

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

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## **MINUTES FOR MANAGERS' MEETING June 22, 2015**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, June 22, 2015, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Mark T. Anderson, John E. Hanson, Catherine L. Affield, Troy E. Larson, and Peter V. Fjestad. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer; Houston Engineering, Inc. (HEI). Others attending included: Jared Nordick, Kyle Schiefert, and Priscilla Schiefert.

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

**Secretary's Report.** The Board reviewed draft minutes for the 06/08/15 regular meeting and the 02/17/15 Wolverton Creek/Comstock Coulee Informational Meeting. **Motion** by Anderson to approve the minutes. **Seconded** by Affield. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's financial status. Cash on hand is \$1,729,407.85. Income since the last meeting totals \$698,018.88, primarily from the first-half 2015 property/ditch tax proceeds from Otter Tail (\$50,313.36) and Wilkin Counties (\$494,627.44). The Minnesota Department of Natural Resources (DNR) forwarded a payment for \$134,032.60 to close out the grant amendment for Project No. 49, Oakport Township, and a final grant payment of \$14,652.45 for the Hawley Buffalo River Restoration project. We also received a refund check (\$4,393.03) from Vogel Law Firm. Our income to date is \$2,407,837.37, accounts receivable total \$3,624,656.66, and our administrative expenditures to date total \$178,973.85. Albright noted that we received checks today that are not reflected in the report for 2015 tax payments from Becker County for \$167,596.97, two payments from the Red River Watershed Management Board (RRWMB) for Mediation Project Team (PT) expenses (\$8,507.45), and a check from CPL Stables (\$500) for Oakport May-September buyout rental. Clay County has not yet forwarded the first-half tax payments. Albright will give Clay County a reminder call tomorrow.

Albright is working with Midwest Bank on setting up our 2015 operating loan. He expects the paperwork will be ready for the Board's review at their 07/13/15 meeting.

### **Business brought before the Board included:**

**Permit No. 15-016, Jared Nordick.** Applicant proposes to install pattern tiling in the NE<sup>1</sup>/<sub>4</sub>, Section 24, Meadows Township, Wilkin County, outletting in the southwest corner of the project via gravity flow to a natural waterway. The project may have a saturated buffer. Nordick explained that the project is being developed as a water quality research project in conjunction with the Minnesota Department of Agriculture (MDA) and the Natural Resources Conservation Service (NRCS), utilizing saturated buffers for tiling projects. A bioreactor could also be installed on the outlet, which would consist of a variety of experimental materials, such as woodchips, that would be replaced annually in an attempt to remove nitrates. The group briefly discussed the research project and the types of materials/outlet features that could be used for the bioreactor.

**Permit No. 15-017, Jared and Gerald Nordick.** Applicant proposes to install 160 acres of pattern tiling in the SE<sup>1</sup>/<sub>4</sub>, Section 16, Meadows Township, Wilkin County. The south 50 acres will outlet via a lift

station in the southwest corner of the quarter along County Road (C.R.) No. 20, flowing west to Wilkin County Ditch (C.D.) No. 23, to which the property is assessed. The south portion of the project will be a Drainage Water Management (DWM) project, implementing control structures and the development of an operation plan in conjunction with the MDA and the NRCS to provide drainage and the potential for optional sub-irrigation. The north part of the project will have a conventional outlet via a separate lift station in the southwest corner of the quarter to C.R. No. 20. Nordick mentioned that he has a Wilkin County Highway Department permit to use their road ditch as an outlet. The project could also include the construction of a retention pond. Manager Fjestad questioned if the BRRWD should contribute to the project's costs. Albright explained that the NRCS and MDA have taken the lead on this project, and to date, the BRRWD has not been asked to contribute. The group discussed the value of having a DWM demonstration project within the BRRWD for other landowners to evaluate.

**Permit No. 15-018, Gerald and Jared Nordick.** Applicant proposes to install one 4" tile run along the ridge in the NE $\frac{1}{4}$ , Section 22, Meadows Township, Wilkin County, to address seepage, outletting via gravity flow to a natural waterway, eventually to C.D. No. 23-Lateral No.1, to which it is assessed. **Tabled**, pending more information from the applicant. Nordick said that he still needs to complete the project field survey.

**Permit No. 15-019, Gerald Nordick.** Applicant proposes to install a streambank stabilization project in Section 23, Meadows Township, Wilkin County, using NRCS designs and Environmental Quality Incentives Program (EQIP) funding. Nordick provided plans for review.

