

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING May 29, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Tuesday, May 29, 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, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, and Thomas Eskro, Engineer, Houston Engineering, Inc. (HEI); Charles Kregelberg and Lindsay Forsgren, Attorneys, Kregelberg Law Firm, representing Richard Gandrud; and landowners Richard Gandrud, Beau Jacobson, Jay Nord, Kraig Nelson, Pete Thompson, Steven Thompson, and John Thompson.

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 5/14/18 regular Board meeting. **Motion** by Affield to approve the minutes. **Seconded** by Van Amburg. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$1,556,190.31. Income since the 5/14/18 meeting was \$54,625.11 from Otter Tail County for their 2018 1st half tax proceeds. Total 2018 income to date is \$506,020.31.

Albright noted that he met today with a representative for the Minnesota Municipal Money Market (4M) Fund. The 4M Fund is a customized cash management and investment program for Minnesota public funds and is designed to address the investment needs of Minnesota cities and other municipal entities. The Board discussed the proposal and agreed to revisit the opportunity this fall.

Business brought before the Board included:

Permit No. 18-036, Joel Crabtree. Applicant proposes to install a Natural Resources Conservation Service (NRCS) designed water and sediment control basin with surface intakes and underground outlet in the NW¼, Section 25, Lake Park Township, Becker County. Surface drainage patterns will not change, and the project will outlet onto Crabtree's land. Eskro noted that Erik S. Jones, Engineer, HEI, recommended permit approval.

Permit No. 18-037, Cromwell Township. Applicant proposes to replace a damaged 12" dia. corrugated metal equalizer pipe (CMP) with a 15" dia. CMP and to lower the culvert about 1' to provide cover for the road grader on 240th ST N in the NE¼, Section 25, Cromwell Township, Clay County. Albright recommended permit approval.

Permit No. 18-038, City of Sabin. Applicant proposes to reconstruct County Road (C.R.) No. 67 in the N½, Section 18, Elmwood Township, Clay County. The existing gravel roadway will be widened, the existing 3:1 slope will be maintained on the field side, and a 4:1 slope will be installed on the roadside. The bottom of County Ditch (C.D.) No. 32 will need to be moved south to accommodate the new slopes. Clay County

has agreed to acquire the additional ditch system right-of-way (R/W) for the bufferstrip. Albright recommended permit approval.

Permit No. 18-039, Dwight Hanson. Applicant proposes to install a NRCS designed water and sediment control basin with surface intakes and underground outlet in the NE¹/₄, Section 23, Hamden Township, Becker County. The project outlets to an area wetland on the applicant's property. Surface drainage patterns will not be changed.

Permit No. 18-040, Clay County Highway Department. Applicant proposes to remove the existing bituminous pavement, replace an existing bridge with two lines of 10' x 8' box culverts, and repair County State Aid Highway (CSAH) No. 2 in the SE¹/₄, Section 24, Alliance Township, on a tributary to Whiskey Creek. Jones prepared the hydraulic analysis and suggested the replacement culvert sizing and elevations. Jones suggested the permit could be approved, subject to his recommendations. The Minnesota Department of Natural Resources (DNR) has also issued a permit for the project.

Permit No. 18-041, Red River Valley Cooperative Power. This application was administratively withdrawn by the applicant because the project was located outside the BRRWD's jurisdiction.

Permit No. 18-042, Dwight Hanson. Applicant proposes to install a non-perforated tile line under his Conservation Reserve Program (CRP) acreage in the SW¹/₄, Section 13, Hamden Township, Becker County, to control runoff and erosion. The Becker Farm Service Agency provided a letter approving the project. Manager Hanson was familiar with the location and thought that the tile would help erosion on that tract. Eskro noted that Jones recommended permit approval, subject to our standard tiling disclaimer.

