The regular meeting of the Board of Managers, Buffalo-Red River Watershed District (BRRWD) was held on Monday, September 25, 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.); Chuck Fritz, Director, International Water Institute (IWI); Archie Tanner and Jack Johnson, Supervisors, Riverton Township; and landowners Darvin Temanson, Harmen Tande, Kristi Tande, Rodney Wyland, and Steve Holubok.

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 9/11/06 regular meeting. Nelson noted two minor corrections. **Motion** by Nelson to approve the minutes, subject to correction. **Seconded** by Hanson. **Approved.**

**Treasurer's Report.** The Board discussed our financial status. With approximately $10,000 cash on hand, and approximately $43,000 on tonight's billing summary, the Board agreed we will have to obtain an short term operating loan from Midwest Bank. In addition, the Surma property closing for Project No. 49, Oakport Flood Mitigation, is scheduled for tomorrow morning. The total cost of this home buyout is approximately $134,000. Midwest Bank is preparing loan paperwork for the BRRWD to make this payment with a cashier's check. Albright will send a pay request to Ed Fick, FDR Hydrologist, Minnesota Department of Natural Resources (DNR), for the State's share of the buyout funding as soon as the purchase is completed to expedite reimbursement. The BRRWD will pay 2% of the total purchase price of each home buyout until the BRRWD either reaches the $439,300 cost share amount or sells bonds for the project. **Motion** by Olson to obtain an operating loan from Midwest Bank to pay tonight's bills. **Seconded** by Hanson. **Approved.**

**Business brought before the Board included:**

**Buffalo River Levees.** Albright gave a brief summary of the drainage concerns in Sections 5 and 6, Riverton Township, Clay County. The BRRWD has made several attempts to meet with all the affected area landowners, but Curtis Nelson, the renter of the Phyllis Girten property in Section 5, has never attended a meeting. Nelson missed a field meeting with Albright this summer; and although he told Albright he was coming tonight, once again he has failed to attend. Our meeting notice specifically asked invitees to notify the office if they could not attend, so we could reschedule.

Albright noted that on 9/08/06, he met with Harmen Tande on site to review his drainage concerns. In the fall of 2004, Tande complied with the BRRWD's order to lower the spillway of his dike on the line between Sections 5 and 6. This work was one of several drainage recommendations the BRRWD proposed in their 7/24/02 letter to the area landowners. Tande feels it's time to implement some of the other BRRWD recommendations to improve drainage for his property in Section 6. The Board has recommended that the landowners/renters should clean the township road ditch along the north side of
Sections 5 and 6. In addition, Albright found aerial photographic evidence from 1981 showing that a field approach on the north line of Section 5 was illegally moved approximately 1,800' west from its original location to the line between Sections 5 and 6. This approach has two 36" dia. culverts. Upstream in Trunk Highway (T.H.) No. 9 between Sections 4 and 5, there is one 36" dia. culvert and one 39" dia. arch-culvert. There is also a damaged 18" dia. field inlet culvert just upstream of the referenced approach in the northwest corner of Section 5. This culvert restricts drainage from approximately 400 acres in Section 5, and forces water west onto Tande's property in Section 6. Tande explained that this was one of the reasons for constructing his dike.

Ellefson asked if the Township objected to moving the approach back to its original location and to resize the culverts to match the upstream and downstream structures. Riverton Township Supervisors Tanner and Johnson indicated that they agreed with the proposal, but pointed out that Riverton Township does not furnish culverts for private driveways/field approaches. Ellefson questioned if the owner of the W½ of Section 5, Phyllis Girten, who lives in Texas, would be willing to pay for moving the approach. He noted that this issue could not be discussed tonight since Girten's renter, Curtis Nelson, is not present. Tande offered to remove the approach at his own expense, but felt that he should be able to keep the culverts. There was some discussion about who actually owned the culverts, as no one was sure who installed the original structures. Tande also commented that if the approach were removed entirely, Nelson would lose his access to the Girten property.

VanAmburg suggested that the Board inform Phyllis Girten about the drainage problems associated with her property and offer our recommendations. She needs to know about the illegal approach on her property and that her renter has not attended our meetings. Ellefson felt that the Board has a right to order the illegal approach removed. Nelson felt that Albright should send Girten a letter first to notify her about the problems in this area. Olson suggested that we should check with our attorney to be sure we are handling the situation correctly. Tande agreed with the Board that this issue has gone on far too long, and timely action is needed to address the area drainage problems. More discussion followed regarding drainage options and who should pay to move approach/culverts. **Motion** by Nelson to authorize Albright to send Phyllis Girten a letter explaining the area drainage issues and reiterating the Board's 7/24/02 recommendations. **Seconded** by VanAmburg. **Approved**.

