

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

123 FRONT STREET SOUTH – PO BOX 341

PHONE 218-354-7710

MINUTES FOR MANAGERS' MEETING May 14, 2007

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, May 14, 2007, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Gerald L. VanAmburg, Curtis M. Nelson, 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; Sheila Carlson, Biology Teacher, Barnesville High School (BHS); Billy Affield, Alec Albright, Katie Szweduk, Jeana Scheffler, Jonathan Jacobson, and Kevin Heald, BHS River Watch Team; and landowners: Patty McGowan, Brian Meyer, Margaret Brady, Curt Markgraf, and Julie Sachs.

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 4/23/07 regular meeting and the 2/27/07 Comprehensive Planning Kickoff meeting. **Motion** by Nelson to approve the minutes. **Seconded** by Hanson. **Approved.**

Treasurer's Report. The Board reviewed their current financial status and monthly reports. Albright reported that the BRRWD received the 50% DNR funding for the Holubok land acquisition associated with the Manston Slough Restoration project. We have also received partial payment for the Oakport auction properties sale. The total sale proceeds were approximately \$250,000. The Board reviewed the Accounts Payable. We should be receiving the first half property/ditch taxes from the Counties in the near future. **Motion** by VanAmburg to approve the Treasurer's Report. **Seconded** by Hanson. **Approved.**

Business brought before the Board included:

River Watch Team Report. Sheila Carlson, BHS Biology Teacher, and River Watch Team Advisor, introduced the BHS River Watch Team members, including Alec Albright, Billy Affield, Jeana Scheffler, Jon Jacobson, Katie Szweduk, and Kevin Heald. Carlson thanked the BRRWD for our support of the River Watch program. She explained that tonight's presentation will focus on 2006 the sampling results for Whisky Creek.

The students gave a Power Point presentation of their 2006 water quality sampling season. The Team's purpose is to collect baseline chemical and biological data to assess water quality in local waterways. They sample chemical, bacteria, and benthic macroinvertebrates on 20 sites within the BRRWD. Their focus this year was to evaluate how the City of Barnesville impacts Whisky Creek and flows directly into Blue Eagle Lake. They are also interested in documenting the overall state of area streams. The monitoring sites north of Barnesville include Stony Creek (east and west), Hay Creek (upstream and downstream), Spring Creek (east and west), and Whisky Creek (east and west). South of Barnesville, the sites include Deerhorn Creek (east and west), the South Branch of the Buffalo River (upstream and downstream), a trout stream on the South Branch of the Buffalo River (Wilkin County Ditch No. 40),

and Manston Slough. The Team has sampled chemically for five years, and biologically for four years. The group discussed factors that influence stream health, such as elevation profile, topography, soils types, and land use.

After collecting samples for dissolved oxygen (DO) and pH levels from Whisky Creek East and West, the Team determined that while Whisky Creek West is slightly lower in DO than Whisky Creek East, both are within the targeted range. The pH levels are also within the normal range of tolerance at both sites. Whisky Creek West consistently averages much higher values for turbidity than East. The West site has exceeded the Minnesota Pollution Control Agency (MPCA) Turbidity standards 47% of the time, while Whisky East only exceeded the standards 11% of the time. Turbidity is a very important measure for water quality.

The students also discussed their biological water assessment activities. They explained that clean water will attract certain types of bugs, or macroinvertebrates, including caddisflies, mayflies, and stoneflies. These insects are the most sensitive to pollution, and need a high presence of DO to survive. They use the acronym EPT to indicate the three insect orders, and the higher the percent of EPTs, the better the water quality. Pollution tolerant organisms include worms, leeches, and midge larva (fly larva). If they find a higher number of tolerant species compared to EPTs in a water sample, it indicates that the water quality is degraded, and DO levels could be low. The students found that there fewer EPTs in Whisky Creek West, indicating that the West site is impaired for turbidity. The Students also explained the various sampling techniques and equipment that they use. Sheila Carlson incorporates macro invertebrate sample sorting into her 10th Grade Biology class work. Her students sort the "bugs" into Classes, and then the River Watch Team completes the task by sorting them into Families.

The Team also sampled for E. Coli. They followed special safety measures when handling the samples. They took two samples for each site on Whisky Creek. They sent one to the New Ulm Laboratory, and they kept one for their own use. While the Team's samples have had mixed results, New Ulm found that Whisky Creek West is more impaired for E. Coli than the East site.

The Team samples include the Lawndale Trout Stream (Buffalo Trout). The presenters explained about stream orders and how the identification of biological and chemical patterns can be used to classify streams. They discussed functional feeding groups and how the presence of specific groups help scientists identify stream orders. In conclusion, the Team reported that while Whisky Creek is impaired, it is more impaired west of the City of Barnesville than on the east. They also concluded that the Buffalo Trout Stream is a better reference site to determine stream impairment in our area streams than the Whisky Creek East site.

After the presentation, Carlson explained how the students process and analyze the sampling data. VanAmburg mentioned that it has been suggested that the River Watch Team could measure snow depths throughout the winter months to collect data to predict spring flooding potential. Carlson thought the Team might be interested in that activity. VanAmburg is working with the National Weather Service (NWS).

