

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING

June 13, 2011

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, June 13, 2011, at 8:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. VanAmburg, Roger G. Ellefson, John E. Hanson, Curtis M. Nelson, and Breanna L. Paradeis Kobiela. Others attending included: Bruce E. Albright, BRRWD Administrator, Zach Herrmann, Engineer, and Julie Jerger, Secretary, Houston Engineering, Inc. (H.E.); Kris Carlson, Engineer, Ulteig Engineers, Inc. (UEI); Lyle Rindahl, Central Specialties; Robbie Koopmeiners, Rachel Contracting LLC; Joe Zavoral, R. J. Zavoral & Sons, Inc.; Sheila Carlson and Nate Strand, Barnesville River Watch; and landowner Jim Myers.

Vice Chairperson Paradeis Kobiela called the meeting to order at 8:00 PM. She announced that the proceedings were being recorded to aid in preparation of the minutes. Chairman VanAmburg arrived during the Oakport bid opening.

Project No. 49, Oakport Flood Mitigation, Phase 3C Bid Opening. At 8:01 PM, Albright announced that bidding was closed for Phase 3C of the Oakport Flood Mitigation project, which includes road raises for the Wall ST AVE area. Albright noted that there was an addendum for Phase 3C. The Engineer's estimated project cost was \$1,374,756.00. The project completion date is 9/30/12.

Albright read the bid results.

CONTRACTORS	TOTAL BASE BID
Rachel Contracting LLC St. Michael, MN	\$1,338,332.96
R. J. Zavoral & Sons, Inc. East Grand Forks, MN	\$1,444,436.55
Ceres Environmental, Inc. Brooklyn Park, MN	\$1,589,979.45
Central Specialties, Inc. Alexandria, MN	\$1,757,300.70
Dakota Underground Company Fargo, ND	\$1,803,639.10

UEI will tabulate the bids and provide a contract award recommendation for the 6/27/11 BRRWD meeting. Bids are valid up to 60 days following the bid opening. Carlson reported that UEI plans to close Wall ST starting on 6/27/11 for at least two months to complete the road raises associated with Phase 1A. The Board discussed possible state funding for 2011 construction projects. We will have to wait to see if the State Legislature will approve a 2011 Flood Damage Reduction (FDR) bonding bill. The BRRWD does have enough funding to complete the work currently under contract.

Secretary's Report. The Board reviewed draft minutes for the 5/23/11 regular meeting. **Motion** by Paradeis Kobiela 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. We

currently have \$2,007,830.18 cash on hand. Since the 5/09/11 meeting, we received \$114,175.66, primarily from Otter Tail and Wilkin Counties for their 2011 first half property/ditch taxes, and the Minnesota Pollution Control Agency (MPCA) closed out our 2006 Surface Water Assessment Grant (SWAG) grant (\$12,143.33). The remainder of our income came from rent payments and utility refunds. Albright noted that the office submitted a pay request for Oakport Flood Mitigation general expenses on 5/25/11 to the Minnesota Department of Natural Resources (DNR) for \$177,713.59. Midwest Bank notified the office that they have renewed their security pledges for the BRRWD's savings account. **Motion** by Hanson to approve the Treasurer's Report. **Seconded** by Ellefson. **Approved.**

Other business brought before the Board included:

Barnesville River Watch. River Watch Educator, Sheila Carlson, presented the 2010-2011 invoice for the River Watch water sampling. Carlson explained that because of a number of changes to proposed budget items, last year's costs came in under budget. She explained that taking into account the reimbursement the BRRWD receives from MPCA Buffalo River Intensive Monitoring (BRIM) Grant, last year's costs totaled \$7,761.00.

Carlson also submitted the 2011-2012 River Watch proposal. The total estimated costs for the upcoming sampling season will be \$7,128.29. Reasons for this year's costs being lower included a reduced number of sampling trips and sites, which will lower labor and mileage costs. Albright noted that we also eliminated the macro invertebrates sampling. Carlson introduced Nathan Strand, who is the new Environmental Science Teacher at Barnesville High School. Strand will be taking over the main responsibilities for the River Watch program. Carlson plans to continue with the program, as well, and will assist Strand during the transition period. Albright discussed the services that the River Watch Team provides to the BRRWD. Carlson noted that the Hawley High School River Watch program has started to be more active under the guidance of Evelyn Ashiamah Finch, Monitoring Specialist, International Water Institute (IWI) and the Hawley Science Teacher, Bill Gottenborg. Albright noted that the proposed budget has not yet been presented to the Barnesville School Board, who will meet on 6/27/11. Last year, the School District contributed \$2,000 to the program. Carlson noted that she did not include this contribution in her budget. Albright will forward the budget to the School Board for their review and hopeful approval.

