

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

November 28, 2016

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, November 28, 2016, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, John E. Hanson, Mark T. Anderson, Catherine L. Affield, 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); and Jim Lindholm, Lloyd Lindholm, Monica Lindholm, Bryant Haugrud, Ben Haugrud, Lance Johnson, and Lyle Hovland.

Chair Van Amburg called the meeting to order at 7:05 PM and announced that the proceedings were being recorded to aid in the preparation of the minutes. He introduced our new BRRWD Manager from Clay County, Jay Leitch, who is a retired North Dakota State University (NDSU) Agriculture Economist.

Secretary's Report. The Board reviewed draft minutes for the 11/14/16 regular meeting. Jones had one correction. **Motion** by Anderson to approve the minutes, subject to correction. **Seconded** by Affield. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$529,551.49. Income since the 11/14/16 meeting totals \$73,802.76 from the Wilkin County Soil and Water Conservation District (SWCD) Clean Water Fund (CWF) Technical Assistance funding for erosion control along the Red River of the North and from the Minnesota Pollution Control Agency (MPCA) 319 Grant for Otter Tail River Planning (\$54,972.05). Total income this year equals \$8,473,514.35. Albright noted that the office submitted bills last week to the Minnesota Department of Natural Resources (DNR) for our Project No. 49, Oakport Flood Mitigation grant reimbursement (\$411,900.21) and to the Clay County Highway Department for reimbursement of the costs the BRRWD incurred per our construction contract for the County's Wall Street milling/overlay project (\$485,899.38).

Haugrud Drainage Complaint. Albright gave a brief history of the concerns the Lindholm family has had starting in 2015 regarding the Haugrud family's ditching activities/projects in Section 23, Prairie View Township, Wilkin County, upstream of the Lindholm property. The Lindholms object to the extensive excavation the Haugruds have done upstream of the Lindholm Conservation Reserve Program (CRP) acreage in Section 22. They feel the Haugruds' work has caused excessive siltation in the natural waterway across their property/CRP. The Haugruds feel that Lindholms should maintain the waterway on their property because it is restricting their upstream drainage. Jimmie Lindholm discussed the Farm Service Agency (FSA) process required to clean the waterway on their CRP. He pointed out that there is silt in the waterway because of the excavation work the Haugruds have done upstream. Lindholm felt that the Haugruds should seed buffers on their ditch to prevent further erosion, as other upstream landowners are doing. He was concerned about the cost of reseeding their CRP if they are forced to clean the waterway every few years because of the upstream erosion coming from the Haugrud land. Albright explained that the DNR mandatory buffer strip law does not apply to this stretch of waterway because the protected status of Deerhorn Creek tributary ends in Section 19, and the waterway on the Lindholm/Haugrud properties in Sections 22 and 23 is not protected waters. Bryant Haugrud indicated that they would be willing to maintain the waterway on Lindholm's CRP, but were not interested in buffers on their property, as they want to be able to farm through the waterway. Jimmie Lindholm commented that the Haugruds would not be welcomed on their property and pointed out that the Haugruds removed about 4' of dirt from the waterway in their field, and he questioned if that sounded like routine ditch maintenance.

Haugrud explained that following the Jacob Lake Outlet project in 2010, they decided to clean the waterway as they were concerned about more water draining onto their property from that project. Haugrud noted that when he contacted Albright regarding their ditch cleaning in Section 23 in response to the Jacob Lake project, Albright assured him that they would be able to maintain adequate drainage to handle water coming through their property. He pointed out that they have only cleaned the ditch to the culvert gradeline and are not adding anymore water to the system. They would also like to see the trees in the waterway removed on the Lindholm property, as they also slow down drainage. Albright explained that since the waterway is not DNR protected waters, the Wilkin County SWCD would have to determine if buffer strips should be considered as part of the new Buffer Law, but there will probably never be a mandate for buffers in this area. Haugrud noted that since they don't participate in federal farm programs, they would have to bear the total cost of buffer seeding.

