

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING February 9, 2015

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, February 9, 2015, at 7:00 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Breanna L. Kobiela, Mark T. Anderson, John E. Hanson, Catherine L. Affield, Peter V. Fjestad, and Troy E. Larson. BRRWD Staff attending included: Bruce E. Albright, Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending included: Kevin Campbell, Grant Weyland, and Jenny Mongeau, Clay County Commissioners; Wayne Johnson and John Lindquist, Otter Tail County Commissioners; Lyle Hovland, Wilkin County Commissioner; Brian Berg, Clay County Administrator; Mark Brodshaug and Rodger Olson, Cass County Joint Water Resource District (CCJWRD); Michael Redlinger, City Manager, and Robert Zimmerman, Engineer, City of Moorhead, Jim Nyhof, Mayor, City of Oxbow; Eric Dodds and Rocky Schneider, AE2S; Morrie Lanning, Morrie Lanning Consulting, LLC; Spencer McGrew and Joe Courneya, Red River Basin Commission; Moriya Rufer, RMB Environmental Laboratories, Inc.; and landowners: Roger Minch, Don Nelson, John Ready, Mark Askegaard, and Jay Nord.

Chairman Van Amburg called the meeting to order at 7:07 PM. He 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 01/12/15 regular meeting and the 01/05/15 Project No. 77, Preliminary Hearing. Affield noted a correction to the 01/12/15 minutes and had a question on the 01/05/15 hearing minutes that Albright will check on. Subject to the noted correction and clarification, **motion** by Affield to approve both sets of minutes. **Seconded** by Anderson. **Approved.**

Treasurer's Report. Albright presented the monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Current cash on hand is \$1,227,770.53. The monthly administrative disbursements total \$31,482.66. Since the 01/12/15 meeting, we received \$664,381.70, and year to date collections total \$958,808.58. Our income came primarily from the Minnesota Department of Natural Resources (DNR) grants for the Hawley Buffalo River Restoration project (\$397,306.77) and Project No. 56, Manston Slough (\$242,160.94). We also received the final 2014 property/ditch/project tax payments from the Counties. **Motion** by Anderson to approve the Treasurer's Report. **Seconded** by Hanson. **Approved.**

Red River Basin Commission (RRBC) Aquatic Invasive Species (AIS) 2014 Risk Assessment. Joe Courneya, RRBC, discussed the history of the RRBC's AIS study. He explained that the RRBC received funding from the Legislative-Citizen Commission on Minnesota Resources (LCCMR) through a DNR grant with a match from the BRRWD (\$5,000 annually) to conduct a watershed scale AIS prevention management pilot program. The outcome of the program would be to develop tools, projects, and activities to address the AIS problem, which could be implemented across Minnesota. RRBC worked with Moriya Rufer at RMB Laboratories, Inc., to compile an assessment based on fact, science, and logic about the AIS risk in a Red River basin watershed. Rufer will present the study results focusing on zebra mussels. Courneya added that Mike McCartney, University of Minnesota, is researching AIS on the Pelican River. The results of this study will provide information to help decision makers, lake associations, etc., who are dealing with AIS regarding management and/or stewardship of public resources as to where and how to target those resources to deal with the AIS problem. In addition, the study should give answers as to how

citizens, local and state government, and agencies can work together to target what is needed to protect the water resources in the Red River basin. Courneya noted that the BRRWD's Revised Watershed Management Plan (RWMP) has identified 32 priority lakes, and with the work that RRBC has done, they already have developed 26 action items that could be implemented in conjunction with our current RWMP. He distributed samples of some AIS targeted educational tools the RRBC has been using within the basin.

Moriya Rufer, RMB Laboratories, Inc., Detroit Lakes, MN, explained that her company processes our water quality samples. She provided samples of zebra mussels, Eurasian water milfoil, and curly-leaf pondweed for display in the office. Rufer gave a Power Point presentation titled "AIS Risk Planning: how to best target prevention with available funding". She explained that our goal should be to focus our prevention strategies on the highest risk areas at the highest risk time of year to best use the available funding to minimize AIS spread. Rufer pointed out that not all lakes will be infested by AIS; prevention protocols can be implemented to prevent the spread to lower risk waterbodies.

The study takes into account the latest science based on the literature on Zebra mussel vectors of spread and habitat requirements. A scoring system was developed for a watershed approach, using available data for assessing risk factors. Two risk criteria were developed: infestation and suitability. The infestation risk is used to measure how likely it would be for the lake to become infested with Zebra mussels, and the suitability risk will determine the probability of the Zebra mussels thriving in a lake once they are introduced. One measurement of infestation risk is water connectivity. Zebra mussel larvae float downstream, so if the upstream end of a chain of lakes is infested, the downstream lakes are at a higher risk value for infestation. Public Use is also a risk factor. Resident watercraft and boat lifts are considered to be high risk factors if they are moved from one lake to another, but non-resident watercraft used by resorts, boat access parking spots, and fishing tournaments are the primary factors for infestation risk. Factors determining a waterbody's suitability risk for infestation include water chemistry, which we can measure by water monitoring; water temperature and dissolved oxygen, and substrate, or the presence of rocky surfaces to provide a hard surface on which the mussels can attach.

