A regular meeting of the Board of Managers, Buffalo-Red River Watershed District (BRRWD), was held on Monday, July 24, 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, Mark D. Deutschman, and Julie Jerger, Houston Engineering, Inc. (H.E.); Jimmie R. Nelson, Chairman, and Kent Karlstrom, Supervisor, Kurtz Township.

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 6/26/06 and 7/10/06 BRRWD meetings. Nelson noted one minor correction for the 7/10/06 minutes. Motion by Nelson to approve the minutes, subject to correction. Seconded by Hanson. Approved.

Treasurer's Report. The Board briefly reviewed the BRRWD current financial status. Albright noted that we received the $15,000 for the Minnesota Board of Water and Soil Resources (BWSR) Beaver Control Challenge Grant. The Resource Team met on 7/19/06 to discuss how the funding should be allocated. The Team decided to use the BRRWD's current criteria for the use of this funding. Albright will conduct a final inspection tomorrow of the 2005 Farmstead Ringdikes projects and Project No. 54, Whisky Creek Tributaries with Robert Merritt, Area Hydrologist, Minnesota Department of Natural Resources (DNR). Following the final inspection, the DNR can release the final payments for these projects. The Project No. 51, Clay County Ditch No. 68-Establishment right-of-way (r-o-w) payments are on tonight's billing list. In the interim, the BRRWD might have to obtain a short term loan from Midwest Bank. Nelson noted that Lori Johnson, Clay County Auditor, recently indicated that we should receive the balance of Clay County's ditch tax proceeds (approximately $200,000) in the near future. Johnson has also told Albright we should expect the payment soon.

Business brought before the Board included:

Kurtz Township Drainage Complaint. Albright gave a brief history of this issue, which involves flooding concerns in Section 9, Kurtz Township, Clay County, that arose during the 2006 spring runoff. The landowners claim that a 2005 Township culvert replacement project in 28th ST S between Sections 9 and 10 caused flooding on their property in the SE¼. 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 west. The Board discussed the completed survey at the 7/10/06 BRRWD meeting. On 7/12/06, Albright mailed copies of the survey to the affected landowners and Kurtz Township Supervisors.

The survey shows that SubDrain No. 1 will drain well if cleaned at a culvert to culvert grade. In 0.5 miles of ditch east of Trunk Highway (T.H.) No. 75, the cuts will need to be 4' to 5' deep to get the channel to drain west. Albright noted that since SubDrain No. 1 is a private ditch, ditch performance and maintenance is dependent upon landowner cooperation. Jimmie Nelson commented on the large
size of the ditch channel and drainage structures, and pointed out that the 36" dia. culvert in question was the smallest structure on the old ditch system. He discussed the possibility of turning this private ditch back into a legal drainage system. Nelson noted that the two downstream landowners, Kent Karlstrom and Connie Nokken, who are also both Township officials, are interested in this proposal. Nelson and Karlstrom conducted a field review of the ditch and shared their observations with the Board. There is some question about who owns the land along the cemetery just west of T.H. 75. Sediment depths in this area are 4', and it will require their cooperation to get the ditch to drain. Nelson thought some of the landowners adjacent to the ditch might not be willing to clean the ditch unless they make it a BRRWD project. Because everyone will need to cooperate in order for SubDrain No. 1 to work properly, BRRWD involvement might be helpful with project development, construction, and funding.

Karlstrom thanked the Board for authorizing the survey, which he felt helped the Township see the possibilities for SubDrain No. 1. Karlstrom noted that Robert Klein, who owns the SE¼, Section 9, has asked him if he would object to Klein's cleaning of the upstream portion of SubDrain No. 1 along his property, as this work will drain more water onto Karlstrom's property west of the Burlington Northern Sante Fe (BNSF) Railroad tracks in the SW¼, Section 9. Karlstrom commented that he would prefer to have the downstream reaches of the ditch cleaned first, since his property already floods. Karlstrom would have even more concerns if Klein were allowed to construct a berm/dike with the ditch spoil.

Ellefson noted that there seemed to be enough landowner interest to start a ditch establishment project. The group talked about the project development process according to Drainage Law. Albright noted that Klein has indicated that he would like to move forward with his part of the project as soon as the survey is completed. He asked Nelson and Karlstrom if the Township was willing to resize the township road culvert. Nelson said that if a project for SubDrain No. 1 proceeds, they probably wouldn't be interested in changing that culvert. Albright offered to provide the landowners with a draft petition for establishment of a legal drainage system for their review. He explained the petition process and estimated that it would take at least 6-9 months to complete. In addition, the petitioners would have to provide a $10,000 bond, which could be increased, depending on project development costs. Albright added that the homeowners in the SE¼, Section 9, should still probably consider ringdikes for their buildings to prevent flooding during springtime high water events.

The group discussed the project development process and how project benefits and damages are determined by Viewers. Olson noted that an establishment project could be expensive. Ellefson added that with this type of project, bufferstrip installation is required. Karlstrom asked if the Board could give him a rough cost estimate for developing a legal drainage system. Albright estimated around $20,000-$25,000 just for the project development costs, which does not include the actual ditch construction.

