

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

July 9, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, July 9, 2018, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Gerald L. Van Amburg, Mark T. Anderson, John E. Hanson, Catherine L. Affield, Troy E. Larson, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, Gregg Thielman, Engineer, and Kathleen K. Fenger, Administrative Assistant, Houston Engineering, Inc. (HEI); Bob Zimmerman, Engineer, City of Moorhead; and landowner Tom Paulson.

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

Secretary's Report. The Board reviewed draft minutes for the 6/25/18 regular Board meeting and the 6/26/18 Wilkin County Ditch (C.D.) Nos. 13, 13-Lateral, and 44 Norman hearing. **Motion** by Anderson to approve the 6/25/18 meeting minutes. **Seconded** by Larson. **Approved.** **Motion** by Anderson to approve the 6/26/18 hearing minutes. **Seconded** by Fjestad. **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 \$2,627,507.22. Administrative disbursements for the month are \$23,043.81 and for the year total \$194,825.73. Current 2018 accounts receivable are \$4,662,245. Our total income for the year is \$1,804,947.26. Income since the 6/11/18 meeting was \$732,124.32. Receipts came primarily from Becker County (\$61,166.93) and Clay County (\$487,406.99) for their 2018 first half tax proceeds. We received the first payment from our Minnesota Board of Water and Soil Resources (BWSR) One Watershed, One Plan (1W1P) Grant (\$116,235) and a reimbursement from the Red River Watershed Management Board (RRWMB) for Mediation Project Team (PT) expenses (\$1,202.82). The balance of the income came from bank account interest (\$1,694.80) and office rentals (\$425). **Motion** by Fjestad to approve the Treasurer's Report. **Seconded** by Affield. **Approved.**

Albright noted that staff filed the State Auditor's Report last week along with the 2017 Audit. The Board discussed renewing the Midwest Bank's \$600,000 line-of-credit in light of potential funding shortages due to the startup of Phase 1 construction on the Wolverton Creek project this summer. **Motion** by Van Amburg to renew the line-of-credit with Midwest Bank for the time frame of August 1, 2018 to August 1, 2019. **Seconded** by Fjestad. **Approved.** Albright will contact Midwest Bank to get the process started.

Citizens to Be Heard.

Tom Paulson asked for updates on the 6/26/18 Wilkin C.D. No. 44, 13, and 13-Lateral Norman hearing and the Wolverton Creek Restoration project. Jones reported that Sellin Brothers, Inc., Hawley, MN, has been awarded the Phase 1 construction contract with their bid of \$1,813,440.40, which is \$367,070 below the Engineer's estimate of \$2,180,510. Construction is expected to begin in August. We have hired a helicopter service to spray the Phase 1 portion of the project to control cattails and reed canary grass before the contractor starts. The office has acquired approximately 75% of the Phase 1 temporary easements.

Landowners will need to work with the Wilkin Farm Service Agency (FSA) to sign permissive use paperwork for Conservation Reserve Program (CRP) acreage that the project will impact. Once the Phase 1 temporary easements have been acquired, the office plans to distribute the Phase 2 easement documents to landowners in the next upstream stretch of channel from County Road (C.R.) No. 30 through Section 17, Mitchell Township.

Paulson was also interested in an update on the 220th ST drainage investigation. Jones reported that the BRRWD held a landowners' informational meeting on 6/28/18 to discuss the current project plans. The landowners' consensus was for HEI to investigate a slightly different alignment than from the three alternatives previously considered by going a mile west of County State Aid Highway (CSAH) No. 3 and then turning south on the section line, and angling through C.R. No. 24 on the south side to Whiskey Creek. Tom Paulson pointed out that there is a significant water problem east of CSAH No. 3 caused by water coming from the north and east into that area. He was concerned that the project needs to include this drainage area to the east of CSAH No. 3, which could add a significant amount of benefitted acreage, or the project's costs will outweigh the benefits. Paulson added that if the alignment doesn't include lands east of CSAH No. 3, the current water problems in this area will continue to cause crop loss from water backing up mile after mile in poorly maintained township road ditches.

