

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

BARNESVILLE, MINNESOTA 56514

123 FRONT STREET SOUTH – PO BOX 341

PHONE 218-354-7710

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## **MINUTES FOR MANAGERS' MEETING January 26, 2009**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, January 26, 2009, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Curtis M. Nelson, John E. Hanson, Gerald L. VanAmburg, and E. Robert Olson. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, and Julie Jerger, Houston Engineering, Inc. (H.E.); Greg Anderson, Chairman, Oakport Township, and S. Bruce Langness, Engineer, Ulteig Engineers, Inc. (UEI); and landowners: LeRoy Bergman and Todd Bergman.

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

**Secretary's Report.** The Board reviewed draft minutes for the 1/12/09 regular meeting and the 12/01/08 Project No. 49, Oakport Flood Mitigation Final Hearing. Nelson noted two corrections. **Motion** by Nelson to approve the minutes, subject to correction. **Seconded** by Hanson. **Approved.**

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

**LaBelle/Duck Lakes Outlet.** LeRoy Bergman and Todd Bergman, who live north of Lake Park, attended the meeting to discuss the status of the investigation of the LaBelle Lakes highwater complaint LeRoy Bergman filed last fall. Albright met with Brad Grant, Becker Soil and Water Conservation District (SWCD), to review aerial photographs of the area to determine if something may have been done in the outlet channel. The Board reviewed the 2003, 2006, and 2008 photographs. In the 2003 and 2006 slides, the channel is open and vegetated. However, in the 2008 slide, it is apparent that something has changed in the channel outlet. If the channel was filled in, this work could potentially be a Swampbuster violation, and could have Wetlands Conservation Act (WCA) and Army Corps of Engineers (COE) ramifications for placing fill in wetland areas. The Minnesota Department of Natural Resources (DNR) is claiming that it has no jurisdiction, as the work took place above the Ordinary High Water (OHW) elevation. Jones commented that further investigation might show that some work was done below the OHW. Brad Grant said that if the landowner, Loren Jetvig, wants an access point between his two fields, he could install a culvert in the waterway.

The Board would like to meet with Jetvig regarding this issue to develop a plan to restore the outlet channel. If Jetvig is unwilling to work with the BRRWD to remove the blockages, then it may be necessary for the BRRWD to contact our Attorney and other agencies regarding this issue.

At their 12/22/08 meeting, the Board authorized H.E. to contact a local tiling contractor for an estimate to install a tiled lake outlet, which was Jetvig's earlier suggestion. Jones received an estimate from Ellingson Drainage for a 15" dia. and 18" dia. HDPE dual-wall tile line. The 15" dia. tile line would cost approximately \$37,000 and the 18" dia. tile would cost approximately \$44,000. These estimates include installation.

Ellefson commented that we would be willing to cooperate with Jetvig if he wanted to install a private outlet tile. Albright observed that if the BRRWD developed an outlet project for this area, most of the

benefits would go to Jetvig, as he owns the majority of the property surrounding the lakes. Ellefson thought that a lake outlet project could actually cost Jetvig more than installing the tile line privately. Albright noted that the BRRWD is obligated to work with the landowners to restore the outlet elevation to the OHW. The BRRWD could work with Jetvig via our permitting process if he wants to install a tile line or a culvert for field access.

Ellefson asked if the BRRWD needs to declare an emergency and have the blocks removed yet this winter. Bergman said that since his driveway was nearly underwater last fall, it's hard to predict what problems he could encounter on his property this spring, as there are many variables that affect spring runoff. The high water elevation is also affecting other properties around the lake and a county road. However, due to current weather conditions, it might be difficult to do much this winter. Albright suggested that he and Manager Hanson could meet with Loren and Chad Jetvig regarding this issue in the next two weeks. He will send a letter to Jetvig to schedule a meeting. Albright noted that both he and Jones have had conversations with Jetvig regarding this issue. Jetvig didn't acknowledge that the blocks exist and suggested that the BRRWD install a tiled outlet. **Tabled** pending a meeting with Jetvig.

**Project No. 49, Oakport Flood Mitigation.** The Technical Committee discussed the Final Order for the Oakport project at their 1/06/09 meeting. The Board approved the 12/01/08 Final Hearing minutes earlier tonight. S. Bruce Langness, UEI, and Greg Anderson, Chairman, Oakport Township, attended tonight's meeting to offer support for the Board to approve the Order to establish the Oakport Flood Mitigation project. Langness reported that UEI expects to complete the soil boring fieldwork by the end of the week, except for the Fischer and Swanson properties. Now that the cross-section information is ready, designs for Phases 1A and 1B can be finalized when UEI completes the settlement, seepage, and slope stability calculations.