Ellefson noted that when he and Albright conducted a field review of the area, water was flowing past the cemetery near T.H. 75. Jimmie Nelson discussed previous Township's road ditch maintenance projects. Ellefson discussed the process of easement acquisition, ditch maintenance, etc., that would be involved with establishing a legal ditch system. More discussion followed regarding the benefits/expense of creating a public vs. private ditch. Albright agreed to provide some information for Karlstrom and Nelson regarding the process to establish a public ditch system with a preliminary project cost estimate. He will also prepare a draft petition for their review. Karlstrom is concerned about Klein's proposal to clean and dike SubDrain No. 1 on his property. The Board agreed to notify him if Klein submits a permit application for a project.
Nelson and Karlstrom noted that the landowners along 29th ST S in Section 9 are having fill hauled in to raise their yards. The trucks hauling the fill are causing damage to the township and county roads, and may have to be stopped or rerouted.

**MPCA 319 Water Quality Grant.** Mark Deutschman, H.E., presented a summary of the Minnesota Pollution Control Agency (MPCA) Section 319 Water Quality Study for the South Branch of the Buffalo River. One of the grant requirements was to present the completed study information to the BRRWD and other agencies. In 2004, the BRRWD received a Clean Water Act Section 319 Nonpoint Source Implementation Program Grant from the United States Environmental Protection Agency (EPA) through the MPCA. The grant was used to develop a calibrated water quality model for an impaired watershed to enhance local planning and quantify sources of sediment and dissolved oxygen loads within the selected region.

The project goals and objectives were to identify risk factors to water quality, characterize water quality, estimate Total Maximum Daily Load (TMDL), and apply the computer model to determine the source/destination of sedimentation and how sedimentation affects streams. Deutschman identified the 319 Grant work products: the October 2005 Technical Memorandum regarding the water quality assessment; the January 2006 Water Quality Goals and Objective report, a June 2006 memorandum regarding the current project background and a summary of activities planned for the grant continuation; and the University of Minnesota (U of M), St. Anthony Falls Laboratory (SAFL) project report regarding the completed sediment production model. Deutschman's presentation focused on the sediment production model and how it can be used to make BRRWD management decisions.

The primary goal of the study was to use the model to identify the sources of sediment carried by the South Branch of the Buffalo River and to quantify how the river system is affected by this sedimentation supply. Deutschman displayed several maps showing the source/destination/type of sedimentation in the system. He discussed the five stream categories and the various types of bank erosion the study identified. The study compared the amount of sedimentation from natural bank erosion to the amount from land surface erosion. The conclusion was that agricultural surface erosion contributes nearly 90% of the sedimentation in the Buffalo River, and bank erosion from the South Branch is estimated to contribute about 10% of the total sedimentation load. The study briefly looked at how tillage practices could affect the erosion rates on agricultural land.

Deutschman talked about how the BRRWD could put the model to use and how the BRRWD might proceed with the modeling results. Some examples of possible applications for the model were to establish baseline loads, establish realistic management practices to reduce loads, evaluate stream response of load reductions, tie the effect of turbidity to habitat impairment, and finally, to implement/incorporate these applications in the Comprehensive Planning process across the various planning regions.

The Board discussed the results of the study. Albright noted that MPCA has suggested that the BRRWD apply for a 319 continuation grant. Deutschman suggested that with the additional grant, if approved, the study will provide real application strategies for the BRRWD and County water plans. Deutschman discussed the differences between the 319 Grant program and the MPCA’s Clean Water Legacy program. The Board felt this work was an important part of total water management. **Motion** by VanAmburg to authorize H.E. to apply for the 319 Continuation Grant on behalf of the BRRWD. **Seconded** by Nelson. **Approved.**
**Permit No. 06-20, Prairie View Township.** Applicant proposes to replace an 18" dia. culvert with a 24" dia. culvert in a field approach on Wilkin County Ditch No. 41-Branch 3, along 120th Street in the SW¼, Section 8. The Township may also need to consider enlarging the culvert through the township road to the west, or the work will just transfer the washout problem to that location. Olson and Opsahl field reviewed the site on 5/06/06. Olson thought a hydraulic analysis might be needed to determine what size pipe(s) should be installed. Albright and Ellefson field reviewed this proposed project on 7/19/06. Ellefson questioned the need to change the culverts just because there were problems during the 2006 spring flood. He felt there were a number of factors that contributed to the road washout problems. The culvert the Township wants to enlarge is located upstream of several culverts that may also have to be enlarged if this culvert size changes. Ellefson suggested that the culvert performance should be monitored. Albright noted that the culvert is actually on the Wilkin County Ditch No. 41 system and if future problems arise with the structure, it could be handled as a ditch system repair. **Motion** by Olson to administratively withdraw the permit application based on the field review. Albright will inform the Township that the BRRWD plans to monitor the area, and if the culvert continues to be a problem, it could be replaced later as a ditch system expense. **Seconded** by Hanson. **Approved.**

