MINUTES FOR MANAGERS' MEETING
May 8, 2006

A regular meeting of the Board of Managers, Buffalo-Red River Watershed District (BRRWD), was held on Monday, May 8, 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: Bruce E. Albright, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.); Merrill Miranowski and Stephanie Miranowski, M&M Construction; and Ron Erdman, Allstate Excavating, Inc.

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 4/24/06 regular BRRWD meeting. Olson noted two minor corrections. Motion by Olson to approve the minutes, subject to the noted corrections. Seconded by Nelson. 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. Albright noted that we repaid the Midwest Bank operating loan ($64,000 plus $782.22 in interest). Since the last meeting, we have received partial reimbursement for the Environmental Protection Agency (EPA) 319 Water Quality Grant ($20,231), 2001 Federal Emergency Management Agency (FEMA) payment ($53,922.31), Minnesota Board of Water and Soil Resources (BWSR) grant ($70,350) for our Revised Watershed Management Plan (RWMP), and reimbursement from Clay County for beaver control in Tansem Township ($668.46). Albright added that the Counties will be collecting their first half tax payments on May 15, and we should receive our share of those proceeds shortly thereafter. Motion by VanAmburg to approve the Treasurer's Report. Seconded by Hanson. Approved.

Other Business brought before the Board included:

Project No. 51, Clay County Ditch No. 68-City of Glyndon. Jones has completed his review and tabulation of the bids that were opened on 4/24/06. The apparent low bidder, Allstate Excavating, had a unit price error for culvert end sections ($315.50 instead of $3,155.00) and a small calculation error for riprap, which changed the total base bid from $158,880 to $136,163.20. The second low bidder, Lee's Construction, Inc., also had a calculation error that increased their bid from $173,740.50 to $194,240.50, which brought Riley Brothers into second place with their base bid of $176,039.25. Jones recommended that the Board award the contract to Allstate Excavating for the corrected base bid of $136,163.20. He also recommended that the Board should install Alternative No. 1. This alternative is for the installation of two lines corrugated metal arch pipe (CMP-A) (87” x 63”) instead of a texas crossing for Truman Nelson's farmstead crossing north of Trunk Highway (T.H.) No. 10 in Section 3, Glyndon Township. Allstate Excavating's bid price for this work was $17,628. According to H.E., Allstate Excavating's total recalculated project bid, including Alternative No. 1, is $152,245.84.
The group reviewed Jones' tabulation sheet and discussed Allstate's bid error. Ellefson met with Ron Erdman and Merrill Miranowski on 5/05/06 in the BRRWD office regarding their bid error. He pointed out that the total bid calculation was correct, even though the unit price was wrong. Miranowski stated that when he copied down the unit prices, he had inadvertently put the decimal point in the wrong place. According to the standard general conditions of the construction contract, Jones pointed out that he, as project engineer, is required to base the contract award recommendations on the unit prices, not the totals. When he encounters errors, he is required to remain neutral and not try to guess how the error was made. However, Jones added that the Board could use their own discretion when making the award.

VanAmburg asked about the contractor's ability to provide a performance bond from a reputable surety company. Miranowski provided a letter from American Contractors Indemnity Company (ACIC) stating that ACIC is the surety company for M&M Construction (Miranowski's company) and they have provided surety bonds for his company in the past with a single project limitation of $200,000 and an aggregate limit of $400,000. Later in the meeting, the Board discussed that the bond is for M&M Construction, not Allstate Excavating. Jones will contact Erdman regarding this issue.

Olson questioned which base bid the Board should accept from Allstate. Ellefson thought we should use the original bid of $158,880 because this total was correct. The unit price was only a copying error. He thought that Allstate could not do the project for $136,163.20. Nelson asked Jones how H.E. usually handles this type of problem. Jones reiterated that he has criteria to follow when making his recommendation, but the final decision rests with the Board. He added that either of Allstate's bids are still the lowest bid for this project. VanAmburg noted that although the Board wants the lowest bid for an economical project, the most important criteria should be if the contractor can do a good job and can complete it on time. Ellefson pointed out that Erdman and Miranowski both have the experience and equipment to do the work.

VanAmburg questioned what part of this job would be the hardest. Albright explained that because some of the work will be done within the City of Glyndon, the contractor will need to spend more time interacting/accommodating the city residents. It will also be necessary for the contractor to handle the large reinforced concrete box (RCB) culverts properly. If they are dropped, bumped, etc., the culverts could crack or break, and they would be very expensive to replace. The culverts must also be set to grade and sealed properly so that they function correctly. Miranowski said that he has a crane for this type of work. He added that he has been in the construction business for nearly 30 years.

