

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

BARNESVILLE, MINNESOTA 56514

1303 4<sup>th</sup> AVE NE  
E-mail: General@brrwd.org

PO BOX 341

PHONE 218-354-7710  
Website: www.brrwd.org

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## MINUTES FOR MANAGERS' MEETING August 22, 2016

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting and 2017 Annual Budget Hearing on Monday, August 22, 2016, at 7:00 PM in the Barnesville office. BRRWD Managers present were John E. Hanson, Mark T. Anderson, Troy E. Larson, Catherine L. Affield, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI); Clay County Commissioner Jenny Mongeau, and landowners: Bill Davis and Michael Dohn.

In Chair Van Amburg's absence, Vice Chair Fjestad called the meeting to order at 6:58 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 08/08/16 regular meeting and the 04/18/13 Clay County (C.D.) Nos. 9, 32, and 33 hearing. **Motion** by Affield to approve the minutes. **Seconded** by Anderson. **Approved.**

**Treasurer's Report.** The Board reviewed the BRRWD's financial status. Cash on hand is \$2,268,583.54. Income since the 8/08/16 meeting, included the 1<sup>st</sup> half ditch/project collections (\$632,274.66) from Clay County, the Minnesota Department of Natural Resources (DNR) for Project No. 49, Oakport Flood Mitigation (\$370,623.81), and a refund from TrueNorth Steel for Project No. 48, Clay C.D. No. 59 repairs.

The Board will hold their annual budget hearing later in the meeting, starting at 9:00 PM. Albright and Treasurer Anderson will work with Midwest Bank to renew our Line of Credit by the end of August.

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

**Permit No. 16-063, Matthew Moxness.** Applicant proposes to replace a texas crossing on a waterway in the SW $\frac{1}{4}$ , Section 6, Nordick Township, Wilkin County, with a new culvert and low water crossing to accommodate larger machinery. Moxness asked for the Board's recommendation on culvert sizing. Jones will meet with Moxness on 08/26/16. Anderson noted that according to Clay County guidelines, the culvert should be at least 40'-50' long to accommodate large machinery. **Tabled.**

**Permit No. 16-067, Roger Minch.** Applicant proposes to restore the natural drainage in the E $\frac{1}{2}$ , Section 28, Kragnes Township, Clay County, according to plans recently prepared by Jones for the Minch Family LPP. The Board discussed the dismissal of Project No. 77, Clay C.D. No. 51-Lateral No. 3.

Albright is working with BRRWD Attorney Tami Norgard, Vogel Law Firm, to dismiss Project No. 77 and to recoup the \$10,000 deficit remaining in the project financial account. Attorney Norgard recommended that the Board approve Minch's permit application, pending abandonment of Project No. 77, and collection of outstanding project costs. The Board is required to hold a hearing to abandon the project, which could be held during a regularly scheduled Board meeting. Jones gave a brief description of the proposed project for the Board's review. **Motion** by Anderson to approve Permit No. 16-067, pending the abandonment of Project No. 77, Clay C.D. No. 51-Lateral No. 3, and the collection of the outstanding project costs. **Seconded** by Larson. **Approved.**

Robert Norby's lawsuit with the BRRWD still continues. His attorney, Zenas Baer, plans to depose Albright and the Managers. Albright is working with Attorney Norgard and Managers Anderson, Van Amburg, and Fjestad to schedule their depositions. The deadline for this process is 10/07/16.

**Permit No. 16-074, Luke Wiertzema.** Applicant proposes to lower two existing 30" dia. culverts on the west line of Section 9, Nilsen Township, Wilkin County, in the southwest corner of the SW<sup>1</sup>/<sub>4</sub> by approximately 1' to drain water south to C.D. No. 1C. The County recently cleaned about 2' of sediment out of this ditch along the south line of Section 9. The property in the S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> is assessed to drain south to C.D. No. 1C. In addition, the neighboring landowner to the north has placed a gate on the south end of the 24" dia. culvert on the quarterline without a BRRWD permit, blocking the water on Wiertzema's property in the N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> from flowing north to C.D. No. 34 as assessed. Wiertzema has asked the BRRWD to contact his neighbor about the flapgate. He proposes to lower the culvert just south of the quarterline to allow some of the water to flow back south to C.D. No. 1C if his neighbor will remove the gate. **Motion** by Larson to approve Permit No. 16-074, subject to contact with Todd Klein regarding the gate removal and Nilsen Township approval to work within their road right-of-way (r-o-w). **Seconded** by Anderson. **Approved.**

