

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING June 12, 2017

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, June 12, 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); Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Pete Karlsson, First Congregational Church; and landowners: Ron Aksamit, Dennis Aksamit, Barb Aksamit, Stephen H. Wiese, Kathy Radig, Mike Radig, Andy Beyer, Steve White, Gail White, Bruce Yaggie, Lowell Picotte, Tom Paulson, and Shirlee Holland.

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

Secretary's Report. The Board reviewed draft minutes for the 05/22/17 regular meeting. **Motion** by Leitch to approve the minutes. **Seconded** by 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 \$2,064,162.26. Administrative disbursements for the month are \$38,482.66 and for the year total \$222,832.34. Albright noted that we are tracking permit archiving and M-files expenses separately on the administrative disbursement sheet, as these should all be one-time expenditures. Current accounts receivable for 2017 totals \$5,122,434.27. Our total income for the year is \$1,198,671.68. Income since the 05/08/17 meeting is \$848,819.03. We received \$202,060.77 from the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation, and \$25,573.65 from Clay County as the final payment for the Wall ST NW overlay project. Most our income was 1st half county property/ditch tax proceeds from Becker (\$108,594.37), Otter Tail (\$38716.84), and Wilkin (\$472,915.01) Counties. Clay County has not yet forwarded their collections. The balance of our receipts came from bank account interest, HEI office rent reimbursement, and mileage reimbursement from the Lessard-Sams Outdoor Heritage Council (LSOHC) for Albright's trip to Bloomington to attend their WorkGroup meeting. **Motion** by Fjestad to approve the Treasurer's Report. **Seconded** by Anderson. **Approved.**

Rain Berm Project. Pete Karlsson, First Congregational Church, Moorhead, discussed the Church's Rain Berm parking lot project. The project is designed to retain the parking lot runoff water on their property before it enters the Red River via Moorhead's storm sewer system. At our 3/13/17 meeting, the Board approved a motion to contribute 25%, or \$1,250, to the cost of the Church's project (estimated at \$3,472 plus monitoring and educational sign) with the understanding that the Church would need a permit from the City of Moorhead. The Board also suggested that the Church could install a descriptive sign for the project as an educational component. The City denied the Church's permit application because of a few problems, including the project's proximity to underground utilities. The Church solicited a new design and bid from Holland's Landscaping and Garden Center. Holland's new cost estimate is \$6,342.00. Karlsson asked the Board to consider contributing more than they previously approved. Karlsson noted that he felt the City's action was shortsighted, and he intends to follow up with his concerns as a City resident with the Council and the Utility Companies.

Albright sent the Managers an email message with the Church's request and a summary of their project development. The total cost of the project will be \$7,942, and the BRRWD's total contribution at 25% would

be approximately \$2,000. The Board discussed how to justify the increased donation. The project will improve the quality of the parking lot runoff to the Red River and will provide an educational component with the descriptive sign, the church members are taxpayers, and the Board typically contributes to water quality projects in rural areas. Van Amburg felt the project was worthwhile and encouraged the Board to approve the Church's request. He also felt that a conversation with the City of Moorhead is needed regarding their handling of this water quality issue. **Motion** by Leitch to increase the BRRWD's contribution to 25%, or \$2,000. **Seconded** by Fjestad. **Approved.**

Permit No. 17-028, Robert & Bruce Yaggie. At their 5/22/17 meeting, the Board tabled action on Permit No. 17- 028, and agreed to invite the downstream landowners impacted by Yaggie's proposed tile outlet location to tonight's meeting to discuss any concerns they might have regarding this issue. Yaggie submitted a permit application to relocate the tile outlet, associated with Permit No. 12-165, to the northwest corner of Section 28, Mitchell Township, Wilkin County, outletting via a lift station north along 200th ST, eventually draining to Wolverton Creek. Albright briefly discussed the status of the Wolverton Creek Restoration project.

Andy Beyer commented that his 320 acres (E½, Section 18, Mitchell Township) downstream of the proposed outlet will be affected. He questioned how long a BRRWD permit is valid. Albright responded that permits are valid for one year after approval; however, typically, we don't ask for a new application if the work was delayed by a year or more, as long as the project described in the permit doesn't change and the applicant contacts the office. The group discussed the drainage patterns on either side of a northwest-southeast ridge in Section 28, where approximately 60% of the surface water flows northwesterly to Wolverton Creek and 40% flows southwesterly to Whiskey Creek. Beyer said that he didn't want any additional water flowing north that should go south.

Someone questioned the status of the Wolverton Creek Restoration project. Jones gave an update on the project development and funding sources. The LSOHC grant (\$1.877 million) funding should be available after 7/1/2017. The plan is to start work on the first 8-9 miles downstream of Wilkin County Road (C.R.) No. 30 where the channel has the most sediment (Phase I). If there is any remaining funding, it could be used to expand the work beyond that area. He noted that there could be some flexibility in the plan if there is a consensus to change where we start on the restoration. Jones added that the BRRWD is currently seeking additional outside funding sources for the remainder of the project to help minimize local costs. Albright noted that we spent nearly a year exploring possible funding through the Natural Resources Conservation Service (NRCS), which now appears to be questionable.