The Board discussed awarding the contract. They agreed that they would accept Allstate's original bid. Erdman and Miranowski indicated that they would not be able to do the project for the bid amount Jones calculated using their unit price error. The Board also decided to install Alternative No. 1 for Truman Nelson's crossing. Olson questioned if Allstate's bid included fuel price adjustment costs. Miranowski said it was already allowed for in their bid. The completion date is 11/15/06 with a $100/day penalty if work exceeds this date, which is negotiable depending on weather conditions. VanAmburg asked the contractors if this job was a priority for them. They indicated that they were anxious to get started as soon as conditions allow. Motion by Hanson to award the construction contract for Project No. 51, Clay County Ditch No. 68- Establishment, to Allstate Excavating for their bid of $174,961.84, including Alternative No. 1. Seconded by VanAmburg. Approved. Chairman Ellefson and Erdman signed the Notice of Award. A copy of the Notice will be sent to Allstate Excavating along with other contract documents. Jones will work with the contractor to obtain bonding and insurance certificates.
Permit No. 05-70, Jim and Kim Harr. Applicant proposes to construct an approximate 2' high dike 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 their yard and shed. On 8/18/05, Opsahl and Manager Olson conducted a field review and visited with Harr. Olson thought that a dike along the road ditch would not address their flooding concerns and could cause more problems for neighboring landowners. The Board feels that Oakport Township should work with the subdivision landowners to develop an area-wide plan to solve the general poor drainage problems in this area. Albright recommended that this permit be tabled indefinitely and removed from the BRRWD agenda as the work has already been completed, and there has been no interest shown from Oakport Township to discuss the regional drainage problems in the Oakwood Manor Subdivision. Albright has seen the completed work and commented that Harr still had flooding on his property this spring.

Permit No. 05-78, A.C. (Curt) Borgen. The Board approved this permit for The Fields Subdivision in the SE¼, Section 10, Oakport Township, Clay County, on 9/12/05, pending Manager field review. When the work was reviewed on 9/29/05, Manager Olson and Albright noted that the pond outlet ditch hadn't been constructed according to H.E.'s design plans. In addition, it appears that the skimmer weir that was supposed to be located on the sediment pond outlet had not been installed. Albright sent Borgen a letter on 10/05/05 to notify him that the BRRWD will hold the permit until these final items are completed. There have been some complaints regarding this project from neighboring landowners and the County has indicated that Borgen did not follow their specifications for the road work in the subdivision. On 5/05/06, Wade Opsahl, Technician, H.E., and Manager Olson conducted another field review. Olson said that it didn't appear that any of the requested work had been done yet this spring. The Board agreed to hold this permit until these items are addressed.

Permit No. 05-107, Daniel Pavelko. Applicant wants to add a 15" dia. culvert through the township road (157th ST S) to relieve water pressure in the E¼NE¼, Section 34, Riverton Township, Clay County. When the application was filed last fall, 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 with 30" dia. pipes off from the township road in the NW¼, Section 22, Alliance Township, Clay County. Increased upstream drainage pressure from the west is causing water to go around the current approaches and erode 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. On 5/05/06, Opsahl and Olson conducted a field review and found no problems with the proposed work. Motion by Hanson to approve Permit No. 06-01, subject to Township approval for work within their road right-of-way (r-o-w). Seconded by Olson. Approved.

Permit No. 06-02, Bogenbrook, Inc. Applicant proposes to install three culverts/approaches for the Lake Eleven Subdivision in Section 11, Parke Township, Clay County. A map and project plans were submitted with the permit application. Steve Hofstad, Clay County Water Planner and Wetland Conservation Act (WCA) Administrator, approved their plan to mitigate approximately 1,680 square feet (sq. ft.) of wetlands that will be impacted by this project. On 5/05/06, Opsahl and Olson conducted a field review and found that the proposed culverts appear to account for drainage around the site. Motion by Olson to approve Permit No. 06-02, subject to BRRWD's culvert sizing recommendation for a minimum of 15" dia. pipes and County approval to work within their road r-o-w. Seconded by Hanson. Approved.
**Permit No. 06-05, MNDOT.** Two landowners from Section 8, Hawley Township, and representatives from Minnesota Department of Transportation (MNDOT) attended the 4/24/06 BRRWD meeting to discuss MNDOT’s proposal to resurface the T.H. 10 eastbound roadway from Dilworth to Hawley this summer and to bore a 54” dia. reinforced concrete pipe (RCP) alongside an existing 36” dia. centerline culvert in T.H. 10, which will be blocked. Two upstream culvert crossings will be blocked when the second phase of this project (west bound lane) is completed in 2008.

The landowners pointed out that the downstream outlet for the proposed 54” dia. pipe is only a 48” dia. culvert in C.R. 23 between Sections 7/8, Riverton Township, and they were concerned about flooding on their property with increased flows from the larger upstream crossing in T.H 10. Paul Munsterteiger, MNDOT, sent Albright an email message on 5/03/06, regarding possible ways to address their concerns. MNDOT proposes to install the 54” dia. RCP and eliminate the existing 36” dia. culvert as planned, but agrees to partially close the inlet end of the 54” dia. RCP to restrict it to a 36” dia. opening. In 2008, when two other upstream culverts are eliminated, and ditch cleaning is done, the end restrictor will be removed. This permit was approved on 3/13/06. Albright will mail the approved permit to MNDOT.

**Permit No. 06-08, Joe Wulfekuhle.** Applicant proposes to remove a flapgate on a 24" dia. RCP 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 80 acres has always drained west, but was blocked by permit in 1998 because it was not assessed to the referenced drainage systems. This application was tabled pending hearings to add the land to the ditch systems. Recently, neighboring landowners have expressed concerns about this proposal and provided photographs taken during the 2006 spring flood, showing that water from the South Branch of the Buffalo River overtopped a berm on Wulfekuhle's property and flooded his property. The neighbors pointed out that the flapgate kept river water from entering the ditch systems and flooding adjacent land. Arnie Swenson has suggested that an operational plan could be put in place to install a control gate that could be opened during the growing season so that only the water on Wulfekuhle's property could drain to the ditch systems, and not flood waters from the South Branch of the Buffalo River. Albright is working on scheduling the hearings.

