

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVE NE
Email: general@brrwd.org

PO BOX 341

PHONE 218-354-7710
Website: www.brrwd.org

MINUTES FOR MANAGERS' MEETING February 10, 2020

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, February 10, 2020, at 7:00 PM in the Barnesville office. BRRWD Managers present were Peter V. Fjestad, John E. Hanson, Mark T. Anderson, and Catherine L. Affield. BRRWD staff attending included: Bruce E. Albright, Administrator, Kathleen K. Fenger, Assistant Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending included Kevin Campbell, Clay County Commissioner, Stephen Hanson, Associate, Ohnstad Twitchell, and landowners Don Nelson, Charles Anderson, and John Ready.

BRRWD Vice President Fjestad called the meeting to order at 7:02 PM and announced that the proceedings were being video recorded to aid in the preparation of the minutes.

Agenda. Fjestad asked for comments or additions to the meeting agenda. Albright wanted to add a discussion regarding the Fargo Moorhead Diversion Authority (FM DA) request to access property the BRRWD owns north of Moorhead for the Diversion project. **Motion** by Anderson to approve the amended agenda. **Seconded** by Affield. **Approved.**

Secretary's Report. The Board reviewed draft minutes for the 1/27/20 regular meeting and the 1/13/15 Revised Watershed Management Plan (RWMP) Rothsay Informational Meeting. Affield asked for a clarification of the term of the HEI engineering consultant contract as written in the 1/27/20 minutes. She also noted minor corrections to the RWMP minutes. **Motion** by Affield to approve the minutes, subject to correction. **Seconded** by Anderson. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's monthly financial statements, including the project account balance sheet, administrative disbursements, and summary of income. Cash on hand is \$2,581,048.51. Administrative disbursements this month equal \$53,725.13, and for the year, total the same. 2020 Accounts Receivable total \$5,571,184. Total income this year is \$264,711.41. Income received since the 1/13/20 meeting totaled \$59,328.59, including delinquent county property/ditch tax payments from Clay (\$14,989.45), Becker (\$6,450.56), Otter Tail (\$1,734.26), and Wilkin (\$12,547.74); Becker County for a Buffer Initiative Aid payment (\$15,007); Audubon Township for their share of a culvert repair (\$2,500); and \$1,000 from the North Dakota State University (NDSU) Sustainable Agriculture Research and Education (SARE) Grant program. The remainder of the income came from Midwest Bank for January interest (\$4,874.58) and HEI for their monthly office rent (\$225). **Motion** by Anderson to approve the Treasurer's Report. **Seconded** by Hanson. **Approved.**

Fjestad asked about the status of the 2019 financial audit. Albright has reached out again to Harold Rotunda, CPA, who has conducted the BRRWD's audits for many years, but he has not yet responded.

Other Business brought before the Board included:

Permit No. 19-003, FM Diversion. BRRWD Attorney Brent Edison, Vogel Law Firm, contacted Albright today regarding the Minnesota Department of Natural Resources (DNR) permit contested case. Albright noted that Joel Fremstad, Fremstad Law Firm, is handling the FM Diversion permit denial lawsuit. He is currently working to compile the record, which will be submitted to the District Court Judge in Becker County for review. No witnesses will be called, and no trial will take place. The Judge will review the record

and determine if the BRRWD followed proper procedures when denying the permit application. The DNR permit contest process also continues. Currently, Albright is working on answering a list of questions from the DA and DNR, which must be submitted by 2/21/20. The BRRWD must also name expert witnesses to testify.

The Minnesota Land Committee will need access to a parcel of BRRWD buyout property associated with the Georgetown Levee project to conduct their biotic and geomorphic survey. Anderson suggested that the easement agreement should include a 48-hour notification stipulation. Albright will convey that suggestion to Eric Dodds, the Land Committee's engineer. He explained that at this point, the DA is just notifying us about the easement process. Albright explained that the next step will be to sign the Land Committee's agreement when they submit the formal document. Commissioner Kevin Campbell noted that the surveyors will be accessing most properties from the river up to the parcel, so that there shouldn't be significant impacts.

