A regular meeting of the Board of Managers, Buffalo-Red River Watershed District (BRRWD), was held on Monday, July 10, 2006, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, E. Robert Olson, Curtis M. Nelson, Gerald L. VanAmburg, and John E. Hanson. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.); LeRoy Turner, Turner Sand & Gravel, Inc.; and landowners: Darin Allmaras, Tom Olson, Mike Haugrud, Dan Haugrud, Gary Smith, Suzanne Lund, James Lund, and Jim Haick.

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 5/11/06 Oakport Flood Mitigation Project informational meeting. **Motion** by VanAmburg to approve the minutes. **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. They also discussed the Accounts Receivable report. **Motion** by Olson to approve the Treasurer's Report. **Seconded** by VanAmburg. **Approved.**

**Business brought before the Board included:**

**Grove Lake Outlet.** Several landowners from the Grove Lake area were in attendance to review the results of Jones' preliminary study. A group of landowners and Township Supervisors attended the 6/26/06 BRRWD meeting to discuss their concerns about high water in the Grove Lake area, in northwestern Otter Tail County, that is affecting Township and Minnesota Department of Transportation (MNDOT) roads (Trunk Highway (T.H.) No. 34) and encroaching on lake property. They questioned if the lake system, which includes Pete, Grove, Maple, and Rankle Lakes, could be drained to Whisky Lake, which outlets directly to Whisky Creek. At their 6/26/06 meeting, the Board authorized H.E. to prepare a preliminary study of the area to determine what could be done to address their concerns. On 6/28/06, Ellefson and Albright conducted a field review of the area, and on 7/06/06, Albright and Jones also did a field review. The landowners reported that due to the dry weather, Grove Lake's elevation has gone down slightly.

Jones presented his preliminary report regarding area lake elevations and drainage patterns. He noted that Paul Munsterteiger, MNDOT, told him that MNDOT has no plans to install an outlet for Rankle Lake on T.H. 34. They plan to add crushed granite to raise T.H. 34. Jones pointed out that the information in his report is not based on direct field survey data, but only available existing information/data. Jones used a 1973 United States Geological Survey (USGS) quad map to discuss how the lakes are interconnected. He noted that the lakes are actually all much larger now than they were when the map was prepared. There is a ridge on the south side of Pete Lake where water could naturally spill over and run downhill to Grove Lake. Grove Lake has two natural outlets. One is on...
the northwest side where it would flow to Maple Lake. Maple Lake's natural outlet is in the southwest corner where it drains to Whisky Creek. The other natural outlet from Grove Lake is along its western side over a ridge into a wetland area. An outlet would have to be constructed to drain this wetland to Whisky Creek.

Jones discussed lake sizes based on 2004 Farm Service Agency (FSA) aerial photographs. The photos show that the four smaller lakes north of T.H. 34 are all connected and have a total surface area of approximately 300 acres. Pete Lake has 110 acres of surface area and Grove Lake has a surface area of approximately 465 acres. Jones estimated that for every 1' of water drained off the upstream lake chain north of T.H. 34, Pete Lake would only bounce about 2.5' until it spilled out south to Grove Lake.

Jones thought that there is enough fall from the lakes north of T.H. 34 to Whisky Lake to make a gravity flow outlet feasible. He said that a detailed survey investigation would provide more data regarding this issue. Jones suggested that if a decision were made to drain the lake chain to Whisky Creek via Whisky Lake, Minnesota Drainage Law might have to be reviewed because Whisky Creek is Clay County Ditch No. 34 west of Barnesville. If a project were developed according to Watershed Law, the process could also be complicated. It might be easier and quicker if the Township did the work by permit. Jones thought that since the landowners have no desire to lower the lakes below their Ordinary High Water (OHW) elevations, a Minnesota Department of Natural Resources (DNR) permit would probably not be necessary. Because of downstream concerns regarding the adequacy of the Whisky Creek outlet, an Operation Plan similar to the plan for Project No. 46, Turtle Lake Outlet, could be put in place so that when there are flooding conditions downstream, the outlet could be closed. In addition, downstream maintenance and beaver control issues will need to be addressed.

Mike Haugrud commented that Pete Lake didn't have too far to go before it overflowed into Grove Lake. James Lund asked how many years of elevation data Jones had for the area lakes. Jones said his records only went back to 2002. The only other reference he could site for older elevations would be from field observation of the sizes of trees that are now standing in water.

Albright pointed out that if the landowners were still interested in continuing this process, the first step might be to forward Jones' study to Robert G. Merritt and Terry Lecher, Area Hydrologists, DNR, for their review and comment. Albright noted that the current political climate is not conducive to lake outlet projects, since Minnesota has expressed concerns about North Dakota's proposal to drain Devils Lake into the Red River Basin. A landowner informational meeting including the township officials and downstream landowners should also be scheduled if the project is going to move forward. The earliest meeting date might be mid to late August. There might be opposition from landowners on Clay County Ditch No. 34 who feel that their ditch needs work and the outlet is inadequate.