After discussion, **motion** by Anderson to approve Permit Nos. 15-016, 15-017, and 15-019, subject to our standard disclaimers. **Seconded** by Fjestad. **Approved.**

**Kyle Schiefert Drainage Complaint.** Albright gave a brief history of the drainage issues in the SE $\frac{1}{4}$ , Section 18, Humboldt Township, Clay County. On 06/19/15, the BRRWD held a meeting with the neighboring landowners to discuss short and long term plans to address the flooding issues on the Schieferts' property. Schiefert missed the meeting because he didn't receive the notice in the mail until later that day. Albright suggested that Schiefert should clean the ditch on the east side of his property to direct field drainage water north to the ditch along C.R. No. 55 and use the spoil material to build up the berm. Schiefert commented that there really isn't a ditch associated with the berm. When he built the berm, he excavated just enough dirt to create the berm. Jones also recommended that Schiefert install a berm with a culvert/flapgate in the low area on the east side of the driveway. The third recommendation was for a possible farmstead ringdike to protect the house and dog kennel. Albright wasn't sure if there will be ringdike funding available from the State in 2015. Schiefert noted that his property has a lot of sand, which probably wouldn't be suitable for ringdike construction.

Albright said that the renters of the Elaine Erdman's upstream property, Chris and Bruce Bang, were willing to repair the washout in their field. They were interested in a long-term solution to this issue, such as an underground tile installation (water sediment control basin), and they also asked the BRRWD contact the Clay County Highway Department to check the approach culvert off C.R. No. 55, which is plugged, with the west end bent shut. Jones discussed possibly splitting the flows off the upstream field, with part of the water draining north to the road ditch. The group discussed a temporary option that would force the upstream water to flow at an angle and drain towards the road ditch. Anderson suggested that a permanent solution could be using drain tile to take the water north, as the Bangs had suggested. Schiefert is concerned that if the problem is not addressed in the near future, heavy rainfall events could cause water to enter his basement egress windows. Albright will contact Chris Bang to discuss this issue further.

**Permit No. 15-051, Curt Brendemuhl.** Applicant proposes to install 42 acres of pattern tiling in the SE $\frac{1}{4}$ , Section 22, Kragnes Township, Clay County, outletting via a lift pump through C.R. No. 99 to Clay C.D.

No. 51 to which the property is assessed. **Motion** by Hanson to approve Permit No. 15-051, subject to our standard tiling disclaimer and the County's approval to work in their road right-of-way (r-o-w). **Seconded** by Anderson. **Approved.**

**Permit No. 15-052, Split Rock Construction, Inc.** Applicant proposes to construct a multi-family housing development on 19.63 acres in the NE¼, Section 4, Moorhead Township, Clay County. Storm water will be drained to existing ponds the City of Moorhead has already constructed in anticipation of this development. Jones has reviewed the proposed project and recommended permit approval. **Motion** by Hanson to approve Permit No. 15-052. **Seconded** by Anderson. **Approved.**

**Permit No. 15-053, Brain Thomas.** Applicant proposes to install pattern tiling in the NE¼, Section 12, Kragnes Township, Clay County, to outlet via a lift station to the south ditch of C.R. No. 108. **Tabled**, pending approval of the downstream landowners.

**Permit No. 15-054, Chris Noben.** Applicant proposes to install random tiling in the SE¼, Section 17 and the SW¼, Section 16, Cuba Township, Becker County, to address saturation areas outletting via gravity flow through a grassed waterway for approximately 1,800' to the Buffalo River. **Motion** by Fjestad to approve Permit No. 15-054, subject to our standard tiling disclaimer. Noben is also required to contact NRCS regarding potential wetland issues. **Seconded** by Affield. **Approved.**

**Permit No. 15-055-15-057, United States Fish and Wildlife Service (USFWS).** Applicant proposes to install a number of Wetlands Reserve Program (WRP) restoration projects in Becker County. Permit No. 15-55 is the Sean Felker Wetland Restoration in the NE¼, Section 18, Audubon Township. An existing wetland near Canary Lake will be restored by raising an existing field road by 2.5'-3.5' to raise the water level upstream of the road, and an existing culvert will be raised and replaced. Permit No. 15-056 is the Fettes & Dayley Wetland Restoration in the NE¼, Section 28, Lake Park Township, on the west side of Stakke Lake. The project will involve scraping out the bottom of an existing drained wetland and fill in an existing drainage ditch to the lake to restore the historic runout elevation for the wetland. Permit No. 15-057 is for Pheasants Forever (PF) Wetland Restoration projects in the N½, Section 1, Lake Park Township, Becker County, that will restore eight wetland basins in the LaBelle/Boyer Lake area. Jones had concerns about Basin No. 1, adjacent to the township road, and USFWS has agreed to limit that site to just a scraper to avoid changing the basin's runout elevation to prevent water from backing north along the road. **Motion** by Hanson to approve the three referenced permit applications, subject to Jones recommendations regarding Basin No. 1 for Permit No. 15-057. **Seconded** by Affield. **Approved.**

