The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, March 14, 2011, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Gerald L. VanAmburg, John E. Hanson, 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.); Chuck Fritz, Executive Director, International Water Institute (IWI); and landowners: Lynn Brakke, Tony Karppinen, and Evelyn Karppinen.

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

**Secretary's Report.** The Board reviewed draft minutes for the 1/10/11 annual meeting and the 2/28/11 regular meeting. **Motion** by Hanson 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, and the accounts receivable report. We currently have $2,329,141.82 cash on hand. Since the last meeting, we received 11,022.13. Curtis Lynde bought the Duane Egge property (Oakport) for $1,500. We received $1,921.00 for Hay Creek/Stinking Lake Clean Water Legacy (CWL) cost share from the United Stated Department of Agriculture (USDA), $1,467.75 from the Red River Watershed Management Board (RRWMB) as reimbursement for our January Mediation Project Team (PT) expenses, and $6,865.30 reimbursement for Hay Creek/Stinking Lake CWL program. The balance of the income was from various refund checks we received for Oakport utility payments. Albright noted that we withdrew a small amount of money from our Midwest Bank account and deposited it into our Wells Fargo Savings account to keep the Midwest balance under the FDIC insured and pledged amount ($750,000). **Motion** by Ellefson to approve the Treasurer's Report. **Seconded** by Paradeis Kobiela. **Approved.**

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

**Karppinen Ringdike.** Tony and Evelyn Karppinen discussed a letter they received from Erik Jones, H.E., requesting information about the timber portion of their proposed private ringdike. Tony Karppinen noted that he responded to the letter and asked about the status of their ringdike project. Jones explained that he forwarded the information to the DNR to help them determine their cost share on the timber portion of the dike. Albright discussed 2011 state funding opportunities. The Legislature is looking for "ready to build" sites. We'll have to see if there is general fund money appropriated. He noted that the Karppinen's dike is on the top of our list of projects.

Karppinen explained that he has recently met with a real estate agent, who advised him that it would be very difficult to sell his property because of their high water/flooding problems. He indicated that if the ringdike project proves to be too expensive, they might be interested in a buyout. Albright discussed the State and Federal sources for buyout funding. He also discussed the Federal Emergency Management Agency (FEMA) buyout criteria. Albright suggested that we'll have to get through the spring flood first, and then discuss our options. He mentioned that the buyout process takes time, and referenced a home buyout east of Barnesville on Trunk Highway (T.H.) No. 34, which has taken nearly three years to develop.
The BRRWD was able to provide buyout out funding for this property through the Department of Trade and Economic Development (DEED). VanAmburg pointed that funding availability is dependent on what happens with the State financial status. Albright recommended that the Karppinens contact Tim Magnusson, Clay County Planning & Zoning, and Clay County Commissioner Jon Evert regarding county buyout assistance.

Evelyn Karppinen asked what the BRRWD's policy is regarding opening ditches in the spring during runoff. Albright explained that the BRRWD will open ditches with backhoes only if farmsteads/private property are jeopardized. The cost for the work is charged to the ditch system with possible FEMA reimbursement if there is a federal disaster declaration. He added that the Board is aware that there are some downstream residents with concerns, but Albright stressed that the BRRWD doesn't open ditches to protect cropland during the spring flood. Tony Karppinen related an incident where the BRRWD opened a ditch and it affected their property. The group discussed early/middle/late tributary contributions to the Buffalo River/Red River. Evelyn Karppinen noted that sometimes ice jams under the railroad bridge near T.H. No. 52 can back water onto their property. Albright advised them to call the BRRWD if this situation develops, and we could contact Otter Tail Valley Railroad on their behalf. Evelyn Karppinen commented that they have been in the process of developing their ringdike project since 2006, which she felt was too long. VanAmburg said that the Board hoped that the DNR would approve their proposal and the Legislature allocates funding so we could build their dike this year.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1). Lynn Brakke, who serves on the J.D. 1 Ditch Committee with Carl Nord and Paul Anderson, asked the Board to consider opening the ditch before the spring melt. Albright discussed downstream concerns and the Board policy regarding ditch opening. Brakke explained that the Comstock Coulee and the north/south ditches open up quicker than the east/west ones. Water pools when it reaches the Brakke, Tonsfeldt, Rehder, and Evert farmsteads, and a number of ringdikes are also threatened. The landowners would like the Board to consider opening up the east/west channel of J.D. 1 prior to the crest on Wolverton Creek/Comstock Coulee to get the water out of the system before the flood. He suggested that the ditch could be opened up to where the north/south branch enters J.D. 1. The Board discussed implementing this proposal on a trial basis. Starting at the outlet, a contractor could use a small bulldozer to cut a shallow channel down the middle of the ditch. The group agreed that the work would have to be done this week if it were to have any impact on area runoff. Motion by Hanson to hire a contractor to attempt to open J.D. 1 on a trial basis, starting at the outlet and moving upstream for about 3 miles. Seconded by Ellefson. Approved. Albright will contact Wade S. Opsahl, Technician, H.E., to hire a contractor to do the work this week.

