

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

BARNESVILLE, MINNESOTA 56514

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

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, November 28, 2011, at 7:00 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, Wade S. Opsahl, Technician, and Julie Jerger, Resident Secretary, Houston Engineering, Inc. (H.E.); and landowners: Alvin Swanson, David Swanson, 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.

**Secretary's Report.** The Board reviewed draft minutes for the 10/24/11 regular meeting. **Motion** by Paradeis Kobiela to approve the minutes. **Seconded** by Hanson. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's financial status and current funding shortfall. We have \$47,030.62 in the Wells Fargo Bank savings account and \$9,447.73 in the Midwest Bank account. Chairman VanAmburg and Albright met with State Representative Morrie Lanning to discuss concerns about how long it has taken the State to process our project pay requests using the State's new Statewide Integrated Financial Tools (SWIFT), which was implemented on 7/01/11. Apparently, there are some problems with the new system. Representative Lanning said state level hearings are planned in December to investigate this issue. As a result, we still haven't received our funding from the Minnesota Department of Natural Resources (DNR) for the Oakport and Georgetown projects. We submitted pay requests nearly two months ago. Albright explained that he has been working with Midwest Bank to set up a \$500,000 operating loan. The paperwork should be ready for Treasurer Nelson to sign tomorrow afternoon. We are still holding all the 11/14/11 meeting checks and one large check from the 10/24/11 meeting. The Board agreed that the 11/28/11 bills could be approved, but until the State funding comes through, we will only be able to disburse the smaller payments or some of the older bills. Since our pay requests have taken so long for the State to process, Albright plans to submit pay requests for current project expenditures as soon as possible to get them entered into the State's system. The office contacted the Wild Rice Watershed District to check on the status of our Department of Employment and Economic Development (DEED) payment for the Hersch buyout (Project No. 66, Ranum/Tansem Lakes Outlet), which the WRWD received by mistake. They plan to send us a check for our share of the DEED payment this week (\$81,250). The counties should start remitting their second half 2011 tax payments around the first week in December.

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

**Permit No. 11-146, David Swanson.** Applicant proposes to add a 36" dia. culvert to the existing 48" dia. culvert under County Road (C.R.) No. 100 at the outlet of a private ditch lateral to Clay County Ditch No. 20/Oakport Coulee to provide better drainage in the northwest corner, Section 19, Kragnes Township, Clay County. The existing culvert is inadequate and holds back flows at the ditch outlet, which can overtop the road and threatens a neighboring building site. Alvin and David Swanson have been working with David Overbo, Clay County Highway Department. They discussed their proposal. The homeowner near the ditch outlet is concerned about flooding if a larger pipe is not installed at this location. In 2002, Jones conducted an investigation for a proposed lateral to County Ditch No. 20, but that project was not built. The

landowners are also working with a contractor to clean the road ditch along 120<sup>th</sup> AVE N. The County also suggested that the Board could authorize an area hydraulic analysis. However, the County is willing to add 36" dia. pipe without the expense of the analysis. Albright noted that since the proposed project has an adequate outlet (Red River) and the drainage would be in the early timing zone, the Board would be justified in approving the extra culvert. In addition, the larger outlet culvert could protect the nearby farmstead from flooding. **Motion** by Hanson to approve Permit No. 11-146, subject to Clay County's approval for the work in their road right-of-way (r-o-w). The County will work with the landowner to cost share the culvert installation. **Seconded** by Nelson. **Approved.** Ellefson questioned if an emergency spillway might address the neighboring landowner's flooding concern. Albright thought that an elevation survey could provide some information about the elevation of the house compared to the road. Clay County would have to make a determination about a possible spillway in their road.