Manager Anderson noted that there are concerns about the possible increased project costs and construction time to cross Trunk Highway (T.H.) No. 75 and the Burlington Northern/Sante Fe (BNSF) Railroad tracks on the west end of 220th ST for Alternative 1. Jones agreed that Minnesota Department of Transportation (MNDOT) and BNSF construction specifications would be design concerns for this alignment. Paulson thought that the savings realized by providing adequate area drainage would balance out the costs associated with crossing the highway and railroad tracks. He commented that extending the proposed ditch system east to C.R. No. 11 would provide an adequate outlet for future area tiling, which could eliminate potential landowner disputes. President Leitch thanked Paulson for his input.

Business brought before the Board included:

Permit No. 18-052, Wilkin County Highway Department. Applicant proposes to replace all the approach pipes along CSAH No. 3, starting at the intersection with T.H. No. 75 and going north to CSAH No. 30. Only the pipe length will change, and pipe elevations may vary slightly. Jones recommended permit approval.

Permit No. 18-053, Luke Brakke. Applicant proposes to install 69 acres of pattern tiling in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 7, Deerhorn Township, Wilkin County, outletting via gravity flow to Clay/Wilkin Judicial Ditch (J.D.) No. 1 on the east side of the property to which the land is assessed. Landowners include the Edwards Family Limited Partnership (38 acres)/Luke Brakke-renter, and Michael Peet (31 acres)/Eldon Hermunslie and Tim Viland-renters. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 18-054, Jay Nord. Applicant proposes to install 43 acres of pattern tile in the W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 14, Wolverton Township, Wilkin County, outletting via a gravity flow tile main to Wolverton Creek. Jones noted that this project is along Phase 1 of the Wolverton Creek Restoration project, so Nord will need to coordinate with the Phase 1 work. Albright pointed out that Nord wants to get his tile main in place before the Phase 1 seeding is completed and then the tiling portion of his project will be installed later. Jones recommended permit approval, subject to our standard tiling disclaimer.

Permit No. 18-055, Clay County Highway Department. Applicant proposes to replace a bridge on CSAH No. 1 over the Oakport Coulee in the N $\frac{1}{2}$, Section 6, Oakport Township, with two lines of 9' x 8' precast reinforced concrete box culvert (RCB) with end sections and minor grading. The new structure will not impact the Federal Emergency Management Agency (FEMA) floodplain. Jones recommended permit approval.

Permit No. 18-056, Shawn Rehm. Applicant proposes to install a driveway off C.R. No. 96 for a 5-acre lot in the E½SE¼, Section 33, Kragnes Township, Clay County. Jones recommended permit approval, subject to County approval to work within their road right-of-way (R/W) and culvert sizing/elevation to be consistent with up and downstream structures.

Permit No. 18-057, Humboldt Township. Applicant proposes to replace the existing 60" dia. reinforced concrete pipe (RCP) and two lines of 48" dia. RCP in line with the main channel in the N½NE¼, Section 27, with two lines of 64" x 43" corrugated metal arch pipe (CMP-A) and one line of 77" x 52" CMP-A. The existing 36" dia. and 42" dia. RCPs to the south in the floodplain will remain and act as overflows during high flows. Jones recommended permit approval. The project also requires a Minnesota Department of Natural Resources (DNR) permit.

Permit No. 18-058, Clay County Highway Department. Applicant proposes to replace a bridge in the NW¼, Elmwood Township, Section 4, near the outlet of C.D. Nos. 58 and 21 with a single line of 16' x 7' precast RCB with minor grading. Jones recommended permit approval.

Motion by Anderson to approve Permit Nos. 18-052 through 18-058, subject to the referenced standard disclaimers and conditions. **Seconded** by Larson. **Approved.**

220th ST Ditch Investigation. A landowner informational meeting was held on 6/28/18 to discuss the proposed ditch along 220th ST. A discussion regarding that meeting took place earlier tonight with Tom Paulson. Albright noted that the landowners who attended the meeting asked for a revised cost estimate based on the revised outlet alignment. Jones noted that he would base his opinions on available data without conducting an additional field survey. **Motion** by Fjestad to authorize HEI to prepare a revised cost estimate for the alternative project alignment discussed at the 6/28/18 informational meeting. **Seconded** by Hanson. Hanson commented that at the meeting, the landowners felt that Alternative 1 (new legal ditch along 220th ST to the Red River) would be too expensive, and they were reluctant to include the land east of CSAH No. 3 because they didn't want more water flowing west into their area. Jones commented that some of the landowners south of 220th ST were not convinced the project would benefit their land because water tends to flow south in that area. Landowners felt that if the water wants to flow south, it should go that way. **Approved.**

