

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

November 25, 2019

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, November 25, 2019, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Peter V. Fjestad, John E. Hanson, Gerald L. Van Amburg, 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 Stephen Hanson, Associate, Ohnstad Twitchell; and landowners Don Nelson and Chuck Anderson.

BRRWD President Leitch called the meeting to order at 7:01 PM and announced that the proceedings were being video recorded to aid in the preparation of the minutes.

Agenda. Leitch asked for comments or additions to the meeting agenda. Jones proposed the addition of an update on the Clay County Ditch (C.D.) No. 11N hydraulic investigation, a Clay C.D. No. 9 structure replacement, and a discussion about possible collaboration with the Minnesota Department of Natural Resources (DNR) on a Silver Lake Outlet project. **Motion** by Anderson to approve the agenda with the three additions. **Seconded** by Hanson. **Approved.**

Secretary's Report. The Board reviewed draft minutes for the 11/12/19 regular meeting and the 8/29/19 Gruenberg informational meeting. **Motion** by Anderson to approve both sets of minutes. **Seconded** by Affield. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$2,379,406. Income since the 11/12/19 meeting totals \$19,384.78, including \$16,641.88 from Otter Tail County for 2019 property and ditch tax proceeds and \$2,742.90 from Janice Getz for the purchase of wetland mitigation credits from the BRRWD. Total income this year is \$4,666,042.68.

Other Business brought before the Board included:

F-M Diversion Authority (DA) Revised Project.

Leitch reported that he has been working with the BRRWD attorneys and the Minnesota-Clay County Joint Powers Agreement (MCCJPA). He has a meeting tomorrow (11/26/19) with Joel Paulson, who is the new DA Executive Director.

A scheduling hearing has been set for 12/17/19 for the DA's appeal of the Diversion permit denial.

Leitch is working with Attorney Edison on expert witness testimony regarding the DNR Permit Contested Case. The hearing has been set for June 8, 2020.

Leitch reported that the Minnesota Land Committee met last week. At the meeting, they approved a resolution for the Clay County Commissioners to begin eminent domain proceedings on 15-17 Minnesota properties to obtain right-of-entry to complete the environmental geomorphic investigations. This action was in response to the landowners declining the Land Committee's request for access to their property. Leitch voted against the resolution. The Committee also plans to hold

an informational meeting with the landowners to discuss the environmental investigations easements at the Law Enforcement Center in Moorhead from 6:00 to 8:00 PM on 12/11/19.

The Board had an extended discussion regarding Minnesota Open Meeting Laws related to Board attendance at public events.

Permit No. 19-126, Philip Rogers. Applicant installed an approach with an 18" dia. x 40' long culvert to access a field on the north side of County Road (C.R.) No. 32 west of Trunk Highway (T.H.) No. 9 in the SW¼, Section 4, Atherton Township, Wilkin County. Last week, Rogers was working with the Wilkin County Highway Department to install a 2018 BRRWD approved approach/18"dia. culvert on C.R. No. 32 (Permit No. 18-101). He called the office to request an additional entrance/culvert for the same bin site so the County could install both culverts at the same time. After review, Jones gave Rogers verbal permission to install the requested structure, subject to Rogers filing a permit application for the work. He recommended permit approval, subject to County approval to work within their road right-of-way (R/W).

Permit No. 19-127, MNDOT. The Minnesota Department of Transportation (MNDOT) proposes improvements including road reconstruction, ditch repair, and culvert replacements with same size structures for a portion of T.H. No. 210 in Carlisle Township, Otter Tail County. One exception is an existing 12" dia. culvert that will be replaced with a new 18" dia. culvert. This pipe will drain into a wet area where it should have no effect. Jones recommended permit approval.

Motion by Van Amburg to approve Permit Nos. 19-126 and 19-127, subject to the referenced disclaimers and conditions. **Seconded** by Fjestad. **Approved.**

Project No. 46, Turtle Lake Outlet. Jones reported that one of the syphon vacuum pumps for the Turtle Lake outlet project needs to be replaced. Wade S. Opsahl, Technician, HEI, requested a quote for a pump replacement, but we haven't received it yet. Jones estimated the cost at about \$2,000-\$3,000. Currently, the siphon system is working, but Jones explained that the pumps have a limited service life. He discussed how the Turtle Lake syphon system operates. The Board will consider the pump replacement when the cost estimate is available.

