

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

123 FRONT STREET SOUTH – PO BOX 341

PHONE 218-354-7710

MINUTES FOR MANAGERS' MEETING

January 11, 2010

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their annual meeting on Monday, January 11, 2010, at 7:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Gerald L. VanAmburg, Curtis M. Nelson, and Breanna Paradeis Kobiela. Others attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, and Julie Jerger, Administrative Assistant, Houston Engineering, Inc. (H.E.); Jon Evert, Clay County Commissioner, and landowner: Andrew Haugen.

Chairman Ellefson called the meeting to order at 7:05 PM. He announced that the proceedings were being taped to aid in preparation of the minutes.

Secretary's Report. The Board reviewed draft minutes for the 11/23/09 BRRWD regular meeting. Nelson noted a minor correction. **Motion** by Nelson to approve the minutes, subject to correction. **Seconded** by Hanson. **Approved.**

Treasurer's Report. The Board reviewed the year-end financial reports, the current 2010 monthly statements, and the year-end transactions, which include interest allocation and account transfers. Albright reported that the accounts are all in order and ready for the 2009 audit. The office is putting together the 2009 W-2/1099 tax information for Gilbertson Tax Office. The Board also reviewed the Accounts Receivable Summary. The Board discussed the 2009 administrative expenditures and a possible Legislative amendment to raise the \$250,000 Administrative Fund levy cap.

Albright reported that from 12/15/09-12/31/09, we received \$922,535.80 for the Oakport Flood Mitigation project from the Minnesota Department of Natural Resources (DNR). We also received the final State Market Value Credits payment (\$127,184.91), the final Clay County ditch/project tax payments (\$180,272.06), and various other refunds/credits. Clay County also forwarded our 2009 Bond Sale proceeds (\$1,461,500.00). At the end of 2009, we had \$2,740,648.09 on hand. Since 1/01/10, we took in \$211,269.57, primarily from the DNR for the Oakport Project. We currently have a total of \$2,619,506.74 on hand. The Internal Revenue Service has announced that the new 2010 mileage rate is \$0.50/mile. The Board briefly discussed the differences between how Midwest Bank and Wells Fargo Bank handle their FDIC deposit insurance and pledges for amounts in excess of \$250,000. **Motion** by Hanson to approve the Treasurer's Report and year-end account transfers. **Seconded** by VanAmburg. **Approved.**

Other business brought before the Board included:

Project No. 27, Clay County Ditch No. 55. Andrew Haugen, who owns a farmstead in Section 19, Elkton Township, along County State Aid Highway (CSAH) No. 10, on the west side of Interstate-94 (I-94), discussed an icing concern with his driveway crossing on County Ditch No. 55. Haugen explained that a new upstream tiling project installed last fall is still draining to County Ditch No. 55, and the water in the ditch is higher than it was last winter. He is concerned that the culvert will freeze, causing flooding next spring. Currently, there is snow on top of the water, creating a safety hazard for snowmobiles. Albright noted that Karen Skauge, who lives on the east side of I-94 north of CSAH No. 10, called recently regarding a similar concern with the water level in the ditch near her house. Her son broke through the

snow/water in the ditch with his snowmobile. The Board discussed Haugen's concerns and agreed to conduct an investigation. Albright explained that Bill Austin installed the drain tile project last fall in Section 16, Elkton Township. On the landowners' behalf, the BRRWD cleaned the north ditch of CSAH No. 10 east of I-94 and installed an 18" dia. culvert through CSAH No. 10 so that the tile water could enter County Ditch No. 55 on the south side of CSAH No. 10. On the west side of I-94, the water flows northwesterly and then westerly in County Ditch No. 55 along CSAH No. 10, eventually outletting to Stony Creek. Ellefson was surprised that the frost hasn't already stopped the tile drainage, but felt that it should stop eventually. He added that it appears that there are a number of ditch systems with water flowing under the ice this year. Albright advised Haugen to monitor the culvert next spring, and if the culvert is blocked, the BRRWD will have a backhoe open the ditch. If the culvert is frozen, the Clay County Highway Department can steam it open. Albright said it would be important for Haugen to monitor the crossing closely this spring, as timing is vital during the spring runoff to prevent flooding. Haugen thanked the BRRWD for their efforts last spring to get the ditch open to prevent overland flooding.

