

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING

November 12, 2007

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, November 12, 2007, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, E. Robert Olson, Gerald L. VanAmburg, and Curtis M. Nelson. Others attending included BRRWD Administrator Bruce E. Albright, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.); Greg Anderson, Chairman, Oakport Township; Matt Dockter, Comstock Construction; Mike Staber, American Enterprises; Tracy Hazelton, H&S Contracting; and landowners: Raymond Heng, Lavonne Heng, David Heng, Jim Haick, Lisa Otteson, Bob Nyquist, 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.

Project No. 49, Oakport Flood Mitigation. At 7:00 PM, Chairman Ellefson officially closed the bidding for 2007 Phase I-Structures Demolition. Albright gave a brief explanation of the project. The work consists of removing basements, sidewalks, garage slabs, disconnecting utilities, and debris removal at 13 sites where houses acquired by the BRRWD were removed this summer. He noted that there was an addendum for the project and all bidders were required to provide a 10% bid bond. The Engineer's estimated project cost is \$107,000.00. Albright opened the bids and read the results. The following bids were received:

CONTRACTOR	TOTAL BASE BID
Master Construction, Fargo, ND	\$58,500.00
American Enterprises, West Fargo, ND	\$106,950.00
Earth Developers, Inc., Fargo, ND	\$110,550.00
Landwehr Construction , Inc., St. Cloud, MN	\$117,000.00
Industrial Builders, Inc., Fargo, ND	\$133,900.00
H&S Contracting, Moorhead, MN	\$139,766.91
Strata Corporation, Grand Forks, ND	\$151,800.00
Comstock Construction, Inc., Wahpeton, ND	\$176,900.00
Sellin Bros., Inc., Hawley, MN	\$187,900.00
Northern Improvement Co., Fargo, ND	\$188,500.00

The apparent low bidder is Master Construction, Inc. with a bid of \$58,500.00. H.E. and the Vogel Law Firm will review and tabulate the bids. Later in the meeting, the Board discussed the bid results. In order to get the demolition work started before freeze-up, the Board decided to authorize the contract award tonight, subject to Jones' review. **Motion** by VanAmburg to award the demolition contract to Master Construction, pending Jones' review and recommendation. **Seconded** by Olson. **Approved.**

Wolverton Creek/Comstock Coulee. At 7:10 PM, Chairman Ellefson officially closed the bidding for the Wolverton Creek Channel Restoration-Phase 1. This work is the first phase of a Clean Water Legacy (CWL) funded project that the Clay/Wilkin Soil and Water Conservation Districts (SWCD) are developing to deal with water quality problems in the Wolverton Creek/Comstock Coulee area. The Phase 1 project consists of erosion control on Wolverton Creek/Comstock Coulee downstream of Trunk Highway (T.H.) No. 75. The BRRWD agreed to act as contracting agent for the SWCDs. Albright noted that all bidders were required to provide a 10% bid bond. The Engineer's estimated project cost is \$46,020.00. Albright opened the bids and read the results. The following bids were received:

CONTRACTOR	TOTAL BASE BID
Northern States Excavating, Fargo, ND	\$47,365.00
Sellin Bros., Inc., Hawley, MN	\$53,580.00

The apparent low bidder was Northern States Excavating with a bid of \$47,365.00. The bids will be referred to H.E. and the Vogel Law Firm for review and tabulation. Later in the meeting, the Board discussed the bid results. In order to get the project started before freeze-up, the Board decided to authorize the contract award tonight, subject to Jones' review. **Motion** by Nelson to award the Wolverton channel restoration contract to Northern States Excavating, pending Jones' review and recommendation. **Seconded** by Hanson. **Approved.**

Secretary's Report. The Board reviewed draft minutes for the 10/22/07 regular meeting and the 10/18/07 special meeting. **Motion** by Nelson to approve both sets of minutes. **Seconded** by VanAmburg. **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 we received the first half of the 2007 Market Value Credits from the State of Minnesota (\$51,424.58) and the final first-half tax payments from Wilkin and Otter Tail Counties. We also received a final payment from Michael Nygaard for his Oakport buyout (\$5,062.50). Albright reported that currently, we have \$307,610.84 in our bank accounts. We expect to start receiving the second-half county property/ditch tax payments after 11/15/07. Albright noted that the office plans to submit a pay request to the Minnesota Department of Natural Resources (DNR) for the Oakport Flood Mitigation, Manston Slough Restoration, and Riverton Township Retention projects this week. **Motion** by Hanson to approve the Treasurer's Report. **Seconded** by Olson. **Approved.**

Business brought before the Board included:

Project No. 51, Clay County Ditch No. 68. David Heng provided photographs for the Board's review, showing the washout that occurred during last spring's runoff on his property south of 12th AVE S in the E½, Section 14, Glyndon Township, in conjunction with our County Ditch No. 68 project. Earlier this summer, the Board conducted a field review of the area. Now that the crop is harvested, Heng is anxious to get something done to correct the damage. Heng's renter, Jim Baker, has also called the office with concerns about the washout area.

