

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

BARNESVILLE, MINNESOTA 56514

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## **MINUTES FOR MANAGERS' MEETING**

**April 12, 2010**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, April 12, 2010, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Gerald L. VanAmburg, 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.); Sheila Carlson, River Watch Team Advisor, and landowner: Dan Berg.

Chairman Ellefson called the meeting to order at 8:00 PM. He announced that the proceedings were being recorded to aid in preparation of the minutes.

**Secretary's Report.** The Board reviewed draft minutes for the 2/22/10 and 3/08/10 regular meetings, the 3/16/10 Clay County Ditch No. 49 redetermination of benefits hearing, the 4/05/10 Clay County Ditch No. 50 Minnesota Department of Transportation (MNDOT) petition hearing, and the 3/30/10 Revised Watershed Management Plan (RWMP) Hawley hearing. **Motion** by VanAmburg to approve the minutes. **Seconded** by Paradeis Kobiela. **Approved.**

**Treasurer's Report.** The Board reviewed the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, the accounts receivable report, and an expense tracking sheet for Project No. 49, Oakport Flood Mitigation. Albright reported that we currently have \$3,019,126.10 on hand in general funds. Last month, we received \$1,231,513.35 primarily for reimbursement from the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation, Project No. 38, Kragnes Ringdike, and Project No. 39, Georgetown Levee. We also received the Reinvest In Minnesota (RIM) easement payment from the Minnesota Board of Water and Soil Resources (BWSR) for Project No. 56, Manston Slough Restoration and the SE¼, Section 30, Manston Township, Wilkin County. **Motion** by Hanson to accept the Treasurer's Report. **Seconded** by Paradeis Kobiela. **Approved.**

**River Watch.** Sheila Carlson, River Watch Educator, asked the Board to consider what areas the BRRWD would like the River Watch program to focus on in the future. She feels that the program provides students with real world experience in the scientific and research methods. The program also provides valuable water quality data for the BRRWD. Recently, other agencies have requested that the River Watch students from Barnesville and other communities provide interpretations of their collection data in public community presentations. Carlson has resisted this new direction for her students, as she feels that qualified water quality professionals should review and interpret the students' water quality data. She feels that asking the team to interpret their data in a public setting would put them in an unfair position and push them beyond their skill level. She added that it is appropriate for the students to report about how and what they are doing in regards to their sampling activities, but credentialed professionals should handle public interpretation of the data. Before going along with the agencies' requests, Carlson felt she should discuss this change with the BRRWD, as the program is funded by the BRRWD and the Barnesville School District. What the Team does also affects the BRRWD.

At their last meeting, the Board reviewed a list of discussion topics that Carlson had prepared regarding the direction they would like to see the River Watch program take. Albright provided copies for the Board's

reference. Carlson noted that the BRRWD's Revised Watershed Management Plan (RWMP) incorporates education as one of the key goals, and there are a variety of ways she would be able to satisfy this goal through the River Watch Program.

VanAmburg agreed that while high school students could discuss/interpret sampling data in the classroom in an educational setting, they might not have enough experience to offer data interpretation in a public setting. He felt that the Team provides the BRRWD with a very valuable service, as we will always need water quality data.

Ellefson also was satisfied with the direction the program has taken in the past. He said that the Board had an extended discussion regarding Carlson's questions at their 3/22/10 meeting. He noted that as new students join the team, the existing water quality sampling curriculum is a new learning experience for them. He felt that the students gain a lot from participating in the program, which also benefits the BRRWD. He noted that the River Watch Team gathers valuable water quality data regarding the BRRWD projects and ditch systems.

VanAmburg pointed out that when a teacher like Carlson heads up a program, you will have a quality program. He sees that the biggest challenge for the program is keeping new teacher involvement at the same level as Carlson provides. VanAmburg felt that the River Watch Team's many awards and excellent reputation is due to a large part to Carlson's dedication to the program and students. He would like to see the program curriculum expanded to other communities/educators within the BRRWD. He congratulated Carlson on the River Watch Team's excellent work.

Carlson asked if the Board had any specific topics they would like to see the Team focus on in the future. Are there any key messages/ideas the Board would like the larger BRRWD community to receive? She suggested that she could possibly develop some lesson plans on those ideas for elementary/high school students and share the information with other schools within the BRRWD. She would be willing to coordinate educational experiences with other schools/communities in the District.

One idea VanAmburg would like the public to understand is that we all live in a watershed, and that our collective actions affect water quality/quantity. Public stewardship of our water resource is one of the most important lessons we all need to learn. Another idea he felt was important is that urban and agricultural uses of water both impact the water resource. Jones thought that school students could benefit from learning about a "water budget", which illustrates the water input and output in the environment. VanAmburg felt that elementary students should understand the water cycle. The River Watch Team participates in the River Keepers Annual Water Festival, which is offered to all Fourth Graders within the BRRWD. Carlson noted that not all schools participate.

