

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING September 28, 2015

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, September 28, 2015, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, John E. Hanson, Mark T. Anderson, and Peter V. Fjestad. BRRWD Staff attending included: Erik S. Jones, Engineer, and Wade Opsahl, Technician, Houston Engineering, Inc. (HEI). Others attending included: Landowner Greg Grommesh.

Chairman Van Amburg called the meeting to order at 7:24 PM. The meeting was delayed due to the lack of a quorum. Van Amburg announced that the proceedings were being recorded to aid in the preparation of the minutes. BRRWD Administrator Bruce E. Albright was not present at the meeting, but provided a memo for the Board's review regarding tonight's agenda items.

Secretary's Report. The Board reviewed draft minutes for the 09/14/15 BRRWD meeting. **Motion** by Anderson to approve the minutes. **Seconded** by Hanson. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$1,832,483.56.

Permit No. 15-116, Greg Grommesh. Grommesh explained his proposal to remove one field approach culvert and add two new approaches with 48" dia. pipes along 140th ST S in the NW¼, Section 28, Barnesville Township, Clay County. In addition, he proposes to add a second culvert to a field approach along County State Aid Highway (CSAH) No. 2, and to grade the 140th ST S ditch to drain south to Clay County Ditch (C.D.) No. 54. Grommesh noted that TrueNorth Steel had 47" dia. culverts that he could buy for half-price. Because NuStar Energy Company pipeline is very shallow along 140th ST S, Grommesh probably won't be able to achieve the correct gradeline until NuStar lowers their pipeline elevation. **Motion** by Anderson to approve Permit No. 15-116, subject to Barnesville Township and Clay County's approval for work within their road right-of-way (r-o-w). **Seconded** by Fjestad. **Approved.**

Business brought before the Board included:

Permit No. 15-112, Randy Bjornson. Applicant proposes to replace a drainage swale through his field in the SW¼, Section 14, Skree Township, Clay County, with 750' of 12" dia. drain tile in order to allow for better access for his farm equipment. At their 09/14/15 meeting, the Board authorized HEI to provide a recommendation for the tile size to be located starting east of the driveway and extending west through Bjornson's field. The drainage would outlet to Project No. 13, Hay Creek-Bjornson Wildlife Management Area (WMA). Jones' hydraulic analysis showed increases in flood elevations and durations on the east side of the driveway for all rainfall events for a 12" or 15" dia. tile. He recommended that the tile line would need to be at least 18" dia. to prevent adverse impacts to areas east of the driveway. Jones suggested that Bjornson should work with his neighbor, Eric Swenson, on this project. Jones forwarded the analysis results to both Bjornson and Swenson. **Tabled,** pending a response from the landowners.

Permit No. 15-114, Robert Yaggie. Applicant proposes to install pattern tiling in the NE¼, Section 35, Manston Township, Wilkin County, outletting via lift station in the northwest corner of the section to the south ditch of County Road (C.R.) No. 26, eventually going north through C.R. No. 26 into the Manston Slough. Jones had outlet concerns about the adequacy of the county road ditch. Jones also suggested that Yaggie would need to provide a signed downstream landowner notification form for his permit approval.

The Wilkin County Highway Department will also require Yaggie to submit a permit application to drain into the C.R. No. 26 ditch. **Motion** by Anderson to approve Permit No. 15-114, subject to our standard tiling disclaimer, Jones' field review of the C.R. No. 26 road ditch, and Wilkin County's approval to work within their road r-o-w. **Seconded** by Fjestad. **Approved.**

Permit No. 15-115, Lynn Brakke. Applicant proposes to install pattern tiling in the NE $\frac{1}{4}$, Section 34, Holy Cross Township, Clay County, outletting via gravity flow from three control structures into a private field ditch along the south side of the quarter, eventually to Wolverton Creek.

Permit No. 15-117, Dale Schmidt. Applicant proposes to install random tiling for 12 acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 20, Carlisle Township, Otter Tail County, outletting to a natural waterway.

Permit No. 15-118, Jim Miranowski. Applicant proposes to install 80 acres of pattern tiling in the S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 26, Nordick Township, Wilkin County, to add on to the existing main line and tiling in the N $\frac{1}{2}$ NW $\frac{1}{4}$ on the west side of Section 26. The project will outlet to Wilkin C.D. No. 23, to which it is assessed.

Permit No. 15-119, Paul Tschakert. Applicant proposes to install a Natural Resources Conservation Service (NRCS) designed Wetlands Reserve Enhancement Program (WREP) site in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 32, Manston Township, Wilkin County.

