

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

BARNESVILLE, MINNESOTA 56514

123 FRONT STREET SOUTH – PO BOX 341

PHONE 218-354-7710

---

## **MINUTES FOR MANAGERS' MEETING**

**April 11, 2011**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, April 11, 2011, at 8:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. VanAmburg, Roger G. Ellefson, John E. Hanson, Curtis M. Nelson, and Breanna Paradeis Kobiela. Others attending included: Bruce E. Albright, BRRWD Administrator and Houston Engineering, Inc. (H.E.); Erik Jones, Engineer, and Julie Jerger, Administrative Assistant, H.E.; Jon Evert, Clay County Commissioner; David Majkrzak, Engineer; and landowners: Lanny Baer and Lynn Brakke.

Chairman VanAmburg called the meeting to order at 8:03 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 3/28/11 regular meeting and the 3/07/11 special meeting. **Motion** by Nelson to approve the minutes. **Seconded** by Paradeis Kobiela. **Approved.**

**Treasurer's Report.** The Board reviewed the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. We currently have \$2,614,927.04 cash on hand. Since the 3/14/11 meeting, 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 (\$121,826.90) and the 2011 CWF Wolverton Creek Restoration (\$227,906.10). Otter Tail County forwarded delinquent property and ditch tax payments (\$177.23). The balance of the income was for Oakport and H.E. rent reimbursements. **Motion** by Ellefson to approve the Treasurers' Report. **Seconded** by Hanson. **Approved.**

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

**Tiling/Lift Station Concerns.** Lanny Baer had concerns about the timing of discharges from tiling project lift stations throughout the BRRWD. When downstream communities are fighting a record setting flood once again, he felt it was wrong to allow tile pump operation. Albright noted that the BRRWD's Rules are 30-years old, and it might be time to revisit this issue and tile operation. Other drainage authorities have more stringent tiling rules. VanAmburg agreed that it was time to address this issue. Ellefson noted that one of the benefits of tiling is supposed to be that it makes the ground more absorbent and holds water during flooding. The Board discussed this concern. David Majkrzak commented that the practice of installing lift stations that pump water up through the air is a waste of energy.

Baer felt it shows poor judgement to allow agricultural tile pumping when there is an ongoing downstream flooding emergencies. He felt it might be necessary to regulate this practice. He noted that there is a lift station on Clay County Ditch No. 63 on County Road (C.R.) No. 18 that is eroding the road ditch. Ellefson questioned if the BRRWD should post a notice in area newspapers regarding the discharge of tile during flooding emergencies. The Board discussed requiring gates on all tiling projects. Ellefson discussed wetland highwater problems and related flooding problems within the BRRWD. VanAmburg noted that the Board appreciated Baer bringing this issue to their attention.

**Army Corps of Engineers (COE) F-M Diversion.** Clay County Commissioner Jon Evert discussed the proposed North Dakota/Minnesota upstream staging/retention site. He displayed a map showing the Clay/Wilkin County impacts. He thanked the BRRWD for their vote not to support the new COE upstream retention proposal that would affect the western part of the BRRWD and property on the North Dakota side of the Red River upstream of Fargo-Moorhead.

**Farmers Flood Prevention Plan.** Evert introduced David Majkrzak, Mechanical Engineer, who discussed a possible solution for the flooding problems. Majkrzak displayed a map showing early, middle, late contribution areas in the Red River basin as they relate to Emerson, Manitoba. His idea is for agriculture landowners to open ditches 2-6 weeks prior to a predicted flood by breaking up snow with devices equipped with GPS to get the sheet water flowing early into the major waterways. The process would encourage farmers who live at the southern end of the basin, who have land nearest to the river, to open cut their ditches first. After this water has finished draining to the river, each proceeding zone (1-6 miles wide) of ditches would be opened in the same manner, working steadily outward from the river channel until all water is drained out prior to the main runoff. Majkrzak thinks that by implementing this systematic ditch opening, we could reduce the spring flood crest in Fargo-Moorhead. The Board had an extended discussion regarding this proposal. Majkrzak felt that someone could build/design the equipment to open the ditches.

