

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

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## MINUTES FOR MANAGERS' MEETING July 13, 2020

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, July 13, 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, Troy E. Larson, John E. Hanson, and Gerald L. Van Amburg, and via conference line: Mark T. Anderson. BRRWD staff attending were Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI) and via conference line: Kathleen K. Fenger, BRRWD Interim Administrator, HEI. Others attending in the office: Lyle Hovland, Wilkin County Commissioner, and Attorney Brent Edison, Vogel Law Firm; and via conference line: Jenny Mongeau, Clay County Commissioner.

BRRWD Acting President Fjestad called the meeting to order at 7:01 PM.

**Agenda.** Fjestad asked for comments or additions to the meeting agenda. Items added: Discussion regarding the Whiskey Creek Enhancement Project Environmental Assessment Worksheet (EAW), Becker County Ditch (C.D.) No. 5, Wilkin C.D. No. 27, Clay C.D. No. 11N, and a cost-share request for a shoreline restoration on Project No. 46, Turtle Lake Outlet. **Motion** by Van Amburg to approve the agenda. **Seconded** by Larson. **Approved** by unanimous roll call vote.

**Secretary's Report.** The Board reviewed draft minutes for the 6/22/20 regular meeting. Affield noted two minor corrections. **Motion** by Affield to approve the 6/22/20 minutes, subject to correction. **Seconded** by Larson. **Approved.** They also reviewed draft minutes for the 3/5/20 Clay C.D. Nos. 20, 22, 23, 28, and 51 Redetermination of Benefits Hearing. **Motion** by Anderson, **seconded** by Affield to approve the 3/5/20 minutes. **Approved** by unanimous roll call vote.

**Treasurer's Report.** The Board reviewed the BRRWD's 7/13/20 financial statements, including the project account balance sheet, administrative disbursements, and summary of income. Cash on hand is \$3,289,164.06. The current administrative disbursements since 6/8/20 totaled \$29,067.92, and the total for the year is \$214,487.25. Income received since the last meeting totals \$2,027,266.91 and for the year, totals \$2,982,124.67. We received \$1.4 million from the Minnesota Board of Water and Soil Resources (BWSR) FY16 Targeted Watershed Grant for Project No. 79, Wolverton Creek Restoration, and 2020 property/ditch tax payments from Clay County (\$503,839.67-property only), Becker County (\$64,401.20), and Otter Tail County (\$330.11). Van Amburg has contacted Clay County regarding the status of their 1<sup>st</sup> half ditch tax payment. They plan to send the proceeds as soon as possible. **Motion** by Hanson to approve the Treasurer's Report. **Seconded** by Affield. **Approved** by unanimous roll call vote.

The Board discussed scheduling the 2021 Budget Hearing. Fenger asked if the Board would authorize her to contact former Administrator Bruce Albright to work with her on preparing the Budget Hearing financials, since she had minimal training on preparing the budget hearing worksheets. **Motion** by Van Amburg to schedule the 2021 Budget Hearing for 8/24/20 and to retain Albright to assist with the Budget Hearing process, as needed. **Seconded** by Hanson. Affield asked if the Board would pay Albright directly, or if Albright would be paid through HEI. Jones thought the Board would hire Albright directly. Affield noted that we would have to contact Albright to determine his rate. **Approved** by unanimous roll call vote.

**Executive Session.** **Motion** by Hanson to go into closed session. **Seconded** by Affield. **Approved** by unanimous roll call vote. At 7:10 PM, the Board went into Executive Session, according to Attorney-Client privilege exception provided in Section 13D.05, Subd. 3b, to discuss the permit appeal lawsuit and the Minnesota Department of Natural Resources (DNR) Contested Case. The Board reconvened the meeting at 7:41 PM. Attorney Edison asked the Board for authority to hire an expert witness hydrologist (\$140/hour for review/consultation and \$210/hour for deposition/trial testimony), should it become necessary, to review the DNR's review of some new property rights acquisition mitigation information, modeling, and impact maps produced by the Diversion Authority (DA). **Motion** by Larson to authorize Edison to hire an expert witness, if needed in rebuttal to the DNR. **Seconded** by Affield. **Approved** by unanimous roll call vote.

