

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

CALL TO ORDER The meeting was called to order by President Vavra at 10:00 a.m. via conference call and screenshare pursuant to Minn. Stat. § 13D.021. Present in the District Office: Linda Vavra, Steven Schmidt, and Scott Gillespie. Joined remotely: Jason Beyer, Ben Brutlag, Doug Dahlen, John Kapphahn, and Allen Wold. Also present remotely: Engineer Chad Engels, Engineer James Guler, Engineer Nathan Trosen, Attorney Lukas Croaker, Engineer Technician Troy Fridgen, Stevens County Engineer Todd Larson, members of the public and adjacent landowners. Also present in the District Office: Administrator Jamie Beyer, Eldorado Township Supervisors David Horning and Duane Wilts, Landowners Gary Behrens, Mark Lampert, Brian Berg, and Robert Berg.

**PERMIT #20-164
ELDORADO
TOWNSHIP** Gillespie motioned, seconded by Schmidt, to open the meeting. The purpose of the meeting was to review the project described in Permit Application #20-164, and to discuss possible conditions. Roll call vote: Schmidt – aye; Gillespie – aye; Kapphahn – aye; Wold – aye; Beyer – aye; Daheln – aye; Brutlag – aye; Vavra – aye.

**POTENTIAL
CONDITIONS** District Engineer Chad Engels described the project, to improve a portion of 140th Street and adjacent road ditches along the South line of Sections 19, 20, and 21 and along the north line of Sections 30, 29, and 28 in Stevens County. The project also includes an improved road ditch along the south line of the southeast quarter of Section 24, Dollymount Township. Water from Stevens County is conveyed to Traverse County then to TCD #37. As-is, the project would have adverse downstream impacts on landowners, but with appropriate conditions, the project could address and improve drainage problems in the area without adverse effects to TCD #37. District Engineer Chad Engels strongly emphasized that the function of TCD #37 will first and foremost be considered. To that aim, he proposed four general conditions that serve as a starting point for processing the application:

- 1) Culvert sizing – the proposed project was designed to protect 140th Street from a 50-year flood event; subsequently, two of the proposed culverts are oversized and need to be downsized per BTSAC design guidance.
- 2) Ditch improvement/cleanout – the ditch along the west line of Section 18, Eldorado Township needs to be graded to the north and obstructions need to be removed, including undersized field approaches. Ditch grading needs to begin at the two Stevens County Highway 20 centerline culverts located immediately east of the Traverse County line. The purpose of this condition is to direct flow away from TCD #37.
- 3) Related road raises – at least one county road, 640th Ave, located on the county line, will need to be raised in order to meter flood flows and mitigate the proposed installation of a 54" culvert.
- 4) Redetermination of benefits and damages– the benefitting project area is not currently assessed to TCD #37. A redetermination of benefits for TCD #37 would need to occur to include property from Stevens County.

**LANDOWNER
COMMENTS** Landowner Jon Mathias spoke on behalf of the project. Landowners Robert and Brian Berg expressed strong concerns about the potential of this area to flood and relayed their knowledge of the area. Landowner Gary Behrens emphasized the need for condition #2, and advocated that this condition must be completed first, before construction of the road. Mr. Gary Behrens also asked that engineering staff evaluate additional roads that could potentially overtop. Mr. Brian Berg asked why the proposed project does not outlet to the south directly to Twelvemile Creek, and stated that it did not matter to him if the outlet of this project was located upstream or downstream of his property, and made additional accusations about how this project is being presented. On behalf of Eldorado Township, Mr. David Horning recounted how the project is a year in the making, and that now that a design has been put together, they are just beginning to consider funding sources, and discuss plan details with the watershed, township, and county staff and boards. President Vavra called for order to be restored to the meeting. Kapphahn motioned to table the permit and end the meeting. Order was regained.

CURRENT STATE District Engineer Chad Engels summarized the current state of the watershed: drainage for approximately six sections of land flows to a 36" culvert on the County line, in an area where field elevations are at, or very near, ditch elevations, and roads are routinely overtopped and washed-out. Engineer Technician Troy Fridgen relayed that Dollymount Township officials are open to hearing about

the project, and that this area is a top source of public complaint. Engineer Technician Troy Fridgen emphasized that this project won't help alleviate damage due to large scale flood events, but will minimize crop damage from a heavy summer rain event. Landowners have not voiced support for an impoundment.

ADDITIONAL CONSIDERATIONS Landowner Mark Summers identified an additional ditch and culvert that would require attention, and relayed concerns about increasing downstream flows. District Engineer Chad Engels emphasized that all proposed projects must meet the District's hydraulic standards, and staff discussed the possibility of instituting a flexible permit condition that could be implemented if the project presents unforeseen downstream conditions.

PETITION & RE-DETERMINATION Questions were asked about how lands could be brought into assessment districts, whether by petition or by redetermination (and whether the redetermination is brought by a minimum of 26% of TCD #37 landowners or by board order).

NEXT STEPS Board Manager Scott Gillespie asked if those in attendance are satisfied with the current state of drainage in the project area. No one replied. Board Manager Steven Schmidt stated that, when you farm next to a road that overtops, you are inundated with significantly more water than what would be controlled with a culvert. Mr. Gary Behrens requested to meet with engineering staff to discuss the elevations of individual project area roads and culverts. Board Manager John Kappahn requested that more factual information be gathered – specifically cost estimates, reactions to the potential conditions by the project design engineer firm, and township inputs. Board Manager Allen Wold expressed concern expending funds on the Eldorado Township's behalf. Eldorado Township Supervisor David Horning emphasized that his responsibility, as a township supervisor, is roads, and that additional conditions may present requirements far outside the scope and ability of the township board. Board Manager Scott Gillespie suggested what he felt may be a simpler project designed, but Mr. David Horning maintained that the simpler project may not protect the new road from overtopping.

The meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
January 21, 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, Jason Beyer, Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Joined remotely: Doug Dahlen and John Kapphahn. Absent: Ben Brutlag. Also present remotely: Engineer Chad Engels, Engineer James Guler, Engineer Nathan Trosen, and Attorney Lukas Croaker. Also present in the District Office: Engineer Technician Troy Fridgen, Viewer Mark Dietz, and Viewer Dwight Vehldhouse.

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 After the Fact Permit #19-133, D. Stock
- Remove TCD #52 Update
- Add 2021 Engineering Rates
- Add Permit Application #21-002, Stevens County

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

CONFLICT OF INTEREST No conflicts of interest were declared.

PUBLIC COMMENT No public comment was received.

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

2021 DITCH & WATERSHED PROJECT PLAN Gillespie motioned, seconded by Schmidt, to approve the 2021 Minn. Stat. Section 103E Ditches & 103D Watershed Project Priorities.

	<u>103E Ditches</u>	<u>103D Watershed Projects</u>
2020 Construction Carryover	WCD #9 Improvement JD #11 Repairs	Lake Samantha Outlet LTWQIP Phase No. 1
2021 Active Development	JD #6 WCD #Sub-1 Improv. TCD #35	LTWQIP Phase No. 2 LTWQIP Phase No. 3 Big Lake Outlet Redpath Impoundment Doran Creek Enhancement
2021 Prelim. Development	WCD #35	Moonshine Lakebed
2021 Minor Repairs	WCD #20 WCD #25 JD #12 Field Approaches	
Identified for Future	JD #12 TCD #8 TCD #52	Fivemile Creek Rehabilitation Western 32 Impoundment

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

**UNPERMITTED
DIKING**

Unpermitted diking and permits for Mr. Roger Budke will be moved to the February board meeting.

**PERMIT APP.
#21-002
STEVENS COUNTY**

Board managers reviewed the details of a recent centerline culvert under Stevens County #20, as described in After-the-Fact Permit Application #21-002. There are two culverts in the project area:

- Culvert A – 44" x 27" arch pipe located immediately east of the county line
- Culvert B – 24" RCP located 500 – 600' east of Culvert A

Culvert A was replaced, but at a depth 3-4 tenths of a foot lower than the original culvert and therefore required an after-the-fact permit. District Engineer Chad Engels proposed two conditions that would need to be met by Stevens County for approval of the permit application:

- 1) A flap gate must be installed on the north side of the 24" culvert (Culvert B).
- 2) A concrete weir, with a height of 5 tenths of a foot, must be constructed across the apron, on the bottom of Culvert A.

He also confirmed that in a prior written judgement regarding the project area, the assigned judge anticipated that there would be flapgates in the future and that these conditions are not contrary to the earlier legal decision. Schmidt motioned, seconded by Beyer, the permit is approved with the recommended conditions. Board managers requested that the District Engineer include in the conditions a deadline for installation. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye. Vavra – aye. Motion carried.

**PERMIT APP.
#20-164
ELDORADO
TOWNSHIP**

Schmidt motioned, seconded by Gillespie, to authorize staff to meet with Dollymount Township officials to discuss the permit application and potential conditions for permit application #20-164 Eldorado Township. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**PERMIT APP.
#19-133
D. STOCK**

Attorney Lukas Croaker informed the board that Permit No. 19-133 conditions are being violated. The permit was filed by Mr. David Stock on behalf of Landowner Mr. David Bakke. Beyer motioned, seconded by Deal, to authorize President Vavra to sign an Administrative Compliance Order that includes an April 14, 2021 deadline for the applicant to remedy the violations; failure to do so will result in a hearing before the board on April 15, 2021, at the board's regular meeting. Schmidt – aye; Wold – aye; Gillespie – aye; Kapphahn – aye; Beyer – aye; Deal – aye; Dahlen – aye; Vavra – aye. Motion carried.

**HEARING ON
PARTIAL
ABANDONMENT
OF TCD #52**

At 9:30 AM, Beyer motioned, seconded by Gillespie, to open the Public Hearing to Consider the Partial Abandonment of a Portion of Traverse County Ditch No. 52, specifically Lateral 3. Petitions were received from landowners for the affected area (James E. Graham Estate in the NE1/4 of Section 7, Parnell Township and Helen B. Toso Trust in the SE1/4 of Section 7, Parnell Township. Farm operator Ben Anderson, neighboring landowner Dale Haukos, neighboring landowner Roger Nosbusch, and landowner Carrie Joyce Kruger and her son Tom Krueger discussed drainage issues in the region. Landowners were unaware that the lateral was part of the legal drainage system until the DNR Buffer Map was published. Landowner Roger Nosbusch is in the process of designing a tile system that he originally intended to outlet to this lateral, and board managers discussed several alternative options. District Engineer Chad Engels theorized that, because of the erosion at the TCD #52 outlet, there may have been reluctance to complete clean-outs of the system. Landowner Carrie Joyce Kruger requested written confirmation of the BdSWD's obligation to maintain the ditch, but staff assured landowners that it is clear in MN Statutes Chapter 103E. Gillespie motioned, seconded by Wold, to deny the petitions and direct engineering staff to investigate the original grade line, evaluate whether this portion could benefit from a clean-out, and report back to the board at the next meeting. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried. Gillespie motioned, seconded by Deal, to close the public hearing. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**RECONVENED
JD #6 HEARINGS**

Upon motion by Beyer, seconded by Deal, President Vavra reconvened the final hearing on the redetermination of benefits and damages and the repair petition for JD #6. Attorney Croaker discussed the final hearing procedure outlined under Minn. Stat. §§ 103E.335 and 103E.341 and informed the Board managers that there would be discussion and potentially final action on the

Petition, Amended Viewers' Report, and Engineer's Repair Report. Viewers Dietz and Veldhouse were present.

JD #6 DESIGN CHANGES

Engineering staff described changes to the repair design that were suggested during the comment period:

- 1) A landowner suggested that, in Section 27, a culvert that directs flow east, that is currently slated for elimination, be retained and installed at a higher elevation to direct high flows.
- 2) The Traverse and Wilkin County Townships associated with grass roads between Sections 35 and 36 in Traverse County and between Sections 2 and 35 in Wilkin County have been notified of an opportunity to install gravel above the road base that will be fortified by the drainage system project. We have not received a notice that either township will be pursuing the option.
- 3) A landowner has requested additional culverts on the north side of the east-west portion of the drainage system in Section 35.

Gillespie motioned, seconded by Beyer, to amend the engineering plans to include a standard driveway approach at the quarter-line in Section 35 and notify the landowner. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

Viewers Dwight Veldhouse and Mark Dietz described changes to the Viewers' Report for the Redetermination:

130-46-26 NESW 1/4 Remove \$20,260 in damages
130-46-27 NESE 1/4 Add \$20,260 in damages
MnDOT: Hwy 55 Reduced benefits from \$28,647.12 to \$9,480.00
MnDOT: Requested that road benefits not be assessed into both Judicial Ditch #11 and Judicial Ditch #6. Viewers removed road benefits for south Section 27.

Landowners were given an opportunity to provide comment. No comment was received.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Attorney Lukas Croaker read the drafted Findings of Fact, Conclusions of Law, and Order. Gillespie motioned, seconded by Beyer, to approve the Amended Viewers' Report, Amended Engineer's Repair Report, the redetermination of benefits and damages, the establishment of the repair project, and to order easement acquisition pursuant to the approved Findings and Order for JD #6. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

INLINE RR CROSSING

Engineer James Guler asked board managers how they would like to deal with the inline railroad crossing culvert, indicating that the railroad has expressed an interest in completing the construction themselves. Board managers stated concerns that their work may not be done in a timely fashion. Gillespie motioned, seconded by Beyer, to order that District engineering staff be present on-site when the railroad installs the culvert. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

JD #6 FINAL PLANS & SPECS

Wold motioned, seconded by Gillespie, to authorize staff to prepare final plans and specs and advertise for construction bids. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

HEARING CLOSED

Beyer motioned, seconded by Deal, to close the hearing. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried. Moore Engineering will host a pre-bid contractor meeting to discuss project details before bids are submitted; and Board Manager Wold requested that board managers be invited to the pre-bid meeting.

GILLESPIE LEAVES

Scott Gillespie left the meeting.

TILING MEETING

Board Manager John Kapphahn requested that a general rules meeting be organized with region drainage tile installers, and it may be an opportunity to get feedback before the District completes its review of its rules and policies.

