

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING February 28, 2011

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, February 28, 2011, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Gerald L. VanAmburg, John E. Hanson, 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.); Chuck Fritz, Executive Director, International Water Institute (IWI); and landowners Richard Powell and Jim Myers.

Chairman VanAmburg called the meeting to order at 7:12 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 2/14/11 regular meeting. One minor change was noted. **Motion** by Paradeis Kobiela to approve the minutes, subject to correction. **Seconded** by Hanson. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. We currently have \$2,480,992.82 cash on hand. Since the last meeting, we received \$5,374.36. Curtis Lynde bought the Duane Egge property (Oakport) for \$1,500. We received \$1,921.00 for Hay Creek/Stinking Lake Clean Water Legacy (CWL) cost share from the United States Department of Agriculture (USDA), and \$1,467.75 from the Red River Watershed Management Board (RRWMB) as reimbursement for our January Mediation Project Team (PT) expenses. The balance of the income was from various refund checks we received for Oakport utility payments. **Motion** by Ellefson to approve the Treasurer's Report. **Seconded** by Paradeis Kobiela. **Approved.**

Other business brought before the Board included:

Permit No. 11-09, Richard Powell. Applicant proposes to construct a private ringdike in conjunction with a number of his neighbors for five lots in the SE¹/₄, Section 6, Oakport Township, Clay County, prior to the 2011 spring flood. Powell contacted Albright regarding possible funding for a ringdike project, but the landowners have decided to construct a private dike to expedite their project. Opsahl is working with Powell to provide an elevation survey for the area. Powell will contact Oakport Township to obtain fill for the dike from the Oakport project. The group discussed the proposal. Albright recommended that Powell contact the Clay County Highway Department for permission to place fill in the County Road (C.R.) No. 1 road right-of-way (r-o-w). The entire dike alignment will be located on private property. Powell had hoped to receive State funding for the project, but Albright advised him that State ringdike funding is not available at this time. **Motion** by Ellefson to approve Permit No. 11-09, subject to Clay County Highway Department to work within their road r-o-w. The culvert sizing should match the driveway culverts (24" dia.) on the north end of the dike. **Seconded** by Hanson. **Approved.**

Project No. 39, Georgetown Levee Improvement. Jim Myers questioned the status of Georgetown buyouts. He had hoped that the BRRWD could have bought out his house prior to the 2011 spring flood. Myers asked if he hired his own appraiser, could his buyout close before the flood. Myers explained that the temporary emergency diking for the City of Georgetown doesn't protect three of the eleven houses

slated for buyout. His property is outside the temporary dike, so he has the work and expense of protecting his own property. The group discussed Myers concerns regarding the 2011 flood fight. The City of Georgetown plans to ask the Army Corps of Engineers (COE) to raise the existing dike 2' this spring.

Albright reported that we have sent out requests for proposals (RFPs) to seven local appraisers to do the appraisal work. We will award the appraisal contract at the 3/14/11 regular meeting based on a unit price for all the houses. The RFPs also asked that the Appraisers provide a set timeframe to complete the work. The Board discussed how to proceed with the appraisals/buyouts. Albright suggested that the Board/City should develop a policy regarding the appraisal/buyout process. Ellefson suggested that the BRRWD should buyout the properties that are not protected by the Georgetown dike on a first come, first serve basis. Albright noted that flood preparations are moving forward in North Dakota, and he is receiving phone calls from landowners on the Minnesota side of the Red River with concerns about when we're going to start emergency diking. He pointed out that we are waiting for the COE to make a commitment regarding their role in the 2011 flood fight. VanAmburg noted that at this point, there is very little that the Board can do to expedite the process to assist Myers with his 2011 flooding concerns.

Albright reported that State Representative Morrie Lanning has asked the office to draft a bill for the BRRWD's funding needs.

IWI Update. IWI Executive Director Chuck Fritz provided the Board with an update regarding IWI's 2010 activities. Fritz reported that the IWI Mapping Initiative is nearly completed. The group discussed the use of the LiDAR Viewer on the Red River Basin Decision Information Network (RRBDIN) website. Fritz explained that the RRBDIN site is now housed at the North Dakota State University (NDSU). He noted that the website loads much faster than it did. Fritz discussed the RRBDIN site update. They have added "decision" tools to the site for public access, including flood and drought prediction display tools in conjunction with the National Weather Service, a social networking site in conjunction with the Fargo Code Red flood alert site, and the "Phase 6" application that uses the LiDAR Viewer to facilitate permit evaluation and project prioritization. The group had an extended discussion regarding permitting issues and landowner participation regarding the development of flood damage reduction projects.

