

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING June 11, 2007

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, June 11, 2007, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Gerald L. VanAmburg, Curtis M. Nelson, and E. Robert Olson. Others attending included BRRWD Administrator Bruce E. Albright, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.).

Chairman Ellefson called the meeting to order at 8:00 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 5/29/07 regular meeting. **Motion** by VanAmburg to approve the minutes. **Seconded** by Nelson. **Approved.**

Treasurer's Report. The Board reviewed the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the Accounts Receivable report. Albright reported that we received \$94,442.75 from Pifer's Realty and Auction for the Project No. 49, Oakport Flood Mitigation buyout properties auction. Pifer's will be forwarding more sale proceeds as the buyers make their payments. Albright noted that we have received the first half payments for the 2007 taxes from Otter Tail and Wilkin Counties. Becker and Clay Counties payments are still outstanding. The Minnesota Department of Transportation (MNDOT) forwarded \$2,291.27 for their share of the costs on Project No. 59, Clay County Ditch No. 41-Lateral No. 3, which the Board dismissed earlier this year. After the petitioner released his \$10,000 bond to the BRRWD, there was still an outstanding balance of \$4,582.53, which MNDOT agreed to split with the BRRWD. We also received a payment from Mark Volesky's insurance company for \$2,900 to pay for repairs to a private crossing over Clay County Ditch No. 32, which Volesky accidentally burned last fall. **Motion** by Olson to approve the Treasurer's Report. **Seconded** by VanAmburg. **Approved.**

Business brought before the Board included:

Albright noted that Wade Opsahl, Technician, H.E. will contact the Managers to try to schedule time to field review a number of pending permits before the next meeting, weather permitting.

Permit No. 06-77, Robert Norby. Applicant proposes to repair erosion in the NE¹/₄, Section 22, Kragnes Township, Clay County, where the Buffalo River cut through his field during the 2006 spring flood. **Tabled** pending Manager field review. Norby was supposed to contact the office when the crop was off last fall. Manager Olson tried to contact Norby today to schedule a field review, but he couldn't reach him.

Permit No. 07-31, Howard Pender, Jr. Applicant proposes to install an approach/culvert in the southeast corner of Section 25, Elkton Township, to improve drainage. **Tabled** pending Manager field review.

Permit No. 07-34, Chris Noben. Applicant proposes to install tiling for about 60 acres in the SE¼, Section 12, Cuba Township, Becker County, to provide drainage to increase agricultural production. Noben doesn't plan to start the work until August. **Tabled** pending Manager field review with Noben, Clifford Ernst (landowner); and Jeff Norby, Becker Natural Resource Conservation Service (NRCS).

Permit No. 07-36, Tom Herfindahl. Applicant filed an "after-the-fact" permit application for a tiling project he installed last fall in Section 13, Cuba Township, Becker County. Recently, Clifford Ernst's renter, Chris Noben, filed Permit No. 07-34 to also install tiling in Section 12, Cuba Township. The Board discussed these projects and felt the neighbors should work together to coordinate their tile drainage to outlet to Becker County Ditch No. 15. **Tabled** pending a Manager field review with Ernst, Noben, and Jeff Norby, NRCS, as referenced above for Permit No. 07-34.

Permit No. 07-40, Ronald Jerger. Applicant proposes to construct an 18" to 24" high berm along the east side of his property in the NW¼, Section 32, Atherton Township, Wilkin County, on the west side of the quarterline ditch. The work is needed to repair the existing berm, which has washed away or been worked down with tillage equipment. With the recent heavy rainfall events, increased drainage from the east has forced water out of the quarterline ditch and across Jerger's field. Ellefson briefly discussed his observations of the drainage patterns in this area after a recent rainfall event. **Tabled** pending field review.

Acting Secretary. In Treasurer John Hanson's absence, the Board appointed Manager Olson as acting Secretary. **Motion** by VanAmburg. **Seconded** by Nelson. **Approved.**

Permit No. 07-41, Randall Scheidecker. Applicant proposes to install a berm approximately 1' high x 250' long, paralleling 130th ST S in the SW¼, Section 8, Riverton Township, Clay County, just off the road right-of-way (r-o-w) on his property. The work is necessary to protect Scheidecker's trees and yard on the west side of his lot from flooding caused by road ditch drainage backing up into his yard. Riverton Township has approved the work. **Tabled** pending Manager field review.

