The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, June 9, 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, Wade Opsahl, and Julie Jerger, Houston Engineering, Inc. (H.E.); and landowner Jim Haick.

Chairman Ellefson called the meeting to order at 8:00 PM. He announced that the proceedings were being taped to aid in preparation of the minutes.

**Secretary's Report.** The Board reviewed draft minutes for the 5/27/08 regular meeting and the 6/05/08 special emergency meeting. **Motion** by Nelson to approve the 5/27/08 minutes. **Seconded** by Hanson. **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 the office received $5,564.50 from Otter Tail County for their June tax settlement, which will be deposited this week. We currently have $892,991.00 on hand, which doesn't include the Otter Tail County tax proceeds. **Motion** by VanAmburg to approve the Treasurer's report. **Seconded** by Olson. **Approved.**

**Business brought before the Board included:**

**Permit No. 06-10, Walter Jerger.** On 3/27/06, the Board tabled action on this application to reinstall a flapgate on the north end of a 30" dia. corrugated metal pipe (CMP) through County Road (C.R.) No. 182 (170th ST) in the west right-of-way (r-o-w) of Trunk Highway (T.H.) No. 9 to prevent the South Branch of the Buffalo River from backing up onto Jerger's property in the NW¼, Section 9, Manston Township, Wilkin County. The river backups up to the south through C.R. 182 via the referenced culvert, flows west across Jerger's field, and then reenters the South Branch through two culverts in C.R. 182 in the northwest corner of Section 9. The flapgate would keep the water in the river on the north side of C.R. 182. In 2006, Jim Haick, Jerger's neighbor in Section 4, Manston Township, had the BRRWD do a cleanout project on the South Branch of the Buffalo River. The work started at the outlet of Wilkin County Ditch No. 44 and ended at T. H. 9. The Board wanted to evaluate the effects of this project on area drainage before approving Jerger's request for a flapgate, which Haick opposes.

The Managers discussed Jerger's request. Ellefson noted that Ronald Jerger contacted him today regarding the recent flooding and crop loss on his field in Section 9. Jerger feels that Haick's river cleanout project has created a worse situation for him as more water comes faster from the east through T. H. 9 and backs up onto his property from the north through the referenced culvert in C.R. 182.
VanAmburg questioned Jim Haick about the alleged installation of two culverts with flapgates on his property along the north side of the South Branch. Haick commented that someone else did the work to keep the river from backing up onto Haick's property. Ellefson questioned if he had a permit for this work. Haick indicated that he did have a permit for the culverts/flapgates.

Haick explained that the reason for his attendance at tonight's meeting was to question the status of a possible project to address the flooding problems associated with the South Branch of the Buffalo River in his area. Ellefson noted that he has received other phone calls from landowners in this area who also have concerns regarding this issue. He explained that once the BRRWD completes their Comprehensive Plan update, there might be a way to develop a project for the South Branch. Jones added that once the Comprehensive Plan is completed, the BRRWD will hold at least two regional meetings this summer to present the Plan to the landowners who attended the regional meetings last year. Haick commented that his cleanout project will be silted in again within two years if something isn't done to retain upstream flows and to clean out the downstream river channel. He said that the river channel's capacity is very limited. Jones explained that the Plan could include a funding mechanism (water management districts) for larger regional projects that could be used to address chronic flooding issues along natural waterways. The group briefly discussed the Comprehensive Plan review process.

