

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

123 FRONT STREET SOUTH – PO BOX 341

PHONE 218-354-7710

MINUTES FOR MANAGERS' MEETING May 11, 2009

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, May 11, 2009, at 8:00 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.); and landowners: Brad Hersch, Lanessa Hersch, Curt Ullrich, Steve Guttormson, Joy Stumbo, Abel Barrera, LeRoy and Ellen Bergman, Ben Torgerson, Marlin Schiefert, and Kyle Schiefert.

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 4/27/09 regular meeting and the 3/05/09 Project No. 27, Clay County Ditch No. 55 hearing. **Motion** by Nelson to approve both sets of minutes. **Seconded** by VanAmburg. **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 currently have \$952,782.01 on hand. **Motion** by Hanson to approve the Treasurer's Report. **Seconded** by Olson. **Approved.**

Other business brought before the Board included:

Ranum Lake Highwater Complaint. Lanessa and Brad Hersch own property in the NW¹/₄, Section 26, Tansem Township, Clay County, near Ranum Lake. Water surrounds their building site on three sides. The township road (280th ST S) and their driveway are also underwater. At this time, water is in their outbuildings, and they are entering their farmyard from the south through their pasture. Brad Hersch discussed their current situation and noted that Tansem Township is considering the abandonment of 280th ST S because they don't have the money to raise the road again. Hersch put up a temporary dike to protect his house from the rising water. He fears that if the water continues to rise, they will lose their home. Hersch noted that when they moved into their home, Ranum Lake was approximately 6' deep. In 2007, it was already 16' deep. Currently, the lake is at an all-time high elevation.

Hersch explained that he and his wife attended tonight's meeting to find out if the BRRWD can offer any help, as it appears that the Township has no interest in addressing their concerns. He asked what possible solutions there might be to lower the lake elevation. He pointed out that the high water in his area only affects his property, the township road, and Trunk Highway (T.H.) No. 34. Hersch has contacted the Federal Emergency Management Agency (FEMA), the Minnesota Department of Natural Resources (DNR) in Detroit Lakes, and the Tansem Township Supervisors. He feels as if no one is interested in helping them.

Hersch said that FEMA could work directly with the Township to address the road situation, and they would probably help him with the driveway, if the water goes down. However, until water touches their home, FEMA can't do anything to help them. At this point, only a temporary dike is protecting their house. Albright noted that FEMA is only active in an area during a declared disaster. If the house floods after the cut-off date for the current declared flood disaster, FEMA would probably not be able to help. Ellefson questioned why the Township hasn't contacted FEMA regarding the road flooding. Albright commented that even if the Township were able to get FEMA funding to raise the road, this would not help the Hersches with their farmstead flooding.

Albright discussed a few options the Hersches could consider. The DNR has a buyout program that would be available for them if the water keeps rising, or there might be DNR funding to move the house to higher ground. Hersch does have property at a higher elevation where they could move the house, but only as a last resort. Nelson noted that the DNR would probably ask if Hersch had tried any other options before contacting them for a buyout or house relocation. The last option would be either to pump the water out of Ranum Lake and/or to explore a possible lake outlet. If the water continues to rise, T.H. No. 34 will also be threatened. In the past, the Minnesota Department of Transportation (MNDOT) pumped water from Ranum Lake to Tansem Lake when T.H. No. 34 was overtopped. Albright noted that Whisky Creek is only one mile south of the Hirsch property, and questioned if there might be an outlet that could be enhanced for the water to go to Whisky Creek. Ellefson questioned if the Township could get funding from FEMA to pump the water. The group reviewed an area contour map and discussed possible routes for a lake outlet. **Motion** by Nelson to authorize H.E. to investigate an outlet for Ranum Lake. **Seconded** by Hanson. **Approved.** The Board assured the Hersches that we would try to work with them to find a solution to their flooding concerns. Hersch commented that if the township raises the road, he could fill in his front yard and protect his house from the north; then he only has to worry about water coming in from the west.

LaBelle/Duck Lakes Outlet. Ellen and LeRoy Bergman, and other residents near LaBelle and Boyer Lakes, discussed their concerns about the flooding conditions on their property. After the 4/27/09 meeting, Albright met with Natural Resources Conservation Service (NRCS) staff and walked the LaBelle Lake outlet. He took photographs of the washouts/erosion on Loren Jetvig's property. At this point, the Appraisers haven't had time to start their work on this project. The office prepared a project factsheet that we sent to State Representative Kent Eken. There may be some funding available from the Minnesota Recovers bill, as Representative Eken is aware of the problem. There has been no further contact with Jetvig regarding this issue. LeRoy Bergman commented that the water is slowly going down on his driveway, which was inundated two weeks ago when an upstream wetland area (Little Boyer Lake) broke out and flooded the area.

