

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

October 28, 2019

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, October 28, 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, and Catherine L. Affield. BRRWD staff attending included: Bruce E. Albright, Administrator, Kathleen K. Fenger, Assistant Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending included Rob Sip, Executive Director, Red River Watershed Management Board (RRWMB), Jenny Mongeau, Clay County Commissioner, Stephen Hanson, Associate, Ohnstad Twitchell, and landowners Don Nelson, James Giedt, and Jim Haick.

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 repair reports for Wilkin County Ditch (C.D.) Nos. 44 and 6A. Leitch also wanted to add a review of the desk monitor upgrade proposal from NetCenter Technologies. With those additions, the agenda was adopted.

Secretary's Report. The Board reviewed draft minutes for the 10/15/19 regular meeting. Manager Affield noted one minor correction. **Motion** by Affield to approve the minutes, subject to correction. **Seconded** by Fjestad. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$2,794,627.77. Income since the 10/15/19 meeting totals \$39,005, including \$39,000 from the Natural Resources Conservation Service (NRCS) National Water Quality Initiative (NWQI) Phase 1 funding for the Whiskey Creek Enhancement project in Wilkin County. Total income this year is \$4,545,206.32.

Citizens to Be Heard.

Jim Haick Drainage Concern. Jim Haick discussed his ongoing concerns about water backing up onto his property in Section 4, Manston Township, Wilkin County, from Mark Yaggie's tile outlet, located on the north line of Section 4. Using the overhead monitor, Jones displayed the location of the tile outlet and drainage route. The tile water outlets into the south ditch of 160th ST and flows west to the east ditch of Trunk Highway (T.H.) No. 9, then south for approximately 1,000' to a centerline culvert where it crosses over to the west side of T.H. No. 9. Once in the west ditch, the water flows south, eventually entering the South Branch of the Buffalo River, just north of County Road (C.R.) No. 182. Haick explained that the tile water is backing up onto his property along T.H. No. 9 because the ditches are full of vegetation and need to be cleaned. He asked if the BRRWD could contact Yaggie to have the tile pump shut off until the downstream drainage issues are addressed. Jones noted that HEI already has the T.H. No. 9 ditch profile/survey information from an earlier area investigation. Albright suggested that staff could contact the Minnesota Department of Transportation (MNDOT) and the Yaggie family to coordinate cleaning the T.H. No. 9 ditches to provide an adequate outlet for Yaggie's tile project.

Haick also mentioned Dave Yaggie's tile outlet in the south corner of Section 3 into C.D. No. 44/South Branch of the Buffalo River that can also impact his property in Section 4. Yaggie did turn off his tile pump during the recent high water event, but Haick thinks area drainage could be improved if the beavers were removed.

James Giedt Drainage Concern. James Giedt discussed his ongoing concerns about wet conditions on his property in Section 2, Riverton Township, Clay County. He claims that the Aggregate Industries gravel pit in Section 1, Riverton Township, is seeping and discharging water onto downstream property. Most recently, Giedt has complained about erosion problems on the waterway crossing his property. Albright gave a brief history of Giedt's concerns about the area gravel mining operations, starting over 30 years ago. He explained that there is a natural waterway on Giedt's property that periodically becomes blocked by beaver dams, causing water to breakout onto his hayland. Aggregate has a permit to discharge water from the Minnesota Pollution Control Agency (MPCA). Giedt has questioned MPCA's permitting process regarding outlet adequacy. Albright suggested that a group of agency personnel meet with Giedt in the near future to consider options to address his concerns.

RRWMB Activities Update. Rob Sip, Executive Director, RRWMB, gave a presentation about RRWMB activities. He distributed and discussed their 2018 Annual Report, 2020 Operating and Project Budget, and Progress Indicators handout. The RRWMB is also working on their very first Strategic Plan with a goal to have it operational by the end of December. They are also working on a funding strategy that would complement the Strategic Plan and the Governing Documents and Bylaws. Sip reported on cost-saving practices the RRWMB is implementing. He added that part of their Strategic Plan is focusing on membership. He noted that he and a few RRWMB Board members will probably be back early next year to visit with the BRRWD about rejoining the RRWMB.

