The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a special meeting on Monday, August 27, 2009, at 9:45 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Curtis M. Nelson, 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.).

Chairman Ellefson called the meeting to order at 9:45 PM and explained that the purpose of tonight's meeting was to finish the 08/24/09 meeting agenda items. He announced that the proceedings were being taped to aid in preparation of the minutes. The meeting followed a Project No. 65, County Line Outlet informational meeting that began at 8:00 PM.

Other Business brought before the Board included:

**Permit No. 09-80, Moorhead Public Service (MPS).** Applicant proposes to install a 6" dia. conduit by directional boring under Clay County Ditch (C.D.) No. 47, about 120' south of 34th AVE S in Moorhead. The conduit will carry three electric cables and one 1.5" innerduct. The installation will extend MPS electrical distribution to the Americana Estates Subdivision. **Motion** by Hanson to approve Permit No. 09-80, subject to the BRRWD’s standard utility disclaimer. **Seconded** by Olson. **Approved.**

**Permit No. 09-81, Becker County Highway Department.** Applicant proposes to replace the County State Aid Highway (CSAH) No. 13 crossing on Becker C.D. No. 15, Branch No. 4, between Sections 9 and 10, Hamden Township. The existing timber slab span bridge is deteriorating and narrower than the adjacent roadway and has 168 square feet (sq. ft.) of total waterway area. It will be replaced with a 12’ x 10’ precast reinforced concrete box culvert (RCB) with end sections and 118 sq. ft. of waterway area. Riprap will be placed at the culvert inlet and outlet ends for erosion control. Jones reviewed the application and noted that the flowline elevation was not consistent with the 2005 hydraulic report recommendations or the ditch record drawings. Becker County has agreed to change the culvert elevation to 1.34’ lower than their previous plans to match the record drawing gradeline. **Motion** by Hanson to approve Permit No. 09-81, subject to the noted change. **Seconded** by Nelson. **Approved.**

**Permit No. 09-82, Michael Jaeger.** Applicant proposes to install an approach/24” dia. culvert in Section 20, Elkton Township, Clay County, along the north side of CSAH No. 10 west of Downer to provide access to his lot where a storage building is located. Albright noted that the Board had previously discussed the need to increase area crossing sizes to improve upstream drainage. He suggested that the Board require a 30” dia. pipe. **Motion** by Hanson to approve Permit No. 09-82, subject to County approval to work within their ditch right-of-way (r-o-w) and the noted culvert size. **Seconded** by Olson. **Approved.**

**Permit No. 09-83, Becker County Highway Department.** Applicant proposes to replace a damaged 36” dia. centerline culvert in County Road (C.R.) No. 104 to prevent future washout of the culvert and roadway during spring runoff. This work will be done as a Federal Emergency Management Agency (FEMA) 2009 flood repair. After checking with County records, it appears that originally there was a bridge in this location. Jones and Albright recommended that the County install a 48” dia. pipe, which would be closer in size to the original structure. Hanson noted that the waterway is part of Becker C.D. No. 15. Albright
suggested that the County check the elevations for this structure in accordance with the ditch records. **Motion** by Hanson to approve Permit No. 09-83, subject to the noted culvert size recommendation/elevations. **Seconded** by Nelson. **Approved.**

**Permit No. 09-84, Becker County Highway Department.** Applicant proposes to replace a deteriorating culvert in the C.R. No. 12 crossing Becker C.D. No. 15, Branch No. 4, between Sections 15 and 22, Hamden Township. The existing two lines of 114” x 77” steel span arch pipes (SSP-A) have 96 sq. ft. of total waterway area and will be replaced with two lines of 102” x 62” reinforced concrete arch pipe (RCP-A) with 69.2 sq. ft. of combined waterway area. The next two upstream crossings have 28.3 sq. ft. of waterway area. The new structures will be placed approximately 1’ lower than the existing pipes. The work includes road grading, and riprap will be placed at the culvert inlet and outlet for erosion protection. Jones reviewed the permit and recommended permit approval, noting that the proposed work was in accordance with a 1992 hydraulic analysis H.E. completed for this crossing. **Motion** by Hanson to approve Permit No. 09-84. **Seconded** by Olson. **Approved.**

**Permit No. 09-85, City of Moorhead.** Applicant proposes to construct a 54-unit low density housing development with associated sanitary sewer, storm sewer, and watermain underground improvements for the Horizon Shores 7th Additions, located in Section 14, Moorhead Township, Clay County. Runoff from this area will be routed to the existing East Regional Horizon Shores stormwater pond, located in Horizon Shores 1st and 2nd Addition. Agricultural drainage will be handled by rerouting the swale south of 24th AVE S to flow through the Horizon Shores stormwater ponds. A preconstruction meeting is scheduled for Monday, August 31, 2009, at 2:00 PM, in the Moorhead City Hall. **Motion** by Nelson to approve Permit No. 09-85, subject to Jones's review. **Seconded** by Olson. **Approved.**

