A regular meeting of the Board of Managers, Buffalo-Red River Watershed District (BRRWD), was held on Monday, August 28, 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.); and landowners Jim Haick and Jerry Overmoe.

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 8/14/06 regular meeting and the 4/27/06 Becker County Ditch No. 19 informational meeting. Several minor revisions were noted. **Motion** by Nelson to approve the minutes, subject to correction. **Seconded** by VanAmburg. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's current financial status. Albright reported that we have about $101,000 on hand at this time. Albright has sent final grant payments requests to the Minnesota Department of Natural Resources (DNR) for Whisky Creek Tributaries, Farmstead Ringdikes, Oakport Flood Control, and Manston Slough Restoration. He expects that this money will be coming in the near future.

**Business brought before the Board included:**

**Project No. 24, Wilkin County Ditch No. 44.** Landowner Jim Haick reported that the cleanout project for the South Branch of the Buffalo River on his property in Section 4 and 9, Manston Township, has been completed, and the contractor did a good job. However, he was concerned that the contractor placed spoil on about 1-2 acres of standing soybeans. According to the Permission to Deposit Spoil forms Haick signed, the spoil piles should have been placed on the edge of Haick's cropland and leveled this fall after the crop was harvested.

Haick would like to continue the project at his own expense by cleaning another 0.4 miles downstream on his property between Sections 4 and 5. H.E.'s survey already includes this area, so another survey will not be necessary. Haick has discussed this project with Terry Lejcher, Area Hydrologist, DNR. Before Lejcher is willing to issue a DNR permit, he wants Haick to get BRRWD approval for the proposed work. Ellefson was concerned that the landowners downstream of Haick's property would be opposed to extending the cleanout further downstream. He thought they would want to clean their stretch of the river as well, which he felt the DNR would be reluctant to permit. Ellefson pointed out that the river directly downstream of the project area on Joe Wulfekuhle's property (Section 5) is also in very poor condition with breakouts, etc. VanAmburg indicated that the area landowners should work together with Lejcher if they want to clean the South Branch. Albright pointed out that Haick does not need a BRRWD permit to clean an existing waterway. If the DNR processes Haick's permit application, they will request BRRWD comments regarding the project.
Albright added that the South Branch of the Buffalo River will be addressed in conjunction with our Comprehensive Plan update process. Landowners along the South Branch have also expressed an interest in petitioning the BRRWD for a larger project to clean this waterway. Pete Waller, Minnesota Board of Water and Soil Resources (BWSR), has provided the office with documentation about the establishment a storm water assessment area to provide a funding mechanism to repair/clean the river.

**Project No. 49, Oakport Flood Mitigation.** Jerry Overmoe owns one of four houses on the north end of 4th Street on the west side of the proposed dike alignment. He would like to stay in the area, but he is unable to move his present brick home due to excessive moving costs and structure integrity concerns. He proposed that after the BRRWD buys the other properties in his area, he could purchase one of his neighbors' houses from the BRRWD and place it further east on either his lot or on one of the buyout lots, so that it would be inside the proposed dike alignment. The Board discussed Overmoe's proposal. They agreed that at this point, there didn't appear to be anything wrong with his plan. Albright suggested that we will have to wait to see where the final dike alignment is located before we could make any binding agreements. He noted that the owner of the house Overmoe would like to buy, Kirk Anton, has already signed a purchase agreement to sell his house to the BRRWD, and plans to move out of the area as soon as possible. Albright pointed out that Overmoe's neighborhood would probably be one of the last areas where dike construction will begin. He suggested we consult Tim Magnusson, Clay County Planning and Zoning, and UEI regarding this issue. Albright will schedule the next Steering Committee meeting in early October.

