

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVENUE NE – PO BOX 341

PHONE 218-354-7710

MINUTES FOR MANAGERS' MEETING February 12, 2013

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Tuesday, February 12, 2013, at 7:00 PM 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, and Peter V. Fjestad. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, and Zach Herrmann, Engineer, Houston Engineering, Inc. (H.E.); Mona Barker, BRRWD Administrative Assistant; and Jeff Lewis, Assistant Executive Director/Policy, Red River Basin Commission (RRBC).

Chairman Van Amburg called the meeting to order at 7:08 PM. He announced that the proceedings were being recorded to aid in preparation of the minutes. The 2/11/13 meeting had been cancelled because of inclement weather.

Secretary's Report. The Board reviewed draft minutes for the 12/20/12 special meeting. **Motion** by Hanson to approve the minutes. **Seconded** by Fjestad. **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 have received \$415,485.66 since the 1/14/13 meeting. The majority of this revenue is due to grant money from the Minnesota Board of Water and Soil Resources (BWSR). We received \$168,430 for the Upper South Branch BMP and \$166,795 for conservation drainage for Clay County Ditch Nos. 9, 32, and 33. Work is authorized on both projects and, from the date of the grant approval, expenses are eligible for reimbursement. The Midwest Bank line of credit was paid off at the end of the year. The credit line expires this year and will need to be renewed. The current total account balance is \$444,621.49. Approximately \$5.4 million in revenue is anticipated for 2013. **Motion** by Paradeis Kobiela to approve the Treasurer's Report. **Seconded** by Fjestad. **Approved.**

Business brought before the Board included:

Modeling Proposal, RRBC. Lewis reported on the Halstad Upstream Retention Modeling (HUR). Retention throughout the Red River Basin is a key component for reducing damages from floods. It is also a major component of the Long Term Flood Solutions Recommendations/Report (LTFS) that Minnesota and North Dakota jointly funded through the RRBC. The LTFS identifies a target mainstem flow reduction of 20%. Those goals were based on models that were developed up to and through the 1997 spring flood. The Army Corps of Engineers (COE) has since developed new models based on more recent floods. The COE is also in the process of developing hydrologic models for each sub-watershed in the United States. Last fall, the FM-Diversion Board of Authority (FM-DBA) approved a \$500,000 allocation to the RRBC. This allocation is for Phase I modeling efforts for retention site analysis and regional impact modeling and prioritization upstream of Halstad. On 12/18/12, the Red River Watershed Management Board (RRWMB) approved funding the updates to the models; however, their funding did not cover the BRRWD since we are not a member. The work on the North Dakota side is being funded by the Joint Water Resource District.

Lewis said the modeling for the BRRWD is estimated to cost \$43,000. Outcomes of the modeling include better flood and LiDAR data, development of a synthetic model, update of the LTFS, and will put all proposed retention projects on the same page with data and information. Lewis said the RRBC is willing to fund the proposed modeling with the BRRWD on a 50/50 basis. The new modeling effort will include the recently added area to the BRRWD in Wilkin and Otter Tail Counties. Van Amburg called for discussion from the Board. **Motion** by Nelson to participate in the RRBC modeling project with the agreed upon cost share. **Seconded** by Paradeis Kobiela. **Approved.**

Permit Updates. Albright informed the Board that the 2012 permit books have been updated. Some applications still require follow up and Albright will schedule a time to meet with Van Amburg and Hanson for those that need signing.

Permit No. 13-01, Bruce Nelson. Applicant proposes to install 120 acres of pattern tiling in the NW¼, Section 16, Atherton Township, Wilkin County. The proposed tiling includes several small parcels of native prairie. The project will outlet north to an unnamed waterway via a lift station. Nelson is working with the Natural Resources Conservation Service (NRCS) regarding possible wetland concerns. **Tabled,** pending Manager field review.

Permit No. 13-02, Matthew Hasbargen. Applicant proposes to install 160 acres of patterned tiling in the SW¼, Section 21, Sunnyside Township, Wilkin County. Part of the project is in the BRRWD and part is in the Bois de Sioux Watershed District. **Tabled,** pending further investigation. Albright has asked Wade Opsahl and Justin Johnson, Technicians, H.E., to prepare ditch files for the new watershed area. This information will be needed for permit reviews.

