

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

BARNESVILLE, MINNESOTA 56514

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## **MINUTES FOR MANAGERS' MEETING October 28, 2013**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, October 28, 2013, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Catherine L. Affield, John E. Hanson, Breanna L. Paradeis-Kobiela, and Peter V. Fjestad. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (H.E.).

Chairman Gerald L. 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.

**Secretary's Report.** The Board reviewed draft minutes for the 05/13/13 and 09/23/13 regular meetings. **Motion** by Nelson to approve the minutes. **Seconded** by Fjestad. **Approved.**

**Treasurer's Report.** Albright reported that cash on hand currently is \$114,777.50. We have received approximately \$650,000.00 since the 10/14/13 meeting. The income came primarily from the City of Moorhead for Project No. 71, 50<sup>th</sup> AVE S (\$647,887.04). Funds were also received from Otter Tail County today in the amount of \$27,000.00 that have yet to be added to the total cash on hand. Pay requests to the City of Moorhead for Project No. 71, 50<sup>th</sup> AVE S and to the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation, Project No. 39, Georgetown Levee Improvement, and Project No. 56, Manston Slough Restoration, are scheduled to be sent this week.

### **Business brought before the Board included:**

**Permit No. 13-167, Minnesota Department of Transportation (MNDOT).** Applicant proposes to mill 1.5" of the in-place bituminous driving surface, and paving back with 3" of bituminous along Trunk Highway (T.H.) No. 75 from the T.H. No. 10 junction in Moorhead north to the Clay County line. Also proposed is to replace nine centerline culverts and two centerline box culverts. The replacement culverts will be placed at the same location, same size, and at the same invert elevations as the existing structures. Other work proposed is to clean the apron ends on three culverts and clean out four culverts along with the total or partial replacement of numerous approach culverts. There will be no impacts to DNR protected waters as a result of culvert replacements. **Motion** by Fjestad to table Permit No. 13-167, pending review by Jones. **Seconded** by Nelson. **Tabled.**

**Permit No. 13-168, Steven Thompson.** Applicant proposes to install culverts in a drainage ditch in the NW<sup>1</sup>/<sub>4</sub>, Section 4, Barnesville Township, Clay County. Jones recommended two 30" dia. culverts would be adequate for the proposed work. **Motion** by Hanson to approve Permit No. 13-168 within the discussed parameters. **Seconded** by Paradeis-Kobiela. **Approved.**

**Permit No. 13-169, Johnson Farms.** Applicant proposes to install 40 acres of pattern tile in the S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>, Section 30, Flowing Township, Clay County, outletting into County Ditch (C.D.) No. 39. **Motion** by Fjestad to approve Permit No. 13-169, subject to township approval to work within their right-of-way (r-o-w) and our standard tiling disclaimer. **Seconded** by Affield. **Approved.**

**Permit Data Suite.** H.E. has completed preparations for the Permit Data Suite, and it will be ready for all permit applications beginning in 2014 to be entered into it.

**Perry Montplaisir Drainage Concern.** The Board plans to schedule a landowner informational meeting this winter to discuss Montplaisir's drainage concerns in Section 18, Kragnes Township, Clay County. The office is working on the mailing list that will include the Clay County Highway Department, Kragnes Township Supervisors, environmental agency personnel, and area landowners.

**Akron Township Culverts.** Jones reported on the field review he conducted recently. Once all the information gathered during the recent field review has been compiled, the BRRWD will schedule a meeting with the affected landowners after harvest.

**Project No. 76, Wilkin County Ditch No. 3-Lateral.** Mike Yaggie and his neighbor are the petitioners for a proposed project to construct a lateral to County Ditch No. 3. The preliminary hearing (Minnesota Statutes Annotated (M.S.A.) 103E. 261) will be held later this winter, after freeze up. The petitioners agree with this schedule.

