

# ***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

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## MINUTES FOR MANAGERS' MEETING February 12, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, February 12, 2018, at 7:00 PM in the Barnesville office. BRRWD Managers present were Peter V. Fjestad, Mark T. Anderson, John E. Hanson, and Troy E. Larson. Others attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI).

Vice Chair Fjestad called the meeting to order at 7:01 PM and noted that the proceedings were being video recorded to aid in the preparation of the minutes.

**Secretary's Report.** The Board reviewed draft minutes for the 1/22/18 regular Board meeting. **Motion** by Anderson to approve the minutes. **Seconded** by Larson. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Cash on hand is \$2,083,376.91. Administrative disbursements for the month are \$29,139.26, and for the year total \$29,139.26. Current 2018 accounts receivable totals \$6,206,459. Our total income for the year is \$94,677.64. Income since the 01/08/18 meeting was \$94,451.63: County property/ditch delinquent tax collections from Becker (\$3,651.91), Clay (\$15,131.25), Otter Tail (\$934.15), and Wilkin (\$12,206.57); Wilkin County for 2015 Buffer Initiative Aid (\$33,283) and County Ditch (C.D.) No. 3 seeding and driveway reimbursement (\$16,891.55); the Red River Watershed Management Board (RRWMB) for Mediation Project Team (PT) 1<sup>st</sup> Quarter 2018 expenses (\$8,709.21) and the E.J. Stellmach Trust for a right-of-way (R/W) payment error reimbursement (\$2,526.46). The balance of the income came from bank account interest and HEI office rent. Albright has contacted Clay, Becker, and Wilkin Counties regarding reimbursement for their share of the riparian aid, associated with the 2015 Buffer Initiative. The Minnesota Board of Water and Soil Resources (BWSR) provides funding to the Counties for buffer installations, and the Counties are supposed to transfer funds to the BRRWD for buffer work on the ditch systems. Wilkin County has paid in full for 2017, but we are still waiting for the other Counties to forward their 2017 payments. Albright noted that Harold J. Rotunda, CPA, has begun the 2017 Audit.

Fjestad asked about how funding is being allocated for the Wolverton Creek Restoration project. Jones explained that currently, we are using BWSR funds for engineering and easement related work. The staff is currently working on the easement acquisition process. We expect to have the temporary construction easements for Phase 1 in place by mid-March, so construction can begin this spring. The permanent easements are going to take time to put in place, but since the payments won't be made until Phase 1 construction is completed later this year, we have time to complete that process. Plans are to let bids for Phase 1 sometime in April. The group discussed possible issues that could arise to complicate the easement acquisition process. **Motion** by Larson to approve the Treasurer's Report. **Seconded** by Hanson. **Approved.** Albright noted that he will be meeting with the Clay County Board of Commissioners on Tuesday, February 20, 2018, at 9:05 AM to present the 2018 tax levy petitions in accordance with Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3.

### **Other business brought before the Board included:**

**Permit No. 18-002, Fergus Falls Fish & Game Club.** Applicant proposes to install a Natural Resources Conservation Service (NRCS) designed wetland restoration project on a Reinvest In Minnesota

(RIM)/Wetlands Reserve Program (WRP) easement for 291.5 acres in Sections 4 and 5, Orwell Township, Otter Tail County. The main feature of the project is an earthen embankment with an articulated block spillway. Fjestad noted that if the water levels in the WRP site are higher with the proposed project, there could be problems with the township road (220<sup>th</sup> ST) on the south line of Carlisle Township. Jones thought the water levels would probably be about the same as exists currently. **Action postponed**, pending Manager field review.

