

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

CALL TO ORDER	The meeting was called to order by President Vavra at 9:00 a.m. Present: Linda Vavra, Jason Beyer, Doug Dahlen, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag, Jerome Deal, John Kapphahn. Also present: Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, and Administrator Jamie Beyer.
AGENDA ADDITIONS	Upon motion by Schmidt, seconded by Wold and carried unanimously, the agenda was approved with the following changes: Added: WCD #9 Assessment Added: JD #6 Landowner Meeting Added: Doran Creek Landowner Meeting
BRUTLAG ARRIVES	Board Manager Ben Brutlag arrived at the meeting.
CLAIMS	Upon motion by Wold, seconded by Dahlen and carried unanimously, the Claims of January 16, 2020 were approved as presented.
MINUTES	Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Minutes of December 19, 2019 were approved. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Minutes of December 27, 2019 were approved.
TREASURER'S REPORT	Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the Treasurer's Report was approved.
PUBLIC COMMENT	No public comment was received.
PERMIT #19-134 C. MORROW	A petition was received from Cory Morrow, to use TCD #23 as an outlet for tile installation that includes the S1/2 of the S1/2 of the SE1/4 and the S1/2 of the S1/2 of the SW1/4 of Section 36, Redpath Township, Traverse County. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, a hearing was ordered for February 20, 2020 at 10:00 am.
TCD #44	Detailed maps were provided to Board Manager Schmidt, in order to further conversations with landowners in the TCD #44 drainage area.
DEAL ARRIVES	Board Manager Jerome Deal arrives at the meeting.
TCD #8, TCD #37 ELDORADO	Engineering staff gave an overview of the options discussed at the January 10th meeting with TCD #8, TCD #37 and Eldorado landowners. The goal of this meeting, and future meetings, is to identify a practical solution that would meet a 10-year flood protection standard while mitigating potential flow increases for larger floods. Mr. Bernie Van Zomeren stated that he is working with 7 – 9 landowners who are considering repairs, improvements, or extension to ditches, a combination of ditch work, and a community tile mainline, or a tiled system.
USFW WCD #9 TAX REMOVAL	The Otter Tail County Auditor's Office received correspondence from the Fergus Falls Office of the US Fish and Wildlife Service asking that their \$567.61 WCD #9 Improvement assessment fee be removed from the assessment roll as the federal government is not subject to watershed district assessments. Attorney Croaker indicated that the parcel falls under the Refuge Revenue Sharing Act, which provides for annual payments from the federal government to counties, including Otter Tail County, on a fixed-fee basis in lieu of the parcel being subject to local taxation. Upon motion by Gillespie, seconded by Schmidt, and carried unanimously, the District agreed to pay \$567.61 out of the WCD #9 ditch construction fund to cover the assessment to Otter Tail County.
JD #6 & DORAN CREEK OWNER MEETINGS	Engineering staff recommended that a March landowner meeting be scheduled for JD #6 landowners, as a clean water grant application for a petitioned repair or improvement would need to be prepared in upcoming months. Engineering staff also recommended that a March meeting be held with Doran Creek landowners, to discuss a channel rehabilitation project and water management district.

- NORTH OTTAWA** Upon motion by Schmidt, seconded by Gillespie and carried unanimously, board managers approved the following recommendations from the North Ottawa Operations and Maintenance Committee:
- Remove cell A3 from annual lease bid (will be used to divert water from cells A4 and B4, so they dry-out);
 - Ask for the intended purpose on annual lease bid, and indicate that corn silage planting is preferred; and
 - Change untilled penalty rates to \$50/acre for unworked ground.
- REDPATH LAND PURCHASE** The Redpath Committee met to discuss a land offer made by Mr. Breck Dilly. The Committee will schedule a meeting in the next few months with Mr. Dilly to negotiate the terms of the purchase of his land and possible sale of District land.
- SAMANTHA LAKE UPDATE** Engineering staff prepared and delivered draft project plans to the Grant County Highway Engineer for the Samantha Lake project. An 18" dual wall tile has been proposed to direct high water from Samantha Lake and Elbow Lake. Engineer Engels discussed Grant County constructing the project and assigning maintenance and operation of the project to the District upon completion.
- RECONVENED JD #11 HEARINGS** Upon motion by Schmidt, seconded by Gillespie and carried unanimously, President Vavra reconvened the final hearing on the redetermination of benefits and damages and the repair petition for JD #11. Attorney Croaker discussed the final hearing procedure outlined under Minn. Stat. §§ 103E.335 and 103E.341 and informed the Board managers that there would be discussion and potentially final action on the Petition, Amended Viewers' Report, and Engineer's Repair Report. Viewers Swedlund, Churchill and Pederson were present. An updated Viewers' Report was provided, with the following changes:

36-130-47	NWSW 1/4, remove West 20 acres
01-129-47	Remove NW & SW 1/4
12-129-47	Remove NW 1/4
20-129-46	Remove SE 1/4
34-130-46	Remove SE 1/4
24-129-47	Remove SE 40 of NE 1/4
28-130-46	Remove NW1/4 (everything N or Hwy 55)
27-130-46	Remove everything N of Hwy 55
29-130-46	Remove everything N of Hwy 55

Landowners were given an opportunity to provide comment. Mr. Dennis Barlage expressed concern about flapgate conditions. Engineer Engels stated that flapgate maintenance is the responsibility of the ditch authority, and that they will be cleaned-out and armored with riprap with this project. Mr. Ray Ehlers expressed concern about the cost of the project. Engineer Guler stated that the cost does include work to fix low spots and swales on the first ½ mile of ditch laterals east of Highway 75. Engineering staff looked at the addition of fully retrofitting ½ a mile of all laterals east of Highway 75 (not including Highway 55); the estimate for this additional construction would be \$250,000. Landowners at the meeting agreed that they did not wish to pursue the additional work. Engineering staff recommended to include repairs to low spots and swales in the legal ditch right of way in Section 8, owned by Mr. Ehlers.

Scott Gillespie left the meeting.

Landowners inquired about what would happen if contractor bids are significantly higher than the estimate. Board managers relayed that bids are presented to the board for their review at a public board meeting and that landowners can provide comments. Engineer Guler and Attorney Croaker also informed the board managers that they have the right to reject any and all bids if costs are too high. Engineer Engels confirmed that the project satisfies statutory requirements, including public utility and benefit and will promote the public health, and is practical.

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Amended Viewers' Report and Amended Engineer's Repair Report for JD #11 were approved and the redetermination of benefits and damages, establishment of the repair project, and easement acquisition were ordered. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Findings and Order for JD #11 were approved. Upon motion by Beyer, seconded by Deal and carried unanimously, the hearing was closed. Upon motion by Beyer, seconded by Deal and carried unanimously, engineering staff are authorized to prepare final plans and specs, advertise for construction bids, and the administrator will notify bond counsel. Moore Engineering

2020 FARMLAND LEASES	will host a pre-bid contractor meeting, to discuss project details before bids are submitted, and the project will have a 2020 substantial completion date that will include and topsoil stripping.
1W1PLAN EXTENSION	Upon motion by Beyer, seconded by Dahlen and carried unanimously, the following high bids were approved: Redpath Leases 20-01, 20-02, 20-03, 20-04, 20-05, 20-06: Raguse Family Partnership Copeland Western 32 Lease 20-40: Cody Swift
SPRING 2020 STAFF ASSISTANCE	Upon motion by Beyer, seconded by Deal and carried unanimously, board managers approved the Resolution to Request an Extension of the Bois de Sioux Watershed Management Plan, requesting an extension to complete the 1W1Plan thru December 31, 2020.
1W1PLAN	Board managers discussed weather and snowfall conditions heading into Spring 2020. Upon motion by Dahlen, seconded by Beyer and carried unanimously, board managers authorized additional support from Moore Engineering if Technician Fridgen needs help or is out of the office. Board managers discussed how the District's 1W1Plan entities (6 counties, 6 SWCD's, and 1 watershed) may be organized once the plan is approved and grant funds are available for project implementation. Options presented to the 1W1Plan Policy Committee: 1) Memorandum of Understanding, which requires all 13 entities to take board action on every Policy Committee recommendation, 2) Joint Powers Collaboration, which requires all 13 entities to take board action on every Policy Committee recommendation 3) Joint Powers Entities, which would be a separate organization altogether. Board Manager Wold asked whether the current structure could be continued (Memorandum of Understanding with the Bois de Sioux Watershed District acting as fiscal host and who takes board action on the Policy Committee recommendations.
DISTRICT QUESTIONNAIRE	Board managers discussed a district questionnaire drafted by Board Manager Allen Wold. The questionnaire was tabled to give time to review the language, consider questionnaire topics and targeted recipients, and to consider how the information would be used.
2020 MILEAGE REIMBURSEMENT	Board managers reviewed the 2020 mileage reimbursement rates and roundtrip mileage amounts to the District Office. Jason Beyer - 68.4 miles; Ben Brutlag - 66.8 miles; Jerome Deal - 2 miles; Doug Dahlen - 36.2 miles; Scott Gillespie - 45.8 miles; John Kapphahn - 72.4 miles; Steven Schmidt - 19.2 miles; Linda Vavra - 64.6 miles; Allen Wold - 20 miles.
ENGINEERING & LEGAL BILLING RATE CHANGES	Upon motion by Wold, seconded by Schmidt and carried unanimously, the 2020 Moore Engineering Billing Rate Schedule was approved. Upon motion by Deal, seconded by Beyer and carried unanimously, the request from Ohnstad Twichell, to change drive-time billing at a flat \$100 to their standard hourly rate, was approved.
PROPERTY TAX EXEMPTIONS	Board managers reviewed parcel information for land that will not be farmed in 2020. Upon motion by Beyer, seconded by Deal and carried unanimously, requests for tax exemptions for unfarmed land were approved.
2019 DISTRICT BILLABLE RATES	Board managers reviewed the 2019 billable rates, which are used internally to compensate the General Fund for staff time and mileage allocated to ditch and construction fund projects. For 2019, upon motion by Beyer, seconded by Dahlen and carried unanimously, a BWSR template was approved, which included compensation for wages, the cost of benefits, and general office supplies, utilities, and expenses: Office Administrator - \$74.52/hour; Office Manager - \$55.78/hour; Engineer Technician - \$80.05/hour.
END OF THE YEAR JOURNAL ENTRIES	Board managers reviewed end of the year journal entries. Upon motion by Beyer, seconded by Deal and carried unanimously, the board approved journal entries to reimburse the General Fund for time spent on ditches and construction projects, in the amount of \$155,290.63.
FARMLAND LEASE TEMPLATES	Board managers reviewed land lease templates (drafted by Attorneys Lukas Croaker and Louis Smith) for: 1) Standard Farming Lease; 2) Farming Lease for State Bonded Land; 3) North Ottawa Farming Lease; and 4) North Ottawa Farming Lease for State Bonded Land. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the lease templates were approved pending the removal of all haying and mowing references to the North Ottawa Farming Lease and North Ottawa Farming Lease for State Bonded Land. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the meeting was adjourned at 12:55 pm.

Linda Vavra, President

Jamie Beyer, Administrator

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

CALL TO ORDER	The meeting was called to order by President Vavra at 9:00 a.m. Present: Linda Vavra, Jason Beyer, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
AGENDA ADDITIONS	<p>Upon motion by Kapphahn, seconded by Deal and carried unanimously, the agenda was approved with the following changes:</p> <p>Added: Permit Application #20-06, Richard Mathias Permit Application #20-07, Richard Mathias Area One Ditch Inspections TCD #7 Petition TCD #37 Interest 2020 Flood and Snow/Ice/Debris Removal North Ottawa Bathroom</p>
CLAIMS	Upon motion by Wold, seconded by Dahlen and carried unanimously, the Minutes of January 16, 2020 and the Claims of February 20, 2020 were approved as presented.
MINUTES	Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Treasurer's Report was approved.
TREASURER'S REPORT	Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the March 19 th board meeting is moved to March 26 th , due to a conflict with MAWD's legislative visits in St. Paul.
MANAGER TERM EXPIRATION	In 2020, board manager terms will expire for Managers Kapphahn, Wold, and Brutlag; notifications will be sent to Traverse, Grant, and Ottertail County Commissioners.
PERMIT #20-06 R. MATHIAS	A portion of the proposed project is located outside of the current assessment district for TCD #8. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the applicant must successfully petition into TCD#8.
PERMIT #20-07 R. MATHIAS	Project details were reviewed. Landowner comments in opposition to the permit were based on long-standing, unresolved concerns about the condition of 5-Mile Creek. Jonathan Mathias, appearing on behalf of the applicant, stated that he is responsible for ensuring that project pumps are turned off during downstream flooding conditions. Upon motion by Wold, seconded by Dahlen and carried unanimously, the permit application was approved. Upon motion by Wold, seconded by Dahlen and carried unanimously, Moore Engineering is directed to create a plan for 5-Mile Creek and bring it to a future meeting.
PERMIT #20-05 K. DEAL	Permit applicant Kevin Deal submitted a petition to have the S1/2 of the SW1/4 of Section 32, Range 45, Clifton Township (127N), Traverse County, added to TCD #7. Upon motion by Beyer, seconded by Dahlen and carried unanimously, a hearing will be scheduled for March 26, 2020 at 10:00 am.
TCD #37 INTEREST	At the December 19, 2019 board meeting, managers approved an adjustment to the interest charged to the deficit balance of TCD #37. Beyer will consult with Morris & Associates, CliftonLarsonAllen auditors, and Attorney Croaker to determine how this transaction could be completed.
TCD #8, TCD #37 ELDORADO	A landowner meeting was held February 14, 2020 for TCD #8, TCD #37, and Eldorado Township. Several options were discussed, including landowner petitions to repair or improve area drainage systems, a landowner petition to establish a new ditch or extension, and landowner permitting processes for shared, private or public drainage systems. The need for an impoundment was also discussed, and two landowners approached the District regarding land that they own that could be purchased and used to trade for land that would make a suitable impoundment. Board Manager Gillespie stated that he does not support the acquisition of land by the District to trade.