**Permit No. 09-86, Kevin Braseth.** Applicant proposes to clean an existing ditch along Clay C.R. No. 31 and replace an existing 18” dia. culvert in the SW¼, Section 25, Skree Township, Clay County, with a used 24” dia. pipe. Braseth is working with Sharon Lean, District Conservationist (DC) Natural Resources Conservation Service (NRCS), on possible wetland impacts. **Motion** by Nelson to approve Permit No. 09-86. **Seconded** by Hanson. **Approved.**

**Permit No. 09-87, Rick Maier.** Applicant proposes to replace an existing 24” dia. culvert with a 36” dia. pipe in the S½, Section 25, Deerhorn Township, Wilkin County, in the north ditch of C.R. No. 30 at the outlet to Project No. 21, Wilkin County Ditch No. 13-Lateral. **Motion** by Olson to approve Permit No. 09-87, subject to County approval to work within their road r-o-w. **Seconded** by Hanson. **Approved.**

**Permit No. 09-88, Harlan Manston.** Applicant proposes to construct three shallow surface drainage ditches in the SW¼, Section 36, Elkton Township, Clay County. Manston is working with the Clay Soil and Water Conservation District (SWCD) to survey the area to develop a construction plan and with NRCS regarding possible impacts to area wetlands. The SWCD survey shows that the ditches could drain south to the township road ditch or north into the coulee. Albright noted that because the soils are erosive with a lot of fall in this area, he didn't think the ditches would change area drainage patterns significantly. **Motion** by Nelson to approve Permit No. 09-88. **Seconded** by Hanson. **Approved.**

**Permit No. 09-89, Zachery Midthun.** Applicant proposes to install an approach with an 18” dia. culvert for a new home construction in the Egdon Hills Subdivision Block 1, Lot 5, in Hawley, on the south side of Trunk Highway (T.H.) No. 10. **Motion** by Hanson to approve Permit No. 09-89, subject to Township approval to work within their road r-o-w. **Seconded** by Nelson. **Approved.**

**Permit No. 09-72, Rick Thompson.** At their 08/10/09 meeting, the Board approved a permit for Thompson to install an approach in the W½, Section 11, Alliance Township, Clay County, in the southeast corner of his property along 14th AVE S (C.R. No. 57) with a proposed 18” dia. culvert, subject to Manager...
field review. Albright reported that the neighboring landowners are concerned with the sizing of the culvert for Thompson's approach. The Board discussed the concerns and scheduled a field meeting for 09/01/09 at 7:15 AM.

**Permit No. 09-64, Mark Ekre.** At their 07/20/09 special meeting, the Board tabled this permit application pending Manager field review. The project includes the installation of random tile lines in the S½NE¼ and NE¼NE¼, Section 1, Skree Township, and the S½NW¼ and NE¼NW¼, Section 33, Eglon Township, Clay County, to reduce groundwater seepage associated with a high water table in this area. The seepage keeps the low areas wet and delays field work. The NRCS has reviewed and approved the work. Albright and Manager Ellefson conducted a field review. It appears that the one of the proposed tile sites was in Ekre farm yard, not in his field. **Motion** by Hanson to approve Permit No. 09-64, subject to our standard tiling disclaimer. **Seconded** by Olson. **Approved.**

**Minch Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 10:25 PM to discuss correspondence regarding this issue from Attorney Norgard. At 10:40 PM, the Board reopened the meeting.

**Kenneth Schellack Drainage Complaint.** Albright reported that he and Wade Opsahl, Technician, H.E., conducted a survey to check the ditch work and establish the natural ground elevations regarding Schellack's concerns about ditch work that Ron Erdman completed for Curt Stubstad in the NE¼, Section 8, Elkton Township, Clay County. Albright suggested that the Board could invite the landowners to a future meeting to discuss this issue further.

**Steve Mattson Drainage Complaint.** Mattson and the United States Fish and Wildlife Service (USFWS) both have concerns about Mattson's ditching associated with their easement in Section 34, White Earth Township, Becker County. Albright will set up a meeting with Mattson and the USFWS.