Haick reiterated his opposition to Jerger's flapgate request. He feels that the flapgate will cause more water to flow onto his property during high water events when the South Branch is already out of its banks. Haick thought that the Board had agreed not to take action on Jerger's request until something was done to address overall flooding on the South Branch. Ellefson clarified Haick's comment by explaining that the Board had agreed to table Jerger's request to determine how Haick's cleanout project would affect area drainage. Haick maintains that the project improved his drainage on the east side of T. H. 9, but did not do much to help his drainage on the west side of the highway because the channel downstream of his cleanout project is still so full of sediment that the water has no place to go. Ellefson said Jerger feels that if Haick can install gated culverts to keep the river from breaking out onto his property, he should be able to do the same. Ellefson noted that Jerger has suffered crop loss in the northwest corner of Section 9 almost every year with the gate off. VanAmburg suggested that the Board table a decision until the 6/13/08 special meeting. Ellefson mentioned that Jerger plans to hire an attorney, and Haick has already hired an attorney regarding this issue. He commented that it might take a Judge's decision to clear up this issue. Ellefson felt that a Judge might look at Haick's two downstream gated culverts and feel that Jerger has the same right to the requested flapgate installation. More discussion followed regarding the limited drainage capacity of the river channel. Motion by VanAmburg to table action on this permit until 6/13/08. Seconded by Hanson. Approved.

Permit No. 07-130, Harmen Tande. Bruce E. Albright, BRRWD Administrator, has scheduled a field meeting with Gaylen Dick, the new owner of W½, Section 5, Riverton Township, and Harmen Tande on 6/24/08 at 10:00 AM to discuss Tande's request to remove an approach/culvert on the north line of Sections 5/6, Riverton Township, Clay County. Tabled.

Permit No. 08-05, Lynn Brakke. Applicant proposes a number of culvert/ditch changes for Sections 2, 3, and 10, Wolverton Township, Wilkin County, on an old Soil Conservation Service ditch. The Board met with the affected parties on 4/28/08 to discuss this request. Paul Israelson, Wolverton Township, felt that the ditch is already too deep, is difficult to maintain, and poses road safety/slide concerns. Albright agreed to redraft the survey per Israelson's wishes, and the new plan will be sent to the affected landowners for
their discussion/consideration. To date, Albright has not had time to complete the revisions. Brakke doesn't plan to start construction until this fall. **Tabled.**

**Permit No. 08-06, Hugh Trowbridge.** In conjunction with Project No. 62, Branch No. 4 Improvement-Extension, applicant proposes to relocate a culvert in 110<sup>th</sup> ST to align it with a field ditch in the SW¼, Section 6, Deerhorn Township, Wilkin County. The Board **tabled** this application, pending the outcome of Project No. 62.

**Permit No. 08-17, Clay County Highway Department.** Applicant proposes to relocate a portion of C.R. 93 in the northeast corner of Section 18, Moland Township, to the south of the river channel and remove the bridge over the Buffalo River on C.R. 93. The work is in conjunction with the regrading/new bridge project for County State Aid Highway (CSAH) No. 11 (Permit No. 08-03). Jones reported that Clay County is in the process of revising their plans, and he'll review the new proposal when they forward him a copy. **Tabled pending Jones' review.**

**Permit No. 08-20, Minnesota Department of Natural Resources (DNR).** Applicant proposes to install five rock weirs in Wilkin County Ditch No. 40/Lawndale Trout Stream, 60' apart, downstream of the culvert that passes under C.R. 15 in the N½, Section 6, Tanberg Township, Wilkin County, on the Frank Farrar property. The weirs will allow for improved fish passage to the Lawndale Creek headwaters and provide stream stabilization directly downstream of the culvert for approximately 300'. The Board asked Jones to investigate the project's impact on channel capacity for runoff events on Wilkin County Ditch No. 40. Jones reported that the weirs will have a negligible impact on Ditch No. 40, and that the ditch hydraulics should be unaffected. Jones recommended permit approval. The Board discussed the need to retain our maintenance rights on Ditch No. 40. **Motion** by VanAmburg to approve Permit No. 08-20, subject to the BRRWD retaining the right to modify or remove the structures for ditch maintenance/improvement, and the DNR would need to pay for any future modification/removal. **Seconded** by Olson. **Approved.**

