MINUTES FOR MANAGERS' MEETING
July 9, 2012

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, July 9, 2012, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Breanna L. Paradeis Kobiela, Roger G. Ellefson, and Curtis M. Nelson. 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; Dave Israelson, Supervisor, Wolverton Township; Jeff Schaumann, Chair, and Carolyn Kastella, Vice Chair, Oakport Township.

Chairman Van Amburg called the meeting to order at 7:02 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 6/25/12 regular meeting and the 2/16/12 Project No. 72, Wilkin County Ditch No. 22, Lateral No. 3-Improvement Preliminary Hearing. Motion by Paradeis Kobiela to approve the draft minutes. Seconded by Nelson. 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 $911,849.04 cash on hand. Since the 6/11/12 meeting, our total receipts were $786,336.65. The majority of our income came from the 2012 first-half property/ditch tax proceeds from Becker County ($55,902.75) and Otter Tail County ($6,150.06). Clay County also forwarded their first-half property tax payment ($405,076.55) and plans to remit their ditch/project payment next week. Other income came from Minnesota Department of Natural Resources (DNR) grant reimbursements for Project No. 39, Georgetown Levee Improvement, and Project No. 68, Lake Jacobs Outlet. Auction sale proceeds from Project No. 49, Oakport Flood Mitigation, and the Georgetown project made up the balance of this month's income. Albright noted that we are current on all of the DNR grant billings. He also reported that our Midwest Bank operating loan expired on 5/01/12, but it should only take a few days to reactivate it when needed. Motion by Paradeis Kobiela to approve the Treasurer's Report. Seconded by Nelson. Approved.

Other business brought before the Board included:

Wolverton Township. Dave Israelson, Supervisor, Wolverton Township, discussed the Board's recent order for the Township to lower their crossing over Wolverton Creek between Sections 9 and 10 on 130th AVE. Jones explained his hydraulic analysis for Wilkin County Road (C.R.) No. 151 and 130th AVE, which showed that the Township road in this location at its current higher elevation has little impact on upstream water levels during larger flood events. Israelson pointed out that Jones' analysis suggested there did not appear to be a substantial benefit to lowering the township road. Jones agreed that that there would be very little impact on Donald Hoppe's farmstead. Hoppe had concerns about the County and Township raising their roads to prevent overtopping during high water events. The road is approximately 1.29' higher than the design elevation; however, there is some question if the road was actually installed at the design grade. Van Amburg explained that at their 6/25/11 meeting, the Board had agreed with Hoppe that the Township should lower the road to the original elevation because they did not obtain a permit for their work. He suggested that in order to resolve this issue, the Board should schedule a meeting with Hoppe and the Wolverton Township Supervisors. The office will send meeting notices to the affected parties.
**Permit No. 12-79, Rick Halverson Construction.** Applicant proposes to install a 48” diameter (dia.) corrugated metal pipe (CMP) or arch equivalent for a new driveway off of 7th ST NE in Dilworth to provide access to new storage sheds for the East View Storage Company. The culvert will match the structures in 3rd AVE NE in the East View 2nd Addition project. The Board approved this permit on 6/25/12, subject to Jones' review of the crossing hydraulics. Jones recommended three alternatives that would limit the stage increase on the Clay County Ditch No. 50 ditch system to approximately 0.1 foot. He noted that the flowline of the new culvert should be on a straightline grade between the 3rd AVE N culvert and the invert of the US HWY 10 culvert.

**Permit No. 12-64, Mark Yaggie.** Applicant proposes to lower the county road ditch located along the east side of the N½, Section 24, Manston Township, Wilkin County, to the intersection and install a 24” dia. pipe through the intersection. At their 6/25/12 meeting, Yaggie agreed to discuss this proposal with Wilkin County Highway Department regarding work in their road ditch and come back to the Board with a revised plan. To date, Yaggie has not contacted the office. **Tabled.**

