MINUTES FOR MANAGERS' MEETING
July 27, 2009

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, July 27, 2009, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Gerald L. VanAmburg, and E. Robert Olson. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, Zachary Herrmann, Engineer, and Julie Jerger, Administrative Assistant, Houston Engineering, Inc. (H.E.); Kris Carlson, Ulteig Engineers, Inc. (UEI); Mike Staber, American Enterprises, Inc., and landowners: Chris Stepp and Debbie Stepp.

Manager Ellefson called the meeting to order at 8:00 PM. He announced that the meeting was being recorded to aid in preparation of the minutes.

**Secretary's Report.** The Board reviewed draft minutes for the 04/23/09 Wilkin County Ditch (C.D.) No. 22 Structure Hearing. **Motion** by Van Amburg to approve the minutes. **Seconded** by Hanson. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's financial status. Albright reported that we currently have $330,000 cash on hand. We are still carrying the $500,000 Midwest Bank loan for the Sieben buyout in Oakport. Albright explained that we are waiting for the Minnesota Department of Natural Resources (DNR) grant amendment (approximately $1.2 million) to be finalized for Project No. 49, Oakport Flood Mitigation.

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

**County Line Wetland Issues.** Debbie and Chris Stepp wanted to know about the status of H.E.’s preliminary investigation of a water problem along the county line in Section 34, Humboldt Township, Clay County, and Section 4, Prairie View Township, Wilkin County. They have concerns regarding a series of DNR protected wetlands near Adrian Haugrud's buildings that have consolidated into one large water body and have risen to a point where water is overtopping the township roads, affecting mail delivery, garbage pickup, the school bus route, and possibly impeding emergency vehicles access. Albright said that we have scheduled a landowner informational meeting for August 27, 2009, at 8:00 PM in the Barnesville office, to review the proposed plan and a possible project timeline. Chris Stepp reported that the water has gone down slightly, but there's still water over the road. Albright offered to provide Stepp with a copy of the study, prepared by Zach Herrmann, Engineer, H.E., to investigate four alternatives for lowering the area wetlands/ponds.

**Project No. 49, Oakport Flood Mitigation.** Kris Carlson, UEI, gave the Board a brief update on the status of Phase 3A, which is comprised of a 0.5 mile stretch along the north side of the Brentwood Subdivision. Carlson plans to advertise for bids in The Forum and the Construction Bulletin starting next week with a bid opening scheduled for the 08/24/09 BRRWD meeting at 8:00 PM. **Motion** by Hanson to accept the Plans and Specifications for Phase 3A and to authorize UEI to advertise a bid opening for 08/24/09. **Seconded** by Olson. **Approved.**

Carlson reported that there are about 40 plan holders for the Phase 1B bid letting, scheduled for the 08/10/09 BRRWD meeting.
Albright is meeting with BRRWD Attorney Tami Norgard and Steve McCormick, Vogel Law Firm, Bruce Langness, UEI, and Marilyn Marken, UEI Attorney, on Wednesday (07/29/09) to discuss the levee certification process. Albright also discussed project liability insurance recently with our insurance agent, John Hoffman, ICS Agency, Inc. UEI and the contractors also have liability insurance for the project/levee. Carlson noted that any new houses located within the levee would have to be built according to the City of Moorhead's elevation requirements/codes (above the floodplain).

Van Amburg asked about the status of the easement acquisition process. Albright said that Attorney Norgard is working on this issue. Albright visited with State Senator Keith Langseth regarding the status of the buyouts. Albright noted that if all the property owners accept their buyout offers, we would need about $3.5 million from the State to cover those costs.

Appraiser Guy Miller has all the contact information for the Oakport buyout properties and his goal is to get the appraisal work done by 10/01/09. Carlson noted that he has prepared draft easements for the Phase 4 work. Miller will provide three alternative appraisal values: complete property acquisition, right-of-way (r-o-w) easement, or the r-o-w easement and the house. The group discussed the easement/buyout process. Albright noted that he doesn’t plan to distribute any of the appraisals until Miller has completed them all.

Albright explained that there would be at least three properties on the "wrong" side of the dike: Betty Morton, Jesse Swanson, and Randy and Julie Hasse. Carlson explained how UEI determined the 2009 flood high water elevation in Oakport, which was at elevation 895.7.

