

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

BARNESVILLE, MINNESOTA 56514

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## **MINUTES FOR MANAGERS' MEETING March 28, 2011**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, March 28, 2011, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Gerald L. VanAmburg, John E. Hanson, Curtis M. Nelson, and Breanna Paradeis Kobiela. Others attending included: Erik Jones, Engineer, and Julie Jerger, Administrative Assistant, Houston Engineering, Inc. (H.E.); Larry Jacobson, Supervisor, Highland Grove Township; and landowner: Jon Evert.

Chairman VanAmburg called the meeting to order at 8:00 PM. He announced that the proceedings were being recorded to aid in preparation of the minutes. He noted that Bruce Albright, BRRWD Administrator, is absent tonight, but he has provided notes regarding a number of the agenda items.

**Secretary's Report.** The Board reviewed draft minutes for the 3/14/11 regular meeting. Paradeis Kobiela noted one minor correction. **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 \$2,667,441.25 cash on hand. Since the last meeting, we received \$466,737.30. The Minnesota Department of Natural Resources (DNR) forwarded \$22,163.53 for Project No. 39, Georgetown Levee Improvement, and \$92,973.77 for Project No. 49, Oakport Flood Mitigation. We also received \$349,733 (90%) from the Minnesota Board of Water and Soil Resources (BWSR) from their Clean Water Funds (CWF) grant agreement for the Upper South Branch of the Buffalo River BMP Implementation Plan (runoff reduction/restoration technical assistance) and the 2011 CWF Wolverton Creek Restoration (runoff reduction). The balance of the income was from Traveler's Insurance Company for insurance premium refunds.

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

**Jon Evert Ringdike Flapgate.** Evert explained to the Board that the flapgate, which was installed in 1997 in his farmstead ringdike, is leaking. At this time, he is pumping water out of his ringdike. The BRRWD replaced flapgates on his neighbor's (Blayne Tonsfeldt) ringdike last year with screw type gates. Jones noted that the standard flapgate doesn't seal as well as a screw gate. The BRRWD split the cost of the gate replacement 50/50 with Tonsfeldt. Jones suggested that the Board authorize Wade Opsahl, Technician, H.E., to investigate the repair and to provide recommendations for the Board's review. The Board will make a decision regarding cost sharing the work after they review Opsahl's report.

**Highland Grove Township.** Supervisor Larry Jacobson discussed a highwater problem along 75<sup>th</sup> AVE N in Section 9. An area wetland has grown significantly in the last few years and has overtopped the road on several occasions. Jacobson suggested that we might be able to install a siphon along Trunk Highway (T.H.) No. 32 to protect the road. The Township has spent nearly \$40,000 over the past 10 years to repair/raise their road. Jones pointed out that a siphon probably wouldn't work because the water bodies on either side of T.H. No. 32 are the same depth. Jacobson felt that the sugar beet piler might be holding snow in this area, which would affect wetland elevations. The group agreed it was probably a combination of factors.

Ellefson suggested that we could use the LiDAR data to investigate a possible route to drain the water. Jacobson noted that the Township is looking for a permanent solution to the highwater problems, as pumping the water off the road is expensive. The Board reviewed elevation maps of the area and discussed investigating a possible route to lower the water. They also discussed financial assistance from the BRRWD for the project. VanAmburg thought we should wait to make a financial commitment until after Jones files his report. **Motion** by Ellefson to authorize Jones to conduct an investigation of the area and prepare a report for the Board's review. **Seconded** by Paradeis Kobiela. **Approved.** Jones will check with Minnesota Department of Transportation (MNDOT) to find out if there is a culvert through the road connecting the two water bodies.

**Permit No. 11-03, Tom & Sue Jacobs.** Applicant proposes to create an embankment for a new house and to create a pond in the excavation area near the Red River of the North in the SW<sup>1</sup>/<sub>4</sub>, Section 17, Wolverton Township, Wilkin County. Albright has had several telephone conversations with Jacobs, who is very anxious to get started on the project. He would like the Managers to conduct their field review before the Wilkin Soil and Water Conservation District (SWCD) plants his trees. There is a concern that trees will be located in an area that might cause problems with area drainage. There might also be access problems into his property during floods as the area roads are usually underwater. Albright thought that Bruce Poppel, Wilkin County Environmental Planning & Zoning, should be invited to the field meeting, as there could be issues regarding the how close the new house will be to the Red River. Jacobs has indicated that he is willing to move the house further east away from the Red River; however, his well is only about 10' from the river's edge. **Tabled,** pending Manager field review after the spring flood.