Rufer displayed maps showing current AIS infestations within the BRRWD. There are no zebra mussels in the BRRWD, but LaBelle Lake has purple loosestrife. Curly-leaf pondweed has been found in Hovelsrud, Turtle, and Rock Lakes. She noted that zebra mussels don't do well in streams because of the moving water. However, streams downstream of infested lakes are at risk. Rufer also displayed a map showing zebra mussel public use risk values within the BRRWD. Most of the rivers are listed as moderate risk. Because of the number of residents and amount of use, Tamarack, Rock, and Buffalo Lakes are ranked highest for overall infestation risk. Rufer pointed out that this area, which is at the headwater of our watershed, is where the BRRWD should focus our resources to combat AIS. She also discussed stream suitability risk ratings. River stretches that are impaired for dissolved oxygen, e-Coli, and turbidity wouldn't be good environments for zebra mussels, but lakes at the top of the watershed rate moderate for suitability. Other lakes to be considered for risk factors would be Turtle, Big and Little Sugar Bush, and Boyer.

Rufer explained that once we have determined where the highest risk for infestation could occur, the next step is to determine the time of year risk. According to a 2014 survey of second-home owners in our region, the highest use of lakes was in July, which coincides with the highest risk time for AIS transfer. Rufer noted that the 4th of July fireworks display on Pelican Lake is an example of an event taking place in a high risk area at the highest risk time of year.

Rufer explained how to maximize the use of AIS funding by using the AIS Plan Framework, which shows that in July and August, the BRRWD should focus water craft inspection efforts on Tamarack and Buffalo Lakes, as these lakes have the most visitors and are also in the watershed headwaters. Priority 2 lakes would be Rock and Rice Lakes. BRRWD and/or volunteer monitoring for adult zebra mussels should take place on these lakes in September as boats lifts and docks are removed from the lakes. Rufer noted that

there have been treatment options developed for application on new infestations that are detected from June to mid-September. She also mentioned that the DNR has a website to record monitoring results. Rufer said that there are no high risk lakes within the BRRWD, so monitoring for the immature zebra mussels (veligers) should not be necessary. She noted that Detroit Lakes and Pelican Lakes, which are not in the BRRWD, would be candidates for veliger monitoring. Rufer also discussed that the BRRWD should develop a monitoring plan for invasive plants in conjunction with the lake associations. She encouraged the BRRWD to work with the lake associations to fund education and outreach programs for schools and the general public, especially in high risk areas at the high risks time of year. The County, DNR, and/or private businesses should provide decontamination opportunities for boats leaving infested lakes. Rufer also encouraged the BRRWD to work with the Counties to develop a plan to provide quick reaction to new infestations if treatment is possible.

Rufer noted that the Report contains a watershed setting, AIS history, current infestations, risk rating report cards for each lake and stream, maps of risk ratings, and AIS management program recommendations. She stressed that citizen involvement in the plan implementation is crucial.

Van Amburg commented that it appears that the Red River doesn't have a high probability of transferring zebra mussels to other waterbodies. Rufer agreed that the turbulence of fast moving water kills the mussel larvae, but added that zebra mussels can establish on rivers in backwater areas like behind dams, so monitoring these areas is still important. During floods, the veligers could be spread and establish in stagnant water on hard surfaces. She also explained that it takes approximately 2 years for an infestation of zebra mussels to reach the maximum and after that the populations rise and fall according to lake conditions.

Mike McCartney, University of Minnesota, is researching how far veligers can travel downstream from infested waterbodies. Van Amburg commented that AIS infestation is an important field of study. The Board discussed a Minnesota law regarding out-of-state watercraft licensing just to pass through the state, which has not been implemented.

Project No. 77, Clay County Ditch No. 51-Lateral No. 3. The Preliminary Hearing was held on 01/05/15. Jones completed his analysis of the existing drainage conditions and the adequacy of the existing drainage and alternative drainage routes to the east in Section 28, Kragnes Township. The Managers have received copies of his report for review. Albright explained that the next step in this process is for the Board to decide to either dismiss the project petition, or move forward with project development by authorizing Jones to complete the Detailed Survey Report, and once that is filed, the Board would appoint Viewers to determine benefits and damages. Following their report, the Board would hold the Final Hearing where they would make a decision to dismiss or construct the project. Albright recommended that the Board continue the project development.

Roger Minch made a brief statement. He commented on Jones existing conditions report, noting that the current petition offers the best alternative to the flooding concerns in Section 28. He urged the Board to move forward with the proposed project. Minch expressed his hope that the revised petition would provide enough benefits to outweigh the damages, so the project can be built.

