The Board of Managers, Buffalo-Red River Watershed District (BRRWD) held their regular meeting on Monday, November 27, 2006, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Curtis M. Nelson, E. Robert Olson, Gerald L. VanAmburg, and John E. Hanson. Others attending included: BRRWD Administrator Bruce E. Albritton, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.); and landowners Brian Meyer, and Ron and Monica Ostermann.

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

**Secretary's Report.** The Board reviewed draft minutes for the 10/30/06 Pete/Grove Lakes informational meeting. **Motion** by Nelson to approve the minutes. **Seconded** by Hanson. **Approved.**

**Treasurer's Report.** The Board discussed their current financial status. Albritton provided a copy of the current balance sheet for the Board's review. Midwest Bank has prepared loan documents for the Brewer home buyout associated with Project No. 49, Oakport Flood Mitigation. **Motion** by Hanson to authorize Nelson to sign the loan paperwork and to approve the Treasurer's Report. **Seconded** by VanAmburg. **Approved.**

**Business brought before the Board included:**

**Permit No. 06-127, Brian Meyer.** Applicant proposes to repair an erosion site on Whisky Creek along his property at 361 2nd St NE in Barnesville, MN. The river bank is eroding behind his garage in an area approximately 80' long, which could cause bank failure and property loss. The existing slopes near his garage are almost vertical. There is a section 20' long that has a 10'-12' vertical drop. Repair work could include tree and brush removal, adding fill to the creek slope, filter fabric and riprap installation to protect against future erosion, and seeding. Meyer submitted an application/letter including three project alternatives for correcting the bank erosion to the BRRWD, Minnesota Department of Natural Resources (DNR), Clay Soil and Water Conservation District (SWCD), and the Army Corps of Engineers (COE). To date, he has not had any response from the DNR regarding his application.

Meyer discussed his concerns about the erosion. His garage foundation is cracking, and he would like to get something done yet this fall, if possible. He noted that the river bank erosion is even worse along his neighbor's property. Meyer would at least like to have a project design prepared yet this fall. Albritton noted that the DNR will want to see a project plan before issuing a permit. He explained that once the DNR receives his permit application and plan, they send it out to several agencies for a 30-day comment period. Once the comment period is up, they use the comments to prepare the permit. Albritton added that we have not received a DNR notice regarding Meyer's project. He estimated that it could be several months before Meyer receives a DNR permit. Meyer is working with the Clay SWCD to schedule the Natural Resource Conservation Service (NRCS) to conduct an area survey, but
to date, NRCS has not completed this work. The group discussed Meyer's options. Jones said that the BRRWD could ask the agencies who receive the DNR comment requests to expedite their response. Ellefson suggested that Albright could contact Robert G. Merritt, Area Hydrologist, DNR, to check on the status of Meyer's permit application. Albright will contact Meyer if Merritt wants to schedule a field review. Meyer questioned if it would be quicker for him to hire a private engineering firm to do the survey. Jones said that a plan could narrow the project scope, with a few alternatives for the DNR to review. He will contact Meyer with a survey cost estimate.

Project No. 49, Oakport Flood Mitigation. Landowners Ron and Monica Ostermann discussed their concerns regarding the status of their home buyout purchase agreement. The Ostermanns paid Dennis Huber for a second appraisal that came in at $152,500. BRRWD Appraiser Guy Miller valued the house at $139,800. There is about a difference of about $12,700, which is 9.5% greater than the original appraisal. After reviewing the second appraisal, Miller had several questions regarding its accuracy. He felt that the BRRWD shouldn't accept the appraisal even though the value was within the 10% range. The Ostermanns' appraiser claims that Miller's appraisal is flawed. In addition, Ostermanns' appraiser charged them $150 to respond to Miller's review of his work. Monica Ostermann questioned if the BRRWD planned to pay for their additional charges. Albright explained that the BRRWD has not paid second appraisal costs for any of the other Oakport homeowners. Ostermann felt that since the BRRWD requested their appraiser do the extra documentation, we should pay the costs.