**Permit No. 11-08, American Crystal Sugar.** Applicant proposes to install drainage tile for the Glyndon piling station area in the NE<sup>1</sup>/<sub>4</sub>, Section 22, Glyndon Township, Clay County. **Tabled,** pending Manager field review.

**Permit No. 11-15, Kevin Nelson.** Applicant proposes to install 90 acres of pattern tiling in the SE<sup>1</sup>/<sub>4</sub>, Section 34, Moland Township, Clay County, to outlet directly to the Buffalo River. **Motion** by Ellefson to approve Permit No. 11-15. **Seconded** by Nelson. **Approved.**

**Permit No. 11-16, Cary Danielson.** Applicant proposes to install random tiling in a low area in the S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, Section 7, Trondhjem Township, Otter Tail County. In one area, the tile will replace an open ditch. The project will outlet to a grassed ditch and eventually to the South Branch of the Buffalo River. **Motion** by Hanson to approve Permit No. 11-16. **Seconded** by Nelson. **Approved.**

**Peter Lewis Culvert Complaint.** Lewis claims that a culvert was installed several years ago in 28<sup>th</sup> AVE S between Sections 17/20, Hawley Township, Clay County. The pipe has added water to the north side of road, causing ponding on Lewis' property. Lewis says the culvert is in new condition. Albright plans to investigate the complaint on 4/06/11 when he meets with the Township supervisors. No BRRWD permit was issued for culvert installation in this area.

**Jona Baer, Inc. Egg Laying Retrofit EAW.** Jona Baer, Inc. is proposing the expansion of their egg laying facilities in the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Eglon Township, Clay County. The Minnesota Pollution Control Agency (MPCA) prepared and distributed an Environmental Assessment Worksheet (EAW) regarding this proposal. Comments are due on 4/20/11. The Board agreed to have no comment regarding the EAW.

**Project No. 69, Lake Alfred.** H.E. is waiting for the snowmelt before gathering more survey information and for the DNR to provide Ordinary High Water (OHW) elevations for the area. Jerger noted that a landowner has called the office a couple of times to check on the project status.

**Project No. 68, Lake Jacobs Outlet.** The Board discussed the proposed routes for the Lake Jacobs Outlet project. The BRRWD preferred route would follow the natural lake outlet route by conveying water via culverts and tile through three different wetland basins under United States Fish and Wildlife Service (USFWS) easements. Jones forwarded his proposed lake outlet designs to the USFWS, and they prefer a route that bypasses their easements and avoids all wetland impacts. Jones explained the USFWS permitting process to review the routes that pass through their easements. They indicated that it was not likely that they would approve routes through their easements. The USFWS preferred route could add significant construction costs to the project, and the Board was concerned that it might make the outlet too expensive to construct. If the Board chooses to construct the USFWS preferred design (Route C), it might be necessary to lower one of the USFWS basins in order to install the tile lines. The USFWS would be willing to issue a pumping permit to address that issue. Jones will prepare a cost estimate for the proposed routes for the Board's review at their next meeting. The Board discussed the chronic problem of high wetland elevations all over the Watershed District. VanAmburg observed that when wetlands are full to capacity, they lose their historic retention values.

**Project No. 67, HRBP Outlet.** Justin Johnson, H.E., stopped the project outlet on 3/04/11 and the Pete Lake outlet on 3/18/11. H.E. had gravel placed along 165<sup>th</sup> AVE by Randy Arntson's residence, so the road is now passable. Opsahl is working on the assessment of benefits with the Appraisers. H.E. is compiling a final cleanup list for the contractor to finish this spring.

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

**Project No. 65, County Line Outlet.** Jones has been corresponding with the USFWS regarding their preferred project design. The BRRWD's target for the project outlet was elevation 1105.3, which is the OHW elevation. The USFWS would like to lower the wetland to elevation 1101. Jones' survey of water depths showed that the two basins' lowest points were elevation 1098/1099. Currently, we're waiting for an OHW survey on the upstream (east) DNR protected waters. The BRRWD will also need to discuss some options regarding costs with the USFWS, as their design to drop the wetlands 4' lower than the BRRWD's plan will add to the project costs. Jones will prepare a cost comparison of the two designs for the Board's review. The Board felt that if we work with the USFWS to develop their preferred design, they would need to contribute funds to the project.