Galaxie Culvert Agreement. Albright reported that Dawson HQ (who now owns the Galaxie), Humboldt Township, and the Minnesota Department of Transportation (MNDOT) have all signed the agreement to split the estimated \$6,156 cost to repair the former Galaxie Supper Club driveway/culvert. **Motion** by Anderson to sign the cost-share agreement. **Seconded** by Hanson. **Approved.**

Project No. 80, Stony Creek Water Resource Comprehensive Management Project (WRCMP).

Albright updated the Board about the status of the Stony Creek project. The staff is working on updating the easement options and hopes to forward them to the landowners this week. He explained that the easement options are for the flood damage reduction (fdr) features and for the creek channel right-of-way (R/W) easement acquisitions. The easement values were approved previously and are based on the County's estimated market value (EMV) for the land, including multipliers for permanent R/W or borrow sites, plus an additional \$900/acre for tiled land. Amanda Hillman, DNR, sent an email to notify the Board that she will be forwarding the Lessard-Sams Outdoor Heritage Council (LSOHC) Grant paperwork for the creek restoration portion of the project in the near future. Fjestad asked about the hearing process. Albright explained that the Board has already held the Preliminary Resolution hearing, and once the Engineer's Report is filed and the landowner options are acquired, a Final Hearing will be scheduled where the final funding options will be discussed. The group briefly discussed possible funding sources.

Project No 17, Hamden Slough/Project No. 23, Becker County Ditch (C.D.) No. 15. At their 12/9/19 meeting, the Board appointed HEI as project engineer for the United States Fish and Wildlife Service (USFWS) proposed Hamden Slough Refuge wetland modification, which involves C.D. No. 15. The original culverts/gates are deteriorating and will be replaced with modified structures. The USFWS also plans to raise the Homstad wetland 1' above the "as-built" elevation. Jones reviewed the proposed changes and determined that the project shouldn't affect any other landowners. Because the structures are on one of the C.D. No. 15 branches, the ditch system must receive a petition to do the project. Ryan Frohling, USFWS, notified Albright today that he will forward the petition for impoundment of waters on the C.D. No. 15 system tomorrow. The Board discussed scheduling a tentative hearing date of March 24, 2020. **Motion** by Anderson to proceed with the hearing process. **Seconded** by Hanson. **Approved.** Albright will let Frohling know tomorrow about the proposed hearing date.

Whiskey Creek Restoration. At the 1/27/20 meeting, the Board agreed to move forward with the project development. Jones presented an overview of the proposed project, which would be developed in much the same way as the Wolverton Creek Restoration. He noted that there is potential to receive some funding from the Natural Resources Conservation Service (NRCS) National Water Quality Initiative (NWQI) grant program if local landowners are interested in implementing conservation practices on their private land. Jones explained the channel corridor restoration along with sediment control features is estimated to cost about \$7 million. The NWQI conservation practices on the agricultural lands would be an additional \$2.9 million, bringing the estimated cost of the project up to \$9.9 million. Albright noted that the \$2.9 million

NWQI funds could be used anywhere in the Whiskey Creek watershed. The NWQI funding is contingent on landowner interest. Jones listed the current potential funding sources:

- Minnesota Pollution Control Agency (MPCA) 319 Small Watershed Grant, which could provide approximately \$270,000 every four years for up to four funding cycles. MPCA has indicated that there will be \$270,000 available in 2020 for the Whiskey Creek watershed. The Whiskey Creek watershed was one of the 10 in the State that MPCA selected as pilot projects for this grant program.
- Wilkin Soil and Water Conservation District (SWCD) \$350,000 Minnesota Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) grant for field inlet installations along the channel. They still have \$280,000 available for the Whiskey Creek watershed.
- The NWQI grant program for the Whiskey Creek watershed (\$2.9 million), subject to landowner interest and eligibility. This program could fund side inlets, alternative tillage practices, grassed waterways, sediment control basins, and other land treatments. The Whiskey Creek watershed is the only watershed in Minnesota that NRCS selected to be included in this program.
- The Conservation Reserve Enhancement Program (CREP) could be used to acquire permanent easements along the waterway (\$1.5 million). Craig Lingen, SWCD, would work with the landowners to enroll in CREP.
- The Whiskey Creek project is also on the DNR's stream restoration list (\$2 million).
- Potential \$700,000 to be raised in local funding from a water management district (wmd) fee. This fee could also remain in place to cover future project maintenance, similar to Wolverton Creek.
- The BRRWD could contribute funds via our Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3, taxing authority (\$1.4 million), similar to Wolverton Creek.

