MINUTES FOR MANAGERS' MEETING
March 10, 2008

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, March 10, 2008, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Gerald L. VanAmburg, Curtis M. Nelson, E. Robert Olson, and John E. Hanson. Others attending included: Erik S. Jones, Engineer, and Julie Jerger, Houston Engineering, Inc. (H.E.); Mayor Dennis Walaker, City of Fargo; Jeffry Volk and Lee Beauvais, Project Engineers, Moore Engineering, Inc.; Mark Bittner and April Walker, Engineers, City of Fargo; Mark Brodshaug and Tom Fischer, South East Cass Water Resource District; Robert Zimmerman, Engineer, City of Moorhead; Paul Krabbenhoft, Clay Soil and Water Conservation District (SWCD); Bruce Langness, Ulteig Engineers, Inc. (UEI) and South East Cass Water Resource District Technical Advisor; and Keith Berndt, Cass County Engineer.

Chairman Ellefson called the meeting to order at 8:00 PM. He noted that the proceedings were being taped to aid in preparation of the minutes. He introduced the BRRWD Managers and staff.

Secretary's Report. The Board reviewed draft minutes for the 2/25/08 regular meeting. Motion by Nelson to approve the minutes. Seconded by VanAmburg. 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. Jerger noted that we have received reimbursement from the Minnesota Department of Natural Resources (DNR) for the Grundyson buyout ($181,561.96) in conjunction with Project No. 49, Oakport Flood Mitigation. We currently have $791,799.41 on hand. Motion by Hanson to approve the Treasurer's report. Seconded by Olson. Approved.

Business brought before the Board included:

Fargo Southside Flood Control (SSFC). Representatives from the City of Fargo made a presentation regarding their SSFC project. Mayor Dennis Walaker gave a brief history of flooding in south Fargo and the SSFC development. He mentioned that Moore Engineering has revised the project design to reduce impacts on the Red River and lands lying east of the project. The revised costs could exceed $100 million. Water retention inside the project levee, or on a larger area south of the project area, is an integral part of the revised plan. Walaker said that the City would be open to any design suggestions the BRRWD could offer. Walaker thanked the Board for allowing the City of Fargo to make their presentation. He introduced Jeffry Volk, Moore Engineering, Inc., who is the project engineer for the SSFC project, and Mark Bittner and April Walker, who are engineers for the City of Fargo. Bittner introduced the engineering staff, the project technical steering committee, and other visitors. He discussed the reasons for developing a flood control project for south Fargo: 1.) to prevent flood damage to homes and businesses; 2.) to make it possible for homeowners to purchase flood insurance at a lower rate; and 3.) to allow for the future growth of the City to the south. Bittner also discussed the four previous alternative designs and the current revised alternative that addresses the Red River stage increase concerns associated with the previous designs. He commented that the revised design will be more expensive.
Volk distributed handouts containing project information with maps showing the five alternative levee designs. He gave a detailed PowerPoint presentation of the five alternative designs: 1.) Wild Rice River Levees; 2.) 70th AVE S Outlet; 3.) Rose Coulee Outlet; 4.) Wild Rice River Diversion; and 5.) Wild Rice River Bypass. Volk explained that all five designs have levees based on Federal Emergency Management Agency (FEMA) criteria. Some of the alternatives have diversions, and all have a storage component. Volk referenced the affects of the 1997 spring flood on the area of Fargo south of Interstate-94 (I-94). He noted that this area was impacted not only by water from the Red River of the North, but also by overland flooding from the Wild Rice River. The presentation included a chart showing peak discharges for flood events in terms of cubic feet per second (cfs). The 1997 spring flood had a discharge rate of 28,000 cfs, while the 100-year flood event is 29,300 cfs. The Wild Rice River starts to break out of its banks at 20,000 cfs, which is less than a 50-year flood event (22,300 cfs). He noted that according to a chart from the North Dakota State Climate Office, the City of Fargo was established during a dry period.

