

**BOIS DE SIOUX WATERSHED DISTRICT  
BOARD MEETING MINUTES  
June 18, 2020**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present in the District Office: Linda Vavra, Jason Beyer, Ben Brutlag, Scott Gillespie, John Kapphahn (joined later), and Allen Wold. Joined remotely: Doug Dahlen, Steven Schmidt. Absent: Jerome Deal. 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.
- AGENDA** Wold motioned, seconded by Gillespie to approve the agenda with the following changes: added Permit #20-018 Kyle Smith; added Permit #20-054 Jim Miller; added Permit #20-064 Dale Zych. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.
- CONFLICTS OF INTEREST** Kapphahn stated a conflict of interest on the Samantha Lake project.
- CONSENT AGENDA** Wold motioned, seconded by Brutlag to approve the Consent Agenda. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.
- PUBLIC COMMENT** The meeting was opened for public comment. No public comment was presented.
- PERMIT APP #20-018 K. SMITH** The permit application was brought before the board because a portion of the proposed project will cross a subwatershed boundary to the east; the project involves a 6” gravity tile line and surface inlet in the road ditch, to mediate continuously wet road ditch conditions and increase road safety. No landowner opposition was received. Wold motioned, seconded by Gillespie, to approve the permit application. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.
- PERMIT APP #20-054 J. MILLER** The permit application was brought before the board because it should have been submitted by the road authority, Brandrup Township. Due to the pandemic restrictions, Doug Christensen submitted a letter on behalf of the Brandrup Township Supervisors stating their support for this project.
- KAPPAHNAH ARRIVES** Board Manager Kapphahn entered the meeting.
- Gillespie motioned, seconded by Wold to approve the permit application. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.
- PERMIT APP #20-064 D. ZYCH** The permit application was brought before the board because there are a number of components that fail to meet District regulations. The DNR submitted comments that a Public Waters Permit will be required, along with Ordinary High Water Level determinations. Board managers directed engineering staff to work with the landowner to bring the proposed project into compliance with District regulations if possible, and consider the DNR issues to be separate and the responsibility of DNR staff.
- NORTH OTTAWA HAY BIDS** At 8:45 am, the bids for haying the North Ottawa Impoundment Project were reviewed. Gillespie motioned, seconded by Wold to approve the bid from Luke Gayton in the amount of \$16 per round bale, estimated at 1300 – 1400 pounds. Kapphahn declared a conflict of interest, based on a professional relationship with the bidder. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – abstained, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.
- WCD #9 UPDATE** District Engineer Chad Engels relayed that a large RCPA culvert has been reset, that was installed at the incorrect elevation. This correction was made at no cost to the drainage system. On-site engineers have relayed concerns that the requirements of the stormwater pollution prevention plan are not being met, after repeated contact with the contractor. A lack of cover and weed control have been observed. Landowners are being asked to keep track of their expenses to control weeds within the construction site, and to submit those costs to Moore Engineering. Typically, both concerns would be addressed upon the submission of

contractor pay requests, but no requests have been submitted. Plan documents established the project's substantial completion date as November 28, 2019 and the final completion date as July 16, 2020. Board managers requested that a Notice of Defect Work be issued.

**LTWQIP NO. 1  
HEARING**

At 9:00 am, Kapphahn motioned, seconded by Gillespie, to open the hearing to present and discuss the Lake Traverse Water Quality Improvement Project Phase No. 1. The goal of the proposed project is to stabilize the gully erosion and sedimentation for a tributary to Lake Traverse located in Section 14, Windsor Township, Traverse County. The estimated cost of the proposed project is \$850,000. The method by which the cost of the proposed project is to be paid is as follows: \$283,000 from the Red River Watershed Management Board; \$336,775 from the Minnesota Clean Water Fund through sponsoring agency Board of Water and Soil Resources; \$200,000 from the Bois de Sioux Watershed District Construction Fund; \$4,500 from the Traverse County Local Water Plan; and \$25,725 from the Lake Traverse Water Quality Improvement Project Water Management District.