**Project No. 75, Wilkin County Ditch No. 31-Lateral.** The DNR expressed some concerns about this project. An alternative was presented to clean on the west side of T.H. No. 9 in Whiskey Creek to provide adequate drainage as requested in the petition. Jones reported on a survey completed by Wilkin County Highway Department regarding the establishment of the lateral. Jones proposed the BRRWD schedule a meeting between Joe Wulfekuhle, Petitioner; Julie Aadland, DNR; and the Board to share the survey information and discuss options.

**Project No. 74, Clay County Ditch No. 51, Lateral No. 3.** Albright reported that the request was made to the Petitioner, the Minch Family Limited Partnership, to increase the bond amount by \$10,000 to bring the total amount from \$40,000 to \$50,000. While email correspondence indicates that the check was to be written, it has not been received to date. Once received, the Viewers: Ron Ringquist, Minnesota Viewers' Association, Rod Knutson, and Rick Battles, from northern Minnesota, will be able to begin to assess project damages and benefits. The projected start date for the viewing is this fall/early winter.

**Project No. 73, Country Heritage Ditch.** H.E. has plotted the survey data completed by Ulteig Engineers, Inc. (UEI) and returned recommendations on how to improve drainage along 2<sup>nd</sup> ST. There will be an informational meeting for local landowners scheduled later this winter. Landowners had provided photographs of the areas of most concern, and Albright noted that Kris Carlson, UEI, has contacted the contractor, Steven Johnson Excavation, Inc., regarding warranty work that needs to be completed yet this year when site conditions permit.

**Project No. 71, 50<sup>th</sup> AVE S, City of Moorhead.** Gladen Construction, Inc. has some minimal cleanup work to complete. A small amount of wetland needs to be mitigated. Steve Hofstad, Board of Soil and Water Resources (BWSR), and Lynn Foss, Clay Soil and Water Conservation District (SWCD), have been made aware of the issue. The proposal is to mitigate the wetland impacts for this project by transferring credits and the associated costs from our Elkton Township Wetland Restoration project.

Albright noted that the Clay County Auditor made an error on the City of Moorhead's assessment for the project. He will contact the County so they can make the correction.

**Project No. 56, Manston Slough.** Albright reported on the status of the easement acquisitions and what payments have been made to date. Chuck Anderson, ARC Appraisals, is working on the Kent Rod and Gun Club "friendly" condemnation process appraisal. Albright explained the multiple ownership issues

related to this 160 acre tract, and why condemnation is probably the only way the BRRWD can acquire an easement on this tract.

The contractor, Gladen Construction, Inc., has started construction. They are having some compaction issues because of the high moisture content of the material. Josh Kadrmas, Engineer, H.E., who is the site supervisor, reported to Albright that the contractor doesn't plan to start any of the structure work this fall.

The Board discussed the local landowner assessments. At their 10/15/13 meeting, the Board agreed to assess the landowners the same amount (\$255,483.63) the BRRWD had originally stated with the balance of the local costs to be paid by the BRRWD from our Red River Watershed Management Board (RRWMB) Construction Account.

Albright explained that the Wilkin County Auditor/Treasurer's Office incorrectly sent out property tax notices that were based on the entire bond amount (approximately \$1.3 million) to the benefited landowners without checking with the BRRWD. Wilkin County will send out corrected property owner statements based on the Board's 10/15/13 decision.

**Project No. 49, Oakport Township.** The Board reviewed a map showing where bow hunting is allowed on BRRWD properties in Oakport Township. Albright suggested that next year the Board might want to limit hunting to the riverine areas to respect nearby property owners' safety/trespassing concerns. Wade Opsahl, Technician, H.E., will be placing No Trespassing signs on the dike to restrict snowmobile traffic on the project area.

Albright discussed possible 2014 State bond funding for Phase 4 (\$5.4 million).

The Board also reviewed a map the City of Moorhead provided, showing activity areas that could be created for planned public amenities (bike trails, etc.) along the Red River that would affect BRRWD properties. In 2015, the BRRWD will pass ownership of parts of the Oakport Township project to the City of Moorhead. The Board discussed how the annexation process will be implemented.

