

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
October 15, 2020**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:06 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present in the District Office: Linda Vavra, Jerome Deal, and Allen Wold. Joined remotely: Doug Dahlen, Scott Gillespie, and Steven Schmidt. Absent: Jason Beyer, Ben Brutlag, and John Kapphahn. Also present remotely: Engineer Chad Engels, Engineer James Guler, Engineer Nathan Trosen, and 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 Wold, to approve the agenda with the addition of Permit #20-129 and Permit #20127. Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.
- CONSENT AGENDA** Wold motioned, seconded by Deal, to approve the Consent Agenda. Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.
- PERMIT APP #20-115 J. MATHIAS** President Vavra relayed a request from Grant County Engineer Tracey Von Barga to delay a decision on this permit in Eldorado Township Section 4, to give his office time to review the project details, which is located in Stevens County but outlets to Grant County Ditch #32. The applicant spoke on behalf of the project, identifying changes made last week to the project design. Acreage in the southwest corner of the section (that is outside of the subwatershed) is now included in the tiling project, along with an 18" gravity feed outlet. The applicant gathered landowner signatures in support of the project. He understands that he may need to coordinate with Grant County who is the drainage authority for GCD #32, and he is asking for Bois de Sioux Watershed District's permit approval. The applicant stated that he is trying to improve drainage in his own field, and he believes the project will increase the section's water holding capacity, thereby improving conditions for downstream neighbors. He is unaware of any plan for neighboring landowners to tie into the proposed tile system. Board Manager Wold asked if the applicant would be willing to have a third-party engineer verify the tile inlets and outlet elevations at installation. The applicant stated he would willingly comply with such a condition. Neighboring landowner Monty Itzen, in overall opposition of the project, conceded support for the condition. Neighboring landowner Lyndon Bruns voiced complaints for the overall condition of Fivemile Creek, adding that as an owner of the creek, work in the creek is subject to DNR controls.
- District Engineer Engels provided historical context of the project site. Existing tile lines predate the Watershed District and its rules; the original, natural flow was manipulated prior to the District's existence. The applicant proposes to abandon the existing 18" outlet pipe and replace it with a new 18" pipe installed at flatter grade, resulting in reduced capacity from the current condition – from approximately 2200 gallons per minute to 1800 gallons per minute. Two existing surface inlets would be replaced at the same elevation. With the exception of the subwatershed boundary issue, the proposed project meets the District's drainage co-efficient standards. District Engineer Engels proposed a permit condition to add a closure gate on the outlet upstream of the ridge, and all permits contain the requirement that tile pumps and gates must be operated according to our standard operating procedures. Mr. Itzen voiced concern over a wildlife pond near the proposed tile outlet, but District Engineer Engels and Mr. Itzen both agreed the pond pre-dated the Bois de Sioux Watershed District. Board Manager Gillespie asked if the 60-day decision deadline would be exceeded if this issue was delayed until November, and if it is necessary to offer more time for Grant County to review the project. Attorney Lukas Croaker and District Engineer Engels agreed that the project was substantially changed on October 6th, when the permit applicant amended the project to include tiling acres outside of the subwatershed and to change the outlet capacity. Board Manager Deal stated that we will need to work cooperatively with Grant and Stevens Counties to determine long-term solutions for drainage issues on the county line. Zachary Burmeister, representing Mr. Itzen, relayed that the ditch authority Grant County cannot assess Mr. Mathias' land in Stevens County, without a possible redetermination of benefits and/or establishment of a judicial drainage system for a joint county project.

Deal motioned, seconded by Wold, to provide additional time for Grant County to review the permit application, and requested that a meeting be arranged with county commissioners to describe their plans for this drainage system and county-border drainage issues. Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.

**PERMIT APP
#20-129
J. MURPHY**

The existing condition outlets in two places in Section 26 of Parnell Township to JD #4. The tiling project will cross the subwatershed boundary, and will outlet in one place to JD #4. Gillespie motioned, seconded by Deal, to approve the permit application. Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.

**PERMIT APP
#20-127
J. SNELL**

The applicant wishes to directly route 160 acres of tiling in Section 10 of Everglade Township to a new stream system in Section 9 of Everglade Township. The current stream system and the new stream system run parallel to each other in a northwest direction, converging three miles later. Board Manager Gillespie offered that downstream landowners could sign a letter of support for this permit. District Engineer Chad Engels would require a condition that a gate be added.

**JD #11
CHANGE ORDER
NO. 4**

JD #11 Change Order No. 4 was reviewed, for additional materials needed in response for stormwater permit cover requirements and an approach. Wold motioned, seconded by Deal, to approve Change Order No. 4. Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.

**JD #11
PAY APPLICATION
NO. 4**

Wold motioned, seconded by Deal, to approve Pay Application No. 4 in the amount of \$290,231.31. Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.

**JD #11
TRAVERSE
COUNTY REIMB.
REQUEST #5**

Wold motioned, seconded by Deal, to approve the Traverse County Bond Reimbursement Request #5 in the amount of \$276,871.71. Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.

**CLEAN WATER
RESOLUTION**

Wold motioned, seconded by Deal, to approve the Resolution Authorizing Transfer of Funds for the Clean Water Retrofit Cost Share Policy from the Construction Fund for JD #11 (\$327,000) and Phase 1 of the Lake Traverse Water Quality Improvement Project (\$300,000). Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.

