MINUTES FOR MANAGERS' MEETING
August 11, 2008

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, August 11, 2008, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, Curtis M. Nelson, John E. Hanson, Gerald L. VanAmburg, and E. Robert Olson. Others attending included: BRRWD Administrator Bruce E. Albright, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.); Jim and Jeff Braton, J & J Braton Properties LLC; and landowners: Bill Davis, Archie Tanner, Evelyn Karppinen, and Anthony Karppinen.

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 7/28/08 regular meeting. Motion by Nelson 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 Clay County's 2008 ditch tax/special assessments payment. In addition, Steven Holubok paid his $600 deposit to extend the deadline to 10/01/08 for building removal, associated with Project No. 56, Manston Slough Restoration. Manager Nelson reported to the Board on Certificate of Deposits (CD) rates. It appears that Midwest Bank has the best local rates. The Board can make a decision on purchasing a Clay County Ditch No. at their next meeting. We currently have $1,340,065.87 on hand. Motion by VanAmburg to approve the Treasurer's Report. Seconded by Hanson. Approved.

Other business brought before the Board included:

Riverton Township Culvert Concern. Bill Davis and Archie Tanner questioned the status of the Manager field review regarding the sizing of culverts west of Trunk Highway (T.H.) No. 9 upstream of Project No. 51, Clay County Ditch No. 68 in Glyndon. Davis attended the 7/28/08 meeting to ask the Board to review installing larger culverts upstream of County Ditch No. 68 to address flooding/erosion problems east of Glyndon. At that meeting, the Board agreed to field review the area and make recommendations. Albright noted that there will be downstream landowner concerns regarding this proposal. The Board hopes to conduct the field review before the 8/25/08 meeting. Albright will notify Tanner and Davis when the Managers have recommendations ready for their review. Tanner noted that he supports the proposed culvert changes.

Davis questioned if his uncle, Don Rea, needed a BRRWD permit to clean a coulee in Sections 19 and 20, Riverton Township, Clay County, which was straightened/cleaned years ago. Albright told Davis he did not need a permit to clean an existing waterway, as long as he made no changes. Davis has already contacted the Natural Resources Conservation Service (NRCS) regarding this proposed project, and they found no wetland impacts.

Karppinen Ringdike Proposal. At their 7/14/08 meeting, the Board authorized H.E. to conduct a hydraulic analysis (approximately $2,000) to determine if a ringdike for Evelyn and Anthony Karppinen
would impact the floodway. Their property is located west of County State Aid Highway (CSAH) No. 52 along the north side of the South Branch of the Buffalo River south of Sabin in Section 17, Elmwood Township, Clay County. Jones has completed the hydraulic analysis, which shows that a ringdike in this location would have no impacts. According to the Board's action at their 7/14/08 meeting, the next step would be to authorize a geotechnical review of the site, which would have a bearing on the design of the ringdike, such as floodwalls, etc. Jones submitted a scope of services and a cost estimate for the soils investigation from Midwest Testing Laboratories, Inc., for a total cost of approximately $4,000-$4,400. Jones noted that in order to complete the geotechnical analysis, a field survey to provide cross-sections for the soil borings will be necessary. Jones estimated the field survey with cross-section and topographic data for the geotechnical analysis would be about $3,000. Motion by VanAmburg to authorize Midwest Testing Laboratories to conduct the soils investigation and to authorize H.E. to survey the area to provide cross-section information to assist Midwest with their work. Seconded by Hanson. Approved.

If the studies show that a ringdike for the Karppinens is not feasible, the BRRWD has agreed to pay the costs of the investigation. If a ringdike is feasible, the project costs will be split between the Minnesota Department of Natural Resources (DNR) Flood Damage Reduction (FDR) Farmstead Ringdike grant funding, the BRRWD, and the Karppinens.

BRRWD Office Lease. Jim and Jeff Braton, J&J Braton Properties, LLC, submitted a new office lease proposal for the Board's review. The three-year lease (9/01/08-8/30/11) includes a $40 rent increase in 2009 and 2010 ($540/month) and a $30 increase in 2011 ($570/month). The group discussed the services we receive from Braton Properties and their increasing utility costs. The Managers noted that they appreciated the convenience and economy of renting our current office space. Motion by Nelson to enter into the new office lease agreement with J&J Braton Properties, LLC for the next three years, starting on September 1, 2008. Seconded by VanAmburg. Approved.

