

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
March 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, Steven Schmidt, and Allen Wold. Joined remotely: Doug Dahlen and John Kapphahn. Absent: Jason Beyer, Scott Gillespie. Also present remotely: Engineer James Guler, Engineer Nathan Trosen. Also present in the District Office: Engineer Chad Engels, Attorney Lukas Croaker, Engineer Technician Troy Fridgen and Administrator Jamie Beyer.

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

No conflicts of interest were declared.

AGENDA

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

CONSENT AGENDA

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

UNPERMITTED DIKE

Engineer Troy Fridgen presented findings of an unpermitted dike in Section 31, Leonardsville Township, Traverse County, Minnesota. A letter of violation was sent, dated January 13, 2021, informing the landowner that the obstruction must be removed by February 17, 2021, and that if the landowner failed to remove the obstruction, the Board of Managers would hold a hearing on February 18, 2021. The obstruction has not been removed. At the February 18, 2021 meeting, the Board of Managers tabled the hearing as the landowner was not able to attend the meeting. Attorney Lukas Croaker informed the Board of Managers that information about the unpermitted dike will be presented, and that Managers may consider whether to issue an Administrative Compliance Order, pursuant to Minn. Stat. § 103D.545, to remove the unpermitted dike and restore the property to its previous condition.

Landowner Bryan Crandall stated that a private ditch cleanout in an adjacent section upstream, owned by Tim and Sara Gronfeld, was excavated into the clay, and now he is unable to grade his section of private ditch without immediately excavating into the clay. Mr. Crandall also stated that the downstream creek floods and in order to allow for additional water, a MnDNR permit would be required to work in the public water. Engineer Technician Fridgen provided a brief history of the lands involved. In 1998, the private ditch on the Gronfeld property was permitted with the Traverse Soil and Water Conservation District and the Bois de Sioux Watershed District. The work completed in 2019 removed silt and erosion from the channel; no clean-out occurred at the fenceline. Landowner Sara Gronfeld was present to answer questions about ownership of the land and the clean-out. Board Manager Schmidt emphasized that dikes don't remedy drainage issues. Mr. Crandall stated that he has not been able to get water to drain, even though there are several feet of fall to the outlet. District Engineer Engels offered that Mr. Crandall could apply for a permit for a project to deepen the private ditch if he feels it will include clay removal. An improvement cannot be required, but the unpermitted dike must be removed. Board Manager Deal recommended that an extension be provided; Board Manager Schmidt recommended that neighbors work together to make the grade work. Schmidt motioned, seconded by Brutlag, to issue an Administrative Compliance Order with a 60-day deadline to remove the unpermitted dike and restore the property to its previous condition. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

2020 AUDIT

Miranda Wendlandt, of CliftonLarsonAllen, presented the 2020 financial statements. Kapphahn motioned, seconded by Schmidt, to approve the 2020 financial statements. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

**PERMIT APP. #20-024
B. SCHMIDT**

The project described in Permit Application #20-024 does not meet the District's standard policies because the project in the W1/2 of Section 1, Croke Township, Traverse County, crosses subwatershed boundaries. Landowner William Schmidt stated that surface water is split on the

section. Engineer Technician Fridgen stated that outletting tile drainage to the north east will alleviate pressure on TCD #41. The land is not currently assessed to TCD #41. Board managers encouraged Mr. Schmidt to secure written easements for infrastructure shared with neighboring landowners. Schmidt motioned, seconded by Brutlag, to grant a variance to cross the subwatershed, and to approve the permit. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

**PERMIT APP.
#21-023
M. REYNOLDS**

The project described in Permit Application #21-033 is geographically located within the jurisdictional boundary of the Upper Minnesota River Watershed District (SW1/4 of Section 14, Graceville Township, Big Stone County), but is hydrologically located within the Bois de Sioux Watershed. In 2019, the two watershed districts successfully petitioned for redistricting of lands along the Bois de Sioux Watershed District's southern boundary, east of Highway 75. This permit application highlights the need for the same action for lands west of Highway 75. District Engineer Chad Engels recommended that the Bois de Sioux Watershed and Upper Minnesota River Watershed Districts initiate proceedings to review and correct the southern boundary between the two districts, by identifying lands that are incorrectly districted. Schmidt motioned, seconded by Kapphahn, to approve the permit. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

**PERMIT APP.
#21-005
S. ANDREWS**

The project described in Permit Application #21-005 in the SE1/4 of Section 21, Moonshine Township, Big Stone County has changed to create capacity for future landowners to utilize the lift station and mainline. Board managers asked for a new comment period and notice to be sent to area landowners.