Albright noted that the contractor has added more rock on the south end of the inlet pipes (12th AVE S) on County Ditch No. 68 to slow down the water flow. The landowners have discussed rerouting the waterflow or changing/removing culverts in 110th ST S. Albright would like to set up a meeting with Kevin Kassenborg, Clay SWCD, and the landowners to discuss possible solutions for this problem. Albright also

mentioned that this spring/summer, this area was extremely wet, which may have caused some of the problems.

Heng said that the Sabin beet piling station has a quantity of dirt from the 2007 campaign that they need to remove. Heng questioned if he could use some of this material for fill in the washout area. The Board agreed that this might be a good solution. Ellefson observed that the washout area has always been a natural drainage way, but Heng pointed out that the soil has never eroded as severely as it did this spring following project completion. Ellefson discussed the installation of rock drop structure at the ditch inlet culverts to reduce erosion on Heng's property. Jones wasn't sure if it would also be beneficial to install drop structures in Heng's field. He added that the increased capacity of the box culverts in 12th AVE S may have caused part of the erosion, not the culverts' elevation, as the structures' depth was not changed that much. The new box culverts' increased capacity allowed water to flow faster out of Heng's field into the project, partially causing the washout. Albright felt that a combination of abnormal factors contributed to the severity of the erosion on Heng's property this summer. He suggested that Heng contact Loren Richards, who is hauling the beet piler dirt. Albright noted that this would be only a short-term fix, and we will still need to work together to find a long-term solution to this erosion problem.

VanAmburg questioned what the process would be to change the culverts in 110th ST S. Albright thought the Board would have to meet with the affected landowners to discuss the proposal before anything could be done. Prior to a meeting, the Board could authorize an area survey to determine the effects of changing the culverts. Albright pointed out that the waterway in Heng's field is DNR protected waters, and we would probably need a DNR permit to work in the waterway. He will contact Robert G. Merritt, DNR Area Hydrologist, regarding this issue. The Board agreed to move forward with repairs to Heng's property as quickly as possible while the weather conditions are still good. Heng agreed to call Richards regarding fill. The BRRWD will be responsible for the repair costs from their Red River Watershed Management Board (RRWMB) Construction Account.

South Branch of the Buffalo River Drainage Concerns. Landowner Jim Haick reported that there is beaver activity on the South Branch of the Buffalo River on the west side of T.H. 9. Albright noted that Wade Opsahl, Technician, H.E., is already working with Roger Lundberg, BRRWD beaver trapper, to remove the beavers in this area. Haick also questioned the status of a proposal to develop a larger project for the South Branch of the Buffalo River to address numerous drainage issues on this waterway. Albright referenced the Southern Planning Region meeting that we held this summer in conjunction with the BRRWD's Comprehensive Plan update effort. At that meeting, landowner concerns were gathered. The BRRWD plans to hold meetings with our Citizen Advisory Committee (CAC) and Technical Advisory Committee (TAC) this winter to find solutions for the landowner concerns that will be incorporated into the updated Plan. The Comprehensive Plan could also include a provision to create watershed management districts within the seven planning regions that would provide a funding mechanism to address various regional problem areas. Albright acknowledged that the South Branch of the Buffalo River is a major area of concern in the Southern Planning Region. The group discussed drainage concerns involving upstream drainage from Wilkin County Ditch Nos. 40 and 44, and the DNR's Lawndale Trout Stream Restoration project. Albright noted that the DNR's Lawndale project could have significant positive downstream impacts. He also advised Haick that he if wants to work with the operator of the N½, Section 11, Manston Township, they could clean the old South Branch tributaries now associated with County Ditch No. 44, without BRRWD or DNR permits, providing they don't change the original channel grade, as these waterways are not DNR protected waters.

Project No. 49, Oakport Flood Mitigation. Cecile Fetzer and her daughter, Lisa Otteson, discussed the BRRWD's possible purchase of their property. Fetzer's house has been identified as a potential buyout property. In July 2006, BRRWD appraiser Guy Miller valued the Fetzers' house at \$133,700. In August

