MINUTES FOR MANAGERS' MEETING
May 27, 2014

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Tuesday, May 27, 2014, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Curtis M. Nelson, Peter V. Fjestad, John E. Hanson, and Catherine L. Affield. BRRWD Staff attending included: Wade S. Opsahl, Assistant BRRWD Administrator, Erik S. Jones, Engineer, and Julie M. Jerger, Resident Senior Administrative Assistant, Houston Engineering, Inc. (H.E.)

Chairman Van Amburg called the meeting to order at 7:00 PM. He announced that the proceedings were being recorded to aid in the preparation of the minutes.

Treasurer's Report. The Board reviewed the BRRWD's financial status. In the absence of BRRWD Administrator Bruce E. Albright, Jerger reported that cash on hand is currently $1,489,673.90. Since the 5/12/14 meeting, we received $17,816.68, including two checks from the Red River Watershed Management Board (RRWMB) for Comprehensive Planning ($10,457.88) and Mediation Project Team (PT) expenses ($5,740.38), plus a small credit memo from Quill for office supplies. Jerger will deposit the checks tomorrow. These receipts are not included in the cash on hand total.

Van Amburg noted that Albright plans to follow up with Dionne Merkens, Midwest Bank, regarding the continuation of the BRRWD's $600,000 operating loan when he returns later this week.

The Board discussed the 2013 Audit, which Harold J. Rotunda, Certified Public Accountant (CPA) filed at the 4/28/14 meeting. Motion by Hanson to approve the 2013 Audit. Seconded by Fjestad. Approved.

Secretary’s Report. The Board reviewed draft minutes for the 08/26/13 and 04/28/14 meetings. Motion by Fjestad to approve the minutes. Seconded by Hanson. Approved.

Business brought before the Board included:

Permit No. 13-030, Kevin & Brad Nelson. Applicant proposes to install 480 acres of pattern tiling in Section 26, Oakport Township, Clay County, outletting via lift stations in the southwest and northwest corners of the section. The south half of the project will outlet to the Clay County Road (C.R.) No. 18 road ditch and the north half will outlet to the township road (43rd AVE) ditch on the north end of Section 26. Motion by Hanson to approve Permit No. 13-030, subject to our standard tiling disclaimer, approval from the road authorities to work within their road right-of-way (r-o-w), and approval from the downstream landowner(s). Seconded by Nelson. Approved.

The Board had an extended discussion regarding a possible process for obtaining the required permissions the BRRWD adds to approved permit applications. Justin Johnson, Civil Technician, H.E., and Albright are working on a form that the approving party (road authority, downstream landowners, etc.) could sign, and the applicant could submit, as proof that the permit requirements were satisfied. The Board felt that prior to Board approval, the applicant should be required to submit the signed permission forms, if needed.

Permit No. 13-175, Trevor Sorby. Applicant proposes to install pattern tiling in the SE¼, Section 4, Oakport Township, Clay County, outletting to the Trunk Highway (T.H.) No. 75 road ditch via a lift
station, eventually to Clay County Ditch (C.D.) No. 51 to which it is assessed. The Natural Resources Conservation Service (NRCS) has determined that no wetlands will be impacted by the project. **Motion** by Hanson to approve Permit No. 13-175, subject to our standard tiling disclaimer. **Seconded** by Affield. **Approved.**

**Permit No. 13-176, Trevor Sorby.** Applicant proposes to install pattern tiling in the NW1/4, Section 3, Oakport Township, Clay County, outletting from the northwest corner to the south side of C.R. No. 26, eventually to C.D. No. 51 along T.H. No. 75. The NRCS has determined that no wetlands will be impacted by the project. **Motion** by Fjestad to approve Permit No. 13-176, subject to our standard tiling disclaimer and downstream landowner approval. **Seconded** by Nelson. **Approved.**

**Permit No. 14-055, Clay County Highway Department.** Applicant proposes to lower ditch grades and extend the ditch cleanout in the south ditch further to the northwest of the intersection of County State Aid Highway (CSAHI) No. 52 and C.R. No. 56 in the SE1/4, Section 15, Barnesville Township, to improve drainage from the southeast where recently installed tiling and pumps were installed. The outlet will be to the "East Tributary" of Project No. 54, Whisky Creek Tributaries. **Motion** by Hanson to approve Permit No. 14-055. **Seconded** by Affield. **Approved.**

**Permit No. 14-056, Mike Nelson.** Applicant proposes to install 158 acres of pattern tiling in the NE1/4, Section 8, Prairie View Township, Wilkin County, outletting via a lift station to Wilkin C.D. No. 41, Branch 5, to which the property is assessed. **Tabled,** pending Manager field review of the proposed changes to the outlet.

