

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

BARNESVILLE, MINNESOTA 56514

123 FRONT STREET SOUTH – PO BOX 341

PHONE 218-354-7710

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## **MINUTES FOR MANAGERS' MEETING**

**June 14, 2010**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, June 14, 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 Jones, Engineer, and Julie Jerger, Administrative Assistant, Houston Engineering, Inc. (H.E.); Scott A. Smith, Natural Resources Conservation Service (NRCS); Molly MacGregor, Minnesota Pollution Control Agency (MPCA); Alec Albright, Student Intern, Water Resources Center, University of Minnesota (U of M); John Young, Jr., Councilman City of Hawley; Carol Schoff, Clerk, and John Posch, Supervisor, Cromwell Township; and landowner Pam Thesing.

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 5/24/10 regular meeting. **Motion** by VanAmburg to approve the minutes. **Seconded** by Nelson. **Approved.**

**Treasurer's Report.** The Board reviewed the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Albright reported that we currently have \$1,968,198.71 on hand in general funds. Last month, we received \$229,148.41, primarily for reimbursement from the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation, expenses and proceeds from the 2010 Oakport auction sale and the Jensen house sale. We also received the first half of Wilkin County's 2010 tax collections. Glen Halbakken paid the BRRWD \$1,600 to rent the farmable acreage on the former Holubok property, associated with Project No. 56, Manston Slough Restoration, in Wilkin County. **Motion** by Paradeis Kobiela to accept the Treasurer's Report. **Seconded** by Hanson. **Approved.**

**MPCA Social Indicators Survey.** Molly MacGregor discussed the progress of the Social Indicators Survey. She asked the Board and staff to take the draft survey and offer corrections and comments by the end of the week. Discussion took place regarding distribution plans and the target audience. The survey will be scientifically representative of the agricultural producers within the BRRWD in Clay, Becker, Wilkin, and Otter Tail Counties. MacGregor estimates that the budget to mail and process approximately 900 surveys will be approximately \$5,000 or about \$5 per survey. Mailing costs will be lower because we can use the Barnesville Main Street Program's bulk mailing permit. The Water Resources Center, U of M, hired Alec Albright to do the mailings and collate the data. MacGregor anticipates that Albright will have the first survey mailing completed by 6/28/10.

**Ken Hodnefield NRCS Buyout.** NRCS has agreed to provide Emergency Watershed Protection (EWP) funding for the BRRWD to buyout Ken Hodnefield's house in Wolverton Township, Wilkin County, which is surrounded on two sides by the Red River of the North. Hodnefield has agreed to enter into the EWP contract with NRCS, which will reimburse the BRRWD for 75% of the buyout costs up to a \$156,150 cap. The BRRWD and Hodnefield will split the remaining 25% of the costs (\$52,056). Guy Miller, Miller Realty, appraised the house at \$177,000, and Hodnefield accepted the appraisal. The total project costs are estimated at \$208,200.

Northern Technologies, Inc. (NTI), conducted the geotechnical investigation of the soil conditions on Hodnefield's property to determine how stable the existing site is and how far away any new buildings should be setback from the riverbank. Hodnefield would like to either move his existing house or build a new house on the remainder of his property. Attorney Corey Elmer, Vogel Law Firm, is preparing the purchase agreement, which will include a covenant excluding the building of any structures on the unstable area near the river, as determined by NTI. The Board reviewed aerial photographs of site showing where the stable area is located on Hodnefield's property. It appears that the house will be very difficult to move, and will probably have to be demolished. The Board discussed the Purchase Agreement, the covenant clause, and house demolition/restoration bids, which all have to be completed before the EWP funding deadline of 9/10/10. A move out date will have to be negotiated with Hodnefield. The Board discussed the practice of construction near rivers. The Manager felt that landowners shouldn't be developing in the floodway or near the river.

**Project No. 29, Buffalo River Logjams.** Jones reported that the DNR aerial photos are now available and he shared this information with Scott Smith, NRCS. The BRRWD has EWP funding (\$94,250) for logjam removal, which has to be spent by 9/10/10. H.E. will have to verify where the current logjams are located, as it appears that some of the pre-flood jams washed away during the 2010 spring flood. Albright felt that because the funding is limited, we should remove the logjams that are the most accessible. Jones noted that H.E. identified approximately six sites that are near farmstead and upstream of roads, which will be easy to reach. The BRRWD awarded the logjam removal contract to American Enterprises, H&S Contracting, Inc., and G&G Farms at their 3/22/10 meeting. The contractors have received verbal permission from landowners with logjams adjacent to their property to enter the sites. Jones anticipated that the contract costs should remain the same. Jones suggested that the contractors could provide an estimate for the work on any new sites. The Board discussed having the contractors work on an hourly basis. Smith offered to help H.E. locate the sites.

