

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

BARNESVILLE, MINNESOTA 56514

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## **MINUTES FOR MANAGERS' MEETING**

**March 26, 2007**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD) held their regular meeting on Monday, March 26, 2007, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Gerald L. VanAmburg, Curtis M. Nelson, E. Robert Olson, and John E. Hanson. Others attending included BRRWD Administrator Bruce E. Albright, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.), and Craig Lingen, Technician, Wilkin Soil and Water Conservation District (SWCD).

Chairman Ellefson called the meeting to order at 7:55 PM. He noted that the proceedings were being taped to aid in preparation of the minutes.

**Secretary's Report.** The Board reviewed draft minutes for the 3/12/07 regular meeting. Nelson noted a minor correction. **Motion** by VanAmburg to approve the minutes, subject to correction. **Seconded** by Olson. **Approved.**

**Treasurer's Report.** The Board reviewed their current financial status. The office is expecting reimbursements from the Minnesota Department of Natural Resources (DNR) for the Oakport Flood Mitigation project expenses this week. Clay County should receive the bond sale proceeds (\$440,000) for Project Nos. 51 and 57 tomorrow. Albright hopes to be able to deposit the funds as soon as possible. The Board discussed how to disburse the funds.

### **Business brought before the Board included:**

**Wilkin SWCD CRP Report.** Craig Lingen, Technician, Wilkin SWCD, presented a report on their 2006 Conservation Reserve Program (CRP)/Continuous Conservation Reserve Program (CCRP) marketing effort in the BRRWD. The BRRWD has contributed \$12,000 to the Wilkin SWCD for the last four years to promote these programs in Wilkin County.

Lingen reported that in 2006, landowners entered into 30 CCRP contracts for 301 acres. They also enrolled 622.6 acres in new CRP contracts and re-enrolled 2,250 CRP acres, most of which were located within the BRRWD. In addition, the SWCD signed five Wetland Reserve Enhancement Program (WREP) contracts for 1,278.3 acres. The WREP acreage is mostly associated with the Manston Slough Restoration project. Lingen noted that Donald Holubok, Manston Slough landowner, has also applied for the Reinvest In Minnesota (RIM) program. This will be completed in accordance with the Purchase Agreement between the BRRWD and Holubok to acquire his farm for the Manston Slough Restoration project. Lingen added that his office has been working on bufferstrip marketing along the Wilkin County portion of Whisky Creek within the BRRWD. He displayed a map showing the CRP areas and bufferstrips. Some of their future work will be funded through a Clean Water Legacy (CWL) Grant. Lingen explained that their next project will be to convert more of their current CRP contracts (15 years) into special CREP II (permanent) contracts by augmenting the CREP II

payment to make the program more lucrative for landowners. Lingen said that the BRRWD funding made it possible for them to hire an extra office worker, so that he was able to focus his time on promoting the referenced programs. He requested that the BRRWD consider continuing our partnership with the Wilkin SWCD in 2007 at the \$12,000 level. The Board discussed Lingen's request. Albright noted that we should receive all the first half tax proceeds by July. Lingen said they would not need funding until later in the year. **Motion** by VanAmburg to contribute \$12,000 to the Wilkin SWCD for 2007 to continue conservation marketing. **Seconded** by Hanson. **Approved.**

**Permit No. 06-77, Robert Norby.** Applicant proposes to repair erosion in the NE¼, Section 22, Kragnes Township, Clay County, where the Buffalo River cut through his field during the 2006 spring flood. **Tabled** pending Manager field review after the crop is harvested. Manager Olson will contact Norby to set up a field review.

**Permit No. 07-03, Steve Holubok.** Applicant proposes to lower a culvert in the quarterline approach along C.R. 55 in the northwest corner of the NE¼, Section 20, Humboldt Township, Clay County, to enhance road ditch drainage to the west. **Tabled** pending Manager field review.

**Permit No. 07-04, Steve Holubok.** Applicant proposes to lower a culvert on the quarterline approach along 190<sup>th</sup> ST S in the southeast corner of the NE¼, Section 6, Humboldt Township, Clay County, to enhance road ditch drainage to the south. **Tabled** pending Manager field review.

**Permit No. 07-09, Robert Norby.** Applicant proposes to build a grain bin site in Section 22, Kragnes Township, Clay County. The work will include stripping the top soil on an area approximately 220' x 400' and using the spoil to fill field washouts. After he removes the topsoil, Norby will fill the area with clay to about 4' above the flood elevation. He plans to develop the grain bin site to provide increased corn storage capacity. He wants the site elevated to protect the buildings from flooding. Norby will also need to contact Tim Magnusson, Clay County Planning and Zoning, regarding work in the floodplain. **Tabled** pending Manager field review. Manager Olson will contact him.

