

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
January 11, 2019**

CALL TO ORDER The meeting was called to order by President Vavra at 9:00 a.m. Present: Linda Vavra, Doug Dahlen, Jason Beyer, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: Jerome Deal. Also present: Engineer Chad Engels, Engineer James Guler, Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.

1W1PLAN: HEI CONTRACT, BUDGET & SCHEDULE Board managers reviewed Houston Engineering's Professional Services Agreement Appendix A Scope of Work, Appendix B General Terms & Conditions, Consultant Budget and Proposed Schedule. Contract cost: \$209,902. Beyer presented the contract changes that have been made to accommodate the requests of the 1W1Plan Policy Committee, including: payment to HEI only upon completion of deliverables, waiver of interest, penalties, and late fees, group consensus instead of voting, LGU approval prior to BWSR submission, 10-day lead time on meeting materials, and inclusion of common-sense language in the final plan. The 1W1Plan Policy Committee approved these documents at their January 10, 2019 meeting. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Houston Engineering, Inc. Contract, Budget and Timeline were approved contingent upon review by Attorney Croaker.

At 9:30 am, Board Manager John Kapphahn joined the meeting.

1W1PLAN: BWSR WORK PLAN, BUDGET, TIMELINE, & GRANT AGREEMENT Board managers reviewed the Bois de Sioux & Mustinka Watersheds Plan Development: Work Plan, Grant Budget, Plan Development Timeline, and Grant Agreement. The work plan is based on Houston Engineering's Scope of Work. The Grant Budget total of \$271,879.30 includes the above Houston Engineering contract costs. Also included: costs incurred by BdSWD for meeting administration, fiscal hosting, grant administration, compilation of the plan's the Land & Water Resource Inventory, and attorney services (for one implementation plan meeting). We will need to request a grant extension, and monthly meetings will be scheduled from March 2019 – November 2020, in order to meet BWSR plan approval by January 2021. The 1W1Plan Policy Committee approved these documents at their January 10, 2019 meeting. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Work Plan, Budget, and Timeline were approved.

WATER MANAGEMENT DISTRICTS Engineer Engels reported on a meeting with the Buffalo Red Watershed District, in which water management districts are used. The Buffalo Red Watershed District employs: 1) Project-Specific Districts (for eg, the Wolverton Creek Project), and 2) Watershed-Wide Districts (for general water quality and water quantity projects). Board managers discussed the three phases of repair needed in the area of TCD #52, and the MPCA 319 Grant and BWSR Project and Practices grants that were not awarded. Engels described three funding options for Phase 1, \$500,000: 1) Based on area hydrology, create a project-specific taxing district, or 2) Allocate Construction Funds, or 3) Find outside funding from RRWMB or the next grant rounds for the MPCA 319 Grant and BWSR Projects and Practices Grant. Board managers expressed a need to explore these options, as similar future projects include: 5-Mile Creek, 12-Mile Creek, and Doran Creek. Upon motion by Dahlen, seconded by Beyer and carried unanimously, staff are authorized to research these funding strategies and the process to update the District's overall plan.

Schmidt left the meeting at 10:50 am.

CULVERT SIZING COST SHARE POLICY Board managers reviewed the draft Culvert Cost Share Policy, which encourages assessed drainage ditch landowners to initiate repairs and improvement projects that result in the proper sizing of culverts. Proper districtwide culvert sizing reduces peak flows and provides temporary water storage. Upon motion by Wold, seconded by Dahlen and carried unanimously, the Culvert Cost Share Policy was approved.

CLEAN WATER COST SHARE POLICY Due to increased competition for BWSR's Multipurpose Drainage Management Grant, Engineer Engels presented the possibility of using the District's Construction Fund to finance Clean Water grant-eligible aspects of drainage ditch retrofits. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to write a draft policy.

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the meeting was adjourned at 11:30 am.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
January 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, Steven Schmidt, and Allen Wold. Also present: Engineer Chad Engels, Engineer James Guler, Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Schmidt, seconded by Deal and carried unanimously, the agenda was approved with the following additions: WCD #8 Pay Estimate #4, 2019 Ditch Fund Budget, and Approval of Insurance Agent of Record.
- CLAIMS** Upon motion by Gillespie, seconded by Deal and carried unanimously, the Claims of January 17, 2019 were approved as presented.
- MINUTES** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Minutes of December 20, 2018 were approved.
- TREASURER’S REPORT** Upon motion by Wold, seconded by Schmidt and carried unanimously, the December Treasurer’s Report was approved.
- PUBLIC COMMENT:
GRANT &
TRAVERSE
COUNTY
FLOODING** The meeting was opened for public comment. Property owner Chad Bruns expressed concern about floodwaters heading to 5-Mile Creek from Grant County. Late last week, flooding at the Tim Backman property prompted the Grant County Highway Department to open a frozen culvert this week; Bruns is worried that Traverse County will open a frozen culvert under County Road 67, sending the water to a frozen 5-Mile Creek, and that it will eventually flood his farmstead and two farmsteads downstream. Traverse County Engineer Chad Gillespie stated that 3 miles of snow and ice would need to be cleared from 5-Mile Creek in order to move the water from 5- Mile Creek to TCD #42. Manager Deal gave a history on flooding in the area in 1987. Deal and Engineer Engels reiterated that public safety is the first concern, with preservation of roads, residential property, physical structures; in order to achieve this, floodwaters are diverted to bare land. Technician Fridgen stated that water continues to flow out of Grant County’s Nelson Lake, and that those waters are headed for frozen culvert at County Road 67. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, in collaboration with Traverse and Grant Counties, Fridgen is authorized to spend up to \$10,000 to remove snow and ice from 5-Mile Creek if flooding of structures is imminent. Grant County Commissioner Sperr and Traverse County Commissioner Monson agreed to bring this issue to their respective boards, to talk about immediate and long-term solutions.
- WCD #9 & #10
IMPROVEMENT
HEARINGS** President Vavra opened the final hearing on the improvement petition for WCD #9 and simultaneously #10. Viewers Swedlund and Pederson were present. Attorney Croaker described the formal process, and Engineer Guler began with the detailed survey report, which contains copies of the improvement petitions. The ditches were constructed in 1909/1910, and several attempts to repair and/or improve the ditch have been unsuccessful since 1952. Details about the improvement project were given, including the easements that will be required:
- | | |
|--------------------------|--|
| Permanent Ditch Easement | Will apply to the area encompassed by the road, ditch, and buffer. Landowners will be compensated for the amount of this land that is currently being cultivated. They will not be able to cultivate it in the future. |
| Permanent Spoil Easement | Will apply to the area adjacent to the Permanent Ditch Easement. The land can be used by the Watershed District for maintenance, repairs and spoils, but District activities cannot damage crops without compensation. |
- The overall concept design is to handle flooding brought with a 10-year flood condition: 3.7” of rain in 24 hours. In its current state of disrepair, channel capacity is limiting water flow; once improved, culverts will meter water flows. Culverts will be sized to match the improved channel’s capacity (smaller upstream, larger downstream). Engels assured the group that we can plan for flooding conditions that will exceed the 10-year design standard; under those conditions, the improvement project will control where flood waters will break-out into the flood plain, at the downstream end of each mile; controlled break-outs will reduce upstream field erosion.

Next, the Viewers' Report was presented by Viewers Swedlund and Pederson. Viewer Swedlund described their basic approach, and the background and purpose for each column on the Viewers' Report.

Guler presented the Engineer's Cost Estimate and reported that the BdSWD has been actively seeking outside grant dollars, and is currently requesting project funds from the RRWMB.

Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the hearing was then opened to public comment and questions. All landowners present were given the opportunity to express their opinion and/or to meet with the Viewers separately.

Landowner Patrick Douglass and Otter Tail Drainage Ditch Inspector Kevin Fellbaum requested time, after the meeting, to speak with Viewers and engineering staff, respectively. Wilkin County Commissioner Eric Klindt requested a more detailed benefit and damages map. Landowner Donald Lacey asked what impact the proposed Copeland Impoundment (in Otter Tail County, Western Township, Section 32) would have on his parcel, and requested that, if after the Impoundment is built, his benefitted amount be reconsidered in the WCD #9 & WCD #10 assessment area.

Vavra asked Guler to read the DNR Commissioner's Final Advisory Report, which he read verbatim.

Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the WCD #9 and WCD #10 final hearings on improvement petitions, detailed survey reports, and viewers' reports of the redetermination of benefits and damages were recessed and ordered to be reconvened on February 21, 2019.

**103D.601
HEARING:
LTWQIP #1**

At 11:35 am, upon motion by Deal, seconded by Gillespie and carried unanimously, President Vavra opened the 103D.601 Preliminary Resolution Hearing to Establish a Water Quality Enhancement Project in Section 14, Windsor Township, in the area where Traverse County Ditch No. 52 outlets into Lake Traverse, Traverse County, Minnesota. Vavra informed the public that the means of financing the proposed project is anticipated as follows: by Federal and/or State grants and/or funding from the Red River Water Management Board, with Bois de Sioux Watershed District funds not to exceed \$750,000. Engels and Guler reviewed the MPCA 319 Grant and BWSR Projects and Practices grant applications that were denied. Croaker described the differences between 103D and 103E projects. To prepare for future grant opportunities, Croaker will work with staff and landowners to put together information that can be shared to garner and document support from local conservation and habitat chapters. All persons who might be affected by the proposed project or who may be interested in the proposed project were given a chance to be heard.

Gillespie and Deal left the meeting.

Upon motion by Wold, seconded by Dahlen and carried unanimously, the Preliminary Resolution as approved to Establish a Water Quality Enhancement Project in Section 14, Windsor Township, in the area where Traverse County Ditch No. 52 outlets into Lake Traverse, Traverse County, Minnesota.

