

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

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## MINUTES FOR MANAGERS' MEETING

January 11, 2021

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their 2021 annual meeting on Monday, January 11, 2021, at 7:00 PM in the Barnesville office. Due to the Coronavirus protocols for public meetings, the Board held an electronic meeting in accordance with Minnesota Statutes Annotated (M.S.A.) Section 13D.021. BRRWD Managers present in the office were Peter V. Fjestad, John E. Hanson, Catherine L. Affield, Troy E. Larson, Paul G. Krabbenhoft, and Gerald L. Van Amburg. Managers attending via conference line: Mark L. Hanson. BRRWD staff attending in person were Kristine M. Altrichter, Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending in person: Clay County Commissioner Jenny Mongeau, Wilkin County Commissioner Lyle Hovland, and BRRWD Attorney Tami Norgard, Vogel Law Firm, and on the conference line: BRRWD Lobbyist Joel Carlson.

President Fjestad called the meeting to order at 7:00 PM and informed the audience that the meeting was being recorded to aid in the preparation of meeting minutes.

**Agenda.** Additions to the meeting agenda: Updates for three projects: Whiskey Creek Enhancement, Upper South Branch of the Buffalo River Restoration, and the City of Wolverton Flood Protection. **Motion** by Van Amburg to approve the amended agenda. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

**Secretary's Report.** The Board reviewed draft minutes for the 12/14/20 regular meeting. Affield noted a minor correction. **Motion** by Affield to approve the minutes, subject to correction. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

**Treasurer's Report.** The Board reviewed the 12/31/20 annual financial reports, including a worksheet showing the 2020 account balances prior to allocations, the 2020 interest allocation transactions, based on the average account balance, and the 1% administrative fee, based on the amount of the expenses for each account over the year, and the final account balances after all allocations and transfers. Cash on hand at the end of the year was \$2,866,650.69. The 2020 year-end M.S.A. 103D.905, Subd. 3, account transfers (\$543,832.15) were completed for several programs/organizations designated in the 2020 BRRWD general levy and a number of projects without assessment areas. The Board discussed the 2020 final Accounts Receivable report and directed the staff to address the outstanding landowner bills, most of which have been on the list for several years. Attorney Norgard discussed legal options for bill collection. The Board then reviewed the current 1/11/21 financial reports. Income since 1/1/21 was \$50,657.91. Cash on hand was \$2,917,308.60, and the 2021 Accounts Receivable totals \$10,881,269. **Motion** by Larson to approve the 12/31/20 and the 1/13/20 Financial Reports. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

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

**FM Diversion Lawsuits.** Attorney Norgard gave a brief update regarding the status of the Diversion Authority's (DA) permit denial lawsuit and the Minnesota Department of Natural Resources (DNR) permit contested case. The final Settlement Agreement is still in draft form, awaiting input from the DNR.

**Permit No. 21-001, Richard Scheffler.** Applicant proposes to install 190 acres of pattern tiling in the SW¼ and SE¼, Section 24, Atherton Township, Wilkin County, outletting via gravity to Deerhorn Creek in the southwest corner of the section. Jones advised the contractor that they should modify the plan to avoid the

Deerhorn Creek project footprint. A new plan was submitted 1/11/2021 prior to the meeting, and Jones recommended permit approval, subject to our standard tiling disclaimer, with the condition that the contractor coordinate with the BRRWD during the installation of the tile outlet through the project levee. **Motion** by Larson to approve Permit No. 21-001, subject to the referenced disclaimers and conditions. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote.