Albright mentioned the retirement of Kent Lokkesmoe, Director of Capital Investment, Minnesota Department of Natural Resources (DNR), who was an advocate for the Red River Basin and supported State funding for our projects and programs. Sip hadn't heard anything about Lokkesmoe's replacement. Van Amburg asked if the RRWMB has a bonding plan ready to present for 2020. Sip said that their Legislative Committee has been meeting to develop RRWMB priorities for the 2020 bonding and policy issues. The group had an extended discussion regarding Lokkesmoe's replacement, State project funding, and the 2020 bonding bill. The BRRWD has been seeking flood damage reduction (fdr) funds for the Stony Creek Water Resource Management project.

Other Business brought before the Board included:

F-M Diversion Authority (DA) Revised Project.

- Leitch reported that the BRRWD Attorneys didn't have anything new regarding the DA's permit appeal lawsuit.
- The Minnesota Land Committee will meet on Thursday, October 31, 2019. Leitch noted that the Holy Cross Township easement needed for our Wolverton Creek Restoration project will be discussed at that time. Commissioner Mongeau mentioned that the Land Management Committee will be meeting on Wednesday, October 30, 2019, at 3:00 PM. She stressed that it would be important for the BRRWD to have someone attend the meeting. Jones suggested that the temporary easement and option payment for the DA's property could be approved at tonight's meeting so that the easement acquisition process could move forward if the Land Committee approves it before the next Board meeting. **Motion** by Van Amburg to approve the referenced easement payment for approximately \$2,500. **Seconded** by Fjestad. **Approved.**

The Board discussed The *Forum* news article about the BRRWD's 2020 general tax levies. According to Minnesota Statutes Annotated 103D.905, Sub. 3, the BRRWD has the authority to levy an *ad valorem* district-wide tax, based on a percentage of the District's total estimated market value, initiated by petition from a political subdivision within the District to pay for projects and programs of "common benefit" to the Watershed District. For the past several years, Clay County has approved the required petitions, but this year, the Commissioners cited the BRRWD's denial of the Fargo-Moorhead DA's permit and the Board's

contest of the DNR Diversion permit as reasons to deny their support. They are also concerned that the number of BRRWD Manager positions for Clay County isn't in proportion to Clay County's share of total BRRWD annual tax revenue (approximately 70%). Following Clay County's decision, Managers and Staff attended the 10/15/19 Wilkin County Board of Commissioners' meeting, where the County Board unanimously approved the BRRWD's 2020 petitions. The *Forum* article implied that the Wilkin County Commissioners assessed only Clay County taxpayers for the general levies. The facts are that the general levies are assessed to all properties located within the Watershed District boundaries in Becker, Wilkin, Otter Tail, and Clay Counties. The Managers were disappointed that the news story has caused public concern. Leitch and Van Amburg will contact the *Forum* reporter to discuss the issues. Commissioner Mongeau suggested that a meeting should be arranged for the BRRWD, the City of Moorhead, and the Clay County Commissioners to find common ground regarding the Diversion issue.

Permit No. 19-125, Tom Cook. Applicant proposes to install a 24" dia. x 40' long culvert in a permanent field approach in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Elmwood Township, Clay County. Jones recommended permit approval, subject to township approval to work within their road right-of-way (R/W). **Motion** by Fjestad to approve Permit No. 19-125, subject to the referenced condition. **Seconded** by Affield. **Approved.**

Miscellaneous Investigations/Complaints/Violations.

