

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING

August 8, 2011

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, August 8, 2011, at 8:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. VanAmburg, Roger G. Ellefson, Curtis M. Nelson, John E. Hanson, and Breanna L. Paradeis Kobiela. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, and Julie Jerger, Secretary, Houston Engineering, Inc. (H.E.); Jeremy Young, Young Excavating, Inc.; Scott Sellin, Sellin Brothers, Inc.; and landowners Brian Leiseth, Kevin Olsgaard, Orlen Valen, Jr., Tim Buth, Brenda Zebley-Moe, and Jim Myers.

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.

Clay 49 Structure Replacements. At 8:01 PM, VanAmburg announced that bidding was closed for the Clay County Ditch No. 49 structure replacements. The Engineer's estimated project cost was \$130,000.

Albright opened the bids and read the results.

CONTRACTORS	TOTAL BASE BID
Johnson Excavation, Otter Tail, MN	102,480.00
Young Excavating, Inc. Hackensack, MN	106,514.38
Gladden Construction, Inc. LaPorte, MN	114,836.50
Sellin Brothers, Inc. Hawley, MN	159,625.00

Jones will tabulate the bids and provide a contract award recommendation for the 8/22/11 BRRWD meeting.

Secretary's Report. The Board reviewed draft minutes for the 7/19/11 special meeting. **Motion** by Paradeis Kobiela to approve the minutes. **Seconded** by Ellefson. **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 \$1,531,794.97 cash on hand. The office sent a pay request to the Minnesota Department of Natural Resources (DNR) on 7/29/11 for Oakport general expenses (\$435,430.30), but to date, we have not received payment. Albright contacted Clay County regarding remittance of their first half 2011 ditch taxes. We received \$3,516.86 this month from various sources including a final payment from Otter Tail County for their first half property taxes, bank account interest, and rent payments. **Motion** by Hanson to accept the Treasurer's Report. **Seconded** by Ellefson. **Approved.**

Other business brought before the Board included:

Ditch Spraying. Several landowners discussed vegetation problems on Clay County Ditch Nos. 40, 36, 11-North and South. Kevin Olsgaard complained about the BRRWD ditch spraying schedule. They feel that the cattails should be sprayed in June. The group discussed the timing and efficacy of the chemical applications. Albright explained that historically, fall has been the optimum time to spray cattails to get the best results, but the wet cycle could have altered the way plants absorb the chemical, changing the usefulness of the fall spraying. Albright offered to provide H.E.'s ditch spraying maps to the landowners. Olsgaard asked if the BRRWD has a policy regarding ditch spraying. The Board felt that as long as they avoid spraying the side slopes, the landowners could also do the work if they wish. Olsgaard has contacted a company that gave him a quote of \$100/hr. The Board thought we should contact this vendor to compare costs. The Board agreed that the landowners could hire a spraying company to do the work. Albright asked that they let us know where they spray, so we don't repeat the chemical application when we spray the rest of the ditches later this fall.

The group also discussed slumping on Clay County Ditch No. 11-North. Jones thought that we should check the outlet structure to be sure the riprap was placed correctly. Albright plans to meet with Duane Walker, the new owner of the Leseth farmstead to discuss the slumping along his property. Ellefson commented that the extended wet cycle has created increased slumping problems on a number of our ditch systems.

Clay County Ditch No. 33. Brian Leiseth filed a repair request for the BRRWD to investigate the installation of a centerline ditch crossing near the quarterline in Section 22, Kurtz Township. The natural swale through the NE¼ is difficult to cross when wet. The Board requested a hydraulic analysis and cost estimate. The analysis has been prepared, and Albright forwarded it to Leiseth for his review. Leiseth discussed the proposed work and agreed to the repairs. He would prefer that the crossing be one large culvert instead of the two-culvert option. He would like to have the work done yet this fall.

Project No. 1, Wilkin County Ditch No. 22-Lateral No. 3. Tim Buth asked about the status of the meeting to discuss Lateral No. 3. The Board scheduled an informational meeting for Tuesday, August 30, 2011. The office will send meeting notices.