Project No. 78, Clay/Wilkin Judicial Ditch (J.D.) No. 1. Jones forwarded weekly progress reports to the Managers. The contractor has completed construction, except for the punch list items that will have to be completed next spring. Due to the inclement weather this fall, Dennis Drewes, Inc. submitted a request to extend the J.D. No. 1 construction contract until June 2020 to complete the cleanup items. Jones noted that the project will operate next spring in its current condition. Anderson added that the contractor plans to come back next spring to finish the seeding if dormant seeding isn't possible this fall and to complete the touch-up work. **Motion** by Anderson to extend the Dennis Drewes, Inc. construction contract until 6/22/20. **Seconded** by Hanson. **Approved.**

Project No. 79, Wolverton Creek Restoration. The Board discussed the income contract that John Voz, Minnesota Board of Water and Soil Resources (BWSR), provided for the Board's review at the last meeting regarding the Conservation Reserve Enhancement Program (CREP)/Reinvest In Minnesota (RIM) easement acquisition application for 10.3 acres of the Blilie property in Section 10, Wolverton Township, Wilkin County. The group briefly discussed the RIM acquisition and restoration process for the parcel using the BWSR Targeted Watershed grant funds in the amount of \$52,600. **Motion** by Fjestad to approve the BWSR Income Contract. **Seconded** by Anderson. **Approved.**

Jones submitted a contract extension for Sellin Brothers, Inc. until 6/22/20 due to inclement fall weather and the addition of contract items. **Motion** by Hanson to approve the requested contract extension. **Seconded** by Van Amburg. **Approved.**

Project No. 80, Stony Creek Water Resource Management. Jones reported on his work on alternative analyses for the project, as directed by Leitch at the 9/9/19 Board meeting. Leitch pointed out that Jones still hasn't understood what he considers "alternatives". He wants Jones to develop a design that will include limited channel restoration with just enough impoundment not to increase or decrease downstream impacts. Anderson commented that the Wolverton Creek restoration design appears to have achieved the goals set for it and could be used as a "template" for other channel restoration projects in the BRRWD. There was a brief discussion about the Wolverton Creek project features. Anderson also discussed the possibility of the BRRWD buying property instead of taking easements for the Stony Creek project. Leitch explained that he wants the Managers to be informed about the actual monetary value of the project benefits.

Wilkin/Otter Tail J.D. No. 2. States Borders Construction, Inc. submitted a contract extension request until 6/8/20 to finish the topsoil leveling and seeding on their outlet repairs. Jones noted that the contractor has the project nearly completed with the topsoil placed on the permanent easement area, but they will not be able to finish this fall due to the wet conditions. **Motion** by Anderson to approve the requested contract extension. **Seconded** by Fjestad. **Approved.**

Project No. 61, Clay C.D. No. 11N Repair Request. At the 10/28/19 meeting, the Board authorized HEI to conduct a hydraulic study for the culverts crossing 28th ST S and 40th ST S along Clay C.R. No. 8 in Sections 33 and 34, Kurtz Township, upstream of the Otter Tail Valley Railroad (OTVR) tracks. Jones reported on the study findings. He recommended that the structures at both locations be replaced with 12' x 4' reinforced box culverts (RBC) with 46 square feet (sq. ft.) waterway area. There was a brief discussion about the ditch grades. Jones explained that it would take a ditch improvement proceeding to lower the original ditch grade. He noted that the proposed structures would double the drainage capacity at a lower elevation. Jones suggested that he could work with Clay County to apply for State Aid funding, which would pay for the pipe and the riprap, leaving only the road grading costs for the ditch system to pick up. Anderson suggested that the BRRWD consider working with the County to develop plans to address all the area ditch systems' concerns this winter. Jones agreed that Clay County could possibly roll in repairs for Clay C.D. Nos. 40, 11-North, 11-South, and 36, into one of their culvert projects. Anderson also suggested that the BRRWD appoint a landowner ditch committee comprised of area landowners, similar to the one appointed for J.D. No. 1, to oversee the condition of the referenced ditch systems. We could also appoint one of the ditch committee members to the BRRWD's Advisory Committee. Jones will work with David Overbo, Clay County Engineer, regarding the next steps to address the ditch/culvert concerns and possible State Aid funding.