In a telephone conversation last week, Albright told State Senator Keith Langseth that we could use about \$4-\$5 million to continue work on the project in 2009. Pat Lynch, Flood Damage Reduction (FDR) Hydrologist, DNR Waters, informed Albright that DNR has only about \$2 million of unencumbered funding left from the \$30 million the State Legislature allocated for 2008 FDR funding. Albright has already discussed the upcoming Sieben buyout (4/01/09) with Lynch. The VanRaden, Ries, and Hurner buyouts could take place in the next several weeks. The Newland buyout will not close until later this fall (2009) or early next spring (2010). Albright distributed information regarding a bill Senator Langseth has already introduced for FDR funding in northwestern Minnesota, which would be a separate new pool of money from the Legislative statewide bonding bill. The Board discussed possible proceeds from the Federal stimulus package.

If the Board decides to go ahead with the project, Albright is planning to send a notice to the project landowners regarding the Board's Order. The notice would encourage landowners to purchase flood insurance for their property at the current rates prior to the adoption of the new floodplain maps. Albright will send a draft of the letter to Langness for his review. Albright is working with BRRWD Insurance Agent John Hoffman, ICS Agency, Inc., regarding flood insurance for the buyout properties. Albright noted that he has been in contact with the Fischer family to get permission to complete the soil boring work. It appears that a family member in Colorado has concerns about the project, and Albright plans to call her to discuss how the project could affect the Fischer property. The Board will meet with the Pierce family on 1/28/09 at 3:00 PM at the Pierce building in Fargo. The Pierce family is a major landowner on Phase 1B.

The Board discussed the final hearing comments and the Final Order. Ellefson stated that in general, he felt that most of the landowners are anxious for the project to move forward. Albright noted that he added language to the Order to allow for changes in the final dike alignment, which could make it necessary to adjust the Appraisers' Report. The Board's decision regarding the Order will include all the project phases,

which will be constructed over a 2-3 year period. Albright noted that smaller local contractors have expressed interest in the project because the construction will be divided into phases. Each phase will be bid separately and work on the phases can be done concurrently.

Langness provided a project update. Project engineer, Kris Carlson, plans to restart his weekly progress reports for the Board's review. Langness meets with Carlson on a weekly basis to monitor project progress. He noted that UEI has a team of committed engineers working on the project. Phases 1A, 1B, and 2 should be ready for the permitting process to begin by 3/15/09. The Conditional Letter of Map Revision (CLOMAR) is nearly ready for submittal to the Federal Emergency Management Agency (FEMA). If successful, the CLOMAR could lower the flood insurance rates for the project landowners. Carlson has advised that work on Phases 3 and 4 will be delayed until the geotechnical investigation is completed. Albright plans to contact the Fischer family and Jesse Swanson regarding access to their property so that the soil borings can be completed. Langness noted that in general, the landowners have been very cooperative.

The Board discussed funding several of our smaller projects with Oakport through a combined bond sale. The local landowners' share of the Oakport project cost is capped at \$439,300, but there could be some additional costs, such as interest expense, etc., that are not covered by the FDR grant. Nelson noted that interest rates on bond have risen substantially. Ellefson felt this could make it difficult for us to fund some of our smaller projects. Langness noted that the final project cost could change, depending on possible dike alignment changes. Ellefson felt the Final Hearing went well and the Open House was a good way to give landowners specific information about their property. **Motion** by VanAmburg to make the Findings of Fact and Order for the establishment of Project No. 49, Oakport Flood Mitigation and to approve Resolution 09-01 to issue a bond sale to raise funds for the project. **Seconded** by Olson. **Approved.** This action begins the 30-day appeal period. Albright noted that the next step will be to start the easement option process.

Langness noted that UEI has identified 15 critical sites where flooding could occur this spring. Albright, Kevin Campbell, and Langness will meet next week to review these sites and discuss possible protection measures, if necessary this spring. Olson felt the BRRWD had a responsibility to protect the buyout properties in case of a spring flood, especially if neighbors could be affected.

