The regular meeting of the Board of Managers, Buffalo-Red River Watershed District (BRRWD) was held on Tuesday, October 10, 2006, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, 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.); Ruth Lewis, Red River Basin Commission (RRBC); and landowners Scott Anderson, Betty Anderson, Jerry Overmoe, Paul Crume, Pauline Sannes, and Terry Sannes.

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 9/25/06 regular meeting. Nelson noted two minor corrections and Attorney Tami Norgard sent an e-mail message with a small revision. Motion by Nelson to approve the minutes, subject to correction. Seconded by Hanson. Approved.

Treasurer's Report. The Board reviewed the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the Accounts Receivable report. Albright noted that since the last meeting, we have received $205,475.41 from the Federal Emergency Management Agency (FEMA) for the 2006 spring flood damages, $8,270 for the Minnesota Board of Water and Soil Resources (BWSR) ditch mapping project, and a refund from Red River Title Services, Inc. for the Surma home buyout. He added that to date, all our bills are paid. Ed Fick, FDR Hydrologist, Minnesota Department of Natural Resources (DNR) Waters, contacted the office today to say that we should receive our $134,000 reimbursement for the Surma property buyout by the end of the week. Albright mentioned that some of the second half county property tax payments could start coming in by the end of October. Motion by VanAmburg to approve the Treasurer's report. Seconded by Hanson. Approved.

Business brought before the Board included:

Red River Basin Commission. Ruth Lewis, RRBC, made a presentation to the Board regarding a proposal to install a United States Geological Survey (USGS) bridge mounted gauge on the outlet of Wolverton Creek/Comstock Coulee. Richland County has requested assistance from the RRBC to assist them in applying for a grant from the National Oceanic and Atmospheric Administration (NOAA) for funding to develop an Advanced Flood Warning System (AFWS) river gauge installation in their region. Last year, their application was denied. This system utilizes gauges mounted on bridges to monitor the river stage and to send a real-time signal via satellite to the USGS, who reports dangerous stage heights to county emergency service offices and to the National Weather Service (NWS) for their flood modeling. The Grand Forks Weather Service would also install rain gauge tipping buckets in conjunction with the gauges so that flow can be correlated with rain measurements.

Lewis explained that the AFWS grant does not require matching funds, but if the grant application is successful, they will need funding to help with annual maintenance costs for each gauge ($7,000/year). The South East Cass Water Resource District has agreed to partner with Richland County, Sergeant
County, and possibly, the State of North Dakota, to help fund the maintenance costs for the three
gauges proposed for North Dakota on the Wild Rice River. Lewis asked if the BRRWD would
consider a similar partnership with Clay County and the City of Moorhead for the Wolverton
Creek/Comstock Coulee gauge maintenance. Arch-View maps, which provide very useful data for
modeling/hydrologic mapping, would also be available to the partners as a product of this project.
Each gauge would cost approximately $11,000 to install/operate for the first year. Lewis explained
that both the Grand Forks and Bismarck NWS Bureaus are assisting with the grant development, as
NOAA considers this area a high priority.

Ellefson asked how the funding would be handled. Lewis explained that the partners would sign a
Memorandum of Understanding (MOU) or some other type of agreement with Richland County, who
would be responsible for collecting the maintenance funds. The USGS will be responsible for all the
gauge maintenance. Wilkin and Richland Counties have developed a Geographic Information System
(GIS) consortium. This group meets on a monthly basis to discuss GIS issues for the southern Red
River basin.

Ellefson asked if there would be a gauge placed on the Otter Tail River near Breckenridge. Lewis said
that the City of Breckenridge has requested cost share assistance from the DNR to maintain a gauge at
this location. Lewis explained that the Comstock Coulee was chosen for a gauge because of the need
to acquire modeling data for that waterway. Lewis added that the BRRWD would have input about
where the gauge should be located to provide the most useful flood data. A brief discussion followed
about gauge placement. Lewis noted that the City of Moorhead has agreed in principle with this
proposal, but has not committed to an amount. Albright said that Robert Zimmerman has indicated
that they support the proposal, and would be willing to cost-share the gauge maintenance if the
BRRWD were unable to fund all the maintenance costs.

Lewis explained that the costs include the satellite link maintenance and the USGS computer service.
The gauge will be calibrated to trigger an alarm at the USGS, the weather service bureaus, and the
County emergency services.

Albright commented that the BRRWD will need to discuss the funding request with the City of
Moorhead and Matt Siro, Clay County Emergency Director, regarding a cost-share agreement. The
grant application deadline is 10/31/06. He added that this proposal could be paid for through the
BRRWD's Survey and Data Acquisition fund. Ellefson noted that Wolverton Creek/Comstock Coulee
affects both the quantity and quality of water entering the City of Moorhead. Lewis mentioned that the
plan is to place three gauges on the Wild Rice River where downstream flooding occurred in South
Fargo in 1997. Ellefson thought the proposal would provide useful information about this area. The
Board decided to take Lewis' request under advisement until their 10/23/06 meeting. Albright will
contact the other potential funding partners regarding a cost-sharing partnership. Tabled.

