

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

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## MINUTES FOR MANAGERS' MEETING March 12, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, March 12, 2018, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Gerald L. Van Amburg, Mark T. Anderson, 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 landowner Chuck Anderson.

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

**Agenda.** Chairman Leitch asked if there were any comments or additions to the meeting agenda. He asked the Board if they wanted to add the review of the BRRWD Goals to tonight's agenda. Manager Fjestad suggested that the Board add a 20-minute discussion of the Goals at the end of the meeting. The Board also agreed to add a discussion of the revised Rules and By-Laws to the 3/26/18 meeting agenda. Van Amburg will provide a draft version of the By-Laws to the Managers via e-mail prior to the next meeting. **Motion** by Anderson to approve the proposed Agenda. **Seconded** by Fjestad. **Approved.**

**Secretary's Report.** The Board reviewed draft minutes for the 2/26/18 regular Board meeting. Leitch noted one minor correction. **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 \$1,937,911.12. Administrative disbursements for the month are \$38,966.20, and for the year total \$68,104.46. Current 2018 accounts receivable totals \$5,953,231. Our total income for the year is \$257,495.47. Income since the 2/12/18 meeting was \$162,817.83: Minnesota Board of Water and Soil Resources (BWSR) FY18 Drainage Records Grant (\$25,000), Minnesota Pollution Control Agency (MPCA) Otter Tail River Planning 319 Grant (\$17,621.94), Buffer Initiative Aid payments from Becker (\$15,050) and Clay (\$52,691) Counties, the Wilkin Soil and Water Conservation District (SWCD) reimbursement for Whiskey Creek Enhancement (\$51,108.44). The balance of the income came from a Red River Basin Commission (RRBC) conference registration refund, Albright's witness fee/mileage payment, Agassiz Valley Grain LLC office rental, and HEI office rent. **Motion** by Anderson to approve the Treasurer's Report. **Seconded** by Affield. **Approved.**

**Hiring Committee Reports.** Manager Leitch presented a summary of the Hiring Committee's findings regarding the BRRWD Assistant Administrator/staff hiring. Leitch asked Jones to provide an estimate of how much HEI would charge to manage an assistant administrator position in the \$60,000-\$75,000 compensation range. The Committee also had questions about HEI's Human Resources (HR) overhead charges for the four current office staff, and the costs for other HEI employees who do work for the BRRWD on a per project basis.

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

**Permit No. 18-002, Fergus Falls Fish & Game Club.** Action on this permit was postponed at the 2/26/18 meeting pending more investigation. Applicant proposes to install a Natural Resources Conservation Service (NRCS) designed wetland restoration site on a Reinvest In Minnesota (RIM)/Wetlands Reserve Program

(WRP) easement area in Sections 4 and 5, Orwell Township, Otter Tail County. The neighboring landowners were concerned about the installation of an articulated cement spillway that is designed to control water levels on the WRP site. The spillway elevation (1073.5) is about 1' higher than the current pipe inlet and could impact upstream cropland should water backup from the site. Albright, Jones, and Manager Fjestad will meet on 3/15/18 with the NRCS, applicant, and neighboring landowners to discuss the project. **Action Postponed.**

**Permit No. 18-007, Roger Hansen.** Applicant proposes to install an approach/culvert for a new residential home in the S½SE¼, Section 28, Barnesville Township, Clay County, off County Road (C.R.) No. 21. The culvert will be a 36" dia. pipe to match the existing adjacent culverts. Jones recommended permit approval, subject to County approval to work within their road right-of-way (R/W).

**Permit No. 18-008, Paul Daugherty.** Applicant proposes to install 47.15 acres of pattern tiling in the W½SW¼, Section 27, Wolverton Township, Wilkin County, outletting to the east via a riprapped lift station outlet to a natural waterway that eventually drains to Wolverton Creek. Jones called and left a message for Daugherty to consider changing the tile outlet to drain west to the Peterson WRP site in Section 28. The easterly route could potentially drain water across several other landowners' property before it enters Wolverton Creek. **Motion** by Fjestad to postpone action pending further contact with Daugherty. **Seconded** by Anderson. **Action Postponed.**

**Permit No. 18-009, NRCS.** Applicant proposes to replace a water control structure in the east basin of a United States Fish and Wildlife Service (USFWS) WRP easement in the E½, Section 6, Norwegian Grove Township, Otter Tail County. The existing drop structure, which rusted out several years ago, will be replaced with a stop-log structure and embankment at the same elevation as the existing pipe to restore the basin's water level. Jones recommended permit approval.