Mike Staber has expressed an interest in purchasing the Sieben house. Albright noted that he toured the house last week with Staber, who submitted an offer on the house for $300,000 and $3,000 per acre for another adjacent tract with 10 acres to be acquired once the project is completed. Staber indicated that he would prefer to complete the house repairs himself and noted that if the Board accepted his offer, there would be no realtor fees. Our realtor, Fran Snelgrove, suggested the BRRWD could list the property for $429,900. We have received bids from contractors to make repairs to the house and yard prior to listing it, totaling approximately $25,000. Albright calculated that when all the realtor fees, repairs, etc., are subtracted from the recommended selling price, the BRRWD might net about $375,000. Snelgrove thought that Staber's offer should be closer to $355,000 for the house and $6,000 per acre for the land. Albright commented that there are a few concerns with finding potential buyers for the property. First, the house is on the "wrong" side of the dike, making it difficult to finance. New owners will have to contend with construction disruption. Albright also noted that anyone able to spend that much money for a house might not be interested in a pre-existing layout. There might also be concerns about higher taxation values in 2015 when the City of Moorhead annexes this part of Oakport Township.

Carlson estimated that there is about 21.75 acres of land (10 acres buildable) to be sold as a unit with the house. There is another 10 acre tract adjacent to the Sieben property that Staber is also interested in buying. The group reviewed a UEI map of the property and discussed Staber's offer. Albright suggested that the Board consider listing the property to test the market to see if anyone would be interested. Van Amburg noted that Staber could make a counter offer of at least $360,000. Staber suggested that the Board tour the house to acquaint themselves with the property to get a realistic idea of its value. After further discussion, motion by Van Amburg to sign the Realtor's agreement to list the house at $429,900 and complete the necessary repairs. Seconded by Hanson.

After discussion, Van Amburg amended his motion for the Board to make a counter offer to Staber for $355,000 for the house and 21.75 acres, plus right of first refusal on the adjacent 10 acres when it becomes available. Hanson agreed to the amendment. Staber asked if this would include a guaranteed easement along the dike/road to Wall ST NW. Currently, the way the easement reads, access would be limited to only the homeowner, which would restrict development of the adjacent 10 acres. Staber explained that the reason he offered $3,000/acre for the 10 acres is that access will be a problem if he wishes to develop the
area. There are also issues with access to City sewer and water through the levee. Albright noted that the existing easement language would have to be revised to allow for access coming in from Wall ST NW and to allow the City of Moorhead access to the pond and water tower. Ellefson pointed out that we are anxious to get the house repairs started, so Staber should have a deadline to make a decision about the counter offer. Motion by Van Amburg to amend the referenced motion to include the Board's counter offer of $355,000 for house and 21.75 acres, plus right of first refusal on the adjacent 10 acres. The counter offer will be valid for 48 hours. Seconded by Hanson. Olson opposed. Approved. Ellefson observed that once we start the repairs, the bid would have to be at least $375,000 to cover those costs. Staber was most concerned with having input on the carpeting selection if the Board decided to go forward with the repairs, and stated that he will contact the BRRWD regarding his decision within the allotted time.

**Permit No. 07-51, Mike Lewis.** Albright and Manager Ellefson conducted a field review of this permit on 07/25/09. They observed that the damage to the culvert doesn't appear to be too extensive. Ellefson recommended that we remove the application from the agenda and monitor the culvert in case a problem develops in the future. Motion by Van Amburg to withdraw Permit No. 07-51, as referenced. Seconded by Olson. Administratively Withdawn.

**Permit No. 09-27, Robert Softing.** Applicant proposes to remove the north-south 12” dia. pipe through 110th AVE S between Sections 25/36, Skree Township, Clay County, and replace it in an east-west direction through 240th ST S between Section 25, Skree Township, and Section 30, Parke Township. Albright and Manager Ellefson conducted a field review on 07/25/09. Neighboring landowner, Brian Dunham, is opposed to changing the culvert because of potential flooding in nearby farmyards/fields.

Les Dunham submitted Permit No. 09-44 to install a culvert in an existing field approach on the southwest corner of the SE¼, Section 25, Skree Township, Clay County. The Board felt that this request should be disapproved, as well. Motion by Hanson to deny Permit Nos. 09-27 and 09-44. Seconded by Van Amburg. Disapproved.

