

MINUTES FOR MANAGERS' MEETING
January 8, 2007

The Board of Managers, Buffalo-Red River Watershed District (BRRWD) held their annual meeting on Monday, January 8, 2007, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Gerald L. VanAmburg, Curtis M. Nelson, E. Robert Olson, and John E. Hanson. Others attending included: BRRWD Administrator Bruce E. Albright, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.); Molly McGregor, Principal Planner, Northwest Regional Office, Minnesota Pollution Control Agency (MPCA); Stephanie Miranowski and Merrill Miranowski, M&M Construction; Ronald Erdman, Allstate Construction; and landowners Gerald Skalicky, Jerry Ries, Mitch and Jennifer Burris, Lisa Otteson, Jessie Swanson, Kathy Erickson, and Cecile Fetzer.

Chairman Ellefson called the meeting to order at 7:00 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 11/27/06 and 12/11/06 regular meetings, plus the 11/15/05 Final Hearing minutes and the 11/21/05 Final Hearing Continuation minutes for Project No. 57, Moorhead Interstate-94 Flood Control. Olson noted corrections for the 11/15/05 Final Hearing minutes and the 12/11/06 regular meeting minutes. **Motion** by Olson to approve the minutes, subject to correction. **Seconded** by Nelson. **Approved.**

Business brought before the Board included:

Project No. 49, Oakport Flood Mitigation. Albright gave a brief summary of the Project's status. He noted that to date the BRRWD has completed eleven buyouts, with five more homeowners scheduled to close by 4/30/07. The rest of the 22 potential buyout candidates are waiting for more information about the project before deciding if they wish to enter into purchase agreements. Albright discussed the Ulteig Engineers, Inc. (UEI) 2004 Oakport Flood Mitigation Study. The project received funding to begin project development in 2005, including money for home buyouts. UEI is currently surveying the preliminary dike alignment. At this point, the final dike alignment has not been determined.

Homeowner Jerry Ries asked if the UEI Study explains why the dike has to be built in a particular location. Albright said that UEI does indicate in general terms why the proposed alignment was chosen. He used a UEI map of the project area to discuss the proposed dike alignment. Albright explained that the Army Corps of Engineers (COE), the Federal Emergency Management Agency (FEMA), and the Minnesota Department of Natural Resources (DNR) have established criteria regarding permitted activities in and adjacent to the floodway. A Technical Advisory Committee, which will include those agencies, will be meeting to determine the exact dike alignment in the near future. Last spring, the BRRWD and Oakport Township officials including Greg Anderson, Kevin Campbell (former Township Chairman and current Clay County Commissioner), identified 22 properties that were either on the wrong side of the proposed dike or, because of their proximity to the Oakport Coulee/Red River, could not be protected from flooding. Albright noted that an arbitrary 12/31/06 deadline was set for the home buyout process. He said that the landowners attending

tonight's meeting are in the Oakport Coulee area. They are questioning why the BRRWD started the home buyout process without first finalizing the dike alignment. Albright explained that the Board is committed to working with these landowners in the same manner as the landowners who have already sold their homes or have signed purchase agreements. He said that project construction probably won't start until 2008. The BRRWD will schedule another landowner informational meeting this spring to provide an update of the project development status. As the dike alignment is finalized in specific areas, Albright suggested that the Board hold neighborhood meetings. He said that the project cost is estimated at approximately \$17 million. The local share is approximately \$435,000 with the balance to be paid by the State of Minnesota.

Jerry Ries felt that the project is taking too long to develop. Since the proposed dike alignment was made public, his life has been put on hold. He can't sell or improve his home because of the uncertainty of the project. He feels that the dike alignment should have been finalized before the home buyouts began. Ellefson asked if Ries has been identified as a potential buyout candidate. Albright said depending on the dike alignment, Ries' property, as well as the properties of several of the other landowners at tonight's meeting, could be on the wrong side of the dike. At the 11/16/06 Steering Committee meeting, UEI indicated that the current dike alignment was probably where the final dike would be located with some slight variations.

Ries felt that the BRRWD had not communicated well enough with the affected landowners along the dike alignment about the project status. He is running out of patience with the lack of information. Ellefson noted that the BRRWD had asked UEI to provide an accurate dike alignment as soon as possible, but progress has been slow.

Jessie Swanson said promises were made to the landowners along the Oakport Coulee prior to the current project development that the Coulee would be cleaned. She said that the Coulee should be cleaned before the dike is installed. She questioned why the BRRWD couldn't understand that in its present condition, the Coulee is a "bottleneck", and will continue to flood. Ellefson pointed out that he did not recollect the BRRWD making any promises regarding repair work for the Oakport Coulee. Swanson acknowledged that the BRRWD was not the agency that had made those promises. She added that there is more water coming from the North Dakota side of the Red River via the Sheyenne River that will also impact their area.

Gerald Skalicky complained about the location of the Brentwood Acres housing development. He was concerned that the project's current design, which includes a ringdike around this entire development, will protect this area, but not his property. To date, Skalicky has not participated in the home buyout program. He discussed past County projects that he feels also increased area flooding problems. Ellefson explained that the BRRWD does not have jurisdiction over the City of Moorhead's or Clay County's planning and zoning. Skalicky complained that the City of Moorhead allowed people to continue to build in the floodplain/floodway. He discussed his ideas about where the dike should be built.