**Permit No. 15-058, Mark Blaufuss.** Applicant proposes to install pattern tiling in the N½, Section 18, Foxhome Township, Wilkin County, outletting via a lift station through C.R. No. 162 north to Wilkin C.D. No. 4 to which the property is assessed. **Motion** by Hanson to approve Permit No. 15-058, subject to County approval to work within their road r-o-w and our standard tiling disclaimer. **Seconded** by Anderson. **Approved.**

**Permit No. 15-059, Robert Olson.** Applicant propose to install pattern tiling for 97 acres in the S½ and NW¼, Section 21, Hawley Township, Clay County, via three separate gravity outlets to the Buffalo River. **Motion** by Anderson to approve Permit No. 15-059, subject to our standard tiling disclaimer. **Seconded** by Affield. **Approved.**

**Permit No. 15-060, Steve Busse/Bayer Crop Science.** Applicant proposes to install a canal (screw) gate on the east west of an existing culvert through the junction of 80<sup>th</sup> ST S and 80<sup>th</sup> AVE S in the SE¼, Section 8, Elmwood Township, Clay County, to prevent the South Branch of the Buffalo River from backing into their regulated test plots. **Motion** by Anderson to approve Permit No. 15-060, subject to Township approval to work within their road r-o-w. **Seconded** by Hanson. **Approved.**

**Permit No. 15-061, James Miranowski.** Applicant proposes to install 75 acres of pattern tiling in SE¼, Section 16, Nordick Township, Wilkin County, outletting to the north ditch of C.R. No. 20 via a lift station, flowing west 2 miles, eventually entering to a tributary to Whiskey Creek. **Motion** by Anderson to approve Permit No. 15-061, subject to our standard tiling disclaimer, Wilkin County's approval to work within their road r-o-w, and downstream landowner notification. **Seconded** by Affield. **Approved.**

**Scott McCaslin Tiling Outlet Concerns.** Duane and Dwight Hanson attended the 06/08/15 BRRWD meeting and agreed to remove the tile outlet block on their property with the understanding that Scott McCaslin must maintain the elevation of his overflow ditch and work with Hamden Township regarding their road/ditch safety concerns. The Board approved Dwight Hanson's permit application for a sediment control structure on their property in the NE¼, Section 23, Hamden Township. Following the 06/08/15 meeting, McCaslin contacted Albright to report that Duane Hanson has again refused to remove the tile block. Albright sent Hanson a letter on 06/16/15 reiterating the conditions of the 06/08/15 agreement, and advising him that if the block is not removed by the 06/22/15 BRRWD meeting, the Board may have to consider legal measures to open the obstruction on his property. Dwight Hanson contacted Albright today to ask for a "grace" period for removing the block. They would like to get the alfalfa crop off the field and have time to install their downstream sediment control structure in that field. Albright told Hanson that he would ask the Board if they would be willing to extend the deadline until the 07/13/15 meeting. The Managers discussed the requested deadline extension and agreed to give Hanson until 07/13/15 to remove the blockage. **Motion** by Hanson to set a new deadline of 07/13/15 for Duane Hanson to remove the tile block on his property. **Seconded** by Affield. **Approved.**

**Project No. 77, Clay C.D. No. 51-Lateral No. 3.** The Viewers (Ron Ringquist, Rick Battles, and Rod Knutson) held their first meeting on 06/12/15. The two opposing Attorneys, Roger Minch and Zenas Baer, both had an opportunity to meet with the Viewers. The Viewers also conducted a field review that day. The Viewers' Report should be filed by the 07/13/15 BRRWD meeting. The Board briefly discussed what took place at the Viewers' meeting.

**Project No. 75, Wilkin C.D. No. 31-Lateral.** Albright has revised Sharon Josephson's easement and will send her a copy via email for her review.

**Project No. 73, Country Heritage Outlet Ditch.** Darrin Haugen, a new homeowner in the area, contacted the office to report that about 150' of the ditch along his property doesn't drain properly. Haugen would like to bury a 4" dia. tile line in the bottom of the ditch along his property and connect to the existing main underground culvert. Wade Opsahl, Technician, HEI, meet with Haugen to discuss his proposal. Opsahl feels that perhaps the ditch grade line can be revised to address the problem.