The Board discussed the negotiations regarding the lease for the Phase 4 spoil stockpile on the Fischer property. The Fischer family retained an attorney, but they have not been in contact with their attorney regarding the lease negotiations. Albright suggested contacting the attorney to stress the importance of resolving this issue in a timely manner.

**Project No. 48, Clay County Ditch No. 59.** Landowners have requested that inlet culverts be installed in locations that currently have open ditches along C.D. No. 59. Work will require seven 18" dia. culverts, 30' long, two 18" dia. culverts, 26' long, and one 24' culvert, 30' long, all having flap gates. H.E. field reviewed the sites and recommends cleaning this mile of ditch and using that material to cover the culverts. The estimated cost for the pipe work and ditch cleaning is \$16,000 - \$18,000. **Motion** by Nelson to approve the requested repairs. **Seconded** by Fjestad. **Approved.**

**Project No. 39, Georgetown.** Pay Request No. 4 for construction in the amount of \$438,485.20, and Pay Request No. 1 for demolition work in the amount of \$63,529.06 for Reiner Construction, Inc. submitted at the 10/15/13 meeting will be forwarded to the DNR for reimbursement. Reiner Construction, Inc. plans to get the levee roughed in this fall, with cleanup work to follow next spring. Schmidt and Sons Construction, Inc. has moved the Lester Nelson house to the east, on Clay County property temporarily, until construction is completed on the basement foundation for Michael Greywind. Once Greywind has moved to the completed residence, his former home will be moved to complete the levee construction.

**Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1).** Landowners have requested repairs to several damaged inlet culverts along J.D. 1, in Section 25, Holy Cross Township and in Sections 29 and 30, Alliance Township, Clay County. It will also require resetting two other inlet culverts that have washed out. Along with this work, the J.D. 1 Ditch Committee has requested that the east 0.5 miles of the ditch in Section 30, Alliance Township, be cleaned to its original grade. H.E. has reviewed sediment levels and recommended that this repair be approved. The opinion of probable cost is \$18,000 - \$20,000 for materials and labor. **Motion** by Paradeis-Kobiela to approve the requested repairs. **Seconded** by Fjestad. **Approved.**

**Mediation Project Team (PT).** The next PT meeting is tentatively scheduled for 12/19/13. Jones provided repair recommendations to address Caroline Swenson's concerns about breakouts from the South Branch of the Buffalo River flowing across her farmland, causing significant erosion and crop losses. The land is in the NE¼, Section 6, Manston Township. H.E. reviewed the conditions of the channel and berms in this location. The channel has significant narrowing from sediment and reoccurring beaver activity limiting its capacity. The north side of the channel has no berms along the stretch, while the south side has berms approximately 2'-3' high. There are two areas where significant breakouts to the north have occurred. The existing ground along the channel appears to be slightly lower in these areas. It appears this area would benefit from channel cleaning and may realize minor benefit from repairing the erosion caused by the previous breakouts, although with berms on the south side being higher than the north side, the water will continue to flow to the north whenever it exceeds the channel capacity. The Board discussed some options pertaining to the issue and where funding might be found. Albright stated that he would draft a letter to Swenson indicating that the Board will continue discussion and this issue remains a part of the PT agenda.

Albright noted that a mailing list has been drafted for a meeting to be held in January to discuss the historic drainage issues in Barnesville Township.

Albright discussed the status of the Hovland Wetlands Reserve Program (WRP) site. The flood control design has been awarded to H.E. Most WRP work is pending the passage of the new Farm Bill.