**Richard Bachelor Culvert Concern.** Earlier this year, our office approved Permit No. 06-36 to Doug Macziewsk and Permit No. 06-28 to Jon Holman to replace their driveway culverts off from County Road (C.R.) No. 85 with 48" dia. pipes in Section 34, Spring Prairie Township, Clay County. Both driveways were overtopped and damaged during the 2006 spring flood. Clay County worked with Federal Emergency Management Agency (FEMA) on these sites. The County recently installed the culverts, and Bachelor, who lives north of the new driveway culverts, complained that the work could cause flooding on his property. Wade Opsahl, Technician, H.E., and Manager Nelson field reviewed the site on 8/25/06. They found that Bachelor's driveway, which has a 24" diameter (dia.) culvert, is actually north of the 10' x 6' reinforced concrete box (RCB) culvert in C.R. 85, which is the beginning of Clay County Ditch No. 2. The RCB culvert in C.R. 85 south of Bachelor's property intercepts the upstream drainage from the new 48" dia. culverts. Manager Nelson and Opsahl didn't think the new culverts could affect Bachelor. Nelson did not see how water could get past Ditch No. 2 to flood out Bachelor. The Board felt the area should be monitored, and, if necessary, Bachelor's culvert could also be changed.

**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.**

**Robert Norby Permits.** Manager Olson met with Norby today and reviewed several sites where Norby proposed to do flood damage repairs, etc., on his property. The Board spent some time discussing Norby's applications. In general, they were concerned that Norby confine his proposed repairs to the scope of the work described on the permit applications. To that end, the Board agreed that Norby's work should be inspected when completed. Regarding the dike repair in Section 28, the Board felt that in light of deposed testimony from area landowners associated with the Minch lawsuit, the dike in question has probably existed in some form since the 1950s, and consequently, Norby could repair the dike by permit, but not alter it.
**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. **Motion** by Olson to approve Permit No. 06-74, subject to neighboring landowner approval from Warren Brendemuhl. Albright will send a copy of the permit to Warren Brendemuhl regarding this condition. **Seconded** by VanAmburg. **Approved.**

**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 Trunk Highway (T.H.) No. 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 the work this fall before freeze up or in 2007. **Motion** by Hanson to approve Permit No. 06-75 with the condition that the scope of the work is limited to the area that was damaged by the 2006 spring flood. The Board plans to verify the elevation of Norby's completed work with the dike elevation survey data on file in our office. **Seconded** by Nelson. **Approved.**

**Permit No. 06-76, Robert Norby.** Applicant proposes to repair 2006 spring flood damages to his farmstead ringdike and possibly raise it 2' higher in several locations. He also plans to repair bank erosion on the Buffalo River in Section 22, Kragnes Township, Clay County. **Motion** by VanAmburg to approve Permit No. 06-76, subject to approval from Tim Magnusson, Clay County Planning and Zoning, to work within the floodplain. **Seconded** by Hanson. **Approved.**

**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,** pending Manager field review when the crop is harvested.

**Minch and Johnson Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:00 PM to discuss the status of both lawsuits. At 9:43 PM, the Board reopened the meeting.

**Permit No. 06-78, Clay County Highway Department.** Applicant proposes to reconstruct County State Aid Highway (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. 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 be 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. **Tabled** pending field review by Jones and Manager Olson, which should take place in the next few weeks.

**Permit No. 06-87, Moorhead Public Service.** Applicant proposes to cross Clay County Ditch No. 41 with an electrical cable on the west line of the NW¼, Section 19, Glyndon Township, directly south of the Moorhead Airport, at a minimum depth of 4' below the ditch bottom. The cable will be installed by
directional boring and provide electricity to the Moorhead Airport and the new Titan Machinery site on C.R. 11. **Motion** by Nelson to approve Permit No. 06-87, subject to our standard utility disclaimer. **Seconded** by Hanson. **Approved**.

**Permit No. 06-88, Moorhead Public Service.** Applicant proposes to cross Pj. 57, Moorhead/Interstate-94 (I-94) Flood Control, with three electrical cables for future use in the N½, Section 24, Moorhead Township. The cable will be installed at a minimum depth of 4' below the proposed ditch bottom. **Motion** by VanAmburg to approve Permit No. 06-88, subject to our standard utility disclaimer and coordination with Jones regarding the installation. **Seconded** by Olson. **Approved**.