Monica Ostermann said that since their appraisal was within 10% of the BRRWD original appraisal, she questioned why we couldn't just move forward with the buyout. She is concerned about the BRRWD's contract deadline of December 31, 2006. Albright explained that since our appraiser has concerns about the second appraisal's accuracy, the BRRWD is obligated to follow-up on Miller's concern. He added that the BRRWD set the December deadline date last summer before we knew how long this buyout process was going to take. A more realistic deadline could be May 1, 2007. He questioned if their abstract was up to date. Ostermann said there didn't seem to be any issues with their abstract, only with the appraisal. They are anxious to have this appraisal issue resolved, as they have found a house they would like to purchase. More discussion followed regarding the appraisal criteria. It may be necessary to obtain a third appraisal. Albright shared BRRWD Attorney Corey Elmer's email messages regarding the Ostermann appraisal. He noted that he will see Elmer in the morning for the Brewer closing and will ask him to get in touch with the Ostermanns as soon as possible.

The Steering Committee met on 11/16/06 at the Moorhead Police Department. Albright will schedule a Buyout Committee meeting in December.

Later in the meeting, Albright noted that the office has received property tax notices for the buyout properties. He suggested that we notify the Clay County Assessor that the BRRWD plans to either move or demolish the houses in 2007. The Board agreed that the Assessor should probably reconsider the taxable market value for those properties. The County has scheduled a meeting on 12/07/06 for landowners to question their valuations. Manager Olson thought someone should attend the meeting. Albright also mentioned that the Assessor sent the BRRWD Homestead Credit notices for these properties. He didn't think the houses would qualify for the credit, as they are vacant.

Permit No. 06-104, Paul Crume. At the 11/13/06 meeting, the Board tabled this permit application to install a dike along the quarterline in the NW¼, Section 17, Riverton Township, Clay County, pending a Clay SWCD area drainage survey. To date, landowner Paul Brendemuhl has not contacted the office regarding the status of this work. Tabled.
Permit No. 06-125, Menards, Inc. First Addition. Applicant proposes to construct a Menard's Store in Moorhead at 3000 27th AVE S in Section 15, Moorhead Township, Clay County. The overall development will be Menard's First Addition and will include 65 acres. The store will cover approximately 24 acres of the First Addition. The plan includes two stormwater detention ponds to handle the 100-year rainfall event with 2.5' of freeboard for the fully developed 65 acres. A 36" dia. reinforced concrete pipe (RCP) will act as an equalizer pipe between the north and west ponds. This will allow the ponds to rise and fall together. Drainage will be into the 24th AVE storm sewer system to a lift station that eventually drains into Clay County Ditch No. 47, for which the property is assessed.

The project calls for the elimination of 28th AVE S just north of Interstate-94 (I-94) and the construction of 27th AVE S along the south side of the Menard's store. The southern portion of the site is also assessed to drain to Clay County Ditch No. 30. Jones used the plan drawings to explain the project to the Board. He recommended permit approval. **Motion** by Olson to approve Permit No. 06-125. **Seconded** by Nelson. **Approved.**

Permit No. 06-128, Brookdale Baptist Church. Applicant proposes to do site paving, grading, and utility work for their church building expansion in the northwest corner of the Southfield Estates (40th AVE and 14th ST S) in south Moorhead. It appears that site drainage will flow south to an area holding pond. **Tabled** pending Jones' review and recommendations. Currently, Jones is waiting for information from Ulteig Engineers, Inc. (UEI). The City of Moorhead has reviewed the plans, and UEI made changes to meet the City's recommendations.

Permit No. 06-132, Qwest. Applicant proposes to bore under Clay County Ditch No. 30 at a depth of 6' to provide telephone service for a Minnesota Department of Transportation (MNDOT) connection near 28th AVE S in Section 17, Moorhead Township, Clay County. **Motion** by VanAmburg to approve Permit No. 06-132, subject to our standard utility disclaimer. **Seconded** by Hanson. **Approved.**

Permit No. 06-133, Clay County Highway Department. Applicant proposes to install a field approach off from County Road (C.R.) No. 51 with a 30" dia. corrugated metal pipe (CMP) in the NW1/4, Section 31, Barnesville Township. The downstream culvert is a 36" dia. RCP, and the next upstream culvert is a 24" dia. RCP. The renter would like to have a separate field approach, as he currently has to access the field through the farmsite. **Motion** by VanAmburg to approve Permit No. 06-133, subject to Manager field review. **Seconded** by Hanson. **Approved.**

