BUFFALO-RED RIVER WATERSHED DISTRICT
BARNESVILLE, MINNESOTA 56514
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MINUTES FOR MANAGERS' MEETING
June 23, 2008

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, June 23, 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: BRRWD Administrator Bruce E. Albright, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.); Harry Krog, Otter Tail Valley (OTV) Railroad; Sheila Carlson, Barnesville River Watch Coordinator, and landowners: Jeff Nord, Dennis VanWechel, Jim Haick, Jay Nord, Alan Jerger, Ron Jerger, Polly Thorsness, Margo Brady, and Gary Wyland.

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 6/09/08 regular meeting. **Motion** by VanAmburg to approve the minutes. **Seconded** by Nelson. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's financial status. Albright noted that the Otter Tail County June tax settlement check has been deposited, and Donald Holubok has paid his farm lease rent ($2,100). We currently have $749,590.28 on hand.

**Business brought before the Board included:**

**Permit No. 06-10, Walter Jerger.** Albright gave a brief history of Jerger's request 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. The gate will 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 Board discussed this issue at their 6/13/08 special meeting and decided to take action on this permit application at tonight's meeting. The office sent a meeting notice to Jerger and his neighbor, Jim Haick, who opposes Jerger's flapgate proposal.

Jerger had called the office before the 6/09/08 meeting to question why Haick had received a permit to install three culverts/flapgates in Section 4, Manston Township, on the north side of the South Branch of the Buffalo River, near the culvert he wants to gate in C.R. 182. He was concerned that the Board had not required Haick to contact him regarding the project. The BRRWD had rescinded Jerger's earlier permit for a flapgate on the referenced culvert a few years ago because he had not received permission from Ed Haick for the work. Albright received a phone call today from Ross Aigner, Haick's renter, regarding the culvert installations in Section 4, Manston Township. It appears that the Board made an error on the application when they reviewed the location information for the culverts/flapgates. The Board misunderstood where Aigner planned to install the culverts and approved the permit (07-88) for the work without having him contact Jerger or placing any conditions on the permit. At the 6/09/08 BRRWD meeting, Haick said there was a permit for his structures, but did not mention that Aigner filed the application. When the office searched the files for a permit for the work, there didn't appear to be one issued to Haick for any work in Section 4, Manston Township. We had to assume that he did not have a permit for the structures.
Albright noted that this flapgate issue has become an ongoing controversy, as every year for the past several years, Jerger has had crop loss due to water escaping from the South Branch and backing up south through the C.R. 182 culvert and flooding his field. The Board felt that it was time to make a decision regarding this issue based on sound watershed management practices and take personalities out of the equation. Albright pointed out that there are many flapgates installed throughout the District to protect property from flooding. He noted that the BRRWD is aware that sedimentation has reduced the South Branch of the Buffalo River channel capacity. Someday, we hope to be able to develop a project to address these issues through a new funding mechanism provided in the Revised Watershed Management Plan (RWMP) (watershed management districts) and the installation of a flood damage reduction (fdr) and natural resource enhancement (nre) Mediation project. However, the Board felt it wasn't fair to constantly flood property that a flapgate could protect. More discussion followed regarding area drainage patterns and the problems with the South Branch of the Buffalo River.

VanAmburg noted that according an investigation Jones' conducted for the Wilkin County Ditch No. 44 repair project done in 2006 for Haick on the east side of T. H. 9, the gated culvert in C.R. 182 should not have a significant impact on Haick's drainage/flooding problems. The Board had agreed to table Jerger's permit application to determine how Haick's cleanout project would affect area drainage. Jerger feels the channel cleanout caused more water to enter his field, and VanAmburg thought that Jerger should be able to protect his property with a flapgate, as long as it doesn't harm anyone else. He also felt the amount of storage provided by flooding Jerger's property was insignificant in relation to the amount of water affecting Haick's property from the upstream drainage area on the South Branch of the Buffalo River. VanAmburg added that it is not always possible to satisfy everyone. Since the Board approved the culverts/flapgates to protect Haick's property, he felt it was only fair to approve Jerger's request for a flapgate to protect his property. Motion by VanAmburg to approve Permit No. 06-10. Seconded by Hanson. During discussion, Olson asked if the flapgate installation would affect any area homes. Albright noted that there are no the houses in the immediate area that would be affected by a flapgate in this location. In addition, engineering analysis says that it shouldn't change river levels. Approved.

Jim Haick commented that he was offended that the meeting notice inferred that he had lied about having a permit to install the culverts/flapgates on his property last fall. Albright said that he had not been at the 6/09/08 meeting and did not hear exactly what Haick said regarding this issue. Because the office had been looking for a permit approved for Haick, not Aigner, and because there had been a mistake regarding the location of Aigner's project, we had been unable to find a permit for the work and put a statement regarding our findings in the letter to the landowners. Albright acknowledged that the letter had expressed a certain amount of frustration with this longstanding controversy.

Polly Thorsness Drainage Complaint. Thorsness contacted the BRRWD office recently about a ditch cleanout project that her neighbor, Brian Holt, completed in 2006 in the SE¼, Section 19, Tansem Township, Clay County. The work created erosion in Holt's field, eroded Thorsness' east driveway ditch, and caused sedimentation buildup in a wetland on her property west of her driveway. She is concerned about the pond's water quality, as her farm animals drink from it. The water, which previously was clear, now appears cloudy and has scum around the edges. In addition, she has lost several mature trees on the edge of the pond because of the higher water elevations.

