8:53 PM, the Board reopened the meeting.

**Section 27, Skree Township, Clay County.** Albright has been trying to schedule a meeting with Clayton, Craig, and Brandon Runck to discuss their wetland draining activities in Skree Township. The meeting will include personnel from several environmental and government agencies.

**James Giedt Drainage Complaint.** Albright and Wade Opsahl, Technician, H.E., planned to meet with Giedt on 12/29/10 to conduct an elevation survey, but weather conditions were poor, and the survey will have to be rescheduled. Albright noted that he plans to get it done as soon as possible. Aggregate Industries has indicated that they are willing to meet with the landowners again, but question the outcome of any such meeting.

**Project No. 69, Lake Alfred Outlet.** Herrmann reported that H.E. completed the elevation survey last week, and they are working on a report for the Board's review.

**Project No. 68, Lake Jacobs Outlet.** Albright visited with John Boen last week, and he is more concerned about the proposed Lake Annie outlet than the Lake Jacobs project. Since the land is not in the BRRWD, he doesn't think they should be able to drain into the watershed. There will be a Norwegian Grove Township meeting on 2/11/11 where the Lake Annie outlet will be discussed. Albright and Jones plan to attend. Albright has already given information to Jim Marty, Township Supervisor, regarding petitioning into the BRRWD.

**Project No. 67, HRBP Outlet.** Appraisers will meet next week to start their work on the assessment of benefits for this emergency project.

**Project No. 66, Tansem/Ranum Lakes Outlet.** Albright and Brad Hersch met with Wynne Consulting regarding the Department of Employment and Economic Development (DEED) funding for a buyout. Wynne Consulting will hire an appraiser for the Hersch property. They expect to complete the buyout by April 2011. No outbuildings or land will be included in the transaction. Hersch plans to build a new house on a higher area on his property. H.E. prepared an elevation map showing buildable sites on Hersch's property. He will work with MNDOT to use an existing approach off Trunk Highway (T.H.) No. 34. Covenants will be included in the buyout agreement to restrict building in low areas on the tract, according to H.E.'s drawing. Hersch would like to stay in his house until their new house is done.

**Project No. 64, LaBelle/Boyer Lakes Outlet.** Opsahl needs to provide Albright with the total acres of Chad Jetvig's crop that were damaged last summer on LaBelle Lake before he can reimburse Jetvig. Albright still needs to meet with Loren and Chad Jetvig to discuss their outlet/access issues.

**Project No. 63, Grove Lake Outlet.** Albright noted that he and Manager Ellefson received phone calls from downstream landowners regarding breakout/icing concerns on Whisky Creek west of Barnesville. Albright pointed out that water would continue to flow in Whisky Creek, even if we closed the upstream lake outlets. More water might actually help keep the channel open and running. Plans are to turn off all lake outlets in advance of any spring flooding.

**Project No. 61, Clay County Ditch No. 11-North.** To date, Leseth hasn't paid his share of the farmstead crossing costs.

**Project No. 56, Manston Slough Restoration.** Albright will recontact those landowners who have not signed their easement options. He reported that the 75% funding from the State has not been finalized. Albright explained that the cost of the project increased due to the addition of the nre features. The DNR wants further documentation justifying the increased funding costshare for the nre components. Rick St. Germain, Engineer, H.E., is preparing the documentation.

**Project No. 50, Cromwell Township Highwater Investigation.** Albright and Jones will need to work with the USFWS regarding the permanent wetland elevations after the project is operational.

**Project No. 38, Farmstead Ringdike Program.** Albright noted that the office will work with Opsahl to get the final landowner billings prepared and submitted.

**Project No. 32, Hawley EDA Diversion.** The City of Hawley would like to meet with the Board to discuss their various projects/issues on Tuesday, February 22, 2011, at 5:30 PM, City Hall.

**Project No. 29, Buffalo River Log Jam Removal.** The City of Georgetown requested that the BRRWD remove a log jam by their 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. There was some talk about removing the texas crossing to eliminate this chronic repair issue.

**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. Meeting notices have been sent. The group discussed what will be covered at the meeting.

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

**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. H.E. investigated possible sites that could provide a 20% flow reduction for selected gauging points on the Red River of the North.

**Integrated Storage "Waffle" Concept.** A meeting to review the "waffle" concept workplan has been scheduled for 2/18/11 with various Managers at 9:00 AM, Fargo H.E. Manager Nelson distributed a newspaper article regarding the Cass County Joint Water Resource District's decision against sponsoring a distributive storage pilot project because of concerns about the accuracy of the plan's hydraulic modeling.

**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 continue to receive the completed surveys.

**Red River Retention Authority.** The RRWMB met with the City of Moorhead regarding the BRRWD's membership. The Managers were concerned that we were not included in the meeting. Moorhead Mayor Voxland would like to meet with the BRRWD and the RRWMB to discuss this issue. The Board had an extended discussion regarding RRWMB membership issues/concerns.