Patty McGowan asked if Blue Eagle Lake is sampled for E. Coli. Carlson said that their data shows that Whisky Creek on the east side of Barnesville where the lake is located, is much lower in E. Coli than west of Barnesville. She did not have data regarding the water quality in Blue Eagle Lake.

The Board thanked the Team for their presentation and for the valuable service they provide to the Watershed District.

Permit No. 07-30, Margaret Brady. Applicant proposes to install a culvert and crossing in a waterway under easement for Project No. 5, Spring Creek Detention, in the W½SW¼, Section 25, Elkton Township, Clay County. The crossing will provide access to the field north of the waterway. Albright and Manager Nelson field reviewed the area on 5/09/07. They didn't find any problems with the proposal. **Motion** by Nelson to approve Permit No. 07-30 with the conditions that Brady install a minimum of a 30" dia. culvert with a maximum of 1' of fill or less above the pipe, and to keep work at a minimum in the project floodpool area. **Seconded** by Hanson. **Approved.** Ellefson questioned if the crossing could have impacts to the dam site during a flood event. Albright noted the Brady crossing will overtop if the dam fills up. The crossing will be located upstream of the dam.

Funding Requests. Brian Meyer and Patty McGowan asked for cost sharing assistance for their separate erosion control projects on Whisky Creek within the City of Barnesville. Both landowners received \$3,000 from the Clay Soil and Water Conservation District (SWCD). Meyer distributed a sheet showing the final costs of his project. McGowan has not hired anyone to do her project yet. The Board discussed their requests. VanAmburg was concerned about setting a precedent regarding cost sharing erosion control projects. Albright mentioned that the Board has already contributed funds to several similar projects. VanAmburg felt that the Board should consider setting a policy regarding contributions to landowner projects. **Motion** by Nelson to contribute \$1,500 to each project, pending funding availability. **Seconded** by Hanson. **Approved.**

Grove Lake Outlet. Jones presented his review of the preliminary engineering design for a Grove Lake outlet. At the last meeting, property owners from the Grove Lake area indicated that they would be satisfied if the lake were lowered only 2' to 3' with an outlet that would maintain this elevation. Jones agreed to consider this information when he worked on the outlet design.

Jones said that none of the alternatives would lower the lake below the Ordinary High Water (OHW) set by the Minnesota Department of Natural Resources (DNR) in 1988 (1323.07). When H.E. conducted the survey in January and February 2007, Grove Lake was at elevation 1328.4, and Maple Lake was at 1321.0. He identified two potential outlet routes for Grove Lake. He distributed a sheet with the plans of the two alternatives for the Board's review. The northern outlet, consisting of two potential routes (A & B) would take water west through 155th AVE to Maple Lake. To construct this outlet, a ridge on the northwest side of Grove Lake would have to be excavated to allow water to flow to Maple Lake. There would also have to be a culvert installed through 155th AVE. It appears Maple Lake outlets naturally to the southwest into Whisky Creek. This will require ground verification. The southwestern outlet route (C) would take water through 150th AVE and a ridge along the west side of Grove Lake. The water would enter a small waterbody and then run west/northwesterly to a wetland area near the quarterline of Section 2, Norwegian Grove Township. We would need to establish an outlet for the wetland area by cutting through a north-south ridge along the Otter Tail and Clay County line, near the line between Sections 35 and 36, Tansem Township. The excavation depth will be about 10'. Two stretches of this route would require extensive erosion control measures, as they are excessively steep. This route would also require the most right-of-way (r-o-w) acquisition due to its length. Because of the greater expense and engineering concerns, Jones did not pursue Route C.

The outlet design for alternatives A & B assumed a 2' drawdown at 1' per month with a discharge rate of 7 to 8 cubic feet per second (cfs). Jones identified two draw down target elevations. Routes A & B both

have piped and/or channeled outlet alternatives and would be approximately 1,400' long. All alternatives would require a culvert change for the Jayson Lass driveway in Section 35, Tansem Township, Clay County, and a DNR protected waters permit to work in Whisky Creek. Because Grove Lake is a Natural Environment Lake, and the project will be within the Shore Impact Zone, we will need to obtain a Conditional Use Permit (CUP) from Otter Tail County. Project development will need to follow Drainage Law, since all alternatives will use Whisky Creek/Clay County Ditch No. 34 as an outlet. All alternatives would also require an operation and maintenance plan and a control gate to limit or stop project discharges depending on downstream conditions. The estimated cost for the outlet alternatives ranged from approximately \$61,610 to \$77,870 with an additional \$25,000-\$30,000 for engineering, legal, administrative, and wetland mitigation costs.

The group discussed Jones' report. Albright will schedule another informational meeting in June to include Grove Lake, Maple Lake, and downstream landowners. He noted that Senator Langseth and Representative Lanning should have introduced legislation seeking \$50,000 (50%) in potential funding for this proposed project in 2008. The landowners asked what the landowners' costs would be for this project. Albright estimated that each landowner could be assessed about \$2,000. He stressed that this was just a rough guess. The landowners said that they spend more than that for driveway repairs each year when water from Grove Lake overtops their roads. Albright said the office will have copies of H.E.'s report available to the landowners for their review.

