

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING

November 9, 2020

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, November 9, 2020, 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, Catherine L. Affield, John E. Hanson, Gerald L. Van Amburg, Paul G. Krabbenhoft, and Troy E. Larson. Managers attending via conferenced line: Mark L. Hanson. BRRWD staff attending in person were Erik S. Jones, Engineer, RaeAnn Berg, Administrative Assistant, and Zach Anderson, Watershed Specialist, Houston Engineering, Inc. (HEI); BRRWD Attorney Tami Norgard, Vogel Law Firm. Others attending via the conference line: Brian Stavenger, Lauri Dahlberg, and Michael Knutson, Eide Bailly. Attending in person: Warren Dunham, Keene Township Supervisor, and landowner Todd Boit.

BRRWD President Fjestad called the meeting to order at 6:59 PM and informed the audience that the meeting was being recorded to aid in the preparation of meeting minutes.

New Employee. Zach Anderson, the BRRWD's new Watershed Specialist, introduced himself and discussed his previous work experience. He's currently working part-time in the HEI Fargo office until he completes his master's degree in Natural Resources Management. He will then be in the Barnesville office full-time on 12/14/20. At their 10/26/20 meeting, the Board approved a supplement to the current 2020-2021 HEI contract to add Anderson and the new BRRWD Administrator, who will be starting full-time on 11/23/20.

Agenda. Additions to the meeting agenda: Clay County Ditch (C.D.) No. 58 repair. **Motion** by Larson to accept the agenda, as amended. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Secretary's Report. The Board reviewed draft minutes for the 10/26/20 regular meeting. Affield noted some minor corrections. **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 BRRWD's 11/09/20 financial reports. Cash on hand is \$2,692,728.68. Income received since the 10/13/20 meeting totals \$358,398.35, and for the year, totals \$4,586,335.12. The administrative disbursements since the last report totaled \$33,754.20, and for the year is \$368,718.03. **Motion** by Van Amburg to approve the report. **Seconded** by J. Hanson. **Approved** by unanimous roll call vote.

Citizens to be Heard. Warren Dunham, Keene Township Supervisor, discussed the Township's request to clean the west ditch of 210th ST N along the east line of Section 34, Clay County, from the south to the Holte Waterfowl Protection Area (WPA), using the existing 18" dia. east-west culvert into the WPA to establish the correct grade. They also want to install a new culvert in an existing dry approach in the west ditch to improve drainage into the WPA. Jones explained that a BRRWD permit is not required for the ditch maintenance, but they will need to file an application for the new culvert. The Township plans to install the culvert next spring. Jones recommended that the Board approve a permit for the proposed work, subject to Jones' field review to determine the correct culvert sizing (Permit No. 20-127).

Other Business brought before the Board included:

Permit No. 20-120, Tom Paulson/Bruce Yaggie. Applicants propose to regrade the west township road ditch in the W½, Section 21, Mitchell Township, Wilkin County, and lower the diagonal culvert between Sections 21 and 17, according to the HEI plan, and add another culvert in this location to provide an outlet into Project No. 79, Wolverton Creek Restoration. Jones noted that the existing culvert is undersized for the upstream drainage area. Yaggie will complete the excavation, and Tom Paulson/Tom Arnhalt will haul the material offsite. Jones recommended permit approval, subject to the applicants following HEI's plan, which includes the additional pipe in the northwest corner of Section 21 to provide an outlet to Wolverton Creek, as a project expense.

Permit No. 20-121, Connie Seidler. Applicant proposes to pattern tile the NE¼ and the east 80 acres of the NW¼, Section 28, Sunnyside Township, Wilkin County, on the boundary between the BRRWD and the Bois de Sioux Watershed District (BDSWD). Jones will review the application after receiving additional information from the applicant. **Action postponed.**

Permit No. 20-123, Bryan Albertson. Applicant proposes to reset a culvert and clean the ditch to grade along County Road (C.R.) No. 169 on the west side of the NW¼, Section 29, Akron Township, Wilkin County, to improve drainage. Jones recommended permit approval, subject to County approval to work within their road right-of-way (R/W).

Permit No. 20-124, Matthew Hasbargen. Applicant proposes to add a new approach/18" dia. x 60' long culvert in the northwest corner of the NW¼, Section 16, Sunnyside Township, Wilkin County, off C.R. No. 14 to enter the road directly from the field and then remove the existing field crossing in the north-south ditch in the northwest corner of the field. Jones recommended permit approval, subject to County approval to work within their road R/W.