Jones said that since the last meeting, he talked to Paul Munsterteiger and Jane Butzer, MNDOT, regarding how the high water is affecting their highway (T.H. No. 10) near Boyer Lake. They indicated that MNDOT plans to provide some type of outlet for Boyer Lake that will eventually drain to Little Boyer Lake and then to LaBelle Lake. Their plans include draining water from Boyer along the north side of T.H. No. 10 through a new driveway culvert to Little Boyer and then to LaBelle Lake. MNDOT is procuring funding for this project, which they don't expect to start until late this summer (July). Albright noted that Munsterteiger and Butze were in our office last week, and they indicated that they do want to drain Boyer Lake through LaBelle Lake. In conversations with the MNDOT representatives, Jones stressed that it would be necessary to make sure that a project for LaBelle is in place and working before they start draining Boyer Lake. Albright increased the project estimate for the LaBelle Lake outlet in light of MNDOT's Boyer Lake project, which will require a larger outlet structure for LaBelle Lake, but will also provide a much larger benefit area to offset the increased project costs. Albright said that the cost estimate he used is about \$150,000. The group discussed the highwater problems in this entire area. Jones noted that Ed Jerdee's driveway culvert downstream from LaBelle Lake is overloaded, but the water has not overtopped the driveway yet. The United States Fish and Wildlife Service (USFWS) put a Clemson leveler

in his driveway culvert to address beaver problems. The group discussed that it might be necessary for the USFWS to install a larger culvert in Jerdee's driveway to accommodate the increased water flow.

Jones noted that there was a survey crew out today on Boyer Lake and downstream of LaBelle Lake. Curt Ullrich and Steve Guttormson, Boyer Lake homeowners, discussed the highwater problems on Boyer Lake. Ullrich noted that the current lake elevation is 1325, and the Ordinary High Water (OHW) elevation is 1317. The homeowners would like to see Boyer lowered about 2'-3'. Albright mentioned that someone reported that there have been new field ditches installed on the south end of Boyer Lake that are draining wetlands into the lake.

Jones discussed DNR permitting for outlets on both lakes with Robert Merritt, Area Hydrologist, DNR, who said that there is new special legislation for closed basin lakes allowing the lake to be lowered 1.5' below the OHW. Merritt thought that we would need to submit the local/state/federal application to go below the OHW to allow for operational flexibility. The group also discussed the beaver problems on the Burlington Northern/Sante Fe (BNSF) Railroad track culvert upstream of LaBelle Lake. A beaver dam washout on this culvert was the cause of the flooding two weeks ago on LaBelle Lake that inundated Bergmann's driveway, among others. More discussion followed about getting BNSF's permission to alter that culvert to address the ongoing beaver problem.

The Board also discussed declaring an emergency for Boyer Lake and possible drainage options for Boyer Lake and LaBelle Lake. Albright thought that the LaBelle Lake outlet should be designed to handle Boyer Lake drainage as one large project. **Motion** by Hanson to amend the LaBelle Lake emergency declaration to include Boyer Lake. **Seconded** by VanAmburg. **Approved.** Albright said that before we could start to drain Boyer Lake, there would have to be a stable, adequate outlet for LaBelle Lake. Because of funding availability and project development scheduling, MNDOT will probably not start the Boyer Lake project until July. Ellefson discussed how the Mediation Project Team (PT) process develops projects in cooperation with the environmental agencies regarding project design and approval.

Ullrich asked if anyone has checked the natural outlet on LaBelle Lake recently to see if it has been altered. Albright circulated the photographs he took on 4/29/09 of the outlet. The group briefly discussed the alleged LaBelle Lake outlet blockage last fall and the current erosion problems following the spring flood. Steve Guttormson noted that he has lived on Boyer Lake since 1989 and the lake has risen 12'-13' in that time. The group briefly discussed the 2003 MNDOT project to raise T.H. No. 10. Ullrich commented that when MNDOT moved T.H. No. 10 from the south side of Boyer Lake to the north side of the lake in the 1930s, they changed the lake outlet and prevented it from draining naturally to Becker County Ditch No. 9. Albright thought that the BRRWD could hold a landowner informational meeting in June or July to discuss project development.

Project No. 42, Clay County Ditch No. 67. Joy Stumbo, who purchased the former Gina Sandgren/Ross Solwood property (5613 17th ST N), contacted the office and some of the Managers last week regarding her 2009 ditch taxes. She distributed a handout with a letter explaining her concerns. In February 2008, the Stumbos paid off the special assessments, expecting that this would be the last ditch assessment for their property. When they received their 2009 tax statements, they were surprised to find that there was another ditch assessment. When she checked with her neighbors regarding their assessments, she found that her ditch benefit rate was significantly higher (\$4,250 compared to \$500). When she and her husband, David, purchased the property in 2007, the former owners did not disclose the ongoing ditch assessments, or the benefit rates. Stumbo requested that the Board redetermine the assessment for her property to make it fairer compared to the neighboring properties.

