

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
February 21, 2019**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:03 a.m. Present: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: John Kapphahn. Also present: Engineer Chad Engels, Engineer James Guler, Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Deal, seconded by Schmidt and carried unanimously, the agenda was approved with the following additions: FEMA Floodplain Data, Meeting Start Times, and 5-Mile Creek.
- CLAIMS** Upon motion by Wold, seconded by Beyer and carried unanimously, the Claims of February 21, 2019 were approved as presented, along with a payment to Hormann Works for \$6,633.75.
- MINUTES** Upon motion by Gillespie, seconded by Wold and carried unanimously, the Minutes of January 11, 2019 were approved. Upon motion by Gillespie, seconded by Deal and carried unanimously, the Minutes of January 17, 2019 were approved.
- TREASURER'S REPORT** Administrator Beyer reported that CLA auditors were on-site last week preparing the 2018 financial statements. Upon motion by Wold, seconded by Dahlen and carried unanimously, the January Treasurer's Report was approved.
- John Kapphahn entered the meeting.
- PUBLIC COMMENT:
WILKIN SWCD
BUFFER AID
REQUEST** The meeting was opened for public comment. Wilkin County SWCD Technician Kim Melton and Supervisor Kyle Gowin presented a cost-share opportunity to install eighteen side inlet culverts with flapgates and berms. They requested that the Bois de Sioux Watershed District consider allocating funds from the Riparian/Buffer Aid received by the Bois de Sioux Watershed District on behalf of Wilkin County. Total cost of the project: \$180,360. Private landowners have committed to \$45,090 in out-of-pocket costs. Wilkin County SWCD offered to forgo the 20% fee their organization would retain from the grant request. Five of the culverts would be placed in WCD #25; the remaining thirteen would be placed on private property. Board Managers requested that permit applications be submitted as a first step, and will discuss it at the March 28, 2019 board meeting.
- WCD #9 & #10
IMPROVEMENT
HEARINGS** Upon motion by Schmidt, seconded by Dahlen and carried unanimously, President Vavra reconvened the final hearing on the improvement petition for WCD #9. Upon motion by Gillespie, seconded by Beyer and carried unanimously, simultaneously reconvened the final hearing on the improvement petition for WCD #10. Viewers Swedlund and Pederson were present. Viewer Swedlund described two changes that were made to the Viewers' Report. The first change was to parcels enrolled in permanent conservation programs. The second change was made to parcels that are partially benefitting from drainage into an Otter Tail County ditch that was not originally included in the District's LIDAR mapping system. Attorney Croaker stated that the Viewers may determine benefits based on an increase to the market values of the property as a result of constructing the project; an increase in potential ag production as a result of the construction of the project; and increased value of the property as a result of different land use. Engineer Engels relayed that, in order to bring a parcel to a complete no-benefit level, that that parcel must be brought to pre-settlement conditions, without private drainage ditches. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Amended Viewers' Report for WCD #9 & #10 was approved. Engineer Engels confirmed that the project satisfies statutory requirements, including public utility and benefit and will promote the public health, and is practical. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the hearing was closed. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Findings and Order for WCD #9 & #10 were approved. Upon motion by Deal, seconded by Beyer and carried unanimously, engineering staff are authorized to prepare final plans and specs, advertise for construction bids, and the administrator will notify bond counsel. Moore Engineering will host a pre-bid contractor meeting, to discuss project details before bids are submitted, and alternates will be advertised for a 2020 completion date and topsoil stripping.
- WCD #9 & #10
CONSOLIDATION** With the redetermination process done, WCD Nos 9 and 10 can be consolidated. Deal made motion to approve the Resolution to Consolidate WCD Nos. 9 & WCD 10 and directed the Administrator to schedule a public hearing on the consolidation of WCD Nos 9 & 10. Roll call vote: Kapphahn – aye; Schmidt – aye;

Dahlen – aye; Beyer – aye; Wold – aye; Gillespie – aye; Vavra – aye. Motion carried. A public hearing will be held at the March 28, 2019 meeting.

**#18-110
D. WEBB PERMIT**

The details of Dale Webb's Permit Application #18-110 were reviewed. Dale Webb, Jason Burmeister, and Mark Blackwelder all provided information about flooding problems in the area. Gillespie made motion to approve the permit, with assurance that the tile water would be moved west. The motion failed for lack of a second. Upon motion by Gillespie, seconded by Wold and carried unanimously, the District approved extension of the time period for action on the Permit by an additional 60 days, pursuant to Minn. Stat. 15.99, Subd. 3(f), in order to give the applicant, neighbors, and staff time to mediate a solution.