**Clay County Ditch No. 49.** Plans for the structure replacements are being prepared, and the information will be submitted to the State for funding cost share.

**New Office.** Manager Nelson provided information regarding heat pumps for the Board's review. The office mailed out 10 Request for Proposals (RFP) to local architecture firms, and we received four proposals for the Board's review. After discussion, the Board felt that YHR Partners, Moorhead, met our criteria based on the total estimated cost, location within the BRRWD, and qualifications. In addition, one of the partners, Margaret Follingstad, lives in Barnesville, which the Board felt would facilitate communication with the architect during design/construction. **Motion** by Ellefson to hire YHR Partners as the architect for our new office building. **Seconded** by Paradeis Kobiela. **Approved.**

**Cass County River Setback Ordinance.** Albright provided a handout regarding Cass County's setback ordinance. Kevin Campbell, Clay County Commissioner, suggested that the BRRWD review the ordinance and make recommendations regarding setback regulations that could be considered by Clay County. Albright will get the complete ordinance for review the Board's review and discussion at a future meeting.

**Barnesville River Watch.** The River Watch Team will be presenting their 2010 sampling results on Wednesday, January 26, 2010, in the High School Library at 1:00 PM. River Watch Educator Sheila Carlson has asked the Board for guidance regarding their 2011 sampling needs/goals. The Board discussed possible new sampling sites and the sampling process.

**Thank You Note.** Kevin Brennan, USFWS, sent the BRRWD a thank you note for Albright and Manager Nelson's attendance at his retirement party.

**Annual Drainage Conference.** Rinke Noonan Law Firm is presenting a drainage, wetland and natural resources regulation conference on February 3, 2011, in the St. Cloud Civic Center.

**2011 Legal Consultant.** The Board appointed Vogel Law Firm as our 2011 legal consultant at our 1/10/11 annual meeting, subject to receipt of their formal proposal. The Board reviewed Vogel's proposal and agreed that it was acceptable.

**Surface Water Assessment Grant (SWAG).** Albright reported that Minnesota Pollution Control Agency (MPCA) has denied two recent SWAG applications for water quality monitoring in the lakes area.

**Lawndale Trout Stream.** Luther Aadland, DNR, contacted Albright to report that they have about 2,200' of the channel excavated. The DNR had to adjust the channel alignment to better align with old ditch and to reduce channel excavation.

**Comstock and Hickson Dams Retrofit.** The DNR requested that the BRRWD contribute additional funds to this project. The Board discussed this request and agreed to make a decision at a future meeting. The additional funds needed to actually construct the project will be dependent on the number of partners who are willing/able to contribute.

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

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
Bruce E. Albright	1/13/11 Appraisers' dinner	Pj. 56, 67, 50	\$ 40.00
Bruce E. Albright	2nd SIS postcard postage	Buffalo River TMDL	\$ 179.02
Clay Co. Auditor	Becker Co. bond sale collections	Pj. 46, Turtle Lake	\$ 93.40
Clay Co. Auditor/Treasurer	Parcel #230202100, Fischer taxes	Pj. 49, Oakport	\$ 225.48
Haugen's Landscaping	#555, 1/17/11 snow removal	Pj. 46, Turtle Lake	\$ 262.50
Haugen's Landscaping	#549, Snow removal	Pj. 46, Turtle Lake	\$ 875.00
Joel Carlson	February 2011 Lobbyist fees	Admin	\$ 850.00
Loren L & Judy Larson	Easement	Pj. 49, Oakport	\$ 11,649.50
MAWD	2011 Dues	Admin	\$ 3,500.00
Midwest Helicopters	2010 aerial spraying	Varies-see attached	\$ 22,867.00
Midwest Helicopters	2010 ground spraying	Varies-see attached	\$ 17,551.80
MPS	12/06/10-1/08/11 service (6)	Pj. 49, Oakport	\$ 168.51
Office Essentials Plus	#489, Laser Envelopes	Admin	\$ 129.00
Petty Cash	Postage, supplies, misc.	Admin	\$ 200.00
Roger G. Ellefson	Voucher #1029, 11/01/10-12/31/10	Varies	\$ 1,088.91
RRVCPA	12/10/10-1/10/11 service (4)	Pj. 49, Oakport	\$ 223.76
TDS MetroCom	1/13/11 long distance	Admin	\$ 27.73
Travelers Flood	5604 5th ST NW, flood insurance	Pj. 49, Oakport	\$ 2,468.00
			<b>\$ 62,399.61</b>

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

**Next Meeting**. The Board of Managers, BRRWD, will hold their next meeting on Monday, February 14, 2011, in the Barnesville office at 7:00 PM

**Adjournment**. Chairman VanAmburg adjourned the meeting at 10:05 PM.

Respectfully submitted,

John E. Hanson, Secretary