High Groundwater Concerns. Brenda Zebley-Moe discussed seepage problems she's having on her property in the SW¼, Section 29, Elmwood Township, from high groundwater levels south of Sabin along County State Aid Highway (CSAH) No. 11. She explained that she doesn't dare leave her house for very long because she needs to operate her sump pumps constantly because of the groundwater/sand seepage in her basement. The foundation of her house is also starting to degrade because of groundwater pressure and wet conditions. She feels that the CSAH No. 11 ditch needs cleaning. Albright commented that this ditch is under the jurisdiction of the Clay County Highway Department. She also feels that the standing water on a tract of land next to her house is also contributing to her seepage problems. She asked the Board for advice about how to address this issue. Two years ago, the Federal Emergency Management Agency (FEMA) provided funding for her to install drain tile on her property and make other repairs, but the seepage problems continue. The Board discussed a neighboring landowner, Carl Altenbernd, who moved his house off its basement because it was caving in and placed it on a new crawlspace at a higher elevation. Moe related that the old basement started to cave in and spread out in the direction of the new foundation before they were able to fill in the old basement. Albright discussed the high water problem in this area and noted that it has worsened since they received a heavy rainfall event (5") last week. Ellefson suggested that she could install more tiling to drain water off her property. Albright noted that Moe is actually pumping water from the Buffalo Aquifer, which is a "no-win" situation. He added that about 10 homes along CSAH No. 11 could potentially be in jeopardy. Moe can't get contractors to call her back regarding repairs to her house because they don't want to work in the current wet conditions. She contacted Clay

County regarding a possible buyout, but Tim Magnusson, Planning and Zoning Director, Clay County, said she didn't qualify for a buyout because the water is coming from underground. Moe also contacted State Representative Paul Marquart, who called Albright today regarding Moe's concerns. Albright suggested that we consult the CSAH No. 11 drainage plan to determine where the ditch could be repaired to provide better area drainage. VanAmburg felt that the County officials should see the situation before they make a determination about a potential buyout. Albright will be meeting with DNR officials tomorrow, and they might be able to review Moe's area. VanAmburg suggested that the BRRWD could also contact the County regarding this issue. Albright will try to obtain the CSAH No. 11 ditch plans. He explained that the County can determine what repairs are needed, but it is up to the landowners to pay for the ditch work.

Project No. 39, Georgetown Levee-Improvement. Homeowner Jim Myers discussed his concerns about a buyout for his property. The Board discussed the questions Myers raised in a recent e-mail message to the BRRWD. Albright explained that the Myers' property is within the limits of the City of Georgetown, but can't be protected by the levee improvement. Because of his property's proximity to the Buffalo River, a ringdike isn't possible. Myers would like the BRRWD to use our currently available funding to buy out his property now, so his family can go forward with the purchase of another farmstead they are interested in by 8/15/11. Myers' purchase agreement has been prepared, but because of the policy set forth by the BRRWD, no buyouts will take place until the DNR funding is secured. The Legislature has approved \$3 million in the 2011 bonding bill specifically earmarked for the Georgetown project. The group discussed funding issues and the Engineer's project cost estimate. We might be short about \$750,000, depending on how the bids come in. A meeting has been scheduled with the City of Georgetown for 8/11/11 at 8:00 PM in the Georgetown Community Center. The BRRWD will also need to hold a Final Hearing for this project, followed by a 30-day appeal period. H.E. will designate a project manager who will handle the development/construction of the Georgetown project under the BRRWD's supervision.

Later in the meeting, the Board discussed the issues Myers brought up regarding buyouts and funding availability. Nelson felt that the BRRWD needs to work closely with the City of Georgetown in regards to the buyout process.

