

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVENUE NE

PO BOX 341

PHONE 218-354-7710

MINUTES FOR MANAGERS' MEETING

March 11, 2013

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, March 11, 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, Troy Larson, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, Houston Engineering, Inc. (H.E.); Mona Barker, BRRWD Administrative Assistant; and Jeff Schaumann, Chairman, Oakport Township.

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 2/12/13 regular meeting. **Motion** by Hanson to approve the minutes. **Seconded** by Paradeis Kobiela. **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 \$52,147.13 since the 2/12/13 meeting. We currently have \$197,054.74 cash on hand. Albright has submitted a bill to the Minnesota Department of Natural Resource (DNR) for \$104,190.69 for Project 39, Georgetown Levee. It will be necessary to draw on the Midwest Bank Line of Credit to pay tonight's bills. Albright commented that it might be a good time to investigate a bond sale. Albright will talk with Carolyn Drude, Ehlers & Associates.

Business brought before the Board included:

Jeff Schaumann, Crystal Creek Assessments. Albright gave a brief background of the project. Jeff Schaumann, Chairman, Oakport Township, discussed the proposed benefits for Project No. 70, Crystal Creek/McCann's Flood Control Levees. The project was started during the 2011 spring flood when local residents decided to make the temporary levees permanent. Appraisers appointed by the BRRWD assessed benefits for the project to the entire area (Crystal Creek, Crystal Creek North, and McCanns Addition). The Township, in working with the affected homeowners, thought that the project costs should be divided on an individual basis with no cost to McCann's Addition. The project hearing is scheduled for Thursday, March 21, 2013 at 7:30 PM in the Moorhead City Hall Council Chambers. The office will prepare a breakdown of the costs and the landowners can decide at the hearing which proposal is most acceptable.

Permit Updates.

The Board did not discuss any new permit requests. Albright said there were several requests that require field review. Don Bajumpaa, District Manager, Wilkin Soil and Water Conservation District (SWCD), was sent our lists of 2011 and 2012 permit requests. Bajumpaa will review and contact those who may have an interest in conservation drainage as a retrofit to existing facilities for tiling projects.

Akron Township. Albright commented that the issue is still being studied. Manager Larson will update his Township 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.

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 Natural Resources Conservation Service (NRCS) is still pending on the Minch property in Section 28, Kragnes Township. The Board has discussed alternate project alignments. An early May trial date has been set. Attorney Baer has suggested a change in the BRRWD's preliminary hearing Order's language that states Mr. Norby constructed illegal dikes. Attorney Norgard will review feasibility of changing the order.

Project No. 71, City of Moorhead/50th AVE Flood Control. The hearing is scheduled for March 12, 2013, at 7:00 PM in the First Floor Council Chambers, Moorhead City Hall. Albright briefly reviewed the Appraisers' Benefits Statement. Mike Love, H.E., will present the Engineer's Report. The City is anxious to keep the project moving forward and would like to open bids this spring.

Project No. 70, Crystal Creek/McCann's Addition/Project No. 42, Clay County Ditch No. 67. The hearings will be held in conjunction and are scheduled for Thursday, March 21, 2013, in the First Floor Council Chambers at Moorhead City Hall. The Project No. 42 hearing will start at 7:00 PM followed by the Project No. 70 hearing at 7:30 PM. Notices and publications have been done in accordance with Statutes. The proposed redetermination for Project No. 42, Clay County Ditch No. 67, changes benefits on one property. This property was experiencing a severe erosion problem prior to the project being built in 2000.

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 easement options is in progress. The Board discussed the Joe Wulfkehule and Hulne properties in some detail. Wulfkehule requests to plant temporary and permanent right-of-way (r-o-w) to sugar beets in Section 17, Manston Township. He will allow us access to the area as soon as the beets are harvested, which he estimated around 09/15/13.

