

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING

July 26, 2010

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, July 26, 2010, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, 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.); and landowners: Wayne Bakken, Curtis Buck, Brad Hersch, and Donald Hoppe.

Chairman Ellefson called the meeting to order at 8:07 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 6/28/10 regular meeting. **Motion** by Paradeis Kobiela to approve the minutes. **Seconded** by VanAmburg. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Albright reported that we currently have \$1,372,951.30 cash on hand split between Midwest Bank (\$746,869.94) and Wells Fargo (\$626,081.36). We have nearly \$1 million in bills tonight, so Albright advised that we will have to withdraw some of the Midwest Bank funds.

Project No. 67, HRB Outlet. Property owners Wayne Bakken and Curtis Buck encouraged the Board to continue with this outlet project development. Water is still very high and continues to encroach on their property. Ellefson informed the landowners that the Minnesota Department of Transportation (MNDOT) has plans to raise Trunk Highway (T.H.) No. 34 this year. The Board discussed MNDOT's practice of raising roads instead of participating with lake outlet projects. The preliminary cost estimate for a possible project to lower Helgeson, Randkler, Businger, Seim, and Pete Lakes is approximately \$209,000. Jones commented that MNDOT has indicated that they are still interested in participating with the BRRWD to find a long-term solution for the highwater problem, but at this time, they feel they need to address their immediate road problems as soon as possible. Buck would like to have the BRRWD hold a property owners' informational meeting to see what the public consensus is regarding an outlet project for this area. The Board discussed scheduling an informational meeting on this issue. Jones has the preliminary project plans completed. **Motion** by Nelson to schedule the requested informational meeting in August or September. **Seconded** by Paradeis Kobiela. **Approved.** The Board discussed meeting notice distribution. **Motion** by VanAmburg to publish the meeting notification in the local newspapers instead of mailing individual notices. **Seconded** by Paradeis Kobiela. **Approved.** Jones pointed out that we probably wouldn't be ready to start project construction until next year.

Project No. 66, Tansem/Ranum Lakes Outlet. Landowner Brad Hersch discussed his concerns about MNDOT's decision to raise T.H. No. 34 near his property. He was confused by MNDOT's choice to spend more money to create a temporary fix for their road instead of working with the BRRWD to find a permanent solution to the area flooding problems that are affecting the Hersch homestead and T.H. No. 34. He is also concerned that if MNDOT raises the road again, it could cause more water to back up into his farmstead. Hersch understands that if MNDOT doesn't participate in an outlet project for his area, the BRRWD may not be able to develop a project, due to a lack of benefits. The Board agreed to discuss the

Ranum/Tansem issue at the above referenced HRB Lakes Outlet informational meeting with MNDOT. Jones has also prepared the preliminary study for this area.

Wolverton Creek Road Repair Complaint. Donald Hoppe discussed his concerns about repairs that the Wilkin County Highway Department made last spring on County Road (C.R.) No. 151 or 140th AVE on Wolverton Creek between Sections 14 and 15, Wolverton Township. It appears that when they repaired the county road following the 2009 spring flood, they raised it approximately 18". The county road repair site, which covers an area approximately 100' to 150', is about 1 mile upstream (southeast) of Hoppe's farm. Hoppe maintains that the road was previously a low area that acted as a spillway or texas crossing on Wolverton Creek for many years. The road raising will force more water into the east road ditch that will flow north, causing flooding on the downstream cropland. Hoppe explained that water normally overtops this road in the spring, and very little water flows north from this location. Manager Ellefson and Albright conducted a field review on 5/08/10. The Board discussed what actions need to be taken to restore the road overflow spillway to protect Hoppe's property. Hoppe also said that after the 2010 spring flood, Wolverton Township also raised their road overflow section downstream of his property between Sections 9 and 10, Wolverton Township, on 130th AVE. Hoppe felt this road raise could force water into his buildings.