Permit No. 06-134, Robert Klein. Applicant proposes to install a berm along the east side of his property in the SE1/4, Section 9, Kurtz Township, off the Township right-of-way (r-o-w) to protect his property from flooding. Olson field reviewed this area last week. The Board discussed Klein's ongoing work in this area. Albright visited with Fitzgerald Construction, Klein's contractor, on 11/30/06 to find out what Klein's plans were. Albright explained to Fitzgerald that Klein did not have a permit for a berm on the east side of his property. Robert Klein, Jr., applied for a permit on 11/14/06. There are new culverts lying on the on the south end of the township road adjacent to Ditch No. 32 along the east side of Section 9. It is not clear who plans to install them. Neighboring landowners both north and south of Klein's project site have contacted the office regarding his work. Albright and Manager Olson will conduct another field review tomorrow morning. **Tabled.**
Stanley Crume Ditching Complaint. Albright met with Jane Butzer and Allen Milbradt, MNDOT, for a field meeting on 10/27/06 to review Stanley Crume's ditch work and drainage concerns along Trunk Highway (T.H.) No. 10 in Section 8, Riverton Township, Clay County. Crume sent a letter to the BRRWD regarding several drainage concerns he has regarding MNDOT's work along T.H. 10. Curtis Nelson, Lake Park, operates Crume's property and did the ditch work. According to Farm Service Agency (FSA) aerial maps, it appears the ditch work could be draining some designated wetlands. Stanley Crume is concerned about increased water draining past his buildings. He alleges the water is coming from the MNDOT road project in his area. However, from his observations during the field review, Albright feels that Nelson's ditching in Section 9 is directing more water towards Crume's farmstead. Tabled. Albright will be send Crume and Nelson letters to explain area drainage and to ask Nelson to file a BRRWD permit application for his work.

Permit No. 06-135, Mic Schwindt. Applicant proposes the Tree Story Second Addition in Section 17, Oakport Township, Clay County. The development will contain 10 lots and a stormwater detention pond. Tabled pending Jones' review and recommendations.

Minch and Johnson Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 8:00 PM to discuss the status of both lawsuits. At 8:45 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 for Girten to contact the office.

The office has been contacted regarding work that Curtis Nelson, Lake Park, has done in the W½, Section 5, Riverton Township, south of the Buffalo River. Nelson installed a ditch off from T.H. 10 that drains directly into the Buffalo River. On 11/13/06, the Board authorized Albright to send a letter to Nelson to inform him that he needs to apply for a BRRWD permit for this work and that there may be possible violations regarding DNR protected waters. Tabled.

Grove/Pete Lakes Outlet. The BRRWD held a landowner informational meeting on 10/30/06 to discuss concerns regarding high water in the Grove Lake area in northwestern Otter Tail County. At the 11/13/06 meeting, the Board approved a motion to continue to develop a project for an outlet to Grove Lake. Terry Lejcher, Area Hydrologist, DNR, recently informed Jones that he has Ordinary High Water (OHW) elevations for most area lakes. Jones has prepared a mailing list to send permission to survey forms to affected landowners. Ellefson was concerned that if the project cost estimate comes in high, it might discourage the landowners. Jones felt that if the project scope is to maintain or only slightly lower the lake, the project costs should be minimal.

Dale Fischer Diking Complaint. On 6/15/06, Albright met with Fischer onsite along County State Aid Highway (CSA) No. 26 to view drainage problems associated with an alleged ditching 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 SE¼, claims that spoil from Zimmerman's ditch cleanout project was placed on the east-west quarterline between their two properties, causing wet areas in his field and delaying his spring planting. Zimmerman claims Fischer has always had a water problem in the SE¼, Section 32. Many years ago, Fischer tried to drain his 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, also wrote a letter to the BRRWD on 9/29/06
regarding Zimmerman's dike work. He claims the work made approximately 10% of the cropland, or 14 acres, unusable. FSA aerial photographs from 2003 and 2004 show wet areas in Fischer's field prior to Zimmerman's alleged 2005 diking project. In addition, several of those wet areas are designated as wetlands on the FSA map. Albright will send a letter to Svenkeson and Fischer regarding the FSA photographic evidence, advising them that they will need a BRRWD permit for any drainage activities related to the wetlands in SE¼, Section 32. Sharon Lean, District Conservationist, NRCS, should also review the proposal. The letter will encourage the neighbors to work together to try to find a solution to their drainage problems.

