

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

March 9, 2020

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, March 9, 2020, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Peter V. Fjestad, Mark T. Anderson, Troy E. Larson, Gerald L. Van Amburg, 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 Kevin Campbell and Jenny Mongeau, Clay County Commissioners; Lyle Hovland, Wilkin County Commissioner; Brent Edison, Attorney, Vogel Law Firm; Stephen Hanson, Associate, Ohnstad Twitchell; Eric Dodds, Engineer, and Jessica Warren, AE2S; Barry Amundson, Forum Communications Company; Emmy Amble, Advantage Realtors; Mark Askegaard, RaeAnn Berg, Julie Jerger, Don Nelson, Charles Anderson, and Rylee Anderson.

BRRWD President Leitch called the meeting to order at 7:02 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. Fenger wanted to add a review of a professional services agreement for M-Files from Marco, Inc. Albright wanted to add a proposal from William Nichol Excavating, Inc., for log jam removal in Section, 16, Glyndon Township, Clay County. With those additions, **motion** by Anderson to approve the agenda. **Seconded** by Fjestad. **Approved.**

Secretary's Report. The Board reviewed draft minutes for the 2/24/20 regular meeting. Jones and Affield noted minor corrections to the minutes. **Motion** by Fjestad to approve the 2/24/20 minutes, subject to correction. **Seconded** by Affield. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's monthly financial statements, including the project account balance sheet, administrative disbursements, and summary of income. Cash on hand is \$2,403,892.07. Administrative disbursements this month equal \$21,457.70, and for the year, total \$75,207.83. 2020 Accounts Receivable total \$6,738,798. Total income this year is \$277,627.10. Income received since the 2/10/20 meeting totaled \$12,915.69, including a Upper South Branch of the Buffalo River-Phase 1 grant payment from the Lessard-Sams Outdoor Heritage Council (LSOHC) (\$5,333.25), a Minnesota Pollution Control Agency (MPCA) Upper Buffalo River 319 Grant Payment (\$579.80), and a contribution from Hamden Township for the Becker County Ditch (C.D.) No. 15-Branch 7 repair (\$2,500). The remainder of the income came from Midwest Bank for February interest (\$4,228.85), a refund from Premium Waters, Inc. (\$48.79), and HEI for their monthly office rent (\$225). **Motion** by Van Amburg to approve the Treasurer's Report. **Seconded** by Fjestad. **Approved.**

Citizens to Be Heard. Clay County Commissioner Jenny Mongeau reported that residents living south of Rollag along County Road (C.R.) Nos. 126 and 6 have concerns about the area wetlands and possible high water overtopping the road this spring. Albright explained that in the past, the County has addressed this ongoing issue by either raising the road or by temporarily pumping the water. Last fall, BRRWD staff worked with Dave Overbo, Clay County Highway Department Engineer, to explore a more permanent solution by constructing an outlet to drain water east out of the area to a natural waterway. Albright will contact Overbo to follow-up with him regarding the status of the outlet.

Other Business brought before the Board included:

Permit No. 19-003, FM Diversion. Albright noted that the Attorneys are working with President Leitch and staff on the data requests from the Diversion Authority (DA) to assemble the record for both court cases.

There was a general discussion regarding a concern voiced by the Clay County Commissioners regarding the process used to hire an expert witness for the Minnesota Department of Natural Resources (DNR) Permit contested case proceeding.

Leitch commented that the BRRWD hired Vogel Law to proceed as they saw fit to take care of the contested case legal issues with the Board retaining the right to stop them if the Managers thought it was necessary. He explained that Edison has kept the Board "in the loop" as the case develops. One of the decisions Vogel made was to hire an expert witness and passed the bill on to the Board.