The first four alternatives, developed last year, had impacts on the Red River and raised flood levels on lands east of the project area. The most recent alternative is similar to the other four designs, but includes pilot channel extensions along the Red River to increase the channel capacity (2,000 a-f) and the addition of 4,000 acre-feet (a-f) of supplemental storage within the levee. The addition of channel extensions and supplemental storage to the basic levee design creates zero or less stage impacts on the Red River. However, costs could increase approximately $20-$30 million to add channel extension w/recoverable storage and an additional $20 million to include 4,000 a-f of supplemental storage. Volk noted that they have been looking at possible larger retention areas upstream of the Fargo area where it would be more cost effective to invest in traditional retention sites. One possible area could be in the Antelope Creek Watershed that outlets into the Wild Rice River, west of the Red River near Wahpeton/Breckenridge, where total storage could be as much as 75,000 a-f of storage. Volk noted that the City of Fargo could not use local money to develop these sites. However, the South East Cass Water Resource District has asked for a retention study, and Richland County is interested in possible water retention projects. As an example, the Maple River Dam stores 60,000 a-f of water for $30 million. Volk pointed out that spending $20 million to build 4,000 a-f of storage in the project area isn’t as cost effective as rural retention. The group reviewed preliminary 100-year FEMA floodplain maps with and without the proposed project. Volk noted that if levees were installed along the Red River to protect the landowners east of Highway 81, it could raise the flood stage by about 0.25”-1.0”, which he thought might an acceptable level. He mentioned that both North Dakota and Minnesota have farmstead ringdike programs that would be available for rural properties outside of the protected project area.

Bittner discussed the project development schedule. Currently, the project is in the public presentation and review phase. The City would like to open bids for this project in May 2009 with construction completed by April 2011. Ongoing activities associated with the SSFC project include a cost-benefit analysis, an Environmental Assessment, the geomorphology analysis, and technical/peer review. Bittner mentioned that other agencies/local government units are also developing flood protection projects/studies in the area. The City will be making similar presentations to the Cass and Clay County Commissions, the City of Prairie Rose, and affected townships and subdivisions.

Ellefson questioned how the Wild Rice River diversion flows will be discharged into the Red River. Bittner explained that the proposed Red River channel extensions will create a larger channel capacity. Ellefson noted that there are possible retention opportunities on the Otter Tail River upstream of the Red River at Breckenridge. He discussed the condition of the Wolverton Coulee/Comstock Coulee. He noted that very little of the BRRWD’s water gets into the Red River south of Moorhead. He added that there could be possible storage developed in this area. The group had an extended discussion regarding the proposed channel extensions. Volk noted that the City will need support from regional communities and local groups like the BRRWD to help move the project through the agency review process. VanAmburg
pointed out that in order to get support from communities/agencies, it is critical that project construction and storage/retention construction is coordinated. Volk pointed out that the community will need to answer the question of how long the affected areas should have to absorb the risk of stage increase (2") while the supplemental storage is developed. Discussion followed regarding questions about the channel extensions’ affect on the natural flow conveyance and the possibility of embankment sloughing. Bittner explained that the flow velocity will be similar to current conditions, and flood peak duration will be longer, but the 100-year peak will not be higher.

Mayor Walaker thanked the BRRWD for the chance to present the project and indicated that if anyone had further suggestions/comments, they should feel free to contact the City. Chairman Ellefson thanked the City of Fargo for the presentation.

