

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
February 20, 2020**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:00 a.m. Present: Linda Vavra, Jason Beyer, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA ADDITIONS** Upon motion by Kapphahn, seconded by Deal and carried unanimously, the agenda was approved with the following changes:
- Added: Permit Application #20-06, Richard Mathias
Permit Application #20-07, Richard Mathias
Area One Ditch Inspections
TCD #7 Petition
TCD #37 Interest
2020 Flood and Snow/Ice/Debris Removal
North Ottawa Bathroom
- CLAIMS** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Minutes of January 16, 2020 and the Claims of February 20, 2020 were approved as presented.
- MINUTES** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Treasurer's Report was approved.
- TREASURER'S REPORT** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the March 19th board meeting is moved to March 26th, due to a conflict with MAWD's legislative visits in St. Paul.
- MANAGER TERM EXPIRATION** In 2020, board manager terms will expire for Managers Kapphahn, Wold, and Brutlag; notifications will be sent to Traverse, Grant, and Ottertail County Commissioners.
- PERMIT #20-06 R. MATHIAS** A portion of the proposed project is located outside of the current assessment district for TCD #8. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the applicant must successfully petition into TCD#8.
- PERMIT #20-07 R. MATHIAS** Project details were reviewed. Landowner comments in opposition to the permit were based on long-standing, unresolved concerns about the condition of 5-Mile Creek. Jonathan Mathias, appearing on behalf of the applicant, stated that he is responsible for ensuring that project pumps are turned off during downstream flooding conditions. Upon motion by Wold, seconded by Dahlen and carried unanimously, the permit application was approved. Upon motion by Wold, seconded by Dahlen and carried unanimously, Moore Engineering is directed to create a plan for 5-Mile Creek and bring it to a future meeting.
- PERMIT #20-05 K. DEAL** Permit applicant Kevin Deal submitted a petition to have the S1/2 of the SW1/4 of Section 32, Range 45, Clifton Township (127N), Traverse County, added to TCD #7. Upon motion by Beyer, seconded by Dahlen and carried unanimously, a hearing will be scheduled for March 26, 2020 at 10:00 am.
- TCD #37 INTEREST** At the December 19, 2019 board meeting, managers approved an adjustment to the interest charged to the deficit balance of TCD #37. Beyer will consult with Morris & Associates, CliftonLarsonAllen auditors, and Attorney Croaker to determine how this transaction could be completed.
- TCD #8, TCD #37 ELDORADO** A landowner meeting was held February 14, 2020 for TCD #8, TCD #37, and Eldorado Township. Several options were discussed, including landowner petitions to repair or improve area drainage systems, a landowner petition to establish a new ditch or extension, and landowner permitting processes for shared, private or public drainage systems. The need for an impoundment was also discussed, and two landowners approached the District regarding land that they own that could be purchased and used to trade for land that would make a suitable impoundment. Board Manager Gillespie stated that he does not support the acquisition of land by the District to trade.

**TCD #23
PETITION**

At 10:00 am, upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing to consider the petition from Cory Morrow requesting authority to use Traverse County Ditch #23 ("TCD #23") as an outlet for portions of the S1/2 of the S1/2 of Parcel #10-0160000 (SE1/4 of Section 36, Range 45, Redpath Township (128N), Traverse County) and the S1/2 of the S1/2 of Parcel #10-0161001 (SW1/4 except for 4.89 acres of Section 36, Range 45, Redpath Township (128N), 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 #23 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 #23 would not be adversely impacted by the tile project. The applicant was present by phone 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 \$2,285.52 and \$80.00, respectively, for Parcel 10-0160000 and \$2,154.39 and \$75.41 for Parcel 10-00161001. Upon motion by Wold, seconded by Dahlen and carried unanimously, the Order Authorizing the Use of TCD #23 as an Outlet was approved. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing was closed.

**2020 FLOOD
CONCERNS**

Traverse County Engineer Chad Gillespie requested that staff consider the location of snow and ice debris prior to removal, citing the District's early-middle-late timing zones in the District's Overall Plan. District Engineer Chad Engels stated that the timing zone guidance is intended for project prioritization, and that spot-removal of snow and ice debris from drainage systems likely won't affect the timing of regional flooding as a whole. Engineer Chad Gillespie stated that he had received a complaint regarding how the District responded to 2019 flood conditions. Board Managers and staff discussed how 2020 flood conditions will be handled and requested no change. Technician Fridgen stated that he will communicate closely with county engineering staff. The District will coordinate a multi-organizational flood meeting soon, and receive weekly updates from the National Weather Service.

