

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

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## MINUTES FOR MANAGERS' MEETING August 8, 2016

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, August 8, 2016, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, John E. Hanson, Mark T. Anderson, Breanna L. Kobiela, Troy E. Larson, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI); Clay County Commissioner Jenny L. Mongeau, and Chuck Fritz, Director, International Water Institute (IWI).

Chairman Van Amburg called the meeting to order at 7:02 PM and announced that the proceedings were being recorded to aid in the preparation of the minutes.

**Chuck Fritz, IWI Activities Update.** Chuck Fritz provided an update on the IWI's current activities, including the Prioritize, Target, Measure Application (PTMApp), which is a new tool to help users with their water quality planning by developing data to identify the most suitable Best Management Practices (bmps). The Minnesota Board of Water and Soil Resources (BWSR) provided funding for this tool development and is supporting its use statewide through training workshops. A number of Soil and Water Conservation Districts (SWCD) are using the tool with grant applications.

Fritz is also working with the Minnesota Drainage Work Group on a GIS application to be used as a method to determine project assessments based on runoff-based drainage/relative sediment contribution values. He is currently in the process of comparing three traditionally determined project/ditch repair and maintenance project assessments (Viewers) to the GIS application results and the cost of using the two different methods. He explained that this application could also be used to determine watershed management district (wmd) fees. Drainage Law would have to be changed to enable the use of this method as an option for project assessment determination. The group discussed the use of this new tool, which he expects to have ready for implementation at the end of August. Albright observed that at this point the stand alone use of this application to determine project benefits and damages is not recognized under Drainage Law, but Viewers could make use of the tool when determining assessments for repairs and maintenance. The Board had an extended discussion regarding the details of the GIS application development and implementation.

Fritz discussed tile drainage as a flood storage option in the Red River Valley. He explained that the Red River Retention Authority (RRRA) commissioned the IWI to establish the Basin Technical and Scientific Advisory Committee (BTSAC) with the objective of studying impacts of tile drainage on peak flows (Briefing Paper #1) and identifying water management options for tile drainage (Briefing Paper #2). Fritz discussed the two-year study and distributed a handout prepared by Charles L. Anderson, Professional Engineer (PE), regarding the flood storage capacity of soil in the Red River Valley. Two important findings in Anderson's paper is that widespread conventional tile drainage will tend to reduce small floods, but it is also likely that tile drainage without control structures may tend to increase large flood events. Tiling installations with control structures could have the potential to significantly reduce all flood events.

Fritz noted that Evelyn Ashiamah Finch, who worked for the IWI on water quality monitoring, recently moved on to work for the Minnesota Pollution Control Agency (MPCA) in their Detroit Lakes office, so IWI will be looking for a new water quality specialist. Andy Ulven, IWI, will assume her River Watch duties until a replacement can be found.

**Secretary's Report.** The Board reviewed draft minutes for the 07/25/16 regular meeting and the 03/03/14 Project No. 75, Wilkin County Ditch (C.D.) No. 31-Lateral Informational Meeting. **Motion** by Anderson to approve the minutes. **Seconded** by Kobiela. **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 \$1,818,625.95. Administrative disbursements for the year total \$219,611.25. Current accounts receivable for 2016 totals \$7,693,701.24. Our total income to date is \$5,235,092.17. Income this past month amounted to \$2,248,703.84, primarily from the BWSR Targeted Watershed Program grant for the Wolverton Creek Restoration Project (\$1.4 million/50%), the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation (\$787,014.23), the Hawley Buffalo River Restoration project (\$56,623.44), and the MPCA remitted the final payments for our Upper Red River Total Maximum Daily Load (TMDL) project (\$4,191.00).

Albright noted that the only payment still outstanding for the 1<sup>st</sup> half tax settlements is the Clay County ditch/project collections (\$632,274.66). Lori Johnson, Clay County Auditor, contacted Albright today to explain that she actually forgot to send this payment last week, but will definitely mail it this week. The office will prepare a pay request to the DNR this week for the new Oakport expenses.

The Board will hold their annual budget hearing during their regular 08/22/16 meeting, starting at 9:00 PM. Albright and Treasurer Anderson will work with Midwest Bank to renew our Line of Credit at the end of August. **Motion** by Hanson to approve the Treasurer's Report. **Seconded** by Fjestad. **Approved.**

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

**Permit No. 16-036, Brice Bellmore.** This permit has been tabled pending a Manager field review. Bellmore recently visited the office to discuss his proposal to install a new 18" dia. culvert in County Road (C.R.) No. 151 in the NW¼, Section 26, Roberts Township, Wilkin County, to help drain spring runoff water to Wilkin C.D. No. 29, to which the property is assessed. Albright recommended permit approval, subject to County approval to work within their road right-of-way (r-o-w).

