

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
September 19, 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 Allen Wold. Absent: Steven Schmidt. Also present: Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Administrator Jamie Beyer, and Technician Troy Fridgen.
- AGENDA** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved with the following changes:
- Removed: 19-066 Brent Pederson
Added: 19-107 Bernard Van Zomeren
Added: 19-100 Grant County Hwy Dept, CSAH 1 & Hwy 9
Added: JD #11
Added: Redpath Update & Purchase Agreements
Added: Approve Resolution Requesting Deauthorization of Mustinka River
Added: New Hire & Employment Terms
- CLAIMS** Upon motion by Deal, seconded by Wold and carried unanimously, the Claims of September 19, 2019 were approved as presented.
- MINUTES** Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the minutes of August 15th and September 11th, 2019 were approved with a correction on the adjournment motion at the September 11th meeting.
- TREASURER'S REPORT** Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the Treasurer's Report was approved.
- SCHMIDT ARRIVES** Steven Schmidt arrived at the meeting.
- PUBLIC COMMENT** Wold inquired about how well the metal stop logs were working at North Ottawa. Technician Fridgen indicated that the stop logs will be used this fall.
- PERMIT #19-085
G. BRUNKOW** Details of the permit were reviewed, along with a petition to outlet the proposed drainage project into TCD #8 for portions of parcel 16-00137-000 and 16-00137-002 (these parcels are not currently included in the assessment district). Upon motion by Deal, seconded by Kapphahn and carried unanimously, the permit is approved upon the condition that the applicant successfully petition the project into TCD #8. Upon motion by Kapphahn, seconded by Deal and carried unanimously, a hearing was ordered for October 17, 2019 at 8:30 am.
- PERMIT #19-088
K. ZIMMERMAN
APPEAL** The permit was denied administratively because the project crosses subwatersheds. Mr. Zimmerman appealed the decision, demonstrating how pump-controlled drainage water would be directed to a county ditch rather than being left to meander across the middle of neighboring fields. The majority of the drainage project (120 acres) would outlet into a new watershed via SCD #15. Mr. Zimmerman offered to remove the surface inlets from the project. No neighbor comments or letters of opposition have been received. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the permit is approved based on the conditions that 1) surface inlets be removed from the project and 2) that the applicants successfully petition the project into Stevens County Ditch #15.
- PERMIT #19-065
VIPOND FARMS** Upon motion by Beyer, seconded by Deal and carried unanimously, the public hearing was opened to consider the Petition from Vipond Farms to use TCD #4 as an outlet for the S1/2 NE1/4 & Lots 1 & 2 of Section 6, Logan Township, in Grant County (Parcel #09-0022-000). 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. A landowner voiced concerns about flooding on 12-Mile Creek, and requested that a larger outlet be installed where the creek meets County Road 14. Croaker read the Order, which included that the outlet fee has been calculated to be \$1,514.27 and the benefits were calculated to be \$20,943.00 for Parcel 09-0023-000 and \$312.75 for Parcel 09-0022-000. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the hearing

was closed. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the Order Authorizing the Use of TCD #4 as an Outlet was approved.

**PERMIT #19-099
CAMPBELL
TOWNSHIP**

Neighboring landowners provided comment on Permit #19-099, stating that water could be directed east, north, or west. Upon motion by Kapphahn, seconded by Deal and carried unanimously, engineering staff were ordered to survey the area.

**PERMIT #18-109
D. STOCK**

Attorney Croaker, Engineer Engels, and Administrator Beyer met with Mr. Stock, Mrs. Frank and their attorney Gary Leistico. Based on this exchange, Croaker recommended the following:

- Mr. Stock must reapply for a new permit (since After-the-Fact Permit No. 18-109 was denied), with conditions approved by the Board including, lowering the elevation of the inlet structure, installing a traditional Hickenbottom inlet top, and other standard permit conditions.
- Before the permit will be approved, Mr. Stock must pay the after-the-fact fees: the \$250 permit fee and engineering and legal fees associated with processing After-the-Fact Permit No. 18-109. If these are not paid, the Order will be filed in District Court for enforcement.

**PERMIT #18-107
B. VAN ZOMEREN**

Landowners voiced opposition to the permit application, concerned that the mainline of TCD #37 will not be able to handle additional flow. On behalf of Eldorado Township, Gary Brunkow stated that the township is considering a project to raise the township road south of Sections 19 and 20, and build a ditch to direct flow to TCD #37 Lateral 1, which has more capacity – but, that this project may not be attempted for some time. Engels relayed that the culverts on TCD #37 Lateral 1 were sized for the contributing watershed, but the speed of flow might be a concern. Engels suggested that an improvement could be made to the mainline of TCD #37, which would give an opportunity for a redetermination that could include Stevens County parcels. Landowner Dave Horning requested that the Board initiate proceedings to establish an impoundment in Eldorado Township. Gillespie made motion to approve the permit with the condition that the landowners successfully petition the following into TCD #37: All parcels where the tile is installed which includes the E1/2 of the SE1/4 of Section 20 Eldorado Twp., the W1/2 of the SW1/4 of Section 21 Eldorado Twp., and the NW1/4 of Section 21 Eldorado Twp. Motion carried.

