

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVE NE
Email: general@brrwd.org

PO BOX 341

PHONE 218-354-7710
Website: www.brrwd.org

MINUTES FOR MANAGERS' MEETING

January 13, 2020

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their annual meeting on Monday, January 13, 2020, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Gerald L. Van Amburg, Peter V. Fjestad, John E. Hanson, Mark T. Anderson, Troy E. Larson, and Catherine L. Affield. BRRWD staff attending included: Bruce E. Albright, Administrator, Kathleen K. Fenger, Assistant Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending included Brent Edison, Attorney, Vogel Law Firm, Stephen Hanson, Associate, Ohnstad Twitchell, Carol Albright, RaeAnn Berg, Julie Jerger, and landowners Don Nelson, Jay Nord, Philip Rogers, Charles Anderson, and Frank Schindler.

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. Leitch asked for comments or additions to the meeting agenda. Jones had a pay request for Wilkin/Otter Tail Judicial Ditch (J.D.) No. 2 and informational updates for two discussion items to add to the agenda. Albright had some additional bills for the list. He also suggested that the Board should discuss room reservations for the Minnesota Association of Watershed Districts (MAWD) Day at the Capitol. **Motion** by Fjestad to approve the amended agenda. **Seconded** by Anderson. **Approved.**

Secretary's Report. The Board reviewed draft minutes for the 12/09/19 regular meeting and the 2/25/16 Lower Otter Tail River (LOTR) informational meeting. Leitch had corrections for both sets of minutes. **Motion** by Fjestad to approve the minutes, subject to correction. **Seconded** by Affield. **Approved.**

Treasurer's Report. The Board reviewed the 12/31/19 annual financial reports, including the project account balance sheet, administrative disbursements, summary of income, and the accounts receivable report. Total 2019 income was \$5,770,437.16, and administrative expenses totaled \$343,507.69. The 2019 Accounts Receivable carryover balance is \$4,468,064, including delinquent taxes and ongoing grant agreements. Cash on hand at the end of the year was \$2,712,837.18. The office also prepared a worksheet showing the individual account financial activities for 2019 and allocated a 1% administrative fee (\$50,572.94) based on the amount of the expenses for each account over the year. After average account balances for the year were calculated, accounts with a negative average were charged interest at the rate of 3.6% (Midwest Bank loan rate), and accounts with positive balances were allocated interest, including the 2019 bank account interest income (\$58,600.68). The 2019 year-end account transfers from the Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3, account (\$543,832.15) were completed for several programs and some projects that do not have assessment areas. A final 12/31/19 balance sheet was prepared, showing the project/ditch system account balances reflecting the interest allocations/account transfers. **Motion** by Fjestad to approve the Treasurer's Report, subject to the annual audit, and the account transfers and the interest and administrative fee allocations. **Seconded** by Larson. **Approved.**

The Board then reviewed the current 1/13/20 financial reports. Albright noted that income since 1/1/20 was \$205,382.82, including \$225 from HEI for office rent, \$171,921.32 from Clay County for 2019 ditch tax proceeds, \$33,136.50 from Wilkin County for Buffer Initiative Aid, and \$100 from Agassiz Valley Co-op for meeting room rental. Cash on hand is \$2,918,220, and 2020 Accounts Receivable totals \$5,573,684. **Motion** by Anderson to approve the 1/13/20 Financial Report. **Seconded** by Van Amburg. **Approved.**

Citizens To Be Heard. Landowner Chuck Anderson encouraged the Board to move forward with the Stony Creek Water Resources Comprehensive Management Project (WRCMP). He pointed out that it's been five years since the BRRWD first approached the landowners regarding this project. The Board has considered numerous design alternatives and finally approved a project design on 5/14/18 and authorized staff to move forward with the acquisition of landowner easement options. Since then, those option agreements have been delayed by additional project design studies. He would like to see the Board move forward with project development.

