MINUTES FOR MANAGERS' MEETING  
April 10, 2006

A regular meeting of the Board of Managers, Buffalo-Red River Watershed District (BRRWD), was held on Monday, April 10, 2006, at 8:00 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: Erik S. Jones, Wade Opsahl, and Julie Jerger, Houston Engineering, Inc. (H.E.); Jimmie R. Nelson, Chairman, Kurtz Township; and landowners: Todd Klein, Rollie Cooper, Michael Edenborg, Robert Klein, James L. Nelson, and Jon Braton.

Chairman Ellefson called the meeting to order at 8:00 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 3/27/06 regular BRRWD meeting. Motion by Nelson to approve the minutes. Seconded by Hanson. Approved.

Treasurer's Report. The Board reviewed the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the Accounts Receivable report. Jerger noted that the accounts are all in order. Since the last meeting, we received $89,043.46 from the Natural Resource Conservation Service (NRCS) for the Vertin Wetland Reserve Program (WRP) project associated with Project No. 54, Whisky Creek Tributaries. Jerger added that today, we received $70,350 from Minnesota Board of Water and Soil Resources (BWSR) for our Revised Watershed Management Plan (RWMP) update. Motion by VanAmburg to approve the Treasurer's report. Seconded by Olson. Approved.

Business brought before the Board included:

Kurtz Township Drainage Complaint. Upon a request from Robert Klein regarding concerns about a culvert project the Township completed last fall between Sections 9 and 10, and flooding problems experienced this spring on his property, Manager Olson conducted a field review of the area on Thursday, March 30, 2006. He found that Klein's house had about 2' of freeboard, and the water was receding. There was water in Klein's shop and storage shed, which are lower than the house. Klein's property is located in the SW¼SE¼, Section 9, Kurtz Township, with the Burlington Northern Santa Fe (BNSF) Railroad tracks west of his property. Olson noted Klein had concerns about a culvert through the township road in the northeast corner of Section 9 that drains water from Section 10. Klein claims that the old culvert has been replaced with a new larger culvert. Olson said that the culvert was not replaced or enlarged, but that the BRRWD gave the Township permission last year to put extensions on the culvert. He noted that neither the slope nor the dirt looked as if it had been disturbed. He felt it was obvious that there were two new ends on the culvert. Bob Videen told Olson that the culvert was plugged when he rented the land in Section 9 two years ago. Since the Township cleaned the culvert when they put on the new ends, it carries more water into Section 9. Olson stated that the four outlet culverts south of Klein's building site into Clay County Ditch No. 32 were all plugged with straw, and the section was full of water. He added that there was very little water on the land west of the railroad tracks in the W½ of Section 9. In his written report to the Board, Olson indicated that he asked a
neighbor about how long it takes for Ditch No. 32 to drain out. The neighbor indicated that it could take as long as eight days for the ditch to go down. Olson advised Klein that if he intended to make any drainage changes, he would need to apply for a BRRWD permit. Olson commented that if Klein had cleaned out his culverts into Ditch No. 32, they would have worked better.

Robert Klein clarified the location and condition of the Ditch No. 32 outlets south of his property along County Road (C.R.) No. 67. He said that these outlets don't drain his property until Ditch No. 32 goes down. The property in the W½ of Section 9 west of his buildings had less water on it because Ditch No. 32 is deeper at that end and the field drains sooner. Klein's main complaint is that the Township installed a new larger culvert through their road that drains water from an abandoned ditch (formerly County Ditch No. 1) in Section 10 on the east side of the township road, which brings water from Section 10 into Section 9, creating flooding conditions.

Jimmie R. Nelson, Kurtz Township Chairman, stated that the Township did not replace or enlarge the culvert in question, but simply installed extensions, which can be verified by Fitzgerald Construction, Sabin, MN. He said the culvert was on the Township's repair list for several years. At the other end of the abandoned ditch, which runs nearly 7 or 8 miles east/west along the quarterline of several sections including Sections 9 and 10, there is a culvert through the railroad tracks. Over the years, old Ditch No. 1 has become blocked in Section 9. Nelson noted that the Township would like to install another culvert west of Klein's building site through the railroad tracks. He acknowledged that there is a drainage problem on Klein's property, but if they restrict drainage on the west side of the township road, a 100-year old farmstead owned by Roger Ball, will be inundated during high water events.

Klein used the plat map of Kurtz Township to illustrate drainage patterns/culvert locations, and his concerns regarding the Township's culvert project. Klein stated that increased drainage from the several sections north and east of his property now flow through the township road and cause flooding in all the farmsteads in the SW¼, Section 9, including Rollie Cooper and Mike Edenborg's homes, as well as his building site along C.R. 67. Since the old Ditch No. 1 system was abandoned, Klein thinks this culvert should also have been considered abandoned and should not have been repaired.

