

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

December 10, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, December 10, 2018, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Mark T. Anderson, John E. Hanson, Gerald L. Van Amburg, Catherine L. Affield, Peter V. Fjestad, and Troy E. Larson. Others attending included: Bruce E. Albright, BRRWD Administrator, Kathleen K. Fenger, Assistant Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI).

BRRWD President Leitch called the meeting to order at 7:01 PM and announced that the proceedings were being video recorded to aid in the preparation of the minutes.

Agenda. President Leitch asked for comments or additions to the meeting agenda. Jones proposed to add the Wilkin Soil and Water Conservation District (SWCD) cost share agreement for County Ditch (C.D.) Nos. 40 and 7 for the Board's review and approval. Leitch proposed to add a review of the Army Chain of Command in lieu of the Performance Review and Assistance Program (PRAP) video for Board training. With those additions, the agenda was adopted.

Secretary's Report. The Board reviewed draft minutes for the 11/26/18 regular Board meeting. **Motion** by Manager Affield to approve the minutes. **Seconded** by Manager Fjestad. Leitch noted a minor correction. **Approved**, subject to correction.

Treasurer's Report. The Board reviewed the BRRWD's monthly financial statements, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Cash on hand is \$2,484,460.61. Administrative disbursements for the month are \$25,618.96 and for the year total \$342,014.33. Current 2018 accounts receivable are \$2,535,422. Income received since the 11/12/18 meeting totaled \$1,006,149, coming primarily from County property and ditch tax collections: Clay (property only)-\$392,004.67, Becker-\$99,964.97, Otter Tail-\$18,286.92, and Wilkin-\$323,637.26. Other income came from a 2015 Enbridge Grant reimbursement (\$100,000) for Project No. 79, Wolverton Creek Restoration, the City of Georgetown for the 2011 Federal Emergency Management Agency (FEMA) reimbursement (\$69,776.98) office rent (\$225), and bank account interest (\$2,253.20). Total income this year is \$3,963,902.82.

Albright noted that staff will contact Clay and Becker Counties regarding outstanding revenue for the Buffer Aid funding. Staff will also try to send out invoices for the outstanding individual bills on the Accounts Receivable list before the end of the year. Albright noted that the Minnesota Board of Water and Soil Resources (BWSR) has already forwarded 50% of the \$2.8 million grant for Wolverton Creek and will forward reimbursements from the other half of the funds, as needed.

Albright will be meeting with the Clay County Commissioners on 12/18/18 to present the BRRWD's 2019 petitions to use our taxing authority in accordance with Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3. **Motion** by Fjestad to approve the Treasurer's Report. **Seconded** by Anderson. **Approved**. Albright noted that Clay County has not yet forwarded their 2nd half project/ditch tax collections.

Other Business brought before the Board included:

Permits. No new permit applications were filed since the 11/26/18 meeting.

Project No. 79, Wolverton Creek Restoration. Albright explained that Todd Blilie, who owns the former Donald Hoppe farmstead in Section 10, Wolverton Township, Wilkin County, has been unable to find the abstract to complete the Kristi Bixby acquisition of the property. He plans to contact the Wilkin County Recorder's Office. Bixby has contacted the office several times regarding the status of the buyout.

The Minnesota Department of Natural Resources (DNR) Protected Waters permit was scheduled to expire in May 2019. Jones contacted Julie Aadland, DNR, Fergus Falls, to obtain an extension, which was granted until December 7, 2023. Jones will also request a variance from the Area Fisheries office next spring to work in the protected waters during the spawning season from 3/15 through 6/15.

Whiskey Creek Restoration. A landowner informational meeting is scheduled for Thursday, December 13, 2018, at 7:00 PM in the Kent Community Center. Albright noted that the outcome of the meeting could be to start the legal process to develop the project by either landowner petition or Board resolution. Staff could also start the DNR permitting process, which will require an Environmental Assessment Worksheet (EAW). The landowner informational meeting is the last step of Phase 1, Study and Diagnostics, which also includes the identification of funding sources: the Natural Resources Conservation Service (NRCS) National Water Quality Incentive (NWQI) Program, the Minnesota Pollution Control Agency (MPCA) 319 funding, BWSR's Clean Water Fund (CWF), and potentially, the Conservation Reserve Enhancement Program (CREP). If the landowners are still interested in moving forward with the project, we can begin the Phase 2 work.

