BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING
May 12, 2014

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, May 12, 2014, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Curtis M. Nelson, Peter V. Fjestad, John E. Hanson, Troy E. Larson, and Catherine L. Affield. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (H.E.). Also in attendance were: Nathan Strand and Katelynn Herfindahl, Barnesville River Watch; and Roger Ellefson.

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

Secretary's Report. The Board reviewed the draft 08/14/13 and 04/14/14 BRRWD meeting minutes. Affield noted two changes to the 8/14/13 meeting minutes. Motion by Hanson to approve the minutes with the noted changes. Seconded by Nelson. Approved.

Treasurer's Report. The Board reviewed the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Administrative disbursements to date total $145,637.99. Since the 04/28/14 meeting, we have received $88,168.33. The largest contributor to this amount was from the Federal Emergency Management Agency (FEMA) to close the 2010 spring flood account. Total income received to date is $1,581,781.66. Cash on hand currently is $1,626,331.56. The accounts receivable totals approximately $5.63 million for 2014.

Albright reported he spoke with Dionne Merkens, Midwest Bank, about renewing the $600,000 line of credit. She has the necessary documents, including statements from Vogel Law Firm about the definition of the Watershed to possibly allow for a lower interest rate, but has not responded to date. A letter was received from Minnesota Unemployment Insurance stating that because Payroll Professionals did not close the account after Ramona Barker's position with the BRRWD was eliminated, a $250 late fee will be assessed. Payroll Professionals was contacted, but no response has been received. Motion by Fjestad to approve the Treasurer's Report. Seconded by Affield. Approved.

Barnesville River Watch Presentation. Nathan Strand, Science Teacher, Barnesville High School, who is the River Watch Program Advisor, submitted a budget proposal for the upcoming 2014 sampling season at the 04/28/14 meeting, which was approved. Strand and Katelynn Herfindahl, a River Watch Team Member, attended the meeting to give a presentation on the program and its benefits. The program allows high school students the opportunity to go out and collect scientific data which is used to make decisions about water quality. It also helps to promote watershed awareness. Included in the approved budget is the trip the group takes to the Red River Water Festival in Moorhead, hosted by River Keepers, to present information about turbidity and transparency to elementary school students. Van Amburg commented that this program also promotes the City of Barnesville, because they've had excellent teams, winning numerous awards at the annual River Watch Forum.

Business brought before the Board included:

Permit No. 14-049, Kelly Nelson. Applicant proposes to install pattern tiling in the SE1/4, Section 23, Atherton Township, Wilkin County, outletting via gravity flow to Deerhorn Creek. Motion by Larson to
approve Permit No. 14-049, subject to BRRWD's standard tiling disclaimer and a restoration disclaimer regarding the outlet through the levee. Seconded by Hanson. Approved.

**Permit No. 14-050, Mark Braton.** Applicant proposes to install pattern tiling in the NE¼, Section 12, Atherton Township, Wilkin County, outletting to County Ditch (C.D.) No. 41, to which it is assessed. Motion by Nelson to approve Permit No. 14-0450, subject to BRRWD's standard tiling disclaimer. Seconded by Fjestad. Approved.

**Permit No. 14-051, BMW Investments.** Applicant proposes to expand the existing Oakview Pond, Oakview 3rd Addition, Lot 5, City of Dilworth, Clay County. Motion by Hanson to approve Permit No. 14-051. Seconded by Larson. Approved.

**Permit No. 14-052, Red River Valley Cooperative Power Association.** Applicant proposes to bore an underground electric power line under Clay County Road (C.R.) No. 8 and C.D. No. 11 from the SW¼, Section 28, to the NW¼, Section 33, Kurtz Township, Clay County. Motion by Hanson to approve Permit No. 14-052, subject to BRRWD's utility disclaimer. Seconded by Affield. Approved.

**Permit No. 14-053, Jim Klein.** Applicant proposes to install 200 acres pattern tiling in the E½, Section 21, Nilsen Township, Wilkin County, outletting via a lift station to C.D. No. 3, to which it is assessed. Motion by Nelson to approve Permit No. 14-053, subject to BRRWD's standard tiling disclaimer. Seconded by Fjestad. Approved.

