

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

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## **MINUTES FOR MANAGERS' MEETING July 13, 2015**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, July 13, 2015, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Mark T. Anderson, John E. Hanson, Catherine L. Affield, and Peter V. Fjestad. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending included: Paul Quinnild, Greg Grommesh, and Darrin Tucker.

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 06/22/15 regular BRRWD meeting. **Motion** by Anderson to approve the minutes. **Seconded** by Affield. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Cash on hand is \$2,124,817.96. Our total income to date is \$2,997,162.74. Administrative disbursements for the year are \$178,973.85. Current accounts receivable total \$2,926,243.12. Income since 06/08/15 was \$1,153,311.65, primarily from the first-half 2015 property/ditch tax proceeds from Otter Tail County (\$50,313.36), Wilkin County (\$494,627.44), Becker County (\$167,596.97), and Clay County (\$412,455.17-property only). Other income came from the Minnesota Department of Natural Resources (DNR) (\$134,032.60) for Project No. 49, Oakport Township, and the Hawley Buffalo River Restoration project (\$14,652.45). We also received a refund check (\$4,393.03) from Vogel Law Firm and two payments from the Red River Watershed Management Board (RRWMB) for Mediation Project Team (PT) expenses (\$8,507.45), and a check from CPL Stables (\$500) for Oakport May-September buyout rent.

Albright noted that he sent a letter on 07/01/15 to Dean Meyer regarding his share (\$2,033.33) of the costs for a Clay County Ditch (C.D.) No. 11 bridge repair that took place in 2013. To date, Meyer has not responded. Albright suggested that we give Meyer until the end of the month to get back to us.

Midwest Bank has processed the BRRWD's \$600,000 line of credit renewal that will expire on July 1, 2016, at an interest rate of 2.75%. The Board discussed Midwest Bank's request about moving our bank accounts from Wells Fargo. Dionne Merkens, Midwest Bank, requested our account information so that she could prepare an analysis for the Board's review. Albright explained that the most significant difference between the Wells Fargo and Midwest Bank is that Midwest's interest rates for our checking and savings account funds would be much higher. He suggested that the office contact Pam Bice, Wells Fargo Bank Manager, to discuss this issue.

Regarding the Treasurer's Report, Manager Fjestad asked about an item on the Accounts Receivable report regarding Blayne Tonsfeldt's ringdike payment. Albright explained that we are negotiating with him regarding a culvert exchange, the cost of which will probably zero out most of his outstanding balance. **Motion** by Hanson to approve the Treasurer's Report and to authorize Treasurer Mark Anderson and Albright to sign the operating loan agreement with Midwest Bank. **Seconded** by Anderson. **Approved.**

**Business brought before the Board included:**

**Grommesh Diking Concern.** Landowners Paul Quinnild and Greg Grommesh discussed concerns about Grommesh's dike in the NE¼, Section 28, Barnesville Township, Clay County. Quinnild owns land adjacent (upstream) to the quarter where Grommesh built his dike. He feels that the dike has blocked their drainage and is causing increased standing water on his family's property. Albright gave a brief history of this issue. At the 9/09/13 BRRWD meeting, a plan was agreed upon for Grommesh to apply for a permit to change a culvert size along 140<sup>th</sup> ST S from a 30" dia. to a 36" dia. pipe to direct water away from the Quinnild property and to install a 24" dia. pipe through his dike at the historic natural waterway elevation to outlet west via a new ditch on Grommesh's property with berms and grassed bufferstrips that would go straight across Section 28 to help his property drain properly to the 140<sup>th</sup> ST S ditch, and eventually to C.D. No. 54, to which it is assessed. Grommesh hasn't been able to install the new ditch because of the depth of an existing underground pipeline, owned by the NuStar Energy Company. NuStar marked the location of their pipeline and warned Grommesh not to till over the area because the pipe is close to the surface. Grommesh questioned if the BRRWD would be able to order NuStar to lower the pipe. Albright thought that we would have to review the pipeline easement. Van Amburg felt that the pipeline company shouldn't be able to hinder the use of agricultural land.

Quinnild reported that his 2015 renter was not able to plant the area adjacent to Grommesh's dike again this year because of Grommesh's "illegal" dike. The Board reviewed a LiDAR map of the area on the overhead monitors and discussed area drainage patterns. The group had an extended discussion about the effects Grommesh's diking has had on the neighboring properties. Albright suggested that HEI could conduct a survey of the 0.5 mile stretch of ditch along the west side of Grommesh's property to provide a ditch grade and existing culvert elevations to be sure that Grommesh has the correct elevation for the new culvert in his field approach on 140<sup>th</sup> ST S. Grommesh asked if he could install a second approach for his 240 acre field. Albright said that an additional approach would be a Township decision, but Grommesh would also need a BRRWD permit, and culvert sizes would need to be large enough.

Albright noted that the area in question is included in the Barnesville Township Area Drainage Study. The BRRWD has also had concerns about the depth of the NuStar pipeline. He thought that once the BRRWD and pipeline company have come to an agreement, maybe Grommesh will be able to install the proposed field ditch across his property to C.D. No. 54. Grommesh suggested that he could make the ditch along 140<sup>th</sup> ST S wider. Albright suggested that he wait until we have the results from the HEI survey. Quinnild asked about the installation of the 24" dia. culvert in the dike to alleviate the standing water on his property. Albright explained that given the size of the drainage area coming into the Quinnild property, which is currently in preventative planting, the proposed 24" dia. culvert in the dike would not be big enough to handle all the upstream water, and would only result in harming Grommesh's standing crop. **Motion** by Fjestad to authorize HEI to conduct the referenced survey. Albright noted that the survey results could be available for the Board's review at their 08/10/15 meeting. He will contact the landowners if it becomes available before that date. **Seconded** by Anderson. **Approved.**

Later in the meeting, the Board discussed the Barnesville Township/Whisky Creek Retention project and how that project might help the drainage problems on the Grommesh/Quinnild properties.