**Project No. 64, LaBelle/Boyer Lakes Outlet.** Albright needs to furnish the crossing and easement language to Loren Jetvig. He is still waiting for crop damages information from H.E. Albright and Manager Hanson will meet with Loren Jetvig this spring to discuss these issues.

**Project No. 57, Moorhead I-94 Flood Control.** The City of Moorhead plans to complete the ditch work this spring in Section 24, Moorhead Township. They have asked Jones to provide a list of contractors for the work.

**Project No. 56, Manston Slough Restoration.** Rick St. Germain, Engineer, H.E., has finalized the breakdown of the natural resource enhancement (nre) benefits. He will forward his report to Pat Lynch, Financial Coordinator, DNR Waters, who has asked for justification regarding our request for increased project funding to make up the 75% state share of the project costs as specified in the Mediation Agreement for nre features. St. Germain feels that his work should meet the 75% criteria. Henry VanOffelen, Minnesota Center for Environmental Advocacy (MCEA), reviewed St. Germain's work and agreed with his calculations. Albright gave testimony at the State House and Senate bond hearings on 3/23/11 to request additional funding.

Due to the current heavy workload, the easement acquisition process has been delayed.

**Project No. 50, Cromwell Township Highwater Investigation.** Jones has scheduled a meeting with the USFWS for Monday, April 4, 2011, 1:30 PM, Barnesville, to discuss the Operation and Maintenance (O&M) and Memorandum of Understanding (MOU) and the final wetland drawdown elevations. Jones suggested that all Managers should try to attend, if possible. The group discussed the BRRWD's target wetland elevation (1162.26) as cited in the O&M. Scott Kahan, USFWS, reviewed the O&M and MOU. He indicated that the USFWS feels that the BRRWD shouldn't operate the project until the wetland reaches 1165.61, which is about 3.5' higher than our maximum project drawdown elevation. At this elevation, the basins near "cemetery road" would be almost 2' higher than they are currently before we could start up the project. The Board discussed the wetland basin boundaries, USFWS easements, and area conditions. They reviewed a 1985 map showing the USFWS easement area and discussed how the basin has grown since then. Scott Kahan maintains that basin has remained at the same elevation since they acquired the easement in 1985. Jones will ask USFWS how they determined the OHW for the area wetlands. The Board hopes to be able to negotiate with the USFWS regarding this issue.

The BRRWD expects to receive a response from Kenny Wouters regarding his easement acquisition on 4/01/11. The Board decided at their 3/14/11 meeting to wait with a condemnation resolution until they see his response.

**Project No. 49, Oakport Flood Mitigation.** Albright gave testimony to the State House and Senate Bond Hearings on 3/23/11 for additional funding (\$8.7 million) needed to complete project. Greg Anderson, Oakport Township, thinks we should advertise for construction bids for the Phase 3B Wall ST road raise, which is estimated to cost approximately \$1.5 million. He feels it is crucial that this work is completed in 2011 so we only close Wall ST for one season. Anderson thought we might also want to bid Phase 4, although it's difficult to predict when State bonding money will be available. The Legislators were urged to pass bonding bill (total \$65 million) as soon as possible. The Board agreed to make a decision regarding bids for the various phases when the bonding bill funding has been determined.

We are still waiting for ARC Appraisals to finish the Dresser appraisal so we can move forward with the condemnation proceeding. The Army Corps of Engineers (COE) has started working on advanced measures in preparation for the 2011 flood fight. They plan to close Wall ST when the river reaches the 34' level.

**Project No. 46, Turtle Lake Outlet.** Justin Johnson, Technician, H.E., provided elevations for the BRRWD outlet projects. Turtle Lake's elevation is holding nearly steady with only a 1" drop since the last meeting. Long Lake has come up 1.3' since it was stopped. In two weeks, or when downstream flooding subsides, we will restart both projects. VanAmburg asked how long it takes water from Turtle Lake to reach the South Branch of the Buffalo River. Jones though it takes about one week.

**Project No. 39, Georgetown Levee Improvement.** Chuck Anderson, ARC Appraisals, was awarded the appraisal contract. He has been given contact information regarding appraisals for fourteen properties. The work must be completed by 5/15/11. Albright also gave testimony regarding Georgetown project funding at the 3/23/11 House and Senate bond hearings. Jones reported that the estimated market value of the Georgetown properties is approximately \$5.2 million.