**18-003, Shawn Norman.** Applicant proposes to install 320 acres of pattern tiling in the E½, Section 21, Manston Township, Wilkin County, outletting via a lift station in the southwest corner. The water will cross the minimum maintenance grassed roadway to the south onto the applicant's property, then west via a private ditch on Tom Arnhalt's property eventually to Manston Slough and Wilkin C.D. No. 13-Lateral. Arnhalt has approved the project crossing his property. Albright explained that while the surface drainage for the land involved with this project north of Section 21 will continue to flow north to Wilkin C.D. No. 44, as assessed, some of the subsurface drainage will need to be added to C.D. No. 13-Lateral, so permit approval will require some ditch hearings. Norman is aware of the assessment issues. **Action postponed**, pending ditch system hearings.

**18-004, Arvig Enterprises, Inc.** Applicant proposes the installation of fiber optic lines for high speed internet service using directional boring or vibratory plow in road/ditch R/Ws within the BRRWD in parts of Audubon, Cormorant, Lake Park, Richwood, Hamden, Cuba, and Detroit Townships, Becker County, and Eglon, Highland Grove, and Park Townships, Clay County. Manager Anderson noted that when Century Link installed fiber optic lines in his area, they located the control boxes in the bottom of the ditches. When he contacted Century, they didn't seem concerned about possible problems with the box locations but acknowledged that they would have to move the boxes if ditch maintenance were ever required. The Board reviewed the project map. **Motion** by Anderson to approve Permit No. 18-004, subject to our standard utility disclaimer. **Seconded** by Larson. **Approved.**

**Permit No. 18-005, Breckenridge Public Utilities.** Applicant proposes to clean out the ditch along the west side of Trunk Highway (T.H.) No. 75 north of Breckenridge in the E½ and NW¼, Section 4, Breckenridge Township, Wilkin County, and to construct a drainage ditch from T.H. No. 75 to a storm water collection pond. **Action postponed**, pending receipt and further discussion of the project plans.

**Bob Westfall Drainage.** Albright noted that last week Bob Westfall met with Don Bajumpaa, District Manager, Wilkin Soil and Water Conservation District (SWCD), regarding a proposal to reroute a natural waterway in the northwest corner of Section 2, Andrea Township, Wilkin County. Westfall indicated to Bajumpaa that the BRRWD didn't have a problem with this proposal. Albright explained to Bajumpaa that at our 7/10/17 meeting, the Board agreed Westfall would need to file a BRRWD permit application for this work, and we had concerns about how deep the ditch would need to be to reroute water in this area. At that time, Fjestad also noted that Westfall should check with the NRCS.

**Permit No. 17-119, Robert Yaggie.** In conjunction with Robert Yaggie's tiling project application, downstream landowners/operators still have concerns about the adequacy of the proposed outlet route. There are also wetland issues further downstream on the Nielsen/Abel property in the NW¼, Section 27, Manston Township, Wilkin County. HEI completed a wetland delineation and submitted Local/State/Federal (LSF) notification forms to the Wilkin County Environmental Office and the Army Corps of Engineers (COE) last month. The COE has indicated that they don't have jurisdiction and no COE permit is required for the work, as long as the spoil is sidecast onto the adjacent non-wetland field. Don Bajumpaa, Wilkin Environmental Officer, has asked for test pit information, which will be collected when weather conditions allow. The Board still plans to meet with all the affected parties this winter to work out the details of an agreement for the Yaggie tiling project and ditch cleanout, with hopes that all the drainage problems in this area can be addressed at the one time.

**Project No. 79, Wolverton Creek Restoration.** The Minnesota Department of Natural Resources (DNR) and Lessard-Sams Outdoor Heritage Council (LSOHC) have approved our request to use RIM rates for the easement acquisitions, instead of a formal appraisal process on each parcel. Jones has submitted an amendment in this regard to the Accomplishment Plan, or our grant workplan. The amendment should be processed in the next few weeks. Jones noted that under our present proposal, landowners will be compensated for land currently in the channel for which they have never been paid, based on the non-crop RIM rates. He thought this incentive should expedite easement acquisition. The 2018 RIM rates will be set by BWSR this month but are not expected to change significantly from 2017. Albright commented that by the first meeting in March, we hope to have made progress in acquiring Phase 1 easements, and we will be able to schedule a bid letting for April.