**Permit No. 18-010, Jeffrey Holt.** Applicant proposes to install random tiling to drain low spots in the N½, Section 22, Norwegian Grove Township, Otter Tail County, through the township road (430<sup>th</sup> ST) to a catch basin, then to an existing tile system, eventually outletting to a private ditch on Donald Tollerud's property. Staff provided Holt with a downstream notification form to document Tollerud's approval of the proposal. **Action Postponed,** pending receipt of the notification form.

**Permit No. 18-011, Tom Trowbridge, City of Moorhead.** Applicant proposes the construction of a roadway/railway underpass (grade separation) at the intersection of SE Main AVE (Old Highway 52) and 20<sup>th</sup>/21<sup>st</sup> ST in Moorhead. A stormwater lift station will be placed near the primary low point along 20<sup>th</sup>/21<sup>st</sup> Street to manage stormwater within the underpass. The stormwater runoff from the project site will flow to a lift station and be pumped through a forcemain directly to Clay County Ditch (C.D.) No. 47 to which the area is assessed. Jones recommended permit approval.

**Permit No. 18-012, Arvig Enterprises, Inc.** Applicant proposes the installation of fiber optic lines along the road R/W with a 5' minimum of cover when boring under road beds using directional boring or vibratory plow in various locations within the BRRWD boundaries in Spring Prairie, Cromwell, Moland, Glyndon, Riverton, Hawley, Elmwood, Skree, and Elkton Townships. Jones recommended permit approval, subject to our standard utility disclaimer. Albright noted that the locations where the cable will cross the BRRWD ditch systems/projects should be documented. Jones will have HEI prepare a map.

**Permit No. 18-013, Robert Faulkner.** Applicant proposes to install 156 acres of pattern tiling, outletting via a lift station in the SE¼, Section 22, Manston Township, Wilkin County, on the south quarterline through 200<sup>th</sup> ST to a natural waterway in the NE¼, Section 27, Manston Township, eventually entering the Manston Slough project. The land is assessed to drain to Wilkin C.D. Nos. 13 and 13-Lateral. Jones recommended permit approval, subject to our standard tiling disclaimer and township approval to work within their road R/W.

**Permit No. 18-014, Bruce Yaggie.** Applicant proposes to install pattern tiling in the SE<sup>1</sup>/<sub>4</sub>, Section 32, Nilsen Township, Wilkin County, outletting via a lift station to the north side of State Highway No. 210 to Wilkin C.D. No. 37, to which it is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer and State permission to work within their road R/W.

**Motion** by Van Amburg to approve Permit No. 18-007, 18-009, and 18-011 through 18-014, subject to the referenced disclaimers and conditions. **Seconded** by Affield. **Approved.**

**Project No. 79, Wolverton Creek Restoration.** Jones has contacted Bill Penning, Conservation Easement Section Manager, BWSR, asking for a letter of support for the latest Memorandum of Understanding (MOU), which would give the BRRWD access to the RIM lands within the project boundaries. The MOU spells out each party's responsibilities. To date, we haven't received a response from Penning. Albright is working with the counties on the sample easement forms. The counties will require legal descriptions for the affected parcels, and HEI will provide that information. The temporary Phase 1 R/W will be 107.83 acres and Phase 2 is 111.52 acres for a total of 219.35 acres. The Board has already approved a motion to set the temporary R/W easement value for tillable land at \$250/acre per crop year. Non-tillable land would not qualify for a temporary R/W payment.

Leitch mentioned a newspaper article printed in the Sunday Edition of *The Forum* of Fargo-Moorhead regarding the Wolverton Creek Restoration project. He was concerned about the article's claim that the project's water quality benefits would reduce the cost of treating Fargo-Moorhead's drinking water. Leitch noted that his calculations show only a \$266 reduction for Moorhead's water treatment costs. Albright commented that the article didn't claim the savings would be a large number, just that the project will improve downstream water quality and potentially cut treatment costs. Leitch has contacted an employee at the Moorhead Water Treatment Plant, Chris Knutson, regarding the projected benefits.

Albright noted that after reading the newspaper article, landowner Wally Nord relayed his thanks to the Board for their efforts in developing the Wolverton Creek project. Nord is in his 90s and has been waiting for the project to protect his land along Wolverton Creek since the 1950s.

**Stony Creek Comprehensive Project.** Albright noted that he and Managers Van Amburg and Fjestad attended the Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast and Day at the Capitol in St. Paul last week. The list of potential projects that the Red River Watershed Management Board (RRWMB) presented for state funding in this year's bonding bill is large with a total cost of nearly \$254 million. The BRRWD's projects have been submitted for funding, but are not included on the RRWMB's list, as we are not members. Amanda Hillman, Restoration Coordinator, Minnesota Department of Natural Resources (DNR), notified Albright that Stony Creek is still at the top of her list for funding.