**Watershed District Enlargement.** The Order to update the Revised Watershed Management Plan (RWMP) needs to be signed and sent to the State. We have been coordinating with Brian Dwight, Clean Water Specialist, BWSR, on the planning efforts. Two new regions will be added: the Whiskey Creek area and the Otter Tail River area. BWSR is promoting the One Watershed One Plan (1W1P) program. Wilkin County is interested in being the first to participate in this process. Albright explained that the Plan update would include a Management Team, who will name a Citizens Advisory Committee (CAC) from the area that would be made up of landowners who are willing to be involved for the entire process. A Technical Advisory Committee (TAC) will also be set up to include agency personnel who are involved with resource issues: DNR, United States Fish and Wildlife Service (USFWS), etc. The first meetings would be held in the new planning regions to share information between BRRWD and local citizens. **Motion** by Fjestad to update the BRRWD's Revised Watershed Management Plan (RWMP). **Seconded** by Affield. **Approved.**

**Army Corps of Engineers (COE) Fargo-Moorhead Diversion.** The Board reviewed a map showing the current project overview. They also discussed the ongoing upstream area litigation issues.

**Clay C.D. Nos. 9, 32, 33.** The contractors are working on all three ditch systems. All contractors plan to complete work before freeze up. Viewers have begun work on the redetermination of benefits for these ditch systems. Their intention is to complete the Reports and hold the hearings later this winter

**Elkton Township Wetland Restorations.** No significant progress has been made. At the previous meeting, it was suggested this project be put on hold until spring. Areas will be staked this fall as

designated wetland areas. The necessary signs have been ordered. Next spring, a meeting will be held with the contractor, Nathan Ziegler, to determine his ability to complete the work. If he is unable to finish the project, another contractor will be hired.

**Redetermination of Benefits for Becker C.D. Nos. 10/19.** Hearings were held on 10/09/13. Several concerns were noted about benefitted areas/assessment rates. A summary will be compiled so the Viewers can investigate and provide a list of recommendations to the Board. The hearings will be continued later this winter.

**Minnesota Agricultural Water Quality Certification Program (MAWQCP).** Albright reported that he, Don Bajumpaa, District Manager, Wilkin SWCD, and Bruce Poppel, Wilkin County Environmental Officer, traveled to St. Paul on 10/25/13 to meet with the four pilot watershed groups. The Steering Committee will hold a meeting once fieldwork is completed. BWSR has not yet responded to the work plan and budget that were previously submitted to them.

**Wolverton Creek/Comstock Coulee Clean Water Fund (CWF) Restoration.** The Environmental Assessment Worksheet (EAW) application will be sent out for the 60-day review and comment period, to which the Board will need to respond. A determination about the need for an Environmental Impact Statement (EIS) will be made after the comments are received. Jones stated that he would send out a press release after the EAW has been prepared. A landowner meeting will be held later in the winter to update them on the current status. Jones reported that he was able to have the grant amended with a two-year extension until 12/31/15.

**BWSR Grant/Consultant Applications.** Van Amburg has sent the formal request to BWSR. He expects to hear back from them in a few weeks. At the 10/15/13 meeting, it was tentatively decided that there would be a committee meeting on 10/31/13 in Moorhead to make a decision on which applicants best suit our needs and to move forward with the interview stage of the process. **Motion** by Fjestad to authorize Van Amburg to sign the grant on the Board's behalf. **Seconded** by Paradeis-Kobiela. **Approved.**

Christine Gray, Balance Your Books, who is a QuickBooks Advisor, will be coming on 10/31/13 at 1:30 to install the new version of QuickBooks on the Barnesville office computers. She will also schedule time in the next few weeks to train BRRWD Resident Secretary Julie Jerger in the use of the various report features QuickBooks offers in an effort to streamline the financial record keeping.

**New Office.** Landscaping work and seeding have been completed. It was suggested that next spring, a job notice could be posted to hire an individual or a professional service to perform mowing and other basic grounds maintenance. The Board discussed the open house scheduled for Friday, December 13, 2013, from 2-5 PM.

**Scott McCaslin Wetland Concern.** Albright reported he spoke with Emily Siira, Area Hydrologist DNR, about the full report on the Ordinary High Water Level (OHWL) survey for the McCaslin wetland located between Sections 14 and 23, Hamden Township, Becker County. The OHW elevation was higher than expected. McCaslin will receive a copy of the survey, and they will discuss the next steps in the process.

**Clay C.D. No. 10.** Supervisor Loren Ingebretson, Morken Township, called to inform the BRRWD about an erosion slide along 130<sup>th</sup> AVE N. in Section 16. The Township has a barricade in place. Jones reviewed a number of possible long-term solutions with the Board.

