

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVENUE NE

PO BOX 341

PHONE 218-354-7710

MINUTES FOR MANAGERS' MEETING September 23, 2013

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, September 23, 2013, at 7:30 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Catherine L. Affield, Curtis M. Nelson, John Hanson, and Peter V. Fjestad. BRRWD Staff attending included: Erik S. Jones, Engineer, Wade Opsahl, Technician, and Julie Jerger, Resident Secretary, Houston Engineering, Inc. (H.E.), and landowners: Dan Skolness, Eric Skolness, and Brian Johnson.

Chairman Van Amburg called the meeting to order at 7:31 PM. He announced that the proceedings were being recorded to aid in preparation of the minutes.

Treasurer's Report. The Board reviewed the BRRWD's financial status. Jerger reported that the income to date this year is \$5,224,915.56. This month to date, \$2,757,495.56 has been received including, the 50% contribution for the Halstad Upstream Retention (HUR) distribution detention modeling work, in the amount of \$21,600, from the Red River Basin Commission (RRBC). The amount available on hand is \$824,180.84.

Business brought before the Board included:

Permit No. 13-126, Dan Skolness. Applicant proposes to install pattern tile with a lift station and an outlet pipe under 57th Avenue North in the SE1/4 of Section 17, Spring Prairie Township, Clay County, outletting to on the south side of the road. The permit had been previously approved at the 09/09/13 meeting. Skolness stated he had received verbal approval from all neighboring landowners, except one. The Board briefly discussed the proposal and agreed that the outlet was adequate. **Motion** by Fjestad to approve Permit No. 13-126, subject to our standard tiling disclaimer. **Seconded** by Nelson. **Approved.**

Permit No. 13-153, Brian Johnson. Applicant proposes to complete tile work in the S1/2SW1/4, Section 34, Norwegian Grove Township, Otter Tail County. The Natural Resources Conservation Service (NRCS), the West Otter Tail Soil and Water Conservation District (SWCD), and the local landowners' ditch association have approved the proposed work. **Motion** by Nelson to approve Permit No. 13-153, subject to our standard tiling disclaimer. **Seconded** by Hanson. **Approved.**

Permit No. 13-140, Goltz Farms. Applicant proposes to clean and improve ditches in Section 2, Atherton Township. Land is assessed to drain into Wilkin County Ditch No. 41. **Motion** by Nelson to **table** the application pending further information from the applicant. **Seconded** by Fjestad. **Tabled.**

Permit No. 13-142, Clay County Highway Department. Applicant proposes to install an 18" diameter (dia.) culvert for a field entrance in Section 24, Morken Township, off of County State Aid Highway (CSAH) No. 28, on the north side of Clay County Ditch (C.D.) No. 59. **Motion** by Hanson to approve Permit No. 13-142. **Seconded** by Fjestad. **Approved.**

Permit No. 13-143, Todd Johnson. Applicant proposes to install pattern tiling in the SE1/4, Section 24, Prairie View Township, Wilkin County, outletting into Deerhorn Creek. The Board noted that the

landowner has not yet received approval from NRCS regarding wetland issues. **Motion** by Fjestad to approve Permit No. 13-143, subject to our standard tiling disclaimer. **Seconded** by Affield. **Approved.**

Permit No. 13-144, Nate Thompson. Applicant proposes to install 120 acres of pattern tiling in the S½N½, Section 14, Barnesville Township, Clay County, outletting into “east tributary” of Project No. 54, Whisky Creek Tributaries. The Board noted that NRCS has approved. **Motion** by Fjestad to approve Permit No. 13-144, subject to our standard tiling disclaimer. **Seconded** by Nelson. **Approved.**

Permit No. 13-145, Marvin Christensen. Applicant proposes to install a 24” dia. culvert in the SW¼, Section 35, Foxhome Township, Wilkin County, to slow water coming off his property to the east and to prevent overland flooding of County Road (C.R.) No. 19. Fjestad stated that he had reviewed the site. **Motion** by Fjestad to approve Permit No. 13-145, subject to road authority approval. **Seconded** by Affield. **Approved.**

Permit No. 13-146, John Danielson. Applicant proposes to install 50 acres of pattern tiling in the S½SE¼, Section 15, Tanberg Township, Wilkin County, outletting into an existing tile system to the south in Section 22, which had been installed prior to the creation of the Watershed District in this area and therefore no permit information is available for review. The NRCS approval was included with the application. **Motion** by Nelson to approve Permit No. 13-146, subject to our standard tiling disclaimer. **Seconded** by Hanson. **Approved.**

Permit No. 13-147, Oberg Farms. Applicant proposes to install pattern tiling in the NW¼, Section 4, Morken Township, Clay County, outletting via gravity flow to Clay C.D. No. 5. **Motion** by Hanson to approve Permit No. 13-147, subject to our standard tiling disclaimer. **Seconded** by Fjestad. **Approved.**