Someone asked how much water Yaggie's project could add to Wolverton Creek. Jones did not have his pump output data available, but noted that once the tile project is in operation, surface runoff from the tract should decrease. Albright didn't think that this project would have a significant impact on Wolverton Creek, especially since a restoration project is in development for the waterway, which will include "protection measures" to ensure the longevity of the project. Those measures will include buffers and the adoption of best management practices (bmps) by the landowners. Van Amburg noted that the BRRWD was able to obtain a DNR permit for the project, which was a significant achievement. Albright also noted that BRRWD Rules require that if there is downstream flooding, tile pumps are supposed to be turned off.

Robert Nord noted that even low flows affect his property. He has land that he can't farm because of upstream drainage. He would like to see the BRRWD use some of the LSOHC funding to clean high spots in the channel downstream of his property to address his flooding concerns. Van Amburg acknowledged that the Board is aware of Nord's flooding problems. Jones noted that Nord's property is directly upstream of some of the worst of the blockages in Wolverton Creek. It was also noted that Nord historically has tried to farm the creek channel on his property.

Someone asked if the Wolverton Creek project will ever be constructed. Van Amburg said that despite the delays we've had finding funding, especially through the NRCS, the BRRWD does intend to move forward

with the channel restoration project this year, if possible. Albright explained that we should start at the outlet on the Clay County line to assure an adequate outlet for the project as we work upstream. The Board has discussed the possibility of using some of our current funding to complete a limited channel cleanout downstream of Nord's property to alleviate some of his flooding problems.

Bruce Yaggie stated that he and his father, Robert, have no intentions of inflicting harm to anyone's land, and if the project will cause hardship to any of their neighbors, they are willing to delay the project until an adequate outlet is available. However, in Yaggie's opinion, tiling could actually reduce the amount of downstream runoff during peak flows because the land has the capacity to hold more water.

Albright explained that to move the Wolverton Creek project forward, the Board needs to hold a project hearing according to Watershed Law and allow for a 30-day appeal period. The Board also must decide how to assess the watershed district management (wmd) fees needed to raise the local cost share. The \$100,000 Enbridge Grant expires on 12/31/17. Jones noted that if the NRCS funding happens to become available, it would be a substantial funding source. There is also potential funding from the Conservation Reserve Enhancement Program (CREP), which would require landowner participation. CREP could be used for easement acquisition to free up other funding for construction costs. Albright thought we could be ready to start project construction by Labor Day.

Albright advised the Board that they could postpone a decision on Permit No. 17-028 until later this fall when we have a better idea about the time-line for the Wolverton Creek project development. Leitch asked what the Board needs to do to get the Wolverton Creek project moving. Albright suggested that the Board could direct him to make the project his topmost priority and explore hearing date options and prepare a hearing notice for their approval at their 6/26/17 meeting. **Motion** by Leitch to authorize Albright to proceed as referenced. **Seconded** by Fjestad. **Approved.**

Manager Larson suggested that the Board should allow the Yaggies to work with their neighbors to make their tile project work. Albright noted that the tile system must be drained temporarily to the west and south along the existing route to empty the system so it can be relocated. **Motion** by Anderson to approve Permit No. 17-028, subject to our standard tiling disclaimer that states if there is downstream flooding, the system must not be operated, with the understanding that there will be some temporary discharge flowing south until the system is drained before it can be moved to the new location in the northwest corner of Section 28, Mitchell Township. **Seconded** by Larson. **Approved.** The Board noted that the Wolverton Creek Restoration project will be set as our main priority this year to provide improved drainage for the landowners downstream of the Yaggie tiling project.

BWSR Update. Pete Waller, BWSR, distributed a 2017 Legislative Session Wrap-Up report to the Managers for their review. He discussed the legislative funding allocations in the Environmental and Natural Resources bill, including the LSOHC "Legacy" bill, Legislative-Citizen Commission on Minnesota Resources (LCCMR) bill, bonding bill, and the tax bill, as it relates to BWSR conservation efforts, which includes a tax revenue dependent payback of \$22 million to the Clean Water Fund. The Governor recommended \$85.23 million for CREP, but the Legislature appropriated \$61.481 million and an additional \$5 million bonding appropriation to re-open the Wetland Bank Service Areas to allow local projects to move forward. BWSR will make additional requests in 2018 for both CREP and the Wetland Bank funding. Appropriations from the bonding bill provided \$8 million in 2017 and \$10 million in 2018 for enforcement of the Buffer Law. Waller also discussed the Buffer language clarification in the bill, which keeps the original deadlines intact: 11/1/17 for public waters, and 11/1/18 for public drainage ditches; allows an eight-month extension for buffer implementation until 7/1/18; and authorizes the use of common alternative practices to allow for site specific options for water quality improvements comparable to the required buffer.

Albright noted that the BRRWD will meet with Clay County and BWSR on 6/14/17 at 10:00 AM at the Clay County Highway Department to discuss jurisdictional and Administrative Penalty Order (APO) authority. Clay County hasn't been able to make a jurisdiction decision because they have been waiting for the Wild

Rice Watershed District (WRWD) in the northern part of the County to decide how they want to handle the legal ditch systems and buffers under their jurisdiction. The WRWD recently indicated that they might not be interested in assuming the authority role for their legal ditches. If a general agreement can't be reached by the end of June, we could lose the 2018 State funding for Clay County. BWSR will handle the funding allocation of the funding for buffer installation/enforcement between the Counties and BRRWD. Buffer enforcement won't be an issue in the other counties. Wilkin County has already agreed to assume authority over their public waters, and the BRRWD will take jurisdiction of the legal ditch systems. Otter Tail County still has jurisdiction over all their legal ditches, and the BRRWD only has jurisdiction over about 3% of the ditches/waterways in Becker County.

