The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, November 10, 2008, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Curtis M. Nelson, John E. Hanson, Gerald L. VanAmburg, and E. Robert Olson. Others attending included: Erik S. Jones, Engineer, and Julie Jerger, Houston Engineering, Inc. (H.E.); and Mark Bittner, Engineer, City of Fargo.

Chairman Ellefson called the meeting to order at 7:00 PM. He announced that the proceedings were being taped to aid in preparation of the minutes.

**Secretary's Report.** Due to the recent heavy workload and the extra time spent on preparing for the Oakport Flood Mitigation Open House and Final Hearing, the draft 10/27/08 minutes were not ready for review.

**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. The office sent a pay request to the Minnesota Department of Natural Resources (DNR) for 98% reimbursement for the Buckman house closing and general expenses from 5/27/08-10/27/08. The two requests total $459,720.76. We currently have $536,283.00 on hand. **Motion** by VanAmburg to approve the Treasurer's Report. **Seconded** by Hanson. **Approved.**

**Other business brought before the Board included:**

**Fargo Southside Flood Control (FSSFC) Project.** Mark Bittner, Engineer, City of Fargo, made a presentation regarding the FSSFC project. The Board reviewed maps showing the most recent alignment options for the proposed Red River channel extensions. Currently, Fargo is working on finalizing the project area generally between Highway 81 and the Red River of the North. Bittner explained that the next phase of the project is to have Quentin Bliss, URS Consultants, Omaha, Nebraska, start the Environmental Assessment (EA) in accordance with the National Environmental Protection Agency (NEPA). Then they plan to start the permitting process and project design. The Board reviewed a letter from Fargo Mayor Dennis Walaker regarding an Environmental Assessment Worksheet (EAW). Walaker would like the BRRWD's assistance in obtaining the right of entry to affected properties on the Minnesota side of the Red River to conduct the EA, soil borings, and surveying. The letter included a list of the affected Minnesota properties. URS would like to start the cultural survey the week of 12/01/08.

Bittner explained how they plan to construct the Red River channel extensions. The channels will be 25' shallower than the river channel and approximately 70' wide with 5:1 sideslopes. This channel configuration will make it possible to contain additional floodwater from the rivers within the project area. This additional flow amounts to approximately 2,000 cubic feet per second (cfs). Bittner stated that with the Red River channel extensions, they will be able to keep the project stage increase at zero or below for a 100-year event.
Bittner noted that the City is aware of the opposition to this project from the residents on the Minnesota side of the Red River regarding impacts on agricultural lands, trees, and private homes. He felt that when they see the flood reduction benefits the project can provide for the area, they will change their minds. Bittner thought that the Minnesota landowners should welcome an EA, as most of their concerns are environmental. He noted that the landowners have the option to tell the EA field inspectors about the impacts they foresee. Bittner added that the City must show in the EA the extent of the entire project construction. Jones added that the Federal EA is the preparatory work leading to the Minnesota EAW, which will bring in the DNR and other similar agencies, who will also be looking at the project regarding possible environmental impacts.

VanAmburg commented that Albright, Manager Olson, and he met with Bittner and April Walker last week to discuss the BRRWD's involvement with landowner contacts. He felt it made sense for the BRRWD to help get an EA completed to review the project's environmental impact on the property along the proposed channels. VanAmburg, Olson, and Albright also met with Clay County and City of Moorhead representatives last Monday. VanAmburg noted that the consensus from that meeting was to prepare a letter to the Minnesota landowners who could be affected by the FSSFC to let them know that Minnesota agencies are involved with the project development process. He suggested that we could include a request for permission to conduct the EA from the landowners in the same letter. Olson noted that one of the benefits to working with the Army Corps of Engineers (COE) is that it may help us obtain flood damage funding in the future for the area. Jones commented that we need the EA to determine the exact impacts from the FSSFC project.

