The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, November 26, 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, Curtis M. Nelson, Peter V. Fjestad, and Troy E. Larson. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, Erik Jones, Engineer, Houston Engineering, Inc. (H.E.); and Mona Barker, BRRWD Administrative Assistant; Lance Yohe, Executive Director, Red River Basin Commission; and landowners: Craig Runck and Clayton Runck.

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.** The Board reviewed draft minutes for the 9/10/12 and 11/12/12 regular meetings and the 10/03/12 Project No. 73, Country Heritage Ditch Final hearing. **Motion** by Ellefson to approve the draft minutes with noted corrections. **Seconded** by Larson. **Approved**.

**Treasurer's Report.** The Board reviewed the BRRWD’s financial status. We currently have a -$1,000,201.30 balance. Since the 11/12/12 meeting, payables totaled $822,311.94 of which only $72,504.78 was paid. Second half tax collections will be coming in soon which will help reduce the negative amount. Additionally, $489,969.89 was billed to the DNR for Project No. 39, Georgetown, but has not yet been received. The Ziegler closing associated with Project No. 39, Georgetown Levee Improvements, is scheduled for Thursday, November 29, 2012, and approximately $86,228.89 will be needed for the transaction. This money is available in the Wells Fargo savings account. Albright felt things will look better at the end of the year when we receive all of the county revenues.

**Business brought before the Board included:**

**Red River Basin Commission.** The Board received a report from Lance Yohe, Executive Director, Red River Basin Commission (RRBC). The City of Fargo made funding available to the RRBC for a study titled, "Halstad Upstream Retention Modeling". The Army Corps of Engineers (COE) has developed an unsteady flow model and are also developing hydrologic models for each sub-watershed in the United States. The RRBC is asking the BRRWD to submit possible retention sites that are currently identified or in the process of being identified so they can be modeled and prioritized for mainstream, local, and regional benefits. The RRBC received $500,000 from the FM-Diversion Board of Authority (FM-DBA) for this work. Yohe reported that he would like potential BRRWD sites in the next several months. The FM-DBA will also have funding available ($24.5 million) for engineering, design, and project construction. Yohe felt this was an opportunity for the BRRWD to develop more retention areas.

Yohe also invited the Board to attend the upcoming 30th Annual Red River Basin Land and Water International Summit Conference which will be held January 22-24, 2013 at the Alerus Center, Grand Forks, ND. If the BRRWD has projects/programs that meet any of the goals and objectives for the
Natural Resources Framework Plan, those projects should be submitted and will be part of the conference agenda.

**Permit No. 12-157, Clayton and Craig Runck.** Applicant proposes to install an approach with an 18” diameter culvert at a specified elevation along 110th AVE S, Section 27, Skree Township, Clay County. The landowners have now reached an agreement with the Natural resource Conservation Service (NRCS) regarding a restoration plan, although the BRRWD has not yet received an official notice. Albright commented there is a need to invite landowners and agency personnel to a final meeting to address all the issues. **Motion** by Hanson to approve Permit No. 12-157 subject to approval by affected landowners and agencies. **Seconded** by Ellefson. **Approved.**

**Permit No. 12-158, Minnesota Department of Transportation.** Applicant proposes milling and overlay of Trunk Highway (T.H.) No. 75 from the Wilkin County line to 60th AVE S in Moorhead. The work will include several culvert replacements. All culverts will be replaced at the same elevation and size. Jones has completed a review of the application and recommends approval. **Motion** by Nelson to approve Permit No. 12-158 for milling and overlay of T.H. NO. 75. **Seconded** by Paradeis Kobiela.

**Wolverton Township/Donald Hoppe Concerns.** When Justin Johnson, H.E., checked their restoration work, it appears that Wolverton Township did not lower their road between Sections 9 and 10 on 130th AVE to the correct elevation in accordance with the recent Board Order. Albright will follow up with the Township on this issue. Jones will have Johnson recheck the elevations.

**Duane Haugen Complaint.** Haugen filed a complaint regarding work done by his neighbor in Section 20, Audubon Township, Becker County, where a private road was allegedly installed through a wetland blocking his natural drainage. The Board reviewed an aerial photograph of the road. Albright and Manager Hanson will field review and follow up with Haugen regarding this issue.

**Jayson Lass Complaint.** According to Lass, the United States Fish and Wildlife Service (USFWS) has placed a dam downstream of Whiskey Lake and the creek by his place is now dry. The BRRWD has not issued a permit or been asked to comment by the DNR, as Whiskey Creek in this area is protected waters. Albright has contacted Ryan Frohling, Manager, USFWS for more information.