**Permit Nos. 16-075 & 16-076, Jeff Yaggie.** For Permit No. 16-075, applicant proposes to install a field approach/culvert to provide access for his field, along Trunk Highway (T.H.) No. 9 in the SE<sup>1</sup>/<sub>4</sub>, Section 18, Meadows Township, Wilkin County, and for 16-076, Yaggie proposes another field approach/culvert in the SE<sup>1</sup>/<sub>4</sub>, Section 30, Nilsen Township, Wilkin County, crossing C.D. No. 12 to provide access to his field, off County Road (C.R.) No. 16. **Motion** by Anderson to approve both permit applications, subject to Manager field review and Minnesota Department of Transportation (MNDOT) and Wilkin County approval to work within their road r-o-w. **Seconded** by Affield. **Approved.**

**Permit No. 16-077, City of Moorhead.** Applicant proposes to construct a paved road with curb and gutter along a currently graveled road (12<sup>th</sup> AVE) in the N<sup>1</sup>/<sub>2</sub> and SE<sup>1</sup>/<sub>4</sub>, Section 14, Moorhead Township, Clay County, from 40<sup>th</sup> ST to 45<sup>th</sup> ST, and to construct a new road (45<sup>th</sup> ST) from 12<sup>th</sup> AVE north until it ties into the existing road near 24<sup>th</sup> AVE. Roadside ditches will be modified slightly to accommodate the new and larger road footprint, and new ditches will be created for the new 45<sup>th</sup> ST alignment. Utility installation will include watermain, sanitary sewer and storm sewer. Storm sewer systems will drain to the existing trunk storm sewer lines and outlet into the regional ponds. The work is necessary to accommodate future city expansion and provide access to the proposed school near 45<sup>th</sup> ST and 24<sup>th</sup> AVE. Jones reviewed the proposed project plans and recommended permit approval. **Motion** by Larson to approve Permit No. 16-077. **Seconded** by Hanson. **Approved.**

**Permit No. 16-078, Deal Enterprises, Inc.** Applicant proposes to install sediment control basins in the NE<sup>1</sup>/<sub>4</sub>, Section 28, Trondhjem Township, Otter Tail County, in association with the West Ottertail Soil and Water Conservation District (SWCD). The Natural Resources Conservation Service (NRCS) has not yet completed the design. Albright recommended permit approval. **Motion** by Anderson to approve Permit No. 16-078. **Seconded** by Hanson. **Approved.**

**Floodplain/Insurance Concerns.** The Board discussed Kenneth Heng's concerns about the results of a recent Federal Emergency Management Agency (FEMA) review of his property's inclusion in the flood plain along T.H. No. 9 south of Barnesville. Heng and his neighbors hired HEI to conduct an elevation survey for a Letter of Map Amendment (LOMA) process to remove their properties from the floodplain, which would reduce/eliminate the need for flood insurance. Heng's two neighbors, who have properties at lower elevations than his, were both removed from the floodplain, but Heng's property stayed in. Jones explained that the floodplain in this area hasn't been remapped for many years. The most recent Flood Insurance Remapping (FIRM) process for Clay County became effective in April 2012, but this particular area hasn't been remapped since the 1970s. The City of Barnesville lagoons and other drainage improvements have changed flooding potentials for the Heng property since the initial mapping. Jones noted that the FEMA staff relies solely on

their floodplain maps to make these determinations, and in Heng's case, the 1970s map is incorrect and needs revision. In order to correct this problem, we would have to do some channel survey work, prepare a new elevation study, and submit the findings to FEMA for review. The Letter of Map Revision (LOMAR) process would cost approximately \$5,000-\$10,000. The Board discussed who would be responsible for the remapping costs. Albright noted that there would be a number of federal, state, and local entities involved in the process. He brought this information to the Board to make them aware of this issue.