Olson questioned if the project planners have addressed spoil placement/hauling. Bittner said that a site for spoil has not yet been identified. They are hoping to find areas outside the floodway on the adjacent properties. At this time, they are anticipating a shortage of fill material. If the soil is of dike-building quality, they may be able to use it for fill. There are agricultural concerns about reduced productivity when the black dirt is disturbed. Bittner noted that only a small portion of the area proposed for the channel extensions is currently agricultural. Bittner expected that the City would pay for temporary and permanent easements to offset the production losses. He noted that the URS Environmental Consultant has already indicated concerns about the environmental impacts.

The group discussed the scope of the COE's Phase I Fargo-Moorhead Feasibility Study. Bittner commented that the COE hopes to have the first phase completed by April or May 2009. They also discussed the proposed internal storage features of the FSSFC project. Bittner provided an overall project map for the Board's review and discussion. There is a regulatory requirement agreement between Minnesota and North Dakota regarding the 100-year stage impacts on the Red River, which states that a project can increase the flood stage up to 9". The City of Fargo's goal is for their project to have zero impacts on the Minnesota side of the Red River. However, if the Minnesota landowners and agencies refuse to cooperate with this project, the City of Fargo could move forward with their project without the channel extensions. This could create flood stage increase impacts on the Minnesota side of the Red River, which may be unacceptable to the City of Moorhead and affected landowners. Ellefson questioned what impact the FSSFC project might have downstream on Kragnes and the City of Georgetown. Bittner described how water would flow through the project along the Red River. He explained that they don't expect any significant downstream impacts. Motion by VanAmburg to agree to send a letter to the affected landowners on the Minnesota side of the Red River, asking for their cooperation regarding the City of Fargo's efforts to conduct an EA on their property. Seconded by Nelson. Approved. Bittner thanked the Board for their cooperation. He noted that the City of Fargo is planning to hold the environmental scoping meeting the first week in December.
Permit No. 07-51, Mike Lewis. At our 7/14/08 meeting, the Board agreed to schedule a meeting with Lewis to discuss the culvert he installed in 2007 on the west side of Trunk Highway (T.H.) No. 9 in the NE¼, Section 2, Barnesville Township. The neighboring landowner, Ronald Erdman, feels that the culvert will cause problems, as it is undersized, crushed in the middle, and in a poor location. Last fall, the Board had agreed to monitor the culvert to see how it functioned during runoff periods. Ellefson called Lewis this week, but he was not home. The BRRWD possibly has a used culvert they could sell to Lewis that would correct the problem. Tabled.

Permit No. 07-130, Harmen Tande. On 6/24/08, Albright and Managers Hanson, Olson, and Nelson met on site with landowners Harmen Tande, Rodney Wyland, and Gaylen Dick to discuss Tande's request to remove an approach/culvert on the north line of Sections 5 and 6, Riverton Township. Dick was interested in exploring the option of petitioning for a legal ditch system in this area. Albright recently sent the landowners information about the petition process. To date, there has been no response. Tabled.

Permit No. 08-30, Scott VanWechel. At their 10/27/08 meeting, the Board authorized Jones to investigate Wilkin County Ditch No. 22, Lateral No. 3, to possibly include culvert changes and a better ditch grade. Jones reported that he plans to have recommendations and a cost estimate ready for the Board's review at their 11/24/08 meeting. He noted that the upper end of the ditch is very flat. The Board discussed the improvement process and the size of the benefit area. Jones felt that if this project were developed, it wouldn't be ready for construction until 2009. When Jones finishes his work, the Board will schedule a meeting with the affected landowners to discuss the results. Albright recently contacted VanWechel regarding H.E.'s investigation, and to discuss why the Board still hasn't acted on his permit application.

