

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

July 25, 2016

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, July 25, 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, Catherine L. Affield, Troy E. Larson, and Peter V. Fjestad. Others attending included: Erik S. Jones, Engineer, and Wade S. Opsahl, Technician, Houston Engineering, Inc. (HEI).

Chairman Van Amburg called the meeting to order at 7:01 PM and announced that the proceedings were being recorded to aid in the preparation of the minutes. Bruce E. Albright, BRRWD Administrator, was absent.

Secretary's Report. The Board reviewed draft minutes for the 07/11/16 regular meeting and the 09/08/11 Project No. 68, Lake Jacobs Final Hearing. **Motion** by Anderson to approve the minutes. **Seconded** by Fjestad. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$1,170,375.15. Since the 07/11/16 meeting, we have received \$1.4 million (50%) of the \$2.8 million Targeted Watershed Program grant for the Wolverton Creek Restoration Project from the Minnesota Board of Water and Soil Resources (BWSR), \$89,073.74 from the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation, \$3,746.50 from Minnesota Pollution Control Agency (MPCA) for the Upper Red River Total Maximum Daily Load (TMDL) Study, and a \$75 reimbursement from John Hanson for the Minnesota Association of Watershed Districts (MAWD) Summer Tour spousal expenses. We're still waiting for the 1st half tax settlements from Clay County for their ditch/project collections. Albright has contacted the County Auditor, who said she would forward it as quickly as possible. Because of the BWSR grant payment, we have not had to use the Midwest Bank Line of Credit, which will be renewed in August. The office has mailed the 08/22/16 annual budget hearing notice to the area newspapers for publication.

Other Business brought before the Board included:

Permit No. 16-021, KTM Farm. The Board is awaiting receipt of the signed downstream notification form, which was sent to the applicant on 03/23/16.

Permit No. 16-036, Brice Bellmore. The permit was tabled pending a Manager field review. Albright will contact Bellmore to schedule a meeting to review his proposal to install a new culvert in County Road (C.R.) No. 151 in the NW¼, Section 26, Roberts Township, Wilkin County.

Permit No. 16-052, Troy Goltz. Albright is working on the petitions to add and remove land from Wilkin County Ditch (C.D.) Nos. 40 and 43.

Permit No. 16-058, Nevis Shulstad. Applicant proposes Reinvest In Minnesota (RIM)/Wetlands Reserve Program (WRP) wetland restorations and tall grass prairie restorations in Sections 35 and 36, Humboldt Township, Clay County, to be completed this year. The project will include brush removal, the removal of an existing crossing and installation of a rock (texas) crossing, filling in an old gravel pit and planting a tall grass prairie mix cover crop, and seed existing cropland to tall grass mix with post seeding weed control continuing into 2020. Jones noted that any potential seepage would only affect the Shulstad property.

Permit No. 16-059, Fergus Falls Fish and Game Club. Applicant proposes to restore one 0.47-acre wetland in Section 5, Orwell Township, Otter Tail County, in association with the United States Fish and Wildlife Service (USFWS). Any seepage would only impact property owned by the Fish and Game Club.

Permit No. 16-060, Douglas Etten. Applicant proposes to pattern tile approximately 230 acres in the S½, Section 26, Meadows Township, Wilkin County. The project will outlet via a lift station and pump on the southwest corner of the section to the north ditch of 270th ST on the south side of Sections 27 and 28, eventually to Wilkin C.D. No. 1A, to which the property is assessed. The road ditch along Section 28 doesn't appear to have enough depth to convey continuous tile water, and there is at least one landowner along this route besides Etten, so he will have to submit a signed downstream landowner notification form. The Board discussed possibly approving the permit, contingent on receipt of the notification form. **Motion** by Fjestad to approve Permit No. 16-060, pending receipt of a downstream landowner notification form and our standard tiling disclaimer. **Seconded** by Anderson. **Approved.** Anderson observed that if Etten proceeds with his project before submitting a signed form, he will be doing so at his own risk. Opsahl will contact Etten regarding the notification form issue, and we will retain the approved permit until receipt of the form.

Permit No. 16-061, Century Link. Applicant proposes to place a fiber optic cable on the south side of ST HWY 210 crossing Willow Creek in the outlet of Wilkin C.D. Nos. 3 and 37 in the NW¼, Section 1, Breckenridge Township, Wilkin County. The crossing will consist of a 290' bore, 41' south of ST HWY 210 with a minimum depth of 5' below the creek bottom. Jones noted that the County recently cleaned the channel in this area, so the cable will not be placed in sediment, and should be well below the actual ditch bottom.