Project No. 51, Clay County Ditch No. 68-City of Glyndon. Contractor Ronald Erdman and his associate, Merrill Miranowski, once again discussed their concerns about the excavation quantities for this project. In an attempt to resolve this issue, after the 4/23/07 meeting, H.E. resurveyed the ditch at all the original cross section locations that were used to determine the original bid quantities. Jones explained that they wanted to be sure that there were no discrepancies between the construction plan and staking. The investigation showed that H.E. used the correct datum for the construction staking by comparing the as-built culvert elevations with survey shots taken on culverts that were not changed during construction.

The other objective for the new survey was to determine the as-built condition of the ditch. The Board reviewed cross-section sheets showing preconstruction, project design, and as-built cross-sections at each location. Jones stated that based on a comparison of the original and as-built cross-sections, he has determined that the contractor built the ditch to a larger dimension than the contract specified by installing a wider bottom and flatter slopes. He excavated approximately 5,635 cubic yards (c.y.) more than necessary. Jones explained that it is customary for H.E. to ask the contractor what he wants for construction stakes. All State Construction requested centerline staking, so H.E. provided an offset to centerline and a ditch bottom elevation cut hub at 200' spacing along the entire length of the ditch. Jones noted that during construction, Erdman questioned Wade Opsahl, Technician, H.E., about the quantity of the unclassified excavation. Opsahl discussed the issue with Jones, who checked the design calculations and found no errors. Opsahl checked the ditch grade during construction and felt that in general, the contractor was constructing the ditch at or slightly below grade, which is typical for this type of project. Opsahl advised the contractor to address his concerns with the BRRWD to request an additional survey if they felt there was a discrepancy in the excavation quantities. The contractor did not bring his concerns to the Board until a substantial part of the project was already completed. Jones stated that contrary to the contractor's documentation, H.E. did not observe at any time that the channel depths changed from the time of design to the time of construction. Jones noted that according to Erdman's measurements, the ditch would not have existed prior to construction. Jones noted that the contractor did move more material than required per plan specifications due to over excavation and flatter sideslopes. H.E. recommended that the Board pay the plan quantity amount (8,145 c.y.) for the unclassified excavation.

Miranowski stated that they had documented their work with photographs and surveyed the depths as they worked. He feels that they moved more dirt than called for in the plans. Erdman asked why H.E. didn't check the elevations when they brought it to Opsahl's attention. Stephanie Miranowski noted that the Board stated previously that quantity discrepancies have happened on other projects. She asked why contractors always question excavation quantities. Jones commented that a channel can vary along the length of the project. Opsahl noted that sometimes the contractors just feel that their taking out more material than they actually are. Erdman felt that between the time of the original survey three years ago and the actual construction, the ditch filled in with sediment. Erdman said H.E. should have double-checked the amount of material they were excavating. VanAmburg noted that comparing the preconstruction cross-sections with the as-built cross-sections doesn't account for the volume of soil the contractor claims to have moved. He noted that the ditch wouldn't have existed prior to construction using the contractor's elevations. Stephanie Miranowski said the contract states that it is the Engineer's responsibility to bring the contractor's concerns to the Board. Opsahl said that the contract also states that if the contractor has discrepancies, they should bring their concerns in writing to the owner (BRRWD) and the project engineer and to stop work until their concerns are addressed. Ellefson noted that according to the cross-sections, part of the contractor's increased quantities can be accounted for by the fact that they installed flatter sideslopes (5:1 and 6:1) than the plans called for (4:1), which is not the BRRWD's responsibility. He added that we have already sold the bond for the project, and the BRRWD doesn't have the financial resources to pay more than the contract amount. Miranowski didn't feel that they were off by that much on the sideslopes. Erdman felt that the H.E. plan quantities were wrong because their original survey was over three years old.

VanAmburg pointed out that after reviewing Jones' cross-sections, he felt that the contractor's data doesn't match up with the other surveys. Although the contractor may have moved more dirt than was necessary, the Board could not pay for quantities over and above the actual contract amount.

There was further discussion regarding when the contractor talked to the Board about this issue and if the Board could come up with additional funding. Based on the data, VanAmburg felt the contractor's request was not justifiable. **Motion** by VanAmburg to pay the contractor for the excavation quantities according to the H.E. plan specifications. **Seconded** by Nelson. **Approved.** Miranowski questioned if the BRRWD considered the project complete. Albright explained that the project will be complete, as soon as H.E. conducts the final project inspection and issues the final pay request. The BRRWD is still holding 2% retainage (\$3,618.52), which we will release when the grass seeding is established. Albright expected that the retainage and final payment would be ready by June 11, 2007. Opsahl will try to inspect the project this week. He will contact Erdman if there is any cleanup work.