**Permit No. 14-057, City of Moorhead.** Applicant proposes to construct a taxiway and stormwater retention pond in Section 19, Moorhead Township, Clay County, to meet Minnesota Pollution Control Agency (MPCA) Stormwater construction permit requirements for the common plan of development of creating an acre or more of new impervious area for the 2014 Moorhead Airport Improvement project. The project will outlet to Clay C.D. No. 41 on the south side of Interstate-94 (I-94). **Motion** by Hanson to approve Permit No. 14-057. **Seconded** by Affield. **Approved.**

**Permit No. 14-058, Wilkin County Highway Department.** Applicant proposes to install a residential driveway off from C.R. No. 188 (153rd AVE) in the SW1/4, Section 17, Atherton Township. The culvert will be a 24" dia. corrugated metal pipe (CMP) that matches the existing nearby structures, outletting to the South Branch of the Buffalo River. **Motion** by Fjestad to approve Permit No. 14-058. **Seconded** by Affield. **Approved.**

**Permit No. 14-060, Oscar Township.** Applicant proposes to move 750' of an existing roadway (153rd AVE) in the SW1/4, Section 12, Oscar Township, Otter Tail County, located 0.25 miles north of C.R. No. 118, a short distance to higher ground. The project would require the replacement of one line of 15" dia. pipe and the installation of two new 15" dia. culverts. The Board discussed this application and determined that the area is not within the new BRRWD boundaries. **Administratively withdrawn.**

**Project No. 76, Wilkin C.D. No. 3-Yaggie Lateral.** Albright talked with Petitioner Mike Yaggie on 05/22/14 regarding the requested bond payment. He said he and Wayne Fuder have agreed to reimburse the Board's costs in the amount of $15,000 ($10,000–Yaggie, $5,000–Fuder). Yaggie said the checks would be forthcoming. Once the funding is received, the Board can make the order dismissing the petition and approve Yaggies' permit (Permit No. 14-019) for construction of the private ditch. The Board will contribute the balance of the project development costs.

**Project No. 75, Wilkin C.D. No. 31-Lateral.** H.E. has prepared the Environmental Assessment Worksheet (EAW) as required by the DNR for restoration of the Whiskey Creek channel, starting at T.H.
No. 9, and continuing downstream across Section 14, Connelly Township. Jones noted that to date he has not received any comments on the EAW. The comment period ends 06/11/14. Jones has nearly completed the Minnesota Department of Natural Resources (DNR) permit application. The DNR cannot act on our application until the EAW process is completed.

**Project No. 74, Clay C.D. No. 51, Lateral No. 3.** Petitioner Roger Minch sent his neighbor, Harlan Sauter, a letter on 05/12/14 asking him to consider being a part of the project, by installing a culvert through the township road. There has been no response since then from Minch as to whether or not Sauter wants to participate. Jones noted that work on the project is on hold until we receive word from Minch. He is considering withdrawing the petition and submitting a new petition that may better suit their needs. The Viewers’ preliminary report shows that there aren’t enough benefits for the current project to make it feasible.

**Project No. 73, Country Heritage Ditch.** An informational meeting will be held this summer with the affected landowners along 2nd ST in Oakport Township to discuss their culvert concerns. We are still getting complaints regarding the outlet ditch constructed by Steven Johnson Excavation. Kris Carlson, Ulteig Engineers, Inc. (UEI), is handling this. We also have the issue of Tim Brendemuhl's crop loss claim, which the contractor should address. We expect that when things dry up, Johnson will be in to make the necessary repairs.

**Project No. 71, City of Moorhead, 50th AVE S.** Jones reported that Gladen Construction, Inc. has completed the repairs to LeRoy Johnson’s outlet ditch in the SW¼, Section 31, Moorhead Township, Clay County. He noted that Johnson’s drainage is greatly improved by the project.