Albright noted that the Findings and Order for the Preliminary Hearing is not appealable, as determined by the Court during an appeal of the Board's Order following the Pj. No. 74 Preliminary Hearing last year. The opportunity for appeal will follow the Board's Final Order regarding the project after the Final Hearing. **Motion** by Anderson to continue project development in accordance with Minnesota Statutes Annotated (M.S.A.) 103E.215, which includes authorizing Jones to prepare the Detailed Survey Report. Albright will prepare the Findings and Order for the Board's signature at their 02/23/15 meeting. **Seconded** by Fjestad. **Approved.**

Permit No. 15-003, Wilkin County Highway Department. Applicant proposes to remove/enlarge an existing bridge on County Road (C.R.) No. 1 in the SE¼, Section 3, McCauleyville Township, and reconstruct/raise the road on either side of the new bridge in conjunction with the realignment of Trunk Highway (T.H.) No. 75 near Kent, MN. The new bridge will be installed at a higher elevation to accommodate the 100-year flood. Jones reviewed the application and recommended permit approval. **Motion** by Fjestad to approve Permit No. 15-003. **Seconded** by Larson. **Approved.**

Permit No. 15-004, City of Moorhead. Applicant proposes the milling and overlay of 20th ST from 28th to 30th AVE S, pavement reconstruction of 20th ST from 30th to 34th AVE S, and new construction of 20th ST from 34th to 43rd AVE S. Work will include minor storm sewer modifications from 28th to 34th AVE S, and a new storm sewer from 34th to 43rd AVE S. The existing culvert under the Burlington Northern/Sante Fe (BNSF) Railroad tracks about 400' south of 40th AVE S will be extended, and the ditch on the west side of the BNSF tracks from 40th AVE S to about 400' south will be filled in and the culvert/storm sewer under 40th AVE S on the west side of the tracks will be abandoned. The location of the work is in the E½, Section 21, Moorhead Township, Clay County. Using the overhead monitors, Jones reviewed the application with the Board. He recommended permit approval. **Motion** by Hanson to approve Permit No. 15-004. **Seconded** by Kobiela. **Approved.** In observance of conflict of interest concerns, Manager Anderson acknowledged that City of Moorhead Engineer Tom Trowbridge is a relative. The Board agreed that this would not constitute a conflict.

Permit No. 15-005, Minnesota Department of Transportation (MNDOT). Applicant proposes to replace/repair (culvert linings) a number of centerline culverts through T.H. No. 10 at two locations in Sections 8 and 9, Lake Park Township, and Section 9, Audubon Township, Becker County. **Motion** by Anderson to approve Permit No. 15-005. **Seconded** by Affield. **Approved.**

Environmental Assessment Worksheet (EAW) Availability. The Minnesota Pollution Control Agency (MPCA) has forwarded an EAW for the BRRWD's review and comments regarding the Baer's Poultry Company new barn expansion. The public comment period ends on 03/04/15. Albright has reviewed the information and recommended that the BRRWD have no comment regarding the EAW.

Army Corps of Engineers (COE) F-M Diversion. Manager Anderson notified the Board about a possible conflict of interest in regards to his voting on F-M Diversion issues. BRRWD Attorney Tami Norgard, Vogel Law Firm, has advised Anderson that he may have a conflict of interest because he owns land in the upstream staging area, and his father-in-law might receive an easement payment if the Diversion goes forward. Anderson does not agree with Norgard's opinion, but is willing to defer to her advice and abstain on Diversion votes until we obtain a second opinion. He asked the Board to consider seeking a second opinion regarding this issue. There had also been some question about whether Chair Van Amburg and Manager Kobiela should abstain on the vote, too, as it could appear that they both might benefit from the Diversion, since they own property within the City of Moorhead.

Albright mentioned that Attorney Norgard has offered to answer Board questions via speaker phone, if the Managers feel it is necessary. The Board discussed the question of Anderson's possible conflict of interest and the idea of seeking a second opinion. Van Amburg observed that because the Board will probably seek a second opinion, we would not vote on the 2015 Diversion budget at tonight's meeting. Van Amburg discussed the Joint Powers Agreement (JPA), which the Cities of Fargo and Moorhead, Cass and Clay Counties, the Southeast Cass Water Resource District, and the BRRWD have all signed. He explained that the BRRWD signed the JPA so that we could be a part of the process, while remaining neutral on support of the Diversion. By being a member of the Diversion Authority, the BRRWD retains the ability to represent our constituents. Van Amburg noted that there were a number of audience members wishing to address the Board.

