

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

123 FRONT STREET SOUTH – PO BOX 341

PHONE 218-354-7710

MINUTES FOR MANAGERS' MEETING May 26, 2009

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Tuesday, May 26, 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: LeRoy Bergman, Ben Torgerson, Dave Mittet, Doug Larson, Vicky Williams Sieben, David C. Sogge, James Thesing and Pam Thesing.

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 3/30/09 Project No. 61, Clay County Ditch No. 11 North-Improvement Final Hearing. **Motion** by Nelson to approve the minutes. **Seconded** by Hanson. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Albright reported that we currently have \$836,822.49 on hand. Albright and Manager Nelson met with Midwest Bank to discuss a one-year \$500,000 line of credit, which could be used to purchase the Vicky Sieben property as part of the home buyout process associated with Project No. 49, Oakport Flood Mitigation. The annual interest rate is variable at 4.75%, or fixed at 5.25%. The Board discussed the purchase of the Sieben property for approximately \$933,000, which includes a house on approximately 60 acres of land along the Oakport Coulee. Albright noted that the Legislature has allocated \$12 million for the Oakport project in their 2009 bonding bill. However, the timing of the actual fund distribution is unknown. The Sieben closing is scheduled for 5/29/09 at 10:00 AM at the Vogel Law Office in Moorhead. Albright suggested that the Board could use \$500,000 from the Midwest line of credit loan and \$433,000 of our cash on hand to purchase the property. The Board discussed the fact that the 2009 county tax proceeds should start coming in next month. **Motion** by VanAmburg to open a line of credit with Midwest Bank for \$500,000, and authorize Bruce E. Albright, BRRWD Administrator, and Curtis M. Nelson, Treasurer to sign the paperwork; and to approve the Vicky Williams Sieben home buyout. **Seconded** by Olson. **Approved.**

Other business brought before the Board included:

Pam Thesing Drainage Complaint. Albright gave a brief update of this neighborhood drainage dispute. Thesing filed a complaint in April 2005 about work her neighbor, David Sogge, had done to drain water from his sump pump onto Thesing's property along County Road (C.R.) No. 86 in Section 2, Riverton Township, Clay County, causing wet conditions on Thesing's driveway and yard. Following field reviews conducted by Manager Nelson and Wade Opsahl, Technician, H. E., and Manager VanAmburg and Albright, the Board agreed to send a letter to the affected parties with recommendations to install a small culvert (approximately 12" dia.) in the driveway to allow water from Sogge's sump pump hose to drain north through the driveway and then naturally to the west. The Board also thought some minor ditch cleaning to carry the water west might also be required on the north side of the driveway. The letter advised the parties that a BRRWD permit would be needed for any of the proposed drainage changes.

Last week, Thesing filed another complaint about a 3" dia. pipe that Sogge recently installed through her driveway without a BRRWD permit. Thesing commented that she wouldn't object to the water if it were natural drainage, but didn't want Sogge's sump water draining onto her property.

Albright noted that when the Clay County Highway Department completes their project to regrade C.R. No. 86 and install 18" dia. approach culverts at grade for the homeowners along the west side of this roadway, the area drainage should be significantly improved, and Sogge's sump pump drainage will have an outlet to the north. Unfortunately, the County has indicated that they will need to redesign the project to rebuild the road, and they won't be able to start the work until this fall. Sogge met with Albright prior to tonight's meeting to file a permit application for the installation of the PVC pipe in Thesing's driveway. Albright explained that Sogge has tried to alternate his sump pump discharge to the road ditch along C.R. No. 86 and west through Thesing's driveway. It should be noted that Sogge actually owns the Thesing driveway, but Thesings have an easement to access their property.

James Thesing stated that the driveway was there before they purchased their property. Sogge said that he has been draining his sump pump water to the west since he purchased his property in 1976. The C.R. No. 86 ditch on the east side of his property is full of water and he can't send his sump pump water that direction until the water seeps away, because there is no culvert in the downstream approach to allow his water to drain north. Pam Thesing thought that Sogge should continue to drain to the west road ditch until the road project is completed. She is concerned that if the BRRWD allows Sogge to install the pipe through their driveway, it will be permanent and will continue to affect their property to the northwest. Albright pointed out that if Sogge can't drain some of the water northwest through the driveway, he will be continually pumping the same water to protect his basement. Sogge added that we currently have the highest water table in recent history. Pam Thesing commented that it wasn't their fault that Sogge has a basement to protect. She added that the sump pump water has at times affected their drain field.