Attorney Edison agreed with Leitch's commentary. He added that as the BRRWD's legal representative, Vogel Law Firm will take the necessary steps to protect the BRRWD and to present its case to contest the DNR permit in keeping with the decisions of this Board. The BRRWD is entitled to advice of counsel. In pursuit of this mission, appropriate communications with the client are critical to keep the Board updated as the case develops, sometimes requiring the Board to go into Executive Session to discuss attorney-client privileged information. The attorneys must be free to formulate litigation strategies and tactics which are also considered privileged ("protected") activities. In Vogel's judgement, in pursuing the best defense of their client, Edison deemed it necessary to retain an expert, Larry Prather, a retired Army Corps of Engineers (COE) economist. In the ordinary course of litigation, they retained an expert and in appropriate consultation with their client (BRRWD), and at the 1/27/20 Board meeting, the Managers approved Prather's first billing. In his opinion, that approval resolves the issue of open records/public disclosure, etc., as appropriate protection of the client by counsel. Edison thought that the Board could entertain a motion to confirm the retention and continued use of Prather as an expert witness in the contested case at their discretion.

Leitch commented that during an Executive Session, the Board discussed how Prather's bill should be handled, either as an item on a Vogel billing or as an item on the BRRWD's regular meeting bill list. If it had been channeled through a Vogel bill, this question probably wouldn't have even come up, but the Board decided to pay the bill directly. Leitch noted that hiring Prather was similar to HEI's practice of hiring subconsultants for projects, noting that the Board doesn't approve those hiring decisions. Leitch added that he didn't think the Board should approve an after-the-fact motion to hire Prather because there was no need to authorize the expenditure. He suggested that a motion to continue to retain Prather could be more appropriate.

Edison observed that unless he heard otherwise from the Board, he concluded that pursuant to consultations with his client (BRRWD) the retention and continued use of Prather as an expert witness is authorized. Leitch noted that we have the same arrangement with Fremstad Law Office, who is handling the Diversion permit appeal: to keep the BRRWD in the loop by providing a list of things they have to do and when they have to do it, and to keep a rolling tab so at any time, we can indicate that we are done.

Van Amburg felt that it was unfortunate that Prather's hiring wasn't handled with as much transparency as it could have been, and the responsibility falls back on the Board, as it doesn't look good to the public. He didn't feel that the Board was intentionally breaking open meeting laws or public disclosure requirements. Van Amburg added that this controversy shows the Board that we will need to be more careful to watch what we do, so that it doesn't appear we are trying to hide something nefarious from the public or the County. All the parties involved can share the blame for this error, and it's bad for the BRRWD's reputation.

Leitch commented on the claim that the BRRWD held an illegal Executive Session. He asked Fjestad, who he referred to as his "Parliamentarian", to research the question "If during a regular meeting, can the Board

hold an Executive Session without noting the session on the agenda." Leitch didn't feel that the Board needed to have the closed meeting on the agenda since no one else can attend anyway, so putting it on the agenda isn't going to encourage anyone else to come to the meeting. He felt it was important for the Board to know that if they can't hold an executive session without noticing it on their agenda, then they had better announce it.

Commissioner Mongeau prefaced her comments by stressing that the County's concerns about the Prather billing and the alleged open meeting law violation(s) are not based on anti/pro-Diversion disagreements with the BRRWD. The County is concerned that it is against State Law to hold an Executive Session without notifying the public. She noted that Leitch was correct in that the public can't attend an Executive Session because of attorney/client privilege, but the law requires that the Board must state the reason for the meeting. Mongeau pointed out that while the Board may have made the decision to hire Prather in Executive Session, the problem arose when the Managers neglected to approve a motion regarding his hiring in public following the "closed" session. She concluded that the Commissioners are most concerned about how the Board is conducting business and an apparent lack of transparency.

Leitch thanked Mongeau for her comments and promised that as long as he is BRRWD President, it will not happen again. He added that if anyone wants to pursue the Executive Session violation, he would be willing to pay the \$100 fine. Mongeau noted that the fine was \$200. Leitch commented that he wasn't aware of the amount.