Albright explained that someone other than Thorsness or the BRRWD contacted Sharon Lean, District Conservationist, Natural Resource Conservation Service (NRCS), regarding a possible Swampbuster violation. Lean investigated the claim and determined that there was no wetland violation as a ditch has existed in this location since the 1980s. Lean suggested that Holt install sediment control basins along the field slope to help control erosion. Albright will contact Holt to discuss a solution to the erosion problem.
The Board reviewed photographs Albright took on 6/13/08 showing the ditch and field erosion. Last year, Thorsness was able to mow the driveway ditch, but this year there are cuts along the driveway that are 4'-5' deep. Albright commented that if nothing is done to address this erosion problem, Thorsness' driveway could wash out.

Thorsness agreed that Albright should contact Holt. She questioned what her options are to limit the sedimentation entering her wetland. She is concerned that the sediment and agricultural chemicals from Holt's field could compromise the water quality. Discussion followed regarding possible solutions. Albright will set up a meeting with Holt and Thorsness to discuss this issue further. Nelson suggested that Holt could install some riprap in the erosion cuts.

**Wilkin County Ditch No. 22-Lateral No. 2.** Jeff Nord and Dennis VanWechel discussed their drainage concerns regarding Lateral No. 2. Albright and VanWechel conducted a field review last week after the heavy rainfall events. Nord has concerns about the culvert sizing on the east end of the lateral. The downstream culverts weren't running full, and water wasn't draining properly from the upstream end of the ditch. Albright commented that it appears that the culverts are installed/sized according to the original 1980 improvement plans, but some stretches of the ditch may need cleaning. There are also areas where the ditch slope is being farmed shut.

Another issue Albright noted was the infestation of large trees within the main ditch r-o-w in Section 32, Deerhorn Township, and Section 5, Mitchell Township. He questioned how the trees could have been missed during the annual ditch inspections. The group discussed ditch cleaning and tree removal. The work could be done this fall after harvest. Nord and VanWechel filed a ditch repair request for Lateral No. 2. **Motion** by Nelson to authorize H.E. to conduct a ditch inspection and provide recommendations for the ditch repair and tree removal. In addition, H.E. should review the Lateral No. 2 culvert sizes. **Seconded** by Olson. **Approved.**

Nord questioned the status of the Clean Water Legacy (CWL) project for the Wolverton Creek/Comstock Coulee. The subcommittee met last year and since then, they are aware of nothing happening. Albright explained that the Clay/Wilkin Soil and Water Conservation Districts (SWCD) are in charge of the funding for this project. VanAmburg suggested that the landowners should contact those agencies to find out the status of the CWL project for this sub-watershed. Albright noted that the landowners should contact SWCDs directly if they want to meet with them on this issue, as the BRRWD is only a project partner. Jones noted that the first step to clean the natural channels should be to conduct a survey of the waterway and then design a plan to present to the Minnesota Department of Natural Resources (DNR) for their review. Ellefson agreed that a professionally designed plan was vital to moving forward with this and future CWL projects.

The group briefly discussed organizing a Ditch Committee for Wilkin County Ditch No. 22, similar to the Committee that is in place for Clay/Wilkin Judicial Ditch No. 1 (J.D. 1).

**Margo Brady Drainage Concern.** Albright gave a brief history of the drainage problems in the NE¼, Section 20, Elkton Township, Clay County, on the north side of C.R. 10 east of Interstate-94 (I-94). During highwater events, water from the N½, Section 21, travels cross-country and floods Brady's buildings. Water is supposed to flow west in the road ditch along the north side of C.R. 10 through I-94 where it enters Clay County Ditch No. 55. Brady has suggested that the Board consider boring a culvert (approximately 24" or 30" dia.) through C.R. 10 to Ditch No. 55 on the east side of the township trail between Sections 20 and 21 along Dave Schroeder's land to divert some of the water from Section 21 through C.R. 10 to Ditch No. 55. Albright noted that area landowners might object to adding more water to
the ditch at this location, but Sections 20 and 21 are assessed to Ditch No. 55. Ellefson commented that the minimum maintenance road between Sections 20 and 21 could be raised to prevent water from continuing to overtop it, and Schroeder could clean his ditch along the township road to run his water south to the C.R. 10 ditch. Albright suggested that Brady contact Dave Overbo, Clay County Highway Department, regarding her problem and cost sharing possibilities. He also thought that a field meeting should be scheduled with the affected landowners, the Township, and Overbo. If the parties can reach an agreement regarding this proposal, they will need a BRRWD permit for the work. The Board briefly discussed costs for culvert boring. They noted that the County could install a culvert diagonally through the intersection to keep the water in Ditch No. 55, but it would cost more. Another option would be to bore the culvert straight through C.R. 10 on the east side of the minimum maintenance road to save money.

Brady visited with Overbo today. Overbo agreed to conduct a survey of the area, which would be done next week. He also suggested boring diagonally through C.R. 10 from the east side in Section 21. Albright said that once the County's survey is completed, the BRRWD should schedule a field meeting with the affected parties. The Board reviewed photographs Albright took on 6/06/08, showing how Ditch No. 55 functioned during that rainfall event. Albright noted that the ditch system landowners felt the ditch worked well.