Albright noted that during discussions with the Fetzers, they had expressed concerns about the fact that the project will protect Brentwood Acres, but not their property, which was a residential area for nearly 40 years before the Brentwood development was built. Skalicky and Swanson questioned why a dike was proposed for the east side of Brentwood Acres, which is supposed to intercept overland flooding. BRRWD Engineer Erik Jones, H.E., explained that dike alignment is partially based on COE requirements. Skalicky continued to discuss his ideas about the dike design. Nelson noted that UEI is responsible for the dike design, not the BRRWD.

Jerry Ries questioned the accomplishments of the sub-committees. Albright said that this is a large project that will require a long time to develop, and it may be difficult for the landowners to see meaningful progress from time to time. However, the sub-committees need to continue meeting in order to move the project forward. He recognized the landowners' concerns about waiting to see how the project could affect their property.

Skalicky said that their property is being devalued because of the project. He said that Oakport Township Chairman Greg Anderson has told them they had to proceed with the buyout process or they'd be left out of the project. The BRRWD Attorney sent the landowners a letter indicating that if they didn't sign a purchase agreement by 12/31/06, the BRRWD couldn't promise they would get the same treatment as those who have already entered into a buyout agreement. Skalicky thought that the BRRWD should pay to relocate homeowners in open areas within the Township. More discussion followed regarding existing houses in the floodway.

Skalicky said he has lived in his current home for nearly 40 years, and this project is disrupting his life. Swanson agreed that this proposed project has also caused her deep concern.

Ellefson said that to date, the Board had not been aware of the landowners' concerns. From the public meetings that the BRRWD has held, the Board felt that most residents were in favor of the project. He asked if they had communicated their concerns to the Township Board.

Lisa Otteson, daughter of Alvin and Cecile Fetzer, said that she had contacted Kevin Campbell regarding the BRRWD Attorney's letter, noting the 12/31/06 deadline. Otteson said that Campbell had told her to contact Albright. She added that the five landowners at tonight's meeting have been in the area a lot longer than the Brentwood Acres development. She questioned why the proposed dike protects Brentwood Acres and not their homes. Otteson said that no one is communicating with the homeowners at the Township level. She said that whenever the Township does discuss the project, it involves directives and ultimatums. She would like someone to give her an honest explanation about why the dike is going to be aligned as proposed, and a specific development timeline. Otteson noted that the City of Moorhead's website has information that states the dike will be installed by the end of 2007. Ellefson said that was timeline was not realistic. He felt that the BRRWD should schedule a meeting with the Technical Committee/Engineers to answer the landowners' questions.

Swanson suggested that she and her neighbors should construct a ringdike around their property. If they did this however, it would complicate the project. Swanson pointed out that her property has never flooded.

Cecile Fetzer questioned how the proposed South Side Fargo Flood Protection project will affect the Oakport Flood Mitigation project. Otteson pointed out that the 1997 spring flood was primarily caused by overland flooding. More discussion regarding area flooding followed. Otteson would like to meet with the Engineers to discuss her family's concerns in the next 30 days. She asked that the BRRWD notify the landowners once the meeting is scheduled.

Ries would like the BRRWD to provide more information and improve the lines of communication regarding the project. Skalicky said that Ries and Mitch Burris both have families in the area. The dike project is turning these young homeowners' lives upside down. Ellefson said that UEI should have been represented at tonight's meeting so that we could have had better answers to the homeowners' questions.

Albright pointed out that until UEI has the dike alignment finalized, we won't have the information the landowners want. Otteson thought it would be good to provide UEI with their input before the dike

alignment is set. Albright agreed if the landowners just wanted to meet with the Engineer, as long as they understand that information will be incomplete until the dike survey is completed. Otteson thought that UEI should be able to explain the reasoning behind the proposed dike alignment. Albright thought that part of the reason included COE investigations/studies.

VanAmburg stated that the proposed dike alignment was undoubtedly based on good reasoning, and probably not everyone is going to be satisfied with the final alignment. Skalicky said that the landowners understood what VanAmburg said, but they were frustrated with the apparent lack of progress with the project. VanAmburg pointed out that a project of this size will take time to develop. He added that it was unrealistic for the landowners to expect to redesign the project this far into the process. Ries reiterated that the landowners would like to know why the dike was located in its present location. VanAmburg thought that the area in the floodway has a number of restrictions on it because it is DNR protected waters. Swanson suggested that the landowners have not been told the truth. Skalicky questioned how UEI became involved with the project initially. Ellefson explained that UEI has been involved with the project since the COE started their initial study after the 1997 spring flood. When Oakport Township asked the BRRWD to sponsor the project in 2003 after the COE decided the proposal did not meet state criteria, UEI was appointed the engineer because they had the most experience with the project.

Discussion then turned to the Burris property buyout negotiations. Mitch Burris said there have been three appraisals done for his property, and he questioned the status of his buyout. Albright sent a memo to the Board last week regarding Burris' buyout for their review. Burris pointed out that the BRRWD had passed a motion to accept second appraisals that were within 10% of the BRRWD's appraisal. He felt that the first appraisal, completed by Guy Miller for the BRRWD (\$221,300) should be disregarded. It was even lower than Burris' property tax value (\$222,100). Burris' second appraisal was for \$300,000. The Board felt this was so much higher than our original appraisal that we needed a third appraisal, which came in at \$275,000. Jennifer Burris claims that when they met with the Buyout Committee on 10/05/06 to discuss the differences between the two appraisals, the Committee agreed to throw out the lowest appraisal if Burris would agree to a third appraisal. The Board discussed Albright's memo and the recent improvements Burris has made to his house. BRRWD Attorney Corey Elmer and BRRWD Appraiser Guy Miller have reviewed the third appraisal and both are satisfied with the \$275,000 valuation. VanAmburg felt we should try to resolve this issue as soon as possible. Burris felt he should be treated the same as the other landowners who sold their homes to the BRRWD. His \$300,000 offer is within 10% of the third appraisal and he thought the Board should accept it. **Motion** by Hanson to pay Burris \$300,000 for his home. **Seconded** by VanAmburg. Chairman Ellefson called for the vote. Hanson and VanAmburg voted aye, Nelson nay, and Olson did not vote. **Approved.**

