

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

August 14, 2013

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a special meeting on Wednesday, August 14, 2013, at 8:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Roger G. Ellefson, Curtis M. Nelson, Breanna L. Paradeis-Kobiela, John E. Hanson, Troy E. Larson, and Peter V. Fjestad. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (H.E.).

Chairman Van Amburg called the special meeting to order at 8:03 PM. He announced that the proceedings were being recorded to aid in preparation of the minutes. This meeting is a continuation of the 8/12/13 meeting to finish the agenda items.

Permit No. 13-20, Alden Paul Brendemuhl, Jr. Applicant proposes 294 acres of pattern tiling in the W½, Section 33, Riverton Township, Clay County. Albright noted that water must travel approximately 6 miles before entering Clay County Ditch (C.D.) No. 12. He added that there are known drainage problems in this area, and Brendemuhl will need to contact his neighbors regarding this project. **Tabled**, pending Manager field review with Brendemuhl to discuss the drainage concerns. The Board briefly discussed the 60-day rule (M.S. 15.99) regarding Board action on permit applications.

Permit No. 13-25, Mark Ekre. Applicant proposes 80 acres of pattern tiling in the S½, NW¼, Section 31, Hawley Township, Clay County. The water will drain west onto property owned by The Nature Conservancy (TNC). **Tabled**, pending Manager field review.

Permit No. 13-30, Kevin and Brad Nelson. Applicant proposes 480 acres of pattern tiling in the E¾, Section 26, Oakport Township, Clay County. The south half of the project will outlet into the County Road (C.R.) No. 18 road ditch, and the north half will outlet to the Township road ditch (43rd AVE N). The water will eventually end up in the Red River of the North. Nelson is working with his neighbors to obtain downstream landowner approval for the project. **Tabled**, pending approval from the downstream landowners.

Permit No. 13-38, Dirk Swanson. Applicant proposes to install 117 acres of pattern tiling in the NW¼, Section 21, Kragnes Township, Clay County, on the west side of Trunk Highway (T.H.) No. 75 and the Burlington Northern/Sante Fe (BNSF) Railroad grade. The project will outlet via a lift station to the road ditch on the east side of 5th ST N, traveling approximately 2 miles along a private drainage system along the south side of 120th AVE N before entering Clay C.D. No. 20. The work will improve crop productivity, remove salts, and lower the water table. The land in the E½NW¼, Section 21, isn't currently assessed to C.D. No. 20. Albright contacted Swanson, forwarding a petition to add the land on the east side of T.H. No. 75 (approximately 37 acres) in the E½NW¼ to C.D. No. 20, and advising him that he will need to file the drainage petition to drain water from the referenced tract to the ditch system. Once the signed petition is returned to the office, the Board will schedule a ditch system hearing (M.S.A. 103E.401) to add the land. **Tabled**, pending receipt of the signed petition.

Permit No. 13-38, Russell Henderson. Applicant proposes to install 82.5 acres of pattern tiling in the N½NW¼ and part of the S½NW¼ north of the old railroad bed in Section 3, Foxhome Township, Otter Tail County. Manager Larson conducted a field review of this proposal, and found no problems. **Motion**

by Larson to approve Permit No. 13-38, subject to our standard tiling disclaimer. **Seconded** by Hanson. **Approved.**

Permit No. 13-63, Allen Yaggie. Applicant proposes to install pattern tiling in the SW $\frac{1}{2}$, Section 20, Nilsen Township, Wilkin County, to drain surface water and reduce soil salinity. The project will outlet via a lift station in the southwest corner of the property, to the south through an inlet pipe to C.D. No. 28, to which the property is assessed. **Motion** by Larson to approve Permit No. 13-63, subject to our standard tiling disclaimer. **Seconded** by Ellefson. **Approved.**

Permit No. 13-64, Richard Yaggie. Applicant proposes to install pattern tiling in the W $\frac{1}{2}$, Section 32, Nilsen Township, Wilkin County, to drain surface water and reduce soil salinity. The tile will outlet via gravity flow to C.D. No. 37 to which it is assessed. **Motion** by Ellefson to approve Permit No. 13-64, subject to our standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 13-65, Richard Yaggie. Applicant proposes to install pattern tiling in the NW $\frac{1}{4}$, Section 5, Sunnyside Township, Wilkin County, to drain surface water and reduce soil salinity. The tile will outlet via a lift station in the northwest corner of the property to C.D. No. 37 to which it is assessed. **Motion** by Nelson to approve Permit No. 13-65, subject to our standard tiling disclaimer. **Seconded** by Fjestad. **Approved.**

