BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING September 25, 2017

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, September 25, 2017, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Jay A. Leitch, Mark T. Anderson, Catherine L. Affield, John E. Hanson, Troy E. Larson, and Peter V. Fjestad. Others attending included: Erik S. Jones, Engineer, and Bruce E. Albright, BRRWD Administrator, Houston Engineering, Inc. (HEI).

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

<u>Secretary's Report.</u> The Board reviewed draft minutes for the 9/11/17 regular meeting. <u>Motion</u> by Anderson to approve the minutes. <u>Seconded</u> by Leitch. <u>Approved.</u>

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$2,038,376.58. Income since the 9/11/17 meeting is \$2,628.86 from the State of Minnesota for the final Federal Emergency Management Agency (FEMA) 2011 Spring Flood (\$2,021.56) payment and Otter Tail County for 1st half delinquent real property and ditch/projects tax payments (\$407.30). Total 2017 income is \$2,522,992.74.

Other business brought before the Board included:

Permit No. 17-056, Richard Anderson/Dilworth Serenity Manor. This application for a proposed facility expansion to the south of the Serenity Manor's current location in Dilworth over Clay County Ditch (C.D.) No. 50 was pending Board approval until we received the final project plans. Jones noted that after reviewing the plans, he found that the proposed bridge elevation was above the 100 and 500-year floodplain requirements. Albright explained that the BRRWD is working with Serenity Manor to develop an encroachment agreement for work on the ditch right-of-way (R/W). Jones recommended approval.

Permit No. 17-058, Tim Deal. The Board postponed action on this application to install 317 acres of pattern tiling in the S¹/₂, Section 4, Meadows Township, Wilkin County, outletting in the southwest corner of the section via a lift station to the south ditch of 230th ST, then west and south for approximately three miles to Wilkin County C.D. No. 6A to which the land is assessed. Jones was concerned about the adequacy of the road ditch outlet and recommended postponing action of the permit, pending downstream landowner notification and verification of the outlet's adequacy. Albright discussed the project with one of the downstream landowners, Bruce Yaggie, who indicated that he didn't have a problem with the project. Albright recommended approval, subject to our standard tiling disclaimer.

Permit No. 17-061, Karlo Etten. Etten would like to pattern tile the N¹/₂, Section 4, Meadows Township, Wilkin County, and had considered sharing the Deal project outlet (Permit No. 17-058); however, Etten was concerned about the cost of extending the main tile line. Another option would be to route his tile water west into an historically wet area with poor drainage. Bruce Yaggie suggested that Deal could extend his main for the entire mile and then Deal, Yaggie, and Etten could all share the cost and use the same outlet. Yaggie would be interested in possibly tiling the SE¹/₄, Section 33, Manston Township. To date, Etten has not contacted Albright regarding his decision on an outlet. <u>Action postponed.</u>

<u>Permit No. 17-101, Van Wechel Wetlands Reserve Enhancement (WRE).</u> John Hansel, Natural Resources Conservation Service (NRCS), submitted an application to construct a WRE project on Phyllis Van Wechel's property in the W½SE¼, Section 13, Mitchell Township, Wilkin County, consisting of shallow scrapes of 1' or less in depth. The spoil material would be used to fill in the surface ditches on site to restore the wetlands within the Manston Slough Restoration pool elevation. Jones recommended approval.

Permit No. 17-102, Orlen Valen. Applicant proposes to install a new drainage ditch, running the length of the E½E½, Section 25, Kurtz Township, Clay County, outletting via a new inlet to C.D. No. 40 to which the property is assessed. Valen is also considering a gated culvert near the quarterline into a private ditch on their property to reduce the depth needed for the new ditch. The outlet pipe/flapgate would be installed as a C.D. No. 40 system expense. Jones recommended approval.

Permit No. 17-103, Paul Daugherty. Applicant proposes to install 220 acres of pattern tiling in the SW¹/4, Section 3, and the W¹/2NW¹/4, Section 10, Roberts Township, Wilkin County, outletting via a lift station to an existing surface ditch running west along 130th AVE, then north approximately 0.5 miles to a natural waterway. Jones recommended approval, subject to our standard tiling disclaimer and downstream landowner notification.

