BUFFALO-RED RIVER WATERSHED DISTRICT
BARNESVILLE, MINNESOTA 56514
114 FRONT STREET SOUTH PO BOX 341 PHONE 218-354-7710

MINUTES FOR MANAGERS’ MEETING
April 9, 2012

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, April 9, 2012, at 8:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. VanAmburg, Breanna L. Paradeis Kobiela, Roger G. Ellefson, Curtis M. Nelson, and John E. Hanson. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, and Julie Jerger, Resident Secretary, Houston Engineering, Inc. (H.E.); and Mona Barker, BRRWD Administrative Assistant; and landowners: Jerry Ishaug, Doug Ishaug, Clayton Runck, Ron Kirkhorn, and Gerald S. Zimmerman.

Chairman Van Amburg called the meeting to order at 8:00 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 3/26/12 regular 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 $211,158.21 cash on hand. Since the 3/12/12 meeting, our total receipts were $588,387.65, primarily from the Minnesota Department of Natural Resources (DNR) for Project No. 39, Georgetown Levee-Improvement ($508,939.99) and Project No. 68, Lake Jacobs Highwater Outlet ($57,614.95). We received reimbursement from Minnesota Pollution Control Agency (MPCA) for our expenses associated with the Total Maximum Daily Load (TMDL) Phase 2 Study ($15,939.40). The Red River Watershed Management Board (RRWMB) reimbursed the BRRWD for the landowner’s share of the Jason Wang ringdike overage costs ($3,759.25). Other income came from auction sale proceeds/deposits from various projects. Albright paid down the balance Midwest Bank Line of Credit to zero after the 3/26/12 meeting. **Motion** by Hanson to approve the Treasurer’s Report. **Seconded** by Ellefson. **Approved.**

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

**2012 Ditch Assessment Concerns.** Doug Ishaug, Jerry Ishaug, and Ron Kirkhorn questioned the 2011 expenditures for Clay County Ditch Nos. 11 and 36 and their 2012 assessments. Albright explained that as part of the redetermination of benefits proceeding for these ditch systems, we needed to acquire more right-of-way (r-o-w) from the adjacent landowners for the required bufferstrips, so the majority of the ditch system expenditures last year were for r-o-w acquisition and seeding. On 4/05/11, the BRRWD held the Final Hearing and made the Order to adopt the redetermination of benefits for County Ditch Nos. 36, 40, and 60. A 30-day appeal period followed the hearing. At the 8/22/11 annual budget hearing, which was open to the public, the Board levied $25,000 for County Ditch No. 11 and $40,000 for County Ditch No. 36 to pay off the costs associated with the redetermination proceedings. The current balance for County Ditch No. 36 is -$46,884.05 and for County Ditch No. 11, the balance is -$21,916.25. Albright referred to the current benefit maps and explained what the benefit rates are for each ditch system. The group had an extended discussion regarding the assessment for each of the Ishaug and Kirkhorn parcels. Albright explained the differences between a repair and an improvement proceeding. Ishaug will consider filing a ditch repair request for two additional inlets for his property associated with County Ditch No. 36. When Albright calculated Ishaug’s assessments according to the ditch system benefit maps, his totals were the...
same as the amounts on Ishaug’s tax statement, so it appears the County didn’t make an error. Albright added that Ishaug’s assessment rates are different from adjacent agricultural land because he has a house on his parcel. Albright explained that the Viewers attempted to place the assessments for all the ditch costs fairly across the entire area depending on the amount of benefits/protection each landowner receives.

Clayton Runck. Runck requested that the Board approve his request to remove the temporary 24” dia. culvert along 110th ST on the south line of Section 27, Skree Township, Clay County, which they directed him to install at their 11/14/11 meeting, as a temporary measure to meter upstream flows if there was a flood this spring. He asked that the Board provide written permission for the culvert removal. The group had an extended discussion regarding drainage issues in Section 27. Motion by Ellefson to allow Runck to remove the culvert and to authorize the office to provide a letter documenting the Board's action. Seconded by Nelson. Approved.

Runck asked about a possible project to add an extension on an 18” dia. culvert elbow on the south line of Section 27. Van Amburg stated that the BRRWD will not be able to approve any work in Section 27 until Runck's appeal of the Natural Resources Conservation Service (NRCS) decision regarding his possible wetland violations in Section 27 have been settled. Runck thought that the NRCS might be making a final decision by the end of May.

Permit No. 12-45, Gerald Zimmerman. Applicant proposes to install 160 acres of pattern tiling in the SE¼, Section 12, Oakport Township, Clay County, outletting to County Ditch No. 35 to which it is assessed. Motion by Ellefson to approve Permit No. 12-45, subject to our standard tiling disclaimer. Seconded by Paradeis Kobiela. Approved.

