The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, February 9, 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, Zachary Herrmann, Engineer, and Julie Jerger, Houston Engineering, Inc. (H.E.); Erik Anthonisen, The Nature Conservancy (TNC); Brian Leiseth, Supervisor, Kurtz Township; and landowners: John Leseth, Lee Alm, and Brandi Alm.

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 12/08/08 and 12/22/08 regular meetings. Nelson noted a minor correction for the 12/22/08 minutes. **Motion** by Olson to approve the minutes, subject to correction. **Seconded** by Nelson. **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. Since the last meeting, we received the final 2008 property tax proceeds from Clay County ($11,556.14), and the Clay Soil and Water Conservation District (SWCD) reimbursed us for the Wolverton Creek Clean Water Legacy (CWL) project survey costs ($21,310.30). We also received payment from the Buffalo River 319 Sediment Modeling Grant ($22,437.00). John Butze remitted the balance on his 2006 ringdike project payment. We currently have $1,186,622.04 on hand. **Motion** by Hanson to approve the Treasurer's Report. **Seconded** by VanAmburg. **Approved**.

Other business brought before the Board included:

Project No. 61, Clay County Ditch No. 11 North. John Leseth attended tonight's meeting to discuss the issue of his driveway bridge replacement in association with the BRRWD's County Ditch No. 11-North-Improvement project in Section 32, Kurtz Township, which runs parallel to County State Aid Highway (CSAH) No. 8. The BRRWD and Clay County agreed to combine the ditch improvement project with the County's project to regrade CSAH No. 8 between the Red River of the North and Trunk Highway (T.H.) No. 75. The BRRWD held the preliminary hearing for the ditch improvement project on 4/19/07. We plan to schedule the final hearing in the near future. Clay County would like to bid the combined projects in mid-April.

Leseth distributed a photograph of his farmstead for the Board's review. He discussed the history of his farmyard access and his need for a new crossing off CSAH No. 8. He rents the grain bins in his farmyard to neighboring farmers, and he needs a reliable driveway to provide safe access for grain trucks entering his yard. The only other access he has is off a low maintenance field road on the east side of his property, which he feels is not an acceptable option. Leseth explained that when the crossing on the quarterline township road about 500' east of his private bridge was upgraded several years ago, the Township's share of the crossing costs was about $7,000. He feels this is a fair amount for him to contribute to his bridge.
replacement. Previously, the BRRWD had proposed a cost sharing agreement where Leseth would pay $7,000 for his $60,000 culvert, and the BRRWD and Clay County would split the balance. Recently, Clay County decided against that proposal. They would prefer an equal three-way split for the crossing costs. Leseth and the Board discussed the cost share split. Albright pointed out that Minnesota Statutes require that "private bridges or culverts constructed as part of a drainage system, established by proceedings that began on or after March 25, 1947, must be maintained by the drainage authority, as part of the drainage system." In this case, the BRRWD is the drainage authority for County Ditch No. 11-North. Leseth said that the current bridge was installed in 1956.

Leseth used a large area map to discuss crossing locations, the proposed ditch grade, and drainage problems due to the flat ditch grade. Albright asked Jones if metal pipes could be substituted for the proposed reinforced concrete pipe (RCP) called for in the plans to reduce the crossing costs. Jones will review the hydraulics to see if a metal alternative would work. Jones noted that the County will forward final plans to him this week for his review so that County Ditch No. 11N costs can be separated from the road project expenses. Leseth explained that his goal is to get the BRRWD to agree on a cost-sharing split for his crossing costs so that this particular issue can finally be resolved. Albright questioned if the County's formula for the Township share of the new crossing has changed. Leseth said that he has talked with Nathan Gannon, Clay County Highway Department, and Jimmie R. Nelson, Supervisor, Kurtz Township, about this issue. Nelson indicated that recently, the Township's cost share for similar crossings has increased. Manager Nelson noted that the BRRWD has worked with other landowners in the past regarding crossing cost sharing on other projects.

The Board felt it would be better to agree on percentages rather than amounts for the cost sharing agreement for the Leseth crossing, since the final costs won't actually be known until we open construction bids. Albright proposed that the Clay County Highway Department could pay 1/3 of the total costs, Leseth's share could be 1/6 of the total costs, and the BRRWD could pay the remainder of the costs or 1/2 of the total costs as a ditch system expense.