**Project No. 78, Clay/Wilkin Judicial Ditch (J.D.) No. 1 Diversion.** After several meetings with the project petitioners, they have decided to submit a revised petition for a ditch improvement. Albright noted that the revised petition is ready to distribute for signatures. According to Drainage Law, by revising their current petition, the landowners will be able to roll over the current project development costs and bonding into the alternative project (M.S.A. 103E.055). Once the petition is filed and approved, Jones will prepare the Preliminary Engineer's Report, and the Board can schedule the preliminary hearing.

**Project No. 49, Oakport Flood Mitigation.** The Federal Emergency Management Agency (FEMA) has certified the west levee, effective 6/15/18, which includes time for publication and a 30-day comment period. The Open House will be scheduled sometime this spring. The wetland on the north side of Wall ST NW is not meeting specified success criteria for wetland mitigation for the project, so more work will need to be done. HEI has prepared a plan to rehabilitate the site. The Board had a brief discussion regarding possible management measures to improve the wetland. Gladen Construction, Inc. will work to remove the spoil piles as soon as weather permits this spring. The Pierce site will be cleaned up first. The Board briefly discussed the status of the Larson-Kopperud lawsuit.

**Wilkin C.D. No. 13-Lateral/C.D. No. 22 Repairs.** William Nichol Excavating, Inc., was not able to complete all the ditch repairs last fall. A landowner in Section 36, Manston Township, refused to allow the contractor access to his property along C.D. No. 13-Lateral, which delayed the cleanout. The Bradley Nelson crossing also didn't get installed last fall, so there is repair work left to complete on these ditch systems this spring when weather conditions allow.

**Stony Creek Comprehensive Project.** The Board authorized HEI to prepare an estimate of the project benefits at their 2/08/18 special meeting. Jones expects to have the information ready by the 3/12/18 meeting. Albright was concerned that the Board needs to give him instructions about how to proceed if he is called upon to travel to St. Paul to testify to the Legislature regarding project funding. Jones discussed how he plans to proceed with his analysis, noting that there are going to be some benefits that might be hard to quantify. The Board had an extended discussion about the development of the Stony Creek project and the possible project benefits.

**Upper South Branch of the Buffalo River.** Jones noted that the Rogelstad family will be in the area in the next few weeks, and Thomas Eskro, HEI, plans to schedule a meeting with them regarding their interest in a project on their property in Section 11, Manston Township, Wilkin County, east of T.H. No. 9. The Board discussed possible easement options for the property.

**Wilkin C.D. Nos. 40, 41, 42, 43, and 44.** There is still some cleanup work to be completed this spring. Opsahl is working on the revised Viewers' Reports. There were some R/W payments that need to be corrected. The Board also discussed the Shawn Norman appeal.

**One Watershed, One Plan (1W1P).** The Memorandum of Agreement (MOA) for the 1W1P effort has been prepared and is being circulated among the four County SWCDs and Commissions for signature. The BRRWD hopes to have all agencies sign the MOA by the end of February, so that it can be submitted to

BWSR, who will then release funds to start the planning process. Albright and Manager Fjestad are scheduled to meet with the Otter Tail County Commissioners tomorrow morning.

**Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS).**

Albright reported that all the work has been completed on the Upper Red River Study. He added that the TMDL/WRAPS study for the entire Otter Tail River watershed will continue for a few more years because of the scope of the effort. The Minnesota Pollution Control Agency (MPCA) has scheduled a kickoff meeting with the BRRWD on Monday, March 5, 2018, at 1:00 PM in our Barnesville to start the next TMDL/WRAPS study for the Buffalo River and Upper Red River watersheds in 2019-2020. Albright questioned the usefulness of starting a new water quality monitoring process when the last study was just recently completed. Jones suggested that we could also schedule a meeting later that same day with the International Water Institute (IWI), River Watch, and DNR to discuss coordinating our 2018 monitoring efforts with MPCA.