Permit No. 11-03, Tom & Sue Jacobs. Applicant proposes to create an embankment for a new house and to create a pond in the excavation area near the Red River of the North in the SW¼, Section 17, Wolverton Township, Wilkin County. Albright noted that Jacobs would like to meet with the Managers regarding this proposal. The Board is concerned about the close proximity of the new house to the Red River. Jones has recommended that the landowners consider building back further from the river. Tabled, pending Manager field review.

Permit No. 11-10, Clay County Highway Department. Applicant proposes to replace an existing bridge over the Buffalo River on County State Aid Highway (CSAH) No. 19, north of Glyndon in Section 35, Moland Township, with a wider bridge and 6:1 slopes. The old bridge has a waterway area of 660 square feet (sq. ft.) and the new bridge has 1,840 sq. ft. of waterway area. The project will include grading and aggregate resurfacing on CSAH No. 19. Jones reviewed the proposal and recommended permit approval. Motion by Nelson to approve Permit No. 11-10. Seconded by Paradeis Kobiela. Approved.

Permit No. 11-12, Mark Kasin. Applicant proposes to install an approach/24” dia. culvert off CSAH No. 31 to access his new house in the NE¼, Section 26, Hawley Township, Clay County. Motion by Ellefson
to approve Permit No. 11-12, subject to County approval to work within their road right-of-way (r-o-w) and 
Manager field review. Seconded by Nelson. Approved.

Permit No. 11-13, Robert J. Schulze. Applicant proposes to install a 15" dia. culvert in a dry approach 
off County Road (C.R.) No. 25 to convey winter drainage from the upstream Kelly Nichol Wetlands 
Reserve Program (WRP) project in the southwest corner of Section 21, Humboldt Township, Clay County. Albright emailed Kevin Kassenborg, Clay Soil and Water Conservation District (SWCD), to request a ditch 
survey from the Galaxie Supper Club corner south to Whisky Creek. Schulze feels that this ditch needs to 
be cleaned to drain water away from his property on the north side of T.H. No. 34. The requested culvert 
would act as an overflow pipe to take water north sooner when water gets high so that it doesn't flood his 
garage/house. Albright pointed out that the water historically drained south to Whiskey Creek from this 
corner. A neighboring landowner along C.R. No. 25 visited with Albright about the proposal this morning. 
He felt the work would be acceptable as long as the culvert is installed only as an overflow pipe. None of 
the downstream landowners (north) would support a culvert installed on the ditch bottom. Tabled, pending 
the completion of the SWCD ditch survey.

Permit No. 11-14, Gerald Zimmerman. Applicant proposes to install pattern tiling in the NE¼, Section 
32, Morken Township, to outlet to Clay County Ditch No. 39. Motion by Hanson to approve Permit No. 
11-14, subject to the BRRWD's standard tiling disclaimer. Seconded by Paradeis Kobiela. Approved. 
The Board discussed the idea of using gated tile projects to retain water during flooding events or dry 
periods.