Discussions have taken place with the Minnesota Department of Natural Resources (DNR) and the Minnesota Board of Water and Soil Resources (BWSR) regarding the Reinvest In Minnesota (RIM) funding allocated by BWSR for the project. BWSR needs to transfer the funding to the DNR, who will then transfer it to the BRRWD through a series of contract agreements. The office plans to schedule the continuation hearing for some time in April 2013.

Project No. 49, Oakport Flood Mitigation. The Board discussed a resolution for the Oakport Flood Mitigation for certification of the levee completed around Brentwood/Rolyn Acres subdivisions. This phase of the levee work was completed last summer. All of the documents will be sent to the Federal Emergency Management Agency for approval. Albright commented that the certified levee would require annual inspections. The BRRWD will work with the City of Moorhead. **Motion** by Hanson to approve the resolution. **Seconded** by Paradeis Kobiela. **Approved.**

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. Albright updated the Board on the easements left to obtain. Part of the work includes moving of several houses. As soon as conditions allow this spring, the contractor is expected onsite to finish the project. Environmental inspections will be done on houses that are scheduled for demolition.

Project No. 29, Buffalo River Log Jams. Justin Johnson, Technician, H.E., and Gust Johanson have identified additional sites. Albright informed Johanson that additional work would be reviewed this fall. The BRRWD is currently short of project funding. In addition, the conditions are starting to deteriorate.

Project No. 31, Deerhorn Creek Levees. Landowner, Aaron Carr has requested an additional culvert. Manager Ellefson and Albright will field review. Carr has been in the office several times to complain about water currently draining through his yard in the northwest corner of Section 30, Prairie View Township, Wilkin County.

Mediation Project Team (PT). The next PT meeting is tentatively scheduled for 4/04/13 at 1:30 PM in the BRRWD office.

Joint Annual Conference. The 15th Annual Joint Conference between the Red River Watershed Management Board (RRWMB) and the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) will be held March 26-27, 2013 at the Courtyard by Marriott and Conference Center, Moorhead MN. Albright noted that there might be an opportunity to discuss RRWMB membership issues while at the Conference.

Watershed District Enlargement. Maps will be reviewed to determine the new legal boundaries. 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 boundary hearing was held on 01/31/13 in Rothsay, and was recessed to conduct field reviews this spring when conditions permit.

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 to Wilkin County Ditch No. 31. By law, the BRRWD must handle any new projects.

Advisory Committee. The annual meeting of the Advisory Committee is tentatively scheduled for Friday, April 5, 2013, 2:00 PM at the Galaxie Supper Club. The Board discussed adding new members from Wilkin and Otter Tail Counties. Manager Larson will contact individuals from Wilkin County.

Army Corps of Engineers (COE) Fargo-Moorhead Diversion. Van Amburg commented on recent publicity in Bismarck regarding use of North Dakota funds to work in the project.

Clay County Ditch Nos. 9, 32, and 33. The office received a BWSR grant for \$333,590 to assist with the buffer strip establishment and the installation of side inlets, which will help control erosion. The BRRWD would like to stake the required right-of-way prior to spring planting so the work can be completed as soon as conditions permit this spring. If we miss this opportunity, the work will be delayed one year. **Motion** by Nelson to authorize scheduling the hearing for the acquisition of right-of-way needed to install the one-rod grass buffer strips on Clay County Ditch Nos. 9, 32, and 33 in accordance with Minnesota Statute Annotated (M.S.A.) 103E.021. **Seconded** by Fjestad. **Approved.**

Elkton Township Wetland Restoration. The Ziegler Construction contract is in place, and Wade Opsahl, Technician, H.E., has been working with Harlen Hendrickson, Cro's Custom Services, to do the seeding on the project's wetland mitigation sites. That work should take place this summer. Public notices have been sent through the COE for the mitigation. Van Amburg commented on the wetland credit program and possible changes in the future to coordinate the federal and state banking programs.