Permit No. 09-40, David Sogge. Albright reported that for the time being, David and Renee Sogge and Pam and James Thesing have worked out their differences regarding Sogge's sump pump drainage. At the 11/23/09 BRRWD meeting, Sogge had agreed to stop draining his sump pump through the 3" PVC pipe in Thesings' driveway. However, the next morning, he called the office to report that his tile line to County Road (C.R.) No. 86 road ditch was frozen, and he couldn't send his sump pump water to the road ditch as agreed. Currently, he is putting the water on his yard on the west side of his house, and it appears that Thesings are satisfied with this arrangement because they haven't called our office with any complaints.

Permit No. 09-131, Detroit Lakes WMD/USFWS. Applicant proposes to restore a wetland on Becker County Ditch No. 5, upstream of the Amer Froyland (Todd Branden) Soil and Water Conservation District (SWCD) dam in Sections 21, 22, 27, and 28, Audubon Township. Albright noted that Minnesota Statutes Annotated (M.S.A.) 103.227, Impounding Surface Waters on a County Ditch, will be applicable to this project. At their 12/14/09 meeting, the Board tabled action on this application until that process is reviewed. Albright and Jones met with the Detroit Lakes Wetland Management District (WMD)/United States Fish and Wildlife Service (USFWS) on 1/07/10, and they agreed to follow the Statutes regarding their project development. The process will include a draft petition, an Engineer's recommendations, and a hearing with the affected landowners. The USFWS would also have to furnish documentation that they have received flowage easements from the affected landowners. Once this process is completed, the BRRWD will be able to issue a permit for the wetland restoration. **Tabled.**

Permit No. 09-132, Bruce Yaggie. Applicant proposes to install approximately 330 acres of patterned tiling in the S½, Section 20, Deerhorn Township, Wilkin County. Yaggie plans to install the tile from east to west. On the headland, he plans to install a main line that will gravity flow to the northwest corner of the property to the road ditch. The work is needed to improve drainage. The Board would like to field review the proposed tile outlet. **Tabled** pending Manager field review this spring.

Minch Lawsuits. Based on attorney/client privilege, and in accordance with Open Meeting Law, the Board went into closed session at 7:35 PM to discuss the status of this issue. At 7:40 PM, the Board reopened the meeting.

Project Fact Sheets. Jones is preparing one-page fact sheets for Project Nos. 66, 65, and 64 that will be included in future bonding bill funding requests.

Project No. 66, Tansem/Ranum Lakes Outlet. Albright discussed this project with the USFWS during the 1/07/10 meeting in Detroit Lakes. They felt there wouldn't be any concerns about crossing their easement acreage with a project. The Board briefly discussed the protection benefits that the Minnesota Department of Transportation (MNDOT) would realize from an outlet project for these two lakes in regards

to Trunk Highway (T.H.) No. 34. Ellefson questioned where the project benefits would come from if MNDOT weren't interested in participating. He felt a project would be too costly for just the landowners. Ellefson thought that it would be cheaper for MNDOT to help pay for the outlet project than to raise T.H. No. 34 again. Albright noted that there isn't much downstream landowner support for the project. Nelson suggested that we could discuss this issue with MNDOT at their annual meeting in Detroit Lakes in March.

Jones commented that he has explored an alternative route to drain water south out of Ranum Lake, but it appears to be too costly, so he has abandoned further investigation of this possibility.

Clay County Commission. At approximately 8:00 PM, Jon Evert, Clay County Commissioner, joined the meeting. He encouraged the Board to consider rejoining the Red River Watershed Management Board (RRWMB). Albright noted that he will be contacting the Clay County Commissioners regarding a petition from them for the BRRWD to use our taxing authority in accordance with M.S.A. 103D.905, Subd. 3. The general levee is for \$346,615 for specific projects. The BRRWD also levied funds (\$250,000) to assist Clay County with damaged home buyouts in the floodplain.

Evert mentioned that there is a slide along John Leseth's property on Clay County Ditch No. 11 North. Last year, Clay County and the BRRWD worked together on a project to clean and realign County Ditch No. 11 and C.R. No. 8. Albright explained that the area adjacent to Leseth's farmstead is prone to slides. Because of the proximity of Leseth's buildings, the ditch bank slope in this stretch had to be steeper than the rest of the ditch. H.E. will investigate options to address the slide problem in the spring. Evert thought the ditch/road project looked good.