**Project No. 71, City of Moorhead, 50<sup>th</sup> AVE S.** The final item remaining on the contractor's punch list is to replace the seal on a 48" dia. sluice gate to address an opening problem. Because replacing the seal was as expensive as installing a new gate, Gladen Construction Inc. decided to replace the entire gate. They are now waiting for the gate delivery. The City of Moorhead has indicated that they would like get a project maintenance agreement drafted with the BRRWD once the project has been completed.

**Project No. 61, Clay C.D. No. 11.** We are still waiting for the soils analysis from Terracon, Inc. At the last meeting, the Board authorized Albright to schedule a ditch hearing, as soon as possible, which will include replacement of the outlet culvert. Albright thought the hearing could be held sometime July.

**Project No. 56, Manston Slough Restoration.** HEI submitted Pay Request No. 7 for Gladen Construction, Inc. for \$151,519.37 and Change Order No. 3 for \$2,662.15 to add flared ends sections on the road centerline culverts to meet safety requirements. The only cleanup item left for the contractor is to the bio-roll removal. **Motion** by Affield to approve Pay Request No. 7 and Change Order No. 3. **Seconded** by

Fjestad. **Approved.** HEI also submitted Pay Request No. 1 for B&J Landscaping for 50% of the project's native grass seed (\$13,215.80). **Motion** by Anderson to approve Pay Request No. 1. **Seconded** by Hanson. **Approved.**

Albright still needs to follow up on a complaint from Jerome Briks regarding the placement of several inlet culverts on the Briks property north of Tower Road (210<sup>th</sup> ST) in the SE¼, Section 1, Nordick Township, Wilkin County.

**Project No. 54, Whiskey Creek Tributaries.** Opsahl met with Scott and Betty Anderson to address their drainage concerns. HEI conducted a survey, and Opsahl is working with Clay County Highway Department because the culvert through the north-south road (C.R. No. 56/160<sup>th</sup> ST S) is nearly full of gravel. The culvert is too short, and large trucks turning the corner are pushing gravel into the pipe. Jones plans to provide a repair recommendation for the Andersons to the Board at the next meeting. Opsahl is also working with a contractor on the repair of the "east tributary" in Section 14, Barnesville Township. The DNR issued a permit for the work last fall.

**Project No. 52, Clay C.D. No. 69.** The Board authorized repairs for this ditch system last fall. Work will begin as soon as conditions permit. The contractor JBX LLC plans to start the repairs in the next few weeks. Opsahl has contracted the affected landowners.

**Project No. 49, Oakport Flood Mitigation.** Albright reported that the Legislature passed a bonding bill that included the \$5.53 million to finish Phase 4 in 2016. Using the DNR's template, Albright prepared a resolution stating that the BRRWD is certified and eligible to accept a grant on behalf of the State of Minnesota and to authorize Chairman Van Amburg to sign the Grant Agreement on behalf of the BRRWD. **Motion** by Hanson to approve Resolution 15-01, as referenced. **Seconded** by Affield. **Approved.** The BRRWD will also have to file a new Flood Damage Reduction Grant application.

Albright met with representatives of the Fischer Family today to discuss issues regarding the BRRWD's storage easement on their property. They requested a \$40,000 easement payment for 2013, 2014, 2015, and 2016 (\$10,000/year). The Fischers claim there are more acres adjacent to the BRRWD's stockpile that weren't tillable because of runoff and other factors. The Board discussed the Fischers' proposal and the benefits they will gain from the completed Oakport project. They felt \$40,000 was too high, compared to the storage lease agreement we have with another Oakport property owner. The Board decided to wait to make a decision about an agreement until the DNR grant is in place so any payment would be eligible for possible grant reimbursement. **Motion** by Anderson to table a decision on the Fischer's proposal until Albright can assemble more information regarding this issue. **Seconded** by Fjestad. **Tabled.**

**Project No. 40, Clay C.D. No. 41-Outlet.** Jones reported that the C.D. No. 41 channel bottom has begun downcutting north of 8<sup>th</sup> AVE N and downstream to the railroad crossing on the south end of the American Crystal Sugar (ACS) property. The worst area is between 15<sup>th</sup> AVE N and Trunk Highway (T.H.) No. 75 where the ditch bottom has scoured out about 3'-4' for about 400'. He discussed plans to restore the channel to the as-built gradeline to correct the downcutting and to prevent possible future slope failures. The opinion of probable cost is \$70,000-\$80,000 for material, installation, and seeding. Jones plans to combine these repairs with the repair work for C.D. No. 41- Lateral No. 1 and let bids for both projects in mid-July. **Motion** by Hanson to approve the recommended repairs for the C.D. No. 41-Outlet. **Seconded** by Fjestad. **Approved.**

**Project No. 39, Georgetown Levee.** Albright worked with Attorney Jordan Weir, Vogel Law Firm, to file the necessary documentation for the Petition of Condemnation last week for the Greywind house. The Court hearing is scheduled for Thursday, July 23, 2015, 9:30 AM. Albright plans to attend the 07/06/15 Georgetown Council meeting to discuss current project expenditures and potential assessments.