Jones thought we should be able to compare the original bridge replacement plan elevations to the 2008 LiDAR data to determine how much the County/Township will have to lower their roads. Hoppe maintains that the County raised their road again in 2009. Jones thought we might even be able to see how much the road was raised last spring by comparing the 2008 LiDAR data to the current elevations. H.E. did the hydraulic survey for the road replacement structures, so they would have the elevation data for 1986 (130th AVE) and 1997 (C.R. No. 151) projects. Hoppe would also like to receive a copy of the information. During the discussion, Albright found the 1986/1997 project plans in the office files that show the original road elevations. Permit No. 86-40 was issued to Wolverton Township for 130th AVE, and Permit No. 97-55 was issued to Wilkin County for 140th AVE. Albright suggested that we could send this information to the Township and County, requesting that they bring the roads back to the original design grade elevations. **Motion** by VanAmburg to send the referenced information to Wolverton Township and Wilkin County, requesting that they restore the crossing to the original elevations. **Seconded** by Nelson. **Approved.**

Acting Secretary. In the absence of Secretary John Hanson, Albright suggested that the Board appoint an acting Secretary. **Motion** by VanAmburg to appoint Paradeis Kobiela as acting Secretary. **Seconded** by Nelson. **Approved.**

Permit No. 10-21, D. N. Eppler. Applicant proposes to construct a road to the Spring Prairie Cemetery in Section 24, Spring Prairie Township, Clay County, to include the installation of an approach off from 57th AVE N into the cemetery and raising the road into the cemetery site, which might have potential wetland impacts and require additional culverts. Eppler has been advised to check with the Clay Soil and Water Conservation District (SWCD) regarding wetland impacts. Albright and Manager Nelson met with Eppler on 5/21/10 to review the proposal. They discussed possible wetland impacts and driveway options. Albright will work with Eppler to address his project design concerns. To date, Eppler has not contacted the office since 5/21/10 with any new information. **Tabled,** pending receipt of additional information.

Permit No. 10-23, Rick Thompson. Albright plans to schedule a special meeting with the neighboring landowners to discuss the work Rick Thompson did last fall in the W½, Section 11, Alliance Township, Clay County. Board members also wanted to field review the area. **Tabled.**

Permit No. 10-14, William Austin. Applicant proposes to extend approach culverts in the NE¼, Section 29, and the NW¼, Section 16, Elkton Township, Clay County. **Tabled,** pending Manager field review.

Permit No. 10-25, American Crystal Sugar. Applicant proposes to install drain tile at the Sabin Beet Receiving Station along County State Aid Highway (CSAH) No. 11, Section 31, Elmwood Township, Clay County. **Motion** by Nelson to approve Permit No. 10-25, subject to Manager field review. **Seconded** by VanAmburg. **Approved.**

Permit No. 10-28, Robert Olson Farms, Inc. Applicant proposes to install tile lines in low areas to improve crop productivity in the NE $\frac{1}{4}$, Section 9, and parallel tile along the natural waterway in the SE $\frac{1}{4}$, Section 21, Hawley Township, Clay County. **Tabled.** pending Manager field review.

Permit No. 10-29, Spring Prairie Colony. Applicant proposes to install interceptor/seepage control ditch along east line of Section 10, Spring Prairie Township, Clay County, and improve the minimum maintenance road (150th ST N) including the installation of culverts where necessary in Section 9 and 10. Albright and Manager Nelson field reviewed the area on 5/21/10. Joe Wipf hired H.E. to survey the property line, but has not furnished this information to the BRRWD. **Tabled.** pending the receipt of additional information from the applicant.

Permit No. 10-34, Brent & Bryant Haugrud. Applicants have straightened an existing ditch this spring in the SW $\frac{1}{4}$, Section 34, Humboldt Township, Clay County, without a permit. The Haugruds claim the work is just a ditch cleanout, but the area DNR Conservation Office (CO) stopped them when it appeared the work could impact a nearby wetland area. The neighboring landowners and Township officials all object to the project, as the entire area is saturated, and there is no adequate outlet for the drainage. **Tabled.** pending Manager field review of the after-the-fact application.

Permit No. 10-41, Tom Arnhalt. Applicant proposes to meter flows through a 60" dia. culvert in 190th ST in a natural waterway outletting from Manston Slough between Sections 18/19, Manston Township, Wilkin County. Since the Minnesota Department of Natural Resources (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. Albright also noted that once developed, Project No. 56, Manston Slough Restoration, will permanently correct this concern.

Permit No. 10-42, Russell Henderson. Applicant proposes to install a culvert in the southwest corner of Section 34, Manston Township, Wilkin County, through 220th ST to allow water to flow south. **Motion** by VanAmburg to approve Permit No. 10-42, subject to Manager field review by Ellefson, and Township approval to work within their right-of-way (r-o-w). **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 10-44, JMN Farms. Applicant proposes to install random tiling in low areas according to Natural Resources Conservation Service (NRCS) recommended setbacks in the E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$, Section 8, Cromwell Township, Clay County. **Tabled.** pending Manager field review.