**Permit No. 14-054, Todd Klein.** Applicant proposes to install 71 acres pattern tiling in the SW¼, Section 1, Nilsen Township, Wilkin County, outletting via gravity flow to C.D. No. 3, to which it is assessed. Motion by Hanson to approve Permit No. 14-054, subject to BRRWD's standard tiling disclaimer. Seconded by Fjestad. Approved.

**Roger Ellefson Concerns.** Former Manager, Roger Ellefson, attended the meeting to voice some concerns about the letter sent by the Board to the Advisory Committee in response to his comments made at the 3/28/14 Advisory Committee meeting regarding BRRWD operations/finances.

**Carlisle Township Culvert Replacement.** Township supervisors visited the office on 04/30/14 to request information pertaining to a culvert that was removed and has not yet been replaced. The affected landowner needs access to his field. Albright reported that once a decision has been made on what will be done, the Township will need to apply for a permit.

**Chad Lee Drainage Concerns.** Chad Lee has contacted the office concerning his property in the NE¼, Section 11, Hawley Township. A permit had been approved for the Cretex plant in the summer of 2013, which included a storm water pond. They have changed the flow of the watercourse coming off that tract of land, and it now drains directly east into the C.R. 31 ditch, which brings it directly by Lee's property. The drainage is filling a low area in his trees. Lisa Jetvig, City of Hawley, has told Albright that completing a ditch along the area is on the contractor's punch list. The City will be meeting with Lee to rectify the situation. Albright did review the site and distributed photos for the Board's review.

**Kragnes Township.** Albright and Jones have been working with Kragnes Township regarding a request from a landowner for access to his property along the Buffalo River in Section 25. The landowner needs to enter the neighbor's farmstead to access his field. The homeowner doesn't want machinery in his yard. The Township wants to know what it would cost to install a texas style crossing or possibly a bridge. Jones felt both proposals were cost prohibitive. The Township is going to meet on 05/13/14, and more information will be furnished to them for their meeting.
2013 Audit. Harold J. Rotunda, Certified Public Accountant, presented the 2013 audit at the 04/28/14 meeting. In 2013, the District's total revenue was $9,248,511 and the total expenses were $8,434,122. The year end fund balance was $1,026,981. Rotunda noted no problems associated with the audit. He felt the financial accounts of the BRRWD were being managed very well. The Board will review the audit and place it on their 05/27/14 meeting agenda for approval.

Project No. 76, Wilkin C.D. No. 3, Lateral No. 8. We have not yet received the requested bond payment from the petitioners Mike Yaggie and Wayne Fuder. No further action will be taken with the dismissal of this project or approval of the corresponding Permit No. 14-019 until the requested funds have been received.

Project No. 75, Wilkin C.D. No. 31-Lateral. H.E. has prepared the Environmental Assessment Worksheet (EAW) as required by the DNR for restoration of the Whiskey Creek channel, starting at Trunk Highway (T.H.) No. 9, and continuing downstream across Section 14, Connelly Township. The EAW is currently out for public review and comment. Jones requested the authority to begin the permit application. Motion by Hanson to authorize Jones to begin the permit application. Seconded by Nelson. Approved.

Project No. 74, Clay C.D. No. 51, Lateral No. 3. A bond increase in the amount of $10,000 was requested from the petitioner, Roger Minch, which has been received. Albright presented a letter dated April 16, 2014, from Minch that accompanied the check. Minch is considering withdrawing the petition and submitting a new petition that may better suit their needs. He is currently trying to work with the neighboring landowner, to see if he is interested in participating with the project.

Project No. 73, Country Heritage Ditch. An informational meeting will be held this summer with the affected landowners along 2nd ST in Oakport Township to discuss their culvert concerns. Randy Farwell sent pictures to the office of standing water in the outlet ditch, which Albright forwarded to Kris Carlson, Engineer, Ulteig Engineers, Inc. (UEI). The contractor, Steven Johnson, has a punch list of items that need to be completed this spring, when conditions permit.

Project No. 71, City of Moorhead, 50th AVE S. There has been no word from Leroy Johnson regarding his concerns about possible water standing in his field this spring. The contractor, Gladen Construction, Inc., should make the necessary repairs this spring, when conditions permit. The area of concern is located in the SW4, Section 31, Moorhead Township, Clay County. Albright and Jones reported some of the details of the project and the effects on Johnson's property.