Permit No. 96-73, Baer Poultry Farms. The BRRWD approved this permit in 1996 to construct a dike to partition Axberg Lake to isolate a nutrient rich pond and create an outlet for the pond for site cleanup purposes. The work was never done. Attorney Zenas Baer requested that the Board revalidate this permit rather than requiring the applicant to reapply for the same project. Jack Frederick, MPCA, contacted our office in support of this request. **Motion** by Hanson to extend Permit No. 96-73 until 5/14/08. **Seconded** by VanAmburg. **Approved.**

Permit No. 00-36, USFWS, Matter WPA. The Board reviewed photographs Albright took to document Jerry Matter's concerns about seepage from the United States Fish and Wildlife Service (USFWS) Wildlife Protection Area (WPA) in Sections 15 and 22, Riceville Township, Becker County. Albright noted that Matter claims there is seepage on three sides of the WPA on his property. Matter is considering a tiling project to address this issue. Prior to permit approval, the USFWS had agreed to work with Matter if seepage became a problem. The BRRWD also placed conditions on the approved permit,

stating that if problems arose with the project, the USFWS is responsible for the required repairs. To date, the USFWS has not responded to Matter's concerns.

Permit No. 03-29, Oakport Estates. At the last meeting, the office had 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. Buth did not respond. The Board approved a motion at the last meeting to authorize Albright to send Buth another letter directing him to complete the work according to the permit specifications by 9/01/07. Albright sent Buth another letter. His response was that he felt the above referenced work was not part of the permit and was only an option depending on the project's runoff. The Board agreed to wait until the deadline date before taking further action. Buth claims the stormwater detention pond is only needed if the road is paved.

Permit No. 07-03, Steve Holubok. Applicant proposes to lower an 18" dia. culvert in the quarterline approach along County Road (C.R.) No. 55 in the northwest corner of the NE¼, Section 20, Humboldt Township, Clay County, to enhance road ditch drainage to the west. Albright and Nelson field reviewed the site on 5/09/07. They found that the 18" dia. culvert is buried and needs to be cleaned. In addition, the downstream ditch appears to be almost non-existent. **Motion** by Nelson to disapprove Permit No. 07-03 and to recommend that Holubok work with his neighbors to open the culvert and clean the downstream ditch first before trying to lower the pipe. **Seconded** by Hanson. **Approved.**

Permit No. 07-18, Stuart Shulstad. Applicant proposes to complete a 1997 project to install an access road to a proposed gravel pit area in the SE¼, Section 26, Humboldt Township, Clay County. The work will include a crossing/culvert of from C.R. 31. Shulstad's 1997 DNR permit has expired, so he has reapplied. Shulstad has already contacted Clay County Planning and Zoning, and they are reviewing his application. Nelson and Albright field reviewed the proposal on 5/09/07. They recommended that a 30" dia. culvert should be installed. **Motion** by Nelson to approve Permit No. 07-18, subject to the referenced minimum culvert size and County approval to work within their road r-o-w. The Board also recommended that Shulstad work with Steve Hofstad, Wetland Conservation Act (WCA) Administrator, regarding wetland issues. **Seconded** by VanAmburg. **Approved.**

Permit No. 07-25, City of Moorhead. Applicant proposes to construct underground utilities and paving for the Parkview First Addition in the SE¼, Section 21, Moorhead Township. The proposed storm sewer will connect to the 100-Acre Park Pond storm sewer. This system was designed to handle the proposed discharges from the Parkview First Addition. Water entering the existing storm sewer flows through a series of large stormwater detention ponds via underground pipes to the Red River. Jones recommended permit approval. **Motion** by VanAmburg to approve Permit No. 07-25. **Seconded** by Hanson. **Approved.**

Permit No. 07-26, Doug Duran. Applicant has filed this after-the-fact permit to install two approaches with 18" dia. culverts in the NE¼, Section 12, Atherton Township, Wilkin County, off from C.R. 32 (110th ST) west of County State Aid Highway (CSAH) No. 52. Ellefson has conducted a field review of the completed work. **Motion** by Hanson to approve Permit No. 07-26. **Seconded** by VanAmburg. **Approved.**

Permit No. 07-27, Moorhead Public Service. Applicant proposes to install an electrical cable crossing on the access road for the outlet of Project No. 57, Moorhead Interstate-94 (I-94) Flood Control, in Section 24, Moorhead Township, to provide service to a City of Moorhead billboard/sign. **Motion** by Nelson to approve Permit No. 07-27, subject to our standard utility disclaimer. **Seconded** by Hanson. **Approved.**

Permit No. 07-28, City of Moorhead. Applicant proposes to install storm drainage improvements, site grading, and stormwater detention ponds along 50th AVE S in Sections 30 and 31, Moorhead Township, for the Trollwood Performing Arts School. **Tabled** pending Jones' review and recommendations.

Permit No. 07-29, Clay County Highway Department. Applicant proposes to install an approach with a 24" dia. culvert off from CSAH No. 11 near the City of Sabin in Section 7, Elmwood Township; an approach with 18" dia. culvert adjacent to C.R. 115 in Section 36, Highland Grove Township; and a 24" dia. culvert/approach adjacent to C.R. 95 in Section 10, Oakport Township. The work is necessary to provide landowners access to their property. Albright and Nelson field reviewed the sites and found no problems with any of the proposals. **Motion** by Nelson to approve Permit No. 07-29, subject to a review of the Highland Grove Township site by Steve Hofstad, WCA Administrator, regarding possible wetland issues. **Seconded** by VanAmburg. **Approved.**

Permit No. 07-31, Howard Pender, Jr. Applicant proposes to install an approach/culvert in the northeast corner of Section 25, Elkton Township, to improve drainage. **Tabled** pending Manager field review.