Another homeowner in Section 32, Spring Prairie Township, Clay County, purchased a homestead that they didn't know was located in the floodplain. The house was built in the 1970s without a County building permit and wasn't built to floodplain specifications. In 2003, an addition to the house was built without a building permit. When the new homeowners were made aware of the situation, they contacted Congress Peterson's office, who subsequently contacted the Chicago FEMA office. The County has agreed to fund a retrofit for the house and the addition to bring the property up to code since they were responsible for not catching the original unpermitted construction. With the changes, the homeowner's flood insurance will drop from \$7,200 per year to about \$1,700. After meeting with the property owners, Brian Berg, Clay County Administrator, and Timothy J. Magnusson, Clay County Planning and Zoning Administrator, Albright investigated this issue and plans to encourage the new homeowners, to take the County's offer. The Managers discussed the area drainage patterns and history.

**Al Korinek Tile Complaint.** Albright noted that he had been planning to work with the Bois de Sioux Watershed District (BdSWD) regarding landowner Al Korinek's (Section 15, Breckenridge Township, Wilkin County) complaint about a tiling project that Matt Hasbargen constructed in 2013 (BRRWD Permit No. 13-002) in Section 21, Sunnyside Township. However, the BdSWD staff recently resigned, so Albright will contact Hasbargen to explain that when there is downstream flooding, he should not operate his tile system. The Board reviewed the current list of the optional conditions the BRRWD can place on approved permit applications when they are issued, including the provision that pumped outlets are approved with the condition that the pump(s) are not operated during times of downstream flooding or if icing is occurring in downstream structures.

**Duane Boeder Complaint.** Albright visited with Frank Schindler regarding his project to remove a dry approach on the Boeder property in the SW<sup>1</sup>/<sub>4</sub>, Section 33, Barnesville Township, Clay County. Brian Kritzberger, who actually did the work for Frank Schindler plans to visit with a local Boeder family member regarding the work. Manager Fjestad noted that he had also visited with the family member recently.

**Clay/Wilkin County Line Drainage Concerns.** Albright is working on a factsheet and agreement for the landowners to install a private ditch along the north line of Section 6, Wolverton Township, Wilkin County. Landowner Harold Quinnild, whose family owns the majority of the land the ditch would cross, has indicated that he would support the proposed private ditch.

**Project No. 56, Manston Slough Restoration.** At the 08/08/16 BRRWD meeting, the Board discussed Tom Arnhalt's drainage concerns in the SE<sup>1</sup>/<sub>4</sub>, Section 20, Manston Township, and agreed to investigate options to make some cuts in the spoil banks on Wilkin C.D. No. 13-Lateral and remove culvert flapgates, to allow more water to enter the project west of Arnhalt's property to improve his drainage outlet in Section 20. Now that the project is operational, water could flow into the adjoining DNR project area. At the 08/18/16 Mediation Project Team (PT) meeting, the group discussed this issue. We will need to work with Don Schultz, DNR, on this option. Using the overhead monitors, Jones explained Arnhalt's recent project to straighten the waterway that runs through the middle of his field in the SE<sup>1</sup>/<sub>4</sub>, Section 20, Manston Township, and potential areas where spillways could be installed along the ditch. There is also a flapgate by the minimum maintenance township road (230<sup>th</sup> AVE) that could be removed. Jones and Albright will finalize some recommendations for the Board's review at their 09/12/16 meeting.

Albright noted that the Township road problems reported last fall about soft spots seem to have gotten better this year, even with the recent wet weather. He speculated that the roads might just have had needed time to settle following construction. If the soft spots resurface, the contractor will be notified.

