

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING October 13, 2009

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Tuesday, October 13, 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, and Julie Jerger, Houston Engineering, Inc. (H.E.); Robert Hovland, Supervisor, Prairie View Township; and landowners: Donald Hoppe, Ronald Erdman, and Brea Paradeis.

Manager Ellefson called the meeting to order at 8:00 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 6/25/08 Kragnes Ringdike Final Hearing, the 9/04/07 Project No. 58, Riverton Township Retention Final Hearing, and the 5/29/03 Project No. 49, Oakport Flood Mitigation Preliminary Hearing. **Motion** by VanAmburg to approve the minutes. **Seconded** by Hanson. **Approved.**

Treasurer's Report. The Board reviewed the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. We have \$643,754.75 cash on hand. The BRRWD has received \$764,703.26, most of which was reimbursements from the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation. The remainder of the income is from the sale of the Pierce property in Oakport, the sale of two used culverts associated with Wilkin County Ditch No. 43, and miscellaneous tax proceeds from Becker County.

Albright noted that the Sieben house closing (\$400,000) is scheduled for 10/24/09. The office has submitted the bond sale transcripts for Project No. 49, Oakport Flood Mitigation, Project No. 58, Riverton Township Retention, Project No. 63, Grove Lake Outlet, Project No. 62, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1), Branch No. 4-Improvement/Extension, Project No. 61, Clay 11-North-Improvement, and the Kragnes Ringdike. Albright expects that the proceeds from the bond sale and refinancing of other outstanding bonds will yield approximately \$2,675,000. The sale will take place on 10/20/09, and we should receive the project funding (\$1,461,500) by the end of November. The office has submitted pay requests to the DNR for Oakport, Riverton, and Project No. 56, Manston Slough Restoration, for an approximate total of \$565,000. Oakport construction pay requests make up the majority of tonight's bills. The office plans to submit a DNR pay request for these expenses tomorrow, anticipating that they can reimburse us as soon as possible. **Motion** by Hanson to approve the Treasurer's Report. **Seconded** by Olson. **Approved.**

Other business brought before the Board included:

Road Repair Complaint. Donald Hoppe has concerns with repairs the Wilkin County Highway Department made this spring after the flood on County Road (C.R.) No. 151 between Sections 11/14, Wolverton Township. Hoppe distributed photographs of the County's repair work. It appears that when they repaired the road following the 2009 spring flood, they raised their road approximately 18". The repair site (approximately 100' to 150') is about 1 mile upstream (south) of Hoppe's farm. Hoppe maintains

that the road was previously a low area that acted as a spillway on Wolverton Creek for many years. The road raising will force more water into the east road ditch that will flow north, causing flooding on the downstream cropland. Hoppe explained that water normally overtops this road and very little water flows north from this location. He noted that no one lives along the road, so no one will be affected if the road overtops. He also thought that there might be a plugged culvert in this area. Jones suggested that H.E. might have data from the Wolverton Creek survey or the Digital Elevation Model (DEM) work that might show the original road elevation. He felt that the road was probably designed to overtop. Albright will contact Tom Richels, Wilkin County Engineer, to discuss this issue. He didn't think Richels would be opposed to correcting this problem.

Project No. 65, County Line Outlet. Prairie View Township Chairman Robert Hovland asked for an update regarding this project. Albright mentioned that H.E. had explored a possible outlet to the south, but the DNR's Ordinary High Water (OHW) elevation survey shows that the south wetland is actually higher than the wetland we want to lower. Terry Lejcher, Area Hydrologist, DNR, informed Jones that we could potentially get a DNR permit to lower the wetland 1.5' below the OHW, but Jones felt that this wouldn't be enough to get the northern wetland to flow south. There are concerns regarding fish passage in association with the United States Fish and Wildlife Service (USFWS) wetlands in the area. Jones thinks there is not enough slope to allow for a drop structure or high velocity culvert to prevent fish migration. Another issue is that the Minnesota Department of Transportation (MNDOT) has indicated that they are not willing to issue a permit to use the Interstate-94 (I-94) road ditch right-of-way (r-o-w) to convey water to Wilkin County Ditch No. 41, Branch 5. Jones doesn't think the water would exceed 1' depth in the I-94 ditch. He will continue discussions with MNDOT regarding this issue. MNDOT has asked for an Attorney General's opinion.

