

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

BARNESVILLE, MINNESOTA 56514

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## **MINUTES FOR MANAGERS' MEETING September 10, 2007**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, September 10, 2007, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Gerald L. VanAmburg, E. Robert Olson, and Curtis M. Nelson. Others attending included BRRWD Administrator Bruce E. Albright and Erik S. Jones, Houston Engineering, Inc. (H.E.); Mike Rose, Micah Tysver, and Sheree Eilertson, Aggregate Industries, Inc.; Ronald Erdman and Merle Miranowski, All State Construction; and landowners: James Giedt, Gary Leach, and David Heng.

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

**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. Midwest Bank furnished a security pledge today to cover our deposit, and we made the fund transfer from Wells Fargo Bank to Midwest Bank. We received reimbursement for the Burris home buyout associated with the Oakport project from the Minnesota Department of Natural Resources (DNR). **Motion** by Olson to approve the Treasurer's Report. **Seconded** by VanAmburg. **Approved.**

### **Business brought before the Board included:**

**Permit No. 07-74, Aggregate Industries.** Albright gave a brief history of the drainage issues associated with Aggregate Industries mining operation. Aggregate Industries proposes to add a 24" dia. culvert between their mining and freshwater ponds for Pit No. 21 in the NW¼, Section 1, Riverton Township, Clay County, to equalize the two ponds during larger runoff events. The new culvert will be installed 1' higher than the existing 18" dia. culvert that currently connects the ponds. The work will be done in accordance with the H.E. 7/27/07 analysis. H.E. does not expect that this work should impact or change downstream drainage. Albright met with Mike Rose and Sheree Eilertson, Aggregate Industries, on 8/15/07 regarding their proposal. The Board invited Aggregate Industries and the neighboring landowners to tonight's meeting to discuss this proposal. Albright noted that he had driven by the site this evening, and noticed that the two culverts under County Road (C.R.) No. 86 were dry. He added that an area around the culverts is eroding on the west side of the road. He will contact the Clay County Highway Department regarding this problem.

Micah Tysver, Aggregate Industries, used a site map to illustrate where the ponds are located on their property and how the new culvert will regulate water flow between their freshwater and mining ponds. The culvert is designed to equalize the pond elevations and reduce the potential for the mining pond to overtop during high water events. Tysver also indicated where the control structure for the freshwater pond is located. He noted that the gate valve on the control structure remains shut. Mike Rose explained that this summer following an 8" rainfall event, water overtopped the mining pond and flowed toward the natural waterway and the C.R. 86 culvert. Ellefson asked Rose if the gate on their outlet structure is always closed. Rose noted that currently, the structure is actually plugged. The Minnesota Pollution Control Agency (MPCA) asked Aggregate to install a pea rock basin, and the culvert end by the gate filled up with sediment. Rose explained that the 24" dia. overflow culvert will only carry water during heavy

rainfall/runoff events and will actually prevent the mining pond from overtopping and running naturally downhill to the downstream properties. The Managers reviewed Aggregate Industries photos showing the overland flooding on 6/07/07. **Motion** by VanAmburg to approve Permit No. 07-74. **Seconded** by Hanson.

Ellefson called for discussion on the motion. James Giedt discussed and distributed copies of a letter that the downstream landowners prepared on 9/04/07 regarding their concerns about Aggregate Industries operations. He noted that Clay County Highway Department removed a beaver dam along C.R. 86 that he felt was protecting their property. He also complained about his property taxes. Ellefson explained that the County Assessor determines land values, not the BRRWD. Giedt pointed out that his property has a State Game Refuge easement on it, and he has no hunting rights. There was a brief discussion about land values and the Game Refuge easement. Giedt noted that his Reinvest In Minnesota (RIM) program application was turned down. Ellefson suggested that Giedt review his property values with the County Assessor and the Clay County Board of Commissioners.

Ellefson said that Aggregate Industries feels that the additional 24" dia. culvert would not increase the downstream flow, and could prevent overtopping of the mining pit during high water events. Giedt questioned why Aggregate Industries couldn't just stop the water at the top of the hill with a retention pond. Ellefson explained that the area topography won't support a retention pond on top of the ridge. Because of the topography, Rose felt that retention ponds couldn't hold back the water that flows through their property. Jones pointed out that their pit ponds are a form of retention. VanAmburg noted that even if the mining pit did not exist, there would still be underground water seeping downhill to the lower property west of C.R. 86. Giedt thought that area drainage patterns changed when the gravel pit outlet ditch was installed. Rose explained that according to their investigations, this area has drained naturally in a similar pattern since the early 1930s. Albright noted that since the 1970s, there have been ongoing drainage concerns with the gravel mining operation. He pointed out that the proposed culvert will direct overflow water from the mining pond to the freshwater pond where it will be metered out, instead of overtopping and flowing naturally downhill.

Giedt felt that the natural waterway through his property should be cleaned to the west. Albright explained that since Giedt's property is already higher than the natural waterway to the west, cleaning it or adding a culvert through the "demolition road" would not change Giedt's situation. Giedt said that the Clay Soil and Water Conservation District (SWCD) conducted a survey of this area. He felt there is a low area on his property that is only 1' higher than his basement elevation. Albright will contact Kevin Kassenborg, Clay SWCD, for a copy of that survey.

