The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Tuesday, May 29, 2012, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, 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.); Mona Barker, BRRWD Administrative Assistant; and Nathan Strand, Barnesville River Watch Educator.

Chairman Van Amburg called the meeting to order at 7:03 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 4/23/12 and 5/14/12 regular meetings and for the 4/18/12 Project No. 68, Lake Jacobs Outlet final hearing. Manager Nelson noted a minor correction to the Lake Jacobs minutes. Motion by Hanson to approve the draft minutes, subject to correction. Seconded by Paradeis Kobiela. Approved.

There was considerable discussion regarding office staff attendance at the meetings. Currently, Administrator Bruce Albright, Resident Secretary Julie Jerger, and BRRWD Administrative Assistant Mona Barker, all attend. Manager Nelson felt money could be saved by cutting back on the number of staff at the meetings. The staff felt that it was beneficial for them to attend not only to prepare minutes, but to keep informed regarding District business/operations. The other Board members agreed, and for now, all three employees will continue to attend meetings.

Treasurer's Report. The Board reviewed the BRRWD's financial status. Since the 5/14/12 meeting, we have received $68,884.22, including $61,109 from Marshall County for the Hersch Buyout, $3,187.58 from Oakport Township for Project No. 70, Crystal Creek, $4,087.64 from the Red River Watershed Management Board (RRWMB) for Mediation Project Team (PT) expenses reimbursement. Cash on hand is $375,038.70. Albright noted that we should start receiving the first half 2012 property/ditch taxes from the Counties in the near future.

Other business brought before the Board included:

Barnesville River Watch Team 2012 Budget. Nathan Strand, Biology Teacher/River Watch Educator, Barnesville High School, presented the 2012-2013 River Watch Program budget The Board reviewed the proposed expenditures, totaling $6,016.67, which is less than last year's budget. The budget includes a stipend for former River Watch Educator, Sheila Carlson, to mentor Strand in data analysis. The Board felt that Carlson was instrumental in developing the award winning Team/program. They thanked Strand for agreeing to take over the program from Carlson. Albright commented that the Program benefits the students, the BRRWD, and the Community. Van Amburg noted that the Barnesville Team continues to be an exceptional group of students, who are recognized throughout the Red River Basin as having an outstanding record of achievement. Motion by Ellefson to approve the new River Watch budget. Seconded by Nelson. Approved. Strand thanked the Board for their support.
**Permit No. 12-56, City of Moorhead.** Applicant proposes to raise 43rd AVE N in north Moorhead between Oakport ST and the Burlington Northern/Sante Fe (BNSF) Railroad tracks along Trunk Highway (T.H.) No. 75 in Sections 21 and 28, Oakport Township, Clay County. Jones explained that the project will improve access for properties along Oakport ST during emergency flooding conditions and will also provide flood control during high water conditions. The project will reconstruct and raise the road to elevation 900.08 and when the road is paved, elevation 900.8. Jones reviewed the application and based on the newly published Flood Insurance Study (FIS), the Base Flood Elevation (BFE) for the project area is higher than when Ulteig Engineers, Inc. (UEI) initially designed the plans. Jones recommended that the existing 48” dia. corrugated metal pipe (CMP) through 43rd AVE N midway between the railroad tracks and Oakport ST should be increased so as not to raise the 100-year flood elevation upstream of T.H. No. 75. He presented several structure alternatives in this regard. The City of Moorhead is also considering a flood gate option to prevent backup of water from the Red River into the upstream areas during large flood events and to provide additional flood protection for upstream properties. **Motion** by Hanson to approve Permit No. 12-56, subject to Jones' recommendations. **Seconded** by Paradeis Kobiela. **Approved**.

**Permit No. 12-57, Christian Anderson.** Applicant proposes to install random tiling in the E½, Section 32, Goose Prairie Township, Clay County, to help dry up existing drainage ditches that stay wet for extended periods of time. The tile will be installed according to the Natural Resources Conservation Service (NRCS) setback regulations/recommendations, outletting to wetland areas. **Motion** by Ellefson to approve Permit No. 12-57, subject to NRCS setback recommendations and our standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved**.