Albright noted that in order to address Thesing's concerns about the pipe remaining in place after the road project is completed, the Board could put a stipulation on the permit stating that the pipe would have to be removed once the road project is completed. Sogge explained that because there are no approach culverts in the C.R. No. 86 ditch, the entire area is wet. Thesing felt that if the Board could stipulate that the PVC pipe needs to be removed when the road project is done, she wouldn't object to Sogge installing the 3" pipe in their driveway. Sogge said that if the road project provides adequate drainage to the north, he would be willing to remove the temporary PVC pipe in Thesing's driveway. Albright felt that if Sogge gets his sump water through the driveway to the north side, then it shouldn't affect the driveway. Thesing explained that the driveway area is quite low and if the sump pump water floods out the northeast corner of their lot, it will come back around into their yard. She added that the water will also affect their neighbor to the northwest.

Albright suggested that if the neighbors will work together on this issue, the Board could approve Sogge's permit for the pipe through Thesing's driveway, subject to removal when the County road project is completed, and if the drainage becomes a problem on the Thesing property, the Board would have to take a second look at the permit. **Motion** by VanAmburg to approve Sogge's permit application on a temporary basis until the C.R. No. 86 project is completed, subject to the referenced stipulations and monitoring. **Seconded** by Hanson. **Approved.** James Thesing complained that when Sogge installed the pipe, he didn't tell them about it so they could have moved their car. Ellefson advised Sogge to call Gopher One regarding the location of the telephone line. Sogge said he called Gopher One this spring prior to installing the pipe. Ellefson also noted that Sogge can clean an existing ditch to the original grade. Pam Thesing pointed out that Sogge has already cleaned the south driveway ditch below the original gradeline, but since it didn't affect her property, she wasn't concerned about it. Ellefson noted that when the County road project is completed, the area's drainage/seepage problems should go away.

Project No. 64, LaBelle/Boyer Lakes Outlet. LeRoy Bergman, and other residents near LaBelle and Boyer Lakes, received an update regarding a possible outlet for LaBelle and Boyer Lakes. Jones set up a meeting on 5/19/09 with the BRRWD, the Becker County Highway Department, United States Fish and Wildlife Service (USFWS), Minnesota Department of Transportation (MNDOT), the Becker Natural Resources Conservation Service (NRCS), to discuss the proposed project and possible outlet locations. Albright described the drainage pattern of the water as it flows out of LaBelle Lake from Loren Jetvig's property through an USFWS Wildlife Production Area (WPA) and Ed Jerdee's driveway back to another USFWS WPA, then onto Kevan Nelson's property in Section 22, Cuba Township, where the water could eventually overtop C.R. No. 12. USFWS made an emergency decision to install a 12" dia. siphon on their wetland to protect C.R. No. 12. They are routing the water east to County Ditch No. 9.

Albright explained the three possible outlet options for LaBelle Lake. The first possibility would be to take the water straight west out of Duck Lake to Hay Creek, which would require about 3,000' of piping. The second alternative would be to allow the water to follow the natural route. Albright noted that this proposal will require some downstream channel improvements to move the water east, probably to Becker Clay County Ditch No. 9. The third possibility is to drain the water to a ravine where it would go east through Warling Lake, also to County Ditch No. 9. Jones has permission from a local landowner to investigate the Warling Lake outlet. The Minnesota Department of Natural Resources (DNR) Ordinary High Water (OHW) of Warling Lake is 1292.6.

The Board reviewed an area map showing the lakes. There is a series of wetlands on the Crabtree property. Jones plans to have the H.E. crew survey this area to determine if the water will drain through the wetlands. It could be that with a few culverts and some ditch work, the lake might drain this direction. Albright noted that until we have an outlet planned for LaBelle Lake, MNDOT's plan to lower Boyer Lake will need to be put on hold. Jane Butzer, MNDOT, talked about sending a letter requesting that the BRRWD and H.E. include an outlet for Boyer Lake in their design for the LaBelle Lake outlet. If Boyer Lake is included in a project for LaBelle Lake, the project benefit area will be much larger. The Board had an extended discussion regarding possible drainage/outlet options for the lakes. Since the BRRWD made an emergency declaration for LaBelle and Boyer Lakes, the Board should be able to delay a redetermination of benefits for County Ditch No. 9 until later. Possible funding could also come from the NRCS and federal economic stimulus. The office has already submitted a funding application to the NRCS for \$150,000.

