The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, March 25, 2013, at 7:00 PM in the Barnesville office. BRRWD Managers present were, Breanna L. Paradeis Kobiela, Roger G. Ellefson, Curtis M. Nelson, John E. Hanson, Troy Larson, and Peter V. Fjestad. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, and Erik Jones, Engineer, Houston Engineering, Inc. (H.E.); Mona Barker, BRRWD Administrative Assistant; Sara Maninga, Minnesota Department of Transportation (MnDOT); and landowners: Joy and David Stumbo, Clay Co. Ditch No. 67.

Vice Chair Paradeis Kobiela called the meeting to order at 7:00 PM. She announced that the proceedings were being recorded to aid in preparation of the minutes.

**Secretary's Report.** A date error was noted on the agenda. **Motion** by Fjestad to amend the 3/25/13 agenda. **Seconded** Ellefson. **Approved.** The Board reviewed draft minutes of the 02/25/13 regular meeting. **Motion** by Hanson to approve the minutes. **Seconded** by Nelson. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's financial status. Payments were received from the State of Minnesota and the Minnesota Pollution Control Agency (MPCA). The Minnesota Department of Natural Resources (DNR) funding was for Project No. 39, Georgetown Levee Improvement. The Midwest Bank Line of Credit was advanced by approximately $150,000. Albright will be submitting a bill for reimbursement on Project No. 71, City of Moorhead, 50th AVE S for approximately $100,000. Carolyn Drude, Ehlers & Associates, Inc. has not been contacted regarding a bond sale.

**Business brought before the Board included:**

**Project No. 42, Clay County Ditch No. 67.** The hearing for a Redetermination of Benefits on Project No. 42, Clay County Ditch No. 67 was held on Thursday, March 21, 2013 in the First Floor Council Chambers, Moorhead City Hall. The intent of the redetermination was to change the benefits on Joy and David Stumbo's property to match neighboring properties. This particular property received a higher benefit in 2000 because of the erosion that was occurring on that property. The erosion has been corrected and is no longer a problem. **Motion** by Nelson to accept the Viewers' Report and make the Final Order for the redetermination of benefits, subject to a 30-day appeal period. **Seconded** by Fjestad. **Approved.**

**Project No. 70, Crystal Creek/McCann's Addition.** The Project No. 70 hearing was also held on Thursday, March 21, 2013 at 7:30 PM in the First Floor Council Chambers, Moorhead City Hall. Landowners in the Crystal Creek/McCann's Addition voiced their concerns and have suggested yet another option for assessing the costs. Albright has modified the Order to include consideration of this project, if future projects should be suggested by the BRRWD, the Township, or the City of Moorhead. **Motion** by Hanson to close the hearing. **Seconded** by Larson. **Approved.** **Motion** by Fjestad to make the Final Order for Project No. 70. **Seconded** by Nelson. **Approved.**
Project No. 71, City of Moorhead/50th AVE Flood Control. The hearing was held 3/12/13 and the order made that same night. The City is anxious to keep the project moving forward and would like to open bids this spring. **Motion** by Hanson to authorize bid opening. **Seconded** by Larson. **Approved.** Jones updated the Board on the Leroy Johnson property, which will not be included in the project area.

Sara Maninga, MnDOT, attended the Project No. 42 and Project No. 71 hearings. She has asked for an explanation of any benefits placed on State highways. Albright is working with the Appraisers on a letter of explanation for calculating benefits for State roads. The office hopes to send the information later this week.

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

**Permit No. 13-02, Matthew Hasbargen.** Applicant proposes to install 160 acres of pattern 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 (BDSWD). **Tabled,** pending further investigation.

**Permit No. 13-13, Jay and Carl Nord.** Applicant proposes 154 acres of pattern tiling in NE¼, Section 17, Deerhorn Township, Wilkin County. **Motion** by Larson to approve Permit No. 13-13, subject to Wilkin County Highway Department approval to work within their road right-of-way (R/W), permission from the Altenbernd family who are downstream between the project and Clay-Wilkin Judicial Ditch No. 1 (J.D. 1), and the BRRWD’s standard tiling disclaimer. **Seconded** by Fjestad. **Approved.**

Albright then spoke of the status of our Conservation Drainage grant from the Minnesota Board of Water and Soil Resources (BWSR). He is compiling a list of Technical Service Providers (TSP) who are approved to provide the Conservation Activity Plan (CAP) 130, which begins the process. The Board discussed cost share opportunities and processes. Jones explained that two programs exist under the grant, one is the nutrient management plan (CAP 104) and the drainage water management plan (CAP 130). A list will be developed of CAP 104 providers as well.

