

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING July 22, 2019

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, July 22, 2019, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Mark T. Anderson, John E. Hanson, Peter V. Fjestad, Troy E. Larson, Catherine L. Affield, and Gerald L. Van Amburg. BRRWD staff attending included: Kathleen K. Fenger, Assistant Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI); Don Bajumpaa, District Manager, and Kim Melton, District Technician, Wilkin Soil and Water Conservation District (SWCD); Stephen Hanson, Associate, Ohnstad Twitchell; and others: Don Nelson, David Morken, 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. President Leitch asked for comments or additions to the meeting agenda. Fenger suggested that a discussion regarding the renewal of the BRRWD's \$600,000 line-of-credit with Midwest Bank should be added as an agenda item under the Treasurer's Report. **Motion** by Anderson to approve the agenda, as amended. **Seconded** by Affield. **Approved.**

Secretary's Report. The Board reviewed draft minutes for the 7/8/19 regular meeting. **Motion** by Anderson to approve the minutes. Don Nelson noted that in the future, he should not be listed with a title. **Seconded** by Manager Fjestad. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$2,439,474.24. Fenger reported there was no income since the 7/8/19 meeting. The Board discussed the draft audit. **Motion** by Anderson to adopt the 2018 audit. **Seconded** by Fjestad. **Approved.** The Board also discussed scheduling the 2020 Annual Budget Hearing. **Motion** by Van Amburg to schedule the Budget Hearing for August 26, 2019, at 8:00 PM in conjunction with our regular meeting. **Seconded** by Affield. **Approved.** Hearing notices will be sent to the newspapers.

Midwest Bank contacted the BRRWD regarding the renewal of our \$600,000 line-of-credit, which will expire on 8/1/19. After discussion, **motion** by Anderson to renew the Midwest Bank operating loan. **Seconded** by Fjestad. **Approved.**

Other Business brought before the Board included:

Wilkin SWCD Funding Request. Bajumpaa submitted a funding request for \$20,000 from the BRRWD to match Wilkin County's commitment to provide funding for the SWCD to work with landowners to develop customized "Soil Health" plans, including cover crops and tillage options to address poor soil conditions. Bajumpaa noted that there are currently 15 landowners looking for assistance. He explained that Wilkin County plans to use their riparian aid allocation associated with the Buffer Law to fund their share. In the BRRWD's 2019 budget, the Board earmarked \$10,000 for SWCD landowner incentive programs and \$25,000 for soil health initiatives. He asked the Board to consider allocating \$10,000 from the soil health budget item and \$10,000 from the incentive program budget item to match Wilkin County's allocation.

Kim Melton, District Technician, Wilkin SWCD, gave a presentation regarding her work with landowners using specialized cover crops and "low or no till" options to improve soil health in their fields. Larson

discussed the benefits of tiling to reduce salts and poor soil health. Bajumpaa noted that given time, cover crops and tillage options will provide benefits similar to tiling. **Motion** by Van Amburg to contribute \$20,000 towards the proposed SWCD soil health effort, coming from the funding allocated in the 2019 M.S.A. 103D.905, Subd. 3, General Tax Levy budget for soil health and Wilkin County landowner incentive programs. **Seconded** by Hanson. The Board asked Bajumpaa to provide a report about the results of the program and any landowner feedback. **Approved.**

The BRRWD also has a budget line item for \$12,000 for Conservation Marketing to support Craig Lingen's Resource Specialist position to market the conservation programs in Wilkin County. Bajumpaa explained that state matching funds are no longer available for this program starting in FY2020. He asked the Board to release those funds to the SWCD. Jones explained that Lingen assists landowners with the Conservation Reserve Enhancement Program (CREP) enrollment. Van Amburg noted that since the money is in the budget and there is need to help fund Lingen's position, we should release the funding. **Motion** by Van Amburg to fund the Wilkin SWCD Conservation Marketing position with the \$12,000 allocated in our 2019 Budget. **Seconded** by Anderson. **Approved.**

DNR Contested Case and Permit No. 19-003. In order to discuss issues related to the Diversion Authority's (DA) lawsuit and contested case legal issues, Van Amburg made a **motion** to go into Executive Session, **seconded** by Hanson. **Approved.** The Board entered into Executive Session at 7:40 PM and reconvened at 8:00 PM.

