

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

April 23, 2007

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, April 23, 2007, 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 BRRWD Administrator Bruce E. Albright, Erik S. Jones, Wade S. Opsahl, and Julie Jerger, Houston Engineering, Inc. (H.E.); Merrill and Stephanie Miranowski, M&M Construction; Ronald Erdman, Allstate Construction; and landowners: Solveig Mead, Ken Berg, Kevin Olsgaard, Warren Brendemuhl, Art Swanson, Alvin Swanson, Richard Gilbery, Stuart Shulstad, Gary Ronsberg, Judy Shulstad, Dorothy Ronsberg, David Ronsberg, Eileen Emerson, Barbara Ronsberg, Darin Allmaras, Cory Kara, and Jenny Peppel.

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.

Secretary's Report. The Board reviewed draft minutes for the 4/09/07 regular meeting. **Motion** by Nelson to approve the minutes. **Seconded** by Hanson. **Approved.**

Business brought before the Board included:

Project No. 38, Farmstead Ringdikes. Landowner Solveig Mead discussed her decision to build a ringdike in Section 25, Kragnes Township, Clay County, and her concerns regarding the final project cost overruns. The initial cost estimate for Mead's ringdike was \$19,524, and the final cost was \$32,806. Mead has already paid \$4,881, or 25% of the initial estimate. The Board has asked Mead to contribute an additional \$4,022. Traditionally, ringdikes are funded 50% State (\$15,000 cap), 25% BRRWD, and 25% landowner. Mead said that if she had known the actual cost for the project, she wouldn't have participated. She noted that the ringdike estimate was off by 68% on the total project cost and 82.4% on her share of the project. Wade Opsahl, Technician, H.E., who provided the estimate, cited the combination of wet soil conditions, increased fuel costs, and dike alignment changes as the reason for the increased costs. While Opsahl based his estimate on cubic yards of embankment materials, Dennis Drewes, Inc., who was the contractor, worked on an hourly rate that was subject to change. The grass had to be reseeded last fall, which added \$1,180 to the ringdike costs. Mead questioned why the contractor wasn't responsible for establishing grass on the dike since Drewes was paid for the seeding in the spring of 2006. VanAmburg asked if there had been some trouble with the grass planting. Opsahl said that because of the dry weather conditions last summer, grass seed did not germinate properly on several projects. Nelson questioned if Drewes should have been liable for reseeding. Opsahl said that because the work was on an hourly basis, we did not have a contract with Drewes for the project. We would have had to pay for the work regardless of who reseeded the grass. Opsahl explained that since Drewes was busy working on another project last fall, he hired Northern Excavating to do the reseeding work. Opsahl said that only the top of the dike needed to be reseeded.

A discussion followed regarding using hourly rates versus letting bids for a project. Jones explained that if contractors are working on an hourly rate basis, their rates can change. When a contractor bids a project, he is restricted to the contract rates. Nelson noted that the BRRWD is not required to let bids for projects under a certain dollar amount (Minnesota Statutes Annotated (M. S. A.) 103D.641). Albright explained that the State's ringdike cost share traditionally caps at \$15,000. Ken Berg pointed out that Mead's contract with the BRRWD only states that the State's share of the ringdike costs is 50% and does not contain language about the cap. Because of this cap, the BRRWD and Mead have an additional \$1,403.16 to split that should have been part of the State's 50% share. Berg noted that although the hourly rates are subject to change regarding fuel cost increases, etc., he didn't think the BRRWD's contract with the landowners should change.

The group discussed a possible compromise regarding the cost overrun. Opsahl noted that Drewes completed most of the dike in the fall of 2005 and did the cleanup and grass seeding in the spring of 2006. The Board reviewed a handout showing previous ringdike estimates versus final costs. Albright noted that a few projects came in under the estimate, but most were higher. Ellefson suggested that the BRRWD, H.E., and Mead could split the cost overrun three ways (\$1,340.72 each). Jones will discuss this proposal with Rick St. Germain, Vice President, H.E. Mead also agreed to consider this compromise and asked the BRRWD to put their proposal in writing once H.E. has made a decision regarding their participation. The Board felt a three-way split would be a good compromise. They agreed to put their offer in writing for Mead and indicated that they were committed to working with Mead to find a solution to this issue as soon as possible.