The Board discussed a concern brought up by the Georgetown Mayor regarding Greywind's house exchange agreement with the BRRWD. Greywind currently has a rental agreement with the BRRWD for his residence, which the BRRWD owns. The BRRWD will be required to file the appraised value of Greywind's old house (\$20,000) with Court as part of the condemnation proceeding. Albright will refer this issue to BRRWD Attorney Tami Norgard, Vogel Law Firm.

The Board also discussed an issue with the placement of bee hives within the City limits on BRRWD buyout property, which prompted complaints from a Georgetown resident.

Later in the meeting, the Board briefly discussed information from Federal Emergency Management Agency (FEMA) regarding the 2011 temporary diking. Apparently, FEMA has been attempting to correspond with the City of Georgetown. Jones contact FEMA with a request that the BRRWD be copied on correspondence to the City as the BRRWD is responsible for the 2011 dike demolition.

**Project No. 37, Clay C.D. No. 41-Lateral No. 1 Channel Repair.** As referenced above, Jones is working on plans and specifications to be distributed to a number of local contractors for a bid opening in mid-July in conjunction with repairs for C.D. No. 41-Outlet.

**Project No. 30, Clay/Wilkin Judicial Ditch (J.D.) No. 1.** The Board approved repairs for J.D. No. 1 last fall. William Nichol Excavating, Inc. was hired to do the work. Todd Lewis has agreed to haul away some of the spoil. Anderson commented that Lewis should be able to get the work done because he has access to F-M Excavating equipment. Anderson also mentioned that we could use some of the spoil to fill in low spots on the ditch berm.

Albright is still working on redrafting the diversion petition on the county line to Wolverton Creek/Comstock Coulee.

**Project No. 24, Wilkin C.D. No. 44.** Albright is still working on a draft petition for Manston Township to abandon the north ditch, remove the centerline pipe, and relocate the ditch on the south side of 170<sup>th</sup> ST as part of the legal ditch system in Sections 3 and 10.

**Project No. 23, Becker C.D. No. 15 Repair.** Opsahl is working with Chad Mattson to continue the repair work south of the Hamden Slough National Wildlife Refuge (NWR) on the remaining portions of the ditch system, including the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Section 11, Audubon Township, as petitioned for by Kraig Nelson.

**Project No. 01, Wilkin C.D. No. 22.** A ditch system hearing will be scheduled regarding the installation of buffer strips (Lateral Nos. 1 and 2) and outlet grade stabilization in conjunction with the Wolverton Creek/Comstock Coulee restoration.

**Mediation PT.** The next PT meeting will be held on July 9, 2015, in the Barnesville office.

**Upper South Branch of the Buffalo River.** Jones is preparing a different concept for review at the next PT meeting. The overall concept also includes the Haick/Peppel Wetlands Reserve Enhancement (WRE) site.

**Barnesville Township Area Drainage.** Albright said that some of the area landowners have contacted him regarding the proposed project since the 5/28/15 informational meeting. The consensus appears to be that the Board should move forward with the proposed project. The main question they have is what the detention site easement values will be. Jones said the survey of the three miles of unnamed tributary in Wilkin County that landowners requested will be completed later this week. Albright plans to schedule a meeting with owners of the land identified as possible retention sites.

Jones discussed Keith Ernst's repair request for two locations on Clay C.D. No. 34 in Section 21, Barnesville Township. At the first location, the north berm dips about 2', and at the second location, water backs out of the inlet pipe on the south berm. The outlet end of the inlet should be cleaned, and if necessary, the flapgate may need to be replaced. The opinion of probable cost for the repairs is \$2,000-\$2,500. **Motion** by Anderson to approve the recommended repairs. **Seconded** by Fjestad. **Approved.**

### **WRE Sites.**

**Haick/Peppel.** We are still waiting for a response from BWSR regarding use of their 30.4 acres of Permanent Wetland Preserve (PWP) easement in Section 4, Manston Township, on the Peppel land. Jones will follow up with BWSR. Al Keane, BWSR, has indicated that there might be some money in the 2015 bonding bill for Reinvest In Minnesota (RIM) projects.

**Stony Creek Comprehensive Project.** Sherwood Peterson contacted Albright again today regarding the status of the project. Terracon, Inc. forwarded their geotechnical report to Jones late this afternoon. Jones will use this new information to move forward with the project design.