**Permit No. 15-053, Brian Thomas.** Applicant proposes to install pattern tiling in the NE¼, Section 12, Kragnes Township, Clay County, to outlet via a lift station to the south ditch of C.R. No. 108. The Board tabled this application at their 06/22/15 meeting, pending approval of the downstream landowners. The signed notification forms have been received. **Motion** by Anderson to approve Permit No. 15-053, subject to our standard tiling disclaimer and Clay County approval to work within their road right-of-way (r-o-w). **Seconded** by Fjestad. **Approved.**

**Permit No. 15-062, Tim Pender.** Applicant proposes to install 148 acres of pattern tiling outletting via gravity flow to Clay C.D. No. 12 for which the property is assessed. **Motion** by Anderson to approve Permit No. 15-062, subject to our standard tiling disclaimer. **Seconded** by Hanson. **Approved.**

**Permit No. 15-063, Dwight Mickelson Reinvest In Minnesota (RIM)/Wetlands Reserve Program (WRP) Wetland Restoration.** Applicant proposes a 55 acre Minnesota Board of Water and Soil Resources (BWSR) wetland restoration project, following Natural Resources Conservation Service (NRCS) standards to restore six wetlands with ditch plugs and scrapes in Section 16, Parke Township, Clay County.

**Permit No. 15-064, John Walkup.** Applicant proposes to install pattern tiling in the N½NE¼, Section 18, Orwell Township, Otter Tail County, outletting via an existing header tile line/lift station (Permit No. 13-107) in the southwest corner of the property to Wilkin/Otter Tail Judicial Ditch (J.D.) No. 2 to which it is assessed.

**Permit No. 15-065, Blaine Rasmussen.** Applicant proposes to install 80 acres of pattern tiling in the SW¼, Section 12, Andrea Township, Wilkin County, adding to an existing 80 acres of tiling, outletting via gravity flow through the township road with a 12" dia. culvert. Water will drain south 1 mile, then west. Part of the water will eventually flow northwest to Wilkin C.D. No. 31 to which it is assessed, and part of the water will flow south to Wilkin County C.D. No. 7, following the natural drainage route. Rasmussen talked to his neighboring landowners regarding the proposed work and to Manager Fjestad. Albright observed that there are a number of ditch systems in the new area whose benefit areas are not correct. At this time, he felt that the permit could be approved.

**Permit No. 15-066, Blaine Rasmussen.** Applicant proposes to add 30 acres of random tiling to an existing tile line outletting via gravity flow to an existing field ditch, eventually to Wilkin/Otter Tail J.D. No. 2 with the option of a future lift station.

**Permit No. 15-067, Duane Brendemuhl.** Applicant proposes to install pattern tiling in the SE¼, Section 15, Kragnes Township, Clay County, outletting via gravity flow to natural waterway on his property.

**Permit No. 15-068, Duane Brendemuhl.** Applicant proposes to install pattern tiling in the SW¼, Section 16, Kragnes Township, Clay County, outletting via gravity flow to a natural waterway on his property.

**Permit No. 15-069, Steven Miller.** Applicant proposes to install 280 of pattern tiling in the S½, Section 17, Sunnyside Township, Wilkin County, outletting via a lift station to the Otter Tail River, incorporating a subsurface irrigation option. The system will incorporate conservation drainage with control structures. The DNR has granted Miller a Water Appropriation Permit for the potential future sub-irrigation. Jones had reservations regarding the proximity of the project to oxbows along the Otter Tail River, which might be impacted by a future BRRWD river restoration project. Manager Fjestad suggested that Jones could make Miller aware of our possible restoration project. Albright thought that it could be several years before a restoration project could even be developed, and Jones noted that the potential project design could be modified to avoid Miller's tile system.

**Permit No. 15-070, Brian Glynn.** Applicant proposes to install an approach with a 24" dia. culvert along 110<sup>th</sup> ST (County Road (C.R.) No. 32) to access his new house construction site in the N½NE¼, Section 12, Atherton Township, Wilkin County. The culvert size (24" dia.) matches the other area culverts.

**Permit No. 15-071, Richard Yaggie.** Applicant proposes to install pattern tiling in the NE¼, Section 31, Nilsen Township, Wilkin County, outletting via gravity flow to Wilkin C.D. No. 3, to which is it assessed.

**Permit No. 15-072, United States Fish and Wildlife Service (USFWS).** Applicant proposes to install the Pheasants Forever Nelson Tract WRP Restoration in the S½NE¼ and the N½SE¼, Section 21, Highland Grove Township, Clay County. Work will include scraping out the sediment and placing spoil in the

downstream channel, except one wetland area adjacent to a property line where they would only do a scrape. Any seepage from the project site would go to Clay C.D. No. 16.

**Permit No. 15-073, Troy Larson.** Applicant proposes to install 22 acres of pattern tile in the SW¼, Section 35, Akron Township, Wilkin County, outletting via gravity flow to a natural waterway on his property.