Sue Lund commented that she thought that they were still interested in continuing the process. As the water keeps going up each year, landowners' fears increase about Pete Lake overtopping and flooding Grove Lake. She thought that a project that would control the lake level as a safe guard versus a sudden water release was something most landowners wanted. Olson said that no one wanted to drain all the area lakes. They are currently just interested in Pete and Grove. Albright pointed out that if the lakes north of T.H. 34 fill up much further, water will naturally be heading to Pete Lake. Darin Allmaras felt that it would be better to take a proactive approach to this problem. Ellefson thought it wouldn't hurt to drain into Whisky Creek during dry weather. Albright suggested that we start the process by sending Jones' report to the DNR for their review.
James Lund asked if Jones could estimate the evaporation rate during this dry period. Jones said that groundwater influx could probably match any elevation reduction created by evaporation. Sue Lund asked if the informational meeting could be held sooner than August. Ellefson pointed out that it takes time to schedule/prepare for an informational meeting and to coordinate this with the DNR. Albright said that this is a busy time of the year for the BRRWD office, but we could try to expedite the process. He added that there are a number of concurrent issues involved, including the Ditch No. 34 benefit area questions, permitting, and what process we should use to develop a project, etc. Albright doubted if any actual construction could be started this year. **Motion** by VanAmburg to forward Jones' study to the DNR, and to authorize the office to prepare a landowner mailing list, and to schedule an informational meeting. **Seconded** by Hanson. **Approved.** Albright will make copies of Jones' report for any landowner that would be interested in reviewing the information. Tom Olson has a 2005 wetland delineation report for Grove Lake that he will make available to Jones.

**Clay County Ditch No. 34.** Gary Smith, a downstream landowner on Ditch No. 34 west of Barnesville, expressed his interest in the previous discussion regarding Grove Lake. In light of this proposed project, he thought the BRRWD should consider an improvement project for the Ditch No. 34 outlet. H.E. has completed the survey Smith requested for Ditch No. 34 after the 2006 spring flood in Sections 18 and 19, Barnesville Township. Jones prepared a plan view of the segment of ditch west of County Road (C.R.) No. 21, showing the location of the washout sites and spot elevations. The actual project design is still pending, and will include profiles of the area drainage and channel berms.

Regarding the Ditch No. 34 outlet, a few years ago, H.E. prepared a hydraulic analysis of a structure (bridge) in the township road on the west line of Section 18, Barnesville Township. At that time, the Clay County Engineer was not interested in replacing the bridge. Smith said the bridge and other waterway openings in C.R. 21 just west of Joe Gilbertson's farmstead has an approximately 220 square feet (sq. ft.) of waterway area, the next structure is the bridge in the township road (120th ST S) with a 190 sq. ft. of waterway area, and the next structure downstream of the outlet in C.R. 57 has a waterway area of 284 sq. ft. Smith felt it was obvious that his bridge was undersized. Albright suggested that the BRRWD schedule a meeting with Barnesville Township Supervisors, the Clay County Highway Department, and Jon Evert, local Clay County Commissioner, to discuss changing this structure. He added that since the landowner on C.R. 21, Joe Gilbertson, has his property protected by a ringdike via Project No. 54, he would probably not be opposed to a possible project to change Ditch No. 34.

Ellefson questioned if the BRRWD could install a culvert next to the bridge to increase the outlet capacity. Smith thought that might be a good option, but he questioned Clay County's reaction to this proposal. Jones agreed that an additional culvert might be simpler approach to the problem. Ellefson thought a culvert installation would also be less expensive. Albright pointed out that the County does an annual review of their structures and based on their scoring, they decide which ones are replaced. He added that one of the criteria that the County can use to get state funding for culvert replacements is inadequate hydraulic capacity. Albright talked about the sedimentation caused by the 2006 spring flood at the bridge outlet. He noted that when the contractor started repairs this summer, downstream landowners were quick to contact the BRRWD office with their concerns. Downstream opposition has always been a factor in the issue of resizing the ditch structures. Albright noted that the 2006 spring flood channel repairs for Ditch No. 34 should be completed yet this summer. Albright will also try to arrange a meeting with the noted parties in the near future to discuss the ditch outlet/possible bridge replacement.
**Permit No. 06-73, Turner Sand & Gravel.** Applicant proposes to relocate a driveway located in the NW¼, Section 4, Eglon Township, Clay County, to a gravel pit west of T.H. 32, or 15ᵗʰ AVE N, approximately 150' along the existing fence line. The work is necessary to provide access for gravel mining in the area outside the 300' shoreland area of the Buffalo River. A culvert will be installed in the new driveway in the same low area as the existing driveway. Turner plans to start work later this week. Turner said water in the gravel pit would need to rise 15' before it ever flowed out of the waterway. **Motion** by Nelson to approve Permit No. 06-73, subject to Manager field review. **Seconded** by Hanson. **Approved.**