**Permit No. 16-060, Douglas Etten.** At their last meeting, the Board approved this permit for Etten to pattern tile approximately 230 acres in the S½, Section 26, Meadows Township, Wilkin County, outletting via a lift station and pump in the southwest corner of the section to the north ditch of 270<sup>th</sup> ST on the south side of Sections 27 and 28, eventually draining to Wilkin C.D. No. 1A, to which the property is assessed. Concerns were raised that the road ditch along Section 28 didn't have enough depth to convey continuous tile water flows. The Board approved the permit, subject to receipt of a signed downstream landowner notification form from the only other landowner along the drainage outlet route. Jones reported that we still haven't received the referenced form. **Tabled.**

**Permit No. 16-062, Wilkin County Highway Department.** Applicant proposes to reconstruct one mile of County State Aid Highway (CSAH) No. 32 on both sides of the road in the S½, Section 5, and the N½, Section 8, Deerhorn Township, from C.R. No. 3 east to 180<sup>th</sup> AVE. Work will include grading, culvert replacements, and seeding. Albright noted that the culvert replacements won't significantly change drainage or add more water to the area. Jones recommended permit approval.

**Permit No. 16-063, Mathew Moxness.** Applicant proposes to replace a texas crossing on a private waterway in the SW¼, Section 6, Nordick Township, Wilkin County, with a new culvert and low water crossing to accommodate larger machinery. Moxness asked for the Board's recommendation on culvert sizing. Albright plans to contact him regarding his project. **Tabled.**

**Permit No. 16-064, Wilkin SWCD.** Applicant proposes to provide river bank stabilization for Karlo Etten along approximately 1,250' of the Otter Tail River in the NW¼, Section 34, Foxhome Township, Wilkin County. The project will include a toe-wood debris bench and bank grading. It will be funded by a cost-share agreement between the SWCD and the landowner. Jones recommended permit approval.

**Permit No. 16-065, Charles Steiner.** Applicant proposes to pattern tile the NW¼, Section 17, Meadows Township, Wilkin County, outletting via a lift station pump in the northwest corner of the quarter, draining to C.D. No. 6A to which the land is assessed. Jones recommended permit approval.

**Permit No. 16-066, United States Fish and Wildlife Service (USFWS).** Applicant proposes two wetland restorations in the center of the Krueger Waterfowl Production Area (WPA) in the S½, Section 15, Callaway Township, Becker County. Two private ditches will be filled to re-flood wetlands that were drained before the USFWS owned the tract. Any resulting seepage would occur only on USFWS lands. Jones recommended permit approval.

**Permit No. 16-067, Roger Minch.** Applicant proposes to restore the natural drainage in the SE¼ and NE¼, Section 28, Kragnes Township, Clay County, according to plans recently prepared by Jones for the Minch Family LPP. The Board discussed the dismissal of Project No. 77, Clay C.D. No. 51-Lateral No. 3.

Albright pointed out that the former owner of the new Minch property in Section 28, Robert Norby, has agreed to drop his appeal of Project No. 77 because he sold the property to Minch, who was the project petitioner, but Norby's lawsuit with the BRRWD still continues. Albright is working with BRRWD Attorney Tami Norgard, Vogel Law Firm, to dismiss Project No. 77 and to recoup the \$10,000 deficit remaining in the project financial account. The Board agreed to table Permit No. 16-067, until we receive Norgard's advice on how to legally proceed with project dismissal and collection of costs. **Tabled.**

**Permit No. 16-068, City of Moorhead.** Applicant proposes to mill and overlay an existing gravel road in the Industrial Park in the NE¼, Section 16, Moorhead Township, Clay County. Drainage will outlet to one of the existing regional retention ponds. Jones recommended permit approval.

**Permit No. 16-069, Century Link.** Applicant proposes to place a fiber optic cable on the west side of C.R. No. 10 crossing Willow Creek (Wilkin C.D. No. 37) 70' from the centerline of C.R. No. 10 in the NW¼, Section 2, Breckenridge Township. Jones recommended permit approval.

**Permit No. 16-070, Brice Bellmore.** Applicant proposes to clean two existing north-south ditches in the NW¼, Section 14, Roberts Township, Wilkin County, and to install surface ditch laterals to drain some low spots in his field. Jones recommended permit approval.

**Permit No. 16-071, Brice Bellmore.** Applicant proposes to widen an exiting approach on the north side of 220<sup>th</sup> ST at the 16<sup>th</sup> line in the SW¼, Section 35, Roberts Township, Wilkin County, and to install a new 40' wide approach/culvert along his property line on the south side of the road. He also wants to remove an existing approach/culvert just east of the Burlington Northern/Sante Fe (BNSF) Railroad crossing on 220<sup>th</sup> ST. Bellmore also asked that the BRRWD contact BNSF to repair a plugged north-south culvert in their r-o-w. Jones recommends permit approval.

**Permit No. 16-072, Brice Bellmore.** Applicant proposes to clean existing north-south surface field ditches and install new laterals in the NE¼, Section 27, Roberts Township, Wilkin County. He also plans to widen an existing approach/culvert on the north quarterline off of 200<sup>th</sup> ST. The land is assessed to drain to Wilkin C.D. No. 29. Jones recommended permit approval.