The Board discussed the possibility of the current Barnesville High School teachers taking over the program. Carlson noted that this year the new teachers are more interested, but are not willing to take on the entire program. As far as the River Watch program in other school districts, Carlson didn't know if the teachers are interested, but she would be willing to coordinate the program within the District, if the Board wanted her in that role. The group agreed that education is an important element in our RWMP, and the Board would like to see watershed information integrated into all school curriculums. VanAmburg said that the terms "Watershed District" and "watershed" should become synonymous to the public and urged the other Board members to encourage Carlson to develop the reference curriculum. Carlson asked if the Board would like her to pursue creating a curriculum that could be shared/coordinated with other school districts within the BRRWD. The Board agreed to the following messages/goals: a better understanding of land management and its affect on water quality, an individual's use of water and land affects others, and we all live in a watershed. **Motion** by VanAmburg for the Board to endorse the referenced goals and to authorize Carlson to prepare a proposal for procedures to address these goals. **Seconded** by Nelson.

**Approved.** Carlson will report to the Board once she develops her proposal. VanAmburg felt that watershed education is a very important issue for the BRRWD.

Albright mentioned that the River Watch Team reported on their 2009 water quality data on 3/23/10 in the Barnesville office. Representatives from Minnesota Pollution Control Agency (MPCA) attended and videotaped the presentations.

**Dan Berg Ringdike Request.** Berg discussed his concerns regarding flooding on his property in Section 20, Barnesville Township, along Whisky Creek and Clay County Ditch No. 34. Berg lives east of the Joe Gilbertson farmstead. Over the past several years, he has experienced flooding on his property and he wondered if he might qualify for the program. He thought that a low berm would be sufficient, as he only gets water on one side of his farmstead, not in the entire yard. For the past two years, his septic system has been flooded. Ellefson discussed the BRRWD's ringdike program.

Albright explained that he would need a permit to construct a private dike, and said that Wade Opsahl, Technician, Houston Engineering, Inc., could look at his site and provide a cost estimate and discuss possible funding. Albright discussed our list of ringdike candidates and site requirements necessary to qualify for the ringdike program.

Berg asked if he could use the spoil left over from the last ditch cleaning project along his property for his ringdike. Albright explained that Opsahl would have to review the site before the Board could give him permission to use the spoil. In certain areas, the spoil bank is needed to keep water in the ditch system/creek. Albright noted that he and Manager Ellefson have seen the area, and both agreed that overland flooding in this area is a problem. Albright will contact Opsahl and get his name on the ringdike candidate list. Opsahl will contact him in the near future. Ellefson talked about cost sharing with the ringdike program. Albright mentioned that there is limited funding available from the Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP). Berg also discussed a possible wetland restoration site on his property. Albright suggested if he was interested in developing a Minnesota Wetlands Conservation Act (WCA) banking site, he could contact the United States Fish and Wildlife Service (USFWS), the DNR, and the Clay Soil and Water Conservation District (SWCD).

**Other business brought before the Board included:**

**Permit No. 06-116, Frank Schindler/Richard Peppel.** The Board discussed the proposed project concept H.E. prepared to conduct a comprehensive study to address drainage problems in Sections 32, 33, 34, 35, and 36, Barnesville Township, Clay County. At the 3/25/10 Mediation Project Team (PT) meeting, the members felt that this study was a good start in the development of a larger project to achieve the storage goals identified in the BRRWD's RWMP for the Whisky Creek watershed. Due to the BRRWD's current heavy workload, the Board felt we shouldn't start anything new, right now. **Tabled.**

**Permit No. 09-131, Detroit Lakes Wetland Management District (WMD)/USFWS.** Albright reported that he has visited with Shawn May, USFWS, regarding a wetland restoration project on Becker County Ditch No. 5, in Sections 21, 22, 27, and 28, Audubon Township. According to Drainage Law, the USFWS must document that they have easements from the landowners to restore the wetland. Currently, they are still in the process of obtaining those easements. Jones will complete his review of the plan after USFWS finalizes their application. A ditch hearing will be required at some point. **Tabled.**

**Permit No. 10-03, Gerald Zimmerman.** Opsahl and Manager Nelson conducted a field review on 4/09/10 and found no problems with Zimmerman's proposal to pattern tile the NW1/4, Section 31, Morken Township, Clay County. Nelson questioned the term "appropriate" that Zimmerman used on his application regarding the taking of water from Clay County Ditch No. 39 to fill his tiling project during a

drought. Jones explained how an inlet structure could be used to backfill and hold water in the tile lines. The Board felt that they would not be able to guarantee there would be water available during dry weather. **Motion** by Nelson to approve Permit No. 10-03, subject to the BRRWD's standard tiling disclaimer and with the understanding that the BRRWD does not guarantee that water will be available during all drought conditions. **Seconded** by Hanson. **Approved.**

