

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

January 9, 2017

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their annual meeting on Monday, January 9, 2017, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, John E. Hanson, Mark T. Anderson, Jay A. Leitch, Troy E. Larson, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI); Pete Waller and Dale Krystosek, Minnesota Board of Water and Soil Resources (BWSR); Jenny Mongeau and Frank Gross, Clay County Commissioners, and landowners: Ben Haugrud and Bryant Haugrud.

Chair Van Amburg called the meeting to order at 7:02 PM and announced that the proceedings were being recorded to aid in the preparation of the minutes.

Secretary's Report. The Board reviewed draft minutes for the 12/12/16 regular meeting. **Motion** by Anderson to approve the minutes. **Seconded** by Fjestad. **Approved.**

Treasurer's Report. The Board reviewed the year-end 2016 annual financial reports, and the 01/09/17 financial reports, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Total 2016 income was \$11,114,714.55, which included approximately \$4.7 million in State funding for Project No. 49, Oakport Flood Mitigation; administrative expenses totaled \$394,712.25, which included \$28,497.75 in one-time costs for the staff's continuing work to archive over 30 years of permit files to the online permit suite database. The 2016 Accounts Receivable totaled \$2,880,610.60 including delinquent taxes and ongoing grant agreements. The Board also reviewed a report showing the BRRWD's total 2016 revenue and expenditures for our general and Administrative levies. Cash on hand at the end of the year was \$2,548,728.78 and current cash on hand, as of 01/09/17, is \$2,548,953.78. Income received since 01/01/16 was \$225 from Houston Engineering, Inc. (HEI) for their January 2017 office rent.

The Board reviewed the year-end financial transactions. After average account balances for the year are calculated, accounts with a negative average are charged interest at the rate of 3.0% (Midwest Bank loan rate), and accounts with positive balances were allocated interest. The office also prepared a worksheet showing the individual account financial activity for 2016 and allocated an administrative fee (1%) based on the amount of the expenses for each account. The 2016 year-end account transfers from the Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3, accounts (\$207,206.64) were completed for a number of programs/projects that do not have assessment areas. Albright noted that the Clay County Board of Commissioners approved the 2017 petitions for funding in accordance with M.S.A. 103D.905 Subd. 3, on 12/20/16. Reallocations were also completed to close out the 2009 Federal Emergency Management Agency (FEMA) (-\$2,571.98) account according to their original project percentages. The Board also reviewed the new 2017 Accounts Receivable, which reflects potential 2017 income to be approximately \$5.8 million. Anderson asked if Albright had any new information regarding the effort to raise the Administrative Levy state-wide, currently set by Statute at \$250,000. Albright noted that this issue was discussed at the recent Minnesota Association of Watershed Districts (MAWD) Conference in December, and MAWD is looking to move this forward with the Legislature this year. **Motion** by Anderson to approve the Treasurer's Report and the referenced interest and administrative allocations and account transfers. **Seconded** by Fjestad. **Approved.**

Performance Review and Assistance Program (PRAP). After being asked by BWSR, the Board has decided to undertake a Level II Review, which would cover more performance standards than the Level I review we have completed in the past. Every Watershed District is supposed to complete a Level II review at least once every 10 years. Pete Waller and Dale Krystosek, BWSR, were in attendance, and Krystosek made a presentation regarding the PRAP requirements. Albright, Waller, and Krystosek reviewed the PRAP Performance Standards check list when they met today prior to tonight's meeting. Krystosek noted that the BRRWD is doing quite well in meeting both the basic requirements, as well as the high performance practice standards. The office will fill out a status report of the implementation of the action items (goals) listed in our Comprehensive Plan. As part of the Level II Review, BWSR will also send an email link to the Managers and 15-25 of the BRRWD partners (agencies, County Commissioners, etc.) to an online survey regarding their view of the BRRWD's effectiveness and level of cooperation with other agencies. The results of the survey and accomplishment review will be summarized into a report that will be presented to the State Legislature and the BRRWD with recommendations for possible performance improvement. Krystosek reviewed a schedule/outline for the Level II Review completion. It is expected that a draft report would be ready for review with the BRRWD by our March 13, 2017 meeting. Waller noted that the BRRWD is currently performing well and anticipated that our report should be favorable.

Clay County Commissioners. Albright mentioned again that Clay County approved a resolution to petition for the BRRWD to use its taxing authority via M.S.A. 103D.905, Subd. 3. Albright noted that he has forwarded the petition information to the other three Counties to keep them updated regarding this issue.