Permit No. 07-51, Mike Lewis. At our 7/14/08 meeting, the Board agreed to schedule a meeting with Lewis to discuss the culvert he installed on the west side of T.H. 9 in the NE¼, Section 2, Barnesville Township. Neighboring landowner Ronald Erdman 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. To date, a meeting with Lewis has not been scheduled.

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. Dick was interested in exploring the option of petitioning for a legal ditch system in this area. Tabled. Albright will furnish the landowners with information about the petition process. Tande has indicated that he would like to see this issue addressed as soon as possible. To date, Albright hasn't had time to send out the information.

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 along 110th ST in Section 3 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. 08-30, Scott VanWechel.** Applicant proposes to install a larger culvert along County Road (C.R.) No. 11 in a crossing between NW¼ and the SW¼, Section 12, Mitchell Township, Wilkin County. **Tabled** pending Manager field review. Albright and Manager Ellefson plan to review the proposal this week, as there are downstream landowner concerns regarding the installation of a larger pipe in this location.

**Permit No. 08-32, Nick Manston.** Applicant proposes to lower a field ditch along the northwest side of the Interstate-94 (I-94) right-of-way (r-o-w) fence to help drain the N½, Section 3, Barnesville Township, Clay County. Manston feels that the pond has the capacity to hold extra water. Manager Nelson and Wade Opsahl, Technician, H.E., conducted a field review on 8/08/08 and found no problems with the proposal, provided the ditch isn’t too deep. **Motion** by Nelson to approve Permit No. 08-32, subject to Township approval to work within their road r-o-w. **Seconded** by Hanson. **Approved.**

**Permit No. 08-47, Chris Noben.** Applicant proposes to install 15 acres of patterned drain tile in the NE¼, Section 14, Cuba Township, Becker County, located in a low area on the west side of C.R. 9 in order to improve field drainage. Manager Hanson conducted a field review with Noben last week. He recommended permit approval. **Motion** by Hanson to approve Permit No. 08-47, subject to County approval to work within their road r-o-w. **Seconded** by VanAmburg. **Approved.**

**Permit No. 08-50, Dan Lehrke.** Applicant proposes to install irregular drain tiling in designated areas in the NE¼SE¼, Section 7, Parke Township, Clay County, to improve field drainage, soil compaction, and high pH issues. Lehrke and his neighbor, Steve Rodke, purchased a tiling plow and plan to do the work themselves. Manager Nelson and Opsahl conducted a field review on 8/08/08 and found no problems with the proposed project. **Motion** by Nelson to approve Permit No. 08-50. **Seconded** by Hanson. **Approved.**

**Permit No. 08-51, Dan Lehrke.** Applicant proposes to install irregular drain tiling in designated areas in SW¼, Section 15, Parke Township, Clay County, to prevent side hill washouts. Manager Nelson and Opsahl conducted a field review on 8/08/08 and found no problems with the proposal. **Motion** by Nelson to approve Permit No. 08-51. **Seconded** by Hanson. **Approved.**

**Permit No. 08-52, Dan Lehrke.** Applicant proposes to install irregular drain tiling in designated areas in S½SE¼, Section 8, Parke Township, Clay County, to prevent side hill washouts. Manager Nelson and Opsahl conducted a field review on 8/08/08 and found no problems with the proposal. **Motion** by Nelson to approve Permit No. 08-52. **Seconded** by Hanson. **Approved.**

**Permit No. 08-53, Agassiz Valley Grain.** Applicant proposes to replace an approach off from 140th AVE S in Section 13, Barnesville Township, Clay County, which was removed two years ago when the township road was rerouted for the new railroad tracks. This work cut off access to a landowner's property. Agassiz Valley has proposed an 18” dia. culvert for the approach. Manager Nelson and Opsahl field reviewed this proposed project on 8/08/08 and found no problems. **Motion** by Nelson to approve Permit No. 08-53 with an 18” dia. culvert, subject to Township approval to work within their road r-o-w. **Seconded** by VanAmburg. **Approved.**

