

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING December 23, 2013

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, December 23, 2013, at 6:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Breanna L. Kobiela, Catherine L. Affield, John E. Hanson, Troy E. Larson, and Peter V. Fjestad. BRRWD Staff attending included: Bruce E. Albright, Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (H.E.); Also in attendance were: Kurt Krueger and Shawn Norman, Supervisors, and Erik Ramacher, Treasurer, Manston Township.

Project No. 56, Manston Slough Restoration. Manston Township appeared before the Board to discuss their concerns over the Township's project assessments. They were also hoping to have seen some type of formal agreement for the use of their roads for the project. Albright stated that a formal, written agreement had not yet been drafted, but he will see that one is prepared for their review and approval following tonight's meeting. He furnished them with an example of what was used for Project No. 54, Whisky Creek Tributaries for the use of County Road (C.R.) No. 54 with the Clay County Highway Department.

Kurt Krueger had also voiced concerns at the 12/09/13 meeting about a 36" dia. culvert that had been replaced with one line of 30" dia. culvert on property he rents in the NE¹/₄, Section 20, Manston Township, on the south side of C.R. No. 176. Jones reported that he had investigated the issue, and the original plan had called for two lines of 30" dia. culverts to be installed. He spoke to the project engineer, Rick St. Germain, and the additional culvert will be installed next spring.

At the previous meeting, Shawn Norman had voiced concerns about assessments on his property in Section 13, Manston Township. The Project No. 56 Appraisers had assessed the 40 acres in the SE¹/₄SW¹/₄, which is also already assessed to County Ditch (C.D.) Nos. 13 and 13-Lateral. Norman said the land does not drain to these ditches. Albright recommended the drainage be verified in the spring, and a hearing be held with Project Nos. 2, 21, and 56 to remove the acreage from these project benefit areas. Norman also voiced concerns about assessment values for 14.5 acres in the NE¹/₄, Section 29. He pointed out that he also spent \$130,000 to install two pumps to drain water off his land due to anticipated project impacts. Albright said the proposed assessments were not placed on the land (14.5 acres) involved with the project.

The Board discussed their assessments with Manston Township. Their cost for the proposed project is \$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. Bruce Albright, Administrator, reviewed the various work items that will be done to three of their township roads and the amount of project funding that will be needed for each road. He estimated that the project will spend over \$150,000 on improving the roads in question by replacing culverts, installing gravel, raising roads, and building those roads to current drainage standards. One of the proposed work items included raising one mile of road (230th AVE, between Sections 29 and 30). The estimated cost of the gravel alone was \$45,000. The road currently stands under water during periods of heavy run-off. The Board and Township agreed to not add the extra gravel at this point in time, but to monitor the area after the project is completed. The gravel could always be added later. **Motion** by Larson to rebate Manston Township for their proposed assessment of \$5,945.78, as a project expense and to not gravel 230th AVE at this time. **Seconded** by Kobiela. **Approved.**

Secretary's Report. The Board reviewed the 09/09/13, 10/28/13, and 11/25/13 BRRWD meeting minutes. **Motion** by Hanson to approve the minutes. **Seconded** by Fjestad. **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 and abbreviated end of quarter/year summaries. Administrative disbursement expenses for the year totaled \$364,085.09. The average account balance for the year will be calculated on all accounts. Accounts with a negative average will be charged interest at the rate of 4.5% and accounts with positive balances will be paid interest at the same rate. Cash on hand currently is \$1,339,261.07. A main contributor to this amount was the bond sale this summer (\$2 million). Albright reported we are anticipating a payment by the end of the year from Clay County for projects and ditch systems 2nd half taxes. He will send an email to the County inquiring when that can be expected. Pay Requests will be submitted for Project No. 56, Manston Slough Restoration; Project No. 39, Georgetown; Project No. 49, Oakport; and Project No. 71, City of Moorhead, 50th AVE S. Albright reported that he would put together an informational packet about projected 2014 funding from our taxing authority in accordance with Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3, which allows taxation by petition from a political subdivision. Clay County has been supportive in this regard in the past. The Board should schedule a time to attend the Clay County Board meeting to present their petitions. **Motion** by Larson to approve the Treasurer's report. **Seconded** by Affield. **Approved.**

Business brought before the Board included:

Automated Permit Suite. Albright reported that the permit suite should be operational and ready for a January 1, 2014, launch. Jones confirmed that it will be ready to go live online that day.

