The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, June 9, 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. Houston Engineering Inc. (H.E.) Staff attending included: Bruce E. Albright, BRRWD Administrator; Julie M. Jerger, Senior Resident Administrative Assistant; Danielle Scheffler, Resident Administrative Assistant; and Erik S. Jones, Engineer, H.E. Also in attendance was Peter Mead, Administrator, Becker Soil and Water Conservation District (SWCD).

Chairman Van Amburg called the meeting to order at 7:01 PM. He announced that the proceedings were being recorded to aid in the preparation of the minutes. Albright had a previously scheduled commitment, and joined the meeting at 7:13 PM.

**Secretary's Report.** The Board reviewed the draft 05/12/13 and 05/27/14 regular meeting minutes. Affield noted a change to the 05/12/14 meeting minutes. Motion by Fjestad to approve the minutes with the noted changes. Seconded by Affield. Approved.

**Treasurer's Report.** In Albright's absence, Jerger presented the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Administrative disbursements to date total $175,991.31. Since the 05/27/14 meeting, we received $256,637.19. Total income received to date is $1,838,418.85. Cash on hand currently is $1,696,669.04. The accounts receivable report totals approximately $5.4 million for 2014. Motion by Hanson to approve the Treasurer's Report. Seconded by Fjestad. Approved.

**Becker SWCD Boyer Lake Presentation.** Peter Mead, Administrator, Becker SWCD, gave a presentation about the work the SWCD is doing with landowners around Boyer Lake to correct drainage area water quality problems. Typically, the SWCD would also use Federal funding through the Environmental Quality Incentives Program (EQIP), which is currently not available from the Natural Resources Conservation Service (NRCS). A major erosion control project is planned for the southwest corner of the lake to repair an eroding field ditch. Mead's presentation included a summary of the benefits regarding water quality improvements. The erosion control project is designed, and the landowner is willing to cooperate to have it installed. The Becker SWCD is currently short $37,658.00 to make the project happen. The Board discussed contributing the funding from their Minnesota Statutes Annotated (M.S.A.) 103D.905, Sub. 3, account. Motion by Hanson to approve the $37,658.00 contribution. Seconded by Nelson. Approved. The BRRWD has over a 20 year history of working with the Becker SWCD to maximize benefits and to work with the landowners to install water quality type improvements. The Board commented that they would like to see this relationship continue well into the future.

**Business brought before the Board included:**

**Permit No. 14-056, Mike Nelson.** Applicant proposes to install 158 acres of pattern tiling in the NE¼, Section 8, Prairie View Township, Wilkin County, outletting via a lift station to Wilkin County Ditch
(C.D.) No. 41, Branch 5, to which the property is assessed. **Motion** by Hanson to approve Permit No. 14-056, subject to BRRWD's standard tiling disclaimer. **Seconded** by Affield. **Approved**.

**Permit No. 14-061, Greater Minnesota Gas Company.** Applicant proposes to install a 26-mile gas pipeline to Barnesville from the Hawley area. Jones reported that there were no conflicts with any existing projects, and recommended approval. **Motion** by Nelson to approve Permit No. 14-061, subject to BRRWD's standard utility disclaimer. **Seconded** by Fjestad. **Approved**.

**Permit No. 14-062, Russell Henderson.** Applicant proposes to install a main for future pattern tiling in the SW¼, Section 1, Meadows Township, Wilkin County, outletting to C.D. No. 6A, to which it is assessed. **Motion** by Hanson to approve Permit No. 14-062, subject to BRRWD's standard tiling disclaimer. **Seconded** by Fjestad. **Approved**.

**Permit No. 14-063, John Pender.** Applicant proposes to install four acres of pattern tiling from 148th ST approximately 500' west to a private driveway on John Halverson's property in the SE¼, Section 21, Elkton Township, Clay County, outletting to C.D. No. 55, to which the property is assessed. **Motion** by Fjestad to approve Permit No. 14-063, subject to BRRWD's standard tiling disclaimer and approval from the road authority to work in their right-of-way (r-o-w). **Seconded** by Affield. **Approved**.