Permit No. 07-33, Rick Oberg. Applicant proposes to remove the Burlington Northern Sante Fe (BNSF) Railroad bed in the NE¹/₄, Section 29, Flowing Township, to allow for agricultural production. BNSF has sold their track/r-o-w between Glyndon and Felton to individual landowners. The Board discussed how to handle permit requests to remove the track bed for farming purposes. BNSF has already removed their culverts and bridges. The Board felt that BNSF should have applied for a BRRWD permit to remove those structures. They agreed that if the work will affect the movement of water, individual permits will be required. **Motion** by Hanson to approve Permit No. 07-33. **Seconded** by VanAmburg. **Approved.**

Permit No. 07-34, Chris Noben. Applicant proposes to install tiling for about 60 acres in the SE¹/₄, Section 12, Cuba Township, Becker County, to provide drainage to increase agricultural production. Noben doesn't plan to start the work until August. **Tabled** pending Manager field review.

Minch and Johnson Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 10:48 PM to discuss the status of both lawsuits. At 10:53 PM, the Board reopened the meeting.

Paul Hartke Approach. Hartke installed an approach in Section 14, Cromwell Township, along 57th AVE N, last fall without a BRRWD permit. On 5/05/07, Albright took photographs of the site. M & J Farms is the land renter and might have done the work. Albright and Nelson conducted a field review on 5/09/07. **Motion** by Nelson to contact Hartke to advise him that he needs to apply for an "after-the-fact" permit for this work. **Seconded** by VanAmburg. **Approved.**

Baer Hog Facility. The CUP hearing before the Clay County Planning and Zoning is scheduled for 5/15/07 at 7:00 PM in the County Courthouse, Moorhead. Albright and Manager Nelson plan to attend. The Managers discussed their position regarding this issue. Ellefson pointed out that the BRRWD doesn't have permitting authority over building permits, we only have jurisdiction over water issues regarding driveways, culverts, site improvements, etc. If the Baers adhere to the BRRWD's Rules, the Board agreed that we couldn't stop the project. The landowners who are opposed to the facility have asked a number of individuals to testify tomorrow night at the CUP hearing. The Board discussed the proposed project and its potential impact on the area.

At the 4/23/07 meeting, Gary Ronsberg complained that Baers had 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 and Nelson conducted a field review of the ditching complaint on 5/09/07. They found that the Baers had only made shallow cuts (maximum 1') to clean out natural swales and existing ditches on the property. A BRRWD permit is not required to clean existing waterways to the original (clay) grade. The Board discussed information from the Ronsberg family regarding Concentrated Animal Feeding Operations (CAFOS).

Herfindahl Tiling. Jeff Norby, Natural Resource Conservation Service (NRCS), who is working with Clifford Ernst to install an erosion control project on his property, informed the office that Tom Herfindahl installed approximately 195 acres of tiling last year in Section 13, Cuba Township, without a BRRWD permit. On 5/03/07, Albright sent Herfindahl a letter regarding the BRRWD Rules and tiling projects. Herfindahl contacted that office and said there was no problem with his project and that the neighboring landowners are not affected. Ernst recently called the office to discuss the erosion problems Herfindahl's project is causing on his farm. Manager Hanson has talked with Ernst and reviewed the tiling site. It appears that Herfindahl cut the township road to install the tiling, and the work is causing downstream erosion problems on Ernst's property. Hanson felt that Herfindahl should finish his project by continuing the outlet to Becker County Ditch No. 15. To date, Herfindahl has not submitted the BRRWD application.

Felker/Hein Drainage Dispute. Sean Felker contacted Albright this spring regarding his concerns about erosion on his property caused by drainage coming from Bruce Hein's property in Section 17, Audubon Township. The Board reviewed photographs that Albright took of the site on 5/01/07 and discussed the ongoing neighborhood dispute.

Landrum Lake Dam Repair. Last fall, the Becker SWCD asked the BRRWD to review repairs for the Landrum Lake Dam in Section 5, Hamden Township, Becker County. H.E. has completed the review. Opsahl took photographs of the site. The dam was originally constructed in the early 1960s. Jones found that the existing outlet structures are rusted and not functioning. The structures are half round 36" corrugated metal riser pipes with stoplogs and 24" dia. corrugated metal pipes (CMP). Jones estimated that a structure repair project could cost approximately \$13,180. This does not include any channel improvements or embankment improvements. Additional survey/engineering work would be done to determine if that work would be necessary. Jones provided an itemized Opinion of Probable Cost with the report. He noted that we might need a DNR Dam Safety Permit for the repair. Albright will forward the information to the Becker SWCD for their review.

City of Moorhead/40th AVE South. Jones discussed a proposed change to the City of Moorhead's 40th Avenue South road plans east of 28th ST. They would like to add culverts to the proposed project in order to accommodate agricultural drainage coming from an existing natural swale southeast of the project. He showed a project plan sheet to illustrate where the City plans to install the additional culverts in a bike path.

