

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

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:10 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present in the District Office: Linda Vavra, Doug Dahlen, Jerome Deal, Scott Gillespie, and Allen Wold. Joined remotely: Jason Beyer, Ben Brutlag, and John Kapphahn. Absent: Steven Schmidt. Also present remotely: 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** Gillespie motioned, seconded by Wold to approve the agenda with the following changes: added Permit #20-0079 Doug Olson; JD #11 Pay Application, Work Directive, and Change Order No. 1; Petition to be Removed from WCD #9; TCD #37 Interest Rate Transfer; Big Lake EAW. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- CONFLICTS OF INTEREST** No conflicts of interest were declared.
- CONSENT AGENDA** Gillespie motioned, seconded by Dahlen to approve the Consent Agenda. Roll call vote: Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- PUBLIC COMMENT** The meeting was opened for public comment. No public comment was presented.
- PERMIT APP #20-063
A. DEAL** The permit application was brought before the board because a portion of the proposed project will cross a subwatershed boundary for acres in the W1/2 of the SW1/4 of Section 12 of East Lake Township in Traverse County (although the natural drainage ultimately discharges to the same location). Gillespie motioned, seconded by Wold, to waive the prohibition to cross the subwatershed for this permit. Roll call vote: Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- PERMIT APP #20-072
D. OLSON** The permit application was brought before the board because 30 – 40 acres of the proposed project will cross a subwatershed boundary, bringing water through a ridge from the east to drain west. There is a control structure included in this project. Engineer Engels recommended that the permit be approved with a condition that the landowner obtain permission from ditch authority Grant County. Gillespie motioned, seconded by Dahlen, to approve the engineer’s recommendation. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- PERMIT APP #20-047
L. VIPOND** James Putnam submitted a petition requesting the NE of the SW1/4 of Section 17, Range 46, East Monson Township (128), Traverse County, be added to TCD #27. Deal motioned, seconded by Wold, to schedule a hearing on August 20, 2020. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- PETITION TO REMOVE PROPERTY
WCD #9
G. MAACK** Greg Maack submitted a petition requesting the N1/2 of the S1/2 of Section 1 of Champion Township, Wilkin County, be removed from WCD #9. Technician Fridgen verified that drainage from the parcel travels from east to west, but then heads south to WCD #20. Gillespie motioned, seconded by Dahlen to schedule a hearing on August 20, 2020. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- JD #11 UPDATE** Construction continues on JD #11. Engineering staff presented Change Order No. 1 which included Work Change Directive No. 1, for removal of a concrete slab, debris from a box culvert, hauling, and additional overhead power pole work at a cost of \$13,025.00. Gillespie motioned, seconded by Dahlen, to approve Change Order No. 1. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.

- JD #11 PAY APPLICATION NO. 1** Deal motioned, seconded by Beyer, to approve Pay Application No. 1 in the amount of \$172,920.60. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- JD #11 BOND REIMBURSEMENT NO. 2** Beyer motioned, seconded by Gillespie, to approve the Traverse County Bond Reimbursement Request #2 in the amount of \$135,580.17. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- NORTH OTTAWA EOR TECHNICAL MEMO & COMMITTEE** Kevin Biehn of EOR was available for questions about the North Ottawa Natural Resources Enhancement + Revenue Technical Memo. Board managers discussed the memo and the DNR’s Moist Soil Management Guide. The report includes a clarification on “moist” cells vs. “holding” cells, pointing-out that it would be impossible to establish prairie on holding cells. Deal motioned, seconded by Dahlen, to authorize Board Managers Beyer, Brutlag, Kapphahn, Wold and President Vavra to use the technical memo to put together a 10-Year Management Plan/Working Lands Agreement. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried. Technician Fridgen stated that incoming water is bypassing the closed gate for Cell B3, and that a significant repair must be made to the structure. Cell B3 was drained completely down, and there are now 3” cattails growing throughout the cell. Technician Fridgen spoke with neighbor Larry Schneeberger, who is willing to work the cell when it has dried-out, to kill the cattail growth. Aerial spraying will take place later this month to treat cattail growth in the A4 and B4 cells.
- JD #6** Grant applications for JD #6 will be submitted by Moore Engineering staff in August.
- WCD SUB-1** Board managers discussed the improvement of WCD Sub-1, which would include the replacement of a number of road crossings. Board Manager Beyer recommended that a written agreement be approved with Wilkin County as soon as possible. Attorney Croaker will contact the attorney for Wilkin County. Board managers discussed potential locations for a landowner meeting given accommodations recommended under the pandemic. Deal motioned, seconded by Dahlen, to authorize staff to coordinate landowner meetings off-site at minimal cost. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- LTWQIP NO. 1 ONLINE BID SYSTEM & BOULDERS** Authorization to advertise for Lake Traverse Water Quality Improvement Project No. 1 construction was approved at a prior meeting, but Engineer Engels emphasized that a construction contract will not be awarded until landowner purchase agreements are signed. Attorney Croaker stated that the agreements should be signed before, or during, the month of August. Engineer Guler relayed the positive response they have received from users of their online bid submittal and bid opening services. Attorney Croaker added that several of his clients are using similar services; board managers expressed support for the use of this system. Engineering staff have collected price information from a local boulder supplier, and Board Manager Kapphahn spoke with the supplier about availability. Kapphahn motioned, seconded by Gillespie, to authorize the purchase and delivery of project boulders. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- DORAN CREEK LANDOWNER MEETING** Engineering staff recommended a meeting with Doran Creek landowners to discuss flood mitigation project options. Deal motioned, seconded by Wold, to authorize a landowner meeting in conjunction with the WCD Sub-1 landowner meeting, if possible. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.
- REDPATH LAND ACQUISITION** Closing is scheduled for July 17th with Tenco Farms. Attorney Croaker presented a Farm Lease Agreement to lease back the 11.19 acres to Tenco Farms. Gillespie motioned, seconded by Dahlen and carried unanimously, to approve the lease. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried. Closing with the Bartells Family is being arranged. The Mathias land purchase is on hold until a personal representative is designated for the estate of the late Mr. Richard Mathias, which could happen next week.
- CONSTRUCTION CONTRACT COMMITTEE** Board managers discussed the establishment of a Construction Contract Committee. Engineer Engels relayed support for the committee, who could vet change order details and construction project issues prior to submission to the board for approval. President Vavra stated that the president serves on every committee, and is responsible for assigning committee members. Board Manager Beyer suggested that one committee member be designated from the county in which the current construction project is located. Kapphahn motioned, seconded by Deal, to establish the Construction Contract Committee. Roll call vote: Deal – aye,

Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.

SWCD COVER CROP PROGRAM

Board managers reviewed the SWCD Cover Crop Funding Agreement drafted by Attorney Croaker. The contract includes a requirement that the SWCD report program outcomes by the end of the contract term. Administrator Beyer relayed interest from Stevens County SWCD, who asked if the funds could be renewed for a 5-year term. Gillespie motioned, seconded by Deal, to include a clause that the contract can be renewed automatically for two additional one-year terms. Board Manager Kapphahn stated that a successful cover crop program must be more than one year in duration. Gillespie recounted consequences for water quality: increasing water holding capacity of soil and reducing erosion and sediment contribution. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye. Motion carried.

SCHANDER RING DIKE

Technician Fridgen reported that there has been progress towards improved drainage for Landowner Robin Abel, following a complaint that a ring dike burrow pit constructed on property adjacent to his. Based on a hydraulic study funded and coordinated by the District, culverts sizes were recommended to the Wilkin County Highway Department, who replaced them. The culverts were also lowered 18"; field entrance culverts were also lowered. Landowners are also cleaning portion of an adjacent private ditch.

KAPPAHAN LEAVES

Board Manager Kapphahn left the meeting.

DRAINAGE WORKGROUP

Board Managers Deal and Wold gave an update on the most recent meeting of the Drainage Workgroup, which included a presentation on bonding for drainage projects.

FLOOD DAMAGE REDUCTION WORK GROUP UPDATE

President Vavra gave an update on the Flood Damage Reduction Workgroup. The designated agriculture representative has resigned; the program coordinator has suggested that additional state employees be added, and that watersheds outside of the Red River Water Management Board coalition be represented. Board managers relayed the strong recommendation that greater effort be made to secure landowner representation on the committee, and commented that it does not seem to be the case that adding additional state agency representatives streamlines the funding process. President Vavra identified one difficulty in finding interested participants – mileage reimbursement and meeting per diems – the committee itself offers neither, so for district residents, participation is at their own cost. State employees receive mileage reimbursement and wages for participation.

MAWD UPDATE

President Vavra gave an update on recent MAWD meetings. The MAWD December conference has been cancelled, and no information has been released on how elections and resolutions will be dealt with.

STAFF SUPPORT

Board Manager Gillespie gave an update on the Personnel Committee, who recently reviewed District leave policies. Committee members relayed the importance of good health for the District's employees, as well as the importance for the continuation of services to taxpayers. Gillespie motioned, seconded by Dahlen, that based on the discretion of the District Administrator, additional support may be contracted if needed, in case of employee absence.

BIG LAKE EAW

Engineer Engels introduced the Environmental Assessment Worksheet for Big Lake. Overall, the plans are similar to an outlet project, with the purpose of drawing down Big Lake in preparation for spring flood season. The proposed operation is divided between two steps: a drawdown of 1 ½' in the fall, and 1 ½' after February 1st if there is at least 3" of precipitation in the snowpack at that time. This latter condition addresses concerns that Big Lake can recover water elevations (3" of precipitation in the snowpack will replace the drawdown), while simultaneously adding temporary flood storage. Engineering staff have several operational details yet to be determined.

2021 BUDGET & LEVY HEARINGS

Gillespie motioned, seconded by Dahlen, to hold a Public Hearing on the 2021 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems during the next regularly scheduled board meeting at the District Office.

2020 BILLABLE RATES

Board managers reviewed the schedule of internal billable rates for 2020. Dahlen motioned, seconded by Deal, to approve the following billable rates, used by the District to account for work on individual drainage systems and construction projects, and for grant reporting: Administrator, \$74.70/hour; Office Manager, \$56.18/hour; Technician, \$81.75/hour. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Vavra – aye. Motion carried.

**TCD #37
INTEREST**

Administrator Beyer presented information on the fund for TCD #37, as covered in the December 19, 2019 board meeting, which had been charged a higher interest rate on its deficit balance in 2017 and 2018 than the 1% originally relayed to landowners, resulting in \$13,934.76 in interest paid from TCD #37 to the positive balance ditch funds. Gillespie motioned, seconded by Dahlen, to return the interest from the positive balance ditch funds to TCD #37. Roll call vote: Deal – aye, Wold – aye, Dahlen – aye, Gillespie – aye, Beyer – aye, Brutlag – aye, Vavra – aye. Motion carried.

The meeting was adjourned at 12:52 pm.