Permit No. 13-66, Richard Yaggie. Applicant proposes to install pattern tiling in the S $\frac{1}{2}$, Section 8, Foxhome Township, Wilkin County, to drain surface water and reduce soil salinity. The project will outlet via gravity flow to C.D. No. 4, to which it is assessed. **Motion** by Hanson to approve Permit No. 13-66, subject to our standard tiling disclaimer. **Seconded** by Fjestad. **Approved.**

Permit No. 13-70, Howard Pender. Applicant proposes to install 75 acres of pattern tiling in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 21, Skree Township, Clay County, outletting via a lift station to the south ditch of C.R. No. 10, flowing east, eventually to Hay Creek. The project might require cleaning the C.R. No. 10 ditch to grade. Pender has obtained Natural Resources Conservation Service (NRCS) approval for the proposed project. **Motion** by Nelson to approve Permit No. 13-70, subject to our standard tiling disclaimer and road authority approval to use the road ditch as an outlet for his project. **Seconded** by Paradeis Kobiela. **Approved.**

Permit No. 13-71, Howard Pender. Applicant proposes to install 80 acres of pattern tiling in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 21, Skree Township, Clay County, outletting via gravity flow to 200th ST (C.R. No. 25) then west through 100th AVE, eventually to Spring Creek. The project might require either boring or cutting C.R. No. 25, and cleaning 100th AVE for about 300'-400'. Pender will need to contact the Clay County Highway Department and Skree Township for the referenced road work. **Motion** by Larson to approve Permit No. 13-71, subject to our standard tiling disclaimer and the road authorities' approval to work within their road right-of-ways (r-o-w). **Seconded** by Fjestad. **Approved.**

Permit No. 13-73, Butch Lemke. Applicant proposes to upsize the culvert in the Greiff driveway along C.R. No. 21, southeast of Baker in Section 32, Elkton Township, Clay County. Overflow water is restricted by the referenced culvert as it flows south to Hay Creek. Lemke and Elkton Township are applying jointly to upsize the culvert and will inform Albright about the current culvert size so the Board can recommend the appropriate sized culvert. Ellefson said that Todd Affield owns a 2.74 acre parcel with a house on it south of the creek. Affield already has water issues in his farmstead during high water events. He felt Affield needed to be contacted, as a larger culvert in the Greiff driveway could affect him. **Tabled,** pending Manager field review to obtain information about the current culvert sizing and permission from the Grieffs and Affield.

Permit No. 13-75, Menholt Farms General Partnership/Richard Menholt. Applicant proposes approximately 1,000 acres of pattern tiling in Sections 15, 22, 23, 26, and 27, Flowing Township, Clay County. The plan is not yet complete, and NRCS has not finished their wetlands review. **Tabled.**

Permit No. 13-87, American Crystal Sugar Company (ACSC). At their 8/12/14 meeting, the Board tabled this application to construct approximately 720 lineal feet of flood protection levees to a top elevation equivalent to a river stage of 44 feet. Recently, ACSC withdrew their application due to soil conditions. They will conduct an analysis of their site, locate an alternate site for the levees, and submit a revised permit application when the location has been determined. **Administratively withdrawn.**

Permit No. 13-101, Richard Peppel. Applicant proposes to install an approach with a 24" dia. culvert off C.R. No. 51 along the east side of his farmyard in the SE¼, Section 28, Barnesville Township, Clay County, to provide access to the field so machinery doesn't have to drive through their yard. The culvert sizing matches other area culverts. **Motion** by Ellefson to approve Permit No. 13-101, subject to road authority to work within their road r-o-w. **Seconded** by Nelson. **Approved.**

Permit No. 13-102, Bradow Farms. Applicant proposes to install pattern tiling in the N½, Section 7, Orwell Township, Otter Tail County, outletting to Otter Tail County Judicial Ditch (J.D.) No. 2, to improve crop production. Manager Fjestad conducted a field review this morning and reported that the contractor is ready to start. **Motion** by Ellefson to approve Permit No. 13-102, subject to our standard tiling disclaimer. **Seconded** by Larson. **Approved.**