**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. Opsahl and Olson field review this permit on 5/05/06. They felt that the Church would have to work with the adjoining landowner to allow for his field drainage. **Motion** by Olson to approve Permit No. 06-09, subject to approval from the neighboring landowner. **Seconded** by Nelson. **Approved.**

**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 County Road (C.R.) No. 182 (170th ST) in the west r-o-w of T.H. No. 9. The work will prevent water from backing 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, entering 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 so that the results of that project can be analyzed to see if a flapgate is still necessary.
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**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'. Opsahl and Olson conducted a field review on 5/05/06. Olson said that there were no problems with this proposal as the existing culvert/approach will be removed and relocated only a short distance away. Jones reviewed the City's proposal and recommended permit approval. **Motion** by Olson to approve Permit No. 06-12. **Seconded** by VanAmburg. **Approved**.

**Permit No. 06-13, Christopher A. Peterson.** The Board approved this permit at their 4/10/06 meeting, subject to Manager field review. Peterson has installed 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. Opsahl and Olson conducted a field review on 5/05/06. The work has already been completed due to the applicant's need to access the construction site. No problems were found with the work.

**Permit No. 06-14, Tony LaDuke.** Applicant has installed an 18" dia. culvert/approach for access to his new home in Lot 2, Block 1, Amber Waver Estates in Section 3, Oakport Township, Clay County. Opsahl and Olson conducted a field review on 5/05/06. The work has already been completed due to the applicant's need to access the construction site. No problems were found with the work. **Motion** by Nelson to approve Permit No. 06-14. **Seconded** by Nelson. **Approved**.

**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 a railroad crossing and construct a new single crossing. The existing roadway material will be used to construct the new roadway. Barnesville Township has approved the project. Opsahl and Olson field reviewed this application on 5/05/06. Olson noted no problems with the proposal, as the plan appears to maintain drainage in this location. He added that the angle of the crossing might create a safety hazard by reducing visibility for crossing the track. OTV proposes to install an 18" dia. culvert in the road median. **Motion** by VanAmburg to approve Permit No. 06-15. **Seconded** by Olson. **Approved**.

**Permit No. 06-16, Dave Lass.** Applicant proposes to install a 15" dia. culvert along the south side of 120th Avenue South in a field road on the quarterline in the W1/2, 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 NE1/4, 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. Opsahl and Olson conducted a field review on 5/05/06. Olson found no problems with the culvert installation. The downstream drainage appears to be adequate going west along the south side of the road. It was apparent that water has overtopped the road in the past. **Motion** by Olson to approve Permit No. 06-16, subject to Township approval to work within their road r-o-w. **Seconded** by Nelson. **Approved**.

**Permit No. 06-17, Dave Lass.** Applicant proposes to remove an approach/culvert off from 130th Avenue South in the SE1/4, 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. Albright feels removal of this approach could put more water pressure to the west, where Lass has already expressed concerns about erosion. Opsahl and Olson field reviewed the site on 5/06/06. The 36" dia. culvert Lass proposes to remove matches the upstream and downstream culverts. Excess water flows out into the field around the north side of approach/culvert, causing some erosion. Olson thought that the project would not cause any additional downstream problems because of the matching culvert sizing.
and high flows bypass this culvert to the north already. Motion by VanAmburg to approve Permit No. 06-17, subject to township approval to work within their road r-o-w. Seconded by Hanson. Approved.

**Permit No. 06-18, Oakport Township.** Applicant requests permission to plug various culverts as needed to protect the Wall Street area during flooding events. When constructed, the Oakport Flood Mitigation project should alleviate most of these problems. Albright suggested that this permit be tabled indefinitely and removed from the agenda. The Township does whatever they need to do anyway, and it might be best if the BRRWD neither condones nor approves this work.

**Permit No. 06-20, Prairie View Township.** Applicant proposes to replace an 18" dia. culvert with a 24" dia. culvert in a field approach on Branch 3, Wilkin County Ditch No. 41, along 120th Street in the SW¼, 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 consider enlarging the culvert through the township road to the west, or the work will just transfer the washout problem to that location. Olson and Opsahl field reviewed the site on 5/06/06. Olson thought a hydraulic analysis might be needed to determine what size pipe(s) should be installed. Tabled pending field review by Albright and Ellefson.

**Permit No. 06-21, Prairie View Township.** Applicant proposes to replace a 36" dia. x 48' long centerline culvert on Deerhorn Creek in 310th Avenue between Sections 27 and 28 with a 48" dia. pipe. Deerhorn Creek is a Minnesota Department of Natural Resources (DNR) protected waterway, and the Township has filed a DNR permit application for this project. The culvert has a history of washing out and was overtopped again during the 2006 spring flood. The proposed culvert sizing will match upstream culverts in I-94. When Olson and Opsahl field reviewed this application on 5/06/06, they found a 60" dia. culvert in I-94. Albright will notify Robert Hovland, Township Supervisor, about the I-94 culvert size. The permit asks for a 48" dia. culvert because that's the size the Township thought was in I-94. They may want to alter their permit applications to reflect the correct I-94 structure size. Tabled. Ellefson discussed 2006 flooding patterns/washouts in this area.