**Project No. 49, Oakport Flood Mitigation.** Albright and project engineer, Kris Carlson, Ulteig Engineers, Inc. (UEI), conducted a tour of the project site on 08/19/16. Albright suggested the contractor could also clean up the Carl Pierce spoil stockpile area and restack the dirt, then offer the remaining dirt to Pierce for his future property development. The Board agreed that Albright should contact Pierce in this regard.

Albright reported that he visited again today with Elaine Fischer Gess regarding their spoil stockpile easement. He explained to Gess that the Board has agreed to wait until the project is completed before settling with the Fischer Family regarding their easement. Albright will provide them with a project update after the Labor Day Holiday. Carlson has assured Albright that the contractor will have the stockpile removed as soon as possible.

Albright noted that the contractor, R.J. Zavoral and Sons, Inc., worked over Loren Larson's temporary easement boundary marginally for a temporary road, which has now been removed and the area restored. It is expected that Zavoral will work with the landowner to make up for the incursion. Kelly Larson also claimed that there was damage to 15 acres of wheat in their field adjacent to our permanent easement site. Albright commented that this claim didn't appear to have much merit. The Larson family has backed off on their claim that when we negotiated the project easement with Rose Kopperud in 2010, she had not been of sound mind. Greg Anderson, who worked with the BRRWD to obtain the easements back then, found email correspondence, etc., documenting that Kopperud's son, John, was involved with all of those transactions.

Albright suggested that when the project is finished, the BRRWD should hold an open house and 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.

Landowners living in the Brentwood Subdivision have requested that we restrict hunting on the BRRWD property because of the proximity to their homes. Over the years, there have been numerous neighborhood complaints about hunters trespassing on private property and neighborhood safety concerns. UEI has already modified the hunting map. **Motion** by Hanson to approve the modification of the hunting map and remove the BRRWD's properties in the Brentwood Subdivision from the open hunting area. **Seconded** by Affield. **Approved.**

Albright noted that there will be a spoil pile left on BRRWD property east of Broadway ST across from the gas station. Most of the dirt will be used to finish the project, and the remainder will be leveled and seeded to grass so it can be maintained. The Board discussed possibility of selling the lots the BRRWD owns in the project area.

**Project No. 48, Clay C.D. No. 59.** Jones reported that the contractor appears to be finished with the project. Wade Opsahl, Civil Technician, HEI, plans to check with the contractor this week.

**Project No. 39, Georgetown Levee.** Albright plans to check with BRRWD Attorney Corey Elmer, Vogel Law Firm, regarding the status of the Greywind condemnation. Kevin Campbell, Clay County Commissioner, is trying to set up a meeting to discuss permanent road closures that could be funded through the Fargo-Moorhead (F-M) Diversion.

**Project No. 30, Clay/Wilkin Judicial Ditch (J.D.) No. 1.** Attorney Norgard had concerns about the petition signatures in accordance with Minnesota Statutes Annotated (M.S.A.) 103E.238, for a diversion on the

county line. Albright will contact the landowners to acquire the proper signatures for their petition, so it can be resubmitted.

**Project No. 14, Clay C.D. No. 10.** Jones reported that the contractor, R.J. Zavoral and Sons, Inc., started the slump repairs today. After analysis, it was determined that the excess Oakport clay fill doesn't meet the specifications, so the contractor will have to acquire clay from another area. The completion deadline is 10/31/16.

**Project No. 24, Wilkin C.D. No. 44.** Township Supervisor Alan Jerger called the office with concerns about the status of a culvert in 170<sup>th</sup> ST between Sections 3 and 10, Manston Township. There have been discussions regarding the removal of the culvert on the north side of 170<sup>th</sup> ST and abandonment of the north ditch. Jerger would like to see the eroding culvert removed because it is a road safety issue. Albright gave a brief history of this ditch, and Dave Yaggie's project to install a ditch on the south side of the road, which rerouted water from the north ditch. The Board discussed the Township's request. Technically, the Board should hold a ditch system hearing to remove the culvert, but Albright observed that culvert removal would only affect Yaggie's drainage, and he has wanted the culvert removed for many years. **Motion** by Anderson to remove the referenced culvert in response to the Township's road safety concern, subject to contact with Dave Yaggie and the scheduling of a ditch system hearing later this winter to discuss the proposal to abandon the ditch on the north side of the road. **Seconded** by Larson. **Approved.**

**Mediation PT.** Albright noted that attendance was down at the last PT meeting on 08/18/16. The next PT meeting will be held on Thursday, October 13, 2016, in the Barnesville office at 7:00 PM. The Fall Tour has been scheduled for Thursday, September 22, 2016.

