A regular meeting of the Board of Managers, Buffalo-Red River Watershed District (BRRWD), was held on Monday, June 12, 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, BRRWD Administrator, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.); Jimmie R. Nelson, Chairman, and Brian Leiseth, Supervisor, Kurtz Township; and landowners: Robert Klein, Todd Klein, Paul Klein, Ed Askegaard, Rollie Cooper, and Jill Unruh.

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 5/22/06 BRRWD meeting and the 3/31/06 Advisory Committee meeting. **Motion** by Nelson to approve the minutes. **Seconded** by Olson. **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 received the first half payments for ditch and property taxes from Otter Tail and Wilkin Counties (approximately $70,000). Albright noted that we should receive the Clay County's collections after 6/20/06. **Motion** by VanAmburg to approve the Treasurer's Report. **Seconded** by Hanson. **Approved.**

**Business brought before the Board included:**

**Kurtz Township Drainage Complaint.** Landowners from Section 9, Township officials, and the Board discussed concerns regarding Kurtz Township's 2004 culvert replacement project between Sections 9 and 10. Albright gave a brief history of this issue. The landowners feel that the work increased drainage from Section 10 into Section 9 during the 2006 spring flood, impacting the three building sites in the northeast and southwest corners of the SE¼, Section 9. Olson conducted a field review on 3/31/06 and documented his findings in an e-mail message to the BRRWD office. The landowners attended our 4/10/06 meeting to discuss their concerns, and on 5/04/06, the Board conducted a field meeting with the landowners and Township.

The Township claims that they replaced a 36" dia. culvert in their road between Sections 9 and 10 (28th Street South) with the same size pipe at the same elevation. Fitzgerald Construction did the work for the Township. Brad Fitzgerald told Albright that the culvert was approximately 80%-90% functional when they replaced it. The landowners indicated that they are interested in working out a compromise to address their concerns.

Albright pointed out that the questions before the BRRWD are if the Township has violated our Rules by replacing the pipe, and if the Board wants to order the Township to reduce the culvert size or remove the pipe. He added that it is well known that Clay County Ditch No. 32, which drains Sections
9 and 10, Kurtz Township, probably needs to be improved. Water won't leave this area until Ditch No. 32 opens in the spring. Landowners Bob Klein, Mike Endenborg, and Rollie Cooper built their homes in the SE¼, Section 9, above the high water level, but their garages/sheds could be prone to flooding. Albright suggested that ringdikes could be built to protect those buildings. The BRRWD already has received several 2006 ringdike applications, and funding is limited. Ringdike cost sharing is usually split as follows: 50% State, 25% BRRWD and 25% landowner.

The landowners feel that there is too much water coming into Section 9 from the new 36" dia. culvert in 28th Street South. They would like the Township to consider reducing the culvert sizing to a 24" dia. pipe. Albright noted that the Township could also install a gate on the inlet end of the pipe to control flows during a flood. Usually, when a gate is installed, it requires that an operation plan be in place so that all affected parties understand how it's going to be operated. He pointed out that a gated structure would be fairly expensive and would require some maintenance. It has been suggested that even if the culvert were completely removed, some day the property in Section 9 will still flood as water will overtop the area roads.

Ed Askegaard, who is the renter of the agricultural land in the SE¼, Section 9, would like to have better drainage for his crops. There are four outlet pipes to Ditch No. 32, which might be sufficient if the water coming from Section 10 were reduced.

Albright noted that Clay County has no files on old Sub-Drain No. 1, which is located on the quarterline in Section 9. Drain No. 1 is not maintained in Section 9 and is not functioning, which the Managers feel is contributing to the severity of the flooding in Section 9. Albright suggested that drainage might be improved in Section 9 if Drain No. 1 were cleaned.

The landowners in Section 9 have discussed filing a lawsuit regarding this issue. Apparently, the Township did not violate BRRWD Rules, as they claim they did not increase or change the elevation of the existing culvert in 2005. Nelson felt that since the Township did not change either the culvert's size or elevation, a BRRWD permit was not needed for the replacement. A possible compromise could include the Township reducing the culvert size, and the landowners cleaning Drain No. 1 and using the spoil to create a berm on the south side to keep the water in the ditch.

Albright said that Fitzgerald Construction told him that the Township initially hired them to put end sections on the culvert in question. When the culvert was exposed, they found that it was rusted on the top, and there was some dirt on the bottom of the pipe, which could have reduced the capacity somewhat; however the contractor thought that the pipe was still functional. The Township decided to replace the entire pipe.

Todd Klein stated that they purchased their property three years ago and didn't have much information regarding drainage. Klein pointed out that the culvert in the Burlington Northern Sante Fe (BNSF) Railroad tracks does not open in the spring. Ellefson discussed the drainage potential of Drain No. 1 if it were repaired. Klein thought there would need to be a berm on each end in the SE¼, Section 9, so that water couldn't go south. Albright noted that a permit would be needed to install the berm (dike), including the township road and railroad ditches on the east and west ends. Klein reiterated that he would also like to see the Township reduce the size of the 36" dia. culvert.