**Ralph Schellack Complaint.** Johnson Farms maintains a dike along the south side of Section 29, Riverton Township, Clay County. The dike is north of County State Aid Highway (CSAH No.) No. 12, and blocks a natural waterway that drains northwesterly across the SW½. Annually, the BRRWD has asked that the dike be lowered and nothing has been done. Schellack is concerned that if nothing is done, his farmstead and driveway could flood. H.E. conducted a survey which shows the farmstead to be higher than the dike. Albright will review the survey and discuss it with Schellack.

**Project No. 74, Clay County Ditch No. 51-Lateral.** BRRWD Attorney, Tami Norgard, Vogel Law Firm, has prepared a draft Stipulation for Attorney Zenas Baer's review. The action would dismiss Robert Norby's appeal of the BRRWD's Preliminary Order to move forward with the engineering and project study for the referenced lateral, since the Board's action only authorizes continued study and preliminary engineering, not the actual project. Norgard will work with Baer regarding this issue. The Board discussed project development. Norgard feels it is premature for Robert Norby to appeal at this time, especially since the detailed survey report and Viewers' work will not be done until the next phase. There has been no response from Norby in response to Attorney Norgard's suggestion that the appeal is premature.

An increase to the bond is necessary (Minnesota Statute Annotated (M.S.A.) 103E.202, Subd. 6) for the process to continue. **Motion** by Nelson to request an increase to the bond by $10,000 ($30,000 total). **Seconded** by Paradeis Kobiela. **Approved.**
**Project No. 73, Country Heritage Ditch.** The appeal period will expire on 12/12/12. To date, no appeals have been filed. The project contractor, Steven Johnson Excavation, said the work could be completed next spring when conditions permit. The project has a 6/30/13 deadline. Several landowners have contacted the office about the appeal process.

**Project No. 72, Wilkin County Ditch No. 22-Lateral No. 3.** Construction is continuing on the lateral. The work will not be completed by the deadline (11/30/12) and an extension is anticipated by the contractor. Pay Request No. 2 was submitted for $19,028.02. **Motion** by Ellefson to approve Pay Request No. 2. **Seconded** by Paradeis Kobiela. **Approved**.

**Project No. 71, City of Moorhead/50th AVE S.** Albright talked with landowner Leroy Johnson, who is on the south side of the project area who has now requested to be left out of the project area. After the realignment design by H.E., Appraisers can begin their work.

**Project No. 70, Crystal Creek/McCann's Addition.** A hearing will be scheduled after the first of the year. All work on the project is done and holding the required hearing will finalize the assessment of benefits process. Payment collection will not begin until the 2014 tax year.

**Project No. 68, Lake Jacobs Outlet.** The Todd Johnson cleanout has been completed on the outlet channel.

**Project No. 66, Ranum/Tansem.** H.E. will verify if the well sealing has been completed. Albright will send a letter of verification of funding to Wynn Consulting and the Department of Employment and Economic Development (DEED) /DNR. A final billing will be prepared once all demolition work is done.

**Project No. 65, County Line Outlet.** The USFWS is waiting for the DNR to issue a permit to lower the south wetland basin. They would like to winter kill the basin to address the fish problem. The Fergus Falls Wetland Management District (WMD)/USFWS will also have to have easements from the affected landowners.

**Project No. 64, LaBelle/Boyer Lakes Outlet.** An informational meeting could be held this winter with landowners and agencies to address erosion concerns and re-vegetation of exposed areas now that water levels are down. It could be that they may be eligible for some grant assistance.

**Project No. 63, Grove Lake.** The pipe repairs are completed. Kern Kuhlmann repairs have also been completed.

**Project No. 61, Clay County Ditch No. 11.** An erosion slide has occurred west of Rustad, MN on John Leseth's former property now owned by Duane Walker. In order to fix the slide, either a row of pine trees needs to be removed; the slope flattened, or the weight reduced by placing Styrofoam blocks and then covering them with dirt. The slide has not gotten worse in the past year or so. Walker may also have a building that needs to be moved.

**Project No. 56, Manston Slough Restoration.** Between now and the end of the year, the office will be working with landowners to secure the remaining easement options. Albright will review the existing easement expiration dates and provide the Board with an updated list for the next meeting. The Board would like to continue the final hearing and advertise for construction bids prior to spring. The BRRWD has received a commitment for funding from the Minnesota Board of Water and Soil Resources (BWSR). This will bring the project to the 75% state funded level. Albright gave a brief history of the project and remaining easements for the benefit of the new Managers. He also stated the
importance of meeting the funding deadlines, specifically the Lessard-Sams Outdoor Heritage Council for $350,000, which expires 06/30/13.