**Permit No. 16-073, City of Moorhead.** Applicant proposes to install sanitary sewer, storm sewer, and streets for the Horizon Shores 10<sup>th</sup> Addition residential development in the NW¼, Section 16, Moorhead

Township, Clay County. All drainage will flow to the nearby regional detention ponds. Jones recommended permit approval.

**Motion** by Anderson to table Permit Nos. 16-063, Matt Moxness, and 16-067, Roger Minch, and to approve Permit Nos. 16-036, 16-062, 16-064 through 16-066, and 16-068 through 16-073. Permit approval is subject to the applicable standard tile and utility disclaimers, state/federal agency permitting requirements, and road authorities' permission to work within their road r-o-w. **Seconded** by Fjestad. **Approved.**

Van Amburg asked if the Board should consider recommending that applicants for tile permits incorporate control structures in their project design. Albright said the BRRWD could suggest the use of control structures, but at this point, we can't demand that they add them. Stronger language regarding tile outlets and their operation could be added to the new version of the BRRWD Rules, currently under review. Van Amburg asked if it is possible for the BRRWD to go back on earlier tiling permits and retroactively require control structures on existing tile projects. Manager Fjestad said that he has heard that legally, we can't go back to add stipulations to permits we've already approved. Manager Anderson observed that we could possibly get landowners to add the structures if we provided funding for the retrofits. Manager Larson felt that we should encourage applicants to consider a controlled outlet because it adds flexibility to their tile installation. The Managers also talked about the possible difficulties with enforcing outlet operation rules. Albright suggested that as a part of future tile application approval process, we could add language referencing the benefits of drainage water management (DWM) practices and encourage landowners to consider including tile control structures. **Motion** by Hanson to prepare a letter and factsheet regarding DWM to distribute with approved tile permits. **Seconded** by Larson. **Approved.** Fjestad commented that during a historic flood event, he doubted that operating tile pumps would have much effect. Albright noted that earlier in the meeting, Chuck Fritz referenced the BTSAC study that determined that uncontrolled tiling appears to add water volume to large floods. He added that there is also the issue of negative public perception regarding tile operation during floods. Albright also noted that it is important for the tiling companies to acknowledge the benefits of DWM and to incorporate those practices in their project designs.

**Duane Boeder Complaint.** Albright visited with Brian Kritzberger, who actually did the work for Frank Schindler to remove of a dry approach on the Boeder property in the SW<sup>1</sup>/<sub>4</sub>, Section 33, Barnesville Township, Clay County. Kritzberger plans to visit with a local Boeder family member regarding his work.

**Clay/Wilkin County Line Drainage Concerns.** Albright is working on a factsheet and agreement for the landowners to install a private ditch along the north line of Section 6, Wolverton Township, Wilkin County.

**Al Korinek Tile Complaint.** Albright is working with the Bois de Sioux Watershed District (BdSWD) regarding landowner Al Korinek's (Section 15, Breckenridge Township, Wilkin County) complaint about a tiling project that Matt Hasbargen constructed in 2013 (BRRWD Permit No. 13-002) in the SW<sup>1</sup>/<sub>4</sub>, Section 21, Sunnyside Township, which outlets along the north ditch of C.R. No. 158 for several miles, crossing Trunk Highway (T.H.) No. 75, and finally entering the Red River. He plans to check with BdSWD on their rules regarding tile outlet operation during downstream high water events, and then contact Hasbargen to explain that when there is downstream flooding, his tile system must not operate.

**Commissioner Mongeau.** Clay County Commissioner Jenny Mongeau joined the meeting at 8:15 PM as an observer.

**Audubon Township Erosion.** Manager Hanson and Albright met with Audubon Township Supervisors regarding erosion problems in Section 29 on property owned by Wayne Willett. The sediment from the erosion site is going into Little Cormorant Lake. The west 40 acres of the field are in the BRRWD. Albright explained that this would be a good site for water/sediment control basins. Ed Clem, Becker SWCD, will contact Willett regarding a potential project.

**Harlen Wentz Drainage Concern.** Wentz visited the office last week to discuss his concerns about a couple of tile projects his neighbors installed without his knowledge that outlet from the east and south directly into his property in Section 3, Callaway Township, Becker County. No BRRWD permits were issued for either project. The tile is outletting into a wetland on Wentz's property that the Natural Resources Conservation Service (NRCS) will not give him a permit to drain. Wentz doesn't want any additional water on his property. Albright will conduct a field review and then follow up with a letter to Wentz's neighbors regarding BRRWD permitting rules.

**Swiontek Culvert/Approach Request.** The Clay County Highway Department has requested that the BRRWD recommend a culvert size for an approach/culvert on the south side C.R. No. 10 near the Anthony Swiontek lot in the NE<sup>1</sup>/<sub>4</sub>, Section 19, Parke Township. Jones will investigate and provide the requested information.