Motion by Anderson to approve Permit Nos. 18-036 through 18-040 and 18-042, subject to the referenced disclaimers and conditions. **Seconded** by Hanson. **Approved.**

220th ST Ditch Investigation. Funding for this proposed project was not included in the 2018 bonding bill. Albright will schedule a landowner informational meeting in June to discuss the proposed ditch along 220th ST that 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 explained that in 2011, the United States Fish and Wildlife Service (USFWS) applied for a BRRWD permit to install a tile line in Section 23, Hamden Township, Becker County, to lower an area wetland pool that was backing water onto McCaslin's adjacent cropland. The tile was meant to alleviate the water problem on the neighboring cropland and restore a wetland on the Hamden National Wetland Refuge (NWR). Prior to 2011, USFWS field personnel were working in this area and they allegedly broke a tile line, which was never repaired. The wetland is now filling up again, causing seepage problems on McCaslin's property and for C.R. No. 12. Albright noted that the USFWS is not concerned about the broken tile and is reluctant to work with McCaslin regarding their wetland elevation. Albright will continue to work with the agencies and landowners regarding this issue.

Rick Gandrud Complaint. Albright explained that in the fall of 2016, Kraig Nelson applied for a permit (No. 16-123) to install random tiling in the SW¹/₄, Section 21, Hamden Township, Becker County. The project has 8" and 6" dia. outlets that cross into Rick Gandrud's property in the SE¹/₄, Section 20, Hamden Township. Gandrud agreed to the 2016 project. According to Gandrud, in 2017, Nelson allegedly exceeded the scope of his approved permit by adding some more tile lines, which use the same outlets. At that time, Gandrud contacted the office with concerns that the added tile water will overload his 10" dia. tile outlet. Gandrud would like to see Nelson install a new 12" dia. main line alongside his 10" dia. tile to the outlet (Becker C.D. No. 15-Branch No. 7) to help convey the water from their additional work. In response to Gandrud's complaint, the office sent Nelson a letter last fall indicating that he should submit a new permit application for the additional tiling, and if this new tile water causes problems for the downstream landowner, other outlet options will have to be considered. Nelson never did submit a new application as requested. He

claims he never got the letter. Gandrud hired Krekelberg Law Firm, who requested that the Board invite the affected landowners to discuss this issue at our meeting tonight.

Chair Leitch opened the permit hearing. Attorney Charles Krekelberg presented Rick Gandrud's concerns regarding Kraig Nelson's tiling projects. Gandrud maintains that Nelson's work exceeded the scope of his permit, and that the additional tile water has made about 5 acres in Gandrud's adjacent field too wet to farm because of standing water and seepage. Krekelberg explained Gandrud feels the scope of Nelson's 2016 permit was exceeded and that Nelson should help pay to increase the size of the tile on Gandrud's property where Nelson's tile outlets.

Kraig Nelson explained that he didn't add any unpermitted tiled acreage to Gandrud's outlet. The tile locations changed slightly from his application to allow for better project design, but the total number of drained acres and the basic plan shown on the map submitted with his 2016 tile permit application did not change and is the full extent of his project. All the tile he installed is 8" dia. or smaller. Nelson pointed out that Gandrud's tile was installed at a 0% grade and backfilled with crushed concrete, which he noted were practices that are not conducive to effective drainage. He also mentioned that there is a capped well that drains via the tile into the wet area in question, and several other properties, plus the Waterfowl Production Area (WPA) to the north also drain into the low area on Gandrud's property. Nelson noted that the tile is most likely plugged from erosion coming from summer fallow on the Gillespie property to the north, which is also tiled and outlets to the low area on Gandrud's property. It also appears that Gandrud added new tile drainage from his own property to the low area. The Board reviewed LiDAR maps spanning several years showing the wet area on Gandrud's property has existed since the early 2000s. Neither Gandrud nor Gillespie applied for BRRWD tiling permits for their projects.

Albright suggested that a field review was probably needed for the Board to make an informed decision. He also thought the Board should discuss the tiling with Kyle Schmit, who lives in the area and is the person who installed all the tiling. The Board directed Albright to schedule a Manager field review. Chair Leitch adjourned the permit hearing.