**Project No. 24, Wilkin County Ditch No. 44.** Landowner Jim Haick questioned the status of the South Branch of the Buffalo River cleanout approved last fall by the DNR for Section 4 and 9, Manston Township, Wilkin County. Opsahl will contact William Nichol Excavating, Inc., to do this work when site conditions improve. No bids will be let for this work, as the costs will be less than $50,000. Albright noted that the DNR permit requires that no fill be placed in wetland areas. He suggested that H.E. might send someone out to stake the wetland areas so they can be avoided. Haick thought that according to the FSA maps, there weren't any wetland areas near the project. He asked where the spoil will be placed. Albright explained that spoil will be piled onsite until it dries out, and then the contractor will return and level it out. Haick noted that there is a Conservation Reserve Program (CRP) bufferstrip along the river channel that probably shouldn't have spoil placed on it. Albright will contact the FSA office regarding the spoil placement. Jones will also discuss the spoil placement issue with Wade Opsahl, Technician, H.E., who will be the project supervisor.

Haick also asked about the status of a larger project for the South Branch of the Buffalo River downstream of his project area. The landowners talked about establishing an assessment area for ditch maintenance. Albright said it is still pending. Albright also noted that Walter Jerger's request to reinstall a flapgate along C.R. 186 adjacent to the river cleanout worksite is still pending, based on the effect of the river cleanout project on area drainage. Haick questioned why Jerger didn't bring up this request during discussions at the informational meeting held in 2/21/06.

**Permit No. 06-35, Sam Johnson.** At their 6/12/06 meeting, the Board authorized Opsahl to conduct a drainage survey and to prepare recommendations and a cost estimate to install a ditch/culvert on the east side of Johnson's farmyard in the SW¼, Section 35, Oakport Township, Clay County, to drain the adjacent agricultural land to the east instead of through his farmyard. Opsahl recently completed the survey and recommendations. It was determined that the low area in Kurt Lackmann's field north of Johnson's farmstead could be ditched to drain east and south to Clay County Ditch No. 41-Lateral No. 1 by installing an 18" or 24" dia. x 70' corrugated metal pipe (CMP) with flapgate through 15ᵗʰ AVE N. A fiber optic cable along the north side of the road right-of-way (r-o-w) would have to be circumvented. H.E.'s Opinion of Probable Cost is between $3,000 and $5,000. Olson noted that the culvert sizing should match the other inlet culverts in the section. The Board discussed who would pay for the ditch work. They thought that if the landowners could work together to install the ditch to drain the water to the proposed culvert, the BRRWD could install the structure as a ditch system expense. Once this work is completed, the Board could approve Johnson's permit application to fill in the swale flowing through his farmstead. **Motion** by Olson to authorize Albright to send the survey results to Johnson and Lackman and to install the above referenced culvert/gate as a ditch system expense, subject to the landowners agreeing to work together to install the drainage ditch. **Seconded** by VanAmburg. **Approved.**
Permit No. 06-41, Becker County Parks and Recreation. Opsahl has not contacted Manager Hanson and Chip Lohmeier, County Parks and Recreation Department, Becker County, to schedule a field review of the proposed crossing. Tabled.

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. Jones was unable to contact the County today, but will try again later this week to get more in formation about the proposed project. Tabled pending Jones' review.

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 wetland area to provide wildlife habitat and natural resource enhancement. Manager Olson and Opsahl had some difficulties reviewing this application, as the area was very wet. Recently Firkus called the office to say that the area was much drier and could be field reviewed. Tabled pending Manager field review.

Permit Nos. 06-51/06-52, Steve Ueland and Eugene J. Baril. Opsahl has completed the Board authorized survey of the road ditch (42nd ST N) in front of the homeowner's property in Lots 3 and 4, Block 1, Anderson Acres 2nd Addition, located in Section 11, Oakport Township, Clay County. The landowners want to eliminate the standing water by adding fill to the ditch. The Board reviewed the survey results. According to Opsahl, the work has already been done. Albright will send a letter to the landowners with copies of the survey, advising them that it appears that a ditch cleanout would do more to improve drainage than filling the ditch, and that the Board will take no action on their applications since the work has already been done. The letter will also indicate that the landowners should contact the BRRWD for assistance if they want to repair their ditch.

