

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING November 22, 2011

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a special meeting on Monday, November 22, 2011, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. VanAmburg, Curtis M. Nelson, John E. Hanson, and Breanna L. Paradeis Kobiela. Others attending included: Bruce E. Albright, BRRWD Administrator; and landowners: Craig Runck, Brandon Runck, and Clayton Runck.

Chairman VanAmburg called the meeting to order at 7:00 PM. He announced that the proceedings were being recorded to aid in preparation of the minutes.

Business brought before the Board included:

Runck Drainage Violation. At the 11/14/11 meeting, the Board authorized Albright to send a certified letter to Craig Runck, ordering him to reinstall a temporary approach/24" dia. culvert he removed along 110th ST on the south line of Section 27, Skree Township, Clay County by 5:00 PM on 11/18/11, subject to coordination with the NRCS, the Clay Soil and Water Conservation District (SWCD), the Minnesota Department of Natural Resources (DNR), and Skree Township. This action was in response to a request from the downstream landowner, Herb Nelson, for the reinstallation of the structure to protect his buildings from possible flooding next spring. The Runcks removed the approach/culvert in this location in 2010 without a BRRWD permit. The Runcks are in the process of appealing the Cass County Natural Resources Conservation Service (NRCS) wetland violation decision. Currently, the DNR has a Cease and Desist Order in place on any work in Section 27, Skree Township, until the Runck's NRCS appeal is resolved. Albright recounted a brief history of drainage issues related to the Runcks' property. He noted that in association with the agencies, Runcks have cleaned along 110th AVE S from culvert to culvert in the last couple of weeks, which would not require a BRRWD permit, as long as the work was only maintenance, and not an improvement. He added that per an agreement with the Township, Runcks also removed an 18" dia. culvert in another approach along 110th AVE S. Albright noted that Tom Friederichs, who operates Barb Ronsberg's property in Section 35, Skree Township, has also cleaned his ditch along 220th ST S. The Runcks received the Board's certified letter last week, but have not yet reinstalled the culvert. Craig Runck stated that the DNR would not allow him to reinstall the culvert because of the Cease and Desist Order. Albright pointed out that Phil Seefeldt, DNR Conservation Officer (CO), should have received a copy of the BRRWD's letter. Apparently, there has not been time for Seefeldt to contact the BRRWD to discuss our order. The Board and the Runcks discussed a number of issues for nearly one hour regarding area drainage patterns, the Board's order to reinstall the 24" dia. culvert, neighboring landowner's concern about possible spring flooding on building sites, area wetland issues, and the Runcks' desire to improve their drainage for their property in Section 27. Van Amburg suggested that Albright contact CO Seefeldt to get DNR permission for Runck to reinstall the culvert, as ordered by the Board at their 11/14/11 meeting, to address Herb Nelson's concerns about spring flooding, with the stipulation that the culvert is only temporary and can be removed with BRRWD permission after the 2012 spring runoff. Albright will contact Seefeldt, and the BRRWD will hold a landowner meeting this winter to discuss the ongoing drainage issues in this area.

BRRWD Secretary Position. Albright reported that the office has received nine applications. He has checked with area businesses regarding comparable wages/benefits for administrative assistant positions,

and Van Amburg checked with other Watershed Districts. The Board discussed possible wages/benefits options for their new hire, and whether they want to have a part-time or full-time employee. They also discussed the BRRWD hiring their own employee. H.E. has gone on record offering to hire an employee for the BRRWD at cost at whatever rate of pay and/or benefits the Board feels is appropriate. H.E. will handle the hiring and payroll for a new employee free of administrative fees. The Board had an extended discussion regarding the human relations (HR) requirements, state regulations, allocation of secretary work time to BRRWD accounts, and costs for handling their own employee or hiring an employee payroll service. The Board discussed forming a committee to develop a HR manual for the BRRWD. Albright shared information from other Watershed Districts regarding their wage rates/benefits. The Managers will review the applications and continue discussion on this topic at their upcoming meeting.

Norby Diking Complaint. Manager VanAmburg plans to contact landowner Robert Norby regarding Norby's alleged diking activities along the Buffalo River on his property in the NW¼, Section 22, Kragnes Township, Clay County. The DNR investigated and determined that no work has occurred in their protected waters. The neighboring landowners are concerned that if Norby completes his proposed contiguous dike to the Church road (C.R. No. 96/120th AVE N), it will threaten other properties along the river with flooding because the work could change the breakout elevations in this area.

Minch Mediation. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:00 PM to discuss the status of this issue. At 9:07 PM, the Board reopened the meeting.

Thompson Culvert Request. Tim Thompson has requested permission to clean a ditch southwest of Baker where a pipeline goes through the area, which has minimal cover. The pipeline company has requested that Thompson install a small culvert over the pipeline once he gets the ditch cleaned to provide more cover so nobody hits the pipe. Albright noted that Thompson owns the property upstream of the culvert, so the size of the culvert would only affect his land. Albright recommended approval of the work. **Motion** by Nelson to approve the culvert installation. **Seconded** by Kobiela. **Approved.**

Minnesota Association of Watershed Districts (MAWD) Conference Delegates. MAWD has scheduled their Annual Conference in Alexandria on 12/1/11-12/3/11. The Board discussed the appointment of delegates at the last meeting, but the delegates still need to sign their proxies. The Board reviewed the 2011 proposed resolutions. Albright will provide copies and the Board will discuss them further at the 11/28/11 meeting. The Board also discussed a possible Administrative levy increase for the BRRWD. Albright noted that he will be meeting with State Representative Morrie Lanning to discuss drafting a bill in this regard.