Ellefson asked Gary Leach if he felt the proposed culvert addition would affect his property. Leach wasn't sure. More discussion followed regarding drainage patterns and seepage concerns. Albright noted that Clay County has plans to regrade C.R. 86 and install driveway culverts for the homeowners along the road. Albright will contact Dave Overbo, Clay County Highway Department, regarding his plans to install a culvert in the demolition road. Nelson called for a vote on VanAmburg's motion to approve Permit No. 07-74. **Approved.** The Board acknowledged receipt of the landowners' letter.

**Project No. 51, Clay County Ditch No. 68.** David Heng discussed the field erosion on his property upstream of 12<sup>th</sup> AVE in the E½, Section 14, Glyndon Township, that washed into the County Ditch No. 68 channel. Heng would like to have the BRRWD either install smaller culverts in 110<sup>th</sup> ST S to slow down the water, or make it possible to drain the water along 110<sup>th</sup> ST S ditch instead of through his field. Albright did not think that smaller culverts would be the solution, as neighbors on the east side of 110th ST could flood. Heng added that even though he pays benefits to County Ditch No. 68, he doesn't feel that the project improved his drainage.

Albright agreed that since the project was built, the runoff velocity has increased on Heng's property near 12<sup>th</sup> AVE. Ellefson suggested that Heng widen the waterway channel, install 4:1 sideslopes, and bufferstrips. Heng pointed out that he would have the expense of building the ditch and possible rental income loss from a grassed waterway cutting through his field. Albright noted that there are programs that would fund grassed bufferstrips. He added that a project to take the water along the 110<sup>th</sup> ST ditch would probably require a petition for a lateral to County Ditch No. 68, which would entail all the legal proceedings that it took to build County Ditch No. 68.

Jones commented that an alternative might be to install a rock check dam at field level on the south end of the inlet pipe in 12<sup>th</sup> AVE to slow down the flow. The structure might also cause the washout to fill back in as the water would slow down when it reached this area and redeposit the sediment. Heng stated that there needs to be something done in this area to reduce erosion. He would prefer to have the 24" culvert in the southwest corner of Section 13, Glyndon Township, removed so the water would stay on the east side of the road until it reached the bridge near the quarterline. He also suggested that we could remove the bridge, keeping all the water on the east side of 110<sup>th</sup> ST S for the entire mile and then bring it into the project area from the east along 12<sup>th</sup> AVE S.

Albright agreed that the Heng erosion issue must be dealt with; however, he didn't think that we could use County Ditch No. 68 funds to fix the problem. He suggested that it might help to have the Clay SWCD conduct a survey to determine the best route for the water in Section 14. Albright added that there are programs with funding available to assist Heng with the erosion problems. **Motion** by Nelson to pursue the various options discussed tonight to assist Heng and to contact the Clay SWCD to survey the road ditch and the washout area. **Seconded** by VanAmburg. **Approved.** The Board will use funds from other sources to assist with the repairs.

Erdman and Miranowski discussed the cleanup work and the extra items that the Board had asked them to price. Albright noted that Wade Opsahl, Technician, H.E., has already provided Erdman with a clean up list and items for the referenced work. He explained that Erdman should furnish a written proposal to the Board, so we can make a decision at the 9/24/07 meeting regarding who will do this extra work. Erdman needs to complete the cleanup work yet this fall to close out his contract and release his bond. The City of Glyndon is anxious to see this work completed as soon as possible. Heng indicated that he would like to have Erdman grade as much dirt as possible from the ditch system back onto his field. The group agreed that this work can't be done until the corn crop is harvested. In the meantime, Albright advised Erdman to check with Opsahl for the work item specifications and let him know when they plan to start the cleanup.

**Permit No. 07-51, Mike Lewis.** At their 7/09/07 meeting, the Board approved a permit to Lewis to install a 60" dia. culvert on the west side of Trunk Highway (T.H.) No. 9 in an existing ditch/waterway in the NE<sup>1</sup>/<sub>4</sub>, Section 2, Barnesville Township, Clay County. Ronald Erdman questioned the culvert installation because the structure is crushed and not functioning correctly. Opsahl and Manager Nelson conducted a field review of the site on 9/06/07. Nelson agreed that the culvert was crushed somewhat, but he pointed out that the field is actually lower than the top of the culvert so that high flows will go around the culvert. Albright noted that Lewis could install additional culverts to the crossing, or he could remove the crossing completely and access his field through Erdman's property. Another alternative would be to work with Minnesota Department of Transportation (MNDOT) to install a crossing off from T.H. 9 north of the waterway so that he would have his own field entrance. Erdman felt that any of those alternatives would be better than the existing approach/culvert. **Motion** by Nelson to authorize Albright to send a letter to Lewis regarding the referenced crossing alternatives. **Seconded** by Hanson. **Approved.**

**Permit No. 07-40, Ronald Jerger.** Jerger's request to construct an 18" to 24" high berm along the east side of his property in the NW<sup>1</sup>/<sub>4</sub>, Section 32, Atherton Township, Wilkin County, is **tabled** pending additional Manager field review and an elevation survey.