Fritz also discussed a watershed feasibility study regarding the relationship between tiling/agricultural drainage and flooding. He organized a Basin Technical and Scientific Advisory Committee (BTSAC). The Red River Retention Authority (3RA) tasked Fritz to look specifically at the affect of tile drainage on peak floods. The study should yield data to provide a management alternative regarding tiling. The group discussed the efficacy of tile drainage in relation to peak flood events. They also discussed the similarity of flood damage reduction efforts in the early 1900s and current efforts. Fritz noted that there is a BTSAC meeting scheduled for 3/10/11, and he encouraged the BRRWD to provide a technical/scientific representative to serve on the Committee.

Permit No. 11-05, Becker County Highway Department. Applicant proposes to replace a bridge over the Buffalo River on County State Aid Highway (CSAH) No. 12, Sections 18/19, Cuba Township, with three lines of 14' x 12' reinforced box culvert (RCB). Jones submitted his report and recommended permit approval. **Motion** by Ellefson to approve Permit No. 11-05. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 11-06, Becker County Highway Department. Applicant proposes to replace a bridge over the Buffalo River on 260th ST in Sections 9/16, Cuba Township, with three lines of 14' x 12' RCB. Jones submitted his review and recommended permit approval. **Motion** by Ellefson to approve Permit No. 11-06. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 11-10, Clay County Highway Department. Applicant proposes to replace an existing bridge over the Buffalo River on C.R. No. 19, north of Glyndon in Section 35, Moland Township. The

project will include grading and aggregate resurfacing on C.R. No. 19. **Tabled**, pending Jones review and recommendation.

Permit No. 11-11, Paul Ehlert. Applicant proposes to excavate a 1-acre pond to allow water from Wilkin County Ditch No. 44 to create wildlife habitat on his property in the SE¼, Section 7, Tanberg Township. There would be gates on the pond inlet and outlet to control flows from the ditch system. If necessary, Ehlert proposes to install a control structure on the ditch system to raise water levels in the ditch to provide gravity flow into the pond. **Motion** by Ellefson to approve Permit No. 11-11, subject to Manager field review. **Seconded** by Hanson. **Approved.**

Section 27, Skree Township, Clay County. A meeting to discuss Clayton, Craig, and Brandon Runck's wetland draining activities in Skree Township, has been scheduled for Tuesday, March 8, 2011, 1:30 PM, in our Barnesville office to include personnel from several environmental and government agencies. The office will mail reminder notices this week.

The Board discussed the concerns regarding the Runcks' 2010 ditching activities (pumping, ditching, plugging culverts) in Section 27. Albright will invite Sharon Lean, District Conservationist (DC), Natural Resources Conservation Service (NRCS), so that she can address a culvert/approach issue in this area.

Lake Annie. Albright reported that the area landowners have decided to route the water southeast and not petition into the BRRWD. The drainage route will go through Gandrud Lake.

Project No. 67, HRBP Outlet. The outlet project is still operating. Opsahl suggested that we stop the upstream lakes' outlet on 3/04/11, and allow the Pete and Grove Lakes' outlet to operate for a few more days to empty out the system prior to the spring runoff.

Project No. 66, Tansem/Ranum Lakes Outlet. Wynne Consulting has hired RM Hoefs and Associates, Inc., Fargo, ND, to do the Hersch appraisal.

Project No. 65, County Line Outlet. The Board will meet with the United States Fish and Wildlife Service (USFWS) regarding their Waterfowl Protection Area (WPA) and easements to discuss the water elevations on Monday, March 7, 2011, at 1:00 PM in the Barnesville office. The Board briefly discussed the USFWS' concerns about a project design that would include a gated control structure. The USFWS expects to have Shallow Lakes Initiative funding for a project to lower the wetland, but they wouldn't be ready to do a project until next year. In light of area landowner concerns, the Board would like to coordinate with the USFWS to expedite the project for construction this year.

Project No. 64, LaBelle/Boyer Lakes Outlet. Jones prepared a report with recommendations and a cost estimate for a culverted crossing for Chad and Loren Jetvig. The Board discussed Jetvig's desire for an easement along the outlet channel alignment (Little Boyer to LaBelle Lake). Albright explained that the Boyer Lake outlet project added water to the channel that runs through Jetvig's property, and he wants to be reimbursed for an easement. Jones will prepare recommendations for Jetvig's easement acreage/payment.