**Peterson WRP Project Drainage Concerns.** Jay Nord has concerns about drainage coming from the Peterson Wetlands Reserve Program (WRP) site in the E½, Section 28, Wolverton Township, Wilkin County, east of Wolverton. Nord explained that the water draining from the WRP site travels approximately two miles along a farmed waterway/coulee before it enters a grassed ditch. Before the NRCS installed the WRP project, the coulee was dry and tillable most of the time. Currently, the WRP seeps continuously, keeping the coulee too wet to farm. One alternative for the farmers who own the waterway would be to enroll the acreage in a bufferstrip program and no longer try to farm it. Nord suggested that a tile could drain the seepage water west to the Red River. Nord distributed photographs showing water still flowing in the coulee three weeks after the heavy rainfall earlier this month. The Board discussed possible options to stop the WRP seepage. **Motion by Nelson to send a letter to the NRCS, requesting that their personnel work with the landowners to find a solution for this issue. Seconded by Olson. Approved.**

**Permit No. 08-25, OTV Railroad.** Harry Krog, OTV, discussed their proposal to replace the two lines of 85' x 54" corrugated steel pipe-arch (CSP-A) culvert on Wilkin County Ditch No. 43 near Lawndale that was installed in 1993 with three smaller arch pipes to allow more room to cover the pipes. The proposed culverts are slightly smaller and longer than H.E.’s 8/09/93 hydraulic analysis recommendations. They also want to install a better base, as water is undermining one of the existing pipes. OTV has proposed a 50/50 cost share arrangement with the BRRWD. Krog has submitted a cost estimate of $40,497.71. The Board discussed the proposed project and the cost-sharing request. Ellefson suggested that OTV deduct the expense to remove and reinstall their track from their proposal. Krog said that OTV would appreciate any amount the BRRWD was willing to contribute. **Motion by Nelson to approve Permit No. 08-25 and to contribute approximately $17,000 or 50% of the project costs minus OTV's track costs, as a ditch system expense. The funding contribution will be based on actual expenditures. Seconded by Hanson. Approved.**

**Barnesville River Watch.** Sheila Carlson discussed her proposal for continuing the River Watch water monitoring program in 2008-2009. Carlson, who retired from Barnesville High School this spring, has been the leader of the Barnesville River Watch Team since 2002. The budget she prepared for the water quality monitoring work includes the cost of supplies ($372), mileage ($1,051.80), meals ($336), student labor ($1,137.50), and advisor labor ($1,975), for a total cost to the BRRWD of $4,872.30. This budget
includes an expansion of the E. coli monitoring. She also prepared a proposal/budget for Barnesville School District to hire her as an independent contractor for the position of River Watch Program Coordinator for September 2008-May 2009 at a cost of $4,100. Her proposal includes her regular tasks from previous years, with the addition of the development of mini-teaching units where the River Watch Team would participate in water quality activities with the Elementary students. The entire cost of next year's program would be $8,972.

Albright suggested that Carlson's proposal would be a good way to transfer her program leadership to the next Biology Teacher, assuming her replacement is interested in the River Watch Program. The Board reviewed her budget proposals. Carlson said that the School Board met on 6/12/08 and referred her proposal to the Finance Committee for further review. She said that the School will provide the laboratory facilities/office space for the program at no cost.

VanAmburg commented that the program provides important water quality data for the BRRWD projects. He thought that Carlson's proposal was modest in light of the service the program provides for the District, and the opportunities it offers local students. VanAmburg added that the Barnesville River Watch Team is recognized as one of the best in the Red River Basin. **Motion** by VanAmburg to support the program financially to extent necessary to have the program continue and to send a letter of support to the School Board, urging them to fund the River Watch Coordinator position for 2008-2009 ($4,100), and stressing how important it is to the community to support this award-winning program. **Seconded** by Hanson. **Approved.**

The group reviewed the 2008 E. coli sampling data for Whisky Creek at several sites starting on the east side of Barnesville and ending west of town. The River Watch Team wants to determine which activities contribute E. coli to the waterway.

**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 tomorrow at 10:00 AM to discuss Tande's request to remove an approach/culvert on the north line of Sections 5/6. **Tabled.** Managers Olson, Hanson, and Nelson plan to attend.

**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 ideas. He will send the new plan to the affected landowners for further discussion/consideration. To date, Albright has not had time to complete the revisions. Brakke doesn't plan to start construction until later 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 110th 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's revised plan doesn't contain any significant changes to the project concept, and he recommended permit approval. **Motion** by Hanson to approve Permit No. 08-17. **Seconded** by Nelson. **Approved**.

**Permit No. 08-23, Barry Ahmann.** This permit was approved at the 5/27/08 BRRWD meeting for Barry Ahmann to install a driveway/culvert off from T. H. 9 in the NE¼, Section 35, Barnesville Township, Clay County. The neighboring landowner, Ray Christianson, has filed a complaint that the culvert is not draining correctly, causing water to stand in his road ditch and encroach on their front yard. The Board reviewed photographs Albright took on 6/06/08. **Motion** by VanAmburg to authorize Wade Opsahl, Technician, H.E., to conduct an elevation survey of the culvert and ditch. **Seconded** by Olson. **Approved**.