**Project No. 50, Cromwell.** The Board approved the Final Order on 10/22/12. No appeals were filed and the appeal period expired on 11/22/12. H.E. is working on the record drawings and when completed, a final billing to the DNR will be prepared to close out the grant. Albright thought the DNR grant expired on 6/30/12 and expenses incurred after that date will not be paid. Albright contacted Dave Overbo, Engineer, Clay County Highway Department regarding payment for the County Road (C.R.) No. 114 boring and a decision will need to be made about how to split the expense. The Board discussed this issue and feels the County has some financial responsibility in this regard. Albright will gather more information regarding funding options.

**Project No. 49, Oakport Flood Mitigation.** All current construction work has been completed. We will need an additional $6.5 million to complete Phase 4 of the project. The Board discussed State funding for the project. It is necessary to begin relationship building with the new Legislators.

Ulteig Engineers Inc. (UEI) is working on the dike certification east of the Coulee. Flood insurance costs for landowners will be substantially reduced with the certification.

**Project No. 42, Clay County Ditch No. 67.** A redetermination of benefits and the Joy Stumbo assessment concern can be addressed at a hearing scheduled at the same time as a Project No. 70, Crystal Creek. Many of the same landowners are affected.

**Project No. 39, Georgetown Levee Improvements.** The Ziegler closing is scheduled for 11/29/12. The contractor has completed work on Phase 1 (east of T.H. No. 75). Work on Phase 2 will begin again when conditions permit (west of T.H. No. 75) next spring. The final easements will be completed in the next few weeks. The Board briefly discussed the status of Josh Wambach's house relocation. All land issues west of T.H. No. 75 need to be addressed this winter so the contractor has a clear path to finish his work next year.

**Project No. 38, Farmstead Ringdikes.** The Clay County Soil and Water Conservation District (SWCD) has found funding for the Wang ringdike costs overage. Albright will meet with Kevin Kassenborg, District Administrator, Clay SWCD, in December to finalize the numbers. At that time, a final billing can also be sent to Wang.

**Project No. 32, Hawley EDA Diversion.** Albright will send a letter to the Clay County Auditor to withdraw the 2013 assessment ($50,000) for the City. Albright recently visited with Joe Kelly from Hancock Concrete Pipe Products who thinks the dirt used to fill around the 60" dia. reinforced concrete pipe (RCP) was too wet when the pipe was placed. Albright will also work on putting a final bill together, splitting the pipe repair costs with the City of Hawley, the BRRWD, and H.E.

**Project No. 26, Buffalo River Demonstration.** The erosion control multi-block wall on Buffalo River near Glyndon is starting to erode. Jones will prepare a repair recommendation for the Board's review. A possible DNR permit might be needed or the work could be considered routine maintenance.

**Project No. 19, Becker County Ditch No. 21.** H.E. has completed the survey work for the proposed Buffalo River cleanout downstream of County Ditch No. 21. Jones will prepare recommendations for the Board's review and send the information to Emily Siira, Area Hydrologist, DNR. He expects we may have to go through the Environmental Assessment Worksheet (EAW) process. The DNR will want to see a comprehensive effort including installation of best management practices (bmp). Albright talked with Jerry...
Matter who would like to access a couple of acres west of the ditch in the SE¼, Section 10, Riceville Township. The Board discussed a few options, and Albright will continue discussions with Matter. He would either like to see the ditch moved (petition process) or install a culvert.

**Mediation Project Team (PT).** The next PT meeting is scheduled for December 6, 2012 at 1:30 PM in the BRRWD office. Albright will send out notices.

**Watershed District Enlargement.** BWSR has agreed to provide 50% of the costs to develop a Revised Watershed Management Plan (RWMP) for the new area. Once approved, the RWMP will not have to be revised for another 10 years. At the same time, we will be updating our current plan dated 6/23/10 so both plans (to be incorporated into one plan) will have the same expiration date.

**Army Corps of Engineers (COE) F-M Diversion.** VanAmburg gave a brief report on the F-M Diversion project status and development of assessment areas. He felt we need to take advantage of the FM-DBA funding.

**Clay County Ditch Nos. 9, 32, and 33.** Preliminary results on the grant application are expected in December. The project remains on hold, pending the status of the BWSR grant.

**Hawley Buffalo River Restoration.** Relationship building needs to occur between the City of Hawley and landowner Dean Whaley regarding his easement acquisition. Albright will verify that the COE still views this as a mitigation project. The DNR will also be contacted to make certain this project remains on their list for river restoration (LSOHC funding). Councilman Young has asked Albright to meet with Whaley.

**Buffalo River TMDL Phase II.** Albright gave a brief overview of impairments, ecoregions, and the plan. Jones commented on the BRRWD's influence, the importance of looking at the area holistically, and that an implementation plan assists in obtaining grants to help fix the problems.