The Managers briefly discussed a report they received at the recent Mediation PT meeting regarding the results of the International Water Institute (IWI) Tiling Impact Study. Ellefson questioned one of the study conclusions that tiling does not increase crop yields.

**Permit No. 12-58, Mark Anderson/Arlan Johnson.** Applicants propose to develop a wetland restoration project in the NW¼, Section 30, Highland Grove Township, Clay County. Anderson owns the E½NW¼, and Johnson owns the W½NW¼. Jones presented the results of his investigation of this proposed project, which will include a number of excavations and two embankments. There is some limited potential for seepage to the east from Embankment #2. Jon Voz, Ducks Unlimited (DU), has indicated that the project design will be modified to incorporate an embankment to the east of this basin to provide additional freeboard, and if seepage does occur, the NRCS will modify the project to correct the problem. Jones recommended permit approval, subject to the referenced conditions for Embankment #2. **Motion** by Nelson to approve Permit No. 12-58, subject to Jones' recommendations and the NRCS agreement to address possible future seepage issues. **Seconded** by Ellefson. **Approved.** Ellefson felt that the NRCS should also cover potential crop losses if seepage occurs.

**Permit No. 12-59, Jeff Pender.** Applicant proposes to install an approach/culvert off County Road (C.R.) No. 25 in the SE¼, Section 29, Skree Township, Clay County, to access a new shed. The culvert size will match existing area structures. **Motion** by Ellefson to approve Permit No. 12-59, subject to County approval to work within their road right-of-way (r-o-w) and the correct culvert sizing. **Seconded** by Paradeis Kobiela. **Approved**.

**Permit No. 12-60, M&J Farms Partnership.** Applicant proposes to install a 10” dia. tile in the E½, Section 29, Cromwell Township, Clay County, to outlet through the township road culvert via an area wetland. Water flows from a spring along a building site tree line onto three to four acres of cropland, causing erosion and wet conditions. **Motion** by Hanson to approve Permit No. 12-60, subject to our standard tiling disclaimer. **Seconded** by Nelson. **Approved**.
Permit No. 12-61, Bill Austin, American Legion Baseball Club. Applicant proposes to install a 4" dia. drain tile starting in the northwest corner of the Reed Field Complex, then east around the outside of the baseball field, south past the softball field, and then west to the City storm sewer. In addition, they would like to install tiling inside the field to tie into the proposed outside tile line. The work would prevent frost boils from moving the fences and making the field uneven. The frost also affects the buildings and plumbing. The City of Barnesville has given the Club permission to drain the tile to their storm sewer system. Motion by Ellefson to approve Permit No. 12-61, subject to our standard tiling disclaimer. Seconded by Paradeis Kobiela. Approved.

Permit No. 12-62, Mark Yaggie. Applicant proposes to install 240 acres of pattern tiling in the N½, Section 24, Manston Township, Wilkin County, with a lift station in the southeast corner to discharge to Wilkin County Road No. 15 road ditch. The work should improve alkali soil conditions caused by poor drainage and a high water table. Motion by Paradeis Kobiela to approve Permit No. 12-62, subject to our standard tiling disclaimer, Wilkin County approval to discharge the tile into the county road ditch, downstream landowners' approval, and Manager field review. Seconded by Hanson. Approved.

Permit No. 12-63, Michael and Ryan Hough. Applicants propose to install pattern tiling for 18 acres in the NW¼, Section 13, Barnesville Township, Clay County, with east/west laterals connecting to north/south main, outletting to the township road ditch, eventually draining to the Interstate-94 (I-94) ditch. The Board discussed the proposal and project location. Since the project won't be started until next fall, the Managers would like to conduct a field review. Tabled.

T-Farms Tiling. Albright visited with Tom Trosvik recently and Albright indicated that Trosvik plans to contact Orrin Sorum to discuss the restoration work the BRRWD directed Trosvik to complete that would reroute his tiling project in Section 32, Norwegian Grove Township, Otter Tail County. As referenced in several previous meeting minutes, Trosvik's 2010 project routed water onto Sorum's property.