The group discussed the 27th Annual Red River Basin Land & Water International Summit Conference on January 19-21, 2010, in Grand Forks, hosted by the Red River Basin Commission (RRBC). Albright and Manager Hanson plan to attend. Evert is the Minnesota Landowner Representative on the RRBC Board of Directors.

The group discussed the Army Corps of Engineers (COE) Metro Area Flood Study recommendations regarding a flood diversion project for the Fargo-Moorhead area. Depending on what the COE determines for their benefit/cost (b/c) ratio, the project could be located on either the North Dakota or Minnesota side of the Red River. At this time, the Minnesota option has the best b/c ratio, but Minnesota landowners are opposed to this alternative. The COE will hold public meetings on this issue February 2 and 3, 2010.

Albright noted that the repair project for Project No. 30, Clay/Wilkin Judicial Ditch No. 1 (J.D. 1) in Section 31, Alliance Township, has been completed. Spoil will be leveled this spring/summer. Wade Opsahl and the J.D. 1 Ditch Committee have completed the annual inspection. Opsahl has submitted a ditch inspection report.

The group also discussed the potential new watershed district for parts of Wilkin (75%) and Otter Tail Counties (25%), which will include about 500 square miles (sq. mi.).

Project No. 65, County Line Outlet. The project is on hold for the winter. The BRRWD has submitted a request to the DNR for project funding. Ellefson suggested that this project should also be discussed with MNDOT at their annual meeting in March. The group discussed possible alternate routes and the use of the I-94 right-of-way (r-o-w) as part of the outlet route. MNDOT currently refuses to allow the BRRWD to use the r-o-w for an outlet. Without the I-94 routing, there could be increased costs because of increased wetland impacts/mitigation. The USFWS has indicated that they have no problem if the water passes through their wetland easement tract. They also own and have an easement on parts of the wetland that needs to be lowered. Lowering the wetland is not a problem, but they may not permit installing gates that could periodically raise levels.

Project No. 64, LaBelle/Boyer Lakes Outlet. The USFWS has indicated that they have no problem with the project affecting their easement property on the north side of T.H. No. 10. Albright suggested that the next step in project development would be for Jones to file the Preliminary Engineer's Report with the BRRWD. Then this winter, using maps, etc., the Appraisers could start their work. Albright thought we could hold the Final Hearing in March/April so construction could start next summer. He reported that when he attended a recent meeting with Governor Pawlenty in St. Paul, the Governor indicated that he supports flood damage reduction projects in the Red River Valley. Representatives from the Clay County Commission, the City of Moorhead, and other agencies also attended. The group briefly discussed the meeting details, which focused on BRRWD funding needs in 2010.

Project No. 63, Grove Lake Outlet. Opsahl provided a lake elevation graph for the Board's review. It showed that Grove Lake is down about 3' from when the project started operation. The office received a phone call from a landowner upstream of Grove Lake, stating that they also need an outlet for the lakes north of T.H. No. 34. There is also a need to investigate potential water retention sites in the area downstream of Grove Lake on a Waterfowl Protection Area (WPA), owned by USFWS (Lass property). The flooding along T.H. No. 34 could also start to affect area roads, and MNDOT might need to be involved with any potential lake outlet project.

Project No. 58, Riverton Township Retention. Albright noted that Pat Lynch, Financial Coordinator, DNR Waters, has agreed to extend the grant agreement contract until 9/30/10. The project will be operational next spring. Jones submitted Pay Request No. 9 for Nanik Construction in the amount of \$12,516.56. He also submitted Change Order No. 2, which increases the project costs by \$10,300.00 for riprap/fabric in the emergency spillway. **Motion** by VanAmburg to approve the referenced pay request/change order. **Seconded** by Nelson. **Approved.** Albright noted that Nanik hired Chad Mattson to help complete the work this fall. The BRRWD retains \$7,831.57 (2%), which will be released next spring after the seeding germinates and some cleanup work is finished.