**Permit No. 08-54, Menholt Farms.** Applicant proposes to regrade a township road ditch along the east side of 80th ST N in Section 34, Morken Township, Clay County, and reset the culverts to grade. Menholt also plans to install a new culvert on the north end of his property. The work will improve drainage on the west side of his property where water stands in the ditch bottom. Manager Nelson and Opsahl conducted a
field review on 8/08/08. Nelson thought that the work could be approved, subject to Township approval to work within their r-o-w and downstream landowner (Craig Hurner) for work in his farmstead and ringdike. **Motion** by Nelson to approve Permit No. 08-54, subject to the referenced conditions. **Seconded** by Hanson. **Approved.**

**Permit No. 08-55, Steve Rodke.** Applicant proposes to install tiling in Sections 20, 31, 32, and 33, Eglon Township, and Section 4, Parke Township, Clay County, to improve crop production/tillage, and reduce soil compaction/erosion. Rodke will be working with Dan Lehrke (see permits above) on this project. He is also working with the Clay Farm Service Agency (FSA) regarding wetland issues. This work will be done after the wheat harvest. **Tabled** pending Manager field review.

**Permit No. 08-56, Clay County Highway Department.** Applicant proposes to replace 18" dia. culvert and 24" dia. culverts with one equivalent sized 30" dia. arch pipe in a field approach adjacent to C.R. 51, on the north-south quarterline in Section 33, Barnesville Township. Both existing culverts are in poor condition and should be replaced. The work will be on Frank Schindler's property, and he supports the proposal. **Motion** by VanAmburg to approve Permit No. 08-56. **Seconded** by Olson. **Approved.**

**Permit No. 08-57, Brad Olek.** Applicant proposes to install 80 acres of patterned drain tile in the N½NE¼, Section 3, Morken Township, Clay County, to increase crop production. Ellingson Companies provided the project design. **Tabled** pending Manager field review.

**Permit No. 08-58, Wilkin County Highway Department.** Applicant proposes to replace two existing 30" dia. corrugated metal pipes (CMP) in a field approach in the SW¼NW¼, Section 18, Atherton Township, with one 42" dia. x 40' corrugated metal arch pipe (CMP-A), or whatever size the BRRWD recommends. The existing approach is to narrow to accommodate large machinery, and one of the culverts is damaged. Manager Nelson and Opsahl conducted a field review on 8/08/08 and found no problems with the proposal. Jerger noted that this culvert is downstream from their land in the NW¼, Section 19, Atherton Township. Water from approximately 2-3 square miles (sq. mi.) drains to the referenced culvert, which outlets directly into the South Branch of the Buffalo River. She commented that her husband, Dennis Jerger, is concerned that this culvert is sized to accommodate the upstream drainage in Section 19 along C.R. 11. Jerger also mentioned that in the future, they would like to have the County replace the two upstream 30" dia. CMPs in C.R. 188 (130th ST) with one larger culvert. Ellefson noted that since the road ditch is basically flat, and the proposed pipe will outlet directly to the river, it could be larger. There's about 200 acres in Section 18 that will also drain to this culvert. Ellefson felt that if the County replaces the culverts in C.R. 188 with a larger pipe in the future, the proposed culvert's size should be equivalent. After further discussion, the Board recommended that the County install a 48" dia. equivalent CMP-A. **Motion** by Hanson to approve Permit No. 08-58, with the recommended culvert size. **Seconded** by Olson. **Approved.**

**Permit No. 08-59, Clay County Highway Department.** Applicant proposes to install a 36" dia. x 38' CMP/approach off from CSAH No. 22 in Section 22, Oakport Township, to provide field access for a new landowner. The property is assessed to drain to Project No. 42, Clay County Ditch No. 67. **Motion** by VanAmburg to approve Permit No. 08-59, subject to Manager field review. Manager Olson and Albright will conduct a review on 8/14/08. **Seconded** by Hanson. **Approved.**

**Permit No. 08-60, Startlite Properties.** Applicant proposes to install an advertising sign and flagpole on the east side of their driveway on a triangle shaped tract that Allan Strunc and Mitch Cossette purchased from the City of Moorhead along 15th AVE N. The sign and pole would be located on Clay County Ditch No. 41-Lateral r-o-w near the self-storage units they've constructed on the property. They want to display the United States flag on a 24/7 basis approximately 3' north of their sign. Manager Nelson and Opsahl conducted a field review on 8/08/08 and found no problems with the proposal. **Motion** by Nelson to
approve Permit No. 08-60, subject to the BRRWD's standard utility disclaimer that if the structures are ever in the way for regular ditch maintenance, the applicants will have to move them at their expense. **Seconded** by Hanson. **Approved.**