Rodney Wyland questioned what the BRRWD proposed to do about the Buffalo River flooding on the Girten property. The group discussed the process to set up a project for the Buffalo River in this area that would be similar to the Deerhorn Creek Levees project south of Barnesville in Wilkin County. Ellefson noted that a project of this type would be very expensive, but that we probably need to start the process. Tande added that by correcting the township road ditch drainage along Sections 5 and 6, Riverton Township, the Board will be taking a step in the right direction to correct the area's larger drainage problems.

Tanner and Johnson questioned the agenda item regarding the Paul Crume berm in Section 17, Riverton Township. Manager Olson noted that he and Wade Opsahl, Technician, H.E., field reviewed this permit application. Olson said that they did see the ditch Crume alleges Alden Brendemuhl, Jr. illegally installed last fall, but that the ditch did not cross Crume's property line. He added that there did seem to be standing water on the property line. Crume also claims that the ditching created a wet area in his field in the E½NW¼. His permit application is to install a berm on the property line to intercept drainage from Brendemuhl's property. This application will be discussed later during tonight's meeting.
Albright said that the Minnesota Department of Transportation (MNDOT) has contacted our office regarding work Stanley Crume has done along T.H. 10 east of Glyndon. Crume allegedly installed several field drainage ditches 2'-3' deep outletting to the T.H. 10 road ditch. The Board felt the work should be field reviewed to determine if a violation has occurred. Motion by Hanson to authorize Opsahl and a Manager to field review the site. Seconded by Olson. Approved.

Red River Basin DEM. Chuck Fritz, Director, IWI, discussed the IWI's request for the BRRWD to approve a resolution to participate in the high-resolution topographic digital elevation model (DEM) collection for the entire Red River Basin. The total cost for a DEM for the entire basin would be about $4.5 million. The proposed resolution asks the BRRWD contribute $50,000 to this effort. At the 9/11/06 meeting, the Board asked Albright to request more budget information from Fritz.

Fritz gave a brief summary of the IWI and the DEM proposal. The IWI was formed in 2000 in response to the 1997 spring flood. One of the first priorities the IWI identified was the need for a basin wide DEM. Several groups identified the importance of a DEM, including the International Joint Commission (IJC), the International Flood Mitigation Initiative (IFMI), and the Energy & Environmental Research Center (EERC) in conjunction with their Waffle Study. The IWI hosted several focus meetings on this issue. The initial estimate for a collect of this size was approximately $35 million. Fritz explained that because of recent technical innovations, the costs have come down significantly. He said that a National Elevation Dataset (NED) already exists; however there are problems with vertical resolution (approximately 60'). Fritz explained how the Light Detection and Ranging (LIDAR) data is collected with an airborne laser and Global Positioning System (GPS) technology. The collect results have been greatly enhanced to provide point data for the Red River basin at approximately 15 centimeters (cm) or 6” vertical resolution. The proposed collection area would include the entire Red River basin or about 39,300 square miles (sq. mi.). Fritz remarked that the Red River Watershed Management Board (RRWMB), the City of Moorhead, and the State of North Dakota have already indicated that they would be willing to partner in concept with this project. Fritz is now embarked on obtaining resolutions from these entities to contribute funding to the DEM. The RRWMB has made a $500,000 commitment to the DEM, which constitutes approximately 10% of the total project costs. Fritz expects approximately $1.2 million in funding from local and state governments with the balance coming from the federal government.

Fritz discussed a draft resolution for the BRRWD to make a $50,000 funding commitment to the Red River Basin DEM, which equals approximately 0.01% of the total project costs. The BRRWD's contribution would be contingent on the availability of funds and the proportionate financial commitments from other local, state, and federal partners representing lands outside the BRRWD, who will also benefit from the DEM.

The DEM would provide more accurate floodplain maps and improved flood damage mitigation; target wetland restoration activities and enhance planning and project development; provide detailed surface hydrologic/hydraulic modeling and more efficient natural resource management; provide innovative tools for conflict resolution; help increase agricultural productivity; improve water quality; and reduce future project costs. The DEM would be especially useful in the preliminary engineering phase of project planning. Jones noted that project engineering costs could be slightly reduced with the DEM as a planning resource. Fritz noted that other agencies have ongoing digital collections. He added that the Cities of Moorhead and Fargo have indicated that they would like to see a seamless collect completed, rather than pasting together data from earlier collection efforts. Fritz said that the Request for Proposals (RFP) could begin yet this year, depending on funding commitments, and that the actual data collect could start in either the spring or fall of 2007/2008.
Nelson mentioned an earlier partial collect project for a Flood Insurance Study (FIS) program for which the BRRWD agreed to contribute $150,000. He was concerned that this money still needs to be paid. Albright explained that two of the three collects for this project have been completed and the BRRWD has already disbursed the funding. The last phase of the project for Oakport Township is still pending and the BRRWD funding has not been allocated yet. Albright didn't think the total amount of the earlier commitment would reach $150,000. Nelson felt the collects should be coordinated and earlier work should be added to the DEM.