Donald Hoppe. David Israelson, Wolverton Township Chairman, contacted Albright regarding the Township's concerns about lowering their road between Sections 9/10, according to the BRRWD's written requests. Landowner Donald Hoppe contacted the BRRWD with concerns that the Township raised the road and created a flooding problem for his farm. Israelson told Albright that the Township plans to attend a future BRRWD meeting to discuss alternatives to lowering the road. Wade Opsahl, Technician, H.E., will conduct a road elevation survey for the Board's review at the 6/11/12 BRRWD meeting. The Township would like to add another culvert instead of lowering the road. There are currently two lines of 10' x 7' CMP in the crossing. Jones will investigate what size culvert the Township could install to offset the spillway so that they wouldn't have to lower the road.

Robert Nord Flooding Concerns. Ellefson discussed Robert Nord's concerns about flooding on Wolverton Creek/Comstock Coulee during the recent heavy rainfall last weekend. Nord contacted Ellefson and Albright after the event. Ellefson suggested that the BRRWD could apply for a Minnesota Department of Natural Resources (DNR) permit to work in the protected waters to clean approximately two miles of the Coulee. The Managers discussed a possible project and potential funding for a cleanout project. Albright pointed out that the project would only construct a gradeline to provide better drainage, not a channel restoration. Jones thought that we have enough information from H.E.'s 2008/2009 limited survey to prepare a preliminary DNR permit application. Motion by Hanson to authorize Jones to prepare a DNR application and report for the Board regarding a proposed cleanout for the area at the 6/11/12 meeting. Seconded by Ellefson. Approved.

Clay C.R. No. 118 Road Repair. The Detroit Lakes DNR office provided the BRRWD with a copy of a letter they sent to the Clay County Highway Department regarding their application to repair C.R. No. 118, which includes placement of a small amount fill into Sand Lake in Section 12, Eglon Township. The letter
notified the County that they will waive their permitting authority for this project, and no DNR public waters work permit is needed for the project.

**Cromwell Township Notice.** Cromwell Township sent the BRRWD notification that they plan to vacate 1.5 miles of 220th ST N to 57th AVE N. The Township will hold a public hearing on this topic on July 9, 2012, at 7:00 PM in the Township Hall.

**Clay County Ditch No. 47 Culvert Extensions.** Moorhead Public Service (MPS) plans to extend two inlet pipes on County Ditch No. 47 to provide driving space for vehicles associated with their transmission line project on the ditch r-o-w. Opsahl will meet with MPS to discuss the proposal.

**Lakeswind Wind Project.** Albright attended a pre-construction meeting for this project last week in Moorhead. He explained that the project will erect wind turbines in a wide array across a number of townships within the BRRWD. Albright noted that each turbine will require an access road, which might affect drainage and require a BRRWD permit. He provided BRRWD contact information to the contractor, Mortenson Construction.

**Project No. 74, Clay County Ditch No. 51, Lateral.** Manager Van Amburg, Zach Herrmann, Engineer, H.E., Jones, and Albright met with Petitioner Roger Minch on 5/21/12 to discuss Jones alternatives to Minch's proposed lateral design. Minch isn't interested in Jones' options and wants to move forward with his original design as petitioned. Nelson questioned if Minch had been contacted to increase his bond amount. Albright explained that there is currently enough money in the account, and it was not necessary to increase the bond at this time. Jones has completed his Preliminary Engineer's Report, according to the design proposed in the Petition. Ellefson questioned if the alternatives should be included in Jones’ report. Albright and Jones explained that at this time, because the alternatives were not in Minch's petition, Jones didn't add them to his report. The group discussed the alternative designs. Ellefson suggested that BRRWD Attorney Tami Norgard, Vogel Law Firm, should be invited to the preliminary hearing, to be sure that the preceding is conducted according to Minnesota Statues to avoid potential future legal action. **Motion** by Hanson to accept the Preliminary Engineer's Report and to schedule the Preliminary Hearing. **Seconded** by Paradeis Kobiela. **Approved.**

**Project No. 73, Country Heritage Ditch.** The Appraisers are working on their report, and Jones has finished the Engineer's Report.