**Project No. 56, Manston Slough Restoration.** Last week, the office contacted all of the affected landowners who have still not signed their easements. Albright has a field meeting scheduled with Dale Dinger on 05/29/14. The road authorities have been sent their agreements for consideration and signature. Albright met with Duane Stuehrenberg, who is hesitant to sign his easement option until he knows what is going on with the Wetlands Reserve Program (WRP). Before the BRRWD can acquire the Stuehrenberg easement for our project, the WRP easement needs to be in place. Albright also talked with Scott Smith, NRCS, who hoped that maybe the Van Wechel and Stuehrenberg WRP easements could close within the next six months. Gladden Construction Inc. is working on the ditch along the south embankment. Conditions are wet, but the contractor is able to work with the clay to get it dried out enough to place.

Jones noted that Abel Farms is requesting an additional crossing/field approach into their field. Albright has been negotiating with Mike Abel regarding the BRRWD cost sharing the approach expense in lieu of their possible 2013 crop loss reimbursement.

**Project No. 49, Oakport Township Flood Mitigation.** With only $12 million in the 2014 bonding bill for Flood Damage Reduction (FDR) projects, it is very doubtful that Oakport Township will receive any funding this year to complete the project. Nothing has happened on the Fischer easement for the stockpile of dirt on their property. We’ve received several complaints about homeowners who are starting to get their pumps ready to take water out of the storm water ponds for irrigating their lawns and gardens. Currently, the City of Moorhead doesn't allow anyone to pump out of their ponds. Albright recommended that the Board consider adopting a policy that would also prohibit pumping due to liability and maintenance concerns.

**Project No. 39, Georgetown Levee.** Opsahl reported that we are waiting for the Greywind house to be moved before any more work can be done. The City of Georgetown has a log jam on their texas crossing, and Opsahl plans to document the site and let bids for the log jam removal. Mayor Witthoeft called the office and complained that the fill put on the old ball diamond settled over the winter, and some additional
work will be required this spring/summer to address that issue. The City is still interested in a ribbon cutting ceremony once the project is completed. There has been no word from the DNR on the requested $190,000 in funding we need to finish the project.

**Project No. 30, Clay/Wilkin Judicial Ditch (J.D.) No. 1.** H.E. is working on the ditch analysis and will file a report later this summer regarding possible repairs, a county line outlet ditch, and the ditch system's history.

**Project No. 14, Clay C.D. No 10.** At their 3/24/15 meeting, the Board approved the acquisition of the one rod of temporary r-o-w for the 2014 growing season at a rate of $250/acre. They authorized H.E. to stake the r-o-w, and prepare the easement payments to be sent with a letter of explanation to affected landowners prior to spring planting. H.E. has completed the r-o-w staking. Bid documents will go out to contractors this week. The 14-mile ditch system was broken down into three segments for the bidding process.

**Mediation PT.** The next PT meeting will be held on Thursday, June 26, 2014, at 7:00 PM in the Barnesville Watershed Office. Notices will be sent.

There has been no further work on the South Branch of the Buffalo River project. To date, we have not scheduled a field meeting with Carolyn Swenson or Terry Czichotzki.

Jones submitted the acceleration grant application for the Barnesville Township project to the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG), who approved $5,000 in funding to help survey the Barnesville Township project area. Van Amburg noted that the RRBFDWGW may have extra funding that could be reallocated to this project yet this year. He added that reallocated funding might also be available for PT expenses. Albright also submitted a pay request for additional alternative analysis PT expenses for a number of BRRWD projects under development.

Albright has been working with Jones on a comprehensive approach to address the issues pertaining to Stony Creek, primarily from T.H. No. 9 downstream to its junction with Hay Creek. A project in this area would include a redetermination of benefits, channel restoration, and the proposed detention site that could possible include the Vertin WRP site. He plans to develop a more generalized concept on a one-page map to use as a starting point for a larger future project, as funding becomes available. Secretary of Agriculture Vilsack will be making an announcement regarding the Farm Bill in the near future, which will affect funding/program availability for the BRRWD.

Albright hopes to start working on easements for Reep Lake, as soon as he is able to wrap things up regarding Manston Slough.