Brian Leiseth, Kurtz Township, noted that if Leseth's access is off from the minimum maintenance road on the east side of his farmyard, then the Township would be obligated to reclassify the road and maintain it, which at this point, they would prefer not to do because of the expense. Leseth commented that there is no turn around area on the road for the snowplow, as it doesn't extend to the next township road to the south, but basically dead-ends out in the middle of a field. Ellefson questioned the size of the ditch system benefit area. Albright said that the proposed benefit area is quite large and would be redetermined in conjunction with the ditch improvement project. **Motion** by VanAmburg to split the costs for Leseth's bridge replacement as follows: 1/6 Leseth, 1/3 County, and 1/2 BRRWD. **Seconded** by Nelson. **Approved.**

Leseth also asked if Kurtz Township would have to cost share on the work to update the minimum maintenance road crossing in association with the current road project. Albright noted that the Viewers would determine benefits for the ditch improvement project. Usually culverts are the road authority's responsibility. Ellefson said that we could discuss the culvert costs later. The group discussed historic problems with CSAH No. 8. Jones will investigate the costs regarding metal versus concrete culvert alternatives for Leseth's crossing.

**Permit No. 08-105, TNC.** The Board invited TNC representatives and Lee and Brandi Alm to tonight's meeting to continue discussion regarding the Alms' concerns about possible increased seepage affecting their property/buildings from TNC's wetland restoration project in Sections 25/36, Riverton Township, and Section 1, Elkton Township, Clay County. Erik Anthonisen, TNC, attended to represent TNC. Lee Alm said that he conferred with the appraiser that worked for them in 2005, who provided a current estimate for the value of their property. Alm also discussed TNC's proposed project with an engineer, who thought that filling in the ditches for the wetland restoration project could raise groundwater levels on the Alm property.
Alm is waiting for a cost estimate from Ellingson for a tile line installation that would connect to the Alms' house sump reservoir and gravity flow away from their house to a nearby wetland on TNC's property. He had a drawing showing that it would take approximately 1,900' of 5" non-perforated tile to provide enough capacity for a discharge from their property.

Albright noted that this issue was discussed at the last Project Team (PT) meeting. Brian Winter, TNC, has previously stated that the Alms' request for a tile line should be considered as a separate issue from TNC's wetland restoration permit application, and that the request would have to be reviewed/approved by TNC supervisors and other agencies responsible for wetland issues (local/state/federal). Anthonisen explained that the tile could drain wetlands upstream of the Alm property. TNC would have to study this issue carefully to determine the area impacts. Winter and Anthonisen would not be able to make that kind of decision. It would have to come from others higher up in the TNC organization. Alm is concerned that filling in ditches in conjunction with the TNC project could extend the time that he has water in his basement. Albright noted that a recent analysis completed by Phil Gerla, TNC, showed that the restoration project would have a "minimal" affect on the Alm property. Anthonisen noted that Gerla had planned to attend tonight's meeting, but the inclement weather prevented him from traveling.

Ellefson questioned if Alm had checked on the alleged beaver problem east of his buildings along the east line of Section 25, Riverton Township. Alm said because of the snow depths, he had not tried to investigate this issue. Alm believes that if the beaver dams were removed, there would be less seepage onto his property.

VanAmburg felt that TNC's permit application and the Alms' seepage problems were two separate issues. According to Gerla's analysis, VanAmburg thought that the wetland areas north and east of the Alm property are causing their seepage problems. VanAmburg didn't think that TNC's downstream wetland restoration projects will affect the Alm property. He sympathized with their problems, but felt the Board had to use the science behind the request. TNC has done a very thorough job in designing the project, including the installation of groundwater monitoring wells. They've removed wetland restorations near the Alms' property that could affect them. Water is not going to seep uphill. VanAmburg also felt that the proposed wetland restorations were part of Project No. 58, Riverton Township Retention, as reviewed and agreed to by the Mediation PT. Ellefson pointed out that a tile line could help solve the Alms' wet basement problems by draining the water away from their property. He felt it was important that TNC agree with the tile proposal before they move forward with their proposed wetland restoration project. Anthonisen explained that TNC would be concerned about the proposed tile line because it could be seen as an effort to drain the wetlands around the Alm property. Ellefson commented that the Alms are already draining the seepage from the wetlands via the tiling around their house through their sump pump. Anthonisen was concerned that if TNC allows the tile line installation, the work might be seen as a Swampbuster violation and compromise their government farm program participation/payments. Nelson questioned how TNC could enroll in agricultural programs meant for farmers. Anthonisen pointed out that they own agricultural land and pay taxes just like any other landowner. Nelson questioned his statement.