Brakke noted that Clay/Wilkin Judicial Ditch No. 1 (J.D. 1) opened up at the same time as the Fargo-Moorhead crest, which contributes to the flooding problems. At Brakke's request, the Board had tried opening J.D. 1 earlier this year by using a small bulldozer to cut a shallow channel through the snow down the middle of the ditch. Brakke said that the snow had started to melt, and the ditch was starting to flow until the last snowstorm filled the ditch with snow again. VanAmburg commented that no ideas should be dismissed in light of the potential costs/impacts associated with the most recent COE Diversion plan. Majkrzak pointed out that the current road infrastructure is similar to the proposed "waffle" plan. We just need to find a way to get the area to drain to the main stem prior to the peak flow. Evert pointed out that this plan needs to have the Watershed District, townships, and counties to manage it. He encouraged the BRRWD to consider implementing this idea.

**Permit No. 11-17, Curt Stubstad.** Applicant proposes to install a 6" dia. tile line approximately 500' west of the east property line to outlet south into Clay County Ditch No. 58 through C.R. No. 71 in the SE¼, Section 1, Elmwood Township, Clay County. **Motion** by Hanson to approve Permit No. 11-17, subject to our standard tiling disclaimer and permission from the Clay County Highway Department to work in their road right-of-way (r-o-w). **Seconded** by Ellefson. **Approved.**

**Permit No. 11-18, Terry Eidem.** Applicant proposes to pattern tile 522 acres in Section 20, Morken Township, Clay County, which will outlet to Clay County Ditch Nos. 49 and 59 via lift station and gravity flow outlets. Eidem proposed to locate the tile lift station on the County Ditch No. 49 ditch system r-o-w. The Board discussed placing restrictions on the lift station design to avoid discharge during flooding events. Jones also thought that the elevated discharge design could also be erosive. Ellefson suggested that the Board table the permit since this proposed project involves a lift station until we make a decision regarding our tiling rules. **Motion** by Ellefson to table Permit No. 11-18, pending more discussion regarding tiling/lift station rules. **Seconded** by Nelson. **Tabled.** Albright noted that Eidem indicated on his application that he would like to start the project on 5/01/11.

**Permit No. 11-19, Humboldt Township.** Applicant proposes to replace two washed out culverts (24" dia. and 30" dia.) through 190<sup>th</sup> ST S between Sections 7 and 8 with a single line of 31" x 50" corrugated metal pipe arch pipe (42" dia. CMP-A). The waterway area will increase slightly from 8.05 square feet (sq. ft.) to 8.9 sq. ft. **Motion** by Hanson to approve Permit No. 11-19. **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 11-20, Paul Johnson.** Applicant proposes to lower a culvert through 145<sup>th</sup> ST S in the W½NE¼, Section 16, Riverton Township, Clay County. The existing pipe is too high causing ponding on his property. The ditch on the west side of the road is adequate. **Motion** by Ellefson to approve Permit No. 11-20, subject to field review and approval of the adjacent downstream landowner. **Seconded** by Hanson. **Approved.**

**Permit No. 11-21, Larry Reski.** Applicant proposes to fill in an area in his backyard that has been excavated between the riverbank and his house in Section 21, Oakport Township, to match the surrounding yard elevation and to give him the flexibility to sand bag at a higher level and closer to his house during spring flooding. Reski also thinks that he would only need to rent one pump instead of two during the spring flood if he fills in this area. He also thought the work might help reduce his flood insurance costs. **Tabled,** subject to Manager field review.

**Highland Grove Township.** Jones presented his review of 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. Water from this area eventually drains to Clay County Ditch No. 2. Based on the LiDAR data, it appears that several wetland basins would be impacted in order to drain this area. Jones thought that it would be better for the Township to raise their road and realign it slightly to get it out of the water. Jones noted that the new sugar beet piler complex doesn't appear to have any effect on the area water elevations. Albright will forward Jones' report to the Township.

**Peter Lewis Culvert Complaint.** Lewis contacted the office to complain about a culvert in 28<sup>th</sup> AVE S between Sections 17/20, Hawley Township, Clay County. He feels the culvert is adding water to the north side of road, causing ponding his property. He claimed that the culvert was apparently installed recently without a BRRWD permit. Albright and Manager Nelson reviewed this complaint with the Township Supervisors last week. There is no record of a permit application for the culvert. Nelson didn't think there was any problem with the culvert, which has probably been in place for at least 10 years. In addition, it drains a very small drainage area on the south side of the road that would have naturally drained there anyway.

