

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

**CALL TO ORDER** The meeting was called to order by President Vavra at 8:12 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present in the District Office: Linda Vavra, Ben Brutlag, Jerome Deal, Scott Gillespie, and Allen Wold. Joined remotely: Jason Beyer, Doug Dahlen, and Steven Schmidt. Absent: John Kapphahn. Also present remotely: Engineer Chad Engels, Engineer James Guler, 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 addition of Permit Application #19-031 and a discussion of public comment on farmland leases and the bid process. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**CONFLICTS OF INTEREST** No conflicts of interest were declared.

**PETITION TO ADD PROPERTY TCD #27 J. PUTNAM** At 8:15 am, Gillespie motioned, seconded by Deal, to open the hearing to consider the petition from James Putnam requesting authority to use Traverse County Ditch #27 ("TCD #27") as an outlet for the NE1/4SW1/4 of Section 17, Range 46, E Monson Township (128N), Traverse County (Parcel #08-0085000). Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried. President Vavra opened the meeting. 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 #27 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 #27 would not be adversely impacted by the tile project. The applicant was not present 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 \$748.56 and \$150.00, respectively. Gillespie motioned, seconded by Deal to approve the Order Authorizing the Use of TCD #27 as an Outlet. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried. Board managers and Technician Fridgen discussed associated Permit Application #20-047 and unassociated Permit Application #20-062, both of which featured project installation prior to permit approval. Beyer motioned, seconded by Wold, to issue after-the-fact permit fees of \$250 each. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried. Deal motioned, seconded by Wold, to close the hearing. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**PETITION TO REMOVE PROPERTY WCD #9 G. MAACK** At 8:30 am, Deal motioned, seconded by Wold, to open the hearing to consider the petition of Greg Maack to remove benefited acres from WCD #9: N1/2S1/2 of Section 1, Range 45, Champion Township (T130), Wilkin County. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried. Attorney Croaker presented the three criteria that must be met to grant removal, pursuant to MN Statute Section 103E.805: (1) that the waters from the petitioners' property have been diverted from the drainage system, or that the property cannot significantly or regularly use the drainage system; (2) that the property is not benefited by the drainage system; and (3) that removing the property from the drainage system will not prejudice the property owners and property remaining in the system. District Engineer Engels presented information demonstrating that all three criteria are met in this situation. Landowner Greg Maack reiterated that water flows across the parcel to the west, where it then drains south. Engineering staff did verify that the parcel is included in the WCD #20 assessment district. Board Manager Deal voiced concern that per the same statute, removal from the assessment district at this time does not release the parcel from the construction debt for the ditch's recent redetermination and repair. Deal motioned, seconded by Gillespie, to authorize Attorney Croaker to research the topic further. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye,

Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried. Gillespie motioned, seconded by Deal, to recess the public hearing and reconvene on September 17<sup>th</sup>. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**CONSENT  
AGENDA**

Deal motioned, seconded by Gillespie, to approve the Consent Agenda. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**PUBLIC  
COMMENT**

The meeting was opened for public comment. No public comment was presented.

**JD #11 CHANGE  
ORDER NO. 2**

Deal motioned, seconded by Wold, to approve Change Order No. 2 in the amount of \$500.00, compensation for the contractor to return to a side inlet culvert that needed a corrected grade. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**JD #11 PAY  
APPLICATION  
NO. 2**

Deal motioned, seconded by Wold, to approve Pay Application No. 2 in the amount of \$155,379.10. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**JD #11 BOND  
REIMBURSEMENT  
NO. 3**

Deal motioned, seconded by Gillespie, to approve the Traverse County Bond Reimbursement Request #3 in the amount of \$227,001.20. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**WCD #  
SUB-1**

A meeting was held on August 17<sup>th</sup> with WCD Sub-1 landowners, to discuss interest in a possible improvement project. Petition and bond requirements were presented.

**WCD #20  
WCD #25  
REPAIRS**

Technician Fridgen reported that outlets are sloughing on the WCD #20 and WCD #25 drainage systems. Landowner Austin Culp expressed concern that the previous engineer ordered a portion of the ditch channel to be filled-in; an investigation will be placed into the legal grade line. Moore Engineering will present repair recommendations at the next board meeting.

**JD #12 LATERAL  
REPAIRS**

Although the JD #12 mainline has been cleaned-out, the laterals are suffering from scour holes and sloughing, and we have received requests to lengthen culverts. Technician Fridgen expressed concerns that some situations may present safety hazards. Gillespie motioned, seconded by Beyer, to authorize Technician Fridgen to repair scour holes and sloughing along road slopes where safety is a concern. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – absent. Motion carried. Board Manager Brutlag relayed a landowner request for a clean-out along Section 17 of North Ottawa Township. Technician Fridgen has had the cattails treated, but did not note an extreme need for a clean-out; Brutlag will coordinate an on-site inspection of the ditch with the landowner to gather more information.