As a first step toward addressing this issue, Albright suggested that HEI could conduct an elevation survey to determine the amount of silt in the channel as a BRRWD expense. Lyle Hovland, who operates the Lindholm property, didn't think there was much sediment in the waterway in Section 22 because the elevation slopes sharply downstream. He agreed that there could be some blockage in the tree area. Albright added that the Lake Jacobs project has not operated since it reached the target elevation about four years ago, so no water flowing in the waterway is from that project. Manager Anderson suggested that the survey be extended to include several hundred yards up and downstream of the waterway in Section 22. **Motion** by Anderson to authorize HEI to conduct the referenced channel survey. **Seconded** by Fjestad. **Approved.** Albright will contact the landowners when the survey is complete/drafted.

Other Business brought before the Board included:

Permit No. 16-060, Douglas Etten. This permit has been delayed because we were waiting for receipt of the downstream landowner notification forms. Jones reported that he finally did contact Jim Miller, who is one of the downstream landowners. Miller was going to get back to Jones regarding this issue, but that didn't happen. Cody Zarak, HEI, was in the area working on a different survey, and he took a few elevation survey shots of the Etten project area and found that Etten's project shouldn't affect the Miller property. After waiting a couple of days for Miller to respond, Jones released Permit No. 16-060 to Etten.

Permit No. 16-098, Deal Brothers. Jones contacted the Wilkin County Highway Department regarding this proposal to fill in a natural waterway through the center of Section 10, Andrea Township, Wilkin County, and to install a ditch along the east (County Road (C.R.) No. 19) and south lines of the NE1/4, outletting to Wilkin C.D. No. 31, as assessed. Steve Neppel, Assistant Engineer, Wilkin County Highway Department, told Jones that they had no problem with the proposal if the BRRWD approved the project. He also told Jones that the County is planning to resurface C.R. No. 19 within the next five years, and at that time, the road shoulders will be expanded to meet County road standards, so the Deals will need to take that into account when they rebuild the road ditch. Jones visited with Thomas Deal regarding the County's plans and the BRRWD's recommendations, and Deal decided to hire HEI to design a plan for their project that meets all the requirements. Deal was also interested in asking the County to do the actual construction. This project will not be constructed until 2017. **Tabled**, pending receipt of the HEI plans. Deal will also have to discuss the project with his neighbor to the south regarding the spoil bank/dike placement.

Permit No. 16-110, Chad Nelson. At their 10/24/16 meeting, the Board approved this permit to install one 12" dia. tile line from the south quarterline of Section 34 in the NW1/4, Norwegian Grove Township, Otter Tail County, on Wayne Paulson's property, running north through the center of the quarter to a natural waterway, eventually outletting into the Trunk Highway (T.H.) No. 108 road ditch. The approval was subject to Manager field review regarding the adequacy of the T.H. No. 108 road ditch. Jones noted that ditch channel is about 3' deep and appears to be adequate. The water will eventually reach the Colness/Jacob Lake area. Albright will conduct a review when he's in the area and visit with John Boen, who is the neighboring downstream landowner. **Tabled**, pending discussion with Boen regarding the proposed project and its effects on the private drainage system in this area.

Permit No. 16-118, Steve Thompson. Applicant proposes to install a new approach with culverts west of the building site in the NW¼, Section 3, Alliance Township, Clay County, on the north side of the section off from 120th AVE S (C.R. No. 4). He would prefer two 36" dia. culverts, but would consider installing one 30" dia. and one 36" dia. pipe. Thompson would also like to increase the size of the next downstream culvert at the junction of 120th AVE S and 90th ST S from a 30" dia. pipe to a 36" dia. culvert to handle the water coming into Section 3 from the east. HEI conducted an inventory of the area culverts and found that most of the pipes are larger than Thompson's proposed culvert sizing. Albright noted that this work would require County approval to work in their road right-of-way (r-o-w). He will contact Thompson to go over the culvert inventory results so that he understands the actual area culvert sizes.