Permit No. 08-73, William Austin. The Board held a special meeting to discuss the road ditch drainage/tiling permit issues on 11/03/08. Jones is still working on the cost estimate to clean the north ditch and install a culvert through County State Aid Highway (CSAHI) No. 10 west of Craig Halverson's farmstead. The culvert will be at an elevation that would convey low flows along the Voller property on the downstream end of the CSAHI No. 10 north ditch south to Clay County Ditch No. 55. H.E. has completed the survey for the north ditch of CSAHI No. 10 west of Downer. It shows that there is about 18" of sediment in the ditch between the west side of 140th ST and Margo Brady's first driveway in the southeast corner of the NE¼, Section 20, Elkton Township. The rest of the ditch averages about 12" of sediment along CSAHI No. 10 west to the outlet along Interstate-94 (I-94). The Board had an extended discussion regarding the 11/03/08 meeting issues. They also discussed Austin's proposed tiling project/petition to add water from the SW¼, Section 16, Elkton Township, Clay County to the Clay County Ditch No. 55 benefit area. A petition hearing will be held this winter. Tabled.

Permit No. 08-99, Harlan Manston. Applicant proposes to install three north-south field ditches to lower the water table for gravel extraction in the SW¼, Section 36, Elkton Township, Clay County. The Board discussed Manston's proposal and the possible drainage impacts this project could cause. In addition, Manston will have to contact the Natural Resources Conservation Service (NRCS) office, as there may be wetlands issues he will also need to address. Tabled pending more information.

Permit No. 08-101, Burlington Northern/Sante Fe (BNSF) Railroad. Applicant proposes to improve drainage in and around the Dilworth train yard. Inadequate drainage results in standing water along the tracks. Work will include boring/replacing pipes into Clay County Ditch No. 41, Lateral Nos. 1 and 2, which are both adequate outlets. Motion by Hanson to approve Permit No. 08-101. Seconded by VanAmburg. Approved.

Opsahl noted that BNSF filed a repair request for Clay County Ditch No. 41-Lateral No. 1 in conjunction with the permit application. BNSF feels that inlet culverts (24" dia. x 50' long with flapgates) are needed along both sides of the outlet end of the conduit culvert through the BNSF railyard where their water drains.
The culverts will help address erosion problems at this location. The cost estimate is approximately $4,500-$5,000. Opsahl recommended that the Board approve the repair request. **Motion** by Nelson to approve the referenced repair. **Seconded** by Hanson. **Approved.**

**Kenneth Schellack Drainage Complaint.** Schellack contacted the office to request the BRRWD investigate new ditch work done by Ron Erdman for Curt Stubstad in the NE¼, Section 8, Elkton Township, Clay County. Recently, Stubstad indicated that if he violated any BRRWD Rules, he was willing to work with the Board to rectify the problem. **Tabled** pending Manager field review.

**Buffalo River Diking Complaint.** On 10/01/08, the office received a letter from Robert Norby with a progress report regarding the four permit applications he filed in 2006 (06-74, 06-75, 06-76, and 06-77). Permit Nos. 06-74, 06-75, and 06-76 were approved subject to various restrictions, and Norby requested that Permit No. 06-77 be administratively withdrawn. From his letter, it was difficult to discern what work Norby had actually completed. The same day, the office received a complaint regarding dike work Norby was doing along the Buffalo River in Section 22, Kragnes Township. The office contacted the DNR Game Warden, Phillip Seefeldt, who checked the site and indicated that although it doesn't appear the work violated any DNR rules, he suggested that the BRRWD should also investigate. Albright and Manager VanAmburg rented an airplane on 10/03/08 and took aerial photographs of Norby's work. It appears that Norby has installed approximately a 0.5-mile dike along the west side of the Buffalo River. Manager Olson noted that the site is too wet to field review, but he did speak to Norby on the phone regarding his project, and Norby appeared willing to meet with Olson when site conditions improve.

**LaBelle/Duck Lakes Outlet.** Landowner LeRoy Bergman, who lives north of Lake Park, filed a highwater complaint regarding Duck and LaBelle Lakes. In 2001, Bergman had to build up his driveway to repair erosion damage and keep it above the rising water. Mature trees are in now standing water, and there are clay slides along the outlet channel. Bergman felt that the lake outlet might be plugged. Jones reported that the lake is at an all-time high elevation. Opsahl still needs to contact the landowner to get access to the outlet channel to continue with the investigation.