In response to Van Amburg's question about the best method to develop the project, Albright explained that the simplest way would be by Board resolution, which doesn't require the process of developing an adequate petition, circulating the petition for landowner signatures, or securing a bond. Anderson thought that if we find a majority of the landowners want the project at the 12/13/18 meeting, the Board should consider initiating it by resolution.

Project No. 78, Clay/Wilkin Judicial Ditch (J.D.) No. 1-Improvement. The Viewers met on 12/4/18 to finalize their Report. Albright submitted the Viewers' Report to the Board. The Viewers basically applied a multiplier of 10 to the old benefit rates but capped the "protection" rate at \$100 in the areas where landowners are assessed to multiple ditch systems for their drainage. They found \$3,495,641 in total benefits, and the Engineer's cost estimate is around \$2 million. The landowners had requested that the Board provide options for different bond sale interest rates/terms to spread out their payments. After investigation, it appears that there is very little difference in the interest rates for 7-year, 10-year, or 15-year bond sales.

Jones also filed the Detailed Engineer's Report as required by Drainage Law. He noted that one change from the Preliminary Report was the acquisition of bufferstrip right-of-way (R/W) for the entire ditch system, including the Main, Improvement, and Branch Nos. 1 and 2. Jones also included options in the Report for excavating both sides of the ditch for review at the Final Hearing, as the landowners requested. The Board discussed possible hearing dates and agreed to schedule the hearing on Monday, January 7, 2019, at 7:00 PM in the BRRWD office. The Viewers will meet with the landowners on Thursday, January 3, 2019. Viewer Dennis Olsen will be back in the area for a few days during this time, so he will be able to attend both the Viewers' meeting and the Final Hearing. **Motion** by Anderson to accept the Viewers' Report, the Detailed Survey Report, and the tentative date to hold the Final Hearing. **Seconded** by Van Amburg. **Approved.**

Project No. 49, Oakport Flood Mitigation. Jones submitted Pay Request No. 1 (Final) for Asplin Excavating, Inc. in the amount of \$81,984 and Change Order No. 1 for a \$20,124.20 decrease in the total contract (\$102,108.20) for the Pierce stockpile removal. Albright said except for some cleanup this week, the work has been completed. Asplin needs to provide some paperwork to HEI before the office can release the check. Jones explained that because the DNR Grant for the Oakport project expires on 12/31/18, he wants to expedite payment approval. Staff will handle the final billing to the DNR for the last reimbursement before the end of the year to close out the grant contract. **Motion** by Anderson to approve the referenced pay request and change order, subject to the contractor providing required payroll information and other paperwork to HEI. **Seconded** by Fjestad. **Approved.** Jones noted that we could have Audubon Dakota seed

the Wall Street site next spring. Albright noted that there are two parties who are interested in acquiring two BRRWD owned properties associated with the Oakport project. He suggested that the Board could deal with this issue at a future meeting.

Wilkin C.D. No. 40 SWCD Agreement. Jones submitted a Voucher and Practice Certification Summary reimbursement request in the amount of \$18,728.20 to the Wilkin SWCD for our payment to Northern Excavating, Inc. to install six inlets along C.D. No. 40 in accordance with our cost-share agreement with the County. The total construction cost was \$27,520.40. The voucher will be sent to the Wilkin SWCD to release the payment to the BRRWD. **Motion** by Anderson to authorize signature of Voucher and Practice Certification Summary form, which allows for release of the \$18,728.20 reimbursement to the BRRWD. **Seconded** by Larson. **Approved.**

Wilkin C.D. No. 7 SWCD Agreement. Jones submitted a Voucher and Practice Certification Summary reimbursement request in the amount of \$168,813.76 to the Wilkin SWCD for repairs expenditures for C.D. No. 7 in accordance with our cost-share agreement with the County. The voucher will be sent to the Wilkin SWCD to release the payment to the BRRWD. Jones also submitted an amendment to a Conservation Practice Assistance contract with the Wilkin SWCD for the Board's signature. The amendment increases the cost-share allowance for the BRRWD from 46% to 66.8% of the total amount due (\$252,777), not to exceed \$168,813.76. **Motion** by Larson to approve the agreement amendment and to authorize signature of the Voucher and Practice Certification Summary form, which allows for release of \$168,813.76 to the BRRWD. **Seconded** by Affield. **Approved.**

Red River Watershed Management Board (RRWMB) Strategic Plan Input. The Board continued review of the 2018 RRWMB Strategic Plan Input questionnaire, focusing on Questions 3-8.