**Permit No. 06-104, Paul Crume.** Pauline and Terry Sannes and Crume have filed a permit
application to install a dike along the quarterline in the NW¼, Section 17, Riverton Township, Clay
County. They would like to complete the work before freeze-up. Albright noted that the office sent a
meeting notice to the affected parties last week, inviting them to attend tonight's meeting to discuss this
issue. Manager Olson and Opsahl conducted a field review on 9/21/06 and took photographs.
Albright noted that Paul Brendemuhl, who operates the NE¼, Section 17, contacted the office to say he
wouldn't be able to attend tonight's meeting due to the beet harvest. Albright has not had time to look
at the Farm Service Agency (FSA) aerial photographs of the area. 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. The Board reviewed the landowners' photographs
showing the alleged drainage work that cut through the ridge between the properties and is draining water into a low area on Crume's property and creating a wet area in his field. Crume's renter is Rodney Schmitt. Crume noted that Schmitt might not lease the land again next year. He questioned if Brendemuhl should have had a permit for his ditching work. The landowners felt that it was not right to drain water onto a neighbor's field when there had never been water in that field before, nor was there an outlet. The Board reviewed the photographs, and the group discussed possible drainage options. VanAmburg commented that the Board would prefer to find a solution to the drainage problem instead of approving a berm on the property line. Ellefson will talk with Schmitt about the actual affect of Brendemuhl's ditching. Albright suggested that the neighbors could work together to solve their problem. He noted that the drainage could be routed south along the property line to a major drainage ditch located on the east-west quarterline. Albright added that the FSA maps should show the affects of the ditch work on Crume's property. The Board agreed to continue discussion of this issue at their next meeting after more information is obtained.  

**Tabled.**

**Project No. 54, Whisky Creek Tributaries.** The Board reviewed photographs of Scott and Betty Anderson's 2006 spring runoff drainage concern regarding water that is trapped behind the east/west embankment levee of impoundment site in the northwest corner of Section 14, Barnesville Township. Albright suggested that a culvert could be installed in the northwest corner of this property through the township road, which might eliminate the need to cut the embankment levee. Since Albright's review this spring, Scott Anderson said he did find a plugged culvert through 160th Street South, but he doesn't know if it drains anywhere. Cutting the embankment levee would require the installation of a culvert and manually operated gate. H.E. conducted a survey of Section 14 for the impoundment levee, so Jones felt they already might have enough field data to study the problem. **Motion** by Nelson to authorize H.E. to provide recommendations for the Board's review at the next meeting. **Seconded** by Hanson. **Approved.**

**Project No. 49, Oakport Flood Mitigation.** Oakport landowner Jerry Overmoe is still interested in acquiring Kirk Anton's house to move forward on Anton's lot, so that the dike alignment can be located behind the house. Overmoe currently owns a brick home, which can't be moved due to structural integrity concerns. Ulteig Engineers, Inc. (UEI) is investigating the dike alignment in relationship to this property. Albright thought that the BRRWD should adopt a policy regarding how the BRRWD plans to handle the homes we purchased. Overmoe said that he would like to take the buyout for his home, buy Anton's house from the BRRWD and then move the Anton house forward on its lot. He commented that the process of selling his current home, buying and preparing Anton's house, and establishing a definite location for the dike all need to be coordinated. Ellefson agreed that before anything can be decided about moving Anton's house, the dike alignment should be finalized. In addition, the BRRWD should actually purchase the Anton house before making promises to Overmoe. Also, the home will probably have to be offered on public auction.

Albright said that UEI is conducting the dike survey work at the present time. The soils engineers have suggested that the dike might have to be located about 100' from the edge of the river, and no houses could be placed within 100' of the dike. Ellefson felt that before the Board could agree to sell any of the homes/lots, the Steering Committee should provide policies/procedures for the disposition of the buyout properties. Overmoe asked if the BRRWD had 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. Ellefson commented that in Grand Forks, the houses were flood damaged and no longer habitable. The homes in Oakport are still structurally sound. The group discussed the costs of moving the homes, basement/excavation, utilities, etc.
Albright summarized the discussion by pointing out that before the Board can make a decision regarding Overmoe's request, the dike alignment has to be finalized, the BRRWD needs to acquire the Anton property, and the Steering Committee has to establish policy/guidelines to cover how the buyout property will be managed. Ellefson felt that the BRRWD would have to put the houses up for sale on bids. The group discussed how they might handle the bidding process. Albright mentioned that the demolition of the property would be costly. The properties will need to be inspected for hazardous materials, etc., and the Minnesota Historical Society will also need to be contacted before demolition begins to be sure no historic or archeological sites are affected. Overmoe questioned who would be responsible for filling in the old basements on lots where the houses were moved. The Board discussed this issue. Ellefson thought the BRRWD would probably have to pay those costs. More discussion followed regarding the home buyout/sale process. Albright will schedule a Steering Committee meeting in the near future.