Permit No. 06-63, Chris Dankert. Applicant proposes to install an approach/culvert for construction of a new house on property he owns in Section 5, Eglon Township, Clay County. On 6/12/06, the office sent Dankert floodplain information with Federal Emergency Management Agency (FEMA) flood profiles for the Buffalo River and a copy of the USGS map for his area. Tabled pending Manager field review.

Permit No. 06-64, Rick Thompson. Applicant proposes to install an approach/culvert off from a township road (130th AVE S) in the SE¼, Section 2, Alliance Township, Clay County, to gain access to his field, which he rents from James Ferris. The County is trying to locate a used 18" dia. or 24" dia. culvert for Thompson. Tabled pending Manager field review.

Permit No. 06-65, James Baker/Tim Pender. Applicants propose to install an approach on the quarterline off from 100th AVE S between the SW¼ and S½SE¼, Section 19, Elkton Township, Clay County, to provide field access. Tabled pending Manager field review and a culvert sizing recommendation.

Permit No. 06-67, Kenneth Dahl. Applicant proposes to install a driveway into his home construction site in the SE¼SE¼SW¼, Section 29, Highland Grove Township, Clay County. The driveway will be constructed through a narrow portion of the existing wetland. The Clay Soil and Water Conservation District (SWCD) approved this project on 6/08/06 with the stipulation that Dahl install a culvert to maintain the hydrologic connectivity between the wetland basins after the project is completed. Tabled pending Manager field review.
**Permit No. 06-68, Luke Benedict.** Applicant proposes to regrade the west road ditch along his property in Section 30, Humboldt Township, Clay County, that borders the City of Barnesville and Humboldt Township (13th ST NE or 190th AVE S). Benedict would like to fill in the low spots and reslope the road inslope so the ditch can be mowed. The area also stands water and Benedict would like to get rid of the mosquito habitat and control weeds. Albright and Manager Ellefson field reviewed this request on 6/28/06 and found no problems. **Motion** by Nelson to approve Permit No. 06-68, subject to approval from the road authority to work in their road r-o-w. **Seconded** by VanAmburg. **Approved.**

**Permit No. 06-69, Jon Gossett.** Applicant proposes to install an approach to access his new home construction site in Lot 2, Block 3, The Field Subdivision in the SE¼, Section 10, Oakport Township, Clay County. Gossett's lot is located on the high spot of the drainage ditch. Albright recommended that the Board approve an 18" dia. culvert for this driveway. **Motion** by Hanson to approve Permit No. 06-69, subject to the recommended culvert size and Manager field review. **Seconded** by Olson. **Approved.**

**Permit No. 06-70, City of Moorhead.** Applicant proposes to install underground utilities including water main, storm and sanitary sewers and paving/grading for the Village Green 6th Addition, located in the SE¼, Section 22, Moorhead Township. The City plans to develop 67.5 acres for the 6th Addition. A storm water detention pond was developed for the Village Green 5th Addition and expanded via Permit No. 05-65 to include this subdivision. This expansion is consistent with the Master Plan for this area. Ulteig Engineers, Inc. (UEI) designed the project and indicated that when the 7th Addition is developed, the pond may need to be expanded further, or an additional pond could be constructed. The detention pond will outlet through an 18" dia. storm sewer pipe to the Village Green Boulevard storm water system. **Motion** by Hanson to approve Permit No. 06-70, subject to Jones' review of the permit application and Manager's Olson field review. **Seconded** by VanAmburg. **Approved.**

**Permit No. 06-71, Lyle Hovland.** Applicant proposes to reinstall an approach/culvert that was removed from the ditch along 310th AVE in the W½, Section 15, Prairie View Township, Wilkin County, in the fall of 2005 to facilitate a ditch maintenance project. The new approach will be closer to Deerhorn Creek. In addition, Hovland wants to install approximately 200 linear feet (l.f.) of 12" dia. drain tile in the ditch bottom before installing the approach to facilitate a possible future tiling project. **Tabled** pending Manager field review.

**Permit No. 06-72, City of Hawley.** Applicant proposes to install a new stormwater outlet to the Buffalo River in the SE¼, Section 1, Hawley Township. The new outlet is necessary to reduce street flooding and will be riprapped to control erosion. Moore Engineering, Inc., is the project engineer. **Motion** by Nelson to approve Permit No. 06-72, subject to Jones' permit application review and Manager Nelson's field review. **Seconded** by Olson. **Approved.**

**Minch and Johnson Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:20 PM to discuss the status of both lawsuits. At 9:25 PM, the Board reopened the meeting.