Permit No. 10-47, Alden Hough. Applicant proposes to install random tiling in Section 25, Humboldt Township, and Section 30, Tansem Township, Clay County. The tiling outlets to Whisky Creek. **Tabled.** pending Manager field review.

Permit No. 10-49, Lon Richard Olson. Applicant proposes to install a culvert/crossing on Becker County Ditch No. 15, Branch No. 1, in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Hamden Township, Becker County, to access his farmland. Chad Mattson, who is doing the repair work on County Ditch No. 15, will do this work as soon as he completes the ditch repair. Opsahl has investigated the proposal and forwarded the details to Jones for his review and recommendation. **Tabled.**

Permit No. 10-50, Art Anderson. Applicant proposes to install a crossing with two culverts on Becker County Ditch No. 15 in the SE $\frac{1}{4}$, Section 15, Hamden Township, to provide access to his farmland.

Mattson will also do this work. Opsahl has also investigated this project and has forwarded the details to Jones for his review and recommendation. **Tabled**. Albright noted that with the ditch repair, there are a number of crossings that need to be updated, so Jones' recommendations will include all the work sites.

Permit No. 10-56, David/Nolan Dunham. Applicant has applied for an after-the-fact application for random tiling, SW¹/₄, Section 5, Prairie View Township, Wilkin County. Dunham recently provided the tiling plans. The land is assessed to the Wilkin County Ditch No. 41, Branch 5, system, where the tiling drains. **Motion** by Nelson to approve Permit No. 10-56. **Seconded** by Paradeis Kobiela. **Approved**.

Permit No. 10-57, David/Nolan Dunham. Applicant has applied for an after-the-fact application for random tiling, NW¹/₄, Section 9, Prairie View Township, Wilkin County. Dunham has provided the tiling plans for the Board's review. This project outlets to a natural waterway that drains to Wilkin County Ditch No. 41, Branch 5, for which the property is assessed. **Motion** by Nelson to approve Permit No. 10-57. **Seconded** by Paradeis Kobiela. **Approved**.

Permit No. 10-58, David Dunham. Applicant proposes to install a field approach with a 24" dia. x 30' culvert off CSAH No. 31 into the NW¹/₄, Section 35, Humboldt Township, Clay County. **Motion** by Nelson to approve Permit No. 10-58, subject to County approval to work within their r-o-w. **Seconded** by Paradeis Kobiela. **Approved**.

Permit No. 10-59, Mark Ekre. Applicant proposes to install random tiling in the SW¹/₄, Section 28, NW¹/₄, Section 33, NW¹/₄, Section 34, Eglon Township, and the SW¹/₂SW¹/₄, Section 36, Hawley Township, Clay County. **Tabled**, pending Manager field review.

Permit No. 10-60, Nancy Kaye Marinac. Applicant proposes to install a driveway with culvert in the southeast corner Section 36, Tansem Township, Clay County. Marinac would like the Board to recommend a culvert size. The work will not be started until this fall. **Tabled**, pending Manager field review.

Permit No. 10-61, Karen Plemel. Applicant proposes to restore an overflow outlet to Pump Lake, and install a culvert/crossing in a natural waterway to access her property in the SW¹/₄, Section 31, Lake Park Township, Becker County. The culvert/crossing will require a DNR permit to work in protected waters. **Motion** by Nelson to approve Permit No. 10-61, subject to DNR and NRCS approval to work in protected waters/wetlands. **Seconded** by VanAmburg. **Approved**. Plemel has already submitted a DNR permit for the crossing. The Board reviewed the DNR comment form regarding the crossing and agreed to offer no comments. Albright and Manager Nelson field reviewed the property on 7/15/10 with the Becker SWCD and Robert G. Merritt, Area Hydrologist, DNR.

Permit No. 10-62, MNDOT. Applicant proposes to raise T.H. No. 34 in four locations due to rising waters and flooding conditions in area lakes. The road will be raised approximately 3' with a bituminous overlay. Jones noted that MNDOT has indicated that they plan to let bids for the project in August. Construction is scheduled to begin in September. Jones explained that MNDOT feels they have to raise the road to address immediate highwater impacts, but they are still interested in cooperating with the BRRWD on developing future permanent lake outlets. **Motion** by VanAmburg to approve Permit No. 10-62. **Seconded** by Paradeis Kobiela. **Approved**.

