

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVE NE
Email: general@brrwd.org

PO BOX 341

PHONE 218-354-7710
Website: www.brrwd.org

MINUTES FOR MANAGERS' MEETING

June 25, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, June 25, 2018, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Gerald L. Van Amburg, Mark T. Anderson, John E. Hanson, Catherine L. Affield, Troy E. Larson, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, and Kathleen K. Fenger, Administrative Assistant, Houston Engineering, Inc. (HEI).

Chair Leitch called the meeting to order at 7:01 PM and announced that the proceedings were being video recorded to aid in the preparation of the minutes.

Agenda. Chair Leitch asked for comments or additions to the meeting agenda. There being none, the agenda was adopted.

Secretary's Report. The Board reviewed draft minutes for the 6/11/18 regular Board meeting. Leitch noted some minor corrections. **Motion** by Anderson to approve the minutes, subject to the noted corrections. **Seconded** by Affield. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$2,032,098.74. Income since the 6/11/18 meeting was \$125,158.71 from Becker County for their 2018 1st half tax proceeds. Total 2018 income to date is \$1,197,981.65.

Business brought before the Board included:

Permit No. 17-119, Robert Yaggie. The Board reviewed issues discussed at the 6/19/18 landowner meeting, held in our Barnesville office regarding Yaggie's 2017 tiling project in the SW¹/₄, Section 26, Manston Township, Wilkin County. The consensus of those in attendance at the meeting was that Yaggie could operate his tile with the understanding that the road ditch and the natural waterway on the Nielsen/Abel property in the NW¹/₄, Section 27, which is the outlet for all the drainage in this area, will be cleaned later this fall. Dusty Nordick, a downstream landowner, requested that Yaggie also agree to stop the tile operation in the event of a heavy rainfall event. Albright proposed that the Board approve Permit No. 17-119, subject to County approval of the revised ditch gradeline and for work within their road right-of-way (R/W), with the understanding that tile operation will be stopped in the event of downstream flooding, and subject to our standard tiling disclaimer.

At the 6/19/18 meeting, the BRRWD agreed to hire a contractor to clean approximately 1,000' of the natural waterway in the NW¹/₄, Section 27, Manston Township, and would then proportionately bill each landowner who uses the waterway for an outlet. HEI estimated that the project would cost approximately \$5,000. HEI prepared a parcel breakdown map for the billing, based on the contributing drainage area to the waterway. Albright noted that the most any landowner would pay per parcel was estimated at \$250. **Motion** by Anderson to approve the BRRWD doing the proposed waterway cleanout, including the proposed cost allocation to the affected landowners. **Seconded** by Fjestad. **Approved.**

Permit No. 18-003, Shawn Norman. Albright noted that Norman has submitted two petitions to add and remove lands on Wilkin County Ditch (C.D.) Nos. 44 and 13/13-Lateral for his tiling project. The hearing on these petitions is scheduled for tomorrow night, June 26, 2018, at 7:30 PM in our Barnesville office.

Permit No. 18-045, John Steffl. The Board briefly discussed the provisions Harlan Wentz added to his downstream notification form, which he left at the office last Friday. Wentz told staff that the three landowners had met and discussed the project outlets. The Board agreed to postpone a decision regarding both Permit Nos. 18-045 and 16-126, Eugene Kaiser, until the two applicants submit their downstream notification forms with Wentz's signature.

Permit No. 18-047, Eglon Township/Buffalo River Excavating, LLC. Applicant proposes to remove/reset an existing 18" dia. culvert and remove and replace approximately 500' of road section on 255th ST S near Hawley in the N½, Section 29, Eglon Township, Clay County. The existing culvert is deteriorating with a bend in the middle and was originally set approximately 6" too high. Water stands in this location, causing frost boils and roadbed saturation. The township doesn't foresee the culvert changes causing any downstream impacts. Wade S. Opsahl, Technician, HEI, conducted a field review and found no problems with the proposal. Jones recommended permit approval.