**Permit No. 06-89, Doug Danielson.** Applicant proposes to cross Pj. 57, Moorhead/Interstate-94 (I-94) Flood Control, with three electrical cables for future use in the N½, Section 24, Moorhead Township. The cable will be installed at a minimum depth of 4' below the proposed ditch bottom. **Motion** by VanAmburg to approve Permit No. 06-88, subject to our standard utility disclaimer and coordination with Jones regarding the installation. **Seconded** by Olson. **Approved**.

**Permit No. 06-90, Justin Stock.** Applicant proposes to install two tile lines on property he rents from Donovan Olson in the NW¼ and the SW¼, Section 20, Norwegian Grove Township, Otter Tail County. The tiling will go through low areas in the field to improve drainage. The area is assessed to both Wilkin County Ditch Nos. 42 and 43. The north tile line will actually outlet into an existing wetland. The south tile line will drain into a DNR protected water course. Opsahl and Manager Nelson conducted a field review on 8/25/06 and found no problems with the proposed work. **Motion** by Olson to approve Permit No. 06-90. **Seconded** by VanAmburg. **Approved**.

**Permit No. 06-91, Tony Zurn.** Applicant proposes to install three tile outlets into Becker County Ditch No. 15 on property he owns in the S½, Section 8, Hamden Township, Becker County. **Motion** by Hanson to approve Permit No. 06-91. **Seconded** by VanAmburg. **Approved**. Albright conducted a field review with Zurn on 8/25/06.

**Permit No. 06-92, City of Moorhead.** Applicant proposes to construct the 100 Acre Park in the SE¼, Section 21, Moorhead Township. The site includes recreational areas and a storm water detention pond. A new pond will be located in the northwest corner of the site and has been sized to accommodate runoff from 200 acres adjacent to the pond. It is designed for the 100-year event with 3' of freeboard. According to Jones' review, the pond design is consistent with H.E.'s Moorhead Storm Water Management Master Plan, and he recommended permit approval. **Motion** by VanAmburg to approve Permit No. 06-92. **Seconded** by Nelson. **Approved**.

**Permit No. 06-93, City of Moorhead.** Applicant proposes to install the last portion of their 40th AVE S Ditch & Storm Sewer Extension, located in the NE¼, Section 28, Moorhead Township, which involves the construction of a flood control channel and storm sewer through this area. Approximately 2,900' of channel and pipe will be installed when this project is completed. The channel will have a 10" bottom with 5:1 sideslopes and connect with the 40th AVE Ditch in the Southfield Addition, eventually reaching the Red River. Jones reviewed this proposal and recommended approval. **Motion** by Hanson to approve Permit No. 06-93. **Seconded** by Nelson. **Approved**. Olson noted that Gust Johanson, who owns property in this area, has expressed concerns about several aspects of various area projects including the construction/design coordination and contractor/builder accountability.

**Permit No. 06-94, Shawn Norman.** Applicant proposes to install a single 4" dia. tile line in the SW¼, Section 15, Manston Township, to improve field drainage, and to control seepage affecting the
township road and the neighboring property. The tile will outlet eventually to the South Branch of the Buffalo River. **Motion** by Olson to approve Permit No. 06-94. **Seconded** by VanAmburg. **Approved.**

**Permit No. 06-95, Matt Halverson.** At the 8/14/06 meeting, the Board agreed that Halverson's plans to clean an existing field ditch in the SE¼, Section 18, Elkton Township, Clay County, would not require a permit due to the limited scope of the proposed work. Darvin Temanson did the work with his scraper, which expanded the ditch beyond its original specifications. Albright met with Halverson tonight before the meeting, and they agreed to submit an after the fact permit application for their work. Downstream landowner Howard Pender, Sr., may have concerns regarding this work. **Motion** by Olson to approve Permit No. 06-95, subject to Manager field review. **Seconded** by Nelson. **Approved.**

**Permit No. 06-96, Moorhead Rod and Gun Club.** Applicant proposes to build a 10' high earthen embankment along the south side of their property to provide a safety barrier between their shooting range and neighboring property. The work will avoid the 49.5' Clay County Ditch No. 41 right-of-way (r-o-w). The application included a construction diagram for the berm, showing a 44' wide base and 1:1 sideslopes. The Board discussed concerns about ditch bank stability after the berm is installed. **Motion** by Olson to approve Permit No. 06-96, provided the Club assumes responsibility for possible ditch slope failures caused by the berm embankment. **Seconded** by Hanson. **Approved.**

**Stanley Sandman Drainage Complaint.** Several years ago, Sandman's neighbor, Brian Johnson, did some ditch work upstream of Sandman's property adjacent to Clay County Ditch No. 16 in Section 28, Highland Grove Township, which is now causing erosion problems for Sandman. The Board reviewed aerial photographs of the area. **Tabled** pending Manager field review.