Permit No. 13-103, Minnesota Department of Transportation (MNDOT). Applicant proposes to complete a bituminous mill and overlay project on T.H. No. 59 between the T.H. No. 34 and the Buffalo River in Becker County. The work will not change the road profile significantly and any culvert changes are with same or hydraulically similar sized culverts. Safety aprons will also be added to the culverts. Jones discussed his review of the proposed project and recommended project approval. **Motion** by Ellefson to approve Permit No. 13-103. **Seconded** by Hanson. **Approved.**

Permit No. 13-104, BNSF Railroad. Applicant proposes to expand its existing automotive processing facility near the Dilworth rail yard. The site is located south of T. H. No. 10 on the southeast side of Dilworth. Drainage improvements are needed to connect existing drainage outlets. Clay C.D. No. 50 will receive the western part of the site drainage and C.D. No. 41-Lateral No. 1, will receive the eastern part of the drainage from the site. Approximately 15 acres of drainage which would normally flow northwesterly to the City of Dilworth and C.D. No. 50 will be redirected easterly to Lateral No. 1. Two stormwater detention ponds will be constructed to maintain pre-project flows in the project area. Jones discussed his review of the project. He had concerns that water from Lateral No. 1 might flow westerly through the stormwater system into the City of Dilworth, but BNSF was able to address these concerns by disconnecting the east and west sides of the project site. Jones recommended permit approval. **Motion** by Hanson to approve Permit No. 13-104. **Seconded** by Larson. **Approved.**

Permit No. 13-105, P&A Ponderosa. Applicant proposes to install a culvert in the northwest corner of the W½, Section 3, Deerhorn Township, Wilkin County, through 190th AVE to allow water assessed to Project No. 30, Clay/Wilkin J.D. No. 1 to drain west into the system. Albright discussed Paschke's concerns about his crop loss due to a recent heavy rainfall event. The Board discussed the ditch system landowners' concerns about water from Wilkin County coming into J.D. No. 1. Ellefson suggested that the permit should be denied because of the ditch system landowners' concerns. Albright pointed out that there are a number of landowners who have similar concerns to Paschke. He felt the Board should hold an informational meeting this coming winter to discuss possible solutions to the drainage problems that occurred this summer in this area. **Motion** by Nelson to deny Permit No. 13-105 with the understanding

that Albright will send Paschke a letter explaining that the Board will hold a meeting next winter, as referenced. **Seconded** by Hanson. **Approved**.

Permit No. 13-106, Kuehl Farms. Applicant proposes to increase the size of the 48" dia. culvert in the northwest corner of the NW¼, Section 22, Oakport Township, Clay County, to a 60" dia. corrugated metal pipe (CMP). The downstream landowner, Blaine Benedict (NE¼, Section 21) agreed to the proposal if the project includes that the upstream landowners (Kevin Kuehl and Kevin Martin) agree to install two 18" dia. culverts and one 24" dia. pipe, all with gates, in his existing field inlets on the north side of his property. Benedict also said he would clean his ditch to help the new culverts flow. He also wants a gate on a driveway crossing in his northeast corner, paid for by the project. **Motion** by Fjestad to approve Permit No. 13-106, subject to road authority approval to work within their road r-o-w and the referenced landowner agreements. **Seconded** by Paradeis Kobiela. **Approved**.

Permit No. 13-107, John S. Walkup. Applicant proposes to install 80 acres of pattern tiling in the S½, NW¼, Section 18, Orwell Township, Otter Tail County, to improve crop production. Manager Fjestad conducted a field review today and recommended permit approval. The original plan was altered to make the project more acceptable to the neighboring landowners. **Motion** by Fjestad to approve Permit No. 13-107, subject to our standard tiling disclaimer. **Seconded** by Hanson. **Approved**.

