

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING February 22, 2010

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, February 22, 2010, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Curtis M. Nelson, and Breanna Paradeis Kobiela. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, and Julie Jerger, Administrative Assistant, Houston Engineering, Inc. (H.E.); Dr. Karlyn Eckman, University of Minnesota (U of M), Molly MacGregor, Minnesota Pollution Control Agency (MPCA), and landowners: Wayne Brendemuhl, Curt Brendemuhl, and David Swanson.

Chairman Ellefson called the meeting to order at 7:03 PM. He announced that the proceedings were being taped to aid in preparation of the minutes.

Secretary's Report. The Board reviewed draft minutes for the 1/26/10 BRRWD regular meeting. Nelson noted a minor correction. **Motion** by Nelson to approve the minutes, subject to correction. **Seconded** by Paradeis. Approved.

Treasurer's Report. The Board reviewed the BRRWD's financial status. Albright reported that we currently have \$944,011.28 on hand. The balance in the Wells Fargo account is \$194,054.70, and we are maintaining a balance of \$749,956.58 in the Midwest Bank account. The office recently submitted pay requests totaling approximately \$1.9 million to the Minnesota Department of Natural Resources (DNR) for Oakport general and buyout expenses. This week, the office is also going to submit a DNR pay request for Project No. 58, Riverton Township Retention, and the final pay request for Project No. 38, Kragnes Ringdike. We closed on two more houses in Oakport last Friday. Albright noted that we are planning an auction for the Oakport buyout properties on 5/04/10. Only two landowners haven't submitted payments for their share of the County State Aid Highway (CSAH) No. 10 clean out project conducted last fall in association with Project No. 27, Clay County Ditch No. 55.

Other business brought before the Board included:

Total Maximum Daily Load (TMDL) Civic Engagement Process. Molly McGregor, MPCA, and Dr. Karlyn Eckman, Senior Research Associate, Water Resources Center, U of M, discussed their progress on the Civic Engagement component of the watershed based Buffalo River TMDL project. McGregor gave an update of the "Study Circle" program. The public will be invited to two water quality Study Circle sessions to be held at the Wells Fargo Bank Upstairs Meeting Room in Barnesville on 3/11/10 and 3/25/10. At the first meeting, the Barnesville River Watch Team will present information regarding the BRRWD water quality, and McGregor hopes to enlist about 12-15 people who are interested in getting involved with water quality issues. The second session will focus the participants on planning a Water Quality Day at the Clay County Fair in July. The event will encourage community involvement and civic engagement with water quality issues and build more water quality knowledge throughout the community. Initially, MacGregor wants to focus on enlisting participants from the Barnesville area for the Study Circle. If the process is successful, she would

consider expanding participation to other communities. Ellefson suggested that she could check with Brian Halverson to reserve a booth at the Fair. There is a possibility that they could have a space in the Natural Resource building. The group discussed possible activities for the Water Quality Day.

Dr. Eckman gave an update on the water quality survey associated with the civic engagement feature of the Buffalo River TMDL Study. The Environmental Protection Agency (EPA) has created a water quality survey, titled "*Social Indicators Data Management and Analysis Tool (SIDMA)*", which can be used to measure a community's water quality awareness. The survey has some mandatory questions, but Eckman thought she could tailor some of the questions to meet the BRRWD's needs. MacGregor and Eckman met with Albright today prior to tonight's meeting to review the proposed workplan for survey administration. Over the next two months, Eckman will create the questionnaire. She would like to have it ready for a pretest at the TMDL open houses scheduled for the first part of April 2010. Eckman would like to have the Board review the survey before she distributes it online and by mail. Eckman will base the number of surveys needed on the total population of the BRRWD to determine a representative random sample group. She could work with the County Auditors to obtain a database to distribute the survey. Eckman plans to advertise the survey through press releases to area newspapers, and she mail it directly to about 2,000 people. Once the survey is distributed, follow up postcards will be sent to the sample population reminding them to fill out the survey and return it. The group discussed possible strategies to get people to fill out and return the surveys. Right now, we are looking at three different types of surveys: one for agricultural producers, an urban survey, and a rural non-agricultural survey for lake owners, etc. MacGregor noted that the EPA might add a requirement for a pre and post social indicator survey for all future 319 grants. She noted that the BRRWD's social indicator survey is a pilot project, just like the BRRWD's Buffalo River TMDL Study. Eckman noted that the MPCA wants the BRRWD's feedback regarding the survey administration and results, so that they can modify the survey to make it more meaningful. The group discussed the minimum number of participants (55%) required for the survey to be considered successful. The survey will also be available online to the public, as well as the sample group.

