

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
November 19, 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, Jason Beyer, Ben Brutlag, Scott Gillespie, Steven Schmidt, and Allen Wold. Joined remotely: Doug Dahlen. Absent: Jerome Deal and John Kapphahn. Also present remotely: Engineer Chad Engels, Engineer James Guler, Engineer Nathan Trosen, Engineer Technician Troy Fridgen, 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 Gillespie motioned, seconded by Wold, to approve the agenda with the following changes:

- Move Jon Mathias #20-115 Permit discussion to the end of the permits
- Rob Sip, RRWMB, will join the meeting at 11:00 AM
- Add Eldorado Township Meeting Report
- Add Discussion of Tile to Farmland Rental
- Add TCD #31 & Lined Waterways Discussion

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

CONSENT AGENDA Gillespie motioned, seconded by Schmidt, to approve the Consent Agenda. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – 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, and for the most part they both cross the same properties. The new stream system appears to have better capacity than the current stream system. They converge three miles downstream of the project. District Engineer Chad Engels offered two possible conditions: 1) obtain permission from landowners in Section #9 to outlet and 2) add a gate to the outlet in the NW Section #10. The applicant stated that he is able to meet both of these conditions. Gillespie motioned, seconded by Beyer, to approve the permit with the recommended conditions. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried. Gillespie strongly recommended that the applicant seek legal services to draw up easements with landowners in Section #9, so that maintenance of the system is secured with future neighboring landowners.

PERMIT APP #20-143 T. FRISCH The applicant proposes to tile the W1/2 of Section 13 and the SW 1/2 of the NE 1/4 of Section 13 in Dollymount Township. The NE1/4, NW1/4, and part of the SW1/4 are not included in the TCD #37 benefitted area. Part of the SW1/4 is included in the TCD #37 benefitted area as a protection benefit. The entire project is included in the TCD #8 benefitted area. The applicant stated that he had at least three options for the design of the project: 1) follow the natural drainage path, which cuts through the NE corner of Section 14 and down the center of Section 11 before intercepting with TCD #8; 2) direct the new system to the NW corner of Section 13, but there is no developed ditch in the area; or 3) direct the system to the SW corner of Section 13, cleaning the ditch north of County Road 6, and boring a culvert under County Road 6 to TCD #37. Of the options, the third seemed to minimize the impact to neighboring landowners, and the applicant has the permission of the landowner in the SW1/4 of Section 14. Board managers discussed the design options, and the ability of the applicant to control the pump in coordination with the capacity of TCD #37. Neighboring landowners Virgil and Sharon Raddatz responded to questions if they would support an improved ditch adjacent to their land in Section 12 to WCD #8, under option #2. There is a pipeline in the SW1/4. The applicant submitted to the District a Petition for Authority to Use Drainage System TCD #37 as an Outlet, in support of option #3. Beyer made motion, seconded by Gillespie, to accept the petition and order a public hearing on the petition for December 17, 2020. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried. District Engineer Engels pointed out that this situation is unique; typically, a permit is reviewed by engineering staff, and in the past, permits within the drainage system watershed have

been approved with the condition that the permittee successfully petition into the corresponding drainage system. In this situation, this project crosses a subwatershed and has not been approved, and not approved conditionally, by the District Engineer. The board will be relying on the District Engineer, at the hearing, to determine whether there is sufficient capacity of the drainage system to handle the project.

**PERMIT APP
#20-149
GUARDIAN TRUST**

This permit is before the board because there were neighboring landowner comments. The project is located in Delaware Township, Section 3. By requiring that two of the three proposed outlets be limited to a 4" tile, the project meets the District's 1/4" drainage coefficient and a downstream culvert will further meter water flow. This application has been recommended for approval. District Engineer Engels recommends a condition that northern and center outlets don't exceed 4". Neighboring landowners Jim and Charlene Nelson stated that the elevation changes warrant more protection measures, and that project area once had a gully and erosion prevention project designed through the Soil and Water Conservation District that was not constructed by the landowner at the time. The Nelsons stated that they have set aside 100 acres on the Mustinka River to protect water quality. Beyer made motion to approve the permit. The Nelson's emphasized concerns about sediment being deposited into the Mustinka River. Gillespie seconded the motion, emphasized that overland flooding also carries sediment, that tiling can reduce the amount of sediment transferred, and also commended the Nelson's for their efforts towards water quality. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.

**PERMIT APP
#20-150
GUARDIAN TRUST**

The permit is before the board because the project crosses a subwatershed boundary. The natural flow would meander across four sections before entering the Mustinka River. The project will direct flow directly into the Mustinka River. Gillespie motioned, seconded by Beyer, to approve the permit application. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.