**Permit No. 10-05, Gordon Kassenborg.** Opsahl and Manager Nelson conducted a field review on 4/09/10 and found no problems with Kassenborg's proposal to install drain tile in the SW¼, Section 6, Moland Township, and the SE¼, Section 1, Oakport Township, Clay County. Both projects will outlet to the Buffalo River. **Motion** by Nelson to approve Permit No. 10-05, subject to our standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 10-07, Fred J. Williams, III.** Last fall, applicant installed pattern tiling in the southeast 100 acres of the SE¼, Section 28, Spring Prairie Township, Clay County. Opsahl and Manager Nelson conducted a field review on 4/09/10 and found no problems with this completed project. The tile outlets directly into Clay County Ditch No. 2. **Motion** by Nelson to approve Permit No. 10-07, subject to our standard tiling disclaimer. **Seconded** by VanAmburg. **Approved.**

**Permit No. 10-08, James Elliot.** After the 2009 spring flood, applicant started installing a farmstead ringdike along the Red River of the North in Section 7, Kurtz Township, Clay County. Opsahl and Manager Nelson conducted a field review of the site on 4/09/10 and found no problems with this project, which is basically finished. **Motion** by Nelson to approve Permit No. 10-08, subject to Clay County Planning & Zoning approval to work within the floodplain. **Seconded** by Hanson. **Approved.**

**Permit No. 10-09, Clay County Highway Department.** Applicant proposes to replace a bridge over the Buffalo River on County Road (C.R.) No. 91 in Sections 17 and 20, Moland Township, Clay County. Jones has requested further information regarding this application. **Tabled.**

**Permit No. 10-10, Kathleen Chaffee/Brad Brinkman.** Applicant proposes to install 24" dia. culverts through 120<sup>th</sup> ST S at two locations on the west line of Section 31, Riverton Township, Clay County. Opsahl and Manager Nelson conducted a field review on 4/09/10. Nelson noted that the east ditch needs to be cleaned and questioned the proposed culvert installation, as there is no ditch on the west side of the road, so water would just drain into the adjacent field. The Board also discussed the applicant's possible plans for a second culvert to a proposed building site in a wetland area. Nelson felt the Board should deny the permit application. The Board suggested that the applicant should work with Clay County Highway Department and his neighbors regarding cleaning of his ditch. **Motion** by VanAmburg to **deny** Permit No. 10-10 for the referenced reasons. **Seconded** by Hanson. **Approved.**

**Permit No. 10-11, Jerry Able.** This permit application was administratively withdrawn because the project area along County State Aid Highway (CSAH) No. 3 in the NW¼, Section 20, Mitchell Township, Wilkin County, is not in the BRRWD.

**Permit No. 10-12, Inez Johnson.** Applicant proposes to install random tiling in the E½SE¼, Section 12, Elkton Township, Clay County. Opsahl and Manager Nelson conducted a field review on 4/09/10 and found no problems with this project. The project will outlet to Hay Creek. **Motion** by Nelson to approve Permit No. 10-12. **Seconded** by Hanson. **Approved.**

**Permit No. 10-13, Kenneth Johnson.** Applicant proposes to install patterned tiling in the west end of his field, north of his farmstead in the NW¼, Section 14, Elkton Township, Clay County. Opsahl and Manager Nelson conducted a field review on 4/09/10 and found no problems with this project. **Motion** by Nelson to approve Permit No. 10-13. **Seconded** by Hanson. **Approved.**

**Permit No. 10-14, Bill Austin.** Applicant proposes to extend or leave the existing culver/approach and/or add a second culvert and approach near the 1/16<sup>th</sup> line along 100<sup>th</sup> AVE and the north side of Section 29, Elkton Township, Clay County. He also plans to install a new culvert along 140<sup>th</sup> ST S in the southwest corner of Section 16, Elkton Township. The work is needed to widen the existing crossings to accommodate larger farm machinery. **Tabled** pending Manager field review.

**Permit No. 10-15, QWEST Corporation.** Applicant proposes to install buried telephone cable through the South Branch of the Buffalo River along 130<sup>th</sup> AVE S in Section 9, Alliance Township, Clay County. Qwest will need to contact the DNR to obtain a watercourse crossing permit. **Motion** by VanAmburg to approve Permit No. 10-15, subject to the BRRWD's standard utility disclaimer and DNR approval to cross a protected waterway. **Seconded** by Paradeis Kobiela. **Approved.**

**Richard Peppel Drainage Concern.** Peppel reported that the new box culverts that the Clay County Highway Department installed in CSAH No. 52 south of Barnesville last fall, experienced some erosion during the spring 2010 flood, and there is significant amount of sediment in the culverts. Clay County didn't get the site seeded last fall because of the wet/late conditions. Albright has contacted the County regarding this issue. He felt the County should work with the Federal Emergency Management Agency (FEMA) to correct this problem.