**Permit No. 07-60, Ralph Krabbenhoft.** Applicant proposes to replace a 12" dia. reinforced concrete pipe (RCP) field inlet that drains to Clay County Ditch No. 40 through 100<sup>th</sup> AVE S in the SW¼, Section 19, Elmwood Township, Clay County, with a 24" dia. pipe and flapgate. The existing culvert sizing is inadequate. On 9/06/07, Opsahl and Manager Nelson conducted a field review and found no problems with the culvert installation. The existing culvert is close enough to County Ditch No. 40 that it is essentially an inlet pipe. **Motion** by Nelson to approve Permit No. 07-60, subject to Township approval to work within their road right-of-way (r-o-w). **Seconded** by VanAmburg. **Approved.**

**Permit No. 07-61, David Lass.** Applicant proposes to lower a 36" dia. culvert in 130<sup>th</sup> AVE S in the S½, Section 6, Humboldt Township, Clay County. Downstream landowners are concerned about Lass' proposal as they feel there is already too much upstream pressure. On 9/06/07, Opsahl and Manager Nelson conducted a field review. They noted that the culvert appears to be low enough to run full and drain the area completely. The ground around the culvert inlet is high enough so that water is directed through the pipe. Nelson didn't see any reason to lower the culvert. The Board decided to invite the affected landowners to a future meeting to discuss this issue. **Tabled.**

**Permit No. 07-79, Chad Jetvig.** Applicant proposes to clean ditches and replace existing approach culverts along C.R. 67 in Sections 5, 6, 7, and 8, Kurtz Township, Clay County. According to Jetvig, the ditches are full of sediment, and the culverts are damaged and plugged. Jetvig indicated that he will only replace damaged culverts at the same elevation, and ditch cleaning will be minimal. On 9/07/07, Opsahl and Manager Olson conducted a field review. The culverts have already been cleaned, and Olson found no problems with the repairs. **Motion** by Olson to approve Permit No. 07-79, subject to County and Township approval to work within their road r-o-w. **Seconded** by Hanson. **Approved.**

**Permit No. 07-80, Chad Jetvig.** Applicant proposes to clean ditches in the S½, Section 33, Kragnes Township, Clay County, and replace plugged culverts to redirect drainage to County State Aid Highway (CSAH) No. 26. The work should provide a better outlet for Section 33 drainage and help with flooding problems on the west side of the Village of Kragnes. On 9/07/07, Opsahl and Manager Olson conducted a field review and found that the work was already completed. Olson noted that the ditch cleaning was minimal and found no problems with the repair. **Motion** by Olson to approve Permit No. 07-80. **Seconded** by Nelson. **Approved.**

**Permit No. 07-83, Chad Jetvig.** Applicant proposes to install a culvert through 70<sup>th</sup> AVE S to drain the southeast corner of Section 6, Kurtz Township. Jetvig feels the water will drain south easier than going west.

Applicant also proposes to install a culvert with a flapgate through C.R. 67 (80<sup>th</sup> AV S) in the SE¼, Section 12, Kurtz Township, to drain into Clay County Ditch No. 32. This project will be done in conjunction with a ditch repair project. On 9/07/07, Opsahl and Manager Olson conducted a field review of the site. Olson noted that the culvert installations should not be a problem. In a letter regarding the County Ditch No. 32 repair petition, Jones reviewed the proposed culvert installation on County Ditch No. 32. A second line of 24" x 64' corrugated metal pipe (CMP) with flapgate will be added to the crossing. Jones also recommended extending the existing culvert with 8' of 18" dia. CMP to fit the road/ditch slope better. His Opinion of Probable Cost for the project was \$2,500-\$3,000. **Motion** by Olson to approve Permit No. 07-83 and the proposed ditch repair, subject to Township approval to work within their road r-o-w. **Seconded** by Hanson. **Approved.**

**Permit No. 07-86, Duane Brokate.** Applicant proposes to remove an existing dry field approach in the NE¼, Section 10, Cromwell Township, Clay County, and relocate it approximately 200' north of the original location and install a new 15" dia. CMP set at the existing ditch grade. The work will provide access to a new house site. On 9/07/07, Opsahl and Manager Olson conducted a field review. They met

with the neighboring landowner, Kathy Posch, who was concerned about the removal of the dry approach near her property. Olson said that removing the dry approach would have no impact on Posch's property, and might actually improve area drainage. **Motion** by Olson to approve Permit No. 07-86, subject to Township approval to work within their road r-o-w. **Seconded** by VanAmburg. **Approved.**

**Permit No. 07-90, City of Dilworth.** Applicant proposes to install a 12" dia. high water overflow pipe from a storm sewer manhole to Clay County Ditch No. 50 at 1<sup>st</sup> ST NE to prevent storm sewer main backup in this area during heavy rainfall events. On 9/07/07, Opsahl and Manager Olson conducted a field review. Olson noted that the City has already completed the work. He found no problems with the project and noted that the City did a nice job in restoring the ditch bank. **Motion** by Nelson to approve Permit No. 07-90, subject to our standard utility disclaimer. **Seconded** by Olson. **Approved.**