Olson pointed out that the neighbor in Section 9, Kent Karlstrom, had a 2005 permit to drain his water from Drain No. 1 south to Ditch No. 32. He felt we should take into account that Karlstrom's drainage will be impacted if Drain No. 1 in the SE¼, Section 9, is cleaned to drain west.
Jimmie Nelson discussed the area drainage patterns and the history of Drain No. 1. He said that the ditch is on a ridge, and when the ditch was first built, all the road crossings were bridges. In approximately 1915-1922, culverts were installed. In the 1950s, the County replaced the culverts and cleaned the ditches. The Drain No. 1 has not been cleaned for approximately 20 years. He added that the SE¼ of Section 9 has changed hands several times during that time period and is on the low side of the ridge. The Township has been systematically replacing/repairing culverts for about 8 years, and it was in their plan to repair the culvert in question in 2004.

Ellefson questioned if a gradeline could be established for Drain No. 1 from the new pipe in 28th Street South to Trunk Highway (T.H.) No. 75. Then, the landowners could install berms to help contain the water from breaking out to the south. If this work were done, Ellefson questioned if the Township would consider reducing the size of the new pipe down to a 30" or 24" dia. culvert. Jimmie Nelson explained that the Township is willing to consider any proposal at their next meeting on 6/27/06. He said that since the landowners mentioned that they were considering a lawsuit, the Township Supervisors plan to do a thorough study of the various scenarios for this crossing to be sure that nothing is overlooked. Ellefson pointed out that the Township probably didn't violate BRRWD Rules by replacing their culvert. However, in this particular case, since the culvert's capacity was allegedly diminished due to blockage, reducing the size would probably make it closer to its prereplacement capacity. He questioned if the landowners were willing to repair Drain No. 1, would the Township reduced the culvert sizing.

Klein indicated that he would be interested in paying to have his section of ditch cleaned if both ends could be diked to hold water in the ditch and if the Township reduced the culvert size to a 24" dia. pipe. He added his concerns about the BNSF railroad ditch diking. He thought once the water goes through the railroad culverts, it would drain further west.

Albright suggested that the BRRWD could provide a survey of Drain No. 1, starting approximately 1,000' west of T.H. 75 past the cemetery to provide a gradeline for about 1.5 miles to the new culvert. The BRRWD could pay for the survey through their Survey and Data Acquisition fund. Todd Klein said he used a laser to survey the ditch grade and found that the ditch has approximately 1' of fall from the new culvert to the BNSF structure. He estimated that there is probably about 1.5' silt in Drain No. 1 from the new culvert to the railroad tracks and about 2.5' of silt in the structure by the railroad tracks. Ed Askegaard noted that snow in Drain No. 1 along the cemetery holds back water in the spring. Albright estimated that the noted survey would cost about $2,500. He felt that the Township needs to meet to decide what they can do regarding their culvert sizing. He thought that a survey would provide valuable data that could facilitate decision making. He added that the landowners should also consider ringdikes for their garages/sheds. **Motion** by VanAmburg to authorize H.E. to conduct a survey of Drain No. 1 as soon as possible. **Seconded** by Hanson. **Approved**. Jones thought the survey could be ready by the 7/10/06 BRRWD meeting.

Jimmie Nelson noted that the Township was willing to consider all ideas regarding the pipe sizing, but they have to consider other landowners as well, and it will take time for them to make a decision. He felt that Ditch No. 32 should be improved, but acknowledged that it would be an expensive project. He added that he didn't feel the Township had done anything wrong when they replaced their culvert. Klein was anxious to get the cleanout work started, but agreed to wait until the survey is completed. He has already discussed the possible ditch cleanout project with Fitzgerald Construction, who could do the work with their backhoe. Albright asked Kurtz Township to get back to us when they make a decision regarding the proposed ditch cleaning/culvert sizing. Ellefson suggested that if the survey results show that the ditch cleanout proposal won't help, perhaps the landowners should focus on
starting an improvement project for Ditch No. 32. Hanson pointed out that the Township should measure the sizes of the culverts upstream of the new culvert in 28th ST S.

Todd Klein questioned the status of the Manston Slough Restoration project in Wilkin County, as he is a landowner on the south side of the project. The Board said the project is still in the development stage. Albright said that he would be happy to discuss this matter with Klein during normal office hours when Klein has time to stop.

**Project No. 49, Oakport Flood Mitigation Project.** Jill Unruh, owner of Lot 8, Block 2, Brentwood Acres 2nd Subdivision near the Oakport Coulee, met with the Board regarding a possible buyout of her property. She is involved in litigation with the former owner of the lot because the proposed dike alignment renders the lot non-buildable. Unruh briefly discussed the lawsuit. John Green, Ulteig Engineers, Inc. (UEI), has indicated that the proposed dike will cover most of the lot. Both parties involved with the litigation would like to see this issue resolved. Unruh is asking $29,598.65 for the property. This price includes the 2004 purchase price, title insurance, interest, property taxes, variance application, survey costs, maps, photos, legal fees, and property value appreciation. Unruh has already built a new house in a different subdivision, not involved with our project.