Robert Zimmerman, Engineer, City of Moorhead, gave a Power Point presentation with "before and after" photographs regarding the history and current status of flood protection efforts for Moorhead. He thanked the Board for their support and assistance with the City's 50th AVE S project, which is nearly completed. The goal of the City's flood protection plan was to provide flood protection for the City to the 43.5'-44' level. Referring to a map displayed on the overhead monitors, Zimmerman pointed out that there are still some "gaps" in the line of protection (levees). In accordance with the state funding requirements, land acquisition was on a strictly voluntary basis, and about 50 property owners declined a buyout, some on the "wet side" of the levee system, and all below the target elevation of 44'. The current Clay County flood insurance maps went into effect in April 2012, and the new maps for Cass County just went into effect in January 2015. The 100-year flood stage on the new flood insurance maps is 39.3'. The Board viewed maps showing the impacts of the new flood plain. Zimmerman explained that new developments are not within the new floodplain, but there are still 178 existing homes within the new floodplain. He discussed changes to the National Flood Insurance Program (NFIP). Because premiums have increased significantly, the City has attempted to accredit a number of their projects according to Federal Emergency Management Agency (FEMA) process to remove areas from the floodplain. If FEMA accreditation is achieved, one particular area south of Interstate-94 (I-94) would remove 87 high premium properties from the floodplain. Zimmerman noted that all of the City's work was in an effort to remove as many properties from the floodplain as possible. The current floodplain map is based on 1970 data and previous years, which is what the 39.3', 100-year flood elevation is based upon. In 1997, in conjunction with the COE, FEMA did an updated analysis, which did not culminate in an adopted Flood Insurance Study (FIS). In light of the 2009 and 2010 floods, FEMA is conducting a reanalysis in conjunction with the COE Diversion project, which shows the 100-year (41') and 500-year (42.5') events are larger than previously expected. These elevations assume that the river is not constricted by levees. With levees, the 100-year event would be closer to 42', and the 500-year event would be closer to 46.3 river levels, which means that some properties now out of the floodplain would be back in. Zimmerman explained that geotechnical constraints would make adding to the current levees during an extreme flood event nearly impossible. The DNR and FEMA both concur with the new data. It is expected that in the future, FEMA will remap the floodplain taking the new flood elevations into consideration. When this happens, there are approximately 820 properties that would go back into the floodplain with a market value of approximately \$400 million. Zimmerman explained that the FM Diversion project provides a way to reduce flows into the City of Moorhead, eliminating these impacts to the City's current level of protection. He explained that he wanted to present this information to the Board, so that they had a factual basis for any decisions they make regarding flood protection for the City of Moorhead and the Diversion project.

Manager Anderson asked if Zimmerman had information regarding a hydraulic analysis showing the effects of the 46' flood elevation on the floodplain. Zimmerman said the information exists, and he could provide it if necessary.

Van Amburg introduced Morrie Lanning, who is a former Minnesota State Representative and former Mayor of the City of Moorhead, and who now owns his own consulting firm. Lanning was instrumental in establishing the RRBC, who through their flood study, has recommended that there be a 500-year flood protection plan for the F-M area. Lanning thanked the Board for their service to the citizens of the Watershed District. He noted that we are the one of only nine basins in Minnesota that has implemented a basin-wide watershed approach to water management. He discussed the 2009 flood fight and how that experience prompted a joint funding effort with Minnesota and North Dakota to develop a long-term flood solution (LTFS) plan. The RRBC conducted the LTFS study, culminating in a consensus for recommendations for 500-year flood protection for the Fargo-Moorhead metro area. The main factor to implement the recommendations was for upstream retention to help reduce flows by 20% at the main stem of the Red River of the North. The Halstad Upstream Retention study, funded by the COE Diversion, identified 96 retention sites. However, Lanning pointed out that the DNR has recently acknowledged that retention alone will not provide enough protection to solve flooding problems for the metro area.

Lanning distributed an analysis showing that when FEMA revises the floodplain, Fargo-Moorhead will not be protected to the 100-year event, which will require that many more homeowners will have to purchase flood insurance. By comparison, Grand Forks and East Grand Forks, and Wahpeton and Breckenridge are protected to the 200-year event with the capacity to go even higher if necessary. Winnipeg is protected to a 700-year event. With the Diversion, Fargo-Moorhead would be protected to the 500-year event, and we would have the ability to protect the Cities to a higher level. Lanning discussed his support of the Wahpeton/Breckenridge flood diversion project and the North Ottawa Retention project in the Bois de Sioux Watershed District. He pointed out that many of the opponents of those projects now see the value of them. He pointed out that the City of Moorhead pays approximately 60% of the BRRWD tax proceeds, which has been used to build projects of value throughout the District. Lanning concluded that the Cities of Fargo-Moorhead now need the support of the BRRWD and asked the BRRWD to support flood protection for Moorhead by approving the FY 15 budget.

Grant Weyland, Clay County Commissioner, encouraged the Board to approve the 2015 Diversion Authority budget. He referenced the RRBC LTFS Study's recommendation for 500-year flood protection for Fargo-Moorhead. Weyland noted that the other entities on the Diversion Authority feel it is vital that the BRRWD be involved with the development of the Diversion project.

Michael Redlinger, Moorhead City Manager, commented that the BRRWD's approval of the 2015 Budget is important to allow for transparency in the project development. The BRRWD's participation will help move the project forward so that alternatives and plan improvements and refinements can be explored with the goal of limiting Minnesota's exposure to costs. All the current project activities are being conducted without further funding requests from the Minnesota entities. There is specific language in the JPA that protects the Minnesota taxpayers until the DNR study is completed and project plans are finalized.