**Permit No. 07-91, Terry Kohler.** Applicant proposes to install a Becker SWCD designed sediment control basin to control erosion in the S½NW¼ and the SW¼, Section 21, Audubon Township. The project will include the creation of an inlet basin with a berm and riser inlet and the installation of 1,300' of 6" to 10" dia. tile with a 12" dia. CMP outlet. Kohler rents the land from Clifford Alder. **Motion** by Hanson to approve Permit No. 07-91. **Seconded** by Nelson. **Approved.**

**Permit No. 07-92, Leon Kohler.** Applicant proposes to install a Becker SWCD/Natural Resource Conservation Service (NRCS) designed sediment control basin to control erosion going into Reep Lake in the NE¼, Section 5, Audubon Township. The project will include a ditch berm, tile, and tile intake. Kohler plans to fill in the ditch/erosion area and install a 15" dia. outlet culvert. **Motion** by Hanson to approve Permit No. 07-92. **Seconded** by Olson. **Approved.**

**Permit No. 07-93, Andy Beyer.** Applicant proposes to install three inlet pipes with gates on the north side of an old Soil Conservation Service (SCS) ditch that runs east/west on the quarterline of the E½, Section 18, Mitchell Township, Wilkin County, on land owned by Ted Prieb. Beyer also plans to build up the north ditch berm along the west side of the property to help keep water in the ditch. He states that upstream drainage broke out of the ditch berm along the west side of his property and drowned out his crop in 2007. On 9/06/07, Opsahl and Manager Nelson conducted a field review and found no problems with the proposal as it appears the berm will be minimal. **Motion** by Nelson to approve Permit No. 07-93. **Seconded** by VanAmburg. **Approved.**

**Permit No. 07-94, Spring Prairie Colony.** Applicant proposes to install 160 acres of patterned tiling in an east-west direction in the NE¼, Section 16, Spring Prairie Township, Clay County, to gravity flow north to Clay County Ditch No. 3. Tile laterals will be added to the main, which will run along the west side of the property. The work should improve crop production and lower the water table. On 9/07/07, Opsahl and Manager Olson conducted a field review. Olson saw no problems with the proposal. **Motion** by Hanson to approve Permit No. 07-94. **Seconded** by Olson. **Approved.** Albright noted that he plans to include the Colony tiling projects in the 2007 Fall Tour itinerary.

**Permit No. 07-95, Jay Nord.** Applicant proposes to lower a culvert on the sixteenth line in the NE¼, Section 17, Deerhorn Township, Wilkin County, approximately 0.75' to create a gradeline for water to flow west. The work will be done in conjunction with Donald Bohner's upstream culvert project. Currently, the road ditch has 1.5' of fall, but the upstream (east) 0.25 miles is flat. On 9/06/07, Opsahl and Manager Nelson conducted a field review. Nelson noted no problems with the proposal. **Motion** by Nelson to approve Permit No. 07-95, subject to Township approval to work within their road r-o-w. **Seconded** by Hanson. **Approved.**

**Permit No. 07-96, Aaron Carr.** Applicant proposes to install an approach/culvert to access a new home site in the NW¼, Section 30, Prairie View Township, Wilkin County. Carr would like the Managers to recommend a culvert size. On 9/06/07, Opsahl and Manager Nelson conducted a field review. Nelson noted that there is a 24" dia. culvert on site, which has not been installed. This culvert matches the adjacent gated culvert in the levee. Nelson saw no problems with the proposal. **Motion** by Nelson to approve Permit No. 07-96, subject to Township approval to work within their road r-o-w. **Seconded** by VanAmburg. **Approved.** The Managers were concerned about the location of the new house. The area is low and subject to flooding.

**Permit No. 07-97, Skree Township.** At the request of Herb Nelson, Skree Township, proposes to regrade the ditch along 110<sup>th</sup> AVE S per a Clay SWCD survey in the NE¼, Section 33. The work will be done with a rotary ditcher. They also plan to replace three 12" dia. field approach culverts with one 18" dia. and two 15" dia. pipes. The project will try to address Nelson's concerns regarding water draining from the east coming from a project installed by Tom Friederichs (Permit No. 03-61). The Township's objective is to keep the water in the road ditch, and prevent it from leaving the ditch and flowing across Nelson's Conservation Reserve Program (CRP) acreage. The Board discussed this proposal. **Motion** by VanAmburg to approve Permit No. 07-97. **Seconded** by Hanson. **Approved.**

**Permit No. 07-98, City of Moorhead.** Applicant proposes to install watermain, storm sewer, and sanitary sewer improvements for the Shepard Meadows Addition in the NW¼, Section 27, Moorhead Township, east of the new Good Shepard Church. Storm water from this site will be conveyed via a 36" dia. RCP outlet into the existing storm water detention pond southeast of the church, which was sized to accommodate this water (Permit No. 06-57). A swale coming up to the east side of the Addition on Gust Johanson's property will be directed straight north into the south road ditch along 40<sup>th</sup> AVE S, approximately 300' east of where it currently enters the ditch. Johanson is aware of the proposal. Johanson has already redirected most of this swale west in the 40<sup>th</sup> AVE ditch project at a point further to the south. Jones reviewed this proposal and recommended approval. **Motion** by Hanson to approve Permit No. 07-98. **Seconded** by Olson. **Approved.**