**Permit No. 09-28, Brandon Anderson.** Applicant proposes to install a small culvert through 150th ST S to drain standing water on his lot on the west side of the road in a building site in Downer in Section 21, Elkton Township, Clay County. The ditch on the east side of the road drains south to County Road (C.R.) No. 10 where water then drains west toward Trunk Highway (T.H.) No. 9. Recent highwater/rainfall events have inundated his property, causing water to pond in Anderson's yard, drowning out grass and trees, etc. The culvert would be a permanent solution to his water problems, compared to constant pumping. Albright and Manager Ellefson conducted a site review on 07/25/09. They determined that a culvert would not solve his problems even if it was gated and he cleaned the ditch to the storm sewer to the north, which is actually causing the flooding. The water still would have nowhere to go and more water would probably enter his yard via the culvert. The recent heavy rains caused the water in the yard, and Ellefson felt it was a waste of money to put in a culvert. Motion by Van Amburg to disapprove Permit No. 09-28. Seconded by Olson. Disapproved. Albright will send a letter to Anderson explaining the Board's decision, noting that if this problem should reoccur, we might have to consider a project to clean the ditch.

**Permit No. 09-64, Mark Ekre.** Applicant proposes to install random tile in the NE¼, Section 1, Skree Township, and the NW¼, Section 33, Eglon Township, Clay County, to address a high water table and groundwater seepage to improve crop production. The Natural Resources Conservation Service (NRCS) has reviewed and approved the proposal. Tabled, pending Manager field review.

**Permit No. 09-66, Matt Ness.** Applicant proposes to install a culvert through Old Highway No. 75 in the NE¼, Section 5, Wolverton Township, Wilkin County. The culvert would provide drainage for Ness's 105 acres on the east side of the railroad tracks and keep the water in the road ditch instead of breaking out across adjacent fields. Water backs up in the ditch between the road and the railroad tracks, and Ness' field drains very slowly. On 07/25/09, Albright visited with the downstream landowner, Mark Askegaard, who...
was in favor of the proposal. The Board discussed culvert sizing and recommended a 24” dia. corrugated metal pipe (CMP). **Motion** by Van Amburg to approve Permit No. 09-66, subject to the recommended culvert size and road authority approval to work within their road r-o-w. **Seconded** by Hanson. **Approved**.

**Jim Ness Slumping.** The Board discussed the slumping problems on Ness's farmstead along the Red River and possible measures to unload the unstable ground along the river bank and to grade the area. Albright noted that the buildings are located approximately 3' above the 2009 spring flood elevation.

**Permit No. 09-67, Four Hill Farms.** Applicant proposes to install an approach with an 18”-24” dia. culvert in the west ditch of County State Aid Highway (CSAH) No. 31 in the S½SW¼, Section 23, Humboldt Township, a dry approach in the SE¼, Section 14, Humboldt Township, Clay County, to provide better field access and a secondary access for the field in Section 14, and to eliminate the need to drive through the building site. Albright and Manager Ellefson conducted a field review on 07/25/09. They determined that the culvert in Section 23 should be at least an 18” dia. pipe. **Motion** by Olson to approve Permit No. 09-67, subject to road authority approval to work within their road r-o-w and the recommended culvert size. **Seconded** by Hanson. **Approved**.

**Permit No. 09-68, MNDOT.** The Minnesota Department of Transportation (MNDOT) proposes to dewater a site on Deerhorn Creek along Interstate-94 (I-94), in the SW¼, Section 15, Prairie View Township, Wilkin County, in order to repair the joints of the existing 65” x 182’ long reinforced concrete pipe-arch (RCP-A). This pipe runs under the westbound and eastbound lanes of I-94. MNDOT will clean the pipe and seal all the joints from the inside. This work is necessary to prevent roadway failure above the pipe. **Motion** by Van Amburg to approve Permit No. 09-68. **Seconded** by Hanson. **Approved**.

**Permit No. 09-69, Terry Malingen.** Applicant proposes to install random tile in the E½, Section 28, Prairie View Township, Wilkin County, to improve drainage. The tile in the NE¼ will outlet to Deerhorn Creek, and tile in the SE¼ will outlet to an abandoned gravel pit. **Tabled**, subject to Manager field review to determine where the tile in the SE¼ will outlet and to review the potential for the tiling to tap into area springs.

**Permit No. 09-70, David Kragnes.** Applicant proposes to install pattern tile in the E½NE¼, Section 25, Kragnes Township, Clay County, outletting directly into C.D. No. 59 to which the land is assessed. The work is necessary to improve crop production. **Motion** by Hanson to approve Permit No. 09-70, subject to our standard tiling disclaimer. **Seconded** by Olson. **Approved**.