Permit No. 17-104, Paul Daugherty. Applicant proposes to install 144 acres of pattern tiling in the SW¹/4, Section 2, Roberts Township, Wilkin County, outletting via a lift station to an existing field ditch on his Conservation Reserve Program (CRP) acreage, then north in the field ditch to 160th ST, eventually flowing east approximately 0.25 miles to Wolverton Creek. Jones recommended approval, subject to our standard tiling disclaimer, and downstream landowner notification.

<u>Permit No. 17-106, Ron Erdman.</u> Applicant proposes to install a 30" dia. culvert at the outlet of a waterway in the W¹/₂SE¹/₄, Section 1, Barnesville Township, Clay County, and 2-3 field inlets into his ditch to control runoff and prevent erosion. Albright recommended approval.

Permit No. 17-107, Dennis Butenhoff. Applicant proposes to install a gate on the south end of an existing 24" dia. north-south culvert through County Road (C.R.) No. 55 in the NW¹/4, Section 21, Barnesville Township, Clay County, to prevent water from breaking out of Whisky Creek from Keith Ernst's property through C.R. No. 55 onto Butenhoff's property. Currently, the Ernst property is enrolled in the CRP and won't be farmed for at least 10 years, so a gate should not be a problem as long as the land remains in CRP. Albright recommended approval, subject to downstream landowner notification with the understanding that if the upstream property is ever put back into production, the gate installation would have to be revisited.

Permit No. 17-108, Trevor Sorby. Applicant proposes to install 124 acres of pattern tiling in the SW¹/4, Section 3, Oakport Township, Clay County, outletting in the northwest corner via an existing lift station to C.D. No. 51. The new tile will connect to Sorby's 2013 tile project (Permit No. 13-176) in the NW¹/4, Section 3. The land is assessed to C.D. No. 51. Jones recommended approval, subject to our standard tiling disclaimer.

<u>Permit No. 17-109, Trent Eidem.</u> Applicant proposes to install tile in the NE¼, Section 30, Spring Prairie Township, Clay County, outletting via three gravity outlets to C.D. No. 2 to which the property is assessed. Albright recommended approval, subject to our standard tiling disclaimer.

Permit No. 17-110, Dale A. Langseth. Applicant proposes to install an approach with a 24" dia. x 48' culvert on the west side of C.R. No. 17 (100th ST S) in the NE¹/₄, Section 22, Glyndon Township, Clay County. Langseth has already obtained County approval for the project. They will furnish the culvert. Jones recommended approval, subject to County approval to work within their road R/W.

<u>Permit No. 17-111, Gary Forsberg.</u> Applicant proposes the installation of two new approaches with culverts on his property in the SE¹/₄ and the SW¹/₄, Section 28, Parke Township, Clay County. The NRCS is

working on a wetland delineation for the area. Jones recommended approval, subject to the results of the NRCS wetland investigation.

Permit No. 17-112, John Jones. Applicant proposes to install pattern tile in the SW¹/4, Section 33, Flowing Township, Clay County, along C.R. No. 26. Earlier, the Board approved Permit No. 12-113 for a smaller project in this area, pending downstream notification, tiling disclaimer, and verification of the tile outlet, which never was completed. Jones has decided to expand his 2012 project to tile the entire SW¹/4. The project will outlet via a lift station in the southwest corner of the SW¹/4 to the C.R. No. 26 road ditch, then west one mile to C.R. No. 19 through a centerline pipe in C.R. No. 26, eventually to C.D. No. 65 to which the property is assessed. Jones recommended approval, subject to our standard tiling disclaimer, downstream landowner notification, and County approval to work within their road R/W. Jones noted that an alternative would be for the landowner to bore a pipe through C.R. No. 26 to avoid the need for downstream landowner approval.

<u>Motion</u> by Larson to approve Permit Nos. 17-056, 17-058, and 17-101 through 17-112, subject to the referenced disclaimers and conditions. <u>Seconded</u> by Anderson. <u>Approved.</u>

<u>Minnesota Pollution Control Agency (MPCA) Permit Notification.</u> MPCA sent the BRRWD notification that they issued a permit to Summit Sand and Gravel for the operation of disposal systems on their facilities.