**TCD #23
PETITION**

At 10:00 am, upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing to consider the petition from Cory Morrow requesting authority to use Traverse County Ditch #23 ("TCD #23") as an outlet for portions of the S1/2 of the S1/2 of Parcel #10-0160000 (SE1/4 of Section 36, Range 45, Redpath Township (128N), Traverse County) and the S1/2 of the S1/2 of Parcel #10-0161001 (SW1/4 except for 4.89 acres of Section 36, Range 45, Redpath Township (128N), Traverse County) was opened.

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 #23 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, that the existing design capacity of TCD #23 would not be adversely impacted by the tile project. The applicant was present by phone 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 \$2,285.52 and \$80.00, respectively, for Parcel 10-0160000 and \$2,154.39 and \$75.41 for Parcel 10-00161001. Upon motion by Wold, seconded by Dahlen and carried unanimously, the Order Authorizing the Use of TCD #23 as an Outlet was approved. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing was closed.

**2020 FLOOD
CONCERNS**

Traverse County Engineer Chad Gillespie requested that staff consider the location of snow and ice debris prior to removal, citing the District's early-middle-late timing zones in the District's Overall Plan. District Engineer Chad Engels stated that the timing zone guidance is intended for project prioritization, and that spot-removal of snow and ice debris from drainage systems likely won't affect the timing of regional flooding as a whole. Engineer Chad Gillespie stated that he had received a complaint regarding how the District responded to 2019 flood conditions. Board Managers and staff discussed how 2020 flood conditions will be handled and requested no change. Technician Fridgen stated that he will communicate closely with county engineering staff. The District will coordinate a multi-organizational flood meeting soon, and receive weekly updates from the National Weather Service.

**DITCH
INSPECTIONS**

Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Area One Ditch Inspections were approved.

SAMANTHA LAKE

Grant County Engineer Tracey VonBargen and Grant County Commissioners Bill LaValley and Doyle Sperr were presented to hear the details of the Samantha Lake Project. Stevens County Commissioner Ron Staples relayed that it is possible to receive a permit condition to drop water levels 1 1/2' below the ordinary high water level, if flooding threatens a public road. Engineer Chad Engels reviewed some of the possible project steps, including: Grant County Highway Department completes permit applications and completes construction; the project then may be turned-over to the Bois de Sioux Watershed District. Attorney Croaker will draft a Joint Powers Agreement. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, cost of the project and engineering will be split 50-50 with Grant County.

**NORTH OTTAWA
LAND LEASES**

Board Managers reviewed the bids for North Ottawa land leases. Technician Troy Fridgen stated that it would be more conducive to farming and flood control, if the District leased A3 instead of B3. Upon motion by Beyer, seconded by Schmidt and carried unanimously, the following bids were approved:

#19-50	Cells A1, A2, B1, B2	Pat and Greg Vold Farms	\$55,361.50
#19-51	Cell B3, small grain restriction	Raguse Family Partnership	\$14,191.00

Upon motion by Beyer, seconded by Dahlen and carried unanimously, asked that A3 be swapped for B3, if possible, on the same price-per-acre basis. Board managers requested that work-back be charged to Raguse Family Partnership for the acres left untilled, at the most recent Custom Farm Work Rates established by the North Dakota State University Extension Service.

**NORTH OTTAWA
O & M MANUAL**

Attorney Croaker has drafted a 2020 Operations and Maintenance Manual for North Ottawa. Attorney Croaker and engineering staff will review the draft first; board managers will then be given an updated copy to review.

EOR CONTRACT

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the February 21, 2020 contract with EOR was approved to provide long-term NRE plan implementation development.

IMPOUNDMENT DONATIONS	Landowner and North Ottawa Impoundment neighbor Dwight Veldhouse has expressed interest in creating a separate, 501(c)(3) to be used to receive donations for projects that will enhance birdwatching experiences for visitors to the North Ottawa Impoundment, and potentially the Redpath Impoundment. Mr. Veldhouse's first project would be the construction and installation of a permanent, primitive restroom at North Ottawa. Upon motion by Deal, seconded by Schmidt and carried unanimously, support for these efforts was given.
REDPATH LAND PURCHASE DILLY FAMILY	Attorney Lukas Croaker informed board managers that a tentative deal has been reached with Redpath landowners, Mr. Breck and Mrs. Louise Dilly, who offered to exchange the SW1/4 of Section 15, Township 128, Range 45 (Redpath Township) for the District's N½ of the NE¼ and the S½ of the NE¼ of Section 17, Township 128, Range 45 (Redpath Township) and a cash payment of \$76,700. Attorney Lukas Croaker discussed the potential for eminent domain proceedings if the exchange was not agreed to by the Dillys. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the offer was accepted and the Redpath Committee is authorized to complete the transaction. Attorney Lukas Croaker is authorized to finalize the exchange agreement, work with both sides to execute the exchange agreement, prepare any necessary documentation, and coordinate closing on the exchange.
BWSR GRANT AGREEMENTS	Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Clean Water Grant Agreement was approved for JD #11 and the Lake Traverse Water Quality Improvement Project.
BOARD MANAGER UPDATES	President Vavra relayed that the Red River Water Management Board is working on their legislative issues, and that their top concern is funding for Red River flood mitigation projects. Their next conference will be held March 10 th and 11 th . The Buffer Committee continues to meet.
1W1PLAN UPDATE	1W1Plan Policy Chair Ron Staples gave an update on implementation discussions that have been held, indicating that ultimately a Joint Powers Entity will likely be recommended; he did ask the Bois de Sioux Watershed to consider covering all legal and administrative costs associated with the establishment of the JPA for the 13 entities. A meeting with the 1W1Plan consultants from Houston Engineering will be scheduled for the end of March, if possible.
DISTRICT QUESTIONNAIRE	Based on cost concerns, Wold made motion, seconded by Beyer, to withdraw the District Questionnaire. Motion carried unanimously.
EOY JOURNAL ENTRIES	Upon motion by Beyer, seconded by Dahlen and carried unanimously, end of year journal entries were approved as presented.
DISTRICT RESPONSE	Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, a letter from the District, in response to nutrient concentration objectives and nutrient load targets for the Red River, was approved.
	The meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
March 4, 2020**

CALL TO ORDER The meeting was called to order by President Vavra at 9:00 a.m. Present: Linda Vavra, Doug Dahlen, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Jason Beyer, Ben Brutlag, Jerome Deal, and Scott Gillespie. Also present: Engineer Chad Engels (by phone), Attorney Lukas Croaker, and Administrator Jamie Beyer.

DILLY LAND PURCHASE Landowner Mr. Breckenridge Dilly presented a new land sale and exchange offer, to replace the agreement submitted to the Redpath Committee on February 12, 2020 (exchanging the SW1/4 of Section 15, Township 128, Range 45 for property owned by the District consisting of the NE1/4 of Section 17, Township 128, Range 45). Mr. Dilly offered to exchange the SW1/4 of Section 15, Township 128, Range 45 for property owned by the District consisting of the NE1/4 of Section 17, Township 128, Range 45 and the SW1/4 of Section 34, Township 129, Range 45. Using the appraised value of all three parcels, the balance due to the District is \$610,000. Rent for the District's parcels will be directed to Mr. Dilly, and property taxes will be pro-rated based on the real estate closing date.

Manager Dahlen stated that the reason the land was acquired by the District was to have acres available for trading for landowners in the Redpath Impoundment footprint. The final four purchase agreements are in negotiations, as such, it does not appear that the District needs to retain this land for that purpose any longer.

ATTORNEY AUTHORIZATIONS Board Managers talked about the importance of access and clear public and private drainage. Based on this discussion, Attorney Croaker summarized the District's options: 1) Counter-offer with the February 12, 2020, arrangement, 2) Accept the March 4, 2020, proposal, or 3) Accept the March 4, 2020, proposal contingent upon a permanent spoil easement (which easement turned out to not be necessary). Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the March 4, 2020, proposal was selected and approved.

Upon motion by Dahlen, seconded by Wold and carried unanimously, Attorney Croaker is authorized to draft an exchange agreement, start abstract and title work, and execute friendly condemnation processes.

The meeting was adjourned.

Linda Vavra, President

Date: _____, 2020

Jamie Beyer, Administrator

Date: _____, 2020

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
March 26, 2020**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:02 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Jason Beyer. Also present: 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.
- CONFLICTS OF INTEREST** Board Manager Kapphahn stated a conflict of interest on the Samantha Lake project, and Board Manager Gillespie stated a conflict of interest on the Mathias Redpath Purchase Agreements. As a result, the respective managers abstained from voting on these respective matters.
- CLAIMS** Kapphahn motioned, seconded by Deal and carried unanimously, to approve the Claims of March 26, 2020 as presented. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
- AGENDA** Deal motioned, seconded by Kapphahn and carried unanimously, to approve the agenda with the following changes:
- Removed: Permit Application #20-020, Darwin Karsky
Permit Application #20-023, Jon Pansch
Permit Application, #19-024, Herb Nelson
- Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
- MINUTES** Schmidt motioned, seconded by Gillespie, to approve the Minutes of February 20, 2020 and March 4, 2020. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
- TREASURER’S REPORT** Kapphahn motioned, seconded by Deal, to approve the Treasurer’s Report and Budget. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
- PUBLIC COMMENT** No public comment was received.
- RESOLUTION ADOPTING EMERGENCY PUBLIC HEARING ALTERNATIVES** Attorney Croaker introduced the Resolution Adopting Emergency Public Hearing Alternatives, which adds the ability of public comments to be received by email or mail in lieu of in-person attendance at public hearings. The measures will remain in effect for a period of time until the State of Minnesota is no longer operating in a state of emergency and is rescinded by the Bois de Sioux Watershed District Board. Kapphahn motioned, seconded by Gillespie, to approve the Resolution Adopting Emergency Public Hearing Alternatives. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
- CLA 2019 AUDIT** Miranda Wendlandt, of CliftonLarsonAllen, presented the 2019 financial statements. Kapphahn, motioned, seconded by Deal, to approve the 2019 financial statements. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. Upon the recommendation of the auditor, Gillespie motioned, seconded by Deal, to authorize the District Treasurer to receive a copy of the monthly bank statements. Roll call vote: Gillespie – aye, Wold – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – abstained. Motion carried.
- PERMIT #20-003 D. AMUNDSON** Project details were reviewed for a tiling project in the E1/2 of Section 26 in North Ottawa Township, Grant County. A portion of the project will cross the LIDAR/GIS-generated subwatershed boundary. The landowner has relayed that the boundary does not reflect actual land conditions, and that the land in question

does drain to the north. District Engineer Engels indicated that outletting the entire project to the north directly into JD #12 reduces the risk of downstream conveyance problems as compared to using the south township road ditch. District Engineer Engels also recommended that the board place a condition on the permit limiting the proposed surface inlets to a 3/8" drainage coefficient, in consideration of the project's inclusion of a control pump. Kapphahn motioned, seconded by Brutlag, to approve a variance to the subwatershed restriction, and include a 3/8" coefficient limitation on the proposed French drains. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

TCD #8 PETITION R. MATHIAS Permit applicant Richard Mathias submitted a petition to have Section 7, Range 44, Eldorado Township (126N), Stevens County, added to TCD #8. Kapphahn made motion, seconded by Deal, to schedule a hearing April 16, 2020. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

TCD #8 CULVERT ANALYSIS District Engineer Engels presented a culvert analysis completed for TCD #8. Looking at six crossings, over a three-and-a-half mile stretch, there don't appear to be any glaring problems in terms of the consistency of culvert sizing. Overall, drainage is compromised by the ditch channel itself and its relation to field topography. Deepening and widening the channel could be a potential solution. A landowner meeting will be scheduled in the future, to determine support for an improvement project.

JD #12 LAT. 4 In consultation with Grant County Engineer Tracey VonBargen, District Engineer Engels stated that the repair of JD #12 Lateral 4 is a lower priority for 2020 and the issue would be discussed at a future meeting when Grant County is ready to begin development of the project.

JD #11 BIDS Construction bids were reviewed for the repair of JD #11. District Engineer Engels informed the board that they have up to sixty days to award a contract.

RRWMB WATER QUALITY GRANTS The Red River Watershed Management Board (RRWMB) has formalized two new cost-share opportunities that focus on water quality and work similar to the State of Minnesota's Clean Water Grant. RRWMB now has 1) a \$100,000 annual block grant and a 2) project specific grant for 2/3 of the non-state project cost. District Engineer Engels proposed the board consider authorization of a block grant application for the Wilkin County Ditch #9 Improvement Project and a project-specific grant application for the Lake Traverse Water Quality Improvement Project.