**Permit No. 09-71, David Kragnes.** Applicant proposes to install pattern tile in the W½SE¼, Section 28, Morken Township, Clay County, outletting south to C.D. No. 39 to which the land is assessed. The work is necessary to improve crop production. **Motion** by Hanson to approve Permit No. 09-71, subject to our standard tiling disclaimer. **Seconded** by Olson. **Approved**.

**Kenneth Schellack Drainage Complaint.** H.E. completed the survey last week. Schellack is concerned about ditching done by Curt Stubstad/Ronald Erdman that went into the NW¼, Section 8, Elkton Township, Clay County. Erdman installed a 15” dia. pipe in an existing ridge on the property line. NRCS is also investigating the work. The Board will schedule a meeting to discuss this issue with the landowners/operators. Albright will also invite Sharon Lean, NRCS, to participate in the meeting.

**Minch Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:45 PM to discuss the status of this issue with Attorney Norgard. At 10:02 PM, the Board reopened the meeting.
CSAH No. 3 Reducer Pipe. Albright and Manager Ellefson conducted a field review on 07/24/09 in Sections 7/8, Deerhorn Township, Wilkin County, regarding concerns about the removal of the 42" dia. RCP culvert restrictor plate. Landowner Dean Paschke has requested that the restrictor plate be removed. Albright observed that the landowner directly affected by the plate, Rick Brakke, has not complained about it. Paschke's property is 10' higher than the culvert in question. Albright will search the records to review the agreements regarding the culvert/restrictor plate installation. **Tabled.**

County Line Highwater Issue. An informational meeting has been scheduled for 08/27/09 at 8:00 PM, in the Barnesville office to discuss Haugrud's concerns regarding a series of DNR protected wetlands near his buildings that have consolidated into one water body and have risen to a point where they are overtopping the road along the Clay/Wilkin County line. Chris and Debbie Stepp also have concerns that they might not be able to reach their homestead next spring because of the amount of water along 210th ST. At their 07/13/09 meeting, the Board authorized H.E. to move forward with their investigation of a possible outlet for the wetlands to reduce the wetland/water elevation by about 3'. Jones has requested that the DNR conduct an Ordinary High Water Level (OHWL) survey for the wetland. **Tabled.**

Tansem/Ranum Lakes Highwater Investigations. An informational meeting has been scheduled for 09/06/09 at 8:00 PM, in the Barnesville Office to discuss the high water problems involving Ranum and Tansem Lakes and Brad Hersch's property in the NW¼, Section 26, Tansem Township, Clay County, along T.H. No. 34. Hersch has a copy of H.E.'s study regarding potential alternatives to address this issue, including a possible project to lower the area lakes. **Tabled.**

Phillip Rogers Wetlands Reserve Program (WRP) Project. Rogers is interested in signing an easement for a possible WRP project site on his property in the SW¼, Section 5, Humboldt Township, Clay County. The BRRWD was interested in developing the site with the NRCS so that it could incorporate both flood damage reduction (fdr) and natural resource enhancement (nre) features. Jones investigated the potential for a project on Rogers' property. It that appears that the site would not be a good retention site as it would be costly for the BRRWD to develop and yield a limited amount of storage because of the drainage area. The Board had an extended discussion regarding Jones's investigation. Jones suggested that the area might be better suited to a NRCS WRP project where it could be broken down into several smaller restoration sites. Albright will forward the report to Rogers. **Tabled.**

Lytle Donley Request. Donley visited with the United States Fish and Wildlife Service (USFWS) to inquire about draining a 40-acre wetland in Section 1, Riceville Township, Becker County. When Donley talked to Albright about this proposal, Albright advised him that he would have to contact a number of agencies if he wished to move forward with a project of this nature. The Board reviewed a map of the area. Donley sent his request to several agencies including the DNR and NRCS.

Hamden Township. Scott Kahan, USFWS, contacted the BRRWD regarding the removal of beaver dams in Sections 2 and 11, Hamden Township, Becker County, which allegedly drained an area wetland.

Brian Peterman DNR Violation. Last fall, Peterman hired Sellin Brothers, Inc., to clean a DNR protected watercourse. As part of an "after-the-fact" permit, the DNR required Peterman to install one-rod (16.5') grassed bufferstrip along the waterway by 07/15/09. Peterman planted wheat on the bufferstrip, which he won't harvest until August. The DNR considers this action a violation of the permit agreement, and gave him until 08/30/09 to plant the buffer, or the DNR will issue a formal restoration order, along with a penalty according to the permit conditions. The Board discussed the violation, which isn't under the BRRWD's jurisdiction.