Albright read BRRWD Attorney Tami Norgard's letter regarding this issue. She said that the Board could legally buy Unruh's property, but suggested that the Board should make their offer based on the appraised fair market value. Guy Miller, Miller Realty, Breckenridge, MN, is conducting the home buyout appraisals for this project. Nelson felt that the BRRWD needed to get an appraisal of the property before we make an offer. Albright suggested that the Board have Miller appraise Unruh's property. Olson questioned if the Board should establish buyout priorities, as we may not be able to buy all the parcels. Albright suggested that the Board should talk to Oakport Township officials regarding buyout priorities. **Motion** by Nelson to ask Miller to appraise Unruh's lot as soon as possible. **Seconded** by Hanson. **Approved.** Albright suggested that Unruh contact the BRRWD after our 7/10/06 meeting to see if Miller has the appraisal completed. Miller will appraise her property as if there were no dike project, and her lot was buildable. If Unruh is not satisfied with Miller's appraisal, she is entitled to get another appraisal at her own expense.

Miller has estimated that he will have all 21 appraisals finished by August 1, 2006. Kevin Campbell, Clay County Commissioner; Greg Anderson, Oakport Township Chairman; Albright; and Appraiser Guy Miller met on 5/26/06 regarding the home buyouts. The BRRWD office prepared a list of the properties with contact/property location information. Anderson and Campbell are in the process of contacting landowners to encourage them to sign the Permission to Survey forms, which will be forwarded to UEI so they can move forward with the dike alignment survey work. Another Steering Committee meeting will be scheduled in the near future.

According to an e-mail message from Ed Fick, FDR Hydrologist, Minnesota Department of Natural Resources (DNR) Waters, the DNR has appropriated an additional $2 million for the Oakport project in 2006, which when added to the current funding, brings the total grant money to $6 million. Senator Keith Langseth has discussed the project funding with Ellefson. Langseth encouraged Ellefson to start using the funding as quickly as possible. The Board felt that most of the funding would be spent when the home buyouts are finalized.

The Board discussed Al Fischer's concerns regarding the dike alignment on his property on the east and west sides of the Oakport Coulee. The Fischers on the west side of the coulee would like to see the dike alignment moved as far south as possible, which would increase their property values. When Albright and Fischer discussed this issue at the 5/11/06 informational meeting, Fischer indicated that if
the BRRWD would decide to help pay for the section corner surveying costs Fischer incurred in association with Project No. 42, Clay County Ditch No. 67-Establishment, he might be more willing to cooperate with the dike alignment across his property. The Board briefly discussed Fischer's claim regarding the location of the corner common to Sections 16, 17, 20, and 21, Oakport Township, and also the proposed dike alignment as it relates to his property and area roads.

**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 60" dia. pipe. The culvert has a history of washing out and overtopped again during the 2006 spring flood. The proposed culvert will match the upstream culvert sizing in Interstate-94 (I-94). Olson and Opsahl field reviewed this application on 5/06/06. The Township recently received a DNR permit for this project. The Board discussed this proposal. Albright noted that the Township would like to include this in their Federal Emergency Management Agency (FEMA) disaster repairs. **Motion** by Hanson to approve Permit No. 06-21. **Seconded** by Nelson. **Approved.**

**Permit No. 06-31, Arne Peterson.** Applicant proposes to replace an 18" dia. culvert through the township road (180th AVE) in the northwest corner Section 28, Deerhorn Township, Wilkin County, with a 24" dia. corrugated metal pipe (CMP). Peterson claims the existing culvert sizing and elevation is inadequate. The downstream ditch was recently cleaned to convey water flows to the west. Manager Olson and Opsahl conducted a field review of this application and advised the Board to meet with the neighboring landowners to discuss this proposal. The Board scheduled a field meeting for Friday, 6/16/06, at 7:30 AM. The office will send out notices to the affected landowners.

**Permit No. 06-35, Sam Johnson.** Applicant proposes to fill a low area (natural waterway) on his building site in the SW¼, Section 35, Oakport Township, Clay County, to protect his farmstead from water draining from the adjacent agricultural land. Albright and Manager Olson met with Johnson on 6/02/06. Johnson has already placed some fill in the waterway to restrict the field drainage. The neighboring landowner, Kurt Lackmann, rented the farmstead to Johnson for a number of years before he sold the property to him about two years ago. The field drainage naturally outlets through the Johnson property to Clay County Ditch No. 41, Lateral No. 1. The Board discussed area drainage and possible additional culverts to help drain the agricultural land. There are fiber optic cables and a buried high pressure gas line located in the area where a possible second culvert could be installed. Albright suggested that the Board authorize H.E. to call Gopher One to locate the utilities to see if a culvert could be installed on the east side of Johnson's buildings and to provide a cost estimate for a culvert installation. Lackmann would also need to be contacted to see if he would be willing to clean the ditch to get his water to drain around Johnson's buildings. Olson pointed out that Johnson bought the farmstead with full knowledge that water drained through the yard. **Motion** by Olson to authorize Wade Opsahl, Technician, H.E., to contact Gopher One and conduct an area survey to prepare a recommendation with a cost estimate to install a culvert on the east side of Johnson's farmyard. **Seconded** by Nelson. **Approved.** **Tabled** pending survey completion.