Permit No. 18-048, Elkton Township. Applicant proposes to replace an existing 48" dia. round culvert with a new line of 57" x 38" arch pipe with aprons in 120th AVE S in the SW¼, Section 36, Elkton Township, Clay County. When the existing culvert was installed, there wasn't adequate cover and it has subsequently been damaged by traffic, etc. The arch pipe will allow for another 10" of cover. Jones recommended permit approval.

Permit No. 18-049, John Boen. Applicant proposes to clean a natural waterway in his field in the E½, Section 29, Norwegian Grove Township, Otter Tail County, for about 1,500' west from the township road with the possible future installation of random tile for about 2-3 acres on the east end of the waterway by the township road. Jones noted that Boen doesn't need a permit to clean the waterway, and the tile installation will have an adequate outlet. He recommended permit approval.

Permit No. 18-050, Mike Metzger/Oscar Township. Applicant proposes to clean an existing overflow ditch in the SE¼, Section 20, Oscar Township, Otter Tail County, to the original specifications. The ditch is approximately 0.25 miles long and drains water from two low areas along the road ditch to the north into property owned by the United States Fish and Wildlife Service (USFWS). Manager Fjestad explained that because the water in this ditch drains to USFWS property, the Township wanted written confirmation from the BRRWD stating that they didn't need a permit from us to maintain their ditch to the original specifications.

Permit No. 18-051, City of Dilworth. Applicant proposes to install streets/utilities and a 100-year storm water pond for the East View 4th Addition, located east of 14th ST and south of 4th AVE NE in the W½SE¼, Section 1, Moorhead Township, Clay County. The development will consist of multi-family housing on the north side and commercial development on the south. The storm water pond will discharge south to the Trunk Highway (T.H.) No. 10 R/W where the land currently drains, eventually to Clay C.D. No. 50 to which it is assessed. Jones recommended permit approval.

Motion by Anderson to approve Permit Nos. 17-119, and 18-047 to 18-051, subject to the referenced standard disclaimers and conditions. **Seconded** by Fjestad. **Approved.**

220th ST Ditch Investigation. A landowner informational meeting has been scheduled for Thursday, June 28, 2018, at 8:00 AM in our Barnesville office to discuss the proposed ditch along 220th ST. The ditch would route water west in Sections 31, 32, 33, 34, and 35, Mitchell Township, Wilkin County, outletting to Whiskey Creek.

Scott McCaslin Wetland Concern. Albright and Jones are working on preparing the cross-section information and a timeline of the water elevations to review at the next Mediation Project Team (PT) meeting on 8/9/18 for an ongoing water problem on McCaslin's property in Section 14, Hamden Township, Becker County, associated with a 2011 USFWS proposed tile installation.

Don Tollerud Drainage Concern. Tollerud visited the office regarding a possible plugged or broken tile in Sections 16 and 21, Norwegian Grove Township, Otter Tail County, that is backing water into Sections 15 and 16. The BRRWD approved Permit No. 12-025 for a tile project where they tied a new tile line into the old existing clay tile. Tollerud believes the blockage is located where the tile lines were connected. Opsahl conducted a field review last week and confirmed that there is probably a plugged tile in this area. The Board reviewed Opsahl's photographs. Albright suggested that staff will attempt to work with the landowners to help them address their drainage problem.

Pearl View Estates. The Board briefly reviewed issues surrounding culverts installed by Larry Davis in 1995 for the development of Pearl View Estates subdivision in Section 27, Humboldt Township, Clay County, crossing Whisky Creek. Recently, two of the pipes washed out, and Humboldt Township applied for a permit to replace the existing 60" dia. culvert and two lines of 48" dia. pipe with two lines of 64" x 43" corrugated metal arch pipe (CMP-A) and one line of 77" x 52" CMP-A. Albright is working with the Township and noted that they will need to apply for a Minnesota Department of Natural Resources (DNR) permit to work in protected waters.

