

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING January 30, 2013

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, January 30, 2013, at 8:30 AM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Roger G. Ellefson, Curtis M. Nelson, John E. Hanson, Breanna L. Paradeis Kobiela, Peter V. Fjestad, and Troy E. Larson. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, Brian Fischer, GIS Project Manager, and Julie Jerger, Resident Secretary, Houston Engineering, Inc. (H.E.); and Mona Barker, BRRWD Administrative Assistant.

Chairman Van Amburg called the meeting to order at 8:35 AM. He announced that the proceedings were being recorded to aid in preparation of the minutes. He explained that the 1/28/13 meeting was cancelled because of inclement weather and rescheduled for today at 8:30 AM.

Treasurer's Report. The Board reviewed the BRRWD's financial status. Since the 1/14/13 meeting, we have received \$66,737.96, primarily from the Minnesota Pollution Control Agency (MPCA) for Phase II of our Total Maximum Daily Load (TMDL) study (\$33,661.05). We also received final payments from the Minnesota Department of Natural Resources (DNR) for Project No. 50, Cromwell Township Outlet (\$12,071.76), and Project No. 67, Helgeson, Randkler, Businger, Pete Lakes Outlet (\$2,458.27). Becker County (\$7,156.89) and Wilkin County (\$7,778.41) forwarded delinquent property and ditch/project tax payments, and the Red River Watershed Management Board (RRWMB) reimbursed us for our current Mediation Project Team (PT) expenses (\$3,111.58). We also received a \$500 payment from the Riverview Acres Mobile Park in the City of Hawley for the Hawley Buffalo River Restoration project. Cash on hand is \$191,187.62. Albright noted that we should be receiving the two recently approved Minnesota Board of Water and Soil Resources (BWSR) grant payments (approximately \$350,000) in the near future.

Business brought before the Board included:

Lance Yohe, Red River Basin Commission (RRBC). Albright said that Yohe couldn't make it to today's meeting. He had planned to discuss the RRBC's \$500,000 grant from the Fargo-Moorhead Diversion Authority for possible modeling detention sites in the Red River Basin. Since the BRRWD isn't a member of the RRWMB, we won't be eligible for their cost share funding, and the BRRWD won't be modeled to the same standards as the rest of the Basin. Yohe has suggested that he could work with H.E. to create a similar model for the BRRWD for approximately \$40,000, with a 50/50 cost share to bring the BRRWD up to standards. The Board briefly discussed the tools Chuck Fritz, International Water Institute (IWI), had presented to the Board at a previous meeting. These tools can be used to implement modeling information for project planning and preliminary retention site investigations. The Long Term Flood Study (LTFS) was based on the 1997 flood. Jones explained that the new model, based on the Army Corps of Engineers' (COE) HEC RAS modeling, could be used to find potential new, larger sites that might help reduce the size of the COE Diversion upstream retention. Albright commented that the new model will make it possible to base our retention sites on the same criteria as the rest of the Red River basin, making us eligible for possible funding.

Permit No. 13-08, Roger Langerud. Applicant proposes to replace existing open ditches in the N $\frac{1}{2}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Cromwell Township, Clay County, with non-perforated random tiling to

stop field erosion. **Motion** by Paradeis Kobiela to approve Permit No. 13-08, subject to our standard tiling disclaimer. **Seconded** by Fjestad. **Approved.**

Permit No. 13-09, MNDOT. Applicant proposes to repair/replace five corrugated metal pipes (CMP) in Trunk Highway (T.H.) No. 59 in Callaway Township, Becker County. The structures will be placed at the existing invert elevations. Albright noted that any changes in size would be minor, and he recommended permit approval. **Motion** by Hanson to approve Permit No. 13-09. **Seconded** by Ellefson. **Approved.**

Permit No. 13-10, MNDOT. Applicant proposes to place 7.5" of unbonded concrete pavement over the existing pavement on the east bound lane of Interstate 94 (I-94) from Barnesville (T.H. No. 34) to Downer (County State Aid Highway (CSAH) No. 10). The Board discussed possible impacts to neighboring properties near the I-94 interchange by Downer. Since the installation of a second culvert in County Ditch No. 55, drainage in this area should be better. **Motion** by Larson to approve Permit No. 13-10. **Seconded** by Fjestad. **Approved.**

Albright noted that Justin Johnson, Technician, H.E., is working on the 2012 permit files, and he will have the records ready for the Board to address pending applications at the next meeting.