Permit No. 12-46, Gerald Zimmerman. Applicant proposes to install pattern tiling in the NE¼, Section 31, Morken Township, Clay County, to outlet via a lift station to County Ditch No. 39. The tile system will incorporate the capability to sub-irrigate the field during dry periods. Motion by Hanson to approve Permit No. 12-46, subject to our standard tiling disclaimer. Seconded by Nelson. Approved.

The group discussed Zimmerman's plans to install temporary blocks in Section 31 and Section 32, Morken Township, on Clay County Ditch No. 39 for an experimental sub-irrigation project. Zimmerman is working on this project with scientists from North Dakota State University (NDSU). Ellefson questioned if the idea of allowing blocks in our ditch systems was appropriate. Albright discussed Minnesota Statutes Annotated (M.S.A.) 103E.227, Impoundment, Rerouting, and Diverting Drainage System Waters, in relation to Zimmerman's project. The process includes the submission of a petition, a $10,000 bond, and a public hearing. Albright suggested that H.E. could conduct an elevation survey of the proposed block locations to determine how the blocks might affect ditch hydraulics. Ellefson felt that the BRRWD should hold a landowner hearing regarding Zimmerman's proposal. Motion by Ellefson to authorize H.E. to conduct the referenced elevation survey. Seconded by Nelson. Approved. Zimmerman suggested that Jones should work with NDSU on the scope of the survey to avoid data duplication.

Zimmerman also requested that the BRRWD authorize him to complete a 0.75-mile cleanout project for Clay County Ditch No. 35 in Section 12, Oakport Township, to touch up the ditch grade along his property to improve drainage. The work would be coordinated with Wade Opsahl, Technician, H.E., to be sure the cleanout doesn’t exceed the original ditch configuration. Motion by Hanson to approve the repair request, subject to coordination with Opsahl and downstream landowner approval. Seconded by Paradeis Kobiela. Approved.

Meeting Time. The Board briefly discussed changing the time that our meetings convene. Motion by Nelson to start the BRRWD meetings at 7:00 PM year round, starting with the May 14 meeting. Seconded by Paradeis Kobiela. Approved. The Board also briefly discussed how the BRRWD meetings could be
reorganized/conducted to save time and get more done. Ellefson felt that Albright should handle issues regarding assessment complaints if possible before bringing the landowners to a meeting. The Board also discussed the process we follow at our annual Budget Hearing when we assess ditch system levies.

**Permit No. 12-36, Clay County Highway Department.** Applicant proposes to replace an existing bridge on County State Aid Highway (CSAH) No. 7 over County Ditch No. 32 between Sections 14 and 15, Kurtz Township. The structurally deficient structure will be replaced with a 12’ x 6’ reinforced concrete box (RCB) culvert. Jones noted that the new structure sizing is consistent with the upstream and downstream structures. The Board discussed the upcoming 4/12/12 meeting that has been scheduled with the County Ditch No. 32 landowners to discuss a ditch repair/improvement. The proposed structure elevation will be on the original ditch gradeline. If the landowners decide to petition for a ditch improvement, the flowline of the culvert will need to be lowered. **Motion** by Nelson to approve 12-36, subject to further discussion at the 4/12/12 informational meeting. **Seconded** by Hanson. **Approved.**

**Permit No. 12-38, Clay County Highway Department.** Applicant proposes to replace existing 60” and 42” dia. culverts in Section 18, Elmwood Township, with new structures on the south side of the County Road (C.R.) No. 67 with either one line of 87” x 63” span metal arch pipe (CMPA), or two lines of 54” corrugated metal pipe (CMP). Jones noted that after discussing the proposal with County Engineer Dave Overbo, he agreed to install two lines of 54” dia. pipes. **Motion** by Nelson to approve Permit No. 12-38, subject to the recommended culvert sizing change and further discussion at the 4/12/12 County Ditch No. 32 landowner informational meeting. **Seconded** by Hanson. **Approved.**

**Permit No. 12-44, Mark Anderson.** Applicant proposes a wetland restoration project in the SE¼, Section 13, Cromwell Township, Clay County. The Clay NRCS provided the project design and Operation and Maintenance (O&M) plan. Albright recommended permit approval. **Motion** by Paradeis Kobiela to approve Permit No. 12-44. **Seconded** by Ellefson. **Approved.**

**Permit Data Management Software.** The Board has scheduled a special meeting on Thursday, April 12, 2012, at 5:00 PM at the Fargo H.E. office to attend a presentation that Brian Fischer, H.E., Maple Grove office will make regarding a new permit data management software suite.