Permit No. 10-63, Chris Stepp. Applicant proposes to install a driveway/culvert off 100th ST to access his machine shed in the NW¹/₄NE¹/₄, Section 4, Prairie View Township, Wilkin County. High water prevents Stepp from accessing the building through his yard. Albright said because the crossing is located on a steep slope, a 12" dia. to 18" dia. culvert should be sufficient. **Motion** by Nelson to approve Permit No. 10-63, subject to Township approval to work within their road r-o-w. **Seconded** by Paradeis Kobiela. **Approved**.

Permit No. 10-64, Bill Austin. Applicant proposes to install three tile lines along the east side of the SW $\frac{1}{4}$, Section 19, Skree Township, Clay County, which will eventually outlet to Spring Creek. The Board discussed possible impacts to the downstream property. **Motion** by VanAmburg to approve Permit No. 10-64, subject to Township approval to work within their road r-o-w and Manager field review to be sure that drainage reaches Spring Creek without affecting the downstream neighbor. It may be necessary to clean the road ditch to assure that the water doesn't break out onto the downstream cropland. **Seconded** by Nelson. **Approved.**

Permit No. 10-65, Bob Schultz. Applicant proposes to install an inlet ditch to Clay County Ditch No. 21 in the NW $\frac{1}{4}$, Section 6, Elkton Township, Clay County. The NRCS has approved the plan. **Motion** by VanAmburg to approve Permit No. 10-65. **Seconded** by Paradeis Kobiela. **Approved.** Schultz also asked to clean an existing ditch, which doesn't require a BRRWD permit.

Permit No. 10-66, Kelly Nichols. Applicant proposes to install a Wetlands Reserve Program (WRP) wetland restoration project in the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 16, Humboldt Township, Clay County. The Board discussed the possible impacts of the WRP area on the adjacent landowners. The project will primarily involve excavation, and no diking will be done. Jon Voz, WRP Specialist, Ducks Unlimited (DU), submitted the application on Nichol's behalf. **Motion** by Paradeis Kobiela to approve Permit No. 10-66. **Seconded** by VanAmburg. **Approved.**

Permit No. 10-67, Margaret Johnson. Applicant proposes to install a WRP wetland restoration project in the SE $\frac{1}{4}$, Section 5, and the SW $\frac{1}{4}$, Section 6, Tanberg Township, Wilkin County. The wetland areas are adjacent to Clay County Ditch No. 44 along C.R. No. 15. This project will utilize some diking, but does not appear to create any impacts to the neighboring landowners. Jon Voz, WRP Specialist, DU, submitted the application on Johnson's behalf. **Motion** by VanAmburg to approve Permit No. 10-67. **Seconded** by Nelson. **Approved.**

Permit No. 10-68, Alida Neumann. Applicant proposes to install a WRP wetland restoration project in the N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 11, Manston Township, Wilkin County. Jon Voz, WRP Specialist, DU, submitted the application on Neumann's behalf. **Motion** by Paradeis Kobiela to approve Permit No. 10-68. **Seconded** by VanAmburg. **Approved.**

Permit No. 10-69, Mary Rumsey. Applicant proposes to install a WRP wetland restoration project in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 11, Manston Township, Wilkin County. Jon Voz, WRP Specialist, DU, submitted the application on Rumsey's behalf. **Motion** by Paradeis Kobiela to approve Permit No. 10-69. **Seconded** by VanAmburg. **Approved.**

Permit No. 10-70, Lowell Seidler. Applicant proposes to install a WRP wetland restoration project in the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$, Section 8, Meadows Township, Wilkin County. Jon Voz, WRP Specialist, DU, submitted the application on Seidler's behalf. The area is adjacent to the Manston Slough Restoration project. **Motion** by VanAmburg to approve Permit No. 10-70. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 10-71, Todd Klein. Applicant proposes to install a WRP wetland restoration project in the E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 7, Meadows Township, Wilkin County. This site is also adjacent to the Manston Slough Restoration project. Jon Voz, WRP Specialist, DU, submitted the application on Klein's behalf. **Motion** by Paradeis Kobiela to approve Permit No. 10-71. **Seconded** by VanAmburg. **Approved.**

Diking Complaint. In 2007, Mike Lewis installed a culvert on the west side of 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. Recently, Erdman removed the existing culvert and constructed a dike on the property line west of culvert's former location without a BRRWD permit. With Board approval, Ellefson sold a used 72" dia. x 22' long Wilkin County Ditch No. 44 culvert to Lewis for \$500. Lewis will install it in the location where Erdman removed the damaged culvert. Ellefson has reviewed Erdman's dike work from T.H. No. 9, and he shared his observations with the other Managers. Ellefson felt that the other Managers should field review Erdman's work and discuss our response at the next meeting. He thought that once Lewis installs his culvert/approach, the Board would be able to access the dike site more easily. **Tabled**, pending Manager field review.