**Project No. 72, Wilkin County Ditch No. 22, Lateral No. 3-Improvement.** The Viewers are working on finishing their work and hope to file their report sometime in June. Albright sent a letter to the petitioner, Tim Buth, to ask that he increase his bond amount by an additional $10,000 for a total of $20,000. Buth has not responded, and Albright will follow up with the request. Ellefson said that if the BRRWD could have a DNR permit in hand to complete a repair for the Wolverton Creek/Comstock Coulee on Robert Nord's property prior to the hearing it would be easier to gain support for this project.

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

**Project No. 68, Lake Jacobs Outlet.** Jones reported that the project has been completed. The outlet stoplogs are set at 1307.37, and the Lake is at elevation 1306. Jones submitted Final Pay Request No. 3 for Johnson Excavation in the amount of $11,924.95. The pay request includes Change Order No. 2, which decreases the contract by $300. **Motion** by Nelson to approve the referenced pay request and change order. **Seconded** by Hanson. **Approved.**
Jones suggested that the channel cleanout on Todd Johnson's property be done this fall to avoid crop damage. He will contact Johnson regarding this issue.

**Project No. 66, Tansem/Ranum Outlet.** Albright noted that we received $61,109 from Marshall County for the Department of Employment and Economic Development (DEED) funding for the Hersch buyout. The Board discussed the disagreement between the house buyer, Dan Gleason, and Brad and Lanessa Hirsch regarding ownership of the house furnace. Albright noted that the driveway is still blocked to prevent the house moving. He added that there is also an issue regarding tree removal to move the house. Gleason is responsible for site cleanup after the house is moved. Albright will conduct an inventory of the BRRWD buyout houses to find a furnace that we could offer to Gleason to resolve this dispute.

**Project No. 65, County Line Outlet.** The project has been completed. Jones reported that he has contacted Larry Martin, United States Fish and Wildlife Service (USFWS), regarding their plans to draw the wetland area down to the bottom of the outlet structure. Martin is working with Julie Aadland, DNR Area Hydrologist, to obtain a DNR permit to go below Ordinary High Water (OHW). The Memorandum of Understanding (MOU) and the Operation and Maintenance (O&M) are ready for the USFWS to sign. Martin plans to attend a future BRRWD meeting to discuss the project.

**Project No. 64, LaBelle/Boyer Lake Outlets.** Jones reported the contractor attempted to reset a section of the Boyer Lake outlet pipe along T.H. No. 10, but because of the wet weather, the pipe resurfaced. Jones advised the contractor, American Enterprises, Inc., to wait for dryer conditions to finish the job. Jones applied for a Minnesota Department of Transportation (MNDOT) permit to conduct the repairs in their road r-o-w.

**Project No. 56, Manston Slough Restoration.** The Board recessed the 5/22/12 Final Hearing with the intent to continue it in the near future. Landowners Jerome and Jerry Briks questioned the permanent r-o-w values for cropland to be taken out of production. The Board discussed increasing the value for land for this purpose.

Ellefson discussed the lack of support for the project from the landowners who testified at the hearing. Van Amburg pointed out that the project supporters were reluctant to speak up at the hearing, and only four landowners who oppose the project testified. Hanson commented that if we didn't build the project, the agencies could construct a natural resource enhancement (nre) project that would provide very few flood damage reduction (fdr) benefits. Albright noted that Louie Krueger, landowner, visited the office to discuss his concerns about his proposed benefits. Andy Beyer, Nordick Township, also visited the office today and told Albright that the Township was satisfied with their proposed benefits. He was also satisfied with how the BRRWD has proposed to address the Kent Rod and Gun Club easement issue. The Board had an extended discussion regarding the proposed project benefits and landowner assessments.

Wilkin County has postponed the Conditional Use Permit (CUP) hearing because three of the Planning & Zoning Commission members have conflicts of interest, so the Wilkin County Board of Commissioners will be conducting the hearing to be held in early July.