**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 28, Highland Grove Township, Clay County. His neighbor did not have a BRRWD permit for the work. Manager Nelson, Sandman, and Wade Opsahl, Technician, H.E., conducted a field review on 10/31/06. They found that Brian Peterman has several ditching sites in Section 28 where he has cleaned and possibly deepened existing ditches to improve drainage. These ditches drain into a low unfarmed area near the center of Section 28 that does not have a defined outlet. When water gets high enough, it breaks out to the south and west across land owned by Sandman, causing erosion and crop damage. Nelson noted that during the field review, they saw that several of the ditches were into the clay by 3"-4". Nelson said that Sandman is more concerned with the accumulative effect of the ditching his neighbors have been doing over the years. Nelson thought some of the water could end up draining into Clay County Ditch No. 16. At the 11/13/06 meeting, the Board approved a motion to authorize Albright to send Peterman a letter advising him that he should file a BRRWD permit application for this work. In addition, he should consider working with his neighbor to address the volume of the flow coming off Section 28, as it has the potential to cause erosion on his neighbor's property. **Tabled.**

**Stulz/Fischer Drainage Issues/Concerns.** On 11/20/06, Albright conducted a field review of the alleged work Stulz's neighbors, Keith and Dale Fischer, completed in Section 25, Moland Township. On 11/17/06, BRRWD Attorney Tami Norgard sent Fischers a letter regarding their drainage/diking activities, requesting them to restore the area in accordance with the BRRWD's decision regarding this area last year when they designated the 9/07/05 area conditions as status quo. Anyone planning any future projects to alter the drainage in Section 25 must apply for a BRRWD permit. The Board also stated that they would take action on any violations in accordance with our Rules. The Board discussed Fischer's attempt to restore the area. Albright noted that Stulz was not satisfied with Fischer's work. The Board felt that Fischers had complied with their requests.

**Matter WPA Restoration Seepage.** Landowner Jerry Matter contacted the BRRWD office with concerns about alleged seepage from a United States Fish and Wildlife Service (USFWS) Wildlife Production Area (WPA) in Sections 15 and 22, Riceville Township, Becker County. Albright and Matter conducted a field review on 11/21/06. Albright had also invited Larry Hanson, USFWS, to participate in the field review, but Hanson could not attend. Matter feels that there are about 8-10 different seepage areas adjacent to the USFWS property. He thinks that he will need to install either drain tile or a seepage control ditch around the entire perimeter of the USFWS property. Albright prepared a memo regarding the field review. He plans to provide Matter with a copy of the USFWS Permit No. 00-36 and a map showing all of the wetland restoration sites. Matter will mark the seepage areas on the map and draw in the proposed ditches. Albright will then send this information to the USFWS for their review. Matter will contact Ellingson Companies (drain tile installer) with the information as well. The Board also discussed seepage coming from Section 28, Riceville Township, which goes across Matter's property in Sections 21 and 22, Riceville Township. Several years ago, Dr.
Jimmie Richardson, North Dakota State University (NDSU), reviewed this site and determined that the USFWS wetland restorations were causing the seepage. The BRRWD never issued a permit to the USFWS for that particular project. The Board noted that the USFWS agreed to address any seepage issues in this area related to their WPA restorations. When Matter determines how he wishes to address the seepage problem, the Board will meet with Matter and the USFWS.

**Ditching Complaint.** A landowner in Cromwell Township contacted the BRRWD office with a complaint regarding Randy Dickhaus' ditch work in the NE¼ and W½NW¼, Section 22, Cromwell Township, Clay County. Dickhaus did not have a BRRWD permit to do the work. Albright sent Dickhaus a letter, a permit application, and a copy of the BRRWD Rules for his review. Sharon Lean, District Conservationist, NRCS, called the office today. She said the project is actually filling in a ditch, as the USFWS requested the work. **Tabled** pending Manager field review.

**Hein/Felker Dispute.** The Board reviewed photographs taken by Albright regarding Shawn Felker's 2006 complaint about a ditch cleaning project his neighbor, Bruce Hein, completed in Section 17, Audubon Township, Becker County. Albright sent Hein a letter documenting his neighbor's concerns and the BRRWD's desire for the neighbors to work together.

**Merle Nelson Diking Complaint.** Albright noted that Merle and Bruce Nelson and Terry Czichotzki have resolved their drainage issues in Section 28, Atherton Township, Wilkin County. However, they have asked the BRRWD to assist them in investigating a possible outlet ditch that could drain north to Deerhorn Creek. Ellefson thought the other neighboring landowners might have concerns about this proposal, as water could likely break out across their property during high water events. He also questioned who would pay for the proposed ditch. The Board will work with the landowners regarding this issue.