**Maria Lake Complaint.** Paul Johnson contacted the office this week regarding alleged work done by Larry Henry that might have plugged the lake's outlet culvert. Johnson also claims that Henry put some dirt in an area where the lake would naturally drain. Johnson says the lake is about 5' higher than normal. Opsahl will investigate the complaint.

**Project No. 63, Grove Lake Outlet.** Jerger noted that Dennis Carlbloom, Supervisor, Scambler Township, contacted the office this morning to let us know that the Township has approved the road agreement. The Supervisors will sign and return the agreement later this week. Jones reported that Brad Mergens, West Otter Tail Soil and Water Conservation District (SWCD), has decided to designate the project as a conservation project. With this designation, Otter Tail County will be able to issue a grade and fill permit instead of the more time consuming Conditional Use Permit (CUP) process. Jones noted that Mergens has requested some erosion control measures, which should not pose any problems. In addition, David Haugrud has signed his right-of-way (r-o-w) easement. The agency 30-day review period will expire on 11/14/08. Jones will contact Michele Walker, Area Hydrologist, DNR, to see if she has received any comments regarding the project. The Board discussed the required wetland mitigation. The wetland mitigation ratio is 2.5:1, and wetland credits cost approximately $12,000/acre. Jones expects that there will be about 0.06 acres of wetland impacts. He explained that this issue could be dealt with later and should not delay the project startup.

The Board discussed awarding the construction contract. **Motion** by Nelson to award the contract to Steven Johnson Excavation, Otter Tail, MN, ($47,335.00). **Seconded** by Olson. **Approved.** The project's scheduled completion date is 12/31/08.
Jones discussed the Kern Kuhlmann survey. He noted that Kuhlmann's culvert crossing is the high spot in the channel. The new culvert elevations will match the channel bottom, which will be approximately 1' lower than the existing PVC pipes. Jones feels the project design has addressed the fish passage issue.

**Project No. 62, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1)-Branch 4-Improvement/Extension.** Opsahl noted that Jeff Nichol has been able to continue working and expects to complete the project this fall, except for cleanup and seeding. Opsahl submitted a request to extend the completion date to 6/01/09. The Board discussed Rick Brakke's request for a 48" dia. culvert/crossing on J.D. 1 upstream of the north-south quarterline in Section 18, Deerhorn Township. **Motion** by Hanson to approve the time extension for William Nichols Excavating and to approve Brakke's request for an inlet culvert/crossing, subject to Opsahl's review and contact with Brakke. **Seconded** by VanAmburg. **Approved.** Opsahl submitted Pay Request No. 2 for William Nichol Excavating for $4,994.10. **Motion** by VanAmburg to approve the referenced payment. **Seconded** by Hanson. **Approved.**

**Project No. 58, Riverton Township Retention.** Jones reported that construction has ended on this project until next spring. Nanik Construction has requested a time extension to complete the work. The Board discussed this request and felt that the contractor should allow time for The Nature Conservancy (TNC) to complete the seeding. **Motion** by VanAmburg to grant a time extension until 8/01/09. **Seconded** by Hanson. **Approved.** The office submitted a reimbursement request to the DNR for $65,520.93. To date, we have not received payment.

**Project No. 57, Moorhead/I-94 Flood Control.** The contractor is waiting for the corn crop to be harvested so Qwest can move their telephone lines. Jones noted that the site is very wet, and the project will probably be delayed until next spring.

**Project No. 56, Manston Slough Restoration.** Work on the easement options will start in the near future. Kevin Brennan, Fergus Falls Wetland Management District (WMD)/United States Fish and Wildlife Service (USFWS), is preparing the final draft of the Operation and Maintenance (O&M) and Memorandum of Understanding (MOU) for review and signature.

