

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVENUE NE

PO BOX 341

PHONE 218-354-7710

MINUTES FOR MANAGERS' MEETING December 9, 2013

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, December 9, 2013, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Curtis M. Nelson, Catherine L. Affield, John E. Hanson, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, Houston Engineering, Inc. (H.E.) and landowners: Shawn Norman, Kurt Krueger, and David Swanson.

Secretary's Report. The Board reviewed the 11/12/13 BRRWD meeting minutes. **Motion** by Fjestad to approve the minutes. **Seconded** by Nelson. **Approved.**

Treasurer's Report. The Board reviewed abbreviated monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Albright said we've received a number of checks that need to be broken down. A full report will be given at the 12/23/13 meeting. Cash on hand currently is approximately \$185,685.74. Since the 11/25/13 meeting, we received the 2nd half tax payments from Becker County (\$163,472.19), Otter Tail County (\$7,525.81), Wilkin County (\$94,989.70), and Clay County (\$381,375.58), which still need to be allocated. We also received a payment from Stoneridge Software (\$400.00) for meeting space rent. **Motion** by Fjestad to approve the Treasurer's Report. **Seconded** by Affield. **Approved.**

Business brought before the Board included:

Project No. 56, Manston Slough Landowner Concerns.

Manston Township Board of Supervisors. Supervisor Shawn Norman discussed the Township's concerns regarding their assessments for the project (\$5,945.78). The Township said the proposed payment represents a large part of their annual operating budget. They felt if certain work needs to be done to their roads as a part of the project, the project should pay those costs. The Township did not ask for the work to be done. After considerable discussion, it was decided that a meeting would be held with the Township at 6:00 PM on 12/23/13 before the regularly scheduled Managers' meeting.

Norman also voiced some concerns about assessment for his own personal land in the W $\frac{1}{2}$, Section 13, and NE $\frac{1}{4}$, Section 29, Manston Township. The Board will investigate the issues further.

Kurt Krueger. Landowner Kurt Krueger voiced concerns about land he rents in the W $\frac{1}{2}$, Section 20, Manston Township, Wilkin County, on the south side of County Road (C.R.) No. 176. The land is owned by Dale Dinger. A culvert, (Sta. 170+25–north embankment) in a field approach was changed last fall from a 36" dia. pipe to a 30" dia. pipe, in conjunction with Project No. 56, Manston Slough Restoration, potentially causing water to back up onto the property, which was previously not an issue. The Board noted that this should be reviewed with the project engineer, Rick St. Germain, H.E. Jones thought it may just be a plan error, and two lines of 30" dia. pipe should have been installed. Krueger was

invited to follow-up with his concerns at 6:00 PM on 12/23/13, before the regularly scheduled Manager's meeting.

David Swanson Concerns. David Swanson voiced concerns about Permit No. 13-38, filed by Dirk Swanson, requesting to tile 117 acres in the NW¼, Section 21, Kragnes Township, Clay County. The W½NE¼ is already assessed to drain west into County Ditch (C.D.) No 20. The remainder of the parcel (approximately 37 acres) will need to be added to the same ditch system before the permit can be approved. A hearing will need to be scheduled to add the land to the ditch system. The tiling has been installed, but Dirk Swanson was notified that he would not be able to turn on the system until after the matter was resolved. The Board will schedule a hearing for some time this winter.

Permit No. 13-174, Spring Prairie Colony. Applicant proposes to install 155 acres of pattern tiling in the NE¼, Section 34, Alliance Township, Clay County, outletting via a lift pump in the northeast corner through a new culvert at the intersection of C.R. No. 51 and C.R. No. 54, then north one mile across Section 27 (owned by the Colony) before reaching C.R. No. 2, and eventually the South Branch of the Buffalo River. The Clay County Highway Department has agreed to the new culvert. **Motion** by Hanson to approve Permit No. 13-174 subject to approval from the downstream landowner on the north side of C.R. No. 2 and BRRWD's standard tiling disclosure. **Seconded** by Nelson. **Approved.**

Permit Data Management Suite. Albright reported that the permit suite should be operational and ready for a January 1, 2014, launch.

Project No. 76, Wilkin County Ditch No. 3-Lateral. The preliminary hearing (Minnesota Statutes Annotated (M.S.A.) 103E. 261) will be held in January or February. The petitioners agree with this schedule.

Project No. 75, Wilkin County Ditch No. 31-Lateral. Jones reported Julie Aadland, Minnesota Department of Natural Resources (DNR), gave tentative verbal approval of the plan discussed at the 11/12/13 meeting. He also stated that he sent information to Joe Wulfekuhle and has not heard back from him to date. The Board discussed at some length the possible future of this petition. Before the DNR can issue a permit, an Environmental Assessment Worksheet (EAW) will need to be done. Before we progress too far, the Board felt we should hold an informational meeting with the affected landowners to make sure they support the revised concept.