**Michael Hustad Highwater Complaint.** Hustad is concerned about water in his field in the northwest corner, Section 6, Norwegian Grove Township, Otter Tail County. Albright and Manager Ellefson conducted a field review on 4/09/10, and noted that there was some water spilling over the road due to wave action in the wetland. Albright pointed out that if water is allowed to breakout and flood cross-country, it will impact a number of downstream areas of agricultural land. Hustad is also concerned that when the County repairs the road washouts in this area, they keep adding gravel, which raises the road elevation and holds more water on his property. Ellefson pointed out that wave action was also adding to the road erosion problem. Albright suggested that the Board send a letter to the County and Hustad, noting the location of the site where they have been raising the road, and advising the County that they need a permit to add more gravel (raise) to the road. The Board discussed adding a culvert at this location. **Motion** by VanAmburg to send a letter to Clay County and Hustad as referenced. **Seconded** by Paradeis Kobiela. **Approved.**

**Minch Lawsuit.** Albright reported there is nothing new regarding the lawsuit. Currently, we are awaiting the Federal Appellant Court decision.

**Shawn Jorgenson.** Jorgenson contacted the office with has a highwater concern along C.R. No. 31 south of Hawley. He would like someone from the BRRWD to meet with him. The office has prepared a contour map of this area. Albright suggested that a Manager field review should be conducted.

**City of Averill.** Angie Culp contacted the office regarding a ditch behind her house in Averill on the west side of C.R. No. 19. The ditch does not drain, and she would like to fill it in. Albright suggested that we schedule an informational meeting with the landowners along this private ditch to discuss their options. Albright will prepare a list of the affected landowners, and perhaps a Manager field review could be conducted.

**Elkton Township Culvert Concerns.** David L. Overbo, Engineer, Clay County Highway Department, contacted Albright regarding road and culvert flood damages on C.R. No. 71/170<sup>th</sup> ST S and 70<sup>th</sup> AVE S on Hay Creek. Albright felt a hydraulic analysis should be done for both crossings. Elkton Township and Clay County will review the sites with the Federal Emergency Management Agency (FEMA). They would like to get FEMA mitigation funding for both projects. Since Hay Creek is a DNR protected watercourse, the DNR will also want to see a hydraulic analysis. FEMA will be scheduling their kickoff

meeting for the 2010 spring flood in early May. Both sites were damaged again this spring, and temporary repairs have been made to open both roads.

**DNR Comment Form.** The office received a comment form from the DNR for the expansion of the Joel Baer, Inc. IB Eggs, LLC, in Section 13, Eglon Township, Clay County. The permit application is to appropriate water for a laying hen commercial production facility. The Board discussed the plan. Albright noted that the BRRWD doesn't have jurisdiction regarding this project. We will return the form with no comment. The Environmental Assessment Worksheet (EAW) was also forwarded for our review/comment.

**Project No. 67, Helgeson, Randkler, Businger, Seim, & Pete Lakes Outlet.** The BRRWD discussed this project with MNDOT at their annual meeting in Detroit Lakes on 3/09/10. A few landowners from Grove Lake have called the office with concerns that a project for this series of lakes might impact their property if the area was outletted through Grove Lake. The Board plans to schedule a landowner informational meeting later this spring. Grove Lake is currently about 1' above the maximum drawdown elevation.

Shawn May, USFWS, provided a map of the downstream area on Grove Lake where their Waterfowl Protection Area (WPA) is located. The USFWS has concerns about the Grove Lake outlet regarding their WPA. They may have additional concerns if the upstream lakes are also lowered via Grove Lake. The USFWS needs to be a part of any project negotiations. The USFWS is concerned about fish migration and are planning several water control structures to restore/enhance WPA wetlands.

**Project No. 66, Tansem/Ranum Lakes Outlet.** Nelson noted that Brad and Lanessa Hersch got through the spring runoff without flooding. Abe Barrera was in the office to discuss the water problems on his farmstead along T.H. No. 34 east of the Hersch property near the Clay/Otter Tail County line. Jerger noted that when Barrera was in the office last week, he reported that he has an old well that is nearly underwater, and he's having trouble with his telephone service. Albright commented that this area is another closed basin that will continue to rise as long as the current wet cycle continues.

**Project No. 65, County Line Outlet.** The Appraisers met last week and conducted a field review of Wilkin County Ditch No. 41, Branch, which would be the outlet for drainage in this area. The Board has already authorized needed repairs in this area on the ditch system. Water is flowing naturally over the township road to the west by the Hochhalter farmstead. Albright noted this water is now starting to enter the Interstate-94 (I-94) road ditch. Ellefson noted that it was inevitable that the water from this area would eventually reach the I-94 ditch with or without a project.

We are still waiting for an official response from MNDOT regarding the use of their I-94 road ditch as part of the outlet. The Board discussed possible outlet alternatives, area wetland elevations, and possible drainage route/options.