2006, the Fetzers' hired an independent appraiser, who valued their house at \$150,000. A second independent appraisal in September 2007 came in at \$143,000. The Fetzer family is currently going through a number of health related issues and has decided to sell their house to the BRRWD for \$150,000. The Board discussed the various appraisals and the Fetzers' current situation. According to the BRRWD's policy, the Board could pay 10% above Miller's appraisal, or \$147,070. Albright noted that if the Board wanted another appraisal, it would take time and add to the BRRWD's expense. As it stands, the Fetzers and the BRRWD are only about \$2,930 apart for the price of the home. Otteson asked if there was any new information regarding the final dike alignment. The most current alignment UEI has provided shows the dike going across the property west of the Fetzer's home. Albright said that detailed drawings will be prepared for all the affected property once UEI identified the final dike alignment. Cecile Fetzer wanted to know what would happen to her property once the project is constructed. Albright said that the BRRWD would offer the house for sale to be moved. According to state funding criteria, the lot must be restored to non-buildable green space. Fetzer stated that she hoped they would turn the lot into a park. She also hoped that the mature evergreen trees on her lot could remain. Oakport Township Chairman Greg Anderson explained that the property would ultimately be turned over to the City of Moorhead when Oakport Township is annexed into the City limits (2015), and would probably be used as a park area. Fetzer questioned if the large upstream retention project in the Bois de Sioux Watershed District would have any affect on the Red River/Oakport Coulee area. Albright doubted that any of the upstream projects are able to stop the historic flooding events, such as the 1997 flood. The Board discussed the Fetzers' proposal. They were concerned about setting a precedent by exceeding the 10% guideline if they paid the Fetzers more than \$147,070. They discussed an earlier buyout where the Board threw out the lowest bid and paid the homeowner his asking price, which was within 10% of the remaining appraisals. The Board felt because of the Fetzers' circumstances, they would be justified in making a similar agreement with them. **Motion** by Nelson to purchase the Fetzer property for \$150,000. **Seconded** by Hanson. **Approved.** BRRWD Attorney Corey Elmer has scheduled the closing for 11/20/07 at 10:00 AM. The group discussed when the Fetzers would have to vacate the house. The Board agreed to work with them in this regard. Cecile Fetzer noted that there is an erosion site near the American Crystal Sugar plant on Clay County Ditch No. 41 that should be checked.

A Technical Advisory Committee meeting was held 10/30/07. Their next meeting is scheduled for 11/27/07 in the Moorhead Police Department at 9:00 AM. Another meeting with the landowners along North Broadway is scheduled for 11/15/07 at 7:00 PM in the Oakport Town Hall. Albright plans to submit a pay request to the DNR for project costs reimbursement. UEI forwarded a progress update for the Board's review.

Shane and Randy Hasse have signed the BRRWD's bow hunting authorization form to give hunters written permission to access BRRWD property in the Oakport area. They have also provided proof of insurance, naming the BRRWD as an additional insured. **Motion** by Nelson to authorize Ellefson to sign the agreement on behalf of the Board. **Seconded** by Hanson. **Approved.**

Pifer's Realty has been working with Dallas Jorgenson, who purchased one of the Oakport buyout properties (Dalby) this summer. Jorgenson no longer needs the house and has been trying to find a buyer for the house. The BRRWD gave him an extension for moving his house earlier this fall. Iris Bakke recently agreed to buy Jorgenson's house, and she would like to have until 1/31/08 to remove it. **Motion** by VanAmburg to give Bakke an extension to move the house. **Seconded** by Nelson. **Approved.**

Permit No. 07-125, Mark Nyquist. Applicant proposes to install a north-south crossover pipe in 50th AVE in the NW¹/₄NE¹/₄, Section 35, Moorhead Township. The culvert will drain to Clay County Ditch No. 47 near Americana Estates. Nyquist has been working with Manager Olson and David L. Overbo, Engineer, Clay County Highway Department, regarding culvert sizing. Olson noted that because he owns property

near the proposed culvert, he will not vote on this application. Olson discussed the area drainage patterns and possible culvert location and sizing options. A survey of the area shows that there was about 1' of sediment to remove from the downstream ditch. **Motion** by VanAmburg to approve Permit No. 07-125, subject to County approval to work within their road right-of-way (r-o-w). The Board recommended adding another 30" dia. pipe or replacing the existing culvert with one new culvert equivalent in sizing to two 30" dia. pipes at the referenced location. **Seconded** by Hanson. **Approved.** Olson abstained.

Permit No. 07-118, Gary Rosentreter. Applicant proposes to install a gate on the south end of an existing 24" dia. centerline culvert under T.H. 10 in Section 5, Lake Park Township, Becker County. The work will include removing the flared end section and extending the culvert approximately 4'. In 2007, in conjunction with a Minnesota Department of Transportation (MNDOT) project for T.H. 10 west bound lane, MNDOT opened the north end of the culvert that was historically plugged, which allowed water on the east side of Phillip Anderson's drive way to flow backwards into Rosentreter's field. At a field meeting held this summer with Brad Grant, Becker SWCD, and Allen Milbradt, MNDOT, MNDOT agreed to consider the installation of a gate on the reference culvert, which they recently completed. **Motion** by Hanson to approve Permit No. 07-118. **Seconded** by Nelson. **Approved.**

Albright discussed the permit applications referenced below with Lee Livdahl, Clay County Highway Department, who wanted Albright to meet with Fred Kuehl, Glyndon Township Chairman, to field review the proposal. On 10/30/07, Albright met with Kuehl on site to review the proposed culvert changes, etc. Manager Olson and Albright also conducted a field review on 10/30/07 and found no problems. Albright called Livdahl and authorized the work. **Motion** by Olson to approve Permit Nos. 07-119 and 07-120. **Seconded** by Nelson. **Approved.**

Permit No. 07-119, Glyndon Township. In the intersection of 12th AVE S and 90th ST N, between Sections 9, 10, 15, and 16, the Applicant proposes to install two lines of 24" dia. corrugated metal pipe (CMP) between Sections 15 and 16 at a lower grade; remove the existing pipe, which is too short and too close to the intersection; remove a reinforced concrete pipe (RCP) between Sections 10 and 15; and remove a plugged 24" dia. CMP between Sections 9 and 10. The Township says that the existing culverts create a safety hazard because they are too short and too close to the intersection. Changing the culverts will also create a shorter path for area drainage to access the South Branch of the Buffalo River. The permit application was filed in conjunction with Permit No. 07-120.

