

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

**CALL TO ORDER** The meeting was called to order by President Vavra at 9:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, John Kapphahn, Steven Schmidt. Absent: Benjamin Brutlag, Allen Wold. Arrived later: Scott Gillespie. Also present in the District Office: District Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.

**AGENDA** Deal motioned, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: TCD #27 Maintenance, TCD #35 Viewer Rates, North Ottawa Apiary Lease Template, Rob Sip RRWMB Update, 640<sup>th</sup> Road Raise.

**CONFLICTS OF INTEREST** Board Manager John Kapphahn stated that he has a conflict of interest with Lake Samantha.

**GILLESPIE ARRIVE** Board Manager Scott Gillespie arrived.

**CONSENT AGENDA** Upon motion by Deal, seconded by Kapphahn and carried unanimously, the Consent Agenda was approved.

**TCD #28 DITCH PETITION** Kapphahn motioned, seconded by Deal and carried unanimously, to open the hearing to consider the petition from Don Stueve to use Traverse County Ditch #28 as an outlet for the following portion of Parcel #03-0154-000 in Section 32, Croke Township, Traverse County: NW1/4 of the SW1/4. President Vavra opened the hearing. 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. Project Designer Gene Mensen and landowner Don Stueve were available for questions about the project. No public comment was presented. The proposed project is located within the TCD #28 drainage watershed. Engineer James Guler described the process to calculate the \$646.40 entrance fee and the \$40.00 benefitted amount. Gillespie motioned, seconded by Dahlen and carried unanimously, to approve the order. Gillespie motioned, seconded by Kapphahn and carried unanimously, to close the hearing.

**TCD #31 DITCH PETITIONS** Gillespie motioned, seconded by Deal and carried unanimously, to open the hearing to consider the petitions from Don Stueve to use Traverse County Ditch #31 as an outlet for the following portion of Parcel #03-0154-000 in Section 32, Croke Township, Traverse County: the N1/2 of the SE1/4 and the E1/2 of the NE1/4 of the SW1/4, and portion of Parcel #03-0155-000, the S1/2 of the SE1/4 and the NE1/4 of the SE1/4 of the NW1/4. President Vavra opened the hearing. 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. Public comment was received from Mr. Phillip Brink, who owns property downstream on TCD #31. Mr. Brink stated that he recently cleaned his portion of the ditch and installed new culverts, at his own personal cost, shared with a neighbor, and expressed concerns that this project will add to future ditch maintenance needs. Mr. Wolfgang Brink stated that adding flow to the ditch will add to the need for the ditch to be cleaned in the future. Engineer Technician Troy Fridgen emphasized that cattail management will be important in the future. Engineer Chad Engels stated that the proposed project is located within the TCD #31 drainage watershed. Kapphahn motioned, seconded by Dahlen and carried unanimously, to approve the order for both petitions. Deal motioned, seconded by Dahlen and carried unanimously, to close the hearing.

**#21-054 ATF, R. ANDERSON** Board managers discussed conditions not met on Permit #21-054, Ronald Anderson, Sections 28 & 29 in Donnelly Township, Stevens County. Four conditions were included in the after-the-fact permit approval: to obtain approval from Stevens County for a tile outlet, to obtain approval from Donnelly Township for road ditching, to slope and vegetate the road ditch, and payment of after-the-fact permit fees. Engineer Technician Troy Fridgen described the present road ditch, which has not been resloped. Attorney Lukas Croaker reviewed the permit conditions, and the present condition does not meet the requirement that the ditch is appropriately sloped to prevent erosion and sedimentation, in addition to the hazardous road safety condition resulting from improper sloping. District Engineer Chad Engels presented three options to the applicant for resolution of the potential permit violation: restore the ditch to pre-permit conditions; shift the ditch bottom away from the road and install an appropriate

road slope; or install tile, as the contributing watershed is small - a tile line could be installed and the open ditch closed. Board Manager Scott Gillespie asked the applicant if he would agree to this solution; the applicant agreed. Gillespie motioned, seconded by Kapphahn and carried unanimously, to amend the permit conditions to include tile installation (sized by Moore Engineering) and closing the ditch as an alternative to resloping the current grade.

**TCD #35 REPORTS FILED** Administrator Jamie Beyer reported that the TCD #35 Detailed Engineer's and Viewers Reports have been filed.