Ellefson suggested that we could consider pumping water out of the wetland/pond temporarily and letting it flow naturally to County Ditch No. 41. The group had an extended discussion regarding this option. Clay County, Wilkin County, and Parke Township all have pumps that might be available for the project. Hovland offered to check with Wilkin County about using their pumps and to find out if they would assist with the costs of operating the pumps. Hovland mentioned that the electric service to the three families in the affected area is in jeopardy because the poles are unstable in the saturated soil and could fall. Jones will check with the DNR, the USFWS, and downstream landowners regarding the option of pumping water temporarily through their property. He thought this alternative might be more acceptable than a permanent outlet.

The group discussed the alternate drainage routes. Albright pointed out that the Board has already made an emergency declaration for this project, and we would like to be able to get some type of drainage plan in operation yet this fall if possible. **Motion** by VanAmburg to authorize Jones to explore/implement the temporary pumping option and to continue to work on a permanent outlet for this area, subject to downstream landowner and agency approval. **Seconded** by Hanson. **Approved.**

BRRWD Manager Applicant. Brea Paradeis attended tonight's meeting to observe. Paradeis has applied for the Clay County BRRWD Manager position, which E. Robert Olson now holds. Olson has tendered his resignation from the BRRWD Board of Managers, citing health and family issues. The Clay County Board of Commissioners will interview the Manager candidates on 11/10/09. Mark Anderson, Comstock, MN, has also expressed interest in the position, but would not be available to serve until after harvest.

Permit No. 07-51, Mike Lewis. Ronald Erdman questioned the status of the Board's plans to meet with Mike Lewis to discuss the culvert he installed in 2007 on the west side of Trunk Highway (T.H.) No. 9 in the NE¹/₄, Section 2, Barnesville Township. Erdman feels that the culvert will cause problems, as it is undersized, crushed in the middle, and in a poor location. Albright and Manager Ellefson conducted a field review last summer. Ellefson commented that the bend in the culvert didn't appear to be too large. Erdman

said that water broke out of the channel this spring upstream of the culvert. He estimates that there is about a 1'-1.5' bend in the 60" diameter (dia.) culvert, leaving approximately a 37" dia. opening.

Albright gave a brief history of this issue. At the time Lewis installed the culvert, the Board thought that a 60" dia. culvert would be adequate, as it matched the culvert in T.H. No. 9. Subsequently, we learned that the culvert was damaged, and the area takes additional water from the south on the west side of T.H. No. 9. The Board discussed the options they offered to Lewis in their 10/04/07 letter. VanAmburg commented that Lewis should correct the culvert problem according to the options the Board presented in that letter. Erdman felt that instead of taking the culvert out and straightening it, he would like another 60" dia. culvert installed at that location. Albright suggested that the Board should meet with Mike and Pete Lewis and Erdman in the near future. A meeting was tentatively scheduled for 10/21/09 at 8:00 AM.

Permit No. 09-50, Steven F. Thompson. Applicant proposes to rebuild a property line dike in the SW¼, Section 10, Alliance Township, Clay County. The dike is located along an old fenceline between the property owned by Thompson and Mark Rustad. When Rustad built his ringdike, the contractor used material from the fenceline, which altered area drainage. Thompson would like to replace the fill along the fenceline to prevent water eroding a new gully in his field. The 100-year flood elevation in this area is 928.7. Rustad's ringdike is at elevation 926.0-927.0. The Board felt that Thompson's proposal could be approved providing the restored fenceline is installed at a lower elevation than Rustad's ringdike, subject to Manager field review, and Mark Rustad's approval. **Motion** by Hanson to approve Permit No. 09-50, subject to the referenced provisions. **Seconded** by Olson. **Approved.**

Permit No. 09-97, Jerry Matter. Applicant proposes to install overflow culverts on the north and south sides of 320th ST as secondary outlets for Project No. 19, Becker County Ditch No. 21, in Sections 10 and 15, Riceville Township. Albright sent a letter to the USFWS and Riceville Township regarding Matter's permit application. Matter recently called to report that Riceville Township has given their permission for the project. The letter states that if the BRRWD doesn't hear from the USFWS and Township by 10/26/09 regarding Matter's request, we will assume that the proposal is acceptable to them, and we will proceed accordingly. **Tabled**, pending receipt of comments from the USFWS and Riceville Township.