**BWSR Grant Opportunities.** Albright reported on two grant opportunities: the Soil Erosion and Drainage Law Compliance Program Grant (\$1.35 million), and the Targeted Watershed Demonstration Program Grant. Interest had previously been expressed regarding the Targeted Watershed grant for Wolverton

Creek/Comstock Coulee. The grants are currently in draft form, and no specific details are currently available. The grant deadline for both is 12/13/13.

**Postage Meter.** Albright mentioned the possibility of a postage meter to handle the BRRWD's mailing needs. The costs associate with the semi-automatic model \$79.00/month with a 60 month contract or \$106.00/month with a 39 month contract. A savings package is available through November for \$20.00 deducted each month. The Board requested more research into the topic.

### **Ditch Repair Recommendations.**

**Clay C.D. No. 10.** During this past spring runoff, a portion of the south ditch berm washed out along C.D. No. 10, Section 24, Morken Township. H.E. reviewed the site and recommend cleaning this mile of ditch and using that material to repair the berm. This should include staking and seeding of the r-o-w. The opinion of probable cost is \$10,000 - \$12,000 for materials and labor.

**Clay C.D. No. 51.** A landowner called to report a damaged flap gate in Section 21, Kragnes Township. H.E. reviewed the site and found a damaged 18" dia. flap gate. H.E. recommends that this flap gate be replaced. The opinion of probable cost is \$500 - \$600 for materials and labor.

**Clay C.D. No. 49.** Wayne Brendemuhl has requested the installation of several field inlet culverts in Sections 23 and 24, Kragnes Township, to help reduce crop loss in his fields. The work will require four 24" dia. culverts approximately 30' long and one 24" dia. culvert approximately 50' long, all with flap gates. H.E. recommends that this repair work be completed. The opinion of probable cost is \$8,000 - \$10,000 for materials and labor.

**Clay C.D. No. 3.** A landowner called to report a damaged inlet culvert in Section 8, Moland Township. The repair work will require a new 24" dia. culvert 50' long culvert with a flap gate. H.E. projects the probable cost at \$2,000 - \$2,500 for materials and labor.

**Clay C.D. No. 58.** A landowner has requested that an inlet culvert be installed in Section 12, Elmwood Township. The repair work will require a new 24" dia. culvert 56' long with a flap gate. H.E. projects the probable cost at \$2,000 - \$2,500 for materials and labor.

**Clay C.D. No. 34.** Landowners have requested a review of the berms and inlet culverts in Sections 18 and 19, Barnesville Township. H.E. reviewed the site and found two locations with washouts on the berms and several inlet culverts that are plugged with sediment. They would recommend repairing the berms and removing sediment from the culverts. The opinion of probable cost is \$5,000 - \$7,500 for materials and labor.

**Clay C.D. No. 53.** A landowner has requested that an inlet culvert be installed in Section 23, Holy Cross Township. This repair work will require an 18" dia. culvert 70' long with a flap gate. H.E. projects the probable cost at \$2,000 - \$2,500 for materials and labor.

**Clay C.D. No. 40.** During the yearly ditch inspections, H.E. noted a separated section of 36" dia. concrete culvert in Section 28, Kurtz Township. This repair work will require resetting the culvert section and installing steel tie rods. H.E. recommends this repair work be done at this time. The opinion of probable cost is \$1,500 - \$2,000 for materials and labor.

**Clay C.D. No. 11N.** A landowner has requested that inlet culverts be installed in Section 33, Kurtz Township. This repair work will require a 24" dia. culvert 30' long and a 24" dia. culvert 40' long, both with flap gates. Another landowner has requested that we clean the east 0.5 miles of the ditch to its original grade at this location. H.E. has reviewed these sites and would recommend this repair work be done at this time. The opinion of probable cost is \$8,000 - \$10,000 for materials and labor to complete these repairs.

