

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

October 9, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Tuesday, October 9, 2018, at 7:00 PM in the Barnesville office. The meeting date was changed from the traditional second Monday because of the Columbus Day Holiday. BRRWD Managers present were Jay A. Leitch, Mark T. Anderson, Gerald L. Van Amburg, John E. Hanson, Catherine L. Affield, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, and Kathleen K. Fenger, Assistant Administrator, Houston Engineering, Inc. (HEI); Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Kristi Bixby, and Lyndell Vatnsdal.

BRRWD President Leitch called the meeting to order at 7:00 PM and announced that the proceedings were being video recorded to aid in the preparation of the minutes.

Agenda. President Leitch asked for comments or additions to the meeting agenda. There being none, the agenda was adopted.

Secretary's Report. The Board reviewed draft minutes for the 9/24/18 regular Board meeting. President Leitch noted one minor correction. **Motion** by Manager Anderson to approve the 9/24/18 Board minutes, subject to correction. **Seconded** by Manager Affield. **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 \$2,597,975.26. Administrative disbursements for the month are \$34,232.90 and for the year total \$291,666.39. Current 2018 accounts receivable are \$3,617,886. Our total income for the year is \$2,864,305.01. Income since the 8/13/18 financial report was \$844,769.34. Receipts came from Clay County for their 2017 delinquent and 2018 first-half ditch/project tax collections (\$797,551.52), Otter Tail County for Wilkin/Otter Tail County Judicial Ditch (J.D.) No. 2 cost share reimbursement (\$44,364.32), Western National Insurance Company for our office building claim (\$411.10); bank account interest (\$2,217.40), and office rentals (\$225). **Motion** by Manager Fjestad to approve the Treasurer's Report. **Seconded** by Affield. **Approved.** Manager Anderson questioned why Clay County took so long to forward our first-half tax proceeds. Van Amburg reported that the Auditor said that they had been extremely busy.

Project No. 79, Wolverton Creek Restoration. Kristi Bixby and Lyndell Vatnsdal attended the meeting to discuss a possible acquisition of the Todd Blilie farmstead (Section 10, Wolverton Township, Wilkin County), associated with the Phase 1 easement acquisitions. Albright explained that Blilie wasn't interested in signing an easement for the project but did give verbal permission for the project construction on his property. He would prefer that the BRRWD buy his 2 parcels (about 19 acres). Manager Anderson and Albright toured the property and buildings earlier this fall. Blilie is asking for \$150,000 for both parcels. Kristi Bixby wants to buy the parcels. There were a number of issues regarding the parcel acquisition, project easements, and potential funding through either Conservation Reserve Enhancement Program (CREP) or Reinvest In Minnesota (RIM).

Pete Waller, BWSR, suggested that since the BRRWD isn't eligible to use CREP funding for an easement on lands we own, we could use a portion of our \$2.8 million BWSR Targeted Watershed Program Wolverton Creek grant to fund a RIM easement on this parcel in conjunction with the Memorandum of Understanding

(MOU) we have with BWSR. This plan might require a slight adjustment of the grant workplan and some work in processing the easement, but Waller felt those details could be addressed.

Albright explained the buyout process would be as follows:

1. The BRRWD would work with Cory Elmer, Attorney, Vogel Law Firm, to prepare a purchase agreement to acquire Todd Blilie's two parcels (17.51 acres, plus 2.43 acres), as a project buyout for \$150,000 (asking price).
2. Once the acreage was acquired, the BRRWD could take a RIM easement on 10.148 acres, valued at approximately \$4,000/acre, totaling approximately \$40,000, funded by our Targeted Watershed grant.
3. Kristi Bixby would purchase the 2.43 acre parcel and the farmhouse for \$40,000 from the BRRWD.
4. The BRRWD would then enter into a 5-year contract for deed with Bixby for the remainder of the property with a principal balance of approximately \$70,000 with the stipulation of a possible early payoff. The RIM easement contract would roll over to Bixby, as the property owner, when sold.