**Permit No. 11-49, Craig Runck.** Clayton and Brandon Runck discussed the Board's 11/14/11 Order for them to reinstall an approach with a 24" dia. culvert along 110<sup>th</sup> ST on the south line of Section 27, Skree Township, Clay County, as a temporary measure to meter upstream flows for next spring's potential flood. The downstream landowner, Herb Nelson, Jr., requested that the approach be installed 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 Board's Order stipulated that the structure was supposed to have been reinstalled by 11/18/11, but at their 11/22/11 special meeting, the Runcks told the Board that Phil Seefeldt, DNR Conservation Officer, would not allow them to work in Section 27, due to the Cease and Desist Order. Albright contacted Seefeldt, and Brent Gustafson, Cass County Natural Resources Conservation Service (NRCS), on 11/23/11. They both approved the work on a temporary basis. Clayton Runck would like to install the approach in a different location. The Board agreed that the approach should be placed in the location designated by their Order. Albright commented that once the Runcks' appeal of the Cass County NRCS wetland determination has been settled, the BRRWD would like to hold another meeting with all the impacted parties to find a permanent solution to this ongoing drainage issue. The Board discussed area drainage patterns and neighborhood ditching projects. Clayton Runck discussed alternatives to the Board's Order. Brandon Runck asked what the penalties would be if they didn't install the approach. Albright explained that the Board can refer the issue to the Clay County Attorney for a temporary restraining order (TRO), and Ellefson pointed out that the Board could have the structure installed at Runck's expense. Albright added that the Runcks could remove the temporary approach/culvert when they are ready to start fieldwork after the 2012 spring runoff. **Motion** by Nelson to order the Runcks to install the approach/culvert at the referenced location by 12/02/11, as previously directed. **Seconded** by Paradeis Kobiela. **Approved.** The group discussed the penalties for draining the protected wetland area and other possible ways to drain the Runck's property. Albright advised the Runcks that the DNR's Cease and Desist Order is still in effect. Until their appeal of the NRCS wetland determination has been settled, they can't do any further drainage work in Section 27, Skree Township.

**Tom Trosvik Tiling.** On 11/22/11, the office sent a certified letter to Tom Trosvik ordering him to complete work to reroute his tiling project in Section 32, Norwegian Grove Township, Otter Tail County, by 11/28/11. Trosvik's 2010 project routed water onto his downstream neighbor, Orrin Sorum, who had concerns about the tiling project's impact on his property. The Board suggested a new route for the tiling last summer, which would outlet the water north along 110<sup>th</sup> AVE for approximately 1,300' to a natural waterway on Sorum's property. To date, Trosvik has not completed the work. Sorum contacted the office this fall to report the work still was not done. Albright will check with Trosvik regarding the project status. If Trosvik can't rerouted the tile this fall, the Board feels it should be plugged until the work can be completed next spring. They hope that Sorum and Trosvik can agree on an amicable solution.

**Polly Thorsness Culvert Blockage.** At the 11/14/11 meeting, Brian Holt attended and complained about rocks Thorsness placed in the inlet end of her driveway culvert in the SE<sup>1</sup>/<sub>4</sub>, Section 19, Tansem Township, Clay County. According to Thorsness, she took this action to prevent more upstream siltation from

entering the wetland on her property from Holt's cropland and ditching. In 2008, Thorsness contacted the BRRWD regarding concerns about the referenced erosion problem. At that time, the BRRWD sent Holt a letter regarding Thorsness' concerns and providing options for restoration. This summer Janet Holt, Brian's mother, attended a BRRWD meeting, and complained about the rocks Thorsness had installed in her culvert. Albright and Manager Ellefson conducted a field review at that time and noted no damage to the adjacent crop. This fall, Holt reshaped/sloped the ditch and installed several rock drop structures in an attempt to control the erosion coming from his field that drains into Thorsness' wetland area. The Board approved a motion to send a certified letter to Thorsness, directing her to remove the rocks on the east end of the culvert no later than 11/28/11. Thorsness called the office today regarding the Board's order. She also asked to see copies of Holt's permits for the work he did in 2008 that caused the silt deposits in her wetland.

**Norby Diking Complaint.** Manager VanAmburg still plans to contact Norby regarding his alleged diking project along the Buffalo River in Section 22, Kragnes Township, Clay County. Norby doesn't have a landline phone number, and VanAmburg doesn't have his cell phone number.

**Tim Thompson Ditching.** A neighboring landowner was in the office today to complain about work Thompson was doing in the road ditch and field, primarily in the W<sup>1</sup>/<sub>2</sub>, Section 1, Alliance Township, Clay County. Albright and Manager Ellefson will conduct a field review.

Manager Nelson noted that there is a lot of ditch work taking place in the BRRWD because of the dry weather.

**Project No. 68, Lake Jacobs Outlet.** Opsahl reported that he received a phone call from Jeff Holt, Phyllis Trienen's renter, regarding the length of the open ditch that will be on her property for the outlet channel alignment near C.R. No. 21. He was very concerned that it will affect his ability to farm the tract. Opsahl noted that we have a signed easement from Treinen for the project with a description of the channel configuration. He didn't think Holt was aware of the actual project plans for this site. Most of the outlet channel will be a buried culvert that will not affect the field. Opsahl will talk to Holt again regarding this issue.