Wilkin/Otter Tail Judicial Ditch (J.D.) No. 2. The J.D. No. 2 Ditch Committee will meet on Thursday, July 12, at 11:00 AM, Battle Lake Room, Government Services Center, Fergus Falls. Managers Anderson, Fjestad, and Larson volunteered to serve on the joint committee with two appointees from Otter Tail County.

Albright noted that the outlet on Oscar Lake was just plugged with some debris, which was removed, and now the outlet is flowing again.

Jones reported that there are a few locations where the BRRWD will need to acquire some additional ditch R/W for the buffer, but most of the ditch has enough existing R/W. Albright noted that DNR investigated the ditch, and it appears that J.D. No. 2 will be on the impaired waters list.

Fjestad mentioned that there is a large beaver dam on the ditch near 100th AVE, one mile north of T.H. No. 210. The landowners asked if the BRRWD could assist with the beaver control.

Project No. 79, Wolverton Creek Restoration. Jones distributed tabulations from the bid opening this morning at the HEI office. The Engineer's estimate was \$2,180,510.

CONTRACTORS	TOTAL BASE BID
Sellin Brothers, Inc. Hawley, MN	\$1,813,440.40
Comstock Construction Fargo, ND	\$1,892,700.00
Gladen Construction, Inc. LaPorte, MN	\$2,441,697.75
R. J. Zavoral and Sons, Inc. East Grand Forks, MN	\$2,352,651.45

Jones recommended that the Board award the construction contract to Sellin Brothers, Inc., subject to completion of the Phase 1 temporary easement acquisitions. **Motion** by Anderson to award the construction contract to Sellin Brothers, Inc., subject to completing the temporary easement acquisition process. **Seconded** by Van Amburg. **Approved.**

Jones reported that LM Road Services LLC inspected the site and felt that they didn't have the right equipment for the vegetative control work along the Creek. Jones said that HEI is investigating possible helicopter spraying services to do the vegetation control.

Albright plans to contact the remaining landowners with questions about signing their temporary easement this week.

Project No. 78, Clay/Wilkin J.D. No. 1-Improvement. Albright noted that BRRWD Attorney Tami Norgard, Vogel Law Firm, has determined that the petition and bond are adequate to proceed with the partial improvement of J.D. No. 1. The Board previously authorized HEI to prepare the Preliminary Engineer's Report. Albright plans to schedule a meeting with the petitioners to discuss the project development process with Jones. The landowners asked that Manager Anderson attend.

Project No. 49, Oakport Flood Mitigation. Albright reported that a field meeting was held with Lynn Foss, Water Resource Management Technician, Clay Soil and Water Conservation District (SWCD), to review the Wetland Creation Site No. 7 on the north side of Wall ST. The wetland is not meeting the wetland establishment criteria in accordance with the Wetlands Conservation Act (WCA) primarily due to the lack of site hydrology. Albright explained the wetland mitigation process for the Oakport project included this site. Since this site isn't meeting the criteria, we might lose the wetland mitigation credits this site was expected to provide. Prairie Restorations, Inc., proposed a restoration plan: Mowing, vegetation spraying, and reseeded. The cost for this work is estimated to be \$15,000. Albright explained that previously, the understanding was that we would get 50% of the wetland credits from this site (3 acres). He's not sure if we are still going to get this amount, and we are now waiting for a response to a letter request regarding this issue. The neighboring property owner continues to mow the site, which impedes the wetland vegetation growth. HEI will stake the property line so it is clear to all parties where the project wetland site is located. Audubon may be able to share 50% of the cost to reseed the site. Albright noted that this work should be completed as soon as possible. **Motion** by Van Amburg to approve the restoration proposal as referenced, subject to 50% funding from Audubon Dakota and agency approval of the restoration proposal and the 50% wetland credit allowance. **Seconded** by Larson. **Approved.**

Project No. 21, Wilkin C.D. No. 13-Lateral. Albright briefly discussed the ditch benefit changes landowner Shawn Norman has requested, which will be reviewed at the ditch system hearing for Wilkin C.D. Nos. 44, 13, and 13-Lateral tomorrow night at 7:30 PM. Norman's surface drainage will remain in C.D. No. 44, but subsurface (tile) water will drain to C.D. Nos. 13 and 13-Lateral, eventually to the Manston Slough project. His assessment amount will stay the same, but the funds will be allotted to different systems. One downstream landowner is concerned about adding more water to the C.D. No. 13 system as the South Branch of the Buffalo River already breaks out and flows into this system.