Project No. 74, Clay County Ditch No. 51, Lateral No. 3. Albright reported that Ron Ringquist, Minnesota Viewers' Association, stated that the Viewers should have their report completed by the end of January and will file it with the Board. Once the report is filed, a final hearing can be held.

Project No. 71, 50th AVE S, City of Moorhead. Discussions were held with landowner Leroy Johnson about his concerns over standing water on his property. Jones reported that this issue is included on the contractor's final punch list and will be addressed when conditions are more favorable next spring. Johnson's renter, Kevin Martin, tried to correct the problem himself this fall with his own equipment, causing some damage to the dike/seeding. Photographs of the damages taken by H.E. were reviewed by the Board. The Board felt the landowner/renter should be responsible for the costs of the repair. **Motion** by Fjestad to send a letter to Johnson detailing what action will be taken to resolve this issue. **Seconded** by Affield. **Approved.**

Project No. 56, Manston Slough. A meeting is scheduled with Manston Township and landowners who expressed their concerns at tonight's meeting about their project assessments for December 23, 2013, at 6:00 PM. Albright will contact Chuck Anderson to complete the Kent Rod and Gun Club appraisal. Title

work and easement acquisition continues and should be completed before the contractor resumes work in the spring.

Project No. 49, Oakport Township Flood Mitigation. The 2014 Legislative Session starts on 02/25/14. The Board's goal, in conjunction with their lobbyist, Joel Carlson, will be to secure the funds (approximately \$5.26 million) necessary to complete the project. Albright will contact Ulteig Engineers, Inc. (UEI) about surveying the Pierce stockpile again to determine the acreage and negotiate another year lease for 2014. The Fischer Family's attorney, Ken Norman, has been contacted to see if his clients are interested in discussing a resolution to their concerns about a spoil pile lease on their property. We have received no response from Norman or the Fischers. A letter was received from the Federal Emergency Management Agency (FEMA) confirming that the floodplain map revisions for Phase 1 of the project did not receive any appeals during the allotted period. Landowners within the new Phase 1 borders will now qualify for lower rates on flood insurance. Van Amburg noted that a meeting should be scheduled with Senator Kent Eken and Representatives Marquart and Lien to discuss 2014 State bond money needed to finish Phase 4 of the project before the Legislative Session begins.

Project No. 39, Georgetown. Construction has ceased until after spring thaw. Clean up and seeding is scheduled to be completed in the spring. Rick Halvorson Construction is working on the Greywind basement.

Mediation Project Team (PT). The PT notices will be sent out for the meeting scheduled for December 19, 2013, at 1:30 PM in the Barnesville office. Henry Van Offelen, Red River Basin Coordinator, DNR, has requested a report for a Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) meeting on December 18, 2013, which Albright will furnish. He also requested a year end summary to file a report with the Legislature and asked that all bills be brought current.

Watershed District Enlargement. Albright will prepare the Revised Watershed Management Plan (RWMP) authorization notice for the Board's review and signature, which will be filed with the Minnesota Board of Water and Soil Resources (BWSR). After January 1, 2014, we will begin assembling the Citizen Advisory Committee (CAC) and Technical Advisory Committee (TAC) groups to start working on the plan update. The Board discussed the RWMP update process, which will include the new watershed area in Wilkin and Otter Tail Counties.

Army Corps of Engineers (COE) Fargo-Moorhead Diversion. The next Flood Diversion Board meeting is scheduled for December 19, 2013.

Clay C.D. Nos. 9, 32, 33 Redeterminations. The Viewers have begun their work. Once complete, the redetermination hearings can be scheduled in the beginning of 2014.

Redetermination of Benefits for Becker C.D. Nos. 10/19. Once the Viewers have completed their work, any adopted changes to the report will be finalized and filed with the Board. Subject to Board approval, notices will be sent to affected landowners detailing the hearing continuation date. Wade Opsahl, H.E., completed the outer boundaries' field review before we got snow this fall.

Minnesota Agricultural Water Quality Certification Program (MAWQCP). Once certification papers are in place, Gerald Nordick's application can go through the process and become certified. A meeting has been scheduled for Wednesday, January 15, 2014, in St. Paul. The Board discussed the program and certification criteria. A BWSR grant was approved for \$50,000 to fund part of the projected \$106,000

annual budget. **Motion** by Hanson to authorize Van Amburg to sign the contract. **Seconded** by Fjestad. **Approved.** Albright will forward this on to BWSR.

