BUFFALO-RED RIVER WATERSHED DISTRICT
BARNESVILLE, MINNESOTA 56514
123 FRONT STREET SOUTH – PO BOX 341 PHONE 218-354-7710

MINUTES FOR MANAGERS' MEETING
August 25, 2008

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, August 25, 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.); Robert Zimmerman, City of Moorhead; R. Scott Carey, RS Carey Land Company; Jim and Sue Lund, JL Trucking, Excavating, & Grading, LLC; Sheri Stevens, Mark & Brenda Construction; Dave Danielson, Sunblad Construction, Inc.; and landowners: Terry Czichotzki, Don Biewer, John Leseth, Marc Nokken, Galen Vaa, and Bob Swenson.

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.

Project No. 62, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1), Branch No. 4-Improvement/Extension Bid Opening. At 8:00 PM, Chairman Ellefson officially closed the bidding for the J.D. 1, Branch No. 4 project. Albright noted that there was no addendum for the project. All bidders were required to provide a 10% bid bond. The Engineer's estimated total base bid is $50,000-$60,000. Albright opened the bids and read the results. The following bids were received:

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<tr>
<th>CONTRACTOR</th>
<th>TOTAL BASE BID</th>
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<tr>
<td>William Nichol Excavating, Fargo, ND</td>
<td>$43,865.20</td>
</tr>
<tr>
<td>Ziegler Construction, Inc., Georgetown, MN</td>
<td>$50,753.20</td>
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<td>Sunblad Construction, Inc., Cokato, MN</td>
<td>$58,848.00</td>
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<td>Sellin Brothers, Inc., Hawley, MN</td>
<td>$59,946.00</td>
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<tr>
<td>Mark and Brenda Construction, Inc., Fergus Falls, MN</td>
<td>$64,921.00</td>
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<td>The Tradesmen Construction, Inc., Alexandria, MN</td>
<td>$67,422.11</td>
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<tr>
<td>Central Specialties, Inc., Alexandria, MN</td>
<td>$77,889.00</td>
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<tr>
<td>J L Trucking, Excavating, &amp; Grading, LLC, Staples, MN</td>
<td>$82,441.00</td>
</tr>
<tr>
<td>Dennis Drewes, Inc., Frazee, MN</td>
<td>$85,177.00</td>
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The apparent low bidder is William Nichol Excavating, Fargo, ND. H.E. will review and tabulate the bids. The Board plans to award the contract at their 9/08/08 regular meeting. The Board thanked the contractors in the audience for their bids.
Secretary's Report. The Board reviewed draft minutes for the 8/11/08 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 since our last meeting, we purchased two buyout properties in association with Project No. 49, Oakport Flood Mitigation, for a total of $359,249.39 (Klein and Lerdahl). The office has sent pay requests to the Minnesota Department of Natural Resources (DNR) for their share (98%) of the buyout costs. The office also sent a pay request for $7,500 to the Red River Watershed Management Board (RRWMB) for 2008 Mediation Project Team Alternative Analysis expenses for the Manston Slough Restoration. We currently have $909,144.64 on hand.

Fargo-Moorhead Metropolitan Area Feasibility Study. Robert A. Zimmerman, Engineer, City of Moorhead, made a presentation regarding a feasibility study the Army Corps of Engineers (COE) is proposing to investigate a comprehensive, metro-wide flood control project for the Fargo-Moorhead (FM) metropolitan area. In April 2008, the COE completed a reconnaissance study for the FM area that concluded there is sufficient Federal interest to warrant further study of a larger flood control project. The COE's Feasibility Cost Share Agreement (FCSA) will provide funding to complete a study to evaluate the elements, cost, and benefits for the referenced study. The cost estimate for the three-phase study is $5.3 million, with a 50/50 split between Federal and local funding. The City of Moorhead and the City of Fargo will split the local funding 40/60, respectively. The local cost of the first phase is approximately $1.2 million. DNR funding in not available at this time. Fargo already approved the FCSA on 8/11/08, and the Moorhead City Council will consider action on the proposal at their 9/08/08 meeting. Zimmerman asked the BRRWD to consider a 50/50 split with the City of Moorhead for Phase 1 of the FCSA (approximately $110,000). He noted that the City would like to know the BRRWD decision before 9/08/08. Later in the meeting, the Board continued their discussion about sharing 50% of the City of Moorhead costs for Phase 1 of the COE's study. Motion by VanAmburg to fund 50% of the City of Moorhead's costs ($110,000) for the Phase 1 COE feasibility study. Seconded by Olson. Approved.