JD #11 OUTLET	At the February meeting, Braun Intertec will have a recommendation to repair the outlet of JD #11.
WCD #9 PAY REQUEST	No pay request was submitted by the contractor for WCD #9. To date, only one pay request has been submitted. Turf establishment is the last punchlist item.
WCD #SUB-1	Board Manager Beyer has a petition signed by 50% of landowners, but wants more time to meet with additional landowners. District Engineer Chad Engels suggested that a landowner meeting be held in March in order to confirm landowner interest prior to BWSR grant submission.
LTWQIP #1 PAY REQUEST #2	Beyer motioned, seconded by Deal, to approve Pay Request No. 2 for the Lake Traverse Water Quality Improvement Project Phase No. 1 in the amount of \$107,836.92. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.
LTWQIP #2 GRANTS	The District was notified that it was not awarded a grant for Phase No. 2 through MnDOT, but was awarded a BWSR Clean Water Projects and Practices grant in the amount of \$418,235. In addition, funding will likely be available through the RRWMB, 1W1Plan, and District Construction Fund.
BIG LAKE EAW	Board Manager Doug Dahlen has been discussing the Big Lake Project with affected landowners, and has received positive feedback. District Engineer Chad Engels discussed project design details with farm operator Larry Vipond. Beyer motioned, seconded by Deal, to authorize staff to advertise the EAW for 30-day public comment. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.
SAMANTHA LAKE	Board Manager John Kapphahn reported that the Samantha Lake outlet is working well. District Engineer Chad Engels stated that there is some channel work remaining between Samantha and Elbow Lake that will be completed in 2021.
REDPATH IMPOUNDMENT PROJECT FLOW REDUCTIONS	Engineer James Guler presented the draft Redpath Impoundment Engineer’s Report. The project will reduce Mustinka River breakouts to the Rabbit River, provide significant flow reduction along the Mustinka River, compliment the flood storage provided by the Lake Traverse flood control project, and rehabilitate 5.5 miles of the Mustinka River. The flow reduction benefits of the project were modeled for six 24-hr events, three 10-day events, a 100-yr runoff event, a 100-yr snowmelt event, and four 1,000-yr dam safety events. The project will provide a 74% reduction in peak flow and 49% reduction in flood volume for the 25-yr 10-day event on the Mustinka River near Norcross, MN. Additionally, the project would provide a 26% reduction in peak flow and 33% reduction in flood volume for the 100-yr 10-day event.
REDPATH DESIGN	The design for the project includes: <ul style="list-style-type: none"> • a one-mile long approach channel from Hwy 9 to the inlet structures • two inlet structures – one inlet structure to the bypass, one inlet structure into the impoundment • bypass channel with low-flow corridor • levies all the way around the impoundment • outlet primary spillway • auxiliary earthen spillway • 19,000 acre feet of gated storage at the auxillary spillway elevation. • Two upstream emergency overflow spillways to prevent the overtopping of levees • The interior flood storage area will be farmed • JD #14 will traverse through the impoundment, but will have berms to prevent interior flooding to the 10-yr 24-hr rainfall event
IMPOUNDMENT AT HIGHWAY 9	Landowner Dwight Veldhouse asked if the railroad next to Highway 9 restricts streamflow prior to entering the proposed impoundment. Engineering staff completed computer modeling to determine the capacity of the approach channel and crossings upstream of the impoundment. The modelling accounts for the scheduled replacement of the Highway 9 bridge by the DOT and existing railroad crossing; the improvements to Highway 9 and the approach channel will increase conveyance to the impoundment. Engineer Technician Fridgen relayed complaints from area landowners that there are also remnants of old pilings under the railroad crossing that catch branches and debris and dam the flow. District Engineer Chad Engels stated that, as the channel is a Minn. Stat. Section 103E ditch, the District can order that the area under the railroad be cleaned-out in anticipation of the project.

**ADMINISTRATOR
ARRIVES**

Administrator Beyer entered the meeting.

REDPATH COST

Engineering staff presented the Opinion of Probable Cost based on 95% design plans. With contingency, the amount remaining to complete the project is \$37,600,000. Board managers discussed benefits, benefit areas, and potential funding sources. The RRWMB has recommended that Redpath receive \$500,000 of the \$1.5 million allocated for the Red River Valley for the Flood Hazard Mitigation Program, and the DNR has offered an additional \$300,000 in leftover funds. Beyer motioned, seconded by Deal, to complete a Flood Hazard Mitigation application for the funds.

**REDPATH VS.
DORAN CREEK**

The differences between the Mustinka River and Doran Creek were also discussed. Doran Creek has experienced significant sedimentation, but minimal straightening (as opposed to the Mustinka River which has been straitened and is experiencing severe erosion. The Doran Creek project design will be reviewed by the DNR, and engineering staff will be collecting additional field data this spring to complete the design. The EAW and Public Waters permits are scheduled for Fall 2021. Funding partners will be identified in 2021 – 2022, with construction possible in 2023.

**NORTH OTTAWA
MOA**

The DNR has presented their comments on the draft North Ottawa Memorandum of Agreement. Administrator Beyer has sorted through the comments and will have Attorney Croaker review the document. It will then be distributed to board managers for review and comment.

FARMLAND BIDS

Board managers reviewed the results of the farmland lease bid. Kapphahn motioned, seconded by Schmidt, to approve the high bid submitted for all non-North Ottawa land, and to order that the Moonshine leases include a clause to compensate renters for crop damage if a tile main is installed on District parcels.

**NORTH OTTAWA
BIDS**

North Ottawa had restricted acres (small grain or corn silage) and unrestricted acres for lease. Tie bids for unrestricted acres were submitted. Wold motioned, seconded by Deal, to allow the two top bidders to submit a second bid within 10 days to break the tie. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**EOY JOURNAL
ENTRIES**

Beyer motioned, seconded by Deal, to approve the end of year journal entries for reallocation of general ditch expenses, reallocation of staff expenses, reallocation of board manager expenses, and interest earned/charged. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**PROPERTY TAX
EXEMPTIONS**

Board managers reviewed property tax exemptions for District owned parcels not put into agricultural production. Beyer motioned, seconded by Schmidt, to submit the corresponding property tax exemption requests. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

BOARD MILEAGE

Board managers reviewed mileage reimbursement rates. Board Manager Doug Dahlen stated that his mileage is 25 miles, one way. Schmidt motioned, seconded by Deal, to approve the mileage rates as amended. Roll call vote: Wold – aye; Dahlen – abstained; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**EDUCATION
POLICY**

Wold motioned, seconded by Beyer, to approve the District Education Policy. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**1W1PLAN
ADOPTION**

Deal motioned, seconded by Dahlen, to pass the Resolution Officially Adopting the Bois de Sioux – Mustinka Comprehensive Watershed Management Plan. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**ENGINEERING
RATES**

District Engineer Chad Engels described changes to Moore Engineering Hourly Rates for 2021. Dahlen motioned, seconded by Wold, to approve the rate schedule. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

The meeting was adjourned at 2:05 pm.

**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.

**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.

LTWQIP 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.

**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.

KAPPAHNAH 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.

**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 jetted. 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.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 17, 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, Jerome Deal, John Kapphahn (joined later), Steven Schmidt, Allen Wold. Absent: Benjamin Brutlag, Doug Dahlen, Scott Gillespie. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer. Joined remotely: Attorney Lukas Croaker, Engineer Jim Guler and Environmental Group Leader Amy Denz (joined later).
- 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** Deal motioned, seconded by Beyer, to approve the agenda with the addition of the Eldorado Township Permit #20-164. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Vavra – aye. Motion carried.
- CONSENT AGENDA** Wold motioned, seconded by Schmidt, to approve the Consent Agenda. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Vavra – aye. Motion carried.
- KAPPAHNN ARRIVES** Kapphahn arrived.
- PUBLIC COMMENT REDPATH** Mr. Kevin Blume and Mr. Neil Blume provided public comment, concerned that recent Redpath Project land sales involved a higher price per acre than when their parcel was sold in 2013, stating that they had sold their parcel in support of the project with the understanding that all lands would be sold for the same price per acre. Board Managers stated that recent and past land sales were based on appraised land values at the time of the sale. Had the board been able to acquire properties at the same time, sale prices would have been more similar. However, the board wished to avoid eminent domain and acquire properties as owners were willing to sell, therefore appraised values changed with the passage of time.
- PERMIT APP. #21-066 D. HOLTE** An unpermitted dike was built in the SE1/4 of Section 32 in Western Township, Otter Tail County, to mitigate flooding caused by an unmaintained tributary to the Rabbit River located in the adjacent DNR parcel to the east. The direction of flow is to the south, however, a portion of the flow is moving west due to the diminished stream capacity. District Engineer Chad Engels stated that, in principle, dikes adjacent to streams consume floodplain storage and exacerbate downstream flooding. Kapphahn motioned, seconded by Schmidt, to authorize engineering staff to review and evaluate the location and design of the dike, and collect survey data to establish the elevation profile of the tributary. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Board managers encouraged legal staff to review whether county commissioners can compel the DNR to clean-out a public water.
- PERMIT APP. #20-164 ELDORADO TWP.** Eldorado Township Chairman David Horning stated that Eldorado's \$612,000 grant application for township roadway improvements south of the County highway (Permit Application #20-164) was denied. Earlier this year, the board approved funding for township roadway infrastructure improvements north of the County highway for the purpose of watershed flood risk reduction. Chairman Horning stated that the need for township road improvements south of the County highway persists, but there are insufficient township funds available to complete construction. District Engineer Chad Engels said he does not see a watershed benefit associated with the proposed project south of the County highway and therefore watershed funding would not be justified. Engineer Engels defined the proposed work south of the County highway as drainage and transportation. Engineer Engels stated that landowners seeking public drainage improvements should follow Minnesota Statutes Chapter 103E which lays out the procedure for developing a new drainage system or a lateral to a legal drain (in this case TCD 37). Kapphahn motioned, seconded by Deal, to authorize legal staff to evaluate public drainage options for landowners upstream of TCD #37, including a lateral, new ditch, and benefit area implications, and to prepare a corresponding petition. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Although the landowner signature threshold may be 26% for a lateral, board managers strongly encouraged that 100% support for the project be sought. Chairman David

Horning presented a \$1,224 invoice that was incurred by the township, that he believes was incurred in response to design changes requested by watershed district engineering staff. Board managers stated that the payment obligation is not with the Bois de Sioux Watershed District.

**JD #12 PETITION
HEARING:
G. COLEMAN**

Wold motioned, seconded by Deal, to open the hearing to consider the petition from Gerald Coleman to use Judicial Ditch #12 ("JD #12") as an outlet for the NE1/4 of Section 25, Range 44, North Ottawa Township (T129N), Grant County (Parcel #11-0088-500). Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. President Vavra opened the meeting. 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. This information confirmed that surface drainage from the proposed project flows to JD #12 already. Therefore, because the project is not new surface drainage and simply tile drainage from within the existing watershed, subject to the District's policy for tile drainage, the existing design capacity of JD #12 would not be adversely impacted by the tile project. The applicant was not present to speak to the permit. Engineer Jim Guler described two approaches to determine the outlet value: Option 1 is based purely on the historical costs of the ditch and the associated benefit and project acres; Option 2 is based on the proportion of the historical costs that are not paid by public entities and the associated benefit and project acres. Board managers discussed which option best represents what the parcel would have paid had it been included in the original assessment district. Greg Mastellar, on behalf of MnDOT, requested that the board consider the large amount of benefits paid by MnDOT and the amount of additional maintenance they conduct as a road authority. Kapphahn motioned, seconded by Schmidt, to use Option 2. Roll call vote: Wold – no, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Attorney Croaker read the Order, which included that the outlet fee and benefits were calculated to be \$1,471.18 and \$131.27, respectively. Wold motioned, seconded by Kapphahn to approve the Order Authorizing the Use of JD #12 as an Outlet. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Deal motioned, seconded by Kapphahn, to close the public hearing. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

SAMANTHA LAKE

District Engineer Chad Engels reported that the Samantha Lake Project was operational this spring, and now Grant County officials and staff are requesting a structure modification that would provide nearly 4' of separation between the water level and adjacent roads – in the interest of public health, safety, and welfare. DNR Hydrologist Emily Siira and DNR Regional Manager Nathan Kestner discussed whether an environmental review would be required, and what challenges an environmental review would present for this specific project. Regional Manager Nathan Kestner stated that the first requirement would be to discern the alternatives that would result in the least damaging solution. Regional Manager Nathan Kestner stated that, statewide, road raises are almost always determined to be the preferred alternative, as opposed to the drawdown of adjacent water levels. Kestner also stated that permitting authority could be delegated to the WACA LGU, who has access to the BWSR road replacement funding program. Primarily, the DNR would need to evaluate how the proposed project alternatives impact adjacent wetlands, and that cost alone is not the ultimate decision maker. Board Manager John Kapphahn stated that this road has already been raised several times – and that road raises that require building up and widening the road – also result in a loss of floodplains and wetlands. Hydrologist Emily Siira asked if lowering Samantha Lake will affect Elbow Lake, and Engineer Chad Engels stated that he believes there is sufficient separation between the two, and would not anticipate an impact. Board Manager John Kapphahn inquired as to why Samantha Lake hasn't been included in the DNR's Shallow Lakes Program; no answer was provided. Grant County Commissioner Bill LaValley encouraged DNR staff to review how high water levels have impacted multiple neighboring landowners, and stated that Grant County has done enough road raising. Board Manager Allen Wold inquired about the ordinary high water levels for Samantha Lake; Hydrologist Emily Siira stated that the 1161.9' elevation was established in 1998, after reviewing 1973 USGS data indicating an elevation of 1161'. Board managers discussed extreme precipitation in 1972 and 1997, leading up to both collections. Grant County Engineer Tracey Von Barga recommended that DNR staff consider a change to the existing condition, considering the amount of dead rough fish that Grant County plows off of the adjacent road, following flooding conditions. Landowner Steve Salwasser questioned what natural resource benefit is derived from expanding and deepening lakes that cause shoreline erosion, degrading overall water quality and water levels that do not support the historical wildlife habitat. Board managers discussed next step options: do nothing; evaluate road raise options; evaluate lake lowering options; evaluate risk of flooding at current condition. Kapphahn motioned, seconded by Schmidt and carried unanimously,

for engineering staff to return with a proposal for a Scope of Service. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**JD #11
CHANGE ORDER
NO. 7**

Kapphahn motioned, seconded by Schmidt, to approve JD #11 Repair Change Order No. 7, which changes the completion data from July to August, and includes a \$5,000 change to the contract price for mobilization costs. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**CLEAN WATER
FUND ELIGIBILITY**

District Engineer Chad Engels presented information on recent repair/improvement ditch projects, and the cost share provided for clean water fund eligible items. Under the BWSR Multipurpose Drainage Management program, 75% of the costs are grant-eligible, but to remain competitive, the Bois de Sioux Watershed District has been submitting grant requests equal to 50% of the estimated costs. Board Managers were asked if they would be interested in supplementing the difference between the actual costs of the grant-eligible items and grants received, up to 75%. This would involved a transfer of:

WCD #8	\$47,362.75	JD #11*	\$114,640.88
WCD #9/#10*	\$197,244.42	JD #6*	\$167,878.50

*These amounts are not final; project has not been closed yet.

