

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

April 23, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, April 23, 2018, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Gerald L. Van Amburg, Mark T. Anderson, John E. Hanson, Catherine L. Affield, Troy E. Larson, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI); Tammi Sather, Clerk, Trevor Sorenson, Alderman, Joe Balcer, Alderman, City of Georgetown; and landowners Don Culp, Jay Nord, and Chuck Anderson.

Chair 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. Chair Leitch asked for comments or additions to the meeting agenda. Albright noted that Harold Rotunda, Certified Public Accountant (CPA), would be presenting the 2017 Audit this evening at about 8:00 PM. Leitch asked for anyone who attended the recent Red River Watershed Management Board (RRWMB) meeting to give a brief report, and he also wanted to add discussion about scheduling a possible Board retreat.

Secretary's Report. The Board reviewed draft minutes for the 4/09/18 regular Board meeting. Leitch noted some minor corrections. **Motion** by Anderson to approve the 4/09/18 minutes, subject to correction. **Seconded** by Affield. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$1,811,588.11. Income since the 4/09/18 meeting was \$17,349.06 from the Minnesota Pollution Control Agency (MPCA) Otter Tail River Planning 319 Grant. Total 2018 income to date is \$449,622.23.

Citizens to Be Heard. Chair Leitch asked if there were any citizens who wanted to address the Board. There were none.

Business brought before the Board included:

City of Georgetown. Representatives from the City of Georgetown were in attendance to discuss several issues. Albright gave a brief history of our work with the City regarding the Georgetown Levee and project costs/finances. Issues of concern included the 2018 tax assessment of \$25,000 to the benefited parties, the pending 2011 flood Federal Emergency Management Agency (FEMA) reimbursement, and bond sale payoff. Albright explained that when the City receives their FEMA reimbursement and remits the BRRWD's share (\$69,776.98), and the 2018 assessments are collected (\$25,000), the Georgetown project account balance will still be -\$27,000. The City asked the Board to consider a contribution to help them with the remaining negative balance. For the levee that was constructed after the 1997 flood, the BRRWD contributed \$40,822.80. The group reviewed an income summary of the contributions and sources of funding to the 1997 and 2012 levee projects. Albright noted that the BRRWD has contributed funds to several other past projects throughout the District from the Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3, account.

Another issue the group discussed was the easements and buyout properties that the BRRWD owns. It was discussed at the time of the buyouts that when the project was completed, the BRRWD might transfer that property to the City. Some of the property that the BRRWD owns inside the dike on the north side of

Georgetown (former Ziegler land) has development potential. The rest of the buyout properties outside of the dike would not be available for future development. Van Amburg commented that the BRRWD didn't need to own the Ziegler tract or other properties, and they should go back to the City. Leitch asked what the value of the land might be. No one was sure.

Alderman Sorenson said that the City taxpayers were concerned that the \$25,000 assessment for 2018 would be levied again in 2019. There are also two more years left on the bond sale (approximately \$11,500 per year, ending in 2020). Don Culp pointed out that since the levee isn't certified, it would be difficult to develop the Ziegler tract. Jones noted that to develop a small subdivision in that area, the site would have to be elevated above the floodplain and the land would have to go through a Letter of Map Amendment and Revision (LOMAR) process with FEMA prior to construction. The basement exemption should not be a concern if the lots are elevated. If Trunk Highway (T.H.) No. 75 and several other roads, plus the Burlington Northern/Sante Fe (BNSF) Railroad tracks could ever be raised/diked, the levee could be certified, but the cost to raise the roads is approximately \$1 million. Previously, there were discussions that the Fargo-Moorhead Diversion Authority (FMDA) might assist with creating the noted permanent closures.

Chair Leitch asked the City to come back to the Board with a few funding options in writing prior to our next meeting to allow some time for Managers to review the requests. Albright offered to assist the City in this regard.

2017 Audit. Harold J. Rotunda, CPA, presented the draft 2017 audit. He discussed the BRRWD's management of our M.S.A. 103D.905, Subd. 3, taxing authority and project assessment practices. Rotunda pointed out that the staff's detailed accounting practices make it possible to show the public where their money is spent and helps the Board make financial decisions. Albright suggested that the Board review the draft audit so we can take action to approve it our next meeting.

