

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
October 17, 2019**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:00 a.m. Present: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, and Allen Wold. Absent: Ben Brutlag, Steven Schmidt. Also present: Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Administrator Jamie Beyer, and Technician Troy Fridgen.
- AGENDA** Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the agenda was approved with the following changes:
- Added: 19-108 Mark Severance
Added: 18-109 David Stock Update
Added: TCD #8 & TCD #37 Main Drainage Issues
Added: Redpath Appraisals
Added: Buffer Notice
- CLAIMS** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Claims of October 17, 2019 were approved as presented.
- MINUTES** Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the minutes of September 19, 2019 were approved.
- TREASURER'S REPORT** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Treasurer's Report was approved.
- PUBLIC COMMENT** Angela Wold provided public comment on enforcement of the state buffer law. Board Manager Wold requested that the board consider alternative practices or variances for field improvements that provide equal benefits to the water quality improvements purported of the buffers.
- PERMIT #19-085
G. BRUNKOW
OUTLET
PETITION** Upon motion by Beyer, seconded by Deal and carried unanimously, the hearing was opened to consider the petition from Gary Brunkow requesting authority to use Traverse County Ditch #8 as an outlet for portions of Parcel #16-0037-002 (S1/2NE1/4) and Parcel #16-0037-000 (N1/2NE1/4), Section 10, Eldorado Township (R44W, T126N), Stevens County. 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. Four landowners voiced concerns about the condition of TCD #8. Board managers agreed that surface drainage should not be added to TCD #8, but that controlled subsurface drainage should not present additional flooding problems. Engineer Engels reiterated that there are both long- and short-term drainage system improvements that should be addressed, beginning with the outlet. Croaker read the Order, which included that the outlet fee has been calculated to be \$977.97 and the benefits were calculated to be \$72.50 for Parcel 16-0037-002 and \$98.75 for Parcel 16-0037-000. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the hearing was closed. Beyer made motion, seconded by Gillespie to approve the Order Authorizing the Use of TCD #8 as an Outlet. Roll call vote: Kapphahn – yes, Dahlen – no, Vavra – yes, Beyer – yes, Deal – yes, Wold – no, Gillespie – yes. Motion carried. A landowner meeting will be scheduled for January 2019, in order for landowners to voice their support or opposition for drainage system improvements and impoundment possibilities. Upon motion by Beyer, seconded by Deal and carried unanimously, engineering staff are authorized to prepare a hydraulic analysis in order to determine if a repair, improvement, and/or extension of TCD #8 would benefit landowners.
- PERMIT #19-107
B. VAN ZOMEREN** Petitions were received from Chase Meixel and Duane Wilts, to use TCD #37 as an outlet for tile installation proposed for 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. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, a hearing was ordered for November 21, 2019 at 9:30 am.
- PERMIT #19-100
GRANT COUNTY
HWY DEPT.** Engineers Engels and Guler presented modeling results of flood elevations for an array of frequency flood events under differing scenarios. Several scenarios were considered with the primary comparison being made between the existing condition and ultimate future condition. The ultimate future condition assumes the 10'x10' proposed crossing replacement at CSAH 1, bridge replacement at Hwy 9, and Redpath inlet

channel improvements. Very little change was observed for the small events and 100-yr event. However, an approximate 6" increase in flood elevation was observed for the 50-yr event in some locations where structures are present. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, permit #19-100 was approved with the condition that levees be constructed or raised in the vicinity of the two farmsteads in Section 21 Gorton Twp Grant County.

**GILLESPIE
LEAVES**

Board Manager Scott Gillespie left the meeting.

**PERMIT #19-108
M. SEVERANCE**

Landowner Mark Severance provided revised plans for a tiling project in Sections 33 and 34 of Delaware Township in Grant County. Due to flooding from DNR managed property, Mr. Severance requested an exception to cross the subwatershed. Upon motion by Dahlen, seconded by Beyer and carried unanimously, permit #19-108 was approved as presented.