Motion by Hanson to approve Permit Nos. 16-058, 16-059, and 16-061. 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 right-of-way (r-o-w). **Seconded** by Kobiela. **Approved.**

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 (Permit No. 13-002) in the SW¼, 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. Albright found that Hasbargen did get permits from both Watershed Districts, but it appears that probably neither District knew exactly where the outlet was going to be. The outlet ditch has become overrun with cattails causing standing water, and downstream landowners along the alignment have concerns about flooding during the recent heavy rains as the tile pumps were running continuously. Both the BRRWD and the BdSWD put conditions on their permits that if there is downstream flooding, Hasbargen needs to stop his tile pumps. Albright will send Hasbargen a letter to remind him about the permit conditions when he returns next week. Fjestad discussed the downstream concerns and questioned who would be responsible for long-term maintenance of the ditch/tile outlet. Jones suggested that it probably should be the tile project owner.

Clay/Wilkin County Line Drainage Concerns. Albright met with Luther Blilie, Matt Ness, Larry Ness, and Mark Askegaard on 7/11/16 to discuss the legal petition process to make a new drainage system along the north line of Section 6, Wolverton Township, Wilkin County, on the south side of the county line west of T.H. No. 75. The landowners also considered the option of doing the work themselves by BRRWD permit. Albright is working on a factsheet and landowner agreement if they decide to install a ditch along the north line of Section 6, Wolverton Township, Wilkin County. To date, Albright has not heard from them since their meeting.

Project No. 77, Clay C.D. No. 51-Lateral No. 3. Jones' deposition was taken on 07/21/16 regarding the Robert Norby lawsuit. Albright and he met with BRRWD Attorney Tami Norgard, Vogel Law Firm, on 07/20/16 to prepare. According to the complaint, Norby's attorney, Zenas Baer, has until 10/07/16 to finish all of his depositions. We expect he will probably take individual depositions from Albright and each of the

individual Managers. A copy of the complaint was distributed to the Managers for their review. Attorney Norgard is investigating how we might dismiss this project and collect the outstanding \$10,000 in project costs.

Project No. 56, Manston Slough Restoration. Jones reported that Bob Bjerke, B&J Landscaping, will be mowing his native grass seeding this week, weather permitting. Van Amburg noted that Caroline Clarin, the State Wetland Engineer, Fergus Falls Natural Resources Conservation Service (NRCS) office, plans to address the tree growth on the state and federal lands this fall. The Board had a brief discussion about coordinating with the various partners on project maintenance.

Chairman Van Amburg and Jones are going to tour the project with representatives from the Minnesota Department of Agriculture on 07/28/16.

Tom Arnhalt contacted Albright on 07/12/16 to report that water was backing up in the channel that he had proposed to straighten at the 07/11/16 meeting. He felt that the Manston Slough project was causing the problem. Albright and Arnhalt conducted a field review and took elevations of the site. The results confirmed 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 roadway only has a 10' x 4' box culvert. Compared to the upstream pipes in T.H. No. 9, this structure is considerably smaller. Albright suggested that he and Jones could work with Arnhalt to determine where we might provide some additional openings to increase the size of his outlet in the southwest corner of the SE1/4, Section 20, Manston Township, where water could flow both north and south into the adjoining DNR project areas.

Opsahl noted that Arnhalt contacted him today with a concern about the DNR's Wet Moisture Unit. He thinks the water being pumped out of the Unit will cause water from Wilkin C.D. No. 13-Lateral to backup into his property. Jones explained how the Unit functions, and he thought that it shouldn't affect the Lateral.

Jones noted that Albright had discussed Arnhalt's proposal to straighten a waterway that runs through the middle of his field in Sections 20 and 21, Manston Township, Wilkin County, with Dan Swedlund, Wilkin County Highway Department. Arnhalt also wants to add a crossing wide enough to handle large machinery on the waterway on the west end of the project in Section 20 just east of T.H. No. 9. Swedlund indicated that the County does have used culverts (78" dia. equivalent arch pipes) that Arnhalt could use. Jones discussed the possible crossing hydraulics compared to two 10' x 6' culverts in T.H. No. 9.

Project No. 49, Oakport Flood Mitigation. In his meeting memo, Albright noted that we have heard nothing recently from Rozanne and Kelly Larson, who represent, Rose Kopperud, a project landowner involved with the Phase 4 project construction. At a recent meeting, the Board directed Attorney Norgard to send a letter advising them about their potential financial liability if they continue to harass the contractor and Century Link, who stopped work as result of Larson's trespass allegations. Jones explained that Vogel Law Firm and Century Link's attorney are preparing a consent form to document Century Link's legal access to the easement area where they are relocating their cable on the west side of Broadway ST NW. Century Link's contractor is prepared to restart work as soon as the paperwork is filed. 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 Watershed 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.

