

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING November 12, 2019

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, November 12, 2019, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Peter V. Fjestad, John E. Hanson, Gerald L. Van Amburg, Mark T. Anderson, and Catherine L. Affield. BRRWD staff attending included: Kathleen K. Fenger, Assistant Administrator, Erik S. Jones, Engineer, and Wade S. Opsahl, Houston Engineering, Inc. (HEI). Others attending included John Voz, Reinvest In Minnesota (RIM) Easement Specialist, Minnesota Board of Water and Soil Resources (BWSR); Stephen Hanson, Associate, Ohnstad Twitchell; and landowners Don Nelson, Jay Nord, and Darin Brandt.

BRRWD President Leitch called the meeting to order at 7:00 PM and announced that the proceedings were being video recorded to aid in the preparation of the minutes.

Agenda. Leitch asked for comments or additions to the meeting agenda. Jones proposed the addition of a status report for Wilkin/Otter Tail Judicial Ditch (J.D.) No. 2 and a pay request for Clay/Wilkin J.D. No. 1. With those additions, the agenda was adopted.

Secretary's Report. The Board reviewed draft minutes for the 10/28/19 regular meeting, the 8/22/19 Glyndon Waterway informational meeting, the 9/3/19 Clay County Ditch (C.D.) No. 36/City of Rustad informational meeting, and the 9/20/19 Wilkin C.D. No. 27 repair meeting. Leitch noted minor corrections to all four sets of minutes. **Motion** by Anderson to approve the minutes, subject to correction. **Seconded** by Affield. **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 accounts receivable. Cash on hand is \$2,856,880.18. Administrative disbursements this month equal \$29,247.22, and for the year, total \$287,475.67. Accounts Receivable currently total \$4,487,447. Total income this year is \$4,646,657.90. Income received since the 10/15/19 meeting totaled \$140,456.58, including property/ditch tax proceeds from Otter Tail County (\$8,162.31) and Wilkin County (\$66,217.83), and State Market Value Agricultural Credits (\$8,151.16). Other income came from the Natural Resources Conservation Service (NRCS) National Water Quality Initiative (NWQI) Phase 1 funding for the Whiskey Creek Enhancement project in Wilkin County (\$39,000). The remainder of the income came from Midwest Bank for October interest (\$5,981.68), HEI for their monthly office rent (\$225) and a \$5.00 insurance refund. **Motion** by Fjestad to approve the Treasurer's Report. **Seconded** by Affield. **Approved.**

Other Business brought before the Board included:

F-M Diversion Authority (DA) Revised Project.

Leitch recently met with Joel Paulsen, the new DA Executive Director. He also met with BRRWD Attorney Joel Fremstad, who notified him that a 12/17/19 hearing will be held regarding scheduling for the DA's appeal of the Diversion permit denial. On 11/4/19, Leitch participated in a telephone conference regarding the Minnesota Department of Natural Resources (DNR) Permit Contested Case hearing scheduling. Currently, the hearing has been set for June 8, 2020, but the DA would like to have it moved up to April or May 2020. The Judge tabled the motions until the next meeting in December. Leitch also met with Wilkin/Richland Upstream Coalition Attorney Jerry Van Korf and

one of their expert witnesses regarding Diversion project issues. Leitch reported that the Minnesota Land Committee met on 10/31/19 where they approved the Holy Cross Township easement needed for our Wolverton Creek Restoration project. There was a brief discussion regarding an upcoming land auction in the Oxbow/Hickson area. The Land Committee will need an easement from the BRRWD for property we own near Georgetown. Leitch assured the Committee that the BRRWD would be willing to work with them on this issue. Anderson noted that area landowners have asked him if the DA planned to pay damages for their soil boring investigations. Group consensus was that the DA would be paying landowners a set fee for permission to enter their property.

Project No. 79, Wolverton Creek Restoration. Anderson asked about the status of the restoration project. Jones noted that the contractor, Sellin Brothers, Inc., has decided to stop work for the winter. The Board will discuss a contract extension at the 12/9/19 meeting. Anderson noted that the area landowners are pleased with Sellin's work and the project's design. Jay Nord commented that the meandered channel design will facilitate a constant flow of water through the ditch even during the winter when previously the ditch would have been completely blocked with ice.