Project No. 56, Manston Slough Restoration. The well sealing has been completed on the Holubok farmsite. Now that this work is done, the Minnesota Board of Water and Soil Resources (BWSR) will be able to process the BRRWD's Reinvest in Minnesota (RIM) payment. The group discussed the Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy (CPL) funding for the Manston project. The DNR received \$17 million to fund projects in 2010, and the Manston project received \$350,000. We have also requested \$1 million dollars from the 2010 State bonding bill. The office plans to work on the project easements this winter. Jones submitted Final Pay Request No. 2 for Lyle Wilkens, Inc., in the amount of \$1,698.57. **Motion** by Nelson to approve the referenced pay request. **Seconded** by VanAmburg. **Approved.**

Project No. 54, Whisky Creek Tributaries. Landowner Virgil Holt has requested that we schedule a meeting with him and Brian Durensky before Durensky does any further work on his project to clean the ditch on the east side of C.R. No. 25 north to the DNR protected waterway just south of Holt's farmyard. Holt is now residing in a local nursing home. The Board approved Durensky's permit for tiling in the SW¼, Section 21, Humboldt Township, on 8/10/09, and he just recently started the outlet work. Holt is concerned about Durensky hauling the spoil to his own property, instead of either on Holt's Conservation Reserve Program (CRP) acreage where it originally came from, or onto his yard. Albright plans to check with Sharon Lean, District Conservationist, Natural Resource Conservation Service (NRCS), regarding placement of the spoil on CRP acreage. Albright will also try to schedule a time when the Board could meet with Holt and Durensky regarding this issue.

Project No. 49, Oakport Flood Mitigation. Albright reported that the Construction Committee met today. We closed on three more houses last week with three or four more scheduled before the end of January. Oakport Township Chairman Greg Anderson and Vogel Law Firm are working on the easements.

Ulteig Engineers, Inc. (UEI) submitted Pay Request No. 3 for Phase 1B for \$68,171.17 and Pay Request No. 3 for Phase 2 for \$273,777.78 to Riley Brothers, Inc., and Pay Request No. 2 for Phase 3A for \$15,265.93 for Excavating, Inc. **Motion** by Hanson to approved the referenced pay requests. **Seconded** by Paradeis Kobiela. **Approved.**

Albright noted that he plans to compile a project budget to determine how much remains in the current DNR grant. Albright said that there is enough money left in the grant to finish currently bid work. UEI plans to prepare bid documents for one or two more project phases in March. The Board discussed construction contract language that would allow us to schedule construction according to when funding becomes available if necessary. A request for \$3,500,000 has been submitted by Representative Morrie Lanning for 2010 bonding.

The Board discussed concerns Diane Hasse has regarding their appraised home value. Our appraiser had a value of \$208,000 and Hasse's appraisals came in at \$284,000. Albright noted that both appraisals are about 18 months old. Albright thought we should probably get a third appraisal.

Albright provided a map showing the new Wall ST AVE N/ C.R. No. 96 alignment. This alignment will move the dike alignment off Wall ST and require more buyouts, but will reduce overall project costs. The Construction Committee reviewed the proposal this morning and recommended that the Board approve the changes. **Motion** by Hanson to authorize the referenced dike alignment changes and the additional home buyouts. **Seconded** by Nelson. **Approved.**

The Board had an extended discussion regarding the Fischer family easement acquisition in Section 18, Oakport Township. The negotiations have been complicated and protracted. The Construction Committee discussed this issue today and recommended that the BRRWD start condemnation proceedings, as the negotiations have come to a standstill. BRRWD Attorney Tami Norgard will notify the Fischer Family Attorney, Randy Stephanson, regarding the Board's decision. The Board will order an appraisal of the property for easement acquisition/land acquisition values. Ellefson suggested that the BRRWD should hire Guy Miller, Miller Realty, Breckenridge, MN, who did the buyout appraisals for the other properties associated with the project. If the Board decides to begin condemnation proceedings, the original offer would still be available until the end of the week. **Motion** by Hanson to authorize Attorney Norgard to proceed with the condemnation process based on a public need to obtain the property, acknowledging that reasonable negotiations, lasting nearly 8 months, have not yielded an agreement, and with the understanding that the BRRWD's original offer would still be available until Friday, January 15, 2010, at 5:00 PM. **Seconded** by VanAmburg. **Approved.** Albright explained that once an appraisal has been obtained for the Fischer property, the BRRWD would file a check with the Court for that amount. Albright will notify Norgard tomorrow to begin the condemnation proceedings.