Project No. 60, Swede Grove Lake Outlet. Nelson inquired about whether or not a hearing had been held to dismiss this project. Albright stated he would look into the matter and have an update at the next meeting.

Project No. 56, Manston Slough Restoration. The office is working on the acquisition of easements. The right-of-way (r-o-w) has all been restaked. Tami Norgard, Attorney, Vogel Law Office, is working with R. J. Pathroff, Attorney, Vogel Law Firm, on the Kent Gun and Rod Club "friendly" condemnation. Albright shared an email sent by Norgard. A letter was received from the daughter of one of the deceased parcel owners. She asked if the Board would be interested in buying her share for approximately $800. She might also be amiable to a lower price with the Board covering the legal fees. Norgard would like confirmation from the Board whether they would like to pursue this proposal, or if they want to continue with the condemnation. The Board discussed the issue, and ultimately decided to continue with condemnation of the easement.

Project No. 49, Oakport Township Flood Mitigation. Albright reported there was little to discuss for this project. The Board is still awaiting the final decision on the bonding bill. Albright also stated he
would contact Norgard to discuss the possible condemnation of the spoil pile on the Fischer property. There has been no word from the Fischers or their attorney in some time.

**Project No. 39, Georgetown Levees.** The contractor will return when conditions permit to complete the final cleanup tasks, including re-leveling the baseball field after it has settled. No response has been received from the DNR about the additional $190,000 requested to complete the project. The City's Mayor has suggested that the Board schedule a ribbon cutting ceremony once the project is completed.

**Project No. 30, Clay/Wilkin Judicial Ditch (J.D.) No. 1.** The Board previously authorized H.E. to take test pits, when conditions permit. Wade Opsahl, Technician, H.E., is working on a timeline for the ditch. Albright met with Blaine Tonsfeldt and Bryan Kritzberger, on 04/29/14, landowners, regarding an email stating that with the recent rain events has water backing up into the field, and requesting a field review. Albright reported on his findings from the field review.

**Project No. 14, Clay C.D. No 10.** At their 3/24/15 meeting, the Board approved the acquisition of the one rod of temporary r-o-w for the 2014 growing season at a rate of $250/acre. Albright, Jones, and Opsahl will be breaking the work down into three segments for the bidding process. The r-o-w has been staked and payment checks sent.

**Project No. 46, Turtle Lake.** Carol Anderson, a landowner by Lake Fifteen, contacted the office about the side slopes along a bridge to her property. She questioned if it was part of our project. She feels that drainage from the Turtle Lake project is causing part of the erosion. Bruce Bang, Supervisor, Parke Township, suggested she contact Danny Olson, a local contractor from Lake Park, to discuss possible repairs. Olson had suggested some repairs that could be made, but Albright reported he did not have those details. He will contact Olson.

**Mediation Project Team (PT).** The next meeting is scheduled tentatively for 06/26/14 at 7:00 PM in the Barnesville Office.

Albright reported that there was nothing new to report on the South Branch of the Buffalo River regarding the Czichotzki/Swenson issue, due to wet conditions.

Jones has prepared the acceleration grant application for the Barnesville Township project and has a letter ready for the Board's approval for the upcoming Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) meeting scheduled for May 21, 2014. The Board discussed the funding formulas for the BRRWD and its projects.

Albright reported that he attended a Farm Bill meeting on 05/05/14 in Detroit Lakes along with representatives from other watershed districts, the Minnesota Pollution Control Agency (MPCA), the Red River Retention Authority (RRRA), and the Minnesota Department of Natural Resources (DNR), and Sharon Josephson from Congressman Collin Peterson's office. We are hoping to hear an announcement from Agriculture Secretary Vilsack in the next few weeks if the Red River Basin has been named one of the eight Critical Conservation Areas. Once this decision has been announced, an application will be submitted. Hopefully, funding should be available, and the BRRWD will be able to submit funding applications. Eventually, a letter of support from the BRRWD will also be required. Albright thought the submittal deadline will be near the end of August.