**Permit No. 12-80, J&S Nord.** Applicant proposes to repair Lawndale Trout Stream north of County State Aid Highway (CSAH) No. 30. Applicant is requesting cost share for the project. An agency and landowner meeting was held on 7/02/12. The agencies would also like to see something done to restore the Trout Stream north of CSAH No. 30, but they are concerned about landowner Jeff Nord's proposed work. Albright discussed a possible restoration for the Lawndale Trout Stream. He noted that if the BRRWD is interested in a potential project for the Trout Stream, the initial work would start with a channel survey. Ellefson questioned how much money Nord was interested in contributing to the project. Ellefson speculated that Nord could possibly lower the spoil banks and add an inlet culvert without a BRRRD permit. Albright noted that a DNR representative could give us advice regarding that issue. Ellefson thought that the BRRWD shouldn't fund a project to improve private farmland. The Board discussed the soil conditions in the proposed project area. They recommended that Nord work with the DNR regarding his request to lower the spoil bank. **Tabled.**

**Permit No. 12-82, Andrew Gerner.** Applicant proposes to install a new approach with an 18” dia. culvert to access a new house construction site in Section 7, Eglon Township, Clay County. **Motion** by Paradeis Kobiela to approve Permit No. 12-82. **Seconded** by Ellefson. **Approved.**

**Acting Secretary.** In the absence of Secretary Hanson, the Board appointed Ellefson as acting Secretary to process permit applications. **Motion** by Paradeis Kobiela as referenced. **Seconded** by Nelson. **Approved.**

**Permit No. 12-83, Larry Heng.** Applicant proposes to install random tiling in the Section 30, Skree Township, Clay County, outletting to Spring Creek. **Motion** by Nelson to approve Permit No. 12-83, subject to our standard tiling disclaimer. **Seconded** by Ellefson. **Approved.**

**Permit No. 12-84, Robert Olson Farms, Inc.** Applicant proposes to install random tiling in Sections 2, 10, and 21, Hawley Township, and Sections 8 and 9, Parke Township, Clay County, to address water problems in various low areas. **Motion** by Nelson to approve Permit No. 12-84, subject to our standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 12-85, Jon Lien.** Applicant proposes to clean the ditch and install a larger culvert through the driveway in the NE½, Section 19, Riverton Township, Clay County. His neighbor plans to clean the road ditch upstream of his farmstead, adding more water in the ditch. Lein feels his project will help protect his yard. **Tabled**, pending Jones review and recommendation for a culvert size.

**Permit No. 12-86, Robert Yaggie.** Applicant proposes to install 156 acres of pattern tiling in Section 8, Meadows Township, Wilkin County, to outlet to 230th ST via a lift station. Albright questioned the adequacy of the proposed outlet to the road ditch along 230th ST. He noted that when the Manston Slough
Restoration project is completed, the outlet would be adequate. **Motion** by Nelson to **table** Permit No. 12-86, subject to completion of the Manston Slough Restoration project. **Seconded** by Paradeis Kobiela. **Tabled.**

**Permit No. 12-87, Dave Ackerson.** Applicant proposes to install a Wetlands Reserve Program (WRP) and Reinvest In Minnesota (RIM) restoration project in Sections 5 and 6, Skree Township, Clay County. Hay Creek flows through the property and would be the outlet. Jones discussed his investigation regarding the proposed wetland restoration project that would create 36 wetland basins. Jones doesn't foresee any seepage problems for neighboring property, which is owned primarily by Ackerson, The Nature Conservancy (TNC), and the State of Minnesota. Jones recommended permit approval. **Motion** by Ellefson to approve Permit No. 12-87. **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 12-88, Lakeswind Power Partners, LLC.** Applicant proposes to erect 32 wind turbines in a wide array across a number of townships within the BRRWD. Albright noted that each turbine will require an access road/culvert. Albright suggested that the areas where the towers are located should be identified on a BRRWD map to facilitate permit review. **Motion** by Paradeis Kobiela to approve Permit No. 12-88, subject to H.E.'s review of tower locations regarding possible impacts and Manager field review. **Seconded** by Ellefson. **Approved.**

**Permit No. 12-89, CAP X2020.** Applicant proposes to install 10 temporary approaches/culverts within the BRRWD for a power transmission line project from Fargo, ND to St. Cloud, MN. **Motion** by Nelson to approve Permit No. 12-89, subject to road authority permission to work within their road right-of-way (r-o-w). **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 12-90, Clay County Highway Department.** Applicant proposes to replace a damaged 24" dia. reinforced concrete pipe (RCP) with a new 24" dia. x 66' CMP or 30" dia. x 66' CMP in their road r-o-w on C.R. No. 122 in Park Township. The County will also raise the new culvert up to ditch grade. **Motion** by Ellefson to approve Permit No. 12-90, with the provision that the culvert not be raised any further than 1'. **Seconded** by Nelson. **Approved.**

**Tiling Project Concerns.** Albright reported that Adrian Haugrud and his mother, Avis Weise, met with him to discuss concerns about a neighbor's proposed tiling project that would outlet to a gravel pit on his mother's property in Section 3, Akron Township, and Section 34, Tanberg Township, Wilkin County. The project is located within the boundary of the new watershed district area. **Tabled,** pending Manager field review.