Board Managers requested that the topic be referred to the Policy Committee.

**JD #6 REPAIR
PRIVATE
CULVERTS**

Engineer Jim Guler gave an update on JD #6 Repair construction. A landowner, that had installed side inlet culverts at his own expense, has requested that he retain ownership of the culverts as they are replaced. Board managers advised staff to notify the landowners that they are responsible for removing the culverts if they wish to have them salvaged and this must be done ahead of the contractor's work.

**WCD #9/#10
IMPROVEMENT
BUFFERS**

Engineer Jim Guler presented pictures of the buffer that has failed to establish on WCD #9. The soil in the buffer area for approximately two miles contains mostly gravel and is thought to be the remnants of a dike that existed prior to the improvement project. A recommendation from the engineering staff will be provided at the next meeting.

**TCD #35
PUBLIC
HEARING**

Deal motioned, seconded by Beyer, to approve the TCD #35 Order for 103E.261 subd. 1 Public Hearing. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**WCD #35
PUBLIC
HEARING**

Engineer Jim Guler presented the Engineer's Report for WCD #35. Beyer motioned, seconded by Kapphahn, to approve the order to set the 103E.101, subd. 4a, Public Hearing on the Engineer's Report of Findings on the Alignment, Cross-Section, Profile, Hydraulic Structure Locations, Materials, Dimensions and Elevations, and/or Right-of-Way of the Drainage System as Originally Constructed or Subsequently Improved. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**TCD #1E
PRICE QUOTES**

Engineer Technician Troy Fridgen has received price quotes for replacement of a culvert on TCD #1E, ranging from \$20 - \$44,000. Kapphahn motioned, seconded by Schmidt, to authorize Fridgen to verify quantities and materials and negotiate with contractors for the lowest price. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Administrator Beyer relayed that MnDOT has agreed to cost-share this project, and has requested that their portion be added as a special assessment, amortized over a multiyear term. These details will be finalized once the project is completed and costs are finalized.

**SOUTHERN
BOUNDARY
LANDOWNER
MEETING**

A landowner meeting is scheduled for June 25th, to discuss the proposed southern boundary change for properties west of Highway 75. Upper Minnesota River Watershed District and Big Stone County recently held a meeting with landowners of a proposed ditch in the area, whose construction would affect where the boundary is located. District staff will closely monitor the support and progress of the new ditch and revise the boundary accordingly.

**REDPATH
LAND
ACQUISITION**

It has been brought to the District's attention that the Bartell Family's 1.01 acre parcel (currently in real estate closing for the Redpath Project) is enrolled in CRP. Beyer motioned, seconded by Kapphahn, to buy-out the CRP contract for the 1.01 acre parcel so closing can be completed. The

cost is estimated to be \$800 - \$1,200. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

NORTH OTTAWA ROAD DAMAGE Earlier this year, Engineer Technician Fridgen had gravel roads bladed within the North Ottawa Impoundment. Following a rain, a vehicle went through and damaged the roads. Board managers suggested that staff gather prices for damage prevention equipment.

MUSTINKA RIVER / REDPATH GRANT APP. District Engineer Chad Engels reported that an application for the Mustinka River Corridor and Rehabilitation Project (as part of the Redpath Impoundment) was submitted to the Red River Water Management Board (RRWMB) this week. RRWMB referred the project to their water quality committee for review.

LTWQIP NO. 1 PHASE 1 Engineer Jim Guler asked whether board managers wanted to attend the final punchlist inspection for the Lake Traverse Water Quality Improvement Project No. 1 Phase 1 construction. Board Manager Schmidt volunteered. Beyer motioned, seconded by Kapphahn, to approve Pay Application No. 3 in the amount of \$329,094.98. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

LTWQIP NO. 1 PHASE 2 PROJECT HEARING The District received a response from the DNR in reference to the District's Minn. Stat. § 103D.605, subd. 2 notice to pursue Phase 2 of the Lake Traverse Water Quality Improvement Project No. 1. A response from BWSR is outstanding. Beyer motioned, seconded by Kapphahn, to set the Minn. Stat. § 103D.605 Project Hearing. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

LTWQIP NO. 1 PHASE 2 RRWMB GRANT AGREEMENT Board Managers reviewed RRWMB Approved Funding Agreement 2021FA-06 in the amount of \$367,765.00. Beyer motioned, seconded by Schmidt, to approve the agreement pending minor corrections identified by legal staff. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

LTWQIP NO. 1 PHASE 3 DEVELOPMENT Engineer staff recently met with DNR representatives to discuss preliminary design options. Although the project is a ditch repair, the corridor is classified as a public waters, and so DNR staff have indicated that they will need to approve the project. Also, because the drainage system is connected to Lake Traverse, the project will require a 404 permit, which may require archeological and endanger species reports/investigations.

BIG LAKE FONSI Engineer Chad Engels introduced a proposed change to the operations and maintenance plan, to remove the ability for a winter 1 ½' drawdown. The late summer/early fall 1 ½' drawdown will remain. Environmental Group Leader Amy Denz explained that the change is in response to comments received to the Big Lake Environmental Assessment Worksheet, and the District's obligation to make a change in order to issue a Finding of No Significant Impact.

CROAKER LEAVES Environmental Group Leader Amy Denz presented the Findings of Fact and Record of Decision for the Big Lake Flood Risk Reduction Project Environmental Assessment Worksheet. Kapphahn motioned, seconded by Deal, to adopt the Record of Decision regarding the Environmental Assessment Worksheet for the Big Lake Flood Risk Reduction Project, making a finding of no potential for significant environmental effects, a negative declaration and that preparation of an Environmental Impact Statement is not required. Roll call vote: Wold – no, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

2021-22 ANNUAL RESOLUTION Attorney Lukas Croaker left the meeting.

Discussion of a Big Lake Water Management District was tabled to a future meeting.

Wold motioned, seconded by Schmidt, to approve the Resolution Rescinding Emergency Public Hearings. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Beyer motioned, seconded by Schmidt, to not waive the monetary limits on tort liability established by Minn. Stat. § 466.04. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Kapphahn motioned, seconded by Schmidt, to approve the Policy to Verify the Authenticity of Requests to Change Vendor Bank Account Details. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

2021 – 2022 Annual Reorganization

Beyer called for nominations for the position of President. Kapphahn nominated Linda Vavra, seconded by Schmidt. Kapphahn motioned, seconded by Schmidt, to direct the Secretary to cast a unanimous ballot to Linda Vavra for President. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Vavra called for nominations for the position of Vice President. Kapphahn nominated Jason Beyer, seconded by Deal. Deal motioned, seconded by Schmidt, to direct the Secretary to cast a unanimous ballot to Jason Beyer for Vice President. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Vavra called for nominations for the position of Treasurer. Wold nominated John Kapphahn, seconded by Schmidt. Wold motioned, seconded by Deal to direct the Secretary to cast a unanimous ballot to John Kapphahn for Treasurer. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – abstained; Vavra – aye. Motion carried.

Vavra called for nominations for the position of Secretary. Kapphahn nominated Allen Wold, seconded by Schmidt. Deal motioned, seconded by Schmidt to direct the Secretary to cast a unanimous ballot to John Kapphahn for Treasurer. Roll call vote: Wold – abstained, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Deal motioned, seconded by Wold, to designate the official District newspapers as follows:

NEWSPAPERS

Traverse County.....Wheaton Gazette
Big Stone County The Northern Star
Grant County Grant County Herald
Wilkin County The Daily News
Otter Tail County.....The Daily Journal
Stevens County The Chokio Review

Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Beyer motioned, seconded by Dahlen, to designate the District consultants as follows:

CONSULTANTS

Attorney at Law Lukas Croaker, Ohnstad Twichell
Engineer.....Chad Engels, Moore Engineering
Accountant Renee Kannegeisser, Morris & Associates
Auditor.....CliftonLarsonAllen

Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Kapphahn motioned, seconded by Schmidt, to designate the District bank depositories and insurance as follows:

DEPOSITORIES

Bank of the West.....Wheaton, MN
Bremer Bank Morris, MN

Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Wold motioned, seconded by Beyer, to designate the District bank depositories and insurance as follows:

INSURANCE COVERAGE

League of Minnesota CitiesSaint Paul, MN

Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Board managers recommended that the 1W1Plan Committee be terminated, and add flexibility for multiple Construction Committees (instead of one designated committee) to include a representative for the county in which the project is located. Board managers requested that the RRWMB delegate be determined in October.

Kapphahn motioned, seconded by Beyer, to approve the 2021 – 2022 Annual Organization Resolution. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**PRESIDENT
MOORE
ENGINEERING**

District Engineer Chad Engels introduced Moore Engineering President Kevin Bucholz, who thanked the board for their efforts and relationship.

Beyer motioned, seconded by Schmidt, to adjourn the meeting at 12:09 PM.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD SPECIAL MEETING MINUTES
July 13, 2021**

The meeting was called to order by President Vavra at 10:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Scott Gillespie, Steven Schmidt, Allen Wold. Absent: Benjamin Brutlag, John Kapphahn. Also present in the District Office: District Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, and Attorney Lukas Croaker.

Attorney Croaker presented the procedure for the TCD #35 Preliminary Survey Hearing held pursuant to Minnesota Statute § 103E.261.

**ENGINEER'S
REPORT & COST
ESTIMATE**

District Engineer Chad Engels described the location, history, and condition of TCD #35, and the need to relocate and improve the drainage system prior to construction of the Redpath Flood Impoundment. Engineer James Guler presented the Engineer's Preliminary Survey Report which included information on the drainage system's outlet at Fivemile Creek, the incorporation of landowner requests in the proposed project design, installation of break-outs at each mile, inclusion of 3:1 side slopes, easement acquisition, and levee construction. Engineering staff also presented a cost estimate of \$2,533,500 and potential funding sources to cover project expenses. Engineering staff recommended that construction plans include the placement of black dirt on drainage system side slopes to encourage grass establishment.

**ADVISORY
REPORT**

Engineer James Guler read the DNR Advisory Report.

**TCD #35 PUBLIC
HEARING**

Gillespie motioned, seconded by Wold and carried unanimously, to open the public hearing at 11:02 am. One landowner asked if the project will be built simultaneously with the Redpath Flood Impoundment, to which engineering staff confirmed that it will be constructed simultaneously. There were no additional comments.

**FINDINGS OF
FACT & ORDER**

Gillespie motioned, seconded by Beyer, to approve the Findings of Fact and Order, including the appointment of viewers, with the condition that engineering staff identify lands in the potential benefitting area that outlet directly to JD #14. Beyer motioned, seconded by Deal and carried unanimously, to close the public hearing.

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

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Benjamin Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, Allen Wold. 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, to approve the agenda with the following additions: Monson Township ditch issues and TCD #38 Clean-Out.
- CONSENT AGENDA** Upon motion by Deal, seconded by Wold and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** Under Public Comment, Stevens County Commissioner Ron Staples distributed a copy of the newly signed Minnesota Statute 103G.413, which provides an appeal process for Ordinary High Water Level determinations.
- OHWL APPEALS**
- TCD #9 PETITION T. CONROY** The Board reviewed the petition submitted by Landowner Trent Conroy to outlet the SW1/4 of Section 14, Redpath Township, Traverse County into TCD #9. Upon motion by Gillespie, seconded by Deal and carried unanimously, the petition was accepted and the Board ordered that the required public hearing be held during the Board's next regularly scheduled meeting.
- TCD #9 PETITION K. BERGER** The Board reviewed the petition submitted by Landowner Kelly Berger, represented by Chadd Berger, to outlet the SE1/4 of Section 9, Redpath Township, Traverse County into TCD #9. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the petition was accepted and the Board ordered that the required public hearing be held during the Board's next regularly scheduled meeting.
- BWSR UPDATE** Pete Waller, Board Conservationist, presented a 2021 legislative update. Waller stated that the department has nearly met the state's CREP program goals with USDA, and that there is a new grant program for septic system upgrades for individual homes.
- TCD #9 PETITION K. BERGER** District Engineer Engels returned to the petition submitted on behalf of Kelly Berger. Engels stated that, because the parcel's surface and subsurface drainage does not currently flow to TCD #9, an evaluation of the capacity of the ditch will be needed in preparation for the required hearing. Upon motion by Gillespie, seconded by Wold and carried unanimously, the Board authorized engineering staff to determine the capacity of the drainage system.
- PERMIT APP. #21-066 ATF D. HOLTE** District Engineer Engels and Technician Fridgen met with landowners on-site in Section 32, Western Township in response to a severe lack of drainage maintenance on DNR managed land. Adjacent landowners reported that they feel they must create dikes to protect their land from overland flooding. District Engineer Engels recommended that letters be written by the District, Otter Tail County, and Western Township to request the DNR to initiate maintenance activities for the public safety and general welfare of residents in this area. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to draft and send the letter.
- WCD #35 103E.101(4A) HEARING REESTABLISHMENT OF RECORDS** Upon motion by Deal, seconded by Dahlen and carried unanimously, the public hearing on the reestablishment of WCD #35 records was opened. The purpose of the public hearing was to discuss the Engineer's Report of Findings on the Alignment, Cross- Section, Profile, Hydraulic Structure Locations, Materials, Dimensions and Elevations, and/or Right-of-Way of the Drainage System as Originally Constructed or Subsequently Improved in accordance with Minn. Stat. § 103E.101. District Engineer Engels stated that this public hearing is necessary to reestablish the records of the ditch and the first step in preparation for the restoration of Doran Creek. Ultimately, the District would like to install side-inlet culverts on WCD #35 to reduce sediment transport to Doran Creek. Engineers used a formal survey, sediment details, and elevations of crossings, channels, and culverts to determine the probable design of the originally constructed drainage system. The reestablishment report provided details on the drainage system's alignment, channel geometry, channel profile, right-of-way, and hydraulic structures. Although the historical record does not include design or as-built cut sheets, it does include the original petition and viewers' report (with benefit and damage amounts); benefit and

damage amounts match closely the existing daylight locations of the drainage system. The current system is not considered a public waters, and features 3:1 side slopes and a 10' bottom.