**Project No. 64, LaBelle/Boyer Lakes Outlet.** The Appraisers submitted their Preliminary Report. They found approximately \$1.9 million in benefits. The largest benefits are to MNDOT (Trunk Highway (T.H.) No. 10). Last week, Jane Butzer, MNDOT, contacted the office regarding water problems on T.H. No. 10. Water is overtopping the road, and they want to raise the road 3'-4' immediately, which will cost approximately \$1.2 million. They are hesitant to want wait for us to develop our project. As of today, Albright reported that MNDOT might want to install an outlet pipe along T.H. No. 10 this week to start draining Boyer Lake into Little Boyer Lake. MNDOT would then deduct the cost of this work from their assessment for the entire outlet project. MNDOT wants to install a 24" dia. pipe along T.H. No. 10 instead of the 18" dia. pipe recommended by Jones, and they want to install it at a different elevation. Jones thought he could allow for the larger pipe by placing it flatter in the ditch from Boyer into Little Boyer Lake. However, there will still be fisheries concerns. Hanson noted that LaBelle Lake, which is the outlet

for Boyer Lakes, is still experiencing highwater problems, and it is never wise to start a project on the upper end without providing an adequate outlet. Albright suggested that the Board accept the Appraisers' Report, schedule a hearing for 5/03/10, authorize H.E. to advertise for construction bids with a bid opening on 5/10/10, and hopefully, start project construction as quickly as possible. Since we have made an emergency declaration for this project, we could move forward without the Appraisers' Report, and assess benefits later. Jones noted that the Becker NRCS has determined that there are no downstream wetland impacts. He noted that he would be leaving the wetland out of any project channel work. As far as agency permitting is concerned, Jones has sent project information to Rob Maroni, COE, Robert Merritt, Area Hydrologist, DNR, and Dave Barsness, DNR Fisheries. Jones hopes to resolve the permitting issues as soon as possible. VanAmburg supported Albright's recommended project timeline. The Board discussed the amount of MNDOT's proposed assessment for the project compared to the money they will need to spend to raise the road. Albright has contacted Pat Lynch, Financial Coordinator, DNR Waters, regarding possible State funding for the project. The Board discussed the level of our contribution to this project. The Board took some time to review the Appraisers' Report. **Motion** by Hanson to accept the Appraisers' Report. **Seconded** by Paradeis Kobiela. **Approved. Motion** by Hanson to contribute 25% (approximately \$75,000) of the project costs, and to schedule a hearing for 5/03/10 in Lake Park. **Seconded** by VanAmburg. **Approved. Motion** by Hanson to authorize H.E. to advertise for construction bids to be opened at our 5/10/10 regular meeting. **Seconded** by Paradeis Kobiela. **Approved.** The Board recommended that MNDOT install hazard signs and sandbags on T.H. No. 10, and wait for the outlet project to be completed, which is being developed as quickly as possible. To date, MNDOT has not submitted a permit application for their possible pipe installation.

Jones is using the 2008 LiDAR data to determine the easement area behind Sheldon Johnson's farmstead. It would be preferable to put the project alignment across Johnson's pasture, as this route would avoid the utilities in the T.H. No. 10 ditch, and would make it unnecessary to put up barricades and traffic control. In addition, the alternate alignment would keep the project out of Johnson's front yard, and Johnson would receive temporary and permanent easement payments. Albright and Hanson will visit with Johnson regarding the alternate route through his pasture. **Motion** by Hanson to authorize H.E. to prepare permanent and temporary easement proposals for Sheldon Johnson, including the alternate route through his pasture. In addition, H.E. is authorized to send letters to the other project landowners advising them that the project will be constructed this summer and we ask that they plant crops in accordance with our staking for the 2010 growing season. The right-of-way (r-o-w) drawings should go with the letters. Jones noted that the survey crew could be out staking the r-o-w this week. He will call the landowners with agriculture property regarding the cropping request/staking. **Seconded** by Paradeis Kobiela. **Approved.**

Albright noted that Brad Borgen, who is located in the Wild Rice Watershed District, called the office with a request that the BRRWD make Boyer Lake a retention site to help protect downstream property. Albright explained that by installing gated outlets for BRRWD lake outlets, we create holding areas during spring runoff when the gates are closed.

**Project No. 61, Clay 11N.** Kevin Olsgaard called the office with concerns regarding the easement widths. He also reported that the new ditch worked well this spring. Albright discussed the configuration of the r-o-w along CSAH No. 8. He noted that the landowners received payment for their easements. Olsgaard said he would seed his own r-o-w.

**Project No. 58, Riverton Township Retention.** Opsahl and Manager Nelson visited the site on 4/09/10 and Nelson noted that the site is drying out. The office prepared a response to the Pate Bonding Company about the project progress. Opsahl will need to meet with The Nature Conservancy and prepare a cleanup list for Nanik Construction so that they can finalize their work on the project.