**Permit No. 08-61, Starlite Properties.** Applicant proposes to install a 12” dia. PVC water line under Clay County Ditch No. 41-Lateral No. 1, west of T. H. 75 and through 15th AVE N in Moorhead to provide water service for storage units that are under construction on the south side of 15th AVE N. **Motion** by Hanson to approve Permit No. 08-61, subject to our standard utility disclaimer. **Seconded** by Olson. **Approved.**

**Minch/Johnson Lawsuits.** Albright noted that the Minch Court of Appeals trial is scheduled for 9/18/08. No new testimony will be taken.

**Grove Lake Outlet.** At the 7/28/08 meeting, the Board authorized hiring Roger Lundberg to remove the beavers on the Maple Lake outlet, as the first phase of a project to develop an outlet for Grove Lake. The office sent notices of the beaver control work to the affected landowners on Maple Lake. Lundberg found most of the beaver activity near Jayson Lass' driveway. Because the 18” dia. culvert in Lass' driveway is undersized and set too high, it restricts flows for the lake outlet. The pipe is also bent in the middle and functions at about 50% capacity. Lundberg was only able to lower Maple Lake's elevation about 1’. Kern Kuhlmann's crossing, consisting of three sewer pipes, might also be set too high.

Ellefson felt that the BRRWD should install a larger pipe in Lass' driveway. Albright thought that we could use one of the two used pipes that will be removed as part of an Otter Tail Valley (OTV) Railroad project on County Ditch No. 43 near Lawndale. The Board discussed replacing Lass' culvert.

After discussing the development steps/alternatives for this project, Ellefson questioned if the BRRWD should make an emergency declaration for Grove Lake. There are safety concerns regarding an elderly property owner who is landlocked for most of the year because his driveway has about 4” of water over it. Emergency vehicles would be unable to reach his house and a number of cabins on the lake because of water encroachment on area roads. An emergency declaration would give Grove Lake a higher priority, accelerate project development, and possibly free up agency funding. Albright referred to the Minnesota Statutes Annotated (M.S.A.) 103D.615, pertaining to an emergency declaration. The Statute states that an emergency situation exists if there is a clear and imminent danger to the health or welfare of the people of the watershed district, and delaying action would go against public interest and would likely cause irreparable public harm. When Pat Lynch and Ed Fick, FDR Hydrologists, DNR Waters, toured the area with Albright last month, they indicated that the BRRWD should act immediately to alleviate the Grove Lake high water problems.

Nelson suggested that changing the Lass and Kuhlmann crossings should be the first priority. Albright said that we will need to prepare a DNR funding proposal, finalize the project design and cost estimate, appoint Appraisers to determine benefits and damages, and set a final hearing date. Ellefson felt that this area has paid watershed district taxes over the years, but has not had adequate access to drainage. **Motion** by Nelson to declare an emergency regarding the Grove Lake highwater/flooding problem, to appoint Lauren Peterson, Eddie Bernhardson, and Arvid Thompson as Appraisers, and to schedule a final hearing by the end of September. **Seconded** by Hanson. **Approved.** Albright noted that an Operation and Maintenance (O&M) agreement will need to be developed and should include the operation of an outlet structure and beaver control downstream of the project outlet. Because of the emergency declaration, other downstream issues regarding the project outlet, such as possible assessments to Clay County Ditch No. 34, will be addressed later. The cost of the crossing changes for Lass and Kuhlmann will be included in the project budget.
**Friederichs 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. The survey that the Board authorized at their 6/23/08 meeting apparently shows that the dike could be holding back a small amount of water, but Friederichs also has two other outlets for his water. Albright noted that Friederichs called the office today to check on the status of the BRRWD's investigation. Albright will provide him with a copy of the H. E. survey. Friederichs also discussed an earlier request to install a bigger culvert in a field approach in Skree Township. Albright pointed out that he will need to work with NRCS on this issue, as there are wetland issues regarding this proposal.

**Peterson WRP Project Drainage Concerns.** Albright sent a letter to Scott Smith, NRCS, regarding neighboring landowners' concerns about drainage coming from the Peterson Wetlands Reserve Program (WRP) site in the E½, Section 28, Wolverton Township, Wilkin County. The letter asked the NRCS to work with the 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, and they plan to fix the dike as soon as possible. To date, NRCS has not contacted the landowners to schedule a meeting regarding the seepage issue.