Albright explained that the Viewers placed a much higher benefit rate on the Sandgren/Solwood property because they had had the most damage of all the lots along the old coulee. They had already lost part of their wooden fencing and a considerable part of their lot due to the severe erosion on the old watercourse.

The former owners were willing to accept the higher benefit rate because without the ditch project, their property would have been lost. Albright pointed out that the Stumbos paid off the initial project construction costs last year, and it might be time for the Board to consider a redetermination of the benefits for this one parcel. Future assessments will be for ongoing maintenance costs, and this property doesn't receive a higher benefit for those costs than any other neighboring properties. According to Minnesota Statutes Annotated (M.S.A.) 103E.351 regarding a redetermination of benefits, if the Board decides that the original benefits determined in a drainage proceeding do not reflect reasonable present day land values, or that the benefited or damaged areas have changed, they may appoint three Viewers to redetermine the benefits and report the same. Then the BRRWD holds a hearing to review the revised Viewers' Reports. Following the redetermination hearing, the Board issues an Order to adopt the revised Viewers' Report, and the redetermined benefit rates are in effect for all future ditch system proceedings, but are not retroactive for past levies.

The Board discussed Stumbos request, and agreed that their benefit rate should be redetermined. **Motion** by VanAmburg to schedule a redetermination of benefits hearing on the Stumbo request. **Seconded** by Hanson. **Approved.** The office will send hearing notices to the affected landowners. Ellefson questioned if the hearing could be held in conjunction with a regular BRRWD meeting.

Abel Barrera Wetland Concern. Barrera visited the office recently with concerns about an expanding wetland in his area that is encroaching on his driveway and pasture in the SE¼, Section 24, Tansem Township, Clay County. Barrera discussed his concerns with the Board. Barrera is only about one mile east of Brad and Lanessa Hersch, who spoke earlier in the meeting about their flooding concerns. The Board referred to a topographical map showing Barrera's property. They felt that his problems are typical of most of the area east of Barnesville. At this point, his house is not threatened, as it is on top of a hill. Barrera said that since 1997, the township road south of his property has overtopped about seven times. Ellefson suggested that Barrera could add gravel to his driveway where there is a mail delivery "turn around", which would not require a BRRWD permit. He said that most of the lakes/wetlands east of Barnesville are full, and numerous roads and highways are inundated. Unfortunately, the BRRWD cannot install an outlet to every area that has a highwater problem. If possible, we will try to work with landowners whose homes are threatened, or if a major road system is in jeopardy.

Permit No. 09-06, Kyle Schiefert. At their 4/23/09 meeting, the Board authorized H.E. to investigate the drainage options for Schiefert's property in the SE¼, Section 18, Humboldt Township, Clay County. Schiefert proposes to grade the ditch along the south side of County Road (C.R.) No. 55 to the west.

Jones filed his review per the Board's request and offered some recommendations regarding this issue. He visited the site on 5/09/09. The Board reviewed a map created using contours based on LiDAR collected last year. Jones reported that from his investigations, it appears that the water does not drain north to Stony Creek, as assumed, but actually flows south along T.H. No. 9 and then through a 42" dia. reinforced concrete pipe (RCP) under the westbound Interstate-94 (I-94) off ramp. Jones determined that there was adequate fall north to south along T.H. No. 9. Along T.H. No. 9, the first culvert to the north of C.R. No. 55 is an 18" dia. corrugated metal pipe (CMP) and the second downstream crossing doesn't have a culvert. Jones commented that the ditch along Schiefert's property is too shallow to provide adequate drainage away from Schiefert's building site.

The agricultural land directly east of Schiefert's building site drains west. A ridge on the field washed out last summer and now directs most the upstream drainage directly at Schiefert's home. According to Jones, almost the entire local drainage area flows through this washout, and very little drainage utilizes the county road ditch east of Schiefert's property. Schiefert would like to install a berm and ditch along his east property line to direct the drainage north to the C.R. No. 55 road ditch. Jones thought that Schiefert should install the berm/ditch, lower the driveway culvert, and add another 24" dia. CMP. He also recommended

that the road ditch near the driveway and downstream should be excavated at a 0.06% slope for approximately 600' where it will daylight. Jones thought that the driveway elevation should not be raised to allow for overtopping by excessive water from the east. He suggested that the driveway be regraded to place the overtopping location north of the buildings. Jones recommended that a north-south swale could be created between the driveway and the west property line to drain the property south of the buildings to the C.R. No. 55 road ditch. Jones added that he did not consider heavy rainfall events and spring runoff when he prepared his recommendations. He explained that although the next downstream culvert (18" dia. CMP) along C.R. No. 55 is smaller than Schiefert's driveway culvert (24" dia. CMP), it doesn't restrict his drainage because its elevation is much lower and will overtop before water is held back on Schiefert's property. Jones felt that by adding more capacity to the road ditch and opening up Schiefert's driveway with another culvert, the building site drainage will improve significantly.