**Permit No. 08-25, Otter Tail Valley (OTV) Railroad.** Applicant proposes to replace the two lines of culvert on Wilkin County Ditch No. 43 near Lawndale with three smaller pipes to allow more room to cover the pipes. They also want to install a better base. Opsahl has been working with Harry Krog, OTV, who claims water is running underneath one of the existing pipes. The proposed culverts are slightly smaller than H.E.'s 8/09/93 hydraulic analysis recommendations. OTV would like the BRRWD to consider a 50/50 cost sharing arrangement. Krog has submitted a cost estimate of $40,497.71. He plans to attend the 6/23/08 meeting to discuss OTV's proposal. **Tabled.**

**Permit No. 08-27, Paul Ehlert.** Applicant proposes to install a Wetlands Reserve Program (WRP) project in the E½, Section 12, Manston Township, and Section 7, Tanberg Township, Wilkin County. The Wilkin County Natural Resources Conservation Service (NRCS) prepared the WRP design. Manager Olson and Opsahl conducted the field review. They saw no problems with the proposal, and noted that any seepage would follow the existing drainage patterns. Opsahl noted that the preliminary plans lacked specific details. The Board discussed the proposal. **Tabled pending receipt of the final plans.**

**Permit No. 08-28, Robert Lyberg.** Applicant proposes to install a second approach with a 15" dia. x 36' culvert to his farmstead in the SE¼, Section 5, Cromwell Township, Clay County. Manager Olson and Opsahl conducted the field review and found no problems with the proposal. **Motion** by Olson to approve Permit No. 08-28, subject to Township approval to work within their road r-o-w. **Seconded** by Hanson. **Approved.**
Permit No. 08-29, Paces Lodging Corporation. Applicant proposes to construct underground utilities, retail buildings, and parking lots for a new Dilworth retail center on the old Archie's property, Section 3, Moorhead Township, Clay County. Jones reviewed this proposal and is waiting for additional information regarding how they plan to protect/preserve the Clay County Ditch No. 41-Lateral No. 2 ditch r-o-w. He also wanted to be sure that inlet riprap was properly placed. The Board reviewed the project plans and discussed their concerns about ditch r-o-w encroachment. Ellefson suggested that H.E. stake the ditch r-o-w. Jones felt that he had provided enough information to the contractor so that they should be able to identify/avoid the BRRWD ditch r-o-w. Motion by VanAmburg to approve Permit No. 08-29, pending receipt of plans showing that they will protect the Clay County Ditch No. 41-Lateral No. 2 right-of-way and that riprap installation on ditch inlets will extend across the channel. Seconded by Hanson. Approved.

John Thompson Culvert Changes. Thompson proposes to lower one culvert in the SE¼, Section 36, Deerhorn Township, Wilkin County, and replace an approach culvert on the west line of Section 36. Tabled pending Manager field review.

David Watt Tile Installation. Watt proposes to install patterned tiling in the SE¼, Section 32, Spring Prairie Township, Clay County. Tabled pending Manager field review.

Minch/Johnson Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:20 PM to discuss the status of both issues. At 9:22 PM, the Board reopened the meeting.

Grove Lake. Kern Kuhlmann has not responded to any of Albright's phone messages to schedule a field meeting to review his Maple Lake concerns. Ellefson suggested that he and Jones drive out to Grove Lake this week to see if they could visit with Kuhlmann. Jerger noted that a landowner on Grove Lake, David Haugrud, called the office today, questioning the status of the project.

Tom Friederichs Diking Complaint. The Board held a special emergency meeting on 6/05/08 regarding the Friederichs' diking violation in the NE¼, Section 28, Elkton Township, Clay County, and approved a motion to authorize Attorney Tami Norgard to prepare a complaint against Friederichs and file it with Clay County District Court, seeking immediate opening of the dike. Albright also contacted Bill Hunt, State Conservationist, NRCS, for a copy of Friederichs' restoration order. A special Board meeting is scheduled for Friday, June 13, 2008, 8:00 AM, in the Barnesville office, to continue these discussions. The Board reviewed the 6/06/08 certified letter Albright sent to Friederichs to notify him about the 6/13/08 meeting and discussed the effects of the dike on area drainage. Jerger noted that Friederichs called the office today regarding the letter.

