

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

August 12, 2013

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, August 12, 2013, at 7:30 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Roger G. Ellefson, Curtis M. Nelson, Breanna L. Paradeis-Kobiela, John E. Hanson, Troy E. Larson, and Peter V. Fjestad. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, Houston Engineering, Inc. (H.E.); Ramona Barker, BRRWD Administrative Assistant; and landowners Ronnie Tang, Dean Meyer, Paul Quinnild, and Mike Morton.

Chairman Van Amburg called the meeting to order at 7:32 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 07/16/13 special meeting minutes. **Motion** by Paradeis-Kobiela to approve the minutes. **Seconded** by Nelson. **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. Cash on hand is \$791,181.90. We received \$675,657.58 this past month. The main source of income was a payment from Clay County for their 2013 1st half ditch/project tax collections (\$450,200.58) and reimbursements from the Minnesota Department of Natural Resources (DNR) for Project No. 56, Manston Slough Restoration (\$36,714.50) and Project No. 39, Georgetown Levee Improvement (113,973.69), totaling \$150,688.19. Other income came from the Minnesota Pollution Control Agency (MPCA) for the pay request we sent in May for the Buffalo River Total Maximum Daily Load (TMDL) expenses (\$10,080.55) and several smaller payments from the Red River Watershed Management Board (RRWMB) for Mediation Project Team (PT) expenses (\$1,529.00), Distributed Detention Study Storage Identification (\$17,091.76), Comprehensive Plan Update (\$21,133.62), and Swede Grove Lake (\$5,000.00). **Motion** by Ellefson to approve the Treasurer's Report. **Seconded** by Hanson. **Approved.** Albright noted that Clay County will have the bond sale proceeds ready for disbursement to the BRRWD this week. The BRRWD will need to provide funding resolutions for some of the older projects.

Clay County Ditch (C.D.) No. 11. Dean Meyer plans to move a house onto a farmstead he purchased south of Rustad on C.D. No. 11. Meyer is working with Wade S. Opsahl, Technician, H.E., to determine the correct elevation for the house. The entrance to the property crosses C.D. No. 11 with a wooden bridge that needs repair. Jerdee Bridge Company provided a cost estimate of approximately \$11,900 to repair the bridge. The Board reviewed an aerial map of the location. The existing bridge has a waterway area of approximately 120 square feet (sq. ft.). The next downstream crossing's waterway area is approximately 55 sq. ft in the railroad tracks. The crossing is an 84" dia. reinforced concrete pipe-arch (RCP-A) with a 25.6 sq. ft waterway area. Jones discussed the cost comparison between repairing the bridge and replacing it with a new 117" span culvert (40-50 sq. ft. waterway area), which would cost approximately \$10,000. He explained that during high water events, the driveway overtops before the bridge does. Albright noted that the existing bridge hasn't been repaired in at least 30 years. Meyer explained the safety issues related to the existing bridge. He also discussed his plans to move his new house to the property and maintenance of the bridge. Meyer noted that the neighboring landowner, Kevin Olsgaard, would prefer that the bridge be repaired, not replaced. Jones recommended that the Board consider repairing the existing bridge. Albright commented that about 1 mile west of this bridge, the BRRWD replaced an existing bridge with 2 lines of RCP-A. The costs for this work were nearly \$100,000 and were shared by the BRRWD (one-third), the

landowner (one-sixth), and Clay County (one-half). Albright pointed out that the BRRWD should consult with the Clay County Highway Department for their input about the Meyer proposal. Meyer will contact Olsgaard to discuss splitting the landowners' one-sixth share of the bridge repair costs. **Motion** by Ellefson to accept Jerdee's bridge repair quote, subject to Clay County Highway Department's review and acceptance of the funding formula. **Seconded** by Larson. **Approved**. Meyer noted that the work needs to be done by the beginning of October so that concrete trucks can use the new structure.

Meyer noted that he would like a culvert with a flapgate installed along his driveway to protect his property from water backing out of the ditch during high water events. He would like another culvert/gate in an approach on Kevin Olsgaard's property downstream of the bridge. Olsgaard would not oppose the proposal as long as the culvert was placed at the correct elevation. He added that there is a significant amount of trees/brush on the C.D. No. 11 right-of-way (r-o-w) along his property that should be removed. Albright provided a ditch repair request for Meyer's signature for this work. Jones will conduct an investigation of the request and provide recommendations for the Board's review.

