

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
August 16, 2018**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:03 a.m. Present: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Steven Schmidt, and Allen Wold. Absent: Scott Gillespie. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Tech Troy Fridgen, Attorney Tom Athens, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the agenda was amended to include: a Buffer Ordinance update from Wold, TCD #23 repair price quotes and notice to proceed, TCD #23 cost share, and a buffer resolution.
- CLAIMS** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Claims of August 16, 2018 were approved as presented.
- MINUTES** Upon motion by Deal, seconded by Schmidt and carried unanimously, the Minutes of July 19, 2018 were approved as presented.
- TREASURER'S REPORT** Board members reviewed the July Treasurer's Report.
- PERMIT #18-057 RIVERVIEW LLP** Brady Janzen of Riverview Dairy, presented site plans for construction of a dairy in North Ottawa Township in Grant County. The board's engineer (Chad Engels) had concerns related to upstream drainage, which were addressed in the presentation. Riprap will be installed at facility's stormwater outlet, in JD #2. Janzen expects EAW approval next week. Athens relayed that the watershed administrator is authorized to sign permits, once all engineering concerns and conditions are met. Upon motion by Deal, seconded by Schmidt, the administrator is authorized to approve the permit once EAW approval has been received.
- KAPPAH** Board Manager John Kapphahn entered the meeting.
- PERMIT #18-066 DEAN STERNHAGEN** Details of Permit #18-066 were presented by the board's engineer and Permit Applicant Dean Sternhagen. The project involves the installation of new outlet piping that would change the flow of water of an existing permitted tile system, diverting it to a neighboring sub-watershed. Deal made a motion, seconded by Beyer, to deny the permit due to existing policy of the Bois de Sioux Watershed District that seeks to prevent tile outlets from crossing subwatershed boundaries. Discussion was held. Deal stated that the proposed project is against the Watershed's current policies, and these policies mirror state law. Beyer stated that the possible alternative of expanding to the tile project downstream within the same watershed, is a viable option, even though it is at a higher cost; but, Beyer stated, cost isn't enough of a justification to approve an exception to District policies.
- WCD #8 SPOIL HAULING & VARIANCE** An update was given on construction of the WCD #8 retrofit. Contractor Tom Fridgen, of Fridgen Excavating, stated that they are dealing with the construction contract requirements for end-hauling of excess clay/soil material. Per a Wilkin County Ordinance, the top of the ditch's berm must be 6" below the elevation of the adjacent county road. Engineer Engels provided the board with Section 3.5(R) on page 217 of the construction manual, which states the same requirement. Fridgen stated that he did not include the cost of spoil hauling in his bid, and has 146 hours into it. Engineer Engels pointed out that end-hauling is included in the contract documents, which states hauling will be required to meet the county ordinance and to construct the minimum berm elevations.. Engineer Engels also presented the cut-fill table which is included in the bid plans themselves. The table shows the dirt work volume for the entire project on roughly a 400 foot interval. Engineer Engels also explained that dirt balancing during the design phase is applicable to some projects, but not ditch repairs where the hydraulic capacity of the channel takes precedence. Moore Engineering staff has been working with the contractor on the spoil issue, finding a neighboring contractor with whom to provide the spoils to, and helping Fridgen Excavating apply for a variance from the Wilkin County Planning Commission. Moore Engineering staff offered to attend the September 10th Planning Commission meeting with the contractor, to further describe the situation and options. Fridgen requested a delay of the September 14, 2018 required substantial completion. The board agreed to

extend the substantial completion date to November 15, 2018 and the Engineer will prepare a change order to this effect.

DAHLEN

Board Manager Doug Dahlen left the meeting.

**WCD #8
STAKING**

Fridgen requested staking for side inlet pipes; engineering staff agreed to provide this service.

DAHLEN

Board Manager Doug Dahlen returned to the meeting.

**WCD #8
CULVERT
REPLACEMENT**

The Wilkin County Highway Department has requested that culverts through Wilkin County highways be constructed of concrete rather than steel.. There are two crossings through Wilkin County highways that need to be lowered and modified in size. The board asked the engineer to prepare a change order for the construction of these two crossings. The contractor may utilize a sub-contractor for the completion of this work, which the board was agreeable to.

**WCD #8 PAY
ESTIMATE #3**

Costs for the project were reviewed. Upon motion by Wold, seconded by Beyer and carried unanimously, Pay Estimate #3 was approved, in the amount of \$82,264.50.

**TCD #23
PROJECT & COST
SHARE**

Engineers reviewed the TCD #23 repair project. Last year, the Traverse County Highway Department applied for a permit to replace a number of culvert crossings. At that time, Board Managers supported a review of all the ditch crossing hydraulics, to determine if the culverts are correctly sized; the culverts are approximately half the size of what they should be according to the adopted BTSAC recommendations. Landowners have been invited to several meetings to determine their level of support for cost-share. Moore Engineering put together project plans, and collected construction quotes. The lowest quote, \$124,702, was presented. The Traverse County Highway Department has committed \$70,000 for the project. Per the District's cost-share policy, individual landowners would be responsible for the cost of an equivalent 24"-pipe and installation for individual replacement culverts. Landowner Chad Berger requested that Crossing #1 be kept in the project and replaced. Beyond the amount paid for by the Traverse County Highway Department, approximately \$31,148 would be paid for by the TCD #23 ditch fund, and approximately \$23,384 would be the responsibility of individual land owners. These numbers may change if additional field approaches are added to the project.

**TCD #23
VIPOND
CULVERT**

Operator Larry Vipond requested that a new culvert be considered for inclusion in the project, but will work out details with District staff. Engineer Guler stated that the price quote is unit-based, so final figures will vary as material is used.

