

BUFFALO-RED RIVER WATERSHED DISTRICT

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BUFFALO-RED RIVER WATERSHED DISTRICT

MINUTES FOR INFORMATIONAL MEETING

Project No. 65, County Line Highwater Outlet

October 3, 2011

Pursuant to Minnesota Statutes Annotated (M.S.A.) 103E.721 and any other applicable statutes, the Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a meeting on Tuesday, October 3, 2011, at 7:00 PM in Hildebrand Hall, Assumption Catholic Church, Barnesville, MN. BRRWD Managers present were Gerald L. Van Amburg, Roger G. Ellefson, Curtis M. Nelson, Breanna L. Paradeis Kobiela, and John E. Hanson. Others attending included Bruce E. Albright, BRRWD Administrator, and Erik Jones, Engineer, Houston Engineering, Inc. (H.E.); Larry Martin, United States Fish and Wildlife Services (USFWS); Darrel Thomas, Chairman, and Merlyn Bekkerus, Supervisor, Humboldt Township; Lyle Hovland, Wilkin County Commissioner; Bridget Miller, Minnesota Department of Transportation (MNDOT); and landowners: Brent Ellefson, Mark Braton, Jay Hochhalter, Chris Stepp, Melanie Maneval, and Adrian Haugrud.

Chairman Gerald L. Van Amburg called the meeting to order at 7:00 PM. Group introductions were made, and Albright noted that the meeting was being recorded to aid in the preparation of minutes. He also circulated a sign-up sheet to record attendance. He noted that any audience members should state their names when giving testimony or asking questions.

Albright explained that on 08/27/09, the BRRWD made an Emergency Declaration, in accordance with M.S.A 103D.615, for the area along the Wilkin/Clay County line, located primarily in Sections 34 and 35, Humboldt Township, Clay County, along 180th AVE S (County Line Road) and 310th AVE in Sections 3 and 4, Prairie View Township, Wilkin County. Area wetlands are at record levels, resulting in flooding and downstream seepage and causing property damage to buildings, roads, and personal property.

Jones reviewed the current project design. Initial plans were to drain water westerly using the natural outlet of the basin. The water would flow through a series of wetlands, eventually outletting to the Interstate-94 (I-94) road right-of-way (R/W). Then, water would flow southeasterly, leaving the R/W and flowing along privately owned land, finally draining through a reinforced concrete pipe (RCP) under I-94. MNDOT was not interested in having additional water run alongside I-94 for safety reasons. Jones explained a second option that would route the water further south, eventually following the same natural channel as discussed in the initial plan. Since the last landowner meeting, the Minnesota Department of Natural Resources (DNR) conducted an Ordinary High Water (OHW) determination in the south basin (Basin 84-0015), which is a USFWS Waterfowl Protection Area (WPA). The wetland (Basin 84-0120) north of the County Line Road is private property under a USFWS easement. The water elevation of the south basin is actually higher than the north basin, which restricts the amount of water that could drain from the south basin. Jones, in conjunction with the DNR, completed a final review to determine if there was a way to simplify the permit process. Eventually, they determined a better alignment was to direct water to Branch 5 of Wilkin County Ditch (C.D.) No. 41.

Landowner Jay Hochhalter asked if the USFWS would be contributing funds to the project since the project design will benefit them. Albright said the BRRWD has been negotiating with them. The USFWS is in the process of creating a budget for the year. Albright noted they are actively searching for funding to contribute. Landowner Mark Braton commented that there is a need for flood control during the spring runoff. He also commented on the flooding in Wilkin C.D. No. 41. Jones stated that negotiations continue with the USFWS regarding the Operation and Maintenance (O&M) plan. There are two project options to consider. One option would be to lower the elevation of the south wetland below the OHW (elevation 1105.3), giving the

USFWS the flexibility to manage the water levels and improve the productivity of the WPA. The other option is to leave the wetland at a higher level. Albright spoke about retention in this area, and the desire to route water away from the WPA, since it is not desirable to use a WPA for retention.

Melanie Maneval commented that there should be retention available since the project is being designed with water elevations below the OHW. Albright confirmed this is the theory. Maneval felt there could be a better method, other than stop logs, to prevent downstream flooding during the springtime. She expressed concern for the added maintenance/cost of stop logs. Jones mentioned the cost of inserting/removing the stop logs has been factored into the overall project costs. Albright explained that for many years, water from this area was not a problem, until this extended wet cycle. With proper management, this area and others should not be contributing water to the downstream areas.

Darrel Thomas asked about the project timeline. Jones reviewed the timeline with project construction beginning in October and the south basin opened by November. He projected the water elevation to reach the OHW within 1.5 months. Jones noted that the contract, if awarded, states the first pipe into the basin needs to be operational by 12/31/11. Thomas expressed concern regarding the water flow and ice jams. Jones felt there should be enough water flow to prevent ice jams from forming. He mentioned the BRRWD would closely monitor the water flow given the time of year. Thomas inquired about the timeline for the second wetland. Jones informed him there is a contract deadline of 06/30/12.