Anderson asked if the City of Moorhead has incurred any costs for the Diversion to date. Redlinger said that both Moorhead and Clay County have both incurred some limited costs for the study work. An initial feasibility analysis was conducted, referred to as the Fargo-Moorhead Metropolitan Feasibility Study, which transitioned into design work, which is the phase we are currently in. Redlinger stressed that there will be no more additional Minnesota funds until after we have final construction plans and an cost share agreement has been negotiated between North Dakota (90%) and Minnesota (10%) Legislatures. He noted that the monetary exposure that should be most concerning for Minnesota residents will be increased flood insurance premiums. There was discussion regarding Minnesota's exposure to further costs.

Brian Berg, Clay County Administrator, stated that a recent survey shows that 60% of the County residents work in the City of Fargo. He pointed out that the metropolitan area is important to the economic stability of all the residents of Clay County. Berg chairs the Diversion Hardship Committee, which deals with people living in the proposed upstream staging area south of the Fargo-Moorhead with medical conditions who request a buyout from the Diversion Authority because there is no market for their property. He stated that the Diversion Authority is committed to treating the Minnesota residents the same as North Dakota residents. Currently, there are three approved hardship requests from Minnesota landowners, totaling approximately \$1 million, which came out of the Diversion funds allocated through the 2015 budget.

Oxbow Mayor Jim Nyhof commented that the Diversion is a regional project. He discussed the flooding problems in Oxbow and the levee project. For Oxbow, the 2009 flood was a 100-year event because of the impacts caused by increase flows from the upstream Wahpeton-Breckenridge Diversion project. Nyhof distributed a map showing the Oxbow levee project plans and discussed the Oxbow levee configurations around the City. He stressed that the current dikes are not certifiable, so there will be issues with flood insurance costs. Nyhof shared a letter from the DNR regarding the City's flood protection, stating that the DNR is not opposed to Oxbow obtaining flood protection. He explained that a large part of the 2015 Diversion Authority budget is to provide Oxbow with 100-year flood protection. Nyhof expressed his hope

that the BRRWD would support the budget that will provide funding for their levee project. Anderson cited an excerpt from the DNR's letter where it states that "the DNR and the City of Moorhead are prohibited by Minnesota law from making final government approvals, including permits on projects that are part of the FM Diversion until the Environmental Impact Study (EIS) is completed." He questioned how the BRRWD is supposed to make a decision regarding this issue when there are divergent opinions on the legality of approving the Diversion budget.

Lyle Hovland, Wilkin County Commissioner, stated that the Wilkin County Board of Commissioners are not in favor of the 2015 Diversion Authority budget because they feel that the Diversion Authority and the COE are in violation of Minnesota Law by constructing the Oxbow, Hickson, Bakke (OHB) dike without a completed DNR EIS. They don't feel the BRRWD should violate Minnesota law by approving the 2015 budget. He stressed that the Commissioners are concerned that the Diversion Authority is ignoring the process that needs to be followed according to Minnesota law. He noted that there will be a hearing on the injunction to halt the construction of the OHB dike (upper staging area lawsuit) on 03/15/15, which should clear up some of the legal issues. Hovland didn't think the BRRWD should vote on the budget until the legal issues can be litigated. He acknowledged the flood control efforts of the City of Moorhead, Clay County, and the BRRWD, and challenged the Fargo and Cass County entities to follow suit regarding flood control efforts. Hovland said that questions have been raised that perhaps the money being spent on the OHB dike project could be better spent on flood prevention within the City of Fargo.

Mark Brodshaug, CCJWRD, responded to Hovland's statement by noting that Fargo and Cass County have been developing and improving flood protection at the same time they have been developing the FM Diversion project, including 300-400 buyouts to improve internal, interim protection, and furthering the long term permanent protection offered by the Diversion project. He commented that the BRRWD needs to stay involved with the Diversion project development so that the Board has the ability to minimize impacts to the watershed district residents by influencing project design. Anderson asked if the Brodshaug's Water Resource District had any permitting jurisdiction over the OHB dike. Brodshaug said that the Southeast Cass County Water Resource District has some comment ability and some approval ability on dike permits. Most of their input has been for dike work within the City of Fargo, but also on the OHB dike. Their main comment was to make sure that the drainage through the west side of Oxbow is maintained through all stages of construction. Anderson asked if the BRRWD would get a permit application to review for the OHB dike project. Rocky Schneider, AE2S, said that since the project is solely located in and funded by North Dakota, the BRRWD has no jurisdiction. The project is permitted by the North Dakota State Water Commission. Anderson asked if the BRRWD would be receiving a permit application when the Diversion project extends into Minnesota. Bob Zimmerman said that yes, the BRRWD would have permitting jurisdiction on any elements of the Diversion project in Minnesota. Van Amburg agreed that the construction permit applications will be filed with the BRRWD eventually for this project. Anderson commented that he had been told that the COE has stated that they will apply for permits from the BRRWD, but they don't really need the local/state permits once a project is approved federally. Van Amburg noted that the Diversion Authority will be requesting permits from the BRRWD, but it could be true that COE authority could supersede local permitting authorities.