Section 27, Skree Township, Clay County. The Board briefly discussed the outcome of the 3/08/11 
agency meeting regarding Clayton, Craig, and Brandon Runck's wetland draining activities in Skree 
Township. The meeting included personnel from several environmental and government agencies. At that 
meeting, Phil Seefeldt, Conservation Officer, Minnesota Department of Natural Resources (DNR), advised 
the Runcks that until the Natural Resources Conservation Service (NRCS) has completed their review of 
their wetland violations, the DNR's Cease and Desist Order is still in effect, and no work of any kind can 
take place in this location. Albright noted that Clayton Runck has already called the office several times 
with questions about his proposed drainage activities.

Kenneth Johnson Concerns. The Clay County Board of Commissioners forwarded a letter to the 
BRRWD from Johnson regarding an array of culvert/road/drainage issues that he presented to the 
Commissioners at their 2/22/11 meeting. The Commissioners felt that the BRRWD might be interested in 
some of the items Johnson brought up regarding culvert sizing and water retention.

Project No. 69, Lake Alfred. Jones said H.E. is waiting for the snow to melt before gathering more 
survey information. The DNR has been asked to provide Ordinary High Water (OHW) elevations for the 
area.

Project No. 68, Lake Jacobs Outlet. Jones needs to send information regarding the outlet route to Doug 
Wells, United States Fish and Wildlife Service (USFWS), regarding access to their area easements. Albright reported that the Lake Annie area landowners have decided to route their water southeast and not 
petition into the BRRWD. The drainage route for Grena Lake will go through Gandrud Lake.

Project No. 67, HRBP Outlet. Jones reported that Justin Johnson, Technician, H.E., stopped the project 
on 3/04/11. Pete Lake is still running into Grove Lake to lower the system prior to the spring runoff. The 
contractor had also requested that we continue to operate the Pete Lake outlet for a few more days so he 
can complete some culvert repairs on the outlet. Ellefson noted that Dennis Carlblom, Scambler Township 
Supervisor, thanked the BRRWD for our prompt completion of the outlet project. Albright reported that
the road by Randy Arntson's farmstead is in poor condition. The Board felt that it should be repaired to keep it open this spring.

**Project No. 66, Tansem/Ranum Lakes Outlet.** Albright reported that the Hersch buyout is still pending. Wynne Consulting has hired RM Hoefs and Associates, Inc., Fargo, ND, to do the Hersch appraisal. Hoefs had concerns regarding the appraisal contract; however, the appraisal contract has now been signed.

At the recent Minnesota Department of Transportation (MNDOT) annual meeting last week in Detroit Lakes, Albright reported that MNDOT asked about information regarding any new BRRWD outlet projects/studies that could affect MNDOT trunk highways. Albright sent information to Bridget Miller, MNDOT, regarding Lake Annie, Ranum/Tansem Lakes, and another area east of Barnesville (Abe Barrera) where water is affecting T.H. Nos. 10 and 34. Because of the terrain, a BRRWD outlet project for the Barrera area would be difficult.

**Project No. 65, County Line Outlet.** The DNR determined that the OHW elevation for the area wetlands is 1105.3. H.E. has completed their elevation survey for the USFWS wetland easement/Waterfowl Protection Area (WPA). Jones sent the information to Doug Wells, USFWS. The Board briefly discussed the survey results. Currently, the wetland is 0.5’ higher than the natural runout, so it will drain out naturally this spring. The survey showed that the wetland is about 10’ deep. The BRRWD plans to lower the wetland to the OHW or about 4.5’. Jones noted that there is enough grade for the USFWS to attain their goal of draining the wetland almost completely dry.

Albright noted that he spent some time today discussing USFWS wetland policies with Scott Kahan, USFWS. The Board discussed project options and the USFWS plans for the wetland/WPA. Albright noted that we will have to compare costs of the different drawdown elevations/plans and set up another meeting with USFWS to discuss our options. In light of area landowner concerns, the Board would like to coordinate with the USFWS to expedite project construction this year.