Permit No. 13-04, Burlington Northern Santa Fe Railroad (BNSF). Applicant proposes to replace an existing bridge with 2 lines of 73" x 55" corrugated metal pipe-arched (CMPA) in the NE¼, Section 8, Wolverton Township, Wilkin County. An analysis of the request was completed by Erik S. Jones, Engineer, H.E. who recommended approval. **Motion** by Hanson to approve Permit No. 13-04. **Seconded** by Fjestad. **Approved.**

Permit No. 13-06, Detroit Lakes Wetland Management District (WMD/United States Fish and Wildlife Service (USFWS)). Applicant proposes to install water control structures and fish barrier for the enhancement of the Anderson Waterfowl Production Area (WPA) in Section 1, Audubon Township, Becker County. **Tabled,** pending Jones' review and recommendations.

Permit No. 13-07, Clay County Highway Department. Applicant proposes to replace a structurally deficient bridge over the South Branch of the Buffalo River and reconstruct a section of the township road adjacent to the bridge on the line between Sections 17 and 20, Elmwood Township, Clay County, west of the intersection of County Road (C.R.) No. 63 on Township Road No. 229. In conjunction with this work, the County also plans to grade the south road ditch and install a new culvert to provide better drainage on the south side of the project. **Tabled,** pending Jones' review.

Permit No. 13-11, City of Moorhead. Applicant proposes new utilities for the Prairie Meadows 4th Addition located in the NW¼, Section 28, Moorhead Township, Clay County. The project will include the construction of residential homes on 42 parcels, street and underground utilities, and storm sewer flow that will discharge into the Southfield-Prairie Meadows storm water pond. Albright recommended approval. **Motion** by Paradeis Kobiela to approve Permit No. 13-11. **Seconded** by Nelson. **Approved.** Albright will have Jones review the application from a technical standpoint.

Permit No. 13-12 Dennis Butenhoff. Applicant proposes 151 acres of pattern tiling in the N½, Section 16, Barnesville Township, Clay County that will outlet via gravity flow to the "west tributary" of Whisky

Creek. Albright suggested offering the applicant information about our conservation grant. **Motion** by Fjestad to approve Permit No. 13-12. **Seconded** by Hanson. **Approved.**

Akron Township. Albright commented that the issue is still being studied. Manager Larson will update the Board. Concerns pertain to a culvert that was installed a number of years ago by the Wilkin County Highway Department in County Road (C.R.) No. 169 (290th AVE) between Sections 5 and 6. Allegedly, the County installed a larger pipe after the road washed out during a flood.

Permit Software Suite. The Board discussed implementation of the permit program for the added areas in Wilkin and Otter Tail Counties. Questions were raised as to whether or not landowners should report recently completed projects and it was agreed that information is always good. Albright commented that permit applications from this area are starting to come in.

Detroit Lakes Study for Waste Water Treatment Outlet. The Board reviewed a letter from Kris Carlson, Lead Engineer, Ulteig Engineers, Inc. The City of Detroit Lakes is evaluating the possibility of using the BRRWD as a discharge point for their waste water treatment facilities. It appears the discharge would eventually outlet into Becker County Ditch No. 5 system, and the drainage would have to be added to that drainage system. Concerns were also noted about water quality. The City is looking at relocating some of their facilities in order to expand their airport. Additional information is expected in the future.

Project No. 74, Clay County Ditch No. 51-Lateral. Robert Norby has filed an appeal of the preliminary project order. His attorney, Zenas Baer, has requested a large amount of information. Baer will 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. A wetland determination by the NRCS is still pending on the Minch property in Section 28, Kragnes Township. The Board has discussed alternate project alignments. A conference is scheduled with Court Administration for 3/4/13 to discuss the upcoming hearing.

Project No. 71, City of Moorhead/50th AVE Flood Control. Albright and Mike Love, H.E., met with Landowner LeRoy Johnson. The project plans will be altered to keep Johnson out of the project. The project will provide Johnson's property with a 24" dia. pipe with a gate that will be installed through the dike, to make sure his property has drainage. The City is anxious for a hearing to be scheduled. Albright will investigate possible dates.

Project No. 70, Crystal Creek/McCann's Addition/Project No. 42, Clay County Ditch No. 67. The hearings will be held in conjunction. Albright is investigating a possible date.

Project No. 66, Tansem/Ranum Lakes Outlet. Albright is drafting a letter to Wynne Consulting for reimbursement of demolition and administrative costs.

Project No. 56, Manston Slough Restoration. The Board reviewed an easement tracking worksheet showing easement areas/land values for each affected landowner. Obtaining the remaining easements needed is in progress. A date has not yet been set for the hearing continuation. A meeting will be held with Vogel Law Firm on 2/14/13 to discuss title opinions and condemnation proceedings where needed. Plans and specifications should be ready by the 03/11/13 meeting.