Albright mentioned that the River Watch is the recipient of a Wells Fargo Bank Grant. Brad Field, President, Wells Fargo Bank, submitted the \$1,500.00 grant request to Wells Fargo for River Watch. There is a problem with awarding the grant because it needs go through a 501-C non-profit organization. Field plans to work with the City of Barnesville to find an organization that could distribute these funds. Wells Fargo Bank wanted to recognize the good work the River Watch Team does for the community by contributing these funds to offset River Watch expenses. Carlson reported that all eight team members (students) are new to the program this year and their main focus will be training.

Ellefson thanked Carlson on behalf of the BRRWD for her contribution to the River Watch program, and he thanked Strand for taking on the responsibility of moving forward with the Program. Carlson expressed her appreciation for the BRRWD's support and for the opportunity to develop the River Watch program. Strand briefly discussed his previous field experience. **Motion** by Ellefson to approve the 2011-2012 River Watch proposed budget, including a request to ask the Barnesville School Board for their customary \$2,000 contribution. **Seconded** by Nelson. **Approved.**

Carlson mentioned that because of a recent change in the school class scheduling, the Team will be able to include a macro invertebrate study this year as a joint training experience for the new River Watch Team members from Hawley. Carlson will prepare a separate proposal for this addition to the River Watch budget.

Project No. 39, Georgetown Levee Improvement. Jim Myers asked about the status of the buyout property appraisals. Albright reported that Chuck Anderson, ARC Appraisals, has completed his work in Georgetown. The next step would be to mail the appraisals to the homeowners. The Board reviewed a list of the appraised values. The Board discussed scheduling a meeting, possibly on 6/22/11, with the City of Georgetown to develop criteria to allocate the buyout funding, which will be limited if the State Legislature doesn't pass a FDR bonding bill. The buyouts are contingent on State funding. The BRRWD did receive an additional \$500,000 FDR grant in 2010 from the DNR for the preparation of project plans and specifications, appraisals, and possible buyouts. The Board discussed the ramifications of a potential government shut down.

Permit Applications. Albright reported that the 2011 permit book is now current. He plans to schedule field reviews with the Managers in the next few weeks so that the applications can be processed. A few approved applications need Manager signatures before we can mail them to the applicants. Albright also reported that Wade Opsahl, who is the BRRWD's field technician, was recently injured (broken leg), and might not be available to conduct field reviews for a few weeks.

Permit No. 11-03, Tom & Sue Jacobs. Applicant proposes to excavate an area for fill for a new house in the SW¼, Section 17, Wolverton Township, Wilkin County. Albright and Manager VanAmburg conducted a field review on 5/16/11. Jacobs recently decided to locate the house further away from the Red River. His main concern was about ditching someone has done on the north side of his property that diverts water to the Red River. There was a concrete spillway on his property that carried the field water in this area to the river. The unauthorized ditching on his property has created a 3' deep gully alongside the spillway. He asked the BRRWD to assist him with a repair project. Jacobs is also very concerned about the identity of the trespasser who did the ditch work. Albright suggested that we should investigate the issue further. **Tabled.**

Permit No. 11-08, American Crystal Sugar Company. Applicant proposes to install drain tile on their Glyndon beet piling station in Section 22, Glyndon Township, Clay County, to help dewater the site. **Tabled,** pending field review.

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. The Natural Resources Conservation Service (NRCS) completed the area ditch survey and forwarded it to the BRRWD. The Board reviewed the survey map. Albright has forwarded a copy of the NRCS survey to Schulze. To date, he has not responded. Some elevation shots will be required to set grade for the proposed culvert. **Tabled.**

Permit No. 11-20, Paul Johnson. Applicant proposes to lower a culvert through 145th ST S in the W½NE¼, Section 16, Riverton Township, Clay County. The existing pipe is too high, causing ponding on his property. The ditch on the west side of the road is adequate. This permit was previously approved, pending Manager field review, which has not been conducted.

Permit No. 11-25, Kevin and Dennis Jerger. Applicants propose to install a larger culvert in their driveway along C.R. No. 188 (130th ST) in the NE¼, Section 19, Atherton Township, Wilkin County, to reduce driveway overtopping from the South Branch of the Buffalo River during highwater events. Dan Swedlund, Wilkin County Highway Department, has agreed to install the new culvert and has requested that the Board recommend a size. Swedlund would also like to replace the overflow culvert in C.R. No. 188 just west of the driveway with the same size pipe in an attempt to protect the county road from overtopping. **Tabled,** pending Manager field review and a culvert size recommendation.

