The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, July 14, 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.); Don Bajumpaa and Craig Lingen, Wilkin Soil and Water Conservation District (SWCD), and landowners: Evelyn Karppinen, Tony Karppinen, Gary Grugel, and Ronald Erdman.

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 6/13/08 special meeting and the 6/23/08 regular meeting. **Motion** by VanAmburg to approve the 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. Albright noted that we received the Clay County 2008 property tax payments ($409,088.76) last week. We also received $101,130.33 from the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation, general expenses. We currently have $1,312,709.69 on hand. **Motion** by Olson to approve the Treasurer's Report. **Seconded** by VanAmburg. **Approved**. Manager Nelson questioned if John Butze has submitted his 2007 ringdike payment yet. Albright said that Wade Opsahl, Technician, H.E., was working with Butze on this issue.

**Wilkin SWCD CRP Report.** Don Bajumpaa, District Manager, and Craig Lingen, Resource Specialist, Wilkin SWCD, presented a report on their 2007/2008 Conservation Reserve Program (CRP)/Continuous Conservation Reserve Program (CCRP)/Conservation Practice (CP)-38 State Acres for Wildlife (SAFE) marketing efforts in the BRRWD. The BRRWD has contributed $12,000 annually to the Wilkin SWCD for the past several years to fund a staff position (Lingen) to promote these programs in Wilkin County.

Lingen reported that in the past year, landowners enrolled 294.6 acres (31 contracts) into CCRP and renewed 35 CRP general signup contracts (2,235.2 acres). Lingen explained that the CP 38-SAFE is a new CRP program to restore critical nesting habitat for pheasants, prairie chickens, and other wildlife. This year, they enrolled 120.6 acres in eight CP-39 SAFE contracts. This program will accept stand-alone 10-40 acre blocks until Minnesota has reached their 23,100-acre allotment. The Phase I Reinvest In Minnesota (RIM)/Wetlands Reserve Program (WRP) signup continues until 7/18/08. The combination of these two programs provides a 30-year WRP contract and a perpetual RIM contract. Four of the six WRP contracts this past year were associated with the Manston Slough Restoration project.
Lingen distributed a sheet showing the current estimated market value of land and WRP/RIM easement payment rates for tillable and noncrop acreage in Wilkin County broken down by township. New rates will be released in August. As program rates change, Lingen updates landowner data and contacts the individuals with the new rate information. VanAmburg asked about the use restrictions on WRP/RIM contracts. Lingen explained that the only land use that is basically allowed is for hunting. He noted that he sees great potential for landowner participation in the CRP/WRP/RIM programs this coming year. A discussion followed about commodity prices and rental rates. VanAmburg felt that the Wilkin SWCD conservation marketing program is very important to the BRRWD. Bajumpaa asked the BRRWD to consider continuing our partnership with the Wilkin SWCD in 2008/2009 at the $12,000 level. He explained that the Minnesota Board of Water and Soil Resources (BWSR) reduced the Wilkin SWCD's grant amount from $21,000 to $15,500 this year. Bajumpaa explained that they had not expected to need the BRRWD funding earlier this year, but in light of the BWSR shortfall, it became clear that they would need our help. He indicated that if the BRRWD wanted to contribute at the same level as in 2007, we could re-evaluate our contribution in 2009 if the BWSR funding increases. The Board briefly discussed our current financial status. **Motion** by VanAmburg to contribute $12,000 to the Wilkin SWCD for 7/01/08-6/30/09 to support their conservation marketing effort within the BRRWD. **Seconded** by Hanson. **Approved.** Ellefson discussed the Ehlert WRP project located on the South Branch of the Buffalo River. He commented that we need more retention projects in the upstream areas of the BRRWD.

### Karppinen Ringdike Proposal

Evelyn and Tony Karppinen have requested that the BRRWD investigate a possible ringdike for their property west of County State Aid Highway (CSAH) No. 52 along the north side of the South Branch of the Buffalo River south of Sabin. After his initial investigation in 2006, Opsahl suggested that the Managers field review the Karppinen site, as he felt it had some potential problems. Manager Olson, Albright, and Opsahl met with Karppinen on site on 6/24/08 to discuss the several issues related to his ringdike request. Albright explained that before the BRRWD could make a decision regarding Karppinen's request, H.E. should conduct a hydraulic analysis to determine if the proposed ringdike could potentially impact the floodway. A geotechnical investigation would also have to be conducted because of the close proximity of their buildings to the river. Further survey work and design could be completed only after the initial investigations indicated that a ringdike would be feasible on this site.