Project No. 21, Wilkin C.D. No. 13-Lateral. The Board discussed the results of the 6/26/18 hearing to add and remove lands on Wilkin C.D. Nos. 44 and 13/13-Lateral for Shawn Norman's tiling project. Albright noted an Order was drafted for the redetermination and reduction of Norman's C.D. No. 44 benefits from the current rate of \$40/acre to \$20/acre to reflect the subsurface drainage. The same lands would be added to Wilkin C.D. Nos. 13 and 13-Lateral at the rate of \$10/acre to each system to assess them for future maintenance. The Board received the Order prior to tonight's meeting so they had time for review. **Motion** by Larson to approve the Order to add and remove lands from the referenced ditch systems. **Seconded** by Hanson. **Approved.** Tonight's action begins a 30-day appeal period.

Project No. 54, Whisky Creek Tributaries. The Nichols Wetlands Reserve Program (WRP) site east of Barnesville has had issues over the years since the project was completed, including seepage and icing adjacent to a building site along C.R. No. 25 north of T.H. No. 34. A muskrat infestation compromised the dike system associated with the Natural Resources Conservation Service (NRCS) designed WRP. The Board agreed that if the NRCS would provide funding, we would make repairs to the dike and revise the operation plans. While NRCS had money to dismantle the site, they currently appear unwilling to provide repair funds. Albright noted that the downstream project areas still benefit from the dike system, as it provides upstream retention. Currently, water is starting to pond near the building site again, and the owner, Allen Lentz, contacted MNDOT regarding the water/icing problem. MNDOT told him that their culvert in T.H. No. 34 is open and functioning. Albright suggested that the Board authorize a survey of 0.5 miles along 200th ST S, starting at T.H. No. 34 and going south to Whisky Creek. The survey would be located in Section 28, Humboldt Township, Clay County. Once the survey is completed, a landowner meeting could be held to

discuss possible solutions. **Motion** by Van Amburg to authorize HEI to conduct the referenced survey, as a project expense. **Seconded** by Fjestad. **Approved.**

Project No. 49, Oakport Flood Mitigation. Jones reported that Gladen Construction expects to finish their portion of the spoil site cleanup this week. He plans to submit their final pay request at our 7/23/18 meeting. Not all of the material from the Pierce site was suitable for the waste transfer station. Jones will prepare a new bid package to get quotes to finish removal of this material and will have recommendations for the Board at the next meeting.

Jones noted that Wade Opsahl, Technician, HEI, met with a local crop consultant to conduct a field review of the Fischer Family storage site to check on the alleged damages to the soybean crop. The consultant thought that the crop looked like it was suffering from chemical damage stemming from the horse manure that was spread on the site in an attempt to improve the soil condition. A typical scenario is that horses are fed grass hay from ditches where the grass was sprayed with an herbicide that doesn't harm horses but is passed on in their manure to the soil where it is spread, transferring the chemical effects on to the crops. Soybeans would be the most susceptible crop to the residual herbicides. The Board discussed possible options to test for any herbicides on the Fischer site.

Clay County Flood Insurance Study (FIS). At their 1/9/17 meeting, the Board approved a 50/50 cost-share agreement with Clay County to prepare and submit a Letter of Map Revision (LOMR) to FEMA to extend their 2008 FIS hydraulic analysis for a small portion of the Buffalo River upstream of T.H. No. 10 for approximately 0.25 miles to the south and also to conduct an unsteady HEC-RAS analysis from T.H. No. 10 downstream 7.25 miles to C.R. No. 19 north of Glyndon, which was not remapped in 2008. The Board also agreed to pay 50% of any fees payable to FEMA for the work. Recently, the County has had a cost overrun of \$29,902, and they wanted to confirm that the BRRWD was still willing to share the costs on a 50/50 basis (extra \$14,951). In accordance with the previous Board approved action, the Board agreed that we were obligated to share all costs 50/50 with the County for this work.