Permit No. 07-120, Kuehl Brothers Farms. Starting at the northeast corner of Section 16, Glyndon Township, applicant proposes to regrade the ditch along the north side of their property on the south side of 12th AVE S to drain west to the South Branch of the Buffalo River. Currently, water drains north along 90th ST N through a field and the Burlington Northern Sante Fe (BNSF) Railroad tracks, where the culverts are too high. Water then drains back through another field and T.H. 10, where it eventually enters the South Branch of the Buffalo River. The proposed route is shorter, and the Township feels that the work will correct problems in the intersections.

Permit No. 07-121, Arvid Thompson. In the N½SE¼, Section 29, Parke Township, Clay County, applicant proposes to install approximately 300 linear feet (l.f.) of 4" drain tile in a ditch ravine to address field seepage concerns. The area is ditched and on a hillside, but seepage water keeps the adjoining field wet for approximately 50' on each side of the ditch. **Motion** by Hanson to approve Permit No. 07-121. **Seconded** by VanAmburg. **Approved.**

Permit No. 07-122, City of Moorhead. SRF Consulting filed an application to do grading, concrete and bituminous surfacing, drainage, lighting, signing and striping, traffic signals, and bridge work in conjunction with the City of Moorhead's 34th ST S Corridor and Interstate-94 (I-94) Interchange project. SRF plans to let bids for this project in March 2008. **Tabled** pending Jones' review and recommendations.

Permit No. 07-123, Lyle Hovland. Applicant proposes to install two Natural Resource Conservation Service (NRCS) designed sediment control structures on land he operates for Lloyd Lindholm in the NE¼, Section 22, Prairie View Township, Wilkin County. **Motion** by VanAmburg to approve Permit No. 07-123. **Seconded** by Hanson. **Approved.**

Permit No. 07-124, Tri-T Farms. Applicant proposes to relocate an existing field approach and culvert in the W½NW¼, Section 13, Alliance Township, Clay County, along County Road (C.R.) No. 69 (110th ST S). The approach will be moved approximately 750' to the north to align it with an approach on the west side of the road. The existing approach goes into a low wet area of the field. The new location will provide better access to his field. **Motion** by Hanson to approve Permit No. 07-124, subject to County approval to work within their road r-o-w. **Seconded** by Nelson. **Approved.**

Minch Lawsuit. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 8:30 PM to discuss the status of the lawsuit. At 8:35 PM, the Board reopened the meeting.

Tande Drainage Concern. Harmen Tande recently hired H.E. to conduct a property survey for his property in Section 6, Riverton Township, Clay County. The survey shows that about 80% of the approach that was relocated to the line between Sections 5 and 6 is on his property. He contacted the office to discuss the fate of this disputed structure. Tande would like to see the approach/culvert moved east to its original location. Tande plans to meet with Albright to discuss this issue.

Grove Lake Outlet. Kern Kuhlman had indicated earlier this fall that he would not be able to meet with the Board until after 11/01/07. Albright will try to contact Kuhlman again to schedule a field review with him as soon as possible.

Howard Myhra Drainage Complaint. Albright and Nelson conducted a field review on 10/23/07 of Myhra's drainage complaint regarding increased agricultural ditching in his area, which he claims is causing increased water on his property in Section 20, Eglon Township, Clay County. He feels that if his neighbor would clean a small segment of road ditch, the water standing in his field would drain away. Albright and Nelson noted that they didn't see any standing water in Myhra's field following the dry weather this summer. Myhra will need to be contacted to see which way the water is supposed to drain.

Project No. 62, Clay/Wilkin J.D. 1-Branch 4-Improvement/Extension. Albright plans to set up a preliminary hearing some time this winter for this project.

Project No. 61, Clay County Ditch No. 11-North-Improvement. At their 10/22/07 meeting, the Board agreed to offer John Leseth a three-way split of the costs associated with a replacement structure for Leseth's bridge over Clay County Ditch No. 11N in the NW¼, Section 32, Kurtz Township. Albright sent an e-mail message to David L. Overbo, Engineer, Clay County Highway Department, to see if they would be willing to participate in this cost share agreement. To date, neither Overbo nor Leseth have contacted Albright regarding this issue.

Project No. 60, Swede Grove Lake. Nelson reported that he drove by the lake a few weeks ago, and it's down approximately 2.5' from the county road.

Project No. 58, Riverton Township Retention. Albright mailed Brian Winter, The Nature Conservancy (TNC), a revised easement option for their signature. To date, there has been no response. Winter suggested some minor changes to the Operation and Maintenance (O&M) plan, which Jones incorporated into the plan.