Ellefson asked if the ditch in question was ever a county ditch. Jimmie Nelson explained that it was a county ditch system that was turned over to the township and the private landowners several years ago, and the landowners maintain it. Klein said there is no outlet to the west for this ditch. Klein feels that the water on the east side of the township road should stay on the east side and flow south to Clay County Ditch No. 32 as it did before the culvert work. Klein said that Bob Videen told him that the water has never been as deep on the west side of township road as it was this year. Nelson replied that he has been farming in this area for a long time and has seen water a lot deeper than it was this spring.

Rollie Cooper has a new home directly in the path of the water coming through the township road in the northeast corner of Section 9. He stated that there were two blocked culverts and an approach associated with the abandoned ditch that did hold back water in this area. As a condition of his permit to install his driveway, he was required to remove the approach/culvert to the north and install a 30" dia. pipe in his driveway. Now that the Township installed a 36" dia. culvert in the township road, water flows through his yard towards Klein's property. His driveway culvert and the township road ditch can't handle the flows from the newly opened culvert.

Jimmie Nelson stated that he is very familiar with this area, as his uncle has farmed the land for years. He said that the culvert has been open, but was just recently plugged in the past couple of years. He said that water is supposed to flow in old Ditch No. 1, but does break out into Section 9 because the
ditch needs to be cleaned. VanAmburg questioned if he was talking about the abandoned ditch. Nelson said the only reason the ditch is called "abandoned" is because the landowners didn't use it and it hasn't been cleaned. VanAmburg asked if the ditch was an official/jurisdictional ditch system. Nelson said it was the very first ditch in the area and runs all the way to the City of Sabin. Instead of culvert crossings, the ditch had bridges. The group discussed the history of Ditch No. 1. Nelson said that the Township Board warned the new homeowners to build their houses higher because water gets very deep in Section 9. He said that water will regularly overtop the township road during high water events. Nelson said that Cooper and Edenborg built their houses high enough so they won't ever get wet, but Klein built his house/buildings on the low end of the quarter. Nelson suggested that a culvert could be installed through the railroad track west of Klein's house to help drainage, and that a ringdike could be built around his buildings.

Nelson said that nothing has changed in Section 9 over all the years he's been farming in the area. He added that last fall when this area received 10" of rain, there were no problems on Klein's property. Klein pointed out that the culvert had not been changed at that time. Nelson indicated that the work could have been done the year before. Nelson said the culvert was cleaned when they did the work. Cooper stated that there are two approaches with 24" dia. culverts on either side of the 36" dia. culvert through the township road. He pointed out that the approaches used to hold back smaller flows. When he installed his driveway/culvert, he was required to remove one of the approaches directly north of his home. Now the water goes right between the two houses and southwest to Klein's property. Nelson explained that the culvert is designed to drain into old Ditch No. 1. Water will overtop that road during floods. He pointed out that Klein's property receives the least amount of water in the section, and added that the drainage has worked quite well for many years. He feels that the property owners in Section 9 need to clean the private ditch to allow water from Section 10 to drain west. Nelson reiterated that the Township had advised the homeowners to build their houses higher than the 1997 flood elevation. Nelson also restated that the culvert in question has not been changed in several decades. He discussed area drainage patterns and the fact that the township road overtops in several locations. Klein said that when he discussed his new house elevation with the Township (Nelson, Karlstrom, and Videen), he was told that he could get 8"-10" of water in his farmyard, so he built his house up 2.5'-3'. He maintains that the water was almost 3' high this spring because of the new culvert in the township road. Klein said he asked Bob Videen about the water level in Section 9, and Videen said it had never been this high. The group discussed where the road overtops. Nelson said that the Township had advised Klein that he needed to build his house higher than the spot where the township road overtops east of his property. Klein said that an area landowner told him that the road has never overtopped before at this location. Nelson said those events could be documented.

Klein reiterated that the landowners in Section 9 shouldn't have to deal with drainage from several quarters north and east of the township road. The water on the east side of the road should stay on the east and drain south to Ditch No. 32. He added that he had no problem with the drainage patterns in Section 9 until the township opened/enlarged their culvert. He said the water on his property always drains off after Ditch No. 32 goes down, and he has no complaint about that issue. Klein restated that he was concerned with the additional water coming from the east through the new township road culvert. Nelson stressed that the township does not consider old Ditch No. 1 to be an abandoned ditch. The landowners should clean it so it can function properly and take the water coming from Section 10 through the culvert in question.

