

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING October 24, 2016

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, October 24, 2016, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, John E. Hanson, Mark T. Anderson, Catherine L. Affield, and Peter V. Fjestad. Others attending included: Erik S. Jones, Engineer, and Wade Opsahl, Technician, Houston Engineering, Inc. (HEI); and landowner Jerad Nordick.

Chair Van Amburg called the meeting to order at 7:00 PM and announced that the proceedings were being recorded to aid in the preparation of the minutes. Bruce E. Albright, BRRWD Administrator, was absent.

Secretary's Report. The Board reviewed draft minutes for the 10/11/16 regular meeting and the 10/11/16 Project No. 77, Clay County Ditch (C.D.) No. 51-Proposed Lateral No. 3 Abandonment Hearing. Manager Affield noted one minor correction. **Motion** by Anderson to approve the minutes, subject to correction. **Seconded** by Hanson. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$-306,953.28. Albright transferred \$344,732.01 from the Midwest Bank Line of Credit to the Midwest Bank checking account to cover the 10/11/16 checks. The negative cash on hand reflects the Line of Credit balance (- \$334,732.01). There is actually a total of \$27,778.28 in all our checking and savings bank accounts. Opsahl noted that the office submitted Pay Request No. 10 to the Minnesota Department of Natural Resources (DNR) for \$1,505,477.02 for Project No. 49, Oakport Flood Mitigation, but to date, we are still awaiting payment. Income this month totaled \$81,093.34, including a payment for Pay Request No. 9 from the DNR for the Oakport project (\$67,495.32), a payment from the Minch Family LLC for the final Petitioner's costs for Project No. 77, Clay C.D. No. 51-Proposed Lateral No. 3 (\$13,593.32), and a refund from Western National Insurance (\$5.00).

Other Business brought before the Board included:

Permit No. 16-098, Deal Brothers. Applicant proposes to fill in a natural waterway through the middle of Section 10, Andrea Township, Wilkin County, and to install a ditch along the east (County Road (C.R.) No. 19) and south lines of the NE1/4, outletting to Wilkin C.D. No. 31, as assessed. Steve Neppel, Wilkin County Highway Department, told Tim Deal that the County would give him a permit to do the work in the road right-of-way (r-o-w) when he received the BRRWD permit. Rosella Nordick is the landowner. **Tabled**, pending a Manager field review.

Permit No. 16-106, Moorhead Public Service (MPS). Applicant proposes to install 3 Phase 15kv underground electrical lines to provide power for the Oakport Township area in the SW1/4, Section 16, Oakport Township, Clay County. Jones recommended permit approval, subject to our standard utility disclaimer.

Permit No. 16-107, Evelo, Inc. Applicant proposes to clean a private ditch to its original dimensions in the NE1/4, Section 16, Trondhjem Township, Otter Tail County. Jones recommended permit approval.

Permit No. 16-108, Donald Yaggie. Applicant proposes to install pattern tile, outletting via gravity flow from a 15" dia. steel culvert with riprap to control erosion into the Otter Tail River in the NW1/4NE1/4, Section

25, Sunnyside Township, Wilkin County. Jones recommended permit approval, subject to our standard tile disclaimer.

Permit No. 16-109, Oberg Family Farms. Applicant proposes to install 160 acres of pattern tiling in the NE $\frac{1}{4}$, Section 20, Flowing Township, Clay County, outletting via a lift station directly into C.D. No. 10 on the south side of 120th AVE N to which the property is assessed to drain. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 16-110, Chad Nelson. Applicant proposes to install one 12" dia. tile line from the south quarterline of Section 34 in the NW $\frac{1}{4}$, Norwegian Grove Township, Otter Tail County, running north through the center of the quarter to a natural waterway, eventually outletting into the Trunk Highway (T.H.) No. 108 road ditch. The Board discussed the proposed outlet and decided to approve the permit, subject to Manager field review.

Permit No. 16-111, John Bergseid. Applicant proposes to install three water and sediment control basins, outletting via a natural waterway into an area wetland in the SE $\frac{1}{4}$, Section 28, and the NW $\frac{1}{4}$, Section 29, Parke Township, Clay County. The project was designed by the Natural Resources Conservation Service (NRCS). Jones recommended permit approval.

