

BUFFALO-RED RIVER WATERSHED DISTRICT

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BUFFALO-RED RIVER WATERSHED DISTRICT Minutes for Landowner Informational Meeting Clay County Ditch No. 36/Rustad September 3, 2019

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a landowner informational meeting regarding the possible repair of Clay County Ditch (C.D.) No. 36 on Tuesday, September 3, 2019, at 7:00 PM in the BRRWD office, 1303 4th AVE NE, Barnesville, MN. BRRWD Managers present were Jay A. Leitch, Gerald L. Van Amburg, Mark T. Anderson, and Peter V. Fjestad. BRRWD Staff attending included Bruce E. Albright, Administrator, Kathleen K. Fenger, Assistant Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending included landowners: Rex Valan, Joe Valan, Orlen Valan Jr., Sheila Maher, Kevin Kuehl, William Maher, Gary Hamann, Ronald Kirkhorn, Neil Wieser, Kevin Olsgaard, Nick Olsgaard, Dan Olsgaard, David Schwindt, Jason Reinke, Rick Brakke, Mike Knorr, Brian Leiseth, John Ready, Darin Brandt, Don Nelson, and Darren Rogness.

BRRWD President Jay A. Leitch called the meeting to order at 7:00 PM. He introduced the BRRWD Board and Staff. He announced that the proceedings were being recorded to aid in the preparation of the minutes. An attendance sheet was circulated.

Albright began the meeting by discussing a flooding event in the Rustad area after a heavy rainfall in early July, 2019. The BRRWD received multiple complaints about drainage issues in and around Rustad. Questions arose whether the local legal drainage systems were performing correctly. More complaints were also received regarding the drainage problems in C.D. Nos. 11N, 11S, 36, 40, and the Sabin Coulee. The BRRWD Board of Managers scheduled tonight's meeting to hear what the landowner's concerns are, and to discuss possible solutions.

Albright explained to the group where possible drainage system improvements could be made and where improvements have been made over the past years. He asked the group to state their name and the legal ditch system they are referring to when discussing their issues. Albright noted that we are seeing heavier one-time rain events compared to the 1" to 2" rains over a couple of days that we used to receive. He referred to the 10" rainfall event in 2013 near Wolverton and Judicial Ditch (J.D.) No.1 that caused major flooding issues because the system was not designed for that large amount of runoff. He informed the group that most drainage systems are designed to carry a 10-year run off event which would be about a 2" rainfall over a 24-hour period. Albright referred to the large drainage ditches in and around the cities of Dilworth and Moorhead as an example of systems that could handle that type of rain fall event but are very costly to build.

Erik S. Jones, BRRWD Engineer, informed the group that a field review was done to check the system for problems after the July 8 and 9, 2019, heavy rainfall event. He referred to the survey map of the Rustad area on the white board. Jones began at the first culvert in the survey on the east side of the Burlington Northern/Sante Fe (BNSF) railroad track on 19th ST S in Section 28, Kurtz Township, and discussed the area drainage patterns and culvert sizing's ending at C.D. No. 40 to the north.

The group had a brief discussion regarding drifting snow and the spring thaw that caused problems with local drainage. Landowners reported that the water flows on the east side of the railroad track appropriately but when it exits under the track to the west, it starts to back up. Jones indicated that there is more going on than the survey shows, pertaining to the sizes of the structures in the railroad track.

Landowner Jason Reinke noted that land on the south end of his property on the east side of the railroad track is always underwater. Landowner Neil Wieser commented that the water problem for Reinke is caused by water breaking out of C.D. No. 40, when the water level is high, flowing onto his property.

Manager Mark T. Anderson asked Jones how much the culvert on the east side of the railroad track needs to be lowered to improve drainage. Jones replied that it varies from 15" to 18", and the outlet to C.D. No. 40 is limited to a 24" dia. pipe.

Albright explained that a ring dike could be an option for Rustad flood protection. The City of Georgetown and Anderson Acres (a subdivision in Oakport Township) are examples of communities that benefit from this option. This type of diking project could have a cost share of 50% state, 25% watershed, and the balance, or 25%, from the local landowners.

Anderson asked if there was a survey done on the west side of the railroad track in Rustad. Jones informed the group that the survey on the west side of the track started where the culvert goes under the track and exits to the north. Anderson noted that the water does not flow appropriately on the west side of the track.

Using the white board map, Rustad resident Gary Hamann pointed out the location of the culvert running under the railroad track that the residents had issues with this last spring. He also described how residents tried to thaw out the culvert using a hot water pressure washer. Hamann also indicated the locations of the ditches and culverts that were blocked this last spring and where the water backed up. He clarified that the residents do plan annually for this type of flood event.

Landowner Darren Rogness, whose property is located on the west side of the railroad track, asked if his property will be impacted if more water is forced to drain south. Jones observed that Rogness's property appears to be located at a higher elevation.

Anderson asked if more information is needed to resolve the drainage issue. Jones agreed that more information would be useful and explained that the biggest problem is not having an adequate outlet. Albright commented that if a larger pipe was installed in line with the ditch behind the homes on 18th ST S on the edge of landowner Jimmie Nelson's field, the water would flow straight north instead of into the curved ditch in front of the homes. He also agreed that more information is needed to give the residents of Rustad options for flood protection. BNSF has right-of-way (R/W) where the problematic culvert is located, so they will need to be contacted.

Rustad resident Sheila Maher commented that when the water flows into Nelson's field, it backs up to the elevator on the east side of the railroad track. Albright proposed putting a flap gate on the culvert to stop it from flowing south. He asked the residents if they would share their photos of the flooding caused by the July rain event.

