

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

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## MINUTES FOR MANAGERS' MEETING September 9, 2019

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, September 9, 2019, at 7:00 PM in the Barnesville office. BRRWD Managers present were Mark T. Anderson, Peter V. Fjestad, Troy E. Larson, Catherine L. Affield, and Gerald L. Van Amburg. BRRWD staff attending included: Kathleen K. Fenger, Assistant Administrator, Wade S. Opsahl, Technician, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending included Bobby Herman, Mayor, Trevor Sorenson, Alderman, and Tammi Sather, Clerk, City of Georgetown; Stephen Hanson, Associate, Ohnstad Twitchell; and landowners Don Nelson and Chuck Anderson.

BRRWD Vice President Peter Fjestad called the meeting to order at 7:01 PM and announced that the proceedings were being video recorded to aid in the preparation of the minutes.

**Agenda.** Fjestad asked for comments or additions to the meeting agenda. There being none, **motion** by Anderson to approve the agenda. **Seconded** by Affield. **Approved.**

**Secretary's Report.** The Board reviewed draft minutes for the 8/26/19 regular meeting. **Motion** by Affield to approve the minutes. **Seconded** by Van Amburg. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's monthly financial statements, including the project account balance sheet, administrative disbursements, and summary of income. Cash on hand is \$3,738,492.59. Administrative disbursements this month equal \$27,130.27, and for the year, total \$226,884.98. Total income this year is \$4,446,248.21. Income received since the 8/12/19 meeting totaled \$2,087,590.69, including \$405,705.80 from Clay County for their 1<sup>st</sup> half ditch/project 2019 tax proceeds; \$1,666,376.85 from Clay County for the Project No. 78, Clay/Wilkin Judicial Ditch (J.D.) No. 1 bond sale; \$4,996.20 from Minnesota Pollution Control Agency (MPCA) for a Surface Water Assessment Grant (SWAG) payment for BRRWD water quality monitoring efforts, \$1,305.00 from Ohnstad Twitchell for costs related to the Diversion Authority's (DA) Data Practices Act request, \$3,012.37 from landowner payments for the Section 27, Manston Township, waterway repair, and \$1,500.24 from the Red River Watershed Management Board (RRWMB) for Mediation Project Team (PT) expenses. The remainder of the income came from Midwest Bank for August interest (\$4,469.23) and HEI for their monthly office rent (\$225). **Motion** by Anderson to approve the Treasurer's Report. **Seconded** by Van Amburg. **Approved.**

The Board discussed asking the Clay County Board of Commissioners to approve petitions for the BRRWD to use our taxing authority for two general levies in accordance with Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3. **Motion** by Van Amburg to contact Clay County for the petitions, as we have done in the past. The Managers briefly discussed the petition process timeline. If Clay County is not willing to provide the petitions, the Board agreed to contact one of the other Counties for support of our M.S.A. 103D.905, Subd. 3 taxing authority. **Seconded** by Anderson. **Approved.**

### **Citizens to be heard.**

**Project No. 39, Georgetown Levees.** Tammi Sather, Clerk, and Bobby Herman, Mayor, City of Georgetown, addressed the Board regarding four issues:

- The City would like to erect signage on the east side of Trunk Highway (T.H.) No. 75 on the south end of Georgetown, east of the Burlington Northern/Sante Fe (BNSF) Railroad tracks and south of

the Buffalo River on the former Kramer property, which is currently owned by the BRRWD. The Board authorized staff to check with BRRWD Attorney Corey Elmer, Vogel Law Firm, regarding possible easement restrictions, and the Board will make a decision at their next meeting.