Alm discussed information from a map showing the landscape gradients. He is concerned that once the ditches are filled in for TNC's project, downstream drainage will stop/slow down and could be held longer on his property. Alm questioned how he would be able to prove that TNC's project was causing the seepage or if other area wetlands are involved. Anthonisen agreed that TNC has already questioned if the wetlands on their property are directly related to the Alms' seepage concerns. TNC feels that the 950-acre watershed upstream of the Alms' property could be a more likely source. Phil Gerla noted in his report that it would be difficult to predict the effect of TNC's project on the Alm property, but in his opinion, the project would have a negligible effect. Ellefson pointed out that no matter how hard TNC tries, they will never be able to bring the area back to what it was before the homesteaders arrived. He added that TNC needs to be a good neighbor and allow the Alms to install a tile line to drain water off their property.
Anthonisen pointed out that he was not authorized to discuss the tile line proposal. He added that TNC tries to be a good neighbor. Ellefson commented that the BRRWD supports TNC's efforts to restore wetlands, as the BRRWD needs all the flood retention we can get. He felt the tile line should be installed in conjunction with TNC's project. He added that Alm should get a cost estimate for the tile, which would have to be installed at the Alms' expense, as the BRRWD can't pay for tiling on private property.

The group then discussed a potential TNC buyout of the Alm property. Anthonisen noted that TNC has started the groundwork for the appraisal process. Other options such as moving or raising the house were also discussed. Alm felt that while the groundwater level has probably risen due to the current wet cycle, surface water from the landfill and Aggregate mining activities in the area has not affected his property. Brandi Alm asked if Anthonisen has contacted any of the other area landowners. Anthonisen said they have discussed the project with the other neighboring property owners.

The group discussed removing the trees and beaver dams in the old township road ditch near Alms' property. Anthonisen indicated that TNC would not object to beaver dam removal and would work with the Alms regarding this issue. Tree removal could affect how much water is being drawn up out of the ground and lost to evaporation, so TNC might not support removing all the trees in the ditch. The Alms thought that there had been a prohibition against using "mechanical means" to address the beaver problems. Anthonisen didn't think that this would be an issue, but they would want to work with Alms to minimize any disturbances.

Albright asked Anthonisen that if the Alms find that the Ellingson Drainage Company's tiling estimate is economically possible, would TNC allow them to install a tile to drain water away from their house across TNC property. Anthonisen restated that he would have to forward any tiling proposal to his superiors and other agencies for review. Olson questioned if the Natural Resources Conservation Service (NRCS) should be contacted regarding the tile proposal. Anthonisen said that NRCS and Minnesota Pollution Control Agency (MPCA) have already reviewed and approved their wetland restoration project. A tiling project for the Alms would have to be submitted as a separate project to the NRCS. The Board agreed to meet again in two weeks after the Alms have had a chance to look at Ellingson's tiling estimate and send it to TNC for their review. At that time, the Board would like to make a decision regarding TNC's permit application. **Tabled.**