**Permit No. 13-14, Todd Johnson and Richard Jensen.** Applicant proposes waterway tiling in the SW¼, NE¼, Section 30, Norwegian Grove, Otter Tail County. NRCS has approved the plan. **Motion** by Fjestad to approve Permit No. 13-14, subject to the BRRWD’s standard tiling disclaimer. **Seconded** by Larson. **Approved.**

**Permit No. 13-15, KTM Farm.** Applicant proposes 155 acres of pattern tiling in Section 9, Andrea Township, Wilkin County. **Tabled.**

**Permit No. 13-16, KTM Farm.** Applicant proposes 550 acres of pattern tiling in Section 31, Andrea Township, Wilkin County. **Tabled.**

**Permit No. 13-17, Gerald C. Zimmerman.** Applicant proposes 140 acres of pattern tiling with sub-irrigation in the SW¼, Section 32, Morken Township, Clay County. **Motion** by Ellefson to approve Permit No. 13-17 subject to County approval to work within their road R/W County State Aid Highway (CSAH) No. 26 and the BRRWD’s standard tiling disclaimer. **Seconded** by Larson. **Approved.**

The Board discussed the use of lift stations during times of flooding and whether the BRRWD should evaluate changes in the rules. Albright commented on the importance of somewhat uniform rules between
Watershed Districts. To those using pumps, Larson suggested a request for non-use when downstream flooding is a concern. Albright said the Red River Valley watershed district administrators met last summer to discuss standardization of rules in regards to tiling projects. Louis Smith, Attorney, Smith Partners, PLLP, is reviewing the suggested rules and their compliance with Watershed Law.

**Permit No. 13-19, Jim Blaufuss.** Applicant proposes 320 acres of pattern tiling in the S½, Section 8, Sunnyside Township, Wilkin County. **Tabled.**

**Permit No. 13-20, Alden Paul Brendemuhl, Jr.** Applicant proposes 294 acres of pattern tiling in the W¹/₂, Section 33, Riverton Township, Clay County. **Tabled, pending Manager field review.**

**Permit No. 13-21, Shawn and Jesse Norman.** Applicant proposes 90 acres of pattern tiling in the NE¹/₄ west of Trunk Highway No. 9, Section 29, Manston Township, Wilkin County. **Tabled.** Albright said this work is being done because of Project No. 56, Manston Slough Restoration. The office is still working with Normans on their project easement option.

**Permit No. 13-22, Tom Radig.** Applicant proposes 136 acres of pattern tiling in the NW¹/₄, Section 22, Connelly Township, Wilkin County. **Tabled.**

**Permit No. 13-23, Sam's Real Estate Business Trust.** Applicant proposes the development of a shopping center in the SE corner, Section 15, Moorhead Township, Clay County. **Tabled.** Albright will forward the application and supporting data to Jones for his review. His opinion should be available for the 04/08/13 meeting.

**Permit No. 13-24, Brian Wang.** Applicant proposes 200 acres of pattern tiling in the SW¹/₄ and in the SE¹/₄, Section 9, Moland Township, Clay County. **Motion** by Hanson to approve Permit No. 13-24 subject to the BRRWD's standard tiling disclaimer. **Seconded** by Nelson. **Approved.** Albright noted that Wang is interested in Drainage Water Management (DWM).

