CALL TO ORDER—President James Wuertz called the meeting to order at approximately 1:00 p.m.

AGENDA—The following items were added to the agenda under the Administrator’s Report: representation at the Minnesota Association of Watershed Districts (MAWD) Legislative Days, MAWD dues and the hiring of a recording secretary.

IT WAS MOVED BY James Barchenger, SECONDED BY Bob Brauchler, to approve the Agenda with the additions. MOTION CARRIED.

CONSENT AGENDA—

IT WAS MOVED BY Bob Brauchler, SECONDED BY James Barchenger, to approve the following Consent Agenda:

1. Treasurer's Report and bills to February 12, 2018
   a. Check register—106 Bonanza checking account
   b. Profit & Loss Detail—all accounts
   c. Balance Sheet—all accounts
   Roll call vote was taken.
   Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz
   Opposed: None
   MOTION CARRIED.
Gary Berndt questioned if John Hanson’s vote is legal when done via telephone. Attorney Gerald Von Korff stated electronic voting requires a Skype presence with prior notice of the person’s location. He noted it is okay for Hanson to be present on the phone, but without following notification procedures his vote does not count at this meeting. There must be a notice that Hanson’s location will be at a public location. Hanson wished to take part in the discussions for today’s meeting and acknowledged his vote did not count.

**MINUTES**—The following corrections to the January 8, 2018 minutes were noted:

- correct the spelling of Dave Jennissen name;
- under item 6B. Public Comment, fifth bullet point, BWSR will enforce the rules;
- under paragraph 6C. Acceptance, first bullet point, change the wording from “can change the top of the crown cut edge” to “can change the top of the crown to the cut edge;”
- under paragraph 7C. Acceptance, the motion needs to state the procedure proposed by Attorney Maury Noonan. Cris Skonard stated Attorney Noonan recommended closing the hearing and continuing it after the Findings of Fact could be reviewed;
- under paragraph 10, Summer Intern, the motion was for the Administrator to work with President Wuertz to hire an intern;
- under paragraph 9B2, JD1 Main and Branches—HE1, first bullet point, the County Road needs to be changed from 21 to 22; and
- under paragraph 9B6, CD4: Buffers, third bullet point, determination needs to be changed to redetermination.

Skonard stated he compared his notes and Berndt’s notes with the typed Minutes.

**IT WAS MOVED BY James Barchenger, SECONDED BY Bob Brauchler, to approve the January 8, 2018 Regular Meeting Minutes with the corrections noted above. MOTION CARRIED.**

**Open Discussion from the Public.**

- As to Ditch 29, Paul Osmundson stated he was not happy with the cleaning being done in the rivers; if he is going to be reassessed, he requested landowners sign a document after the work is completed; he stated the river looks like a creek and they did not do a good job. He was told the work would be done twice and it was not done.
  Response: Jim Wuertz stated the board is redetermining the project to cut the financial impact to each owner.
- As to Ditch 7, Boyce Fischer stated when contractors cleaned the inlets, the rocks were piled in the buffer, and asked if the rocks would be moved so he is not in violation.
  Response: Skonard will check with the engineering firm as to its plan for the rocks.
- Fischer asked if the engineers have compiled a list of crop damages for County Ditch 7?
  Response: Skonard stated survey shots were taken during the repair and the engineering firm will be out again this spring; the damages will be presented at the acceptance hearing.
- As to Ditch 37, Ken Rademacher asked if the redetermination is finished?
  Response: This topic is later on today’s agenda.
STAFF REPORTS—

Administrator’s Report.