**Permit No. 06-23, Clay County Highway Department.** Applicant proposes to replace an existing steel beam span bridge with a concrete span bridge and grading over the Buffalo River on C.R. 96 northeast of Kragnes, MN, between Sections 15 and 22, Kragnes Township. Jones reviewed this proposal and found that the proposed bridge should not cause a stage increase for the 100-year event. The County plans to widen the opening of the existing bridge and reconstruct C.R. 96 along the north line of Section 22, Kragnes Township. The road ditches, including Clay County Ditch No. 49 outlet, will also be reconstructed. The County proposes to move the centerline of Ditch No. 49 slightly to the south, approximately 0'-75', to install the new bridge and flatten the road inslope. This relocation is necessary because there is no room to the north for the new bridge. The realigned ditch will have a 4' bottom with 3:1 sideslopes, which is consistent with the Clay County Ditch No. 49 design. Riprap will be added to the slope between Ditch No. 49 and the Buffalo River down to the waters edge. The County has acquired additional r-o-w for moving the ditch and has scheduled this work for the 2006 construction season. Jones recommends permit approval. Albright noted that area landowners are still negotiating with Clay County regarding a proposal to raise a section of the road in conjunction with this project. Motion by Hanson to approve Permit No. 06-23, pending conclusion of landowner/Clay County negotiations. Seconded by VanAmburg. Approved. Albright asked Jones if the County had applied for a DNR permit. Jones did not find evidence of a DNR permit application. Jones will contact Dave Overbo, Clay County Highway Department, regarding this issue.
Permit No. 06-25, Michael G. Nelson. Applicant proposes to install drain tile in a ditch/low area in the NE¼, Section 35, Prairie View Township, Wilkin County, to outlet to an existing I-94 crossing in order to dry up his field and improve agricultural productivity. Because of the extended wet cycle we have been experiencing, Nelson's field is getting wetter each year. This area is assessed to Clay County Ditch No. 40. Nelson will need a permit from MNDOT to use their crossing as an outlet. When Ellingson Companies completes their survey and prepares plans, Nelson will submit them for the Board's review. Opsahl and Manager Olson field reviewed the area on 5/06/06. Tabled pending Jones' review and Manager field review.

Permit No. 06-26, City of Moorhead. Applicant proposes to install an 18" dia. CMP under a new entrance on the west side of 28th Street in the NE¼SE¼, Section 21, Moorhead Township. The new culvert will be placed in an access road crossing to a new sanitary sewer lift station. Jones reviewed this application and noted that the drainage area is very small, and an 18" dia. culvert should be sufficient. The sizing also matches existing culverts on the west side of 28th Street. Water can go west through existing field drains if the water should get deep enough in the west ditch of 28th Street. Jones recommended permit approval. Olson and Opsahl conducted a field review of this application on 5/05/06 and found no problems with the proposed work. Motion by Olson to approve Permit No. 06-26. Seconded by Nelson. Approved.

Permit No. 06-27, Michael G. Nelson. Applicant proposes to connect low areas in the NW¼, Section 34, Prairie View Township, Wilkin County, with 1-2 tile outlets that will drain north/northwesterly to a field ditch along the north side of his field on the south side of C.R. 30. The tiling project should improve drainage and agricultural production. Olson and Opsahl field reviewed this site on 5/06/06. Tabled pending receipt of Ellingson Companies' survey.

Permit No. 06-28, Jon Holman. Applicant proposes to enlarge a 24" dia. culvert in his driveway to a 36" dia. or larger culvert. The work is located in the NW¼, Section 34, Spring Prairie Township, on the inlet of Clay County Ditch No. 2. The approach washed out during the 2006 spring flood. The project would prevent future driveway damage/erosion. On 5/05/06, Olson and Opsahl conducted a field review. They noted no problems with the proposal as the water would drain directly into Ditch No. 2. The upstream landowner has also applied for a 36" dia. driveway culvert. Albright noted that Holman called the office today and requested the Board consider a 48" dia. culvert. Motion by VanAmburg to approve Permit No. 06-28, for a culvert no larger than 48" dia., subject to County approval to work within their r-o-w. Seconded by Nelson. Approved.

Permit No. 06-29, Skree Township. Applicant proposes to clean/regrade the south township road ditch (110th Avenue South) from the northeast corner of Section 33 to the west as far as necessary (approximately 700'-800') to drain water to the west. The spoil will be hauled off site to avoid disturbing the Conservation Reserve Program (CRP) acreage. They also want to replace a 30" dia. x 42' long centerline pipe with 30" dia. x 50' long CMP. The work should help address landowner Herb Nelson's concerns with Tom Friederichs' drainage coming from the east. The culvert needs to be replaced to address public safety issues. Albright noted that Nelson does not object to the proposal, and the Township will do the work. Friederichs has been in the office to discuss lowering the 12" dia. culvert in his approach off from the township road along the north line of property he rents in N½NE¼ and the E½NW¼, Section 34, Skree Township, Clay County. This culvert has been the object of much controversy since he did the work without a permit in the fall of 2003. Albright advised him to put that proposal on hold. Albright mentioned that this culvert elevation has been documented, and it would be an obvious violation of BRRWD Rules if Friederichs lowered it without a BRRWD permit. Nelson noted that Herb Nelson would be opposed to lowering the culvert in question. Olson and Opsahl
conducted the field review of Permit No. 06-29 on 5/05/06. No problems were noted. **Motion** by Hanson to approve Permit No. 06-29. **Seconded** by Olson. **Approved.**