Commissioners Frank Gross and Jenny Mongeau were in attendance to discuss the County's plan to extend the Flood Insurance Study (FIS) hydraulic analysis conducted in 2008 for the Buffalo River between the confluence with the Red River and Trunk Highway (T.H.) No. 10. There was a small portion of the Buffalo River upstream of T.H. No. 10, and County Road (C.R.) No. 19 north of Glyndon that was not remapped in 2008, and the floodplain boundaries and flood elevations on the effective floodplain maps were based on the previous effective FIS. The proposal is to extend the hydraulic analysis upstream of T.H. No. 10 approximately 0.25 miles to the south and also to conduct an unsteady HEC-RAS analysis from T.H. No. 10 downstream 7.25 miles to C.R. No. 19 north of Glyndon. This work would produce more realistic and accurate base flood elevations. HEI estimated that their fee to develop the project hydrology, perform the hydraulic analysis, conduct the floodplain mapping, prepare and submit a Letter of Map Revision (LOMAR) to FEMA, and submit responses to FEMA during the technical review would be \$78,000, not including FEMA's remapping fees, which can vary significantly. The County asked if the BRRWD would consider a 50% cost share. The Board discussed possible funding sources. Albright suggested that part of the money could come from left over funding (approximately \$20,000) in our County Buyout Account, which was set up several years ago to purchase floodplain properties in Clay County. This project is completed, so monies in this account could be put toward the County's FIS project. The rest of the BRRWD's share could come from our M.S.A. 103D.905, Subd. 3, account, which is designated for such projects. The Board had a brief discussion regarding how FEMA's FIS projects are conducted, noting that the studies are sometimes not comprehensive, or accurate. Albright recommended that the Board work with the County on this request. The County has even suggested that FEMA should contribute funds to correcting their oversight, but they have no money. Commissioner Gross noted that measurements taken for the FIS project were done incorrectly, and now the landowners have to pay more for flood insurance because of FEMA's decisions based on faulty information. **Motion** by Fjestad to approve a 50/50 cost-share agreement with Clay County to prepare and submit a LOMAR to FEMA for the referenced area in Riverton Township and to pay 50% of any fees payable to FEMA. **Seconded** by Anderson. **Approved.** Commissioner Mongeau thanked the Board for their contribution and cooperation regarding this project.

Haugrud Drainage Complaint. Ben and Bryant Haugrud were in attendance to discuss the HEI's elevation survey, which was conducted in response to a drainage complaint filed by them against the Lindholm family regarding the waterway in Section 22, Prairie View Township, Wilkin County, downstream of their property in Section 23. The Lindholms object to the sedimentation in the natural waterway they feel is caused by the Haugrud's upstream ditching and farming practices. The Haugruds want the Lindholm family to clean the

downstream waterways on their Conservation Reserve Program (CRP) acreage according to the survey, which shows there are a couple of spots downstream of the culverts in County State Aid Highway (CSAH) No. 19 where there is some sediment buildup. Using the overhead monitors, Jones explained that there are two waterway crossings (48" dia. reinforced concrete pipes (RCP)) under CSAH No. 19 on the line between Sections 22 and 23, Prairie View Township. According to the survey, there is a 350' stretch of the north channel on the Lindholm property where about 1.5' of sediment could be cleaned and another 500' stretch on the southern waterway where about 2' of sediment could be removed. Jones noted that even with the sediment, there is still enough downstream elevation to provide adequate drainage for Haugruds' field. Bryant Haugrud commented that they want Lindholms to clean the waterway to the gradeline so that it provides the drainage capacity allowed for by the CSAH No. 19 culverts. The group discussed Farm Service Agency (FSA) regulations regarding waterway maintenance on CRP acreage. Bryant Haugrud noted that no work can be done on CRP from June 1 to August 29, so they would like to see the cleanout completed as early as possible in the spring. Albright observed that the work would be considered ditch maintenance and would not require a BRRWD permit. Albright will contact the Lindholms regarding this issue, and if another meeting is necessary, the Board can schedule one in the near future.

Other Business brought before the Board included:

Permit No. 16-098, Deal Brothers. Jones has been working on plans for the Deal Brothers project to fill in a natural waterway through the center of Section 10, Andrea Township, Wilkin County, and to install a ditch along the east (Wilkin C.R. No. 19) and south lines of the NE1/4, outletting to Wilkin C.D. No. 31, as assessed. HEI was hired by the applicants to do the work. He has discovered that C.D. No. 31 ends about 800' from the east line of Section 10. The ditch has 49.5' of right-of-way (r-o-w) on the north and south sides of the quarterline where the ditch ends. Albright noted that work on the ditch along the quarterline (99' total) could be completed as a ditch repair and paid for as a system expense. Work on the first 800' of the quarterline ditch not in the ditch system would be the Deals' responsibility, as well as the work along C.R. No. 19. Jones will work with the Deals and the Wilkin County Highway Department to complete his design in conjunction with the County's future project to resurface C.R. No. 19 so that when they can expand the road shoulders to meet road safety standards, the County will not need to move the ditch again. They will also have to decide if they want to petition to add their new ditch to C.D. No. 31 in the future. **Tabled**, pending receipt of the HEI plans. Thomas Deal will also have to discuss the project with his neighbor to the south regarding the spoil bank/dike placement. He was also interested in asking the County to do the actual construction. This project will be constructed in 2017.