BWSR (Minnesota Board of Water & Soil Resources). Dale Krystosek, Performance Review and Assistance Program Coordinator of BWSR distributed a handout, “Performance Review and Assistance Program” Spring 2017, which states that by legislative action in 2007, BWSR is authorized to monitor and assess the performance of local water management entities. BWSR has reviewed most local governments in the state. The North Fork Crow River Watershed District (NFCRWD) needs to have its Level II review done. Krystosek met with staff this morning, which was a good meeting. BWSR looks at all required performance standards, such as audits, financial records and reports on progress. A staff review was done this morning. BWSR will provide NFCRWD with an implementation plan, current accomplishments on implementing the plan and invite the board, staff and partners to give feedback via a survey. They will need everyone’s email addresses for the survey. The survey will be done in the next month and in approximately 60 days they will come back with a draft report. BWSR’s recommendations focus on the plan and feedback from the survey. BWSR provides an annual report to the legislature and just completed its 2017 report. As to buffer laws, BWSR looks at all requirements the NFCRWD has, but the buffer laws have not been incorporated into this review and they will not look at that. Jason Weinerman, Board Conservationist, with BWSR stated they make an analysis of NFCRWD’s plan and how it operates. They will not focus on drainage authorities, unless it is captured in NFCRWD’s plan. Weinerman stated if NFCRWD finds the One Watershed One Plan (1W1P) is appropriate for its needs, the board can adopt that plan and let the current plan expire. If there are items that are not appropriate or lacking and that may or may not be included in the 1W1P, the board can have an abbreviated plan to address those items not addressed in the 1W1P. Osmundson questioned what is going into his river from the Brooten area and was told they have thought about cleaning the water. Osmundson stated he wants the river cleaned out the right way and if it is not done correctly, he wants consequences.

[Krystosek was excused from the meeting.]

Resolution 2018-04. Skonard stated there was an error in the calculation of staff’s salary and wages. The correction was made and the resolution is to make the change retroactive to January 1, 2018 to maintain consistency.

IT WAS MOVED BY James Barchenger, SECONDED BY Bob Brauchler, to approve
Amended Resolution 2018-04.

Roll call vote was taken.

Affirmative: Barchenger, Berndt, Brauchler and Wuertz

Opposed: None

MOTION CARRIED.
LMCIT Worker’s Compensation Quote. Skonard presented two quotes for worker’s compensation insurance, one with a regular premium option and one with a deductible option. Skonard recommends selecting the regular premium option with a net deposit premium of $1,253. Skonard included general maintenance staff and board members in the policy.

IT WAS MOVED BY James Barchenger, SECONDED BY Bob Brauchler, to approve the regular premium option for worker’s compensation coverage with the League of Minnesota Cities Insurance Trust.
Roll call vote was taken.
Affirmative: Barchenger, Berndt, Brauchler and Wuertz
Opposed: None
MOTION CARRIED.

President Wuertz suspended the regular board meeting at 1:30 p.m. and opened the JD1 Record Reestablishment Hearing.

JD1 Record Reestablishment Hearing. Skonard stated they were directed to close the public hearing. Attorney Von Korff stated the hearing is to make the as constructed profile the system of record. Skonard stated the comment portion of the hearing was closed and nothing was received. Skonard stated Stearns County has more documents, but there are no changes that would impact the findings. Skonard reviewed files held by Pope County and in conjunction with HEI determined there were no significant documents to impact the findings.

Roger Lyon questioned what happens to testimony given at a public hearing?
Response: Attorney Von Korff stated a description was not included. The inspection report was reviewed, but it did not change anything. Skonard read comments from the board’s January 8, 2018 Minutes.

IT WAS MOVED BY Bob Brauchler, SECONDED BY James Barchenger, to approve the Findings of Fact and Order Approving Reestablishment of Drainage System Records Pursuant to Minnesota Statutes 103E.101, subd. 4, as to Pope/Stearns Judicial Ditch #1.
Roll call vote was taken.
Affirmative: Barchenger, Berndt, Brauchler and Wuertz
Opposed: None
MOTION CARRIED.

IT WAS MOVED BY James Barchenger, SECONDED BY Bob Brauchler, to close the JD1 Record Reestablishment Hearing. MOTION CARRIED.

President Wuertz reconvened the regular meeting at approximately 1:35 p.m.

STAFF REPORTS CONTINUED—

Administrator’s Report Continued.
1W1P. Skonard held a telephone conference concerning 1W1P. At the last meeting, the Policy Committee (PC) voted to open the draft document for public comment. Since then, all local government units have done the same, which started the time frame for 60 day comment period. The (PC) also wanted three public informational meetings, one to be held at the NFCRWD office and in two other areas within the District. Other possible locations include the Middle Fork and one near the lower end of the watershed. Skonard stated the required notices have been sent out, but he needs to publish notices of the informational meetings. Skonard will coordinate the meetings with the surrounding local government units. It was the board’s consensus to have Skonard organize the informational meeting.

