

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING

April 9, 2007

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, April 9, 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.); Mike Rose, Dan Vry, Micah Tysver, and Sheree Eilertson, Aggregate Industries, Inc.; Merrill Miranowski, M&M Construction; Ronald Erdman, Allstate Construction; Harold Rotunda, Certified Public Accountant (CPA); Stan Sandvik, President, Turtle Lake Association; and landowners: Stuart N. Shulstad, Jerry and Kay Syvrud, Wally and Audrey Ness, Wayne Buchholz, Judy Shulstad, Dorothy Ronsberg, Robert Ronsberg, David Ronsberg, Linda Berg, Richard Berg, Gary Leach, James Giedt, Bill Austin, Bill Scheer, Elaine Scheer, Russel Heng, Kermit Nelson, Eileen Emerson, Gary Ronsberg, Melanie Nordick, Barbara Ronsberg, and Howard Pender.

Chairman Ellefson called the meeting to order at 7:57 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 3/26/07 regular meeting. **Motion** by Nelson to approve the minutes. **Seconded** by Hanson. **Approved.**

Business brought before the Board included:

Baer Hog Facility. A large group of Skree Township landowners discussed their concerns regarding a proposed 2,400 hog facility to be built in their neighborhood. Albright gave a brief history of the proposed hog barn project. He distributed copies of the BRRWD Rules to help the landowners understand the BRRWD's jurisdiction regarding this issue. Robert Ronsberg, who previously farmed the land where the barn is proposed and whose family farm is directly north of the proposed site, gave a synopsis of the landowners' concerns. He explained that the proposed barn site is located on a gravel hill, and the area drains directly south to Spring Creek. There is an abandoned well on the site where the farmstead was once located. In the 1960s, Kost Brothers operated a gravel pit on this site. The pit is now closed, but there are a number of gravel pits in operation in the vicinity. Ronsberg pointed out that the soils at this site are highly erodible. The proposed barn will be built on a sand ridge created by wind erosion during the 1930s. Because of the erosive soils, the land is qualified for enrollment in the Conservation Reserve Program (CRP). The landowners are concerned that the facility could easily contaminate the water supply because this area has a high water table. Within three miles of the site, Ronsberg noted that there are six artesian wells. He pointed out that contamination from this facility could flow from the above ground springs to Hay Creek, then to the Buffalo River, and eventually to the Red River. The landowners are also concerned about possible water supply contamination and air quality issues associated with the proposed onsite composting of dead animals. This area is subject to overland flooding, which could carry contamination from decomposing carcasses downstream.

Ronsberg distributed photographs taken during recent floods to illustrate the potential environmental impact of a high water event on the proposed hog facility.

Ronsberg discussed the group's concern about the structural integrity of the manure pits. According to Ronsberg, the pits will be designed to hold one year's worth of manure from 2,400 head of hogs. He questioned the wisdom of building a structure of that size (408' x 50' x 10') in sandy soil. He was concerned about the effects of freezing/thawing on the concrete pit. He questioned how the pit could be inspected if it cracked and leaked into the aquifer. Underground contamination of the aquifer would not only affect the neighboring landowners, but also the Cities of Dilworth and Moorhead. The landowners are also concerned about how the facility's water usage could affect neighborhood wells.

The group discussed the Baers' track record regarding their other large animal facilities. Ellefson noted that the Minnesota Pollution Control Agency (MPCA) and the BRRWD's Project Team (PT) are currently working on environmental issues associated with the Baers' facilities in the Sand Lake area, east of Hawley. An extended discussion took place regarding the landowners' concerns about the health issues and the environmental impacts related to such a large-scale animal production facility. Ellefson noted that the River Watch Team has about five years of water sampling data for Spring/Hay Creeks. He pointed out that the BRRWD does not have permitting authority over building construction. However, we would be interested in seepage issues associated with the manure application. VanAmburg pointed out that the BRRWD understands and shares the landowners concerns regarding possible pollution/contamination associated with the proposed hog facility. Unfortunately, the BRRWD's jurisdiction is limited in this regard. He encouraged the landowners to work together. He noted that the lawyer they have hired to represent them has experience with environmental issues.