**Donald Schenck Gravel Pit.** The Board discussed a new gravel pit that Asplin Excavating, Inc. is developing on Donald Schenck's property in the W½SW¼, Section 33, Hawley Township, Clay County. The Clay Soil and Water Conservation District (SWCD) has already approved the project from a wetlands standpoint. The Board reviewed the proposal and decided that a Manager field review should be conducted to determine if a BRRWD permit is necessary.

**Harlan Manston Gravel Pit.** Donald Biewer visited with Albright last week regarding Asplin Excavating, Inc.'s expansion of Harlan Manston's existing gravel pit in the NW¼, Section 36, Elkton Township, Clay County. Asplin has started mining on the west side of the pit road near Biewer's farmstead. There are several upstream water ponds on the existing gravel pit site, and Biewer fears that this water could drain into his farmyard if Asplin is allowed to expand the mining activity to the west side of the road and reroute the drainage.

Albright explained that the Clay County Planning and Zoning Commission recently changed the setback width rules for mining operations from 500' to 100' away from property lines. Because of this rule change, Asplin expanded their mining activity on Manston's property within 100' of Biewer's farmstead. This area was previously off-limits. Albright relayed Biewer's concerns to Timothy J. Magnusson, Director, Clay County Planning & Zoning, who issued a cease and desist order for the unpermitted mining operation on the west side of the pit road because Manston currently does not have a Planning and Zoning permit to expand his gravel pit. Manston will have to apply for a new Conditional Use Permit (CUP) from the Planning Commission to expand the gravel pit beyond the permitted 30 acres indicated on his original permit. The Planning Commission will review Manston's permit application at their upcoming 8/19/08 meeting. Albright thought that the BRRWD should attend the meeting, as there are water/drainage issues that will need to be evaluated through our permitting process. Albright pointed out that the BRRWD Rules state that if a project changes existing topography, a permit is required. The Board discussed Biewer's drainage concerns. **Motion** by VanAmburg to send a letter to Harlan Manston advising him that he will need to apply for a BRRWD permit to expand his mining activities because of area drainage concerns. The office will also send a copy of the letter to Asplin Excavating, Inc., Biewer, and Magnusson. **Seconded** by Olson. **Approved.**

**Viking Gas Pipeline Expansion.** At the request of Xcel Energy, Viking proposes to expand their Fargo Lateral pipeline facilities by constructing approximately 10 miles of 12" dia. natural gas pipeline adjacent and parallel to their existing pipeline in Clay County. This project will involve crossing several BRRWD ditch systems and the Red River. Albright has advised Viking to apply for a BRRWD permit.
Project No. 62, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1)-Branch 4-Improvement/Extension. The Final Hearing was held 6/30/08, and the bid opening has been scheduled for 8/25/08. Notices of the bid opening have been sent to The Construction Bulletin, The Forum, and a few local contractors. The Board briefly discussed the James Briks appeal. Once the appeal period ends, the Board will set up a meeting with Briks to discuss his concerns. The only other landowner that expressed reservations about the project was Ray Hoeck, who was concerned about the project costs. To date, Hoeck has not filed an appeal. The Board discussed easement values.

Project No. 61, Clay County Ditch No. 11N. John Leseth has agreed to contribute $7,000 to the costs for his crossing associated with Clay County's project to reroute CSAH No. 8. The BRRWD and Clay County would both pay $26,500 to the bridge replacement project. To date, we are waiting for the Clay County Highway Committee's formal approval of the cost sharing agreement. The County plans to start project construction in 2009.

Project No. 58, Riverton Township Retention. The preconstruction meeting with Nanick Construction, Inc., was held on 7/29/08. Site conditions are wet and the recent heavy rainfall has already delayed construction. Jones noted that the wetland issues have finally been resolved, and Ellefson signed the Notice to Proceed for the contractor. Albright plans to prepare a revised project budget, which will be forwarded to the DNR for review. Because of the lower construction bid, there might be funding left over that could be re-allocated for our proposed Grove Lake Outlet project, which was not specifically designated for funding in the 2008 Bonding Bill. The proposed The Nature Conservancy (TNC) wetland restorations for the Williams property are still pending.