Albright noted that he plans to send Tony Nelson, Pheasants Forever and Clay Soil and Water Conservation District (SWCD), information regarding Stony Creek and the issues with C.D. No. 31.
Watershed District Enlargement. The schedule for the Revised Watershed Management Plan (RWMP) update has been sent to Pete Waller, Minnesota Board of Water and Soil Resources (BWSR). A kickoff meeting will be scheduled after spring planting has been completed.

Becker C.D. No. 19, Rock Lake Culvert Concern. A meeting was held with individuals from the R&R Lodge on Rock and Rice lakes regarding C.D. No. 19. The fluctuating water levels on Rock Lake may be caused by the culverts being too small in the area. A follow up meeting will be scheduled in the future with the Holmesville Township.

Detroit Lakes Wastewater Outlet. Albright and Jones met with the City and their representatives on March 13, 2014, to discuss this topic. The BRRWD and City representatives agreed that the next step should be a field review of potential outlets into the BRRWD. A field meeting will be scheduled to look at potential outlets with representatives of SEH, Inc., the City's engineers, City representatives, BRRWD Manager, John Hanson, and Jones.

Stakke Lake Outlet Control Project. At the 04/28/14 meeting, the Board authorized Jones to use LiDAR to come up with several scenarios regarding lake elevations to determine what those impacts might be if the lake were raised. The LiDAR images he reviewed were from 2009 and did not reflect the current conditions, but he reported his findings to the Board. Albright suggested a letter be sent to the landowners to explain their possible options.

Army Corps of Engineers (COE) Fargo-Moorhead (F-M) Flood Diversion Project. Albright stated there was nothing new to report at this time.

Clay C.D. Nos. 9, 32, 33 Redeterminations. Weather permitting, H.E. will be working with contractors to finish the side inlets and buffers. Opsahl is completing the proposed benefit maps for each of the systems. After the Viewers' Reports are filed, the redetermination of benefits hearings will be scheduled for the ditch systems.

Minnesota Agricultural Water Quality Certification Program (MAWQCP). A conference call is scheduled for May 16, 2014, at 2:00 PM to discuss the Knowledge, Attitude, and Practices (KAP) study with Dr. Karlyn Eckman, University of Minnesota (U of M). The Steering Committee and the other three pilot areas will meet in Fergus Falls on July 8-9, 2014, to tour Whiskey Creek.

Buffalo River TMDL. The MPCA contract has been amended to extend the study's deadline to June 30, 2014, to allow time for the Environmental Protection Agency (EPA) and public review process. Any comments received will need a written response.

Elkton Township Wetland Restoration. Buzz Ziegler visited the office to discuss the delay of the restoration construction. He stated that Bill Ziegler and he would complete the work after spring crop planting. Motion by Fjestad to accept the terms as presented by Ziegler. Seconded by Nelson. Approved.

Board of Managers Photographs. The Board had previously discussed taking photos for the BRRWD website and the BRRWD office. Photographs have been taken of all the Board Managers except Breanna Kobiela and Catherine Affield by Jodi Kletsch Photography, Barnesville. Kobiela may have a staff photograph from North Dakota State University (NDSU) that can be used. Affield stated that she would use one of her staff photos as well.

Wolverton Creek/Comstock Coulee Clean Water Fund (CWF) Restoration. Jones is working with Julie Aadland, DNR, to obtain the permit necessary for the project. Jones forwarded her the order signed by the Board stating an Environmental Impact Statement (EIS) was not necessary. Setting up a water
management district (wmd) to help raise local funding for grant matches, project costs, etc. was discussed. Jones will run several scenarios to present to the Board.

**BWSR Performance Review and Assistance Program (PRAP) Grant/Consultant.** The Strategic Planning Work Session was held with Consultant Donna Rae Scheffert on 04/15/14. A draft of the strategic plan was sent to the office for the Board’s review. Two other documents will be prepared by Scheffert, including a report on potential Red River Watershed Management Board (RRWMB) Memberships, and succession planning.

**MAWD Summer Tour 2014.** The MAWD Summer Tour is scheduled for June 18-20, 2014, hosted in Stillwater. More information will be forthcoming. Lodging reservations have been made.