**Walt Engesetter Complaint.** Engesetter has concerns regarding a ditching project completed the spring by the Spring Prairie Hutterian Colony in Section 27, Spring Prairie Township, Clay County. The Board reviewed photos of the Colony's work to clean an existing ditch on the quarterline to provide an outlet for their property to Clay County Ditch No. 2. The sandy soils and wet conditions
contributed to the ditch erosion and slides. The site will be monitored, and Engesetter's complaint will be kept on file. Engesetter feels he is losing property and soil to the Colony's activities, since the ditch centerline is also the property line.

**Kurtz Township Drainage Complaint.** On 6/26/06, the Board authorized H.E. to conduct a survey of SubDrain No. 1 in Sections 8 and 9, Kurtz Township, to see if it would be possible to clean this ditch to drain water west. The survey started near C.R. 67 and ended two miles east at the township road between Sections 9 and 10. There appears to be about 13' of fall in approximately 2.2 miles of ditch channel, with variable slopes between the road culverts. The survey included the sizing of the four existing culverts in this stretch of ditch. The Board reviewed the survey results. Albright will send copies of the survey to the landowners and Kurtz Township officials with an invitation to attend the 7/24/06 BRRWD meeting to discuss this issue. Albright noted that the homeowners along 28<sup>th</sup> ST S in the SE¼, Section 9, are adding fill to their yards prior to grass seeding.

**Dale Fischer Diking Complaint.** On 6/15/06, Albright met with Fischer on site along CSAH No. 26 to view drainage problems associated with a ditch cleaning project his neighbor, Gerald Zimmerman, completed last fall on the quarterline in Section 32, Morken Township, Clay County. Fischer claims that spoil from the project was placed on the east-west quarterline between their two properties. According to Fischer, this work caused more wet areas in his field, and delayed his spring planting. Albright took photographs of the work. This issue was also discussed at the 6/26/06 meeting. Tabled pending Manager field review.

**Gust Johanson Drainage Concerns.** Johanson called the office today to discuss his concerns regarding the City of Moorhead's project along 40<sup>th</sup> AVE S in Sections 27 and 28, Moorhead Township. Albright and Olson met with Johanson today onsite to review his concerns, which deal primarily with adequate agricultural drainage for Sections 27 and 28. The BRRWD approved Permit No. 06-56 for the City of Moorhead with the condition that drainage along 40<sup>th</sup> AVE S will need to be maintained during construction. The Board directed Albright to send the City of Moorhead a letter documenting Johanson's concerns.

**Darrel Thomas Culvert Concerns.** Darrel Thomas, Thompson Greenery, attended the 6/26/06 BRRWD meeting to discuss his concerns about a requested approach and a proposed 15" dia. culvert on the north side of the industrial park associated with the Del Acres-Gilbertson First Addition, located near the Industrial Park in the NW¼, Section 29, Humboldt Township, within the Barnesville city limits. The Board approved the permit for this project at their 3/27/06 meeting. Recently, UEI proposed to modify their plans by adding the above referenced culvert. Originally, the holding pond was designed to back up to the ditch block (dry approach) and to flow north at elevation 38.5 to the T.H. 34 ditch, which is adjacent to Thompson Greenery. The proposed culvert is not expected to change the overflow runout elevation, but will constrict/control flows, and perhaps delay/prevent overtopping.

On 6/28/06, Albright and Ellefson field reviewed the area. Ellefson felt that it would be better to have the 15" dia. culvert in the approach to meter flows north than to wait for it to overtop and have no control. He felt that there was plenty of drainage for the new storm sewer outlet to the west. The detention pond is designed according to Minnesota Pollution Control Agency (MPCA) requirements. VanAmburg questioned if the 10-year storm event was large enough to handle the water coming from the new subdivision's increased impervious surface area. The new storm sewer is supposedly designed to carry the 100-year event. **Motion** by Olson to modify Permit No. 06-04 to allow for a 15" dia. culvert installation in the above referenced approach requested by Thomas. **Seconded** by Nelson. **Approved.**
**Wal-Mart EAW.** The office has received an Environmental Assessment Worksheet (EAW) for the proposed Wal-Mart Super Center in Dilworth. Our comments are due by 8/16/06. Albright will prepare a draft response for the Board's review at the next meeting.

**Frank Schindler Drainage Concern.** David Overbo, Engineer, Clay County Highway Department, would like to conduct a field review of the drainage issues in Sections 28 and 33, Barnesville Township. At their 6/13/06 meeting, the Township expressed opposition to Richard Peppel's proposal to remove a culvert in the southwest corner of Section 28 through C.R. 51 east of 140th ST. The Board discussed the assessment area for Clay County Ditch No. 54 and area drainage patterns.

**Larry Graffis Driveway Concerns.** Ray Christianson called the office recently regarding Larry Graffis' project to install a driveway to his building site in Lots 3 and 4 along T.H. 9 and C.R. 51 in Section 35, Barnesville Township, Clay County. Christianson inquired if Graffis has a permit to install a culvert/approach in the MNDOT r-o-w along T.H. 9. Albright will contact Graffis regarding his project.