**Permit No. 08-27, Paul Ehler.** Applicant proposes to install WRP projects in the E½, Section 12, Manston Township, and Section 7, Tanberg Township, Wilkin County. The Wilkin County NRCS has provided the WRP design. Manager Olson and Opsahl conducted a field review. They saw no problems with the proposal and noted that any seepage should follow the existing drainage patterns. Opsahl thought that the preliminary plans lacked specific details. The Board discussed the proposal. **Tabled** pending a field review by Ellefson and Albright.

**Permit No. 08-30, Scott VanWechel.** Applicant proposes to install a larger culvert along C.R. 11 in a crossing between NW¼ and the SW¼, Section 12, Mitchell Township, Wilkin County. **Tabled** pending Manager field review.

**Permit No. 08-31, David Watt.** Applicant proposes to install patterned tiling in the SE¼, Section 32, Spring Prairie Township, Clay County, to improve field drainage. Ellingson Companies provided the tile design. The project will have a lift station. **Motion** by Olson to approve Permit No. 08-31, subject to Manager field review and Township permission to work within their road r-o-w. **Seconded** by Nelson. **Approved**.

**Permit No. 08-32, Nick Manston.** Applicant proposes to lower a field ditch along the northwest side of the I-94 r-o-w fence to drain a field in the N½, Section 3, Barnesville Township, to a pond in on his father's (Harlan Manston) property in Section 33, Elkton Township, Clay County. Manston feels that the pond has the capacity to hold extra water to help protect his field. **Tabled** pending Manager field review.

**Permit No. 08-33, Clay County Highway Department.** Applicant proposes to install an 18” dia. x 48' spiral culvert for a new building site approach, located 1.3 miles north of the intersection of C.R. 71 and CSAH No. 10 on the west side of the road in SE¼, Section 11, Elkton Township. **Motion** by Hanson to approve Permit No. 08-33. **Seconded** by VanAmburg. **Approved**.

**Permit No. 08-34, Humboldt Township.** Applicant proposes to install approximately 5,000 linear feet (l. f.) of 4” dia. PVC tile at three different locations in the road centerline in Sections 5, 6, 17, and 18, to control seepage/spring frost boils and to improve road safety. **Motion** by VanAmburg to approve Permit No. 08-34. **Seconded** by Hanson. **Approved**.

**Permit No. 08-35, Kenneth Hanson.** Applicant proposes to install a second approach/culvert for his farmyard in the SE¼, Section 23, Kurtz Township, to allow trucks to enter his shop. The Clay County Highway Department has agreed to provide a used 18” dia. culvert for the crossing. The Township has agreed to the project. **Motion** by Olson to approve Permit No. 08-35, subject County approval to work within their road r-o-w. **Seconded** by VanAmburg. **Approved**.
Permit No. 08-36, David Emerson. Applicant proposes to lower a culvert in a street adjacent to his house in the Village of Baker to provide better drainage for his property. Alliance Township Supervisors approved Emerson's proposal, subject to BRRWD approval. **Motion** by Nelson to approve Permit No. 08-36, subject to Township approval to work within their road r-o-w. **Seconded** by Hanson. **Approved**.

John Thompson Culvert Changes. Thompson has requested that the Board administratively withdraw his permit application. Upon further inspection on site with Albright, Thompson decided to study the proposed culvert changes further.

Minch/Johnson Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:57 PM to discuss the status of both issues. At 10:10 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 the Maple Lake outlet. The Board discussed the fact that Kuhlmann has effectively delayed the project for Grove Lake for nearly a year. David Haugrud, a landowner on Grove Lake, has reported that they have 4"-6" of water on the peninsula driveway, and several landowners have reported losing lakeshore to erosion. The Board discussed what our legal recourse is to gain access to Kuhlmann's property to conduct an investigation of the outlet for Grove Lake on his property.

Tom Friederichs Diking Complaint. Albright reported that Friederichs has opened the dike along 150th ST S in the NE¼, Section 28, Elkton Township, Clay County, according to the Board's 6/13/08 Order. The Board reviewed a photograph Albright took today when he field reviewed Friederichs' work.

Diking Complaint. At the 6/13/08 special meeting, Tom Friederichs made a formal complaint about a dike that a neighbor installed several years ago in the NE¼, Section 18, Elkton Township, Clay County. He wanted the Board to follow through with an investigation. The Board reviewed photographs that Albright took on 6/13/08 during his field review of the area. Albright explained to Friederichs that there is a hole in the dike, but Friederichs still insisted that it was restricting water. **Motion** by Hanson to authorize H.E. to conduct an elevation survey of the dike in question. **Seconded** by VanAmburg. **Approved**.

John Kava Drainage Concern. Kava is concerned that water is breaking out of the CSAH No. 32 road ditch and flowing south through his field in the N½, Section 11, Atherton Township, Wilkin County. He claims this never happened before the County road project. Kava claims that the Wilkin County Highway Department promised that the water would drain west, and not back east along his property. The Board reviewed Albright's photographs and discussed the historic drainage problems in this area. Ellefson thought that recent farm work lowered the road ditch berm and installed a ditch on Kava's land to drain south. He will field review this issue. Albright thought the Board should check Wilkin County's plan for the CSAH No. 32 road project. Albright will work with Kava on this issue.