Jones prepared a letter with a scope of work and fee estimates for the proposed Karppinen dike. To determine the floodway impacts, the costs would be about $2,000. Jones stressed that if the ringdike impacts the floodway, it would be difficult to construct. The second step would be to conduct a geotechnical review of the site, which would have a bearing on the design of the ringdike, such as floodwalls, etc. Jones estimated the cost for this analysis would be approximately $5,000. In order to complete the geotechnical analysis, a field survey would be necessary. This survey would also be needed to complete the ringdike design and provide information for filing the Clay County conditional use permit application. Jones estimated the field survey with cross-section and topographic data for the geotechnical analysis would be $3,000. If both the hydraulic and geotechnical analyses indicate a ringdike is still feasible, the last phase of the project development would be to assemble plans for the dike showing features and details. Jones estimated the cost of this phase of the proposed project could be about $5,000. He noted that before the final ringdike design was developed, approximately $10,000 could be invested in this project.
Ellefson was concerned that we shouldn't invest too much money in a project that we might not be able to build. Nelson questioned who would pay for the initial investigations. Albright explained that the BRRWD has traditionally funded initial ringdike investigations, but if the hydraulic analysis shows that there will be floodway impacts, we probably wouldn't continue with the project development. If the hydraulics show that the project would not create a stage increase on the river, and the geotechnical investigations indicate that a ringdike could be built on this site, the costs for these investigations could be rolled into the final ringdike costs and paid according to the traditional ringdike cost-share splits. The group had an extended discussion regarding project costs, protection options (buildings), and site conditions. Karppinen described the water flow during various flood events. **Motion by Nelson to authorize H.E. to conduct a hydraulic analysis (approximately $2,000), which would tie into existing data from the recent flood insurance model. If the analysis shows that a ringdike in this location would impact the floodway and is not feasible to develop, the BRRWD will pay for the cost of the study. If a ringdike project is feasible, the hydraulic analysis costs will be included in the project costs.** **Seconded by Olson. Approved.**

**Project No. 38, Farmstead Ringdikes.** The Final Hearing for the Kragnes Ringdike project was held on 6/25/08. Gary Grugel questioned the status of the project. Albright noted that we have received the Minnesota Department of Transportation (MNDOT) permit. Jones and Albright met with Clay County today to discuss the culverts in 98th AVE N (elevator road) along the east side of County Road (C.R.) No. 96. Albright explained that Jones proposed two 36" culverts with 2' of cover at the centerline and 1.6' of cover on the road shoulders. David L. Overbo, Engineer, Clay County Highway Department, indicated that Jones' proposal would probably be acceptable. He would like to be notified regarding our decision about the structures. There was a brief discussion regarding the proposed culvert screwgates. Grugel questioned Jones' choice of a screwgate instead of a flapgate for the culverts. Jones explained that he prefers a screw type gate, as it's harder for anyone to tamper with it.

Albright pointed out that until we resolve the Burlington Northern/Sante Fe (BNSF) Railroad liability insurance issue, project development will be delayed. A discussion followed regarding various options for the BRRWD to satisfy BNSF liability insurance requirements. It appears that the State regulations regarding maximum insurance obligations do not apply for the BNSF and their right-of-way (r-o-w). Jones noted that he talked to Jeremy McLaughlin, H.E., who works closely with BNSF, to see if he could help on this issue. The group discussed past project insurance requirements, our current coverage, and the possibility of purchasing a $4 million umbrella coverage. Albright noted that he has left phone messages with the BNSF representative in Fort Worth, TX, and our insurance agent, John Hoffman, ICS Agency, Inc., to discuss this issue further, but they have not returned his calls.

**Other business brought before the Board included:**

**Permit No. 07-130, Harmen Tande.** On 6/24/08, Albright and Managers Hanson, Olson, and Nelson met on site with landowners Harmen Tande and Gaylen Dick to discuss Tande's request to remove an approach on the north line of Sections 5 and 6, Riverton Township. Albright noted that Dick was interested in exploring the option of petitioning for a legal ditch system in this area. **Tabled.** Albright will furnish them with information about the process.

**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 110\(^{th}\) ST to align it with a field ditch in the SW\(\frac{1}{4}\), Section 6, Deerhorn Township, Wilkin County. The Board **tabled** this application, pending the outcome of Project No. 62.

**Permit No. 08-23, Barry Ahmann.** The Board approved this permit at their 5/27/08 meeting to install a driveway/culvert off from T. H. 9 in the NE\(\frac{1}{4}\), 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 his front yard. At the 6/23/08 meeting, the Board authorized Opsahl to conduct an elevation survey of Christianson's ditch and the culvert. The survey showed that the culvert is on grade, but the apron is 0.7' higher than Christianson's yard. The office sent copies of the survey to Christianson, Ahmann, and Allan Milbradt, MNDOT. Milbradt plans to field review the site. MNDOT will retain Ahmann's $500 permit fee until grass is established on the work area.

The contractor, Darvin Temanson, feels that he installed the structures correctly. The problem seems to be with the elevation of the apron. The Board briefly discussed the BRRWD's involvement with this type of issue, and if the BRRWD's role as a permitting authority should include regulating an applicant's performance.