**Watershed District Enlargement.** No further work has been done on the proposed boundary changes with Bois De Sioux Watershed District. In accordance with the revised schedule which has been filed with BWSR for updating the Revised Watershed Management Plan (RWMP) one of the first steps will be to hold some kick off meetings. We will probably do that in the new area after the crops are in. The estimated completion date for the RWMP process is May 31, 2015.

**Becker C.D. No. 19.** In the past month, Albright has had two meetings with the owners of the R&R Hunting Lodge on Rock Lake. Officials from the DNR and Holmesville Township also attended. It appears that the culverts in the Rock-Rice Road, at the outlet of Rock Lake, are undersized. At the present time, they have a 48" and 36" dia. pipes. The undersized culverts are causing fluctuating water levels on Rock Lake, and the high water is affecting shoreline trees, etc. The DNR and Township feel that H.E. should be authorized to do a hydraulic analysis for the Rock-Rice Road crossing and for C.R.
No. 27 at the outlet of Momb Lake. The cost of the hydraulic analysis would be borne by the ditch system. If recommendations were made to change the pipes at either location, the cost of the actual culverts and work would be the road authority’s responsibility. The Board discussed authorizing the referenced analysis. **Motion** by Hanson to authorize H.E. to conduct a hydraulic analysis for the noted road crossings. **Seconded** by Nelson. **Approved**.

**Detroit Lakes Wastewater Outlet.** Last week, Wade Opsahl and John Hanson met with the City of Detroit Lakes to look at an outlet option for their storm water ponds to the Buffalo River. Hanson reported on the meeting discussion topics. He noted that the City will have to work with Environmental Protection Agency (EPA) regarding this possible project.

**Stakke Lake.** Albright recommended that the BRRWD provide a formal response to the Stakke Lake landowners regarding their request at our 04/28/14 meeting for the BRRWD to investigate a possible outlet structure. Based on Jones' review, it doesn't appear that they can raise the lake very much without impacting other landowners. The BRRWD could also talk to them about possible channelization to connect the northwest part of the lake with the main body. Jones noted that Emily Siira, DNR, was willing to consider this proposal.

**Army Corps of Engineers (COE) F-M Diversion.** The Board discussed a draft letter to the DNR, prepared by the Onstad-Twichell Law Firm, and our Attorney, Tami Norgard, Vogel Law Firm, clarifying the legal status of the Minnesota entities (City of Moorhead, Clay County, and the BRRWD) as members of the Diversion Authority, created by a Limited Joint Powers Agreement (LJPA) in regards to the proposed Oxbow/Hickson/Bakke levee. The letter points out that the North Dakota members of the Diversion Authority signed a Memorandum of Understanding (MOU) with the City of Oxbow, stating that if the Diversion Authority was disbanded, or the diversion project not built, the North Dakota entities would be responsible for the cost of their levee. It states that the Minnesota entities are not participating in the construction of the structure and no Minnesota funds are being contributed for the actual construction of the ringdike. Attorney Norgard wanted to know the Board's position on signing the letter. The City of Moorhead and Clay County have already agreed to sign. Norgard indicated that since we are a part of the LJPA, the Board should sign the letter. Van Amburg and Albright also recommended that the Board should sign. **Motion** by Hanson to sign the Minnesota entities letter. **Seconded** by Fjestad. **Approved**.

**Clay C.D. Nos. 9, 32, and 33:** Opsahl reported that seeding has been completed for all three ditches. The contractor will be installing flapgates and a couple of pipes, as soon as site conditions permit. Opsahl is getting very close to finalizing the redetermination of benefits. The Viewers plan to meet before the 06/09/14 meeting to work on finishing their Report. Once that is done, we can hold the required hearings, probably after spring planting.

**Minnesota Agricultural Water Quality Certification Program (MAWQCP).** Albright is working with Dr. Karlyn, University of Minnesota (U of M), on the Knowledge, Attitude, and Practices (KAP) questionnaire. The Minnesota Department of Agriculture (MDA) would like to mail the letter to the affected landowners by 05/28/14. The questionnaire would actually be distributed around 06/09/14. A draft copy will be distributed to the Board members for review.