Wentz Tile Complaint. At their 8/28/17 meeting, the Board authorized Albright to send John Steffl a letter notifying him that he has 10 days from the date of the letter to stop his tile operation. At the end of the 10-day period, the BRRWD will inspect the site, and if the tile is not plugged, the Board will seek a Becker County court order to stop his tile operation. Albright noted that the letter will be mailed tomorrow.

Haugrud Drainage Complaint. Albright reported that Jimmie Lindholm has an estimate for cleaning the waterway immediately downstream of the culverts through C.R. No. 19 in Section 22, Prairie View Township, Wilkin County, on his CRP acreage. The estimate was for \$19,150, which includes tree removal, ditch cleaning, and leveling/seeding any disturbed areas. Albright forwarded the estimate to Bryant Haugrud, who filed a complaint this spring, requesting that the Lindholm's clean the waterway on their land. Haugrud has agreed to pay for the work, but will need to review and approve the estimate.

86th AVE S Drainage Investigation. Permit No. 17-039, Parke Township. Albright met with Clay Commissioner Jenny Mongeau, and County Administrator Brian Berg, the Sheriff's Department, Planning and Zoning, Health Department, County Engineer, and Parke Township representatives on 9/20/17 regarding a neighborhood dispute about the Palya driveway installation off 86th AVE S in the SE¹/₄, Section 15, Parke Township, Clay County. The group requested that Albright prepare a memo for distribution to the attendees, summarizing the meeting discussions. Parke Township meets on 10/03/17 to determine what their next steps will be concerning this issue, and they wanted Albright's memo on file prior to that meeting. Albright is working on a draft memo, which should be ready to send out tomorrow.

Project No. 79, Wolverton Creek Restoration. The project hearing was held on 8/15/17, and the Board approved the Order to move forward with the project at their 9/11/17 meeting. The 30-day appeal period ends on 10/10/17. HEI has finalized the water management district (wmd) boundary, and the fee was adopted as part of the Order. HEI will schedule a bid opening for Phase 1, as soon as the temporary easements are in place. To move forward with easement acquisition, a meeting has been scheduled on 9/26/17 with the various state, local, and federal agencies to discuss project easement management/maintenance. Landowners have indicated that they will only sign Conservation Reserve Enhancement Program (CREP) easement agreements if the BRRWD has jurisdiction over the management of the conservation easement areas. Albright encouraged the Managers to attend the agency meeting tomorrow. Given the length of time it could take to finalize CREP easements, Albright recommended that the BRRWD work with the landowners to obtain temporary construction easements so that construction can begin possibly yet this fall. Ted Rud, Engineer, HEI, has already calculated the cropped/non-cropped easement acreage. Manager Anderson suggested that

we have the term of the temporary easements be in effect until the project is completed, just to allow time for the permanent easements to be finalized. Jones reported that the plans and specifications are complete and suggested that we could aim for a 10/23/17 bid opening, depending on the outcome of the agency easement meeting tomorrow.

Albright reported that the Enbridge Grant deadline (\$100,000) has been extended for one-year until 12/31/18. **Motion** by Fjestad to sign the grant extension amendment as referenced. **Seconded** by Leitch. **Approved.**

Project No. 21, Wilkin C.D. No. 13-Lateral Crossing. Landowner Bradley Nelson attended the 9/11/17 Board meeting to discuss the possible relocation of a C.D. No. 13-Lateral crossing on his property from the NW¹/4SW¹/4, Section 23, Deerhorn Township, to the east line of the SW¹/4 to provide better access to his field from the south via an existing approach off 140th ST. His neighbor could also use the crossing. Jones reviewed the potential hydraulic impacts of the proposed change and submitted a report. He recommended that an overflow spillway should be constructed on the north side of the texas crossing with used pipes from the Manston Slough Project. The upstream impact will only be approximately 0.1' for the 100-year event. Albright noted that the project would be a ditch system expense. <u>Motion by Fjestad to approve the referenced crossing relocation and work, as a ditch system expense</u>. <u>Seconded by Affield</u>. <u>Approved.</u>

Project No. 1, Wilkin C.D. No. 22 Repair. The Board approved the main ditch repair at their 8/14/17 meeting. Albright reported that the office sent notices to all the C.D. No. 22 landowner regarding the repair. Wade Opsahl, Technician, HEI, will obtain the Permission to Level Spoil forms and hire a contractor to do the work yet this fall.