Permit No. 16-122, Ted Peterson. Applicant proposes to replace the existing 24" dia. culvert under 240th ST in the SE¼, Section 7, Akron Township, Wilkin County, with the same size culvert and to lower it 6" to 8". The Board discussed this proposal. Albright and Manager Larson will discuss this project with Peterson and the downstream landowner (Henderson). **Tabled.**

Permit No. 16-123, Kraig Nelson. Applicant proposes the installation of a water and sediment control basin and random tile in the SW¼, Section 21, Hamden Township, Becker County. The 8" dia. basin control structure tile will outlet to the east road ditch along 190th AVE, then south to Becker C.D. No. 15. Manager Hanson has discussed the project with Nelson. Nelson will be required to discuss the proposal with the downstream landowner.

Motion by Hanson to approve Permit Nos. 16-110, 16-118, and 16-123. Permit approval is subject to the applicable standard tile and utility disclaimers, state/federal agency permitting requirements, road authorities' permission to work within their r-o-w, and Manager field review, as noted. **Seconded** by Anderson. **Approved.**

Lake Fifteen Drainage Complaint. Albright noted that the winter weather has put this issue on hold. He visited with the Chairman of Parke Township, Bruce Bang, who agreed that the Township will probably install a culvert in 186th AVE S next spring. Tom and Marita Palya, Lake Fifteen homeowners, are having issues with their neighbor, Bryan Brunette, regarding drainage for their new house driveway. Brunette removed a culvert in the township road, which caused the water from the Palya property to flow across the Parke Township road into a different neighbor's yard. Another option for the Palyas to consider is to bring their driveway in from the east off C.R. No. 37.

Al Korinek Tile Complaint. Albright will forward a copy of our Rules and disclaimers to Matt Hasbargen and the Bois de Sioux Watershed District 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. The BRRWD permit disclaimer requires that landowners must not operate their tile systems during downstream flooding.

Harlan Wentz Drainage Concern. Wentz has visited the office on a number of occasions this fall regarding his concerns about tile projects his two neighbors, John Steffl and Eugene Kaiser, installed without his knowledge or permission that outlet from the east and south directly into his property in Section 3, Callaway Township, Becker County. No BRRWD permits were issued for either project. The tile projects outlet to a wetland via existing ditches on Wentz's property. He objects to any additional water coming into this area because the Natural Resources Conservation Service (NRCS) will not give him a permit to drain the wetland. Albright recently conducted a field review and contacted Ed Musielewicz, Detroit Lakes NRCS office, to discuss this issue. Wentz felt that Kaiser's erosion control project (2009) outlet could be rerouted to the northeast corner of his property, and Steffl could install a non-perforated pipe through his field to the downstream wetland. Musielewicz noted that Kaiser was required to sign a disclaimer stating that he had obtained all necessary agency permits for his project, but obviously did not follow through with the BRRWD permitting. Albright observed that neither project probably adds new water to Wentz's property. Larson pointed out that no matter if the projects affect Wentz or not, both landowners violated BRRWD Rules by

installing tile projects without permits. If they had applied for permits, these issues would have been addressed at that time, not several years later. Albright will contact Kaiser and Steffl to file after-the-fact permit applications for their projects. Once the permits are filed, the Board will evaluate further possible actions.

Robert Yaggie Tiling Complaint. Lowell Picotte and Joe Wulfekuhle contacted the BRRWD office regarding a tiling project recently installed by Yaggie in Section 28, Mitchell Township, Wilkin County. Yaggie filed Permit No. 12-165 to tile the 240 acres in Section 28 in December of 2012. Ellingson Drainage designed the tiling plan with one lift station in the northwest corner of the property, outletting to the northwest, eventually to Wolverton Creek. The downstream landowners would not be affected by this proposed routing. However, Yaggie delayed his project until this year, and then installed the pumped outlet in the southwest corner of the quarter to redirect the water south along 180th AVE for approximately 0.5 miles, where it drains west along C.R. No. 26 for one mile to the intersection with C.R. No. 3. This route is unacceptable to the downstream landowners. Albright noted that the Board apparently never acted on the original permit application in 2012 or 2013, and because of the 60-day rule, Yaggie could have assumed his permit was approved. However, since he changed his project design, he should have filed a new application. Larson questioned if Ellingson Drainage installed the current project. The Board discussed the revised plan, which does not have an adequate outlet. Albright will contact Max Fuxa, Ellingson Drainage, and Yaggie to discuss this issue. He will also conduct a field review tomorrow morning on his way to Breckenridge.
Tabled.