Army Corps of Engineers (COE) Fargo-Moorhead (F-M) Metro Area Study. Curt and Wayne Brendemuhl discussed their concerns about the possible location of the proposed F-M COE flood diversion on the Minnesota side of the Red River of the North. Wayne Brendemuhl asked about the approval process for the diversion location and what role Manager VanAmburg will play as the BRRWD representative on the Metro Area Task Force. Albright explained that the Task Force will make a recommendation, but only the Cities of Fargo and Moorhead will make the final decision regarding the recommended location of the diversion project because they are the only two entities who entered into the Study agreement with the COE. Following the selection of the preferred plan, the Task Force will seek a consensus from the other involved entities in support of their decision. How the actual voting process will be implemented is still a little unclear.

The group had an extended discussion regarding project location, features, costs, and impacts. Albright felt that instead of making a rushed decision regarding project location, he thought the Task Force should tell the COE that we want to continue to study both (Minnesota/North Dakota) diversion options. Brendemuhl asked what the Board's feelings would be if the project were built on the Minnesota side, and the COE designed it so that our drainage systems and overland flooding couldn't access it. Curt Brendemuhl felt that the landowners don't have a voice in the overall discussions, and he hoped that the BRRWD could speak for them. Brendemuhl showed the Board photographs from the 2006 flood. He was very concerned about where floodwater would go if the diversion were built between his property and the Buffalo River. Jones pointed out that the COE would need to obtain permits from the BRRWD in order to build a diversion project within our District, and they would

have to allow for local drainage. Brendemuhl pointed out that the diversion project will impact/disrupt the landscape forever. Albright was concerned that the Task Force might rush into making a decision based on COE deadlines and the threat of another record spring flood. Wayne Brendemuhl commented that their goal tonight was to encourage the BRRWD to be an advocate for local landowners. Albright suggested that the Brendemuhls convey their concerns to VanAmburg and let him bring their questions to the Task Force. Wayne Brendemuhl noted that Congressman Collin Peterson has commented on the project and feels that the COE deadlines are artificial. He doesn't think the Water Resource Development Act (WRDA) legislation is a factor in rushing to make a decision regarding this project. Some think that North Dakota Senator Byron Dorgan might submit a bill for funding the project before his term ends this year. The Brendemuhls were concerned that the COE has already made a decision to locate the diversion on the Minnesota side. Curt Brendemuhl felt that people don't seem to know much about the project specifics. Albright suggested that Jones could provide an analysis regarding the impacts of the project from hydrologic standpoint within the BRRWD. Jones noted that H.E. has already completed most of the modeling that they would need for a study. There are LiDAR maps for the area north of Moorhead. Albright noted that our Legislators need information about possible project impacts regarding area impacted, potential buyouts, ringdikes, increase levee elevations, ditch systems, etc. He noted that a Minnesota diversion could be a great outlet for our projects, unless that use is restricted. Of course, there probably won't be local access when a diversion is in use during a major flood. The group discussed the potential impacts from the project during construction, wetlands/mitigation, local drainage access, and spoil placement.