Cooper pointed out that old Ditch No. 1 does carry some water west, but the railroad crossing is plugged in Kent Karlstrom's quarter to the west and backs water up in the ditch and on the surrounding property. Ellefson stated that the old ditch belongs to Klein, and he should probably clean it. Klein
didn't think it would help their drainage because of the blocks on BNSF property and further west on Karlstrom's property. Klein reiterated his point that the Township installed a larger culvert in the northeast corner of Section 9 that causes flooding on the neighboring three homesteads. Nelson, who owns the agricultural land drained by the culvert in question, added that as an upstream landowner, he doesn't feel it's his fault that Section 9 floods when their outlet ditch needs to be cleaned. Klein feels that it wouldn't do him any good to clean the ditch, as it is blocked to the west on BNSF property. Nelson said it did convey the water for several decades. He again encouraged Klein to consider a ringdike for his building site.

Olson restated that Klein should have cleaned the straw out of his Ditch No. 32 inlet culverts during the flood. Klein restated that until Ditch No. 32 goes down, his property will not drain no matter if there's debris or not. Nelson said that Klein's quarter gets the least amount of water in the section. All the surrounding quarters are taking water from somewhere else. He didn't think it would be possible to divide out a particular quarter to protect it from ever flooding. Nelson said that area drainage has worked well for many years. Nelson related a recent incident where the township supervisors also tried to help another homeowner in the neighborhood determine a safe elevation for his house on property that obviously too low to build on. He discussed the large amount of water that flows to the south side of Section 9. He said that the township has tried to tell homeowners to build their houses high enough not to flood. Nelson again mentioned the Roger Ball homestead that needs to be protected in the S½ of Section 10. He also discussed past work on the culvert in question and said that he has always tried to maintain the culvert so that it would function correctly. The culvert seemed as if it were larger because of the greatly increased flows this spring. Nelson also said that because there was so much runoff this spring, the township road would have been overtopped if the culvert hadn't been repaired, so Klein would have received the water either way.

Ellefson commented that there was much more spring runoff than anyone anticipated. Klein said that he has no complaint with Ditch No. 32. As soon as the water in Ditch No. 32 goes down, his outlets drained properly.

Nelson discussed related Township culvert work in the area, and the problem they have with the BNSF crossings. They would like the BRRWD to help them to work with BNSF to add culverts through their tracks.

Olson noted that this issue will not be resolved tonight and suggested that the Board table the discussion until more information can be obtained. Ellefson questioned the BRRWD's role regarding this issue and asked the landowners if Ditch No. 32 needs repair. The landowners agreed that the ditch was functioning well. He told Klein that he could clean his private ditch (old Ditch No. 1) to the original grade without a BRRWD permit. Klein said that the ditch does not have an adequate outlet to the west because of the block under the railroad tracks. Kent Karlstrom would also need to clean his section of the ditch further west or he would also flood.

Klein restated his position regarding the altered drainage pattern that resulted when the Township changed their culvert. He also restated that Bob Videen told him the water has never been so high. He noted that Nelson's quarter in the southwest corner of Section 10 drained out very quickly because of the new culvert through the township road. Nelson discussed area drainage patterns. He said that the culvert doesn't carry much water when spring runoff is minimal, but in 1997, for example, it carried a lot of water. Ellefson said that this spring flood was nearly as bad as 1997. Nelson restated his request for help from the BRRWD to deal with BNSF.
Nelson said that by working on the culvert, they were trying to alleviate drainage issues on the east side of their road. Klein commented that in trying to remedy the drainage problems on the east side of the township road in Section 10, the Township just shifted the problem to the west side of the township road in Section 9. Nelson said the only time that the culvert would be a problem is during flood conditions. **Motion** by Olson to schedule a Manager field review of this area and discuss it further at a future meeting. **Seconded** by VanAmburg. **Approved.** The landowners thanked the Board for their time and left the meeting.

Nelson asked the BRRWD if they had a policy to address the problem of people building homes in low areas. Ellefson explained that the BRRWD doesn't tell people where they can build houses. That is the job of the Planning and Zoning Commission. Nelson noted that the culvert in question has always been in the same location and has always been open. The last few years, when we didn't have much snow, spring runoff was minimal. This year was different, and that's why the homeowners are now concerned about the drainage. More discussion followed regarding the need to clean under the BNSF bridge. Nelson asked if Albright could contact the Township regarding this issue.

**Jon Braton Culvert Concern.** Braton would like to have Atherton Township install a larger culvert in their road adjacent to his farmstead in the SW¼, Section 17. The road washed out during the 2006 spring runoff. Since the 30" dia. culvert is exposed and appears to be damaged, Braton suggested that maybe the Township would consider replacing it with a 36" dia. pipe. Braton has an ongoing concern about a natural waterway on his property that drains agricultural land through his farmyard. Water backs up from the township road ditch into his yard and can enter his barn and surround his grain bins. He would also like to install another smaller culvert in the waterway on his property so he can use the area as part of a runway for his ultra-light airplane. Braton would like to meet with Bruce E. Albright, BRRWD Administrator, on this issue. The Board advised Braton that the Township would need to file a BRRWD permit application to enlarge their culvert. Jerger provided Braton with an application for their use. The group discussed possible Federal Emergency Management Agency (FEMA) disaster aid for area road/culvert repairs due to the spring flood damages. Jones noted that the Township might have to pay the difference in the cost for a larger culvert, as FEMA won't pay for resizing culverts.