Jones submitted Pay Request No. 10 in the amount of \$41,108.87 for Sellin Brothers, Inc. **Motion** by Anderson to approve the referenced pay request. **Seconded** by Fjestad. **Approved.**

John Voz, BWSR, explained that BWSR is currently processing the RIM easement acquisition application for 10.3 acres of the Blilie property in Section 10, Wolverton Township, Wilkin County. He distributed an income contract, easement acquisition schedule, work plan, budget, and reporting schedule for the Board's review. Voz suggested the Board could act on the contract at their 11/25/19 meeting.

Miscellaneous Investigations/Complaints/Violations.

- **James Giedt Drainage Concern.** Leitch reported that he looked up the National Weather Service's average precipitation graph for Fargo from 1881-2019, following the 11/1/19 meeting with James Giedt regarding his ongoing concerns about wet conditions on his property in Section 2, Riverton Township, Clay County. He provided handouts of the graph and explained that reported rainfall averages are only based on the last 30 years of data. The graph shows that precipitation actually trends downward over the last 100 years.
- **City of Baker, Section 1, Alliance Township, Clay County.** Jones reported that Clay County conducted a survey of the County State Aid Highway (CSAH) No. 52 road ditch in this area to find a solution for drainage problems regarding a plugged culvert under the Otter Tail Valley Railroad (OTVR) tracks. The survey showed that there is adequate slope, but the road ditch could benefit from a cleanout. Most of the area drainage problems are caused by the condition of the culvert in the railroad tracks. Jones contacted OTVR regarding this issue. They plan to address this concern before spring. Initially OTVR will clean out the culvert. Long-term, the repair may also require replacing the culvert. Once the culvert is cleaned out, the drainage will be monitored.
- **Agassiz Valley Elevator, Section 13, Barnesville Township, Clay County.** Jones reported that further investigation of the elevator site in Section 13, Barnesville Township, Clay County, revealed that there is no culvert from the site through 140th AVE S. Jones forwarded this information to Barnesville Township. He noted that there is no need for the survey the Board authorized at their last meeting. Jones thought that a culvert could be installed in an approach along 140th AVE S to help drain the water away from the Elevator site but deepening the south 140th ST road ditch may result in draining a wetland. The BRRWD plans to assist the Township to determine the best way to address this issue.

- **Mark Rustad Complaint.** Rustad called the office in September with a complaint about a backhoe working in DNR public waters on the unnamed tributary to Whisky Creek in Section 15, Alliance Township, Clay County. Shane Thompson had contacted the office earlier about cattail and corn stalk removal in this waterway along his property. The DNR has a policy that as long as the stream bed is not altered, no permit is required for debris removal. Rustad called the office again on 10/08/19 regarding Thompson's work. Albright contacted Thompson, who said he did remove debris in accordance with their earlier discussions. Albright also did a follow-up review on that date but because of the high water, he couldn't determine the extent of the cleanout. The neighboring landowners requested that the BRRWD file a complaint with the DNR regarding Thompson's work in public waters. Albright conducted another field review on 11/06/19 and sent photographs to Rodger Hemphill, DNR Area Hydrologist. Hemphill plans to have Thompson file an "after the fact" permit for his work.

Project No. 78, Clay/Wilkin J.D. No. 1. Anderson discussed Harold Brandt's request for the BRRWD to purchase his buildings along the new J.D. No. 1 embankment in the SE¼, Section 26, Holy Cross Township. Brandt is concerned that water could enter his building site due to the slope of the ditch berm. Albright met with Brandt on 10/6/19. The Board reviewed photographs of the site. Brandt has asked for \$60,000 for the buildings. Anderson thought this issue could be reviewed after construction and grass seeding has been completed. Darin Brandt explained their concerns about the possibility of water entering the building site. There is nothing currently stored in the buildings. Brandt added that he would like a flapgate installed on the culvert in Section 25 before freeze-up. He also mentioned that the contractor left the ditch berm uneven in places. Anderson thought that the contractor still has touch-up and shaping work to do next spring on the spoilbank. Jones noted that Brandt's comments will be added to the contractor's project completion punch list.

