

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
February 18, 2021**

CALL TO ORDER The meeting was called to order by President Vavra at 9:00 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present in the District Office: Linda Vavra, Benjamin Brutlag, Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Joined remotely: Doug Dahlen and John Kapphahn. Absent initially, but joined remotely later: Jason Beyer. Also present remotely: Engineer James Guler, Engineer Nathan Trosen, and Engineer Technician Troy Fridgen. Also present in the District Office: Engineer Chad Engels, 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 Schmidt motioned, seconded by Deal, to approve the agenda with the following changes:

- Add Buffers
- Table unpermitted diking to March board meeting

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

CONFLICT OF INTEREST

Board Manager Kapphahn stated a conflict of interest for Samantha Lake.

CONSENT AGENDA

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

PERMIT APP. #20-164 ELDORADO

Since the January board meeting, engineering and legal staff met with Dollymount Township officials, and jointly with Dollymount, Eldorado, Traverse County, and Stevens County representatives. Possible permit conditions were discussed and refined. Dollymount Township officials subsequently executed the permit application as the last ½ mile of the project is under Dollymount’s jurisdiction.

Board Manager Beyer arrived.

It has been conveyed to all parties that this project has the potential to improve water management for the region if appropriate conditions are placed on the permit application. Eldorado Township is working on a joint MnDOT grant application, which will include Stevens County as the fiscal host and a letter of support from Traverse County.

District Engineer Chad Engels presented 14 proposed conditions.

North of Stevens Co. Hwy 20 / Traverse County Hwy 6

1. The existing 5 ft x 3 ft Reinforced concrete box culvert that flows westerly through the county line township road (640th Ave) at the northwest corner of Section 7 Eldorado Twp shall be lowered such that the upstream (east) invert is at El. 1048.8 and the downstream (west) invert is at El 1048.6 NAVD 88 Datum. If the culvert must be replaced, the replacement shall have similar hydraulic capacity and be approved by the District Engineer.

2. The existing field dike paralleling the road ditch along the west line of Section 7 Eldorado Twp shall be lowered to a minimum of 1 foot below the shoulder of the county line township road (640th Ave) and shall be removed to field elevation for a distance of 200 feet at the northwest corner of Section 7.

3. Any existing field dike paralleling the road ditch along the west line of Section 18 Eldorado Twp shall be removed to field elevation.

4. The existing road ditch along the west line of Sections 7 and 18 of Eldorado township shall be improved to a 0.07% slope with the downstream invert elevation being 1048.8 at the northwest corner of Section 7 and the upstream invert elevation being 1056.2 at the southwest Corner of Section 18 NAVD 88 Datum. The ditch shall have a 5 channel bottom and 3:1 field slope.

5. All field approaches along the west line of Section 7 and 18 shall have a single 57" x 38" (squashed 48" 11.6 SF) Corrugated Metal Pipe Arch (CMPA) culvert.

6. The existing road ditch along the east line of Sections 12 and 13 of Dollymount Twp (west ditch of 640th Ave) shall be cleaned from the northeast corner of Section 12 to the 30" centerline culvert thru 640th Ave in Section 13 located approximately 650 feet north of Traverse County Hwy 6.

7. The county line township road known as 640th Ave. shared by the east line of Section 12 Dollymount Twp and west line of Section 7 Eldorado Twp shall be raised and maintained to elevation 1055.2 NAVD 88 datum.

South of Stevens Co. Hwy 20 / Traverse County Hwy 6

1. A redetermination of benefits of Traverse County Ditch No. 37 (TCD #37) shall occur according to Minnesota Statute 103E in one of three ways: whereby more than 26 percent of the owners of property or owners of 26 percent of the property that is currently benefited by TCD #37 make a petition to District or; ordered by the District or; as the result of a petition for a lateral to TCD #37.

2. The project shall include a channel grade stabilization structure approved by the District Engineer where the proposed ditch outlets to TCD #37 in Section 24 of Dollymount Twp. and the structure shall be maintained in the future by the applicant(s).

3. The proposed centerline culvert flowing north through 140th Street at the Section 19/30 quarter-line shall be a 36" diameter CMP.