Albright asked the Board if they would be interested in having Jones prepare a report regarding the BRRWD impacts of a project on the Minnesota side of the Red River on the BRRWD. Swanson asked if VanAmburg has a voice at the Metro Task Force meetings. He hoped that VanAmburg will express their opposition to placing the diversion in Minnesota. Albright noted that the Task Force now meets every Thursday. Ellefson questioned if VanAmburg has enough information about the Minnesota impacts to represent the BRRWD's concerns adequately. Jones said that he has consulted with VanAmburg on some of his questions, and he would be willing to provide facts based on science for VanAmburg to refer to during the Task Force discussions. Albright suggested that the landowners could meet with VanAmburg before a Task Force meeting. He added that State Representative Kent Eken has introduced a bill stating that if the project has downstream impacts, it will not be eligible for state funding assistance. The Brendemuhls feel that the only answer they get from officials in regards to their diversion project concerns is a recommendation for them to raise their ringdikes. They feel everything is happening too fast. Albright commented that the area landowners/Cities/Counties need to be able to take as much time as it takes to make a reasonable decision regarding the diversion location based on understandable scientific/economic facts. He disagreed with the current rush to make that decision. The Brendemuhls agreed with Albright. Albright noted that BRRWD Attorney Tami Norgard, Vogel Law Firm, plans to address the Task Force at this week's meeting, advocating that the COE move forward with two potential projects studies (ND/MN). After more discussion, the Board decided that we need more information regarding local and downstream project impacts. **Motion** by Paradeis Kobiela to authorize Jones to prepare a report on the potential impacts of the diversion project on the BRRWD. **Seconded** by Hanson. **Approved.**

David Swanson Erosion Control Project. Swanson is working with Sharon Lean, District Conservationist (DC), Natural Resources Conservation Service (NRCS), on three erosion control projects after the 2009 Flood. He asked the BRRWD if they might be able to cost share on his projects, or if we were aware of any programs that could provide funding in addition to the NRCS Environmental Quality Incentives Program (EQIP). Swanson described the proposed repair projects. The three sites all drain directly into the Red River of the North in Section 36, Kragnes Township, Clay County. The total estimated cost for repairing the three sites is \$153,900. If Swanson's projects qualify, EQIP could provide up to 75% of the project costs, leaving \$38,485 as the landowner share. Albright noted that the Board has

contributed funding to similar erosion control projects in the past. Half of the landowner's share of the project (12.5%) would be about \$19,242.50. Swanson was reluctant to do the projects if he couldn't get funding assistance. The Board would be willing to review the project plans once the preliminary engineering is completed. Albright suggested that Swanson check with the Clay Soil and Water Conservation District (SWCD) to see if they might have funding available. Swanson was concerned about the timeline because Lean had told him he had to make a decision about the projects by the end of this week. He will contact Kevin Kassenborg, Clay SWCD.

Permit No. 06-116, Frank Schindler/Richard Peppel. Jones is working on the concept report the Board authorized at their 2/08/10 meeting for a comprehensive study to address the drainage problems for the area southwest of Barnesville in Sections 32, 33, 34, 35, and 36, Barnesville Township, Clay County. The drainage area is approximately 21 square miles (sq. mi.). The report will include a cost estimate and scope of work. Jones discussed his preliminary analysis of the area. He feels the installation of retention/detention sites could be used to retard/retain flows into Whisky Creek. The group discussed possible drainage scenarios. Jones plans to have a map and more information ready for the next meeting.

Permit No. 09-131, Detroit Lakes Wetland Management District (WMD)/United States Fish and Wildlife Service (USFWS). Applicant proposes to restore a wetland on Becker County Ditch No. 5, upstream of the Amer Froyland (Todd Branden) SWCD dam. The project is located in Sections 21, 22, 27, and 28, Audubon Township. Minnesota Statutes Annotated (M.S.A.) 103.227, Impounding Surface Waters on a County Ditch, will be applicable to this project. The process will include a petition, Engineer's recommendations, and a hearing with the affected County Ditch No. 5 landowners. We are currently waiting for the USFWS to submit a petition for their project. Once the process is completed, the BRRWD will be able to discuss a permit for the wetland restoration. **Tabled.**

Permit No. 09-132, Bruce Yaggie. Applicant proposes to install approximately 330 acres of patterned tiling in the S½, Section 20, Deerhorn Township, Wilkin County. Yaggie plans to install the tile from east to west. On the headland, he plans to install a main line that will gravity flow to the northwest corner of the property, and eventually north in the road ditch. Water from the tiling will eventually outlet to Wilkin County Ditch No. 5A, to which the property is assessed. The Board would like to field review the proposed tile outlet. Albright discussed the project with the downstream landowner, Jay Nord, who indicated that he had no problems with the proposal. Some cleaning along the road ditch may be required. **Tabled** pending Manager field review.