**Permit No. 15-074, Troy Larson.** Applicant proposes to install pattern tiling in the NE¼, Section 22, Tanberg Township, Wilkin County, outletting via an existing 10"-12" main tile that crosses his property and connects to an existing tile system line that was installed three years ago in conjunction with his neighbor, Darwin Danielson.

**Permit No. 15-075, Wayne and Jocelyn Tang, Tang Farms.** Applicant proposes to install 150 acres of pattern tiling in the SW¼, Section 15, Morken Township, Clay County, outletting from three main lines via gravity flow directly into Clay C.D. No. 10 to which the property is assessed.

**Motion** by Anderson to approve Permit Nos. 15-063 through 15-075, subject to the applicable standard disclaimers and road authorities' permission to work within their road r-o-w. **Seconded** by Fjestad. **Approved.**

**Scott McCaslin Tiling Outlet Concerns.** At the 06/22/15 BRRWD meeting, the Board extended the deadline for Duane Hanson to remove the tile block on his property in the NE¼, Section 23, Hamden Township, until 07/13/15 to allow the Hansons time to harvest their alfalfa crop and install a downstream sediment control structure. At the 06/08/15 meeting, the Board ordered Hanson to remove the block in a tile line through the road that cuts off Scott McCaslin's upstream drainage. Albright reported that Hanson has again refused to remove the block. The Board discussed our legal options to get the outlet opened and agreed to turn this issue over to our Attorney, Tami Norgard, Vogel Law Firm, for further action. **Motion** by Anderson to authorize Attorney Norgard to seek a court order for Hanson to remove the obstruction. **Seconded** by Fjestad. **Approved.** Albright will call Duane Hanson to advise him of the Board's action.

**Kyle Schiefert Drainage Complaint.** Albright discussed the status of this issue. Schiefert would like to have the upstream renters, Chris and Bruce Bang, clean their field ditches to direct the water to the northwest, rather than draining towards his house. Albright called Chris Bang to ask him to call Schiefert. Bang did call and left a message for Schiefert, but to date, Schiefert has not returned his call. Albright noted that there may be funding available for a ringdike to protect Schiefert's property.

**Project No. 77, Clay C.D. No. 51-Lateral No. 3.** The Viewers (Ron Ringquist, Rick Battles, and Rod Knutson) filed their Report. They found benefits (approximately \$190,000) exceeding the cost of the project (approximately \$150,000). Albright suggested a tentative Final Hearing date of 08/27/15. **Motion** by Kobiela to accept the Viewers' Report and to schedule the Final Hearing for Thursday, August 27, 2015, at 7:00 PM, in the Moorhead City Hall. **Seconded** by Affield. **Approved.**

**Project No. 75, Wilkin C.D. No. 31-Lateral.** Albright sent Sharon Josephson an email message regarding her easement, but she has not responded. Bruce Poppel, Wilkin County Environmental Officer, will work with the BRRWD to submit another grant application to BWSR to review buffers on several protected waters, including Whiskey Creek. Since the BRRWD doesn't have a Revised Watershed Management Plan (RWMP) currently in place for this area, we can't be the applicant for the BWSR funding.

**Project No. 73, Country Heritage Outlet Ditch.** Wade Opsahl, Technician, HEI, met with Darrin Haugen, who is a new homeowner in the area, to discuss his proposal to bury a 4" dia. tile line in the bottom of the ditch along his property and connect to the existing main underground culvert. HEI plans to conduct a channel survey to determine a gradeline and to see if it would be possible to have a contractor do some minor grading to get the ditch to drain properly.

**Project No. 71, City of Moorhead, 50<sup>th</sup> AVE S.** Gladen Construction Inc. has completed the gate replacement, and we are now waiting to verify that the final seeding is established. Jones thought that we will be able to process the final payment to close out this project by the first BRRWD meeting in August. The City of Moorhead has indicated that they would like get a maintenance agreement drafted with the BRRWD once the project is completed.

**Project No. 61, Clay C.D. No. 11.** Terracon, Inc. forwarded some information from their soils analysis regarding the slumping issues on the ditch. Albright has scheduled the ditch system repair hearing for Tuesday, July 21, 2015, at 7:00 PM, in our Barnesville office. Notices have been mailed.

Using the overhead monitors, Jones presented his repair recommendations for two slope failure sites ("east" and "west") along C.D. No. 11 North. The west site is located along the Duane Walker property (former owner, John Leseth) on the south side of County State Aid Highway (CSAH) No. 8. The south slope of the channel is failing. According to an agreement with Leseth, the reconstructed ditch centerline was moved north along his farmstead and the south slope was not constructed to the required 4H:1V slope, as was the rest of the ditch. There were concerns at the time of construction that the slope might not be stable, and soon after construction, the slope began to fail. The lowest cost repair alternative is to flatten the slope to 7H:1V with a probable opinion of cost \$15,000 to \$20,000. There are a few trees that would have to be removed, but the buildings previously located near the site have been removed. Currently, part of the site is fenced pasture. Excavated material will either have to be hauled offsite, or placed on the Walker property, if they agree to a location.

The east site is located along land owned by the Klemedtson Farm Limited Partnership, east of Trunk Highway (T.H.) No. 75 where approximately 700' of the south slope of the channel is failing. With Terracon, Inc.'s preliminary findings, Jones recommends flattening the slope to a 7H:1V sideslope. The estimated cost for this work is \$50,000 to \$60,000. There appears to be enough existing r-o-w in this location so no additional easement will be needed. Spoil will be placed to the south of the ditch. One field inlet pipe will either be replaced or extended. Both the east and west slope repairs will be completed in conjunction with the proposed repair of the outlet pipe. Jones noted that some spoil from the slope work could be used as fill for the outlet. Adjustments may have to be made to these recommendations depending on Terracon's final report. Jones suggested that all three repairs could be bid as one project to save time and money.