Fargo Southside Flood Control (SSFC) Project. The Board discussed the Fargo SSFC project. Several members of the audience felt that in light of the COE's proposed metro-wide flood control initiative, Fargo's SSFC project should be delayed. Zimmerman explained that the COE proposal is a much larger project, which could possibly include the SSFC. The group spent over an hour discussing both projects. The Board thought that the City of Fargo should provide modeling data that would predict impacts on the downstream area for events greater than the 100-year flood (200-year/500-year events). The Board felt that the City of Moorhead, Clay County, and the BRRWD should work together to address the impact the proposed SSFC project could have on the Minnesota side of the Red River. 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 agreed that it would be beneficial if an uninterested law firm were asked to review the various legal issues raised by Fargo's plan to build diversion areas on the east side of the Red River. Motion by Nelson for the BRRWD hire Attorney Kurt Deter, Rinke Noonan Law Firm, St. Cloud, MN, to attend the 9/17/08 meeting, as a one-time BRRWD expenditure. Seconded by Hanson. Approved.

Grove Lake Outlet. At their 8/11/08 meeting, the Board made an emergency declaration for the Grove Lake highwater/flooding problem and appointed Lauren Peterson, Eddie Bernhardson, and Arvid Thompson as Appraisers. The estimated project cost is approximately $100,000. Possible project funding could be split between the State (50%), the BRRWD (25%), and benefited landowners. The Appraisers met today to begin their work to determine benefits/damages. The Board would like to get the project completed before freeze-up this year. The Board discussed possible project designs/routes. Since Roger Lundberg removed beavers/dams at the Maple Lake outlet on Kern Kuhlmann's property, the lake elevation has gone down. The project goal is lower Grove Lake a maximum of 2' to 3'. The Final Hearing could be held in October with
construction to be completed later this fall, weather permitting. Because of the estimated cost, the Board could solicit bids from local contractors, instead of going with a formal bidding process, which would only delay the project further. Albright plans to meet with Terry Lejcher, Area Hydrologist, DNR, to review the project. He also noted that we should contact Steve Hofstad, Minnesota Board of Water and Soil Resources (BWSR), regarding project wetland impacts. Albright noted that Grove Lake receded about 6”-7” over the summer. The Board also briefly discussed the issue of fish passage.

Later in the meeting, Jones noted that he has prepared a draft Operation Plan. He has also started work on the Engineer's Report. Albright commented that the Appraisers plan to use the same approach to assess benefits/damages for this project as they did for Project No. 46, Turtle Lake Outlet. They will meet again next week.

**Project No. 24, Wilkin County Ditch No. 44.** In 2007, landowner Terry Czichotzki requested repairs for County Ditch No. 44 in Section 12, Mansontownship. Jones prepared repair recommendations. The cost estimate for the repairs is $10,000-$12,000, if spoil leveling can be arranged with the landowners. The Board is aware of downstream concerns on the South Branch of the Buffalo River regarding this proposed ditch cleanout work. They tabled the repair request at their 7/14/08 meeting. Czichotzki questioned the Board's decision regarding this repair work. Ellefson discussed the downstream channel conditions on the South Branch of the Buffalo River and Wilkin County Ditch No. 13-Lateral. He pointed out that while the recent heavy rainfall did not significantly damage Czichotzki's crops, downstream landowners experienced washouts/flooding because sedimentation in the river has reduced channel capacity. A repair project for the upstream reaches of this watershed could have a negative impact on the downstream area and would be expensive. Czichotzki noted that the heavy rainfall events this summer have caused water from the South Branch of the Buffalo River to back up and overload County Ditch No. 13-Lateral. The Board reviewed photographs of the area following the recent 7” rainfall. They discussed the need for a larger project for the South Branch of the Buffalo River. The Board indicated that before upstream repair work could be done on the South Branch, downstream impacts would have to be considered. Albright suggested that Jones could prepare a report regarding the possible downstream impacts for the requested repair project, and the proposed scope of the project could be narrowed to just 0.5 miles of the ditch along Czichotzki's property. Ellefson noted that there are several new Wetlands Reserve Program (WRP) retention projects upstream of Czichotzki property that might improve downstream area flooding problems. Albright also suggested that an area landowner meeting could be held this winter to discuss the drainage issues related to the South Branch of the Buffalo River.