**Permit No. 06-35, Sam Johnson.** Albright forwarded H.E.'s survey to Johnson, who was interested in H.E.'s recommendations, but he's still concerned that Kurt Lackmann, who owns the field north of Johnson's farmstead, might not be willing to participate. The project area is located in the SE¼, Section 35, Oakport Township, Clay County. To mediate between the two parties, the BRRWD has agreed to install a 24" dia. culvert/gate through 15th AVE N, east of Johnson's buildings to provide a better outlet. The culvert costs will be charged to Project No. 37, Clay County Ditch No. 41-Lateral No. 1. To date, Lackmann has not responded to the survey information. **Tabled.**

**Permit No. 06-41, Becker County Parks and Recreation.** To date, Opsahl, Manager Hanson, and Chip Lohmeier, County Parks and Recreation Department, have not conducted 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 reported that the existing bridge has 131 square feet (sq. ft.) of waterway area, while the proposed box culvert will have 96 sq. ft. There are no downstream structures between the project site and the Buffalo River. He noted that the upstream structures on Clay County Ditch Nos. 21 and 58 are consistent with the proposed structure sizing, and he felt that hydrology and hydraulics were within acceptable limits. He noted that no buildings should be affected by the proposed project. Jones recommended permit approval. **Motion** by VanAmburg to approve Permit No. 06-47. **Seconded** by Nelson. **Approved.**

**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 the proposed project site, as the area was very wet. Manager Nelson and Opsahl field reviewed the site on 7/20/06. Nelson felt the Board should know the dimensions of the pond and its proposed proximity to Ditch No. 20. **Tabled** pending receipt of more detailed project information. Albright will send a letter to Firkus asking for more information.
**Permit Nos. 06-51/06-52, Steve Ueland and Eugene J. Baril.** The landowners wanted to eliminate standing water in front of their houses by adding fill to the road ditch (42<sup>nd</sup> ST N) in Lots 3 and 4, Block 1, Anderson Acres 2<sup>nd</sup> Addition, located in Section 11, Oakport Township, Clay County. According to Opsahl's survey, a ditch cleanout would do more to improve drainage than filling in the ditch. Since the landowners proceeded with their project (filling in the ditch) without an approved permit before the survey was completed, the Board decided to withdraw their applications. Albright sent the landowners a letter with copies of the survey, advising them that filling in the ditch would just move the standing water to the culverts. The letter also indicated that the landowners should contact the BRRWD for assistance if they want to repair their ditch in the future. **Motion** by Hanson to administratively withdraw Permit Nos. 06-51 and 06-52. **Seconded** by Olson. **Approved.**

**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 the Federal Emergency Management Agency (FEMA) flood profiles for the Buffalo River and a copy of the United States Geological Survey (USGS) map for his area. On 7/20/06, Manager Nelson and Opsahl conducted a field review. Nelson noted that the existing township road ditch does not have much capacity, and the drainage area is quite small. Nelson felt that if Dankert needed a culvert, it wouldn't need to be very large. **Motion** by Nelson to approve Permit No. 06-63, subject to Township approval to work in their road r-o-w. The Township should also provide a culvert sizing recommendation, if needed. **Seconded** by Hanson. **Approved.**

**Permit No. 06-64, Rick Thompson.** Applicant proposes to install an approach/culvert off from a township road (130<sup>th</sup> 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. Opsahl and Manager Nelson conducted a field review on 7/20/06 and found no problems with the proposal. **Motion** by Nelson to approve Permit No. 06-64, subject to Township approval to work in their road r-o-w. **Seconded** by Hanson. **Approved.**

**Permit No. 06-65, James Baker/Tim Pender.** Applicants propose to install an approach on the quarterline off from 100<sup>th</sup> AVE S between the SW¼ and S½SE¼, Section 19, Elkton Township, Clay County, to provide field access. Opsahl and Manager Nelson conducted a field review on 7/20/06 and found no problems with the proposal. Opsahl recommended an 18” dia. culvert for the approach. **Motion** by Nelson to approve Permit No. 06-65, subject to Township approval to work in their road r-o-w, and the referenced culvert size recommendation. **Seconded** by VanAmburg. **Approved.**

**Permit No. 06-67, Kenneth Dahl.** Applicant proposes to install a driveway/culvert into his new home construction site in the SE½SE½SW¼, Section 29, Highland Grove Township, Clay County. The driveway will be constructed through a portion of an existing wetland. The Clay Soil and Water Conservation District (SWCD) per the Wetlands Conservation Act (WCA) approved this project on 6/08/06 with the stipulation that Dahl install a culvert to maintain the hydrologic connectivity between the wetland areas after the project is completed. Opsahl and Manager Nelson conducted a field review on 7/20/06 and found no problems with the proposal. The existing approach doesn't have a culvert, but the Township may want one. **Motion** by Nelson to approve Permit No. 06-67, subject to Township recommendations regarding work in their road r-o-w/culvert installation, and Clay SWCD conditions regarding the wetland culvert installation. **Seconded** by Hanson. **Approved.**

**Permit No. 06-71, Lyle Hovland.** Applicant proposes to reinstall an approach/culvert that was removed from the ditch along 310<sup>th</sup> 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 reinstalling the approach to facilitate a possible future upstream tiling project. Albright and Manager Ellefson conducted a field review on 7/19/06. They found no problems with the proposal. **Motion** by Hanson to approve Permit No. 06-71, subject to Township approval to work in their road r-o-w. **Seconded** by Olson. **Approved**.

