

BUFFALO-RED RIVER WATERSHED DISTRICT

1303 4th AVE NE
E-mail: general@brrwd.org

BARNESVILLE, MINNESOTA 56514
PO BOX 341

PHONE 218-354-7710
Website: www.brrwd.org

MINUTES FOR MANAGERS' MEETING June 26, 2017

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, June 26, 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: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI); and Don Bajumpaa, District Manager, and Ross Aigner, Vice Chair, Wilkin Soil and Water Conservation District (SWCD).

Chair Van Amburg called the meeting to order at 7:05 PM and announced that the proceedings were being recorded to aid in preparation of the minutes.

Secretary's Report. The Board reviewed draft minutes for the 06/12/17 regular meeting. Manager Affield noted two minor corrections. **Motion** by Affield to approve the minutes, subject to correction. **Seconded** by Fjestad. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's current financial status. Cash on hand is \$1,779,006.86, and income this year is \$1,224,831.68. Current income for the month totals \$26,160 from the Minnesota Pollution Control Agency (MPCA) for the Otter Tail River Planning 319 Grant reimbursement (\$14,295.50) and from the Red River Watershed Management Board (RRWMB) for Project Team (PT) expenses (\$11,625.89). We also received a reimbursement from the Lessard-Sams Outdoor Heritage Council (LSOHC) for Albright's mileage to attend a WorkGroup meeting (\$238.61). Albright noted that Clay County should send their 1st half property tax proceeds by the beginning of July.

Other business brought before the Board included:

Permit No. 17-045, Red River Valley Co-op Power Association (RRVCPA). Applicant proposes to bore a high voltage power line conduit under Clay County Ditch (C.D.) No. 5 in the NW¹/₄, Section 5, Morken Township, on County Road (C.R.) No. 107. Brad Pake has requested that the power lines in his yard be buried to eliminate existing overhead power lines to avoid nearby trees. The line will be placed a minimum of 5' below the ditch bottom. Jones recommended permit approval, subject to our standard utility disclaimer and County approval to work within their road right-of-way (R/W).

Permit No. 17-046, Tom Paulson. Applicant proposes to regrade one mile of the east ditch along 180th AVE in the W¹/₂, Section 21, Mitchell Township, Wilkin County, from 200th ST north to 190th ST. The work would include lowering two culverts to a new gradeline. Jones explained that the proposed work is related to Robert Yaggie's upstream tile project in Section 28 (Permit No. 17-028) and is an attempt to alleviate potential increased flooding from Yaggie's tile pump in the northwest corner of Section 28. Jones recommended permit approval, subject to township approval to work within their road R/W and downstream landowner notification.

Permit No. 17-047, Mark Sundstrom. Applicant proposes to replace a 10" dia. plastic pipe with a larger culvert in the northeast corner of the NE¹/₄, Section 9, Roberts Township, Wilkin County, and regrade the south ditch of 170th ST from the railroad tracks west to Trunk Highway (T.H.) No. 75 to improve area drainage. The Board discussed this proposal and decided Albright should meet with Sundstrom to develop a plan for his drainage project. Albright met with Sundstrom last year in the office regarding this project.

Permit No. 17-048, Andrew Holmen. Applicant proposes to install a driveway/culvert in Downer, in Section 22, Elkton Township, Clay County. Holmen was granted a permit in 2008 (Permit No. 08-019), for this project with a 24" dia. culvert, but he never acquired the culvert. He is reapplying for the culvert installation. Jones recommended approval.

Permit No. 17-049, Century Link. Applicant proposes to bore buried fiber optic cables along County State Aid Highway (CSAH) No. 2 and 29th ST S, crossings on Clay C.D. Nos. 11, 11S, 36, 53, and 60, and two crossing on Wolverton Creek in Sections 33, Kurtz Township, and Sections 4, 9, 16, 21, and 27, Holy Cross Township, Clay County. The cables will be installed 10' below the existing channel bottoms to provide high-speed internet to the area. Jones recommended permit approval, subject to our standard utility disclaimer.

Permit No. 17-050, Richard Yaggie. Applicant proposes to install pattern drain tile in the W½, Section 24, Foxhome Township, Wilkin County, outletting via a lift station to the north road ditch of 380th ST for one mile before draining into C.D. No. 27 to which it is assessed. Jones recommended postponing permit approval until the applicant has completed the downstream landowner notification process.

Permit No. 17-051, Richard Yaggie. Applicant proposes to install pattern drain tile in the SE¼, Section 27, Andrea Township, Wilkin County, outletting via gravity flow in a main tile line directly to C.D. No. 7-Lateral to which it is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 17-052, WBI Energy Transmission, Inc. Applicant proposes to bore one 16" dia. steel natural gas pipeline underneath Clay C.D. No. 23 and 140th AVE NW in the SE¼, Section 6, and the NE¼, Section 7, Kragnes Township, Clay County. Albright recommended permit approval, subject to our standard utility disclaimer and road authority permission to work within their road R/W.

Permit No. 17-053, WBI Energy Transmission, Inc. Applicant proposes to bore one 16" dia. steel natural gas pipeline underneath an unnamed natural waterway and the Buffalo River in the SE¼, Section 3, Kragnes Township, Clay County. Albright recommended permit approval, subject to our standard utility disclaimer and road authority permission to work within their road R/W.