**PERMIT APP
#20-152
G. FRISCH**

Permit application #20-152, submitted by Greg Frisch, has been taken care of.

**PERMIT APP
#20-155
C. SEIDLER**

A portion of the project is located outside of the Bois de Sioux Watershed District boundary in Section 28 of Sunnyside Township. The entire project area is assessed into WCD #35 even though it is located outside of the District boundary. Attorney Croaker will need to research this scenario further. Gillespie emphasized that the outside lands are being assessed to WCD #35, and have a right to use that drainage system – but historically, the District has not approved permits outside of the District boundary. Gillespie motioned, seconded by Beyer, to approve the portion of the project within the District boundary and to accept drainage from the Buffalo Red if they approve the project area within their District boundary. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.

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

The proposed project is located in Section 4 of Eldorado Township Stevens County but discharges to Grant County Ditch 32. Grant County Engineer Tracey Von Bargen encouraged landowners to consider a request that Grant County transfer authority of GCD #32 to the Bois de Sioux Watershed District. There are two landowners for the drainage system (the benefitted area is the NW, SW, and SE quarters of Section 32), and they have been asked to submit a written request to Grant County. Neighboring landowner Monty Itzen presented drainage problems in the area, the natural flow paths, and the condition of Fivemile Creek. The permit applicant confirmed that the pond will be at the same elevation, the riser will be even with the pond elevation, and the outlet will be 18".

Attorney Croaker recommended that the permit be approved. District Engineer Engels added that the surface inlets remain at the same elevation. Beyer made motion to approve the permit with the engineer's conditions and that the risers maintain the same existing condition elevation. The possibility of a redetermination was discussed, which would be prompted if at least 26% of the landowners signed a petition to have the drainage system redetermined. Gillespie seconded. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried. The District Engineer reiterated that our policies facilitate and regulate drainage on a regional scale.

**JD #11 OUTLET
REPAIR**

Water flow is bypassing and undercutting the concrete structure at the outlet of JD #11 at the Bois de Sioux River. More information is needed in order to design a replacement structure.. A proposal from Braun Intertec was presented for \$9,994.00 for geotechnical evaluation and design work.

- JD #11
CHANGE ORDER
NO. 5** Gillespie motioned, seconded by Beyer to approve the contract. Wold asked for a comparison between repairing the concrete structure vs. the new sheetpile structure. District Engineer Engels replied that the cost will be less for the sheetpile. Riprap would not be a suitable alternative either, as the flow needs to be metered to reduce velocity. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried. Once the report has been made, Moore Engineering will present a preliminary engineer’s report and estimate of cost.
- JD #11
PAY APPLICATION
NO. 5** JD #11 Change Order No. 5 was reviewed. This change order covers the additional mulching that was needed in response to MPCA’s stormwater permit inspection. Beyer motioned, seconded by Gillespie, to approve the change order. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.
- JD #11
SUBSTANTIAL
COMPLETION** Gillespie motioned, seconded by Beyer, to deem that the project has met substantial completion standard. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.
- JD #11
TRAVERSE
COUNTY REIMB.
REQUEST #6** Wold motioned, seconded by Schmidt, to approve Pay Application No. 6 in the amount of \$188,672.72. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.
- JD #6 VARIANCE** The Wilkin County Planning and Zoning Commission held a public hearing to consider the District’s request for a variance for the repair of JD #6 from Wilkin County Ordinance Section 19.09(3)(D) (Agricultural Dike Control) that states: “No person shall construct, maintain or keep upon their premises a dike, for the purpose of water containment or channelization shall be no higher than 6 inches below the roadway shoulder elevation when located within 200 feet of the centerline of any public roadway.” The District presented written support from the Campbell Township and from landowners, and described how the spirit of the ordinance would be met. The variance was approved.
- JD #6
ENGINEER’S
REPORT** The Minn. Stat. Section 103E.715, Subd. 2 Engineer’s Repair Report was filed for JD #6. Beyer motioned, seconded by Schmidt, to approve the Order for Public Hearings for the Repair and Redetermination of Benefits and Damages. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.
- WCD #9 BUFFERS** Members of the Construction Committee viewed the progress on Wilkin County #9. There are three locations where buffers need to be restored. Beyer motioned, seconded by Gillespie, to have the Wilkin County SWCD reseed the areas and contact landowners about their responsibility to reseed in the future. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – nay, Vavra – aye. Motion carried.
- WCD #9
SUBSTANTIAL
COMPLETION** Gillespie motioned, seconded by Beyer, to deem the project substantially complete. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.
- JD #14 REPAIR** Engineer Technician Fridgen gave an update on the repair of a ditch blow-out in Section 23 of E Monson Township on JD #14. Construction is complete.
- LTWQIP NO. 1** District Engineer Guler gave an update on the Lake Traverse Water Quality Improvement Project No. 1. Construction has begun.
- DORAN CREEK** Work is being done on an engineer’s report; this will continue throughout the winter. The project design does not need to meet BTSAC requirements due to the size of the watershed. Construction will depend strongly on funding sources, and may need to be completed in phases.
- BIG LAKE** The project design has been simplified and details are being worked-out with the DNR ahead of the 60-day comment period for the EAW. Attorney Croaker has recommended that, because the project design has changed substantially, that the District establish a new project for Big Lake, and hold the required Minn. Stat. Section 103D.601, subd. 2 preliminary resolution hearing. Wold motioned, seconded by Gillespie, to pass the Preliminary Resolution for the Establishment of the Big Lake Project and to hold the preliminary resolution hearing on December 22, 2020. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.
- LAKE
SAMANTHA** Moore Engineering reports that the contractor has started construction on the Samantha Lake project.