Clay C.D. No. 9. Jones explained that there is a failed culvert between Sections 5 and 6, Kurtz Township, Clay County, on 3rd ST S about 0.5 miles west of T.H. No. 75. He requested that the Board authorize a hydraulic survey to replace this damaged structure. The cost of the work could be eligible for State Bridge funding. **Motion** by Anderson to authorize HEI to conduct the referenced hydraulic analysis and to collaborate with the Clay County Highway Department on the repair. **Seconded** by Van Amburg. **Approved.**

Silver Lake Outlet Fish Barrier. The DNR is proposing that the BRRWD partner with them on a possible removal of the Silver Lake fish barrier dam, which was installed in 1985 downstream of the Silver Lake outlet culvert. It frequently clogs with debris, impeding the outlet flows. Removing the barrier could potentially provide fish movement into Silver Lake and improve water quality. The DNR would like the BRRWD to authorize Jones to work with them to complete a survey and develop a conceptual design for this project. The DNR would work with Jones to submit a grant application for project funding and would reimburse the BRRWD for the project engineering and design. The funding application would be reviewed and potentially approved in April 2020. If approved, the funding would be available after 7/1/20. **Motion** by Van Amburg to authorize Jones to work with the DNR on the proposed Silver Lake Outlet fish barrier project. **Seconded** by Hanson. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
City of Moorhead	2019 Ditch System Mowing/Maint.	Varies	\$ 46,323.29
Joel Carlson	November Lobbyist Billing	Admin.	\$ 850.00
LM Road Service	#1179, Ditch Spraying	Clay C.D. No. 21	\$ 500.00
MPS	10/02/19-11/04/19 Service (4)	Pj. 49, Oakport	\$ 391.57
Quill Corporation	#2814185, Office supplies	Admin.	\$ 78.26
Robert Bowers	Beaver Control	Wilkin C.D. Nos. 13-Lat. & 44	\$ 300.00
Ryan Beattie	#600, Beaver Control	Varies	\$ 715.00
Sellin Brothers, Inc.	#14788, Replace Culvert	Becker C.D. No. 15	\$ 25,300.54
TrueNorth Steel	#FP0000016330, Culverts	Pj. 14, Clay C.D. No. 10	\$ 482.60
Vogel Law	#245673, October Billing	Admin.	\$ 98.00
Vogel Law	#245674, October Billing	COE	\$ 4,843.50
Wilkin County Highway Dept.	Repair/Replace Culvert	Wilkin C.D. No. 4	\$ 353.44
Wilkin SWCD	#2019-152, Seeding & Mowing	Pj. 79, Wolverton Creek	\$ 122,578.53
Wilkin SWCD	#2019-153, Seeding & Mowing	Varies	\$ 5,439.17
Wm. Nichol Excavating	#311, Beaver Dam removals	Pj. 31, Deerhorn Creek	\$ 612.00
			\$ 208,865.90

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

December Board Meeting. The Board discussed cancelling the second Board meeting in December due to the Christmas Holiday. Anderson suggested that if there are bills that must be paid by the end of the year or any significant business, the Board could reconvene. **Motion** by Anderson to cancel the 12/23/19 meeting. **Seconded** by Van Amburg. **Approved.**

MAWD Annual Meeting. The Minnesota Association of Watershed Districts (MAWD) has scheduled their annual meeting and trade show for December 4-7, 2019, at the Arrowwood Resort and Conference Center, Alexandria. The Board reviewed the MAWD 2019 policy resolutions. Managers Hanson and Anderson are the BRRWD delegates to the annual meeting, and Van Amburg is the alternate delegate.

Office Wi-Fi Routers. Josh Barth, HEI IT, recommended the installation of two new routers to replace our current outdated Wi-Fi router. He suggested that an unsecured router be placed in the Boardroom for general public use and another secured router in the office area for staff use. The total cost estimate for labor and equipment is approximately \$1,275. **Motion** by Anderson to approve the referenced Wi-Fi router replacement. **Seconded** by Van Amburg. **Approved.**

Audio-Visual (AV) System Update. Manager Affield made a presentation regarding an application called "Board Books", which is a way to share meeting materials electronically using Google Docs and a Chrome Book device. The Managers discussed touring the West Fargo City Council chambers where NetCenter Technologies recently installed major AV upgrades.

RRBC Conference. The Red River Basin Commission (RRBC) is hosting their 37th Annual Red River Basin Land & Water International Summit Conference on January 14-16, 2020, at the Delta By Marriott, Fargo, ND. This year's theme is *Nourished by Nature: Getting Back to Our Roots*. Staff will handle reservations and registrations. Leitch noted that he got the RRBC to provide two free registrations for the BRRWD.

Comments and Announcements. Affield asked about the status of the meeting/hearing minutes preparation. Fenger reported that staff is current with the minutes. Albright has several sets of old minutes that need to be reviewed and processed for Board approval. Affield also discussed more information regarding Minnesota Open Meeting Laws.

Next Meeting Agenda. Fjestad noted that the Board could discuss the MAWD Conference at the next meeting.

Next Meeting. The next regular BRRWD meeting will be held on Monday, December 9, 2019, at 7:00 PM in our Barnesville office.

Adjournment. President Leitch adjourned the meeting at 8:48 PM.

Respectfully submitted,

John E. Hanson, Secretary