**Project No. 46, Turtle Lake Outlet.** Both siphons are operating. Wade Opsahl, Technician, H. E. installed open water signs on Long Lake. In accordance with the Operation and Maintenance (O&M) plan, if there is major flooding this spring, the project will have to be stopped.

**Treasurer's Report.** The Board reviewed the BRRWD's financial status. Since the last meeting, we have received the second half Clay County 2008 ditch payment (\$185,000), final year-end county property tax payments, and a payment from the DNR for the Holtgard buyout associated with the Oakport project (\$175,000). Albright received payment from the Red River Watershed Management Board (RRWMB) for our first and second quarter Mediation Project Team (PT) administrative expenses (\$3,998.36). Albright also sent a pay request to the DNR for Project No. 63, Grove Lake (\$45,935.38). Nelson reported on Certificate of Deposit (CD) rates (1.35%-2.5%). After discussion, the Board decided to wait to purchase a CD until after the upcoming Oakport buyouts are completed. The BRRWD currently has \$1,236,937.43 on hand.

**Permit No. 08-30, Scott VanWechel.** At their 10/27/08 meeting, the Board authorized Jones to investigate a possible ditch improvement for Wilkin County Ditch No. 22, Lateral No. 3, which would include culvert changes and a better ditch grade. Zach Herrmann, H. E., is working with Jones on recommendations for a ditch improvement, and he will present a cost estimate for the Board's review at the next meeting. Albright has contacted Dennis VanWechel to inform him about the status of the investigation. **Tabled.**

**Permit No. 08-73, William Austin.** Zach Herrmann, H.E., is also working with Jones on a cost estimate to clean the north road ditch and install a culvert through County State Aid Highway (CSAH) No. 10 west of Craig Halverson's farmstead. Bill Austin has requested that the BRRWD hold a hearing to add his property in Section 16, Elkton Township, to the Clay County Ditch No. 55 benefit area before spring. The office will prepare a mailing list for the hearing notices. Albright thought we could hold the redetermination hearing and then delay the final redetermination order until the other drainage issues have been resolved and Austin's permit is acted upon. The Board discussed possible meeting dates and locations. Herrmann will present his project recommendations/cost estimate at the next BRRWD meeting. **Tabled.**

**Permit No. 08-105, The Nature Conservancy (TNC).** The Board will invite Lee and Brandi Alm and TNC to our upcoming 2/09/09 meeting to continue discussion about possible increased seepage from TNC's proposed wetland restoration project in Sections 25/36, Riverton Township, and Section 1, Elkton Township, Clay County, affecting the Alms' property/buildings. Albright will send notices to TNC and the Alms. The Board discussed the need to remove the beaver dams east of Alms' buildings, and a possible gravity flow tile line off from the drain tile around their house to a nearby wetland. The Board was concerned that if we approve TNC's permit, TNC might not allow the Alms to install a tile line through their property or enter their property to control the beavers. The Board is interested in working with both parties to move TNC's project forward without affecting the Alms' property.

**Permit Nos. 09-01 & 09-02, Robert Norby.** For Permit No. 09-01, applicant proposes to reverse the grade of a field ditch in the S $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 22, Kragnes Township, Clay County, to reroute flows back into the Buffalo River rather than north to Clay County Ditch No. 49. This work would only affect high water events. For Permit No. 09-02, applicant proposes to continue his diking project in the NW $\frac{1}{4}$ , Section 22, Kragnes Township, which he started last summer along the Buffalo River. According to the Board's direction, Albright sent a letter to Norby stating that the BRRWD has tabled the applications until next spring so that the proposals can be field reviewed. The letter also advised Norby that he could need a Conditional Use Permit (CUP) from the Clay County Planning and Zoning Commission for work in the floodplain. **Tabled.**

**Permit No. 09-04, Clay County Highway Department.** Applicant proposes to reconstruct 1.2 miles of CSAH No. 8 from the Red River east to Trunk Highway (T.H.) No. 75. The road presents a safety hazard as the shoulder and part of the roadway are sliding into the south ditch. This work will be done in conjunction with the BRRWD's Project No. 61 to improve Clay County Ditch No. 11N. Albright noted that the Viewers will be asked to determine benefits for the County Ditch No. 11N improvement project. The County will let bids for both projects under one contract.

**Minch Lawsuit.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 8:48 PM to discuss the status of this issue. At 9:02 PM, the Board reopened the meeting.