Permit No. 07-42, Greg Anderson. Applicant proposes to build a berm along the County Road (C.R.) No. 30 ditch to keep water from backing into his field in the SE¼, Section 29, Atherton Township, Wilkin County. According to Anderson's survey, his water will drain north to the South Branch of the Buffalo River. Ellefson suggested that Anderson could install small pipes with flapgates in the C.R. 30 ditch instead of building a berm. **Tabled** pending Manager field review. Anderson plans to do the work this fall.

Permit No. 07-43, Dan Solum. Applicant proposes to install a field approach and culvert in the SE¼, Section 18, Prairie View Township, Wilkin County. He has a used 24" dia. x 20' culvert, but he would be interested in a longer culvert if one is available. The work will provide field access and improve drainage. **Tabled** pending Manager field review.

Permit No. 07-44, Clay County Highway Department. Applicant proposes to pump water from Mayfield Lake through an existing 24" dia. culvert under County State Aid Highway (CSAH) No. 10, as water is encroaching onto C.R. 125 in Section 23, Parke Township. Jones talked with the Managers last week regarding this request. After receiving their approval, he authorized Clay County to proceed with this work. The BRRWD approved Permit No. 01-47 for similar work in 2001. This earlier permit required Minnesota Department of Natural Resources (DNR) approval, which they received.

Jones contacted Robert G. Merritt, Area Hydrologist, DNR, who approved the County's current proposal. **Motion** by Nelson to approve Permit No. 07-44. **Seconded** by VanAmburg. **Approved.**

Permit No. 07-45, Clay County Highway Department. Applicant proposes to install an 18" dia. culvert and approach adjacent to CSAH No. 1 in Section 6, Oakport Township. **Motion** by VanAmburg to approve Permit No. 07-45, subject to Manager field review. **Seconded** by Olson. **Approved.**

Permit No. 07-46, Brad Pake. Applicant proposes to install 159 acres of patterned tiling in the NW¼, Section 5, Morken Township, Clay County. Ellingson Companies provided the project design. **Tabled** pending Manager field review.

Minch Lawsuit. 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 the lawsuit. At 8:44 PM, the Board reopened the meeting.

Grove Lake Outlet. A landowner informational meeting has been scheduled for 6/19/07 at 8:00 PM in Hildebrand Hall, Assumption Catholic Church, Barnesville. The office has sent notices. The Managers discussed recent television news coverage of the high water problems on Grove and Olaf Lakes. Olaf Lake is no longer within the BRRWD boundaries.

The Board hopes to find out at the upcoming meeting if the Grove Lake landowners want the BRRWD to continue with a project to install an outlet for Grove Lake and which design the landowners feel would be best. The Board discussed an emergency declaration for the lake. Since the current target elevation is above the DNR's Ordinary High Water (OHW), a DNR permit will not be necessary. Jones noted that a DNR permit may be necessary to enlarge the downstream culvert in Jason Lass' private crossing. If the BRRWD designated the project as an emergency, they could accelerate the development process. Albright noted that we have asked the DNR for 50% funding for this project, but that may not be available until next year. Albright suggested that he could discuss the emergency designation with Ed Fick, FDR Hydrologist, DNR Waters, to see if there could be funds available yet this year. The Board would appoint Appraisers to determine benefits, as they did for our Turtle Lake Outlet project.

Albright suggested that he could invite Bill Kahler, Otter Tail County Planning and Zoning, to the upcoming meeting. Ellefson suggested that we also invite the Otter Tail County Engineer, Rick West, to the meeting. Albright noted that most of the water problems around Grove Lake are affecting township roads. The Board discussed forming a project Steering Committee, which could include environmental agencies such as the DNR and United States Fish and Wildlife Service (USFWS). Albright noted that the Mediation Project Team (PT) could consider a larger project that would include retention and flood damage reduction (fdr) benefits downstream near the Lass property. The Board discussed the emergency declaration criteria according to Watershed Law. VanAmburg questioned if we could develop the project just as fast without the declaration. Ellefson questioned if Grove Lake would be eligible for an emergency designation. Jones noted that one time saving advantage would be that we would not have to let bids for the construction contract. Albright mentioned that there could be questions about assessments to the downstream Clay County Ditch No. 34 system. Options could include the upstream landowners paying an annual use fee to the ditch system, or a one-time outlet fee. Albright also noted that the BRRWD might be expected to contribute funding to the project. The Board discussed possible project financing.

