

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
March 26, 2020**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:02 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. 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, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- ROLL CALL VOTE** President Vavra stated that, because this meeting was being held by conference call and screenshare, all votes would be taken by roll call.
- CONFLICTS OF INTEREST** Board Manager Kapphahn stated a conflict of interest on the Samantha Lake project, and Board Manager Gillespie stated a conflict of interest on the Mathias Redpath Purchase Agreements. As a result, the respective managers abstained from voting on these respective matters.
- CLAIMS** Kapphahn motioned, seconded by Deal and carried unanimously, to approve the Claims of March 26, 2020 as presented. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
- AGENDA** Deal motioned, seconded by Kapphahn and carried unanimously, to approve the agenda with the following changes:
- Removed: Permit Application #20-020, Darwin Karsky
Permit Application #20-023, Jon Pansch
Permit Application, #19-024, Herb Nelson
- Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
- MINUTES** Schmidt motioned, seconded by Gillespie, to approve the Minutes of February 20, 2020 and March 4, 2020. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
- TREASURER’S REPORT** Kapphahn motioned, seconded by Deal, to approve the Treasurer’s Report and Budget. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
- PUBLIC COMMENT** No public comment was received.
- RESOLUTION ADOPTING EMERGENCY PUBLIC HEARING ALTERNATIVES** Attorney Croaker introduced the Resolution Adopting Emergency Public Hearing Alternatives, which adds the ability of public comments to be received by email or mail in lieu of in-person attendance at public hearings. The measures will remain in effect for a period of time until the State of Minnesota is no longer operating in a state of emergency and is rescinded by the Bois de Sioux Watershed District Board. Kapphahn motioned, seconded by Gillespie, to approve the Resolution Adopting Emergency Public Hearing Alternatives. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
- CLA 2019 AUDIT** Miranda Wendlandt, of CliftonLarsonAllen, presented the 2019 financial statements. Kapphahn, motioned, seconded by Deal, to approve the 2019 financial statements. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. Upon the recommendation of the auditor, Gillespie motioned, seconded by Deal, to authorize the District Treasurer to receive a copy of the monthly bank statements. Roll call vote: Gillespie – aye, Wold – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – abstained. Motion carried.
- PERMIT #20-003 D. AMUNDSON** Project details were reviewed for a tiling project in the E1/2 of Section 26 in North Ottawa Township, Grant County. A portion of the project will cross the LIDAR/GIS-generated subwatershed boundary. The landowner has relayed that the boundary does not reflect actual land conditions, and that the land in question

does drain to the north. District Engineer Engels indicated that outletting the entire project to the north directly into JD #12 reduces the risk of downstream conveyance problems as compared to using the south township road ditch. District Engineer Engels also recommended that the board place a condition on the permit limiting the proposed surface inlets to a 3/8" drainage coefficient, in consideration of the project's inclusion of a control pump. Kapphahn motioned, seconded by Brutlag, to approve a variance to the subwatershed restriction, and include a 3/8" coefficient limitation on the proposed French drains. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

TCD #8 PETITION R. MATHIAS Permit applicant Richard Mathias submitted a petition to have Section 7, Range 44, Eldorado Township (126N), Stevens County, added to TCD #8. Kapphahn made motion, seconded by Deal, to schedule a hearing April 16, 2020. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

TCD #8 CULVERT ANALYSIS District Engineer Engels presented a culvert analysis completed for TCD #8. Looking at six crossings, over a three-and-a-half mile stretch, there don't appear to be any glaring problems in terms of the consistency of culvert sizing. Overall, drainage is compromised by the ditch channel itself and its relation to field topography. Deepening and widening the channel could be a potential solution. A landowner meeting will be scheduled in the future, to determine support for an improvement project.

JD #12 LAT. 4 In consultation with Grant County Engineer Tracey VonBargen, District Engineer Engels stated that the repair of JD #12 Lateral 4 is a lower priority for 2020 and the issue would be discussed at a future meeting when Grant County is ready to begin development of the project.

JD #11 BIDS Construction bids were reviewed for the repair of JD #11. District Engineer Engels informed the board that they have up to sixty days to award a contract.

RRWMB WATER QUALITY GRANTS The Red River Watershed Management Board (RRWMB) has formalized two new cost-share opportunities that focus on water quality and work similar to the State of Minnesota's Clean Water Grant. RRWMB now has 1) a \$100,000 annual block grant and a 2) project specific grant for 2/3 of the non-state project cost. District Engineer Engels proposed the board consider authorization of a block grant application for the Wilkin County Ditch #9 Improvement Project and a project-specific grant application for the Lake Traverse Water Quality Improvement Project.

TCD #7 PETITION HEARING At 10:00 am, Deal motioned, seconded by Gillespie, to open the hearing to consider the petition from Kevin Deal requesting authority to use Traverse County Ditch #7 ("TCD #7") as an outlet for the S1/2 of the SW1/4 of Parcel #02-0153000 (SW1/4 of Section 32, Range 45, Clifton Township (127N), Traverse County). Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

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 #7 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, the existing design capacity of TCD #7 would not be adversely impacted by the tile project. The applicant was not present and there was some discussion that it might be more beneficial for the landowner to drain the project south. Regardless, the permit was previously approved with the condition that the applicant successfully petition into TCD #7; the question before the board is the petition. District Engineer Engels stated that the applicant can decide whether to change this project or leave the project as-is before paying the outlet fee, if the petition is approved. Attorney Croaker read the Order, which included that the outlet fee and benefits were calculated to be \$1,617.57 and \$40.00, respectively. Schmidt motioned, seconded by Dahlen, to approve the Order Authorizing the Use of TCD #7 as an outlet. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. Kapphahn motioned, seconded by Deal, to close the hearing. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

