MINUTES FOR MANAGERS' MEETING

October 27, 2014

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, October 27, 2014, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Peter V. Fjestad, Breanna L. Kobiela, John E. Hanson, Troy E. Larson, and Mark T. Anderson. Houston Engineering Inc. (HEI) staff attending included: Erik S. Jones, Engineer; and Wade S. Opsahl, Technician. Also attending: Gary Bergan and Randy Bjornson, Skree Township Supervisors, Clayton Runck, Dale Anderson, and Caroline Swenson.

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.

Secretary's Report. The Board reviewed draft minutes for the 04/08/14 Becker County Ditch (C.D.) Nos. 10 and 19 Redetermination of Benefits Hearing. Minor clerical changes were noted. Hanson asked if the abandonment proceedings have been investigated further. Van Amburg suggested that staff check the Minnesota Statutes and the issue could be discussed at the next meeting. He thought that the process was initiated by landowner petition. Motion by Hanson to approve the minutes with the noted clerical corrections. Seconded by Anderson. Approved.

Treasurer's Report. The Board reviewed the BRRWD's current financial status. Cash on hand currently is $244,109.34. Since the 10/14/14 meeting, we have received $22,032.12. A check was received today for current taxes ($15,743.90) from Otter Tail County. This check will be allocated once Bruce E. Albright, BRRWD Administrator, returns. The total income to date is $3,904,790.05, including the Otter Tail County check.

Business brought before the Board included:

Clayton Runck Drainage Concerns. Runck discussed his concerns about drainage on his property along 110th AVE S in Section 27, Skree Township, Clay County. Runck is seeking Board approval and/or assistance and Township assistance to remove two culverts along his property through 110th AVE S, which he feels are causing excess water on his property and possible flooding in Herb Nelson's farmstead. He presented a letter he received from the United States Fish and Wildlife Service (USFWS), dated 09/04/14. The letter stated that the USFWS has no issue with the Township authorizing cleaning the 110th AVE S road ditch so that proper grade is established on the ditch bottom to allow water to run and not pool in the road ditch. The USFWS wants the ditch back slope to be tapered slightly so that minimal disturbance to vegetation is done. All work within the ditch must be completed within the 33' road right-of-way (r-o-w). All spoil must be removed from the USFWS property. Once the work is completed, the USFWS will seed the ditch with native grasses. During a recent meeting held between Skree Township and the USFWS, it was agreed that once the BRRWD and other agencies approve the culvert removals, the Township could hire a local contractor to complete the work with proper equipment and elevation recording capability. Runck had agreed to assist with removal of the spoil. When the work is completed, the USFWS would inspect the work. Copies of the letter were made available for the Board's review. At their 10/14/14 meeting, the Board had discussed approving a permit application from Herb Nelson for a diagonal culvert through the intersection of 110th AVE S and 210th ST, but the application was tabled due to lack of a second.
Van Amburg questioned what would happen to the wetland in Section 27, which is protected under the Wetland Conservation Act (WCA), if the two culverts in 110th AVE S were removed, effectively cutting off the natural water supply from the south. Lynn Foss, Water Resources Technician, WCA and Clay Soil and Water Conservation District (SWCD), was going to investigate possible WCA impacts to the noted wetland. Jones confirmed that Eric Mooring, Minnesota Board of Water and Soil Resources (BWSR), was also going to provide an opinion on impacts to the hydrology for the wetland in Section 27. Runck claimed that Brent Gustafson, Cass County Natural Resources Conservation Service (NRCS), told him that Nelson’s farmstead is approximately 10’ higher than the wetland in Section 27, which would keep the wetland hydrated. Jones mentioned there are some differences between the NRCS (federal) rules and those from the State of Minnesota. Jones observed that if the culverts were removed, the south ditch along 110th AVE S would have to be repaired to handle the increased flows. Randy Bjornson, Skree Township Supervisor, and Runck both agreed that the ditch could handle more water from the south and east since a recent cleanout on the south side of the township road. Van Amburg further explained that several agencies including the Minnesota Department of Natural Resources (DNR) for WCA, BWSR, NRCS, as well as the BRRWD, Skree Township, and several landowners are involved with this issue. Action on a situation like this should be taken with full participation and agreement from all those entities. An extended discussion about wetland classification and historic area drainage followed.