Wolverton Creek/Comstock Coulee Clean Water Fund (CWF) Restoration. The Environmental Assessment Worksheet (EAW) is out for the required review. It was published in the EQB Monitor on November 11, 2013. The comment period will be open for 30 days, until December 11, 2013, and the Board will have an additional 30 days to respond to any comments before moving forward with the process. One comment was submitted thus far by the State Historical Preservation Office (SHPO), noting that they believe an archeological survey should be completed. Jones reported the estimate for the project is \$7 million; a part of these costs could be covered by the proposed grant from BWSR. The Board discussed this grant and other possible funding revenues. **Motion** by Hanson to submit the BWSR grant for the Targeted Watershed Demonstration Program before the December 14, 2013, deadline. **Seconded** by Fjestad. **Approved.**

BWSR PRAP Grant/Consultant Applications. The grant application (\$4,000) was submitted and signed by BWSR. As of December 3, 2013, funds are cleared for spending. The consultant interviews are scheduled for Thursday, December 12, 2013, at 10:00 AM with Donna Rae Scheffert and 1:30 PM with Joe Newberg and Rebecca Bauman in the Barnesville office.

New Office. The Open House is scheduled for Friday December 13, 2013, from 2:00-5:00 PM. Notices were sent out via postcard to approximately 90 individuals who had been invited to the Fall Tour. It was also published in the Barnesville *Record-Review*, and Albright emailed neighboring watershed districts.

Red River Basin Commission (RRBC). The 31st Annual Conference will be held January 14-16, 2014, in Fargo. The office will take care of registrations for any Board members who wish to attend.

Minnesota Association of Watershed Districts (MAWD) Annual Meeting. The Board discussed various highlights from the annual meeting.

The following bills were presented for approval:

| Accounts Payable | Description | Account | Amount |
|-------------------------------|-------------------------------------|---|-------------|
| Agassiz Mechanical, Inc. | #214112, Contract Service | New Office | \$410.00 |
| AmeriPride Services, Inc. | 11/30/13 billings (2), office rugs | Admin | \$54.45 |
| Barnesville Phone Co. | 11/25/13 billings (2)/DSL | Admin | \$162.86 |
| Barnesville Record-Review | 11/30/13 EAW Ad | Wolverton Crk Restoration | \$108.00 |
| Bruce E. Albright | MAWD lodgings-Reimbursement | Admin | \$818.37 |
| City of Barnesville | 10/02/13-11/01/13 Utilities | Admin | \$468.77 |
| Eve Jerger | #13-07, 12/09/13 billing-Min. prep. | Admin | \$240.00 |
| H.E. | November billing summary | Varies, see attached | \$87,006.07 |
| Key Contracting, Inc. | Pjs./Ditch Repairs | Pjs. 01, 30, 31, 54, 57, 61./Wilkin No. 41, Clay No. 34, 40, 58 | \$97,069.00 |
| Purchase Power | 11/26/13 postage-mail meter | Admin | \$200.00 |
| Premium Waters, Inc. | 11/30/13 billing | Admin | \$33.47 |
| RRBC | Hanson registration | Admin | \$225.00 |
| SECAP Finance | #2481200-NV13, postage meter | Admin | \$112.22 |
| Sellin Bros., Inc. | #10885, Repairs | Pj. 01, Wilkin 22 | \$1,960.00 |
| Sellin Bros., Inc. | #10891, Cook RCP extension | Wilkin C.D. No. 5A | \$15,901.40 |
| Sellin Bros., Inc. | #10892, ditch cleaning | Clay C.D. No. 10 | \$6,705.00 |
| Subsurface, Inc. | #2013277, beaver dam removal | Clay C.D. Nos. 17/31 | \$945.00 |
| Tim Crompton Excavating, Inc. | #098665, inlets | Pj. 48, Clay 59 | \$11,037.50 |

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| Tim Crompton Excavating, Inc. | #098667, culvert repair | Clay C.D. No. 51 | \$340.00 |
| Tim Crompton Excavating, Inc. | #098668, approach | Clay C.D. No. 3 | \$5,012.50 |
| Tim Crompton Excavating, Inc. | #098670, approach/culvert | Clay C.D. No. 3 | \$552.46 |
| Tim Crompton Excavating, Inc. | #098671, culverts/gates (3) | Clay C.D. No. 49 | \$4,281.46 |
| Tim Crompton Excavating, Inc. | #098672, inlets | Clay C.D. No. 49 | \$5,755.00 |
| WREC | 10/19/13-11/18/13 service (2) | Pj. 46, Turtle Lake | \$89.14 |
| Xcel Energy | 11/25/13 billings (2) | Pj. 49, Oakport | \$90.79 |
| | | | \$239,578.46 |

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

Next Meeting. The next regular meeting date will be Monday, December 23, 2013, at 6:00 PM in our Barnesville office.

Adjournment. Chairman Van Amburg adjourned the meeting at 9:45 PM.

Respectfully submitted,

John E. Hanson, Secretary