**Permit No. 08-63, Terry Czichotzki.** Applicant proposes to regrade approximately 300’ of the ditch along the north side of 180th ST, including possibly resetting Tom Thomas' driveway culvert in the SE¼, Section 7, Mansontownship, Wilkin County. Wade Opsahl, Technician, H.E., and Manager Olson conducted a field review on 8/25/08, and found no problems with the proposed work. **Motion** by Olson to approve Permit No. 08-63, subject to Township approval to work on their road right-of-way (r-o-w) and Thomas' permission for Czichotzki to work on his property. **Seconded** by Hanson. **Approved.**

**Project No. 31, Deerhorn Creek Flood Control Levees.** Czichotzki discussed his concerns about the levee inlet culverts/flapgates east of Edward Hirsch's farmstead. He stated that the gates need to be kept closed to protect his field from flooding. In addition, the gates provide flood protection for the nearby Hirsch farmstead along Deerhorn Creek. Ellefson met last week with Wes Anderson, who lives about 1.5 miles south (upstream) of the structures. Anderson has complained that the water in the township road ditch along his farmstead does not drain properly when the gates are closed causing water to stand in his yard and saturate his basement. He claims the gates restrict drainage because the lids are too heavy. Ellefson didn't feel that the flapgates had much effect on Anderson's drainage.
Albright met with landowner Merle Nelson on 7/31/08 to field review Wes Anderson's drainage concerns. Albright took survey shots and plans to plot the ditch grade to get a better idea of how to address Anderson's concerns. He noted that when he observed the flapgates, he didn't feel they restricted drainage. Albright noted that the township road ditch is infested with cattails and should be mowed. The Board questioned if the condition of the road ditch has more effect on Anderson's drainage than the flapgates. The office sent letters to the area landowners last year, advising them that it is against the law to tamper with the project flapgates.

**Permit No. 08-65, Harlan Manston.** Albright explained that the Clay County Planning and Zoning Commission recently changed the setback width rules for mining operations. Because of this change, Asplin expanded their mining activity on Harlan Manston's property in the NW¼, Section 36, Elkton Township, Clay County, to within 500' of Donald Biewer's house. This area was previously off-limits. Biewer discussed his concerns regarding the expansion of Manston's gravel pit. 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 if Asplin is allowed to expand the mining activity to the west side of the road, the work could cut through the existing ridge, and reroute the standing water in the pits, he could get water in his farmyard.

Albright noted that on 8/19/08, the Clay County Planning & Zoning Commission approved Manston's new Conditional Use Permit (CUP) to expand his gravel pit with the new setback requirements. Biewer related the discussion he had with the Planning Commission at their 8/19/08 meeting. Albright explained that Manston has also applied for a BRRWD permit to expand his gravel pit. Opsahl and Manager Olson field reviewed the site today. Olson noted that the pit boundary was staked and was not on Biewer's property and met the new setback requirements. Albright also took photographs of the area last week. The group discussed the conditions the Planning Commission placed on Manston's CUP. Albright asked if Biewer would agree to Manston's request if the BRRWD put detailed stipulations on Manston's BRRWD permit. The stipulations would include that Asplin must observe the Planning Commission's CUP conditions (no spoil on private property); Asplin cannot change the current drainage outlet locations; and they must install a new road to access the expanded gravel pit at an elevation that would keep the water on the west side of the road to protect Biewer's property. After further discussion, Biewer felt these stipulations would be acceptable. **Motion** by VanAmburg to approve Permit No. 08-65, subject to the referenced conditions. **Seconded** by Olson. **Approved.**

**2009 Budget Hearing.** The Board convened their 2009 annual budget hearing at approximately 10:15 PM. Notice of the hearing was published in area newspapers. The Board had to consider setting the administrative fund levy, the ditch systems/project levies, and the Minnesota Statutes Annotated (M. S. A.) 103D.905, Subd. 3, special levy for projects/programs initiated by petition.