**Project No. 51, Clay County Ditch No. 68.** Bill Davis and Archie Tanner have requested that the Board investigate the resizing of culverts west of T.H. 9 upstream of Project No. 51, Clay County Ditch No. 68, to address flooding/erosion problems east of Glyndon. The Board discussed the downstream landowner's concerns regarding larger upstream structures. **Tabled.**

**Project No. 49, Oakport Flood Mitigation.** A Technical Committee meeting was held on 11/06/08. Attorney Corey Elmer, Vogel Law Firm, plans to have the easement options ready next week. The office will mail Open House/Final Hearing notices this week. The notices will include property owner's statements for the affected landowners. The Open House will be held on 11/25/08 from 3:00 PM to 9:00 PM in the Hjemkomst Heritage Center Auditorium in Moorhead. The Final Hearing will be held in the Dilworth Community Center on 12/01/08 at 7:00 PM. Albright has met with Appraiser Chuck Anderson, who plans to set some rate categories for easement acquisition payments.

**Project No. 47, Clay County Ditch No. 53.** Albright plans to contact Ed Askegaard regarding the Board's offer of $6,000 for an additional 1.5 acres of permanent r-o-w for the proposed Federal Emergency Management Agency (FEMA) 2006 flood repair work for the portion of County Ditch No. 53 on the north line of Section 22, Holy Cross Township, paralleling County Road (C.R.) No. 58. Opsahl thought the contractor still might be able to complete the project this fall, subject to weather conditions.

**Project No. 46, Turtle Lake Outlet.** Opsahl noted that the lake has risen about 1’ since the recent heavy rainfall events. We will operate the siphons as long as possible this fall/winter.
**Project No. 38, Farmstead Ringdikes.** Dale and Misty Grindahl have signed their easement agreement for the Kragnes ringdike project. Opsahl noted that the contractor has completed a large amount of the work on the Kragnes ringdike. H.E. submitted Pay Request No. 1 for Ziegler Construction, Inc., for $35,180.40. **Motion** by Nelson to approve the referenced payment. **Seconded** by Olson. **Approved.**

Jones talked today with Jeremy Kuipers regarding his interest in a ringdike. Kuipers is looking for quotes for tree removal. It appears that tree removal could be quite expensive ($800/tree). Jones discussed this issue with David L. Overbo, Engineer, Clay County Highway Department, to see if they would contribute to the tree removal costs on their road r-o-w. Overbo indicated that if the trees are not causing a problem (visual/clear zone), the County probably wouldn't contribute to the tree removal. Opsahl noted that it would be cheaper to have a contractor do the work. Jones briefly discussed raising C.R. 5 as part of the Kuipers ringdike. He felt that raising the road in one location would just cause the water to overtop in a different place along the road and flood other properties. The County will take a closer look to see if they can use the road in conjunction with a ringdike this winter.

To date, John Butze has not remitted his 2007 final ringdike payment. Opsahl will contact him regarding this issue. Jones noted that it is still too wet for H.E. to complete the cross section work for the Karppinen ringdike. As soon as H.E. finishes this work, Jones will forward the data to Midwest Testing.

**Project No. 32, Hawley EDA Diversion.** Jones met with Midwest Testing Laboratory, Inc., on 10/21/08. Due to the wet weather, the 60" dia. culvert had water in it, and Midwest couldn't work in standing water. Opsahl will check the water levels in the culvert later this week.

A meeting has been set for Thursday, November 20, 2008, at 6:00 PM in Hawley to discuss the Buffalo River Stream Bank erosion issues/concerns with the Hawley City Council, Eglon Township Board, the Hawley Golf Course, the DNR, and the BRRWD. Luther Aadland, DNR, will make the presentation.

**Project No. 30, Clay/Wilkin J.D. 1.** Sellins Brothers, Inc., has completed the FEMA repairs. Seeding will be completed next spring. H.E. submitted Pay Request No. 1 for $27,735 for Sellins. **Motion** by Hanson to approve the referenced payment. **Seconded** by Nelson. **Approved.**

**Project No. 27, Clay County Ditch No. 55.** H.E. submitted a Request for Final Payment for Ziegler Construction, Inc., for their 2007 ditch repair work, which they recently completed by patching the asphalt driveways. The request is for $6,518.90. **Motion** by Olson to approve the referenced payment. **Seconded** by VanAmburg. **Approved.**

**Project No. 23, Becker County Ditch No. 15.** Repair work has been delayed until 2009 due to wet conditions.

**Project No. 19, Becker County Ditch No. 21.** The Detroit Lakes WMD will have to review Jerry Matter's request for an additional outlet culvert in the west ditch berm on the south side of 320th ST in the NW¼, Section 15, Riceville Township. Albright plans to contact the USFWS regarding this request.