**WCD #8 PAY
ESTIMATE #4**

Upon motion by Wold, seconded by Beyer and carried unanimously, WCD #8 Pay Estimate #4 was approved, contingent on agent signer verification by Croaker.

The meeting was recessed at 12:15. Kapphahn left the meeting.

**NORTH OTTAWA:
EOR & SMITH
PARTNERS
SERVICES**

The meeting was reconvened. Attorney Louis Smith discussed management issues at North Ottawa. Board managers reviewed habitat development qualifications and experience for EOR. Upon motion by Dahlen, seconded by Beyer and carried unanimously, EOR's "Scope for Identifying & Vetting Ag + Natural Resource Synergies for North Ottawa Impoundment" was approved. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Smith Partner's "Scope of Services – Phase Two" was approved.

**MPCA TALU
MEETING**

Administrator Beyer reported that MPCA has requested an informational meeting to review water quality qualifications (TALU) for 14 ditches and stream reaches in the Bois de Sioux and Mustinka Watersheds. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Moore Engineering is authorized to provide a water quality consultant to attend the meeting on behalf of the District.

**2019 DITCH
BUDGET**

Board Managers reviewed the 2019 Ditch Budget (assessments and budgets were approved in December 2018, by Ditch System). Upon motion by Schmidt, seconded by Beyer and carried unanimously, the budget was approved.

**INSURANCE
AGENT**

Upon motion by Beyer, seconded by Schmidt and carried unanimously, the District's Agent of Record shall be Paul Frisch of Frisch Insurance Agency, LLC at 1001 2nd Ave N, Wheaton, MN 56296.

**STAFF
INCREASES**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the 2019 Staff Increases were set at 2%.

FARMLAND BIDS

Board managers reviewed the results of the January 16, 2019 farmland lease bid opening. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the following high bidders were accepted:

North Ottawa Leases 19-50: Raguse Family Partnership

Copeland/Western 32 Lease 19-40: Raguse Family Partnership

Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the meeting adjourned at 2:04 pm.

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

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:03 a.m. Present: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: John Kapphahn. Also present: Engineer Chad Engels, Engineer James Guler, Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Deal, seconded by Schmidt and carried unanimously, the agenda was approved with the following additions: FEMA Floodplain Data, Meeting Start Times, and 5-Mile Creek.
- CLAIMS** Upon motion by Wold, seconded by Beyer and carried unanimously, the Claims of February 21, 2019 were approved as presented, along with a payment to Hormann Works for \$6,633.75.
- MINUTES** Upon motion by Gillespie, seconded by Wold and carried unanimously, the Minutes of January 11, 2019 were approved. Upon motion by Gillespie, seconded by Deal and carried unanimously, the Minutes of January 17, 2019 were approved.
- TREASURER'S REPORT** Administrator Beyer reported that CLA auditors were on-site last week preparing the 2018 financial statements. Upon motion by Wold, seconded by Dahlen and carried unanimously, the January Treasurer's Report was approved.
- John Kapphahn entered the meeting.
- PUBLIC COMMENT:
WILKIN SWCD
BUFFER AID
REQUEST** The meeting was opened for public comment. Wilkin County SWCD Technician Kim Melton and Supervisor Kyle Gowin presented a cost-share opportunity to install eighteen side inlet culverts with flapgates and berms. They requested that the Bois de Sioux Watershed District consider allocating funds from the Riparian/Buffer Aid received by the Bois de Sioux Watershed District on behalf of Wilkin County. Total cost of the project: \$180,360. Private landowners have committed to \$45,090 in out-of-pocket costs. Wilkin County SWCD offered to forgo the 20% fee their organization would retain from the grant request. Five of the culverts would be placed in WCD #25; the remaining thirteen would be placed on private property. Board Managers requested that permit applications be submitted as a first step, and will discuss it at the March 28, 2019 board meeting.
- WCD #9 & #10
IMPROVEMENT
HEARINGS** Upon motion by Schmidt, seconded by Dahlen and carried unanimously, President Vavra reconvened the final hearing on the improvement petition for WCD #9. Upon motion by Gillespie, seconded by Beyer and carried unanimously, simultaneously reconvened the final hearing on the improvement petition for WCD #10. Viewers Swedlund and Pederson were present. Viewer Swedlund described two changes that were made to the Viewers' Report. The first change was to parcels enrolled in permanent conservation programs. The second change was made to parcels that are partially benefitting from drainage into an Otter Tail County ditch that was not originally included in the District's LIDAR mapping system. Attorney Croaker stated that the Viewers may determine benefits based on an increase to the market values of the property as a result of constructing the project; an increase in potential ag production as a result of the construction of the project; and increased value of the property as a result of different land use. Engineer Engels relayed that, in order to bring a parcel to a complete no-benefit level, that that parcel must be brought to pre-settlement conditions, without private drainage ditches. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Amended Viewers' Report for WCD #9 & #10 was approved. Engineer Engels confirmed that the project satisfies statutory requirements, including public utility and benefit and will promote the public health, and is practical. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the hearing was closed. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Findings and Order for WCD #9 & #10 were approved. Upon motion by Deal, seconded by Beyer and carried unanimously, engineering staff are authorized to prepare final plans and specs, advertise for construction bids, and the administrator will notify bond counsel. Moore Engineering will host a pre-bid contractor meeting, to discuss project details before bids are submitted, and alternates will be advertised for a 2020 completion date and topsoil stripping.
- WCD #9 & #10
CONSOLIDATION** With the redetermination process done, WCD Nos 9 and 10 can be consolidated. Deal made motion to approve the Resolution to Consolidate WCD Nos. 9 & WCD 10 and directed the Administrator to schedule a public hearing on the consolidation of WCD Nos 9 & 10. Roll call vote: Kapphahn – aye; Schmidt – aye;

Dahlen – aye; Beyer – aye; Wold – aye; Gillespie – aye; Vavra – aye. Motion carried. A public hearing will be held at the March 28, 2019 meeting.

**#18-110
D. WEBB PERMIT**

The details of Dale Webb's Permit Application #18-110 were reviewed. Dale Webb, Jason Burmeister, and Mark Blackwelder all provided information about flooding problems in the area. Gillespie made motion to approve the permit, with assurance that the tile water would be moved west. The motion failed for lack of a second. Upon motion by Gillespie, seconded by Wold and carried unanimously, the District approved extension of the time period for action on the Permit by an additional 60 days, pursuant to Minn. Stat. 15.99, Subd. 3(f), in order to give the applicant, neighbors, and staff time to mediate a solution.

**WCD #8
COMSTOCK
PAYMENT,
CHANGE ORDER
NO. 2 & NO. 3**

Upon motion by Dahlen, seconded by Beyer and carried unanimously, a partial payment to Comstock was approved in the amount of \$2,722.50. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Change Order No. 2 with Fridgen Excavating was approved, decreasing the amount of the original Contract Price by \$35,284 (due to the Comstock subcontract), changing the Substantial Completion date to November 15, 2018, and changing the Final Payment date to June 20, 2019. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, Change Order No. 3 with Fridgen Excavating was approved, increasing the contract price by \$7,980.00 for pumping water, additional ditching, and culvert relocations.

**NORTH OTTAWA
PRESENTATION**

EOR's Jason Naber and Kevin Beihn presented land use options for North Ottawa that diversify species and generate revenue. The land uses were presented to the DNR last week. Upon motion by Deal, seconded by Beyer and carried unanimously, EOR is authorized to proceed with the second phase of their scope of services.

**JD #6 & JD #11
SCHEDULE**

Board managers discussed upcoming repair projects JD #6 and JD #11, and the competition for BWSR grants. MN-DOT will be lowering a culvert in JD #11 in 2021, so a retrofit must be done before that time. The Board decided to tentatively plan for JD #11 construction in 2020 and JD #6 construction in 2021.

**RING DIKE
AVAILABILITY**

Upon motion by Wold, seconded by Schmidt and carried unanimously, staff are directed to send a letter to 5-Mile Creek landowners, encouraging them to consider participating in a RRRWMB ring dike cost share program that expires in 2019.

**SPRING
FLOODING**

Staff relayed concerns about potential spring flooding. Board managers expressed priority for residential structures and livestock. On 103E drainage ditches, efforts will be made to alleviate flooding, if possible, and to public waters that serve as ditch outlets. Engineer Engels encouraged staff to contact and prepare stream gauge readers.

**CLEAN WATER
RETROFIT COST
SHARE**

Upon motion by Beyer, seconded by Wold and carried unanimously, the Clean Water Retrofit Cost Share Policy was approved. Gillespie requested that staff draft and project costs for a similar policy for culverts installed in areas in the district that are not located on a BdSWD legal drainage system.

**WATERSHED
MANAGEMENT
DISTRICTS**

Attorney Croaker presented the initial steps to set-up a watershed management district to support the Lake Traverse Water Quality Improvement Project No. 1. A draft overall plan amendment was reviewed. Upon motion by Dahlen, seconded by Beyer and carried unanimously, staff are authorized to finalize the overall plan amendment, for consideration at the March 28, 2019 board meeting.

**DORAN
CREEK/BDS
DIRECT PL 566
RCPP**

Engineer Engels provided a summary of the steps completed for the Doran Creek/BdS Direct PL566 RCPP project, and the recent sixth meeting of the Project Team. Currently, \$1 million in crop losses are experienced annually. Several alternatives were thoroughly evaluated, but none provide a comprehensive solution to the project's mission. The RCPP process provided great value by facilitating meetings with landowners, creating an economic damages report, an evaluation of several alternatives, and updated flood models. Gillespie made the motion, seconded by Dahlen, to withdraw from PL566 RCPP. Staff will submit final reimbursements for project costs to-date. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Beyer – aye; Wold – aye; Gillespie – aye; Vavra – aye. Motion carried. Improved drainage infrastructure will be explored through local efforts.