**Project No. 64, LaBelle/Boyer Lakes Outlet.** The project outlet is stopped, and the water levels are staying down. Jones provided a letter regarding his recommendations for replacing the texas crossing with culverts on Loren Jetvig's property. The cost estimate is approximately $7,000-$8,000. Albright will mail Jetvig a copy of the letter and ask him to contact us with his thoughts. Albright and Manager Hanson will schedule a meeting with Jetvig. Jones also calculated the flowage easement value along the outlet channel alignment (Little Boyer to LaBelle Lake) on Jetvig's property, estimated at $541.78. To date, H.E. has not provided information regarding crop damages that occurred during last summer's construction. Jones will contact Opsahl.

**Project No. 63, Grove Lake Outlet.** As noted earlier, Johnson stopped the project on 3/11/11. Incoming flows from Pete Lake will be monitored. A landowner on Grove Lake welcomed the incoming water, which might help prevent a winter fish kill.

**Project No. 56, Manston Slough Restoration.** State Representative Morrie Lanning introduced a bonding bill for BRRWD 2011 project funding today that Albright helped draft. It includes $637,376 for Manston Slough Restoration project, which reflects the additional state funding needed to make up the 75% state share of the project costs as specified in the Mediation Agreement for natural resource enhancement (nre) features. The Board will meet with Representative Lanning at the upcoming Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast and Day at the Capitol in St. Paul next week.

The DNR has asked the BRRWD to provide justification for our request for increased project funding based on increased nre project costs ($740,000). The Board feels that there are more nre benefits provided
by the project than flood damage reduction (fdr) benefits. Jones and the project engineer, Rick St. Germain, Engineer, H.E., are working on a breakdown of the nre and fdr costs for the DNR's review.

Jones reported that Mike Abel told him he was ready to sign his project easement option. The group discussed our progress on easement acquisition.

**Project No. 50, Cromwell Township Highwater Investigation.** Albright and Manager Ellefson discussed their contacts with Kenny Wouters regarding his easement acquisition. Wouters told Ellefson that the BRRWD would have his response on 4/01/11. The Board discussed the condemnation process and possibly authorizing Attorney Norgard to start the process now to expedite the proceeding if necessary after 4/01/11. Norgard has indicated that because of the emergency nature of project, the Court might allow us to enter the Wouters property during the condemnation to finish the project. The Board agreed to wait for Wouter's letter on 4/01/11 before taking any further action. Albright noted that Cromwell Township asked for clarification regarding the BRRWD's plan to share their repair costs for "cemetery road". The Board stated that we have no plans to contribute to those costs. The Township will have to work with FEMA to repair their road once it is dewatered.

Jones has forwarded the project Operation and Maintenance (O&M) and the Memorandum of Understanding (MOU) to Scott Kahan, USFWS, for his comment regarding the final wetland elevations. When Kahan responds, we will schedule another meeting with him regarding this issue.

**Project No. 49, Oakport Flood Mitigation.** Albright noted that Oakport funding ($8.7 million) to finish the project was included in Representative Lanning's bonding bill. Pat Lynch, Financial Coordinator, DNR Waters, notified Albright that he has prepared the grant contract for the $1.7 million we need to finish the existing contracts, but Kent Lokkesmoe, DNR Waters, asked him to delay sending the agreement to us until he visits with Albright at tomorrow's Red River Basin Commission (RRBC) Annual Conference in Moorhead.

Oakport Township wants the additional funding to finish the Wall Street work so that the road would only have to be closed for one summer (2011) instead of two (2012) years. Attorney Norgard has closed on two more easements with only three easements left to acquire. The last parcel of land was acquired from VanRaden for the Phase 4 stormwater pond. Chuck Anderson will have the appraisal done this week for the Dresser property, and condemnation proceedings will begin next week.

The Army Corps of Engineers (COE) will be in Moorhead tomorrow. According to the COE, they have specific activities they will perform pre-flood (advanced measures) and certain work that they can only do during the flood event (Wall ST closure). For example, they will build dikes near Brentwood before the flood starts, but they won't raise Wall Street until the flood waters are near 34'. The COE plans to start some of pre-flood work later this week.

Opsahl has completed the Appraisers' Report corrections. He worked with Clay County to correct a number of assessment errors. The BRRWD will need to make a payment to the County, and three landowners will be receiving refunds from the BRRWD. The payments are on tonight's bill list.