Permit No. 15-054, City of Barnesville. Applicant proposes a three phase drainage project in the W½, Section 29, Humboldt Township, Clay County. The first phase of the project is to install 12" dia. drain tile on the east and south boundaries of Del Acres Gilbertson Second Addition, outletting along the east boundary to the north to a catch basin at 2nd AVE NE and along the south boundary west to the 13th ST SE road ditch. All water from this system will drain to the City's storm water pond via the existing storm drain facilities. The second phase of the project is to reset 130' of 24" dia. HDPE dual-wall sewer pipe to drain north via a catch basin at 2nd AVE SE, as designed by the City's Engineer, KLJ. The third phase of the project is the regrading of approximately 2,000' of the ditch along the east side of 13th ST SE to drain north at a 0.13% grade and to remove an existing 18" dia. centerline culvert at Station (Sta.) 15+60. Albright recommended that the Board approve the first two phases of the project and postpone action on the ditch regrading and centerline pipe removal until the next meeting to allow time to gather more information and to meet with the affected landowner, Eddie Gilbertson.

Motion by Fjestad to postpone consideration of Permit No. 17-047. **Seconded** by Leitch. **Approved.** **Motion** by Fjestad to postpone consideration of Phase 3 of Permit No. 17-054. **Seconded** by Affield. **Approved.** **Motion** by Anderson to approve Permit Nos. 17-045 and 17-046, 17-048 through 17-053 (excluding 17-050), to approve Phases 1 and 2 of Permit No. 17-054, subject to the referenced disclaimers, and to postpone consideration of Permit No. 17-050 until the downstream notification form is returned. **Seconded** by Fjestad. **Approved.**

Manston Township Treatment Wetland. Ross Aigner is working with Don Bajumpaa, Wilkin SWCD, on a project that would incorporate a treatment wetland to be used as a discharge point for a tile system. Albright met with them a few months ago regarding a proposed treatment wetland on a parcel of Aigner's land in

Mitchell Township, which would have included the need to mitigate a small amount of wetland acreage. The Minnesota Board of Water and Soil Resources (BWSR) had grant funding available for Drainage Water Management (DWM) projects at that time, but BWSR turned down Aigner's initial proposal, in part because it was inconsistent with BWSR policy prohibiting the use of State funds for mitigation. Bajumpaa explained that he and Aigner have continued to investigate the application of treatment wetlands. They are considering a new site along T.H. No. 9 in the SE¼, Section 4, Manston Township, upstream of the South Branch of the Buffalo River. Bajumpaa has consulted BWSR Engineer Al Kean, who agrees that "treatment wetlands" is a viable concept, but Kean thought that the wetland should be connected to a Minnesota Statutes Annotated (M.S.A.) 103E (Drainage Law) legal ditch system. Since the site is not connected to a legal ditch system, it would not be eligible for BWSR funding. The site would be eligible for a Clean Water Fund (CWF) grant because the South Branch is listed as "impaired waters". Aigner is considering this highly visible potential site along T.H. No. 9 that connects to impaired waters. Bajumpaa stated the SWCD and Aigner would like to partner with the BRRWD to develop this concept.

Aigner felt that BWSR was missing an opportunity to develop wetlands and promote water quality by not allowing the use of DWM funding for wetland treatment. He envisioned the construction of treatment wetlands to be used as outlets (discharge) for a significant percentage of future tiling projects. Aigner is working with other BWSR staff to develop this concept. He suggested that the BRRWD could contribute engineering assistance and site monitoring for the T.H. No. 9 site. Aigner added that he hoped the BRRWD would also consider supporting his efforts to promote this concept.

Albright referenced a tile project just north of Aigner's proposed project site that is outletting into the T.H. No. 9 ditch. The downstream landowner complained that the tile system doesn't have an adequate outlet because the road ditch is full of sediment and doesn't drain properly. The Board authorized HEI to conduct a survey and that information will be forwarded to the tile project owners with a request that they work with Minnesota Department of Transportation (MNDOT) and the landowners to clean the road ditch. This site is upstream of Aigner's proposed site.

Bajumpaa explained that BWSR will start accepting funding applications for the CWF and DWM grants on July 5, 2017. He noted that they just wanted to update the Board about their ideas and weren't asking for funding or any Board action at this time.

Van Amburg mentioned that the 2017 Legislature allocated funding for farmers to develop innovative ideas to solve water quality problems around the State. He felt that Aigner's plan would fit into that category. He noted that this type of treatment wetland has been used by small towns to treat waste water for some time. Van Amburg is on the BWSR Board of Directors, and he said he would look into the reasoning behind BWSR's denial of Aigner's DWM application. The Board discussed other practices, including bioreactors and saturated buffers. Bajumpaa noted that the SWCD does have a site researching two saturated buffers in Meadows Township. Jones noted that BWSR has Multi-Purpose Drainage Management grants (\$750,00) that could be used for treatment wetlands on legal drainage systems. The Board discussed the various grant opportunities that Aigner could apply to for funding. Bajumpaa noted that BRRWD support of his proposal would be helpful in making his application successful. **Motion** by Fjestad for the BRRWD to go on record as supporting Aigner's concept of treatment wetlands to be used as a discharge point for tile projects. **Seconded** by Anderson. **Approved.**

Project No. 30, Clay/Wilkin J.D. 1/Clay C.D. No. 53 Outlet Stabilization. Bajumpaa presented the Board with a Conservation Practices Assistance contract for their approval. The grant will cover 75% of the repair costs for Clay/Wilkin Judicial Ditch No. 1 (J.D. 1) and C.D. No. 53, and the remaining 25% of the costs would be paid as ditch system expenses. The Wilkin SWCD received BWSR funding for erosion control work along the Red River, including the installation of side inlets and grade control structures. **Motion** by Affield to enter into the referenced contract with the Wilkin SWCD for outlet structures on J.D. No. 1 and C.D. No. 53. **Seconded** by Leitch. **Approved.** The Board awarded the outlet repair contract to Sellin

Brothers, Inc. for their bid of \$45,829 at their 6/12/17 meeting. To date, the contractor has not returned the signed contracts.