Randy Bjornson commented that he contacted Greg Bengtson, NRCS Project Manager, Thief River Falls, who also spoke to Foss about the drainage issues in this area. Bjornson has a letter with signatures from the owner of the land in Section 34, Barb Ronsberg, her renter Tom Friederichs, and Robert Softing, a previous Skree Township Supervisor, supporting a proposal to allow the Township to remove the 12" dia. culvert in the Ronsberg approach on the south side of 110th AVE S and replace it with an 18" dia. culvert along 110th AVE S at the same elevation as it is in the Township road (14" lower than the existing approach culvert), which should not affect the wetland on the Ronsberg property in Section 34. Skree Township has filed Permit No. 14-154 for this work. This would eliminate the need for Herb Nelson's permit application for the installation of a diagonal culvert at the intersection of 110th AVE S and 210th ST. Bjornson added that Runck's recent excavation along 110th AVE S has caused a safety issue on the Township road, and one of the conditions requested via the permit application would be that the ditch slope be restored to its original configuration and the field diking removed.

Manager Anderson asked Runck if he would be satisfied with the proposed compromise. Runck pointed out that the remaining culvert to the east on 110th AVE S would still convey more water onto his property than he wants. Bjornson estimated that the west culvert conveys about 75% of the water coming from the south through 110th AVE S. He pointed out that the Runcks actually requested the installation of the east culvert in 2008. Bjornson noted that the Runcks also installed a dike in the 220th ST S road ditch to reroute water from the west in Section 26 to flow south along 220th ST S, so that water no longer drains into Section 27.

The group had an extended discussion regarding the elevation of the 18" dia. culvert to be installed in the Ronsberg approach. Bjornson noted that the DNR has already agreed that the approach culvert could be lowered. The only agency official who objected was Sharon Lean, District Conservationist (DC), NRCS, who has refused to allow the approach culvert's elevation to change in order to protect the hydrology of the adjacent wetland on the Ronsberg property. According to Bjornson, other agency officials, including Foss and Bengtson, would be willing to sign off on the proposed culvert change. Bjornson pointed out that the township road culverts and the approach culverts are all under the Township's jurisdiction, and they feel they have the authority to make the proposed changes to protect the road. Bjornson thought that a letter from Lynn Foss with his approval for the proposal would be enough. He pointed out that Sharon Lean, NRCS, would probably never agree to lower the Ronsberg approach culvert. Bjornson thought that it might be possible that Greg Bengtson, Thief River Falls NRCS office, might be in favor of the proposal. He added that by reusing the 18" dia. culvert, the Township will save money.
The Board decided to wait to make any decision on this proposal until the 11/10/14 Board meeting to get input from Bruce Albright, BRRWD Administrator. Manager Larson commended Bjornson on the work he had done preparing this proposal and suggested that Bjornson should get the agency officials to provide written approval for the proposed work.

**Permit No. 14-154, Skree Township.** Applicant proposes to remove an 18" dia. north-south culvert in 110th AVE S between Sections 27 and 34, and use it to replace a 12" dia. east-west approach culvert into the Barb Ronsberg property on the south side of 110th AVE S in Section 34, Skree Township. The 18" dia. culvert will be installed in the approach at its current elevation, which will be approximately 14" lower than the existing 12" dia. culvert. **Motion** by Fjestad to table Permit No. 14-154 until the 11/10/14 BRRWD meeting. **Seconded** by Kobiela. **Tabled.**

**South Branch of the Buffalo River Erosion Concerns.** Swenson attended the meeting with a list of questions for the Board regarding her concerns with flooding and erosion, as well as breakout flows affecting her property in the NE¼, Section 6, Manston Township, Wilkin County. In response to Swenson's questions, Jones explained that work on the project will not be completed this fall due to issues with contractor availability. The plan is to bid the project this winter and begin work as soon as road restrictions are lifted and soil conditions permit in the spring. There were questions on the details of how the breakout area will be restored/source for fill/bank contouring. Jones explained that a contour map will be used to ensure the work being completed would be within the boundary of the easement. A meeting will be held with agency representatives and Swenson to go over the details of the plan including where the fill will be acquired and what needs to be done to clean up the erosion site. Jones anticipates that we will get better bids for the project during the winter than would be available now. Swenson expressed frustration about the length of time it has taken for the BRRWD to address her problems, during which time her land has been devalued because of the severe erosion damage from river breakouts. Jones explained that watershed projects can take some time to plan and execute, but landowners have the right to apply for permits to complete the work themselves. Discussion followed on funding options for the project. An informational meeting will be scheduled this winter to discuss a comprehensive project for the South Branch.