**Project No. 32, Hawley EDA Diversion.** Albright and John Young, City of Hawley, will meet with Dean Whaley regarding a temporary easement to work on his property to do the 60" dia. reinforced concrete pipe (RCP) repairs. Joe Kelly, Hancock Concrete Produces Company, Inc., contacted the office to report that they would sign the costshare agreement regarding the culvert repairs.

**Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1).** At the 3/14/11 meeting, the Board approved an attempt to open J.D. 1 on a trial basis, starting at the outlet and moving upstream for about 3 miles. Jon Evert reported that the trenching seemed to be working, but the last snowstorm filled in the ditch again.

**Hay Creek Flooding.** The Board discussed concerns about the Greiff driveway along 130<sup>th</sup> ST on Hay Creek and other area flooding. Sarah Greiff contacted the office last week regarding water from Hay Creek overtopping her driveway. She said that her house is not affected, but if the water gets any higher, the road will be impassable.

**Project No. 29, Buffalo River Log Jam Removal.** William Nichols Excavating, Inc. has an invoice for \$2,300 on tonight's bill list for removing a log jam at the Texas crossing in Georgetown. **Motion** by Ellefson to approve the bill payment. **Seconded** by Paradeis Kobiela. **Approved.**

**No. 27, Clay County Ditch No. 55.** Peter Lewis filed a Repair Request for tree removal in County Ditch No. 55, Section 19, Elkton Township, Clay County. The Board authorized H.E. to conduct an investigation and prepare recommendations and a cost estimate. Jones suggested that H.E. could do the investigation during the spring ditch inspections following the spring flood. He feels that we should get contractors working on ditch repairs earlier in the year to avoid working in wet fall conditions. Once H.E. completes the inspection report, the office will forward it to Lewis.

**Mediation Project Team (PT).** The next PT meeting is tentatively scheduled for Thursday, April 28, 2011, at 7:30 PM, MSUM Science Center. The meeting date was changed due to a scheduling conflict. Notices will be sent.

**COE Metro Flood Study.** The Metro Flood Management Committee will meet on Wednesday, March 30, 2011, at 9:00 AM in City of Fargo's Centennial Hall, and the Metro Flood Study Work Group will meet on Friday, April 1, 2011, at 10:00 AM in the City Commission Room. There is also a meeting on 3/30/11 in Kindred and again on 3/31/11 in West Fargo regarding how the new Diversion upstream retention plan could affect that area. The Board discussed the Minnesota and North Dakota Diversion alternatives.

**Wolverton Creek/Comstock Coulee CWL.** A Sub-PT meeting was scheduled for 3/31/11, 8:00 PM, Comstock Community Center. There is a conflict with the Comstock/Wolverton Elevator Association Annual Meeting that night, so the Board decided to reschedule our meeting. Notices will be sent.

**Clay County Ditch No. 36, 40, 60 Redetermination of Benefits.** The redetermination of benefits hearings continuation will be held on 4/05/11 at the Comstock Community Center at 8:00 PM. Notices will be sent to the affected landowners. Albright will meet with the Appraisers prior to the 4/05/11 continuation hearing. It doesn't appear that there were too many concerns to review. Opsahl and Johnson will prepare a benefit map to show if there are any assessment inequalities.

**Hay Creek/Stinking Lake CWL.** The Board approved a request from the Becker SWCD for a contribution of \$6,000 to cover a projected shortfall for their Hay Creek/Stinking Lake Clean Water Legacy (CWL) grant (\$105,000). The current Becker SWCD money will be used to complete engineering for approximately 58 basins funded by Agricultural Water Enhancement Program (AWEP). The project will be completed by the end of 2011. Funding will come from the M.S.A. 103D.905, Subd. 3 account. **Motion** by Hanson to contribute the additional \$6,000, as requested. **Seconded** by Nelson. **Approved.**

**Hamden Slough NWR.** Jones presented his review of the 2011 Hamden Slough National Wildlife Refuge (NWR) Annual Report and Management Plan. Jones noted that USFWS planned to draw down basins in January to provide for spring retention and to repair a structure that was damaged during the 2009 spring

flood. They may decide to eliminate the outlet ditch to Becker County Ditch No. 15. Jones noted that if the USFWS decides to modify the outlet structure, they would need a BRRWD permit for the work.

