A regular meeting of the Board of Managers, Buffalo-Red River Watershed District (BRRWD), was held on Monday, March 27, 2006, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, E. Robert Olson, Curtis M. Nelson, Gerald L. VanAmburg, and John E. Hanson. Others attending included: Bruce E. Albright, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.); Harold Rotunda, Certified Public Accountant (CPA), and Steve Holubok, landowner.

Chairman Ellefson called the meeting to order at 7:00 PM. He noted that the proceedings were being taped to aid in preparation of the minutes.

**Secretary's Report.** The Board reviewed draft minutes for the 2/27/06 and 3/13/06 regular BRRWD meetings. **Motion** by Nelson to approve the minutes. **Seconded** by Hanson. **Approved.**

**Treasurer's Report.** Albright gave a brief report on our financial status. He noted that we have enough money to pay tonight's bills without adding money from our Midwest Bank line of credit, but we are still holding H.E.'s February check until we receive some of the noted accounts receivable. Several agencies, including the Natural Resource Conservation Service (NRCS), the Federal Emergency Management Agency (FEMA), and Clay County Highway Department, have outstanding payments due to the BRRWD.

**Business brought before the Board included:**

**Minch/Johnson Lawsuit.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 7:05 PM to discuss the status of both lawsuits. At 7:35 PM, the Board reopened the meeting.

**Permit No. 06-04, City of Barnesville.** Applicant proposes to construct underground utilities including water main, storm and sanitary sewer, stormwater retention pond, as well as paving and grading operations to provide underground utilities and paving improvements for Del Acres-Gilbertson First Addition, Phase 1. The project is located near the Industrial Park in the NW¼, Section 29, Humboldt Township, within the city limits. A detention pond has been designed according to Minnesota Pollution Control Agency (MPCA) requirements and will keep peak post construction discharges lower than the current conditions. The pond will outlet to the east ditch of 13th Street and then into the City's storm sewer system. If the storm sewer system capacity is exceeded, water will overtop a ditch plug and flow north to Trunk Highway (T.H.) No. 34. Jones recommended permit approval. Ellefson was concerned that when the subdivision is developed, drainage might exceed the capacity of the new storm sewer system. He thought that if excess drainage is forced north to T.H. 34, it might flood out business in that area. After reviewing the project plans and discussing drainage patterns, the Board felt the 48" dia. storm sewer drain should be adequate to convey water from the subdivision. Albright noted that the City of Barnesville had asked if the BRRWD might help fund the storm water detention pond. Albright told the City that the BRRWD does not contribute to this type of...
project. **Motion** by Hanson to approve Permit No. 06-04. **Seconded** by Olson. **Approved.**

**Permit No. 06-05, MNDOT.** The Minnesota Department of Transportation (MNDOT) proposes to reconstruct the T.H. 10 eastbound roadway and ditches from Dilworth to Hawley to improve safety. At the 3/13/06 meeting, Jones had pointed out that there was going to be a significant centerline culvert change near the Bouton Addition. The Board approved the permit subject to Manager field review and directed Albright to notify the landowners in Sections 7 and 8, Hawley Township, about this change. The Board agreed to invite the landowners to our 4/24/06 meeting to discuss any possible concerns they might have regarding the culvert resizing.

**Permit No. 06-08, Joe Wulfekuhle.** Applicant proposes to replace the 24" dia. reinforced concrete pipe (RCP)/flapgate in the southwest corner of his property in the S½SW¼, Section 5, Manston Township, Wilkin County. Wulfekuhle has petitioned to add this property to Wilkin County Ditch Nos. 13 and 13-Lateral. This land has always drained west, but was blocked by permit in 1998 because it was not assessed to the above referenced drainage systems. **Tabled** pending hearings to add the land to these two ditch systems.

**Permit No. 06-09, Park Lutheran Church.** Applicant proposes to build a dike on the north and west sides of their cemetery in the SW¼, Section 12, Parke Township, Clay County, to prevent overland flooding from adjacent agricultural land. The dike material would come from the surrounding farmland. **Tabled** pending Manager field review.