**Permit No. 06-41, Becker County Parks and Recreation.** Applicant proposes to construct and maintain a snowmobile crossing on Becker County Ditch No. 19, Branch 3, in Section 16, Holmesville Township. Chip Lohmeier, County Parks and Recreation Department, indicated that they might use an old semi-trailer flatbed for the snowmobile bridge. Albright prepared a memo for Opsahl to contact Manager Hanson and Lohmeier to schedule a field review of the proposed crossing. **Tabled.**

**Permit No. 06-42, James Baker.** Applicant has regraded the township road ditch (14th ST S) in the NE¼, Section 5, Kurtz Township, along the east side of his property to drain north to Clay County Ditch No. 9 to which it is assessed. The road ditch was regraded, including removal of high spots to
improve agricultural drainage. This work was done last fall in conjunction with a BRRWD project to lower his inlet pipe into Ditch No. 9. The Board requested that Baker file a permit application as some of his work went into the clay. **Motion** by Olson to approve Permit No. 06-42, subject to Township approval to work within their road right-of-way (r-o-w). **Seconded** by VanAmburg. **Approved.**

**Permit No. 06-43, Tansem Township.** Applicant proposes to replace a 15" dia. culvert in the NW¼, Section 26, as the existing culvert is plugged. Albright will contact Frank Kimm, Township Supervisor, regarding the project. The Township probably won't need a BRRWD permit, if they plan to reinstall the same size culvert. **Tabled.**

**Permit No. 06-44, Duane Janssen.** Applicant proposes to install 48 acres of tiling in the N¾, Section 3, Humboldt Township, Clay County. This project will tie into a previous tiling project (Permit No. 05-22). Ellingson Companies provided a plan dated 3/22/06 for the Board's review. Manager Nelson field reviewed the application on 6/02/06 and found no problems with the proposal. The work has already been completed. **Motion** by Nelson to approve Permit No. 06-44. **Seconded** by Hanson. **Approved.**

**Permit No. 06-45/06-46, Tang Farms.** For Permit No. 06-45, applicant proposes to tile 25 acres in the NE¼, Section 24, Morken Township, Clay County, to facilitate agricultural drainage. The tile will gravity flow into Clay County Ditch No. 10. For Permit No. 06-46, applicant proposes to install drain tile for the south 33 acres of the SE¼, Section 18, Flowing Township, Clay County, to gravity flow to Ditch No. 10 through the township road. Ellingson Companies prepared the project plans and will install the tiling. The Natural Resource Conservation Service (NRCS) has approved both projects. Albright and Manager Olson field reviewed the applications on 6/02/06. Albright suggested that a flapgate and an anti-seep collar be installed on the outlet through the township road for Permit 06-46 to prevent backflow from Clay County Ditch No. 10. **Motion** by Hanson to approve Permit Nos. 06-45 and 06-46, subject to the above referenced conditions. **Seconded** by Olson. **Approved.**

**Permit No. 06-47, Clay County Highway Department.** Applicant proposes to replace an existing steel span bridge at the outlet of Clay County Ditch No. 58 between Section 4, Elmwood Township, and Section 33, Glyndon Township, with a 14' x 7' reinforced concrete box culvert (RCB) with end sections and minor grading on County State Aid Highway (CSAH) No. 12. The bridge is too narrow to accommodate the newly widened roadway. **Tabled** pending Jones' review.

**Permit No. 06-48, Clay County Highway Department.** Applicant proposes to modify their project (Permit No. 01-83) to add a gate to the proposed 18" dia. culvert through 100th Avenue, located north of Tatley Lake between Sections 25 and 36, Keene Township. Water from a nearby slough has encroached into the south bound driving lane of CSAH No. 33, creating a public safety hazard. The County plans to install a control valve to minimize downstream impacts and control the bounce effects on the adjacent wetland. The permit modification also includes lowering the proposed culvert inlet elevation to 1186.7, which is slightly higher than the wetland's ordinary high water (OHW) elevation. The County will draw down the wetland inlet elevation in the fall to allow for more spring storage and minimize downstream impacts. The control valve will be locked to prevent tampering. Water quality testing would be done prior to construction to monitor and compare the nitrate, phosphate, and pH levels in the wetland and Tatley Lake. The County will also monitor water elevations in the outlet to help determine stage increases as a result of water leaving the wetland. The County will also submit the proposed modifications to the United States Fish and Wildlife Service (USFWS) for their review and approval. The Board discussed this proposal. **Tabled** pending Jones review/recommendations and Manager field review.
**Permit No. 06-49, Hawley Township.** Applicant proposes to install culverts in 210th Street North and Steve Welle's driveway to move water from the west side of road to the east. Welle's culvert under his driveway will drain water from north to south to eliminate road inundation and prevent a public safety hazard. **Tabled** pending Manager field review. Albright said Hawley Township had this same request in 2005 via Permit No. 05-42, which was withdrawn because of downstream concerns.