The Board also discussed the Donald and Elizabeth Atherton easement acquisition. There is a discrepancy regarding Donald Atherton's right to sign legally binding documents for his wife. The Recorder wouldn't accept the easement with Donald's signature for his wife. Norgard has recommended that the Board proceed with a "friendly condemnation" of the Atherton property. Atherton is aware that he cannot sign for his wife regarding property sales, but he is not willing to pay the expense to petition for his wife's guardianship. He agreed that the Board should continue with the condemnation. Ellefson felt it would be acceptable to proceed with the legal action if Atherton agrees. **Motion** by VanAmburg to move forward with the "friendly condemnation" for the Atherton property. **Seconded** by Hanson. **Approved.**

Project No. 46, Turtle Lake Outlet. Jones provided graphs prepared by Wade Opsahl, Technician, Houston Engineering, Inc., showing the Long Lake and Turtle Lake elevations. Both siphons are currently operating.

Project No. 42, Clay County Ditch No. 67. The Board discussed scheduling a redetermination of benefits hearing for County Ditch No. 67 this winter regarding Joy Stumbo's concerns about her ditch assessment.

Project No. 39, Georgetown Levee. The Board met with the City of Georgetown on 1/05/10. We currently have a \$155,000 grant from DNR for project development, which is in effect until October 2010. We can use this funding to pay for soil borings, alignment design/modification, cost estimates, and possible buyouts. This grant will help us get the project ready so that when funding is available for construction, we should be ready to proceed. Justin Jackson has requested a buyout for his house in Georgetown. The Board briefly discussed using the current funding for this expenditure. The soil borings are completed, and we are waiting for the analysis. Rick St. Germain, H.E., is heading up project engineering. The Board discussed funding and possible downstream impacts from the proposed COE Fargo-Moorhead Flood Diversion Project.

Project No. 38, Farmstead Ringdikes. Albright plans to submit a final billing for the Kragnes ringdike to the DNR for approximately \$47,000. The Board reviewed a map showing the locations of the 40 proposed ringdikes. Jones provided a list prepared by Opsahl that includes the status of each site. One ringdike is currently ready to build. Jones noted that the State has indicated that there could be funding available for about six of the non-Environmental Quality Incentives Program (EQIP) eligible dikes in 2010. Opsahl would like to have four or five of EQIP eligible dikes and six of the non-EQIP dikes ready for construction this spring.

Project No. 29, Buffalo River Log Jams. The BRRWD has qualified for NRCS Emergency Watershed Protection (EWP) funding for logjam removal. The aerial survey has been completed, and the sites have been identified. The work is now on hold until NRCS releases the EWP funding. Jeff Nichol, William Nichol Excavating, Inc., was in the office today to discuss the status of the logjam work. Albright will contact Scott Smith, NRCS, to find out the status of the EWP funding.

Project No. 23, Becker County Ditch No. 15. Contractor Chad Mattson still plans to start work on the ditch cleanout if the weather remains good. Hanson noted that the USFWS started cleaning the ditch on their property. Apparently, they started on the wrong benchmark elevation, and a small part of the excavation is deeper than the plans called for. They were able to correct this error and continue the work.

Project No. 8, Stony Creek Detention. Currently, a project to address Gordon Gilbertson's drainage concerns is on hold. Gilbertson still is concerned about the drainage. Opsahl obtained a profile of the outlet channel several years ago. Jones said that Opsahl is preparing a drawing that will show the critical elevations in relation to Gilbertson's concerns. Gilbertson maintains that the project's ditch, north of his buildings, is plugged and needs cleaning.

Mediation Project Team (PT). The next PT meeting is scheduled for Thursday, January 28, 2010, at 1:30 PM at the Minnesota Pollution Control Agency (MPCA) office in Detroit Lakes.

Revised Watershed Management Plan (RWMP). The final draft of the RWMP will be distributed for public review later this week. Henry VanOffelen, Minnesota Center for Environmental Advocacy (MCEA), was asked to provide the natural resourced assessment data for the plan, but he did not send it in time to include in the draft copy. Jones noted that we still have 60 days to incorporate the data. Jones will mail copies of the final draft to various agencies for the 60-day public review period, and the Board will schedule two public hearings prior to final BWSR approval in April.

Clay County Ditch No. 49. The Board needs to finalize the redetermination of benefits, which is on hold until the Board can schedule another hearing regarding some lands that need to be added.