**Permit No. 08-27, Paul Ehlert.** Applicant proposes to install WRP projects in the E\(\frac{1}{2}\), Section 12, Manston Township, and Section 7, Tanberg Township, Wilkin County. The Wilkin County Natural Resources Conservation Service (NRCS) provided the WRP design. Manager Olson and Opsahl conducted a field review on 6/06/08. 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 tabled the application pending a field review, which was completed by Ellefson and Albright on 7/09/08. They noted that any seepage would go to other WRP acreage in the area or to Wilkin County Ditch No. 44. **Motion** by Hanson to approve Permit No. 08-27. **Seconded** by VanAmburg. **Approved.**

**Permit No. 08-30, Scott VanWechel.** Applicant proposes to install a larger culvert along C.R. 11 in a crossing between NW\(\frac{1}{4}\) and the SW\(\frac{1}{4}\), Section 12, Mitchell Township, Wilkin County. **Tabled** pending Manager field review.

**Permit No. 08-32, Nick Manston.** Applicant proposes to lower a field ditch along the northwest side of the Interstate-94 (I-94) r-o-w fence to help drain the N\(\frac{1}{2}\), 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. **Tabled** pending Manager field review.

**Permit No. 08-37, Clay County Highway Department.** Applicant proposes to replace a bridge over Wolverton Creek on a township road between Sections 9 and 16, Holy Cross Township, just upstream from Trunk Highway (T.H.) No. 75. The County plans to replace the old bridge with 161 square feet (sq. ft.) of waterway area with two lines of 14' x 7' reinforced concrete box culverts (RCB) and reconstruct about 240' of the township road. The new structures will provide 192 sq. ft. of waterway. The work will not significantly change the area hydraulics or the Wolverton Creek 100-year elevation. The proposed changes are compatible with adjacent upstream and downstream structures. Jones recommended permit approval.
Motion by Nelson to approve Permit No. 08-37, subject to DNR approval to work in protected waters. Seconded by VanAmburg. Approved.

Permit No. 08-38, Roger Foltz. Applicant proposes to install water and sediment control basins in the SW¼, Section 7, Richwood Township, Clay County. The project was designed by the NRCS. Motion by Nelson to approve Permit No. 08-38. Seconded by Hanson. Approved.

Permit No. 08-39, City of Moorhead. Applicant proposes to construct a median divided roadway (2,500') with watermain, stormwater piping, and two detention ponds to provide for property development north of 8th AVE N between T. H. 75 and 28th ST, including a new crossing on Clay County Ditch No. 41 composed of two lines of 14' x 8' RCBs with 220 sq. ft. of waterway. The project will extend 8th AVE N from 28th ST to T. H. 75 in the E½, Section 4, Moorhead Township. The proposed ponds will provide for the 100-year, 24-hour storm event and are sized to handle 8th AVE N runoff, and additional residential development along the 8th AVE N corridor. Jones noted that that the upstream impacts of the culvert changes on County Ditch No. 41 should be minimal and recommended permit approval. Motion by VanAmburg to approve Permit No. 08-39. Seconded by Olson. Approved.

Permit No. 08-40, James Briks. Applicant proposes to install an approach with a culvert off C.R. 176 to access his field in the W½, Section 22, Manston Township, Wilkin County. Currently, Briks uses the Township Hall approach, and the Township has expressed concerns about this practice. Albright and Ellefson field reviewed this request on 7/09/08. It was unclear where the approach will be located. Albright noted the culvert sizing depended on the orientation of the approach in relation to an area north-south drainage ditch. If the culvert is installed east of the ditch, it should be at least a 30" dia. pipe, and if it's on the west, it could be an 18" dia. culvert. Motion by VanAmburg to approve Permit No. 08-40, subject to the referenced culvert sizing and County approval to work within their r-o-w. Seconded by Hanson. Approved.

Permit No. 08-41, Minko Construction. Applicant proposes to construct a new Dakota Boys and Girls Ranch Thrift Store with new buildings, parking lots, and underground utilities, located north of Clay County Ditch No. 41, Lateral No. 2, east of 34th ST, and south of T. H. 10. The plans include a small detention pond and a piped inlet into Lateral No. 2. Peak runoff discharges will be less than the existing conditions. Jones recommended that riprap at the end of the storm water outlet to Lateral No. 2 should extend from the end of the pipe across the ditch to an elevation of no lower than the top of the inlet pipe. The riprap should be installed flush with the ditch slopes and ditch bottom (3:1 with a 6' bottom) with about a 1.5' drop from the outlet pipe. No new buildings or parking lots will be installed on the ditch r-o-w. Jones recommended permit approval. Motion by Olson to approve Permit No. 08-41, subject to Jones' referenced recommendations. Seconded by VanAmburg. Approved.

Permit No. 08-42, Inez Johnson. Applicant proposes to install a 24" dia. x 30' culvert/driveway for a new home in the E½, Section 12, Elkton Township, Clay County. Albright and Ellefson field reviewed the request on 7/09/08 and found no problems. Motion by VanAmburg to approve Permit No. 08-42, subject to Township approval to work within their road r-o-w. Seconded by Hanson. Approved.

