

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

January 27, 2020

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, January 27, 2020, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Gerald L. Van Amburg, Peter V. Fjestad, John E. Hanson, Mark T. Anderson, Troy E. Larson, 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, Lyle Hovland, Wilkin County Commissioner, Jerry Bents, HEI Senior Project Manager/Vice President, Stephen Hanson, Associate, Ohnstad Twitchell, Carol Albright, RaeAnn Berg, Julie Jerger, and landowners Don Nelson, Jay Nord, Philip Rogers, Charles Anderson, and Frank Schindler.

BRRWD President Leitch 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. Leitch asked for comments or additions to the meeting agenda. Jones had a quote from JBX LLC for tree removal on Whiskey Creek in Connelly Township, Wilkin County, a quote from William Nichol Excavating to remove dead fall and debris from the Clay County Ditch (C.D.) No. 34 channel in Section 23, Barnesville Township, Clay County, and information regarding a proposal from the Highway Department for Clay C.D. No. 9 and 11-North box culvert replacements. Leitch noted that Jerry Bents, HEI, also wanted to address the Board regarding the HEI 2020 consulting contract. **Motion** by Anderson to approve the amended agenda. **Seconded** by Fjestad. **Approved.**

Secretary's Report. The Board reviewed draft minutes for the 1/13/20 annual meeting. Affield noted one minor correction. **Motion** by Anderson to approve the minutes, subject to correction. **Seconded** by Affield. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$2,592,279.77. Total income this year is \$238,383.91. Income since the 1/13/20 meeting totals \$33,001.09, including delinquent county property/ditch tax payments from Becker (\$2,712.09), Otter Tail (\$1,734.26), and Wilkin (\$9,401.72); Buffer Initiative Aid payment from Becker County (\$15,007); and \$1,000 from the North Dakota State University (NDSU) Sustainable Agriculture Research and Education (SARE) Grant program. Fenger noted some funds came today and were too late to be added to tonight's Treasurer's report. They will be included in the 2/10/20 report. Albright noted that Harold Rotunda, Certified Public Accountant, who has completed the BRRWD's annual audit for many years, did not submit a proposal for the 2019 audit. The Board is required by State Law to conduct a financial audit annually. Leitch asked Albright to contact Rotunda to determine what his intentions are regarding the BRRWD's audit.

Citizens To Be Heard. Don Nelson commented on Manager Hanson's motion to approve the Diversion Authority's (DA) permit at the 1/13/20 meeting and Manager Van Amburg's statement at the 10/08/19 County Commission meeting regarding potential project impacts. Nelson voiced his concerns about the proposed Diversion project and potential impacts landowners in the upstream areas could face if the BRRWD permit is approved and the project is built.

Other Business brought before the Board included:

Permit No. 19-128, Scott Anderson. The Board discussed Anderson's proposal to lower a culvert to grade (elevation 1064), or 1.59' on the line between Clay and Wilkin Counties in Section 32, Humboldt Township, Clay County, on the east end of 200th ST S and the downstream 30" dia. culvert on the north side of the road approximately 1' to elevation 1063.4. He plans to excavate the north ditch to grade (about 1') between the two noted culverts. Phil Rogers' son, Wendell, owns the property along the noted ditch. He signed the downstream landowner notification form, approving the project, noting four stipulations: 1. There are two downstream culverts along the Rogers' property on the north side of the road that will have to be lowered. 2. The ditch cleaning should not impact drainage from the Rogers' property. 3. Anderson will assume all costs for the work. 4. The work must be completed in late spring before the Rogers' new fence is built. Anderson will also have to contact Humboldt Township for permission to work within their road right-of-way (R/W). Rogers noted that there is a downstream approach west of their property with a small culvert that will also need to be replaced with a larger pipe because it is too small to handle the increased flows. Albright recommended permit approval with the noted conditions.

