MINUTES FOR MANAGERS' MEETING
February 25, 2008

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, February 25, 2008, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Gerald L. VanAmburg, Curtis M. Nelson, E. Robert Olson, and John E. Hanson. Others attending included: BRRWD Administrator Bruce E. Albright, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.).

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 2/11/08 regular meeting. Motion by Olson to approve the minutes. Seconded by Nelson. Approved.

Treasurer's Report. The Board reviewed the BRRWD's current financial status. Albright noted that Midwest Bank forwarded paperwork regarding security pledges for our accounts. We purchased the Grundyson home this morning in association with Project No. 49, Oakport Flood Mitigation. We had enough money in our Wells Fargo savings account to pay for the acquisition ($185,267.31) without needing to take out a bank loan. The office sent a pay request to the Minnesota Department of Natural Resources (DNR) for the buyout reimbursement ($181,561.96), according to the 2% median household income language. We currently have $675,247.62 on hand.

Business brought before the Board included:

Permit No. 07-122, City of Moorhead. The Preliminary Hearing for channel modifications associated with the City of Moorhead's 34th ST S Corridor and Interstate-94 (I-94) Interchange project is scheduled for 2/28/08 in the Basement Meeting Room in Moorhead City Hall at 7:00 PM. SRF Consulting plans to let bids for this project in March 2008. Jones submitted a letter regarding his recent review and recommendations. The Board plans to delay action on this permit until after the hearing. At the same time, we will hold a discussion regarding a redetermination of benefits to transfer private lands annexed since 1996 to the City of Moorhead's assessments and discuss a proposal to add about 15 acres to the ditch system benefit area in conjunction with the City of Moorhead’s proposed project for the 20th AVE S/21st ST S intersection. Tabled.

Permit No. 08-02, MNDOT. Applicant proposes to improve the Trunk Highway (T.H.) No. 10 westbound lane from 3rd ST in Hawley to 7th ST in Dilworth. The project will consist of milling 2" of bituminous off the road and resurfacing the roadway with 4" of new bituminous. The Minnesota Department of Transportation (MNDOT) plans to add one right turn lane, one bypass lane, and regrade sections of the north ditch bottom back to its original elevation. They also propose work on several culverts, including lining, jacking, and upsizing. The work is Phase 2 of the project MNDOT started in 2006 (Permit No. 06-05). The application included a set of plans with a list and description of the proposed culvert changes. Albright checked on the conditions placed on Permit No. 06-05, and forwarded the information to Jones, who will review the application. Tabled, pending Jones recommendations.
Permit No. 08-03, Clay County Highway Department. Applicant proposes to replace the existing County State Aid Highway (CSAH) No. 11 bridge 0.1 miles south of County Road (C.R.) No. 93 and CSAH No. 11 intersection in Section 17, Moland Township, with a 520 foot, four-span structure that provides 100-year flood protection, while maintaining the existing hydraulic characteristics of the Buffalo River. The new bridge will cross the Buffalo River approximately 200' east of the existing bridge, and will require realignment of CSAH No. 11, as it approaches the crossing. An existing bridge, upstream of C.R. 93, will also be removed. The County plans to realign C.R. 93 to intersect CSAH No. 11 south of the proposed crossing. The proposed work is part of a larger CSAH No. 11 realignment and grading project that Clay County plans for 2008-2009. Jones has requested that SRF Consulting provide their hydraulic computer modeling for the bridge replacement. Tabled, pending Jones review and recommendation.

Permit No. 08-04, Benedict Farms, Inc. Applicant proposes to install 247 acres of patterned tiling in the E½, Section 14, Elkton Township, Clay County, to increase the land's productivity and reduce the high water table. Albright will contact Benedict to provide project plans, so that we can process his permit. Tabled.

Permit No. 08-05, Lynn Brakke. Applicant proposes a number of culvert/drainage changes for Sections 2, 3, and 10, Wolverton Township, Wilkin County. The Board has held several meetings in the past regarding drainage in this area. The application was filed today. Once Albright gets the application/maps done, Brakke would like the Board to invite Donald Hoppe, Gary Israelson, and Paul Israelson to a future BRRWD meeting to discuss the request. Tabled.