Project No. 63, Grove Lake Outlet. The Board will allow the Grove Lake outlet to continue to drain for at least another week, depending on weather conditions.

Project No. 56, Manston Slough Restoration. Albright reported that two more landowners have signed their options. Ellefson has offered to assist with negotiations with the remaining landowners. The group discussed easement issues that could be of concern to the landowners who have not signed their easement options yet.

The project engineer, Rick St. Germain, H.E., is working on the design of the project outlet structures, which had to be altered to provide additional natural resource enhancement (nre) features. The addition of these features significantly increased the project costs, and the BRRWD has requested that the State fund 75% of the project because of the nre benefits. The Minnesota Department of Natural Resources (DNR) has asked the BRRWD to provide justification for our request. St. Germain will provide a breakdown of the nre and fdr costs for the DNR's review. Albright pointed out that part of the extra expenses would come from increased easement payments for property located below the permanent pool elevation. These extra costs could be another justification for the increased nre benefits costs.

Project No. 50, Cromwell Township Highwater Investigation. Jones contacted Farey Enget regarding her easement, and she has agreed to sign and return it. The remaining landowner who has not signed an easement is opposed to the project, and the BRRWD may have to initiate a condemnation proceeding to acquire his easement. Albright and Jones will meet with the USFWS to discuss the final wetland elevations for the project.

Project No. 49, Oakport Flood Mitigation. The office will purchase the VanRaden property tomorrow morning for the Phase 4 stormwater pond. The office will prepare a DNR pay request for this transaction. We are still waiting for reimbursement from the last DNR pay request we submitted. The Board discussed the State funding/grant status.

The Board also discussed the 2011 spring flood preparations. Residents along the Red River are concerned about a lack of flood preparation activities on the Minnesota side of the river. At this point, we are waiting for the State of Minnesota to make a decision regarding the COE's role in the 2011 flood fight. In North Dakota, the COE is already assisting Fargo with their flood preparations. Greg Anderson, Oakport Township Supervisor, has agreed to assist Oakport Township during the upcoming flood. The Township plans to pay Anderson in this regard. They suggested that the BRRWD consider paying Anderson (\$25/hour) for the time he spends on the Oakport project during the flood. The Board also discussed authorizing Oakport Township to be the BRRWD's representative to negotiate/sign state and federal contracts during the flood fight in Oakport. **Motion** by Hanson to authorize Oakport Township to act as the BRRWD's representative as referenced, and to pay Greg Anderson for the time he spends on the Oakport project during the 2011 flood at the rate of \$25/hour. **Seconded** by Ellefson. **Approved.**

Project No. 46, Turtle Lake Outlet. Albright reported that both siphons system are operational again. Turtle Lake's elevation is starting to go down, and Long Lake is down another 7" in the last two weeks. The Board discussed a date for stopping the Long Lake siphon this spring in accordance with the O&M Plan. Since Long Lake is currently 2.65' lower than Turtle Lake, the Board will consider keeping the Turtle Lake siphon operating while the Long Lake siphon is stopped during the spring runoff to give Turtle Lake a chance to catch up.

Project No. 38, Farmstead Ringdike Program. The office is working on the final 2010 ringdike billings.

Project No. 32, Hawley EDA Diversion. The City of Hawley held a meeting with the Board to discuss their various projects/issues on 2/22/11. Albright sent the cost share agreement and a letter to the affected parties regarding the 60" dia. reinforced concrete pipe (RCP) repairs on 2/17/11.

Opsahl is working on the Appraisers' Report for the redetermination of benefits.

Project No. 29, Buffalo River Log Jam Removal. William Nichols Excavating, Inc. submitted quotes to remove a log jam in Section 15, Kragnes Township, and at the Texas crossing in Georgetown. **Motion** by Ellefson to accept Nichols' bids and authorize the referenced work. **Seconded** by Hanson. **Approved.**

Project No. 19, Becker County Ditch No. 21. Landowner Jerry Matter called the office regarding the status of the H.E. survey for a 0.25-mile cleanout of the east-west ditch in Section 10, Riceville Township.

Project No. 1, Wilkin County Ditch No. 22. Albright will meet tomorrow with Rob Johnson, Vogel Law Firm, to provide information for the Ernst-Nord lawsuit.