Landowner Philip Rogers commented that the BRRWD approached the landowners about a potential project on Stony Creek, not the other way around. He explained that the time has come for the Board to make a decision about the project development. He pointed out that the preliminary hearing was held on 6/25/19, and at the 7/8/19 Board meeting, the Board approved a resolution to accept the Engineer's Preliminary Report and to authorize moving forward with project development and easement option acquisitions. Rogers told the Board that the landowners need to know if the BRRWD is still interested in the project and asked them to make a decision regarding the future of the project as soon as possible.

Don Nelson pointed out that the 12/11/19 Minnesota-Clay County Joint Powers Agreement (MCCJPA) meeting at the Law Enforcement Center in Moorhead didn't address the issues indicated in their meeting notice. Leitch noted that there was miscommunication between the Land Committee and the two groups of landowners affected by the environmental/biometric monitoring and the soil boring right-of-entries. He explained that these are two separate issues. The 12/11/19 meeting was not about the soil boring easements, but for the landowners involved with the environmental monitoring on their property. He said that the correct landowners received the meeting notice, but landowners involved with the soil boring issues also attended, expecting their concerns to be discussed. Nelson observed that the Land Committee didn't hold a meeting for the landowners affected by the soil borings, and that most of them have already been served with the eminent domain documents.

Other Business brought before the Board included:

Fargo Moorhead Diversion Authority (FM DA) Revised Project.

Permit No. 19-003, FM DA. At 7:22 PM, the Board took up the FM DA permit denial. **Motion** by Anderson to go into Executive Session to discuss the status of the lawsuit. **Seconded** by Fjestad. BRRWD Attorney Brent Edison suggested that the Board also review the status of the Minnesota Department of Natural Resources (DNR) permit contested case. **Approved.** At 8:08 PM, **Motion** by Fjestad to go back into regular session. **Seconded** by Affield. **Approved.**

Leitch explained that most of their discussion during the Executive Session focused on the DA's permit lawsuit because Joel Fremstad, the attorney handling the BRRWD permit lawsuit, was not present. The Board discussed scheduling a special Executive Session where both attorneys could be in attendance.

Manager Hanson made a **motion** to grant the FM DA's permit (19-003), including the DNR's permit conditions and the BRRWD's list of conditions. Attorney Edison pointed out that the motion should probably leave out the DNR's conditions, which could change, depending on the outcome of the DNR contested case process. Hanson restated his motion to grant the DA's permit with the conditions that the BRRWD added to the DNR's permit conditions. **Seconded** by Van Amburg for discussion purposes. Anderson noted that he would abstain from voting on advice from our attorney to avoid possible conflict of interest. Van Amburg asked Hanson to explain the reason for his motion. Hanson thought that the list of conditions the Board negotiated with the DA was the best we could do for the residents of the District affected by the Diversion project. The Board briefly discussed Hanson's motion. Larson thought that the Board should go forward with the proposed special meeting/executive session with both Attorneys before considering a decision on the DA's permit.

Van Amburg suggested that Hanson's motion could be tabled. There was a brief discussion regarding Robert's Rules of Order regarding motion procedures. Hanson and Van Amburg withdrew their motion and second. Van Amburg pointed out that the Board does not have to follow Robert's Rules. Leitch agreed, adding that the Board is not mandated to follow the Rules of Order, which are only guidelines for conducting BRRWD business.

Leitch attended the recent Minnesota Land Committee meeting. He reported that the design of the Diversion embankment was changed to allow C-W Valley Cooperative room to expand their facilities and pointed out that this is an example of the MCCJPA accommodating requests from landowners. He voted "no" on an issue where the MCCJPA was going to have the County take legal action on property condemnation. He explained that since the Diversion project currently has no permits and limited funding, he didn't think they should move ahead with any irreversible decisions. Leitch reported that Scott Blilie attended the meeting and received answers to questions he had regarding the project. Leitch noted that the public can attend the Land Committee meetings if they have questions.