Project No. 64, LaBelle/Boyer Lakes Outlet. The Board has scheduled an informational meeting for August 31, 2009, at 7:30 PM in the Lake Park Community Center.
Project No. 63, Grove Lake Outlet. The outlet is finished and operational, and the grass seeding is established. The lake is elevation is down about 18".

Regarding the bond sale, Albright reported that the transcripts for six different projects will need to be completed by 09/12/09. The Board will meet with the Clay County Board of Commissioners on 09/15/09 to get authorization for the bond sale, which should take place about 10/15/09, and we should have the bond proceeds by 11/15/09.

Project No. 62, Clay/Wilkin Judicial Ditch (J.D.) No. 1, Branch 4-Improvement/Extension. Albright and Manager Ellefson conducted a field review on 07/25/09. Albright estimated that Jeff Nichol, William Nichol Excavating, should have the project done in a couple days.

Project No. 61, Clay C.D. No. 11-North. Construction is underway, and Wade Opsahl, H.E., is supervising the outlet work. The project completion deadline is Labor Day.

Project No. 58, Riverton Township Retention. Nanik Construction has started working. He has requested an extension of the 08/01/09 completion deadline until 10/01/09. Motion by Hanson to approve the deadline extension as referenced. Seconded by Olson. Approved.

Project No. 56, Manston Slough Restoration. Jones plans to have the site plan/specifications for the demolition of the Holubok building site, septic system, well sealing, etc., completed by the next meeting, so we can let bids for the work on 08/24/09. Albright will notify Steve Holubok regarding the demolition timeline, so that he can remove any buildings, etc., before the work begins. Rick St. Germain, Engineer, H.E., has completed the outlet structure design, and will be working on finalizing the Engineer's Report. Tom Arnhalt has signed his easement for the project, and he would like to close by 09/01/09, as he is involved with a land exchange transaction. The DNR will reimburse the BRRWD for 50% of his payment.

Albright noted that State Senator Keith Langseth has indicated that this project should qualify for 75% Flood Damage Reduction funding.

Project No. 50, Cromwell Township Highwater Investigation. Jones has filed his report regarding the Muriel Grefsrud request for help with flooding on her farmstead. His cost estimate for a project to address her concerns is approximately $189,000. The project would outlet to the southeast to the Hawley Diversion project. The City of Hawley is not interested in allowing the project to outlet into the project channel. Clay NRCS would have to conduct a wetland delineation review before any further design work is done. Jones will send the report to Grefsrud for her review.

Project No. 49, Oakport Flood Mitigation. A Technical Committee meeting will be held on 08/11/09. The office will send meeting notices this week. The Committee will review the bids results and construction plans for Phases 1B, 2, and 3A. The Board continued their earlier discussion regarding the Sieben property bid/sale.

Project No. 47, Clay C.D. No. 53. Albright and Manager Ellefson conducted a field review on 07/25/09 of the slide site on the outlet. They thought that the site appears to be stable for now with good vegetation. Askergaards have soybeans planted in the temporary r-o-w area, so no work could take place until later this fall. Albright suggested we leave the site as is and authorize Opsahl to close out the 2006 Federal Emergency Management Agency (FEMA) contract.

Project No. 39, Georgetown Levee. On behalf of the City of Georgetown, H.E. submitted the Minnesota Recovers funding application by the deadline. The City wanted to move forward with the proposal to raise the levee 2', which has an estimated cost of approximately $1.5 million. The property owners would qualify for the 2% median household income threshold language. There is currently no money in the State
 Legislative budget for Georgetown. Senator Langseth indicated that he would support funding for the project in 2010. The House Bonding Committee will be touring our area on September 2-3, 2009. They have indicated that want to view Oakport, Kragnes, and Georgetown. Albright will attend the tour. The Bonding Committee has also been invited to attend the Red River Basin Commission (RRBC) meeting on 09/04/09.

**Project No. 38, Farmstead Ringdikes.** Albright reported that he participated in a conference call last week with Ron Harnack, Red River Watershed Management Board (RRWMB), regarding the RRWMB's 2009 ringdike funding. The BRRWD received funding for six ringdike projects this year.