**Revised Watershed Management Plan (RWMP)/Watershed District Enlargement (WDE).** Jones and Albright are working on proofing the draft RMWP in an effort to complete the document by the end of June. Once it's completed, we will schedule one more meeting with the Technical and Citizen Advisory Committees for their final review. The Bois de Sioux Watershed District has not yet forwarded the proposed boundary changes to the BRRWD. Once they get Otter Tail County to sign the BWSR petition, they will send it on to our office for signature. We will then file the entire petition for the boundary changes with BWSR.

**Army Corps of Engineers (COE) F-M Diversion.** The Board briefly discussed the Court's decision to order a halt to work on the Oxbow/Hickson/Bakke dike project. The DNR has released a preliminary draft Environmental Impact Statement (EIS). The final EIS is expected to be released in August or September.

**Stakke Lake.** The Stakke Lake Association held a meeting where they discussed the outlet concerns. The consensus of the Association members was they would like to stabilize the outlet. Albright will forward contact information for the various agencies to Gary Landsem.

**Minnesota Agricultural Water Quality Certification Program (MAWQCP).** Albright and Manager Fjestad attended a pilot area meeting in Winona last week. The Board discussed concerns/possible problems about the process of expanding the MAWQCP statewide. Funding is available for the program, but at this time, the Wilkin SWCD would prefer to focus on the current pilot area. MDA is planning to expand the program to the Technical Service Areas as defined by the Minnesota Association of Soil and Water Conservation Districts (MASWCD)

**Wilkin/Otter Tail J.D. No. 2.** Jones is working on a repair report to raise the spoil bank in the low areas on the east berm of J.D. No. 2 in Sections 7 and 18, Orwell Township, Otter Tail County, along Dan Bradow's property. He expects to have the report ready to present to the Board at their 07/13/15 meeting.

**Elkton Township Wetland Restoration.** Chuck and Tami Anderson signed their revised easement. Bruce Manston still needs to sign his easement. Regarding Chuck Anderson's crop damage claim, Albright has discussed this issue with Ziegler Construction, Inc., who has now turned the claim over to his insurance company (Auto Owners). Albright reported that their insurance adjuster has already contacted him for more information.

**Minnesota Association of Watershed Districts (MAWD) Summer Tour.** MAWD is hosting their Summer Tour on June 24-26, 2015, at the Radisson Duluth Harborview. Managers Van Amburg, Hanson,

Affield, and Fjestad plan to attend. Albright will meet with the Duluth Watershed Committee to discuss the process for creating a new watershed district on Thursday.

**Wilkin C.D. Nos. 5A/26.** The office has prepared the mailing lists, and Albright will schedule hearings for these ditch systems regarding the installation of buffer strips and outlet stabilizations in conjunction with the Wolverton Creek Restoration project.

**Upper Red River Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategy (WRAPS) Study.** We are now at the stage to start preparing the draft TMDL/WRAPS reports. The Board discussed HEI staffing for the work. Public informational meetings will be scheduled to review the documents. The Study deadline is June 30, 2016.

**Buffalo River TMDL Study.** Albright explained that the Minnesota Pollution Control Agency (MPCA) let the study contract expire with the BRRWD on 12/31/14, so at this time, there is no contract in place for the BRRWD to do any work on the TMDL/WRAPS project. MPCA received comments from two agencies regarding the TMDL/WRAPS reports, which they will address. One of the next steps should be to submit both documents to the Environmental Protection Agency (EPA) of final approval.

**Wolverton Creek/Comstock Coulee.** Jones submitted two grant applications by the deadline to the Lessard-Sams Outdoor Heritage Council (LSOHC) Conservation Partners Legacy Grants (CPLG) Program (\$4,963,000) and the other application was submitted to Enbridge Inc. (\$300,000) in association with the Minnesota Association of Resource Conservation and Development Councils, Inc. (MARC&D), who is offering a grant opportunity for natural resource enhancement (nre) projects for their pipeline in Minnesota, North Dakota, and Wisconsin. We should know by mid to late July if the project was selected for either grant.

**Otter Tail River Restoration.** The BRRWD's application for an EPA 319 Grant was approved (subject to federal funding). The workplan and schedule has been forwarded to MPCA, who will send the paperwork to EPA for review. Jones noted that the 319 funds probably won't be available until March 2016.

**Target Drainage Water Management.** We are in the process of closing out the grant for this program. BWSR will transfer the remaining funds to the Wilkin Soil and Water Conservation District (SWCD) to be used to work with local landowners who are currently involved with this program. Albright noted that there is a small bill on tonight's list to BWSR for \$908.50, which reflects reimbursement of BRRWD expenditures made before the grant was in place. Albright has prepared the required funds return form for BWSR and a financial report regarding these funds that Chairman Van Amburg will sign.