Permit No. 13-108, Brady Butenhoff. Applicant proposes to install 230 acres of pattern tiling in the S½SW¼, Section 16, Atherton Township, and the SE¼, Section 17, Wilkin County, outletting to C.D. No. 41. Water from Section 16 will cross a minimum maintenance road (240th AVE) via gravity flow and be conveyed via a tile line north to C.D. No. 41. Water in Section 17 will have two gravity flow outlets to C.D. No. 41 to which both sections are assessed. **Motion** by Larson to approve Permit No. 13-108, subject to our standard tiling disclaimer. **Seconded** by Ellefson. **Approved**.

Permit No. 13-109, J&S Nord LLC. Applicant proposes to install pattern tiling in the SW¼, Section 18, Deerhorn Township, Wilkin County, outletting via a lift station in the southwest corner through C.R. No. 188 to Wilkin County Ditch No. 5A to which the property is assessed, and from the northeast corner via gravity flow to J.D. 1 to which the property is also assessed. The NRCS wetland determinations have been completed. **Motion** by Larson to approve Permit No. 13-109, subject to our standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved**.

Permit No. 13-110, Douglas Etten. Applicant proposes to install 260 acres of pattern tiling in the S½, Section 18, Foxhome Township, Wilkin County, outletting via a lift station to the southwest corner of the section to 370th ST road ditch (minimum maintenance), which was recently cleaned. **Motion** by Ellefson to approve Permit No. 13-110, subject to Manager field review. **Seconded** by Hanson. **Approved**.

Permit No. 13-111, Karlo Etten. Applicant proposes to install 80 acres of pattern tiling on property owned by James Wilson in the E½NE¼, Section 32, Foxhome Township, Wilkin County, outletting east under the road and south to the Otter Tail River via gravity flow. The owner, the neighboring landowner, and the Township have given their approval for the project. **Motion** by Larson to approve Permit No. 13-111, subject to our standard tiling disclaimer. **Seconded** by Fjestad. **Approved**.

Permit No. 13-112, Douglas Etten. Applicant proposes to install 100 acres of pattern tiling in the W½, Section 7, Akron Township, Wilkin County, outletting via gravity flow to a private field ditch, and eventually to C.D. No. 6A, to which it is assessed. **Motion** by Larson to approve Permit No. 13-112, subject to our standard tiling disclaimer and Manager field review. **Seconded** by Hanson. **Approved**.

Permit No. 13-113, Karlo Etten. Applicant proposes to install 145 acres of pattern tiling in the SE¼, Section 2, Bradford Township, Wilkin County, outletting via a lift station in the southwest corner to the

C.R. No. 8 north ditch, eventually draining west and south into C.D. No. 10-Branch 1. After discussion, the Board determined that part of the project will outlet into the Bois de Sioux Watershed District. **Motion** by Hanson to approve Permit No. 13-113, subject to our standard tiling disclaimer and approval from the Bois de Sioux Watershed District. **Seconded** by Nelson. **Approved**. The Managers will work with the Bois de Sioux Watershed District to correct the boundary line between the two Districts.

Permit No. 13-114, Karlo Etten. Applicant proposes to install random tiling for approximately 45 acres in the SE $\frac{1}{4}$, Section 27, Meadows Township, Wilkin County, outletting to the south ditch of 140th ST via a lift station. To address the neighboring landowner's concerns about his farmyard, Etten would consider installing a buried pipe in the ditch past Arne Peterson's yard. Etten has agreed to contact Peterson regarding this issue. NRCS has completed their wetland determination. **Motion** by Ellefson to approve Permit No. 13-114, subject to our standard tiling disclaimer and approval from the downstream landowner. **Seconded** by Paradeis Kobiela. **Approved**.

Permit No. 13-115, Kelly Etten. Applicant proposes to install 157 acres of pattern tiling in the SE $\frac{1}{4}$, Section 27, Meadows Township, Wilkin County, outletting via a lift station in the southwest corner to 270th ST (minimum maintenance road), eventually draining west to C.D. No. 1A to which the property is assessed. NRCS has completed their wetland review. **Motion** by Larson to approve Permit No. 13-115, subject to our standard tiling disclaimer, and Manager field review. **Seconded** by Hanson. **Approved**.

Permit No. 13-116, Plecity-Kowalski Construction. Applicant proposes to install a new single family dwelling driveway in the Don Atherton Subdivision in Oakport Township, Clay County, on the east side of 9th ST in the northwest corner of the lot. H.E. will check on the other area culverts to determine the proper size for the new culvert. **Motion** by Ellefson to approve Permit No. 13-116, subject to road authority approval to work within their road r-o-w and culvert sizing recommendation. **Seconded** by Paradeis Kobiela. **Approved**.