**Project No. 1, Wilkin County Ditch No. 22.** William Nichol Excavating, Inc., is trying to continue work on the repair of Lateral No. 2. The site is very wet. Jeff Nord was in the office this week to discuss the repair project. He feels that the contractor is not removing enough dirt from the ditch to correct his drainage problems. Opsahl noted that Nichol is limited to cleaning the ditch to grade under a repair petition. Nord would like to have the centerline culvert sizes reviewed on the upper end of Lateral No. 2.
Mediation Project Team (PT). The next PT meeting is scheduled for 12/11/08 at 1:30 PM in the Eagle Café, Barnesville. The meeting will focus on a possible project for the South Branch of the Buffalo River. The office will invite area landowners/agencies, and the PT.

Revised Watershed Management Plan (RWMP). At the 10/14/08 meeting, the Board approved a motion to ask the Minnesota Board of Water and Soil Resources (BWSR) for a six-month extension of the RWMP completion date. If approved, the extension will give us until 6/30/09 to complete the work. Albright has prepared a letter regarding this request.

Clay County Ditch No. 35. This repair project has been delayed by the wet weather, and most likely, work will have to wait until 2009. There are also still standing crops in the way.

Clay County Ditch No. 63 Repair. Repair work has been delayed by wet weather, and probably won't be completed until 2009. There are also still standing crops in the way.

BWSR Drainage Records Modernization. The office submitted an application on 10/31/08 for $50,000 in funding from BWSR regarding their Challenge Grant for drainage authorities to develop drainage records modernization guidelines. BWSR received 44 requests totaling $1.2 million. Due to the number of requests, we probably won't receive any funding.

MAWD Annual Meeting. The Minnesota Association of Watershed Districts (MAWD) has scheduled their annual meeting for December 4-6, 2008, at the Arrowwood Conference Center in Alexandria. Registrations are due by 11/21/08. All Managers plan to attend. The office has prepared and mailed the lodging reservations and meeting registrations. Albright will prepare a BRRWD activity summary handout for the tradeshow booth.

Minnesota Wetland Conference. The Minnesota Wetland Professionals Association (WPA) and the Minnesota Wetland Delineator Certification Program (WDCP) are hosting their 2nd Annual Conference on January 21, 2009, in the Continuing Education & Conference Center in St. Paul, MN. The theme of the conference is "Mitigation: Are We Achieving No Net-Loss?". Registration is $125 prior to 12/10/08.

Clay County Ditch No. 11-North. Jones filed a hydraulic analysis for 8th ST S and John Leseth's driveway for the proposed structure improvements in Section 32, Kurtz Township, Clay County. The Clay County Highway Department requested this report in conjunction with their project to relocate County State Aid Highway (CSAH) No. 8 and County Ditch No. 11N.

Events Calendar Computer Software. Brian Fischer, Maple Grove H.E., who maintains the BRRWD Website, suggested that the Board consider authorizing him to setup an events calendar that we would be able to access without going through Fischer. The Board discussed the proposal and felt it would be worthwhile to be able to keep our events calendar current. **Motion** by VanAmburg to authorize Fischer to go ahead with the calendar setup and to purchase the necessary software at Albright's discretion. **Seconded** by Olson. **Approved.**

The following bills were presented for approval:

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Motion by Hanson to approve payment of the bills. Seconded by VanAmburg. Approved.

Next Meeting. The Board of Managers, BRRWD, will hold their next meeting on Monday, November 24, 2008, in the Barnesville office at 7:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 9:25 PM.

Respectfully submitted,

John E. Hanson, Secretary