Ulteig Engineers, Inc. (UEI) submitted a Change Order for \$12,600 for the project contractor, R.J. Zavoral & Sons, Inc. to bury a pile of trees that has been stockpiled on the west side of Broadway north of the Red River. **Motion** by Anderson to approve the referenced Change Order. **Seconded** by Kobiela. **Approved.** Van Amburg had a telephone conversation today regarding the Fischer stock pile temporary easement issue with Elaine Gess and Leonard Fischer. The Board discussed the final easement offer of \$24,600 we made to the Fischer family earlier this year. It was suggested that the BRRWD could settle up with the Fischer family

after the project is completed and the site restored. Jones noted that the completion deadline for the project is 09/30/16. The Fischers' renter would like to be able to till that site at the same time as he does fall tilling on the rest of the field. The Board agreed to put this issue on hold until after our project is finished.

Project No. 48, Clay C.D. No. 59. Opsahl reported that the contractor has a few days of work left to complete the seeding and cleanup. The project completion deadline is 08/15/16.

Project No. 39, Georgetown Levee. Opsahl has hired L&M Road Services do the weed spraying and is working with Cody Wambach to complete the mowing/haying. We're still waiting for Federal Emergency Management Agency (FEMA) to determine what they will pay for the 2011 flood damages. There is nothing new on the Greywind condemnation.

Project No. 30, Clay/Wilkin Judicial Ditch (J.D.) No. 1. Albright met with Attorney Norgard on 07/20/16 regarding her review of the petition in accordance with Minnesota Statutes Annotated (M.S.A.) 103E.238, for a diversion on the county line. Norgard had concerns about the petition signatures and will forward a memo regarding the necessary corrections. Once he knows what needs to be changed, 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 in early August. The project 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. The Fall Tour has been tentatively scheduled for Thursday, September 8, 2016.

Upper South Branch of the Buffalo River. Jones reported that we are currently working on an application for a possible BWSR Clean Water Fund (CWF) grant application for the Phase 1A project concept, which is a restoration project in the upstream reaches of the South Branch of the Buffalo River east of T.H. No. 9. Jones will discuss the possible project with Pete Waller, BWSR Board Conservationist. The application deadline is 08/08/16. Jones discussed that the local project cost-share would be 25% of the total grant request. Thomas Eskro, HEI, will schedule a meeting in August with all the agencies with easements/interests in the proposed project area, landowners, and the Townships.

Stony Creek Retention. Jones will prepare a memo to the DNR Dam Safety office regarding the dam breach analysis for their review. He hopes to have a response from the DNR for discussion at the upcoming 8/18/16 PT meeting. Jones commented that while the District could submit a CWF grant application to BWSR for some of the channel work on Clay C.D. No. 31, a more competitive application would probably be submitted next year when we have had a chance to meet with more of the project area landowners.

Watershed District Enlargement (WDE)/Revised Watershed Management Plan (RWMP). Albright is working on his review of the draft RWMP. The Managers have met with the Otter Tail and Wilkin County Commissioners to discuss BRRWD activities and to present the 2015 Audit and Annual Report. They will meet with Clay County on 08/09/16 and Becker County on 08/16/16. Fjestad questioned if we could meet with Clay County on 08/09/16, as this is an election day. Anderson will check with the County.

MAWD Awards. MAWD is taking applications for possible 2016 awards until the 08/26/16 deadline. It doesn't appear that we will have any projects ready this year. The Board discussed possible award programs the Oakport project could be eligible for. They agreed to wait until next year when the project is completely finished.

Otter Tail River/Buffalo River/ Upper Red River TMDL/Watershed Restoration and Protection Strategies (WRAPS). The Upper Red River TMDL Study deadline was 06/30/16. Albright contacted Jim Courneya, Detroit Lakes MPCA Office, regarding this issue. Courneya replied that his staff hopes to finish the Buffalo River and Upper Red TMDLs by September 1, 2016.

Wilkin County Manager Appointment. The office received notice from Wilkin County that they reappointed Manager Affield for another 3-year term. A notice of that appointment has been filed with the other counties and BWSR according to Watershed Law.

Elkton Township Wetland Restoration. The wetland credit banking process is on hold until BWSR completes the easement language. We are currently on the third round of easement review and landowner signings because of BWSR staffing changes. Attorney Corey Elmer, Vogel Law Firm, is working with BWSR on this issue. Van Amburg contacted both Elmer and BWSR this week regarding this issue. Elmer has a phone conference next Wednesday with BWSR to work on their easement language.