Fritz stated that the collected data will be publicly available free of charge. Canada has done a partial collect of similar data that can be added to the DEM data. Flood forecast maps could also be created using this data that could be used to predict flooding location/severity in the valley. VanAmburg felt that this project would provide an important data collecting tool for the BRRWD. Motion by VanAmburg to adopt the draft resolution in support of the IWI's DEM collection effort and to contribute funding in the amount of $50,000, subject to the referenced conditions. Seconded by Hanson. Approved. Ellefson felt that North Dakota should be encouraged to participate. Fritz said that the project specifications will come together once the RFPs are received.

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 after the crop is harvested. Manager Olson shared correspondence he received from Norby regarding resort property taxation.

Permit No. 06-78, Clay County Highway Department. Manager Olson and Jones completed their field review on 9/13/06 for this application to reconstruct County State Aid Highway (CSAH) No. 7 between the Village Green and Americana Estates. They found no problems with the proposal. Motion by Olson to approve Permit No. 06-78. Seconded by VanAmburg. Approved.

Permit No. 06-102, Agassiz Valley Grain, LLC. Applicant proposes to install an elevator/railway expansion project in Sections 12/13, Barnesville Township, Clay County, to accommodate 110 car unit trains. The office has forwarded the project plans to Jones. Tabled pending review.

Permit No. 06-103, Wal-Mart Stores, Inc. Applicant proposes to construct two storm water detention ponds and an outflow structure from their proposed Wal-Mart Super Center site in the NE¼SE¼, Section 3, Moorhead Township, to Clay County Ditch No. 50. There will be two outlets into Clay County Ditch No. 50 with grouted riprap on the opposite slope, a 14 acre parking lot, and 5 acres of roof surface. Olson questioned the proposed depth of the permanent pool. Jones noted that the plans called for a 4' deep pool. He also noted that the project will not affect ditch elevations for the 100-year flood event. Olson recommended permit approval. Motion by Hanson to approve Permit No. 06-103. Seconded by Nelson. Approved.

Permit No. 06-104, Paul Crume. Applicant proposes to install a dike along the quarterline in the N½, Section 17, Riverton Township, Clay County. Crume alleges that last fall, his neighbor, Alden Brendemuhl, installed a ditch in the NE¼, Section 17, that drained a wetland area onto Crume's property in the E½NW¼, Section 17. Manager Olson and Opsahl field reviewed this complaint on 9/21/06. It appears that Brendemuhl's alleged drainage work cut through the ridge between the properties and is draining water into a coulee on Crume's property. Olson commented that since the work was completed last fall, there is no way to know if the ditching went into the clay. VanAmburg agreed that it would difficult to determine if the work was illegal after so much time has passed. Olson suggested that the Board should have more information, for example, aerial photographs, before we make a decision. Albright suggested that the affected parties should be invited to a meeting to discuss
this issue. **Tabled** pending another Manager field review, more information, and contact with the affected parties.

**Permit No. 06-105, Donald Gandrud.** Applicant proposes to construct a Wetland Reserve Program (WRP) project in the E½, Section 18, Richwood Township, Becker County. The Natural Resource Conservation Service (NRCS) has already begun the 163.9 acre project construction. The WRP will contain four wetland basins with five embankments, which will be as high as 8'. Three grassed waterways will also be excavated and an existing wetland will be improved. The permanent pool depths vary from approximately 1' to 6'. In his review, Jones indicated that no significant seepage impacts are anticipated as any potential seepage from this site would be to existing channels or water bodies. Jones recommended permit approval. **Motion** by Hanson to approve Permit No. 06-105. **Seconded** by VanAmburg. **Approved.**

**Permit No. 06-106, Reynolds Technical Associates.** Applicant proposes to install an approach with an 18" dia. culvert in the township road ditch and a gravel access road in the southwest corner of Section 18, Elmwood Township, Clay County, to provide access to a new AM radio tower site and associated facilities. Jones explained that the proposed culvert sizing matches other structures in the area. H.E. has also submitted a permit application to Elmwood Township to work in their road right-of-way (r-o-w). **Motion** by VanAmburg to approve Permit No. 06-106, subject to Manager field review and the road authority's permission to work in their r-o-w. **Seconded** by Hanson. **Approved.**

**Permit No. 06-107, Todd and Janet Morse.** Applicants propose to install a new approach/24" dia. culvert along County Road (C.R.) No. 51 in Section 35, Barnesville Township, Clay County. The existing approach/culvert is situated in a wet area, and the new approach is in a higher location and is in line with their proposed new home construction. Janet Morse called the office last week regarding this project and was advised to submit a permit application and to contact Manager Ellefson, who conducted a field review on 9/21/06. Ellefson felt that the permit could be approved. **Motion** by VanAmburg to approve Permit No. 06-107, subject to Clay County approval to work within their road r-o-w. **Seconded** by Nelson. **Approved.**