Motion by VanAmburg to approve the City of Moorhead's request to modify their plans, subject to Manager Olson's field review. **Seconded** by Nelson. **Approved.**

Project No. 61, Clay County Ditch No. 11-North-Improvement. The Board approved a Preliminary Order to continue with this project on 4/23/07. Albright prepared the Order for the Ellefson's signature. The petitioner's bond is current, and we are still waiting for H.E. to provide us with a breakdown of their billings to determine which costs pertain to Project No. 61, and which costs pertain to Clay County Ditch No. 11 in general.

Project No. 59, Clay County Ditch No. 41-Lateral 3. Albright sent a letter to Lee Berget, Minnesota Department of Transportation (MNDOT), to suggest that MNDOT share the extra costs the BRRWD has incurred regarding this dismissed project. The costs remaining after receipt of the \$10,000 petitioner's forfeited bond is \$4,582.53.

Project No. 58, Riverton Township Retention. Albright and the Appraisers met on 5/09/07 to start their work on this project. They hope to have the Appraisers' Report ready for the Board's review on 6/11/07. The next steps will be to schedule the Final Hearing, and meet with Riverton Township regarding use of their road. To date, The Nature Conservancy (TNC) has not responded regarding their easement option. The DNR has funding in place for 50% of the project costs (\$397,230).

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. The easements still need to be recorded with the County Auditor. H.E. has prepared a Final Pay Request for All Seasons Contracting, Inc., to release the retainage in the amount of \$2,380.80. **Motion** by Nelson to approve the Final Pay Request. **Seconded** by Hanson. **Approved.**

Project No. 56, Manston Slough Restoration. Jeff Lansik, Rick St. Germain, and Albright met with Tom Richels, Wilkin County Highway Department, on 5/11/07 regarding use of C.R. 26 as part of the dike alignment. Richels felt that the County will only require that we regrade about 0.4 miles of C.R. 26 where the permanent pool will actually meet the road, which should help reduce project costs.

Project No. 54, Whisky Creek Tributaries. Darvin Temanson, Dirtworks, has finished resetting Greg Settelmeyer's driveway culvert. Temanson was the low bidder for the NRCS Nichol Wetland Reserve Program (WRP) project.

Project No. 49, Oakport Flood Mitigation. The Steering Committee is tentatively scheduled to meet on 5/30/07 at 1:30 PM in the Moorhead Police Department. The Board discussed the Ulteig Engineers, Inc. (UEI) weekly report. Albright will forward this information to Greg Anderson, Chairman, Oakport Township, and Kevin Campbell, Clay County Commissioner.

Rick Roers asked for permission to cut hay on three lots the BRRWD has purchased in Oakport Township. He has hayed the tracts for a number of years and wanted to check with the BRRWD before doing the work again this year. The Board discussed Roers request and felt that he should pay \$40/acre rent. Albright will send Roers a letter in that regard.

One shed was not sold during the auction sale on 5/03/07. The Board decided to hold it over until this fall when another auction sale may be planned.

Project No. 46, Turtle Lake Outlet. After recent heavy rains, Turtle Lake is up about 22" above the DNR amended permit elevation. The northwest corner of the lake has had wind damage erosion. Both siphons are working. The Long Lake siphon has been operating since 2/12/07. The office has received phone calls from landowners who are concerned about Turtle Lake's elevation/costs.

Project No. 39, Georgetown Flood Control Levee. The City of Georgetown sent a letter requesting the Board to consider lowering their 2007 tax levy from \$5,000 to \$2,000. The Board discussed this request and felt that it would be difficult to reduce the assessments now that the Auditor has sent out the tax bills. The \$5,000 assessment will not be changed at this time.

Project No. 38, Farmstead Ringdikes. Jones is working on the revised plans for the Kragnes ringdike. Albright will meet with the Appraisers. Once their work is completed, the Board will schedule a landowner hearing.

H.E. has agreed to split the remaining \$4,022.16 cost overrun for the Mead ringdike with the BRRWD and Solveig Mead. They will pay \$1,340.72 to settle the outstanding balance on this project to help offset some of the costs to the participating parties. In their letter, they discussed changes in how H.E. will handle ringdike cost estimates in the future to avoid cost overruns. The Board discussed H.E.'s offer. **Motion** by Nelson to split the remaining ringdike costs three ways with H.E. and Solveig Mead (\$1,340.72 each), and to authorize Albright to send this proposal to Solveig Mead for her review. **Seconded** by Hanson. **Approved.**

Project No. 36, Clay County Ditch No. 41-Lateral No. 2. The Target Corporation has requested that the BRRWD mow and clean up the ditch system r-o-w area. Opsahl will coordinate the cleanup work. He suggested that we could possibly use Sentence to Serve (STS).

Project No. 35, Clay County Ditch No. 47. The City of Moorhead has forwarded their petition to reroute part of Ditch No. 47 in association with the 34th ST interchange project. They have also asked us to redetermine benefits in Americana Estates. Currently, both ditch assessments and the City of Moorhead's storm water assessments are being assessed to the landowners. Robert Zimmerman, Engineer, City of Moorhead, suggested that the BRRWD put a policy in place for annexed land regarding drainage assessments.