Wilkin County Floodplain Remapping. The Board discussed the 6/21/17 Wilkin County Board of Commissioners meeting in Breckenridge regarding the proposed floodplain remapping in Wilkin County. Manager Anderson attended the meeting. He reported that Wilkin County has decided to consider hiring an engineer to take another look at the 100-year flood plain revision the Army Corps of Engineers (COE) has proposed for the Bois de Sioux and Otter Tail Rivers entering Breckenridge, which could raise the 100-year floodplain by about 2'. A new floodway analysis has also been proposed which would affect future property development. Anderson told the Commissioners that the BRRWD could share data and technical assistance to review their studies.

The County plans to meet with Federal Emergency Management Agency (FEMA) to find out if they would accept an independent engineering review. Don Bajumpaa explained that the new floodplain elevation was based on more recent period of years of gauging records. There are some County officials that question the validity of the data. Jones explained that the 100-year floodplain elevation established in 1978 was based on the Wahpeton United States Geological Survey (USGS) gauging station discharge data collected from 1942 to 1971. When the floodplain was remapped in 2015, they used hydrology based on data from the same period of record. When the COE revised the modeling work to take into account the diversion and levees for Breckenridge, they decided that it was necessary to use the additional discharge data from 1971 to 2011. Bajumpaa noted that there were three large flood events that were included in this new hydrology database, which caused the floodplain to be raised nearly 2'. The City is concerned about the new standards because they might have to raise their levee system to be able to certify it to provide lower flood insurance rates for their residents.

Van Amburg questioned the expense of getting another opinion when the data appears to be accurate. Jones explained that the main factor in the higher floodplain elevation determination is that flows at the USGS gauge have doubled from the prior period. Bajumpaa pointed out the 2015 floodplain maps show the City of Breckenridge in the floodplain because by FEMA policy they couldn't take into account the levee system benefits since the levees aren't certified. Jones noted that the Denver, Colorado, FEMA office should be handling the remapping issue. The problems are compounded by the fact that the City of Wahpeton is handled by the Denver FEMA office, and the City of Breckenridge is handled by the Chicago FEMA office.

Tile Pump Operation. Last week, Ross Aigner called the office to report that there were several tile pumps operating on the Wilkin C.D. No. 22 system after the 6/13/17 heavy rainfall event. In accordance with our standard tiling disclaimer, tile pumps are supposed to be shut down during downstream high water events.

Earlier this year, Deal Brothers Farm was granted Permit No. 17-013 to install pattern tile in the NE¼, Section 16, Mitchell Township, Wilkin County, outletting directly into C.D. No. 22 via a lift station and to place tile in the natural waterway in that quarter. Albright reported that the Deals buried an 8" tile line in the natural waterway, which is fed by a 48" dia. culvert 190th AVE, and now are filling in the waterway. The upstream landowner contacted Albright regarding this issue when water backed up onto his property after the 6/13/17 rains. Albright noted that they had a permit to put in the tile, but not to fill in the natural waterway. He suggested that the Board send a letter to the Deals explaining they can't fill in the natural waterway on their property, and they will need to restore it. Albright noted that another option would be for the Deals to reroute the natural waterway to the road ditches on the west side of 190th AVE and the south side of 180th ST. **Motion** by Anderson to authorize Albright to send the referenced letter to the Deal Brothers Farm. **Seconded** by Fjestad. **Approved.** Aigner reported that this area received about 4.3" in about 2 hours on 6/13/17.

Quinn Affield also contacted the office regarding flooding on the downstream end of C.D. No. 22-Lateral No. 3. The Board discussed a possible survey of the main channel of C.D. No. 22 to determine if a repair is required. Aigner noted that the standpipe at the intersection of C.R. Nos. 3 and 30 could be set too high to be effective in keeping keep water out of Askegaard's bin site at that same location.

220th ST Ditch Investigation. In response to downstream landowner concerns regarding Permit No. 17-028 for Robert and Bruce Yaggie's tile outlet in Section 28, Mitchell Township, Wilkin County, the Board authorized HEI to investigate a new ditch system that would route water west along 220th ST in Sections 31 and 32, Mitchell Township, outletting to Whiskey Creek. Jones submitted his study to the Board in May. Tom Paulson and Tom Arnhalt have received the information and were advised that they could develop a legal ditch system by petition or submit a BRRWD permit application to do the work as a private project. Albright noted that the Wilkin County Highway Department is working on C.R. No. 3 this year. He asked Jones if they were going to make the structure changes in C.R. No. 3 that he recommended. Jones explained that they will need to add another culvert in the future if the ditch project is developed. The Board agreed to schedule a landowner informational meeting to discuss the 220th ST proposal.