Project No. 77, Clay County Ditch (C.D.) No. 51-Proposed Lateral No. 3. The Minch Family LLC has hired a contractor to open just a small portion of the dike on the former Norby property in Section 28, Kragnes Township, to release the water in the S½ of the section in a controlled manner to prevent possible erosion when the water starts draining north. Albright has completed his deposition for the Norby lawsuit and is in the process of reviewing the deposition transcript. The Board discussed the merits of the case. BRRWD Attorney Tami Norgard, Vogel Law Firm, is considering asking the Courts to dismiss the case.

Project No. 56, Manston Slough Restoration. Jones reported that although the stop logs are still in place and holding back water to elevation 972, water is still running over the spillway. B&J Landscaping has completed the native grass seeding and mowing obligations in his contracts. Jones submitted Pay Request No. 4-Final for \$18,855.98. **Motion** by Anderson to approve the referenced pay request. **Seconded** by Affield. **Approved.** Currently, conditions are too wet for the NRCS to clear trees on their property within the project area.

Project No. 21, Wilkin C.D. No. 13-Lateral Repairs. William Nichol Excavating, Inc. and Northern States Excavating, Inc. have both been hired to work on the repairs for C.D. No. 13-Lateral. The Board approved the work at their 11/14/16 meeting to be started as soon as possible, pending weather conditions.

Project No. 49, Oakport Flood Mitigation-Phase 4. Ulteig Engineering, Inc. (UEI) has prepared a punch list for the contractor to complete before the contract can be finalized. Current wet weather conditions will make it necessary for the contractor to finish the work next spring. Albright gave a brief summary of project development for Manager Leitch. He explained that east of the coulee, the dike has been certified, which means that the floodplain status changes inside of the certified dikes and flood insurance rates change. Now that the west side of the project is completed, Kris Carlson, UEI, will work with the Federal Emergency Management Agency (FEMA) this winter to certify the dike on the west side of the coulee. The Board discussed how the project was financed.

The Board briefly discussed R. J. Zavoral & Sons, Inc., claim of \$152,500 in liquidated damages, based on 61 days of lost work time from their original schedule caused by delays outside of their control. Albright reported that UEI, the BRRWD, and the contractor met on 11/17/16 to discuss this issue. Jones noted that we have asked Zavoral to provide more detailed documentation to back up their claim. Zavoral claims that the delays were caused by easement acquisition issues, a house that was not moved in a timely manner, and

the Century Link cable relocation, which was shut down for nearly 30 days because of the Kopperud/Larson family complaints/lawsuit. The Board discussed what the Kopperuds' liability might be in light of the contractor's claim, since it was their complaints and threats of litigation that delayed Century Link from completing their cable relocation in a timely manner. Attorney Norgard is aware of the potential impact of their actions and will consider if we could have a claim against them regarding this issue.

Albright has been working with Leonard Nelson regarding the Fischer easement. The Board discussed the Fischer claims that after the stockpile was removed and the site tilled, there is clay material visible on the surface. They have concerns about compaction and crop loss on this acreage. Albright noted that the renter has prepped the land for spring planting and doesn't appear to have concerns about farming the site next year. The Board also discussed options for removing the spoil pile on the BRRWD's property along Wall ST.

Albright suggested that when the project is finished, the BRRWD should hold an open house and dedication ceremony to commemorate the project's completion. He thought it would be appropriate to recognize the project engineers and local Legislators, who were instrumental in project development/funding.

