

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING July 24, 2017

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, July 24, 2017, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Jay A. Leitch, Mark T. Anderson, John E. Hanson, Catherine L. Affield, Troy E. Larson, and Peter V. Fjestad. Others attending included: Erik S. Jones, Engineer, and Wade S. Opsahl, Technician, Houston Engineering, Inc. (HEI). Bruce E. Albright, BRRWD Administrator, was absent.

Chair Van Amburg called the meeting to order at 7:02 PM and announced that the proceedings were being video recorded to aid in preparation of the minutes.

Secretary's Report. The Board reviewed draft minutes for the 7/10/17 regular meeting. **Motion** by Affield to approve the minutes. **Seconded** by Leitch. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's current financial status. Cash on hand is \$1,996,594.42, and income this year is \$1,686,760.73. Current income for the month totals \$100 from Agassiz Valley Grain LCC for office rental. The BRRWD annual budget hearing has been scheduled for 8/28/17.

Meeting Agenda. The Board discussed possible formatting options for the BRRWD meeting agenda. Van Amburg commented that the items on the Action List could only be items that need to be voted on for approval. Affield suggested adding a "status sheet" for the Passive List with no more than a couple of sentences for each item, and then if anyone had questions or comments, further discussion could take place. Van Amburg mentioned that the office already prepares a project status report that is distributed to the Managers once a month. Albright will follow up with the Managers regarding their ideas about the new agenda format.

Other business brought before the Board included:

Permit No. 17-055, Curt Nelson. Applicant proposes to install pattern tile in the E¹/₂SE¹/₄, Section 28, Deerhorn Township, Wilkin County, outletting in the northeast corner to the 190th AVE road ditch then west for nearly 3.5 miles to Wilkin County Ditch (C.D.) No. 5A to which the property is assessed. Nelson has several downstream landowners to contact before the Board can act on his application. Nelson is the operator of the land, and he will also need permission for the tile project from the owner, Janice Getz. **Action postponed.**

Permit No. 17-057, Robert Yaggie. Applicant proposes to install 154 acres of pattern tiling in the NW¹/₄, Section 25, Mitchell Township, Wilkin County, outletting via a lift station in the northeast corner of the quarter to the 200th ST ditch, then east along the Minnesota Department of Natural Resources (DNR) property to the Manston Slough project. Jones recommended permit approval, subject to Manager field review to verify that the road ditch is an adequate outlet.

Permit Nos. 17-058, Tim Deal/17-061, Karlo Etten. Tim Deal proposes to install 317 acres of pattern tiling in the S¹/₂, Section 4, Meadows Township, Wilkin County, outletting in the southwest corner of the section via a lift station. The water will be directed diagonally through the intersection to the west ditch of 240th AVE, then south for approximately one mile to Wilkin County C.D. No. 6A to which the land is assessed. Karlo Etten proposes to pattern tile the N¹/₂ of Section 4, which will share the same outlet as the Deal project.

Albright has discussed this project with Etten, who agreed to share the main on the west side of Section 4 to outlet both projects south to C.D. No. 6A. Jones was concerned about the adequacy of the road ditch and recommended postponing action of both permits, pending downstream landowner notification and verification of the outlet's adequacy. **Action postponed.**

Permit No. 17-059, Curt Brendemuhl. Applicant proposes to install 100 acres of pattern tile in the SW¼, Section 22, Kragnes Township, Clay County, outletting west to Clay C.D. No. 51 to which the land is assessed to drain. Jones recommended permit approval, subject to our standard tiling disclaimer and County approval to work within their right-of-way (R/W).

Permit No. 17-060, Kelly Etten. Applicant proposes to pattern tile the NE¼, Section 21, Foxhome Township, Wilkin County, outletting in the northwest corner via a lift station to County Road (C.R.) No. 162 road ditch. Jones noted that action on this permit should be postponed until we can verify the outlet for this project and downstream landowners are notified. **Action postponed.**

Permit No. 17-062, Gaylen Affield. Applicant proposes to install a new field approach/culvert on the west line of the SW¼, Section 14, Nordick Township, Wilkin County, off 200th AVE. Opsahl recommended permit approval, subject to field verification of the culvert size. Nordick Township approved this proposal. Their culvert size policy requires 24" dia. or greater sized pipes.