Louise Schindler Diking Complaint. On 6/09/08, Louise Schindler contacted the office with a complaint about a neighbor's fieldwork on the north end of the west ditch along 80th ST S in Section 20, Glyndon Township, Clay County, which has blocked the road ditch drainage from going north. The standing water near her yard has caused a mosquito problem on the west side of the road. Albright suggested that the Managers could field review this area following their ringdike meeting with Tony Karppinen tomorrow.

Frank Schindler Drainage Concerns. On 6/06/08, Frank Schindler asked Albright to conduct a field review of his flooding problems in Sections 33/34, Barnesville Township, Clay County, along C.R. 51. The Board reviewed Albright's photographs and discussed the historic drainage problems in this area. They
discussed possible options to address this problem. Most likely, it will take some type of a major fdr/nre Mediation project to address everyone's issues in this area. The Board also discussed the fact that some of the land in question is marginal and had been pasture until it was ditched.

**Kragnes Culvert Concern.** On 6/06/08, the office received a telephone call from a Kragnes Township landowner regarding blocked culverts in the northwest corner of Section 35, Kragnes Township, Clay County, near the Freedom Flyers' property. The Clay County Sheriff did an investigation, but at this time, we don't know who plugged the culverts, or how it was done. The office has requested a copy of the Sheriff's report. BRRWD Attorney Norgard has suggested that the Board send a letter to the area landowners explaining our Rules regarding the blocking of culverts. The Board reviewed Norgard's draft letter. **Motion** by VanAmburg to send the letter to the affected landowners. **Seconded** by Hanson. **Approved.**

**Project No. 62, Clay/Wilkin J.D. 1-Branch 4-Improvement/Extension.** The Final Hearing will be Monday, June 30, 2008, at 8:00 PM in the Comstock Community Center. Hearing notices have been mailed. The Minnesota Board of Water and Soil Resources (BWSR) forwarded their comments regarding the proposed project. The Appraisers have divided the total project costs between the Branch No. 4 Improvement (75%) and the Branch No. 4 Extension (25%). The improvement costs will be a J.D. 1 ditch system expense, and the Appraisers assessed the extension costs only to those landowners who will benefit directly from that part of the project.

**Project No. 58, Riverton Township Retention.** Albright reported that we now know what the wetland mitigation requirements are, but NRCS has not forwarded their report with the replacement ratio. The Nature Conservancy (TNC) still has not signed their easement. Jones talked with the contractor, Nanick Construction, Inc., regarding the contract award. They agreed that it could take a few weeks to get the paperwork/preconstruction meeting scheduled, all of which will need to be completed before construction can start. The Board discussed the wetland issues and awarding the contract. **Motion** by Nelson to award the contract for Project No. 58, Riverton Township Retention, to Nanick Construction, Inc., Staples, MN, for their bid of $349,948.76. **Seconded** by VanAmburg. **Approved.** Ellefson signed the Notice of Award on behalf of the Board.

Jones explained how he plans to address the various wetland mitigation issues once NRCS informs him how many Type 2 credits we need to purchase. The BRRWD has enough Type 1 and 3 wetland credits banked to cover this project, but we will have to purchase the Type 2 wetland credits from Polk County.

TNC has prepared a Wetland Agreement, stating that the BRRWD has agreed to mitigate the wetland impacts as required by the NRCS and the Wetlands Conservation Act (WCA) at no cost to TNC and to be fully responsible for all terms and conditions of the Wetland Agreements on behalf of TNC. If the BRRWD will sign this agreement, TNC has agreed to sign their easement. **Motion** by Hanson to sign TNC's Wetland Agreement. **Seconded** by Olson. **Approved.** Ellefson signed the TNC Agreement on behalf of the Board.

Albright prepared an Agreement with Riverton Township for the use of their road (150th ST S) on the east side of Section 28, Riverton Township, for an inlet diversion rock spillway for the impoundment reservoir. We will also have to regrade part of the road ditch. The Agreement includes a section that specifies any future construction in the W½, Section 28, Riverton Township, should be built so that the main floor elevation and any basement low openings or building floors are at an elevation that is 6" higher than the elevation of T. H. 9 along Section 28 at the time of construction. The Board discussed the Agreement. Once the Board signs the document, we will forward it to Riverton Township for their review and
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signature. **Motion** by VanAmburg to authorize Ellefson to sign the Agreement. **Seconded** by Nelson. **Approved.**

Jones suggested that the Board authorize Ellefson to sign any wetland paperwork, which should be ready for signature at the end of the week. **Motion** by Hanson to authorize Ellefson to sign the referenced documents on behalf of the Board. **Seconded** by VanAmburg. **Approved.**

Albright reported that TNC plans to spray the entire project area this week with Roundup. Following that work, H.E. will stake the construction areas, and TNC will seed the undisturbed areas. TNC and the United States Fish and Wildlife Service (USFWS) have not finished their wetland restoration plans for the Williams property, which is upstream of the project area. A meeting with Lee Alm, a concerned neighboring landowner, will be scheduled once they submit their restoration plan.