**BUFFER RULE
HEARING**

Attorney Croaker relayed that BWSR has approved the District's Buffer Rule. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, a rule hearing will be held March 28, 2019.

**EOR CONTRACT
AMENDMENT**

Upon motion by Schmidt, seconded by Dahlen and carried unanimously, an amended "Scope for Identifying & Vetting Ag + Natural Resource Synergies for North Ottawa Impoundment" contract was approved.

TERMS EXPIRE	Staff will notify Grant, Stevens, and Traverse Counties regarding upcoming board manager term expirations.
EOY JOURNAL ENTRIES	Upon motion by Schmidt, seconded by Gillespie and carried unanimously, end of year journal entries were approved.
PAYROLL CONTRACT	Upon motion by Schmidt, seconded by Dahlen and carried unanimously, Morris and Associates' Payroll Check Preparation Service Engagement Letter was approved.
START TIMES	Gillespie requested that board managers consider 8:00 am and 8:30 am meeting start times.
FEMA DATA REQUEST	Board Manager Beyer relayed a request from FEMA for the District's HMS Model. Beyer made motion, seconded by Gillespie, to provide the data. Motion carried. Upon motion by Beyer, seconded by Schmidt and carried unanimously, the meeting was adjourned at 2:05 pm.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
March 28, 2019**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:05 a.m. Present: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Also present: Engineer Chad Engels, Engineer James Guler, Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Dahlen, seconded by Beyer and carried unanimously, the agenda was approved.
- CLAIMS** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Claims of March 28, 2019 were approved as presented, along with a payment to Olson Excavating in the amount of \$8,163.50 and to Shores Edge Excavating in the amount of \$150.00.
- MINUTES** Upon motion by Gillespie, seconded by Wold and carried unanimously, the Minutes of February 21, 2019 were approved.
- TREASURER'S REPORT** Upon motion by Deal, seconded by Kapphahn and carried unanimously, the February Treasurer's Report was approved.
- PUBLIC COMMENT:
FLOOD ACTIVITIES** The meeting was opened for public comment. Landowner Larry Schneeberger thanked the board, staff, and specifically Technician Fridgen for the District's response to proactive snow and ice removal in the JD #12 and North Ottawa region. Mr. Schneeberger also thanked the District for holding a pre-flood multi-county meeting with emergency managers, highway departments, and landowners. Fridgen thanked landowners and board managers for phone calls reporting conditions across the District.
- FLOOD 2019 UPDATE** Engineer Engels provided a Flood 2019 update. Ice jams and snow in culverts and drainage systems are resulting in exacerbated flood conditions. If the Redpath Impoundment were built, it would be at least half full of floodwater. The board discussed how stream flow measurements in the spring can be artificially high, due to ice jams and culvert blockages, and that conclusions regarding drainage system effectiveness should not be made, as drain blockages will distort flood conditions.
- WCD #9 & #10 CONSOLIDATION** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Public Hearing to Consider Consolidation of WCD #9 & #10, pursuant to 103E.801, was opened. Attorney Croaker presented the formal ditch consolidation process, including the required notification and publication requirements that had been satisfied. Vavra asked for public comments; no public comments were presented. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Order to Consolidate WCD #9 & WCD #10 was approved and the Board renamed the drainage system to Wilkin County Drain No. 9.
- DITCH REPAIR MEMO** Attorney Croaker presented a legal memo regarding legal drainage ditch repair processes. In addition to petitioned repairs under Minn. Stat. § 103E.715, the Board is authorized to repair drainage systems under Minn. Stat. § 103E.705. Under Minn. Stat. § 103E.705, the drainage inspector may present an inspection report to the Board and request certain repairs be made to drainage systems. The Board can then approve the repairs so long as the repairs are less than \$1,000 per mile of ditch or under \$175,000.
- PERMIT #18-109
D. BAKKE &
D. STOCK** The Board reviewed the details of After-the-Fact Permit #18-109, filed by applicant David Stock on behalf of landowner David Bakke. Mr. Bakke joined the meeting by telephone, and Mr. Stock was accompanied by his daughter and bookkeeper Jennifer Frank and tiling operator Jeff Berg. Uphill neighbors Scott and Denise Juven were also present. Mr. Stock described a number of unpermitted activities from 2014 and 2018 completed within the parcel, including a tile line and new inlet. Mr. Stock stated that the property's dike had not been raised from the as-built structure – that the only modification was flatter slopes. Mr. Bakke stated that the dike, standpipe and inlet were existing structures, built before the 80's. Mr. Stock stated that he is losing 100 acres a year from flooding and that his neighbor Mr. Juven is only losing 4 acres. Mr. Juven was given an opportunity to describe his property, which sits uphill from Mr. Bakke's, and has approximately 100 acres that drains to an 18" road culvert that has a restrictor plate, reducing the size to 15". Mr. Juven stated that, although water should move slowly from his field because of the 18" culvert, instead water is not moving at all, and that although a tightly slotted hickenbottom intake was rising from Mr. Stock's diked inlet, it was covering a completely solid plastic pipe. Mr. Juven also stated that his field is not the only uphill field from Mr. Bakke's property; there are many properties uphill, including other fields that Mr. Stock farms.

During Mr. Juven's report, Mr. Stock interrupted and told Mr. Juven to "shut-up and sit down." President Vavra called for order, but Mr. Stock continued speaking and physically approached the Board. President Vavra called for order several more times, and Board managers ordered Mr. Stock to sit down. Mr. Stock then sat down while continuing to talk over President Vavra. The meeting continued after Mr. Stock allowed Mr. Juven to continue his explanation of how Mr. Stock's unpermitted tile system was negatively impacting his property. Discussion continued back and forth between Mr. Juven, Mr. Stock, and the Board; seeing that nothing was being resolved, Attorney Croaker informed Engineer Engels that he should provide any proposed conditions to the drainage application that may resolve the drainage issues. Engineer Engels began his analysis, stating that some of the work included in this after-the-fact permit would typically not be permitted by the District – specifically, blocking the flow of surface water with a dam and forcing the flow underground into a subsurface system that is undersized for surface runoff. Engineer Engels identified at least three activities that triggered an after-the-fact permit application: 1) the dam; 2) tile installation; and 3) inlet riser upstream of the dam. Engineer Engels provided two conditions for approval of the after-the-fact permit: 1) The height of the Hickenbottom inlet riser shall not be higher than elevation 1,196.5 feet (NAVD 88 Datum) and 2) The existing eight (8") inlet riser and pipe leading from the dam to the first downstream surface inlet shall be replaced with a twelve (12") line.

Engineer Engels stated that an alternative to the two (2) conditions would be to place a condition on the permit that would require the dam to be lowered to an elevation of 1,196.5 feet (NAVD 88 Datum). At this point, Mr. Bakke stated that he would not allow anyone to drain any water onto his property in response to the proposed conditions. Mr. Stock stated that he would refuse to consider either condition. Dahlen made the motion to deny the permit due to Mr. Stock's unwillingness to cooperate with the Board and accept any of the proposed conditions. Motion seconded by Wold. Motion was unanimously carried.

2018 CLA AUDIT Miranda Wendlandt, of CliftonLarsonAllen, presented the 2018 financial statements. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the 2018 financial statements were approved.

PUBLIC HEARING: BUFFER RULE Upon motion by Dahlen, seconded by Beyer and carried unanimously, Public Hearing on the Riparian Protection and Water Quality Practices Rule (Buffer Rule) was opened. Attorney Croaker explained the rule process and the satisfied notice requirements. No comments were presented. Wold requested that additional time be provided for further comment. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing was recessed and will be reconvened on April 18, 2019, at 9:00 am.

2019 FLOOD PROTECTION WAIBERS Board managers reviewed draft 2019 Flood Protection Waivers for Volunteers and Contractors, prepared by Attorney Croaker. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the forms were approved.

WILKIN SWCD COST-SHARE REQUEST Board managers discussed continued discussion for a funding request from Wilkin SWCD, a cost-share opportunity to install eighteen side inlet culverts with flapgates and berms. The original request was for \$135,270. They are now asking for \$27,474.84 for sites on private land in the District and \$12,254.39 for sites on legal ditches. Board Managers discussed different funding strategies, and emphasized eligibility for EQUIP funds. Schmidt made motion, seconded by Dahlen, to provide cost-share for the 5 sites on legal ditches by splitting costs between the Construction Fund and Ditch Fund, 50/50. Motion carried.

TRANSFER OF FUNDS & OVERALL PLAN AMENDMENT The following two agenda items were tabled until April 18, 2019: authorizing transfer of funds – Culvert Cost Share & Clean Water Retrofit Cost Share and approval of Overall Plan Amendment to add Watershed Management District LTWQIP No. 1.

REDPATH LAND ACQUISITION Board managers discussed the four parcels needed to complete land acquisition for the Redpath Impoundment. Upon motion by Wold, seconded by Dahlen and carried unanimously, Engineer Engels is authorized to contact Tenjum Appraisal Company for appraisal update costs and information, and guidance on pricing for two of the smaller parcels.

NORTH OTTAWA Board managers reviewed and evaluated bid information and NRE benefits for North Ottawa Cells A3 & B3. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the Bid #19-51 Alternate from Raguse Family Partnership was approved, which includes a crop restriction of small

grains. Board managers also reviewed a solar energy amendment by EOR. The amendment was tabled.

**BOARD
APPOINTMENT**

Otter Tail County is advertising for a representative to serve on the Board. Committee reports were given, and letters and minutes were reviewed.