**Burnside Boat Access.** Roger Burnside installed a private boat access into Stakke Lake without a DNR permit. The DNR is working with Burnside to get the area restored.

**Project 49, Oakport Flood Mitigation.** Albright explained that the Oakport Construction Committee has discussed project funding with the Township. Jeff Schaumann, Chair, Oakport Township, thanked the Board for their efforts to develop the Oakport Levee project. He and Carolyn Kastella, Oakport Vice Chair, discussed their request that the BRRWD contribute $275,000 to offset the remaining local share of project funding. They distributed a memo with their request, describing the project's costs to date and the average homeowner's project assessments. There has been a significant increase in the proposed homeowner assessment, originally estimated at $2,500 compared to the current estimate of $4,467. This current estimate does not include an additional $275,000 of local funds still needed to complete the project. Schaumann pointed out that Oakport residents are willing to pay the anticipated $40,000 annual maintenance costs and the $100,000 costs for dike certification, but they feel that the additional local share is more than the Oakport residents can bear.
Albright discussed the history of the project costs and future maintenance costs. When the City of Moorhead annexes the area in 2015, they will probably levy a stormwater fee on the local residents. Albright pointed out that the BRRWD has paid substantial tax assessments as a project landowner of buyout property, which isn’t reimbursed by the DNR grant agreement. Albright noted that on other projects, the BRRWD has contributed approximately 25% of the project costs.

Ellefson discussed various projects to which we have contributed. He pointed out that the State of Minnesota has already provided over 95% funding to the project. Paradeis Kobiela pointed out that the Township is asking for less than 1% of the total project costs. Ellefson discussed what the original landowner share of the project was estimated to be. He noted that the cost is significantly higher than the BRRWD estimate when the project was first in development. Schaumann pointed out that the 2% median household income local share amount has risen significantly since the 1990 census calculations. Paradeis Kobiela commented on the amount of cost sharing we have contributed to the recent lake outlet projects. Albright estimated that the Oakport financial account will have an approximate negative balance of $220,000 at the end of the year. He suggested that the BRRWD could split that amount with the Township and contribute $110,000 to the project. He observed that funding could come from either the Red River Watershed Management Board (RRWMB) Construction account or the Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3, account. Motion by Nelson to contribute $110,000 to the Oakport project over a two-year period via the M.S.A. 103D.905, Subd. 3, taxing authority. Seconded by Ellefson. Approved. The group briefly discussed construction progress and buyout property moving status for Phase 3C.

Permit No. 12-91, Brent Ellefson. Ellefson reported that the applicant proposes to replace an 18" dia. culvert with a 30" dia. culvert in a minimum maintenance road crossing on a waterway in Humboldt Township, Clay County, to provide access to their field. Beavers keep plugging the smaller sized culvert. He added that they have two used culverts similarly sized that they might use. Motion by Nelson to approve Permit No. 12-91. Seconded by Paradeis Kobiela. Approved.

Project No. 74, Clay County Ditch No. 51, Lateral. The preliminary hearing was held on 6/28/12. The Board discussed the hearing testimony and historical area drainage issues. Albright read a letter that Attorney Tami Norgard, Vogel Law Firm, prepared and forwarded with an alternative proposal for the petitioned project that would be a compromise for both the Minch Family and their neighboring landowner, Robert Norby. The Board discussed the proposed compromise. They agreed to table making the Final Order until the parties have responded to the Norgard's letter, and the Board has a chance to discuss possible alternatives with Norgard. Motion by Ellefson to table the Final Order until we can confer with Attorney Norgard at our 8/03/12 meeting. Seconded by Nelson. Tabled. Albright noted that the BRRWD is still involved with a lawsuit with the Minch Family, which has been delayed until the Lateral project is developed.