Permit No. 17-063, Mike Yaggie. Applicant proposes to install 150 acres of pattern tile in SW¼, Section 35, Nilsen Township, Wilkin County, outletting via a lift station along the north side of Trunk Highway (T.H.) No. 210 directly into Wilkin C.D. No. 37 to which the land is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

Motion by Anderson to approve Permit Nos. 17-057, 17-059, 17-062, and 17-063, subject to the referenced disclaimers and conditions. **Seconded** by Fjestad. **Approved.** Manager Affield abstained from voting on Permit No. 17-062 due to the possible appearance of conflict of interest. Opsahl noted that he and Jones conducted a field review for a landowner who is considering the installation of a new approach/culvert for a new house near Hawley. Jones provided a culvert size recommendation. No permit application has been filed yet for that work.

Wentz Tile Complaint. Jones reported that John Steffl still hasn't responded to the Board's letters requesting that he submit an after-the-fact permit application for the tiling project he installed a few years ago without a BRRWD permit that outlets via existing ditches to Natural Resources Conservation Service (NRCS) designated wetlands on Harlan Wentz's property in the SE¼, Section 3, Callaway Township, Becker County. Albright sent a third letter to Steffl last week. The office also provided a permit application for him to fill out, but he hasn't returned the paperwork. The other neighbor, Eugene Kaiser, who also installed tiling that outlets to Wentz's property, has filed Permit No. 16-126 as an after-the-fact application, which is still pending receipt of Steffl's application. The Board's next steps could include an order to stop tile drainage until Steffl has an approved BRRWD permit for his project.

Project No. 71, City of Moorhead 50th AVE. Jones reported that the project is going through the Letter of Map Revision (LOMAR) process. He explained that the Federal Emergency Management Agency (FEMA) won't accept power-take-off (PTO) driven pumps, but requires permanent electric installations for the levee certification process. The project includes two lift stations with PTO pumps. The City of Moorhead, who makes up the largest portion of the project's benefits, has asked that the BRRWD make the requested pump modifications to get the project certified. FEMA has indicated that if the changes are completed by the end of the year, there would be no additional application fees. Jones recommended that the Board approve the FEMA modifications. Most of the additional cost for the updated electric driven pumps would be assessed back to the City as a project expense. **Motion** by Anderson to approve the requested FEMA modifications to the lift station pumps, as referenced. **Seconded** by Leitch. **Approved.**

Project No. 49, Oakport. Jones sent information regarding the stockpiled material to area contractors and Cities. The City of Fargo will need about 10,000 yards of fill for their 19th AVE N project, and they included a reference to our stockpile site in their bid package. The RDO Equipment site will also need about 7,000 yards of fill. If there is no interest in the material by mid-August, Jones thought we would have to reevaluate how we're going to dispose of the dirt and consider letting bids to have it hauled away. The stockpile on the Pierce property is already spoken for, but the BRRWD would have to haul it. If we can find contractors who are interested in dirt, then we wouldn't have to pay to have it removed.

Oakport residents are still calling about the status of the seeding on Phase 4. The BRRWD will need to meet with Ulteig Engineers, Inc. (UEI) in the future to determine if the area will need to be re-seeded as a warranty claim. Holland Landscaping continues to mow the area with hopes that the grass will still grow.

R. J. Zavoral and Sons, Inc. submitted Pay Request No. 11 in the amount of \$151,646.88 for Phase 4 construction. **Motion** by Anderson to approve Pay Request No. 11, as referenced. **Seconded** by Hanson. **Approved.**

Manager Larson joined the meeting at 7:30 PM.

Project No. 47, Clay C.D. No. 53/Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1). The BRRWD and Sellin Brothers, Inc., have signed the contracts for the outlet repairs for these two projects. Jones noted that the contractor expects to get started on the work in mid to late August and will probably start work on C.D. No. 53 first. The affected landowners have been contacted.

Project No. 39, Georgetown. Opsahl is still working with FEMA on the 2011 final disaster closeout.