Engineer James Guler presented the comments from the advisory reports received from BWSR and DNR in response to the required notice. The DNR requested that, instead of a layer of filter fabric installed underneath the proposed riprap, the District use 18" of a small filter rock; this recommendation will increase the cost of the project, but will offer additional stability. District Engineer Chad Engels gave an overview and answered specific questions about the construction of the project. The general nature of the project is to stabilize the eroding outlet channel between Highway 27 and Lake Traverse by regrading the channel utilizing a series of rock riffle structures. The project area begins at Highway 27 at an existing MN-DOT structure, and runs west towards Lake Traverse, but ending at an elevation above lake elevation, at a point before the tree line. An Army Corps Engineer Nationwide Permit has been acquired and MN-DOT permit will be sought. Because construction will be more than 1000' from the shoreline, no county permit is required. Boulder delivery is expected in September. The contractor may be able to begin this year, but engineering staff will offer a longer substantial completion date to avoid crop damages during construction. The contractor will be responsible for maintaining drainage, as is standard in a ditch repair project. Board Manager Gillespie asked about the need for future maintenance and questioned the channel's capacity. Engineering staff relayed that due to the results of a project velocity study, the stabilized channel's wider earthen bottoms and narrow armored rock riffles should provide less future maintenance needs and increased capacity. With the changes to the 18" small filter rock, the estimated cost of the project is \$986,600, which increases the portion needed from the Lake Traverse Water Management District to \$167,000. Attorney Lukas Croaker emphasized that there is an annual maximum assessment of \$75,000 restriction in place for the Lake Traverse Water Management District.

Landowner Kevin Pederson, who served on the original Project Team, asked how individual parcels were determined and how the TCD #52 assessment district is included. District Engineer Chad Engels stated that there are three construction phases: 1) the current project; 2) stabilization of the channel that runs parallel to Highway 27; and 3) stabilization of TCD #52 upstream of Hwy 27. A map of the Lake Traverse Water Management District was presented, divided into a west watershed (uses Phases 1 & 2) and the TCD #52 watershed (uses Phases 1 & 3). The contribution to Phase #1 of the west watershed is at a smaller volume than that of TCD #52, and this was included in the calculation of the water management district overall. Landowner Kevin Pederson relayed the need for increased capacity in TCD #52 and asked if the Phase 3 plans have been sized in anticipation of this work. District Engineer Engels responded that the planned project will match the potential future condition of bringing TCD #52 to a 10-year flood event standard, and will also handle the velocities for a 100-year event.

**ADDITIONAL  
\$100,000**

Attorney Lukas Croaker read the Findings of Fact, Conclusions of Law, and Order for the Establishment of the Lake Traverse Water Quality Improvement Project Phase No. 1. Beyer motioned, seconded by Gillespie to provide an additional \$100,000 towards the project from the Construction Fund. Attorney Croaker indicated that, because this project is being completed under Minn. Stat. § 103D.605, there is no maximum contribution for the District, and that the addition is permissible. Schmidt decided to abstain, as a property owner included in the water management district. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – abstained, Dahlen - aye. Motion carried.

**FINDINGS OF  
FACT, LAW AND  
ORDER**

The board determined that the project is conducive to public health, promotes the general welfare, and is in compliance with the District's Overall Plan and the provisions of Minn. Stat. Chapter 103D. Gillespie motioned, seconded by Kapphahn to approve the Findings of Fact, Conclusions of Law, and Order for the Establishment of the Lake Traverse Water Quality Improvement Project Phase No. 1. Schmidt declared a conflict of interest, as a property owner included in the water management district. Roll call vote: Beyer – aye, Brutlag – aye,

Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – abstained, Dahlen - aye. Motion carried.

Kapphahn motioned, seconded by Beyer to close the hearing. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.