**Permit No. 06-108, Oberg Farms.** Applicant proposes to install a culvert through C.R. 78 in the SW¼, Section 13, Moorhead Township, Clay County. The pipe location will be either on the east-west quarterline or on the south side of the building site in the northwest corner of the SW¼. Water builds up around the building site and also backs up on to the northwest corner of the field. Albright noted that there was some question about where the water in this area is assessed to drain. **Tabled** pending Manager field review and a check on the ditch system benefit areas.

**Permit No. 06-109, Clay County Highway Department.** Applicant proposes to widen the roadway embankment 5'-7' for approximately 350'-400' along the east half of C.R. 100 in Section 18, Kragnes Township, Clay County. After the 2006 spring flood and the dry conditions this summer, the embankment along this stretch is sliding into the ditch, creating a safety hazard. The work is planned for this fall. **Motion** by VanAmburg to approve Permit No. 06-109, subject to Manager field review. The County would also be expected to make sure construction doesn't affect area drainage. **Seconded** by Nelson. **Approved.**

**Permit No. 06-110, Calvary Baptist Church.** Applicant proposes to construct a new church building and site development at the intersection of 28th Street South and Village Green Boulevard in south Moorhead. The site covers approximately seven acres and drainage will be directed to new storm sewer inlets to be installed on site. The water will eventually drain to a detention pond located on the 100 Acre Park property. Construction this fall would include the installation of the underground and
parking lot drainage. The building will be completed in 2007, at which time the parking lot will also be paved. Jones reviewed the project plans and recommended permit approval. **Motion** by Olson to approve Permit No. 06-110. **Seconded** by Hanson. **Approved**.

**Permit No. 06-111, Verne Leach.** Applicant proposes to install a dike to block drainage coming from his neighbor's field in the SE¼, Section 32, Riverton Township, Clay County. Twenty years ago, Leach installed an east-west plow furrow through a quarterline ridge to help drain his neighbor's field. Leach now claims that a new survey shows that his neighbor's low area could drain south through an existing outlet into Clay County Ditch No. 21. He requests that his neighbor reroute his drainage because the water is causing problems on the west end of Leach's field. Leach's field drainage outlets along 130th Street South, where there are two culverts, but the water is blocked because the downstream neighbor has not maintained the ditch. **Tabled** pending Manager field review.

**Permit No. 06-112, Spring Prairie Colony.** Applicant proposes to clean and regrade an existing ditch on the west property line of the E½NE¼, Section 27, Spring Prairie Township, Clay County, and to slope the ditch so that it can be moved and maintained. **Motion** by Hanson to approve Permit No. 06-112, subject to Manager field review. **Seconded** by Nelson. **Approved**.

**Permit No. 06-113, Spring Prairie Colony.** Applicant proposes to install a north-south ditch on the west side of their property in the N½SE¼, Section 27, Spring Prairie Township, Clay County, to an existing ditch on the east-west quarterline, which eventually outlets into Clay County Ditch No. 2. The project will drain the west edge of a field that is already tiled into Ditch No. 2 to which it is assessed. Applicant will insure that the proposed ditch will only carry water from the field and not the natural waterway, which is the main inlet to Ditch No. 2. **Motion** by Hanson to approve Permit No. 06-113, subject to Manager field review. **Seconded** by Nelson. **Approved**.

**Permit No. 06-118, Brad Pake.** In conjunction with a Minnesota Department of Agriculture drain tile study to analyze drainage from tiled vs. non-tiled land, applicant proposes to install 63 acres of patterned tiling in the NE¼, Section 5, Morken Township, Clay County. By use of a weir in the middle of the field, the study will measure the amount of runoff from the non-tiled and tiled acreage. The area drains into Clay County Ditch No. 5, to which it is assessed. The Board discussed Pake's proposal. Pake also has filed a repair request for an inlet culvert into Ditch No. 5. **Motion** by Nelson to approve Permit No. 06-118 and the ditch repair request, subject to Manager 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 9:50 PM to discuss the status of both lawsuits. At 10:00 PM, the Board reopened the meeting.

**Grove Lake Outlet.** Albright plans to schedule a landowner informational meeting to discuss concerns regarding high water in the Grove Lake area in northwestern Otter Tail County, which is affecting Township and MNDOT roads (T.H. 34) and is encroaching on lake property. The office is working on a mailing list for the meeting. Ellefson questioned if there has been any recent landowner interest in this issue. Albright said that Tom Olson has been in the office a few times inquiring about the project status.