Project No. 21, Wilkin C.D. No. 13-Lateral/Project No. 02, Wilkin C.D. No. 13. William Nichol Excavating, Inc. has completed the additional 1.5 miles of ditch repairs to the inlet in Section 19, Manston Township, with spoil leveling and cleanup yet to be done. Albright plans to re-contact the Thompsons to discuss the needed repairs to the one-mile stretch of the ditch on their land in Section 36, Deerhorn Township.

Mediation Project Team (PT). The PT met on 7/20/17. The Fall Tour is tentatively scheduled for Thursday, September 21, 2017, beginning at 1:30 PM.

Upper South Branch of the Buffalo River. Jones noted that the Lessard-Sams Outdoor Heritage Council (LSOHC) will meet on 7/26/17 to release their preliminary scoring for 2018/FY19 projects. The next round of interviews will tentatively take place August 22-24, 2017. We applied for \$1.8 million in funding to do channel work primarily on the South Branch of the Buffalo River, but if there were extra funds, they could be applied towards the Whisky Creek project west of Barnesville.

Barnesville Township Area Retention. We are still waiting for the Army Corps of Engineers' (COE) review of our Concurrence Point #3 proposal.

Stony Creek Retention. Jones reported that we received notice today that the COE approved our Concurrence Point #2. Albright has left messages for Guy Miller, Miller Realty, Inc., Breckenridge, MN, regarding the Dohn property appraisal on Stony Creek.

2018 Clean Water Fund (CWF) Grants. The Minnesota Board of Water and Soil Resources (BWSR) announced that their Fiscal Year 2018 CWF competitive grant process is now open. They have \$6 million available for BWSR projects and practices and \$675,000 for multi-purpose drainage management. The application deadline is August 9, 2017. If selected, funding will be available in March 2018 on a 75% (BWSR)/25% (local) basis. BRRWD staff will be working with the Wilkin Soil and Water Conservation District (SWCD) on applications for several potential projects, including the Ross Aigner treatment wetland proposal and side inlet grade control work along the Otter Tail River. The BRRWD is considering CWF

applications for two erosion sites on Clay C.D. No. 23 (\$102,500) and outlet improvements for Clay C.D. No. 39 (\$220,000). We'll need to revise both the applications, as this will be our third attempt to secure BWSR funding for the projects. Jones proposed to work with Bret Arne, BWSR, to improve last year's applications so that they are more competitive. The Wilkin County Environmental Office won't be handling the Whiskey Creek application because Bruce Poppel, the Environmental Officer, plans to retire at the end of the year. The Board's consensus was to authorize Jones to move forward with the CWF applications.

One Watershed, One Plan (1W1P). The BRRWD has been selected by BWSR to complete the 1W1P effort. The Bois de Sioux Watershed District (BDSWD) will also be working on a 1W1P. BWSR will schedule a start-up meeting sometime in August at the Environmental Planning Office, Breckenridge, with both the BDSWD and the BRRWD to avoid repeating the presentation.

Otter Tail/Buffalo/Upper Red Rivers Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS). Van Amburg mentioned that Minnesota Pollution Control Agency (MPCA) sent a message announcing that the Upper Red River TMDL has been sent out to various agencies for the 30-day review until 8/24/17. Jones reported that Tim James, MPCA, contacted him regarding clarifications for the TMDL notice. Jones advised the Board that it could still take up to two years to complete this work.

Wilkin C.D. No. 7. Jones submitted Pay Request No. 3 for States Border Construction in the amount of \$47,111.60, which is included on tonight's bill list, and Change Order No. 2 to increase the contract by \$11,202.65 for additional slope repair on the road side along a portion of the ditch that wasn't included in the original plan and additional fill, riprap, seeding, and mulching. The total contract amount to date is \$178,935.65. He noted that construction is basically completed with a few cleanup items left to do this fall after beet harvest. **Motion** by Fjestad to approve Pay Request No. 3 and Change Order No. 2, as referenced. **Seconded** by Affield. **Approved.**

2011 FEMA. FEMA submitted a pay request to the BRRWD for a 2011 Flood disaster overpayment in the amount of \$5,315.18. Opsahl plans to contact FEMA regarding this issue, as he feels there is one project expenditure that they didn't process correctly. The Board agreed to remove the pay request from tonight's bill list and wait until this issue is addressed with FEMA.