Attorney Norgard has submitted a response to the Kopperud/Larson claims. We have included the contractor and UEI in the lawsuit. Albright also mentioned that the Minnesota Department of Labor & Industry sent notification that they are investigating a possible Prevailing Wage Law violation regarding the Phase 4 Zavoral contract. The Department is requesting information to assist them in their investigation. When Albright responded to their notice, he acknowledged that we did not have the Wage Law provision listed in our project contracts because we didn't know it was a requirement. The DNR didn't have the provision listed in their grant agreement, and UEI hadn't included it in the bid documents. Kris Carlson, UEI, thought this issue shouldn't be a problem because Zavoral was probably paying at or above the prevailing wage for the project. The contractor will have to investigate their records to provide wage information to the Department of Labor, and if anyone on their payroll was not paid prevailing wages, they will probably have to be compensated. Manager Leitch pointed out that UEI should have known the law and included the requirement in the contracts. Albright noted that DNR should have included it in their grant agreement. Jones commented that HEI has included the Wage Law provision in their recent contracts.

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. 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.

Jones reported that FEMA denied Josh Wambach's Letter of Map Revision (LOMAR) because the City of Georgetown is their own floodplain administrator. Clay County's blanket exception for basements apparently doesn't apply to properties within the City of Georgetown. Jones is still working with the DNR's Floodplain Manager to resolve this issue. He forwarded the elevation certificate and the floodproof basement information to Wambach's insurance carrier, Auto Owners Insurance Company. Jones hopes the insurance company will review the documentation and reconsider Wambach's flood insurance rates. The DNR has suggested that if Georgetown adopted the FEMA floodproof basement guidelines, the DNR could probably grant a variance for the Wambach property. DNR personnel will continue to work on this issue.

The BRRWD will work with the City on project maintenance. Albright also said that to date, there has been no decision regarding a proposal to ask the Fargo-Moorhead (F-M) Diversion Authority (DA) to fund permanent road closures in the Georgetown project area. Clay County Commissioner Kevin Campbell has suggested that the road closures could be paid for with F-M Diversion money, as the City is located at the outlet of the proposed Diversion project.

Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1). Bryan Kritzberger was in the office today to discuss the status of the petition for landowners to divert high flows in J.D. No. 1 west to Wolverton Creek. Albright will assemble all the materials from Attorney Norgard and redraft the petition so the landowners can circulate it for new signatures.

Project No. 14, Clay C.D. No. 10. Jones noted that the contractor, R.J. Zavoral & Sons, Inc., has a punch list to complete before we can close their contract. He expects to file the final pay request at the next meeting.

Flood Damage Reduction:

Mediation Project Team (PT). The next PT meeting is scheduled for Thursday, December 15, 2016, in the Barnesville office at 1:30 PM.

Upper South Branch of the Buffalo River. Jones noted that we need to discuss the proposed Phase 1A drainage route alignment with the Rogelstad family in Section 12, Manston Township, Wilkin County. We have also submitted a Minnesota Board of Water and Soil Resources (BWSR) CWF grant application for the channel restoration across the Wetlands Reserve Program (WRP) site in Section 11. BWSR should have a funding decision by the middle of December.

Barnesville Township Drainage Investigation. Albright, Jones, and Eskro had a conference call with Craig Jarnot, Army Corps of Engineers (COE), to discuss their Concurrence Points (CP) process. HEI recently completed and submitted Concurrence Point 1-Project Purpose and Need. This is the first of four CPs that must be completed for a project to be compliant with the COE's guidelines and be approved. Each CP will be completed and approved before we move on to the next step. Jarnot offered some suggestions to improve our submission and agreed to review our draft before we submit it for final approval. Jones noted that once the Barnesville CP process is completed, it will be used as a template for successive projects, for example, Stony Creek.

WRP Sites. Congressmen Collin Peterson (MN) and Kevin Kramer (ND) want to hold another meeting regarding the Farm Bill, WRP, tiling, and demonstration projects before the Christmas Holiday. Jones reported that he is still working with the DNR Dam Safety Office to lower the dam classification for Stony Creek. The Board briefly discussed the dam breach modeling effort. Albright noted that the Board is working on establishing easement values for the WRP projects we are currently developing, so that we can start working with the landowners to obtain their easements.