Washington, D.C. Delegation Trip. United States Congressmen Kevin Cramer (North Dakota) and Collin Peterson (Minnesota) held a session in Fargo last year to discuss a possible water management proposal for the Red River Basin. Albright was invited to this event. He has now been asked to be part of a regional delegation, who plans to travel to Washington, D.C. to meet with Congressmen Cramer and Peterson on October 2-4, 2017, to present a proposal for a large-scale demonstration pilot project showing the benefits of comprehensive water management. The Red River Comprehensive Subwatershed Pilot project will incorporate tile drainage water management (DWM), agricultural best management practices (bmps), conservation and protection of natural areas, regional retention sites, into a comprehensive approach to address downstream flooding, improve water quality, increased crop production, etc., in a Wilkin County pilot area. North Dakota is developing a similar water management pilot. The Board discussed the initiative's benefits and the Washington, D.C. trip. <u>Motion</u> by Anderson to authorize Albright to attend the Washington, D.C. Delegation trip. <u>Seconded</u> by Leitch. <u>Approved.</u> An extended discussion followed regarding the Army Corps of Engineers (COE) floodplain remapping in the Wahpeton/Breckenridge area, using the current hydrological period of record (1971-2015).

Wilkin County Ditch Repairs. The Wilkin County ditch hearings are scheduled for tomorrow night, (Tuesday, September 26, 2017), at 7:00 PM in our Barnesville office for the incremental installation of buffer strips and side inlets for C.D. Nos. 40, 41, 42, 43, and 44. Information regarding the acquisition of additional easement acreage will be discussed with the affected landowners. The Minnesota Board of Water and Soil Resources (BWSR) grant for the South Branch of the Buffalo River expires on 12/31/17, which still has an outstanding balance of approximately \$150,000. Since the ditches all outlet to the South Branch of the Buffalo River, BWSR has agreed that the BRRWD can apply this funding to offset the local project costs. The Wilkin Soil and Water Conservation District (SWCD) will seed the buffer strips and mow the buffers for two years.

<u>Mediation Project Team (PT).</u> The Fall Tour has been scheduled for Thursday, September 28, 2017. The bus will leave The 34 (former Galaxie Supper Club) at 1:30 PM, followed by supper at 5:30 PM. Notices have been mailed. Albright noted that most of the stops on the tour itinerary will be in Wilkin County.

The next PT meeting is tentatively scheduled for Thursday, October 12, 2017, at 7:00 PM in the BRRWD office, Barnesville.

1W1P. A meeting was held this morning (9/25/17) regarding the One Watershed, One Plan (1W1P) with the other Local Government Units (LGUs) in our office. Discussions included the development of a draft Memorandum of Agreement, workplan, budget, plan timeline, and setting up a variety of committees: Steering (agency personnel), Policy (elected officials), Advisory, and Technical Advisory. HEI has tentatively been chosen to be the lead project advisor and will prepare a draft workplan, subject to the Policy Committee's approval. Albright noted that the group appears to be working well together, so at least initially, a facilitator/moderator will not be used. The completion date for the 1W1P is 12/31/19. The Steering Committee plans to hold another meeting in January. BWSR funding for the 1W1P effort totals \$1.5 million to be divided between the 6 areas that are working on the 1W1P.