**Permit No.-6-10, Walter Jerger.** Applicant proposes to reinstall a flapgate on the north end of a 30" dia. corrugated metal pipe (CMP) through County Road (C.R.) No. 182 (170th ST) in the west right-of-way (r-o-w) of T.H. 9. The work will prevent water from backing up onto his property in the NW¼, Section 9, Manston Township, Wilkin County. The South Branch of the Buffalo River drains west from Section 4, Manston Township, enters his property in the northeast corner of Section 9 via the noted culvert, flows across his field, and then reenters the South Branch in the northwest corner of his property. Jerger also filed a letter, which Albright read to the Board. The letter recounted a history of the flapgate dispute starting back in 1997. Jerger asked the Board to consider the fact that Jones has stated that the flapgate will not affect drainage for Edwin Haick, Jerger's neighbor in Section 4, during high water events. Jerger feels that if the BRRWD grants Haick's request to clean the South Branch of the Buffalo River, they should also approve his request, because according to Jones, neither project will affect downstream areas during flooding events. Haick is on record as opposing the flapgate. The Board discussed the application and decided to wait until the South Branch cleanout is completed. It could be that a flapgate won't be necessary. **Motion** by Nelson to **table** action on this application until after the effects of the South Branch cleanout project can be analyzed. **Seconded** by VanAmburg. **Approved.** Albright will send Jerger a letter explaining the Board's action with a copy to Jim and Edwin Haick.

**Permit No. 06-11, Clay County Highway Department.** Applicant proposes to reconstruct 5.7 miles of County State Aid Highway (CSAH) No. 26 in Keene, Goose Prairie, Cromwell, and Highland Grove Townships, from CSAH No. 27 east to the City of Hitterdal. The existing road top is too narrow to accommodate traffic safely, and the inslopes are steep and dangerous. This work will not be started until 2007. **Tabled** pending review.

**Frank Schindler Dike Concern.** Albright has scheduled a meeting with Schindler on 3/28/06. He has prepared a letter for the Board's review with suggestions to address some of the historic drainage problems in Sections 27/34, Barnesville Township. The letter advises that any new projects would
require a BRRWD permit and neighboring landowners' approval. The Board authorized Albright to give the letter to Schindler. Ellefson related a recent discussion he had with Richard Peppel, Schindler's neighbor, regarding the illegal approach Peppel installed last fall. Peppel has until April 15, 2006, to remove the approach, or the BRRWD will have it removed at his expense. The Board discussed the ongoing water problems in this area.

**Prairie View Township.** Township Supervisor Robert Hovland was in the office to discuss a road problem in the NW¼, Section 14. Field drainage activities have created a washout in the township road, and they feel larger culverts should be installed. The Board reviewed Farm Service Agency (FSA) aerial maps of the area. **Tabled** pending Manager field review.

**Drainage Complaint.** A landowner in Section 3, Glyndon Township, has filed a complaint about his neighbor's drainage activities in the SW¼, Section 3, adjacent to his farmland. His neighbor has installed a culvert through the driveway that drains water from his farmyard onto the complainant's field. In a letter to the BRRWD, which included photographs, he questions if his neighbor received a BRRWD permit to install the culvert and asks the Managers to investigate this possible Rule violation. Albright recently drove by the area, but there was too much snow to see the culvert. A Manager field review will be scheduled later this spring.

**Whisky Creek Erosion.** Patty McGowan, a homeowner along Whisky Creek in the City of Barnesville, has concerns regarding river bank erosion on her property. The Creek is undercutting the river bank only a few feet from the back of her house. She sent an information packet to Kevin Kassenborg, Clay Soil and Water Conservation District (SWCD), the Minnesota Department of Natural Resources (DNR), and the BRRWD. McGowan would like an engineering assessment of the erosion problem, recommendations for bank stabilization procedures and proper ground cover between her house and the creek. The Board discussed McGowan's concerns and reviewed her information.

**Project No. 60, Swede Grove Lake Outlet.** Albright, Jones, and Managers Hanson and Olson attended a meeting on 3/24/06 with representatives from the United States Fish and Wildlife Service (USFWS), and the DNR, to discuss project alternatives. Albright will prepare a memo of the meeting for the Board's review. The County has indicated that they have no objection to a larger project for Swede Grove Lake, including the flood damage reduction (fdr) and natural resource enhancement (nre) features the agencies have recommended, but feels their monetary contribution should be limited to the road benefits. Albright noted that because of low oxygen levels, Swede Grove Lake might have frozen out this winter, as did a number of other area lakes. The Board will place this project on the Mediation Project Team (PT) agenda for their review and discussion.

**Project No. 58, Riverton Township Retention.** Jones is working on the design details for this fdr/nre project that involves a multipurpose impoundment in the E½, Section 28. Appraisers Bernhardson, Thompson, and Peterson are ready to start their work. The Nature Conservancy (TNC) is waiting to see the project plans before signing the easement option.