Richard Peppel Drainage Concern. The Board has scheduled an informational meeting on 3/01/10 at 8:00 AM in the Barnesville BRRWD office to discuss Peppel's concerns about a natural waterway crossing CSAH No. 52, south of Barnesville. The City is using this waterway as outlet for their Heartland Addition. Peppel feels it is not an adequate outlet for the City's drainage, as it is blocked with trees, rocks, brush, and silt. The Board will invite affected landowners and representatives from the City of Barnesville, the Clay County Highway Department, and Otter Tail Valley Railroad.

Noble Flat Hill Wind Park. The office received a notice from Noble Environmental Power regarding site permit approval from the Minnesota Public Utilities Commission for the Noble Flat Hill Windpark I project to be located in parts of Moland and Spring Prairie Townships, Clay County. According to permit requirements, Noble must notify local authorities and affected landowners regarding their plans. The project will include 104 wind turbine towers and buried electrical lines. Albright prepared a letter regarding the project in which he noted that the area where the project is proposed has a history of overland flooding, and BRRWD permits would be needed for the installation of crossings/overhead or underground facilities affecting our legal ditch system right-of-way (r-o-w) or township, county, or state roadways. The Board discussed the proposal, and questioned how the Windpark could affect the BRRWD's possible retention efforts in this area.

Minch Lawsuit. We are waiting for the Federal Court of Appeals decision. Oral arguments are not expected.

Project No. 67, Helgeson, Randkler, Businger Lakes Outlet. The Board discussed scheduling a landowner informational meeting. H.E. has assembled a mailing list. Ellefson felt that the BRRWD should discuss this project with the Minnesota Department of Transportation (MNDOT) at their annual meeting on 3/09/10 before we schedule an informational meeting. He noted that if MNDOT doesn't want to participate, a project might not be feasible. Albright discussed the preliminary cost estimate. The Board thought we could hold a meeting in April after spring runoff.

Project No. 66, Tansem/Ranum Lakes Outlet. The Board will discuss this project with MNDOT at their 3/09/10 annual meeting. The Hersch farmstead and Trunk Highway (T.H.) No. 34 are affected the most by this high water problem.

Project No. 65, County Line Outlet. The Board will also discuss this project with MNDOT at their annual meeting. Albright noted that the Townships might need to install a culvert in the township road to lower the wetland on the county line to protect the three landowners who could become landlocked again this spring during the runoff if downstream area roads are flooded.

Albright briefly discussed possible state funding for this project in the 2010 bonding bill. Landowners continue to contact the BRRWD office regarding their concerns. Jones prepared a letter report regarding the projects that we will discuss with MNDOT on 3/09/10. The Board discussed several drainage issues that we need to work out with MNDOT.

Project No. 64, LaBelle/Boyer Lakes Outlet. A reporter from the *Detroit Lakes Newspaper* interviewed Albright, and the article appeared in the *Detroit Lakes*' publication and *The Fargo Forum*. Albright will meet with the Appraisers to get them started on this project. Classified as an "emergency", the need to develop this project could be accelerated if T.H. No. 10 floods this spring.

Project No. 63, Grove Lake Outlet. Wade Opsahl, Technician, H.E., provided a lake level elevation graph for the Board's review. There are plans to install another 20' section of pipe on the inlet box to extend further out into the lake to eliminate the silting problem near the structure, which is currently restricting flow through the inlet. Albright plans to finalize the DNR grant pay request, as soon as this work is completed. Downstream landowners have questioned when the BRRWD is going to stop the project in light of potential spring flooding. The Operation and Maintenance (O&M) Agreement states that the project will not be operated during downstream flooding conditions. The Board agreed to discuss this issue at a future meeting. Albright noted that the 36" dia. pipe in County Road (C.R.) No. 35 on Whisky Creek limits downstream flows.