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

**Permit No. 10-23, Rick Thompson.** Albright plans to schedule another special meeting with the Board and the neighboring landowners to discuss the work Rick Thompson did last fall in the W<sup>1</sup>/<sub>2</sub>, Section 11, Alliance Township, Clay County. Rick Thompson called Ellefson last week to discuss this issue.

**Pam Thesing Drainage Complaint.** Thesing told the Board that she still hasn't received a copy of the file that she has repeatedly asked the office to provide. She wanted to know who she could contact regarding complaints about the BRRWD's performance regarding her issue. Albright explained that the Managers are appointed by their respective County Commissioners, and she can contact them. The Minnesota Board of Water and Soil Resources (BWSR) can also be contacted with any complaints about the BRRWD. Thesing informed the Board that she has filed suit against her neighbor, David Sogge, asking that he be required to remove all his drain pipes. She talked at length about her continuing concerns regarding the sump pump drainage on Sogge's property. She noted that this is the first year that Sogge has drained his sump pump to the County Road (C.R.) No. 86 road ditch. Ellefson pointed out that the Board had hoped to be able to act as a mediator in this neighborhood dispute regarding an issue that is actually not under the BRRWD's direct jurisdiction. However, it appears that Thesing and Sogge are simply not willing to work together. The Board agreed that it was probably a good idea to let the Court make a determination in this matter, as our attempt at mediation has apparently failed. There was an extended discussion regarding issues that have been documented in previous meeting minutes. The group also discussed Sogge's proposal to install a ditch on the north side of Thesing's driveway to drain water east to the C.R. No. 86 road ditch. Thesing is opposed to this proposal. The office will provide the requested information by 6/25/10.

**Project No. 32, Hawley Diversion.** John Young, Jr., City of Hawley, had a number of issues to discuss with the Board. He asked about a Clay County bridge replacement project over the Buffalo River in

Sections 5/6, Eglon Township. This project is part of the larger Hawley Buffalo River Restoration project. Young said the City is working with Eglon Township regarding the roadwork associated with this project.

Albright told Young that the Board has ordered a Redetermination of Benefits for Project No. 32, Hawley Economic Development Administration (EDA) Diversion, and we plan to get started on the work in the near future. The action will help distribute maintenance costs with all landowners who benefit from the project. Jones is trying to set up a meeting with all parties involved with the issue of the deteriorated 60" dia. reinforced concrete pipe (RCP). He is still waiting for Hancock Concrete Products, Inc., to commit to a date by 6/28/10. Albright noted that H.E.'s report regarding their investigation and recommendations regarding the pipe has been mailed to all the affected parties. He pointed out that the pipe's condition is not affecting the performance of the diversion.

**Project No. 50, Cromwell Township Highwater Investigation.** Supervisor John Posch and Township Clerk Carol Schoff discussed their concerns about the highwater problem on "Cemetery Road" (225<sup>th</sup> ST). Last week, Albright attended a Federal Emergency Management Agency (FEMA) meeting to discuss this road, which has been underwater for nearly two years. Several environmental agencies also attended. FEMA would like to work with Cromwell Township to dewater the road using whatever processes were feasible. Discussion also touched on a potential BRRWD project to address the area water problems. Appraisers could be appointed to determine benefits for a project for this area and at the same time, they could consider benefits for the Hawley Diversion redetermination. To date, the BRRWD has not declared this area an emergency. Albright noted that all the BRRWD outlet projects have an Operation and Maintenance (O&M) plan that would spell out when we would stop the project to protect the downstream area if there is flooding. Albright acknowledged that the EDA diversion's purpose is to protect City of Hawley. However, when downstream conditions permit, we could release water to protect upstream property and 225<sup>th</sup> ST. Mark Aanenson, Wetland Scientist, H.E., will meet tomorrow with the Army Corps of Engineers (COE) and the Clay Soil and Water Conservation District (SWCD) to review the upstream area in regards to wetland jurisdictional and permitting issues. Lynn Foss, Clay SWCD, reviewed the area with Albright last week in regards to Wetlands Conservation Act (WCA) concerns. The Township thought that the area wetlands are probably much higher than the established Ordinary High Water (OHW) elevations, as water is currently 2' over the top of 225<sup>th</sup> ST. Jones thought we could probably lower the wetland at least 4'.