Permit No. 16-125, Minnesota Department of Transportation (MNDOT). Applicant proposes to mill and resurface 15.5 miles of T.H. No. 32 in Clay County from T.H. No. 34 in Tansum Township north through Parke Township, ending at T.H. No. 10 in Eglon Township. The work will include replacing four centerline pipes, nine approach culverts, and the installation and cleaning of aprons on a number of pipes. Jones recommended permit approval. All of the culvert modifications match existing sizes.

Permit No. 16-126, Eugene Kaiser. Applicant proposes to install water and sediment control basins, subsurface drainage, and an underground tile outlet to the west onto Harlan Wentz's property in the SE1/4, Section 3, Callaway Township, Becker County. The Natural Resources Conservation Service (NRCS) designed this project. This permit application was filed as "after-the-fact" remediation in response to Wentz's tiling complaint regarding unpermitted projects his upstream neighbors installed a few years ago that outlet via existing ditches to NRCS designated wetlands on his property. John Steffl, who installed a tiling project outletting from the south onto Wentz's property, still has not submitted a BRRWD after-the-fact permit application. Wentz's main concern is that the NRCS has refused to allow him to impact the wetlands on his property, which has limited his ability to maintain drainage from the upland areas. Wentz wants Kaiser to angle his tile outlet into a ditch to the north away from his property and Steffl to install 0.25 miles of 12"-15" dia. closed conduit tile across his property. The Board reviewed an area map on the overhead monitors and discussed the proposed project. **Tabled**, pending Albright's contact with Steffl regarding his application.

Permit No. 16-127, Shawn and Jessie Norman. Applicants propose to install 182 acres of pattern tiling east of T.H. No. 9 in the NE¼ and the NW¼, Section 28, Manston Township, Wilkin County, with two outlets: one pumped outlet on the east side to the T.H. No. 9 road ditch and one gravity flow outlet on the north line to a natural waterway, eventually draining to Manston Slough. Jones recommended permit approval, subject to our standard tiling disclaimer.

Motion by Hanson to approve Permits No. 16-125 and 16-127. If applicable, permit approval is subject to our standard tile and utility disclaimers, state/federal agency permitting requirements, and road authorities' permission to work within their r-o-w. **Seconded** by Larson. **Approved.**

Al Korinek Tile Complaint. Albright visited with the new Bois de Sioux Watershed District (BDSWD) administrator, Michelle Swenson, regarding landowner Al Korinek's (Section 15, Breckenridge Township, Wilkin County) complaint about a tiling project that Hasbargen constructed in 2013 (BRRWD Permit No. 13-002) in Section 21, Sunnyside Township. Albright will forward a copy of our Rules and disclaimers to Matt Hasbargen and the Bois de Sioux Watershed District regarding this issue. The BRRWD permit disclaimer requires that landowners must not operate their tile systems during downstream flooding.

Robert Yaggie Tiling Complaint. Albright visited Joe Wulfekuhle, who was one of the complainants about this project, regarding the location of the tile outlet. He still feels that the outlet should go north as proposed in the original permit application (Permit No. 12-165) to tile 240 acres of Section 28, Mitchell Township, Wilkin County. Albright contacted HEI to conduct a survey to determine what it would take to drain the tile outlet to the north. Jones noted that because of the weather conditions, only part of the survey has been completed.

Federal Environmental Assessment Worksheet (EAW). Albright explained that there is a Federal EAW for the Valley Expansion project, involving natural gas distribution. Part of the project will cross the northern part of Clay County. He has been contacted by the company and the BRRWD will work with them for individual permit applications when needed. The Board offered no comments at this time.

BRRWD Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at approximately 8:22 PM, to discuss the Norby (Project No. 77, Clay C.D. No. 51-Lateral) and Kopperud (Project No. 49, Oakport Flood Mitigation) lawsuits and resumed the meeting at 8:35 PM.

Project No. 71, 50th AVE S Flood Control. The Board discussed the draft Operation and Maintenance (O&M) Agreement between the BRRWD and City of Moorhead for this project. Currently, the City has the final formal agreement and will be signing it at their next City Commission meeting. Peter Lewis contacted Albright to be sure that he can retain permission to hay the project easement areas. The Board briefly discussed MNDOT's recent mowing/haying restrictions in State road ditches. Albright explained that these new regulations will not pertain to BRRWD easements.

Project No. 56, Manston Slough Restoration. Albright reported that the water within the project is receding and that all the stop logs have been removed from the north dam structure. NRCS will attend the 01/23/17 BRRWD meeting to discuss their maintenance plan involving Wetlands Reserve Program (WRP) easements. They have been working on tree clearing on their easements within the project area.