**Barnesville Township Drainage Concerns.** A special meeting has been scheduled to attempt to resolve this ongoing drainage dispute in Sections 27, 28, 33, and 34, Barnesville Township, on 9/28/06 at 7:30 AM in the Barnesville office. Notices have been sent.
**Evert Ringdike Meeting.** A field meeting has been scheduled with Wayne Tonsfeldt, Jon Evert, Clay County Engineer David L. Overbo, Opsahl, and the Board on Tuesday, September 26, 2006, at 7:30 AM. The group will discuss Tonsfeldt's drainage concerns regarding Evert's ringdike along C.R. 51 in Section 31, Alliance Township, Clay County.

**Dave Janssen Ditch Survey.** Kevin Kassenborg and Steve Hofstad, Clay Soil and Water Conservation District (SWCD), surveyed the west road ditch along C.R. 25 in Section 20, Humboldt Township, as requested by Dave Janssen. Janssen has plans to drain water north in the road ditch instead of letting it cut across the William Thompson property in Section 20. The Board discussed the proposal. Janssen will file a permit application for this work. Copies of the survey were forwarded to the BRRWD and David L. Overbo, Engineer, Clay County Highway Department.

**Project No. 57, Moorhead/Interstate-94 (I-94) Flood Control.** Jones reported that the contractor, All Seasons Contracting, Inc., Blackduck, MN, has completed all the excavation work. Culvert installations and top soil replacement still needs to be done. The project is about 75% done and Jones felt the contractor is making good progress. Due to the recent wet weather, All Seasons has requested a one week extension from the 9/30/06 project deadline. The Board discussed this request. They felt that because the contractor has been working long hours to complete the project when the weather was dry, he should have the option of waiting for optimal site conditions, instead of working in the mud to meet the project deadline. **Motion** by Nelson to extend the project deadline one week to 10/06/06. **Seconded** by Hanson. **Approved.**

H.E. prepared Pay Request No. 1 for All Seasons in the amount of $24,618.10 for work done on the project to date. **Motion** by Hanson to approve Pay Request No. 1 for the referenced amount. **Seconded** by VanAmburg. **Approved.**

**Project No. 56, Manston Slough Restoration.** Steve Holubok discussed his father's feelings regarding the Board's 9/11/06 decision to withdraw their $679,120 offer to purchase his property in the SE¼, Section 30, Manston Township. At the 9/11/06 meeting, the Board voted to withdraw their offer for Donald Holubok's property because their 3/27/06 offer was based on program/agency payments that are now either reduced or expired. Holubok told the Board that his father is against the project and feels it will have negative impacts to his property. He added that his father feels that the BRRWD never negotiated in good faith and that the BRRWD might have to condemn his land in order to obtain it for their project. He plans to offer it for public sale. Holubok said that if the BRRWD starts signing easement options for their project, he might have to resort to legal action to stop the project.

Ellefson questioned why Holubok felt his land was more valuable than other farmland that is selling for $1,200-$1,800 per acre. Holubok countered by asking why his father's land was less valuable. Ellefson pointed out that the BRRWD had already offered nearly $4,000 per acre. Holubok said that his father has a right to be compensated at a higher rate, as he paid assessments since 1987 for Wilkin County Ditch Nos. 13 and 13-Lat. No. 1, and he feels that the ditch provided no benefits for his property.

VanAmburg said that the Board has tried to raise as much money as possible to support their 3/27/06 offer to Holubok, but the funding is no longer there. Holubok said that none of the other landowners who are in favor of the project live in the project area. They won't lose their homes. He said the Board is forcing his father to move. He pointed out that we offered $406,220 for the project easement, but won't pay $750,000 to own the property. With a "$6 million project!", Holubok questioned why the Board couldn't come up with the extra money to pay his father what he wants for his land.
Nelson stressed the point that the BRRWD no longer has the funding resources to support our 3/27/06 offer. He said Holubok’s selling price was unrealistic. He added that the Manston Slough project costs were estimated to be $3 million, not $6 million. Albright explained that the Board has made every effort to offer Holubok as much as could be justified. Ellefson added that the Board would still like to deal with Donald Holubok regarding his property, but Holubok must keep in mind that the Board is accountable for the use of public money, and we have to justify our expenditures. The project is just in the early developmental stage and there is plenty of time left to negotiate land purchases. Holubok said that the only people who want the Manston Slough project are the ones who are benefiting from it financially. More discussion followed regarding issues that have been documented in previous meeting minutes. Ellefson ended the discussion by indicating that the BRRWD is still willing to work with Holubok to purchase his property.