Jones submitted Pay Request No. 4 in the amount of \$295,700.80 for Dennis Drewes, Inc. **Motion** by Anderson to approve the referenced pay request. **Seconded** by Hanson. **Approved.** The Board briefly discussed a possible contract extension until next year to allow for cleanup due to the wet weather this fall. This issue will be discussed at the 11/25/19 meeting.

Clay C.D. No. 40 Repair. At the 9/3/19 informational meeting regarding drainage issues for Clay C.D. Nos. 11N, 11S, 36, and 40/City of Rustad, the Board indicated that they would have HEI conduct a survey of C.D. No. 40, including a private ditch in the southeast corner of Section 25, Kurtz Township, which brings water out of the Sabin Coulee into C.D. No. 40. Jones discussed the ditch survey results and recommended repair of the downstream end of the channel just upstream of Trunk Highway (T.H.) No. 75 to just upstream of 40th ST in Section 26, Kurtz Township. Anderson observed that this work probably wouldn't improve drainage for Rustad. Jones agreed, noting that there are more localized problems in the Rustad area that could be addressed next year when conditions permit. The Board will solicit input from the Rustad landowners this winter to consider options. The proposed ditch repair would be for 4-5 miles of the ditch with an estimated cost of \$40,000 to \$50,000. **Motion** by Anderson to approve the recommended repairs. **Seconded** by Hanson. **Approved.**

Wilkin/Otter Tail J.D. No. 2. Jones reported that the contractor, States Borders Construction, Inc., has been unable to work on the ditch outlet to the Otter Tail River because of the above normal rainfall this fall. The contractor will be asked to submit a contract extension request prior to the 11/25/19 meeting for the Board to consider.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
AmeriPride	#160541779, October Rug Service	Admin.	\$ 87.72
Carmen Pattengale	October Office Cleaning (3)	Admin.	\$ 195.00
Dennis Drewes, Inc.	Pay Request No. 4	Pj. 78, Clay-Wilkin J. D. 1	\$ 295,700.80

Fitzgerald Construction, Inc.	#33887, Beaver Control/Repairs	Varies	\$ 1,600.00
Fuchs Sanitation	#37945, Garbage Service	Admin.	\$ 51.48
Gerald L. Van Amburg	Voucher #19-35, 09/01/19-10/31/19	Varies	\$ 1,262.80
HEI	October Billing	Varies-See Attached	\$ 148,830.93
Jay A. Leitch	Voucher #19-34, 09/01/19-10/31/19	Varies	\$ 1,049.12
John E. Hanson	Voucher #19-32, 09/01/19-10/31/19	Varies	\$ 642.71
Jon Yeske	#600, Beaver Control	Clay C.D. No. 34	\$ 280.00
LREC	10/01/19-11/01/19 Service	Pj. 79, Wolverton Crk.	\$ 26.46
Mark T. Anderson	Voucher #19-30, 09/01/19-10/31/19	Varies	\$ 823.12
MPS	09/18/19-10/18/19 Service-FL #21	Pj. 49, Oakport	\$ 30.11
Otto's Welding & Machine Shop	Culvert Gate	Pj. 38, Kragnes Ringdike	\$ 216.47
Peter V. Fjestad	Voucher #19-31, 09/01/19-10/31/19	Varies	\$ 1,160.14
Premium Waters	#366590-10-19, October Water Service	Admin.	\$ 58.79
Richard Seidel	Parking Lot Seal Coat - 50% down payment	Admin.	\$ 750.00
RMB Environmental Labs	#483084, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 790.00
RMB Environmental Labs	#483787, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 632.00
RMB Environmental Labs	#483714, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 601.00
Roger Lundberg	Beaver Control	Varies	\$ 237.18
RRVCPA	10/1/19-11/1/19 Service	Pj. 49, Oakport	\$ 122.03
Sellin Brothers, Inc.	Pay Request No. 10	Pj. 79, Wolverton Crk.	\$ 41,108.87
US Bank	10/27/19-11/27/19 Copier Lease	Admin.	\$ 274.65
WREC	09/18/19-10/18/19 Service	Pj. 46, Turtle Lake	\$ 264.59
Xcel Energy	09/24/19-10/23/2019 Gas Service	Admin.	\$ 62.99
			\$ 496,858.96