- Question 3, Supporting Objectives: no comments
- Question 4, Future Water and Resource Management Problems: Van Amburg commented that the RRWMB should consider taking the lead in the Basin regarding adaptation and mitigation steps to address the effects of climate change. Examples could be to design ditches for larger floods. In terms of mitigation, Van Amburg suggested, farmers' fertilizer application practices could be altered.
- Question 5, RRWMB Project Alternatives: Leitch suggested the non-structural alternatives should be exhausted before we go to structural options. He thought the RRWMB should provide soil health extension outreach providing information about non-structural measures. He added that the RRWMB could check the NRCS Best Management Practices (bmps) list for examples. North Dakota State University (NDSU) is holding a Conservation Tillage Conference on December 18-19, 2018.
- Question 6, RRWMB Funding Priorities: Leitch commented that the RRWMB shouldn't fund distributive storage projects. Van Amburg thought distributive storage was still important in some cases, in conjunction with bmps funding assistance for farmers. Leitch suggested the RRWMB could refund the BRRWD's past dues.
- Question 7, RRWMB Immediate 2019 Issues: Fjestad mentioned that the F-M Diversion upstream effects might be a future concern. Albright noted that the Diversion's upstream retention design is supposed to mitigate downstream impacts.
- Question 8, Suggestions, Comments, or Questions: The Board offered no comments they wanted recorded.

Albright will assemble the Board's comments and provide a draft copy for the Board's review prior to submitting our response to the RRWMB by the 12/31/18 deadline.

2019 MAWD Member Survey. The Board briefly discussed how the questions were phrased on the Minnesota Association of Watershed Districts (MAWD) survey.

Citizen Advisory Committee. The Board discussed the Advisory Committee membership. Leitch suggested that we should invite new people to join the older Committee members to transition to a younger demographic for the group. Albright commented that the current 12-16 member committee seems to be the optimal group size. Each Manager will bring the name of one new candidate for the Advisory Committee to our next meeting for review.

Staff and Consultant Issues. Leitch questioned if the BRRWD is required to call for Request for Proposals (RFPs) when we appoint our consultants at our annual meeting in January. The group discussed the bidding/quote process. Van Amburg suggested that BWSR would have information about the RFP requirements. Albright will make some contacts regarding the RFP legal requirements and get the information back to the Board, so we can make a decision about RFPs prior to the annual meeting.

The Board discussed the question of hiring their own employees or keeping HEI staff in the Barnesville office. Albright suggested that the Board could hold a special meeting to discuss the staffing issues prior to the annual meeting.

2019 MPCA SWAG. Negotiations have been ongoing with the MPCA regarding the next round of Total Maximum Daily Load (TMDL) Studies. Albright noted that the new Surface Water Assessment Grant (SWAG) would fund TMDL work for nine BRRWD sites where insufficient data was collected during past MPCA TMDL studies. Jones distributed a map showing where the sites are located for the Board's review. Albright discussed the estimated budget for MPCA's work, which totals \$40,000. The Board discussed the proposal. **Motion** by Anderson to enter into the grant agreement and to designate Albright as the grant signatory. **Seconded** by Hanson. Leitch questioned if there are any laws requiring the BRRWD to conduct TMDLs. Jones said that while TMDLs are required, there is no established legal penalty for not complying. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
AmeriPride	November Rug Billing	Admin.	\$ 75.84
Asplin Excavating, Inc.	Pay Req. No. 1, Stockpile removal	Pj. 49, Oakport	\$ 81,984.00
Bruce E. Albright	2018 MAWD Lodging	Admin.	\$ 311.25
Buffalo River Excavating, LLC	#430, Beaver dam removals/Repairs	Varies	\$ 5,739.46
City of Barnesville	#10024512, 11/25/18 Utilities	Admin.	\$ 803.93
Clay SWCD	P F 2018 Contribution	M.S.A. 103D.905, Sub. 3	\$ 2,166.00
HEI	December Billing	Varies-See attached	\$ 103,696.17
JB Construction Services	#166, Nov. Snow Removal (3)	Admin.	\$ 240.00
Kathy Fenger	2018 MAWD Lodging	Admin.	\$ 311.25
Mark T. Anderson	Voucher #18-31, 09/01-10/31/18	Varies	\$ 353.35
Moorhead Public Service	10/17/18-11/16/18 Service	Pj. 49, Oakport	\$ 31.23
Northern States Excavating	#0196, Seeding	Wilkin C.D. No. 40	\$ 27,520.40
Northern States Excavating	#0199, Repairs	Pj. 31, Deerhorn Crk.	\$ 13,960.00
Premium Waters, Inc.	366590-11-18, November billing	Admin.	\$ 35.14
Purchase Power	November Postage	Admin.	\$ 150.00
RRVCPA	11/01/18-12/01/18 Service	Pj. 49, Oakport	\$ 78.82
Thomas & Kathryn B. Radig	Easement Option Payment	Pj. 79, Wolverton Crk.	\$ 982.00
TIAA Bank	#5774096, Copier Lease	Admin.	\$ 1,035.18
Wm. Nichol Excavating	#274, Repairs	Wilkin C.D. No. 6	\$ 7,996.50
Wm. Nichol Excavating	#273, Remove beaver dams	Wilkin-OT J.D. No. 2	\$ 1,887.50
Wm. Nichol Excavating	#275, Spoil	Pj. 01, Wilkin C.D. 22	\$ 3,648.00
WREC	10/18/18-11/18/18 Service (2)	Pj. 46, Turtle Lake	\$ 70.50
Xcel Energy	10/23/18-11/25/18 Gas Service	Admin.	\$ 63.61
			\$ 253,140.13