Permit No. 13-175, Trevor Sorby. Applicant proposes to install pattern tiling in the SE¼, Section 4, Oakport Township, Clay County. The National Resources Conservation Service (NRCS) has determined that there are no wetlands involved. The first option would be to outlet in the northeast corner of the section. The second option is an outlet in the northwest corner of the SW¼, which would drain to the Trunk Highway (T.H.) No. 75 ditch. **Motion** by Fjestad to table pending further investigation. **Seconded** by Larson. **Tabled.**

Permit No. 13-176, Trevor Sorby. Applicant proposes to install pattern tiling in the NW¼, Section 3, Oakport Township, Clay County. **Motion** by Fjestad to table pending further investigation. **Seconded** by Larson. **Tabled.**

Permit No. 13-177, Ryan & Michael Hough. Applicant proposes to install 130 acres of pattern tiling in the N½, Section 18, Prairie View Township, Wilkin County, outletting via a lift station in the SW corner of the property along the east side of County State Aid Highway (CSAH) No. 52 to C.D. No. 42. **Motion** by Hanson to approve Permit No. 13-177, subject to downstream landowner approval and BRRWD standard tiling disclaimer. **Seconded** by Affield. **Approved.** This permit replaces Permit No. 13-172, which was denied on 11/25/13. At that time, the applicants were proposing the outlet on the north side of the property, where the water would have drained to Wilkin County Ditch No. 41 for which it is not assessed.

Permit No. 13-173, Spring Prairie Colony. Applicant proposes to install 720 acres of pattern tiling in the NE¼, Section 34, and Section 27, less the W½SW¼, Alliance Township, Clay County, outletting via lift stations: one in the northeast corner of the NE¼, Section 34; and one along CSAH No. 2 to the South Branch of the Buffalo River. Applicant also proposes to install one 24" dia. corrugated metal pipe (CMP) through 170th AVE S. **Motion** by Hanson to approve Permit No. 13-173, subject to downstream landowner approval and the BRRWD standard tiling disclaimer. **Seconded** by Larson. **Approved.**

Permit No. 13-167, MN/DOT. Applicant proposes to mill 1.5” of the in-place bituminous driving surface, and paving back with 3” of bituminous along T.H. No. 75 from the T.H. No. 10 junction in Moorhead north to the Clay County line. Also proposed is the replacement of nine centerline culverts and two centerline box culverts. The replacement culverts will be installed 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 the Minnesota Department of Natural Resources (DNR) protected waters as a result of culvert replacements. **Motion** by Fjestad to table Permit No. 13-167, pending Jones’ review and recommendations. **Seconded** by Hanson. **Tabled.** Jones would like to discuss the project with Paul Munsterteiger, Minnesota Department of Transportation (MNDOT).

Permit No. 13-163, Aaron Carr. Applicant proposes to install a culvert from the NW¼, Section 30, Prairie View Township, to Section 24, Atherton Township, with a screw type gate. At the 11/25/13 meeting, the Board noted that Project No. 31, Deerhorn Creek Levees, adds to the amount of water getting backed up on Carr’s land. The Board discussed the possibility of making the necessary installations and/or repairs within the project’s budget and approved a motion to that affect. Albright reported on a number of other possible solutions to the issue, including making repairs to an existing gate. Per discussion and clarification, the Board will consult with Wade Opsahl, Technician, H.E., about the status of the previously discussed repairs before moving forward with an approval of Permit No. 13-163. **Tabled,** pending further investigation.