Permit No. 20-002, Clay County Highway Department. Applicant proposes to remove existing bituminous pavement on County Road (C.R.) No. 1 north of the Oakport Flood Control Levee, grade the road to new elevations and specifications, and install a gravel surface in Sections 6 and 7, Oakport Township. Jones reviewed the proposal and didn't find any project impacts to the flood stages in the Oakport area. He recommended permit approval.

Permit No. 20-004, City of Moorhead. Applicant proposes to mill and overlay 12th AVE S from 4th ST S to 20th ST S in Section 16, Moorhead Township. The existing drainage structures will be replaced where necessary. They also plan to reconstruct 12th AVE S from 20th ST S to Main AVE SE with the addition of catch basins and storm pipes, retaining most of the existing storm infrastructure. Jones recommended permit approval.

Permit No. 20-005, Shawn Norman. Applicant proposes to pattern tile 310 acres in the SE¹/₄ and SW¹/₄, Section 15, Manston Township, Wilkin County, outletting via an existing tile system to Project No. 56, Manston Slough. The property was previously added to the Wilkin C.D. No. 13 benefit area. Jones recommended permit approval.

Permit No. 20-008, Clay County Highway Department. Applicant proposes to replace an existing bridge in the NE¹/₄, Section 19, Barnesville Township, in C.R. No. 21, over C.D. No. 34 with two lines of 14' x 8' reinforced concrete box culvert (RCB) with end sections and minor grading. Jones noted that the existing hydraulics will remain the same and recommended permit approval.

Motion by Anderson to approve Permit Nos. 19-128, 20-002, 20-004, 20-005, and 20-008, subject to the referenced disclaimers and conditions. **Seconded** by Fjestad. **Approved.**

Galaxie Culvert Agreement. Albright gave a brief account of a drainage issue involving the former Galaxie Supper Club driveway/culvert that restricts the water flowing south from the culverts in Trunk Highway (T.H.) No. 34 in Section 28, Humboldt Township. Alan Lenz, who owns the property across the road from the Galaxie Supper Club on the north side of T.H. No. 34, has been complaining about water standing in the ditch along his property for several years. The Galaxie's driveway culvert on 200th ST S is set too high. Water flowing south through the T.H. No. 34 culverts is blocked by the driveway culvert, and the low flows on the north side of the highway never drain through the road completely, causing standing water in the north ditch along Lenz's property. Jeff Nichol provided an estimate of \$6,156 to lower the culvert, assuming it can be salvaged. Last fall, Albright prepared a draft cost share agreement to split the costs equally among Alan Lenz, Dawson HQ (who now owns the Galaxie), Humboldt Township, Minnesota Department of Transportation (MNDOT), and the BRRWD. He forwarded the agreement to the parties for their review and

signatures. Alan Lenz refused to sign, stating that he didn't feel he should be responsible for any of the costs. Albright redrafted the agreement and forwarded it to the remaining four parties for review and signature on 1/21/20. Dawson HQ returned their signed copy, but we are still waiting for Humboldt Township and MNDOT. The Board agreed to postpone their decision about signing the agreement until the other parties have signed.