Aksamit Tiling. Ron Aksamit discussed a tiling issue regarding a joint neighborhood 2012 tiling project in the E½NE¼, Section 3, Akron Township, Wilkin County. He is concerned that the tile outlet has become blocked somewhere and is no longer flowing. Aksamit noted that the outlet into a gravel pit is buried in rocks and can't be checked, but no water is coming out of the system. There is a road into the gravel pit that crosses the tile pipe, and LeRoy Turner is willing to work with the landowners if his road has impacted their tile pipe. Water appears to be seeping out of the ground upstream of the outlet on Steve Wiese's property. The Aksamits have visited with the owner of the land where the tile outlet is located, and Ron Aksamit was able to inspect the outlet. Dennis Aksamit added that the tiling company that installed the system is no longer in business. The landowners asked if the BRRWD would be willing to authorize an inspection of the tile system on all four tracts of land that it crosses and provide an opinion about the cause of the system failure and repair options. **Motion** by Anderson to authorize HEI to investigate this issue, subject to landowner permission to enter the property. **Seconded** by Leitch. **Approved.** Van Amburg was concerned that the BRRWD should be cautious about getting involved with a private drainage system dispute. Albright noted that there could be a possible Rule violation if someone deliberately blocked a permitted tile system. He thought that HEI could get this work done in the next 2-4 weeks. The owner of the tile outlet property, who was one of the original project applicants, is now hesitant to allow access to her property.

Braton RIM Modification. Shirlee Holland asked the Board for assistance regarding the modification of a Reinvest In Minnesota (RIM) contract that her father, Sam Braton, signed several years ago for 40 acres in the SE¼SE¼, Section 22, Barnesville Township, Clay County. Whisky Creek/Clay County Ditch (C.D.) No. 34 crosses the RIM easement. The family would like to parcel off 4-5 acres of the RIM acreage for a building site, and they are working with BWSR on an easement alteration request. Albright added that the BRRWD is going to need additional right-of-way (R/W) on this parcel for our Barnesville Township Comprehensive project. Waller explained that the entity who is requesting an easement alteration must work with the County Soil and Water Conservation District (SWCD) and the DNR Wildlife Manager to come to a consensus regarding the release of the acreage. The SWCD Board of Supervisors must agree that the land can be released from RIM, and then they forward the request to BWSR for review and a final decision. Waller wasn't very optimistic about Holland's chances of altering the RIM easement. The family is also considering selling the 40 acres for the current property tax value, or \$18,500. The Board discussed a possible BRRWD purchase of the land for our channel improvement project. Waller thought that it would be easier for the BRRWD to alter the RIM easement because we wouldn't be changing the land use. The Nature Conservancy (TNC) is also interested in some of Braton's other land in Section 32, Humboldt Township. The Board decided to postpone a decision regarding the purchase of the Braton RIM property until their next meeting. Waller suggested that the Board discuss the idea of the BRRWD altering the RIM easement for our channel restoration project with John Voz, RIM Easement & Working Lands Specialist, BWSR.

Other business brought before the Board included:

Permit No. 17-033, Moorhead Public Service (MPS). Applicant proposes directional boring on the inside of the Oakport project dike R/W to provide electric service to their customers in the NW¼, Section 17, Oakport Township, Clay County. Jones recommended permit approval, subject to the BRRWD's standard utilities disclaimer.

Permit No. 17-034, Magellan Midstream Partners. Applicant proposes to erect a fence around the existing pipeline valve site (30' x 60') next to 110th AVE in the NW¹/₄, Section 34, Elmwood Township, Clay County, with a gate, gravel, and a graveled driveway with a 24" dia. culvert. Jones recommended permit approval, subject to road authority approval to work within their road R/W. Wade Opsahl, Technician, HEI, has conducted an inspection of area culvert sizes and recommended the 24" dia. pipe.

Permit No. 17-035, Riley Brothers, Inc. Applicant proposes to install an outlet pipe 3' below the current runout elevation of a large borrow pit along Trunk Highway (T.H.) No. 75 in the NE¹/₄, Section 35, McCauleyville Township, Wilkin County, that the Minnesota Department of Transportation (MNDOT) created for their T.H. No. 75 project on Whiskey Creek near Kent, MN. The work will regulate flows out of the pit to allow for some storage capacity without the threat of breakouts across the adjacent cropland. The contractor will add riprap at the inlet waterway to the pit and outlet culvert to address erosion concerns. Jones recommended permit approval, subject to the noted conditions.

Permit No. 17-036, Mike Yaggie. Applicant proposes to improve the east ditch of C.R. No. 19 in the W¹/₂, Section 35, Akron Township, Wilkin County. He also plans to lower two approaches/culverts to the new grade. The culvert sizing will not change. Yaggie already has Wilkin County Highway Department approval for the work. Manager Larson thought the work was already nearing completion. The County has asked that no work occur along their road inslope.