VanAmburg asked if FEMA would contribute to a project to lower the wetlands to protect the road. Albright said that the FEMA officials said they would fund a temporary project to pump water off the road, but not for a drainage project to save the road permanently. Albright commented that the BRRWD probably wouldn't be able to approve a permit application to pump the water off the township road because the project wouldn't have an adequate outlet. Muriel Grefsrud, whose house is threatened by an expanding wetland, plans to put her house up for sale, unless the BRRWD can develop a project to lower the highwater.

The Board discussed issuing an emergency order and authorizing H.E. to prepare project plans and start the permitting process, including the development of an O&M plan. Young pointed out that Hawley wants to be sure the O&M states that if something should happen to the diversion culvert, the upstream drainage project should be stopped immediately. Jones felt that the O&M could state that if the diversion pipe were blocked for any reason, the outlet project would be stopped. Young pointed out that there is no east-west culvert in 225<sup>th</sup> ST, so in order to lower the water on the west side of the road, the project will have to include an equalizer pipe through the road. Ellefson thought since there is a viable solution to this problem, the Board should take action to open the road and protect the neighboring homesteads. **Motion** by Hanson to declare an emergency in accordance with Minnesota Statutes Annotated (M.S.A.) 103D.615, and to fast track project development, as noted above, including the appointment of Appraisers Bernhardson, Thompson, and Peterson to assess benefits and damages for the outlet project and the redetermination of

benefits for Project No. 32, Hawley EDA Diversion. **Seconded** by VanAmburg. Albright noted that the permitting process will take some time. H.E. will also have to prepare drawings to identify the required easement right-of-way (r-o-w). H.E.'s estimated project cost, which was prepared in July 2009, was approximately \$189,000. The group discussed funding options. Last week, Albright discussed a possible Flood Damage Reduction (FDR) grant for 50% funding with Pat Lynch, Financial Coordinator, DNR Waters. Robert Merritt, Area Hydrologist, DNR, has already reviewed the area. Albright is waiting for a response regarding this funding request. Motion **approved.**

The group discussed the condition of the diversion pipe. Young asked if H.E. had measured the pipe opening this spring. Jones said it was about the same as last year's measurement. Albright mentioned that Hawley City Administrator, Lisa Jetvig, sent an email message asking the BRRWD to hold another meeting of the River Restoration Committee. Albright will discuss scheduling another meeting with Jetvig when time permits. BWSR has asked the BRRWD to host their 8/25/10 Summer Tour. We will plan a stop at the Hawley Buffalo River Restoration site. Albright thought the exposure might benefit both the City of Hawley and their river restoration project. Young noted that the BRRWD and the City of Hawley have had a good working relationship in past, and he would like to have the same in the future.

The group briefly discussed the City of Hawley's concerns about the BRRWD's Revised Watershed Management Plan (RWMP). Albright commented that it would have been nice if Hawley and the BRRWD could have met to discuss their concerns right away. Albright noted that the BWSR Northern Planning Committee will meet in Wadena on 6/16/10 to review the plan, and Hawley's attorney plans to make a statement. The final BWSR hearing on the RWMP will take place on 6/23/10 in St. Paul, and we hope for final approval of the RWMP at that time. Jones revised the plan according to the comments we received, and the most current RWMP information is posted on the BRRWD's website.

**Permit Field Reviews.** Albright noted that there are a number of permits applications that need field review. He will work with the Managers to schedule the reviews before our 6/28/10 meeting.

**Permit No. 10-20, Howard Pender.** Applicant proposes to pattern tile the NW<sup>1</sup>/<sub>4</sub>, Section 28, Skree Township, Clay County. The project will outlet will be to Spring Creek. Albright and Manager Ellefson conducted a field review on 6/11/10. They felt that the outlet was adequate and Albright recommended permit approval. **Motion** by Nelson to approve Permit No. 10-20. **Seconded** by Hanson. **Approved.**

**Permit No. 10-36, Red River Telephone.** Applicant proposes to install fiber optic cable in road r-o-w, including crossing several BRRWD projects and ditch systems in Atherton and Manston Townships, Wilkin County. **Motion** by VanAmburg to approve Permit No. 10-36 with the BRRWD's standard utility disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 10-37, Clay County Highway Department.** Applicant proposes to replace a bridge in 250<sup>th</sup> ST N over the Buffalo River with a new three span structure in Sections 5 and 6, Eglon Township, Clay County, near the City of Hawley. Jones recommended permit approval. **Motion** by Hanson to approve Permit No. 10-37. **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 10-39, Trosvik, Inc.** Applicant proposes to install random tiling in low areas in the E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, Section 6, and NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 7, Trondhjem Township, Otter Tail County. This work will be done in conjunction with a tiling project by the adjacent downstream landowner (Cary Danielson), which will be an extension of Tyson and Sylvester Trosvik's project. Danielson called the office today to let Albright know that he plans to apply for a BRRWD permit for the work in the next few days. **Tabled**, pending receipt of Danielson's permit application.