Permit No. 08-43, Darin Lee Haugen. Applicant proposes to move the existing driveway/culvert on the west end of his lot in the NW¼, Section 17, Oakport Township, Clay County, to the east to align with his future house/garage. Motion by Hanson to approve Permit No. 08-43, subject to Township approval to work within their road r-o-w. Seconded by Nelson. Approved.
**Permit No. 08-44, Russ Okeson.** Applicant proposes to construct five water and sediment control basins in the N½, Section 21, Callaway Township, Becker County. The NRCS designed the projects. **Motion** by Hanson to approve Permit No. 08-44. **Seconded** by VanAmburg. **Approved.**

**Permit No. 08-45, Pete Jacobson.** Applicant proposes to construct one water and sediment control basin in W½SW¼, Section 9, Audubon Township, Becker County. The Becker County NRCS designed the project. **Motion** by Nelson to approve Permit No. 08-45. **Seconded** by Hanson. **Approved.**

**Minch/Johnson Lawsuits.** Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 9:42 PM to discuss the status of both issues. At 9:48 PM, the Board reopened the meeting.

**Kragnes Culvert Concern.** At the 6/23/08 meeting, the Board approved a motion to send a letter to the landowners involved with a 6/06/08 dispute regarding blocked culverts in the northwest corner of Section 35, Kragnes Township, Clay County, near the Freedom Flyers’ property. After further investigation, the Board decided to notify our attorney, Tami Norgard, Vogel Law Firm, that we have decided not to send the letter. **Motion** by Olson to approve the referenced action. **Seconded** by Nelson. **Approved.**

**Permit No. 07-51, Mike Lewis.** Ronald Erdman arrived at the meeting at 10:10 PM to question the status of the culvert Lewis installed on the west side of T. H. 9 in the NE¼, Section 2, Barnesville Township. Erdman still feels that the culvert will cause problems, as it is undersized, crushed in the middle, and in a poor location. Last fall, the Board had agreed to monitor the culvert this spring to see how it functioned during runoff. The Board had an extended discussion regarding the history of this culvert installation. They agreed to schedule a meeting with Lewis to discuss this problem. Erdman also discussed his concerns about another area culvert that drains additional water from the south to the damaged culvert Lewis installed. He feels this extra water is too much for the damaged culvert in Lewis’ crossing to handle, and water could break out onto adjacent cropland.

**Polly Thorsness Drainage Complaint.** At the 6/23/08 meeting, the Board authorized Albright to contact Brian Holt to set up a meeting to discuss his drainage project completed in 2006 in the SE¼, Section 19, Tansem Township, Clay County. The work created erosion in Holt’s field along the east side of Thorsness’ driveway ditch and has caused sedimentation buildup in a wetland on her property west of her driveway. To date, Albright has not had time to contact Holt.

**Grove Lake.** At the 6/23/08 meeting, the Board authorized Albright to write a letter to landowner Kern Kuhlmann to inform him that we may have to employ legal means to access his property on the Maple Lake outlet. The Board needs to resolve this issue to investigate a possible outlet for Grove Lake. Albright also sent a copy of the letter to Attorney Tami Norgard. Kuhlmann contacted the office today, and Albright scheduled a Manager field meeting with Kuhlmann on 7/16/08 at 6:00 PM. The BRRWD needs to get permission for H.E. to survey the area. The Board also wants to discuss Kuhlmann's concerns regarding the proposed project.

**John Kava Drainage Concern.** Albright forwarded a copy of Wilkin County’s grading plan for CSAH No. 32 to Kava regarding his concerns 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. In the letter accompanying the County plans, Albright noted that Kava's renters apparently installed a field ditch near the west line of his property to drain south. The water that Albright and Kava saw on 6/16/08 in Kava's field was probably caused by that work. Albright suggested that Kava consider installing a berm to protect his property from water entering his field.
from the road ditch. He also noted that the CSAH No. 32 road ditch might need to be cleaned so that the water can flow east as designed.

Cromwell Township Drainage Concerns. Albright met with Cromwell Township on 6/12/08 regarding their concerns about a DNR protected natural waterway that is the headwaters for Project No. 28, Clay County Ditch No. 2. He forwarded several maps to Paul Hartke, Township Chairman, showing the waterway drainage area. There are problems in this waterway including beavers, sedimentation, vegetation, and inadequate culvert sizings. He suggested that the Cromwell Township Supervisors mark the location of problem areas on the maps and then send them back to our office. Albright will schedule a meeting with the Township and the BRRWD to discuss this waterway when the maps are returned. Albright thought that once we identified the problems, it might be a good project for the Mediation Project Team (PT) to review.

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. At their 6/23/08 meeting, the Board authorized a survey of the area, which is pending.

Peterson WRP Project Drainage Concerns. Albright sent a letter to Scott Smith, NRCS, regarding neighboring landowners' concerns about drainage coming from the Peterson WRP site in the E½, Section 28, Wolverton Township, Wilkin County. 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. Albright requested that the NRCS work with the affected landowners regarding this issue. When Smith responded to Albright's letter, he noted that there are muskrat burrows in the dike that may be allowing seepage to drain from the WRP. Smith indicated that they plan to fix the holes as soon as possible.