Albright explained that this process would yield several benefits: a permanent RIM easement promoting conservation, a project easement for Blilie's property, and avoiding farmstead demolition costs for the BRRWD. Bixby indicated that she was willing to work with the BRRWD to purchase the property. Manager Anderson was involved with the Blilie easement negotiations, and he felt this proposal was a good deal. The Managers felt that our attorney should review the proposal prior to entering into agreements with Blilie and Bixby. Albright plans to contact Attorney Elmer to ask for his review of the proposal. He will also stay in contact with Waller and John Voz, RIM Easement and Working Lands Specialist, BWSR, to keep them updated. Craig Lingen, Wilkin Soil and Water Conservation District (SWCD), who would handle the RIM easement, will also be contacted regarding the process. **Action Postponed.** Manager Anderson offered to contact Blilie to make arrangements for Bixby to get access to winterize the house. A couple of Managers discussed their concerns about the buyout process.

Albright noted that the weather has hindered construction progress on Phase 1. He submitted Pay Request No. 2 for Sellins Brothers, Inc. in the amount of \$391,310.42 and Change Order No. 1 for a net contract increase of \$1,850 for minor quantities adjustments. **Motion** by Anderson to approve Pay Request No. 2 and Change Order No. 1. **Seconded** by Hanson. **Approved.**

Waller explained that the Targeted Watershed grant end date needs to be moved from 12/31/20 because the grant appropriation language would only allow the grant to run until 6/30/20. BWSR will have to do a grant agreement amendment to change the end date. Because of the construction progress, it appears that Phase 1 will be completed before the new grant date. Albright noted that Assistant Administrator Kathy Fenger prepared and mailed the Phase 2 easement documents to the landowners last week. Once the Phase 2 easements are acquired, Albright thought we could bid that phase in January 2019 and that there was a good possibility that the entire project could be completed by the end of 2019. Waller suggested that the grant date amendment, work plan revision, and the referenced Blilie/Bixby RIM easement acquisition could be combined into a new amended grant agreement. Waller noted that HEI has been forwarding photos and weekly construction updates to the Detroit Lakes BWSR office and that the BWSR staff are pleased with the quality of the project construction to date. Waller added that the State BWSR officials were impressed with the Wolverton Creek project. Because of the MOU we have in place with BWSR to use CREP for easement acquisitions and the BRRWD's reputation for quality projects, Waller said the State BWSR office was willing to work with the BRRWD to find a way to fund the RIM easement on the Blilie parcels. Albright noted that the BRRWD's website has a link for the public to view the construction photos. Anderson noted that there are areas of the channel where the contractor has finished and seeded this fall ahead of schedule.

Other Business brought before the Board included:

Permit No. 18-098, Brent Ellefson. Action on this application was postponed awaiting receipt of the downstream landowner notification form from his neighbor for permission to drain through his property. Ellefson's proposal is to install surface drainage to pick up low spots in the NW $\frac{1}{4}$, Section 10, Atherton Township, Wilkin County, to drain northwest to the property line and then west via an existing ditch across neighboring property to a natural waterway. To date, Ellefson has not returned the signed form.

Permit No. 18-100, Jeff Yaggie. Applicant proposes to pattern tile the SW $\frac{1}{4}$, Section 23, Nordick Township, Wilkin County, outletting in the southwest corner of the section directly to County Ditch (C.D.) No. 23 to which the land is assessed to drain. Albright recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 18-101, Philip Rogers. Applicant proposes to install an approach with a 15" dia. culvert on the north side of County Road (C.R.) No. 32, west of Trunk Highway (T.H.) No. 9 to access a new bin site in the SE $\frac{1}{4}$, Section 4, Atherton Township, Wilkin County. The Wilkin County Highway Department has been contacted regarding the culvert installation. Albright recommended permit approval, subject to County approval to work within their road right-of-way (R/W).

Permit No. 18-102, Allen Yaggie. Applicant proposes to install a 24" dia. culvert through 320th ST in the northwest corner of the field in the NW $\frac{1}{4}$, Section 30, Andrea Township, Wilkin County, to drain water to the north side of the road, then west via a 36" dia. culvert into Clay C.D. No. 3-Branch 3 to which the property is assessed. There were concerns about the owner of the farmstead in the southeast corner of Section 24, Nilsen Township, Wilkin County, where the water enters the ditch system. Albright recommended that action be postponed on this application until a downstream notification form is submitted. **Action Postponed.**

Motion by Anderson to approve Permit Nos. 18-100 and 18-101, subject to the referenced standard disclaimers and conditions. **Seconded** by Fjestad. **Approved.**

