

**BOIS DE SIOUX WATERSHED DISTRICT  
BOARD MEETING MINUTES  
August 15, 2019**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present: Linda Vavra, Jason Beyer, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, and Steven Schmidt. Absent: Allen Wold. Also present: Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Administrator Jamie Beyer, and Technician Troy Fridgen.
- AGENDA** Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the agenda was approved with the following changes:
- Removed: 19-055 Traverse County Highway Department  
Added: 19-066 Brent Pederson  
Added: 19-084 Roger Budke  
Added: TCD #23
- CLAIMS** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Claims of August 15, 2019 were approved as presented.
- MINUTES** Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the minutes of July 18, 2019 were approved.
- TREASURER'S REPORT** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Treasurer's Report was approved.
- PUBLIC COMMENT** The meeting was opened for public comment. Sylvan Prothero voiced concerns about Grant County plans to replace 3 72" culverts. Culvert sizing changes would need to be permitted by the Bois de Sioux Watershed District. Engineer Engels relayed that we now have a computer model for the area in question, and can determine the effect of proposed crossing replacements. Grant County's goal in the culvert replacement is to prevent flood water from overtopping CSAH 1 during a 25-year flood event. Other considerations may need to be made for the need for a larger crossing in the future (once Redpath is built), to prevent water from breaking-out of the Mustinka River and heading North; MN-DOT plans to replace a culvert through Highway 9; Grant County plans to raise the elevation of three roads upstream of the Mustinka Dam; and the DNR will require a public water permit, and they will likely be concerned about velocities and fish passage.
- PERMIT #19-065 VIPOND FARMS** A petition was received from Vipond Farms to outlet a drainage project into TCD #4 for parcel 09-0022-000; this parcel is not currently included in the assessment district. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, a hearing was ordered for September 19, 2019 at 8:30 am.
- PERMIT #19-074 R. KOPPEL** The permit application was brought for review as approval would require a deviation from the District's subwatershed policy. The applicant and neighboring landowners clarified the subwatershed boundary for the project, indicating that a field review would reveal all but 5 proposed inlets are draining in the correct watershed. Current computer modeling indicates that water from one project subwatershed is diverted by a ditch for about one mile, and then joins with outletted water from a second project subwatershed. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the permit is approved contingent upon receipt of a project plan that provides labels for surface inlet types.
- PERMIT #19-084 R. BUDKE** A neighboring landowner has concerns that a dike may have been built along the edge of the permit application property. The permit application itself meets the District's policies. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the permit was approved. Neighboring landowners were encouraged to find a common solution to natural flooding water paths that cross four separate parcels. Landowners were notified that an unpermitted dike could result in after-the-fact permit, legal, and engineering fees.
- PERMIT #18-109 D. STOCK** Attorney Croaker described a letter received from Mr. David Stock's attorney. Attorney Croaker, Engineer Engels, and Administrator Beyer will schedule a meeting with the attorney and Mr. Stock to discuss the letter and Mr. Stock applying for another after-the-fact permit.