**Permit No. 08-30, Scott VanWechel.** Zach Herrmann, H.E., presented a report regarding a possible ditch improvement project for Wilkin County Ditch No. 22, Lateral No. 3. The Board discussed the proposed design, which would include a 0.05% grade. The project cost estimate, which includes the acquisition of additional right-of-way (r-o-w), is $141,940. At County Road (C.R.) No. 11, the cuts would be approximately 1.5', and the existing 24" dia. RCP would be replaced with a 36" dia. corrugated metal pipe (CMP). The other culverts along the two-mile stretch of ditch would be reset and extended, but not resized. The proposed design would provide more capacity for upstream drainage. Herrmann noted that the excavation quantities are based on record drawings on file, so if the project would go forward, H.E. will need a new survey to provide more accurate quantities for the plan specifications. Ellefson questioned if H.E. has checked on possible wetland impacts from the project in this area. Albright noted that he will send an email message to Don Bajumpaa, District Manager, Wilkin SWCD, regarding possible wetlands in Sections 10, 11, 12, Mitchell Township. He will also send H.E.'s report to the affected landowners with an explanation regarding costs to see if anyone is interested in filing a petition for the ditch improvement. The next step would be to assist any interested landowners to file a project petition and bond. **Tabled,** pending landowner and wetland issue review.

**Permit No. 08-73, William Austin.** The BRRWD has scheduled the hearing to add some of Austin's land to Project No. 27, Clay County Ditch No. 55, for Thursday, March 5, 2009, at 7:30 PM, in the Barnesville Senior Citizen Center. Albright noted that the hearing notice appeared today in the Barnesville Record-
Review. Ellefson signed the notice on behalf of the Board. Jones and Herrmann prepared a report with project recommendations and a cost estimate for a project to clean the north road ditch and install a culvert through CSAH No. 10 near Craig Halverson's farmstead. Jones estimates that the project would cost approximately $33,000. This amount includes approximately $20,000 to bore a culvert through CSAH No. 10. The BRRWD agreed to pay for the structure and labor as a ditch system expense. The cost estimate also includes the cost for project staking, inspection, and spoil hauling, which the County has offered to furnish. When the BRRWD and County contributions were subtracted, the final costs to the landowners are approximately $10,000.

The Board discussed H.E.’s recommendations. Jones felt that boring the culvert through CSAH No. 10 would address Austin's tile drainage concerns, but it would not solve all the flooding issues on Margo Brady's property. While cleaning the north ditch to provide more capacity for upstream drainage probably won't totally eliminate the area flooding, it will go a long way towards reducing the flooding problems. Enlarging the culverts along CSAH No. 10 could help the upstream drainage, but would only increase the downstream water problems on the Voller property. The Board discussed changing the culvert sizings. The County might consider paying for the structures. Resetting the existing culvert in Scott Skauge's driveway to match the new ditch grade is included in the cost estimate. Albright suggested that the Board could hold a special meeting the same night as the ditch hearing to discuss Austin's permit application, centerline pipe installation, and drainage issues along CSAH No. 10 west of Downer. Motion by Hanson to schedule a special meeting at 8:30 PM, following the hearing on 3/05/09, to discuss Permit No. 08-73 and the proposed ditch repair project. Seconded by VanAmburg. Approved.

Permit No. 08-77, Frank Schindler. The office is working on a mailing list to invite some downstream landowners to the 2/23/09 BRRWD meeting to discuss Schindler's request to replace a 36" dia. culvert in 140th ST S with a 48" dia. pipe between Sections 32 and 33, Barnesville Township, Clay County. Tabled.

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 S½NE¼, 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 NW¼, 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 spring so that the proposals can be field reviewed. The letter also advised Norby that he might need a Conditional Use Permit (CUP) from the Clay County Planning and Zoning Commission for work in the floodplain. In addition, new floodplain maps for this area are due out this week, and Norby's diking may be in the floodway, which would be prohibited in accordance to Federal Emergency Management Agency (FEMA) Rules. The Board discussed Norby's reply. The neighboring landowners have expressed concerns about how Norby's diking project in Section 22 could affect their property in regards to flooding along the Buffalo River. The Board thought that the new LiDAR data we will have later this spring from the Red River Basin Modeling Initiative (RRBMI) Digital Elevation Modeling (DEM) collection could be useful to determine the effects of Norby's plans. If his project will have negative impacts on the neighboring landowners, the Board will have to deny the permit. Tabled, pending Manager field review this spring.