**Permit No. 06-30, City of Barnesville.** Applicant proposes to install a new approach with an 18" dia. culvert for the new public works burning site just west of public works shop off from 2nd Avenue SW. Opsahl and Olson conducted the field review and found no problems with the completed work. **Motion** by VanAmburg to approve Permit No. 06-30. **Seconded** by Olson. **Approved.**

**Permit No. 06-31, Arne Peterson.** Applicant proposes to replace an 18" dia. culvert through the township road in the W½, Section 28, Deerhorn Township, Wilkin County, with a new 24" dia. CMP. The existing culvert is too short and too small to accommodate the amount of water that is draining to this corner. The downstream ditch was recently cleaned and graded to convey additional flows west. Albright felt that there might be some concern regarding this proposal. He thought the Board should invite the neighboring downstream landowners to a meeting to discuss this project. Olson and Opsahl conducted a field review of this application and also advised meeting with the neighboring landowners to discuss this proposal. **Tabled** pending the landowners' meeting. Albright will send out invitations for the 5/22/06 meeting.

**Permit No. 06-32, Arne Peterson.** Applicant proposes to install a small culvert (15"-18") in a waterway/road crossing in the W½, Section 28, Deerhorn Township, Wilkin County, directly south of his farmstead, in a field road that crosses a waterway that drains his neighbor's field to the west. Peterson uses this road to access his property. In the past, he has just placed fill in the low area to cross the waterway. Olson and Opsahl conducted a field review on 5/06/06 and found no problems. **Motion** by Olson to approve Permit No. 06-32. **Seconded** by Nelson. **Approved.**

**Permit No. 06-35, Sam Johnson.** Applicant proposes to fill in a low area and raise the grade in his yard in the SW¼, Section 35, Oakport Township, to protect his farmyard from flooding. He plans to plant the area to grass. The work is necessary because water comes into Johnson's yard from the north. For 14 years, he claims he has fought water damage to his basement and outbuildings from field drainage coming from his neighbor's agricultural land. He adds that his yard is muddy and mosquitoes can be a problem during certain times of the year. This site drains into Clay County Ditch No. 41, Lateral No. 1.

His neighbor, Curt Lackman, called the office with complaints that Johnson is blocking the natural waterway that drains his field from the north through Johnson's farmyard. The Board reviewed photos of standing water in Lackman's field. Olson and Opsahl met with Lackman on 5/06/06. Olson said that Johnson has already blocked Lackman's field drainage by adding fill to his yard. Currently, Lackman is pumping water off a 20 acre area adjacent to Johnson's farmyard. Lackman explained that when Johnson purchased the farmyard from Lackman several years ago, he told him that there would be runoff from the field draining through the yard. Lackman has suggested that Johnson install a tile to drain his yard and carry the field runoff. **Tabled** pending a meeting with the landowners.

**Permit No. 06-36, Doug Macziewski.** Applicant proposes to install a 36" dia. or larger culvert in his driveway in Section 34, Spring Prairie Township, to prevent future flood damage to his private road, caused by high flood water in the county road ditch. This request is related to Permit No. 06-28 for Jon Holman, who is Macziewski's neighbor. Olson and Opsahl field reviewed this application and found no problems as the water drains directly to Ditch No. 2 through Holman's driveway. **Motion** by Hanson to approve Permit No. 06-36 with the culvert sizing not to exceed the size of the downstream culvert in Holman's driveway. The work is subject to County approval to work within their road r-o-w. **Seconded** by VanAmburg. **Approved.**
Permit No. 06-37, Richard Peppel. Applicant proposes to regrade the township road ditch along the west side of his property in the SW¼, Section 28, Barnesville Township, and to regrade the ditch along C.R. 51 to the west along the south side of his property. He also wants to remove a 24" dia. centerline pipe in C.R. 51 (170th AVE S) on west end of the property. He would also like to reinstall a field approach along the west side of his property off from 140th Street South with 24" dia. culvert to be set on the new ditch grade. Last fall, the Board ordered Peppel to remove an approach in this area as it had been installed without a permit. Peppel thinks the work will improve his agricultural drainage to Clay County Ditch No. 54 to which the property is assessed. Unassessed water from Sections 33 and 34 currently drains north to Ditch No. 54. Olson and Opsahl conducted a field review and found no problems with the proposal. **Motion** by Nelson to approve Permit No. 06-37, subject to County and Township approval to work within their road r-o-w. **Seconded** by VanAmburg. **Approved.**

Frank Schindler Dike Concern. Schindler was in the office today questioning when a meeting could be scheduled to meet with Max Peppels regarding area drainage issues.

Minch and Johnson Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:30 PM to discuss the status of both lawsuits. At 9:35 PM, the Board reopened the meeting.