Summer Intern. Skonard reported he placed an advertisement for a summer intern. Five applications were received and he just received another three through the school website. The next step will be to schedule interviews, which he hopes to conduct this week. Skonard noted the pay range was low so he increased it from $10-$12 to $10-$14. Prior to hiring, Skonard will notify President Wuertz of the results of the interviews. Approval for hiring will be presented to the board next month. Berndt noted a decision has not been made as to hiring one or two interns, but a water quality intern is definitely needed. Skonard will work with President Wuertz to decide if two interns are needed.

Additional Business. Skonard stated the board needs to determine who will attend MAWD’s Legislative Days. The board approved hotel reservations last month. Christine Knutson has been scheduling appointments. Barchenger and Brauchler stated they are going. Berndt and Wuertz will not be going.

It was moved by Gary Berndt, seconded by James Barchenger, to send Bob Brauchler, James Barchenger and Cris Skonard to MAWD’s 2018 Legislative Reception, Breakfast and Day at the Capitol.
Roll call vote was taken.
Affirmative: Barchenger, Berndt, Brauchler and Wuertz
Opposed: None
Motion Carried.

Skonard reported he received notice from the MAWD executive about dues. Dues are $3,057 and are due March 31, 2018.

It was moved by Bob Brauchler, seconded by James Barchenger, to approve payment of MAWD dues in the amount of $3,057.
Roll call vote was taken.
Affirmative: Barchenger, Berndt, Brauchler and Wuertz
Opposed: None
Motion Carried.
Recording Secretary. Berndt questioned since the board decided to hire a recording secretary to take the minutes and as the meetings are tape recorded, do both he and Skonard still need to take notes of the meeting. Skonard felt LAA did a good job considering it was their first meeting. The board discussed a procedure for reviewing and revising the original draft minutes before they are included in the board packets. Hanson stated he generally spends at least one hour reviewing his and Skonard’s notes after each meeting. Hanson’s notes include who makes a motion and the motion itself and then he shares it with Skonard and gets his thoughts so as much information as possible is included and so the minutes are clear to those who read them. Hanson volunteered to continue reviewing the draft minutes. Skonard stated the first bill from LAA was $200, which President Wuertz stated is reasonable considering the time Skonard generally puts into the minutes. Berndt stated he likes having an outside agency taking the minutes. Barchenger concurred with having an outside agency taking the minutes, but Hanson and Skonard should take notes for comparison. It was noted the board will still review the proposed minutes provided in the board packets for any corrections that may be needed. It was proposed that the draft minutes be reviewed by the acting secretary and Skonard and changes be made to the minutes before they are distributed to the rest of the board. Skonard and the acting secretary will develop a procedure for reviewing the minutes. Attorney Von Korff stated in some cases managers will send corrections to the secretary, who will check them against the tape recording to see if they are correct. It is not legal for the board to have a meeting about the minutes ahead of time.

It was moved by James Barchenger, seconded by Bob Brauchler to table a decision on a recording secretary until next month. Motion Carried.

David Johnson stated the public should be able to read the minutes and understand what was said during a meeting. Skonard stated the purpose of the minutes is to get the flavor of the meeting. Attorney Von Korff stated there is a difference between what the law requires and general practice. The law requires a record of official business, which is narrow. It is proper practice for the manager to want more detail included and that is discretionary.

President Wuertz suspended the regular meeting at 2:00 p.m. and opened the CD7 Redetermination of Benefits Hearing.

CD7 Redetermination of Benefits Hearing. Attorney Von Korff distributed a three-ring binder to each board member as to County Ditch 7 and County Ditch 7A and stated the ditches went through re-determination in 1982. The project would have triggered the acquisition of grass strip easements. When the redetermination recently was done, the viewers looked at the records and could find no clear record that the grass strips were actually taken. Attorney Von Korff stated the law at that time required the acquisition of grass strips of one rod and, typically, the compensation for taking the easement (restricting the right to use of the one rod); compensation would be offset against the assessment. A check would not have been issued, but there would have been a reduction in the assessment. The redetermination was done based on the assumption that the grass strips had not been taken and there had been no compensation so the redetermination included an Order that the strips be taken and compensation be paid. Skonard stated Stearns
County found a box of additional materials on Ditches 7 and 7A, which should have been transmitted to NFCRWD. When those materials were reviewed, it appeared the grass strips were acquired and assessments were done. The three-ring binders include the records that were found. The records are consistent with the taking of the grass strips at that time. Counties weren’t allowed to do a ditch without taking the grass strips. The records show that in the engineer’s report included estimates for seeding. The DNR issued a couple of reports in which it reminds the Stearns County drainage authority that the grass strip must be taken and then there is a calculation for the amount of land for easements being taken and the offsets of assessments. The binders include a memo by Mr. Deter submitted in 1985 to the Stearns County Commissioners. The assessments are distributed in proportion to the benefits, but are not perfectly proportionate. Some had more grass strips and others had less. Some people do not know if they received the assessment credit. There were some appeals and condemnation awards were determined. There is a record of an inspection. Attorney Von Korff recommends the board do the same procedure as the establishment Order, ask questions and take comments from the public. If the board finds strips were taken, Attorney Von Korff recommends removing the grass strips from redetermination. Skonard reported he received a letter from the law firm of Jeddeloh & Snyder and read a letter from Virgil Fuchs.