Lyle Hovland, Wilkin County Commissioner, noted that Attorney Edison acquitted himself very well during the Contested Case hearing.

The Board discussed their appointment to serve on the Minnesota-Clay County Joint Powers Agreement (MCCJPA) land acquisition committee. The Board appointed Manager Anderson to assume the BRRWD's seat on the MCCJPA at their June 8, 2020 Board meeting, but it has been established that Anderson has a conflict of interest regarding the Diversion project, which also applies to serving on the MCCJPA. **Motion** by Larson to appoint Manager Van Amburg to the MCCJPA. **Seconded** by Hanson. **Approved** by unanimous roll call vote.

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

**Permit No. 20-050, Matt Halverson.** Applicant proposes a wetland restoration in the SW<sup>1</sup>/<sub>4</sub>, Section 14, Elkton Township, Clay County, using scrapes and ditch plugs, as part of a Conservation Reserve Enhancement Program (CREP) conservation easement project. Jones noted that the work would only affect Halverson's property and recommended permit approval.

**Permit No. 20-052, Jerry Butenhoff.** Applicant proposes a wetland restoration in the W<sup>1</sup>/<sub>2</sub>, Section 12, Elkton Township, Clay County, using minor scrapes and embankments, as part of a CREP conservation easement project. Jones noted that the work would only affect Butenhoff's property and recommended permit approval.

**Permit No. 20-053, Gerald Zimmerman.** Applicant proposes to install pattern tile in the NW<sup>1</sup>/<sub>4</sub>, Section 4, Moland Township, Clay County, running south to north, outletting via a lift station and/or control structure in the middle of the quarter into Clay C.D. No. 65 on the north side of the property, to which the land is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

**Permit No. 20-054, Todd Boit.** Applicant proposes to install a new culvert with the south end positioned 1' lower than the existing pipe in the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 13, Audubon Township, Becker County. Boit indicated that the County will furnish the pipe, and he will install it. The group discussed area drainage patterns, and Boit's past drainage violations in this area. Last year, Boit submitted Permit No. 19-060 for similar work. The Board denied that application because of outstanding violations that he did not address. Last September, the office sent a letter to Boit advising him that when he corrects the various actions that have affected the area drainage, and when he comes to an agreement with the Ronning family regarding drainage on their property on the north side of the County road, the Board would be able to consider his application. Jones recommended postponing action on the permit, pending Manager field review and further investigation regarding Boit's action to correct the noted violations. **Action Postponed.**

**Permit No. 20-055, Shawn Norman.** Applicant proposes to add the east 80 acres in the NW<sup>1</sup>/<sub>4</sub>, Section 15, Manston Township, Wilkin County, to Norman's existing tile main project (Permit No. 18-003), draining to the existing project outlet. Jones recommended permit approval, subject to our standard tiling disclaimer.

**Permit No. 20-056, Pheasants Forever (PF).** Applicant proposes 13 wetland restorations by means of sediment removal, ditch plugs, and potential tile removal, plus crossings with culverts in the NW¼NW¼, Section 8, and the E½SW¼, Section 5, Parke Township, Clay County. Jones recommended permit approval.

**Permit No. 20-058, David Simmer.** Applicant proposes lowering the elevation of an 18" dia. culvert that the township plans to replace at the intersection of 300<sup>th</sup> AVE and 260<sup>th</sup> ST in the SE¼, Section 20, Akron Township, Wilkin County. He would like the culvert lowered about 6". Jones recommended permit approval, subject to township approval to work within their road right-of-way (R/W).

**Permit No. 20-059, Kraig Nelson.** Applicant proposes the installation of random drain tile and culvert installations for field crossings in various locations in Sections 9, 11, and 12, Audubon Township, Becker County. Jones recommended permit approval, subject to our standard tiling disclaimer.