Albright will prepare a pay request to the DNR for our project development costs to date. The office mailed the revised Property Owners' Statements along with the Final Order. Albright noted that because TNC is listed as an agricultural producer, all wetland review issues must be reviewed by Sharon Lean, District Conservationist, NRCS. Lean has decided to do her own wetland delineation, which could hold up the project until next year. Mark Aanenson, H.E., has already conducted a wetland delineation for the project. The Board thought it might help if Jones or Albright contacted Lean to explain the delineation and project. Jones explained that we won't send the wetland paperwork to the Minnesota Board of Water and Soil Resources (BWSR) in light of this new development. TNC may be the one who submits the wetland exemption application. It could be that by having TNC submit the wetland impacts, they might get an exemption regarding required wetland mitigation.

Project No. 56, Manston Slough Restoration. Mark Aanenson, H.E., is working on the Environmental Assessment Worksheet (EAW). Previously, the DNR had agreed to provide staff to conduct the archeological review. Just recently, Don Schultz suggested that because of the size of the job, the BRRWD should consider hiring a private firm to do the work. The Board asked Albright to call Schultz regarding this issue. This could hold up the project development because as soon as it freezes, they will not be able to dig test pits. Jones suggested that he could contact the same firm that did the Riverton Township archeological review. The Board discussed the costs for the review. Albright provided copies of the draft O&M and Memorandum of Understanding (MOU) for the Board's review. Copies were also distributed to the NRCS, BWSR, and the United States Fish and Wildlife Service (USFWS). Both documents were drafted by Kevin Brennan, Fergus Falls Wetland Management District (WMD)/USFWS. Brennan would like to start signing both documents in December 2007.

Project No. 54, Whisky Creek Tributaries. Tim Thompson contacted the office regarding the Board's plans to repair the washout/erosion in the retention site in Section 14, Barnesville Township, that occurred during last May's heavy rainfall event. He asked if he could use the sand from the erosion for fill in his feedlot. The Board discussed his request and had no objections. Nelson reported that the Nichol Wetlands Reserve Program (WRP) project in Section 21, Humboldt Township, has been seeded and mulched.

Project No. 51, Clay County Ditch No. 68. H.E. is working on the legal descriptions for recording the ditch r-o-w easements with the County. The Board agreed to make their \$50,000 project contribution payment to the project at the end of the year.

Project No. 38, Farmstead Ringdikes. According to Wade Opsahl, Technician, H.E., the grass seeding on the Butze ringdike looks good. When work slows down after freeze-up, Opsahl will prepare a billing for the Butze ringdike, and Albright will submit it to the DNR for payment.

Jones reported his progress with obtaining BNSF Railroad's permission to use a small part of their r-o-w to tie into the Kragnes ringdike alignment. Jones explained that a BNSF representative indicated that there is only one more person who has to review our request. Jones has not been able to contact this person. Albright suggested that he can provide Jones with contact information for Mark Gjevre, the BNSF representative. Ellefson noted that Jeff Kluck, a local landowner, contacted him regarding alternative ways to protect his property from flooding if the Kragnes ringdike isn't built this fall.

Project No. 35, Clay County Ditch No. 47. Opsahl has noted that Otto's Welding has the second flapgate opener now installed on the culverts under the Otter Tail Valley Railroad (OTV) tracks. As soon as we receive the bill for this structure from Otto's Welding, Albright plans to forward the billings to Northwestern Power Equipment Company for their consideration for payment,

Mediation Project Team (PT). The BRRWD will hold their next PT meeting on Thursday, December 13, 2007, at 1:30 PM in the MSUM Science Center near Glyndon. The office will send notices. VanAmburg attended the 10/30/07 Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) meeting in Crookston. He said that a paper regarding culvert sizing was presented. The RRBFDRWG is looking for a Watershed District that is willing to apply the results of this study in their district. The Board discussed various culvert-sizing programs in other Watershed Districts.

Clay County Ditch No. 49. Keith Brendemuhl has expressed concerns about enlarging any culverts on the ditch system. The culvert changes were proposed following H.E.'s recommendations. The Board discussed Brendemuhl's concerns. A hearing will be held this winter for the redetermination of benefits, and the proposed structure changes can be discussed then,

Wilkin County Ditch No. 40. Albright and Dave Yaggie inspected the ditch on 10/29/07 after the crop was harvested. Albright noted that there are a couple of sites where water breaks out of the ditch and flows south. He added that the ditch is quite shallow. Yaggie feels that the ditch should be cleaned. Albright told him that after the Lawndale Creek Restoration project is completed, the Board might consider a ditch cleanout project. Roger Lundberg will be checking on beaver activity on County Ditch No. 40 yet this fall. Jones is working on his review of the DNR hydrology report for the Lawndale Creek Restoration project. The Board authorized Jones to review the DNR's work and prepare a report regarding how it could impact the County Ditch No. 40 system (Minnesota Statutes Annotated (M. S. A.) 130E.227, Subd. 3). Jones will look closely at the DNR's proposal to block the natural waterway during the two-year revegetation period, which would force County Ditch No. 40 to handle the entire area drainage. The Board might be ready to hold a project hearing in January or February 2008.