Permit No. 15-120, Tim Erickson. Applicant proposes to install a Reinvest In Minnesota (RIM)/Wetlands Reserve Program (WRP) wetland restoration in the NW $\frac{1}{4}$, Section 8, Detroit Township, Becker County, on the west side of Trunk Highway (T.H.) No. 59.

Motion by Fjestad to approve Permit Nos. 15-115, 15-117, 15-118, 15-119, and 15-120, subject to the applicable standard disclaimers and road authorities' permission to work within their road r-o-w. **Seconded** by Anderson. **Approved.**

Scott McCaslin Tiling Outlet Concerns. Albright plans to field review the work the Hansons have completed on their property regarding the installation of some extra field tile and the removal of the tile block on their property in the NE $\frac{1}{4}$, Section 23, Hamden Township, Becker County. Vogel Law Firm has prepared a complaint regarding the Board decision to seek a court order for the Hansons to remove the tile block. The Board agreed to delay the court order until Albright can meet with the Hansons.

Project No. 77, Clay C.D. No. 51-Lateral No. 3. The Board approved the Order to construct the project at their 09/14/15 meeting. The 30-day appeal period will expire on 10/14/15. Jones has provided all the engineering information that Attorney Zenas Baer has requested.

Project No. 75, Wilkin C.D. No. 31-Lateral. Jones plans to meet with the Wilkin County Highway Department tomorrow morning to get the construction underway this week. We have obtained a signed easement from Sharon Josephson and her family. Jones also plans to meet with the last two landowners tomorrow to obtain their easement signatures.

Project No. 71, City of Moorhead 50th AVE S Flood Control. Jones submitted a Final Pay Request for Gladen Contracting, Inc. for \$60,825.76, plus Change Order No. 4, reducing the total contract by \$195,501.44. **Motion** by Fjestad to approve the Final Pay Request and Change Order No. 4. **Seconded** by Anderson. **Approved.**

Project No. 61, Clay C.D. No. 11. Jones reported that the contractor, Riley Brothers Construction, Inc., has forwarded the signed contracts for the Board's signature. The Board awarded the contract at their 09/14/15 meeting. The pre-construction conference is scheduled on 10/01/15 at 1:00 PM at the HEI Fargo

office. Construction could begin in mid-October, depending on weather conditions. Chairman Van Amburg and Secretary Hanson signed the contracts.

Project No. 56, Manston Slough Restoration. The office has prepared a final billing to the Minnesota Department of Natural Resources (DNR) for approximately \$46,000. We also submitted a Minnesota Association of Watershed Districts (MAWD) Project of the Year application last week.

Jones reported on a call from James Briks regarding a stipulation in his easement agreement that the BRRWD would sell him 2.6 acres of wetland mitigation credits at our cost for a project he is planning that will impact 1.3 acres of wetlands on his property in Section 28, Deerhorn Township, Wilkin County. He complained about the length of time it is taking to acquire the credits and threatened to have the project dike removed from his property. The BRRWD expects to bank those credits with our Elkton WRP project when it is completed, but there is an ongoing problem regarding the title paperwork with Minnesota Board of Water and Soil Resources (BWSR), which has taken much longer than we anticipated. Until BWSR banks the credits for the BRRWD, we don't have any credits to sell to Briks. Jones asked BRRWD Attorney Corey Elmer for an update regarding the easement recording. He also advised Briks that if he would prefer not to wait for the BRRWD to bank their pending credits, he has the option to buy the 2.6 acres from another source.

Project No. 49, Oakport Flood Mitigation. The Board signed the DNR Grant agreement and the contract was returned to the DNR last week, which officially started on 09/15/15. Attorney Corey Elmer is working on easement re-acquisition because the Phase 4 temporary easements have expired due to the delay in State funding, which held up project completion. Kris Carlson, Ulteig Engineers, Inc. (UEI), plans to open bids on 10/13/15, and the Board will be able to review the results at their meeting that night.

UEI has been working with the Clay County Highway Department to include their project to mill and overlay Wall ST NW in our Phase 4 overall bid package. When the work is completed, the BRRWD could bill the County for their portion of the costs.

Opsahl noted that there has been trespassing problems with logging on the project buyout areas along Oakport Coulee. Now that the City of Moorhead has annexed Oakport Township, Opsahl noted that the Moorhead Police Department is responsible for patrolling the area.