Wetland Ditching Complaint. The owner of the former Odean Ronsberg property has completed some drainage work along 190th 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. Ellefson plans to discuss the work with the neighboring landowner. The DNR and NRCS are also investigating the work.

Norby Diking Complaint. The office has received several calls in the last two weeks regarding Norby's diking work along the Buffalo River in Section 22, Kragnes Township, Clay County. Ellefson thought the Board should field review the site to determine if there has been a Rule violation. Last year, the Board denied Norby's permit applications for this work because he is altering the river floodplain. VanAmburg will try to conduct a field review tomorrow. Jones noted that there is existing LiDAR data showing the original riverbank configuration/elevations. The Board discussed obtaining a cease and desist order to halt Norby's project. VanAmburg plans to contact Norby by phone prior to making the field visit. If needed, the Clay County Sheriff's Department could be asked to assist with the review/order.

Jim Ness Red River Erosion. Ness has asked the BRRWD for assistance regarding the severe riverbank slides on his farmstead in Section 31, Holy Cross Township, Clay County. At this time, his house is on stable ground, but he has two grain bins that are in jeopardy. The Board reviewed photographs of the slide areas, taken by Albright on 7/20/10, and discussed possible solutions. The problem is getting worse. Ness is not interested in a buyout at this time.

Runck Culvert Closure. Albright reported that Clayton Runck blocked a culvert in Section 27, Skree Township, Clay County, along 110th AVE S on 7/14/10. Phil Seefeldt, DNR CO, reported the violation, and Runck reopened it the same day. Pictures of the blocked culvert were reviewed.

Project No. 65, County Line Outlet. The Board has put this project on hold until Project No. 50, Cromwell Township Project, is completed. The Board discussed MNDOT's decision not to allow the BRRWD to use their Interstate-94 (I-94) road ditch as a project outlet. VanAmburg suggested that perhaps the BRRWD and MNDOT should have a separate meeting to discuss our concern about using the I-94 ditch as an outlet, especially since they are getting the water anyway. Ellefson felt that MNDOT should understand that their ditches need to carry water when I-94 intersects the entire BRRWD.

Project No. 64, LaBelle/Boyer Lakes Outlet. Jones reported that both outlets are currently fully operational, and the Boyer Lake outlet is flowing at approximately 20 cubic feet/second (cfs). LaBelle Lake was slightly below the Ordinary High Water (OHW) elevation, so Opsahl installed stoplogs in the outlet structure to raise the lake elevation slightly.

H.E prepared Pay Request No. 2 for \$133, 912.95 for American Enterprises, Inc. with 5% retainage and Change Order No. 1 for \$56,975.00, which primarily covers the T.H. No. 10 boring rather than open cutting the ditch. **Motion** by VanAmburg to approve Pay Request No. 2 and Change Order No. 1. **Seconded** by Nelson. **Approved.**

The Board discussed the Sheldon and Carolyn Johnson easement acquisition progress. Last week, Carolyn Johnson advised Albright that all paperwork regarding their easement must be reviewed by their attorney, Zenas Baer. The office sent a letter with copies of the easement to Baer and the Johnsons on 7/23/10. To date, Baer has not responded. Ellefson suggested that we refer this issue to our attorney, Tami Norgard, Vogel Law Firm. **Motion** by Nelson to contact Norgard, as referenced. **Seconded** by VanAmburg. **Approved.**

Project No. 61, Clay County Ditch No. 11 N-Improvement. The Board reviewed photographs of the slide area near John Leseth's farmstead in the NW¹/₄, Section 32, Kurtz Township. Leseth has recently sold the building site. The Board briefly discussed using Styrofoam blocks to help stabilize the ditch bank. **Motion** by VanAmburg to authorize H.E. to provide a design and cost estimate to repair the slide. **Seconded** by Paradeis Kobiela. **Approved.**

The office forwarded an invoice to Leseth on 7/23/10 for the costs associated with his private driveway entrance. Leseth's share was 1/6 of the project costs, or \$10,808.33.

Project No. 56, Manston Slough Restoration. The office completed processing twenty-two easement options and mailed them to the project landowners on 7/22/10. Loren and Rita Woolson were in the office on Friday to sign their easement option. Once all the landowners have signed their options, the Board will schedule the Final Hearing. The Board would like to get construction started on this project yet this fall.