Albright noted that the 34th Annual Red River Basin Land & Water International Summit Conference will be held January 17-19, 2017 at the Ramada Plaza Hotel & Conference Center, Fargo, ND. On Tuesday, 01/17/17, a Pre-Conference Workshop will be held, titled "Long Term Flood Solutions: Passport to Progress". Albright has been invited to discuss the Manston Slough Restoration project's natural resource enhancement (nre)/flood damage reduction (fdr) features. Manager Leitch will make a presentation about benefits and fiscal efficiency/responsibility when developing fdr projects.

Project No. 49, Oakport Flood Mitigation-Phase 4. Carl Pierce's stockpile lease has been renewed for another one-year period, and the payment (\$3,000) is listed with tonight's bills. Albright will meet with Leonard Nelson on 01/12/17 at the HEI Fargo Office to discuss the Fischer family lease. He noted that the spoil pile has now been removed and the renter has prepped the land for spring planting and doesn't appear to have concerns about farming the site in 2017. Albright briefly discussed possible options if the Fischers want to continue to dispute their easement payment/renewal.

The Board discussed options for the Open House we plan to hold to commemorate the completion of the project this spring.

The Board also discuss the R. J. Zavoral & Sons, Inc., claim of \$152,500 in liquidated damages, based on an alleged 61 days of lost work time from their original schedule caused by delays outside of their control. The project engineer, Kris Carlson, Ulteig Engineers, Inc. (UEI), has reviewed Zavoral's claims and feels there are some discrepancies with their analysis.

Once all the project costs have been reviewed, Albright will discuss any excess grant funding with the Minnesota Department of Natural Resources (DNR) for possible reallocation to other BRRWD projects. The grant agreement expires on 12/31/18.

Project No. 39, Georgetown Levee. The Board discussed the Greywind house condemnation. US Bank has been working with Greywind to revise his old home loan by amending the legal description to add his new house. It appears they might be willing to consider a settlement in this regard, but are requesting a change to the easement language. As part of the condemnation proceeding, the BRRWD was required to submit a check for the appraised value of Greywind's old house (\$20,000). If the Court awards Greywind the \$20,000 as part of the condemnation settlement, Greywind's attorney confirmed that he has agreed to return it to the BRRWD and would then not owe the BRRWD anything more for his new house.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. No. 1). Albright reported that the revised outlet petition is nearly completed. BRRWD Attorney Tami Norgard, Vogel Law Firm, wanted the name and address data for all the landowners within the flooded area to be included in the document, which added nearly 14 more pages to the petition. Albright plans to give the petition back to Bryan Kritzberger so he can recirculate it for new signatures.

Project No. 21, Wilkin C.D. No. 14-Lateral. Because of the winter weather, no clean out work was started for this project. Once conditions permit in the spring, the repair work will commence.

Flood Damage Reduction:

Mediation Project Team (PT). The next PT meeting is tentatively scheduled for Thursday, February 9, 2016, in the Barnesville office at 1:30 PM. Meeting notices will be sent.

Upper South Branch of the Buffalo River. Albright noted that our BWSR Clean Water Fund (CWF) grant application for the channel restoration across the WRP site in Section 11 and east of T.H. No. 9 was not approved. There may be some funding available from the Reinvest In Minnesota (RIM) program and the new 2017 Conservation Reserve Enhancement Program (CREP) for restoration, buffers, etc. We also need to discuss the proposed Phase 1A drainage route alignment with the Rogelstad family in Section 10, Manston Township, Wilkin County.

Barnesville Township Drainage Investigation. Craig Jarnot, the Army Corps of Engineers (COE), attended the 12/15/16 PT meeting to discuss their Concurrence Points (CP) process. HEI recently submitted Concurrence Point 1-Project Purpose and Need to the COE for the new project.

Albright noted that HEI will prepare a first billing for the Phase I grant funding to the Fargo-Moorhead Diversion Authority for Barnesville Township, Stony Creek, and the Upper South Branch of the Buffalo

River projects. He also suggested that the Board should consider having our Lobbyist Joel Carlson work with our local Legislators to introduce a funding bill for all three projects this year as one package. HEI has completed an Opinion of Probable Costs for Stony Creek and will prepare similar cost estimates for Barnesville Township and the Upper South Branch of the Buffalo River to be used for Flood Damage Reduction grant applications to be submitted to the DNR later this month. Albright suggested that the Board should schedule a landowner informational meeting with the Stony Creek landowners in early February. He will provide an easement summary sheet based on the values that ARC Appraisals proposed for the project to Manager Leitch for his review, and the Board can discuss this issue at their next meeting on 01/23/17 or at the next PT meeting on 02/09/17.