BRRWD Rules. Albright reported current projects have taken precedence over his work on the Rules, but once the easement acquisition process has been completed for the Wolverton Creek project, he plans to refocus on completing the draft Rules for final review and adoption.

One Watershed, One Plan (1W1P). Albright noted that we are still waiting for the Minnesota Board of Water and Soil Resources (BWSR) to approve our 1W1P draft workplan, budget, and work schedule, and contract approval/grant allocation. The Board discussed the delay.

2015 Buffer Law. Jones submitted the easement acquisition paperwork for C.D. Nos. 65 and 51. Anderson noted that we need to address the weed infestation on the Wilkin County ditch systems where the R/W was staked/seeded last year. Jones is waiting for the Wilkin SWCD to complete the R/W maintenance. He noted that if they don't respond soon, we will hire a different vendor to take care of the mowing.

F-M Diversion. Albright submitted our comments on 6/11/18 regarding the scope of the Supplemental Environmental Impact Statement (SEIS) for the revised Diversion project Plan B, noting possible changes to our Rules that would affect the Diversion and our projects that could be impacted by the Diversion. He will revise our previous EIS comments and submit a letter to the DNR by the SEIS 7/06/18 comment deadline.

Clay C.D. No. 40 Bridge Removal. Jones submitted his recommendations to remove a deteriorated bridge crossing in Section 27, Kurtz Township. The work would include removing the bridge, reshaping the channel in the bridge location, and seeding the site. The estimated cost is \$2,000. **Motion** by Hanson to approve the bridge removal. **Seconded** by Fjestad. **Approved.**

Project No. 56, Manston Slough Restoration. Albright reported that last week, he met with the DNR to check on the fish barrier. There are newer designs that might function better. DNR could have some funding available to contribute to an upgrade. He noted that following last week's heavy rainfall, the office received phone calls from landowners with concerns about the project's operation.

Becker Soil Health Event. The Becker SWCD has partnered with the Sustainable Farming Association to hold their annual soil health event on Wednesday, August 29, 2018, at the Lake Park American Legion, starting in the morning with a classroom session, followed by lunch and an afternoon session on the Schauer Farm. Peter Mead, Becker SWCD District Administrator, sent a contribution request to the BRRWD to help sponsor their event. **Motion** by Van Amburg to contribute \$200 to the event. Leitch referenced a magazine article regarding soil health and noted that he was in favor of promoting healthy soil practices. **Seconded** by Affield. **Approved.**

Wilkin C.D. No. 29 Buffer. Albright received a report that a landowner in Roberts Township sprayed the bufferstrip and ditch vegetation. HEI staff conducted an investigation and noted that there had been some unintentional "drift" when the landowner was spraying his crop. Albright thought the vegetation will probably recover.

Project No. 71, City of Moorhead 50th AVE. The Federal Emergency Management Agency (FEMA) is asking for additional data by August 13, 2018, regarding the property owners notification process in association with our Letter of Map Revision (LOMR) request. HEI is preparing the response.