86th AVE S Drainage Investigation. Permit No. 17-039, Parke Township. Bryan Burnette, who has concerns regarding the Palya driveway installation driveway off 86th AVE S in the SE¹/₄, Section 15, Parke Township, Clay County, requested that the BRRWD provide an Engineer's opinion regarding the drainage issues in this area. At their 6/12/17 meeting, the Board authorized Jones to conduct a site investigation and prepare recommendations. Albright and Jones conducted a field review on 6/19/17. Jones provided six recommendations:

1. Drainage along the east side of 86th AVE S should be reestablished and directed southeast to a crossing through the road on the line between Lots 5 and 6 of Sunset Beach Subdivision. The ditch in this location needs to be re-excavated and then reseeded to reestablish grass cover to prevent erosion. The spoil could be used to fill in a hollowed-out area on the east side of 8th AVE S to the north of the Palya driveway.
2. The township should raise the road slightly in front of Lots 6 and 7 to ensure that water is routed southerly along the east side of the road to prevent overtopping.
3. A 15" dia. corrugated metal pipe (CMP) with flared end sections should be installed southwesterly across the road to direct water west near the property line between Lots 5 and 6.
4. A 15" dia. CMP should be installed through the west Palya driveway along 86th AVE to allow drainage from the north to flow southerly in the east road ditch.
5. The west Palya driveway should be sloped to shed water to the south and a riprapped chute should be constructed along the south edge of the driveway and then lined with geotextile and filled with rock to prevent erosion.
6. The west Palya driveway should be well vegetated to prevent erosion.

These recommendations were forwarded to Parke Township and the landowners in an effort to provide a plan that they can work on together.

Wentz Tile Complaint. The Board is still waiting for John Steffl to 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 SE¹/₄, Section 3, Callaway Township, Becker County. Albright mailed Steffl a permit application, and he hasn't returned the paperwork. The other neighbor, Eugene Kaiser, who also installed tiling outletting 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.

Bryan and David Henderson Waterway Concern. Mark Aanenson, HEI, has completed his analysis of the Board authorized wetland investigation in the NW¹/₄, Section 27, Manston Township, on the Terry Nielson property, operated by David Abel. The survey was conducted in response to an issue from last year regarding Ron Conzemius' farming through the waterway in the N¹/₂SW¹/₄, Section 27, Manston Township, on the north side of CSAH No. 26, which restricts the natural flow of water from the Henderson property on the south side of CSAH No. 26 in the NW¹/₄, Section 34. Albright had contacted Abel about cleaning the natural waterway in the NW¹/₄, Section 27, to help drain area water west to the Manston Slough project. Abel was told by the NRCS that the waterway on his property couldn't be cleaned because of wetlands. Aanenson is preparing the Local-State-Federal (LSF) form and has talked to the affected agencies, who advised him

that the natural waterway cleanout on the Nielsen property might be exempted from wetland regulations. Albright noted that it would still be up to the landowner and his renter, David Abel, to decide if they want to do the work.

Ross Aigner noted that during the last rainfall event, the tile pump on the Arnhalt property continued to operate. The Board briefly discussed that this issue will be addressed in the revised BRRWD Rules. Tile operation during downstream flooding events is prohibited under our standard tiling disclaimer noted on every approved tile permit, but we don't currently have a way to enforce it. Albright discussed adding a link on the BRRWD website that would alert tile system operators to stop their pumps on a subwatershed basis.

Ed Haick Complaint. Albright noted that Jones has recommended a 0.05% grade in both ditches going south along T.H. No. 9 from the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Manston Township, Wilkin County, to address water problems on Ed Haick's property downstream of a lift station installed by Mark Yaggie a few years ago (Permit No. 12-142). Water in the area should flow south to the Buffalo River. Albright will forward the information to Mark and Dave Yaggie for their review, encouraging them to work with Haick and MNDOT to clean the road ditch to create an adequate outlet for the tile water.

Aksamit Tile Complaint. Wade Opsahl, Technician, HEI, has conducted an inspection of the outlet for a joint neighborhood 2012 tiling project in the E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 3, Akron Township, Wilkin County, and reported that the outlet is dry. The Aksamit family attended the 6/12/17 Board meeting to discuss their concerns about a possible blocked outlet and seepage coming from the system. Opsahl observed that the tile outlet into a gravel pit is buried in rocks and water appears to be seeping out of the ground upstream of the outlet on Steve Wiese's property. Manager Larson explained that pressure created by the blockage is causing water to seep out of the perforated pipe. Larson noted that the land where the perforated pipe is installed is enrolled in the Conservation Reserve Program (CRP) and is seeded to native grasses, which can plug perforated pipe. He thought that the first step is to get the outlet opened and then address the seepage issues, if necessary. Albright plans to meet with the owner of the tile outlet, Avis Wiese, and her family to get permission to access to the site to remove the rocks and personally inspect the outlet.

Wetland Conservation Act (WCA) Applications. The Clay SWCD forwarded two project applications that will involve wetland impacts for the BRRWD's comment. Anthony Swiontek has already obtained a BRRWD permit for his driveway project. PROffut Ltd. Partnership' project will fill two wetlands for the Horizon Shores Development. They have already secured wetland credits from two existing wetland bank sites. The Board discussed the projects and decided they had no comments regarding either project.

Project No. 78, Clay/Wilkin J.D. 1 Outlet Improvement. Brian Kritzberger has submitted the revised petition for a diversion to take water west at the County line to Wolverton Creek. Albright will review the document, create a petitioner description location map, then forward it to the BRRWD's attorney, Tami Norgard, Vogel Law Firm, for her review.