Albright informed the Board that Lessard-Sams funding needs to be committed by 6/30/13 and finalized 30 days later.

Project No. 49, Oakport Flood Mitigation. The Board discussed the status of funding for Phase 4. Estimates are that \$5.62 million is needed. It is hoped this can be listed in any 2013 bonding bill proposed

by the State Legislature. Albright will meet with local legislators on 2/13/13 at the State Capitol. The Board approved Resolution No. 13-02, which details the need and requests the funding.

Project No. 39, Georgetown Levee Improvements. The contractor finished Phase 1 of the project last fall on the east side of Trunk Highway (T.H.) No. 75. He intends to complete work on the west side of T.H. No. 75 this spring. There are approximately 4 remaining land issues to be resolved on the west side of T.H. No. 75. A few more bills have been received and environmental inspections will be done on houses that are scheduled for demolition.

Albright updated the Board on the progress of the Leegard/Berger property purchase. In order for the purchase to proceed, the BRRWD has been requested to submit Articles of Incorporation. Attorney Corey Elmer, Vogel Law, is assisting in supplying the requested information.

Project No. 32, Hawley EDA Diversion. Itemized bills were sent last week to the City of Hawley and H.E. for their share of the culvert repair. Payment from each for \$13,933.39 is expected soon.

Project No. 29, Buffalo River Log Jams. Justin Johnson, Technician, H.E., and Gust Johanson have identified additional sites. Johanson has not been authorized for additional work and will submit an estimate to the BRRWD.

Mediation Project Team (PT). The next PT meeting is tentatively scheduled for 3/21/13 at 1:30 PM in the BRRWD office.

Joint Annual Conference. The RRWMB/Red River Basin Flood Damage Reduction Work Group will hold its conference on March 26-27, 2013 in Moorhead at the Courtyard by Marriott. An agenda will be forthcoming.

Watershed District Enlargement. The Board discussed the BRRWD boundary hearing that was held on 1/31/13 in Rothsay. Questions focused mainly on the eastern boundary. Several concerns were noted including the issue that Lake Haldorson is landlocked and should not be included in the watershed. The hearing was recessed and will be continued once questions and concerns can be field verified. Maps will be reviewed to determine the new legal boundaries. Albright informed the Board that the Revised Watershed Management Plan (RWMP) process for the added areas in Wilkin and Otter Tail Counties needs to begin. Citizen and technical advisory committees will be formed.

The office is also working with Wilkin County regarding the transfer of their drainage systems for the new area. Dan Swedlund, Wilkin County Highway Department, would like to schedule a hearing to transfer the Wilkin County ditches to the BRRWD. The transfer will include ditch system financial account balances. Otter Tail County has indicated they will probably keep their drainage systems for now. The first project from the new area may be a lateral off of Wilkin County Ditch No. 31. By law, any new projects must be handled by the Watershed.

Army Corps of Engineers (COE) Fargo-Moorhead Diversion. Van Amburg noted that the next Diversion Authority Committee meeting will be held on 2/14/13.

Clay County Ditch Nos. 9, 32, and 33. The BRRWD has received 50% of the funding from BWSR for the approved Clean Water Fund (CWF) grant. The funding includes conservation drainage pertaining to Clay County Ditch Nos. 9, 32, and 33 for \$166,795. Project expenses are now eligible and the right-of-way (r-o-w) hearing will be held this winter. When the authorized r-o-w payments and staking are completed, the project work should be completed yet this year. The redetermination of benefits could be completed after the grant work is done. It is hoped, everything can be done for the 2014 tax year.

Clay County Request for RRWMB Meeting. The Board discussed the status of the meeting regarding RRWMB membership. A Saturday morning meeting is being considered for early April. The meeting will be open to public. Invitations will be sent to County Commissioners, local, state, and federal legislators. An agenda will be developed, a facilitator hired, and a press release will announce the meeting details. Albright will update the Board as details are worked out.

Wolverton Creek/Comstock Coulee CWF. The grant deadline was extended to 12/31/13. Jones is working with the Minnesota Department of Natural Resources (DNR) on design details for the channel geometry. At some point, an Environmental Assessment Worksheet (EAW) will need to be prepared.

Targeted Drainage Water Management Grant. Any landowner who wishes to receive funds from the grant must have an NRCS Conservation Activity Plan (CAP) from a Technical Service Provider. Funding will be partnered with NRCS to maximize cost sharing. The approach to tiling projects will hopefully change to conservation drainage.

New Office. Albright gave a brief update of outstanding punch list items. Network Center Communications is scheduled to be on site on 2/18/13 for the ceiling microphone installation.