The Board will make a decision regarding these proposed repairs following the 07/21/15 ditch system hearing. Albright will prepare an Order for the Board's approval at the hearing. He noted that the repair costs (approximately \$225,000) will be assessed back to the ditch system, possibly over a three-year period. The Board discussed the function of the ditch and the new elevation of the outlet pipe.

**Project No. 27, Clay C.D. No. 55.** Darrin Tucker requested permission to reseed portions of the top of the ditch berm r-o-w along Howard Pender's property, which they have hayed for several years. Tucker would like to improve the quality of the grass on the berm. The original ditch buffer strip seeding of alfalfa mix is dying off. The Board suggested that Tucker could talk to the Clay County Extension Office or the Soil and Water Conservation District (SWCD) regarding the best type of grass to plant. There is another area about 0.5 miles west at the outlet of C.D. No. 55 along C.R. No. 10 where the ditch r-o-w is too rough to hay because of gopher mounds, etc. He asked for permission to level the area to make it easier to hay. Albright commented that the ditch berm in question acts as a dike to protect neighboring cropland, so the elevation can't be changed. **Motion** by Fjestad to authorize Tucker to reseed the bufferstrip in the referenced areas in consultation with the Clay SWCD regarding grass varieties. **Seconded** by Anderson. **Approved.**

**Project No. 56, Manston Slough Restoration.** B&J Landscaping has been delayed in their seeding efforts because of the wet weather. Albright plans to meet tomorrow with contractor Jason Ehlert and Cody Zarak, HEI, regarding the repair of several inlet culverts on the Briks property north of Tower Road (210<sup>th</sup> ST) in the SE<sup>1</sup>/<sub>4</sub>, Section 1, Nordick Township, Wilkin County. Zarak and Albright will stake the new culvert

elevations. Albright will also contact landowner Tim Buth regarding another drainage issue in this area in conjunction with the Briks' culverts.

HEI submitted the Final Pay Request for Gladen Construction, Inc. for \$29,031.79. Gladen has completed the bio-roll removal, which was the only cleanup item left. **Motion** by Hanson to approve the Final Pay Request. **Seconded** by Kobiela. **Approved.**

The DNR grant for the project expires on 9/30/15. Pat Lynch, DNR, has requested that we provide an estimate for any excess funds left over after all bills are paid for the project. At this point, there is approximately \$611,000 left in the project account, of which approximately \$441,029 could be returned to the DNR.

Albright noted that there has been nothing new regarding the Terry Czichotzki crop loss claim.

**Project No. 54, Whiskey Creek Tributaries.** The "east tributary" repairs in Section 14, Barnesville Township, Clay County, are underway. Opsahl met with Scott and Betty Anderson to address their drainage concerns. The culvert through the north-south road (C.R. No. 56/160<sup>th</sup> ST S) is too short and nearly full of gravel. Opsahl is working with Clay County Highway Department on a plan to either extend or repair culvert.

**Project No. 52, Clay C.D. No. 69.** The Board authorized repairs for this ditch system last fall. Work will begin as soon as conditions permit. The contractor, JBX LLC, plans to start the repairs this week. Opsahl has contracted the affected landowners.

**Project No. 49, Oakport Flood Mitigation.** Albright reported that the Board has to sign/file a new Flood Damage Reduction Grant application for the \$5.53 million to complete Phase 4. Once we have a signed contract, Ulteig Engineers, Inc. (UEI) will start work on the plans and specifications to complete Phase 4 in 2016.

Albright reported that Leonard Nelson measured the area that the Fischer Family claims has been affected by the stockpile on their property. Albright noted that he plans to do an analysis of the easement payments for both the Fischer and Pierce properties to determine a fair easement payment for the Fischer stockpile. Albright also noted that the dirt piles and surrounding area have been sprayed for weeds.

**Project No. 42, Clay C.D. No. 67.** Jones discussed the repair options for the outlet presented to the Board at their 04/27/15 meeting. The Board had decided to table the repairs until we could discuss the issue with the City of Moorhead. Albright explained that we can't wait any longer to complete the repairs, as the drop structure at the Red River outlet has washed out, causing down cutting upstream, and the 73" x 55" corrugated metal arch (CMP-A) is collapsing.

Jones proposed two alternatives. Alternative 1 would replace the upstream riser drop structure with a "Flexamat" (concrete pieces held together with a geo-textile product) drop structure, restore the downstream rock drop structure along with increasing the drop from 2' to 4'. The estimated cost is \$32,350. Alternative 2 replaces the upstream riser drop structure with a Flexamat drop structure located further downstream, restores the downstream rock drop structure to the original plan, and reduces the grade between the two structures to a more acceptable grade of 0.18%. Jones explained that Alternative 2 fixes both the drop structures and reduces channel grade between the two structures. In addition, the drop structure is located in an area that is less likely to be disturbed by possible future levee construction projects. While Alternative 2 costs more (\$58,390), Jones advised that it should provide long term savings. **Motion** by Fjestad to let bids for both alternatives and to complete the repairs as a ditch system expense. **Seconded** by Affield. **Approved.**