Public comment was received in the form of a question as to when construction would begin. District Engineer Engels replied that this process will certainly establish the limits to what the ditch can be cleaned to in the future, but the anticipated project at this time is to correct specific locations that contribute higher sediment loads and require side inlet culvert installations. District Engineer Engels stated that, in prior meetings with landowners, landowners were not supportive of a large repair project, but were interested in side inlet culvert installations if cost-share was available. Gillespie asked if the culverts could be placed in anticipation of a larger repair project, so that they would not need to be reset. District Engineer Engels responded that this objective could be included as a guiding design project goal but may not be possible in all instances.

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Finds of Fact and Order were approved. Upon motion by Beyer, seconded by Deal and carried unanimously, the public hearing was closed.

**PERMIT APP.
#21-075
L. VIPOND**

Board managers reviewed outlet options for the project described in the permit application, which would include a change of flow between subwatersheds; flow could remain within the subwatershed and be directed to the west, but would transverse many private fields, making its way to Grant County Ditch #21 (which needs repair) and subsequently to the Mustinka River. The applicant has proposed that the flow be directed to the east, into an existing slough, which outlets to the Mustinka River via land with a permanent conservation easement. Engineer Technician Fridgen relayed that no comments were received from area landowners. Permit applicant Larry Vipond stated that he had spoken with the first downstream landowner two years ago, and that the landowner did not voice opposition to the project. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the permit was approved.

**UNPERMITTED
DIKE
R. BUDKE**

Attorney Will Budke, representing his father Roger Budke, presented information on a ditch and fence line in Section 30 of East Lake Valley Township. The matter had come before the board on August 15, 2019, when the board directed landowners to find a common solution to natural flooding water paths that cross four separate parcels. Engineer Technician Troy Fridgen began mediating an agreement on August 15th, when landowners reached a consensus to have an 18" culvert installed on a swale on Mr. Budke's property, and that the path to the culvert would be scraped with a ditcher. Both would be paid for by neighbor Lance Lundquist. Later, in response to complaints from Mr. Budke, Engineer Technician Troy Fridgen worked with township officials and downstream landowners to complete a cleanout of a culvert on the north side of Section 30, under the road between Sections 19 and 30. He also had several beaver dams removed.

Mr. Budke says he never agreed to the August 15th plan, and instead installed a 12" culvert. The 12" culvert has been removed.

Attorney Will Budke stated that the elevation of the property's fenceline has been built-up over time due to farming practices and erosion, and that soil from a ditch created 9-10 years ago was added; his request was for, at this point, the watershed district to cease mediation activities and allow the private landowners to pursue future matters at their own discretion. Board managers agreed to do so.

**SAMANTHA/
ELBOW LAKE**

District Engineer Chad Engels has looked more closely at the options available to Grant County in their pursuit to protect roads adjacent to Lake Samantha, and requested that a joint meeting be coordinated with Grant County representatives. Upon motion by Gillespie, seconded by Beyer and carried unanimously, staff are authorized to set and attend a joint meeting with Grant County representatives. President Vavra, Board Manager Brutlag and Board Manager Kapphahn were recommended for attendance.

**WBIF
REIMBURSE-
MENTS**

Board managers reviewed the District's Watershed Based Implementation Funding Grant Budget and Expense Report, along with a reimbursement request for eligible District expenses through June 30, 2021. Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the District's request for \$21,824.84 was approved for reimbursement.

**RRWMB FHM
RESOLUTION**

Board Managers reviewed the legislative Resolution of Support for Flood Hazard Mitigation Project Funding for Red River Watershed Management Projects. Gillespie motioned to approve the resolution,

with the addition that encouraged the Red River Watershed Management Board to determine the most workable state organization/agency to serve as the pass through agent. The motion was seconded by Dahlen and carried unanimously.

**DRAINAGE
EASEMENT
RESOLUTION**

District Administrator Beyer reported that Big Stone and Steven County Commissioners have begun a practice of delaying land purchased by US Fish and Wildlife in order to provide time to downstream landowners to acquire drainage easements with the current landowner(s). Board managers supported staff efforts to bring to the August meeting a draft resolution from the District to Grant, Otter Tail, Traverse, and Wilkin Counties to encourage them to implement similar processes, and to relay the District's support to Big Stone and Stevens Counties.

**2022 BUDGET
HEARINGS**

Manager Gillespie motioned, seconded by Dahlen and carried unanimously, to hold a Public Hearing on the 2022 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems during the next regularly scheduled board meeting at the District Office.

**LAPTOP
PURCHASE**

District Administrator Beyer reported that the missing laptop, provided by former employee Michelle Swenson upon her resignation, had been located by the Wheaton Police Department, in their custody. Because the League of Minnesota Cities Insurance Trust provided compensation for the laptop, they request the return of the laptop to them or the purchase of the laptop by the District. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the District agreed to purchase the laptop at a price no greater than \$400.

**JD #11
REPAIR**

A culvert was damaged during buffer mowing completed by Traverse SWCD; they will see that the culvert is fixed, at their cost.

**JD #6
RAILROAD
CROSSING
AGREEMENT**

Board managers reviewed a written agreement with the Soo Line Railroad, at a cost not to exceed \$50,000, for the railroad to: install a new 48" steel culvert with riprap at outlets, provide grading and erosion control within their own right-of-way, flag/track protection, and any other incidental work required. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the agreement was approved.

**LTWQIP #1
PHASE 2
103D.605
HEARING**

Upon motion by Deal, seconded by Gillespie and carried unanimously, the Minn. Stat. § 103D.605 Lake Traverse Water Quality Improvement Project No. 1 Phase 2 Project Hearing was opened. Engineer Guler presented the project location, scope, and means of financing. It is anticipated that bids would be collected in September, and construction could begin in November. There were no landowners in attendance. Board managers and staff relayed the positive comments received on Phase 1 construction, the continued need for Phase 2 and Phase 3 construction, and the success of Phases 1 and 2 to qualify for outside financial support from BWSR and RRWMB. Engineer Guler summarized the actions requested in advisory reports from BWSR and the DNR.

District Attorney Croaker read the Findings and Fact and Order, which declares the managers find that the project will be conducive to public health, promote the general welfare, and is in compliance with the watershed management plan and the provisions of MN Statutes Chapter 103D. The next step will be for approval from the BWSR Board. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the Order was approved. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the hearing was closed. Gillespie motioned, seconded by Dahlen and carried unanimously, to amend the Order to include authorization for staff to advertise for bids.

**WCD #9
IMPROVEMENT**

Engineering staff reported that vegetation planted in the riparian buffer has started to fill-in; staff recommend that more time be given to assess whether it meets the 70% cover requirement of the construction contract. At this point, the vegetation is enough to prevent erosion.

Board managers discussed performance of the contractor, and asked that a summary of the project timeline and expenses be presented at the August board meeting, indicating what costs occurred after the substantial completion date expired.

**TCD #35
IMPROVEMENT**

Engineer Jim Guler gave a report on the Minn. Stat. § 103E.261 Preliminary Hearing held on July 13, 2021 with TCD #35 landowners, who had positive comments seeing how the project design had changed in response to landowner suggestions. The Order, which also appointed Viewers', was passed at the meeting.

Culverts are on-site, ready for installation by Whaley Excavating.

There are existing tiling projects in Section 18 and 19, Monson Township that outlet and cross through Section 17 and into TCD #27. Engineer Technician Fridgen has been working with landowners upstream and downstream of the tile; the water should flow west and into a public water and into Mud Lake, but because the public water has not been cleaned-out, during high water it flows east and then south to TCD #27. There are two township culverts in the immediate flow path, but one is plugged. Due to the flooding problems, a great deal of maintenance has been completed recently: landowners and Monson Township supervisors spent a significant amount of money to clean-out a township ditch in the vicinity, and MnDOT has plans to replace an associated culvert. Recently, Traverse County Highway Department was in the process of replacing two culverts, and presented an opportunity to evaluate the hydrologic capacity of the crossing to determine the number and size of appropriate culverts. Board Manager Deal relayed that a new ditch had been proposed for the area, at one time in the past, and that a petition had been circulated. Engineering staff will size the culvert when the after-the-fact permit is received. Many of the problems in the region are associated with a lack of maintenance on DNR lands.

TCD #38

Manager Beyer motioned, seconded by Deal and carried unanimously, to authorize staff to clean-out portions of TCD #38.

SOUTHERN BOUNDARY

The engineers explained that the purpose of the informal landowner meeting was to build accuracy in the location of the boundary. Engineering staff feel prepared to host the hearing on the boundary adjustment that BWSR will order. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Resolution in Support of the Boundary Adjustment and the Petition for a Boundary Adjustment Hearing were approved. The next step is for BWSR to order and hold the statutorily required hearing.

640TH AVE ROAD RAISE DOLLYMOUNT & ELDORADO TOWNSHIPS

Engineering staff have put together preliminary plans for the 640th Ave Road Raise Project, between Eldorado and Dollymount Townships. The District's Road Raise Cost-Share policy will be used to cover engineering and construction costs, due to the flood damage risk reduction benefits that will be achieved through this project, and added storage. The northern 1/2 mile would be raised 1/2' - 1', and a culvert will be lowered in Section 7 in the NW1/4. The project will feature a 5' ditch bottom with a 0.05% slope. Existing culverts will be replaced with arch pipes. There will also be a clean-out of the ditch on the west side of the road, adjacent to Section 12, Dollymount Township. There is an existing dike in Section 7 that will be lowered to maintain a 1' separation between the dike elevation and the road elevation. The estimate of cost for construction is \$173,052.50.

Engineering staff met with Mr. Jonathan Mathias and Ms. Marilyn Mathias in a separate meeting to discuss components of the proposed project.

The Bois de Sioux Watershed District's role in the project is not as owner or operator; this is Dollymount Township's project, so an agreement is recommended to define the District's role for cost-share and design. Upon motion by Beyer, seconded by Gillespie and carried unanimously, staff are authorized to draft an agreement for future consideration.

ELDORADO DRAINAGE ISSUES

District Attorney Croaker and District Engineers Engels and Guler have been discussing the drainage issues in Eldorado Township, Stevens County, and how to make sure solving some degree of their drainage problems will not negatively effect TCD #37 landowners. Staff recommend that a new Minn. Stat. Chapt. 103E ditch be created, which outlets into TCD #37 (the flow goes there now); a new ditch requires a petition and bond. District Attorney Croaker recommended that the landowners hire separate legal counsel to draft the petition. Engineer Guler asked if landowners in Stevens County – who have already petitioned into TCD #37 and paid their respective outlet fee – would be included with the new ditch assessment. The consensus was that they could be removed from TCD #37 upon being brought into the new drainage assessment district upon requesting to be withdrawn pursuant to Minn. Stat. § 103E.805. Engineering staff will work with township officials to relay the identified process.

CLIFTON TOWNSHIP FLOOD PROTECTION

Board Manager Deal and engineering staff have been working with Clifton Township Officials Kevin Deal, Jeff Young, and Chad Bruns to discuss road elevations and frequent flooding from Fivemile Creek in Clifton Township Sections 12, 13, and 14. A previous WSN study established where flooding overtops roads; the study recommended road elevations. Engineering staff directed township officials

to maintain the road elevations described in the WSN study along the north and west side of Section 13, and proposed that a portion of the first downstream road along the west side of Section 12 could be lowered to more efficiently move the flow and offer some protection for two nearby farmsteads.

Upon motion by Beyer, seconded by Deal and carried unanimously, engineering staff are authorized to author and provide a hydraulic study to Clifton Township that includes the potential impacts of the proposed solution. Board managers noted that this action would be the same if a permit application were submitted to lower the affected road.

NORTH OTTAWA AGREEMENT The District has received the revisions requested by DNR Attorney Sherri Enzler to the 10-Year Operations and Maintenance Plan, but the revisions have not been evaluated by Attorney Croaker yet.

REDPATH & MUSTINKA REHAB PROJECTS District Engineer Engels relayed that the LCCMR grant application was scored highly, and was selected for a follow-up presentation. Engineer Jim Guler is responding to the first and second round of DNR project comments in pursuit of permitting. Attorney Croaker and President Linda Vavra worked with the Bartells family to confirm signature of closing documents. A grant application will be submitted to BWSR and a grant application has been submitted to the RRWMB for the Mustinka River Rehabilitation Project. The amount needed for the Impoundment that would be available from the Flood Hazard Mitigation Program is a concern.

COUNTY EXEMPTION TO PERMITTING OF LIKE-SIZED CULVERTS Board Manager Beyer asked for discussion on a change to require counties to acquire a permit to replace a culvert, because if they are replacing a culvert with a like-sized culvert, the size could continue to be incorrect, in some cases – and the replacement is a waste of taxpayer funds and the District may be missing an opportunity to achieve its flood storage goals. Engineering staff relayed that sometimes counties often aim to conserve costs on their projects and may be trying to maximize the number of bridges installed in order to maximize eligibility in state bridge cost-share programs. Board Manager Brutlag reported that many of Otter Tail's culverts are currently undersized at 15". Engineer Technician Fridgen stated that, in the past, Monson Township had requested to replace a 15" culvert with an 18" culvert, and the former administrator denied the request; an 18" no longer requires a permit at all.

FLOOD DAMAGE REDUCTION WORKGROUP REQUEST President Vavra reported that the District has made a request to the Flood Damage Reduction Work Group to increase eligibility for 50-50 Project Team Grant Funds for Project Team management of North Ottawa, but the initiative has not been supported by a Flood Damage Reduction Work Group Representative designated by the RRWMB.

DRAINAGE WORK GROUP REQUEST President Vavra and Board Manager Wold attended a Drainage Work Group meeting in which BWSR Coordinator Tom Giles requested that BdSWD provide feedback on the importance of the Multipurpose Drainage Management grant program.