Project No. 56, Manston Slough Restoration. Albright signed the Reinvest In Minnesota (RIM) contract for \$350,000 and sent it to Craig Lingen, Wilkin SWCD. The contract is for the former Holubok tract in the SE¹/₄, Section 30, Manston Township, Wilkin County. The office has also forwarded the DNR paperwork for the Holubok acquisition, which could take up to two months to finalize. The Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG) Program application has been prepared. Before they can forward the grant paperwork, the LOHC needs documentation from our insurance company showing that the State of Minnesota is named as an additional insured on the BRRWD's policies. Albright sent a copy of the grant contract to BRRWD Attorney Tami Norgard for her review. Norgard said our easement language should reference the LOHC grant. Albright visited with Andy Beyer regarding the Kent Rod and Gun Club easement. Beyer felt the BRRWD should go ahead with condemnation on this property, as it would be too difficult to establish the identity and location of all the property owners. He suggested that we furnish notice to the landowners to the best of our ability. Albright

suggested that we could file the easement payment with the Court, and the Court would be responsible for distributing the money. Albright will work with Norgard to prepare the easements. Jones will be attending a hearing with Tom Richels, Wilkin County Highway Department, on Monday. If the opportunity presents itself, he will discuss the project with the Wilkin County Ditch No. 6A landowners. Albright suggested that he should discuss the Manston Slough Restoration project, as that might eliminate the need to hold another public informational meeting. Albright noted that there will be no new water diverted to County Ditch No. 6A, and the project will stop unassessed water from entering the legal ditch system, which should be beneficial to the downstream landowners.

Project No. 49, Oakport Flood Mitigation. The Board discussed Oakport Township and COE plans to erect temporary community diking this spring, rather than individual sand bag dikes around threatened properties. BRRWD permits are not required for temporary emergency diking.

The Board reviewed the land acquisition tracking worksheets. Albright suggested that if we continue the home buyouts, there could be minimal grant money left for construction. The Board discussed prioritizing the buyouts. Albright explained that the impending flood is making people nervous, and they are contacting the office with buyout requests. He pointed out that buyouts total almost half of the projected total project costs. Ellefson thought that the BRRWD shouldn't be buying houses that the project will protect. Realtor Fran Snelgrove doesn't think the two buyout properties we have for sale are likely to sell in the near future because of the pending flood situation and construction status.

The Board discussed insuring the buyout properties. Albright is working with John Hoffman, ICS Agency, Inc., to acquire property and flood insurance. Hoffman has recommended that the BRRWD acquire policies to cover all the property we own in Oakport Township. The policies will allow the addition and removal of houses as we acquire and sell them. The premium for the regular homeowners' insurance is \$14,902.00 for about 10 structures. Additional flood insurance premiums will vary depending on the elevation and flooding zone classification of various properties. Unless a building has property insurance, we can't get flood insurance. Albright suggested that once we get through the spring flood and sell the houses at the 5/04/10 auction, we could drop the flood insurance and get part of our premium refunded. According to Federal Emergency Management Agency (FEMA) regulations, flood insurance must be in effect for 30 day prior to a flood event, and the Flood Insurance program is scheduled to expire on 2/28/10. The program will probably be reinstated, but there are no guarantees. The Board discussed this issue. **Motion** by Nelson to acquire property and flood insurance on the buyout houses. **Seconded** by Hanson. **Approved.** Albright will contact Hoffman tomorrow morning to get the insurance in place as quickly as possible.

Project No. 47, Clay County Ditch No. 53. Ed Askegaard visited the office regarding concerns about a tiling project in his area that is affecting his field. The project was installed last summer by Briks Bros. Farms in the SE¼, Section 28, Deerhorn Township, Wilkin County. Albright will contact Askegaards to discuss completing the 2006 FEMA repairs along their property involving County Ditch No. 53. Ellefson noted that last fall, the ditch appeared to have stabilized and thought we should just leave it alone. Other ditch system landowners feel that since we have the funds to repair the ditch, we should complete the work. The project would be on Askegaard's property in the NW¼, Section 22, Holy Cross Township.