**Permit No. 06-77, Robert Norby.** Applicant proposes to repair 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. Norby will contact the office when the review can be done.

**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. After reviewing the project plans, Jones recommended that the culvert sizing for the walkway just west of Trunk Highway (T.H.) No. 9 be changed from two 24" dia. culverts to two 36" dia. and one 24" dia. culverts. The plan currently incorporates his recommendations. **Motion** by Hanson to approve Permit No. 06-102. **Seconded** by VanAmburg. **Approved.**

**Permit No. 06-108, Oberg Farms.** Applicant proposes to install a culvert through County Road (C.R.) No. 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. Manager Nelson and Wade Opsahl, Technician, H.E. field reviewed this proposal on 10/09/06. Nelson noted that water from the SW¼ should go north along the east side of C.R. 78 and into Clay County Ditch No. 41. With the proposed culvert installation, water would flow north along the west side of C.R. 78 to C.R. 80, where it would flow west, eventually to Clay County Ditch No. 47. Nelson was concerned about changing the current drainage patterns. **Tabled** pending a check on the ditch system benefit areas, and review of the outlet adequacy going west, as this will drain the water along Moorhead's new school.

**Permit No. 06-111, Verne Leach.** Applicant proposes to install a dike to block drainage coming from his neighbor's (Kenneth Schellack) 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 Schellack's low area could drain south through an existing piped 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; however, the water is blocked because the downstream neighbor has not maintained his ditch. Manager Nelson and Opsahl conducted a field review on 10/09/06. Nelson recommended that the landowners be invited to a meeting to discuss this issue. Albright noted that Kenneth and Gary Schellack came to the office on 9/26/06 to express their concerns about Leach's proposal. **Tabled** pending a meeting with the landowners.
**Permit No. 06-114, Clay County Highway Department.** Applicant proposes to install a flapgate on an approach culvert on the west side of County State Aid Highway (CSAH) No. 11, approximately 250' south of the intersection with C.R. 107 in Section 5, Morken Township, Clay County. Water from Clay County Ditch No. 5 backs into the property owner's field during high water events. Manager Nelson and Opsahl conducted a field review. Nelson found no problems with the proposal. **Motion** by Nelson to approve Permit No. 06-114. **Seconded** by Hanson. **Approved.**

**Permit No. 06-115, Clay County Highway Department.** Applicant proposes to remove a 30" dia. culvert/flapgate from the east side of Jon Evert's ringdike on the south side of C.R. 51 and reinstall it through C.R. 51 (179\(^{th}\) AVE S) between Sections 30/31, Alliance Township. The culvert will need to be extended. The project will be funded 40% BRRWD, 40% Clay County Highway Department, 10% Jon Evert, and 10% Wayne Tonsfeldt. The ringdike culvert serves no purpose in its present location. Tonsfeldt feels the culvert directs water onto his property adjacent to the dike. By placing the culvert in C.R. 51, it will provide another outlet for drainage on the south side of C.R. 51 to Clay/Wilkin Judicial Ditch No. 1. The solution was agreed upon at a field meeting held on 9/26/06, arranged by the BRRWD at Tonsfeldt's request. Ellefson noted that, Ray and Ron Hoeck and Tom Anderson, owners/renter of the property on the north side of C.R. 51, were not present at the meeting when this agreement was worked out. He felt permit approval should be subject to their approval. Albright will try to contact the Hoecks. **Motion** by Nelson to approve Permit No. 06-115, subject to the neighboring landowners' approval. **Seconded** by Hanson. **Approved.**

**Permit No. 06-116, Frank Schindler/Richard Peppel.** A special meeting was held on 9/28/06 to attempt to resolve an ongoing drainage dispute in Sections 27, 28, 33, and 34, Barnesville Township. Albright prepared a memo documenting the discussions and prepared a joint permit application for Schindler and Peppel to sign. The application requested the following: 1.) the Clay County Highway Department will remove the two 24" dia. centerline culverts through C.R. 51 on the west line of Sections 28/33 and on the east side of the Peppel farmstead between Sections 27/34 at their expense; 2.) Schindler will replace the 24" dia. culvert in his field approach off the township road in the northwest corner of Section 33 with a 36" dia. pipe or arch equivalent; 3.) the BRRWD will authorize and pay for H.E. to do a hydraulic analysis of the culverts in 140\(^{th}\) Street South on the DNR watercourse; 4.) the BRRWD will hold a Clay County Ditch No. 34 hearing this winter to remove parts of Sections 34 and 35 from the benefiting area; 5.) the above referenced agreement doesn't preclude Schindler or Peppel from exercising their future rights in accordance with Minnesota Drainage or Watershed Laws.