The BRRWD has the authority to levy a maximum of $250,000 for administration. The Board reviewed sheets showing the 2007 year-end administrative expenses ($262,536.86) and 2008 expenditures to date (201,838.00). **Motion** by VanAmburg to set the 2009 administrative levy at $250,000. **Seconded** by Olson. **Approved.** The Board discussed setting a separate tax levy for BRRWD insurance costs, according to Minnesota Statutes 466.06. They agreed that a special levy would not be necessary next year.

During the 2006 Legislative Session, the BRRWD was successful in getting their levy cap raised for projects/programs requested by petition. Due to the wording of the bill at the State level, the BRRWD was granted this levy increase for three years (2007, 2008, and 2009). In accordance with M.S.A. 103D.905, Subd. 3, and as petitioned for the Clay County Board of Commissioners, the Managers agreed to set the 2009 project levy at 0.02394 percent of all taxable market values within the BRRWD. Because of increased property values within the BRRWD, this levy will raise approximately $956,699 in 2009. The Board reviewed the proposed 2009 M.S.A. 103D.905, Subd. 3, levy budget. Possible funding could be committed
as follows: Wilkin Soil and Water Conservation District (SWCD)-Conservation Marketing ($12,000), Becker SWCD-Landowner Incentive Programs ($20,000), River Keepers ($40,000), the Red River Basin Commission (RRBC) ($25,000), COE-Fargo-Moorhead Metro Area Study ($110,000), Hay Creek Clean Water Legacy (CWL) Project ($50,000), Wolverton Creek/Comstock Coulee CWL Project ($25,000), and the 319 Sediment Study ($30,940). Other possible projects/programs include Grove Lake Outlet project ($25,000), Buffalo River Logjams ($50,000), Comprehensive Planning ($50,000), Water Quality Monitoring/River Watch ($15,000), Project No. 38, Farmstead Ringdikes ($50,000), Project No. 56 Manston Slough Restoration ($393,759), and Watershed Total Maximum Daily Load (tmdl) project ($50,000).

Motion by Hanson to set the levy at the maximum level (0.02394 percent) of all taxable market values for 2009 according to M.S.A. 103D.905, Subd. 3. Seconded by Nelson. Approved.

The Board reviewed a worksheet showing total ditch system benefits, current balances, project year-end balances, and previous years’ levies, plus a sheet showing benefits rates broken down showing per acre obligations for each ditch system. Ditch systems/projects were color coded to assist with the review. The information also included a per system analysis on average per acre costs.

After considerable review and discussion, motion by Hanson to approve the following 2009 ditch/project levies. Seconded by VanAmburg. Approved.

Clay County:
- Ditch No. 3-$25,000
- Ditch No. 5-$25,000
- Ditch No. 9-$5,000
- Ditch No. 16-$2,000
- Ditch No. 21-$10,000
- Ditch No. 30-$15,000
- Ditch No. 31-$5,000
- Ditch No. 32-$20,000
- Ditch No. 33-$10,000
- Ditch No. 34-$20,000
- Ditch No. 35-$25,000
- Ditch No. 40-$35,000
- Ditch No. 41-Outlet-$50,000
- Ditch No. 41-Lat. 1-$20,000
- Ditch No. 41-Lat. 2-$10,000
- Ditch No. 47-$75,000
- Ditch No. 49-$15,000
- Ditch No. 50-$15,000
- Ditch No. 51-Imp.-$10,000
- Ditch No. 55-$15,000
- Ditch No. 58-$10,000
- Ditch No. 59-$5,000
- Ditch No. 63-$20,000
- Ditch No. 65-$10,000
- Ditch No. 67-$20,000
- Ditch No. 68-$15,000
- Ditch No. 69-$30,000

Becker County:
- Ditch No. 5-$10,000
- Ditch No. 15-$10,000

Wilkin County:
- Ditch No. 22-$15,000
- Ditch No. 40-$15,000
- Ditch No. 41-$10,000
- Ditch No. 44-$10,000
- Ditch No. 47-$10,000
- Ditch No. 49-$15,000
- Ditch No. 51-$15,000
- Ditch No. 55-$15,000

Projects
- Clay-Wilkin J.D. 1-$10,000
- Turtle Lake Outlet-$20,000
- Georgetown Levee-$5,000
- Moorhead/I-94-$5,000

Other business brought before the Board included:

**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. Now that the Board has opened bids for Project No. 62, Albright noted that this permit could be approved. Opsahl will work with Trowbridge regarding the proposed culvert changes. Motion by Hanson to approve Permit No. 08-06, subject to Township approval to work within their road r-o-w. Seconded by VanAmburg. Approved.
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. Albright and Manager Ellefson plan to conduct a field review, as there are downstream landowner concerns regarding the installation of a larger pipe in this location. Tabled pending Manager field review.