Project No. 46, Turtle Lake Outlet. Opsahl sent an email message noting that the siphons are operating, but the lake elevations are not dropping very fast. Groundwater is probably seeping into the lakes, and the siphons don't seem to be making much headway. The Board reviewed the lake elevation map. Lake homeowners have requested that we ask the DNR to consider not planting walleye fry in Long Lake this spring, so that the siphons could continue to operate to help us to catch up on lowering lake levels. Albright thought he could discuss this issue with the Dave Barsness, DNR, at the next Mediation Project

Team (PT) meeting. The DNR is limited to the number of usable rearing ponds because many of the smaller area lakes they have used in the past are also experiencing high water elevations.

Project No. 39, Georgetown Levee. Rose Hoefs, Hoefs and Associates, Appraisals, Fargo, ND, was working on the appraisal of Justin Jackson's property in Georgetown for Clay County, but the County cancelled her work when they learned that the property was part of the BRRWD's project. Albright recently asked her to finish the appraisal. Jackson is interested in a buyout in conjunction with our Georgetown levee improvements.

Project No. 38, Farmstead Ringdikes. Albright sent a letter and a permit application to landowner Jim Elliot, who contacted the BRRWD regarding possible funding for a private ringdike that he constructed following the 2009 spring flood. Elliot constructed his dike without a BRRWD permit or Conditional Use Permit (CUP). The Board denied Elliot's request for several reasons: we have already denied a similar request several years ago, there is no funding available at this time, and the BRRWD cannot cost share on private ringdikes that are not constructed according to DNR Rules/specifications.

Project No. 37, Clay County Ditch No. 41-Lat No. 1. To date, the Church of the Nazarene hasn't contacted the BRRWD regarding their request for funding assistance for a new culvert/crossing over Lateral No. 1. Minnkota Power Cooperation has submitted an easement to replace the existing poles in Section 1, Moorhead Township. The new poles will be located 5' inside of the ditch r-o-w boundary. They will pay the BRRWD \$17,062.50 for the utility easement. Albright advised Minnkota about our standard disclaimer, which states that if the BRRWD needs to use the r-o-w, Minnkota would have to move the poles at their expense. The Managers discussed the request. They would like to conduct a field review. Jones questioned if there was enough r-o-w left for ditch maintenance. The Red River Valley Cooperative Association will share the new poles. The Board reviewed the project plans. **Tabled**, pending Manager Field review.

Project 33, Clay County Ditch No. 50 and Clay County Ditch No. 9 MNDOT Petitions. The Board reviewed two petitions from MNDOT to make improvements to road crossings on County Ditch Nos. 9 and 50. On County Ditch No. 50, where T.H. No. 10 crosses the ditch in the SW¹/₄SW¹/₄, Section 1, and the NW¹/₄NW¹/₄, Section 12, Moorhead Township, MNDOT proposes to replace one line of 49" x 33" x 114' corrugated metal arch pipe (CMP-A) with a new 36" dia. x 109' round reinforced concrete pipe (RCP). The new pipe will maintain the same inlet and outlet elevations. On County Ditch No. 9, where T.H. No. 75 crosses the ditch in the N¹/₂, Section 15, Kurtz Township, MNDOT proposes to replace a 60" x 104" RCP and an 8' x 4' x 89' RCB with a new 8' x 7' x 180' RCB, in conjunction with their plans to construct a roundabout at the intersection. The existing culverts have a combined waterway of 51.4 square feet (sq. ft.), and the proposed structure will have 54 sq. ft. The projects will include the acquisition of additional r-o-w, which MNDOT will pay for. MNDOT plans to maintain the current ditch slopes. MNDOT plans to let bids for the work on County Ditch No. 50 on March 26. The BRRWD needs to schedule ditch system hearings for this work. Albright suggested that we could schedule the both hearings on the same date. The Board will discuss these projects with MNDOT at their annual meeting on 3/09/10.