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 T.H. 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. Tabled, until after the BRRWD holds the final hearing for the ditch improvement project.
**Permit No. 09-05, David Lass.** Applicant proposes to relocate an approach/culvert along 190th ST S in the SE¼, Section 6, Humboldt Township, Clay County. Last fall, the existing approach washed out. Lass would like move the same culvert about 300' south of the present location to create a new and better field access. **Motion** by Hanson to approve Permit No. 09-05, subject to Township approval to work within their road r-o-w. **Seconded** by Olson. **Approved.**

**Kenneth Schellack Drainage Complaint.** On 12/19/08, Albright and Manager Nelson met with Schellack regarding his request for the BRRWD to investigate ditch work that Ron Erdman completed for Curt Stubstad in the NE¼, Section 8, Elton Township, Clay County. Given the weather conditions at that time, the Board decided to wait until spring to conduct an area survey. Albright sent Stubstad a letter indicating that the BRRWD has conducted a field review and would contact him again in the spring. Recently, Stubstad informed Albright that Sharon Lean, District Conservationist, NRCS, has determined that there may be a wetland violation associated with the project. Albright noted that we will need to coordinate any potential restoration work with the NRCS this spring. **Tabled.**

**Johnson Lawsuit.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:15 PM to discuss the status of this issue. At 9:18 PM, the Board reopened the meeting.

**LaBelle/Duck Lakes Outlet.** Albright reported that Loren Jetvig called the office twice last week to discuss his concerns regarding the letter the office sent him following our 1/26/09 meeting. He claims that any alleged alterations to the LaBelle Lake outlet channel that are visible on the Becker County Farm Service Agency (FSA) aerial maps could have been created when his son, Chad Jetvig, mowed the area. Albright and Manager Hanson will schedule a meeting with Loren and Chad Jetvig to continue discussion regarding this issue. Hanson will contact landowner LeRoy Bergman, who initially raised concerns about the rising lake levels, when a meeting date with Jetvig has been selected. **Tabled.**

**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. He is concerned about standing water in the yard that is draining from the Kelly Nichol Wetlands Reserve Program (WRP) site east of his property. Over the weekend, Albright checked the site. He didn't see any icing in the farmyard, but the culvert through T. H. 34, the Galaxie driveway, or his driveway could be plugged. Albright also talked to Allan Milbradt, Minnesota Department of Transportation (MNDOT), regarding this issue, and he plans to check the T.H. 34 culvert to be sure that it's open. **Tabled.**

**Phillip Rogers WRP.** Rogers has proposed a possible WRP project on his property in the SW¼, Section 5, Humboldt Township, Clay County. The BRRWD would be interested in developing the site with the NRCS so that it could incorporate both flood damage reduction (fdr) and natural resource enhancement (nre) features. H.E. has started investigating the proposal. Jones thought that we could use the LiDAR data from the International Water Institute (IWI) DEM collect to evaluate the potential for a project on Rogers' property when the data becomes available in March. **Tabled.**

**City of Hawley.** Hawley has applied for an "after-the-fact" DNR permit for work they did to install a head wall on a storm sewer that was washed out by flooding on the south side of the city along the Buffalo River. A DNR permit is required for work on protected waters. The DNR forwarded a comment form for the BRRWD's review. The Board felt the work was necessary and had no comment regarding the application.

**Gandrud Lake.** Harlan Hendrickson is working with the DNR to install a culvert to provide an outlet for Gandrud Lake in Section 20, Richwood Township, Becker County. The project's goal is to reestablish the lake's Ordinary High Water (OHW) elevation. DNR forwarded a comment form regarding this project.
Comments are due by 3/01/09. Albright will check with Jon Voz, WRP Specialist, Ducks Unlimited (DU), to get more information regarding this issue. Voz has been involved with establishing the proposed lake levels. Tabled.

**Fargo/Moorhead Pedestrian Bridge Repairs.** SRF Consulting, Inc., contacted the office regarding a project to repair two pedestrian bridges across the Red River in Fargo-Moorhead. One is between Lindenwood and Gooseberry Parks, and the other is between Oak Grove and Memorial Parks. The letter asked for any comments from the BRRWD regarding this proposal. The Board had no comments. Albright noted that the Metropolitan Council of Governments (MetroCOG) will probably contact the BRRWD for a contribution to this project.