**Project Easement Recording.** Attorney Tami Norgard, Vogel Law Firm, now has all the r-o-w information needed to record the BRRWD easements for Project No. 57, City of Moorhead/I-94 Flood Control, Project No. 51, Clay County Ditch No. 68, and Project No. 42, Clay County Ditch No. 67. **Motion** by VanAmburg to authorize Ellefson to sign the legal documents to certify that the r-o-w was acquired according to Drainage/Watershed Law for the three referenced projects. **Seconded** by Nelson. **Approved.**

**Project No. 56, Manston Slough Restoration.** Albright hopes to find time to work on the landowner easements this week. Mark Aanenson, H.E., has prepared the wetland permit application. Albright explained that the project is actually self-mitigating, as the project impacts some wetland areas, but it also creates new wetland areas. **Motion** by Hanson to authorize Ellefson to sign the application on behalf of the BRRWD. **Seconded** by Paradeis Kobiela. **Approved.**

**Project No. 49, Oakport Flood Mitigation.** Albright met with Kris Carlson, Ulteig Engineers, Inc. (UEI), regarding the wetland mitigation process. The BRRWD needs to purchase 8.01 acres of wetland credits, and we can't submit the wetland application until the credits are secured. The Board reviewed a map showing the wetland impacts sites' location. They also discussed the purchase of the wetland banking credits. **Motion** by Paradeis Kobiela for Ellefson to work with the office to sign to submit the wetland permitting paperwork and acquire the needed credits. **Seconded** by VanAmburg. **Approved.**

Albright met with Diane Hasse regarding the location of our dike in reference to her property. Hasse is very upset that the permanent levee can't go behind their house. She asked if the BRRWD could pay to move her house, which is on the wrong side of the dike, closer to the road. Albright said our funding couldn't be used for that type of work. Albright discussed the BRRWD's options regarding this issue. The first is to do nothing, and the Hasse house remains where it is. She objects to this option because the dike won't protect her house. The second option would be for the Board to order a third appraisal and consider a buyout. The last BRRWD appraisal, which was conducted on 2/28/08, came in at \$208,000. Hasse's 6/27/08 appraisal valued her house at \$288,000, which is over 10% more than the BRRWD's appraisal. The BRRWD standard procedure in this case would be to order a third appraisal as a project expense. **Motion** by Hanson to order a third appraisal for the Hasse property. **Seconded** by Paradeis Kobiela. **Approved.** The third option could be to construct a private ringdike around her property. The engineer's specifications for ringdike height could be analyzed. Hasse wants to be protected to 48', but this not hydraulically or financially feasible.

Albright provided the Board with copies of an e-mail message he sent on 4/06/10 to Kent Lokkesmoe, DNR, regarding project funding. Albright told Lokkesmoe that the BRRWD will need \$4.5 million for the 2010 construction season. UEI would like to submit the plans and specifications for Phases 1A and 3B at the 5/10/10 meeting and open bids at the end of May. To date, there has been no response from the DNR.

**Project No. 47, Clay County Ditch No. 53.** Harold Christianson, FEMA, contacted the office to notify us that we need to close out 2006 FEMA grant/repairs before they can process our 2010 flood repair claims. Ellefson and Albright need to meet with Askegaards to discuss repairing the slide along their property. The neighboring landowner thinks that the BRRWD should fix the site while there is FEMA funding to do it. Hanson also thought we should do the repairs while we have the money. Albright would like to get this resolved in the near future.

**Project No. 42, Clay County 67.** The Board plans to schedule a redetermination of benefits hearing regarding Joy Stumbo's assessment. Since we won't be able to hold a hearing in time to adjust her 2010 property tax assessment, we will need to rebate the appropriate amount of her tax payment.

**Project No. 39, Georgetown Levee.** The City Council will be meeting on 4/28/10 and Mayor Traci Goble asked Albright to meet with them. The Board discussed which levee improvements might be feasible.

**Project No. 38, Farmstead Ringdikes.** Blayne Tonsfeldt has concerns about flooding on his property and possible repairs for his ringdike. Opsahl met with Tonsfeldt and the Board reviewed his proposal and proposed modifications. Opsahl's recommendations include replacing a 36" dia. culvert with an 18" dia. culvert and screw gate, install screw gates on the remaining existing culverts, and remove another 30" dia. culvert. The total cost for the project is estimated at \$7,144.00. Tonsfeldt asked if the BRRWD would cost share on the project. **Tabled.** Opsahl has asked Clay County for funding assistance for the culvert work on their road r-o-w.

**Project No. 37, Clay County Ditch No. 41-Lat No. 1.** Albright contacted Attorney Corey Elmer, who helped expedite transference of a small strip of land along the ditch r-o-w that Concordia did not deed to the Church. The BRRWD has a ditch easement on this parcel. The Church's property is at the intersection of 15<sup>th</sup> AVE N and Trunk Highway (T.H.) No. 75. Now MNDOT's concerns about ownership should be addressed.

Albright is working with Kelly Anderson, Right-of-Way Agent, Minnkota Power Cooperative, regarding an easement for the installation of power poles on the ditch r-o-w in Section 1, Moorhead Township. The poles will be higher and in the same location as the existing poles.

Albright and Manager Ellefson observed that the City of Dilworth has about 2,000' of the ditch bufferstrip torn up with a subdivision construction project. Albright sent a letter to UEI noting that the BRRWD expects that the bufferstrip will be restored and reseeded when they finish their project.