Truman Nelson Complaint. Olson and Opsahl field reviewed Truman Nelson's concerns about his neighbor's illegal culvert. Nelson's neighbor, Dale Fischer, has placed a culvert in his driveway that drains his farmyard water onto Nelson's adjacent field on the west line of the SE¼, Section 3, Glyndon Township. Nelson questioned if Fischer had a BRRWD permit to install the culvert. There is also a property line dispute regarding the location of Fischer's driveway, as part of it is alleged to be on Nelson's property. The Board discussed the issues and decided to gather more information. **Tabled.**

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 properly maintain their driveway. Thesing was in the office again this spring 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 agree on a solution for this water problem. Olson and Opsahl conducted another field review on 5/05/06. 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 their problems. **Tabled.**

Kurtz Township Drainage Complaint. The Board discussed the results of a 5/0/4/06 field meeting with the landowners in Sections 9 and 10, along 28th Street South, and the alleged resulting flooding problems the neighboring homeowners experienced this spring in Section 9. Albright noted that Klein called the office to discuss a possible ringdike for his equipment buildings in the southwest corner of his property in Section 9 along C.R. 67. Questions regarding what work the Township actually did and when it was completed have arisen. Albright plans to contact the contractor who did the work to obtain more information about the culvert replacement project, completed in 2005. Ellefson and Albright conducted a field investigation regarding abandoned Clay County Ditch No. 1 west of T.H. 75. Ellefson felt that if the landowners in Section 9 cleaned old Ditch No. 1 along the east-west quarterline north of their property, it would significantly improve their drainage. The Board discussed the 2005 culvert installation and the possible impacts a new culvert versus one that was plugged or damaged. Contrary to his statements at the 4/10/06 BRRWD meeting, Township Chairman Jimmie R.
Nelson, recently confirmed the homeowners' claim that the Township did install a new culvert in the crossing instead of just adding end sections.

There has been some landowner discussion regarding the need to improve Clay County Ditch No. 32, which is located on the south side of C.R. 67. Albright noted that this will be a large and expensive project that will take some time to develop. He added there is always going to be some degree of flooding in Section 9. The Board felt that the landowners should consider working together to clean old Ditch No. 1. Olson added that Klein should probably put up a ringdike around his buildings, as his machine sheds were built too low. The Board agreed that an improvement project for Ditch No. 32 would probably improve the area drainage significantly. The Board spent some time discussing area drainage patterns.

Road Work Complaint. Jerry Butenhoff was in the office today with concerns about road repair work that Clay County Highway Department did after the 2006 spring flood on a washout site on C.R. 15 between Sections 14 and 15, Alliance Township, where a tributary of the South Branch of the Buffalo River crosses the road. Butenhoff estimates that the road could have been raised about 1', which could hold back water on the east side of the road. There are at least two farmsteads on the east side of C.R. 15 that could be impacted. Lee Livdahl, Assistant Clay County Engineer, told Butenhoff the road would settle. Butenhoff asked Albright if the BRRWD would send Dave Overbo, Clay County Engineer, a letter to document his concerns about the road raising. Butenhoff thought that if the County wanted to keep the road from overtopping, they should have installed larger culverts in the crossing.

Another concern Butenhoff discussed with Albright was a possible new dike installation in Section 26, Alliance Township. He questioned if the BRRWD was aware of the work. Albright will field review the area and take photographs to document the alleged work.

Project No. 60, Swede Grove Lake. Albright noted that the 3/24/06 agency meeting notes have been completed. Another landowner informational meeting will be scheduled in the near future.

Project No. 58, Riverton Township Retention. Jones forwarded the draft Preliminary Engineer's Report to Brian Winter, Program Director, The Nature Conservancy (TNC), today for his review. When Jones receives Winter's comments, he will try to incorporate them into his project design. The report includes drafts of an Operation and Maintenance Plan (O&M) and a Monitoring Plan.

Project No. 57, Moorhead/I-94 Flood Control. Albright noted that the temporary r-o-w has been staked. The payment for this r-o-w will go to the City of Moorhead. The contractor, Raymond Weidenborner, All Seasons Contracting, Inc., Blackduck, MN, won't be able to move equipment to the site until after 5/15/06 when road weight restrictions are removed. Jones noted that Weidenborner needs to sign the Minnesota Pollution Control Agency (MPCA) construction permit. Jones will schedule a pre-construction meeting in the near future.

Project No. 56, Manston Slough Restoration. Steve Holubok called the office recently to indicate that he is still interested in working with the BRRWD regarding the purchase of his father's property in the SE¼, Section 30, Manston Township, Wilkin County. Apparently, the other buyer that Holubok was negotiating with has backed out. According to Albright, there are some agency personnel who are concerned that we haven't completed our project easement acquisitions. There were some questions about the order of easement acquisition pertaining to the Wetland Reserve Program (WRP). Recently, Bob Honeman, Area Resource Conservationist, Natural Resource Conservation Service (NRCS), clarified this issue. The WRP easements can be taken first and the BRRWD easements can be
acquired later. Albright noted that the State Legislature plans to adjourn on 5/22/06, and he has been told that the Riverton Township Retention, Oakport Flood Mitigation, and Manston Slough Restoration projects will all be funded.