Permit No. 17-107, Dennis Butenhoff. Action on this permit was postponed last fall pending neighboring landowner notification. Butenhoff wants to install a gate on the south end of an existing 24" dia. north-south culvert through County Road (C.R.) No. 55 in the NW¼, Section 21, Barnesville Township, Clay County, to prevent water from breaking out of Whisky Creek through C.R. No. 55 onto his property. The Ernst property is currently enrolled in the Conservation Reserve Program (CRP) and won't be farmed for at least 10 years, so a gate should not be a problem as long as the land remains in CRP. Albright recently contacted Ernst, who has some concerns regarding the proposal. He will continue to work with the landowners in an attempt to resolve this issue.

Permit No. 18-023, City of Moorhead. Applicant proposes to install street and underground utilities for the Hampton Place 3rd Addition in the SW¼, Section 29, Moorhead Township, Clay County. Drainage flows through an existing 100-year design stormwater pond. Jones recommended permit approval, subject to our standard utility disclaimer.

Permit No. 18-024, Joel Simmer. Applicant proposes to install 132 acres of pattern tiling in the NE¼, Section 7, Akron Township, Wilkin County, outletting via a lift station in the northwest corner to the township road ditch, then west to a natural waterway flowing south and west, eventually to Wilkin County Ditch (C.D.) No. 6A, to which the property is assessed. Jones recommended that the downstream landowner, Doug Etten, be asked to sign a downstream notification form for the project. **Action postponed.**

Permit No. 18-025, MNDOT. The Minnesota Department of Transportation (MNDOT) proposes to conduct pavement rehabilitation and Americans with Disabilities Act (ADA) compliance work in the City of Wolverton, plus a mill/overlay and ditch/culvert cleaning on T.H. No. 75 in Section 28, Wolverton Township, Wilkin County, from C.R. No. 184 north to the Clay County line. Jones recommended permit approval.

Permit No. 18-026, City of Dilworth. Applicant proposes to construct street/utilities/stormwater improvements for the Summerwood 3rd Addition in Section 1, Moorhead Township, Clay County. The

project will include the expansion of the Summerwood stormwater pond to the 100-year storage capacity to service the quarter section as platted, according to the City's master drainage plan. The water will ultimately flow north to C.D. No. 41-Lateral 1 to which the property is assessed. Jones recommended permit approval, subject to our standard utility disclaimer.

Permit No. 18-027, MNDOT. Applicant proposes the lining of nine in-place corrugated metal pipes (CMP) in the median or centerline of Interstate-94 (I-94) within the BRRWD boundaries. The culverts are at or near the point of failure. Two methods will be used to apply the cured-in-place lining. Jones noted that there is a 42" dia. centerline pipe going through I-94 near the Village Green Golf Course in Moorhead where MNDOT will install a 1" slipline smooth liner, which should not affect the existing hydraulics. Jones recommended permit approval.

Motion by Anderson to approve Permit Nos. 18-023, 18-025 through 18-027, subject to the referenced disclaimers and conditions. **Seconded** by Van Amburg. **Approved.**

Rick Gandrud Complaint. The Board has scheduled a permit hearing on 5/29/18, as requested by Attorney Forsgren, regarding the Rick Gandrud/Kraig Nelson tile drainage dispute in Hamden Township, Becker County. Notices will be mailed to the affected parties.

Project No. 79, Wolverton Creek Restoration. A landowner informational meeting was held on 4/13/18 to review the easement process. Albright reported that approximately 24 landowners attended. He plans to mail the Phase 1 construction and easement options to the landowners in the next several weeks. Anderson asked about the bidding process regarding flexibility on quantities. Albright said that the contract does allow for a certain amount of change in the quantities. Anderson felt some maintenance work may be needed downstream of the Wilkin County line to insure Phase 1 has a positive grade line.