**Permit No. 20-060, Ed Askegaard.** Applicant proposes to pattern tile 156 acres in the NE¼, Section 10, Mitchell Township, Wilkin County, via a lift station to C.D. No. 22-Lateral No. 2, to which the property is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

**Permit No. 20-061, Michael Yaggie.** Applicant proposes to install pattern tiling with 60' spacings in the E½, Section 28, Nilsen Township, Wilkin County, outletting to C.D. No. 3-Branch 3, to which it is assessed. Jones recommended permit approval, subject to our standard tiling disclaimer.

**Permit No. 20-062, Wilkin County Highway Department.** Applicant proposes to repair the centerline pipe through County Road (C.R.) No. 186. After further review, Tim Christopher, Wilkin County Highway Department, notified Jones that he plans to modify the application in the near future with a possible replacement of the existing 30" dia. reinforced concrete pipe (RCP) and 30" dia. corrugated metal pipe (CMP) with a single line of 49" x 33" arch pipe (CMP-A). Jones recommended postponing action on the permit until Christopher contacts us with a final plan. **Action Postponed.**

**Motion** by Larson to approve Permit Nos. 20-050, 20-052, 20-053, 20-055, 20-056, 20-058 through 20-061, subject to the referenced disclaimers and conditions. **Seconded** by Affield. **Approved** by unanimous roll call vote.

**Project No. 67, HRBP Lakes Outlet.** Landowner Pat Peck has requested the Board to reimburse him for the cost of the gravel to raise his driveway to adjust to the rise in Pete Lake's elevation. The cost of the gravel was \$791.78. Since 2010 when the BRRWD completed an outlet project for Helgeson, Randkler, Businger, and Pete (HRBP) Lakes, the runoff elevation of the Pete Lake outlet has been modified higher a couple of times in response to Pete Lake landowner requests. Due to the spring runoff, Pete Lake was at elevation 1356.1 in June, which affected Peck's private driveway near the outlet. He is not concerned with the higher water elevation but asked for help with the driveway gravel costs. Jones recommended that the Board agree to reimbursing Peck for his driveway gravel as a project expense because we are operating the project higher than the original elevation. **Motion** by Hanson to reimburse Peck for his expenses. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

**Project No. 79, Wolverton Creek Restoration.** Jones gave a status report for the Phase 1 work. There were some repairs needed after the heavy rainfall event last week. Sellin Brothers, Inc. is working on seeding and expects to complete Phase 1 in the next few weeks. Jones submitted Change Order No. 5 for quantities adjustments, the Krupich driveway, and channel realignment on the Michael Ernst farmstead, for a net decrease in the contract of -\$18,790.65. He also submitted Pay Request No. 12 for \$265,001.36. **Motion** by Van Amburg to approve Change Order No. 5 and Pay Request No. 12. **Seconded** by Hanson. **Approved** by unanimous roll call vote.

**Clay C.D. No. 21 Culvert Repair.** Jones presented repair recommendations for C.D. No. 21 in the northwest corner of Section 1, Elmwood Township. A band on a 36" dia. CMP field inlet pipe has failed and will need to be replaced along with any damaged or deteriorated pipe. The opinion of probable cost is \$2,000-\$3,500, depending on how much of the existing culvert can be salvaged. The other repair request is from Elkton Township for a culvert in C.D. No. 21 through 130<sup>th</sup> ST S between Sections 5 and 6. The existing 60" dia. RCP has minor joint separation causing some settling along the road ditch slope adjacent to the road surface. Jones recommended excavating the pipe and wrapping the joints with geotextile fabric to prevent water from washing soil through the joints. His opinion of probable cost is \$2,000-\$3,000 for materials and labor. **Motion** by Anderson to authorize the noted repairs for C.D. No. 21. **Seconded** by Affield. **Approved** by unanimous roll call vote.

**Clay C.D. No. 58, Culvert Repair.** Elkton Township requested the repair of a culvert in C.D. No. 58 through 130<sup>th</sup> ST S between Sections 17 and 18 where a 48" dia. CMP and a 36" dia. RCP have both failed and need to be replaced. Jones recommended replacing the existing culverts with a single line of 73" x 55" CMP-A. His opinion of probable cost is \$20,000 for materials and labor. There is a possibility that these costs would be split with the Township. **Motion** by Van Amburg to authorize the noted repairs, subject to a 50/50 cost-share agreement with Elkton Township. **Seconded** by Van Amburg. **Approved** by unanimous roll call vote.