**DITCH
INSPECTIONS**

Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Area One Ditch Inspections were approved.

SAMANTHA LAKE

Grant County Engineer Tracey VonBargen and Grant County Commissioners Bill LaValley and Doyle Sperr were presented to hear the details of the Samantha Lake Project. Stevens County Commissioner Ron Staples relayed that it is possible to receive a permit condition to drop water levels 1 1/2' below the ordinary high water level, if flooding threatens a public road. Engineer Chad Engels reviewed some of the possible project steps, including: Grant County Highway Department completes permit applications and completes construction; the project then may be turned-over to the Bois de Sioux Watershed District. Attorney Croaker will draft a Joint Powers Agreement. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, cost of the project and engineering will be split 50-50 with Grant County.

**NORTH OTTAWA
LAND LEASES**

Board Managers reviewed the bids for North Ottawa land leases. Technician Troy Fridgen stated that it would be more conducive to farming and flood control, if the District leased A3 instead of B3. Upon motion by Beyer, seconded by Schmidt and carried unanimously, the following bids were approved:

#19-50	Cells A1, A2, B1, B2	Pat and Greg Vold Farms	\$55,361.50
#19-51	Cell B3, small grain restriction	Raguse Family Partnership	\$14,191.00

Upon motion by Beyer, seconded by Dahlen and carried unanimously, asked that A3 be swapped for B3, if possible, on the same price-per-acre basis. Board managers requested that work-back be charged to Raguse Family Partnership for the acres left untilled, at the most recent Custom Farm Work Rates established by the North Dakota State University Extension Service.

**NORTH OTTAWA
O & M MANUAL**

Attorney Croaker has drafted a 2020 Operations and Maintenance Manual for North Ottawa. Attorney Croaker and engineering staff will review the draft first; board managers will then be given an updated copy to review.

EOR CONTRACT

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the February 21, 2020 contract with EOR was approved to provide long-term NRE plan implementation development.

IMPOUNDMENT DONATIONS

Landowner and North Ottawa Impoundment neighbor Dwight Veldhouse has expressed interest in creating a separate, 501(c)(3) to be used to receive donations for projects that will enhance birdwatching experiences for visitors to the North Ottawa Impoundment, and potentially the Redpath Impoundment. Mr. Veldhouse's first project would be the construction and installation of a permanent, primitive restroom at North Ottawa. Upon motion by Deal, seconded by Schmidt and carried unanimously, support for these efforts was given.

REDPATH LAND PURCHASE DILLY FAMILY

Attorney Lukas Croaker informed board managers that a tentative deal has been reached with Redpath landowners, Mr. Breck and Mrs. Louise Dilly, who offered to exchange the SW1/4 of Section 15, Township 128, Range 45 (Redpath Township) for the District's N1/2 of the NE1/4 and the S1/2 of the NE1/4 of Section 17, Township 128, Range 45 (Redpath Township) and a cash payment of \$76,700. Attorney Lukas Croaker discussed the potential for eminent domain proceedings if the exchange was not agreed to by the Dillys. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the offer was accepted and the Redpath Committee is authorized to complete the transaction. Attorney Lukas Croaker is authorized to finalize the exchange agreement, work with both sides to execute the exchange agreement, prepare any necessary documentation, and coordinate closing on the exchange.

BWSR GRANT AGREEMENTS

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Clean Water Grant Agreement was approved for JD #11 and the Lake Traverse Water Quality Improvement Project.

BOARD MANAGER UPDATES

President Vavra relayed that the Red River Water Management Board is working on their legislative issues, and that their top concern is funding for Red River flood mitigation projects. Their next conference will be held March 10th and 11th. The Buffer Committee continues to meet.

1W1PLAN UPDATE

1W1Plan Policy Chair Ron Staples gave an update on implementation discussions that have been held, indicating that ultimately a Joint Powers Entity will likely be recommended; he did ask the Bois de Sioux Watershed to consider covering all legal and administrative costs associated with the establishment of the JPA for the 13 entities. A meeting with the 1W1Plan consultants from Houston Engineering will be scheduled for the end of March, if possible.

DISTRICT QUESTIONNAIRE

Based on cost concerns, Wold made motion, seconded by Beyer, to withdraw the District Questionnaire. Motion carried unanimously.

EOY JOURNAL ENTRIES

Upon motion by Beyer, seconded by Dahlen and carried unanimously, end of year journal entries were approved as presented.

DISTRICT RESPONSE

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, a letter from the District, in response to nutrient concentration objectives and nutrient load targets for the Red River, was approved.

The meeting was adjourned.