- Sather also brought up the issue of transferring the buyout properties to the City, which were acquired with Minnesota Department of Natural Resources (DNR) funding for the levee project. At their 5/14/18 meeting, the Board approved a motion to transfer the 10-15 buyout properties to the City. Jones explained that upon investigation, we found that to transfer land to the City, the Commissioner of Minnesota Management and Budget (MMB) would have to approve the transactions, which could be an expensive, time consuming process. He suggested a less expensive option through the use of a Memorandum of Understanding (MOU) where the City and the BRRWD could draw up an agreement for the City's use of the land, rather than transferring ownership. Sather asked about the status of transferring the Ziegler parcels on the north end of the City west of County Road (C.R.) No. 100, which could be developed into a possible housing subdivision. Jones explained that the process to transfer the property titles to the City could also incur significant legal expenses per parcel. He asked Sather to provide a list of activities or potential development the City plans for the individual parcels so that we could check with our attorney to be sure those uses are compatible with the covenants that were placed on the properties at the time of acquisition through the DNR grant.
- Sather questioned the 2019 project expenses (approximately \$10,000) and the 2020 project tax levy (\$25,000). Opsahl explained that the project account will be reimbursed by Federal Emergency Management Agency (FEMA) for any 2019 flood costs (approximately \$6,000). In response to the City's 2018 request for financial assistance, the BRRWD contributed \$27,000 from the BRRWD's M.S.A. 103D.905, Subd. 3, account. The group reviewed the project financial account transactions for 2018 and 2019 and possible options to assist the City. Sather also discussed the status of the Wambachs' Letter of Map Revision (LOMR) problems regarding their basements. FEMA denied their LOMR requests because the City of Georgetown is their own floodplain administrator. Currently, homeowners in Georgetown are not allowed to have basements. Clay County's blanket exemption for basements doesn't apply to properties within Georgetown. The DNR has suggested that if Georgetown adopted the FEMA floodproof basement guidelines, the DNR could probably grant a variance for the Wambach property. This issue has never been resolved. Jones offered to follow up with FEMA regarding the status.
- Sather also mentioned that log jam flood debris from the Red River in the Oakport area was hauled onto one of the buyout properties in Georgetown to be burned. The site was used in the past to burn log jams from the river in Georgetown and there was already debris from this year's flood on site that needed to be burned. As soon as the City contacted Clay County, the hauling stopped. The site is wet because of recent rainfall, so once the area is dry, it will be cleaned up. She pointed out that the City objects to the practice of dumping debris from other projects within their City limits, and they don't expect it to happen again. The counties and cities have agreed to a new debris disposal location where future material will be hauled and burned, so in the future, we won't use the site in Georgetown.

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

**Permit No. 19-070, Trevor Sorby.** Jones noted that Sorby withdrew his application when it was explained to him that his proposal wouldn't accomplish the drainage benefits that he expected because the separation between the field elevation and the ditch bottom is limited and the ditch grade is flat. Jones recommended that Sorby try to improve his outlet. **Withdrawn.**

**Permit No. 19-073, Steve Thompson.** The Board postponed action on this permit to widen a field approach off 100<sup>th</sup> ST S (C.R. No. 15) in the NE<sup>1</sup>/<sub>4</sub>, Section 3, Alliance Township, Clay County, and to add a new 22' long culvert to lengthen the existing 16' long approach culvert with a flapgate on the north end. Jones was

concerned about the gate's effects on area drainage. When Jones discussed the proposal with Thompson, Thompson indicated that the flapgate wasn't necessary. Jones recommended permit approval without the flapgate.

**Permit No. 19-103, Kost Materials.** The Board postponed action at their 8/26/19 meeting, pending receipt of more detailed project plans. Jones explained that Kost Materials has a new concrete facility southeast of Audubon with a retention pond in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 14, Audubon Township, Becker County. Tony Kost proposes to install an outlet control structure (riser with outlet pipe) on the west side of their retention pond which will allow the water level to be at least 2' below the pond's emergency spillway. The project won't change area drainage patterns. Jones recommended permit approval.

**Permit No. 19-107, Butch Jirak.** Applicant proposes to install 68 acres of pattern tile along the BNSF Railroad tracks in the SW $\frac{1}{4}$ , Section 6, Connelly Township, Wilkin County, with a gravity outlet to the Red River to improve drainage. According to the revised 2019 BRRWD Rules, any tiling project over 40 acres is required to include an outlet control structure so that the project can be shut off during a flooding event. The plans were revised to add a control structure in compliance with the Rules. Jones recommended permit approval, subject to our standard tiling disclaimer.