Continuing with the previous discussion, Albright noted that he will try to schedule a landowner meeting with UEI and the Technical Committee this month. He felt it would be best to notify all the landowners affected by the project. Ellefson felt there might be an opportunity for better discussions if a smaller group of landowners could meet with the Engineer regarding the dike alignment in the coulee area.

Ries discussed several questions he had regarding the dike configuration and internal drainage. Albright explained that the dike will be built in compliance with the new 100-year floodplain maps according to the COE and FEMA, with 3' of freeboard. Ries will send a letter to the Board regarding his concerns. He felt the dike alignment should have been finalized before the Board started the buyout process. Ellefson told the landowners that the BRRWD was committed to working with them to address their concerns. Ries also questioned if the Board was satisfied with UEI's progress on the project. Albright explained that a project of this scope is going to take time to develop. Once the dike alignment is finalized, landowners will have plenty of time to make decisions regarding their property. Ries reiterated that the Board needs to improve communications with the landowners regarding project

development, and that he wanted to be notified of upcoming sub-committee meeting so that he could attend.

Later in the meeting, the Board reviewed Attorney Elmer's buyout summary. The Buyout Committee recommended that the BRRWD hire Randy Rick as the Property Manager. Albright and Olson will meet with auctioneers to get bids for the cost of an auction to sell the buyout properties and to discuss marketing ideas. A Technical Committee meeting will be scheduled in the near future. The Board discussed scheduling a meeting with the group that was here tonight vs. a landowner informational meeting with all the project landowners. Albright discussed the letter he provided to Alvin and Cecile Fetzer regarding their concerns about Attorney Elmer's letter in which he reviewed the 12/31/06 deadline for landowners to sign a purchase agreement with the BRRWD. In the letter, Albright assured the Fetzers that the deadline date was an arbitrary goal set in August 2006, and the BRRWD will continue to work with everyone on an equal basis regarding the development of this project.

SWAT Modeling. Molly McGregor, MPCA, discussed the Energy & Environmental Research Center (EERC) proposal to use the Soil and Water Assessment Tool (SWAT) model to conduct water quality modeling for the watersheds located on the Minnesota portion of the Red River Basin. The modeling will focus on long-term (i.e., monthly and seasonal) simulations of water and sediment loading at any point of interest within these watersheds. The modeling results will be used to gain a better understanding of water quality issues within individual watersheds and to aid in the development of Total Maximum Daily Loads (TMDLs) currently being established by MPCA. The EERC estimates that each watershed study will cost approximately \$47,500. Initially, McGregor was going to use the funding for a SWAT model of the BRRWD. However, our 319 Grant will also model the South Branch and Main Stem of the Buffalo River using a different model. McGregor would like to model the Upper Red watershed with SWAT. This area includes Wolverton Creek/Comstock Coulee, as well as other areas to the south that are direct tributaries to the Red River of the North. McGregor's objective was to receive the Board's approval for Albright and Jones to work with the MPCA on this project. She noted that their services won't be needed until August 2007. In addition, she said that there is no match required for this grant, and the results will be shared with the participants. **Motion** by VanAmburg to authorize Albright and Jones to work with MPCA on this project. **Seconded** by Nelson. **Approved.**

The BRRWD has been approved for a continuation grant for Phase 2 of their Section 319/Clean Water Partnership (CWP) Implementation Pilot Project. The additional grant would provide real application strategies for the BRRWD and County Comprehensive Plans. This project will expand on the previous study done by the University of Minnesota to develop a computer model using annualized Agricultural Non-Point Source (annAgNPS) model. Again, McGregor pointed out that the MPCA project will include the Wolverton Creek/Comstock Coulee area, which is not included in the BRRWD's 319 project. She thought it would be interesting to compare the results from the SWAT modeling with the annAgNPS modeling.

Project No. 51, Clay County Ditch No. 68-City of Glyndon. H.E. prepared Pay Request No. 5 for Allstate Construction in the amount of \$20,911.77, which includes Change Order No. 1 for \$5,964.36. The change order consists of an increase in the quantity for riprap, small rock, and Class V aggregate. In addition, Erdman had extra expenses for modifying a corrugated metal pipe (CMP) near Parke Avenue and mastic (rubber seals) for the concrete pipes. Project costs were decreased because Erdman did not have to install the 18" dia. CMP/flapgates called for in the contract. Retainage has been reduced from 5% to 2%, or \$3,618.52. **Motion** by Nelson to approve Pay Request No. 5 and Change Order No. 1 in the amount of \$20,911.77. **Seconded** by Hanson. **Approved.**

At the last meeting, the Board reviewed Erdman's concerns regarding the unclassified excavation quantities. Jones and Erdman have not met regarding his concerns. Jones compared his calculations with the amount of dirt Erdman feels he moved, and he couldn't justify any additional yardage. Jones did say that H.E.'s survey quantities could have been slightly off as their field survey was taken in 2003. Erdman explained that according to his actual construction measurements, he had removed more dirt than the H.E.'s cross-sections indicated. Ellefson asked if H.E. has checked the "as-built" cross-sections. Jones said they had not conducted a final field survey.