Baer Hog Facility. The Clay County Planning and Zoning Committee will meet again on 6/19/07 to consider the Conditional Use Permit (CUP) for a 2,400 head hog facility that is proposed in the W½, Section 20, Skree Township. The BRRWD has the Grove Lake informational meeting scheduled for that

evening, so they will not be able to attend. Albright noted that Robert G. Merritt, Area Hydrologist, DNR, will present his findings regarding soil and ground water conditions on the proposed site. Merritt has a map showing that the proposed facility will be located in an area that is highly susceptible to ground water contamination. VanAmburg noted that the Planning and Zoning Committee might put a one-year moratorium on large animal containment facilities, but it would not include the current Baer Facility proposal.

Project No. 61, Clay County Ditch No. 11-North-Improvement. H.E. is working on the Engineer's Detailed Survey Report. Jones noted that the report is nearly complete, except for input from Clay County regarding John Leseth's bridge and the inclusion of advisory comments from the Minnesota Board of Water and Soil Resources (BWSR).

Project No. 59, Clay County Ditch No. 41-Lateral 3. As noted in the Treasurer's Report, we received \$2,910.27 from MNDOT for 50% of the outstanding balance for costs incurred during the development of this dismissed project.

Project No. 58, Riverton Township Retention. The BRRWD has scheduled a meeting with The Nature Conservancy (TNC) and the Riverton Township Supervisors on 6/12/07 at 8:30 PM regarding the proposal to install a spillway in their township road for the retention project. Albright will meet with Opsahl this week to review his work on the draft Appraisers' Report. The Appraisers will meet with Albright and Opsahl in the near future to complete the Report. The Report should be filed at our 6/25/07 meeting.

Brian Winter, TNC, has asked Jones to conduct a hydraulic analysis of the project's benefits. Winter also asked if the BRRWD could install downstream water quality monitoring before the project is built. Albright thought that Wayne Goeken, Red River Watershed Management Board (RRWMB), could have the River Watch Teams from the area high schools in Hawley and Barnesville take samples on Clay County Ditch No. 12. The Board discussed installing a flow gauge upstream of the water quality monitoring sites at Trunk Highway (T.H.) No. 9. Jones noted that the staff gauge monitoring requirement was part of the Operation and Maintenance (O&M) Agreement. Albright suggested that Clay Soil and Water Conservation District (SWCD) could help gather area rainfall information for the BRRWD. More discussion followed regarding the flow gauge installation. Jones mentioned that the Joint Notification permit regarding wetland issues needed to be signed and submitted. There is about 0.46 acres of wetlands that will need mitigation at the rate of 2:1. **Motion** by VanAmburg to approve TNC's monitoring request and to authorize Ellefson to sign the local/state/federal application form for wetland projects. **Seconded** by Nelson. **Approved.** Ellefson noted that they would be able to discuss the monitoring issue with Winter at the upcoming PT meeting.

Project No. 56, Manston Slough Restoration. Ellefson discussed his request for H.E. to survey the proposed project area last week after the recent high water events to document water elevations in the proposed project area. Jones said that the survey documented an average elevation of about 974. Ellefson noted that 2 to 3 days after the rainfall event, there was still more water in the area than the project design anticipated. The Board discussed the rainfall event and the preliminary survey results.

Project No. 54, Whisky Creek Tributaries. Last week's heavy rainfall washed out part of the Federal Emergency Management Agency (FEMA) repair work that Dennis Drewes, Inc. recently completed. The Board discussed contractor rates. They will consider hiring a contractor with lower rates to make the repairs. Darvin Temanson, Dirtworks, is the apparent low bidder for the Nichol Wetland Reserve Program (WRP) project.

Project No. 51, Clay County Ditch No. 68-City of Glyndon. Opsahl will inspect the project when conditions permit. He will contact the contractor if there is any cleanup work. Jones noted that the grass is

growing well. According to MPCA requirements, a rock weir was constructed north of T.H. 10 to prevent erosion. Once grass is established in this location, Opsahl will have the rocks removed and placed on the upstream end of the project along 12th AVE S.

Project No. 49, Oakport Flood Mitigation. Albright distributed the Ulteig Engineers, Inc. (UEI) weekly report. The Board discussed Oakport Township Chairman Greg Anderson's email regarding "For Sale" signs on the Dalby property, which was part of the auction last month. The BRRWD would be concerned if the new owner is planning to resell the property as a dwelling, instead of for demolition/removal.