**Shawn Jorgenson Proposed Road.** Albright explained that Jorgenson has a bin site in the NE¼, Section 2, Skree Township, Clay County, and he wants to build up an area so that he can access this site, which would cross a United States Fish and Wildlife Service (USFWS) wetland easement area. The USFWS will be conducting a survey in this area. Albright will ask them to furnish the results to the BRRWD so we can discuss it with Jorgenson. Nelson questioned why Jorgenson wanted to access the bin site, which hasn't been used in many years. It appears the access will require a culvert. The surrounding area is very wet, partially caused by area beaver dams. Jorgenson would also like to look at installing a culvert in his existing driveway.

**Hawley Township.** Albright and Manager Nelson met with the Township to review 2011 flood damages/concerns. The Board discussed the needed culvert repairs. Albright has contacted the USFWS regarding four culvert washouts that are located adjacent to their Waterfowl Production Area (WPA) in Section 36. The Township will need to file permit application for the proposed improvements. Repairs can be made without a BRRWD permit.

**Ernst Complaint/Nord Culvert.** Ed Ernst visited the office with photographs showing a culvert that he claims Jeff Nord installed in Section 35, Deerhorn Township. Ernst complained that the culvert, which outlets to Wilkin County Ditch No. 22, Lateral No. 2, is allowing water out of the ditch, which then flows north onto his property in Section 35, Deerhorn Township. Albright noted that Nord has not applied for a permit for this culvert. Albright and Manager Ellefson will conduct a field review. Ellefson noted that Ernst also talked to him about this issue. **Tabled.**

**Project No. 67, HRBP Outlet.** Jones reported that the lakes are all up between 1' to 2' since the outlets were closed this spring in response to the downstream spring flood, according to the project Operation and Maintenance (O&M) plans. Albright suggested that when the Red River in Fargo-Moorhead is at the 30' elevation, we could restart the lake outlet projects.

The Board discussed the triggers for restarting the Turtle Lake siphon system mentioned in the project's O&M. In light of high water concerns on Turtle and Long Lakes, the Board decided to start the Long Lake siphon when the Red River in Fargo is at 34', and based on downstream conditions.

Jones noted that Boyer Lake is also up approximately about 1'. LaBelle Lake is up about .8'.

**Project No. 66, Tansem/Ranum Lakes Outlet.** The Hersch buyout is still pending. Rose Hoefs conducted the property review on 3/31/11. Albright sent an email to Hoefs asking about the status of the appraisal. The final appraisal has not been completed.

**Project No. 65, County Line Outlet.** Jones researched the difference in costs between the BRRWD's project design and a design to allow the USFWS to drain the wetland basin. Jones doesn't have the final numbers ready, but his preliminary estimate is that there would be about a \$100,000 cost difference between the two designs. The Board thought that we could ask the USFWS to contribute to the difference.

**Project 61, Clay County Ditch No. 11 North-Improvement.** The bufferstrip r-o-w was staked last spring, but no seeding was completed. Albright noted that the bufferstrip seeding will be completed this year. John Leseth has not paid his share of the project costs for his farmstead access. The office will prepare another invoice. The Board will address the problem of the erosion slide on Leseth's former farmstead after the spring runoff.

**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.** The Board reviewed the Viewers' Report. Albright will try to contact the remaining landowners regarding their easements. Jones will contact Kent Lokkesmoe and Pat Lynch, DNR Waters, regarding the natural resource enhancement (nre) 75% funding. The DNR grant will be extended until 6/30/12.

**Project No. 50, Cromwell Township Highwater Investigation.** Jones forwarded a revised O&M and Memorandum of Understanding (MOU) to Scott Kahan, USFWS. To date, Kahan has not responded. The Viewers will be wrapping up their work in the next few weeks.