Attorney Edison commented that in researching this issue, there are updates on litigation that are put on the agenda for every meeting, and it is foreseeable that there could be questions that might come up during the course of a meeting that would require a discussion with counsel as something that was absolutely necessary. To the extent that the contested case is put on the agenda and a Board member wants advice of counsel, that seems to be in keeping with the data practices act. Mongeau responded by pointing out that she has been to a number of BRRWD meetings when Edison was not present where the Board went into an Executive Session that did not pertain to the need for "immediate legal consultation". Edison observed that he couldn't speak to meetings where he wasn't present. He emphasized that the Board has the right to consult with their attorney in closed session if a legal question arises during the meeting for an item that is on the approved agenda. Commissioner Campbell maintained that it is State Law that an Executive Session must be noticed before the agenda is approved. Manager Anderson observed that apparently the Board did not always do that. Edison noted that he will research this issue but added that the Board could place a notice on every agenda that the Board could go into Executive Session "as necessary" to discuss litigation items. Leitch pointed out that it was his mistake and reiterated that he was willing to pay the \$200 fine himself if anyone wants to pursue the alleged violation. He added that he still questioned if the Board needs to formally approve the Attorneys' decisions.

Attorney Edison noted that he will advise the Board to be extra cautious as time goes forward in making sure that there is transparency as required by law. He suggested that the Board should designate an authorized signer for the discovery responses for the DNR contested case on behalf of the BRRWD. **Motion** by Fjestad to let the Attorneys find the expert witnesses and for the Board to follow the necessary rules regarding Executive Sessions. **Seconded** by Van Amburg for discussion purposes. The group questioned if the motion was redundant given the earlier discussion. Anderson asked if he could vote on this question since it pertained to parliamentary procedure and not the Diversion project. Attorney Edison advised him that past guidance would probably apply in this situation. **Approved.** Anderson abstained on advice of counsel to avoid the appearance of conflict of interest. **Motion** by Larson to authorize President Leitch to be the designated signee for the DNR contested case legal documents. **Seconded** by Affield. **Approved.** Anderson abstained on advice of counsel to avoid the appearance of conflict of interest. The contested case hearing is scheduled for June 8-19, 2020, in the St. Paul Office of Administrative Hearings.

Leitch reported that today's Minnesota Land Committee meeting was cancelled, and the next one will be held on 3/26/20.

The Minnesota Land Committee will need access to a parcel of BRRWD buyout property associated with the Georgetown Levee project to conduct their biotic and geomorphic survey. At the 2/10/20 meeting, Anderson suggested that the easement agreement should include a 48-hour notification stipulation. Albright conveyed that suggestion to Eric Dodds, AE2S, the Land Committee's engineer, who revised the easement to include that language. Anderson asked Dodds why the easement term is 50 years. He explained that for the privately owned land in Minnesota, the Land Committee is only taking the 2-year right-of-entry agreements to allow the COE to do their initial rounds of monitoring on the Minnesota waterways. For the Minnesota government owned parcels, the Land Committee is asking for the 50-year easement, the same easement terms that they are taking in North Dakota on both private and publicly owned property. Albright explained that because of the covenants placed on it as a buyout property, this parcel will never be developed. Dodds explained that this initial monitoring will establish a baseline for biotic and geomorphic conditions for comparison to mid-construction and post-construction conditions to determine if the project caused any changes to the biotic or soil conditions. If there are changes attributable to the project, then there would be opportunities for the COE to use an adaptive management program in conjunction with a number of participating agencies. The COE plans to start the first round of monitoring in May, and the easements should be obtained before that date. **Motion** by Van Amburg to enter into the monitoring easement agreement. **Seconded** by Larson. **Approved.** Anderson abstained on advice of counsel to avoid the appearance of conflict of interest.

The Minnesota-Clay County Joint Powers Agreement (MCCJPA) monitoring right-of-entry acquisition isn't going as well in Wilkin County. Only 1 of the 10 property owners identified in Wilkin County has signed the 2-year biotic/geomorphic monitoring release. The Land Committee asked the BRRWD to consider assisting with this effort. The Board reviewed a map showing the location of the parcels. Dodds explained that the MCCJPA has two options to acquire right-of-entry: ask the City of Moorhead to exercise their right of eminent domain or ask the BRRWD to assist. Dodds explained that the right-of-entry could turn into a separate request for a 50-year easement in the future. He noted that the goal is to obtain these agreements by May. He also explained that this assistance could include either assisting with an effort to obtain voluntary access or going to the next step and forcing landowners to sign the right-of-entries.