Albright noted that he met recently with Lowell Deedee, a retired United States Fish and Wildlife Service (USFWS) Tamarac National Wildlife Refuge worker, who set a goal of walking all the county roads in Becker County. During his travels, he documented water quality using a transparency tube. Albright distributed a copy of Deedee's findings for the Board's review. Deedee is considering working with the local Watershed Districts to expand his studies to sample for suspended solids, nitrogen, and phosphorus. He plans to attend our 3/5/18 water quality meeting to discuss possible funding for his studies. Albright suggested that we would have to consider how his work could duplicate our current water quality monitoring. He noted that the Barnesville River Watch Team didn't complete the water quality analysis last year because their advisor, Nathan Strand, was ill. They did complete their monitoring last summer, but the analysis is on hold while Strand recuperates. Leitch attended the 23<sup>rd</sup> Annual River Watch Forum in Grand Forks on 2/7/18 and noted that Barnesville did not attend.

**2015 Buffer Law.** Jones forwarded the BRRWD's draft drainage system Buffer Rules for BWSR's review, which includes Administrative Penalty Order (APO) language to address buffer violations/noncompliance. To date, BWSR has not completed their review. All enforcement issues following the establishment of the buffer will be handled in accordance with Minnesota Drainage Law. The group discussed the details of the easement acquisition for our bufferstrip effort on the ditch systems within the watershed district. Jones filed the damages statements for Clay C.D. Nos. 5, 10, 22, 23, 28, and 59. Once HEI forwards the landowner information lists, the BRRWD office staff will begin the process of preparing the hearing notices for publication and distribution to the landowners. The Board plans to hold the hearings for these ditches at the same time. **Motion** by Anderson to accept the damage statements for the referenced ditches and authorize the staff to schedule the ditch system hearings. **Seconded** by Hanson. **Approved.**

**Elkton Wetland Restoration.** Albright noted that the Elkton wetland banking process is completed with the Briks Family. Janice Getz signed the paperwork to mitigate approximately 0.3 acres of wetland on her property (E½SE¼, Section 28, Deerhorn Township, Wilkin County), which is part of a larger wetland site that the Briks Family LP mitigated to complete their wetland banking credit purchase associated with the Manston Slough project. Albright will forward the form to Wilkin County NRCS and SWCD offices for review and then to BWSR for approval. Mark Aanenson, HEI, is working with the COE regarding the federal wetland banking credit acreage on the Elkton site. BWSR and the COE did not agree on how many banking credits the Elkton site created. Albright plans to work with Kyle and Chad Johnson regarding a plan to correct their wetland violations on the Poehls and Lamb easements that took place last summer.

**Assistant Administrator.** All the members of the Hiring Committee were absent, so no report was available. They met with HEI President/CEO Jeff LeDoux to discuss the overhead costs of our current staff on 2/2/18. The committee hopes to have a report and recommendations ready for the 3/12/18 Board meeting.

**Annual Joint Conference.** The RRWMB and the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) are holding their 20<sup>th</sup> Annual Joint Conference on March 21-22, 2018, at the Courtyard by Marriott, Moorhead, MN. The Board discussed lodging reservations.

**Legislative Breakfast and Day at the Capitol.** The Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast is scheduled for March 7-8, 2018, at the Embassy Suites, St. Paul. The Board discussed lodging reservations. Albright noted that the invitations have been sent to our local legislators.

**BWSR Working Lands Watershed Restoration.** Albright noted that the final report for this program will be available to the Legislators this session. Six subwatersheds across the state participated in a pilot program to develop a plan to implement the establishment and maintenance of perennial alternative crops that could provide water quality benefits and at the same time maintain productive use of land and supply feedstocks with a lower carbon footprint. Whisky Creek in Barnesville was part of the study.