Permit No. 09-110, Terry Kohler. Applicant proposes to install various small tiling projects in low/erosion areas in Sections 16, 28, 29, and 33, Hamden Township, and Section 6, Audubon Township, Becker County. Some of the tiling will be side hill runs, which will resemble sediment/erosion control basins, designed by the Soil and Water Conservation District (SWCD). The Board reviewed the Farm Service Agency (FSA) aerial maps. Manager Hanson noted that the proposed projects have an adequate outlet, and he recommended permit approval. Kohler plans to install most of the tiling where there are already existing surface ditches or old tiling that needs repair/replacement. **Motion** by Hanson to approve Permit No. 09-110. **Seconded** by VanAmburg. **Approved.**

Permit No. 09-111, Jerry Butenhoff. Applicant proposes to install an 18" dia. culvert through 150th AVE S in the S½, Section 15, Alliance Township, to drain water west along the road ditch to the South Branch of the Buffalo River. This route will avoid several farmstead driveways on the south side of the road. The Board referred to the Alliance Township plat map. **Motion** by VanAmburg to approve Permit No. 09-111, subject to Township approval to work within their road r-o-w. **Seconded** by Olson. **Approved.**

Permit No. 09-112, Kurt Krueger. Applicant proposes to regrade 1,200' of the C.R. No. 182 road ditch to Wilkin County Ditch No. 13-Lateral in the NW¼, Section 7, Manston Township. The proposed project is on Terry Czichotzki's property. Krueger plans to hire a backhoe to finish the work he started several years ago in the road ditch. **Motion** by Hanson to approve Permit No. 09-112, subject to County approval to work within their road r-o-w and Czichotzki's permission to work on his property. **Seconded** by VanAmburg. **Approved.**

Permit No. 09-113, Kurt Krueger. Applicant proposes to move an existing approach/culvert, located in the middle of the NE¼, Section 20, Manston Township, Wilkin County, to the northwest corner of the quarter to provide better access to land that he rents along C.R. No. 176. He also plans to clean the T.H. No. 9 road ditch. Albright noted that Krueger does not need a BRRWD permit to clean a road ditch, but he will need a MNDOT permit to work within their road r-o-w. **Motion** by VanAmburg to approve Permit No. 09-113, subject to Wilkin County and MNDOT approval to work within their road r-o-w. **Seconded** by Olson. **Approved.**

Permit No. 09-114, Jeff Douglas. Applicant proposes to install a driveway/culvert to access his new house on Lot 1 in the Tree Story Second Subdivision, Oakport Township, Clay County. Douglas requested that Oakport Township Chairman Greg Anderson recommend a culvert size. Albright noted that Douglas' lot will be inside the Oakport Flood Mitigation levee. The Board reviewed a subdivision map. **Motion** by Hanson to approve Permit No. 09-114, subject to Township approval to work within their road r-o-w. **Seconded** by VanAmburg. **Approved.**

Permit No. 09-115, Brice Bellmore. Applicant proposes to clean the ditch along C.R. No. 151 in the NW¼, Section 14, Roberts Township, Wilkin County, and add a new field approach to improve field access to the north end of his field where Conservation Reserve Program (CRP) acreage is located. The existing field entrance is situated in a low, wet area in the southwest corner of the quarter near a shelterbelt. Bellmore also plans to clean and maintain the field ditches on this quarter. Albright noted that the work would only affect Bellmore's property and recommended permit approval. **Motion** by VanAmburg to approve Permit No. 09-115, subject to County approval to work within their road r-o-w. **Seconded** by Hanson. **Approved.**

Minch Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:30 PM to discuss the status of this issue with Attorney Norgard. At 9:35 PM, the Board reopened the meeting.

Robert Norby Correspondence. The Board reviewed a letter Albright sent today in response to Norby's 9/16/09 correspondence regarding his proposal to install a berm along the Buffalo River in Section 22, Kragnes Township, Clay County. In the letter, Albright stressed that the BRRWD is willing to work with Norby, but we also have to keep in mind potential impacts to the river, floodplain, and neighboring landowners. Albright sent several pieces of information, including a LiDAR map, obtained from the recent International Water Institute (IWI) DEM project, the current floodplain map for Section 22, Kragnes Township, and the new proposed floodplain map for this area. He also included a permit application for Norby to submit for any future projects.