Permit No. 13-161, Chad Jetvig. Applicant proposes to install a 24" dia. culvert in an approach in the southwest corner of the W½, Section 11, Moland Township, Clay County, to drain a portion of the quarter to the south. At their 10/15/13 meeting, the Board tabled this permit application subject to investigation and recommendations from Opsahl. **Tabled.**

Permit No. 13-30, Kevin & Brad Nelson. Applicant proposes to install 468 acres of pattern tiling in the E3/4, Section 26, Oakport Township, Clay County, outletting via two lift stations draining to the C.R. No. 18 road ditch to the south and the township road ditch on the north (43rd AVE N). **Tabled,** pending proof of downstream landowner approval. Albright discussed the proposed project with Kevin Nelson, indicating the Board would need this downstream approval before acting on the application. To date, there has been no response.

Permit No. 13-73, Butch Lemke. Applicant proposes to replace a culvert in the Greiff driveway along Clay C.R. No. 21. Albright reported that the existing pipe is not very large. The applicants are currently taking water from breakouts from Hay Creek across their property, which then flows back into Hay Creek through the driveway. This is causing issues with their buildings, and the elevation of the neighboring landowners’ buildings was a concern in past discussions. **Tabled,** pending further investigation.

Perry Montplaisir Drainage Concerns. Montplaisir has requested a ring dike for his building site, but due to his proximity to the Red River, that is not possible. H.E. will gather information for an informational meeting with the area landowners sometime this winter. Montplaisir brought the issue up last spring, when neighboring landowners started closing culvert gates during the flood.

Project No. 76, Wilkin County Ditch No. 3, Lateral No. 8. A preliminary hearing will be scheduled for some time this winter. Albright noted Yaggie’s bond requires an increase and that a motion should be made to approve that request. He will mail the petitioner our standard letter. **Motion** by Hanson to request a bond increase. **Seconded** by Kobiela. **Approved.**

Project No. 75, Wilkin County Ditch No. 31-Lateral. Albright stated that the office has begun compiling a list of petitioners and affected landowners so an informational meeting can be held to make sure they

support the revised concept, which includes cleaning a DNR protected watercourse (Whiskey Creek). Julie Aadland, DNR, gave indications at the December 19, 2013, Project Team (PT) meeting that she is agreeable to the revisions. An Environmental Assessment Worksheet (EAW) will be required. Albright stated that there may be some difficulties with moving forward with the cleaning portions of Whiskey Creek as a project. A meeting to address any objections may be necessary. The proposed work area is in Section 14, Connelly Township.

Project No. 74, Clay County Ditch No. 51, Lateral No. 3. The Viewers, Ron Ringquist, Rod Knutson, and Rick Battles, intend to have their report to the Board by the end of January. Attorney Zenas Baer, Baer Law Office, requested an update of the project's status, and Albright stated that we are waiting on the report. Once the final bill has been submitted for Viewing expenses, information will be sent for Baer's records.

Project No. 56, Manston Slough Restoration. Albright spoke with Chuck Anderson, ARC Appraisals, last Friday, December 20, 2013. He intends to meet with him to discuss the appraisal for the Kent Rod and Gun Club property and present the findings at the January 13, 2014, meeting. Albright also stated he intends to wrap up the final project details before the annual meeting in January. Work on getting the remaining easement options signed will be taken care of this winter.

Project No. 49, Oakport Township Flood Mitigation. A request was made to put together a bonding package for the Legislature to consider. Our Lobbyist Joel Carlson will need to work with our Legislators, and Albright and Board members may have to attend some hearings to testify in order to secure the remaining necessary funding to complete the project (\$5.26 Million).

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.