Clay C.D. No. 23 Repair. Albright noted that at the 6/11/18 meeting, Peter Waller, BWSR, suggested that the BRRWD contact the Clay SWCD regarding cost share funds for the C.D. No. 23 outlet stabilization repair that the Board approved. Jones noted that the SWCD indicated they could contribute \$5,000 to the project. The Board would have to authorize signature of the Percent Based Conservation Practices Assistance contract to receive that funding. **Motion** by Anderson to authorize signature of the referenced contract. **Seconded** by Fjestad. **Approved.**

Glyndon Waterway. Jones presented the results of the preliminary survey and drone flight that the Board authorized for the waterway passing through Sections 1, 2, and 12, Glyndon Township, Section 7, Riverton Township, and Section 35, Moland Township, Clay County. Jones noted several pipes that are not set on grade and beaver dams that are blocking drainage. He didn't think the entire 3.5 mile stretch of the channel would need to be cleaned, but there are a few spots that need work with the maximum cut being approximately 2.5' north of T.H. No. 10. This information will also be discussed at the 8/9/18 PT meeting. Since this waterway is protected waters, a DNR permit would be required for a project. Albright noted that another landowner informational meeting could be scheduled this fall to discuss a possible project. The survey information was also forwarded to the City of Glyndon.

Chair Leitch noted that the last four discussion items were not on the agenda, and he asked that in the future, staff try not to add items to the meeting that are not listed on the publicly distributed meeting agenda.

Comments/Announcements.

Manager Fjestad discussed the Minnesota Association of Watershed Districts (MAWD) Summer Tour. He also attended the MAWD Board of Directors meeting held in conjunction with the Tour.

Manager Van Amburg suggested that the Board could consider partnering with the local SWCDs on a potential soil health project in conjunction with the 1W1P. Leitch suggested that Van Amburg should develop a project concept. Van Amburg thought that BWSR might consider funding a soil health initiative. Fjestad noted that Otter Tail SWCD is already working with local farmers to implement soil health projects.

Manager Hanson commented on the "road salt" presentation at the MAWD Tour.

Chair Leitch reported on a workshop he participated in last week in Bismarck to demonstrate a simplified cost/benefit model.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Becker SWCD	Soil Health Day Sponsorship	M.S.A. 103D.905, Sub 3	\$ 200.00
Bruce E. Albright	MAWD tour lodging (3) nights	Admin.	\$ 399.45
Chris Hoppe Lawn Care Service	May Mowing (4)	Admin.	\$ 536.88
Hoppe Family Rev. Living Trust	Easement Option Payment	Pj. 79, Wolverton Crk.	\$ 783.00
Joel Carlson, Inc.	July Lobbyist Fees	Admin.	\$ 850.00
Julie K. Korte	Easement Option Payment	Pj. 79, Wolverton Crk.	\$ 2,543.00
Liberty Business Systems	#335032, Contact coverage 3/22-6/21/18	Admin.	\$ 204.44
Michael J. & Peggy E. Mastin	Easement Option Payment	Pj. 79, Wolverton Crk.	\$ 100.00
Michael W. & Sara B. Aigner	Easement Option Payment	Pj. 79, Wolverton Crk.	\$ 826.00
Moorhead Public Service	05/02/18-06/04/18 Service (4)	Pj. 49, Oakport	\$ 162.73
Ulteig Engineers	#74621, Phase 4 thru 5/31/18	Pj. 49, Oakport	\$ 1,283.29
Vogel Law Firm	#216861, May Billing	Pj. 39, Georgetown	\$ 823.50
Wahpeton Daily News	#141518, Norman Hearing Notice	Varies	\$ 1,434.84
Wm. Nichol Excavating	#261, Dike Seeding	Pj. 02, Wilkin C.D. 13	\$ 1,250.00
Wm. Nichol Excavating	#262, Spoil leveling	Pj. 01, Wilkin C.D. 22	\$ 912.00
			\$ 12,309.13

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

Next Meeting. The next regular meeting will be held on Monday, July 9, 2018, at 7:00 PM in our Barnesville office.

Adjournment. **Motion** by Van Amburg to adjourn the meeting. **Seconded** by Fjestad. **Approved.** Chair Leitch adjourned the meeting at 8:55 PM.

Respectfully submitted,

John E. Hanson, Secretary