**Wilkin C.D. No. 12 Repair Investigation.** Jones discussed slope failures next to a farmstead where C.D. No. 12 enters the Red River north of Breckenridge. The Wilkin Soil and Water Conservation District (SWCD) is asking the BRRWD to conduct a preliminary survey investigation, provide a concept plan, and potentially submit a BWSR Clean Water Fund (CWF) grant application for erosion control. **Motion** by Larson to authorize Jones to work with the SWCD to investigate a possible repair of C.D. No. 12. **Seconded** by Affield. **Approved** by unanimous roll call vote.

**2020 Ditch Spraying.** Wade Opsahl, HEI Technician, completed inspections for cattails, trees, and noxious weeds along the Clay and Wilkin County ditch systems. He has prepared a map of the locations that should be sprayed. Jones recommended hiring LM Road Services, from Ulen, MN, to complete the spraying. Their rate is \$125/hour, plus the cost of the chemical. **Motion** by Affield to approve the recommended ditch spraying. **Seconded** by Hanson. **Approved** by unanimous roll call vote. Anderson suggested that staff include the Wolverton Creek area for potential spraying. The Wilkin SWCD is currently mowing to control weeds along Wolverton Creek.

**Whiskey Creek Restoration.** Jones reported that the Whiskey Creek EAW comment period has ended, and we received four comment letters. They were incorporated into the Record of Decision, which was distributed to the Managers for their review. The EAW Findings was that an Environmental Impact Statement (EIS) won't be required for the proposed project. **Motion** by Van Amburg to authorize signature of the EAW. **Seconded** by Anderson. **Approved** by unanimous roll call vote.

Later in the meeting, Jones discussed setting up a water management district (WMD) to fund the local share of the restoration project, which would be similar to the WMD used to fund the local share of the Wolverton Creek Restoration project. The Board reviewed Jones' draft version of a potential WMD fee proposal based on historic changes to sediment and runoff contribution within the contributing drainage area to the Whiskey Creek watershed for a 10-year rainfall event. Assuming a \$150,000 assessment, he calculated potentially varying rates of \$1.00, \$1.25, \$1.60, and \$2.50 per acre based on contribution changes. Jones explained that after the BRRWD's One Watershed, One Plan (1W1P) is approved, the BRRWD can hold the final project hearing. He recommended that the Board wait until after the 1W1P is finalized later this year before scheduling the project hearing. Jones discussed potential state and federal cost sharing options for the project. He will prepare a memo regarding his WMD proposal and easement rates in association with Conservation Reserve Program (CRP) and CREP acreage for the Board's review and further discussion.

**Becker C.D. No. 5.** Kraig Nelson had concerns about a stretch of C.D. No. 5 where he would like to install a pipe to replace a ditch channel that conveys water to the main ditch. He would like to extend an existing pipe to reduce erosion potential and improve the farmability of the adjacent field. Jones explained that a change of this nature would typically require a ditch improvement process. Nelson wants the Board to authorize Jones to work with him on this issue, including a review of the historic ditch records and to provide advice on the improvement process. **Motion** by Hanson to authorize Jones to work with Nelson, as noted. **Seconded** by Affield. **Approved** by unanimous roll call vote.

**Wilkin C.D. No. 27.** Earlier this year, the Board approved a repair of the C.D. No. 27 east/west branches and the installation of side inlets. The Wilkin SWCD will provide \$159,395.99 in grant funds to help pay for the work with a 25% match from the BRRWD. The SWCD forwarded an agreement for the Board's review and signature. **Motion** by Larson to authorize Fjestad to sign the agreement. **Seconded** by Affield. **Approved** by unanimous roll call vote.