**Permit No. 07-99, Kyle Schiefert.** Applicant proposes to install a driveway off C.R. 55 in the SE¼, Section 18, Humboldt Township, Clay County, to access a new house. Clay County will provide the 24" dia. culvert. **Motion** by Nelson to approve Permit No. 07-99, subject to placing the culvert on the clay grade. **Seconded** by Hanson. **Approved.**

**Permit No. 07-100, Donald Schoff.** Applicant proposes to install a 15" dia. x 36' culvert in his south driveway in the SW¼, Section 4, Cromwell Township, Clay County, to prevent water from standing in the farmyard and to make the ditch easier to maintain. **Motion** by Olson to approve Permit No. 07-100, subject to Township approval to work within their road r-o-w. **Seconded** by VanAmburg. **Approved.**

**Minch Lawsuit.** Albright noted that BRRWD Attorney Tami Norgard responded to Roger Minch's recent correspondence. To date, Minch has not replied.

**Grove Lake Outlet.** Albright noted that he intends to include this area on the 2007 Fall Tour itinerary. It appears that the lake elevation is down approximately 8". Albright has attempted to contact Kern Kuhlmann several times since the last meeting, with no success. Albright suggested that it is probably too late to construct the project this year. The Board agreed to continue project development and to work with the Legislature regarding project funding next year. The Managers briefly discussed project design alternatives.

**Fischer/Zimmerman Dike Issue.** Albright plans to send a letter to the affected parties, urging the landowners to work together to address their drainage problems.

**Gary Rosentreter Drainage Complaint.** Rosentreter informed the office that during this summer's T.H. 10 road project, MNDOT opened a plugged centerline culvert, which caused water to backup to the north of T.H. 10 into Rosentreter's field in Section 5, Lake Park Township, Becker County. Brad Grant, Becker SWCD, Allen Milbradt, MNDOT, and Albright conducted a field review of the area on 7/30/07. MNDOT plans to fix a flared end section on a T.H. 10 centerline culvert, which could be holding back water on Rosentreter's property. MNDOT has not yet notified the BRRWD if they will allow a culvert flapgate east of Phillip Anderson's driveway, which would prevent water from entering Rosentreter's property. **Tabled.**

**Settlemeyer Erosion Concerns.** Greg Settlemeyer has concerns regarding erosion coming off Bill Thompson's property. The erosion has filled in the natural creek channel. Albright met with Settlemeyer and took photographs of the erosion. Now that the Nichol Wetlands Reserve Program (WRP) site has been constructed, Albright suggested that the Board invite the area landowners to a meeting to discuss the erosion problems in the SE1/4, Section 20, Humboldt Township, Clay County. The Board discussed the history and possible solutions for this issue.

**Steve Mattson Ditch Cleanout.** Scott Kahan, United States Fish and Wildlife Service (USFWS), notified the office that after three years of warnings regarding ditch maintenance on the north side of the White Earth Waterfowl Production Area (WPA), Steve Mattson continues to disregard USFWS's requests not to clean ditches into the WPA without USFWS permission. Recently, after discovering more cleaning work on their site, the USFWS staff filled the ditch back to its original level. Kahan plans to refer the violations to the St. Paul USFWS District Office. Kahan thought that Mattson might call our office regarding this issue, as his ditches adjacent to the WPA will likely fill up with standing water now that the USFWS restored their property.

**Dan Rosenfeldt Drainage Concerns.** Albright noted that Rosenfeldt called the office last week regarding drainage issues in Kurtz Township, Clay County. Olson has visited with Rosenfeldt regarding his concerns. Manager Olson and Albright will schedule a field meeting with him.

**Project No. 58, Riverton Township Retention.** The BRRWD held the Final Hearing continuation on 9/04/07. The BRRWD agreed to increase their share of the project funding to 37.5%, leaving 12.5% for the landowners to pay per the Appraisers' Report. The landowners appeared to be satisfied with the Appraisers' changes and withdrew their objections to the project. Brian Winter, The Nature Conservancy (TNC), has requested a few minor revisions to TNC's easement. He indicated that as soon as those changes are made, TNC will sign the agreement. Albright suggested that there doesn't appear to be time to start project construction yet this fall. Jones noted that we can't proceed until TNC signs their easement.

Albright asked the Board if the office should send revised property owners' statements to the landowners, reflecting the cost-share change, when we mail the Final Order. After discussion, **motion** by VanAmburg to make the Final Order to construct Project No. 58, Riverton Township Retention, pending receipt of TNC's signed easement, and to provide revised property owners' statements when the office mails the Final Order notice. **Seconded** by Hanson. **Approved.** The Board would like to be able to let bids for the project as soon as possible.

**Project No. 56, Manston Slough Restoration.** Albright reported that he visited with Andy Beyer regarding the Kent Rod and Gun Club property acquisition. He suggested that we schedule a meeting this fall after harvest with the affected parties regarding this issue.