Permit No. 11-27, Spring Prairie Colony. Applicant proposes to pattern tile approximately 160 acres in the N½, Section 11, Deerhorn Township, Wilkin County, outletting to Wilkin County Ditch No. 13 and the South Branch of the Buffalo River. Albright felt that the outlet was adequate. **Motion** by Nelson to approve Permit No. 11-27, subject to the BRRWD's standard tiling disclaimer. **Seconded** by Ellefson. **Approved.**

Permit No. 11-28, Spring Prairie Colony. Applicant proposes to pattern tile approximately 200 acres in the N½, Section 13, Deerhorn Township, Wilkin County, outletting to the South Branch of the Buffalo River. Albright felt that the outlet was adequate. **Motion** by Nelson to approve Permit No. 11-28, subject to the BRRWD's standard tiling disclaimer. **Seconded** by Ellefson. **Approved.**

Permit No. 11-33, Terry Eidem. Applicant proposes to pattern tile 147 acres in the NE¼, Section 19, Morken Township, Clay County, with 4" dia. tile at 60' spacing. The tile will drain directly to Clay County Ditch No. 49, which should be an adequate outlet. **Motion** by Hanson to approve Permit No. 11-33, subject to the BRRWD's standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 11-34, Terry Eidem. Applicant proposes to pattern tile 155 acres in the SE¼, Section 15, Morken Township, Clay County, with 4" dia. tile, spaced 60' apart, outletting south through 120th AVE into Clay County Ditch No. 10, which should be an adequate outlet. **Motion** by Hanson to approve Permit No. 11-34, subject to the BRRWD's standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 11-38, Robert Klein. Applicant proposes to install a private ringdike to protect his shops from spring flooding in the SE¼, Section 9, Kurtz Township, Clay County. Water does not drain west because of Burlington Northern/Sante Fe (BNSF) Railroad tracks and doesn't recede in the spring until Clay County Ditch No. 32 opens on the south side of 80th AVE S. Albright noted that the dike will be on private property and shouldn't affect any other landowners. **Motion** by Ellefson to approve Permit No. 11-38. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 11-39, Gordon Kassenborg. Applicant proposes to install two tile lines from a wet area in the SE¼, Section 36, Kragnes Township, Clay County, to outlet to the Buffalo River. **Motion** by Hanson to approve Permit No. 11-39, subject to the BRRWD standard tiling disclaimer and NRCS approval regarding Swampbuster regulations. **Seconded** by Nelson. **Approved.**

Permit No. 11-40, Gordon Kassenborg. Applicant proposes to pattern tile 307 acres in the NE¼, Section 12, Oakport Township, Clay County, via a lift pump to the township road ditch and eventually to the Buffalo River. **Motion** by Hanson to approve Permit No. 11-40, subject to our standard tiling disclaimer, the neighboring landowner's approval, and the Township's approval to work within their road right-of-way (r-o-w). **Seconded** by Nelson. **Approved.**

Permit No. 11-41, Spring Prairie Colony. Applicant proposes to increase the sizing of a quarterline approach culvert in the SE¼, Section 10, Spring Prairie Township, along 70th AVE N from a 24" dia. culvert to a 36" dia. culvert. The existing pipe is too small, given the area gradient. Water goes around the approach, causing field washouts. **Tabled,** pending Manager field review.

Permit No. 11-42, Hawley Township. Applicant proposes to install a culvert under 210th ST S between Sections 9/10 to allow water to flow from east to west and eliminate road overtopping. On 4/06/11, Albright and Manager Nelson met with the Township to conduct a field review of this request. **Motion** by Nelson to approve Permit No. 11-42. **Seconded** by Hanson. **Approved.**

Permit No. 11-43, Lyle Osten. Applicant proposes to tile approximately 30 acres in the NW¹/₄, Section 1, Cuba Township, Becker County. **Motion** by Ellefson to approve Permit No. 11-43, subject to Manager field review and our standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 11-55, Mattson Bros., Inc. In conjunction with Permit No. 11-43, applicant proposes to pattern tile 89 acres in the NW¹/₄, Section 1, Cuba Township, Becker County. **Motion** by Ellefson to approve 11-55, subject to Manager field review and our standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 11-45, David Ackerson. Applicant proposes to install a drainage ditch to control WRP project seepage in the E¹/₂NW¹/₄, Section 22, Skree Township, Clay County. **Tabled,** pending Manager field review.

Permit No. 11-46, Swenson Land & Cattle. Applicant has installed random tiling to drain wet areas in Sections 17, 18, 20, and 29, Parke Township, Clay County, outletting to Hay Creek along C.R. No. 10. This work was done without a BRRWD permit. **Tabled,** pending receipt of any complaints regarding the project. Albright sent a letter to the tiling company and the landowner, reminding them that tiling installation requires a BRRWD permit before the work is done.