Project No. 61, Clay County Ditch No. 11-North-Improvement. The BRRWD held the Preliminary Hearing for this project on 4/19/07. Kevin Olsgaard provided photographs showing the effects of this weekend's 3.5" rainfall. The Board discussed how the existing ditch functioned during that event. Albright noted that the ditch west of Trunk Highway (T.H.) No. 75 is flat with only about 1' of fall to the outlet. To drain properly, there needs to be about 3'-4' of drop.

Albright took photographs today of John Leseth's bridge that he would like to have replaced as part of the County's proposal to regrade County State Aid Highway (CSAH) No. 8. He noted that the bridge did not appear to restrict drainage. The photographs of the Ditch No. 11 outlet structure showed severe soil erosion/water turbidity caused by the heavy rainfall. The Board discussed water quality issues associated with this ditch system. **Motion** by VanAmburg to approve a Preliminary Order to continue with the development of Project No. 61 with the understanding that the petitioner, Kevin Olsgaard, will increase his bond amount as necessary. In addition, this project will be combined with Clay County's project to regrade CSAH No. 8 in 2008 or 2009. **Seconded** by Nelson. **Approved.** Albright will prepare the Order for the Board's signature at their next meeting. He will ask H.E. for a breakdown of their project development costs to date, and then contact Olsgaard if his bond needs to be increased. The Board hopes to hold the Final Hearing later this fall. The Board will also address the bridge replacement issue in association with this project.

Clay County Ditch Nos. 20/22. Alvin Swanson, Warren Brendemuhl, Art Swanson, and Richard Gilbery discussed their 2007 assessments for Ditch Nos. 20/22. At the 9/11/06 Budget Hearing, the Board levied \$10,000 on each system. The landowners felt the assessments were excessive, especially for Ditch No. 22, as there are only six landowners in the benefiting area and the ditch has been relatively maintenance free. The Board explained that in the past, when the BRRWD was a member of the Red River Watershed Management Board (RRWMB), we had funding available to finance ditch systems with negative balances. Now that the BRRWD no longer has the RRWMB taxing authority, the Board had to levy higher ditch system assessments to make sure the ditches have positive account balances. The group discussed the

current account balances and pending repairs for Ditch Nos. 20/22. The Board felt that since the Counties have already sent out the tax statements, it was too late to change them. Ellefson assured the landowners that the BRRWD assigns the tax revenue to each individual ditch system, and the accounts earn interest on positive balances. He said the Board could review the ditch systems' account balances later this fall. The landowners asked the Board to notify them of any proposed work for Ditch Nos. 20/22. Albright noted that the BRRWD publishes notices three weeks prior to the annual budget hearing in several area newspapers, including the *Fargo Forum*. He added that the hearings are open for public comment. The BRRWD now has a website (www.brrwd.org) where the public can access information regarding our budget hearing, press releases, meeting minutes, ditch systems/projects, etc.

Baer Hog Facility. Another group of Skree Township landowners attended tonight's meeting to continue their discussion regarding a proposed 2,400 hog facility in the E½, Section 20, Skree Township, Clay County. Gary Ronsberg reported that the new owners have installed at least eleven new ditches on their property. Stuart Shulstad distributed photographs showing the ditch work. Ronsberg said that the previous landowner had installed some of the ditches, but several are new. Albright noted that the BRRWD has not issued any permits for new ditches in this area. The Board will investigate the possible violation. There was a brief discussion about how the BRRWD handles drainage violations. Since the land just recently came out of the Conservation Reserve Program (CRP), Albright thought there would be good documentation regarding the location of existing ditches, etc.

The group's attorney filed a petition requesting that the developer submit an Environmental Assessment Worksheet (EAW). The Conditional Use Permit (CUP) hearing before the Clay County Planning and Zoning is scheduled for 5/15/07 at 7:00 PM in the County Courthouse, Moorhead. The group had an extended discussion regarding the landowners' concerns, which are fully documented in previous meeting minutes. The landowners asked how they could obtain a certified private well test, and how they could monitor the effects of the facility on the aquifer. Albright told him to contact Bruce Jaster, Clay County Environmental Services. He added that the Clay Soil and Water Conservation District (SWCD) has several area monitoring wells in the area. Hanson and VanAmburg advised the landowners to follow the private water test instructions exactly and to take the samples to a certified laboratory.