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 on this project. He is also working with the Clay Farm Service Agency (FSA) regarding wetland issues. Opsahl and Manager Olson conducted a field review today and found no problems. Motion by Olson to approve Permit No. 08-55, subject to wetland restrictions placed by the Natural Resources Conservation Service (NRCS). Seconded by Hanson. 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. The project will outlet to Clay County Ditch No. 5. Tabled pending Manager field review.

Permit No. 08-62, Minnesota Department of Transportation (MNDOT). Applicant proposes to mill and overlay the east and west bound lanes on Interstate-94 (I-94) between Trunk Highway (T.H.) No. 336 and the Red River of the North. The work will include culvert repairs/replacements. Tabled pending Jones' review and recommendations.

Permit No. 08-64, Wilkin County Highway Department. Applicant proposes to replace two lines of 30" dia. reinforced concrete pipe (RCP) with one line of 57" x 38" corrugated metal arch pipe (CMP-A) in C.R. 188 (130th ST) in the northwest corner of Section 19, Atherton Township. Opsahl and Manager Olson conducted the field review today and found no problems with the proposal. Motion by VanAmburg to approve Permit No. 08-64. Seconded by Olson. Approved.

Permit No. 08-66, Viking Gas Transmission. At the request of Xcel Energy, applicant proposes to expand their Fargo Lateral pipeline facilities by constructing approximately 10 miles of new 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. Motion by VanAmburg to approve Permit No. 08-66, subject to our standard utility disclaimer. Viking will also be responsible to restore any disturbed ditch r-o-w or waterway crossings. Seconded by Hanson. Approved.

Permit No. 08-67, Midcontinent Communications. Applicant proposes to directional bore three 2" ducts/fiber optic cables to improve existing service and allow for additional services. The project will start at the Red River in Section 6, Kurtz Township, Clay County, and run along the north r-o-w of Clay County Ditch No. 9 in the south road ditch of C.R. 12 at a minimum depth of 48". Motion by Nelson to approve Permit No. 08-67, subject to our standard utility disclaimer and County approval to work within their road r-o-w. Seconded by Olson. Approved.

Permit No. 08-68, Mark Braton. Applicant proposes to install an 18" dia. culvert/field approach off from County State Aid Highway (CSAH) No. 32 (110th ST) in the NE¼, Section 12, Atherton Township, Wilkin County. Motion by Nelson to approve Permit No. 08-68, subject to Manager field review and County approval to work within their road r-o-w. Seconded by Hanson. Approved.

Permit No. 08-69, Spring Prairie Colony. Applicant proposes to install patterned tiling in Section 13, Deerhorn Township, Wilkin County, to address high groundwater table and salinity problems and to
improve crop productivity. The project will outlet via gravity flow to the South Branch of the Buffalo River. **Motion** by Hanson to approve Permit No. 08-69. **Seconded** by VanAmburg. **Approved.**

**Permit No. 08-70, Burlington Northern/Sante Fe (BNSF) Railroad.** Applicant proposes to regrade the area between T. H. 10 and 1st AVE to improve drainage and alleviate problems with their railroad tracks. BNSF also plans to install a new 36" steel pipe to replace the existing 36" dia. CMP that will be grouted shut. Drain tile will also be installed under a portion of the track to improve drainage. Jones recommended approval. **Motion** by VanAmburg to approve Permit No. 08-70. **Seconded** by Olson. **Approved.**

**Minch/Johnson Lawsuits.** Albright noted that the Minch Court of Appeals trial is scheduled for 9/18/08.

**Friederichs Diking Complaint.** At the 6/13/08 special BRRWD 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. The Board reviewed photographs of the dike. **Tabled.**

**James Giedt Information Request.** Giedt called the office recently to request information regarding his mother's (Lydia Giedt) contact with our office during the 1997 flood. He wanted copies of phone messages and excerpts from meeting minutes where her request for flood assistance was documented. The office searched the files and forwarded the information to Giedt.