Permit No. 11-49, Craig Runck. Applicant proposes to clean the ditch on the east side of 220th ST S in Section 26, Skree Township, Clay County. Runck's project would continue the ditch cleanout Randy Bjornson did in this same ditch last fall south to 110th AVE S. He would also like to remove an 18" dia. culvert in 220th ST S. Currently, the DNR has a Cease and Desist Order for any drainage work in Section 27 in response to work Runck completed last year in Section 27, which is under investigation for a wetland violation by the Cass County NRCS. The Board and the environmental agencies involved with this issue met on 3/08/11 and made an agreement that no work would be done in this area until the DNR lifts their Cease and Desist Order and the NRCS completes their review. **Tabled,** pending receipt of notice from NRCS and DNR regarding the wetland violation determinations and the lifting of the Cease and Desist Order.

Permit No. 11-50, Maier Farms. Applicant proposes to install a dike along the north side of their property in the NW¹/₄, Section 8, Deerhorn Township, Wilkin County, to contain flows along CSAH No. 32. **Tabled,** pending Manager field review.

Permit No. 11-52, Wolverton Telephone. Applicant proposes to install one mile of telephone cable, including boring under Wolverton Creek on the south line of Section 23, Wolverton Township, Wilkin County. **Motion** by Paradeis Kobiela to approve Permit No. 11-52, subject to our standard utility disclaimer. **Seconded** by Ellefson. **Approved.**

Permit No. 11-53, Tansem Township. Applicant proposes to install a 15" dia. culvert through 130th AVE S between Sections 5 and 8 to equalize water levels. Albright said the Township thinks their existing culvert is plugged. **Motion** by Nelson to approve Permit No. 11-53. **Seconded** by Hanson. **Approved.**

Permit No. 11-54, Lake Park Township. Applicant proposes to increase the size of an outlet culvert for Lime Lake in 120th AVE from an 18" dia. pipe to a 36" dia. equivalent arch pipe. Albright and Manager Hanson field reviewed this request. The culvert has washed out the last two springs. The Township will need DNR approval for the pipe increase. Albright assisted the Township to file the DNR repair permit. **Motion** by Hanson to approve Permit No. 11-54, subject to DNR approval. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 11-56, Shane Sharp. Applicant proposes to install a culvert off 37th ST N in Lot 3, Block 1, Borgen Fields Subdivision in Section 10, Oakport Township, Clay County. Sharp needs the culvert/approach to access his property. **Motion** by Nelson, to approve Permit No. 11-56, subject to matching the size of the upstream and downstream existing culverts. **Seconded** by Ellefson. **Approved.**

Permit No. 11-57, Audubon Township. Applicant proposes to add a 15" dia. culvert above an existing pipe in the 220th AVE road r-o-w in Sections 25/26, which is either plugged or damaged, to prevent road overtopping. Albright and Manager Hanson conducted a field review of the site on 5/05/11. **Motion** by Hanson to approve Permit No. 11-57. **Seconded** by Paradeis Kobiela. **Approved.**

Ness Lake. Joyce Stone, a property owner on Ness Lake west of Pump Lake, called with concerns about water over C.R. No. 119 in Lake Park Township, which is closed. The Board reviewed LiDAR photos of the area. Albright noted that the 2010 repairs to the Pump Lake outlet should have helped this area. The lake has no outlet. Hanson suspected that in the 1980s, this area was a slough. The Board authorized H.E. to conduct a preliminary investigation to review contours for a possible outlet by the next BRRWD meeting.

Mike Thiel Drainage Complaint. Thiel reported that his neighbors have changed the drainage south of Trunk Highway (T.H.) No. 10 in the NW¹/₄, Section 12, Eglon Township, Clay County. It appears that they have installed a culvert. Thiel is concerned about possible pollution draining off the field into Moe Lake. **Tabled,** pending Manager field review.

Trosvik Tiling Concern. Orrin Sorum contacted the office again regarding Tom Trosvik's tiling project. Ellefson noted that Sorum has also contacted him. He is starting to cut hay, and the water from Trosvik's tile line is affecting his property. The Board sent a letter to Tom Trosvik last summer regarding a tiling project he installed along 110th AVE in Section 32, Norwegian Grove Township, without a BRRWD permit. The letter included recommendations for restoration by 9/15/10, subject to downstream landowner approval. Rerouting the tile outlet would involve Sorum, Tyson/Sylvester Trosvik, and Norwegian Grove Township's road r-o-w. Sylvester Trosvik will not agree to reroute the outlet across his property. Tom Trosvik was anxious to make the repairs, but he has ongoing issues with his uncle. Sorum wants the tile moved, but nothing has been done because of Sylvester Trosvik's refusal to allow any of the water from Tom Trosvik's tile to enter the 110th AVE ditch adjacent to their property.