Permit No. 17-037, James Taves. Applicant proposes to install pattern tiling for a 10-acre tract in the NE¹/₄, Section 9, Riverton Township, Clay County, outletting via gravity flow to the Buffalo River. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 17-038, KTM Farm. Applicant proposes to lower the south end of a 24" dia. inlet pipe to Wilkin C.D. No. 7. The pipe needs to be lowered about 12" to 15" to provide drainage for the W¹/₂, Section 31, Andrea Township, Wilkin County. Albright recommended permit approval, subject to road authority approval to work within their R/W. The property is assessed to Wilkin C.D. No. 7.

Permit No. 17-039, Parke Township. Applicant proposes to install one 15" dia. x 45' center line culvert in 86th AVE S and one 15" dia. x 20' culvert in the Palya driveway off 86th AVE S in the SE¹/₄, Section 15, Parke Township, Clay County. Albright recommended permit approval.

Albright noted that Bryan Burnette, one of the neighboring homeowners who has drainage concerns regarding the Palya driveway and the township road, has requested that the BRRWD provide an Engineer's opinion regarding the drainage issues in this area. **Motion** by Anderson to authorize Jones to conduct a site investigation and prepare a report with recommendations, as referenced. **Seconded** by Leitch. **Approved.**

Permit No. 17-040, Arvig Enterprises. Applicant proposes fiber optic cable installations in various locations in Otter Tail and Clay Counties within the BRRWD. Albright recommended permit approval, subject to Township approval to work within their road R/W and our standard utility disclaimer.

Permit No. 17-041, John W Wagar. Applicant proposes to install an approach with a 12" dia. x 30' corrugated metal pipe (CMP) in 43rd AVE S in the NE¹/₄, Section 25, Spring Prairie Township, Clay County. Wade Opsahl, Technician, HEI, conducted a field review, and recommended permit approval, subject to Township approval to work within their road R/W.

Permit No. 17-042, Kevin Kuehl. Applicant proposes to install pattern tiling in the SE¹/₄, Section 35, Spring Prairie Township, Clay County, outletting via gravity flow to C.D. No. 21 through C.R. No. 72, to which the property is assessed. Albright recommended permit approval, subject to our standard tiling disclaimer and county approval to work within their road R/W.

Permit No. 17-043, Austin Nieland. Applicant proposes to install a driveway/culvert to access his property in Section 18, Skree Township, Clay County, off a minimum maintenance road. Albright recommended permit approval, subject to Township approval to work within their road R/W and a field review to verify the culvert size.

Permit No. 17-044, City of Comstock/Ed Askegaard. Applicant proposes to install one line of 8"-10" drainage tile on his property in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Holy Cross Township, Clay County, to be used as an outlet for the Comstock lagoon to Wolverton Creek. The project would protect downstream cropland from drainage from the lagoon that occurs twice a year. The Board discussed the proposal and agreed there would adequate grade to the Creek.

Motion by Hanson to approve Permit Nos.17-033 through 17-044, subject to the referenced disclaimers. **Seconded** by Larson. **Approved.**

Haugrud Drainage Complaint. Albright reported that Manager Anderson visited with Jimmie Lindholm regarding our request for his family to clean the blockages immediately downstream of the culverts through C.R. No. 19 in Section 22, Prairie View Township, Wilkin County, on natural waterways through their Conservation Reserve Program (CRP) acreage in response to a complaint from the Haugrud family, who farm upstream of the Lindholm property. Lindholm indicated that he was working with the Wilkin County Farm Service Agency (FSA) office regarding their CRP maintenance regulations, and because of the FSA rules, any possible work will now have to wait until after 8/29/17. Haugruds are aware of the project status.

Bryan and David Henderson Waterway Concern. HEI has completed the Board authorized wetland investigation in the NW $\frac{1}{4}$, Section 27, Manston Township, and Mark Aanenson, HEI, is analyzing the survey results. The survey was conducted in response to an issue from last year regarding Ron Conzemius' farming through the waterway in the SW $\frac{1}{4}$, Section 27, Manston Township, on the north side of County State Aid Highway (CSAH) No. 26, which restricts the natural flow of water from the Henderson property on the south side of the road in the NW $\frac{1}{4}$, Section 34. Terry Nielsen, an out-of-area landowner, and David Abel, his renter, were contacted about cleaning the natural waterway in the NW $\frac{1}{4}$, Section 27, to help drain area water west to the Manston Slough project. Abel was told by agencies that the waterway on his property couldn't be cleaned because of wetlands.

Ed Haick Complaint. A few years ago, Mark Yaggie installed tiling and a lift station along T.H. No. 9 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Manston Township, Wilkin County (Permit No. 12-142). Currently, water from the lift station has created water problems on Haick's downstream property along T.H. No. 9. Jones conducted a drainage investigation and provided a drawing showing a 0.05% grade in both ditches going south with approximately 1.5' to 2' of sediment in the ditch. 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 water.