**Luke Wiertzema Drainage Complaint.** Wiertzema contacted the office with a complaint about a drainage concern in the SW<sup>1</sup>/<sub>4</sub>, Section 9, Nilsen Township, Wilkin County. His neighbor, Todd Klein, in NW<sup>1</sup>/<sub>4</sub>, Section 9, installed a flapgate on the south end of the quarterline culvert without a BRRWD permit. This gate blocks water coming off the N<sup>1</sup>/<sub>2</sub> of Wiertzema's property from flowing north to Wilkin C.D. No. 34 where it is assessed to drain. Albright will discuss the history of the flapgate installation with Dan Swedlund, Wilkin County Highway Department.

**Ditching Complaint.** The Wilkin County Highway Department gave Don Yaggie permission to clean one mile of Wilkin C.D. No. 1B along C.R. No. 18 in Section 32, Meadows Township. A neighboring landowner contacted our office with concerns about the condition of the ditch bottom following the cleanout, pointing out that since the ditch is now under BRRWD jurisdiction, this type of private ditch work should not be allowed without BRRWD supervision. Dan Swedlund, Wilkin County Highway Department, acknowledged that Yaggie's work left large gouges in the ditch bottom, and he assured the office that the County will repair it.

**Craig Hurner Drainage Concerns.** Hurner recently visited with Albright regarding a couple of concerns about his downstream neighbors' reluctance to clean their road ditches in Sections 11 and 35, Morken Township, Clay County, essentially blocking drainage for his land to drain north to C.D. Nos. 5 and 39, as assessed. Albright will contact Hurner and conduct a field review. The Board briefly discussed adding language to our revised Rules to address ditch maintenance.

**Project No. 77, Clay C.D. No. 51-Lateral No. 3.** The Board briefly discussed the issue of project dismissal and collection of the remaining account balance. Robert Norby's attorney, Zenas Baer, sent a response, rejecting the Board's offer of \$2,000 to settle his lawsuit. Baer indicated that he will continue with the depositions. He has until 10/07/16 to finish all depositions.

**Project No. 75, Wilkin C.D. No. 31-Lateral.** Albright explained that the Whiskey Creek repair costs should be divided between the Wilkin C.D. Nos. 1C and 34 (2/3-1/3) in order to close out Project No. 75. The proposed project to divert water out of Whiskey Creek and drain it to C.D. No. 31 was replaced with a channel restoration project with permits from the DNR and Minnesota Department of Transportation (MNDOT). **Motion** by Anderson to allocate the project costs as referenced. **Seconded** by Fjestad. **Approved.**

**Project No. 56, Manston Slough Restoration.** Albright and Managers Fjestad and Van Amburg toured the project several weeks ago. Chairman Van Amburg and Jones met with representatives from the Minnesota Department of Agriculture on 07/28/16. Albright reported that during the recent rainfall events, the site did briefly reach elevation 972.0. Bob Bjerke, B&J Landscaping, completed mowing his native grass seeding last week. He also mowed some additional areas with weed problems as directed by Wade Opsahl, Technician, HEI.

Tom Arnhalt completed his project to straighten a waterway that runs through the middle of his field in the SE<sup>1</sup>/<sub>4</sub>, Section 20, Manston Township, Wilkin County. Albright noted that Arnhalt did a very nice job. Arnhalt had concerns that Project No. 56 was causing water to backup into his field in the area where the waterway was straightened. Albright conducted an elevation survey and found that it was not our dam two miles away that was causing the water to back up, but the outlet in the southwest corner of Section 20, Manston Township, where the township road only has a 10' x 4' box culvert. The upstream pipes in T.H. No. 9 have 120 square feet (sq. ft.) of waterway area conveying about 14 square miles (sq. mi.) of drainage area, and the outlet culvert in the minimum maintenance road only has 38 sq. ft. of waterway opening. Albright explained that prior to our project, there were a number of drainage restrictions to keep water in the ditch extending from T.H. No. 9 to the project spillway to protect former farmland, which is now part of our project. He suggested that we need to cut the spoil banks on Wilkin C.D. No. 13-Lateral and remove the flapgates, etc., to allow more water to enter the project west of Arnhalt's property to improve his drainage in Section 20. Albright suggested that he and Jones could work with Arnhalt to investigate where we could provide some additional openings to increase the size of his outlet in the southwest corner of the SE<sup>1</sup>/<sub>4</sub>, Section 20, Manston Township. The water can now flow into the adjoining DNR project areas.

**Project No. 49, Oakport Flood Mitigation.** Ulteig Engineers, Inc. (UEI) submitted Pay Request No. 5 in the amount of \$368,098.21 for R.J. Zavoral & Sons, Inc. **Motion** by Hanson to approve the referenced pay request. **Seconded** by Kobiela. **Approved.**

Tim Van Raden's temporary easement has been processed and forwarded to his bank for signature. Albright reported that Century Link is nearly finished with their cable relocation and will be restoring the old cable trench this week.