Senator Kent Eken has agreed to work with the BRRWD regarding the 2017 bonding bill. Albright suggested that Stony Creek should be included in the bonding bill for WRP funding (50% or approximately \$4 million). He noted that bonding funds probably won't be needed for the Wolverton Creek/Comstock Coulee restoration project. Given the funding we have already received (\$4.7 million) from BWSR and Lessard-Sams Outdoor Heritage Council (LSOHC) Conservation Partners Legacy Grants (CPLG) Program, the State of Minnesota has already reached the 50% funding for the Wolverton project. With the local share, any more state funding shouldn't be needed if NRCS funding materializes.

Watershed District Enlargement (WDE)/Revised Watershed Management Plan (RWMP). Albright is working on his review of the draft RWMP. The BRRWD will be meeting tomorrow morning with Wilkin County SWCD regarding their Plan update. The State wants agencies and watershed districts to work together on their Comprehensive Plans in accordance with their One Watershed One Plan (1W1P). Albright noted that our new RWMP will not be based on the 1W1P, as it was started prior to the law. Our next Plan could be based on the 1W1P. The BRRWD currently has three watersheds within its boundary: the Upper Red River, Otter Tail River, and the Buffalo River, and each watershed could need a separate comprehensive plan. Jones noted that the BRRWD submitted a BWSR CWF grant application this fall to prepare information that could be used to develop the 1W1P when we start that process. As noted, we should know in mid-December if our grant is approved.

F-M Diversion Project. Manager Anderson commented that the DA's Land Management Committee has decided to send letters to the landowners regarding potential early residential property buyouts in the upstream staging area. The Board briefly discussed the Minnesota DNR denial of the COE permit for the project and the COE's response to that decision.

Otter Tail River/Buffalo River/ Upper Red River Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS). Albright gave a brief summary of the BRRWD's work with MPCA on the TMDL effort, which began as a pilot project in 2008. He hopes that MPCA will get new personnel assigned to attend our PT meetings. It appears that the WRAPS has been completed and approved, but Jones reported that to date, he hasn't received any further information from MPCA regarding the status of our TMDL studies for the Buffalo River and Upper Red River. He plans to ask MPCA if the BRRWD will be eligible for 319 Clean Water Act (CWA) funding in 2017. The Board also briefly discuss the Tiered Aquatic Life Use (TALU) process.

MAWD 2016 Annual Meeting. The Minnesota Association of Watershed Districts (MAWD) has scheduled their 2016 annual meeting and trade show for December 1-3, 2016, at the Arrowwood Resort in Alexandria. Managers Fjestad, Van Amburg, Anderson, and Hanson plan to attend. Jones distributed the resolution packet for the Board's review. The Board appointed Managers Hanson and Fjestad as the BRRWD's official delegates to the annual business meeting with Manager Anderson as alternate delegate. Manager Leitch has enrolled in the new manager workshop. Anderson and Fjestad plan to attend the drainage workshop on Thursday. Albright provided the Board with a copy of the resolutions for their review. He commented that after review, he concurred with the Resolution Committee's recommendations.

Wilkin C.D. No. 7 Repairs. The contractor, States Border Construction, plans to start work next week on the north-south portion of the ditch.

Wilkin C.D. No. 6A Repairs. Jones reported that the County has completed the slope work on both sides of the first mile of ditch in Section 31, Tanberg Township, and they will seed and mulch the ditch slope yet this fall. The rock drop structures are also installed. The next step is to meet with Akron and Tanberg Townships and the adjacent landowners regarding work on the south slope of the ditch in Section 32. The County will do the repairs. The rock material will be hauled on site after freeze-up in December. Albright noted that he will schedule a Viewers' meeting soon to start work on the redetermination of benefits.