Jay Nord asked how we planned to allow for continued flows from the ditch systems that use Wolverton Creek for their outlets during construction. Jones noted that one way would be to install temporary coffer dams to keep flows from construction areas. Nord asked if the bidding would take place at the next meeting. Jones explained that we need to acquire most of the signed construction easements before we can open bids.

Stony Creek Comprehensive Project. Albright reported that he and Jones discussed project options regarding possible design modifications to allow for interior diking along the alignment of the township road (150th ST S) to use part of the project for summer operation. The landowners would be able to crop their fields on the west side of the control dike during most flood events up to the 50-year event when both pools would be utilized, which could provide some savings regarding easement costs. Albright suggested a meeting should be scheduled with Chuck Anderson, who owns most of the land affected by the project, to discuss the possible project design options. Leitch distributed his analysis of HEI's draft benefit-cost study. The Board had a brief discussion regarding Leitch's opinions.

RRWMB. Leitch mentioned Chuck Fritz's presentation at the recent RRWMB Strategic Planning session regarding stage damage curves on the Red River mainstem. He explained that Fritz determined that the 20% stage reduction target on the mainstem is no longer a valid goal. Managers Fjestad and Anderson attended the morning meeting, but didn't attend the afternoon session. Fjestad discussed concerns regarding the newly hired RRWMB staff.

Board Retreat. Leitch proposed a Board retreat. The group discussed scheduling the event sometime in June. BRRWD Bylaws pertaining to Open Meeting Law will apply.

BRRWD Rules. Albright reported he and Leitch discussed some suggested revisions to the draft Rules. Van Amburg noted that he also had some suggested corrections for Albright to review.

One Watershed, One Plan (1W1P). Albright reported that the 5/04/18 Policy Committee meeting materials packet will be distributed tomorrow with the draft workplan, budget, and schedule, developed by the Planning Team at their 4/18/18 meeting. Once the Policy Committee approves those three items, they will be forwarded to Minnesota Board of Water and Soil Resources (BWSR) for approval and grant allocation. The next step will be to form the 1W1P Advisory Committee.

Otter Tail River Restoration. Albright noted that the staff has another teleconference scheduled with the Army Corps of Engineers (COE) on 5/03/18 regarding the status and development of their Section 1135 project. The COE hope to have the draft reports ready by this fall. Their internal review could take another six months.

Otter Tail River/Buffalo River/Upper Red River Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS). A meeting with MPCA was held in March to kick off the next round of TMDL/WRAPS studies for the Buffalo River and Upper Red River watersheds in 2019-2020. The Board reviewed the proposed additional sampling sites that Matt Jacobson, HEI, prepared and submitted to MPCA to include in their intensive watershed monitoring, which could be done as a MPCA expense. Jones noted that the sites coincide with our Regional Assessment Locations (RALs). Another meeting will be held with MPCA this fall to discuss these new sites and monitoring funding.

2015 Buffer Law. Albright noted that we have several ditch systems ready for the hearing process. He explained that his current goal is to mail the Wolverton Creek Phase 1 easement packets. Once that work is done, he plans to move on to scheduling the ditch hearings and preparing the hearing notices. Jones noted that HEI survey personnel placed stakes on a couple of Clay County ditches where we already have buffers, and the BRRWD will not be charged for this work. He explained that on a few ditch systems, the actual ditch right-of-way (R/W) exceeds the required 16.5' bufferstrip area. The crew staked the actual ditch R/W and placed the stakes further out into the field where it has traditionally been cropped. That staking has been corrected. Albright has been telling landowners that if there are stakes in their fields, we ask that they honor the R/W and not plant in those areas this spring, but if there are no stakes, they can go ahead with their usual farming practices. The BRRWD will catch up with the R/W work this fall after the crop is off.

The BRRWD will work with West Otter Tail County to complete the buffer work for Wilkin/Otter Tail Judicial Ditch (J.D.) No. 2, so that both parts of the ditch will be done at the same time. A landowner informational meeting regarding J.D. No. 2 has been scheduled for Monday, June 4, 2018, at 7:00 PM at the Government Services Center, Commissioners Room, Fergus Falls. Notices will be sent to the benefited landowners in Wilkin County and the landowners within the drainage area in Otter Tail County.