**GILLESPIE LEAVES** Board Manager Scott Gillespie left the meeting.

**MUSTINKA RIVER & REDPATH IMPOUNDMENT PROJECTS** Engineering staff provided a detailed presentation of the Mustinka River Rehabilitation and Redpath Flood Impoundment projects. Construction will begin in 2022. The emergency spillway for the project was moved from the furthest downstream point of the impoundment to further upstream in order to reduce the drastic elevation change and therefore increase dam safety. Senator Torrey Westrom, Representative Jeff Backer, Red River Water Management Board Executive Director Rob Sip, Traverse County Commissioner Kayla Schmidt, Wilkin County Commissioner Eric Klindt, Grant County Commissioner Bill LaValley, and Traverse County Highway Engineer Chad Gillespie were in attendance. Discussion was also held as to how to best fully fund these projects, and the availability of funds through the State of Minnesota's DNR Flood Hazard Mitigation Program.

**TCD #35 FINAL HEARINGS** Kapphahn motioned, seconded by Dahlen and carried unanimously, the final hearing on the improvement petition, the detailed survey report, and the viewers' report of the determination of benefits and damages was ordered for December 16<sup>th</sup>, 2021. Beyer motioned, seconded by Dahlen and carried unanimously, to approve the viewer hourly rate of \$35/hour and \$40/hour for the lead viewer.

**JD #6** Beyer motioned, seconded by Dahlen and carried unanimously to approve JD #6 Pay Application No. 4 in the amount of \$45,512.49. Beyer motioned, seconded by Dahlen and carried unanimously, to approve application of \$442,417.21 in expenses (\$51,006.83 for the current period and \$391,410.38 in prior) towards the JD #6 Bond.

**WCD #20 & WCD #35** Wilkin SWCD has presented an opportunity for additional clean water grant funds that would have to be used by June 20, 2023; they proposed using the funds to stabilize the WCD #20 outlet. In reviewing the \$326,000 preliminary cost estimate, the grant would cover \$36,400 in estimated expenses, and the District would have to secure \$289,600 in funding. It is unclear at this time, how high of a priority landowners and board managers place on this project. District Engineer Chad Engels suggested that the funds be used to install side inlets on WCD #35. Beyer motioned, seconded by Schmidt and carried unanimously, to support a Wilkin SWCD grant application on behalf of WCD #35.

**640<sup>TH</sup> AVE ROAD RAISE** An agreement for the 640<sup>th</sup> Avenue Road Raise has been drafted for use between the District and Dollymount Township, in reference to Permit Application #21-114. Engineer Technician Troy Fridgen suggested that the District purchase the project pipe, and will get price quotes. Kapphahn motioned, seconded by Dahlen and carried unanimously, to provide the agreement to Dollymount Township for their review and consideration for approval.

**RRWMB UPDATE** Rob Sip, Executive Director of the Red River Water Management Board (RRWMB) provided a LIDAR and legislative update. A legislative reception will be held on December 14, 2021 in Ada.

**DORAN CREEK** District Engineer Chad Engels presented potential easement acquisition maps for the Doran Creek project based on the 10-year floodplain. A landowner present stated that, because the channel has not been cleaned out, the floodplain has widened. Of the 1,100 acres identified within and adjacent to the channel, it is not known now how many of those acres are tillable. The comments will be considered in preparation for a January landowner meeting.

**BIG LAKE** There was no update for Big Lake.

**LAKE SAMANTHA & ELBOW LAKE** Meetings continue with Grant County and the DNR to discuss controlling elevations on Lake Samantha and Elbow Lake.

**LTWQIP NO. 1  
PHASE #2** Construction for the Lake Traverse Water Quality Improvement Project No. 1 Phase No. 2 is 95% complete.

**CLA AUDIT** Dahlen motioned, seconded by Kapphahn and carried unanimously, to approve the letter of engagement with auditors Clifton Larson Allen. The cost for the 2021 audit and financial statements will be: \$11,428 for professional services and \$572 for the associated technology fee.

**BUDGET & LEVY  
HEARINGS** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Public Hearings for the 2022 General Fund, Construction Fund and the Levies for the Ditch System Funds and Projects were ordered for December 16<sup>th</sup>.

**WOTUS  
ROUNDTABLES** Administrator Jamie Beyer reported that the Red River Watershed Management Board, Red River Basin Commission, and Red River Retention Authority declined organization of a virtual WOTUS roundtable discussion. The organizations hope to be part of a roundtable, if organized by someone else.

**MAWD  
DELEGATES** Board managers nominated President Linda Vavra and Board Manager Jason Beyer to serve as delegates for the annual MAWD meeting, and for Board Manager Allen Wold to serve as alternate.

**RRWMB  
DELEGATE** Board managers nominated President Linda Vavra to serve as the Red River Watershed Management delegate and Board Manager Jason Beyer to serve as the alternate.

The meeting was adjourned at 1:30 pm.