Albright noted that Richard Peppel has signed the application, but Schindler has not. The Board felt that since all the parties had verbally agreed to the 9/28/06 compromise, they could approve the referenced work. Ellefson felt that Clay County should be able to remove the culverts, and the BRRWD could authorize H.E. to conduct the hydraulic analysis. The Board felt that when Schindler signs the permit application, he will be able to install the referenced 36" dia. culvert per the agreement. **Motion** by Hanson to approve Permit No. 06-116. **Seconded** by Nelson. **Approved.**

**Permit No. 06-117, Morken Township.** Applicant proposes to relocate a portion of the township road 60' to the east in the NW¼, Section 31, regrade the east road ditch, and install a 24" dia. corrugated metal pipe (CMP) to drain to Clay County Ditch No. 39. The west side of the road has unstable slopes that have been sloughing into Ditch No. 39. **Motion** by Nelson to approve Permit No. 06-117. **Seconded** by VanAmburg. **Approved.**
**Permit No. 06-119, Dave Janssen.** Applicant proposes to clean and regrade the ditch along the west side of C.R. 25 in the SE¼, Section 20, Humboldt Township, Clay County, to drain north, according to a Clay Soil and Water Conservation District (SWCD) survey. In addition, Janssen plans to replace an 18" dia. culvert in the field approach south of Greg Settelmeyer's driveway with a 24" dia. pipe and to install a 24" dia. culvert in Settelmeyer's driveway. Janssen, who is the operator of the property, also wants to install a berm on the east side of the field to force water north into the proposed road ditch. The work will correct erosion problems in the SE¼, pickup drainage coming through the 24" dia. C.R. 25 centerline culvert, and direct water north to the "east tributary" of Whisky Creek, which is a DNR protected watercourse. Rerouting the water will address numerous local drainage/erosion concerns. Landowner William Thompson supports the proposal. **Motion** by VanAmburg to approve Permit No. 06-119, subject to approval from the neighboring landowner, Greg Settelmeyer, to work on his property, and from the Clay County Highway Department to work within their right-of-way (r-o-w). **Seconded** by Nelson. **Approved.** Albright noted that we are still waiting for the DNR permit for the Settelmeyer's driveway culvert installation. He expected that Settelmeyer will want his driveway culvert replaced before going along with any of this work.

**Permit No. 06-120, Ross Malakowsky.** Applicant proposes to install a 12" dia. culvert along the township road (43rd Avenue North) in the SE¼, Section 19, Highland Grove Township, Clay County, to drain water from the west side of the approach to the east, and to install a 30" dia. culvert in a field waterway. The work will provide an alternate access to the field. Currently, Malakowsky is using his neighbor's driveway. The field crossing will allow for better passage, especially when the area is wet. Both ditches are currently open, so installing the culverts shouldn't change drainage patterns. **Motion** by Nelson to approve 06-120, subject to Township approval to work within their road r-o-w. **Seconded** by Hanson. **Approved.**

**Permit No. 06-121, Galen & Sharon Vaa.** Applicant has constructed a U-shaped ringdike in Lot 11 and 11A, Crestwood Subdivision, Kurtz Township, Clay County, to protect his walkout basement from Red River flooding. The semi-circular dike, which was constructed this summer, is 110' long, 3"-3.5' high with a 4' top width. Vaa explained that because of erosion/sloughing concerns, the dike was not constructed according to BRRWD/DNR ringdike criteria. He was concerned that the weight of the additional clay fill needed to bring the dike up to these specifications would cause riverbank "slumping" behind his house. Vaa also requested that the BRRWD consider partial funding for his ringdike. The Board reviewed the photographs Vaa provided. They felt that they would have to deny the funding request because the dike does not meet the required specifications, and the BRRWD can't fund ringdikes that have already been completed. In addition, the BRRWD currently has five ringdike applications for 2006 with only enough funding for one. **Motion** by VanAmburg to approve Permit No. 06-121 and to send Vaa a letter denying his request for funding. **Seconded** by Hanson. **Approved.**

**Stanley Crume Ditching Complaint.** The Minnesota Department of Transportation (MNDOT) contacted our office regarding Crume's ditch work along T.H. 10 east of Glyndon in Section 8, Riverton Township, Clay County. Crume allegedly installed several field drainage ditches 2'-3' deep outletting to the T.H. 10 road ditch. On 9/14/06, Albright sent Crume a letter and a permit application notifying him that he or his renter needed a BRRWD permit in accordance with our Rules. The Board reviewed Crume's 9/26/06 response, in which he says that he had nothing to do with the ditch work. He added that MNDOT is blocking the water along 130th Street South from going north and west to T.H. 10. He claims that because there is no outlet for this water, it collects in his farmyard, causing wet conditions and tree loss. Crume also claims that the water problem has impacted 130th Street South, creating mud holes and safety concerns. He questioned how the new T.H. 10 construction drainage will outlet to the Buffalo River. Crume also requested elevation information for the land and
ditches from the T.H. 9 intersection west to the City of Glyndon. He feels that MNDOT is draining water onto his property and blocking his outlet.