**Permit No. 06-74, Robert Norby.** Applicant proposes to restore a private road in Section 22, Kragnes Township, Clay County, by filling in washed out areas with gravel or recycled concrete. The road was damaged during the 2006 spring flood. Norby plans to do the work when time permits, either this fall or in 2007. He indicates on his permit application that, in some locations, the road has been washed out lower than the original elevation. **Tabled.**

**Permit No. 06-75, Robert Norby.** Applicant proposes to repair 2006 spring flood erosion sites in his property line dike in the NE¼, west of T.H. 75, Section 28, Kragnes Township, Clay County. He also proposes to fill a low area on the south side of his field and clean existing ditches. Norby plans to do this work this fall before freeze up or in 2007. **Tabled.**

**Permit No. 06-76, Robert Norby.** Applicant proposes to repair 2006 spring flood damages to his farmstead ringdike and possibly raise it 2' higher. He also plans to repair bank erosion on the Buffalo River in Section 22, Kragnes Township, Clay County. Albright noted that Norby would need permission from Tim Magnusson, Clay County Planning and Zoning, and the DNR before any work could be done on the Buffalo River. **Tabled.**

**Permit No. 06-77, Robert Norby.** Applicant proposes to repair field erosion in NE¼, Section 22, Kragnes Township, Clay County, where the Buffalo River cut through his field during the 2006 spring flood. **Tabled.**

Olson volunteered to conduct the field reviews for the Norby permits with Albright. Albright noted that he left a message on 7/18/06 on Norby's answering machine regarding the proposed field reviews, asking that Norby contact the BRRWD office to schedule a time for the field reviews. Per standard operating procedures, the Board agreed that it was important to review Norby's projects. **Motion** by Hanson to table Permit Nos. 06-74, 06-75, 06-76, and 06-77, pending Manager field review. **Seconded** by Olson. **Approved.**

**Permit No. 06-78, Clay County Highway Department.** Applicant proposes to reconstruct CSAH No. 7 between the Village Green and Americana Estates from 41st AVE S to CSAH No. 52 in Sections 22, 23, 26, and 27, Moorhead Township. The proposed work will realign the northern most 1,500' of the existing CSAH No. 7 to connect with CSAH No. 52 approximately 1,000' further south of its current location. The County feels the work is necessary because the existing road top is too narrow to accommodate traffic safely and the current alignment with CSAH No. 52 creates a traffic hazard. A new access road will be created between the newly aligned CSAH No. 7 and 35th AVE S. Several culvert crossings will be replaced with larger culverts to facilitate CSAH No. 7 ditch drainage. The west ditch of the existing CSAH No. 7 will be graded to drain north to CSAH No. 52. The road ditch will have an 8' to 10' bottom width with 4:1 side slopes. One line of 57" x 38" corrugated metal arch pipe (CMP-A) will installed for a home entrance on the east side of CSAH No. 7, and the County proposes to replace the existing pipes in 35th AVE S with two lines of 44" x 27" reinforced concrete arch pipe (RCP-A), which will double the waterway area for this crossing. This area drains to Clay County Ditch No. 47. Jones commented that the County's project should enhance the drainage along CSAH No. 7, and recommended permit approval. **Tabled** pending field review by Jones and Manager Olson. Jones noted that this project will facilitate the City of Moorhead's project to drain agricultural
property and Gust Johanson's detention pond in the NE¼, Section 27, on the west side of CSAH No. 7 to Clay County Ditch No. 47.

**Permit No. 06-79, Greg Johnson.** Applicant proposes to install three Natural Resource Conservation Service (NRCS) designed stream barbs in the Buffalo River in the SW¼SW¼, Section 36, Moland Township, Clay County, to stabilize the streambank and control erosion. The stream barbs redirect the current to the center of the channel. Jones thought that this project would not impact flooding levels along the Buffalo River, and recommended permit approval. Opsahl and Nelson conducted a field review on 7/20/06 and found no problems with the proposal. **Motion** by Nelson to approve Permit No. 06-79. **Seconded** by VanAmburg. **Approved.** The work will also require a DNR permit.