**Permit No. 14-064, Matt Halverson.** Applicant proposes to install approximately 25 acres of random tiling to drain side hill areas in the SW¼, Section 14, Elkton Township, Clay County, outletting eventually to Hay Creek. **Motion** by Nelson to approve Permit No. 14-064, subject to BRRWD's standard tiling disclaimer. **Seconded** by Hanson. **Approved**.

**Permit No. 14-065, Clay County Highway Department.** Applicant proposes to remove a bridge in the NW¼, Section 19, Flowing Township. **Tabled**, pending receipt of additional details.

**Permit No. 14-066, Andrew Leedahl.** Applicant proposes to replace an existing 30" dia. culvert with a 36" dia. culvert through 80th ST S in the SW¼, Section 21, Alliance Township, Clay County. Jones had reviewed the area and recommended approval of the permit. **Motion** by Fjestad to approve Permit No. 14-066, subject to road authority approval to work within their r-o-w. **Seconded** by Nelson. **Approved**.

**Downstream Approval Form.** Albright distributed a form for the Board's review and approval. The form is to be completed by downstream landowners or road authorities for permit approvals. Fjestad stated the form should be added to the BRRWD website to be available for download by the necessary parties. Albright noted that verbiage should be added regarding a 45-day response period, with no response indicating approval. **Motion** by Fjestad to approve use of the form with the response period amendment. **Seconded** by Affield. **Approved**.

**Humboldt/Tansem Townships Flooding Issues.** Albright has been working with both Townships regrading closed basins and high water concerns. Albright reported both Townships will file permit applications to complete the work necessary to address their issues.

**Barry Nelson Erosion Concern.** Barry Nelson, Becker County Commission, contacted the office about wetlands on the United States Fish and Wildlife Services (USFWS) property, in Section 10, Lake Park Township, Becker County, which is upstream of his property in Section 9. Hay Creek drains onto his property, and Nelson claims the runoff from the USFWS property is eroding his field. Hanson reviewed the area and reported on his findings. Albright stated he would follow up with Nelson and the USFWS. Permit No. 84-26 was issued for the USFWS project.
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 project costs in the amount of $15,000 ($10,000–Yaggie, $5,000–Fuder). Fuder has already remitted his payment. Yaggie said his check would be forthcoming. Once the funding is received, the Board can make the order dismissing the petition and approve Yaggie’s permit (Permit No. 14-019) for construction of the private ditch. The Board discussed contributing the balance of the project development costs (approximately $2,100). Manager Nelson commented that since work should have stopped when the balance of the project costs exceeded the bond amount, H.E. should pay the balance, not the BRRWD.

Project No. 75, Wilkin C.D. No. 31-Lateral. H.E. has prepared the Environmental Assessment Worksheet (EAW) as required by the Minnesota Department of Natural Resources (DNR) for restoration of the Whiskey Creek channel, starting at Trunk Highway (T.H.) No. 9, and continuing downstream across Section 14, Connelly Township. To date, comments on the EAW have been received from the DNR and the Minnesota Historical Society. The Historical Society had no issues, and Jones stated we would work with the DNR regarding the questions they had. The comment period ends 06/11/14. 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 (100th AVE N). There has been no response since then from Minch as to whether or not Sauter wants to participate. Work on the project is on hold until we receive word from Minch and the Viewers’ Report. 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. Albright and Wade Opsahl, Technician, H.E., visited the site on 06/04/14 to review the outlet ditch constructed by Steven Johnson Excavation. An informational meeting will be held this summer with the affected landowners along 2nd ST in Oakport Township to discuss their culvert concerns. The contractor also has several cleanup issues to complete. The contractor will also have to address the issue of Tim Brendemuhl’s crop loss claim. 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. Gladen Construction, Inc. has completed the repairs to LeRoy Johnson’s outlet ditch in the SW¼, Section 31, Moorhead Township, Clay County. Jones previously noted that Johnson’s drainage should be greatly improved by the project. Once the final pay request is received from Gladen, we will be able to calculate the final project cost, and bill the local benefitted landowners in accordance with the Appraisers’ Report.