Permit No. 13-117, Darvin Danielson. Applicant had already installed random tiling in the SE $\frac{1}{4}$, Section 30, Oscar Township, Otter Tail County. The NRCS has already approved this project. **Motion** by Larson to approve Permit No. 13-117, subject to our standard tiling disclaimer. **Seconded** by Hanson. **Approved**.

Permit No. 13-118, Jay Nord. Applicant proposes to install approximately 600 linear feet (l.f.) of 6" random tiling in the bottom of the 130th AVE and 130th ST road ditches around the Wolverton Township cemetery to drain standing water to allow ditch better mowing/maintenance. **Motion** by Nelson to approve Permit No. 13-118, subject to our standard tiling disclaimer, and road authority approval to work in their r-o-w. **Seconded** by Ellefson. **Approved**.

Permit No. 13-119, Donny Marquardt. Applicant proposes to install 4 lines of random tiling in the W $\frac{1}{2}$ SE $\frac{1}{2}$, Section 16, Akron Township, Wilkin County, outletting to C.D. No. 20. **Motion** by Hanson to approve Permit No. 13-119, subject to our standard tiling disclaimer. **Seconded** by Larson. **Approved**.

Permit No. 13-120, Bryan Albertson. Applicant proposes to install 6 lines of random tiling in the N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 7, Andrea Township, Wilkin County, outletting to Wilkin County J.D. No. 15 to which the property is assessed. **Motion** by Larson to approve Permit No. 13-120, subject to our standard tiling disclaimer. **Seconded** by Nelson. **Approved**.

Permit No. 13-121, RDO Equipment. Applicant proposes to develop commercial property on the west side of C.R. No. 31 and south of T.H. No. 10 in the NE $\frac{1}{4}$, Section 11, Hawley Township, Clay County, by constructing a parking lot and two buildings according to City of Hawley building codes and stormwater management practices including erosion control measures. Runoff from the parking lot and buildings will be collected via a vegetation swale and routed through a stormwater retention pond designed to meet

Minnesota Pollution Control Agency (MPCA) requirements. The pond will outlet via a control structure to the west ditch of C.R. No. 31, and eventually easterly to the Buffalo River via stormwater piping. The north side of the site will drain north to the C.R. No. 10 ditch and then east in the road ditch to join the water from the stormwater pond. Jones discussed his review of the permit and recommended approval. **Motion** by Ellefson. **Seconded** by Nelson. **Approved**.

Permit No. 13-122, John Haarstad. Applicant proposes to install random tiling in a low area in S½SW¼, Oscar Township, Otter Tail County. The project had previously been approved by the other permitting agencies in 2011. Manager Fjestad recommended that Haarstad apply for a BRRWD permit to do the work this year. **Motion** by Ellefson to approve Permit No. 13-122, subject to our standard tiling disclaimer. **Seconded** by Fjestad. **Approved**.

Clayton Runck Drainage Concerns. The BRRWD held an informational meeting on 06/19/13 to discuss an overall plan for drainage/flooding concerns in Section 27, Skree Township, Clay County, with the Runck family and representatives from the local, state, and federal agencies, and neighboring landowners. Chuck Melvin, United States Fish and Wildlife Service (USFWS), completed an elevation survey along 110th AVE S and forwarded the information to the BRRWD, the Runcks, and other interested parties. Runck has requested permission from the NRCS to replace a 12" dia. field approach culvert into Barb Ronsberg's property with a larger culvert west of the existing centerline structure. NRCS recently decided to agree to Runck's request because they have determined that it is the elevation of the pipe, not the size that affects the elevation of the Ronsberg wetland in Section 34. They asked the BRRWD to monitor the new culvert installation elevation. Albright explained that the upstream culverts draining into this area are 24" and 30" dia. structures, but the next downstream culvert in Herb Nelson's driveway is only a 12" dia. pipe. He noted that the Township would have to be asked to increase the size of that pipe, and then Nelson would have to agree to allow more water adjacent to his land on the south side of 110th AVE S. Using the overhead monitors, Albright discussed the drainage patterns in Section 27 and the possible effects of Runck's proposal. Runck will need to submit a BRRWD permit application for increasing the size of the referenced culvert.