**Permit No. 06-50, Michael Firkus.** Applicant proposes to excavate a low area in the NE¼, Section 31, Kragnes Township, near Clay County Ditch No. 20, to create a larger wetland area to provide wildlife and natural resource enhancement. **Tabled** pending Manager field review.

**Permit Nos. 06-51/06-52, Steve Ueland and Eugene J. Baril.** Applicants propose to add approximately 5" of fill to the road ditch in front of their houses in Lots 3 and 4, Block 1, Anderson Acres 2nd Addition, Section 11, Oakport Township, Clay County. The landowners want to eliminate the standing water in the ditch. **Tabled** pending Manager field review.

**Permit No. 06-53, Robert S. Olson.** Applicant proposes to install tiling for 9 acres on the north side of the township road in Section 5, Parke Township, Clay County. **Motion** by VanAmburg to approve Permit No. 06-53, subject to Manager field review. **Seconded** by Nelson. **Approved.**

**Permit No. 06-54, City of Moorhead/Prairie Meadows & 14th Street South.** The City proposes to make some changes to their plan for 14th Street South (Permit No. 05-81). The plan modification includes lowering the proposed culverts in Fitzgerald's driveway as well as 45th Avenue South. A drainage swale will be constructed along the unplatted portions of Prairie Meadows Addition to drain water around the addition to the east ditch of 14th Street, then north to the 40th Avenue drain. **Motion** by VanAmburg to approve Permit No. 06-54 subject to field review by Manager Olson and Jones' review. **Seconded** by Hanson. **Approved.**

**Permit No. 06-55, City of Moorhead/Evergreen Meadows 2nd Addition.** Applicant proposes to construct underground utilities, curb, gutter, streets, and a storm water detention pond for the Evergreen Meadows 2nd Addition, which will provide 27 lots for residential housing in the NE¼, Section 27, Moorhead Township. A 3 acre detention pond will be constructed adjacent to an existing pond. The overall plat contains approximately 20 acres. Other drainage improvements include an underground storm sewer collection system and drainage swales along lot lines and along the south side of the subdivision. Jones has reviewed the application and recommended approval. **Motion** by VanAmburg to approve Permit No. 06-55. **Seconded** by Hanson. **Approved.**

**Permit No. 06-56, City of Moorhead/40th AVE S Street and Utility Improvements.** Applicant proposes to improve 40th Avenue South from 2,169' east of 14th Street to 2,950' west of CSAH No. 7. The project will also include street and utility improvements. The ditches along the south side of the road will also be improved slightly to direct rural water drainage north towards 40th Avenue South. The application includes a proposed 10' x 4' RCB through the railroad embankment along the east side of South Field Addition that would be aligned with the 40th Avenue ditch project. In his review of this application, Jones recommended that this box culvert should be installed before any of the existing culverts through the railroad embankment immediately south and adjacent to 40th Avenue South are removed. The storm sewer pipe along the 40th Avenue ditch through the South Field Addition will be extended through the railroad tracks with a 48" dia. RCP, which will be bored through the railroad embankment just north of the proposed box culvert installation. Jones noted that the plan appears to conform with the stormwater master plan H.E. prepared for the City of Moorhead, and he recommended permit approval. **Motion** by Olson to approve Permit No. 06-56, subject to Jones' above
referenced recommendations regarding the box culvert installation. Seconded by VanAmburg. Approved.

**Permit No. 06-57, City of Moorhead/40th AVE/28th ST S Detention Pond.** Applicant proposes to construct a regional detention pond in the NW¼, Section 27, Moorhead Township. The pond will serve a portion of the 40th Avenue South Improvements, a portion of Village Green Sixth Addition, the Gust Johanson residential development, and the Good Shepard Lutheran Church. The pond is sized to provide detention for 160 acres of developed land and 114 acres of agricultural run-off. Olson noted that the parcel development includes about a 100 acre park. The total pond volume is 30.4 acre-feet. The pond exceeds the Minnesota Pollution Control Agency (MPCA) dead storage requirements. Other improvements associated with this project will include an underground storm sewer collection system and drainage swales along lot lines and along the south sides of the Church property. Jones has reviewed this application and recommended permit approval. Motion by Olson to approve Permit No. 06-57. Seconded by Nelson. Approved.

**DNR General Permit.** The DNR has issued General Permit 2001-1172 to make repairs relating to flooding. This permit allows political subdivisions, agencies, and private landowners to restore structures and property below the OHW of public waters damaged by flood events, subject to the following conditions: 1) the DNR Waters Area Hydrologist must be notified and give authorization for any work prior to commencing repairs; 2) the Area Hydrologist must authorize any deviation from in-kind replacement; and 3) the permit expires on June 6, 2011.