**Permit No. 05-70, Jim Harr.** Applicant proposes to construct a dike approximately 2’ high along the township road ditch to protect his property from overland flooding in the Oakwood Manor Subdivision, Section 18, Oakport Township, Clay County. Oakport Manor is located in an area with undersized culverts, which causes flooding in his yard and shed. The Board tabled this application until they could meet with the property owners and the Township Supervisors to discuss the subdivision's drainage problems. Albright visited with Harr on 4/03/06 and noted that he has already built his dike, but still has drainage problems. The Oakport Flood Mitigation Project should address some of these concerns. **Tabled.**

**Permit No. 05-78, A.C. (Curt) Borgen.** On 10/05/05, the BRRWD sent Borgen a letter stating that we plan to hold his permit to install The Fields Subdivision in the SE¼, Section 10, Oakport Township, Clay County, and to regrade the ditch along the east side of the subdivision/C.R. 95, until the pond outlet ditch is installed according to H.E.'s plans and the skimmer weir that was supposed to be located at the pond outlet is totally installed. **Tabled pending Manager field review.**

**Permit No. 05-107, Daniel Pavelko.** Applicant wants to add a 15" dia. culvert through the township road to relieve water pressure in the E½NE¼, Section 34, Riverton Township, Clay County. When the application was filed, Pavelko indicated that he didn't plan to do the work until this spring. **Tabled pending Manager field review.**
Permit No. 06-01, Jerald Butenhoff. Applicant proposes to replace 24" dia. culverts in two field approaches off from the township road in the NW¼, Section 22, Alliance Township, Clay County, with 30" dia. culverts. Increased upstream drainage pressure from the west is causing water to go around the culverts in his field. The proposed larger culverts should keep more water in the road ditch. The area drains directly into the South Branch of the Buffalo River. **Tabled** pending Manager field review.

Permit No. 06-02, Bogenbrook, Inc. Applicant proposes to install three culverts for Lake Eleven Subdivision in Section 11, Parke Township, Clay County. **Tabled** pending Manager field review.

Permit No. 06-05, MNDOT. The Minnesota Department of Transportation (MNDOT) proposes to reconstruct the Trunk Highway (T.H.) No. 10 eastbound roadway from Dilworth to Hawley to improve safety. At the 3/13/06 meeting, Jones 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. Notices have been sent.

Permit No. 06-08, Joe Wulfekuhle. Applicant proposes to replace a 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. There is some neighboring landowner opposition to this proposal. **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. 06-10, Walter Jerger. Applicant proposes to reinstall a flapgate on the north end of a 30" dia. corrugated metal pipe (CMP) through C.R. 182 (170th ST) in the west right-of-way (r-o-w) of T.H. No. 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. **Tabled** pending completion of the South Branch cleanout project for Jim and Edwin Haick. Julie Jerger noted that she visited with Walter Jerger, who called today regarding his permit application's status. She explained to Jerger the Board's decision to wait until the results of the cleanout project could be analyzed to see if a flapgate is still necessary.

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 Manager field review.
Permit No. 06-12, City of Barnesville. Applicant proposes to relocate and extend the existing 72” dia. CMP in an unnamed ditch along the east side of the stabilization ponds for the City's wastewater treatment facility expansion project. The new location is approximately 200' south of the current location. The cover over the pipe will increase by approximately 4'. Tabled pending Manager field review.

Permit No. 06-13, Christopher A. Peterson. Applicant proposes to install a new approach/culvert off from 240th Street South in the southwest corner of Section 18, Eglon Township, Clay County, to access his new home construction. Motion by VanAmburg to approve Permit No. 06-13, subject to Manager field review and township approval to work within their road r-o-w. Seconded by Hanson. Approved.

Permit No. 06-14, Tony LaDuke. Applicant proposes to install a culvert/approach for new driveway to access his new home construction in Lot 2, Block 1, Amber Waver Estates in Section 3, Oakport Township, Clay County. Tabled pending Manager field review.

Permit No. 06-15, Otter Tail Valley Railroad (OTV). Applicant proposes to reroute 140th Avenue South, south of Interstate-94 (I-94) to facilitate OTV's project to close two railroad crossings and construct a new single crossing. The existing roadway material will be used to construct the new roadway. Barnesville Township has approved the project. Tabled subject to Manager field review.