BWSR DRM Match Grants. The Board authorized HEI to apply for a BWSR Drainage Records Modernization (DRM) grant by the 10/02/17 deadline. The funding could be used to offset some of the administration costs to transfer our records into M-Files. The grant is capped at \$75,000/entity with a 50/50 match. Jones explained that if the BRRWD assumed more than the local 50% share of the DRM costs, we would have a more competitive application in the grant selection process. He recommended that the Board's application include a \$69,000 local match for BWSR's \$50,000 share. <u>Motion</u> by Fjestad to authorize Jones to submit the referenced cost share split for the DRM grant application. <u>Seconded</u> by Leitch. <u>Approved.</u> Jones also discussed a drainage records database product HEI is developing.

Otter Tail/Buffalo/Upper Red Rivers Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS). Albright noted that Dana Vanderbosch, MPCA, has scheduled a meeting in our office on Thursday, September 28, 2017, at 10:00 AM, is to discuss Cycle 2 of the TMDL/WRAPS process and our monitoring needs, as we start a new 10-year cycle.

Accounts Payable	Description	Account	Amount
Barnesville Record-Review	Wolverton Creek Hearing Notice	Wolverton Creek	\$ 997.50
Bridge Communications	#6909, Annual server/operator console	Admin.	\$ 550.00
Bruce E. Albright	PA System	Mediation PT	\$ 189.99
Carmen Pattengale	September office cleaning	Admin.	\$ 130.00
Dakota Fence	#165445, Barricade Gates	Pj. 49, Oakport	\$ 8,757.00
JBX LLC	#644, Beaver Dam Removals	Varies	\$ 1,280.00
JBX LLC	#643, Ditch cleaning	Becker C.D. No. 5	\$ 7,310.00
Joel Carlson, Inc.	October Lobbyist Fees	Admin.	\$ 850.00
Liberty Business Systems, Inc.	#301892, contract overage	Admin.	\$ 158.94
LM Road Service	#768, 2017 Ditch Spraying	Varies	\$ 3,464.75
Moorhead Public Service	Service 08/02/17-09/05/17	Pj. 49, Oakport	\$ 39.34
Ulteig Engineering, Inc.	#67354, Phase 4 thru 8/31/17	Pj. 49, Oakport	\$ 3,922.36
Ulteig Engineering, Inc.	#67359, Levee Cert. thru 8/31/17	Pj. 49, Oakport	\$ 8,575.00
Ulteig Engineering, Inc.	#67362, Wetlands thru 8/31/17	Pj. 49, Oakport	\$ 1,749.24
Vogel Law Firm	#203123, September billing	Varies	\$ 736.00
Western National Insurance	#0001005701000, Commercial Pkg.	Insurance	\$ 14,673.00
Wm. Nichol Excavating	#236, Beaver Dam Removal	Pj. 54, Whisky Creek	\$ 1,612.50
Xcel Energy	Service 08/23/17-09/14/17	Pj. 49, Oakport	\$ 41.29
			\$ 55,036.91

The following bills were presented for approval:

Motion by Anderson to approve payment of the listed bills. Seconded by Fjestad. Approved.

<u>Otter Tail River Restoration</u>. Albright noted that we sent a billing for \$38,999.82 to the Wilkin SWCD for work on the Restoration project.

Red River Basin Commission (RRBC). The RRBC is holding their 35th Annual Land & Water International Summit Conference on January 23-25, 2018, at the Fort Garry Hotel, Winnipeg, Manitoba. Albright and Managers Hanson, Van Amburg, and Fjestad plan to attend. The office will handle the reservations/registrations.

Upper South Branch of the Buffalo River. Albright, Jones, and Manager Anderson attended an interview with the Lessard-Sams Outdoor Heritage Council (LSOHC) on 8/23/17 in St. Paul for the Upper South Branch River Restoration-Phase 1 application for 2018 funding. It appears that we are recommended for \$1,195,000 in funding to do channel work on the South Branch upstream of T.H. No. 9. Albright noted that our application was well received and scored in the top 25%.