Project No. 50, Cromwell Township Highwater Investigation. Appraisers will meet tomorrow to hopefully finish their work on this project and the redetermination of benefits for Project No. 32. Opsahl is preparing the Appraisers' Report. Once the Appraisers file their report, the Board can schedule the hearings. Albright thought both reports should be filed at the 8/09/10 meeting. Jones will check tomorrow with USFWS/NRCS regarding the status of our wetland permits. Kenny Wouters, who owns property in the proposed project area, sent the BRRWD a letter protesting the project. Albright forwarded the project plans to Wouters with a letter discussing his concerns. The office sent the DNR a request for 50% Flood Damage Reduction (FDR) funding for the project. Pat Lynch, Financial Coordinator, DNR Waters, has indicated that if the "locals" (BRRWD) weren't interested in contributing money to the project, the DNR wouldn't be interested in the project either. The Board discussed contributing 25% of the project costs, as they have done with other outlet projects, but wanted to wait to see what the Appraisers find in benefits before they make a decision. The Appraisers feel that without BRRWD/DNR funding assistance, it may not be feasible for benefited parties. Albright said the BRRWD has about \$2.3 million in local taxation that can be used for these types of projects. Clay County has expressed concerns about petitioning for more funds if it is just going in the bank.

Jones noted there is some discrepancy in the property boundary lines in the project area. The Board discussed possible protection benefits for the City of Hawley because if the affected wetlands raise another 3', the water could flow into the City limits. Albright will note this concern to the Appraisers.

Project No. 49, Oakport Flood Mitigation. Two of the three contractors are working. Riley Brothers, Inc., should be finishing up Phase 1B in the next few days (weather permitting). Albright noted that a construction meeting has been scheduled for 7/30/10 at 10:30 AM, Vogel Law Firm, Moorhead. The Makela buyout/Streifel house sale will also be completed on Friday, which should leave just one more property to buyout (Anda).

The archeological investigation found no sites of any value. Albright mailed the results to Leo Grabowski, Army Corps of Engineers (COE), noting that with this issue resolved, we assume work can begin on non-wetland areas on Phases 1A and 3B. The letter also urged Grabowski to expedite the wetland permitting, as our contractor is ready to work in all areas.

Project No. 39, Georgetown Levee. Rick St. Germain, H.E., plans to have the project design ready for the Board's review by the 8/09/10 meeting.

Project No. 38, Farmstead Ringdikes. H.E. opened bids for two Environmental Quality Incentives Program (EQIP) projects on 7/01/10. William Ziegler Excavation was the low bidder for the Curt Stubstad dike, and Mattson Excavating will build Bryan Nelson's ringdike. **Motion** by Nelson to authorize Ellefson to sign the contracts for the referenced ringdikes. **Seconded** by Paradeis Kobiela. **Approved.** We also have six potential non-EQIP dikes under development. Robert Meyer has been added to the ringdike application list. Meyer lives along the Red River of the North in Section 18, Oakport Township, Clay County. Ellefson said he talked with Dan Berg, Section 20, Barnesville Township, at the Clay County Fair. Berg attended the 4/12/10 BRRWD meeting to discuss his flooding concerns along Whisky Creek. To date, no one from H.E. has met with him to discuss his options. Jones will remind Opsahl.

The Board discussed proposed modifications for Blayne Tonsfeldt's ringdike in Sections 30 and 31, Alliance Township, Clay County. Jones explained that the work will include replacing the existing culvert flapgates with new screw type gates, which have a better seal. The project will also remove two culverts that are not needed. The estimated cost of the project is \$7,144, which includes three parties (Blayne Tonsfeldt, Don Ullrich, and Becker Tonsfeldt). Tonsfeldt asked if the BRRWD would split the costs 50/50. **Motion** by Nelson to split the cost of the referenced repair work as requested with costs not to exceed the estimate. **Seconded** by Paradeis Kobiela. **Approved.**

Project No. 37, Clay County Ditch No. 41-Lat. No. 1. The Church of the Nazarene recently contacted the office regarding their 15th AVE N crossing on County Ditch No. 41. The Board had offered to assist the Church with the bidding process for their new culverts. **Motion** by Paradeis Kobiela to authorize H.E. to prepare bid documents and schedule the bid opening for 8/23/10. **Seconded** by VanAmburg. **Approved.** The Church has learned that MNDOT has offered \$80,000 for removal of their current access of T.H. No. 75, which will be applied to the new crossing costs.