**WILKIN SWCD  
COVER CROP  
COST SHARE  
PROGRAM**

Kimberly Melton, Wilkin County SWCD, reviewed the details of her organization's cover crop program, requesting \$25,000 in financial support. The funds would be used to pay producers \$22/acre for a single-species mix, \$26/acre for a multi-species mix under a 1-year contract, for 5 – 50 acres, targeting bare land with the goal of building enough soil organic matter to bring the land back into production. She has scheduled a field day with the U of M and NRCS. Gillespie recounted consequences for water quality: increasing water holding capacity of soil, reducing erosion and sediment contribution, and possibly adding nutrients through decaying plant material. Board managers discussed whether other district SWCD's would request funding. Wold motioned, seconded by Kapphahn to offer \$5,000 grants to the district SWCD's for similar cover crop programs, requiring a written proposal and a written report as approved by Technician Troy Fridgen. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.

**JD #11 UPDATE**

On May 28, 2020, construction began on the repair of JD #11. Utilities are currently being buried. The rock chute at the outlet has been installed, and the channel is being excavated in Sections 22, 23, and 24.

**JD #6  
LANDOWNER  
MEETINGS**

Two virtual landowner meetings were held, and one in-person visit was made to speak with JD #6 landowners. All landowners present stated their support for this project. Beyer motioned, seconded by Gillespie to authorize Moore Engineering to prepare a Multipurpose Drainage Management grant application on behalf of JD #6. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.

**NORTH OTTAWA  
EOR TECHNICAL  
MEMO**

Kevin Biehn, EOR, presented a draft of the North Ottawa – Natural Resource Enhancement + Revenue Technical Memo. Solar, swamp milkweed, and harvestable prairie cover were alternatives with less overall feasibility. The alternatives with more feasibility were found to be: native seed production (estimated \$70/acre, minimum 6 year lease commitment), forage crops, rotational grazing, and crop production with cover crops. Biehn emphasized that some of the uses may require reestablishment of the impoundment monitoring equipment that has not been operable for over 5 years and requires a large investment. The board discussed the dense 5-year cattail growth in Cells A4 & B4. The technical memo includes many scenarios for rotation to avoid multi-year cattail growth, but also acknowledges that cell rotations increase administration, decrease stewardship quality, and decrease rent. Biehn stated that year-one cattails may be stock-chopped, but cattail growth after year one will be costly to remove. Gillespie offered that the new dairy nearby may afford forage opportunities, but the quality of the farmland inside the impoundment should be improved with pattern tiling and controlled pumps. Board managers discussed the details of eradicating the cattails in Cells A4 and B4, with pricing from Larson Helicopters of \$7462.10 for an application of Polaris and \$5264.37 for an application of glyphosate. The DNR has advised that it may take more than one treatment to eradicate the cattails. Gillespie motioned, seconded by Dahlen to authorize two applications of either product, dependent upon rotational restrictions. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.

**NORTH OTTAWA  
FISH REQUEST**

District Engineer Technician Troy Fridgen relayed a request from a landowner to fish in the impoundment.

EOR was asked to submit a final memo for the July board meeting.

**DITCH SPRAYING**

Board managers reviewed price information for ditch spraying:

Larson Helicopters: \$350/mile to treat cattails and \$85/mile to treat tree growth

L & M: \$365/mile to treat cattails, shrubs, and trees or \$125/hour + chemical

Gillespie motioned, seconded by Beyer to continue with L & M services, by the hour, as in past years. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.

**SCHANDER RING  
DIKE**

District Engineer Troy Fridgen reported that Landowner Robin Abel has not found resolution regarding a complaint that a ring dike burrow pit constructed on property adjacent to his crossed the property line and is now causing noticeable seepage 10 years after its construction. The Wilkin County Highway Department, as the applicable road authority, is scheduled to replace culverts at the outletting ditch, but has decided that

Mr. Abel should pay for the associated culvert, and that the District should determine the elevation. The matter will be referred to Wilkin County Commissioners.

**REDPATH UPDATE** Attorney Croaker gave an update on the Redpath land acquisition. Ohnstad Twichell continues to work with the courts and the family of the late Mr. Richard Mathias. Closings need to be scheduled with Mr. Joe Blume and the Bartells family. A grant was submitted by Moore Engineering on behalf of Redpath for the Alternative Funding Arrangement grant opportunity.