On 10/09/06, Manager Nelson and Opsahl conducted a field review and took photographs of this complaint. Nelson said that the cuts were shallow and thought MNDOT should deal with the issue. Albright also field reviewed the work and noted that a few of the ditches extended for about 0.5 miles and were excavated into the clay. Albright will contact Allan Milbradt, MNDOT, to discuss this issue further.

**Minch and Johnson Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 10:10 PM to discuss the status of both lawsuits. At 10:20 PM, the Board reopened the meeting.

**Tande Drainage Concern.** On 10/02/06, Albright sent a letter to Phyllis Girten, the owner of the W½, Section 5, Riverton Township, who lives in Texas, regarding drainage problems in this area and the Board's recommendations discussed at the 9/25/06 meeting. To date, she has not responded. The Board agreed to wait until the next meeting for Girten to contact the office.

**Grove/Pete Lake Outlet.** Albright has scheduled a landowner informational meeting for 10/30/06 at 7:00 PM in Hildebrand Hall, Assumption Catholic Church, Barnesville. Landowners will be given an opportunity 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. Invitations will also be sent to downstream landowners on Clay County Ditch No. 34.

**Dale Fischer Diking Complaint.** On 6/15/06, Albright met with Fischer onsite along CSAH No. 26 to view alleged drainage problems associated with a diking project his neighbor, Gerald Zimmerman, completed last fall on the east-west quarterline in Section 32, Morken Township, Clay County. Fischer, who is the operator of the property, claims that spoil from Zimmerman's ditch cleanout project was placed on the east-west quarterline between their two properties. According to Fischer, this work caused more wet areas in his field, and delayed his spring planting. Albright took photographs of the work. During a recent phone call to the BRRWD office, Zimmerman claimed that Fischer has a history of water problems in the SE¼, Section 32. He pointed out that he has always had a plow ridge on the quarterline, and he intends to plow it back again this fall. He added that the FSA has identified several wetlands on Fischer's tract, and Fischer has never addressed his drainage problems on this property. Many years ago, Fischers tried to put in a project that would have drained their land north to Clay County Ditch No. 39, but the owner of the NW¼ would not allow them to place a ditch on the line.

John Svenkeson, who owns the SE¼, Section 32, wrote a letter to the BRRWD on 9/29/06 regarding Zimmerman's ditch work. He claims that approximately 10% of the cropland, or 14 acres, were made unusable by this project and questioned if Zimmerman had received a BRRWD permit for the work. Svenkeson also provided aerial photographs of the area. The Board reviewed the photos and discussed this issue. They agreed to have Albright do some further investigation and invite the parties to a meeting. **Tabled.**

**Stanley Sandman Drainage Complaint.** Sandman contacted the BRRWD office with concerns about a drainage project his upstream neighbor completed several years ago that he now feels is causing erosion problems on his property in Section 29, Highland Grove Township, Clay County. His neighbor did not have a BRRWD permit for the work. Manager Nelson and Opsahl tried to field review the area on 10/09/06, but didn't find Sandman at home. **Tabled** pending further review.
**Marvin Vareberg Wetland Restoration Program.** Vareberg is working with the Becker SWCD to restore a wetland in the SE¼SW¼, Section 36, Hamden Township. Albright sent Vareberg a letter advising him to file a BRRWD permit application for his project.

**Doug Duran Approach/Culvert Installations.** Albright sent Duran a letter regarding his recent installation of two approaches/18” dia. culverts off from Wilkin County Road No. 32 in the NE¼, Section 12, Atherton Township, Wilkin County, without a BRRWD permit. Darvin Temanson was the contractor. The correspondence included a copy of the BRRWD Rules for Duran's review and asked him to submit a permit application for the work. The Board thought that if Duran does not comply with the BRRWD request, we might have to have the approaches/culverts removed at his expense.

**Hitterdal Hogs, LLC EAW.** The BRRWD received an Environmental Assessment Worksheet (EAW) from Clay County Planning & Zoning for Hitterdal Hogs, LLC, to construct a new total confinement feedlot for raising market hogs in the NW¼, Section 30, Goose Prairie Township. Albright said that the EAW does not list the BRRWD as a permitting authority. He will send a response to the EAW, noting that the proposed project is located within the boundaries of the BRRWD, and a permit application will need to be submitted for new driveways, approaches, culverts, etc.

**Aggregate Industries, Inc. EAW.** The BRRWD received an EAW from Clay County Planning & Zoning for Aggregate Industries, Inc. to excavate a new gravel pit (Pit 154- Olson) in the SE¼, Section 20, Hawley Township. Albright said that the EAW does not list the BRRWD as a permitting authority. He will send a response, noting that the proposed project is located within the boundaries of the BRRWD, and a permit application will need to be submitted for new driveways, approaches, culverts, etc., in accordance with our Rules.