Project No. 56, Manston Slough Restoration. The United States Fish and Wildlife Service (USFWS) forwarded their response regarding their concerns about the project design. Rick St. Germain, H.E., will prepare a response. He felt that the issues could be addressed without compromising the project's flood damage reduction components. Albright will prepare a time extension request for our FDR grant, which expires on 6/30/09, and H.E. will prepare a revised cost estimate for the Mediation Project Team (PT). Once the USFWS concerns are addressed, H.E. can complete the Environmental Assessment Worksheet (EAW), the wetland permitting, and signing the Memorandum of Understanding (MOU) and O&M. As noted in the Treasurer's Report, Steve Holubok paid his $600 deposit for the building removal deadline extension on 8/11/08. He has until 10/01/08 to remove any buildings he wants from the Holubok farmstead.

Project No. 49, Oakport Flood Mitigation. Albright noted that there are home buyouts scheduled for the Klein and Lerdahl properties. The Technical Committee will meet again on 8/14/08. Jerry Skalicky is considering a home buyout and has questions about the appraisal process. Albright still has to schedule a meeting with the Fischer family regarding how the project will affect their property.

Albright noted that the last two auction properties along Wall Street have finally been moved out of the way, so that Master Construction can complete the demolition work. Master has also nearly completed the site demolition on the Burris property.

Ulteig Engineers, Inc. (UEI) has prepared a revised benefit analysis, which will be incorporated into the Appraisers' Report. Once the Appraisers' Report is completed in the next few weeks, the Board will be able to schedule the Final Hearing. Albright noted that construction will probably not start until next year, but he suggested that timber removal, clearing, and grubbing could start this fall.

Project No. 47, Clay County Ditch No. 53. The office sent letters to the adjacent landowners with Permission to Level Ditch Spoil Banks for their signature regarding the proposed Federal Emergency Management Agency (FEMA) 2006 flood repair work for the portion of County Ditch No. 53 on the north
line of Section 22, Holy Cross Township, paralleling C.R. 58. The office also sent a sample permanent easement agreement for additional permanent r-o-w to landowner Ed Askegaard for his review. Askegaard has indicated that the easement value of $2,000 is too low. Albright will schedule a meeting with Askegaard to discuss this issue.

**Project No. 46, Turtle Lake Outlet.** Jones reported that the lake elevation is at 1361.85 with about 0.5’ to go before we reach the DNR amended permit elevation, when we will have to shut down the siphon.

**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” to allow field debris to pass through the trash rack. The other approved ditch repairs are still pending. Opsahl plans to contact H&S Excavating do the repairs if William Nichols Excavating does not start the work in the near future. Site conditions are currently wet due to the recent rainfall.

**Project No. 38, Farmstead Ringdikes.** Jones has prepared a CUP application for the Kragnes Ringdike project for the Board's signature. The Clay County Planning and Zoning Commission charges a $200 application fee. **Motion** by Hanson to authorize Ellefson to sign the application on the Board's behalf. **Seconded** by Olson. **Approved.** Jones said the application should be on their 9/16/08 meeting agenda.

Albright noted that it appears that Burlington Northern/Sante Fe (BNSF) Railroad will accept the BRRWD's current liability coverage ($1 million per incident/$2 million aggregate). BRRWD insurance agent John Hoffman, ICS Agency, Inc., will revise the BRRWD liability policy to deal with the remaining minor insurance issues. Now that it appears that this issue is resolved, the Board is free to move forward with the project. **Motion** by Nelson to make the Order for the construction of the Kragnes Ringdike, which will start the 30-day appeal period, and to schedule the bid opening for 9/22/08. **Seconded** by Olson. **Approved.**

Included on tonight's bill list is the BRRWD's commercial package insurance renewal. The bill totals $8,654.00. The package contains most of the insurance needed for the BNSF Kragnes License Agreement. John Hoffman, ICS Agency, Inc., is working with Albright on obtaining the required BNSF coverage. Hoffman also provided a form to certify that the BRRWD rejected the terrorism insurance coverage for the Board's signature. **Motion** by Olson to authorize Ellefson to sign the insurance rejection form on behalf of the Board. **Seconded** by Hanson. **Approved.**

Given good weather conditions, the Board felt the project could still be completed yet this fall. Nelson mentioned that the Legislature has increased the limits for local government construction contracts. Effective August 1, 2008, local governments no longer have to let bids for contracts less than $25,000. Contracts between $25,000-$100,000 may be made through sealed bids or by obtaining two or more quotes. Sealed bids are still required for contracts more than $100,000. The estimated cost of the Kragnes project is approximately $78,364.50, so the Board could decide to send notices to local contractors. VanAmburg suggested that it might be advantageous to advertise for bids, as well as solicit bids from local contractors.