Albright noted that we have heard nothing from Rozanne and Kelly Larson, who represent, Rose Kopperud, a project landowner involved with the Phase 4 project construction, since BRRWD Attorney Tami Norgard, Vogel Law Firm, sent a letter to advise them about their potential financial liability if they continue to harass the contractor and Century Link. Larson also filed a complaint claiming that when we took the project easement from Rose Kopperud in 2010, she had not been of sound mind. Greg Anderson, who worked with the BRRWD to obtain the easements back then, did find all of his email correspondence, etc., documenting that her son John was involved with all of those transactions.

Van Amburg contacted Elaine Gess, who is a member of the Fischer family, to discuss their stock pile temporary easement issue. He informed her that the Board has agreed to address their easement concerns after the project is completed and their site restored later this fall. During this year's construction, the contractor didn't take material from our existing stock piles, but instead took clay from nearby vacant lots to expedite their work. Albright has contacted UEI to point out that the BRRWD won't be paying for the extra excavation since we had fill available for them stockpiled on the Fischer and Pierce sites. Now the contractor is going to have to dispose of the excess dirt. Albright pointed out that the BRRWD will not be responsible for paying to finish the storm water pond. Albright will discuss this issue with the project engineer, Kris Carlson, UEI, when they tour the project site in the next two weeks.

Manager Fjestad voiced concerns about the City of Moorhead's decision to rescind the BRRWD's right to burn a tree pile that has been stockpiled on the west side of Broadway north of the Red River since the 2009 flood. At the last meeting, the Board approved a change order for \$12,600 for the project contractor to bury the pile.

**Project No. 48, Clay C.D. No. 59.** The project completion deadline is 08/15/16. Opsahl has contacted the contractor to remind him that he only has a few days left to complete the seeding and cleanup.

**Project No. 39, Georgetown Levee.** Cody Wambach submitted a \$500 billing for mowing the project. The Mayor of the City of Georgetown contacted Albright, questioning why we were getting billed when the

agreement with Wambach had been that he would mow for free if we allowed him to hay some of the parcels. Albright explained that Wambach couldn't use any of it for hay because of the weed infestation, so he submitted a bill for the mowing. Once the weeds are under control in the future, Albright noted, the hay value might equal the mowing costs.

Jones noted that we are still waiting for Federal Emergency Management Agency (FEMA) to make a decision regarding Josh Wambach's Letter of Map Revision (LOMAR). The Board discussed various issues that have delayed this process.

**Project No. 30, Clay/Wilkin Judicial Ditch (J.D.) No. 1.** Attorney Norgard had concerns about the petition signatures in accordance with Minnesota Statutes Annotated (M.S.A.) 103E.238, for a diversion on the county line. Albright will contact the landowners to acquire the proper signatures for their petition, so it can be resubmitted.

**Project No. 14, Clay C.D. No. 10.** Jones reported that the contractor, R.J. Zavoral and Sons, Inc., plans to start the slump repairs the week of 08/22/16. They might be able to use some of the clay fill from the Oakport project if it meets their specifications. The completion deadline is 10/31/16.

**Mediation Project Team (PT).** The next PT meeting will be held on Thursday, August 18, 2016, in the Barnesville office at 7:00 PM. Notices have been mailed. The Fall Tour has been tentatively scheduled for Thursday, September 8, 2016. The Board discussed possible sites to visit.

**Upper South Branch of the Buffalo River.** Thomas Eskro, HEI, has scheduled a meeting with all the agencies with easements/interests in the proposed project area (Phase 1A) for Tuesday, August 16, 2016, at 1:30 PM in the BRRWD office.

**Watershed District Enlargement (WDE)/Revised Watershed Management Plan (RWMP).** Albright is working on his review of the draft RWMP.

**Army Corps of Engineers (COE) Fargo-Moorhead (FM) Diversion.** Albright explained that the COE has submitted a permit application to the DNR to build the high hazard dam for the FM Diversion project. The BRRWD has 30 days to comment on the application (08/26/16). Albright shared some possible comments with the Board. Van Amburg suggested that we prepare a list of the questions we feel the COE hasn't yet addressed. The Board had an extended discussion regarding these concerns. Albright suggested that we prepare a response, noting where the proposed Diversion project does not meet criteria established in the BRRWD's current RWMP due to a lack of specific information, and then file our official comments with the DNR. The Board also discussed the need for an Operation and Maintenance (O&M) Plan for the project. The group was concerned that the COE will ultimately resort to Court action to determine that they don't need DNR or local water authority permits to build the high hazard dam, and move forward despite State and local concerns. After discussion, it was decided to authorize Albright to draft a comment letter detailing our concerns for the Board's review at their next meeting.