4. The proposed south road ditch culvert flowing west along 140th Street at the Section 29/30 line shall be a 36" diameter CMP.

5. All existing centerline culverts through 140th Street in the project area shall be abandoned.

6. The county line township road known as 640th Ave. shared by the east line of Section 19 Dollymount Twp and west line of Section 20 Eldorado Twp shall be raised and maintained to elevation 1061.5 NAVD 88 datum.

7. All dikes located within the westerly 200 feet of Section 19 shall be removed to field elevation.

Board managers discussed their preference for the current TCD #37 benefitting landowners to present a petition for redetermination, but other options include an order from the District or a petition for a new lateral initiated by lateral landowners. Board Manager Wold confirmed that representatives from Dollymount and Eldorado Townships support the project.

Gillespie motioned, seconded by Schmidt, to provide a letter of support to Eldorado Township. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

District Engineer Chad Engels presented the anticipated cost of specific conditions that would be eligible for Bois de Sioux Watershed District cost participation, with a total of \$224,175.00. The District has cost-share policies that may be used to supplement the project's financing. The outcome of the grant application is proposed to be announced at the end of April.

Schmidt motioned, seconded by Gillespie, to approve Permit Application #20-164 with the proposed conditions. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

PERMIT APP. #20-002 STEVENS COUNTY

District Engineer Chad Engels presented the details of After-the-Fact Permit Application #21-002, submitted by Stevens County, and the following proposed conditions:

1. Applicant shall install and maintain a flap gate on the North side of the 24" CSAH 20 RCP centerline culvert located approximately 775 feet east of the Traverse/Stevens County line.
2. Applicant shall install a concrete weir within the apron of the RCPA pipe with a crest elevation of 1,056.7 NAVO 1988 Datum, approximately 0.5' in height.

Schmidt motioned, seconded by Wold, to approve Permit Application #21-002 with the proposed conditions. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**PERMIT APP.
#20-003
M. LAMPERT**

District Engineer Chad Engels presented the details of After-the-Fact Permit Application #21-003, submitted by Mr. Mark Lampert. The proposed conditions overlap with conditions included on Permit #20-164:

1. The culvert in the field approach crossing approximately 700' north of the section line in the SW 1/4 of Section 18 of Eldorado Twp shall be replaced with a 57" X 38" CSPA culvert. The culvert shall be placed at a 0.07% grade with the elevation of the upstream invert being 1,055.7' (NAVD 1988 Datum).
2. The east road ditch of 640th Ave in the NW 1/4 and SW 1/4 of Section 18 of Eldorado Twp shall be cleaned out to a 0.07% grade starting from the invert of the RCPA culvert under CSAH 20 in the SW corner of the section. The ditch shall be constructed with a 5' channel bottom and a 3:1 back slope.

President Linda Vavra asked that the approval include acknowledgement that meeting these conditions will require an extended timeline, and may be completed as the #20-164 permitted project is initiated.

Gillespie motioned, seconded by Schmidt, to approve Permit Application #21-003 with the proposed conditions. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**PERMIT APP.
#20-005
S. ANDREWS**

Engineer Technician Troy Fridgen described the Permit Application #21-005 project and attempts to mediate neighboring landowner concerns through a revised design. Board Manager Gillespie has spoken with both parties. The application was tabled to the March board meeting.

**REDPATH
IMPOUNDMENT
PHASES &
FUNDING**

District Engineer Chad Engels introduced a detailed presentation on the Redpath Impoundment Project with a thank you to landowners for their support of this project. Engineer James Guler provided a detailed presentation on the Redpath Impoundment Project, including phases and cost estimates.

- Phase 1, \$2 Million: Relocation of Traverse County Ditch #35
- Phase 2, \$17 Million: Mustinka River Rehabilitation & Impoundment Levees
(excavated material from the river project will be used to construct: road raises, North levee, South inlet levee, and a portion of the West levee)
- Phase 3, \$12.6 Million: Construct/Finish Levees
(using excavated material from interior borrow pits)
- Phase 4, \$7.6 Million: Construct Bypass & Impoundment Inlet Structures
Construct Outlet Structure
Build Approach Channel

Seven funding partners have been identified with a total of nine funding programs. The Redpath Presentation will be shared with state legislators and funding partners.