Permit No. 11-83, City of Moorhead/Bluestem Center for the Arts. Jones presented his review and recommendations for the City's proposal to construct a flood control levee around the Bluestem Center for the Arts to prevent flood damage to the property. The Board reviewed a map showing the project location/alignment and discussed the proposal. The levee will be constructed to 4' above the 500-year flood elevation. The City opened bids for the project on 8/02/11. The subdivision developer will allow the City of Moorhead to tie in with the subdivision's dike, which will be addressed in a separate permit application. Albright discussed a petition the City has submitted for a larger drainage project that would protect this entire area. VanAmburg had concerns about the decision to construct the Bluestem Arts Center in the Red River of the North floodplain. He thought that the Board should approve the permit, as the Center will need flood protection because of its location. Jones pointed out that the developer is building in flood protection for the subdivision, and the houses are set back further from the river than most of the existing housing developments in Moorhead. The Board discussed potential drainage work that will probably be needed to protect the subdivision and other property in this area. **Motion** by Ellefson to approve Permit No. 11-83. **Seconded** by Hanson. **Approved.**

Tom Trosvik Tiling Concern. Orin Sorum was in the office last week to discuss Tom Trosvik's tiling project along 110th AVE in Section 32, Norwegian Grove Township, Otter Tail County, but Albright was not available to meet with him.

Project No. 69, Lake Alfred. The Board discussed possible state funding for this project. When Jones called Pat Lynch, Financial Coordinator, DNR Waters, regarding possible funding, Lynch asked Jones if the BRRWD had a preference between this project and the County Line Outlet project. Jones noted that the

County Line project is nearly ready to go to bids, while we are still waiting for the DNR to conduct an Ordinary High Water (OHW) determination for Lake Alfred before we could even hold the necessary hearings and appraisal work. Nelson noted that the County Line landowners have been waiting for several years for their project. The Board felt that the County Line project should be funded, as it could be ready to build yet this fall. Jones will submit the DNR Flood Damage Reduction (FDR) funding request to Lynch, indicating that if we have to choose a project, we would prefer to get funding for the County Line project.

Project No. 68, Lake Jacobs. The Board discussed the Appraisers' Report and project benefits. The estimated project cost is \$192,400, and the total proposed benefits is \$223,470.00. Jones said that the project is ready to go to the final hearing. Albright noted that the DNR has committed to 50% funding for the project. The Board had an extended discussion about contributing 25% of the project costs. **Motion** by Ellefson to approve the Appraisers' Report, contribute 25% to the project costs, and schedule the Final Hearing for 9/08/11. **Seconded** by Nelson. **Approved.**

Project No. 67, HRBP Lakes Outlet. Jones reported that the outlet at Trunk Highway (T.H.) No. 34 is at elevation 1370.61, and Pete Lake is at elevation 1355.78. Bridgett Miller, Minnesota Department of Transportation (MNDOT), provided a copy of the Change Order she filed for the T.H. No. 34 road raise prior to the start of the project. The Viewers will use this amount to determine a value for T.H. No. 34 benefits. The Appraisers need to finish their Report.

Project No. 66, Tansem/Ranum Lakes Outlet. Due to a mix-up, our payment from the Department of Employment and Economic Development (DEED) and the DNR for the Hersch buyout was sent to the Wild Rice Watershed District (WRWD). The WRWD was notified, and they are working to correct the problem.

Project No. 65, County Line Outlet. Jones will submit the DNR funding request for this project, as discussed above. Albright noted that a shovel-ready project will be more likely to get funding. The Board discussed the outlet alternatives. The United States Fish and Wildlife Service (USFWS) preferred an outlet that would lower the wetlands approximately 11' and will cost approximately \$60,000 more than the option to lower the wetlands 5' to the OHW. They also discussed a BRRWD contribution (25%) to the project costs. The USFWS might not have money available to contribute to the project until after the end of this fiscal year on 9/30/11. Ellefson questioned if the USFWS would contribute to the project if the BRRWD goes forward with the work this fall. He asked if we should build the shallower outlet if the USFWS doesn't have funding for their preferred plan. Albright pointed out that we need to clarify funding options with USFWS. He suggested that we could apply for the full amount of funding from the DNR and bid the two alternates for 5' or 11' outlets. Albright will have an opportunity to discuss this issue with Lokkesmoe at the Courthouse in Moorhead tomorrow.