**Permit No. 14-148, Todd Meyer, Meyer Brothers.** Applicant proposes to complete work in Section 2, Humboldt Township, Clay County. The application lacks information on the specific work to be completed. An email will be sent to Meyer requesting the necessary information. **Tabled,** pending receipt of necessary information from applicant.

**Permit No. 14-149, Dan Bradow.** Applicant proposes to clean the north road ditch along 260th ST and the east side of County State Aid High (CSAH) No. 169, and to straighten out a curved ditch on south end of the quarter in the NE¼, Section 19, Akron Township, Wilkin County. The neighboring landowner, Glen Lankow, has given permission to clean the ditch along his property. **Motion** by Anderson to approve Permit No. 14-149, subject to the ditch geometry matching the downstream channel, Wilkin County Highway Department approval to work within their r-o-w, and downstream landowner notification. **Seconded** by Hanson. **Approved.**

**Permit No. 14-150, USFWS.** Applicant proposes to restore wetlands on the Ackerson tract at the Hamden Slough National Wildlife Refuge (NWR) in the NW¼, and S½, Section 14, Hamden Township, Becker County. A field survey has been performed and a map was included with the application showing the 28 proposed basin restorations. There are some large co-owned wetlands shown that will only be restored with the neighbors' permission. Restoration techniques will ensure water does not back up onto neighboring property. The Detroit Lakes Water Management District (WMD) will be responsible for resolving any drainage issues. Jones had questions on a number of sites to ensure they will not affect adjacent fields. The basin runout elevation should be at least 18" below the low point in the neighboring fields. **Motion** by Larson to approve Permit No. 14-150, subject to the USFWS addressing Jones'
Concerns/recommendations on runoff elevations for a number of the sites to be sure to avoid impacts to neighboring lands. **Seconded** by Anderson. **Approved**.

**Permit No. 14-151, Minnesota Department of Transportation (MNDOT)**. Applicant proposes to move and reconstruct Trunk Highway (T.H.) No. 75 around the City of Kent by Whiskey Creek in Wilkin County, and replace bridges and construct roadside ditches in the Section 2, McCauleyville Township, Wilkin County. Jones will review the information provided and provide a recommendation to the Board at the 11/10/14 meeting. The project is scheduled for 2015. **Motion** by Fjestad to table Permit No. 14-151 until the next meeting. **Seconded** by Anderson. **Tabled**.

**Permit No. 14-152, Clay County Highway Department**. Applicant proposes to remove an existing 18" dia. corrugated metal pipe (cmp) approach culvert and install an 18" dia. cmp centerline culvert on CSAH No. 37 southeast of Hawley in the N½, Section 14, Eglon Township, Clay County. **Motion** by Fjestad to approve Permit No. 14-152. **Seconded** by Kobiela. **Approved**.

**Permit No. 14-153, MNDOT**. Applicant proposes to mill 4" of the existing bituminous roadway surface and repave with 4" of bituminous, and replace 17 centerline pipes at the exiting invert elevation on T.H. No. 34, between T.H. Nos. 9 and 59. All of the centerline pipes will be replaced with new pipes. There will also be work done to other pipes along the project corridor in Clay County. Jones reviewed the proposal and recommended approval. **Motion** by Hanson to approve Permit No. 14-153. **Seconded** by Anderson. **Approved**.

**Permit No. 13-173 and 13-174, Spring Prairie Colony**. Jones gave brief update on some of the plans for this previously approved project for the Board's information. Clay County has approved the Colony's proposal to improve and realignment of the ditch along C.R. No. 54. The Colony has agreed to grant the County an easement for a grassed buffer strip along the ditch.

**Project No. 77, Clay C.D. No. 51, Lateral No. 3**. Jones reported that the preliminary survey report is being drafted to present to the Board at the 11/10/14 meeting.