Leitch commented that the BRRWD's meetings are more informal and the Law doesn't require that we always adhere to parliamentary procedures. According to Roberts Rules of Order, there can be no discussion on an item until there is a motion and second. He called for a motion regarding the request before the Board. Albright summarized the MCCJPA's request. **Motion** by Larson to assist the MCCJPA to obtain voluntary rights-of-entry from the Wilkin County landowners within the BRRWD's jurisdiction by sending a letter encouraging the landowners to sign the 2-year agreements. **Seconded** by Affield. Dodds clarified that there are 7 landowners and 9 properties involved. Anderson thought that the 2-year access agreement should be acceptable to the landowners. The 50-year easement might be more problematic and could be dealt with in the future. **Approved.** Anderson abstained on advice of counsel to avoid the appearance of conflict of interest. Leitch pointed out that the BRRWD President is not required to vote. Our Bylaws state that the President can vote at his discretion. He felt on the current question before the Board, his vote would be moot, as a majority of the Managers voted in favor. Leitch stated that as President, he prefers to maintain as neutral a position on issues as he can.

On another issue, Albright mentioned that Clay County had expressed some concerns that the proposed road raises for the Diversion project north of Kragnes along the Red River could move the alignment of the ditches and the right-of-way (R/W) acreages. The BRRWD recently held buffer hearings for a number of ditch systems in that area to acquire ditch system R/W for buffer installation in accordance with the Buffer Rule. Albright suggested that Commissioner Campbell keep the BRRWD informed about the road raises, which would also require a BRRWD permit. Leitch interjected that since this issue wasn't on the agenda, Albright was out of order for bringing it up, but since our meetings are informal, he encouraged Campbell to respond.

Campbell explained that the proposed road raises would take the roads from a 35' level of protection to 37' to coincide with the full interior Diversion plan and give landowners improved access to their property during a flood. Campbell and Jones met with the Diversion engineers last week, and they forwarded the plans to Jones for his review. Campbell added that the idea was to coordinate our R/W work with the road raise plans and also said that the Diversion project would be responsible for the costs. Jones thought that the road raises would only have a minimal effect on the buffer areas. Only two projects had minor duplications.

Leitch commented that he allowed the discussion to continue out of common sense and common courtesy.

Permit No. 20-011, Larry Wiertzema. Applicant proposes to lower an existing driveway culvert to grade along 280th AVE in the S½SE¼, Section 24, Meadows Township, Wilkin County. Jones didn't think it would have much impact on drainage. Albright explained that this proposal is in response to a complaint from their neighbor regarding alleged diking activities. The results of a survey show that there is sufficient fall in elevation to the west on this parcel. Wiertzema feels that the upstream neighbor is having standing water issues because he cut his ditches too deep. There was a brief discussion about area drainage patterns. **Motion** by Larson to approve Permit No. 20-011, subject to township approval to work within their road R/W. **Seconded** by Anderson. **Approved.**

Project No. 80, Stony Creek Water Resource Comprehensive Management Project (WRCMP). Albright updated the Board about the status of the Stony Creek project. Regarding the easement options, there are some acreage corrections needed on a couple of the sites. The office has forwarded all but two of the options. One is signed and appears on tonight's bill list. Albright has had contact with a few landowners who had questions about their options. He noted that some of the Managers and staff plan to attend the Minnesota Association of Watershed Districts (MAWD) Legislative Day at the Capitol where we will have the opportunity to discuss inclusion of the project in the flood damage reduction bonding bill. Leitch asked if any more hearings will be held for this project. Albright explained how the hearing process works in accordance with Watershed Law and said that a Final Hearing is required as project development continues and a watershed management district (wmd) process is discussed. Other funding sources will also be discussed. The Final Hearing could be scheduled in June or July 2020.