Minch/Johnson Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 7:12 PM to discuss the status of both issues. At 7:28 PM, the Board reopened the meeting.

Grove Lake Outlet. Albright will make an effort to contact Kern Kuhlman to schedule a Manager field review of his Maple Lake outlet concerns when weather permits. Grove Lake landowners continue to contact the office to encourage the BRRWD to move forward with an outlet project for their area.

Thomas Friederichs Diking Violation. Albright is still waiting for the Natural Resource Conservation Service (NRCS) restoration order, which will include partial removal of the illegal dike Friederichs installed along 150th ST S in the NE¼, Section 28, Elkton Township, Clay County, on land he rents from the Lamb Family. Albright will contact Scott Smith, NRCS, to check on the status of their restoration plan.

Jon Evert Detention Area. The Board entered into a lengthy discussion regarding this potential off-channel gated storage/detention area on property Evert owns in the NE¼, Section 1, Wolverton Township, Wilkin County. Clay/Wilkin Judicial Ditch No. 1 (J.D. 1) runs through the quarter. At the last meeting, the Board authorized H.E. to conduct an elevation survey of the J.D. 1 spoil banks on Evert’s land east of J.D. 1, which comprises about 103 acres. The site has a 19 square miles (sq. mi.) drainage area. The survey included come elevations of the surrounding roads.

Jones reported that the west J.D. 1 spoil bank is lower than the east bank. The lowest elevation on the west bank was 926.6 and on the east, 926.9. The elevation of C.R. 192, the east-west road north of the Evert property, has a surveyed overtopping elevation of 928.34. The township road (north/south) east of Evert’s property overtops at elevation 928.6. Field elevations within the tract vary from 924.5 to 927.5. To provide an estimate of the potential site storage, Jones used an area bounded on the east by the township road (928.6), on the west by the east J.D. 1 spoil bank (926.9), on the south by a constructed embankment on the south property line, and on the north by an embankment 100’ south and paralleling the east-west (C.R. 192) road ditch. He provided a table summarizing the flood storage potential. He felt that unless we
raised the roads, the site storage would be limited to elevation 927.5, which would provide approximately
170 acre-feet of storage, or hold about 0.17 inches of runoff. However, unless the roads are raised, the
surrounding areas could flood. Albright pointed out that water would have to gravity flow into the site out
of J.D. 1.

The Board discussed possible project costs. Depending on what Evert would want for his property, a
project for this area could be cost prohibitive. Albright questioned if the project would need a DNR dam
safety permit. Jones said that we might be required to apply for the DNR permit because the pool elevation
of 927.5 exceeds the DNR's minimum dam safety permit criteria for height. Albright noted that if we need
a dam safety permit, the proposed berms might need to be constructed of clay, rather than just using the
existing spoil bank and piling up dirt, which would add to the project costs. Nelson pointed out that we
would not have time this year to construct the project due to the legal process, so Evert will have to make
rental/cropping decisions for the 2008 growing season. VanAmburg felt that a decision regarding the
development of this site is dependent upon the cost/benefit ratio. He questioned if there would be another
site where we could invest the same amount of funding and get more storage in return. The Board
discussed possible easement values for this site. Albright will forward Jones' survey report to Evert, and he
will ask Evert what he expects to receive for the use of his land.

**Project No. 62, Clay/Wilkin J.D. 1-Branch 4-Improvement/Extension.** The BRRWD has scheduled the
Preliminary Hearing for 3/04/08 at 7:00 PM in the Comstock Community Center. Rick Brakke was in the
office last week to provide documentation that he has increased the petitioner’s bond to $20,000. Albright
noted that this project will improve area drainage for the smaller runoff events, but shouldn’t increase
downstream flooding for the larger runoff events.

**Project No. 60, Swede Grove Lake.** The Clay County Highway Committee has scheduled time on their
April meeting agenda to discuss the Swede Grove Lake project with the BRRWD, Overbo, and landowner
Chuck Carlson. Albright is still waiting for Overbo to contact him regarding the meeting date.