**Upper South Branch of the Buffalo River.** An agency meeting was held on 08/16/16 to discuss Phase 1A east of T.H. No. 9. Two issues need to be addressed. First we need to contact the downstream landowners, the Rogelstad family and The Nature Conservancy (TNC), who had some questions. Jones explained the Phase 1 plan to reroute water from Wilkin C.D. No. 44-Branch A south along C.R. No. 15 to the historic drainage route. The water would cross a Wetlands Reserve Program (WRP) site on the Ehlert property, and then across TNC property. The water would continue through a pipe in the township road, then in a channel across the Deutsch and Rogelstad properties. Brian Winter, TNC, had concerns regarding changing drainage on their property. HEI prepared a memo specifically for TNC, documenting the project impacts to facilitate their review. Albright briefly discussed three drainage alternatives across the TNC property and historic area drainage patterns. He noted that the NRCS and Minnesota Board of Water and Soil Resources (BWSR) personnel were satisfied with the proposal. BWSR might be able to find funding for the channel restoration across the WRP site in Section 11. The DNR also supported the proposed restoration feature.

**Barnesville Township Area Drainage.** Albright observed that the Board still needs to determine easement values for our restoration projects. He reported that some of the gas pipeline is being lowered across Greg Grommesh's property in Section 28, Barnesville Township. Manager Anderson talked about the pipeline lowering process.

**Stony Creek Restoration.** Albright discussed the modeling HEI completed to show downstream flooding impacts below the proposed dam. Jones will use this information in his discussions with the DNR regarding their dam classification. Another meeting or conference call will be scheduled to discuss this issue with the DNR in the near future.

**Watershed District Enlargement (WDE)/Revised Watershed Management Plan (RWMP).** Albright is working on his review of the draft RWMP. The BWSR Northern Committee will be meeting on January 11,

2017. Albright noted that we will try to have our review completed and the Plan submitted for review at the meeting.

**Army Corps of Engineers (COE) F-M Diversion.** Albright plans to have the BRRWD comments regarding the COE's permit application for their high hazard dam submitted by the deadline (08/26/16).

**Otter Tail River/Buffalo River/ Upper Red River Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS).** At the recent Red River Basin Flood Damage Reduction Work Group (RRBFDRWG), Jim Ziegler, Minnesota Pollution Control Agency (MPCA), told Jones that the Environmental Protection Agency (EPA) has approved the Buffalo River TMDL Study, and the Upper Red River TMDL Study will be sent out for comments in 30-90 days. Jones noted that if that is accurate, the BRRWD should now be eligible for a number of BWSR 319 grant opportunities in 2017.

**Wilkin C.D. Nos. 6A/7 Repairs.** A landowner informational meeting has been scheduled for Wednesday, September 7, 2016, in the Wilkin County Environmental Office in Breckenridge at 7:30 and 8:30 AM. Notices will be sent this week. Following the meetings, if there is no landowner opposition/concerns, HEI will advertise for bids.

**Ditching Complaint.** The Board discussed a complaint regarding Don Yaggie's 0.5 mile Wilkin C.D. No. 1B clean out along C.R. No. 18 in Section 32, Meadows Township. Neighbors contacted Albright to discuss the BRRWD's policy regarding unpermitted ditching. They had concerns about the condition of the ditch bottom following the cleanout, pointing out that since the ditch is now under BRRWD jurisdiction, this type of private ditch work should not be allowed without BRRWD supervision. Dan Swedlund, Wilkin County Highway Department, who gave Yaggie permission to do the work, acknowledged that Yaggie left large gouges in the ditch bottom and Swedlund has agreed to repair it. Albright will conduct a field review and take photographs for the Board's review.