Mike Morton Complaint. Morton reported that there is a transient population/trespassing problem on both BRRWD and private properties in the Oakport Township project area. Morton wanted to know if the BRRWD had a policy in place regarding this issue. Albright explained that in 2015, this area will be annexed into the City of Moorhead. Clay County and the City of Moorhead have considered various policy options regarding trespassing on buyout properties. Paradeis Kobiela suggested that the BRRWD's No-Trespassing signs should be checked and replaced if they are missing or taken down. She also thought the BRRWD could provide maps of the BRRWD's properties to the County Sheriff's Department, and install signs in the most popular areas to stop camping, etc. Albright noted that the BRRWD has allowed bow hunting on BRRWD properties, subject to the applicant providing liability insurance and obtaining written authorization from the BRRWD, but our policy does not include camping, fishing, etc., along the river. Van Amburg suggested that Morton could put up private property signs on his land, as well.

Morton asked about acquiring the land adjacent to his property from the BRRWD. The Board discussed this issue. Currently, there is a State restriction on sale of land that was purchased with state funding for the Oakport project. Albright suggested that the Board would take his request under advisement.

Clay C.D. Nos. 10/59. Albright explained that a repair request was submitted for C.D. No. 10, and H.E. conducted an analysis of the ditch a few years ago. Their recommendation was that the entire 14 miles of the ditch should be cleaned. The ditch was last improved in the early 1980s. Ronnie Tang contacted Albright regarding his concerns about the condition of the ditch in Section 24, Morken Township. The Board put the repair request on hold pending receipt of proceeds from benefit area assessments to fund the work. Albright noted that enough funds have now been received to get started on the repairs this fall after harvest (weather permitting).

Tang also has concerns about the condition of C.D. No. 59. Albright discussed the history of the ditch system, which was built to a 2.5-year design. West of Clay County Road (C.R.) No. 11, there were a number of gated inlet culverts installed, but east of C.R. No. 11, the inlets were not piped/gated during the 2003/2004 improvement/lateral project to help reduce overall project costs. The property along the ditch east of C.R. No. 11 has flooding/breakout problems following heavy rainfall events. Tang said there are no gates/inlets along his property in Section 27, and he loses crop every year from water breaking out of the ditch. He requested that the BRRWD investigate and install field inlet culverts/gates in Sections 25, 26, 27, and 28, Morken Township, and Sections 29 and 30 (west of the railroad tracks), Flowing Township. The Board discussed Tang's request. Ellefson suggested that the landowners might consider combining some of the field ditches to lessen the number of pipes needed. Albright suggested that H.E. could conduct an investigation of C.D. No. 59, including a culvert inventory, to provide repair recommendations. Jones explained that the work might be eligible for a Clean Water Assistance Grant from the Minnesota Board of

Water and Soil Resources (BWSR). Tang acknowledged that since he has the majority of the ditch system benefits for C.D. No. 59, he would probably be responsible for a large portion of the costs, if the work didn't qualify for outside funding assistance. Tang filed a repair request, and the Board authorized H.E. to conduct the referenced repair investigation.

Greg Grommesh Diking Complaint. Paul Quinnild discussed his concerns about a dike installation started several years ago by Greg Grommesh in Section 28, Barnesville Township, Clay County. Grommesh continues to add to the dike, most notably in 2011 when he had the City of Barnesville place extra fill from their street project in this area. Grommesh's dike is holding water on the neighboring property owned by Quinnild. Albright noted that Grommesh has not obtained any permits for this work. Albright suggested that the Board invite Grommesh and the other affected parties to a BRRWD meeting to discuss options to address the neighboring landowners' concerns about his diking activities. The local properties are assessed to both Clay C.D. Nos. 34 and 54. The group reviewed LiDAR maps of the area. The Board agreed to invite the affected landowners to their 8/26/14 meeting.

BWSR PRAP Grant. The Board discussed the BWSR Performance Review and Assistance Program (PRAP) need-based grant program. The \$4,000 grant is available for water management entities who wish to improve their performance or operational effectiveness.

Paradeis Kobiela distributed information she and Van Amburg prepared, regarding how to apply for the PRAP grant and the possible grant application language, including proposed action items we want to consider regarding office operations and strategic planning. Paradeis Kobiela suggested that the Board should keep moving forward with this effort by researching possible consultants and preparing the actual grant application. The group also discussed possible consultant candidates and decided to contact a few individuals for cost estimates and timelines. Once that information is gathered, Van Amburg suggested that the draft proposal could be forwarded to Don Buckhout, BWSR, for his review, prior to final submittal to BWSR at their September meeting.

BRRWD Staffing. At 9:10 PM, the Board went into closed session to discuss staffing issues regarding Ramona Barker's Administrative Assistant position. After an extended discussion, **motion** by Larson to eliminate Barker's position. **Seconded** by Fjestad. **Approved.**

At 9:45 PM, the Board reconvened their meeting. They discussed the remaining agenda items and decided to schedule a special meeting on 8/14/13 at 8:00 PM to continue work on the 8/12/14 agenda.