**Project No. 57, Moorhead/Interstate-94 (I-94) Flood Control.** Albright reported that the contractor, All Seasons Contracting, Inc., Blackduck, MN, has completed the project. Nelson noted that they finished by the original 9/30/06 project completion deadline. The BRRWD had given the contractor a one-week deadline extension at their last meeting due to wet weather concerns. H.E. has prepared Pay Request No. 2 for All Seasons in the amount of $20,617.10, which retains 5% of the total ($2,380.80) for 2006 spring review; and Change Order No. 1, to deduct a total of $340.00 from the contract. The contractor was able to salvage a 30" dia. culvert/flapgate and 18" dia. culvert, but had to add an 18" dia. flapgate. **Motion** by Nelson to approve Pay Request No. 2 and Change Order No. 1 for the referenced amounts. **Seconded** by VanAmburg. **Approved.** The office is working on the bond sale.

**Project No. 56, Manston Slough Restoration.** Rick St. Germain, H.E., still feels that most of the engineering work should be completed by 11/01/06. There are some issues regarding ditch benefit areas, etc., that will need to be addressed. Midwest Testing has finished the soil boring on all the sites had access. There was still some standing corn on Dennis VanWechel's property. Midwest will finish those borings after the corn is harvested. St Germain would also like to schedule a road authority meeting to discuss the use of their roads within the project.

**Project No. 54, Whisky Creek Tributaries.** The DNR still hasn't processed our permit application for Greg Settelmeyer's driveway culvert installation. Area Hydrologist Robert Merritt, DNR, is out of the office. Larry Kramka, DNR, is working on the application. He hopes to have the permit processed in the near future. The Board discussed their concerns regarding the lack of progress on the Natural Resource Conservation Service (NRCS) Nichol Wetland Reserve Program (WRP) project in Section 21, Humboldt Township. VanAmburg has talked with Sharon Lean, District Conservationist, NRCS, regarding this issue. It appears that the work may not be completed this fall. The Board felt that this
issue should be brought up at the next Mediation Project Team (PT) meeting, as this project went through the Mediation process and the Nichol WRP site was an integral part of our project.

Albright noted that the office is preparing the invoices to submit to Ed Fick, FDR Hydrologist, DNR Waters, so that he can release the final payment ($10,000) for our DNR grant. As soon as Opsahl finishes the Appraisers' Report covers, Albright will deliver it to the Clay County Auditor so the 2007 assessments can be levied.

Project No. 51, Clay County Ditch No. 68-City of Glyndon. Nelson reported that contractor, Ron Erdman, All States Excavating, now seems to be making better progress on the project. Albright estimated that he had about 50% of the project completed. H.E. has prepared Pay Request No. 1 for $95,992.91. Motion by Hanson to approve Pay Request No. 1 in the referenced amount. Seconded by VanAmburg. Approved. The office is working on the bond sale documents.

Project No. 49, Oakport Flood Mitigation. Albright reported that on 9/26/06 we closed on the Surma property, and he did the final walk through on 10/04/06. The Board discussed how the properties should be handled over the winter months. Albright suggested that the Board hire a property manager to look after the houses this winter. Fick notified Albright that we should receive the DNR reimbursement for the Surma buyout by the end of the week.

There was a meeting on 10/05/06 at the Vogel Law Firm with Attorney Elmer, Appraiser Guy Miller, Mitch Burris and his appraiser, Carolyn Corwin, and Albright to review the two appraisals. Burris' second appraisal was over 10% of the original appraised value. The group felt that the BRRWD should hire a third appraiser to review both appraisals. Motion by Hanson to authorize a third appraisal for the Burris property. Seconded by VanAmburg. Approved. Albright has talked with Kathy Barry, Huss Appraisals, about doing the work. Albright noted that Ed Fick has indicated that the DNR has no problem with funding buyout settlements that exceed don't exceed 10% of the original appraisal. Albright plans to schedule a Steering Committee meeting in the near future.

Later in the meeting, Albright noted that he has discussed the issue of liability insurance for the buyout properties with our insurance agent, John Hoffman, who estimated that the houses might be insured for a flat fee. Albright emailed the buyout details to Hoffman today. Hoffman will get back to Albright in the near future with a quote.

Attorney Corey Elmer provided a status report of the home buyout process. To date, of the 22 homeowners, 18 have contacted Elmer regarding the buyout process and 4 have not yet contacted him. Fifteen homeowners have received draft purchase agreements. Five homeowners have signed purchase agreements and are in the process of closing.

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. Turtle Lake is approximately 6" above the DNR permitted elevation.

Project No. 38, Farmstead Ringdikes. An informational meeting has been scheduled to discuss a possible ringdike for the Village of Kragnes on 10/19/06 at 7:00 PM, Moorhead City Hall Council Chambers. Funding has been approved for the BRRWD to construct one ringdike this year ($15,000). Opsahl has recommended that John Butze's application should be considered for construction. There were five pending ringdike applications for 2006. The BRRWD will contact the other applicants regarding the BRRWD's 2006 selection. To build the ringdike, we need a conditional use permit (CUP) from Clay County. Because Clay County won't review this issue until 11/21/06, the dike might
not be built this fall. Tim Magnusson, Clay County Planning & Zoning, has requested a hydraulic analysis to be sure the ringdike does not impact the Buffalo River stage. **Motion** by VanAmburg to approve the Butze ringdike application and authorize H.E. to supply the required information for Clay County. The motion also authorizes Albright send letters to the other ringdike candidates, notifying them of the Board's decision and advising them that if they want to construct their own projects, certain permits will be required. **Seconded** by Nelson. **Approved.** Nelson asked what the cost estimate for the Butze dike. Albright thought it would be under $30,000. Unsuccessful 2006 ringdike applications will be kept on file with hopes that there will be more money available in 2007.