**Project No. 32, Hawley EDA Diversion.** The Board reviewed H.E.'s report and recommendations regarding the 60" reinforced concrete pipe (RCP). Albright will send the City of Hawley a copy of the report. The Board had an extended discussion about the culvert issue and the EDA project. Albright suggested that the BRRWD should schedule a meeting with the City of Hawley, H.E., Hancock Concrete Products, and Sellin Brothers, Inc., to resolve this issue. The Board also discussed a redetermination of benefits for the project and a possible outlet for Muriel Grefsrud's property and a township road in Cromwell Township via the Hawley Diversion ditch. Jones sent an email message to Lisa Jetvig, City of Hawley Clerk, regarding a meeting, but she hasn't responded. **Motion** by VanAmburg to schedule a special meeting as soon as possible to discuss this issue with the referenced parties in the Barnesville office. **Seconded** by Nelson. **Approved.**

**Project No. 29, Buffalo River Log Jams.** Scott Smith, NRCS, has been trying to get an extension for the BRRWD to make use of the Emergency Watershed Protection (EWP) funding for logjam removal. Currently, the funding expires on 9/10/10. Albright didn't think that the September deadline would be a problem as there are probably more logjams than money, and we plan to have our contractors clear just the sites they can access without impacting growing crops. Now that the spring runoff is over, the area might have to be resurveyed to see if there have been any changes in the logjam locations. Dave Friedl, DNR, will be conducting a low elevation high resolution flight on Thursday or Friday this week. It is hoped that the aerial photography can be used to evaluate the log jam locations.

DNR Forester Dave Johnson plans to schedule meetings this winter to discuss the emerald ash borer. He said all of the ash trees are going to die, which will cause more log jams. It might prove easier to cut and remove the dead trees before they end up in the river.

**Project No. 24, Wilkin County Ditch No. 44.** Brian Winter, TNC, would like to discuss the proposed ditch clean out with Jones. Ellefson discussed the Terry Czichotzki erosion site.

**Project No. 23, Becker County Ditch No. 15.** Hanson noted that the site was looking dry and the contractor might be able to get the cleanout project done this summer.

**Lawndale Trout Stream.** The DNR will be meeting with the BRRWD in the Barnesville office on 4/14/10 at 9:00 AM to discuss the project development status. Albright visited with Wilkin County Commissioner Lyle Hovland today. He feels that the Trout Stream project will be beneficial. Albright and Manager Ellefson met with Dave Yaggie last week. Northern Irrigation from Perham, MN provided Yaggie with a \$90,000 cost estimate for his irrigation retrofit. The Board discussed Yaggie's irrigation project. Yaggie has signed the EQIP paperwork. Yaggie objects to his share of the project costs. The DNR wants the Board to make the order for the Trout Stream project, as soon as possible.

**Lower Otter Tail Watershed District.** Albright noted that Wilkin County Commissioner Lyle Hovland has indicated that the County is going to petition BWSR for new watershed district. Otter Tail County is opposed to the proposal.

**Project No. 14, Clay County Ditch No. 10.** Landowner Michael Nugent, who lives in the NW¼, Section 24, Morken Township, contacted the office several times this spring regarding his concerns about too much water in the northwest corner of the section near his farmstead. He has the same problems every year. He also noted low spots in the road and ditch berm near his buildings. The Board has authorized H.E. to conduct an elevation survey for both the road and ditch berm. Jones has scheduled the survey, but to date, no work has been done.

**Project No. 8, Stony Creek Detention.** Gordon Gilbertson wants Albright to conduct a field review of his drainage concern. According to the H.E. analysis, his field ditch leading into the channel is deeper than the channel, causing water to stand in his private ditch. The BRRWD has the option of doing some minor work to remove some high spots in the project channel, but this may not solve the problem of water standing in Gilbertson's ditch.

**Project No. 1, Wilkin County Ditch No. 22.** Albright and Manager Ellefson conducted an office review of the NRCS wetlands on Branch 3. They thought things looked pretty good.

**Mediation PT.** The next PT meeting is scheduled for Thursday, June 17, 2010, at 7 PM at the MSUM Science Center, Glyndon. The DNR has scheduled a meeting for the Working Lands Initiative (WLI) for Otter Tail County, which will include the Upper South Branch of the Buffalo River area and the upper end of Manston Slough. The meeting will be held tomorrow morning (4/13/10) at 9:00 AM in Fergus Falls. Zach Herrmann, H.E., will attend on behalf of the BRRWD.

**RWMP.** BWSR has scheduled their hearing for 5/5/10 from 5:00-7:00 PM in Hildebrand Hall, Barnesville. The hearing will be conducted in an open house format. The Board discussed the concerns that the City of Hawley has regarding the watershed management districts (WMD) feature of the RWMP. Albright discussed the WMD and provided a copy of Section 6 from the RWMP that details the formation and function of the WMDs. The Clay County Commissioners will meet with Hawley tomorrow at 8:45 AM. Albright, Attorney Tami Norgard, and Managers VanAmburg and Paradeis Kobiela plan to attend. State Representative Paul Marquart indicated that he saw no problem with the WMD component, and suggested that Hawley meet with the BRRWD to discuss their concerns. To date, the City hasn't contacted the BRRWD. The Board had an extended discussion regarding this issue. Brian Dwight, BWSR, will meet with Albright and Jones to review and respond to the comments we received regarding the RWMP.