MAWD EVENTS MAWD will hold its summer conference online on June 22, 2021. There is an upcoming MAWA/MAWD Region 1 meeting on August 3, 2021.

RRWMB MTG. RRWMB will host its monthly meeting on August 17, 2021 at BdSWD.

WILKIN SWCD Board Manager Wold reported that he attended the Wilkin SWCD Field Day.

TRAVERSE ORDINANCES Board Manager Deal stated that the Traverse County Planning Commission has proposed revisions to shoreline ordinances, and recommended that staff consider a review of the revisions.

BUFFER COMMITTEE UPDATE The Buffer Committee met and has set dates to get together with landowners in August to discuss parcels reported by Grant and Traverse SWCD's as non-compliant.

Vavra adjourned the meeting.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
January 21, 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, Jason Beyer, Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Joined remotely: Doug Dahlen and John Kapphahn. Absent: Ben Brutlag. Also present remotely: Engineer Chad Engels, Engineer James Guler, Engineer Nathan Trosen, and Attorney Lukas Croaker. Also present in the District Office: Engineer Technician Troy Fridgen, Viewer Mark Dietz, and Viewer Dwight Vehldhouse.

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 After the Fact Permit #19-133, D. Stock
- Remove TCD #52 Update
- Add 2021 Engineering Rates
- Add Permit Application #21-002, Stevens County

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

CONFLICT OF INTEREST No conflicts of interest were declared.

PUBLIC COMMENT No public comment was received.

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

2021 DITCH & WATERSHED PROJECT PLAN Gillespie motioned, seconded by Schmidt, to approve the 2021 Minn. Stat. Section 103E Ditches & 103D Watershed Project Priorities.

	<u>103E Ditches</u>	<u>103D Watershed Projects</u>
2020 Construction Carryover	WCD #9 Improvement JD #11 Repairs	Lake Samantha Outlet LTWQIP Phase No. 1
2021 Active Development	JD #6 WCD #Sub-1 Improv. TCD #35	LTWQIP Phase No. 2 LTWQIP Phase No. 3 Big Lake Outlet Redpath Impoundment Doran Creek Enhancement
2021 Prelim. Development	WCD #35	Moonshine Lakebed
2021 Minor Repairs	WCD #20 WCD #25 JD #12 Field Approaches	
Identified for Future	JD #12 TCD #8 TCD #52	Fivemile Creek Rehabilitation Western 32 Impoundment

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

**UNPERMITTED
DIKING**

Unpermitted diking and permits for Mr. Roger Budke will be moved to the February board meeting.

**PERMIT APP.
#21-002
STEVENS COUNTY**

Board managers reviewed the details of a recent centerline culvert under Stevens County #20, as described in After-the-Fact Permit Application #21-002. There are two culverts in the project area:

- Culvert A – 44” x 27” arch pipe located immediately east of the county line
- Culvert B – 24” RCP located 500 – 600’ east of Culvert A

Culvert A was replaced, but at a depth 3-4 tenths of a foot lower than the original culvert and therefore required an after-the-fact permit. District Engineer Chad Engels proposed two conditions that would need to be met by Stevens County for approval of the permit application:

- 1) A flap gate must be installed on the north side of the 24” culvert (Culvert B).
- 2) A concrete weir, with a height of 5 tenths of a foot, must be constructed across the apron, on the bottom of Culvert A.

He also confirmed that in a prior written judgement regarding the project area, the assigned judge anticipated that there would be flapgates in the future and that these conditions are not contrary to the earlier legal decision. Schmidt motioned, seconded by Beyer, the permit is approved with the recommended conditions. Board managers requested that the District Engineer include in the conditions a deadline for installation. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye. Vavra – aye. Motion carried.

**PERMIT APP.
#20-164
ELDORADO
TOWNSHIP**

Schmidt motioned, seconded by Gillespie, to authorize staff to meet with Dollymount Township officials to discuss the permit application and potential conditions for permit application #20-164 Eldorado Township. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**PERMIT APP.
#19-133
D. STOCK**

Attorney Lukas Croaker informed the board that Permit No. 19-133 conditions are being violated. The permit was filed by Mr. David Stock on behalf of Landowner Mr. David Bakke. Beyer motioned, seconded by Deal, to authorize President Vavra to sign an Administrative Compliance Order that includes an April 14, 2021 deadline for the applicant to remedy the violations; failure to do so will result in a hearing before the board on April 15, 2021, at the board’s regular meeting. Schmidt – aye; Wold – aye; Gillespie – aye; Kapphahn – aye; Beyer – aye; Deal – aye; Dahlen – aye; Vavra – aye. Motion carried.

**HEARING ON
PARTIAL
ABANDONMENT
OF TCD #52**

At 9:30 AM, Beyer motioned, seconded by Gillespie, to open the Public Hearing to Consider the Partial Abandonment of a Portion of Traverse County Ditch No. 52, specifically Lateral 3. Petitions were received from landowners for the affected area (James E. Graham Estate in the NE1/4 of Section 7, Parnell Township and Helen B. Toso Trust in the SE1/4 of Section 7, Parnell Township. Farm operator Ben Anderson, neighboring landowner Dale Haukos, neighboring landowner Roger Nosbusch, and landowner Carrie Joyce Kruger and her son Tom Krueger discussed drainage issues in the region. Landowners were unaware that the lateral was part of the legal drainage system until the DNR Buffer Map was published. Landowner Roger Nosbusch is in the process of designing a tile system that he originally intended to outlet to this lateral, and board managers discussed several alternative options. District Engineer Chad Engels theorized that, because of the erosion at the TCD #52 outlet, there may have been reluctance to complete clean-outs of the system. Landowner Carrie Joyce Kruger requested written confirmation of the BdSWD’s obligation to maintain the ditch, but staff assured landowners that it is clear in MN Statutes Chapter 103E. Gillespie motioned, seconded by Wold, to deny the petitions and direct engineering staff to investigate the original grade line, evaluate whether this portion could benefit from a clean-out, and report back to the board at the next meeting. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried. Gillespie motioned, seconded by Deal, to close the public hearing. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**RECONVENED
JD #6 HEARINGS**

Upon motion by Beyer, seconded by Deal, President Vavra reconvened the final hearing on the redetermination of benefits and damages and the repair petition for JD #6. Attorney Croaker discussed the final hearing procedure outlined under Minn. Stat. §§ 103E.335 and 103E.341 and informed the Board managers that there would be discussion and potentially final action on the

Petition, Amended Viewers' Report, and Engineer's Repair Report. Viewers Dietz and Veldhouse were present.

JD #6 DESIGN CHANGES

Engineering staff described changes to the repair design that were suggested during the comment period:

- 1) A landowner suggested that, in Section 27, a culvert that directs flow east, that is currently slated for elimination, be retained and installed at a higher elevation to direct high flows.
- 2) The Traverse and Wilkin County Townships associated with grass roads between Sections 35 and 36 in Traverse County and between Sections 2 and 35 in Wilkin County have been notified of an opportunity to install gravel above the road base that will be fortified by the drainage system project. We have not received a notice that either township will be pursuing the option.
- 3) A landowner has requested additional culverts on the north side of the east-west portion of the drainage system in Section 35.

Gillespie motioned, seconded by Beyer, to amend the engineering plans to include a standard driveway approach at the quarter-line in Section 35 and notify the landowner. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

Viewers Dwight Veldhouse and Mark Dietz described changes to the Viewers' Report for the Redetermination:

130-46-26 NESW 1/4 Remove \$20,260 in damages
130-46-27 NESE 1/4 Add \$20,260 in damages
MnDOT: Hwy 55 Reduced benefits from \$28,647.12 to \$9,480.00
MnDOT: Requested that road benefits not be assessed into both Judicial Ditch #11 and Judicial Ditch #6. Viewers removed road benefits for south Section 27.

Landowners were given an opportunity to provide comment. No comment was received.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Attorney Lukas Croaker read the drafted Findings of Fact, Conclusions of Law, and Order. Gillespie motioned, seconded by Beyer, to approve the Amended Viewers' Report, Amended Engineer's Repair Report, the redetermination of benefits and damages, the establishment of the repair project, and to order easement acquisition pursuant to the approved Findings and Order for JD #6. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

INLINE RR CROSSING

Engineer James Guler asked board managers how they would like to deal with the inline railroad crossing culvert, indicating that the railroad has expressed an interest in completing the construction themselves. Board managers stated concerns that their work may not be done in a timely fashion. Gillespie motioned, seconded by Beyer, to order that District engineering staff be present on-site when the railroad installs the culvert. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

JD #6 FINAL PLANS & SPECS

Wold motioned, seconded by Gillespie, to authorize staff to prepare final plans and specs and advertise for construction bids. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

HEARING CLOSED

Beyer motioned, seconded by Deal, to close the hearing. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried. Moore Engineering will host a pre-bid contractor meeting to discuss project details before bids are submitted; and Board Manager Wold requested that board managers be invited to the pre-bid meeting.

GILLESPIE LEAVES

Scott Gillespie left the meeting.

TILING MEETING

Board Manager John Kapphahn requested that a general rules meeting be organized with region drainage tile installers, and it may be an opportunity to get feedback before the District completes its review of its rules and policies.

JD #11 OUTLET	At the February meeting, Braun Intertec will have a recommendation to repair the outlet of JD #11.
WCD #9 PAY REQUEST	No pay request was submitted by the contractor for WCD #9. To date, only one pay request has been submitted. Turf establishment is the last punchlist item.
WCD #SUB-1	Board Manager Beyer has a petition signed by 50% of landowners, but wants more time to meet with additional landowners. District Engineer Chad Engels suggested that a landowner meeting be held in March in order to confirm landowner interest prior to BWSR grant submission.
LTWQIP #1 PAY REQUEST #2	Beyer motioned, seconded by Deal, to approve Pay Request No. 2 for the Lake Traverse Water Quality Improvement Project Phase No. 1 in the amount of \$107,836.92. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.
LTWQIP #2 GRANTS	The District was notified that it was not awarded a grant for Phase No. 2 through MnDOT, but was awarded a BWSR Clean Water Projects and Practices grant in the amount of \$418,235. In addition, funding will likely be available through the RRWMB, 1W1Plan, and District Construction Fund.
BIG LAKE EAW	Board Manager Doug Dahlen has been discussing the Big Lake Project with affected landowners, and has received positive feedback. District Engineer Chad Engels discussed project design details with farm operator Larry Vipond. Beyer motioned, seconded by Deal, to authorize staff to advertise the EAW for 30-day public comment. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.
SAMANTHA LAKE	Board Manager John Kapphahn reported that the Samantha Lake outlet is working well. District Engineer Chad Engels stated that there is some channel work remaining between Samantha and Elbow Lake that will be completed in 2021.
REDPATH IMPOUNDMENT PROJECT FLOW REDUCTIONS	Engineer James Guler presented the draft Redpath Impoundment Engineer’s Report. The project will reduce Mustinka River breakouts to the Rabbit River, provide significant flow reduction along the Mustinka River, compliment the flood storage provided by the Lake Traverse flood control project, and rehabilitate 5.5 miles of the Mustinka River. The flow reduction benefits of the project were modeled for six 24-hr events, three 10-day events, a 100-yr runoff event, a 100-yr snowmelt event, and four 1,000-yr dam safety events. The project will provide a 74% reduction in peak flow and 49% reduction in flood volume for the 25-yr 10-day event on the Mustinka River near Norcross, MN. Additionally, the project would provide a 26% reduction in peak flow and 33% reduction in flood volume for the 100-yr 10-day event.
REDPATH DESIGN	The design for the project includes: <ul style="list-style-type: none"> • a one-mile long approach channel from Hwy 9 to the inlet structures • two inlet structures – one inlet structure to the bypass, one inlet structure into the impoundment • bypass channel with low-flow corridor • levies all the way around the impoundment • outlet primary spillway • auxiliary earthen spillway • 19,000 acre feet of gated storage at the auxillary spillway elevation. • Two upstream emergency overflow spillways to prevent the overtopping of levees • The interior flood storage area will be farmed • JD #14 will traverse through the impoundment, but will have berms to prevent interior flooding to the 10-yr 24-hr rainfall event
IMPOUNDMENT AT HIGHWAY 9	Landowner Dwight Veldhouse asked if the railroad next to Highway 9 restricts streamflow prior to entering the proposed impoundment. Engineering staff completed computer modeling to determine the capacity of the approach channel and crossings upstream of the impoundment. The modelling accounts for the scheduled replacement of the Highway 9 bridge by the DOT and existing railroad crossing; the improvements to Highway 9 and the approach channel will increase conveyance to the impoundment. Engineer Technician Fridgen relayed complaints from area landowners that there are also remnants of old pilings under the railroad crossing that catch branches and debris and dam the flow. District Engineer Chad Engels stated that, as the channel is a Minn. Stat. Section 103E ditch, the District can order that the area under the railroad be cleaned-out in anticipation of the project.

**ADMINISTRATOR
ARRIVES**

Administrator Beyer entered the meeting.

REDPATH COST

Engineering staff presented the Opinion of Probable Cost based on 95% design plans. With contingency, the amount remaining to complete the project is \$37,600,000. Board managers discussed benefits, benefit areas, and potential funding sources. The RRWMB has recommended that Redpath receive \$500,000 of the \$1.5 million allocated for the Red River Valley for the Flood Hazard Mitigation Program, and the DNR has offered an additional \$300,000 in leftover funds. Beyer motioned, seconded by Deal, to complete a Flood Hazard Mitigation application for the funds.

**REDPATH VS.
DORAN CREEK**

The differences between the Mustinka River and Doran Creek were also discussed. Doran Creek has experienced significant sedimentation, but minimal straightening (as opposed to the Mustinka River which has been straitened and is experiencing severe erosion. The Doran Creek project design will be reviewed by the DNR, and engineering staff will be collecting additional field data this spring to complete the design. The EAW and Public Waters permits are scheduled for Fall 2021. Funding partners will be identified in 2021 – 2022, with construction possible in 2023.

**NORTH OTTAWA
MOA**

The DNR has presented their comments on the draft North Ottawa Memorandum of Agreement. Administrator Beyer has sorted through the comments and will have Attorney Croaker review the document. It will then be distributed to board managers for review and comment.

FARMLAND BIDS

Board managers reviewed the results of the farmland lease bid. Kapphahn motioned, seconded by Schmidt, to approve the high bid submitted for all non-North Ottawa land, and to order that the Moonshine leases include a clause to compensate renters for crop damage if a tile main is installed on District parcels.