Permit No. 13-148, Oberg Farms. Applicant proposes to install pattern tiling in the SW¼, Section 25, Morken Township, Clay County, outletting by gravity flow to Clay C.D. No. 39. **Motion** by Fjestad to approve Permit No. 13-148, subject to our standard tiling disclaimer. **Seconded** by Affield. **Approved.**

Permit No. 13-149, Oberg Farms. Applicant proposes to install pattern tiling in the SE¼, Section 23, Kragnes Township, Clay County, outletting to the Buffalo River via gravity flow. **Motion** by Nelson to approve Permit No. 13-149, subject to our standard tiling disclaimer. **Seconded** by Hanson. **Approved.**

Permit No. 13-150, Oberg Farms. Applicant proposes to install pattern tiling in the E½, Section 24, Kragnes Township, Clay County, the NE¼ outlets to Clay C.D. No. 49 and the SE¼ to Clay C.D. No. 59, to which the property is assessed. **Motion** by Fjestad to approve Permit No. 13-150, subject to our standard tiling disclaimer. **Seconded** by Affield. **Approved.**

Permit No. 13-151, Oberg Farms. Applicant proposes to install pattern tiling in the NW¼, Section 33, Viding Township, Clay County. This proposed project is not within the BRRWD's boundaries. The permit will be administratively withdrawn and the office will notify the applicant.

Permit No. 13-152, Swenson Grain and Cattle. Applicant proposes to install random tiling in the SE¼SE¼, Section 28, Parke Township, Clay County. The tile main will drain low areas to a natural ravine with 50' setbacks from area wetlands. **Motion** by Nelson to approve Permit No. 13-152, subject to our standard tiling disclaimer. **Seconded** by Hanson. **Approved.**

Permit No. 13-154, Robert Johnson. Applicant proposes to install Reinvest In Minnesota (RIM)/WRP wetland restorations in the NW¼ and NE¼, Section 33, Prairie View Township. The plans were designed and submitted by Ducks Unlimited (DU)/NRCS. **Motion** by Hanson to approve Permit No. 13-154. **Seconded** by Fjestad. **Approved.**

Permit No. 13-155, Marlene Miller. Applicant proposes to install RIM/WRP wetland restorations in Section 32, Manston Township, Wilkin County. The restorations will include scrape excavation, ditch plugs, seeding, and mulching. **Motion** by Hanson to approve Permit No. 13-155. **Seconded** by Fjestad. **Approved.** This work is associated with Project No. 56, Manston Slough Restoration.

Akron Township Culverts. Jones reported that we will schedule a meeting with the affected landowners after harvest.

Project No. 76, Wilkin County Ditch No. 3-Lateral. The Board of Water and Soil Resources (BWSR) returned their advisory comments regarding the proposed project to construct a lateral to County Ditch No. 3. We have not yet received comments from the Minnesota Department of Natural Resources (DNR). Jones explained the preliminary hearing process. Mike Yaggie and his neighbor are the petitioners. The preliminary hearing, Minnesota Statutes Annotated (M.S.A.) 103E. 261, will be held later this fall when harvest is done and things freeze up.

Project No. 75, Wilkin County Ditch No. 31-Lateral. Jones reviewed discussions from the last BRRWD meeting regarding the establishment of a lateral for Wilkin C. D. No. 31 for the project. Jones explained that Julie Aadland, Area Hydrologist, DNR, has reservations about granting a permit for the project. He asked if DNR would grant a request to establish a gradeline on Whisky Creek. Aadland replied that DNR would grant a permit to perform minor cleaning. She requested a plan and profile for the proposed work. She added that 50' buffers on each side of the channel would be required along Whisky Creek. They also had guidelines regarding the dimensions of the ditch, including a "U-shaped" bottom rather than a flat one. Wilkin County also plans to make repairs upstream on Wilkin C. D. Nos. 34 and 1C. According to Dan Swedlund, Wilkin County Engineer, they plan to begin the work in 2015, including resloping and adding buffer strips. It was further reported that the petition would not include downstream work on Whisky Creek, but there is an allowance in Minnesota Drainage Law for work on an outlet channel up to one mile downstream of a ditch outlet to assure outlet adequacy. Swedlund suggested that the C. D. No. 1C system could pay for the 3,000-4,000' of ditch clean out, and that the County would be willing to do the survey work. A request for the necessary information to draft a plan will be sent to the County. Swedlund also requested an informational meeting be scheduled for the landowners along the ditch and Whisky Creek to make them aware of the long term plans for the area.

Project No. 71, 50th AVE S, City of Moorhead. The Board reviewed an area map and discussed the project details including ditching, dike work, and flood control levees. Jones noted that wetland mitigation issues are delaying the completion of the pump station, but he was confident that the construction will be completed by the November deadline. The contractor will be moving to the Manston Slough Project site when this project is completed.