**Project No. 49, Oakport Flood Mitigation.** Bruce Langness, UEI, discussed the status of the project. He noted that the Technical Committee will be meeting on 3/19/08 at 1:30 PM, in the Moorhead Police Department. UEI will present a draft copy of the Phase I Engineer’s Report and construction documents. UEI has prepared a cost breakdown for the four project phases. He estimated that the average cost for each phase will be approximately $3-$4 million. He noted that UEI did not include the home buyout costs, as he thought the funding for buyouts was separate from construction costs. Ellefson referenced the State bonding bill and possible funding cutbacks. The group discussed potential funding for the Oakport project. Langness noted that the UEI contract for Phase I will include fees for parcel map drawings and the development of benefit criteria. He noted that there is a public informational meeting scheduled on 4/03/08 at 7:00 PM in the Dilworth Community Center. Olson reported that he and Albright met with Pifer’s Auction and Realty regarding the 5/01/08 auction sale of the buyout houses. A public open house has been scheduled for 4/17/08. Langness said that Mayor Walaker and Mark Bittner would like to tour the Oakport project area this spring. He will contact Albright in this regard. The group briefly discussed the SSFC project. The group felt that the storage component is vital to address the project impact concerns.

Later in the meeting, the Board discussed the revised auction sale terms. Albright, Olson, and Jim Lakoduk, Pifer's Auction & Realty, have been working on the document. Olson felt the Board should have a plan to address down payments, security deposits, house moving terms, etc. Nelson thought buyers should provide a letter of credit in order to bid. The Board agreed to rely on Pifer's experience regarding the sale terms.

**Permit No. 07-122, City of Moorhead.** The Preliminary Hearing for Clay County Ditch No. 47 channel modifications associated with the City of Moorhead's 34th ST S Corridor and I-94 Interchange project was held on 2/28/08. Jones previously submitted a letter regarding his recent review that recommended permit approval. Now that the hearing has been held, the Board felt they could take action on this permit application. **Motion** by Nelson to approve Permit No.07-122. **Seconded** by Hanson. **Approved.**

**Permit No. 08-02, MNDOT.** Applicant proposes to improve the Trunk Highway (T.H.) No. 10 westbound lane from 3rd ST in Hawley to 7th ST in Dilworth. The project will consist of milling 2" of bituminous off the road and resurfacing the roadway with 4" of new bituminous. The Minnesota Department of Transportation (MNDOT) plans to add one right turn lane, one bypass lane, and regrade sections of the north ditch bottom back to its original elevation. They also propose work on several culverts, including lining, jacking, and upsizing. The work is Phase 2 of the project MNDOT started in 2006 (Permit No. 06-05). The application included a set of plans with a list and description of the proposed culvert changes.

Jones prepared a letter regarding his review of this application. Due to downstream landowners concerns raised in Section 8, Hawley Township, Clay County, when Permit No. 06-05 was approved, MNDOT agreed to eliminate the 30" and 24" dia. culverts through the west bound lanes to improve drainage along
the north side of T.H. 10 and to install a 36" dia. flow restrictor on a 54" reinforced concrete pipe (RCP) that replaced a 24" dia. culvert through both lanes of T.H. 10. In accordance with their 2006 agreement, MNDOT now proposes to eliminate the two culverts and remove the reducer pipe in association with their current westbound lane project. In addition, MNDOT plans several other culvert changes. Jones noted that the proposed work appears to be consistent with the discussions that took place in 2006 regarding the downstream landowners' concerns. He recommended permit approval. **Motion** by VanAmburg to approve Permit No. 08-02. **Seconded** by Olson. **Approved.**

**Permit No. 08-03, Clay County Highway Department.** Applicant proposes to replace the existing County State Aid Highway (CSAH) No. 11 bridge 0.1 miles south of County Road (C.R.) No. 93 and CSAH No. 11 intersection in Section 17, Moland Township, with a 520 foot, four-span structure that provides 100-year flood protection, while maintaining the existing hydraulic characteristics of the Buffalo River. The new bridge will cross the Buffalo River approximately 200' east of the existing bridge, and will require realignment of CSAH No. 11, as it approaches the crossing. An existing bridge, upstream of C.R. 93, will also be removed. The County plans to realign C.R. 93 to intersect CSAH No. 11 south of the proposed crossing. The proposed work, which is part of a larger CSAH No. 11 realignment and grading project that Clay County plans for 2008-2009, is the result of roadway soil stability issues adjacent to the Buffalo River. The County will need to submit a separate BRRWD permit application for the realignment project. Jones reviewed the proposed work and recommended permit approval. **Motion** by Hanson to approve Permit No. 08-03. **Seconded** by VanAmburg. **Approved.**

**Permit No. 08-04, Benedict Farms, Inc.** Applicant proposes to install 247 acres of patterned tiling in the E½, Section 14, Elkton Township, Clay County, to increase the land's productivity and reduce the high water table. **Tabled** pending Manager field review when weather conditions permit.