Project No. 39, Georgetown Levee. Opsahl reported that Reiner Contracting, Inc. has completed the cleanup list. When the contractor completes the grass seeding, HEI will prepare a Final Pay Request and Change Order for the next meeting. Opsahl met with the City Council, and toured the project area with the Council to be sure the contractor had completed everything the City wanted done. The signs and barricades will be put in place on the dikes and dead-end roads after the seeding is done. Opsahl noted that the Council would like to raise the old ball diamond to its original elevation. The site was used as a borrow pit for diking during the 2009 spring flood. Reiner's bid for the work was quite high, so Opsahl plans to have them close out their contract, and then let bids to bring in another contractor to finish work on the final grading for the ball diamond this fall. A portion of those costs will be covered by 2009 Federal Emergency Management Agency (FEMA) funding. The DNR grant expires on 12/31/15. The Board briefly discussed who will be responsible for future project/buyout property maintenance. The seeding has a one-year warranty.

Project No. 38, Farmstead Ring Dikes. The 2015 Legislature allocated \$400,000 for farmstead ringdikes in the Red River Valley to be administered by the Red River Watershed Management Board (RRWMB). Opsahl prepared a list of potential ringdike candidates who are still interested in the program. Albright forwarded the information to Ron Harnack, RRWMB, who is compiling a list of 2015 ringdike projects that would be eligible for funding.

Wilkin C.D. No. 5A, 26 and 22 (Laterals No. 1 and 2). The BRRWD held the hearing for the incremental implementation of vegetated buffer strips and side inlet controls on 09/17/15. The Board made the Order to approve the project at that meeting, so the appeal period will expire on 10/17/15. The r-o-w payments are on tonight's bill list.

HEI opened bids for the outlet stabilization work today. William Nichol Excavating, Inc. submitted the low bid of \$36,150, using the Flexamat option, for the three outlets. **Motion** by Anderson to award the construction contract to Nichol. **Seconded** by Hanson. **Approved.** The outlet work is not contingent on the appeal period, so the contractor can start as soon as possible.

HEI also opened bids for the buffer strip seeding today. There were five bidders with the low bid coming from HCI Commercial Landscape Contractors, Inc. for \$14,660.82. The Board discussed the high cost of landscape seeding. **Motion** by Anderson to award the seeding contract to HCI. **Seconded** by Hanson. **Approved.** The work will start after the appeal period expires on 10/17/15, and the crops are harvested.

2015 Fall Tour. The Fall Tour is scheduled for 10/15/15 at 1:30 PM. A catered meal will be served following the tour at the BRRWD Office.

Upper South Branch of the Buffalo River. Landowner John Boen is working with the West Otter Tail Soil and Water Conservation District (SWCD) to install sediment control basins in Section 21, Norwegian Grove Township. The BRRWD has agreed to cost share 25% of this work for a total of \$8,310 as part of the Clean Water Fund (CWF) grant agreement, which BWSR has agreed to extend for another year until 12/31/16. **Motion** by Anderson to approve the cost share payment to John Boen (\$8,310) for the referenced project. **Seconded** by Fjestad. **Approved.** Jones explained that the CWF grant funding will also be used to install buffers strips and repair side inlets on Wilkin C.D. Nos. 41 and 44. **Motion** by Hanson to authorize signature of the Upper South Branch of the Buffalo River CWF grant extension contract until 12/31/16. **Seconded** by Fjestad. **Approved.**

Mediation Project Team (PT). The next PT meeting will be held on 12/10/15 in the Barnesville office at 1:30 PM when the PT will go to their winter daytime meeting schedule.

Project No. 34, Clay County C.D. No. 41. Jones submitted Pay Request No. 1 for Steven Johnson Excavation for outlet repairs for C.D. No. 41 in the amount of \$80,275. **Motion** by Hanson to approve Pay Request No. 1, as referenced. **Seconded** by Anderson. **Approved.**

Multipurpose Drainage Management Competitive Grant. Jones is working on an application for the Stony Creek project for the new BWSR grant opportunity through the Multipurpose Drainage Management Competitive program that will provide funding (\$675,000) for projects that fit into the new drainage law legislation. The grant requires that we have an agreement of intent to partner with the local SWCD. Kevin Kassenborg, Clay SWCD, will also discuss this requirement with his Board of Supervisors at their next meeting. Jones prepared a draft letter in this regard for the Board's signature. **Motion** by Fjestad to approve partnering with the Clay SWCD, according to the grant requirements. **Seconded** by Anderson. **Approved.** The grant application deadline is 10/30/15.

