

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

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:00 a.m. Present: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, and Allen Wold. Absent: Jason Beyer, Scott Gillespie, Steven Schmidt, and John Kapphahn. 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 Wold and carried unanimously, the agenda was approved with the following changes:
- Added: 18-109 David Stock Update
Added: 1W1Plan Update
- CLAIMS** Upon motion by Deal, seconded by Wold and carried unanimously, the Claims of November 21, 2019 were approved as presented.
- MINUTES** Upon motion by Wold, seconded by Dahlen and carried unanimously, the minutes of October 17, 2019 were approved. Upon motion by Wold, seconded by Dahlen and carried unanimously, the minutes of October 31, 2019 were approved.
- TREASURER'S REPORT** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Treasurer's Report was approved.
- PUBLIC COMMENT** No public comment was provided.
- PERMIT #19-125 T. FRISCH** Landowner Tom Frisch presented the details of a tiling project in Croke Township, Section 15, Traverse County, involving outletting water into a different subwatershed.
- SCHMIDT ARRIVES** Steven Schmidt arrived at the meeting.
- PERMIT #19-125 T. FRISCH** Technician Fridgen stated that no comments were received on the application, and that the project would alleviate flooding issues to the north of the property by outletting excess surface waters to the east in a ditch. Schmidt expressed hesitation about the exactness of the subwatershed boundary, stating that this region is extremely flat; this fact was supported by LIDAR, which suggests that the water may naturally flow east. Dahlen made motion, seconded by Schmidt, to approve the permit. Motion carried.
- PERMIT #19-123 M. STUEVE** A petition was received from Mark Stueve, to use TCD #28 as an outlet for tile installation proposed for the southern portion of Tara Township, Section 4, Traverse County. Upon motion by Deal, seconded by Dahlen and carried unanimously, a hearing was ordered for December 19, 2019 at 9:30 am.
- PERMIT #19-133 PERMIT #18-109 D. STOCK** The District received a new After-the-Fact Permit Application for work completed in Aastad Township, Section 11, Otter Tail County, in response to denied Permit Application #18-109. Payment was provided in the amount of \$2,165, which includes the \$250 after-the-fact application fee for Permit Application #18-109 and the \$250 after-the-fact application fee for Permit Application #19-133. Technician Fridgen attended an on-site meeting last week in Aastad Township to discuss a proposed culvert installation directed by Mr. Stock. The meeting was attended by three attorneys, US Fish and Wildlife, Aastad Township, and various landowner representatives. Fridgen told the group that the proposed work would require an approved permit application from the District.
- TCD #37 PETITIONS: MEIXEL & WILTS** At 9:30 am, President Vavra opened the hearing to consider the petition from Chase Meixel requesting authority to use Traverse County Ditch #37 as an outlet for portions of Parcel #16-0071-000 (E1/2 of the SE1/4 Section 20) and the petition from Duane Wilts for portions of Parcel #16-0073-000 (NW1/4 of Section 21), 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. Engels emphasized that surface drainage should not be added to TCD #37, but that controlled subsurface drainage should not present additional flooding problems, and should increase the water-holding capacity of the soil. Engineer Engels reiterated that there are both long- and short-term drainage system improvements that should be addressed, beginning with the outlet. One landowner voiced concerns about the condition of TCD #37

mainline culverts. Wold requested that the board consider waiting until a comprehensive drainage plan could be created for the area. Deal made motion to approve the Order. The motion died for lack of a second. Croaker read the Order, which included that the outlet fee and benefits were calculated to be \$4,659.46 and \$30,160.00, respectively, for Parcel 16-0071-000 and \$8,532.64 and \$47,466.00 for Parcel 16-0073-000. Deal made motion, seconded by Schmidt, to approve the Orders Authorizing the use of TCD #37 as an Outlet. Board managers requested that engineering staff review the TCD #37 mainline culvert weir and culvert grades. Motion carried. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the hearing was closed.

**GOPHER STATE
ONE CALL
PROGRAM**

Technician Fridgen has come across several utilities that were installed in the District's drainage ditch right-of-way, without permission or knowledge of installation. The District qualifies as an eligible facility for inclusion in the Gopher State One Call Program. Electronic drainage ditch right-of-way maps would be shared with Gopher State, and Gopher State will notify us if there is a locate call placed for proposed work in our right-of-way. The cost is approximately Upon motion by Deal, seconded by Schmidt and carried unanimously, board managers approved participation in the Gopher State One Call Program.

**TCD #27
CULVERT
REPLACEMENT**

Following the October 31, 2019 board meeting, the District received two price quotes for culverts and one price quote for installation (6 were requested, in total, but the immediate project timeline precluded responses). The approved quotes totaled \$120,0052.04. A price quote for 50% of this cost was forwarded to MN-DOT. MN-DOT required that stabilization fabric be installed, and eight loads of rock were added to the project and used for a base. Due to the urgent need to reopen the closed road by replacing the culverts prior to freeze-up, the work was completed quickly – in addition, diking of ditch waters put pressure on the construction timeline.

WCD #9

Riley Brothers was unable to complete the project, and will continue next spring. Engineering staff anticipate a request to extend the substantial completion date, and a pay request for the December 19, 2019 board meeting.

