

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
September 17, 2020**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:03 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present in the District Office: Linda Vavra, Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Joined remotely: Jason Beyer, Ben Brutlag, Doug Dahlen, and John Kapphahn. Also present remotely: Engineer Chad Engels, Engineer James Guler, Engineer Nathan Trosen, Technician Troy Fridgen, Attorney Lukas Croaker. Also present in the District Office: 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** Deal motioned, seconded by Schmidt, to approve the agenda with the deletion of Permit #19-133 and the addition of: Rob Sip RRWMB Update, Permit #20-093, Permit #20-112, Permit #20-115, JD #11 Change Order No. 3, Purchase Agreement with Robert & Laine Schmitz. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.
- CONFLICTS OF INTEREST** Kapphahn declared a potential conflict related to the Samantha Lake outlet project.
- CONSENT AGENDA** Gillespie motioned, seconded by Schmidt, to approve the Consent Agenda. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.
- PUBLIC COMMENT** The meeting was opened for public comment. No public comment was presented.
- PERMIT APP #20-093 J. MILLER** The applicant spoke on behalf of the project. A surface ditch would be replaced with a tile; the ditch would be filled and farmed. The proposed project would outlet into a road ditch and subsequently Cottonwood Lake. Currently, the surface water is draining to a series of sloughs, and then into Cottonwood Lake. Engineer Technician Fridgen stated that the ditches leading into and out of Cottonwood Lake can be cleaned, and that the road authority (Grant County) is going to ascertain whether the downstream culvert needs to be cleaned-out. District Engineer Engels encouraged landowners to investigate whether there are ditch obstructions downstream of Cottonwood Lake, and stated that the permit application, as presented, meets District policies. Beyer motioned, seconded by Dahlen, to approve the permit application. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.
- DAHLEN LEAVES** Board Manager Dahlen left the meeting.
- PETITION TO REMOVE PROPERTY WCD #9 G. MAACK** At 8:30 am, Deal motioned, seconded by Gillespie, to reconvene 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, Dahlen – absent, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried. Attorney Croaker stated that the petitioned property does meet the three criteria that must be met to grant removal, pursuant to Minn. Stat. 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. If the property is removed from the assessment district, Attorney Croaker informed the board that corresponding special assessment could be reconsidered, pursuant to Minn. Stat. Section 103D.335, subd. 1(4), and the board managers' power to provide for assessments. Wold motioned, seconded by Deal, to remove the property from the assessment lien statement and prepare the Findings and Order for Removal of Property. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Kapphahn – aye, Vavra – aye, Dahlen – absent, Gillespie – aye. Schmidt – aye, Beyer – aye. Motion carried. Deal motioned, seconded by Gillespie, to close the public hearing. Roll call vote: Deal – aye, Wold – aye, Brutlag –

aye, Dahlen – absent, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye.
Motion carried.

**PERMIT APP
#20-112
L. PEDERSON**

The permit application was reviewed, because the project involves drainage from 20 acres that may be forced to cross a subwatershed boundary. The applicant stated to Engineer Technician Fridgen that under high flows, possibly 85% of the flows stay within the same subwatershed, but 15% travel north, to an 18" culvert. Board Manager Gillespie stated that it wouldn't make sense to have a separate pump and outlet for 20-acres. District Engineer Chad Engels recommended a variance for this permit. Gillespie motioned, seconded by Schmidt, to approve the permit application. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – absent, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.

**PERMIT APP
#20-115
J. MATHIAS**

The District received this permit application on September 4, 2020. Engineer Technician Fridgen identified additional landowners that should receive an opportunity to comment on the application, so additional notices have been sent and the public comment period has been extended. The permit application has not been reviewed by engineering staff. The permit applicant described the project, outletting to a road ditch at the north section of Eldorado Section 4, where it would head west to Grant County Ditch #32. Operator Monty Itzen stated that the natural flow is to the southwest, along a naturally occurring ridge. Engineering staff provided LIDAR information of the site, which appears to show that the drainage flows along the ridge to the southwest, but then cuts across Eldorado Section 5 at a NW direction to Logan Section 32 and into GCD #32. Operator Bob Kramer stated that downstream landowners do not support this project. Kapphahn motioned, seconded by Dahlen, for the application to be tabled to the October meeting. District Engineer Engels stated that, although the destination may be the same, the landowners in-between each route are different. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – absent, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.