**Elkton Township Wetland Mitigation.** Ziegler Construction, Georgetown, MN, was the low bidder for this project. This will be a 2013 project. The Wetland Banking application has been approved. Jones is working with Ziegler on some changes to the construction plan required by BWSR.

**Clay County Ditch No. 21.** Ralph Schellack has concerns about the condition of the ditch. 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 (CWF).** The Board discussed the creation of a special water management district (wmrd) to collect fees to help pay for the project. The DNR will provide input regarding the channel geometry and an EAW will need to be prepared. A meeting is scheduled for Monday, December 3, 2012 at the BRRWD office with the DNR to discuss these issues.

**Upper Red River Water Restoration and Protection Plan.** Albright briefly explained the water quality monitoring project goals. Phase I has been completed. A MPCA contract has been written for Phase II work.

**Target Drainage Water Management Grant.** Half of the $70,000 grant money has now been received. The Board will need to discuss and decide the ways in which these funds will be spent.

**2012 MAWD Annual Meeting.** The Board discussed delegate appointments for the Minnesota Association of Watershed Districts (MAWD) annual meeting to be held November 29-December 1, 2012, in Alexandria. Ellefson was named alternate delegate because Manager Nelson will not be attending.
South Branch of the Buffalo River CWF. The BRRWD is working with Wilkin and West Otter Tail SWCDs to close out the 2012 grant. Wade Opsahl, Technician, H.E., and Manager Ellefson will field review a few areas where field inlet culverts can be installed. Several sites have been identified for possible placement of inlets pipes along Wilkin County Ditch Nos. 40, 41, 42, 43, and 44. Clean Water Fund (CWF) money, which needs to be used before the end of the year, can be used for inlet pipe installations. Motion by Ellefson for installation of several pipes weather permitting and with landowner approval. Seconded by Hanson. Approved.

New Office. The Board Room table, podium and side table were installed. The AV equipment will be installed 12/03/12 after which the ceiling tiles will be placed. The Board discussed ongoing cleanup items and the contractor's lack of progress. Albright contacted Margaret Follingstad, YHR Partners, to go over the punch list and work with the General Contractor. Albright commented on several outstanding items that may carry over into spring.

Project No. 16, Stinking Lake Detention. Albright spoke of the Stinking Lake project. The goal is to keep the lake as low as possible again next year as positive results are being seen. The DNR has recently taken an interest in the lake. An agency meeting to discuss the progress and plan for 2013 was held on 11/13/12 in Detroit Lakes. A report summarizing the meeting, as prepared by Jessica Van Duyn, DNR, was distributed to Managers.

Clay County Drainage Structure Policy. Clay County has put two policies in place and identified what will be and what will not be paid for regarding driveways off of county roads and drainage structures. Albright will distribute copies to Managers so we can hopefully adopt the policies at our next meeting. The policies are similar to what we have been doing in the past.

Tiling Concern. Albright addressed a landowner concern regarding tiling west of Rothsay on C.R. No. 6. H.E. has done a survey to determine if the culvert is low enough. Albright will be in contact with the landowner. Larson is familiar with the area.

Buyout Property Taxes. Albright commented on the 2013 proposed buyout houses property taxes. The majority of them are now at zero and primarily pertain to Project No. 49, Oakport, and Project No. 39, Georgetown.

The following bills were presented for approval:

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10/10/12-11/10/12 service (3)  
Pj. 49, Oakport  
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TDS MetroCom  
11/13/12 long distance  
Admin  
$18.54

TrueNorth Steel  
#8509341, culverts  
Pj. 72, Wilkin 22-Lat. 3  
$298.53

TrueNorth Steel  
#8509372, culverts  
Pj. 72, Wilkin 22-Lat. 3  
$4,640.51

Vogel Law Firm  
#96562, October billing  
Pj. 74, Clay 51-Lateral  
$2,143.00

Vogel Law Firm  
#96708, October billing  
Pj. 39, Georgetown  
$3,598.00

Vogel Law Firm  
#96861, October billing  
Pj. 49, Oakport  
$279.50

Wm. Nichol Excavating  
Pay Request No. 2  
Pj. 72, Wilkin 22-Lat. 3  
$19,028.02

$77,657.05

**Motion** by Nelson to approve payment of the bills, subject to funding availability. **Seconded** by Paradeis Kobiela. **Approved.**

A special meeting has been scheduled for Thursday, 12/20/12 from 7:00 PM to 7:30 PM. A closed session will begin at 7:30 PM to address employee matters.

**Next Meeting.** The next regular meeting, which is also the Annual Meeting, will be held on Monday, January 14, 2013, at 7:00 PM.

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

Respectfully submitted,

John E. Hanson, Secretary