**Project No. 49, Oakport Flood Mitigation.** The House Bonding Committee will be in Moorhead on 9/20/07. Albright has been asked to make a presentation to the Committee regarding the Oakport project. Ulteig Engineers, Inc. (UEI) will prepare a Power Point slide presentation. On 9/27/07, the Senate Bonding Committee will also be in Moorhead, and Albright will make a similar presentation to that group. Ed Fick

has advised Albright that the next funding amendment may have to be postponed until after the Legislature's special session to deal with emergency funding. There is a possibility that some money earmarked for Oakport may need to be used to fund other State emergency projects. Fick also suggested that the DNR might have to go to a 50/50 cost share until the BRRWD spends the local share (\$439,294). We may have to discuss this change with our Legislators, since they already allocated \$8 million to fund this project (to date, we've spent \$3 million). Albright plans to put together a project budget, as soon as UEI provides a revised cost estimate. The Board will be meeting with three homeowners in the Wall Street area on 9/12/07 to continue discussion regarding their concerns about the dike alignment. The next Technical Committee meeting is scheduled for 9/27/07.

Art Banner and Cory Jorgenson, Oakport house buyers have requested an extension of the 10/01/07 removal deadline to 11/01/07. **Motion** by VanAmburg to approve the referenced deadline extension. **Seconded** by Nelson. **Approved.** VanAmburg urged Albright to remind the homeowners that the 11/01/07 deadline is firm. Nelson noted that the 2007 second-half property taxes will be due on October 15.

Jones is working on the demolition specifications for the buyout properties. It has been suggested that we bid all 13 properties at once, even though some houses will not be moved. Albright noted that a 90-day clause could be included in the bid specifications indicating that they would have 90 days after the letting or after a house is moved to clean up the site. We may have to add language to address winter conditions. Jones will need to get the sewer and water plans from the Township, so they will be available for the prospective bidders.

BRRWD Attorney Cory Elmer prepared a form to give hunters written permission to access BRRWD property. Anyone entering our property to hunt would first have to provide proof of insurance, naming the BRRWD as an additional insured. Currently, "No Trespassing" signs are posted on all of our Oakport properties.

The Board will meet with the landowners along North Broadway on 10/03/07 regarding how the dike alignment might affect their property. As soon as UEI has completed the Environmental Assessment Worksheet (EAW), they will forward it to the Board for our review and signature.

The Board opened bids for sealing 13 wells on the buyout properties on 8/13/07. Olson Well Drilling's bid was \$800/well for a total bid of \$10,400. Alan Lako submitted a bid for \$600/well, or \$7,800 total. The Managers had some concerns about how to be sure the contractors complete the work according to well sealing regulations. Albright discussed this issue with Steve Hofstad, Water Resources Management Technician, Clay SWCD. He suggested that we would probably have to have an inspector on site during the work to be sure the contractor is following the specifications. Hofstad agreed to assist the BRRWD in this regard, and Bruce Jaster, Clay County Environmental Services, will also be available to help inspect the work. **Motion** by Hanson to award the well sealing contract to Alan Lako. **Seconded** by Nelson. **Approved.**

**Project No. 38, Farmstead Ringdikes.** Albright noted that Solveig Mead contacted the BRRWD office recently regarding her ringdike payment. Mead had previously indicated that she would pay her bill by the end of July. Nelson noted that there is a motion on record to start charging interest on unpaid ringdike balances as of 6/01/07. Albright will follow up with Mead in the near future. Adam Grothmann, Northland Excavating, Inc., has completed work on the Butze ringdike. Opsahl thought that the project costs would be close to the estimate. Albright will prepare a DNR funding request for this project. Shane Waslaski contacted Albright regarding his plans to build a new home in Section 8, Oakport Township, which is in the floodplain. He would like to discuss a possible ringdike project for his property with the Board, as he expects that his site will flood. Albright advised him that Oakport Township has building regulations that

require any new structures to be built at least 1' higher than the projected 100-year floodplain. The Board questioned Waslaski's request. They felt it was inadvisable to deliberately build on a flood prone site. Ringdike funding is intended to help homeowners protect existing structures.

The Board discussed scheduling the Kragnes Ringdike Final Hearing for the second week in October. H.E. is nearly finished with the Appraisers' Report. Jones prepared a draft letter for Ed Fick, DNR, regarding the historic flood levels in the Kragnes area. The letter will provide justification for changing the project design. Albright feels it is important to let Fick know that our plan has changed because the DNR grant was based on standard specifications that provided 2' of freeboard above the 100-year flood elevation. The final dike design does not include the extra protection because it proved to be cost prohibitive. Albright pointed out that the Appraisers decided not to reference Jeremy and Bobbi Kuipers ringdike in their Report. It will be built and paid for as a typical ringdike project with funding split 50% State, 25% landowner, and 25% BRRWD. The "Wedge" dike for the Village of Kragnes will be developed as a project because there are multiple landowners who will share the protection/costs. Jones noted that the Kuipers have not contacted him yet regarding their decision to move forward with their ringdike. If they decide not to build their project this year, we will still try to build the ringdike for the Village of Kragnes independently.

**Project No. 35, Clay County Ditch No. 47.** Albright visited with Robert Zimmerman, the City of Moorhead, regarding scheduling for the 34<sup>th</sup> ST interchange hearing in association with their petition to reroute parts of County Ditch No. 47 in conjunction with their project.

