

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

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## MINUTES FOR MANAGERS' MEETING

October 22, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, October 22, 2018, at 7:00 PM in the Barnesville office. BRRWD Managers present were Mark T. Anderson, John E. Hanson, Gerald L. Van Amburg, Catherine L. Affield, and Peter V. Fjestad. Others attending included: Kathleen K. Fenger, Assistant Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI); landowners: Kristi Bixby and Clayton Anderson.

BRRWD Vice President Fjestad called the meeting to order at 7:02 PM and announced that the proceedings were being video recorded to aid in the preparation of the minutes.

**Agenda.** Vice President Fjestad 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 10/9/18 regular Board meeting. **Motion** by Manager Anderson to approve the 10/9/18 Board minutes. **Seconded** by Manager Affield. Manager Affield questioned the change in Kathy Fenger's title from Administrative Assistant to Assistant Administrator. Jones noted that her title change should have been reflected in the meeting minutes earlier this summer when she assumed the Assistant Administrator's position as the Board voted at their April 9, 2018, meeting. He added that the rate that HEI charges for her services has not changed. **Approved.** Jones noted that he and BRRWD President Jay Leitch met last week to discuss staffing issues.

**Treasurer's Report.** The Board reviewed the BRRWD's financial status. Cash on hand is \$2,013,484.24. No income was received since the 10/9/18 meeting. Total income this year is \$2,864,305.01

**Project No. 79, Wolverton Creek Restoration.** Kristi Bixby attended the meeting to discuss the status of her proposed acquisition of the Todd Blilie farmstead (Section 10, Wolverton Township, Wilkin County), associated with the Phase 1 easement acquisitions. At the last meeting, the Board discussed a buyout scenario where the BRRWD would acquire the property from Blilie, and Bixby would purchase the property from the BRRWD. The Board asked Albright to have our attorney review the proposal prior to entering into the buyout agreement. Albright sent an email message to the Board with a step by step explanation of the buyout. **Motion** by Anderson to continue the buyout process, subject to BRRWD Attorney Tami Norgard, Vogel Law Firm, confirming the legality of the proposal. **Seconded** by Hanson. **Approved.**

Bixby questioned how quickly the legal opinion could be obtained, so that she can get access to the house to winterize it. Jones will contact Norgard again in this regard.

Clayton Anderson, who is a landowner in Section 9, Wolverton Township, near the Wolverton Creek project alignment, reported that since the work on the creek began, coyotes have moved out of the construction area onto his property and have started hunting his sheep. He asked if the Board had any recommendations about protecting his livestock and if the BRRWD had any contingencies to cover his losses. Fjestad commented that no one has ever come to the BRRWD asking for reimbursement for predator losses, and he was concerned about setting a precedent. Van Amburg suggested that Anderson contact the Minnesota Department of Natural Resources (DNR) for advice about how to deal with coyote predation. Jones explained that the project buffers will be seeded to native grasses, so cover along the creek should be reestablished in 2-3 years, and the grassed areas will also be larger. Van Amburg noted that there should be some cover next year, but it wouldn't be the native grasses, which are slow to establish.

Later in the meeting, the Board discussed a letter from Donald Hoppe in Section 10, Wolverton Township, Wilkin County, who has concerns about the height of the berm along the channel and the potential for water to pond behind it. Jones contacted Hoppe and scheduled a field review with him on Thursday this week at 9:30 AM with Manager Anderson, Fenger, and Jones. Anderson noted that Lynn Brakke, who is also a landowner in this area, contacted him with the same concerns. Jones explained that instead of placing a larger berm in an existing farmstead, the contractor placed more spoil on the field side of the channel. There are three field inlets in the berm to drain the area fields, which provides some metering of flows coming off the land. The land was regraded on the back side of the berm to flow south to a rock drop structure on the south end of the section into the ditch along County Road (C.R.) No. 190, which will increase the ditch drainage capacity into the channel. Jones will work with the landowners to address their concerns.

**Other Business brought before the Board included:**

**Permit No. 18-103, City of Moorhead.** Applicant proposes to install an approach with an 18" dia. culvert in the SE¼, Section 19, Moorhead Township, Clay County, to provide a new field entrance on the north side of the Moorhead Municipal Airport. Jones recommended permit approval.

**Permit No. 18-104, Thomas Arnhalt.** Applicant proposes to install 303 acres of pattern tiling in the W½, Section 35, Mitchell Township, Wilkin County, outletting via an existing lift station in the southwest corner of the section west along 220<sup>th</sup> ST. Jones explained that Arnhalt graded the ditch and lowered the township road culvert between the SW¼, Section 35, and the SE¼, Section 34, along 220<sup>th</sup> ST in 2016 (Permit No. 16-100). He added that LiDAR shows that the subsurface drainage will flow in the same direction as the surface water does currently. Jones recommended permit approval, subject to our standard tiling disclaimer.

