

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
April 15, 2021**

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, Benjamin Brutlag, Jerome Deal, Scott Gillespie, John Kapphahn (joined later), Steven Schmidt. Joined remotely: Doug Dahlen. Absent: Allen Wold. Also joined remotely: District Engineer Chad Engels and Engineer Nathan Trosen. Also present in the District Office: Attorney Lukas Croaker, Engineer Jim Guler, 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. Board Manager Gillespie stated that he does farm downstream of the project described in Permit Application #21-005.

AGENDA Gillespie motioned, seconded by Deal, to approve the agenda with the addition of the Redpath Local Government Resolution for Flood Hazard Mitigation Grant Assistance. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – aye; Vavra – aye. Motion carried.

CONSENT AGENDA Deal motioned, seconded by Gillespie, to approve the Consent Agenda. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – 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. A new comment period and notice was sent to area landowners. A portion of the project area does cross a subwatershed boundary, but the section is included in the Big Stone County Ditch #8 benefitting area, but it is not clear at what level of assessment.

KAPPAHNN ARRIVES Board Manager Kapphahn arrived at the meeting.

PERMIT APP. #21-036 N. BLUME Board Manager Gillespie stated his support for the project, the result of neighbors working together to design an efficient system, as the project area is included at some degree in the ditch assessment district, and feels that this area will benefit greatly from the future Moonshine Lakebed Project. Gillespie motioned, seconded by Beyer to approve the permit application. District Engineer Engels recommended that a condition be included to require approval from the Big Stone County Ditch #8 ditch authority. Gillespie and Beyer agreed to amend the motion. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

PERMIT APP. #21-039 J. OLSON The project area includes approximately 50 acres of the SE1/4 of Section 2, Logan Township, Grant County that is outside of the subwatershed boundary and is not currently included in the Grant County Ditch #8 assessment district. This portion of the project would require an approved outlet petition from the legal drainage authority, Grant County. District Engineer Engels relayed that drainage systems are designed for finite drainage areas, and the number of complaints received on this particular drainage system may indicate that it may not be able to handle additional drainage from outside the watershed; this information would be determined at the subsequent outlet petition hearing ordered by Grant County, upon receipt of the required petition. Deal motioned, seconded by Gillespie, to approve the permit contingent upon approval from the legal drainage authority. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

The District received a permit application filed by Contractor Jesse Olson for restoration work ordered by the DNR in the NE1/4 of Section 13, Stony Brook Township, Grant County. The DNR maintains that excavation was conducted in excess of a routine clean-out. District engineering staff are still in the discovery phase, and asked for authorization to conduct a limited topographical survey to determine if the work described in the DNR's order is considered restoration (no District permit

required) or diking (may or may not violate District permit policies and may require a District permit). Many letters and telephone calls have been received by the District from landowners who are concerned that work described by the restoration order could worsen area flood conditions. Beyer motioned, seconded by Kapphahn, to authorize the required survey work. A landowner present requested that a culvert located east of the project area, under Highway 59, also be included in the survey. Mr. Olson supported the motion to gather first-hand knowledge of the project area elevations, indicating that, in his experience, bull rushes can cause a 3' error in LIDAR readings. DNR Area Hydrologist Emily Siira stated that the objectives of the order are to: restore the drainage basin, and to do so without negative impacts upstream or downstream, by May 15, 2021. John Kolb, Mr. Olson's attorney, indicated that Mr. Olson and Olson Excavating is ready, willing, and able to respond to the restoration order, and wants to comply with both the DNR and the District, but added that landowner permission may be a separate issue. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**JD #11 OUTLET
REPAIR**

Sheetpile materials were delivered, and repair of the Judicial Ditch #11 outlet has begun.

**JD #6 REPAIR
BOND ISSUANCE
& ROAD**

Wilkin County Commissioners have approved a bond issuance. A dairy in the Judicial Ditch #6 assessment district has stated interest in graveling a grass road, in the project area. If the road is graveled, the project will save seeding expense.