**Project No. 58, Riverton Township Retention.** Brian Winter, The Nature Conservancy (TNC),
forwarded the modified easement document to the Minneapolis TNC office for their review and signature.
They requested documentation regarding how the BRRWD determines their easement value. Albright sent
TNC the requested information today. The Board discussed their easement values. Winter expects his
supervisors to return the signed easement option in the near future. Jones has filed the DNR dam safety
application. Jones noted that that the plans and specifications are about 90% complete. Albright suggested
that the Board could schedule a bid opening for this project in April.

Winter, Tim Pender, Sharon Lean, District Conservationist, NRCS, Albright, and Mark Aanenson, H.E.,
met on 2/19/08 to discuss the wetland issues. The Board reviewed a wetland map that Lean provided,
showing the affected wetlands in the project area. There are two wetlands on Pender’s property that the
BRRWD may be required to mitigate at a 1:1 ratio. Once the project has been completed, Pender will be
able to drain/farm these sites. Pender signed the paperwork for the wetland mitigation. There are still
some wetland mitigation issues that need to be worked out with the various agencies. Aanenson has
prepared the Wetland Conservation Act (WCA) wetland banking withdrawal application form for the
Board’s signature. **Motion** by Nelson to authorize Ellefson to sign the WCA forms. **Seconded** by
VanAmburg. **Approved**.

**Project No. 56, Manston Slough Restoration.** A meeting was held on 2/15/08 in the Fergus Falls United
States Fish and Wildlife Service (USFWS) office to discuss USFWS concerns regarding the project design.
Kevin Brennan, USFWS, would like to schedule another meeting with Rick St. Germain, H.E., to discuss
these issues further. The Board discussed Brennan’s concerns.
Mark Aanenson, H.E., has temporarily delayed distributing the Environmental Assessment Worksheet (EAW) until we have signed copies of the Operation and Maintenance (O&M) plan and Memorandum of Understanding (MOU) to submit with the EAW. He felt this would streamline the EAW process. BRRWD Attorney Corey Elmer, Vogel Law Firm, is working on the Kent Rod & Gun Club title opinion. He hopes to have more information regarding this issue by the end of the week. The Board discussed Steven Holubok’s request to crop the Holubok farm in 2008. The Board did agree to rent the land to Holubok for $30/acre. Nelson suggested that Albright prepare a rental agreement for Holubok’s signature before the growing season begins. The Board would like to receive the rental payment upfront. The Board reviewed an information worksheet the office prepared regarding the landowner easement options.

Project No. 51, City of Glyndon Ditch. H.E. is still working on the legal descriptions so that we can record the easements. Albright noted that had has not heard any more from Contractor Ron Erdman regarding the amount of riprap he installed last year. The work included the installation of two CMP inlets with riprap along the old railroad grade, riprap upstream of 12\textsuperscript{th} ST S, riprap upstream of Parke AVE, and removal of extra sediment from the ditch channel.

Project No. 49, Oakport Flood Mitigation. Manager VanAmburg and Albright drove to St. Paul on 2/19/08 to testify regarding Representative Morrie Lanning’s flood damage reduction project funding bill. Ulteig Engineers, Inc. (UEI) forwarded a project update for the Board’s review. UEI is ready to send out the revised EAW for comment. Motion by Hanson to authorize Ellefson to sign the EAW on behalf of the Board. Seconded by Nelson. Approved.

UEI sent dike alignment information to landowner Jerry Ries as it relates to his property and information to Jessie Swanson regarding a ringdike to protect her house to the 100-year flood elevation. Albright has been working with Marie Lund, Moorhead Public Service, to correct the Oakport buyout properties’ utility billings. Jim Lakoduk, Pifer’s Auction and Reality, would like to meet with Albright to start preparations for the 5/01/08 house auction sale. About seven houses/buildings will be ready to sell. The Dallas Jorgenson house might be resold the same day as our auction, but Jorgenson will be responsible for his own sale costs.