**Project No. 67, HRBP Outlets.** Justin Johnson, Technician, H.E., reported to Opsahl that the pipe through Trunk Highway (T.H.) No. 34 appears to be partially plugged. The water is higher on the north side of the highway. Jones contacted Bridgett Miller, Minnesota Department of Transportation (MNDOT), who said that their equipment is in storage for the winter, and they will check the culvert next spring. The Board was concerned that if the culvert is plugged, it should be opened so that the project can continue to operate as designed during the winter when it has less downstream impacts.

**Project No. 66, Tansem/Ranum Lakes Outlet.** The Wild Rice Watershed District should be forwarding the DEED money this week. Ellefson asked about the status of the old Hersch house. Albright explained that the Hersches have salvage rights. They are paying the BRRWD \$100/month until they move into their new house. The BRRWD will demolish the house once the Hersches have moved.

**Project No. 65, County Line Outlet.** Opsahl reported that the contractor has been making progress. The outlet structure has been installed and is operating. He suggested that the next steps would be to install the pipe through the township road to allow the water to come down to allow the contractor to continue working. The local homeowners will have to use a different road to access their property on a temporary basis while the work is occurring.

**Project No. 64, LaBelle/Boyer Lake Outlets.** Albin Warling contacted the office with concerns about his crop loss resulting from the project when the contractor cleaned Becker County Ditch No. 9 and placed spoil on Warling's field, and when water backed up into a low area in his field before the ditch was cleaned. He claims he lost soybeans from water and spoil damages. Opsahl explained Warling's crop damages, and the Board reviewed photographs of the area. After an extended discussion, the Board felt we could pay Warling \$2,000, as a payment for alleged damages associated with the County Ditch No. 9 cleaning in the summer of 2010. **Motion** by Hanson to make the referenced payment to Warling, as a ditch system expense. **Seconded** by Paradeis Kobiela. **Approved.**

**Project No. 56, Manston Slough Restoration.** Albright noted that he plans to finish the easement acquisitions before the end of the year. This is his number two priority, following project billings to the DNR.

**Project No. 54, Whisky Creek Levee.** The Board briefly discussed Joe Gilbertson's concerns about the elevation of the Shulstad levee on the west side of C.R. No. 21 in relationship to his farmstead ringdike elevation. The levee was cut/washed out just downstream of Gilbertson's farmstead, which caused water from the levee to spill out onto nearby cropland last spring in Sections 18 and 19, Barnesville Township. This washout has since been repaired. Opsahl noted that Gilbertson's flapgates have been checked and are ready for the spring runoff.

**Project No. 50, Cromwell Township Outlet.** The channel is excavated all the way to the last pond by cemetery road. The pipe and the crossing on west end still need to be installed. Cleanup and finish work will probably need to be completed next spring. The contractor is currently working another project while the wetland drains down to a level where they can get back in to finish their work.

Larry Elton, an upstream landowner, would like an overflow pipe in C.R. No. 114 between Sections 26 and 35 to provide drainage to protect his buildings from flooding. He feels that road acts as a dam. David Overbo, Engineer, Clay County Highway Department, thought that an 18" dia. culvert could be installed in that location at the natural runout elevation. We could handle the additional work as a Change Order on the current construction contract. Downstream landowner Kenneth Wouters' easement has the provision that upstream water could only enter his wetland area if the United States Fish and Wildlife Service (USFWS) approved the work. The County will take some area elevation shots this fall to see if they could bore the culvert through their road. This issue will need to be resolved before the BRRWD completes their project assessments.

The current DNR grant agreement will expire on 6/30/12. The Board briefly discussed the installation of the culvert in cemetery road. Opsahl suggested that it could be completed next year as part of a new contract when the road is built up.

**Section 1, Riverton Township, Clay County.** Albright noted that the Clay County Sheriff called regarding complaints from Jim Giedt and Berg about upstream drainage/seepage.

**Project No. 39, Georgetown Levee-Improvement.** Albright reported that we completed three closings this month. Another closing is scheduled for 12/07/11. Project Manager Randy Rick will winterize the buyout properties. Clay County is willing to list some of these properties for their December auction sale. The Board briefly discussed several items that Jim and Greta Myers want to retain from their buyout. The Board would like to see the list of items before they can set a value to deduct from the purchase price. Albright will meet with Gabe Bladow and Rick St. Germain, H.E., to put together a project schedule with a goal to have the project ready to go to bids in March 2012. Easement acquisition will be next step in the process. Key Contracting, Inc. is working on the Federal Emergency Management Agency (FEMA) repairs.