**Project No. 56, Manston Slough Restoration.** Albright sent an e-mail message to Tom Carlson and Kevin Brennan, DNR, and Don Schultz, USFWS, regarding the results of our meeting with them on 6/05/08 regarding their design concerns. Once their concerns are addressed, we can complete the Environmental Assessment Worksheet (EAW), the wetland permitting, and sign the Memorandum of Understanding (MOU) and the Operation and Maintenance (O&M). Jones reported that the NRCS archeological survey is completed. Jon Voz, Ducks Unlimited (DU), told Albright that they have completed the Holubok WRP survey, and the contract and easement documents are ready for the BRRWD to review. Once this paperwork is finished and the buildings are removed from the Holubok farmsite, the WRP and BWSR payments will be released. According to our agreement with Donald Holubok, he has until 8/01/08 to remove any buildings from the farm site that he wants to keep. After the deadline, the Board will have to decide what they want to do with the remaining structures. Holubok has paid his 2008 farm lease rent ($2,100).

**Project No. 54, Whisky Creek Tributaries.** Albright noted that NRCS has plans to do a controlled burn and change water levels on the Vertin WRP site in Section 10, Barnesville Township, Clay County. The Board will review those plans at the next meeting.

Jones noted that Brandon Strom has started a new business called Subsurface, Inc., which is a drainage structure maintenance and repair contracting firm. They use a directional drill with specialized attachments to clean culverts. In order to promote his new business and gain experience, Strom has offered to clean three culverts for the BRRWD free of charge in C.R. 55 on “east tributary”. The pipes are located near the intersection of CSAH No. 52 and C.R. 55, northwest of Barnesville in the northeast corner of Section 23, Barnesville Township. Strom will list this project as a prequalification requirement to work for Minnesota Department of Transportation (MNDOT). Opsahl will contact Tim Thompson about possibly hauling the removed material to his feedlot.

Albright noted that we received Federal Emergency Management Agency (FEMA) funding to hire Jetway, Inc., to clean these pipes with water last year, but they were not successful. **Motion** by Hanson to accept Strom's offer to clean the referenced pipes free-of-charge. **Seconded** by Nelson. **Approved.**

**Project No. 49, Oakport Flood Mitigation.** The BRRWD has scheduled the next Technical Committee meeting for 7/01/08 in Meeting Room B, Court House in Moorhead at 1:30 PM. At their 6/09/08 meeting, the Board signed Amendment No. 3 for $1 million from the DNR Flood Damage Reduction (FDR) Grant, and the office forwarded the required documents to Pat Lynch, FDR Hydrologist.
Albright has scheduled a meeting with homeowner Renae Buckman for 7/11/08 on site to discuss the buyout process. Albright is trying to setup a meeting with the Fischer family to discuss how the project will affect their property. In order to proceed with Phase 1A, Ulteig Engineers, Inc. (UEI), needs to access Fischer's property to take soil borings. Albright questioned if we will be able to start construction on Phase 1A this year, as the Fischers' refusal to allow the soils work on their property has delayed project development. Albright plans to schedule a meeting with the Appraisers after the Fourth of July holiday. Rachel Kline, who is interested in a home buyout, is having trouble clearing her house title because her minor child shares ownership of the property. Attorney Corey Elmer, Vogel Law Firm, has advised Kline about the title impediment.

UEI provided two copies of the draft Engineer's Report for review. Once completed, the Board can forward the Report to the appropriate agencies for their review.

Opsahl has sent letters to Master Construction, Inc., and Lako Well Drilling to encourage them to complete their work on the buyout lots. Master Construction has a 6/30/08 deadline.

The Board reviewed photographs and discussed the fence on the Burris property. There have been several offers to purchase and remove the fence. Albright explained that the neighbors on both sides of the property have attached their fences to it. They would probably object to the BRRWD selling the fence. Motion by Hanson not to sell the fence at this time. Seconded by Nelson. Approved.

Albright reported that Dalen Rasmussen paid his hay land rent ($100).

**Project No. 46, Turtle Lake Outlet.** Opsahl noted that the lake has risen due to recent heavy area rainfall events, but both siphons have been managing the elevations well. The Annual Turtle Lake meeting is scheduled for 7/19/08. They will be expecting a project report.

**Project No. 42, Clay County Ditch No. 67.** H.E. recommends modifying the riser inlet structure by increasing the openings to 8"-9" so field debris can pass through the trash rack. Opsahl can use a torch on site to remove every other vertical bar. Runoff has overtopped the structure twice this year. The ditch embankment and slope also need to be repaired due to erosion and settling since the 2006 FEMA repairs. Jones estimates the total cost of the repairs will be $3,500-$4,000. Motion by Olson to authorize the referenced repairs. Seconded by Nelson. Approved.

