

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
July 18, 2019**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Also present: Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, and Administrator Jamie Beyer. Absent: Technician Troy Fridgen.
- AGENDA** Upon motion by Deal, seconded by Dahlen and carried unanimously, the agenda was approved.
- CLAIMS** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Claims of July 18, 2019 were approved as presented.
- MINUTES** Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the minutes of June 20, 2019 were approved.
- TREASURER'S REPORT** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Treasurer's Report was approved.
- PUBLIC COMMENT** The meeting was opened for public comment. No comments provided.
- PERMIT #19-032 BIG STONE COUNTY HWY** Big Stone Highway Department requested consideration for joint management of a tile system designed to restore Cup Lake to its ordinary high water elevation; overflow from Cup Lake is encroached and overtopped an adjacent road. Upon motion by Wold, seconded by Deal and carried unanimously, Permit Application #19-032 was approved with the following conditions:
1. The proposed Cup Lake outlet structure shall consist of a 12" diameter dual wall plastic pipe with a gate valve or sluice gate.
 2. The existing South Rothwell 18" RCP outlet culvert shall be armored with riprap.
 3. In order to preserve storage for downstream flood damage reduction, the normal position of the gate on the proposed Cup Lake 12" outlet structure shall be closed.
 4. Regardless of the elevation of Cup Lake, the Cup Lake 12" outlet structure may be opened from November 1 to February 1 as long as downstream culverts do not freeze with flowing water.
 5. If the elevation of Cup Lake is higher than 3 feet above the OHW, the Cup Lake 12" outlet structure may be opened any period of time between June 1 to November 1 if downstream culverts that serve as outlets to both South Rothweil Lake and North Rothweil Lake are not flowing full or by special permission of the Bois de Sioux Watershed District.
- PERMIT #19-055 TRAVERSE COUNTY HWY** Traverse County Highway Department is replacing a TCD #44 culvert that area landowners say was undersized and placed at too high an elevation; the situation caused ditch flow to bypass the culvert, exiting the ditch at the culvert and then re-entering the ditch past the culvert. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, engineering staff are authorized to review the culvert sizes along the ditch system and review the application at the August 15th board meeting.
- PERMIT #19-058 TRAVERSE COUNTY HWY** Traverse County Highway Department intends to replace a 54" culvert along TCD #27 that may have been damaged during the 2019 Flood. Engineering staff reviewed an engineer's report for the system, and found that it would be more appropriately sized at 60." Traverse County Engineer Chad Gillespie requested that the permit application be placed on hold until they could receive confirmation from FEMA that FEMA will cover the cost to resize the culvert. Upon motion by Deal, seconded by Beyer and carried unanimously, an extension is granted by request of the applicant.
- PERMIT #19-049 T. VANDERWAAL** The applicant proposes a tiling project that includes a small area outside of the subwatershed. The project is gravity-based and flows will be significantly less than the District's ¼" drainage coefficient standards. Furthermore, the two subwatersheds meet and flow into the same downstream waterbody. Upon motion by Beyer, seconded by Schmidt and carried unanimously, the permit is approved.
- PERMIT #18-109 D. STOCK** Attorney Croaker reported that the applicant is in violation of the District's order, as an unpermitted tiling outlet is still being used; in addition, after-the-fact legal and engineering fees have not been paid. Croaker has been in contact with Mr. Stock's legal representation, who stated that Stock's attorney has met with neighboring landowners and is working on an After-the-Fact Permit. The attorney is also reviewing the

engineering and legal fees. Board managers requested that the permit be discussed at the August 15th board meeting.