Albright will prepare a list of easement issues for our next meeting. Albright suggested that the Board consider increasing the permanent r-o-w values. Ellefson thought a fair value would be $4,000 per acre for all cropland, to be applied retroactively to those landowners who already signed options for permanent r-o-w. **Motion** by Ellefson to increase the cropland valuation to $4,000/acre as referenced. **Seconded** by Hanson. **Approved.**
Project No. 50, Cromwell Township Outlet. Construction is completed, but the seeding was not done before the recent rainfall. When the project is completely finished, Board representatives will meet with Kenneth Wouters to discuss his concerns regarding repairs to the driveway he uses to access his farmstead.

The County is considering cutting the road instead of boring the pipe in C.R. No. 114. Savings would be substantial with the open cut method.

Project 49, Oakport Flood Mitigation. Jeff Schaumann, Chairman, Oakport Township, would like to schedule a Construction Committee meeting to discuss DNR project funding. If possible, the Board would like to invite State Representatives Morrie Lanning and Paul Marquart and State Senator Keith Langseth to the meeting. The Board had an extended discussion regarding several topics including the 2012 bonding bill, which has allocated $30 million in total for flood reduction projects statewide, the local 2% median household income language, and the final funding amount needed to complete all project phases. We need approximately $1 million to finish the current work under contract.

Project No. 39, Georgetown Levee-Improvement. The Final Hearing continuation has been scheduled for Thursday, May 31, 2012, at 8:00 PM, Georgetown Community Center. Postcard notices have been mailed. The Appraisers were not invited to the hearing, as there weren't questions regarding their work at the 4/17/12 Final Hearing.

Gabe Bladow, H.E., submitted an updated list of issues and concerns regarding the easement acquisitions. Chuck Anderson, ARC Appraisals, submitted the final appraisals today. The Board reviewed a dike alignment map, the final appraisals, and had an extended discussion regarding the remaining easement acquisition issues. Albright suggested that the Engineer could revise the dike alignment to avoid those properties where easements will be difficult to obtain or where only the actual project area needs to be obtained. Ellefson questioned if we should continue the project development in light of the problems associated with easement acquisitions. He also questioned the engineering expenses. Albright noted that H.E. will prepare a breakdown of those expenses to identify what tasks are included in the general budget as "engineering".

Bladow, Van Amburg, and Jones met with William Ziegler on 5/25/12 regarding his 18.6 acres that the BRRWD needs for the proposed storm water pond. The Board discussed easement acreage/values for Ziegler's property. Jones will check with Bladow on the actual acreage we need from Ziegler for the project. Ziegler offered to sell the entire tract for $5,000/acre. The Board felt we should make a counter offer. Managers Van Amburg, Nelson, and Paradeis Kobiela also met with a number of landowners on 4/26/12 to discuss easement issues.

Project No. 38, Farmstead Ringdikes. The Board briefly discussed funding for the Jason Wang ringdike. The Board has agreed to pay 25% of the project costs. There is still a $13,324.75 balance on the dike, and we are still negotiating with the NRCS for design/engineering funding.

Project No. 32, Hawley Diversion. The BRRWD and H.E. have signed the new cost share agreement. We are still waiting for the City of Hawley and Hancock Concrete Products to sign.

Project No. 14, Clay County Ditch No. 10. Jones is working on the analysis of the requested repair investigation.

Project No. 7, Clay County Ditch No. 39. Albright has drafted a petition for Gerald Zimmerman's experimental sub-irrigation project in Sections 31 and 32, Morken Township. The office has prepared a draft hearing notice and a Board Order. The Board set a tentative hearing date for Monday, June 4, 2012, at 7:30 PM, Moorhead City Hall. The office will send notices.
**Mediation PT.** The next PT meeting is scheduled for 7/26/12 at 7:00 PM in the MSUM Science Center. The Board continued their discussion regarding the IWI tiling impact study.

**Reinvest In Minnesota (RIM)/Wetlands Reserve Program (WRP) Program.** The Board discussed developing a policy regarding BRRWD easement value rates for WRP projects. The BRRWD continues to work with landowners on Reep Lake in Becker County. A landowner in Prairie View Township has signed a WRP contract, and the USFWS is looking at the Vertin WRP site.