Permit No. 19-128, Scott Anderson. Applicant proposes to lower a culvert in 200th ST S to grade (elevation 1064), or 1.59' on the east end. The next downstream 30" dia. culvert on the north side of the road would also be lowered approximately 1' to elevation 1063.4. The north ditch would be excavated to grade (about 1') between the two existing culverts. The work will take place on the line between Clay and Wilkin Counties in Sections 32 and 33, Humboldt Township, Clay County. Phil Rogers said his son, Wendell, has property along the noted ditch and asked who would be expected to pay for the work. Since it was Anderson's project, both Jones and Albright thought that he would be responsible. Albright also pointed out that Anderson will need to obtain Humboldt Township's permission to work within their road right-of-way (R/W). Rogers noted the berm needs to be leveled as soon as possible in the spring to allow time for them to install a new fence for their pasture. Albright listed potential items Rogers could note on the downstream landowner form: Anderson would be responsible for all expenses, the spoil needs to be leveled, and the work would need to be done by a designated date. Jones recommended permit approval, subject to downstream landowner approval and the Township's permission to work within their R/W. **Action postponed**, pending receipt of the downstream landowner form and contact with Humboldt Township.

Permit No. 19-129, Otter Tail County. Applicant proposes to replace an existing bridge on County State Aid Highway (CSAH) No. 15 between Sections 26 and 27, Orwell Township, downstream of the Orwell Dam. Jones reviewed the proposed work and recommended permit approval.

Permit No. 19-130, Pheasants Forever (PF). Applicant proposes to install 13 wetland restorations in Sections 11, 13, and 14, Eglon Township, Clay County. The work will include constructing ditch plugs, sediment removal, and potential tile removal. When Jones reviewed the work, he noted a concern that the proposed ditch plug for Wetland #5 in Section 14 has the potential to change the runout elevation of Thorson Lake. Tyler Zimmerman, PF, decided to postpone work in Wetland #5 until later this year when they can collect the necessary information and submit a new permit application just for this site. Jones recommended approval of the remaining 12 restorations with the noted exception of Wetland #5.

Permit No. 20-001, Minnesota Department of Transportation (MNDOT). Applicant proposes culvert improvements including lining pipes, replacing culverts, and the removal of one cattle-crossing in various state roads in Clay, Otter Tail, and Becker Counties. The structures are in poor condition and need to be either replaced or lined. Jones recommended permit approval.

Motion by Van Amburg to approve Permit Nos. 19-129, 19-130, and 20-001, subject to the referenced disclaimers and conditions. **Seconded** by Hanson. **Approved.**

Project No. 80, Stony Creek WRCMP. Using the overhead monitors, Jones discussed several recent project alternatives as requested by the Board. After review, Jones determined that in order to accomplish channel

restoration and mitigate downstream flooding, some storage component needs to be incorporated into the project design. Leitch asked Jones if he could identify the problems that the project was supposed to address and if he could recommend a cheaper alternative that would also address those problems. Van Amburg pointed out that downstream flooding was one problem that the selected alternative addresses. Jones added breakouts along the Interstate-94 (I-94) corridor were also a concern. Van Amburg referenced the statements Rogers and Anderson made at the beginning of the meeting and stated that this project has been stuck in the development phase for several years. On 5/14/18, the Board voted to move forward with the recommended alternative (Alternative 1) and authorized staff to obtain easement options from the affected landowners, but the project design has been under review since then and no options have been acquired. He thought that we needed to start the funding search as soon as possible by submitting the project for inclusion in the 2020 State Legislative bonding bill. He also suggested that the project should be submitted to the Lessard-Sams Outdoor Heritage Council (LSOHC) for potential funding. He felt it was time to stop studying alternatives and move forward with the project, as approved in 2018. He added that, in his opinion, flood mitigation/channel restoration projects like the Stony Creek WRMP are necessary to prepare and to adapt to potential increased rainfall/flooding associated with climate change. **Motion** by Van Amburg to move forward with the easement option acquisitions and to seek funding for the project as proposed in Alternative 1. **Seconded** by Hanson. Albright explained that the continued development of Alternative 1 was also authorized by the Board at their 7/8/19 meeting when they approved the Final Resolution Order to move forward with the project. Leitch noted that at that time, he thought that the project could still be redesigned following the Order. Albright explained that the Order designated Alternative 1 as Project No. 80. He discussed the various steps and issues that still need to be dealt with before the project would be ready for construction. Leitch didn't feel the Board could go forward with easement acquisitions until a concrete plan had been identified. Albright pointed out that in 2018, after several alternatives had been explored, the Board voted to move forward with Alternative 1. Leitch pointed out that according to his calculations, Alternative 1 has a 0.3 benefit/cost ratio, meaning that for every dollar spent on the project, the public will get back 30 cents in benefits. He felt that as designed, this project was not cost effective, and according to his Manager Oath, it was his responsibility to manage the public finances in a provident manner. Van Amburg pointed out that Leitch should also factor in the economic values of a project's environmental features.