**Project No. 40, Clay C.D. No. 41-Outlet.** Terracon, Inc., is still working on their soils analysis for the slide repair on the American Crystal Sugar (ASC) property. Jones thought they might have that report ready in two weeks. HEI had a bid opening for the C.D. No. 41-Outlet repair. They received 5 bids with Johnson Excavation being the lowest at \$128,255. The highest bid was from Gladen Construction, Inc. at \$287,290. Jones explained that contractor concerns about site access were the reason for the wide range of bids. The Engineer's cost estimate was approximately \$100,000. Jones said that after hearing the contractors' comments, he thought his estimate was probably a little low. He recommended that the Board award the contract to Johnson Excavation. **Motion** by Anderson to award the contract to Johnson Excavation. **Seconded** by Fjestad. **Approved.**

**Project No. 39, Georgetown Levee.** The condemnation hearing for the Greywind house is scheduled for Thursday, July 23, 2015, 9:30 AM, Clay County District Court. Greywind contacted Albright to report that the mortgage holder on his old house has agreed to roll over the note to the new house, so he'll be making the same loan payment as in the past. BRRWD Attorney Tami Norgard, Vogel Law Firm, has advised that the BRRWD file the appraised value of Greywind's old house (\$20,000) with Court as part of the condemnation proceeding. Albright commented that at this point, Vogel Law Firm has not given him any direction regarding how soon we will be able to start demolition of the condemned property following the hearing.

Albright and Chairman Van Amburg attended the 07/06/15 Georgetown City Council meeting to discuss current project expenditures, potential assessments, and other project concerns. Opsahl is preparing a punch list for the contractor when they return to complete the project. The City is concerned about the Federal Emergency Management Agency (FEMA) reimbursement for the 2011 spring flood. Opsahl is working on the billing to submit to FEMA. We have approximately \$70,000 of unreimbursed bills still in the BRRWD's 2011 FEMA contract.

**Project No. 37, Clay C.D. No. 41-Lateral No. 1 Channel Repair.** HEI held a bid opening for the outlet erosion repairs for about 0.5 miles of the channel up to 34<sup>th</sup> ST on Lateral No. 1. The Engineer's cost estimate was approximately \$75,000. There were four bidders. The low bidder was American Enterprises, Inc. for \$79,995.35. The high bidder was Sellin Brothers, Inc. at \$125,905. Albright suggested that if the contractor needs fill, they should use the Pierce stockpile in Oakport. **Motion** by Anderson to award the contract to American Enterprises, Inc. **Seconded** by Fjestad. **Approved.**

**Project No. 30, Clay/Wilkin Judicial Ditch (J.D.) No. 1.** Albright is still working on redrafting the diversion petition on the county line to Wolverton Creek/Comstock Coulee. William Nichol Excavating, Inc. has started repairs for J.D. No. 1 in Clay County. Nichol is currently working on beaver dam removal in the outlet, before he starts the actual cleanout.

**Project No. 24, Wilkin C.D. No. 44.** Albright has completed a draft petition for Manston Township to partially abandon the north ditch of 170<sup>th</sup> ST and remove the centerline pipe. In 1993, the BRRWD made the ditch on the south side of 170<sup>th</sup> ST part of C.D. No. 44 in Section 10. After our Attorney's review of the draft, Albright will mail the petition to Manston Township for their review and signature. Once the Township files the petition, the BRRWD will schedule a ditch system hearing. The Board discussed the history of this ditch issue.

**Project No. 23, Becker C.D. No. 15 Repair.** Opsahl is working with Chad Mattson to continue the repair work south of the Hamden Slough National Wildlife Refuge (NWR) on the remaining portions of the ditch system, including the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Section 11, Audubon Township, as petitioned for by Kraig Nelson. Opsahl will contact the affected landowners regarding permission to enter their land, spoil placement, etc.

**Project No. 01, Wilkin C.D. No. 22.** Albright suggested that we combine the ditch system hearings for Wilkin C.D. Nos. 5A, 26, and 22 regarding the installation of buffer strips and outlet grade stabilization in conjunction with the Wolverton Creek/Comstock Coulee restoration. The Viewers will meet on

Wednesday, July 22, 2015, to set a r-o-w value for the buffer strips. Following completion of the Viewers' work, the hearings can be scheduled

**Mediation PT.** The next PT meeting will be held on September 10, 2015, in the Barnesville office. The Fall Tour is tentatively scheduled for October 15, 2015. The Board discussed the good working relationship the BRRWD has with our Project Team.

**Upper South Branch of the Buffalo River.** Jones and Tom Eskro, HEI, are working on a proposal for a larger regional impoundment area involving Section 5, Manston Township, and Sections 32 and 33 in Atherton Township, Wilkin County.

Albright observed that an important factor in the development of the possible larger retention site is to formulate a policy to stimulate landowner interest in these proposed projects by determining competitive easement values. North Dakota State University (NDSU) will soon be completing a study for the F-M Diversion project that is looking at determining fair easement values, which the Board could consider. Albright also discussed the need to identify and evaluate the agencies and programs that are available to assist with funding easement acquisitions. He suggested that we could also review how other Watershed Districts are handling this issue. The Board had an extended discussion regarding this issue.

**Barnesville Township Area Drainage.** Albright reported that there are two NuStar pipelines crossings on one of the prime potential retention sites. HEI is working with the pipeline company regarding this issue.

#### **WRE Sites.**

**Haick/Peppel.** BWSR had advised the BRRWD that we will be able to use of their 30.4 acres of Permanent Wetland Preserve (PWP) easement in Section 4, Manston Township, on the Peppel land as part of a retention site. Al Keane, BWSR, has indicated that there might be some money in the 2015 bonding bill for Reinvest In Minnesota (RIM) projects.