Albright reported that the ringdike for Gary Olson was completed by the 06/30/09 funding deadline. There are approximately 24 applicants on Opsahl's list of ringdike inquiries, and the list continues to grow. The State will provide the BRRWD with 50% of the funding for six non-farm ringdikes ($45,000 each) this year. Ziegler Construction has been hired to do the construction. Costs will be split 50%-State, 25%-BRRWD, and 25%-landowner. Albright explained that the NRCS has also been allocated federal funding for farmstead ringdike construction through the Environmental Quality Incentive Program (EQIP). The BRRWD has three farmstead ringdikes applications that should qualify for the EQIP money. Those costs will be split 75%-EQIP, 12.5%-BRRWD, and 12.5%-landowner. The Board discussed prioritizing the candidate list to be sure to reserve enough of the current funding for those who are in the greatest need of protection. Albright noted that we will be holding monthly conference calls with the other Watershed Districts to keep current with ringdike construction progress/status to optimize the funding. The RRWMB will administer the ringdike funding. Jones suggested that Opsahl could prepare a letter to send to the ringdike candidates regarding the status of the program. With the limited funding, Opsahl has recommended that the Board hire Midwest Testing to conduct site visits to help select sites that will be the most feasible to construct from a geotechnical perspective. Albright thought that the BRRWD should also contact the current landowners who have ringdikes to remind them of their fall maintenance responsibilities. The Board authorized that the letters should be sent. **Motion** by Hanson to adopt H.E.'s recommendations for the priority ringdike projects for this year, to approve the proposed cost sharing amounts for the farmstead and non-farmstead ringdikes, and to authorize H.E. to send the referenced letters. **Seconded** by Van Amburg. **Approved.**

**Project No. 38, Kragnes Ringdike.** This spring, it was necessary to borrow fill from a nearby field to build up the dike and raise the road to protect Kragnes during the flood. Recently, we hired Ziegler Construction to rebuild and re-gravel the access road. They submitted a bill for $4,028.38 for the work. The landowner agreed to a one-time payment of $1,000 for using his land as a borrow site. These costs should be reimbursable as a FEMA 2009 flood expense. **Motion** by Van Amburg to approve both payments. **Seconded** by Olson. **Approved.**

**Project No. 32, Hawley EDA Diversion.** Albright commented that the City of Hawley has asked the BRRWD to conduct a redetermination of benefits for this project. When the project was first constructed, all the benefits were assessed to the City. Albright explained that over time, it has become apparent that the project provides protection benefits for the downstream landowners. Ellefson thought that the redetermination of benefits proceeding should take place before the deteriorated pipe repair is addressed.

The Board had an extended discussion regarding the pipe repair. Ellefson thought that the BRRWD should arrange a meeting with H.E. (project engineer), Hancock Concrete Products (culvert), the City of Hawley, and Sellin Brothers, Inc. (contractor), to discuss a cost sharing agreement to repair/replace the culvert.

**Project No. 31, Deerhorn Creek Levees.** Albright and Manager Ellefson will conduct a field review regarding landowner Ivan Nelson's request for an additional inlet pipe. Albright noted that the levee should be sprayed for weeds next year. Dennis Motschenbacher would like to hay the levee along his and his neighbor's property. The Board agreed that the landowners could cut the levees if they have permission...
from their neighbors. They felt that levee maintenance should be the landowners' responsibility, as there is no assessment area for this project.

**Project No. 29, Buffalo River Log Jams.** The Emergency Watershed Protection (EWP) letter was submitted to the NRCS by the 07/16/09 deadline. To date, there has been no response regarding the funding request for log jam removal.

**Project No. 27, Clay C.D. No. 55.** Albright reported that the culvert boring through CSAH No. 10 has been completed. He and Manager Ellefson conducted a field review on 07/24/09. Opsahl will coordinate the seeding and then divide the costs among the system landowners.

**Project No. 23, Becker C.D. No. 15.** Contractor Chad Mattson is ready to start the repairs. He plans to start at C.R. No. 13 and work down to the National Wildlife Refuge (NWR) property. Opsahl is working to get all the landowners to sign their spoil disposal forms.

A culvert in the north-south road south of the USFWS headquarters washed out this spring. The original structure was a bridge, which also had a history of washouts. The County is working with FEMA to replace a 36" dia. culvert with a new 48" dia. structure. USFWS has approved the culvert change.

**Project No. 1, Wilkin County Ditch No. 22.** William Nichol Excavating, Inc. plans to move to C.D. No. 22 to do the needed repairs when he finished his current job (Project No. 62, J.D. No. 1, Branch 4).

**Mediation Project Team (PT).** The Fall Tour is scheduled for Thursday, September 17, 2009, at 1:30 PM at the Galaxie Supper Club. Albright has sent a request to the Army Corps of Engineers (COE) to add the Orwell Dam to the tour itinerary. To date, they have not responded.