**WCD #8
COMSTOCK
PAYMENT,
CHANGE ORDER
NO. 2 & NO. 3**

Upon motion by Dahlen, seconded by Beyer and carried unanimously, a partial payment to Comstock was approved in the amount of \$2,722.50. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Change Order No. 2 with Fridgen Excavating was approved, decreasing the amount of the original Contract Price by \$35,284 (due to the Comstock subcontract), changing the Substantial Completion date to November 15, 2018, and changing the Final Payment date to June 20, 2019. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, Change Order No. 3 with Fridgen Excavating was approved, increasing the contract price by \$7,980.00 for pumping water, additional ditching, and culvert relocations.

**NORTH OTTAWA
PRESENTATION**

EOR's Jason Naber and Kevin Beihn presented land use options for North Ottawa that diversify species and generate revenue. The land uses were presented to the DNR last week. Upon motion by Deal, seconded by Beyer and carried unanimously, EOR is authorized to proceed with the second phase of their scope of services.

**JD #6 & JD #11
SCHEDULE**

Board managers discussed upcoming repair projects JD #6 and JD #11, and the competition for BWSR grants. MN-DOT will be lowering a culvert in JD #11 in 2021, so a retrofit must be done before that time. The Board decided to tentatively plan for JD #11 construction in 2020 and JD #6 construction in 2021.

**RING DIKE
AVAILABILITY**

Upon motion by Wold, seconded by Schmidt and carried unanimously, staff are directed to send a letter to 5-Mile Creek landowners, encouraging them to consider participating in a RRRWMB ring dike cost share program that expires in 2019.

**SPRING
FLOODING**

Staff relayed concerns about potential spring flooding. Board managers expressed priority for residential structures and livestock. On 103E drainage ditches, efforts will be made to alleviate flooding, if possible, and to public waters that serve as ditch outlets. Engineer Engels encouraged staff to contact and prepare stream gauge readers.

**CLEAN WATER
RETROFIT COST
SHARE**

Upon motion by Beyer, seconded by Wold and carried unanimously, the Clean Water Retrofit Cost Share Policy was approved. Gillespie requested that staff draft and project costs for a similar policy for culverts installed in areas in the district that are not located on a BdSWD legal drainage system.

**WATERSHED
MANAGEMENT
DISTRICTS**

Attorney Croaker presented the initial steps to set-up a watershed management district to support the Lake Traverse Water Quality Improvement Project No. 1. A draft overall plan amendment was reviewed. Upon motion by Dahlen, seconded by Beyer and carried unanimously, staff are authorized to finalize the overall plan amendment, for consideration at the March 28, 2019 board meeting.

**DORAN
CREEK/BDS
DIRECT PL 566
RCPP**

Engineer Engels provided a summary of the steps completed for the Doran Creek/BdS Direct PL566 RCPP project, and the recent sixth meeting of the Project Team. Currently, \$1 million in crop losses are experienced annually. Several alternatives were thoroughly evaluated, but none provide a comprehensive solution to the project's mission. The RCPP process provided great value by facilitating meetings with landowners, creating an economic damages report, an evaluation of several alternatives, and updated flood models. Gillespie made the motion, seconded by Dahlen, to withdraw from PL566 RCPP. Staff will submit final reimbursements for project costs to-date. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Beyer – aye; Wold – aye; Gillespie – aye; Vavra – aye. Motion carried. Improved drainage infrastructure will be explored through local efforts.

**BUFFER RULE
HEARING**

Attorney Croaker relayed that BWSR has approved the District's Buffer Rule. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, a rule hearing will be held March 28, 2019.

**EOR CONTRACT
AMENDMENT**

Upon motion by Schmidt, seconded by Dahlen and carried unanimously, an amended "Scope for Identifying & Vetting Ag + Natural Resource Synergies for North Ottawa Impoundment" contract was approved.

TERMS EXPIRE	Staff will notify Grant, Stevens, and Traverse Counties regarding upcoming board manager term expirations.
EOY JOURNAL ENTRIES	Upon motion by Schmidt, seconded by Gillespie and carried unanimously, end of year journal entries were approved.
PAYROLL CONTRACT	Upon motion by Schmidt, seconded by Dahlen and carried unanimously, Morris and Associates' Payroll Check Preparation Service Engagement Letter was approved.
START TIMES	Gillespie requested that board managers consider 8:00 am and 8:30 am meeting start times.
FEMA DATA REQUEST	Board Manager Beyer relayed a request from FEMA for the District's HMS Model. Beyer made motion, seconded by Gillespie, to provide the data. Motion carried. Upon motion by Beyer, seconded by Schmidt and carried unanimously, the meeting was adjourned at 2:05 pm.