Van Amburg asked for further information about the OHB dike elevation. Brodshaug stated that the current levees were designed to be built to the 500-year after project design. Until the DNR EIS is completed, construction will be limited to 100-year pre-project design. The 2015 construction will focus on internal drainage. The project is expected to be completed by 2017. Anderson commented the decision to stop further levee construction was easy because they were basically done with the worst part of the project. Brodshaug stated that only about 1 mile of a 4 mile dike has been completed, so really there isn't much protection until the other three sides of the dike are constructed.

Rodger Olson, CCJWRD, pointed out that when the Diversion Authority was first organized, the Water Resource Boards fought for a seat on the Authority because some thought that only elected officials should be in a position to make decisions. There was a unanimous vote from both watershed boards to push for a seat on the Diversion Authority, which they got. Olson feels that because of their presence, the water authorities have had a significant impact on the project, and provide representation for the rural residents. Olson explained that the Diversion Authority created an Ag Subcommittee, of which he is the Chair. Mark Askegaard is the Co-Chair, plus there are twelve farmers and agricultural related business represented on that committee. They review all of the agricultural impacts. The subcommittee has hired North Dakota State University to conduct a study to help identify agricultural issues and financial impacts. Olson said that his committee will continue to bring forward suggestions and will advocate issues that they feel will mitigate the damages caused by storing water on agriculture land. Both watershed boards will be impacted by the project. Olson understood the pressure the BRRWD Managers are under from their constituents, and the difficult decisions facing the Board.

Van Amburg commented that he supports approving the 2015 budget. He noted that all funding in the budget is from North Dakota and will be spent in North Dakota. He views this issue in watershed terms, as a Watershed Manager, not as a Moorhead resident.

Wayne Johnson, Otter Tail County Commissioner, and BRRWD Advisory Board member, commented that the budget document that the Board was given to approve doesn't appear to be complete, but is just a summary. He suggested that the Board needed more information on the \$211 million budget before voting on it. Eric Dodds, AE2A, responded that the budget information he reviewed with the Board at their 01/26/15 meeting contained the most relevant budget items. He noted that if the Board had other questions about details that were not included in the summary, he could provide them. Dodds discussed the "big ticket" items in the budget. Anderson asked about the height of the in-town levees for Fargo. Dodds said the plans at this time are for 42'-44'.

Van Amburg brought the discussion to a close by stating that the Diversion project is a huge ongoing project that generates a lot of questions. He advised the Board to keep in mind that the Board is not voting on approval of the Diversion project, just the 2015 budget. Van Amburg called for a motion to get a second opinion on Anderson's conflict of interest concerns. **Motion** by Larson to solicit a second opinion from another attorney regarding the conflict of interest. **Seconded** by Fjestad. **Approved**. Anderson abstained.

Later in the meeting, Manager Affield noted that she might be absent or late for the 02/23/15 meeting and wondered if a discussion of the Diversion and the second opinion about Anderson's conflict of interest could be delayed until she arrived. Albright plans to contact Fergus Falls Attorney Tom Athens for the opinion. He wasn't sure how quickly Athens could get his opinion prepared. The Board spent another few minutes at the end of the meeting discussing some of the Managers' concerns about the Diversion project.

Other business brought before the Board included:

Project No. 75, Wilkin C.D. No. 31-Lateral. Jones submitted the Conditional Use Permit (CUP) to Bruce Poppel, Wilkin County Environmental Office, who will schedule a hearing. Jones and Albright are working on temporary and permanent easement values for cropland and non-cropland and farmsteads. The Board discussed the easement values: temporary cropland-\$500/acre, permanent cropland-\$3,500/acre, non-crop-\$500/acre, farmsteads-\$5,000/acre. **Motion** by Fjestad to adopt the easement values as referenced. **Seconded** by Anderson. **Approved**.

Project No. 39, Georgetown Levee. BRRWD Attorney Corey Elmer, Vogel Law Firm, is working with Congressman Collin Peterson's office on the negotiations with the Housing and Urban Development (HUD) to finalize the Greywind mortgage transfer. HUD will hire an appraiser at the BRRWD's expense (\$600.00) to place a value on Greywind's new house. The DNR has extended the grant until 12/31/15. Albright will contact Attorney Elmer for an update.

Project No. 30, Clay/Wilkin Judicial Ditch (J.D.) No. 1. Albright will work with Attorney Norgard on the petition requirements, as the petitioners have had some trouble getting signatures to create a diversion on the County line.

Project No. 49, Oakport Flood Mitigation. The Fischer Family has still not responded to the BRRWD's offer on their 2015 storage lease.

Albright said that it appears there will be a small bonding bill in 2015, but Oakport will probably not be included. The next best chance for funding will be in 2016 when a much larger bonding bill will be submitted.

Mediation PT. The next PT meeting has been scheduled for Thursday, March 19, 2015, at 1:30 PM in the BRRWD office

South Branch of the Buffalo River Erosion Concerns. A meeting with Carolyn Swenson regarding a smaller project on her property in the NE¼, Section 6, Manston Township, Wilkin County is scheduled for February 24, 2015, at 1:00 PM in the Barnesville office. There could be Environmental Quality Incentives Program (EQIP) funding available from Natural Resources Conservation Service (NRCS) for this project; however Swenson will need to file an application for the funding.