**South Branch of the Buffalo River.** Zach Herrmann, H.E., took some photographs of the Haugrud basin along CSAH No. 108, showing that approximately 90% of the crop is lost in 2009. Albright commented that a future overall project for the South Branch of the Buffalo River should be considered once some of our current projects have been completed.

**Barnesville Township Retention.** Albright plans to discuss a possible impoundment site in the E½, Section 34, with landowner Frank Schindler. Funding could be available from the Reinvest In Minnesota (RIM)/WRP and a BRRWD easement. The group also discussed a possible retention site on Ellefson's property is this area.

**Revised Watershed Management Plan (RWMP).** The Minnesota Board of Water and Soil Resources (BWSR) gave the BRRWD an extension until 12/31/09 to complete our RWMP. Once Jones has completed the final draft and Albright has reviewed it, we will distribute it for public comment. Henry Van Offelen, Minnesota Center for Environmental Advocacy (MCEA), forwarded his natural resource report to be included in the Plan. Pete Waller, BWSR, forwarded a fact sheet regarding wetland priority areas and bufferstrips requirements for the Board's review. The Board discussed including this material in the Plan.

**Clay C.D. No. 49.** The Viewers conducted a field review on 07/23/09 in response to questions raised at the 03/17/09 Final Hearing about if Robert Norby and Wayne Brendemuhl's property should be added to the benefit area. Albright reported that the Viewers agreed to add 30 acres of the Norby property in the S½NE¼, Section 22, Kragnes Township, and 10 acres of the Brendemuhl property in the NE¼SE¼, Section 22, Kragnes Township. All lands in Section 22 would be assessed benefits at the rate of $50/acre. The Viewers also recommended that we pay the same rate for all the easements ($3,000/acre). The Board had an extended discussion regarding the Viewers' changes, area drainage patterns, and holding another hearing. Robert Norby did not receive notice of the hearings because at the time, it didn't appear he would
benefit from the project. They decided to refer this issue to BRRWD Attorney Tami Norgard, Vogel Law Firm, to avoid litigation. Tabled.

Albright shared a letter from Attorney Joel Johnson regarding the need for the Board to expedite plans to hold an informational meeting regarding the structure changes following the Redetermination hearing. The Board made the Order to make the structure changes in 2001, but the work has been delayed by the redetermination of benefits proceeding and the 2009 spring flood.

**Wilkin C.D. No. 40.** Albright will schedule a meeting with the DNR and Dave and Mark Yaggie to discuss Yaggie's options regarding his irrigation well in conjunction with the DNR Lawndale Trout Stream Restoration project.

**City of Dilworth Flood Insurance Study (FIS).** The City of Dilworth sent a request for funding assistance on 06/30/09 for their FIS costs. The City has incurred costs of $4,200 for professional services from UEI. Albright noted that the BRRWD has assisted other smaller cities with their FIS costs. The BRRWD has agreed to contribute $100,000 to Clay County for FIS expenses. This payment would be part of that contribution. Motion by Olson to approve the referenced payment. Seconded by Nelson. Approved.

**Becker Soil and Water Conservation District (SWCD).** The Becker SWCD requested additional funding ($20,000) for their conservation practices project, including the installation of bufferstrips and sediment control basins. This year, the State cut their funding by this amount. The SWCD will use the BRRWD funds as a match for other funding sources. Motion by Hanson to approve an additional $20,000 contribution to the Becker SWCD. Seconded by Van Amburg. Approved.

The Becker SWCD nominated the BRRWD for the 2009 State Conservationist of the Year award. They would like to have Manager Hanson attend their SWCD Annual Meeting in December.

**Minnesota Statutes Annotated (M.S.A.) 103D.905.** The Board discussed holding their Annual Budget Hearing on 08/24/09. The M.S.A. 103D.905, Subd. 3, levy can be set at $310,000 (0.00798% of the District's total taxable market value). Ellefson thought that the Board should ask Clay County to support a petition for the BRRWD to use that taxation authority. The Board had an extended discussion regarding our taxing authority under this statute, which BWSR has interpreted to mean that we could levy using this taxing authority on a per project basis. Motion by Van Amburg to ask Clay County for the referenced levy petition. Seconded by Olson. Approved.

The Board agreed to schedule their budget hearing for 08/24/09 at 9:00 PM. The office will send a notice to the newspapers. Motion by Hanson to schedule the budget hearing as referenced. Seconded by Olson. Approved.