**River Keepers.** Starting 5/02/10, River Keepers will be hosting a group from the international environmental river keepers from Moldova in Eastern Europe. They are participants in the Sister Rivers project that is designed to develop a relationship between American and Moldovan partners, focusing on

the Dniester River in Eastern Europe and the Red River of the North. There is a "mixing of the waters" ceremony planned. On 5/06/10, the group will visit the BRRWD, where they will observe the River Watch Team taking water quality samples, and tour some of our project sites, such as Whisky Creek and Manston Slough. River Keepers asked if the BRRWD would consider hosting the Moldovans for supper at the Galaxie Supper Club on 5/06/10. The Board reviewed the tour itinerary. **Motion** by VanAmburg to host the referenced meal. **Seconded** by Hanson. **Approved.**

**Pump Lake Erosion.** The Board briefly reviewed this washout problem on the Karen Plemel property in Section 31, Lake Park Township, Becker County. Albright felt that this situation could present a serious downstream threat. The Becker SWCD has scheduled a field review on 5/20/10 at 1:00 PM.

**MAWD Performance Review and Assistance Program (PRAP).** The Board received an e-mail message from Don Buckhout, BWSR, regarding the PRAP report for the State Watershed Districts. The only concern noted for the BRRWD was the backlogged annual reports.

**The following bills were presented for approval:**

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
Arliss & Donna Fedje	Easement	Pj. 49, Oakport	\$ 28,650.00
Barnesville Phone Co.	3/25/10 billing-2 lines +DSL	Admin	\$ 166.97
Barnesville Record-Review	RWMP hearing notice	RWMP	\$ 484.50
Bruce E. Albright	3/23/10 Appraisers' Dinner	Pj. 64, LaBelle/Boyer	\$ 37.00
Bruce E. Albright	4/05/10 Appraisers' dinner	Pj. Nos. 64/65	\$ 40.00
Bruce E. Albright	4/08/10 Appraisers' dinner	Pj. 64, LaBelle/Boyer	\$ 47.71
Bruce E. Albright	NCH Software-Dictation	Admin	\$ 77.95
Clay County Union	#164, RWMP hearing notice	RWMP	\$ 264.00
Cynthia Blair	Lot #2009-2A Security Deposit	Pj. 49, Oakport	\$ 250.00
Earl Thomas	Chair repair	Admin	\$ 25.00
Fitzgerald Const., Inc.	#13036, snow removal	Clay C.D. Nos. 55/58	\$ 1,462.50
H.E.	March billing summary	Varies-see attached	\$ 113,521.57
Haugen's Landscaping	#365, pump rental	Pj. 38, Kragnes	\$ 3,790.00
ICS Agency, Inc.	#38826, property insurance	Pj. 49, Oakport	\$ 40.00
ICS Agency, Inc.	#38865, D&O Renewal	Admin	\$ 3,740.00
IRS	1st QTR Form 941 taxes	Admin	\$ 1,103.13
Julie Jerger	Reimburse-keyboard/extension cord	Admin	\$ 66.25
Master Construction	#23483, 2010 flood work	Varies	\$ 6,298.50
Michele M. & Charles J. Radeck, Jr.	Easement	Pj. 49, Oakport	\$ 19,218.00
Petty Cash	Postage, supplies, etc.	Admin	\$ 200.00
Premium Waters, Inc.	#366590-03-10	Admin	\$ 22.55
Randy Rick	February Property Manager fee	Pj. 49, Oakport	\$ 1,400.00
Ronald M. and Jane C. Bedard	Easement	Pj. 49, Oakport	\$ 17,348.50
The Forum	#CL01568181, hearing notice	Clay C.D. No. 9	\$ 133.40
The Forum	#CL01568186, hearing notice	Pj. 33, Clay 50	\$ 99.76
TRN Abstract & Title F-M	Abstract Updates (3)	Pj. 49, Oakport	\$ 465.00
TRN Abstract & Title F-M	O&E Reports (5)	Pj. 49, Oakport	\$ 375.00
WREC	2/19/10-3/19/10 service (2)	Pj. 46, Turtle Lake	\$ 359.85
Xcel Energy	2/25/10-3/28/10 billings	Pj. 49, Oakport	\$ 725.72
			<b>\$ 200,412.86</b>

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

**Next Meeting.** The Board of Managers, BRRWD, will hold their next regular meeting on Monday, April 26, 2010, in the Barnesville office at 7:00 PM.

April 12, 2010

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**Adjournment.** Chairman Ellefson adjourned the meeting at 12:05 AM.

Respectfully submitted,

John E. Hanson, Secretary