Jones distributed a draft project benefit analysis of the Stony Creek project for the Board's review. He broke down the estimated project benefits into a number of items including agricultural flood damages, increased land value, structure flood damages, infrastructure costs based on past Federal Emergency Management Agency (FEMA) damages and non-FEMA damages, increased wetlands from the stream restoration, increased wetlands from site wetlands, water quality within the site, land-use change, field erosion reduction, and Clay C.D. No. 31 cleanouts. The analysis shows \$67,740,629.42 in benefits. Given an estimated project cost of \$13,981,747.00, the benefit/cost ratio is 4.845. After reviewing Jones' report, the Board agreed that the project appeared to provide enough benefits to move forward with the search for funding, landowner meetings, and design. One potential source is the Legislative-Citizen Commission on Minnesota Resources (LCCMR). Albright noted that typically, LCCMR funding has been difficult to secure. Jones has prepared an LCCMR funding application for \$1.75 million, highlighting the stream restoration feature along Stony Creek, which needs to be submitted for comments by 3/14/18. Funds from this source wouldn't become available until July 2019. He added that land acquisition in the easement corridor could be funded by the Conservation Reserve Enhancement Program (CREP). **Motion** by Anderson to authorize Jones to submit the referenced LCCMR funding application. **Seconded** by Fjestad. **Approved.** The Board briefly discussed

authorizing Albright to act on behalf of the Board to testify at the state level for project funding if the opportunity should arise. **Motion** by Fjestad to authorize Albright to pursue state bonding for this project, as referenced. **Seconded** by Van Amburg. **Approved.** Staff will work with Joel Carlson, BRRWD Lobbyist, to promote project funding during the bonding session this year.

Chuck Anderson asked if the Board could meet with the project landowners to discuss easement values. He commented that this issue needs to be finalized before spring field work begins. Albright noted that we could use the Taff Easement Value Calculator as a starting point in the easement negotiations. Jones noted that if the project is operated during summer events, which his analysis showed would increase the project benefits, it will also increase the easement values. Albright suggested that the Board could meet with Ted Rud and Thomas Eskro, HEI, on 3/22/18 to see how the Taff Calculator could be applied to Stony Creek easement acquisitions. The meeting will be held at 1:30 PM, Fargo HEI, after the March Conference ends at the Marriott.

**Wilkin C.D. Nos. 40, 41, 42, 43, and 44.** There were some R/W payments that need to be corrected, and the office is waiting for the updated amounts. The R/W payment for Wally Stetz has been corrected and is listed with tonight's bills.

**One Watershed, One Plan (1W1P).** Albright reported that all signatures have been acquired for the Memorandum of Agreement (MOA) for the 1W1P effort. Albright suggested that the Policy Committee should meet to review the workplan and budget that HEI prepared, which will then be submitted to BWSR along with the MOA for their review and approval. Following approval, BWSR should be able to release funds so we can start the planning process.

**Otter Tail River/Buffalo River/Upper Red River Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS).** The MPCA has scheduled a meeting with the BRRWD on Monday, March 19, 2018, from 1:00-3:00 PM in our Barnesville office to start the next TMDL/WRAPS study for the Buffalo River and Upper Red River watersheds in 2019-2020. A meeting is also scheduled later that same day (3:00 PM) with the International Water Institute (IWI), River Watch, and DNR to discuss coordinating our 2018 monitoring efforts for our Regional Assessment Locations (RALs). Notices for this meeting have been sent.

**2015 Buffer Law.** HEI brought more hearing notice materials to the office on Friday, but Albright didn't have time to review them today. He feels we are on track to get the first series of hearings scheduled in the next few weeks. We're still waiting for BWSR to complete their review of the BRRWD's draft drainage system Buffer Rules, which need to be inserted and adopted into the revised BRRWD Rules. The BRRWD also has until 7/1/18 to add the county SWCDs' "Other Waters" inventory/maps into our current Revised Watershed Management Plan (RWMP). Albright would like to conduct a RWMP amendment/adoption of the Buffer Rules and Other Waters inventory in one process.

**Advisory Committee.** The annual Advisory Committee meeting has been scheduled for Friday, March 23, 2018, at 1:30 PM in the BRRWD office. Albright noted a couple of the Committee members will not be able to attend for various reasons.