Permit No. 16-112, Troy Larson. Applicant proposes to install a 12" dia. tile main across the S $\frac{1}{2}$, Section 35, Akron Township, Wilkin County, and pattern tile the S $\frac{1}{2}$ SE $\frac{1}{4}$ of the section. The neighboring landowner has given his permission for the project. The Board agreed to approve the permit, subject to receiving the plan/map.

Permit No. 16-113, Erik Sundby. Applicant proposes to replace a deteriorated driveway culvert with a new smaller diameter pipe in the NW $\frac{1}{4}$, Section 25, Spring Prairie Township, Clay County. The existing culvert is 30" dia., which is larger than necessary and doesn't allow adequate cover over the pipe. The next upstream culvert is a 12" dia. pipe and is half filled with sediment. The next downstream structure is an 8" dia. drain tile. Opsahl noted that Sundby's property is on a hill and water runs both directions from his driveway. The Board recommended that Sundby install an 18" dia. corrugated metal pipe (CMP) to replace his existing pipe.

Permit No. 16-114, Jared Nordick. Applicant proposes to install 100 acres of pattern tiling in the NW $\frac{1}{4}$, Section 23, Meadows Township, Wilkin County, to improve land productivity. The project will be an extension of a 45-acre existing tile installation and will outlet via gravity flow to Wilkin C.D. No. 1B to which it is assessed. Nordick discussed his proposed project. He provided a map for the Board's review. Jones noted that the outlet appeared to be adequate and recommended permit approval, subject to our standard tiling disclaimers.

Motion by Fjestad to approve Permit Nos. 16-106 through 16-114. Permit approval is subject to the applicable standard tile and utility disclaimers, state/federal agency permitting requirements, road authorities' permission to work within their r-o-w, and manager field review, as noted. **Seconded** by Affield. **Approved.**

County Line Drainage. At their 10/11/16 meeting, the Board approved Permit No. 16-104 to Mark Askegaard and Matt Ness to construct a private drainage ditch instead of petitioning for a legal ditch system. Their project will start at the Red River in the NE $\frac{1}{4}$, Section 1, Wolverton Township, and proceed due easterly along the north line of Section 6. It will include tree and brush removal, vegetative control, gradeline establishment, and culvert lowering where necessary.

Lake Fifteen Drainage Complaint. The Board reviewed correspondence regarding an issue that Tom and Marita Palya, Lake Fifteen homeowners, are having with their neighbor, Bryan Brunette, regarding drainage for their new house driveway. Parke Township is considering reinstalling the culvert Brunette removed that was located at the bottom of the hill in 186th AVE S, which caused the water from the Palya property to flow across the Parke Township road into a different neighbor's yard.

Harlan Wentz Drainage Concern. Albright met with Wentz last week and agreed to forward Wentz's concerns to the Becker Soil and Water Conservation District (SWCD) regarding tiling projects his neighbors installed without his knowledge that outlet from the east and south directly into his property in Section 3, Callaway Township, Becker County. No BRRWD permits were issued for either project. The tile is outletting into a wetland on Wentz's property that the NRCS will not give him a permit to drain. Wentz doesn't want any additional water on his property.

Project No. 77, Clay C.D. No. 51-Proposed Lateral No. 3. Chairman Van Amburg observed that this project is finally closed with the receipt of the final petitioner's payment from the Minch Family LLLC. The BRRWD officially abandoned the project at their 10/11/16 meeting, following an abandonment hearing held prior to the meeting at 6:45 PM. The Board's Order is currently in a 30-day appeal period.

Regarding the Norby lawsuit, Manager depositions continue. Albright is scheduled to give his deposition the first week in November.

Project No. 56, Manston Slough Restoration. Jones discussed issues regarding lowering of the water levels in the project site as requested by the NRCS so they can complete their wetland restorations and tree removal. After Opsahl removed the stop logs in the north dam spillway, the area received a significant amount of rainfall, and landowner Terry Czichotzki contacted the office with concerns about water backing into his cropland, so Opsahl replaced the stop logs. Currently, the stop logs are in and holding back water to elevation 972. Opsahl noted that there was a beaver dam that was removed on the lateral. Jones has contacted NRCS and the DNR to update them regarding the status of the project site water level. He noted that we are trying to minimize water backing up into their fields during harvest.