**Stony Creek Comprehensive Project.** Terracon, Inc. has completed their geotechnical report. They recommended that we use no less than 5:1 sideslopes with a 10' embankment top width. The embankment should be overbuilt to allow for settling over time. Terracon did have some concerns about what they termed "fat" clay under the site. There could be problems with this material supporting an embankment. Jones will take this new information into consideration as he moves forward with the project design. He will prepare a more detailed cost estimate and determine what kind of diversion channel we will need to get water to the site. Albright observed that the cost estimate will probably have to include a new culvert under Interstate-94 (I-94).

**RWMP/Watershed District Enlargement (WDE).** Jones and Albright are working on proofing the draft RMWP in an effort to complete the document. Once it's completed, we will schedule one more meeting with the Technical and Citizen Advisory Committees for their final review.

The Bois de Sioux Watershed District (BDSWD) has forwarded the signed petition for the boundary changes with the BRRWD. BDSWD and Otter Tail County are also making changes to their mutual boundary. Both entities signed the petition, and it is now ready for the BRRWD signature. **Motion** by Fjestad to authorize signature of the boundary change petition. **Seconded** by Kobiela. **Approved.** The petition will be forwarded to BWSR.

**Army Corps of Engineers (COE) F-M Diversion.** Albright distributed two news articles to the Managers regarding a COE flood risk study and a report from the F-M Diversion Authority regarding the potential economic impacts on the Fargo-Moorhead area from a flood event.

**Minnesota Agricultural Water Quality Certification Program (MAWQCP).** The pilot program will expire on 12/31/15. The Minnesota Department of Agriculture (MDA) is planning to expand the program



to the Technical Service Areas as defined by the Minnesota Association of Soil and Water Conservation Districts (MASWCD).

**Wilkin/Otter Tail J.D. No. 2.** Jones is working on a repair report to raise the spoil bank in the low areas on the east berm of J.D. No. 2 in Sections 7 and 18, Orwell Township, Otter Tail County, along Dan Bradow's property.

Manager Fjestad mentioned a request from Carlisle Township for a slide repair on one of the J.D. No. 2 laterals, located 0.75 miles east of the main ditch on the north side of 240<sup>th</sup> ST. The site is about 150'-200' long and poses a road safety hazard.

**Elkton Township Wetland Restoration.** Albright reported that he is working on getting signatures on the Harlan Manston Estate easement. Once all easements are signed, Albright will forward them to Corey Elmer, Vogel Law Firm, for filing. As soon as the easements are filed, the BRRWD can start using the wetland mitigation banking credits. The Technical Evaluation Panel (TEP) conducted a field review of the restoration site on 07/10/15. Albright was also on site with the TEP. He reported to the Board that the site was looking good and some vegetation is starting to grow. The TEP recommended that the weeds on the top of the dike and a few areas within the actual easement should be mowed. Albright discussed a method to track which areas are mowed and the effects of the mowing. Landowner Chuck Anderson has offered to do the mowing. Opsahl will contact him regarding the work.

**Buffalo River Total Maximum Daily Load (TMDL) Study.** Albright discussed the study's status with Jim Courneya, Minnesota Pollution Control Agency (MPCA), who reported that Tim James, MPCA, is finalizing the report and will forward it to Environmental Protection Agency (EPA) for final approval. It is expected that the Buffalo River TMDL Study should be completed by Labor Day.

**Upper Red River TMDL/Watershed Restoration and Protection Strategy (WRAPS) Study.** We are now at the stage to start preparing the draft TMDL/WRAPS reports. Rachel Olm, Environmental Scientist, and Dr. Mark Deutschman, HEI, are working with Tara Mercil on the Public Outreach Concept. The project will be completed by June 30, 2016.

**Wolverton Creek/Comstock Coulee.** The BRRWD received a \$100,000 grant from Enbridge Inc. in association with the Minnesota Association of Resource Conservation and Development Councils, Inc. (MARC&D). Enbridge encouraged the BRRWD to submit another application for 2016 funding. The application period starts on 01/01/16. We should also know in the near future if we have been selected for an interview for the Lessard-Sams Outdoor Heritage Council (LSOHC) Conservation Partners Legacy Grants (CPLG) Program.

Albright suggested that we could use the Enbridge grant funding to start work on the first 0.5 miles of the channel starting in Section 9, Wolverton Township, Wilkin County, at the outlet of Phase 1 to provide landowners with a view of what a completed project would look like.

**Otter Tail River Restoration.** The BRRWD's application for an EPA 319 Grant (\$242,000) was approved (subject to federal funding). This funding can be used as a match for a BWSR Clean Water Fund (CWF) grant. Jones explained that we are working with Wilkin County to identify possible restoration sites along the Otter Tail River.

**BWSR Newsletter.** Albright provided copies of BWSR's Grants Quarterly Newsletter for the Board's review. The BRRWD will be applying for a number of grants this fall. The newsletter provides information regarding each grant opportunity. The application deadline is 08/28/15.

**Minnesota Association of Watershed Districts (MAWD) Award Nominations.** MAWD nominations for projects awards are due by 07/31/15. The Board thought that we should submit an application for the Manston Slough Project.

**RRWMB Membership.** Albright has scheduled a meeting with the Clay County Commissioners tomorrow at 10:00 AM to present our 2014 Annual Report and Audit and discuss possible RRWMB membership. He plans to arrive about 9:30 AM to take in the update from some of our local Legislators. He encouraged the Managers to come early to hear their report. Another meeting with Wilkin County has been scheduled on 07/21/15 at 9:00 AM. He plans to contact Otter Tail and Becker Counties to set up meetings in the near future.