Leitch brought up a private conversation he had with Jones regarding project funding, characterizing Jones' attitude about the use of public funds for projects as fiscally irresponsible. Jones clarified their conversation regarding public funding by pointing out that the Legislature has tax dollars in their budget to fund state-wide projects. Rather than allow our tax dollars to be spent in other parts of the state for projects that don't benefit our citizens, he thought it was more fiscally responsible to bring some of that money back to our District to fund locally supported projects. Albright commented that the BRRWD's Revised Watershed Management Plan (RWMP) goals and objectives support projects featuring restoration/retention features, as will our new One Watershed, One Plan (1W1P), which will replace our current RWMP when completed. Restoration/retention projects like Stony Creek have proven to be successful in addressing landowner concerns, and Albright said the landowners are willing to help pay for them because the projects work. Leitch noted that removing the expensive retention component from the project design would be more fiscally responsible. Albright explained that cleaning the channel without retention will only increase downstream flooding and change the timing of the flood. He briefly commented on the potential for major Stony Creek breakouts this spring. Rogers agreed, pointing out that County Ditch (C.D.) No. 31 (the channelized portion of Stony Creek) is in very poor condition. Van Amburg noted that Alternative 1 received unanimous support at the 12/19/19 Mediation Project Team (PT) meeting and restated his motion. Voting in favor: Larson, Fjestad, Van Amburg, Hanson, and Anderson. Opposed: Affield and Leitch. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
*Clay County Auditor-Treasurer	Bond Repayment	Pj. 56, Manston Slough	\$ 190,263.91
*Liberty Business Systems	#400675, Overage 9/27/19-12/26/19	Admin.	\$ 136.16
*LREC	11/01/19-12/01/19 Service	Pj. 79, Wolverton Creek	\$ 26.96