Scott McCaslin Wetland Concern. Emily Siira, Area Hydrologist, Minnesota Department of Natural Resources (DNR), has been contacted regarding the status of the DNR Ordinary High Water (OHW) survey. She indicated that she has ordered an OHW survey for the wetland to be conducted at the same time as the Stakke Lake survey. McCaslin has concerns about the elevation of a DNR protected wetland on property he rents in Section 14, Hamden Township, Becker County.

Stakke Lake Control Structure. An informational meeting was held on 7/23/13 to discuss landowners' concerns about the lake's water quality and possibly stabilizing water levels. The DNR has installed a lake elevation gauge, so that an interested party can manually read the current lake elevation. The DNR has also ordered an OHW survey for the Lake. Albright visited with Becker County Commissioner Barry Nelson about his concerns regarding the effects on neighboring farmland if the lake elevation is raised.

John and Cathy Posch Drainage Concerns. Albright met with Chuck Melvin, USFWS, yesterday to visit about the Poschs' concerns regarding the USFWS work on their easement in the NE¼, Section 10, Cromwell Township, Clay County, which the Posches feel is blocking a downstream waterway, creating seepage problems affecting their upstream well, buildings, and trees. Albright explained the history of a waterway crossing on the USFWS easement, where the USFWS removed a culvert and installed a Texas crossing for the neighboring landowner, Duane Brokate, which the Posches feel is restricting the waterway and backing water onto their property. Melvin has indicated that he is willing to work with the landowners to address their concerns, but he will not do any work that would drain the area wetlands on the USFWS easements. He would like to know what the Posches want USFWS to do regarding their concerns.

Albright will contact the landowners to tell them to contact Chuck Melvin and give him a definitive request regarding how the USFWS can address their concerns.

Akron Township. Jones is working with Wilkin County regarding their survey to address landowner concerns pertaining to a 60" dia. CMP the Wilkin County Highway Department installed approximately 20 years ago in C.R. No. 169 (290th AVE) between Sections 5 and 6, Akron Township, which is larger than some of the downstream pipes. He has reviewed the County's current survey information. He will contact Dan Swedlund, Wilkin County Highway Department, to discuss the need for additional survey information that he'll need to analyze the breakout flows from the ditch systems to the east.

Greg Grommesh Diking Complaint. The Board met with Paul Quinnild at a previous meeting regarding his concerns about a dike installation started several years ago by Greg Grommesh in Section 28, Barnesville Township, Clay County. Grommesh continues to add to the dike, most notably in 2011 when he had the City of Barnesville place extra fill from their street project in this area. Grommesh's dike is holding water on the neighboring property owned by Quinnild. Albright has prepared a letter to invite Grommesh and the other affected parties to the 8/26/14 BRRWD meeting to discuss options to address the neighboring landowners' concerns about his diking activities.

USFWS Complaint. Albright distributed a letter from the USFWS regarding ditching activities Bill Zurn has completed in Section 34, Riceville Township, Becker County. The USFWS questioned if the landowner received a BRRWD permit for the work and is concerned about the project's effect on their adjacent wetlands. Manager Hanson will field review the site and report back to the Board at the next meeting.

Riverton Township Drainage Concern. The Hershey Family Limited Partnership, the new owner of the former William Lass property in Section 31, Riverton Township, Clay County, has drainage concerns regarding their property. Terry Skjerseth, Pifer's Auction and Realty, is the Hershey Family's representative. He has been in contact with Albright regarding concerns that their property is being drained onto without regard to a defined outlet. The property is assessed to Project No. 20, C.D. No. 12, but they feel the ditch along the old railroad grade has not been maintained to allow for proper drainage. Albright suggested that it might be necessary to consider constructing a lateral to C.D. No. 12. A landowner informational meeting should be scheduled this winter to discuss options to address this problem.