**Clay C.D. No. 11S.** During yearly ditch inspections, H.E. noted several separated sections of large concrete arch culvert through 28<sup>th</sup> ST S (a township road) in Sections 3 and 4, Kurtz Township. They have reviewed this site and would recommend exposing the top and sides of this culvert and wrapping it with fabric to prevent flowing water from scouring material out through the joints. This would be more cost effective than replacing the culvert. The opinion of probable cost is \$2,500 - \$3,000 for materials and labor.

**Wilkin C.D. No. 5A.** Aaron Carr has requested that the culvert in his driveway be extended to allow better access for larger farm equipment across in Section 24, Wolverton Township. The existing driveway crossing at this location is 138"x88"x38' reinforced concrete pipe (RCP). H.E. received a quote from Hancock Concrete Products of \$480/ft. for barrel sections, which are available in 4' or 6' lengths. They have reviewed this site and would anticipate adding 10' – 12' to the existing crossing, depending on Carr's preference. The opinion of probable cost is \$8,500 - \$10,000 for materials and labor.

**Wilkin C.D. No 22.** A landowner has requested that we remove sediment from C.D. No. 22 for a short distance downstream of in Section 31, Deerhorn Township. A landowner also contacted us about a damaged inlet culvert in the NW corner of this same section. H.E. has reviewed both sites and would recommend cleaning for approximately 500' downstream of C.R. No. 3 and repairing the damaged inlet culvert. The opinion of probable cost is \$3,500 - \$4,000 for materials and labor.

**Motion** by Hanson to approve the above listed repairs. **Seconded** by Fjestad. **Approved.**

**The following bills were presented for approval:**

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
Barnesville Phone Co.	10/25/13 billings (2)/DSL	Admin	\$162.86
Braun Intertec	#376428, materials testing	Pj. 71, 50th AVE S-MHD	\$11,790.00
Carmen's Commercial Cleaning	October 2013 office cleaning (2)	Admin	\$130.00
City of Barnesville	8/29/13-10/02/13 utilities	Admin	\$447.26
City of Dilworth	2013 Ditch Mowing	Pj. 33, Clay 50	\$6,700.00
City of Moorhead	2013 Ditch Mowing	Pj. Nos. 33, 34, 35, 36, 37, 43	\$64,417.00
Eve Jerger	10/28/13 Invoice-Secretarial	Admin/MAWQCP	\$114.00
Joel Carlson, Inc.	November Lobbyist fee	Admin	\$850.00
Mid States Storage	November storage rental	Admin	\$74.00
Network Center Communications	#25188, Tech support	Admin	\$70.00
Norma Nelson	CRP Refund	Hay Creek CWF	\$242.00
Petty Cash	Postage, supplies, etc.	Admin	\$200.00
Quill	#6349560, office supplies	Admin	\$170.67
Randall Steen	Nelson house refund	Pj. 39, Georgetown	\$15,000.00
RMB Laboratories, Inc.	#208251, water analysis	Buffalo River TMDL	\$616.00
RMB Laboratories, Inc.	#208336, water analysis	Buffalo River TMDL	\$832.00

RMB Laboratories, Inc.	#208449, water analysis	Buffalo River TMDL	\$828.00
Roger Lundberg	Beaver control	Pj. Nos. 2, 16, 30, 31, 63, Becker C.D. Nos. 5, 19	\$2,796.54
RRVCPA	09/10/13-10/10/13 service (3)	Pj. 49, Oakport	\$242.17
Schmidt & Sons Const.	Hass/Nelson house moves	Pj. 39, Georgetown	\$9,000.00
TRN Abstract & Title R-W	#6408427, Fankhanel abstract	Pj. 56, Manston	\$95.00
			<b>\$114,777.50</b>

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

**Next Meeting.** The next regular meeting date will be changed to Tuesday, November 12, 2013, at 7:00 PM in our Barnesville office in observance of Veteran's Day.

**Adjournment.** Chairman Van Amburg adjourned the meeting at 9:30 PM.

Respectfully submitted,

John E. Hanson, Secretary