Erdman provided photographs of the actual excavation to Albright who shared them with Jones. Jones said that there appeared to be sections of the project where the cross-sections show almost a 3' cut, but depths also did vary. Erdman felt that the actual ditch grade was consistently deeper than the project plans showed. Albright suggested that we could compare the 2003 ditch centerline survey depths by station to Erdman's actual measured ditch cuts. Merrill Miranowski thought that Erdman's average cuts along the ditch bottom were about 30". Albright noted that the small scale on the plan profiles makes it difficult to determine the exact cut depths. Erdman noted that he discussed his concerns with Wade Opsahl, Technician, H.E., who was the site supervisor. He explained that he documented his actual cut depths by station. He will provide this information for Jones' review. Nelson thought that the Board was willing to work with Erdman regarding this issue as he gave us a good bid and did a very good job on the project. Jones will schedule a meeting with Erdman, Miranowski, and Opsahl to discuss this issue further.

Treasurer's Report. The Board reviewed the year-end financial reports, and the current 2007 monthly statements. Year-end transactions include interest allocation and account transfers. Albright reported that the accounts are all in order and ready for the 2006 audit. The Board also reviewed the Accounts Receivable Summary and the projected 2007 budget for the Minnesota Statutes Annotated (M. S. A.) 103D.905, Subd. 3, levy. Since the last meeting, the BRRWD has received the last half of the 2006 Market Value Credits and the second half 2006 Clay County ditch system taxes, plus DNR Waters reimbursements for the Oakport and Manston Slough projects, and a landowner ringdike payment. We are still waiting for DNR reimbursements for the last four Oakport home buyouts. Olson asked what the total current BRRWD costs are for the Oakport project. Albright said that to date, the BRRWD has spent approximately \$37,000. The total required local contribution amount is \$435,000, which will be recouped from a bond sale and local assessments. To date, the State has paid \$1,795,000. A bond sale meeting with Carolyn Drude, Ehlers and Associates, is scheduled for 1/18/07. Albright noted that the office will be working on the 1099 and W-2 tax forms this week, and will forward the information to Gilbertson Tax Office in the next few weeks. The filing deadline is 1/31/07. **Motion** by VanAmburg to approve the Treasurer's Report. **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 9:00 PM to discuss the status of both lawsuits. At 9:15 PM, the Board reopened the meeting.

Permits. Albright noted that the permit applications have slowed down recently due to the weather. We currently have two new permit applications on file. Clay County is planning four structure replacement projects, and Wal-Mart Stores, Inc. plans to bore under Clay County Ditch No. 50 along 34th Street in Moorhead to add a water main extension in conjunction with Permit No. 06-103 for their new store. Both permit applications are **tabled** pending Jones' review.

Permit No. 06-127, Brian Meyer. H.E. has completed their survey and design to repair an erosion site on Whisky Creek along Meyer's property at 361 2nd ST NE in Barnesville, MN. The river bank is eroding behind Meyer's garage in an area approximately 80' long, which could cause bank failure and property loss. H.E. has forwarded the survey to Robert Merritt, Area Hydrologist, DNR, for his review. To date, Merritt has not responded. **Tabled.**

Radio Tower/Station EAW. The BRRWD received an Environmental Assessment Worksheet (EAW) for a proposed radio tower installation in the SE¹/₄SE¹/₄, Section 15, Tansem Township, Clay County. Albright sent a letter to Tim Magnusson, Clay County Planning & Zoning, noting that if the service road to access the site affects the movement of water or requires a drainage structure, the BRRWD should be listed as a permitting authority.

Solum Ditching Complaint. Albright forwarded copies of the 11/24/06 survey profile and notes to Dan and Kevin Solum and Brian and Brent Haugrud. The BRRWD authorized the survey to document the drainage ditch elevation in Section 23, Prairie View Township, Wilkin County.

Matter WPA Restoration Seepage. Albright sent a letter to landowner Jerry Matter regarding his concerns about alleged seepage from a United States Fish and Wildlife Service (USFWS) Wildlife Production Area (WPA) in Sections 15 and 22, Riceville Township, Becker County. Albright and Matter conducted a field review on 11/21/06. Albright prepared a field inspection memo and forwarded it to Matter and Larry Hanson, USFWS, Detroit Lakes Wetland Management District (WMD). He also provided Matter with information from the restoration project permit file (Permit No. 00-36). Matter is expected to contact Hanson when he decides how to address the alleged problems.

Grove/Pete Lakes Outlet. The BRRWD held a landowner informational meeting on 10/30/06 to discuss concerns regarding high water in the Grove Lake area in northwestern Otter Tail County. At their 11/13/06 regular meeting, the Board approved a motion continue to development of a project for an outlet to Grove Lake. Jones is working on obtaining permission-to-survey forms from the affected landowners.

Project No. 61, Clay County Ditch No. 11-North-Improvement. In accordance with M.S.A. 103D.711, Subd. 5, H.E. has filed the Engineer's Preliminary Survey Report for an improvement project for one mile of Clay County Ditch No. 11-N along the north line of Section 32, Kurtz Township, where it outlets to the Red River of the North. Kevin Olsgaard is the project petitioner's spokesperson. The petition calls for deepening and improving Ditch No. 11-N and lowering the culvert located under County Road (C.R.) No. 59 on the west line of Sections 32, Kurtz Township. H.E. will forward the report to the Minnesota Board of Water and Soil Resources (BWSR), DNR, and the Clay County Auditor. The Engineer's Estimated Project Cost is approximately \$137,000. Albright noted that this project will probably benefit the entire ditch system. The next step will be to schedule the Preliminary Hearing. Albright noted that we also need to finish the redetermination of benefits for Clay County Ditch Nos. 11, 36, 40, and 60. This process was started in 2005.