Jones noted that once the survey is completed on Warling Lake, he will prepare a report for the Board with recommendations for the 6/08/09 meeting. Albright said that we will also schedule an informational meeting with the affected landowners on County Ditch No. 9, the lake homeowners, and the agencies for sometime in June. A possible location for the meeting could be the Lake Park Community Center. The proposed outlet project will be discussed with the Mediation Project Team at their meeting this week. The Appraisers will be instructed to include Boyer Lake landowners in their benefit/damages work.

Permit No. 08-102, City of Barnesville. Applicant proposes to construct a 1,920' drainage swale along the west line of the NW¼, Section 32, Humboldt Township, Clay County, on Duane Lass' property by easement to alleviate flooding problems in the Heartland Addition in southeast Barnesville and drain the water south to an existing field drainage ditch. Richard Peppel, who is a downstream landowner, has expressed concerns about the condition of the proposed outlet, as he feels the outlet ditch on his property needs to be cleaned and the trees/rocks removed. Another option could be to make it a legal ditch system, which could be quite expensive.

Last fall, the Board authorized Jones to review the application and prepare a report for their review. The Board discussed the condition of the outlet, which has not been maintained and needs cleaning. Ellefson noted that the City does not have a comprehensive drainage plan. Farmland drains to the City storm sewer system, and the City's drainage flows onto agricultural land. Jones discussed his findings, and the Board

reviewed a LiDAR map of the area. The City sent a letter on 4/27/09 stating that they would clean the trees and rocks from the old ditch along the Heartland Addition property, as time permits. The BRRWD's policy regarding the maintenance of ditches that are not under BRRWD jurisdiction is that the landowners along the ditch are responsible for maintenance. Ellefson felt that if the City agrees to clean their portion of the outlet ditch, the Board should approve the permit. **Motion** by Hanson to approve Permit No. 08-102. **Seconded** by Olson. **Approved.**

Permit No. 09-06, Kyle Schiefert. At their 5/11/09 meeting, the Board approved this permit and authorized Albright to work with Schiefert to design a comprehensive project to provide drainage for his property in the SE¼, Section 18, Humboldt Township, Clay County.

Albright reported that Schiefert has met with Allan Milbradt, MNDOT, to discuss draining part of his building site south to the Interstate-94 (I-94) ditch. Schiefert would like to make a 1' cut on the south side of his property to get water to drain to the I-94 right-of-way (r-o-w). Schiefert will also install a ditch on the east side of the property, per Jones' recommendations, to drain water north to C.R. No. 55, and will install a second 24" dia. culvert in his driveway along C.R. No. 55, and lower both driveway culverts to grade. There will also be a shallow ditch on the west side of his property to drain water to the north. Schiefert discussed his project with the neighboring landowners. Tom Friederichs, who farms the land west of Schiefert, also plans to apply for a BRRWD permit to install a second culvert in his driveway. The operator of the land east of Schiefert, Chris Bang, has indicated that as long as the project doesn't affect his land, he has no objections to the work. After reviewing the finalized proposal, the Board authorized Albright to process Permit No. 09-06 and mail it to Schiefert.

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, the 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, which eventually drains into Stony Creek. The Board tabled action on this permit at their 5/11/09 meeting, pending Manager field review. Since the meeting, Brian Dunham, a neighboring landowner, contacted Albright with concerns about the proposal. **Tabled.**

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, where it drains south to C.R. No. 10, and eventually west to T.H. No. 9. Recent highwater events have inundated Anderson's 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. 09-31, Cromwell Township/Cemetery Road. Applicant proposes to add an 18" dia. equalizer culvert in 225th ST N (Cemetery Road) in Section 35. The road currently has about 3' of standing water on it. The Township plans to raise the road using Federal Emergency Management Agency (FEMA) mitigation funding. The wetland in question is land-locked. The new culvert would be installed at the existing road elevation. According to Township Supervisor George Peters, they already have approval to raise the road, and just need BRRWD approval to add the culvert. A few years ago, when the water was high, a neighboring landowner, Loren Anderson, opposed the culvert installation. Albright recommended that the Board approve the application. **Motion** by Nelson to approve Permit No. 09-31. **Seconded** by Hanson. **Approved.**