**Permit No. 08-05, Lynn Brakke.** Applicant proposes a number of culvert/drainage changes for Sections 2, 3, and 10, Wolverton Township, Wilkin County. The Board has held several meetings in the past regarding drainage in this area. The Board plans to invite Donald Hoppe, Gary Israelson, and Paul Israelson to a future BRRWD meeting to discuss the request. **Tabled.**

**Minch/Johnson Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:50 PM to discuss the status of both issues. At 9:55 PM, the Board reopened the meeting.

**Project No. 62, Clay/Wilkin J.D. 1-Branch 4-Improvement/Extension.** The BRRWD held the Preliminary Hearing on 3/04/08. The Board discussed the proposed project and appointment of Viewers. **Motion** by Hanson to authorize Ellefson to sign the Order to continue development of the Branch 4-Improvement/Extension project. The Board also authorized Jones to prepare the Detailed Survey Report, and appointed Eddie Bernhardson, Lauren Peterson, and Arvid Thompson as Viewers. **Seconded** by Nelson. **Approved.**

**Project No. 58, Riverton Township Retention.** Jones noted the DNR has given verbal approval for the dam safety permit with only a slight design change. The DNR will want to review the final project plans. Brian Winter, The Nature Conservancy (TNC), forwarded the modified easement document to the Minneapolis TNC office for their review and signature. To date, we have not received a response. The BRRWD hopes to open bids for the project in April 2008.

**Project No. 56, Manston Slough Restoration.** BRRWD Attorney Corey Elmer, Vogel Law Firm, is working on the Kent Rod & Gun Club title opinion. Jerger noted that Albright plans to set up meeting with Andy Beyer regarding this issue.
**Project No. 46, Turtle Lake Outlet.** Wade Opsahl, Technician, H.E., plans to start the Turtle Lake siphon as soon as snowmobile season ends. The Long Lake siphon is running.

**Project No. 38, Farmstead Ringdikes.** Jones sent an e-mail message to the Burlington Northern Sante Fe (BNSF) Railroad regarding their review of our license agreement for the Kragnes Ringdike project. He noted that it has been approximately 45 days since he sent information to BNSF regarding the flapgates for the culverts/dikes on their right-of-way (r-o-w).

Jones sent an e-mail message to Allan Milbradt, MNDOT, today, regarding Milbradt’s questions about the proposed culvert extension in T.H. 75. MNDOT would like to movie the pipe further west, away from the T.H. 75 r-o-w to address clear zone and maintenance issues. It appears that they only want to move the culverts approximately 3’. Jones thought this request would not be a problem.

Jones contacted landowner Jeff Kluck with an update regarding the status of the Kragnes ringdike.

Nelson questioned if Opsahl has contacted landowner Gary Olson regarding a possible farmstead ringdike on his property in the SE¼, Section 35, Kragnes Township, Clay County. Jones will check with Opsahl regarding this issue.

**Project No. 35, Clay County Ditch No. 47.** The hearing regarding the 34th ST Interchange Project was held 2/28/08. The Board will make a decision regarding this project at their next meeting.

**Project No. 32, Hawley EDA Diversion.** Joe Kelly, Hancock Concrete Products Company, contacted the office regarding our concerns about the deteriorating 60” dia. diversion pipe. Albright will call Kelly to schedule a meeting with the BRRWD and the City of Hawley.