**LTWQIP
PHASE 1**

Wagner Company, the contractor awarded for Phase 1 of the Lake Traverse Water Quality Improvement Project, will likely begin next week, and has ordered riprap to arrive at the site. Engineering staff and DNR representatives will aid in the setting of the first rows of rock.

**LTWQIP
PHASE 2**

Engineering staff met with a DNR representative to discuss the design concept for Phase 2: stabilization of a straight channel adjacent to a road ditch. Because this segment is considered public waters (and is not part of a drainage system), the DNR will likely require an EAW and 404 Permit. Deal motioned, seconded by Wold, to allocate \$100,000 from the Construction Fund to Phase 2 to beginning the preliminary design, write the EAW and 404 permit applications, and coordinate landowner meetings. Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.

**JD #6
VARIANCE**

The District has applied for a variance from Wilkin County's land use requirement that ditch berms be built to a height lower than adjacent roads. JD #6 is adjacent to township roads that are currently field elevation – to meet the Wilkin County requirement, the District would have to strip gravel from the township road, and build the road up to a height higher than repaired ditch elevations. Meeting this requirement would be a very, very large financial burden placed on a small assessment district.

**JD #6 VIEWERS'
REPORT**

JD #6 Viewers Mark Dietz, Donald Metz, and Dwight Veldhouse filed the Viewers' Report and Statement of Benefits and Damages. Upon motion by Deal, seconded by Wold and carried unanimously, the report was accepted. As part of the Damages Statement, the Viewers had to assume the variance condition in their calculations. If the variance is not granted, a revised Viewers' Report will be needed. Although the Viewers' Report was filed, the District cannot promptly proceed to schedule a final hearing on the project as it has to wait for the variance determination by the Grant County Board of Adjustment.

DORAN CREEK

The results of the Doran Creek landowner survey were reviewed, along with individual comments. The District Office received 44 postcards in support of a stream restoration and dike, 16 in

opposition, and 2 without a preference. Wold motioned, seconded by Deal, to provide \$100,000 from the Construction Fund to begin project development. Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.

1W1PLAN WBIF FISCAL HOST Administrator Beyer relayed a BWSR requirement that annual Watershed Based Implementation Funding be disbursed to one receiving agent. In response, the 1W1Plan Policy Committee would like to know if any participating local government units are interested in being the fiscal host (receiving funds and disbursing them based on completion of partnership plans). Staff time spent coordinating the grant would be reimbursed by the grant. Wold motioned, seconded by Deal, to volunteer to serve as the fiscal host for watershed based implementation funds. Roll call vote: Wold – aye, Deal – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye, Vavra – aye. Motion carried.

GILLESPIE LEAVES Board Manager Gillespie left the meeting.

WCD #9 The gully in the southwest corner of Section 33 in Bradford Township has been repaired. The final step is for vegetation to be established and evaluated; this will be completed in 2021.

BIG LAKE Representatives from Bois de Sioux Watershed District, Moore Engineering, and the DNR met to discuss the Big Lake project. DNR Representatives requested that the fall drawdown be moved to earlier in the year, to allow hibernating amphibians undisturbed water cover, and to expose shoreline mudflats for migrating shorebirds. They also indicated that, because a public water is impacted, a portion of the Big Lake property owners must sign off on the project. The current project will not artificially increase the lake elevation; it will allow a drawdown of 1 ½' in late July/August and a possible drawdown of 1 ½' beginning in February, dependent upon the moisture in the snowpack. US Fish and Wildlife may require that a riser be placed in a low-lying culvert, to prevent simultaneous drawdown of a connected, adjacent wetland south of Highway 27.

SAMANTHA LAKE Contractor Jesse Olson has signed a construction contract, and is now awaiting Grant County Commissioner approval. Property easements should be done by the end of next week.

NORTH OTTAWA Administrator Beyer presented the 10-Year North Ottawa Framework to DNR Representative Theresa Ebbenga, who will provide the DNR's feedback next week.

REDPATH The Bartell family is in the process of signing Redpath closing documents. Closing documents are being drafted for the land owned by Jon Mathias and the late Richard Mathias.

FARMLAND LEASES Administrator Beyer relayed information from the Minnesota Management and Budget Office, who clarified that state-bonded property can be leased for a term that is less than half of the useful life of the bonded project – which provides opportunity for the District's farmland leases to extend beyond one year terms. Board Managers discussed the importance of establishing and maintaining field drainage, and recommended that these clauses be emphasized in the next set of leases. Support was also made for 3-year lease terms. Lease bid and contract templates will be approved at the November board meeting.

CONSTRUCTION/ RRWMB LEVY Board Manager Schmidt expressed concern over the cost to taxpayers for the Construction Fund levy. The amount is set by Minnesota Law and is calculated to be up to 0.04836 percent of the taxable market value of all property within the district. Board managers discussed the ability of the RRWMB board to annually enact the full amount, or a portion. President Vavra, serving as the RRWMB representative, and Board Manager Deal, former RRWMB representative, have both encouraged the RRWMB board to keep levy rates reasonable.

FDRWG NRE CALCULATIONS In reviewing the Flood Damage Reduction Work Group minutes, Board Manager Deal expressed concern over the point system for environmental benefits.

LMCIT CLAIM Discussion of the League of Minnesota Cities Insurance Claim will be scheduled for the next board meeting.

MN PEIP Administrator Beyer informed board managers that the cost of employee health insurance through MN PEIP is increasing 9.7% for 2021.

The meeting was adjourned.