TCD #7 PETITION HEARING At 10:00 am, Deal motioned, seconded by Gillespie, to open the hearing to consider the petition from Kevin Deal requesting authority to use Traverse County Ditch #7 ("TCD #7") as an outlet for the S1/2 of the SW1/4 of Parcel #02-0153000 (SW1/4 of Section 32, Range 45, Clifton Township (127N), Traverse County). Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

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 #7 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 #7 would not be adversely impacted by the tile project. The applicant was not present and there was some discussion that it might be more beneficial for the landowner to drain the project south. Regardless, the permit was previously approved with the condition that the applicant successfully petition into TCD #7; the question before the board is the petition. District Engineer Engels stated that the applicant can decide whether to change this project or leave the project as-is before paying the outlet fee, if the petition is approved. Attorney Croaker read the Order, which included that the outlet fee and benefits were calculated to be \$1,617.57 and \$40.00, respectively. Schmidt motioned, seconded by Dahlen, to approve the Order Authorizing the Use of TCD #7 as an outlet. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. Kapphahn motioned, seconded by Deal, to close the hearing. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

RRWMB CLEAN WATER GRANT Wold motioned, seconded by Deal, to authorize a block grant application for the Wilkin County Ditch #9 Improvement Project in the amount of \$100,000. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

WCD #9	District Engineer Engels gave an update of WCD #9 construction. A meeting with the contractor, engineering staff, and Board President Vavra and Board Manager Wold, resulted in a recommendation for work described in Change Order No. 1. Gillespie motioned, seconded by Schmidt, to approve Change Order No. 1 in the amount of \$54,848.10. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
NORTH OTTAWA UPDATE AND O & M AGREEMENT	Board managers discussed operations at the North Ottawa Impoundment, Engineer Technician Fridgen stated that a large number of birdwatchers have visited the Impoundment during the spring migration. Board managers requested that a portapotty be placed as soon as possible. Landowner Dwight Veldhouse had been working directly with West Central Area Schools to have students design, and potentially build, a more permanent bathroom structure, but those plans are put on-hold with school closings. Board managers expressed the support for Impoundment improvement projects coordinated by area schools. Attorney Croaker presented the 2020 North Ottawa Operation and Maintenance Agreement, which includes a description of twenty-three items that the District is responsible for, and outlines roles for the DNR. Gillespie motioned, seconded by Wold, to approve the 2020 North Ottawa Operations and Maintenance Agreement with the insertion of the explicit benefits of growing corn silage within the Impoundment. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
EOR UPDATE	EOR's Design Practice Lead Kevin Biehn gave a brief update on their progress providing additional information about alternative revenue-generating activities that also enhance natural resources. They are working with data obtained through the District and Moore Engineering, with the objective of giving a real-world evaluation of proposed activities.
RRWMB WATER QUALITY GRANT	Discussion returned to the RRWMB water quality grant applications. Gillespie motioned, seconded by Kapphahn, to authorize a project-specific grant application for the Lake Traverse Water Quality Improvement Project. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
RFQ FOR APPRAISAL SERVICES	Board managers reviewed a draft Request for Qualifications for Appraisal Services. Board Manager Kapphahn requested that a conflict of interest statement be included; Attorney Croaker responded that conflicts will depend on the property being appraised, so the disclosure of conflicts of interest will be addressed in a subsequent contract with the selected appraiser(s). Gillespie motioned, seconded by Kapphahn, to approve the Request for Qualifications for Appraisal Services. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.
FIVE-MILE CREEK, TCD #42, TWELVE-MILE CREEK	District Engineer Engels presented the relationships between Fivemile Creek, which connects to TCD #42, which outlets to Twelvemile Creek, in response to recent landowner requests to clean-out portions of Fivemile Creek. Fivemile Creek is a public water that serves as the outlet to several legal county ditch systems, but some of the landowner complaints are for areas of the public water located upstream from these outlets. A watershed management district could be established for the project area, in addition to an engineer's report and cost estimate – but evaluation of downstream conditions is also needed. Twelvemile Creek serves as JD #14 Lateral 1, and will be inspected by the District this spring. Board managers agreed that, following the District's inspections, they would consider whether a profile survey would need to be completed, and would host a Fivemile Creek area landowner meeting this summer.
REDPATH LAND ACQUISITIONS	Attorney Croaker summarized recent Redpath Land acquisition activities. The Dilly Exchange Agreement has been signed; we are waiting on an updated abstract and title work before a closing date will be scheduled. Tenco Farms Representative Joe Blume presented a purchase price of \$57,300 and ability to farm the property until the project begins. Kapphahn motioned, seconded by Deal, to approve the offer contingent upon it being signed within the next 10 days. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. The purchase agreement and amendment have been drafted to describe CRP on the Mathias land and the split in ownership; the District is awaiting landowner signatures. Kapphahn motioned, seconded by Deal, to approve the purchase agreement and amendment. Roll call vote: Gillespie – abstained, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. One signature is missing on the Bartell purchase agreement. The title opinion has been prepared and the closing will be scheduled upon receipt of the final signature.

**SAMANTHA LAKE
JPA**

Engineering staff are working with county and state officials to gain the applicable permits for the Samantha Lake project. Attorney Croaker drafted a Joint Powers Agreement with Grant County. Gillespie motioned, seconded by Deal, to approve the agreement. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – abstained. Motion carried.

**NRCS & FSA
LETTER**

Board Manager Kapphahn brought forward concerns about how state NRCS policies are integrating 1W1Plan requirements into conservation programs. Engineering staff described issues about JD #11 landowners with CRP being treated differently in Wilkin County versus Traverse County. Engineer Technician Fridgen stated difficulties getting on the agenda for the next Traverse County FSA meeting. Deal motioned, seconded by Kapphahn, authorizing engineering and district staff to write a letter requesting resolution to these issues. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. Board Manager Kapphahn requested that the state conservationist on the subsequent correspondence, and Board Manager Brutlag requested that county FSA board members also be included.

**TEMPORARY
PANDEMIC OFFICE
MEASURES**

During the COVID-19 pandemic, District staff will continue to process permits and keep work processes and operations going. Office Manager Wendy Sullivan, Engineer Technician Troy Fridgen, and Administrator Beyer will work from home and respond to essential water situations. Kapphahn motioned, seconded by Gillespie, that employees may temporarily take the necessary equipment (to include one laptop computer, one desktop computer, the District suburban, the District ranger and trailer, and survey equipment). Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

The meeting was adjourned at 12:10 pm.

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

CALL TO ORDER The meeting was called to order by President Vavra at 8:00 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Jason Beyer. Also present: 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.

CONFLICTS OF INTEREST Kapphahn stated a conflict of interest on the Samantha Lake project.

AGENDA Wold motioned, seconded by Kapphahn to approve the agenda. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

CONSENT AGENDA Attorney Croaker introduced the use of a consent agenda which allows routine items to be approved with one motion. Kapphahn motioned, seconded by Dahlen to approve the Consent Agenda. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

PUBLIC COMMENT No public comment was received.

PERMIT APP #20-023 Engineer Technician Fridgen reported that he has worked-out the details of Permit Application #20-023 on behalf of Jon Pansch, without further Board action needed at this time.

PERMIT APP #20-035 STUEVE District Engineer Engels provided an overview of Permit Application #20-035 on behalf of Rick and Terry Stueve, which is before the Board because it involves a project that would allow drawdown of a water body into an adjacent subwatershed. Engineering staff requested input on who should control a gate that would be installed to prevent drawdowns during flooding conditions. Gillespie strongly recommended that neighboring landowners work together to formally define gate operations, but would not want the agreement included in a permit condition. Kapphahn motioned, seconded by Schmidt, to approve the permit application with conditions: 1) that a gate be installed upstream of 530th Street; and 2) a restriction that the gate can only be open upon a defined downstream trigger that staff will develop for incorporation into the permit. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

PERMIT APP #20-029 E. BORSHEIM Permit applicant Eugene Borsheim submitted a petition to have the S1/2SW1/4, Section 34, Range 45, Redpath Township (128N), Traverse County, added to TCD #23. Deal made motion, seconded by Gillespie, to schedule a hearing May 21, 2020. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

JD #11 CONSTRUCTION BIDS District Engineer Engels presented the JD #11 construction bids. The Base Bid specifies a 2021 substantial completion date; the Alternate Bid #1 specifies a November 25, 2020 substantial completion date. Kapphahn motion, seconded by Deal, to approve Alternate Bid #1 from Hormann Works, LLC in the amount of \$1,010,079.00 contingent upon bonding by Traverse County (to be determined April 21, 2020). Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

TCD #8 PETITION HEARING R. MATHIAS PERMIT APP #20-006 At 9:00 am, Gillespie motioned, seconded by Schmidt, to open the hearing to consider the petition from Richard Mathias requesting authority to use Traverse County Ditch #8 ("TCD #8") as an outlet for Parcels #16-0023-000 & 16-0024-000 (Section 7, Range 44, Eldorado Township (126N), Stevens County). Based on landowner complaints, Wold motioned, seconded by Dahlen, that the hearing be postponed until it can be conducted in-person. Gillespie respectfully acknowledged the concerns, but responded that, at this time, we do not know when that would be possible, and that landowners were able to submit comments by participating in the hearing by phone and in writing. Roll call vote: Gillespie – open hearing, Wold – postpone hearing, Deal – open hearing, Vavra – open hearing, Dahlen – open hearing, Schmidt – open hearing, Brutlag

– open hearing, Kapphahn – open hearing. The motion to postpone the hearing failed. 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 TCD #8 ditch system along with a map showing the project. Engineer Engels stated that the existing ditch capacity is smaller than the current 10-year design standard typically used for new projects and improvements. However, this is typical of older ditch systems and the ditch was designed for the purpose of conveying runoff from the watershed, including those portions of the watershed located in Stevens County not in the benefitted area such as the property in Section 7 of Eldorado Twp. Engineer Engels stated that the change in runoff volume that may or may not be caused by a drainage project is the first consideration. The project proposed in Permit Application No. 20-006 is located in the existing watershed of TCD #8 and therefore does not increase the watershed area draining to the ditch system and the change in total runoff volume is likely to be insignificant. Engineer Engels continued that the rate of runoff is the second consideration. Projects which accelerate runoff, such as surface drainage improvements that lower culverts, increase culverts, or increase channel conveyance, are red flags and would be extremely difficult to permit in this particular watershed. However, this is not a surface drainage project, it is a subsurface drainage project. This is a controlled subsurface drainage project that meets the District's design policies that address potential adverse impacts. Additionally, there are times when a project of this type may have a positive impact on the drainage system's peak flows by delaying seasonal run-off timing. The applicant was present and did state that he believed the controlled drainage would help alleviate some of the drainage problems in the area. Nobody from the public spoke against the petition. Gillespie motioned, seconded by Kapphahn, to approve the Order Authorizing the Use of TCD #8 as an outlet. Roll call vote: Gillespie – aye, Wold – nay, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. Gillespie motioned, seconded by Kapphahn, to close the hearing. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

JD #11

Engineer James Guler presented a \$134,877 price quote from Traverse Electric to bury three miles of electric lines that run N-S along Highway 75. Otter Tail Power Company's price for relocating a half-mile of distribution line was priced at \$55,000. Kapphahn requested that Board managers and staff expend more effort to negotiate these prices on future projects. Wold motioned, seconded by Gillespie, to approve Traverse Electric's price quote. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

WILKIN COUNTY SWCD COST SHARE PROGRAMS

Wilkin County SWCD Technician Kimberly Melton provided an update on the District's side inlet cost-share program. Five of twenty-one side inlets were installed in 2019, and she expects the balance to be installed in 2020. Melton also gave an update of the District's buffer cost share program, stating that eighteen of forty-six buffer acres have been installed; the balance will be installed in 2020. Melton introduced a new cost-share opportunity, started in 2019 and co-sponsored by the Red River Retention Authority, Wilkin County, and the Buffalo-Red River Watershed: the Wilkin County Cover Crop Incentive Program, and is asking Wilkin County, the Buffalo-Red River Watershed, and the Bois de Sioux District Watershed to each contribute \$25,000 for 2020. In 2019, producers were given \$22 - \$25/acre to seed cover crops for one year, with the opportunity to continue the program for four more years. There were limited eligibility requirements, and 724 acres were planted in 2019. Melton is using the program to build soil structure and reduce erosion in places where traditional crops grow poorly or not at all – areas where soils are heavy with salts, or in low spots. Kapphahn expressed a requirement that the funds be spent within the boundaries of the Bois de Sioux Watershed District. He also voiced concern that the same opportunity be offered to the District's five other SWCD's. Schmidt motioned, seconded by Dahlen, that the request be tabled until the next board meeting and that the proposal be presented with additional checks and balances. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

NORTH OTTAWA LEASE CHANGE TO VOLD FARMS

Raguse Family Partnership has withdrawn its \$137.50/acre bid to lease cell B3 of the North Ottawa Impoundment, which included a small grain restriction. The District decided to lease cell A3 instead of B3 (123.4 and 99 acres, respectively). Gillespie motioned, seconded by Deal and carried unanimously, to enter into a lease with Pat and Greg Vold Farms for \$115/acre. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

NORTH OTTAWA CATTAIL REMOVAL

****Added 05/21/20:** Correction: Raguse Family Partnership has withdrawn its \$115.00/acre bid to lease cell B3 of the North Ottawa Impoundment, which included a small grain restriction. The District decided to lease cell A3 instead of B3 (123.4 and 99 acres, respectively). The lease agreement with Pat and Greg Vold Farms was for \$99/acre.**

Board managers discussed how cattails will be removed from cells A4 and B4. Engineer Technician Fridgen offered to collect the required burn permits from Grant County, and recommended burning the debris prior to nesting season. Brutlag will contact a chemical representative to get guidance on when treatments should be applied. Kapphahn recommended that the Grant County Fire Department be contacted, to see if they are interested in a practice grassfire burn.

**RFQ FOR
APPRAISAL
SERVICES**

Administrator Beyer presented the response to the RFQ for Appraisal Services, from Neu Real Estate. Gillespie made motion, seconded by Dahlen, to approve the use of Neu Real Estate appraisal services. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

**LTWQIP
APPRAISALS**

Approximately two acres will need to be acquired for Phase I of the Lake Traverse Water Quality Improvement Project. Kapphahn made motion, seconded by Gillespie, to notify and gain consent from the affected landowners and have the required parcels appraised. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

**REDPATH
PURCHASE
AGREEMENTS**

Attorney Lukas Croaker gave an update on the final four Redpath land purchase agreements:

Mr. Breckenridge Dilly has requested a modification to the verbiage on the purchase agreement, requesting that the full purchase price be listed (as opposed to the purchase price less the 2020 rents received). Gillespie motioned, seconded by Deal, to approve the amendment. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. Once the agreements are signed, these transactions are ready for closing.

Mr. Richard Mathias is consulting with his tax advisor and attorney, regarding how approved sale proceeds should be divided between 2020 and 2021. Deal motioned, seconded by Wold, to authorize Ohnstad Twichell to draft the subsequent amendment per Mr. Mathias' request. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried. Once the agreements are signed, these transactions are ready for closing.

Mr. Joe Blume has not signed the purchase agreement (reflecting his March 26, 2020 purchase price offer) within the 10-day period required by Board managers. Mr. Blume has stated that his attorney is reviewing the agreement. Gillespie motioned, seconded by Dahlen, to extend the time period on the agreement, due to pandemic work conditions and to authorize Attorney Croaker to contact Mr. Blume to finalize the purchase agreement.