Meadows Township Drainage. A landowner meeting was held on 10/02/18 in the BRRWD office to discuss a drainage issue in Section 11, Meadows Township, Wilkin County. Several landowners and Managers Leitch and Fjestad attended. The landowners agreed that a survey should be completed to determine if the property in Section 11 will drain to Wilkin C.D. No. 6A, as assessed. Albright suggested that during the survey, the culvert sizing to the west should be checked to determine if water from this area would drain to C.D. No. 23. If the Section 11 landowners want to use this ditch, they would have to petition into the ditch system benefit area. Currently, C.D. No. 6A is undergoing a redetermination of benefits proceeding. The survey costs could be allocated to either the BRRWD's Survey and Data Acquisition funds or as a C.D. No. 6A redetermination expense. Leitch asked if the survey information could be gathered using LiDAR data. Albright commented that LiDAR can provide bare earth elevations, but it's not as accurate for obtaining culvert sizing and other details. Leitch suggested that if the Board wanted to go forward with the survey, they could authorize it, and he'll use LiDAR to see if he can obtain similar results. **Motion** by Anderson to authorize HEI to conduct the referenced survey, as a C.D. No. 6A expense. **Seconded** by Fjestad. The Managers discussed where the costs should be allocated. They agreed that the work going north should be a C.D. No. 6A expense. **Approved.**

Drainage Complaint. A landowner in Section 15, Meadows Township, Wilkin County, filed a complaint about Bob and Bruce Yaggie's ditch excavation work in the southeast corner of Section 15 along C.R. No. 20 east of T.H. No. 9. The Yaggies allegedly over excavated the ditch by as much as 1', causing water to stand in the ditch bottom. Albright conducted a field review with the neighboring landowner and took photographs of the site. The east-west portion of the ditch is over excavated for about 500' and the north-south portion for about 200'-300'. The Yaggies contacted their neighbor with the suggestion that the culvert would now need to be lowered to properly drain the area. He contacted Albright with the concern that lowering the culvert as a way to address faulty maintenance practices could set a bad precedent in the

BRRWD. Albright explained that given the original ditch configuration, there was no need for the Yaggies to excavate that much dirt. In addition, the Yaggies didn't have a BRRWD permit to lower the ditch bottom. The Board agreed that the culvert elevation should not be altered.

Project No. 49, Oakport Flood Mitigation. Albright filed the Final Pay Request and Change Order No. 2 for Gladen Construction, Inc. for stock pile removal last summer. The pay request was for \$6,822.10, and the change order adds \$285.00 for inlet protection and seeding. **Motion** by Van Amburg to approve the Final Pay Request and Change Order No. 2, as referenced. **Seconded** by Hanson. **Approved.** Asplin Excavating is working on the remaining stockpile on the Pierce property. The contract deadline is 11/30/18.

Project No. 24, Wilkin C.D. No. 44 Repairs. Landowner Philip Rogers has requested a review of the road slope stability issues along C.D. No. 44 on the north line of Section 12, Manston Township, along 170th ST. The ditch is meandering, and the water has cut into the road slope, causing the shoulder of the road to be compromised in about three locations. Erik S. Jones, Engineer, HEI, provided three repair options. The first would be putting up signage along the shoulder of the road to warn drivers of the issue. Another would be to move the meanders away from the road, which would involve working on a Wetlands Reserve Program (WRP) tract to the south. Jones' preferred option was to pull some of the material from the inside bend on the south side of the meander to help rebuild the slope. The sod from the inside of the meander would be salvaged and reused in the rebuilt slope. This option would allow time for a further investigation and potential restoration option for this location. The estimated cost for repairing the three locations is \$2,000. The Board discussed Jones' recommendations. **Motion** by Van Amburg to approve Jones' recommended preferred repair option. **Seconded** by Fjestad. **Approved.** Wade Opsahl, Technician, HEI, will hire a contractor to do the approved work.