Permit No. 09-32, Cromwell Township. Applicant proposes to replace two lines of damaged 48" dia. corrugated metal pipe (CMP) with a single line of 88" x 54" reinforced concrete pipe (RCP), using FEMA mitigation funds. The crossing is located in 57th AVE N between Sections 17 and 20 on a DNR protected watercourse, so the Township will also need a DNR permit for the project. Albright will work with the Township to apply for the DNR permit. **Tabled.**

Permit No. 09-33, Audubon Township. Applicant proposes to complete repairs for 2009 spring flood damages at two sites. The first is located on 170th AVE on the west line of Section 18, where an existing 15" dia. pipe will be replaced with a 24" dia. pipe. The second site is on 200th ST between Section 8 and 17, where the Township proposes to install an additional line of 24" dia. pipe. Albright and Manager Hanson will conduct a field review of the sites. **Tabled.**

Permit No. 09-34, Lucas Dauner. Applicant proposes to install a driveway with a culvert for his new house on 80th AVE N in Section 11, Cromwell Township, Clay County. **Motion** by Hanson to approve Permit No. 09-34, subject to Manager field review and Township approval to work within their road r-o-w. **Seconded** by VanAmburg. **Approved.**

Permit No. 09-35, Humboldt Township. Applicant proposes to install an 18" dia. culvert in 210th ST between Sections 33 and 34 before raising the township road. The road is currently under water. This culvert will be installed at the existing road elevation to act as an equalizer pipe once the road is raised. **Motion** by VanAmburg to approve Permit No. 09-35. **Seconded** by Nelson. **Approved.**

Permit No. 09-36, Dick Wang. Applicant proposes to install 100 linear feet (l.f.) of 24" dia. tile to drain water through his driveway to the Buffalo River in the NE¼, Section 7, Moland Township, Clay County. Wang's driveway is holding water on his building site and trees on the north side of his driveway. Opsahl met with Wang and saw no problems with the proposal. **Motion** by Hanson to approve Permit No. 09-36. **Seconded** by VanAmburg. **Approved.**

Tansem/Solem/Ranum Lakes Highwater Complaints. Albright reported that Rich Ness, Supervisor, Tansem Township, called the office and suggested that Lanessa and Brad Hersch, who own property in the NW¼, Section 26, Tansem Township, Clay County, near Ranum Lake, should be added to the ringdike candidates' list. Jones noted that his study is not quite finished because he is waiting for information from MNDOT about culverts through Trunk Highway (T.H.) No. 34 in this area. Jones explained four different options to lower Ranum Lake. The first is an outlet that would drain water out of Ranum Lake through the north bay along the old highway ditch through Tansem Lake and a unnamed slough, and then along the T.H. No. 34 r-o-w via an 18" dia. tile line to a wetland area that eventually outlets to Whisky Creek. The next option would be to buyout the Hersch house/property. The assessed value of the land is \$63,400 and the buildings were assessed at \$161,100, for a total of \$224,500. FEMA or the DNR might cost share a buyout on a 50/50 basis. The third option would be to ringdike the Hersch buildings on three sides. Currently, they are continuously pumping to keep the house from flooding. Jones suspects that the area soils are sandy and porous, which could create seepage problems. He estimated a ringdike could cost between \$20,000 and \$30,000. The site would have to be dewatered, and the dike would have to have a clay core. The last option would be to move the house to higher ground. A new foundation and driveway would have to be built. Jones estimated that this option could cost approximately \$60,000. The Board discussed the various options.

Jones will finish the study, forward it to the Hersches, and present it to the Board at the next meeting. Ellefson discussed the condition of T.H. No. 34 and area township roads. Albright noted that FEMA will probably not pay to raise area roads for this disaster event; however, they may have mitigation funds that could be used for raising roads.