Opsahl reported that the mowing should be completed this week, weather permitting, and HEI will also be doing the annual wetland monitoring of the site, which is part of the wetland banking process.

CWF Grant. Last fall, the BRRWD submitted an application with several southern Minnesota counties to analyze stream channel sediment loading. The proposal was not approved by BWSR, as they thought it was developing yet another tool. Jones is working with Drew Kessler, Minneapolis HEI, to submit our own Accelerated Implementation Grant (AIG) application (25% cost share match) to augment the One Watershed One Plan (1W1P) funding. The grant would fund a study using the GIS Prioritize Target Measure Application whose results would be used by the BRRWD, as well as other agencies in the selection of future locations for Best Management Practices (BMP) installations. The project would also provide data for the 1W1P, and would evaluate alternative measures for the State's new buffer initiative. Part of the grant application is to evaluate streams in the watershed in regards to altered hydrology to determine what a stable stream should look like and to determine the load reduction values of stream restoration and flood storage projects. The Board discussed the proposal. **Motion** by Hanson to approve the submission of two BWSR CWF grant applications to develop information related to the 1W1P initiative and for the Phase 1 project on the Upper South Branch of the Buffalo River project, as referenced. **Seconded** by Anderson. **Approved.**

Equipment Updates. The office has received a couple of equipment upgrade proposals. Josh Barth, IT Manager, HEI, has furnished a quote to upgrade the BRRWD's computers and monitors for approximately \$8,200. The current equipment is getting quite old. The new equipment would be expected to last approximately 6 years. Network Center Communications has also furnished a 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 is \$1,827.50. The Board discussed their concerns with the current location and size of the monitors. **Motion** by Larson to approve HEI's proposed computer workstation upgrades, but to wait on a decision for the AV system upgrades and work with Network Center Communications to get quotes for a different monitor configuration, including an option for relocating/enlarging the overhead monitors, and/or individual monitors for the Managers on the Board table. **Seconded** by Fjestad. **Approved.**

Wolverton Creek/Comstock Coulee. The Lessard-Sams Outdoor Heritage Council (LSOHC) will make a decision on 08/04/16 about which of the project applications will move on to the hearing phase. Our application is still pending. Van Amburg suggested that the BRRWD should contact members of the LSOHC prior to that date to address any questions the Council might have. Albright is tentatively planning a landowner informational meeting for 08/17/16 at 8:00 AM in the Watershed office. He needs to confirm that date with NRCS, and then send notices to Phase 1 landowners and interested agencies

Otter Tail River/Whiskey Creek Restorations. Using the overhead monitors, Jones provided an update on both the projects' survey status. The BRRWD provided a comment to the DNR regarding the permit filed for the Etten restoration site, recommending that the DNR approve the work. For Whiskey Creek, the office will work with Thomas Eskro, HEI, on contacting landowners who have not sent back their permission slips. The plan is to complete the field survey work this fall after harvest. Once HEI has the surveys completed and data analyzed, Jones will come to the Board with findings which can be shared with landowners along the Otter Tail River.

The Board had a brief discussion regarding the survey permission acquisition. Anderson volunteered to visit with one of the landowners on Whiskey Creek.

Project No. 16, Stinking Lake Detention. Jason Mikkelsen contacted the office recently with a request to repair a cattle crossing with culverts on Hay Creek that the BRRWD installed for Mikkelsen's father, Mike, around 1995, as a project expense. The old crossing consisted of two 24" dia. pipes that washed out over the years. Opsahl met with Mikkelsen, and Jones prepared a recommendation to restore the crossing with two lines of 73" x 55" x 30' long corrugated metal pipe (CMP) with an estimated cost of \$10,000-\$15,000. Mikkelsen reviewed the plans and would like to see the project completed this year, if possible. When asked if he would be willing to contribute to the project costs, he offered to backfill the installed structures as his cost share. Opsahl will work with Mikkelsen on the pipe installation. **Motion** by Fjestad to approve the referenced repairs. **Seconded** by Anderson. **Approved.** HEI will start the permitting process for the project.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Ackerman Land Surveying, Inc.	#16100-WR, record corners	Wilkin C.D. No. 23	\$ 2,640.00
American Enterprises, Inc.	#1542 Second mowing	Pj. 49, Oakport	\$ 3,600.00
Arvid Thompson	#16-31, 07/23/15-07/13/16 viewing	Varies	\$ 300.00
Bruce E. Albright	07/13/16 Viewers' meal-Eagle Cafe	Clay #16/Becker #9	\$ 43.11
Chris Hoppe Lawn Care	June mowing (3)	Admin.	\$ 320.63
Eddie Bernhardson	#16-29, 07/23/15-07/13/16 viewing	Varies	\$ 1,031.95
IWI	2015 WQ Monitoring	M.S.A. 103D.905, S. 3	\$ 15,217.11
Joel Carlson, Inc.	August Lobbyist billing	Admin.	\$ 850.00
Lauren Peterson	#16-30, 07/23/15-07/13/16 viewing	Varies	\$ 247.75
UEI	Construction billing thru 06/30/16	Pj. 49, Oakport	\$ 75,254.25
USGS	#90458208, 10/01/15-09/30/16, Stream flow gauge contract	M.S.A. 103D.905, S. 3	\$ 4,903.00
Vergas State Bank	08/01/16 building loan interest	New Office	\$ 810.00
Wilkin Co. Auditor-Treas.	Ackerman #16023-WR	Wilkin C.D. No. 3	\$ 2,340.00
			\$ 107,557.80