Project No. 62, Clay/Wilkin J.D. 1-Branch 4-Improvement/Extension. The Final Hearing has been scheduled for Monday, June 30, at 8:00 PM in the Comstock Community Center. Hearing notices will be mailed to landowners this week.

Project No. 61, Clay County Ditch No. 11-North Improvement. The Viewers are working on their report. Albright talked with David Overbo about scheduling a meeting with John Leseth. A date was not set.
Project No. 58, Riverton Township Retention. The NRCS has completed their wetland review, and we are waiting for them to forward their report to H.E. The Clay Soil and Water Conservation District (SWCD) will not act on the Wetlands Conservation Act (WCA) permit until their 6/12/08 meeting. The Nature Conservancy (TNC) has indicated that they won't sign the easement until the wetland issues are resolved. Jones plans to visit with Brian Winter, TNC, to discuss a possible agreement/resolution the BRRWD could provide to TNC, pledging to address all wetland requirements, in case these issues are not resolved before the construction award deadline. The apparent low bidder, Nanick Construction, is anxious to get this project started. The Board wants to award the construction contract to Nanick Construction at their 6/23/08 meeting.

Project No. 56, Manston Slough Restoration. On 6/05/08, Managers Ellefson, Nelson, and Olson, Albright, and Rick St. Germain, H.E., met with Kevin Brenna, Fergus Falls Wetland Management District (WMD) and United States Fish and Wildlife Service (USFWS), along with several DNR personnel regarding their design concerns. It appears that the design issues have been mostly resolved. This should clear the way for completing the Environmental Assessment Worksheet (EAW), wetland permitting, and signing the Memorandum of Understanding (MOU) and the Operation and Maintenance (O&M). The NRCS plans to start their archeological survey this week, weather permitting. The office should be able to get the easement options prepared by the end of June. The Board discussed project benefits/funding. Albright plans to contact Kent Lokkesmoe, DNR, about a possible 75/25 project cost share. Jerger noted that landowner Tom Thomas called the office today regarding the project status.

Project No. 49, Oakport Flood Mitigation. The office sent a pay request to Pat Lynch, FDR Hydrologist, DNR Waters, for general expenses ($85,192.83). It appears there is only $75,849.21 left in the grant account. Lynch forwarded Amendment No. 3 ($1 million) for the Board's signature. Once in place, the new funding should cover the general expenses overage. **Motion** by Nelson to authorize Ellefson to sign the grant agreement on behalf of the Board. **Seconded** by Hanson. **Approved.**

Another meeting with the Fischer Family will be scheduled the week of June 16 to discuss the soil borings for Phase 1A. Albright also plans to schedule a meeting with the Appraisers and Ulteig Engineers, Inc. (UEI) to finalize their report.

Project No. 46, Turtle Lake Outlet. Opsahl restarted the Long Lake siphon on 6/02/08. The Turtle Lake siphon continues to run. Opsahl noted that the lakes have risen due to recent heavy area rainfall, but the siphons have been managing the elevations well.

Project No. 38, Farmstead Ringdikes. The Burlington Northern/Sante Fe (BNSF) Railroad has finally forwarded their lease for the Board's signature. There are still some questions regarding contractor and project liability insurance for use of the railroad r-o-w. The Board had an extended discussion regarding this issue and decided to wait to sign the lease document until we check with our insurance agent, John Hoffman, ICS Agency, Inc., regarding our liability coverage. Jones will try to contact Hoffmann this week. The Final Hearing is scheduled for Wednesday, June 25, 2008, at 7:30 PM in the Moorhead City Hall, First Floor Council Chambers. Notices will be mailed this week.