Zarling Drainage Complaint. In the spring of 2017, Mike and Darlene Zarling filed a complaint about an approach that Roger Brakke allegedly installed near Rustad in Section 28, Kurtz Township, Clay County. Wade Opsahl, Technician, HEI, investigated and found that the approach was not new and was not causing all the water problems by the Zarling buildings. He recommended that the entire mile of ditch along the Brakke property east of the railroad tracks should be cleaned to improve area drainage. The water eventually drains to Clay C.D. No. 40. Manager Anderson confirmed that Brakke didn't install a new approach. This spring, Kurtz Township met with a contractor to get a bid on removing the plugged culvert and the culvert was removed recently. The culvert removal addressed the standing water problem along the Zarling property. Neither the Township nor the landowner are now willing to pay for the work (\$700). Albright suggested that the BRRWD could pay for the work and noted that it is on tonight's bill list for the Board's review.

Permit No. 17-119, Robert Yaggie. The Board discussed the issues still surrounding this 2017 tiling project in the SW¹/₄, Section 26, Manston Township, Wilkin County. The downstream landowners requested that the outlet ditch (CSAH No. 26) should be lowered before the tile pump can be operated. There was a field meeting held on 11/15/17 where a 0.09% ditch grade had been discussed versus the Yaggies' actual cleanout grade. Albright noted that there are wetland issues on a natural waterway on the Nielsen/Abel property in the NW¹/₄, Section 27, which is the outlet for all the drainage in this area. HEI completed a wetland delineation for the Abel property, and Jones submitted the Local/State/Federal (LSF) notification forms for the landowner to the Wilkin County Environmental Office and the Army Corps of Engineers (COE) to clean the waterway, which was finally approved by both agencies last week.

Albright noted that as the project currently stands, the Yaggies can't operate their tile pump until the downstream issues are resolved, and the Wilkin County Highway Department will have to approve a new road ditch project based on the proposed profiles, as the existing permit was based on an altered profile map,

showing the "culvert to culvert" ditch grades. The County has also offered to provide new culverts/extensions at two locations, but they won't install the pipes. Albright recommended that the Board schedule a meeting with all the affected parties to finalize an agreement regarding this project and area drainage. The Board directed Albright to schedule the referenced landowner meeting and to arrange a field review for any of the Managers who might want to see the area.

Hurner Drainage Concern. For the past several years, Craig Hurner has contacted the BRRWD regarding drainage problems with his neighbors in the SW¼, Section 11, Morken Township, Clay County. Water from his property should run north along the east side of the township road to Clay C.D. No. 5 for 1.5 miles, but it doesn't drain properly, and there is sediment in the culvert through C.R. No. 108. Water from Section 11 is assessed to C.D. No. 5, but it must flow two miles past three other landowners before it reaches the ditch. Hurner thinks that the culvert through C.R. No. 108 should be longer and have a couple of aprons installed to address erosion washing in from the steep road sideslopes. Albright suggested that HEI could conduct a survey of the township road ditch and culverts north to C.D. No. 5 and prepare a plan and profile sheet. He felt this was a good way for the area landowners to see the problems and work together on a solution. Opsahl estimated the survey and plan and profile should cost approximately \$1,000. Albright noted that the funds could come from the Survey & Data Acquisition fund or the Clay C.D. No. 5 account. **Motion** by Fjestad to authorize the referenced survey. **Seconded** by Anderson. **Approved.**

Project No. 21, Wilkin C.D. No. 13-Lateral. Pete, Steve, and John Thompson were invited to meet with the Board to discuss Whiskey Creek Farms' concerns about allowing our contractor access to C.D. No. 13-Lateral along their property in Section 36, Deerhorn Township. Albright provided a brief update regarding the C.D. No. 13-Lateral repair project, which was started in 2016 and completed in 2017. All the other ditch system landowners allowed our contractor to access the ditch R/W. The BRRWD paid for additional R/W from the landowners to complete the repair. The Thompsons returned their checks, and a year later, the only section of the ditch still in disrepair is on their property. The Board authorized Albright to send a letter in this regard to the Thompsons to ask them to reconsider their noncompliance with Minnesota Drainage Law and to invite them to our meeting tonight.