**Clay County Highway Department Wetland Tiling.** Clay County has plans to install a tile line to lower a wetland along C.R. 127 in Section 35, Humboldt Township. The wetland is on the Clay/Wilkin county line. The tile will eventually outlet to Wilkin County Ditch No. 41 for which the wetland area is not assessed. The County is concerned that water is seeping through the road and encroaching on a neighboring homeowner's septic system. The County will conduct a survey to establish the wetland's Ordinary High Water (OHW) elevation. Steve Hofstad, Clay County Water Planner and Wetland Conservation Act (WCA) Administrator, has been involved with this issue. The Board questioned why Clay County would do a project for this area when the wetland has already receded significantly during the recent dry weather. They felt that the County would have to file a BRRWD permit application for the work and petition to add the drainage to Wilkin County Ditch No. 41.

**Rothsay Farmers Elevator Expansion.** Albright noted that the Board should send a letter to the Rothsay Elevator regarding their expansion project north of Barnesville along T.H. 9 in Sections 12 and 13, Barnesville Township, Clay County. Their project includes a number of culverts, and BRRWD Rules require permits for activities that have the potential to affect drainage. The Board also questioned if the Elevator obtained a Minnesota Pollution Control Agency (MPCA) Storm Water permit for their construction activities.

**Kurtz Township Drainage Complaint.** Robert Klein plans to file a permit application to install a dike on the south side of SubDrain No. 1 in the SE¼, Section 9, Kurtz Township, in conjunction with his ditch cleanout project for SubDrain No. 1. He feels that the proposal to make SubDrain No. 1 a legal ditch system will never happen. He also plans to ask the Township to replace the 36" dia. culvert in their road along the east line of Section 9 with a 24" dia. culvert. The Board discussed this proposal.
It will be up to the Township to decide if they want to file a BRRWD permit application to change the culvert size.

**Grove Lake Outlet.** Albright plans 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 is encroaching on lake property. The office is working on a mailing list for the meeting. Albright plans to hold the meeting in Hildebrand Hall, Assumption Catholic Church, Barnesville. To date, there has been no response from Terry Lejcher or Robert Merritt, DNR Area Hydrologists, regarding their review of H.E.’s preliminary investigations. Downstream landowner David Lass has asked for a copy of H.E.’s preliminary outlet study. He is concerned about additional water in Whisky Creek. The Board briefly discussed who would be responsible for the costs of a project in this area.

**Project No. 60, Swede Grove Lake.** Albright will send a letter to Clay County, asking for their input regarding the project development before the next Mediation Project Team (PT) meeting so we can discuss this issue with the agencies. The office also needs to prepare the last informational meeting minutes.

**Project No. 59, Clay County Ditch No. 41-Lateral 3.** Albright has not been able to contact Feder or his attorney, John Boulger regarding this pending project. Last winter, the Board tabled their request for Feder Properties to increase his petition bond to $20,000 until 8/15/06. The BRRWD will not work on further project development or assess additional fees until the bond amount is increased. As the project petitioner, Feder would be responsible for project development costs to date if he decides to withdraw his petition. **Tabled.**

**Project No. 58, Riverton Township Retention.** Albright noted that Brian Winter, Program Director, The Nature Conservancy (TNC), has informed him that because of family health issues, he has been unable to return TNC’s comments regarding the Preliminary Engineer's Report.