Schiefert would also like to drain some of his property south to the I-94 ditch, which will require a MNDOT permit to work in their road right-of-way (r-o-w). Albright noted that Chris Bang, who rents the agricultural land (Elaine Erdman, owner) east of Schiefert's building site, was in the office today and indicated that he was not interested in doing anything to change his field drainage. Schiefert is also considering a tiling project in his yard to help lower the water table. The group discussed the area drainage patterns and options. After an extended discussion, Ellefson suggested that Schiefert should file a new permit application, including some of the ideas that were discussed tonight, and the Board will approve it subject to Manager field review. Albright will work with him to focus on a plan that will address all of his problems. **Motion** by VanAmburg to approve Permit No. 09-06, subject to Manager field review. **Seconded** by Nelson. **Approved.** Albright noted that the neighboring landowners on the east and west should be contacted regarding this project. He will also provide MNDOT contact information for Schiefert to discuss draining his property south to their I-94 r-o-w.

Permit No. 06-10, Walter (Ronald) Jerger. The office has sent a response to Ed Haick and his attorney regarding his concerns about the installation of a flapgate on a culvert in C.R. No. 182 in Manston Township, Wilkin County. The Board reviewed the letter. To date, there has been no response.

Permit No. 09-09, Aaron Wetterlin. Applicant proposes to install 80 acres of tiling in the N½SW¼, Section 10, Spring Prairie Township, Clay County, to improve drainage for his agricultural land. The landowner is working with Sharon Lean, District Conservationist, NRCS, regarding wetland impacts. Opsahl and Manager Olson conducted a field review today. No concerns were noted with this proposal. Opsahl proposed that the Board adopt a requirement/disclaimer, similar to our standard utility disclaimer, that states the owner is required to mark the location of the tile outlets into legal drainage systems and that the BRRWD is not responsible for damage to the outlets during cleaning, snow removal, etc. In addition, if the tile requires the use of a pump, the pits must be located off the ditch r-o-w and have erosion control measures at the outlet end of the discharge pipe. **Motion** by Nelson to approve Permit No. 09-09 with the referenced disclaimer. **Seconded** by Olson. **Approved.**

Permit No. 09-10, Jerry Wetterlin. Applicant proposes 145 acres of patterned tiling in the SE¼, Section 8, Spring Prairie Township, Clay County. The property has two wetland areas that Wetterlin is working on with Sharon Lean, NRCS. The tile outlet will be pumped via a lift station through 70th AVE N to County Ditch No. 3 for which the property is assessed. Opsahl and Manager Olson conducted a field review today, and found no problems with the proposal. **Motion** by Olson to approve Permit No. 09-10, subject to the referenced tiling disclaimer. **Seconded** by VanAmburg. **Approved.**

Permit No. 09-26, MNDOT. Applicant proposes to remove and replace the deteriorated end sections of a box culvert through T.H. No. 10, one mile west of Audubon in the SW¼, Section 9, Audubon Township. The existing structure is a 6' x 6' concrete box culvert with 72" CMP extensions on both ends. The CMP sections are failing, and the box culvert is separating. MNDOT plans to line the entire length of the

replacement culvert with a 60" spiral rib, aluminized liner. Jones prepared a report regarding the proposal for the Board's review, and found no problems with the project. Albright noted that the culvert work shouldn't impact Becker County Ditch No. 5. **Motion** by VanAmburg to approve Permit No. 09-26. **Seconded** by Hanson. **Approved.**

Permit No. 09-27, Robert Softing/Bruce Nelson. Applicant proposes to remove the north/south 12" dia. pipe through 110th AVE S between Sections 25/36, Skree Township, and to reinstall the same culvert in an east/west direction in 240th ST S between Sections 25, Skree Township, and Section 30, Parke Township. Currently, water drains south along the west side of 240th ST S, and eventually into a land-locked basin that is currently full and overflowing. The proposed culvert relocation will direct drainage from the southeast corner of Section 25, east in the north ditch along 110th AVE to Nelson Lake, eventually draining into Stony Creek. **Tabled,** pending Manager field review.

Permit No. 09-28, Brandon Anderson. Applicant proposes to install a small culvert through 150th ST in Section 21, Elkton Township, Clay County, to drain standing water in his building site on the west side of the road in Downer. Currently, Anderson is pumping water from the west to the east side of the 150th ST S to C.R. No. 10 where it will drain west to T.H. No. 9. Recent highwater events have inundated Anderson property, causing a wet yard, drowned out grass/trees, etc., and he is anxious to end the chore of constantly pumping water to protect his property. **Tabled,** pending Manager field review.