Comprehensive Planning. H.E. has completed as much of the Plan writing as they can until the CAC/TAC meetings later this fall where the members will review regional problems and identify solutions. The next step now is for Jones and Albright to proof the draft plan. According to the Board's wishes, Deutschman included a section on lake management. Albright provided copies of that section for the Board's review and comment.

Becker County Ditch No. 5. Sellin Bros. have completed their work for the year. They will come back in the spring to level the spoilbanks, as the site is currently too wet to work.

Albright, Jones, and Manager Hanson had a field meeting with the Becker SWCD, the USFWS, and landowner Todd Branden on 10/25/07 to discuss the Froysland dam repair. USFWS has agreed to the wishes of the Becker SWCD and Branden, who wanted the dam replaced to the original configuration per the BRRWD's repair plan. Sellin Bros. have already completed the dam repair and seeding. The Board reviewed photographs that Opsahl took of the completed project.

The USFWS has plans to install a second structure upstream of the Froysland dam on Becker County Ditch No. 5. Hanson commented that the USFWS was interested in an earthen structure. Jones said the proposal is for a ditch plug with a smaller emergency spillway. Albright used the board to illustrate the USFWS's proposal. He explained that with a second structure in the referenced location, they could incorporate some flood damage reduction (fdr) benefits in terms of additional retention capacity and provide for better waterfowl/wildlife management. The Board discussed the USFWS proposal. VanAmburg noted that there

would be some natural resource enhancement (nre) benefits in terms of additional storage capacity. USFWS requested that H.E. provide a structure design. Jones explained that he would only be preparing a conceptual design, without detailed specifications. USFWS would handle the final plans and landowner easement acquisition. Since the project is on County Ditch No. 5, the BRRWD would probably need to hold a ditch system hearing, but the actual design work would be paid for through either our RRWMB Construction Account or the Survey and Data Acquisition fund. Jones estimated his work would cost about \$3,000 to \$5,000. **Motion** by VanAmburg to authorize H.E. to prepare a design for the USFWS project. **Seconded** by Hanson. **Approved.**

RRWMB Dispute Resolution. BRRWD Lobbyist Joel Carlson suggested that the BRRWD setup meetings with Representative Lanning and Senator Langseth later this year to discuss the extension of our M.S.A. 103D.905, Subd. 3, levy increase, which will end in 2008. Albright plans to schedule those meetings sometime in December.

Becker County Ditch No. 19. Albright noted that the landowners have been advised that the BRRWD did not levy a 2008 assessment for this ditch system. We plan to schedule a meeting regarding their request for ditch abandonment later this winter.

2007 MAWD Annual Meeting. The Minnesota Association of Watershed Districts (MAWD) 2007 Annual Meeting will be held on 11/30-12/01/07 at the Arrowwood Resort, Alexandria. The office has sent in all the Managers' registrations. The office also submitted the nomination application for the Barnesville High School River Watch Water Quality Monitoring Program for the 2007 MAWD Program of the Year. Albright had a copy of the application for the Board's review.

The office ordered lighted key chains from John Martinson in Detroit Lakes for our Trade Show booth promotional item. Albright distributed copies of the 2007 proposed resolutions/Policy Committee recommendations for the Board's review.

Stinking Lake/Hay Creek CWL Funding Application. The H.E. Minneapolis office is working with the BRRWD and the Becker SWCD to prepare the CWL funding application for bufferstrips and erosion control for Stinking Lake/Hay Creek. The Becker SWCD partnered with the BRRWD in this effort. The application deadline is 11/15/07. The Board reviewed the application. The total project cost is estimated at \$229,000. Albright said that if the BRRWD offered matching funds, it would improve our application's overall score. The Board discussed cost sharing for the project. Albright suggested that we could redesignate part of our regular annual contribution to the Becker SWCD as matching funds for this project over a 1-2 year period. **Motion** by VanAmburg to contribute approximately 20% of the estimated project cost, or \$50,000, as matching funds to the Stinking Lake/Hay Creek CWL project. **Seconded** by Olson. **Approved.** Albright will meet with Brad Grant, District Administrator, Becker SWCD, on 11/15/07 to review the application.

Clay County Ditch No. 33 Repair. Albright and Manager Olson met with Dan Rosenfeldt on 10/05/07 regarding his request for a ditch repair. The last time Clay County Highway Department cleaned County Ditch No. 33, they didn't clean the entire channel in Sections 21 and 22, Kurtz Township. Rosenfeldt has asked the BRRWD to clean the remaining stretch of the ditch to grade. Albright noted that H.E. has already completed a survey for the ditch. Adam Grothmann, Northern States Excavating, is in the area and could do the repair. Opsahl would need to obtain signed permission to deposit spoil forms from the affected landowners. **Motion** by Olson to approve the requested ditch repair. **Seconded** by Hanson. **Approved.**

Clay County Ditch No. 36. Holy Cross Township contacted Albright this summer regarding an erosion slide in the NE¼, Section 8, west of T.H. 75. At first, they planned to hire a contractor to do only a limited repair of the slide site. However, the project expanded to include a much larger cleanout area (0.5 miles). The contractor also left spoil piled along the ditch on top of the slide area, which might only make the erosion worse. The Board discussed the Township project. Albright noted that when the Township discussed their project with him, he thought it would be in a very small area. The Township will have the contractor spread the spoil along the road. The Township has also agreed to pay for the work.