Project No. 29, Buffalo River Log Jams. The BRRWD has qualified for NRCS Emergency Watershed Protection (EWP) funding for logjam removal. Albright received the draft EWP contracts today. The contract runs until 9/10/10. Opsahl plans to contact landowners along the Mainstem and South Branch of the Buffalo River regarding access. Jones has the specifications done, and he contacted Robert Merritt, Area Hydrologist, DNR, and DNR Fisheries, who told him to move forward with the work. If contractors don't complete the work before the spring flood, they can finish when conditions improve. **Motion** by Nelson to sign the NRCS EWP contracts when they are ready, and to authorize H. E. to prepare bid specifications and send it to local contractors. The Board will open the bids at their 3/08/10 BRRWD meeting. **Seconded** by Paradeis Kobiela. **Approved.**

Mediation PT. The next PT meeting is scheduled for Thursday, March 25, 2010, at 1:30 PM at the MSUM Science Center, Glyndon.

Revised Watershed Management Plan (RWMP). Public hearings to review the draft Plan are scheduled for 3/18/10 (Barnesville) and 3/30/10 (Hawley). Notices were sent to the newspapers. Notices will also be sent to the agencies, Technical Advisory Committee (TAC), Citizen Advisory Committee (CAC), local government units, and RWMP regional meeting attendees. Albright will make a presentation of the draft RWMP to the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) on 3/02/10. The 60-day comment period will end 3/29/10.

Clay County Ditch No. 49. The Redetermination of Benefits continuation hearing is scheduled for 3/16/10 in Moorhead City Hall at 7:00 PM. The Board briefly discussed the issues to be addressed at the hearing.

Wilkin County Ditch No. 40. Albright noted that he has exchanged email correspondence with Mark Yaggie, who feels that the only way he will be satisfied with the Lawndale Trout Stream project would be if County Ditch No. 40 along their property were abandoned. Albright is working with the NRCS to solicit EQIP funding for Yaggies' irrigation well retrofit. The Board briefly discussed the area drainage patterns, County Ditch No. 40, and the proposed DNR trout stream project. Ellefson feels it would be inadvisable for the BRRWD to abandon County Ditch No. 40.

M.S.A. 103D. 905, Subd. 3. Albright and Managers VanAmburg and Nelson met with the Clay County Board of Commissioners on 2/09/10, and the Commissioners agreed to sponsor the BRRWD's petitions to use M.S.A. 103D.905, Subd. 3, for a general levy for 2010 projects within the BRRWD, including a special levy to provide a local match for the County to buy out homes that were damaged in the 2009 spring flood.

Wolverton Creek/Comstock Coulee Clean Water Legacy (CWL) Project. Albright noted that the Clay/Wilkin SWCDs didn't receive 2010 funding for their project from the Minnesota Board of Water and Soil Resources (BWSR). There will be more funding opportunities in the future to continue work on this project.

Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast. MAWD has scheduled their annual Legislative Breakfast for March 10-11, 2010, in St. Paul. All the Managers plan to attend. The BRRWD and Pelican River Watershed District will collaborate on meetings with area Legislators. The office will mail notices/invitations this week.

Clay County Ditch No. 22. Alvin Swanson contacted the BRRWD regarding channel erosion and steep sideslopes on the ditch outlet in the northeast corner of Section 30, Kragnes Township. Repairs would include channel cleaning and rock drop structures. Jones' cost estimate for the repairs is \$4,000-\$5,000. The ditch account balance has about \$9,000. **Motion** by Hanson to approve the recommended repairs. **Seconded** by Nelson. **Approved.**

Meeting Recording Equipment. The Board discussed recommendations made by John Murray, H.E., regarding upgrading the office recording equipment. The new system would include a laptop computer, multidirectional microphone, dictation equipment, and USB transcription foot pedal, for a total cost of about \$2,194.00. **Motion** by Hanson to authorize the purchase of the new recording equipment. **Seconded** by Paradeis Kobiela. **Approved.**

Open Meeting Law. The Board briefly discussed new legislation/amendments pertaining to the Open Meeting Law (M.S.A., Chapter 13D). Information regarding the changes was distributed to the Board for review.

