

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
July 19, 2018**

- CALL TO ORDER** The meeting was called to order by Vice President Wold at 8:04 a.m. Present: Allen Wold, Doug Dahlen, Jerome Deal, John Kapphahn, Steven Schmidt. Absent: Jason Beyer, Scott Gillespie, Linda Vavra. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Tech Troy Fridgen, Attorney Tom Athens, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was amended to include: a BWSR legislative update from Pete Waller, a bridge repair request from Tracey VonBargen, and a legal announcement from Attorney Tom Athens.
- CLAIMS** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Claims of July 19, 2018 were approved as presented.
- MINUTES** Attorney Athens requested a change to the June 21, 2018 minutes. Upon motion by Deal, seconded by Kapphahn and carried unanimously, the minutes were approved with the following change:
- "Attorney Athens relayed concerns about the timing of JD #6, WCD #9 & #10 redetermination and repair hearings, the assumption that landowners wish to maximize grant opportunities, and the potential impact of landowner damages on the financial condition of the District. Attorney Athens and Engineer Guler recommended that one project be completed per year and timed according to meet BWSR Clean Water grant application processes. Attorney Athens and Engineer Guler feel that the improvement of WCD #9 and WCD #10 should take place in 2019, since landowners provided bond for the projects. Discussion was held as to completion of WCD #9 and WCD #10 in 2019, since landowners provided bond for the projects. JD #11 would take place in 2020. Attorney Athens recommended that JD #11 be given priority, since the redetermination process is near completion. Wilkin County SWCD's Don Byjumpaa asked Board Managers to consider using their state buffer aid to supplement funding for these projects."
- TREASURER'S REPORT** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the June Treasurer's Reports were approved.
- BWSR UPDATE** BWSR's Pete Waller presented a legislative update.
- ATHENS** Attorney Tom Athens announced that his retirement. Wold thanked him for his 30 years of service.
- PERMIT #18-057 RIVERVIEW LLP** Wold opened the Public Hearing for Permit #18-057 Riverview, LLP, to build a dairy in North Ottawa Township in Grant County. Riverview's Brady Janzen provided details on the 11,000 animal unit facility, stating that because of the stormwater basin, run-off will be less than existing conditions produce, and will be released more slowly than current flows. The stormwater collection basins are designed to capture a 25-year rain event. MPCA is completing the Environmental Assessment Worksheet process. Engineer Engels reported that no written comments were received by the District. The hearing was opened for public comment; no public comments were provided. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the permit was tabled until MPCA makes a determination on the EAW.
- MUSTINKA/ REDPATH CORRIDOR** Grant County Engineer Tracey VonBargen and Engineering Tech Nick McFarlane stated that work on the MNDot Mustinka/Redpath Corridor is scheduled for 2021. To prepare design plans, VonBargen requested a 50/50 cost share for more accurate modeling of the project area. Moore Engineering provided a cost estimate not to exceed \$42,000. A price not to exceed \$19,000 was also provided as optional 2D reach modeling from Pine Ridge Dam to CR44. MnDOT declined participation. Upon motion by Kapphahn, seconded by Deal and carried unanimously, the cost-share was approved and will be taken from Redpath Impoundment Project funds. Moore Engineering will invoice Grant County and the District separately.
- REDPATH BRIDGE** VonBargen relayed a need to replace a bridge near the Redpath Impoundment inlet. Engineering staff will work with VonBargen to discuss design details.
- NORTH OTTAWA MANAGEMENT PLAN** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the plan was approved. Fridgen reported that Cells A4 and B4 are holding water; the collection channel is full, but flow is no longer spilling

**NORTH OTTAWA
MANAGEMENT
REPORT**

over the weir. Cell C is at an elevation of about 1008. Ducks, coots, and pheasants were spotted in the burrough pits. Carp and bullheads have travelled into the impoundment from JD #2, bringing pelicans and kingfishers. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the July 19, 2018 FDR, NRE & Expense Management Report was approved.

**U OF M
PROPOSAL**

U of M's Dr. Joe Magner and RRBC's Leah Thvedt presented a research proposal to explore nutrient uptake in agricultural crops within the North Ottawa Impoundment. Magner suggested that the District apply for an EPA 319 grant, and that he could provide some of the documentation required. The total cost of the proposal is \$14,903. Wold expressed concerns that the fund already has a negative balance. Deal indicated they are looking for alternatives forms of income, possibly exploring solar panels. Kapphahn requested that outside funds be acquired to cover the cost of the study; RRWMB's Rob Sip and RRBC's Leah Thvedt indicated that they might be able to provide funds. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the proposal was tabled.

**REDPATH
IMPOUNDMENT
PROJECT & COST**

Engineer Engels and Engineer Guler presented the water quantity and quality motives behind the proposed Redpath Impoundment Project; regional flooding, channel erosion, and break-out flows will be eased. They also presented the project design and recent changes to the design. Cell 1 (permanent pool) will receive and divert water to Cell 2. Cell 2 (intermittent) and Cell 1 will fill with flood water together; once full, water will be directed towards Cell 3, where it will either fill Cell 3 (in the spring) or be diverted to JD #14 (all other months). Cell 3 is composed of two sections of land, and will be rented out and farmed to provide operation and maintenance funds for the impoundment. The flow will not negatively affect JD #14. Cells 1 & 2 will provide enough storage to hold a 5-year, 24-hour rain event. Construction is broken into Phases 1a, 1b, 2, 3, and 4, at a total cost of around \$25,000,000. Permits will be completed this year; land acquisition and securement of funding remain. Athens reported on the status of the negotiations with Breck Dilly. Dilly was offered the appraised value in January. He indicated he did not want to sell and had hired Rob Bigwood as his attorney. They have not contacted us since. Athens telephoned Bigwood in early July. Bigwood apologized for not responding and said he would contact Dilly. He hasn't responded to date.