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

Landowner David Stock's attorney Gary Leistico joined the meeting by phone, and relayed his client's willingness to submit a new After-the-Fact Permit in response to denied Permit Application #18-109. Mr. Leistico offered to present a negotiation to Mr. Stock for the District's engineering and legal fees associated with the permit. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, board managers approved the following scenario to be completed before the board's November 21, 2019, meeting: Mr. Stock provide payment for the \$250 after-the fact permit fee for #18-109 and \$250 for the new after-the-fact permit application to be submitted; Mr. Stock reimburse the District for the engineering fees associated with processing Permit Application #18-109; Mr. Stock lower the inlet structure in question and ensure that the design of the inlet structure riser/trash guard does not impede or restrict the receiving line's full capacity; Mr. Stock and Mr. Bakke authorize District representatives access to the property at all reasonable times for inspection of the drainage system installed.

**TCD #27
COLLAPSED
CULVERT**

Board managers discussed the condition of a large collapsed culvert on TCD #27. MnDOT has stated that they are not responsible to replace the culvert. Board managers requested that Lake Valley Township officials be contacted to consider passage of a resolution to deem the culverts as a bridge, and that the Traverse County Highway Department conduct a load rating and post corresponding weight restrictions as soon as possible. Board managers also directed Attorney Croaker to review an agreement entered into with MnDOT regarding this culvert.

WCD #9

Engineer Guler provided an update on construction of WCD #9.

**JD #11 CULVERT
ORDER**

Engineer Guler provided an update on the design of JD #11. Board managers stated that MnDOT be notified that four of their culverts must be replaced.

TCD #37 MAIN

Board Manager Beyer requested that staff evaluate the capacity of the TCD #37 mainline and financial condition of the associated ditch fund. Staff suggested that the financial condition of the ditch be reported to the board before engineering work commences. The board agreed.

**NORTH OTTAWA
FUNDRAISING**

Administrator Beyer relayed a fundraising opportunity for a permanent restroom at North Ottawa. Kapphahn made motion, seconded by Dahlen, to authorize staff to bring a plan to an upcoming meeting. Motion carried.

**REDPATH LAND
PURCHASES**

Technician Fridgen provided a tour to Redpath landowner Breck Dilly of two District-owned parcels. Mr. Dilly expressed interest in selling the SW ¼ of Section 15 to the BdSWD. Mr. Dilly is interested in purchasing either the NE ¼ of Section 17 Redpath or the SW ¼ of Section 34 Tintah. Upon motion by Dahlen, seconded by Deal and carried unanimously, appraisals were authorized for Redpath Township, Section 17, NE1/4 and Tintah Township, Section 34, SW1/4. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the Purchase Agreement with Glen Bartells and Carol Bartells, Paul Bartells, Viola Bertram, Kai Bartells, Trent Bartells, and Marion Bartells was approved.

**TALU
RESOLUTION**

Administrator Beyer relayed state-wide MAWA support for the District's proposed TALU Resolution, but the group requested that the word "roadside" be stricken from the resolution. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the amended resolution was approved.

**BEYER & DEAL
LEAVE**

Board Managers Jason Beyer and Jerome Deal left the meeting.

**SAMANTHA &
ELBOW LAKES**

Engineer Engels presented maps of Samantha Lake and Elbow Lake, in response to complaints from landowners, Grant County Highway Department, and Grant County Commissioners regarding perpetual overtopping roads. Engels proposed:

- 1) an outlet on Samantha Lake to the Mustinka River, and
- 2) an improved connection between Samantha Lake and Elbow Lake

with both pipes placed just above the ordinary high water level. This placement would give approximately 3' of room between the existing gravel road and the water level in Samantha Lake (currently at 6" and less), and would likely not require a Public Waters permit from the DNR. Engels will present a cost estimate at the November board meeting.

**LTWQIP NO. 1
LANDOWNER
MEETING**

Board managers discussed the positive landowner response to last month's landowner meeting for the Lake Traverse Water Quality Improvement project. Landowners requested that construction begin as soon as possible. The BWSR Overall Plan Amendment is being processed; Attorney Croaker has had to make a revision to the appeals description, and District staff will request that BWSR hold their required landowner meeting in January.

**TCD #8 CLEAN-
OUT**

Technician Fridgen provided an update on maintenance of TCD #8. Following the September 19th presentation of Mr. Gary Brunkow's petition into TCD #8, TCD #8 landowners requested that ditch maintenance be completed, stating that no work had been done for at least 10 years. After starting the clean-out, it became apparent that the work would exceed \$10,000, so Fridgen received consent from the Administrator to continue the clean-out. The clean-out has had a significant improvement on drainage – it dropped the ditch water level 2.3'.

The meeting was adjourned at 1:20 pm.