F-M Diversion. Albright noted that the current Diversion plans show a tieback levee crossing Wolverton Creek. Bob Zimmerman, Engineer, City of Moorhead, updated the Board regarding the current project plans. The Diversion Authority (DA) is working with the DNR and the Army Corps of Engineers (COE) to provide support during the preparation of their Supplemental Environmental Impact Statement (SEIS). The BRRWD provided comments on the SEIS. Albright noted that the BRRWD had concerns regarding the impact of the proposed tie back levee crossing our Wolverton Creek Restoration project.

Using the overhead monitors to display a Power Point presentation, Gregg Thielman, Engineer, HEI, discussed a process called "micro-siting" for the Plan B dike alignment where the original conceptual alignment is refined to allow for contouring and structural maintenance. When the Plan B alignment was first proposed, the levee design was for the 100-year flood and stopped 2 miles south of Comstock at C.R. No. 50. The Diversion project designers shifted their focus to the Probable Maximum Flood (PMF) event and extended the proposed embankment alignment further east from T.H. No. 75 about 3.5-4 miles, crossing Wolverton Creek with three lines of 10' x 10' ungated box culverts to prevent water from entering the Creek and potentially reaching Comstock during the PMF event. The dam/embankment will be located approximately 200' north of C.R. No. 50 at elevation 924.3 from the BNSF railroad grade to the east (1.5' average height). A DNR permit will be required for this new proposed crossing in protected waters. Thielman displayed slides with models showing no effect on Wolverton Creek for the 100-year or 500-year events. For the PMF event, there is some breakout flow reaching Wolverton Creek, but the crossing design will essentially maintain the status quo during the PMF flows at Wolverton Creek in an effort to avoid increasing project impacts north of the alignment in Clay County.

There was a brief discussion regarding the DNR's dam breach analysis for the Diversion permit review. Albright noted that the BRRWD had a similar experience when working with the DNR for the Stony Creek project permitting process.

President Leitch asked Zimmerman if the PMF has been quantified for the Diversion project, since they show a value in cubic feet per second (cfs) for the peak PMF discharge in their presentation. He commented that he thought the PMF was an undefined flood event. Zimmerman noted that the 2011 flood in Minot, ND, was in excess of the 500-year event. Leitch also asked Zimmerman what the City of Moorhead had planned for the \$8 million state grant they received for work on the north side of Moorhead. Zimmerman explained that the City plans to revise their potential floodplain buyout list. They also plan to complete a couple of projects, including the Crystal Creek area, associated with the Oakport project. Albright suggested that he and Zimmerman meet to discuss the City/BRRWD project assessment process for this area.

Comments/Announcements.

Manager Van Amburg mentioned that the West Otter Tail Soil and Water Conservation District (SWCD) in partnership with BWSR is hosting a Recognition Ceremony of the First Minnesota Conservation Reserve Enhancement Program (CREP) Recorded Wetland Easement on Thursday, July 12, 2018, from 12:30 PM to 2:30 PM in the Dalton Community Center. He forwarded an email with the ceremony information to the Managers.

Fjestad noted that there is a Lower Otter Tail County River (LOTR) landowner informational meeting scheduled for tomorrow night, July 10, 2018, at the Breckenridge Courthouse at 7:00 PM. Albright explained that the informational meeting is being held to update landowners on the current status of the various studies and possible future plans for the LOTR, and to determine landowner interest in proceeding with projects to address the resource issues on their property.

On July 12, 2018, Managers Fjestad, Anderson, and Larson will meet with the Wilkin/Otter Tail J.D. No. 2 Ditch Committee in the Battle Lake Room, Government Service Center, Fergus Falls, at 11:00 AM. Albright plans to distribute a meeting agenda to the Ditch Committee members tomorrow morning.

Leitch noted that the 2017 Annual Report was distributed for the Board's review and approval. Albright suggested that the Board could forward any changes to him by 7/20/18, and the Board could approve the report at their 7/23/18 meeting.