Once the area has recovered from the area rainfall, HEI survey crews will be out to finish their survey of the Wilkin C.D. No. 13-Lateral channel, and Jones expects to have a repair recommendation for the entire lateral in the next few weeks.

Project No. 49, Oakport Flood Mitigation-Phase 4. Opsahl reported that the contractor was working on seeding today. He thought that the Phase 4 work is nearly completed. There will be some cleanup and warranty items that will extend the contract into next spring. The Fischer spoil stockpile site has been cleaned up. The Board will work with the Fischer family regarding their easement payment once the project has been completed.

The Board discussed the Pierce stockpile. At the last meeting, the Board tabled Change Order No. 6 from the contractor, R.J. Zavoral and Sons, Inc., (\$68,420) to spread the pile on the adjacent cropland. HEI will solicit quotes from a few local contractors to compare to R.J. Zavoral's estimate. The Board discussed the possibility that Project Engineer Kris Carlson, Ulteig Engineers, Inc. (UEI) had someone who would be willing to take the entire stockpile of dirt near Broadway ST NW. Carlson asked if the BRRWD would be willing to contribute \$1.00 per yard to have the stockpile removed. He estimated that there would be about 40,000 yards of material to haul, or about \$40,000 cost to the BRRWD. The Board felt that the dirt pile should be removed before the project is finalized. They briefly discussed possible construction sites where the dirt could be placed.

The Board discussed the Kopperud lawsuit. BRRWD Attorney Tami Norgard, Vogel Law Firm, has secured an extension until November 8, 2016, to respond. Albright is working with our insurance agent, John Hoffman, Waypoint Insurance Advisors, regarding our coverage.

Project No. 48, Clay C.D. No. 59. Opsahl reported that the contractor, Crompton Excavating, Inc., is nearly finished with the project with just a few cleanup items left. HEI will submit the final pay request at the next meeting.

Project No. 39, Georgetown Levee. Jones reported that the Federal Emergency Management Agency (FEMA) denied Josh Wambach's Letter of Map Revision (LOMAR) because the City of Georgetown is their own floodplain administrator. Clay County's blanket exception for basements apparently doesn't apply to properties within the City of Georgetown. Jones is working with the DNR's Floodplain Manager to resolve this issue.

Project No. 14, Clay C.D. No. 10. Jones reported that the slump repairs on C.D. No. 10 are completed. Opsahl hired Fitzgerald Construction, Inc., to haul in some additional gravel on the road. R.J. Zavoral & Sons, Inc. will have a final pay request at the next meeting. Jones noted that the grass seeding has germinated and is growing well.

Mediation Project Team (PT). The next PT meeting will be held on Thursday, December 15, 2016, in the Barnesville office at 1:30 PM. Jones noted that Albright, Thomas Eskro, Engineer, HEI, and he met on 10/11/16 with Craig Jarnot, Biologist, Army Corps of Engineers (COE) to review three of our Flood Damage Reduction projects: Stony Creek Restoration, the Barnesville Township Area Study, and the Upper South Branch of the Buffalo River. Jarnot thought that Stony Creek and the Barnesville Township projects should be submitted individually for COE permits. Jones will start the process of evaluating the projects' designs in accordance with COE's Concurrence Points. The BRRWD would like to schedule a landowner informational meeting in the near future to discuss the Stony Creek project in an effort to move the project development forward.

Watershed District Enlargement (WDE)/Revised Watershed Management Plan (RWMP). Albright is working on his review of the draft RWMP. The Minnesota Board of Water and Soil Resources (BWSR) Northern Committee will be meeting on January 17, 2017.

Clay County Manager Appointment. Albright sent notifications to the Clay County Board of Commissioners regarding Manager Breanna Kobiela resignation and replacement.