**Project No. 32, Hawley EDA Diversion.** The Board will meet with Attorney Tom Athens at the Minnesota Association of Watershed Districts (MAWD) convention the first week in December regarding the 60" dia. reinforced concrete pipe (RCP) repair agreement. Opsahl reported that the channel downstream of the conduit pipe will be cleaned this week. He contacted the landowner, Dean Whaley, who has approved the work.

**Project No. 19, Becker County Ditch No. 21.** Jerry Matter wanted to talk to Opsahl regarding the clean out project. The Board discussed their decision to authorize Jones to apply for a DNR permit to clean the Buffalo River downstream of the Becker County Ditch No. 21 outlet.

**Project No. 16, Stinking Lake Detention.** Opsahl is working with the DNR and USFWS to open the outlet structure to get the detention site water levels down this fall in preparation for spring runoff. He plans to close it later this fall. The agencies have expressed an interest in taking a more active role with the project operations to enhance the project's natural resource features.

**Project No. 14, Clay County Ditch No. 10.** Opsahl reported that the contractor, Johnson Excavation, plans to complete the road raise this week. He discussed various negotiations that took place with the affected landowners. Jim Renner, Lynn Speer's renter, has concerns about the flapgates on Speer's property along County Ditch No. 10.

**Project No. 1, Wilkin County Ditch No. 22.** A flapgate is missing on Mike Aigner's property on Lateral No. 3. Aigner also has an inlet pipe east of the former Holubok property that isn't deep enough to drain his field water into the ditch. Aigner would like it lowered approximately 1'. Opsahl will check on the request. We still have contractors in the area, and they could probably complete these repairs yet this fall.

**Ditch Repairs.** The Board discussed ongoing ditch repairs. William Nichol Excavating and Key Contracting, Inc. are still working with Opsahl to finish various ditch repairs.

**Watershed District Enlargement.** Albright met with the Otter Tail County Commissioners on 11/15/11 regarding the district enlargement. Currently, the County has questions about obtaining signatures on the Petition.

**New Administrative Assistant.** The Board held a special meeting on 11/22/11 to discuss this issue. The Board discussed their individual ranking of the applicants. They reviewed Human Resources (HR) manuals from Sauk River and Minnehaha Creek Watershed Districts. VanAmburg proposed to have H.E. to hire the assistant on a temporary basis so that the Board could have time to develop their own HR plan. He suggested that the Board appoint a HR committee to work on the manual. H.E. has offered to handle the new employee as a pass through free of charge. Ellefson felt that wouldn't be necessary. He discussed a conversation he had with Ron Salber, Salber and Associates, regarding how the Board could hire their own employee. Salber would prepare the payroll and do all the necessary paperwork for \$25 per month. The Board discussed the new administrative assistant's work status (part-time vs. full time), necessary skills, and possible benefits/salaries. Ellefson feels that even though we need more office help, we have a shortage in the Administrative Fund to pay for more employees. Ellefson felt that the next audit should show a breakdown of the administrative expenses for the Managers and H.E. staff. The Board agreed to review the candidates and rank them on the sheet the office prepared. The Board could then interview the three highest scoring individuals. **Motion** by Hanson to appoint Paradeis Kobiela and VanAmburg to the HR committee to start work on a HR Manual for the BRRWD. **Seconded** by Ellefson. **Approved.**

The Managers discussed a meeting Albright and Manager VanAmburg had with Representative Morrie Lanning regarding the possibility of raising the BRRWD's Administrative Levy rate. There is also a resolution before the MAWD to remove the Administrative Levy cap for all watershed districts.