Project No. 29, Buffalo River Log Jams. Landowner Gust Johanson filed a complaint about a log on South Branch of the Buffalo River. Due to limited funds at this time, the Board decided to revisit this issue at a future meeting

BRRWD Finances. Albright reported that we currently have about \$130,000 in Midwest Bank. The current bills, including two scheduled property buyouts in Georgetown, exceed our funds on hand. We are waiting for reimbursement from the DNR for a number of pay requests for various projects. Albright suggested we get a short term loan from Midwest Bank for \$500,000 to cover the bills until we receive the DNR payments. **Motion** by Hanson to authorize Albright to work with Midwest to set up a short term operating loan. **Seconded** by Nelson. **Approved.**

Wetlands Reserve Program (WRP). Albright reported that the Reep Lake site was included on the 2012 funding list for the \$12 million WRP funding. The Board spent some time discussing how the BRRWD plans to move forward with the development of a number of WRP sites in the BRRWD.

Wetlands Restoration. The BRRWD held a meeting on 11/15/11 last week with the four landowners regarding a possible wetland restoration project in Elkton Township. One of the landowners has suggested an easement payment rate of \$3,500 per acre. The total acreage under easement would be 135.46 acres, which would yield 83 acres of wetland banking credits. The Board discussed easement payment rates and wetland restoration costs. **Motion** by Nelson to offer the landowners \$3,000/acre for their easements. **Seconded** by Kobiela. **Approved.**

Project No. 70, Crystal Creek/McCann's Addition. Oakport Township Chairman Jeff Schaumann forwarded a summary of the work that has been completed on this project this fall. Seeding and the installation of the rock drop structure in the channel realignment will be done next spring. The BRRWD will schedule the final hearing this winter.

Aquatic Invasive Species (AIS). The BRRWD has received a request for a donation from Becker County for their 2012 AIS Summit, which will be held 01/14/12. **Motion** by Hanson to donate \$250.00. **Seconded** by Kobiela. **Approved.**

Red River Basin Commission (RRBC) Annual Red River Basin Land & Water International Summit Conference. Albright and Managers Hanson, and Van Amburg plan to attend the Conference in Winnipeg in January.

Red River Basin Flood Damage Reduction Work Group (RRBFDRWG). The Board discussed a couple of citizen representative openings on the RRBFDRWG. These are not a paid position. Albright will forward the information to Eddie Bernhardson or Jerome Flottesmesch regarding this appointment. Van Amburg suggested that the BRRWD could pay for mileage/per diem costs.

Becker SWCD Area I Envirothon. Becker SWCD sent a thank you to the BRRWD for their contribution to the 2011 Envirothon.

Project No. 49, Oakport Flood Mitigation. Kris Carlson, Ulteig Engineers, Inc. (UEI) forwarded an update on the status of Phase 3B. The contractor, Master Construction, and UEI have come to an agreement on the final quantities for this phase. The costs have exceeded the project budget by approximately \$400,000 due to unsuitable material that had to be removed in the Coulee area.

Project No. 68, Lake Jacobs Outlet. The construction contract with Johnson Excavation, Otter Tail, MN, is ready for Board signature. The bid was for \$106,425.00. **Motion** by Hanson to authorized signature of the contract. **Seconded** by Kobiela. **Approved.**

Connie Nokken Ringdike and Driveway Road Raise. Nokken has decided against a ringdike and a road raise to improve access to her property during a flood, and instead will take a buyout from Clay County for her residence in the SE¹/₄, Section 7, Kurtz Township.

Project No. 65, County Line Outlet. The COE forward a document notifying the BRRWD we don't need a COE permit to construct the project. Chairman Van Amburg will sign the document, and the office will return it to the COE.

Project No. 71, City of Moorhead 50th AVE S Flood Control. The project schedule calls for the Appraiser's Report to be submitted by 12/31/11. The Board discussed details regarding the work.

New Office. Albright reported that the plans and specifications have been forwarded to Mike Thelen, Foltz Buildings, for his review and a quote. The next building committee meeting will be held 11/29/11. Plans are to have final plans and specifications for the December meeting. Reardon Office Equipment will

provide a bid for office furniture, etc. Paradeis Kobiela suggested that the office design should be forwarded to a design specialist at HEI. The Board discussed heating/air conditioning options, including geothermal and floor heat and possible building financing.

Snow Removal. Albright suggested that we hire Jason Rick for snow removal. **Motion** by Nelson to hire Jason Rick, as referenced. **Seconded** by Hanson. **Approved.**

Next Meeting. The next regular meeting will be held on Monday, November 28, 2011, at 7:00 PM.

Adjournment. Chairman VanAmburg adjourned the meeting at 10:30 PM.

Respectfully submitted,

John E. Hanson, Secretary