**TCD #35 &
REDPATH**

District engineering staff and board managers met with Redpath Township officials and landowners in separate meetings (with overlap in audiences). Although no additional parties signed the Traverse County Ditch #35 Improvement Petition, meeting attendees provided their requests for modifications to the project. The District owns approximately 43% of the assessed district. Kapphahn motioned, seconded by Gillespie to: file and accept the Petition to Improve Traverse County Ditch #35, Approve the Preliminary Findings and Order appointing Chad Engels, Moore Engineering, Inc., as the project engineer to prepare a 103E.245 Preliminary Survey Report, and approve the engineer's bond and oath with a revision that permits the engineer to provide general commercial liability insurance and professional liability insurance with the District as an additional insured to serve as a substitute for the \$5,000 engineer's bond. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**WCD #35 &
DORAN CREEK**

District engineering staff and board managers met with Wilkin County Ditch #35 landowners to determine the scope of repairs that would need to be made to control sediment contributions in advance of the Doran Creek Project. Kapphahn motioned, seconded by Deal, to approve the Findings and Order Initiating the Reestablishment of Drainage System Records. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**NORTH OTTAWA
10-YEAR O & M
AGREEMENT**

President Vavra and Board Managers Beyer, Brutlag, and Kapphahn met with DNR representatives and staff to discuss the final terms of the North Ottawa 10-year Operations and Maintenance Agreement. The meeting was facilitated by Mr. Morrie Lanning, and the parties came to agreement on all 17 remaining issues. Revisions to the agreement are being made, and copies will be forwarded to the District and DNR attorneys for their review. Board managers asked that Project Team members be discussed at the next board meeting.

**REDPATH EAW &
APPLICATIONS**

The District was notified that the Redpath Environmental Assessment Worksheet completed in 2014 will suffice; a new Environmental Assessment Worksheet is not needed. Deal motioned, seconded by Kapphahn, to authorize engineering staff to submit a DNR Dam and Safety Permit, a Public Waters Permit, a Red River Water Management Board Competitive Grant application, and a Board of Water and Soil Resources grant application. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

REDPATH LAND

Two parties have not signed the closing documents for 1.3 acres the District desires to purchase in Section 30 of Gorton Township, Grant County. A final notice certified letter was delivered to Mr. Glen Bartell. If the closing documents are not signed, Attorney Croaker identified three options to acquire the property: 1) Initiate quick take proceedings; 2) Legally enforce the purchase agreement (signed by all the parties) as a breach of contract; or 3) Continue contact attempts.

**DORAN CREEK
GROUNDWATER**

Engineering staff proposed the installation of three groundwater monitoring stations in advance of the Doran Creek Project. The data would be used to monitor groundwater recharge. Kapphahn motioned, seconded by Beyer, to authorize the installation of the monitoring stations and the submission of a grant application to the Red River Water Management Board. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**LTWQIP #1
CONSTRUCTION**

Construction continues on the Lake Traverse Water Quality Improvement Project Phase #1. An adjacent landowner has requested to farm land within the construction zone; the contractor has confirmed that the land will not be needed to complete construction.

LTWQIP #2 EAW

The District has received several responses to the Lake Traverse Water Quality Improvement Project Phase #2 Environmental Assessment Worksheet. Once the comment period has ended, engineering staff will consider the issuance of a Finding of No Significant Impact and submission of a Public Waters Permit application. It is anticipated that the Engineer's Report will be submitted to the DNR and BWSR in May, with a fall construction planned.

BIG LAKE EAW

Responses to the Big Lake Environmental Assessment Worksheet are being prepared now, so that they won't be brought forwarded again as challenges to the project's Public Waters Permit application.

**POLICIES &
PROCEDURES
COMMITTEE**

Board managers reviewed the minutes and recommendations from the Policies and Procedures Committee. Kapphahn motioned, seconded by Deal, to approve the following changes:

Tile projects that include controls which allow for the tile system to be "shutoff" when necessary are not restricted by drainage coefficient (DC) limitations. Tile projects that do not include controls are restricted to a ¼ inch per day drainage coefficient (DC) at the outlet including projects with surface inlets.

Surface and subsurface drainage applications which propose the drainage of water into a different sub watershed basin other than the existing surface drainage pattern is not permitted, but will not be denied for this reason without board review.

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

**HAY BID &
MOWING**

Changes to the District's Hay Bid and License were made based on last year's experience. The per-bale bid price was changed to a lump-sum, and the license will expire October 15, 2021. Brutlag motioned, seconded by Dahlen, to approve the 2021 Request for Bids for Mowing and Haying and License Agreement. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**JCWMP
DOCUMENTS**

Board managers reviewed documents presented for the Joint Comprehensive Watershed Management Plan. Kapphahn motioned, seconded by Schmidt to approve the following: Fiscal Agent Agreement, HEI Client/Owner Services Agreement, Reimbursement Policy, Final 1W1Plan Grant Reconciliation report. Roll call vote: Deal – aye; Schmidt – aye; Brutlag – aye; Gillespie – aye; Beyer – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried.

RRWMB

President Vavra and Executive Director Rob Sip gave an update on Red River Water Management Board activities.

The meeting was adjourned at 11:00 AM.