Albright explained that the project could be developed in phases as funding becomes available like the Wolverton Creek Restoration project. He noted that the referenced funding proposal is also similar to concepts used to fund the Wolverton project. Anderson noted that at the recent landowner informational meeting, the landowners were definitely in favor of a project for Whiskey Creek. **Motion** by Anderson to approve the terms of the preliminary budget and project development steps for the Whiskey Creek Restoration project, subject to the Final Hearing. **Seconded** by Affield. **Approved.**

Wilkin County Ditch No. 6A Redetermination. The Viewers plan to meet on 3/3/20 to finalize the Viewers' Report and file the Report with the Board at their 3/9/20 meeting. Albright explained that the redetermination process was complex because of the varied topography within the benefit area. Albright suggested that the redetermination hearing could be held in early April.

Ditch Buffer Hearing. Albright reported that buffer hearing notices for Clay C.D. Nos. 20, 22, 23, 28, and 51 were prepared and sent to the newspapers today. The hearing has been scheduled for Thursday, March 5, 2020, at 7:00 PM in the Barnesville office. This is the first of several ditch system hearings the BRRWD will hold in Clay, Wilkin, and Becker Counties prior to actual bufferstrip acquisition and installation in accordance with the 2015 State Buffer Law. He explained that many of these ditch systems involve the same landowners, so grouping the ditches into one hearing only makes sense. The next group will be Clay C.D. Nos. 5, 10, 49, 39, and 65. Once the hearing is held, the Board will make an Order regarding the acquisition of the buffer acreage, which is subject to a 30-day appeal. Following the appeal period, the Board can issue R/W payments. Then the seeding can be completed, and the R/W can be recorded with the County Auditor. Albright noted any benefit area corrections or repairs that landowners have requested will also be address during the hearing process.

Lower Otter Tail River (LOTR) Revised Project Management Plan. An agency meeting is scheduled for Friday morning (2/14/20) at 8:30 AM to discuss the project timeline and workplan revision for the Army Corps of Engineers (COE) Section 1135 Study. The cost estimate and the schedule has changed. The original 2017 estimate was approximately \$340,000. The cost-share agreement was for the COE to provide \$100,000 with the BRRWD and the COE splitting the remainder 50/50 (\$120,000 each). The new agreement includes

a completion date of March 2021 and a revised cost estimate of \$753,749. The BRRWD's share increased to \$326,912.50. When completed, this study could qualify the BRRWD for up to \$10 million (75%/25% split) in federal dollars. Jones noted that the meeting is intended to focus on a manageable number of alternatives for the COE to review. The COE forwarded the new agreement for the Board's consideration and signature. Fjestad noted that some of the landowners associated with this project were questioning the status and costs. The group discussed issues related to the original COE project that straightened portions of the Otter Tail River. The Board agreed to wait until all Managers were present before approving the new cost-share agreement.

AV System Update. Albright noted that Marco Technologies is interested in giving the BRRWD a quote on the AV system update. Marco is the company that sold the Board our M-Files data management system. Albright discussed the status of the M-Files data input. He noted that we have three separate data systems in use: M-Files, the permit suite, and the ditch records database. Fenger noted that eliminating the white board and video conferencing could save about \$8,000, but the NetCenter Technologies quote remained at about \$42,500 for a full boardroom upgrade.