**Project No. 75, Wilkin C.D. No. 31-Lateral**. A conference call was held on 10/16/14 with agency representatives about Wolverine Creek/Comstock Coulee and the Whiskey Creek Project, concerning possible wetland impacts. The wetland delineation report will be completed within the next week or two. Jones is working with Wilkin County to submit a Conditional Use Permit (CUP) application. We will also need to work on acquiring landowner easements.

**Project No. 71, City of Moorhead, 50th AVE S**. The contractor, Gladen Construction Inc., investigated the 48" dia. sluice gate leakage. They will remove the gate and remount it. This is the final item remaining on the punch list. Jones anticipates project completion in early November.

**Project No. 56, Manston Slough Restoration**. The contractor, Gladen Construction Inc., is done except for a few final punch list items including temporary seeding, installation of erosion control, and reinstalling some permanent signage. Dakota Fence needs to install two permanent gates on a portion of the dike along Joe Wulfekuhle's farmstead. If the gates aren't installed in the next couple of weeks, we will install temporary blocks during hunting season to keep vehicles off the dike. HEI is putting together a bid package for the entire project native and pollinator seeding. The contractor is seeding a temporary cover crop this fall.

The Commissioners have been appointed to look at the land in question for the Kent Rod and Gun Club easement condemnation. The hearing will be held in Breckenridge on October 28, 2014, 10:00 AM, at which time any landowners who have not settled may argue to the commissioners the value which the appraiser set for the property, which was $0. The commissioners will make a recommendation to the
Court. Tami L. Norgard, Attorney, Vogel Law Firm, Chuck Anderson, ARC Appraisals, and Jones will be in attendance.

**Project No. 54, Whiskey Creek Tributaries.** Jones continues to work with permitting agencies to get approval to do the channel cleanout through the impoundment in Section 14, Barnesville Township.

**Project No. 39, Georgetown Levee.** Opsahl reported that project completion is still being delayed because we can't complete Greywind house demolition until Greywind's mortgage is transferred. Greywind has now moved into the new house. The mortgage company, the United States Department of Housing and Urban Development (HUD), and the Federal Housing Administration (FHA) need to sign the necessary documents to get Greywind's mortgage transferred from his old home to the new home. A hazardous materials inspection and abatement of Greywind's old house was to take place this week. Opsahl did not have an update regarding the status of the inspection for tonight's meeting. Reiner Construction, Inc. will return to complete work this fall or next spring if necessary to complete the seeding and final punch list items. The DNR has granted a one-year grant extension until 12/31/15, which Jones presented to the Board for signatures. Motion by Hanson to approve signatures for the revised grant agreement. Seconded by Fjestad. Approved.

**Project No. 30, Clay/Wilkin Judicial Ditch (J.D.) No. 1.** William Nichol Excavating, Inc. will move on to the J.D. No. 1 repair once he has completed his current project.

**Mediation Project Team (PT).** The next PT meeting will be held on December 11, 2014. Information will be presented on the Barnesville Township Area Drainage Project, as well as Stony Creek alignment alternatives.

A meeting will be held with Alice Klink, Wetland Restoration Biologist, NRCS, on Thursday, November 6, 2014, at 9:00 AM regarding the Neumann WRP site. Inquiries will be made about other flood reduction sites where the BRRWD may be able to utilize the new Farm Bill funding.

Van Amburg also inquired about how the F-M Diversion Authority funding could be used on WRP projects. Jones felt they could be used for the preliminary analysis. Jones explained how the funding credits are determined and allocated.

**Watershed District Enlargement.** The kick-off meetings for the Revised Watershed Management Plan (RWMP) update will probably be scheduled after the crops are harvested. Van Amburg hoped to get the meetings could be scheduled before Christmas. The completion deadline for the RWMP update process is May 31, 2015. The Board discussed some of the details involved in the RWMP.

**Detroit Lakes Waste Water Treatment Facility.** Handouts were distributed at the 10/14/14 meeting for the Board's review regarding an outlet fee for the use of Becker C.D. Nos. 5 and 15 for the treatment facility outlet. Jones spent a few minutes explaining the analysis he had completed which was included in the handouts. Any questions the Managers may have after they review Jones' report could be submitted to him, and he would bring answers to the 11/10/14 meeting.

