

**BOIS DE SIOUX WATERSHED DISTRICT  
BOARD MEETING MINUTES  
September 20, 2018**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present: Linda Vavra, Jason Beyer, Jerome Deal, Steven Schmidt, and Allen Wold. Absent: Scott Gillespie, Doug Dahlen, John Kapphahn. 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 Schmidt and carried unanimously, the agenda was amended to include: Permit #18-085 Gerald Bartell and Permit #18-087 Lyle Pederson.
- CLAIMS** Upon motion by Beyer, seconded by Wold and carried unanimously, the Claims of September 20, 2018 were approved as presented.
- MINUTES** Upon motion by Deal, seconded by Beyer and carried unanimously, the Minutes of August 16, 2018 were approved. Upon motion by Deal, seconded by Wold and carried unanimously, the Minutes of August 23, 2018 and September 14, 2018 were approved.
- TREASURER'S REPORT** Upon motion by Schmidt, seconded by Beyer and carried unanimously, the August Treasurer's Report was approved.
- WEBB PUBLIC COMMENT** Landowners Mr. and Mrs. Dale Webb provided public comment on concerns of lowering Highway 28 and poorly maintained railroad culverts. Fridgen will investigate further.
- KAPPAHNAH** John Kapphahn entered the meeting.
- PERMIT #18-082 STEVEN LARSON** The details of Permit #18-082 were reviewed. Approximately 10 acres of the proposed tile drainage project is located outside of the subwatershed. Athens requested that any approval of the permit emphasize the District's Tile Pump Policy. Engels stated that exceptions for small acreage have been made before. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the permit is approved with the following conditions: a pump must be installed at the outlet, no surface inlets are permitted in the SW ¼ Section, tiling in the SW ¼ Section is limited to 10 acres, and written permission must be received from the first downstream landowner.
- TCD #37 FINAL HEARING CONTINUED** At 8:32 am, Vavra opened the Continued Hearing to Consider Acceptance of Contract & Final Payment to the TCD #37 Contractor. Drone footage of the project was presented. Athens asked whether all contract work has been completed. Guler responded that the punch list is complete. The punch list included establishment of grass, additional seeding, mowing, riprap, road gravel, and installation of a side inlet culvert. Guler presented the Final Cost Summary. Athens requested comments and/or objections from the public. No comments or objections were given. Engels reported that the contract has been completed in accordance with the plans and specifications. Liquidated damages were discussed, as the contract's substantial completion date was September 26, 2017, but the actual substantial completion date was November 16, 2017 – a total of 51 days. Deal recommended that in this case, in recognition of adverse weather conditions and the project coming in under budget, that the board should waive liquidated damages. Upon motion by Deal, seconded by Schmidt and carried unanimously, Final Payment, Order, and waiver of liquidated damages were approved.
- FINAL PAYMENT, ORDER AND LIQUIDATED DAMAGES**
- PERMIT #18-089 LARRY VIPOND** The details of Permit #18-089 were reviewed. The proposed private field approach is located within this year's TCD #23 culvert replacement project, coordinated jointly with the Traverse County Highway Engineer. For the culverts in the project area, Class 5 material, inspection, and testing is required. Vipond intends to install the new private crossing himself, and relayed concern that the project standards will add unnecessary expense to a seldomly used field entrance. Vipond offered to sign a waiver, making him liable for any future repairs that may arise. Kapphahn asked for further details on the testing required. Engels stated that testing will include verification that materials match specifications and that compaction criteria are met (this prevents the possibility of piping and subsequent blow-out). Wold made motion, seconded by Deal, to approve the permit with the condition that it be held to the material, inspection, and testing requirements. Vipond stated his willingness to use the Class 5 aggregate. Fridgen stated that he will have the availability to conduct the inspection. Engels stated that the Board has flexibility to determine how to cost-share the approach and the cost of compaction testing. Motion passed. Athens advised that, on new field approaches, the Board has

the authority to determine cost-share on a case-by-case basis. For Permit #18-089, Kapphahn made motion, seconded by Beyer and carried unanimously, to follow the District's cost-share policy for the replacement of culverts and that the District will cover half of the compaction testing cost.

**PERMIT #18-090  
RIVERVIEW, LLP**

Issues related to Permit #18-090 from Riverview, LLP was taken care of by engineering staff.