The landowners questioned if onsite monitoring for manure pit leakage/cracks would even be possible once the hog barn is in operation. The group agreed that because of the toxic nature of the gasses typically associated with a manure holding structure, it would be quite difficult for anyone to test the pit. Ellefson explained that the BRRWD Rules do not address site monitoring, etc. He noted that the Minnesota Pollution Control Agency (MPCA) has jurisdiction over manure containment/disposal. Ellefson thought we could discuss this issue at our next Mediation Project Team (PT) meeting. He added that we are currently working on an update of our Watershed Management Plan, which will be finished next year. We could consider the problems associated with large animal containment facilities during that process. However, unless there is a Township or County moratorium on the Baer facility, we won't complete our planning process in time to address the landowners' immediate concerns. In addition, Ellefson questioned if we could add anything new to our Rules that MPCA doesn't already cover.

The group had a Minnesota Department of Natural Resources (DNR) map depicting the pollution sensitivity of the upper part of the Red River Valley. The map shows that the Buffalo and Pelican River Plain aquifers and the Beach Ridge complex are highly sensitive to the affects of surface pollution. The proposed facility is located within this area. There was an extended discussion regarding other large animal facilities operated by the Baers, where there are ongoing environmental issues.

Grove Lake Outlet. Darin Allmaras, Cory Kara, and Jenny Peppel asked the Board for any new information about a possible project to lower Grove Lake's elevation. Jones provided an update regarding H.E.'s field survey results and discussed alternative project designs. Jones has identified alternate outlet locations and configurations. The lake is approximately 5' above the DNR Ordinary High Water (OHW) elevation. After an extended discussion, the landowners felt they would be satisfied if the lake were lowered only 2' to 3' with an outlet that would maintain this elevation. Jones noted that this would reduce project costs and make it easier to construct. He will incorporate the landowners' input into his design. Jones will present his completed report at the 5/14/07 meeting. Albright will forward the report to the landowners as soon as Jones files it. After that, the BRRWD intends to hold another informational meeting.

Project No. 51, Clay County Ditch No. 68-City of Glyndon. Contractor Ronald Erdman and his associates, Merrill and Stephanie Miranowski, once again discussed their concerns about the excavation quantities for this project. Since the 4/09/07 meeting, H.E. surveyed the ditch gradeline survey and found that Erdman basically built the ditch to the specifications. However, Jones noted that Erdman installed 5:1 or 6:1 ditch slopes rather than the specified 4:1 ratio in several locations. He felt that part of Erdman's alleged extra dirt work came from installing the flatter slopes. Jones added that the flatter ditch slopes did not affect the easement right-of-way (r-o-w) acreage. Albright asked if H.E. had staked the slopes. Jones explained the practice of slope staking varies with how the contractor wants it handled. H.E. did install centerline and grade stakes. The survey showed that Erdman installed the 10' bottom width correctly. Opsahl, who was H.E.'s site supervisor, noted that the ditch was broader and wider than a typical ditch. He said that the ditch bottom elevation could vary from one spot to another. Opsahl added that although he didn't document the excavation as extensively as Erdman, he did document the grade when Erdman noted concerns. Opsahl said that the project took most of the summer to build, and it was difficult to supervise.

Miranowski provided documentation for their claim that they excavated 15,855 cubic yards (c.y.) more material than was called for in the plans. Erdman said that when they first started their excavation and saw how much deeper the cuts were, they notified Opsahl. At that time, Opsahl told Erdman that if they had concerns about the depth of the excavation, they should address the issue with the Board. Stephanie Miranowski pointed out that the contract indicates that the Engineer is responsible for informing the Board about construction concerns, not the contractor.

The group discussed a possible three-way split (BRRWD/H.E./contractor) of the extra project cost. Miranowski felt they had actually removed more than the documented extra quantities. However, he added that they want to be fair with the BRRWD. He felt they had done a good job on the project, and the landowners are satisfied. The Board agreed that the ditch is working well. Jones noted that his concerns lie with the dimensions from the channel bottom out to the edge of the ditch, resulting in the flatter slopes. Miranowski pointed out that the survey H.E. based their plan quantities on was three years old. He thought that the ditch had accumulated more silt than Jones had allowed for in the plans. H.E. will take this matter under advisement and state their final position regarding the cost share proposal at the 5/14/07 meeting. Miranowski and Erdman agreed to work with the BRRWD to find a compromise regarding this issue.

H.E. is still working on the r-o-w drawings. When they are completed, the BRRWD will file the ditch system easements with the County Recorder.