Project No. 31, Deerhorn Creek Levees. The Board discussed landowner Lloyd Scheffler's concerns about beaver activity and drainage problems on his property in association with the levees. Scheffler has removed one of the flapgates in his yard. He also wants H.E. to survey a possible ditch on the outside of the levee to drain his yard west. Albright said Deerhorn Creek should be cleaned in Scheffler's area.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1). The BRRWD is waiting for the petitioners to provide the \$10,000 bond before we can move forward with the development of the Branch No. 4 improvement/extension. Once the bond is filed, 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. 27, Clay County Ditch No. 55. The MNDOT preconstruction meeting for pipe jacking and ditch grading will be held on 5/17/07 at 1:00 PM in Detroit Lakes. Jones and Manager Hanson will attend. Opsahl should check to make sure the culverts go in at the correct elevation. This project will add an additional line of 48" dia. pipe at a lower elevation on I-94 r-o-w.

Project No. 23, Becker County Ditch No. 15. Contractor Chad Mattson completed repairs on this ditch system last week. Opsahl reported that Mattson planned to finish the grass seeding today and work on the cleanup items.

Project No. 13, Hay Creek Detention. The DNR plans to lower the south pool to the same elevation as the north pool for this summer. Albright noted that this should not affect the project.

Project No. 8, Stony Creek. The DNR wants the BRRWD to lower the pool for this project to elevation 1132.5 this summer. Opsahl will need to adjust the gates.

Jones has prepared a recommendation to repair and widen a crossing in Section 13, Humboldt Township, associated with the project for landowner Greg Larson. The existing crossing consists of two lines of 24" dia. x 18' CMPs and one line of 30" dia. x 18' CMP. The existing structures are washed out and impassable. The crossing provides access to a small field, and Arvid Thompson has requested the repairs. Jones recommends installing two lines of 24" dia. x 40' CMP and one line of 30" dia. x 40' CMP to allow for adequate access to the field for farm equipment. The total Opinion of Probable Cost for the repair project is approximately \$3,700 to \$4,000. The landowners have also requested an additional crossing south of this location. This crossing would be similar in dimensions and costs. Opsahl suggested that we put in new structures in the first crossing and salvage the old pipes for the south crossing.

Project No. 3, Clay County Ditch No. 65. A ditch system landowner has complained that Skolness Farms is farming the ditch system r-o-w. Opsahl needs to stake the r-o-w, take photographs, and the BRRWD office will send a letter to Skolness Farms advising them to stay off the r-o-w per Minnesota Statutes.

Mediation PT. The BRRWD will hold their next PT meeting on Thursday, June 21, 2007, at 7:30 PM in the MSUM Science Center near Glyndon. Notices will be sent.

Comprehensive Planning. The Northern Region planning meeting is scheduled for 5/22/07 at 7:30 PM in the Georgetown Community Center. The office will mail notices.

Clay County Ditch No. 34. Albright noted that Brad Cook was in the office to discuss his concerns about Gary Smith's request for a new bridge/additional culverts along the west line of Section 18, Barnesville Township.

Clay County Ditch No. 49. Morken Township has requested that the BRRWD replace five structures that were previously approved for this ditch system. The Board had a hearing in 2001 and made an order to replace the structures on an as needed basis. Two of the culverts are eligible for public bridge funding, and the ditch system will have to pay for the three private crossings. The Opinion of Probable Cost for all five structures is approximately \$65,000. The Board discussed conducting a redetermination of benefits before this repair work is done. **Motion** by VanAmburg to redetermine benefits for Clay County Ditch No. 49 and to appoint Eddie Bernhardson, Lauren Peterson, and Arvid Thompson as Viewers. **Seconded** by Hanson. **Approved.** The Board will table the structure replacements until after the redetermination proceedings are completed.

Wilkin County Ditch No. 40. Mark Yaggie called the office several weeks ago. He forwarded a letter he received from the DNR regarding their redesignation of County Ditch No. 40 as the Lawndale Trout Stream. He was concerned about future ditch maintenance. The Board discussed their concerns about the ditch system. The DNR will accept public comment on this proposal until 8/01/07. Ellefson felt that, as

the ditch system authority, the BRRWD has the obligation to protect the rights of the landowners on the ditch system. **Tabled** for further discussion.

Becker County Ditch No. 5. Sellin Brothers, Inc., is ready to start the Froysland/Green dam repairs as soon as conditions permit. Mark Krieger is now also ready to start his repair project. Albright suggested that Opsahl contact Brad Grant, Becker SWCD, regarding wetland issues on the Krieger repair. H.E. will also need to contact neighboring landowners to sign spoil-leveling releases.

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, through Saturday, June 30, 2007, at the Maplewood Inn, Maplewood, MN. The registration deadline is 6/15/07. Managers Nelson, VanAmburg, and Hanson, including their wives, all want registrations.