**Permit No. 19-108, Pheasants Forever, Inc.** Applicant proposes the restoration of 8 wetlands by filling in ditches and removing sediment in Sections 15, 16, 21, and 22, Callaway Township, Becker County, on United States Fish and Wildlife Service (USFWS) property. A new culvert crossing on a protected waterway will replace an existing deteriorated pipe. The DNR permit to work in protected waters has already been filed. Jones recommended permit approval.

**Permit No. 19-110, City of Moorhead.** Applicant proposes the installation of watermain, sanitary sewer, storm sewer, and street improvements for the Village Green 6<sup>th</sup> Addition-Phase 4 in south Moorhead in the SW $\frac{1}{4}$ , Section 22, Moorhead Township, Clay County. Stormwater will drain to the regional retention pond, which was designed to handle this water. Jones recommended permit approval, subject to our standard utility disclaimer.

**Permit No. 19-111, Nathaniel Baer.** Applicant proposes the installation of 130 acres of pattern tile in the W $\frac{1}{2}$ , Section 20, Skree Township, Clay County, outletting via a control structure in the southeast corner of the section. Jones recommended approval, subject to our standard tiling disclaimer.

**Permit No. 112, Chad Leach.** Applicant proposes to install a field approach/18" dia. x 60' culvert on the west side of 130<sup>th</sup> ST S in the SE $\frac{1}{4}$ , Section 7, Elkton Township, Clay County. Jones recommended permit approval, subject to township approval to work within their road right-of-way (R/W).

**Permit No. 19-113, Aaron Brakke.** Applicant proposes to install a field approach on the west side of C.R. No. 59 (3<sup>rd</sup> ST S) with an 18" dia. x 60' long culvert, placed north of the neighboring farmstead driveway in the SE $\frac{1}{4}$ , Section 7, Holy Cross Township, Clay County. Brakke has already contacted the County for permission to work in their R/W. Anderson noted that he had suggested that the neighbor and Brakke widen the farmstead driveway and share it instead of adding a field approach next to the existing entrance. Jones thought that either option would be acceptable and recommended approval of the proposed culvert installation.

**Permit No. 19-114, Krystal Frances.** Applicant proposes to replace their current 18" dia. driveway culvert in the SE $\frac{1}{4}$ , Section 9, Hawley Township, Clay County, (Permit Nos. 18-071 and 17-086) with a new 24" dia. pipe. Water overtopped their driveway twice this summer. Opsahl briefly discussed the problems Frances has had with their driveway, which is adjacent to 210<sup>th</sup> ST S. Jones recommended permit approval, subject to township approval to work within their road R/W.

**Permit No. 19-115, Bob Mattson.** Applicant proposes to install 11 Natural Resources Conservation Service (NRCS) and Becker Soil and Water Conservation District (SWCD) designed water and sediment control basins with surface water intakes and underground outlet in the SW¼, Section 14, Lake Park Township, Becker County. Jones noted that the outlet appeared to be adequate and recommended approval, subject to township approval to work within their road R/W.

**Permit No. 19-116, RRR Mattson Partnership.** Applicant proposes to install random tile to pick up low areas and tie into an existing tile/outlet in the NW¼, Section 20, Cuba Township, Becker County. Jones recommended permit approval, subject to our standard tiling disclaimer.

**Permit No. 19-117, Rick Maier.** Applicant proposes to move a field approach to the quarterline of Section 7, Atherton Township, along 110<sup>th</sup> ST with a 24" dia. pipe. Jones recommended permit approval.