**Public Comments:**
- Will Wesbur stated when Lateral A was put in, the county did it and it was never settled; the ditch was private and the grass strips were never included. Commissioners came to each landowner and asked for it to go through and grass strips were not part of the negotiations.
- Wuertz stated that at some time Ditch 7A was commingled into Ditch 7. Berndt stated the managers do not have that paperwork. Attorney Von Korff stated there is a consolidation Order on 29. Skonard stated a lot of it was settled through court action. Attorney Von Korff suggested leaving the record open and following up with comments; however, he stated the information in the binder shows buffers were seeded and grass strips were connected in the proceedings. Berndt noted it is the responsibility of the managers to see that everyone is treated fairly. Attorney Von Korff believes the documents support payment for the grass strips. Wuertz stated the DNR’s 1983 report agrees with the acquisition. Attorney Von Korff stated when the board makes a final decision, he recommends findings not be drafted, but the board indicate it is ready to have findings drafted. If the public has evidence that the board is wrong, they can appeal to District Court and present their evidence to court.
- Tim Heinzle questioned if the DNR’s letter that was read is on DNR letterhead?
  Response: Wuertz stated item 1 of the binder is not, however, items 8 and 9 are on DNR letterhead. Skonard stated he has copies of all of the documents in the binder available for the public to review.

[Jason Weinerman was excused from the meeting.]

- Wuertz stated item 8, the November 10, 1983 DNR Report talks about seeding and landowners are to comply with the requirements.
- When first petitioned for the ditch improvement, the rules were in place; the cost exceeded benefits so the rules did not apply to the ditch getting dug and commissioners were no longer a part of that.
• Attorney Von Korff stated the Stearns County Commissioners were sued for Lateral A by local landowners and he defended the county in that case. The rules were found null and void as that was not a part of the negotiations of getting the ditch dug.
• Wuertz noted item 9, the April 24, 1984 letter from the DNR includes seeding requirements. It is required that the damages include payment for the right of way.
• Berndt noted that without documentation they cannot say if it is correct. For another ditch the cost exceeded the benefit so the buffer was not acquired to keep the cost in line.
• It was questioned if there is a copy of the viewer’s report showing what went into figuring out the parcels? Berndt stated there is a viewer’s report. Attorney Von Korff stated he has viewer’s reports, but he may not be able to answer the question.
• Skonard stated specific written comments should be submitted for the board to address.
• Attorney Von Korff stated it may be helpful to take a couple examples and trace the number of acres paid for and the number of acres with or without buffers and try and follow them through.
• Berndt requested that if those present have paperwork, they should bring it in.
• Fisher questioned where the Petition for Improvement of County Ditch 7 has the number of acres damaged, is that for the ditch and the buffer or just the buffer? They should be able to trace it through.
• Attorney Von Korff suggested keeping the record open and if people have specific information that can be used to trace it through, they should provide it.
• Fischer stated he has specifically asked for information and has not received an answer.
• Berndt asked if there was a way look into the property records at the courthouse. Skonard stated they have asked for records from the 1980s, but cannot receive anything because of the Records Retention Policy and the information may have been destroyed.
• Jim Weller believes when they received the statement of what it was going to cost, it was an offset credit for the spoiled bank. There was a credit if the ditch was along your property, but he does not know if it was for one rod.
• Attorney Von Korff stated he can see examples of credits being given.