**Permit No. 07-14, Aggregate Industries, NCR.** Applicant proposes to expand their mining operations in Section 1, Riverton Township, Clay County, in a circular method consistent with their prior mining procedures. Four wetland basins are located within the proposed mining area. Steve Hofstad, Wetland Conservation Act (WCA) Administrator, has determined that these wetlands are exempt from the WCA Rules because they are a result of past mining operations. Aggregate Industries met with area landowners on 3/19/07 to discuss potential downstream impacts. Hofstad, Tim Magnusson, Clay County Planning and Zoning, and Clay County Commissioner Jon Evert also attended. Aggregate Industries hired H.E. to develop a design to reroute water from the upstream waterway to their permanent pond area. Excess drainage will continue to outlet through the existing control structure. **Tabled** pending Jones' review and recommendations. The Board will invite the landowners to the 4/09/07 meeting to discuss this project. Jones will provide a copy of H.E.'s plans for the meeting.

**Permit No. 07-15, City of Moorhead.** Applicant proposes to convert the existing 34<sup>th</sup> Street South two-lane roadway to a four-lane divided highway from 470' north of 24<sup>th</sup> AVE S to 950' south of 12<sup>th</sup> AVE. S/County State Aid Highway (CSAH) No. 16. Construction will include grading, aggregate base, concrete surfacing, and drainage. This project is associated with the expansion of the primary growth corridor in east Moorhead and is the remaining link in this four-mile expansion project. Work is proposed to begin in August 2007. **Tabled** pending Jones' review and recommendation. Albright is

working with the applicant on a Clay County Ditch No. 47 improvement petition, as parts of Ditch No. 47 need to be relocated with the project.

**Permit No. 07-16, Patricia McGowan-Sandgren.** Applicant proposes to install three Natural Resource Conservation Service (NRCS) designed stream barbs in Whisky Creek along Lot 20 within the City of Barnesville in the NW¼, Section 30, Humboldt Township, Clay County. The project is necessary to control bank erosion that is encroaching on McGowan's house. Albright will assist McGowan with submitting her DNR permit application. **Motion** by Nelson to approve Permit No. 07-16. **Seconded** by Hanson. **Approved.**

**Minch and Johnson Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 8:20 PM to discuss the status of both lawsuits. At 8:37 PM, the Board reopened the meeting.

**Grove/Pete Lakes Outlet.** H.E. has completed the field survey in the areas where we had permission to work and is currently using the data to develop models for alternative project designs to lower Grove Lake. Albright noted that the office has received a few phone calls from landowners who are questioning the status of the survey. Jones thought he could have a survey report ready for the Board's review on 4/09/07. The Board would like to schedule another informational meeting with the Grove Lake landowners in the near future.

**Baer Hog Facility.** Albright noted that he and Managers Ellefson and Nelson all received phone calls from various landowners regarding a proposed 2,800 hog facility in Section 20, Skree Township, Clay County. The neighboring landowners have concerns regarding this proposal. The Township has scheduled a meeting on 4/03/07 at 2:30 PM to discuss this issue. The Board discussed the landowners concerns. VanAmburg suggested that water quality data should be collected prior to the project installation to monitor the effects of the facility. Albright referred to the BRRWD Rules regarding this type of facility. While land forming and approaches/culverts installation are covered in the Rules, water quality is not. Further discussion followed regarding the need for an Environmental Assessment Worksheet (EAW). The Board considered sending a letter regarding this issue to the Clay County Planning and Zoning Committee.

**Project No. 61, Clay County Ditch No. 11-North-Improvement.** The BRRWD has scheduled the Preliminary Hearing for 4/19/07. The office will send notices.

**Project No. 60, Swede Grove Lake.** Jones presented his revised cost estimate for the piped alternative to draw down the lake elevation to 1231.0. The Mediation Project Team (PT) requested that the BRRWD consider this elevation. The outlet would consist of a 24" dia. reinforced concrete pipe (RCP) to convey water from Swede Grove Lake through County Road (C.R.) No. 37 to an outlet control structure that could be used to control the lake level and release rate. Water will flow from the outlet control structure to another 24" dia. RCP through the SW¼, Section 14, and the NW¼, Section 23, where it would enter the existing waterway and eventually outlet to the Buffalo River. This alternative would provide walleye rearing, wildlife, road, and runoff storage benefits. The underground storm sewer installation would produce the least number of wetland/agricultural production impacts. The preliminary cost estimate for this alternative is \$296,195. This design exceeds Clay County's petition for road protection. Without 50% State funding, the County will not

support the expanded project. Albright plans to send a letter to Ed Fick, FDR Hydrologist, DNR Waters, regarding the cost estimate for this alternative and possible state funding assistance.