Jones detailed the design option for a deeper channel, which would include lowering the wetland to elevation 1101.0. The ditch channel would have a 4' wide bottom and 3:1 sideslopes. Albright stated the BRRWD would need to obtain signed easements from the landowners affected by the buried pipe and/or channel cleanout.

Braton asked about the size of the outlet pipe. Jones explained the tile line for Basin 84-0015 will be an 18" diameter (dia.) tile line and for Basin 84-0120, the outlet would be a 12" dia. tile. The water velocity would be approximately 3 cubic feet per second (cfs), which would scour the tiles clean.

Jay Hochhalter asked if there is a culvert currently in 180th AVE S. Jones stated he was not sure if there is a culvert in the road at that location, but the project design includes installing a 24" dia. equalizer pipe to connect the two basins.

Melanie Maneval asked about the slough to the northeast of the south basin. Jones stated this slough is approximately 5' higher than the basin based on the International Water Institute's (IWI) 2008 LiDAR Survey.

Jones outlined the proposed plan for the deeper basin. He explained the wetland would be at elevation 1101.0. There would be approximately 1,500' of pipe positioned at a 0.228% grade. This pipe eventually outlets to an open channel ditch with a 4' bottom and 3:1 sideslopes. He noted the channel bottom would be constructed with a series of rock drop structures to help control the grade. The water would then flow through a 65" x 40" (rise) reinforced concrete arch pipe (RCP-A) through I-94. Albright asked what the County Line Road elevation was in the area that is under water. Jones estimated the elevation at 1108.0 or lower, but H.E. did not survey the entire road.

Albright stated the BRRWD would hold a hearing sometime this winter if the consensus is to move forward with the project. He explained that there would be details to work out with the USFWS regarding the O&M plan. This plan would outline how the USFWS would operate their part of the project and the responsibility of future maintenance costs.

A landowner asked what the elevation difference was between the water and the County Line Road. Jones explained that the OHW elevation is at 1105.3 and the road was surveyed at elevation 1108.5, so there is approximately a 3' difference. The pipe will be at a lower elevation which will allow it to run at full capacity even when the water is at the OHW. Albright explained that the OHW would probably have an established maximum height to prevent further road issues. He also mentioned that the Federal Emergency Management

Agency (FEMA) guidelines state that there is potential FEMA funding available to the township for necessary road repairs once the top of the road is visible.

Jones explained there would be control structures installed on both tile lines. The north outlet will have a screw gate on the front end of the tile and the south project would have a corrugated metal structure with stop logs and a control gate.

A landowner asked about the depth of the basin. Jones stated it was approximately elevation 1125 this spring. He explained this level could be drawn down to elevation 1120.8 without having to obtain a DNR permit.

Jones presented a detailed breakdown of costs for the lowest contractor bid. He stated that estimated project costs total \$214,400 for the entire project.

Albright explained that the original estimated project costs were higher at \$300,000. The DNR originally agreed to contribute 50% which would now be \$107,200, the BRRWD's contribution would be \$53,600, and the affected landowners/Townships would be assessed the remaining balance. There will be Appraisers appointed to determine the assessments. The BRRWD will hold a public hearing to address any landowner questions or concerns pertaining to the benefit area and assessments. Albright stated the BRRWD will move to approve the benefit area once all concerns have been addressed. Albright explained the assessments would be applied in 2013. He also said the total balance of \$53,600 assessed to the landowners/Townships would be allocated over a 2-3 year timeframe.

Ellefson questioned if the Engineering costs would be lower since the contractor's bid was lower. Albright explained the Engineering cost is based on actual hours therefore it could possibly be less. Ellefson asked if there would be a breakdown of the Engineering costs to reflect the extra time spent evaluating/designing the high option versus the lower option. Ellefson felt this was important so this cost could possibly be allocated to the USFWS since the lower option was their request. Jones stated that the costs have not been broken down in that manner but could be if the Board requested it. Jones informed Ellefson that there was very minimal time spent on the two options.

Ellefson stated that he thought a buried pipe would have been the more expensive option compared to an open channel. Jones stated the first two bids did not reflect a difference in cost per foot between the two designs. The third bid showed a difference. The fourth bid reflected a difference of \$1.00 more per foot for the deeper alternative. Jones explained that the shallow option was designed further east in order for there to be enough cover over the shallow pipe. He also noted the open channel requires more R/W therefore increasing the cost. Albright added that there would be additional costs for future maintenance of an open channel as well. Ellefson stated Solums were not present, but he knows they are in favor of the buried pipe versus an open channel.

Bridgett Miller questioned if the size of the arch pipe through I-94 was sufficient for the additional water flow. Jones explained that the maximum discharge at the point of the natural drainageway is 9-9.5 cfs. He stated the arch pipe should be able to run full when needed. The long-term peak flow through this pipe under normal conditions will be closer to 7.5 cfs. Miller asked if the outlet is fairly open to prevent pooling. Jones stated that the plan is to clean out the channel to help prevent any pooling at the outlet. Ellefson stated landowners in this region would also be benefitted because the water would move more efficiently through the area. Jones noted that Bjornson's land within the project area will all be placed into the Wetlands Reserve Program (WRP).