*MPS	11/04/19-12/3/19 Service (4)	Pj. 49, Oakport	\$ 147.47
Agassiz Mechanical	#222527, Fall Furnace Maintenance	Admin.	\$ 410.00
AmeriPride	#160550795, December Rug Billing	Admin.	\$ 87.72
Barnesville Record-Review	RFP Notice	Admin.	\$ 75.00
Bruce E. Albright	Refreshments-Rogelstad Meeting	S. Branch	\$ 25.78
Cardmember Service	MAWD Reservations/Bob Ziegler Flowers	Admin.	\$ 2,853.07
Carmen Pattengale	November/December Office Cleaning	Admin.	\$ 260.00
City of Barnesville	12/25/19 Phone/Utilities billing	Admin.	\$ 933.80
COE	Cost Share Match	LOTR	\$ 60,000.00
Dennis Olsen	Voucher #V19-06, 02/5/19-12/31/19	Varies	\$ 556.72
Eddie Bernhardson	Voucher #V19-05, 2/5/19-12/31/19	Wilkin C.D. No. 6A	\$ 413.74
Fergus Falls Daily Journal	#1219528300, RFP Notice (2)	Admin.	\$ 154.00
Fuchs Sanitation	#40303, December Garbage Billing	Admin.	\$ 51.48
Gerald L. Van Amburg	Voucher #19-42, 11/01/19-12/31/19	Admin.	\$ 831.82
HEI	January Billing	Varies-See attached	\$ 132,888.28
IWI	2019 WQ Monitoring	M.S.A. 103D.905, Sub. 3	\$ 3,490.08
Jay A. Leitch	Voucher #19-41, 11/01/19-12/31/19	Varies	\$ 2,033.85
JB Construction Services	#400, December Snow Removal	Admin.	\$ 520.00
Joel Carlson, Inc.	January Lobbyist Bill	Admin.	\$ 850.00
John E. Hanson	Voucher #19-39, 11/01/19-12/31/19	Varies	\$ 1,093.42
LREC	12/01/19-01/01/20 Service	Pj. 79, Wolverton Creek	\$ 26.12
Mark T. Anderson	Voucher #19-37, 11/01/19-12/31/19	Varies	\$ 987.86
MPS	11/20/19-12/1/19 Service-FL #21	Pj. 49, Oakport	\$ 30.30
NetCenter Technologies	#175193, ExacqVision Software Updates	Admin.	\$ 28.15
New Century Press	#300319634, RFP Notice	Admin.	\$ 96.00
Otto's Welding	#112896, Signposts	Pj. 49, Oakport	\$ 107.36
Peter V. Fjestad	Voucher #19-38, 11/01/19-12/31/19	Varies	\$ 820.11
Petty Cash	Office supplies, etc.	Admin.	\$ 200.00
Premium Waters	#366590-12-19, Water Billing	Admin.	\$ 48.79
Purchase Power	December Postage	Admin.	\$ 150.00
Pure Health Solutions, Inc.	December Water Billing	Admin.	\$ 59.06
River Keepers	2020 Contribution	M.S.A. 103D.905, Sub. 3	\$ 55,000.00
RRVCPA	12/1/19-01/01/20 Service	Pj. 49, Oakport	\$ 88.03
States Borders Construction, Inc.	Pay Request No. 3	Wilkin-Otter Tail J. D. No. 2	\$ 76,988.00
Troy E. Larson	Voucher #19-40, 11/01/19-12/31/19	Admin.	\$ 817.90
United States Treasury	Form 941 QTR. 4 Taxes	Admin.	\$ 807.08
US Bank Equipment Finance	#403833452, Copier Lease	Admin.	\$ 274.65
Vogel Law Firm	#246891, December Billing	Admin.	\$ 122.50
Vogel Law Firm	#246892, December Billing	COE	\$ 8,450.00
Wilkin Co Hwy Dept.	Repair/Replace Culvert	Wilkin C.D. No. 4	\$ 353.44
William Austin	Voucher #V19-04, 2/5/19-12/31/19	Varies	\$ 450.00
Wm. Nichol Excavating	#319, Beaver Dam Removals	Varies	\$ 5,332.50
WREC	11/18/19-12/18/19 Service (2)	Pj. 46, Turtle Lake	\$ 111.81
Xcel Energy	11/21/19-12/26/19 Gas Service	Admin.	\$ 62.90
*Paid on 12/27/19 per Board motion passed at the 12/09/19 meeting.			
			\$ 549,515.82

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

Wilkin/Otter Tail J.D. No. 2. Jones submitted Pay Request No. 3 for States Borders Construction, Inc. for \$76,988. Jones noted that there is about 15% left in the project contract, which will cover site clean-up and seeding this spring. **Motion** by Fjestad to approve the pay request. **Seconded** by Affield. **Approved.**

Oscar Lake Outlet. Albright gave a brief update regarding discussions with Otter Tail and Wilkin Counties regarding the Oscar Lake outlet. Wilkin County is concerned that the continual water flowing down J.D. No. 2 could cause icing problems, leading to breakouts into Wilkin County Ditch (C.D.) No. 7 this spring. The Counties had an agreement to close the lake outlet by September 30, but the outlet is still open. Wilkin County was concerned that Otter Tail County hasn't followed through with the terms of their agreement. Staff and Manager Fjestad attended a field review/meeting on 12/19/19. Wilkin County agreed to continue to monitor the culverts downstream of the outlet and will contact the BRRWD if they determine the outlet needs to be closed due to icing.