**Project No. 61, Clay C.D. No. 11N.** Todd Brakke called about a culvert elevation on the east side of 28<sup>th</sup> ST along County State Aid Highway (CSAH) No. 8. Opsahl surveyed the area and determined that the pipe should be lowered about 6"-9" to get grade from the north. The culvert work should be done before the County paves their highway. Jones contacted the County Highway Department to ask if their contractor could lower the culvert. The County will try to work it into the contractor's schedule. At this point, it hasn't been determined if the cost will be covered by the County as part of their road project or if it will be a ditch system expense. Commissioner Mongeau noted that she will contact the County Engineer regarding this issue. Jones pointed out that this problem probably wouldn't have been noticed except for the recent heavy rainfall events. This drainage problem predates the highway project. The project designer would have had to extend the survey further upstream than they normally would to notice the elevation problem.

**Project No. 46, Turtle Lake Outlet.** Fenger reported that Tony Leaf contacted the office regarding a shoreland restoration and protection project on his property. Leaf is working with the Clay County Zoning and Planning and SWCD. He requested that the BRRWD consider a 25% cost-share contribution of \$1,999.38. The BRRWD has provided 25% cost-share payments for similar shoreland projects in the past. **Motion** by Van Amburg to approve the cost-share assistance, not to exceed \$1,999.38, or 25 percent of the total project costs, whichever is less for Leaf's project. **Seconded** by Hanson. Van Amburg asked if the DNR has funds available to help with the cost of shoreland restoration projects. Jones explained that the Clay SWCD is handling the design, and Fenger noted that they have also agreed to provide 50% of the project costs from shoreline restoration grant funds. Traditionally, the landowner is responsible for the remaining 50%, but the BRRWD has typically agreed to contribute 25% of the landowner's share to support shoreline restoration projects. **Approved** by unanimous roll call vote.

**Riverton Township 145<sup>th</sup> ST Drainage Repairs.** Riverton Township Supervisor Archie Tanner discussed options with Jones to address drainage repairs on 145<sup>th</sup> ST. Jones had given Tanner a construction estimate of about \$6,000 for the work. The Township is going to meet on July 14<sup>th</sup> to discuss their willingness to participate with the BRRWD on potentially addressing drainage improvements along 12<sup>th</sup> AVE S and 145<sup>th</sup> ST. Tanner also suggested that another option would be for the landowners along these ditches to potentially share in the costs. Jones noted that additional information will be forthcoming at a future Board meeting once the Township has met to discuss the area drainage.

**Deerhorn Township Culvert Concern.** Fenger reported that she and Manager Anderson met with Ken Packer regarding his concerns about an approach culvert elevation in Section 24, Deerhorn Township, Wilkin County, along the west side of C.R. No. 11. The approach/culvert appears to be about 1'-1.5' higher than the downstream culvert in John Thompson's driveway and is holding water on the cropland. The Township is requesting that the BRRWD authorize a culvert survey of the driveway and two approaches. Anderson thought that we needed to determine the culvert elevation. Jones suggested that staff could contact the Wilkin County Highway Department to see if the County would conduct the survey, since it's in their road. **Motion**

by Anderson to authorize HEI to handle the Township's survey request. **Seconded** by Hanson. **Approved** by unanimous roll call vote.

**Larry Henry Drainage Concern.** Wes Drake, Becker SWCD, who was the Natural Resources Conservation Service (NRCS) Engineer for the Larry Henry grade stabilization project in 2017, along with Kevin Kassenborg, Clay SWCD, conducted a field review regarding Henry's request to clean approximately 0.25 miles of a private ditch in Section 16, Hawley Township, Clay County. They determined there were some problems further downstream from where the NRCS project stopped in 2017 that could benefit from further work. Drake estimated that it could take him 6-8 weeks to prepare recommendations. Henry has requested that the BRRWD cost-share this proposed project. Jones suggested that the Board could defer a decision about funding until a plan with estimates is prepared.

**HR Committee Report.** Affield reported that Attorney Edison provided his opinion letter regarding the current BRRWD office staffing arrangement and concerns about the appearance of conflict of interest, including comments from BRRWD Attorney Tami Norgard, Vogel Law Firm. Van Amburg commented that he thought that while there is a perceived appearance of potential conflict, he pointed out that the BRRWD has never been challenged or questioned regarding this issue during the 35 years he has served as a Manager. He thought the Board should have a thorough discussion regarding this issue. Van Amburg commented that the Managers need to set aside a time to meet as a Board to rekindle the spirit of collegiality that has been missing over the past few years. He discussed his concerns about how recent events have affected the Board/Staff, and the need to get the BRRWD back on solid footing.