Clayton Runck will be on vacation until March. When he returns, he wants us to schedule an office meeting to review his drainage plans with the affected local, state, and federal agencies and neighboring landowners. Runck's property is located in Section 27, Skree Township, Clay County.

Akron Township Culvert Study. Albright noted that this issue is still under study, pertains to a larger culvert installed a number of years ago by the Wilkin County Highway Department in their County Road (C.R.) No. 169 (290th AVE) after the road washed out during a flood. Downstream landowners are concerned about the current pipe size, which is larger than the downstream culverts.

Clay County Highway Department. The Board briefly discussed the Clay County Highway Department's summer construction schedule.

Project No. 74, Clay County Ditch No. 51-Lateral. Robert Norby has filed an appeal of the proposed project. His attorney, Zenas Baer, has requested a large amount of information and plans to schedule a time to come to the BRRWD office to listen to the meeting recording and review the requested information/documentation. The Board reviewed a letter from BRRWD Attorney Tami Norgard, Vogel Law Firm, regarding her position that the appeal is premature because the Board has not yet made an order to construct the project. A NRCS wetland determination is still pending on the Minch property in Section 28, Kragnes Township. The Board discussed alternate project alignments.

Project No. 73, Country Heritage Ditch. Contracts are have been forwarded to the contractor, Johnson Excavating, for signature.

Project No. 71, City of Moorhead/50th AVE Flood Control. Albright and Mike Love, Engineer, H.E., met with landowner LeRoy Johnson. The project plans will be altered to keep Johnson out of the project. The City had agreed to ringdike his property and to supply him with a 24" dia. pipe/gate through the city dike to make sure Johnson's property will drain properly.

Project No. 70, Crystal Creek/McCann's Addition/Project No. 42, Clay County Ditch No. 67. Albright suggested that these two hearings could be held on the same date in the Moorhead City Hall. He hoped for March 2013 hearing dates.

Project No. 56, Manston Slough Restoration. Albright reported that the office has been working on finalizing the easement option work. All letters and option documents have been sent to the affected landowners. A few landowners have already contacted Albright to renew their options. The Board reviewed an easement tracking worksheet showing acquisition status/payment amounts/land values for each landowner. They discussed values for the permanent easement payment. The Final Hearing Continuation could be scheduled later this spring with a possible May bid opening. Plans and specifications should be ready by 2/25/13. The \$350,000 Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG) Program grant deadline is 6/30/13 with no further renewal options.

Project No. 49, Oakport Flood Mitigation. The Board reviewed a letter from Kent Lokkesmoe, Director of Capital Investment, DNR, regarding our request for \$5.6 million to finish the Oakport project. The Board discussed options to obtain funding from the State Legislature 2013 bonding bill. Local Legislators have asked to see a breakdown of the Phase 4 dike construction vs. road construction costs. Ulteig Engineers, Inc. (UEI) will provide this information.

Project No. 42, Clay County Ditch No. 67. The Viewers' Report was filed for the Redetermination of Benefits for Clay County Ditch No. 67. The redetermination was undertaken to equalize one landowner's assessment for future maintenance now that the project construction costs have been paid. The Board will schedule the hearing in conjunction with the Project No. 70, Crystal Creek hearing. **Motion** by Ellefson to accept the Viewers' Report and to authorize Albright to schedule the hearing. **Seconded** by Nelson. **Approved.**

Project No. 39, Georgetown Levee Improvements. Albright discussed the continuing easement acquisition work. He will meet with Jim Jensen, Coldwell Realty, to sign the purchase agreement option for the Leegard/Berger property. Wade Opsahl, Technician, H.E., is working on the environmental inspections/demolition for several buyout properties. Attorney Corey Elmer, Vogel Law Firm, is working with Herman Clark's attorney on the acquisition of his property. Schmidt House Movers claim to have found a buyer for Lester Nelson's house. They are also working on a number of other buildings to have them out of the way for spring construction.

Jones was informed that some of the money spent for the Georgetown project feasibility study could qualify as a work-in-kind cost share for the COE Basin Feasibility Study. Jones forwarded the information to the COE.

Project No. 32, Hawley EDA Diversion. Albright will forward bills to the City of Hawley and H.E. for their share of the 60" dia. culvert repair costs.