**Anderson Wetland Banking Investigation.** At the 11/22/11 meeting, the Board made an offer of \$3,000/acre to the landowners involved with this proposal. Chuck Anderson told Albright he thought the offer should be \$3,500/acre. The Board discussed Anderson's calculations to justify his value for the wetland credits. Ellefson thought that if all the landowners agree to participate, that price would probably be fair. Albright explained that the next steps would be for the landowners to sign options, and the Board would authorize H.E. to start the permitting process with payment to the landowners in the spring of 2012. **Motion** by Ellefson to offer the landowners \$3,500/acre for the wetland credits. **Seconded** by Hanson. **Approved.**

**New Office.** The Board discussed ways to reduce costs for the new building. There is a building committee meeting tomorrow (11/29/11) with Margaret Follingstad, YHR Partners, at 7:00 PM in the BRRWD office. Albright and Manager VanAmburg met with Dave Schmidt, who is a contractor from Moorhead, to discuss his suggestions for cost reductions. Schmidt advised that the Board might want to work with a contractor during the construction process to make decisions to reduce costs. Schmidt also noted a target date of April 15 for starting the new building construction. Manager Nelson talked to a Foltz Building representative. He felt that both Foltz and Morton Buildings should be contacted regarding contracting/bidding the building project. The Board discussed the bidding process. Albright will talk to Attorney Tami Norgard, Vogel Law Firm, about the bidding process. The Board's goal is to let bids for the building before next spring.

**United States Geological Survey (USGS).** Jones plans to attend the Annual USGS Stream Gauging Cooperators meeting on 11/30/11. Discussion topics will include funding for the gauging stations, and the 2012 Red River Basin flood outlook.

**Army Corps of Engineers (COE) F-M Diversion.** Albright distributed an open letter from the Diversion Authority Public Outreach Committee for the Board's review.

**MAWD Resolutions.** The Board discussed the various Resolutions proposed by member watershed districts, which will be reviewed and voted on at the MAWD Annual Conference in Alexandria on 12/1/11-12/3/11. Paradeis Kobiela pointed out a number of Resolutions that could affect the BRRWD.

**Log Jams.** Opsahl mentioned that Gust Johanson has contacted him about log jams on his property that Johanson plans to remove. Opsahl also distributed photos of a log jam on Ryan Nelson's property. The Board felt that this work could be completed this winter. We need to deal with the current funding shortage before authorizing any more projects.

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

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
Albin Warling	Crop damages/repair	Becker County Ditch No. 9	\$ 2,000.00
City of Barnesville	11/25/11 phone service (2)	Admin.	\$ 169.37
City of Barnesville	Utilities (10/01/11-10/30/11)	Admin.	\$ 220.50
Doris Brundage	December office rent	Admin.	\$ 750.00
H&S Contracting, Inc.	#2011-00234, sluice gates	McCann's/Crystal Creek	\$ 8,338.00
HCI	#11185, seeding	Crystal Creek/McCann's	\$ 3,040.00
Joel Carlson	December Lobbyist fee	Admin.	\$ 850.00
Key Contracting, Inc.	#2262, 2263, 2264, 2265, 2266, 2267, 2268 repairs	Pj. Nos. 34/37, Clay 3	\$ 30,141.01
Master Construction, Inc.	Pay Request No. 10, Phase 3B	Pj. 49, Oakport	\$ 641,591.13
Mid States Storage	December storage rent	Admin.	\$ 74.00
Moorhead Public Service	10/07/11-11/07/11 service (2)	Pj. 49, Oakport	\$ 66.88

Becker COLA	AIS sponsorship/donation	M.S.A. 103D.905, Subd. 3	\$ 250.00
Petty Cash	Postage, supplies, etc.	Admin.	\$ 200.00
Rachel Contracting, Inc.	Pay Request No. 2, Phase 3C	Pj. 49, Oakport	\$ 367,504.39
Rodney Wyland	15% erosion repair costs	Pj. 26, Buffalo River	\$ 2,025.60
RRBC	John Hanson registration	Admin.	\$ 275.00
RRVCP	#64.02, 11/09/11-11/10/11 (3)	Pj. 39, Georgetown	\$ 138.52
RRVCP	10/10/11-11/10/11 service (3)	Pj. 49, Oakport	\$ 243.54
TrueNorth Steel	#8503393, 18" dia. cmp (Jetvig)	Clay C.D. No. 33	\$ 922.35
Xcel Energy	10/22/11-11/21/11 electrical (2)	Pj. 49, Oakport	\$ 91.30
			<b>\$ 1,058,891.59</b>

**Motion** by Paradeis Kobiela to approve the bills and pay them as funding becomes available. **Seconded** by Nelson. **Approved.**

**Next Meeting.** The next regular meeting will be held on Monday, December 12, 2011, at 7:00 PM.

**Adjournment.** Chairman VanAmburg adjourned the meeting at 10:25 PM.

Respectfully submitted,

John E. Hanson, Secretary