Bob Westfall Culvert Concern. Bob Westfall recently contacted Albright regarding past concerns about the culvert size in C.R. No. 167 on the west side of Section 5, Akron Township, Wilkin County. In 2010, the County resized a culvert, and at that time, Westfall and other landowners wanted larger downstream culverts. The BRRWD worked with them to address this issue, but nothing was ever finalized, and the Board agreed to monitor area drainage. Manager Larson noted that according to Jones' engineering study, the area culverts have worked fine. Albright will send Westfall a summary of the project to date, advising him that until we find that the culverts aren't working, we have decided not to take any further action. A NRCS WRP project installed by Paul Ehlert in Section 5 has subsequently reduced runoff from the area. The WRP project only has a 24" dia. outlet.

Kraig Nelson Drainage Complaint. Albright and Manager Hanson conducted a field review and met with Todd Boit regarding a complaint that he crushed a drain tile line on land Kraig Nelson rents from Greg Ronning and modified a culvert through the farmstead driveway in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 13, Audubon

Township, Becker County. Albright suspects that Boit blocked the driveway culvert because he is interested in drying up the downstream wetland area to be able to excavate the black dirt from the wetland. Boit is trying to reroute this existing outlet away from the wetland via an old clay tile line and cross the county road with a new 4" dia. pipe to the road ditch. Ronning has easements for the outlets prior to Boit's purchase of the farmstead. Albright suggested that the Board could send Boit a letter advising him to repair the driveway culvert and pointing out if he plans future work, he will need to apply for proper BRRWD permits. HEI prepared a map showing the Ronning easements and Boit's property boundaries, which we will include in the letter with copies to the landowner, Greg Ronning, and renter, Kraig Nelson.

Project No. 78, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1) Outlet Improvement. On 5/25/17, Brian Kritzberger 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 postponed until the BRRWD can obtain a new attorney, as Robert Norby's attorney has called BRRWD Attorney Norgard to testify. Judge Cahill denied the BRRWD's Motion for a Summary Judgement. Albright distributed copies of the Order for the Board's review. Vogel Law Firm is preparing an appeal.

Project No. 56, Manston Slough Restoration. Ehlert Excavating, Inc., has installed the spillways downstream of Tom Arnhalt's property in the SW¼, Section 20, Manston Township. Seeding has not yet been completed. Opsahl is working with Turner Sand and Gravel on grading the two miles of 230th AVE to address the "soft spots" and maintenance problems.

Project No. 49, Oakport Flood Mitigation-Phase 4. The contractor, R. J. Zavoral & Sons, Inc., is working on the cleanup items. Albright reported that there are no new developments in the Kopperud lawsuit. He noted that they have not yet filed the complaint with the Court. Regarding the wetland restorations, a meeting will be scheduled to discuss the monitoring plan.

The contractor hired to mow the BRRWD easements turned around on private property, and the landowner filed a complaint about trespassing. Opsahl will work with the landowner and the contractor to correct the situation.

The levee certification is moving forward. Ulteig Engineers, Inc. (UEI) is working with the Federal Emergency Management Agency (FEMA) to address their recent questions. The additional \$10,000 certification fee has been paid.

The Board discussed letting bids for the removal of the two spoil stockpiles along Wall ST NW, totaling approximately 61,000 yards of material. The Board discussed UEI's responsibility to "balance" the dirt excavation during construction. **Motion** by Fjestad to authorize HEI to prepare an advertisement for bids to remove the stockpiles, as referenced, for the Board's review. **Seconded** by Hanson. **Approved.**

Later in the meeting, Albright noted that we constructed three ringdikes in the Oakport area several years ago. Some of the excess stockpiled dirt could be used to restore the dike excavations sites, which Opsahl estimated would be about 7,000 yards. He will contact the ringdike landowners to determine their interest in having their borrow sites restored.

Project No. 30, Clay/Wilkin J.D. 1/Clay C.D. No. 53 Outlet Stabilization. HEI opened bids on 6/7/17 for erosion control outlet repairs on Clay C.D. No. 53 and Clay/Wilkin J.D. No. 1, both outletting to Wolverton Creek. The low bidder was Sellin Brothers, Inc., Hawley, MN, at \$45,829. The Engineer's estimate was \$53,000. The Wilkin SWCD received BWSR funding for erosion control work along the Red River, including the installation of side inlets and grade control structures. The grant would cover 75% of the repair costs, and the remaining 25% of the costs would be paid as ditch system expenses. The repair plans for these

two ditches are part of the Wolverton Creek channel restoration project design. **Motion** by Leitch to award the contract to Sellin Brothers, Inc. subject to landowner permission to enter their property to complete the repairs. **Seconded** by Affield. **Approved.**

Project No. 21, Wilkin C.D. No. 13-Lateral/Project No. 02, Wilkin C.D. No. 13. William Nichol Excavating, Inc., is working on the repairs for Project No. 2, Wilkin C.D. No. 13 and Project No. 21, Wilkin C.D. No. 13-Lateral. Nichol submitted an invoice for his work to date for \$36,000, which is on tonight's bill list. 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, this part of the channel is one of the worst sections of the entire ditch system. Albright will check with the other Thompson brothers to see if they would give us permission to enter the property to complete the repairs.