**MPCA MS4.** Jones and Albright attended a MPCA Small Municipal Separate Storm Sewer Systems (MS4) workshop on 08/11/16 in Fergus Falls. We are still waiting for the MS4 Memorandum of Understanding (MOU) from the City of Moorhead for our approval and signature. Albright noted that the Board should probably hold a special meeting to review the MS4 program and to consider adding a section regarding MS4 permitting in our new RWMP and Rules.

**Wilkin C.D. Nos. 40/43 Drainage Petitions.** Albright is working on the petitions to add and remove land from Wilkin C.D. Nos. 40 and 43 for Troy Goltz (Permit No. 16-052).

**Elkton Township Wetland Restoration.** Albright reported that Chuck Anderson's easement paperwork has been signed and finalized. He expects to receive the paperwork for the three other easements (Poehls, Lamb, and the Manston Estate) tomorrow. Albright will meet with the landowners to get their signatures and then deliver them back to Attorney Corey Elmer, Vogel Law Firm, for filing.

**Wolverton Creek/Comstock Coulee.** Albright and any available managers will be travelling to St. Paul tomorrow to interview with the Lessard-Sams Outdoor Heritage Council (LSOHC) for our Wolverton Creek Restoration project funding application. The next step will be to meet with the Phase 1A landowners to discuss submitting their applications for the NRCS Wetland Reserve Enhancement (WRE) program before the 10/01/16 signup deadline.

**Whiskey Creek.** Thomas Eskro, HEI, is working on the finishing the survey after the crops are harvested.

**The following bills were presented for approval:**

<b>Accounts Payable</b>	<b>Description</b>	<b>Account</b>	<b>Amount</b>
Becker County Auditor-Treasurer	2016 special assessment charge	Varies	\$ 2,318.00
Chris Hoppe Lawn Care Service, LLC	July mowing (3)	Admin.	\$ 320.63
Daily News	Budget hearing notice (2)	Admin.	\$ 298.80
Fergus Falls Newspapers, Inc.	Budget hearing notice (2)	Admin.	\$ 601.80
Forum Communications	#C101736020, budget hearing (2)	Admin.	\$ 125.28
Forum Communications	DL Tribune-budget hearing notice	Admin.	\$ 584.50
Gerald Nordick	#326, 75% channel restoration	MWAQ	\$ 13,848.75
Joel Carlson, Inc.	September lobbyist fees	Admin.	\$ 850.00
L&M Road Services, LLC	#592, cattail/brush spraying	Varies	\$ 25,519.55
New Century Press	#300122982, budget hearing notice	Admin.	\$ 256.50
NTI	#18503, 07/01/16-07/31/16 testing	Pj. 49, Oakport	\$ 21,834.16
UEI	#59156, thru 07/31/16-Construction	Pj. 49, Oakport	\$ 54,360.71
UEI	#59157, thru 07/31/16-wetland	Pj. 49, Oakport	\$ 1,014.50
Vogel Law Firm	#181171, July billing	Admin.	\$ 92.00
Vogel Law Firm	#181172, July billing	Pj. 49, Oakport	\$ 5,181.00
Vogel Law Firm	#181173, July billing	COE Diversion	\$ 127.00
Vogel Law Firm	#181174, July billing	Pj. 78, J.D. 1 Outlet	\$ 1,334.00
Vogel Law Firm	#181175, July billing	Pj. 54, WCT	\$ 151.00
William Nichol Excavating, Inc.	#200, beaver dam removal	Varies	\$ 3,037.50
			<b>\$ 131,855.68</b>

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

**2016 BWSR Academy.** BWSR is sponsoring a three-day training session for local government staff to improve the skills needed to implement BWSR programs. The event will be held October 24-26, 2016, in Cragun's Conference Center, Brainerd, MN.