County State Aid Highway (CSAH) No. 18. Jones presented the Clay County Highway Department's proposal for CSAH No. 18 drainage improvements. The BRRWD approved a permit for the County to conduct a road improvement project in 2016. After the work was completed, the south road ditch developed slope stability issues along the lagoons on CSAH No. 18. HEI investigated options for improving the ditch capacity in the SE¹/₄, Section 28, Oakport Township, Clay County. Restricted ditch capacity causes water to backup into the NW¹/₄, Section 34, and the SW¹/₄, Section 27, Oakport Township. Improvements would include lowering the ditch profile to provide more depth and increase the waterway area of the 28th ST N crossing and field crossings and boring a pipe at an angle through the intersection of 28th ST and CSAH No. 18 to direct water from the south ditch to the north ditch. Once through the intersection, the water continues west on the north side of CSAH No. 18 to T.H. No. 75 where it flows north to a natural waterway in Section 28, eventually crossing the highway, and heading northwest to the Red River. Modeling of the proposed conditions show significant reduction in the duration of flooding for the areas of concern. If implemented, these improvements should provide 10-year, 24-hour flood protection for the fields adjacent to the road ditch in this area. The work is estimated to cost between \$70,000-\$80,000. The Highway Department expects to handle most of the ditch work and conduct the bidding process. They proposed a 50/50 cost-share with the BRRWD. The Board discussed the cost-share options for flood damage reduction (fdr). Commissioner Campbell noted that the County Engineer plans to contact the landowners on the north side of CSAH No. 18 west of 28th ST N about removing one of the field approaches, which could reduce costs. **Motion** by Van Amburg to approve the proposed 50/50 cost-share with Clay County for the noted project. Fjestad expressed concerns about reducing field access for the landowner. Campbell stressed that if the landowner is opposed, no changes would be made. Van Amburg asked if the new culvert would provide enough capacity given that future 10-year events could be larger due to climate change. Jones said that the design is based on current information and standards. **Seconded** by Anderson. **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 plans to forward the easement options to the landowners in the next two weeks. Albright has contacted area Legislators, Red River Watershed Management Board (RRWMB) Lobbyist Lisa Frenette, and BRRWD Lobbyist Joel Carlson regarding potential 2020 State bond funding. Local Legislators expressed support for the project.

Project No 17, Hamden Slough/Project No. 23, Becker 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. As soon as the BRRWD receives a petition for impoundment of waters on the County ditch system, the Board can schedule the required hearing.

Whiskey Creek Restoration. Albright discussed the development of two potential projects, the Glyndon Waterway and the Whiskey Creek Restoration near Kent. He explained that to date, we have not identified any funding sources for the Glyndon Project, so that could be developed according to Minnesota Statutes Annotated (M.S.A.) 103D.601, which requires a Preliminary Resolution Hearing. Albright discussed the potential use of M.S.A. 103D.605, Project Constructed with Government Aid or as Part of Plan, to start the development of the Whiskey Creek Restoration project. According to the statute, if the project is paid for in whole or in part by the state or federal government, we wouldn't need to hold the preliminary resolution hearing. The Wilkin Soil and Water Conservation District (SWCD) received a \$320,000 Minnesota Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) grant for field inlet installations along the channel. The Whiskey Creek Restoration was also awarded a 319 Small Watershed Grant last year, which

could provide approximately \$250,000 every four years for up to four funding cycles. These funds will be available 10/01/20. The Natural Resources Conservation Service (NRCS) is considering a National Water Quality Initiative (NWQI) grant program for the Whiskey Creek watershed (\$2 million), and the Minnesota Department of Natural Resources (DNR) also has the project on their stream restoration list (\$5.3 million). According to M.S.A. 103D.605, the next several steps in project development prior to the Final Hearing could include:

- Submit DNR permit application
- Complete the Environmental Assessment Worksheet (EAW) process
- Establish a watershed management district (wmd)
- Complete easement drawings/exhibits for the entire project length
- Work on Memorandum of Understanding (MOU) with BWSR/NRCS/SWCD and the Wilkin Farm Service Agency (FSA) for the use of Conservation Reserve Enhancement Program (CREP) to acquire easements
- Schedule the required final hearing on 6/1/20.
- Start landowner easement acquisition process
- When the easements are acquired, advertise for construction bids, begin work in approximately August 2020

The project could be developed in phases as funding becomes available like the Wolverton Creek Restoration project. **Motion** by Anderson to develop the Whiskey Creek Restoration project in accordance with M.S.A. 103D.605 and to complete the project development steps, as noted above. **Seconded** by Van Amburg. Fjestad asked a question about the use of wmds to raise the local share of project costs. Albright noted that in general, the use of the computer generated fee-based wmd (approximately \$1.50/acre) to raise local funds for the Wolverton project has been well received by the landowners. **Approved.**