Ohnstad Twichell staff are working with the family of Ms. Marion Bartells to collect the necessary signatures on closing documents.

**REDPATH FDR
GRANT FUNDING
LEVELS**

District Engineer Chad Engels reviewed correspondence from the DNR dated March 19, 2020; April 3, 2020; and April 14, 2020. The original NRE benefits for the Redpath Impoundment were identified as: 1) pike spawning in impoundment pools, 2) waterfowl use of impoundment pools and native plantings, 3) capture of sediments and nutrients in impoundment pools, 4) gradual releases of stored flood water from Pools 1 and 2 to augment stream flows in the Mustinka River downstream of the impoundment, and 5) the meandering bypass corridor. Anticipated performance and function challenges resulted in the abandonment of the pike spawning habitat in final design. With the removal of the pike spawning habitat in favor of shallow flooding and grassland habitat (which included DNR's input), the DNR has determined that the Redpath Impoundment no longer qualifies for a 75% grant cost-share. In their March 19, 2020 correspondence, the DNR sites the need for interior dikes and water control structures that would be required in order to realize additional NRE benefits. The DNR states that adding these features would result in one of three possible outcomes: 1) Additional project funding in an amount that only covers the cost of the added NRE infrastructure, 2) Additional project funding in an amount that pays 1.25 times the cost of the added NRE infrastructure, or 3) Additional project funding based on the NRE value brought by the added NRE infrastructure (the DNR stated that this 3rd possibility is likely not a good fit for the Redpath Project). Engineer Engels stated that the cost of the additional NRE infrastructure is estimated to be \$3 million. Engineer Engels presented preliminary cost estimates for the impoundment assuming a \$20 million construction cost without NRE infrastructure funded at 50% versus a \$23 million construction cost with NRE infrastructure funded at 75%. These estimates were presented as two scenarios serving as bookends of the possible State funding extremes. The Board was informed that moving forward with a project costing \$3 million less funded at 50% would result in an approximate \$4.3 million increase in local cost. Additionally, there will also be an increase to the annual operational and maintenance costs if the impoundment is built

with the DNR's recommended physical and operational changes: there will be less acres that can be leased for income, more maintenance costs, and future replacement costs for physical structures. Gillespie added that there would likely be less water holding capacity for floodwaters. Deal requested that the Red River Water Management Board be notified of this development. Based on the cost concerns of Board managers, District Engineer Engels will proceed based on a 50% cost-share design.

**REDPATH NRCS
GRANT
APPLICATION**

District Engineer Engels described a grant opportunity through the National Resource Conservation Services' Regional Conservation Partnership Program known as the "Alternative Funding Arrangement" issued March 17, 2020. The nationally competitive program will sponsor up to 15 projects with a cap of \$10 million for any individual project. Applications are due May 18, 2020. The District's application would likely cost \$2,500 to assemble. Kapphahn motioned, seconded by Wold, to authorize engineering staff to complete and submit an application. Roll call vote: Gillespie – aye, Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

SAMANTHA LAKE

No feedback has been received from Grant County regarding the Samantha Lake Joint Powers Agreement.

RRWMB UPDATE

The Red River Water Management Board meeting is scheduled for April 21, 2020. The District did submit applications for the Base Funding Grant in the amount of \$100,000 to be used for ditch retrofits in the Rabbit River Watershed including WCD #9 and a \$233,000 Water Quality Grant for the Phase I of the Lake Traverse Water Quality Improvement Project.

1W1PLAN JPA

Administrator Beyer introduced the Joint Powers Agreement (JPA) used by the Pomme de Terre 1W1Plan. Wold opposes what he feels is the creation of an additional layer of government. Administrator Beyer relayed that the JPA will prevent the District from being liable for a misappropriation, misuse of funds, or other legal liability that one of the other twelve entities may execute. Gillespie motioned, seconded by Kapphahn, to authorize staff and legal counsel to review and investigate JPA clauses used in other 1W1Plan districts. Roll call vote: Gillespie – aye, Wold – nay, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

**2019 ANNUAL
REPORT**

Board managers reviewed the 2019 Annual Report. Wold motioned, seconded by Deal, to approve the 2019 Annual Report with corrections from Gillespie to the Moonshine projects. Roll call vote: Gillespie – aye, Wold – nay, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

Gillespie motioned, seconded by Schmidt, to adjourn the meeting at 12:00 pm. Roll call vote: Gillespie – aye, Wold – nay, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Brutlag – aye, Kapphahn – aye. Motion carried.

Linda Vavra, President

Date: _____, 2020

Jamie Beyer, Administrator

Date: _____, 2020

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
May 21, 2020**

CALL TO ORDER The meeting was called to order by President Vavra at 8:00 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present: Linda Vavra, Doug Dahlen, Jerome Deal, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Jason Beyer, Ben Brutlag, Scott Gillespie (joined later). Also present: 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 Dahlen motioned, seconded by Schmidt to approve the agenda with the following changes: remove the EOR North Ottawa Report, add the JD #11 Bond Reimbursement Request #1, add the Samantha Lake Cost Estimate, add the 1W1Plan Joint Powers Agreement. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Kapphahn – aye. Motion carried.

CONFLICTS OF INTEREST Kapphahn stated a conflict of interest on the Samantha Lake project.

CONSENT AGENDA Deal motioned, seconded by Kapphahn to approve the Consent Agenda. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Kapphahn – aye. Motion carried.

PUBLIC COMMENT The meeting was opened for public comment. Mike Larson of Larson Helicopters presented information on cattail and tree/brush removal services at a price of \$350 per treated mile and \$85 per treated acre plus chemical, respectively. Leo Splonskowski of LM Road Service presented cattail, brush and weed treatments at \$125 per hour plus chemical. Engineer Technician Fridgen was asked to bring further details to the next Board meeting.

DRAINAGE DISPUTE Engineer Technician Fridgen gave a brief overview of a drainage dispute between neighbors Eugene Sanasack and Greg Vold. Fridgen stated that a tentative agreement has been reached, and will be attempted before the next board meeting.

WCD #9 Riley Brothers has started construction on the portion of WCD #9 formerly known as WCD #10. They may be done by late July.

JD #11 A preconstruction meeting was held Monday, May 18th with the contractor and utility representatives. Contractor Dean Hormann proposes to start June 1st. Landowner Doug Toussaint has requested grading and side inlet culverts along low lying portions of JD #11 east of Highway 75, along Hwy 55. Similar work is included on other laterals in the project. The estimated cost is not expected to exceed \$25,000.

JD #11 NOTICE TO PROCEED Engineer Guler presented a Notice to Proceed. Dahlen motioned, seconded by Deal to approve the Notice to Proceed. Landowner Ray Ehlers requested changes to his property's easements, stating that he felt the changes would not take long to work through. District Engineer Chad Engels relayed that the easements contain standard language, as used on the previous drainage projects, and that passage of the project pursuant to Minn. Stat. Chapter 103E proceedings includes implicit easements required for the construction and continued maintenance of the project; however, the explicit easements are preferred as they can be recorded in the county recorder's office and utilized on future projects to illustrate, by survey, the exact location of the easement areas. Mr. Ehlers will fax the requested changes to the District Office. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Kapphahn – aye. Motion carried.

TCD #23 G. BORSHEIM PETITION At 9:00 am, Wold motioned, seconded by Deal, to open the hearing to consider the petition from Eugene Borsheim requesting authority to use Traverse County Ditch #23 ("TCD #23") as an outlet for the S1/2SW1/4 of Section 34, Range 45, Redpath Township (128N), Traverse County (Parcel #10-0155000). Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Kapphahn – 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 #23 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, that the existing design capacity of TCD #23 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 \$2,198.67 and \$80.00, respectively. Deal motioned, seconded by Schmidt to approve the Order Authorizing the Use of TCD #23 as an Outlet was approved. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Kapphahn – aye. Motion carried. Dahlen motioned, seconded by Schmidt to close the hearing. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Kapphahn – aye. Motion carried.

**JD #11 PROJECT
ADDITION**

The discussion returned to the request from JD #11 landowner Doug Toussaint. Dahlen made motion, seconded by Schmidt to approve the additional work. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Kapphahn – aye. Motion carried.

**JD #11 BUFFER
COST-SHARE**

Board managers reviewed the \$14,190 Flat Rate Based Conservation Practice Assistance Contract with Traverse County SWCD to reduce the cost to install and seed JD #11 buffers on the Traverse County portions of the ditch system. Kapphahn made motion, seconded by Dahlen to approve the cost share agreement. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – no, Kapphahn – aye. Motion carried. Board managers expressed concern over the cost of the native seed mix. Wold asked if the same expensive seed mix would need to be used if the buffer is damaged. Attorney Croaker informed the Board that use of the native mix is preferred, but not mandatory, and that the Board could authorize the use of other seed varieties, such as alfalfa, so long as the seed mixes were not considered noxious weeds. Attorney Croaker also informed the Board that it is responsible for the continued maintenance of the buffers in the same manner as other repairs and that the fee owner of the property is permitted to harvest the vegetation contained in the buffer area.

**JD #11 BOND
REIMBURSEMENT
REQUEST #1**

Administrator Beyer reported that Traverse County has elected to retain the JD #11 bond proceeds, and will accept monthly reimbursement requests from the District. Deal motioned, seconded by Dahlen to approve Traverse County Bond Reimbursement Request #1 in the amount of \$472,398.06. Roll call vote: Wold – absent/no vote, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Kapphahn – aye. Motion carried.

**JD #6
LANDOWNER
MEETING**

District Engineer Engels discussed project development for the repair of JD #6. The system has a smaller benefitted area, compared to recent ditch system repairs – which will result in higher costs per acre. Engels has been in contact with Board Manager Beyer, who has relayed that landowner support continues for this project. If the District desires to follow the same schedule as in previous projects, a grant application must be submitted in August, and staff requests landowner feedback prior to the application, but under current pandemic restrictions, a large meeting is prohibited. Administrator Beyer presented the current landowner list, which is around 20 people, and recommended that a series of conference calls be offered to landowners. Kapphahn motioned, seconded by Dahlen, to conduct project support polling by telephone. All managers voted aye. Motion carried.

**NORTH OTTAWA
DRAFT DNR
OPERATIONS**

Board managers reviewed draft North Ottawa operation recommendations from the DNR. The DNR requests the dedication of 3 interior cells for recovery of operation and maintenance costs through farming, 2 cells for pilot or demonstrations of accomplishing NRE benefits while generating revenue, and 3 cells for the enhanced NRE purposes described by the DNR. Deal suggested that one cell be moved from the third category to the second. Administrator Beyer anticipates that EOR's report, which will describe in more detail their recommendations for revenue-generating and NRE-enhancing opportunities, in June. Kapphahn motioned, seconded by Dahlen, to table the issue to the June 18, 2020 Board meeting. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Kapphahn – aye. Motion carried.

**REDPATH
PURCHASE
AGREEMENTS**

Attorney Lukas Croaker gave an update on the final four Redpath land purchase agreements:

Closing was held on May 31, 2020, for land acquired from and sold to Mr. and Mrs. Breckenridge Dilly.

The District was notified of the passing of Mr. Richard Mathias. Dahlen requested staff to let the Mathias family know our thoughts and prayers are with the family. Ohnstad Twichell will continue working with the family to schedule closing on the property when the family is ready to proceed.

Mr. Joe Blume signed the Tennco purchase agreement and the abstract has been updated. Ohnstad Twichell will prepare a title opinion and work with the Title Company to schedule a closing date.

Ohnstad Twichell is preparing closing documents and will work with the Title Company to schedule a closing date.

**REDPATH NRCS
GRANT
APPLICATION**

District Engineer Engels described the required 1:1 matching contribution for the Alternative Funding Arrangement grant opportunity through the National Resource Conservation Services' Regional Conservation Partnership Program. If the District were to apply for \$5,000,000 from the program, the District could match these funds with its current \$2,440,000 Lessard Sams grant award and a \$2,600,000 contribution from the District's Construction Fund. A commitment at this time is not binding. If awarded the nationally competitive grant, the Board would later consider for approval a formal grant agreement. The District can also continue to pursue outside funding sources to replace the internal contribution. Dahlen motioned, seconded by Kapphahn to approve the Resolution Adopting Cost-Share Commitment for the Redpath Flood Impoundment and Stream Corridor Restoration. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – absent, Kapphahn – aye. Motion carried. Schmidt had technical difficulties and cast his vote to Administrator Beyer directly – aye.

SAMANTHA LAKE

District Engineer Engels stated that Grant County approved the Samantha Lake Joint Powers Agreement; the final design will be designed in collaboration with the Grant County Engineer. The cost estimate for the project is \$228,000 and will be split 50-50. It is anticipated that the construction contract will be below legal bid thresholds, requiring only price quotes. Some construction may take place late this summer, but some work will need to wait until after crops are harvested. Engineering staff met with DNR Hydrologist Emily Siira, who stated that as long as the project maintains lake levels above the Ordinary High Water Level, no public waters regulations are imposed, and that it may be feasible to drop 18" from that mark. The engineering staff may pursue the additional 18" at a future date.

**RFQ FOR
MOWING &
HAYING
SERVICES**

A Request for Bids for the Mowing and Haying of North Ottawa Impoundment Project, originally drafted December 2019 was reviewed. Kapphahn made motion, seconded by Dahlen, to approve the Request for Bids with the addition of a map. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – no, Kapphahn – aye.

GILLESPIE

Board Manager Gillespie entered the meeting.

1W1PLAN JPA

Board Managers Kapphahn and Dahlen reported that they met with Grant County and Grant County SWCD officials to talk about the BdSWD's interest in participating in a 1W1Plan joint powers entity. The Board managers relayed that they need more information about the organizational options and corresponding liability before making that decision on behalf of the District.

KAPPAHN

Board Manager Kapphahn left the meeting.

