BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVENUE NE PO BOX 341 PHONE 218-354-7710

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MINUTES FOR MANAGERS' MEETING
October 22, 2012

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, October 22, 2012, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Breanna L. Paradeis Kobiela, John E. Hanson, Roger G. Ellefson, Peter V. Fjestad, and Troy E. Larson. BRRWD Staff attending included: Erik Jones, Engineer, Wade Opsahl, Technician, and Julie Jerger, Resident Secretary, Houston Engineering, Inc. (H.E.); Mona Barker, BRRWD Administrative Assistant; and landowners: Dennis Aksamit, Clayton Runck, and Mark Yaggie.

Chairman Van Amburg 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. There were no draft minutes prepared for the Board's review.

Treasurer's Report. The Board reviewed the BRRWD’s financial status. Our current overall balance is $-94,908.33. However, we do have $379,982 in the Wells Fargo account, and the operating loan has a negative balance of $475,891.52. No payments were made on the operating loan to keep a cash reserve for bill payments. We expect to see tax payments from the Counties in mid to late November. To date, we are current with the Minnesota Department of Natural Resources (DNR) on funding for the Georgetown and Oakport projects.

Other business brought before the Board included:

Permit Nos. 12-137-Dennis Aksamit, 12-138-Avis Wiese, 12-139-Marvin Peterson, and 12-140-Stephen Wiese. Applicants propose to install tile along a natural waterway for approximately 3,775' on adjacent tracts in the N½, Section 3, Akron Township, Wilkin County, for a joint project to improve agricultural drainage and prevent soil erosion. The tiling will outlet to a gravel pit on Avis Wiese's property in the E½NW¼ Section 3. Wiese has concerns about the effect of the project on water levels in the gravel pit and would like to have the option to install a control gate, if necessary. The group also discussed a possible sediment control basin project for this area. Motion by Ellefson to approve all four permits, subject to our standard tiling disclaimer and to work with the property owners if water levels in the gravel pit get too high. Seconded by Hanson. Approved.

Permit No. 12-141, Mark Yaggie. Yaggie explained an alternative proposal for a project he planned this summer (Permit No. 12-64) in the N1/2, Section 24, Manston Township, Wilkin County, to address seepage issues from an upstream Wetlands Reserve Program (WRP). His earlier permit application asked to install one 24" dia. culvert through County Road (C.R.) No. 15 and one in a field approach. He also wanted to clean the road ditch. The new proposal is to add 140 feet to the existing culvert through C.R. No. 176, and to add 130 feet of culvert on the south end of their field with tiling on each side of the ditch to control seepage. Yaggie also plans to seed grass in the ditch to control erosion. Motion by Ellefson to approve Permit No. 12-14 and withdraw Permit No. 12-64. Seconded by Paradeis Kobiela. Approved.

Permit No. 12-142, Mark Yaggie. Applicant proposes to install approximately 40 acres of pattern tiling in the NE¼NE¼, Section 4, Manston Township, Wilkin County, outletting via a lift station to the 250th AVE
road ditch, eventually to the Trunk Highway (T.H.) No. 9 ditch. The work should improve salinity problems and improve crop production. Yaggie noted that the neighboring landowner has approved the project. The Board discussed the adequacy of the outlet. **Motion** by Paradeis Kobiela to approve Permit No. 12-142, subject to our standard tiling disclaimer, Manager field review, and township approval to work within their road right-of-way (r-o-w). **Seconded** by Hanson. **Approved.**

**Permit No. 12-143, Mark Yaggie.** Applicant proposes to install approximately 100 acres of random tiling in the NW¼ and S½NE¼, Section 22, Tanberg Township, Wilkin County, which will also provide an outlet for the neighbors' tile in the N½NE¼, Section 22 (Permit 12-151). The tile will outlet via gravity flow to a minimum maintenance road ditch and into a natural waterway. **Motion** by Ellefson to approve Permit No. 12-143, subject to our standard tiling disclaimer and Manager field review. **Seconded** by Fjestad. **Approved.**

**Permit No. 12-151, Troy Larson and Darwin Danielson.** Applicant proposes to pattern tile approximately 30-35 acres in the S½N½NE¼, Section 22, Tanberg Township, Wilkin County, outletting to a main tile line on adjacent property owned by Mark and David Yaggie (Permit No. 12-143). **Motion** by Ellefson to approve Permit No. 12-151, subject to our standard tiling disclaimer and Manager field review. **Seconded** by Fjestad. **Approved.** Larson abstained.