**Permit No. 06-80, Jerry Janssen.** Applicant proposes to install 1,500-1,700 l.f. of 4" dia. drain tile in a low area in NE¼, Section 26, Skree Township, Clay County, to drain northwesterly to Hay Creek. The tile will also control erosion south of 100th AVE S. Opsahl and Manager Nelson field reviewed the site on 7/20/06 and found no problems with the proposal. **Motion** by Nelson to approve Permit No. 06-80. **Seconded** by Hanson. **Approved.** Nelson commented that the field was tiled about 30 years ago, but it's no longer working.

**Permit No. 06-81, Moorhead Public Service.** Applicant proposes to install one 4" dia. conduit and one 1.5" dia. conduit by directional boring at a minimum depth of 48" below the bottom of the City of Moorhead's 40th AVE Diversion project on the east side of 10th ST S. Two high voltage conductors will be installed in the 4" dia. conduit. The work will extend the electric distribution system to Stonemill Estates south of the diversion project. The permit indicated that the ditch in question was a county ditch system, but Albright pointed that the ditch is actually under the City of Moorhead's jurisdiction. **Motion** by Olson to approve Permit No. 06-81 with the understanding that the City of Moorhead has jurisdiction over the ditch to be crossed, and subject to the BRRWD's standard utility disclaimer. **Seconded** by VanAmburg. **Approved.**

**Minch and Johnson Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 10:00 PM to discuss the status of both lawsuits. At 10:05 PM, the Board reopened the meeting.

**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. Opsahl and Manager Nelson conducted a field review on 7/20/06 and couldn't see the dike. **Tabled.** Albright has prepared a memo for the file. The Board agreed to remove this item from future meeting agendas until either party attends a BRRWD meeting to discuss this issue further.

**Skree Township Ditching Concerns.** Skree Township officials have contacted the BRRWD office regarding township road ditch cleaning Tom Friederichs has completed on the west side of an approach in Section 34. Friederichs did not have Township approval to work in their road r-o-w. Opsahl and Nelson viewed the area on 7/20/06. Photographs taken by Opsahl on that date were reviewed by the Board. Nelson noted that although a very small amount of clay might have been disturbed, the work was well done and basically amounted just to ditch cleaning. He added, however, that Friederichs should have contacted the Township prior to doing the work. Albright noted that because of previous Township and neighboring landowner concerns regarding his drainage activities in
this area, Friederichs should have contacted the road authorities before doing more work. Nelson noted that Township probably has the right to legal recourse since the work was done without their approval. The Board agreed that if Friederichs continues to do drainage work without permits/approval, there will come a time when the BRRWD will have to resort to legal action against him. The Board discussed restoration work the BRRWD has ordered Friederichs to do in the past several years that he has not completed.

**Grove Lake Outlet.** The Board has authorized Albright to schedule an informational meeting with the affected parties to discuss landowner concerns regarding high water in the Grove Lake area in northwestern Otter Tail County, that is affecting Township and Minnesota Department of Transportation (MNDOT) roads (T.H. 34) and encroaching on lake property. Albright noted that he has not had time to arrange the meeting. He forwarded Jones' study to the DNR for their review and comment. To date, there has been no response. Hopefully, the meeting can be held in late August 2006.

**James Savig Wetland Restoration.** Savig is interested in restoring wetlands on his property in the W½W½, Section 15, Audubon Township, Becker County. Albright sent Savig a letter explaining different options to develop his project. There is some concern that the restorations might include part of Becker County Ditch No. 5 that runs through the southwest corner of Savig's property on the east side of County Road (C.R.) No. 11. Albright noted that it would be easier if the ditch system could be avoided, in which case the work could be done through the BRRWD permitting process and not Minnesota Drainage Law. He suggested that Savig could contact the Detroit Lakes Wetland Management District (WMD)/United States Fish and Wildlife Service (USFWS), or the Becker SWCD for design assistance.

**Wal-Mart EAW.** Albright sent the BRRWD's comments regarding the Environmental Assessment Worksheet (EAW) for the proposed Wal-Mart Super Center in Dilworth to Ken Parke, City Administrator. He noted that the project will have two storm water detention and treatment ponds, plus one outflow structure to Clay County Ditch No. 50, which could be covered by a single BRRWD permit application at the time the plans are developed and more the project details are available.

**City of Moorhead Southeast Main AVE Project EAW.** Albright sent the BRRWD's comments to Clair Hanson, Assistant Engineer, City of Moorhead, regarding the Environmental Assessment (EA)/EAW for their Railroad Grade Separation Project for SE Main AVE, 20th ST, and 21st ST S, in Moorhead. The EA/EAW notes the BRRWD's concerns about surface water runoff and the possible addition of approximately 15 acres of land to the benefit areas for Clay County Ditch Nos. 47 and 41-Outlet Improvements. Albright pointed out that when the project plans are available, the BRRWD will work with the project engineer to file the appropriate BRRWD permit application. Olson questioned the design of the underpass for this project. If filled with floodwaters, it will limit emergency vehicle access to the south.