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

Audio-Visual (AV) System Update. Staff met with Kent Bergeron, NetCenter Technologies, to review his proposal for Boardroom desk monitors. Fenger discussed the proposal with the Board, explaining that Bergeron advised that the current AV system is outdated and will need to be upgraded in the near future. The total estimate for 7 monitors, equipment, and labor is approximately \$6,000-\$7,000. All the equipment in the quote would be compatible with an upgrade, except one small component. The Board discussed the current proposal and potential features that would be available with a total system upgrade. Bergeron has offered to take staff/Managers on a tour of the West Fargo City Council chambers where NetCenter recently installed major AV upgrades. The Board agreed to do more investigation before making a decision about the AV system upgrade. Fenger also noted that staff is working with HEI to replace the original office building Wi-Fi router.

2020 RFPs. Fenger reported that she has prepared the Requests for Proposals (RFPs) notice for the area newspapers for our existing legal and engineering services. Leitch thought that the notice should include accounting, legal, lobbyist, and engineering. Staff will make the necessary changes to the RFP notice and send it to the publishers this week.

FY2020 RCPP. The NRCS Regional Conservation Partnership Program (RCPP) has funding available that could be leveraged for work on Clay C.D. No. 34/Whisky Creek near Barnesville. Albright and Jones met with the local NRCS staff to explore this potential funding source. They agreed that the proposed work would be a good candidate for an RCPP project, but since the deadline to submit the current application is 12/3/19, Jones recommended that the Board consider submitting an application for the next round of funding in July 2020. **Motion** by Anderson to authorize HEI to work with area partners to prepare a RCPP funding application for the referenced waterway/ditch system for submission in July 2020. **Seconded** by Van Amburg. **Approved.**

Parking Lot Repairs. Richard Seidel submitted a proposal for repairing our asphalt parking lot next summer. He offered a 10% discount on the second half payment if the Board entered into a contract for his services before December 20, 2019. The total cost for the work is \$1,500 with a 50% down payment of \$750 when the contract is signed. **Motion** by Anderson to accept the proposed contract. **Seconded** by Hanson. **Approved.**

MAWD Annual Meeting. The Minnesota Association of Watershed Districts (MAWD) has scheduled their annual meeting and trade show for December 4-7, 2019, at the Arrowwood Resort and Conference Center, Alexandria. Fenger distributed copies of the MAWD 2019 policy resolutions. The Board agreed to discuss them at their next meeting. The Board appointed Hanson and Anderson to act as the BRRWD delegates to the MAWD annual meeting with Van Amburg as the alternate delegate.

RRBC Conference. The Red River Basin Commission (RRBC) is hosting their 37th Annual Red River Basin Land & Water International Summit Conference on January 14-16, 2020, at the Delta By Marriott, Fargo, ND. This year's theme is *Nourished by Nature: Getting Back to Our Roots*. The Board discussed attendance and room reservations. Fjestad asked Fenger to handle his room reservation.

Comments and Announcements. Van Amburg noted the University of Minnesota is hosting a Climate Adaptation Conference on January 22, 2020, at the Continuing Education and Conference Center in St. Paul. He suggested Fenger and the Managers consider attending.

Leitch talked about a recent article by Pat Springer in *The Forum*, regarding the Clay County Board of Commissioners' refusal to endorse the BRRWD's general levee petitions. Anderson mentioned that North Dakota landowner Marcus Larson posted an editorial regarding the Commission's decision on the FMDam.org website.

1W1P Meeting. The BRRWD's One Watershed, One Plan (1W1P) Policy Committee is meeting in Barnesville on 11/27/19 at 10:30 AM.

Performance Review and Assistance Program (PRAP). The Board watched three short BWSR training videos on soil health. These videos provide training to meet the Level II PRAP performance standards.

Next Meeting Agenda. No one had additions for the next meeting agenda.

Next Meeting. The next regular BRRWD meeting will be held on Monday, November 25, 2019, at 7:00 PM in our Barnesville office.

Adjournment. President Leitch adjourned the meeting at 8:26 PM.

Respectfully submitted,

John E. Hanson, Secretary