Mediation PT. The next PT meeting is scheduled for Thursday, April 14, 2011, at 7:00 PM, MSUM Science Center.

The Annual Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) Conference will be held on March 15-16, 2011, Courtyard by Marriott, Moorhead. Albright forwarded this information to the PT members.

The Board discussed the results of the 1/27/11 landowner/agency informational meeting for the South Branch of the Buffalo River. The PT also discussed this potential project at their 2/17/11 meeting. H.E. will develop some potential project phasing/scheduling options for this project. Another landowner meeting will be scheduled after the spring flood when more information is available.

COE Metro Flood Study. Paradeis Kobiela attended the 2/24/11 Metro Task Force meeting and gave the Board a report. The Board reviewed new maps showing potential upstream retention sites, and they spent some time discussing project location and funding. Albright noted that BRRWD's Attorney Tami Norgard told him that the COE expects to release a new draft of their study by 3/30/11. They would like to have the stakeholders adopt the feasibility report by 4/11/11.

The Clay County Commission approved our petition to use Minnesota Statutes Annotated (M.S.A.) 103.905, Subd. 3, to levy \$350,000 for the BRRWD's share of the F-M Diversion study costs.

Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast. MAWD has scheduled their annual Legislative Breakfast on 3/23-3/24/11 in St. Paul. Albright made the Managers' room reservations. VanAmburg has reserved a van. The Board will meet with our local Legislators at the briefing on Wednesday, and not make any formal arrangements to meet separately.

Clay County Ditch No. 36, 40, 60 Redetermination of Benefits. The redetermination of benefits hearings will be held on 3/22/11 at the Comstock Community Center at 8:00 PM. Notices will be sent to the affected landowners.

Integrated Storage "Waffle" Concept. The Board discussed the 2/18/11 meeting to review the "waffle" concept workplan that Albright, Jones, and Managers VanAmburg and Paradeis Kobiela attended. Albright provided handouts from the meeting to the Managers that could not attend. Steve Dalen, Pinnacle Water Management, Inc. will prepare a work plan for a possible Wolverton Creek/Comstock Coulee project.

BRRWD Advisory Committee Annual Meeting. The BRRWD has scheduled their Advisory Committee meeting for 3/18/11 at 2:00 PM in the Galaxie Supper Club.

Becker County Ditch No. 5. A hearing regarding the USFWS structure for the wetland restoration upstream of the Amer Froyland/Todd Branden Dam has been tentatively scheduled for 4/05/11 in the Audubon Community Center. The notices will be sent in the next few weeks.

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. H.E.

investigated possible sites that could provide a 20% flow reduction for selected gauging points on the Red River of the North. The RRBC contributed \$10,000 to the study.

Social Indicators Survey (SIS). The survey results are currently being tabulated. The office forwarded three more surveys today that we received last week.

River Setback Ordinance. Pete Waller, Minnesota Board of Water and Soil Resources (BWSR), sent information regarding this issue for the Board's review.

Hay Creek/Stinking Lake CWL Grant. BWSR forwarded the Competitive Grants Program Agreement (\$105,408) for the Board's signature. **Motion** by Hanson to authorize Chairman VanAmburg to sign the grant agreement on behalf of the Board. **Seconded** by Paradeis Kobiela. **Approved.**

Red River Retention Authority (3RA). The Board discussed the activities of the 3RA at the recent Hawley meeting. When Albright and Managers Kobiela and VanAmburg met with the Clay County Board of Commissioners regarding our M.S.A. 103D.905, Subd. 3, petitions, some of the Commissioners indicated that the BRRWD should consider rejoining the RRWMB.

Hawley Buffalo River Restoration. BWSR did not approve 2011 funding for this project. At the 2/22/11 Hawley meeting, the group discussed BWSR's reasons for their action. Albright suggested that the project could be divided into phases. The City would like to have the soil borings completed along the channel north of Trunk Highway (T.H.) No. 10 to design for a certified levee alignment. Jones felt that until we know about the soil conditions, the dike location/design and number of buyouts will be hard to determine.

Wolverton Creek/Comstock Coulee. Albright scheduled a sub-PT Committee meeting on 3/31/11, 8:00 PM, Comstock Community Center, to discuss the project status and grant components.