Wilkin C.D. No. 6A Repair. Landowner Al Korinek has requested the repair of three inlet culverts along C.D. No. 6A in the NE¼, Section 14, Nordick Township. He wants the culverts lowered, extended, and realigned, which will require the installation of two lines of 18" dia. x 76' corrugated metal pipe (CMP) and one line of 18" dia. x 66' CMP with flapgates. Jones' opinion of probable cost is \$10,000-\$12,000. He noted in his recommendation report that cost savings are likely if some of the existing culverts can be reused, which won't be known until they're removed. The repair costs would be allocated to C.D. No. 6A to which Korinek's property is assessed. **Motion** by Hanson to approve the recommended repairs for C.D. No. 6A. **Seconded** by Fjestad. **Approved.**

2017 Annual Report. The Board discussed the Annual Report. They agreed to postpone approval until the next meeting.

BRRWD Office Door Repair. The inside office automatic door opener is malfunctioning. Fargo Glass and Paint Company provided a repair quote of \$1,172. **Motion** by Anderson to approve the door repair. **Seconded** by Affield. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
AmeriPride	#160482324, Sept. Rug Service	Admin.	\$ 75.84
City of Barnesville	#10021779, September Billing	Admin.	\$ 605.93
Fargo Glass & Paint	Door Drive Motor Replacement	Admin.	\$ 586.00
Gladen Construction, Inc.	Pay Request No. 2 - Final	Pj. 49, Oakport	\$ 6,823.10
HEI	October Billing	Varies-see attached	\$ 123,328.15
Jayne Lyon	Buffer Strip R/W	Clay C.D. No. 16	\$ 848.13
Larson Helicopters LLC	#1587, Helicopter Spraying	Varies	\$ 1,200.00
LM Road Services	#950, Leafy Spurge Spraying	Varies	\$ 807.50
Mark T. Anderson	Voucher #18-24, 07/01-08/31/18	Varies	\$ 607.46
Moorhead Public Service	08/21/18-9/19/18 Service	Pj. 49, Oakport	\$ 30.11
NetWork Center Comm.	#165290, Repair TV monitor	Admin.	\$ 175.74

Northern States Excavating	#170 & #174, Repairs	Clay C.D. No. 23	\$ 53,092.12
Paul D. Malakowsky	Buffer Strip R/W	Clay C.D. No. 16	\$ 848.13
Premium Waters	September Billing	Admin.	\$ 35.49
Purchase Power	October Postage	Admin.	\$ 150.00
Quill Corporation	#1246558, 1259838-Supplies	Admin.	\$ 46.19
RMB Environmental Labs	#426708, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 420.00
RRVCPA	09/01/18-10/01/18 Service	Pj. 49, Oakport	\$ 78.73
Sellin Brothers	Pay Request No. 2	Pj. 79, Wolverton Crk.	\$ 391,310.42
United States Treasury	Qtr. 3 Form 941	Admin.	\$ 1,388.48
Vogel Law Firm	#222344, September Billing	Admin.	\$ 96.00
Vogel Law Firm	#222345, September billing	Pj. 49, Oakport	\$ 376.50
Wilkin County Highway Dept	Install/Repair Riprap	Wilkin C.D. No. 15	\$ 1,339.00
Wm. Nichol Excavating	#268, Beaver dam removals	Pj. 31, Deerhorn Crk	\$ 1,705.00
WREC	08/18/18-09/18/18 Service (2)	Pj. 46, Turtle Lake	\$ 145.63
Xcel Energy	08/23/18-09/24/18 Gas Service	Admin.	\$ 67.63
			\$ 586,187.28

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

HEI Staffing Contract. President Leitch delayed the proposed Executive Session to discuss HEI staffing contract tonight, as he is still awaiting information from HEI. He distributed information to the Board, noting that it was for the Board's "eyes only", for further discussion at the next meeting.

Comments/Announcements:

Fjestad reported that Lake Oscar (West Otter Tail County) has been lowered to an elevation so that no flows are moving through the culvert. The agreement is that the culvert should be plugged now to avoid icing problems. He asked for recommendations about how to plug it to make sure water doesn't seep in and cause problems in the spring. Albright will investigate the question for Fjestad.

Leitch reported that Rob Sip, Red River Watershed Management Board (RRWMB) Administrator, notified him that the Sand Hill Watershed District had officially resigned from the RRWMB. Sip also asked about the BRRWD's interest in rejoining. Leitch also discussed the Board's use of Robert's Rules of Order.

Next Meeting Agenda. Leitch asked if anyone had items they wished to add to the next meeting agenda. None of the Managers had any additions.

Next Meeting. The next regular BRRWD meeting will be held on Monday, October 22, 2018, at 7:00 PM in our Barnesville office.

Adjournment. **Motion** by Fjestad to adjourn the meeting. **Seconded** by Van Amburg. **Approved.** President Leitch adjourned the meeting at 8:15 PM.

Respectfully submitted,

John E. Hanson, Secretary