**The following bills were presented for approval:**

Accounts Payable	Description	Account	Amount
Agassiz Mechanical, Inc.	#220597, Furnace Repairs	Admin.	\$ 300.00
AmeriPride	#160445089, January Rugs (2)	Admin.	\$ 64.42
Becker SWCD	2018 Envirothon Donation	M.S.A. 103D.905	\$ 100.00
Bruce E. Albright	RRBC Summit-Hotel Rooms	Admin.	\$ 803.89
Bruce E. Albright	MAWD Reservations (3)	Admin.	\$ 375.00
Carmen Pattengale	January Cleaning	Admin..	\$ 130.00
City of Barnesville	#10010581-1/25/18 Phone/Utilities	Admin.	\$ 1,140.54
HEI	January Billing	Varies-See Attached	\$ 192,642.38
Jason Rick Snow Removal LLC	January Snow Removal (5)	Admin.	\$ 450.00
Moorhead Public Service	12/18/17-1/19/18 Service	Pj. 49, Oakport	\$ 31.03
Northern States Excavating Inc.	#978, Beaver Control	Varies	\$ 1,497.50
Pitney Bowes	Postage Meter Rent, 2/20-5/19/18	Admin.	\$ 112.74
Premium Waters, Inc.	#366590-01-18, office water	Admin.	\$ 34.37
River Keepers	2018 Contribution	M.S.A. 103D.905	\$ 55,000.00
Roger D. Fischer	Tree Removal	Pj. 49, Oakport	\$ 912.69
RRVCPA	01/01/18-02/01/18 Service	Pj. 49, Oakport	\$ 84.35
Salber & Associates, Inc.	#3949, 2017 W-2's and 1099s	Admin.	\$ 434.00
Vogel Law Firm	#209957, Jan. billing - Kopperud	Pj. 49, Oakport	\$ 104.00
Vogel Law Firm	#210334, Jan. billing - Kopperud	Pj. 49, Oakport	\$ 1,258.50
Wilkin County Highway Dept.	1/31/18 Billing-Cleaning Culverts	Wilkin C.D. No. 15	\$ 18,264.85
Wilkin County Highway Dept.	1/31/18 Billing - Beaver Control	Wilkin C.D. No. 3	\$ 170.00
Wilkin County Highway Dept.	1/31/18 Billing - Beaver Control	Wilkin C.D. No. 6A	\$ 415.00
WREC	12/18/17-1/17/18 Service (2)	Pj. 46, Turtle Lake	\$ 69.09
Xcel Energy	12/26/17-1/25/18 Service	Admin.	\$ 126.35
			\$ 274,520.70

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

**Mediation PT.** The next PT meeting is scheduled for Thursday, February 22, 2018, at 1:30 PM in our office.

**Advisory Committee Meeting.** Albright plans to schedule the 2018 Advisory Committee Annual meeting before spring planting.

**Red River Basin Commission (RRBC) Conference.** The RRBC 35<sup>th</sup> Annual Land & Water International Summit Conference was held on January 23-25, 2018, at the Fort Garry Hotel, Winnipeg, Manitoba. Fjestad gave a brief report on the conference events and discussion topics. The Board discussed the signing of a water quality MOA with representatives from the regional Native American tribes. Local landowner Gerald Nordick gave several presentations on tiling and water quality. The Board also discussed the Winnipeg Division project.

**FM Diversion.** Manager Anderson briefly reported on the revised diversion plans. The Board had a brief discussion regarding the possible changes to the current plan.

**Next Meeting.** The next regular meeting will be held on Monday, February 26, 2018, at 7:00 PM in our Barnesville office.

**Adjournment.** **Motion** by Larson to adjourn the meeting. **Seconded** by Hanson. **Approved.** Vice Chair Fjestad adjourned the meeting at 8:52 PM.

Respectfully submitted,

John E. Hanson, Secretary