Permit No. 06-16, Dave Lass. Applicant proposes to install a 15” dia. culvert along the south side of 120th Avenue South in the field road on the quarterline in the W½, Section 6, Humboldt Township, Clay County. In the spring, water builds up along the east side of the field road because of increased drainage pressure from the NE¼, Section 6. Highwater keeps the road to Lass's grain bins wet. This culvert would only be necessary during the spring runoff, as the soil in this area is sandy and well drained. Tabled pending Manager field review.

Permit No. 06-17, Dave Lass. Applicant proposes to remove an approach/culvert off from 130th Avenue South in the SE¼, Section 6, Humboldt Township, Clay County. Lass doesn't need this approach as he already has an approach off from 130th Avenue South on the quarterline. Removal of this approach could put more water pressure to the west, where Lass has already expressed concerns about erosion. Tabled pending Manager field review.

Permit No. 06-18, Oakport Township. Applicant requests permission to plug various culverts as needed to protect Wall Street area during the recent flooding event. When constructed, the Oakport Flood Mitigation project should alleviate this problem. Tabled pending Manager field review.

Permit No. 06-19, Red River Rural Telephone. Applicant proposes to construct buried fiber optic cable in Clay and Wilkin Counties, crossing various BRRWD projects/ditch systems to upgrade the Barnesville telephone exchange. Motion by Hanson to approve Permit No. 06-19, subject to our standard utility disclaimer and typical section installation. Seconded by Nelson. Approved.

Permit No. 06-20, Prairie View Township. Applicant proposes to replace a 36" dia. culvert on Deerhorn Creek, which is a Minnesota Department of Natural Resources (DNR) protected waterway, in 310th Avenue between Sections 27 and 28. Tabled pending applicant filing a DNR permit application to work in protected waters. Albright will assist the Township with the application.
Permit No. 06-21, Prairie View Township. Applicant proposes to replace an 18" dia. culvert in a field approach on Branch 3, Wilkin County Ditch No. 41, along 120th Street in the southwest corner of Section 8. Tom and Tim Friederichs were in the office on 4/05/06, and feel enlarging the culvert in field approach is the right thing to do, but the Township may also need to enlarge the culvert through the township road to the west, or the work will just transfer the washout problem to that location. Ellefson has looked at the proposal. The Board discussed the issue and felt more information was needed before they could make a decision regarding the permit. Tabled pending Manager field review.

Permit No. 06-22, Chris Stepp. Applicant proposes to install 6" dia. tile to lower water encroaching on his building site that would outlet into the east I-94 ditch in the NE¼, Section 4, Prairie View Township, Wilkin County. Stepp needs a way to drain the stock pond behind his barn to protect his shop and other buildings. Because of the abnormal wet cycle, the water level in the stock pond is rising and is encroaching on his buildings. Stepp is very anxious to get the field tile installed. Ellingson Drainage is ready to do the work at any time. The work will require a MNDOT drainage permit, which the office has prepared for Stepp to submit. Motion by VanAmburg to approve Permit No. 06-22 subject to Manager field review and MNDOT approval. Seconded by Hanson. Approved.

Permit No. 06-23, Clay County Highway Department. Applicant proposes to replace a bridge over the Buffalo River on C.R. 96 between Sections 15 and 22, Kragnes Township. Tabled pending Jones' review and recommendations.

Permit No. 06-24, Jim Braton, Jr. Applicant proposes to install 6" dia. tiling to drain a wet spot in the NW¼, Section 4, Prairie View Township, Wilkin County. This proposed project is associated with Permit No. 06-22 for Chris Stepp. The site is approximately 0.25 miles south of Stepp's farmyard. The projects will both be constructed at the same time by Ellingson Drainage. Motion by VanAmburg to approve Permit No. 06-24, subject Manager field review and MNDOT permit approval. Seconded by Hanson. Approved. The office will assist Braton with his MNDOT permit application.

Frank Schindler Dike Concern. Albright met with Schindler on 3/28/06. They reviewed a letter from the office with suggestions to address some of the historic drainage problems in Sections 27/34, Barnesville Township. The letter advises that any new projects/changes will require a BRRWD permit and neighboring landowners' approval. Richard Peppel has until April 15, 2006, to remove an approach he illegally installed last fall along the west line of Section 28, Barnesville Township, Clay County, or the BRRWD will have it removed at his expense. The Board discussed the ongoing water problems in this area. Schindler would like to have these issues resolved by 5/01/06.

Minch and Johnson Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:44 PM to discuss the status of both lawsuits. At 10:05 PM, the Board reopened the meeting.

Drainage Complaint. A landowner in Section 3, Glyndon Township, has filed a complaint about his neighbor's drainage activities in the SW¼, Section 3. 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.
Sara Greiff Drainage/Flooding Concern. Greiff contacted the office this spring regarding a drainage concern in Section 32, Elkton Township, Clay County. Hay Creek encroached into her farmyard and threatened her buildings. The Board reviewed photographs of Greiff's farmyard. Greiff's flooding problems could be addressed in conjunction with the BRRWD's Comprehensive Plan update process, which will be used to identify problem areas in the District, such as the area affected by Hay Creek in Elkton Township.