President Wuertz stated the hearing will continue until April. Skonard will accept written comments until the next board meeting and a determination will be made in April.

IT WAS MOVED BY Gary Berndt, SECONDED BY James Barchenger, to accept the written comments before March 12, 2018 and continue the hearing on April 9, 2018. MOTION CARRIED.

President Wuertz reconvened the regular meeting at approximately 2:35 p.m.

**Technician’s Report.** Christopher Lundeen reported he received and reviewed the final monitoring data last week, but it has not yet been released on the PCA’s website. It will be on the NFRW’s website once released. Lundeen is working on the WRAPS II report, looking at different education events and comparing them with other counties to get landowners involved and getting best management practices in the ground. He has a meeting tomorrow. Lundeen announced the AIS Summit will be held the end of this month in St. Paul. It is a very good
informational meeting, especially as to Starry Stonewort and water quality issues. Lundeen would like to attend the Summit. The early registration fee is $169.

**IT WAS MOVED BY Bob Brauchler, SECONDED by James Barchenger, to approve payment of the registration fee for Lundeen to attend the AIS Summit.**

Roll call vote was taken.
Affirmative: Barchenger, Berndt, Brauchler and Wuertz
Opposed: None

**MOTION CARRIED.**

Lundeen distributed a draft of NFCRWD’s 2017 Annual Report. He will be finishing it so it can be presented during MAWD’s Legislative Reception. Lundeen asked the board to review the draft and notify him of any changes that should be made. He will present the final report for approval at the March meeting.

**Activity Report.** Lundeen presented a request by Prairie Woods Environmental Learning Center to help fund its Earth Day celebration. Approximately 500 attended the 2017 event and the participants were diverse.

**IT WAS MOVED BY James Barchenger, SECONDED by Bob Brauchler, to approve $400 in sponsorship of the 2018 Earth Day celebration at Prairie Woods Environmental Learning Center.**

Roll call vote was taken.
Affirmative: Barchenger, Berndt, Brauchler and Wuertz
Opposed: None

**MOTION CARRIED.**

Lundeen stated he is interested in attending a Farmers Fair on March 8, 2018 in Roscoe. The fair is free for landowners, if they preregister. The fee for agency personnel is $15, if preregistered or $30 at the door. This is the second year the fair is being held and Lundeen recommends someone from NFCRWD attend.

**IT WAS MOVED BY James Barchenger, SECONDED by Bob Brauchler, to approve payment of $15 for Lundeen to attend the Farmers Fair in Roscoe.**

Roll call vote was taken.
Affirmative: Barchenger, Berndt, Brauchler and Wuertz
Opposed: None

**MOTION CARRIED.**

**Grant Activity.** Lundeen stated reporting for all grants were due February 1 and was submitted to the state. He is awaiting final approvals. The deadline for the federal grant 319 is March 2. The grant applied for last year required a higher match (40%), but the funds will help best practices. Previous grants received through BWSR were 75%. NFCRWD needs to apply for the competitive grant.
Jim Weller stated the Sauk River Watershed District has a 75% cost share for rock inlets with BWSR.

Lundeen reported a work plan was submitted for the Drainage Records Modernization Grant, and BWSR approved a grant of $17,500. The Grant Agreement needs board approval. Part of the match will be from other ongoing projects on which staff is already working.

**IT WAS MOVED BY Bob Brauchler, SECONDED BY James Barchenger, to approve BWSR’s Grant Agreement.**

- Roll call vote was taken.
- Affirmative: Barchenger, Berndt, Brauchler and Wuertz
- Opposed: None

**MOTION CARRIED.**

**LAMB Labor Services, Inc. Quotes.** Lundeen presented a quote for AIS boat inspections by LAMB Labor Services, Inc. at the same price as last year, $15.75 per hour. Also included was a Memorandum of Understanding and an Independent Contractor Agreement. Boat inspection hours received from Stearns County was 2000. Lundeen believes they will receive Pope County funds and Lake Koronis funds. The hours inspected depends upon the funds received.

Johnson asked if both inlets and launches on Grove Lake are inspected. Lundeen stated they rotate between the two. LAMB has the authority to go to either one. Johnson stated he has not seen any inspectors. Weekend hours and holidays were applied for by Grove Lake. Berndt stated he was inspected twice on Grove Lake was last summer. Lundeen stated they have already received funds from Stearns County. Hours will be appropriated according to the funds received.