**Project No. 60, Swede Grove Lake.** A landowner informational meeting was held 7/13/06. Ellefson felt that this project will be difficult to develop, as the landowners seem to have lost interest in the project. Albright noted that the BRRWD has spent approximately $26,000 for development costs to date for this proposed project. Clay County is the project petitioner. There is a variety of ideas as to how to develop a project for Swede Grove Lake. The County's objective is to keep their road dry. The DNR/USFWS wants to lower the lake beyond the Ordinary High Water (OHW) to recreate the walleye rearing pond and improve wildlife/waterfowl habitat. The downstream landowners want to keep the water off their property. The Board discussed how to proceed. Albright suggested that the office send Clay County a letter, asking for their input regarding the project development before the next
Mediation Project Team (PT) meeting so we could discuss it with the agencies. The Board discussed how the project could be funded. The Board authorized Albright to send a letter regarding the above to Clay County, asking for a response before the next PT meeting on 8/24/06.

**Project No. 59, Clay County Ditch No. 41-Lateral 3.** The Board has tabled their 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 representatives on 4/06/06, and they probably aren't willing to provide funding for Feder's project. Albright has not had time to contact Feder Properties' Attorney John Boulger to find out what their 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. The Board discussed the factors that contributed to Feder's drainage problem. The City of Moorhead's future project to develop 12th AVE, which might be built in the next several years, could eliminate the drainage problem in this area.

**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 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. Construction is tentatively scheduled to begin in 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.** Jones reported that the project contractor, Raymond Weidenborner, All Seasons Contracting, Inc., Blackduck, MN, plans to start work in late 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. A meeting with the Clay County Board of Commissioners to discuss a bond sale for this project is scheduled for 8/01/06.

**Project No. 56, Manston Slough Restoration.** Ducks Unlimited (DU) and NRCS are concerned about getting the Wetland Reserve Enhancement Program (WREP) easements signed as soon as possible. Donald Holubok still has not submitted a WREP application for his property. Jones visited with Leo Grabowski, Army Corps of Engineers (COE), regarding their Concurrence Points process. Grabowski indicated that since the project will be reestablishing wetland conditions from the 1950s, he thought the work could be done under a General Permit instead of using the Concurrence Point process. The COE will furnish a letter of permission for the BRRWD to skip this process. Grabowski felt that the net gain in terms of wetland acreage would outweigh any potential wetland impacts. He advised Jones to attach a copy of the DNR and USFWS Memorandum of Understanding (MOU) to our general permit application. Albright will meet with the USFWS and DNR on 7/26/06 in the Barnesville office to review the MOU and O&M Agreement. The BRRWD is committed to moving forward with project development. H.E. will also focus more time on turning out meaningful work product in this regard.

**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. Albright plans to meet with him tomorrow to do the final project inspections. Once the inspections are completed, the BRRWD will be able to receive the balance of the DNR grants ($10,000).
Stuart Borgen has completed mowing the Whisky Creek project. There has been no word from NRCS regarding the Nichol Wetland Reserve Program (WRP) project in Section 21, Humboldt Township. Jones noted that Scott Smith, NRCS, mentioned to him that they plan to have a pre-bid onsite meeting with prospective contractors to explain the project construction. Albright will contact NRCS to encourage them to move forward with this integral part of our Whisky Creek Tributaries project, especially since it is very dry at the present time.

**Project No. 51, Clay County Ditch No. 68-City of Glyndon.** The preconstruction meeting was held with All State Excavating, Inc., on 7/17/06. A startup date has yet to be determined. Albright and Manager Nelson will meet with Carolyn Drude, Ehlers and Associates, and the Clay County Board of Commissioners on 8/01/06 regarding the bond sale for project. The office will prepare the project bond transcripts. He noted that the landowner r-o-w payments are on tonight's bill list.

**Project No. 49, Oakport Flood Mitigation Project.** Appraiser Guy Miller still plans to complete his appraisal work by August 1, 2006. Albright noted that Miller appraised Jill Unruh's property at roughly $30,000, which is higher than her asking price. Albright plans to schedule a Buyout Committee meeting next week to review Miller's work. Following the meeting, the appraisals will be forwarded to the landowners with an explanation of the buyout process. The office continues to receive permission to survey forms from landowners in the project area. These forms will be sent to UEI as soon as possible so they can start their field survey alignment work.

Albright also will send a letter to Ed Fick, DNR, to request 50% reimbursement of our project development costs to date. Albright met with Kirsten Sailor, FEMA, regarding disaster mitigation funding, specifically for home buyouts. To date, there has been no further correspondence regarding this issue. Albright has been asked to speak about the project status at an Oakport "Community Night Out" picnic scheduled for 8/01/06.

**Project No. 46, Turtle Lake Outlet.** Albright presented a brief report regarding the project at the Turtle Lake Association annual picnic on 7/15/06. He noted that the homeowners indicated that they were pleased with the project.

**Project No. 42, Clay County Ditch No. 67.** Opsahl is working with FEMA on the 2006 flood repairs. Stuart Borgan has completed mowing of the ditch system r-o-w.