New Office. The Building Committee met with Margaret Follingstad, Architect, YHR Partners, Moorhead, on 2/23/11 to discuss details regarding the preliminary design for the new office building, heating options, and the bidding process. The Managers and Follingstad will meet on site with a photographer from the Barnesville Record-Review on 3/03/11 to take pictures for a newspaper article.

Buffalo River Total Maximum Daily Load (TMDL). Minnesota Pollution Control Agency (MPCA) has funding to hire an intern for the Buffalo Watershed Approach Pilot Stressor Identification project. The Detroit Lakes MPCA staff would supervise the intern. Jones noted that the intern would be expected to assist Bruce Paakh and Dave Friedl, MPCA, in the field and enter data. Molly MacGregor, MPCA, has been filling in for Jack Frederick during his absence. She informed Albright they expect Frederick to be back on 4/01/11. MacGregor will schedule a meeting with Managers to review the Phase 2 proposal. Jones and Albright will work on preparing recommendations and a map regarding potential 2011 water quality monitoring sites for the Board's review.

Clay County Ditch No. 54. When Sellins Brothers cleaned the ditch last fall, they left a couple of piles of tree debris. William Nichol Excavating, Inc. submitted a bid of \$4,615 to clean up the debris. **Motion** by Hanson to approve the work. **Seconded** by Paradeis Kobiela. **Approved.**

Clay County Ditch No. 33. Brian Leiseth filed a repair request to investigate the installation of a centerline ditch crossing near the quarterline in Section 22, Kurtz Township. **Motion** by Paradeis Kobiela to authorize H.E. to conduct hydraulic analysis and to provide a cost estimate. **Seconded** by Ellefson. **Approved.**

USFWS Potential Project. Shawn May, USFWS, contacted the BRRWD regarding a potential wetland restoration site in Section 24, Cuba Township, Becker County, along Clay County Ditch No. 9. May suggested that the BRRWD might want to consider participating with the USFWS on this project. **Motion** by Hanson to authorize Jones to investigate the USFWS proposal and provide recommendations for the Board's review. **Seconded** by Ellefson. **Approved.**

Stream Health and Restoration Workshop. The DNR is holding their 2011 Stream Health workshop on April 18-20, 2011 and August 15-17, 2011 in Fergus Falls. Albright has been asked to make a presentation regarding Minnesota Drainage Law.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Barnesville Phone Co.	12/25/10 billings (2)	Admin	\$ 170.85
Bruce E. Albright	Olson memorial flowers	Admin	\$ 76.85
Comstock Community Center	3/22/11 rental	Clay 36, 40, 60	\$ 50.00
Comstock Community Center	3/31/11 rental	Wolverton Creek CWL	\$ 50.00
ICS Agency, Inc.	#39462, property insurance	Pj. 49, Oakport	\$ 1,875.03
J&J Braton Properties, LLC	March office rent	Admin	\$ 570.00
Jason Wagner	#2010-2D Security Deposit Refund	Pj. 49, Oakport	\$ 125.00
Jerry L. Schmidt	easement option	Pj. 56, Manston	\$ 100.00
Joel Carlson	March Lobbyist billing	Admin	\$ 850.00
Petty Cash	Postage, supplies, misc.	Admin	\$ 100.00
RRVCPA	1/10/11-2/10/11 (3)	Pj. 49, Oakport	\$ 236.32
RRWMB	BRIWM expenditures	Buffalo River TMDL	\$ 3,246.15
Todd A. Klein	easement option	Pj. 56, Manston	\$ 100.00
Turnbuckle Co.	Enget Easement	Pj. 50, Cromwell	\$ 792.40
Ulteig Engineers, Inc.	January billings (4)	Pj. 49, Oakport	\$ 20,809.30
WREC	1/19/11-2/19/11 service (2)	Pj. 46, Turtle Lake	\$ 295.68
			\$ 29,447.58

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

Next Meeting. The Board of Managers, BRRWD, will hold their next meeting on Monday, March 14, 2011, at 8:00 PM.

Shawn Jorgenson Drainage Complaint. VanAmburg asked if the office had any information regarding Jorgenson's complaint about beaver activity in Skree/Hawley Townships along CSAH No. 31. Albright reported that the DNR removed the beavers, but they aren't interested in taking out the dams. Jorgenson also would like the BRRWD to investigate a possible Texas crossing on his property to provide access.

Adjournment. Chairman VanAmburg adjourned the meeting at 10:20 PM.

Respectfully submitted,

John E. Hanson, Secretary