**Project No. 56, Manston Slough Retention.** Albright has prepared a letter outlining the BRRWD's possible offer regarding buyout/easement options for the Holubok property in the SE¼, Section 30, Manston Township. Doug Thomas, Assistant Director, Minnesota Board of Water and Soil Resources (BWSR), notified Albright that he has a meeting scheduled with Governor Pawlenty later this month regarding the project. A possible field visit from the Governor is tentatively scheduled for June. The Quarterly Report is due at the end of March.
At 10:00 PM, the Board entered into an extended negotiation session with Steve Holubok regarding easement/acquisition options for his father's property. The Board reviewed their letter with Holubok, which included estimates of possible contributions/payments from various agencies/programs. Holubok and the BRRWD are still about $30,000 apart on the purchase price. The Managers feel they must be able to justify their offer, as we are a public agency. **Motion** by VanAmburg to make an offer for the Holubok property subject to a written commitment from BWSR regarding their additional funding that has been tentatively set aside for this project. The difference between Holubok's asking price and the BRRWD's offer could be payable in 2007. **Seconded** by Olson. **Approved.** Albright will check on the status of the BWSR funding and contact Holubok on 4/03/06.

**Project No. 51, Clay County Ditch No. 68/City of Glyndon.** The Final Order to proceed with the project was made on 3/13/06. The 30-day appeal period will expire on 4/14/06. To date, there have been no appeals filed. Albright filed the Final Order with BWSR, DNR, and the Clay County Auditor's Office. A 4/24/06 bid opening has been scheduled.

**Project No. 49, Oakport Township Flood Mitigation.** A Buyout Committee meeting is scheduled for 3/31/06. Albright invited Stan Thurlow, City Planner, to attend. He has experience regarding easement/property acquisition, and the BRRWD could have him handle the buyout process. Albright will schedule an "Open House" (informational meeting) for the Oakport landowners in the near future. Mark Sloan, Clay County GIS Coordinator, will provide data to H.E. so they can prepare maps. He will also supply landowner information so we can prepare a mailing list.

**Project No. 48, Clay County Ditch No. 59.** Ronald Tang has filed a request to install a crossing on the north-south quarterline in Section 26, Morken Township. Tang has been entering his field through his neighbor's farmyard, but the new owners would prefer that Tang use another access. Jones has completed the hydraulic analysis for this proposed crossing. He recommends one line of 64" x 43" corrugated metal arch pipe (CMP-A) with a 14.3 square feet (sq. ft) waterway area. In order to minimize upstream impacts, the recommended crossing size is larger than the adjacent structures. The estimated cost of the repair is $2,000 to $3,000. **Motion** by VanAmburg to approve the repair, according to Jones' recommendations. **Seconded** by Hanson. **Approved.**

**Project No. 46, Turtle Lake Outlet.** Wade Opsahl, Technician, H.E., started the Turtle Lake siphon today. Albright noted that it appears Lake Fifteen may have experienced some fish kill this winter. Opsahl prepared a lake elevation chart for the Board's review.

Darcy Ewert called the office to request a field meeting with the Board and DNR representatives regarding a manmade channel on the northeast corner of Turtle Lake. A group of homeowners wants to close off the adjacent bay. Several years ago, the DNR determined that the outlet was illegal; however, those landowners with cabins in the bay will no longer have access to Turtle Lake if the outlet is closed. The Board examined the plat map and discussed options for the issue. Ewert will contact Albright regarding a meeting date.

**Project No. 38, Farmstead Ringdikes.** The Board plans to field review Wayne Tonsfeldt's concerns with Jon Evert's farmstead ringdike in Section 31, Alliance Township, Clay County, as soon as conditions allow. Evert will be invited to participate in the review.

Solveig Mead has requested that the contractor finish her ringdike as soon as conditions permit.
**Project No. 37, Clay County Ditch No. 41-Lateral No. 1.** Albright sent a letter to Clair Hanson, City of Moorhead, indicating that the Managers felt the City should pay for the legal work to prepare a new deed to release a ditch easement on a small tract of land lying between 15th Avenue North/T.H. 75 and Ditch No. 41. To date, Hanson has not responded.

**Project No. 35, Clay County Ditch No. 47.** Albright is still working on an improvement petition to include the realignment, concrete liner, and adding lands to Ditch No. 47 in conjunction with the City of Moorhead's proposed 34th Avenue/T.H. 52 Interchange project. This project will include relocating a portion of Ditch No. 47. Since the alignment for that portion of the ditch affected by the interchange will change, a petition will need to be filed. Olson noted that plans for the new interchange at the 34th Street and T.H. 52 in Moorhead might include another possible alignment for Ditch No. 47.