**Army Corp of Engineers (COE) F-M Diversion.** As discussed at the 10/14/14 meeting, Eric Dodds, Advanced Engineering and Environmental Services, Inc. (AE2S), has requested that the BRRWD send Right-of-Entry (ROE) letters to the local landowners to obtain permission for the COE to enter four cemeteries on the Minnesota side of the Red River impacted by the proposed staging area for cultural resources surveys. The Cass County Joint Board has already sent requests in this regard to the North Dakota cemeteries. Manager Anderson actually serves on two of the cemetery boards. He felt that there was no problem with the BRRWD sending the ROE letters, as long as the recipients understand that the BRRWD is only a "pass-through" agency, and our participation does not reflect support for the Diversion project. Anderson will work with Albright concerning the wording of the letter and to coordinate the
surveys with the cemetery boards. Motion by Hanson to authorize the distribution of the ROE letter. Seconded by Anderson. Approved.

32nd Annual Red River Basin Commission Summit. The conference will be held in Winnipeg on January 20-22, 2015. The office will arrange reservations for any Managers planning on attending.

MAWD 2014 Annual Meeting and Trade Show. The Minnesota Association of Watershed Districts’ (MAWD) Annual Meeting will be held December 4-6, 2014, in Arrowwood Conference Center in Alexandria. The office will arrange reservations for any Managers planning on attending.

Elkton Township Wetland Restoration. Opsahl reported that there are a few minor punch list items to complete before the contractor, Ziegler Construction Inc., wraps up the project. Native seeding is nearly completed. Opsahl anticipates that the project will be finished by the next meeting.

Hawley Buffalo River Restoration. Jones reported the contractor is nearly finished with road improvement for Rodeo Drive on the east side of Hawley. He detailed the status of the channel restoration work.

Wolverton Creek/Comstock Coulee CWF Project. A conference call was held on 10/16/14 with agency representatives about the Wolverton Creek/Comstock Coulee and the Whiskey Creek Projects, concerning the wetland impacts. They speculated there might not be any wetland mitigation needed for the project. Following a field review on 11/16/14, the agencies will be able to provide more concrete answers regarding the need for wetland delineation work, etc. The steps following the final permitting process will be to identify funding sources and obtain needed easements to complete the project development.

Project No. 56, Manston Slough Restoration. Jones submitted Pay Request No. 6 in the amount of $495,698.84 for Gladen Construction Inc. Motion by Hanson to approve payment of Pay Request No. 6. Seconded by Fjestad. Approved.

The following bills were presented for approval:

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Motion by Fjestad to approve payment of the bills. Seconded by Kobiela. Approved.
**Wilkin C.D. No. 41 Repair.** A landowner has requested the removal of sediment from the ditch in the NE¼, Section 13, Atherton Township. They have installed drain tile that outlets in this area and have checked ditch elevations downstream of the outlet and feel it will need to be cleaned for at least 1,000'. HEI has investigated the request, and there is significant sediment in the channel. Jones recommends repairing this portion of the channel. The work would be done with an excavator to remove sediment and a dozer to level spoil. The opinion of probably cost is $3,000-4,000 to make this repair. **Motion** by Anderson to authorize this repair. **Seconded** by Fjestad. **Approved.**

**Becker C.D. No. 15 Repair.** John Hanson has requested the removal of sediment in portions of Section 21, Hamden Township. This stretch of the ditch, upstream of CSAH No. 13, is a deep cut through a ridge with steep slopes that tends to collect sediment. Jones recommends repairing this portion of the channel. This work would be done with a long reach excavator to remove sediment and a dozer to level spoil. His opinion of probably cost is $4,000-6,000 to make this repair. **Motion** by Fjestad to authorize this repair. **Seconded** by Kobiela. **Approved.**

**Excel Energy Service Agreement.** Jones presented the service agreement from Excel Energy for gas services in the amount of $210.00. Albright will sign this agreement when he returns.

**Next Meeting.** The next regular meeting will be held on Monday, November 10, 2014, at 7:00 PM in our Barnesville office.

**Adjournment.** Chairman Van Amburg adjourned the meeting at 10:00 PM.

Respectfully submitted,

John E. Hanson, Secretary