Treasurer's Report. The Board reviewed their current financial status. Albright reported that the turn around time for the DNR to send us their 50% share of the Holubok acquisition was very quick. To make up the BRRWD's share of the purchase price, Albright and Nelson took out a new Midwest Bank loan, and advanced funds from the Midwest Bank operating loan. Albright also sent a pay request to the DNR for

general engineering costs associated with the Manston Slough Restoration project. To date, we have not received that payment. Albright submitted a reimbursement request to the RRWMB for third quarter Mediation PT expenses.

Permit No. 06-77, Robert Norby. Applicant proposes to repair erosion in the NE¹/₄, Section 22, Kragnes Township, Clay County, where the Buffalo River cut through his field during the 2006 spring flood. **Tabled** pending Manager field review. Manager Olson will contact Norby to set up a field review. Albright will provide Olson with the permit documentation.

Permit No. 07-04, Steve Holubok. Applicant proposes to lower a culvert in the NE¹/₄, Section 6, Humboldt Township, Clay County, approximately 1' to enhance road ditch drainage to the south. Albright took photographs of the site and noted that the culvert Holubok proposes to lower is located 300'-400' north of the quarterline. **Motion** by Nelson to approve Permit No. 07-04, subject to Township approval to work in their road r-o-w and Manager field review. The motion also includes authorization for Opsahl to document the existing culvert's current elevation. **Seconded** by Hanson. **Approved.**

Permit No. 07-19, David P. Johnson. Applicant proposes to construct four crossings in his pasture in the SE¹/₄SW¹/₄, Section 3, Holmesville Township, Becker County, to provide for vehicle and cattle traffic. Crossings Nos. 2 and 3 are over existing ditches, and Crossings Nos. 1 and 4 are in wetland areas. According to Becker County, wetland impacts from the work have a Wetland Conservation Act (WCA) de-Minimus exemption. The Board reviewed photographs of the proposed sites. Albright noted that the project is just west of the Tamarac National Wildlife Refuge (NWR). **Motion** by Hanson to approve Permit No. 07-19. **Seconded** by Olson. **Approved.**

Permit No. 07-20, Aggregate Industries. Applicant proposes to develop Pit No. 154 (Olson) in the SE¹/₄, Section 20, Hawley Township. The applicant will develop the pit according to the CUP terms. The BRRWD provided comments on the EAW for this project. **Motion** by Hanson to approve Permit No. 07-20. **Seconded** by VanAmburg. **Approved.**

Permit No. 07-21, Xcel Energy. Applicant proposes to bore under the road ditch on 14th ST S to install a natural gas distribution line to the Brookdale Baptist Church in Section 28, Moorhead Township. The BRRWD does not have a project in this area, but Albright felt that we should issue a permit subject to our standard utility disclaimer to allow for future BRRWD projects in this area. **Motion** by VanAmburg to approve Permit No. 07-21, subject to the BRRWD's standard utility disclaimer. **Seconded** by Nelson. **Approved.**

Permit No. 07-22, City of Moorhead. Applicant proposes to rebuild 0.5 miles of 15th AVE N between 28th ST and 34th ST. The work will upgrade a rural section roadway to urban concrete road with curb and gutter. The north ditch will also be regraded. The project will include one new 36" dia. reinforced concrete pipe (RCP) inlet into Clay County Ditch No. 41-Lateral No. 1 and a new storm sewer pipe under the road. Construction will include grading, aggregate base, concrete curb and gutter and surfacing, and drainage. According to his review, Jones noted that the project will not significantly change drainage, and he recommends permit approval. Jones also noted that as this area develops, there are future plans for a detention pond with a metered outlet to Lateral No. 1. **Motion** by Hanson to approve Permit No. 07-22. **Seconded** by Olson. **Approved.**

Permit No. 07-23, Hitterdal Hogs, LLC. Applicant proposes to construct a driveway/culvert along CSAH No. 33, for a new hog barn in the NW¼, Section 30, Goose Prairie Township, Clay County. The BRRWD provided comments regarding our Rules for the EAW last year. Emmens and Oliver Resources (EOR) designed the project. Attorney Zenas Baer filed the application for Ezra Baer. The project has gone through the County process and has received all the other necessary permits. EOR's design includes a stormwater detention pond to catch site runoff. **Motion** by VanAmburg to approve Permit No. 07-23, subject to Manager field review. **Seconded** by Hanson. **Approved.**