**Monsanto Wetland Decision.** Allan Faue, Monsanto Company, is planning to construct a storage building on the Glyndon Corn Research Facility in the S½SW¼, Section 12, Glyndon Township. Lynn Foss, Water Resources Management Technician, Clay SWCD, sent a Notice of Decision regarding possible wetland impacts from the proposed project. Foss found that no wetlands are present on the construction site.

**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 SWCD has already approved the project from a wetlands standpoint. Opsahl and Manager Olson conducted a field review and found no problems with the proposal.

**Project No. 62, Clay/Wilkin J.D. 1-Branch 4-Improvement/Extension.** The Board discussed the bid results and the James Briks appeal. The Board decided that two managers should meet with Briks to discuss his appeal, and if Briks will settle for a reasonable amount, the Managers could act for the Board and settle the appeal with him. **Motion** by VanAmburg to authorize an appeal settlement as referenced. **Seconded** by Nelson. **Approved.**

**Project No. 58, Riverton Township Retention.** Opsahl submitted the weekly project report. The site is wet, but some work has been completed. Nanik Construction has installed the silt fence, riprap at the emergency spillway outlet, and the principal spillway pipe/manhole/riprap. Jones submitted Pay Request No. 1 for $62,901.84 with 5% retainage for Nanik Construction. **Motion** by Nelson to approve the referenced pay request. **Seconded** by Hanson. **Approved.**

Brian Winter, Program Director, The Nature Conservancy, prepared a draft press release regarding the Riverton project for the Board's review. Winter would like to send it out for publication this week.

Albright plans to prepare a revised project budget and pay request, which will be forwarded to the DNR. 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.
Project No. 56, Manston Slough Restoration. Albright reported that the archeological survey has been completed and no sites of concern were found. Jones said that Rick St. Germain, H.E., has drafted a response to the United States Fish and Wildlife Service (USFWS) regarding their concerns about the project design for the Board's review. He has indicated that their 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 is scheduled to expire on 6/30/09, and H.E. will prepare a revised cost estimate for the Mediation Project Team (PT).

Project No. 49, Oakport Flood Mitigation. Albright noted that Ulteig Engineers, Inc. (UEI) has completed the Engineer's Report. Motion by Hanson to accept the Engineer's Report. Seconded by Olson. Approved. Albright will send it out for advisory comments.

The Technical Committee met on 8/14/08. Albright still has to schedule a meeting with the Fischer family regarding how the project will affect their property. He commented that construction will probably not start until next year, but timber removal, clearing, and grubbing could start this fall/winter.

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 on the north line of Section 22, Holy Cross Township, paralleling C.R. 58. The office also sent a sample 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. The group discussed hiring a contractor for this work by the hour, instead of letting bids.

Project No. 42, Clay County Ditch No. 67. William Nichol Excavating, Inc., has completed the repairs for County Ditch No. 67. The invoice is on tonight's billing summary.

Project No. 38, Farmstead Ringdikes. At the 8/11/08 meeting, the Board made the Order to construct the Kragnes Ringdike and to schedule the bid opening for 9/22/08. BRRWD insurance agent John Hoffman, ICS Agency, Inc., sent the BRRWD a Certificate of Insurance showing the policy revisions that were made to satisfy BNSF's liability insurance requirements, and Albright forwarded it to BNSF for their review. To date, there has been no response from BNSF. Albright suggested that the BRRWD could sign the BNSF Lease Agreement and submit it with the processing fee and payment ($625.00) for BNSF's construction liability insurance that the Board needs to purchase. Motion by Nelson to sign the BNSF Lease Agreement and pay the processing fee and construction insurance premium. Seconded by VanAmburg. Approved.

The Clay County Planning and Zoning Commission has scheduled a hearing on 9/16/08 where they will act on the CUP application for the Kragnes Ringdike project. Albright will prepare an easement agreement for the landowner who is located on the southwest corner of the project. Albright will also prepare a revised cost estimate for the project and forward it to the DNR. Jones will prepare an advertisement for the 9/22/08 bid opening.

H.E. has completed the survey, and Opsahl has calculated the quantities for the Gary Olson ringdike request. The information will be forwarded to Olson for his review. Currently, there doesn't appear to be funding for a ringdike for Curtis Oberg this year.