Wilkin County Ditch No. 40. Arlin Schalekamp, DNR, informed Albright that the Environmental Assessment Worksheet (EAW) has been completed for the Lawndale Trout Stream project, and they have made a negative declaration, meaning that an Environmental Impact Statement (EIS) is not necessary. The Board needs to schedule another meeting with David Yaggie to discuss his irrigation. There is a possibility that EQIP could fund Yaggie's change to a low-flow irrigation system. Albright will contact Wilkin County to find out when they are holding their EQIP meeting so that Yaggie's application could be added to their agenda. The Board also needs to make an order regarding County Ditch No. 40 and the Lawndale Trout Stream project.

Buffalo River Total Maximum Daily Load (TMDL). A meeting with MPCA has been scheduled on 2/02/10 in Detroit Lakes at 1:30 PM to discuss the stressor identification process. The Board discussed the preliminary results of the water quality sampling from last summer. Jones noted that the flow chart is being developed that will be used to verify water quality problems. This newly developed method will be useful throughout the State. Jones added that the sampling results scored quite high for fish populations in area waterways, which indicates pretty good water quality. The scores for invertebrate populations won't be ready until next year.

The TMDL Management Team will meet at 10:00 AM in Detroit Lakes prior to the Stressor meeting on 2/02/10.

COE FM Metro Area Study. The COE will hold meetings with the Metro Flood Study Work Group and the public in early February to announce their findings regarding the b/c ratio for the North Dakota and Minnesota proposed diversion routes. The Board had an extended discussion regarding the project routes and the BRRWD's role in the project development/administration/maintenance. Legislators and agencies have suggested that a project authority should be set up that could function across state lines to develop/construct the project. The Metro Task Force will meet on 1/15/10 at 1:30 PM in the Fargo City Hall. The Board reviewed an article published in the *New York Times* newspaper regarding the Fargo-Moorhead Diversion project.

M.S.A. 103D. 905, Sub. 3. Albright plans to prepare a budget showing the proposed use of this taxation authority in 2010. He will also contact the Clay County Commission to ask them to approve petitions requesting the BRRWD to use of M.S.A. 103D.905, Subd. 3, for projects within the BRRWD.

New Office. The Board briefly discussed possible office locations on Main Street in Barnesville.

Wolverton Creek/Comstock Coulee Clean Water Legacy (CWL) Project. A new round of CWL funding will be available in the near future. The Clay and Wilkin Soil and Water Conservation Districts (SWCD) have prepared an application for funding to continue project construction.

Red River Basin Commission Annual Conference. The RRBC will hold their 27th Annual Red River Basin Land & Water international Summit Conference on January 19-21, 2010, in Grand Forks. Albright and Manager Hanson plan to attend. Albright will make a presentation regarding the 2009 spring flood fight in Moorhead/Oakport Township on Wednesday, 1/20/09. The RRBC is offering free booth space for exhibitors, so the Board decided to set up our booth at the conference. Albright ordered 500 flashlight key chains to give away at the booth.

Clay County Ditch No. 16. The Board authorized a redetermination of benefits hearing for County Ditch No. 16. Opsahl plans on getting the Viewers' Report work started this winter.

2009 Dam Inspections. The Board briefly reviewed Opsahl's dam inspection reports. Albright noted no major repairs were required. USFWS would like to meet with the BRRWD and DNR to discuss the Operation and Maintenance (O&M) plan for Stinking Lake.

Wilkin County Ditch No. 41. H.E. submitted repair recommendations for this ditch system. The estimated cost is approximately \$6,000. The work was requested by petition from Mark Braton on the outlet of Branch No. 5 in Section 7, Prairie View Township. **Motion** by VanAmburg to approve the referenced repairs. **Seconded** by Nelson. **Approved.**

PERA Report. The office has prepared the Public Employees Retirement Association (PERA) Annual Exclusion Report form and Certificate for the Board's signature.

IWI LiDAR Workshop. The International Water Institute (IWI) is holding a one-day LiDAR applications workshop in Grand Forks on January 26, 2010, from 9:30 AM-3:45 PM at the Ramada Inn. The workshop is free of charge, but they recommend that attendees register online, as space is limited.

Clay County FIRM. The Federal Emergency Management Agency (FEMA) announced that the Clay County flood insurance rate maps (FIRM) are now available for a 90-day public review/comment period. Agencies and individuals can file appeals regarding the floodplain maps with the Clay County Planning and Zoning during this comment period. Albright thought that public meetings will be held regarding this issue.

