

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 8, 2020**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:30 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: Jason Beyer, John Kappahn. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- LANDOWNER REQUEST FOR PURCHASE AGREEMENT** Attorney Lukas Croaker relayed a request from landowner Mr. Ray Ehlers, to purchase the channel property required for the repair of JD #11, instead of entering into a channel easement and at a price equal to the damages paid on the channel easement. If approved, the landowner also requests a flowage easement.
- UTILITY EASEMENT UNSIGNED** Moore Engineering has been working with Traverse Electric to have utility services buried in advance of the JD #11 repair construction. To date, Mr. Ehlers has not signed a new utility easement with Traverse Electric allowing for underground utilities (the current easement is for overhead utility infrastructure only). Mr. Ehlers has also not signed the District's purchase agreement (which contains a provision that landowners grant third-party utility easements to the District to accommodate the design of the project). Moore Engineering and Ohnstad Twichell will work to include utility easement language in future Viewers' Reports, to avoid similar delays on future projects. Board Manager Steven Schmidt asked how property tax will be allocated to the new parcel, if purchased by the District. Attorney Lukas Croaker responded that, as owners of the parcel, the Bois de Sioux Watershed District will not be charged property tax, but will receive a small portion of the JD #11 ditch assessment, which would be paid by the JD #11 assessment district.
- LANDOWNER CONCERNS** Mr. Ehlers relayed his concerns regarding the original easement and purchase agreement documents; these concerns included the preservation of access to drain into the ditch, automatic permission for additional third-party utilities, and concerns about maintenance, inspection, and operation of the repaired drainage system. Attorney Lukas Croaker reiterated that the agreements themselves protect the operation of the drainage system and the ability of the landowner to use it. The easements and purchase agreement limit where third-party easements may be placed, emphasize that access is permitted for operation and maintenance, and prohibit the easement area from being enrolled in programs that are adverse to operation and maintenance of the drainage system. Board Manager Scott Gillespie stated that, in comparison with landowners who did grant easements and were paid damages, Mr. Ehlers will not be able to include these acres in a future land sale.
- NEW PURCHASE AGREEMENT** Gillespie made motion, seconded by Dahlen, to approve the Purchase Agreement. No vote was taken. Gillespie motioned to approve the Purchase Agreement to include the explicit circumstance that the landowner refuses to sign a third-party utility easement, required by the repair project. Dahlen seconded the motion. Roll call vote: Wold – aye; Deal – aye; Dahlen – aye; Vavra – aye; Brutlag – aye; Schmidt – aye; Gillespie – aye. Motion carried.
- NEW UTILITY EASEMENT** Mr. Ehlers requested that he be granted permission to run future tile to the edge of the channel, and electrical service through the District-owned buffer; District Engineer Chad Engels offered to include a provision on the landowner's subsequent permit application approval. Gillespie motioned to enter into an easement with Traverse Electric to provide electric service to the landowner's future pump, at the landowner's expense, if no service already exists. Wold seconded the motion. Roll call vote: Wold – aye; Deal – aye; Dahlen – aye; Vavra – aye; Brutlag – aye; Schmidt – aye; Gillespie – aye. Motion carried.
- NEW FLOWAGE EASEMENT** Attorney Lukas Croaker presented the drafted Flowage Easement, to permit drainage through the District's property once the land sale has closed. Gillespie motioned to enter into the flowage easement upon acquiring the channel property. Wold seconded. Roll call vote: Wold – aye; Deal – aye; Dahlen – aye; Vavra – aye; Brutlag – aye; Schmidt – aye; Gillespie – aye. Motion carried.

NEW FIELD APPROACHES

Mr. Ehlers has requested field approaches through the channel property, but final locations have not been determined. District Engineer Chad Engels requested that references to the approaches be removed from the purchase agreement and easement documents at this time. Dahlen motioned to remove these references. Deal seconded. Roll call vote: Wold – aye; Deal – aye; Dahlen – aye; Vavra – aye; Brutlag – aye; Schmidt – aye; Gillespie – aye. Motion carried.

NEW PERMANENT ACCESS EASEMENT

Attorney Lukas Croaker recommended that an ingress/egress easement be executed with Mr. Ehlers, once the land closing has occurred and approach locations are known. Gillespie motioned to enter into a permanent access easement once approach descriptions have been created. Dahlen seconded. Roll call vote: Wold – aye; Deal – aye; Dahlen – aye; Vavra – aye; Brutlag – aye; Schmidt – aye; Gillespie – aye. Motion carried.

ABSTRACT

Mr. Ehlers must have the land abstract updated and sent to Ohnstad Twichell.

SCREW VALVE CULVERT PROJECT

Mr. Ehlers requested an agreement permitting him to operate manual control valves on a lateral of JD #11. District Engineer Chad Engels requested that the landowner complete a permit application, and will work with the landowner to identify where screw gate culverts will be installed.

UNDERGROUND UTILITY EASEMENT

Mr. Ehlers stated that he will execute the required utility easement with Traverse Electric as soon as it is corrected. District Engineer Chad Engels will coordinate a conference call with the landowner, Traverse Electric, and Moore Engineering to finalize the easement language to have this issue resolved this week.

Deal motioned, seconded by Dahlen and carried unanimously, to adjourn the meeting at 10:00 am.