**Motion** by Anderson to approve Permit Nos. 19-073, 19-103, 19-107, 19-108, 19-110 through 19-117, subject to the referenced disclaimers and conditions. **Seconded** by Larson. **Approved.**

**Section 28, Spring Prairie Township Drainage.** Jones explained ongoing issues with a tile pump installed by the Kuehl family that outlets to a ditch along T.H. No. 9 where the water drains 1.5 miles north to Clay County Ditch (C.D.) No. 2. The landowners would like the BRRWD to conduct an elevation survey of the outlet drainage route for a potential repair to improve drainage to C.D. No. 2. **Motion** by Van Amburg to authorize HEI to conduct the referenced survey investigation. **Seconded** by Affield. **Approved.**

**Rustad Drainage Investigation.** Following the 9/3/19 informational meeting, landowners requested that the BRRWD authorize a drainage investigation for the Rustad area, including Clay C.D. Nos. 40, 11-North, 11-South, and 36, plus the Sabin Coulee. The group discussed Rustad drainage patterns and possible solutions to the drainage concerns. Jones recommended that the Board authorize a survey investigation within the City of Rustad. **Motion** by Van Amburg to authorize HEI to conduct the referenced survey for the City of Rustad. **Seconded** by Anderson. **Approved.**

### **Miscellaneous Investigations.**

**Barnesville Township Drainage Concern.** Barnesville Township Supervisors Frank Schindler, Chuck Anderson, and Kelly Peppel visited the office last week to discuss their concerns about drainage north of Barnesville near the anhydrous plant in Section 1 along the east side of 170<sup>th</sup> ST S to Clay C.D. No. 31, eventually to Stony Creek. Opsahl conducted a field investigation of this ongoing issue in August. He found that there is significant ditch and culvert maintenance work that needs to be done on the east side of the township road. In general, the culvert capacities are adequate with the three 36" dia. culverts in 170<sup>th</sup> ST S (21.2 sq. ft.), a 10' x 15' box culvert (50 sq. ft.) through T.H. No. 9, and a bridge through the railroad tracks. There is heavy vegetation and sedimentation with about 3' of water standing in the T.H. No. 9 culvert. Opsahl also recommended that cleaning the waterway from T.H. No. 9 to C.D. No. 31 in Section 3 would also improve drainage. The Township has considered moving the three culverts in 170<sup>th</sup> ST S north to better align with the T.H. No. 9 box culvert. Opsahl suggested that if the township wanted to move and replace the three lines of 36" dia. pipes in 170<sup>th</sup> ST S, they could consider two lines of 64" x 43" corrugated metal pipe-arch (CMP-A) (47.5 sq. ft.) or two lines of 48" dia. CMP-A (57" x 38") (25.12 sq. ft.).

Supervisor Chuck Anderson talked about increasing the size of two 24" dia. culvert along 170<sup>th</sup> ST S and the poor condition of the ditches on both sides of the road. He added that the Township would be willing to handle the cost of the township road work up to T.H. No. 9, but it appears that no one has jurisdiction over the waterway that runs around the anhydrous plant. He added that there is a potential for FEMA flood mitigation funding this year. Jones noted that the Township would need to file an "intent to submit" form to FEMA by the end of September in order to be eligible for the

current FEMA funding. The Township would like to get this area drainage problems fixed this fall prior to potential flooding next spring. **Motion** by Anderson to authorize HEI to conduct a more detailed elevation survey of 170<sup>th</sup> ST S and the natural waterway from T.H. No. 9 to C.D. No. 31 to provide data for a possible flood mitigation project grant application. **Seconded** by Larson. **Approved.**

**Wilkin C.D. No. 4A Concern.** Last fall, Mike Bergquist contacted the Wilkin County Highway Department and the BRRWD regarding the spoil bank height of C.D. No. 4A running north and south along the west side of Section 7, Foxhome Township. A HEI survey was conducted last fall in response to Bergquist's concern, showing that parts of the west berm (Hasbargen property) are up to 1' higher than the east berm. According to Bergquist, when the County did the retrofit on C.D. No. 4A in 2017, there was a verbal agreement that both sides of the ditch would be at the same elevation. Recently, Bergquist reported that Jerry Hasbargen raised the west berm again this fall on their property. Jones noted that staff is working with the landowners on this issue.