**Permit No. 13-25, Mark Ekre.** Applicant proposes 80 acres of pattern tiling in the S½, NW¹/₄, Section 31, Hawley Township, Clay County. **Tabled, pending Manager field review.**

**Permit No. 13-26, Clay Co. Highway Department.** Applicant proposes replacing a bridge on Clay County Ditch No. 58, Sections 10 and 11, Elmwood Township. **Tabled, pending Jones' review.**

**Permit No. 13-27, Clay County Highway Department.** Applicant proposes to reset 7 home entrance culverts in the NE corner of Section 26, Oakport Township. **Tabled, pending Jones' review.**

**Permit No. 13-28, City of Dilworth.** Applicant proposes development of 33 lots on approximately 8 acres, including street and utility improvement, for Woodbridge 5th Addition in the SW¹/₄, Section 1, Moorhead Township, Clay County. **Motion** by Ellefson to approve Permit No. 13-28 subject to Jones' review. **Seconded** by Fjestad. **Approved.**

**Permit No. 13-29, Bradley Nelson.** Applicant proposes pattern tiling in the E½ SE¹/₄, Section 17, Deerhorn Township, Wilkin County. **Motion** by Hanson to approve Permit No. 13-29 subject to the BRRWD's standard tiling disclaimer. **Seconded** by Larson. **Approved.** The outlet will drain south to Wilkin County Ditch No. 5A for which the property is assessed.

**Permit No. 13-30, Kevin and Brad Nelson.** Applicant proposes 480 acres of pattern tiling in Section 26, Oakport Township, Clay County. **Tabled pending Manager field review.** Albright said there are no legal drainage systems in this area. We will want to document the path of the water.
**Permit No. 13-31, Todd Sorum.** Applicant proposes random tiling in the SE¼ and the W½ NE¼, Section 30, Norwegian Grove Township, Otter Tail County. **Motion** by Nelson approve Permit No. 13-31 subject to the BRRWD's standard tiling disclaimer. **Seconded** by Fjestad. **Approved.**

**Akron Township.** 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. The pipe is now bigger than downstream culverts. Last fall, the NRCS completed a Wetland Restoration Project (WRP) on the upstream land. This will change area drainage/outflow characteristics. The downstream landowner would like to see the County remove the larger pipe and replace it with the original sized culvert. The Board also discussed history of area ditch maintenance issues. (Wilkin County Ditch No. 6A).

**Mike Detloff Concern.** The Board discussed a drainage complaint from a homeowner on the south end of the City of Barnesville who has standing water in his backyard that needs to be pumped during the spring melt and after heavy rains. The homeowner felt with a small amount of ditch work, the problem could be resolved. The water is supposed to go south and west to the ditch along CSAH No. 52, where it drains south. Albright suggests reviewing and developing a plan when conditions and time permit. Working with the City of Barnesville may also be an option. Albright commented on the need for a Municipal Drainage Plan for the City of Barnesville. The concern area is located in the NE¼, Section 31, Barnesville Township. The field owner is Brian Ellefson, farmed by his brother Brent.

**Project No. 75, Wilkin County Ditch No. 31-Lateral.** The Board acknowledged receipt of a petition and bond for the development of a lateral to Wilkin County Ditch (C.D.) No. 31. Attorney, Tami Norgard, Vogel Law Firm, has reviewed the petition and states it is valid, though the petitioner does need to resubmit the petition with his printed name and signature. The project is located in Section 14, Connelly Township. The intent of the project is to direct water south along the east side of Trunk Highway (T.H.) No. 9 into C.D. No. 31. Landowners in the area feel the natural waterway to the west, Whisky Creek, is plugged and the DNR will not allow them to clean the channel. The next step in the process will be the development of the preliminary Engineer's Report, which will be completed by H.E. **Motion** by Ellefson to accept the petition and bond and authorizing H.E. to develop the preliminary Engineer's Report in accordance with Minnesota Statutes Annotated (M.S.A.) 103E.245. **Seconded** by Nelson. **Approved.**

Manager Ellefson asked about the boundaries of the new area. Albright and Jones confirmed that eastern boundary should be established within the next few months. Ellefson wondered if the project was in the new watershed area.

**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 hearing recording and review the requested information/documentation. The Board reviewed a letter from BRRWD Attorney Tami Norgard, Vogel Law Firm. A wetland determination by NRCS is still pending on the Minch property in Section 28, Kragnes Township, Clay County. The Board discussed alternate project alignments. An early May trial date has been set before Judge Cahill. 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. Albright updated the Board on the request for information from Attorney Baer and the Data Practice Policy of the BRRWD. Paralegal, Barb Nash, Vogel Law Firm, was in the office to review information for client/attorney confidentiality.