Pheasants Forever (PF) Biologist Contribution. The Clay SWCD submitted a request for the BRRWD to contribute \$1,666 per year, effective from July 1, 2015, through June 30, 2017, to fund the PF Farm Bill Biologist position, presently filled by Anthony Nelson. The Clay SWCD was presented with an opportunity from BWSR for a Farm Bill Assistance grant to cover 90% (\$45,000) of the approved budget for the PF position with 10% (\$5,000) coming from the SWCD and local partners. The BRRWD has also

contributed funding for similar positions and project cost sharing for the other County SWCDs. **Motion** by Anderson to approve the requested contribution. **Seconded** by Hanson. **Approved.**

Project No. 23, Becker C.D. No. 15 Repairs. Hanson asked about the status of the ditch repairs for C.D. No. 15. Opsahl reported that the contractor told him that he would work through the weekend on the repairs, and then he had to take two weeks off for beet harvest. Opsahl has been working with landowner Craig Nelson on providing access to his field along the ditch. The Managers discussed how the costs would be split for the crossing installation. Normally, the crossing and installation are paid as a ditch system expense.

Manager Hanson requested the removal of sediment in portions of Section 21, Hamden Township. This stretch of the ditch, upstream of CSAH No. 13, is a deep cut through a ridge with steep slopes that tends to collect sediment. Opsahl will investigate and hire a contractor to take care of the slide as a ditch system expense.

Project No. 29, Buffalo River Log Jams. William Nichol Excavating, Inc. submitted a quote for the removal of three log jams on the Buffalo River for \$5,625. **Motion** by Hanson to approve the removal of the three log jam for the referenced quote. **Seconded** by Fjestad. **Approved.**

MAWD Annual Meeting. The MAWD Annual Meeting and Trade Show is scheduled for December 3-5, 2015, at the Arrowwood Conference Center, Alexandria, MN. Managers Anderson, Van Amburg, Hanson, and Fjestad plan to attend the meeting. The office will handle making the Managers' hotel reservations and meeting registrations, which are due by 11/20/15.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Aaron Bradley Cook	Right-of-way	Wilkin C.D. No. 5A	\$ 2,880.00
American Enterprise, Inc.	#1433, 2nd mowing	Pj. 49, Oakport	\$ 3,225.00
Amy Butler	Right-of-way	Wilkin C.D. No 22	\$ 3,120.00
B & J Landscaping	Native grass seeding & Maint., P. R. #3	Pj. 56, Manston Slough	\$ 7,805.07
B & J Landscaping	#4029, Ditch Mowing	Pj. 56, Manston Slough	\$ 900.00
Barbara A. Vangrud	1/4 Easement payment	Pj. 75, Wilkin C.D. No. 31-Lat.	\$ 1,857.57
Barnesville Phone Co.	09/25/15 billings	Admin	\$ 289.02
Becker County Aud./Treas.	Ditch Maintenance fees	Varies	\$ 2,639.00
Betty L. Mikkelson	1/4 Easement payment	Pj. 75, Wilkin C.D. No. 31-Lat.	\$ 1,857.57
Bradley & Arlene G. Nelson	Right-of-way	Wilkin C.D. No. 5A	\$ 2,400.00
Bradley Nelson	Right-of-way	Wilkin C.D. No. 5A	\$ 540.00
Brice K. & Sara R. Bellmore	Right-of-way	Wilkin C.D. No. 26	\$ 5,340.00
City of Barnesville	07/29/15-08/29/15 utilities	Admin	\$ 423.48
Clay SWCD	2016 PF Biologist Position Contribution	M.S.A. 103D.905, Subd. 3	\$ 1,666.00
Cleaves R Liv Trust Agrmt	Right-of-way	Wilkin C.D. Nos. 22 & 26	\$ 17,160.00
David H. & Joan C. Kritzberger	Right-of-way	Wilkin C.D. No 22	\$ 7,380.00
Dennis Van Wechel	Right-of-way	Wilkin C.D. No 22	\$ 10,620.00
Diane K. Nord	Right-of-way	Wilkin C.D. Nos. 5A & 22	\$ 21,360.00
Energy Laboratories, Inc.	#350960464, Stressor Analysis	Red River Stressor Project	\$ 7,130.00
Ever Bank Leasing	Copier lease (09/01/15-11/30/15)	Admin	\$ 981.11
Fick Farms LTD Partnership	Right-of-way	Wilkin C.D. No. 5A	\$ 8,040.00
Finish Grade Construction, Inc.	#035866, Level & Seed Spoil	Wilkin C.D. No. 41	\$ 2,360.00
Finish Grade Construction, Inc.	#035868, Ditch Fill	Pj. 54, Whisky Creek	\$ 7,087.50
Finish Grade Construction, Inc.	#035867, Berm Repair	Clay C.D. No. 34	\$ 525.00
Finish Grade Construction, Inc.	#035870, Level Spoil	Pj. 54, Whisky Creek	\$ 4,410.00
Gladen Construction, Inc.	Pj. 71, Final Payment	Pj. 71, Moorhead 50th AVE S	\$ 60,825.76
Hardy Family LTD Partnership	Right-of-way	Wilkin C.D. No. 5A	\$ 9,120.00
HEI	#0026876, 09/07/15 - 09/27/15 Billing	Pj. 56 Manston Slough	\$ 2,562.90
James Briks Family LP	Right-of-way	Wilkin C.D. No 22	\$ 12,540.00