Ag Day. Letters will be sent to landowners on the South Branch of the Buffalo River and Whisky Creek project areas inviting them to the BRRWD office on Tuesday, April 2, 2013 from 9:00 to 11:00 AM for Conservation Day. It is also open to the public. The focus will be on conservation information and to promote the use of Best Management Practices. Albright will solicit the Barnesville Rod and Gun Club for a contribution at an upcoming meeting for assistance to help fund Tony Nelson's position at the Clay SWCD. Mr. Nelson is a Pheasants Forever (PF) employee.

Minnesota Association of Watershed Districts (MAWD) Legislative Reception and Day at the Capitol. Managers/staff will be attending the upcoming MAWD Legislative Reception and Day at the Capitol on March 13-14, 2013 in St. Paul. A number of legislative meetings have been arranged. The BRRWD is pursuing two issues this Session, which include Oakport Flood Mitigation Project funding and a possible increase in the BRRWD's general administrative levy.

Clay County Request for Red River Water Management Board (RRWMB) Meeting. April 6, 2013 still remains available for a meeting. There also may be an opportunity to meet during the Joint Annual Conference or during the Legislative Reception and Day at the Capitol.

Administrative Levy Increase. Van Amburg and Albright met with the Clay County Commissioners on 3/05/13 at which time three petitions were approved for funding under Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3, and a letter of support was issued to increase the general levy. Representative Lien informed Albright that the letter of support would be held until there was progress in the BRRWD's relationship with the RRWMB.

New Office. Albright has not reviewed the updated punch list. On tonight's bill list is Pay Request No. 7 to Bob Bristlin & Son Construction, Inc. **Motion** by Hanson to approve Pay Request No. 7 to Bob Bristlin & Son Construction, Inc. **Seconded** by Larson. **Approved.** The Board reviewed a proposal for blinds. Online sources will be investigated and another vendor will be contacted for a comparison quote.

Clay County Ditch No. 49. A ditch system landowner (Wayne Brendemuhl) has filed a repair request to install additional inlet pipes/gates for property he operates in the NE $\frac{1}{4}$, Section 23 and the SW $\frac{1}{4}$, Section 13, Kragnes Township. **Motion** by Nelson to authorize H.E. to investigate the request. **Seconded** by Fjestad. **Approved.**

Wolverton Creek/Comstock Coulee CWF. The grant deadline was extended to 12/31/13. Jones is working with the DNR on design details for the channel geometry. At some point, an Environmental Assessment Worksheet (EAW) will need to be prepared. The Board plans to hold a landowner meeting in June.

Targeted Drainage Water Management Grant. Any landowner who wishes to receive funds from the grant must have an NRCS Conservation Activity Plan (CAP) 130 from a Technical Service Provider. Funding will be partnered with NRCS to maximize cost sharing. It is hoped the approach to tiling projects will change to conservation drainage.

Clay C.D. Nos. 11, 36, 40, 49, 60-Record R/W. Erik Jones, H.E., is corresponding with Attorney Norgard. Multiple benefits can be realized by recording. These drainage systems all have the required one-rod grassed buffer strips.

Red River Basin Commission (RRBC). A contract has been prepared by H.E. to proceed with the RRBC modeling project as approved at the 2/12/13 BRRWD meeting. The \$43,200 cost will be shared between the RRBC and the BRRWD (50/50).

International Water Institute (IWI). A contribution request has been received for the 18th Annual River Watch Forum on March 20, 2013. **Motion** by Nelson to contribute \$200 towards this event. **Seconded** Paradeis Kobiela. **Approved.**