Jones plans to call Allan Milbradt, Minnesota Department of Transportation (MNDOT), regarding the project permit. He also has to meet with Jeremy and Bobbi Kuipers (White House) regarding their proposed ringdike project.
**Project No. 32, Hawley EDA Diversion.** Albright contacted Joe Kelly, Hancock Concrete Products, and a field meeting to discuss the deteriorating 60" concrete pipe will be held the week of June 16, weather permitting. The City of Hawley has been notified about the meeting scheduling.

**Mediation Project Team (PT).** Our next PT meeting will be scheduled for July or August. The Fall Tour has been tentatively scheduled for 9/26/08.

**Revised Watershed Management Plan.** The Fargo H.E. office plans to have the draft Comprehensive Plan finished this week. Albright and Mark Deutschman, H.E., will take a final look at the draft, and then, a special BRRWD meeting will be scheduled for the Managers to go over the document.

**Clay County Ditch No. 49.** The Viewers have completed their work, and Opsahl expects to have the Viewers' Report ready for the next BRRWD meeting. The next step will be to schedule a hearing for the redetermination of benefits.

**Wilkin County Ditch No. 40.** Jones expects to have the hydraulic analysis for the rerouting of water across the Atherton Wildlife Management Area (WMA) ready for review at the 6/23/08 meeting. Arlin Schalekamp, DNR Fisheries, has indicated that they plan to work out a compromise regarding David Yaggies' irrigation permit. Representatives from the DNR Fisheries may attend the 6/23/08 BRRWD meeting to discuss this issue.

**Barnesville River Watch Team.** The Team has started their 2008 water quality sampling work. Sheila Carlson is working on a new contract to continue with the River Watch program (6/01/08-5/31/09). She plans to attend the 6/23/08 meeting. The School Board meets on 6/16/08. The office needs to send a letter regarding our support for the program.

**Becker SWCD Conservation Tour.** Managers Nelson and Hanson, and Albright plan to attend the Becker SWCD Tour on June 17, 2008 from 8:30 AM to 1:00 PM in Audubon.

**MAWD Summer Tour.** The Bois de Sioux Watershed District is hosting the 2008 Minnesota Association of Watershed Districts (MAWD) Summer Tour, scheduled for June 19-21. Managers Hanson, Nelson, and VanAmburg plan to attend. Albright will be with the Viewers at a Minnesota Viewers' Association workshop on 6/19/08.

**Clay County Ditch No. 40 Repair.** Tim Leiseth has requested the repair of several field inlet culverts in the NW¼, Section 26, and the NE¼, Section 27, Kurtz Township. The opinion of probably cost for the work is between $4,000 and $5,000. **Motion** by VanAmburg to approve the requested repairs. **Seconded** by Nelson. **Approved.**

**Wolverton Creek/Comstock Coulee Clean Water Legacy (CWL) Project.** H.E. prepared Pay Request No. 2 ($55,973.96) for current work completed by Northern States Excavating and Change Order No. 1 ($42,954.04) for extra field inlets that were not specified in the original construction contract. **Motion** by Hanson to approve the Pay Request and Change Order. **Seconded** by Olson. **Approved.** This invoice will be forwarded to the Clay SWCD for payment.

**International Water Institute (IWI).** The IWI has completed Phase 1 of the Red River Basin Mapping Initiative (RRBMI) data collect. Full payment of the BRRWD's 2008 contribution ($50,000) to this project is included on tonight's bill list.
River Keepers. Full payment of the BRRWD's 2008 contribution ($40,000) to River Keepers is also included on tonight's bill list.

The following bills were presented for approval:

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$ 151,165.22

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

Next Meeting. The Board of Managers, BRRWD, will hold their next meeting on Monday, June 23, 2008, in the Barnesville office at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 10:20 PM.

Respectfully submitted,

John E. Hanson, Secretary