**PERMIT #19-100
GRANT COUNTY
HWY DEPT.**

Grant County Highway Engineer Tracey Von Barga is collecting project approval from the Corps of Engineers, the DNR and the BdSWD to replace two culverts that serve as a Mustinka River crossing for CSAH 1 just north of Norcross. The culverts were damaged during the spring flood of 2019. This highway has overtopped several times in past floods. For river navigation purposes, the DNR is requiring that the new culverts have an opening 3 feet higher than the bank full depth. Landowner Sylvan Prothero expressed concerns that his property could be negatively affected by the increased culvert size. Engineering staff presented computer modeling showing the hydraulic effect of different culvert crossing configurations for floods of different magnitudes. Von Barga recommended that a ring dike be built to protect Mr. Sylvan's property regardless of the crossing size that is ultimately selected because there is an existing flood threat. No modeling has been completed for the scenario in which the MN-DOT resizes the downstream culvert under State Highway 9. Engineering staff will continue to evaluate the project and report back to the board so an informed decision can be made with regard to the permit application.

**WCD #8
CULVERT
AGREEMENT**

Attorney Croaker presented the fifth version of the WCD #8 Culvert Maintenance Agreement with Wilkin County. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the agreement was approved.

WCD #9

The project is currently into the fourth mile of excavation. A Notice of Defective Work has been issued to Riley Brothers regarding portions of three miles where the contractor removed too much material from the shoulder of the existing road. No payments have been made to the contractor. Beyer clarified and emphasized that the cost to restore the shoulder should not be born by the WCD #9 Ditch Fund or BdSWD.

**BREMER BANK
MONEY MARKET**

Janice Hagen, of Bremer Bank, presented terms of a money market account that would currently provide 2.13% interest. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the administrator is authorized to transfer reserve funds to a Bremer money market account (currently \$6,000,000) and to open a Bremer Checking account to transfer funds from the reserve account to checking to pay monthly bills.

WCD #9

Three trees need to be relocated in Section 34. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Bottom Line Excavating is authorized to relocate the trees at a cost of \$1,800.

JD #12 LAT. 4

No update was given.

- JD #11** Engineer Engels provided a draft meeting schedule for continuation of the JD #11 repair and redetermination proceedings. The Viewers Report is expected in October.
- BIG LAKE EAW** Consultants Amy Denz and Tara Ostendorf presented a proposal through Moore Engineering to produce an Environmental Assessment Worksheet for an outlet control structure at Big Lake that would provide flood storage. The proposal is set not to exceed \$40,000 and does not include response to comments or the Findings of Fact. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the proposal was approved.
- OVERALL PLAN AMENDMENT** Attorney Croaker presented an appeal section that was added to the Overall Plan Amendment Section G – Water Management Districts. Upon motion by Beyer, seconded by Wold and carried unanimously, the Amendment was approved for submission to BWSR.
- TRANSFER OF FUNDS RIPARIAN BUFFER AID** Board managers reviewed a resolution to transfer funds from Riparian/Buffer Aid to the District’s System Drainage Improvement and Repair Projects, in recognition of the riparian protection costs incurred by drainage system funds. Deal requested that the issue be tabled.
- REDPATH LAND PURCHASE AGREEMENT** Engineer Engels gave an update on Redpath land left to acquire. Kapphahn requested that purchase agreements be completed prior to the next legislative session, if possible. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the Purchase Agreement with Tenco Farm, Inc. was approved.
- DEAUTHORIZATION OF MUSTINKA RIVER** Upon motion by Kapphahn, seconded by Wold and carried unanimously, the Resolution Requesting the Deauthorization of the Mustinka River was approved.
- COOPERATIVE PURCHASING** Upon motion by Gillespie, seconded by Beyer and carried unanimously, the Cooperative Purchasing Agreement with the State of Minnesota Department of Administration was approved.
- EMPLOYEE VACATION STEP** Upon motion by Gillespie, seconded by Deal and carried unanimously, in recognition of her employment history, new employee Wendy Sullivan will begin at the second step on the personnel vacation schedule.
- COUNTY FINANCE RESOLUTION** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, support for the Heron Lake Resolution Clarifying County Financing Obligations was tabled.
- Upon motion by Beyer, seconded by Dahlen and carried unanimously, the meeting was adjourned at 12:35 pm.