**TCD #17  
REPAIRS**

TCD #17 in Section 6 of Clifton Township was recently farmed-through. The drainage ditch needs to be cleaned-out. Gillespie motioned, seconded by Beyer, to authorize engineering staff to clean-out a portion of the ditch and re-establish the legal grade line. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**JD #14  
REPAIRS**

Technician Fridgen presented a picture of a ditch blow-out in Section 23 of E Monson Township on JD #14. At this time, it is unclear what size of a project would be needed to repair the bank. Deal motioned, seconded by Gillespie, to authorize a preliminary design and cost estimate. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**JD #11  
STRUCTURE  
REPAIR**

A concrete structure within JD #11, at the Bois de Sioux River, has been revealed to be compromised. Replacement would be very expensive. Engineering staff recommended removal of the current structure, installation of sheet pile, and riprap on the upstream and downstream sides. Gillespie motioned, seconded by Deal, to authorize a cost estimate. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried. Wold stated concern about the potential for erosion if the structure were to wash-out.

**MULTI-  
LANDOWNER  
TILE PROJECT**

Board Manager Gillespie introduced the details of Permit Application #19-031, a tile project in the NW1/4 of Section 30 in Baker Township, in Stevens County, that was approved June of 2019. A neighboring property

owner and farmer operator have proposed a multi-landowner tile project to add additional drainage capacity. The Bois de Sioux Watershed District is being included in the discussions, due to its ownership of the NE1/4 of Section 24 in Moonshine Township, in Big Stone County. Deal motioned, seconded by Wold, to authorized Board Manager Gillespie to negotiate a project concept, for final approval by the full board. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**2021 GENERAL  
& CONST. LEVIES  
& BUDGET**

At 10:30 am, Gillespie motioned, seconded by Wold, to open the public hearing on the 2021 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems and projects under the Bois de Sioux Watershed District's jurisdiction. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried. Administrator Beyer presented the 2021 General and Construction Fund budgets and corresponding proposed levies. The RRWMB approved a levy at 75% for 2021. Preliminary ditch assessments were also presented, but will not be finalized until a public hearing is held in December. Deal motioned, seconded by Gillespie, to approve the Resolution of Ad Valorem Levy that included a General Levy of \$250,000 and a Construction/RRWMB Levy of \$1,677,769.83 and the Preliminary Ditch Assessments of \$856,083.00. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**PRELIMINARY  
DITCH  
ASSESSMENTS**

**LTWQIP BID**

Board managers reviewed the bids opened August 19<sup>th</sup>, 2020 for Phase 1 of the Lake Traverse Water Quality Improvement Project. Wagner Company placed the apparent low bid at \$670,000.00, and the engineering staff are in the process of verifying all of the bid submission requirements. Within 60 days, the board may approve the Notice of Award; within 30 days of signing the Notice of Award, the District would issue a Notice to Proceed. Gillespie motioned, seconded by Deal, to authorized President Vavra to sign the Notice of Award upon the signature of land easements. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – abstain. Motion carried.

**LTWQIP CROP  
DAMAGE**

If, after the proper paperwork has been filed, the contractor wishes to begin construction prior to harvest, the District is required to provide compensation for crop damage to affected landowners in the construction zone. Beyer motioned, seconded by Deal, to authorize payment. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**LTWQIP BOULDER  
STORAGE**

Board managers reviewed the License Agreement with Landowner Robert Schmitz, to temporarily store boulders for the project. Wold motioned, seconded by Gillespie, to approve the License Agreement. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**LTWQIP RRWMB  
GRANT  
AGREEMENT**

Board managers reviewed the RRWMB Water Quality Program Grant Agreement for the Lake Traverse Water Quality Improvement Project Phase No. 1 in the amount of \$283,000. Gillespie motioned, seconded by Deal, to approve the Agreement. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**DORAN CREEK  
LANDOWNER  
MEETING**

A landowner meeting was held with a portion of the Doran Creek watershed landowners (the invitation list was reduced due to COVID). Representatives from Wilkin County SWCD attended, and provided information regarding the Wolverton Creek and Whiskey Creek Restorations, and the use of watershed management districts to fund a portion of the projects. District Engineer Engels loosely estimated that a watershed management district could generate \$50,000 at a \$2/acre average assessment; \$100,000 at a \$4/acre average assessment. There are a large number of landowners in the area, so a project timeline will likely be affected by COVID.