The Board had an extended discussion regarding options for alleviating this problem for Sorum and various alternate routes for the tile discharge. It appears that there are several outlets for water in this general area. Nelson said that Sorum expected that the BRRWD would order Tom Trosvik to close the tile line, according to discussions at a previous meeting. Ellefson thought it might be necessary to contact Attorney Tami Norgard, Vogel Law Firm, regarding this issue. The Board authorized the office to contact Norgard and to contact Tom Trosvik, notifying him that the BRRWD will take action on this issue at their 6/27/11 meeting, which could include closing the tile line if a satisfactory outlet is not found.

Project No. 69, Lake Alfred. H.E. is still waiting for the DNR to complete the Ordinary High Water (OHW) elevation survey. If the State Legislature doesn't approve a 2011 FDR bonding bill, funding for this project might not be available.

Project No. 68, Lake Jacobs. Jones is working on the project easements. The DNR does have funding approved for this project. The United States Fish and Wildlife Service (USFWS) has indicated that they prefer Route B, which will avoid their wetland easements, but is more expensive.

Lake Annie. Albright met with Norwegian Grove Township Supervisors regarding the submission of a petition to the Minnesota Board of Water and Soil Resources (BWSR) to add the area around Lake Annie

and Grenna Lake to the BRRWD. The Township will ask the Otter Tail County Board of Commissioners to be the petitioner to BWSR regarding this request. Nelson felt that adding land to a watershed district is a time consuming procedure. The Board reviewed a map showing the proposed new BRRWD boundary alignment. Albright will prepare the information/petition and forward it to the Township. They will file their request with Otter Tail County. If the County agrees to be the petitioner, they will then submit the petition to BWSR, who will hold the required hearing. A small amount of land around Lake Alfred should be added at the same time so that lake could have an outlet. This area is surrounded on three sides by the current BRRWD boundaries. The Board discussed including this area in the petition and problems with assessing landowners for projects not located within the BRRWD.

Project No. 67, HRBP Lakes Outlet. Albright reported that the lake elevation north of T.H. No. 34 is 1371.25 with about 2.5' left before it reaches our drawdown goal. The Board reviewed a lake elevation graph. The Board discussed an earlier sand bag dike that was installed many years ago to keep the elevation of Pete Lake artificially high. Albright suggested that elevation 1355 would be a good final elevation for the Pete Lake outlet, as least until the final hearing. The Board agreed to set the Pete Lake outlet structure at that elevation for now.

Project No. 66, Ranum/Tansem. The closing for the Hersch buyout is scheduled for tomorrow with funds coming from the DNR, BRRWD, and the Department of Employment and Economic Development (DEED). For \$500, Hersch plans to exercise the salvage option. The Pelican Rapids Fire Department is interested in demolishing the structure for training. Their estimated fee for burning the house is \$800, which includes a hazardous materials inspection fee.

Project No. 65, County Line Outlet. Doug Wells, USFWS, met with Albright today regarding this project. He told Albright that neither the USFWS nor Ducks Unlimited (DU) have funding available for the project at this time. However, Wells still thought that we should construct the alternative that USFWS favors that would drain the wetlands almost completely dry. Currently, State funding is also a problem if the Legislature doesn't pass a FDR bonding bill. Ellefson suggested that we provide the landowners with the survey information and let them do the work. They could construct a ditch to drain the water to Wilkin County Ditch No. 41. Albright suggested that we could hold an informational meeting with the landowners to discuss this proposal. Herrmann suggested that the landowners wouldn't have to draw down the wetlands as far as our proposed project (about 5'). They would only have to lower the wetlands about 2'-3' to improve their water problems. The Board discussed funding and USFWS permit/review issues. The BRRWD's project includes an outlet structure (gate) to control discharges during downstream high water events. The USFWS has acknowledged the BRRWD's desire to install a control structure at the outlet to regulate flows downstream during downstream flood events, but according to their criteria, they can't allow a gate on their Waterfowl Protection Area (WPA). The DNR has not yet determined an OHW elevation for the wetlands lying east of the USFWS wetland easement/WPA. Ellefson was concerned about USFWS's refusal to allow a gated outlet. He was also concerned that we might not be able to construct the project this year.

Project No. 64, LaBelle/Boyer Lakes Outlet. LaBelle Lake was at elevation 1310.02 on Friday, which is slightly lower than the target elevation of 1311. Herrmann reported that Justin Johnson, H.E., put the stop logs in LaBelle Lake's outlet structure and today, the lake is back at elevation 1311. Boyer Lake is at elevation 1322.65. Hanson has received phone calls with concerns that LaBelle Lake is too low.

Project 63, Grove Lake. Herrmann reported that Grove Lake is at elevation 1327.65, with a target elevation of 1325.