Pete Thompson mentioned that the spoil is placed at the edge of the field so that the water will not drain into the ditch/waterway. John Thompson discussed the drainage patterns on their property and questioned why they are being assessed to the ditch system when their water flows naturally to it. There was discussion regarding a sheet piling on an area wetland (Baumgartner Lake) and beaver dams downstream of the Thompsons' property. Albright agreed that the lake structure and fish barrier are high maintenance items. He added that breakout flows from the South Branch of the Buffalo River also enter this ditch system during high water events illegally, causing sedimentation in the ditch.

Albright noted that the repair process does leave berms along the ditch, as Pete Thompson mentioned, but openings in the spoil are left as needed for drainage. The group discussed possible additional inlets to the Lateral. Albright assured the Thompsons that when the repair work is done on their property, the contractor will work with them to stake openings in the ditch spoil so that their land will drain naturally into the ditch. The Thompsons also discussed drainage issues along the South Branch, especially in Section 9, Alliance Township, and potential BRRWD projects in development to address those issues.

John Thompson noted that the spoil was never properly leveled where the contractor mistakenly cleaned about 800' along their property for the ditch repair in 2017. Albright explained that when we were made aware of the contractor's error, we immediately told him to move, and to date, we have not entered their property without permission. When the repairs are completed on their property, the spoil will be leveled to their satisfaction. Albright noted that Thompson had complained that the BRRWD had assessed for the repair project before the work was ever completed. He explained that the 2017 assessment was for work completed on Wilkin C.D. No. 13, not the lateral. There was an extended discussion regarding the sheet piling structure on Baumgartner Lake.

Albright asked if the Thompsons would give their permission for our contractor to access the ditch on their property if he and Manager Anderson would meet with them to determine where they want the openings in the spoil bank, and the BRRWD would reissue their R/W checks. Leitch noted that its always best to work together to address problems. He encouraged John Thompson to submit a list of concerns he has about the ditch system. Albright will schedule a field meeting with the Thompsons, Managers, and Opsahl to review the repair process in Section 36.

Shawn Norman has submitted two petitions to add and remove land in Wilkin C.D. Nos. 44 and 13/13-Lateral for his new tiling project permit. Albright plans to schedule the hearing in late-June and send out notices to the ditch system landowners.

Stony Creek Comprehensive Project. At their 5/14/18 meeting, the Board authorized HEI to prepare the easement details for Alternative 1. Eskro reported that the survey work has been completed, and HEI is in the process of completing the easement exhibits. This work will identify potential borrow sites, and permanent and temporary easements. Amanda Hillman, Stream Habitat Restoration Specialist, DNR, contacted Albright to notify him that Stony Creek is the Number One stream restoration project on their list for their 2018 application for Lessard-Sams Outdoor Heritage Council (LSOHC) funding. The BRRWD's application for Legislative-Citizen Commission on Minnesota Resources (LCCMR) funds for Stony Creek will be reviewed June 5.

Project No. 79, Wolverton Creek Restoration. Albright reported that all Phase 1 easement options were mailed to the landowners last week. He has allowed time in his schedule in the next several weeks to work with these landowners to get their options signed. We still hope to be able to open bids in the near future, depending on how quickly the landowners return their signed options. Albright noted that Minnesota Board of Water and Soil Resources (BWSR) will meet on 6/26/18 and is planning some changes to the Conservation Reserve Enhancement Program (CREP) that will be beneficial to our project. Anderson noted that there is an infestation of small trees between Trunk Highway (T.H.) No. 75 and the river that should be sprayed. HEI has completed the Phase 2 easement drawings and forwarded them to Albright. They have also begun the process for Phase 3 easements.

Landowner Jay Nord asked if the landowners should only sign the easement option before making a decision regarding the permanent easement. Albright said that the landowners should sign the option to get the project started and then work with the BRRWD and the Wilkin Soil and Water Conservation District (SWCD) on the permanent easements.

Project No. 78, Clay/Wilkin Judicial Ditch (J.D.) No. 1-Improvement. Bryan Kritzberger renewed the project petition bond and increased the amount to \$60,000. Albright reported that the petitioners are currently circulating the revised petition for signatures. Once the petition has been filed and reviewed by our attorney, Jones will prepare the Preliminary Engineer's Report. Most of the survey work has already been completed. Anderson noted that Kritzberger has enough signatures, but he would like to get as many as possible before he files the new petition. The Board acknowledged that this would be a 2019 construction project.