Watershed District Enlargement (WDE)/Revised Watershed Management Plan (RWMP). The Board discussed BWSR's One Watershed One Plan (1W1P) program, which currently has a grant period open until 04/19/17 with \$1.5 million in funding available to help implement this program. Pete Waller, BWSR, confirmed that individual allocations were around the \$250,000 level. Albright plans to work on scheduling a meeting with BWSR, the Soil and Water Conservation Districts (SWCD), Local Water Planning Action Committees, and the County Commissioners because we will need resolutions from each entity to commit to a 1W1P process. Wilkin County's comprehensive local water plan expires on 12/31/18, and they have indicated that they are interested in participating with the BRRWD in a 1W1P effort. Albright thought that the 1W1P could be completed by 12/31/18 to coincide with the Wilkin County expiration date. Clay and Becker Counties are also working on their plan update, and would correspond with Wilkin County's date, and Otter Tail County is already on record supporting the 1W1P process. BWSR has indicated that all three watersheds within the BRRWD (Upper Red, Otter Tail, and the Buffalo Rivers) could be combined into the 1W1P effort. Albright noted that BWSR approved the BRRWD's funding application (\$168,000) with a 25% match for the Prioritize, Target, and Measure Application (PTMApp), which is part of the 1W1P process. Jones noted that HEI plans to complete the PTMApp analysis for the BRRWD by August 2017.

Albright noted that, we could also discuss the 2015 Buffer Initiative with the attendees at the referenced meeting to determine who is going to be the designated jurisdictional and Administrative Penalty Order (APO) authority. Albright mentioned that using by LiDAR, PTMApp, and the stream power index, he feels we have created a useful map to deal with the other areas in Clay County needing buffers. By applying the same criteria, areas could be identified in the other counties, as well.

F-M Diversion Project. Albright reported that the DNR has now joined the Upstream Coalition's lawsuit.

Otter Tail/Buffalo/Upper Red Rivers Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS). Albright reported that it appears that the Buffalo River WRAPS has been completed and approved. Tim James, Minnesota Pollution Control Agency (MPCA), told Jones that the Buffalo River TMDL is very close to Environmental Protection Agency (EPA) approval. The Upper Red River TMDL and WRPAS have just been submitted to the EPA for review. Albright explained that MPCA has indicated that the TMDL situation shouldn't affect the BRRWD's ability to apply for 2017 319 Grant funding, which will be available in the near future. Peter Mead, Becker SWCD, suggested we meet to apply for a 2017 319 Grant for sediment control basins and buffers in Becker County. Albright will work with Mead in this regard.

Data Management System. The Board discussed a summary sheet Albright prepared comparing the various features of each Data Management Systems (DMS) products the staff has reviewed: Marco (M- Files), OPG-3, Inc. (Laserfiche), and LaserSystems (Intellinetics). The software will be used for managing all of the documents we have in our files and computer system. Albright was not ready to make a recommendation and will continue to work with the companies to determine the best fit for the BRRWD.

Wilkin C.D. No. 7 Repairs. This project is on hold until spring. Jones noted that as construction season nears this spring, we will mail notices to the landowners to let them know that we will need the temporary construction easements areas along their properties this growing season.

Wilkin C.D. No. 6A Repairs. Albright reported that Wilkin County completed the repairs in the first one-mile stretch of C.D. No. 6A in Section 31, Tanberg Township. He and the Viewers conducted a review of the ditch on 12/29/16, and they are working on the redetermination of benefits.

International Water Institute (IWI) River Watch Forum. IWI requested a contribution from the BRRWD for their Annual River Watch Forum. **Motion** by Anderson to contribute \$500 to the River Watch Forum as noted. **Seconded** by Fjestad. **Approved.** Manager Leitch abstained from voting as he works for the IWI.

MPCA MS4. Ted Rud, Engineer, HEI, and Jones are creating a new section for the BRRWD Rules update that would only apply to the Municipal Separate Storm Sewer Systems (MS4) area. Rud has contacted the City of Moorhead regarding their role in the MS4 process. Albright will work with Rud to complete this portion of the Rules update.

Wilkin C.D. Nos. 40/43 Drainage Petitions. Albright noted that the Board will hold hearings to add and remove lands from Wilkin C.D. Nos. 40 and 43 for Troy Goltz (Permit No. 16-052) later this winter.

Red River Basin Conference. As noted earlier in the meeting, the 34th Annual Red River Basin Land & Water International Summit Conference will be held January 17-19, 2017 at the Ramada Plaza Hotel & Conference Center, Fargo, ND. Managers Anderson, Fjestad, Van Amburg, Larson, Leitch, and Hanson will be attending. The office will handle the reservations/registrations.

2015 Buffer Law. As discussed, the Board plans to schedule a meeting with BWSR, the Counties, and SWCDs to discuss the designation of a jurisdictional and APO authority and how to address the second layer of unnamed waterways and private ditches, which currently are not included in the Buffer Law.