**Project No. 54, Whisky Creek Tributaries.** The Board discussed their concerns regarding the lack of progress on the NRCS Nichol WRP project in Section 21, Humboldt Township. Albright noted that several contractors have discussed their interest in the project with him. He will contact Scott Smith, NRCS, again for a copy of the project plans and will then pass that information on to the contractors. Ellefson said downstream landowners have complained that the WRP project has not been installed. The Board felt the NRCS missed the favorable weather this summer and was concerned that recent rainfall has probably made the site too wet for construction work. Ellefson hoped there would still be time later this fall to finish the project. Albright will talk to Sharon Lean, District Conservationist, NRCS, regarding this project, which the Board feels is vital to the proper functioning of the Whisky Creek Tributaries project.

**Project No. 51, Clay County Ditch No. 68-City of Glyndon.** Jones noted that the contractor, Ron Erdman, All States Excavation, has started working at a number of sites along the proposed ditch alignment, but has not finished any one facet of the project. The Board discussed their concerns about his lack of progress. Landowner Dale Fischer has requested a Texas crossing near the center of Section 3, Glyndon Township. Albright suggested that the Board should field review the construction site to see for themselves what’s going on with this important project. Erdman has until 11/15/06 to complete all work. After that date, the contractor will have to pay the BRRWD $100/day as liquidated damages.

**Project No. 49, Oakport Flood Mitigation.** The Board discussed the status of the home buyout process. Albright noted that a Steering Committee meeting should be scheduled in October. The Midwest Bank loan documents have been prepared for the BRRWD to purchase the Jim Surma property, which is closing tomorrow. The purchase price is $134,339. Albright noted that the Board will have to address costs associated with property ownership once the closing is completed, such as property insurance, etc.

Vogel Law Firm is looking at issues regarding the dike alignment in the various subdivisions, and any problems that might arise. Jerry Overmoe recently inquired if the BRRWD has considered just giving the buyout property away to parties interested in moving them, as the City of Grand Forks allegedly did after the 1997 spring flood. Albright noted that he visited with Carl Altenbernd, who worked for the Lake Agassiz Regional Council, regarding their buyout experiences. He said that they were able to sell their buyout properties for reasonable prices. Tami Norgard, BRRWD Attorney, has also advised that the houses should be offered for sale on competitive bid basis. Altenbernd recommended that the property slated to be torn down will need to be inspected for hazardous materials, etc., before demolition can start. The Minnesota Historical Society will also need to be contacted before demolition begins to be sure no historic or archeological sites will be affected. Altenbernd also recommended that the BRRWD prepare buyout policy guidelines. Olson questioned if Ed Fick, FDR Hydrologist, DNR Waters, has agreed to the BRRWD paying 10% over the original appraisal values.
for those homeowners who had second appraisals done that came in higher. Albright said he hadn't spoken specifically about that issue with Fick, but he assumed that the funding would cover whatever the BRRWD had to pay for the property.

Later in the meeting, the Board discussed a letter from Jacqueline Anderson regarding her home buyout. Her second appraisal came in 12.7% higher than the original appraisal. In her letter, Anderson states that she will agree to accept an offer of 10% over the original appraisal according to the Board's decision regarding this issue at their 9/11/06 meeting. Ellefson questioned if we should check with Ed Fick, DNR, regarding our policy of accepting appraisal at or below 10% of their original appraised values. The Board felt that we should also discuss Anderson's offer with our Attorney Corey Elmer, who is handling the buyouts.

**Project No. 46, Turtle Lake Outlet.** The Board discussed a malfunction on the Long Lake siphon check valve. Opsahl is working with Sellin Bros. Construction to correct the problem.

**Project No. 38, Farmstead Ringdikes.** The Board will review the 2006 ringdike applications in the near future. To date, Ed Fick, FDR Hydrologist, DNR Waters, has not forwarded the 2006 ringdike funding contract documents for the Board's signature. Fick has indicated that we are eligible for one ringdike this year ($15,000). The Board was concerned that it might already be too late in the construction season to start a project this year.

Albright noted that the two landowners who received ringdikes last year still have not forwarded their cost share payments. Albright noted that a meeting regarding a possible ringdike for the City of Kragnes will be scheduled for later this October. A homeowner in the Crestwood subdivision in Moorhead contacted the office to question if the BRRWD would contribute funds to help pay for his private ringdike. Albright indicated that Opsahl could take a look at his dike, but normally the BRRWD does not pay for dikes that are already built. A BRRWD permit is required to build ringdikes, and there are specific construction guidelines that must be followed. Albright will mail the individual a BRRWD permit application and a copy of the BRRWD Rules for his review.