Jones referred to a survey map of C.D. No. 36 from the year 2000. He began from the outlet at Wolverton Creek in Section 8, Holy Cross Township. He pointed out the upstream drainage structures and their elevations. Albright noted that beginning at the railroad track and continuing east 1.5 miles, the ditch grade is .01 to .02 percent, which is not conducive to moving water. The only way to change this is to lower the culvert at the railroad track. Anderson asked if there is enough elevation change from the railroad track west to Trunk Highway (T.H). No. 75 to be able to lower the culvert. Jones confirmed that there would be enough grade. Albright noted that boring under the railroad track to lower the culvert could be the best option.

Landowner Kevin Olsgaard asked if a new culvert were installed in the railroad tracks on Clay C.D. No. 36, would it be considered a ditch improvement. Albright explained that the landowners are required to file a petition with at least 26% of the affected landowners' signatures and a \$10,000 insurance bond. Jones would

need to prepare an engineer's report and a ditch system hearing would be scheduled for the landowners. The BRRWD Viewers would look at the proposed plan and determine benefits. A final hearing would be held, and the project would move forward if approved. Anderson commented that we would need to contact BNSF first to attain their input on the project. Jones explained that if BNSF does not have a culvert replacement plan, a License Agreement is needed to install a new culvert.

Olsgaard commented that there are still water flow issues west of T.H. 75 on Clay C.D. No. 36. Albright explained the reason there is an issue is because the ditch bank is sliding and causing erosion. Olsgaard notes a ditch improvement is going to help but is going to cost a lot of money. Albright explained that there may be grants available to help with those costs. He also noted that if the culvert is replaced at the railroad track, the BRRWD could provide grant money to help work on the ditch slope. Landowner Dan Olsgaard commented that the grass and cattails in the ditch act like a dam and hold water back. Jones noted that the ditch bottom needs to be sprayed to retain black dirt to allow open flow, and vegetation is hindering how the ditch system operates.

Jones referred to a survey map of C.D. No. 11 and pointed out the improvements made in 2010 by the Clay County Highway Department. The BRRWD worked with the Highway Department while they improved County State Aid Highway (CSAH) No. 8 at the same time the C.D. No. 11 channel west of T.H. 75 was improved. Jones began a review of the drainage system at the C.D. No. 11 outlet structure on the west side of Section 32, Kurtz Township, and explained that the outlet structure, which was replaced in 2015, conveys the flow to the river. He went on to explain the area drainage patterns and upstream culvert sizing. He also mentioned that they will have to be more aggressive with herbicide treatments on the ditch bottoms to try to keep the vegetation growth under control for better water flow in the future.

Landowner Brian Leiseth asked if the three holes in the CSAH No. 7 (40th ST S) culvert could be part of the C.D. No. 11N drainage issue. Anderson noted that he checked the culvert and it was clear of sediment. Albright commented that there may have been sediment that caused water to back up in the culvert. The Highway Department has made temporary repairs to the culvert, and HEI will inspect it.

Kevin Olsgaard asked if all of the referenced ditches could be put on a cleaning schedule. Albright explained if a ditch needs maintenance, landowners should notify the BRRWD. Olsgaard asked if a petition was needed for ditch maintenance. Albright explained that a repair can be done by petition, or if an engineer recommendation is approved by BRRWD Board of Managers, the work can be completed according to the engineer's findings.

Landowner Rex Valan referenced a private ditch in the southeast corner of Section 25, Kurtz Township. He indicated that this ditch brings water out of the Sabin Coulee into C.D. No. 40. Jones explained that this ditch splits drainage approximately 30% to C.D. No. 11N and 60% to C.D. No. 40 and the flow is governed by the ditch system culvert sizes. Albright stated that the private ditch has been surveyed and is relatively flat. He also explained that this private ditch is not protected by the Minnesota Department of Natural Resources (DNR). The BRRWD Rules read that an existing ditch can be cleaned but not deepened or enlarged without a permit. Valan noted that this summer the private ditch was not letting water flow into C.D. No. 40 and asked what it would take to make it part of the legal ditch system. Albright explained that 26% of the people that benefit from the proposed lateral would have to agree to move forward. Jones explained that the ditch drainage is not being changed just maintained and an assessment could be set up to cover the maintenance costs. Anderson commented that the project should extend all the way to C.D. No. 53. Albright noted that cleaning the private ditch at the outlet could take pressure off of C.D. No. 11 and solve some of the issues downstream. Olsgaard commented that C.D. No. 40 should also be cleaned. Valan agreed and asked how to initiate a survey. Jones explained that the BRRWD Board of Managers has to approve a survey. Albright explained that if the Rustad residents and surrounding landowners wanted a survey for C.D. No. 40, there might be funds available in the C.D. No. 40 financial account to cover the costs.

He said that each ditch system has a financial account where their ditch funds are deposited. Anderson suggested that the private ditch should be included in the C.D. No. 40 survey.

Albright informed the group that more information is needed involving the historic drainage patterns in and around Rustad. The BRRWD will keep in touch with the residents and surrounding landowners. In regard to the C.D. No. 36 culvert issue, the BRRWD will contact BNSF to learn more about their railroad culvert replacement schedule. Manager Anderson will be kept informed to answer questions. Albright informed the group that a technician from HEI will take survey elevation shots from T.H. No. 75 east to the outlet to check for drainage issues in C.D. No. 11N. Albright advised the group that the survey could be done in a few months with the BRRWD Board of Managers' approval. The Board will also look at the survey of Clay C.D. No. 40. More information will also be gathered to look at the drainage/flooding issues in and around Rustad. We will meet with James Nelson who farms the land to get his report.

There being no further comments or questions, President Leitch adjourned the meeting at 8:53 PM.

Respectfully submitted,

John E. Hanson, Secretary