Commissioner Hovland agreed with Van Amburg. He voiced his concerns about how the Board will move forward following recent events that changed the makeup of the Board and BRRWD Staff. He encouraged the Board not to make any rash decisions about staff changes at this time, following Albright's retirement, to give the new Administrator and staff some time to adapt. Van Amburg added that the staff has their hands full right now with new duties and responsibilities, and he didn't think the Board should add another issue with employment transition. An immediate challenge will be preparing for the upcoming budget hearing process. He thought the Board could consider staff transition at a later date. Hovland pointed out that the Board needs to have staff consensus about the transition, or the process could be difficult. At some point, however, he thought the staff will have to respect the Board's authority to make the decision regarding their employment status, but the Board must also do their due diligence to be sure it's the right choice.

Affield stressed that our attorneys were adamant that having HEI employees as BRRWD office staff was a significant problem and something the Board should be concerned about. She felt strongly that now is the time to transition from HEI staffing to inhouse BRRWD staff, given a change in Administrators. She referenced Red Lake Watershed District, who could give the Board advice about how to handle inhouse staffing. She believes that this will be a seamless transition, and that it's not fair to the staff to keep them guessing about what's going to happen with their employment.

Hovland observed that the conflict issue might have been exaggerated by the attorneys during the Contested Case hearing. He thought that there was just too many factors confronting the new staff to throw in employment change. Affield asked Hovland what advantage he saw in waiting to transition the staff. He observed that the office staff has to adapt to issues like the COVID-19. Van Amburg asked Affield what she thought was the problem with waiting. She thought now was the time since we are already making the change to a new Administrator. She reiterated that the change will be seamless, as things won't be any different. We will still have HEI as our engineer. She referenced the BRRWD's organizational chart, noting that HEI should be under the BRRWD Administrator.

Hovland asked if former BRRWD President Jay Leitch's claims about huge cost savings for staff was ever addressed. Affield noted that the conflict of interest concerns trump cost savings. She didn't think the cost numbers were as important as the potential conflict of interest.

Commissioner Mongeau asked if the HR committee had information about what the cost benefit would be for the BRRWD to transition the staff from HEI. Affield said that the concern about the conflict of interest appeared to be a bigger problem than staff costs. Bringing the staff inhouse was the right thing to do for the organization and in the best interest of the BRRWD. Mongeau pointed out that at the state level, the BRRWD is considered to be one of the highest functioning districts in the state that other districts strive to emulate.

Van Amburg commented that the transition issue started with the staffing costs issue, but when the HR committee looked at the evidence, they found that instead of saving money, it might cost the BRRWD more to transition to inhouse staff. So then, the issue changed to the conflict of interest. He noted that there was one former Board member who was focused on changing the hiring practice for the BRRWD staff. He suspects that individual is still exerting some influence regarding this issue, and he shouldn't be involved anymore.

Affield noted that people don't like change and it never seems to be the right time, but for the BRRWD to be visionary, they must address this conflict of interest problem. Fenger suggested that the Board should probably consult with the BRRWD's Advisory Committee before making such an important decision. She added that maybe the decision could be delayed until Clay County appoints their new Manager. Hovland noted that a second HR Committee meeting with representatives from the Advisory Committee had been planned so that the group could review the HR Committee's findings about costs, etc., but that meeting was never held. Affield didn't think another meeting had been planned.

Larson commented the idea that the proposed staff transition will be "seamless" is not realistic. From his experience, the process will take a lot more work from the Board than any of the Managers expect. He commented that the two attorneys only gave their opinions. He suspected that we could probably find two attorneys that would have the opposite opinion. He pointed out that this was not an easy decision to make, and the HR Committee didn't seem to have answers to the Commissioners' questions about the results of the staffing costs research.