**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 area. The repair 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 Stasch's standing water problem.

**Project No. 38, Farmstead Ringdikes.** Albright and Merritt will do the final inspection for the 2005 Farmstead Ringdikes tomorrow. Following Merritt's review, we can submit our final ringdike billing expenses to the DNR. The Board briefly discussed a possible ringdike for the City of Kragnes. The BRRWD has at least two farmstead ringdikes we could build this year. We have four to five pending applications. Jones will try to have the Kragnes preliminary report for the 8/14/06 meeting.

**Project No. 35, Clay County Ditch No. 47.** To date, Jones has not heard from Dave Kluck, Northern Power Products, regarding Bob Videen's concerns regarding the operation of the flapgates on the culverts under the Otter Tail Valley (OTV) Railroad tracks along CSAH No. 52. He noted that he has
left phone and email messages for Kluck. Opsahl was authorized to hire a contractor to remove the sediment in front of the gates as soon as possible. Olson noted that Ditch No. 47 should be cleaned south of 30th AVE S. The Board discussed the flapgate issue.

**Project No. 34, Clay County Ditch No. 41.** Jones reported that Ziegler Construction, Inc., has completed the 3 miles of repair work along Dilworth. The contractor is finishing up some field inlet work and spoil leveling.

**Project No. 28, Clay County Ditch No. 2.** Landowner Wayne Steen has filed a complaint regarding beaver dams in the S1/2SE1/4, Section 17, Spring Prairie Township. To date, no BRRWD action has been taken regarding Steen's complaint.

**Project No. 27, Clay County Ditch No. 55.** Landowner Jerry Janssen and Brian Halverson were in the office asking about the status of MNDOT's culvert replacement project on I-94. Albright sent an e-mail message to Paul Munsterteiger, MNDOT, regarding this issue. To date, there has been no response. Ellefson suggested that Albright make a phone call to Munsterteiger.

**Project No. 24, Wilkin County Ditch No. 44.** The Wilkin County Farm Service Agency (FSA) sent maps showing a number of Conservation Reserve Program (CRP) bufferstrips adjacent to the cleanout area along the South Branch of the Buffalo River in Section 4 and 9, Manston Township. Albright will contact the FSA office to request permission to place spoil in the bufferstrip areas. William Nichol Excavating, Inc., is interested in doing the work.

**Project No. 23, Becker County Ditch No. 15.** Michael Murphy, Hamden Slough National Wildlife Refuge (NWR), and Scott Kahan, USFWS, will be contacted by Jones 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 trying to set up the meeting.

**Project No. 19, Becker County Ditch No. 21.** John Steffl, who rents the Norman and Dorothy Winter property in Section 9, Riceville Township, has concerns about seepage from a USFWS wetland restoration project on the James Matter property, adjacent to the Winter property. In order to address Steffl's concerns, the USFWS/Detroit Lakes WMD will need to remove a sediment deposit from Branch No. 2 of Ditch No. 21 along the north line of Section 9. Albright sent the USFWS the Plan and Profile Drawing from the Ditch No. 21 project for their use, and authorizing them to remove the blockage. Following their sediment removal project, the BRRWD asked the USFWS to reseed any disturbed areas on the ditch system to prevent erosion and weed growth.

**Mediation PT.** Albright contacted the PT members to cancel the July meeting. The next meeting is scheduled for 8/24/06 at the MSUM Science Center near Glyndon. Albright has started to make arrangements for the Fall Tour. He contacted the Eagle Café to cater a meal for the Tour at the Ponderosa Golf Course, Richards Transportation will furnish a tour bus, and Michael Murphy, Hamden Slough NWR, and Barbara Boyle, Tamarac NWR, have agreed to have their areas included in our tour itinerary.

**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 responses to our invitations. Albright will contact those invitees who haven't yet responded.
Albright noted that according to Watershed Law, the Board is required to adopt a Resolution to establish a new Comprehensive Plan for the BRRWD and to send out notices of our decision to the various state and local agencies with a request for information they may have to assist in our endeavor. Albright will prepare a draft Resolution for the Board's review at the next meeting.

**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.** The BRRWD met with the Clay County Board of Commissioners on 7/18/06 to request that they provide a petition for the levy in 2007 and 2008 to expedite and maximize our use of this Legislative increased taxing authority. The Commissioners agreed to the BRRWD's request and provided a signed resolution in that regard. The office will start preparing the 9/11/06 budget hearing notices for publication.

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 in the amount of $40,000. Albright has prepared a sample resolution for their use.

**Clay County Ditch No. 34.** Jones has completed the survey and plans for the repair of the berms along Clay County Ditch No. 34 in Sections 18 and 19, Barnesville Township. Jones recommended that the berms along the ditch be reconstructed to reestablish ditch integrity in this area and to provide a more consistent ditch berm elevation. The proposed north berm has been set 6" higher than the south berm to ensure that flood water spreads out to the south where it will be contained by the natural topography, instead of leaving the ditch and traveling north as it does currently, impacting agricultural property and other waterways. New inlet pipes/flapgates will be installed in few locations. All washouts along both the north and south berms will be filled in as part of this repair. There are large wetlands areas along the entire length of the ditch system in Sections 18 and 19. Berm reconstruction will be limited to the existing embankment footprint to avoid wetland impacts and unnecessary mitigation costs. Jones estimates the project cost will be between $25,000 and $30,000. He recommended that the Board approve the ditch repairs.