Becker County Recreational Plan and Process. Becker County will hold a meeting on January 19, 2010, from 6:00 PM-8:00 PM in the County Courthouse to discuss a proposed four-wheeler trail.

Project No. 30, Clay/Wilkin J.D. 1. As discussed earlier with Commissioner Evert, the ditch committee, comprised of Lynn Brakke, Paul Anderson, Carl Nord, and Opsahl, completed the annual ditch inspection on 12/18/09. Opsahl noted a few minor repairs items.

LSOHF Legislation. Disputes regarding the Lessard-Sams Outdoor Heritage Fund (LSOHF) legislation language have begun. Certain Legislators want to expand the Clean Water, Land and Legacy Constitutional Amendment language to provide funding for projects not originally designated in the amendment language.

Wetlands Conservation Act (WCA). The NRCS and BWSR have entered into a Memorandum of Understanding (MOU) regarding the implementation of WCA and Swampbuster provisions of the Federal Farm Bill. Underlying state and federal laws resulted in program differences and information sharing limitations. This MOU will help improve agency coordination and efficiency, and should result in better service to landowners.

2009 BRRWD Annual Meeting.

Election of 2010 Officers. **Motion** by VanAmburg to elect Roger Ellefson as BRRWD Chairman. **Seconded** by Nelson. **Approved.** **Motion** by Hanson to cast a unanimous ballot to re-elect the same 2009 officers for the remaining 2010 positions. **Seconded** by Paradeis Kobiela. **Approved.** The BRRWD officers for 2010 will be as follows: Chairman-Roger Ellefson, Vice Chairman-Gerald VanAmburg, Treasurer-Curtis Nelson, and Secretary-John Hanson.

Appointment of 2010 Consultants. Jones presented H.E.'s 2010 proposal for engineering services. The individual staff members will remain the same. The fee schedule reflects about a 3% increase. The Board discussed H.E.'s proposal. The Board also reviewed Vogel Law Firm's proposal for 2010 legal services. Attorneys Tami Norgard and Cory Elmer will again be the

BRRWD's principal legal staff. Harold Rotunda, Certified Public Accountant (CPA), submitted a letter of agreement regarding his services to conduct the 2009 audit. He indicated that the fee for his services will be \$1,900. The Board also discussed Lobbyist Joel Carlson's 2010 contract. Last year, the Board entered into a two-year contract with Carlson, so his contract will not be up for renewal until 2011.

Motion by VanAmburg to appoint H.E. as the BRRWD's 2010 engineering consultant. **Seconded** by Nelson. **Approved.**

Motion by Hanson to appoint Vogel Law Firm as the 2010 legal consultant on an as needed basis at the Board's discretion and to hire Harold Rotunda to do the 2009 audit. **Seconded** by VanAmburg. **Approved.**

2009 Financial Designation. **Motion** by Nelson to designate Wells Fargo Bank and Midwest Bank, Barnesville, as the official 2010 BRRWD depositories, subject to the use of any other depositories within the District as needed throughout the year, provided they are FDIC insured, and to hire Gilbertson Tax Office to prepare the 2009 W-2s and 1099s. **Seconded** by Paradeis Kobiela. **Approved.**