Leitch asked why the BRRWD was spending money on the options before the Final Hearing. Albright explained that lining up the landowner options is how we have always developed projects in the past. This way we know the landowners will cooperate with easement acquisition so that we have the land secured when we are ready to proceed with the actual project construction. Leitch pointed out that just because we've always done something a certain way in the past, isn't a good excuse. He said he could give plenty of stories about the way it's done forever, which he wouldn't because we've all heard them. He didn't think it's right that we spend money on a project that hasn't been through the Final Hearing process. Albright noted that the one signed Stony Creek option is on tonight's bill list, and the Board can act according to their wishes.

Project No. 79, Wolverton Creek Restoration. Jones provided a brief overview of the status of the Phase 2 easements. He reported that about two-thirds of the easements are in place with only about three landowners left to finalize the easement acquisitions. He plans to have the bid opening in late April or May.

Project No 17, Hamden Slough/Project No. 23, Becker C.D. No. 15. Albright reported that Ryan Frohling, United States Fish and Wildlife Service (USFWS), filed a petition for their proposed Hamden Slough Refuge wetland modifications, which includes replacing the original culverts/gates with modified structures and raising the Homstad wetland 1' above the "as-built" elevation. The petition was required because the structures are on a branch to C.D. No. 15. The hearing has been tentatively scheduled for 3/31/20 at 7:00 PM in our Barnesville office. The USFWS is expected to pay the ditch hearing costs as the project's sponsor per Minnesota Drainage Law.

Whiskey Creek Restoration. Jones has been working to finalize the wmd fee calculator by adjusting the actual land-use data as compared to the geospatial data. The Wilkin Soil and Water Conservation District (SWCD) held a landowner informational meeting on 3/6/20 to discuss the Natural Resources Conservation Service (NRCS) National Water Quality Initiative (NWQI) grant program. In order to access the potential NWQI funding (\$2.9 million total), local landowners would have to work with NRCS staff to implement conservation practices on their private land. At the meeting, HEI staff reviewed the design concepts for the Whiskey Creek corridor, and NRCS and SWCD staff discussed the Environmental Quality Incentives Program (EQIP) and Conservation Reserve Enhancement Program (CREP) signup process to obtain easements along the Creek to use those programs to bring funding into the project to defray the local project costs. Jones reported that a few landowners signed up at the meeting. Craig Lingen, SWCD, and John Quast, NRCS, plan for some additional landowner outreach.

Wilkin C.D. No. 6A Redetermination. The Viewers met on 3/3/20 to finalize their Report. It's now ready to be filed at tonight's meeting so the project can continue as defined in Minnesota Drainage Law. Albright discussed their findings. Using the benefit map, he explained that the Viewers based their benefit rates on a percentage of the county's Estimated Market Value (EMV) for the land with benefits, totaling approximately \$6 million, which also includes the City of Rothsay. Following the Board's acceptance of the Report, a redetermination of benefits hearing notice will be published in the Wahpeton Daily News. The redetermination hearing is tentatively scheduled for Tuesday, April 7, 2020, at 7:00 PM in the BRRWD office. An informational meeting/open house is also scheduled for Friday, April 2, 2020, for the landowners to meet with the Viewers to ask questions. **Motion** by Anderson to accept the Viewers' Report. **Seconded** by Fjestad. Leitch observed that he was uncomfortable about approving the report without reviewing it. He has only just seen the map that Albright and Fenger held up. In this case, however, he said he trusted the staff to do their job regarding the Report since they've done it well for a number of years. His personal preference would be to take the report home and read it. Van Amburg noted that the Viewers worked on the Report for quite a while. Albright commented that the Viewers are accountable for the Report. He explained that this is the next step in the redetermination process according to Drainage Law, but if the Board isn't ready to act on the Report tonight, the hearing can be postponed. Leitch said that he would trust staff's recommendation. Albright pointed out that the Viewers are responsible for the Report contents, not the Board. **Approved.** All Board members present voted in favor.