Albright reported that Opsahl has been in contact with John Butze regarding his ringdike payment. Butze is still working with his lawyer on clearing the title on a property his is selling. As soon as this issue is resolved, he will have the money to make final payment for his 2007 ringdike. Opsahl is working with Gary Olson and Curtis Oberg on their ringdike requests. Jones noted that surveys are pending for both applications. He will talk to the survey crews to raise the priority on this work.
Project No. 32, Hawley EDA Diversion. At their 7/28/08 meeting, the Board authorized Midwest Testing Laboratory, Inc., to verify the quality of the concrete in the deteriorating pipe and determine if it meets the required specifications. Jones has contacted Midwest regarding this work. He has not been able to contact the landowner, Dean Whaley, to get permission for Midwest to access his property to complete the concrete testing. Albright noted that John Young, City of Hawley, had offered to contact Whaley during our recent meeting.

Project No. 31, Deerhorn Creek Flood Control Levees. Albright met with landowner Merle Nelson on 7/31/08 to field review Wes Anderson's drainage concerns about the levee inlet culverts/flapgates east of Edward Hirsch's farmstead. Albright took a few survey shots and plans to plot the ditch grade to get a better idea of how to address Anderson's concerns. Nelson will work with the BRRWD to clean the road ditch along his property, located downstream of Anderson's farmstead.

Project No. 30, Clay/Wilkin J.D. 1. The office mailed permanent easement agreements to acquire additional permanent r-o-w and Permission to Deposit Spoil forms for proposed the 2006 FEMA repairs to three ditch system landowners. Harold Brandt and Hugh Trowbridge have signed their easement agreements. Bruce Anderson, who lives in Virginia, has not yet responded.

Albright plans to contact Paul Anderson regarding his appointment to the J.D. 1 Ditch Committee.

Project No. 23, Becker County Ditch No. 15. The Board discussed possible 2008 repair plans for this system. At the 7/14/08 meeting, the Board authorized H.E. to prepare repair recommendations. Jones reported that he has been working with the Becker County Highway Department, regarding several possible structure replacements. He will also contact the USFWS regarding work on their property. Manager Hanson has discussed the repairs with the area landowners. He reported that they support the proposed work. Jones discussed the process of identifying property boundaries along the meandering waterway. Once a repair plan is developed, H.E. will work with the Becker SWCD to identify spoil placement areas that avoid wetlands.

Project No. 19, Becker County Ditch No. 21. The Board discussed landowner Jerry Matter's request for the installation of another culvert near the ditch outlet. Manager Hanson and Albright will schedule a meeting with Matter to discuss this issue. USFWS will also need to be contacted regarding Matter's culvert request, since they are the adjacent landowner to the requested additional culvert.

Project No. 1, Wilkin County Ditch No. 22. Jeff Nord and Dennis VanWechel filed a ditch repair request for the BRRWD to investigate sedimentation and culverts on Lateral No. 2 and the upstream end of the system. The landowners feel that heavy rainfall events over the past few years have caused erosion on the upstream end of Lateral No. 2. Albright noted that Nord was in the office today and discussed the ditch repair status with Albright. Albright will furnish Jones with specific locations where Nord feels the ditch needs work. Opsahl could coordinate the tree removal on the main ditch separately from the ditch repair work on Lateral No. 2.

Mediation PT. The Fall Tour is tentatively scheduled for 9/19/08 at 1:30 PM in the Galaxie Supper Club. Recently, Albright learned that there is funding available for Alternative Analysis expenditures. The deadline for submitting expenses is 8/19/08. The office will prepare a pay request this week for $7,500 for the engineering done to address the USFWS concerns about the Manston Slough Restoration project design. The BRRWD already submitted a bill in May 2008 for $7,500 for PT administrative expenses.

RWMP. H.E. has set the goal to have the draft Revised Watershed Management Plan (RWMP) ready for the Board to review by the 9/08/08 meeting.
Clay County Ditch No. 49. The Viewers' Report is finished. The next step will be to schedule a hearing for the redetermination of benefits this winter.