**Project No. 57, Moorhead/I-94 Flood Control.** Jones has left messages for the project contractor, Raymond Weidenborner, All Seasons Contracting, Inc., Blackduck, MN, to schedule the preconstruction meeting. Jones reported that Red River Cooperative Association has an underground power cable on the south side of I-94 that crosses the project area in three different locations. The line services a billboard sign and the MNDOT Weigh Station. The Cooperative feels that in order to lower the cable 3'-4' below the proposed ditch bottom, they may need to cut and splice it. Jones explained the details of the issue. Ellefson questioned if the proposed ditch alignment could be go further south. Jones said he could call the City of Moorhead to discuss this alternative. Albright pointed out that it could cost between $2,000 and $4,000 to lower the cable at each location. The Board discussed their options. MNDOT could charge a fee for interrupted service to their weigh station. Albright noted that from now on, he thought we should make a call to Gopher One and show the utilities on the project plans. He thought it would be cheapest just to splice the cables. Jones indicated that the Cooperative will finish staking the cable before the preconstruction meeting.

Ed Fick, FDR Hydrologist, DNR Waters, notified the office that the State Auditor recently changed the City of Moorhead's project grant deadline from 12/30/06 to 6/30/06. This will cause a grant shortfall of about $15,000. Albright pointed out that if we had been aware of the date change, our contractor could easily have completed the project by 6/30/06. Albright and Fick discussed the possibility of obtaining another grant for this project from the 2006 DNR funding. Albright noted that the office is working on the bond transcripts for Carolyn Drude, Ehlers and Associates.
Project No. 56, Manston Slough Restoration. Albright met with Rick St. Germain, Vice President, H.E., and Jones on 8/25/06 regarding the project development. St. Germain has indicated that he will have the Preliminary Engineer's Report completed by 11/01/06. Albright toured the project site with Ron Harnack, Ron Shellito, and Pete Waller, BWSR, and Jon Voz, Ducks Unlimited (DU) this morning. The Board discussed the Donald Holubok buyout offer. Waller indicated that BWSR might be able to find wetland credit funding that we could use to increase Holubok's offer. Steve Holubok, Donald's son, contacted the office recently regarding this issue. Voz also met with Holubok regarding his participation in the Wetland Reserve Enhancement Program (WREP)/Wetland Reserve Program (WRP) for his property in the SE¼, Section 30, Manston Township. Holubok refused to sign either of the WREP/WRP forms. The WREP funding expires on 9/30/06. Albright will try to talk to Holubok before then regarding this issue.

Some landowners have not yet returned their Permission to Survey forms. St. Germain would like to have the soil boring investigations completed in the near future, but currently there is standing crop on some of the boring locations.

The Board discussed our purchase offer for Donald Holubok's property. The BRRWD based their offer on what the various agencies will pay for the acreage if we acquire it. The DNR's payment rate appears to be $375/acre. We based our offer on a $500/acre DNR rate. The Board is concerned that if Holubok delays much longer, our offer may have to be withdrawn, as we will lose the WRP/WREP funding after 9/30/06.

Project No. 54, Whisky Creek Tributaries. The FEMA funding for project repairs is still pending. The Natural Resource Conservation Service (NRCS) has decided to rebid the Nichol WRP project in Section 21, Humboldt Township. They have taken more soil borings and might decide to modify the project design slightly. Albright noted that a few contractors have contacted him regarding the project. He will contact Scott Smith, NRCS, to find out when they plan to bid the project and then pass that information on to the contractors. It would be nice to take advantage of the current dry conditions, and get this site done yet this fall.

Project No. 51, Clay County Ditch No. 68-City of Glyndon. Jones gave a brief update of the construction status. Albright noted that the City of Glyndon has expressed concerns about the contractor's progress. The office is working on the bond sale transcripts.