**Project No. 54, Whisky Creek Tributaries.** Albright met with FEMA representatives today in Barnesville. There was some discussion if this project has officially been completed. FEMA agreed to allocate $25,000 in disaster repair work for Whisky Creek Tributaries.

NRCS is opening new bids today for the Nichols WRP site. This site is the final component of the Whisky Creek Tributaries project. When completed, it will provide increased protection from flooding and erosion for several downstream landowners.

**Project No. 51, Clay County Ditch No. 68/City of Glyndon.** The Board discussed concerns regarding Allstate Excavating’s ability to provide a performance bond in the correct company’s name. Since Allstate has the contract, the performance bond can’t be in M&M Construction’s name.

Albright has tabulated the r-o-w payment total ($40,263.50). He suggested that letters be sent to the landowners regarding the project status. The letter could notify them that their r-o-w payments will be contingent on the bond sale, and that H.E. will be staking the temporary r-o-w as soon as possible.

The Board discussed combining Oakport Flood Mitigation, Clay County Ditch No. 68, and the Moorhead/I-94 projects into one bond sale. Olson asked how the bond sale process works. Albright explained that our attorney would prepare project development transcripts, which document the development according to Minnesota Watershed and Drainage Laws. The next step would be to contact the Clay County Auditor to set up a meeting with Carolyn Drude, Ehlers and Associates, who would handle the bond sale. Other steps include a County Commission resolution to sell the bonds, etc. Albright estimated that it could take up to two months to complete the process. The Board decided to combine Ditch No. 68 and Moorhead/I-94 projects into one bond sale. We might be able to sell bonds for Manston Slough Restoration and Oakport Flood Mitigation projects later this fall.

**Project No. 49, Oakport Flood Mitigation Project.** The "Open House"/informational meeting is scheduled for May 11, 2006, at 7:00 PM in Moorhead Armory. Notices were mailed. Due to intense public interest in this project, the meeting location was changed from the Moorhead City Hall to the Moorhead Armory in order to accommodate the expected large turnout. A press release will be prepared tomorrow regarding the location change. Agenda items will include funding, development process, maps of the proposed dike alignment, and buyouts (appraisals). Opsahl will have permission to appraise/survey forms available at the meeting for the landowners to sign. Jerger will attend to keep a record of the proceedings. Albright will try to schedule a meeting with Appraiser Guy Miller next week.

**Project No. 46, Turtle Lake Outlet.** Opsahl has prepared a graph showing the lake levels. The DNR put their walleye fry in Long Lake last week, and Opsahl stopped the Long Lake siphon. The Turtle Lake siphon is still running.

**Project No. 38, Farmstead Ringdikes.** Opsahl will meet with Mark Rustad this week about raising his ringdike, which was only a few inches from overtopping during the 2006 spring flood. Opsahl estimated that the additional work could cost about $10,000. Albright will check with Ed Fick, FDR Hydrologist, DNR Waters, to see if they have any 2005 ringdike funding left and to request funding for 2006.
John Butze, a landowner in Section 28, Moland Township, Clay County, contacted the office regarding his interest in constructing a ringdike around his property. Opsahl will schedule a meeting with Butze. There have been a number of inquiries following the 2006 spring flood, including a possible ringdike for the City of Kragnes. Once all the ringdike applications are received, they will be ranked according to need, as ringdike funding could be limited.

**Project No. 34, Clay County Ditch No. 41.** The Board discussed the status of the repair work. Opsahl will meet with Burlington Northern Sante Fe (BNSF) Railroad next week regarding work on their property. 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.

**Project No. 32, Hawley Diversion.** Opsahl will meet with representatives from the City of Hawley to schedule a project inspection.

**Mediation PT.** The next PT meeting is scheduled for 5/18/06 at 7:00 PM in the MSUM Science Center near Glyndon. The Barnesville High School River Watch Team is scheduled to present their 2005 Water Quality Report. Henry VanOfflen, Minnesota Center for Environmental Advocacy (MCEA), will also make a presentation to the PT regarding the results of his natural resource enhancement (nre) investigations associated with the BRRWD Comprehensive Plan update. Notices will be sent.

**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. A kickoff meeting will be scheduled as soon as all TAC and CAC members have agreed to participate.

**Clay County Ditch No. 11N.** Jones reported that in 2009, Clay County plans to move County State Aid Highway (CSAH) No. 8 to the north to line up with CSAH No. 8 east of T.H. 75. A 20:1 slope will be installed. Jones recommended that nothing should be done on the Ditch No. 11 north slope until the County's project is completed. Work on the south field slope should include channel grading and installing a 4:1 slope.

**Minnesota Statutes Annotated (M. S. A.) 103D.905, Subd. 3.** On behalf of the BRRWD, Representative Morrie Lanning requested a House Tax Sub-committee hearing regarding his bill to increase our taxing authority cap. The hearing was held on 5/01/06, and Manager Hanson and Albright traveled to St. Paul to testify. They were also able to meet with Senator Langseth, who is waiting for the House to pass their tax legislation on to the Senate. When the Senate starts their work on the tax bill, Langseth assured Albright that he will keep our levy increase. Joel Carlson, BRRWD Lobbyist, is working with our Legislators to get this important funding authority bill passed. Albright might have to make another trip to the Capitol this week for more meetings. There were some changes made to the wording of the bill to clarify the length of time the taxing authority would run. If the Legislature fails to pass a tax bill, Carlson says that this bill could be attached to another piece of legislation.