**Office Address Display.** According to a City of Barnesville ordinance, all buildings must display their physical address to comply with emergency services requirements. The BRRWD lighted office sign does not contain our address. Administrative Assistant Danielle Scheffler investigated signage options and provided a quote from the Indigo Sign company to add our address to the lighted sign (\$570). In addition, the City of Barnesville offered the BRRWD the option to have our name listed on a vertical sign they plan to erect near our office sign, listing the businesses in the Commercial Park for a one-time fee of \$500. Albright suggested the Board have our name and address listed on the City's business sign and buy individual address numbers that we can just apply to the outside of our building. Albright noted that since HEI pays the BRRWD a monthly office rental fee, they would also like to list their business name on the City sign, if the Board didn't object. The Board didn't have a problem with HEI also listing their name using the BRRWD office address. **Motion** by Anderson to approve paying \$500 to list the BRRWD on the City of Barnesville's Commercial Park sign and to purchase house numbers to affix to our building. **Seconded** by Larson. **Approved.**

**2017 Budget Hearing.** At 9:00 PM, the Board convened their 2017 annual budget hearing. Notice of the hearing was published in area newspapers. The Board has to consider setting the administrative fund levy, the ditch systems/project levies, and the M.S.A. 103D.905, Subd. 3, special levies for projects/programs initiated by petition. The Board reviewed a worksheet comparing the 2014-2017 total levies, excluding the ditch systems/project levies, which are self-supporting based on benefit areas. Albright commented that for the 2017 budget, he made his levy recommendations with the goal of keeping the 2017 assessments close to the 2016 levies.

The Board considered the 2017 Administrative Levy, which is capped by statute at \$250,000. They reviewed past and current Administrative expenditures. In 2014, the Board put in place an annual 1% fee to be assessed to projects based on a project's expenditures to help cover the BRRWD's administrative expenses exceeding the levy cap. The Board also reviewed the 2017 Insurance levy. Albright noted that there was some carryover in the account and recommended the levy be set at \$14,000. **Motion** by Affield to approve the 2017 Administrative and Insurance levies as referenced. **Seconded** by Hanson. **Approved**. The Board briefly discussed allowing for funds in the 2017 budget for the new Assistant Administrator position. Albright explained that these two levies are capped by state law and can't be increased to fund the new position. Costs for this position are expected to be offset by reduced time/costs for Albright's position. He said that the Minnesota Association of Watershed Districts (MAWD) is looking into legislation to increase the Administrative levy for all Minnesota Watershed Districts. The law, which was enacted nearly 15 years ago, is due for revision.

The next levy the Board reviewed was associated with the M.S.A. 103D.905, Subd. 3, ad valorem tax for a general fund not to exceed 0.007298% of the taxable market value (\$661,662). The potential 2017 programs/projects to be funded with the General Levy includes Conservation Marketing for Clay, Wilkin, and West Ottertail SWCDs (\$36,000); Technical Assistance for Wilkin County SWCD (\$10,000); Landowner Incentive Program for Becker SWCD (20,000); River Keepers (\$55,000); Survey & Data Acquisition (\$24,000); Water Quality (\$30,000); Mediation PT (\$50,000); RWMP (\$50,000); and Clean Water Fund (CWF) Match (\$68,500). Potential projects to be funded include RIM/WRP (\$100,000), Upper South Branch of the Buffalo River (\$100,000), Barnesville Township Area Drainage (\$100,000), Wolverton Creek/Comstock Coulee Channel Restoration (\$200,000), Hawley-Buffalo River Restoration (\$6,000), Log Jam Removal (\$50,000), Upper Red River TMDL (\$25,000), Ring Dikes (\$25,000), and Other (\$100,000).

In addition to the General Levy, the Board also considered a Special Levy associated with M.S.A. 103D.905, Subd. 3. Albright recommended that the Board use this special levy to raise funding for Project No. 56, Manston Slough Restoration (\$500,000) to pay the BRRWD's 2/3 share of the local match for this project, according to the Viewers' Report. **Motion** by Anderson to approve the 2017 M.S.A. 103D.905, Subd. 3, General (\$661,662) and Special (\$500,000) levies, as referenced. **Seconded** by Larson. **Approved**.