Project No. 76, Wilkin C.D. No. 3-Yaggie Lateral. Jones submitted the Engineer's Report. He gave a brief overview of the report. The construction costs are estimated at \$161,700. Jones estimated there was approximately 25,000 cubic yards of material to excavate, which would provide a ditch with a 6' bottom width and 3:1 side slopes. The total estimated project cost is \$263,490. The Board discussed the proposed project. **Motion** by Ellefson to accept the Report and start the review process. **Seconded** by Nelson. **Approved.** Copies of the Report will be forwarded to the Minnesota Board of Water and Soil Resources (BWSR) and the DNR for their review (30-day Advisory comment period). Copies will also be provided to the two Townships and the Petitioners, Mike Yaggie and Wayne Fuder. A preliminary hearing will be scheduled this winter, as it is too late to start the project this year.

Project No. 75, Wilkin County Ditch No. 31-Lateral. Jones reported that he met with Julie Aadland, Area Hydrologist, DNR, for initial discussions regarding the proposed project. Diversion of area water flows affects Whisky Creek, which is a DNR protected watercourse. Albright noted that area landowners also have had questions about the proposed project. Jones explained that Whisky Creek is so plugged with sediment that it is causing localized agricultural land flooding. Aadland understood that the project would not "starve" Whisky Creek of water, but would divert high flows from the cropland to C.D. No. 31 via the proposed lateral. However, she indicated that before she could issue a permit for the project, she planned to

refer the proposal to her superiors for their approval. Jones will wait for an official written DNR decision before moving forward with the Preliminary Engineer's Report. Using the overhead monitors, Jones described the proposed project alignment.

Project No. 74, Clay County Ditch No. 51-Lateral. Albright discussed the project/litigation status. He reported NRCS has determined that the area on Minch Family property in Section 28, Kragnes Township, is either converted or previously drained, so there are no wetland issues for the project. Attorney Tami Norgard, Vogel Law Firm, advised the Board that legally, they could move forward with the project. The Board discussed the litigious nature of the proposed project and the possibility of appointing professional Viewers from a different part of the State. **Motion** by Nelson to direct H.E. to prepare the Detailed Survey Report. **Seconded** by Hanson. **Approved.** The Board will discuss Viewer appointment again at an upcoming meeting.

Project No. 73, Country Heritage Ditch. The Board approved the final pay request to the contractor, Johnson Excavation, at their 8/12/13 meeting. Jones reported that the 2nd Street culvert survey has been completed for all the pipes, and the analysis will be submitted at the 8/26/13 meeting.

Project No. 72, Wilkin County Ditch No. 22, Lateral 3-Improvement. The contractor, William Nichols Excavating, Inc., has completed his work, and the Board approved his final pay request at the 8/12/13 meeting. H.E. still needs to stake the permanent r-o-w.

Project No. 71, City of Moorhead/50th AVE S. The office forwarded a pay request to the City of Moorhead for payments to two landowners for their 2013 fertilizer costs. The BRRWD has issued checks to the landowners.

Project No. 60, Swede Grove Lake. The Board dismissed the project petition. The office will provide a breakdown of the project costs related to the original Clay County project petition and the subsequent alternative analysis the BRRWD conducted in conjunction with the USFWS and other agencies. Clay County will be billed for their share of the project costs.

Project No. 56, Manston Slough Restoration. The contractor, Gladen Construction, Inc., plans to get started on the project after Labor Day, and they have requested a project deadline extension from 6/30/14 to 9/30/14. The office plans to schedule a ground breaking ceremony for the project. **Motion** by Ellefson to approve a project completion date extension until 9/30/14. **Seconded** by Fjestad. **Approved.**

Project No. 49, Oakport Flood Mitigation. H.E. received demolition bids for site cleanup work. Adam Grothmann, Northern States Excavating, Inc., was the low bidder. The Board will award the contract at their 8/26/13 meeting after they review the bid documents.

Project No. 39, Georgetown Levee Improvement. The contractor, Reiner Contracting, Inc., has submitted a project completion date extension request from 9/20/13 to 11/15/13. **Motion** by Nelson to approve the completion extension. **Seconded** by Fjestad. **Approved.**

H.E. also submitted a Change Order for Reiner Contracting, Inc. for two additional demolition sites because the fire department was not able to burn the structures. The Change Order would add \$31,000 to contact. **Motion** by Fjestad to approve Change Order No. 1. **Seconded** by Larson. **Approved.**

Project No. 30, Clay/Wilkin J.D. 1. Albright noted that the Board should hold a meeting with the area landowners this coming winter to discuss their 2013 summer flooding concerns.