**Project No. 38, Farmstead Ringdikes.** The Final Hearing for the Kragnes Ringdike project is scheduled for Wednesday, June 25, 2008, at 7:30 PM in the Moorhead City Hall, First Floor Council Chambers. The office has mailed the hearing notices. At their last meeting, the Board had some concerns regarding the amount of liability insurance Burlington Northern/Sante Fe (BNSF) Railroad requires for work on their r-o-w ($2 million per incident/$4 million aggregate). They decided to wait to sign the lease document until this issue is resolved. Albright is working with our insurance agent, John Hoffman, ICS Agency, Inc., regarding our liability coverage. He also contacted Clay County to find out what liability insurance limits the County carries, and if they could sign the BNSF lease for our project. Jones prepared an alternate project design that would not be on the BNSF r-o-w. The Board reviewed Jones' plans. The new plans would eliminate protection for storage buildings along the west side of the BNSF railroad tracks. If the premiums are reasonable, the Board thought it might be advisable to have more liability insurance. Albright suggested that the BRRWD could legally introduce a new tax levy to cover the cost of insurance needs for the watershed district (Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3, where it states Watershed Districts are permitted to levy outside of the administrative levy for liability insurance, per M.S. 466.06.
June 23, 2008

The survey for a possible ringdike for Gary Olson in Section 35, Kragnes Township, Clay County, is pending. Albright noted that John Butze has not yet forwarded his 2007 ringdike payment. The Board plans to meet with Tony Karppinen regarding his possible ringdike on Tuesday, June 24, 2008, at 7:30 PM on site along CSAH No. 52 south of Sabin in Section 17, Elmwood Township, Clay County. The Board briefly discussed the ringdike potential of the Karppinen site and some of the pending issues that will need to be addressed.

**Project No. 35, Clay County Ditch No. 47.** Manager Olson commented that the two flapgate openers that Otto's Welding installed last year on the OTV tracks culverts are not open far enough, and there was some crop loss in the area from the recent heavy rainfall events. Olson said that landowner Bob Videen thought the winches that were installed do not open the flapgates far enough. Opsahl will field review.

**Project No. 32, Hawley EDA Diversion.** Albright has scheduled an onsite field meeting on Wednesday, July 2, 2008, at 9:00 AM with Joe Kelly, Hancock Concrete Products, and the City of Hawley to discuss the deteriorating 60" dia. concrete pipe.

**Project No. 31, Deerhorn Creek Flood Control Levees.** Albright noted that landowner Ivan Nelson contacted the office regarding the status of the levee inlet repairs he has requested in Sections 19 and 30, Prairie View Township, Wilkin County. Opsahl has arranged for William Nichols Excavating, Inc. to do the work. Opsahl contacted Nichol again last week, and Nichol plans to get the work done as soon as possible.

The Board discussed the controversy surrounding flapgates on two inlet culverts into the Deerhorn Creek project on the east side of 240th AVE near Edward Hirsch's farmstead in Section 20, Atherton Township, Wilkin County. Wes Anderson has water standing in the ditch in front of his farmstead and water in his basement in Section 28, Atherton Township, located about one mile south (upstream) of the noted culverts/flapgates. He feels that the flapgates prevent the low water in his ditch from draining completely. According to the project design, the flapgates prevent the Creek from backing up into the Hirsch's farmstead and neighboring farmland during periods of high water events. The Board also reviewed photographs Albright took on 6/13/08 of the culverts, Wes Anderson's ditch, and the ditch downstream of the referenced culverts. Albright said that when he arrived on site, the culverts were open. When he closed the flapgates, he noted that water still flowed into Deerhorn Creek. Albright also said that it appeared that the ditch along Wes Anderson's farmstead had only a small amount of water in it. Anderson's alleged problems probably stem from the fact that the ditch along 240th AVE needs to be cleaned.

When the Board considered this issue at their special 6/13/08 meeting, they agreed to have Albright investigate a possible route west to the South Branch of the Buffalo River for Anderson's water. Albright reported that the ditches along the township road (140th ST) were not adequate to carry the water west without some additional work. Last year, the BRRWD sent the area landowners a letter stating that a H.E. survey showed that the culverts/flapgates on Deerhorn Creek do not affect Anderson's property in Section 28, Atherton Township, as his farmstead is nearly 7' higher than the inlet culverts. The letter advised the landowners that the gates should remain closed to prevent flooding in nearby areas. Tampering with the gates is a violation of BRRWD Rules, which could carry civil and criminal penalties. Terry Czichotzki, the operator of the farmland in Section 21, is also concerned about Anderson opening the flapgates. Albright related that during their recent phone conversation, Anderson indicated that the BRRWD needs to do something about this situation because of the hard feelings surrounding the flapgate dispute.
June 23, 2008

**Mediation Project Team (PT).** Our next PT meeting is scheduled for 7/24/08. The Fall Tour has been tentatively scheduled for 9/26/08. The Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) met last week and approved more funding for project engineering assistance. Albright has requested that the RRBFRWG send the BRRWD information regarding the extra funding.

**RWMP.** The Fargo H.E. office is still working on the draft Comprehensive Plan. Albright and Mark Deutschman, H.E., will take a final look at the draft, and then the BRRWD will schedule a special meeting to review the document.

**Clay County Ditch No. 49.** The Viewers have completed their work, and Opsahl expects to have the Viewers' Report ready for the 7/14/08 BRRWD meeting. The next step will be to schedule a hearing for the redetermination of benefits. Albright expects that area landowners will also want to discuss proposed culvert changes.

**Wilkin County Ditch No. 40.** Albright noted that he spoke with the Regional DNR Supervisor, Bob Bezek, who indicated that they might not be able to start project construction until 2009. They still have to address David Yaggie's irrigation permit issue. Jones is working on the hydraulic analysis for rerouting water across the Atherton Wildlife Management Area (WMA). The DNR's engineer did not provide enough cross-section data for the areas adjacent to the WMA. Jones needs to have the DNR do more survey work to determine the affects of the project to neighboring lands. The DNR has indicated that it is committed to working with the BRRWD and area landowners regarding this project.