Clay County Funding Request. In 2002, the BRRWD agreed to contribute \$50,000 for the Clay County floodplain remapping project in association with FEMA's Cooperative Technical Partnership (CTP) Program. Tim Magnusson, Clay County Planner, has submitted a funding request for H.E. to provide new flood modeling data, using the 2009 IBC LiDAR data (2' contours), for inclusion in the updated FEMA floodplain maps. The cost for this work is estimated at \$8,500. **Motion** by Nelson to approve the funding request. **Seconded** by Paradeis Kobiela. **Approved.**

TNC Wetland Restoration Report. Phil Gerla, The Nature Conservancy (TNC), submitted his report regarding the 2008-2009 hydrological conditions and monitoring recommendations for the north end of the Williams Tract in Sections 25 and 26, Riverton Township, and Section 1, Elkton Township, Clay County. As part of the agreement with Lee and Brandi Alm, regarding their concerns about TNC's proposed wetland restorations, TNC agreed to monitor the water table conditions associated with the restoration project. TNC also sent a copy of report to the Alms.

River Watch 2009 Water Quality Monitoring. River Watch Advisor Sheila Carlson provided the 2009 sampling data for the Board's review. She would like to schedule a date for the Team to meet with the BRRWD and Wayne Goeken, Red River Watershed Management Board (RRWMB), to review their data. The Board briefly discussed Carlson's seasonal rainfall data for 2007, 2008, and 2009.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Alerus Financial	Catherine Pierce easement	Pj. 49, Oakport	\$ 4,878.00
Alerus Financial	Pierce 2009 crop damages	Pj. 49, Oakport	\$ 6,057.58
Courtyard by Marriott	#00007843, Olson retirement	Admin	\$ 938.12
David F & Elaine F. Pearson	Easement	Pj. 49, Oakport	\$ 20,413.50
J&J Braton Properties, LLC	March 2010 office rent	Admin	\$ 540.00
Joel Carlson	March Lobbyist fees	Admin	\$ 850.00
Mark & Wendy L. Clark	Easement	Pj. 49, Oakport	\$ 19,950.00
Midwest Testing	#39790-Ringdikes review/letter	Pj. 38, Farmstead Ringdikes	\$ 816.00
Moorhead Public Service	1/06/10-2/08/10 (8)	Pj. 49, Oakport	\$ 248.21
Petty Cash	Postage, supplies, etc.	Admin	\$ 100.00
Red River Valley Coop	1/10/10-2/10/10 service (4)	Pj. 49, Oakport	\$ 472.75
River Keepers	2010 Contribution	M.S.A. 103D.905, Subd. 3	\$ 40,000.00
Steven & Rebecca Jean Ogaard	Easement	Pj. 49, Oakport	\$ 6,031.50
Steven A. & Penny A. Retzer	Easement	Pj. 49, Oakport	\$ 7,218.00
TDS MetroCom-MN	2/13/10 billings	Admin	\$ 6.34
Terrence A. & Kathleen J. Thiel	Easement	Pj. 49, Oakport	\$ 21,339.50
TRN Abstract & Title F-M	#6172318, Zitzow abstract	Pj. 49, Oakport	\$ 155.00
TRN Abstract & Title F-M	#6173222, Erickson abstract	Pj. 49, Oakport	\$ 155.00
UEI	1/01/10-1/31/10 (4)	Pj. 49, Oakport	\$ 44,371.00
Vogel Law Firm	#28605, January Services	Pj. 49, Oakport	\$ 28,276.00
Vogel Law Firm	#28607, January Services	COE Metro Study	\$ 1,779.00
Vogel Law Firm	#28694, January Services	Admin	\$ 138.00
			\$ 204,733.50

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

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, March 8, 2010, in the Barnesville office at 7:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 10:35 PM.

February 22, 2010

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Respectfully submitted,

John E. Hanson, Secretary