The Board had authorized HEI to investigate options and prepare a 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 proposed a crossing with three lines of 64" x 43" corrugated metal arch pipe (CMP-A) with a cost estimate of approximately \$25,000. Albright will investigate Drainage Law regarding a cost share arrangement between Nelson and the ditch system. Jones will submit his final report at the 6/2/17 Board meeting.

Mediation Project Team (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 and Jones submitted the LSOHC Grant Program application by the 5/31/17 deadline. By the end of June, we should know if the application made it to the next round of interviews.

Barnesville Township Area Retention. The Board will consider the acquisition of the Braton RIM property as discussed earlier in the meeting on 6/26/17 after discussing with BWSR representatives what can be done on RIM lands.

Stony Creek Retention. Albright met with landowner Michael Dohn and realtor Paul Krabbenhoft, regarding the possible acquisition of Dohn's property in the project area (Pt. NE $\frac{1}{4}$, Section 5, Barnesville Township. Albright suggested the BRRWD could hire an appraiser to determine a fair price for Dohn's property. **Motion** by Fjestad to authorize Albright to hire an appraiser to conduct an evaluation of the Dohn property. **Seconded** by Anderson. **Approved.**

Watershed District Enlargement/Revised Watershed Management Plan (RWMP). BWSR will make a decision regarding the BRRWD's One Watershed, One Plan (1W1P) funding application on 6/28/17. The BWSR North Region Committee will not decide on our request for BWSR to waive the Plan Update Amendment requirements until their meeting on 9/13/17.

The Board discussed a concern brought by Matt Jennen regarding jurisdiction over Wilkin C.D. No. 8 to which their land in Sections 33 and 34, Foxhome Township, is assessed. A small lateral of C.D. No. 8 actually drains west into the Otter Tail River. The Bois de Sioux Watershed District (BDSWD) is planning a possible repair of this system. Jennen maintains that the portion of the ditch on their property draining to the Otter Tail River doesn't need repair, and he doesn't want to get assessed for work on the remaining portions of the ditch that don't affect his property. Albright observed that there could be a couple of options to address this issue. The first would be to abandon that part of C.D. No. 8 that drains west into the Otter Tail River and let the Jennens maintain it as a private ditch, or split C.D. No. 8 based on the watershed patterns, which might entail creating a new ditch system. As part of the proposed repair, the BDSWD plans to do a redetermination of benefits for C.D. No. 8, which could address Jennen's assessment concerns. Albright will work with Wilkin County and the BDSWD on this issue.

Fargo-Moorhead (FM) Diversion. The Board discussed easement values the Diversion Authority is considering for property in the upstream staging area.

M-Files Data Storage. Albright explained that the M-Files launch is going well, but we will need to add to our service contract hours. The contract extension cost for an additional 27 hours is listed on tonight's bill list.

Wilkin C.D. No. 7 Repairs. Jones reported the contractor, States Border Construction, hopes to have all the earth work done this week. All the culverts have been installed and some of the riprap is on site. The spoilbank elevations were too high, and the contractor has new information to assist in leveling the spoil where needed to meet the County's road elevation rules. The contract has a June 30, 2017, completion date.

Wilkin C.D. No. 1B. The Wilkin SWCD notified the BRRWD that Michael and Don Yaggie cleaned 0.5 miles of C.D. No. 1B in Section 33, Meadows Township. The Wilkin County Highway Department just repaired this ditch about 18 months ago, and the seeding was finally reestablished. According to the 2009 design profile, the new work is at least 1.5'-2' below the design gradeline and the spoil was piled on the edge of the ditch. 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.

Wilkin C.D. No. 6A. The Highway Department has completed the channel repairs, cleanup, and seeding. The seeding bill is on tonight's bill list. The next step is the redetermination of benefits proceeding. Albright asked Bill Austin if he would be willing to act as a Viewer for the BRRWD. Austin is interested, but he is out of the area for three months during the winter. Albright suggested that we would have to work around his schedule, or bring in another person to work as a Viewer during the winter. **Motion** by Anderson to hire Bill Austin to be a BRRWD Viewer to replace Lauren Peterson, who recently retired. **Seconded** by Leitch. **Approved.** Albright is still working on getting Peterson's recognition plaque from Fargo Rubber Stamp.

Elkton Wetland Restorations. Albright reported that the wetland violations committed on the Poehls and Lamb easements were done by Kyle and Chad Johnson, not the former renter, Tom Friedrich. The Johnsons contacted Albright to find out what they needed to do to correct the situation. Albright was confident that the renters will work with the BRRWD to restore the sites.

Kraig Nelson rents land in Section 28, Deerhorn Township, that is assessed to Wilkin C.D. Nos. 22 and 54. He cut through an old ridge along the property line upstream of Karlo Etten's property in the NE¹/₄, Section 28, which Etten claims has changed the historic area drainage patterns. There is approximately 0.3 acres of wetland on Nelson's property 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. The Briks Family recently found out that they need this 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. Nelson agreed to talk to his landlord, but to date, he hasn't gotten back to Albright.

Otter Tail River Restoration. The Army Corps of Engineers (COE) forwarded their Section 1135 Grant Agreement for the Board's signature. The COE will contribute the first \$100,000 and then split the remaining costs 50/50 with the BRRWD. **Motion** by Anderson to authorize Van Amburg to sign the Grant agreement on behalf of the BRRWD. **Seconded** by Affield. **Approved.**

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 Center, to discuss the proposed Creek repairs.