The group intends to meet on 4/12/07 at 7:00 PM in the Hawley Community Center to prepare letters to send to the Clay County Board of Commissioners. They also plan to attend the Clay County Planning and Zoning Commission meeting on May 15, 2007. They asked the BRRWD to attend the meeting, as well. The landowners felt that before the County Commissioners grant the Baers a permit for another animal facility, they should first be required to clean up their other contaminated sites. Albright noted that the landowners have the right to petition the Environmental Quality Board (EQB) to require the developer to complete an Environmental Assessment Worksheet (EAW). The petition requires the signature of 25 landowners. Albright suggested that they have their lawyer prepare the petition for them to make sure it meets the legal requirements.

One of the landowners asked how they could obtain a certified private well test. Albright told him to contact Bruce Jaster, Clay County. There was a suggestion that the developer should be required to test the water on their property as part of the permit requirements. The landowners thanked the BRRWD for their suggestions and support. The discussion ended at 9:00 PM.

Permit No. 07-14, Aggregate Industries, NCR. James Giedt, Gary Leach, and Richard Berg discussed their concerns regarding Aggregate Industries proposal to expand their mining operations in Section 1, Riverton Township, Clay County. Aggregate Industries held a field meeting with these landowners on 3/19/07 to discuss potential downstream impacts. Steve Hofstad, Wetland Conservation Act (WCA) Administrator; Tim Magnusson, Clay County Planning and Zoning; Jon Evert, Clay County Commissioner; and Albright 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. Mike Rose, Aggregate Industries, explained that there would be no change in the waterflow offsite. They planned no new releases of water from the site, and no extra water will outlet downstream of the site. The pit expansion will be to the south and east within the property boundaries. VanAmburg pointed out that according to H.E.'s study, the work will not change downstream discharges or affect the adjacent groundwater. Jones said the project will not change the current gravel pit drainage.

The landowners feel that there is seepage from the west end of the gravel pit onto their property. Landowner Richard Berg said that the downstream landowners want an outlet that will direct their water west to the Buffalo River. David L. Overbo, Engineer, Clay County Highway Department, field reviewed the area last fall and agreed to work with the landowners for a culvert in the "demolition road". To date, the County has not followed up in this regard. Richard Berg noted that Dennis Spieker, who is new owner of the Okke property, should also have been invited to tonight's meeting. There are also new residents on the property on the west end of the proposed outlet, who should also be contacted. Gary Leach feels that Aggregate Industries does release water downstream from their pit. He is willing to deal with naturally occurring water on his property, but not water released from the gravel pit. He feels the landowners need a ditch west of County Road (C.R.) No. 86 along the property lines to get rid of the water. There are wetland issues related to this proposal that the landowners will have to work out with the Natural Resource Conservation Service (NRCS). The Board would be willing to work with the landowners regarding their proposed outlet. James Giedt suggested installing a dike along the ridge between the gravel pit and the downstream area. Ellefson thought that could be a very expensive project. More discussion followed regarding monitoring groundwater levels and seepage. **Motion** by VanAmburg to approve Permit No. 07-14. **Seconded** by Olson. **Approved.** The BRRWD will continue to work with the landowners and Clay County to help them with the referenced outlet culvert project.

Project No. 46, Turtle Lake Outlet. The BRRWD office received several phone calls and e-mail messages from Turtle Lake property owners last week about the high lake levels this spring. They were concerned about the delay in starting up the siphon system due to valve and motor repairs. One homeowner called the office to criticize the BRRWD for its involvement with the Turtle Lake project.

Turtle Lake Association President Stan Sandvik extended his appreciation to the BRRWD for its work on the lake outlet. He wanted the Board to know that the Association was very grateful for the BRRWD's efforts to lower Turtle Lake. Sandvik added that the homeowners who experienced the highwater problems prior to the 1999 outlet project understand and appreciate what the BRRWD did to save their homes.

Albright reported that to date, the Turtle Lake and Long Lake siphons are both operating, and the lake is about 18" above the amended Minnesota Department of Natural Resources (DNR) permit elevation. He noted that the reported shoreline damage caused by ice on Turtle Lake also occurred on several other area lakes this winter. This ice action is a natural phenomenon, and was not associated with the project or the siphon repairs.