**SCHANDER
RING DIKE**

The District received a written complaint submitted from Landowner Robin Abel, who states that a ring dike burrow pit constructed on property adjacent to his crossed the property line and is now causing noticeable seepage 10 years after its construction. District Administrator Beyer introduced a brief historical timeline related to the complaint. In 2009, the District offered a ring dike program with cost-share provided by EQIP, RRWMB, and the Bois de Sioux Watershed District. Landowner Brenda Schander expressed interest in the program for a farmyard in Section 27 of Brandford Township in Wilkin County. JOR Engineering created design plans for the ring dike in June 2010. No design was included for the excavation pit. Ms. Schander signed a Ring Dike Agreement in August 2010. The agreement outlines the landowner and District responsibilities. Mr. Abel believes the District has liability pursuant to the agreement's fifth clause, which states:

The Land Owner hereby certifies to the Watershed District that the ring dike will be constructed on land owned by the Land Owner and the earthen material used to construct the ring dike shall be taken from land owned by the Land Owner, or that Land Owner has express written consent from the appropriate Land Owner to take the earthen material, and that there is no one, other than the Land Owner, claiming any right, title, or interest in and to said property nor are there any boundary disputes with adjacent owners which would affect the construction of the ring dike.

In August 2010, Ms. Schander entered into a construction contract with Fridgen Excavating, and the project was completed by November 2010. District Attorney Croaker added that JOR Engineering and Fridgen Excavating are no longer in business, and Ms. Schander no longer owns the property (the parcel was split, and now two new parties own the land). Attorney Croaker discussed that there is uncertainty as to whether previous parties agreed to the location of the burrow pit and moved it without informing the District or

revising the design plans to illustrate the new location. Mr. Abel requested verbal or financial support to 1) restore land removed from his property, and 2) install a tile connection from the burrow pit to his existing tile system, and 3) to establish a time table under which the work would be completed. In exchange, Mr. Abel would permit the connection to his existing tile and cover the future utility costs to operate the pump. Mr. Abel has been successful in petitioning the Wilkin County Highway Department to lower a downstream culvert under CSAH 19, which should be completed this summer. District Engineer Technician Fridgen stated that, after several site visits, he sees three options for the District: 1) Install a tile segment, and drop water levels in the burrow pit 2 – 3'; 2) Move material from the southern edge of the excavation pit to the northern edge to create a dike; or 3) Do nothing. President Vavra recommended that a meeting be held with District staff and the two landowners involved. Attorney Croaker offered for the District to provide mediation services between the landowners, and to aid in permitting.

**LTWQIP
PHASE NO. 1**

Advisory reports from the Minnesota DNR and BWSR were presented. In the DNR's advisory report, it recommended adding smaller rock under the rip rap to prevent erosion. If approved, this recommendation will result in additional cost; these comments will be reviewed further by engineering staff. Pursuant to Minn. Stat. § 103D.605, Gillespie made motion, seconded by Dahlen to set the project hearing for June 18, 2020 at the Bois de Sioux Watershed District office and to publish the required notices. District Engineer Engels presented the estimated cost of the proposed project of \$850,000. The Board discussed the method of payment: \$283,000 from the Red River Watershed Management Board; \$336,775 from the Minnesota Clean Water Fund through sponsoring agency Board of Water and Soil Resources; \$200,000 from the Bois de Sioux Watershed District Construction Fund; \$4,500 from the Traverse County Local Water Plan; and \$25,725 from the Lake Traverse Water Quality Improvement Project Water Management District. Board Manager Schmidt asked whether a \$750,000 funding cap would be imposed on this phase, or on subsequent phases. District Attorney Croaker stated that the project cap does not apply to Minn. Stat. § 103D.605 projects. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye. Motion carried.

**VOLD
NORTH
OTTAWA**

District Administrator Beyer informed the Board that Lessors, Greg and Pat Vold, will be planting soybeans, instead of silage corn, in cells A1, A2, B1, and B2 of North Ottawa.

**COVID-19
PREPAREDNESS
PLAN**

Board managers reviewed the draft COVID-19 Preparedness Plan. Board Manager Gillespie recommended that customers visit the office one-at-a-time. Board managers requested that, dependent upon compliance with May and June executive orders, staff make preparations to accommodate a partial or full opening of the District's office for the June 18, 2020 Board meeting. Gillespie motioned, seconded by Dahlen, to approve the District COVID-19 Preparedness Plan and to give staff discretion on opening and operating the District's office for day-to-day operations. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye. Motion carried.

MDM GRANT

District Engineer Engels asked Board managers to consider contacting legislators to advocate for preservation of the Multipurpose Drainage Management if the managers desire to continue to receive outside funding for future projects.

**TCD #2
CLEAN-OUT**

District Engineer Technician Fridgen has had Shores Edge Excavating working on a clean-out of TCD #2, which will exceed the \$10,000 threshold by \$3,732.50. Schmidt made motion, seconded by Dahlen, to approve the clean-out of \$13,732. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye. Motion carried

Schmidt made motion, seconded by Dahlen, to adjourn. Roll call vote: Wold – aye, Deal – aye, Vavra – aye, Dahlen – aye, Schmidt – aye, Gillespie – aye. Motion carried.

Linda Vavra, President

Date: _____, 2020

Jamie Beyer, Administrator

Date: _____, 2020

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 8, 2020**

CALL TO ORDER	The meeting was called to order by President Vavra at 8:30 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: Jason Beyer, John Kapphahn. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
LANDOWNER REQUEST FOR PURCHASE AGREEMENT	Attorney Lukas Croaker relayed a request from landowner Mr. Ray Ehlers, to purchase the channel property required for the repair of JD #11, instead of entering into a channel easement and at a price equal to the damages paid on the channel easement. If approved, the landowner also requests a flowage easement.
UTILITY EASEMENT UNSIGNED	Moore Engineering has been working with Traverse Electric to have utility services buried in advance of the JD #11 repair construction. To date, Mr. Ehlers has not signed a new utility easement with Traverse Electric allowing for underground utilities (the current easement is for overhead utility infrastructure only). Mr. Ehlers has also not signed the District's purchase agreement (which contains a provision that landowners grant third-party utility easements to the District to accommodate the design of the project). Moore Engineering and Ohnstad Twichell will work to include utility easement language in future Viewers' Reports, to avoid similar delays on future projects. Board Manager Steven Schmidt asked how property tax will be allocated to the new parcel, if purchased by the District. Attorney Lukas Croaker responded that, as owners of the parcel, the Bois de Sioux Watershed District will not be charged property tax, but will receive a small portion of the JD #11 ditch assessment, which would be paid by the JD #11 assessment district.
LANDOWNER CONCERNS	Mr. Ehlers relayed his concerns regarding the original easement and purchase agreement documents; these concerns included the preservation of access to drain into the ditch, automatic permission for additional third-party utilities, and concerns about maintenance, inspection, and operation of the repaired drainage system. Attorney Lukas Croaker reiterated that the agreements themselves protect the operation of the drainage system and the ability of the landowner to use it. The easements and purchase agreement limit where third-party easements may be placed, emphasize that access is permitted for operation and maintenance, and prohibit the easement area from being enrolled in programs that are adverse to operation and maintenance of the drainage system. Board Manager Scott Gillespie stated that, in comparison with landowners who did grant easements and were paid damages, Mr. Ehlers will not be able to include these acres in a future land sale.
NEW PURCHASE AGREEMENT	Gillespie made motion, seconded by Dahlen, to approve the Purchase Agreement. No vote was taken. Gillespie motioned to approve the Purchase Agreement to include the explicit circumstance that the landowner refuses to sign a third-party utility easement, required by the repair project. Dahlen seconded the motion. Roll call vote: Wold – aye; Deal – aye; Dahlen – aye; Vavra – aye; Brutlag – aye; Schmidt – aye; Gillespie – aye. Motion carried.
NEW UTILITY EASEMENT	Mr. Ehlers requested that he be granted permission to run future tile to the edge of the channel, and electrical service through the District-owned buffer; District Engineer Chad Engels offered to include a provision on the landowner's subsequent permit application approval. Gillespie motioned to enter into an easement with Traverse Electric to provide electric service to the landowner's future pump, at the landowner's expense, if no service already exists. Wold seconded the motion. Roll call vote: Wold – aye; Deal – aye; Dahlen – aye; Vavra – aye; Brutlag – aye; Schmidt – aye; Gillespie – aye. Motion carried.
NEW FLOWAGE EASEMENT	Attorney Lukas Croaker presented the drafted Flowage Easement, to permit drainage through the District's property once the land sale has closed. Gillespie motioned to enter into the flowage easement upon acquiring the channel property. Wold seconded. Roll call vote: Wold – aye; Deal – aye; Dahlen – aye; Vavra – aye; Brutlag – aye; Schmidt – aye; Gillespie – aye. Motion carried.

**NEW FIELD
APPROACHES**

Mr. Ehlers has requested field approaches through the channel property, but final locations have not been determined. District Engineer Chad Engels requested that references to the approaches be removed from the purchase agreement and easement documents at this time. Dahlen motioned to remove these references. Deal seconded. Roll call vote: Wold – aye; Deal – aye; Dahlen – aye; Vavra – aye; Brutlag – aye; Schmidt – aye; Gillespie – aye. Motion carried.

**NEW PERMANENT
ACCESS
EASEMENT**

Attorney Lukas Croaker recommended that an ingress/egress easement be executed with Mr. Ehlers, once the land closing has occurred and approach locations are known. Gillespie motioned to enter into a permanent access easement once approach descriptions have been created. Dahlen seconded. Roll call vote: Wold – aye; Deal – aye; Dahlen – aye; Vavra – aye; Brutlag – aye; Schmidt – aye; Gillespie – aye. Motion carried.

ABSTRACT

Mr. Ehlers must have the land abstract updated and sent to Ohnstad Twichell.

**SCREW VALVE
CULVERT PROJECT**

Mr. Ehlers requested an agreement permitting him to operate manual control valves on a lateral of JD #11. District Engineer Chad Engels requested that the landowner complete a permit application, and will work with the landowner to identify where screw gate culverts will be installed.

**UNDERGROUND
UTILITY
EASEMENT**

Mr. Ehlers stated that he will execute the required utility easement with Traverse Electric as soon as it is corrected. District Engineer Chad Engels will coordinate a conference call with the landowner, Traverse Electric, and Moore Engineering to finalize the easement language to have this issue resolved this week.

Deal motioned, seconded by Dahlen and carried unanimously, to adjourn the meeting at 10:00 am.

Linda Vavra, President

Date: _____, 2020

Jamie Beyer, Administrator

Date: _____, 2020

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 18, 2020**

CALL TO ORDER The meeting was called to order by President Vavra at 8:00 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, John Kapphahn (joined later), and Allen Wold. Joined remotely: Doug Dahlen, Steven Schmidt. Absent: Jerome Deal. Also present: 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 Wold motioned, seconded by Gillespie to approve the agenda with the following changes: added Permit #20-018 Kyle Smith; added Permit #20-054 Jim Miller; added Permit #20-064 Dale Zych. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen – aye. Motion carried.

CONFLICTS OF INTEREST Kapphahn stated a conflict of interest on the Samantha Lake project.

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

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

PERMIT APP #20-018 K. SMITH The permit application was brought before the board because a portion of the proposed project will cross a subwatershed boundary to the east; the project involves a 6" gravity tile line and surface inlet in the road ditch, to mediate continuously wet road ditch conditions and increase road safety. No landowner opposition was received. Wold motioned, seconded by Gillespie, to approve the permit application. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen – aye. Motion carried.

PERMIT APP #20-054 J. MILLER The permit application was brought before the board because it should have been submitted by the road authority, Brandrup Township. Due to the pandemic restrictions, Doug Christensen submitted a letter on behalf of the Brandrup Township Supervisors stating their support for this project.

KAPPAHNAH ARRIVES Board Manager Kapphahn entered the meeting.

Gillespie motioned, seconded by Wold to approve the permit application. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen – aye. Motion carried.

PERMIT APP #20-064 D. ZYCH The permit application was brought before the board because there are a number of components that fail to meet District regulations. The DNR submitted comments that a Public Waters Permit will be required, along with Ordinary High Water Level determinations. Board managers directed engineering staff to work with the landowner to bring the proposed project into compliance with District regulations if possible, and consider the DNR issues to be separate and the responsibility of DNR staff.

NORTH OTTAWA HAY BIDS At 8:45 am, the bids for haying the North Ottawa Impoundment Project were reviewed. Gillespie motioned, seconded by Wold to approve the bid from Luke Gayton in the amount of \$16 per round bale, estimated at 1300 – 1400 pounds. Kapphahn declared a conflict of interest, based on a professional relationship with the bidder. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – abstained, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen – aye. Motion carried.

WCD #9 UPDATE District Engineer Chad Engels relayed that a large RCPA culvert has been reset, that was installed at the incorrect elevation. This correction was made at no cost to the drainage system. On-site engineers have relayed concerns that the requirements of the stormwater pollution prevention plan are not being met, after repeated contact with the contractor. A lack of cover and weed control have been observed. Landowners are being asked to keep track of their expenses to control weeds within the construction site, and to submit those costs to Moore Engineering. Typically, both concerns would be addressed upon the submission of

contractor pay requests, but no requests have been submitted. Plan documents established the project's substantial completion date as November 28, 2019 and the final completion date as July 16, 2020. Board managers requested that a Notice of Defect Work be issued.

**LTWQIP NO. 1
HEARING**

At 9:00 am, Kapphahn motioned, seconded by Gillespie, to open the hearing to present and discuss the Lake Traverse Water Quality Improvement Project Phase No. 1. The goal of the proposed project is to stabilize the gully erosion and sedimentation for a tributary to Lake Traverse located in Section 14, Windsor Township, Traverse County. The estimated cost of the proposed project is \$850,000. The method by which the cost of the proposed project is to be paid is as follows: \$283,000 from the Red River Watershed Management Board; \$336,775 from the Minnesota Clean Water Fund through sponsoring agency Board of Water and Soil Resources; \$200,000 from the Bois de Sioux Watershed District Construction Fund; \$4,500 from the Traverse County Local Water Plan; and \$25,725 from the Lake Traverse Water Quality Improvement Project Water Management District.