Project No. 56, Manston Slough Restoration. Nelson noted that when he attended the pre-construction meeting, the contractor, Gladen Construction, Inc., stated that they plan to start work on 8/22/13. He pointed out that if we plan to have a ground breaking ceremony, we'll need to keep that date in mind.

Later in the meeting, the Board discussed the easement acquisition process status. Albright explained the easement agreement with Duane Stuehrenberg that would provide drainage for the south portion of his property, which the project will impact. Larson noted that he has visited with Stuehrenberg regarding the proposal. After further discussion, **motion** by Fjestad to agree to the proposed easement agreement with Stuehrenberg. **Seconded** by Larson. **Approved.**

Watershed District Enlargement. Fjestad has completed his review of the revised eastern boundary maps and found no problems. The Board agreed to schedule the continuation hearing for Thursday, August 29, 2013, 7:30 PM at the Rothsay Community Center. Albright will prepare a meeting notice with a summary of the boundary changes and new maps of the eastern boundary, which will be mailed to the affected landowners.

BRRWD 2014 Annual Budget Hearing. The annual budget hearing has been scheduled for Monday, August 26, 2013, during the next regular BRRWD meeting.

Army Corps of Engineers (COE) F-M Diversion. Albright provided a copy of the Second Amendment of the Joint Powers Agreement (JPA) for the Board's review. The Board briefly discussed the Agreement and will discuss this issue again at the next BRRWD meeting. Van Amburg explained that while the overall estimated costs of the project development have gone up, the Minnesota share has been reduced. He also noted that the Agreement hasn't changed significantly from the previous document, which needs to be signed by the beginning of September. Members of the Diversion Board have offered to attend a BRRWD meeting to explain the Agreement and answer any questions the Board might have. He encouraged the Managers to review the Agreement and be prepared for further discussion at the 8/14/14 special meeting. Albright shared an email message from Attorney Tami Norgard, Vogel Law Firm, commenting on how the Minnesota costs could be divided if the Legislature doesn't come through with funding.

The COE is holding two landowner meetings in the next few days regarding possible upstream project impacts. A meeting for the Minnesota residents will be held on Thursday, August 15, 2013, at 6:00 PM in Comstock. A meeting with all the upstream residents will be held on Tuesday, August 20, 2013, at 6:00 PM in Comstock. The Board discussed attendance at the meetings. Since he is a member of the FM Diversion Board, Van Amburg will attend both meetings.

QuickBooks Software Update. Albright discussed the office's progress with an update of the QuickBooks accounting software. Currently, Julie Jerger, Resident Secretary, is using a 1999 version of the software. She had contacted an accounting firm in Fargo regarding assistance in updating QuickBooks, but the person she contacted has failed to follow through, so on advice from Payroll Professionals, Inc., who handles Barker's payroll, she contacted Christine Gray, Balance Your Books, Inc., for QuickBooks advice. Albright would like to have Gray visit our office to assess our current accounting system to determine what the new software could provide, so that we know in advance what to expect from the update process. Gray's charge for this initial visit would be \$100/hour. The QuickBooks software will cost \$250 for one user license or \$500 for two users. Gray's estimated fees are \$850 for 10 hours of training. She will be able to recommend the number of users we will need to have. **Motion** by Fjestad to authorize the pre-consulting expenditure. **Seconded** by Larson. **Approved.**

Project No. 39, Georgetown Levee Improvement. Manager Van Amburg, Albright, Opsahl, met with Josh and David Wambach regarding Josh's property, which is in the way of the dike construction. His mobile home has been appraised at \$40,000. We received an estimate of approximately \$100,000 to build him a basement for the old Kevin Hass house. The Board thought that cost was very high. Albright explained that the agreement they discussed at their meeting was for the BRRWD to purchase his lot/mobile home for \$40,000 and pay for moving the Hass house (\$20,000). Wambach will be responsible for the basement costs. Wambach agreed to this proposal with the understanding that the mobile home must be moved by September 1, 2013. The Board discussed the agreement. **Motion** by Ellefson to authorize Albright to sign the real estate purchase agreement with Josh Wambach. **Seconded** by Fjestad. **Approved.**

Project No. 71, City of Moorhead 50th AVE Flood Control. H.E. submitted Pay Request No. 1 for \$281,607.55 for Gladen Construction, Inc. **Motion** by Ellefson to approve the referenced pay request. **Seconded** by Nelson. **Approved.**

Project No. 72, Wilkin County Ditch No. 22-Lateral No. 3. H.E. submitted the Final Pay Request for \$34,934.56 for William Nichol Excavating, Inc. The project has been completed, and there is no retainage. **Motion** by Ellefson to approve the referenced pay request. **Seconded** by Paradeis Kobiela. **Approved.**