The Board reviewed a color coded worksheet showing total ditch system benefits, current balances, projected year-end balances, and previous years' levies, plus a sheet showing benefits rates broken down on a per acre basis for each ditch system/project. Albright advised the Board that by 11/01/18, all the BRRWD ditch systems will require some expenditures to comply with the new Buffer Law. The Board discussed buffer strip law violation enforcement.

Landowner Michael Dohn discussed drainage issues and tax concerns about Stony Creek/Clay C.D. No. 31 in Section 5, Elkton Township, Clay County. The township road (140<sup>th</sup> ST) washes out every year and is very difficult to maintain. Albright pointed out that the BRRWD is developing a restoration project for Stony Creek, and the area drainage will change significantly once the project is built. He assured Dohn that he would be notified when the BRRWD holds a landowner informational meeting regarding the Stony Creek Project.

The following 2017 ditch/project levies were set:

Clay County

Ditch No. 2 - \$25,000  
 Ditch No. 3 - \$15,000  
 Ditch No. 5 - \$25,000  
 Ditch No. 9 - \$50,000  
 Ditch No. 10 - \$100,000  
 Ditch No. 11 - \$100,000

Clay County (cont.)

Ditch No. 17 - \$5,000  
 Ditch No. 20 - \$10,000  
 Ditch No. 22 - \$10,000  
 Ditch No. 23 - \$5,000  
 Ditch No. 28 - \$15,000  
 Ditch No. 32 - \$50,000



Clay County (cont.)

- Ditch No. 33 - \$40,000
- Ditch No. 36 - \$10,000
- Ditch No. 40 - \$30,000
- Ditch No. 41 - \$100,000
- Ditch No. 41, Lat. No. 1 - \$25,000
- Ditch No. 47 - \$50,000
- Ditch No. 49 - \$10,000
- Ditch No. 50 - \$20,000
- Ditch No. 53 - \$15,000
- Ditch No. 54 - \$5,000
- Ditch No. 58 - \$15,000
- Ditch No. 59 - \$75,000
- Ditch No. 65 - \$25,000
- Ditch No. 67 - \$10,000
- Ditch No. 69 - \$10,000

Becker County

- Ditch No. 5 - \$5,000
- Ditch No. 9 - \$20,000
- Ditch No. 10 - \$3,000
- Ditch No. 15 - \$15,000
- Ditch No. 19 - \$10,000

Wilkin County

- Ditch No. 1B - \$10,000
- Ditch No. 1C - \$70,000
- Ditch No. 5A - \$25,000
- Ditch No. 7 - \$50,000
- Ditch No. 13 - \$20,000
- Ditch No. 15 - \$50,000
- Ditch No. 22 - \$75,000
- Ditch No. 26 - \$10,000
- Ditch No. 28 - \$15,000
- Ditch No. 40 - \$15,000
- Ditch No. 41 - \$50,000
- Ditch No. 42 - \$30,000
- Ditch No. 43 - \$20,000
- Ditch No. 44 - \$15,000

Projects/Ditch Systems

- No. 30, Clay-Wilkin J.D. No. 1 - \$25,000
- No. 46, Turtle Lake Outlet -\$10,000 (Becker Co.)
- No. 49, Oakport Flood Mitigation - \$75,000
- No. 56, Manston Slough - \$100,000
- No. 64, LaBelle/Boyer - \$10,000
- No. 65, County Line Outlet - \$5,000
- No. 70, Crystal Creek - \$10,000

All levies will be certified with the Auditors in Clay, Becker, Wilkin, and Otter Tail Counties by September 15, 2016. **Motion** by Hanson to approve the 2017 project and ditch system assessments (\$1,593,000). **Seconded** by Affield. **Approved.**

**Adjournment.** **Motion** by Larson to adjourn the meeting. **Seconded** by Affield. **Approved.** Vice Chairman Fjestad adjourned the meeting at 10:02 PM.

Respectfully submitted,

John E. Hanson, Secretary