**Phillip Rogers Wetlands Restoration Project (WRP).** Rogers has proposed a possible WRP project on his property in the SW $\frac{1}{4}$ , Section 5, Humboldt Township, Clay County. The BRRWD would be interested in developing the site with the Natural Resources Conservation Service (NRCS) so that it could incorporate both flood damage reduction (fdr) and natural resource enhancement (nre). H.E. has started investigating the proposal. Jones thought that we could use the LiDAR data from the International Water Institute (IWI) Digital Elevation Modeling (DEM) project to evaluate the potential for WRP on Rogers' property when the LiDAR becomes available in March.

**WCA Banking.** The Clay SWCD furnished names of two landowners who are interested in restoring wetland on their property and selling the wetland credits to the BRRWD. Albright suggested that Mark

Aanenson, H.E., could meet with Dwight Mickelson and Chuck Anderson this spring to review their sites according to Wetlands Conservation Act (WCA) criteria. Ellefson commented that the new DEM data could also probably be used for this type of evaluation.

**Clay County Highway Department.** Clay County contacted Jones regarding their project on County Road (C.R.) No. 11. They plan to change the last structure on Clay County Ditch No. 3 near the Buffalo River. Jones noted that the new structure will have to be reviewed in accordance with Minnesota Drainage Law. Albright suggested that we might have to hold a ditch system hearing to install a larger structure(s). Jones said that this proposal would ultimately come to the BRRWD as a permit application. The group discussed structure sizing.

**Robert Schultz Drainage Concern.** Schultz owns the house on the north side of T. H. 34 across from the Galaxie Supper Club east of Barnesville in the southwest corner of Section 21, Humboldt Township, Clay County. There is standing water in the yard that could be seeping from the Kelly Nichol WRP site north of his property. The culvert through T. H. 34 or the Galaxie driveway could be plugged. Schultz would like to get the culverts opened before spring runoff. Albright thought that he and Schultz could meet with Township and Minnesota Department of Transportation (MNDOT) representatives to try to find a solution to this problem before spring.

**Project No. 63, Grove Lake Outlet.** Due to weather conditions, the contractor, Steven Johnson Construction, has currently stopped work on the project, although he would like to complete the project yet this winter. As noted in the Treasurer's Report, Albright billed the DNR for \$45,935.38 for this project. There is about \$16,000 left in the grant. Pat Lynch, FDR Hydrologist, DNR Waters, has already processed the pay request, so the payment should be available soon.

**Project No. 58, Riverton Township Retention.** Albright noted that he will prepare a pay request to DNR. We will also need to ask for a DNR grant time extension, as we've already extended the construction deadline until 8/01/09, and the grant expires on 6/30/09. Albright will ask for a six-month extension.

**Project No. 56, Manston Slough Restoration.** Don Schultz and a DNR appraiser, Mike Martinez, will meet with Albright and Manager Ellefson on 2/02/09 at 1:30 PM in the Barnesville office. The DNR is prepared to make an offer for the Holubok property in the SE<sup>1</sup>/<sub>4</sub>, Section 30, Manston Township, Wilkin County. They have also prepared offers for the C& H Farms and Arnhalt properties. The office is working on reviewing the Environmental Assessment Worksheet (EAW), which is now ready to submit. The Memorandum of Understanding (MOU) will be attached to the EAW. The MOU is being distributed to the other participating agencies for their signature. Albright suggested that we delay submitting the EAW until all the agencies sign the MOU. The office will continue work on the easement options next week.

**Project No. 38, Farmstead Ringdikes.** Jones reported that Midwest Testing has completed their work and forwarded their recommendations regarding the Karppinen ringdike investigation in Section 17, Elmwood Township, Clay County. According to Midwest Testing, conditions on the Karppinen site are not favorable for the construction of a ringdike. Generally, Midwest Testing recommends a safety factor of about 1.5. Currently, the Karppinen site has a safety factor of about 1.25-1.0. Jones explained that the channel slope is undergoing what is termed "creep", which is a slow undermining process, and ringdike construction would only speed up the slope failure. One way to stabilize the site would be the construction of a floodwall. Jones estimated that a floodwall could cost as much as \$200,000, which doesn't include the cost of the other ringdiked areas. Initially, the Board had agreed to pay the investigation costs for the Karppinen ringdike proposal. Albright noted that we still have some ringdike funding left, but the grant expires on 6/30/09. Albright will send Karppinen a copy of Jones' letter, advising him that we probably won't be able to continue with their ringdike project in light of Midwest Testing's recommendations. He will also send a pay request to DNR for 50% reimbursement of our investigation costs and other general ringdike expenses.