**Whisky Creek CWF Project.** Jones has been working with the Clay SWCD to solicit bids for the Michael and Ryan Hough channel erosion repair, located in Section 30, Tansem Township, Clay County. The low bid from Steven Johnson Excavation for $29,325 was accepted by the Board at the 04/28/14 meeting. Bids were also opened today for the Glyndon Township repair of the road ditch erosion along 12th AVE S in Section 16. The low bid from Steven Johnson Excavation was for $21,840. Jones spoke to the Township representatives and they are in agreement with the proposed work. **Motion** by Fjestad to award the contract to Steven Johnson Excavation. **Seconded** by Nelson. **Approved.**

Other potential projects include repair of the multi-bloc wall on the Buffalo River. A permit application was submitted to the DNR in this regard. Paperwork was also sent into the Army Corps of Engineers (COE). They have forwarded their approval of the proposal to the SWCD. The project cost is estimated at $20,000. Another potential project is the Clay C.D. No. 5 outlet repairs. Jones has met with Ryan and Jake Nelson, who owns the land on both sides of the channel, and they gave their approval for the project. Roughly five acres of crop land and five acres of non-crop land will be needed to as r-o-w. The estimated easement costs for these are $500/acre for the non-crop land and $5,000/acre for the crop land. There will also be an additional cost for some crop loss (alfalfa) in one area. The project is estimated at $95,000. One final option, if all SWCD funding has not been used, is the installation of approximately 36 inlets for Clay C.D. No. 59.

**EPA/COE "Waters of the United States" Definition.** Duane Erickson, Wild Rice Watershed District (WRWD), sent the latest correspondence regarding the implications of the EPA/COE’s proposed new rule to define waters of the United States.

**DNR Dam Safety Workshop.** The DNR is sponsoring a free safety workshop in St. Cloud on June 4, 2014, for owners and operators of dams.

**H.E. Work List.** Approximately four times a year, Albright, Johnson, Jones, and Opsahl meet to discuss and itemize current and possible future tasks, their status, responsible parties, and tentative completion dates. Albright distributed this recent list to the Board for review.

**Bob Backman Retirement.** A retirement party is being held for Bob Backman, formerly the Executive Director of River Keepers, on May 27, 2014, 4:00-6:00 PM at the Main Shelter in Lindenwood Park, Fargo.

**Wilkin C.D. No. 41, Branch 5.** Mark Braton is working with Mike Nelson to complete some tiling in the NE¼, Section 8, Prairie View Township. The survey work shows that to get a gravity flow outlet would require cleaning the ditch for roughly 400’, but there is a rock drop structure in the path. The rock drop could be moved upstream to allow for the gravity flow outlet. The landowners would bear the cost of the move. Jones suggested putting conditions into the permit application approval that the petitioner would
bear any responsibility for any future erosion and that the BRRWD monitor the process to ensure the proper placement.

**Hawley Buffalo River Restoration.** The EAW was signed at the 04/28/14 meeting and has been sent to the DNR. Jones would like to begin drafting permits for the necessary agencies. **Motion** by Hanson to authorize Jones to begin the permitting process. **Seconded** by Fjestad. **Approved.**

**H.E. Hiring of Staff.** Jones presented an amendment to the H.E. contract for the hiring of additional staff as discussed in previous meetings in accordance with the recommendations from Consultant Donna Rae Scheffert. New additions will be two part time administrative assistant positions: one home-based, one in the office. The home based position would be Eve Jerger, who is currently working for the Board. A tentative candidate has been identified for the Resident Administrative Assistant position as well, subject to the Board’s approval before final hiring. Julie Jerger’s Resident Secretary title would be changed to Resident Senior Administrative Assistant, and she would continue her current duties at her present wage with an emphasis on the financial and website duties specifically. Wade Opsahl would shift to more frequent time in the Barnesville Office to assist Albright and free him for other tasks. **Motion** by Fjestad to approve the amendments to the 2014 H.E. contract. **Seconded** by Larson. **Approved.**

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

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

**Next Meeting.** The next regular meeting will be held on Tuesday, May 27, 2014, at 7:00 PM in our Barnesville office. The traditional meeting date is changed because of the Memorial Day Holiday.

**Adjournment.** **Motion** by Nelson to adjourn the meeting. **Seconded** by Fjestad. **Approved.** Meeting adjourned at 10:30 PM.
May 12, 2014

Respectfully submitted,

John E. Hanson, Secretary