Ditch Buffer Hearings. In accordance with the 2015 State Buffer Rule, the R/W acquisition hearings for Clay C.D. Nos. 20, 22, 23, 28, and 51 were held on 3/5/20. Albright prepared and forwarded the Order and Findings to the Board prior to the meeting for review. The Board also reviewed a second Order regarding a petition to remove 150.26 acres owned by Melvin Richards in the SE¼, Section 17, Kragnes Township, from the benefit area of Clay C.D. No. 28. **Motion** by Van Amburg to approve both Orders. **Seconded** by Fjestad. Anderson asked about where the water in Section 17 drained. Albright explained that it would go to a private ditch. **Approved.** The Orders are subject to a 30-day appeal period.

Lower Otter Tail River (LOTR) Revised Project Management Plan. The Board discussed the revised feasibility cost estimate for the COE Section 1135 Study, copies of which were forwarded to them for review prior to the meeting. The original 2017 estimate was approximately \$340,000. The cost-share agreement was for the COE to provide the first \$100,000 with the BRRWD and the COE splitting the remainder 50/50 (\$120,000 each). The new agreement includes a completion date of April 2021 and a revised cost estimate of \$753,749. The BRRWD's share has increased to \$326,912.50. The COE has signed the revised agreement. Fjestad asked why the costs nearly doubled. Albright read the COE's explanation they included in the letter that accompanied the signed agreement. **Motion** by Van Amburg to sign the COE's revised cost-share agreement. **Seconded** by Anderson. The group briefly discussed the increased costs and the possibility for more cost increases in the future. **Approved.**

Albright discussed a potential project to establish a corridor for a future habitat restoration project on the Otter Tail River using LSOHC funding, similar to the COE's partnership with the Wild Rice Watershed

District's (WRWD) effort along the Wild Rice River. Jones explained that the initial work would include phasing in the voluntary acquisition of a conservation easement on land along the river channel corridor for a future project funded by the LSOHC through the Minnesota Board of Water and Soil Resources (BWSR) and the Reinvest In Minnesota (RIM) program. He added that the COE straightened portions of the Wild Rice River in the 1950s as they did on the Otter Tail River. Jones suggested that the Board could consider authorizing the LSOHC funding application, as the grant deadline is in May. Anderson noted that as long as the easement acquisition is voluntary, he thought the Board could consider the proposal. Leitch asked Jones to bring the Board more specifics for consideration at the next meeting. Jones will get more information about the proposal from John Voz, BWSR RIM Easement and Working Lands Specialist.

Clay Ditch Liners Repair. Jones reported that on Thursday, March 5, 2020, per the Board's previous motion, HEI held a bid opening for channel liner repairs for C.D. Nos. 41, 47, and 50, associated with an Economic Development Administration (EDA) project in the Cities of Dilworth and Moorhead. The Board reviewed the bid tabulation sheet showing two bids. The low bidder was Key Contracting, Inc., West Fargo, with their bid of \$159,100. The Engineer's estimate was \$190,000. The other bid was \$326,000. Jones recommended that the Board award the contract to Key Contracting, Inc. **Motion** by Fjestad to award the contract as referenced. **Seconded** by Van Amburg. **Approved.**

Clay Ditch Structure Replacements. Jones explained that HEI has been working with David Overbo, Clay County Highway Department, to replace culverts on Clay C.D. Nos. 11N and 9. The Board reviewed a proposed Memorandum of Understanding (MOU) that the County prepared to formalize the working relationship with the BRRWD regarding this project. Anderson asked if Jones noted any concerns regarding the MOU. Jones didn't see any problems. **Motion** by Anderson to approve the MOU with the Highway Department, as referenced. **Seconded** by Fjestad. **Approved.**