Affield commented that she was not in favor of waiting. She agreed that the attorneys gave their opinion that the BRRWD could have the appearance of a conflict of interest regarding their staff's employment. Larson pointed out that saying the BRRWD could have a conflict is very different from saying we do have a conflict. He noted that Van Amburg stated that the BRRWD has never had an actual conflict of interest incident regarding the staff. A potential for a conflict is different than actually having a conflict. Affield pointed out that over the years, the issue of conflict of interest has become more significant. Van Amburg didn't think the Board was ready to make the decision to move forward at this time with transitioning the staff. He suggested that the Board give the new Administrator a chance to settle into her new role without distracting her with added HR issues.

Larson commented that he had agreed with the idea of making the switch when Albright retired, but now might not be the right time with all the extra issues the Board is involved with currently. Hanson thought that there will come a time in the future for the BRRWD to have their own staff, but as far as the conflict of interest, we have never had a problem with that issue. Anderson noted that it was hard for him to hear the other Managers' comments on the conference phone line. He agreed that staff change is probably in the future, but with the current state of our ability to hold meetings, etc. because of the pandemic, it might be important not to make changes for the next few months.

Affield thought that during the COVID-19 shutdown, office work has slowed down, so this might be the time to make the transition, because once we can start holding hearings, and things open up, a transition might be more difficult. She added that one of the first issues that she heard about from landowners when she was appointed to the BRRWD Board was about the HEI conflict of interest. Former BRRWD Manager Roger Ellefson talked to her about his concerns regarding HEI staffing. Van Amburg noted that he never heard of HEI staff conflict of interest until recently. He discussed the causes for Albright's retirement and felt the

Board did not offer him enough support. He suggested that the Board needs to face some of the current divisive issues that exist and work through them. Larson noted that, like Affield, he was approached by individuals who had questions about HEI staffing, but over his tenure on the Board, he never witnessed any conflict issues, so he was able to assure those who questioned the staffing setup that we don't have any issues with that problem.

The Board agreed that having a frank discussion about these issues is productive. Affield commented that it might be better for the employees to be protected from the accusation of conflict by transitioning to BRRWD employment. Van Amburg suggested the Board postpone consideration of staff employment until the beginning of next year. Larson thought the HR committee should continue to work on the transition so that when it does occur, it can be as painless as possible. Van Amburg agreed that the Board does need to continue to lay the groundwork for a future change. Anderson thought that the Board should set a target date for staff transition. Commissioner Mongeau suggested that this issue could be addressed in the January 2021 budget. Fenger noted that given the preparations for the 8/24/20 budget hearing, she thought that a 9/1/20 transition deadline was ambitious. The Board agreed to continue the discussion at their 7/27/20 meeting.