**IT WAS MOVED BY Gary Berndt, SECONDED BY Jim Barchenger, to accept the contract with LAMB Labor Services, Inc. at an hourly rate of $15.75 and to approve the Independent Contractor Agreement.**

- Roll call vote was taken.
- Affirmative: Barchenger, Berndt, Brauchler and Wuertz
- Opposed: None

**MOTION CARRIED.**

**Funds Manager/Administrative Assistant’s Report.** No report.

**Program Reports—**

**Permit Report.** None.

**Drainage Reports.**
1. **JD2 Update.** Skonard reported the ditch is frozen so soil borings cannot be done. Soil borings will be done as soon as possible. He looked at the culvert on the county line and it is in bad shape. Once grade is established, he will know where the culvert should be.

2. **JD1 Main and Branches.** Skonard reported quote requests were sent out for tree removal. Four bids were received by the cutoff date and one (the lowest bid) was received after the deadline. The quotes ranged substantially from a high of $170,600 to a low of $43,750. Removal will start at Grove Lake and go to County Road 22, 25 feet on each side, approximately 8.5 acres. They will work with landowners for stockpiling and burning or burning the trees. Johnson recommended landowners be contacted as the company moves through. Johnson stated some trees do not need to be removed; in particular, a 150-year-old oak he does not want removed as it does not interfere with the operation. Skonard stated the bid was to clear all trees. Johnson suggested that before bids are let, the NFRCRWD should talk with landowners to avoid problems. Joe Lewis of Houston Engineering, Inc. stated a preconstruction meeting will take care of any landowner concerns. Barchenger stated the company with the lowest bid will use the wood and take it to the Grove City chipper to be reused. There will be some limbs that need to be burned. The quote was to flush cut two inches above the ground so the stumps rot naturally and required any tree removal out of the ditch. Skonard stated the company selected will need to provide a performance bond and complete the work by April 30th with cleanup at a later date and disposal about one year later. The company selected cannot pile trees in the 25' area so it will not be in the way of ditch work. There may need to be payment to landowners for some damages.

Lyon stated anything done upstream will appease landowners’ minds as they will know their money is going for something. Berndt and Barchenger both disclosed they have property on JD1.

*It was moved by Gary Berndt (benefited landowner disclosure), seconded by James Barchenger (benefited landowner disclosure), to accept the quote from Nate Bettis in the amount of $43,750.*

Roll call vote was taken.

**Affirmative:** Barchenger, Berndt, Brauchler and Wuertz

**Opposed:** None

**MOTION CARRIED.**

Skonard stated when prepayments were accepted on JD1 he received the checks, stamped them with the date received and then gave them to Christine Knutson to enter and do the deposit slips. One was double paid and Skonard will refund $11.05 to the landowner’s relative who also paid.

Lewis reported he sent a Technical Memorandum to Skonard, which lays out items for consideration when the board thinks about the next parts of JD1 for project repair. The Memorandum includes a map as to alternate 3 for a partial depth repair to restore drainage...
and minimize the impact to wetlands. A map was shown with areas that need advance regulatory coordination before work can be started. The green areas on the map can be started sooner and the red areas require advance regulatory coordination. Lewis questioned what the board would like done next beyond the Grove Lake segment. Berndt stated the biggest complaints have been above Grove Lake so that should be the first target where the trees are being taken out. The main branch flows well. Barchenger felt it should be a project above 22. Skonard stated he prefers to start downstream and to work upstream.

Johnson asked if once original approval is received for the red areas and if it is dug out and the work done and if it sloughs after two years, will approval be needed again? Skonard stated it would be an incidental repair and would not be another big expense.

Branch 6 has public waters and permits are required to enter public lands. Board members questioned what direction is needed to ask permission to do the repairs. Lewis stated the board has directed an engineer to review the area and make a recommendation with staff input. In the area above 22, they propose doing some excavation of vegetation and small amount of sediment to get water flowing. They would need to come up with a regulatory approach for the DNR on what can be done and get feedback, which will take some time. Berndt stated Branch 6 needs permission from U.S. Fish and Wildlife. Lewis stated U.S. Fish and Wildlife does not take away the ditch’s authority to go in. Berndt stated the board agreed to clean out Branch 6 and Spur 1, which has not yet been done, but needs to be done as soon as possible. Berndt stated Branch 6 could be cleaned out in three places and recommended it move forward. Lyon stated this was part of the reestablishment of the records on part of Branch 12 that was not cleaned out. Lewis recommended developing a construction plan, which can be shown to U.S. Fish & Wildlife. Skonard stated direction is needed from the board. and then the work will be assessed and done. Lewis suggested the board determine how much to spend each year over the next four, six or eight years. Berndt suggested the cost stay under $50,000. Skonard suggested the work be kept under $100,000 to keep it moving faster. Barchenger disclosed he has land on JD1.