**Project No. 60, Swede Grove Lake.** A landowner informational meeting has been scheduled for July 13, 2006, at 7:30 PM in the Hawley Community Center. Notices have been sent to the landowners and agency personnel. Jones will make a presentation of the project's development and current status.

**Project No. 59, Clay County Ditch No. 41-Lateral 3.** The Board has tabled our request for Feder Properties to increase his petition bond to $20,000 until 8/15/06. No additional fees will be assessed to the project during this time period, but according to Minnesota Statutes, no project development can take place until the bond amount is increased. Albright met with MNDOT on 4/06/06, and they may not be willing to provide funding to help with addressing Feder's alleged concerns. As the deadline is approaching, Albright will contact Feder Properties' Attorney John Boulger to find out what they're plans are regarding this pending project. As the project petitioner, Feder would be responsible for project development costs to date if he decides to discontinue the project.

**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. At the 6/29/06 Project Team (PT) meeting, Winter informed Jones that TNC had completed their review and that he would send Jones their comments. To date, Jones has not received TNC's response. 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. Bids are tentatively scheduled to be opened in the spring of 2007. 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.** Ziegler Construction, Inc., is making progress on the Clay County Ditch No. 41 repairs. Jones reported that the Project No. 57 contractor, Raymond Weidenborner, All Seasons Contracting, Inc., Blackduck, MN, plans to start work in mid-August. The contractor has asked to have the preconstruction meeting onsite. Jones would like to have the Gopher One locates completed in advance of the meeting.

**Project No. 56, Manston Slough Restoration.** Albright talked with Lee Markell, DNR, who indicated that they are ready to present their appraisal offers to C&H Farms and Tom Arnhalt. Markell asked Albright about the status of the BRRWD's progress regarding project development. Nelson asked if Mark Norton or John Voz, Ducks Unlimited (DU), had met with Donald Holubok regarding his Wetland Reserve Enhancement Program (WREP) application. The Board discussed the project development. Albright suggested that we need to start work on the Army Corps of Engineers (COE)
Concurrence Points process. The Natural Resource Conservation Service (NRCS) has about 90% of the WREP easements signed. Albright sent an e-mail message to Ed Fick, FDR Hydrologist, DNR Waters, regarding the project status. Albright noted that we have spent about $55,000 on this project, and he plans to bill DNR for their half of the expenses per the FDR Grant Agreement. The Board felt we should encourage Holubok make a decision regarding his WREP application and our easement offer. Albright suggested that the BRRWD needs to move forward with project development, including soil borings, seepage work, design, easements, EAW, etc. Kevin Brennan, United States Fish and Wildlife Service (USFWS) and Fergus Falls Wetland Management District (WMD), would like to meet with Jones and other agency personnel to discuss the Joint Powers Agreement, the Memorandum of Understanding (MOU) and O&M Plan before we present these documents to the PT for their review and approval.

**Project No. 54, Whisky Creek Tributaries.** The DNR permit is still pending for Greg Settelmeyer's driveway repair project. Robert Merritt, Area Hydrologist, DNR, has been on vacation. When he returns, Albright plans to meet with him on 7/25/06 to do the final project inspection so that the BRRWD will be able to receive the balance of the DNR grant ($10,000).

Opsahl suggested that the Board hire Stuart Borgen to mow the Whisky Creek project. After some discussion, the Board agreed to hire Borgen. Opsahl has already sent a letter to Midwest Helicopters regarding 2006 ditch spraying. Albright explained that the BRRWD has an agreement with Clay County that they will spray ditch system weeds when they are spraying/mowing their road ditches and then bill us for the work. Olson noted a thistle infestation on Clay County Ditch No. 32. Albright will check with the County weed inspector. Albright noted that there is a new chemical that can be used to control cattails earlier in the year.

**Project No. 51, Clay County Ditch No. 68-City of Glyndon.** The Board discussed recording the BRRWD project easements with the County Recorder. Jones will prepare an estimate for the cost of developing record drawings of the project r-o-w for review at the next meeting. The preconstruction meeting has been scheduled with All State Excavating, Inc., for 7/17/06 at 9:00 AM at the Fargo H.E. office. Albright has talked with Carolyn Drude, Ehlers and Associates, regarding the bond sale. She will be meeting with the Clay County Board of Commissioners on 8/01/06 regarding this issue. Albright will prepare the project bond transcripts.