Project No. 77, Clay C.D. No. 51-Lateral-Norby Lawsuit. The court trial has been temporarily postponed. Vogel Law Firm is preparing an appeal of Judge Cahill's decisions.

Project No. 56, Manston Slough Restoration. NRCS is reviewing the Wetlands Reserve Program (WRP) sites associated with the Manston project and developing Operation and Maintenance (O&M) plans. Currently, they are working on the Arnhalt WRP site in Section 18 (emergency spillway). Jones reported that seeding has been completed for the spillways downstream of Tom Arnhalt's property in the SW $\frac{1}{4}$, Section 20, Manston Township. This is the location of another Arnhalt WRP, now owned by the Minnesota Department of Natural Resources (DNR), and Jones will be working with NRCS regarding their review. Aigner noted that the trees the NRCS cut on their easements now have regrowth from the stumps. The Board discussed the tree infestation on the site. Aigner felt NRCS should use an herbicide to eliminate the trees. Aigner also noted that the contractor who installed the new WRP wetland sites did a very good job.

Project No. 49, Oakport Flood Mitigation-Phase 4. Albright noted we still are planning an Open House sometime this summer. The Board authorized HEI to draft an advertisement for bids to the remove the two spoil stockpiles, totaling approximately 61,000 yards of material. Opsahl is working with landowners where we constructed three ringdikes in the Oakport area several years ago to use some of the excess stockpiled material to restore the dike borrow pits. Opsahl estimates about 9,000-10,000 yards could be used in that regard. Jones thought removal of the material would have to be supervised onsite to be sure hauling is handled correctly. He has contacted the Cities of Fargo and Moorhead to let them know we have dirt available. The Board discussed possibly putting up signs advertising the dirt or advertisements in contractor publications offering "free dirt". Albright suggested that this issue should be resolved before the DNR's Oakport project grant expires on 12/31/18.

Project No. 39, Georgetown Levee. Albright reported that Opsahl is working with a lawn service to keep the easement areas mowed. Opsahl is also working with FEMA to close out the 2011 Flood damage claims.

Project No. 21, Wilkin C.D. No. 13-Lateral/Project No. 02, Wilkin C.D. No. 13. William Nichol Excavating, Inc.'s repair work has been delayed by the heavy area rainfall over the last few weeks. Landowner John Thompson refused to accept his temporary easement payment and advised Albright that the contractor should stay off his land, so we had to skip over that stretch of ditch in Section 36, Deerhorn Township. According to Opsahl's documentation, the channel through the Thompson land has some of the worst sedimentation of the ditch system and should be repaired. Albright will check with the Thompsons again when the repairs are closer to completion.

Jones discussed the Board authorized investigation and cost estimate for the replacement of Bradley Nelson's Texas crossing the SW $\frac{1}{4}$, Section 23, Deerhorn Township, in conjunction with the current ditch system repair project. Jones considered reusing two lines of 95" x 67" x 40' corrugated metal arch pipe (CMP-A) from the Manston Slough project. The pipes would be installed on the ditch flowline with a total waterway of 74 square feet (sq. ft.) with approximately 1.5' of cover. They would be installed with an overflow at elevation 951.7 with the flowline elevation at 947.4. The crossing would overtop at about the same time as the two culverts would be running full. The hydraulic stage increase for this option is less than 0.10' at the next upstream crossing. Jones pointed out that since the culverts were purchased for the ditch system, the replacement could be accomplished without additional pipe costs. The estimated cost of the project is \$5,000-\$7,000, mainly for pipe installation and crossing construction. The alternative would be to place three lines of 64" x 43" x 52" CMP-A with only 1' of cover over the pipes. The opinion of probable cost for this option is \$26,000. It would provide similar minimal upstream impacts. Jones recommended that the Board adopt the option to reuse the Manston pipes, if the landowner is agreeable. Albright will share the information with Nelson. Riprap currently at the site for the Texas crossing could be reused in the new crossing.

Mediation PT. The next PT meeting is tentatively scheduled for July 20, 2017, at 7:00 PM in the Barnesville office.

Upper South Branch of the Buffalo River. Albright responded recently to LSOHC questions about our grant application. He noted that they should decide this week about which applications will move forward to the next round of interviews.

Barnesville Township Area Retention. Jones discussed the BRRWD's potential acquisition of the Reinvest In Minnesota (RIM) property owned by the Braton family the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Barnesville Township, Clay County, with John Voz, RIM Easement & Working Lands Specialist, BWSR. Whisky Creek/Clay C.D. No. 34 crosses the RIM easement. The BRRWD is going to need additional R/W on this parcel for our Barnesville Township Comprehensive project. Voz did not appear to be against the proposal, but more investigation will be needed.

The COE sent their acknowledgement that Concurrence Point No. 2 has been met for the Barnesville Retention project.

Stony Creek Retention. The Board authorized an appraisal of the Michael Dohn property in regards to a possible acquisition of Dohn's property in the project area (Pt. NE¼, Section 5, Barnesville Township). Albright has not had time to contact an appraiser.

Watershed District Enlargement/Revised Watershed Management Plan (RWMP). BWSR has selected the BRRWD for funding for our One Watershed, One Plan (1W1P). There are several required meetings that will need to be held regarding partnerships, tasks, etc. before BWSR will release the funding. Becker County has forwarded their draft Local Watershed Management Plan to BWSR for approval. Albright noted that the BRRWD's 1W1P will only be involved with the Buffalo River watershed in Becker County.