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

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

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:02 a.m. Present: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Scott Gillespie. Also present: Engineer Chad Engels, Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Dahlen, seconded by Beyer and carried unanimously, the agenda was approved.
- CLAIMS** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Claims of April 18, 2019 were approved as presented.
- MINUTES** Beyer requested that the following change be made to the draft March 28, 2019 minutes:
Mr. Juven was given an opportunity to describe his property, which sits uphill from Mr. Bakke's, and has approximately 100 acres that drains to an 18" road culvert that has a restrictor plate, reducing the size to 15". Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the Minutes of March 28, 2019 were approved with the change.
- TREASURER'S REPORT** Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the March Treasurer's Report was approved.
- PUBLIC COMMENT:
PERMIT #19-005** The meeting was opened for public comment. Landowner Mary Jo Stueve commented on Permit #19-005, filed by Gregg Thompson and Ben Huninghake. Ms. Stueve owns land upstream from the project area, which includes construction of a stormwater retention pond; she voiced concerns that the pond could back-up water on her property. Engineer Engels will double-check the elevations of the pond.
- FLOOD 2019 UPDATE** Engineer Engels and Technician Fridgen provided Flood 2019 updates. Flooding in Eldorado Township was significant and is currently ongoing. A culvert separated washed-out along TCD #27. As the road authority, Traverse County is responsible for replacing the concrete culvert, but concerns about the culvert size have been raised; the culvert is undersized. Board Managers requested cost comparisons be provided at a later meeting. Engels reported that the DNR's preliminary flow measurement for the USGS Mustinka River gauge on Highway 75 measured 7900 CFS – which would be within the top 3 flow readings since 1916. As of April 12, \$104,323 has been spent mitigating flood damages. Technician Fridgen left the meeting to respond to flooding concerns.
- BUFFER RULE APPROVED** The Public Hearing on the Riparian Protection and Water Quality Practices Rule (Buffer Rule) was reconvened. No public comment was presented. Upon motion by Wold, seconded by Dahlen and carried unanimously, the rule was approved.
- PERMIT #18-109
D. BAKKE &
D. STOCK
FINDINGS &
ORDER** Board managers reviewed the draft Findings and Order Denying After-the-Fact Permit Application #18-109. President Vavra read a letter dated April 12, 2019, signed by David Stock. Deal made motion, seconded by Dahlen, to approve the Findings and Order and to include a July 1st deadline by which the current tile outlet pipe must be closed on David Bakke's property. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Vavra – aye; Beyer – aye; Deal – aye; Wold – aye. Board managers were encouraged to route landowner responses to Attorney Croaker. The \$300 After-the-Fact Permit Application fee is due, along with engineering and legal costs associated with processing the permit application.
- WCD #9
CONSTRUCTION
BIDS & UTILITY
RELOCATION
COSTS** Board managers reviewed the construction bids for the WCD #9 Improvement Project. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, Riley Bros. Construction, Inc.'s November 18, 2019 Substantial Completion Base Bid and Alternate No. 1 of \$1,458,622.65. Upon motion by Deal, seconded by Dahlen and carried unanimously, the estimates from Traverse Electric (to relocate utilities in preparation for construction) were approved, in the amounts of \$120,150 and \$29,750.
- SURVEY EQUIPMENT
& 3-YEAR
INSPECTIONS** Upon motion by Schmidt, seconded by Beyer and carried unanimously, a survey equipment price quote in the amount of \$4,129.10 was approved. Upon motion by Wold, seconded by Dahlen and carried unanimously, Technician Fridgen is authorized to inspect District ditches, per the District's 3-Year rotation plan.

GRASS AFTER CLEAN-OUTS	Schmidt relayed concerns that grass isn't being re-established in ditches that have been cleaned-out. Fridgen will follow-up.
WEBSITE SUBSCRIPTION	Upon motion by Kapphahn, seconded by Beyer and carried unanimously, staff are authorized to maintain a software subscription with Adobe Dreamweaver in order to update the District website internally.
RRWMB HYDROLOGY TOOL	President Vavra relayed a proposal from the Red River Water Management Board to purchase an advanced basin-wide hydrology tool. Deal stated that farmers use the information to set their ditching equipment. Wold made motion, seconded by Schmidt, to participate in the cost share at an expense of \$1,187.61 for the Bois de Sioux River Watershed and \$1,842.01 for the Mustinka River Watershed. Motion carried.
LTWQIP NO. 1 DISTRICT METHODOLOGY	Engineer Engels presented the preliminary methodology for the Lake Traverse Water Quality Improvement Project Watershed Management District including boundary and assessment percentages. The district boundary was formed by looking at the two HUC-12 subwatersheds that outlet into TCD #52, and evaluating various flood scenarios and channel reaches to identify contributing and non-contributing land. Next, engineering staff generated a runoff curve that uses soil types and land use. The result is a multi-colored map that identifies lands that will be assessed none, less, and more of project phase costs. Engineer Engels emphasized that sediment transport was not considered in the methodology, as this is an outlet stabilization project. Wold requested that engineering staff document the methodologies that were not pursued, and why.
REDPATH APPRAISAL AND SHED PURCHASE INTEREST	Upon motion by Wold, seconded by Dahlen and carried unanimously, Tenjum Appraisal is authorized to update the appraisal for the Redpath property owned by the Breckenridge Dilly Trust. Administrator Beyer relayed interest in purchasing the District shed near the Redpath project site. Board managers stated that the shed and site will be used during construction; after Redpath is completed, they may consider a purchase offer.
NORTH OTTAWA GATES & CATTAILS	Oak flood gates at North Ottawa are swelling due to water damage and disintegrating due to caterpillar and bid damage. Upon motion by Deal, seconded by Beyer and carried unanimously, Technician Fridgen is authorized to get a price quote to replace flood gates with a sturdier material. Board managers requested that cattails in A4 and B4 be sprayed. Portapotty purchase rates were reviewed. Board managers requested rental rates be considered instead.
TILE PERMIT COMPLAINTS	President Vavra relayed concerns regarding tile pumps and neighboring landowner complaints. Engineer Engels emphasized that the District's responsibility is to provide overall watershed management, and that fence-line water issues will always be left to neighbors working with neighbors. Administrator Beyer reported that several complaints received at the District Office seemed to be more the result of the unusual flooding in the area and the recent precipitation and snowmelt.
DRAINAGE EASEMENTS	Stevens County Commissioner Ron Staples stated that Stevens County has asked that drainage easements be put in place prior to lifetime wetland easements, and encouraged the District to consider drainage easements when wetland projects are proposed.
	Upon motion by Wold, seconded by Beyer and carried unanimously, the meeting was adjourned at 11:01 am.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
May 16, 2019**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present: Linda Vavra, Doug Dahlen, Jerome Deal, Scott Gillespie, and Allen Wold. Absent: Jason Beyer, Ben Brutlag, John Kapphahn, and Steven Schmidt. Also present: Engineer Chad Engels, Engineer James Guler, Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Deal, seconded by Dahlen and carried unanimously, the agenda was approved.
- CLAIMS** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Claims of May 16, 2019 were approved as presented.
- MINUTES** Upon motion by Deal, seconded by Dahlen and carried unanimously, the minutes of April 16, 2019 were approved.
- TREASURER'S REPORT** Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the April Treasurer's Report was approved.
- PUBLIC COMMENT** The meeting was opened for public comment. Landowner Dale Webb relayed concerns about cornstalks in his drain tile and the direction of flow for a neighboring tile system. Technician Fridgen will follow-up.
- FLOOD 2019 UPDATE** Earlier this month, staff met with employees from Minnesota's Homeland Security and Emergency Management, FEMA, and the offices of Representative Colin Peterson and Senator Tina Smith. Flood emergency response invoices and site pictures were provided. District staff have inspected approximately 90% of the drainage ditch systems, and documented damages. Repairs will be ordered quickly to prevent any safety issues.
- PERMIT #18-109
D. BAKKE &
D. STOCK** Attorney Croaker has been notified that operator David Stock and landowner David Bakke are being represented by Gary Leistico, Rinke Noonan. Attorney Croaker informed the Board that Mr. Stock and Mr. Bakke may choose to reapply with a new after-the-fact permit application. Mr. Stock is responsible for a \$250 fee for After-the-Fact Permit Application #18-109, along with associated legal and engineering costs. If Mr. Stock chooses to reapply, he will be responsible for an additional \$250 fee and legal and engineering costs associated with the after-the-fact permit.
- TREE, BRUSH & CATTAIL REMOVAL** Upon motion by Gillespie, seconded by Dahlen and carried unanimously, Fridgen is authorized to continue with annual tree, brush, and cattail removal according to the District's policy of working on the ditch systems in thirds, contracting with Leo Splonskowski of LM Road Service.
- WCD #8** Existing culverts are being lowered to the legal ditch grade near the Deal property by Comstock. The prime contractor has not yet completed the punch list schedule. Attorney Croaker presented a WCD #8 culvert maintenance agreement with Wilkin County that formalizes the District's responsibility to remove silt and sediment from a 24" culvert installed through a Wilkin County road in the northeast corner of Section 21, Bradford Twp. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the agreement was approved.
- WCD #9** A pre-construction meeting will be held next week with Riley Brothers. Right-of-way for construction has been staked. Twenty-three landowners have completed the necessary project easement paperwork; four remain. Board managers reviewed the Engineer's Statement of Probable Cost, and considered cost-share policy amounts and recommended bonding amount. Gillespie made motion, seconded by Dahlen and carried unanimously to approve the Resolutions Authorizing the Transfers of Funds for the Culvert and Clean Water Retrofit Cost Share Policies. Roll call vote: Dahlen – aye, Deal – aye, Gillespie – aye, Wold – aye, Vavra – aye. Administrator Beyer recommended that \$100,000 be included in the final bond amount in order to provide funds for project development engineering costs. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the recommended base bonding amount was set at \$1,722,000. Issuance costs and capitalized interest will be added by Wilkin County.
- WILKIN COUNTY BUFFER COST-SHARE** Board managers reviewed a buffer cost-share program proposed by Wilkin County Soil and Water Conservation District. Wilkin County SWCD is offering to pay 75% of buffer seeding costs for landowners in

Wilkin County, in the Bois de Sioux Watershed District, for legal drainage system buffers. Participation is mandatory, 100% participation is not required, and landowners must commit to maintaining their buffer for 10 years. A penalty of 150% will be charged for buffers that are not maintained. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the program was approved and the District's attorney is authorized draft landowner sub-agreements.