Project No. 57, Moorhead/I-94 Flood Control. Last fall, the Board approved a project to allow cleaning of the township road ditch along the west line of Section 24, Moorhead Township, to provide drainage for the landowners assessed for Project No. 57. H.E. surveyed the area, but because of several issues, the work could not be done last fall. Jones has been working with the City of Moorhead to revise the project plans. The new design could eliminate at least two proposed crossings. Jones has been working with the land operator Ernie Oberg, regarding a private crossing for several gain bins. An alternative route would place the entire project on City of Moorhead property, which would reduce project costs, as most of the work could be done with a scraper. Jones will send the revised plans to City of Moorhead and Oberg for their review.

Bicksler Culvert/Approach. Ken Bicksler proposes to install an approach/culvert in the S½SE¼SE¼, Section 9, Sugar Bush Township, Becker County. To complete his project, he will have to fill a small amount of wetland. The Becker SWCD is working with Bicksler on the proposed wetland impacts. Albright received notice about Bicksler's project from the Becker SWCD. Albright sent Bicksler a permit application for the proposed project.

Baer Hog Facility. On 6/19/07, the Clay County Planning and Zoning Committee denied the Conditional Use Permit (CUP) for a 2,400 head hog facility that was proposed in the W½, Section 20, Skree Township. The applicant appealed this decision to the Clay County Board of Commissioners and ultimately to District Court. Recently, the Court upheld Clay County's denial of the CUP. Albright provided copies of the
judge's decision for the Managers' review. Dorothy Ronsberg, who was one of the landowners opposed to the facility, stopped in the office today to thank the BRRWD for our help regarding this issue.

**Solem Lake Outlet.** The office has been working with Tansem Township regarding the rising elevation of Solem Lake along T. H. 34 east of Barnesville. The Township questions if the United States Fish and Wildlife Service (USFWS) wetland restoration projects in the area had an effect on the lake levels. Albright and the Township met with Larry Hanson, USFWS, on 7/03/08 regarding this issue. Hanson has aerial photographs showing that the wetland restoration work did not appear to affect the lake elevation. Albright has contacted MNDOT for T. H. 34 culvert elevation information.

**Oakport Township Slide Area.** Oakport Township contacted the office regarding a slide area along 50th ST N on the east side of the township road along the Buffalo River. The Township questioned if the BRRWD would help fund the repair project. Albright noted that we did fund a similar project north of CSAH No. 26 a couple of years ago, but that work was associated with the Clay County Ditch No. 39 outlet.

**Margo Brady Drainage Concern.** A number of ditch system landowners have contacted the office to express their concerns about a proposal to bore a culvert through C.R. 10 to Clay County Ditch No. 55 to provide better drainage for Brady's property the NE¼, Section 20, Elkon Township, Clay County, on the north side of C.R. 10 east of 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. The Clay County Highway Department conducted a survey of the north C.R. 10 ditch between I-94 and 140th ST S. The survey shows that most of the culverts need cleaning, which would be the landowners' responsibility. One of the culverts has a bent apron, which the County will repair. Albright will send Brady a letter regarding the County's ditch cleaning recommendations.

**Curt Leach Culvert Concern.** Leach contacted the office on 6/10/08 regarding two cement culverts through 12th AVE between Sections 8 and 17, Riverton Township, Clay County, that are not draining properly. He would like to have someone check the culverts.

**Shane Thompson Drainage Concerns.** Thompson contacted the office to report that when Mark Rustad constructed his farmstead ringdike in 2006, he raised his driveway about 1'. Thompson feels that this road raise has affected his local drainage. Water used to go over the road, but now it backs up into Thompson's field. The Board briefly discussed this issue. **Tabled**, pending Manager field review.

**Project No. 54, Whisky Creek Tributaries.** David L. Overbo, Engineer, Clay County Highway Department, contacted Albright regarding the survey the County completed along C.R. 25, in Section 21, Humboldt Township. This survey was conducted in response to a drainage issue involving William Thompson, Greg Settelmeyer, and Wallace and Virgil Holt. It showed that there is about 2.5’ of sediment in the east ditch of C.R. 25 south of the DNR waterway that crosses C.R. 25 near Virgil Holt's farmstead. Holt is opposed to cleaning the ditch and draining water towards his farmstead. Albright will share the survey information with Bill Thompson, next time he's in the area.

**Permit No. 08-03, Clay County Highway Department.** Albright noted that Overbo forwarded computer renditions of what the "new" CSAH No. 11 bridge over the Buffalo River will look like in association with the existing conditions.
Project No. 62, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1)-Branch 4-Improvement/Extension. The Final Hearing was held 6/30/08. The Board discussed possible project appeals. Landowner Ray Hoeck was in the office with concerns about the project costs. James Briks might appeal based on easement values. He feels the permanent r-o-w payment ($2,000/acre) is not enough in light of current market land values. This will be the second ditch easement on his property, which is already a small triangular tract. The new r-o-w easement will make the piece even harder to farm with large machinery. He also doesn't feel he was paid enough for the temporary r-o-w. He applied fertilizer last fall to the acreage and decided to plant the temporary r-o-w to corn this spring, even though it was staked. The Board discussed Briks' concerns. Albright pointed out that Briks' appeal would be on individual issues that shouldn't stop the project development. The Board discussed if they should proceed with the project. Motion by VanAmburg to approve the Order to proceed with Project No. 62, Clay/Wilkin J.D. 1, Branch No. 4-Improvement/Extension. Seconded by Nelson. Approved. The Board discussed setting a bid opening date. Motion by Hanson to authorize H.E. to prepare the final plans and specifications and to advertise for a bid letting for Project No. 62 on 8/25/08. Seconded by Nelson. Approved. Jones will send a bid advertisement to the Construction Bulletin and The Forum. He will also send the notice to a few local contractors.