**SOUTHERN
BOUNDARY**

A \$5,500 price quote was reviewed for the engineering work estimated to define lands west of Highway 75 that need to be redistricted between the Bois de Sioux Watershed and Upper Minnesota River Watershed Districts. Bois de Sioux Watershed District will propose that this cost be shared proportionately with the Upper Minnesota River Watershed District, based on the proportion of reclassified lands that will be added to each district. Deal motioned, seconded by Wold, to approve the project. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

**2021 COVER CROP
FUNDING
AGREEMENT**

Technician Kimberly Melton presented Wilkin SWCD's 2021 Cover Crop Program. Schmidt motioned, seconded by Kapphahn, to issue the second annual payment of the three-year renewable \$5,000 Bois de Sioux Watershed District Cover Crop Funding Agreement. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

**REDPATH
LCCMR**

Senator Torrey Westrom joined the meeting, and received an update on the Big Lake Project from Board Manager Dahlen and District Engineer Engels. Senator Westrom also answered questions about the grant opportunities with the Legislative-Citizen Commission on Minnesota Resources for the Redpath Impoundment Project.

**LESSARD SAMS
GRANT
EXTENSION**

District Engineer Engels and Administrator Beyer reported that they requested an extension of the \$2,440,000 Mustinka River Fish and Wildlife Habitat Corridor Rehabilitation grant from the Lessard Sams Council. The Council approved their recommendation of the request, but made it clear that a future extension would be unlikely. Next, a bill must be passed through the Minnesota State legislature in order to enact the extension.

REDPATH EAW

Moore Engineering met with DNR representatives to discuss whether a new EAW should be submitted for the Redpath Impoundment Project. There was already a Finding of No Significant Impact and a Record of Decision, but DNR requested time to evaluate whether the current design would warrant an updated EAW and comment period. The DNR will make a determination within the next two weeks.

SPRAY QUOTES

Board managers reviewed spray quotes for weed, cattail, tree, and brush control services for drainage ditches from Larson Helicopters, LLC and L&M Road Services. Board managers voiced satisfaction with the results from the work that L & M Road Services has completed in the District in prior years. Kapphahn motioned, seconded by Brutlag, to continue with L & M Services. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

JD #11 ELECTRIC UTILITY Board managers reviewed correspondence from Traverse Electric with regard to 8 utility poles that they propose to move outside of the channel and easement of the JD #11 drainage ditch right-of-way and bury. This project will decrease future drainage system clean-out, repair, and improvement costs. Traverse Electric requested a \$20,000 contribution for the \$96,950 project. Schmidt motioned, seconded by Brutlag, to reimburse Traverse Electric in the amount of \$16,000 once the line is relocated and buried. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

JD #11 OUTLET STRUCTURE Board managers reviewed JD #11 Change Order No. 6 in the amount of \$200,749.70 to replace the existing concrete outlet structure with a sheetpile design that will provide a settling pond. Overall, the project is underbudget. Wold motioned, seconded by Deal, to approve Change Order No. 6. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

TCD #35 RELOCATION District Engineer Engels presented a process to relocate and retrofit TCD #35, the first phase of the Redpath Flood Impoundment Project, that will follow 103E statutory proceedings. A signed petition is required, and a landowner meeting has been scheduled for March 26, 2021. Deal motioned, seconded by Dahlen, to sign the petition on behalf of lands acquired by the Bois de Sioux Watershed District. Board managers requested that landowners in Section 19, Gorton Township, Grant County also be invited to the landowner meeting.

TCD #35 MDM GRANT APP. Deal motioned, seconded by Wold, to authorize Moore Engineering to submit a Clean Water Fund Multipurpose Drainage Management application on behalf of TCD #35.

JD #6 CONSTRUCTION BIDS District Engineer Engels presented the JD #6 construction bids. The bid specified a November 24, 2021 substantial completion date. Attorney Croaker described an error that was made by Wagner Company, listing the penal sum for the bid bond as \$1,200,000 instead of 5% of the same amount. Schmidt motioned, seconded by Brutlag to waive the irregularity and approve the \$1,138,308.86 bid from Wagner Company contingent upon bond financing. Roll call vote: Wold – aye; Deal – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

WCD #35 LANDOWNER MEETING A WCD #35 landowner meeting will be held March 26, 2021, to evaluate landowner concerns about the capacity and condition of the current ditch. WCD #35 was identified as a potential source of sediment for Doran Creek, but it is not clear at this time, to what degree.

LWQIP PHASE #1 CHANGE ORDER Engineer James Guler presented Change Order No. 1 in the amount of 44,243.00 based on estimated quantities for the Lake Traverse Water Quality Improvement Project. Purpose of the change order is to align the project better for Phase 2 and prevent rework that could occur due to phasing. Change order includes additional riprap, excavation, and erosion control is needed. Wold motioned, seconded by Deal, to approve Change Order No. 1. Roll call vote: Wold – aye; Deal – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

2020 ANNUAL REPORT Board managers reviewed the District's 2020 Annual Report and requested that a copy be mailed to each county office and newspaper.

WEB-BASED GIS SOFTWARE TOOL FOR DITCHES Technician Fridgen presented a demo of how the web-based ESRI ARC-GIS platform could be used to store locations, pictures, and information about drainage system inspections, damages, and repairs. For \$3,000 - \$5,000 Moore Engineering would setup and host the site, for internal use and access by county engineers. Kapphahn motioned, seconded by Dahlen, to authorize Moore Engineering to setup the site as specified by Technician Fridgen. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

President Vavra gave an update of MAWD activities.

The meeting was adjourned.