Engineer James Guler presented the comments from the advisory reports received from BWSR and DNR in response to the required notice. The DNR requested that, instead of a layer of filter fabric installed underneath the proposed riprap, the District use 18" of a small filter rock; this recommendation will increase the cost of the project, but will offer additional stability. District Engineer Chad Engels gave an overview and answered specific questions about the construction of the project. The general nature of the project is to stabilize the eroding outlet channel between Highway 27 and Lake Traverse by regrading the channel utilizing a series of rock riffle structures. The project area begins at Highway 27 at an existing MN-DOT structure, and runs west towards Lake Traverse, but ending at an elevation above lake elevation, at a point before the tree line. An Army Corps Engineer Nationwide Permit has been acquired and MN-DOT permit will be sought. Because construction will be more than 1000' from the shoreline, no county permit is required. Boulder delivery is expected in September. The contractor may be able to begin this year, but engineering staff will offer a longer substantial completion date to avoid crop damages during construction. The contractor will be responsible for maintaining drainage, as is standard in a ditch repair project. Board Manager Gillespie asked about the need for future maintenance and questioned the channel's capacity. Engineering staff relayed that due to the results of a project velocity study, the stabilized channel's wider earthen bottoms and narrow armored rock riffles should provide less future maintenance needs and increased capacity. With the changes to the 18" small filter rock, the estimated cost of the project is \$986,600, which increases the portion needed from the Lake Traverse Water Management District to \$167,000. Attorney Lukas Croaker emphasized that there is an annual maximum assessment of \$75,000 restriction in place for the Lake Traverse Water Management District.

Landowner Kevin Pederson, who served on the original Project Team, asked how individual parcels were determined and how the TCD #52 assessment district is included. District Engineer Chad Engels stated that there are three construction phases: 1) the current project; 2) stabilization of the channel that runs parallel to Highway 27; and 3) stabilization of TCD #52 upstream of Hwy 27. A map of the Lake Traverse Water Management District was presented, divided into a west watershed (uses Phases 1 & 2) and the TCD #52 watershed (uses Phases 1 & 3). The contribution to Phase #1 of the west watershed is at a smaller volume than that of TCD #52, and this was included in the calculation of the water management district overall. Landowner Kevin Pederson relayed the need for increased capacity in TCD #52 and asked if the Phase 3 plans have been sized in anticipation of this work. District Engineer Engels responded that the planned project will match the potential future condition of bringing TCD #52 to a 10-year flood event standard, and will also handle the velocities for a 100-year event.

**ADDITIONAL
\$100,000**

Attorney Lukas Croaker read the Findings of Fact, Conclusions of Law, and Order for the Establishment of the Lake Traverse Water Quality Improvement Project Phase No. 1. Beyer motioned, seconded by Gillespie to provide an additional \$100,000 towards the project from the Construction Fund. Attorney Croaker indicated that, because this project is being completed under Minn. Stat. § 103D.605, there is no maximum contribution for the District, and that the addition is permissible. Schmidt decided to abstain, as a property owner included in the water management district. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – abstained, Dahlen – aye. Motion carried.

**FINDINGS OF
FACT, LAW AND
ORDER**

The board determined that the project is conducive to public health, promotes the general welfare, and is in compliance with the District's Overall Plan and the provisions of Minn. Stat. Chapter 103D. Gillespie motioned, seconded by Kapphahn to approve the Findings of Fact, Conclusions of Law, and Order for the Establishment of the Lake Traverse Water Quality Improvement Project Phase No. 1. Schmidt declared a conflict of interest, as a property owner included in the water management district. Roll call vote: Beyer – aye, Brutlag – aye,

Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – abstained, Dahlen - aye. Motion carried.

Kapphahn motioned, seconded by Beyer to close the hearing. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.

**WILKIN SWCD
COVER CROP
COST SHARE
PROGRAM**

Kimberly Melton, Wilkin County SWCD, reviewed the details of her organization's cover crop program, requesting \$25,000 in financial support. The funds would be used to pay producers \$22/acre for a single-species mix, \$26/acre for a multi-species mix under a 1-year contract, for 5 – 50 acres, targeting bare land with the goal of building enough soil organic matter to bring the land back into production. She has scheduled a field day with the U of M and NRCS. Gillespie recounted consequences for water quality: increasing water holding capacity of soil, reducing erosion and sediment contribution, and possibly adding nutrients through decaying plant material. Board managers discussed whether other district SWCD's would request funding. Wold motioned, seconded by Kapphahn to offer \$5,000 grants to the district SWCD's for similar cover crop programs, requiring a written proposal and a written report as approved by Technician Troy Fridgen. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.

JD #11 UPDATE

On May 28, 2020, construction began on the repair of JD #11. Utilities are currently being buried. The rock chute at the outlet has been installed, and the channel is being excavated in Sections 22, 23, and 24.

**JD #6
LANDOWNER
MEETINGS**

Two virtual landowner meetings were held, and one in-person visit was made to speak with JD #6 landowners. All landowners present stated their support for this project. Beyer motioned, seconded by Gillespie to authorize Moore Engineering to prepare a Multipurpose Drainage Management grant application on behalf of JD #6. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.

**NORTH OTTAWA
EOR TECHNICAL
MEMO**

Kevin Biehn, EOR, presented a draft of the North Ottawa – Natural Resource Enhancement + Revenue Technical Memo. Solar, swamp milkweed, and harvestable prairie cover were alternatives with less overall feasibility. The alternatives with more feasibility were found to be: native seed production (estimated \$70/acre, minimum 6 year lease commitment), forage crops, rotational grazing, and crop production with cover crops. Biehn emphasized that some of the uses may require reestablishment of the impoundment monitoring equipment that has not been operable for over 5 years and requires a large investment. The board discussed the dense 5-year cattail growth in Cells A4 & B4. The technical memo includes many scenarios for rotation to avoid multi-year cattail growth, but also acknowledges that cell rotations increase administration, decrease stewardship quality, and decrease rent. Biehn stated that year-one cattails may be stock-chopped, but cattail growth after year one will be costly to remove. Gillespie offered that the new dairy nearby may afford forage opportunities, but the quality of the farmland inside the impoundment should be improved with pattern tiling and controlled pumps. Board managers discussed the details of eradicating the cattails in Cells A4 and B4, with pricing from Larson Helicopters of \$7462.10 for an application of Polaris and \$5264.37 for an application of glyphosate. The DNR has advised that it may take more than one treatment to eradicate the cattails. Gillespie motioned, seconded by Dahlen to authorize two applications of either product, dependent upon rotational restrictions. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.

**NORTH OTTAWA
FISH REQUEST**

District Engineer Technician Troy Fridgen relayed a request from a landowner to fish in the impoundment.

EOR was asked to submit a final memo for the July board meeting.

DITCH SPRAYING

Board managers reviewed price information for ditch spraying:

Larson Helicopters: \$350/mile to treat cattails and \$85/mile to treat tree growth

L & M: \$365/mile to treat cattails, shrubs, and trees or \$125/hour + chemical

Gillespie motioned, seconded by Beyer to continue with L & M services, by the hour, as in past years. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Schmidt – aye, Dahlen - aye. Motion carried.

**SCHANDER RING
DIKE**

District Engineer Troy Fridgen reported that Landowner Robin Abel has not found resolution regarding a complaint that a ring dike burrow pit constructed on property adjacent to his crossed the property line and is now causing noticeable seepage 10 years after its construction. The Wilkin County Highway Department, as the applicable road authority, is scheduled to replace culverts at the outletting ditch, but has decided that

Mr. Abel should pay for the associated culvert, and that the District should determine the elevation. The matter will be referred to Wilkin County Commissioners.

REDPATH UPDATE Attorney Croaker gave an update on the Redpath land acquisition. Ohnstad Twichell continues to work with the courts and the family of the late Mr. Richard Mathias. Closings need to be scheduled with Mr. Joe Blume and the Bartells family. A grant was submitted by Moore Engineering on behalf of Redpath for the Alternative Funding Arrangement grant opportunity.

SCHMIDT LEAVES Board Manager Steven Schmidt left the meeting.

TORT LIABILITY Kapphahn motioned, seconded by Dahlen to not waive the monetary limits on tort liability established by Minn. Stat. § 466.04. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried.

JD #6 GRANT APPLICATION District Engineer Chad Engels requested that the board consider the submission of JD #6 for a BWSR Projects and Practices grant, in the event that BWSR's Multipurpose Drainage Management Grant is unfunded or underfunded. Kapphahn motioned, seconded by Beyer to authorize Moore Engineering to prepare a Projects and Practices grant application on behalf of JD #6. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried.

LTWQIP NO. 2 GRANT APPLICATION District Engineer Chad Engels recommended that the board consider submission of the next phase of the Lake Traverse Water Quality Improvement Project for a Projects and Practices grant. Discussion was held as to whether Phase 2 or Phase 3 should be submitted now. Phase 3 is a much larger project. Phase 2 is a similar design to Phase 1. BWSR has already announced budget cuts to its grant programs, due to the effect the pandemic has had on the state budget. Gillespie motioned, seconded by Beyer to authorize Moore Engineering to prepare a Projects and Practices grant application on behalf of Phase #2. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried.

2020 – 2021 Annual Reorganization

ANNUAL REORGANIZATION Wold called for nominations for the position of President. Gillespie nominated Linda Vavra, seconded by Dahlen. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – abstain, Dahlen - aye. Motion carried. Kapphahn motioned, seconded by Dahlen to direct the Secretary to cast a unanimous ballot to Linda Vavra for President. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – abstain, Dahlen - aye. Motion carried.

Vavra called for nominations for the position of Vice President. Dahlen nominated Jason Beyer, seconded by Gillespie. Roll call vote: Beyer – abstain, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried. Dahlen motions, seconded by Brutlag to direct the Secretary to cast a unanimous ballot to Jason Beyer for Vice President. Roll call vote: Beyer – abstain, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried.

Vavra called for nominations for the position of Treasurer. Dahlen nominated John Kapphahn, seconded by Beyer. Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – abstain, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried. Dahlen motioned, seconded by Brutlag to direct the Secretary to cast a unanimous ballot to John Kapphahn for Treasurer. Roll call vote: Beyer – abstain, Brutlag – aye, Gillespie – aye, Kapphahn – abstain, Wold – aye, Vavra – aye, Dahlen - aye. Motion carried.

Vavra called for nominations for the position of Secretary. Dahlen nominated Scott Gillespie. Scott Gillespie nominated Allen Wold. Roll call vote: Beyer – Wold, Brutlag – Wold, Gillespie – Wold, Kapphahn – Wold, Vavra – Wold, Dahlen - Wold. Motion carried.

Beyer motioned, seconded by Dahlen to designate the official District newspapers as follows:

NEWSPAPERS

Traverse County.....	Wheaton Gazette
Big Stone County	The Northern Star
Grant County	Grant County Herald
Wilkin County	The Daily News

Otter Tail County.....The Daily Journal
Stevens County.....The Chokio Review
Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye,
Dahlen - aye. Motion carried.

Beyer motioned, seconded by Dahlen to designate the District consultants as follows:

CONSULTANTS

Attorney at LawOhnstad Twichell, P.C. - Lukas Croaker
Engineer..... Moore Engineering, Inc. - Chad Engels
Accountant Renee Kannegeisser
AuditorCliftonLarsonAllen
Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye,
Dahlen - aye. Motion carried.

Beyer motioned, seconded by Dahlen to designate the District bank depositories and insurance as follows:

DEPOSITORIES

Bank of the West.....Wheaton, MN
Bremer Bank Morris, MN

INSURANCE COVERAGE

League of Minnesota CitiesSaint Paul, MN
Roll call vote: Beyer – aye, Brutlag – aye, Gillespie – aye, Kapphahn – aye, Wold – aye, Vavra – aye,
Dahlen - aye. Motion carried.

Committee member assignments will be made by President Linda Vavra. The meeting was adjourned.

Linda Vavra, President

Date: _____, 2020

Jamie Beyer, Administrator

Date: _____, 2020

**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 17 th 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.

**NORTH OTTAWA
OPERATIONS & MAINTENANCE COMMITTEE MEETING MINUTES
Monday, August 10, 2020 at 9 AM**

The purpose of the meeting was to discuss a 10-Year North Ottawa Impoundment operations and maintenance plan.

In Attendance: President Linda Vavra, Board Manager Allen Vold, Administrator Jamie Beyer and Landowner Dwight Veldhouse. Participating by phone: Board Manager John Kapphahn, Board Manager Scott Gillespie, Board Manager Jason Beyer, Engineer Chad Engels, Technician Troy Fridgen.

Participants reviewed information provided in EOR's Technical Memo and the DNR's Moist Soil Management Guide, and put together the following recommendations for the framework for a 10-Year Working Lands Agreement.

CELL USAGE & ROTATION

Participants were asked whether the holding cell(s) should be rotated or designated. Based on this year's experience with B3, which is a first-year holding cell and experienced significant cattail growth, participants decided that the holding cell(s) should not be rotated, and that the best candidates are: A4, B4, and/or B3. Board Manager Wold expressed concern about sedimentation in the holding cell. Board Manager Beyer offered that side inlet culverts should be installed up-channel to catch sediment before it enters the Impoundment. The best crop cell candidates are: A1, A2, B1, B2. Crop mixes were discussed at length. Forage crops are limited by available markets. Alfalfa is the most common forage in the region, but alfalfa would be difficult to implement – as a perennial crop, it would require a 4 – 5 year minimum continuous lease. If the alfalfa crop were to be lost in Year 3, it is uncertain how the crop could be continued for the remaining lease term. Participants were hesitant to recommend long lease terms, having so few years of operation experience with North Ottawa – long leases restrict adaptive management flexibility. Participants offered corn silage with a cover crop as a viable alternative to alfalfa, the most common perennial crop.

Participants expressed support for research projects at the Impoundment.