The Board briefly discussed the issue of the Lake Region Electric poles, which have to be moved off the project r-o-w. Some landowners have suggested that Lake Region should bury the lines. Lake Region could charge as much as $1,000/pole for relocation.

Project No. 61, Clay County Ditch No. 11N. Albright and Jones met with Clay County this morning regarding their project to reroute CSAH No. 8. They don't plan to start until 2009. The County also agreed to split the costs for John Leseth's crossing three-ways. Albright will send a letter to Leseth regarding this proposal.

Project No. 58, Riverton Township Retention. Jones noted that Nanick Construction, Inc., has not returned the signed construction contracts yet. The office revised the Riverton Township Agreement and forwarded it to them for their signature. Jones has prepared the wetland mitigation paperwork to buy 0.6 acres of Type 2 wetland credits from Polk County for $10,085. Motion by VanAmburg to authorize the purchase of the referenced wetland credits. Seconded by Olson. Approved. The office will send the documents to Polk County with the payment. They will have to sign the paperwork and return it to our office. A copy of the credit purchase will be forwarded to Sharon Lean, District Conservationist, NRCS. Brian Winter, The Nature Conservancy (TNC), has indicated that he will provide the signed TNC easement prior to construction, even if the wetland mitigation paperwork has not been completely processed. TNC sprayed the E½, Section 28, Riverton Township, with Roundup. The next step will be to burn off the vegetation, and then H.E. can stake the construction areas, so TNC can seed grass on the rest of the site. TNC has asked Prairie Restorations, Inc., to provide extra seed for some missing grass species. The cost of the extra grass seed is $5,855. Winter assured Albright that the seeding costs are still within the budget limits. H.E. will schedule the pre-construction meeting as soon as Nanick Construction returns the signed contracts.

Project No. 56, Manston Slough Restoration. Rick St. Germain, H.E., forwarded more information to the USFWS last Friday. Albright expects a response from USFWS in the near future regarding their design concerns. Once their concerns are addressed, we can complete the Environmental Assessment Worksheet (EAW), the wetland permitting, sign the Memorandum of Understanding (MOU) and the Operation and Maintenance (O&M), and move forward with project development.
The DNR grant for this project will expire on 6/30/09. Albright suggested the BRRWD could contact the DNR regarding possible 75% funding for the project in light of the significant natural resource enhancement (nre) benefits provided by the project. At the same time, we could ask for an amendment to our grant agreement to extend the grant deadline. **Motion** by Hanson to authorize Albright to request the referenced DNR funding and grant agreement changes. **Seconded** by VanAmburg. **Approved**.

Lake Region Electric Cooperative forwarded a utility easement for the Holubok property in Section 30, Manson Township, for the Board's signature. The r-o-w delineation is required for the WRP/RIM contract. **Motion** by Olson to authorize Ellefson to sign the easement on the Board's behalf. **Seconded** by Nelson. **Approved**.

Albright has tried to contact Steven Holubok regarding their 8/01/08 deadline to remove the buildings they want from the farmsite. To date, it appears no one has attempted to move any of the buildings.

**Project No. 54, Whisky Creek Tributaries.** John Hansel, Contract WRP Biologist, Ducks Unlimited (DU), sent the BRRWD a preliminary management plan for the Vertin WRP for our review. The Board briefly discussed the management information. The site is located on the upstream end of “west tributary” in Section 11, Barnesville Township, Clay County. Since they have a separate control structure, their management of water levels really shouldn't affect our project.

**Project No. 49, Oakport Flood Mitigation.** The Technical Committee met on 7/01/08. Albright plans to schedule a meeting with the Appraisers and Ulteig Engineers, Inc. (UEI) in the near future. The office sent a letter to Elaine Gess with information regarding how the project will affect the Fischer property. Albright will schedule another meeting with the Fischer family to discuss the project.

Opsahl sent letters to Master Construction and Lako Well Drilling regarding completion of their work. Larry DuBord, Master Construction, sent a letter requesting a time extension for their demolition work until 7/28/08. He cited wet weather conditions as the reason for the delay. **Motion** by Nelson to extend Master Construction's completion deadline to 8/15/08. **Seconded** by Hanson. **Approved**. Albright noted that Master did mow certain sites where weeds had become a problem. He added that demolition has also been hindered by the fact that there are still buildings on the some lots that should have been moved last fall. One homeowner in particular, Rita Nygaard, has violated nearly all the auction sale terms. The Board authorized Albright to send Nygaard a letter, advising them that if their building is not moved by 8/15/08, the garage will become the property of the BRRWD, according to the auction sale terms and conditions, and we will dispose of it as we see fit.