Noble Flat Hill Windpark. Landowners in Moland and Spring Prairie Townships have contacted the BRRWD with concerns about a proposed wind energy facility. Public hearings were held today in Glyndon regarding the Windpark application to build their facility in Clay County. The project will include the installation of high voltage transmission lines, which will require the construction of new roads, etc. The project falls within the jurisdiction of the BRRWD. Albright suggested that we submit comments noting that the project is subject to the BRRWD Rules, and could require BRRWD permits to install roads/approaches/culverts for the transmission lines.

Jerry Butenhoff DNR Permit Request. The office received a comment form from the DNR regarding Jerry Butenhoff's DNR permit application to change drainage in Section 14, Alliance Township, Clay County. He proposes to fill in an existing ditch that used to drain water south to an unnamed tributary and to install a new ditch to take the water directly west to the tributary. The existing ditch allows water from the river to backup north into a building site. The Board briefly discussed Butenhoff's proposal and agreed

that it made sense. Albright will forward the comment form to the DNR with the recommendation that they approve Butenhoff's permit application.

Kathy Chaffee Culvert Request. David L. Overbo, Engineer, Clay County Highway Department, received a request from Chaffee for a centerline culvert under C.R. No. 72 (120th ST S) south of her farmstead along the township line in Section 31, Riverton. Chaffee had water in her barn/farmyard this spring, but was able to relieve the flooding by removing snow in the road ditch to drain water north. She is concerned because the ditch on the west side of C.R. No. 72 didn't carry as much water during the flood, and she feels that a culvert through the road would equalize drainage and protect her farmstead. Overbo noted that if the ditch in front of Chaffee's house to the north were cleaned, it could provide significant storage/drainage during high water events. Overbo is reluctant to add a centerline culvert, if ditch cleaning could improve Chaffee's farmstead drainage. Overbo will work with Chaffee to get the ditch in front of her house cleaned before considering a new culvert in this location. The Board agreed that the ditch cleaning should be completed before changing the existing area drainage patterns.

Pump Lake Erosion. Ed Musielewicz, Becker SWCD/ Natural Resources Conservation Service (NRCS), forwarded information regarding an erosion area/slump on the Karen Plemel property in Section 31, Lake Park Township. The gully formed during the flood last spring and created a new channel. It appears that an old beaver dam washed out and formed a deep gully on Plemel's property. She is concerned that another flood event could eventually work the gully into Pump Lake and drain it. The problem is complicated by the fact that the overflow from Pump Lake flows into Stump Lake, which is already dealing with flooding problems and has no outlet. Sediment from the slump washed into a nearby wetland. Albright suggested that the Board could take up this issue again later this winter and work on a joint project with the Becker SWCD. Albright and Manager Hanson will try to conduct a field review later this fall.

Project No. 64, LaBelle/Boyer Lakes Outlet. At the September landowner informational meeting, the group agreed to have H.E. work on the project design this winter and get the project started next spring, weather permitting. Hanson suggested that H.E. should walk the proposed drainage route to investigate the connection between Little Boyer and LaBelle Lakes.

Project No. 63, Grove Lake Outlet. Landowner Kern Kuhlmann called the office regarding his request for reimbursement because he was not able to access his 17-acre field this spring, which recently came out of CRP. Kuhlmann is asking for \$65/acre. Jones thought that Kuhlmann's access to his field was restricted for 1-2 days at the most. Wade Opsahl will investigate the details and timeline of this claim. **Tabled.**

Project No. 58, Riverton Township Retention. Jones reported that Nanik Construction hopes to finish the project this fall. He presented Pay Request No. 7 for \$18,950.41. **Motion** by VanAmburg to approve the pay request. **Seconded** by Hanson. **Approved.** Jones has determined that more rocks will be needed for the emergency spillway at a cost of approximately \$5,000 to \$7,000. Safety signs should be installed along the township road spillway, warning of potential overtopping. The costs for these items will be added to a future change order. Albright suggested that if the contractor doesn't complete the project this fall, the Board should consider charging liquidated damages for extra days past the completion date.