**NORTH OTTAWA
BIDS**

North Ottawa had restricted acres (small grain or corn silage) and unrestricted acres for lease. Tie bids for unrestricted acres were submitted. Wold motioned, seconded by Deal, to allow the two top bidders to submit a second bid within 10 days to break the tie. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**EOY JOURNAL
ENTRIES**

Beyer motioned, seconded by Deal, to approve the end of year journal entries for reallocation of general ditch expenses, reallocation of staff expenses, reallocation of board manager expenses, and interest earned/charged. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**PROPERTY TAX
EXEMPTIONS**

Board managers reviewed property tax exemptions for District owned parcels not put into agricultural production. Beyer motioned, seconded by Schmidt, to submit the corresponding property tax exemption requests. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

BOARD MILEAGE

Board managers reviewed mileage reimbursement rates. Board Manager Doug Dahlen stated that his mileage is 25 miles, one way. Schmidt motioned, seconded by Deal, to approve the mileage rates as amended. Roll call vote: Wold – aye; Dahlen – abstained; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**EDUCATION
POLICY**

Wold motioned, seconded by Beyer, to approve the District Education Policy. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**1W1PLAN
ADOPTION**

Deal motioned, seconded by Dahlen, to pass the Resolution Officially Adopting the Bois de Sioux – Mustinka Comprehensive Watershed Management Plan. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

**ENGINEERING
RATES**

District Engineer Chad Engels described changes to Moore Engineering Hourly Rates for 2021. Dahlen motioned, seconded by Wold, to approve the rate schedule. Roll call vote: Wold – aye; Dahlen – aye; Deal – aye; Schmidt – aye; Kapphahn – aye; Beyer – aye; Vavra – aye. Motion carried.

The meeting was adjourned at 2:05 pm.

**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 Roll call vote: Wold – aye; Deal – aye; Gillespie – aye; Schmidt – aye; Brutlag – aye; Dahlen – aye; Kapphahn – aye; Beyer – absent; Vavra – aye. Motion carried.
LTWQIP NO. 2 EAW & RRWMB GRANT APP	
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.

**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.

LTWQIP 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.

**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 gravelled, 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.

**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.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 17, 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, Jerome Deal, John Kapphahn (joined later), Steven Schmidt, Allen Wold. Absent: Benjamin Brutlag, Doug Dahlen, Scott Gillespie. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer. Joined remotely: Attorney Lukas Croaker, Engineer Jim Guler and Environmental Group Leader Amy Denz (joined later).
- 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** Deal motioned, seconded by Beyer, to approve the agenda with the addition of the Eldorado Township Permit #20-164. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Vavra – aye. Motion carried.
- CONSENT AGENDA** Wold motioned, seconded by Schmidt, to approve the Consent Agenda. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Vavra – aye. Motion carried.
- KAPPAHNN ARRIVES** Kapphahn arrived.
- PUBLIC COMMENT REDPATH** Mr. Kevin Blume and Mr. Neil Blume provided public comment, concerned that recent Redpath Project land sales involved a higher price per acre than when their parcel was sold in 2013, stating that they had sold their parcel in support of the project with the understanding that all lands would be sold for the same price per acre. Board Managers stated that recent and past land sales were based on appraised land values at the time of the sale. Had the board been able to acquire properties at the same time, sale prices would have been more similar. However, the board wished to avoid eminent domain and acquire properties as owners were willing to sell, therefore appraised values changed with the passage of time.
- PERMIT APP. #21-066 D. HOLTE** An unpermitted dike was built in the SE1/4 of Section 32 in Western Township, Otter Tail County, to mitigate flooding caused by an unmaintained tributary to the Rabbit River located in the adjacent DNR parcel to the east. The direction of flow is to the south, however, a portion of the flow is moving west due to the diminished stream capacity. District Engineer Chad Engels stated that, in principle, dikes adjacent to streams consume floodplain storage and exacerbate downstream flooding. Kapphahn motioned, seconded by Schmidt, to authorize engineering staff to review and evaluate the location and design of the dike, and collect survey data to establish the elevation profile of the tributary. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Board managers encouraged legal staff to review whether county commissioners can compel the DNR to clean-out a public water.
- PERMIT APP. #20-164 ELDORADO TWP.** Eldorado Township Chairman David Horning stated that Eldorado's \$612,000 grant application for township roadway improvements south of the County highway (Permit Application #20-164) was denied. Earlier this year, the board approved funding for township roadway infrastructure improvements north of the County highway for the purpose of watershed flood risk reduction. Chairman Horning stated that the need for township road improvements south of the County highway persists, but there are insufficient township funds available to complete construction. District Engineer Chad Engels said he does not see a watershed benefit associated with the proposed project south of the County highway and therefore watershed funding would not be justified. Engineer Engels defined the proposed work south of the County highway as drainage and transportation. Engineer Engels stated that landowners seeking public drainage improvements should follow Minnesota Statutes Chapter 103E which lays out the procedure for developing a new drainage system or a lateral to a legal drain (in this case TCD 37). Kapphahn motioned, seconded by Deal, to authorize legal staff to evaluate public drainage options for landowners upstream of TCD #37, including a lateral, new ditch, and benefit area implications, and to prepare a corresponding petition. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Although the landowner signature threshold may be 26% for a lateral, board managers strongly encouraged that 100% support for the project be sought. Chairman David

Horning presented a \$1,224 invoice that was incurred by the township, that he believes was incurred in response to design changes requested by watershed district engineering staff. Board managers stated that the payment obligation is not with the Bois de Sioux Watershed District.

**JD #12 PETITION
HEARING:
G. COLEMAN**

Wold motioned, seconded by Deal, to open the hearing to consider the petition from Gerald Coleman to use Judicial Ditch #12 ("JD #12") as an outlet for the NE1/4 of Section 25, Range 44, North Ottawa Township (T129N), Grant County (Parcel #11-0088-500). Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. President Vavra opened the meeting. 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. This information confirmed that surface drainage from the proposed project flows to JD #12 already. Therefore, because the project is not new surface drainage and simply tile drainage from within the existing watershed, subject to the District's policy for tile drainage, the existing design capacity of JD #12 would not be adversely impacted by the tile project. The applicant was not present to speak to the permit. Engineer Jim Guler described two approaches to determine the outlet value: Option 1 is based purely on the historical costs of the ditch and the associated benefit and project acres; Option 2 is based on the proportion of the historical costs that are not paid by public entities and the associated benefit and project acres. Board managers discussed which option best represents what the parcel would have paid had it been included in the original assessment district. Greg Mastellar, on behalf of MnDOT, requested that the board consider the large amount of benefits paid by MnDOT and the amount of additional maintenance they conduct as a road authority. Kapphahn motioned, seconded by Schmidt, to use Option 2. Roll call vote: Wold – no, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Attorney Croaker read the Order, which included that the outlet fee and benefits were calculated to be \$1,471.18 and \$131.27, respectively. Wold motioned, seconded by Kapphahn to approve the Order Authorizing the Use of JD #12 as an Outlet. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Deal motioned, seconded by Kapphahn, to close the public hearing. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

SAMANTHA LAKE

District Engineer Chad Engels reported that the Samantha Lake Project was operational this spring, and now Grant County officials and staff are requesting a structure modification that would provide nearly 4' of separation between the water level and adjacent roads – in the interest of public health, safety, and welfare. DNR Hydrologist Emily Siira and DNR Regional Manager Nathan Kestner discussed whether an environmental review would be required, and what challenges an environmental review would present for this specific project. Regional Manager Nathan Kestner stated that the first requirement would be to discern the alternatives that would result in the least damaging solution. Regional Manager Nathan Kestner stated that, statewide, road raises are almost always determined to be the preferred alternative, as opposed to the drawdown of adjacent water levels. Kestner also stated that permitting authority could be delegated to the WACA LGU, who has access to the BWSR road replacement funding program. Primarily, the DNR would need to evaluate how the proposed project alternatives impact adjacent wetlands, and that cost alone is not the ultimate decision maker. Board Manager John Kapphahn stated that this road has already been raised several times – and that road raises that require building up and widening the road – also result in a loss of floodplains and wetlands. Hydrologist Emily Siira asked if lowering Samantha Lake will affect Elbow Lake, and Engineer Chad Engels stated that he believes there is sufficient separation between the two, and would not anticipate an impact. Board Manager John Kapphahn inquired as to why Samantha Lake hasn't been included in the DNR's Shallow Lakes Program; no answer was provided. Grant County Commissioner Bill LaValley encouraged DNR staff to review how high water levels have impacted multiple neighboring landowners, and stated that Grant County has done enough road raising. Board Manager Allen Wold inquired about the ordinary high water levels for Samantha Lake; Hydrologist Emily Siira stated that the 1161.9' elevation was established in 1998, after reviewing 1973 USGS data indicating an elevation of 1161'. Board managers discussed extreme precipitation in 1972 and 1997, leading up to both collections. Grant County Engineer Tracey Von Barga recommended that DNR staff consider a change to the existing condition, considering the amount of dead rough fish that Grant County plows off of the adjacent road, following flooding conditions. Landowner Steve Salwasser questioned what natural resource benefit is derived from expanding and deepening lakes that cause shoreline erosion, degrading overall water quality and water levels that do not support the historical wildlife habitat. Board managers discussed next step options: do nothing; evaluate road raise options; evaluate lake lowering options; evaluate risk of flooding at current condition. Kapphahn motioned, seconded by Schmidt and carried unanimously,

for engineering staff to return with a proposal for a Scope of Service. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**JD #11
CHANGE ORDER
NO. 7**

Kapphahn motioned, seconded by Schmidt, to approve JD #11 Repair Change Order No. 7, which changes the completion data from July to August, and includes a \$5,000 change to the contract price for mobilization costs. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**CLEAN WATER
FUND ELIGIBILITY**

District Engineer Chad Engels presented information on recent repair/improvement ditch projects, and the cost share provided for clean water fund eligible items. Under the BWSR Multipurpose Drainage Management program, 75% of the costs are grant-eligible, but to remain competitive, the Bois de Sioux Watershed District has been submitting grant requests equal to 50% of the estimated costs. Board Managers were asked if they would be interested in supplementing the difference between the actual costs of the grant-eligible items and grants received, up to 75%. This would involved a transfer of:

WCD #8	\$47,362.75	JD #11*	\$114,640.88
WCD #9/#10*	\$197,244.42	JD #6*	\$167,878.50

*These amounts are not final; project has not been closed yet.

Board Managers requested that the topic be referred to the Policy Committee.

**JD #6 REPAIR
PRIVATE
CULVERTS**

Engineer Jim Guler gave an update on JD #6 Repair construction. A landowner, that had installed side inlet culverts at his own expense, has requested that he retain ownership of the culverts as they are replaced. Board managers advised staff to notify the landowners that they are responsible for removing the culverts if they wish to have them salvaged and this must be done ahead of the contractor's work.

**WCD #9/#10
IMPROVEMENT
BUFFERS**

Engineer Jim Guler presented pictures of the buffer that has failed to establish on WCD #9. The soil in the buffer area for approximately two miles contains mostly gravel and is thought to be the remnants of a dike that existed prior to the improvement project. A recommendation from the engineering staff will be provided at the next meeting.

**TCD #35
PUBLIC
HEARING**

Deal motioned, seconded by Beyer, to approve the TCD #35 Order for 103E.261 subd. 1 Public Hearing. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**WCD #35
PUBLIC
HEARING**

Engineer Jim Guler presented the Engineer's Report for WCD #35. Beyer motioned, seconded by Kapphahn, to approve the order to set the 103E.101, subd. 4a, Public Hearing on the Engineer's Report of Findings on the Alignment, Cross-Section, Profile, Hydraulic Structure Locations, Materials, Dimensions and Elevations, and/or Right-of-Way of the Drainage System as Originally Constructed or Subsequently Improved. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**TCD #1E
PRICE QUOTES**

Engineer Technician Troy Fridgen has received price quotes for replacement of a culvert on TCD #1E, ranging from \$20 - \$44,000. Kapphahn motioned, seconded by Schmidt, to authorize Fridgen to verify quantities and materials and negotiate with contractors for the lowest price. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Administrator Beyer relayed that MnDOT has agreed to cost-share this project, and has requested that their portion be added as a special assessment, amortized over a multiyear term. These details will be finalized once the project is completed and costs are finalized.

**SOUTHERN
BOUNDARY
LANDOWNER
MEETING**

A landowner meeting is scheduled for June 25th, to discuss the proposed southern boundary change for properties west of Highway 75. Upper Minnesota River Watershed District and Big Stone County recently held a meeting with landowners of a proposed ditch in the area, whose construction would affect where the boundary is located. District staff will closely monitor the support and progress of the new ditch and revise the boundary accordingly.

**REDPATH
LAND
ACQUISITION**

It has been brought to the District's attention that the Bartell Family's 1.01 acre parcel (currently in real estate closing for the Redpath Project) is enrolled in CRP. Beyer motioned, seconded by Kapphahn, to buy-out the CRP contract for the 1.01 acre parcel so closing can be completed. The

cost is estimated to be \$800 - \$1,200. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

NORTH OTTAWA ROAD DAMAGE Earlier this year, Engineer Technician Fridgen had gravel roads bladed within the North Ottawa Impoundment. Following a rain, a vehicle went through and damaged the roads. Board managers suggested that staff gather prices for damage prevention equipment.

MUSTINKA RIVER / REDPATH GRANT APP. District Engineer Chad Engels reported that an application for the Mustinka River Corridor and Rehabilitation Project (as part of the Redpath Impoundment) was submitted to the Red River Water Management Board (RRWMB) this week. RRWMB referred the project to their water quality committee for review.