Otter Tail River/Buffalo River/ Upper Red River Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS). Jones reported that to date, he hasn't received any further information regarding the status of our TMDL studies for the Buffalo River and Upper Red River. The Board discussed funding opportunities the BRRWD has missed because our TMDL's have not been completed. A new TMDL process has just started for the Otter Tail River. There is an existing TMDL in place for the lower reach of the Otter Tail River where we are currently developing a potential restoration project.

MAWD 2016 Annual Meeting. The Minnesota Association of Watershed Districts (MAWD) has scheduled their 2016 annual meeting and trade show for December 1-3, 2016, at the Arrowwood Resort in Alexandria. Managers Fjestad, Van Amburg, Anderson, and Hanson plan to attend.

Wilkin C.D. No. 7 Repairs. Jones mailed the notice of award and contract documents to States Border Construction on 10/12/16. They expect to get started on the work by the first week in November. Letters were also sent to the ditch system landowners to notify them about the work and to let them know they can contact the office if they have inlet installation requests. HEI will also have staff meet directly with the landowners prior to construction to discuss the project.

Jones provided the cost share agreement from the Wilkin SWCD for the Board's signature. This agreement addresses the BRRWD's use of the SWCD's BWSR Clean Water Fund (CWF) contract in the amount of \$74,545.85, which represents approximately 50% of the total C.D. No. 7 repair costs (\$162,563). **Motion** by Anderson to authorize signature of the agreement. **Seconded** by Fjestad. **Approved.**

Wilkin C.D. No. 6A Repairs. HEI has completed their update of the ditch benefit maps in an effort to reflect the current benefit area. Jones noted that their data will need to be field checked for accuracy. The County has nearly completed the slope work on both sides of the first mile of ditch in Section 31, Tanberg Township.

The rock drop structures will be installed after freeze-up. The County excavation crew is concurrently working on repairs for C.D. No. 4 and expects to have work on both repair projects completed yet this year. The Board discussed Nelson Lake's contribution to the ditch system and area drainage patterns.

MPCA MS4. Jones submitted the Minnesota Pollution Control Agency (MPCA) Small Municipal Separate Storm Sewer Systems (MS4) permit application by the 10/25/16 deadline. The Board discussed including a section on the MS4 program in both the RWMP and the revised Rules.

Wolverton Creek/Comstock Coulee. Jones prepared a Wolverton Creek project accomplishment plan for the Lessard-Sams Outdoor Heritage Council (LSOHC). The BRRWD's application for \$3.015 million was recently recommended by the LSOHC for \$1.877 million, and the funding should be available after 07/01/17. Jones commented that the Board will need to make a decision regarding how the proposed watershed management district (wmd) fee will be determined. The Board discussed the NRCS Wetland Reserve Enhancement (WRE) program landowner signup process, which has an open enrollment. Jones estimated that about three of the Phase 1 landowners have already applied for the program. Fjestad suggested that the office should send a reminder to the landowners who have not yet applied for the WRE program, emphasizing the need for them to enroll to leverage NRCS funding for the project.

Otter Tail River Restoration. Jones reported that the channel survey is completed, and they are working on collating the existing condition information. A steering committee meeting and landowner informational meeting will be scheduled in the near future to review the preliminary findings.

Professor Andre Delorme, Valley City State University, completed the mussel inventory last week. Jones reported that they found 27 mussels in 1,100' of channel. There was approximately 100' stretch at the upper end of the channel that was too deep for Delorme to access. Jones is working with DNR to resolve how to address the unsurveyed stretch of channel.

Treasurer Anderson, as Chief Financial Officer, signed the Non-Federal Self-Certification form for the Lower Otter Tail River Section 1135 Feasibility Study in conjunction with the Study Agreement between the COE and the BRRWD.

Whiskey Creek Restoration. Crops are mostly harvested on the land where we have permission to survey, so Jones thought the survey could be finished in the next three weeks. The office sent a letter to the landowners who did not respond our request for access in April.

Audio-Visual System. Jones reported that there have been a few problems with the AV system upgrade. Currently, the new camera is working, but we are unable to record audio. The Board discussed the Network Center Communications billing on tonight's list and agreed to delay payment until the system is working.