**Roger Finch Flood Access Concern.** Later in the meeting, Jones briefly discussed his contact with Roger Finch, who asked the Board in August for permission to raise 2<sup>nd</sup> ST N (township road) in Section 6, Oakport Township, Clay County. Jones will meet with him on Friday (9/13/19) to discuss an alternative access route into the residence along the Oakport Coulee that will meet National Flood Insurance Program criteria.

**Project No. 61, Clay C.D. No. 11-North Improvement.** The Board briefly discussed the need for a survey for C.D. Nos. 11, 36, and 40, as discussed at the 9/3/19 informational meeting, in conjunction with the survey of the City of Rustad drainage issues. **Motion** by Anderson to authorize HEI to conduct a repair survey for the referenced ditch systems. **Seconded** by Van Amburg. **Approved.** There was a brief discussion about the condition of the concrete culverts on C.D. No. 11-North.

**Project No. 79, Wolverton Creek Restoration.** On 8/29/19, the Board held an informational meeting with the affected landowners along the waterway downstream of the Gruenberg property in Section 34, Wolverton Township. Jones commented that the landowners expressed an interest in cleaning the waterway with a rotary ditcher. At the meeting, one of the landowners pointed out that the last 1.5 miles of the waterway flows in two different directions, which could potentially increase the number of benefitting landowners who could contribute to the repair project. HEI is still working on processing the recent survey data. Jones plans to have more information for the Board's review at the next meeting, including the Wilkin SWCD, Farm Service Agency (FSA), and the NRCS permissive use process for the Conservation Reserve Program (CRP) acreage downstream of the Gruenberg property. Once Jones has prepared a final recommendation report, he could forward it to the affected landowners.

Jones submitted Pay Request No. 8 in the amount of \$102,872.18 for Sellin Brothers, Inc. **Motion** by Anderson to approve the referenced pay request. **Seconded** by Larson. **Approved.** Jones reported that the construction work has progressed up to Clay County Highway No. 2, where there is standing crops. He explained that the Board will need to compensate the landowner for crop damages so the work can move forward. HEI surveyed the area and determined that 1.5 acres of soybeans will be impacted. The Board discussed possible compensation rates and agreed to offer \$320/acre for the soybean damages. Jones will contact the landowner.

**Project No. 80, Stony Creek WRMP.** President Leitch has requested that the Board re-evaluate the project's purpose and needs and authorize another investigation of project alternatives and potential benefits. The Board discussed his request. **Motion** by Affield to authorize Jones to go forward with the investigation. **Seconded** by Anderson. **Approved.**

**Wilkin C.D. No. 27 Retrofit.** The Board has tentatively scheduled an informational meeting to discuss the proposed ditch retrofit project with the affected landowners on September 20, 2019, at 8:00 AM in Breckenridge at the Wilkin County Environmental Office.