**Project No. 34, Clay County Ditch No. 41.** Jones is still working on his repair recommendations, including ditch gradeline, etc. The BRRWD intends to begin the work as soon as conditions permit. This work was requested by ditch system landowners downstream of Project No. 57, as they feel the current ditch is inadequate to convey additional water from the new project. Albright suggested that the repair work should focus on the east/west stretch of Ditch No. 41. Jones concurred. The Board authorized Albright to contact the landowners regarding r-o-w staking in their fields before crop seeding begins.

**Project No. 32, Hawley Diversion.** John Young, City of Hawley, contacted Albright regarding the 60" dia. RCP, which has continued to deteriorate since Hancock Concrete Products, Inc., furnished the materials in 1998. Jones has discussed this issue with Joe Kelly, Hancock Products, who indicated that they are willing to work with the BRRWD on this issue when weather conditions permit. The Board briefly discussed the recent media coverage of this issue.

**Project No. 24, Wilkin County Ditch No. 44.** Pete Waller, BWSR, has suggested that it might be possible to provide a benefit area to raise funds for repair projects/maintenance on the South Branch of the Buffalo River in northern Wilkin County downstream of Ditch No. 44 by creating a storm water management area. Waller will send the BRRWD information on this procedure.

**Project Nos. 2/21, Wilkin County Ditch Nos. 13 and 13-Lateral.** Joe Wulfekuhle has filed a petition to add 80 acres in the S½SW¼, Section 5, Manston Township, to the benefiting area of these ditch systems. The office will schedule the ditch system hearings, and notices will be sent to the landowners.

**Mediation PT.** The next meeting is scheduled for 4/20/06 at 7:00 PM. Notices will be sent.

**March Conference.** The Eighth Annual Red River Watershed Management Board (RRWMB)/Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) Conference will be held on Thursday, March 30, 2006, in the Northland Inn, Crookston. The BRRWD has been asked to prepare a presentation of our recent projects. Jones will prepare a Power Point presentation and a handout/booklet with project factsheets for Deerhorn Creek Levees, Whisky Creek Tributaries, Manston Slough Restoration, and Swede Grove Lake.

**Revised Watershed Management Plan (RWMP).** Albright has forwarded the signed grant agreement ($70,050) to BWSR for processing. To date, no funds have been received. Albright, Jones, and Mark Aanenson, H.E., met on 3/17/06 in Barnesville regarding the comprehensive plan update process. The Board discussed possible members for the Technical Advisory Committee (TAC) and the
Citizens Advisory Committee (CAC). Albright will send personal letters with a meeting schedule to the selected individuals requesting that they consider participation with the various Committees. The Board discussed the RWMP process, which includes possibly twenty meetings for the TAC and CAC. At this time, the RWMP has a June 30, 2007, completion deadline.

**2005 Audit.** At 9:00 PM, Harold J. Rotunda, CPA, submitted the 2005 BRRWD financial audit. He reported that the financial records are in order. There was an extended discussion regarding how the BRRWD finances projects and our recent cash flow shortage. Since the BRRWD is no longer a member of the RRWMB, the BRRWD may have to consider accelerating assessments on ditch systems with a deficit. In the future, Rotunda also suggested that the Board could ask the County to sell bonds for a combination of smaller projects, instead of financing the projects in-house. The group discussed the BRRWD's efforts to increase the cap on our taxing authority via Minnesota Statutes Annotated (M. S. A.) 103D.905, Subd. 3. Rotunda encouraged the Board to work with the local governmental units to take full advantage of this taxing authority next year, if approved. **Motion** by VanAmburg to accept the 2005 Audit. **Seconded** by Nelson. **Approved.**

**Redetermination of Benefits.** The Viewers will be meeting in the near future to wrap up their work for Clay County Ditch Nos. 40, 11N, 11S, 36 and 60. Albright noted that field reviews will need to be done this spring when weather permits.

**Wolverton Creek/Comstock Coulee.** A Sub-PT meeting was held on 3/16/06 in the Comstock Community Center. The group will consider the use of a storm water assessment area process similar to what BWSR has suggested for the South Branch of the Buffalo River to raise funds for repair projects/studies.

**Clay County Ditch No. 11N.** Jones is working on the preliminary engineer's report and plans to meet with Clay County Engineer Dave Overbo to find out what Clay County's plans are for the CSAH No. 8 cave-in on the west side of T.H. 75 near Rustad. If the County moves the road to the north, Ditch No. 11 won't need to be moved as far to the south. Perhaps, both projects can be done at the same time, saving money for each entity.