Clay C.D. No. 3 Slope Repair. Jones noted that there are some slope problems along about 0.25 miles of C.D. No. 3 along C.R. No. 11 in Moland Township, near Glyndon. He suggested that HEI could acquire some survey data to identify a couple of repair options before conducting a more expensive geotechnical investigation. Jones discussed new techniques we have used recently on similar ditches that could reduce repair costs.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Ackerman Land Surveying, Inc.	#16172, buffer R/W	Wilkin C.D. No. 31	\$ 4,858.00
Ackerman Land Surveying, Inc.	#16155-WR, buffer R/W	Wilkin C.D. No. 31	\$ 660.00
Detroit Lakes Floral	#100007852, Hanson Memorial	Admin.	\$ 49.39
Finish Grade Construction	#391, replace flap gate	Clay C.D. No. 59	\$ 550.30
Finish Grade Construction	#392, replace culvert	Clay C.D. No. 21	\$ 1,872.00

Finish Grade Construction	#393, culvert	Wilkin C.D. No. 6A	\$ 1,250.00
Finish Grade Construction	#394, flap gate	Clay C.D. No. 65	\$ 450.00
Fitzgerald Construction, Inc.	#28596, repairs	Pj. 14, Clay C.D. No. 10	\$ 1,051.24
Joel Carlson, Inc.	November lobbyist fees	Admin.	\$ 850.00
MAWD	Annual Meeting reservations (5)	Admin.	\$ 1,115.00
NTI	#19020, 09/01/16-09/30/16 testing	Pj. 49, Oakport	\$ 13,845.83
RMB Laboratories, Inc.	#330307, WQ Analysis	M.S.A. 103D. 905, Sub. 3	\$ 711.00
RMB Laboratories, Inc.	#330630, WQ Analysis	M.S.A. 103D. 905, Sub. 3	\$ 680.00
RMB Laboratories, Inc.	#331774, WQ Analysis	M.S.A. 103D. 905, Sub. 3	\$ 52.00
UEI	#60269, thru 09/30/16, wetlands	Pj. 49, Oakport	\$ 863.74
UEI	#60266, thru 09/30/16, Phase 4	Pj. 49, Oakport	\$ 66,810.19
West Otter Tail SWCD	#1578, buffers, Novotny/Olson	Upper S. Branch CWF	\$ 1,024.50
Wm. Nichol Excavating	#204, repairs	Pj. 47, Clay C.D. No. 53	\$ 2,596.00
Wm. Nichol Excavating	#205, replace culvert	Pj. 7, Clay C.D. No. 39	\$ 3,853.00
			\$ 103,142.19

Motion by Anderson to approve payment of the bills with the exception of the Network Center Communications invoice. **Seconded** by Hanson. **Approved.**

Repair Recommendations. Landowner Lauren Carlson has submitted a repair request for a damaged culvert along the east side of the South Branch of the Buffalo River in the SW¹/₄, Section 23, Alliance Township, Clay County. Jones recommended that we replace the culvert with a new 24" dia. x 40' corrugated metal pipe (CMP) and a flapgate. Carlson also asked for an additional inlet culvert on the south side of the river. Jones recommended the same size structure and flapgate in this location. The opinion of probable cost for this work is \$4,000 to \$4,500.

During the annual ditch inspection, a damage inlet culvert was identified in Section 9, Andrea Township, Wilkin County, on C.D. No. 31. Jones recommended replacing this culvert with a new 24" dia. x 30' CMP with a flapgate. The opinion of probable cost is \$1,500 to \$2,000.

The City of Glyndon requested a survey of the sediment levels in Clay C.D. No. 68 downstream of Parke AVE. The City replaced the bridge at this location this summer with two 10' x 4' reinforced concrete box culverts (RCB). A recent survey shows approximately 1' of sediment for about 500' downstream of the new culverts. Jones recommended a clean out of this stretch of the ditch. The opinion of probable cost is \$3,000 to \$4,000, as material will have to be hauled off site. **Motion** by Hanson to approve the three referenced repairs. **Seconded** by Anderson. **Approved.**

Next Meeting. The next regular meeting will be held on Monday, November 14, 2016, at 7:00 PM in our Barnesville office.

Adjournment. Chairman Van Amburg adjourned the meeting at 8:57 PM.

Respectfully submitted,

John E. Hanson, Secretary