City of Audubon. Hanson discussed a complaint from the City of Audubon regarding work the Burlington Northern/Sante Fe (BNSF) Railroad did along their tracks on their property along Front ST. When BNSF cleaned their parking lot after the flood, they left debris and fill in the ditch along the tracks, which is blocking the area drainage. The City asked the BRRWD to send a letter to BNSF regarding this work. Albright will check with Rick St. Germain, H.E., who would be able to provide a contact person for BNSF who could take care of this issue. **Motion** by Hanson to authorize Albright to review the area, take photographs, and send a letter to BNSF regarding this issue. **Seconded** by Nelson. **Approved.**

J. R. Davis/Whisky Creek Erosion. Albright visited with J. R. Davis last week, who asked if Albright could conduct a field review of an erosion site along his property on Whisky Creek in northwest Barnesville. Debris in the river channel caused the floodwaters to erode the south river bank. The Board reviewed the photographs Albright took on 5/21/09. Ellefson thought we could clean the debris as a logjam expense. Albright suggested that we would probably need DNR approval to actually repair the bank. The Board discussed how the debris/spoil would be handled. Albright thought the debris could be piled on the south side of the river on Davis' property, and then hauled away. Ellefson was concerned that the debris would have to be removed if Davis didn't take care of it. Albright suggested that Dennis Braton, Braton Excavation & Pumping, could do the work. A brief discussion followed about debris disposal options. Albright will contact Braton.

Project No. 63, Grove Lake Outlet. Albright mentioned that Opsahl reported that the contractor, Steven Johnson Excavation, plans to start work the second week in June. Currently, Grove Lake is at elevation 1329.35, and the current invert of the bent plastic outlet pipe is at elevation 1327.9. The outlet is flowing. Sue Lund, JL Trucking, who is also a Grove Lake homeowner, contacted the office today with concerns that the contractor would not be able to finish the project. Albright assured her that the contractor plans to finish the project when conditions permit.

Project No. 62, Clay/Wilkin J.D. 1, Branch 4-Improvement/Extension. Albright reported that Jeff Nichol, William Nichol Excavating, plans to finish this project as soon as conditions permit.

Project No. 61, Clay County Ditch No. 11-North. The Clay County Highway Department opened bids today at 4:00 PM for the project. Albright has not heard about the bid results. The County had indicated that there was a good deal of interest in the project, so they were hoping to get competitive bids from several contractors. No appeals appear to have been filed. Albright contacted Clay County to see if they had received any appeals, and they were not aware of any appeals filed regarding this project. The Board briefly discussed landowners who could possibly have filed appeals.

Albright noted that all landowner r-o-w payments are included on tonight's bill list. The Board will meet with Clay County in the near future to review the bid results and award the contract. A preconstruction meeting will also be scheduled with Clay County and the contractor.

Project No. 60, Swede Grove Lake Outlet. Landowner Larry Jacobson visited with Albright and commented that Swede Grove Lake was at an all-time high elevation. A number of adjacent sloughs are full and draining into Swede Grove Lake. The lake is also draining out the natural outlet in the old channel, and water is up to the shoulders of C.R. No. 37. Ellefson questioned what position Clay County and DNR would take regarding a project for the lake in light of the current high water situation.

Minch/Johnson Lawsuits. Albright noted that there was nothing new to report about either lawsuit.

Project No. 58, Riverton Township Retention. Josh Nanik, Nanik Construction, visited the office earlier this month to report that the site is still too wet to continue their work. He asked about other possible projects the BRRWD is planning this summer. The Board gave the contractor a completion date extension

until 8/01/09. The office requested a grant extension from the DNR on 2/13/09. Albright will contact Pat Lynch, Financial Coordinator, DNR Waters, to find out if they have extended the grant deadline, which is scheduled to expire on 6/30/09.

Project No. 56, Manston Slough Restoration. Drew Wesner, C and H Farms Company, has already signed his purchase agreement with the DNR. His mother, Constance K. Wesner, still needs to sign her documents. On 6/16/09, Don Schulz, DNR, will meet with the Wilkin County Board of Commissioners to request approval for the DNR's purchase of the Holubok property from the BRRWD, along with lands owned by C and H Farms, and Tom Arnhalt. Albright recommended that he and Ellefson attend the meeting.

Project No. 51, Clay County Ditch No. 68. Dave Heng discussed the erosion problems on his property at the outlet of County Ditch No. 68 in Glyndon along 12th AVE S with Albright recently. The Board reviewed photographs that Albright took of the severe erosion damage on the Heng property from the 2009 spring flood. Heng proposed that if the BRRWD would pay to have the erosion site repaired again this year, he would plant a permanent bufferstrips (alfalfa) in the waterway and not farm it again. Heng plans to take over the operation of this property. Ellefson was concerned that alfalfa wouldn't do well in wet soil and suggested a brome grass mix. **Motion** by Olson to approve Heng's proposal, and authorize Albright to send a letter to Heng formalizing the agreement. **Seconded** by Nelson. **Approved.** Albright will discuss the Board's concerns about the alfalfa seeding with Heng.