M-Files Data Storage. Albright explained that the M-Files launch is going well. The Board discussed server backup options for both the BRRWD and the M-Files server. Currently, Julie Jerger, BRRWD Senior Administrative Assistant, is handling the daily onsite backup archiving. HEI's proposal is \$1,650 for a onetime license fee, \$540 yearly license renewal fee, plus one-billable hour/month for off network storage and monitoring. HEI will keep daily backups for a month on disk, monthly backups for one year on tapes, and year-end backups for 3 years on tape. HEI is charging no additional costs to the BRRWD, except the one-hour billable per month for network storage and monitoring. Albright thought that this proposal would be more economical and provide a more secure backup protocol for the BRRWD's data. **Motion** by Anderson to approve HEI's backup proposal. **Seconded** by Leitch. **Approved.**

Wilkin C.D. No. 7 Repairs. HEI submitted Pay Request No. 2 to States Border Construction for \$52,846.20, including the 5% retainage, Change Order No. 1 to adjust culvert and gate quantities with a net increase of \$5,179, and a two-week time extension request. The contract deadline is June 30, 2017, and the contractor still expects to complete their work by that date, but would like to have an extra two weeks to extend the contract until the next BRRWD meeting on 7/10/17. **Motion** by Fjestad to approve the referenced pay request, change order, and contract extension. **Seconded** by Affield. **Approved.**

Wilkin C.D. No. 1B. The Board discussed Michael and Don Yaggie's violation when they cleaned 0.5 miles of C.D. No. 1B along the east line of the SE¼, Section 33, Meadows Township, at least 1.5'-2' below the design gradeline and piled the spoil on the ditch sideslope on the newly established grass seeding. The Wilkin County Highway Department just repaired this ditch about 18 months ago, and the seeding was finally established. Albright contacted Michael Yaggie regarding this violation and plans to research possible enforcement options to require Yaggie to restore the ditch. The Board felt that the penalty should be harsh enough to discourage Yaggie from future work in our legal ditch systems. At a minimum, the Board will consider requiring that Yaggie restore the ditch.

The Board discussed our enforcement options for Rule violations. Other watershed districts have fine schedules for violations. The BRRWD can only enforce our Rules by filing complaints with the County Attorney, who has the option of enforcement.

Wilkin C.D. No. 6A. Albright will schedule a meeting with the Viewers to work on the redetermination of benefits.

BRRWD Viewers. Bill Austin has been added as a Viewer to replace Lauren Peterson. Albright is planning a retirement ceremony to honor Peterson for his years of service to the BRRWD to include the presentation of a plaque. The Board discussed the details of the event, which is tentatively scheduled for July 10, 2017, at 2:00 PM at Peterson's retirement center.

MPCA MS4. MPCA sent a notice of Issuance of Coverage under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Permit for the Small Municipal Separate Storm Sewer Systems (MS4) for the BRRWD.

2015 Buffer Law. The Board reviewed a draft resolution regarding the election of jurisdiction for enforcement to carry out the compliance provisions for riparian vegetated buffers and alternative water quality practices for the public drainage ditches within the BRRWD: Clay County-244.7 miles, Becker County-61.6 miles, Wilkin County-228.7 miles, and Otter Tail County-0. Currently, Otter Tail County has not transferred ditch jurisdiction to the BRRWD. **Motion** by Hanson to adopt the referenced Resolution 2017-06-26 #1. **Seconded** by Leitch. **Approved** by unanimous vote.

The Clay County Commissioners have scheduled a meeting on 7/7/17 at 9:00 AM in Meeting Room B in the County Courthouse to discuss jurisdiction issues in regards to legal ditch systems within the Wild Rice Watershed District (WRWD), who has decided not to assume jurisdiction.

Elkton Wetland Restorations. The Board discussed a wetland banking issue in the NE¼, Section 28, Deerhorn Township, Wilkin County. Kraig Nelson rents land in Section 28, Deerhorn Township, that is assessed to both Wilkin C.D. Nos. 22 and 5A. He allegedly cut through an old ridge along the property line upstream of Karlo Etten's property in the NE¼, Section 28, which Etten claims changed the historic area drainage patterns. Etten restored the ridge. There is approximately 0.3 acres of wetland on Nelson's property (owned by Janice Getz) that is part of a larger wetland site that the Briks Family LP is trying to mitigate with banking credits from the Elkton wetland restoration. Briks would need Getz's 0.3 acres to complete their wetland banking credit purchase associated with the Manston Slough project. Albright talked to Nelson and suggested he talk to his landlord (Getz family) to see if they would be interested in buying 0.3 acres of wetland mitigation credits, which would take care of the Briks' mitigation problem and address Nelson's drainage problem on the Etten property. To date, Nelson hasn't gotten back to Albright.

Albright will work with Kyle and Chad Johnson to put together a restoration plan regarding their wetland violations on the Poehls and Lamb easements.

Wolverton Creek Enhancement. The Ecofootprint Grant from Enbridge Pipeline for the Wolverton Creek Restoration Project will expire at the end of 2017. Jones submitted a request for a one-year extension of the grant. The Board discussed the reasons for the delays in project development. Albright noted that the search for funding from LSOHC and NRCS has taken time. We applied for funding from the LSOHC in 2015, which we didn't receive, and again in 2016, which was approved. Jones noted that this funding should be available sometime in July. At this time, it appears that the NRCS programs won't work for the Wolverton project.