**Mediation Project Team (PT).** The BRRWD will hold their next PT meeting on Thursday, April 24, 2008, at 7:30 PM in the MSUM Science Center near Glyndon. The Red River Watershed Management Board (RRWMB)/Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) Conference will be held 3/20/08, the Northland Inn, Crookston. The BRRWD PT will make a 10-minute Power Point Presentation about our projects. Jerger distributed draft conference agendas to the Board. The office will notify County Commissioners, SWCDs, and our PT members about the Conference.

**Comprehensive Planning.** The next Citizen and Technical Advisory Committee (CAC/TAC) meeting is scheduled for 3/14/08, at 9:00 AM in the Eagle Café, Barnesville.

**Wilkin County Ditch No. 40.** A ditch system hearing regarding the DNR’s Lawndale Creek Restoration project has to be scheduled. Jones has completed his review of the DNR hydrology report for the Lawndale Creek Restoration project, and the office has forwarded the report to DNR for their review. The next step will be to complete the hearing in accordance with Minnesota Statutes Annotated (M. S. A.) 103E.227, Subd. 3(b).

**Becker SWCD Envirothon.** The Becker SWCD sent a request to the BRRWD for a contribution to their 2008 Area II Envirothon, which will be held Wednesday, April 23, 2008, near Alexandria. **Motion** by VanAmburg to donate $100 to the event. **Seconded** by Hanson. **Approved.**

**Legislative Update.** Joel Carlson, BRRWD Lobbyist, forwarded his legislative update for the Board's review.
Becker County Ditch No. 19. The BRRWD has scheduled the abandonment hearing for this ditch system on 4/08/08 at 8:00 PM in the Callaway Senior Citizens' Center. The office prepared a hearing notice for the Board’s signature. Ellefson signed the notice on behalf of the Board. Jerger noted that the office received a letter from the attorney of a landowner who is concerned about the water level on Rock Lake. The landowner would like to see at least one of the culverts under the township road between Rock and Rice Lakes removed or resized.

MNDOT Annual Meeting. MNDOT has scheduled their annual meeting for 3/17/08 at 10:00 AM in Detroit Lakes. Albright, Nelson, and Hanson plan to attend.

2008 MAWD Legislative Breakfast. The 2008 Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast and Day at the Capitol is scheduled for Thursday, March 13, 2008, at the Kelly Inn in St. Paul. There will also be a Legislative briefing at the Kelly Inn from 7:00 PM to 9:00 PM on Wednesday, March 12, 2008. Albright has scheduled a regional meeting from 2:00 PM to 5:00 PM on 3/12/08 with our Legislators, Lobbyist Joel Carlson, the BRRWD, the WRWD, and the Pelican Lake and Cormorant Lake Watershed Districts. The Board discussed travel arrangements.

D&O Liability Insurance. ICS Agency, Inc., has forwarded the renewal application for our Directors & Officers liability insurance. The application must be returned by 3/14/08. Motion by Hanson to authorize Ellefson to sign the application. Seconded by Olson. Approved.

BWSR Demographic Information. The Minnesota Board of Water and Soil Resources (BWSR) forwarded demographic information from the Watershed Districts and Water Management Organizations survey they took in September 2007. Copies were distributed for the Board's review.

River Keepers Report. The 2008 River Keepers' Staff Report was distributed to the Managers for their review.

Red River Reporter. A copy of the Minnesota Pollution Control Agency (MPCA) Red River Reporter newsletter was distributed to the Managers for their review.

PRAP Report. The Managers reviewed BWSR's Performance Review and Assistance Program (PRAP) report. The purpose of the report is to provide designated legislative committees with an analysis of local water management entity performance each year.

The following bills were presented for approval:

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

Next Meeting. The Board of Managers, BRRWD, will hold their next meeting on Monday, March 24, 2008, in the Barnesville office at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 10:40 PM.

Respectfully submitted,

John E. Hanson, Secretary