JD #11 ORDERS

Moore Engineering filed the Engineer's Repair Report for JD #11 pursuant to Minn. Stat. § 103E.715, Subd. 2. Basic project details were shared, and the Viewer's Report was distributed with the JD #11 cost estimate of \$2,432,500.00. This project is being coordinated with MN-DOT repairs to Highway 55 in 2022 and Highway 75 in 2023. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Order for a Public Hearing (Minn. Stat. § 103E.715, Subd. 4 Hearing on Engineer's Report and Minn. Stat. § 103E.315, Subd. 2 Final Hearing on Redetermination of Benefits and Damages) was approved for Dec. 19th at 12:30 pm, to be held at the Wheaton American Legion.

WCD #8

Moore Engineering provided a report and notice that construction on Wilkin County Ditch #8 is complete, per Minn. Stat. § 103E.555, Subd. 1. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, a hearing to consider the Acceptance of Contract and Final Payment, per Minn. Stat. § 103E.555, Subd. 2, was scheduled for December 19, 2019 at 10:30 am.

Board managers reviewed a compromised bank on JD #14 in Section 23 of Monson Township. FEMA will not cover damages or repair, stating that it is a pre-existing condition.

**TCD #37
INTEREST RATE**

Landowner Janet Barlage inquired about the District's internal interest rate on the debt owed by TCD #37, stating that it was originally set at 1%. Administrator Beyer relayed that the internal rate is currently set at 3.75%, but that board managers set the interest rate annually at their budget, levy, and ditch assessment hearings (to be held this year on December 19th). Mrs. Barlage also confirmed that the debt service has been amortized over 15 years.

NORTH OTTAWA

A representative from the Minnesota Management and Budget is reviewing lease modifications for the farming within the North Ottawa Impoundment and Attorney Croaker is in the process of recording deed restrictions. The DNR is putting together a response to the District's Natural Resource Enhancement Plan, presented to the DNR in February; they anticipate presenting it in December. Administrator Beyer recommended pulling the North Ottawa parcels from the December 2020 farmland bid notice. Technician Fridgen reported that a vehicle was spotted driving on the Impoundment's dikes, chasing geese. Wagner's completed graveling of the center road. The District can't register on givemn.org directly, so Administrator Beyer has been working with West Central Initiative to explore other options. Truman Raguse requested options, in the event he is unable to complete workback tillage within the Impoundment prior to freeze-up. Attorney Croaker presented the current lease terms. Board managers decided that corn residue should be baled, to prevent blockages of downstream culverts, and that workback must be completed in the spring.

- REDPATH LAND APPRAISALS** Appraisals were completed for the NE1/2 NE1/4 and S1/2 NE1/4 of Section 17-128-45 (Redpath Township), Traverse County and the SW1/4 of Section 34-129-45 (Tintah Township), Traverse County. Both were based on a value of \$5,000 per acre. This information was shared with landowner Breck Dilly. Jonathan Mathias, on behalf of land owned by Rick and Jon Mathias, expressed interest in speaking with engineering staff about purchase options for his parcel, which is located within the Redpath Impoundment footprint. Upon motion by Dahlen, seconded by Deal and carried unanimously, an appraisal was approved for Mathias' land, NW1/4 Section 21-128-45 (Redpath Township), Traverse County.
- SCHMIDT LEAVES** Board Manager Steven Schmidt left the meeting.
- SAMANTHA LAKE** Engineering staff introduced a Preliminary Engineer's Opinion of Cost for the construction of the Samantha Lake project, with a total amount of \$136,000 which did not include right-of-way, engineering, or legal costs. The District is pursuing this project because it provides regional flood storage, local flood risk reduction, protects local roads from flooding. The project would control water levels, allowing the District to drawdown Samantha Lake prior to spring flooding and control the release of water. Grant County Highway Engineer Tracey VonBargen, Grant County Commissioner Bill LaValley, and Grant County Commissioner Doyle Sperr relayed support for a joint project, encouraging the District to consider how funding, sponsorship, operation and maintenance, and project construction may be handled. Engineer Tracey VonBargen offered to handle project construction and thought that a 50-50 funding split between the County and BdSWD sounded reasonable, but stated that his department would not be best suited to conduct operation and maintenance; he requested that the District draw-up a contract clearly identifying each organization's role in the project. Discussion was held as to how future maintenance would be handled. Engineer Engels suggested that Grant County take ownership of the development and construction of the project and that when construction was completed the project and associated right-of-way be transferred to the District. Engels also stated that the District could create a water management district that would provide future dedicated funding for operation and maintenance. The specific details of this plan and timing of activities need to be addressed in a joint powers agreement.
- FARMLAND BID** Upon motion by Deal, seconded by Dahlen and carried unanimously, non-North Ottawa District farmland was approved for December bid.
- BUDGET, LEVY & ASSESSMENT HEARINGS** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Public Hearing for the 2020 General Fund, Construction Fund, and the Assessments for the Ditch System Funds and Projects was ordered for December 19, 2019 at 10:00 AM.
- CLA 2019 AUDIT** Upon motion by Wold, seconded by Deal and carried unanimously, the price quote of \$10,500 from Clifton Larson Allen, to prepare the 2019 financial statements, was approved.
- BRUTLAG LEAVES** Board Manager Ben Brutlag left the meeting.
- GRANT COUNTY DITCHES** Engineer VonBargen stated that his department has been unable to closely monitor and inspect Grant County Ditches, and inquired whether the District could provide these services. Board Manager Deal requested that the District's engineering staff meet with the Grant County Highway Department, and bring back a recommendation.
- REDPATH** Commissioner Bill LaValley requested that a Resolution of Support be drafted, disseminated, and collected on behalf of the Redpath Impoundment Project. He also recommended that the District hold a meeting at the University of Minnesota and bring District landowners and officials together with state legislators, to discuss the importance of this project.