**Solum Ditching Complaint.** Albright and Ellefson met with Dan and Kevin Solum and Brian and Brent Haugrud last week to find a compromise to their dispute regarding drainage in Section 23, Prairie View Township, Wilkin County. The Haugruds allegedly used their tillage equipment to fill in a waterway on their property downstream of Solums' property. It appears that they placed about 2' of fill in the outlet channel. Last week, Haugruds cleaned the ditch according to the BRRWD's order for them to restore the ditch to the original elevation by 11/20/06. Solums agreed that the ditch bottom is now at an acceptable elevation. Albright and Opsahl surveyed the ditch on 11/24/06 to document the elevations. Albright noted that the ditch is still about 7" higher than the original elevation. Albright will send the landowners copies of H.E.'s survey. Wilkin County Commissioner Lyle Hovland agreed with the BRRWD's actions.

**Project No. 13, Bjornson Detention.** Albright noted that Dave Ackerson contacted the office regarding beaver activity on Hay Creek downstream of the Bjornson Wildlife Management Area (WMA). Albright contacted The Nature Conservancy (TNC) to request a permit to access their property to remove the beavers in the NE¼, Section 1, Elkton Township, Clay County. To date, we have not received the permit from TNC. The Board suggested that Albright could call the TNC state office.

**Project No. 57, Moorhead/I-94 Flood Control.** The project has been completed, and the office is working on the bond sale. H.E. is preparing the r-o-w easement for recording.
Project No. 56, Manston Slough Restoration. The soil borings are finished. Rick St. Germain, H.E., expects to file the Engineer's Report in January. Albright met with landowner Dennis VanWechel regarding the project. In addition, St. Germain wants to hold a meeting with the road authorities in December. Albright will also ask Wilkin County for a Ditch No. 6A benefit map.

Project No. 54, Whisky Creek Tributaries. Adam Grothmann, Northern States Excavating, plans to reset the culvert in Greg Settelmeyer's driveway this week. The Board discussed problems with the culvert installation done by Contractor Darvin Temanson, Dirtworks, earlier this fall. Settelmeyer contacted the office with complaints about the poor installation. Temanson installed the culvert without coordinating his work with Opsahl or obtaining authorization to do the work. The Board felt that they wouldn't be able to pay Temanson since his work was unsatisfactory.

Grothmann has completed the township road ditch repair work for Scott and Betty Anderson regarding their drainage concerns pertaining to the impoundment site embankment levee along the north side of Section 14, Barnesville Township. Anderson was satisfied with the work. Dennis Drewes, Inc., will be working on the Federal Emergency Management Agency (FEMA) repairs for sections of "east tributary" in the next few days. The work includes installing rock drops, flattening slopes, etc.

Project No. 51, Clay County Ditch No. 68-City of Glynden. Jones reported that Contractor Ronald Erdman, Allstate Construction, has completed the project, including seeding and mulching. Albright drove the project last week and thought it looked very good. Manager Nelson also commented on the quality of the work. There have been a few complaints about the condition of 12th AVE S west of Parke Avenue where the contractor installed a new box culvert. Jones will have the road maintained this fall after freeze-up to smooth out the road surface. Opsahl may also have more gravel applied to the road, if necessary.

H.E. submitted Pay Request No. 4 for Allstate Construction in the amount of $11,244.84. The BRRWD is still retaining 5% of the contract amount or $8,748.09. Motion by VanAmburg to approve the pay request for the referenced amount. Seconded by Nelson. Approved.

Project No. 46, Turtle Lake Outlet. Sellin Brothers, Inc., removed the defective valve on the outlet of the Long Lake siphon and Opsahl shipped the valve to the manufacturer for repairs. To date, Opsahl has not heard about the status of the valve repair. Turtle Lake homeowners have been in contact with the BRRWD office regarding the siphon operation.

Don Krabbenhoft, Elkton Township, has contacted the office regarding beaver activity on Hay Creek east of Downer. The Township feels that because of increased water in Hay Creek from the Turtle Lake project, beaver activity has increased in this area. They would like the BRRWD to contribute funding to their beaver removal costs. The Board didn't feel the Turtle Lake project was the cause of the beaver activity, as the project has not been operating for the past several months, and agreed not to contribute any funding to the Township for beaver control expenses in this area.