**Project No. 66, LaBelle/Boyer Lakes Outlet.** The Board has scheduled a landowner informational meeting for Monday, August 31, 2009, at 7:30 PM, at the Lake Park Community Center. Albright noted that a landowner on Felker Lake south of Boyer Lake called the office with concerns about a possible fish die out if we lower Boyer Lake. Jones noted that the elevation of Felker Lake is probably artificially high because of the wet cycle we're currently experiencing. He advised the landowner to check with other landowners who have lived on the lake longer to help her understand what a normal elevation for Felker Lake would be in comparison to LaBelle/Boyer Lake's normal elevations. Albright noted that with normal rainfall conditions, Felker Lake is probably not even considered to be a fishery.

**Project No. 61, Clay C.D. No. 11 N.** Jones reported that Nathan Gannon, Engineer, Clay County Highway Department, notified him that while the County started to pour the headwall at the outlet of C.D. No. 11, he noticed that the first 30' of the outlet pipe were corroded on the bottom. Jones conducted a field review and took photographs for the Board's review. The first 10' of the pipe is actually sloped the wrong way. Jones recommended that the Board authorize replacement about the first section of the pipe (approximately 28'). He thought that the rest of the pipe was still serviceable. **Motion** by Olson to replace the pipe, according to Jones's recommendation. **Seconded** by Nelson. **Approved.**

**Project No. 58, Riverton Township Retention.** The contractor, Nanik Construction, Inc., is making progress on the project. Albright noted that the office will be working on preparing the transcripts for six BRRWD projects for one bond sale ($1.5 million). The deadline for the bond sale is 09/11/09.

**Project No. 56, Manston Slough Restoration.** The Board discussed the Holubok building demolitions. Steve Holubok was notified to remove any property he wants as soon as possible, as the demolition work could start in the next two weeks. The apparent low bidder, Lyle Wilkins, contacted the office with a
question about a junk car that was shown in the bid packet site photographs. He submitted his bid with the understanding that he would be able to take possession of the old car. However, it appears that Holubok plans to remove all the vehicles. Jones noted that the car was not specifically called out in the bid packet, and when he asked Wilkins how much he had taken off his bid for the car value, Wilkins was reluctant to put a price on the car. Albright suggested that if Wilkins feels that not getting the car is a deal breaker for him, maybe the Board should go to the next lowest bidder, William Nichol Excavating, Inc. Motion by Hanson to award the contract to Lyle Wilkins, with the understanding that Steve Holubok has a deadline to remove all the property he wants, including the vehicles, and then find out if he wants to honor his bid amount without the car. If he isn't willing to do the demolition for the amount of his bid, then we will award the contract to William Nichol Excavating, Inc. Seconded by Nelson. Approved.

Tom Arnhalt's easement check is prepared and ready for him to pick up. His land exchange agreement has a 09/01/09 deadline.

Albright reported that Rick St. Germain, Engineer, H.E., attended the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) meeting today, and the WorkGroup has recommended to fund up to 75% of the State's share of the project’s costs. Federal funding can't be used towards the 25% local share. Funds from the Lessard-Sams Outdoor Heritage Council (LSOHC) might be available in smaller amounts ($400,000). The LSOHC grant application is due in October.

**Project No. 49, Oakport Flood Mitigation.** A meeting will be held on Friday morning (08/28/09) at 8:30 AM at the Courthouse to discuss other project details with BRRWD Attorney Tami Norgard, Vogel Law Firm. Others in attendance will include Greg Anderson, Robert Zimmerman, UEI, Albright, and any BRRWD Managers who are available. The Board discussed easement acquisition concerns and the construction schedule. More discussion will take place regarding this issue at the meeting on Friday with UEI and Norgard.

Master Construction submitted a proposal for the demolition of three properties (Ries, Hurner, and Skalicky) for a total of $59,000. The houses have been moved, so the work would include basement demolition and site cleanup. Motion by Nelson to accept the bid. Seconded by Hanson. Approved. The contractor can start the work tomorrow.

The Minnesota House of Representatives Bonding Committee is conducting a tour on Wednesday, September 02, 2009. Albright plans to attend and provide information regarding the Manston, Oakport, and Georgetown projects.

**Project No. 39, Georgetown Levee.** The State of Minnesota has approved a $240,000 grant to the City of Georgetown for project design, planning, and geotechnical work. Motion by Hanson to authorize H.E. to work with the City to advertise for geotechnical study bids. Seconded by Olson. Approved.

Georgetown is celebrating their 150th Centennial on September 18-21, 2009. The BRRWD was invited to participate in their parade on Saturday, September 18, 2009, at 11:00 AM.

The following bills were presented for approval:

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<td>Bruce Albright</td>
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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, September 14, 2009, in the Barnesville office at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 11:30 PM.

Respectfully submitted,

John E. Hanson, Secretary