Wilkin C.D. No. 27 Repairs. The Board discussed the Wilkin C.D. No. 27 repair informational meeting that was held on 2/28/20. The landowners expressed concerns about the project cost and suggested that we move forward with just the buffer and inlet pipe installations. With this change, the project costs would be reduced from \$473,000 to \$259,000. Wilkin and Otter Tail Counties have both pledged a total of \$257,000 of BWSR funding for the full repair project. If we just install the buffers and inlet structures, only \$157,000 of the cost would be eligible for reimbursement from the BWSR grant funding. Jones noted that the Highway Department is interested in the proposed safety improvements along C.R. No. 19 to address the steep east slope of the highway. The cost difference for the full repair project as opposed to just a ditch retrofit is about \$55,000 to \$60,000, allowing for the grant funding. Jones sent a request today to the County to see if they had any funding they could contribute to the project. He is waiting for their response and suggested the Board could take up this issue at their next meeting. Albright noted that he and Manager Fjestad drove C.R. No. 19 last week, and they both agreed that the road slope is steep and appears to be a safety hazard. Fjestad added that the County doesn't have C.R. No. 19 in their 5-year rebuild list. Albright added that the east branch along C.R. No. 19 also has the most sediment. Jones explained that the west branch of the ditch is along a township road where traffic isn't as much of a safety issue. Albright noted that there are power lines in the way on the east branch that would probably have to be moved. Lake Region Electric had estimated it would cost about \$32,000 to move the line. There is also one parcel of land that should be added to the ditch system benefit area and another that should be removed. Both actions will require a ditch system hearing. Albright suggested that the funding options could be summarized in a letter that the Board could review at the next meeting and then sent to the landowners prior to another informational meeting (if needed).

South Branch of the Buffalo River Log Jam. Jones explained that a log jam has been reported along the South Branch of the Buffalo River just west of the City of Glyndon. Jeff Nichol, William Nichol Excavating, Inc., submitted a quote of \$3,938 to remove the log jam. Jones thought that the log jam should be removed before spring runoff. **Motion** by Anderson to remove the log jam as referenced. **Seconded** by Van Amburg. **Approved.**

AV System Update. Fenger reported that staff will meet again this week with Marco Technologies to go over their proposal for the AV system update. Fenger also explained that our M-Files technical service agreement will need to be extended for another 25 hours. With a 5% discount if paid in full, the cost is \$4,750. **Motion** by Anderson to authorize the service contract extension. **Seconded** by Affield. **Approved.**

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
AmeriPride	#1610559670, February Rug Billing	Admin.	\$ 91.82
Bruce E. Albright	Viewer's Meals	Wilkin C.D. No. 6	\$ 43.76
Cardmember Services	FDRWG Drainage Conference (5)	Admin.	\$ 125.00
Carmen Pattengale	February Office Cleaning	Admin.	\$ 130.00
City of Barnesville	#10045148, 2/25/20 Utilities/Phone/Internet	Admin.	\$ 969.01
Fuchs Sanitation	#42615- Garbage Service	Admin.	\$ 56.16
Gerald L. Van Amburg	Voucher #20-07, 01/01/20-02/29/20	Varies	\$ 949.38
HEI	March Billing	Varies-See Attached	\$ 187,434.72
JB Construction Services	#467, February Snow Removal (2)	Admin.	\$ 160.00
John E. Hanson	Voucher #20-04, 01/01/20-02/29/20	Varies	\$ 1,363.16
LREC	02/01/20-03/01/20 Service	Pj. 79, Wolverton Crk.	\$ 26.34
Mark Carr	Easement Option Payment	Pj. 80, Stony Creek	\$ 500.00
Mark T. Anderson	Voucher #20-02, 01/01/20-02/29/20	Varies	\$ 1,228.69
MPS	01/21/20-02/19-20 Service - FL #21	Pj. 49, Oakport	\$ 30.89
New Century Press	Buffer Hearing Notices (3)	Clay C.D. Nos. 20, 22, 23, 28, 51	\$ 941.64
Peter V. Fjestad	Voucher #20-03, 01/01/20-02/29/20	Varies	\$ 2,024.30
Pure Health Solutions Inc.	#10364352, February Water Billing	Admin.	\$ 59.06
RRVCPA	02/01/20-03/01/20 Service	Pj. 49, Oakport	\$ 78.00
Salber & Associates	#4746, 1099 Preparation	Admin.	\$ 73.00
US Bank	#408658607, 2/27/20-3/27/20 Copier Lease	Admin.	\$ 274.65
Vogel Law Firm	#251992, February Billing	Pj. 79, Wolverton Crk.	\$ 1,885.50
Wm. Nichol Excavating	#322, Debris Removal	Pj. 54, Whisky Crk.	\$ 7,245.00
WREC	01/18/20-02/18/20 Service (2)	Pj. 46, Turtle Lake	\$ 70.50
Xcel Energy	01/27/20-02/26/20 Service	Admin.	\$ 63.54
			\$ 205,824.12