Kenny Wouters did not contact the BRRWD on 4/01/11 regarding his easement acquisition, as he had promised to Ellefson. Albright tried to reach him by phone and left a message on his answering machine. VanAmburg thought we had given him enough chances to settle this issue. To move forward with the condemnation, the Board would need to approve a resolution to begin the condemnation process. Ellefson suggested that the BRRWD not complete Phase II of the project in light of the possible Wouters' condemnation and the USFWS concerns about the final wetland elevations. The Board discussed this proposal. Muriel Grefsrud, as the only benefiting party for Phase I, would have a significantly larger assessment. If Phase II isn't completed, the Township couldn't raise and repair "cemetery road". Jones discussed how to manage the project to conform to the USFWS' final elevation determination. If we can document chronic human health and safety issues, we could possibly convince the USFWS to modify their designated final elevations. Ellefson pointed out that we don't know what the Wouters condemnation will cost. Paradeis Kobiela thought we should go ahead with the project as designed and move forward with the

Wouters' condemnation proceeding. **Motion** by Paradeis Kobiela to approve a condemnation resolution of the Wouters' easement. **Seconded** by Ellefson. **Approved.** Attorney Norgard will notify Wouters regarding the BRRWD's decision to start the condemnation process.

**Project No. 49, Oakport Flood Mitigation.** Albright reported that the 2011 flood fight is ongoing. Oakport Township wants to finish the east Wall ST road raise phase this summer. **Motion** by Nelson to authorize Ulteig Engineers, Inc. (UEI) to prepare plans and specifications to let bids for Phase 3C (Wall ST raising). **Seconded** by Paradeis Kobiela. **Approved.** Albright noted that we have received the 2011 property tax statements for the Oakport buyout properties. Nelson suggested that we should go before the property tax review board to see if some of the values could be adjusted. The Board decided that wouldn't be necessary, as the 2011 tax statements were based on 2010 market values. Albright said that Clay County Assessor's office has been good to work with, and we need to let them know when the houses are sold/moved. The new Assessor is Ryan DeJong.

**Crystal Creek Petition.** Oakport Township has filed a petition for a permanent dike for the Crystal Creek Subdivision. Attorney Norgard suggested that if the BRRWD declares an emergency for this area, no hearing would be necessary. The landowners propose to make the temporary diking erected for the 2011 flood fight permanent to protect approximately 55 homes with an estimated cost of \$71,000. Otherwise, the diking would have to be removed, according to Federal Emergency Management Agency (FEMA) and COE guidelines. Each landowner would be assessed \$1,289 to pay for the project. **Motion** by Ellefson to declare an emergency for the Crystal Creek Subdivision. **Seconded** by Nelson. **Approved.** Jones will investigate the proposed project. Oakport Township has scheduled a meeting regarding this proposed project on Wednesday, April 13, 2011, at 7:00 PM in the Oakport Town Hall.

**Project No. 46, Turtle Lake.** Jones explained each time we reprime the siphon pipes, we have to rent a Muni-Ball to plug them for about \$100. He suggested that we buy our own Muni-Ball for about \$800. **Motion** by Ellefson to authorize H.E. to purchase the item. **Seconded** by Hanson. **Approved.**

**Project No. 39, Georgetown Levee Improvement.** Albright reported that Georgetown is engaged in a historic flood fight, which is expected to surpass the 2009 flood crest. 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. The Board discussed State funding for the project, which is estimated at \$3.5 million.

**Project No. 38, Ringdikes.** Dick and Jason Wang have been approved by the Natural Resources Conservation Service (NRCS) for an Environmental Quality Incentives Program (EQIP) funded ringdike. There is currently no 2011 State funding allocated for ringdikes for the BRRWD.

Jones contacted Jon Evert regarding his request for the BRRWD to replace the gates on his ringdike. Opsahl will investigate the request when flood work slows down. Jones noted that the Karppinen ringdike cost estimate will be about \$12,000 more if Karppinen builds the wood retaining wall. Kent Lokkesmoe, DNR, has asked for this information to determine the amount of funding they will allocate for this project. Albright mentioned that we need to know DNR's decision regarding this project, because Tim Magnusson, Clay County, has indicated that the Karppinen property is also on his list of potential buyouts for 2011.

**Project No. 32, Hawley EDA Diversion.** Albright reported that four of five parties have approved the Agreement regarding a 5-way split of the costs to repair the 60" dia. reinforced concrete pipe (RCP). We received a letter from Sellins Brothers, Inc. stating that they refuse to sign the Agreement. Attorney Norgard will be contacted to discuss our options regarding this issue. H.E. has a letter that Wade Opsahl sent to Sellin Brothers regarding the culvert problem within the Guarantee period (1998), which documents our contact with Sellins regarding this issue.