Project No. 32, Hawley EDA. A meeting is scheduled for 7/29/10 at 7:00 PM in our Barnesville office with all affected parties regarding the deteriorated 60" dia. corrugated pipe. The Board discussed the negotiation process. A meeting has also been scheduled to discuss the Buffalo River Restoration project on 7/28/10 in Hawley at 4:00 PM.

Project No. 29, Buffalo River Logjams. Jones suggested that the contractors could start on the South Branch of the Buffalo River because the sites are closer together and will be easier to access, so there will be cost savings on mobilization. The contractors prefer to wait until the grain harvest has been completed before burning the debris. The contractors will also contact the landowners to obtain permission to access their property/sites. The project is being partially funded by the NRCS through their Emergency Watershed Protection (EWP) program, and the funding needs to be spent by 9/10/10. Due to the highwater/flooding, Albright will check on a possible time extension.

Mediation Project Team (PT). The next PT meeting is scheduled for Thursday, August 19, 2010, at 7:00 PM at the MSUM Science Center, Glyndon. The office will mail notices. The Fall Tour has been scheduled for 9/23/10.

Red River Basin Commission (RRBC)-Long Term Flood Solutions (LTFS). The Board authorized H.E. to investigate potential retention sites in the BRRWD in association with the LTFS. Jones is working on the modeling. He expects to be finished with the study by the end of August. Charlie Anderson, JOR Engineering, is anxious to get the results, so they can be factored into the Red River modeling.

Ken Hodnefield NRCS Buyout. The Hodnefield house purchase was completed on 7/22/10. The office has submitted a pay request on 7/23/10 to NRCS for reimbursement. Bids for demolition of the house will be opened at the 8/09/10 meeting. This is another NRCS EWP project, and must be completed by 9/10/10.

Minnesota Pollution Control Agency (MPCA) Social Indicators Survey. Alec Albright mailed over 1,100 survey notification letters to the survey recipients last week. He mailed the actual survey today. Reimbursement for mailing costs listed on tonight's bill list should come from the Minnesota Water Resource Center.

Clay County Ditch No. 49 Structure Replacements. The Board discussed the structure replacement issue. The Board adopted an Order to replace the culverts in 2002, but delayed the work until a redetermination of benefits could be completed (3/22/10). Now that the redetermination is done, the landowners are anxious for the Board to move forward with the structure work. **Motion** by VanAmburg to authorize H.E. to prepare bids and coordinate the work with the Clay County Highway Department and the affected Townships. **Seconded** by Paradeis Kobiela. **Approved.**

2011 Budget Hearing. The Board discussed scheduling the 2011 Budget Hearing. The office will send notices to the newspapers for publication. **Motion** by Nelson to schedule the budget hearing for 8/23/10 at 9:00 PM and to authorize Ellefson to sign the hearing notice. **Seconded** by Paradeis Kobiela. **Approved.**

RWMP. Albright reported that the City of Hawley has filed an appeal with the Minnesota Board of Water and Soil Resources (BWSR) regarding their order to adopt the Plan. Attorney Zenas Baer has agreed to pursue this appeal pro bono. BWSR approved the Plan on 6/23/10. During the appeal proceedings, which could take up to a year to complete, the BRRWD may be ineligible for BWSR Grants. The Board directed Albright to discuss this development with Attorney Norgard.

Manager Appointment. The Wilkin County Commissioners reappointed Manager Ellefson for a three-year term, beginning 9/01/10.

Buffalo River Total Maximum Daily Load (TMDL) Project. Jones forwarded the semi-annual report and task summary to MPCA with a pay request for \$29,144.07 for the CFMS Contract. Work is underway in drafting the Phase II plan/budget.

2010 Ditch Spraying. Opsahl has prepared ditch spraying maps for trees and cattails for the Board's review. **Motion** by Nelson to authorize Opsahl to proceed with the spraying. **Seconded** by Paradeis Kobiela. **Approved.**

River Watch. Sheila Carlson has submitted a request for permission to take additional samples to investigate high e. coli rates sampled at the Campground site on Whisky Creek. The additional sampling will cost \$52.00. **Motion** by VanAmburg to approve Carlson's request. **Seconded** by Paradeis Kobiela. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
American Enterprises, Inc.	Pay Request No. 2	Pj. 64, LaBelle/Boyer	\$ 133,912.95
Arvid Thompson	#1017, 1/01/10-7/26/10 appraisals	Varies	\$ 360.00
Barnesville Phone Co.	7/25/10 billings (2)	Admin	\$ 166.82
Bruce E. Albright	Jesse Swanson Closing	Pj. 49, Oakport	\$ 17.69
Bruce E. Albright	Postage, SIS letter mailing	Buffalo River TMDL	\$ 290.96
Bruce E. Albright	Postage, SIS mailing	Buffalo River TMDL	\$ 193.80