Wolverton Creek Restoration. The newspaper hearing notices went out last Friday to The FM Extra, Barnesville *Record-Review*, and The Wahpeton Daily News. Landowner hearing notices will be sent on 7/31/17 to approximately 450 property owners. The hearing is scheduled for 8/15/17 at 7:30 PM in the BRRWD Barnesville office.

Otter Tail River Restoration. After consultation with Benjamin Cox, COE, regarding BRRWD Attorney Norgard's concerns about the contract language, Norgard signed the Section 1135 Grant Agreement. Cox indicated that the BRRWD can withdraw from the agreement at any time. With those assurances, Albright forwarded the signed documents to the COE.

Nordick Farm Drainage Water Management (DWM) Demonstration Project. Last fall, the BRRWD agreed to contribute up to \$26,000 for this demonstration project. The Minnesota Department of Agriculture (MDA) furnished a Memorandum of Understanding (MOU) for our signature. The signers include Jared and Gerald Nordick, representatives of the MDA and the Wilkin SWCD, and Bruce Albright on behalf of the BRRWD. **Motion** by Anderson to authorize Albright to sign the MOU, as referenced. **Seconded** by Fjestad. **Approved.**

River Keepers Funding. The River Keepers submitted their annual funding request of \$55,000 for 2018. The Board will take up this issue at their 2018 Budget Hearing to be held on 8/28/17.

Project No. 78, Clay/Wilkin J.D. 1 Outlet Improvement. Attorney Norgard hasn't completed her review of the revised petition for a diversion to take water west at the County line to Wolverton Creek. Once Norgard completes her review and determines the petition is valid, the next step will be to appoint an Engineer to do the preliminary survey report in accordance with Minnesota Drainage Law.

BRRWD By-Laws. Copies of the By-Laws were provided for the Board's review. The last time the document was updated was February 10, 1997. Van Amburg commented that the By-Laws need to be modernized. He plans to review By-Laws from other watershed districts and then work on revisions to share with the other Managers at an upcoming meeting.

The following bills were presented for approval:

| Accounts Payable | Description | Account | Amount |
|-------------------------------|----------------------------------|-------------------------|----------------------|
| Chris Hoppe Lawn Care Service | June mowing (3) | Admin. | \$ 320.63 |
| Joel Carlson, Inc. | August Lobbyist Fees | Admin. | \$ 850.00 |
| LM Road Services | #739, Ditch spraying | Varies | \$ 18,242.10 |
| Moorhead Public Service | Service 06/02/2017-07/05/2017 | Pj. 49, Oakport | \$ 239.55 |
| Petty Cash | Office supplies | Admin. | \$ 200.00 |
| Premium Waters, Inc. | #366590-06-17, June billing | Admin. | \$ 34.37 |
| R. J. Zavoral and Sons | Pay Request No. 11, Phase 4 | Pj. 49, Oakport | \$ 151,646.88 |
| States Border Construction | Pay Request No. 3 | Wilkin C.D. No. 7 | \$ 47,111.60 |
| Ulteig Engineers, Inc. | #66202, Phase 4 thru 6/30/17 | Pj. 49, Oakport | \$ 9,331.34 |
| Ulteig Engineers, Inc. | #65940, Levee Cert. thru 6/30/17 | Pj. 49, Oakport | \$ 9,450.00 |
| Ulteig Engineers, Inc. | #65937, Wetlands thru 6/30/17 | Pj. 49, Oakport | \$ 1,581.59 |
| Wilkin County Highway Dept. | June Billing | Varies | \$ 6,559.61 |
| William Nichol Excavating | #227, Repairs/Spoil | Wilkin 13/Wilkin 13-Lat | \$ 8,564.00 |
| | | | \$ 254,131.67 |

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

County Commission Meetings. The Board has scheduled meetings with the Clay, Wilkin, and Otter Tail County Commissioners to present the 2016 Audit and Annual Report. Becker County has not yet responded to our request for a meeting date.

Administrative Hiring. The Board had an extended discussion regarding the assistant administrator position hiring process.

Next Meeting. The Board will hold their next regular meeting on Monday, August 14, 2017, at 7:00 PM in our Barnesville office.

Adjournment. Chairman Van Amburg adjourned the meeting at 8:33 PM.

Respectfully submitted,

John E. Hanson, Secretary