Property Manager Randy Rick has notified the office that one of the buyout lots needs mowing/brush removal. **Motion** by Olson to authorize Rick to handle the maintenance work as needed. **Seconded** by VanAmburg. **Approved.**

Mike Nygaard, who bought property at the auction, has asked for a two-week extension for his final payment because his Farm Home Administration (FHA) financing is taking longer to process than expected. Since the BRRWD holds the buyer's security deposit and down payment, the Board felt we could approve the buyers' request. The only stipulation would be that the property should stay in place until we receive the total payment. Pifers can monitor this lot for the BRRWD. **Motion** by VanAmburg to approve the requested two-week extension to Mike Nygaard. **Seconded** by Nelson. **Approved.**

Albright has scheduled a meeting on 6/20/07 with the Fischer Family regarding the dike alignment on their property. The Burris closing is scheduled for 6/28/07. Albright noted that we are still waiting for reimbursement from the DNR for current project general expenses.

Project No. 46, Turtle Lake Outlet. According to Opsahl's most recent report, Turtle Lake was at elevation 1362.7 as of May 31, 2007. Jones said that the siphon system is maintaining the lake elevation after the recent rains.

Project No. 38, Farmstead Ringdikes. H.E. has agreed to split the remaining \$4,022.16 cost overrun for the Mead ringdike with the BRRWD and Solveig Mead. They will pay \$1,340.72 to settle the outstanding balance on this project to help offset some of the costs to the participating parties. The office sent Mead a letter in this regard. To date, we have not heard from Mead. The Board discussed the other landowners who still have outstanding ringdike payment balances.

Jones is working on the revised plans for the Kragnes ringdike. Jones has contacted MNDOT for information regarding their culvert/road alignment and clear zone standards. Their requirements could affect the project cost. Jones felt he could have his report done by early July. The next step will be for the Appraisers to complete their work, and then the BRRWD can schedule a Final Hearing. Ellefson noted that he has received phone calls from landowners who are anxious to see the project move forward. The Board discussed the dike alignment. Ellefson questioned how the project benefits would be assessed. Albright felt that all of the dikes should be developed as one project, even though there will be two separate dikes. He added that the Appraisers will determine how the costs will be assessed.

Project No. 35, Clay County Ditch No. 47. The office has received the City of Moorhead's petition to reroute Ditch No. 47 in conjunction with Moorhead's 34th ST interchange project.

Jones discussed H.E.'s proposal to address landowner Bob Videen's concerns about the flapgate operation on the culverts under the Otter Tail Valley Railroad (OTV) tracks along CSAH No. 52. He provided a drawing for the Board's review. The design would make it possible to manually open the gate about 1'. Jones recommended that if the design is accepted, the Board should probably implement an operation

plan for the gate. The cost is estimated to be about \$700-\$800 per gate. Before the Board approves the installation, Olson would like an opportunity to discuss H.E.'s recommendation with Videen. The Board discussed the gate manufacturer's (Northwest Power Products) liability for some of the flapgate redesign costs.

Project No. 31, Deerhorn Creek Levees. The Managers authorized Albright to send letters to four landowners adjacent to an area where someone has been tampering with flapgates along the levee system. One landowner, who lives about one mile away from the levee, has concerns about water standing in the road ditch along his farmstead. He felt that the flapgate is restricting his drainage. The Board reviewed project maps, which shows that this property is approximately 10' higher than the flapgate in question. The Board felt that his road ditch probably needs cleaning. Jones will check project inlet culvert elevations in Sections 21 and 28, Atherton Township.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1). At their 5/29/07 meeting, the Board authorized H.E. to prepare the Preliminary Engineer's Report for the Branch No. 4 Improvement/Extension. Jones noted that he started working on the report today.

Project No. 27, Clay County Ditch No. 55. Landowner Brian Halvorson reported that Engineering & Construction Innovations, Inc. (ECI) has their equipment adjacent to the project area for the pipe jacking under Interstate-94 (I-94). Halvorson has asked that H.E. check the culvert elevations before ECI starts their work. The Board discussed MNDOT's project to directional bore one additional line of 48" dia. pipe at a lower elevation through I-94 r-o-w. ECI plans to work on a 24-hour schedule once they start, and they expect to begin on 7/16/07. The Board briefly discussed a possible improvement project for County Ditch No. 55 upstream of I-94.

Mediation PT. The BRRWD will hold their next PT meeting on Thursday, June 21, 2007, at 7:30 PM in the MSUM Science Center near Glyndon. Notices will be sent.