- PERMIT #19-039**
A. DEAL
PETITION
HEARING TCD
#4
- President Vavra opened the Public Hearing to Consider the Petition from Aaron Deal to use TCD #4 as an outlet for the W1/2 of Section 6, Logan Township, in Traverse County (Parcel #09-0024-500 and Parcel #09-023-000). Attorney Croaker read Minn. Stat. § 103E.401. subd.4. Engineer Engels provided an oral presentation of the existing condition of the ditch system and a map showing the current assessment district and the LIDAR-based watershed. Landowners voiced the need for a clean-out of Sections 5, 4, and part of 4. Deal recommended that landowners consider adding the petitioned parcel prior to clean-outs, so that the permit parcels contribute to the clean-out expenses. No other comment was received. Upon motion by Schmidt, seconded by Gillespie and carried unanimously, the hearing was closed. Croaker read the Order, which included that the outlet fee has been calculated to be \$2,722.46 and the benefits were calculated to be \$412.00 for Parcel 09-0023-000 and \$267.00 for Parcel 09-0024-500. Upon motion by Schmidt, seconded by Gillespie and carried unanimously, the hearing was closed. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the Order Authorizing the Use of TCD #4 as an Outlet was approved.
- PERMIT #19-041**
C. RAGUSE
PETITION
HEARING JD #11
- Upon motion by Gillespie, seconded by Deal and carried unanimously, President Vavra opened the Public Hearing to Consider the Petition from Chester Raguse to use JD #11 as an outlet for SW1/4 of Section 15, Taylor Township, in Traverse County (included in Parcel #12-0051001). Attorney Croaker read Minn. Stat. § 103E.401. subd.4. Engineer Engels provided a map showing both the current assessment district and the draft redetermined assessment district currently being evaluated by ditch viewers; the petitioned parcel is not currently included in the JD #11 assessment district, but will be once the redetermination process is complete. If the petition is approved now, the applicant will pay an outlet fee; after the redetermination, no outlet fee would be required. Engels stated that the design of JD #11 is based on a 10-year, 24-hour rain event to benefit the existing Watershed and that JD #11 as an outlet could handle the permit project. No other comment was received. Croaker read the Order, which included that the outlet fee has been calculated to be \$5,521.18 and the benefits were calculated to be \$1,032.00. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the hearing was closed. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Order Authorizing the Use of JD #11 as an Outlet was approved.
- RRWMB UPDATE**
- Rob Sip, Executive Director of the Red River Watershed Management Board, provided an update of the current financial assets of the organization, 2020 budget decisions, and recent organizational changes. Sip stated that the RRWMB decided to reduce their tax levy from 100% of their maximum levy to 75% of their maximum levy. Gillespie encouraged RRWMB funding policies to address the water quality benefits of ditch retrofits. President Vavra emphasized that improvements made in the Bois de Sioux and Mustinka Watersheds benefit everyone downstream.
- BWSR UPDATE**
- Pete Waller, Board Conservationist with the Board of Water and Soil Resources, gave a legislative session summary. Clean Water Funds increased from \$95,508,000 to \$138,434,000 for the upcoming biennium, with the largest increases occurring in 1W1Plan grants, Project and Practices grants, and CREP. Dahlen and Wold expressed concerns that the recently passed voluntary Runoff and Sediment Delivery Option will be made mandatory. Waller responded that the legislation included a 5-year sunset.
- WCD #8**
- The project has been seeded. Substantial Completion was declared June 18, 2019. Upon motion by Beyer, seconded by Deal and carried unanimously, Payment #2 to Comstock in the amount of \$95,862.50 was approved. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, payment of \$120,072.70 to Fridgen Excavating was approved, along with a recommendation to maintain a 5% withholding amount and quantities withheld for seeding and stormwater management.
- WCD #9**
- Riley Bros. will start August 5th. Traverse Electric buried their power lines, but are waiting for tile pumps to be rewired before the pull electric poles. CenturyLink is currently moving pedestals. RRWMB has received the request for cost-share, and has granted an extension in order to formulate an applicable RRWMB funding policy.
- JD #12 LAT. 4**
REPAIR
- A landowner meeting was held earlier in July. Following the meeting, a signed 103E.715 repair petition was received. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the petition was accepted, with Moore Engineering appointed as the designated engineer and authorization was given to prepare and provide an Engineer's Report on August 15th.

**LTWQIP NO. 1
OVERALL
AMENDMENT
AND BWSR
SUBMISSION**

Attorney Croaker introduced the draft Amendment to Bois de Sioux Watershed District Overall Plan to establish watershed management districts, identifying one for the Lake Traverse Watershed Management District. Croaker described the approval and implementation process, which requires submission to and approval from the Board of Water and Soil Resources. Croaker also explained that the watershed management district cannot be the sole source of funding for a project and that the amendment includes an annual levy cap of \$75,000. Upon motion by Wold, seconded by Schmidt and carried unanimously, the amendment is approved and authorization is granted to submit the amendment to the Board of Water and Soil Resources.

**2017 BIG LAKE
DNR PERMIT
APPLICATION**

Engineer Engels relayed a request from the DNR to determine the Board's intent on an outstanding, incomplete water storage permit application for Big Lake in Grant County. DNR Regional Manager Nathan Kestner stated that permit fees have since increased from \$150 - \$1000 to \$300 - \$3000. Kestner relayed that Big Lake's targeted elevation is being disputed, and discussions ceased in May of 2017 following a request from the DNR for the BdSWD to provide an environmental assessment worksheet (EAW). At that time Moore Engineering estimated the project's EAW to cost \$50,000. Kestner emphasized that the DNR does issue permits, and that the purpose of the EAW is to identify the project costs of environmental impacts. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to put together an EAW cost estimate.

Deal left the meeting.

**DAILY
COMPENSATION
INCREASE**

Croaker introduced a resolution to implement the \$125/day watershed manager compensation authority, effective July 1, 2019, that was recently enacted by the legislature. Beyer made motion, seconded by Dahlen, to approve the Resolution Increasing Daily Compensation for Watershed District Managers. Roll call vote: Brutlag – aye; Kapphahn – aye; Schmidt – aye; Dahlen – aye; Vavra – aye; Beyer – aye; Wold – aye; Gillespie – aye. Motion carries.

**BUDGET & LEVY
HEARING**

Upon motion by Beyer, seconded by Gillespie and carried unanimously, a Public Hearing on the 2020 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems will be held on August 15th, 2019 at 10:30 am at the District Office.

Deal entered the meeting.

**BUFFER
COMMITTEE &
RIPARIAN AID**

Administrator Beyer requested a Buffer Committee. Kapphahn, Wold, and Vavra volunteered. Board Managers reviewed information about the recent decertification of Riparian Aid to the District. This year's allocation was reduced by \$37,134.

RING DIKES

One landowner expressed interest in ring dike cost share opportunities.

**REDPATH
APPRAISAL AND
NEGOTIATIONS**

Appraisal information was reviewed for an unacquired Redpath parcel. Gillespie relayed concern about land acquisitions in the past, in situations where the District bid against private landowners in order to purchase land. Schmidt asked Attorney Croaker to research whether 1031 land exchanges can be part of a future land negotiations. Gillespie stated that he might support a 1031 land exchange if the District divested of all its properties not in project footprints.

**MAWD NORTH
OTTAWA TOUR**

President Vavra gave an update of the success of the MAWD North Ottawa tour. There were many attendees from the metro area.

Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the meeting was adjourned at 12:45 pm.