MPCA MS4. Jones submitted the MPCA Small Municipal Separate Storm Sewer Systems (MS4) permit application by the 10/25/16 deadline. The Board discussed including a section on the MS4 program in both the RWMP and the revised Rules. Ted Rud, Engineer, HEI, and Jones are creating a new section for the BRRWD Rules update that would only apply to the MS4 area.

Wilkin C.D. Nos. 40/43 Drainage Petitions. Albright reported that Ed Ernst, the renter of the Sakry property adjacent to Troy Goltz's land, was in the office recently to complain about ditches Goltz constructed that are draining water generated by his tiling project (Permit No. 16-052) straight west onto the Sakry property. When Albright contacted Goltz, and asked him why he had moved the tile outlet from the northwest corner of the property (C.R. No. 30) to the west onto Sakry's land, Goltz said that the area was so wet they had to create some new outlets. Albright explained that Goltz couldn't drain his tile water onto another landowner's property. Goltz agreed to plug the ditches and reroute the drainage away from Sakry's property. Albright noted that the Board will hold hearings to add and remove land from Wilkin C.D. Nos. 40 and 43 for Goltz later this winter.

Elkton Township Wetland Restoration. Albright gave a summary of the wetland restoration process the BRRWD went through to restore approximately 70 acres of wetland banking credits in Elkton Township. Albright will check with BRRWD Attorney Cory Elmer, Vogel Law Firm, who is still working with BWSR to finalize the easement process. BWSR will send the easements to the BRRWD for recording. When the credits are banked, Albright 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, as part of their Manston Slough project easement.

Wolverton Creek/Comstock Coulee. Albright reported that about three Phase 1 landowners have applied for the NRCS Wetlands Reserve Enhancement (WRE) program. The Board discussed the WRE application process. Albright gave a brief summary of the project development for Manager Leitch. Jones will provide information on the wetland management district (wmd) assessment information, and the Board will spend some time during the 12/12/16 meeting to make a decision regarding how the proposed wmd fee will be determined.

Otter Tail River Restoration. A meeting has been scheduled on Friday, December 9, 2016, from 9:00-11:00 AM in the BRRWD office with the DNR staff to discuss the project. Jones has submitted two pay requests to BWSR for project cost reimbursements, and we have received the first payment. Jones will also submit a bill to the Wilkin SWCD for Technical Assistance according to their CWF BWSR grant agreement for the Etten erosion site repair and the 319 grant match. Jones reported that the Etten erosion site repair has been completed. He noted that the Wilkin SWCD made weekly aerial drone flights over the project site to document the work. He will provide copies of the photographs for the Board's review.

Albright reported that we are awaiting a response from the COE regarding the two resolutions the Board approved in October for the Section 1135 project funding for the Otter Tail River channel restoration project.

Whiskey Creek Restoration. Jones noted that the survey had been delayed because of the numerous beaver dams in the channel, but the crew should be finished this week. He explained that HEI plans to use a remote control boat to navigate around the nearly 29 beaver dams located in the waterway. The Board discussed the attempts to remove the dams last year.

Facility Maintenance. Agassiz Mechanical forwarded an estimate for the furnace boiler parts and labor for \$320.00. **Motion** by Hanson to approve the referenced expenditure. **Seconded** by Larson. **Approved.**

Project No. 71, 50th AVE S Flood Control. Jones explained the draft Operation and Maintenance (O&M) Agreement between the BRRWD and City of Moorhead for this project. Basically, all project features that are related to the drainage on the south side of 50th AVE S and the coulee going north to the Red River, plus the dikes south of the City limits would be maintained by the BRRWD, and all project components within the current City boundaries would be their responsibility. The City would conduct annual project inspections and mowing at the project's expense. The Board will review and act on the agreement at the next meeting.

Data Management System. The Board discussed the process the staff has been going through to acquire a software solution to managing all of the documents we have in our files and in our computer system. We need a way to store and search the data in an efficient manner so that when Albright retires, we will be able to find information that at this time only he could find. We have already met with representatives from Marco (M-Files). We will be meeting with OPG-3, Inc. (Laserfiche) on 12/05/16 and on 12/07/16 with LaserSystems (Intellinetics) to review their products. Albright will provide a staff recommendation to the Board by the 01/09/17 meeting about which system we think will be the best fit for the BRRWD going forward.