**Project No. 74, Clay County Ditch No. 51-Lateral.** Petitioner Roger Minch has remitted the $10,000 project bond in the form of a personal check to cover the preliminary project development costs. Attorney Tami Norgard, Vogel Law Firm, reviewed the petition and advised that the petition and bond are adequate for the Board to move forward with the preliminary project development. **Motion** by Hanson to authorize H.E. to prepare the Preliminary Engineer's Report. **Seconded** by Paradeis Kobiela. **Approved.**

**Project No. 73, Country Heritage Ditch.** The Board accepted the project petition at their 3/26/12 meeting. The Appraisers will meet this week to conduct a field review. Opsahl is working on Appraisers' Report, and Jones has started the Engineer's Report.

**Project No. 72, Wilkin County Ditch No. 22, Lateral No. 3-Improvement.** The Viewers will meet again this week to continue their work on this project. H.E. has staked the r-o-w and the landowner letters were sent regarding 2012 planting intentions/r-o-w staking.

**Project No. 70, Crystal Creek/McCann's Addition.** The Appraisers are working on the benefit assessments. After they file their report, the Board can schedule a hearing.

**Project No. 68, Lake Jacobs Outlet.** The BRRWD has scheduled the Final Hearing continuation on April 18, 2012, at 8:30 PM in the Veterans of Foreign Wars (VFW) Club in Barnesville. The contractor plans to get back on site as soon as road restrictions are removed.
Project No. 67, HRBP Outlets. Albright has been working with Minnesota Department of Transportation (MNDOT) regarding their questions about their project assessment. The Board discussed conversations they had with MNDOT officials in Detroit Lakes at their Annual Coordination Meeting. The Board signed the Emergency Declaration for the project, which had been approved in 2010, but never signed.

Project No. 65, County Line Outlet. The Final Hearing Continuation will be held on April 18, 2012, at 7:30 PM in the Barnesville VFW Club. Nelson questioned Dave and Deb Stepp's assessment now that they no longer operate their business from their farmstead. Albright noted that the Appraisers finalized their report with several changes, but the Board can discuss this issue with the Appraisers at the Final Hearing. The contractor plans to move equipment to the site to finish the project as soon as Wilkin County removes their road restrictions.

Project No. 64, LaBelle/Boyer Lake Outlets. Albright plans to forward assessment information to MNDOT tomorrow regarding their concerns about their 2011 project assessment (approximately $65,000).

Project No. 56, Manston Slough Restoration. Rick St. Germain, Engineer, H.E., has submitted the Conditional Use Permit (CUP) application. The Appraisers plan to have their report ready to file at the next meeting. The Minnesota Board of Water and Soil Resources (BWSR) Reinvest In Minnesota (RIM) funding request has been submitted ($650,000). The Project Team (PT) members have signed the project consent form in support of the RIM project funding. Jones submitted the Project Readiness Form and a detailed breakdown of the funding utilization with a cover letter justifying the request.

Project No. 50, Cromwell Township Outlet. Jones sent information regarding structure configuration to the contractor to get quotes for boring the pipe in C.R. No. 114. The Board briefly discussed Kenneth Wouters request that the BRRWD rebuild the driveway he uses to access his farmstead.

Project 49, Oakport Flood Mitigation. The Board briefly discussed possible 2012 State funding to finish work on the current phases. Albright noted that a homeowner filed a complaint regarding felled trees on their property that he wants removed. After some investigation, it appears that Oakport Township cut down the trees during the 2010 flood fight to make way for emergency diking, but never removed them. The Board felt that since the Township did the work, it would their responsibility to clean up the site.

Project No. 39, Georgetown Levee Improvement. The BRRWD has scheduled the Final Hearing on April 17, 2012, at 8:00 PM, in the Georgetown Community Center. The Board discussed the easement acquisition progress. There was also discussion regarding the amount Georgetown will have to pay for the project in regards to their 2% median market value costshare.

Project No. 19, Becker County Ditch No. 21. Hanson reported that he visited with Jerry Matter regarding the proposed Buffalo River cleanout project. Matter was anxious to see the project move forward.

Mediation PT. The next PT meeting is tentatively scheduled for 5/24/12 at 7:00 PM in the MSUM Science Center. John Frederick, MPCA, will discuss the TMDL project. Rick St. Germain, Engineer, H.E., and Lance Yohe, Executive Director, Red River Basin Commission (RRBC), will make presentations regarding the RRBC's Long Term Flood Control Solutions (LTFS). Chuck Fritz, International Water Institute (IWI), will also present their recent tiling impact study.

RIM/WRP Program. Albright, Jones, and Hanson met with three landowners on Reep Lake regarding a possible wetland restoration project. Two of the landowners have signed the WRP agreement. The other landowner might be interested in a BRRWD easement. Albright suggested that the next step would be to have H.E. conduct an elevation survey of the properties, and then go back to landowners with information
so they can decide if they want to move forward with the restoration project. **Motion** by Ellefson to authorize H.E. to conduct the referenced survey. **Seconded** by Hanson. **Approved.**

The Board reviewed a map prepared by Phil Doll, Minnesota Waterfowl Association, showing several potential restoration sites in the Becker County Ditch No. 5 area. Albright noted that the BRRWD could move forward with the Reep Lake project first, and then develop the other sites one by one, depending on landowner interest/BRRWD time.