Fjestad noted that there are some landowner concerns about certification criteria that lower scores for tiled cropland.
Buffalo River Total Maximum Daily Load (TMDL)-Watershed Restoration and Protection Strategy (WRAP). Mark Deutschman, H.E., is working with MPCA on contract language/amendments for the Buffalo River TMDL and WRAP. The study should still be finished by the 06/30/14 deadline.

Proposed Rule to Define "Waters of the United States". The BRRWD discussed information from Duane Erickson, Manager, Wild Rice Watershed District, regarding a response prepared by the Rinke-Noonan Law Firm, St. Cloud, to the EPA and COE regarding the proposed changes to the definition of "Waters of the United States" on behalf of a number of their client watershed districts. To date, the BRRWD has not been contacted by the Rinke-Noonan Law Firm. The Wild Rice Watershed District agreed to pay Rinke-Noonan a $500 fee to help draft the letter. At this point, Albright recommended that until the law firm contacts us directly, the BRRWD would not be involved. The Board agreed.

Elkton Township Wetland Restoration. As noted at the last meeting, Ziegler Construction, Inc. will finish the site work once the crops have been planted.

Board Photographs. Van Amburg reported that Jodi Kletsch will have the Manager's prints made and will forward the digital copies to the office for the Website. Affield provided a digital copy of her work photograph. We still need a photograph from Paradeis Kobiela.

Wolverton Creek/Comstock Coulee Clean Water Fund (CWF) Project. Jones is waiting for an update from Julie Aadland, DNR, regarding the status of the DNR permit. H.E. is investigating the process to establish a water management district to help provide funding for projects in this area.

BWSR Performance Review and Assistance Program (PRAP). The Managers reviewed a copy of the Succession Planning Guide, prepared by Strategic Planning Consultant Donna Rae Scheffert. They received the Strategic Planning Manual at the 05/09/14 Meeting. Albright and Scheffert are preparing a document with information about the issue of the BRRWD's possible RRWMB membership. That document should be ready for the Board to review at the 06/09/14 meeting. With the invoice from Scheffert on tonight's bill list, Van Amburg noted that the BRRWD has met the required match for the $4,000 PRAP grant, which expires on 05/31/14. He discussed information from the RRWMB regarding a proposed change in their taxing procedures that would allow individual watershed districts to levy less than the maximum tax for their district. This issue was one of the concerns the BRRWD had raised regarding RRWMB membership. Van Amburg added that more information is coming from the RRWMB regarding other proposed changes.

MAWD Summer Tour. The Minnesota Association of Watershed Districts (MAWD) Summer Tour will be held from 06/18/14-06/20/14 in Still Water, MN. The office has made the lodging reservations. The tour reservations are included on tonight's bill list.

Whisky Creek CWF Project. Steven Johnson Excavation was awarded the contracts for the Hough erosion site and the Glyndon Township road ditch repair. Motion by Nelson to authorize signing the contracts. Seconded by Fjestad. Approved.

Jones is working with Emily Siira, DNR, on the DNR permit for the multi-block wall repairs. Since this is a small project in the same vicinity as the Hough and Glyndon Township repairs, Jones suggested that we include this work in Johnson's contract.
Fjestad asked about an erosion site on a township road that had previously been discussed. Jones noted that he and Opsahl are working to group a few similar projects and letting one bid package for the combined projects.

Jones also gave an update regarding the outlet repairs on Clay C.D. No. 5. The landowners have agreed to the work, and Jones is working with them to acquire additional r-o-w. Bids will be opened by H.E. before the 06/09/14 meeting for Clay C.D. No. 5 and 10. The estimated cost is approximately $130,000, of which $30,000 will be used to pay for the permanent and temporary r-o-w.

Jones noted that any leftover CWF funding will be used for the Clay C.D. No. 59 inlet pipe installations. He said that bids will also be let for that work.

The following bills were presented for approval:

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$48,035.30

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

Project No. 60, Swede Grove Lake. Nelson asked that this project be returned to the agenda for discussion regarding project dismissal and payment of development costs.

Next Meeting. The next regular meeting will be held on Monday, June 9, 2014, at 7:00 PM in our Barnesville office.

Adjournment. Chairman Van Amburg adjourned the meeting at 9:05 PM.

Respectfully submitted,

John E. Hanson, Secretary