Project No. 56, Manston Slough Restoration. A Lessard-Sams Outdoor Heritage Council (LSHOC) Conservation Partners Legacy (CPL) Grant funding opportunity is available, ranging from \$5,000-\$400,000. The grants will be awarded to projects that restore, enhance, or protect fish and wildlife habitat on lands permanently protected by conservation easements or public ownership. Local, state, and federal non-profit organizations and government entities are eligible to apply by the 11/03/09 deadline. Albright suggested that H.E. prepare and submit an application on behalf of the BRRWD for Manston Slough. The Board discussed the project features and felt this project would be a perfect fit for the LSHOC CPL grant. **Motion** by VanAmburg to authorize H.E. to submit the grant application. **Seconded** by Olson. **Approved.**

Henry VanOffelen, Minnesota Center for Environmental Advocacy (MCEA), is preparing a group project application for the Red River Watershed Management Board (RRWMB). VanOffelen wanted to include the South Branch of the Buffalo River project in Wilkin County, but Albright felt that this project wasn't ready to submit for funding at this time. VanOffelen will support our Manston Slough Restoration application based on the natural resource enhancement (nre) features the project will provide.

Lyle Wilkins plans to complete the former Holubok farmstead demolition by the end of the month.

Project No. 54, Whisky Creek Tributaries. Albright plans to visit with Virgil Holt regarding Brian Durensky's proposal to clean the ditch on the east side of C.R. No. 25 north to the DNR protected waterway just south of Holt's farmyard. The NRCS plans to remove stop logs from the Kelly Nichols Wetlands Reserve Program (WRP) site to lower the pond elevation prior to freeze up.

Project No. 49, Oakport Flood Mitigation. Albright reported that about 75% of the current office work is dedicated to the Oakport project. The construction committee will meet again at 9:30 AM on 10/16/09. The Board briefly discussed the easement negotiations regarding the Fischer Family.

The office forwarded approximately 25 appraisals to potential buyout participants last week. Landowners are starting to call the office regarding the information. The construction committee has recommended that by mid-December, the BRRWD should send a letter stating a buyout deadline to the owners of potential buyout properties. Albright explained that the State Legislature wants us to provide a final funding amount that we will need to wrap up the Oakport project before the 2010 Legislative Session starts. Albright added that some of the homeowners who are interested in a buyout want to remain in their homes after the closing. Albright suggested that the BRRWD could hold one final auction for the Oakport buyout properties in May 2010. The Board agreed. Hanson felt that the auction would be more successful if there are more houses for sale.

The Dilworth Fire Department burned two demolition houses in a training exercise recently. There are an additional four sites ready for demolition. Master Construction, Fargo, ND, submitted bids for this work ranging from \$18,500 to \$25,000, for a total bid of \$82,000. The work would include demolishing the basements, cutting off sewer and water connections, and seeding the lots. The Board discussed the bids, which are comparable to the demolition bids we have received in the past. **Motion** by Hanson to accept Master Construction's bids. **Seconded** by VanAmburg. **Approved.** Ellefson felt that in the future, the Board should look at a more competitive process for letting demolition bids.

Ulteig Engineers, Inc. (UEI) submitted two pay requests for Riley Brothers Construction, Inc., for \$364,283.77 for Phase 1B and \$159,651.30 for Phase 2. **Motion** by VanAmburg to approve the referenced payments. **Seconded** by Hanson. **Approved.** Albright noted that the office will mail pay requests to the DNR tomorrow for the Oakport expenses.

The Board discussed two change orders submitted by Riley Brothers Construction, Inc., for the Pierce and Spiesz properties clean up. The change order for the Pierce property (Phase 1B), which included the disposal of junk metal, cars, etc., was for \$14,000. The amount of the change order for the Spiesz property (Phase 1B) was \$30,000 for demolition, and \$143,025.50 for cleanup and disposal of debris and junk. The Board had an extended discussion regarding the amount of junk/debris that had to be removed the Spiesz property and Riley Brothers' bids. The Board **tabled** a decision on the Change Orders pending a meeting with the contractor and UEI. Albright will contact Kris Carlson, UEI, tomorrow regarding the Board's concerns.

Project No. 39, Georgetown Levee. Jones contacted Pat Lynch, Financial Coordinator, DNR Waters, regarding funding for the project. The project to repair and raise the levee following the 2009 spring flood

will cost about \$1.5 million. We are currently seeking a smaller grant amount to do geotechnical and design work.