Albright noted that during a 6/11/10 field review, he and Manager Ellefson found that there has been extensive tiling projects installed in Otter Tail County. Most of the work was completed without BRRWD permits, and most lack adequate outlets. Miles Tiling Company, Brandon, MN, has been the contractor for the majority of the projects. Albright discussed a tiling project that has affected Orrin Sorum's property in this area. Albright received a phone call last Friday regarding another area tiling project that was installed without a permit. Nolan and David Dunham installed tiling last fall in the SE $\frac{1}{4}$ , Section 5, Prairie View Township, and again this spring, they continued their work in the E $\frac{1}{2}$ W $\frac{1}{2}$ , Section 9, Prairie View Township, which outlets through Kevin and Dan Solum's property via a grassed waterway to Branch 5 of Wilkin County Ditch No. 41. Albright advised Miles Tiling that the landowners needed a BRRWD permit, and told them to have Dunhams file a permit application, as soon as possible. To date, they have not applied for a BRRWD permit. Albright prepared a letter to Miles Tiling regarding their activities, advising them that the BRRWD Rules require that landowners/operators obtain a permit for tiling projects before proceeding. **Motion** by VanAmburg to authorize Albright to send the referenced letter. **Seconded** by Nelson. **Approved.** Albright plans to prepare a letter to the Dunhams regarding their tiling violation, pointing out the need for them to obtain the proper permit, or the Board could resort to legal action.

VanAmburg suggested that the Board might need to revise our Rules regarding tiling in light of the popularity of this type of drainage project. Albright suggested that we finish some of our other current projects before we take on another major administrative task.

**Permit No. 10-40, QWEST.** Applicant proposes to bore telephone cable under the Buffalo River for a Clay County project on C.R. No. 91 in Sections 17 and 20, Moland Township, Clay County. Albright recommended permit approval with the standard utility disclaimer. **Motion** by VanAmburg to approve Permit No. 10-40, subject to the referenced disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

**Permit No. 10-41, Tom Arnhalt.** Applicant proposes to slow down flows through a 60" dia. culvert in a natural waterway outletting from Manston Slough in Sections 18/19, Manston Township, Wilkin County. Since the DNR and the United States Fish and Wildlife Service (USFWS) manage the upstream wetlands, drainage shouldn't be an issue. **Tabled,** pending Manager field review.

**Permit No. 10-45, Kevin Nelson.** Applicant proposes to install pattern tiling with 80' spacing in the NE $\frac{1}{4}$ , Section 31, Spring Prairie Township, Clay County. The tile will outlet via a pump to Clay County Ditch No. 63 via the C.R. No. 87 ditch. Albright noted that the outlet is adequate and drainage from this property is assessed to County Ditch No. 63. **Motion** by VanAmburg to approve Permit No. 10-45, with our standard tiling disclaimer, which directs the applicant to riprap the outlet to prevent erosion, and to mark it so that it can be located for ditch maintenance. **Seconded** by Paradeis Kobiela. **Approved.**

**Diking Complaint.** In 2007, Mike Lewis installed a culvert on the west side of Trunk Highway (T.H.) No. 9 in the NE $\frac{1}{4}$ , Section 2, Barnesville Township. Neighboring landowner Ronald Erdman was concerned about the culvert installation because he felt that the culvert was undersized, crushed in the middle, and in a poor location. Last fall, the Board conducted a field review and agreed to monitor the culvert to see if it would function properly. We might have a used culvert that the Lewises could use to replace the existing culvert if necessary. Recently, Erdman removed the culvert and constructed a dike on the property line west of culvert's former location without a BRRWD permit. The Lewises contacted the NRCS regarding Erdman's work, as it might affect a wetland. Albright felt that that the Lewises did not contact the BRRWD because they did not cooperate with the BRRWD's repeated requests for them to replace their damaged culvert. The Board discussed work that the Lewises have done in other parts of the District where they failed to obtain the proper BRRWD permits and their apparent disregard for the BRRWD's Rules. The Board decided to allow the NRCS to handle this issue, unless the Lewises contact our office.