LTWQIP NO. 1 PHASE 1 Engineer Jim Guler asked whether board managers wanted to attend the final punchlist inspection for the Lake Traverse Water Quality Improvement Project No. 1 Phase 1 construction. Board Manager Schmidt volunteered. Beyer motioned, seconded by Kapphahn, to approve Pay Application No. 3 in the amount of \$329,094.98. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

LTWQIP NO. 1 PHASE 2 PROJECT HEARING The District received a response from the DNR in reference to the District's Minn. Stat. § 103D.605, subd. 2 notice to pursue Phase 2 of the Lake Traverse Water Quality Improvement Project No. 1. A response from BWSR is outstanding. Beyer motioned, seconded by Kapphahn, to set the Minn. Stat. § 103D.605 Project Hearing. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

LTWQIP NO. 1 PHASE 2 RRWMB GRANT AGREEMENT Board Managers reviewed RRWMB Approved Funding Agreement 2021FA-06 in the amount of \$367,765.00. Beyer motioned, seconded by Schmidt, to approve the agreement pending minor corrections identified by legal staff. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

LTWQIP NO. 1 PHASE 3 DEVELOPMENT Engineer staff recently met with DNR representatives to discuss preliminary design options. Although the project is a ditch repair, the corridor is classified as a public waters, and so DNR staff have indicated that they will need to approve the project. Also, because the drainage system is connected to Lake Traverse, the project will require a 404 permit, which may require archeological and endanger species reports/investigations.

BIG LAKE FONSI Engineer Chad Engels introduced a proposed change to the operations and maintenance plan, to remove the ability for a winter 1 ½' drawdown. The late summer/early fall 1 ½' drawdown will remain. Environmental Group Leader Amy Denz explained that the change is in response to comments received to the Big Lake Environmental Assessment Worksheet, and the District's obligation to make a change in order to issue a Finding of No Significant Impact.

CROAKER LEAVES Environmental Group Leader Amy Denz presented the Findings of Fact and Record of Decision for the Big Lake Flood Risk Reduction Project Environmental Assessment Worksheet. Kapphahn motioned, seconded by Deal, to adopt the Record of Decision regarding the Environmental Assessment Worksheet for the Big Lake Flood Risk Reduction Project, making a finding of no potential for significant environmental effects, a negative declaration and that preparation of an Environmental Impact Statement is not required. Roll call vote: Wold – no, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

2021-22 ANNUAL RESOLUTION Attorney Lukas Croaker left the meeting.

Discussion of a Big Lake Water Management District was tabled to a future meeting.

Wold motioned, seconded by Schmidt, to approve the Resolution Rescinding Emergency Public Hearings. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Beyer motioned, seconded by Schmidt, to not waive the monetary limits on tort liability established by Minn. Stat. § 466.04. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Kapphahn motioned, seconded by Schmidt, to approve the Policy to Verify the Authenticity of Requests to Change Vendor Bank Account Details. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

2021 – 2022 Annual Reorganization

Beyer called for nominations for the position of President. Kapphahn nominated Linda Vavra, seconded by Schmidt. Kapphahn motioned, seconded by Schmidt, to direct the Secretary to cast a unanimous ballot to Linda Vavra for President. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Vavra called for nominations for the position of Vice President. Kapphahn nominated Jason Beyer, seconded by Deal. Deal motioned, seconded by Schmidt, to direct the Secretary to cast a unanimous ballot to Jason Beyer for Vice President. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Vavra called for nominations for the position of Treasurer. Wold nominated John Kapphahn, seconded by Schmidt. Wold motioned, seconded by Deal to direct the Secretary to cast a unanimous ballot to John Kapphahn for Treasurer. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – abstained; Vavra – aye. Motion carried.

Vavra called for nominations for the position of Secretary. Kapphahn nominated Allen Wold, seconded by Schmidt. Deal motioned, seconded by Schmidt to direct the Secretary to cast a unanimous ballot to John Kapphahn for Treasurer. Roll call vote: Wold – abstained, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Deal motioned, seconded by Wold, to designate the official District newspapers as follows:

NEWSPAPERS

Traverse County.....Wheaton Gazette
Big Stone County The Northern Star
Grant County Grant County Herald
Wilkin County The Daily News
Otter Tail County.....The Daily Journal
Stevens County The Chokio Review

Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Beyer motioned, seconded by Dahlen, to designate the District consultants as follows:

CONSULTANTS

Attorney at Law Lukas Croaker, Ohnstad Twichell
Engineer.....Chad Engels, Moore Engineering
Accountant Renee Kannegeisser, Morris & Associates
Auditor.....CliftonLarsonAllen

Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Kapphahn motioned, seconded by Schmidt, to designate the District bank depositories and insurance as follows:

DEPOSITORIES

Bank of the West.....Wheaton, MN
Bremer Bank Morris, MN

Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Wold motioned, seconded by Beyer, to designate the District bank depositories and insurance as follows:

INSURANCE COVERAGE

League of Minnesota CitiesSaint Paul, MN

Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

Board managers recommended that the 1W1Plan Committee be terminated, and add flexibility for multiple Construction Committees (instead of one designated committee) to include a representative for the county in which the project is located. Board managers requested that the RRWMB delegate be determined in October.

Kapphahn motioned, seconded by Beyer, to approve the 2021 – 2022 Annual Organization Resolution. Roll call vote: Wold – aye, Deal – aye, Beyer – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**PRESIDENT
MOORE
ENGINEERING**

District Engineer Chad Engels introduced Moore Engineering President Kevin Bucholz, who thanked the board for their efforts and relationship.

Beyer motioned, seconded by Schmidt, to adjourn the meeting at 12:09 PM.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD SPECIAL MEETING MINUTES
July 13, 2021**

The meeting was called to order by President Vavra at 10:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Scott Gillespie, Steven Schmidt, Allen Wold. Absent: Benjamin Brutlag, John Kapphahn. Also present in the District Office: District Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, and Attorney Lukas Croaker.

Attorney Croaker presented the procedure for the TCD #35 Preliminary Survey Hearing held pursuant to Minnesota Statute § 103E.261.

**ENGINEER'S
REPORT & COST
ESTIMATE**

District Engineer Chad Engels described the location, history, and condition of TCD #35, and the need to relocate and improve the drainage system prior to construction of the Redpath Flood Impoundment. Engineer James Guler presented the Engineer's Preliminary Survey Report which included information on the drainage system's outlet at Fivemile Creek, the incorporation of landowner requests in the proposed project design, installation of break-outs at each mile, inclusion of 3:1 side slopes, easement acquisition, and levee construction. Engineering staff also presented a cost estimate of \$2,533,500 and potential funding sources to cover project expenses. Engineering staff recommended that construction plans include the placement of black dirt on drainage system side slopes to encourage grass establishment.

**ADVISORY
REPORT**

Engineer James Guler read the DNR Advisory Report.

**TCD #35 PUBLIC
HEARING**

Gillespie motioned, seconded by Wold and carried unanimously, to open the public hearing at 11:02 am. One landowner asked if the project will be built simultaneously with the Redpath Flood Impoundment, to which engineering staff confirmed that it will be constructed simultaneously. There were no additional comments.

**FINDINGS OF
FACT & ORDER**

Gillespie motioned, seconded by Beyer, to approve the Findings of Fact and Order, including the appointment of viewers, with the condition that engineering staff identify lands in the potential benefitting area that outlet directly to JD #14. Beyer motioned, seconded by Deal and carried unanimously, to close the public hearing.

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

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Benjamin Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, Allen Wold. 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, to approve the agenda with the following additions: Monson Township ditch issues and TCD #38 Clean-Out.
- CONSENT AGENDA** Upon motion by Deal, seconded by Wold and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** Under Public Comment, Stevens County Commissioner Ron Staples distributed a copy of the newly signed Minnesota Statute 103G.413, which provides an appeal process for Ordinary High Water Level determinations.
- OHWL APPEALS**
- TCD #9 PETITION T. CONROY** The Board reviewed the petition submitted by Landowner Trent Conroy to outlet the SW1/4 of Section 14, Redpath Township, Traverse County into TCD #9. Upon motion by Gillespie, seconded by Deal and carried unanimously, the petition was accepted and the Board ordered that the required public hearing be held during the Board's next regularly scheduled meeting.
- TCD #9 PETITION K. BERGER** The Board reviewed the petition submitted by Landowner Kelly Berger, represented by Chadd Berger, to outlet the SE1/4 of Section 9, Redpath Township, Traverse County into TCD #9. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the petition was accepted and the Board ordered that the required public hearing be held during the Board's next regularly scheduled meeting.
- BWSR UPDATE** Pete Waller, Board Conservationist, presented a 2021 legislative update. Waller stated that the department has nearly met the state's CREP program goals with USDA, and that there is a new grant program for septic system upgrades for individual homes.
- TCD #9 PETITION K. BERGER** District Engineer Engels returned to the petition submitted on behalf of Kelly Berger. Engels stated that, because the parcel's surface and subsurface drainage does not currently flow to TCD #9, an evaluation of the capacity of the ditch will be needed in preparation for the required hearing. Upon motion by Gillespie, seconded by Wold and carried unanimously, the Board authorized engineering staff to determine the capacity of the drainage system.
- PERMIT APP. #21-066 ATF D. HOLTE** District Engineer Engels and Technician Fridgen met with landowners on-site in Section 32, Western Township in response to a severe lack of drainage maintenance on DNR managed land. Adjacent landowners reported that they feel they must create dikes to protect their land from overland flooding. District Engineer Engels recommended that letters be written by the District, Otter Tail County, and Western Township to request the DNR to initiate maintenance activities for the public safety and general welfare of residents in this area. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to draft and send the letter.
- WCD #35 103E.101(4A) HEARING REESTABLISHMENT OF RECORDS** Upon motion by Deal, seconded by Dahlen and carried unanimously, the public hearing on the reestablishment of WCD #35 records was opened. The purpose of the public hearing was to discuss the Engineer's Report of Findings on the Alignment, Cross- Section, Profile, Hydraulic Structure Locations, Materials, Dimensions and Elevations, and/or Right-of-Way of the Drainage System as Originally Constructed or Subsequently Improved in accordance with Minn. Stat. § 103E.101. District Engineer Engels stated that this public hearing is necessary to reestablish the records of the ditch and the first step in preparation for the restoration of Doran Creek. Ultimately, the District would like to install side-inlet culverts on WCD #35 to reduce sediment transport to Doran Creek. Engineers used a formal survey, sediment details, and elevations of crossings, channels, and culverts to determine the probable design of the originally constructed drainage system. The reestablishment report provided details on the drainage system's alignment, channel geometry, channel profile, right-of-way, and hydraulic structures. Although the historical record does not include design or as-built cut sheets, it does include the original petition and viewers' report (with benefit and damage amounts); benefit and

damage amounts match closely the existing daylight locations of the drainage system. The current system is not considered a public waters, and features 3:1 side slopes and a 10' bottom.

Public comment was received in the form of a question as to when construction would begin. District Engineer Engels replied that this process will certainly establish the limits to what the ditch can be cleaned to in the future, but the anticipated project at this time is to correct specific locations that contribute higher sediment loads and require side inlet culvert installations. District Engineer Engels stated that, in prior meetings with landowners, landowners were not supportive of a large repair project, but were interested in side inlet culvert installations if cost-share was available. Gillespie asked if the culverts could be placed in anticipation of a larger repair project, so that they would not need to be reset. District Engineer Engels responded that this objective could be included as a guiding design project goal but may not be possible in all instances.

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Finds of Fact and Order were approved. Upon motion by Beyer, seconded by Deal and carried unanimously, the public hearing was closed.

**PERMIT APP.
#21-075
L. VIPOND**

Board managers reviewed outlet options for the project described in the permit application, which would include a change of flow between subwatersheds; flow could remain within the subwatershed and be directed to the west, but would transverse many private fields, making its way to Grant County Ditch #21 (which needs repair) and subsequently to the Mustinka River. The applicant has proposed that the flow be directed to the east, into an existing slough, which outlets to the Mustinka River via land with a permanent conservation easement. Engineer Technician Fridgen relayed that no comments were received from area landowners. Permit applicant Larry Vipond stated that he had spoken with the first downstream landowner two years ago, and that the landowner did not voice opposition to the project. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the permit was approved.

**UNPERMITTED
DIKE
R. BUDKE**

Attorney Will Budke, representing his father Roger Budke, presented information on a ditch and fence line in Section 30 of East Lake Valley Township. The matter had come before the board on August 15, 2019, when the board directed landowners to find a common solution to natural flooding water paths that cross four separate parcels. Engineer Technician Troy Fridgen began mediating an agreement on August 15th, when landowners reached a consensus to have an 18" culvert installed on a swale on Mr. Budke's property, and that the path to the culvert would be scraped with a ditcher. Both would be paid for by neighbor Lance Lundquist. Later, in response to complaints from Mr. Budke, Engineer Technician Troy Fridgen worked with township officials and downstream landowners to complete a cleanout of a culvert on the north side of Section 30, under the road between Sections 19 and 30. He also had several beaver dams removed.

Mr. Budke says he never agreed to the August 15th plan, and instead installed a 12" culvert. The 12" culvert has been removed.

Attorney Will Budke stated that the elevation of the property's fenceline has been built-up over time due to farming practices and erosion, and that soil from a ditch created 9-10 years ago was added; his request was for, at this point, the watershed district to cease mediation activities and allow the private landowners to pursue future matters at their own discretion. Board managers agreed to do so.

**SAMANTHA/
ELBOW LAKE**

District Engineer Chad Engels has looked more closely at the options available to Grant County in their pursuit to protect roads adjacent to Lake Samantha, and requested that a joint meeting be coordinated with Grant County representatives. Upon motion by Gillespie, seconded by Beyer and carried unanimously, staff are authorized to set and attend a joint meeting with Grant County representatives. President Vavra, Board Manager Brutlag and Board Manager Kapphahn were recommended for attendance.

**WBIF
REIMBURSE-
MENTS**

Board managers reviewed the District's Watershed Based Implementation Funding Grant Budget and Expense Report, along with a reimbursement request for eligible District expenses through June 30, 2021. Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the District's request for \$21,824.84 was approved for reimbursement.

**RRWMB FHM
RESOLUTION**

Board Managers reviewed the legislative Resolution of Support for Flood Hazard Mitigation Project Funding for Red River Watershed Management Projects. Gillespie motioned to approve the resolution,

with the addition that encouraged the Red River Watershed Management Board to determine the most workable state organization/agency to serve as the pass through agent. The motion was seconded by Dahlen and carried unanimously.

**DRAINAGE
EASEMENT
RESOLUTION**

District Administrator Beyer reported that Big Stone and Steven County Commissioners have begun a practice of delaying land purchased by US Fish and Wildlife in order to provide time to downstream landowners to acquire drainage easements with the current landowner(s). Board managers supported staff efforts to bring to the August meeting a draft resolution from the District to Grant, Otter Tail, Traverse, and Wilkin Counties to encourage them to implement similar processes, and to relay the District's support to Big Stone and Stevens Counties.