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

BWSR PRAP Training. In lieu of a BWSR training video, Leitch made a 10-minute presentation about the United States Army chain-of-command.

Comments and Announcements. Fjestad noted that Albright was presented with a Lifetime Achievement Award at the MAWD Annual Meeting in Alexandria last week. Fjestad also mentioned that he learned the Board can determine our own guidelines for attending meetings electronically. Albright suggested that staff contact Terra Guetter, Pelican River Watershed District Administrator, for a copy of their policy regarding their recent installation of electronic meeting equipment. Van Amburg mentioned that the BWSR Board holds electronic meetings.

Fjestad asked the Board for any comments/suggestions regarding the 2018 MAWD meeting. Albright commented on the "Movie Night" on Thursday where Districts presented promotional videos.

Van Amburg felt that we need to continue to work with Staff on the outsourcing issue in an open forum discussion, and to assure Albright that he's the BRRWD's Administrator and will be so until he decides to retire or go to reduced hours. Leitch pointed out that Van Amburg doesn't necessarily speak for all the Managers.

Jones noted that he will submit the Otter Tail River Feasibility Study for review at the next meeting.

Albright noted that the Norby lawsuit hearing is scheduled for Monday, December 17, 2018, at 1:30 PM at the County Courthouse in Moorhead. Albright suggested that Managers should consider attending.

Fenger reported that she attended the Basic Watershed Management class during the MAWD meeting. She felt it was a very informative class, and she recommended it to the Managers.

Leitch asked Van Amburg to go through the BRRWD draft Bylaws and bring them to the next meeting for the Board's review. He also suggested that Van Amburg discuss officer nominations with the other Managers regarding possible changes for the Annual Meeting. Leitch noted that Pete Waller, BWSR, recently distributed some information regarding soil health.

Daniel Wilkins' retirement party is scheduled for Friday, December 14, 2018, from 5:00-9:00 PM in the Community Center, Fertile, MN. Wilkins served as a Sand Hill River Watershed District Manager for 24 years and 19 years as the Watershed District Administrator.

One Watershed, One Plan (1W1P) Public Input Meeting. Peter Mead, Becker SWCD, has suggested that we have the Junkyard Brewery from Moorhead provide free beer samples at the 1W1P Public Input Kickoff Open House, scheduled for 6:30-8:30 PM, January 8, 2019, in the BRRWD Barnesville office. The Managers thought it would be a good draw to get public attendance.

Next Meeting. The BRRWD's annual meeting will be held on Monday, January 14, 2019, at 7:00 PM in our Barnesville office. Due to the Christmas Holiday, the Board will not hold their regular second meeting in December, which falls on Christmas Eve.

Adjournment. **Motion** by Anderson to adjourn the meeting. **Seconded** by Fjestad. **Approved.** President Leitch adjourned the meeting at 9:00 PM.

Respectfully submitted,

John E. Hanson, Secretary