Project No. 61, Clay County Ditch No. 11-Improvement. Albright reported that we have had no contact with the new owner of John Leseth's farmstead, Duane Walker, who would like to meet with the Board to

discuss the ditch erosion/slumping along his property. H.E. has three recommendations to address the slumping issue. John Leseth still hasn't remitted his share of the bridge replacement costs for his former farmstead. The office will bill him again.

Project No. 56, Manston Slough Restoration. John Voz, DU, will meet with Dennis VanWechel regarding the WRP enrollment. Attorney Norgard has recommended that we obtain an appraisal for the Kent Rod and Gun Club friendly condemnation. Ellefson thought that we should move forward with acquiring the remaining easements, as we might need appraisals for other possible condemnation proceedings. After discussion, the Board agreed to wait with the Rod and Gun Club appraisal until after the other easement acquisitions are completed.

Project No. 50, Cromwell Township. Attorney Corey Elmer, Vogel Law Firm, is handling the Kenneth Wouters' condemnation for the BRRWD. The Board reviewed Elmer's response to Attorney Roger Minch's letter stating Wouters' easement demands. Albright noted that there is no update regarding Rose M. Hoefs' appraisal work on the Wouters' property. Albright mentioned that two of Wouters' neighbors are considering a lawsuit against Wouters for property damages caused by his refusal to sign his easement, which delayed the project completion.

Project No. 49, Oakport Flood Mitigation. The Board briefly discussed tonight's bid results. Albright reported that the Court has awarded the BRRWD a temporary easement order regarding the Brian Dresser condemnation for his \$72 easement.

The Board reviewed aerial photographs of the Oakport area during the 2011 spring flood.

Albright reported that Lee Gray recently remitted his payment/deposit and a signed purchase agreement for the Dickerson house. This transaction has been pending since December 2010. The Board had approved a motion to withdraw the sale in March because of Gray's inaction. The Board discussed this new development and agreed to go forward with the sale with a 10/01/11 house removal deadline. **Motion** by Ellefson to accept Gray's payment and follow through with the sale, subject to the referenced moving deadline. **Seconded** by Paradeis Kobiela. **Approved.**

UEI submitted Pay Request No. 5 and Change Order No. 3 for Master Construction's work on Phase 3B. The pay request is for \$140,303.12, and the change order is for \$45,430.50, of which some expenses will be reimbursable from Federal Emergency Management Agency (FEMA) as flood costs. **Motion** by Nelson to approve Pay Request No. 5 and Change Order No. 3. **Seconded** by Hanson. **Approved.**

The Board made an Emergency Declaration for Crystal Creek Subdivision on 4/11/11. VanAmburg signed the Declaration on behalf of the Board. Albright met with the Oakport Township Supervisors and Crystal Creek landowners on 6/09/11 regarding project easements/assessments. Two landowners don't want to participate in the project because of aesthetic concerns; however, since we don't need their easements, Jeff Schaumann, Chairman Oakport Township, suggested we move forward with building the dike on the road r-o-w past their properties. The Managers thought that if the project is not on their property, the project should go ahead. Albright suggested that he, VanAmburg, and Paradeis Kobiela conduct a field review the area. There could be a way to work with the landowners to make the dike more acceptable. The County is in favor of the project because with a permanent dike in this area, temporary diking won't be built on the County road during spring flooding. The Crystal Creek South dike is finished except for the slide area repair.

Project No. 46, Turtle Lake. Opsahl had contractors remove the valve on the Turtle Lake siphon. He found the gate was only open about 1/3 of the way, which could explain why the lake elevation wasn't going down faster. Opsahl wasn't able to get the outlet pipe all the way out of the lake, so this part of the

project modifications wasn't completed. The neighboring landowner agreed with leaving the pipe in the lake, as he didn't want his property disturbed. Albright noted that on Friday, Turtle Lake had gone down about 0.6' in six days and the elevation reading today on Turtle Lake was 0.8' lower. Opsahl and Albright met a couple of weeks ago with Roger Olson, Turtle Lake Association President, who reported that some property on Turtle Lake had to be sandbagged this spring. The Board hopes that removing the valve will be the solution for the chronic problems with this project.

Project No. 38, Farmstead Ringdikes. Albright plans to work on the 2011 list of ringdike applications in the next few weeks and submit a bill to Ron Harnack, Red River Watershed Management Board (RRWMB) for the 2009/2010 expenditures.

Albright met with Tony Karppinen today. They discussed the option for him to build his ringdike himself. If Karppinen builds it, he would use more timbers, place it closer to his house, and raise it to 2' above the 1975 summer flood elevation. Karppinen is also on the Clay County buyout list. Currently, there is no 2011 funding for buyouts. He will have to wait until the Legislature makes a decision regarding the FDR bonding bill. Karppinen plans to ask the BRRWD for 25% funding from the BRRWD if he goes ahead with the dike. For right now, he'll wait several weeks to see if the Governor calls a special Legislative Session.