Comments and Announcements.

Anderson asked about the Rustad drainage concern. There is a 12" dia. culvert that is plugged in an approach along a township road near Rustad, causing standing water near a residence. The water eventually drains to Clay C.D. No. 40. He plans to meet with a contractor tomorrow to get a bid on removing the plugged pipe. Albright pointed out that since the culvert is along a Kurtz Township road, this should be a township issue. Anderson will contact Kurtz Township.

Jones noted that HEI has prepared district maps showing the location of the BRRWD projects and ditch system locations. He will provide the Managers with PDF files.

Anderson also asked a question about the audit fee on the bill list. Albright explained that the audit billing is one year behind, so Rotunda's bill is for the 2016 audit.

Elkton Wetland Restoration. Albright noted that the Elkton wetland banking paperwork process is completed with the Briks Family and Janice Getz. 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. BWSR recently approved the transactions. Mark Aanenson, HEI, worked with the COE regarding the federal wetland banking credit acreage on the Elkton site, which was used to mitigate the Getz purchase. The 2018 account maintenance fee of \$500 is listed on tonight's bill list.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Clay County Auditor-Treasurer	2018 Project Assessment	Pj. 49, Oakport	\$ 2,463.58
Clay County Auditor-Treasurer	2018 Property Tax	Pj. 39, Georgetown	\$ 534.00
Clay County Auditor-Treasurer	2018 Property Tax	Clay Co. Buyouts	\$ 42.00
Clay County Auditor-Treasurer	2018 Property Tax	Pj. 49, Oakport	\$ 1,092.00
Harold J. Rotunda	2016 Audit	Admin.	\$ 2,100.00
Joel Carlson, Inc.	May Lobbyist Fees	Admin.	\$ 850.00
Jon Yeske	#300, April beaver control	Pj. 31/Clay C.D. No. 34	\$ 480.00
MN BWSR	2018 Account Maintenance Fee	Wetland Restorations	\$ 500.00
Moorhead Public Service	03/02/18-04/03/18 Service (4)	Pj. 49, Oakport	\$ 157.92
Paul B. & Jane L. Ehlert	R/W Payment Correction	Pj. 24, Wilkin 44	\$ 9,142.22
Petty Cash	Office supplies, misc.	Admin.	\$ 150.00
Ulteig Engineers, Inc.	#72880, Levee Cert. Thru 3/31/2018	Pj. 49, Oakport	\$ 89.00
Vogel Law Firm	#214058, March billing	Admin.	\$ 168.00
			\$ 17,768.72

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

Server Backup Licenses. Albright explained that our server backup software licenses are up for renewal in June. HEI handles our server backups and the software licenses. The total renewal fee for our two physical processors (BRRWD and M-Files servers) is \$1,346. The licenses will be co-termed, so next year, the renewal date will be in October, and the charges should be less. HEI doesn't charge extra fees for handling this service for the BRRWD, and the fees are paid to an independent software company.

Next Meeting Agenda. Anderson suggested that the staff check with the Managers on the day of our next meeting to be sure a quorum will be present because some of them could be busy with fieldwork. Anderson said he would be willing to attend the meeting if necessary.

Performance Review and Assistance Program (PRAP). The Board watched a BWSR training video regarding the Data Practices Act-Copy Costs. The videos are designed to provide Watershed Boards with free training on these topics to meet the Level II PRAP performance standards for "Board Training".

River Keepers Annual Meeting. Leitch noted that he attended the first part of the River Keepers Annual Meeting tonight before he came to our meeting. He noted that the BRRWD's contribution was mentioned in their financial report.

Next Meeting. The next regular meeting will be held on Monday, May 14, 2018, at 7:00 PM in our Barnesville office.

Adjournment. **Motion** by Anderson to adjourn the meeting. **Seconded** by Fjestad. **Approved.** Chair Leitch adjourned the meeting at 9:15 PM.

Respectfully submitted,

John E. Hanson, Secretary