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, and Schmidt and Sons Construction, is reportedly scheduled to move the Greywind house onto the basement this Thursday, December 26, 2013. After the move has been completed, the original house may be removed and Reiner Construction will return in the spring to fill in the levy where it was sitting.

Project No. 29, Buffalo River Maintenance. Albright noted that in the past, known log jam problem areas have been addressed through emergency watershed protection funds from the NRCS. Landowners have contacted the office about log jam sites that need work. William Nichol Excavating, Inc. has reviewed the sites and furnished a quote for completing the work for Moland Township (\$3,850), Virginia Moon (\$500), and the bridge in Elmwood Township on 100th AVE S. (\$2,750). Albright distributed photographs of the problem areas. Without a new project for these sites, the funding required would be paid out of the Board's M.S.A. 103D, 905, Subd. 3, account. **Motion** by Hanson to award the bid to Nichol to remove all three log jams on the Buffalo River. **Seconded** by Fjestad. **Approved.**

Mediation PT. Three potential retention projects were discussed at the 12/19/13 meeting. The first site discussed was the Rogelstad site on the South Branch of the Buffalo River, just east of T.H. No. 9. A meeting should be scheduled with the landowners to gather opinions on the potential development of an impoundment site in their area. The PT also thought the BRRWD should schedule an informational meeting with the landowners regarding the second site on Sabin Coulee, just SE of Moorhead. If major flooding were predicted for Fargo-Moorhead, possibly above 38', water could be held longer in the coulee. The third site discussed was the historic Barnesville Township study area. A survey was conducted in 1983 regarding chronic water problems in the area, which continue to date. There have been a few

designs/concepts investigated to create holding areas, but no real project features were identified. A meeting would need to be held with all landowners within the 25 square mile (sq. mi.) watershed to determine their interest in a comprehensive project. The PT's consensus was that the Board should hold meetings for all three areas and decide if one site in particular holds higher priority than the others.

The Board discussed the Sabin Coulee project features, including local drainage benefits that could be incorporated into the design. H.E. completed a study of the Sabin Coulee in the late 1980's. Mismatched culvert sizings and water backing up onto cropland were both identified concerns. A DNR permit would not be required, as Sabin Coulee is not public water, though some wetland impacts may need to be mitigated. The Board discussed holding an informational meeting for Barnesville Township and scheduled it for Monday, February 3, 2014, at 7:00 PM in the Barnesville office. Albright will review the calendar for dates to hold meetings for the other two sites.

Watershed District Enlargement. Albright reported that H.E. has completed the list of the legal descriptions of the newly added lands. The office will prepare an order to mail to the Secretary of State. In regards to the Revised Watershed Management Plan (RWMP), the Citizen Advisory Committee (CAC) and Technical Advisory Committee (TAC) groups need to be set up to begin discussions on the two new planning regions. The One Watershed One Plan (1W1P) requirements will need to be reviewed and discussed with the Counties as well. The Board of Water and Soil Resources (BWSR) will begin accepting proposals from interested parties in April. The planning process would then begin in January, 2015. Informational meetings will be held this winter regarding the new areas.

Army Corps of Engineers (COE) Fargo-Moorhead Diversion. The minutes from the last meeting were distributed to the Board for review. Albright reported that the Diversion Authority has filed a motion to dismiss the Wilkin and Richland Counties' law suit.

Clay C.D. Nos. 9, 32, 33. The contractors are completing the final stages of their work. C.D. No. 33 is complete and seeded. C.D. No. 32 is complete, except for seeding, which will be completed in the spring. Right-of-way (r-o-w) posts have been installed. C.D. No. 9 is complete, except for some pipe clean up and seeding, which will also be done in the spring. Albright has been working with the Viewers to complete the redetermination of benefits in advance of any spring field work.

Redetermination of Benefits for Becker C.D. Nos. 10/19. Albright reported that Opsahl reviewed the issues brought up during the hearing and a summary of the hearing comments will be compiled so the Viewers can investigate and provide a list of recommendations to the Board. A hearing continuation will be held sometime this winter.