Project No. 38, Farmstead Ringdikes. Albright has not had time to forward the revised Kragnes ringdike plans to Ed Fick, FDR Hydrologist, DNR Waters. Albright also has to meet with Mark Rustad regarding his concerns about the cost of his 2005 ringdike. Ross Rehder has not gotten back to Albright to discuss payment options. When the Clay County Planning and Zoning Committee met on 11/21/06, they approved the Butze ringdike Conditional Use Permit (CUP), subject to a sewer/septic system inspection. Butze has not yet determined if he wishes to continue with the ringdike project in light of the CUP requirements.
**Project No. 35, Clay County Ditch No. 47.** Albright noted that Ziegler Construction should complete work on the cleanout this week. H.E. has staked the ditch system r-o-w, and Opsahl will post it. This fall, the spoil will be leveled, and next spring, the bufferstrip can be seeded. Olson questioned the status of the trees on the south end of the ditch. Albright said they are on the ditch system r-o-w. Jones thought Brushwacker, Inc., removed some trees and brush when they mowed the ditch system this fall. He wasn't sure precisely where the trees were located, but it could have been the trees in questions. Olson thought those trees were on the north end of the ditch. The Board discussed problems with r-o-w encroachments on Ditch No. 47. Albright felt landowners will be more aware of the ditch system r-o-w once Opsahl posts the area.

The Board discussed the operation of the flapgates on the culverts under the Otter Tail Valley Railroad (OTV) tracks along CSAH No. 52. There are a few different ideas about how to make the gates easier to open. Jones will prepare a draft Operation and Maintenance Plan for the flapgates once a decision has been made about how to open them.

**Project No. 32, Hawley EDA Diversion.** Jones will contact Hancock Concrete Products, Inc., again regarding the 60" dia. culvert repair. They completed the concrete patch work, but because of the cold weather, they did not apply the epoxy. Once the repair is finished, and H.E. has completed an inspection, Jones will send a letter to Hancock, noting that we will continue to monitor the situation to document our concern with the culvert performance.

**Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1).** Opsahl will meet with the ditch committee to conduct the annual inspection. Landowner Rick Meyer was in the office regarding a possible improvement/extension of Lateral No. 3. The Board plans to hold a meeting this winter to discuss the possible project for Lateral No. 3.

**Project No. 29, Log Jam Removal.** William Nichol Excavating has not submitted an estimate for the work on the Buffalo River sites in Elmwood Township. Albright said that a landowner had reported that during deer hunting, he had noticed extensive beaver activities on the South Branch of the Buffalo River, Stony Creek, and Hay Creek.

**Project No. 27, Clay County Ditch No. 55.** MNDOT mowed the Ditch No. 55 r-o-w on I-94 and Brushwacker, Inc. mowed the rest of the ditch r-o-w for cattails per landowner Brian Halverson's request.

**Project No. 23, Becker County Ditch No. 15.** To date, Chad Mattson has not yet started the ditch repairs for Ditch No. 15. Jones reported that he not yet received the USFWS permit to enter their property in Section 9, Hamden Township, for the ditch cleanout. Jones noted that he will call Scott Kahan, USFWS, regarding this issue.

**Project No. 19, Becker County Ditch No. 21.** The office sent a letter to the ditch system landowners regarding the BRRWD's need to obtain r-o-w/access to Ditch No. 21 to do maintenance and repairs. To date, all of the landowners have returned their permission forms, except David Molacek. The Board agreed to wait until the 12/11/06 meeting for Molacek to respond.

**Mediation Project Team (PT).** The BRRWD will hold their next PT meeting on 12/07/06 at 1:30 PM in the MSUM Science Center near Glyndon. The office will send meeting notices.
**Comprehensive Planning.** Albright plans to schedule the Citizens Advisory Committee (CAC) and Technical Advisory Committee (TAC) Kickoff meetings early next year. Given our current heavy workload, the Board decided to wait until later this winter to focus on the planning effort.

**Clay County Ditch No. 34.** Dave Overbo, Engineer, Clay County Highway Department, has authorized a survey of the bridge site in the township road between Section 13, Alliance Township, and Section 18, Barnesville Township, at the outlet of Clay County Ditch No. 34. To date, the survey is still pending. The survey is the outcome of a BRRWD office meeting held on 10/20/06 with landowner Gary Smith.