**Project No. 56, Manston Slough Restoration.** Albright updated the Board on the remaining easement options. The office is planning on holding the continuation hearing sometime in mid-April 2013. The hearing will be held in the BRRWD office. The hearing process was started on 05/21/12. The Board
would like to have this project out for bids by mid-May 2013. A meeting was held with Vogel Law Firm on 2/14/13 to discuss title opinions and condemnation proceedings, if needed.

The Board discussed the Joe Wulfkehule and Hulne properties in some detail. Landowners with permanent right-of-way have requested a higher per acre value because of recent area land sales. After considerable discussion, the Board did increase their offer from $4,000 per acre to $5,000 per acre. Affected landowners will be contacted. Motion by Hanson to increase the permanent R/W payment to $5,000 per acre with the condition that this is the maximum that will be paid. Seconded by Larson. Approved. The change will be applicable to all landowners with permanent R/W.

**Project No. 49, Oakport Flood Mitigation.** The Board discussed testimony presented by Albright last week at a Minnesota Senate Environment Committee Hearing in St. Paul. The BRRWD needs approximately $5.62 million to complete Phase 4 of the Oakport Flood Mitigation Project. Albright felt the best possibilities for funding would be that the DNR gives us enough money to complete the project in the next 2 years (2013/2014). A project status update from Kris Carlson, Ulteig Engineers, Inc. (UEI) was reviewed. The levee certification for Brentwood/Rolyn Acres Subdivisions has been submitted to the Federal Emergency Management Agency (FEMA) for their approval. A final walk-through will be conducted with the contractor on Phase 3C this spring when conditions permit. Final payment can be made after the review. Seeding on the project’s wetland mitigation sites is needed and that work should take place this summer. Motion by Fjestad, based on UEI's recommendation, to hire Harle & Hendrickson, Cro's Custom Services, to seed on the project's wetland mitigation sites. Seconded by Hanson. Approved.

**Project No. 39, Georgetown Levee Improvements.** The contractor finished Phase 1 of the project last fall on the east side of T.H. No. 75. He intends to complete work on the west side of T.H. No. 75 this spring as soon as conditions permit. Equipment and materials may be placed onsite this week. Albright updated the Board on the easements left to obtain. Part of the work includes moving several houses. Environmental inspections will be done on houses that are scheduled for demolition. The Herman Clark property has closed. Setting the dike back to exclude the Floberg property from the need for an easement has been requested by Albright and H.E. is looking into the possibility. Albright is meeting with Representatives from the City of Georgetown on 3/27/13 to discuss possible spring flood preparations. They would also like an update on the levee improvement project.

**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.

**Project No. 19, Becker County Ditch No. 21.** Jerry Matter has requested to install a crossing or relocate the ditch to gain access to a piece of property he owns on the west side of the ditch in the SE¼, Section 10, Riceville Township. The area is currently in Conservation Reserve Program (CRP) but will be removed later this year. A field review is necessary. Albright will contact Manager Hanson.

**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.
**Watershed District Enlargement.** The watershed district enlargement hearing was held on 1/31/13 in Rothsay and focused mainly on the eastern boundary. Maps will be reviewed to determine the new legal eastern boundary. 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. Several concerns were noted and the 01/31/13 hearing was recessed. Albright and Fjestad will field visit the area where conditions permit to verify questions and concerns. Albright met with and updated West Otter Tail County Township Supervisors on 03/21/13 in Underwood MN.

Albright has spoken with Jon Roeschlein, Administrator, Bois de Sioux Watershed District (BDSWD), who is also working on boundary concerns along our southern boundary. Maps will be given to the BRRWD for review. Descriptions of new properties must be submitted to the Secretary of State for taxation and determining the correct southern boundary at this time would be beneficial.

**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. Albright updated the Board on new committee members from Wilkin and Otter Tail Counties.

**Army Corps of Engineers (COE) Fargo-Moorhead Diversion.** United States Senator John Hoeven, North Dakota, announced that a Water Resources Development Act (WRDA) bill has cleared a Senate Committee hearing and the Fargo-Moorhead Diversion Project is named in the bill. The bill will go to the full Senate in April or May and then to the House. The project is not currently authorized for federal funding.