Albright noted that he has not had time to meet with Mark Rustad regarding his 2005 ringdike cost overrun concerns. There was work done on this project that exceeded the original plans that added to the overall cost. The Board discussed the need to collect the two overdue ringdike bills from several years ago. Attorney Norgard has indicated that she would be willing to address this issue for the Board if they authorize it. Albright will e-mail copies of the ringdike agreements for Norgard's review. **Motion** by Nelson to authorize Norgard to work on collecting the overdue bills. **Seconded** by VanAmburg. **Approved.**

**Project No. 35, Clay County Ditch No. 47.** Opsahl is working with Ziegler Construction on the ditch system repair project. He has been in contact with Otter Tail Valley Railroad (OTV), who has agreed to allow spoil to be placed on their railroad r-o-w.

**Project No. 32, Hawley EDA Diversion.** Hancock Concrete Products, Inc., has advised Jones that they plan to apply new concrete and epoxy to the deteriorated sections of the 60" dia. culvert. The Board discussed the process. Jones will prepare a letter documenting the repair, noting that the BRRWD will continue to monitor the culvert to determine the work's success.

**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, to get the area mowed.

**Project No. 24, Wilkin County Ditch No. 44.** Albright noted that there has been extensive beaver activity on this ditch system in Section 11, Manston Township. Roger Lundberg used dynamite to remove a beaver dam that was backing water into Ron Jerger's bean field. Lundberg recommended the ditch should be cleaned in this area for about 1,000' with a backhoe to remove the beavers' feedbed. **Motion** by Hanson to authorize Opsahl to hire a contractor to do the recommended cleanout. **Seconded** by Nelson. **Approved.**

**Project No. 23, Becker County Ditch No. 15.** H.E. plans to start staking the ditch on Thursday or Friday. They will also pick up some profiles on the United States Fish and Wildlife Service (USFWS) property in Section 9, Hamden Township. Opsahl will contact the landowners for permission to deposit spoil forms and will work with the contractor, Chad Mattson, to avoid spoil placement in wetland areas.

**Project No. 13, Hay Creek Detention-Bjornson.** Opsahl is working with Sellin Bros. Construction on the south dam repairs, which could be completed yet this fall.

**Mediation PT.** The next PT meeting is scheduled for 10/26/06 at the MSUM Science Center near Glyndon. Notices will be sent next week.
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.

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. Roger Lundberg removed beaver dams in the channel between Rock and Momb Lakes last week. Landowners have requested that the BRRWD consider a redetermination of benefits for this ditch system. Hanson noted that Justin Klemetson would like to see the bills to justify the BRRWD's proposed 2007 levy of $10,000. Albright will send him the information regarding his request.

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 information. Tabled.

Becker County Ditch No. 5. Albright sent Mark Green and Amer Froysland letters to notify them that the BRRWD is ready to start their dam repairs. The letter asked Green to contact the office if he wanted us to proceed with his project. To date, he has not responded. Motion by Hanson to authorize Jones to order the materials for Froysland's dam so that this work could be completed yet this fall, weather permitting. Seconded by VanAmburg. Approved.

2006 MAWD Annual Meeting. The Minnesota Association of Watershed Districts (MAWD) Annual Meeting will be held in Alexandria on November 30-December 2, 2006. Albright will be a presenter for the new Managers' orientation session. All the Managers, except Olson, plan to attend. The office will take care of the registrations and motel reservations. Albright will contact Olson regarding his reservation. The Board discussed Ellefson's proposal to submit a resolution to allow Watershed Districts to pay former Managers a per diem stipend for court appearances. Motion by Nelson to authorize Albright to submit this resolution. Seconded by Hanson. Approved.

Wilkin County Ditch No. 41, Branch 5 Repair. Edward Ernst has requested that the BRRWD clean about 1,000' of this ditch where washouts have caused water to overtop the ditch bank in the NW¼, Section 8, Prairie View Township. Albright noted that Opsahl also has FEMA funding available for work on Branch No. 3 in this area. Motion by Nelson to approve the ditch repair. Seconded by Hanson. Approved. William Nichol Excavating could start the work later this week.

River Keepers. Albright and Bob Backman, River Keepers, made a presentation to the City of Moorhead on 10/02/06 regarding the partnership between River Keepers and the BRRWD. They also discussed River Keepers' request for the City of Moorhead to petition the BRRWD to use their taxing authority via M.S.A. 103D.905, Subd. 3, to levy $40,000 to fund River Keepers for 2007 and 2008.