- **Agassiz Valley Elevator, Section 13, Barnesville Township, Clay County.** This summer, representatives from Barnesville Township contacted the BRRWD regarding a culvert in the Otter Tail Valley (OTV) railroad grade and a ditch that needed to be cleaned in the railroad R/W west of the elevator site in Section 13, Barnesville Township, Clay County, along 140th ST S. There also doesn't appear to be any culverts in the existing field approaches along this road. OTV recently cleaned out their culvert, but now there are drainage problems downstream of the OTV property. Jones recommended that the Board authorize a survey of the ditches on both sides of 140th ST S to determine the best location for the installation of a culvert(s) to move water north and west from the elevator site, eventually outletting to Stony Creek. **Motion** by Van Amburg to authorize HEI to conduct the recommended survey. **Seconded** by Hanson. **Approved.**
- **Galaxie Driveway Culvert, Section 28, Humboldt Township, Clay County.** Albright explained that Alan Lenz, who owns the homestead on the north side of T.H. No. 34 across from the Galaxie Supper Club, sent a letter refusing to sign a cost-share agreement with MNDOT, Humboldt Township, Ace Greg (who now owns the Galaxie), and the BRRWD. The estimated cost to lower the culvert is \$6,156, assuming it can be salvaged. Ace Greg hasn't returned his signed copy of the agreement either. Albright suggested that he will contact Lenz one more time to be sure he understands that this cost-share agreement represents the BRRWD's best attempt to address his concerns. Another alternative would be to contact the other four entities to see if they would be willing to assume Lenz's share of the costs.

Project No. 29, Buffalo River Log Jams. Brian Thomas, Kragnes Township Supervisor, called last week about a log jam on a texas crossing over the Buffalo River in the SW $\frac{1}{4}$, Section 10, Kragnes Township, Clay County. Thomas hired FM Excavating to remove the jam for a fee of \$200 and asked if the BRRWD would consider paying the bill. **Motion** by Fjestad to pay the log jam removal costs, as referenced. **Seconded** by Van Amburg. **Approved.**

Project No. 48, Clay C.D. No. 59 Repair. Ronnie Tang filed a repair request to clean 1 mile of C.D. No. 59 in Section 25, Kragnes Township, Clay County. Jones explained that the ditch has about 6"-12" of sediment. The cost estimate for the repair is approximately \$8,500. **Motion** by Van Amburg to approve the referenced repair. **Seconded** by Affield. **Approved.**

Project No. 61, Clay C.D. No. 11N Repair Request. Jones reported on the survey HEI completed for a 2 mile stretch of C.D. No. 11N from the Red River to 28th ST S. He proposed to remove sediment in the first 0.5 miles from the outlet structure and then some limited cleaning in the next 0.5 miles to 8th ST S. The cost estimate is approximately \$10,000. **Motion** by Hanson to approve the proposed repair. **Seconded** by Fjestad. **Approved.**

Commissioner Mongeau noted that landowners have contacted her about poor drainage in Sections 33 and 34, Kurtz Township, on C.D. No. 11N. Jones discussed a structure inventory HEI conducted in this stretch of the ditch east from the railroad tracks. The culverts at 28th ST S and 40th ST S along C.R. No. 8 are separating and failing. He suggested that the BRRWD conduct a hydraulics investigation and then work with the County Highway Department to replace these structures. Because of the size and capacity of the old structures, the cost of the new culverts could be covered by State bridge replacement funding. **Motion** by Fjestad to authorize HEI to conduct a hydraulic study for the referenced structures. **Seconded** by Affield. **Approved.**

Project No. 79, Wolverton Creek Restoration. Jones forwarded repair plans for the Gruenberg waterway to the Wilkin County Soil and Water Conservation District (SWCD) for their approval related to the Wetlands Conservation Act (WCA). Given the wet fall conditions, this project will probably be completed in 2020. Jones added that he investigated the site's watershed and found that the drainage splits with another waterway that feeds into this same area, which added another 170 acres to the total drainage area. Once we have a quote for the waterway repair, the costs could be split based on a per parcel contribution to the watershed.