Elkton Township Wetland Restoration. TRN Abstract Company has filed the title insurance for the easements, as requested by BWSR. Jones will check with Mark Aanenson, Senior Environmental Scientist, HEI, to see if he submitted the annual report to BWSR. Once the easement process is finally completed, the office will work with the Jerome Briks Family LP regarding a 0.3-acre banking credit they need for a wetland mitigation in Section 28, Deerhorn Township, Wilkin County, according to their Manston Slough project easement.

Wolverton Creek/Comstock Coulee. A meeting was held with Justin Fisher and Caroline Clarin, Fergus Falls NRCS, on 01/06/17 to discuss the Wetlands Reserve Enhancement (WRE) program, which is coordinated through the United States Fish and Wildlife Service (USFWS). The USFWS requirements might affect the BRRWD's current project design in regards to buffer strip widths, etc. Clarin felt that obtaining funding shouldn't be a problem. In Clay County, where permanent easements will be the primary project focus, the new CREP might be a good fit. HEI will compile the r-o-w table based on the 2, 5, and 10-year hydrological modeling using the center of the creek for the r-o-w measurement and then compare those calculations with the WRE requirements. Albright thought that the Fergus Falls USFWS personnel on our PT could review the project and give us feedback. The Enbridge Grant for \$100,000 will expire on 11/01/17. Albright suggested that we might have to go forward with a small portion of the project construction this summer to make use of this funding.

Jones is also tabulating the potential parcel assessment for the water management district (wmd) fees according to the method the Board reviewed and authorized at the last meeting based on an average composite land use method: agricultural at \$1.50/acre, farmsteads at \$2.00/acre, road r-o-w at \$1.40/acre, and other areas at \$0.91/acre. This option would combine runoff values, soil contribution, etc., and would generate approximately \$99,000 per year. Once this work is completed and after the hearing, the Board can adopt the wmd fee values, and establish the local funding source. The BRRWD will also need to establish the Wolverton Creek project as an official BRRWD project with an assigned number.

Otter Tail River Restoration. A meeting with the COE to go over their proposed Section 1135 project work plan/budget will be held on 01/25/17 in the BRRWD office from 9:00 AM to 1:00 PM. The COE has estimated that their Section 1135 project could cost approximately \$400,000. They would pay the first \$100,000 and split the remainder 50/50 with the BRRWD. The Board wanted to review the proposed work and cost share before making a commitment.

Rules Update. Albright noted that we will need to incorporate the buffer law requirements and the MS4 program into our revised Rules.

Whiskey Creek Restoration. The channel survey is basically finished, and HEI is working on the drawings. Albright suggested that once that work is finished, the Board could hold a landowner meeting to discuss the proposed project.

West Otter Tail SWCD Sediment Control Basins. Jones explained that Aaron Larson, West Otter Tail SWCD, is working with landowner Steve Mohs to develop five sediment control systems in Section 32, Norwegian Grove Township, Otter Tail County. Larson contacted Jones to ask if the BRRWD would consider splitting the project costs for this project with the SWCD and landowner. The cost estimate is \$174,279. Jones reported that there is about \$170,000 in the BRRWD's 2013 CWF for the South Branch of the Buffalo River in Wilkin County with \$70,000 matching funding to make a total of \$240,000 possibly available. He estimated that there are about 55 acres of easement to be acquired and seeded for work on all the ditch systems that flow into the South Branch in Wilkin County. Since this is a 2013 grant, the grant funds can't be used for easement acquisition, but easement funding can count for the grant match. With the side inlet installations and seeding costs, there would be approximately \$40,000 left in the CWF grant. The Board discussed if this project could be considered part of the South Branch watershed. Albright pointed out that we have funded similar projects in this area with the CWF funds. The Board questioned if the SWCD had looked for additional funding sources besides the BRRWD. Jones said that at this time, the BRRWD is the only entity Larson has contacted. The Board felt that Larson should explore other funding sources, including the NRCS Environmental Quality Incentives Program (EQIP) and landowner cost share, before we could consider the cost sharing proposal. Jones will follow up with Larson.

BDSWD Final Order Appeal. The Board briefly discussed a recent State Court of Appeals decision regarding landowner appeals of the BDSWD Final Order regarding the Redetermination of Benefits proceeding for Traverse County J.D. No. 14.

Tiered Aquatic Life Uses (TALU). The MPCA has announced an official public comment period on the proposed amendments to State water quality standards, establishing a TALU framework to modernize and refine MPCA's existing water quality standards. The 45-day comment period is open from 12/19/16 to 02/02/17.