**Legislative Update.** Albright distributed information from BWSR and Conservation of Minnesota regarding the 2015 Legislative Session to the Board for their review.

**DNR Water Appropriation.** Landowner Jerry Janssen has filed a DNR water appropriation permit application for an irrigation well in Section 4, Humboldt Township, Clay County. The Board had no comment regarding the application.

**Clay C.D. No. 36 Repairs.** Landowner Darin Brandt filed a repair request for sediment removal in the ditch channel for approximately 0.5 miles in the NE¼, Section 9, Holy Cross Township. There is also a damaged gated inlet culvert in this area. HEI conducted a review. Jones recommended the requested cleanout and the replacement of the damaged inlet culvert with a new 24" dia. x 50 long corrugated metal pipe (CMP) with a flapgate. There is another damaged 24" dia. flapgate on an adjacent culvert that Jones also thought should be replaced. In addition, during the investigation, a property owner reported another failed inlet culvert along this portion of the ditch. Jones recommended that we replace this culvert with an

18" dia. x 50' long CMP. The opinion of probable cost for these three ditch repairs is \$10,000 to \$12,000 for materials and labor. **Motion** by Anderson to approve the recommended repairs. **Seconded** by Hanson. **Approved.**

**Wilkin C.D. No. 43 Repair.** Last fall, work was approved to replace a failed crossing along C.R. No. 30 on C.D. No. 43 in Section 29, Atherton Township, for Sharon Nelson. At that time, the Board approved moving the crossing west to the sectionline between Sections 29 and 30. The work was not completed last fall. After further discussions this spring, the landowners agreed that it would be better to move the crossing to the quarterline of Section 29, instead of the sectionline. Jones recommends the installation of a 78" dia. x 80' long CMP in the referenced location. The length may vary depending on Wilkin County Highway Department requirements. The opinion of probable cost is \$15,000 to \$20,000. **Motion** by Larson to approve the recommended repair. **Seconded** by Fjestad. **Approved.**

**Red River Valley Agricultural Water Issues Forum.** The 4<sup>th</sup> Annual Forum will be held on July 15, 2015 (Hallock), July 16, 2015 (Ada), and July 17, 2015 (Wendell) from 8:00 AM-12:00 PM.

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

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
B&J Landscaping	Pay Request No. 1	Pj. 56, Manston	\$ 13,215.80
Bruce E. Albright	MAWQCP lodging/meals (2)	MAWQCP	\$ 292.90
Chris Hoppe Lawn Care	May billing (2)	Admin.	\$ 213.75
Gladen Construction, Inc.	Pay Request No. 7	Pj. 56, Manston	\$ 151,519.37
Joel Carlson, Inc.	July 2015 Lobbyist fees	Admin.	\$ 850.00
L&M Road services	#379, tree/brush spraying	Varies	\$ 1,128.00
Liberty Business Systems, Inc.	#198832, Copier Contract 06/27/15-09/26/15	Admin.	\$ 419.94
Meadows Excavating, LLC	#301, Sect. 27 erosion repair (75%)	MAWQCP	\$ 15,225.00
Meadows Excavating, LLC	#302, Sect. 23 inlet (75%)	MAWQCP	\$ 3,832.50
MN BWSR	Payment of costs before grant	DWM	\$ 908.50
RMB Laboratories, Inc.	#264455, WQ analysis	M.S.A. 103D.905, Subd. 3	\$ 553.00
RMB Laboratories, Inc.	#264627, WQ analysis	M.S.A. 103D.905, Subd. 3	\$ 948.00
RMB Laboratories, Inc.	#264639, WQ analysis	M.S.A. 103D.905, Subd. 3	\$ 158.00
Vogel Law Firm	#15523, May billing-General	Admin.	\$ 69.00
Vogel Law Firm	#155423, May billing	Pj. 30, Clay/Wilkin J.D. 1	\$ 2,603.50
Vogel Law Firm	#155423, May billing-Hanson	Admin.	\$ 943.00
Vogel Law Firm	#155424, May billing	COE Diversion	\$ 874.00
Vogel Law Firm	#155425, May billing	Pj. 77, Clay C.D. No. 51-3	\$ 161.00
			<b>\$ 193,915.26</b>

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

**T.H. No. 9 Repairs.** Anderson asked about survey work on T.H. No. 9 on the Deerhorn Creek project. Albright explained that the Minnesota Department of Transportation (MNDOT) was conducting a soils investigation in preparation for a bridge replacement.