Project No. 60, Swede Grove Lake. Albright distributed "petition" cost comparisons for the Board’s review. He suggested that the office could put together a chronological break down of the project to date for further analysis by the Board. The BRRWD held a number of informational meetings, but a final hearing was never scheduled. The County (petitioner) just wanted an outlet, and the Board spent time discussing options with the Mediation Project Team (PT).

Project No. 56, Manston Slough Restoration. 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 in the embankment. Weekly meetings are being held to monitor project progress. The estimated completion date is 09/30/14. The office contacted all of the affected landowners who still have not signed their easements. 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) easement process. 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 the Van Wechel and Stuehrenberg WRP easements could be closed within the next 60-90 days. Albright held a field meeting with Dale Dinger and his renter, Kurt Krueger, on 05/29/14 to review his concerns, which included the clean out of
the County Road (C.R.) No. 26 road ditch. Dinger might be willing to sign his easement, once he is assured that the C.R. No. 26 repairs will be made as part of the project. No word has been received from Vogel Law Firm regarding the Kent Rod and Gun Club "friendly" condemnation. Albright will be working with Rick St. Germain on the DNR dam safety permit. The office is working on setting up a meeting with the Minnesota Department of Transportation (MNDOT) to review their permitting concerns.

**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. Tami L. Norgard, Attorney, Vogel Law Firm, suggested condemnation on the site and will send a letter to the Fischers offering to either negotiate a lease or move forward with the condemnation. **Motion** by Fjestad to authorize Norgard to send the letter. **Seconded** by Hanson. **Approved.**

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. **Motion** by Nelson to adopt a policy that would prohibit pumping due to liability and maintenance concerns. **Seconded** by Affield. **Approved.**

The approaches along Broadway have been removed and seeding will be completed to help deal with the recent trespassing issues. Albright distributed photographs for the Board's review detailing the Travis Dejong complaints about asphalt chunks in the embankment (C.R. No. 93) causing problems with mowing. This area in question is within the project r-o-w. Opsahl suggested bringing in a finish contractor to till the area up, remove the debris, and reseed the area. Dave Pearson has complained about standing water on the north side of Wall ST. Kris Carlson, Ulteig Engineers Inc. (UEI), has reviewed the problem. Opsahl had some suggestions on possible solutions. There was discussion about installing several access gates to stop trespassing issues. Albright will discuss these issues further with Opsahl and come back with some recommendations.

**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 on finishing the levee. 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.** Bid documents went out to contractors. The 14-mile ditch system was broken down into three segments for the bidding process. Jeff Nichol Contracting had the low bid for all three segments. The low bid for Phase 1 was $85,000. The second lowest bid came from JBX LLC for $87,150. The low bid for Phase 2 was $52,500. The second lowest bid was $60,000. The low bid for Phase 3 was $46,000. The second lowest bid was $59,000. The Board also reviewed the Clay C.D. No. 5 outlet repair bids. Jeff Nichol was again the lowest bidder at $57,000. Northern States Excavating was the second lowest bid at $85,000. Nichol would like to withdraw his bid for the C.D. No. 5 work and complete the C.D. No. 10 work. Jones recommended awarding the Phase 2 and 3 C.D. No. 10 bid to Nichol and the C.D. No. 5 bid to Northern States Excavating. The Phase 1 work on C.D. No. 10 would be awarded to JBX LLC. This should help to ensure all the work is completed within their deadlines. **Motion** by Hanson to award the contracts per the discussed recommendations. **Seconded** by Affield. **Approved.**

**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 this week.

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 had previously noted that the RRBFDRWG 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. To date, it has been too wet to start the survey anyway.