1WIP. Leitch asked about the status of the BWSR Grant. Jones reported that BWSR signed the Grant Agreement and forwarded a copy of the executed grant. BWSR forwarded 50% of the grant funds (\$116,000). Albright noted that another meeting of the Policy Committee will hopefully not be needed to approve the HEI contract to get started.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
American Enterprise	#1754, First Mowing	Pj. 49, Oakport	\$ 6,050.00
AmeriPride	#160000805, June Rug Billing	Admin.	\$ 66.40
Barnesville Record Review	Norman Hearing Notice (3)	Wilkin C.D. Nos. 13, 13-Lat 44	\$ 2,460.00
City of Barnesville	#10017550, 6/25/18 billing	Admin.	\$ 692.57
Dacotah Paper Co.	#47940, Paper	Admin.	\$ 385.19
Fuchs Sanitation	#18925, June Garbage Billing	Admin.	\$ 51.48
Gerald L. Van Amburg	#18-21, 05/01/18-06/30/18	Varies	\$ 1,707.10
HEI	July Billing	Varies-See Attached	\$ 158,130.95
Jay A. Leitch	#18-20, 05/01/18-06/30/18	Varies	\$ 1,066.54
John E. Hanson	#18-18, 05/01/18-06/30/18	Varies	\$ 1,816.35
John M. Thompson	Temporary R/W	Pj. 21, Wilkin C.D. No. 13-Lat.	\$ 154.00
Liberty Mutual Ins. Co.	Bond #LSF056317-5106706	Insurance	\$ 453.00
Mark T. Anderson	#18-16, 05/01/18-06/30/18	Varies	\$ 770.51
Moorhead Public Service	05/17/18-06/18/18 Service	Pj. 49, Oakport	\$ 34.24
Peter J. Thompson	Temporary R/W	Pj. 21, Wilkin C.D. No. 13-Lat.	\$ 249.00

Peter V. Fjestad	#18-17, 05/01/18-06/30/18	Varies	\$ 1,386.01
Premium Waters, Inc.	Inv. #366590-06-18, June Water	Admin.	\$ 40.87
Purchase Power	June Postage	Admin.	\$ 301.50
Quill	#8263882, envelopes	Admin.	\$ 124.51
RMB Env. Labs, Inc.	#403316, WQ Testing/Analysis	M.S.A. 103D.905, Subd. 3	\$ 658.00
RMB Env. Labs, Inc.	#403379, WQ Testing/Analysis	M.S.A. 103D.905, Subd. 3	\$ 553.00
RMB Env. Labs, Inc.	#403082, WQ Testing/Analysis	M.S.A. 103D.905, Subd. 3	\$ 184.00
RMB Env. Labs, Inc.	404232, WQ Testing/Analysis	M.S.A. 103D.905, Subd. 3	\$ 578.00
RRVCPA	06/01/18-07/01/18 Service	Pj. 49, Oakport	\$ 84.05
United States Treasury	Form 941 QTR 2 Taxes	Admin.	\$ 627.30
Vogel Law Firm	#217503, June billing	Admin.	\$ 96.00
Vogel Law Firm	#217504, June billing	COE Diversion	\$ 48.00
Whisky Creek Farms	Temporary R/W	Pj. 21, Wilkin C.D. 13-Lat.	\$ 100.00
Whisky Creek Supply LLLP	Temporary R/W	Pj. 21, Wilkin C.D. 13-Lat.	\$ 249.00
WREC	05/18/18-06/18/18 Service (2)	Pj. 46, Turtle Lake	\$ 312.36
Xcel Energy	05/24/-06/25/18 Service-Office	Admin.	\$ 67.63
			\$ 179,497.56

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

Next Meeting. The next regular meeting will be held on Monday, July 23, 2018, at 7:00 PM in our Barnesville office.

Performance Review and Assistance Program (PRAP). The Board watched a BWSR training video regarding the Data Practices Act-Laws and Terms. The videos are designed to provide Watershed Boards with free training on these topics to meet the Level II PRAP performance standards for "Board Training".

Project No. 79, Wolverton Creek Restoration. Jones plans to bring the Wilkin SWCD proposal for seeding on the channel alignment to the 7/23/18 Board meeting. They have proposed to do the seeding for the upland project areas at about one-third to one-half the contractor's costs for this work. Jones thought he would be able to convince the County to include mowing maintenance in the contract.

Adjournment. **Motion** by Fjestad to adjourn the meeting. **Seconded** by Hanson. **Approved.** President Leitch adjourned the meeting at 8:35 PM.

Respectfully submitted,

John E. Hanson, Secretary