**Clay County Ditch No. 34.** Dave Overbo, Engineer, Clay County Highway Department, has authorized a survey of the bridge site in the township road between Section 13, Alliance Township, and Section 18, Barnesville Township, at the outlet of Clay County Ditch No. 34. To date, the survey is still pending. The survey is the outcome of a BRRWD office meeting held on 10/20/06 with landowner Gary Smith.

**Dam Retrofit Funding.** At the 10/23/06 meeting, the Board tabled a request from the Fargo-Moorhead Metropolitan Council of Governments (FM MetroCOG) and the DNR to put together a funding coalition to complete the retrofit for the Christine and Hickson Dams on the Red River. They are requesting that the BRRWD contribute $50,000 (3.9% percentage share) to this effort. The Board discussed this request. **Tabled** until the BRRWD has funding available.

**Becker County Ditch No. 19.** H.E. has completed an area lake elevation survey using GPS. Jones reported that the survey shows that at this time, Buffalo, Rice, and Rock Lakes are at essentially the same elevation. Momb Lake is slightly higher. The office has sent the survey to the landowners. To date, there has been no response from the landowners.

**Wilkin County Ditch No. 40.** Mark Yaggie has filed a repair request last summer 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 1960s ditch improvement project plans, they will be able to file their report. Jones contacted the Wilkin County Court House, who has now found the original ditch plans. **Tabled.**

**Becker County Ditch No. 5.** Johnston Fargo Culvert assembled the inlet structure parts for the Froysland and Green dams and delivered them to Sellin Brothers, Inc., who will pour the concrete bases in their Hawley shop. Mark Green notified the office that he would prefer that no one trespass on his property during deer hunting season. We might have to delay the work until next spring.

**2006 MAWD Annual Meeting.** The Minnesota Association of Watershed Districts (MAWD) will hold their Annual Meeting in Alexandria on November 30-December 2, 2006. Albright will be a presenter for the new Managers' orientation session on 11/30/06. All the Managers, except Olson, plan to attend. Albright has submitted the Board's proposed resolution to allow Watershed Districts to pay former Managers a per diem stipend for court appearances. The Board discussed two new resolutions the Delegates will consider at the annual meeting. Albright has submitted the Whisky Creek Tributaries project for the 2006 Watershed Project of the Year award.

**County Plat Book.** The Becker County SWCD has provided the BRRWD with a new plat book.

**RRBC Conference.** The Red River Basin Commission (RRBC) has scheduled their 24th Annual Red River Basin Land & Water International Summit Conference for Tuesday-Thursday, January 23-25, 2007, at the Ramada Plaza Suites in Fargo. Advance registrations will cost $155 and are due by 12/31/06.

**Legal Services.** The office received a letter from the Ohnstad and Twitchell Law Firm regarding the use of their legal services.
**Fargo Flood Control Project.** The City of Fargo is holding a series of informational meetings to discuss the options for the Fargo Southside Flood Control Project. The City Commission has scheduled the meetings for 1:00 PM and 7:00 PM on 12/12/06 and 8:00 AM on 12/13/06 in the City Commission Room. Mark H. Bittner, Fargo City Engineer, is the contact person.

**Clay County Ditch No. 32.** A landowner in the northwest corner of Section 15, Kurtz Township, was burning the Ditch No. 32 r-o-w on 11/08/06 when the fire got away from him and burned a private crossing (bridge) before the Sabin Fire Department could extinguish it. At the 11/13/06 meeting, the Board reviewed photographs Opsahl took of the bridge. Albright recently received the Clay County Sheriff's report. The landowner did not have a burning permit. The Sabin Fire Department submitted a bill to the landowner for putting out the fire. The Clay County Bridge Inspector has also reviewed the site. To date, the office has not received a copy of his report. The Board agreed that we should contact the landowner regarding the damage to the ditch system bridge to find out if the bridge repair costs would be covered under the landowner's personal homeowner's liability insurance. Albright and Manager Olson will field review the site tomorrow. Albright will check with the Clay County Highway Department to determine the extent of the bridge damages. The Board didn't think it would be fair for the ditch system landowners to pay for the damages caused by one individual.

**Consulting Services.** Jerry Bennett, JBA Limited, Inc., sent the BRRWD letter regarding his consulting services. The Board discussed Bennett's proposal.