Project No. 38, Farmstead Ringdikes. Conditional Use Permit (CUP) hearings for several proposed ringdikes associated with this project are scheduled for 10/20/09 before the Clay County Planning & Zoning Commission. It appears that a few of the farmstead ringdike candidates have backed out due to economic concerns. To date, no 2009 ringdikes have been started because of the wet conditions.

Project No. 32, Hawley EDA Diversion. The City of Hawley is very anxious to resolve the problem regarding the 60" dia. outlet culvert as soon as possible. Albright thought that later this fall, this issue should be addressed.

Project No. 24, Wilkin County Ditch No. 44. Terry Czichotzki has requested a 0.5-mile channel cleanout for County Ditch No. 44. Albright will contact Brian Winter, The Nature Conservancy (TNC), as TNC is the neighboring landowner.

Czichotzki also suggested that the BRRWD hire William Nichols Excavating, Inc., to repair a washout that occurred this spring where water cut through a ridge (berm) and crossed David Yaggie's property along Wilkin County Ditch No. 44, ending at the South Branch of the Buffalo River. Yaggie would like to have the berm repairs completed this fall. The Board discussed cost sharing the erosion repairs. Ellefson suggested that Yaggie could also use his scraper to repair the erosion site. The Board had an extended discussion regarding the repair options for this area and Wilkin County Ditch No. 40, including the Lawndale Trout Stream project.

Project No. 23, Becker County Ditch No. 15. Jones sent a letter to the USFWS regarding the proposed 2009 ditch repairs, requesting that they do the necessary ditch repairs along their properties in accordance with our agreement.

Project No. 8, Stony Creek Detention. The Board discussed Gordon Gilbertson's drainage complaint. Albright drove the ditch along Gilbertson's property. He found water standing in the trees by Gilbertson's house. Albright suggested that the crossing on the Thompson property could be restricting flows. An old hayrack that was submerged in the channel could also be affecting drainage. The Board had an extended discussion about the possible causes for the drainage problems. Further investigation is required.

Project No. 1, Wilkin County Ditch No. 22. Jones reported that no work has been completed to replace the centerline pipes on Lateral No. 2 for Jeff Nord. To date, William Nichol Excavating, Inc., has not started the work. The Board had an extended discussion regarding Edward Ernst's drainage complaints.

Mediation Project Team (PT). The next PT meeting is tentatively scheduled for Thursday, November 19, 2009, at 1:30 PM in the MSUM Science Center.

Revised Watershed Management Plan (RWMP). Jones distributed the draft plan for the Board's review. Jones noted that a few changes will be made to the plan in the next few weeks. Mark Deutschman, H.E., Brian Dwight, Minnesota Board of Water and Soil Resources (BWSR), and Steve Clark, Army Corps of Engineers (COE), will be meeting on 10/21/09 to work on the COE Concurrence Points. Jones explained that there will be some detail revisions to the Regional Assessment Locations (RAL) in Section 5. Another part of the plan that still needs clarification is the watershed management districts (wmd). The plan will include a description of the wmds and what problems the funding will be used to address. On 11/05/09, Jones and Albright plan to meet with BWSR to go over the new draft plan. Albright felt that the updated plan is a document that will be a valuable reference/resource for the BRRWD. The next steps will be to hold at least two public meetings with the planning regions representatives (Barnesville/Hawley), a 30-60

day agency review period, a BWSR hearing within the BRRWD, and then a final presentation before the BWSR Board in St. Paul. Albright explained that because of the work we have been doing with the COE and BWSR regarding the Concurrence Points and watershed management districts, he doesn't expect that we will complete the plan by the 12/31/09 deadline. BWSR is aware of the time constraints and will work with the BRRWD to extend the deadline. Our goal is still to complete the plan as soon as possible.

Clay County Ditch No. 34. Gary Smith contacted the office regarding ditch bank breakouts. Albright used his four-wheeler investigate the complaint. He found two erosion sites. One is across the road from Joe Gilbertson's farmstead, which allows water to flow out into Curt Stubstad's field. Albright noted that when we repair the ditch berm, the elevation should be lower than Gilbertson's ringdike elevation. He found another smaller breakout on the north-south quarterline. Due to wet conditions, it might not be possible to repair the breakouts this fall.