ANTICIPATED EXPENSES

Landowner Dwight Veldhouse is pursuing facility improvements with the West Central FFA. Possibilities are wholly dependent upon the availability of funding, and include:

- Permanent Restroom Facility
- Blinds for Photographers
- Bike Kiosks and Paths
- Primitive Camping

Engineer Technician Troy Fridgen identified some of the likely repairs needed in the near future, to include interior cell ditching and collection channel ditch cleaning.

PROJECT TEAM

The DNR has requested establishment of a Project Team to provide input and management recommendations, committing one staff person. The Project Team will act in an advisory capacity, providing input and recommendations for the operations and management of the facility – persons with detailed knowledge about the facility, the region, and physical operations of cells will be sought. These recommendations will be considered for incorporation into the facility's Annual Operations and Maintenance Plan, and/or the 10-year Working Lands Agreement.

Meeting participants recommended that the Project Team membership include: Grant and Wilkin County Commissioners, neighboring landowners, and board managers. Administrative and engineering staff will support the Project Team.

Recommended Framework for a 10-Year North Ottawa Working Lands Agreement

The goal of the Working Lands Agreement is to outlay a 10-year plan to meet the fiduciary needs to operate and maintain the Impoundment, while maximizing natural resource enhancement benefit opportunities.

As provided in https://files.dnr.state.mn.us/input/environmentalreview/fm_flood_risk/fm_fseis_app-g.pdf, the Agreement will be an “Adaptive Management Plan:”

Adaptive management (AM) is a “learning by doing” management approach which promotes flexible decision making that can be adjusted in the face of uncertainties as outcomes from management actions and other events become better understood (National Academy of Sciences 2004). It is used to address the uncertainties often associated with complex, large scale projects. In AM, a structured process is used so that the “learning by doing” is not simply a “trial and error” process (Walters, 1986).

The basic elements of an AM process are: (1) Assess; (2) Design; (3) Implement; (4) Monitor; (5) Evaluate; and (6) Adjust. In practice, AM is implemented in a non-linear sequence, in an iterative way, starting at various points in the process and repeating steps based on improved knowledge.

CELL USAGE & ROTATION

3 Cells Focused on Revenue, 3 Cells Focused on Revenue + NRE’s, 2 Cells NRE’s

“Holding Cell”

cell used to store and/or divert water. NRE Benefits: year round habitat, facilitate stream augmentation, facilitate moist soil management in other cells in the spring and fall, buffer water level bounce and protect other cells from inundation, provide area for incoming sediment to settle out. This cell (or cells) will likely not be rotated.

“Moist Soil Management”

using water from holding cells to create seasonal wetland habitat through intensive water level management (adding and removing water); may be accompanied by tillage because soil disturbance controls undesirable perennial vegetation including invasive species, and can be used in conjunction with cropping in lieu of natural seed production; may require additional artificial systems to efficiently remove water to facilitate draw downs. These cells may contain alternative crops such as forage, corn silage with a cover crop, or small grain. The cropping mix may be dependent upon available markets and the length of leases. NRE Benefits: seasonal wetland habitat, growing and harvested plants to recover and remove nutrients, feedstock and cover attraction for wildlife. These cells could be rotated.

“Crop Cell”

cell used to generate revenue for Impoundment operations and maintenance. The cropping mix will be determined by lease holders and the District. NRE Benefits: flooded for spring migration, growing and harvested plants to recover and remove nutrients, feedstock and cover attraction for wildlife, weed suppression. Cells A1, B1, A2, and B2 are preferred.

The District is supportive of university research, which will be considered on a case-by-cases basis.

CELL	YEAR & GROWING SEASON INUDATION SEQUENCE									
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
A1	4th	8th	8th	8th	4th	8th	8th	8th	4th	8th
B1	8th	4th	7th	7th	8th	4th	7th	7th	8th	4th
A2	7th	7th	4th	6th	7th	7th	4th	6th	7th	7th
B2	6th	6th	6th	4th	6th	6th	6th	4th	6th	6th
A3	3rd	5th	3rd	5th	3rd	5th	3rd	5th	3rd	5th
B3	5th	3rd	5th	3rd	5th	3rd	5th	3rd	5th	3rd
B4	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
A4	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st

At Least 1 Holding Cell (always the 1st and 2nd Cell Inundated)

Total Farmable Acres Over Ten Years

Corn, Corn Silage, Soybeans or Small Grains	3166.9
Small grains with Moist Soil Management	1043.1
Perennial crop such as alfalfa or corn silage w/ post-harvest cover crop	2233.0

ANTICIPATED EXPENSES

- B3 gate repair
- Interior cell ditching
- Exterior and collection channel ditch cleaning
- Side inlet installation and repairs
- Repair right-of-way
- Removal of tare piles
- Repair interior roads
- Replacement of stop logs

PROJECT TEAM & REVIEWS

Composition: 1 DNR Representative, 1 Wilkin County Commissioner, 1 Grant County Commissioner, 2 Area Landowners, 3 Board Managers

Time Commitment: 2 Meetings per Year

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
August 12, 2020**

CALL TO ORDER The meeting was called to order by President Vavra at 7:00 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Joined remotely: Linda Vavra, Jason Beyer, Doug Dahlen, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag, Jerome Deal, and Scott Gillespie. Also present remotely: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, and Attorney Lukas Croaker. Present in the District Office: Administrator Jamie Beyer.

WCD #9 The purpose of the meeting was to receive an update on the repair construction of Wilkin County Ditch #9, which is nearly complete. Excavation has been completed and culverts have been installed, but grass seeding has not been established in approximately 40% of the project. In some areas, grass seeding was washed away by a large summer storm; in other areas, grass has been established on the road side of the drainage ditch, but not on the field side. District Engineer Chad Engels, Contractor John Riley, and Seeding Subcontractor David Sherbrooke inspected the seeding, and discussed a plan to reseed, with each covering a portion of the cost.

CHANGE ORDER NO. 2 Change Order No. 2 was presented, in the amount of \$20,000, to reseed grass. Kapphahn motioned, seconded by Wold, to approve Change Order No. 2. Board managers discussed potential legal fees, difficulty with grass emergence and stands, and the above average precipitation in 2019 and summer 2020. Roll call vote: Beyer – aye; Dahlen – aye; Kapphahn – aye; Schmidt – aye; Wold – aye; Vavra – aye.

CHANGE ORDER NO. 3 Engineer Engels informed the board that a Change Order No. 3 will be presented at the next board meeting, and provided pictures of a box culvert that has impacted by significant erosion, possibly due to a combination of soil type change and cover conditions.

The meeting was adjourned at 7:18 am.

**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 17th. 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 17th 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 authorize 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 19th, 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 authorize 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 1st 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.

**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.

**KAPPAHNA
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.

**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.

Linda Vavra, President

Date: _____, 2020

Jamie Beyer, Administrator

Date: _____, 2020

**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 Barga 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.

The meeting was adjourned at 2:00 pm.

Linda Vavra, President

Date: _____, 2020

Jamie Beyer, Administrator

Date: _____, 2020

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

CALL TO ORDER The meeting was called to order by President Vavra at 9:03 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present in the District Office: Linda Vavra, Jason Beyer, Ben Brutlag, Jerome Deal, Steven Schmidt, and Allen Wold. Joined remotely: Doug Dahlen, John Kapphahn. Absent: Scott Gillespie. 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 Deal motioned, seconded by Schmidt, to approve the agenda with the following changes:

- Add claims for Chad Bruns, Lake Country Technology, Whaley Excavating.
- Move to the beginning of the meeting the discussion of 2021 cost of living employee raises

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

CONFLICT OF INTEREST Board Manager Kapphahn declared a potential conflict of interest with the Samantha Lake Project.

CONSENT AGENDA Schmidt motioned, seconded by Beyer, to approve the Consent Agenda with the addition of the following claims: Chad Bruns, \$1,425.00; Lake Country Technology, \$128.22; Whaley Excavating, \$23,090.00 Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

2021 COST OF LIVING ADJUSTMENTS The Personnel Committee presented their recommendation of staff cost of living raises of 2% for 2021. Beyer seconded the committee’s recommendation. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

COVER CROP PROGRAM Board managers reviewed a report from Wilkin County SWCD regarding the \$5,000 that was provided to them by the District through a three year renewable cover crop program. Stevens County SWCD was unable to use their 2020 funds, and can either return the funds or hold them for use in 2021. Deal motioned, seconded by Beyer, to 1) authorize the use of the funds through December 31, 2021 2) require that funds unused after December 31, 2021 be returned to the District and 3) limit the LGU’s eligibility for 2021 to \$5,000. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

RRWMB USE OF FUNDS Rob Sip, Executive Director of the Red River Water Management Board, presented information on how their funds are spent – both on district projects and shared, basinwide projects. Board Manager Beyer stated that he would be in favor of increased lobbying efforts and expenditures. President Vavra described her recent efforts to organize meetings for Region 1 board managers and administrators.

PERMIT APP #20-156 D. STOCK Permit Application #20-156 has been received for drainage work related to after-the-fact Permit #19-133. Landowner David Bakke has stated that he prohibits the District from accessing the project for inspection, which violates both District policy and Minnesota state statutes. The permit applicant is also in violation of the terms and conditions of related Permit #19-133. Permit conditions included: the inlet riser shall not impede or restrict flow to the receiving line’s full capacity, district representatives are authorized to access the property to conduct site inspections to ensure compliance with permit conditions and conformity to the BdSWD rules and policies, and the applicant must clean sediment on the downstream end of 18” centerline culvert. Wold motioned, seconded by Dahlen, to deny Permit Application #20-156. Wold amended the motion to include the further description of the denial based on the prohibition of access to the property. Beyer seconded the motion. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – absent, Deal – aye, Vavra – aye. Motion carried. Dahlen motioned, seconded by Brutlag, to authorize legal counsel and staff to prepare a motion and letter for the applicant and

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

**BUDGET, LEVY, &
ASSESSMENT
HEARINGS**

At 10:00 am, Beyer motioned, seconded by Dahlen to open the Public Hearing on the Budgets and Levies for the 2021 General Fund, Construction Fund, and Budget and Assessments for the Ditch Systems. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried. Budgets and fund balances for 2021 were reviewed, along with the corresponding proposed 2021 assessments and levies. Beyer made motion, seconded by Schmidt, to approve the 2021 General and Construction Budgets. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried. Beyer motioned, seconded by Deal, to approve the Resolution of Ad Valorem Levy Tax with a \$170,000 General Fund ad valorem levy tax and a \$1,677,769.83 Construction Fund ad valorem levy tax. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried. Next, the 2021 Drainage Ditch Assessments were reviewed, with updated figures presented. Beyer motioned, seconded by Schmidt, to approve the Resolution for Ditch Assessment Levies in the total amount of \$944,883.00. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

**INTERNAL
INTEREST
RATE
DESIGNATION**

Last year, board managers requested that a set index be used for the District's internal interest rate. Accountant Renee Kannegeisser recommended that the District use the Long-Term Federal Interest Rate for December. Beyer motioned, seconded by Deal, to approve the accountant's recommendation. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried. Landowner Janet Barlage confirmed with the board that this interest rate would not be used for bonded and internally financed projects with set interest rates, such as TCD #37, TCD #23, etc. Deal motioned, seconded by Beyer, to close the hearing. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

**JD #11
TRAVERSE
COUNTY REIMB.
REQUEST #6**

Engineering staff presented a revised cost estimate for the Repair of JD #11. The revised cost estimate mirrors closely the original estimate, considering the expenses that will be incurred to remedy the structure near the ditch's outlet. Deal motioned, seconded by Beyer, to approve Pay Request No. 6 in the amount of \$205,832.68. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried. District Culvert and Clean Water Cost Share amounts will be finalized with the project is closed.

**JD #6
HEARINGS**

A public hearing will be held on December 21 at 10:00 AM for the 103E.715 Subd. 4 Hearing on the Engineer's Report & 103E.315 Subd. 2 Final Hearing of Redetermination of Benefits and Damages.

**2020 DITCH
MAINTENANCE**

Engineer Technician Fridgen presented the 2020 Ditch Maintenance Activities Report. Brutlag commended Engineer Technician Fridgen for the work completed on JD #12, which included three rock weirs to slow velocity and hydroseeding.

**JD #12 FIELD
APPROACH
COST SHARE
PROGRAM
NEEDED**

Engineer Technician Fridgen relayed the need for a cost-share field entrance program for landowners on JD #12, based on safety concerns. Board managers recommended that an inventory for a potential project be compiled, keeping in mind that to minimize costs, some field approaches could be moved off of the county road and constructed on a township road, or if field approaches could be moved to a shared property line.

**WCD #9
CHANGE ORDER
#3**

Deal motioned, seconded by Beyer, to approve Change Order #3 in the amount of \$6,347.50, for additional excavation to repair a washout area; riprap was not included as part of the change order, but is included as unit price bid item. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

**WCD #9 PAY
REQUEST #2**

A second pay request has not yet been received, and no resolution is needed at this time for District Culvert and Clean Water Cost Share; cost share amounts will be finalized when the project is closed. Before or upon the presentation of the second pay request, Board Managers will need to consider if, or to what extent, liquidated damages will be deducted for engineering and inspection costs incurred as a result of the contractor's failure to meet the contractual substantial completion date. The project has exceeded the engineer's cost estimate by approximately \$148,570, and future costs are

anticipated. The project's Notice to Proceed was dated June 3, 2019. Construction began August 5, 2019.

**PERMIT APP
#20-156
D. STOCK**

Attorney Lukas Croaker presented a letter of detailed explanation for the denial issued by the District for Permit #20-156. Beyer motioned, seconded by Schmidt, to approve the letter. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – absent, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

**PETITION FOR
PARTIAL DITCH
ABANDONMENT
TCD #52**

Board managers reviewed petitions received for the abandonment of a portion of TCD #52 in Section 7 of Parnell Township in Traverse County. Landowners report that the District has never provided any ditch maintenance, and that most years, the area is farmed. According to the current public waters GIS map, the selected area does not have a public waters designation. Beyer motioned, seconded by Schmidt, to order a 103E.806 public hearing. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

**WCD #SUB-1
IMPROVEMENT**

Board Manager Jason Beyer has been working with WCD #Sub-1 landowners to determine their level of interest in an improvement project. Over forty landowner signatures have been collected, of 80 parcels, and landowners are aware of the bond requirements associated with the project. Beyer asked if fellow board managers support this project. Board Manager Jason Beyer believes there are additional landowners who intend to sign the petition. Attorney Lukas Croaker stated that a 26% threshold is used in Minnesota statute, but that the District encourages 50% participation for full consideration. No opposition was expressed by board managers. Commissioner Eric Klindt relayed his support for the project.