**Project No. 49, Oakport Flood Mitigation Project.** Albright noted that we have received a number of permission to survey forms from landowners in the project area. These forms will be sent to UEI as soon as possible so UEI can start their work. There has been no update regarding Appraiser Guy Miller's progress. Landowner Jill Unruh contacted the office today regarding her appraisal. Albright sent a letter to Miller asking him to expedite Unruh's appraisal. Albright also sent a letter to Ed Fick, DNR, requesting 50% reimbursement of our project development costs to date.

Albright met with Kirsten Saylor, FEMA, regarding disaster mitigation funding, specifically for home buyouts. The Board discussed applying for the FEMA funding. Albright suggested that UEI could help complete the FEMA application. The Board felt we should move forward with the application. Albright noted that another Steering Committee meeting should be scheduled in the near future.

**Project No. 46, Turtle Lake Outlet.** Opsahl has completed the Turtle Lake compressor repairs. Albright will present a brief report regarding the project at the Turtle Lake Association annual picnic on 7/15/06. The lake is approximately 6" above the amended DNR permit elevation.
Project No. 42, Clay County Ditch No. 67. Opsahl is working with FEMA on the 2006 flood repairs. He will also have Stuart Borgan mow the ditch system r-o-w. Allan Fischer has indicated that if the BRRWD would reconsider our decision to help pay for his section corner surveying costs, he might be more willing to cooperate with the dike alignment across his property regarding Project No. 49. 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.

Project No. 40, Clay County Ditch No. 41-Outlet. Opsahl is working on the authorized ditch bank repairs for the Moorhead Rod and Gun Club. The work has not started at this time.

Project No. 39, Georgetown Levee. Opsahl is working with Ziegler Construction to complete the authorized work to reset the culvert in Johnnie Stasch's driveway and the culvert through the levee, and to grade the east T.H. 75 ditch south to address the standing water problem.

Project No. 38, Farmstead Ringdikes. Albright has notified Ed Fick, DNR, that the BRRWD will probably have at least two ringdikes to build this year. We have 4-5 pending applications. When Albright meets with Robert Merritt, DNR, regarding the Whisky Creek Tributaries final inspection, he also plans to have Merritt make a final inspection of the 2005 ringdikes so we can submit our final ringdike billing expenses by 8/01/06. Opsahl has prepared the project engineering billing for the Mead and Rustad ringdikes. The BRRWD is also considering a ringdike project for the City of Kragnes.

Project No. 35, Clay County Ditch No. 47. To date, Jones has not heard from Dave Kluck, Northern Power Products, regarding the operation of the flapgates on the culverts under the Otter Tail Valley (OTV) Railroad tracks along CSAH No. 52. The sediment in front of the gates has not been removed.

Project No. 32, Hawley EDA Diversion. The City of Hawley would like to schedule the annual project inspection with Opsahl when he is available. Lisa Jetvig, City of Hawley, has inquired if we have heard from the culvert manufacturer, Hancock Concrete Products, Inc., regarding the repair status of the 60" dia. reinforced concrete pipe (RCP) culvert, which was installed as part of this project in 1998.

Project No. 29, Log Jam Removal. Harold Schenck, Elmwood Township, was in the office on 6/15/06 to report three logjams in Elmwood Township. There are two logjams on the South Branch of the Buffalo River and another on Stony Creek. Elmwood Township may be eligible for FEMA assistance since the debris piled up underneath their drainage structures and bridges.

Albright explained that counties are typically eligible for Emergency Conservation Protection (ECP) and Emergency Watershed Protection (EWP) programs through the NRCS. Earlier this spring, Wanda Geary, Director, Clay FSA, had filed the ECP/EWP forms, noting no significant flood damages in Clay County. In light of recent damage reports, she has resubmitted her request forms.

Project No. 28, Clay County Ditch No. 2. Landowner Wayne Steen has filed a complaint regarding beaver dams in the S½SE¼, Section 17, Spring Prairie Township. A meeting with the Minnesota Board of Water and Soil Resources (BWSR) Beaver Grant Steering Committee has been scheduled for 7/18/06 at 1:00 PM in our Barnesville office to discuss how to manage the $15,000 grant.

Project No. 27, Clay County Ditch No. 55. Landowner Jerry Janssen was in the office asking about the status of MNDOT's culvert replacement project. Albright sent an e-mail message to Paul Munsterteiger, MNDOT, regarding this issue. To date, there has been no response.
Project No. 23, Becker County Ditch No. 15. Michael Murphy, Hamden Slough National Wildlife Refuge (NWR), and USFWS, has informed Albright that he would like to discuss repairs for this ditch system. The USFWS has property in Section 9, Hamden Township. The BRRWD will need to work with the USFWS on permitting, wetland identification, spoil placement, etc. Jones is still working on the repair recommendations. Murphy also has to request funding to do the repair work on Refuge property. A meeting will be scheduled in the near future.