Project No. 78, Clay/Wilkin J.D. No. 1. Anderson briefly discussed a possible solution to Harold Brandt's concerns about his building site that is adjacent to the new J.D. No. 1 ditch berm alignment. Todd Lewis needs dirt for a project and would like to remove material from the ditch bank near Brandt's buildings. He plans to leave enough of the material so that the berm elevation matches the county road elevation. Anderson thought this work could help address Brandt's concerns about potential project impacts to his building. Albright noted that the hydraulic effects of the proposed work should be evaluated before the Board gives Lewis permission to lower the ditch berm. Anderson thought Lewis would only be removing excess material that the contractor had stored on the berm during construction and that cutting the berm down to the road elevation shouldn't be a problem. Lewis has already taken some material that was stored on Brandt's property. Jones didn't think the proposal would cause any problems as long as the berm is no lower than the road elevation. Lewis plans to reseed any disturbed areas. Anderson offered to monitor Lewis's work to be sure the correct berm elevation is maintained.

MAWD Resolution. The Minnesota Association of Watershed Districts (MAWD) would like their individual Watershed Districts to submit policy resolutions to increase their general administrative fund levy to \$500,000, currently set at \$250,000. MAWD hopes that if the State Legislators receive enough resolutions regarding this issue, they would decide to draft a bill for a levy increase for all the Watershed Districts. Staff prepared and distributed a resolution for the Board's review. Albright noted that the only comment he received was from Van Amburg, who thought the resolution looked fine. Districts have until the 1/17/20 MAWD Board meeting to submit their resolutions. **Motion** by Fjestad to approve the resolution and to authorize Albright to forward it to MAWD. **Seconded** by Hanson. **Approved.**

MAWD Day at the Capitol. The MAWD Legislative Breakfast and Day At The Capitol event is scheduled for March 18-19, 2020, at the Double Tree by Hilton Hotel Downtown, St. Paul. Staff will handle reservations and registrations. Managers Hanson, Fjestad, Anderson, and Van Amburg plan to attend.

Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG). The RRBFDRWG is working on an update for the 1998 Mediation Agreement. Some WorkGroup members have voiced concerns regarding possible changes to the Agreement that appears to give the Red River Watershed Management Board (RRWMB) more influence over the WorkGroup. There is also some confusion about the membership status of those districts that are not RRWMB members. Albright forwarded a letter to the Managers with a list of concerns that the BRRWD and Sand Hill River Watershed District (SHRWD) have compiled in this regard. He noted that he and April Swenby, Administrator, SHRWD, plan on attending the next WorkGroup meeting on February 19, 2020, in Ada. Van Amburg noted that he reviewed the letter and agreed with the noted concerns. The Board briefly discussed the proposed update and endorsed the letter. Albright also forwarded information regarding the Army Corps of Engineers (COE) Red River Basin Feasibility Study. The RRWMB contributes funding to the study, but since the BRRWD isn't a member, the COE has requested that we approve a \$12,500 contribution, which would be the BRRWD's proportionate share of the study costs. This item will also be added to the 1/27/20 BRRWD meeting agenda. Leitch would like to know the difference between this study and the Long Term Flood Solutions Study that the BRRWD has already contributed funds to support.

RRWMB Strategic Plan. Albright forwarded copies of the RRWMB's Strategic Plan for the Board's review. Discussion of the documents will be added to an upcoming meeting agenda.

2020 BRRWD Annual Meeting.

Election of 2020 Officers. **Motion** by Fjestad to cast a unanimous ballot to reelect the current officers. **Seconded** by Larson. **Approved.** The BRRWD officers for 2020 will be as follows: President-Jay Leitch, Vice President-Peter Fjestad, Treasurer-Mark Anderson, and Secretary-John Hanson.