Permit No. 07-24, City of Moorhead. Applicant proposes to make improvements to the Horizon Shores Park Site, including grading, utilities, concrete and bituminous pavement, landscaping, irrigation, and site lighting. The project is located north of Interstate-94 (I-94) in Section 15, Moorhead Township. In his review, Jones noted that there were no significant area drainage changes. Three new tile outlets to the detention pond will be installed. The total project area is 16 acres. Based on his review, Jones recommended permit approval. **Motion** by Hanson to approve Permit No. 07-24. **Seconded** by Olson. **Approved.**

Minch and Johnson Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 10:50 PM to discuss the status of both lawsuits. At 11:00 PM, the Board reopened the meeting.

Robert Nord Flooding Concerns. The Board reviewed photographs Albright took today of flooding problems on Wolverton Creek in Section 35, Wolverton Township, Wilkin County, near Nord's farmstead. He noted that the channel is full of silt and vegetation along the Nordholm property downstream of Nord's farmstead.

Permit No. 03-29, Oakport Estates. The office received a letter from landowner Jay Leitch, who lives near this development. It appears that the developer, Steve Buth, has not completed all the work associated with this permit. The landowner was supposed to install a 60" dia. storm outlet riser structure, which included a 21" dia. outlet and an 18" dia. inlet. There was also some ditch grading and a berm installation (elevation 896) associated with this structure. On 1/05/05, the BRRWD sent Buth a letter questioning the status of this work. **Motion** by VanAmburg to authorize Albright to send Buth another letter directing him to complete the work according to the permit specifications by 9/1/07. **Seconded** by Nelson. **Approved.** Albright will also send copies of the letter to Bruce Langness, Engineer, Ulteig Engineers, Inc. (UEI); Greg Anderson, Chairman, Oakport Township; and Robert Zimmerman, City of Moorhead.

Greg Berg Flooding Concern. The Board reviewed photographs regarding Berg's concerns about water in his pasture in Section 25, Barnesville Township, Clay County. A few years ago, when Berg's neighbor, Dan Brand, cleaned the ditch along the east side of T.H. 9, the Minnesota Department of Transportation (MNDOT) allowed Brand to close a centerline culvert. Berg would like to have the ditch cleaned again. He would also like the Board to consider reopening the pipe, or providing his property with drainage to the north. The land pays benefits to Clay County Ditch No. 34. Albright suggested that the Managers could field review this area with the landowners when conditions permit. Brand has noted that water also escapes from a nearby waterway that may need to be diked.

Schindler Outlet Culvert. The Board reviewed photographs Albright took today of drainage in Sections 33/34, Barnesville Township, regarding Frank Schindler's drainage complaint. He noted that Richard Peppel's Wetland Reserve Program (WRP) site appears to be retaining water that would otherwise be draining onto Schindler's property.

Steven Mattson Repair Request. In 2001, the Becker County Highway Department completed a project to widen the CSAH No. 7 in Section 28, Cuba Township. During that project, they partially filled in the ditch. Steven Mattson has requested that the County clean out about 250' of the road ditch to the original elevation prior to 2001. The DNR has sent the BRRWD a comment form for the County's repair project. The Board authorized Albright to return the form with the comment that no BRRWD permit is required to restore the original ditch grade. **Motion** by Hanson. **Seconded** by VanAmburg. **Approved.**

Project No. 60, Swede Grove Lake. Albright noted that we will probably have to submit a Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) project readiness form for this project, as we will most likely need state funding to construct this project.

Project No. 59, Clay County Ditch No. 41-Lateral 3. Albright and Nelson attended the MNDOT annual meeting in Detroit Lakes on 4/16/07. They discussed cost sharing the remaining account balance for this project with MNDOT, and were advised to refer our funding request to Lee Berget, State Engineer, MNDOT. Albright will send a letter in that regard.

Project No. 58, Riverton Township Retention. On 4/20/07, the office sent the easement option to The Nature Conservancy (TNC) for their signature. Brian Winter, Program Director, TNC, has indicated that he will not be in the office on a regular basis due to a family illness. The DNR has funding in place for 50% of the project costs (\$397,230). The Board appointed the Appraisers at the 3/12/07 meeting, and Albright will be meeting with them this week to get started on their work. The next steps will be to schedule the Final Hearing this summer and a meeting with Riverton Township regarding use of their road.