**Watershed District Enlargement.** BWSR's Northern Planning Committee meets on 4/12/12. It appears that the RRWMB, who opposes the proposed BRRWD enlargement, plans to attend the meeting, as the meeting notice stated an open microphone would be available. The Managers discussed the fact that technically, the comment period ended on 3/09/12, and no further testimony can be included in the official record. Albright noted that since representatives from Otter Tail and Wilkin Counties plan to attend the meeting, the BRRWD probably doesn't need to be there.

**Clay County Ditch No. 32 Repair.** The BRRWD will hold an informational meeting on Thursday, April 12, 2012, 7:30 PM, Moorhead City Hall Council Chambers to discuss requested ditch repairs.

**Anderson Wetland Restorations.** Albright reported that the easement areas are staked. Albright was contacted by the renter of one of the tracts who claims to have applied fertilizer last fall. He was concerned that if he can't plant the acreage this spring, he would like to be reimbursed for his fertilizer. Van Amburg pointed out that native grasses do not grow well with commercial fertilizers.

**PRAP.** The Managers are working on the BWSR Performance Review and Assistance Program (PRAP) report. Once completed, our report will be submitted to the BWSR. The Board thought they might need to schedule a special meeting to complete the questionnaire.

**Advisory Committee Annual Meeting.** Albright will reschedule the Advisory Committee annual meeting for the end of April because of reservation conflicts with the Galaxie Supper Club. The Board discussed starting the meeting later in the day with a different format.

**New Office.** The Board discussed the 3/30/12 bond sale results. Vergas State Bank offered an interest rate of 1.19%. **Motion** by Nelson to accept the Vergas State Bank bond sale rates and to authorize Hanson to sign the documents. **Seconded** by Paradeis Kobiela. **Approved.**

The office filed a lot accommodation request to combine our three lots into one so the Council could issue a building permit. The Clay County Board of Commissioners approved a resolution for the BRRWD to levee $500,000 for the new office construction. The Board discussed the Information Technology (IT) bids from John Murray, H.E., and Network Center Communications. The contractor expects to be ready to pour the floor by May1, so the Board should make a decision on the IT infrastructure as soon as possible. The Board also discussed details about the propane heating system for the new building and other issues. The Board agreed to authorize Albright to sign the general construction contracts on behalf of the BRRWD. **Motion** by Hanson to authorize Albright to sign the contracts on behalf of the Board. **Seconded** by Ellefson. **Approved.**

**Landowner Correspondence.** The Board briefly discussed a letter the office received from a Kragnes Township landowner.

**Wellhead Protection Plan.** The Moorhead Public Service (MPS) notified the BRRWD that they plan to develop a wellhead protection plan.
River Watch Meeting. Albright and Chairman Van Amburg met with the agencies/organizations involved with the River Watch water quality sampling. MPCA, DNR, IWI, and River Watch representatives attended to discuss the 2012 water quality sampling. It has been proposed that the Barnesville River Watch team add Blue Eagle Lake as a sampling site. Albright noted that the DNR has offered to continue flow measurements/maintenance at the four Regional Assessment Locator (RAL) gauges within the BRRWD. The DNR's cost estimate for this work was $18,500. Albright noted that this expenditure could be allocated to the BRRWD's Survey and Data Acquisition fund. **Motion** by Hanson to enter into the gauge operation agreement with the DNR, as referenced. **Seconded** by Nelson. **Approved.** Albright reported that there is renewed interest in the Hawley River Watch Team. Bill Gottenborg, Hawley High School, and Evelyn Ashiamah-Finch, International Water Institute (IWI), will continue working with the students during the 2012 sampling season. The Barnesville River Watch Team will work with Albright to schedule a time to make their 2011 water quality sampling presentation to the Board.

Office Furniture. Jerger noted that Barker wants to have a new chair, as her current chair is causing her back problems. The Board discussed Barker's request for a new chair. **Motion** by Hanson to authorize the purchase of a new chair. **Seconded** by Ellefson. **Approved.**

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

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|                                             |                                  |                             | $ 131,019.56|

**Motion** by Nelson to approve payment of the bills. **Seconded** by Paradeis Kobiela. **Approved.** Nelson will sign a check for Barker tonight so she can receive her payment on a more regular basis.

Next Meeting. The next regular meeting will be held on Monday, April 23, 2012, at 8:00 PM.

Adjournment. Chairman Van Amburg adjourned the meeting at 11:20 PM.

Respectfully submitted,

John E. Hanson, Secretary