WBI Energy Transmission Line. Albright has been in contact with Richard Melvin, WBI, who is working on a project to install a gas transmission line across the north portion of the BRRWD, located south of Georgetown to the Felton area. The company sent information regarding their project to the Board for their review. The gas line will cross the Buffalo River and Clay C.D. No. 23. Albright has previously notified them that when they are ready, they should submit a BRRWD permit application for the project.

Easement Consultant. At their 3/27/17 meeting, the Board agreed to hire Steven J. Taff, Associate Professor Emeritus, Department of Applied Economics, University of Minnesota, to provide consulting services to look at the value of easements on flood damage reduction (fdr) and natural resource enhancement (nre) projects. Albright received his latest contract draft for review, and they will work together to finalize the document. Taff will not be available to work on the BRRWD project until August.

BRRWD Insurance Policy Review. W. Todd Haggart, Attorney, Vogel Law Firm, conducted a review of the BRRWD's insurance policies. He concluded that the BRRWD has a very comprehensive insurance program. Albright provided copies of Haggart's letter for the Board's review. Our insurance carrier, John Hoffman, Waypoint Insurance Advisors, will be given a copy of the review.

2016 Annual Report and Audit. The Board received copies of the Annual Report and Audit at the 5/22/17 meeting for review. None of the Managers had any revisions. **Motion** by Anderson to approve the 2016 Annual Report and Audit, and to authorize Albright to schedule meetings with the Counties to present the reports and to discuss BRRWD activities with the County Commissioners. The documents will also be forwarded to BWSR and be posted on the BRRWD's Website. **Seconded** by Leitch. **Approved.** The approval date will be added to the Report cover page.

Serenity Assisted Living Expansion. Albright and Jones plan to meeting with Serenity Manager Richard Anderson and their architect to discuss their proposed facility expansion to the south of their current location in Dilworth over Clay C.D. No. 50. Serenity's current location is on the north side of the ditch. They would like to install a covered bridge (sky walk) over C.D. No. 50 to link their two facilities.

River Keepers Staff Report. Albright distributed the River Keepers March, April, and May 2017 Staff Report for the Board's review.

Hawley Buffalo River Restoration. Albright reported some new bank erosion is occurring on the Buffalo River in Hawley. There is a 20' x 4' section of the bank that has sloughed into the channel just downstream of the City's storm water outlet into the river. In that same location, there is approximately 50'-70' of the channel bank that has been cutting and currently there is about a 5' vertical bank. Ted Rud, HEI, investigated this issue and advised the Board that this issue would not be a warranty item because we didn't work directly in this area as part of our project, and the bank downstream of the City's storm water outlet has been slowly eroding for many years. Rud suggested a couple of possible fixes the City could consider to stabilize the bank at this site, including a toe-wood debris and sod mats installation. The Board discussed the BRRWD's liability for the erosion problem. Fjestad felt that since the BRRWD didn't design the City's stormwater outlet and the restoration project did not affect this area, perhaps the BRRWD shouldn't be expected to fix this problem. The Board agreed to let the City know that their City Engineer should conduct the investigation and then come back to the BRRWD with possible solutions to correct the problem.

Wilkin County Floodplain Remapping. The Wilkin County Board of Commissioners has scheduled a meeting on 6/21/17 at 7:00 PM, in the Wilkin County Community Room at the County Recycling Building in Breckenridge to discuss the proposed remapping of the floodplain in Wilkin County. Jones noted that the COE has revised the flood insurance modeling, changing the hydrology of the 100- year flood on the Bois de Sioux and Otter Tail Rivers entering the Cities and raised the 100-year floodplain by about 2'. A new floodway analysis has also been proposed which would affect property development.

Wells Fargo Bank. Wells Fargo Bank sent out a form to update the BRRWD's customer information. We still have two accounts and some funds in the Barnesville Wells Fargo Bank. **Motion** by Hanson to certify that Manager Anderson and Administrator Albright are authorized to manage the BRRWD's accounts in their capacity as Key Principals and Signer. **Seconded** by Leitch. **Approved.**

John Boen Concerns. John Boen has concerns about a 2015 tiling project Brian and Edwin Johnson installed in the SW¼, Section 34, Norwegian Grove Township, Otter Tail County. It appears that the Johnsons did not receive a BRRWD permit for their project, which drains more water into a private drainage system on Boen's property.

C&H Farms. C&H Farms has some Wetlands Reserve Program (WRP) easement land in Section 5, Meadows Township, Wilkin County, they would like to sell. Albright noted that this parcel should be part of the Waterfowl Production Area (WPA) associated with the Manston Slough project. He notified Larry Martin, United States Fish and Wildlife Service (USFWS) District Manager, and Don Schultz, Area Wildlife Supervisor, DNR, Fergus Falls, regarding this issue.

BWSR Working Lands Initiative. The Board briefly discussed the Working Lands Initiative program. Van Amburg attended the Cattail Management workshop held recently at North Dakota State University (NDSU). He questioned the feasibility of the cattail harvest process.