Project No. 56, Manston Slough. The contractor plans to start construction on 09/26/13. Jones wasn't sure if they will be ready to start, as they have been busy with Project No. 71. We are still working with the Kent Rod and Gun Club to obtain their easement. The contractor will restrict construction to the areas where we have easements.

Project No. 46, Turtle Lake. A hearing for Redetermination of Benefits will be held on Monday, October 7, 2013, at 7:00 PM in the Cormorant Town Hall. Notices have been sent.

Project No. 39, Georgetown. Work is nearly complete on the northwest lift station. The concrete has been poured. Opsahl reported that the contract with Schmidt has been drawn up, negating the two previous contracts with him. The Board discussed the contract items. The grand total for the house moving contract is \$42,000. Opsahl noted that one of the contract conditions is that Schmidt will return Randall Steen's \$15,000 deposit for the Lester Nelson house or the BRRWD will pay Steen his deposit from Schmidt's

contract retainage. **Motion** by Hanson to authorize Albright to sign the Schmidt agreement. **Seconded** by Fjestad. **Approved.**

Fall Tour. The Fall Tour will be held on Thursday, October 3, 2013, at 1:30 PM, beginning at the Galaxie Supper Club, Barnesville. Notices have been sent.

Clay C.D. Nos. 9, 32, 33. The contractors are working on all three ditch systems. Jones submitted pay requests for William Nichols Excavating, Inc. for \$27,664 (C.D. No. 9) and \$15,455 (C.D. No. 33). Nichols has about 35% of the work on C.D. No 9 completed and 60% on C.D. No. 33. Jones also submitted a pay request for JBX LLC in the amount of \$50,247 for C.D. No. 32. JBX LLC has approximately 90% of the construction completed. Opsahl reported on the status of construction. He predicted that work on all three would be completed before the next meeting, including seeding of the bufferstrips. **Motion** by Nelson to pay the three pay requests. **Seconded** by Hanson. **Approved.**

Elkton Township Wetland Restorations. The Board discussed the project completion extension granted to Nathan Zeigler until 10/15/13. Opsahl hasn't been able to contact the contractor. Site conditions are wet now, and it does not appear that work will be completed by the extension deadline. Jones suggested that the BRRWD send a letter stating that they need to see significant progress made. The letter could include a number of options, including possibly finding someone else to help him. Liquidated damages could total \$500/day. The Board felt that the contractor lost time this summer when the site conditions were dry. Work on the east basin has been completed except for clean up, and the restoration can be used for mitigation credits for Project No. 71, 50th AVE S. Opsahl noted that we have not made any payments to the contractor. Even if a new contractor was hired, Jones predicted that the project will probably not be completed until the spring/summer of 2014 due to the wet conditions.

Whisky Creek/Clay SWCD Project. Jones met with one of the landowners where inlets pipes are being installed in Alliance Township, and the landowner is also working with Tony Nelson, Pheasants Forever (PF), on the Conservation Reserve Program (CRP) signup for bufferstrips.

Redetermination of Benefits for Becker C.D. Nos. 10/19. The hearing is scheduled for Wednesday, October 9, 2013, 7:00 PM, at the Callaway Community Center. Hearing notices have been sent. Opsahl noted that several landowners have called with questions about the redetermination process and assessment values.

Minnesota Agricultural Water Quality Certification Program (MAWQCP). Jones reported that he, Bruce E. Albright, BRRWD Administrator, and Manager Fjestad attended a meeting in Breckenridge with representatives from Otter Tail and Wilkin Counties on 09/06/13 to draft a budget for the agencies involved with the program, totaling roughly \$100,000. This information was sent to Marci McLaughlin, Minnesota Department of Agriculture (MDA). Local agency representatives will market the certification program to landowners.

Wolverton Creek/Comstock Coulee. The Environmental Assessment Worksheet (EAW) application will be ready for the Board to sign at the 10/15/13 meeting.

BWSR Grant/Consultant Applications. The Board has received three proposals and is expecting a fourth. The Board discussed the budget and applicant qualifications to provide consultation regarding office operations/staffing and strategic planning. Van Amburg noted that BWSR matches expenditures up to \$10,000.

City of Wolverton. Van Amburg noted that the project was one of the F-M Diversion Board's meeting topics. Funding for a possible levee project for the City may be available from the Diversion project. An offer was made to the City of Wolverton to meet to discuss the process.

Targeted Drainage Water Management Grant. Van Amburg noted that BWSR has added a new practice, saturated/vegetation buffer, to the list of approved/funded practices. The Board discussed how the practice could be applied.