Albright noted that David Overbo, Engineer, Clay County Highway Department, would like to schedule a meeting with Albright and Jones to discuss this project.

Project No. 59, Clay County Ditch No. 41-Lateral 3. Albright has not had time 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. Nelson felt that this issue should be resolved. The project development costs to date total \$14,582.53. If Feder decides to

withdraw his petition, he will be liable for this amount. The Board authorized Albright to make another attempt to contact Feder. If he doesn't respond, the Board will consider having BRRWD Attorney Tami Norgard contact him regarding this issue. **Tabled.**

Project No. 58, Riverton Township Retention. TNC's comments regarding the draft Preliminary Engineer's Report were distributed to the Mediation Project Team (PT) at their 12/07/06 meeting. Brian Winter, Program Director, TNC, wanted some clarification regarding the easement option. In his comments, he suggested that the BRRWD should consider obtaining a flowage easement to maintain an outlet into the pool area where the new inlet would allow flows into the E $\frac{1}{2}$, Section 28. Jones reviewed Winter's comments and prepared a response for the Board's review. The Board discussed Winter's comments regarding a possible BRRWD contribution to the Williams Tract wetland restorations, purchasing "no development" easements to the west of the site, and paying for native mix grass seeding on the flood pool and permanent easement areas (190 acres). Jones thought that these items should be considered when negotiating the cost of the project easement with TNC. H.E. revised the easement exhibits to include a permanent flowage easement in Section 28, Riverton Township. H.E. included an additional borrow area in the SE $\frac{1}{4}$, Section 28. Albright had a few questions regarding this work. Jones explained that it was difficult to define a flowage easement for a tract that doesn't have a defined channel. Albright will prepare a summary packet containing all the easement information for the Board's review.

Project No. 57, Moorhead/I-94 Flood Control. Now that the Board has approved the Final Hearing minutes, the office can prepare the transcripts for the bond sale. Albright has a meeting scheduled with Carolyn Drude, Ehlers and Associates, Inc., to start work on the bond sale. H.E. has completed the easement drawing, which will be forwarded to the Clay County Recorder. As soon as the bond sale is finalized, Albright will forward the City of Moorhead's right-of-way (r-o-w) payment.

Project No. 56, Manston Slough Restoration. Rick St. Germain, Engineer, H.E., plans to present the Engineer's Report to the Mediation PT on 1/25/07. Albright has scheduled a meeting with the permitting agencies on 1/11/07 at 10:00 AM in the Barnesville office. Albright asked if one of the Managers could attend.

Project No. 46, Turtle Lake Outlet. Jones said that the Long Lake siphon valve should be repaired soon. Since weather is not a factor, Sellin Bros., Inc., will install the valve when they get it back from the manufacturer. The Turtle Lake siphon has been stopped for the winter. The BRRWD plans to continue to lower Long Lake this winter to allow quicker drawdown next spring on Turtle Lake.

Project No. 38, Farmstead Ringdikes. Albright still needs to contact Ed Fick, FDR Hydrologist, DNR Waters, regarding the revised Kragnes ringdike plans. Albright suggested that Manager Nelson, Opsahl, and he could meet with Mark Rustad in the near future regarding his concerns about his 2005-2006 ringdike project cost overruns. Opsahl feels the cost overrun could be attributed the costs of raising Rustad's driveway, which was not part of the original estimate. The Board thought that the contractor should have billed Rustad separately for the driveway work. John Butze recently paid his share of his 2007 ringdike project. When the Clay County Planning and Zoning Committee approved Butze's Conditional Use Permit (CUP), they made their approval subject to a sewer/septic system inspection. Butze will have Bruce Jaster, Clay County Environmental Services, inspect his sewer. If it doesn't pass, Butze is prepared to install a new sewer system, so he meets the CUP conditions and can move forward with his ringdike project. The Board authorized Ellefson to sign the 2006 Flood Hazard Mitigation Grant in the amount of \$15,000 for the construction of one ringdike. Ross Rehder has not gotten back to Albright to discuss his payment options.

Project No. 35, Clay County Ditch No. 47. The Board has a meeting with Bob Zimmerman, City of Moorhead, on 1/11/07 at 1:30 PM to discuss Moorhead's request for an improvement petition to reroute the ditch for the 34th ST interchange project, as well as to discuss other 2007 planned projects.

Ziegler Construction has completed the Ditch No. 47 cleanout. H.E. staked the ditch system r-o-w, and Opsahl has posted it. Next spring, the bufferstrip can be seeded. The group discussed the Videen flapgate concerns.

Project No. 32, Hawley EDA Diversion. Jones has prepared a draft letter to Hancock Concrete Products regarding the 60" dia. culvert repair, noting that we will continue to monitor the situation to document our concerns with the culvert performance. Hancock Concrete Products, Inc., has completed grouting the 60" dia. culvert, but they have not finished the epoxy work. This work can be done at any time. Once the repair is finished, and H.E. has completed an inspection, Jones will send the letter to Hancock.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1). Opsahl has completed the ditch system annual inspection. He noted that one of the ditch system landowners sprayed the ditch r-o-w, which may need to be reseeded next spring. Landowner Rick Maier and others are interested in a possible improvement/extension for Lateral No. 3. The Board plans to hold a meeting this winter to discuss this issue.