Barnesville Township Area Drainage. Albright noted that landowners have been contacting him regarding the status of a project in this area. Jones is working on alternative designs and will share information as it is completed.

WRP Sites. Albright visited with Raymond Peppel last week, who is anxious to move forward with a project for his property.

Stony Creek Detention. Albright met with Chuck Anderson on 02/06/15. Anderson represents a group of landowners who own about 60% -70% of the land within the proposed retention area. He was interested to know how soon the project could be implemented. A channel profile survey will need to be completed so Jones can start work on the inlet/outlet designs. We plan to submit an application for an Acceleration Grant from the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) on 02/18/15 and also ask the City of Fargo for funding for design work. Albright scheduled a meeting on 02/13/15 at 7:30 AM in the Barnesville office for Anderson and any other interested landowners to meet with Jones and a few Board members.

Retention Project Tour. Albright suggested that the BRRWD schedule a bus tour of the Bois de Sioux Watershed District's (BDSWD) North Ottawa project. He thought landowners from the BRRWD would benefit from seeing a completed large retention project. **Motion** by Fjestad to schedule the referenced tour. **Seconded** by Anderson. **Approved.**

RWMP/Watershed District Enlargement. Albright plans to schedule a Technical Advisory Committee (TAC) meeting in the near future. The goal is to have the meetings completed and a draft plan drawn up by 03/01/15, so BWSR can begin the 60-day review period.

BRRWD/BDSWD Boundary. An open house was held on February 6, 2015, in Breckenridge for landowners to discuss changes to the boundary between the BRRWD and the BDSWD as a result of the enlargement of the BRRWD. Albright discussed what occurred at the meeting. Albright had a conference call today to discuss a landowner's concern in Section 9, Western Township, Otter Tail County, who had questions about which Watershed District his property should be in. Manager Fjestad will also contact the landowner to discuss the boundary issue. BDSWD will prepare a draft petition for the BRRWD's signature, which will then be forwarded to Minnesota Board of Water and Soil Resources (BWSR) to formally revise the boundary line, as petitioned.

Minnesota Agricultural Water Quality Certification Program (MAWQCP). Albright will meet with Don Bajumpaa, District Manager, Wilkin Soil and Water Conservation District (SWCD) and Aaron Larson, Farm Bill Technician, West Otter Tail SWCD, to discuss an agenda for the Farm Forum to be held at the Nordick Farm on 02/26/15. Warren Formo, Discovery Farms Project, will be the keynote speaker.

Elkton Township Wetland Restoration. Albright has a meeting scheduled with Bruce Manston on 02/12/15. He will be signing the Harlan Manston Estate's easement.

Buffalo River/Upper Red River Total Maximum Daily Load (TMDL). The Upper Red River study should be completed at the end of 2015. The February 12, 2015, Watershed Restoration and Protection Strategy (WRAPS) meeting has been cancelled by MPCA for the Buffalo River. There has been no response from MPCA as to their plans to finish this project.

Wolverton Creek/Comstock Coulee Restoration Clean Water Fund (CWF) Project. The office has scheduled an informational meeting on Tuesday, February 17, 2015, at 2:00 PM in the Barnesville office with the landowners to update them about the status of the project.

Wilkin and Otter Tail County Area I Envirothon. Wilkin and Otter Tail Counties are asking for a donation to the 2015 Envirothon. **Motion** by Anderson to donate \$200 each. **Seconded** by Hanson. **Approved.**

Minnesota Association of Watershed Districts (MAWD). The MAWD Legislative Reception/Legislative Breakfast and Day at the Capitol will be held on March 11-12, 2015, in the Embassy Suites, St. Paul. The office has made the Manager reservations. We will send invitations of our local legislators. Albright and Managers Hanson and Fjestad plan to attend.

There might be \$500,000 in CWF funding from the Department of Agriculture for drainage water management projects. A meeting to discuss this funding opportunity will be held.

Watershed Summit 2015. The Izaak Walton League is hosting their Watershed Summit 2015: New Management Barriers/Solutions to Accelerate Ag Conservation, on Saturday, February 21, 2015, at Normandale Community College in Bloomington, MN. Albright has been invited to speak about the role of watershed districts in Ag conservation. His speech will include the work the BRRWD has done for Clay County Ditch Nos. 9, 32, and 33, and the MAWQCP. **Motion** by Larson to authorize Albright to attend the Summit. **Seconded** by Affield. **Approved.**

Clay SWCD Pheasants Forever (PF) Position. The Clay SWCD has requested an annual \$2,500 contribution from the BRRWD for Tony Nelson's PF position for two years (07/01/14-06/30/16). Nelson works on conservation programs. In 2013, the Board contributed the same amount to the SWCD for Nelson. The Barnesville Rod & Gun Club has also indicated that they could contribute \$500 to the PF position. Albright will discuss the Rod & Gun Club's future contribution tomorrow night at their meeting. **Motion** by Hanson to approve a \$2,500 annual contribution from the BRRWD and to ask the Barnesville Rod & Gun Club for a \$500 contribution. **Seconded** by Larson. **Approved.**

Wilkin County Ditch Repairs. Albright met with the Wilkin County Highway Department regarding the transfer of their ditch systems. The Highway Department still wants to complete their 2-year repair plan in 2015-2016. Repair costs will be assessed to the ditch systems by the Wilkin County Auditor.