Project No. 29, Buffalo River Log Jams. Justin Johnson, Technician, H.E., is working with Gust Johanson to get bids on a number of log jams on the South Branch of the Buffalo River. The Board agreed that Johanson needs Board authorization before he does any further work.

Mediation PT. The next PT meeting is tentatively scheduled for March 21, 2013, at 1:30 PM in our new office.

Watershed District Enlargement. The boundary hearing is scheduled for January 31, 2013, at 7:00 PM, Rothsay High School Auditorium. Hearing notices have been sent. Jones has prepared several boundary maps for the landowners' review. The Board expects to take testimony from the hearing under advisement to revise the boundary maps as needed, and then continue the hearing with the landowners for a final review. At issue is the new eastern boundary in Otter Tail County.

Albright noted that landowners have been contacting him about whether Lake Halderson should be included in the new watershed boundary. Jones discussed the area drainage patterns relating to the Lake's elevation to determine if it flows west into the BRRWD or east into the Pelican River. The Board reviewed a map showing the proposed boundary and discussed possibly leaving the lake out of the District.

Fjestad commented that there appears to be more water coming off the Fergus Falls Airport property than previously thought.

COE Fargo-Moorhead Diversion. Van Amburg noted that a meeting of the Diversion Authority is coming up this week. The Board discussed Oxbow's decision to accept the COE's offer of a ringdike and have withdrawn their objections to the proposed project alignment. The State of Minnesota is still working on their Environmental Impact Statement (EIS) for the proposed diversion plan.

Clay County Ditch Nos. 9, 32, and 33. Progress on the redetermination of benefits and buffer strip installation/r-o-w acquisition is on hold until BWSR approves the grant contract. Once the grant is in place, project expenses will be eligible for reimbursement. A hearing on easement acquisition and bufferstrip installation will also need to be scheduled. The Board would like to complete this project this summer.

Buffalo River TMDL. The Phase 2 process is expected to be completed and submitted to the EPA for review by the end of the year.

Elkton Township Wetland Restoration. Harlan Hendrickson, CRO's Custom Seeding, submitted a bid for seeding the wetland restoration for \$86,000. Jones noted that the contractor will only plant a temporary cover crop, which will reduce their contract costs by about \$7,200.

Whisky Creek Erosion Control. Tony Nelson, Pheasants Forever/Clay Soil and Water Conservation District (SWCD), will contact landowners on behalf of the BRRWD to promote this project. H.E. is working on an r-o-w analysis for Clay County Ditch No. 34. The Clay SWCD has a BWSR grant to provide approximately \$185,000 as incentives to encourage landowners to participate in the program to install erosion control, side inlets, and buffer strips.

Area I Envirothon. West Otter Tail and Wilkin SWCDs asked the BRRWD to contribute to their Envirothons. The BRRWD has contributed to this program for many years. **Motion** by Ellefson to contribute \$150 to each County. **Seconded** by Nelson. **Approved.**

Permit Software Suite. Brian Fischer, H.E., made a presentation of a permit software suite H.E. has developed for several other Watershed Districts. Fischer also discussed the need for an update to the current BRRWD Website, which hasn't been modified for about 5 years. The Board had an extended discussion regarding how the software could be customized to meet the needs of the BRRWD and possible sources of funding for both the permit suite and website redesign. **Motion** by Paradeis Kobiela to authorize Fischer to prepare proposals to update the BRRWD Website and to implement the data management software. **Seconded** by Fjestad. **Approved.**

RRWMB Membership Meeting. Van Amburg suggested that the Board authorize Albright and staff to organize a meeting with the Counties, and other agencies to discuss the BRRWD's membership in the RRWMB. The Board had an extended discussion about holding this meeting. **Motion** by Larson to authorize scheduling the referenced meeting. **Seconded** by Fjestad. **Approved.**