**REDPATH GRANT
OVERPAYMENT**

Beyer relayed that last August, the District was notified that the DNR over reimbursed the District by \$610,000 for Redpath Corridor expenses. The DNR presented two choices – return the funds and re-request them as eligible expenses are paid, or provide proof of expenses already incurred, up to the \$610,000. The issue was tabled until final figures can be calculated by Accountant Renee Kannegeisser.

**BUFFER
ORDINANCE**

Board managers reviewed information about Buffer Law Implementation, and a review from BWSR. Wold will work with Attorney Athens to conform BdSWD's rule to BWSR's model.

**LESSARD SAMS
CONTACT**

Upon motion by Deal, seconded by Dahlen and carried unanimously, the lead representative for the BdSWD for the Lessard Sams is Administrator Beyer and alternate is Engineer Guler.

**SOUTHERN
BOUNDARY**

Attorney Athens prepared petitions for the District's southern boundary adjustment.

PTM APP

As requested by District Managers, the PTMapp technical assumptions were provided by Houston Engineering. Administrator Beyer has submitted questions, but has not received a response.

1W1PLAN RULES

Upon motion by Deal, seconded by Schmidt and carried unanimously, the 1W1Plan Committee Rules were approved.

**JD #11
REDETERMINATION**

Viewers are continuing their work on JD #11. David Drown Associates' Shannon Sweeney confirmed that redetermination costs may be bonded for at a later date, with the passage of a resolution by the District and the bonding county. Administrator Beyer will attend an upcoming Traverse County Commissioner meeting to introduce them to the project.

**WCD #8
PAY ESTIMATE
#2**

Construction continues on WCD #8. Excess material (clay) was discussed; there may be a need by the Wilkin County Highway Department on an adjacent project. Upon motion by Schmidt, seconded by Deal and carried unanimously, Pay Estimate #2 was approved, in the amount of \$139,100.40.

**TCD #27
CULVERT**

Attorney Athens contacted MnDOT regarding their responsibility to repair or replace a collapsed culvert. Traverse County Highway Engineer Chad Gillespie confirmed that the culvert is not on the bridge inventory, and is contained within MnDOT's right-of-way.

TCD #52

Attorney Athens described options available for repairs needed surrounding the outlet of TCD #52, and on the ditch itself. Attorney Athens offered that the District could formally start a project and then petition the ditch authority to improve the adequacy of the outlet, addressing concerns of water resources and water quality. The drainage authority would then decide how to pay for the construction, and how to fund future maintenance. Attorney Athens identified at least four options for the future maintenance the adequacy of the outlet:

- 1) All maintenance costs assessed to TCD #52 property owners
- 2) All costs assessed to a newly formed special assessment district
- 3) All costs paid out of the Construction Fund.
- 4) Take no action.

**TCD #52
POSSIBLE
PHASES**

Attorney Athens suggested that the improvement to the outlet be considered a Construction Fund Project; future maintenance could be covered by TCD #52 landowners. Schmidt suggested that a redetermination be initiated once the improvement is completed. Engineer Engels suggested that the project be broken up into phases: Phase I (Area Around Outlet), Phase II (Land Parallel to Highway 27), Phase III (Upstream of Trees). Upon motion by Deal, seconded by Schmidt and carried unanimously, Athens is authorized to draft a resolution to start the improvement project.

TCD #52 RFM

Administrator Beyer reported that the TCD #52 Ditch Fund will have approximately \$40,000 that can be spent on maintenance. Engineers Engels and Fridgen were ordered to identify 4 – 5 miles to clean-out.

**UNPERMITTED
WORK**

Engineer Fridgen brought forward concerns regarding unpermitted tiling and diking. Athens recommended that Engineer Engels investigate the claims further.

**FLOOD DAMAGE
REDUCTION
WORK GROUP
RSOD & BUFFER
ACCELERATION
POLICIES**

Deal and Wold reported on events at the Red River Basin Flood Damage Reduction Work Group. Wold described the proposed Runoff and Sediment Delivery Option and Accelerated Drainage System Acquisition of Buffer Strips legislation, and requested whether fellow managers supported or opposed the measures. Dahlen made motion to oppose the Accelerated Drainage System Acquisition of Buffer Strips. Schmidt seconded the motion. Roll call vote: Kapphahn, abstained; Schmidt – aye; Dahlen – aye; Deal – abstained; Wold – aye. Motion carried. Dahlen made motion to oppose the Runoff and Sediment Delivery Option. Schmidt seconded the motion. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Deal – abstained; Wold – aye. Motion carried.

**TORT LIMITS
NOT WAIVED**

Upon motion by Deal, seconded by Schmidt and carried unanimously, the Bois de Sioux Watershed does not waive the monetary limits on municipal tort liability established by MN Statute 466.04.

**REDPATH SHED
ELECTRICITY**

A notice of idle service was reviewed for a District owned shed in Redpath Township. Board Managers agreed that the service should not be removed.

The meeting adjourned at 12:45 pm.