Clay C.D. No. 36 Repair Investigation. After the 9/3/19 landowner informational meeting, HEI conducted a field review to review the potential replacement of the railroad structure on the quarterline of Section 9, Holy Cross Township, and found about 2' of water standing in it. Given that information, HEI completed a repair survey for C.D. No. 36 to identify the amount of sediment in the channel upstream and downstream of the railroad tracks. The survey began at the intersection of 130th AVE S and 29th ST S, Section 9, Holy Cross Township, and ended where the ditch outlets to Wolverton Creek in Section 8. Jones reported that most of the ditch has sediment build up with centerline sediment depths ranging from 0.5' to 2.5', and he recommended cleaning the channel. The opinion of probable cost for 1.5 mile ditch repair is \$15,000 to \$20,000. Jones also discussed a possible ditch improvement. He noted that BNSF has no plans to replace the existing railroad structure but would be open to the BRRWD going through their process to get permission to bore a culvert through the tracks if the landowners petition for a ditch improvement. Albright thought that given the current wet fall conditions, no repair work would be completed this year. He suggested the BRRWD could gather information about both a repair or an improvement project and then schedule another informational meeting this winter to present options to the landowners. Albright plans to meet with area landowner James Nelson, who is familiar with the City of Rustad drainage issues.

Project No. 24, Wilkin C.D. No. 44 Repair Request. A landowner filed a repair request for C.D. No. 44 in Sections 10 and 11, Manston Township. Beaver dams have caused sedimentation throughout approximately 0.5 miles of the ditch, causing water to back up on some low hayland. There is also a damaged 18" dia. flapgate that should be replaced. Jones recommended cleaning the ditch to the original grade and replacing the damaged flapgate. The estimate of probable cost is approximately \$5,500. **Motion** by Van Amburg to authorize the repair. **Seconded** by Hanson. Jim Haick asked if the repair could accelerate water flows into the South Branch of the Buffalo River. Jones explained that the work would only remove built up sediment and beaver dams in the ditch channel. Haick didn't have a problem with beaver dam removal, but he objected to cleaning the channel if it meant more water flowing faster downstream into the South Branch. He said he couldn't handle any more water flowing onto his downstream property. He thought the Board should put this repair on hold until the South Branch restoration project is completed. Jones noted that plans are to remove the beaver dams from the South Branch on the west side of T.H. No. 9, which should improve drainage for Haick. Haick asked about an estimated timeline for the South Branch restoration. Jones explained that the BRRWD is hoping to let bids for the Phase 1 work east of T.H. No. 9 this winter. The

Prairie Chicken Society is working with the Rogelstad Family to get the appraisal done for their property in the NW¼, Section 10, Manston Township, with the hope of a closing in December/January. There could be funding available from the Prairie Chicken Society for the restoration project if they were in possession of the Rogelstad land. The land could also be used to create a Wildlife Management Area (WMA). The Board could also take a temporary easement across the Rogelstad property to do the restoration work on the channel. Jones explained that if the Rogelstad property were developed as a WMA, part of C.D. No. 44 would be abandoned, creating slower flows through the South Branch. Jones pointed out that the biggest problem in Section 10 is the beaver dams on the South Branch, but because of the dams, there is a certain amount of sediment that has accumulated. He thought that if we have an excavator in to remove the dams, it only makes sense to remove the sediment build-up at the same time. Leitch noted that given Haick's concerns, we should be sensitive not to make the downstream flooding any worse from the proposed repair. **Approved**, subject to downstream landowner concerns.