Unemployment Insurance. We received a notice from the Minnesota Unemployment Insurance Department regarding our account's late fees. It appears that the account was not closed after we stopped making deposits for a previous employee. Albright will contact the department to clear up the problems and get the account closed.

Special Meeting Topics. The Board had considered reviewing our goals: short, immediate, and long term. Albright suggested the Board also discuss revising their Rules. He noted that there is an Association of Watershed Administrators meeting scheduled for 02/23/14 in Fertile, MN, where the discussion topic will be Rules updating. Albright will bring information from that meeting to the Board at their regular meeting on 02/23/15.

CWF Grant. Wilkin County plans to apply for some CWF grant funding for ditch inventory work. Jones explained that part of this funding could be used to conduct a field survey on the portion of Whiskey Creek that hasn't been surveyed to establish where buffers are needed. With the survey, we would be able to complete the hydrologic model for Whiskey Creek. The County has requested that the BRRWD contribute \$18,125 as a grant match. The total grant amount is \$203,716. **Motion** by Fjestad to contribute the referenced funding to Wilkin County for the noted work. **Seconded** by Anderson. **Approved.**

NRCS Compliance Form. NRCS has requested that the Board sign and resubmit our compliance form that was actually completed last year. The form allows the NRCS and BRRWD to share information. It appears NRCS misplaced the paperwork. **Motion** by Anderson to sign the form. **Seconded** by Fjestad. **Approved.**

Audio-Video Backup System. Network Center Communications, Inc. (NCC) has prepared a proposal for a backup system for the AV system. Power failures cause the system to malfunction, requiring service calls to restart the system. NCC has a used system they would sell to the BRRWD at their cost of approximately \$1,120. **Motion** by Fjestad to approve the purchase of the backup system. **Seconded** by Kobiela. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
AmeriPride	01/31/15 billing-office rugs	Admin	\$ 53.44
Barnesville Phone Co.	01/25/15 phone/DSL billing	Admin	\$ 269.47
Carmen's Commercial Cleaning	January billing (2)	Admin	\$ 130.00
City of Barnesville	12/08/14-12/29/14 utilities	Admin	\$ 643.69
Dacotah Paper Co.	Office supplies/paper	Admin	\$ 591.11
Daily News	RWMP	RWMP	\$ 161.20
Fergus Falls Daily Journal	RWMP Meeting Notices	RWMP	\$ 188.40
H.E.	January 2015 billing summary	Varies, see attached	\$ 103,401.64
IWI	Inv. #3, Final 2014 sampling	M.S.A. 103D.905, Subd. 3	\$ 2,274.70
Jason Rick Snow Removal, LLC	January snow removal (5)	Admin	\$ 325.00
John E. Hanson	Voucher #1504, 11/01/14-12/31/14	Admin	\$ 834.42
MAWD	2015 Annual Dues	Admin	\$ 3,500.00
MAWD	Legislative Reception (4)	Admin	\$ 400.00
MN Viewers' Association	2015 Associate Membership	Admin	\$ 125.00
Premium Waters, Inc.	#366590-01-15	Admin	\$ 34.37
Purchase Power	Postage	Admin	\$ 100.00
Salber & Associates, Inc.	#2929, 2014 W-2s/1099s/postage	Admin	\$ 376.00

Troy Larson	Voucher #1505, 11/01/14-12/31/14	Admin	\$ 178.84
West Otter Tail SWCD	Area I Envirothon donation	M.S.A. 103D.905, Subd. 3	\$ 200.00
Wilkin County Environmental	Whiskey Creek CUP	Wilkin C.D. No. 1C	\$ 200.00
Wilkin SWCD	Area I Envirothon donation	M.S.A. 103D.905, Subd. 3	\$ 200.00
Wm. Nichol Excavating, Inc.	#163, log jams/beaver dams	Pj. 29/31	\$ 8,875.00
WREC	12/19/14-01/19/15 billings (2)	Pj. 46, Turtle Lake	\$ 56.24
Xcel Energy	01/12/15-01/26/15 service	Admin	\$ 29.92
Xcel Energy	12/27/14-01/27/15 (2)	Pj. 49, Oakport	\$ 106.29
			\$ 123,254.73

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

Advisory Committee Appointment. Manager Anderson contacted Clay County Commissioner Jenny Mongeau to ask her to be on the BRRWD's Advisory Committee. Albright also visited with her last week, and Mongeau accepted the position.

Next Meeting. The next regular meeting will be held on Monday, February 23, 2015, at 7:00 PM in our Barnesville office.

Adjournment. **Motion** by Anderson to adjourn the meeting. **Seconded** by Affield. **Approved.** Chairman Van Amburg adjourned the meeting at 10:30 PM.

Respectfully submitted,

John E. Hanson, Secretary