**SCHMIDT LEAVES** Board Manager Steven Schmidt left the meeting.

**TORT LIABILITY** Kapphahn motioned, seconded by Dahlen to not waive the monetary limits on tort liability established by Minn. Stat. § 466.04. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried.

**JD #6 GRANT APPLICATION** District Engineer Chad Engels requested that the board consider the submission of JD #6 for a BWSR Projects and Practices grant, in the event that BWSR’s Multipurpose Drainage Management Grant is unfunded or underfunded. Kapphahn motioned, seconded by Beyer to authorize Moore Engineering to prepare a Projects and Practices grant application on behalf of JD #6. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried.

**LTWQIP NO. 2 GRANT APPLICATION** District Engineer Chad Engels recommended that the board consider submission of the next phase of the Lake Traverse Water Quality Improvement Project for a Projects and Practices grant. Discussion was held as to whether Phase 2 or Phase 3 should be submitted now. Phase 3 is a much larger project. Phase 2 is a similar design to Phase 1. BWSR has already announced budget cuts to its grant programs, due to the effect the pandemic has had on the state budget. Gillespie motioned, seconded by Beyer to authorize Moore Engineering to prepare a Projects and Practices grant application on behalf of Phase #2. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried.

**2020 – 2021 Annual Reorganization**

**ANNUAL REORGANIZATION** Wold called for nominations for the position of President. Gillespie nominated Linda Vavra, seconded by Dahlen. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – abstain, Dahlen - aye. Motion carried. Kapphahn motioned, seconded by Dahlen to direct the Secretary to cast a unanimous ballot to Linda Vavra for President. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – abstain, Dahlen - aye. Motion carried.

Vavra called for nominations for the position of Vice President. Dahlen nominated Jason Beyer, seconded by Gillespie. Roll call vote: Beyer – abstain, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried. Dahlen motions, seconded by Brutlag to direct the Secretary to cast a unanimous ballot to Jason Beyer for Vice President. Roll call vote: Beyer – abstain, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried.

Vavra called for nominations for the position of Treasurer. Dahlen nominated John Kapphahn, seconded by Beyer. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – abstain, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried. Dahlen motioned, seconded by Brutlag to direct the Secretary to cast a unanimous ballot to John Kapphahn for Treasurer. Roll call vote: Beyer – abstain, Brutlag – aye, Gillespie – aye, Kapphahn – abstain, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried.

Vavra called for nominations for the position of Secretary. Dahlen nominated Scott Gillespie. Scott Gillespie nominated Allen Wold. Roll call vote: Beyer – Wold, Brutlag – Wold, Gillespie – Wold, Kapphahn – Wold, Vavra – Wold, Dahlen - Wold. Motion carried.

Beyer motioned, seconded by Dahlen to designate the official District newspapers as follows:

**NEWSPAPERS**

Traverse County.....Wheaton Gazette  
Big Stone County ..... The Northern Star  
Grant County ..... Grant County Herald  
Wilkin County ..... The Daily News

Otter Tail County.....The Daily Journal  
Stevens County..... The Chokio Review  
Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye,  
Dahlen - aye. Motion carried.

Beyer motioned, seconded by Dahlen to designate the District consultants as follows:

**CONSULTANTS**

Attorney at Law .....Ohnstad Twichell, P.C. - Lukas Croaker  
Engineer..... Moore Engineering, Inc. - Chad Engels  
Accountant ..... Renee Kannegeisser  
Auditor .....CliftonLarsonAllen  
Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye,  
Dahlen - aye. Motion carried.

Beyer motioned, seconded by Dahlen to designate the District bank depositories and insurance as follows:

**DEPOSITORIES**

Bank of the West..... Wheaton, MN  
Bremer Bank ..... Morris, MN

**INSURANCE COVERAGE**

League of Minnesota Cities .....Saint Paul, MN

Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye,  
Dahlen - aye. Motion carried.

Committee member assignments will be made by President Linda Vavra. The meeting was adjourned.