Permit No. 09-29, Michael Morton. Applicant proposes to install a private ringdike around his property at 901 58th AVE N in Oakport Township, Clay County, to protect his house from flooding. **Motion** by Nelson to approve Permit No. 09-29, subject to Clay County Planning & Zoning approval. **Seconded** by Hanson. **Approved.** Albright mentioned that he wants to obtain fill for the dike from several of our buyout lots in the area, which should not be a problem.

Permit No. 09-30, Wilkin County Highway Department. Applicant proposes to replace two lines of 24" dia. CMPs with one equivalent 36" dia. CMP. The existing CMPs are no longer functional due to rusting. The culverts are located in C.R. No. 190 at the headwaters of Clay/Wilkin Judicial Ditch No. 1 (J.D. 1) Branch 2, about one mile north of Wilkin County Ditch No. 5A in the SE¹/₄SE¹/₄, Section 12, Wolverton Township. **Motion** by VanAmburg to approve Permit No. 09-30. **Seconded** by Nelson. **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 NE¹/₄, Section 8, Elkton 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. Sharon Lean, District Conservationist, NRCS, has determined that there may be a wetland violation associated with the project. The Managers will conduct a field review when conditions permit in the next few weeks and Albright will schedule a survey of the area. The BRRWD will need to coordinate any potential restoration work with the NRCS. **Tabled.**

Minch/Johnson Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 10:07 PM to discuss the status of these issues. At 10:20 PM, the Board reopened the meeting.

Daniel Eilertson Water Problems. Eilertson contacted the office in April regarding high water encroaching into his farmyard near Solem Lake in the NE¹/₄, Section 28, Tansem Township, Clay County. The Board reviewed the photographs Albright took during his 4/14/09 field review. Albright suggested that Eilertson could probably address his water concerns via the BRRWD's permitting system. Opsahl will

provide Eilertson with several survey elevations. It appears the water could be lowered by installing a ditch along T.H. No. 34 to drain it east to a waterway that drains to Whisky Creek.

Clay County Landfill. The BRRWD received the Environmental Assessment Worksheet (EAW) for the Clay County Sanitary Landfill Expansion for the Board's review and possible comments. The Minnesota Pollution Control Agency (MPCA) distributed the EAW for a 30-day review and comment period according to the Environmental Quality Board (EQB) Rules. Comments will be accepted until June 3, 2009. The BRRWD will offer no comments on the proposed project.

Nick Manston Drainage Complaint. Manston filed a complaint regarding ditch work his neighbor completed along the quarterline last fall in Section 36, Elkton Township, Clay County, which created an erosion problem on Manston's field this spring. Albright suggested that he could visit with Manston's neighbor to discuss his ditch work and request that he restore the area.

Tatley Lake Highwater Concern. Richard Smith contacted the office regarding a highwater problem north of Tatley Lake along C.R. No. 33. Albright explained that the Clay County Highway Department was pumping water to lower the water, as it is overtopping C.R. No. 33. As a result of the work, 3 to 4 acres of his field has been flooded on the east side of the road in the SE¹/₄, Section 30, Goose Prairie Township. The wetland outlet is tiled to Tatley Lake, but the pipe is not large enough to handle the amount of water coming from the pumping operation. Albright suggested to David L. Overbo, Engineer, Clay County Highway Department, that the County could offer to pay Smith cash rent for the acreage for one year, which should be a FEMA expense.

Glen Cook Drainage Concern. The Board reviewed a contour map showing the drainage patterns for Cook's area in Section 1, Skree Township, Clay County. Water is draining across a series of wetlands, through Paul Schenck's farmyard. Cook questioned if the Clay County Highway Department should have installed a culvert through C.R. No. 31 to reroute the water to Silver Lake. Cook plans to check with the Clay County Highway Department. Albright provided Cook with a copy of the LiDAR contour map.

Project No. 63, Grove Lake Outlet. Albright reported that the contractor is waiting for the County to lift the road weight restrictions so they can move their equipment to the site and continue construction. Scambler Township has made some minor repairs to their road, so it is currently open to traffic.

Project No. 61, Clay County Ditch No. 11-North. Albright reported that to date, no appeals have been filed. The 30-day appeal period ends on 5/15/09. The Clay County Highway Department has scheduled the bid opening for 5/26/09. Albright still needs to prepare a comparison of the existing and proposed ditch alignments for John Leseth to determine how much the ditch centerline will actually move.

Project No. 58, Riverton Township Retention. Josh Nanik, Nanik Construction, visited the office on 5/05/09 to report that the site is still too wet to continue their work.

Project No. 56, Manston Slough Restoration. The C and H Farms Company easement drawings and entity name need to be modified before the easements can be signed. Drew Wesner, C and H Farms Company, has already signed the contracts with the DNR. The EAW Order has been filed with all the affected agencies and the EQB.