Minnesota Agricultural Water Quality Certification Program (MAWQCP). A webinar was held last Wednesday, December 18, 2013. A steering committee meeting is scheduled for Tuesday, January 7, 2014, in Breckenridge. Albright will create an agenda for that meeting. They will focus on completing their advisory committee list of names and finalize it in preparation for Dr. Eckman's meeting with them regarding her Knowledge, Attitude, and Practices (KAP) study. There will be a meeting of the four pilot area watersheds on January 15, 2014, in St. Paul.

Buffalo River Total Maximum Daily Load (TMDL). Albright reported that during a conference call with Tim James, Project Manager, Minnesota Pollution Control Agency (MPCA), they set goals to complete the Watershed Restoration and Protection Plan (WRAP) and TMDL by the end of the year. Stephanie Johnson, H.E., will meet that deadline; however, no time was allowed in the contract for the Environmental Protection Agency (EPA) and public review and comments. Any comments would also need to be responded to in writing. MPCA extended the contract by six months, until June 30, 2014, to

allow time for these steps. Albright reported he has received the draft WRAP for review. Copies will be distributed to the Managers at the next meeting.

Wolverton Creek/Comstock Coulee Clean Water Fund (CWF) Restoration. The application for the Targeted Watershed Protection Plan has been submitted to BWSR. The EAW comment period closed on December 11, 2013. Three letters of comment were received from the MPCA; Peter Buesseler, Regional Manager, DNR; and the Minnesota Historical Society. Jones has prepared documents for the Board's review. The legal response period is 30 days; however, a 30-day extension may be requested by the Board to compile the necessary information for responses. **Motion** by Larson to request the 30-day extension to furnish requested information. **Seconded** by Kobiela. **Approved.**

2014 H.E. Office Rent. In the past, H.E. has paid \$225/month rent to the BRRWD for office space usage. A contract will be presented at the annual meeting detailing the 2014 rental agreement with H.E. Albright suggested a committee should review the details of that agreement. **Motion** by Hanson to create a committee consisting of Kobiela, Nelson, and Van Amburg to review the rental rate. **Seconded** by Fjestad. **Approved.**

RRBC 31st Annual Conference. Reservations for Hanson have been made and sent to the RRBC. The banquet will be held on January 15, 2014. Van Amburg stated that he would also like to attend. Albright will arrange his reservation. BRRWD submitted the MAWQCP, Manston Slough Restoration, and Wolverton Creek projects for highlighting as success stories at the Conference.

Minnesota Viewers Association. An accredited workshop, "Ditch Viewer Introductory Training", will be held at Ridgewater College, Willmar, on January 14-17, or April 8-11, 2014. The cost per attendee is \$1,495.00. Topics covered will be redetermination of benefits, foundation of skills to build on, etc. Larson indicated he knows someone that may be interested in attending. Albright will forward him the information.

City of Barnesville, Whisky Creek. Approximately twenty years ago, the City cleaned out Blue Eagle Lake. At that time, a diversion dike was put in place so Whisky Creek no longer ran directly into the lake. That has helped the lake with the issue of sediment build up. There is renewed interest in Barnesville to improve Blue Eagle Lake water quality. Improvements were made to the old Works Projects Administration (WPA) dam 25 years ago. The dam also stops all fish passage from going upstream. The City is looking at a fish passage spillway which would cost about \$400,000, to allow fish to migrate up and downstream of the dam. The sediment pond also needs cleaning. The BRRWD has worked with the City on several applications to clean the pond, but no funding has been secured to date to clean it. If the fish spillway were installed, they would be able to de-water the pond and take the sediment out using a long reach backhoe. The City applied for a Clean Water Partnership (CWP) grant through the Lessard-Sams Outdoor Heritage Council (LOHC) for the fish passage, but the application was not selected for funding. Albright met with Jim Wouters, DNR, Josh Kadrmas, H.E., and the City of Barnesville on 12/20/13. They agreed to apply for more grant opportunities in 2014. Possible funding sources include the Legislative-Citizen Commission on Minnesota Resources (LCCMR), with applications due in April, and BWSR, who will be accepting applications due later in the fall. Various other grants might also be possibilities. The City and DNR have some funding available, but the remaining amount the BRRWD would have to contribute would be too expensive. If project funding isn't secured by the end of 2014, the group will meet again to discuss other options.