Appointment of 2020 Consultants. Vogel Law Firm submitted a proposal for 2020 legal services with a \$5.00/hour rate increase to \$245/hour. **Motion** by Anderson to appoint Vogel Law Firm as the BRRWD's legal consultant for 2020. **Seconded** by Van Amburg. **Approved.**

The Board published Requests For Proposals (RFPs) for 2020-2022 engineering services in area newspapers. Two companies submitted proposals: Moore Engineering, Inc. and HEI. Staff forwarded both proposals to the Managers prior to tonight's meeting. **Motion** by Hanson to appoint HEI as the BRRWD's consulting engineer for a two-year contract. **Seconded** by Fjestad. Leitch noted that since Albright's retirement date of 5/1/20 was publicly announced at the MAWD Annual Meeting, the contract should include stipulations regarding the Administrator's position. Albright pointed out that he has not officially submitted his resignation to HEI, and the Board will be the first to know if and when he plans to retire. The BRRWD receives a 10% discount from HEI's standard rates. The Barnesville office staff remains the same with Bruce Albright (Administrator), Kathy Fenger (Assistant Administrator), Julie Jerger (Senior Administrative Assistant), and RaeAnn Berg (Administrative Assistant). Billable hours for the Barnesville staff will be capped for each employee at 1,750 hours, locking in the maximum HEI can charge for the referenced staff. Time in excess of that number would be absorbed by HEI. The agreement includes a monthly office rental payment of \$225. Leitch noted a conflict-of-interest issue for HEI regarding the Diversion DNR lawsuit that he felt will need to be addressed sometime in the future. **Approved.**

Harold Rotunda, Certified Public Accountant (CPA), who has completed the BRRWD audit for many years, did not submit a letter of agreement for the 2019 audit. Albright will contact him to discuss his intentions. BRRWD Lobbyist Joel Carlson's 2-year contract with the BRRWD runs through 2020.

2020 Financial Designation. **Motion** by Anderson to designate Barnesville Midwest Bank as the official 2020 BRRWD depository, subject to the use of any other depositories within the District as needed throughout the year, provided they are FDIC insured. **Seconded** by Fjestad. **Approved.**

Comments and Announcements. Leitch asked if Fjestad had received his comments regarding the MAWD Board Annual Meeting proceedings. Fjestad said they will review his comments at their upcoming Board meeting. Affield asked about the status of the AV system update. Fenger reported that NetCenter Technologies is working on a proposal, which will be added to the next meeting agenda for further review and discussion. Anderson briefly discussed an issue related to the DNR contested case. Jones noted that the RRBC 37th Annual Red River Basin Land & Water International Summit Conference starts tomorrow from January 14-16, 2020, at the Delta by Marriott, Fargo. Fjestad asked Leitch if their meeting with the Attorneys regarding the Diversion lawsuit was still scheduled for tomorrow afternoon. Leitch noted that he would check with the Attorneys and contact him. Albright reminded the Managers that they need to file their annual statements of economic interest recertification in accordance with the Campaign Finance and Public Disclosure Board requirements by 1/27/20.

Upcoming Calendar Events. The RRWMB Drainage Conference will be held on Monday, January 27, 2020, at the Marriott Hotel and Convention Center, Moorhead. Staff can handle registrations. The 32nd Annual Conference of the Erosion Control Association will be held in Plymouth, MN on January 22-23, 2020.

Next Meeting Agenda. Jones noted that the Hamden Wetland Modifications should be added to the next agenda for Board action (schedule hearing).

Next Meeting. The next regular BRRWD meeting will be held on Monday, January 27, 2020, at 7:00 PM in our Barnesville office.

Adjournment. President Leitch adjourned the meeting at 9:33 PM.

January 13, 2020

Page 8

Respectfully submitted,

John E. Hanson, Secretary