Thank You Card. The Pender family acknowledged the BRRWD's sympathy card regarding the death of Howard Pender, Sr.

Red River Basin Mapping Initiative (RRBMI). The International Water Institute (IWI) forwarded a fact sheet regarding the RRBMI for the Board's review. The IWI has called for Request For Proposals (RFP) for the project. The RFP deadline is in early December.

City of Hawley. Albright and Manager Nelson met with the City of Hawley on 10/23/07 and various environmental agency personnel regarding the Buffalo River erosion in Hawley and along T.H. 10. Luther Aadland, DNR, suggested that the City consider a possible long-range plan to address channel restoration. MNDOT has agreed to conduct an area survey. The Board reviewed Farm Service Agency (FSA) aerial maps, showing how the channel has moved over the years.

The Board discussed the concerns about the deteriorating diversion pipe on Project No. 32. Jones noted that their attempts last year to repair the pipe failed. Jones has contacted Hancock Concrete Products Company regarding possible culvert replacement. To date, there has been no response. The Board discussed the culvert's warranty period. The City is concerned about this issue, and they would like to meet with Hancock.

United States Geological Survey (USGS). Manager Nelson attended a USGS meeting last week. The operating cost for the stream gauges is going up. The BRRWD shares the cost (50/50) for the Sabin and Hawley gauges with the USGS. The BRRWD contributes \$2,345.00 for the Sabin gauge and \$1,890 for the Hawley gauge.

Clay County Ditch No. 32. Earlier this summer, the Board authorized Jerdee Bridge Company to repair a private bridge that was accidentally burned last fall in Section 15, Kurtz Township. Jerdee recommended that the Board consider a bridge replacement in the near future. On 10/22/07, the Board authorized H.E. to prepare a report regarding a replacement structure for the bridge. Jones recommends that the replacement structure consist of two lines of 117" x 79" CMPA. He suggested that we could use salvaged pipe from the City of Moorhead's 34th ST Interchange project in Clay County Ditch No. 47. The culverts would come from a crossing over County Ditch No. 47 west of RDO Equipment, just south of I-94. The culverts would need to be extended to provide enough length for sloping the driveway. In addition, some of the ditch inlet culverts near the bridge would have to be relocated because of the longer culvert structure. The estimated cost for the salvaged culverts and adjacent inlet culverts is \$27,940.00. We could credit half that cost back to Project No. 35, Clay County Ditch No. 47 for the used culverts. Jones added that if the existing inlet pipes are in good condition, they could be reset, which would reduce the cost for the project. Albright will contact David L. Overbo, Engineer, Clay County Highway Department, regarding a three-way cost split for this project. **Motion** by VanAmburg to approve the proposed three-way cost share with Clay County Highway Department, the landowner, and County Ditch No. 32. **Seconded** by Nelson. **Approved.**

Culvert Repair Request. Orlen Valen, Jr. would like the BRRWD to repair two culverts on Clay County Ditch Nos. 40 and 11N. The concrete culverts are separated and the ends are falling off. **Motion** by Olson to authorize the referenced repairs yet this fall. **Seconded** by Hanson. **Approved.** The Board discussed possible repair options.

Red River Basin Monitoring Network. There is a Red River Basin Training Workshop on Data Analysis and Reporting scheduled for Wednesday, December 12, 2007, from 9:00 AM to 4:00 PM at the Energy & Environmental Research Center (EERC) in Grand Forks, ND.

Clay/Wilkin Judicial Ditch No. 1 (J.D. 1). Lynn Brakke has a private ditch on the west side of his farmstead that outlets to J.D. 1. Currently, there is one 24" dia. culvert and one 36" dia. culvert, which are both gated. He would like the BRRWD to replace the 24" dia. culvert with a 36" dia. culvert as a ditch expense. Albright noted that since the private ditch is located near the outlet of J.D. 1, it would be better if water could get into J.D. 1 ahead of upstream flows. Otherwise, the gates close, and the water stands on Brakke's property until the ditch drains down. **Motion** by VanAmburg to approve the culvert/flapgate replacement as a ditch system expense. **Seconded** by Hanson. **Approved.**

Anderson Wildlife Production Area (WPA). Kathy Henry, USFWS, contacted the office regarding a high water problem on the Anderson WPA. They want to install a siphon system to lower the water levels on a temporary basis. The neighboring landowner, James Hass, has given his approval. Henry questioned the permitting requirements for this type of project. Albright will contact her regarding this proposal. The water is being lowered because minnows have entered the wetlands.