Bruce E. Albright	Postage, SIS mailing	Buffalo River TMDL	\$ 285.08
Bruce E. Albright	Reimburse-11 rolls stamps-SIS	Buffalo River TMDL	\$ 484.00
Bruce E. Albright	Reimburse-Appraisers' dinner	Pj. Nos. 32/50	\$ 41.00
CRO's Custom Services	Bufferstrip seeding #1237	Hay Creek CWL	\$ 10,569.34
Eddie Bernhardson	#1016, 1/01/10-7/26/10 appraisals	Varies	\$ 572.50
Guy Thomas	Easement	Pj. 49, Oakport	\$ 2,385.00
ICS Agency, Inc.	#39066, commercial package	Admin	\$ 10,038.00
ICS Agency, Inc.	Bond renewal	Admin	\$ 208.00
J&J Braton Properties, LLC	August office rent	Admin	\$ 540.00
Joel Carlson	August Lobbyist fees	Admin	\$ 850.00
Lauren Peterson	#1018, 1/01/10-7/26/10 appraisals	Varies	\$ 537.50
Liberty Business Systems	#ARIN021463, toner	Admin	\$ 10.69
Moorhead Public Service	6/03/10-7/07/10 service (5)	Pj. 49, Oakport	\$ 153.99
MSUM	Archaeological survey	Pj. 49, Oakport	\$ 3,240.00
Northern Technologies	#4181, 5/03/10-7/03/10	Pj. 49, Oakport	\$ 37,282.44
Quill	#6693534, printer drum/misc.	Admin	\$ 323.37
Red River Valley Coop	6/11/10-7/10/10 service (6)	Pj. 49, Oakport	\$ 268.59
Riley Bros. Const., Inc.	Pay Request No. 6, Phase 1B	Pj. 49, Oakport	\$ 517,127.94
Riley Bros. Const., Inc.	Pay Request No. 6, Phase 2	Pj. 49, Oakport	\$ 158,374.50
RMB Environmental Lab	#118014, BRIWM-S	Buffalo River TMDL	\$ 436.50
RMB Environmental Lab	#123788, BRIWM-S	Buffalo River TMDL	\$ 148.00
RMB Environmental Lab	#126090, BRIWM-S	Buffalo River TMDL	\$ 672.00
RMB Environmental Lab	#126106, BRIWM-S	Buffalo River TMDL	\$ 376.50
RMB Environmental Lab	#126588, BRIWM-S	Buffalo River TMDL	\$ 39.00
RMB Environmental Lab	#126663, River Watch	Buffalo River TMDL	\$ 26.00
RMB Environmental Lab	#127155, BRIWM-S	Buffalo River TMDL	\$ 47.50
RMB Environmental Lab	#128479, BRIWM-S	Buffalo River TMDL	\$ 209.00
RMB Environmental Lab	#128798, River Watch	Buffalo River TMDL	\$ 26.00
RMB Environmental Lab	#129015, BRIWM-S	Buffalo River TMDL	\$ 48.00
RMB Environmental Lab	2010 SWAG Lakes Monitoring	Buffalo River TMDL	\$ 1,811.00
RRWMB	BRIWM, sampling/data thru 6/30/10	Buffalo River TMDL	\$ 13,282.85
TDS MetroCom	7/13/10 long distance billing	Admin	\$ 23.00
Tim Fischer	Trees	Pj. 49, Oakport	\$ 1,300.00
TRN Abstract & Title F-M	#6192637, Abstract update (Makela)	Pj. 49, Oakport	\$ 140.00
TRN Abstract & Title F-M	#6192723, title commitment	Hodnefield EWP	\$ 150.00
UEI	June billings (4)	Pj. 49, Oakport	\$ 122,740.00
Wm. Nichol Excavating, Inc.	#50, FEMA work, beaver dam	Varies	\$ 6,875.50
Woolson Family Rev. Trust	Easement Option	Pj. 56, Manston	\$ 100.00
			\$ 1,026,685.01

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

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, August 9, 2010, in the Barnesville office at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 12:10 AM.

Respectfully submitted,

John E. Hanson, Secretary