Motion by Larson to approve Permit Nos. 20-120 20-123, 20-124, and 20-127, subject to the referenced disclaimers and conditions. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Section 13, Audubon Township Drainage. At 7:30 PM, President Fjestad called the Complaint Hearing to order to consider Todd Boit's drainage violations in Section 13, Audubon Township, Becker County. The Managers sent Boit a letter after the 10/26/20 meeting to invite him to tonight's meeting to discuss the list of actions Boit needs to complete in order to correct the area drainage to comply with BRRWD Rules and to address his neighbors' concerns. His neighbors were also invited to attend the meeting. Jones discussed Boit's drainage activities on his property that have infringed on his neighbors' drainage easements, which they obtained from the previous landowner for their tile project. Boit was given the opportunity to discuss his drainage activities. He explained that at the time he purchased the property and blocked his neighbors' tile outlets, he was not aware of their drainage and access easements. Attorney Norgard pointed out that Boit is legally bound by the easements whether or not he was aware of them when he purchased the property. The Board had an extended discussion with Boit regarding these issues, including remedial actions Boit needs to complete. As an initial step to address his neighbor's complaints, the Board thought that Boit should unblock the tile outlets. They also encouraged Boit to work with his neighbors to determine the location of their easements on his property. BRRWD offered to provide their engineering consultant to assist Boit and his neighbor to mediate the possibility of relocated drainage easements and a new roadway location. **Motion** by Larson directing Todd Boit to unblock his neighbors' tile outlets on his property by 11/23/20. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote. At 8:11 PM, Fjestad closed the hearing.

Eide Bailly Report. Eide Bailly staff presented a draft summary of their report regarding their cost comparison analysis of transitioning the current HEI office staff to BRRWD employment. Eide Bailly investigated Human Resources (HR) cost factors: Current staff and compensation, benefits, current staff tasks, job responsibility, and tasks not performed by the current staff. Overhead and administration costs were also examined. Eide Bailly's draft report showed a \$60,000 increase in staff costs if the decision is made to transition the current HEI contracted office staff to BRRWD employment. The report noted that if it is determined that there is a conflict of interest in retaining the HEI staff in administrative roles, the

recommendation would be to offer the current employees a position with BRRWD with similar pay and benefits to make a smooth transition. They recommended identifying consultants to assist with IT, Payroll, HR, Accounting, Marketing and working with them to establish administrative processes, tools and resources that can be carried out daily. Eide Bailly also noted that if it is determined that there is not a conflict of interest in retaining the HEI staff in administrative roles, they recommend keeping the current work relationship with the HEI employees, as it will be less costly and more efficient to do so.

Following an extended discussion, the Board agreed to schedule a future special meeting with Eide Bailly and the full HR Committee to have an in depth review of the report.

Audubon Dakota Request. Audubon Dakota was approached by Harvest Hope Farm, who is interested in expanding their sheep flock grazing land onto the Oakport Prairie restoration area. The owners of the non-profit farm are raising sheep for neurological disease research. Audubon Dakota is very interested in pursuing a partnership with the farm, as it presents benefits, such as sustaining native vegetation diversity through rotational grazing, community engagement opportunities, and research value. More discussions with other agencies and the City of Moorhead will take place before the BRRWD needs to make a decision regarding the request.

Project No. 79, Wolverton Creek Restoration. The Minnesota Board of Water and Soil Resources (BWSR) has the Reinvest In Minnesota (RIM) easements on the former Blilie property ready for signature. **Motion** by Larson to authorize the "BRRWD President" office holder to sign the paperwork on behalf of the Board. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

Clay C.D. No. 68 Repairs. The Board reviewed a proposed channel cleanout for C.D. No. 68 on the west side of Glyndon from Parke AVE to the railroad tracks at the 10/26/20 meeting. The probable repair cost is \$6,000-\$7,000 for materials and labor. **Motion** by Fjestad to approve the referenced repairs. **Seconded** by Larson. **Approved** by unanimous roll call vote.

Clay C.D. No. 58 Repair. The Board reviewed a proposed channel cleanout for a two mile stretch of C.D. No. 58 from the outlet in Section 4 through C.R. No. 17 in Section 10, Elmwood Township. The work is estimated to cost approximately \$20,000. **Motion** by Van Amburg to authorize the referenced repair. **Seconded** by Affield. **Approved** by unanimous roll call vote.

One Watershed, One Plan (1W1P). Van Amburg reported that the BWSR Board approved the Buffalo-Red River Watershed (BRRW) 1W1P on 10/28/20. He noted that the Plan received good comments from BWSR.

Minnesota Association of Watershed Districts (MAWD). MAWD is holding a virtual Annual Meeting and Trade Show on December 1-4, 2020. The Board discussed appointing two delegates and one alternate. **Motion** by Larson to appoint Managers Van Amburg and Fjestad as meeting delegates and Affield as the alternate delegate. **Seconded** by Krabbenhoft. **Approved** by unanimous roll call vote. The Board will review the MAWD 2020 resolutions at their next meeting.