Project No. 50, Cromwell Township Drainage Project. Township Supervisor George Peters visited with Albright regarding the reinstatement of this possible drainage project. The Board discussed the past attempts to find a way to address high water problems north of Hawley. Albright will discuss this issue with the City of Hawley.

Project No. 49, Oakport Flood Mitigation. The Clay County Board of Commissioners will hear the BRRWD's request for a Conditional Use Permit (CUP) for the project tomorrow at 7:30 AM. Albright will attend. The Open House will be held on 6/04/09 from 4:00 PM to 7:00 PM for the public to view the buyout properties. The Auction is scheduled for 6/16/09 at 7:00 PM at Pifer's Auction in Moorhead. The Board reviewed the auction brochure. The Board decided to retain ownership of any house that is not sold and have it demolished. The Dilworth Fire Department has requested that the BRRWD allow them to use a couple of our demolition buildings for a practice burn. There is some concern that before the buildings can be burned, any potentially hazardous materials will have to be removed.

Albright will meet with Ulteig Engineers, Inc. (UEI) following the CUP hearing, to review their progress on the project. UEI should be getting ready to bid Phase 1B work as soon as possible. We will need to have the easement drawings prepared, so that the BRRWD can start easement negotiations. Jones noted that he received the hydraulic models for the Oakport Coulee from UEI and has started his review of the data. H.E. has completed their review of UEI's interior drainage report. Gregory S. Thompson, H.E. provided a letter stating that UEI's report will be sufficient for the Conditional Letter of Map Revision (CLOMAR) submittal requirements. Albright will forward a copy of H.E.'s letter to Kris Carlson, UEI.

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, the Long Lake siphon was stopped to allow the DNR to place walleye fry in the lake. Opsahl is priming the Long Lake siphon and will be able to restart it tomorrow. Opsahl expects that the siphons will need to be operated for the rest of the summer.

Project No. 42, Clay County Ditch No. 67. Albright will schedule a redetermination of benefits hearing for the Stumbo property (5613 17th ST N). The Clay County Auditor will forward a property tax listing so the office can prepare a mailing list.

Project No. 39, Georgetown Levee. Nelson noted that the Army Corps of Engineers (COE) let bids today in Detroit Lakes for flood clean up for a number of area cities, including Georgetown.

Project No. 38, Farmstead Ringdikes. There are now about 20 potential ringdike candidates on our list. Opsahl will set up interviews with the landowners in the near future. Albright received a card signed by a number of Kragnes homeowners, thanking the BRRWD and staff for helping develop a successful flood plan that saved their property from the 2009 spring flood. They mentioned that the H.E. personnel did a great job for them during the flood to protect their homes.

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.

Project No. 31, Deerhorn Creek Levees. William Nichol Excavating has repaired the washed out crossing by C.R. No. 52. The invoice is on tonight's bill list.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1). Sellins Brothers, Inc. has completed the 2008 repairs for this ditch system, and H.E. submitted the final pay request in the amount of \$6,705, including retainage. The total change orders to date for decreased seeding acreage reduced the amount of the contract by \$2,607.50. **Motion** by VanAmburg to approve the final pay request and change order. **Seconded** by Hanson. **Approved.**

Project No. 29, Buffalo River Logjams. Albright visited with NRCS representatives recently, who stated that there should be Emergency Watershed Protection (EWP) program funding to deal with logjams on the Buffalo River. The office has received several complaints recently regarding logjams following the spring flood.

Project No. 27, Clay County Ditch No. 55. H.E. has finished staking the construction site, and Ernst Trenching will begin boring the 18" dia. culvert through County State Aid Highway (CSAH) No. 10 west of Downer when conditions permit. Neighboring landowner, Craig Halverson, has expressed his dissatisfaction with the project to the contractor.

Mediation Project Team (PT). The next PT meeting is scheduled for 5/28/09 at 7:30 PM in the MSUM Science Center near Glyndon.