Project No. 32, Hawley EDA Diversion. Albright reported that Dean Whaley has planted wheat in the area adjacent to the damaged 60" dia. corrugated metal pipe (CMP) Diversion pipe. We currently have no agreement with Sellins to participate with the other four parties to pay for the pipe repairs. The City of Hawley suggested the BRRWD send a letter to Sellin notifying them that we plan to hire another contractor to complete the repairs and sue Sellins for the resulting costs. The Board discussed a possible suit with Sellins. Because of a conflict of interest with Vogel Law Firm, the BRRWD will need to find different representation if we decide to follow through with a lawsuit. Ellefson suggested we contact Attorney Tom Athens.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1. Wilkin County has not completed the elevation survey of the culverts by Dean Paschke's house. The restrictor plate is still on the culvert through C.R. No. 3.

Project 29, Buffalo River Logjams. There could be 2011 Emergency Watershed Protection (EWP) funding available from NRCS for logjams and erosion sites. The aerial survey to locate potential log jam sites in order to prepare a cost estimate for the application process has not yet been scheduled.

Project No. 19, Becker County Ditch No. 21. The ditch still has too much water in it from the Buffalo River to allow H.E. access to conduct their survey in regards to Jerry Matter's request for a ditch repair in Section 10, Riceville Township.

Project No. 14, Clay County Ditch No. 10 Repair. Bill Dale has requested that the BRRWD return the 130th AVE N road elevation to the 1983 (improvement) elevation in the SE¹/₄, Section 11, Kragnes Township. The road washed out during the 1997 spring flood, and it has continued to deteriorate with each subsequent spring flood. Water from County Ditch No. 10 overtops the township road and threatens his buildings. Opsahl is still working on tabulating the 1983 road elevation information to show the differences between the original and current surveys.

Project No. 1, Wilkin County Ditch No. 22-Lateral No. 3. Albright noted that an expert witness regarding the Ernst/Nord lawsuit called the office for information. The trial is scheduled for August 10-12, 2011. To date, a meeting has not been scheduled with the Lateral No. 3 landowners regarding a possible improvement project.

Mediation Project Team (PT). The next PT meeting is scheduled for 6/23/11 at 7:30 PM in the MSUM Science Center near Glyndon. Meeting notices will be sent.

Army Corps of Engineers (COE) Metro Flood Study. Albright distributed a COE news release for the Board's review. The next issue to be discussed is the Joint Powers Agreement (JPA). A draft agreement was also distributed for the Board's review. The COE has asked that the task force members approve the JPA by 6/23/11. The Board had an extended discussion regarding the how the Minnesota votes and veto powers should be divided between the City of Moorhead, Clay County, and the BRRWD. The group also discussed the upstream storage proposal. Albright suggested that the Board could review the JPA and hold a special meeting after the Becker County Ditch No. 5/USFWS hearing on Tuesday, June 21, 2011, to make a decision regarding this issue. Albright noted that the MinnDak Upstream Coalition sent a request for the BRRWD to consider membership in their group. They also requested possible BRRWD funding for their effort to stop the upstream retention proposal. Albright suggested that the Board could continue this discussion at their 6/21/11 special meeting. The Board also discussed the Metro Task Force proposal to hire a lobbyist to represent them in Washington.

Becker County Ditch No. 5. A hearing will be held on June 21, 2011, at 8:00 PM in the Audubon Community Center, regarding the USFWS petition to restore a drained wetland basin on County Ditch No. 5 in Sections 21, 22, 27, and 28, in Audubon Township, to improve wildlife habitat and biodiversity.

New Office Machines. Liberty Business Systems submitted a proposal to sell us a new color laser copier with advanced capabilities and one black and white laser printer for \$9,495.00 with free maintenance and toner for 1 year. The new machines would replace our old black and white laser copier and two color printers (inkjet/laser). Albright explained that the new machines will be more cost effective to operate, will provide advanced color features, and will save the office work time. Paradeis Kobiela questioned if we had any comparable quotes from other companies. Albright felt we should buy the office machines from Liberty Business Solutions because of our experience with their excellent service and product quality. **Motion** by Hanson to approve the purchase. **Seconded** by Paradeis Kobiela. Managers Paradeis Kobiela, Ellefson, Hanson, and VanAmburg in favor of the purchase; Manager Nelson opposed. **Approved.**

MAWD Summer Tour. Tour reservation confirmations were distributed to Managers Paradeis Kobiela, Hanson, Nelson, and VanAmburg, who will be attending on 6/16/11 to 6/18/11.