Project No. 57, Moorhead/I-94 Flood Control. The BRRWD will remit the City of Moorhead's r-o-w payment when we receive our first half ditch tax proceeds in the next several weeks.

Project No. 56, Manston Slough Restoration. The Holubok closing took place on 4/17/07. On 4/20/07, we released the earnest money to Steve Holubok, and this afternoon, we gave Holubok his final payment. Holubok signed the Reinvest In Minnesota (RIM) and WRP/Wetland Reserve Enhancement Program (WREP) change of ownership forms. Albright will submit them to the appropriate agencies. The BRRWD needs to submit two WRP forms for payment receipts and to give permission for the WRP appraisal. **Motion** by Hanson to authorize Albright to sign the forms on the Board's behalf. **Seconded** by VanAmburg. **Approved.** Albright plans to have our attorney, Tami Norgard, review our easement option form. Albright and Nelson discussed MNDOT's concerns about the effects of the project on T.H. 9. Albright will schedule a meeting with MNDOT in this regard in the near future.

Project No. 54, Whisky Creek Tributaries. Darvin Temanson, Dirtworks, plans to reset the driveway culvert for Greg Settlemeyer. Opsahl will stake the site and be present when Temanson does the work. Dennis Drewes, Inc., plans to start the Federal Emergency Management Agency (FEMA) repairs next week. Landowner Betty Anderson has requested some spoil leveling on their property. The Natural Resource Conservation Service (NRCS) let bids for the Nichol WRP project on 4/16/07. It appears that Temanson was the low bidder for this project.

Project No. 49, Oakport Flood Mitigation. Pifer's Auction and Realty has prepared the auction sale catalog. The sale is scheduled for 5/03/07 at 7:00 PM at Pifer's Corporate Office in Moorhead. The Open House was held on 4/10/07. Albright noted that there seems to be a great deal of interest in the building sale.

Albright will set up a meeting with UEI regarding the status of the dike alignment survey. Kevin Campbell, Oakport Township, wants us to setup a meeting with the Fischer family, regarding how the dike alignment will affect their farmsite.

Project No. 46, Turtle Lake Outlet. Turtle Lake Improvement Association (TLIA) President Stan Sandvik contacted the office regarding project assessment concerns. Albright will discuss this issue at the TLA picnic in July. He noted that Becker County forgot to levy for the project the first year, so they will always be one year behind Clay County. Opsahl noted that the siphons are working well, and the lake elevation had been going down before the heavy rainfall this past weekend. Albright expects to hear from the DNR regarding the walleye fry seeding. The Long Lake siphon will have to be stopped for this activity, but the Turtle Lake siphon can continue to operate.

Project No. 38, Farmstead Ringdikes. Opsahl hired Adam Grothmann to construct John Butze's ringdike this summer when conditions permit. Albright mentioned that Wells Fargo Bank returned a check from one of the ringdike landowners because of insufficient funds. The office has contacted the landowner, and he has promised to resubmit his payment as soon as possible.

Albright received a phone call from Jeff Kluck regarding the status of the Kragnes ringdike project. The DNR has funding designated for the project in the amount of \$57,438. The BRRWD will meet with MNDOT regarding their concerns about how the project will affect their roads/culverts. The next step will be to appoint the Appraisers so they can start their work. **Motion** by VanAmburg to appoint Eddie Bernhardson, Lauren Peterson, and Arvid Thompson as Appraisers for the Kragnes Ringdike project. **Seconded** by Nelson. **Approved.**

The office plans to send letters to the landowners with outstanding ringdike balances, notifying them that we plan to start charging interest after June 1, 2007.

Project No. 35, Clay County Ditch No. 47. Albright sent the City of Moorhead a draft petition for their review to reroute part of Ditch No. 47 in association with the 34th ST interchange project. Manager Olson noted that Bob Videen has propped open the flapgates he was concerned about to make sure they work. Opsahl noted that the ditch should work much better after the cleanout project last fall. Spoil leveling and grass seeding for last fall's repair will be done when conditions permit.

Project No. 34, Clay County Ditch No. 41. In conjunction with Project No. 57, Moorhead I-94 Flood Control, parts of the Ditch No. 41 benefit area changed. Albright will prepare an Order for the Board's review and signature approving the changes.