**Project No. 63, Grove Lake Outlet.** H.E. submitted Pay Request No. 4 in the amount of $5,671.98 and Change Order No. 2 for $500 to remove a beaver dam on Kern Kuhlmann's property on the outlet of Maple Lake. Steven Johnson Construction got the outlet installed on Saturday. Jones provided photographs showing the water flowing from Grove Lake. The outlet control structure and 40' of pipe still need to be installed. **Motion** by Nelson to approve the referenced pay request and change order. **Seconded** by VanAmburg. **Approved.** Jones noted that when the project is finally completed, one last change order will be included in the final pay request.

**Project No. 58, Riverton Township Retention.** Albright noted that we will 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. **Motion** by Hanson to authorize Albright to request the referenced time extension. **Seconded** by VanAmburg. **Approved.**

**Project No. 56, Manston Slough Restoration.** Last week, Ron Harnack, Project Coordinator, Red River Watershed Management Board (RRWMB), and Henry VanOffelen, Minnesota Center for Environmental Advocacy (MCEA), contacted Albright regarding a possible funding source for the Manston Slough Restoration project from the Lessard Outdoor Heritage Council (LOHC) sales tax proceeds, which Minnesota voters approved in last November's election. The LOHC could potentially fund 75% of the project costs. Following our submittal of an application for this funding, we were informed that our project would not be included in DU 2009 proposal. Harnack told Albright that he was going to try to get Manston included in the application. Albright commented that at this point, we don't know if our application will be accepted. The Board discussed other project funding sources. The revised project cost estimate is $3.8 million. DNR forwarded a grant extension agreement until 6/30/10 for the Board's signature. **Motion** by Nelson to authorize Ellefson to sign the agreement. **Seconded** by VanAmburg. **Approved.**

The office has redrafted the easement/exhibit forms according to Attorney Corey Elmer's recommendations. We are currently waiting for him to review the documents. Once Elmer approves the forms, we will attach the H.E. exhibit drawings, and mail the easement options to the landowners. If necessary, the Board can schedule individual landowner meetings to discuss their questions/concerns. The DNR and United States Fish and Wildlife Service (USFWS) has reviewed and signed the Memorandum of Understanding (MOU). We are still waiting for signatures from the NRCS and the Minnesota Board of Water and Soil Resources (BWSR). Rick St. Germain, H.E., is working on the Engineer's Report.

Ellefson met with Don Schultz, DNR, and Michael Martinez, Land Acquisition Specialist, DNR, on 2/02/09 in the Barnesville office to discuss the Holubok appraisal. The Board discussed DNR's offer. The DNR requested that the BRRWD not disclose the appraised value until after a final purchase agreement has been signed. Before DNR can move forward with the transaction, the BRRWD must finalize the Reinvest In Minnesota (RIM) easement with BWSR for the Holubok property, remove all the buildings, seal the wells, and abandon the septic/sewer system. Martinez offered the BRRWD a nine-month purchase option period to allow us time to complete the referenced tasks. The DNR is also ready to make offers for C& H
Farms and Tom Arnhalt properties. The BRRWD must complete our easement option acquisition for these properties before DNR can move forward with their offers.

**Project No. 49, Oakport Flood Mitigation.** A Technical Committee meeting is scheduled for tomorrow (2/10/09) at 1:30 PM at the Clay County Courthouse. Albright reported that the bill State Senator Langseth introduced two weeks ago for Flood Damage Reduction (FDR) funding in northwestern Minnesota does not include money for Oakport. It included only the projects submitted by the RRWMB. The Board discussed how much money we will need to complete the buyout process and the remaining grant funding. DNR has only about $1.5 million of unencumbered funding left from the $30 million the State Legislature allocated for 2008 FDR funding. In light of the possible funding shortage, the Board might have to delay project development and buyouts until more funding can be acquired. Olson commented that we should contact our Legislators and our Lobbyist to stress the need for Oakport project funding. Albright has already sent information to them. He will follow up with a letter to Joel Carlson, BRRWD Lobbyist. The Board will talk more about this issue at the Technical Committee meeting tomorrow.