Jones prepared a project development action plan for the Board's review. The Board has designated Wolverton Creek Enhancement as their top priority this year. Albright questioned the legal process for project development according to Watershed Law with Pete Waller, BWSR, and BRRWD Attorney Tami Norgard. It appears we will need to develop the project according to either M.S.A. 103D.601 or 103D.605, where 103D.601 requires a preliminary resolution hearing and a final hearing to adopt a project. Attorney Norgard didn't have time last week to follow up on this issue, but Albright will check in with her next week in this regard.

Otter Tail River Restoration. Chair Van Amburg signed the COE Section 1135 Grant Agreement last week. Attorney Norgard must sign the documents before they can be forwarded to the COE. According to the Agreement, the COE will contribute the first \$100,000 and then split the remaining costs 50/50 with the BRRWD. A conference call has been scheduled on 6/30/17 at 10:00 AM with the COE and the BRRWD to review project hydrology, modeling, and alternatives.

Whiskey Creek Restoration. Notices have been sent to landowners regarding an informational meeting scheduled for Tuesday, June 27, 2017, at 8:00 PM at the Kent Community Hall, to discuss the proposed Creek repairs. The presentation will include channel survey results, an estimate on the number of side inlets that might be needed, the 2, 5, and 10-year floodplain in regards to buffer needs. Albright noted that this

waterway is subject to the law requiring a mandatory 50' buffer installation (as measured from the top of bank) by November 1, 2017.

Clay SWCD Contribution Request. The Clay SWCD sent a request for the Board to contribute one-third of the local partners' cost to fund the Pheasants Forever (PF) Farm Bill Biologist position, currently held by Tony Nelson. The SWCD recently received notice that their BWSR Farm Bill Assistance Grant (\$65,000) to fund Nelson's position was approved. The grant will cover 90% of their costs with the SWCD and local partners responsible for the remaining 10% (\$6,500). Our contribution amount would be one-third or \$2,166. For the past several years, the BRRWD has contributed funding for this position. PF also provides funding to support the Farm Biologist's position. **Motion** by Anderson to approve the referenced contribution. **Seconded** by Larson. **Approved.**

Bridge Replacement. The Tommerdahls have requested a replacement for their driveway bridge crossing Clay C.D. No. 5 on the north side of Section 4, Morken Township, that has been deteriorating for some time. HEI conducted a hydraulic analysis on 6/13/17. Jones recommended a 20' wide driveway with a single line of 137" x 87" x 70' CMP-A with a waterway area of 67.4 sq. ft. to replace the existing bridge opening of 104 sq. ft. The next upstream structure has a waterway area of 60.5 sq. ft., and the next downstream structure has a waterway area of 66.0 sq. ft. The ditch bottom width at the driveway would need to be increased from 8' to 11' wide by increasing the ditch sideslopes. The opinion of probable cost is \$20,000 to \$25,000. Albright will forward the report to the Tommerdahls for their review. He also plans to investigate Drainage Law regarding landowner cost share for private ditch crossing repairs.

RRWMB Legislative Update. Albright distributed the June RRWMB Legislative update for the Board's review.

MASWCD Leadership Program. The Minnesota Association of Soil and Water Conservation Districts (MASWCD) in cooperation with the University of Minnesota (U of M) Extension is offering the 11th Leadership Program for representatives of SWCDs, BWSR, and NRCS. The registration fee is \$2,850 for tuition, instructor fees, speakers' fees, and course materials for seven in-person sessions; optional webinar training programs; air fare to Washington DC; and lodging and group meals for all sessions. BRRWD Managers interested should contact the office.

Clay C.D. No. 39. Dr. Xinhua Jia, North Dakota State University (NDSU), is working on a grant application for a study of drainage water recycling with landowners David Kragnes and Jerry Zimmerman. Jia wants the BRRWD to partner with NDSU on this effort as in the past when we furnished C.D. No. 39 data, etc. **Motion** by Leitch to continue our support of Jia's work in the BRRWD. **Seconded** by Affield. **Approved.**

Clay C.D. No. 51 Crossing Replacement. HEI conducted a field review and design investigation for the replacement of two culvert crossings along Clay C.D. No. 51 in Sections 16 and 21, Kragnes Township. Curt Brendemuhl filed a request for an investigation of the two crossings last year. Jones presented two options to replace these crossings. His recommendation was to replace the downstream culvert crossing with a single line of 103" x 71" CMP-A and the upstream crossing with either two lines of 66" x 51" CMP-A or two lines of 71" x 47" CMP-A. The probable opinion of cost for both crossings combined would be from \$21,000 to \$28,000. More research is needed to determine a policy regarding private crossing cost share. Albright will forward the information to Brendemuhl.