**Minnesota Association of Watershed Administrators (MAWA)/MAWD.** The MAWD Executive Director, Emily Javens, has asked the member Watershed Districts to provide 1-year and 3-year goals for the organization. Manager Fjestad, who is a member of the MAWD Board of Directors, discussed the MAWD strategic plan, which was approved last year with an increase in the membership dues. Some Districts have only paid half their dues, but still expect the organization to move forward with approved the strategic plan. The Managers discussed the issue of renewing the MAWD's Lobbyist contract, which expires at the end of the year.

**Comments and Announcements.**

Albright noted that he had been summoned to testify in a court case related to a 2017 permit application, but the case was settled before he arrived at the Courthouse, so he wasn't needed.

Chair Leitch noted that he worked with Albright to shorten the meeting agenda to one page. He explained that the Comments and Announcements section is one of the places where the Managers can bring up any item they wish to discuss. The other place where items can be added for discussion is during the approval of the agenda at the beginning of the meeting.

Jones and Manager Anderson reported on a recent meeting they had with the Cass County Water Resource District to present the BRRWD's work on a comprehensive subwatershed Drainage Water Management (DWM) project for the Wilkin C.D. No. 6A and 1A and 1B watershed. The work builds on the tiling and water quality monitoring on the Nordick Farms. Albright noted that he will be presenting the same information to the Fargo-Moorhead Chamber of Commerce's Agribusiness Committee tomorrow (3/13/18).

The NRCS is hosting information sessions, either on site in St. Paul or via telephone conferencing, regarding their Conservation Collaboration or Agreement FY18 Grant opportunity. The first session was held March 9, 2018, to help potential applicants understand the types of assistance and potential projects that would be eligible for the grant, and the second session will be held March 19, 2018, as a follow up. Albright noted that NRCS has \$4 million available for Minnesota in the grant, and it might be a source of funding for the Stony Creek project. The maximum award is capped at \$1 million. Jones will contact the NRCS office for more information.

The RRWMB and the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) are holding their 20<sup>th</sup> Annual Joint Conferenced on March 21-22, 2018, at the Courtyard by Marriott, Moorhead. Chair Leitch encouraged the Managers to attend. A Technical Seminar is planned for Tuesday, March 20, 2018, starting at 1:30 PM in the Marriott, which includes a tour of some of the projects around Moorhead, and Van Amburg suggested that the group visit the Oakport area. He noted that Albright might be asked to attend to answer questions regarding the project.

Manager Anderson noted that representatives from the Diversion Authority (DA) plan to attend our 3/26/18 meeting to present an update of the Diversion project.

Manager Fjestad noted that the West Otter Tail SWCD staff had mentioned to him about how much they appreciate our annual Fall Tour. They enjoy viewing the BRRWD's projects in other counties.

The North Dakota State University (NDSU) Extension Service had scheduled a Drainage Design Workshop on March 6, 2018. Due to electrical power loss, that workshop was cancelled. The Board discussed possible rescheduling. Manager Larson wanted Albright to notify him if the event is rescheduled.

Treasurer Anderson will be out of town next week and asked if the office could have the checks ready for signature tomorrow, so he could sign them before he leaves. Albright said the checks would be ready.

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

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
AmeriPride	#160449749, February Rug billing	Admin.	\$ 64.42
Bruce E. Albright	MAWD lodging/meals	Admin.	\$ 669.87
Cathy Affield	Voucher #18-01, 01/01/18-02/28/18	Admin.	\$ 495.64
City of Barnesville	#10011964, 2/25/2018 billing	Admin.	\$ 1,130.60
Dacotah Paper Co.	#65297, Hand towel/toilet tissue	Admin.	\$ 136.17
EverBank Comm. Finance	#5096501, Copier lease	Admin.	\$ 1,070.14

FRS Works	#V11800706, Shipping charges	Admin.	\$ 4.95
Fuchs Sanitation	#14329, 02/28/18 garbage billing	Admin.	\$ 51.48
Gerald L. Van Amburg	Voucher #18-07, 01/01/18-02/28/18	Admin.	\$ 387.19
HEI	February billing	Varies-See Attached	\$ 147,638.75
Jason Rick Snow Removal, LLC	February Snow Removal (8)	Admin.	\$ 780.00
Jay A. Leitch	Voucher #18-06, 01/01/18-02/28/18	Varies	\$ 775.71
John E. Hanson	Voucher #18-04, 01/01/18-02/28/18	Varies	\$ 932.92
Marco	#INV5052012, 3/22/18-3/21/19	Admin.	\$ 2,780.42
Mark T. Anderson	Voucher #18-02, 01/01/18-02/28/19	Admin/Pj. 78	\$ 599.29
Moorhead Public Service	01/19/18-02/20/18 Service (1)	Pj. 49, Oakport	\$ 31.03
Peter V. Fjestad	Voucher #18-03, 01/01/18-02/28/20	Varies	\$ 815.20
Petty Cash	Office supplies, misc.	Admin.	\$ 100.00
Premium Waters	#366590-02-18, Water	Admin.	\$ 41.62
RRVCPA	02/01/18-03/01/18 Service	Pj. 49, Oakport	\$ 84.34
Wallace Stetz	Buffer R/W	Wilkin C.D. No. 41	\$ 5,758.26
WREC	1/17/18-2/17/18 Service (2)	Pj. 46, Turtle Lake	\$ 71.09
Xcel Energy	1/25/18-2/26/18 Office Service	Admin.	\$ 68.29
			\$ <b>164,487.38</b>