**Red River Retention Authority (3RA).** The Red River Watershed Management Board (RRWMB) would like to set up a special meeting for some time in early June to discuss the relationship between the RRWMB and the BRRWD. Other suggested invitees include County Commissioners from the four counties within the BRRWD and the City of Moorhead. Albright suggested that we could advertise this as a special BRRWD meeting to be held in Moorhead.

**Hawley Buffalo River Restoration.** Jones received a quote from Braun Intertec Corporation for the Buffalo River Restoration soil borings. The Board discussed the scope and fee estimate from Braun for \$38,000. The scope of work included borings on both sides of the river. The City of Hawley prefers that the work take place only on the west side of the river. H.E. will request a revised geotechnical scope.

**EERC Distributive Retention Proposal.** Bethany Kurz, Energy & Environmental Research Center (EERC), furnished an evaluation of potential retention sites for the Wolverton Creek/Comstock Coulee watershed for the Board's review. Nelson was concerned about liability issues involved with holding water on private property.

**Wilkin County Ditch No. 41.** The Board discussed Theresa Olson's 2011 flooding complaint and reviewed photographs taken during a recent flood. The ditch is full of standing trees, and not in good condition. Ellefson is concerned about starting a ditch repair project on the upstream end of the ditch system.

**New Office.** Margaret Follingstad, Architect, YHR Partners, is working on floor plans for the new office. She forwarded a draft concept picture for the Board's review. She expects to have plans ready for the Building Committee's review next week.

**Becker SWCD Area I Envirothon.** The Becker SWCD requested that the BRRWD consider a \$150 contribution to their 2011 Area I Envirothon. **Motion** by Hanson to approve the referenced contribution. **Seconded** by Paradeis Kobiela. **Approved.**

**2011 Lakes and Rivers Conference.** The Minnesota Waters organization will hold their 2011 Lakes and River Conference on April 27-29, 2011, at the River's Edge Convention Center in St. Cloud, MN. The registration fee is \$170, and the Early Bird discount deadline is 3/31/11. If any Managers plan to attend, they will make their own reservations.

**Social Indicators Survey (SIS).** The survey results are currently being tabulated. Alec Albright sent a request to the Board for guidance regarding what issues the Board would like to review. The Board discussed what they might want to learn from the survey and decided they were interested in the issue of trust in water quality information sources, especially BRRWD, and specific practices/restraints landowners use or are aware of regarding pollutants and water quality issues. Jerger will forward the Board's choices to Albright.

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

Accounts Payable	Description	Account	Amount
Barnesville Phone Co.	3/25/11 billings (2)	Admin	\$ 167.56
Barnesville Record-Review	Paper	Admin	\$ 55.00
Bruce E. Albright	Advisory Committee meal	Admin	\$ 336.16
Bruce E. Albright	MAWD rooms/meals	Admin	\$ 708.32
Clay Co. Auditor/Treasurer	Assessment correction	M.S.A. 103D.905, Subd. 3	\$ 18,961.48

Comstock Community Center	4/05/11 rental	Clay 36, 40, 60	\$ 50.00
HES, Inc.	environmental inspections (5)	Pj. 49, Oakport	\$ 1,270.00
J&J Braton Properties, LLC	April 2011 office rent	Admin	\$ 570.00
Jerome Flottesch	Advisory Committee mileage	Admin	\$ 45.90
Joel Carlson	April Lobbyist fee	Admin	\$ 850.00
John Boen	Advisory Committee mileage	Admin	\$ 15.30
Petty Cash	Postage, supplies, misc.	Admin	\$ 100.00
RRVCPA	2/10/11-3/10/11 service (3)	Pj. 49, Oakport	\$ 245.13
Steven W. Nelson	Easement/trees	Pj. 49, Oakport	\$ 3,777.00
The Forum	#CL01623957, hearing notice	Clay 36, 40, 60	\$ 258.64
UEI	Services thru 2/28/11 (3)	Pj. 49, Oakport	\$ 15,208.50
Westlund Excavating	Flap gate repairs	Pj. Nos. 30, 35, 38	\$ 3,321.20
Wm Nichol Excavating, Inc.	Ditch Repairs/Log Jams	Pj. Nos. 2, 21, 29, 54, Clay 34, 54	\$ 7,860.00
			<b>\$ 53,800.19</b>

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

**Next Meeting.** The Board of Managers, BRRWD, will hold their next meeting on Monday, April 11, 2011, at 8:00 PM.

**Adjournment.** Chairman VanAmburg adjourned the meeting at 10:32 PM.

Respectfully submitted,

John E. Hanson, Secretary