**Minch and Johnson Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 10:20 PM to discuss the status of both lawsuits. At 10:30 PM, the Board reopened the meeting.

**South Field Addition.** Dan Hanson, UEI, called the office on 6/02/06 with a request to install a temporary approach/culvert in conjunction with their South Field project near the 14th Street South bike path in South Moorhead. The approach would provide an exit for trucks hauling gravel. Olson recently field reviewed the area and noted that the work was completed and the crossing had been removed. Olson also mentioned that the culverts in this area are sized incorrectly. He recommended that Jones discuss this issue with UEI.

**Small Cities Development Program.** Becker County notified the BRRWD that the City of Callaway has been awarded funding from the Minnesota Department of Employment and Economic Development. The purpose of the funding is to assist in the replacement/construction of public infrastructure, including municipal water, sanitary sewer, and streets. Becker County is making a Finding of No Significant Impact and has published a Combined Notice for the program. There is a comment/objection period. Albright will send a letter to the City with a copy of the BRRWD Rules, stating that any projects affecting drainage will require a BRRWD permit.

**Chris Dankert Proposed Property Acquisition.** Dankert contacted the office with questions regarding property he may purchase in Section 5, Eglon Township, Clay County, near the Buffalo River. Albright prepared a packet of information for Dankert's review including the FEMA flood profiles for the 10-year, 100-year, and 500-year river elevations. Albright also sent a permit application and BRRWD Rules for Dankert's use if he plans to make any drainage changes to the property.

**City of Hawley Flood Repairs.** Hawley sent the BRRWD and other agencies a letter documenting three erosion areas along the Buffalo River south of T.H. 10, resulting from the 2006 spring flood that
need to be repaired to prevent continued flood damage. The problem areas lie within the Minnesota Department of Transportation (MNDOT) r-o-w along T.H. 10. The Hawley Water Committee would like to schedule a meeting with all the agencies that would be involved with this repair process to view the damage and formulate a solution. Albright noted that Hawley will have to work with FEMA, as this work will be part of their disaster declaration, and the BRRWD does not have a project in this area.

**Project No. 60, Swede Grove Lake.** Another landowner informational meeting will be scheduled in early July. The office will prepare a mailing list.

**Project No. 58, Riverton Township Retention.** Jones sent the draft Preliminary Engineer's Report to Brian Winter, Program Director, The Nature Conservancy (TNC) on 5/08/06. Winter informed Jones that the report has been forwarded to TNC's geohydrologist for his review. When Jones receives Winter's comments, he will try to incorporate them into his final project design. The report includes drafts of an Operation and Maintenance Plan (O&M) and a Monitoring Plan. Ed Fick, FDR Hydrologist, DNR Waters, notified Albright that the Legislature has allotted $230,000 for this project.

**Project No. 57, Moorhead/I-94 Flood Control.** Jones reported that the contractor, Raymond Weidenborner, All Seasons Contracting, Inc., Blackduck, MN, plans to start work in early July. Ziegler Construction, Inc., has started work on the Clay County Ditch No. 41 repairs along the BNSF railroad tracks south of Dilworth. Jones will schedule the preconstruction meeting in the next few weeks. Albright suggested that MNDOT representatives should be invited to the meeting. The office is preparing the bond transcripts.

**Project No. 56, Manston Slough Restoration.** Bob Usgaard, Ducks Unlimited (DU), is no longer in our area and Mark Norton is his replacement. Albright will meet with Norton and John Voz on 6/15/06 to update them about the Manston Slough project. The Board discussed the status of the Donald Holubok property acquisition. The NRCS wants Holubok to sign the Wetland Reserve Enhancement Program (WREP) application form before 6/01/06. There is some concern that the State might lose this funding, which would reduce our offer for Holubok's property. Pete Waller, Minnesota Board of Water and Soil Resources (BWSR), suggested that someone other than the BRRWD should meet with Holubok regarding this issue. Albright will contact Donald Holubok directly to make sure that he has received and understands all of the WREP information/purchase offers we have provided to his son, Steve Holubok.

**Project No. 54, Whisky Creek Tributaries.** H.E. has prepared the Final Pay Request for Dennis Drewes, Inc., for $9,807.48, which covers the 2% retainage. **Motion** by Nelson to approve the payment. **Seconded** by Olson. **Approved.**

The Board discussed Greg Settelmeyer's driveway erosion concerns. Ellefson noted that the BRRWD has an agreement with Settelmeyer that if he has problems with his driveway culvert, we would replace it as a project expense. Jones has completed the hydraulic analysis for the driveway crossing and has provided recommendations. He has also prepared a DNR permit application to work in the waterway, which could take 30 days to process. Ellefson signed the application. The NRCS is having trouble finding a contractor to complete the Nichols WRP restoration project upstream of Settelmeyer's farmstead. 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. **Motion** by Hanson to do the repairs to Settelmeyer's driveway according to H.E.'s recommendations as soon as we receive the DNR permit. **Seconded** by Hanson. **Approved.**
The Board also discussed a complaint regarding a drainage issue on the Scott Anderson property east of C.R. 56. No outlet was provided for water that is trapped on the north side of the dike alignment in his farmyard. Anderson would like a culvert to drain the area. Opsahl will survey the area and prepare a recommendation to address this concern.