**Attorney General Opinion Resolution.** Attorney Norgard presented a Minnesota Association of Watershed Districts (MAWD) request for the BRRWD to consider seeking an Attorney General's opinion to determine if the Clay County Board of Commissioners followed the correct process when they removed Jay Leitch from the BRRWD Board of Managers. Norgard provided background information regarding this issue. MAWD's attorney provided Norgard with a draft letter/resolution that the Board could submit to the Attorney General. She explained the process the Board could take to forward the request. For public transparency purposes, President Fjestad disclosed that he is a member of the MAWD Board and explained the reasons MAWD made their request. After an extensive discussion, **motion** by Affield to forward the MAWD letter/resolution to the Attorney General for his opinion regarding the Clay County/Jay Leitch issue. **Seconded** by Fjestad. **In Favor:** Fjestad and Affield. **Opposed:** J. Hanson, M. Hanson, Krabbenhoft, Larson, and Van Amburg. **Motion Failed.**

**Wetland Credits.** The Board discussed a request from the Army Corps of Engineers (COE) to potentially purchase BRRWD wetland credits for the FM Diversion project mitigation. COE is interested in purchasing 16 acres of Type 1 wetland credits (seasonally flooded basins). The BRRWD currently owns a total of 23.81 acres of Type 1 credits. Last year, the BRRWD sold approximately 20 credits to the Minnesota Board of Water and Soil Resources (BWSR) for approximately \$40,000/acre. The BRRWD originally created our wetland bank to use the credits for our own projects, but the last few projects haven't required wetland mitigation. There was a brief discussion regarding COE's options for obtaining credits and a new potential wetland banking site in Otter Tail County. The Board decided to postpone a decision on the COE's request for 30 days. Jones and Fjestad will work with the DNR, BWSR, and the landowner regarding the potential Otter Tail County banking site.

**One Watershed, One Plan (1W1P).** The 1W1P Planning Team met on 1/14/21 to work on the 1W1P implementation. President Fjestad serves on the Policy Committee, and the Board needs to appoint an alternate. The Planning Team requested that the BRRWD remain as the fiscal and administrative agent for the 1W1P implementation phase, according to the Memorandum of Understanding (MOU) between all the participating local government units. Krabbenhoft volunteered to serve as the BRRWD Policy Committee alternate. **Motion** by Larson for the BRRWD to act as the fiscal and administrative agent for the 1W1P implementation phase. **Seconded** by Affield. **Approved** by unanimous roll call vote.

### **2021 BRRWD Annual Meeting.**

**Election of 2021 Officers.** **Motion** by Krabbenhoft to cast a unanimous ballot to reelect the current officers. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote. The BRRWD officers for 2021 will be as follows: President-Peter Fjestad, Vice President-Catherine Affield, Treasurer-Troy Larson, and Secretary-John Hanson.

**Appointment of 2021 Consultants.** BRRWD Lobbyist Joel Carlson's 2-year contract with the BRRWD expired at the end of 2020. He proposed another 2-year contract at the same rate, \$850/month (\$10,200/year) ending December 31, 2022. The Board discussed the role of the Lobbyist and our need for representation at the state level to secure project funding. Carlson gave a brief update of the current Legislative activities. **Motion** by Van Amburg to approve Carlson's proposed 2-year (2021-2022) contract agreement. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

**2021 Financial Designation.** **Motion** by Krabbenhoft to designate Barnesville Midwest Bank as the official 2021 BRRWD depository. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

**HR Report.** Manager Affield asked if Altrichter had met with other Watershed Districts since the last meeting. Altrichter reported on her visits with the Wild Rice and the Bois de Sioux Watershed Districts. A special Board meeting has been scheduled for Monday, January 25, 2021, at 5:30 PM to discuss staff transition. Other interested parties/consultants will be invited to join the meeting at 6:00 PM.

**Office Server.** Altrichter reviewed server upgrades that HEI IT recommended for the BRRWD server and IT infrastructure. **Motion** by Larson to move forward with the upgrades. **Seconded** by Van Amburg. **Approved.**

**Cash Management Services.** Altrichter discussed a proposal to change our traditional easement acquisition and bill payment process. Currently, all our payments are made with BRRWD paper checks. The new process would be to use Midwest Bank's Cash Management Services, which would allow direct deposits to landowners and to use the bill pay feature to pay our regular bills. This proposed change would address an ongoing problem of uncashed landowner checks that remain uncleared for years. According to Midwest Bank, stop payment orders must be renewed every 6 months to remain in effect. State Statutes require that after 3 years, uncashed checks are assumed to be unclaimed property and should be turned over to the state. Altrichter pointed out that there could be a significant cost savings with the bill pay feature. In the event landowners don't want to share banking information, they would still be able to receive a paper check at the office instead of direct deposit.