S. Bruce Langness, UEI, contacted Albright regarding the right-of-way (r-o-w) acquisition. The Board discussed how they wanted to handle the easement process. They questioned if the BRRWD should complete the formal Watershed legal process before we start signing easements with landowners. BRRWD Attorneys Tami Norgard and Corey Elmer, Vogel Law Firm, in consultation with the BRRWD will develop/draft the easement form. The Board felt it might be best to set standard easement values for all parcels, based on acreage. Albright suggested that we could handle the r-o-w valuation in the same way as ditch system projects. Wade Opsahl, Technician, H.E., could prepare an Appraiser’ Report where all the parcels and values are listed. Ellefson thought we should confer with our Attorneys regarding this issue. The Board discussed the appeal process and the use of condemnation to acquire property for the project. Albright suggested that UEI should start work on the r-o-w widths/locations and the individual parcel drawings, as this information will be needed before we start the easement negotiations. Since the project will be phased in over the next three years, Ellefson questioned if we should have all the easement options acquired before we make the final project order.

Albright has scheduled a landowner informational meeting for April 3, 2008, at 7:00 PM in the Dilworth Community Center. He is working on setting up another Technical Committee meeting and a meeting with the Broadway landowners in March.
Project No. 46, Turtle Lake Outlet. Opsahl reported that Turtle Lake has risen 1.3' since November. The Long Lake siphon is running, and he plans to start the Turtle Lake siphon as soon as snowmobile season ends.

Project No. 38, Farmstead Ringdikes. Opsahl will contact landowner Gary Olson regarding a possible farmstead ringdike on his property in the SE¼, Section 35, Kragnes Township, Clay County. Albright suggested that the Board should review the other ringdike applicant sites this spring when conditions permit. Opsahl feels that ringdike construction would be very difficult on these sites. The BRRWD has a DNR grant agreement for $20,000 to build one ringdike in 2008. Pat Lynch, FDR Hydrologist, DNR Waters, has forwarded the revised Kragnes ringdike grant amendment for the Board's signature. This revision will allow the BRRWD to build the project according to Jones' design specifications. **Motion** by Hanson to authorize Ellefson to sign the revised grant agreement on behalf of the Board. **Seconded** by VanAmburg. **Approved.**

Jones needs to contact Allan Milbradt, MNDOT, regarding their questions about the proposed culvert extension in T.H. 75. MNDOT would like to discuss moving the pipe further west, away from the T.H. 75 r-o-w to address clear zone and maintenance issues. Jones reported that Burlington Northern Sante Fe (BNSF) Railroad has received our permit application and had some questions about the “gates” that are proposed for culverts on their r-o-w. BNSF understood the gates to be access points on the r-o-w embankment, not flapgates on the culverts. Jones has addressed this misunderstanding. Ellefson was concerned about the length of time it has taken to obtain the MNDOT and BNSF permits. Jones will check with BNSF regarding our application.

Project No. 35, Clay County Ditch No. 47. The hearing regarding the 34th ST Interchange Project has been scheduled for 2/28/08 at 7:00 PM in the Basement Meeting Room, Moorhead City Hall. The agenda will include approval of the channel changes associated with the 34th ST project, transferal of the 1996 private land assessments to the City of Moorhead for lands they've annexed, and the addition of land associated with the 20th ST/21st ST Interchange Project.

Project No. 32, Hawley EDA Diversion. Joe Kelly, Hancock Concrete Products Company, contacted the office regarding our concerns about the deteriorating 60" dia. diversion pipe. Albright will call Kelly to schedule a meeting with the BRRWD and the City of Hawley.

Mediation Project Team (PT). The BRRWD will hold their next PT meeting on Thursday, April 24, 2008, at 7:00 PM in the MSUM Science Center near Glyndon. The Red River Watershed Management Board (RRWMB)/Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) Conference will be held 3/20/08, the Northland Inn, Crookston. The BRRWD PT will make a 10-minute Power Point Presentation about our projects. Albright suggested that if the RRWMB provides the BRRWD with a conference agenda, the office can notify County Commissioners, Soil and Water Conservation Districts (SWCD), and our PT members about the Conference.