**Wetland Violation.** Someone has completed some drainage work along 190<sup>th</sup> ST S in Sections 17 and 18, Skree Township, Clay County, north of C.R. No. 10. Albright and Ellefson conducted a field review on 6/11/10. It appears the work drained a wetland. The Board discussed the work and who might have done it. Albright will contact the NRCS to coordinate the investigation. **Tabled.**

**Minch Lawsuit.** Attorney Tami Norgard, Vogel Law Firm, will represent the BRRWD in the Minch appeal case in St. Paul tomorrow morning.

The Board discussed providing a copy of the 12/14/09 BRRWD meeting recording to Pam Thesing, as requested. It will be difficult to transfer the recording from the original microcassette to a digital format. The Managers also discussed setting a BRRWD policy regarding archived paper records and meeting recordings.

**Project No. 67, HRB Outlet.** MNDOT has been doing some survey work in this area. The office needs to set up an informational meeting with the landowners to discuss a possible project.

**Project No. 66, Tansem/Ranum Lakes Outlet.** MNDOT is also surveying in this area. Jones will follow up with them regarding a project to assist Brad and Lanessa Hersch with the flooding problems they are experiencing with their homestead along T.H. No. 34.

**Project No. 65, County Line Outlet.** MNDOT has forwarded an official response saying that we can't use their Interstate-94 (I-94) ditch r-o-w as an outlet for the project. Jones presented alternate plans that will bypass the I-94 ditch. The alternative estimated cost is approximately \$168,000, which is about \$20,000 higher than the previous plan that utilized the MNDOT r-o-w. The Board reviewed Jones' maps and discussed this proposal. The Board will revisit this project in a month or two after we have the Cromwell Highwater project developed.

**Project No. 64, LaBelle/Boyer Lakes Outlet.** Jones reported that the contractor plans to start boring the pipe along T.H. No. 10 tomorrow. Boyer Lake could be flowing by this weekend. Currently, the LaBelle Lake outlet is flowing, but there was some lowland flooding from breakouts along Becker County Ditch No. 9. The Board discussed this development and was concerned that the ditch had not been cleaned prior to starting the LaBelle Lake outlet. Wade Opsahl, Technician, H.E., has suggested that the Board offer the landowners a one-time crop loss payment. Currently, the outlet is operating at 33% capacity, but the downstream area is still flooding. Manager Hanson conducted a field review last week, and it was apparent that there were obstructions in the ditch. The Board discussed cleaning County Ditch No. 9 and agreed that the ditch should be cleaned as soon as possible. **Motion** by Nelson to authorize H.E. to conduct an inspection to determine the areas on Becker County Ditch No. 9 that need repair and to complete the repair as soon as possible. **Seconded** by Hanson. **Approved.**

The Board discussed the Sheldon Johnson easement acquisition. Jones and Hanson met with the Johnsons on 6/07/10, but they were not willing to sign the easement until their Attorney, Zenas Baer, reviewed it. Baer sent the BRRWD a letter stating that the Johnsons will not sign the document until we amend the easement language to address several issues. Their first request is for the BRRWD to set a maximum elevation for Little Boyer Lake. They are concerned about beaver activity raising water levels and flooding their home. Jones needs information from the Johnsons regarding what elevation they feel would be acceptable. Albright suggested that since their basement is at elevation 1324, we could use that value for the easement language to expedite the easement acquisition. The lake could be maintained at or below elevation 1324 only while the project is in operation. The Johnsons also want a \$1,000 payment for signing their easement, and Baer noted that the language regarding the BRRWD's limited liability for the project's affect on their property should be removed from the easement. **Motion** by Hanson to accept the referenced

amendments and forward the revised document to the Johnsons. **Seconded** by Paradeis Kobiela. **Approved.**

H.E. presented Pay Request No. 1 for \$56,151.65 with \$2,955.35 retainage for American Enterprises, Inc. **Motion** by VanAmburg to approve Pay Request No. 1. **Seconded** by Paradeis Kobiela. **Approved.**

**Project No. 56, Manston Slough Restoration.** The office plans to work on the Manston easements as soon as possible.

The DNR forwarded the warranty documents regarding the transfer of ownership for the former Holubok property to them. The DNR noted that the BRRWD must pay the 2010 property taxes. **Motion** by Nelson to sign the DNR purchase agreement. **Seconded** by Paradeis Kobiela. **Approved.**

As noted earlier, Glen Halbakken submitted an offer to the BRRWD to rent about 50 acres of the former Holubok property for \$1,600. When Halbakken made the offer last week, Albright discussed it with Managers Nelson and Ellefson, who thought that we should go ahead with the proposal. DNR felt leasing the acreage would be a good idea to keep the weeds under control. BWSR has set aside funding to seed the tract this fall.