**Otter Tail River/Buffalo River/ Upper Red River TMDL/Watershed Restoration and Protection Strategies (WRAPS).** The Upper Red River TMDL Study contract expired on 06/30/16. Jim Courneya, Detroit Lakes MPCA Office, hopes to finish the Buffalo River and Upper Red TMDLs by September 1, 2016.

**Wilkin C.D. No. 7 Repair.** The Board reviewed and accepted Jones' repair plan at their 07/25/16 meeting. A landowner informational meeting will be held prior to letting bids for the work. There was a brief discussion about protection benefits for the ditch system. Albright noted that the Wilkin County Highway Department notified him that they will be diverting all of their resources to the CSAH No. 32 reconstruction (BRRWD Permit No. 16-062) and will not be able to complete the rest of the planned ditch repairs this year, depending on fall weather conditions.

**Wilkin C.D. No. 6A Repair.** Jones presented a report for the proposed C.D. No. 6A repairs. The proposal would include repairs and reinforcement of all the existing rock drop structures along with the installation of five new rock drop structures. The grade throughout the repair will have a maximum slope of 0.11%. In Sections 1, 2, 3, and 10, Meadows Township, the ditch will be restored to a 15' bottom width and 3H:1V sideslopes. The ditch through Section 31 will be restored to an 8' bottom width with 3H:1V sideslopes. Excess excavation material in this reach will be placed adjacent to the ditch in spoil piles along both sides of the ditch. In Section 32, the ditch will also be restored to an 8' bottom width with 3H:1V sideslopes by excavating a portion of the south ditch slope and placing the spoil along the south side. The Opinion of Probable Cost is estimated at \$300,000 to \$330,000. If the Wilkin County Highway Department does the work, the cost could be less. Steve Ackerman Land Surveying is assembling ditch r-o-w information. The Board discussed the proposed work and discussed the possibility of installing a two-stage channel design. Jones thought that while this ditch could be candidate for that type of design, the project costs would be prohibitive. **Motion** by Anderson to accept the Repair Report and to authorize Albright to schedule the landowner informational meeting to discuss the proposal. **Seconded** by Larson. **Approved.**

**Wilkin C.D. No. 4.** Jones is working with Wilkin County on the C.D. No. 4 outlet. The survey has been completed, and HEI is in the process of drafting the survey results. Thomas Eskro, HEI, is working on the repair design. The last couple of miles of the ditch in Sections 14, 15, and 22, Sunnyside Township, will need some type of channel grade control before it outlets to the Otter Tail River.

Albright has scheduled a meeting with Wilkin County Highway Department on 08/17/16 to review the status of the County ditch repairs, etc., in preparation for the BRRWD annual budget hearing on 08/22/16.

**MPCA MS4.** The BRRWD, Clay County, the City of Dilworth, and the City of Moorhead have been named Mandatory Small Municipal Separate Storm Sewer Systems (MS4), and are required to hold MS4 permits, which mandates the development, implementation, and enforcement of a Stormwater Pollution Prevention Program (SWPPP). The Cities and the BRRWD must also establish a regulatory mechanism to provide enforcement procedures in the event of non-compliance. A Memorandum of Understanding (MOU) has been developed to transfer most of the regulatory duties to the City of Moorhead. Clay County and the City of Dilworth have signed MOUs in this regard, which are ready for the BRRWD's signature. Albright noted that the City of Moorhead is working on some minor revisions to their MOU, which the Board will act on at an upcoming meeting. **Motion** by Fjestad to sign the MOUs with the City of Dilworth and Clay County. **Seconded** by Kobiela. **Approved.** Jones and Albright plan to attend a MPCA MS4 workshop scheduled on 08/11/16 in Fergus Falls.

**Wilkin C.D. Nos. 40/43 Drainage Petitions.** Albright is working on the petitions to add and remove land from Wilkin C.D. Nos. 40 and 43 for Troy Goltz (Permit No. 16-052). Anderson noted that it doesn't appear Goltz has made any progress on his tiling project because of wet conditions.

**Elkton Township Wetland Restoration.** Attorney Corey Elmer, Vogel Law Firm, reported that he had a telephone conference with a BWSR representative today. BWSR needs Bell State Bank and Trust to sign a release for the Anderson property. The Attorney General will be at the BWSR office on Friday and is expected to approve the final drafts of the easements. We should receive the documents for final signatures on Monday. Chuck Anderson submitted a bill for \$3,000 for project mowing.

**Equipment Updates.** The Board authorized upgrades for the office computer at their 07/25/16 meeting. The Board also discussed Network Center Communications quote to upgrade our camera system in the Board room. This would include a feature where we could turn the system on and off in the storage room before and after each meeting. This would be very beneficial since the equipment doesn't need to run all the time, which is hard on electrical components. The cost for the camera and software update is \$6,750.85. A second Network Center Communications proposal would add the capability to connect a laptop to the AV system at the Secretary's desk to allow computer access to the monitors. The estimated cost for this work is \$1,827.50.