Comprehensive Planning. The Southern Region Planning meeting is scheduled for 6/26/07 at 7:30 PM in Hildebrand Hall, Assumption Catholic Church, Barnesville. Notices will be sent. H.E. has prepared a revised project completion schedule. Brian Dwight, BWSR, sent a letter to the BRRWD, documenting his support of our request to extend the planning grant deadline to 12/31/08. Albright plans to schedule the last two regional meetings in July.

Clay County Ditch No. 49. Albright and Opsahl will meet with the Viewers in the near future regarding the redetermination benefits for this ditch system.

Wilkin County Ditch No. 40. Landowner David Yaggie has expressed concerns about DNR Fisheries plans to designate parts of County Ditch No. 40 in Sections 34 and 35, Atherton Township, as trout waters, which would reclassify this area as public waters subject to DNR permit authority. If this were to take place, the BRRWD would lose jurisdiction over the ditch in those areas. Albright prepared a letter to Arlin Schalekamp, DNR Fisheries, stating that the BRRWD would prefer to preserve our jurisdiction over the ditch system. Comments are due by 8/01/07. **Motion** by Nelson to authorize Ellefson to sign the letter on the Board's behalf and to forward it to Schalekamp. **Seconded** by VanAmburg. **Approved.**

MAWD Summer Tour. The Ramsey-Washington Metro Watershed District is hosting the 2007 Minnesota Association of Watershed Districts (MAWD) Summer Tour on Thursday, June 28, through Saturday, June 30, 2007, at the Maplewood Inn, Maplewood, MN. The registration deadline is 6/15/07. The office has already made the Managers' registrations and room reservations.

RRWMB Dispute Resolution. Albright noted that a response from the RRWMB should be coming in the near future.

Clay County Ditch No. 35. Mike Astrup filed a request for a repair investigation of the remaining four miles of County Ditch No. 35 that were not cleaned during the 2005 repair. The area lies along the north line of Section 24, Oakport Township, and the west lines of Sections 19, 20, and 31, Moland Township. H.E. has completed the authorized survey. Jones will have plans ready for the Board to review for their 6/25/07 meeting.

Hamden Slough National Wildlife Refuge (NWR). The Board reviewed a letter that Senator Amy Klobuchar's office sent in response to our comments regarding our concern about the recent closure of the Hamden NWR headquarters.

Barnesville High School (BHS) River Watch Team. BHS Biology Teacher Sheila Carlson submitted a budget proposal for the BHS River Watch Team 2007-2008 water quality sampling activities. The budget is the same as last year, except for the addition of E. coli sampling. The total request is for \$3,789.00. **Motion** by Olson to contribute the requested funding for the 2007-2008 River Watch program. **Seconded** by VanAmburg. **Approved.**

City of Moorhead 34th ST Project. Jones discussed the City of Moorhead's project to realign 34th ST at the CSAH No. 52 interchange. SRF Consulting is the project designer. He explained their plan to move the road and ditch west with the same size structures. Jones felt that there would be no change in drainage capacity or patterns for Americana Estates. The City will need a BRRWD permit for the project. The Board discussed the project, which will include alternative drainage to the northwest to Clay County Ditch No. 30.

Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) Meeting. VanAmburg mentioned that the next RRBFDRWG meeting is scheduled for 6/14/07 in Crookston. Albright noted that the WorkGroup plans to review the Readiness Forms that will be submitted for State funding in the next bonding bill for projects in northwestern Minnesota.

Meeting Schedule. The Board reviewed their June and July meeting schedules. VanAmburg plans to be gone from 7/09/07-7/26/07.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Petty Cash	Postage, supplies, etc.	Admin	\$ 100.00
Barnesville ISD #146	RiverWatch thru 5/29/07	RRWMB-Const.	\$ 3,600.83
WREC	4/19/07-5/20/07 service	Pj. 46, Turtle Lake	\$ 154.05
H.E.	May 2007 Billing Summary	Varies	\$ 40,280.51
Randy Rick	Inv. #36-Lawn Mowing	Pj. 49, Oakport	\$ 135.00
Premium Waters, Inc.	#366590-5-07	Admin	\$ 31.52
USGS	10/01/05-9/30/06 gauges	Survey & Data Acquisition	\$ 3,940.00
			\$ 48,241.91

Motion by Nelson to approve payment of the bills, pending availability of funds. **Seconded** by VanAmburg. **Approved.**

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, June 25, 2007, in the Barnesville office at 8:00 PM.

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Adjournment. Chairman Ellefson adjourned the meeting at 10:40 PM.

Respectfully submitted,

John E. Hanson, Secretary