Project No. 23, Becker County Ditch No. 15. Chad Mattson started the ditch repairs for Ditch No. 15 this fall, but did not complete the work before freeze up. Hanson will check to see why they contractor hasn't been working.

Mediation PT. The BRRWD will hold their next PT meeting on 1/25/07 at 1:30 PM in the MSUM Science Center near Glyndon. The office will send meeting notices. The office is working on updating the project factsheets per a request from Don Buckhout, Red River Basin Coordinator, DNR Waters. The office has also sent pay requests for the 2006 second half PT expenses and alternative analysis costs to Naomi Erickson, Red River Watershed Management Board (RRWMB).

Comprehensive Planning. Albright provided the Board with a revised meeting schedule for their review. A series of approximately 25 meetings will be held between now and February 2008. The Board is required to approve a resolution to update their Comprehensive Plan. **Motion** by Olson to update the BRRWD's Water Management Plan. **Seconded** by VanAmburg. **Approved.** Albright will try to schedule the Kickoff meeting in early February. Mark Aanenson, H. E., is heading up the planning effort for the BRRWD.

Clay County Ditch No. 34. The office prepared a memo regarding the 10/20/06 meeting with Gary Smith for the Board's review. To date, there has been nothing from Dave Overbo, Engineer, Clay County Highway Department, regarding the County survey of the bridge site in the township road between Section 13, Alliance Township and Section 18, Barnesville Township, at the outlet of Clay County Ditch No. 34. Based on the "as-built" structure sizing, Jones has determined that it will require a ditch system hearing to change the structure sizing. The Board will probably schedule a hearing on this issue when Smith returns from Florida this spring.

United States Geological Survey (USGS). The USGS has forwarded a new funding agreement for the two Buffalo River gauges in Hawley and Sabin, which they operate cooperatively with the BRRWD and the COE. This agreement will run from 10/01/06 to 9/30/07. The BRRWD's share of

the costs is \$4,050. **Motion** by Nelson to enter into the agreement with the USGS for the stream gauge operation. **Seconded** by Hanson. **Approved.**

Clay County Ditch No. 40. H.E. has completed the hydraulic analysis that Jimmie R. Nelson and Orlen Valan, Jr. requested for a ditch crossing in Section 25, Kurtz Township. Jones provided two alternatives for this crossing. The crossing is estimated to cost approximately \$20,000. Albright will send the results to the landowners for their review and comments.

Section 319/CWP Implementation Pilot Project. Mark Deutschman, H.E., has prepared a work plan for the Board's review. Albright noted that this project probably won't get started until fall 2007.

Dam Retrofit Funding. At the 10/23/06 meeting, the Board tabled a request from the Fargo-Moorhead Metropolitan Council of Governments (FM MetroCOG) to participate in a funding coalition to complete the Christine and Hickson Dams retrofitting on the Red River. They are requesting that the BRRWD contribute \$50,000 (3.9% percentage share) to this effort. The Board discussed this request. **Motion** by VanAmburg to contribute the requested funding, subject to availability. **Seconded** by Nelson. **Approved.**

Wilkin County Ditch No. 40. Jones has located the original ditch plans and is working on the repair recommendations. **Tabled.**

Red River Basin Commission (RRBC) Conference. The RRBC has scheduled their 24th Annual Red River Basin Land & Water International Summit Conference for Tuesday-Thursday, January 23-25, 2007, at the Ramada Plaza Suites in Fargo. Advance registrations cost \$155 and were due by 12/31/06. VanAmburg, Hanson, and Ellefson plan to attend. The BRRWD has nominated the Barnesville River Watch Program and Sheila Carlson for the 2006 RRBC Communication/Education Award.

Becker County Ditch No. 5. Johnston Fargo Culvert assembled the inlet structure parts for the Froyland and Green dams and delivered them to Sellin Brothers, Inc., who poured the concrete bases in their Hawley shop. Mark Green notified the office that he would prefer that no one access his property during deer hunting season. The work will be delayed until this spring.

RRWMB Membership. Albright has prepared a draft response to the RRWMB's list of proposals they presented to the BRRWD at their 11/28/06 negotiation meeting. The next meeting between the BRRWD and the RRWMB is tentatively scheduled for January 16, 2007, in St. Paul. The Board discussed the draft letter, and authorized Albright to send it to the RRWMB for their review and consideration.

Legislative Briefing. The RRWMB is sponsoring a Legislative Briefing on Red River Basin issues to be held on Tuesday, January 16, 2007, from 5:30-8:00 PM at the Best Western Kelly Inn in St. Paul. All Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) members and alternates are invited to attend.

Digital Elevation Model (DEM). Albright, Chuck Fritz, International Water Institute (IWI), and Former North Dakota Governor George Sinner met with Senator Keith Langseth on 1/05/07 to discuss the DEM effort. Langseth agreed to support the DEM and asked Albright to prepare a bill for his review.

Manager Appointment. Manager Ellefson's term will expire on 8/31/07. Albright sent a notice to the Wilkin County Auditor regarding this appointment.