Project No. 32, Hawley EDA Diversion. Jones is still trying to contact Dean Whaley to get permission for Midwest Testing Laboratory, Inc., to access his property to verify the quality of the concrete in the deteriorating 60" dia. pipe and determine if it meets the required specifications. John Young, City of Hawley, had offered to contact Whaley during our recent meeting. The City of Hawley wants the BRRWD
to set up a meeting with Minnesota Department of Transportation (MNDOT) and the DNR to discuss the Buffalo River erosion within the City limits.

**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 the proposed 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.

**Project No. 23, Becker County Ditch No. 15.** Jones sent a map and information to Brad Grant, Becker SWCD, regarding the possible 2008 repair plans for this system. The Board reviewed the map. Jones noted that Grant didn't see any apparent problems with the repair proposal.

**Project No. 1, Wilkin County Ditch No. 22.** Opsahl did a field review today regarding the ditch repair request that Jeff Nord and Dennis VanWechel filed for Lateral No. 2 and the upstream end of the system. He found a beaver dam that was blocking drainage, and he will hire Roger Lundberg to remove the dam.

**Mediation PT.** The Fall Tour is scheduled for 9/18/08 at 1:00 PM in the Galaxie Supper Club. The Board discussed the tour itinerary. Albright proposed that the tour include visits to the Nichols Wetland Reserve Project, Riverton Township Retention, the Kragnes Ringdike, and the Oakport project. He suggested that the tour group could stop at the Hjemkomst Center for pontoon rides, guest speakers in the auditorium, and snacks, ending the tour with supper at the Galaxie. The Board discussed possible speakers.

**RWMP.** H.E. has set a goal to have the draft Revised Watershed Management Plan (RWMP) ready for the Board to review by the 9/08/08 meeting.

**Wilkin County Ditch No. 40.** To date, Jones reported that he has not heard from the DNR regarding the requested cross-section details from the DNR's engineer regarding his hydraulic analysis for rerouting water across the Atherton Wildlife Management Area (WMA). Terry Lejcher, Area Hydrologist, DNR, has indicated that he plans to put together a list of options regarding Dave Yaggie's irrigation well and meet with the BRRWD to discuss this issue. The DNR won't start construction on their Lawndale Trout Stream project until next year at the earliest.

**Wolverton Creek/Comstock Coulee CWL Project.** The SWCDs are planning a landowner meeting for 9/16/08 at 8:00 PM in the Comstock Community Center. The BRRWD office will mail the meeting notices. Contractor Adam Grothmann, Northern States Excavating, has completed most of the work on the outlet west of T.H. 75. H.E. hasn't been able to start the additional survey work on Pete Livdahl's property because of the wet weather. Jones also noted that Peter Livdahl, who lives at the outlet of Wolverton Creek, has expressed concerns about the project.

**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. Opsahl will contact the affected landowners for Permission to Deposit Spoil forms.

**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 they felt 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.**
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. Albright suggested that we could nominate the Riverton Township Retention project if it is completed by the 9/30/08 deadline.

Office Lease. J&J Braton Properties, LLC, forwarded a lease agreement for the Board’s review and signature. The three-year lease agreement was approved at the 8/11/08 meeting. The Board briefly discussed other possible office spaces that are available in Barnesville.

River Keepers. The Red River Water Festival is scheduled for September 23-26 at the Hjemkomst Center. The festival provides area Third and Fourth Graders with hands-on water activities to educate them about all different aspects of water. As in the past, Albright volunteered to be a presenter at the Festival.

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.

BWSR Request. Albright shared an email message from John Jaschke, BWSR Executive Director, regarding the need for Watershed Districts and County Commissions to share/exchange budget/financial information. Jaschke also discussed Representative Morrie Lanning’s 2008 proposed basin management legislation.

Silver Lake Complaints. Clay County has received several complaints regarding weed infestation in Silver Lake, which is located south of Hawley. Bruce Paakh, Minnesota Pollution Control Agency (MPCA), will investigate.

Becker SWCD Envirothon. The Becker SWCD sent the BRRWD a thank you note for our donation to their 2008 14th annual Area II Envirothon held in Alexandria. The Board donated $100 to the event.

