

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
January 16, 2020**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:00 a.m. Present: Linda Vavra, Jason Beyer, Doug Dahlen, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag, Jerome Deal, John Kapphahn. Also present: Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA ADDITIONS** Upon motion by Schmidt, seconded by Wold and carried unanimously, the agenda was approved with the following changes:
- Added: WCD #9 Assessment
Added: JD #6 Landowner Meeting
Added: Doran Creek Landowner Meeting
- BRUTLAG ARRIVES** Board Manager Ben Brutlag arrived at the meeting.
- CLAIMS** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Claims of January 16, 2020 were approved as presented.
- MINUTES** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Minutes of December 19, 2019 were approved. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Minutes of December 27, 2019 were approved.
- TREASURER'S REPORT** Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the Treasurer's Report was approved.
- PUBLIC COMMENT** No public comment was received.
- PERMIT #19-134 C. MORROW** A petition was received from Cory Morrow, to use TCD #23 as an outlet for tile installation that includes the S1/2 of the S1/2 of the SE1/4 and the S1/2 of the S1/2 of the SW1/4 of Section 36, Redpath Township, Traverse County. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, a hearing was ordered for February 20, 2020 at 10:00 am.
- TCD #44** Detailed maps were provided to Board Manager Schmidt, in order to further conversations with landowners in the TCD #44 drainage area.
- DEAL ARRIVES** Board Manager Jerome Deal arrives at the meeting.
- TCD #8, TCD #37 ELDORADO** Engineering staff gave an overview of the options discussed at the January 10th meeting with TCD #8, TCD #37 and Eldorado landowners. The goal of this meeting, and future meetings, is to identify a practical solution that would meet a 10-year flood protection standard while mitigating potential flow increases for larger floods. Mr. Bernie Van Zomeren stated that he is working with 7 – 9 landowners who are considering repairs, improvements, or extension to ditches, a combination of ditch work, and a community tile mainline, or a tiled system.
- USFW WCD #9 TAX REMOVAL** The Otter Tail County Auditor's Office received correspondence from the Fergus Falls Office of the US Fish and Wildlife Service asking that their \$567.61 WCD #9 Improvement assessment fee be removed from the assessment roll as the federal government is not subject to watershed district assessments. Attorney Croaker indicated that the parcel falls under the Refuge Revenue Sharing Act, which provides for annual payments from the federal government to counties, including Otter Tail County, on a fixed-fee basis in lieu of the parcel being subject to local taxation. Upon motion by Gillespie, seconded by Schmidt, and carried unanimously, the District agreed to pay \$567.61 out of the WCD #9 ditch construction fund to cover the assessment to Otter Tail County.
- JD #6 & DORAN CREEK OWNER MEETINGS** Engineering staff recommended that a March landowner meeting be scheduled for JD #6 landowners, as a clean water grant application for a petitioned repair or improvement would need to be prepared in upcoming months. Engineering staff also recommended that a March meeting be held with Doran Creek landowners, to discuss a channel rehabilitation project and water management district.

NORTH OTTAWA Upon motion by Schmidt, seconded by Gillespie and carried unanimously, board managers approved the following recommendations from the North Ottawa Operations and Maintenance Committee:

- Remove cell A3 from annual lease bid (will be used to divert water from cells A4 and B4, so they dry-out);
- Ask for the intended purpose on annual lease bid, and indicate that corn silage planting is preferred; and
- Change untilled penalty rates to \$50/acre for unworked ground.

REDPATH LAND PURCHASE The Redpath Committee met to discuss a land offer made by Mr. Breck Dilly. The Committee will schedule a meeting in the next few months with Mr. Dilly to negotiate the terms of the purchase of his land and possible sale of District land.

SAMANTHA LAKE UPDATE Engineering staff prepared and delivered draft project plans to the Grant County Highway Engineer for the Samantha Lake project. An 18" dual wall tile has been proposed to direct high water from Samantha Lake and Elbow Lake. Engineer Engels discussed Grant County constructing the project and assigning maintenance and operation of the project to the District upon completion.

RECONVENED JD #11 HEARINGS Upon motion by Schmidt, seconded by Gillespie and carried unanimously, President Vavra reconvened the final hearing on the redetermination of benefits and damages and the repair petition for JD #11. Attorney Croaker discussed the final hearing procedure outlined under Minn. Stat. §§ 103E.335 and 103E.341 and informed the Board managers that there would be discussion and potentially final action on the Petition, Amended Viewers' Report, and Engineer's Repair Report. Viewers Swedlund, Churchhill and Pederson were present. An updated Viewers' Report was provided, with the following changes:

- 36-130-47 NWSW 1/4, remove West 20 acres
- 01-129-47 Remove NW & SW 1/4
- 12-129-47 Remove NW 1/4
- 20-129-46 Remove SE 1/4
- 34-130-46 Remove SE 1/4
- 24-129-47 Remove SE 40 of NE 1/4
- 28-130-46 Remove NW1/4 (everything N of Hwy 55)
- 27-130-46 Remove everything N of Hwy 55
- 29-130-46 Remove everything N of Hwy 55

Landowners were given an opportunity to provide comment. Mr. Dennis Barlage expressed concern about flapggate conditions. Engineer Engels stated that flapggate maintenance is the responsibility of the ditch authority, and that they will be cleaned-out and armored with riprap with this project. Mr. Ray Ehlers expressed concern about the cost of the project. Engineer Guler stated that the cost does include work to fix low spots and swales on the first 1/2 mile of ditch laterals east of Highway 75. Engineering staff looked at the addition of fully retrofitting 1/2 a mile of all laterals east of Highway 75 (not including Highway 55); the estimate for this additional construction would be \$250,000. Landowners at the meeting agreed that they did not wish to pursue the additional work. Engineering staff recommended to include repairs to low spots and swales in the legal ditch right of way in Section 8, owned by Mr. Ehlers.