Project No. 49, Oakport Flood Mitigation. Albright, Leitch, Van Amburg, and Ulteig Engineers, Inc. (UEI) staff met on site with Charlotte and Leonard Nelson last Friday to review their concerns about soil conditions on the spoil storage site on their property. Albright suggested that the BRRWD and UEI could have Northern Technologies, Inc. (NTI), who did the original soil borings on the site, take new soil borings on the site and non-easement areas to determine the project impact on the affected 4.24 acres. The Board discussed the Fischer Family's concerns and how much they have already been paid for this easement, which totals \$7,672 per acre. Chair Leitch will notify Leonard Nelson that he plans to meet with a soil scientist from North Dakota State University (NDSU) to take a look at the site, and he can join them. Albright suggested that the Board also tell the Fischers we plan to have NTI do soil borings this fall after the soybean crop is off.

River Watch. Nathan Strand, Barnesville High School Biology Teacher and River Watch Advisor, submitted their 2018-2019 school year budget. The total budget is \$5,402.57. Albright noted that the budget is similar to past years' expenditures. **Motion** by Van Amburg to approve the River Watch budget. **Seconded** by Hanson. **Approved.**

BRRWD Rules. Albright reported current projects have taken precedence over his work on the Rules, but once the upcoming hearing notices/easement mailing deadlines have been met, he plans to refocus on completing the draft Rules for final review and adoption.

One Watershed, One Plan (1W1P). The Policy Committee approved the draft workplan, budget, and schedule at their 5/04/18 meeting. Those documents were forwarded to BWSR for approval and grant allocation. To date, BWSR has not returned the approved contract. Future items to complete include the review and approval of HEI's scope of services and contract, and the distribution of a public notice that the BRRWD is working on the 1W1P, which starts a 60-day opportunity to furnish information.

2015 Buffer Law. Albright reported that we have several ditch systems ready for the hearing process. Our goal for 2018 is to address the ditch systems within the BRRWD that currently don't have an adequate buffer. There are a number of ditch systems in the BRRWD where repairs and easement acquisitions were just recently completed.

F-M Diversion. The Supplemental Environmental Impact Statement (SEIS) for the revised Diversion project Plan B will be distributed for comments in July. The DNR will accept comments on the scope of the SEIS through June 11, 2018. They are looking for some input for Section xii, Cumulative Potential Effects.

MNDOT R/W Conveyance. The Minnesota Department of Transportation (MNDOT) owns some R/W in Hawley that they acquired for their T.H. No. 10 project in the 1950s. They wanted to convey the property to the BRRWD, but Albright encouraged them to turn it over to the City of Hawley. MNDOT sent a notice to make the BRRWD aware of their plans to transfer the R/W to the City of Hawley. The Board noted no problems.

RRBC Long Term Flood Study (LTFS). Albright reported that the Red River Basin Commission (RRBC) is seeking funding for a revision of their LTFS. The Board briefly discussed the Study.

MPCA Climate Change Report. The Minnesota Pollution Control Agency (MPCA) has launched their new Landscape Resiliency and Climate Adaptation Webpage, which includes their Climate Change Trends and Action Report and the new Landscape Resiliency Toolbox. Rachel Olm, HEI, attended a workshop on 5/14/18 in St. Paul. The primary purpose of the workshop was to review the Interagency Climate Adaptation Team (ICAT) White Paper and revise/prioritize a series of drafted implementation actions focused on building resilience to extreme precipitation.

AIS Workshop. The University of Minnesota (U of M) is hosting an Aquatic Invasive Species (AIS) Research Update Workshop followed by a Legislative Listening Forum on Friday, June 8, 2018, at the M-State Campus, Detroit Lakes from 9:15 AM-3:00 PM.

Legislative Update. The Minnesota Association of Watershed Districts (MAWD) forwarded a legislative update for the Board's review.