Motion by Anderson to approve payment of the bills. **Seconded** by Kobiela. **Approved.**

Wilkin C.D. No. 7 Repair. Jones presented repair recommendations for Wilkin C.D. No. 7. The work would start in the northwest corner of Section 22, Andrea Township and run south along the east side of 310th AVE for approximately 1.75 miles before crossing to the west side of the road in Section 27 for 0.25 miles, then turning westerly along the north side of 330th ST for 3 miles before outletting into Wilkin C.D. No. 3, Branch No. 2, at the section line separating Andrea Township from Nilsen Township. The report described the needed repairs in Sections 22, 27, 28, 29, and 30. His recommendations include side slope excavation to the 1973 improvement grade line and cross section geometry (3:1 side slopes and 10'-12' bottom width). The spoil bank height will be at least 6" below the road shoulder to protect the road from overtopping. Jones also recommended the installation of a series of four rock drop structures in order to stabilize the ditch grade. In addition, a 1' tall rock drop structure should be installed at the outlet of the large field drain in Section 27 to protect this drain from future headcutting. Gated field inlet pipes should be installed along the north-south

stretch of the ditch in Sections 22 and 27, with the sizing based on the drainage area to the ditch. A one-rod (16.5') grassed buffer strip should be planted all along the length of the legal ditch and will involve the acquisition of approximately 13.0 acres of permanent easements, as required by the State buffer legislation. The Opinion of Probable Cost is \$252,000. Earlier this year, the ditch system landowners requested that the BRRWD go through the bidding process for this project, instead of hiring the Wilkin County Highway Department to do the repairs. At that time, Albright observed that the County does very good work and is very cost effective.

The Board discussed the reasons behind the request for the bidding process, which was requested by one individual landowners, who is also a contractor. Other ditch system landowners have approached Dan Swedlund, Wilkin County Highway Department, asking that the County complete the work. He suggested that the landowners approach the BRRWD with their request. Manager Larson felt that the County does excellent ditch repair work and thought that we should have them complete the C.D. No. 7 repairs. Earlier this year, when the County was prepared to do the work in conjunction with their other 2016 ditch repair projects, their cost estimate was approximately \$150,000. **Motion** by Anderson to accept the repair report for C.D. No. 7. **Seconded** by Hanson. **Approved**.

Adrian Haugrud Concern. Haugrud contacted the office regarding some needed channel cleaning between the north and south basin associated with Project No. 65, Clay/Wilkin County Line Outlet. Jones told Haugrud that when site conditions permit, the BRRWD will investigate his request.

BRRWD File Archiving. Manager Affield has done some investigation into possible options for the file archiving process for the office.

Rules Update. A copy of the final draft for the Red Lake Watershed District Rules and Guidance was distributed to the Board for their review and comparison with our Draft Rules. The Managers spent some time reviewing Sections 1, 2, and 3. Jones took notes of the Managers' comments and will submit them to Albright. The Board will review Sections 4 and 5 at their next meeting.

Assistant Administrator/Succession Planning. The Board discussed HEI's progress in finding candidates for the Assistant Administrator position. Jones reported that he, Albright, and Lois Erickson, HEI Human Resources (HR), are working on compiling a job description that we can use when advertising for the position.

Adjournment. **Motion** by Anderson to adjourn the meeting. **Seconded** by Affield. **Approved**. Chairman Van Amburg adjourned the meeting at 10:12 PM.

Respectfully submitted,

John E. Hanson, Secretary