**Clay County Ditch Nos. 9, 32, and 33 Redeterminations.** 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 process will be handled in accordance with M.S.A. 103E.021. The BRRWD would like to stake the required R/W 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 need to be delayed one year. The BRRWD has received 50% of the funding from BWSR for the approved Clean Water Fund (CWF) grant. Project expenses are now eligible and the R/W hearings can be held (M.S.A. 103E.021. Subd. 6). Authorized R/W payments and staking can be completed before field work begins so the project could be completed this year. Jones said the recordable description certificates for the ditches will soon be finished. The hearing for the installation of one-rodd grassed buffer strips and side inlet controls will be held on Thursday, April 18, 2013 at 7:00 PM in the 1st Floor Moorhead City Hall Council Chambers. Affected landowners will be mailed notice.

**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.

**Conservation Day SWCD.** Approximately 800 notices were mailed for "Conservation Day", which will be held by Pheasants Forever (PF) in the Barnesville BRRWD office on Tuesday, April 2, 2013 from 9:00 AM to 11:00 AM. Landowners in the Whisky Creek watershed near Barnesville and the South Branch of the Buffalo River area in Wilkin and Otter Tail Counties have been targeted. Agencies plan to furnish information to landowners regarding conservation practices. The meeting is open to the public.

**Clay County Request RRWMB Meeting.** A Saturday morning meeting in early April is still a possibility. The meeting will be open to public and may be held at Minnesota State University-Moorhead (MSUM). After the March Conference on Tuesday, March 26, Managers are invited to talk with members
of the RRWMB. The Board has authorized the meeting for local, county and state officials to learn more about the RRWMB.

**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.

**Buffalo River Total Maximum Daily Load (TMDL) Study.** A meeting was held in the Barnesville office on Tuesday, March 19, 2013 with the BRRWD, H.E., and the MPCA. Two TMDL projects exist, one for rivers and the other for lakes. The TMDL information is submitted to the Environmental Protection Agency (EPA) in Chicago for review. The Watershed Restoration and Protection (WRAP) plan refers to the strategies and implementation on a local level. The draft document is to be completed by the first of the year for review and comment.

**BRRWD General Levy Increase.** Representative Lien and Senator Eken have informed Albright that the letters of support would be held until there was progress in the BRRWD’s relationship with the RRWMB. Albright does not anticipate General Levy support this Legislative session.

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

**New Office.** Some punch list items have been addressed. Another proposal for window treatments will be received as well as online options to review costs. The electrician has added a switch to reduce the number of lights in the cubicle area. Albright discussed the need for a fire proof safe for computer back-up tapes. **Motion** by Ellefson to purchase a safe in the $300 to $400 range. **Seconded** by Nelson. **Approved.**

**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 the R/W. These drainage systems all have the required one-rod grassed buffer strips.

**2013 Spring Flood.** Wade Opsahl, Technician, H.E. has requested that the Board authorize channeling in the needed ditch areas in preparation of the 2013 spring run-off. It is more cost effective to remove snow at this time than to wait for the ditches to fill with water. **Motion** by Hanson to authorize hiring of equipment needed for the channeling on an as needed basis. **Seconded** by Nelson. **Approved.**

**Turtle Lake.** The Board discussed the elevations of Turtle and Long Lakes. Homeowners around Turtle Lake are beginning to get concerned and would like to see the BRRWD restart the siphons before the spring melt. Elevations of both lakes were taken today and each is within their normal operating range. The siphons can be restarted as soon as flood water starts to recede on the Buffalo River near Georgetown. The lake association would still like to meet to discuss a redetermination of benefits.

**State Audit Filing.** The BRRWD filed the 2011 financial report and is now current with the State. Harold Rotunda, Certified Public Accountant (CPA) has not started the 2012 audit.

**COE Public Notice.** The COE wants to be involved in tiling permits. The Board briefly discussed this topic. Albright felt it will be difficult for the COE to handle the huge volume of requests.

**River Keepers.** Their annual meeting will be held Thursday, March 28, 2013. River Keepers is helping in a re-forestation project along the Red River. The BRRWD activities will be used to augment their proposal for funding.
The following bills were presented for approval:

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$ 6,588.33

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

Next Meeting. The next regular meeting will be held on Monday, April 8, 2013, at 7:00 PM. A closed session meeting will be held at 6:15 for employee evaluation.

Adjournment. Vice Chair Paradeis Kobiela adjourned the meeting at 11:00 PM.

Respectfully submitted,

John E. Hanson, Secretary