2018 ANNUAL REPORT

A draft of the 2018 Annual Report was handed-out and will be considered for approval at the June 20, 2019 board meeting.

MNDOT PROJECTS

Engineer Guler attended a MNDOT summer project meeting on the District's behalf.

MEAL REIMBURSEMENT POLICY

Board managers reviewed the current meal reimbursement policy: "Reimbursements will be made for the actual cost of the meal, not to exceed the amounts listed below. Cost of a meal includes tax and reasonable gratuity. Breakfast: \$9.00. Lunch: \$11.00. Dinner: \$16.00." Upon motion by Gillespie, seconded by Deal and carried unanimously, the policy is changed to: "Reimbursements will be provided at the following amounts. Breakfast: \$15.00. Lunch: \$18.00. Dinner: \$25.00. Receipts and board approval will be required for any meal charge above the reimbursement rate."

DRIVEWAY APPROACH

Board managers reviewed price quotes from Serocki Excavating (\$9,426.96) and Riley Brothers (\$7,870.00) to replace the driveway approach. Upon motion by Deal, seconded by Gillespie and carried unanimously, the price quote from Riley Brothers was approved.

NORTH OTTAWA GRAVEL

Upon motion by Gillespie, seconded by Dahlen and carried unanimously, Fridgen is authorized to have 300 yards of gravel placed on North Ottawa interior roads.

Gillespie left the meeting. Without a quorum, the meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 20, 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, John Kapphahn, and Allen Wold. Absent: Scott Gillespie, Steven Schmidt. Also present: Engineer Chad Engels, Engineer James Guler, Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Deal, seconded by Dahlen and carried unanimously, the agenda was approved with the addition of Randy Schmiesing's Permit Application #17-040 and an inquiry of Dean Sternhagen's Permit Application #14-138.
- CLAIMS** Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the Claims of June 20, 2019 were approved as presented along with payment to Hormann Works in the amount of \$2,375.00 and Olson Tile & Excavating in the amount of \$1,472.00.
- MINUTES** Upon motion by Deal, seconded by Kapphahn and carried unanimously, the minutes of May 16, 2019 were approved.
- TREASURER'S REPORT** Upon motion by Wold, seconded by Kapphahn and carried unanimously, the May Treasurer's Report was approved.
- PUBLIC COMMENT** The meeting was opened for public comment. No comments provided.
- President Vavra recognized newly appointed Otter Tail Board Manager Ben Brutlag. Brutlag received the Oath of Office.
- JD #12 LAT. 4 REPAIR** Grant County Highway Engineer Tracey Von Bargen presented a potential repair project for Grant CSAH 11 that would require repairs to JD #12 Lateral 4. Von Bargen proposed that the road authority (Grant County) pay for actual costs associated for road repair, and the ditch authority (Bois de Sioux Watershed District) pay for actual costs associated with the ditch repair. Grant County Highway Department would design the project, prepare construction documents, and oversee project construction; they could be ready this fall.
- BEYER** Jason Beyer arrived at the meeting.
- Engineer Engels offered that there may be potential Construction Fund cost-share for project side inlets. Upon motion by Deal, seconded by Beyer and carried unanimously, board managers authorized a landowner meeting to be scheduled as soon as possible.
- 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. Landowners expressed concern about the timing of drawdowns and the ability to manage elevations in a timely fashion. Engels suggested that Big Stone Highway Department retain all management rights, and that the permit could be approved with specific operation language and elevations. Big Stone County Engineer Todd Larson offered to install riprap on a culvert connecting downstream South and North Rothwell Lakes. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the board authorized staff to define permit conditions, to be presented at the July 18th regular board meeting.
- PERMIT #19-033 TAYLOR TOWNSHIP** Engels introduced a permit submitted by Taylor Township, and stated that a coordinated permit application from Traverse County is expected soon. Between the two applications, culvert site capacities for four sites would be changed (one on behalf of Traverse County; one on behalf of Taylor Township). Engineering staff reviewed the drainage area and recommended appropriate culvert sizes (and calculations included the assumption of correctly sized upstream culverts). Engels stated that the permit meets district policies, and that a condition should be made to require installation of the Traverse County culvert. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the permit application was approved with conditions.

- #19-039
A. DEAL** A petition was received from Aaron Deal to outlet a drainage project into TCD #4 for parcels 09-0024-500 and 09-0023-000; these parcels are currently not included in the assessment district. Upon motion by Deal, seconded by Beyer and carried unanimously, a hearing was ordered for July 18, 2019 at 8:30 am.
- #19-041
C. RAGUSE** Permit applicant Chester Raguse presented a tile project in Section 15 of Taylor Township, Traverse County. Most of the project area is currently included in the JD #11 and TCD #27 assessment districts. A petition was received to include parcel 12-0051001 in the JD #11 assessment district. Viewer Dan Swedlund, who is working on the JD #11 Redetermination proceedings, stated that the parcel will be included in the redetermined assessment district. Landowners Ray Ehlers and Dean Holz relayed complaints that maintenance needs to be done on the lateral. Fridgen will coordinate spoil agreements and a clean-out. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the permit is approved with the conditions that construction within the JD #11 assessment area may begin, and that work outside of the JD #11 assessment area may not begin until the applicant has successfully petition into the JD #11 drainage system.
- #17-040
R. SCHMIESING** Fridgen relayed complaints received from landowner Randy Schmiesing regarding a wetland restoration project that he has been unable to start because of wet conditions; Mr. Schmiesing feels that operation of a neighboring tile pump is preventing contractors from starting their work.
- #14-138
D. STERNHAGEN** A representative spoke on behalf of Lary Vipond, who relayed concerns about an outlet identified under Permit Application #14-138.
- WCD #8** The construction punch list items are complete. Vegetation has been seeded but not established. A final walkthrough will be conducted to ensure everything is complete, including seeding, before closing out the project.
- WCD #9** A notice to proceed has been provided to the contractor. Traverse Electric has begun to bury the associated electric lines. Staff working to finalize
- JD #6** Board managers considered two scenarios with the repair of JD #6 at an intersection with the Canadian Pacific Railroad. The ditch will be realigned with the State highway culvert, but the project requires communication with the Railroad and would result in notable infrastructure costs. The railroad can either replace their culverts or bore an additional culvert on the legal grade line. Board managers authorized engineers to begin communication with the Railroad, and to recommend the boring option.
- TCD #41** In response to a complaint, TCD #41 landowners will meet later today with engineering staff to discuss maintenance and repair options.
- JD #11** Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to prepare and submit a BWSR Multipurpose Drainage Management grant application for the repair of JD #11.
- LTWQIP/
TCD #52** Upon motion by Deal, seconded by Beyer and carried unanimously, staff are authorized to prepare and submit a BWSR Project grant application for the Lake Traverse Water Quality Improvement Project #1/TCD #52.
- 2018 ANNUAL
REPORT** Upon motion by Wold, seconded by Deal and carried unanimously, the 2018 Annual Report was approved.
- NORTH OTTAWA** Upon motion by Dahlen, seconded by Deal and carried unanimously, a portapotty provided by HPS Rental was approved at North Ottawa. Staff discussed monitoring equipment needs; the current system was not installed correctly, and has needed a great deal of attention.

2019 – 2020 Annual Reorganization

- ANNUAL
REORGANIZATION** Wold called for nominations for the position of President. Dahlen nominated Linda Vavra, seconded by Deal and carried unanimously. Upon motion by Kapphahn, seconded by Dahlen and carried, the Secretary was directed to cast a unanimous ballot to Linda Vavra for President.

Vavra called for nominations for the position of Vice President. Dahlen nominated Allen Wold, seconded by Kaphhahn and carried unanimously. Upon motion by Kaphhahn, seconded by Dahlen and carried, the Secretary was directed to cast a unanimous ballot to Allen Wold for Vice President.

Vavra called for nominations for the position of Secretary. Wold nominated Scott Gillespie, seconded by Dahlen and carried unanimously. Upon motion by Dahlen, seconded by Deal and carried, the Secretary was directed to cast a unanimous ballot to Scott Gillespie for Secretary.

Wold called for nominations for the position of Treasurer. Dahlen nominated John Kaphhahn, seconded by Deal and carried unanimously. Upon motion by Dahlen, seconded by Deal and carried, the Secretary was directed to cast a unanimous ballot to John Kaphhahn for Treasurer.

**COMMITTEE
ASSIGNMENTS**

Board Managers reviewed committee assignments. Brutlag was added to the North Ottawa Committee. Engineer Technician was added to the Permit Review Committee and the Administrator is removed. Attorney Croaker is added to the Legislative and Redpath Committees. The NRCS LP-566 Plan/Bois de Sioux Direct committee was renamed Doran Creek. A Lake Traverse Water Quality Improvement Project committee was added, with members: Deal, Gillespie, Schmidt and Vavra. Upon motion by Deal, seconded by Kaphhahn and carried unanimously, the Annual Reorganization was approved.

CD PURCHASE

Board managers reviewed the details of staggered CD purchasing through Bremer Bank. Of the \$2.5 million available to invest, Beyer recommends \$350,000 be held in cash as it may be needed for JD #12 ditch repairs coordinated with the Grant County Highway Department. Upon motion by Kaphhahn, seconded by Deal and carried unanimously, the investment plan was approved.