**Project No. 49, Oakport.** Kent Lokkesmoe, DNR, has committed \$4 million to this project. To complete the next two phases of the project as designed, we needed \$5 million. This means that we will have to eliminate the road raises from Phase 3B. Albright recommended that the Board award the contract for Phase 1A to Zavoral Construction, Inc., to include the road raise west of the Oakport Coulee and to award the contract for Phase 3B to Master Construction, minus the alternate road raises. **Motion** by Hanson to award the referenced contracts. **Seconded** by Nelson. **Approved.**

The Board discussed the potential Hasse home buyout. The third appraisal has been completed, and Albright noted that our final offer will be \$244,200. Due to the protracted negotiations regarding this acquisition and in light of the reduced 2010 funding from the DNR, Albright suggested that this acquisition might have to be delayed until 2011. The property is not needed for project construction. There is a possibility that a ringdike could be constructed for this lot. The Board decided to wait for a response from Hasses.

The Board discussed the upcoming closings and reviewed a list of the scheduled buyouts. Albright noted that at some point, the BRRWD will have to contribute the local share of the project costs according to the 2% median tax language.

Xcel Energy submitted a proposal for three-phase electric service to the stormwater pond pumps on the former Sieben property for \$91,700. **Motion** by Paradeis Kobiela to approve the work. **Seconded** by VanAmburg. **Approved.**

We are working with FEMA to cancel the flood insurance for the buyout properties. FEMA has provided a cancellation form that needs to be signed. **Motion** by Nelson to authorize Albright to sign the paperwork. **Seconded** by Hanson. **Approved.**

Albright explained the negotiations regarding the Gonser property. The Board discussed the details of the easement valuations. Because of a disagreement regarding the lot's status (cropland or development property), we might have to condemn the property in order to acquire it. **Motion** by VanAmburg to authorize Attorney Norgard to commence condemnation proceedings on the Gonser lot. **Seconded** by Hanson. **Approved.**

**Project No. 39, Georgetown.** Albright had a conference call today with Jones and Rick St. Germain, H.E., regarding the project design. They have set a goal to have a draft proposal for the levee improvements ready for the Board's review by 8/09/10. H.E. will prepare a cost estimate and present it to the City of Georgetown. If it is acceptable to them, then we will be able to submit it to the DNR for a funding commitment. Albright thought this project would probably be ready for construction next year. He thought that H.E. should prepare a design more in line with what they are using for the Cities of Perley and Hendrum. He is concerned that any excessive funding request might be denied.

**Project 38, Ringdikes.** Jones reported that plans for three of the Environmental Quality Incentives Program (EQIP) ringdike sites are completed. Albright and Opsahl participated in a conference call on 6/04/10 with Ron Harnack, Red River Watershed Management Board (RRWMB), regarding funding for the non-EQIP sites. We are currently approved for funding to build six non-EQIP sites in 2010. Another conference call is scheduled for the first part of August to check on the status of our projects. If we aren't making progress, the funding could be reallocated. The Board reviewed a worksheet showing the status of the projects. Ellefson asked if the ringdike for the Karppinens south of Sabin is on the list. Jones noted that their ringdike is on this list and information for the Karppinens will be sent to them by 7/01/10, as promised.

Jones asked if H.E. should proceed with construction if the bids come in within 10% of the estimates. At this time, all the EQIP sites are scheduled to be completed by 7/31/10. The Board felt that construction should go ahead. Jones noted that he wants to review the NRCS EQIP contracts to see how the cost sharing will be allocated. Because of the contract language, the cost share won't be precisely 75% of the project costs. **Motion** by VanAmburg to authorize H.E. to proceed with dike construction if the bids are within 10% of the Engineer's estimate. **Seconded** by Paradeis Kobiela. **Approved.**

**Project 24, Wilkin County Ditch No. 44.** Albright reported that a meeting regarding the ditch cleanout took place last Friday with Jones, Albright, contractor Merle Miranowski, M&M Construction, landowner Terry Czichotzki, and three representatives from The Nature Conservancy (TNC). The group discussed environmental concerns about the waterway and ditch cleanout. Construction began today at noon. Ellefson checked the site and reported that the contractor was being careful not to disturb the ditch sideslopes. Dave Friedl, DNR, called the office this morning regarding his concerns about the project. The Board discussed the cleaning process and the agencies' concerns.