Project No. 49, Oakport Flood Mitigation. Albright and Manager Nelson will meet with Harold Hagen, Midwest Bank, on 5/21/09 regarding a line of credit to purchase the Vicky Sieben property. The BRRWD

is scheduled to close on the Sieben property before June 1, 2009. The group briefly discussed funding from the bonding bill. The Board will discuss the Sieben buyout again at the 5/26/09 meeting.

Master Construction submitted bids for the demolition of three buyout houses, totaling \$70,000. The buyers of these houses have missed the deadline to remove the structures. Albright will give the owners a courtesy call to notify them that the houses will be demolished in the near future. The Dilworth Fire Department has expressed an interest in using two of the houses for practice. If we allow the fire department to burn them, the contractor will deduct \$10,000 per house from the total demolition bill. Prior to burning, the houses will need to be inspected for hazardous materials, which will need to be removed. **Motion** by Olson to accept Master Construction's bid and to allow the fire department to burn the houses. **Seconded** by Hanson. **Approved.**

Project No. 46, Turtle Lake Outlet. Both siphons were restarted on 4/23/09 with Turtle Lake at elevation 1362.8 and Long Lake at elevation 1362.7. The DNR amended permit elevation for Turtle Lake is 1361.3, so the lake is about 1.5' above where it should be. On 5/12/09, we received notice from DNR that they were placing walleye fry in Long Lake, so that siphon was stopped, but the Turtle Lake siphon continues to run. We can restart the Long Lake siphon in two weeks, or 5/26/09.

Project No. 39, Georgetown Levee. H.E. has provided a list of recommendations for the levee based on discussion items generated at the 4/22/09 informational meeting. The Board reviewed/discussed the options. This information has been forwarded to Traci Goble, Georgetown Mayor. The first work that must be completed is to clean up the temporary diking material and restore the borrow sites in accordance with the Army Corps of Engineers (COE) guidelines. Three properties within the city limits are not protected by the dike and would be candidates for possible ringdikes, and a couple of homeowners want a buyout. A few areas along the dike should be repaired because they have the potential to fail due to slides, etc. Albright discussed a way to fund the buyouts that would utilize both FEMA and DNR funding. Goble has discussed the options/costs with local legislators, and there could be funding in the Minnesota Recovers Bill being considered at the Capitol to help with Georgetown's repairs.

Project No. 38, Farmstead Ringdikes. There are now 17 potential ringdike candidates on our list. The Farmstead Ringdike funding bill only has \$125,000 for the all of the Red River Basin on the Minnesota side of the Red River. Albright suggested that we will need to work with BRRWD Lobbyist Joel Carlson for our own ringdike funding bill for next year. Albright thought there could be enough money left of the Kragnes Ringdike grant to start the Kuipers ringdike (white house). The Board discussed possible changes to the Kuipers dike design.

Opsahl has reported that the Gary Olson ringdike project is ready for construction. Funding is in place and must be used by 6/30/09.

Jones prepared a letter recommending a number of modifications to the Kragnes ringdike that became apparent during the 2009 spring flood event. Jones recommended some drainage changes and raising all the dikes by 1' before seeding. Currently, the BRRWD has spent approximately \$18,550 on emergency measures and cleanup, which FEMA will help pay. The improvements will cost approximately \$6,100-\$8,000. **Motion** by Nelson to approve the recommended improvements. **Seconded** by Hanson. **Approved.**

Project No. 32, Hawley EDA Diversion. Jones is working on recommendations for the 60" dia. RCP that is deteriorating. He has been busy with other projects and hasn't had time to finish his investigation regarding the pipe.

Zach Herrmann and Jones have prepared recommendations for repair of the Buffalo River stream bank erosion in the City of Hawley. The Board reviewed a site map and discussed the recommendations. The project would include stream barb installations and would overtop during flooding events. Jones thought that we would need to apply for a Conditional Use Permit and a DNR permit to work on protected waters. Jones has already reviewed the recommendations with Luther Aadland, DNR, who approved the work. The cost estimate for the project is between \$15,000 and \$18,000. The Board discussed funding sources for the repairs. The information has been forwarded to the City of Hawley and landowner Joel Sellin.

Project No. 27, Clay County Ditch No. 55. The contractor, Ernst Trenching, is ready to start boring the 18" dia. culvert through County State Aid Highway (CSAH) No. 10 west of Downer. H.E. will stake the boring. Neighboring landowner, Craig Halverson, has expressed his dissatisfaction with the project to the contractor.

Project No. 19, Becker County Ditch No. 21. Albright advised Jerry Matter to file a BRRWD permit application regarding his request for an additional outlet culvert in the west ditch berm on the south side of 320th ST in the NW¹/₄, Section 15, Riceville Township, adjacent to a USFWS Waterfowl Production Area (WPA) site. Scott Kahan, USFWS, has informed Albright that Riceville Township will need to approve work in their road r-o-w. He also questioned who would be responsible for future ditch maintenance, if needed.