**Clayton Runck.** Clayton Runck discussed an ongoing wetland violation and culvert issue along 110th ST on the south line of Section 27, Skree Township, Clay County. On 11/14/11, the Board directed Runck to install a temporary 24" dia. culvert/approach in this location to protect a downstream farmstead from possible 2012 spring flooding. In April 2012, the Board agreed to allow Runck to remove the culvert/block. Runck decided not to remove the structure last spring, and asked the Board if they wanted him to leave the block in place this fall to provide the same flood protection for the downstream property for next spring. After considerable discussion, the Board agreed that Runck should leave the structure in place. The group also discussed the status of Runck's appeal of the Natural Resources Conservation Service (NRCS) wetland violation decision regarding Runck's drainage activities in Section 27, Skree Township, and possible drainage work Runck would like to complete. VanAmburg stated that the BRRWD will not be able to approve any work in Section 27 until Runck's appeal of the NRCS decision regarding his possible wetland violations in Section 27 has been settled. **Motion** by Hanson to direct Runck to leave the referenced culvert in place until next spring after the runoff. **Seconded** by Larson. **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 a north/south main, which will outlet to the township road ditch, eventually draining to the Interstate-94 (I-94) ditch. The Board discussed the proposal and project location. Manager Ellefson has discussed the project with Ryan Hough and felt the permit could be approved. **Motion** by Hanson to approve Permit No. 12-63, subject to our standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 12-101, Clay County Highway Department.** The Board discussed the need for an informational meeting this winter with the affected landowners to discuss the Barnesville Township Drainage Study in response to landowners' concerns about the County's proposal to add a 60" dia. culvert through County State Aid Highway (CSAH) No. 15 (100th ST S) between Sections 14 and 15, Alliance Township. The area drains to Whisky Creek, which is a DNR protected waterway.

**Permit No. 12-136, Clay County Highway Department.** Applicant proposes an outlet for Mayfield Lake in Section 22, Parke Township, Clay County. The County has acquired all the necessary easements, and all work will be above the Ordinary High Water (OHW). The project will protect C.R. No. 125, and outlet to Hay Creek. **Motion** by Fjestad to approve Permit No. 12-136. **Seconded** by Paradeis Kobiela. **Approved.**
Permit No. 12-144, Chad Johnson. Applicant proposes to install 147 acres of pattern tiling in the SW¼, Section 16, Riverton Township, Clay County, outletting to the 17th AVE S road ditch. **Motion** by Ellefson to approve Permit No. 12-144, subject to our standard tiling disclaimer, Manager field review, and approval from downstream landowners. **Seconded** by Larson. **Approved.**

Permit No. 12-145, Chad Johnson. Applicant proposes to pattern tile 92 acres in the NE¼, Section 6, Riverton Township, Clay County, outletting via a lift station to C.R. No. 85. **Motion** by Ellefson to approve Permit No. 12-145, subject to our standard tiling disclaimer, approval from downstream landowner, and township approval to work within their road r-o-w. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 12-146, Daniel Johnson. Applicant proposes to install 157 acres of pattern tiling in the SE¼, Section 36, Glyndon Township, Clay County, outletting via a lift pump to the C.R. No. 72 ditch, and eventually to Clay County Ditch No. 21. **Motion** by Hanson to approve Permit No. 12-146, subject to our standard tiling disclaimer. **Seconded** by Larson. **Approved.**

Permit No. 12-147, James Baker. Applicant proposes to pattern tile the SW¼, Section 2, Elmwood Township, outletting via a lift station in the northeast corner of the section to the C.R. No. 17 ditch and eventually to Clay County Ditch No. 21. **Motion** by Hanson to approve Permit No. 12-147, subject to our standard tiling disclaimer and downstream landowner approval. **Seconded** by Ellefson. **Approved.**

Permit No. 12-148, Dana Nelson. Applicant proposes to install sediment control basins in the W½NW¼, Section 24, Tanberg Township, Wilkin County. **Motion** by Larson to approve Permit No. 12-148. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 12-149, Chuck Anderson. Applicant proposes to pattern tile 157 acres in the SW¼, Section 33, Elkton Township, Clay County, outletting via gravity flow to Clay County Ditch No. 17. **Motion** by Fjestad to approve Permit No. 12-149, subject to our standard tiling disclaimer. **Seconded** by Ellefson. **Approved.**

Permit No. 12-150, Chuck Anderson. Applicant proposes to pattern tile 265 acres in the S½, Section 4, Barnesville Township, Clay County, and 290 acres in the N½, Section 9, Barnesville Township, with a lift station to 140th ST S road ditch, and eventually outletting to Stony Creek. **Motion** by Ellefson to approve Permit No. 12-150, subject to our standard tiling disclaimer and Manager field review. **Seconded** by Paradeis Kobiela. **Approved.**

Wolverton Creek Crossing. The Board discussed the outcome of their 10/16/12 field meeting with landowner Donald Hoppe and Wolverton Township Supervisors. Jones gave a brief history of the area to update the new Managers. **Motion** by Hanson to Order Wolverton Township to lower 100’ of the spillway on 130th AVE to elevation 923.0 by 10/26/12. **Seconded** by Ellefson. **Approved.**

Benedict Complaint. The Board discussed a complaint filed by Blayne Benedict regarding work done by Kenneth Johnson on 80th AVE S in Section 14, Elkton Township, Clay County. Photographs of the work were reviewed. Tabled.