Project No. 64, LaBelle/Boyer Lakes Outlet. Jones reported that Boyer Lake is at elevation 1321.74 and LaBelle Lake is at 1310.35. He noted that because we received a few complaints about LaBelle Lake being too low, H.E. added another stop log to the outlet structure. The Board briefly discussed the project elevation fluctuations. Chad Jetvig's crop loss payment is on tonight's bill list.

Project No. 63, Grove Lake Outlet. The Board reviewed the elevation graph for Grove Lake. It appears that the landowners are satisfied with the lake at its current elevation of 1327.28.

Project No. 61, Clay County Ditch No. 11N-Improvement. VanAmburg and Albright plan to schedule a meeting with Duane Walker regarding the ditch slide along his property. John Leseth has not responded to our request for payment of his share of the bridge replacement costs for his former farmstead.

Project No. 56, Manston Slough Restoration. John Voz, Ducks Unlimited, contacted the office to report that he has met with Dennis VanWechel regarding his easement acquisition, and he feels that VanWechel is ready to sign.

Project No. 50, Cromwell Township. Kenneth Wouters signed his easement and requested that his payment go to the Fargo Baptist Church, which is on tonight's bill list. The wheat crop is off, and everything is in place for the contractor to finish the project.

Project No. 49, Oakport Flood Mitigation. The Phase 1A borrow site has been underwater all summer. The contractor, R. J. Zavoral and Sons, Inc. needs dirt to proceed with their work. Ulteig Engineers, Inc. (UEI) has submitted an estimate for \$500,000 to haul in fill for the project from offsite so they can get the work completed. This issue will be discussed at the next Construction Committee meeting. UEI has tabulated the Phase 3C bids, and Rachel Contracting LLC, St. Michael, MN, was the low bidder with their bid of \$1,338,332.96. The bid can be held for up to 60 days, after which, we would have to rebid the project. We have contingency approval from the DNR for an additional \$1.5 million to complete the work on Wall ST NW so we would only have to close the street for one construction season. Albright suggested that the BRRWD could award the contract, subject to funding availability. **Motion** by Hanson to award the construction bid for Phase 3C to Rachel Contracting LLC, subject to receipt of funding from the DNR. **Seconded** by Paradeis Kobiela. **Approved.**

Project No. 46, Turtle Lake Outlet. Jones reported that Turtle Lake is at elevation 1361.67 with about .37' before it reaches the DNR amended permit elevation. Long Lake is at 1362.03, or about 1' above the DNR amended elevation.

Project No. 32, Hawley EDA Diversion. Tom Athens, who is the Attorney for the Bois de Sioux Watershed District, is interested in working with the BRRWD if we decide to pursue a suit against Sellin Brothers, Inc., regarding the repair of the damaged 60" dia. reinforced concrete (RCP) Diversion pipe. Albright will meet with Athens this week to discuss a possible case.

Project No. 1, Wilkin County Ditch No. 22. The Ernst/Nord lawsuit was settled out-of-court.

Mediation Project Team (PT). The next PT meeting is scheduled for 8/25/11 at 7:30 PM in the MSUM Science Center near Glyndon. Meeting notices will be sent. We will need to start Fall Tour preparations in the near future.

Hawley Buffalo River Restoration. The Minnesota Board of Water and Soil Resources (BWSR) grant sign-up period is 8/15/11 through 9/20/11. H.E. plans to work with the City of Hawley to submit the restoration project in smaller phases with the hope that it may be more competitive for funding.

Wilkin County Ditch No. 41. Jones explained that MNDOT expects the BRRWD to fix the slides along T.H. No. 9 south of Barnesville. He explained his plans for repairing the slides/cuts, which he estimated would cost approximately \$3,000. MNDOT also expects the BRRWD to file a repair permit to do the work. **Motion** by Nelson to approve repairs for County Ditch No. 41, according to Jones' recommendations. **Seconded** by Ellefson. **Approved.**

New Office. Sakry has completed the cabinet building inspection, which didn't yield much useful information. Margaret Follingstad, YHR Partners, is reviewing the cabinet building plans and will be able to provide a comparison between the cost of a new building construction and remodeling the cabinet shop. Albright thought we might be able to stay the month of September in our current office. He will tour some other possible temporary office locations tomorrow.