MAWD Summer Tour. The Minnesota Association of Watershed Districts (MAWD) will hold their 2017 Summer Tour on June 21-23 in Bemidji. The Board had an extended discussion about their views regarding the proposed MAWD dues increase to be used in part to provide a MAWD full-time administrator, a lobbyist, and an office near the Capitol in St. Paul. The Managers agreed that MAWD could benefit from a full-time Administrator, but questioned the need for a full-time Lobbyist.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Agassiz Mechanical, Inc.	#219711, HVAC Maintenance	Admin.	\$ 338.00
American Enterprises, Inc.	#1639, Beaver Dam Removal	Becker C.D. No. 19	\$ 300.00
American Enterprises, Inc.	#1640, Mowing	Pj. 49, Oakport	\$ 4,000.00
AmeriPride	May rug billing (2)	Admin.	\$ 64.14
Barnesville Phone Co.	05/25/17 billing	Admin.	\$ 290.70
Becker County Auditor-Treas.	2017 Special Assessments	Varies	\$ 2,477.00
City of Barnesville	04/16/17-05/21/17 utilities	Admin.	\$ 466.40
Ernest C. Anderson Gravel, Inc.	#107757, Buffalo Lake dam road	Becker C.D. No. 19	\$ 334.58
Ever Bank Commercial Fin., Inc.	#4484142, Copier lease 3/22/-6/22/17	Admin.	\$ 1,028.38
Houston Engineering, Inc.	June Billing Summary	Varies-See attached	\$ 162,879.80
Houston Engineering, Inc.	June Billing	Pj. 71, Mhd, 50th AVE S	\$ 15,786.25
Lawn & Driveway Service, Inc.	#05-2017-05, seeding	Wilkin C.D. No. 31	\$ 1,678.85
Lawn & Driveway Service, Inc.	#05-2017-01, seeding	Wilkin C.D. No. 3	\$ 2,403.65
Lawn & Driveway Service, Inc.	#05-2017-02, seeding	Wilkin C.D. No. 3	\$ 16,891.55
Lawn & Driveway Service, Inc.	#05-2017-03, seeding	Wilkin C.D. No. 4	\$ 11,516.37
Lawn & Driveway Service, Inc.	#05-2017-04, seeding	Wilkin C.D. No. 6A	\$ 13,841.90
LM Road Services	#682, Ditch spraying	Pj. 49, Oakport	\$ 224.50
Marco	Preferred Service Plan	Admin.	\$ 4,750.00
MN Dept. of Natural Resources	#228138, 7th contract billing	M.S.A. 103D.905, Sub 3	\$ 10,150.00
MN Dept. of Transportation	Security Deposits-T.H. 75 / I-94	Clay C.D. Nos. 36/58	\$ 1,000.00
Moorhead Public Service	05/03/17 - 06/02/17 Service	Pj. 49, Oakport	\$ 110.72
Olson Construction, Inc.	#342420, Ditch repairs	Pj. 42, Clay 67	\$ 2,869.00
Olson Construction, Inc.	#342421, Culvert repair	Pj. 16, Stinking Lake	\$ 9,507.50
Premium Waters, Inc.	#366590-05-17, May billing	Admin.	\$ 41.62
Purchase Power	May Postage Meter Refill	Admin.	\$ 150.00

RMB Laboratories, Inc.	#357151, WQ Analysis	M.S.A. 103D.905, Sub 3	\$ 680.00
RMB Laboratories, Inc.	#357727, WQ Analysis	M.S.A. 103D.905, Sub 3	\$ 948.00
RRVCPA	05/01/17-06/01/17 Service	Pj. 49, Oakport	\$ 84.15
Turner Sand & Gravel, Inc.	March road blading	Pj. 56, Manston	\$ 285.00
Vogel Law Firm	#196867, April billing-Kopperud	Pj. 49, Oakport	\$ 1,282.00
Vogel Law Firm	#196866, April billing	COE Diversion	\$ 69.00
Vogel Law Firm	#196865, April billing-insurance	Admin.	\$ 943.00
Wilkin County Highway Dept.	Replace culvert	Wilkin C.D. No. 6A	\$ 5,221.14
Wilkin County Highway Dept.	Culvert Cleaning	Wilkin C.D. No. 3	\$ 270.00
Wilkin County Highway Dept.	Engineering	Wilkin C.D. No. 15	\$ 1,746.35
Wilkin County Highway Dept.	Repair/Replace Culvert	Wilkin C.D. No. 31	\$ 83.44
Wm. Nichol Excavating	#225, Ditch Cleanout	Pj. 21, Wilkin 13-Lat	\$ 36,000.00
WREC	04/18/17-05/18/17 Service (2)	Pj. 46, Turtle LK Outlet	\$ 405.62
Xcel Energy	04/25/17-05/24/17 billing	Pj. 49, Oakport	\$ 71.51
Xcel Energy	04/25/17-05/24/17 office billing	Admin.	\$ 70.15
Xcel Energy	04/26/17-05/28/17 billings (2)	Pj. 49, Oakport	\$ 55.13
			\$ 311,315.40

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

Next Meeting. The Board will hold their next regular meeting on Monday, June 26, 2017, at 7:00 PM in our Barnesville office.

Adjournment. Chairman Van Amburg adjourned the meeting at 11:05 PM.

Respectfully submitted,

John E. Hanson, Secretary