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| <b>#19-085<br/>G. BRUNKOW</b>                                 | Engineer Engels presented a summary of the permit application, and verified that it would be appropriate to require that the applicant to petition into TCD #8.   |
| <b>#19-066<br/>B. PEDERSON</b>                                | Technician Fridgen relayed that issues related to the permit have been resolved.  |
| <b>WCD #8<br/>CULVERT<br/>AGREEMENT</b>                       | Engineering staff reported that there will be no more pay estimates until seeding has been established. Attorney Croaker, Engineer Engels, and Administrator Beyer met with the Wilkin County Commissioners, their attorney, and their highway engineer to discuss the inter-agency culvert agreement. The attorneys and engineers are finalizing agreement terms.  |
| <b>WCD #9</b>   | Approximately 1½ miles have been started. Power poles have been pulled, but the electric service has not yet been buried. A pay estimate is anticipated for the next board meeting.   |
| <b>JD #12 REPAIR</b>  | Engineer Engels introduced the JD #12 Engineer's Report. Beyer made a motion to accept the report; the motion failed due to a lack of a second. The original grade line of the ditch is steeper than recommended by Engineer Engels and the ditch is currently in a state of erosion as a result. Engineer Engels presented ditch repair design options, incorporating measures to reduce ditch erosion (encouraged under Minn. Stat. § 103E.701, subd. 6) and considerations for overall ditch capacity and grade. A letter of opposition from MN-DOT was discussed. Engineer Engels will gather additional information from MN-DOT and report back to the board.  |
| <b>TCD #23</b>  | The District is holding \$2,000 in retainage from the repair of TCD #23. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the payment may be released if Traverse County is satisfied with the project and no final payment hearing is required.  |
| <b>DITCH REPAIRS</b>  | Upon motion by Gillespie, seconded by Deal and carried unanimously, Technician Fridgen recommendations for repairs in excess of \$10,000 were approved for TCD #4, TCD #27, TCD #41, TCD #44, TCD #52, JD #11 Lat. 3.   |
| <b>TCD #52</b>  | A TCD #52 landowner meeting will be held at 1 pm on September 19, 2019 at the Wheaton Legion.   |
| <b>REDPATH</b>  | The District has four remaining properties to acquire within the footprint of the impoundment. Landowners for two parcels have expressed interest in entering into a purchase agreement. Engineer Engels will soon meet the landowner for a third parcel. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, an appraisal is authorized for the fourth parcel, owned by the Mathias family.  |
| <b>2020 BUDGET,<br/>LEVY &amp;<br/>ASSESSMENT<br/>HEARING</b> | At 10:30, upon motion by Deal, seconded by Beyer and carried unanimously, President Vavra opened the public hearing on the 2020 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems and projects under the Bois de Sioux Watershed District's jurisdiction. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the Bois de Sioux Watershed District Ad Valorem Levy, which included a General Levy of \$250,000 and a Construction/RRWMB Levy of \$1,632,064.83 was approved. Upon motion by Deal, seconded by Beyer and carried unanimously, the preliminary ditch levels were approved; they will be formally set later this year. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the hearing was closed. |
| <b>NORTH OTTAWA<br/>UPDATE</b>                                | Technician Fridgen explained that the District entered into an agreement with an individual to cut, bale, and remove bales on ten miles of collection ditches for the North Ottawa Project rather than the District incurring substantial fees to mow the collection ditches. Board managers requested that District staff advertise for bids to hay collection ditches and other areas around the North Ottawa Project in December when the District advertises for land bids for 2020. A landowner approached Technician Fridgen about purchasing leftover culverts stored at North Ottawa. These may also be bid, if they cannot be used on another ditch system. Kapphahn said he has received many positive comments on the availability of the portapotty at the Impoundment. |
| <b>DNR PUBLIC<br/>WATERS</b>                                  | Board Manager Deal attended a recent Drainage Work Group meeting in which the DNR is evaluating its ability to provide permission vs. a permit when it comes to clean-outs in public waters.  |
| <b>MPCA TALU</b>  | President Vavra, Dahlen, and Wold attended an MPCA meeting held at the District to evaluate ditches for biological indicator standard classification through MPCA's Tiered Aquatic Life Uses (TALU). President Vavra relayed a serious concern that, as the ditch authority, the District has a legal liability to maintain and repair  |

drainage ditches and can be sued if it is found the District does not meet their legal obligation – and that TALU will allow MPCA to sue if it feels the drainage ditch is not maintaining enough water and habitat to support fish and macroinvertebrates.

**2020  
LEGISLATIVE  
PRIORITIES**

Upon motion by Gillespie, seconded by Beyer and carried unanimously, Board managers reviewed three legislative priorities for 2020 described in resolutions, recommending DNR Permit Certainty, Default Classification for Artificial Watercourses that Serve as Public Drainage Ditches, and Increasing the General Administrative Levy. These priorities will be submitted to RRWMB and MAWD.

**DORAN CREEK**

Beyer inquired about the Doran Creek Project. Engineering staff will present the proposed preliminary water management district at the September board meeting. The One Watershed One Plan bus tour will also begin and end in Doran, and the project will be discussed.

**NATIONWIDE  
RETIREMENT  
PLAN**

The District currently has an optional, employee-sponsored Nationwide retirement plan that is only utilized by a former employee. Dahlen made motion, seconded by Beyer and carried unanimously, to have the former employee move their account to an outside agency and close the retirement plan.

**DECKER  
RESIGNATION**

Office Manager Lacey Decker has resigned from her position; her last day is August 16, 2019. A job application, job description, and ad have been advertised in the District newspapers.

**BUFFER  
COMMITTEE**

Board Managers Brutlag, Kapphahn, and Deal left the meeting, along with engineering staff. Board Managers Beyer, Dahlen, Gillespie, Schmidt, and Vavra, along with Attorney Croaker and Administrator Beyer, participated in the Buffer Committee (absent Allen Wold) meeting discussion. The group reviewed the current Buffer Fund balance and discussed SWCD implementation and compliance progress, and expressed concerns that buffer aid will be reduced further or eliminated in the future. Attorney Croaker left the meeting. Technician Fridgen joined the meeting; in his schedule of inspecting 1/3 of the District's ditches annually, he also tracks buffer installation. Upon motion by Gillespie, seconded by Beyer and carried unanimously, staff are authorized to purchase a drone and corresponding training. Schmidt suggested that the District consider using buffer funds to seed after ditch repairs; ditch repairs involve excavation of the ditch slope and buffer, and in some cases, pushes the existing buffer back.

Upon motion by Dahlen, seconded by Beyer and carried unanimously, the meeting was adjourned at 1:10 pm.