**Mediation Project Team (PT).** The next PT meeting is scheduled for Thursday, June 17, 2010, at 7:00 PM at the MSUM Science Center, Glyndon. The office has mailed the notices.

**RWMP.** The BWSR Northern Region Team will meet on 6/16/10 in Wadena to review the RWMP. Albright and Manager Hanson plan to attend. BWSR has requested that we provide compact disks and hard copies of the Plan, which Albright will deliver. The final BWSR hearing will take place on 6/23/10 in St. Paul.

**COE Metro Flood Study.** The COE is holding an Open House at 6:00 PM with a meeting following at 7:00 PM regarding the downstream impacts of the proposed Metro Diversion in Hendrum on 6/16/10. Albright and Manager Nelson plan to attend. The Board briefly discussed the Draft Joint Powers Agreement and the draft Environmental Impact Statement.

**Pump Lake Erosion.** Albright along with representatives from the DNR and the Becker SWCD conducted another review on 6/08/10 regarding a washout problem on the Karen Plemel property in Section 31, Lake Park Township, Becker County. There is a cut approximately 20' deep and 30' wide, which could cause Pump Lake to breakout and drain into Ness Lake, which is also extremely high. Albright noted that

the washout might have been started when someone tried to open up the lake outlet with a backhoe. The landowner might be asked to fill in the washout.

**Wilkin County Ditch No. 40.** The next step is for the Board to make an Order to modify the drainage system and issue a permit to the DNR for their Lawndale Trout Stream diversion project. The Yaggie irrigation system has been installed. The office will have the Order ready for the Board's signature at our next meeting.

**River Watch 2010-2011 Contract.** Albright and Managers VanAmburg and Ellefson met with Barnesville High School Superintendent Scott Loeslie and School Board Member Tim Thompson on 5/28/10 to discuss the Barnesville River Watch Program. River Watch Team Advisor Sheila Carlson prepared a revised contract for review. The Board discussed the concerns voiced by Loeslie and Thompson regarding the River Watch program. It appears that their concerns regarding accountability have been addressed in the new version of the contract. **Motion** by VanAmburg to approve the 2010-2011 River Watch contract. **Seconded** by Paradeis Kobiela. **Approved.** Albright will forward the contract to the High School for their review and possible approval at the School Board meeting on 6/21/10.

**NDSU Tiling Study Proposal.** Xinhua Jia, a professor from North Dakota State University (NDSU), has submitted a proposal for a research study of a local tiling project, which includes sub-irrigation. The grant is for \$193,677.00. Professor Jia listed the BRRWD as a partner organization. The Board approved Permit No. 10-03 to Gerald Zimmerman for the project in April.

**River Keepers.** The Board received a thank you note from the International River Keepers from Moldova for our participation with their tour of Red River Valley in May. The group took a bus tour of some of our projects, and the BRRWD hosted an evening meal at the Galaxie Supper Club in Barnesville.

**MAWD Summer Tour.** The Minnesota Association of Watershed Districts (MAWD) has scheduled their 2010 Summer Tour, hosted by Nine Mile Creek Watershed District, on June 24-26, 2010, in Bloomington, MN. Managers VanAmburg, Hanson, Paradeis Kobiela, and Nelson plan to attend. Reservations and registrations have been made.

**New Office.** Albright signed the Purchase Option and Right of First Refusal Agreement with the City of Barnesville for the Industrial Park lots on 6/08/10. The Purchase Agreement closing date was 6/30/10. Karen Lauer, Barnesville EDA, prepared an amendment to delay closing to on or before 9/01/10. Lauer gave Albright the name of an architect in Barnesville who could help with building plans. Albright looked at lots that Jim Braton has for sale. Braton owns the building where our current office is located. Albright didn't think the lots would be appropriate for our new office building as they are located in a residential area. The other business in our current office building is very interested in this office space, so Braton should not be concerned about a renter when we move. The Board reviewed a drawing of a possible floorplan/building design that H.E. prepared. Albright noted that Robert Backman, River Keepers, forwarded information regarding construction ideas for "green" buildings. The Board briefly discussed possible environmental/energy conservation features that we could incorporate into our new building. **Motion** by Nelson to sign the addendum to delay the purchase of the lots until 9/01/10. **Seconded** by Paradeis Kobiela. **Approved.**

**Water Management Summit.** BWSR is presenting a Water Management Summit for local governments on Monday, July 12, 2010, in the Kelly Inn, St. Cloud.