Project No. 49, Oakport Flood Mitigation. The DNR has forwarded an agreement to add \$600,000 to the BRRWD's Oakport grant contract. **Motion** by Hanson to authorize signature of the grant agreement. **Seconded** by Fjestad. **Approved.**

Project No. 39, Georgetown Levee Improvement. The DNR has forwarded an agreement to add \$100,000 to the Georgetown grant contract for the BRRWD's signature. **Motion** by Fjestad to authorize signature of the grant agreement. **Seconded** by Paradeis Kobiela. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Agassiz Mechanical, Inc.	#213557, contract service	New Office	\$ 338.00
American Enterprises, Inc.	#1129, flood prep/cleanup	Pj. 49, Oakport	\$ 3,197.50
AmeriPride Services	July billings (2)- rugs	Admin	\$ 53.86
Barnesville Phone Co.	07/25/13 billings (2)	Admin	\$ 162.83
Blane Benedict	Fertilizer application	Pj. 71, 50th AVE S-MHD	\$ 2,881.45
Braun Intertec	#371935, Testing thru 07/12/13	Pj. 71, 50th AVE S-MHD	\$ 7,577.50
Bruce E. Albright	MN Viewers' Association (4)	Admin	\$ 80.00
City of Barnesville	06/02/13-06/29/13 utilities	Admin	\$ 409.18
Dacotah Paper Co.	#75308, cleaning supplies	Admin	\$ 52.20
Gladen Const., Inc.	Pay Request No. 1	Pj. 71, 50th AVE S-MHD	\$ 281,607.55
H.E.	July billing	Varies-see attached	\$ 161,052.44
IRS	Federal Form 941 Tax-Barker #1030	Admin	\$ 400.05
Joe Rents & Contractors Supply	#1062, pump rental/flood	Pj. 49, Oakport	\$ 5,048.34
Liberty Business, Inc.	#104761, copier staples	Admin	\$ 66.26
Mark Nyquist	Fertilizer application	Pj. 71, 50th AVE S-MHD	\$ 12,345.76
MN Dept. of Revenue	MN State withholding-Barker-#1031	Admin	\$ 68.00
Payroll Professionals, Inc.	8/12/13 payroll prep-Barker #50057	Admin	\$ 40.07
PERA	PERA 8/12/13 payment-Barker-EFT	Admin	\$ 228.79
Petty Cash	Postage, supplies, misc.	Admin	\$ 200.00
Premium Waters, Inc.	#366590-07-13	Admin	\$ 40.42
Ramona Barker	Office cleaning (1)	Admin	\$ 75.00
Ramona L. Barker	7/21/13-8/10/13 payroll-#50056	Varies	\$ 1,250.38
RMB Laboratories, Inc.	#200185, WQ analysis	Buffalo River TMDL	\$ 760.00
RMB Laboratories, Inc.	#201293, WQ analysis	Buffalo River TMDL	\$ 564.00
RMB Laboratories, Inc.	#201861, WQ analysis	Buffalo River TMDL	\$ 616.00
RMB Laboratories, Inc.	#202304, WQ analysis	Buffalo River TMDL	\$ 810.00
Steven Johnson Excavation	Pay Request No. 2-Final	Pj. 73, Country Heritage	\$ 7,193.35
TRN Abstract & Title F-M	#6395350, abstract update	Pj. 39, Georgetown	\$ 170.00
Vogel Law Firm	#112232, July billing	Pj. 56, Manston Slough	\$ 129.00
Vogel Law Firm	#112233, July billing	Pj. 39, Georgetown	\$ 387.00
Vogel Law Firm	#112234, July billing	Elkton Twp. Wetland	\$ 2,204.00
Westlund Excavating	Repairs	Varies	\$ 6,444.72
Wm. Nichol Excavating, Inc.	Pay Request No. 6-Final	Pj. 72, Wilkin 22-Lat. 3	\$ 34,934.56
WREC	06/19/13-07/18/13 service (2)	Pj. 46, Turtle Lake	\$ 385.33
Xcel Energy	06/24/13-07/24/13 service (2)	Pj. 49, Oakport	\$ 431.24
			\$ 532,204.78

Motion by Ellefson to approve payment of the bills. **Seconded** by Fjestad. **Approved.**

Next Meeting. A special meeting is scheduled for Wednesday, August 14, 2014, at 8:00 PM in the Barnesville office. The next regular meeting is scheduled for Monday, August 26, 2013, at 7:30 PM in our Barnesville office.

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Adjournment. Chairman Van Amburg adjourned the meeting at 10:15 PM.
Respectfully submitted,

John E. Hanson, Secretary