TORT LIABILITY

Upon motion by Kaphhahn, seconded by Dahlen and carried unanimously, the Bois de Sioux Watershed does not waive the monetary limits on municipal tort liability established by MN Statute 466.04.

**SWENSON
SETTLEMENT**

Legal representation for former employee Michelle Swenson made a settlement offer of \$2,000 to avoid legal appeal proceedings. Wold made motion, seconded by Beyer and carried unanimously, to refuse the settlement.

**COMPUTER
QUOTES**

Administrator Beyer presented a \$1,192.99 and a \$2,239.34 price quote from Lake Country Technology to upgrade computer operating systems. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the \$1,192.99 price quote was approved.

**MEAL
REIMBURSEMENT**

Administrator Beyer presented an incomplete meal reimbursement receipt for Manager Wold, who had travelled to and from St. Paul on March 20, 2019 to testify on behalf of the District. It was the only receipt presented for the day of travel. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Wold's reimbursement for a day of meal per diems (\$36.00) was approved.

ATF LETTER

Attorney Croaker stated that a letter has been drafted, requesting that landowner Jennifer Coleman complete a District application for work After-the-Fact. Upon motion by Dahlen, seconded by Deal and carried unanimously, staff are authorized to send the letter.

Upon motion by Dahlen, seconded by Beyer and carried unanimously, the meeting was adjourned.

**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.

**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.

#19-085 G. BRUNKOW	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.
#19-066 B. PEDERSON	Technician Fridgen relayed that issues related to the permit have been resolved.
WCD #8 CULVERT AGREEMENT	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.
WCD #9	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.
JD #12 REPAIR	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.
TCD #23	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.
DITCH REPAIRS	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.
TCD #52	A TCD #52 landowner meeting will be held at 1 pm on September 19, 2019 at the Wheaton Legion.
REDPATH	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.
2020 BUDGET, LEVY & ASSESSMENT HEARING	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.
NORTH OTTAWA UPDATE	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.
DNR PUBLIC WATERS	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.
MPCA TALU	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.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
September 11, 2019**

CALL TO ORDER The meeting was called to order by President Vavra at 7:00 p.m. Present: Linda Vavra, Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: Jason Beyer, Ben Brutlag, Doug Dahlen, and John Kapphahn. Also present: Administrator Jamie Beyer and Technician Troy Fridgen.

**OFFICE
MANAGER** Board members conducted interviews with Wendy Sullivan and Rebecca Leininger for the open Office Manager position. Beyer arrived at the meeting at 7:40 pm.

Upon motion by Deal, seconded by Wold carried unanimously, an offer of employment was approved for Wendy Sullivan, at a salary of \$35,000.

The meeting was adjourned at 8:30 pm.

**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.

Meeting Agenda
Bois de Sioux and Mustinka Watersheds
1W1P Steering Committee Meeting
10/3/19 at 1:00 pm

<u>Member Organizations</u>	<u>Committee Representative</u>	<u>Designated Alternate</u>
Big Stone County	Danny Tuckett	Darren Wilke [Absent]
Big Stone SWCD	Adam Maleski	Joseph Otto [Absent]
Grant County	Greg Lillemon	
Grant SWCD	Joe Montonye	Jared House
West Otter Tail SWCD	Brad Mergens	Ben Underhill [Absent]
Otter Tail County	Kyle Westergard	
Stevens County	Bill Kleindl	
Stevens SWCD	Matt Solemsaas	
Traverse County	Lynn Siegel	Bruce Johnson [Absent]
Traverse SWCD	Sara Gronfeld	Bruce Johnson [Absent]
Wilkin County	Breanna Koval [Absent]	
Wilkin SWCD	Craig Lingen	Don Bajumpaa [Absent]
Bois de Sioux Watershed	Jamie Beyer	Linda Vavra

CC:

BWSR	Pete Waller
BWSR	Henry Van Offelen
HEI	Kris Guentzel
HEI	Rachel Ohm
Grant County	Reed Peterson
Moore Engineering	Chad Engels

Call to Order: The meeting was called to order at 1:00 pm.

Approve Minutes and Recommend Payment for HEI Claim: Upon motion by Solemsaas, seconded by Maleski and carried unanimously, the Minutes of September 15, 2019 were approved. Upon motion by Tuckett, seconded by Gronfeld and carried unanimously, payment to HEI in the amount of \$15,118.50 was recommended to the Policy Committee for payment.

Measureable Goals: Committee members were asked if they approved of the expanded goal sheet format, which can also serve as individual topic fact sheets; committee members expressed their satisfaction.

Targeted Implementation: Skipped.

Implementation Programs: This will serve as Plan Chapter 5. Sample activity categories were suggested, and committee members were asked how they would like to define capital improvement category (suggestion: \$250,000+ cost and annual maintenance covered by future taxes). HEI will send a draft Section 5 for feedback.

HEI also requested that each entity provide their 2018 budget as it relates to the identified categories via spreadsheet that will be forwarded after the meeting. This spreadsheet is due on or before October 18, 2019. If organizations feel that the 2018 budget does not represent a typical year, please provide a 5-year average budget. The spreadsheet will be divided by watershed, so if an organization's political boundaries expand into both watersheds, you can estimate your annual budget spending proportionately, by land acreage in each watershed.

At their September 25, 2019 board meeting, the BWSR board approved a FY2020 and FY2021 Watershed-based Implementation Funding Grant Allocation of \$1,064,522 for our plan. Had the Mustinka River and Bois de Sioux River Watersheds been calculated as two watersheds, our plan would have received \$500,000 more in base funding for this biennium, and into the future.

PTMApp Implementation Scenario: All SWCD's were asked to groundtruth a PTMApp HUC-12 area.

Mapping Activity: Entities were asked to identify unstable channels and ditch system instability on paper maps. Entities may also provide this information via GIS.

NEXT STEERING COMMITTEE MEETING: NOVEMBER 7TH

**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.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
October 31, 2019**

The meeting was called to order by President Vavra at 8:00 a.m. Present: Linda Vavra, Jason Beyer, Doug Dahlen, Scott Gillespie, Steven Schmidt and Allen Wold. Absent: Ben Brutlag, Jerome Deal, and John Kapphahn. Also present: Engineer Chad Engels (by phone), Attorney Lukas Croaker (by phone), Administrator Jamie Beyer, Technician Troy Fridgen, Township Supervisor Steve Johnson, Traverse County Engineer Chad Gillespie, and MN-DOT Engineer Greg Masteller.

**TCD #27
COLLAPSED
CULVERT**

The gravel road at the intersection of Highway 75 and 670th St has been closed due to a collapsed TCD #27 culvert; the closure restricts access for landowners who need to harvest their crops. According to a cost estimate prepared by Moore Engineering, culvert replacement will be \$40,000.

Board managers expressed their concerns for road safety, and stated that the culverts should be replaced immediately, dependent upon weather conditions. Engineer Greg Masteller stated that MN-DOT is willing to split material and installation, contingent upon final approval from MN-DOT officials.

Attorney Croaker introduced a possible cost-share agreement. As written, the cost-share agreement would supersede and replace the 1997 agreement; this new agreement would sunset at the project's completion, and from then on, MN Statutes would dictate responsibility for future maintenance costs. Engineer Masteller stated that a new agreement would need to be reviewed by MN-DOT officials, and was unsure how the replacement and sunset clause would be received. Masteller indicated that the 1997 agreement is limited to the project area (from the Mustinka River to approximately 7,085 feet north), and the only structures covered are the culverts in question and a concrete weir.

Gillespie made the motion, seconded by Dahlen, to allocate 50% of the cost of materials, labor, and compaction testing to replace both TCD #27 culverts from the TCD #27 Ditch Fund, contingent upon 50% cost share approved by the MnDOT and evaluation, sizing, placement, and location specifications from Moore Engineering. Motion carried.

Engineer Masteller stated that he will expedite the permit for this project, and begin proceedings to add these culverts to the MN-DOT Bridge Inventory.

The meeting was adjourned at 8:35 am.

**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 givern.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.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
December 19, 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, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Jason Beyer. Also present: Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Administrator Jamie Beyer, and Technician Troy Fridgen.
- AGENDA** Upon motion by Schmidt, seconded by Gillespie and carried unanimously, the agenda was approved with the following changes:
- Added: Permit #19-107, Bernard Van Zomeren
Added: TCD #44
Added: Personnel Committee Recommendations for 2020 COLA
- R. VOLD** Manager Gillespie notified the Board that former Board Manager Ronald Vold had passed away, and the Board took a moment to recognize his honorable service.
- CLAIMS** Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the Claims of December 19, 2019 were approved as presented.
- MINUTES** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Minutes of November 21, 2019 were approved.
- PUBLIC COMMENT** No public comment was received.
- PERMIT #19-132
R. RINGGER** Engineer Engels introduced Permit #19-132 on behalf of landowner Robert Ringger. The permit was originally denied because it involves a tiling project that crosses the subwatershed boundary. Gene Mensen stated that a contributing complication to the project design is a rule that tile may only cross CRP one time – and there are several separate parcels of CRP surrounding the project area. Engineer Engels relayed that the appeal is based on two considerations: 1) discharged water from one project subwatershed flows into the adjoining watershed within one mile of the project, and 2) there were no neighbor complaints received. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the appeal was approved and the permit was granted.
- PERMIT #19-107
B. VAN ZOMEREN** Landowner Bernard Van Zomeren appealed a condition placed on Permit #19-107, requiring all lands with dual-wall tile lines included in the permitted project successfully petition into TCD #37. Mr. Van Zomeren requested that the Board reconsider this condition based on the inability of adjoining landowners to utilize and derive any benefit from the underground, solid, non-perforated dual-walled tile. Gillespie made motion, seconded by Kapphahn, to amend the permit and remove the condition. Wold raised concerns that the tile would be taxed and yet would not receive any benefit, constituting a taking. The motion was unanimously approved.
- WCD #9** Riley's have finished construction for the year; the project will resume in 2020. There are approximately 5 miles left of construction. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, Pay Estimate #1, in the amount of \$683,271.35, was approved. Engineering staff received a request to extend the contract deadline and cost, but will present these requests at a future meeting upon consultation with legal.
- TCD #28
HEARING:
STUEVE
PETITION** At 9:30 am, upon motion by Kapphahn, seconded by Gillespie and carried unanimously, the hearing to consider the petition from Mark Stueve requesting authority to use Traverse County Ditch #28 ("TCD #28") as an outlet for portions of the S1/2 of Parcel #11-0020000 (SE1/4 of Section 4, Range 46, Tara Township (T125), Traverse County) and the SE1/4 of Parcel #11-0021000 (SW1/4 Less 48.71 Acres of Section 4, Range 46, Tara Township (T125), Traverse County) was opened.
- Attorney Croaker read Minn. Stat. § 103E.401, subd. 4. Engineer Engels provided an oral presentation of the existing condition of the ditch system along with a map showing the current assessment district and the LIDAR-based watershed. This information confirmed that surface drainage from the proposed project flows to TCD #28 already. Therefore, because the project is not new surface drainage and simply tile drainage from within the existing watershed, subject to the District's policy for tile drainage, that the existing design