Red River Watershed Management Board (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. The Board thought this issue could be discussed during the upcoming MAWD conference. Bohn has suggested that the group could meet at Concordia College. He would like to meet on neutral ground. VanAmburg thought he could find a meeting room.
Midwest Bank. The Board discussed obtaining a $200,000 operating line of credit from Midwest Bank at the annual interest rate of 8.375%. Because the BRRWD is a political subdivision of the State of Minnesota and a non-profit corporation, we are not eligible for the lower interest rate of 6%. Motion by VanAmburg to authorize Albright to work with Midwest Bank to set up the revolving $200,000 line of credit. Seconded by Nelson. Approved.

Clay County Ditch No. 34. Albright has scheduled a meeting on 10/20/06 at 7:30 AM in our Barnesville office to discuss a possible project to replace the bridge along the west line of Section 18, Barnesville Township. H.E. completed a hydraulic study of this bridge in 2001. Barnesville Township Supervisors, Clay County officials, and affected landowners have been invited. Downstream landowners also have concerns with this proposal as they feel they may receive more water if the bridge is enlarged.

SWCD Annual Meeting. The Minnesota Association of Soil and Water Conservation Districts (MASWCD) is holding their annual meeting in Bloomington, MN, at the Sheraton Bloomington Hotel on December 3-5, 2006. Managers interested in attending, or wanting more information should contact the office.

Local Work Group Committee. Sharon Lean, District Conservationist, NRCS, will be conducting another Environmental Quality Incentives Program (EQIP) sign-up and ranking period. The Local Work Group has scheduled a meeting for 11/01/06 from 9:30 to 10:30 AM in the Moorhead Farm Service Center to look over the Clay County local priority ranking sheet to decide how the EQIP funds should be spent.

Clay County Ditch No. 54 Repair Request. Ronald Butenhoff has filed a repair request to install a used 18" dia. culvert near the center of Section 29 in the N½SW¼. Butenhoff has a field ditch that drains to Ditch No. 54 in this location. This spring, water escaped from the ditch, causing erosion in the field and quarterline ditch. He has offered to furnish and install the culvert if the BRRWD will furnish a new flapgate. Motion by Hanson to approve the ditch repair. Seconded by VanAmburg. Approved.

Education Coordinator. The Capitol Region Watershed District in St. Paul is seeking a full time Education and Outreach Coordinator. The salary range is $34,000-$54,080.

Canadian Conference. The Canadian Heritage Rivers Systems and Rivers West are hosting "Current Perspective 07", the 5th Canadian River Heritage Conference in Winnipeg, Manitoba, on June 10-14, 2007, at the Hotel Fort Garry. The conference will have special focus on the Red River. There is a call for papers for this conference.

University of Minnesota Crookston (UMC) Conference. UMC is hosting the Aspen Parkland Conference on October 23 and 24, 2006, entitled "Ecology of the Aspen Parkland, Life at the Edge". The conference will focus on the potential for "co-tourism" in the prairie parklands of northwest Minnesota, northeast North Dakota, and southern Manitoba. VanAmburg noted that there will be a special tribute to Ron Nargang, recently retired Minnesota Director of The Nature Conservancy.

UEI Open House. Ulteig Engineers, Inc. is holding their Detroit Lakes Open House on 10/26/06 from 4:00-7:00 PM in the new Lakes' Area Office Building.

RRBDIN Workshop. Chuck Fritz, Director, International Water Institute (IFI), sent a notice to the BRRWD regarding a Red River Basin Decision Information Network (RRBDIN) workshop that will
be held on 11/13/06 to unveil the Flood Forecast Display Tool (FFDT) that the IWI has developed in partnership with the NWS and H.E. The meeting will be in Research Building No. 1 at the North Dakota State University from 10:00 AM to 1:00 PM.

**Johnson Streambarb Project.** Kevin Kassenborg, Clay SWCD, sent the BRRWD a funding request for the installation of five streambarbs for landowner Greg Johnson along a stretch of the Buffalo River in the SW¼, Section 36, Moland Township. Initially, this project called for three streambarbs, but since the plan was developed, more erosion has occurred and additional structures are needed. The BRRWD approved the project as Permit No. 06-79. The total estimated project costs are $18,000. Johnson has a Federal Soil and Water Conservation Assistance (SWCA) grant for $5,280. The Clay SWCD traditionally cost shares at the rate of 50%, not to exceed $3,000, and they would like to split the remaining balance of $9,610.00 with the BRRWD. The Board discussed this request and decided to table it until next spring when we should have more funds available. They traditionally have supported projects of this nature. Tabled.

**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 Nelson. **Approved.**

**Next Meeting.** The next regular meeting of the Board of Managers, BRRWD, is scheduled for Monday, October 23, 2006, in the Barnesville office at 8:00 PM.

**Adjournment.** Chairman Ellefson adjourned the meeting at 11:45 AM.

Respectfully submitted,
John E. Hanson, Secretary