Jane L. Buchholz	Right-of-way	Wilkin C.D. No. 22	\$ 20,940.00
JBX LLC	#477, Ditch maintenance	Clay C.D. 51	\$ 8,325.00
JBX LLC	#476, Ditch maintenance	Clay C.D. 28	\$ 3,300.00
JBX LLC	#478, Ditch maintenance	Clay C.D. 51	\$ 7,800.00
Joel Carlson, Inc.	October Lobbyist fees	Admin	\$ 850.00
Johnson Excavation	Pay Request No. 1	Pj. 34, Clay C.D. No. 41	\$ 80,275.00
Julie Jerger	Reimburse-Fall Tour post cards	Mediation PT	\$ 39.00
Lois L. Picotte	Right-of-way	Wilkin C.D. No. 26	\$ 3,900.00
Lyle F. Picotte	Right-of-way	Wilkin C.D. No. 26	\$ 8,340.00
Marie L. Avelsgaard	Right-of-way	Wilkin C.D. No. 22	\$ 3,480.00
Mark V. & Betty A. Zimmerman	Right-of-way	Wilkin C.D. No. 26	\$ 1,920.00
Michael W. & Sara B. Aigner	Right-of-way	Wilkin C.D. No. 22	\$ 12,300.00
MN Dept. of Health	#00000302147, WQ Testing	M.S.A. 103D. 905, Subd. 3	\$ 248.00
MN Homeland Security & EM	Overpayment Refund	2009 Spring Flood	\$ 66,638.88
MPCA	Stormwater permit fee - Phase 4	Pj.49, Oakport	\$ 400.00
Neil R. Kippen, LTD Partnership	Right-of-way	Wilkin C.D. No. 5A	\$ 1,800.00
Network Communications	#0000035532, Work Station Software	Admin.	\$ 37.50
Paul Klein	Right-of-way	Wilkin C.D. No. 5A	\$ 10,920.00
Pelican Rapids Press	Budget Hearing notice (2)	Admin	\$ 582.90
Quinn Affield	Right-of-way	Wilkin C.D. No. 22	\$ 17,100.00
Rittenhouse Family Trust	Right-of-way	Wilkin C.D. No. 22	\$ 12,480.00
RMB Laboratories, Inc.	#278518, WQ Testing	M.S.A. 103D. 905, Subd. 3	\$ 641.00
Rodney S. & Margaret A. Turner	Right-of-way	Wilkin C.D. No. 22	\$ 1,500.00
Sharon L. Josephson	1/4 Easement payment	Pj. 75, Wilkin C.D. No. 31-Lat.	\$ 1,857.58
Shirley M. Paulson	1/4 Easement payment	Pj. 75, Wilkin C.D. No. 31-Lat.	\$ 1,857.58
Terracon, Inc.	#T689235, slump analysis	Clay C.D. Nos. 10/32	\$ 10,438.00
Tim Crompton Excavating, Inc.	#397628, Restore 4 pipe crossings	Clay C.D. No. 40	\$ 1,001.87
Vance Johnson	Cost Share Incentives (75%)	MAWQCP	\$ 1,322.77
West Otter Tail SWCD	#1448, 07/01/15-09/30/15 Billings	MAWQCP	\$ 8,784.38
Wilkin SWCD	06/29/15-09/04/15 Billings	MAWQCP	\$ 37,281.77
			\$ 533,556.21

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

Next Meeting. Due to the Columbus Day Holiday, the next regular meeting will be held on Tuesday, October 13, 2015, at 7:00 PM in our Barnesville office.

Adjournment. Chairman Van Amburg adjourned the meeting at 9:05 PM.

Respectfully submitted,

John E. Hanson, Secretary