Leitch reported that he was served last week with a summons and complaint from the DA regarding their permit denial appeal. Our response is due 8/5/19. Staff has also been working on the DA's data practices act request, which is due 7/29/19. Leitch advised that we only provide the bare minimum of information initially and supplement data upon DA request, if necessary. There is no new information regarding the contested case. As a member of the Minnesota Land Committee, Leitch noted that their organizational meeting is scheduled for 8/14/19.

Permit No. 19-011, Oakport Holdings, LLC/19-074, City of Moorhead. Applicants propose the construction of a new 28 lot residential development in the NE¼, Section 18, Oakport Township, Clay County, including road, ditch, and culvert installations. The development will cover approximately 43 acres of farmland north of Moorhead at the intersection of 70th AVE NW and Broadway ST NW and will be within the protection area of the Oakport Flood Mitigation project. Drainage from the proposed development will enter one of the regional retention ponds associated with the project, which were sized for the future development. Jones recommended approval of both permits (same project).

Permit No. 19-060, Todd Boit. Manager Hanson and Albright conducted a field review for Boit's request for a culvert replacement/lowering in the NW¼NE¼, Section 13, Audubon Township, Becker County. Hanson reported that action on the permit should be postponed, pending an agreement with Boit regarding future work in this location and downstream landowner approval. **Action postponed.**

Permit No. 19-070, Trevor Sorby. Applicant proposes to install five 12" dia. gated field inlets into the south ditch of 90th AVE N in the NW¼, Section 3, Oakport Township, Clay County, to prevent backflow during high water events. Jones noted that a field review needs to be completed prior to permit approval. **Action postponed.**

Permit No. 19-071, Holy Cross Township. Applicant proposes to install corrugated metal pipes (CMP) in Sections 9, 14, 15, 16, and 21 to replace seven deteriorated concrete pipes parallel to the railroad tracks in the township roads and County Road (C.R.) No. 58 (170th AVE). The culverts in 140th AVE and 150th AVE will be 30" dia. and 24" dia. in 170th AVE. All the pipes will be longer than the existing structures to accommodate larger machinery. Clay County has already approved the project. Jones recommended permit approval.

Permit No. 19-072, City of Moorhead. Applicant proposes the installation of street and underground utilities for Phase 4 of the Johnson Farms 1st Addition residential development in Section 21, Moorhead Township, Clay County, north of 48th AVE S in Moorhead. Drainage from the proposed development will enter one of the regional retention ponds developed according to the City's master drainage plan. Jones recommended permit approval.

Permit No. 19-073, Steve Thompson. Applicant proposes to add a new 22' long culvert to lengthen an existing 16' culvert to widen a field approach off 100th ST S (C.R. No. 15) in the NE¹/₄, Section 3, Alliance Township, Clay County. The structure size and elevation won't change, but Thompson plans to add a flapgate on one end. Clay County has already issued a permit for the work in their road right-of-way (R/W). Jones suggested postponing action on this permit until a field review can be conducted to determine the effects of a flapgate at this location. **Action postponed.**

Permit No. 19-075, Natural Resources Conservation Service (NRCS). Applicant proposes minor wetland restoration work on a Wetlands Reserve Program (WRP) easement site in the NE¹/₄, Section 27, Elkton Township, Clay County, including ditch plug installations with small embankments and leveling spoil piles. Jones recommended permit approval, noting that the work should not affect adjacent properties.

Permit No. 19-076, Dan Rosenfeldt. Applicant proposes to relocate an existing 18" dia. culvert approximately 100' north of its current location to the 1/16th line off C.R. No. 71 (110th ST S) in the NE¹/₄NE¹/₄, Section 23, Glyndon Township, Clay County. If the culvert is damaged, Rosenfeldt plans to install a new 18" dia. pipe at the same elevation. Jones recommended permit approval, subject to County approval to work within their road R/W.

