

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

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## MINUTES FOR MANAGERS' MEETING January 22, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, January 22, 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, and Troy E. Larson. Others attending included: Erik S. Jones, Engineer, and Wade S. Opsahl, Technician, Houston Engineering, Inc. (HEI); Bruce E. Albright, BRRWD Administrator, was absent.

Chair Leitch called the meeting to order at 7:03 PM and noted that the proceedings were being video recorded.

**Secretary's Report.** The Board reviewed draft minutes for the 1/08/18 regular Board meeting. **Motion** by Anderson to approve the minutes. **Seconded** by Larson. **Approved.** They also reviewed the 9/26/17 Wilkin County Ditch (C.D.) Nos. 40, 41, 42, 43, and 44 hearing minutes. **Motion** by Anderson to approve the minutes. **Seconded** by Hanson. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's financial status. Cash on hand is \$2,093,845.94. Income since the 1/08/18 meeting was \$74,742.24, primarily from Becker (\$3,651.91) and Wilkin (\$12,206.57) Counties for 2017 delinquent property/ditch taxes, Wilkin County for 2015 Buffer Initiative Aid (\$33,283) and C.D. No. 3 seeding and driveway reimbursement (\$16,891.55), and the Red River Watershed Management Board (RRWMB) for Mediation Project Team (PT) expenses (\$8,709.21). Total 2018 income to date is \$74,968.25.

### **Other business brought before the Board included:**

**Permit No. 18-001, Charles Peterson.** Applicant proposes to lower a field approach culvert in the southwest corner of the NW¼, Section 21, Spring Prairie Township, Clay County, by about 6"-10" to drain water south along the Trunk Highway (T.H.) No. 9 east ditch. Jones noted that water in this area drains naturally north to Clay C.D. No. 3 and is not currently assessed to drain south to C.D. No. 2. Peterson would have to petition into the C.D. No. 2 benefit area before draining south. Peterson will also need to work with the Minnesota Department of Transportation (MNDOT) to drain water into the T.H. No. 9 road ditch. Jones has advised Peterson about both issues. **Action Postponed.**

**Permit No. 17-119, Robert Yaggie.** The Board still plans to meet with all the affected parties this winter to work out the details of the agreement regarding the Yaggie tiling project and ditch cleanout. Albright plans to contact the Yaggies with a summary of the recent discussions regarding their project.

**Project No. 79, Wolverton Creek Restoration.** Jones reported that after the last Board meeting, Albright and Jones met with Supervisor Ross Aigner, Resource Specialist Craig Lingen, and District Manager Don Bajumpaa, Wilkin Soil and Water Conservation District (SWCD), to review the project easement acquisition process. Jones explained that the process requires that we follow a sequence of steps to maximize potential funding from the Conservation Reserve Enhancement Program (CREP) and the BRRWD. Lingen plans to contact approximately 12 landowners along Wolverton Creek with Conservation Reserve Program (CRP) acreage. Easement acquisitions on current CRP land are not eligible for CREP funding. Lingen will provide Jones with data that shows where potential CREP easements and BRRWD easements can be located this week. Jones noted that we might use Reinvest In Minnesota (RIM) rates for easement acquisition, instead of a formal appraisal process on each parcel. We will need to get approval from the Minnesota Department of

Natural Resources (DNR) and the Lessard-Sams Outdoor Heritage Council (LSOHC) to use these rates. To date, Jones has not received a definitive answer from the agencies. The group had a brief discussion on the LSOHC easement acquisition guidelines. Once HEI has the "shape files" from Lingen, they will assemble easement exhibits, showing the temporary easement areas, the CREP/non-CREP (BRRWD) perpetual easement areas. Using this information, Lingen will set up meetings with the landowners to start the easement acquisition process. The BRRWD will pay an initial temporary easement fee (\$250/acre/construction year) and follow up at the end of construction with the final easement payments. Van Amburg noted that the standard RIM minimum acreage limits have been modified for projects that are part of the Buffer Initiative effort.

Manager Leitch asked if the staff reviewed Dr. Taff's report. Jones plans to contact Dr. Taff regarding possible adjustments to his easement value calculator.

**Project No. 78, Clay/Wilkin Judicial Ditch (J.D.) No. 1 Diversion.** A meeting was held with the petitioners on 1/17/18 to discuss possible alterations to their petition for a J.D. No. 1 diversion on the Clay/Wilkin County line. Manager Anderson noted that the petitioners had some concerns with the proposed diversion: project costs and channel depths. At the meeting, the petitioners agreed to consider improving about three miles of J.D. No. 1 upstream of the Wolverton Creek outlet instead of the diversion. The existing culverts could be reused by lowering them to get more separation between the field level and the ditch bottom. This would create better drainage at the outlet and improve drainage at the county line, allowing the culverts to be fully utilized during a 50-year event. On the outlet end (west), the ditch bottom would drop about 3.5' with a continuous 0.4% grade upstream. Water from J.D. No. 1 should enter Wolverton Creek ahead of the water from the upstream watershed. Jones noted that while the project cost is still about \$1.8 million, the project benefits are much greater. The petitioners will submit a revised petition for the ditch improvement, so that they will be able to roll over the current project development costs and bonding into the alternative project.

**Project No. 49, Oakport Flood Mitigation.** The Board briefly discussed the status of the Larson-Kopperud lawsuit.

**BWSR Drainage Records Modernization (DRM) Grants.** The Board was successful in obtaining a Minnesota Board of Water and Soil Resources (BWSR) FY 2018 DRM grant. The grant (\$50,000) will be used to upload our ditch systems records to an online system to make them more accessible. Jones prepared the grant contract for the Board's signature. **Motion** by Hanson to authorize Chair Leitch to sign the contract on behalf of the BRRWD. **Seconded** by Van Amburg. **Approved.** Jones noted that BWSR has a "geo database" template to ensure that the data is submitted in a uniform format throughout the state. When he forwards the signed grant agreement to BWSR, they will provide HEI with the template.