**LTWQIP
PHASE #1
PAY ESTIMATE
#1**

The contractor for the Lake Traverse Water Quality Improvement Project Phase No. 1 installed the Number 3 rock riffle; channel work is completed, and a portion of the project was drill-seeded and mulched. Schmidt motioned, seconded by Beyer, to approve Pay Request #1 in the amount of \$247,481.05. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

**LTWQIP
PHASE #2**

We continue to wait for the results of grant applications submitted to MN-DOT and BWSR. This portion of the project is classified as a public waters, but is not part of the drainage system – so additional permitting steps must be completed. Bids for this project may be let in Summer 2021.

**BIG LAKE
HEARING**

A public hearing will be held on December 22, 2020 at 10:00 for the 103D601 Big Lake Project. Adjacent landowners were mailed hearing notices, and attempts are being made now to contact private landowners by phone.

**DORAN
CREEK**

Moore Engineering is in the process of reviewing the project plan created by Houston Engineering. Depending on the funding sources pursued, there are project designs that must be incorporated to maintain, or gain, funding eligibility. Engineering staff will initiate meetings with the DNR on January 13, 2021, presenting a two-stage channel that follows the original path and oxbows. This design is supported by the creek's hydrology and velocities.

**SAMANTHA
LAKE**

The drop structure is installed, and the contract will likely finish this project soon.

**NORTH OTTAWA
MOU WITH DNR**

The DNR has provided requested changes. Administrator Beyer will make those that match the District's project intent, and will mediate remaining issues. A final version should be completed within two months.

Deal left the meeting.

**REDPATH GRANT
& TCD #35**

Pat Lynch, Minnesota DNR, has notified staff that the District could receive up to \$300,000 in flood hazard mitigation funds that are remaining from a previous grant cycle. These funds would need to be matched by the District with construction or farm lease revenue funds, and could be applied to a self-contained phase of the Redpath Impoundment Project. District Engineer Chad Engels has recommended that the District consider applying the funds towards the relocation of TCD #35 (or the abandonment and establishment of a new drainage system), which is required before the Impoundment can be built. Board Manager Wold expressed concerns about the continued usage of the State of Minnesota's flood hazard mitigation funds. Administrator Beyer stated that the

resolution provided establishes a commitment to provide cost-share, and that a grant agreement would next be provided for consideration. Grant funds are only received as a reimbursement to expenditures, and there is no hard deadline by which funds must be spent. She also stated that the District cannot fund this project without outside funding and no additional monies have been committed by the Red River Water Management Board at this time. Schmidt motioned, seconded by Dahlen, to approve the Local Government Resolution for Flood Hazard Mitigation Grant Assistance. Roll call vote: Schmidt – aye, Beyer – aye, Wold – nay, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

FARMLAND LEASE BID Board managers reviewed the draft advertisement for farmland lease bid. Beyer motioned, seconded by Schmidt, to approve the bid. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

LINED WATERWAYS PROGRAM COST-SHARE Board managers reviewed information about lined waterway mats installed on drainage ditches in partnership with the Traverse County SWCD. Wold motioned, seconded by Schmidt, to approve \$20,000 for additional lined mats in locations determined by Engineer Technician Troy Fridgen and Traverse SWCD Technician Bruce Johnson. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

RIPARIAN AID ALLOCATIONS FOR 2020 & 2021 Board managers reviewed options to allocate Riparian Aid for expenses in 2020 and anticipated expenses in 2021. Schmidt motioned, seconded by Kapphahn, to approve the following allocations:

2020:	\$2,718	Wilkin County SWCD Buffer Program
	\$9,856	Traverse County & Traverse County SWCD Lined Waterways Program
	\$17,700	Hydroseeding buffers following repairs on JD #14 and JD #12
	\$30,000	Administration, Manager, Staff & Legal Expenses

2021:	\$20,00	Traverse County & Traverse County SWCD Lined Waterways Program
	\$60,000	Buffer seeding following repairs on drainage ditches
	\$134,400	Alternative Practices Program, to be determined
	\$30,000	Administration, Manager, Staff & Legal Expenses

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

1W1PLAN RESOLUTION FOR PLAN SUBMISSION TO BWSR Comments were received and compiled following the 60-day notice and public hearings on the District's shared Comprehensive Watershed Management Plan. Wold motioned, seconded by Schmidt, to approve the Resolution Approving the Bois de Sioux – Mustinka Comprehensive Watershed Management Plan allowing submission of the plan to BWSR. All participating LGU's must pass a similar resolution. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

CD PURCHASES The District's money market account has lost its advantageous interest rate. Wold motioned, seconded by Beyer, to authorize President Vavra and Administrator Beyer to coordinate a transfer funds to short-term CD's. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

CREEK BEAVER DAM & TREE REMOVALS Engineer Technician Troy Fridgen commented on the moderate fall conditions, and encouraged landowners of parcels with creeks to consider removing problematic beaver dams and dead trees – neither require a permit from the District or the DNR.

BOARD MANAGER COMMITTEES President Vavra gave an update on meetings held by the Red River Water Management Board, Minnesota Association of Watershed Districts, International Water Institute, and the Flood Damage Reduction Work Group. Board Manager Wold gave an update of a recent meeting at the Drainage Workgroup.

Wold motioned, seconded by Beyer, to adjourn the meeting at 1:42 pm. Roll call vote: Schmidt – aye, Beyer – aye, Wold – aye, Dahlen – aye, Brutlag – aye, Kapphahn – aye, Deal – aye, Vavra – aye. Motion carried.

Linda Vavra, President

Date: _____, 2020

Jamie Beyer, Administrator

Date: _____, 2020

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
December 21, 2020**

CALL TO ORDER	The meeting was called to order by President Vavra at 10:00 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present in the District Office: Linda Vavra, and Allen Wold. Joined remotely: Jason Beyer, Ben Brutlag, Doug Dahlen. Also present remotely: Engineer Chad Engels, Engineer James Guler, and Attorney Lukas Croaker. Also present in the District Office: Administrator Jamie Beyer.	
VIEWERS IN ATTENDANCE	The purpose of the meeting was to hold the final hearing on the repair petition, the detailed survey report, and the viewers' report of the redetermination of benefits and damages for the repair of Judicial Ditch No. 6 (JD #6) in Wilkin County and Traverse County, Minnesota.	
FINAL HEARING OPENED	Wold motioned, seconded by Dahlen, to open the final hearings. Roll call vote: Wold – aye; Dahlen – aye; Beyer – aye; Brutlag – aye; Vavra – aye. Motion carried. Attorney Croaker introduced the hearing procedures and confirmed that Viewers Mark Dietz and Dwight Veldhouse were present. Viewer Donald Metz was not present.	
JD #6 REPAIR PETITION	Engineer Guler recounted the project timeline from 2018 to present. Attorney Croaker confirmed that the district's engineers have found that: the repair is necessary, a proper repair petition has been submitted, and that the costs of the proposed repair exceed the drainage system's current benefits.	
JD #6 ENGINEER'S REPAIR, DETAILED SURVEY REPORTS & COST ESTIMATE	Engineer Guler presented the detailed survey report, which included a project map, culvert analysis, channel cross sections and plan profile sheets. The proposed repair will not deepen the ditch; but the ditch will be shifted slightly out further from adjacent roads in order to flatten the slopes for stability purposes. A portion of the project area is located alongside a grass road - the affected township has been contacted, as this may be an opportune time for the road to be improved. Manager Wold requested that their decision be made part of the eventual record, as a repair would not need to include seeding if the road will be converted to gravel. Engineer Guler continued describing the proposed repair, indicating that, in order to prevent erosion, three rock checks would be installed near the outlet to slow the water. This project requires existing side inlet culverts to be removed and replaced with new culverts – property owners should notify the district of their interest in privately retaining their culverts. Side inlet culvert flap gates are included in the project. Repair plans have been communicated to the associated railroad – there are currently two 48" RCP's that will remain in place and be facilitated with a third 48" pipe. Discussion was held on a lateral in Section 27 where there appears to be a split flow, with water flowing both to the east and the west. Landowners requested a culvert through the approach in the northwest corner of Section 27. Landowner Dallas Miller stated that water flows to the east, and that is the direction it should flow. Dallas Miller also relayed a request to replace an existing bridge with culverts on the Section 36/35 quarter line. The estimated total cost for the project is \$2,139,500 with an estimated local cost of \$1,523,376.50. It is anticipated that this project would be funded by assessments and grant funds from BWSR, RRWMB, and the District's culvert sizing and clean water cost share policies.	
JD #6 VIEWERS' REPORT	Attorney Croaker described the formal process, and the Viewers' Report and Property Owner's Report were reviewed. The Viewers' report sets a monetary maximum limit for ditch construction, assigns a proportion of ditch expense (as a percentage) that each benefited 40-acre parcel is responsible for, and sets the damages payment to landowners for acquisition of temporary and permanent easements. Factors affecting these figures are soil types, proximity rating and hydraulic efficiency. Viewer Veldhouse provided a presentation, section-by-section. The Viewers offered to meet with property owners in order to discuss specific parcels.	
	Viewer Veldhouse introduced the Viewers' Report and methodology. Details about the assessment district were given, including compensation for the easements that will be required:	
	Permanent Ditch Easement	Will apply to the area encompassed by the road, ditch, and buffer. Landowners will be compensated for the amount of this land that is currently being cultivated at \$6,000/acre. They will not be able to cultivate it in the future.

Permanent Spoil
Easement

Will apply to the area adjacent to the Permanent Ditch Easement. Landowners will be compensated at \$275/acre and the District has the right to use the area for construction for two years. The land can be used by the District for maintenance, repairs, and spoils, but District activities cannot damage crops without compensation.

Upon motion by Wold, seconded by Dahlen and carried unanimously, the hearing was recessed and set to reconvene on January 21, 2020. Roll call vote: Wold – aye; Dahlen – aye; Beyer – aye; Brutlag – aye; Vavra – aye. Motion carried. The meeting was adjourned at 11:49 am.

Linda Vavra, President

Date: _____, 2021

Jamie Beyer, Administrator

Date: _____, 2021

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
December 22, 2020**

CALL TO ORDER	The meeting was called to order by President Vavra at 10:00 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present in the District Office: Steven Schmidt, Linda Vavra, and Allen Wold. Joined remotely: Ben Brutlag, Doug Dahlen, and John Kapphahn. Also present remotely: Engineer Chad Engels, Engineer James Guler, and Attorney Lukas Croaker. Also present in the District Office: Administrator Jamie Beyer.
PRELIMINARY RESOLUTION HEARING FOR BIG LAKE	The purpose of the meeting was to hold a Preliminary Resolution Hearing for the District's Big Lake Project which is being established pursuant to Minn. Stat. § 103D.601. Wold motioned, seconded by Schmidt, to open the hearing. Roll call vote: Schmidt – aye; Wold – aye; Dahlen – aye; Kapphahn – aye; Brutlag – aye; Vavra – aye. Motion carried.
BIG LAKE PROJECT	Attorney Croaker informed the managers that the project will be funded by grants totaling at least fifty percent (50%) of the project cost; assessments to local landowners will not exceed \$750,000; and the managers directed the engineer to prepare a report on the feasibility of the project. Attorney Croaker then introduced the engineer's Preliminary Report, which confirms that the project is feasible and promotes public welfare.
DESIGN DETAILS	<p>Engineering staff emphasized that this project is being reestablished because the current project design differs from the original design. The current design addresses environmental concerns previously expressed by state agencies and meets the objectives of area landowners, to reduce local flood risks. The project design will allow drawdowns of Big Lake in order to achieve flood storage and reduce downstream flows. The project will include these features:</p> <ol style="list-style-type: none">1) A control structure will be placed on the southwest side of Big Lake that will include a gate and stop logs. With the gate closed, Big Lake would continue to operate as if the project was not built. With the gate open, the lake would be drawn down to a lower lake elevation.2) A pipe will be installed from the control structure, through Highway 27, into the current outlet channel. The outlet channel is not a 103E public drainage system, nor is it a public water; it is privately owned.3) The current outlet channel will be graded to the project pipe.4) The project will require the acquisition of easements for all installations and project features.
DESIGN DIFFERENCES	<p>This project differs from the original project in the following ways:</p> <ul style="list-style-type: none">• The previous project artificially bounced the lake higher than natural elevations.• The dam and need for flowage easements have been eliminated.• The ability to drain Big Lake nearly dry has been eliminated from the project design.• The project cost is considerably less. <p>Landowner Larry Vipond asked the engineering staff to consider extending the pipe from Highway 27 to the City of Herman. Engineering staff evaluated this alternative, but found that it would be cost prohibitive, and that it is more practical to re-grade the existing channel to match into the pipe.</p>
BIG LAKE OUTLET PROJECT ESTABLISHED	<p>Upon motion by Manager Wold, second by Manager Dahlen, and carried unanimously, the managers determined that the project promotes the public interest and welfare and is practicable and in conformity with the District's overall plan, approved the project, named it "Big Lake Outlet Project 2021-1," and directed the engineer to prepare an engineer's report pursuant to Minn. Stat. § 103D.711.</p> <p>Hearing no further comments from interested parties, Manager Schmidt motioned, second by Manager Wold, to close the hearing. Roll call vote: Schmidt – aye; Wold – aye; Dahlen – aye; Kapphahn – aye; Brutlag – aye; Vavra – aye. Motion carried.</p> <p>The meeting was then adjourned at 11:40 a.m.</p>

Linda Vavra, President

Date: _____, 2021

Jamie Beyer, Administrator

Date: _____, 2021