**PERMIT #18-085  
GERALD BARTELL**

The details of Permit #18-085 were reviewed. Twenty three acres of the proposed tile system are located outside of the subwatershed. Fridgen read a letter submitted by Dale Johnson and Mark Severance, raising concerns about changing the natural flow. Gene Mensen, of Ag Tech Drainage, gave a brief history of prior proposed drainage plans, that would have outletted to the North, into 5-Mile Creek. Unfortunately, DNR and Grant County Ordinances prevented obstacles for the design. Mensen stated that, of the twenty three acres, half of those currently flow across the subwatershed boundary; Engels stated that, based on a 6" line, the amount of water being transferred is of little concern. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the permit is approved under the condition that the surface inlet near the southern boundary of the SW1/4 of Section 33 be eliminated.

**PERMIT #18-087  
LYLE PEDERSON**

The details of Permit #18-087 were reviewed. The proposed project is compliant with District policies, but was brought to the Board due to neighbor concerns about the drainage outlet. Cal and Ian Baldry spoke about potential flooding in their home and over their driveway; they requested that the project outlet be moved further south on the creek, to the east corner of the project. Pederson stated that he considered that change, but the land elevation prevents it. He also stated that he was amenable to burying a segment of tile from his property, to the north, to the creek. Engels relayed that this gravity system meets the required quarter-inch drainage co-efficient. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the permit is approved with the condition that a buried tile outlet (perforated or not) extended through the Baldrys' property into the creek, at a location of their choosing.

**DITCH  
INSPECTIONS**

Fridgen presented to the Board Managers flash-drives of his annual ditch inspection. Overall, Fridgen noted four problems: erosion at field drains, cattail growth, the need for side inlet protection, and rusted culverts. Fridgen recently spoke with Traverse County Soil and Water staff about the grant eligibility of a new concrete mesh product to hold soil in-place during high peak flows.

**WCD #8:  
VARIANCE, AND  
ADDITIONAL  
CONCRETE  
CULVERT WORK**

Fridgen Excavating will be on-site next week. Guler attended a Wilkin County Planning Commission meeting where Fridgen Excavating was requesting a variance to a Wilkin County Zoning Ordinance for the WCD 8 Project; the variance was approved for one mile. There are two county road crossings for which Wilkin County is requiring concrete piping instead of metal, and Fridgen has decided he is not interested in pursuing the work contract. Two price quotes have been received, but engineering staff could explore additional funding sources, or more economical alternatives, if construction were delayed until Spring 2019. Beyer relayed that landowners expect the project to be completed as soon as possible. Upon motion by Beyer, seconded by Wold and carried unanimously, engineering staff are authorized to proceed with construction this fall, if a willing contractor agrees.

**TCD #27**

Athens and Fridgen sent a notice to MnDOT stating the urgency of the situation. Athens received notice that an attorney had been assigned to the issue on behalf of MnDOT. Board managers agreed that Athens should continue to be the point of contact.

**TCD #23**

A pre-construction meeting is going to be held today at 1 pm, with Wagner Construction, to discuss the details of the upcoming construction on TCD #23. The Traverse County Highway Department has committed \$70,000 to this project.

**TCD #52**

An on-site visit has been scheduled for Thursday, September 27<sup>th</sup>, to tour TCD #52 with MPCA representatives who are evaluating project eligibility for a 319 Grant. The Traverse County Water Planning Council recently awarded \$4,507.02 towards engineering costs associated with this project. Upon motion by Kapphahn, seconded by Deal and carried unanimously, the Bois de Sioux Watershed Board accepted the funds with gratitude.

**JD #2 WATER  
APPROPRIATION**

Engels briefly described Riverview's recent Request for Water Appropriation, Livestock Watering, Grant County Application 2018-1675 from JD #2. Engineering staff will prepare a comment in response, acknowledging that North Ottawa is expected to provide a stream augmentation of 5 CFS, and that any appropriation must preserve and protect that commitment.