The Board discussed the other ringdike applicants. Most of these sites don't appear to be conducive to ringdike construction either.

John Butze still hasn't remitted the balance of his 2006 ringdike payment. The Board has given him until 2/09/09 to send payment, or we could turn it over to our attorney for collection. To date, Jones has not heard from Jeremy Kuipers regarding tree removal costs for his ringdike site near Kragnes.

**Project No. 32, Hawley EDA Diversion.** Midwest Testing has completed their evaluation of the integrity of the 60" dia. pipe. Rick St. Germain will submit a response with options for addressing the pipe deterioration for the Board's review an upcoming meeting. **Tabled.**

**Mediation PT.** The next PT meeting is scheduled for 1/29/09 at 1:30 PM at the MSUM Science Center. Notices have been sent. The South Branch of the Buffalo River (SBBR) Reinvest In Minnesota (RIM) application was submitted to the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG). The WorkGroup recommended that our application be forwarded to the Minnesota Board of Water and Soil Resources (BWSR) for final approval at their meeting tomorrow. If all of the potential 800 acres are enrolled for bufferstrips along the SBBR in the proposed project area, the grant could equal approximately \$1.5 million, including easement acquisitions and seeding costs. Albright noted that he plans to attend a RIM training session scheduled in Erskine, MN, on 2/19/09. All RIM applications must be submitted by 6/01/09.

The Board discussed a possible project for the SBBR. They acknowledged that a project of this scope could take 3-5 years to develop. Albright suggested that the Board send a letter to the landowners interested in a project for the SBBR, advising them that they should be aware that their participation in the RIM program is on a voluntary basis, and a project for the SBBR is not currently on the BRRWD's agenda. Further, the Board cannot guarantee that there will ever be a project for this area. At this time, we have several large projects that will take precedence over a new project for the SBBR. Ellefson suggested that Albright talk with Ross Aigner, Wilkin SWCD Supervisor, who is spearheading the push for the RIM signup and a project for the SBBR in Manston and Atherton Townships. He needs to understand that the Board is not prepared to start another large project at this time. Albright noted that he has already visited with Aigner about this issue. The Board discussed how current financial setbacks in the economy might affect the availability of state funding for projects.

**RRWMB.** The Board discussed a letter from the Citizens for Farmland Preservation to the RRWMB expressing concerns about the practice of meeting in locations that are outside of their territorial jurisdiction boundaries. The next scheduled RRWMB meeting has been scheduled for 2/17/09 in St. Paul, during their Legislative briefing session.

**Wolverton Creek/Comstock Coulee Clean Water Legacy (CWL) Project.** Due to the historically wet fall, all work on the project has been delayed until next spring. The Work Group met in Barnesville on 1/07/09 to discuss the project status. The deadline for grant funding is 6/30/09, and if the project isn't completed by that time, the funding will have to be returned. H.E. has completed about 90% of the channel survey. Albright submitted a pay request for \$21,310.30 to the Clay SWCD for H.E.'s surveying work.

**Hay Creek/Stinking Lake CWL Grant.** Albright distributed a summary of the project for the Board's review. Albright met with Brad Grant, Becker SWCD, on 1/16/09 to discuss plan implementation. Becker SWCD was very successful in getting landowners to sign up for the CWL funding. Currently, about \$125,000 of the \$210,000 grant funding has been encumbered. Grant plans to recontact landowners to see if anyone else is interested in the program. Another option would be to include Clay County in the program area. Albright will contact Kevin Kassenborg, Clay SWCD, to see if he is interested. Unlike the Wolverton Creek/Comstock Coulee CWL project, the grant's 6/30/10 deadline could be extended, if

necessary. The actual construction work (sediment control basins and bufferstrips) will be done this spring/summer.

**319 Grant Surface Water Assessment Grant (SWAG).** Albright noted that two of the three SWAG grant applications were approved for lake monitoring and integrated watershed monitoring. The Buffalo River integrated watershed stage monitoring program was not funded. Jones and Albright will participate in a conference call with Minnesota Pollution Control Agency (MPCA) on 1/28/09 to discuss reconsideration of the unfunded program. Jones also had a conference call on 1/23/09 with local MPCA representatives regarding this issue. He feels that the unfunded proposal is a crucial part of the entire Total Maximum Daily Load (tmdl) project. Molly McGregor, MPCA, was surprised that this proposal wasn't funded, as she had scored all three programs very high.