Motion by Hanson to approve Permit Nos. 19-011, 19-071, 19-072, 19-074, 19-075, and 19-076, subject to the referenced disclaimers and conditions. **Seconded** by Larson. **Approved.**

Project No. 30, Clay/Wilkin Judicial Ditch (J.D.) No. 1-Branch 2 Repairs. Jones reported that staff mailed landowner notices last week regarding the proposed repairs to one mile of J.D. No. 1-Branch 2 in Section 12, Wolverton Township, along 120th ST, including the restoration of the ditch bottom and the addition of a number of side inlets. The culvert along property owned by the Crowe family, rented by Todd Blilie, should be enlarged to a 24" dia. pipe and lowered about 1'. The ditch in this location would also be cleaned for several hundred feet upstream of where water enters the pipe through C.R. No. 190 (120th ST) and goes north in Branch No. 2. Landowners have the opportunity to provide comments regarding the proposed work until the 8/12/19 Board meeting.

Project No. 27, Clay County Ditch (C.D.) No. 55 Repair. Jones submitted his recommendations for the repair of C.D. No. 55-Main. An additional survey was conducted this year following comments the Board received at their 6/4/19 landowner informational meeting. The original 9/11/17 repair report was revised in response to landowners' concerns about breakouts from the ditch system affecting several rural residential structures/properties. The majority of the cleanout will be limited to reestablishing the ditch bottom (width and grade). Channel centerline sediment depths are up to 1.8' with the most build up along the toe of the slopes. The ditch channel in Sections 23 and 24, Elmwood Township, and Section 19, Elkton Township, will need the most work. Jones recommended cleaning 4 miles of the ditch west of County State Aid Highway (CSAH) No. 21 to the outlet (Stony Creek), and to use the spoil material to raise the ditch spoilbank wherever breakouts occur. The ditch east of Interstate-94 (I-94) was repaired in 2007 and doesn't hold enough sediment to warrant any work. The opinion of probable cost is \$55,000. **Motion** by Fjestad to approve the referenced repairs for C.D. No. 55. **Seconded** by Anderson. **Approved.**

Project No. 78, Clay/Wilkin J.D. No. 1-Outlet Repair. The contractor, Drewes Construction, Inc., plans to start construction next week (8/5/19).

Wilkin C.D. No. 27 Retrofit. The BRRWD has an opportunity to work with the Wilkin SWCD to leverage some Clean Water Fund (CWF) grant funding to finance a C.D. No. 27 retrofit. Jones will work with the SWCD to prepare a cost estimate. A landowner informational meeting could be held in August to discuss a potential ditch repair next year. The Wilkin County Highway Department could do the actual construction.

Wilkin-Otter Tail J.D. No. 2. Jones submitted Pay Request No. 1 in the amount of \$44,293.75 for States Borders Construction, Inc. **Motion** by Fjestad to approve the pay request. **Seconded** by Van Amburg. **Approved.**

Project No. 79, Wolverton Creek Restoration. Jones submitted Change Order No. 3 in the amount of \$584,657.65, which reflects an increase in the Phase 1 contract quantities for the channel alignment changes in Section 26, Wolverton Township, and for the addition of restoring the channel in the next two miles (Sections 27 and 34, Holy Cross Township) downstream of the county line. The additional downstream restoration work was slated for Phase 3, but the Board decided to get this stretch of the channel cleaned now to create a better outlet for the current J.D. No. 1-Main improvement project. Sellin Brothers, Inc. agreed to do the work for their initial bid prices. Jones briefly discussed easement negotiations with property owners in Section 26. **Motion** by Van Amburg to approve Change Order No. 3, as referenced. **Seconded** by Anderson. **Approved.**

Jones noted that the wet site conditions have slowed construction progress. He submitted a contract extension request from Sellin Brothers, Inc. until 12/31/19. **Motion** by Anderson to approve the request. **Seconded** by Hanson. **Approved.**

One Watershed, One Plan (1W1P). The Policy Committee is meeting on July 24, 2019, from 10:30 AM-Noon in the BRRWD office. The next Advisory Committee meeting is scheduled for August 30, 2019.

Stony Creek Restoration. Leitch appointed Managers Anderson and Van Amburg to serve on a committee with him to review the project benefits with Jones.