**PERMIT APP
#21-006**

Engineer Technician Troy Fridgen described Permit Application #21-006 because the project will affect land owned by the District in Section 24, Moonshine Township. The project meets the District's permitting policies. Gillespie motioned, seconded by Schmidt, to approve Permit Application #21-006. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – absent; Vavra – aye. Motion carried.

**REDPATH FHM
RESOLUTION**

Board managers reviewed a Local Government Resolution for Flood Hazard Mitigation Grant Assistance in the amount of a \$800,000 grant and \$800,000 supporting match for the Redpath Impoundment Project. The District had passed a resolution in December for a \$300,000 grant and a \$300,000 supporting match, but was recently notified that an additional \$500,000 had been made

available. The District's match would be taken from farmland lease rental income, the District's Construction Fund and/or any state or RRWMB grants acquired. Gillespie motioned, seconded by Deal, to approve the Resolution. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – absent; Vavra – aye. Motion carried.

REDPATH LCCMR GRANT APP Gillespie motioned, seconded by Schmidt, to authorize engineering staff to complete an LCCMR grant application. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

JD #11 OUTLET Engineers reviewed the geotechnical design of the replacement outlet structure for JD #11. The structure will be constructed of sheetpile. Engineers will present an estimate of cost at the next meeting.

JD #11 TRAVERSE COUNTY REIMB. Administrator Beyer reported that Traverse County (who retained the JD #11 bond proceeds) over reimbursed the District on JD #11 construction costs. The approved claims included a return of \$136,246.03.

JD #11 ELECTRIC UTILITY Administrator Beyer relayed Traverse Electric's response to the October 2020 League of Minnesota City's Insurance Trust denial of their claim that the District caused \$16,000 in property damages in July 2020 to eight electric poles following a Fall 2019 JD #11 ditch cleanout. President Vavra, Board Manager Jason Beyer, District Engineer Chad Engels, Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Beyer met with Traverse Electric staff and discussed the locations of the District's 1944 ditch easements and 1946 Traverse Electric easements, reviewed photographs and surveys of the location of the electric poles in relation to the drainage ditch, and discussed possible outcomes. Traverse Electric staff notified the District of its intention to bury a one-mile section of three phase electric services, at a cost of \$96,995. Board managers discussed the benefit to landowners to have the service buried, as it will make clean-outs easier to complete, and less costly, in the future. Board managers discussed several options for determining how the value to landowners could be determined. Attorney Croaker offered a flat-rate based on the number of poles that are currently located in the District's right-of-way. Board managers requested that fixed figure be calculated and presented at a subsequent board meeting.

JD #6 RAILROAD CROSSING The Canadian Pacific Soo Line Railroad has indicated a preference to complete boring and repair work within their own right-of-way for the Repair of JD #6. They also expressed interest in the District's cost-share policies. An agreement with the railroad will be finalized and coordinated. Four landowners have requested 50' culvert approaches instead of the project standard size of 30'. Both sizes were included in the project bid, so the landowner's portion of this cost will be easily calculated. Engineers informed the board that the project is being bid assuming all work inside the railroad right-of-way will be completed by the railroad. If the railroad does not complete all work within the right-of-way than a change order will be needed to have the District's contractor complete the work.

WCD #SUB-1 ON HOLD Board Manager Beyer has been communicating with a primary landowner for WCD #Sub-1 who has not given full support for a repair. This project will not be moving forward in 2021.

TCD #35 RELOCATION AS PART OF REDPATH IMPOUNDMENT PROJECT As stated in the earlier Redpath Impoundment Project presentation, the relocation and improvement of TCD #35 is considered Phase I. Initiation of a project would require a landowner meeting and petition. As it is a requirement of the 103D Impoundment Project to relocate the ditch, the cost of this project will not be assessed to 103E ditch landowners. Board Manager Wold stated that initiation of Phase I will demonstrate the District's intent to begin Redpath construction. Board Manager Beyer stated that this year is a good year to start, as a Clean Water Fund application can be submitted without competing with another District ditch project application. Board Manager Brutlag confirmed that the required redetermination would be funded without drainage system assessments. Wold motioned, seconded by Beyer, to prepare a petition and coordinate a landowner meeting. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