**NORTH OTTAWA  
UPDATE**

Technician Fridgen reported that the leaking B3 gate was custom made, and will attempt to fix the seal in the weeks to come. The cattail treatment applied last month is starting to work. Neighbor Chris Morgan worked cell B3 to kill emerging cattails and water hemp. He intends to let the cell rest a week, and will till it again. A3 wheat has been removed and baled; it is ready to be flooded. Board managers requested that ditching be completed, if possible, prior to flooding.

**NORTH OTTAWA  
WORKING LANDS  
AGREEMENT**

Board managers reviewed the 10-year North Ottawa Framework. Board Manager Wold requested that removal of sediment be included in the anticipated 10-year expenses. Administrator Beyer will share the plan with area producers, and collect any feedback.

**REDPATH  
CRP CONTRACTS**

Board managers reviewed scenarios for the continuation and/or cancellation of CRP contracts assumed under the purchase of the SW1/4 of Section 15 of Redpath. One 47.11 CRP contract expires 9/30/22, and one

100.70 CRP contract expires 9/30/27 (this contract covers 40.7 acres needed for the footprint of the Redpath Impoundment). The District is ineligible to receive CRP payments. If the District cancels the CRP contracts, the District must repay all of the payments disbursed. If the Impoundment is built prior to the CRP contract expiration date, FSA will release from the CRP contract the acres needed for the footprint of the Impoundment, without requiring repayment. Board Manager Gillespie asked whether, if the CRP contracts were continued, could the District sell the land not needed for the Impoundment and the buyer assume the current CRP contracts and receive payment? Administrator Beyer will investigate. Engineering staff believe that the acres have already been surveyed and described.

**REDPATH  
GRANT  
APPLICATION**

Administrator Beyer had a call with the DNR's Pat Lynch and Theresa Ebbenga regarding continued funding for the Redpath Impoundment. Due to functional design considerations and engineering changes, Mr. Lynch recommended that the District submit an application for 50-50 funding. Wold motioned, seconded by Deal, to authorize staff to submit an application for 50-50 funding. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – absent, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried. District Engineer Engels reported that they have met the 95% plan completion milestone.

**BIG LAKE EAW**

The draft Big Lake Environmental Assessment Worksheet was presented. District Engineer Engels recommended that the board remove the 4' conservation drawdown feature, as it adds a significant amount of installation cost to the project and would result in increased annual maintenance costs. Without this feature, the project is estimated to cost \$650,000 and may be eligible for RRWMB or flood hazard mitigation funds. He also recommended that the channel between Highway 27 and Herman be surveyed to determine if the channel bottom grade would require a full-length or partial-length pipe installation. The proposed operation is divided between two steps: a drawdown of 1 ½' in the fall, and an additional 1 ½' after February 1<sup>st</sup> if there is at least 3" of water in the snowpack at that time. This latter condition addresses concerns that Big Lake can recover water elevations for a full 3 ft drawdown, while simultaneously adding temporary flood storage. Engineering staff will present the draft EAW to DNR for comment and bring the final EAW back to the board for approval at a future meeting.

**COVER CROP  
AGREEMENT**

A signed Cover Crop Funding Agreement with Wilkin County SWCD in the amount of \$5,000.00 was presented. Gillespie motioned, seconded by Schmidt, to approve the Agreement. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Gillespie – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**REQUEST FOR  
BID PROCESS  
INPUT**

Earlier this year, Administrator Beyer had received a request from a current land lessor to provide input on the lease and bidding process. Board Manager Gillespie emphasized that the board's role and fiduciary duty is to represent the interests of all watershed taxpayers, and in this case, to maximize rent to offset tax burdens. Board members stated that they would accept public or written comments on the bid process, but would only consider comments that include benefits for the watershed district. Board members would support longer lease terms, with the contractual inclusion of a termination date that voids the lease and prevents lessors from leaving unharvested crops without consequence.

**RRWMB &  
DRAINAGE  
WORKGROUP  
UPDATES**

President Vavra gave an update on this week's RRWMB meeting, which included a demonstration of how the RRWMB could fund the state's portion of the current member flood retention projects that are currently awaiting funding through the DNR's Flood Hazard Mitigation program, which is subject to successful passage of state bonding bills. Secretary Allen Wold gave an update on the Drainage Workgroup, which spent a great of effort time discussing hypothetical easement scenarios.

Upon motion by Deal, seconded by Gillespie, the meeting was adjourned at 1:26 pm.