

**BOIS DE SIOUX WATERSHED DISTRICT  
BOARD MEETING MINUTES  
May 20, 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, Benjamin Brutlag, Jerome Deal, John Kapphahn, Steven Schmidt (joined later), Allen Wold. Joined remotely: Doug Dahlen. Absent: Jason Beyer, Scott Gillespie. Also present in the District Office: Attorney Lukas Croaker, District Engineer Chad Engels, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer. Also joined remotely: Engineers Jim Guler and Nathan Trosen, and Environmental Group Leader Amy Denz (joined later).

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 for Samantha Lake, and informed the board that Board Manager Ben Brutlag would provide a review of Permit Application #21-057 filed by Paul Jennen.

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

**PERMIT APP. #21-084 D. STUEVE** The project described in Permit Application #21-084 in the NW1/4 of Section 9, Graceville Township, Big Stone County involves tiling of a grain bin site that suffers from frost boils in the spring. Surface runoff currently flows southwest, ultimately through an 18” culvert through State Highway 28, and then to a slough that often requires high water pumping by the City to Lake Toqua. Engineer Technician Fridgen visited the site, and found existing drainage problems associated with misalignment of culverts on State Highway 28, which causes pooling of water (both from the north and from the south) next to State Highway 28. District Engineer Engels stated that this permit would need approval from both the Bois de Sioux Watershed District and the City of Graceville. Staff for the City of Graceville have indicated concern that this project could add flow to a location that frequently is inundated.

Board Manager Schmidt arrived.

**SCHMIDT ARRIVES** Kapphahn motioned, seconded by Brutlag, to approve the permit application contingent upon approval from the City of Graceville. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – abstained; Vavra – aye. Motion carried.

**PERMIT APP. #21-054 R. ANDERSON** Permit Application #21-054 was filled-out after tiling, outlets, and a pump were installed in the W1/2 of Section 28 and the E1/2 of Section 29 in Donnelly Township, Stevens County. There are concerns that additional work has been done since the permit was submitted – including a ditch cleanout that extended into the clay on the north and east section lines on Section 29, and replacement (and possible lowering) of several culverts. Landowner Ronald Anderson stated that the culvert replacement occurred after he unsuccessfully tried to have the culverts jettied. Upon replacement, Mr. Ronald Anderson discovered that at least one culvert had been installed on top of an older, existing culvert. Neighboring Landowner Mark Anderson requested consideration for the location of the work to neighboring drainage systems. The Bois de Sioux Watershed District has no record of the neighboring drainage systems, which Mr. Mark Anderson confirmed were installed after 1988. Mr. Ronald Anderson indicated that there was a dam on Mr. Mark Anderson’s property, of which the District has no record. Kapphahn motioned, seconded by Deal, to approve the permit application based on four conditions:

1. Applicant shall obtain approval from Stevens County.
2. The Donnelly Township Board shall approve of the work conducted in the township ditches.
3. Road ditches shall be properly sloped and vegetated.
4. That the applicant pay the associated after-the-fact fees, to include district engineering time spent on this permit application. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