**Motion** by Anderson to approve Permit Nos. 18-103 and 18-104, subject to the referenced standard disclaimers and conditions. **Seconded** by Van Amburg. **Approved.**

**Meadows Township Drainage.** At the 10/9/18 meeting, the Board authorized HEI to investigate a drainage issue in Section 11, Meadows Township, Wilkin County, to determine if the property will drain to Wilkin County Ditch (C.D.) No. 6A, as assessed. In addition, the culvert sizing to the west was to be checked to determine if water from this area would drain to C.D. No. 23. Jones noted that this survey work has not been completed.

**Project No. 71, 50<sup>th</sup> AVE Flood Mitigation-Phase 2-Bluestem Pump Station.** Jones submitted Pay Request No. 3 in the amount of \$5,051.02 for Sellin Brothers, Inc. and Change Order No. 1 for net decrease in the contract of \$610.75. The work was to replace the power take-off driven lift station pumps with permanent electric motors in compliance with the Federal Emergency Management Agency (FEMA) requirement for the levee certification process. **Motion** by Van Amburg to approve the referenced pay request and change order. **Seconded** by Affield. **Approved.**

**2017 Annual Report.** The Board briefly discussed the changes that have been made to the Annual Report. **Motion** by Van Amburg to approve the 2017 Annual Report. **Seconded** by Hanson. **Approved.**

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

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
Chris Hoppe Lawn Care Service	September Mowing (4)	Admin.	\$ 500.00
Gerald P. Abel	Phase 2 - Easement Option	Pj. 79, Wolverton Creek	\$ 2,157.75
Joel Carlson	November Lobbyist Fees	Admin.	\$ 850.00
Moorhead Public Service	09/01/18-10/02/18 Service (4)	Pj. 49, Oakport	\$ 138.77
Petty Cash	Office Supplies	Admin.	\$ 100.00
Quill	#1699355, Office Supplies	Admin.	\$ 106.93
RMB Environmental Labs	#426472, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 474.00
RMB Environmental Labs	#428085, WQ Analysis	M.S.A. 103D.905, Sub. 3	\$ 26.00
Roger Lundberg	10/15/18 Billing - Beaver Control	Varies	\$ 2,533.84
Sellin Brothers, Inc.	Pay Request No. 3	Pj. 71, 50th AVE	\$ 5,051.02
Vogel Law Firm	#223007, September billing	Admin.	\$ 576.00

Vogel Law Firm	#223008, September Billing	COE	\$ 408.00
Wm. Nichol Excavating	Repairs/Beaver Dam Removals	Varies	\$ 9,898.00
			\$ 22,820.31

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

**Comments/Announcements.** Van Amburg noted that Minnesota Board of Water and Soil Resources (BWSR) is working on allocating the Clean Water Fund (CWF) stakeholder process for the One Watershed, One Plan (1W1P) program.

**Whiskey Creek MPCA 319 Grant.** Jones noted that the BRRWD was selected to receive a Minnesota Pollution Control Agency (MPCA) Clean Water Act (CWA) 319 Grant for the Whiskey Creek Enhancement project near Kent. The grant has a life span of 16 years and could be used to install best management practices (bmps) and to construct a restoration project along the Whiskey Creek alignment and some of its tributaries. The potential restoration project could be similar to the Wolverton Creek project, but with a shorter reach (about 14 miles). There are also 207 potential side inlet locations along the Creek. Jones noted that beaver activity in this area is a major problem, which could be addressed with a 319 Grant funded long-term maintenance plan. He explained that the 319 federal money could be used as matching dollars for CWF state grant applications, so any local costs for projects in this area could be significantly reduced.

Fjestad asked who deserved the credit for securing the grant. Jones said that while he prepared the grant application, he felt that the BRRWD's strong reputation throughout the state for project excellence was a major factor in securing this grant. He added that the reputations of both BRRWD Administrator Bruce Albright and Wilkin Soil and Water Conservation District (SWCD) District Manager Don Bajumpaa were also key factors. The Board spent some time discussing the potential Whiskey Creek restoration project.

**HEI Staffing Contract.** Jones shared information about his discussion with BRRWD President Jay Leitch regarding the HEI staffing contract. He suggested to Leitch that he and the Board meet to discuss the staffing issues and the BRRWD's goals going forward regarding HEI's involvement. The Board had a lengthy discussion regarding the staffing issues.

**Project No. 31, Deerhorn Creek Levees Repair.** Jones prepared a repair recommendation for Deerhorn Creek in Section 29, Prairie View Township, Wilkin County. Otter Tail Valley Railroad contacted HEI with concerns about channel erosion where their tracks cross Deerhorn Creek. After investigation, Jones recommended the installation of two rock drop structures downstream of the tracks to control channel cutting. There is a rock stockpile from the levee project onsite that could be used for the repair. The opinion of probable cost is \$3,000-\$3,500. **Motion** by Anderson to authorize the proposed repairs as a Minnesota Statutes Annotated (M.S.A.) 103D.905, Sub. 3, expenditure. **Seconded** by Hanson. **Approved.**

**Next Meeting.** The next regular BRRWD meeting will be held on Monday, November 12, 2018, at 7:00 PM in our Barnesville office.

**Adjournment.** **Motion** by Affield to adjourn the meeting. **Seconded** by Anderson. **Approved.** Vice President Fjestad adjourned the meeting at 8:26 PM.

Respectfully submitted,

John E. Hanson, Secretary