**Project No. 51, Clay County Ditch No. 68-City of Glyndon.** Ron Erdman, All State Excavating, Inc., has provided proof of insurance and bond certificates. Jones will review the documents. He will also schedule the preconstruction meeting. The Board signed the project contracts. Erdman has requested that the BRRWD release his bid bond. The office is also working on the bond transcripts in preparation for the bond sale. Albright plans to meet with Carolyn Drude, Ehlers and Associates, in the near future regarding the bond sale.

A Glyndon homeowner wrote the BRRWD a letter to complain about the temporary r-o-w staking work being done in her neighborhood. She also mentioned concerns about how much r-o-w the project will require. She asked for detailed information about how the project will affect her property. Albright will send a response. The Board discussed the project specifications regarding spoil disposal.

**Project No. 39, Georgetown Levee.** Jones has prepared recommendations regarding landowner Johnnie Stasch's concerns pertaining to improper drainage causing water to stand in the T.H. 75 east ditch. According to H.E.'s survey, Jones recommends resetting the culvert in Stasch's driveway and the culvert through the levee, and grading the east road ditch south to address the standing water problem. Jones estimates that the repairs would cost approximately $2,000-$2,500. The Board discussed Jones' recommendations. They would like to conduct a field review of the site. **Tabled.**

**Project No. 38, Farmstead Ringdikes.** The Board discussed a possible ringdike for the City of Kragnes. We might be able to get FEMA funding for flood mitigation projects. Targets of the FEMA funding will be buyouts and structure removal. Ed Fick, FDR Hydrologist, DNR Waters, suggested that the BRRWD should apply for this funding for the Oakport Flood Mitigation Project buyouts. FEMA only funds buyouts for properties that will leave open space, and no diking can be located on the acreage.

**Project No. 29, Log Jam Removal.** Opsahl will investigate a log jam complaint in the Sabin area.

**Project No. 23, Becker County Ditch No. 15.** Jones will schedule a meeting with the USFWS regarding the 2006 repairs.

**Project No. 19, Becker County Ditch No. 21.** Landowner Jerry Matter has concerns about seepage from property owned by the USFWS adjacent to his property. Albright also needs to send a letter to the area landowners regarding ditch r-o-w easements acquisition to allow for ditch maintenance. The office will prepare a mailing list.

**Project No. 13, Hay Creek Detention-Bjornson.** Opsahl is working on lowering the water level and finding a contractor for the south dam repairs.

**Mediation Project Team (PT).** The next PT meeting will be held on 6/29/06 at 7:00 PM in the MSUM Science Center. The office has prepared a $5,000 PT expense voucher for the remaining Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) funding. VanAmburg attended the 6/07/06 RRBFDRWG meeting in Detroit Lakes.
Comprehensive Planning. The office has prepared the Citizen Advisory Committee (CAC) and the Technical Advisory Committee (TAC) mailing lists. A draft letter asking the individuals to consider serving on the Advisory Committees will be mailed next week. A kickoff meeting will be scheduled as soon as all TAC and CAC members have been identified.

Minnesota Statutes Annotated (M. S. A.) 103D.905, Subd. 3. The Board reviewed a worksheet showing possible projects/activities that could be funded using the levy increase passed by the State Legislature. This statute allows Watershed Districts to fund local projects through a district wide tax levy initiated by a petition from political subdivisions or 50 property owners within the district. The tax increase allows the BRRWD to levy approximately $670,000 for 2006 and 2007. The Board discussed the need to maximize the use of this taxing authority in the next two years, as BRRWD Lobbyist Joel Carlson felt it might be difficult to get the Legislature to renew this increase in 2008. Albright suggested that the BRRWD prepare one general petition for the Clay County Board of Commissioner's review in order to streamline the petition process to use this taxing authority. Albright will prepare a sample resolution for the Board's review at our next meeting.

The Board discussed the Legislature's apparent misunderstanding of the levy increase. The Managers felt that instead of this being a "new" tax, it represents one-half of the Red River Watershed Management Board (RRWMB) 2 mil tax levy that the BRRWD could be collecting if we were members. Olson noted that this tax levy provides much more accountability and local control because the BRRWD has to designate prior to taxation how the proceeds will be allocated.

MAWD Summer Tour. The 2006 MAWD Summer Tour is scheduled for June 22-24, 2006, at the Alexandria, MN Holiday Inn. This year's host is the Sauk River Watershed District. The theme is "Marching Forward to the Beat of Progress". Manager reservations have been made.