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

Project No. 8, Stony Creek Detention. Landowner William Thompson has requested that the BRRWD consider lowering the detention site elevation this fall to freeze out the minnow population and to provide more storage in the spring. Albright will prepare a memo for Opsahl regarding this issue.

Project No. 7, Clay County Ditch No. 39. Kirk Watt has filed a repair request for the review of two possible field inlets in the NW¼, Section 33, Morken Township. Motion by VanAmburg to authorize Jones to review the request and prepare recommendations. Seconded by Nelson. Approved.

Mediation PT. Albright suggested that the next PT meeting should be cancelled due to a lack of discussion items. The Board agreed, and the office will mail notices regarding the cancellation. The Board discussed the location and itinerary for the Fall Tour.

Comprehensive Planning. The office has mailed the Citizen Advisory Committee (CAC) and the Technical Advisory Committee (TAC) letters asking individuals to consider serving on the Advisory Committees and to respond by 7/15/06. The Board discussed the status of the planning process. Albright would like to schedule the Phase II Kickoff meeting for the end of August to get the process meetings started. He suggested subsequent meetings could be held regarding the hydraulic modeling work and water quality. VanAmburg suggested that we could invite the Energy and Environmental Research Center (EERC) to make a presentation on their SWAT model. He thought it might be very interesting to hear about their work.

Clay County Ditch No. 40. Landowners in Section 25, Kurtz Township, have requested that the BRRWD provide a hydraulic analysis for a new crossing and other possible ditch repairs. H.E.'s analysis is pending.

Minnesota Statutes Annotated (M. S. A.) 103D.905, Subd. 3. Albright has arranged for the BRRWD to meet with the Clay County Board of Commissioners on 7/18/06 at 8:30 AM to request that they provide a general petition for this levy in 2007 and 2008 to expedite and maximize our use of this taxing authority. Albright will prepare a draft petition and cover letter to forward to Clay County so it can be included in the Commissioners' agenda packet. The entire Board plans to attend, except Hanson, who will be out of town on vacation. Albright met with Bob Backman, Executive Director, River Keepers and Bruce Messelt, City of Moorhead, on 7/05/06 regarding their petition for River Keeper's funding in 2007-2008 for $40,000. Albright has prepared a sample resolution for their use. Messelt suggested that the BRRWD and River Keepers could make a short presentation to the Moorhead City Council regarding the partnership between the BRRWD and River Keepers as they have two new Council members.
The Board briefly discussed the Christine/Hickson dams on the Red River. The City of Fargo has decided they don't want to remove the dams, so a retrofit may be the only other acceptable option. The City is concerned about bank stability issues if the hydraulic pressure exerted by the dams is eliminated. Presently, the DNR Red River Access Grant project to install boat ramps and portages on the Red River is on hold until a lead organization is determined.

River Keepers would like to host a picnic and catfishing expedition to show their appreciation for the BRRWD's past support. A tentative date for the event has been scheduled for 7/19/06.

**CREP II.** BWSR has approximately doubled the payment rates for the Conservation Reserve Enhancement Program (CREP) II to make the program more appealing to landowners. The SWCDs will be responsible for the targeted marketing effort. The program is scheduled to end on 12/31/07, but an extension might be possible.

**BRRWD Attorney.** Attorney Jay D. Carlson notified the BRRWD that he will no longer be available to represent the BRRWD as he was recently appointed to the 7th Judicial District Bench. Judge Carlson thanked the BRRWD for allowing him to represent us.

**BRRWD Educational Programs.** After attending the 2006 Summer Tour at the Sauk River Watershed District, VanAmburg was impressed with their educational programs. He suggested that the Board consider establishing more educational programs in the BRRWD. The Board discussed the possibility of expanding on the great work the Barnesville River Watch Team has achieved. Biology Teacher Sheila Carlson, the Team Supervisor, is an outstanding teacher, and VanAmburg suggested that we could discuss a future program with Carlson to see if she might be interested in working with the BRRWD after she retires from teaching. VanAmburg added that a part time educators' position could be funded by grants. Albright noted that when Carlson retires, the River Watch program might not be continued.

**BRRWD Staff.** Albright noted that due to the increased volume of work over the past few years, he feels that the Board might consider expanding the office staff. The Board discussed the issue and will take it up again at a later date.

The following bills were presented for approval:

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<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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<td>Office Supplies-paper</td>
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<td>Pj. 31, Deerhorn</td>
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<td>H.E.</td>
<td>June billing summary</td>
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<td>Pj. 1, 2, 21, &amp; 30</td>
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$77,048.04
Motion by Nelson to approve payment of the bills. Seconded by Olson. Approved.

Next Meeting. The next regular meeting of the Board of Managers, BRRWD, is scheduled for Monday, July 24, 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