A Farm Bill/WRP/Wetland Reserve Easement (WRE) press conference was held on 06/05/14 at the Courtyard by Marriott in Moorhead with NRCS. Congressman Peterson and other dignitaries were in attendance. There was a formal announcement of the funding, and a discussion about how the Red River Basin fits into the proposed Regional Conservation Partnerships Program (RCP). Contracts were offered to Mark Anderson, representing the Stangeland property, and Kelly Peppel, representing the Raymond Peppel property. Peppel visited the BRRWD office the next day to discuss some concerns he had with the lower WRP contract rates he was offered. Albright is looking further into the matter.

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

**Minnesota Pollution Control Agency (MPCA) Request for Proposals (RFP).** Linda Kingery, the University of Minnesota (U of M), Northwest Regional Sustainable Development, contacted the BRRWD about the MPCA RFP for a grant opportunity for local government units (LGU). The MPCA is seeking LGU’s to come up with means to help communities adapt to climate change and extreme weather events. The cost of damages caused by extreme events has risen exponentially in recent years with Minnesota as one of the highest. Van Amburg discussed working with the U of M regarding the Hawley project or other possible opportunities to come up with some practical tools and responses for adapting to these conditions before they actually happen. The grant is offering $25,000-$40,000 in funding, with a 25% match from the sponsoring organization ($8,000-$10,000). Van Amburg suggested that Kingery could review what the BRRWD might be able to submit as a grant proposal. The U of M would be able to supply the personnel to complete this phase of the process. The grant application is due by July 16, 2014. **Motion** by Nelson to authorize Kingery to move forward with the grant application process. **Seconded** by Hanson. **Approved.**

**Watershed District Enlargement.** No further work has been done on the proposed boundary changes with the 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 planted. 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, Ducks Unlimited (DU), 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 also 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 had authorized H.E. to conduct a hydraulic analysis for the noted road crossings. At the 05/27/14 meeting, Jones said the analysis should be done in the next month.

**Detroit Lakes Wastewater Outlet.** Last week, Wade Opsahl and Manager Hanson met with the City of Detroit Lakes and their engineers to look at outlet options for their waste water ponds, which could potentially drain into the BRRWD. Hanson reported on the meeting discussion topics. He noted that the City will have to work with Environmental Protection Agency (EPA) regarding their possible project.
Stakke Lake. Jones presented a summary of his analysis to the Board. Based on his review, it doesn't appear that they can raise the lake very much without impacting other landowners. The BRRWD could also talk to the property owners 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. Albright will forward the report to the President of the Stakke Lake Association for distribution.

Army Corps of Engineers (COE) F-M Diversion. There is really nothing new to report on the subject. This will remain an active agenda item.

Clay C.D. Nos. 9, 32, and 33. The contractor will be installing flapgates and a couple of pipes, as soon as site conditions permit. Albright met with the Viewers on 06/06/14 to establish the benefit areas/rates for the redetermination. Opsahl will transfer that information to maps to assist in final field verifications before the Viewers will file their report. Albright suggested that the hearing notice should include a time and date for landowners to meet with the Viewers prior to the hearing. The Board felt this was a good idea.

Minnesota Agricultural Water Quality Certification Program (MAWQCP). Managers Fjestad and Van Amburg participated in an interview last week with Paula Moore, The Farmer, about the Whiskey Creek Pilot project. Peter Gillitzer and Bill Fitzgerald, Minnesota Department of Agriculture (MDA), will be meeting with Don Bajumpaa, District Manager, Wilkin SWCD, to go over the assessment tools for the Gerald and Jared Nordick Farm. Matt Wohlman, Assistant Minnesota Agriculture Commissioner, will also be visiting to do the presentation of the certification documents to the Nordicks. The presentation will take place on 06/11/14. Albright is working with Dan Gunderson, Minnesota Public Radio, to see if he might be interested in writing a regional story. The Knowledge, Attitude, and Practices (KAP) questionnaire was sent to the Advisory Committees for their review. Albright requested comments by 5:00 PM on Thursday, none were received. The MDA and University of Minnesota (U of M) will mail the questionnaire this week. Albright is also working with the MDA on the Fergus Falls meeting on July 8-9, 2014, when the other three pilot areas will be visiting with the MAWQCP steering committee. 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.