Becker SWCD Funding Request. The Becker SWCD has requested additional funding ($10,000) for their 2008 state cost-share program to assist landowners in applying conservation practices, which has been very successful. Previously, the BRRWD had allocated $20,000 for 2007/2008. To date, Becker County has spent, or encumbered, all but $91.00 of this funding. Motion by Nelson to contribute an additional $10,000 to the Becker SWCD for the referenced programs. Seconded by VanAmburg. Approved.

Minnkota Power Survey Request. Minnkota Power Cooperative, Inc., has requested permission to conduct a survey for a project to upgrade electric facilities in Section 1, Moorhead Township, and Section 6, Glyndon Township, Clay County. The project involves Clay County Ditch No. 41-Lateral No. 1. After a brief discussion, the Board agreed to the request. Motion by Hanson to sign the Permission to Survey form. Seconded by VanAmburg. Approved.

Star Lakes Program. Albright shared information regarding the Star Lake Program with the Managers. This new legislation is designed to promote citizen involvement and stewardship of Minnesota water resources through the implementation of a designated management plan.

Project No. 8, Stony Creek Detention. Last fall, Gordon Gilbertson contacted the office to report that water from the Stony Creek project has backed up into the trees by his buildings. Opsahl checked for beaver activity, but found nothing. When the Board installed a new waterway crossing in Section 13, Humboldt Township, for Arvid Thompson, last year, Opsahl noted that there was a fair amount of silt in the channel. At their 12/10/07 meeting, the Board agreed to authorize H.E. to check the ditch elevations and prepare recommendations for a possible cleanout project for the south end of the channel. H.E. has now
completed the survey, which shows no major blockages. The office will forward H.E. findings to Gilbertson.

**Deerhorn Township Crossing Repair.** William Nichol Excavating, Inc. submitted a cost estimate of $3,225 to replace a township road crossing on J.D. 1, Branch No. 1, in Section 12, Wolverton Township. The pipe is damaged and partially washed out. The existing structure is a 48" dia. x 40' RCP will be replaced with a 48" dia. x 50' CMP. Deerhorn Township has asked the BRRWD to split the project cost 50/50. **Motion** by Nelson to agree to cost share half the culvert replacement costs ($1,627.50) with Deerhorn Township. **Seconded** by Hanson. **Approved**.

The following bills were presented for approval:

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<th>Accounts Payable</th>
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<tr>
<td>Becker SWCD</td>
<td>2008 contribution</td>
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<td>Pj. 38, Kragnes</td>
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<td>BNSF Railway Co. Railroad Protective Liability</td>
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<td>Pj. 38, Kragnes</td>
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<td>Pj. 58, Riverton</td>
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<td>Budget hearing notice</td>
<td>Admin.</td>
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<td>Detroit Lakes Newspapers Classroom</td>
<td>CL04015677-Budget Hearing notice</td>
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<td>Room rental, fall tour</td>
<td>RRRWB-Const, Mediation PT</td>
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<td>ICS Agency, Inc.</td>
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<td>J&amp;J Braton Properties</td>
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<td>Jacob Thompson</td>
<td>Lot 3B, Security refund</td>
<td>Pj. 49, Oakport</td>
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<td>Joel Carlson</td>
<td>September Lobbyist fees</td>
<td>Admin.</td>
<td>$850.00</td>
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<td>Midwest Helicopters</td>
<td>Ditch Spraying</td>
<td>Varies</td>
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<td>Moorhead Public Service</td>
<td>7/02/08-8/05/08 (Fetzer)</td>
<td>Pj. 49, Oakport</td>
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<td>Nanik Construction Pay Request No. 1</td>
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<td>Pj. 58, Riverton</td>
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<td>Northern Technologies, Inc.</td>
<td>#1756, 6/29/08-8/02/08</td>
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<td>Petty Cash</td>
<td>Postage, supplies, etc.</td>
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<td>Red River Co-op</td>
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<td>Beaver Control</td>
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<td>TDS MetroCom</td>
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<td>The Forum</td>
<td>#CL01449966 bid</td>
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<td>Wm. Nichol Excavating</td>
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<td>Pj. 42, Clay 67</td>
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<td><strong>$145,687.50</strong></td>
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**Motion** by Nelson to approve payment of the bills. **Seconded** by Hanson. **Approved**.

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

**Adjournment.** Chairman Ellefson adjourned the meeting at 12:30 AM

Respectfully submitted,

John E. Hanson, Secretary