**MAWD 2006 Summer Tour.** The Minnesota Association of Watershed Districts (MAWD) 2006 Summer Tour is scheduled for June 22-24 at the Holiday Inn, Alexandria, MN. The Sauk River Watershed District is the host district. The theme for this year's tour is "Marching Forward to the Beat of Progress". The registration deadline is 6/08/06. The office has prepared registrations for Managers Nelson, VanAmburg, and Hanson.
**Becker County Ditch No. 19.** An informational meeting was held on 4/27/06. The Board discussed the poor conduct of some of the attendees. They felt that very little was accomplished because of the disruptive behavior.

**Gary Smith Flooding Concerns.** Smith was in the office on 4/25/06 to discuss his concerns regarding his farmstead flooding in Section 18, Barnesville Township, along Clay County Ditch No. 34 (Whisky Creek). Albright conducted a field review and took photographs. Albright explained that the one mile stretch of the channel downstream of Joe Gilbertson's farmyard in Sections 18 and 19 is in poor condition with numerous washouts on the south side of Ditch No. 34. He suggested that the Board authorize H.E. to take a GPS survey of the both ditch banks and the field drainage on the outside ditch edges. He estimated that a project for this section of ditch could cost approximately $50,000. **Motion** by Nelson to authorize H.E. to conduct the requested survey and prepare repair recommendations. **Seconded** by Hanson. **Approved.** The work will be done as a ditch system expense.

Smith also has concerns about the township road bridge over Whisky Creek along the west line of Section 18, Barnesville Township. A meeting will be scheduled with the area landowners, Clay County Highway Department, Barnesville Township, and the BRRWD to discuss this problem.

**Termination Notices.** Jones has prepared MPCA Notices to Terminate Stormwater Permits for a number of our completed projects. **Motion** by VanAmburg to authorize Chairman Ellefson to sign the notices. **Seconded** by Nelson. **Approved.**

**FEMA.** Albright met with FEMA representatives today regarding flood damages in both Clay and Wilkin Counties. FEMA is in the process of verification/documentation of the Counties' total damages. Currently, the region's total is approximately $9 million. To make a disaster declaration, FEMA needs to document at least $5.8 million in damages. The BRRWD estimated damages at $50,000 in Clay County, $25,000 in Wilkin County, and approximately $25,000 for Whisky Creek Tributaries. Opsahl has not completed his repair inventory for Becker and Otter Tail Counties. FEMA expects to finish their work next week, and the declaration should be forthcoming.

**Norby Correspondence.** Robert Norby, a landowner in Section 28, Kragnes Township, sent the BRRWD a letter regarding his concerns about trespassing/drainage work on his property last fall. Albright drafted a response regarding his claims. The Board reviewed the draft letter. **Motion** by Hanson to authorize Ellefson to sign the letter. **Seconded** by Olson. **Approved.**

**Project No. 31, Deerhorn Creek Levees.** A landowner asked Albright to investigate our records regarding any information/documentation we might have regarding the eligibility of land under BRRWD easement to continue to be enrolled in existing CRP contracts. Steve Cole, District Conservationist, Wilkin County NRCS, and Carol Poppel, Director, Wilkin County Farm Service Agency (FSA), have indicated that the property under the BRRWD levees is no longer eligible to continue in CRP. Albright found a Memorandum of Understanding (MOU) with another project landowner with an easement for this project that says land directly underneath the levees would have to come out of CRP. However, following several meetings regarding this issue, the BRRWD believed that land inside the levees could stay in CRP until the current contract expires. In Clay County, land under easement for a similar project was allowed to remain in CRP for the life of the contract. Albright forwarded this information to Poppel.
Legislative Update. Albright distributed copies of Lobbyist Joel Carlson's Legislative update.

CREP Fact Sheet. Pete Waller, BWSR, provided a fact sheet regarding the Conservation Reserve Enhancement Program (CREP) II program for the Board's review.

Conservation Camp Donation. Diane Lommel, District Clerk, Wilkin Soil and Water Conservation District (SWCD), sent the BRRWD a request for a donation to sponsor a young person to attend the Long Lake Conservation Summer Camp. Motion by Hanson to donate $200. Seconded by VanAmburg. Approved.

River Keepers. River Keepers was selected as a finalist for the Minnesota Environmental Initiative (MEI) 2006 Award in the Education category. Albright accompanied Robert Backman, Executive Director, River Keepers, and others to the banquet in St. Paul last week. River Keepers did not win the award, but received recognition for being a finalist.

The following bills were presented for approval:

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Motion by Nelson to approve payment of the bills. Seconded by VanAmburg. Approved. The billing for H.E. will be held until the BRRWD receives some of the 1st half tax revenues.

Next Meeting. The next regular meeting of the Board of Managers, BRRWD, is scheduled for Monday, May 22, 2006, at 8:00 PM in the Barnesville office.

Adjournment. Chairman Ellefson adjourned the meeting at 11:10 PM.

Respectfully submitted,

John E. Hanson, Secretary