capacity of TCD #28 would not be adversely impacted by the tile project. The applicant was not present at the meeting to speak to the project, and no comment was received in opposition. Attorney Croaker read the Order, which included that the outlet fee and benefits were calculated to be \$633.74 and \$120.00, respectively, for Parcel 11-0020000 and \$316.87 and \$60.00 for Parcel 11-0021000. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the Order Authorizing the Use of TCD #28 as an Outlet was approved. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the hearing was closed.

**TCD #44
DRAINAGE
PROBLEMS**

Engineer Engels presented findings on the condition of Traverse County Ditch #44 ("TCD #44"). Currently, TCD #44 does not have the capacity to meet the District's 10-year design flow standard at the outlet reach; the ditch and culvert sizes are inadequate. Consequently, surface water breaks out of the ditch channel and overtops a township road. Also, an existing culvert through a township road does not flow full for the 10-year event because the culvert is too tall and the township road is exceptionally low a short distance south of said culvert. The ideal solution would be to raise the township road and install a new crossing, and replace two culverts with appropriately sized culverts – but this would not address the outlet problems at 12-Mile Creek and its history of creating backwater problems. Schmidt offered to speak with landowners about the findings and report back to the Board.

**PUBLIC
HEARING 2020
BUDGETS,
LEVIES, &
ASSESSMENTS
AND 2019
AMENDED
BUDGETS**

At 10:00 am, upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Public Hearing on the Budgets for the 2020 General Fund, Construction Fund, and the Levies for the Ditch System was opened. Budgets and fund balances for 2019 and 2020 were reviewed, along with the corresponding proposed 2020 assessments and levies. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the amended 2020 General, Construction, and Ditch budgets were approved. Kapphahn made motion, seconded by Schmidt, to approve the Resolution of Ad Valorem Levy Tax with a \$250,000 General Fund ad valorem levy tax and a \$1,632,064.83 Construction Fund ad valorem levy tax. Roll call vote: Brutlag – aye, Kapphahn – aye, Schmidt – aye, Dahlen – aye, Deal – aye, Wold – aye, Gillespie – aye. Next, the 2020 Drainage Ditch Assessments were reviewed, with updated figures presented. The Board discussed a request from a landowner to revisit the interest rate charged for the mainline repair of Traverse County Ditch #37; the landowner had the understanding that the cost of the project would be spread 15 years at 1% interest. The Board discussed a need to identify clearly in the future whether projects financed internally will have a fixed or variable interest rate. The Board also discussed how the District's internal interest rate should be calculated on an annual basis. Gillespie made motion, seconded by Dahlen, to approve the Resolution of Ditch Assessment Levies, reinstate the TCD #37 interest rate to a fixed 1%, and appoint Administrator Beyer to identify a standard December index and add 1% to serve as an annual District interest rate. Roll call vote: Brutlag – aye, Kapphahn – aye, Schmidt – aye, Dahlen – aye, Deal – aye, Wold – aye, Gillespie – aye. The Board reviewed the 2019 year-to-date figures and budget information. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the Amended 2019 Budgets were approved as presented.

**ANNUAL DITCH
INSPECTIONS**

Engineer Technician Fridgen presented an annual drainage ditch inspection report. The Board asked if there would be any additional funding or training needed to complement this work; Engineer Technician Fridgen indicated that he will coordinate a drone purchase and training with staff from Moore Engineering, and plans to shadow the capture of Judicial Ditch #14 footage.

**WCD #8 FINAL
PAYMENT**

Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the hearing to Consider Acceptance of Contract & Final Payment to the Contractor of Wilkin County Ditch #8 ("WCD #8") was opened. Engineer Guler stated that all contract work and the punch list has been completed. Guler presented the Final Cost Summary. Athens requested comments and/or objections from the public. No comments or objections were given. Engels reported that the contract has been completed in accordance with the plans and specifications. Guler stated that there are some lien waivers that have not yet been returned. Upon motion by Wold, seconded by Gillespie and carried unanimously, the Final Payment, Order, and Waiver of Liquidated Damages were approved contingent upon receipt of all lien waivers. Upon motion by Gillespie, seconded by Wold and carried unanimously, the hearing was closed.

**NORTH OTTAWA
DECLARATION
RECORDED**

The District received notice that an audit had been conducted by the Minnesota Management and Budget Office on some DNR issues, and that it was discovered that a necessary real estate declaration had not been recorded for North Ottawa lands purchased by the District with the use of State grant funds. Attorney Croaker read the required real estate declaration. President Vavra asked if it was possible that the parcels described were purchased with funds through the Red River Watershed Management, instead of State grant dollars. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the declarations were approved for recording upon final verification that lands were purchased by State grant funds.

**SCHMIDT
LEAVES**

Board Manager Steven Schmidt left the meeting.

**REDPATH
UPDATE**

Engineering staff will complete the Engineer's Report for Redpath in a month; the last item to be put together is the estimate of cost. Over the past year, there has been a significant design change to the inlet structure, which has been negotiated with the DNR. Previous NRE focus had been originally placed on northern pike spawning, but the impoundment's design would have caused fish trapping and spawning problems; the focus of NRE goals have changed to wildlife. The inlet structure is designed to direct the lowest stream flows to the meandering by-pass channel, excess floodwater is then pushed to the impoundment. The previous inlet design caused a velocity concern that adversely impacted fish passage, created excessive sediment accumulation in the upstream channel, and diverted too much flood volume around the impoundment. The newly designed inlet structure will reduce the frequency of high-velocity problems, which has a positive effect on the condition of the meandering channel. The impoundment will be as passive as possible, with little manual operation. The exception will be an adjustable inlet weir, which will have a bladder to raise and lower the height of the weir crest by 3'. No life span of the bladder was available. These changes in design and permitting are being vetted on a regular basis with the Fergus Falls DNR team. Unfortunately, the permits cannot be finalized until land acquisition is complete; land acquisition may take place in January.

**DNR PRESENTS
12/9/19 NORTH
OTTAWA LETTER**

DNR Northwest Regional Director (do you want her name?) and Northwest Regional Manager John Williams presented a letter dated December 9, 2019 that states that the use of farming in six cells, "continues to be inconsistent with the 1998 Red River Basin Flood Damage Reduction Work Group Mediation Agreement, the 2001 Environmental Assessment Worksheet and Record of Decision for the project, the state bonding mechanism used to fund the project, representations made to the Minnesota Legislature at the time the project was funded, and the natural resource management purposes for which the cells were constructed. Specifically, these cells were constructed to develop significant habitat for wetland species.... After all of these efforts, we find ourselves in the disappointing position of informing you that, should the District continue to farm more than two cells of the North Ottawa project, the DNR will not recommend or advance any further state investment in flood control projects within the Watershed District." Director Ebbenga and Manager Williams apologized for the 10-month delay in correspondence with the District over this matter. Deal disagreed with the assertion that farming was not part of the original operation and maintenance plan, and stated that he had given testimony that farming would be used to fund operation and maintenance activities. Director Ebbenga expressed her commitment to figuring out why board managers, landowners, legislators, and DNR officials have different understandings of how cells were to be used at North Ottawa. Kapphahn expressed frustration in the DNR's arbitrary judgements that current NRE's are inadequate without any scientific data to support their conclusion. Board managers, staff, and DNR officials expressed concern about ongoing operation and maintenance expenses without promised funding from outside organizations to cover these costs. Technician Fridgen described work completed this year – there are 10 miles of collection ditches that must be maintained, and this year, interior roads needed additional gravel, at an expense of about \$7,200. Director Ebbenga stated that she would arrange a follow-up meeting in February.

**DISTRICT
QUESTIONNAIRE**

Wold introduced a District questionnaire. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the questionnaire was tabled.

**1W1PLAN
REVIEW**

Administrator Beyer requested that board managers consider how they can be supported through the One Watershed One Plan approval process. In February, it is anticipated that the Board will receive the draft of the plan; it will likely exceed 200 pages. Administrator Beyer received a price quote from consultants at Houston Engineering, to provide a customized presentation of the details of the plan and to give an opportunity for questions and discussion at a cost estimate of \$3,200- \$4,800. Approval of the plan must be coordinated between 13 entities, and approval must be acquired before implementation of One Watershed One Plan grant funds can begin. The One Watershed One Plan is scheduled to receive \$1,064,522 in funding for a two-year period. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the separate meeting with HEI was approved.

**SAMANTHA
LAKE**

No update on Samantha Lake was given; it will be presented at the January 2020 meeting.