New Office. Bristlin and Sons, Inc., is working on clean up items for the office interior. Their final pay request has been deferred until punch list items are completed. The Network Communications' final pay request has also been deferred until the audio-visual installation/training is completed.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Barnesville Phone Co.	1/25/13 billing	Admin.	\$ 159.67
Bruce E. Albright	Karen Grant memorial flowers	Admin.	\$ 63.58
Bruce E. Albright	RRBC registrations-Fjestad	Admin.	\$ 238.37
City of Barnesville	12/03/12-12/31/12 utilities	Admin.	\$ 744.39
Clay Co. Auditor/Treasurer	Becker Co. bond sale collections	Pj. 46, Turtle Lake	\$ 765.53
Cooper's Technology Group	#297809, paper/envelopes	Admin.	\$ 171.21
Dennis Schouviller	Ag waste system cost share	M.S.A. 103D.905, Subd. 3	\$ 3,500.00
Janice Coffelt	Lots 13, 14, 15, Block 3 acquisitions	Pj. 39, Georgetown	\$ 800.00
Joel Carlson, Inc.	February Lobbyist fee	Admin.	\$ 850.00
Loren & Rita Woolson	Easement option	Pj. 56, Manston	\$ 100.00
Lucke Living Trust	Easement option	Pj. 56, Manston	\$ 100.00
MAWD	2013 Annual Dues	Admin.	\$ 3,500.00
Mid States Storage	February rent	Admin.	\$ 74.00
MN Dept. of Natural Resources	Contract #46244, Stream gauges	M.S.A. 103D.905, Subd. 3	\$ 9,250.00
MN Viewers Association	2013 Associate Membership	Admin.	\$ 125.00
Paul M. & Teresa D. Tschakert	Easement option	Pj. 56, Manston	\$ 100.00
PERA	1/29/13 PERA Electronic Transfer	Admin.	\$ 181.59
Petty Cash	Postage, supplies, etc.	Admin.	\$ 200.00
Ramona L. Barker	January insurance	Admin.	\$ 118.91
Ramona L. Barker	Reimburse: Notary reg./insurance	Admin.	\$ 615.72
Ramona L. Barker	Payroll Voucher #1/13/13-1/27/1	Varies	\$ 980.20
River Keepers	2013 Contribution	River Keepers	\$ 45,000.00
RRVCPA	#112511, utility relocations	Pj. 39, Georgetown	\$ 25,166.50
RRVCPA	12/10/12-1/11/13 service (3)	Pj. 49, Oakport	\$ 254.16
Thomas A. & Susan M. Arnhalt	Easement option	Pj. 56, Manston	\$ 100.00
Vogel Law Firm	#100315, December billing	Pj. 49, Oakport	\$ 21.50
Vogel Law Firm	#100316, December billing	Pj. 72, Clay 51-Lat.	\$ 1,830.50
West Otter Tail SWCD	Area I Envirothon donation	M.S.A. 103D.905, Subd. 3	\$ 150.00
Wilkin Co. Recorder	Jerry Schmidt legal	Pj. 56, Manston	\$ 3.00
Wilkin SWCD	Area I Envirothon donation	M.S.A. 103D.905, Subd. 3	\$ 150.00
			\$ 95,313.83

Motion by Ellefson to approve payment of the bills, subject to fund availability. **Seconded** by Fjestad. **Approved.**

City of Barnesville Fish Passage Spillway. Albright reported the City's application for LOHC CPL Grant Program funding for a fish passage spillway on Whisky Creek along T.H. No. 34 east of Barnesville has been withdrawn until later this summer.

City of Lake Park. Albright reported that H.E. is working with the City of Lake Park to restore Lake Flora, which is drained by Becker County Ditch No. 7.

Water Quality Monitoring Sites. Albright and Jones will meet with River Watch, MPCA, and DNR to identify this year's monitoring sites/needs.

Payroll Professionals. Payroll Professionals have been hired to handle Mona Barker's payroll, and also the Managers' Federal and State taxes.

Hamden Slough Restoration. The Hamden Slough Comprehensive Conservation Plan Update has been completed. One of their main goals is the restoration of Pierce Lake.

Governor's Water Governance Evaluation. Albright provided the Managers with copies of the Executive Summary of Water Governance Evaluation. The report states that water should be managed on a Watershed District basis using the RRWMB as an example of regional district authority.

MAWD Legislative Breakfast. The Minnesota Association of Watershed Districts (MAWD) has scheduled their annual Legislative Reception and Day at the Capitol on Wednesday and Thursday, March 13-14, 2013, at the Kelly Inn, St. Paul, MN. The office will prepare invitations and handle registrations/reservations. Albright and all the Managers tentatively plan to attend.

Next Meeting. The next regular meeting will be held on Monday, February 11, 2013, at 7:00 PM in our Barnesville office.

Adjournment. Chairman Van Amburg adjourned the meeting at 12:23 PM.

Respectfully submitted,

John E. Hanson, Secretary