Project No. 1, Wilkin County Ditch No. 22, Lateral No. 2. Albright hasn't sent formal appointment letters to the Ditch Committee yet. The Board appointed Sherrie Bucholz, Jeff Nord, Dennis VanWechel, and Ed Askegaard to serve on the ditch committee. Albright spoke to Jeff Nord, who felt the appointees would do a good job. Albright noted that William Nichol Excavating has completed work on Lateral No. 2. We need to arrange for a contractor to install the recommended Lateral No. 2 structures. Further investigation regarding possible Lateral No. 3 improvements is pending time availability.

Mediation PT. The next PT meeting is scheduled for 5/28/09. Notices will be sent. The Board briefly discussed the proposed South Branch of the Buffalo River Restoration project. Albright suggested that we will need to meet with Don Bajumpaa, District Manager, and Craig Lingen, Wilkin Soil and Water Conservation District (SWCD), to discuss the Reinvest In Minnesota (RIM) sign-up to install bufferstrips along the river channel. RIM funding must be encumbered by 6/01/09. At this time, only two landowners have not expressed an interest in the RIM program.

Clay County Ditch No. 49. The Viewers met on 4/17/09 to finish their field reviews regarding concerns noted at the 3/17/09 Final Hearing. Once the Viewers' Report is updated, the Board can schedule the continuation hearing to finish the redetermination of benefits. The Board plans to hold an informational meeting regarding the structure changes following the Redetermination hearing. The Board made the Order to make the structure changes in 2001. The 2009 spring flood has delayed work on this project.

Wilkin County Ditch No. 40. Ellefson reported that landowner Robert Faulkner reported damages to the ditch/Lawndale Trout Stream crossings from the 2009 Spring Flood. At least four crossings were washed out, which will be repaired using FEMA funds. Ellefson felt this helps document the need to keep County Ditch No. 40 open for highwater after the trout stream is completed.

Wolverton Creek/Comstock Coulee Clean Water Legacy (CWL) Project. Albright said that landowner Donald Hoppe reported flood damages in his field along Wolverton Creek. The Board reviewed photographs of the damage. Hoppe suggested that some of the CWL funding that could expire on 6/30/09 could be used to repair this washout. Jones sent the plans for the work proposed for Peter Livdahl's property, located on the Wolverton Creek outlet to the Red River, to Michele Walker, DNR, for her review.

Advisory Committee. The Board discussed Advisory Committee appointments. It appears that Arne Peterson is no longer interested in serving on the Committee, and Peterson has indicated that Ross Aigner should replace him. In addition, Clay County Commissioner Jon Evert has indicated in interest in serving on the Committee. Ellefson suggested that Albright visit with Peterson to be sure he wants to retire from the Committee. **Motion** by VanAmburg to appoint Jon Evert to the Advisory Committee and to appoint Ross Aigner to the Committee to replace Arne Peterson, pending Peterson's formal resignation. **Seconded** by Nelson. **Approved.**

Fargo South Side Flood Control (FSSFC). Albright, Jones, and Managers Olson and VanAmburg attended a meeting regarding the Environmental Assessment (EA) for the FSSFC project on 5/07/09. A tour was also arranged for the federal officials to view the potential project area. There are still eight Minnesota landowners who have not given permission to access their property for the survey crews to complete the EA investigations. Albright said that the City of Fargo will need to provide the names of the landowners, so that the BRRWD can contact them to discuss their concerns regarding the project. No construction is planned this year for the FSSFC project. The Board briefly discussed the COE proposed metro-wide flood control plan.

Buffalo Aquifer Proposal. The City of Moorhead submitted a request to the DNR for Legislative Commission on Minnesota Resources (LCMR) funding to study the Buffalo Aquifer along the South Branch of the Buffalo River in Clay County.

Buffalo River TMDL. Albright, Jones, and Manager VanAmburg have been working on setting up lists of people to serve on various Technical/Citizen Committees regarding the development of the Buffalo River Total Maximum Daily Load (TMDL) project. The office prepared a draft flow chart with potential participants listed on the various committees. A meeting will be held with the MPCA regarding the TMDL effort on 5/19/09 at 2:00 PM in Barnesville.

MAWD Summer Tour. The Minnesota Association of Watershed Districts (MAWD) has scheduled their Summer Tour for Thursday, June 25, 2009, to Saturday, June 27, 2009, hosted by the Shell Rock River Watershed District in Albert Lea, MN. Manager Hanson plans to attend. The office will take care of his reservations.

WCA Banking. Albright and Mark Aanenson, H.E., met with Chuck Anderson on 5/08/09 to review a potential wetland restoration site by Downer last week. Anderson is interested in banking the wetland credits. Aanenson will prepare some preliminary estimates for banking credits, and then contact Anderson to discuss his interest. Dwight Mickelson near Rollag is also interested in banking some wetland credits. The site near Rollag still had standing corn that needs to be harvested before the site review can be completed. Mickelson will contact the office when the crop is off.