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 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. Kassenborg conducted a field inspection last week. McGowan called the office last week during the spring flood with concerns about high water.

Pam Thesing Drainage Complaint. Last year, Manager Nelson and Opsahl conducted a field review of this complaint in Section 2, Riverton Township, Clay County. Sogge Tax Service is draining water from their sump pump towards Thesing's property, causing muddy conditions on Thesing's driveway and yard. Sogge maintains that Thesings do not maintain their driveway. Thesing was in the office again last week with renewed concerns about Sogge's sump pump drainage. She filed a written complaint regarding this issue. The neighbors still have not been able to come to an agreement about this water problem. The Board has suggested that the neighbors should work together to install a small culvert in Thesing's driveway to drain Sogge's sump water to the west. The Board discussed this neighborhood dispute and questioned what more could be done if the neighbors refuse to work together to solve the drainage problem. Tabled.

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 has prepared a meeting memo for the Board's review. This proposal will be discussed at the next Mediation Project Team (PT) meeting on 4/20/06.

Project No. 59, Clay County Ditch No. 41-Lateral 3. The Board has tabled our request for Feder Properties to increase his petition bond to $20,000 until 8/15/06. No additional fees will be assessed to the project during this time period, but according to Minnesota Statues, no project development can take place until the bond amount is increased. Albright met with MNDOT on 4/06/06, and they indicated that they might not be willing to provide funding to address this situation.

Project No. 58, Riverton Township Retention. Jones is working on the design details for this project that involves a multipurpose impoundment in the E½, Section 28. He thought the draft design should be ready by 4/24/06. 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. The Board discussed the project development.

Project No. 57, Moorhead/I-94 Flood Control. The office recently received the MNDOT permit and it appears there's no fee required. The preconstruction meeting should include Allan Milbradt and Jane E. W. Butzer, MNDOT. The Clay County Ditch No. 41 repair work needs to be done before work on this project is started.
Jones has prepared a repair plan for three miles of Ditch No. 41 south of the BNSF railroad tracks in Sections 10, 11, and 12, Moorhead Township. This work is being done in conjunction with Project No. 57. The report includes the plan and profile sheets. The proposed grades vary from 0.02% to 0.083%, with an average of 0.2-2.5' of sediment to be excavated. There is as much as 3' of sediment in the channel. Based on the proposed grades, the channel liner at the outlet of the east/west portion of Ditch No. 41 will need to be modified. The existing wall will be cut down and rebuilt to a 6" high sidewall. The repair will not have a significant effect on the flow split between Ditch No. 41 and Lateral No. 1 during the 100-year event. The estimated cost for this repair project is between $30,000 and $40,000. The Board discussed the current ditch system account balance. They agreed that payment for the work could be delayed until the end of June when the ditch system tax collections come in. Opsahl will discuss this project with a contractor. Since the project cost is less than $50,000, the BRRWD will not need to let bids. The Board discussed various contractors that might be available to do the work. Jones recommended that permit to level spoil forms should be obtained from the adjacent landowners, and that some spoil hauling will be required. Motion by VanAmburg to authorize the channel repair and the concrete liner modification. Seconded by Nelson. Approved.

**Project No. 56, Manston Slough Restoration.** It appears that the BWSR funding that they were going to turn over to the project might not be as readily available as initially thought. Pete Waller, BWSR, has also discussed using a 35-year WRP contract with a permanent Reinvest In Minnesota (RIM) contract. All of these offers allow us to maintain the original offer made to Holubok at the 3/27/06 meeting, but no increase. The Board discussed other options to increase our offer for the Holubok property, including identifying a borrow site on Holubok's property.

Ellefson field reviewed the Manston Slough site on the day the flood crested at Dilworth. He said that the slough had a lot of water in it. Opsahl measured the elevations of the proposed permanent pool site today and found that all four corners of the pool were approximately at elevation 974-975. The permanent pool design elevation is 972. Ellefson commented that water would have gone over the spillway if the project had been installed per the preliminary design.

**Project No. 55, Clay County Ditch No. 51.** There are new owners of the White House near Kragnes. Albright will contact them and reissue the r-o-w check for this property. He noted that the property was totally flooded. The Board reviewed photographs of the Kragnes area during the spring flood.

**Project No. 54, Whisky Creek Tributaries.** Scott Anderson has a drainage concern regarding water that is trapped behind the east/west embankment levee on the Section 14, Barnesville Township, impoundment site. One or two culverts with gates might need to be installed that will allow this water to drain into the site before it fills up. This is only going to be a springtime problem when there's frost in the ground. Otherwise the sandy soils in the area will allow this water to soak away. A culvert could be installed in the northwest corner of this property through the township road, which might alleviate some of Anderson's concerns and eliminate the need to cut the embankment levee. The Managers will field review this concern.