Project No. 73, Crystal Creek. The Viewers will be meeting on 7/12/12 to work on this project. Following receipt of the Viewers' Report, a final hearing will be scheduled.

Project No. 72, Wilkin County Ditch No. 22, Lateral No. 3-Improvement. The Final Hearing is scheduled for Tuesday, July 10, 2012, at 7:30 PM, Hildebrand Hall, Assumption Catholic Church, Barnesville. The Board discussed landowner concerns about the proposed project.

Project No. 70, Crystal Creek/McCann's Addition. Wade Opsahl, H.E., has resolved an issue with the Federal Emergency Management Agency (FEMA) reimbursements. The Appraisers and Opsahl are finishing their report. The proposed railroad culvert gates have been eliminated from the project.
Project No. 68, Lake Jacobs Outlet. A final pay request has been sent to the DNR, which closes out the grant agreement. The BRRWD will work with Todd Johnson after harvest on his request for a channel cleanout downstream of the project.

Project No. 67, HRBP Outlet. The office submitted a pay request recently to the DNR, so we are current on our billings for this project. Jones noted that Randy Arntson has requested a crossing where a previous field crossing was removed. Albright noted that Arntson will need to submit a permit application.

Project No. 66, Tansem/Ranum Outlet. Albright reported that the Hersch house has been moved. A meeting will be scheduled with Brad Hersch to discuss site demolition.

Project No. 65, County Line Outlet. Adrian Haugrud delivered Anita Haugrud's signed easement. We are still waiting for Ardean Haugrud to forward his signature sheet so that we can distribute the Haugrud's easement payments.

Project No. 56, Manston Slough Restoration. Wilkin County held the Conditional Use Permit (CUP) hearing today in Breckenridge for the project. The Commission approved the CUP. Easement negotiations are ongoing. The Appraisers have reviewed the Final Hearing concerns. The DNR grant agreement has been extended until 6/30/14. The Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG) Program funding has been extended until 6/30/13.

Project No. 50, Cromwell Township Outlet. Chuck Melvin, United States Fish and Wildlife Service (USFWS), met Opsahl on the project site to assist him with the installation of the stop-logs. We still need to review the terms of the Operation and Maintenance (O&M) plan with the USFWS.

Project No. 49, Oakport Flood Mitigation. Albright noted that the City of Moorhead has signed and forwarded the maintenance agreement for the BRRWD to pay the City $2,000/year to operate each of the project lift stations. Chairman Van Amburg signed the agreement on behalf of the Board.

The lease the BRRWD has with the Nelson/Fischer Family to locate a spoil pile on their property expires on 1/15/13. This is material for Phase 4 construction. Albright suggested that the Board have Kris Carlson, Engineer, Ulteig Engineers, Inc. (UEI) work with Attorney Norgard to prepare a new lease agreement for the Fischer Family.

Project No. 39, Georgetown Levee-Improvement. Albright reported that Gary Wambach has accepted our offer of $4,500/acre for his property. The Board discussed crop damage payments for possible impacts to Wambach's soybean crop, and they agreed that we will work with Wambach this fall if there are damages. The Board reviewed Gabe Bladow's summary of easement negotiations with the Georgetown residents, including possible trades and settlements. Jones prepared a Clay County permit application for an approach/culvert/gate on C.R. No. 100. **Motion** by Paradeis Kobiela to authorized Van Amburg to sign the application on behalf of the Board and submit it to Clay County. **Seconded** by Nelson. **Approved**.

Project No. 38, Farmstead Ringdikes. The current status of the Wang ringdike is that the contract is complete and closed. Jerry Bents, Engineer, H.E., has suggested that we schedule a meeting with Sharon Lean and Dave Jones, Natural Resources Conservation Service (NRCS), and Jason Wang to discuss this issue. Wang might have appeal rights regarding the NRCS decision on his ringdike payment.