When the Burris home was moved, the basement was left exposed, creating a safety concern in the neighborhood. Orange fencing was temporarily erected around the hole. Albright asked Opsahl to get quotes from Master Construction to fill in the Burris basement and to remove the Thene concrete driveway.

**Project No. 47, Clay County Ditch No. 53.** Jones filed a letter regarding the ditch repair investigation for the portion of County Ditch No. 53 on the north line of Section 22, Holy Cross Township, paralleling C.R. 58. Following the 2006 flood, the ditch side-slopes along the south side of the ditch in Section 22 failed in a number of areas. The opinion of probable cost for the repairs, including the purchase of 1.5 acres of additional permanent r-o-w, is $25,000-$35,000. The Federal Emergency Management Agency (FEMA) 2006 Disaster Repair funds will be used to pay for the proposed improvements. FEMA has allotted $45,649.73 for the repairs. Permission to deposit spoil will need to be obtained from the adjacent landowners. Temporary r-o-w might also be needed, depending on the when the work is done. Albright will send landowner Ed Askegaard the repair recommendations for his review.
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. The office will provide an updated lake elevation graph and an annual summary.

Project No. 42, Clay County Ditch No. 67. Opsahl modified the riser inlet structure by removing every other vertical bar, which increased the openings to 8"-9" so field debris can pass through the trash rack. The other approved ditch repairs are still pending.

Project No. 38, Farmstead Ringdikes. The survey for a possible ringdike for Gary Olson in Section 35, Kragnes Township, Clay County, has been scheduled. Albright noted that John Butze has not yet forwarded his 2007 ringdike payment. Another ringdike request came in from Curtis Oberg. Opsahl will set up a meeting with him to conduct the initial investigation.

Project No. 35, Clay County Ditch No. 47. Manager Olson commented that landowner Bob Videen replaced the flapgate opener on the north OTV tracks culvert with a "come-along". The old opener had become rusted. He noted that the new device works much better, and the flapgate is about halfway open now.

Project No. 34, Clay County Ditch No. 41. Jones prepared a letter with repair recommendations for the Moorhead Gun Club property, which is now under the management of Oakport Township. Currently, the berms that were constructed in 2006 are being removed, and the contractor will use the fill for other projects. If the contractors need additional dirt, the Township suggested pulling back the sideslopes to about a 3:1 ratio. The existing slope is about 1:1.5. Jones thought that the Board should allow the Township to flatten the sideslopes, as this will be beneficial for ditch maintenance. The Township plans to reseed the entire area when the work is completed. Jones investigated the possibility that a change in the ditch slope might reduce the protection level for the property's buildings. It appears that the proposed work will not affect potential flooding on the property. Jones suggested that the Township could install a low berm closer to the buildings, if they have concerns about this issue. Motion by Hanson to forward Jones' recommendations to Greg Anderson, Chairman, Oakport Township, for his review. Seconded by Nelson. Approved.

Project No. 32, Hawley EDA Diversion. Managers Nelson, Olson, and Hanson, the City of Hawley, Albright, Opsahl, Jones, and Joe Kelly, Hancock Concrete Products, met on 7/02/08 to discuss the deteriorating 60" dia. concrete pipe. Jones will prepare a summary of the discussions. Hancock believes that there are voids around the culvert where material is eroding, causing the concrete pipe to fail. Jones expects to have a repair cost estimate for the 7/28/08 BRRWD meeting. The Board discussed this issue.

Project No. 31, Deerhorn Creek Flood Control Levees. Albright reported that William Nichols Excavating, Inc., has completed the levee inlet repairs for landowner Ivan Nelson in Sections 19 and 30, Prairie View Township, Wilkin County.

Project No. 30, Clay/Wilkin J.D. 1. Jones filed repair recommendations for selected areas along the north slope of J.D. 1 that failed during the 2006 flood. The opinion of probable cost, including additional permanent r-o-w, is $35,000-$45,000. FEMA has allotted $46,095.18 for these repairs. The office will contact the affected landowners regarding the additional r-o-w acquisition.

Project No. 24, Wilkin County Ditch No. 44. In 2007, landowner Terry Czichotzki requested repairs for County Ditch No. 44 in Section 12, Manston Township. Jones filed his repair recommendations. He noted that the entire mile of ditch has heavy sediment with a significantly narrowed and meandering channel. We
would have to obtain permission to deposit spoil from the adjacent landowners. Jones recommended that this work should be completed in the summer or early fall to allow for some revegetation on the slopes to prevent erosion. He also noted a field inlet culvert near the quarterline is missing a flapgate. The culvert is about half-full of sediment and quite short. Jones recommended that the pipe should be reset, extended to 40', and gated. The cost estimate for the repairs is $10,000-$12,000, if spoil leveling can be arranged with the landowners. The Board discussed Jones' recommendations. The culvert repairs have been completed. The Board is also aware that there could be some downstream concerns on the South Branch of the Buffalo River regarding this ditch cleanout work. Albright and Ellefson observed the area on 7/09/08. Ellefson said that all of the land adjacent to the proposed cleanout is grassland, and he wasn't aware of any 2008 crop damage on Czichotzki's property, which is across the road from the ditch. The Board agreed to continue to monitor this area. **Tabled.**