**Project No. 46, Turtle Lake Outlet.** Both siphons are operating. Wade Opsahl, Technician, H. E. installed open water signs on Long Lake. He has suggested that the BRRWD invest in permanent safety markers to denote where the siphon pipe is buried near road crossings. Opsahl will submit an estimate for the signs, which could also be used for the Grove Lake Outlet. The Board thought this was a good idea.

**Project No. 38, Farmstead Ringdikes.** Albright sent Tony Karppinen a copy of H.E.'s recommendations regarding his ringdike request. Midwest Testing completed their work on the Karppinen site in Section 17, Elmwood Township, Clay County. According to Midwest Testing, soil conditions are not favorable for the construction of a ringdike in this area. To date, Karppinen has not responded.

Albright and Manager Nelson plan to meet with Carolyn Drude, Ehlers & Associates, Inc., and Lori Johnson, Clay County Auditor, to discuss bond sales and refinancing existing bonds at lower rates. Currently, interest rates are at historic lows (2.4%). The 2009 bond funding could cover a number of projects, including the Kragnes ringdikes.

**Project No. 32, Hawley EDA Diversion.** Midwest Testing has completed their evaluation of the integrity of the 60” dia. pipe. Jones is preparing recommendations with alternatives to address the pipe deterioration. He has also contacted Johnston Fargo Culvert, Inc. regarding the possibility of slip lining a portion of the pipe, which would produce a smoother pipe interior. Jones discussed other possible options. He will include cost estimates for the alternatives in his report. The Board discussed the costs involved with the pipe repair. If the problem developed because of an installation problem, the contractor might need to become involved with this issue. The Board also discussed the current Maintenance Agreement the BRRWD has with the City of Hawley, and the project's benefiting area, which right now only includes the City of Hawley. The City has repeatedly asked the BRRWD to redetermine benefits, which would include private lands in the contributing drainage area. **Tabled.**

**Mediation PT.** The next PT meeting is scheduled for 3/26/09 at 1:30 PM at the MSUM Science Center. A possible project for the South Branch of the Buffalo River will continue to be a topic for the PT. The RRWMB/Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) March Conference is scheduled for 3/31/09 in the Northland Inn, Crookston. Jones and Albright will prepare a 10-minute presentation regarding the BRRWD's PT current activities.

**Revised Watershed Management Plan (RWMP).** Albright has started his review of the draft RWMP document. Once he's finished, Brian Dwight and Pete Waller, BWSR, will review it. After BWSR has had a chance to look over the draft plan, the Managers will do a final review, before it can be submitted for
public review. The office plans 2 to 3 public informational meetings to review the plan. Final approval will only be after a BWSR Board meeting.

**Clay County Ditch No. 49.** Albright plans to schedule the final hearing for the redetermination of benefits this week. Notice of the hearing is required by publication for three weeks. The notice will be published in the *Forum* of Fargo-Moorhead.

**Hay Creek/Stinking Lake CWL Grant.** Becker SWCD was very successful in getting landowners to sign up for the CWL funding. Albright will meet with Kevin Kassenborg, Clay SWCD, to discuss including a portion of Clay County in the grant signup area. There is about a 6-7 square mile (sq. mi.) drainage area on the outlet of Stinking Lake in Clay County where sediment control basins and bufferstrips could be installed. Currently, about $125,000 of the $210,000 grant funding has been encumbered in Becker County. The grant's 6/30/10 deadline can be extended for up to one year, if necessary. The actual construction work in Becker County (sediment control basins and bufferstrips) will be done this spring/summer.

**Clay County Ditch No. 5 Repair.** Robert Gjerdingen filed a petition last fall for the BRRWD to investigate and repair erosion slides along the lower 4,000' of the ditch system. Ditch bank slumping has narrowed the ditch bottom, causing increased erosion. Herrmann presented his recommendations for the ditch repairs. He proposes to replace the concrete wall drop structure with a riprap drop structure and 4:1 side slope in the 1,700' stretch were slumping is occurring. Approximately 8.8 acres of additional r-o-w will have to be acquired, including the one-rod grassed bufferstrip. The cost estimate is $96,280. Albright suggested that the next step would be to send H.E.'s report to the landowner for his review and response. H.E. will prepare draft easement drawings showing the additional needed r-o-w. The work could be done in June, weather permitting, so vegetation can be established.