**Wolverton Creek/Comstock Coulee CWL Project.** The Board discussed the CWL project status. The Board felt that it was important to conduct a survey of the Wolverton Creek channel to provide a basis from which to develop future projects. Jones noted that work on the downstream end of the project is going to cost more money than previously anticipated, as the outlet is much more eroded than expected. Given the wet conditions in the beginning of June, Contractor Adam Grothmann, Northern States Excavating, has asked for an extension of the 6/30/08 construction deadline. Motion by Hanson to extend the completion date to 8/31/08. Seconded by VanAmburg. Approved. Jones noted that Grothmann will have to wait for the Red River and Wolverton Creek to recede before he will be able to continue his work, as most of the outlet is now under water.

**Hay Creek/Stinking Lake CWL Grant.** Albright met with the Becker SWCD last week. They have already assigned nearly 50% of the program funding to buffer strip/erosion control structure contracts.

**Becker SWCD Conservation Tour.** Albright and Managers Nelson and Hanson attended the Becker SWCD Tour on 6/17/08 in Audubon. Albright gave brief report of the tour. Nelson said it was very interesting and was impressed with the amount of work being done by the SWCD.

**Heartland State Trail.** The DNR will hold open houses to provide information about the future extension of the Heartland State Trail and to obtain public input on the proposal to extend the 49-mile bicycle trail, which currently runs between Park Rapids, Walker, and Cass Lake, to connect communities from Park Rapids west to Moorhead. Meeting locations in our area include Detroit Lakes (6/19/08), Frazee (6/24/08), and Moorhead (7/08/08). All meetings will be held from 5:00 PM to 7:00 PM. The Moorhead meeting will be held at the Hjemkomst Center.

**M.S.A. 103D.905, Subd. 3 Petition.** Albright will attend the 7/08/08 Clay County Commission meeting to request that the Commissioners consider signing a one-year petition to allow the BRRWD the use of the increased taxing authority given to us by the State Legislature for 2007/2008/2009 via M.S.A. 103D.905,
Subd. 3. Initially, we thought the increased taxing authority was only for 2007/2008, but the bill language included 2009. The petition that Clay County signed in 2006 only asked for the increased levy for 2007/2008.

**Clay County Ditch No. 65 Repairs.** Jason Wang has requested the repair of a field inlet culvert in the NW¼, Section 5, Moland Township. H.E. recommended the replacement of a 30” dia. flapgate. Jones' estimate for the work is approximately $500. **Motion** by VanAmburg to make the referenced repair. **Seconded** by Olson. **Approved.**

**Clay County Ditch No. 2 Repairs.** Dale Fischer has requested the repair of a field inlet culvert on Ditch No. 2 in the NW¼, Section 25, Moland Township. A damaged 18” x 60' cmp should be replaced with a same sized structure. Jones also noticed that four culverts in Section 27 need repair. Two flapgates (15” dia. and 24” dia.) are damaged and should be replaced, and two field inlet culverts need to be reset to match the existing slope. The total estimated cost for these repairs is $4,500- $5,000. **Motion** by Nelson to make the recommended repairs. **Seconded** by Hanson. **Approved.**

**Clay County Ditch No. 11-South Repairs.** Tim Leiseth has requested the repair of a field inlet culvert in the NE¼, Section 4, Holy Cross Township. An existing 24” x 30' cmp needs to be lowered to allow better drainage to the ditch system. The culvert will also need a new flapgate. In addition, there are two erosion/slide areas in Section 4, upstream and downstream of the BNSF tracks, which need repair, as they affect the ditch channel and the road slope. Following repair, H.E. will monitor the area to determine if more work is needed. The total estimated repair cost is $3,000-$3,500. **Motion** by VanAmburg to make the recommended repairs. **Seconded** by Hanson. **Approved.**

**Project No. 29, Buffalo River Log Jams.** Georgetown Mayor Myron Maurstad contacted the office regarding a log jam on their texas crossing between Sections 30 and 31, Georgetown Township, Clay County. William Nichol Excavating submitted a bid for $4,930 to remove the debris. The Board reviewed a photograph of the site. **Motion** by Hanson to approve the log jam removal. **Seconded** by Nelson. **Approved.**

**Clay County Ditch No. 63 Repair.** Jones discussed the repair plans for Ditch No. 63 north of Glyndon. The work includes the removal of about 1’ of sediment from the channel bottom for about 2.5-3.0 miles, plus the removal of trees from the ditch r-o-w. The estimated cost for the work is $25,000-$30,000. **Motion** by VanAmburg to table a decision on this work and mail the repair information to the affected landowners for their review and recommendations on how to proceed. **Seconded** by Olson. **Tabled.**

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June 23, 2008

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

**Next Meeting.** The Board of Managers, BRRWD, will hold their next meeting on Monday, July 14, 2008, in the Barnesville office at 8:00 PM.

**Adjournment.** Chairman Ellefson adjourned the meeting at 11:45 PM.

Respectfully submitted,

John E. Hanson, Secretary