Olson discussed the design of the winch Otto's Welding installed on one of the culvert flapgates under the Otter Tail Valley Railroad (OTV) tracks along CSAH No. 52. He said that there is about 1' of sediment in front of the culverts on the north end of the ditch and about 2' of sediment in front of the south culverts. He suggested that the Board consider cutting off the bottom 2' of the flapgate so that the gates will not be silted shut. Albright and Manager Ellefson will try to conduct a field review of the culverts this week. Albright explained that the installation of the flapgates on those culverts was part of the Americana Estates flood control plan. He felt that this issue needs careful consideration. The Board discussed area drainage patterns. Jones noted that the ditch was cleaned last fall and thought that 2' of sediment in front of the flapgates seemed excessive. Olson pointed out that the area received about 17" of rainfall this spring in about three weeks, which would account for the sedimentation. He added that the County repaired two washout sites on the west side of CSAH No. 52 near this area.

Olson discussed reducing the 2008 tax levy for County Ditch No. 47 from \$100,000 to \$75,000. He calculated that the top benefit rate would pay \$16.70/acre at \$100,000 and \$12.50/acre for \$75,000. The current County Ditch No. 47 account balance is -\$108,000. Albright commented that he did not receive any complaints this year for the 2007 tax levy, which was \$100,000. He added that the City of Moorhead pays approximately \$36,000 of the assessment. Olson said that the farmers on this ditch system had significant crop loss this year. He felt they could not afford the proposed levy. Nelson noted that the Board could adjust any assessments until 12/14/07. The Board discussed the maintenance agreement with the City of Moorhead for ditch mowing, etc. Olson questioned if we could ask Moorhead to mow less often to reduce expenses. Olson will discuss ditch maintenance with Robert Zimmerman, Engineer, City of Moorhead. **Motion** by VanAmburg to reduce the 2008 assessment for Clay County Ditch No. 47 from \$100,000 to \$75,000. **Seconded** by Nelson. **Approved.** Olson abstained. Olson thanked the staff for providing the detailed ditch assessment worksheet.

**Project No. 31, Deerhorn Creek Levees.** At their 7/23/07 meeting, the Board approved repairs to restore the original Deerhorn Creek channel along Lloyd Scheffler's property in Section 24, Atherton Township, Wilkin County. Terry Lejcher, DNR, has approved the repairs. Ziegler Construction is working on the project.

**Project No. 30, Clay/Wilkin Judicial Ditch No. 1, Branch No. 4.** Jones is still working on the Preliminary Survey Report for the Branch No. 4 Improvement/Extension.

**Project No. 27, Clay County Ditch No. 55.** H.E. prepared Pay Request No. 2 and Change Order No. 1 for Ziegler Construction, Inc. in the amount of \$13,525.17. We are still holding \$2,518.90 in retainage. **Motion** by Nelson to approve Pay Request No. 2 and Change Order No. 1. **Seconded** by Hanson. **Approved.**

**Mediation PT.** The BRRWD will hold their next PT meeting on Thursday, October 25, 2007, at 7:30 PM in the MSUM Science Center near Glyndon. Notices will be sent. The annual Fall Tour is scheduled for Thursday, September 20, 2007. The Board discussed the Tour itinerary.

**Comprehensive Planning.** Mark Deutschman, H.E., would like the Board to decide if we want to include lakes classification/prioritization regarding water quality issues in our revised plan. The Board discussed the issue and agreed that the lakes classification should be included.

**Wilkin County Ditch No. 40.** Terry Lejcher and Arlen Schalekamp, DNR, sent Dave Yaggie a letter to notify him they have decided not to designate parts of County Ditch No. 40 in Sections 34 and 35, Atherton Township, as trout waters. Their letter also included a DNR permit application for Yaggie to drill an irrigation well.

**Becker County Ditch No. 5.** The Becker SWCD has scheduled a meeting for 9/11/07 at 9:00 AM in Detroit Lakes with Jerry Matter and the USFWS to discuss Matter's concern about seepage onto his farmland from the USFWS WPA site in Sections 15 and 22, Riceville Township, Becker County. Albright noted that we will also discuss USFWS concerns regarding the Froyland/Green dam repairs. Manager Hanson and Albright plan to attend.

**Clay County Ditch No. 31.** Last year, the Board authorized H.E. to prepare repair recommendations for this ditch system. Jones noted that they have completed the survey and are working on drafting the data. He added that there was significant sedimentation and the ditch slopes are failing.

Tim Pender filed a repair request for a washed out spoil bank in Section 11, Barnesville Township, on the east side of County Ditch No. 31. Water breaks out of the ditch in this location and floods his field. Jones recommends using an excavator and on-site material to repair this site. The Opinion of Probable Cost for this repair is \$500-\$750. **Motion** by VanAmburg to authorize the referenced repairs. **Seconded** by Olson. **Approved.**

**Becker County Ditch No. 19.** Albright noted that the landowners have been advised that we will try to schedule a meeting regarding their request for ditch abandonment this winter.

**Southside Fargo Flood Control.** The City of Fargo has scheduled a meeting to discuss a possible Red River diversion alternative that would take the Red River east through Minnesota/BRRWD and then back north to the Red River. The meeting will be held on 9/26/07 at 2:00 PM in the Fargo City Hall. Another alternative might be to divert the flows west through North Dakota.