The Board reviewed a draft memo Albright prepared regarding potential RRWMB membership, including a brief history of the BRRWD's former membership and our past concerns with the organization. Albright pointed out in his memo that the main issue the BRRWD needs to deal with is finding a secure source of funding for the development of large-scale, multi-purpose floodwater retention projects. Currently, the BRRWD uses a funding source derived from our taxing authority associated with Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3. If the BRRWD rejoined the RRWMB, we would not need to use this taxing authority. The 2015 taxable market value of the BRRWD is \$7,856,233,700 (taxes payable in 2016). A maximum RRWMB tax levy would raise \$3,799,275. Each entity (BRRWD/RRWMB) would receive half, or \$1,899,637. Albright estimated a typical quarter of land would pay approximately \$402.84/year in RRWMB tax (\$2.50/ac.). The 2015 BRRWD levy totaled \$1,242,822. A RRWMB levy in 2015 would have totaled approximately \$3,418,378 (2.75 times greater).

Albright listed a number of "pros" and "cons" for the Board's consideration and to be used as a starting point for discussions with the County Commissioners:

**Pro**

- No longer a need for a BRRWD Lobbyist (\$10,200/yr.), as Ron Harnack, Red River Basin Coordinator, RRWMB, handles this at the Capital for the RRWMB members.
- **Identify funding source for floodwater retention projects.** We haven't been a member since 2002, so it will take some time to get on their funding list (other projects ahead of us).
- Work in unity with other member districts on Red River Basin issues.
- Qualify for Red River Retention Authority (RRRA) funding. In 2015, the RRRA received \$12 million through the Regional Conservation Partnership Program (RCPP) and the NRCS. The RRRA is made up of the RRWMB and the North Dakota Joint Water Resources Board. This probably cost the BRRWD in excess of \$1 million, since we were not a RRWMB member and did not qualify.
- \$25 million Fargo contribution for upstream projects partially controlled by the RRRA. Access to funding.
- Membership can be evaluated on an annual basis.
- Water quality monitoring costs funded by the RRWMB.
- RRWMB and member districts developing projects that benefit the BRRWD, without our contribution (i.e. North Ottawa/Red Path).
- Recognition amongst peers (DNR, Legislators, etc.) that locally, we are doing what we can to address flooding.
- Having a seat at the table regarding Basin decisions.

**Con**

- **Landowner costs/taxation.**
- Since 2002, the BRRWD has been extremely successful in building projects and locating funding without the RRWMB.

- BRRWD Manager and staff time and commitment to attend at least twelve more meetings per year, scattered throughout Minnesota portion of the Red River Basin.
- Building projects to RRWMB criteria (good & bad-different perspectives).
- Realizing that areas within the BRRWD do not all benefit equally in terms of the need for flood control.
- A decision regarding possible 2016 membership will need to be made in the next 30 days. May not be enough time to adequately discuss issues.
- **The need for "district wide" support for this decision.**

Albright suggested that the Board could also refer to the document prepared by our strategic planning consultant, Donna Rae Scheffert, regarding the issue of RRWMB membership. The Board had an extended discussion regarding RRWMB membership and funding needs for our potential projects. Albright pointed out that the Board needs to make a decision regarding RRWMB membership by their annual budget hearing on 08/24/15, so the levy can be included in their budget. He suggested that the Board could include the levy in their budget and see what comments we receive when it's published in the newspapers. If there appears to be significant resistance from landowners, we can remove the levy before the final budget certification in December. Van Amburg discussed his reasons for voting to drop RRWMB membership in 2002. He feels that since then, the RRMWB has addressed his concerns he had with their organization. Albright encouraged the Board to review the information provided to them.

**Clay C.D. No. 51 Repair.** Landowner Curt Brendemuhl filed a repair request for about 1.5 miles of the ditch up to C.R. No. 99 (110<sup>th</sup> AVE). The first mile work would be to clean the high spots and the next 0.5 mile along the outlet to Brendemuhl's tiling project, there is about 1.5' of material that needs to be removed. Jones estimated the repair costs to be approximately \$12,000. **Motion** by Anderson to approve the recommended repair. **Seconded** by Hanson. **Approved.**