**Clay County Ditch No. 33.** Landowner Tim Thompson filed a ditch repair request to include filling in a low spot about 500' east of T.H. 75 in the south spoil berm to keep water in the ditch in the NE¼, Section 20, Kurtz Township. Water flows across his field in the spring to Clay County Ditch No. 40 and he would like the work done before freeze-up. Albright and Manager Olson will field review this site tomorrow. **Motion** by Hanson to authorize this repair. **Seconded** by VanAmburg. **Approved.**

The following bills were presented for approval:

<table>
<thead>
<tr>
<th>Accounts Payable</th>
<th>Description</th>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petty Cash</td>
<td>Postage, supplies, etc.</td>
<td>Admin</td>
<td>$100.00</td>
</tr>
<tr>
<td>J&amp;J Braton Properties, LLC</td>
<td>December office rent</td>
<td>Admin</td>
<td>$490.00</td>
</tr>
<tr>
<td>Quill</td>
<td>#2193333, office supplies</td>
<td>Admin</td>
<td>$180.67</td>
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<tr>
<td>Quill</td>
<td>#2197653, envelopes</td>
<td>Admin</td>
<td>$21.92</td>
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<tr>
<td>Dirtworks</td>
<td>texas crossing cleanout/Secs. 3/4</td>
<td>Clay #31</td>
<td>$100.00</td>
</tr>
<tr>
<td>Moorhead Public Service</td>
<td>10/06/06-11/01/06, utilities</td>
<td>Pj. 49, Oakport</td>
<td>$53.73</td>
</tr>
<tr>
<td>Roger Lundberg</td>
<td>11/15/06 beaver removal</td>
<td>Becker 15, Deerhorn</td>
<td>$1,240.88</td>
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<tr>
<td>Johnston Fargo Culvert</td>
<td>#147042, Scheffler gate frame</td>
<td>Pj. 31, Deerhorn</td>
<td>$450.50</td>
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<tr>
<td>Joel Carlson</td>
<td>December Lobbyist fees</td>
<td>Admin</td>
<td>$716.00</td>
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<tr>
<td>Red River Coop</td>
<td>11/16/06 billing statements</td>
<td>Pj. 49, Oakport</td>
<td>$66.37</td>
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<tr>
<td>TDS Metrocom</td>
<td>11/12/06 long distance</td>
<td>Admin</td>
<td>$36.81</td>
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<tr>
<td>Sellin Brothers, Inc.</td>
<td>#6990, valve problems</td>
<td>Pj. 46, Turtle Lake</td>
<td>$1,830.00</td>
</tr>
<tr>
<td>Northern States Excavating</td>
<td>#368, outlet repair</td>
<td>Clay #3</td>
<td>$25,905.00</td>
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<tr>
<td>Northern States Excavating</td>
<td>#369, inlets</td>
<td>Clay #9</td>
<td>$6,976.66</td>
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<tr>
<td>Northern States Excavating</td>
<td>#370, approach repair</td>
<td>Clay #9</td>
<td>$485.00</td>
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<tr>
<td>Northern States Excavating</td>
<td>#371, reseed Mead dike</td>
<td>Pj. 38, Ringdikes</td>
<td>$1,180.00</td>
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<tr>
<td>Northern States Excavating</td>
<td>#372, inlets</td>
<td>Clay #32</td>
<td>$11,046.00</td>
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<tr>
<td>Northern States Excavating</td>
<td>#373, Anderson ditch repair</td>
<td>Pj. 54, Whisky Creek</td>
<td>$6,527.50</td>
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<tr>
<td>Brushwacker, Inc.</td>
<td>#bwsd, catno6, mowing</td>
<td>Pj. Nos. 3, 27, 35</td>
<td>$5,695.09</td>
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<tr>
<td>Allstate Construction</td>
<td>Pay Request No. 4</td>
<td>Pj. 51, Clay #68</td>
<td>$11,244.84</td>
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<tr>
<td>Barnesville Phone Company</td>
<td>11/25/06 billings</td>
<td>Admin</td>
<td>$180.17</td>
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<tr>
<td></td>
<td></td>
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<td>$74,527.14</td>
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</tbody>
</table>
Motion by Nelson to approve payment of the bills pending availability of funds. Seconded by Hanson. Approved.

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, December 11, 2006, in the Barnesville office at 7:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 10:05 PM.

Respectfully submitted,

John E. Hanson, Secretary