Mediation Project Team (PT). The 2013 Fall Tour is scheduled for Thursday, October 3, 2013, 2:00 PM, Galaxie Supper Club. Invitations will be sent.

Watershed District Enlargement (WDE). Albright reported that we may have to change the 8/29/13 meeting venue from the High School to the Rothsay Community Center. The hearing notice and maps will be forwarded to the affected landowners this week.

Becker Soil and Water Conservation District (SWCD). Albright explained that the BRRWD has had a partnership with the SWCD for several years to install conservation practices and measures in Becker County. This year, the funding is being used for shoreline issues by various lake associations within the BRRWD. The Becker SWCD forwarded a request to the BRRWD for 2014 funding in the amount of \$5,000-\$10,000. The funding was included in the 2013 M.S.A. 103D.905, Subd. 3, budget. Van Amburg thought that the Board should consider including funding for this project in the 2014 budget as well. The SWCD has also asked other entities for funding. The Board discussed the payment method for the landowner payments for participating in the program. **Motion** by Hanson to set aside \$10,000 for the Becker SWCD program, as referenced. **Seconded** by Fjestad. **Approved.**

Clay C.D. Nos. 9, 32, 33 Redeterminations. Albright reported that the contractors are working on the sites. Jones submitted a pay request for JDX LLC for C.D. No. 32 in the amount of \$26,600. **Motion** by Fjestad to approve the referenced pay request. **Seconded** by Larson. **Approved.**

Albright and Chairman Van Amburg met with Leland Vette regarding his appeal of his r-o-w payment for C.D. No. 9. Vette provided appraisal details that he felt warranted an increase in his payment from \$5,000/acre to \$15,000. Albright suggested a compromise at \$10,000/acre, which Vette accepted. **Motion** by Ellefson to agree to increase Leland Vette's r-o-w payment, as referenced to settle his appeal. **Seconded** by Fjestad. **Approved.**

Elkton Township Wetland Restoration. The contractor, Ziegler Construction, Inc., started the project under wet conditions, but although the weather has been dry in the last 6-8 weeks, he has made no further progress. The completion deadline is 8/31/13. The office will contact the contractor to advise him that if work isn't completed by the 8/26/13 BRRWD meeting, the Board will look for another contractor to finish the project.

Part-time Office Assistant. Chairman Van Amburg mentioned that following the elimination of Mona Barker's Administrative Assistant position on 8/12/13, the office is in need of help. He noted that there is a person who would be willing to help with administrative tasks from home for a straight hourly fee without benefits, etc. The Managers felt that they would prefer to wait until the BWSR Performance Review and Assistance Program (PRAP) process is completed.

Clay C.D. No. 20 Repairs. Landowners Dirk Swanson and Paul Fossum submitted a request to repair washed out culverts on private crossings on C.D. No. 20. They proposed that they would install the culverts if the BRRWD would furnish the pipes. **Motion** by Larson to approve the purchase of the culverts and the landowners do the installation, as referenced. **Seconded** by Ellefson. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
IRS	Federal Form 941 Tax-Barker #1032	Admin	\$ 242.25
MN Dept. of Revenue	MN State withholding-Barker-#1033	Admin	\$ 39.00
Mona L. Barker	August Insurance Premium reimb.#50059	Admin	\$ 118.91
Payroll Professionals, Inc.	8/14/13 payroll prep-Barker #50060	Admin	\$ 40.14

PERA	PERA 8/14/13 payment-Barker-EFT	Admin	\$ 156.39
Ramona L. Barker	8/14/13 payroll-#50058	Admin	\$ 893.41
			\$ 1,490.10

Motion by Ellefson to approve payment of the bills. **Seconded** by Fjestad. **Approved.**

Next Meeting. The next regular meeting and the BRRWD Annual Budget Hearing is scheduled for Monday, August 26, 2013, at 7:30 PM in our Barnesville office.

COE Diversion. Two public meetings have been scheduled regarding the F-M COE Diversion project in Comstock. They will be held on August 15th and 20th, both beginning at 6:00 PM.

Adjournment. Chairman Van Amburg adjourned the meeting at 11:10 PM.

Respectfully submitted,

John E. Hanson, Secretary