BWSR PRAP Grant/Consultant Applications. The consultant interviews were completed on 12/12/13. Albright felt the Board should make a final decision tonight. The Board discussed the qualifications of both applicants at length and put it to a paper ballot vote. Donna Rae Scheffert was selected as the preferred candidate. The Board also discussed the goals we hope to achieve through the use of the

consultant process to review office operations and strategic planning. Albright will contact Scheffert to prepare a contract and time line for completing the work.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Braun Intertec Corporation	#379286, testing	Pj. 71, Moorhead 50th AVE	\$ 1,131.75
Bruce E. Albright	12/12/13 Managers' meal	Admin.	\$ 54.27
Bruce E. Albright	Hornbachers-Open House	Admin.	\$ 386.08
Bruce E. Albright	Target-Open House	Admin.	\$ 142.48
Clay Co. Auditor/Treas.	transmit Becker Co. collections	Pj. 46, Turtle Lake	\$ 6,763.72
Eve Jerger	#13-08, 12/23/13 billing, Min. prep	Admin.	\$ 249.00
Gladen Const., Inc.	Pay Request No. 4	Pj. 71, Moorhead 50th AVE	\$ 352,019.94
Joel Carlson, Inc.	January Lobbyist fees	Admin.	\$ 850.00
Key Contracting, Inc.	#3306, culverts	Pj. 30, Clay/Wilkin J.D. 1	\$ 23,709.00
Mid States Storage	January rent	Admin.	\$ 74.00
Roger Lundberg	12/11/13 beaver control	Becker C.D. No. 19	\$ 190.25
RRVCPA	#127959, utility relocations	Pj. 71, Moorhead 50th AVE	\$ 20,863.03
RRVCPA	11/10/13-12/09/13 service (3)	Pj. 49, Oakport	\$ 229.74
RRVCSA	#2014-22, Haverland survey-Osten 1-2	S&D Acquisition	\$ 285.00
RRVCSA	#2014-23, Haverland survey-Osten 3-4	S&D Acquisition	\$ 285.00
Sellin Bros., Inc.	#10941, tie rods	Wilkin C.D. No. 5A	\$ 132.00
Shane Thompson	#1302, beaver dam removal	Pj. 2, Wilkin 13/Pj. 21, Wilkin 13-Lat.	\$ 125.00
TDS	12/13/13 long distance	Admin.	\$ 8.40
TRN Abstract & Title R-W	#6416156, Hulne abstract	Pj. 56, Manston	\$ 300.00
TRN Abstract & Title R-W	#6416191, VanWechel abstract	Pj. 56, Manston	\$ 88.00
Vogel Law Firm	#120251, November billing	Admin.	\$ 107.50
Vogel Law Firm	#120252, November billing	COE Diversion	\$ 301.00
Vogel Law Firm	#120382, November billing	Pj. 56, Manston	\$ 1,051.50
Vogel Law Firm	#120383, November billing	Pj. 39, Georgetown	\$ 380.00
Vogel Law Firm	#120384, November billing	Elkton Township Wetland	\$ 262.50
			\$ 409,989.16

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

Next Meeting. The BRRWD annual meeting will be held on Monday, January 13, 2014, at 7:00 PM in our Barnesville office.

Adjournment. Chairman Van Amburg adjourned the meeting at 9:50 PM.

Respectfully submitted,

John E. Hanson, Secretary