Project No. 32, Hawley EDA Diversion. Albright said that Lisa Jetvig, City of Hawley, has questioned if Hancock Concrete Products has completed the epoxy application for the 60" dia. culvert. Jones didn't think they had done that work yet. Opsahl noted that some of the grout that Hancock applied last fall is already cracking. Once Hancock notifies H.E. that they have completed the repairs, Jones will send them a letter noting that the BRRWD will continue to monitor the pipe. Copies of all correspondence will be sent to the City of Hawley.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1). The office has received three signatures from two renters and one landowner for a possible improvement/extension project for Branch No. 4 to address drainage concerns in Sections 3, 4, 9, and 10, Deerhorn Township. Last week, Albright sent the petitioners a letter regarding the \$10,000 bond. Before the Board can move forward with the project process, the petitioners will have to post a bond to cover the project development costs. The next step will be to

authorize H.E. to develop the Preliminary Engineer's Report. The landowners have stressed that they want a simple/cost effective project.

Project No. 23, Becker County Ditch No. 15. Contractor Chad Mattson has completed repairs on this ditch system last week. He still needs to complete spoil leveling and seeding. The Board discussed Clayton Hamre's concerns regarding his culvert elevation. Albright suggested that Opsahl should check the original plans. Opsahl noted that upstream landowners have already commented that the cleanout project has improved local drainage. The United States Fish and Wildlife Service (USFWS) plans to do the actual seeding on their property in Section 9, Hamden Township. Mattson will prepare the site and have it ready for seeding by 5/15/07. Hanson mentioned that Becker County had questions about replacing culverts on this ditch system. Albright noted that the office has not received a permit application in this regard.

Mediation PT. The BRRWD will hold their next PT meeting on Wednesday, April 25, 2007 at 7:30 PM in the MSUM Science Center near Glyndon. The Science Center was not available on the traditional date, so the meeting date was changed. Notices have been sent.

Comprehensive Planning. The Lakes Region meeting will be held on 4/24/07 at 7:30 PM in the Community Center in Callaway, MN. The Moorhead Region meeting is scheduled for May 10, 2007, in the Dilworth Community Center, and a Northern Region planning meeting is scheduled for 5/22/07 at 7:30 PM in the Georgetown Community Center. The office will mail notices. Albright noted that our goal is to complete the regional meetings by July 2007, and then hold the Citizens and Technical Advisory Committee (CAC/TAC) meetings next winter. Another round of regional meetings will be held in early 2008. The BRRWD's goal is to complete the plan update by the deadline of June 30, 2008. Mark Deutschman, H.E., is now supervising the planning process.

Wilkin County Ditch No. 40. Mark Yaggie called the office last week. He forwarded a letter he received from the DNR regarding their redesignation of the Lawndale Trout Stream. He was concerned about future ditch maintenance. Albright briefly discussed possible repairs on the ditch south of C.R. 30. He noted that this area is flatter and sediment has accumulated. Work could include installing field inlets and berms to keep the water in the ditch. Ellefson thought that once the DNR establishes their Trout Stream project across the Atherton Wildlife Management Area (WMA), downstream flows will be reduced.

Becker County Ditch No. 5. Sellin Brothers, Inc., is ready to start the Froysland/Green dam repairs as soon as conditions permit. To date, Mark Krieger has not contacted the office regarding his ditch repair request.

RRWMB Dispute Resolution. Albright noted that a response from the RRWMB should be coming in the near future. Nelson noted that an auditor found that the RRWMB's practice of loaning out funds to various non-member entities was a violation.

Clay County Ditch No. 32. Mark Volesky, who was responsible for a grass fire last fall that accidentally burned a private crossing on Ditch No. 32 in the northeast corner of Section 15, Kurtz Township, turned the claim over to his insurance company. Ed Jerdee, Jerdee Bridge Company, will start the repairs as soon as conditions permit if approved by the insurance company.

Becker County Ditch Nos. 10/19. Justin Klemetson sent Manager Hanson a letter regarding the possible abandonment of Ditch Nos. 10/19. Albright noted that this issue will be discussed at the Lakes Region Planning meeting on 4/24/07. Hanson thought the benefit area might need to be redetermined. The Board

discussed the costs associated with this process. Albright has cautioned the landowners that if the ditches are abandoned, they will be very difficult to re-establish.

MAWD Summer Tour. The Ramsey-Washington Metro Watershed District is hosting the 2007 Minnesota Association of Watershed Districts (MAWD) Summer Tour on Thursday, June 28, to Saturday, June 30, 2007, at the Maplewood Inn, Maplewood, MN. The registration deadline is 6/15/07.