Maneval asked how long the open channel would be. Jones stated it is approximately 2,800'. Maneval expressed concern regarding the inability to establish vegetation for erosion control due to the time of year. Jones explained a beneficial feature of the project is the fairly flat slope at 0.07%. This would be an elevation change of 3.5' per mile. Jones also mentioned there will be rock placed in the channel to help prevent erosion. Maneval asked who will be responsible for future maintenance expenses. Jones stated future maintenance expenses would be assessed to the project benefitted landowners.

Albright explained that negotiations with the USFWS, which began on 10/07/09, continue regarding permitting issues. The permitting requirements for the project are the same whether the elevation is drawn down to 4' or 11'. Albright stated the following requirements need to be met in order to perform work on a WPA and easement area: National Environmental Protection Act (NEPA) requirements, the criteria of the Appropriate Use and Compatibility Policy as mandated by the National Wildlife Refuge (NWR) System Improvement Act, complying with the Archaeological Resources Act, as well as meeting all other Federal, State, and local regulations. Albright explained that the project might be operational before all these requirements are met. He said that the USFWS could issue 30 day permit(s) as needed for the lowering of water until all requirements are satisfied.

Van Amburg asked for additional feedback which would help guide the Board while they consider the project options.

Darrel Thomas asked if the remaining balance of \$53,600 would be the Township's responsibility. He stated the two townships, Prairie View and Humboldt, have invested at least that amount for road repairs over the last 10 years, and the road is still not functional. Thomas stated that he supported the project. Albright commented that he has been informed that the school bus frequently becomes stuck on this road, and the cattails have also overtaken the area. Albright feels this project will benefit the entire area. Thomas feels this project would give landowners better east and west access. Currently, some landowners have no choice but to go several miles out of their way to get around the sloughs.

Braton asked if there would be any possibility of a project for the road one mile north of the County Line Road. The landowners briefly discussed the possibility of the underground water being drawn down if the current slough is drained down.

Braton questioned if other area sloughs might be drained into Basin 84-0015 in the future. Albright responded that there are no plans at this time, but it could be possible. The group continued to discuss how this project might be beneficial for other area water issues.

One landowner commented that Prairie View Township supports the project.

Someone asked if the Township's payment would be a lump sum. Albright stated the payment would be divided over several years.

Van Amburg commented there have been no objections. He stated concerns have been expressed which can hopefully be worked through in order to achieve a good project.

Ellefson mentioned the expenses could potentially be lower if we could get more entities involved, such as MNDOT. It would also be beneficial if the USFWS could find applicable funding.

A landowner asked when they could expect the project to commence if all are in favor. Albright commented that we are waiting for the DNR permit. Jones explained that we will have to undergo a Game Lake hearing in order to drain the water below the OHW elevation. It might be possible to have the hearing requirement waived if the BRRWD could obtain signed agreements with all the affected landowners. Ellefson listed a few landowners from which the BRRWD will need to acquire easement agreements. Van Amburg added that there will be several easements which the BRRWD will need to obtain. A landowner noted that Dee Dee Shulstad and Nevus Shulstad are supportive of the project.

A landowner asked about the construction timeline. Albright commented that bids were opened on Monday, September 26, 2011. The BRRWD Board's next meeting is scheduled for Monday, October 10, 2011. Albright stated that the Board could award the construction contract to the low bidder if the consensus was

to proceed. The contractor would be able to begin work on the project by mid-October. A landowner asked who the low bid contractor was. Jones said it was Barry Construction from Fergus Falls.

Wilkin County Commissioner Lyle Hovland stated he would check with MNDOT and Don Bajumpaa, Soil and Water Conservation District (SWCD) for potential funding.

Van Amburg asked if there were any further questions, concerns, or comments.

Braton asked where the funds are obtained for the BRRWD's 25% share of the project costs. Albright explained the funds are raised through a tax levy applied across the entire Watershed District in accordance with M.S.A. 103D.905, Subd. 3. He noted the BRRWD has been doing a general assessment for the last 9-10 years in that regard for other projects, similar to this one. Braton asked who paid for the cleaning of Wilkin C.D. No. 41, which is located behind his property. Albright stated it was assessed to all the benefitted landowners along C.D. No. 41.

A landowner asked if Wilkin C.D. 41, which was cleaned east of County State Aid Highway (CSAH) No. 52, would be able to handle the additional flow. Albright noted that the Olsons had flooding issues this spring, and the Board is evaluating this issue. Albright stated that a visual inspection reveals it will most likely need to be restored west of CSAH 52 as well.

There being no further discussion to come before the Board, Chairman Van Amburg adjourned the meeting at 8:45 PM.

Respectfully submitted,

Bruce E. Albright, BRRWD Administrator