Comprehensive Planning. The next Citizen and Technical Advisory Committee (CAC/TAC) meeting is scheduled for 3/14/08, 9:00 AM, the Eagle Café, Barnesville. The office sent reminder postcards today to the CAC/TAC members regarding this meeting date. H.E. has scheduled a conference call for tomorrow morning regarding the draft plan. Mike Love, H.E., forwarded the hydrologic modeling report to Deutschman. Once the CAC/TAC finish their work, regional meetings will be scheduled to allow landowners to review the goals/solutions.
February 25, 2008

**Wilkin County Ditch No. 40.** Albright has tentatively scheduled a ditch system hearing regarding the DNR's Lawndale Creek Restoration project for 3/31/08 in Barnesville. Jones has completed his review of the DNR hydrology report for the Lawndale Creek Restoration project, and the office has forwarded the report to DNR for their review. The next step will be to complete the hearing in accordance with Minnesota Statutes Annotated (M. S. A.) 103E.227, Subd. 3(b).

**Clay County Ditch No. 35.** Last year, Mike Astrup filed a request for a repair investigation of the remaining four miles of County Ditch No. 35 that were not cleaned during the 2005 repair. The area lies along the north line of Section 24, Oakport Township, and the west lines of Sections 19, 20, and 31, Moland Township. At their 7/09/07 meeting, the Board reviewed Jones' recommendations, and Albright forwarded the report to Astrup. Astrup recently called the office to indicate that he would like to move forward with the repair. Albright will contact Astrup regarding this issue.

**RRWMB Dispute Resolution.** Joel Carlson, BRRWD Lobbyist, has requested that we provide draft language for a bill that would propose changes to the RRWMB. Albright has not had time to work on the bill.

RRWBM representatives testified at the Capitol regarding Representative Morrie Lanning’s bill that would create regional watersheds statewide. The Board discussed this proposal and other proposed legislation that would funnel state funding through the RRWMB.

**Becker County Ditch No. 19.** The BRRWD has scheduled the abandonment hearing on 4/08/08 at 8:00 PM in the Callaway Senior Citizens' Center. The office will prepare a hearing notice for the Board’s signature at the next meeting.

**Hay Creek/Stinking Lake Clean Water Legacy (CWL) Grant.** The office received the CWL grant agreement from Minnesota Board of Water and Soil Resources (BWSR) for the "Hay Creek/Stinking Lake Sediment Reduction Project". The grant is for $195,000, and the funds must be used by 6/30/10. Part of this funding will be used to install native bufferstrips on Hay Creek in Becker County. **Motion** by Nelson to authorize Ellefson to sign the grant agreement on behalf of the Board. **Seconded** by VanAmburg. **Approved.**

Brennon Schaefer, Minneapolis H.E. Office, will be putting together the work plan, which will be forwarded to BWSR for their review. As soon as the work plan is approved, the grant money will be disbursed. When Schaefer has completed the draft work plan, Albright will schedule a meeting with Manager Hanson, Schaefer, and Brad Grant, Becker SWCD, to discuss project implementation.

**MNDOT Annual Meeting.** MNDOT has scheduled their annual meeting for 3/17/08 at 10:00 AM in Detroit Lakes. Albright plans to attend.

**CCATO Meeting.** Clay County Association of Township Officers (CCATO) will be holding a meeting on 3/17/08 in Glyndon. Albright noted that CCATO has also invited the Wild Rice Watershed District to attend.

**2008 MAWD Legislative Breakfast.** The 2008 Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast and Day at the Capitol is scheduled for Thursday, March 13, 2008, at the Kelly Inn in St. Paul. There will also be a Legislative briefing at the Kelly Inn from 7:00 PM to 9:00 PM on Wednesday, March 12, 2008. Albright has scheduled a regional meeting between 2:00 PM and 5:00 PM on 3/12/08 with our Legislators, Lobbyist Joel Carlson, the BRRWD, the WRWD, and the Pelican Lake and
Cormorant Lake Watershed Districts. All the hotel registrations have been made. The office will prepare invitations for our local Legislators.

**Water Quality Meeting.** Albright suggested that the BRRWD schedule a special public meeting in May to focus on water quality issues within the BRRWD. The River Watch Team could make their presentation at that time, and the Board could discuss the 319 Grant/CWL projects and the Minnesota Pollution Control Agency’s (MPCA) Total Maximum Daily Load (TMDL) process. The Board discussed a time and location for the meeting.