**Special Agenda.**

**RRWMB Membership.** Albright noted that the office prepared 50 copies of the Annual Report, which contains the 2014 Audit. He plans to set up meetings with the four counties to present the information to them and to discuss possible RRWMB membership with the various Commissioners. Before these meetings, Albright plans to prepare a draft listing of the "pros" and "cons" of RRWMB membership. The Board will need to make a decision regarding membership

prior to our annual budget hearing. Albright suggested that a vote on the issue could be advertised in conjunction with the annual budget hearing.

Van Amburg asked the other Managers about their discussion at the 05/26/15 meeting regarding RRWMB membership. He left that meeting before the topic came up. Van Amburg felt that rejoining the RRWMB would be a good way to provide a funding source for our current and future projects. Anderson said that the Managers discussed the fact that the BRRWD tax levy would nearly double, with half going to the RRWMB and half staying with the BRRWD for local projects. The BRRWD levy is based on property valuation, so all taxpayers pay based on the same rate. Albright noted that in 2015, the BRRWD lost out on receiving approximately \$500,000 in NRCS funding because we were not RRWMB members. We didn't qualify for any funding from the \$50 million allocated through the Regional Conservation Partnership Program (RCPP). Member districts were eligible to receive up to \$500,000 per project application. Albright also pointed out that to date, we still have a funding application pending for the Stony Creek project from the City of Fargo sales tax funds for upstream retention in conjunction with the F-M Diversion project, partly because we aren't members of the RRWMB.

The group discussed the RRWMB's past practice of taxing the maximum levy every year, whether or not they spent the proceeds, which was one of the BRRWD's concerns about the RRWMB operation. In the past, they also didn't prepare an annual budget. This year, the RRWMB did prepare a budget and levied 75% of the maximum to pay for the listed projects. The group also discussed the RRWMB's audit process.

Albright will prepare information to show what the levy will cost the BRRWD's taxpayers to share with the County Commissioners. Van Amburg noted that it is easier to lobby the Legislature for project funding as a group rather than just one individual Watershed District. Albright pointed out the State agencies always want to know that the BRRWD is doing all it can to raise funds locally prior to seeking State assistance.

Albright said that the RRWMB has made some of the changes we asked them to consider back in 2002. For example, the BRRWD was concerned how the RRWMB's STar value criteria was applied to determine funding eligibility for projects based on local vs. basin wide benefits. These criteria have been revised since we dropped our membership. Albright suggested that Jones analyze the Stony Creek Pool B alternative according to the RRWMB's current STar Value to see what it would take to make that project eligible for maximum RRWMB funding. He felt it would be informative for the Board to see how the project could be developed based on RRWMB funding guidelines. Jones explained that typically the RRWMB will pay 25% of the project costs, assuming 50% DNR funding, depending on the type of storage the project will provide. Temporary storage scores lower on the STar Value ranking for funding than gated storage.

Anderson asked if we were to vote to rejoin the RRWMB, would the taxation be levied for 2016. Albright explained that if the Board adopted a resolution to rejoin the RRWMB at our annual budget hearing in August, the 2016 levy needs to be certified by September 15, 2015. Watershed Districts have the option to file the final levies by 12/15/15 where we can reduce the levies, but we can't increase them. Anderson noted that he knows that the Clay County Board of Commissioners wants the BRRWD to rejoin, but he hoped the Board could meet with the other three Counties in the next few weeks to hear their opinions on this issue. Albright said that if we have concrete reasons for the tax increase, it would be easier to defend a tax increase if we decided to rejoin the RRWMB. The Board discussed RRWMB funded projects in the Upper Red River Basin that have benefited downstream properties/cities in the BRRWD.

Albright will start working with the County Administrators to find meeting dates for the Board to meet with the Commissioners after the July 4<sup>th</sup> Holiday. By the 7/13/15 Board meeting, Albright hopes to have some dates for the Managers to consider.

**Goal Setting.** Albright noted that he has revised the BRRWD goals list. He has scheduled another meeting with the HEI staff to stay current with the ongoing work. He is also working with HEI regarding the administrative assistant hiring, authorized on 05/26/15.

**Rules Update.** The Board would like to schedule a meeting to revise the Rules, but at this time, completion of the RWMP is our top priority. Albright suggested that later this fall, the Board could hold a special meeting to look at our Rules. The Board received examples of Rules from other Watershed District and the RRWMB guidelines at previous meetings.

**Next Meeting.** The next regular meeting will be held on Monday, July 13, 2015, at 7:00 PM in our Barnesville office.

**Adjournment.** **Motion** by Anderson to adjourn the meeting. **Seconded** by Affield. **Approved.** Chairman Van Amburg adjourned the meeting at 10:10 PM.

Respectfully submitted,

John E. Hanson, Secretary