**Project No. 46, Turtle Lake Outlet.** Albright reported that Long Lake has reached the amended DNR OHW elevation, and the siphon was stopped on 3/11/11. There is now 3' of elevation difference between Long Lake and Turtle Lake. We plan to continue to operate the Turtle Lake siphon during the spring runoff to give Turtle Lake a chance to catch up with Long Lake.
Project No. 39, Georgetown Levee Improvement. Albright opened and read the appraisal bid results. The work must be finished by 5/15/11, subject to weather/flooding conditions. ARC Appraisals, Barnesville, MN, was the apparent low bidder.

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<td>RM Hoefs &amp; Associates, Inc., Fargo, ND</td>
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Motion by Nelson to hire ARC Appraisals for the noted fee with the understanding that the work would be completed by 5/15/11. Seconded by Paradeis Kobiela. Approved. Albright will contact Chuck Anderson.

The office forwarded a pay request for approximately $22,000 the DNR. The new DNR grant amendment expires on 12/31/12.

Project No. 38, Farmstead Ringdike Program. The office is working on the final 2010 ringdike billings.

Project No. 32, Hawley EDA Diversion. Albright sent the cost share agreement and a letter to the affected parties regarding the 60" dia. reinforced concrete pipe (RCP) repairs on 2/17/11. The City of Hawley, the BRRWD, and Houston Engineering, Inc., signed the agreement. Joe Kelly, Sales Representative, Hancock Concrete Products Company, Inc., was on vacation and hasn't had a chance to respond. However, this afternoon, we received a letter from Sellin Brothers, Inc., indicating that they are not interested in sharing the culvert repair costs. Albright explained that since Sellin Brothers won't participate, the agreement might have to be dropped. The Board discussed this development and the fate of a cost share agreement. Albright will work with the City of Hawley to obtain a temporary easement from Dean Whaley to work on his property to do the culvert repairs. The Board reviewed a map showing the r-o-w needed for the project.

Project No. 29, Buffalo River Log Jam Removal. William Nichols Excavating, Inc. submitted a bill for a log jam removal near Duane Brendemuhl's property in Section 15, Kragnes Township. Nichols is also working on a log jam at the texas crossing in Georgetown.

Project No. 1, Wilkin County Ditch No. 22. James Briks has requested a number of inlet culverts on Lateral No. 1 to address erosion/flooding problems.

Mediation PT. The next PT meeting is tentatively scheduled for Thursday, April 28, 2011, at 7:30 PM, MSUM Science Center. Albright noted that an informational meeting with the landowners involved with the proposed setback levees for South Branch of the Buffalo River project could be scheduled. He also noted that the Board had also planned to contact landowners involved with a possible retention area east of T.H. No. 9. However, due to the heavy workload, other ongoing projects, and the potential spring flood, this work may have to be delayed.

COE Metro Flood Study. The next Task Force meeting will tentatively be held on 3/30/11 with all the participants.
MAWD Legislative Breakfast. MAWD has scheduled their annual Legislative Breakfast and Day at the Capital on 3/23-3/24/11 in St. Paul. All Managers and Albright plan to attend.

Clay County Ditch No. 36, 40, 60 Redetermination of Benefits. The redetermination of benefits hearings will be held on 3/22/11 at the Comstock Community Center at 8:00 PM. Notices have been sent to the affected landowners. Albright will meet with the Appraisers on 3/21/11 to prepare for the hearing. A continuation hearing will be scheduled in advance to address any questions/concerns that might be raised at the hearing.

BRRWD Advisory Committee Annual Meeting. The BRRWD has scheduled their Advisory Committee meeting for 3/18/11 at 2:00 PM in the Galaxie Supper Club. Notices have been sent. Paradeis Kobiela noted that she will not be able to attend.

Becker County Ditch No. 5. A hearing regarding the USFWS structure for the wetland restoration upstream of the Amer Froysland/Todd Branden Dam has been tentatively scheduled for early April in the Audubon Community Center. The notices will be sent in the next few weeks.