Wilkin C.D. Nos. 1C/34 Outlet Repair. Jones submitted a quote of \$6,075 from JBX LLC to clear brush and small trees on Whiskey Creek from the west line of Section 14, Connelly Township, Wilkin County, east to the C.D. Nos. 1C/34 outlet. The costs will be split between the two ditch systems. **Motion** by Fjestad to approve the referenced maintenance work. **Seconded** by Anderson. **Approved.**

Clay C.D. No. 34 Maintenance. William Nichol Excavating, Inc., submitted a quote of \$7,245 to remove dead fall and debris from the upper most section of C.D. No. 34 on Whiskey Creek in Section 23, Barnesville Township, west of the City of Barnesville, downstream of CSAH No. 2 along the Barnesville Rod and Gun Club property. Staff will work with the affected landowners to gain access. **Motion** by Fjestad to approve the referenced work. **Seconded** by Hanson. **Approved.**

Clay C.D. Nos. 9/11N Culvert Replacements. Last fall, the Board authorized HEI to work with Clay County to conduct a hydraulic study for the C.D. No. 11N culvert crossings at 28th ST S and 40th ST S (C.R. No. 7) along Clay C.R. No. 8 in Sections 33 and 34, Kurtz Township. The concrete arch pipes at both locations are failing and should be replaced with 12' x 4' reinforced box culverts (RBC) with 46 square feet (sq. ft.) waterway area. There are also two lines of 72" dia. failed concrete arch pipes between Sections 5 and 6, Kurtz Township, Clay County, along the south side of C.R. No. 12 at 3rd ST S about 0.5 miles west of T.H. No. 75. Jones recommended a 10' x 7' RCB replacement. The County will let bids for the work this summer and run the project costs through State Highway Aid funding. Anderson noted that last fall during beet harvest, the Township had road problems with these culverts when they separated and caused washouts.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Eddie Bernhardson	Voucher #V19-07, 02/05/19-12/31/19	PT	\$ 593.20
Edwards Family LP	Easement Payment	Pj. 78, Clay-Wilkin J. D. 1	\$ 2,460.00

Joel Carlson	February Lobbyist Fee	Admin.	\$ 850.00
Larry J. Prather	01/02/20-01/04/20 Consulting Fee/Travel Expenses	COE Lawsuit	\$ 10,519.50
Liberty Business	#404640, Oki Printer Maintenance	Admin.	\$ 125.00
MAWD	2020 Membership	Admin.	\$ 7,500.00
MN DNR	#230383, Stream Gauge Contract	M.S.A. 103D.905, Sub. 3	\$ 10,150.00
MN Viewers' Association	2020 Annual Associate Membership	Admin.	\$ 200.00
MPS	12/03/19-01/03/20 Service (4)	Pj. 49, Oakport	\$ 171.44
Pitney Bowes	Postage Meter Rent 02/20/20-05/19/20	Admin.	\$ 129.00
Pure Health Solutions	#10263339, January Water Billing	Admin.	\$ 59.06
Vogel Law Firm	#249222, December Billing	COE	\$ 7,590.00
			\$ 40,347.20

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

HEI Contract. Jerry Bents, HEI, thanked the Managers for appointing HEI as the BRRWD's engineering consultant at their annual meeting for a two-year contract starting in January 2020 and ending in January 2022. He commented on the decades of engineering and administrative service HEI has provided to the BRRWD. Leitch commented that he thought none of the Managers had taken the time to read the contract prior to approving it. Bents discussed the details of the HEI proposal cover letter. Leitch noted that if HEI has changes to the administrative staff, the Board would appreciate advanced notice. He noted that given the BRRWD's current workload, the Board will postpone discussions of administrative staff changes.

RRWMB Strategic Plan. At the last meeting, Albright forwarded copies of the RRWMB's Strategic Plan and their Executive Summary for the Board's review. He noted that if any of the Managers had questions regarding the documents, he would contact Rob Sip, RRWMB Executive Director, who plans to attend one of the April BRRWD Board meetings to discuss both documents. Leitch noted that he talked with Sip during the Red River Basin Commission (RRBC) Conference and invited him to attend a BRRWD meeting. Leitch added that Sip is interested in discussing the possibility of the BRRWD rejoining the RRWMB.