**Project No. 59, Clay County Ditch No. 41-Lateral 3.** The office received Petitioner Jerry Feder's \$10,000 bond for this project, and the Board dismissed the petition at their 3/12/07 meeting. The Managers authorized Albright to contact the Minnesota Department of Transportation (MNDOT) regarding the remaining account balance (\$4,582.53). To date, Albright has not had time to prepare or send the letter.

**Project No. 58, Riverton Township Retention.** The Board appointed the Appraisers at the 3/12/07 meeting. Albright will schedule a meeting with them in the near future so they can start their work. He will also send the easement option to The Nature Conservancy (TNC) for their signature. The Board discussed possible increased State funding for this project. The new cost estimate is \$794,460, which would translate into \$397,230 for the State on a 50/50 cost-sharing basis. The State already committed \$235,000 to this project in 2006. They would need to increase their share by \$162,230. The next step will be to schedule the Final Hearing and a meeting with Riverton Township regarding use of their road.

**Project No. 56, Manston Slough Restoration.** Albright reported that Steve Holubok signed the Purchase Agreement on 3/20/07 with the BRRWD for the acquisition of his father's, Donald Holubok, farm in the SE<sup>1</sup>/<sub>4</sub>, Section 30, Manston Township. Holubok also signed the RIM and Wetland Reserve Program (WRP) paperwork. The BRRWD has deposited the earnest money into an escrow account with TRN Abstract Company. The abstract has been updated, and Vogel Law Firm is working on the title opinion. Ed Fick, DNR Waters, has indicated that the BRRWD should receive a grant amendment this week for the Board's signature for 50% of the Holubok purchase price. **Motion** by Olson to authorize Ellefson to sign the document on behalf of the Board as soon as we receive it to expedite receipt of the funding. **Seconded** by VanAmburg. **Approved.**

**Project No. 51, Clay County Ditch No. 68-City of Glyndon.** Jones is still reviewing Contractor Ronald Erdman's excavation quantities.

**Project No. 49, Oakport Flood Mitigation.** The Managers reviewed the draft sales catalogue that Pifer's Auction and Realty prepared for the auction sale, scheduled for 5/03/07 at 7:00 PM at Pifer's Corporate Office in Moorhead. An Open House has been scheduled for 4/10/07 from 4:00 PM to 8:00 PM. Albright and Attorney Elmer are working with Jim Lakoduk, Pifer's Auction, on the auction sale general terms and conditions. The Board discussed holding another sale later this fall for the rest of the buyout properties that will close later this summer/fall. Oakport Township officials have contacted Ulteig Engineers, Inc. (UEI) regarding how long it has taken to design the dike alignment.

**Project No. 38, Farmstead Ringdikes.** Jones presented a revised cost estimate for the Kragnes ring dike. The revision includes costs associated with the "White House" dike and the wedge of land between CSAH No. 26, C.R. 96, and Trunk Highway (T.H.) No. 75. Jones explained that the preliminary design is based on the LIDAR survey obtained for the Buffalo River Flood Insurance Re-Study. This survey has an accuracy of plus or minus 6" and will be field verified prior to actual project construction. Jones has included higher contingencies costs to account for the uncertainties in the estimate. Following additional field review and ground survey, the estimate will be revised. **Motion** by Nelson to authorize H.E. to continue with project development by conducting a more detailed field

survey and project plans. **Seconded** by VanAmburg. **Approved.** The next steps will be to schedule a preliminary hearing, and then the Final Hearing.

The office forwarded information regarding Solveig Mead's ringdike contract to BRRWD Attorney Tami Norgard. The Board also wants Norgard to contact Ross Rehder again regarding his delinquent ringdike payments.

**Project No. 35, Clay County Ditch No. 47.** Albright reported that he and the City of Moorhead are nearly finished with the draft improvement petition to reroute Ditch No. 47 in conjunction with Moorhead's 34<sup>th</sup> ST interchange project. Moorhead Mayor Mark Voxland will sign the petition, as soon as it is finalized. The Board discussed holding the Preliminary Hearing and the Final Hearing for this project on the same night.

**Project No. 32, Hawley EDA Diversion.** Albright questioned if Jones knew if Hancock Concrete Products had applied the epoxy to the 60" dia. culvert. Jones didn't know if the work had been done.

**Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1).** Three landowners have signed a petition for an improvement/extension project for Branch No. 4 to address drainage concerns in Sections 3, 4, 9, and 10, Deerhorn Township. Albright will contact the petitioners to post a \$10,000 bond to cover the project development costs.

**Mediation PT.** The BRRWD will hold their next PT meeting on 4/26/07 at 7:30 PM in the MSUM Science Center near Glyndon. The office will send out the meeting notices. The Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG)/Red River Watershed Management Board (RRWMB) will hold their Annual Conference on March 29, 2007, at 9:30 AM in the Northland Inn, Crookston. Albright noted that Watershed District Engineers and Administrators will meet on 3/28/07 to review the new Army Corps of Engineers (COE) Concurrence Points requirements.