BEYER ARRIVES

Board Manager Jason Beyer arrived at the meeting.

**REDPATH LAND
ACQUISITION**

Engineer Engels presented feedback received from landowner Breck Dilly. Upon motion by Deal, seconded by Kapphahn and carried unanimously, the Redpath Committee was asked to review potential land purchase and sale terms proposed by Mr. Dilly.

COST OF LIVING INCREASE The Personnel Committee recommended that the cost of living adjustment for staff increase be set at 3% for 2020. Upon motion by Wold, seconded by Deal and carried unanimously, the 3% COLA was approved.

DRAINAGE WORKGROUP UPDATES Deal gave an update of initiatives by the Drainage Work Group, to permit watershed districts to qualify to borrow general obligation bonds; Deal also notified the Board that the state drainage manual is being revised, and that comments to its revision should be submitted prior to February 10, 2019.

RECESS Upon motion by Beyer, seconded by Dahlen and carried unanimously, the meeting was recessed at 12:10 pm, to be reconvened at 12:30 pm at the Wheaton American Legion to hold the required hearings for the repair and redetermination of Judicial Ditch #11 ("JD #11").

RECONVENED Upon motion by Dahlen, seconded by Beyer and carried unanimously, the meeting was reconvened at 12:38 pm. Present: Linda Vavra, Jason Beyer, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn and Allen Wold. Absent: John Kapphahn, Steven Schmidt. Also present: Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Administrator Jamie Beyer, and Technician Troy Fridgen.

VIEWERS IN ATTENDANCE Attorney Croaker introduced the hearing procedures and confirmed that Viewers Dan Swedlund, Loretta Pederson, and Stan Churchill were present. Lead Viewer Swedlund introduced the Viewers' report and methodology.

HEARING PROCESS Attorney Croaker described the formal process, and the Viewers' Report and Property Owner's Report were reviewed. The Viewers' report sets an updated monetary maximum limit for ditch construction, assigns a proportion of ditch expense (as a percentage) that each benefited 40-acre parcel is responsible for, and sets the damages payment to landowners for acquisition of temporary and permanent easements. Factors affecting these figures are the proximity rating and hydraulic efficiency.

JD #11 FINAL HEARING ON REPAIR PETITION, ENGINEER'S REPAIR REPORT AND VIEWERS' REPORT Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the Final Hearing on the Repair Petition, Engineer's Repair Report, and Viewers' Report for Judicial Ditch #11 was opened to public comment and questions. All landowners present were given the opportunity to express their opinion and/or to meet with the Viewers separately. Traverse County Commissioner Tom Monson, Traverse County Commissioner Kevin Leininger, Wilkin County Commissioner Eric Klindt, and Wilkin County Commissioner Dennis Larson were in attendance. Details about the assessment district were given, including compensation for the easements that will be required:

Permanent Ditch Easement	Will apply to the area encompassed by the road, ditch, and buffer. Landowners will be compensated for the amount of this land that is currently being cultivated. They will not be able to cultivate it in the future.
Permanent Spoil Easement	Will apply to the area adjacent to the Permanent Ditch Easement. The land can be used by the District for maintenance, repairs, and spoils, but District activities cannot damage crops without compensation.

BUFFER MAINTENANCE Landowners asked how ditch maintenance would be accomplished for the riparian buffers acquired by the drainage system, as required by state statute; Board managers relayed that the District records an easement to spread spoils, provide inspections and conduct repairs – but, that the property remains in the legal possession of landowners. Noxious weed and cattail spraying would be covered by the drainage system. Viewers will hold office hours in January, and will be available for landowners to meet one-on-one.

BEYER LEAVES Board Manager Jason Beyer left the meeting.

LANDOWNER QUESTIONS Landowners Gary Wawers, Brad Raguse, Steve Weatherbee and Perry Miller requested appointments; all ditch owners will be notified by mail of the opportunity to meet with the Viewers.

REPORTS Tabled Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Viewers' Report and Property Owners' Report was tabled until January 16, 2020.

JD #11 DETAILED SURVEY REPORT Engineer Guler presented the Engineer's Repair Report, which contains copies of the repair petitions. The ditch was constructed around 1945, no substantive repairs have been made. The 10 mile repair project will make several repairs to the current ditch, including construction to 1) flatten the ditch slope along the road to a 4:1, create a 10' ditch bottom, and use the excavated material to install a ditch berm and a 3:1 ditch backslope.

- REPAIR DESIGN** The overall concept is to restore the ditch to handle a 10-year design event: 3.5" of rain in 24 hours. In its current state, significant portions of the channel and many culverts are in a state of disrepair which is causing excessive flooding in many areas along the course of the ditch. Critical culverts will be replaced to match the design capacity of the system. Engels assured the group that we can plan for flooding conditions that will exceed the 10-year design standard; under those conditions, the repair project will control where flood waters will break-out into the flood plain, at the downstream end of each mile; controlled break-outs will reduce upstream field erosion.
- MN-DOT WORK** This repair is being made in coordination with MnDOT's planned road improvements to Highway 55 and Highway 75, and the design must meet Wilkin County's restriction that the top of a ditch berm must be 6" below the shoulder of the road. Side inlets with flap gates will be installed, and several utility poles will be moved and/or buried.
- COST ESTIMATE** Engineer Guler presented the Engineer's Cost Estimate and reported that the District has been actively seeking outside project dollars, and is currently requesting project grant funds from BWSR, RRWMB, and the District's culvert sizing and clean water cost share policies.
- RECESSED & RECONVENE SET** Upon motion by Dahlen, seconded by Deal and carried unanimously, the hearing was recessed and set to reconvene on January 16, 2020. Upon motion by Dahlen, seconded by Deal and carried unanimously, the meeting was adjourned at 2:50 pm.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
December 27, 2019**

- CALL TO ORDER** The meeting was called to order by President Vavra at 10:00 a.m. Present: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag, John Kapphahn. Also present: Engineer Chad Engels (by phone), Attorney Lukas Croaker (by phone), Administrator Jamie Beyer, and Technician Troy Fridgen.
- DNR REDPATH GRANT AGREEMENT EXTENSION** Board managers reviewed Grant Agreement Amendment No. 6 between the District and the DNR for a one-year extension of the September 29, 2010 Redpath Grant 3000000507/3000125390/26829 set to expire December 30, 2019. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the amendment was approved.
- CLA 2019 AUDIT CONTRACT** Board managers reviewed the CliftonLarsonAllen terms and objectives, dated October 29, 2019, for services related to the upcoming 2019 audit. Upon motion by Deal, seconded by Beyer and carried unanimously, the contract was approved.
- BRUTLAG & KAPPAHN ARRIVE** Board Managers Ben Brutlag and John Kapphahn entered the meeting.
- NORTH OTTAWA 2020 O & M PLANS** Board managers discussed 2020 operations and maintenance plans for the North Ottawa Impoundment. Board Manager Wold recommended that the District lease 8 cells, to cover operation and maintenance costs. Board Manager Beyer advocated that the District make preparations to implement activities recommended by consultants EOR, to increase species diversity and increase natural resource enhancements (NREs). Cattails have completely taken over Cells A4 and B4, limiting NRE opportunities and compromising flood storage capacity; Board Manager Brutlag stated that he believes responsible maintenance would include cattail removal, and Board Manager Beyer stated that cattail removal is necessary to prepare lands for EOR's recommendations, which may take two years. President Vavra emphasized that activities within the Impoundment must always defer to management for maximum flood storage.
- NORTH OTTAWA 2015 – 2019 LAND USE & 2020 FLOODING** Engineer Engels presented 2015 – 2019 land use by cell. Board Manager Gillespie requested that the District prepare a formal operating plan for 2020 that explicitly emphasizes that the Impoundment will be operated for flood damage reduction – even if doing so conflicts with NRE management. Board Manager Beyer expressed concerns that current lake, river, and ditch water levels indicate that flooding could be more substantial in 2020 than it was in 2019 – which was a top 3 flood in some areas of the District.
- DNR-INPUT SOUGHT FOR 2021** Certification of the District's budget and tax levies is made in December, and certification to Grant County, as to which parcels will be leased and which will not be leased, is due annually by February 1st. These important deadlines framed the District's efforts in February 2019 to meet with the DNR to plan NRE activities for the 2020 growing season. Board managers expressed frustration that DNR representatives have not been timely with feedback on the District's proposal for future NRE-enhancing activities, taking 10 months to provide a limited, sparse response despite monthly meeting requests from the District. Giving respect to the extremely limited amount of time, budget, and ability to now implement plans for the 2020 growing season, Board Managers discussed the need for the District itself to draft plans for 2020, and receive DNR NRE input for the 2021 growing season.
- COMMITTEE WILL RECOMMEND O & M PLAN TO BOARD** Beyer made motion, seconded by Dahlen, that, with Attorney Louis Smith's guidance, the North Ottawa Operations and Maintenance Committee propose a land management plan for 6 cells and that the District remove cattails in Cells A4 and B4 in order to prepare for future NRE activities. Roll call vote: Brutlag – aye; Kapphahn – aye; Schmidt – aye; Dahlen – aye; Beyer – aye; Deal – aye; Wold – aye; Gillespie – aye; Vavra – aye.
- TILLAGE** Two cells did not receive fall tillage. Schmidt requested that the District's boilerplate tillage language be reviewed at the next board meeting.
- WEED CONTROL** Technician Fridgen reported on weed control needs along the collection channel and on the inside banks of the Impoundment (weeds lead to slope instability and noxious weed removal is required by

township and county regulations). Board managers requested that Fridgen put together a map of the area, and estimate the number of acres for a potential bid or contract.

Upon motion by Dahlen, seconded by Deal and carried unanimously, the meeting was adjourned at 11:45 am.