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

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
AmeriPride	#160532840, August Rug Billing	Admin.	\$ 130.58
Bruce E. Albright	Viewer's Meal	Wilkin C.D. No. 6A	\$ 40.35
Catherine L. Affield	Voucher #19-22, 07/01/19-08/31/19	Varies	\$ 618.24
Chris Hoppe Lawn Care	August Mowing (4)	Admin.	\$ 500.00
City of Barnesville	#10036832,8/25/19 Phone/Internet/Utilities	Admin.	\$ 665.21
Clay County Union	#1945, Budget Hearing Notice (2)	Admin.	\$ 857.60
Dacotah Paper Co.	#38680, Paper Order	Admin.	\$ 241.46
Dakota Mailing	#AR33532, Postage Meter Ink Cartridge	Admin.	\$ 80.71
Fergus Falls Daily Journal	Budget Hearing Notice (2)	Admin.	\$ 643.80
Forum Communications	Budget Hearing Notice-DL (2)	Admin.	\$ 570.50
Fremstad Law	#21208, August Billing	COE	\$ 253.50
Fremstad Law	Retainer Renewal	COE	\$ 10,000.00
Fuchs Sanitation	#35489, Garbage Billing	Admin.	\$ 51.48
Gerald L. Van Amburg	Voucher #19-28, 07/01/19-08/31/19	Varies	\$ 866.29
HEI	August Billing	Varies-See Attached	\$ 92,564.13
Jay A. Leitch	Voucher #19-27, 07/01/19-08/31/19	Varies	\$ 2,051.01
Liberty Business Systems	#387653, Toner	Admin.	\$ 88.00
Liberty Mutual	Surety Bond Invoice 10/1/19-9/30/20	Insurance	\$ 453.00
MPS	07/18/19-08/19/19 Service, FL#21	Pj. 49, Oakport	\$ 32.20
Network Center, Inc.	#INV118827, Maintenance Renewal	Admin.	\$ 1,241.43
Northern States Excavating	Repairs	Varies	\$ 5,342.50
Pelican Rapids Press	Budget Hearing Notice (2)	Admin.	\$ 546.40
Peter V. Fjestad	Voucher #19-24, 07/01/19-08/31/19	Varies	\$ 769.52
Prairie Restorations, Inc.	#19169, Seeding & Maintenance	Pj. 49, Oakport	\$ 7,475.00
Premium Waters, Inc.	#366590-08-19, August Water Billing	Admin.	\$ 35.14
Purchase Power	August Postage	Admin.	\$ 301.50
Quill Corporation	#9779478, Office Supplies	Admin.	\$ 250.00
Quill Corporation	#9944624, Officesupplies,adding machine	Admin.	\$ 94.07
RMB Environmental Labs	#465679, WQ Monitoring	M.S.A.103D.905,Sub.3	\$ 540.00
RMB Environmental Labs	#465517, WQ Monitoring	M.S.A.103D.905,Sub.3	\$ 410.00
RMB Environmental Labs	#466215, WQ Monitoring	M.S.A.103D.905,Sub.3	\$ 553.00
RMB Environmental Labs	#466963, WQ Monitoring	M.S.A.103D.905,Sub.3	\$ 26.00
RRVCPA	08/01/19-09/01/19 Service	Pj. 49, Oakport	\$ 83.91
Sellin Brothers, Inc.	Pay Request No. 8	Pj. 79, Wolverton Crk.	\$ 102,872.18
Steve Timmer	Snow Fence Reimbursement, '19 Flood	Pj. 42, Clay C.D. No. 67	\$ 38.64
Troy E. Larson	Voucher #19-19, 05/01/19-06/30/19	Varies	\$ 1,232.17
TrueNorth Steel	Culverts/Flap gates	Varies	\$ 12,772.52
US Bank	#393918537, 08/27/19-09/27/19 Lease	Admin.	\$ 274.65
Wade Opsahl	Viewer's Meeting Registrations (3)	Admin.	\$ 75.00
Wm. Nichol Excavating	Repairs-2019 Flood Relief	Varies	\$ 1,352.90
WREC	07/18/19-08/18/19 Service	Pj. 46, Turtle Lake	\$ 71.77
Xcel Energy	07/25/19-08/25/19 Gas Service	Admin.	\$ 62.99
			<b>\$ 247,129.35</b>

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

**Upcoming Calendar Items.** The BRRWD's Fall Tour is scheduled for September 19, 2019. The bus will leave the office at 1:30 PM with a catered supper in our office following the tour.

Jones noted that the Minnesota Water Resources Center is sponsoring a conference at the Saint Paul RiverCenter on October 15-16, 2019. This year's program will address evolving water resource challenges from multiple perspectives. Jones will make a presentation regarding our Wolverton Creek Restoration project.

**Clay C.D. No. 36.** Jones has enlisted the help of Rick St. Germain, Engineer, HEI, to contact the BNSF Railroad regarding the drainage issues involving their railroad crossing.

**Next Meeting Agenda.** No one had additions for the next meeting agenda.

**Next Meeting.** The next regular BRRWD meeting will be held on Monday, September 23, 2019, at 7:00 PM in our Barnesville office.

**Adjournment.** Vice President Fjestad adjourned the meeting at 9:00 PM.

Respectfully submitted,

John E. Hanson, Secretary