Project No. 49, Oakport Flood Mitigation Project. The Board discussed signing purchase agreements to acquire the Jim Surma and Kirk Anton properties. Corey Elmer, Vogel Law Firm, suggested that the office send the new appraisal for the Surma property to our appraiser, Guy Miller, for his review. Albright discussed that the BRRWD may not recoup their share of the buyout costs, if the project doesn't move forward. Kent Lokkesmoe, DNR, has indicated that the BRRWD will have to pay matching funds for the buyouts. Ed Fick has indicated that he should be able to reimburse the BRRWD within 3 to 4 days, so the BRRWD doesn't experience a cash shortfall. Jones calculated that the BRRWD will need contribute approximately $0.025 for every dollar spent on the project until we have met our $435,000 commitment. The State will fund 100% of the remaining project costs. Ellefson discussed his concerns about the possible federal changes to the flood insurance program. Motion by Hanson to authorize Albright to sign the purchase agreements on behalf of the BRRWD. Seconded by Nelson. Approved. Albright plans to schedule the next Steering Committee meeting for early October. Jack Frederick, MPCA, should be invited to participate in the discussions regarding storm water ponds, etc.
**Project No. 38, Farmstead Ringdikes.** Albright and Merritt completed the final inspection for the 2005 Farmstead Ringdikes on 7/25/06. Albright has submitted our final ringdike payment request to Ed Fick, DNR ($4,678). The office also sent bills to four ringdike landowners for their cost share. To date, there has been no response to our payment requests. The BRRWD has at least two farmstead ringdikes we could build in 2006 for an estimated cost of approximately $30,000 each. The DNR grant would be for 50% of the total project costs or approximately $30,000. Albright noted that the Red River Watershed Management Board (RRWMB) has indicated that they would like to receive all of 2006 ringdike funding. Albright will contact Fick regarding funding for our 2006 ringdikes. Albright noted that Fick has indicated that a ringdike project for the City of Kragnes could be financed under a separate grant agreement. He will send Fick a copy of H.E.'s preliminary ringdike report for the City of Kragnes. Albright plans to schedule an informational meeting in October to discuss this issue.

The Board discussed the Mark Rustad ringdike costs. H.E.'s project cost estimate was approximately $22,000 and the final bill was approximately $32,000. Albright noted that the contractor built an 8' top instead of a 6' top and raised the landowner's driveway, which was not included in the original estimate. Rustad was concerned about the final costs and did not have the extra $2,500 to pay for his project. The Board discussed the overage. A meeting should be arranged with Rustad to discuss his concerns.

**Project No. 35, Clay County Ditch No. 47.** Zeigler Construction has removed the sediment in front of the culverts/flaggates under the Otter Tail Valley (OTV) Railroad tracks along CSAH No. 52. Landowner Bob Videen has concerns regarding the flaggate operation. Jones reported that Dave Kluck, Northern Power Products, the gate supplier, suggested that we could install a winch system on the flaggates to facilitate their operation. Jones will gather more information from Kluck regarding this issue.

**Project No. 29, Log Jam Removal.** Opsahl contacted William Nichol Excavating, Inc. to furnish a bid to remove a large logjam on Frank Johnson's property along the South Branch of the Buffalo River near Glyndon. Nichol submitted a $5,900 cost estimate for the work. The landowner is willing to cut firewood off the woodpile this winter, and Nichol will return later to bury the remaining debris. **Motion** by Nelson to hire William Nichol Excavating, Inc. to do the referenced work for his requested price. **Seconded** by VanAmburg. **Approved.**

**Project No. 27, Clay County Ditch No. 55.** MNDOT opened bids for this I-94 culvert boring project at the end of July. The County is working with MNDOT regarding the culvert installations. If installation estimates for boring the culvert are too high, the County will install their culvert by open cutting C.R. 21. Albright pointed out that we will need to hire a contractor to clean the ditch for about 800' on the I-94 r-o-w. East of I-94, there is one mile of ditch that will also need work in the future. Earlier this month, Tom Lundberg, MNDOT, contacted the BRRWD office to express concerns about the bid they received ($561,264.50) from EJM Pipe Services. They only received one bid, which is about twice as high as they estimated. After talking with neighboring landowners, Managers, and Senator Langseth, MNDOT decided to reject the bid, and rebid the project again next spring, with the hope of getting more and better bids. Landowner Brian Halverson would like to see the ditch on I-94 r-o-w sprayed or mowed yet this fall to control the heavy cattail growth in this area.