Wilkin SWCD Buffers & Burgers Meetings. The Wilkin SWCD staff will be hosting sessions to discuss the Buffer Law, alternative practices, other waters, and CRP options at five locations throughout the county. Each session will begin at 10:30 AM with lunch following. The County FSA and NRCS staffs will be available for one-on-one consultations. The BRRWD will draft a letter that can be presented at each event that explains how we will handle buffer establishment on the local drainage systems in Wilkin County.

River Keepers. River Keepers forwarded their annual request for funding to the Board for their consideration. We typically support the organization at the \$55,000 level annually. River Keepers also forwarded their staff report for November and December.

Governor's Town Hall Water Summit. Governor Mark Dayton will hold a water summit on Friday, January 27, 2017, at the University of Minnesota, Morris campus to bring together local government leaders, farmers, students, environmental groups, and businesses to discuss water challenges and solutions in Greater

Minnesota. Manager Van Amburg noted that registration is already closed, but interested parties can attend online via a live YouTube stream.

2017 BRRWD Annual Meeting.

Election of 2017 Officers. Chairman Van Amburg called for nominations for Board officers. **Motion** by Fjestad to cast a unanimous ballot to reelect the current officers. **Seconded** by Anderson. **Approved.** The BRRWD officers for 2017 will be as follows: Chair-Gerald Van Amburg, Vice Chair-Peter Fjestad, Treasurer-Mark Anderson, and Secretary-John Hanson.

Appointment of 2017 Consultants. Jones presented HEI's 2017 proposal for engineering services. The rates will rise approximately 4% for 2017. The BRRWD receives a discount from HEI's regular hourly rates. The office staffing would remain the same, including Albright (Administrator), Julie Jerger (senior full-time administrative assistant), Kathy Fenger (full-time administrative assistant), and Danielle Scheffler (part-time administrative assistant). The agreement includes a monthly office rental payment of \$225 to the BRRWD for any none-watershed work coming out the BRRWD Barnesville office. **Motion** by Anderson to appoint HEI as the BRRWD's 2017 engineering consultant. **Seconded** by Larson. **Approved.**

Vogel Law Firm also submitted a proposal for 2017 legal services with no rate increase for 2017. **Motion** by Fjestad to hire Vogel Law Firm as the BRRWD's legal consultant for 2017. **Seconded** by Leitch. **Approved.**

Harold Rotunda, Certified Public Accountant (CPA), submitted a letter of agreement regarding his services to conduct the 2016 audit. He indicated that the fee for his services would be the same as last year at \$2,100. **Motion** by Anderson to hire Rotunda to complete the 2016 audit and Salber and Associates, Inc., to prepare the 2016 W-2s and 1099s. **Seconded** by Hanson. **Approved.**

BRRWD Lobbyist Joel Carlson's 2-year contract with the BRRWD expired in 2016. He proposed another 2-year contract for the same fee, \$850/month. The Board discussed our need for a lobbyist at the State Capital to look out for our interests. **Motion** by Fjestad to approve Carlson's proposed 2-year contract as referenced. **Seconded** by Larson. **Approved.**

2017 Financial Designation. **Motion** by Anderson to designate Barnesville Midwest Bank (primary) and Wells Fargo Bank (secondary), as the official 2017 BRRWD depositories, subject to the use of any other depositories within the District as needed throughout the year, provided they are FDIC insured. **Seconded** by Hanson. **Approved.**

Both Chair Van Amburg and Treasurer Anderson will miss the February Board meetings. Albright suggested that we have Vice Chair Fjestad fill out a signature card at Midwest Bank so he can sign checks in Van Amburg's absence. **Motion** by Hanson to authorize Fjestad (Vice President) to sign checks. **Seconded** by Larson. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
Ackerman Land Surveying, Inc.	#16228-WC, Corner Records	Wilkin C.D. No. 6A	\$ 480.00
Ackerman Land Surveying, Inc.	#16223, R/W surveying	Wilkin C.D. No. 7	\$ 5,241.00
Ackerman Land Surveying, Inc.	#16228A-WC,	Wilkin C.D. No. 6A	\$ 120.00
Ackerman Land Surveying, Inc.	16228, Surveying	Wilkin C.D. No. 6A	\$ 6,018.00
Agassiz Mechanical, Inc.	#219102, furnace maintenance	Admin.	\$ 320.00
American Enterprises, Inc.	#1594, 4th mowing	Pj. 49, Oakport	\$ 2,720.00