Clay County Ditch No. 36. The Board reviewed a photograph Albright took today of the ditch outlet near the Comstock Coulee and discussed the severe soil erosion/water turbidity.

Wilkin County Ditch No. 41-Branch 5. Mark Braton wants to install a driveway/crossing off from CSAH No. 32 on Branch 5 in Section 7, Prairie View Township. The Board reviewed photographs Albright took of the proposed driveway site. Ellefson wants to conduct a field review. Albright will discuss this issue with Tom Richels, Wilkin County Highway Department, regarding cost sharing the culvert expenses. The proposed crossing will require two lines of 48" dia. pipe that will match upstream pipe sizes.

Holubok Drainage Complaint. Steve Holubok feels that the ditch along CSAH No. 52 needs to be cleaned. The Board reviewed photographs Albright took of the area last week. The ditch is located in Section 1, Atherton Township, Wilkin County, south of the City of Barnesville and is under Wilkin County jurisdiction. Albright noted that the BRRWD could contact Tom Richels, Wilkin County Highway Department, regarding Holubok's complaint.

Otter Tail Valley Railroad (OTV) Bridge Replacement. Pam Slifka, OTV, contacted H.E. regarding a proposed bridge replacement project in Section 19, Prairie View Township, Wilkin County. The Board reviewed photographs of the site. H.E. will provide recommendations regarding the proposal to OTV, who will file a BRRWD permit application for the project. Albright felt that the upstream landowner might have concerns if the structure size is reduced.

Beaver Dam Complaints. TNC has beaver dam problems on their Williams tract near to Hay Creek in Riverton Township, Clay County. Neighboring landowners have contacted the office regarding their concerns about how the beaver activity is affecting their property. Brian Winter, Program Director, TNC, has suggested a possible restoration project for portions of Hay Creek in this area.

Contractor Rate Lists. Albright and Opsahl have received price lists from several local contractors for the Board's review. The information will be kept on file.

Campaign for Conservation Plan. VanAmburg attended the 4/05/07 Minnesota Campaign for Conservation meeting in Glyndon. The Minnesota Center for Environmental Advocacy (MCEA) is working on a conservation plan for the State. Albright has received several e-mail messages from MCEA regarding this plan. He will forward the information to VanAmburg.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Petty Cash	Postage, supplies, etc.	Admin	\$ 200.00
J&J Braton Properties	May 2007 office rent	Admin	\$ 490.00
Moorhead Public Service	3/05/07-4/04/07 service	Pj. 49, Oakport	\$ 243.72
TDS Metrocom	4/13/07 long distance	Admin	\$ 34.04
Bruce E. Albright	Boerths Gallery	Admin	\$ 39.59

Vogel Law Firm	4/12/07 statement	Pjs. 49, 56, Admin	\$ 4,478.00
Ulteig Engineers, Inc.	#28773, March billing	Pj. 49, Oakport	\$ 20,885.81
Jerome Flottemesch	3/23/07 Advisory mileage	Admin	\$ 45.59
Wayne Brendemuhl	3/23/07 Advisory mileage	Admin	\$ 33.95
Edwin Johnson, Jr.	3/23/07 Advisory mileage	Admin	\$ 19.40
John Boen	3/23/07 Advisory mileage	Admin	\$ 14.55
Arne Peterson	3/23/07 Advisory mileage	Admin	\$ 19.40
ICS Agency, Inc.	#36459, D&O renewal	Admin	\$ 3,950.00
Red River Valley Coop	3/10/07-4/10/07 service	Pj. 49, Oakport	\$ 477.29
Review Printers	#40710, permit applications	Admin	\$ 185.95
Gerald L. VanAmburg	Reimburse office supplies	Admin	\$ 154.06
City of Georgetown	5/22/07 RWMP meeting	RWMP	\$ 25.00
Xcel Energy	3/26/07-4/18/07 service	Pj. 49, Oakport	\$ 6.84
			\$ 31,303.19

Motion by Nelson to approve payment of the bills. The Board authorized Albright to advance funds from the Midwest Bank operating loan, if necessary, and to hold UEI's Oakport project payment until we receive our 98% reimbursement from the DNR. **Seconded** by Hanson. **Approved.**

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, May 14, 2007, in the Barnesville office at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 12:00 AM.

Respectfully submitted,

John E. Hanson, Secretary