Kenny Krebs was also quite concerned about the flooding at his building site, which he thought was greater this year than it ever has been in the past. No water broke out of west tributary, but high water in Whisky Creek contributed to the flooding.

Opsahl met with Greg Settelmeyer, who had water over his south driveway. He explained that Settelmeyer's primary concerns include the excessive sedimentation that is occurring on his property and the fact that his outlet culverts, which are smaller than the upstream culverts, might wash out
during high water events. The Board discussed possible solutions to these problems and other neighboring landowner ditch work upstream that also affect this area. The NRCS Nichols WRP project should help address many of these issues.

**Project No. 51, Clay County Ditch No. 68/City of Glyndon.** Jones filed the plans and specifications for the establishment of Ditch No. 68. 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 is scheduled.

**Project No. 49, Oakport Flood Mitigation Project.** Albright contacted Guy Miller, Miller Realty, Inc., Breckenridge, MN, to do appraisals for home buyouts associated with this project. He estimated his cost at approximately $400/house and indicated that he would be ready to start anytime after the flood waters recede. **Motion** by VanAmburg to hire Miller to do the home buyout appraisals. **Seconded** by Nelson. **Approved.** Albright will work on scheduling an open house/informational meeting for early May. Stan Thurlow, City Planner, has been asked to help with the easement/property acquisition. The Board discussed buyout funding. The BRRWD will request reimbursement from the DNR grant funds as bills are received.

**Project No. 46, Turtle Lake Outlet.** Wade Opsahl, Technician, H.E., reported that Turtle Lake and Long Lake siphons have both been restarted. The Board discussed the winter fish kill on area lakes.

**Project No. 44/45, Clay 2/39 Lateral Petitions.** Albright plans to meet with the Spring Prairie Colony to discuss restarting these projects.

**Project No. 38, Farmstead Ringdikes.** Bob Olson field reviewed Wayne Tonsfeldt's concern with Jon Evert's ringdike in Section 31, Alliance Township, Clay County, on 3/30/06. The other Managers will also field review this concern.

Mark Rustad called the office to request that his ringdike be raised. Water was about 6" from the top of the ringdike and he feels it should be higher. Opsahl estimated that it could cost an additional $15,000-$20,000 to add 1'-1.5' to Rustad's dike. Our DNR ringdike funding has been depleted, and the Board agreed that we should get our request in at the State level for additional ringdike funding, in light of the recent flooding. There have already been some inquiries regarding 2006 ringdikes.

**Project No. 37, Clay County Ditch No. 41-Lateral No. 1.** The City of Moorhead submitted a quit claim deed for the BRRWD's signature that would release our ditch easement on a small tract of land lying between 15th Avenue North/T.H. 75 and Ditch No. 41. **Motion** by Nelson to authorize Chairman Ellefson to sign the document. **Seconded** by Olson. **Approved.**

**Project No. 36, Clay County Ditch No. 41-Lateral No. 2.** Jones filed his 2006 repair recommendations for Ditch No. 41, Lateral No. 2, for the Board's review. The work will be done north of the railroad tracks in Sections 10 and 11, Moorhead Township. A survey was conducted to profile the channel and compare it to the as-built grade. Sediment depths to be removed vary from 0 to 2.25'. Jones proposes to clean the channel bottom to the as-built grade (0.04%) with some minor slope repair. The estimated repair cost is $10,000. Jones' report included plan and profile sheets. The Board discussed the proposal. The Board discussed these proposed repairs and r-o-w encroachment by the businesses in the strip mall along the ditch. Opsahl suggested that it might be better to wait with this work until we find out if there will be a FEMA disaster declaration. He also suggested that a meeting
should be scheduled with the landowners to discuss the proposed repairs and the r-o-w concerns. VanAmburg suggested that the repairs could be done on a priority basis as cash flow allows. Opsahl will keep documenting needed repairs. **Tabled.**

**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.

**Project No. 32, Hawley Diversion.** Hancock Concrete Products, Inc., will work with the BRRWD to address the deteriorated pipe issue when weather conditions permit. Opsahl will make arrangements to complete the diversion project inspection with the City of Hawley in the near future.

**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 No. 23, Becker County Ditch No. 15.** Albright will schedule a meeting with Detroit Lakes Wetland Management District (WMD)/USFWS to talk about cleaning the ditch in Section 9, Hamden Township. Jones plans to send a letter to Scott Kahan, USFWS, regarding this issue.

**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. Neighboring landowners have concerns regarding this proposal as the South Branch of the Buffalo River would have flowed west during this spring's flood. If the flapgate had been removed from the culvert in Section 5 on Wulfekuhle's property, water from the river would have flowed into the ditch system and adjoining property.