- HAYING/MOWING BID** Three bids for the haying and mowing of the North Ottawa Impoundment Project and Collection Channel were reviewed. The associated license agreement states that mowing cannot begin until after August 1st, but Engineer Technician Fridgen and board managers expressed concern that weed growth could be extreme by this late date. Wold motioned, seconded by Deal, to approve the high bid of \$1,700, and to remove the condition that haying or mowing could not commence before August 1 to alleviate concerns about noxious weed. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.
- JD #11 OUTLET REPAIR** It is expected that the contractor will begin repairs at the outlet structure in late June/early July, so the board should expect a request to extend the contract completion date to accommodate the completion of the outlet repair change order.
- JD #6 REPAIR & UTILITIES** All but one purchase agreement has been signed and received. It is expected that construction will begin early June. Wold motioned, seconded by Schmidt, to approve the Special Construction Proposal from CenturyLink, in the amount of \$6,876.15, to relocate utility facilities. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – nay; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried. Schmidt motioned, seconded by Wold, to approve the \$2,500 quote from Traverse Electric to relocate utility facilities. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.
- WCD #9 UPDATE, PAY REQUEST #2 & VEGETATION PLANTING** Vegetation establishment continues to be an issue, and areas may need to be reseeded, and some may be outside the scope of contractor responsibility. Riley Brother's Construction Co. Inc. submitted Payment Request No. 2 in the amount of \$833,145.66, which includes compensation for all three change orders. Retainage in the amount of \$79,811.42 will remain for consideration until project close-out. Board Managers did consider a worksheet quantifying liquidated damages for the project being 333 days past the contractual completion date. Kapphahn motioned, seconded by Schmidt, to approve Payment Request No. 2. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried. Schmidt motioned, seconded by Deal, to plant a rye mix in undervegetated areas. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.
- REDPATH PHASE I: TCD #35 RELOCATION** Engineer Jim Guler presented the Preliminary Engineer Report for the improvement of TCD #35. The estimated cost of this phase is \$2,500,000 and construction includes excavation of material that will be placed and compacted to build a base for the impoundment levies. With the construction of the Redpath levy embankment, the Redpath Impoundment will block some overland flow that would have historically travelled from the south, north across land to JD #14 – adding pressure to TCD #35. In order to minimize negative effects for landowners due to impoundment construction, the TCD #35 channel will be deepened and widened, and flood flows will be split to the west to Fivemile Creek and to the north to JD #14, downstream of the Redpath Impoundment outlet. Providing additional capacity categorizes this project as a drainage system improvement in accordance with Minnesota drainage law; however, this improvement is necessary to mitigate the effects of the impoundment. Kapphahn motioned, seconded by Deal, to accept the filing of the Preliminary Engineer's Report and direct the Administrator to deliver the Preliminary Engineer's Report to the MnDNR Director for review pursuant to Minn. Stat. § 103E.251. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.
- JD #12 PETITION HEARING ORDERED** The Board reviewed the petition submitted by Landowner Gerald Coleman to outlet the the NE1/2 of Section 25, North Ottawa Township, Grant County (less the existing farmsite) into JD #12. Deal motioned, seconded by Wold, to accept the petition and hold the required public hearing at the Board's next regularly scheduled meeting. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.
- SOUTHERN BOUNDARY** A joint resolution and petition with the Upper Minnesota River Watershed District was reviewed to change the southern boundary, east of Highway 75. Kapphahn motioned, seconded by Wold, to authorize a joint, informal landowner meeting, in advance of consideration of the resolution and petition to change the watershed boundary. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.
- PERMIT #20-164 ELDORADO ROAD RAISE** Board managers reviewed an opinion of probable cost for the conditions proposed for Permit #20-164 by Eldorado Township for a road raise north of Stevens Co. Hwy 20 / Traverse County Hwy 6. Currently, flood water frequently overtops the road, with approach culverts that should be resized

and set at coordinated elevations. Kapphahn motioned, seconded by Schmidt, to authorize staff to assemble construction plans, updated estimate of cost, and road authority agreements. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

**NORTH OTTAWA  
OPERATIONS &  
MAINTENANCE  
PLAN**

Board managers reviewed the current draft of the North Ottawa Operations and Maintenance Agreement. It is waiting to be reviewed by DNR staff. Engineer Technician Fridgen had 42 aluminum stop logs built at a cost of \$3,000. There are approximately 216 wooden stop logs in use at the Impoundment, in varying states of degradation. Cell A4 had cattails burned and sprayed in 2020; the remaining plant matter mat will need to be disced or ripped.

**REDPATH DAM  
SAFETY & FLOOD  
HAZARD MITI-  
GATION GRANT  
AGREEMENT**

The Redpath Impoundment DNR Dam Safety Permit Application was submitted. The permit could take up to five months to acquire, but engineering staff have received – and replied to – initial project comments. Funding continues to be pursued – at both the regional, state, and federal levels. Board managers reviewed the General Obligation Bond Proceeds for the Construction Grant for the Bois de Sioux Watershed District Redpath Project Under the Flood Hazard Mitigation Grant Assistance Program Grant Agreement. Attorney Croaker had identified areas of concern last fall when the grant agreement template was originally supplied to the District. This grant agreement will be used to allocate the current \$800,000 grant and future funds to the project. Deal motioned, seconded by Kapphahn to approve the grant agreement. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

**LTWQIP #1  
UPDATE**

A construction update for the Lake Traverse Water Quality Improvement Project Phase No. 1 was provided, along with progress photos.