Clay County Ditch No. 32. The office received a letter from the State Farm Insurance Company, who is the insurance carrier for Mark Volesky. State Farm acknowledged receipt of our bill for the bridge repair in Section 15, Kurtz Township, on a private crossing. The letter included a release form for the Board's signature. **Motion** by Hanson to authorize Ellefson to sign the release form on the Board's behalf, and to authorize Jerdee Bridge Company to do the bridge repairs. **Seconded** by VanAmburg. **Approved.**

Becker County Ditch No. 9. Tom Herfindahl filed a ditch repair request. **Motion** by Hanson to authorize H.E. to investigate the repair and provide a recommendation. **Seconded** by VanAmburg. **Approved.**

Lobbyist Report. BRRWD Lobbyist Joel Carlson provided a report on the status of our 2008 project funding requests. He noted that the legislation has included \$10 million for the Oakport project, \$50,000 for the Grove Lake Outlet, and \$150,000 for the Swede Grove Lake project costs.

Clay County Ditch No. 35. Mike Astrup will file a request for a repair investigation of the remaining four miles of County Ditch No. 35 that were not cleaned during the 2005 repair. The area lies along the north line of Section 24, Oakport Township, and the west lines of Sections 19, 20, and 31, Moland Township. If the survey shows work is required, Astrup would like the repairs done yet this fall. **Tabled** pending Jones' review.

Clay County Ditch No. 58. Robert Kuehl will file a request for an investigation to install culverts and gates to drain part of the SE $\frac{1}{4}$, Section 1, Elmwood Township, through C.R. 71 into the ditch system. He would also like to lower the existing field inlets in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Elmwood Township, so the field can drain into County Ditch No. 58. **Tabled** pending Jones' review.

Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG). The RRBFDRWG will hold their next meeting on Thursday, May 24, 2007, at the Lodge on Lake Detroit in Detroit Lakes. The meeting will start at 9:30 AM and end at 3:30 PM. The group will review the Project Readiness and Compatibility forms for several Watershed District projects. VanAmburg will be out of town, so Albright will plan on attending to review the Swede Grove and Grove Lake projects.

Buchl WPA Celebration. The Detroit Lakes Wetland Management District (WMD) will celebrate the completion of the Buchl WPA on 6/01/07 at 11:00 AM at the WPA site. The event will recognize the Habitat Restoration Project Contributors.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Petty Cash	Postage, supplies, etc.	Admin	\$ 100.00
Lori Johnson, Auditor	1st 1/2 property taxes	Pj. 49, Oakport	\$ 17,003.00
Randy Rick	April property manager fees	Pj. 49, Oakport	\$ 825.00
Barnesville Phone Co.	4/25/07 billing	Admin	\$ 177.25
Harold J. Rotunda	2006 Audit	Admin	\$ 1,900.00
Mattson Excavating, Inc.	#81, 2006/2007 repairs	Becker 15	\$ 16,635.00
WREC	3/19/07-4/19/07 service	Pj. 46, Turtle Lake	\$ 152.29
Fitzgerald Const., Inc.	#6208, C.R. 71 gravel	Pj. 51, Clay 68	\$ 107.03
Dirt Works	#0045227, Settelmeyer	Pj. 54, Whisky Crk	\$ 1,125.00
Dirt Works	#0045247, Settelmeyer (rock)	Pj. 54, Whisky Crk	\$ 400.00
Premium Waters, Inc.	#366590-4-07	Admin	\$ 20.02
Becker Co. Auditor/Treasurer	2007 special assessments	Varies	\$ 2,268.00
Vogel Law Firm	April Billings	Pj. Nos. 49/56	\$ 5,048.08
Mike Staber	Lot 2C security deposit	Pj. 49, Oakport	\$ 162.50
Leslie Aldrich	Lot 4B security deposit	Pj. 49, Oakport	\$ 162.50
Northern States Excavating	#387, Anderson cleanup	Pj. 54, Whisky Crk	\$ 847.50
Houston Engineering, Inc.	April billing summary	Varies-see attch	\$ 85,431.70
Ziegler Construction, Inc.	Spoil leveling	Pj. 35, Clay 47	\$ 900.00
Stan Thurlow	Consultation	Pj. 49, Oakport	\$ 391.40
Quill	#6769354, #6791873, 6752141	Admin	\$ 266.90
Moorhead Public Service	4/04/07-5/04/07 service	Pj. 49, Oakport	\$ 187.81
TDS Metrocom	5/13/07 long distance	Admin	\$ 28.92
All Seasons Contracting, Inc.	Final Pay Request	Pj. 57, Mhd I-94	\$ 2,380.80
Gerald L. VanAmburg	#0710, 3/01/07-4/30/07	Varies	\$ 1,026.12
Roger G. Ellefson	#0706, 3/01/07-4/30/07	Varies	\$ 1,066.67
Curtis M. Nelson	#0708, 3/01/07-4/30/07	Varies	\$ 1,212.18
			\$ 139,825.67

Motion by Nelson to approve payment of the bills, pending availability of funds. **Seconded** by VanAmburg. **Approved.**

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Tuesday, May 29, 2007, in the Barnesville office at 8:00 PM. The traditional meeting date was changed because of the Memorial Day holiday.

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

Respectfully submitted,

John E. Hanson, Secretary