NORTH OTTAWA MOA	Board managers reviewed terms for a Memorandum of Agreement with the DNR over operations and maintenance of North Ottawa. Board Manager Brutlag reported that a colleague visited the Impoundment and has expressed interest in growing wild rice at North Ottawa – the earliest this would happen would be 2022. Board Manager Wold asked what will happen if the North Ottawa fund runs in a consistent deficit. Attorney Croaker informed the Board that the parties could agree to amend the agreement or either party may terminate the agreement. Board Managers requested that an alternate be named for the Board Manager position on the Project Team, that a Wilkin & Grant County designation be removed from the County Commission Project Team position descriptions, and that an additional landowner be included as opposed to a representative from the West Central school district.
REDPATH LAND SECTION 15	Board managers elected to not take action to sell land recently acquired for the Redpath Impoundment in the SW1/4 of Section 15 of Redpath Township.
FARMLAND LEASE BID & MOONSHINE TILE PROJECT	Board managers reviewed the draft Farmland Lease Bid. Gillespie informed the board that he has been contacted by neighboring landowners to Moonshine 24 who are designing a community drainage project; Gillespie described the project. Gillespie relayed that this project will increase soil stability for the District's property. Gillespie motioned, seconded by Wold, to authorize Vavra to sign future easements allowing an 18" dual wall tile main to transverse the District's property, and for the District to contribute \$25,000 toward the project. Gillespie requested that a clause be included in the subsequent contract for Moonshine 24 to allow the District to compensate the future renter for crop damage, as it is possible that the tile main may be installed after spring planting. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.
MAWD DELEGATES	Gillespie Motioned, seconded by Beyer, to appoint Wold and Vavra to serve as MAWD Delegates. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.
CLA AUDIT TERMS	Board managers reviewed the proposal by CliftonLarsonAllen for the 2020 financial audit. Beyer motioned, seconded by Gillespie, to approve the Understanding of Terms. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.
BUDGET, LEVIES, & ASSESSMENT HEARINGS	Upon motion by Beyer, seconded by Gillespie, board managers ordered the public hearing for the 2021 General Fund and Construction Fund Levies and the District Ditch System Funds, Assessments and Projects were ordered for December 17, 2020 at 10:00 AM.
GILLESPIE LEAVES	Board Manager Gillespie left the meeting.
JOINT BUFFER LETTER	Board managers reviewed a proposed joint letter for use by Grant County and Bois de Sioux Watershed District, to be sent to landowners who are potentially non-compliant with District's Buffer Ordinance. Board Managers expressed frustration at the reported wide range of alternative practices that are utilized between differing soil and water conservation districts. Beyer motioned, seconded by Wold, to refer the issue back to the Bois de Sioux Watershed District Buffer Committee. Roll call vote: Schmidt – aye, Wold – aye, Beyer – aye, Brutlag – aye, Gillespie – aye, Dahlen – aye, Vavra – aye. Motion carried.
FARMLAND LEASE BID	Board Managers returned to the draft Farmland Lease Bid and requested that the document be finalized for the December Board meeting and include a 2-year term for the North Ottawa lease.
RIPARIAN AID	Board Managers discussed the use of the District's Riparian Aid. District Engineer Chad Engels offered that the funds could be used to recognize the water quality benefits of ditch retrofits, and be used to offset those costs by constructed mile. Schmidt recommended that funds be used to establish grass on the slopes of drainage ditches following ditch clean-outs. Wold suggested that the District purchase side inlet culverts and give them to landowners. No action was taken.
ELDORADO	President Vavra and Board Manager Wold attended a recent Eldorado township meeting where township officials were asked to approve plans to build a new road near the Stevens County-Traverse County line. A copy of the project plans were given to the District.