Project No. 74, Clay County Ditch No. 51-Lateral. Robert Norby has filed an appeal of the proposed project. The Board discussed the project alignment alternatives. BRRWD Attorney Tami Norgard, Vogel Law Firm, has filed her response to the appeal with the Court. The Board discussed our insurance coverage for the appeal and the need to have the petitioner increase his bond in the near future, as legal fees incurred in the defense of the petition will be a project expense.
Project No. 73, Country Heritage Ditch. The Final Hearing was held on 10/03/12. In response to a request from several property owners that Ulteig Engineers, Inc. (UEI) contribute some funds to the project costs, UEI has offered to provide future in-kind services up to approximately $7,500. Jerger noted that the office received a letter from an affected landowner complaining about her proposed project assessment. Bids for construction were opened on 10/19/12 with the low bid of $42,057.00 from Johnson Excavation, Otter Tail, MN. The Board authorized H.E. to contact the four adjacent landowners with the new cost estimate before awarding the contract.

Project No. 72, Wilkin County Ditch No. 22-Lateral No. 3. Construction work has begun. Jones submitted Pay Request No. 1 for William Nichol Excavating in the amount of $18,151.08. **Motion** by Ellefson to approve Pay Request No. 1 as referenced. **Seconded** by Paradeis Kobiela. **Approved.**

Project No. 68, Lake Jacobs Outlet. Opsahl reported that a contractor is working on some minor erosion repairs and will also complete the downstream channel repairs.

Project No. 66, Ranum/Tansem. Opsahl reported that the Hersch demolition has been completed, except for well sealing.

Project No. 65, County Line Outlet. The United States Fish and Wildlife Service (USFWS) is waiting for the DNR to issue a permit to lower the south wetland basin. Opsahl reported that a contractor is working on some minor erosion repairs.

Project No. 63, Grove Lake. Opsahl reported that the damaged inlet has been repaired and no obstructions were found in the outlet pipe.

Project No. 56, Manston Slough Restoration. Jones is working with the Minnesota Board of Water and Soil Resources (BWSR) to obtain the funding needed to reach the 75% state funding level on the Manston Slough Restoration Project. BWSR has verbally committed approximately $682,365 to the project. Ellefson commented that we will need to review the expiration of the previously signed easement options to make sure they don’t expire. The BRRWD intends to complete the remaining easements and hearing process before the New Year.

Project No. 50, Cromwell. The Final Hearing was held on 10/10/12. The Managers discussed the Final Order for Project No. 50, Cromwell Township Highwater Emergency Outlet, and the amended Appraisers’ Report. **Motion** by Paradeis Kobiela to approve the Final Order and adopt Appraisers’ Report, dated 9/24/12. **Seconded** by Hanson. **Approved.**

Project No. 49, Oakport Flood Mitigation. All current construction work has been completed. We will need an additional $6 million to complete Phase 4 of the project. Jones gave a brief history of the project for the benefit of the new Managers. The Board discussed State funding for the project. We will need to work with Fischer family to renew their easement so that the spoil stockpile can remain on their property for another year.

Project No. 39, Georgetown Levee Improvements. Construction has begun on Phase I. The Board discussed easement acquisition negotiations and buyout demolition progress.

Project No. 38, Farmstead Ringdikes. The Clay County Soil and Water Conservation District (SWCD) has found funding for the Wang ringdike costs overage. H.E. will have the final costs ready to submit to the Clay SWCD by their next meeting on 11/08/12.
**Project No. 32, Hawley EDA Diversion.** The Final Hearing was held on 10/10/12. The Board discussed the proceedings and the amended Appraisers' Report. At the 10/09/12 meeting, the Board withdrew the $50,000 assessment for 2013. **Motion** by Ellefson to approve the Order for the Redetermination of Benefits and to adopt the 9/24/12 Appraisers' Report, as referenced. **Seconded** by Paradeis Kobiela. **Approved.**

**Mediation Project Team (PT).** The next PT meeting on November 15, 2012, in our Barnesville office. The Board discussed the function of the PT.