**The following bills were presented for approval:**

Accounts Payable	Description	Account	Amount
American Enterprises, Inc.	#1403, 2015 mowing	Pj. Nos. 39/49	\$ 5,025.00
AmeriPride	Office Rugs (3)	Admin	\$ 80.16
Barnesville Phone Co.	06/25/15 billing	Admin	\$ 289.36
Breanna L. Kobiela	#15-26, 05/01/15-06/30/15	Admin	\$ 308.68
Bruce E. Albright	Meals/lodging-MAWD Summer Tour	Admin	\$ 565.37
Bruce E. Albright	Reimburse-TEP dinner	Elkton Wetland Restoration	\$ 63.95
Buffalo River Excavating	#22, 5th ST N repairs	Clay C.D. No. 28	\$ 9,487.47
Carmen Pattengale	Office cleaning-June (2)	Admin	\$ 130.00
Chris's Lawn Care	Fertilizing/weed control-spraying	Admin	\$ 203.06
Chris's Lawn Care	June mowing (5)	Admin	\$ 534.38
City of Barnesville	04/29/15-05/29/15 utilities	Admin	\$ 391.68
Clay Co. Auditor/Treas.	Forward Becker Co. collections-bond	Pj. 46, Turtle Lake	\$ 332.49
Clay Co. District Court	Greywind appraisal	Pj. 39, Georgetown	\$ 20,000.00
Finish Grade Const., Inc.	#035851, ditch repairs/flap gates	Wilkin 44/Clay 58/69	\$ 1,870.00
Finish Grade Const., Inc.	#035852, Sect. 14, east tributary repair	Pj. 54, WCT	\$ 6,600.00
Fuchs Sanitation	6/30/15 garbage billing	Admin	\$ 42.12
Gerald L. Van Amburg	#15-28, 05/01/15-06/30/15	Varies	\$ 2,464.49
Gladen Const., Inc.	Final Pay Request	Pj. 56, Manston	\$ 29,031.79
H.E.	July billing summary	Varies-see attached	\$ 170,554.71
IWI	Payment #1, 2015 WQ monitoring	M.S.A. 103D.905, Subd. 3	\$ 6,298.46
John E. Hanson	#15-25, 05/01/15-06/30/15	Varies	\$ 1,713.38
L&M Road Services	#400, thistle spraying	Pj. 49, Oakport	\$ 2,465.50
Machine Design, Inc.	#32555, 18" dia. flap gate	Wilkin C.D. No. 2	\$ 292.00
Mark T. Anderson	#15-23, 05/01/15-06/30/15	Varies	\$ 432.56
Peter V. Fjestad	#1524, 05/01/15-06/30/15	Varies	\$ 1,643.11
Premium Waters, Inc.	#366590-06-15, office water	Admin	\$ 41.62
Purchase Power	#8000-0830-5273, 07/01/15 postage	Admin	\$ 100.00
Quill	#5506409, office supplies	Admin	\$ 179.66

Rick Battles	Viewing	Pj. 77, Clay C.D. 51-Lat. 3	\$ 877.25
RMB Laboratories, Inc.	#267291, WQ analysis	M.S.A. 103D.905, Subd. 3	\$ 553.00
RMB Laboratories, Inc.	#267589, WQ analysis	M.S.A. 103D.905, Subd. 3	\$ 26.00
RMB Laboratories, Inc.	#267938, WQ analysis	M.S.A. 103D.905, Subd. 3	\$ 474.00
RMB Laboratories, Inc.	#268077, WQ analysis	M.S.A. 103D.905, Subd. 3	\$ 948.00
RMB Laboratories, Inc.	#268279, WQ analysis	M.S.A. 103D.905, Subd. 3	\$ 158.00
RMB Laboratories, Inc.	#268305, WQ analysis	M.S.A. 103D.905, Subd. 3	\$ 717.00
Rodney Knutson	Viewing	Pj. 77, Clay C.D. 51-Lat. 3	\$ 482.25
Ron Ringquist	Viewing	Pj. 77, Clay C.D. 51-Lat. 3	\$ 1,747.89
RRVCPA	05/10/15-06/20/15 billings (3)	Pj. 49, Oakport	\$ 407.14
Terracon	#T660621, 04/19/15-06/27/15	Stony Creek Detention	\$ 9,166.50
Tim Crompton Excavating	Ditch Repairs	Clay C.D. Nos. 11, 36, and 40	\$ 10,100.00
True North Steel	#FP0000006334, inlet culverts	Wilkin C.D. No. 3	\$ 6,064.20
US Geological Survey	#90363395, 10/01/14-09/30/15	M.S.A. 103D.905, Subd. 3	\$ 4,807.00
US Treasury	2nd Qtr. Form 941 taxes	Admin	\$ 665.55
Vogel Law Firm	#156922, June billing-Greywind	Pj. 39, Georgetown	\$ 4,869.00
West Otter Tail SWCD	#1405, 04/01/15-60/30/15 billing	MAWQCP	\$ 1,973.69
Wilkin CO HWY Dept.	Engineering services	Varies	\$ 17,402.55
Wilkin SWCD	03/23/15-06/26/15 billing	MAWQCP	\$ 19,577.07
William Nichol Excavating	#175, ditch/project repairs	Pj. Nos. 30/31/56	\$ 7,237.50
WREC	05/19/15-06/18/15 billings (2)	Pj. 46, Turtle Lake	\$ 232.97
Xcel Energy	05/26/15-06/24/15 service-Office	Admin	\$ 67.32
Xcel Energy	05/27/15-06/27/15 service (2)	Pj. 49, Oakport	\$ 128.90
			<b>\$ 349,823.78</b>

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

**Red River Valley Agricultural Water Issues Forum.** The 4<sup>th</sup> Annual Forum will be held on July 15, 2015 (Hallock), July 16, 2015 (Ada), and July 17, 2015 (Wendell) from 8:00 AM-12:00 PM.

**Groundwater Information Workshops.** MASWCD and the DNR are hosting groundwater workshops for local officials to provide a better understanding about local groundwater quality and quantity issues and management roles on July 15, 2015 (Marshall, MN); July 29, 2015 (Otter Tail, MN); August 13, 2015 (Rochester, MN); and August 19, 2015 (Waite Park, MN).

**Next Meeting.** The next regular meeting will be held on Monday, July 27, 2015, at 7:00 PM in our Barnesville office.

**Adjournment.** **Motion** by Anderson to adjourn the meeting. **Seconded** by Affield. **Approved.** Chairman Van Amburg adjourned the meeting at 10:35 PM.

Respectfully submitted,

John E. Hanson, Secretary