Army Corps of Engineers (COE) Feasibility Study. The Board discussed a request from the COE for a contribution for their Red River Basin Feasibility Study. The RRWMB contributed funding to the study, but since the BRRWD isn't a member, the COE has requested that we approve a \$12,500 contribution, which would be the BRRWD's proportionate share of the study costs. At the 1/13/20 meeting, Leitch had asked how this study differs from the RRBC's Long Term Flood Solutions (LTFS) Study that the BRRWD has already contributed funds to support. Jerry Bents, HEI, explained that the RRBC is conducting an update to their LTFS. He discussed the RRWMB's Halstad Upstream Study that investigated a retention site plan for all the RRWMB member watershed districts that would provide a 20% reduction on the Red River. With that study, they found that to meet the required reduction flow, a total of 96 retention sites would need to be implemented to provide approximately 560,000 acre/feet (ac-ft) of storage. Due to limited funding, this study only went as far as Halstad. The COE and RRBC split the costs 50/50 for the Halstad Study. To extend the study north to the international border, the RRWMB handled the modeling for the Red River portion, which ended up costing more than anticipated, and the study wasn't completed. As a result, the tributary watersheds north of Halstad were not included in the Feasibility Study. The RRWMB was able to work with the COE to receive federal funds to complete the downstream study and paid their member districts' share of the Study. Since the BRRWD isn't a member, the RRWMB asked the Board to contribute our share of the costs.

Leitch asked if the proposed 96 distributive retention sites would be upstream of Halstad. Bents explained that in order to maintain the 20% reduction on the Red River as the water moves north, we would first need to adjust retention capacity upstream on the Buffalo River. Another reason for the BRRWD's involvement is that the original study only included events up to the 100-year flood. The second phase will include the 250- and 500-year events. One of the goals of the LTFS was to analyze the impacts of retention for small communities up to the 200-year event. Bents explained that the work on the local BRRWD watershed models would be handled by HEI and then the information is provided to the COE to incorporate into their larger study. Bents noted that the study contributions are used to match the federal COE funds. Van Amburg

commented that by approving our contribution, it shows the RRWMB that the BRRWD is willing to cooperate on Basin issues, even though we're not RRWMB members. Jones noted that the modeling data is also used in the development of BRRWD projects. **Motion** by Van Amburg to contribute \$12,500 to the COE Feasibility Study. **Seconded** by Hanson. **Approved.**

AV System Update. The Board reviewed the most current proposal/quote from NetCenter Technologies for an update to the Boardroom AV system. Fenger explained the various options in the proposal. Leitch suggested that the component for video conferencing could be eliminated, as it appears the requirements for offsite meeting attendance are too restrictive. Fenger noted that part of the quote includes updating the wiring infrastructure from the outdated standard VGA to HDMI compliant technology. The Board briefly discussed the interactive white board option. Leitch asked Fenger to continue to work with NetCenter on this issue.

Comments and Announcements. The Board briefly discussed the RRWMB Drainage Conference that took place today in Moorhead. Albright forwarded a tentative agenda to the Managers for the Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast and Day At The Capitol event that is scheduled for March 18-19, 2020, at the Double Tree by Hilton Hotel Downtown, St. Paul.

Upcoming Calendar Events. Clay County has asked the BRRWD to provide input regarding their Emergency Management Plan. The County has scheduled a meeting for the Townships to review the Plan on February 27, 2020.

Van Amburg noted that he will miss both the February Board meetings. Leitch will also miss the first meeting, and Hanson will miss the second meeting.

Next Meeting. The next regular BRRWD meeting will be held on Monday, February 10, 2020, at 7:00 PM in our Barnesville office.

Adjournment. President Leitch adjourned the meeting at 8:30 PM.

Respectfully submitted,

John E. Hanson, Secretary