Clay C.D. Nos. 11, 36, 40, 49, 60-Record R/W. Albright will address with Attorney Norgard. Multiple benefits can be realized by recording.

Administrative Levy Increase. Albright reviewed a draft letter to the Clay County Board of Commissioners that could also be presented to Becker, Wilkin, and Otter Tail counties. Van Amburg and Albright are scheduled to meet with the Clay County Commissioners on 02/26/13.

Upper South Branch BMP Strategic Implementation. The Upper South Branch Best Management Practices (BMP) Project-Part 2 in Wilkin and Otter Tail Counties CWF grant from BWSR was approved for \$168,430. Wilkin and Otter tail SWCDs, through Pheasants Forever, are considering a "Conservation Day" in early April at the BRRWD office to discuss best management practices (bmps).

MAWD Legislative Breakfast. Room reservations have been made. The use of a Concordia College van will be confirmed by Van Amburg. Event details were discussed.

Payroll Professionals Update. Barker's profile is complete. Updated W-4s for Managers and authorized signers need to be completed.

Resolution 13-02 Funding Appropriation. **Motion** by Hanson to approve the funding resolution for Oakport. **Seconded** by Fjestad. **Approved.**

Lobbyist Report. Albright noted that the latest legislative update from Joel Carlson was available.

Minnesota Environmental Congress. The 2013 Minnesota Environmental Congress is scheduled for Friday, March 15, 2013 at the Bloomington Ramada Inn. Van Amburg and Albright attended last year. Van Amburg will not be available this year.

Water Control Structures. Wade Opsahl, H.E., submitted the water control structure operation records for all the detention projects.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1) Ditch Inspection. Opsahl reported concerns from his annual inspection with the ditch committee. These include slope stability in Sections 26 and 27,

Holy Cross Township. Opsahl also addressed areas that needed to be cleaned, cattail spraying, and the need to be more aggressive with bufferstrips. The 2012 culvert installation in Section 18, Dearhorn Township, Wilkin County was also addressed.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
AmeriPride Services	January rugs	Admin	\$ 53.86
C&H Farms Company	Easement Option	Pj. 56, Manston	\$ 100.00
Dacotah Paper Co.	Ice melt/paper	Admin	\$ 66.95
Fergus Falls Daily Journal	Hearing Notice (2)	WDE	\$ 1,840.80
H.E.	January billing summary	Varies	\$ 120,505.58
HES, Inc.	#697607, inspections	Pj. 39, Georgetown	\$ 1,485.00
Internal Revenue Service	Form 941 1st Qtr. Taxes-Barker	Admin	\$ 647.24
Jason Rick	January snow removal	Admin	\$ 575.00
Liberty Business Systems, Inc.	#82684, maintenance check	Admin	\$ 117.02
Louis H. Tschakert	Easement Option	Pj. 56, Manston	\$ 100.00
Lowell R & Connie M. Seidler	Easement Option	Pj. 56, Manston	\$ 100.00
Marlene Miller	Easement Option	Pj. 56, Manston	\$ 100.00
Northern Technologies, Inc.	#8873, 01/01/13-02/02/13	Pj. 49, Oakport	\$ 467.00
PERA	2/12/13 PERA Payment-Barker	Admin	\$ 148.50
Post Master	PO Box 341 annual rent	Admin	\$ 44.00
Ramona L. Barker	Payroll Voucher #1/28/13-2/08/13	Varies	\$ 862.10
RRBC	2013 Donation	RRBC/M.S.A. 103D.905, Subd. 3	\$ 25,000.00
Schmidt & Sons Construction	Greywind/Haas/Floberg (3)	Pj. 39, Georgetown	\$ 16,750.00
Sharon M. Tschakert	Easement Option	Pj. 56, Manston	\$ 100.00
Virgil & Thoreen Fankhanel	Easement Option	Pj. 56, Manston	\$ 100.00
WREC	12/19/12-1/19/13 service (2)	Pj. 46, Turtle Lake	\$ 56.11
Xcel Energy	12/22/12-01/26/13 service (2)	Pj. 49, Oakport	\$ 100.29
			\$ 169,319.45

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

RRBC Conference. Manager Hanson gave a brief report on the Annual Conference that he and Manager Fjestad attended. Albright commented on the BRRWD booth and his Lightning Talk on Wolverton Coulee.

Next Meeting. The next regular meeting will be held on Monday, February 25, 2013, at 7:00 PM.

Adjournment. Chairman Van Amburg adjourned the meeting at 9:20 PM.

Respectfully submitted,

John E. Hanson, Secretary