WCD #9

Board managers reviewed details about the gully in the southwest corner of Section 33 in Bradford Township. Riley Bros. Construction has offered to repair the gully at an hourly rate without an estimate. District Engineer Engels stated that only one pay estimate has been made to the contractor to date. Wold motioned, seconded by Deal, to authorize the expenditure of up to \$15,000 for the contractor to supply dirt work for the erosion site. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – absent, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.

WCD #20

Erosion at the outlet of the drainage system is significant. If land could be donated to the project, there would be a significant cost savings. Engineering staff are looking at the design of the project, and will attempt to minimize the size of the footprint. Construction could include sheet pile with a v-notch to slow upstream velocity and add capacity. The project could cost \$300,000, so grant funds would be needed.

WCD #25

There is a culvert at the end of the drainage outlet, but headcutting erosion is taking place upstream of the culvert. A rock chute structure would stabilize the elevation changes, but wouldn't slow flow velocity (and may increase flow velocity). A sheet pile drop structure would address the erosion. The Wilkin County SWCD is currently installing side inlets. Board Manager Schmidt recommended that grant funds be sought for this project prior to landowner meetings.

**WCD #20 &
WCD #25**

Grant applications are submitted in August, so the earliest that construction could happen for either the WCD #20 or WCD #25 project, if awarded funds, would be 2022.

TCD #16

Engineer Technician Fridgen described tree removal efforts planned for the TCD #16 channel and outlet. Deal motioned, seconded by Schmidt, to clear trees and spot-clean another 1000', if needed. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – absent, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.

**DAHLEN
RETURNS**

Doug Dahlen returned to the meeting.

RRWMB UPDATE

Rob Sip, Executive Director for the RRWMB, gave an update of recent planning efforts and accomplishments for the organization. Board managers relayed their support for recent financial support for water quality projects; the District received \$100,000 for base funding and a \$283,000 award for the Lake Traverse Water Quality Improvement Project No. 1.

- JD #11 CONSTRUCTION CHANGES** Landowners have requested that an approach be moved 300' to a section line, where it can be shared. An MPCA stormwater inspector visited the site this week, and requested that the Bois de Sioux Watershed be updated on the SWPP permit, and that 25 acres of mulch be placed on the field buffers (because the 16.5' buffers are considered part of the construction project, and all dirtwork must be covered or stabilized within 14 days of construction). Hormann Works has provided a price quote of \$550/acre to place mulch over the buffers within 14 days. Wold motioned, seconded by Schmidt, to authorize the relocation of the approach and order the contractor to apply mulch to the buffers. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried. Hormann Works intends to complete construction within the next 3 weeks.
- JD #11 CHANGE ORDER NO. 3** Change Order No. 3 was reviewed, for additional materials needed in response to site conditions. Gillespie motioned, seconded by Deal, to approve Change Order No. 3. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.
- JD #11 PAY APPLICATION NO. 3** Wold motioned, seconded by Gillespie, to approve Pay Application No. 3 in the amount of \$238,477.71. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.
- JD #11 TRAVERSE COUNTY REIMB. REQUEST #4** Gillespie motioned, seconded by Schmidt, to approve the Traverse County Bond Reimbursement Request #4 in the amount of \$229,642.05. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.
- JD #12 APPROACH** Otter Tail Power Company is relocating utility poles along JD #12 in Grant County, and has requested to move an approach. Kapphahn motioned, seconded by Gillespie, to approve the relocation. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.
- JD #14 BLOWOUT REPAIR** District Engineer Engels reviewed the ditch blow-out in Section 23 of E Monson Township on JD #14, and presented concerns about the potential expense of a repair project. Instead, Engels suggested a simple repair, in the \$40,000 range, to install a 24" CSP culvert, designed in the field, with a 400' berm of 2-3' high. Engels informed the board that the project would not be guaranteed to work, but if it worked it would save substantial engineering and construction costs. Gillespie motioned, seconded by Deal, to move forward with the project. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.
- LTWQIP NO. 1 PURCHASE AGREEMENTS** Gillespie motioned, seconded by Deal, to approve the purchase agreements with Robert Schmitz; Robert & Laine Schmitz; James E. Graham Estate; and with Robert & Roger Schmitz as Personal Representatives of the Estate of James Graham, Robert Schmitz Individually and Laine R. Schmitz. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.
- LTWQIP NO. 1 GRANT RESOLUTIONS** Gillespie motioned, seconded by Schmidt, to approve the Resolution of Support for an Application for the Transportation Economic Development Grant and a Resolution of Support for an Application for the Local Partnership Program Grant. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.
- NORTH OTTAWA 10-YEAR WORKING LANDS FRAMEWORK** Administrator Beyer reviewed feedback received from farm operators on the 10-Year Work Lands Framework for North Ottawa. One suggestion was to bid North Ottawa lands first, so that, if bids are rejected and the lands are rebid, they can be done so in coordination with the other lands the District leases. Other suggestions received can be worked-out with the North Ottawa Operations and Maintenance Committee. The goal is to have North Ottawa revenues and expenses break-even. Beyer motioned, seconded by Kapphahn, to bring the current framework to the DNR. Roll call vote: Deal – aye, Wold – nay, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye with reservations, Schmidt – aye, Beyer – aye. Motion carried.
- REDPATH LAND SALE** Attorney Croaker stated that The Title Company is scheduling closing details with the Bartells family. The Mathias family has received updated closing documents. Administrator Beyer relayed confirmation from the Traverse County FSA Office that the excess land purchased from Breckenridge & Louise Dilly can be sold, with CRP contracts intact. Attorney Croaker asked the engineering staff if the footprint of the impoundment could possibly be changed, or should be verified, so that the District doesn't sell acreage that they later need