The 2010 Internal Revenue Service standard mileage allowance rate has been set at \$0.50.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
ARC Appraisals	Easement Values	Pj. 49, Oakport	\$ 500.00
Art Anderson	Sediment control basins	M.S.A. 103D.905, Subd. 3	\$ 1,685.00
Barnesville Phone Company	12/25/09 billings-2 lines + DSL	Admin.	\$ 169.54
Barry Nelson	NRCS sediment control basins	Hay Creek CWL	\$ 3,381.42
Becker SWCD	Matt Bjerke inspection	Hay Creek CWL	\$ 870.00
Breanna Paradeis Kobiela	#0934, 11/01/09-12/31/09	Varies	\$ 858.28
Bruce E. Albright	Clay Co. notary registration	Admin.	\$ 100.00
Bruce E. Albright	MAWD-Hanson/Paradeis lodging	Admin.	\$ 301.21
City of Moorhead	2009 ditch maintenance	Varies-see atch.	\$ 84,865.40
Clay Co. Auditor/Treasurer	Transmit Becker Co. Collections	Pj. 46, Turtle Lake Outlet	\$ 2,210.45
Curtis M. Nelson	#0931, 11/01/09-12/31/09	Varies	\$ 973.09
Deluxe for Business	#2015522010, 250 Checks	Admin.	\$ 102.14
Excavating, Inc.	Pay Request No. 2	Pj. 49, Oakport	\$ 15,265.93
FRS Industries, Inc.	Olson retirement plaque	Admin.	\$ 98.82
Gerald L. VanAmburg	#0933, 11/01/09-12/31/09	Varies	\$ 1,463.02
H & S Contracting, Inc.	Railroad x-ings	Clay 9, 32, 33	\$ 1,345.00
Houston Engineering, Inc.	December billing summary	Varies-see atch.	\$ 68,685.51
IRS	4th Qtr. Form 941 taxes	Admin.	\$ 586.76
Joel Carlson	January Lobbyist fees	Admin.	\$ 850.00
John E. Hanson	#0930, 11/01/09-12/31/09	Varies	\$ 1,482.73
Keith G. & Pamela R. Anderson	Easement	Pj. 49, Oakport	\$ 2,400.00
Kevan Nelson	Sediment control basins	Hay Creek CWL	\$ 32,097.59
Lowell Jorgenson	Sediment control basins	M.S.A. 103D.905, Subd. 3	\$ 350.00
Midwest Helicopter	2009 aerial ditch spraying	Varies	\$ 2,932.00
Midwest Helicopter	2009 ground spraying	Varies	\$ 25,710.50
Petty Cash	Postage, supplies, etc.	Admin.	\$ 100.00
Prairie Restorations, Inc.	Seeding	Pj. 58, Riverton	\$ 7,220.00
Premium Waters, Inc.	#366590-12-09	Admin.	\$ 16.30
Randy Rick	#107, Jensen house repairs	Pj. 49, Oakport	\$ 1,090.00
Randy Rick	Nov./Dec. property management	Pj. 49, Oakport	\$ 1,200.00

Ray Kvalvog	Sediment control basins	Hay Creek CWL	\$ 9,127.17
Red River Title Services	#212044, Hodge abstract	Pj. 49, Oakport	\$ 185.00
Red River Valley Coop	11/10/09-12/12/09 billings (6)	Pj. 49, Oakport	\$ 469.99
Riley Bros. Const., Inc.	Phase 1B, Pay Request No. 3	Pj. 49, Oakport	\$ 68,171.17
Riley Bros. Const., Inc.	Phase 2, Pay Request No. 3	Pj. 49, Oakport	\$ 237,777.78
RMB Laboratories, Inc.	#115185, tile line	Buffalo River TMDL	\$ 45.00
Rose M. Kopperud	Easement	Pj. 49, Oakport	\$ 15,702.00
RRBC	Hanson Conference Registration	Admin.	\$ 210.00
RRWMB	2008-2009 collections	RRWMB Management	\$ 130.80
Sellin Brothers, Inc.	#8707, ditch repairs	Clay C.D. No. 63	\$ 38,013.31
TRN Abstract & Title F-M	Abstract updates (1)	Pj. 49, Oakport	\$ 155.00
UEI	#10770, 10769, 10776, 10778, 10777, 11/01/09-11/30/09	Pj. 49, Oakport	\$ 60,311.75
United States Treasury	3rd Qtr. Form 941 penalty	Admin.	\$ 68.93
Vogel Law Firm	#26719, 26717	Metro FS, Oakport	\$ 20,019.71
Wm. Nichol Excavating, Inc.	#29, culvert installation	Pj. 30, Clay/Wilkin J.D. 1	\$ 500.00
WREC	11/18/09-12/18/09 service (2)	Pj. 46, Turtle Lake Outlet	\$ 255.10
Xcel Energy	11/23/09-12/28/09 service (3)	Pj. 49, Oakport	\$ 819.78
Xcel Energy	6116 Broadway (final)	Pj. 49, Oakport	\$ 11.74
			\$ 710,884.92

Motion by Nelson to approve payment of the bills. **Seconded** by Hanson. **Approved.** Albright noted that he plans to maintain a balance of \$750,000 in Midwest Bank, which will meet the required balance for the Bank's deposit insurance/pledges.

Next Meeting. The Board of Managers, BRRWD, will hold their next regular meeting on Monday, January 25, 2010, in the Barnesville office at 7:00 PM.

Adjournment. Chairman Ellefson adjourned the meeting at 9:50 PM.

Respectfully submitted,

John E. Hanson, Secretary