**Project No. 23, Becker County Ditch No. 15.** Albright noted that the Tony Zurn, a landowner in Section 8, Hamden Township, has indicated that the ditch repair should move forward even though he still has crops in the field adjacent to the work area. Jones estimated the repairs would cost approximately $40,000, excluding the portion of ditch on public land within the Hamden Slough.
National Wildlife Refuge (NWR), a part of which has already been repaired. In order to avoid spoil placement in wetland areas, H.E. will prepare a map showing wetland locations.

**Project No. 17, Hamden Township Detention.** Jon Voz has discussed a possible WRP project for Pierce Lake. Albright will provide our files on this proposal to Voz for his review. Hanson noted that there doesn’t seem to be much landowner interest in a project.

**Project No. 13, Hay Creek Detention-Bjornson.** The Board discussed the status of the south dam repairs. Ed Jerdee is currently too busy to do the repair work. Albright suggested that Sellin Bros. Construction could do the work.

**Mediation PT.** The next PT meeting is scheduled for 10/26/06 at the MSUM Science Center near Glyndon. The Fall Tour is scheduled for 9/22/06 at 1:30 PM at the Ponderosa Golf Course. Notices will be sent 9/01/06. The Eagle Café will cater the meal, 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 on our tour itinerary.

**Comprehensive Planning.** Albright plans to schedule the Citizens Advisory Committee (CAC) and Technical Advisory Committee (TAC) Kickoff meetings later this year. The Board discussed the search for CAC and TAC members. Given our current heavy workload, the Board decided to wait until this winter to focus on the planning effort.

**Clay County Ditch No. 40.** The Board discussed a request from Nelson/Valen for a ditch crossing in Section 25, Kurtz Township. H.E. is still working on the hydraulic analysis.

**Becker County Ditch No. 19.** James R. Bresnahan, who is the attorney for a group of Rock/Rice Lake landowners, sent an information request. Specifically, Bresnahan asked for copies of all the original permits the Township received for their 2005 culvert installation project. Landowner Ron Johnson also called the office regarding this issue. The Board discussed the controversy about the elevation of Rock and Rice Lakes. Albright suggested that it would be very beneficial to have data on the elevations of the area lakes, and their outlets and inlets. **Motion by VanAmburg to authorize H.E. to conduct an elevation survey of the area using a Global Positioning Station (GPS). Seconded by Hanson. Approved.** Albright will send a letter to Bresnahan with the copies of requested information from the ditch system's file.

**Wilkin County Ditch No. 40.** Mark Yaggie has filed a repair request to clean the ditch and repair breakout areas along the ditch bank. The Board authorized H.E. to conduct a survey and provide repair recommendations. As soon as H.E. locates the 1960 ditch improvement project plans, they will be able to file their report. Albright suggested that Luther Aadland, DNR, might have the original ditch system plans as he is working on the Lawndale Trout Stream Restoration.

**BRRWD Annual Budget Hearing.** The BRRWD will hold their annual budget hearing on 9/11/06, during their regular meeting. Notices have been sent to the newspapers.

**Wilkin County Ditch No. 41, Branch 5 Repair.** On 8/23/06, Albright met with Edward Ernst in the field to discuss his concerns about a washout caused by water overtopping the berm in the NW¼, Section 8, Prairie View Township. The Board reviewed Albright's photographs of the washout site and discussed Ernst's request. **Tabled pending Manager field review.**
**River Keepers.** There is a meeting scheduled for tomorrow at 1:00 PM at the Hjemkomst Center with the DNR, City of Moorhead, H.E., and River Keepers regarding the installation of canoe portage sites along the Red River. Albright and Bob Backman, River Keepers, are tentatively scheduled to make a presentation to the City of Moorhead on 9/18/06 at 7:00 PM regarding the partnership between River Keepers and the BRRWD.

**RRWMB Membership.** Ray Bohn, Minnesota Association of Watershed Districts (MAWD), contacted the BRRWD to schedule a meeting between the RRWMB and the BRRWD regarding our membership/differences. Bohn asked that the BRRWD appoint two representatives to meet with two RRWMB representatives to discuss this issue. After the last meeting, Albright told Bohn that the Board had agreed to meet, but they had not finalized when to meet or who would serve on the negotiation committee. Ellefson noted that when he discussed this issue with one of the Wilkin County Commissioners, he agreed with the BRRWD's stand on our RRWMB membership.