**Project No. 17, Hamden Slough NWR.** Jones has reviewed the 2006 Hamden Slough National Wildlife Refuge (NWR) Water Plan and recommended approval. **Motion** by Nelson to approve the NWR Water Plan and authorize Chairman Ellefson to sign the plan. **Seconded** by Hanson. **Approved.**

**Project No. 5, Spring Creek Detention.** Landowner Harlan Manston contacted Albright to ask if he could install a ditch in the project easement area to drain a wet area associated with his gravel pit operation. Albright told Manston that the Board would have to investigate his request before any decision could be made. The Managers will conduct a field review of this proposal. This project worked quite well during the spring flood.

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

**Wilkin County Ditch No. 40.** The DNR intends to burn the Atherton Wildlife Management Area (WMA) this spring so that they can do their survey work to locate the old channel. To date, there have been no updates regarding the status of this project.
**RWMP.** The office has not had time to contact possible Citizen Advisory Committee (CAC) and the Technical Advisory Committee (TAC) members. Letters are expected to go out next week.

**Spring Prairie Erosion Control Project.** A meeting has not been scheduled with Keene Township landowners regarding a possible impoundment site. The site may have limited capabilities due to gravel mining and elevation of upstream areas in Wild Rice Watershed District.

**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.

**Clay County Fair Board.** The Board discussed the Fair Board's request for a contribution from the BRRWD for their new Conservation-Wildlife building. **Motion** by Nelson to contribute $500 for the new building. **Seconded** by Hanson. **Approved.**

**Wolverton Creek/Comstock Coulee.** Minutes have been prepared for the Sub-PT meeting that was held on 3/16/06 in the Comstock Community Center. Albright is working with Pete Waller, BWSR, to develop a project area to raise funding for maintenance/studies.

**Clay County Ditch No. 11N.** Jones is currently working on the preliminary engineer's report and plans to meet with Clay County Engineer Dave Overbo to discuss Clay County's plans for the CSAH No. 8 erosion slides 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.

**Minnesota Statutes Annotated (M. S. A.) 103D.905, Subd. 3.** Senator Langseth has introduced a bill in the Senate to increase our taxing authority cap via this levy. Albright sent a letter to Langseth thanking him for introducing this legislation and asking him to schedule a hearing. There has been no response from Langseth or Lanning regarding hearings. The office will keep in contact with our Legislators regarding this important funding authority.

**DNR Red River Access Grant.** The Wild Rice Watershed District and the BRRWD signed a Joint Powers Agreement to be sponsors for this project. Chairman Ellefson signed the Agreement and Albright forwarded it to Robert Backman, Executive Director, River Keepers. Backman has not yet met with the landowners adjacent to the Christine and Hickson Dams and the North Dam in Moorhead for permission to work on their property. The project grant will be used to install boat ramps and portages on the Red River. Field reviews will be scheduled when weather conditions permit.

**MPCA Contribution.** Jim Ziegler, MPCA, attended the 2/27/06 BRRWD meeting to ask for the BRRWD's financial support in 2006 to continue with the monitoring activities. His request for $8,400 was discussed and **tabled** pending receipt of additional revenue.

**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. To date, no Managers have registered.

**Becker County Ditch No. 19.** An informational meeting is scheduled for 4/27/06 at 7:00 PM in the Callaway Senior Citizen's Center. Notices have been sent. The DNR, the Becker County Highway Department, and the Holmesville Township Supervisors have also been invited.
**RRBC Water Management Workshop.** The Red River Basin Commission (RRBC) is hosting a Water Management Workshop at the Holiday Inn, Grand Forks, on Wednesday, April 19, 2006 from 10:00 AM to 4:00 PM. Manager Nelson is registered to attend.

**BRRWD Insurance.** Hoffman has sent us a new insurance application from AIG. Our current insurance will expire on 4/14/06. Jerger reported that she has prepared the applications forms and will scan and email the signed application to our insurance agent, John Hoffman, ICS Agency, tomorrow morning. Chairman Ellefson signed the application.

**Earth Week 2006.** Manager VanAmburg mentioned that Concordia College is presenting a lecture by Dr. John J. Magnuson on Tuesday, April 18, 2006, at 7:00 PM in the Knutson Center Centrum, The lecture is entitled "Climate is Changing in the Upper Midwest: Challenges of Changes in Water Ecosystems and Resources."

The following bills were presented for approval:

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

**Next Meeting.** The next regular meeting of the Board of Managers, BRRWD, is scheduled for Monday, April 24, 2006, at 8:00 PM in the Barnesville office.

**Adjournment.** Chairman Ellefson adjourned the meeting at 11:30 PM.

Respectfully submitted,

John E. Hanson, Secretary