Project No. 51, Clay County Ditch No. 68-City of Glyndon. Contractor Ronald Erdman and his associate, Merrill Miranowski, discussed their concerns regarding the excavation quantities for this project. Jones has had difficulties relating Erdman's numbers to the plan cross sections. He suggested that the Board authorize H.E. to conduct a survey of the site to check the ditch gradeline. Jones

estimated a survey would cost about \$1,000. The Board discussed this option and how to determine what the actual quantities are. Ellefson felt it might be cheaper to work out a compromise with Erdman regarding the extra costs. The Board felt we should invite Wade Opsahl, Technician, H.E., who was the construction site supervisor, to the next meeting to discuss this issue. Erdman also said that the Loretel Telephone technician would also have information regarding how deep the excavation cuts were. Ellefson explained that we have already received the bond sale proceeds for this project. Additional costs will have to be levied against the benefiting area, which includes the City of Glyndon. He felt we should inform the City about this issue.

2006 Audit. At 10:15 PM, Harold J. Rotunda, CPA, submitted the 2006 BRRWD financial audit. He reported that the financial records are in order. There was an extended discussion regarding how the BRRWD finances projects/ditch systems, our current cash flow shortage, and our membership in the Red River Watershed Management Board (RRWMB). Rotunda advised the BRRWD to keep detailed records of our use of the Minnesota Statutes Annotated (M. S. A.) 103D.905, Subd. 3, revenue so that Legislators can see that we are using the increased tax proceeds as specified in our budget. **Motion** by Hanson to accept the 2006 Audit. **Seconded** by VanAmburg. **Approved.**

Treasurer's Report. The Board reviewed their current financial status and monthly reports. The office received Oakport Flood Mitigation project reimbursements from the DNR for the Thomas and Overmoe home buyouts. Mark Rustad remitted the balance of his 2006 ringdike payment, and Feder Properties released their bond for Project No. 59, Clay County Ditch No. 41-Lateral No. 3, which the Board dismissed at their 3/12/07 meeting. We also received the bond sale proceeds from Clay County (\$440,000) for Project Nos. 51 and 57. **Motion** by Olson to accept the Treasurer's Report. **Seconded** by Hanson. **Approved.**

The Board discussed the delinquent ringdike payments. Nelson suggested that in the future, the BRRWD should charge interest on unpaid balances after 90 days. He also felt that after 6/01/07, the BRRWD should start charging interest on the current unpaid ringdike billings. **Motion** by Nelson to adopt the above referenced policy. **Seconded** by VanAmburg. **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. Manager Olson will contact Norby to set up a field review.

Permit No. 07-15, City of Moorhead. Applicant proposes to convert the existing 34th ST S two-lane roadway to a four-lane divided highway from 470' north of 24th AVE S to 950' south of 12th 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. **Motion** by Olson to approve Phase 1 of the referenced project associated with Permit No. 07-15, but not the Phase 2 work, which will relocate parts of Clay County Ditch No. 47. That work will require a separate permit application. **Seconded** by VanAmburg. **Approved.**

Permit No. 07-17, Comstock Farmers' Co-op Elevator. Applicant proposes to install a 12" dia. tile to grade in the bottom of the west road ditch along the NW¼, Section 28, Holy Cross Township, Clay County. They plan to fill the ditch back to the original elevation to create an overflow section with catch basins that will outlet via the 12" dia. tile into an existing culvert that drains north under CSAH No. 2. In addition, the Co-op plans to install two approaches with emergency spillways and overflows that will drain west to an existing field ditch. The work is necessary to expand grain-handling facilities. Ellefson met with the Co-op Manager. He didn't see any problems with the proposal. **Motion** by VanAmburg to approve Permit No. 07-17. **Seconded** by Nelson. **Approved.**

Permit No. 07-18, Stuart Shulstad. Applicant proposes to complete a 1997 project to install an access road to a proposed gravel pit area in the SE¼, Section 26, Humboldt Township, Clay County. The work will include a crossing/culvert along C.R. 31. Shulstad's 1997 DNR permit has expired, so he will have to reapply. Shulstad has already contacted Clay County Planning and Zoning, and they are working on his application. **Tabled** pending Manager field review.