**MAWD Training Session.** The Minnesota Association of Watershed Districts (MAWD) is offering a "Messaging" training session for Watershed District Managers and Staff. The workshop will be offered in our region on 10/24/07 from 6:00 PM-9:00 PM in the Alexandria Holiday Inn. The sessions will focus on helping Districts formulate an effective "message" regarding our goals and values that will improve communication with our constituencies.

**Clean Water Legacy (CWL) Funding.** The office received notice that the 2007 State Legislature appropriated CWL funding for water quality restoration and protection implementation activities and surface water assessment monitoring. The application process for this funding will begin 10/01/07. Informational sessions will be offered in a number of locations around the State.

Steve Hofstad, Wetland Conservation Act (WCA) Administrator, sent a letter to the landowners on Wolverton Creek regarding the CWL project for Wolverton Creek/Comstock Coulee. The letter encourages the landowners to consider implementing conservation practices.

**Clay County Ditch No. 21 Repair Request.** Kuehl Farms filed a repair request to lower two field inlet culverts on the south side of Section 35, Glyndon Township. Opsahl reviewed the site and determined that the culverts will need to be set approximately 1' lower to allow adequate grade from low areas to the north. The Opinion of Probable Cost is \$800-\$1,000. **Motion** by VanAmburg to authorize H.E. to complete this repair. **Seconded** by Hanson. **Approved.**

**Clay County Ditch No. 58 Repair Request.** Kuehl Farms filed a repair petition to lower three field inlet culverts in Sections 1 and 12, Elmwood Township. Opsahl reviewed the site and determined that the culverts will need to be set approximately 1' lower. He also recommended that they be extended to properly fit the road and ditch slopes. This work will allow adequate grade from the low areas that had water damage this year. The Opinion of Probable Cost is \$2,500-\$3,000. **Motion** by Nelson to authorize the referenced repairs. **Seconded** by VanAmburg. **Approved.**

**2007 MAWD Resolutions.** MAWD is calling for resolutions from member districts for consideration at their 2007 Annual Meeting on 11/30-12/01/07. The submission deadline is 10/12/07. Ellefson suggested that we should formulate a resolution regarding Watershed District authority in regards to the legal system. The Board will discuss this topic at their next meeting.

MAWD is accepting nominations for 2007 Program and Project of the Year. The nominations should be filed by 10/12/07. The Board discussed nominating our Barnesville High School River Watch Water Quality Monitoring Program for Program of the Year.

**Bond Interest Rates.** Myron Knutson, The Public Finance Group, provided information regarding interest rates for a recent bond sale for the Sand Hill Watershed District.

**Bonding Committees' Tours.** Ron Harnack, Red River Watershed Management Board (RRWMB), contacted the office to see if we wanted to include BRRWD project information in the RRWMB's Bonding tour brochure. Albright thought we could provide our information during the presentations he will make before the Committees on 9/20/07 (House) and 9/27/07 (Senate).

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Curtis M. Nelson	Voucher #0718, 7/01/07-8/31/07	Varies	\$ 999.55
E. Robert Olson	#0719, 7/01/07-8/31/07	Varies	\$ 895.17
Fergus Falls Daily Journal	Pj. 58 & Budget Hearing notices	Pj. 58/Admin	\$ 1,644.76
Gerald L. VanAmburg	Voucher #0720, 7/01/07-8/31/07	Varies	\$ 495.60
H.E.	August Billing Summary	Varies-see attach.	\$ 60,718.21
Jacob Thompson	Lot 11A, security deposit	Pj. 49, Oakport	\$ 8,000.00
John E. Hanson	Voucher #0717, 7/01/07-8/31/07	Varies	\$ 782.05
Midwest Helicopters	2007 cattail spraying	Varies-see attach./RRWMB	\$ 26,208.00
Mike VanBavel	Lot 13C security deposit	Pj. 49, Oakport	\$ 100.00
Petty Cash	Postage, supplies, etc.	Admin	\$ 200.00

Roger G. Ellefson	Voucher #0716, 7/01/07-8/31/07	Varies	\$ 864.05
Roger Lundberg	8/22/07 beaver billing	Admin/Becker 15	\$ 313.21
Sellin Bros., Inc.	#10955, valve backfill	Pj. 46, Turtle Lake	\$ 470.00
Sellin Bros., Inc.	#10956, Green dam	RRWMB-Const.	\$ 3,177.50
The Hawley Herald, Inc.	Pj. 58 & Budget Hearing notices	Pj. 58/Admin	\$ 1,369.04
The Union	Pj. 58 & Budget Hearing notices	Pj. 58/Admin	\$ 979.42
Wilkin Co. Highway Dept	Braton culvert, inspections	Varies	\$ 879.30
WREC	7/19/07-8/19/07 service	Pj. 46, Turtle Lake	\$ 94.94
Ziegler Construction, Inc.	Pay Request No. 2	Pj. 27, Clay 55	\$ 13,525.17
			<b>\$ 121,715.97</b>

Albright noted that the ditch spraying bills will be broken down and allocated later this winter after all spraying is completed.

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

**Next Meeting.** The Board of Managers, BRRWD, will hold their next regular meeting on Monday, September 24, 2007, in the Barnesville office at 8:00 PM.

**Adjournment.** Chairman Ellefson adjourned the meeting at 11:50 PM.

Respectfully submitted,

John E. Hanson, Secretary