AmeriPride	#16000805, office rugs (2)	Admin.	\$ 64.14
Area I Junior/Senior Envirothon	West Otter Tail Donation	M.S.A. 103D.905, Sub.3	\$ 200.00
Barnesville Phone Company	12/25/16 billing-Phone/Internet	Admin.	\$ 289.78
Bruce E. Albright	12/29/16 Viewers meal (5)	Wilkin C.D. No. 6a	\$ 58.26
Carl A. Pierce	2017 Temporary Storage Lease	Pj. 49, Oakport	\$ 1,000.00
Carmen Pattengale	December Office Cleaning (2)	Admin.	\$ 130.00
City of Barnesville	Utilities 11/02/16-12/03/16	Admin.	\$ 577.81
Clay CO HWY DEPT	Phase 4 signage	Pj. 49, Oakport	\$ 8,861.73
FRS Works, Inc.	#V21603320, Kobiela plaque	Admin.	\$ 100.75
Fuchs Sanitation	11/01/16-12/31/16 garbage	Admin.	\$ 42.12
Gerald L. Van Amburg	#16-45, 11/01/16-12/31/16	Varies	\$ 976.76
Harold J. Rotunda	2014 Audit	Admin.	\$ 2,100.00
Haugen's Landscaping, Inc.	#1568, mowing/seeding/repairs	Varies	\$ 3,970.00
HEI	January billing summary	Varies-See attached	\$ 141,524.89
International Water Institute	2017 River Watch Forum Donation	M.S.A. 103D.905, Sub. 3	\$ 500.00
Jason Rick Snow Removal, LLC	December billing (11)	Admin.	\$ 1,280.00
Jay A. Leitch	#16-43, 11/01/16-12/31/16	Varies	\$ 469.83
Joan E. Lazorenko	2017 Temporary Storage Lease	Pj. 49, Oakport	\$ 1,000.00
Joel Carlson, Inc.	January 2017 Lobbyist fees	Admin.	\$ 850.00
John E. Hanson	Voucher #16-42, 11/01/16-12/31/16	Varies	\$ 866.22
Kenneth Jirava	#SCS-16-3, Sediment Control Basins	Hay Crk/Stinking Lake	\$ 16,229.49
Liberty Business Systems, Inc.	#270145, 09/22/16-12/21/16 overage	Admin.	\$ 91.46
Mark T. Anderson	#16-40, 11/01/16-12/31/16	Varies	\$ 657.64
MN Dept. Of Natural Resources	Contract #75201, stream gauging #6	M.S.A. 103D.905, Sub. 3	\$ 10,150.00
Peter V. Fjestad	#16-41, 11/01/16-12/31/16	Varies	\$ 662.10
Petty Cash	Postage/supplies	Admin.	\$ 200.00
Pitney Bowes	December Postage-Late fee	Admin.	\$ 33.53
Premium Waters, Inc.	#366590-12-16 office water (1)	Admin.	\$ 56.12
Quill	#3121613, printer cartridge/supplies	Admin.	\$ 107.91
Red River Basin Commission	Conference Registrations (6)	M.S.A. 103D.905, Sub. 3	\$ 1,350.00
Richard L. Pierce	2017 Temporary Storage Lease	Pj. 49, Oakport	\$ 1,000.00
River Keepers	2017 Contribution	M.S.A. 103D.905, Sub. 3	\$ 55,000.00
RRVCPA	12/01/16-01/01/17 service (2)	Pj. 49, Oakport	\$ 164.06
Ulteig Engineering, Inc.	#61638, Phase 4 Construction	Pj. 49, Oakport	\$ 30,555.99
United States Treasury	4th QTR Form 941 taxes	Admin.	\$ 470.48
Vogel Law Firm	#187913, November billing	Admin.	\$ 276.00
Vogel Law Firm	#187916, November Lawsuit billing	Pj. 49, Oakport	\$ 1,681.50
Wm. Nichol Excavating	#211, Tommerdahl repair	Clay C.D. No. 5	\$ 4,569.00
WREC	11/18/16-12/18/16 service (2)	Pj. 46, Turtle Lake	\$ 174.08
Xcel Energy	11/21/16-12/26/16	Admin.	\$ 75.06
Xcel Energy	11/23/16-12/27/16 Service (2)	Pj. 49, Oakport	\$ 41.94
			\$ 303,307.65

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

Kobiela Retirement Party. The BRRWD has scheduled a retirement party for former Manager Breanna Kobiela for January 30, 2017, at 5:30 PM in the Purple Goose Restaurant in Barnesville.

MAWD State Board Appointment. The Board discussed Manager Fjestad's appointment to the MAWD Board of Directors at the recent MAWD Annual Conference. Fjestad asked about allocating his per diem expenses for the MAWD Board meetings between the BRRWD and MAWD. Van Amburg thought that when Fjestad attends meetings as a MAWD Board member, then his per diem would be a MAWD expense, and when he's attending as a BRRWD Manager, it would be a BRRWD expense. Albright suggested that we could contact the MAWD Treasurer for more information on this question. The Board discussed the venue for next year's MAWD Annual Meeting and Conference.

Next Meeting. The Board will hold their next regular meeting on Monday, January 23, 2017, at 7:00 PM in our Barnesville office.

Adjournment. Chairman Van Amburg adjourned the meeting at 10:15 PM.

Respectfully submitted,

John E. Hanson, Secretary