Wilkin County Ditch No. 40. The DNR forwarded the Lawndale Creek Grant Agreement for the Board's signature. The grant amount is \$35,000 from the DNR Fisheries to convert Dave Yaggie's irrigation system to low flow technology so that the pumping site can be eliminated and both irrigators can be run off the remaining underground well. This work will be done in conjunction with the DNR's Lawndale Trout Stream restoration project. The grant expires on 9/30/10. **Motion** by Hanson to authorize Ellefson to sign the grant agreement on behalf of the BRRWD. **Seconded** by Olson. **Approved.**

Becker County Ditch No. 5. H.E. submitted a cost estimate of \$9,000 to complete the topographic survey for County Ditch No. 5. The work would include surveying approximately 5-6 miles of ditch with 100' intervals and channel cross-sections and soil borings at 500' intervals. Manager Hanson thought that since the ditch system financial account already has a negative balance, this work should be delayed until next year. **Tabled.**

Clay County Ditch No. 20. Art Swanson filed a repair request to replace the culvert in an existing farm crossing in the S½SW¼, Section 19, Kragnes Township. The culvert has deteriorated to point where it can no longer just be repaired. Swanson offered to install the culvert if the ditch system would furnish the structure. He requested that the BRRWD conduct a field investigation to determine culvert size and length. **Motion** by VanAmburg to authorize H.E. to investigate the repair request. **Seconded** by Hanson. **Approved.**

Buffalo River Total Maximum Daily Load (TMDL). Albright noted that water quality sampling will be ending in the next few weeks. Jones explained the Minnesota Pollution Control Agency (MPCA) did fish/invertebrate sampling this summer, and the results of their sampling survey will be available in January. Albright briefly discussed MPCA's goal to expand the concept of watershed district based water quality work.

Minnesota Association of Watershed Districts (MAWD). The MAWD Annual Meeting and Trade Show will be held in Alexandria on December 3-5, 2009. Managers Hanson, VanAmburg, and Ellefson are planning to attend. The office will handle the reservations.

Project No. 38, Kragnes Ringdike. Albright will contact BRRWD insurance agent John Hoffman, ICS Agency, to address Burlington Northern/Sante Fe (BNSF) Railroad concerns regarding liability insurance coverage for the Kragnes ringdike project.

BWSR Grants. BWSR is offering a number of grant opportunities that will be featured during a workshop on 10/14/09 in Fergus Falls. The application period is from 10/15/09 to 12/1/09. The total amount of available funding is \$13 million. Albright and Kevin Kassenborg, Clay SWCD, will attend the workshop.

Clay County Ditch No. 51. Landowner Brian Thomas notified the BRRWD that Kragnes Township plans to replace the outlet culvert on County Ditch No. 51, north of Kragnes. They received funding from Federal Emergency Management Agency (FEMA) for the structure replacement. Albright suggested that H.E. investigate the existing outlet's capacity/elevation to determine if it is still the appropriate size, elevation, etc., for the ditch system. **Motion** by Olson to authorize Jones to review the outlet culvert hydraulics. **Seconded** by Hanson. **Approved.**

USGS Stream Gauge. The United States Geological Survey (USGS) replaced the Dilworth stream gauge with a new gauge that requires no electricity or phone service. They plan to disconnect the utilities to this site. The Board reviewed the photographs James Fallon, USGS, provided of the new gauge.