Hamden Lake. Scott Kahan, USFWS, would like to meet with Albright and Manager Hanson to discuss a possible project in the Hamden Lake area. Kahan has scheduled a meeting for 11/21/07 at 9:00 AM in Detroit Lakes.

Ditch System Grass Seeding. Nathan Gannon, Clay County Highway Department, contacted the office regarding several centerline structure replacement projects on Clay County Ditch Nos. 39, 40, 12, and 5, which required reseeding on the ditches over the structure. The County asked if the BRRWD would pay for the seeding. The total bill is \$2,400. **Motion** by Hanson to pay the seeding costs as ditch system expense. **Seconded** by VanAmburg. **Approved.** Albright will contact Gannon.

Minnesota Wetland Conference. The First Annual Minnesota Wetland Conference, hosted by the Minnesota Wetland Professionals Association and the Minnesota Wetland Delineator Certification Program, will be held on January 30, 2008, in the Continuing Education Conference Center, University of Minnesota, St. Paul. The conference is entitled "Hydrology: Issues and Answers". The information will be on file in the office, if anyone is interested in attending.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Barnesville Phone Co.	10/25/07 billings	Admin	\$ 162.37
Bruce E. Albright	MN Viewers Assoc. mtg.	Admin	\$ 102.26
City of Moorhead	2007 mowing/cleaning	Pjs. 33, 34, 35, 36, 37, 43	\$ 70,765.61
Clay Co. Treasurer	12th AVE S grading	Pj. 51, Clay 68	\$ 32.98
Cooper's Technology	2008 desk calendars	Admin	\$ 6.28
Curtis M. Nelson	Voucher #0723, 9/01-10/31/07	Varies	\$ 1,316.75
Dan Pixley	Lot 9A security refund	Pj. 49, Oakport	\$ 6,500.00
Elmwood Township	Beaver trapping	BWSR Beaver Grant	\$ 180.00
Gerald L. VanAmburg	Voucher #0725, 9/01-10/31/07	Varies	\$ 1,415.36

Harvey Lane	Lots 12A, 7C, 13B refund	Pj. 49, Oakport	\$ 3,100.00
Haugens Landscaping	Branden Dam Seeding	Becker 5	\$ 500.00
Houston Engineering, Inc.	September billing summary	Varies-see attach.	\$ 57,604.25
John E. Hanson	Voucher #0722, 9/01-10/31/07	Varies	\$ 1,242.43
Johnston Fargo Culvert	#152135 Froysland stoplogs	Becker 5	\$ 798.82
Landrum Gun Club	Wetland structure repair	M.S.A. 103D.905, Subd. 3	\$ 3,594.00
Northern States Excavating	#440, 441, 442, repairs	Clay 11, 21, 58, 32, 40	\$ 8,281.05
Petty Cash	Postage, supplies, etc.	Admin	\$ 100.00
Premium Waters, Inc.	#366590, supplies	Admin	\$ 19.50
Randy Rick	September management fees	Pj. 49, Oakport	\$ 250.00
RMB Laboratories	WQ Testing #69944, #69936	M.S.A. 103D.905, Subd. 3	\$ 1,021.50
Roger G. Ellefson	Voucher #0721, 9/01-10/31/07	Varies	\$ 1,091.89
Roger Lundberg	Beaver removal	Pjs. 8, 13, 16	\$ 1,621.92
Sellin Bros., Inc.	#7397, Froysland dam	Becker 5	\$ 7,547.18
Sellin Bros., Inc.	#7398, repairs	Becker 5	\$ 33,094.45
The Forum	#CL01381050, demolition bid ad	Pj. 49, Oakport	\$ 26.64
The Forum	#CL01382635, Oakport EAW	Pj. 49, Oakport	\$ 11.60
Vogel Law Firm	Oct. Billing-#22, Nos. 11/22	Admin/Pj. 49, Oakport	\$ 125.50
Wilkin Co. Treasurer	Holubok property taxes	Pj. 56, Manston	\$ 1,622.40
WREC	9/18/07-10/19/07 service	Pj. 46, Turtle Lake	\$ 171.05
			\$ 202,305.79

Beaver Control. Albright noted that Elmwood Township submitted a bill for \$180 for beaver control. Last year, two local landowners trapped 18 beavers on the outlets of BRRWD ditch systems in Elmwood Township. The Township is requesting that the BRRWD pay half their \$20 bounty, or \$10/beaver. Albright pointed out that Roger Lundberg, who is a licensed trapper, receives \$25/beaver. **Motion** by Nelson to pay Elmwood Township's beaver control costs. The payment will come from our BWSR Beaver Control Challenge Grant account. **Seconded** by Hanson. **Approved.**

The Board discussed contacting Midwest Bank to obtain a loan to cover tonight's bills and the Fetzer home buyout, scheduled for 11/20/07. **Motion** by Hanson to approve payment of the bills and to authorize Albright to contact Midwest Bank regarding a loan. **Seconded** by Nelson. **Approved.**

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, November 26, 2007, in the Barnesville office at 7:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 10:20 PM.

Respectfully submitted,

John E. Hanson, Secretary