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

**BRRWD Goal Setting Session.** Chair Leitch opened the goal setting session by stating that in our Rules, it states that the Managers intentions are "to promote the use of the waters and related resources of the District in a provident and orderly manner so as to improve the general welfare and public health for the benefit of its present and future residents." Albright explained that the current BRRWD's Goals were generated from the strategic planning effort the BRRWD conducted in 2014. Since that time, the Board has updated their Goals at least annually. After review and discussion, the Board and staff identified their goals:

**SHORT TERM GOALS (0-6 months)**

- Rules update-June 30, 2018. Responsible party (RP)-Gerald L. Van Amburg (GLV)
- Bylaws update-06/30/18, RP-Gerald L. Van Amburg
- RWMP Amendment to adopt SWCD "other waters" inventory/maps by 6/30/18
- Redetermination of Benefits-Clay C.D. No. 16/Becker C.D. No. 9/Wilkin C.D. No. 6A-05/31/18, RP-Erik S. Jones (ESJ)
- Administrator search/hiring-04/09/18, RP-Hiring Committee
- Wolverton Creek
  - Finalize easement documents/payments/circulate to landowners 04/01/18
  - Open Phase I construction bids 04/23/18
- Legal Drainage Systems Compliance with Buffer Laws-Complete by 11/01/18
  - Work with Counties on funds that need to be encumbered
  - Schedule/hold hearings.
- 1W1P
  - Schedule Policy Committee Meeting
  - Approve Workplan/Budget-Submit to BWSR by 3/31/18, RP-BEA

**INTERMEDIATE GOALS (6-18 months)**

- Stony Creek Comprehensive Plan - A
  - Redetermination of benefits
  - Landowner informational meeting
  - Refine retention area
  - Dohn appraisal
  - Comprehensive planning with PT (T.H. No 9 to Hay Creek)
  - BWSR CWF application. LCCMR/LSOHC funding.

- South Branch Buffalo River - A
  - Develop Phase 1A concept/meet with landowners/agencies.
  - Utilize BWSR grant funds/LSOHC.
  - Establish easement values
- Barnesville Township Drainage Study - B
  - Continue to coordinate with PT
  - Informational meeting with detention site landowners. Easement values.
- J.D. No. 2 Redetermination & Repair-C
  - Redetermination of benefits-2018
  - Outlet repairs
  - Joint Ditch Committee meeting
- Whiskey Creek - C
  - Coordinate channel design with DNR
  - Hold landowner informational meeting-June 2018
  - Project hearing
- Otter Tail River – C
  - Work w/COE on completing Section 1135 Study      12/31/18
  - Identify/apply for funding

**LONG TERM GOALS (18-36 months)**

- Identify funding sources for BRRWD projects
- Discuss Red River Watershed Management Board membership

During the goals discussion, Jones suggested that the BRRWD could develop an MOU with BWSR regarding the use of CREP funding as a reliable source of funding for our retention projects for easement acquisition, so that we wouldn't have to go through the application process for each project.

There are meetings with the Army Corps of Engineers (COE)/DNR and the Technical Committee on March 28, 2018, regarding the Otter Tail River Section 1135 Study and workplan.

The group discussed that it appears BWSR's focus for the 1W1P is weighted more towards water quality than flood damage reduction. Albright pointed out that the BRRWD was established to promote flood damage reduction, and he was concerned that we don't lose sight of that mandate. Van Amburg emphasized that our 1W1P should address all the water issues within the BRRWD.

The group also discussed the possibility of rejoining the RRWMB. Manager Fjestad noted that the BRRWD has a good reputation throughout the State with a well-respected Administrator and Board and award-winning projects. He suggested that we need to keep that in mind as we plan for the future.

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

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

Respectfully submitted,

John E. Hanson, Secretary