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

Comments and Announcements. Fjestad asked about the status of the redetermination of benefits for Wilkin/Otter Tail Judicial Ditch No. 2. Albright will follow up with Otter Tail County on that issue.

Upcoming Calendar Events. Fjestad noted that North Dakota State University (NDSU) is hosting a Drain Tile workshop tomorrow (March 10, 2020). The Red River Watershed Management Board's 22nd Annual Joint Conference is also taking place this week on March 10-11, 2020, at the Courtyard by Marriott in Moorhead. 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. Albright noted that staff has a Minnesota Association of Watershed Administrators (MAWA) meeting and Fjestad has a MAWD Board meeting prior to the MAWD event. They will be going to St. Paul on Tuesday (3/17/20), so Van Amburg and Hanson could ride down together on Wednesday. Van Amburg will contact Hanson to discuss travel arrangements. Invitations have already been sent to our local Legislators, and staff will schedule appointments to meet with them.

Larson commented that his remaining corn harvest, which was postponed last fall because of poor weather and field conditions, has started up again this spring.

Attorney Edison noted that the DNR contested case pre-trial testimony is due on 3/23/20. He suggested that an executive session should be placed on the meeting agenda for a litigation update.

Leitch wished Anderson a Happy Birthday. He asked about the status of the 2019 Annual Report. Fenger said that staff is working on it. Leitch also wanted to discuss scheduling an Oakport project open house. Albright said the staff can start making arrangements in the near future. Anderson suggested that the Clay County Sheriff's Department might be a nice venue for the event.

The BRRWD Advisory Committee's annual meeting has been scheduled for Thursday, April 2, 2020, at 2:00 PM in the Barnesville Office. There will be a catered meal following the meeting.

Leitch noted that he has a deposition tentatively scheduled for April 1, 2020, at the Vogel Law Office in Fargo, regarding the Diversion Authority's permit denial lawsuit.

Leitch reviewed a copy of the Total Maximum Daily Load (TMDL) and the Watershed Restoration and Protection Strategies (WRAPS) Reports for the Otter Tail River. He asked when the reviews were due and where they should be sent. Albright will send Leitch the email used to forward the documents that has instructions about how to submit comments. Leitch also reviewed the draft One Watershed, One Plan (1W1P) and asked when those comments were due. Albright said that the Policy Committee will receive the draft Plan at their next meeting on 3/25/20, so comments are due by 3/15/20. Leitch gave both documents to Fjestad for review. Fjestad is Leitch's alternate on the 1W1P Policy Committee.

Lyle Hovland noted that the 3/25/20 Policy Committee meeting will be rescheduled because of a SWCD meeting conflict.

Leitch commented that the Board and audience discussed contentious issues at tonight's meeting. He thought we should behave like adults and be able to discuss controversial subjects and conduct business without taking personal offence.

Next Meeting Agenda. Anderson asked about the status of the repairs for Clay C.D. Nos. 11, 36, and 40. Albright said the staff will try to schedule a landowner informational meeting before spring field work starts to present the study details and determine how the landowners want to move forward.

Next Meeting. The next regular BRRWD meeting will be held on Monday, March 23, 2020, at 7:00 PM in our Barnesville office.

Adjournment. President Leitch adjourned the meeting at 8:47 PM.

Respectfully submitted,

John E. Hanson, Secretary