<b>NORTH OTTAWA MANAGEMENT REPORT, WORK BACK</b>	Board managers reviewed the September 20, 2018 FDR, NRE & Expense Management Report. Engineer Tech Fridgen reported that wheat was harvested out of cells A3 and B3, and then the wheat stubble was flooded for wildlife. Fridgen shared video of the significant amount of wildlife in these cells, and across the impoundment. Board managers requested that floodwater in cells A3 and B3 be released in coordination with soybean harvest, so that wildlife can move to the harvested soybean fields, and that the fields be worked.
<b>PHOTOGRAPHS &amp; DRONE FLIGHT</b>	Board managers discussed the value of high-resolution photographs, both at the North Ottawa Impoundment and other activities at the Bois de Sioux office, including ditch inspections and buffer enforcement. They also discussed the need for drone footage at the North Ottawa Impoundment. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, staff are authorized to purchase a GPS-referenced camera and coordinate drone footage.
<b>NORTH OTTAWA COLLECTION CHANNEL REPAIRS</b>	Fridgen met with landowners adjacent to North Ottawa regarding issues with the collection ditch system. According to the landowners, the dikes were built too high, and riprapped swales were supposed to be installed. Instead, side inlets were installed, and are undersized. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, engineering staff are authorized to conduct a survey and ARC map, if needed.
<b>HAY CUTTING</b>	Deal and Kapphahn recommended that hay-cutting be opened up on the berms, as in the past.
<b>LEGAL RFP INTERVIEW</b>	At 11:18 am, the board interviewed Jon J. Cline (Cline Jensen, P.A.) in response to the Request for Proposals for Legal Services.
<b>RRWMB LEGISLATIVE PRIORITIES RECOMMENDED</b>	Rob Sip, Red River Management Board, provided an update on lobbying efforts on behalf of member watershed districts. This year, RRWMB is asking for formal resolutions to convey legislative priorities. Upon motion by Deal, seconded by Beyer and carried unanimously, the Administrative Levy Recommendation Resolution was approved. Kapphahn made motion, seconded by Beyer, to approve the Board Manager Compensation Recommendation Resolution. Kapphahn made motion, seconded by Beyer, to amend the resolution to include the provision that, "the Bois de Sioux Watershed District supports legislative authority for Board Managers, as appointed by elected county boards of commissioners, to determine their own district per diem meeting/salary rates." The motion on the amendment was carried. The motion on the resolution was carried. Kapphahn made motion, seconded by Beyer and carried unanimously, to require Board of Water and Soil Resources vacancies to be appointed by the Governor within 30 days.
<b>SOUTHERN BOUNDARY</b>	Administrator Beyer relayed a request from Pete Waller, to hold an informational meeting prior to the required public hearing regarding changes to the southern boundary, between the Bois de Sioux Watershed District and the Upper Minnesota River Watershed District. Board managers agreed.
<b>DORAN CREEK/BOIS DE SIOUX DIRECT</b>	Engels gave an update on the Doran Creek/Bois de Sioux Direct RCPP project. Preliminary economic data indicates that most economic damage in the region is the result of small, reoccurring 5- and 10-year scattered flooding. Engels is considering a project alternative that involves a series of legal drains and culvert sizing. Earlier this month, the Red River Basin Commission did bring a charter bus of board members, staff, and legislators to Doran Creek; Engels and Administrator Beyer provided information on the project to-date.
<b>RFP FOR FINANCIAL SERVICES</b>	Upon motion by Wold, seconded by Schmidt and carried unanimously, the RFP for Financial Services were approved. Kapphahn, Wold, Schmidt, and Vavra will serve on a sub-committee to evaluate responses.
<b>SURVEY TABLET STIPEND</b>	Upon motion by Kapphahn, seconded by Wold and carried unanimously, \$20/month will be paid to Troy Fridgen, for the addition of data for a survey tablet tied to his Verizon account.
<b>LMCIT VEHICLE COVERAGE</b>	Administrator Beyer notified Board Managers that there is only a \$10 cost for LMCIT coverage for personal employee vehicles used while conducting district work. Board Managers agreed to add the coverage.
<b>LEGAL SERVICES RFP</b>	Board Managers discussed options for legal counsel. Board Managers were impressed with the interview responses and references for Attorneys Lukas Croaker and Sean Fredericks of Ohnstad

Twichell. Upon motion by Wold, seconded by Deal and carried unanimously, representation will be requested by Ohnstad Twichell.

Upon motion by Schmidt, seconded by Deal and carried unanimously, the meeting was adjourned at 2:00 pm.