Hawley Buffalo River Restoration. The MPCA forwarded a notice of termination/permit modification form to terminate the Stormwater permit for this completed project. **Motion** by Anderson to authorize signature of the referenced form. **Seconded** by Fjestad. **Approved.**

New Manager Oath of Office. New BRRWD Manager Jay Leitch has agreed to fill out Breanna Kobiela term, ending 08/31/18. Proper notification has been forwarded to the Counties and BWSR. Leitch took the Oath of Office and signed the documentation. Van Amburg asked Leitch to introduce himself to the Board. Leitch is a retired NDSU Professor of Ag Economics and was Dean of the College of Business for several

years. He was also the Science Advisor to the Assistant Secretary of the Army. Leitch noted that in that capacity, he worked with the COE and is still in contact with COE staff. He also works on a limited basis with the Red River Watershed Management Board (RRWMB) to help on the cost/benefit ratios for the projects that are being funded by the Red River Retention Authority (RRRA) Federal grant. He added that he mapped the Otter Tail and Red Rivers for the DNR. Leitch has also travelled extensively, working on a variety of water and agricultural issues throughout the world. Albright provided Leitch with a copy of the draft Revised Rules for his review.

Performance Review and Assistance Program (PRAP). At the last meeting, the Board discussed working with Pete Waller, BWSR, to undertake a Level II Review, which would cover more performance standards than the Level I review we have completed in the past. Albright has advised Waller that the Board would be interested in the Level II review. BWSR representatives plan on attending the BRRWD's 01/09/17 meeting to discuss this further.

Buffer Law. The Board discussed compliance with the Buffer Law by 2018, including procedures to ensure landowner buffer strip compliance and if the BRRWD or the County should be the enforcement entity.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
B & J Landscaping	Pay Request No. 4-Final	Pj. 56, Manston	\$ 18,555.98
Barnesville Phone Co.	11/25/16 billings	Admin.	\$ 289.78
Beau Lofgren	River Watch Meals (2)	M.S.A. 103D 905, Sub. 3	\$ 248.36
Bruce E. Albright	MAWD Workshop Registration (3)	Admin.	\$ 255.00
Bruce E. Albright	#2038515352, 500 checks	Admin.	\$ 211.11
Carmen Pattengale	November office cleaning (2)	Admin.	\$ 130.00
Catherine L. Affield	#16-32, 09/01/16-10/31/16	Admin.	\$ 188.20
City of Barnesville	09/26/16-11/02/16 Utilities	Admin.	\$ 450.89
Joel Carlson, Inc.	December lobbyist fees	Admin.	\$ 850.00
Pitney Bowes GFS	#3100776036, Postage meter rent	Admin.	\$ 112.22
UEI	#60893, Phase 4 thru 10/31/16	Pj. 49, Oakport	\$ 49,200.60
UEI	#60894, Wetland thru 10/31/16	Pj. 49, Oakport	\$ 1,265.86
VCSU Macroinvertebrate Lab	#104, Mussel Survey/Relocation	OTR	\$ 1,166.00
Vogel Law Firm	#186223, October	COE Diversion	\$ 69.00
Vogel Law Firm	#186224, October-Kopperud	Pj. 49, Oakport	\$ 1,153.50
			\$ 75,041.82

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

Next Meeting. The next regular meeting will be held on Monday, December 12, 2016, at 7:00 PM in our Barnesville office. Albright noted that the next regular scheduled meeting falls on December 26, which is a legal holiday, so the Managers agreed to only meet once in December. The next Board meeting on 01/09/17 will incorporate their annual meeting with election of officers, and appointment of 2017 consultants. Albright felt that if an emergency meeting was needed for late December, one could be always be arranged on an as-needed basis.

Adjournment. Chairman Van Amburg adjourned the meeting at 10:30 PM.

Respectfully submitted,

John E. Hanson, Secretary