**Watershed District Enlargement.** The Board recognized the two new Managers, Troy Larson (Wilkin County) and Peter Fjestad (Otter Tail County). The new Managers signed their Oath of Office. The BRRWD plans to schedule a hearing in the near future to inform the public about the new district boundary and BRRWD Rules.

**Army Corps of Engineers (COE) F-M Diversion.** VanAmburg gave a brief report on the Diversion project status. The Managers had an extended discussion regarding the issues surrounding the Diversion project.

**Clay County Ditch Nos. 9, 32, and 33.** The project is on hold, pending receipt of the status of the BWSR grant.

**Elkton Township Wetland Mitigation.** Bids were opened today for construction with the low bid of $47,075.70 coming from Ziegler Construction, Georgetown, MN. The Part B wetland banking application has been submitted in accordance with the Wetland Conservation Act rules. **Motion** by Ellefson to award the project to Ziegler Construction, subject to SWCD Wetland Banking application approval. **Seconded** by Paradeis Kobiela. **Approved.**

**Clay County Ditch No. 21.** Jones filed the repair report at the 10/09/12 meeting. A landowner informational meeting will be scheduled this winter with the affected landowners.

**Wolverton Creek/Comstock Coulee Clean Water Legacy (CWL).** The Board signed the one-year grant extension and sent it back to BWSR.

**Upper Red River Water Restoration and Protection Plan.** The Board discussed Minnesota Pollution Control Agency (MPCA) grant opportunities for up to 100% funding for water quality monitoring projects. Jones explained that this funding could be used to set up regional assessment locations (RALs) for the expanded district area. The application needs to be submitted to MPCA by 10/25/12.

**City of Barnesville Funding Request.** The Managers discussed a request from the City of Barnesville for a $10,000 contribution for their proposed retrofit of the Works Projects Administration (WPA) dam on Blue Eagle Lake to allow for better management of the lake and pond levels, including improved fish passage features. The total project cost is approximately $200,000. The funding would come from the BRRWD's Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3, account. The contribution would qualify as matching funds. **Motion** by Ellefson to contribute the referenced contribution. **Seconded** by Hanson. **Approved.**

**Target Drainage Water Management Grant.** The office is waiting for paperwork from BWSR regarding this $70,000 grant for work yet to be determined.

**MAWD Annual Meeting.** The Board discussed the new Managers' attendance at the Minnesota Association of Watershed Districts (MAWD) annual meeting to be held November 29-December 1, 2012,
in Alexandria. Paradeis Kobiela gave a brief description of the New Managers Training Workshop. Van Amburg suggested that the administrative staff (Jerger and Barker) attend the New Managers Workshop on 11/29/12. **Motion** by Paradeis Kobiela to authorize Julie Jerger and Mona Barker to attend the New Managers Workshop on 11/29/12 in Alexandria. **Seconded** by Hanson. **Approved.** The office will handle the meeting registrations and hotel reservations for Larson and Fjestad and the staff.

**South Branch of the Buffalo River CWF.** The BRRWD is working with Wilkin and West Otter Tail SWCDs to close out the 2012 grant. H.E. submitted a new application on the Board’s behalf for 2013 Clean Water Fund grant funding.

**New Office.** Architect/Construction Supervisor Margaret Follingstad, YHR Partners, is working with the contractor regarding the punch list for clean up items. The Board had an extended discussion about the epoxy covering on the concrete floors and a few other concerns with the building. The Board reviewed some costs presented by VanAmburg for a refrigerator and discussed the need for other kitchen appliances. **Motion** by Hanson to purchase a refrigerator for approximately $670.00, delivered. **Seconded** by Paradeis Kobiela. **Approved.** The office has contacted AmeriPride Services for a quote on rugs for the office entrances. The City informed the office that since garbage pickup is not included in our city utilities bill for this part of town, we should contact Fuchs Sanitation to schedule garbage pickup. The Managers authorized the staff to make arrangements for rugs and garbage services. Carmen's Commercial Cleaning has submitted a bid of $150/month to clean the office twice a month. Barker is also interested in cleaning the office. This item will be discussed after the contractor has finished the punch list and final cleaning. Barker reported that she has implemented an office recycling program.

**Becker County Envirothon.** The Board received a thank you note for our contribution to their 2012 event.

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

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Motion by Paradeis Kobiela to approve payment of the bills. Seconded by Ellefson. Approved. Barker requested that the Board consider adopting the practice of signing a separate check for her payroll at the regular meetings so that she can be paid in a timely manner. The Board agreed to her request.

Next Meeting. The next regular meeting will be held on Monday, November 12, 2012, at 7:00 PM.

Adjournment. Chairman Van Amburg adjourned the meeting at 11:41 PM.

Respectfully submitted,

John E. Hanson, Secretary