**Wolverton Creek/Comstock Coulee.** Jones prepared the bid documents for the Phase 2 work by Peter Livdahl's farmstead. This work will be funded by BWSR's Clean Water Legacy (CWL) grant. Motion by Van Amburg to accept the plans and specifications and to schedule the bid opening for 08/10/09 at 8:20 PM in the Barnesville office. Seconded by Hanson. Approved.

**Minnesota Association of Watershed Districts (MAWD).** MAWD is holding a Leadership Workshop on September 11-12, 2009, in Alexandria. Registration cost is $115. The office will handle reservations.

**2009 Ditch Spraying.** Wade Opsahl, Technician, H.E., has prepared the 2009 ditch cattail and tree spraying maps with his recommendations for which ditches need attention. Motion by Hanson to approve Opsahl's recommendations. Seconded by Olson. 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>Barnesville Phone Co.</td>
<td>7/25/09 billings (2)</td>
<td>Admin</td>
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<tr>
<td>Barnesville Record-Review</td>
<td>Manager advertisement</td>
<td>Admin</td>
<td>$85.00</td>
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<tr>
<td>Becker Co. Auditor</td>
<td>2009 specials</td>
<td>Varies</td>
<td>$1,749.00</td>
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<tr>
<td>Bruce E. Albright</td>
<td>Viewers' meals</td>
<td>Clay County Ditch No. 49</td>
<td>$80.13</td>
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<tr>
<td>CRO's Custom Services</td>
<td>Bufferstrip seeding</td>
<td>Hay Creek CWL</td>
<td>$12,401.42</td>
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<td>Gloria Buhag</td>
<td>Buffer incentive payment</td>
<td>Hay Creek CWL</td>
<td>$1,328.00</td>
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<tr>
<td>J&amp;J Braton Properties</td>
<td>August office rent</td>
<td>Admin</td>
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<td>Joel Carlson</td>
<td>August Lobbyist fee</td>
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<tr>
<td>MPCA</td>
<td>Phase 3A construction permit</td>
<td>Pj. 49, Oakport</td>
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<td>Norma Nelson</td>
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<td>Patricia Bolig</td>
<td>Buffer incentive payment</td>
<td>Hay Creek CWL</td>
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<td>Petty Cash</td>
<td>Postage, supplies, etc.</td>
<td>Admin</td>
<td>$200.00</td>
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<tr>
<td>Red River Valley Coop</td>
<td>Relocate power line</td>
<td>Pj. 61, Clay 11 N</td>
<td>$13,000.00</td>
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<tr>
<td>Reed River Valley Coop</td>
<td>6/10/09-7/11/09 service (3)</td>
<td>Pj. 49, Oakport</td>
<td>$119.83</td>
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<tr>
<td>Reed Business Information</td>
<td>#4213389, Phases 1B/2 bid ads</td>
<td>Pj. 49, Oakport</td>
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<td>RMB Laboratories, Inc.</td>
<td>#103505, River Watch</td>
<td>Buffalo TMDL/SWAG</td>
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<td>#104026, Silver Lake</td>
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<td>#102724, BRIWM-S</td>
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<td>Tamara Ross</td>
<td>Temporary borrow easement</td>
<td>Pj. 38, Ringdikes</td>
<td>$1,000.00</td>
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<td>The City of Dilworth</td>
<td>FEMA map assistance</td>
<td>M.S.A. 103D.905, Subd. 3</td>
<td>$4,200.00</td>
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<td>The Forum</td>
<td>#CL01526268, Phase 1B</td>
<td>Pj. 49, Oakport</td>
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<td>The Forum</td>
<td>#CL01526270, Phase 2</td>
<td>Pj. 49, Oakport</td>
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<td>TRN Abstract &amp; Title FM</td>
<td>#6146689, Letourneau</td>
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<tr>
<td>TRN Abstract &amp; Title FM</td>
<td>#6146683, Spiesz</td>
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<td>UEI</td>
<td>6/01-6/27/09 #7317, 7312, 7315, 7307, 7313</td>
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<td>Vogel Law Firm</td>
<td>#11644, June billing</td>
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<td>Ziegler Construction, Inc.</td>
<td>Kragnes flood repairs</td>
<td>Pj. 38, Ringdikes</td>
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</table>

$142,146.09

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

**Next Meeting.** The Board of Managers, BRRWD, will hold their next regular meeting on Monday, August 10, 2009, in the Barnesville office at 8:00 PM.

**Adjournment.** Chairman Ellefson adjourned the meeting at 12:15 AM.

Respectfully submitted,

John E. Hanson, Secretary