Wilkin C.D. No. 6A. At the 8/12/19 meeting, the Board authorized the Wilkin County Highway Department to replace two culverts through the west spoilbank of C.D. No. 6A in Section 28, Tanberg Township, subject to the Ouse family approval. Several years ago, the Highway Department determined that the southern leg of the north-south stretch of C.D. No. 6A in Sections 28 and 33, Tanberg Township, wasn't working because the area water flows naturally to the west, not south. To make the ditch system drain, they installed two culverts through the west spoilbank in Section 28 and directed the water west and south into a natural waterway across the Ouse property, crossing C.R. No. 26, and eventually back to C.D. No. 6A in Section 33. Recently, Jones contacted the Ouse family regarding the proposed culvert replacements in the spoilbank crossing, which they use for field access. Steve Ouse indicated that they had no problem with the work. In addition, Ouse noted that north of C.R. No. 26, they have a texas crossing over C.D. No. 6A, consisting of two 48" dia. deteriorating concrete pipes. Jones reviewed the concern and recommended the replacement of the two culverts with a new ditch crossing with one line of 24" dia. x 30' long corrugated metal pipe (CMP). The Highway Department will be replacing the spoilbank culverts, and Jones suggested that they could replace the texas crossing pipes at the same time, as a ditch system expense. **Motion** by Fjestad to approve the proposed cattle crossing culvert replacements for approximately \$1,000, as a ditch system expense. **Seconded** by Affield. **Approved.**

The following bills were presented for approval:

| Accounts Payable | Description | Account | Amount |
|----------------------------|------------------------------------|--------------------------|---------------------|
| American Enterprises, Inc. | #1893, Beaver Control | Becker C.D. No. 15 | \$ 1,600.00 |
| Chris Hoppe Lawn Care | September Mowing (5) | Admin. | \$ 625.00 |
| Chris Hoppe Lawn Care | Fall Fertilizer Application | Admin. | \$ 190.00 |
| City of Barnesville | #10039602, October Phone/Utilities | Admin. | \$ 700.17 |
| JBX LLC | #998, Ditch Cleanout | Pj. 27, Clay C.D. No. 55 | \$ 31,290.00 |
| Joel Carlson, Inc. | November Lobbyist Fees | Admin. | \$ 850.00 |
| Pitney Bowes | 3103487692, Postage meter rent | Admin. | \$ 129.00 |
| RMB Environmental Labs. | #482827, WQ Analysis | M.S.A. 103D.905, Sub. 3 | \$ 26.00 |
| Vogel Law Firm | #243719, September Billing | COE | \$ 1,267.50 |
| | | | \$ 36,677.67 |

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

HEI 2020 Contract. Leitch pointed out that the BRRWD Bylaws call for the solicitation of Requests for Proposals (RFPs) for legal and consulting engineering services before retaining the services of an attorney or consultant, or before extending an annual services agreement, every two years and each even year, beginning in 2020. He directed the staff to advertise for RFPs to solicit for the services. Albright will work with the office staff to submit a notice to the local newspapers.

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. The deadline to submit applications is 12/3/19. Albright and Jones will work with the NRCS staff to explore this potential funding source and then bring back a recommendation to the Board regarding a potential application for the 11/12/19 meeting.

AV Update. The Board reviewed the NetCenter Technologies proposal for monitors on the Boardroom desk. The total estimate for 6 monitors, equipment, and labor is approximately \$5,500. The NetCenter salesman advised the staff that the current VGA system is outdated, and we should consider a complete future upgrade. The Board discussed a few other options for the staff to review with NetCenter. Albright said staff will try to have a recommendation ready for the Board's review at the 11/12/19 meeting.

Comments and Announcements. Van Amburg gave a brief report about the Minnesota Water Resources Conference he recently attended. He encouraged the other Managers to consider attending next year.

Albright noted that Fenger attended the Clay County 4-H 2019 Awards program on 10/20/19 in Hawley where the BRRWD was presented with a "Friend of 4-H" Award for hosting the Barnesville Lego League Team for the past three years.

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

Next Meeting. The next regular BRRWD meeting will be held on Tuesday, November 12, 2019, at 7:00 PM in our Barnesville office. The meeting date was changed in observance of the Veterans' Day Holiday.

Adjournment. President Leitch adjourned the meeting at 8:55 PM.

Respectfully submitted,

John E. Hanson, Secretary