**TCD #23 PRICE
QUOTE**

Upon motion by Deal, seconded by Beyer and carried unanimously, the price quote was approved and a condition was added that Larry Vipond's culvert could be included, if he so desired.

TCD #27

Athens stated that he has received no contact from MnDOT regarding the collapsed culvert on TCD #27. Athens offered to work with Engineer Tech Fridgen to draft a notice for repair.

**TCD #52
FUNDING**

Engineer Engels stated that a 404 Permit Application has been submitted to the Army Corps of Engineers; it may take two months to have a decision. The next issue to work on his funding. Administrator Beyer stated that TCD #52 has been selected as a finalist for MPCA/EPA's 319 Grant. Forty interviews were conducted; TCD #52 is one of nineteen finalists. An on-site interview will be held at the end of September; ten projects will be chosen for funding. Additionally, Engineer Guler has started a BWSR Clean Water Grant application, which is due August 31, 2018. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Guler is authorized to submit the application on behalf of the District with assistance from Traverse County SWCD.

**LAKE TRAVERSE
WATER QUALITY
PROJECT #1**

Board Managers relayed their concern that erosion problems near the Lake Traverse outlet are a significant watershed issue, separate from other more typical ditch repairs needed within TCD #52. Athens described the process to establish a watershed project. Upon motion by Deal, seconded by Schmidt and carried unanimously by roll call vote, the Lake Traverse Water Quality Project #1 Preliminary Resolution was approved. A hearing will be held at a date, time and location to be determined.

**HWY #55/
MUSTINKA
CORRIDOR**

Administrator Beyer relayed that MnDOT has agreed to cost-share the Highway #55/Mustinka Corridor project led by the Grant County Highway Department. Engineer Tracey Von Bargen sent notification that the District's \$440,000 cost-share would be paid in 2021.

**NORTH OTTAWA
MANAGEMENT
REPORT**

Board managers reviewed the August 16, 2018 FDR, NRE & Expense Management Report. Engineer Tech Fridgen reported that rains of 3" and 4" brought a great deal of water to the impoundment, and that gate manipulation was needed to manage the flood waters. One cell needs to have ditching done after the growing season.

**2019 BUDGET &
TAX LEVIES**

At 10:30 am, a hearing was held on the 2019 Budget and Tax Levy. Administrator Beyer and Accountant Renee Kannegiesser described the 2019 General and Construction Budgets. Kannegiesser requested that Riparian/Buffer aid for 2019 was added in the amount of \$135,144 and Riparian/Buffer expense of in the amount of \$135,144 was added to the Construction Budget. Upon motion by Schmidt, seconded by Kapphahn, and carried by a unanimous roll call vote, the Resolution of the Bois de Sioux Watershed District Ad Valorem Levy, which included a General Levy of \$250,000 and a Construction/RRWMB Levy of \$2,165,168.45 was approved. Preliminary ditch levies were also reviewed; they will be formally set later this year.

**REDPATH:
LESSARD-SAMS
GRANT
AMENDMENT**

Upon motion by Deal, seconded by Wold and carried unanimously, Lessard-Sams Redpath Amendment #1 for Grant Agreement #80693/PO 3-60745 with the State of Minnesota was approved; the amendment delayed the grant expiration date to June 30, 2022.

**REDPATH:
RETURN GRANT
OVERPAYMENT**

Accountant Kannegiesser confirmed that the figure of \$299,483.63 is the correct amount that was overcredited to the District by a grant from the State of Minnesota for Redpath expenses. Kannegiesser did confirm in writing that this amount will be added back to the total amount total (reencumbered) that the District can request in eligible expenses in the future.

**RIPARIAN/
BUFFER AID
USES**

Administrator Beyer relayed a request from Wilkin County SWCD for use of the District's Riparian/Buffer aid to supplement project costs in Wilkin County. Eligible projects would be those that benefit water quality. Board members discussed other fund uses – including potential lawsuit claims, partial funding of water quality enhancements during retrofit projects, encouragement of ditch redeterminations, maintenance of District-owned buffers, repairs to privately-owned buffers following routine ditch maintenance, etc.

**WCD #9 & #10,
JD #6 & #11
BUFFER
EXTENSION
RESOLUTION**

Traverse and Wilkin County SWCD's requested that the District formally approve a schedule as to when buffers will be installed on WCD #9, WCD #10, JD #11, JD #6. Because these ditches are in the redetermination process, once finalized, the District will be required to install the 16.5' buffers along the ditch systems. Because construction is proposed for 2019 and 2020, an extension is required for the November 1, 2018 deadline. Upon motion by Deal, seconded by Beyer and carried unanimously, the Resolution Regarding Upcoming Redeterminations, Repairs, Improvements, and Buffer Installation was approved unanimously by a roll call vote.

NORTH OTTAWA

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the meeting was closed pursuant to attorney-client privilege to discuss legal issues that are the result of threatened litigation by the DNR over NRE management of the North Ottawa Impoundment. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the meeting was opened.

RRWMB

RRWMB's Administrator Rob Sip and Lobbyist Lisa Frenette provided details on the process for submitting legislative priorities to the RRWMB. The Board will be deciding priorities in October or November.

**BUFFER
ORDINANCE**

Board Manager Wold has received communication from BWSR that some edits are needed to the District's proposed buffer ordinance. Upon motion by Deal, seconded by Kapphahn and carried unanimously, Wold is authorized to edit the ordinance and once approved by BWSR, to have it considered by the District.

Upon motion by Beyer, seconded by Schmidt and carried unanimously, the meeting was adjourned at 1:15 pm.