MPCA Funding Request. MPCA has requested $8,400 from the BRRWD for 2006 water quality monitoring after we receive the 1st half taxes collections. To date, we are still waiting for our share of the tax proceeds from Clay County. Albright has contacted Lori Johnson, Clay County Auditor, with a request to expedite our payment.

Clay County Ditch No. 34. Gary 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). At their 5/08/06 meeting, the Board authorized H.E. to conduct a GPS survey for both ditch banks and the field drainage along the one mile stretch of the channel downstream of Joe Gilbertson's farmyard in Sections 18 and 19. Jones reported that the survey has been completed, and he is working on his repair recommendations.

Clay County Ditch No. 20. Ditch No. 20 washed out C.R. 98 this spring during the heavy spring runoff. The County has plans to regrade C.R. 98 in the near future and Lee Livdahl, Clay County Highway Department, suggested that the BRRWD should consider eliminating or improving some of the Ditch No. 20 crossings through C.R. 98. Currently, there are eight places where Ditch No. 20 crosses C.R. 98 or the east-west township road (100th AVE N) in a one-half mile stretch. Landowners also think this ditch system needs maintenance. Jones suggested that the County and BRRWD Managers meet on site to discuss options for this ditch system.

319 Water Quality MPCA Grant. The BRRWD received a 319 grant from the MPCA in 2004. An important component of the grant agreement was the completion of a Sediment Production Model of the South Branch of the Buffalo River Watershed, which the St. Anthony Falls Laboratory (SAFL), University of Minnesota, has recently finished. A copy of the study is on file in the BRRWD office,
and there will be two presentations of the production model. Albright will work with Molly McGregor, MPCA, to schedule those events.

The MPCA has requested the BRRWD consider continuing the 319 grant. The focus of the continuation grant would be to apply the SAFL computer model to develop sediment water quality goals that could be incorporated into the BRRWD's Revised Watershed Management Plan (RWMP) update to identify high priority areas within the watershed.

**FEMA Disaster Declaration.** The FEMA applicant briefing for Clay County/cities/townships was held today in the Moorhead City Hall. Opsahl attended the briefing on behalf of the BRRWD. All entities were issued an application to begin the assistance process. Another more detailed meeting is scheduled for next Monday, June 19, 2006. Opsahl will also attend that meeting. Albright noted that the BRRWD would prefer to submit just one application and have one inspector for all counties under our jurisdiction within the disaster declaration area.

**MCC Crews.** The Minnesota Conservation Corps (MCC) provides young adults with the opportunity to participate in natural resource, emergency response, and community based service/learning projects. MCC is currently accepting projects for their review.

**North Ottawa Project.** The Bois de Sioux Watershed District sent a project update regarding their North Ottawa project.

**River Watch Water Monitoring.** BHS Biology Teacher and River Watch Team Leader Sheila Carlson has submitted a pay request for their 2005 water quality monitoring expenses ($3,068.81). Carlson also submitted their 2006 funding request ($3,866). The Board felt that this is very valuable program. Motion by VanAmburg to continue the River Watch Team funding for 2006. Seconded by Nelson. Approved.

**The following bills were presented for approval:**

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<tr>
<th>Accounts Payable</th>
<th>Description</th>
<th>Account</th>
<th>Amount</th>
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<tr>
<td>Petty Cash</td>
<td>Postage, supplies, etc.</td>
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<tr>
<td>H&amp;S Contracting, Inc.</td>
<td>#6129, culvert lowering</td>
<td>Clay 9</td>
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<td>Pj. 33, Clay 50</td>
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<td>RRWMB-Const.</td>
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<td>#6128, Tang approach</td>
<td>Pj. 48, Clay 59</td>
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<td>Roger Lundberg</td>
<td>Beaver dam removal</td>
<td>Pj. 13/30</td>
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<td>Harold Rotunda, CPA</td>
<td>2005 Audit</td>
<td>Admin</td>
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<td>5/25/06 telephone billings</td>
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<td>TDS Metrocom</td>
<td>5/20/06 long distance billing</td>
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<td>Robert Kloubec</td>
<td>Voucher #0619, Viewers' mtgs.</td>
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<td>Wild Rice Electric</td>
<td>04/17/06-05/20/06 service</td>
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<td>Clay 3</td>
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<td>Premium Waters, Inc.</td>
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<td>Vogel Law Firm</td>
<td>#3, legal services</td>
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<td>Pj. 34, Clay 41</td>
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<td>Dennis Drewes, Inc.</td>
<td>Final Pay Request</td>
<td>Pj. 54, Whisky Creek</td>
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<td>Project seeding</td>
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<td>H&amp;S Contracting, Inc.</td>
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<td>Pj. 7, Clay 39</td>
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<td>H.E.</td>
<td>June 2006 billing summary</td>
<td>Varies, see attach</td>
<td>$54,637.86</td>
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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, June 26, 2006, at 8:00 PM in the Barnesville office.

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

Respectfully submitted,

John E. Hanson, Secretary