**Project No. 35, Clay County Ditch No. 47.** H.E. has recently completed a repair survey for this ditch system. There is sediment that should be removed from approximately two miles of the channel. The work could commence at any time as the crops have been harvested from the proposed repair area. This project is the last phase of the Clay County Ditch No. 47 ditch system repair. Jones recommended that the Board authorize the work and consider marking the r-o-w on the east side of the ditch, as there has been some landowner encroachment in this area. Estimated construction cost for this project is $25,000-$30,000. The Board discussed placing signs on the ditch r-o-w area to discourage landowner incursion on the easement area. **Motion** by VanAmburg to approve the ditch repair. **Seconded** by Nelson. **Approved.** Olson abstained from voting, as he is a landowner on this ditch system.

**Project No. 27, Clay County Ditch No. 55.** Landowner Brian Halverson has requested that the ditch on I-94 r-o-w be sprayed or mowed yet this fall to control the heavy cattail growth in this area. Albright will work with Larry Tester, MNDOT.

**Project No. 23, Becker County Ditch No. 15.** Opsahl will obtain the permission to place spoil forms from the landowners adjacent to the proposed 2006 ditch repair. He will also locate spoil placement sites to avoid wetland areas. Albright noted that 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.
**Project No. 19, Becker County Ditch No. 21.** Landowner Jerry Matter has submitted a ditch repair request to remove the flapgates on two township road culverts because the gates restrict water, freeze in, and do not open in the spring. In addition, he wants parts of the main ditch channel cleaned. Matter also wants the BRRWD to contact the ditch system landowners to resolve the ditch r-o-w/maintenance access issues. **Tabled** pending Jones' review and recommendations.

**Project No. 13, Hay Creek Detention-Bjornson.** Opsahl will contact Sellin Bros. Construction to see if they can do the south dam repairs, as Ed Jerdee is currently too busy to do the repair work. Albright, Jones, and Opsahl will discuss this issue this week during their staff meeting on Friday morning.

**Mediation Project Team (PT).** The next PT meeting is scheduled for 10/26/06 at the MSUM Science Center near Glyndon. The Fall Tour was held on 9/22/06.

**Comprehensive Planning.** Albright plans to schedule the Citizens Advisory Committee (CAC) and Technical Advisory Committee (TAC) Kickoff meetings later this year. 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 Jimmie R. Nelson and Orlen Valan, Jr. for a ditch crossing in Section 25, Kurtz Township. H.E. is still working on the hydraulic analysis.

**Becker County Ditch No. 19.** At the 8/28/06 meeting, the Board authorized H.E. to conduct an area elevation survey using GPS, which is still pending. Holmesville Township is waiting for a permit from the DNR for a weir installation on the culvert between Rock and Rice Lakes.

**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. Jones contacted Robert J. Roberts regarding the original plans, but to date, Roberts has not furnished any useful information. **Tabled.**

**Becker County Ditch No. 5.** Brad Grant, District Administrator, Becker SWCD, notified the BRRWD that they have approved a 50/50 cost-share with the BRRWD for the Amer Froysland dam repair. They also agreed to use their standard cost share percentage (37.5% SWCD, 37.5% BRRWD, and 25% landowner) to pay for the Mark Green dam repair. Albright will send a letter to Grant to confirm the cost share percentages. Ed Jerdee is available to do this work. Each dam repair is estimated to cost approximately $7,000-$8,000. Once the landowners agree to the cost-share amounts, H.E. will place an order for the materials from Johnston Fargo Culvert.

**2006 MAWD Annual Meeting.** The Minnesota Association of Watershed Districts (MAWD) Annual Meeting will be held in Alexandria on November 30-December 2, 2006. Ellefson suggested that the BRRWD propose a resolution to allow Watershed Districts to pay former Managers a per diem stipend for court appearances. Albright noted that Tera Guetter, Pelican River Watershed District Administrator, has proposed a resolution that would limit Counties to a one-time processing fee for ditch levy assessments. Currently, Becker County collects annual fees to process these assessments. The Board discussed these two proposals. They will address these issues again at the next meeting. Proposed resolutions are due by 10/13/06. 2006 project award nominations are also due on that date.

**Wilkin County Ditch No. 41, Branch 5 Repair.** On 8/23/06, Albright met with Edward Ernst in the office to discuss his concerns about washouts caused by water overtopping the ditch bank in the NW¼, Section 8, Prairie View Township. **Tabled** pending Manager field review.
River Keepers. Albright and Bob Backman, River Keepers, are scheduled to make a presentation to the City of Moorhead on 10/02/06 regarding the partnership between River Keepers and the BRRWD.

RRWMB Membership. Ray Bohn, MAWD, would like to see the BRRWD and the RRWMB meet as soon as possible, preferably in October. Managers VanAmburg and Ellefson have been appointed to represent the BRRWD in negotiations with the RRWMB regarding our membership.