DITCH SPRAYING In response to multiple vendors requesting the opportunity to provide pricing on annual cattail, weed, tree, and brush ditch treatments, board managers reviewed the draft Price Quote Solicitation for Ditch Spraying. Schmidt motioned, seconded by Gillespie, to approve the direct solicitation. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

DITCH AREA 2 2021 INSPECTIONS	Schmidt motioned, seconded by Beyer, to authorize staff to conduct inspections of Ditch Area 2 in 2021. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried. Board managers requested that Engineer Technician Fridgen include in his inspections notations of powerlines located in the District's right-of-way.
NORTH OTTAWA 10-YEAR O & M AGREEMENT	Board managers reviewed and discussed proposed changes to the Draft Ten Year North Ottawa Operations and Maintenance Agreement based on 46 comments submitted by DNR representatives. The revised agreement will be returned to the DNR, and a face-to-face meeting will be arranged. Board managers recommended that Engineer Technician Troy Fridgen and the North Ottawa Operations Subcommittee negotiate the final unresolved issues with the DNR, and that an outside meeting facilitator be utilized to ensure the discussion is productive.
NORTH OTTAWA LAND BIDS	Following a tie that was received for unrestricted acres at North Ottawa, the two bidders resubmitted bids. Schmidt motioned, seconded by Gillespie, to award the contract to the high bidder, Raguse Family Partnership.
DORAN CREEK & WCD #35	Engineering staff have been discussing the future Doran Creek project with Wilkin County SWCD staff, and they encouraged the District to review sources of sediment transport upstream of the proposed Doran Creek Project area. Wilkin County Ditch #35 was identified as a potential source, but it is not clear at this time, to what degree. Gillespie motioned, seconded by Schmidt, to schedule a landowner hearing to evaluate landowner concerns about the capacity and condition of the current ditch. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.
LTWQIP NO. 2 & JD #6 BWSR GRANTS	Gillespie motioned, seconded by Deal, to approve: <ul style="list-style-type: none"> - The BWSR Clean Water Fund Competitive Grant Agreement for the Lake Traverse Water Quality Improvement Project Phase No. 2 (\$418,235) and Judicial Ditch #6 (\$356,359). - Publication and 30-Day Comment Period for the project EAW for Phase No. 2 - Engineering Staff preparation of a RRWMB Grant Application for Phase No. 2
LTWQIP NO. 2 EAW & RRWMB GRANT APP	Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – absent; Vavra – aye. Motion carried.
BIG LAKE EAW	The Big Lake EAW has been posted, and a few comments have been received so-far.
COVER CROP PROGRAM EXTENSION	Gillespie motioned, seconded by Wold, to approve the 2020 Extension to Stevens County Cover Crop Program Agreement. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – absent; Vavra – aye. Motion carried.
JOINT WBIF IMPLEMENTATION AGREEMENT	Gillespie motioned, seconded by Deal, to approve the Bois de Sioux – Mustinka River Watersheds Joint Comprehensive Watershed Management Plan Implementation Agreement. Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – absent; Vavra – aye. Motion carried.
WBIF WORK PLAN & GRANT AGREEMENT	Wold motioned, seconded by Deal, to approve the BWSR Watershed-Based Implementation Funding Work Plan and Grant Agreement (in the amount of \$1,064,522). Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – absent; Vavra – aye. Motion carried.
FEMA PAYMENTS	Board managers reviewed a summary of the 2019 FEMA Disaster funds that the District qualified for: <ul style="list-style-type: none"> \$66,557.23 for Category B Emergency Protection Expenses \$90,912.53 for Category D Repairs to Water Control Facility Damages <u>\$7,873.49 for Category Z Grant Management Expenses</u> \$165,343.25 Total Reimbursement Payments for Category B and D have been received by the District. Category Z payment has been approved but not received.
BOARD MANAGER TERM EXPIRATIONS	Board manager terms are expiring in 2021 for: Board Manager Jason Beyer (Wilkin County), Board Manager Scott Gillespie (Big Stone County), and Board Manager Steven Schmidt (Traverse County).

The meeting was adjourned.