2012 Budget Hearing. The BRRWD's Annual Budget Hearing will be held on 8/22/11 at 9:00 PM in the Barnesville office. Notices have been sent to the newspapers for publication.

COE Diversion Authority. The first meeting of the Diversion Authority, established through the Limited Joint Powers Agreement, will be held on Thursday, August 11, 2011 at 3:30 PM in the City Commission Room, Fargo City Hall.

50th AVE Flood Control Project. The City of Moorhead filed a petition for a project consisting of a flood control channel and levee along the south side of 50th AVE S to improve drainage along 50th AVE and provide flood protection for the City of Moorhead. **Motion** by Nelson to accept the petition. **Seconded** by Paradeis Kobiela. **Approved.**

Hamden Slough NWR. The USFWS and the Friends of the Detroit Lakes Wetland Management District (WMD) have scheduled a Prairie Fun Day and the Environmental Education Building Dedication at the Hamden Slough National Wildlife Refuge (NWR), Audubon, MN on 8/13/11 from 10:00 AM to 2:00 PM.

Office Equipment. Albright's computer is broken and needs to be replaced. John Murray, H.E., provided estimates for two options. Albright would prefer the option of a notebook computer with a separate larger monitor, costing about \$1,900. **Motion** by Hanson to replace Albright's computer. **Seconded** by Ellefson. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Bruce E. Albright	7/27/11 Appraisers' dinner	Pj. 68, Lake Jacobs	\$ 43.00
Chad Jetvig	2010 crop damages	Pj. 64, LaBelle/Boyer	\$ 1,581.00
CRO's Custom Services, LLC	#4127, Sec. 33, Cuba-thistles	Hay Creek CWF	\$ 242.40
Fargo Baptist Church	Wouters easement	Pj. 50, Cromwell	\$ 12,500.00
H.E.	July billing summary	Varies-see attached	\$ 92,212.06
Master Construction, Inc.	Pay Request No. 7, Phase 3B	Pj. 49, Oakport	\$ 203,390.54
Northern Technologies, Inc.	#5895, 7/03/11-7/30/11	Pj. 49, Oakport	\$ 13,035.60
Petty Cash	Postage, supplies, etc.	Admin	\$ 100.00
Premium Waters, Inc.	#366590-07-11	Admin	\$ 31.53
RMB Laboratories, Inc.	#153578, sample analysis	Buffalo River TMDL	\$ 450.00
RMB Laboratories, Inc.	#155065, sample analysis	Buffalo River TMDL	\$ 270.00
Rothsay Farmers Coop	#6181B, Holubok spraying	Pj. 56, Manston	\$ 1,095.65
TRN Abstract & Title FM	#6248522-Myers Abstract Update	Pj. 39, Georgetown	\$ 175.00
UEI	Through 7/31/11, Phase 1	Pj. 49, Oakport	\$ 11,097.29
UEI	Through 7/31/11, Phase 2	Pj. 49, Oakport	\$ 2,740.49
UEI	Through 7/31/11, Phase 3	Pj. 49, Oakport	\$ 42,884.05
Westlund Excavating	Repairs	Varies	\$ 6,605.52
WREC	6/19/11-7/16/11 service (2)	Pj. 46, Turtle Lake	\$ 381.96
Xcel Energy	6/25/11-7/25/11 service (2)	Pj. 49, Oakport	\$ 326.47
Ziegler Construction, Inc.	Repairs	Pj. 38/54/Clay 23	\$ 2,740.20
			\$ 391,902.76

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

Becker County Commissioners. Hanson suggested to the Becker County Commissioners that they invite Jerome Deal, RRWMB, to their next meeting to discuss the Red River Retention Authority (RRRA).

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Next Meeting. The Board of Managers, BRRWD, will hold their next meeting and 2012 Budget Hearing on Monday, August 22, 2011, at 8:00 PM.

Adjournment. Chairman VanAmburg adjourned the meeting at 10:45 PM.

Respectfully submitted,

John E. Hanson, Secretary