Jones noted that the Gilbertson ringdike on the east side of C.R. 21 will still be higher than the repaired ditch berms, which will be lower than C.R. 21. The Board discussed the ditch system financial status. Albright pointed out that the work probably should be completed this summer as flooding from this ditch system causes problems for neighboring farmsteads. It would also be nice to take advantage of the current dry conditions. **Motion** by Nelson to authorize the repairs for Clay County Ditch No. 34, subject to landowner approval to enter their property. **Seconded** by Olson. **Approved.** Dennis Drewes, Inc., has expressed an interest in doing this project.

**BWSR Beaver Control Grant.** Albright prepared a memo of the Beaver Control Grant Resource Team meeting that was held on 7/18/06 for the Board's review. They recommended that the BRRWD use the $15,000 grant to pay for beaver control on established projects/ditch systems as we have in the past. The Team thought it would be difficult to prioritize beaver control funding on private property. The BRRWD will also contribute $15,000. Albright discussed the Grant Agreement. The Board discussed funding for some water quality testing and the installation of Clemson levelers in certain areas to control beaver activity. The Resource Team plans to meet later this year to assess the plan. The grant is scheduled to end on 6/30/08.
**Clay County Ditch No. 39.** FEMA has agreed to fund a project to move the township road away from the Ditch No. 39 outlet alignment in Section 31, Morken Township. The project will be under the jurisdiction of the Township, who will work with the Clay County Highway Department. H.E. will probably be asked to do the project design.

**FEMA Disaster.** Opsahl has been working with FEMA on the 2006 spring flood disaster declaration. He reported that the BRRWD will receive approximately $250,000 from FEMA for flood repairs.

**PTI Grant Meeting.** The 2006 Clay County Pulling Together Initiative (PTI) Grant funding will be available on limited basis to landowners, townships, and others in Clay County for herbicide applications and other weed treatments. The BRRWD is listed as a distribution site for the application forms. To date, we have received no forms for public use.

**Project No. 31, Deerhorn Creek Levees.** Jones presented the results of H.E.'s review of the overflow elevation of the diversion structure for this project along the east side of CSAH No. 52. The riprap overflow structure allows water to flow north along the east side of CSAH No. 52 to Wilkin County Ditch No. 42 during high water events. During low flow events, the diversion structure keeps water flowing in the Deerhorn Creek system. After surveying the structure, it appears the riprap has settled from elevation 1043 to elevation 1042.2, which lowers the overflow elevation of the diversion structure more than the constructed elevation. Jones recommends that the original overflow elevation be reestablished by adding additional riprap. His cost estimate for the work is approximately $2,000.

**Motion** by VanAmburg to authorize the recommended repairs. **Seconded** by Nelson. **Approved.**

**Sediment Summit.** MPCA is hosting a Red River Basin Sediment Summit on Tuesday, July 25, 2006, at Detroit Lakes Technical College from 8:30 AM to 3:30 PM. The purpose of the meeting is to identify, discuss, and develop a strategy for modeling sediment loads to the Red River and its tributaries from the completion of the impaired waters studies with an emphasis on identifying technical issues and developing strategies to resolve these issues.

**Legislative Auditor Water Management Financial Report.** The office has prepared the Financial Report Form and will file it by the 8/01/06 deadline. We have also received an audit form from the State Auditor that will also need to be filled out and submitted.

**River Keepers.** River Keepers has forwarded their current activity summary for the Board's review.

**2006 Lakes and Rivers Conference.** Minnesota Waters is hosting the 2006 Lakes and Rivers Conference on September 7-9, 2006, in Duluth. The conference offers seminars, field trips, and workshops regarding the protection and improvement of Minnesota's water resources.

**Greenway on the Red Meeting.** Audubon Dakota/Greenway on the Red is hosting a Board and Technical Team meeting on Thursday, July 27, 2006, from 11:30 AM to 3:00 PM in the Marcil Room, Plains Art Museum, Fargo, ND. Albright has been invited, and plans to attend.
### The following bills were presented for approval:

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Albright said depending on when we receive Clay County's check, we may need a short term loan from Midwest Bank to pay tonight's bills. **Motion** by Nelson to approve payment of the bills and to obtain a $20,000 short term loan if needed from Midwest Bank. **Seconded** by Hanson. **Approved**.

**Next Meeting.** The next regular meeting of the Board of Managers, BRRWD, is scheduled for Monday, August 14, 2006, at 8:00 PM in the Barnesville office.

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

Respectfully submitted,

John E. Hanson, Secretary