Social Indicators Survey (SIS). The survey results are currently being tabulated. Alec Albright sent a request to the Board for guidance regarding what issues the Board would like to review from the survey data. The Board discussed what they might want to learn from the survey. They agreed to review the survey questionnaire and provide input at the next meeting. Albright will also get the raw data for the Board's review.

River Setback Ordinance. Bob Backman, Executive Director, River Keepers, forwarded the Cass County setback ordinance for the Board's review. The Board discussed the ordinance. Albright thought that the Board could consider working with River Keepers on this issue. Ellefson suggested that we could also discuss this issue with the Advisory Board.

Hawley Buffalo River Restoration. Jones sent a request to Braun Intertec Corporation for a scope of work and fees to do a preliminary geotechnical investigation for the potential restoration project on the Buffalo River through Hawley. To date, they have not responded. The soil work is needed to access possible levee improvements north of T.H. No. 10.

New Office. Margaret Follingstad, Architect, YHR Partners, is working on floor plans for the new office. She forwarded a draft concept picture for the Board's review.

13th Annual Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) Conference will be held on March 15-16, 2011, Courtyard by Marriott, Moorhead. All Managers are registered to attend.

International Water Institute (IWI). The IWI has requested the BRRWD provide funding assistance for the 16th Annual River Watch Forum on 3/17/11 in Crookston. Motion by Hanson to contribute $200 to the Forum. Seconded by Paradeis Kobiela. Approved.

Thank You Note. The Board received a Thank You note from the family of retired BRRWD Manager E. Robert Olson for the bouquet of flowers at his funeral.

Clay County Ditch No. 10. Albright attended a Kragnes Township meeting last week. He was informed that for the past several years, County Ditch No. 10 has been breaking out to the north and overtopping the township road (130th AVE N between Sections 11 and 14). In 1997, water from the ditch broke out and overtopped the township road about 1.5 miles east of the ditch outlet. The Township never adequately repaired the road, and the water from the ditch is flooding Wally Thomas' farmland and Bill Pale's residence during spring events. Dale has been working with Opsahl to construct a farmstead a ringdike, which he wouldn't need if the ditch breakouts were addressed. Albright explained that the Township has agreed to monitor the road/ditch this spring and then possibly restore the road to its original elevation this summer.

River Watch. Sheila Carlson, River Watch Educator, forwarded their Quarterly Report for the Board's review.

2011 Lakes and Rivers Conference. The Minnesota Waters organization will hold their 2011 Lakes and River Conference on April 27-29, 2011, at the River's Edge Convention Center in St. Cloud, MN. The registration fee is $170, and the Early Bird discount deadline is 3/31/11.

Water Assessment Summit 2011. Albright reported that last weekend, he attended the Water Summit sponsored by the Izaak Walton League of America and the Freshwater Society. He gave a presentation regarding rural watershed assessments.

Minnesota Board of Water and Soil Resources (BWSR) Board Opening. BWSR is looking for City, Watershed District, County Commissioners, and Citizen representatives to fill some vacancies on their Board.

Project No. 38, Ringdikes. At the last meeting, the Board approved a permit to Richard Powell for a community dike north of the Oakport Flood Mitigation project in the SE¼, Section 6. One of the landowners who had planned to participate in the project wants to back out because they can't afford their share of the dike costs. Powell contacted the BRRWD for funding assistance for their project. They need about 25% of their project costs ($3,750) to move their project forward. The Board discussed this request and reviewed a map of the proposed project location. The estimated cost for the entire project is about $15,000. Motion by Hanson to contribute 25% of the project costs, not to exceed $3,750, subject to submittal of the final bills and BRRWD review of the completed project. Seconded by Paradeis Kobiela. Approved.

Stream Health and Restoration Workshop. The DNR is holding their 2011 Stream Health workshop on April 18-20, 2011 and August 15-17, 2011 in Fergus Falls. Albright has been asked to make a presentation regarding Minnesota Drainage Law.

The following bills were presented for approval:

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

Next Meeting. The Board of Managers, BRRWD, will hold their next meeting on Monday, March 28, 2011, at 8:00 PM.

Adjournment. Chairman VanAmburg adjourned the meeting at 11:00 PM.

Respectfully submitted,

John E. Hanson, Secretary