Another item the Managers were interested in was improving the monitor capabilities, either with larger overhead monitors, different locations, or individual desk monitors. Albright will follow up with NCC regarding the monitor issue. **Motion** by Anderson to approve the referenced camera and software upgrades. **Seconded** by Hanson. **Approved**.

**Wolverton Creek/Comstock Coulee.** Jones noted that Rob Maroney, COE, has not responded to the last few messages he sent about the permit. Albright mentioned that our project was ranked seventh on a list of 44 applicants for the Lessard-Sams Outdoor Heritage Council (LSOHC) with an overall score of 81.8. The Board discussed the merits of our funding application. Jones noted that the LSOHC will meet with the applicants on August 23, 24, and 25. Then on August 29, the Council will meet to make the 2017 allocations. Albright will contact LSOHC in regards to the next steps in the process.

The deadline for the landowners to sign up for the NRCS Wetland Reserve Enhancement (WRE) program is 10/01/16. The Board is tentatively planning a landowner informational meeting, and he would like to confirm a date with NRCS so some of their personnel can attend. Once a date is set, he will send notices to Phase 1 landowners and interested agencies.

The Board still needs to make a decision regarding the creation of a wmd and the mechanism to determine the value of the assessment fees to provide local matching funds for the project.

**Minnesota Viewers' Association.** Albright and our Viewers (Bernhardson, Peterson, and Thompson) plan to attend the meeting to be held in Fergus Falls on Thursday, August 25, 2016.

**Otter Tail County SWCD Conservation Tour.** The Conservation Tour will be held on August 31, 2016, from 8:00 AM to 12:00 PM with lunch following. Interested Managers should contact the office for more information if they'd like to attend.

**EQIP Signup.** The deadline for signing up for the NRCS Environmental Quality Incentives Program (EQIP) is August 18, 2016.

**Clean Water Fund (CWF) Grant.** Three grant applications were submitted to BWSR for the CWF Grant program. Jones submitted two of the applications. The first was an Accelerated Implementation Grant (AIG) application (25% cost share match/\$42,000) to fund a study using the GIS PTMApp, whose results would be used by the BRRWD, as well as other agencies, in the selection of future locations for bmp installations. The project would also provide valuable data for the One Watershed/One Plan (1W1P), and could evaluate alternative measures for the State's new buffer initiative. The second application was for Projects and Practices for the Upper South Branch of the Buffalo River-Part 3 (\$380,000) for work east of T.H. No. 9. The Becker SWCD also submitted an application for the Upper Buffalo River Sediment Reduction Project (\$328,159).

**Drain Tile Discussion.** Albright distributed a handout from the Wild Rice Watershed District (WRWD) regarding a presentation made by Brian Hefty of Ag PhD TV & Radio, titled, "How Can Drain Tile Reduce Flooding in the Red River Valley?"

**Clay County Meeting.** Albright and any available Managers will be meeting with the Clay County Board of Commissioners tomorrow at 8:30 AM in Moorhead to present our 2015 Audit and Annual Report/activities. Next Tuesday, August 16, the Board will be meeting with the Becker County Commissioners at 9:35 AM in Detroit Lakes. The Board briefly discussed how the Clay County Commissioners might react to the BRRWD's recent vote not to sign the Diversion Authority's Joint Powers Agreement.

**Pelican River Watershed District (PRWD) Open House.** The PRWD is holding an open house to celebrate their 50<sup>th</sup> Anniversary on Wednesday, August 10, 2016, at the Pavilion in Detroit Lakes from 4:00 PM-7:00 PM with a program at 5:30 PM.

**Buffer Workshop.** The University of Minnesota is hosting a Buffer Science and Design Symposium in St. Paul on Friday-Saturday, September 16-17, 2016.

**Clay SWCD Pheasants Forever (PF) Staff.** The BRRWD had approved a request for \$1,665 to fund Tony Nelson's PF biologist position with the Clay SWCD for FY17. Because of new BWSR grant funding and the addition of another funding partner, the BRRWD's contribution has been reduced to \$1,625. **Motion** by Hanson to approve the new contribution amount. **Seconded** by Anderson. **Approved.**

**Wilkin County SWCD Nomination.** The Wilkin SWCD wants to submit their organization for the SWCD of the Year Award. They've asked the BRRWD to provide a letter of support on their behalf. Albright shared a draft support letter for the Board's review. **Motion** by Fjestad to approve sending the requested letter. **Seconded** by Kobiela. **Approved.**

**Conservation Partners Legacy (CPL) Grant Program.** The DNR sent a reminder that the CPL grant program is now open and accepting proposals for 2017. The program funds projects that enhance, restore, or protect forests, wetlands, prairies, and wildlife habitat in Minnesota. A minimum 10% match is required, the grant amount can't exceed \$575,000, and the overall project cost can't exceed \$750,000. Currently, the BRRWD doesn't have any projects that fit these criteria.