**Project No. 30, Clay/Wilkin J.D. 1.** Dean Paschke called again about the Board's decision regarding the removal of the restrictor plate. The Board discussed Paschke's concerns about the plate. The Board decided to make a decision regarding the pipe at their next meeting. **Tabled.**

**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.** In response to a request from Clay County, Albright forwarded the Board's signed resolutions regarding the COE Fargo-Moorhead Diversion.

**Buffalo River Total Maximum Daily Load (TMDL), Phase 2.** The Minnesota Pollution Control Agency (MPCA) has forwarded the Joint Powers Agreement/contracts for the Board's signature. **Motion** by Paradeis Kobiela to authorize VanAmburg to sign the agreement on behalf of the BRRWD. **Seconded** by Hanson. **Approved.**

**Hawley Buffalo River Restoration.** Jones received a revised quote from Braun Intertec Corporation for the Buffalo River Restoration soil borings. The scope of work would include only one side of the river, as requested by the City of Hawley. The proposal included \$3,375 to gather the existing information, plus a site visit and the actual soil borings would cost \$23,478 for a total of \$26,463. Albright noted that before any work can be done, we need to find a funding source. Jones suggested that the restoration project could be broken down into phases to help make it easier to locate potential funding.

**Distributive Storage.** Nelson felt that before the BRRWD could allocate any more time to the Energy & Environmental Research Center (EERC) Distributive Storage proposal to evaluate potential "waffle" sites in the Wolverton Creek/Comstock Coulee area, we should complete the Manston Slough Restoration project. **Motion** by Nelson to table consideration of this proposal until the referenced project is underway. **Seconded** by Ellefson. **Approved.**

**Clay County Ditch No. 49.** Albright noted that the ditch system landowners have been calling the office regarding the structure replacements. Jones will talk to David Overbo, Clay County Highway Department, regarding state funding for the work.

**Wolverton Creek/Comstock Coulee CWL.** The Board agreed to reschedule the Wolverton Creek/Comstock Coulee Sub-PT meeting for 4/26/11. Notices will be sent.

**New office.** The Board reviewed the preliminary floor plans provided by YHR Architects and also discussed acquiring Lot 4, Block 2, which is adjacent to our lots in the Commercial Park. The Board will hire a general contractor and the building construction will be put out for bids. **Motion** by Nelson to acquire Lot 4 for \$1,950 (lot) and \$9,494.48 (specials). **Seconded** by Ellefson. **Approved.** The Board also approved the preliminary building layout.

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

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
Becker SWCD	2011 Area I Envirothon	M.S.A. 103D.905, Subd. 3	\$ 150.00
Clay Co. Treasurer	Clay HMGP buyouts (12.5%)	M.S.A. 103D.905, Subd. 3	\$ 116,721.11
Gilbertson Tax Office	#1777, 2010 w-2s/1099s	Admin	\$ 330.00
H.E.	March billing summary	Varies	\$ 77,655.77
Prairie Restorations, Inc.	#0014583, Holubok seed	Pj. 56, Manston	\$ 5,270.89
Premium Waters, Inc.	#366590-03-11	Admin	\$ 38.55
Quill	#3354389, supplies	Admin	\$ 217.23

Quill	#3354415, HP Drum	Admin	\$ 154.64
Sellin Bros., Inc.	#9575, snow dozing	Pj. 30, Clay-Wilkin J.D. 1	\$ 1,367.50
UEI	March billings (3)	Pj. 49, Oakport	\$ 30,919.20
WREC	2/19/11-3/19/11 service (2)	Pj. 46, Turtle Lake	\$ 337.93
Xcel Energy	3/18/11-3/26/11 electrical (2)	Pj. 49, Oakport	\$ 63.09
			<b>\$ 233,225.91</b>

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

**Next Meeting.** The Board of Managers, BRRWD, will hold their next meeting on Monday, April 25, 2011, at 8:00 PM.

**Adjournment.** Chairman VanAmburg adjourned the meeting at 11:30 PM.

Respectfully submitted,

John E. Hanson, Secretary