Minch and Johnson Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 11:20 PM to discuss the status of both lawsuits. At 11:30 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 compiled the profiles to develop models for alternative project designs to lower Grove Lake. Jones has identified possible outlet locations and specifications. Jones said one option would be to install a 24" dia. x 1,600' culvert. However, he would prefer an open ditch because it would be cheaper and easier to maintain. He expects to have the survey report and cost estimate ready for the next meeting.

Schindler Outlet Culvert. Albright mailed H.E.'s 140th ST S hydraulic analysis to Frank Schindler, Barnesville Township, the Clay County Highway Department, and affected downstream landowners. Besides the culvert changes for Schindler, H.E. also recommended enlarging additional structures one mile further downstream in CSAH No. 21 between Sections 31 and 32, Barnesville Township. Schindler will have to work with the other affected parties if he decides to move forward with the recommendations. He will also need to file a BRRWD permit application.

Project No. 61, Clay County Ditch No. 11-North-Improvement. The BRRWD has scheduled the Preliminary Hearing for 4/19/07. The office has sent notices. Albright noted that John Leseth contacted the office regarding a bridge replacement associated with this ditch project. Albright sent Jones the information regarding this request. Jones noted that the County has indicated that they were interested in moving Leseth's driveway.

Project No. 60, Swede Grove Lake. Albright noted that we will probably have to submit a Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) project worksheet for this project, as we will most likely need state funding to construct this project.

Project No. 59, Clay County Ditch No. 41-Lateral 3. To date, Albright has not contacted the Minnesota Department of Transportation (MNDOT) about cost sharing the remaining account balance. He will discuss this issue with MNDOT at their annual meeting in Detroit Lakes on 4/16/07.

Project No. 58, Riverton Township Retention. The DNR has provided a grant agreement for the Board's signature. According to the Engineer's revised project cost estimate, the DNR's 50% cost-share is \$397,230. **Motion** by Olson to authorize Ellefson to sign the agreement. **Seconded** by Hanson. **Approved.** 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 next steps will be to schedule the Final Hearing and a meeting with Riverton Township regarding use of their road.

Project No. 56, Manston Slough Restoration. Vogel Law Firm has completed their title opinion for the Holubok property and recommends that the BRRWD obtain title insurance before we proceed with the acquisition. It appears that the title is not clear and there are liens against the property. This issue might also affect our ability to obtain the Reinvest In Minnesota (RIM) and Wetland Reserve Program (WRP) contracts, which are necessary for the BRRWD to recoup part of our acquisition costs. The Managers felt that we should setup a meeting with Steven Holubok and BRRWD Attorney Corey Elmer, Vogel Law Firm, regarding this issue. The closing date is scheduled for on or before 4/25/07.

Project No. 49, Oakport Flood Mitigation. Pifer's Auction and Realty has prepared the auction sale catalog. The sale is scheduled for 5/03/07 at 7:00 PM at Pifer's Corporate Office in Moorhead. The Open House will be held 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.

Oakport Township officials contacted Ulteig Engineers, Inc. (UEI) regarding how long it has taken to design the dike alignment. Bruce Langness, UEI, sent the BRRWD a letter discussing their progress to date. UEI will meet with landowner Jerry Skalicky regarding his concerns about the dike alignment.

Project No. 38, Farmstead Ringdikes. Solveig Mead sent each Board member a letter regarding her concerns about the cost of her 2006 ringdike. Albright noted that Mead plans to attend our 4/23/07 meeting to discuss her concerns with the Board.

The DNR has forwarded a grant agreement for the Kragnes ringdike in the amount of \$57,438. **Motion** by Nelson to authorize Ellefson to sign the grant on the Board's behalf. **Seconded** by Hanson. **Approved.**

Mediation PT. The BRRWD will hold their next PT meeting on 4/25/07 at 7:30 PM in the MSUM Science Center near Glyndon. The Science Center was not available on the traditional date, so the meeting date was changed. Notices have been sent.

Comprehensive Planning. Because of the snowstorm on 4/03/07, the BRRWD had to reschedule the Western Sub-Region meeting for 4/17/07 at 7:30 PM in Comstock, MN. The Lakes Sub-Region meeting will be held on 4/24/07 at 7:30 PM in the Community Center in Callaway, MN. Notices will be sent this week for the Lakes Region meeting.