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 is seeking permission from Luther Aadland, DNR, before he will complete the survey work. To date, Jones reported that he has not heard from the DNR. Bob Bezek, DNR Regional Director, has assured Albright that they plan to address Jones' concerns and Dave Yaggie's irrigation well, as soon as possible.

Wolverton Creek/Comstock Coulee CWL Project. Contractor Adam Grothmann, Northern States Excavating, has completed most of the work on the outlet west of T.H. 75. H.E. prepared Pay Request No. 3 for $14,805.85 and Revised Change Order No. 1 for a total cost decrease of $2,800. The office will forward the pay request to the Clay SWCD for payment. Motion by Hanson to approve the referenced pay request and change order. Seconded by VanAmburg. Approved. The SWCDs are planning a landowner meeting for 9/16/08 at the Comstock Community Center. The BRRWD office will mail the meeting notices.

Annual Budget Hearing. The annual budget hearing will be held during our regular 8/25/08 meeting at 9:00 PM. The office has sent notice of the hearing to the area newspapers for publication.

Clay County Ditch No. 35. Mike Astrup has indicated that he is still interested in a project to repair the remaining four miles of County Ditch No. 35 that were not cleaned during the 2005 repair. Albright noted that even though he has not contacted the office recently, we should keep this item on the agenda.

Clay County Ditch No. 63 Repair. At their 6/23/08 meeting, the Board approved a motion to mail H.E.'s repair recommendations to the affected landowners for their review. The work includes the removal of about 1' of sediment from the channel bottom for about 2.5-3.0 miles north and east of Glyndon, plus the removal of trees from the ditch r-o-w. The estimated cost for the work is $25,000-$30,000. Albright noted that about half the landowners responded to our correspondence, stating that the Board should go ahead with the proposed repairs. The office has received receive information on the total ditch system benefits from the Clay County Auditor. Tabled.

Fargo Southside Flood Control (SSFC) Project. The City of Fargo has scheduled a meeting with Minnesota agencies/landowners on Wednesday, September 17, 2008, at 7:00 PM in the Courtyard by Marriott Hotel/Conference Center. The Board reviewed a letter from former BRRWD Attorney Robert Swenson regarding landowner concerns about the affects of the SSFC project on the Minnesota side of the Red River. A number of Minnesota landowners would like to hold a meeting prior to Fargo's meeting on 9/17/08 to organize against the project. The Board discussed the SSFC project development. They are concerned that landowner concerns/watershed impacts need more review before the project can move forward. The City of Fargo will need BRRWD permits for work any proposed work on the Minnesota side of the Red River. Tabled.

Clay SWCD 2008 Biennial Fall Tour. The Clay SWCD is planning their fall tour for Thursday, September 4, 2008, at 8 AM at the Clay SWCD Moorhead office. A noon lunch will be served. Albright and Managers Hanson, VanAmburg, and Nelson plan to attend.

MAWD Annual Meeting. The Minnesota Association of Watershed Districts (MAWD) sent out requests for nominations for project awards and 2008 resolutions for the annual meeting in December. The deadline for submission is 10/10/08.
The following bills were presented for approval:

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<tr>
<th>Accounts Payable</th>
<th>Description</th>
<th>Account</th>
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<td>H.E.</td>
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<td>Harold &amp; Ardella Brandt</td>
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<td>Pj. 51, Clay 68</td>
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<td>#8945810, labels/envelopes</td>
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<td>UEI</td>
<td>#40606, 42077, Clay FIS</td>
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<td>6/24/08-7/24/08 service-Thene</td>
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$79,171.84

**Motion** by VanAmburg to approve payment of the bills. **Seconded** by Hanson. **Approved.** Albright noted that the UEI bill for $2,030.00 is the first payment for the BRRWD's 10/01/02 resolution to contribute $50,000 to the Clay County Flood Insurance Study (FIS).

**Next Meeting.** The Board of Managers, BRRWD, will hold their next meeting and Annual Budget Hearing (9:00 PM) on Monday, August 25, 2008, in the Barnesville office at 8:00 PM.

**Adjournment.** Chairman Ellefson adjourned the meeting at 10:45 PM.

Respectfully submitted,

John E. Hanson, Secretary