Clay County Ditch No. 32 Repair. Last fall, Jimmie R. Nelson filed a repair request to install a new field inlet in the southeast corner of Section 9, Kurtz Township, into Ditch No. 32 through C.R. 67. Jones recommends a 30" dia. x 60' long CMP with a flapgate on the south end. The north end of the culvert should be set at a minimum of 0.05% grade so that water will flow south into Ditch No. 32. The estimated cost of this field inlet is approximately \$3,000. The Board agreed to monitor the ditch this spring to see if the replacement culvert is necessary. **Tabled.**

A landowner in the northwest corner of Section 15, Kurtz Township, was burning Ditch No. 32 r-o-w on 11/08/06 when the fire got away from him and burned a private crossing (bridge) before the Sabin Fire Department could extinguish it. Albright noted that Clay County has now installed new guard rails on the bridge. Opsahl will have Ed Jerdee submit an estimate for bridge repairs. The Board wants to document the repair costs so that in the event the bridge needs work, we can submit the bills to the landowner who started the fire.

2007 CWL Grant. The Clay/Wilkin Soil and Water Conservation Districts' (SWCD) MPCA Clean Water Legacy (CWL) grant application for the proposed Wolverton Creek/Comstock Coulee Project has been approved. The grant amount is approximately \$290,000. The purpose of this study will be to gather additional information about turbidity, suspended sediment, and erosion control. The SWCDs reported that the survey has been completed. For now, the survey started at Trunk Highway (T.H.) No. 75 and went downstream to the outlet. Once the data has been plotted, a meeting will be scheduled to discuss the survey results. The resulting data would help identify where to implement future best management practices (bmps) to reduce sediment and turbidity entering Wolverton Creek/Comstock Coulee, and eventually the Red River.

Landscaping Workshop. The DNR has scheduled their "Landscaping for Wildlife and Water Clarity Workshop for Local Units of Government" on 2/22/07 at The Lodge on Lake Detroit in Detroit Lakes from 9:00 AM to 3:30 PM. Registration deadline is 2/16/07. The workshop is free to agency personnel. As this workshop conflicts with the February PT regular meeting, Albright noted the PT meeting date might have to be changed.

River Keepers 2006 Staff Report. River Keepers forwarded their 2006 staff report for the Board's review.

D&O Insurance. ICS Agency, Inc., has forwarded the renewal application for the BRRWD's signature. The application must be returned by 2/01/07. The Board authorized Ellefson to sign the application.

Tax Withholding/Reporting. Albright noted that the office has finished work on the W-2 tax forms and furnished the information to Gilbertson Tax Office. The office will start preparing information for the 1099 tax forms this week, and will forward that information to Gilbertson Tax Office in the next few weeks. The filing deadline for 1099s is 1/31/07.

Well Sealing. Albright noted that he forwarded correspondence to the Minnesota Department of Health regarding corrections for their Website. He also responded to a few questions regarding our Well Sealing Cost Sharing policy.

2006 Dam Inspections. Opsahl has completed the annual dam inspections for Stinking Lake Detention, Hay Creek Detention-Bjornson, Spring Creek Detention-Henry and Stony Creek Detention. Jones prepared a report of Opsahl's findings and repair recommendations for the Board's review. No major repairs were noted.

PERA Report. Albright prepared the Public Employees Retirement Association (PERA) Annual Exclusion Report and Certification form for the Board's review. The Board authorized Ellefson to sign the Certification form on behalf of the Board.

TMDL Conference. MPCA is hosting the 2nd Annual Lake Pepin TMDL Technical Conference, entitled "Streams as Sediment Sources", on Wednesday, February 7, 2007, from 8:00 AM to 4:30 PM in the Holiday Inn, located in Arden Hills, MN. The early registration fee is \$85 with a 1/17/07 deadline.

Environmental Conference. MPCA is hosting the Minnesota Air, Water & Waste Environmental Conference on February 27-28, March 1, 2007, in the Sheraton Bloomington Hotel. Early registration must be received before 1/31/07 and the fee is \$210. The conference features a pre-conference training day, 10 subject tracks, more than 70 break-out sessions, regional and national speaker, exhibitors, and the annual Governor's Awards for pollution prevention efforts.

BWSR Appointment. The Minnesota Association of Watershed Districts (MAWD) must recommend a least three Managers for an open Watershed District position on BWSR. The Managers discussed the appointments. Ray Bohn, MAWD, asked that nominations be submitted by next Friday.

County Audit Information. The office prepared the tax receivable report forms for the Clay, Becker, Otter Tail, and Wilkin County Auditors to complete and return to the BRRWD. The Auditors were asked to report uncollected prior years tax balances. The information will be used for the 2006 BRRWD audit.

MPCA CLWA Grant. MPCA notified the BRRWD that we did not receive funding from the Clean Water Legacy Act (CLWA) Surface Water Assessment Grant for our volunteer monitoring surface water assessment proposal for Wolverton Creek/Comstock Coulee. Wayne Goeken, RRWMB Monitoring Coordinator, plans to pursue other funding options for monitoring, data analysis, and project implementation in the Red River Basin.

Clay County Ditch No. 20/Oakport Coulee. Jones distributed a memo summarizing his meeting with Dave Overbo and Nathan Gannon, Clay County Highway Department, regarding future work the County proposes to do on C.R. 98 in 2007. Jones explained that in a one mile stretch of C.R. 98, Ditch No. 20 crosses the road eight times. The County feels that the road is in good shape and does not plan to reconstruct it at this time. Instead, they plan to do a surface treatment to control dust and adjust culvert elevations and eliminate unnecessary pipes on the west side of C.R. 98. These changes would require the County to petition the BRRWD for a ditch improvement project. Because of the time involved with a ditch improvement proceeding, Overbo thought that they would limit their work to only road surface repairs at this time. BRRWD permits will also be needed for proposed culvert changes.