HR Report. Krabbenhoft asked about the source of the concerns regarding the BRRWD staff having a potential conflict of interest. Attorney Norgard explained that the office staff could appear to have an "institutional" conflict of interest. This issue was raised during the Fargo-Moorhead Diversion permit denial lawsuit. She noted that given the information Eide Bailly and the Attorneys have provided, the Board will have to decide how they want to approach the issue of staff employment. A brief discussion followed regarding assertions that the Board could save significant amounts of money if the Board transitioned the staff to BRRWD employment and how conflict of interest claims might be addressed.

Office Phone Transfer. Jones reported on the status of the office phone transition to Microsoft Teams calling.

The following bills were presented for approval:

| Accounts Payable | Description | Account | Amount |
|--------------------------------------|---------------------------------------|------------------------|----------------------|
| American Enterprises, Inc. | Levee Work | Pj. 49, Oakport | \$ 37,020.00 |
| Anita Christiana | Easement Option | Pj. 79, Wolverton Crk. | \$ 1,081.62 |
| aramark | October billing, Office Rugs (2) | Admin. | \$ 95.92 |
| City of Barnesville | 10/25/2020 Phone & utilities billing | Admin. | \$ 597.50 |
| Deluxe for Business | #02048306488 Envelopes | Admin. | \$ 159.99 |
| Fremstad Law Firm | #442 November Billing | COE | \$ 14,673.00 |
| Fuchs Sanitation | #52590 10/31/20 Garbage billing | Admin. | \$ 56.16 |
| Gerald L. Van Amburg | Voucher #20-34, 09/01/20-10/31/20 | Admin. | \$ 1,344.12 |
| Gerald L. Van Amburg | Voucher #20-34, 09/01/20-10/31/20 | COE | \$ 525.00 |
| HEI | November Billing | Varies-See attached | \$ 119,752.52 |
| International Water Institute | 2020 WQ Monitoring, 7/1/20 to 9/30/20 | M.S.A.103D.905 | \$ 12,252.56 |
| Jay Sherwin | Easement Option | Pj. 79, Wolverton Crk. | \$ 1,081.63 |
| JB Construction Services | #536 October Snow Removal | Admin. | \$ 80.00 |
| John E Hanson | Voucher #20-31, 09/01/20-10/31/20 | Admin. | \$ 763.49 |
| John E Hanson | Voucher #20-31, 09/01/20-10/31/20 | COE | \$ 320.57 |
| Moorhead Public Service | 09/17/20-10/19/20- Service FL #21 | Pj. 49, Oakport | \$ 31.46 |
| Pitney Bowes | Acct # 0017271277-Meter Rental | Admin. | \$ 129.00 |
| Pure Health Solutions Inc. | October Water Billing | Admin. | \$ 59.06 |
| Red River Valley Co-op Power | 10/01/20-11/01/20 Service | Pj. 49, Oakport | \$ 78.00 |
| RMB Environmental Laboratories, Inc. | #519418 WQ Analysis | M.S.A.103D.905 | \$ 500.00 |
| RMB Environmental Laboratories, Inc. | #519539 WQ Analysis | M.S.A.103D.905 | \$ 395.00 |
| Robert J. Bowers | Beaver Dam Removal | Varies | \$ 1,300.00 |
| Ryan Beattie | #600 Beaver Removal | Varies-See attached | \$ 964.90 |
| Schritz Plumbing & Heating LLC | New Water heater & Installation | Admin | \$ 950.00 |
| Troy Larson | Voucher # 20-33 | Admin. | \$ 1,319.96 |
| U.S. Bank Equipment Finance | 10/27/20-11/27/20 Copier Lease | Admin. | \$ 274.65 |
| Vogel Law Firm | #264024 November Billing | COE | \$ 171.50 |
| Vogel Law Firm | #264025 November Billing | Pj. 79, Wolverton Crk. | \$ 98.00 |
| Wild Rice Electric Cooperative, Inc. | 09/18/20-10/18/20 Service (2) | Pj. 46, Turtle Lake | \$ 70.62 |
| Xcel Energy | 09/23/20-10/22/20 Gas Service | Admin. | \$ 62.99 |
| | | | \$ 196,209.22 |

Motion by J. Hanson to approve payment of the bills. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Next Meeting Agenda. The Board will review the MAWD resolutions. The new BRRWD Administrator will be at the 11/23/20 meeting.

Next Meeting. The next regular BRRWD meeting is scheduled for Monday, November 23, 2020, at 7:00 PM in our Barnesville office via online conferencing, depending on the COVID-19 meeting restrictions.

Adjournment. President Fjestad adjourned the meeting at 9:47 PM.

Respectfully submitted,

John E. Hanson, Secretary