One Watershed, One Plan (1W1P). The 1W1P is in a final draft form for internal review with local governments and agencies. The Board reviewed a Power Point presentation of the draft plan that outlined the planning process/contents. Once the 1W1P Policy Committee reviews and approves the Plan, it will be distributed for a 60-day notification period, followed by a public hearing. Then the Plan will be submitted to the BWSR Northern Planning Committee, and then they will make a recommendation to the full BWSR Board. After formal adoption, a new local committee will be formed to implement the Plan. The group had an extended discussion about how implementation will work for the entities involved with the 1W1P. **Motion** by Anderson to approve the Draft 1W1P. **Seconded** by Affield. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Albin Warling	WASCOB Project	Upper Buffalo Sed. Red.	\$ 641.00
AmeriPride	#160555226, January Rug Billing (3)	Admin.	\$ 130.58
Bruce Albright	Viewer's Meal	Wilkin C.D. No. 6A	\$ 46.00
Cardmember Service	Drainage Conf. (5) & Day at Capitol Reg. (6)	Admin.	\$ 1,099.67
Carmen Pattengale	January Office Cleaning (2)	Admin.	\$ 130.00
Catherine L. Affield	Voucher #19-36, 11/01/19-12/31/19	Admin.	\$ 426.35
City of Barnesville	#10043781, January Phone/Utilities Billing	Admin.	\$ 1,009.35
Elvin Anderson	WASCOB Project	Upper Buffalo Sed. Red.	\$ 4,334.00
HEI	February Billing	Varies-See Attached	\$ 86,064.22
JB Construction	January Snow Removal (5)	Admin.	\$ 580.00
Kevan Nelson	WASCOB Project	Upper Buffalo Sed. Red.	\$ 6,270.00
Kevin Lunde	WASCOB Project - Cuba Township	Upper Buffalo Sed. Red.	\$ 15,436.00
Kevin Lunde	WASCOB Project - Lake Park Township	Upper Buffalo Sed. Red.	\$ 5,102.50
LREC	01/01/20-02/01/20 Service	Pj. 79, Wolverton Crk.	\$ 25.89
Matthew Bjerke	WASCOB Project	Upper Buffalo Sed. Red.	\$ 3,896.00
MPS	12/18/19-01/21/2020 Service (1)	Pj. 49, Oakport	\$ 32.81
New Century Press	#287251, Ad for Bids	Clay C.D. Nos. 41, 47, 50	\$ 240.00
Quill LLC	#4526929, Office Supplies	Admin.	\$ 100.03
RRVCPA	01/01/20-02/01/20 Service	Pj. 49, Oakport	\$ 78.00
Salber & Associates	#4688, 2019 W2s & 1099s	Admin.	\$ 421.00
Secretary of the State	Notary Commission Fee-Berg	Admin.	\$ 120.00
US Bank Equip. Finance	01/27/20-02/27/20 Copier Lease	Admin.	\$ 274.65
Vogel Law Firm	#249528, Leitch Information Request	Admin.	\$ 1,459.00
Vogel Law Firm	#249529, December Billing	COE	\$ 1,316.50
Wm. Nichol Excavating	#321, Log Jam Removal	Pj. 29, Log Jams	\$ 3,713.00
WREC	12/18/19-01/18/2020 Service (2)	Pj. 46, Turtle Lake	\$ 68.50
Xcel Energy	12/26/19-01/27/2020 Service	Admin.	\$ 63.62
			\$ 133,078.67

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

Comments and Announcements. Anderson noted some of the Clay C.D. Nos. 11, 36, and 40 landowners near Rustad asked him about the status of the ditch repairs. He suggested that the Board set up a landowner informational meeting before spring field work starts to present the study details and determine how the landowners want to move forward. Anderson also suggested that the Board appoint a landowner committee for the ditch systems.

Upcoming Calendar Events. The Red River Watershed Management Board (RRWMB) is hosting the 22nd Annual Joint Conference on March 10-11, 2020, at the Courtyard by Marriott in Moorhead. The Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast and Day At The Capitol event is scheduled for March 18-19, 2020, at the Double Tree by Hilton Hotel Downtown, St. Paul.

Albright noted that the Clay County ditch hearings are scheduled for March 5, 2020, and the Becker C.D. No. 15 USFWS petition hearing is also scheduled in March. Another landowner informational meeting will also be held to discuss repairs for Wilkin C.D. No. 7 this spring. Rob Sip, RRWMB Executive Director, plans to attend a Board meeting in April to discuss the possibility of the BRRWD rejoining the RRWMB. The RRWMB is considering the option of membership categories.

The Red River Basin Commission (RRBC) sent a thank you note for the BRRWD's participation in their Basin Conference last month.

Next Meeting. The next regular BRRWD meeting will be held on Monday, February 24, 2020, at 7:00 PM in our Barnesville office.

Adjournment. Vice President Fjestad adjourned the meeting at 8:42 PM.

Respectfully submitted,

John E. Hanson, Secretary