BWSR Challenge Grant. The Minnesota Board of Water and Soil Resources (BWSR) has funding available statewide for 2007 Challenge Grants. A copy of a proposal for a grant to post our water quality monitoring study results on the BRRWD website for public use was distributed to the Managers. The estimated cost is \$12,000. The BWSR grant would match the costs on a 50/50 basis. **Motion** by VanAmburg to proceed with the grant application. **Seconded** by Hanson. **Approved.**

River Keepers. River Keepers held a news conference on 4/04/07 to announce the completion of the second and third Red River Canoe and Boating Route maps. River Keepers was the contractor on this project.

Campaign for Conservation Plan. VanAmburg attended the 4/05/07 Minnesota Campaign for Conservation meeting in Glyndon. The Minnesota Center for Environmental Advocacy (MCEA) is working on a conservation plan for the State.

Customer Appreciation Event. Aggregate Industries is holding their annual Customer Appreciation Walleye Fry on Wednesday, April 11, 2007, at Play Makers in Fargo.

Becker County Ditch No. 19. The Becker County Highway Department responded to the BRRWD's 3/12/07 letter that requested the County lower the riprap at the outlet end of the culvert in C.R. 27 at the Momb Lake outlet. The County indicated that they would address this issue and continue to monitor and maintain any obstructions in the Momb Lake culvert.

Clair Hanson Retirement. The City of Moorhead is hosting a retirement party for Clair Hanson, Engineer, on Friday, April 27, 2007, from 5:30 to 8:30 PM at the Sunset Lanes in Moorhead.

Anniversary Celebration. Sellin Brothers, Inc. is hosting their 60th Anniversary Celebration on Friday, April 20, 2007, from 4:00 to 7:00 PM in Hawley.

Corridor Studies. SRF Consulting Group, Inc., is conducting a transportation study of the Trunk Highway (T.H.) No. 75 and 20th ST S corridors in Clay County, to define the short-term and long-term transportation needs in this area. SRF sent a request to the BRRWD for their comment/input regarding the proposed improvements. Albright responded that the proposed project would cross a number of our legal ditch systems. He advised SRF that they should file BRRWD permit applications for work involving those systems. We are also interested in maintaining a drainage corridor on the south side of 50th AVE S in Moorhead, to allow for a possible future project in this area.

RRBC Contribution. Lance Yohe, Red River Basin Commission (RRBC), sent a pay request to the BRRWD for our 2007 contribution. Albright responded by explaining that the BRRWD will remit our \$25,000 contribution as we receive our 2007 tax payments in May, October, and November.

PT Expenses. The office sent a billing to Naomi Erickson, RRWMB, for our 3rd Quarter PT expenses in the amount of \$3,799.12. Our total 2007 PT reimbursement to date is \$13,404.86. The total reimbursement cap is \$15,000.

ACEC Award. Jones presented the Board with a 2007 Honor Award plaque from the American Council of Engineering Companies-Minnesota (ACEC) for the Whisky Creek Tributaries project.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Petty Cash	Postage, supplies, etc.	Admin	\$ 200.00
WREC	2/15/07-3/19/07 service	Pj. 46, Turtle Lake	\$ 85.43
H.E.	March billing summary	Varies-see atch.	\$ 60,189.03

Xcel Energy	2/25/07-3/26/07 service	Pj. 49, Oakport	\$ 8.77
Quill	#5711927, supplies	Admin	\$ 138.52
Magnum Electric	#36149, pump repairs	Pj. 46, Turtle Lake	\$ 97.50
Bruce E. Albright	Viewers' meals/memberships	Admin	\$ 120.65
IRS	1st Qtr. Form 941 taxes	Admin	\$ 1,232.42
Premium Waters	#366590-3-07	Admin	\$ 14.27
			\$ 62,086.59

Motion by VanAmburg to approve payment of the bills. The Board authorized Albright to advance funds from the Midwest Bank operating loan if necessary. **Seconded** by Hanson. **Approved**.

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, April 23, 2007, in the Barnesville office at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 12:05 AM.

Respectfully submitted,

John E. Hanson, Secretary