Attorney Norgard noted that the Board could consider authorizing a non-Board member/Staff to sign checks. She is updating the Board's policy manual and could add language in that regard.

**Office Building Roof.** During the recent blizzard, shingles were blown off the office roof. The insurance adjuster suggested we could either have the roof patched or tarped until spring. The Board authorized Altrichter to contact a contractor to patch the roof and evaluate the overall condition of the shingles.

**MAWD Award.** MAWD presented the BRRWD with a plaque in recognition of the BRRWD's 60<sup>th</sup> Watershed District Anniversary.

**Bills.** The Board reviewed bills totaling \$206,250.70. **Motion** by J. Hanson to approve payment of the bills. **Seconded** by Affield. **Approved** by unanimous roll call vote. See detailed bill list below.

**Whiskey Creek Enhancement.** Jones reported that the DNR issued their public waters work permit for the Whiskey Creek Enhancement project in Wilkin County. A Conditional Use Permit from the Wilkin County Board of Commissioners should be the last potential permit we need to obtain before project construction can start later this year.

**City of Wolverton.** Jones, Fjestad, Affield, and Altrichter will meet tomorrow (1/12/21) to discuss the details of future flood protection for the City of Wolverton, which was included in the FM DA Settlement Agreement with the BRRWD.

**Upper South Branch of the Buffalo River Restoration.** At their 9/28/20 meeting, the Board approved a cost-share contribution (\$12,100) to be applied toward Pheasants Forever's purchase of the Rogelstad tract in Section 10, Manston Township, Wilkin County, for a future 320-acre Wildlife Management Area (WMA). In exchange, the BRRWD will have access to the tract for the work needed to complete the stream restoration project on the upper South Branch of the Buffalo River and for future project maintenance. The closing is on 1/21/21. A few acres of temporary easements might be needed on the agricultural land (\$250/acre) upstream (east) of Trunk Highway (T.H.) No. 9 for the channel restoration construction. **Motion** by Van Amburg to authorize the temporary easement acquisition. **Seconded** by M. Hanson. **Approved** by unanimous roll call vote. The easement negotiations will begin after the Rogelstad closing.

**Upcoming Calendar Items.** Fjestad noted that the Red River Basin Commission is holding their 38<sup>th</sup> Annual International Summit on January 21, 2021. The event will be held virtually.

The Board discussed the annual Legislative Breakfast and Day at the Capitol. At this point, it doesn't appear that the event will be held, due to the pandemic restrictions. Lobbyist Carlson could be asked to contact our local Legislators to encourage them to support funding for the DNR's Flood Hazard Mitigation grant program.

**Next Meeting.** The Board will hold a special meeting on Monday, January 25, 2021, at 5:30 PM to discuss staff transition prior to the regular meeting at 7:00 PM in our Barnesville office. The meetings will be held via online conferencing.