**Project No. 7, Clay County Ditch No. 39.** Landowner Kirk Watt has filed a petition to install two field inlets in the NW¼, Section 33, Morken Township. Jones reviewed the project location and recommended the installation of a 24" x 64' corrugated metal pipe (CMP) with a flapgate for each inlet. Jones' Opinion of Probable Cost for the work is $2,500 for materials and $1,500 for installation for a total cost of $4,000. **Motion** by Nelson to approve the referenced work. **Seconded** by Hanson. **Approved.**

**Red River Basin DEM.** Chuck Fritz, Director, International Water Institute (IWI), forwarded a draft resolution for the Board's review regarding our participation in acquiring a high-resolution topographic digital elevation model (DEM) for the entire Red River Basin. The RRWMB has set aside $500,000 for the project. The total cost for the whole basin model would be about $4.5 million. The proposed resolution asks that the BRRWD contribute $50,000 to this effort. VanAmburg noted that the price for this work appears to be going down. **Tabled** pending more information regarding contributions from other districts/agencies.

**Stinking Lake Easement.** Moore Engineering, Inc., is surveying Michael Mikkelsen's land in the S½NE¼, Section 36, Highland Grove Township, Clay County, adjacent to the United States Fish and Wildlife Service (USFWS) property. When the BRRWD built the Stinking Lake project, we took an easement on Mikkelsen's driveway for access to the USFWS structure. Mikkelsen plans to sell the parcels on each side of this driveway. H.E. prepared a map showing the location of the easement, but never provided a legal description of the easement, and Mikkelsen needs a detailed easement/legal description of our easement. Albright noted that the BRRWD might need to furnish Mikkelsen with a legal description.

**RRBC Meeting.** The Red River Basin Commission (RRBC) Board of Directors will hold their meeting on Thursday, September 7, 2006, at the Ramada Plaza Suites, Fargo, ND, at 10:00 AM. Prior to the meeting, on Wednesday, September 6, the RRBC plans to host an "evening of fun", which includes a FM Red Hawks Baseball playoff game. Tickets are $5, and rooms are $72/$84.

**Joint Conference.** The Minnesota Water 2006 and Annual Water Resources conference will be held October 24-25, 2006 at the Earle Brown Heritage Center in Brooklyn Center, MN. The event is sponsored by the Water Resources Center and the College of Continuing Education, University of Minnesota. The conference will present innovative and practical water resource management techniques, highlighting research about Minnesota's water resources.
**Watershed District Termination.** Ray Bohn, MAWD, sent information regarding the recent BWSR decision to terminate the South Two Rivers Watershed District. He noted that there seems to be a growing "anti-Watershed District" sentiment. He noted his disappointment with BWSR's decision.

Ellefson commented on the need for MAWD to address the growing problem of excessive litigation costs for Watershed Districts. He thought the member districts should submit resolutions calling for legislation to provide insurance to protect Watershed Districts and Managers in the event they become involved in lengthy/expensive litigation.

**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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<td>Becker 5, 15, 19, Pj. 46</td>
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<td>Joel Carlson</td>
<td>September Lobbyist fees</td>
<td>Admin</td>
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<td>Commercial Package renewal</td>
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<td>RRWMB-Const.</td>
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<td>Wm. Nichol Excavating, Inc.</td>
<td>#00058, S. Branch cleanout</td>
<td>Pjs. 24, 31, Wilkin 41</td>
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**Motion** by Nelson to approve payment of the bills. **Seconded** by Olson. **Approved**.

**Next Meeting.** The next regular meeting and annual budget hearing of the Board of Managers, BRRWD, is scheduled for Monday, September 11, 2006, in the Barnesville office. The regular meeting will begin at 8:00 PM, and the annual budget hearing will begin at 9:00 PM.

**Adjournment.** Chairman Ellefson adjourned the meeting at 12:00 AM.

Respectfully submitted,

John E. Hanson, Secretary