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

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 a project in this area.

BWSR Performance Review and Assistance Program (PRAP). The Managers have copies of the Succession Planning Guide, prepared by Strategic Planning Consultant Donna Rae Scheffert, as well as the Strategic Planning Manual for review. Affield felt that Albright should schedule a special meeting to discuss goal setting from Board and Staff perspectives. The third and final document, Potential Red River Watershed Management Board (RRWMB) membership, will be presented at the next meeting. The BWSR PRAP grant expired on 05/31/14.
MAWD Summer Tour. The Minnesota Association of Watershed Districts (MAWD) Summer Tour will be held from 06/18/14-06/20/14 in Stillwater, MN. The office has made the appropriate reservations.

Whisky Creek CWF Project. Steven Johnson Excavation was awarded the contracts for the Hough erosion site and the Glyndon Township road ditch repair.

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. Watershed Law allows award of the contract without bidding because of the estimated cost of the work.

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. The estimated cost is approximately $130,000, of which $30,000 will be used to pay for the permanent and temporary r-o-w. As discussed previously, William Nichol Excavating, Inc. withdrew their bid. Northern States Excavating, Inc. submitted the second lowest bid at $85,038. Motion by Fjestad to accept the bid from Northern States Excavating Inc. for $85,038. Seconded by Nelson. Approved.

Project No. 56, Manston Slough Restoration. Pay Request No. 2 was submitted for Gladden Construction, Inc. in the amount of $209,968.52. Motion by Hanson to approve Pay Request No. 2. Seconded by Fjestad. Approved.

Log Jams. There are log jams at three sites: the Georgetown texas-crossing, Helen Kassenborg's property off of Clay C.R. No. 26 along the Buffalo River, and the Janis Huwe and Greg Johnson property. William Nichol Excavating, Inc., submitted bids in the amount of $5,400 for Georgetown, $5,900 for Kassenborg, and $1,800 for the Huwe/Johnson sites, totaling $13,100. Motion by Nelson to award the work contract to Nichol for all three sites. Seconded by Affield. Approved.

Clay C.D. No. 9. East of T.H. No. 75, Mark Beedy has issues with standing water in his field on the west side of 28th ST S. Kurtz Township Supervisor Jim Nelson contacted the BRRWD regarding the need for an inlet pipe through the Klinger's north driveway, which is 0.5 miles north of Beedy's property. In order to address Beedy's request for an inlet culvert, the road ditch would need to be lowered 2' to allow for water to drain out to the north. H.E. surveyed the ditch last fall and Opsahl prepared a drainage plan. To address both issues, the recommendation is to install a 24" dia. inlet culvert through Klinger's yard 180' long instead of running a deep ditch. Beedy and his neighbor, Floyd Emerson, would file for a joint permit to regrade the ditch, lowering it approximately 2'. Albright noted the estimate for the work totaled $12,545, which would be a ditch system expense. Motion by Fjestad to authorize the work, subject to a permit being submitted. Seconded by Affield. Approved.

Hawley Buffalo River Project. A grant has been awarded from the DNR, in the amount of $496,000 with an expiration date of June 30, 2015. Motion by Hanson to sign the grant agreement. Seconded by Fjestad. Approved.

The following bills were presented for approval:

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June 9, 2014

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

**Next Meeting.** The next regular meeting will be held on Monday, June 23, 2014, at 7:00 PM in our Barnesville office.

**Adjournment.** **Motion** by Nelson to adjourn. **Seconded** by Hanson. **Approved.** Chairman Van Amburg adjourned the meeting at 10:00 PM.

Respectfully submitted,

John E. Hanson, Secretary