to buy back. Engineering staff have finished plans, and are confident with the current proposed land split. Gillespie motioned, seconded by Schmidt, to authorize staff to put together Terms of Sale for approval at a future meeting. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Dahlen – aye, Kapphahn – aye, Vavra – aye, Gillespie – aye, Schmidt – aye, Beyer – aye. Motion carried.

**KAPPAHNAH
LEAVES**

Board Manager Kapphahn left the meeting.

**REDPATH FINAL
GRANT REQUEST**

Gillespie motioned, seconded by Schmidt, to approve Redpath Grant Request #25 to the DNR in the amount of \$38,932.60. This is the final reimbursement request for the current grant agreement.

**FUTURE FDR
GRANT
AGREEMENTS**

Attorney Croaker presented his review of the new FDR grant agreement template that is required by the Minnesota Management and Budget Office. The terms apply to any property acquired with state bonds, and any property improved by state bonds. Grant agreement terms include signed permissions to lease lands, and recorded declarations. Board managers requested that Rob Sip have the RRWMB take on this issue in greater detail, as this change will impact all state bonded projects in the Red River Valley.

**GILLESPIE
LEAVES**

Board Manager Scott Gillespie left the meeting.

**DORAN CREEK
MAILING**

Staff recently met with a small subset of Doran Creek landowners, to discuss the project alternative tentatively the Doran Creek Project Team selected to alleviate flood concerns in the Doran Creek area: a stream restoration of Doran Creek and a ring dike for the City of Doran. Administrator Beyer informed the board that it has been difficult to communicate with all of the landowners under pandemic restrictions, and presented a draft mailing and comment card. Wold motioned, seconded by Schmidt, to send the mailing. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**DORAN CREEK
GRANT
APPLICATIONS**

Moore Engineering met with the Wilkin County SWCD, and it seems the next steps, following positive public comment, will be to prepare an Opinion of Cost and Design plan. Beyer motioned, seconded by Wold, to authorize Moore Engineering to prepare grant applications following the positive public comment response. Roll call vote: Deal – aye, Wold – aye, Brutlag – aye, Vavra – aye, Dahlen – aye, Beyer – aye, Schmidt – aye. Motion carried.

**BIG LAKE
EAW MEETINGS**

Moore Engineering recommended that a meeting be scheduled with DNR representatives, prior to publication of the Big Lake EAW. Board Manager Wold requested that Board Manager Dahlen or President Vavra attend the meeting.

**SAMANTHA LAKE
PRICE QUOTES**

Grant County recently reviewed price quotes and awarded the Samantha Lake Project to Olson Tile. Attorney Croaker is working with the Grant County Attorney to verify the process that Grant County is using to acquire the project site property, and turn over the property to the Bois de Sioux Watershed District.

**STEVENS SWCD
COVER CROPS**

Wold motioned, seconded by Schmidt, to approve the Cover Crop Funding Agreement with the Stevens County SWCD.

MAWD MEETING

President Vavra invited interested board managers to attend the MAWD board meeting, which will be held on September 25th at the District Office.

Upon motion by Wold, seconded by Deal, the meeting was adjourned at 1:25 pm.