Jones mentioned that the United States Geological Survey (USGS) will be coming to Fargo to discuss their sediment sampling on the Wild Rice River. They would like to meet with the BRRWD to discuss our project monitoring sites/needs. In some cases, the USGS will fund 50% for project monitoring if they are involved with the work.

**Fargo Southside Flood Control (FSSFC) Project.** To date, there have been no new developments regarding this project. Albright and Managers Nelson, Olson and VanAmburg attended the Environmental Assessment (EA) meeting with the City of Fargo on 12/09/09. The Board has agreed to wait for the City of Fargo to let us know what they need from us regarding access to Minnesota properties.

**BRRWD tmdl Study.** Jones submitted the workplan for the basin-wide tmdl study on the Buffalo River. A copy of the plan was distributed to the Board for their review. Jones discussed the content of the plan and project funding. He noted that the BRRWD project is one of only two pilot watershed-wide tmdl projects in the State. MPCA is funding the entire project that will include the Buffalo River watershed within in the BRRWD, or about 90% of the district. The estimated cost of the Phase I work is \$90,760.00. The local SWCDs will be an important partner, especially regarding the distribution of project information.

**Legislative Update.** Joel Carlson, BRRWD Lobbyist, forwarded a number of items regarding current State Legislative activity for the Board's review. Albright noted that several proposed bills are included in the information. The Board discussed a bill that would require Watershed Districts to submit their budgets to their respective County Boards for approval. The Minnesota Association of Watershed Districts (MAWD) Watershed Districts is on record opposing this legislation, and the Association of Minnesota Counties did not adopt this proposal at their recent conference.

**Clay County Ditch No. 31 Repair Request.** Nick Manston submitted a repair request for the Board to review the possibility of installing a crossing over County Ditch No. 31 along the east line of Section 3, Barnesville Township. Currently, there is no road on the line between Sections 2 and 3, and property that he leases is landlocked. The crossing could be an approach with culverts, a texas crossing, or a low water ford. Ellefson thought it would be best not to install approach/culverts in this area, but the other options might work. **Tabled** for now, and a field review will be conducted this spring when conditions permit.

**PERA Report.** Albright prepared the Public Employees Retirement Association (PERA) Annual Exclusion Report and Certification form for the Board's review. Chairman Ellefson signed the form on behalf of the Board.

**Drainage Law Revision.** It appears that in the 2007 Legislative Session, Drainage Law was changed to allow drainage authorities to install bufferstrips and side inlets on a ditch system without a redetermination of benefits proceeding or appointing Viewers. This new law would make it easier/less expensive to install

bufferstrips on ditch systems because drainage authorities wouldn't have to hold a ditch system hearing or send out Viewers.

**2008 MAWD Legislative Breakfast.** The 2009 MAWD Legislative Breakfast and Day at the Capitol is scheduled for Thursday, March 19, 2009, at the Kelly Inn in St. Paul. There will also be a Legislative briefing at the Kelly Inn on Wednesday, March 18, 2009, from 7:00 PM to 9:00 PM. Albright will schedule a regional meeting with our Legislators, Lobbyist Joel Carlson, the BRRWD, the Wild Rice, Pelican Lake, and Cormorant Lake Watershed Districts. All the Mangers plan to attend the Breakfast. The office will handle hotel reservations/event registrations. The office will also prepare invitations for our local Legislators.

**Log Jams.** A landowner, who lives east of Sabin on the South Branch of the Buffalo River, sent an e-mail message regarding a log jam near her property. Opsahl conducted a review and took photographs. He felt that we could delay the removal until we have more sites to work on in the area, or the jam gets worse.

**Project No. 39, Georgetown Levees.** At the 12/08/08 meeting, the Board approved a bid from William Nichol Excavating (\$4,100) to remove a log jam on the Texas crossing associated with the levee project. Myron Maurstad, former Mayor of Georgetown, recently told Albright that most of the logs have been cut for firewood. He felt that the BRRWD could delay the log jam removal until after spring runoff. Albright notified Nichol and Opsahl that the project has been delayed until later this spring, if needed. Nichol will rebid the work at that time.

**Invasive Species Forum.** The Bemidji area Natural Resources Continuing Education Consortium and Bemidji State University's Center for Research and Innovation is hosting a workshop for natural resources professionals and other interested parties regarding the ecology and management of invasive species in terrestrial and aquatic environments. The workshop, entitled "Landscapes Lost: Unraveling Invasibility", will be held on February 19, 2009, in the Bemidji State University Beaux Arts Ballroom. Managers interested in attending should contact the office for more information.