**IT WAS MOVED BY James Barchenger (benefited landowner disclosure), SECONDED BY Gary Berndt (benefited landowner disclosure), to clean out JD1, Fork 6, and Fork 6 and Spur 1. MOTION CARRIED.**

Lewis will prepare a plan to present to the board next month.

3. **CD7 Repair Update.** Skonard reported he has adjusted the interest calculations due to the timeframe preapids were credited to the bank.

4. **CD32 Repair Update.** Neither Skonard nor the attorney have heard anything.

5. **CD29, CD36, CD37, ROB Update.** Skonard stated he received a question on CD29 from Dick Detlof, who stated CD29 and CD37 were intertwined at one time. The records were
reviewed and Branch 3 was abandoned, which was recommended by the county and which will affect the redetermination process. Attorney Von Korff provided information on a portion of CD37 being abandoned. Easements were granted and consolidated into CD29. Attorney Von Korff has a copy of the abandonment Order, which gives the legal descriptions for the abandoned property. Skonard stated the percentage will change a little; they will confirm what is still there and what is not. Bryan Murphy does not think CD29 will take long to be done. Skonard suggested the hearing be held separate from a regular board meeting. Dates that do not work are March 16-25 and April 4-8. Skonard stated that from the time the landowner meetings are set, at least two weeks’ notice is needed for the hearing. It was suggested the landowners’ meeting be held March 27th and the hearing be held on or near April 10th. All board members who are available, should attend. It was noted the DNR pays, but the federal government does not. Berndt stated by statute, the board is mandated to maintain the drainage system. The ditch can be abandoned if everyone upstream signs off.

It was moved by James Barchenger, seconded by Gary Berndt, to hold a public hearing for CD29 on April 10, 2018 at 1:00 p.m. Motion Carried.

Radermacher stated landowners petitioned to get CD37 done and the cost exceeded the benefit.

Skonard will coordinate the landowners’ meeting.

6. **CD4 Buffers Update.** Skonard reported he and President Wuertz met with Attorney Kurt Deter, Barb Loch, Meeker County Auditor, Kevin Kelbing, Meeker County Ditch Inspector and Loren Engelby, Kandiyohi County Ag Inspector where it was decided the board will have to pay for buffers. It was discussed and determined to issue a check to Meeker County in the amount of $29,000 for the buffers. Meeker County will distribute the funds using 2011 values. Attorney Von Korff is not aware of a time frame for paying what should have been paid in 2011. Berndt stated there is no compensation for the buffer law. It was indicated that there have been some land transfers and the funds will need to be paid to the original landowner. Skonard is waiting to hear from Meeker County.

7. **CD43 Buffers.** Skonard stated CD43 may be in the same situation as CD4. Meeker County is verifying that the buffers were not paid.

8. **Other Ditch Business.** None.

**Board Member Reports.** None.

**Items for Next Meeting Agenda.** None.

**Calendar Review.** Skonard reported on the following: Paynesville Wellhead Protection is next Wednesday; the 2018 Drainage and Waters Conference is this week; the Watershed Policy
Committee meets on February 21 and he will be attending a meeting of the Kandiyohi SWCD Planning Committee and Stearns County Cooperative Weed Management Program. Lyon noted the Calendar Review shows the CAC meeting as March 10th and it should instead be March 12th, the same day as this board’s next meeting.

FYI Items. None.

ADJOURNMENT—

IT WAS MOVED BY Gary Berndt, SECONDED BY James Barchenger, to adjourn the meeting. MOTION CARRIED.

The meeting was adjourned at approximately 3:46 p.m.

NEXT MEETING—The next board meeting is Monday, March 12, 2018 at 1:00 p.m.

[Signature]
Gary Berndt, Acting Secretary