**2015 Buffer Law.** Jones reported to the Board that HEI has been working on damages statements for the ditch systems where we will be establishing buffers this year. Under Minnesota Statutes Annotated (M.S.A.) 103E.021, Incremental Buffer Establishment, the Board can act as Viewers to set the damages rates, or they can hire Viewers to do the work. The Board reviewed easement values the BRRWD used for the Wilkin County ditch repairs, which were based on the County's assessed land values. For any land above the crown of the ditch slope, we used the full county assessed value, and for land located below the crown of the ditch that is not within the current ditch right-of-way (R/W), the value was 10% of the assessed value. Jones suggested that the Board continue to use this method to determine the easement acquisition rates. He added that by acquiring the easements in this manner, we can clean up the ditch system R/Ws now and simplify the process for future maintenance or improvement projects. The Board discussed the proposal and agreed to use the County assessed values for R/W acquisition. **Motion** by Anderson for the Board to act as Viewers for the buffer acquisition process by setting the easement value rates as referenced. **Seconded** by Hanson. **Approved.**

The Board briefly discussed a landowner appeal that was filed regarding the repairs for Wilkin C.D. No. 44.

**220<sup>th</sup> ST Ditch Investigation.** Jones reported that the updated factsheet should be ready to send to the Legislators tomorrow. The sheet will include the proposed extension to the east. Tom Paulson recently met with State Senator Torrey Wenstrom and Representative Jeff Backer regarding the proposed project. They indicated that they might be able to find some State funding for the project and asked for more information. At their 12/11/17 meeting, the Board authorized HEI to prepare a one-page factsheet regarding the proposed project for the Legislators.

**Assistant Administrator.** Van Amburg gave a brief report on the Hiring Committee's 1/17/18 meeting. On behalf of the Hiring Committee, Manager Affield has scheduled a meeting on 2/2/18 at 2:00 PM with HEI President/CEO Jeff LeDoux to discuss the overhead costs of our current staff. The Hiring Committee members are Affield, Van Amburg, and Leitch.

**Bufferstrip Enforcement.** Jones had a conference call with BWSR regarding future bufferstrip enforcement/compliance. The Board will need to incorporate buffer enforcement into our Rules. Jones had proposed that the Board could use existing Ditch Law, but BWSR wanted the BRRWD to have more options for compliance. Jones added Administrative Penalty Order (APO) language to the draft Rules to address buffer violations/noncompliance. He plans to give Albright a chance to review the changes, and then he'll forward a final draft to BWSR for review. Jones doesn't expect the BRRWD will need to use the APO language because once the bufferstrip installations and easement acquisitions are completed, there shouldn't be noncompliance violations, and all enforcement issues can be handled in accordance with Minnesota Drainage Law.

**FM Diversion.** Manager Anderson noted that the Governor's Task Force has completed their work. Each member provided comments. The taskforce's report will be forwarded to the Diversion Authority, who will prepare a revised permit application for DNR's review.

**BRRWD By-Laws.** Manager Leitch asked Van Amburg to go over the current By-Laws and bring any potential changes to the Board for their review. He'd like to get the By-Laws revised as soon as possible.

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

Accounts Payable	Description	Account	Amount
DM Enterprises, Inc.	Culverts & Flap gates	Varies	\$ 5,128.10
FAO, USAED, St. Paul, B6	Cost Share - 1135 Feasibility Study	Otter Tail River	\$ 10,000.00
Gary Haugrud	Buffer Incentive	Upper S. Branch	\$ 1,030.50
Interstate Engineering	#33345, Ditch R/W Survey	Wilkin C.D. No. 15	\$ 5,320.72
Joel Carlson, Inc.	February Lobbyist Fees	Admin.	\$ 850.00
Mark T. Anderson	Voucher #17-37, 11/01/17-12/31/17	Admin.	\$ 255.94
Moorhead Public Service	12/4/17-1/3/18 Service (4)	Pj. 49, Oakport	\$ 150.99
Office of the Secretary of State	Notary Commission App. - Kathy	Admin.	\$ 120.00
Quill Corporation	Office Supplies	Admin.	\$ 90.17
Steven J. Taff	Compensation 9/1/17-1/8/18	Admin.	\$ 6,488.00
Steven J. Taff	Reimbursement 9/1/17-1/8/18	Admin.	\$ 744.00
			\$ <b>30,178.42</b>

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

**One Watershed, One Plan (1W1P).** The Memorandum of Agreement (MOA) for the 1W1P effort has been prepared and is being circulated among the four County SWCDs for signature. The BRRWD hopes to have all agencies sign the MOA by the end of February, so that it can be submitted to BWSR, who will then release funds to start the planning process. **Motion** by Van Amburg to authorize signature of the 1W1P MOA. **Seconded** by Anderson. **Approved.**

**City of Moorhead 20<sup>th</sup> ST Railroad Underpass.** Jones discussed the proposed underpass project permit application. He is working with the City and their engineer to review drainage details for the project.

**Performance Review and Assistance Program (PRAP).** The Board watched a couple of training videos that BWSR provided regarding the Data Practices and Open Meeting Law. The videos are designed to provide Watershed Boards with free training on these topics to meet the Level II PRAP performance standard for "Board Training".

**Next Meeting.** The next regular meeting will be held on Monday, February 12, 2018, at 7:00 PM in our Barnesville office.

**Adjournment.** Chair Leitch adjourned the meeting at 8:11 PM.

Respectfully submitted,

John E. Hanson, Secretary