RRWMB CLEAN WATER GRANT Wold motioned, seconded by Deal, to authorize a block grant application for the Wilkin County Ditch #9 Improvement Project in the amount of \$100,000. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

WCD #9	District Engineer Engels gave an update of WCD #9 construction. A meeting with the contractor, engineering staff, and Board President Vavra and Board Manager Wold, resulted in a recommendation for work described in Change Order No. 1. Gillespie motioned, seconded by Schmidt, to approve Change Order No. 1 in the amount of \$54,848.10. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
NORTH OTTAWA UPDATE AND O & M AGREEMENT	Board managers discussed operations at the North Ottawa Impoundment, Engineer Technician Fridgen stated that a large number of birdwatchers have visited the Impoundment during the spring migration. Board managers requested that a portapotty be placed as soon as possible. Landowner Dwight Veldhouse had been working directly with West Central Area Schools to have students design, and potentially build, a more permanent bathroom structure, but those plans are put on-hold with school closings. Board managers expressed the support for Impoundment improvement projects coordinated by area schools. Attorney Croaker presented the 2020 North Ottawa Operation and Maintenance Agreement, which includes a description of twenty-three items that the District is responsible for, and outlines roles for the DNR. Gillespie motioned, seconded by Wold, to approve the 2020 North Ottawa Operations and Maintenance Agreement with the insertion of the explicit benefits of growing corn silage within the Impoundment. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
EOR UPDATE	EOR's Design Practice Lead Kevin Biehn gave a brief update on their progress providing additional information about alternative revenue-generating activities that also enhance natural resources. They are working with data obtained through the District and Moore Engineering, with the objective of giving a real-world evaluation of proposed activities.
RRWMB WATER QUALITY GRANT	Discussion returned to the RRWMB water quality grant applications. Gillespie motioned, seconded by Kapphahn, to authorize a project-specific grant application for the Lake Traverse Water Quality Improvement Project. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
RFQ FOR APPRAISAL SERVICES	Board managers reviewed a draft Request for Qualifications for Appraisal Services. Board Manager Kapphahn requested that a conflict of interest statement be included; Attorney Croaker responded that conflicts will depend on the property being appraised, so the disclosure of conflicts of interest will be addressed in a subsequent contract with the selected appraiser(s). Gillespie motioned, seconded by Kapphahn, to approve the Request for Qualifications for Appraisal Services. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
FIVE-MILE CREEK, TCD #42, TWELVE-MILE CREEK	District Engineer Engels presented the relationships between Fivemile Creek, which connects to TCD #42, which outlets to Twelvemile Creek, in response to recent landowner requests to clean-out portions of Fivemile Creek. Fivemile Creek is a public water that serves as the outlet to several legal county ditch systems, but some of the landowner complaints are for areas of the public water located upstream from these outlets. A watershed management district could be established for the project area, in addition to an engineer's report and cost estimate – but evaluation of downstream conditions is also needed. Twelvemile Creek serves as JD #14 Lateral 1, and will be inspected by the District this spring. Board managers agreed that, following the District's inspections, they would consider whether a profile survey would need to be completed, and would host a Fivemile Creek area landowner meeting this summer.
REDPATH LAND ACQUISITIONS	Attorney Croaker summarized recent Redpath Land acquisition activities. The Dilly Exchange Agreement has been signed; we are waiting on an updated abstract and title work before a closing date will be scheduled. Tenco Farms Representative Joe Blume presented a purchase price of \$57,300 and ability to farm the property until the project begins. Kapphahn motioned, seconded by Deal, to approve the offer contingent upon it being signed within the next 10 days. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. The purchase agreement and amendment have been drafted to describe CRP on the Mathias land and the split in ownership; the District is awaiting landowner signatures. Kapphahn motioned, seconded by Deal, to approve the purchase agreement and amendment. Roll call vote: Gillespie – abstained, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. One signature is missing on the Bartell purchase agreement. The title opinion has been prepared and the closing will be scheduled upon receipt of the final signature.

SAMANTHA LAKE JPA Engineering staff are working with county and state officials to gain the applicable permits for the Samantha Lake project. Attorney Croaker drafted a Joint Powers Agreement with Grant County. Gillespie motioned, seconded by Deal, to approve the agreement. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – abstained. Motion carried.

NRCS & FSA LETTER Board Manager Kapphahn brought forward concerns about how state NRCS policies are integrating 1W1Plan requirements into conservation programs. Engineering staff described issues about JD #11 landowners with CRP being treated differently in Wilkin County versus Traverse County. Engineer Technician Fridgen stated difficulties getting on the agenda for the next Traverse County FSA meeting. Deal motioned, seconded by Kapphahn, authorizing engineering and district staff to write a letter requesting resolution to these issues. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. Board Manager Kapphahn requested that the state conservationist on the subsequent correspondence, and Board Manager Brutlag requested that county FSA board members also be included.

TEMPORARY PANDEMIC OFFICE MEASURES During the COVID-19 pandemic, District staff will continue to process permits and keep work processes and operations going. Office Manager Wendy Sullivan, Engineer Technician Troy Fridgen, and Administrator Beyer will work from home and respond to essential water situations. Kapphahn motioned, seconded by Gillespie, that employees may temporarily take the necessary equipment (to include one laptop computer, one desktop computer, the District suburban, the District ranger and trailer, and survey equipment). Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

The meeting was adjourned at 12:10 pm.