**Adjournment.** President Fjestad adjourned the meeting at 8:52 PM.

Respectfully submitted,

John E. Hanson, Secretary

**Buffalo-Red River Watershed District**  
**01/11/21 Billing Summary**  
As of January 11, 2021

Name	Num	Memo	Amount
<b>Buchholz Blasting</b>			
Buchholz Blasting	339	MSA 103D.905 - #339 Beaver Dam work	3,335.00
Total Buchholz Blasting			3,335.00
<b>Carmen Pattengale</b>			
Carmen Pattengale	Admin.	Admin. - November Office Cleaning (2)	130.00
Total Carmen Pattengale			130.00
<b>City of Barnesville</b>			
City of Barnesville	10059516	Admin.- 12/25/2020 Phone & utilities billing	872.46
Total City of Barnesville			872.46
<b>Dakota Mailing &amp; Shipping Equipment, Inc.</b>			
Dakota Mailing & Shipping Equipment, I...	AR44171	Admin. - #AR44171 Postage Meter Ink Cartidge	151.99
Total Dakota Mailing & Shipping Equipment, Inc.			151.99
<b>Eddie Bernhardson</b>			
Eddie Bernhardson	Voucher 20-01	Mediation PT- Voucher #V20-01, 01/27/20-12/31/20	600.00
Eddie Bernhardson	Voucher 20-01	Clay CD No. 20 - Voucher #V20-01, 01/27/20-12/31/20	20.80
Eddie Bernhardson	Voucher 20-01	Clay CD No. 22 - Voucher #V20-01, 01/27/20-12/31/20	20.80
Eddie Bernhardson	Voucher 20-01	Clay CD No. 23 - Voucher #V20-01, 01/27/20-12/31/20	20.80
Eddie Bernhardson	Voucher 20-01	Clay CD No. 28 - Voucher #V20-01, 01/27/20-12/31/20	20.80
Eddie Bernhardson	Voucher 20-01	Clay CD No. 51 - Voucher #V20-01, 01/27/20-12/31/20	20.80
Total Eddie Bernhardson			704.00
<b>Eide Bailly LLP</b>			
Eide Bailly LLP	EI1071879	Admin. - #EI1071879 Staff Cost Analysis	5,000.00
Total Eide Bailly LLP			5,000.00
<b>Fremstad Law Firm</b>			
Fremstad Law Firm	1131	COE - #822 December Billing	268.00
Total Fremstad Law Firm			268.00
<b>Fuchs Sanitation</b>			
Fuchs Sanitation	55039	Admin - 12/31/20 Garbage billing	56.16
Total Fuchs Sanitation			56.16

**Buffalo-Red River Watershed District**  
**01/11/21 Billing Summary**  
As of January 11, 2021

Name	Num	Memo	Amount
<b>Gerald L. Van Amburg</b>			
Gerald L. Van Amburg	Voucher 20-42	Admin. - Voucher #20-42, 11/01/20-12/31/20	1,305.00
Gerald L. Van Amburg	Voucher 20-42	Mediation PT - Voucher #20-42, 11/01/20-12/31/20	346.32
Gerald L. Van Amburg	Voucher 20-42	COE - Voucher #20-42, 11/01/20-12/31/20	230.87
Total Gerald L. Van Amburg			1,882.19
<b>Haney's Photography</b>			
Haney's Photography	Admin.	Admin. - Professional Photos (2)	520.00
Total Haney's Photography			520.00
<b>Houston Engineering, Inc</b>			
Houston Engineering, Inc	Varies	January 2021 Billing	138,508.22
Total Houston Engineering, Inc			138,508.22
<b>International Water Institute</b>			
International Water Institute	3	MSA103D.905, Subd. 3 -2020 WQ Monitoring, 10/1/20 to 12/31/20	6,086.27
Total International Water Institute			6,086.27
<b>JB Construction Services</b>			
JB Construction Services	576	Admin. - December Snow Removal	380.00
Total JB Construction Services			380.00
<b>John E Hanson</b>			
John E Hanson	Voucher 20-39	Admin - Voucher #20-39, 11/01/20-12/31/20	1,074.06
Total John E Hanson			1,074.06
<b>Liberty Business Systems, Inc.</b>			
Liberty Business Systems, Inc.	435977	Admin.- Acct. #BU06, Contract Overage 09/27/2020-12/26/20	48.17
Total Liberty Business Systems, Inc.			48.17
<b>Lynn Brakke</b>			
Lynn Brakke	Pj. 30	Pj. 30, J.D.1 - Move control structure	1,560.00
Total Lynn Brakke			1,560.00
<b>Magnum Electric, Inc.</b>			
Magnum Electric, Inc.	106384	#106384 - Turtle Lake pump repair	830.00
Total Magnum Electric, Inc.			830.00