**Subsurface Drainage Forum.** The North Dakota State University (NDSU) Extension and the University of Minnesota (U of M) Extension Service is sponsoring the ND-MN Subsurface Drainage Forum on February 24, 2009, in the NDSU Memorial Union Century Theatre in Fargo from 8:00 AM to 4:00 PM. The topic of the Forum is "Tile Drainage: A new technology in the Red River Basin". Registration is \$30 before 2/16/09 and \$35 at the door.

**MN Seeding Contractors Association.** The Seeding Contractors Association has offered a free membership to the BRRWD. The Association was formed to unify the seeding industry and promote industry standards, as well as establish more communication between seeding contractors, prime contractors, engineers, and suppliers. The Board authorized Albright to sign up for a membership.

**Lobbyist Agreement.** Joel Carlson, BRRWD Lobbyist, forwarded a consulting agreement for the Board's signature. At the 1/12/09 meeting, the Board agreed to hire Carlson as our Lobbyist for one year at \$850/month. Albright noted that the agreement is for two years (1/01/09-12/31/10). The Board discussed the term of Carlson's agreement. **Motion** by Hanson to authorize Ellefson to sign the consulting agreement to hire Joel Carlson as our Lobbyist for 2 years. **Seconded** by VanAmburg. **Approved.**

**Red River Basin Commission (RRBC) Annual Conference.** Hanson gave a brief report regarding the RRBC Annual Conference that he attended in Winnipeg on January 20-22, 2009. The International Joint Commission is celebrating its 100<sup>th</sup> Anniversary in Niagara Falls on 6/12/09.

The following bills were presented for approval:

| <b>Accounts Payable</b> | <b>Description</b>          | <b>Account</b>      | <b>Amount</b>       |
|-------------------------|-----------------------------|---------------------|---------------------|
| Barnesville Phone Co.   | 1/25/09 billings (2)        | Admin.              | \$ 163.68           |
| Clay County Auditor     | Becker Co. Collections      | Pj. 46, Turtle Lake | \$ 241.20           |
| J&J Braton Properties   | February office rent        | Admin.              | \$ 540.00           |
| Joel Carlson            | February Lobbyist fees      | Admin.              | \$ 850.00           |
| John E. Hanson          | #0830, 11/01/008-12/31/08   | Varies              | \$ 962.66           |
| MAWD                    | 2009 Membership Dues        | Admin.              | \$ 2,000.00         |
| MAWD                    | Legislative Breakfast (6)   | Admin.              | \$ 300.00           |
| Midwest Helicopters     | 9/27/08 & 10/02/08 spraying | Varies, see attch.  | \$ 21,335.00        |
| Midwest Testing         | #38308, Pipe Evaluation     | Pj. 32, Hawley      | \$ 1,483.00         |
| Midwest Testing         | #38340, Karppinen Ring Dike | Pj. 38, Ringdikes   | \$ 4,232.50         |
| Moorhead Public Service | December water/sewer (4)    | Pj. 49, Oakport     | \$ 110.18           |
| Petty Cash              | Postage, supplies, etc.     | Admin.              | \$ 200.00           |
| Red River Valley Coop   | 12/31/08-1/10/09 (Skalicky) | Pj. 49, Oakport     | \$ 148.54           |
| TDS MetroCom            | 1/13/09 long distance       | Admin.              | \$ 11.35            |
| TRN Abstract& Title FM  | #6108441, abstract (Ries)   | Pj. 49, Oakport     | \$ 235.00           |
| TRN Abstract& Title FM  | #6108383 abstract (Sieben)  | Pj. 49, Oakport     | \$ 259.00           |
| UEI                     | December 08 billing summary | Pj. 49, Oakport     | \$ 28,825.35        |
|                         |                             |                     | <b>\$ 61,897.46</b> |

**Motion** by Nelson to approve payment of the bills. **Seconded** by Hanson. **Approved.**

**Next Meeting.** The Board of Managers, BRRWD, will hold their next meeting on Monday, February 9, 2009, in the Barnesville office at 7:00 PM.

**Adjournment.** Chairman Ellefson adjourned the meeting at 10:15 PM.

Respectfully submitted,

John E. Hanson, Secretary