Becker C.D. No. 5 Repair. HEI is working with landowner Lester Kiehl to identify needed repairs along the upstream end of Becker C.D. No. 5 in Sections 26, 35, and 36, Audubon Township. There are three existing crossing culverts that need to be replaced. The channel is blocked in several areas by downed trees, old beaver dams, and brush, plus some sediment. Jones recommended cleaning the channel to remove blockages and replacing the crossing culverts with landowner permission to enter their property. The opinion of probable cost is \$15,000-\$20,000, dependent on channel conditions encountered in the field. **Motion** by Leitch to approve the recommended repairs. **Seconded** by Anderson. **Approved.**

Elkton Township Field Entrances. At their 5/22/17 meeting, the Board authorized HEI to investigate the area where the Kenneth Johnson family previously owned land in the NE¼, Section 14, Elkton Township, Clay County. Albright met with Inez and Frederick Johnson to discuss long standing drainage issues in Section 14, which included litigation between the Johnson family and the BRRWD. The litigation concerned two approaches/berms installed off 160th ST S into the Johnson property to keep Hay Creek from breaking out to the south across cropland: one approached installed by the BRRWD and the other used by the Johnsons to access their cropland south of the creek. In 2012, Inez Johnson sold the south 80 acres to Gary Hoffman, and the north 80 acres to Adam Nystuen in 2017. There was a preexisting drainage ditch on the Hoffman parcel on the property line, graded to flow north, plus an easement agreement to allow access to the Nystuen property via a preexisting approach/cartway across the Hoffman property. Hoffman's renters worked up the access easement area and eliminated access to the Nystuen property south of Hay Creek. Frederick Johnson has suggested that the two existing approaches along 160th ST S could be replaced with one new dry approach located further north closer to Hay Creek to provide access to the landlocked property and prevent Hay Creek from breaking out to the south.

Jones recommended the installation of the dry approach suggested by Johnson under the following conditions:

1. The field entrance has a culvert of equal or greater size than the south field entrance pipe, and it has a flapgate on the north end.
2. The field approach is constructed to elevation 993.25 (NAVD 1988), which is the design overtopping elevation of the BRRWD approach and corresponds to an elevation of 1' lower than the road overtopping elevation.
3. The constructed field entrance low elevation of 993.25 be extended east to tie into natural ground.

Jones listed changes in the area drainage since the 1980s that have significantly reduced flows to this crossing. Albright will send the information to the affected parties for their review.

MPCA Project Termination Notices. Jones presented MPCA Construction Stormwater Notices of Termination forms for the Board's signature to close out two projects: Moorhead Interstate-94 (I-94) Flood Control and Clay C.D. No. 5 Outlet Repair. **Motion** by Anderson to authorize Van Amburg to sign the Termination Notices. **Seconded** by Hanson. **Approved.**

Stakke Lake. A property owner from Stakke Lake, Ernie Sayler, contacted the BRRWD with a request for a contribution to a proposed aeration system for the lake to prevent possible winter fish kill. The total cost of the system is \$1,500-\$2,000. After discussion, the Board decided that Stakke Lake is a private lake with no public access, and as such, we can't contribute public funds to maintain a private lake. A few years ago, the homeowners on the lake asked for help to provide an access to a bay, or raise the water levels, which was not possible because of impacts to other local drained wetland basins. Albright will contact Sayler with the Board's decision.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Bruce E. Albright	MAWD Summer Tour lodging/meals (2)	Admin.	\$ 779.65
Carmen Pattengale	May & June Office Cleaning (4)	Admin.	\$ 260.00
Chris Hoppe Lawn Care Service, LLC	May Mowing (5)	Admin.	\$ 534.38
Chris Hoppe Lawn Care Service, LLC	5/13/17 Fertilizer & Weed Control	Admin.	\$ 203.06
Ehlert Excavating, Inc.	#447, waterway spillways	Pj. 56, Manston	\$ 2,435.00
Fargo Rubber Stamp	#V21701672, Lauren's plaque	Admin.	\$ 93.39
Joel Carlson, Inc.	July Lobbyist Fees	Admin.	\$ 850.00

City of Kent	Community Center Rental Fee	Whiskey Creek Enhancement	\$ 30.00
Liberty Business, Inc.	#291759, 03/22-06/21 overage	Admin.	\$ 242.14
Northern States Excavating, Inc.	#921, Culvert installation repair	Clay C.D. No. 28	\$ 894.55
Quill	#7625598, office supplies	Admin.	\$ 51.56
RMB Laboratories, Inc.	#358165, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 790.00
RMB Laboratories, Inc.	#360921, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 948.00
RMB Laboratories, Inc.	#361096, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 790.00
Roger Lundberg	06/13/12 beaver billing	Becker C.D. No. 5	\$ 318.00
States Border Construction	Pay Request No. 2	Wilkin C.D. No. 7	\$ 52,846.20
Ulteig Engineers, Inc.	#65342, Levee Certification thru 5/31/17	Pj. 49, Oakport	\$ 422.50
Ulteig Engineers, Inc.	#65347, Wetlands thru 5/31/17	Pj. 49, Oakport	\$ 829.62
Ulteig Engineers, Inc.	#65340, Phase 4 thru 5/31/17	Pj. 49, Oakport	\$ 5,414.16
United States Treasury	1st Qtr. 941 taxes, late fee	Admin.	\$ 42.42
Vogel Law Firm	#198361, May billing summary	Admin.	\$ 2,946.00
Wm. Nichol Excavating, Inc.	#226, Spoil leveling	Clay C.D. No. 5	\$ 1,105.00
			\$ 72,825.63

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

Next Meeting. The Board will hold their next regular meeting on Monday, July 10, 2017, at 7:00 PM in our Barnesville office.

Adjournment. **Motion** by Anderson to adjourn the meeting. **Seconded** by Leitch. **Approved.** Chairman Van Amburg adjourned the meeting at 10:15 PM.

Respectfully submitted,

John E. Hanson, Secretary