Project No. 32, Hawley Diversion. Lisa Jetvig, City of Hawley, contacted the office regarding the status of the agreement signing. To date, Joe Kelly, Hancock Concrete Products, has not signed the cost share agreement. Albright suggested that the Board could authorize Jones to prepare plans and specifications to let bids for the culvert repair. **Motion** by Nelson to authorize Jones to solicit bids. **Seconded** by Ellefson. **Approved**.
Project No. 14, Clay County Ditch No. 10. Jones presented the results of his investigation for a repair petition submitted by several ditch system landowners. He explained that the current ditch grade is close to the proposed ditch grade, but the sediment buildup along the toe of the channel slope has narrowed the bottom width. The total estimated cost for the 14-mile cleanout project is $100,000. Albright suggested that Jones' report should be mailed to the petitioners, and permission to deposit spoil forms should be forwarded to the affected project landowners. The Board discussed that the work should be done as crops are harvested, and they also discussed possible contractors who would have long a reach backhoe to do the work. Motion by Ellefson to move forward with the project by providing the report to the petitioners and mailing the permission to deposit spoil forms to affected landowners. Seconded by Paradeis Kobiela. Approved.

Mediation Project Team (PT). The next PT meeting is tentatively scheduled for 7/26/12 at 7:00 PM in the MSUM Science Center.

Watershed District Enlargement. Albright met with Wilkin County Commissioners today regarding Manager appointments. Wilkin County expects to have a Manager appointed by 9/01/12. Albright and Jones will meet with Pete Waller and Brian Dwight on 7/11/12 to discuss the Revised Watershed Management Plan (RWMP) for the new area. Albright will prepare information for inclusion in the Wilkin County newsletter regarding the new watershed district. Jones is working on establishing/mapping the new boundary line.

Redetermination of Benefits. The Viewers are working on the redetermination of benefits for Clay County Ditch Nos. 9, 32, and 33. Jones is working on the Clean Water Fund (CWF) application.

Elkton Township Wetland Restoration Site. At their 6/25/12 meeting, the Board decided to pay the landowners in full this year. All four landowners have submitted their abstracts to Attorney Corey Elmer, Vogel, for updating. Motion by Nelson to renew the Midwest Bank operating loan. Seconded by Paradeis Kobiela. Approved.

New Office. A Request For Proposals (RFP) went out last week to eight cabinet makers for board room furniture. Albright noted that we only received one bid. Margaret Follingstad, YHR Partners, provided a more detailed drawing of the furniture. Albright will forward the updated information to the bidder. Van Amburg suggested that our construction contractor, Bristlin and Sons, might also be interested in bidding the board room table. The Board reviewed signage examples from Follingstad, who has also been working with office furniture vendors.

MPCA MS4 Designation. The BRRWD received notice from the Minnesota Pollution Control Agency (MPCA) that we have been identified as a potential regulated Municipal Separate Storm Sewer System (MS4). MPCA will be contacting the office to gather more information to make a final determination if we will need to obtain coverage under the MS4 General Permit for storm sewer discharges. If the BRRWD is designated as needing MS4 coverage, we will have 18 months to apply.

Clay County Ditch No. 21. Several ditch system landowners filed a repair petition requesting that the BRRWD investigate the entire ditch system, make recommendations for necessary repairs, meet with the ditch system landowners, and make the agreed upon repairs this year. Motion by Ellefson to authorize H.E. to conduct a ditch survey and provide repair recommendations. Seconded by Paradeis Kobiela. Approved. An informational meeting would be held prior to starting any work.

Langseth Celebration. Van Amburg represented the BRRWD at a recent gathering to celebrate State Senator Keith Langseth's service to the State.
Public Employees Retirement Association (PERA). Van Amburg discussed his investigations into PERA contribution for Barker. The employee will be responsible for the last three months self-contributions and the BRRWD would be responsible for the remaining employer and employee contributions back to Barker's original hire date (2/27/12). Albright will contact Salber and Associates to prepare the PERA forms/payment invoices. The Board also discussed possible health benefits providers for Barker to review following her six-month review.

Annual Budget Hearing. The Board discussed possible levies/advertising for the 2013 Annual Budget Hearing in August. They also had an extended discussion regarding the need to obtain support/petitioners for our Minnesota Statutes Annotated (M.S.A.) 103D, Subd. 3, resolutions. Clay County has indicated that they might not support our resolutions, as the BRRWD has voted not to rejoin the Red River Watershed Management Board (RRWMB) at this time. Ellefson felt that we would be able to find another political subdivision to support our levy resolutions.

The following bills were presented for approval:

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

Next Meeting. The next regular meeting will be held on Monday, July 23, 2012, at 7:00 PM.

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

Respectfully submitted,

John E. Hanson, Secretary