The South Branch of the Buffalo River from Deerhorn Creek to Whisky Creek has been on MPCA’s TMDL list since 2002. Recently, MPCA notified the BRRWD that federal regulations require them to complete the TMDL process for the South Branch by 2009. If the BRRWD wants to do the TMDL work in our own district, the BRRWD could be a “third-party” contractor and hire someone familiar with the BRRWD to do the study. Albright noted that Jack Frederick, MPCA, has indicated that he thought the BRRWD should do our own TMDL work. MPCA has a third-party contractor agreement, and we need to apply to get that agreement. VanAmburg thought that it would be in the BRRWD’s best interest to be the contractor for our TMDL work and to hire someone familiar with the BRRWD. The Board discussed MPCA’s choice of where to begin the TMDL work in the BRRWD. Albright explained that the TMDL work consists of writing a plan of how to address the water quality issues. Jones noted that if the BRRWD were the contractor, we would have more opportunity for input. **Motion** by VanAmburg to investigate the third-party contractor process and to let MPCA know that we would be interested in doing the TMDL work for the entire district, including the South Branch of the Buffalo River. **Seconded** by Hanson. **Approved.**

**Shallow Lakes Forum V.** Several agencies including DNR, MPCA, and BWSR, are sponsoring a Shallow Lakes Forum on March 27-28, 2008, in the Bigwood Event Center, Fergus Falls. The Forum will focus on Shallow Lake Management and Policy and Shallow Lakes Ecological Communities. Pre-registration is $50.00 if received by 3/20/08. At the door, registration will be $75.00.

**Drainage Design and Management Workshop.** The University of Minnesota (U of M) Extension Service is hosting the 2008 Agricultural Drainage Design & Water Management Workshop on March 11-12, 2008, at the Holiday Inn and Willmar Conference Center, Willmar, MN. The main topic will be subsurface (tile) drainage systems. Hands-on drainage layout and design experience will be provided. Two-day registration fee after 2/25/08 is $185. Single day registration is also available.

**Strom Construction, Inc.** Gary Strom contacted the office regarding his company’s potential purchase of culvert cleaning equipment. The Board discussed the problems encountered when trying to clean culverts with water.

**Red River Basin Mapping Initiative (RRBMI).** Chuck Fritz, Director, The International Water Institute (IWI), notified the office that there will be two separate RRBMI meetings on March 6, 2008, at the North Dakota State University (NDSU) Alumni Center from 9:00 AM to 12:00 PM and 1:00 PM to 3:00 PM. The morning meeting will focus on the contractor (Horizons, Inc.) objectives for Phase 1. In the afternoon, the RRBMI Steering Committees/Partners will meet with the St. Paul District Army Corp of Engineers (COE).

**River Watch Forum.** The IWI plans to hold their 13th Annual River Watch Forum on March 19, 2008, in Crookston. The IWI requested donations for the event. The Barnesville River Watch Team will make a presentation regarding their 2007 water quality work. **Motion** by Nelson to donate $100 to the River Watch Forum. **Seconded** by Olson. **Approved.**
**Canadian Pacific Railway.** The Canadian Pacific Railway plans to replace four culverts in their tracks in Sections 18 and 30, Richwood Township, Becker County. They anticipate no changes to the culverts’ length, diameter, or elevation. Brad Grant, Becker SWCD, forwarded the approved WCA application for the Board’s review.

**South Valley Initiative.** Albright has been invited to attend the 2/27/08 South Valley Initiative Meeting in Hankinson from 2:00 PM to 5:00 PM. He will provide an update on the BRRWD activities/projects.

The following bills were presented for approval:

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Total $66,941.67

Albright noted that the bill list includes our 2008 contribution to the Red River Basin Commission (RRBC) for $25,000.00. The Board agreed to forward the entire amount, as we currently have enough funds to make the payment. **Motion** by Nelson to approve payment of the bills. **Seconded** by Olson. **Approved**.

**Next Meeting.** The Board of Managers, BRRWD, will hold their next meeting on Monday, March 10, 2008, in the Barnesville office at 8:00 PM. The meeting time has changed due to Daylight Savings Time.

**Adjournment.** Chairman Ellefson adjourned the meeting at 9:45 PM.

Respectfully submitted,

John E. Hanson, Secretary