Revised Watershed Management Plan (RWMP). Mark Deutschman, H.E., is working with the COE on how the RWMP can address their Concurrence Points guidelines. Brian Dwight, Minnesota Board of Water and Soil Resources (BWSR), will recommend that BWSR approve our request for a grant extension until 12/31/09.

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.

Wolverton Creek/Comstock Coulee Clean Water Legacy (CWL) Project. Albright said that State Representative Morrie Lanning added language to the Flood Recovery Bill that would allow BWSR to extend the CWL grants for one year. There is about \$90,000 left in the grant, which will expire on 6/30/09. Jones noted that an extension will give us time to hopefully get the work done on the Livdahl property at the Wolverton Creek outlet. Work has been delayed on this site since the heavy rains last fall. Currently, the site is still under water from the spring flood.

Clay County Ditch Nos. 35/63. The landowners have decided to wait until this fall to complete the scheduled repairs.

319 Surface Water Assessment Tool (SWAT) Grant. Mark Deutschman and Brennon Schaefer are wrapping up work on this project and will be presenting their report to the Board in the near future. The deadline for this grant is 6/30/09.

Fargo South Side Flood Control (FSSFC). Last week, UEI sent a letter to the Board requesting their help in obtaining signatures from several Minnesota landowners to access their property for the Environmental Assessment (EA). The letter included names and addresses of the eight landowners who have refused to allow the soil investigation on their property. Albright and Manager Olson will try to meet with landowners in accordance with the Board's agreement with the City of Fargo entered into last fall.

Buffalo River Total Maximum Daily Load (TMDL). A meeting was held with the Minnesota Pollution Control Agency (MPCA) regarding the TMDL effort on 5/19/09. The office has scheduled two public informational meetings on 6/23/09 (Barnesville) and 6/30/09 (Hawley) to garner public support and input for the TMDL effort. The office will prepare and send notices/press releases regarding the meetings. The MPCA and the Barnesville River Watch Team will have displays at the meetings regarding their water quality work. Jones and Joshua Kadrmaz, H.E., are working with MPCA to coordinate flow monitoring throughout the BRRWD in conjunction with the TMDL project, which will make the water quality data much more useful. Flow monitoring is vital to evaluating water quality data and identifying the proper placement of bufferstrips.

Albright noted that in order to use the BRRWD's Website more efficiently, Brian Fischer, H.E., has suggested that the office purchase Microsoft Expression Web 2, which is Website design software. Dan Olson, MPCA Communications, plans to work with the BRRWD office to promote/publicize the TMDL process, which will require that the office is able to access and update website information directly. Currently, all changes to the Website must be relayed through the Maple Grove H.E. office. **Motion** by VanAmburg to purchase the Website software as a TMDL grant expense. **Seconded** by Olson. **Approved.**

Buffalo River Stream Bank Erosion. Zach Herrmann and Jones have prepared recommendations for repair of the Buffalo River stream bank erosion in the City of Hawley. The project would include stream barb installations, and would overtop during flooding events. Jones thought that we would need to apply for a CUP and a DNR permit to work on protected waters. Jones has already reviewed the recommendations with Luther Aadland, DNR, who approved the design. 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. To date, there has been no response.

Minnesota Association of Watershed Districts (MAWD) Region I Board Vacancy. Since the retirement of Warren Seykora from the Wild Rice Watershed District, the Region I MAWD Board has a vacancy. MAWD is soliciting letters of interest from Region I Watershed Board Managers for this position. Interviews will be held on June 25, 2009. Currently, none of the BRRWD Managers are able to apply for this position.