**Buffer Law.** Albright attended the recent buffer workshop on 08/08/16 in Detroit Lakes. He discussed items and deadlines the Board needs to keep in mind regarding the new Buffer Law. The Board should identify all other waterways within the BRRWD where buffers could be installed in our new RWMP, not including the DNR protected waterways or the legal ditch systems. The BRRWD also has to set guidelines about how the Board will enforce the Administrative Penalty Orders (APOs). The SWCDs will be the compliance overseer, but the BRRWD or the County will have to enforce the new laws. Albright suggested that the BRRWD should be the buffer authority over our legal ditch systems, and Otter Tail County could take care of the few ditches that aren't under our jurisdiction. The Board had a brief discussion regarding this issue. These decisions need to be finalized by 2017. More information is still coming from BWSR regarding the Buffer Law details.

**Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) Meeting.** Van Amburg noted that he will be attending the next meeting of the RRBFDRWG on Wednesday, August 17, 2016. He invited any interested Managers to go with him.

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

Accounts Payable	Description	Account	Amount
Ackerman Land Surveying, Inc.	#16118-WCH, record corners	Wilkin C.D. No. 6	\$ 2,340.00
Ackerman Land Surveying, Inc.	#16131-WCH, record corners	Wilkin C.D. No. 37	\$ 840.00
AmeriPride	July rug invoice (2)	Admin.	\$ 64.14
Anderson Custom Farms	#201, mowing	Elkton Twp. Wetland	\$ 3,000.00
B & J Landscaping	#4111, ditch mowing, Sec. 12	Wilkin C.D. No. 41	\$ 300.00
B & J Landscaping	#4109, extra mowing	Pj. 56, Manston Slough	\$ 1,200.00
B & J Landscaping	#4110, mow 2015 seeding	Pj. 75, Wilkin C.D. 31-Lat.	\$ 400.00
Barnesville Phone Co.	07/25/16 Phone/internet	Admin.	\$ 290.41
Bridge Communications, LLC	Annual server/operator console	Admin.	\$ 450.00
Carmen Pattengale	July office cleaning (2)	Admin.	\$ 130.00
City of Barnesville	05/29/16-06/29/16 Utilities	Admin.	\$ 421.89
Cody Wambach	#IN00001, mowing	Pj. 39, Georgetown	\$ 500.00

HEI	June Billing summary	Varies-see attached	\$ 175,686.50
MN DNR Ecological and Water Resources	Permit #2016-1479	Pj. 16, Stinking Lake	\$ 100.00
Pitney Bowes	Postage meter rent	Admin.	\$ 112.22
Post Office	Annual box rental	Admin.	\$ 48.00
Premium Waters, Inc.	#366590-07-16, July billing	Admin.	\$ 41.62
R.J. Zavoral & Sons, Inc.	Pay Request No. 5	Pj. 49, Oakport	\$ 368,098.21
RMB Laboratories, Inc.	#322986, WQ testing	M.S.A. 103D. 905, Subd. 3	\$ 601.00
RMB Laboratories, Inc.	#323284, WQ testing	M.S.A. 103D. 905, Subd. 3	\$ 395.00
RMB Laboratories, Inc.	#322995, WQ testing	M.S.A. 103D. 905, Subd. 3	\$ 395.00
RMB Laboratories, Inc.	#323164, WQ testing	M.S.A. 103D. 905, Subd. 3	\$ 711.00
RMB Laboratories, Inc.	#323713, WQ testing	M.S.A. 103D. 905, Subd. 3	\$ 52.00
RRVCPA	07/01/16-08/01/16 billings (3)	Pj. 49, Oakport	\$ 255.66
Vogel Law Firm	#179795, June billing	Pj. 54, Whiskey Creek	\$ 230.00
Vogel Law Firm	#179792, June billing	Admin.	\$ 594.00
Vogel Law Firm	#179793, June billing	PJ., 49, Oakport	\$ 1,584.50
Vogel Law Firm	#179794, June billing	COE	\$ 583.50
Vogel Law Firm	#180456, June/July invoice	Pj. 39, Georgetown	\$ 221.00
WREC	06/18/16-07/18/16 service (2)	Pj. 46, Turtle Lake	\$ 66.81
Xcel Energy	06/25/16-07/26/16 service (1)	Pj. 49, Oakport	\$ 39.55
Xcel Energy	06/23/16-07/25/16 service-office	Admin.	\$ 67.32
			<b>\$ 559,819.33</b>

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

**News Articles.** Albright is working with a reporter from the *Forum* regarding property buyouts the BRRWD has completed for our Georgetown and Oakport Township projects. Van Amburg mentioned that he had been contacted by a reporter from the Minneapolis *Star Tribune* for information regarding the Wolverton Creek Restoration. Jones said that the same person also contacted him.

**Adjournment.** **Motion** by Fjestad to adjourn the meeting. **Seconded** by Kobiela. **Approved.** Chairman Van Amburg adjourned the meeting at 10:45 PM.

Respectfully submitted,

John E. Hanson, Secretary