River Keepers. River Keepers has drafted a Flood Preparedness statement for the Red River. Albright distributed copies of the document for the Board's review.

Five-Year Bonding Plan. Kent Lokkesmoe, DNR, has requested that the Watershed Districts in the Red River Basin provide a five-year bonding plan the he can use for the upcoming bonding cycles. The funding estimates should include any proposal that the district is or will be developing in the next five years.

River Watch. Sheila Carlson, River Watch Coordinator, has submitted the 2009-2010 River Watch funding proposal. The BRRWD River Watch Team has added approximately 15 monitoring sites this year to their water quality sampling work in association with the BRRWD's TMDL/Surface Water Assessment Grant (SWAG) project. Carlson's budget projection for 2009-2010 is \$8,408.00. In 2008-2009, it was about \$5,000. The Board reviewed Carlson's budget. Albright noted that Barnesville High School

contributes \$2,000 to these costs, so the BRRWD's share of the costs is \$6,408.00. VanAmburg felt that this award-winning program is cost effective, and Carlson and her students provide a very important service to the BRRWD. Ellefson felt that this program benefits the community/school by providing hands-on water quality education. **Motion** by VanAmburg to approve the River Watch budget proposal. **Seconded** by Hanson. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Brian L. Thomas	Debris removal	Pj. 14, Clay 10	\$ 36.00
Clay Co. Auditor-Treasurer	1st 1/2 buyout taxes	Pj. 49, Oakport	\$ 18,932.76
Curtis M. Nelson	#0908, 3/01/09-4/30/09	Varies	\$ 1,516.04
E. Robert Olson	#0909, 3/01/09-4/30/09	Varies	\$ 1,108.20
Fitzgerald Const. Inc.	#10580, debris cleanup	Clay 33	\$ 440.00
F-M Excavating Co., LLC	#10625, debris removal	Pj. 14, Clay 10	\$ 170.00
Gerald L. VanAmburg	#0910, 3/01/09-4/30/09	Varies	\$ 1,500.90
H.E.	April billing summary	Varies-see atch.	\$ 65,058.22
Harold Olsgaard, Inc.	Bond premiums	Pj. 61, Clay 11N	\$ 451.50
Haugen's Landscaping	#207/208, debris cleanup	Pj. 20, Clay 12	\$ 3,705.00
John E. Hanson	#0907, 3/01/09-4/30/09	Varies	\$ 1,318.96
Master Construction	#22833, flapgate repairs	Pj. 37, Clay 41, Lat. 1	\$ 5,858.50
MAWD	Hanson summer tour	Admin	\$ 200.00
Petty Cash	Postage, supplies, misc.	Admin	\$ 200.00
Premium Waters, Inc.	#366590-04-09	Admin	\$ 22.52
Quill	#6599821, office supplies	Admin	\$ 170.12
RMB Laboratories, Inc.	#94554, 94548, 94541	Buffalo TMDL/SWAG	\$ 565.00
RMB Laboratories, Inc.	#94952, sample analysis	Buffalo TMDL/SWAG	\$ 459.00
RMB Laboratories, Inc.	#95469, tss	Buffalo TMDL/SWAG	\$ 9.00
RMB Laboratories, Inc.	#95323, BRIWM	Buffalo TMDL/SWAG	\$ 157.00
RMB Laboratories, Inc.	#94526, 95309	Buffalo TMDL/SWAG	\$ 617.00
Roger G. Ellefson	#0906, 3/01/09-4/30/09	Varies	\$ 1,061.52
Scambler Township	Road repairs/culvert	Pj. 63, Grove Lake	\$ 280.00
Thomas A. & Susan M. Arnhalt	Easement option	Pj. 56, Manston	\$ 100.00
Vogel Law Firm	April billing summary	Minch, Pj. 49/56, Admin	\$ 6,203.50
Rose Ann Hulne, Wilkin Co. Treas.	1st 1/2 Holubok taxes	Pj. 56, Manston	\$ 1,427.00
Wm Nichol Excavating	#00001, Lat. 2 repairs	Pj. 1, Wilkin 22	\$ 4,221.00
WREC	3/19-4/19/09 service (2)	Pj. 46, Turtle Lake	\$ 120.96
Xcel Energy	3/26-4/27/09 electrical/gas	Pj. 49, Oakport	\$ 49.82
			\$ 115,959.52

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 Tuesday, May 26, 2009, in the Barnesville office at 8:00 PM. The traditional meeting date is changed because of Memorial Day.

Adjournment. Chairman Ellefson adjourned the meeting at 11:15 PM.

Respectfully submitted,

John E. Hanson, Secretary