New office. The Building Committee will meet on Wednesday, June 15, 2011 at 8:00 PM to review the plans and IT presentation. The Board also discussed lot maintenance.

2011 FEMA Flood. Opsahl needs authorization from the Board to sign/submit FEMA paperwork. **Motion** by Ellefson to give Opsahl and Albright legal signing authority on behalf of the BRRWD for FEMA documentation and other related paperwork. **Seconded** by Nelson. **Approved.**

Clay County Ditch No. 65. The Minnesota Department of Transportation (MNDOT) is working on four structure replacements on T.H. No. 9. It appears that they set the structure 1.9' too high on County Ditch No. 65. H.E. provided revised invert elevations when they reviewed MNDOT's permit application. Herrmann will contact MNDOT advising them to reset the culverts according to H.E.'s recommendations. The Board would prefer MNDOT reset the structures now, instead of later when maintenance work might be needed.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
American Enterprises, Inc.	#891/892, 2011 spring flood	Crystal Creek	\$ 7,853.50
American Enterprises, Inc.	#891/893, 2011 spring flood	Pj. 49, Oakport	\$ 11,980.00
ARC Appraisals	14 appraisals	Pj. 39, Georgetown	\$ 7,700.00
ARC Appraisals	Dress Condemnation	Pj. 49, Oakport	\$ 900.00
Barnesville ISD #146	#112, 6/10-5/11 River Watch	M.S.A. 103D.905, Subd. 3	\$ 11,102.72
Barnesville Phone Company	5/25/11 billings (2)	Admin	\$ 171.37
Clay County Hwy Department	2011 spring flood	Clay C.D. Nos. 65/67	\$ 1,097.70
H.E.	May billing summary	Varies-see attached	\$ 107,139.87
IRS	Form 941, 1st Qtr. Interest	Admin	\$ 60.01
Master Construction, Inc.	Pay Request No. 5, Phase 3B	Pj. 49, Oakport	\$ 140,303.12
Northern Technologies, Inc.	#5543, geotechnical	Pj. 49, Oakport	\$ 8,786.88
Petty Cash	Postage, supplies, etc.	Admin	\$ 100.00
Premium Waters, Inc.	#366590-05-11	Admin	\$ 24.05
Red River Coop Power	#87330, progress billing	Pj. 49, Oakport	\$ 90,000.00
RMB Laboratories, Inc.	#145727, #146638, analysis	Buffalo River TMDL	\$ 1,195.00
RMB Laboratories, Inc.	#146734, analysis	Buffalo River TMDL	\$ 800.00
RMB Laboratories, Inc.	#147445, sample analysis	Buffalo River TMDL	\$ 440.00
RMB Laboratories, Inc.	#147775, sample analysis	Buffalo River TMDL	\$ 264.00
RMB Laboratories, Inc.	#147778, sample analysis	Buffalo River TMDL	\$ 384.00
TRN Abstract & Title F-M	Albertson abstracts (4)	Pj. 49, Oakport	\$ 615.00
TRN Abstract & Title F-M	Hersch closing	Pj. 66, Ranum/Tansem	\$ 162,696.00
UEI	May billing summary (4)	Pj. 49, Oakport	\$ 47,643.86
Vogel Law Firm	#62272, May buyouts	Pj. 39, Georgetown	\$ 82.00
Vogel Law Firm	#62273, May Hersch buyout	Pj. 66, Ranum/Tansem	\$ 410.00
Vogel Law Firm	#63371, May lot purchase	New Office	\$ 539.50
Westlund Excavating	Spring flood cleanup/repairs	Varies	\$ 14,989.87
Wm. Nichol Excavating, Inc.	#76, Butenhoff repair	Wilkin C.D. No. 41	\$ 4,733.00
Wm. Nichol Excavating, Inc.	#78, repairs	Pj. 46, Turtle Lake	\$ 250.00
Wm. Nichol Excavating, Inc.	Culverts/silt removal	Pj. 31, Deerhorn	\$ 2,628.00
Wm. Nichol Excavating, Inc.	Trees/culverts/spoil	Clay C.D. No. 54	\$ 9,705.50
WREC	4/18/11-5/19/11 service (2)	Pj. 46, Turtle Lake	\$ 452.18
Xcel Energy	4/25/11-5/24/11 electrical (2)	Pj. 49, Oakport	\$ 299.14
YHR Partners	#8698, 2/01/11-5/31/11	New Office	\$ 7,048.75
			\$ 642,395.02

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 meeting on Monday, June 27, 2011, at 8:00 PM.

Adjournment. Chairman VanAmburg adjourned the meeting at 11:50 PM.

Respectfully submitted,

John E. Hanson, Secretary