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

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
American Enterprises, Inc.	Pay Request No. 1	Pj. 64, LaBelle/Boyer	\$ 56,151.65
Barnesville EDA	Option payment	Admin	\$ 100.00
Bruce E. Albright	#D3605528, solo cups	Admin	\$ 113.00
Bruce E. Albright	Reimburse-computer projector	Admin	\$ 658.82
Bruce E. Albright	Reimburse-projector case	Admin	\$ 130.91
H.E.	May billing summary	Varies-see attached	\$ 117,693.06
HCI	#10051, seeding/mulching	Pj. 51, Clay 68	\$ 1,425.00
James Miller	Security Deposit refund Lot #2010-1D	Pj. 49, Oakport	\$ 50.00
Johnson Excavation	Pipe extension	Pj. 63, Grove Lake	\$ 4,525.00
Moorhead Public Service	5/04/10-6/04/10 service (4)	Pj. 49, Oakport	\$ 103.91
Northern Technologies, Inc.	#4017, 5/02/10-5/29/10	Pj. 49, Oakport	\$ 11,736.40
Petty Cash	Postage, supplies, etc.	Admin	\$ 200.00
Premium Waters, Inc.	#366590-05-10	Admin	\$ 22.55
Randall's Excavating, Inc.	#738, 740, snow removal	Varies-2010 flood	\$ 14,070.00
Randy Rick	#841545, April billing	Pj. 49, Oakport	\$ 1,775.00
Randy Rick	#841553, March billing	Pj. 49, Oakport	\$ 1,580.00
Randy Rick	#841554, 105 70th AVE door	Pj. 49, Oakport	\$ 250.00
Red River Valley Coop	3/10/10-5/10/10 service	Pj. 49, Oakport	\$ 138.58
Review Printers	#51003, envelopes/permit applications	Admin	\$ 404.42
Riley Bros. Const., Inc.	Pay Request No. 5, Phase 1B	Pj. 49, Oakport	\$ 201,420.80
Riley Bros. Const., Inc.	Pay Request No. 5, Phase 2	Pj. 49, Oakport	\$ 26,598.95
RM Hoefs & Associates	#3038, Hasse appraisal	Pj. 49, Oakport	\$ 767.20
RMB Environmental Lab	#121892, BRIWM-S	Buffalo River TMDL	\$ 592.00
RMB Environmental Lab	#122209, BRIWM-S	Buffalo River TMDL	\$ 566.50
RMB Environmental Lab	#122499, BRIWM-S	Buffalo River TMDL	\$ 31.00
Roger Lundberg	6/02/10 billing, beaver control	Varies	\$ 4,671.50
Rose Ann Hulne, Treasurer	2nd 1/2 Holubok taxes	Pj. 56, Manston	\$ 1,364.00
TDS MetroCom	6/13/10 long distance	Admin	\$ 40.15
TRN Abstract & Title F-M	#6186605, new abstract	Pj. 49, Oakport	\$ 565.00
TRN Abstract & Title F-M	#6186696, Gonser abstract	Pj. 49, Oakport	\$ 410.00
UEI	#14387, thru 5/31/10, Phase 2	Pj. 49, Oakport	\$ 16,482.00
UEI	#14401, thru 5/31/10, Phase 1	Pj. 49, Oakport	\$ 28,239.77
UEI	#14430, thru 5/31/10, Phase 4	Pj. 49, Oakport	\$ 3,918.45
UEI	#14434, thru 5/31/10, Phase 3	Pj. 49, Oakport	\$ 24,861.62
Vogel Law Firm	#36492, May billing	Pj. 49, Oakport	\$ 12,582.54
Vogel Law Firm	#36494, May billing	COE F-M Diversion	\$ 1,940.00
Wm. Nichol Excavating, Inc.	#45, Branch 3 culverts	Wilkin Co. Ditch No. 41	\$ 7,023.00
Wm. Nichol Excavating, Inc.	#46, approach gravel	Pj. 30, J.D. 1	\$ 456.00
			<b>\$ 543,658.78</b>

**Motion** by Nelson 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, June 28, 2010, in the Barnesville office at 8:00 PM.

**Adjournment**. Chairman Ellefson adjourned the meeting at 11:52 PM.

Respectfully submitted,

John E. Hanson, Secretary