**Project No. 23, Becker County Ditch No. 15.** The Board discussed the possible 2008 repair plans for this system. Manager Hanson noted that the ditch system landowners would like to see the maintenance continue, as long as there are funds in the account. There is $54,748.03 in the County Ditch No. 15 account for this work. Albright suggested that in order to start work this fall, we will need to start getting permission to access private property and conducting the wetland reviews to do the work, and H.E. will have to prepare repair recommendations and costs estimates. **Motion** by VanAmburg to authorize Hanson to contact the area landowners regarding this issue, and to authorize H.E. to prepare repair recommendations. **Seconded** by Olson. **Approved.** For 2008, we will look at continuing work on the main ditch on private lands from C.R. 13 upstream to Pierce Lake, which is approximately 2.5 miles.

**Mediation PT.** Our next PT meeting is scheduled for 7/24/08 at 7:00 PM in the MSUM Science Center near Glyndon. The Fall Tour has been tentatively scheduled for 9/26/08.

**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 can schedule a special meeting to review the document. The BWSR completion deadline is 12/30/08.

**Clay County Ditch No. 49.** The Viewers' Report is finished. The next step will be to schedule a hearing for the redetermination of benefits. The Board will discuss this issue further at their next meeting.

**Wilkin County Ditch No. 40.** Jones has asked for more cross-section details from the DNR's engineer regarding his hydraulic analysis for rerouting water across the Atherton Wildlife Management Area (WMA). The engineer contacted Jones today, and it appears he will need to have permission from Luther Aadland, DNR, before he can do the survey work. Ellefson discussed possible repair work on the ditch berm to prevent breakouts to the south on Dave Yaggie's property.

**Wolverton Creek/Comstock Coulee CWL Project.** The agencies met on 7/07/08 in the BRRWD office to discuss the Clean Water Legacy (CWL) project status. The group agreed to conduct a survey of the Wolverton Creek channel to provide a base from which to develop future projects. The SWCDs plan to hold a landowner informational meeting in September.

**Annual Budget Hearing.** The Board discussed scheduling for the budget hearing. **Motion** by Nelson to hold the annual budget hearing on 8/25/08. **Seconded** by Hanson. **Approved.** The Board briefly discussed assessing a separate administrative levy for insurance costs according to Minnesota Statutes 466.06. They agreed to list the special assessment in the budget notice, even though we may not have to make use of it next year.
Hay Creek/Stinking Lake CWL Grant. Albright met with the Becker SWCD last week. They continue to sign buffer strip/erosion control structure contracts. A summary report will be given at the next meeting.

Barnesville River Watch. To date, the Barnesville School Board has not made a decision regarding their financial support for the 2008/2009 River Watch Program. The office sent a letter of support for the program to the School Board.

M.S.A. 103D.905, Subd. 3 Petition. Albright met with the Clay County Commission on 7/07/08 to request that the Commissioners consider signing a one-year petition to allow the BRRWD use of the increased taxing authority given to us by the 2006 State Legislature for 2009 via Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3. Albright reported that the Commissioners will forward the signed petition.

Manager Appointments. Clay County reappointed Managers VanAmburg and Nelson to three-year terms. Albright will record the appointments in accordance with M.S.A. 103D.311, Subd. 4.

Clay County Ditch No. 55 Repairs. Opsahl sent a letter to Zeigler Construction, Inc., reminding them that there are asphalt approaches that need repairs. He asked Zeigler to notify him when they planned to start the project, so he could coordinate the work with the landowners and mark the areas that need to be patched.

Automobile Mileage Rates. The Internal Revenue Service has announced a new interim mileage rate of $0.585/mile, which is effective from July 1, 2008, through December 31, 2008. The new rate will take affect for the BRRWD Managers on the next vouchers.

Heartland State Trail. Albright attended the DNR open house on 7/08/08 at the Hjemkomst Center regarding the future extension of the 49-mile bicycle trail. The Board briefly discussed a proposal to locate part of the trail on BRRWD ditch r-o-w. Albright advised the DNR that the BRRWD wouldn't be able to approve that proposal as normal ditch maintenance would disrupt trail use and damage the asphalt path.

The following bills were presented for approval:

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<td>H.E.</td>
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<td>Becker #5</td>
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Motion by VanAmburg to approve payment of the bills. Seconded by Olson. Approved. Albright mentioned that the RMB Laboratories billings are still from a 2007 $8,400 contribution the Board approved for the Minnesota Pollution Control Agency (MPCA).

Next Meeting. The Board of Managers, BRRWD, will hold their next meeting on Monday, July 28, 2008, in the Barnesville office at 8:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 12:05 AM.

Respectfully submitted,

John E. Hanson, Secretary