**Buffalo-Red River Watershed District**  
**01/11/21 Billing Summary**  
As of January 11, 2021

Name	Num	Memo	Amount
<b>Matt Bjerke</b>			
Matt Bjerke	Upper BR	Upper BR Sed. Red. 319 - WASCObS/Lake Park Twp. Sec. 16	8,914.00
Matt Bjerke	Upper BR	Upper BR Sed. Red. 319 - WASCObS/Lake Park Twp. Sec.25&26	9,696.00
Total Matt Bjerke			18,610.00
<b>Moorhead Public Service</b>			
Moorhead Public Service	Pj. 49 FL #18	Pj. 49, Oakport - 11/03/20-12/02/20- Service FL #18	36.96
Moorhead Public Service	Pj. 49 FL #21	Pj. 49, Oakport - 11/18/20-12/16/20- Service FL #21	29.84
Moorhead Public Service	Pj. 49 LS #21	Pj. 49, Oakport - 11/03/20-12/02/20- Service LS #21	40.76
Total Moorhead Public Service			107.56
<b>ND Sewage Pump and Lift Station Service C</b>			
ND Sewage Pump and Lift Station Servi...	2335	Pj. 49, Oakport Twp. - Storm Lift #17 Repair	1,440.00
Total ND Sewage Pump and Lift Station Service C			1,440.00
<b>NetCenter Technologies</b>			
NetCenter Technologies	180872	Admin. - #180872, Onsite Remote issue	313.45
Total NetCenter Technologies			313.45
<b>Office of the Secretary of State</b>			
Office of the Secretary of State	Admin.	Admin-Notary Public Commission Fee-Zach Anderson	120.00
Total Office of the Secretary of State			120.00
<b>Pure Health Solutions Inc.</b>			
Pure Health Solutions Inc.	11380149	Admin. - November Water Billing	59.06
Total Pure Health Solutions Inc.			59.06
<b>Robert J. Bowers</b>			
Robert J. Bowers	Pj. 21	Pj. 21, Wilkin Co #13 Lateral - Beaver Control	325.00
Robert J. Bowers	Pj. 24	Pj. 24, Wilkin Co Ditch #44-Imp - Beaver Control	225.00
Robert J. Bowers	Pj. 31	Pj. 31, Deerhorn Creek Basin - Beaver Control	125.00
Robert J. Bowers	Pj. 36	Pj. 36-EDA Clay Co #41-Lat 2 - Beaver Control	125.00
Total Robert J. Bowers			800.00
<b>Terry Kohler</b>			
Terry Kohler	Upper BR	Upper BR Sed. Red. 319 - WASCObS/Hamden Twp. Sec. 28	3,822.75
Total Terry Kohler			3,822.75

**Buffalo-Red River Watershed District**  
**01/11/21 Billing Summary**  
As of January 11, 2021

<b>Name</b>	<b>Num</b>	<b>Memo</b>	<b>Amount</b>
<b>United States Treasury</b>			
United States Treasury	4th Quarter	Admin - TIN #41-1311776, 2020 4th QTR Form 941 taxes	1,224.00
Total United States Treasury			1,224.00
<b>Vogel Law Firm</b>			
Vogel Law Firm	266153	COE - #266153 December Billing	2,795.00
Vogel Law Firm	266246	Admin. - #266246 December Billing	3,356.50
Total Vogel Law Firm			6,151.50
<b>Wild Rice Electric Cooperative, Inc.</b>			
Wild Rice Electric Cooperative, Inc.	380163	Pj. 46, Turtle Lake - 11/18/20-12/18/20 Service	149.44
Wild Rice Electric Cooperative, Inc.	380376	Pj. 46, Turtle Lake - 11/18/20-12/18/20 Service	34.00
Total Wild Rice Electric Cooperative, Inc.			183.44
<b>William Nichol Excavating, Inc.</b>			
William Nichol Excavating, Inc.	339	Pj. 21-Wilkin Co #13 Lateral - Install Culvert	6,318.60
Total William Nichol Excavating, Inc.			6,318.60
<b>Xcel Energy</b>			
Xcel Energy	713863085	Admin. - 11/22/20-12/22/20 Gas Service	63.55
Total Xcel Energy			63.55
<b>TOTAL</b>			<b>200,620.43</b>