**M. S. A. 103D.905, Subd. 3.** The Board thought Albright should send a letter to Senator Keith Langseth to inquire about the status of a Senate bill to increase our taxing authority cap via this levy. Albright has prepared a letter to Representative Morrie Lanning asking him to request a House of Representatives hearing for our bill. The City of Moorhead has approved a letter of support for the BRRWD's efforts to have this levy's cap increased, but to date, we have not received it. The Clay County Commissioners have already forwarded their resolution of support. Albright noted that the Commissioners all agreed that the BRRWD should continue negotiations with the RRWMB regarding membership.

**River Keepers.** Robert Backman, Executive Director, River Keepers, notified the BRRWD that River Keepers has been selected as a finalist for the 2006 Minnesota Environmental Initiative (MEI) Award for its Red River Water Festival. There are three finalists for each of the five categories. The winners will be announced at a banquet to be held on May 3, 2006, in Minneapolis. Backman invited the BRRWD to send a representative to attend the banquet, as we are a sponsor of River Keepers. The Managers considered the invitation, and felt Albright should attend.
Advisory Committee. The Annual Advisory Committee meeting will be held Friday, March 31, 2006, at 2:00 PM at the Galaxie Supper Club. Supper will follow the meeting at approximately 5:30 PM. Albright will present a review of the BRRWD's 2005 activities.

Becker County Ditch No. 19. Don Blanding, Chairman of the Buffalo/Rice/Rock Lake Association, and landowner Rich Just, have both contacted the office to discuss the low water levels in Rock Lake and this winter's fish kill. There are also concerns about ditch system assessments, which were put in place in the 1920s. Albright has tentatively scheduled a meeting with the landowners and the DNR to discuss these issues on 4/27/06 at 7:30 PM the Callaway Senior Citizen's Center.

Shallow Lakes Forum. A Forum to discuss shallow lake issues will be held on April 5 and 6, 2006, at the Holiday Inn and Willmar Conference Center in Willmar, MN.

Water Management Workshop. The Red River Basin Commission (RRBC) is hosting a water management workshop in Grand Forks at the Holiday Inn on Wednesday, April 19, 2006, from 10:00 AM to 4:00 PM. The agenda will cover water quality and water management issues in the Red River Basin. VanAmburg noted that this workshop might have been cancelled. Albright will check with RRBC.

EERC Facility. The Energy and Environmental Research Center (EERC) is holding a grand opening for their new National Center for Hydrogen Technology Facility at the University of North Dakota on 4/17/06 at 1:30 PM.

319 Water Quality Monitoring Grant. The St. Anthony Falls Laboratory has finished the draft of their water quality study/sediment production model for the South Branch of the Buffalo River in Clay County, which was funded by a MPCA/Environmental Protection Agency (EPA) 319 Grant. Now that the study has been completed, MPCA should release about $30,000 in matching funds to the BRRWD. The BRRWD received a copy of the report for review.

Hamden Slough Annual Plan. Michael Murphy, Manager, Hamden Slough National Wildlife Refuge (NWR), has forwarded the Annual Water Management Plan for the Board's review. Murphy notified the BRRWD that they placed stoplogs to flood stage levels on Eagle Pond, Hesby Wetland, and Bisson Lake on March 21 in an effort to assist with spring runoff mitigation.

Flood Planning Meeting. Clay County is hosting a planning meeting on Tuesday, March 28, 2006, from 9:00 PM to Noon at the County Courthouse, to discuss 2006 spring flood preparations. Manager Olson will attend the meeting. Ellefson mentioned that Olson should bring up the issue of waiving weight restrictions for heavy equipment engaged in BRRWD efforts to open ditch systems/culverts, etc., during flood emergencies.

MPCA Monitoring Program. The MPCA sent the BRRWD information regarding their Citizen Lake Monitoring Program (CLMP), which uses citizen volunteers to monitor water quality in area lakes. They would like to see more monitored in Becker County.

Brushwacker, Inc. Brushwacker sent out information regarding their services for the Board's review. The office will keep the information on file.

Shoreland Education. The Minnesota Extension Service sent information regarding their shoreland education workshops. The brochures will be on file in the BRRWD office.
Stormwater Permits. The MPCA sent the BRRWD notice that we still have two outstanding stormwater construction permits. Jones will prepare the Notice of Termination forms for both projects.

The following bills were presented for approval:

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$2,069.12

Motion by Hanson to approve payment of the bills. Seconded by Nelson. Approved.

Next Meeting. The next regular meeting of the Board of Managers, BRRWD, is scheduled for Monday, April 10, 2006, at 8:00 PM in the Barnesville office.

Adjournment. Chairman Ellefson adjourned the meeting at 11:45 PM.

Respectfully submitted,

John E. Hanson, Secretary