Becker SWCD. An invitation was received to attend a retirement party on 3/20/13 for one of Becker SWCD's long-time employees, Ginger Flynn.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
AmeriPride Services	#160000805, rugs	Admin	\$ 53.86
Anderson Family	Easement Option	Pj. 56, Manston	\$ 100.00
Bob Bristlin & Son Const., Inc.	Pay Request No. 7	New Office	\$ 14,671.80
Breanna Paradeis Kobiela	#1305, 01/01/13-2/28/13	Varies	\$ 451.84
Bruce E. Albright	3/07/13 Viewers' dinner	Pj. Nos. 42,70,71, Becker 10/19	\$ 40.00
Bruce E. Albright	MAWD Reception reservations (5)	Admin	\$ 375.00
City of Barnesville	02/25/13 Phone/2 lines/DSL	Admin	\$ 159.67
City of Barnesville	02/25/13 Utilities	Admin	\$ 728.98
Clay SWCD	FY 13 (7/01/12-6/30/13) PF contribution	M.S.A. 103D.905, Subd. 3	\$ 2,000.00
Curtis M. Nelson	#1303, 01/01/13-2/28/13	Varies	\$ 598.09
FEMA	MT-2 application/levee certification	Pj. 49, Oakport	\$ 5,000.00
Fuchs Sanitation	2/28/13 statement/garbage	Admin	\$ 37.44
Gerald L. Van Amburg	#1304, 01/01/13-2/28/13	Varies	\$ 1,203.12
H.E.	February billing	Varies-see attached	\$ 174,213.40
IRS	EFT-Form #941 1st QTR deposit	Varies	\$ 249.65
IWI	18th River Watch Forum	M.S.A. 103D.905, Subd. 3	\$ 200.00
Jason Rick	February snow removal	Admin	\$ 455.00
John E. Hanson	#13-02, 01/01/13-2/28/13	Varies	\$ 1,153.78
MN Revenue	EFT-State Payroll Tax Deposit	Varies	\$ 41.00
Network Center Communications	02/21/13 statement, AV	New Office	\$ 21,510.02
Payroll Professionals	3/13/12 billing transfer-Barker payroll prep	Admin	\$ 40.60
PERA	EFT-3/08/13 PERA Payment-Barker	Varies	\$ 160.34
Peter V. Fjestad	#1307, 01/01/13-2/28/13	Varies	\$ 982.69
Premium Waters, Inc.	#366590-02-13, water	Admin	\$ 52.42
Rachel Contracting, Inc.	Pay Request No. 6, Phase 3C	Pj. 49, Oakport	\$ 238,559.64
Ramona L. Barker	Payroll Voucher 2/24/13-3/09/13	Varies	\$ 913.66
Red River Title Services, Inc.	#221250, Nowacki abstract	Pj. 39, Georgetown	\$ 165.00
Roger G. Ellefson	#1301, 01/01/13-2/28/13	Varies	\$ 469.25
Salber & Associates, Inc.	#2269, 2012 tax forms	Admin	\$ 460.00
Thomas L. Thomas	Easement Option	Pj. 56, Manston	\$ 100.00
TRN Abstract & Title, R/W	Abstract updates (8)	Pj. 56, Manston	\$ 957.00
Troy Larson	#1306, 01/01/13-2/28/13	Varies	\$ 375.80
UEI	#35770, Feb. billing/Phase 3	Pj. 49, Oakport	\$ 1,610.00
UEI	#35772, Feb. billing/levee certification	Pj. 49, Oakport	\$ 22,360.00
Vogel Law Firm	#102460, January billing	Pj. 49, Oakport	\$ 516.00
Vogel Law Firm	#102461, January billing	Pj. 74, Clay 51-Lat. 3	\$ 215.00
Vogel Law Firm	#103294, 01/24/13-02/15/13	Pj. 56, Manston	\$ 430.00
Vogel Law Firm	#103295, February billing	Pj. 39, Georgetown	\$ 2,209.00
WREC	01/19/13-2/18/13 service (2)	Pj. 46, Turtle Lake	\$ 58.11
Xcel Energy	01/26/13-2/23/13 service (2)	Pj. 49, Oakport	\$ 90.16
			\$ 493,967.32

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

Employee Review. The annual review for Mona Barker is tentatively scheduled for April 8, 2013. The Board will meet in closed session at 6:15 PM prior to the regular meeting.

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

Adjournment. Chairman Van Amburg adjourned the meeting at 9:25 PM.

Respectfully submitted,

John E. Hanson, Secretary