**M.S.A. 103D.905, Subd. 3.** Albright plans to work with BRRWD Lobbyist Joel Carlson to contact our Legislators regarding the extension of our increased taxing authority under this statute.

**319 Grant/Surface Water Assessment Tool (SWAT) Modeling.** Brennon Schaefer, Minneapolis H.E., Schaefer will make a presentation of the modeling results when the work is completed. The grant deadline is 6/30/09. The work will focus on identifying sedimentation sources using the SWAT modeling.

**Fargo Southside Flood Control (FSSFC) Project.** Albright will meet with Ulteig Engineers, Inc. (UEI) tomorrow (2/10/09) to discuss access to Minnesota properties for the Environmental Assessment (EA).

**BRRWD Total Maximum Daily Load (tmdl) Study.** Albright noted that two of the three Surface Water Assessment Grant (SWAG) grant applications were approved for lake monitoring and integrated watershed monitoring. However, the Buffalo River integrated watershed stage monitoring program was not funded. Jones and the local MPCA representatives feel that the unfunded water quantity monitoring program is a crucial part of the entire tmdl project. Albright will send a pay request ($4,988.00) to MPCA for the costs to date on the tmdl workplan development. A meeting with Wayne Goeken, Monitoring Coordinator, RRRWMB, the Barnesville River Watch Team, and their Coordinator, Sheila Carlson, has been scheduled in the Barnesville office on 3/02/09. Jones also plans to attend. The group will discuss the River Watch Team's role in the BRRWD's tmdl project. They will also review the Team's 2008 water quality monitoring data and discuss potential monitoring sites.

**City of Moorhead Growth Plan.** Moorhead forwarded their Growth Area Plan (GAP) and Alternative Urban Areawide Review (AUAR) for the Board's review, which includes the Oakport project area.
**DNR Division Of Waters.** Terry Lejcher, Area Hydrologist, DNR, forwarded a report regarding the Division of Waters 2008 activities for the Board's review.

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

**2009 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 7:00-9:00 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 Managers plan to attend the Breakfast. The office will make hotel reservations/event registrations. The office will also send invitations to our local Legislators.

**BRRWD Advisory Committee Meeting.** The Board has scheduled their Annual Advisory Committee meeting for April 3, 2009, at 2:00 PM in the Galaxie Supper Club, Barnesville. The office will mail meeting notices and last year's draft minutes to Advisory Committee.

The following bills were presented for approval:

<table>
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<tr>
<th>Accounts Payable</th>
<th>Description</th>
<th>Account</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Bruce E. Albright</td>
<td>Reimbursement for 380 stamps</td>
<td>Pj. 49, Oakport</td>
<td>$159.60</td>
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<tr>
<td>Gilbertson Tax Office</td>
<td>2008 W-2s, 1099s</td>
<td>Admin.</td>
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<td>H.E.</td>
<td>January 2009 Billing Summary</td>
<td>Varies-see attached</td>
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<td>2009 associate membership</td>
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<td>Pj. 49, Oakport</td>
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<td>Postmaster</td>
<td>1/27/09-1/27/10 annual box rent</td>
<td>Admin.</td>
<td>$38.00</td>
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<td>Premium Waters, Inc.</td>
<td>#366590-01-09</td>
<td>Admin</td>
<td>$22.52</td>
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<td>Senior Citizen Center</td>
<td>Austin Hearing</td>
<td>Pj. 27, Clay 55</td>
<td>$40.00</td>
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<td>Steven Johnson Excavation</td>
<td>Pay Request No. 4</td>
<td>Pj. 63, Grove Lake Outlet</td>
<td>$5,671.98</td>
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<td>Vogel Law Firm</td>
<td>December statements (3)</td>
<td>Admin, Oakport, FSSFC</td>
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<td>Wilkin Co.</td>
<td>Turner culvert extension</td>
<td>Pj. 1, Wilkin 22</td>
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<td>WREC</td>
<td>12/19/08-1/20/09 service (2)</td>
<td>Pj. 46, Turtle Lake</td>
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<td>Xcel Energy</td>
<td>12/28/08-1/27/09 service (4)</td>
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$123,804.66

Motion by VanAmburg 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 23, 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