2014 Clean Water Funds (CWF) Applications. Jones is working on CWF applications for the Otter Tail River Streambank Restoration and Protection and Glyndon Township erosion, which will be submitted before the 10/04/13 deadline. The Board discussed a couple of landowners who might be interested in applying for the CWF funding. The Clay SWCD will work with them to submit the applications.

Contracts. Jones had contracts for Clay C.D. No. 9 and 33 that need to be signed by the Board. **Motion** by Hanson to sign the contracts. **Seconded** by Nelson. **Approved.**

New Office. Van Amburg discussed the status of the landscaping work. The Board would like to schedule an Open House in the near future, maybe after the landscaping and seeding is completed. It might be best to wait until harvest and fall fieldwork is completed.

Ellefson Retirement Party. The party will be held on Friday, September 27, 2013, from 5:00-8:00 PM, at the Galaxie Supper Club, Barnesville.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Barnesville Phone Company	9/25/13 billings (2)	Admin	\$ 162.83
Braun Intertec	#375119, Const. Testing 9/06/13	Pj. 71, 50th AVE S-	\$ 20,445.75
Breanna Paradeis Kobiela	#13-29, 07/01/13-08/31/13	Admin	\$ 507.61
Carmen's Commercial Cleaning	September office cleaning (2)	Admin	\$ 130.00
City of Barnesville	7/30/13-8/29/13 utilities	Admin	\$ 498.49
CRO's Custom Services, LLC	#4236, seeding/spraying-Elkton Twp.	Wetlands Restoration	\$ 11,000.00
Eve Jerger	Admin-Filing	Admin	\$ 33.00
Eve Jerger	MAWQCP Steering Committee min.	MAWQCP	\$ 48.00
FRS	#V21302270, Manager Badge	Admin	\$ 22.92
IRS	Form 941, 3rd Qtr. Tax payment	Admin	\$ 1,522.34
JBX LLC	Beaver control/log jam removal	Pj. 27, Clay 55	\$ 1,650.00
JBX LLC	Pay Request No. 2	Clay C.D. No. 32	\$ 50,247.00
Joel Carlson, Inc.	October Lobbyist fee	Admin	\$ 850.00
Mid States Storage	October rental fee	Admin	\$ 74.00
Midwest Testing Laboratory, Inc.	Construction Testing-Elkton Twp.	Wetlands Restoration	\$ 327.00
Payroll Professionals, Inc.	Tax preparation	Admin	\$ 40.91
Petty Cash	postage, supplies, etc.	Admin	\$ 200.00
Red River Valley Coop	08/10/13-09/10/13 service (3)	Pj. 49, Oakport	\$ 239.86
RMB Laboratories, Inc.	# 205892, Water analysis	Buffalo River TMDL	\$ 796.00
RMB Laboratories, Inc.	#204846, WQ analysis	Buffalo River TMDL	\$ 652.00
RMB Laboratories, Inc.	#205029, WQ analysis	Buffalo River TMDL	\$ 634.00
Roger Lundberg	Beaver control	Varies	\$ 2,269.02
Schmitt & Sons Const./Movers	Hass house relocation	Pj. 39, Georgetown	\$ 6,000.00
TDS	09/13/13 long distance	Admin	\$ 22.40
TRN Abstract & Title R/W	#6402245-abstract update	Pj. 56, Manston	\$ 90.00
TrueNorth Steel	Culverts	Clay 3, Clay 39	\$ 4,867.15

UEI	#39595, thru 08/31/13	Pj. 73, Country Heritage	\$ 324.07
UEI	#39595, thru 08/31/13-Phase 2	Pj. 49, Oakport	\$ 1,191.84
UEI	#39596, thru 08/31/13-Phase 3	Pj. 49, Oakport	\$ 149.00
UEI	#39637, thru 08/31/13-Wetlands	Pj. 49, Oakport	\$ 269.00
Vogel Law Firm	#104065, August billing	COE F-M Diversion	\$ 1,139.50
Vogel Law Firm	#113926, August Billing	Pj. 56, Manston	\$ 559.00
Vogel Law Firm	#113927, August Billing	Pj. 39, Georgetown	\$ 3,665.15
Vogel Law Firm	#113928, August Billing	Elkton Twp. Wetland	\$ 743.50
Vogel Law Firm	#114063, August billing	Admin	\$ 344.00
Vogel Law Firm	#114064, August billing	Pj. 49, Oakport	\$ 279.50
Vogel Law Firm	#114066, August billing	Pj. 74, Clay 51, Lat.	\$ 578.00
William Nichol Excavating, Inc.	Pay Request No. 1	Clay C.D. No. 9	\$ 27,664.00
William Nichol Excavating, Inc.	Pay Request No. 2	Clay C.D. No. 33	\$ 15,455.00
			\$ 155,691.84

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

Adjournment. Chairman Van Amburg adjourned the meeting at 9:36 PM.