Clay County Ditch No. 3 Repair. H.E. has prepared a plan to repair Ditch No. 3 in Section 8, Moland Township. About 150'-200' of bank is sliding into the ditch. Jones recommends that the ditch slope be reconstructed by benching and rebuilding the embankment. In addition, three rock drop structures should be installed and the channel grade should be flattened to repair the existing slides and prevent future sloughing. Several field inlet culverts should also be lengthened and reset to prevent erosion at the outlet ends. Landowner Ray Johnson has requested this repair as the sloughing is starting to affect his field. The ditch slope slides were caused by the existing steep channel grade. The estimated cost for this repair is $25,000-$30,000. The Federal Emergency Management Agency (FEMA) did provide some disaster funding for this ditch system for the 2006 spring flood, but since much of the damage was pre-existing, FEMA only allowed $1,180. Motion by Hanson to approve this ditch repair. Seconded by Nelson. Approved.

Clay County Ditch No. 21. In the fall of 2005, H.E. completed a 3.4 mile survey of Ditch No. 21 from where the ditch crosses Sections 33, Glyndon Township, and Section 4, Elmwood Township, upstream to Section 1, Elmwood Township. Test pits were included to determine sediment depths in the channel. In Sections 2 and 3, Elmwood Township, there is approximately 1.5' of sediment in the channel that could be removed with a ditch slope ranging from 0.05%-0.11%. The total cost for these repairs is estimated to be $8,000. Motion by VanAmburg to authorize the ditch repair. Seconded by Olson. Approved.

Clay/Wilkin Judicial Ditch No. 1 (J.D. 1). Dean Paschke and Rick Maier have requested that the Board follow through with the drainage investigation we promised to complete a few years ago when a restriction plate was installed on the upstream end of a 42" dia. pipe under C.R. 3, east of Michael Peet's farmstead between Sections 5 and 6, Deenhorn Township. The reducer was supposed to be a temporary fix until a drainage plan could be developed for the entire area. Some landowners east of C.R. 3 would like to see the reducer removed. Albright suggested that a landowner informational meeting could be scheduled in November to talk about the options for this drainage area.

Lake Winnipeg Management Forum. The Manitoba Branch of the Canadian Water Resources Association is hosting a two-day forum titled "Managing Nutrients in the Lake Winnipeg Watershed". The forum will be held October 18-19, 2006, in the Greenwood Inn, Winnipeg, Manitoba. The registration deadline is October 6, 2006.

Wilkin County Ditch No. 22-Lat. 1 Repair. Edward Ernst requested that the BRRWD repair about a 100'-150' section of the inlet to Ditch No. 22-Lat. 1 on the line between Sections 34 and 35, Manston Township, Wilkin County, where the culvert has eroded and sediment has filled in the ditch. Motion by Hanson to approve the repair request. Seconded by VanAmburg. Approved.

Improved Project Requests. Opsahl has prepared FEMA Improved Project request forms for two projects on J.D. 1 and Project No. 47, Clay County Ditch No. 53. FEMA must approve the Improved Project requests before any work can begin. Motion by Nelson to authorize Albright to sign the forms. Seconded by Hanson. Approved.
**Annual Conference.** The 2006 Annual Conference of the Minnesota Association of Floodplain Managers will be held November 15-16, 2006, in the Country Inn and Suites, Mankato, MN. The registration deadline is October 15.

**Clean Water Legacy (CWL) Funding.** The Clay and Wilkin SWCDs are planning to submit a joint CWL application for $100,000 -$150,000 in funding to install side ditch inlet structures on the South Branch of the Buffalo River/Comstock Coulee/Wolverton Creek; install grade controls structures for Comstock Coulee; and increase incentives for windbreak establishment/technical assistance money for marketing best management practices (BMPs). The agencies want to know if the BRRWD would support their effort. They also were concerned that the BRRWD might feel this proposal was interfering in a BRRWD project area. The SWCDs also wanted to know if the BRRWD would consider contributing matching funds to their proposal, as an application that provides for some funding is more likely to be approved. The Board discussed this proposal and agreed that they could support the SWCDs' effort to address the drainage problems on the referenced natural waterways. **Motion** by VanAmburg to support the Clay/Wilkin SWCD CWL funding application with the understanding that our $20,000 matching contribution would also go towards future funding requests for other programs. **Seconded** by Nelson. **Approved.**

**Employment Application.** Lori Sandberg, who has a degree in Water Resource Technology, visited the office last week to inquire about possible employment. She left her resume for the Board's review.

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

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<th>Accounts Payable</th>
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Motion by VanAmburg to approve payment of the bills. Seconded by Hanson. Approved.

Next Meeting. The next regular meeting of the Board of Managers, BRRWD, is scheduled for Tuesday, October 10, 2006, in the Barnesville office at 8:00 PM. The traditional meeting date is changed in observance of Columbus Day.

Adjournment. Chairman Ellefson adjourned the meeting at 11:35 AM.

Respectfully submitted,

John E. Hanson, Secretary