**Watershed District Enlargement.** Clay County has decided not to appeal the Minnesota Board of Water and Soil Resources (BWSR) decision regarding the distribution of the new Manager appointments. The appeal period ended 5/26/12. Albright suggested the BRRWD could schedule an informational meeting with the landowners in the new area. We could also provide the Counties with information regarding the Manager appointment process. Albright suggested that we will need to define the eastern boundary and hold a meeting with the affected landowners. H.E. will prepare preliminary maps of the area with parcel line data. The BRRWD has two years to amend our Revised Watershed Management Plan (RWMP) to include the new watershed area. Wilkin County needs to update their 5-year Water Plan, and it might be beneficial to do this work in conjunction with our RWMP revisions. The Board discussed how the BRRWD's current Rules will apply to the new area.

**Clay County Ditch Nos. 9, 32, and 33 Redetermination of Benefits.** At their 5/14/12 meeting, the Board approved moving forward with the redetermination of benefits, authorized H.E. to prepare a BWSR grant application for project funding, and appointed the Viewers. To date, the Viewers haven't started their work.

**Hawley Buffalo River Restoration.** The City of Hawley is interested in buying the portion of the Dean Whaley property where the possible restoration site would be located. The Board discussed how the Army Corps of Engineers (COE) would acquire property as a possible mitigation site for the proposed Fargo-Moorhead Diversion Project.

**Buffalo River Total Maximum Daily Load (TMDL).** Albright noted that Minnesota Pollution Control Agency (MPCA) is funding the water quality monitoring/analysis. The office has been working on an invitation list for a kickoff meeting for the Upper Red River Watershed Restoration and Protection project, which is tentatively scheduled for June 14, 2012.

**Anderson Wetland Restoration.** The Board talked about options for the landowner easement payments. The office should consult with an accountant about possibly splitting the payment over a two-year period.

**Wolverton Creek/Comstock Coulee.** A meeting with the agencies involved with the project should be scheduled in the next few weeks to review the grant status and requirements. The Board would also like to schedule a landowner meeting to update them about the project status this summer.

**Performance Review and Assistance Program (PRAP).** The Board discussed their 5/15/12 review of the PRAP questionnaire. Albright will compile the Managers’ responses and make a report to the Board at the 6/11/12 meeting. He noted that the main issue was completion of backlogged annual reports. The BRRWD's Data Practices Act Policy will be updated and presented to the Board for adoption at their 6/11/12 meeting.

**New Office.** Albright reported that the building slab has been poured, and walls will be going up this week. Architect Margaret Follingstad plans to gather more information on building signage in the near future for the Board’s review. The contractor has provided proof of construction insurance. Nelson suggested that we solicit more quotes on the Board conference table.
**COE Fargo-Moorhead Diversion.** Chairman Van Amburg submitted a copy of the Land Management Plan for the Diversion project. Albright noted that he hasn't had time to review it.

**Social Indicators Survey.** At the 5/15/12 special meeting, Dr. Karin Eckman and Alec Albright, Water Resources Center, University of Minnesota, presented the BRRWD Social Indicators Survey Final Report. In the report, Dr. Eckman recommended that the BRRWD consider hiring a part-time Watershed Educator. She also forwarded information about East Otter Tail County's KAP (knowledge, attitudes, and practices) Study for the Board's consideration.

**Advisory Committee Minutes.** Jon Evert, Advisory Committee Secretary, submitted the Committee meeting minutes. The office prepared a typed copy of his minutes for the Board's review. This information will be included in the full meeting minutes.

**Clay County Ditch No. 49.** Opsahl has prepared a ditch system culvert study for Wayne Brendemuhl.

The following bills were presented for approval:

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**Motion** by Nelson to approve payment of the bills. **Seconded** by Paradeis Kobiela. **Approved.**

**Next Meeting.** The next regular meeting will be held on Monday, June 11, 2012, at 7:00 PM. The Board briefly discussed upcoming meeting dates.

**Adjournment.** Chairman Van Amburg adjourned the meeting at 10:23 PM.

Respectfully submitted,

John E. Hanson, Secretary