MAWD Summer Tour. MAWD has scheduled their Summer Tour for Thursday, June 25, 2009, to Saturday, June 27, 2009, which will be hosted by the Shell Rock River Watershed District in Albert Lea, MN. Managers Hanson and Nelson plan to attend. The office will take care of the 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 selling the wetland credits to the BRRWD. 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 it can be reviewed. Mickelson will contact the office when the crop is off.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Assumption Catholic Church	6/23/09 tmdl meeting	Buffalo TMDL/SWAG	\$ 200.00
Barnesville ISD #146	#85, 86-2008/2009 River Watch	M.S.A. 103D.905, Subd. 3	\$ 7,052.64
Barnesville Phone Co.	5/25/09 billings (2)	Admin	\$ 164.19
Carol M. Larson	right-of-way	Pj. 61, Clay 11N	\$ 2,680.00
Clay County Treasurer	Ditch cleanout/water pump rental	Clay 21/Kragnes	\$ 4,412.12
Clemedtsen Farm Ltd. PTSHP.	right-of-way	Pj. 61, Clay 11N	\$ 5,420.00
Daniel J. Olsgaard	right-of-way	Pj. 61, Clay 11N	\$ 1,140.00
Darcy J. Brandt	right-of-way	Pj. 61, Clay 11N	\$ 660.00
David & Heather Thingvold	right-of-way	Pj. 61, Clay 11N	\$ 550.00
Duane, Rene, & Ronald Parke	right-of-way	Pj. 61, Clay 11N	\$ 560.00
Grant & Florence Valan	right-of-way	Pj. 61, Clay 11N	\$ 3,010.00
Harold J. Olsgaard, Inc.	right-of-way	Pj. 61, Clay 11N	\$ 3,720.00
Haugen's Landscaping	#215, Repairs	Pj. Nos. 3, 27, 36, 37, 48, 52/Clay C.D. Nos. 21, 35	\$ 4,181.25
J&J Braton Properties, LLC	June office rent	Admin	\$ 540.00
Joel Carlson	June Lobbyist fees	Admin	\$ 850.00
John K & E. Marie Leseth	right-of-way	Pj. 61, Clay 11N	\$ 18,185.50
Kevin Olsgaard	right-of-way	Pj. 61, Clay 11N	\$ 8,160.00
Lois Solberg	right-of-way	Pj. 61, Clay 11N	\$ 740.00
MAWD	Nelson tour registration	Admin	\$ 200.00
Midwest Bank	Sieben Closing	Pj. 49, Oakport	\$ 433,912.30
Moorhead Public Service	4/06/09-5/05/09 service (1)	Pj. 49, Oakport	\$ 45.28
Northern States Excavating, Inc.	#87, 2009 spring flood repairs	Clay C.D. Nos. 39, 21, 58, 59	\$ 11,935.11
Northern Technologies, Inc.	Inv. #2541, 3/29/09-5/02/09	Pj. 49, Oakport	\$ 1,326.60
Orlen J. Valan	right-of-way	Pj. 61, Clay 11N	\$ 1,520.00
Petty Cash	Postage, supplies, misc.	Admin	\$ 200.00
Randy Rick	March/April Property Managerfees	Pj. 49, Oakport	\$ 2,527.00
Red River Valley Coop	4/10/09-5/10/09 service (2)	Pj. 49, Oakport	\$ 165.11
Richard O. & Anne M. Brakke	right-of-way	Pj. 61, Clay 11N	\$ 5,640.00
RMB Laboratories, Inc.	#95855-#95856, sampling	Buffalo TMDL/SWAG	\$ 95.00
RMB Laboratories, Inc.	#95845, water quality sampling	Buffalo TMDL/SWAG	\$ 643.00
RMB Laboratories, Inc.	#96084, water quality sampling	Buffalo TMDL/SWAG	\$ 453.00
RMB Laboratories, Inc.	#95581, 95572, sampling	Buffalo TMDL/SWAG	\$ 557.50
Sellin Brothers, Inc.	Final Pay Request	Pj. 30, Clay/Wilkin J.D. 1	\$ 6,705.00
TDS MetroCom	5/13/09 long distance	Admin	\$ 52.07
Timothy J. & Brian T Leiseth	right-of-way	Pj. 61, Clay 11N	\$ 500.00
UEI	#5387, 2/01/09-4/30/09, Dilworth	FIS Mapping/M.S.A. 103D.905, Subd. 3	\$ 600.00

UEI	#5689, 5688, 5710, 5686	Pj. 49, Oakport	\$ 71,017.36
Vogel Law Firm	#8681, Johnson collection	Admin	\$ 154.00
William J. Bye	right-of-way	Pj. 61, Clay 11N	\$ 12,374.00
Wm Nichol Excavating, Inc.	#1, 3, 4, 5, 6, repairs	Wilkin 22, 13-Lat./Deerhorn	\$ 10,482.00
Xcel Energy	2/26/09-4/27/09 (Hurner)	Pj. 49, Oakport	\$ 51.45
			\$ 623,381.48

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

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

Adjournment. Chairman Ellefson adjourned the meeting at 10:25 PM.

Respectfully submitted,

John E. Hanson, Secretary