COE FM Metro Area Feasibility Study. The COE will be holding a meeting on 10/19/09 at 8:00 AM in the Courtyard by Marriott in Moorhead regarding their feasibility study. The COE will release their concepts for the Fargo-Moorhead metro-area flood control plan to the public during these meetings.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Anna Brown	Security deposits-6F, 8D	Pj. 49, Oakport	\$ 31.25
Arvid Thompson	1/01/09-10/31/09 Viewing	Admin./Clay 49/Pj. 56/Pj. 61	\$ 447.50
Barnesville Record-Review	Clay Co. Manager Ad	Admin	\$ 85.00
Barry Nelson	Sediment control basins	Hay Creek CWL	\$ 22,868.00
Ben Murphy	Lot #2009-6A, security deposit	Pj. 49, Oakport	\$ 5,000.00
Clay County Treasurer	1/3 engineering costs	Pj. 61, Clay 11 N	\$ 19,204.83
Clay County Treasurer	2nd 1/2 property taxes	Pj. 49, Oakport	\$ 26,723.64
Diane Hasse	Lot #2009-4C/6I security deposit	Pj. 49, Oakport	\$ 13.75
Eddie Bernhardson	1/01/09-10/31/09 Viewing	Admin./Clay 49/Pj. 56/Pj. 61	\$ 579.50
H.E.	September 2009 billing summary	Varies (see attch.)	\$ 75,802.17
Jason & Lynn Kotrba	Easement	Pj. 49, Oakport	\$ 10,845.00
Lauren Peterson	1/01/09-10/31/09 Viewing	Clay 49/Pj. 56/Pj. 61	\$ 415.50
Matt Bjerke	Sediment control basins	Hay Creek CWL	\$ 1,285.00
Moorhead Public Service	9/03/09-10/06/09 (5)	Pj. 49, Oakport	\$ 151.09
Nanik Construction	Pay Request No. 7	Pj. 58, Riverton Township	\$ 18,950.41
Northern Technologies, Inc.	#3189, 8/30-10/03/09	Pj. 49, Oakport	\$ 60,754.25
Petty Cash	postage, supplies, etc.	Admin	\$ 100.00
Premium Waters, Inc.	#366590-09-09	Admin	\$ 22.55
Rick Roers	Easement tree removal	Pj. 49, Oakport	\$ 1,000.00
Riley Bros. Construction, Inc.	Pay Request No. 1, Phase 1B	Pj. 49, Oakport	\$ 364,283.77
Riley Bros. Construction, Inc.	Pay Request No. 1, Phase 2	Pj. 49, Oakport	\$ 159,651.30
RMB Laboratories, Inc.	#111540, BRIWM-S	Buffalo TMDL/SWAG	\$ 344.00
RMB Laboratories, Inc.	#112365, BRIWM-S	Buffalo TMDL/SWAG	\$ 257.00
RMB Laboratories, Inc.	#112948, FDR	Buffalo TMDL/SWAG	\$ 95.00
RMB Laboratories, Inc.	#112950, BRIWM-S	Buffalo TMDL/SWAG	\$ 529.50
RMB Laboratories, Inc.	#11937, BRIWM-S	Buffalo TMDL/SWAG	\$ 651.00
TDS MetroCom	10/13/09 long distance	Admin.	\$ 32.98
TRN Abstract & Title F-M	Abstract updates (8)	Pj. 49, Oakport	\$ 1,335.00
UEI	9/01/09-9/30/09	Pj. 49, Oakport	\$ 115,358.45
Wayne Holmgren	Security deposits (6)	Pj. 49, Oakport	\$ 3,237.50
West Central MN JPB	#2009-200, Berjke	Hay Creek CWL	\$ 943.67
WREC	8/19/09-9/19/09 service (2)	Pj. 46, Turtle Lake	\$ 271.82
Ziegler Const., Inc.	Final Pay Request	Pj. 38, Kragnes	\$ 6,311.95
			\$ 897,582.38

Motion by VanAmburg to approve payment of the bills. Albright noted that we will hold some of the payments until DNR forwards reimbursement for the Oakport expenditures. **Seconded** by Hanson. **Approved.**

Project No. 37, Clay County Ditch No. 41, Lateral No. 1. Jones mentioned that a new church just east of T.H. No. 75 in Moorhead needs access. MNDOT will not allow another driveway off from T.H. No. 75, and they recommend that the church install a crossing over the ditch system, which would make it necessary for the church to purchase a \$60,000-\$70,000 culvert. Jones and Albright met with the church regarding this issue last summer and suggested that the church work with the City of Moorhead on long range planning to put in one crossing that they can both use. The church's engineer is Lightowler Johnson. Albright suggested that H.E. conduct a hydraulic analysis regarding this proposed crossing. **Motion** by Hanson to authorize H.E. to conduct the referenced study and prepare recommendations regarding the culvert sizing, etc. **Seconded** by Olson. **Approved.**

Municipal Drainage Plan. Albright noted that Dan Hanson, UEI, has indicated that the City of Barnesville is interested in developing a Municipal Drainage Plan.

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, October 26, 2009, in the Barnesville office at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 11:40 PM.

Respectfully submitted,

John E. Hanson, Secretary