Red River Watershed Management Board (RRWMB). Albright is working with Naomi Goral, RRWMB, on the BRRWD's share of the remaining balance of the unspent state Mediation PT funding (FY17). Manager Leitch reported that the RRWMB Executive Director search closes on 9/29/17. To date, they have received 20 applications with more expected this week. The Board discussed the BRRWD's membership in the RRWMB. Albright noted that the representatives from the BRRWD recently presented our 2016 Annual Report and Audit to all four Counties within the BRRWD, including a discussion of the 2018 budget, which is slightly lower than the 2017 budget. His told the Commissioners that the BRRWD will revisit the question of our RRWMB membership once we can review the outcome of the RRWMB's current reorganizational efforts. Albright noted that Project Director Ron Harnack, RRWMB, has requested updated factsheets for our natural resource enhancement (nre) projects by 10/31/17 for the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) project manual. The BRRWD staff is working to update the factsheets to forward to Harnack as soon as possible.

2017 Minnesota Association of Watershed Districts (MAWD) Awards. Albright reported that both our applications were selected as finalists for the MAWD 2017 Awards Program. We submitted applications for the Project of the Year (Oakport Flood Mitigation) and the Program of the Year (Barnesville River Watch). We will need to submit more extensive applications forms for both by 10/27/17. Albright is working with the former River Watch coordinator, Sheila Carlson, to provide background information for the River Watch application.

The current River Watch Coordinator, Nathan Strand, just had some recent surgery, and the Board sent a him a "get well" card. Albright shared a thank-you card Strand sent to the Board. The Hawley River Watch Coordinator, Andy Ulven, volunteered to take the Barnesville Team out to their sampling sites and to the upcoming River Watch kickoff meeting in Moorhead.

Wilkin C.D. No. 43 Repair. At the 8/14/17 meeting, the Board approved repairs for C.D. No. 43 for the east 1,000' stretch of C.D. No. 43 on the north side of CSAH No. 30 from C.R. No. 52 near Lawndale to the first downstream crossing. BWSR approved our use of the 2013 BWSR Clean Water Fund (CWF) grant for the Upper South Branch of the Buffalo River up to 40% of the total grant funds. HEI opened bids for the repairs, and the low bidder was R. J. Zavoral and Sons, Inc. for \$108,508. The Engineer's estimate was \$120,000-\$135,000. HEI also opened bids for the installation of the side inlet structures for C.D. Nos. 40, 41, 43, and 44. C.D. No. 42 was not included as the side inlets have already been installed. The low bidder was DM Enterprises, Wadena, MN, with a bid of \$39,930.50. The Engineer's estimate was \$35,000-\$45,000. **Motion** by Fjestad to award the referenced contracts, pending the outcome of the 9/26/17 ditch hearings. **Seconded** by Anderson. **Approved.** Because DM Enterprises submitted such a reasonable bid for the inlets, Jones suggested that we add a change order to their contract to include the inlet structures for Wilkin C.D. Nos. 13 and 13-Lateral. Jones will update the grant budget to determine what is left in the grant after the above referenced work is done. He noted that the CWF grant can be used to pay for easement acquisitions. The Board briefly discussed Manager attendance at the ditch hearings scheduled for tomorrow night (9/26/17).

Project No. 56, Manston Slough Restoration. Jones noted that there are still some "soft spots" along C.R. No. $176/190^{\text{th}}$ AVE, especially along the shoulders. He suggested that we add some Class V gravel to the road to address this issue and then have the road "packed" after the gravel is spread. With the addition of the gravel, Jones expected that the road should be in good shape next year. <u>Motion</u> by Hanson to authorize the noted repairs. <u>Seconded</u> by Leitch. <u>Approved.</u>

<u>MPCA Stormwater Permit Closeout.</u> Chair Van Amburg signed a Notice to Terminate for the Project No. 51, Clay C.D. No. 68, MPCA stormwater permit. <u>Motion</u> by Fjestad to authorize signature of the notice. <u>Seconded</u> by Affield. <u>Approved.</u>

<u>Next Meeting</u>. Due to the Columbus Day Holiday, the next regular meeting will be held on Tuesday, October 10, 2017, at 7:00 PM in our Barnesville office.

<u>Adjournment.</u> <u>Motion</u> by Leitch to adjourn the meeting. <u>Seconded</u> by Fjestad. <u>Approved.</u> Chairman Van Amburg adjourned the meeting at 9:08 PM.

Respectfully submitted,

John E. Hanson, Secretary