**The following bills were presented for approval:**

Accounts Payable	Description	Account	Amount
AmeriPride	#160575935, June Rug Billing	Admin.	\$ 95.92
Braun Intertec	#B217002, Concrete Testing	Pj. 33-EDA Clay C.D. 50	\$ 263.50
Braun Intertec	#B217003, Concrete Testing	Pj. 35-Clay C.D. 47	\$ 1,296.50
Bruce Albright	Witness Testimony	COE	\$ 2,919.00
Carmen Pattengale	June Cleaning (3)	Admin.	\$ 195.00
City of Barnesville	#10050646, Office Building Utilities	Admin.	\$ 612.98
Fuchs Sanitation	#47574, June Billing	Admin.	\$ 56.16
Gene Boyle	#G20-381, Shoreline restoration cost-share	Pj. 46, Turtle Lake Outlet	\$ 518.15
Gerald L. Van Amburg	Voucher# 20-21	Admin./Clay C.D. No. 15	\$ 1,018.38
HEI	July Billing	Varies-See attached	\$ 147,500.69
International Water Institute	#1, WQ Monitoring	MSA 103D0905, Sub. 3	\$ 7,749.86
Janet Shaddix & Associates	#00061855, Transcripts of proceedings	COE	\$ 5,728.50
Janet Shaddix & Associates	#00061859, JPA Deposition copies (3)	COE	\$ 1,767.01
John E. Hanson	Voucher # 20-18	Admin.	\$ 596.30
LREC	06/01/20-07/01/20 Service	Pj. 79, Wolverton Crk.	\$ 26.96
Morton & Janice Brendemuhl	R/W Payment	Clay Co Ditch #51	\$ 8,391.89
MPS	05/14/20-06/17/20 Service, FL #21	Pj. 49, Oakport	\$ 33.17
MSUM - George Holley	Phase I Archaeological Survey	Whiskey Crk Enhancement	\$ 22,000.00
NetCenter Technologies	#178963, Power failure issue	Admin.	\$ 28.75
Olson Construction Inc.	#414963, Beaver removal, Culvert repair	Varies	\$ 5,335.00
Patrick Peck	#3088 Reimbursement, Driveway repair	Pj. 67, HRBP	\$ 791.78
Peter V. Fjestad	Voucher# 20-17	Admin./1W1P	\$ 702.69
Prairie Restorations, Inc.	#22771, Elkton Wetland Prescribed Burn	Wetland Restoration	\$ 5,805.00
Pure Health Solutions Inc.	#10753308, June Water Billing	Admin.	\$ 59.06
RMB Environmental Labs	#504382, WQ Analysis	MSA 103D0905, Sub. 3	\$ 411.00
RMB Environmental Labs	#505116, WQ Analysis	MSA 103D0905, Sub. 3	\$ 790.00
RMB Environmental Labs	#505406, WQ Analysis	MSA 103D0905, Sub. 3	\$ 474.00
RMB Environmental Labs	#507108, WQ Analysis	MSA 103D0905, Sub. 3	\$ 78.00
RMB Environmental Labs	#506929, WQ Analysis	MSA 103D0905, Sub. 3	\$ 291.00
Robert N. Norby	R/W Payment	Clay Co Ditch #51	\$ 3,703.97
RRVCPA	06/01/20-07/01/20 Service	Pj. 49, Oakport	\$ 78.00
Sellin Brothers Inc.	Pay Request No. 12	Pj. 79, Wolverton Crk.	\$ 265,001.36
U.S. Bank Equipment Finance	#418283388 Copier Lease	Admin.	\$ 274.65
United States Treasury	2020 2nd QTR Form 941 taxes	Admin.	\$ 520.20
Vogel Law Firm	#258177, July Billing	Pj. 79, Wolverton Crk.	\$ 908.50
Vogel Law Firm	#258089, July Billing	Admin.	\$ 1,543.50
Vogel Law Firm	#258090, July Billing	COE	\$ 367.50
Wilkin County 4-H	Donation	MSA 103D0905, Sub. 3	\$ 100.00
WREC	05/18/20-06/18/20 Service (2)	Pj. 46, Turtle Lake	\$ 435.72
Xcel Energy	05/26/20-06/24/20 Gas Service	Admin.	\$ 62.99
			\$ 488,532.64



**Motion** by Anderson to approve payment of the bills. **Seconded** by Larson. **Approved** by unanimous roll call vote.

**Project No. 23, Becker C.D. No. 15.** The C.D. No. 15/Hamden Slough hearing will be held July 16, 2020, at 7:00 PM in the Barnesville office with teleconference options in compliance with the COVID-19 protocols.

**Next Meeting Agenda Items.** Jones plans to have a pay request ready for the Clay Ditch Channel Liners repairs, subject to the weather permitting completion of the work, and recommendations for Wilkin C.D. No. 4 repairs. Affield asked about the status of the 2019 audit and the annual report. Fenger noted that staff will be meeting tomorrow with Harold Rotunda, CPA, who is conducting the BRRWD's audit.

**Comments.** Anderson noted a culvert concern on 130<sup>th</sup> AVE in Holy Cross Township, Clay County. Jones will investigate.

**Next Meeting.** The next regular BRRWD meeting is scheduled for July 27, 2020, at 7:00 PM in our Barnesville office via teleconferencing, depending on the COVID-19 meeting restrictions.

**Adjournment.** Acting President Fjestad adjourned the meeting at 9:21 PM.

Respectfully submitted,

John E. Hanson, Secretary