MPCA 319 Funding. The MPCA has announced a new method for distributing the 319 Clean Water Act (CWA) funding. The new 319 Small Watersheds Focus Program is looking for interested watersheds to partner with the MPCA in developing a long-term roadmap to support comprehensive implementation on a small-scale watershed. They are beginning a pilot project of ten small subwatersheds to develop a detailed Focus Grant Plan to implement a series of projects that will receive four 4-year grant awards that will span a total of 16 years to develop water quality improvement projects. Eskro explained that the BRRWD could

submit an email of interest to MPCA, identifying a number of our projects that could be eligible for this new 319 program. **Motion** by Van Amburg to authorize HEI to contact MPCA regarding our interest in their new 319 pilot program. **Seconded** by Anderson. **Approved.**

Comments/Announcements.

Leitch asked about the status of the search for our Assistant Administrator. Albright explained that HEI has advertised for the position and received three applications.

Fjestad noted that the landowner informational meeting for Wilkin/Otter Tail J.D. No. 2 is scheduled for Monday, June 4, 2018, at 7:00 PM at the Government Services Center, Commissioners Room, Fergus Falls. Notices have been sent to the benefited landowners in Wilkin County and the landowners within the drainage area in Otter Tail County. He encouraged all Managers to attend.

Manager Affield commented that she would like to have Leitch make more presentations similar to his review of tax laws at the 5/14/18 meeting. She noted that she would be interested in learning more about the cost/benefit ratio process. Albright suggested that public finance might also be a worthwhile topic.

Manager Hanson noted a beaver dam concern from Richard Olson on the south side of C.R. No. 12 in Section 22, Hamden Township, on Becker C.D. No. 15. Albright will relay the report to Wade Opsahl, who can make sure Roger Lundberg deals with this problem.

Manager Anderson proposed that if the Board decides to add Advisory Committee members, we should add them prior to the Fall Tour, so they have some background on the BRRWD projects and activities. Chair Leitch suggested that we could invite a representative from River Keepers to serve on the Committee.

Albright noted that Pete Waller, BWSR, wants to attend the 6/11/18 Board meeting to provide a Legislative update, as it relates to BWSR and various program funding. Rob Sip, Red River Watershed Management Board (RRWMB) Administrator, would also like to attend the 6/11/18 Board meeting to provide an overview of RRWMB issues and activities.

Chair Leitch asked for an hourly breakdown of the 5/14/18 HEI billing.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Blilie's Excavating & Septic Service	#2676, Culvert removal	M.S.A. 103D.905, Sub. 3	\$ 700.00
Carmen Pattengale	May Office Cleaning	Admin.	\$ 130.00
City of Barnesville	#10016156, 5/25/18 billing	Admin.	\$ 714.01
Jim Hanson Cleaning Service	#232651, Windows	Admin.	\$ 214.75
Joel Carlson, Inc.	June 2018 Lobbyist Fees	Admin.	\$ 850.00
John E. Hanson	#18-11, 03/01/18-04/30/18	Varies	\$ 386.05
LM Road Services	#831, Brush spraying	Varies	\$ 16,054.75
MN Dept. of Natural Resources	#229260, Stream Gauge Contract 9th pymt	M.S.A. 103D.905, Sub. 3	\$ 10,150.00
Pitney Bowes	Postage Meter Rent 05/20/18-8/19/18	Admin.	\$ 138.51
Wm. Nichol Ex.	#256, Repairs	Pj. 01, Wilkin C.D. 22	\$ 14,175.00
Xcel Energy	04/25/18-05/24/18 office	Admin.	\$ 67.63
			\$ 43,580.70

Motion by Fjestad to approve payment of the bills, including the Blilie's Excavating & Septic Service bill for the Zarling culvert removal in Kurtz Township. **Seconded** by Anderson. **Approved.**

Next Meeting. The next regular meeting will be held on Monday, June 11, 2018, at 7:00 PM in our Barnesville office.

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Adjournment. **Motion** by Affield to adjourn the meeting. **Seconded** by Anderson. **Approved.** Chair Leitch adjourned the meeting at 9:48 PM.

Respectfully submitted,

John E. Hanson, Secretary