Albright met with the Technical and Scientific Advisory Committee (TSAC) in Bemidji on 3/21/07 regarding the new funding formula worksheet for WRP projects. The group used our Manston Slough Restoration project as a test project.

**Comprehensive Planning.** The BRRWD held the Kickoff meeting 3/01/07 in Barnesville. The office has scheduled the Western Sub-Region meeting for 4/03/07 in Comstock, MN, and the Lakes Sub-Region meeting is tentatively scheduled for 4/24/07 in Callaway, MN.

**Clay County Ditch No. 32.** Mark Volesky, who was responsible for a grass fire last fall that accidentally burned a private crossing on Ditch No. 32 in the northeast corner of Section 15, Kurtz Township, turned the claim over to his insurance company. Ed Jerdee, Jerdee Bridge Company, contacted the office regarding the status of the bridge repair.

**BWSR Challenge Grant.** The Minnesota Board of Water and Soil Resources (BWSR) has funding available statewide for 2007 Challenge Grants. Albright has proposed that the BRRWD could apply for a grant to post our water quality monitoring study results on the website for public use. VanAmburg thought this was a good idea. BWSR would match the costs on a 50/50 basis.

**Office Computer Software.** The Board discussed the purchase of Adobe Acrobat 8 Professional software. This program will make it possible to post to our new Website and to create interactive forms for use on the Website. **Motion** by Nelson to purchase the referenced software. **Seconded** by Hanson. **Approved.**

**Campaign for Conservation Plan.** The Minnesota Campaign for Conservation is working on a conservation plan for the State. Henry VanOffelen, Minnesota Center for Environmental Advocacy (MCEA), notified the BRRWD that they have scheduled meetings for 4/05/07 and 4/26/07. The 4/05/07 meeting will be held in Glyndon for the Beach Ridge Region. VanAmburg will try to attend.

**Oakport Property Tax Statements.** The office has received the property tax statements for the Oakport Township buyout properties. The taxes total \$11,725. Albright noted that the DNR will reimburse the BRRWD for 98% of the cost.

**International Water Institute (IWI) Conference.** Bob Backman, River Keepers, sent the BRRWD a note regarding the excellent presentation our River Watch Team made at the recent IWI Conference in Grand Forks. He thanked the BRRWD for our \$200 contribution to the Team for their meals and lodging. The River Watch Team will present their 2006 water quality monitoring results to the BRRWD at our 5/14/07 meeting.

**MNDOT Annual Meeting.** MNDOT has scheduled their annual meeting for 4/16/07 in Detroit Lakes.

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

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
Petty Cash	Postage, supplies, etc.	Admin	\$ 300.00
Vogel Law Firm	#14, 3/12/07 billing summary	Manston/Oakport	\$ 1,887.50
Moorhead Public Service	February Utilities	Pj. 49, Oakport	\$ 289.74
J&J Braton Properties	April 2007 office rent	Admin	\$ 490.00
Quill	#5251392, office supplies	Admin	\$ 31.88
TDS Metrocom	3/12/07 Long Distance	Admin	\$ 13.03
Ulteig Engineers, Inc.	#28131, 2/01-2/2807	Pj. 49, Oakport	\$ 22,660.13
Bruce E. Albright	MAWD lodging/meals	Admin	\$ 600.91
Red River Co-op Power	2/15/07-3/10/07 service	Pj. 49, Oakport	\$ 513.81
Joel Carlson	April 2007 Lobbyist fees	Admin	\$ 800.00
Postmaster	PO Box 341 annual rent	Admin	\$ 26.00
TRN Abstract & Title	#6039490, Holubok	Pj. 56, Manston	\$ 137.00
City of Callaway	Community Center rental	RWMP	\$ 100.00
Bruce E. Albright	Advisory Committee supper	Admin	\$ 410.65
Barnesville Phone Co.	3/25/07 billings	Admin	\$ 177.25
Randy Rick	March Property Manager fees	Pj. 49, Oakport	\$ 815.00
			<b>\$ 29,252.90</b>

**Motion** by Hanson to approve payment of the bills pending availability of funds. **Seconded** by Olson. **Approved.** Albright noted that the Counties should start remitting their first-half property/ditch tax proceeds by the end of May or the beginning of June.

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**Next Meeting.** The Board of Managers, BRRWD, will hold their next regular meeting on Monday, April 9, 2007, in the Barnesville office at 8:00 PM.

**Adjournment.** Chairman Ellefson adjourned the meeting at 10:15 PM.

Respectfully submitted,

John E. Hanson, Secretary