2007 BRRWD Annual Meeting.

Election of 2007 Officers. **Motion** by Nelson to cast a unanimous ballot to re-elect the 2006 officers. **Seconded** by Olson. **Approved.** The BRRWD officers for 2007 will be as follows: Chairman-Roger Ellefson, Vice Chairman-Gerald VanAmburg, Treasurer-Curtis Nelson, and Secretary-John Hanson.

Appointment of 2007 Consultants. The Board discussed BRRWD Lobbyist Joel Carlson's 2007 consulting agreement proposal. Carlson's fee (\$716/month) has been the same since 2004. This year he has requested an increase to \$850/month. After discussion, the Board agreed to enter into a two-year contract with Carlson for \$800/month in 2007 and \$850/month in 2008. **Motion** by Hanson to retain Joel Carlson as our Lobbyist for 2007/2008 at the referenced rates. **Seconded** by VanAmburg. **Approved.**

The Board reviewed Vogel Law Firm's proposal for 2007 legal services. Attorneys Tami Norgard and Cory Elmer will again be the BRRWD's principal legal staff for the upcoming year. Although the Ohnstad and Twitchell Law Firm had contacted the BRRWD earlier regarding their legal services, they did not submit a proposal for consideration. Jones presented H.E.'s 2007 proposal for engineering services. The individual staff members will remain the same. The fee schedule reflects about a 3%-4% increase. The Board discussed H.E.'s proposal. **Motion** by VanAmburg to appoint Vogel Law Firm as the 2007 legal consultant on an as needed basis at the Board's discretion and H.E. as the BRRWD's 2007 engineering consultant. **Seconded** by Hanson. **Approved.**

2006 Financial Audit. Harold Rotunda, Certified Public Accountant (CPA), submitted a letter of agreement regarding his services to conduct the 2006 audit. He indicated that the fee for his services will increase from \$1,700 to \$1,900. This is the first rate increase for Rotunda in several years. **Motion** by Nelson to hire Rotunda to do the 2006 audit, and for Gilbertson Tax Office to prepare the 2006 W-2s and 1099s. The motion also includes designating Wells Fargo Bank and Midwest Bank, Barnesville, as the official 2007 BRRWD depositories, subject to the use of any other depositories within the District as needed throughout the year, provided they are FDIC insured. **Seconded** by Hanson. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Petty Cash	Postage, supplies, etc.	Admin	\$ 200.00
J&J Braton Properties, LLC	January 2007 office rent	Admin	\$ 490.00
Moorhead Public Service	November water/sewer billings	Pj. 49, Oakport	\$ 102.77
Sellin Brothers, Inc.	#7029, structure bases	Becker #5	\$ 479.29
Dennis Drewes, Inc.	#114, FEMA repair	Pj. 54, Whisky Creek	\$ 7,700.00
Red River Valley Coop	11/10/06-12/10/06 service (3)	Pj. 49, Oakport	\$ 224.27
Red River Basin Commission	9/05/06-12/06/06 Collections	RRBC	\$ 14,002.64
River Keepers	7/26/06-12/06/06 Collections	River Keepers	\$ 20,274.56
Bruce E. Albright	Dalby well disclosure fee	Pj. 49, Oakport	\$ 34.00
TDS Metrocom	12/12/06 long distance	Admin	\$ 28.82
IRS	4th Qtr. Form 941 taxes	Admin	\$ 642.60
Barnesville Phone Company	12/25/06 billing	Admin	\$ 176.92
Roger Lundberg	12/20/06 billing	Clay 2, 16, 31, 39	\$ 841.03
Roger Lundberg	Elkton Twp./Hay Creek	BWSR Beaver Grant	\$ 746.40
WREC	11/19/06-12/17/06 service	Pj. 46, Turtle Lake	\$ 47.43
RRBC	VanAmburg conf. registration	Admin	\$ 690.00

RRWMB	2006 delinquent collections	RRWMB-Management	\$ 317.13
H.E.	December billing summary	Varies-see atch.	\$ 62,281.46
Morken Township	Outlet erosion -R/W	Pj. 7, Clay 39	\$ 846.00
MN Viewers Assoc.	Associate Membership	Admin	\$ 125.00
Clay County Highway Dept.	50% beaver reimbursement	BWSR Beaver Grant	\$ 147.51
Roger Ellefson	#06-35, 11/01-12/31/06	Varies	\$ 818.96
John E. Hanson	#06-36, 11/01-12/31/06	Varies	\$ 965.85
E. Robert Olson	#06-38, 11/01-12/31/06	Varies	\$ 661.63
Curtis M. Nelson	#06-37, 11/01-12/31/06	Varies	\$ 1,254.15
Gerald L. VanAmburg	#06-39, 11/01-12/31/06	Varies	\$ 676.48
Bruce E. Albright	Hanson lodging/meals-MAWD	Admin	\$ 293.52
Allstate Construction	Pay Request No. 5	Pj. 51, Clay 68	\$ 20,911.77
			\$ 135,980.19

Motion by Nelson to approve payment of the bills pending availability of funds. **Seconded** by Hanson. **Approved**.

Fargo Flood Control Project. Olson questioned if Albright planned to schedule a Floodplain Administrators meeting in the near future. Albright thought we should also schedule a Coordinating Committee meeting in conjunction with the Floodplain Administrators meeting early next spring. The Board discussed the proposed South Fargo Flood Control Project and potential impacts to the Minnesota side of the Red River.

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, January 22, 2007, in the Barnesville office at 7:00 PM.

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

Respectfully submitted,

John E. Hanson, Secretary