Scott Gillespie left the meeting.

Landowners inquired about what would happen if contractor bids are significantly higher than the estimate. Board managers relayed that bids are presented to the board for their review at a public board meeting and that landowners can provide comments. Engineer Guler and Attorney Croaker also informed the board managers that they have the right to reject any and all bids if costs are too high. 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 Beyer, seconded by Dahlen and carried unanimously, the Amended Viewers' Report and Amended Engineer's Repair Report for JD #11 were approved and the redetermination of benefits and damages, establishment of the repair project, and easement acquisition were ordered. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Findings and Order for JD #11 were approved. Upon motion by Beyer, seconded by Deal and carried unanimously, the hearing was closed. Upon motion by Beyer, seconded by Deal 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

2020 FARMLAND LEASES	will host a pre-bid contractor meeting, to discuss project details before bids are submitted, and the project will have a 2020 substantial completion date that will include and topsoil stripping.
1W1PLAN EXTENSION	Upon motion by Beyer, seconded by Dahlen and carried unanimously, the following high bids were approved: Redpath Leases 20-01, 20-02, 20-03, 20-04, 20-05, 20-06: Raguse Family Partnership Copeland Western 32 Lease 20-40: Cody Swift
SPRING 2020 STAFF ASSISTANCE	Upon motion by Beyer, seconded by Deal and carried unanimously, board managers approved the Resolution to Request an Extension of the Bois de Sioux Watershed Management Plan, requesting an extension to complete the 1W1Plan thru December 31, 2020.
1W1PLAN	Board managers discussed weather and snowfall conditions heading into Spring 2020. Upon motion by Dahlen, seconded by Beyer and carried unanimously, board managers authorized additional support from Moore Engineering if Technician Fridgen needs help or is out of the office. Board managers discussed how the District's 1W1Plan entities (6 counties, 6 SWCD's, and 1 watershed) may be organized once the plan is approved and grant funds are available for project implementation. Options presented to the 1W1Plan Policy Committee: 1) Memorandum of Understanding, which requires all 13 entities to take board action on every Policy Committee recommendation, 2) Joint Powers Collaboration, which requires all 13 entities to take board action on every Policy Committee recommendation 3) Joint Powers Entities, which would be a separate organization altogether. Board Manager Wold asked whether the current structure could be continued (Memorandum of Understanding with the Bois de Sioux Watershed District acting as fiscal host and who takes board action on the Policy Committee recommendations.
DISTRICT QUESTIONNAIRE	Board managers discussed a district questionnaire drafted by Board Manager Allen Wold. The questionnaire was tabled to give time to review the language, consider questionnaire topics and targeted recipients, and to consider how the information would be used.
2020 MILEAGE REIMBURSEMENT	Board managers reviewed the 2020 mileage reimbursement rates and roundtrip mileage amounts to the District Office. Jason Beyer - 68.4 miles; Ben Brutlag - 66.8 miles; Jerome Deal - 2 miles; Doug Dahlen - 36.2 miles; Scott Gillespie - 45.8 miles; John Kapphahn - 72.4 miles; Steven Schmidt - 19.2 miles; Linda Vavra - 64.6 miles; Allen Wold - 20 miles.
ENGINEERING & LEGAL BILLING RATE CHANGES	Upon motion by Wold, seconded by Schmidt and carried unanimously, the 2020 Moore Engineering Billing Rate Schedule was approved. Upon motion by Deal, seconded by Beyer and carried unanimously, the request from Ohnstad Twichell, to change drive-time billing at a flat \$100 to their standard hourly rate, was approved.
PROPERTY TAX EXEMPTIONS	Board managers reviewed parcel information for land that will not be farmed in 2020. Upon motion by Beyer, seconded by Deal and carried unanimously, requests for tax exemptions for unfarmed land were approved.
2019 DISTRICT BILLABLE RATES	Board managers reviewed the 2019 billable rates, which are used internally to compensate the General Fund for staff time and mileage allocated to ditch and construction fund projects. For 2019, upon motion by Beyer, seconded by Dahlen and carried unanimously, a BWSR template was approved, which included compensation for wages, the cost of benefits, and general office supplies, utilities, and expenses: Office Administrator - \$74.52/hour; Office Manager - \$55.78/hour; Engineer Technician - \$80.05/hour.
END OF THE YEAR JOURNAL ENTRIES	Board managers reviewed end of the year journal entries. Upon motion by Beyer, seconded by Deal and carried unanimously, the board approved journal entries to reimburse the General Fund for time spent on ditches and construction projects, in the amount of \$155,290.63.
FARMLAND LEASE TEMPLATES	Board managers reviewed land lease templates (drafted by Attorneys Lukas Croaker and Louis Smith) for: 1) Standard Farming Lease; 2) Farming Lease for State Bonded Land; 3) North Ottawa Farming Lease; and 4) North Ottawa Farming Lease for State Bonded Land. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the lease templates were approved pending the removal of all haying and mowing references to the North Ottawa Farming Lease and North Ottawa Farming Lease for State Bonded Land. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the meeting was adjourned at 12:55 pm.