2019 Annual Report. Fenger reported that staff is working on the Report but has had to focus more attention on the DA's data practices request, which is due 7/29/19.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Barnesville Record-Review	Prelim Resolution Hearing Notice (2)	Stony Creek	\$ 360.00
Chris Hoppe Lawn Care Service	June Mowing (4)	Admin.	\$ 500.00
Clay County Union	Hearing Notices	Varies	\$ 300.16
Freemont Pender	Gravel, 2019 Flood Relief	Pj. 27, Clay C.D. No. 55	\$ 206.17
Joel Carlson, Inc.	August Lobbyist Fees	Admin.	\$ 850.00
MPS	06/04/19-07/02/19 Service (4)	Pj. 49, Oakport	\$ 155.68
Petty Cash	Office supplies, postage, etc.	Admin.	\$ 100.00
RMB Environmental Labs	#452192, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 815.00
RMB Environmental Labs	#452752, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 213.00
RMB Environmental Labs	#457076, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 242.00
RMB Environmental Labs	#457968, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 410.00
States Borders Construction, Inc.	Pay Request No. 1	Wilkin-Otter Tail J. D. 2	\$ 44,293.75
The Hawley Herald, Inc.	Hearing Notices	Varies	\$ 387.52
US Bank Equipment Finance	06/27/19-07/27/19 Contract	Admin.	\$ 274.65
US Geological Survey	Stream Gauges 10/1/18-09/30/19	M.S.A. 103D.905, Sub. 3	\$ 5,221.00
Vogel Law Firm	#238423, June Billing	Pj. 39, Georgetown	\$ 2,010.00
Vogel Law Firm	#238799, June Billing	COE	\$ 12,469.00
Vogel Law Firm	#238798, June Billing	Admin.	\$ 73.50
Western National Insurance	Policy Change Effective 05/23/19	Insurance	\$ 15.00
			\$ 68,896.43

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

Manager Oath of Office. Fenger noted that Manager Catherine L. Affield was reappointed by the Wilkin County Board of Commissioners recently. Affield signed her Oath of Office

Manager Per Diem. At the last meeting, the Board postponed action on the Watershed District Manager per diem rate increase from \$75/day to \$125/day until the 8/12/19 meeting to allow for the required 30-day notice period, according to the BRRWD's Bylaws.

Clay C.D. No. 28 Culvert Installation. Ditch system landowners have requested the installation of a field inlet culvert with a flapgate in the northwest corner of Section 17, Kragnes Township, to help prevent water backup from the ditch. Jones recommended a 30" x 40' CMP with a flapgate. Fill will have to be hauled to the site. The probable opinion of cost for the culvert installation is \$3,500-\$4,000. **Motion** by Anderson to approve the proposed culvert installation. **Seconded** by Hanson. **Approved.**

Clay C.D. No. 36. Recent flooding along C.D. No. 36 was discussed along with options to improve the drainage. An improvement to C.D. No. 36 drainage would require installing an additional culvert through the Burlington Northern/Sante Fe (BNSF) Railroad tracks. Jones advised Anderson that if the area landowners wanted to install a culvert through the railroad tracks, they would need a license from BNSF. Anderson thought that a landowner informational meeting should be scheduled to discuss these issues. He suggested that a meeting with the Rustad landowners could be scheduled for the same day as it would involve a number of the same landowners. He thought it should be held before beet harvest starts in October.

Wilkin C.D. No. 6A. Jones noted that Wade Opsahl, Technician, HEI, contacted landowner Steve Ouse regarding water breaking out of C.D. No. 6A along their property. Opsahl thought we would need to conduct a limited channel survey before HEI could make any repair recommendations. Jones will also contact the Wilkin County Highway Department to discuss the culverts on the Ouse property that the County installed several years ago before the BRRWD assumed jurisdiction. Opsahl reported that those culverts were in poor shape.

Next Meeting Agenda. Leitch noted that the agenda is starting to get too long again and reminded staff to only include items that require Board action.

Next Meeting. The next regular BRRWD meeting will be held on Monday, August 12, 2019, at 7:00 PM in our Barnesville office.

Adjournment. President Leitch adjourned the meeting at 8:40 PM.

Respectfully submitted,

John E. Hanson, Secretary