**LTWQIP #2  
EAW**

Environmental Group Leader Amy Denz presented the Findings of Fact and Record of Decision for the Phase No. 2 Environmental Assessment Worksheet. Wold motioned, seconded by Deal, to adopt the Record of Decision regarding the Environmental Assessment Worksheet for LTWQIP Phase No. 2, the finding of no potential for significant environmental effects, and a negative declaration and that preparation of an Environmental Impact Statement is not required. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

**LTWQIP #3  
PROJECT  
DEVELOPMENT &  
GRANT  
APPLICATION**

Drone footage was used to create a model of Phase No. 3. District Engineer Engels recommended that a preliminary design be put together, which will be used to support a BWSR Clean Water Fund Projects and Practices Grant Application. Kapphahn motioned, seconded by Brutlag, to allocate \$100,000 from the Construction Fund toward preliminary design and project development of Phase No. 3. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried. Deal motioned, seconded by Schmidt, to authorize engineering staff to submit a BWSR Clean Water Fund Projects and Practices Grant Application for Phase No. 3. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

**BIG LAKE EAW**

Responses to the Big Lake Environmental Assessment Worksheet have been received. Although the District has already included operation concessions to mitigate the DNR's previous concerns about impacts to the littoral zone, the DNR continues to provide comments. Engineering staff will continue to work through responses to their comments.

**JCWMP BUDGET,  
PROGRESS &  
SUBCONTRACT  
AGREEMENT**

Board managers reviewed the budget and expenses, and District progress towards Joint Comprehensive Watershed Management Plan objectives and the use of Watershed Based Implementation Funds. Schmidt motioned, seconded by Kapphahn, to approve the Bois de Sioux – Mustinka River Watersheds Joint Comprehensive Watershed Management Plan Grant Funding Subcontract template (which formalizes the conditions for grant funds from the fiscal agent to the local partner, for reimbursement of qualified grant expenses). There will be a separate agreement signed for each local partner, and the agreement terms will run congruently with the Joint Comprehensive Watershed Management Plan (currently, 10 years). Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

**COVID-19  
MEASURES &  
PLAN**

Board managers considered resumption of completely in-person meetings because of the abatement of the health pandemic. Kapphahn motioned, seconded by Brutlag to terminate the District's COVID Preparedness Plan, and delegate the authority to President Vavra, Attorney Croaker, and Administrator Beyer to determine resumption of completely in-person meetings. Roll call vote: Wold

– aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye.  
Motion carried.

**LEGISLATIVE  
UPDATE**

Board Manager Wold gave an update of legislation that he was in the process of drafting with Representative Backer and Senator Westrom. Board Manager Wold believed the legislation would be considered in the 2022 session, but Representative Backer and Senator Westrom both introduced bills without consideration, discussion, or approval by the Bois de Sioux Watershed District Board. Board Manager Wold stated that the bills were not passed.

**REGION I  
MAWD**

Board managers were updated on a Region I MAWD meeting.

**TCD #1E CULVERT  
COST-SHARE**

Engineer Technician Fridgen is working with MnDOT to replace a large, buckled culvert in their road right-of-way on State Highway 27, on TCD #1E. MnDOT has agreed to reimburse the District for the cost of the culvert, if the District will install riprap, at an estimated cost of \$85,000. Wold motioned, seconded by Kapphahn, to authorize staff to collect price quotes draft an agreement for use with MnDOT. Roll call vote: Wold – aye; Deal – aye; Brutlag – aye; Kapphahn – aye; Dahlen – aye; Schmidt – aye; Vavra – aye. Motion carried.

The meeting was adjourned at 12:10 PM.