**2022 BUDGET
HEARINGS**

Manager Gillespie motioned, seconded by Dahlen and carried unanimously, to hold a Public Hearing on the 2022 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems during the next regularly scheduled board meeting at the District Office.

**LAPTOP
PURCHASE**

District Administrator Beyer reported that the missing laptop, provided by former employee Michelle Swenson upon her resignation, had been located by the Wheaton Police Department, in their custody. Because the League of Minnesota Cities Insurance Trust provided compensation for the laptop, they request the return of the laptop to them or the purchase of the laptop by the District. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the District agreed to purchase the laptop at a price no greater than \$400.

**JD #11
REPAIR**

A culvert was damaged during buffer mowing completed by Traverse SWCD; they will see that the culvert is fixed, at their cost.

**JD #6
RAILROAD
CROSSING
AGREEMENT**

Board managers reviewed a written agreement with the Soo Line Railroad, at a cost not to exceed \$50,000, for the railroad to: install a new 48" steel culvert with riprap at outlets, provide grading and erosion control within their own right-of-way, flag/track protection, and any other incidental work required. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the agreement was approved.

**LTWQIP #1
PHASE 2
103D.605
HEARING**

Upon motion by Deal, seconded by Gillespie and carried unanimously, the Minn. Stat. § 103D.605 Lake Traverse Water Quality Improvement Project No. 1 Phase 2 Project Hearing was opened. Engineer Guler presented the project location, scope, and means of financing. It is anticipated that bids would be collected in September, and construction could begin in November. There were no landowners in attendance. Board managers and staff relayed the positive comments received on Phase 1 construction, the continued need for Phase 2 and Phase 3 construction, and the success of Phases 1 and 2 to qualify for outside financial support from BWSR and RRWMB. Engineer Guler summarized the actions requested in advisory reports from BWSR and the DNR.

District Attorney Croaker read the Findings and Fact and Order, which declares the managers find that the project will be conducive to public health, promote the general welfare, and is in compliance with the watershed management plan and the provisions of MN Statutes Chapter 103D. The next step will be for approval from the BWSR Board. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the Order was approved. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the hearing was closed. Gillespie motioned, seconded by Dahlen and carried unanimously, to amend the Order to include authorization for staff to advertise for bids.

**WCD #9
IMPROVEMENT**

Engineering staff reported that vegetation planted in the riparian buffer has started to fill-in; staff recommend that more time be given to assess whether it meets the 70% cover requirement of the construction contract. At this point, the vegetation is enough to prevent erosion.

Board managers discussed performance of the contractor, and asked that a summary of the project timeline and expenses be presented at the August board meeting, indicating what costs occurred after the substantial completion date expired.

**TCD #35
IMPROVEMENT**

Engineer Jim Guler gave a report on the Minn. Stat. § 103E.261 Preliminary Hearing held on July 13, 2021 with TCD #35 landowners, who had positive comments seeing how the project design had changed in response to landowner suggestions. The Order, which also appointed Viewers', was passed at the meeting.

Culverts are on-site, ready for installation by Whaley Excavating.

There are existing tiling projects in Section 18 and 19, Monson Township that outlet and cross through Section 17 and into TCD #27. Engineer Technician Fridgen has been working with landowners upstream and downstream of the tile; the water should flow west and into a public water and into Mud Lake, but because the public water has not been cleaned-out, during high water it flows east and then south to TCD #27. There are two township culverts in the immediate flow path, but one is plugged. Due to the flooding problems, a great deal of maintenance has been completed recently: landowners and Monson Township supervisors spent a significant amount of money to clean-out a township ditch in the vicinity, and MnDOT has plans to replace an associated culvert. Recently, Traverse County Highway Department was in the process of replacing two culverts, and presented an opportunity to evaluate the hydrologic capacity of the crossing to determine the number and size of appropriate culverts. Board Manager Deal relayed that a new ditch had been proposed for the area, at one time in the past, and that a petition had been circulated. Engineering staff will size the culvert when the after-the-fact permit is received. Many of the problems in the region are associated with a lack of maintenance on DNR lands.

TCD #38

Manager Beyer motioned, seconded by Deal and carried unanimously, to authorize staff to clean-out portions of TCD #38.

SOUTHERN BOUNDARY

The engineers explained that the purpose of the informal landowner meeting was to build accuracy in the location of the boundary. Engineering staff feel prepared to host the hearing on the boundary adjustment that BWSR will order. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Resolution in Support of the Boundary Adjustment and the Petition for a Boundary Adjustment Hearing were approved. The next step is for BWSR to order and hold the statutorily required hearing.

640TH AVE ROAD RAISE DOLLYMOUNT & ELDORADO TOWNSHIPS

Engineering staff have put together preliminary plans for the 640th Ave Road Raise Project, between Eldorado and Dollymount Townships. The District's Road Raise Cost-Share policy will be used to cover engineering and construction costs, due to the flood damage risk reduction benefits that will be achieved through this project, and added storage. The northern 1/2 mile would be raised 1/2' - 1', and a culvert will be lowered in Section 7 in the NW1/4. The project will feature a 5' ditch bottom with a 0.05% slope. Existing culverts will be replaced with arch pipes. There will also be a clean-out of the ditch on the west side of the road, adjacent to Section 12, Dollymount Township. There is an existing dike in Section 7 that will be lowered to maintain a 1' separation between the dike elevation and the road elevation. The estimate of cost for construction is \$173,052.50.

Engineering staff met with Mr. Jonathan Mathias and Ms. Marilyn Mathias in a separate meeting to discuss components of the proposed project.

The Bois de Sioux Watershed District's role in the project is not as owner or operator; this is Dollymount Township's project, so an agreement is recommended to define the District's role for cost-share and design. Upon motion by Beyer, seconded by Gillespie and carried unanimously, staff are authorized to draft an agreement for future consideration.

ELDORADO DRAINAGE ISSUES

District Attorney Croaker and District Engineers Engels and Guler have been discussing the drainage issues in Eldorado Township, Stevens County, and how to make sure solving some degree of their drainage problems will not negatively effect TCD #37 landowners. Staff recommend that a new Minn. Stat. Chapt. 103E ditch be created, which outlets into TCD #37 (the flow goes there now); a new ditch requires a petition and bond. District Attorney Croaker recommended that the landowners hire separate legal counsel to draft the petition. Engineer Guler asked if landowners in Stevens County – who have already petitioned into TCD #37 and paid their respective outlet fee – would be included with the new ditch assessment. The consensus was that they could be removed from TCD #37 upon being brought into the new drainage assessment district upon requesting to be withdrawn pursuant to Minn. Stat. § 103E.805. Engineering staff will work with township officials to relay the identified process.

CLIFTON TOWNSHIP FLOOD PROTECTION

Board Manager Deal and engineering staff have been working with Clifton Township Officials Kevin Deal, Jeff Young, and Chad Bruns to discuss road elevations and frequent flooding from Fivemile Creek in Clifton Township Sections 12, 13, and 14. A previous WSN study established where flooding overtops roads; the study recommended road elevations. Engineering staff directed township officials

to maintain the road elevations described in the WSN study along the north and west side of Section 13, and proposed that a portion of the first downstream road along the west side of Section 12 could be lowered to more efficiently move the flow and offer some protection for two nearby farmsteads.

Upon motion by Beyer, seconded by Deal and carried unanimously, engineering staff are authorized to author and provide a hydraulic study to Clifton Township that includes the potential impacts of the proposed solution. Board managers noted that this action would be the same if a permit application were submitted to lower the affected road.

NORTH OTTAWA AGREEMENT The District has received the revisions requested by DNR Attorney Sherri Enzler to the 10-Year Operations and Maintenance Plan, but the revisions have not been evaluated by Attorney Croaker yet.

REDPATH & MUSTINKA REHAB PROJECTS District Engineer Engels relayed that the LCCMR grant application was scored highly, and was selected for a follow-up presentation. Engineer Jim Guler is responding to the first and second round of DNR project comments in pursuit of permitting. Attorney Croaker and President Linda Vavra worked with the Bartells family to confirm signature of closing documents. A grant application will be submitted to BWSR and a grant application has been submitted to the RRWMB for the Mustinka River Rehabilitation Project. The amount needed for the Impoundment that would be available from the Flood Hazard Mitigation Program is a concern.

COUNTY EXEMPTION TO PERMITTING OF LIKE-SIZED CULVERTS Board Manager Beyer asked for discussion on a change to require counties to acquire a permit to replace a culvert, because if they are replacing a culvert with a like-sized culvert, the size could continue to be incorrect, in some cases – and the replacement is a waste of taxpayer funds and the District may be missing an opportunity to achieve its flood storage goals. Engineering staff relayed that sometimes counties often aim to conserve costs on their projects and may be trying to maximize the number of bridges installed in order to maximize eligibility in state bridge cost-share programs. Board Manager Brutlag reported that many of Otter Tail's culverts are currently undersized at 15". Engineer Technician Fridgen stated that, in the past, Monson Township had requested to replace a 15" culvert with an 18" culvert, and the former administrator denied the request; an 18" no longer requires a permit at all.

FLOOD DAMAGE REDUCTION WORKGROUP REQUEST President Vavra reported that the District has made a request to the Flood Damage Reduction Work Group to increase eligibility for 50-50 Project Team Grant Funds for Project Team management of North Ottawa, but the initiative has not been supported by a Flood Damage Reduction Work Group Representative designated by the RRWMB.

DRAINAGE WORK GROUP REQUEST President Vavra and Board Manager Wold attended a Drainage Work Group meeting in which BWSR Coordinator Tom Giles requested that BdSWD provide feedback on the importance of the Multipurpose Drainage Management grant program.

MAWD EVENTS MAWD will hold its summer conference online on June 22, 2021. There is an upcoming MAWA/MAWD Region 1 meeting on August 3, 2021.

RRWMB MTG. RRWMB will host its monthly meeting on August 17, 2021 at BdSWD.

WILKIN SWCD Board Manager Wold reported that he attended the Wilkin SWCD Field Day.

TRAVERSE ORDINANCES Board Manager Deal stated that the Traverse County Planning Commission has proposed revisions to shoreline ordinances, and recommended that staff consider a review of the revisions.

BUFFER COMMITTEE UPDATE The Buffer Committee met and has set dates to get together with landowners in August to discuss parcels reported by Grant and Traverse SWCD's as non-compliant.

Vavra adjourned the meeting.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
August 19, 2021**

CALL TO ORDER The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Benjamin Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, Allen Wold. Also present in the District Office: District Engineer Chad Engels, Attorney Lukas Croaker, and Administrator Jamie Beyer. Joined remotely: Engineer James Guler. Absent: Engineer Technician Troy Fridgen. Arrived later: Jason Beyer.

AGENDA Dahlen motioned, seconded by Schmidt and carried unanimously, to approve the agenda with the following changes: additions – JD #6 Change Order No. 1, JD #11 Change Order No. 8, Big Lake Hearing, Nuisance Bill; removal – Permit Application #21-108, Mark Severance.

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

PUBLIC COMMENT: Under Public Comment, Dan Swartz described the reestablishment of the Lake Traverse Association. **LAKE TRAVERSE ASSOCIATION** They have designated a 7-person board, including a treasurer, and one of their primary objectives is to work the Army Corps of Engineers to raise the Lake Traverse Conservation Elevation of 976'. Memberships are available from \$10 - \$30.

PUBLIC COMMENT: Milo Fisher of All State Well Drilling reported that in his service area, Western Grant County and the **WELL DRILLING** Wendell area, he has had three 500' wells lose 30 – 60' of water over the past 10 – 15 years.

TCD #9 PETITION K. BERGER Deal motioned, seconded by Dahlen and carried unanimously, to open the hearing to consider the petitions from Kelly Berger and Trent Conroy to use Traverse County Ditch #9 as an outlet for parcel #10-0042000, SE1/4, Section 9, Range 45, Redpath Township, Traverse County (S9, R45, T128) and parcel #10-0059000, SW1/4, Section 14, Range 45, Redpath Township, Traverse County (S14, R45, T128), respectively. 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.

TCD #9 PETITION T. CONROY Parcel #10-0042000 was presented first. This parcel is outside of the subwatershed according to LiDAR information, but parcels on both sides are already included in the benefitted area. Mr. Chad Berger reported that the land has a high water table and is difficult to farm. The project is controlled with a pump, and the flow will be pumped to the north, but will gravity flow to the ditch on the east of the parcel to the south. Attorney Lukas Croaker read the order. Gillespie motioned, seconded by Deal and carried unanimously, to approve the Order Authorizing the Use of TCD #9 as an Outlet with the condition that the tile pump be turned off when the banks of TCD #9 are full of water and/or breaking out into adjacent fields along any portion of TCD #9.

Parcel #10-0059000 was presented next. The parcel is located within the subwatershed according to LiDAR information. Attorney Croaker read the order. Gillespie motioned, seconded by Dahlen and carried unanimously, to approve the Order Authorizing the Use of TCD #9 as an Outlet.

Gillespie motioned, seconded by Schmidt and carried unanimously, to close the hearing.

BLUME & BATES PETITIONS Kapphahn motioned, seconded by Schmidt and carried unanimously to set a public hearing on September 16, 2021 for petitions submitted by Timothy Bates and Dominic Blume to Outlet into TCD #23.

PERMIT APP. #21-093 D. AMUNDSON The permit applicant described the project, as designed with input from neighboring landowners. The proposed project would include an 18" dual wall tile main that would direct flow northeast to a grassed area. The project plan, as proposed, does not meet the 1/4" drainage coefficient. Engineering staff, however, assumed that the project was located in a closed subwatershed basin, which the applicant confirmed is not the case. Gillespie noted that the proposed project will reduce overland flooding for neighboring properties and does add some flood storage. President Vavra commended the applicant on working together with neighbors to solve common drainage problems. The applicant intends to close existing clay inlets, if possible, and the southern draw; in the future, he would consider French

drains as a replacement to existing inlets. Gillespie motioned, seconded by Dahlen, to permit an 18" tile main with the condition that surface inlets not exceed 15" diameter.

**PERMIT APP.
#21-066
D. HOLTE**

Engineering staff coordinated a survey of culverts blocked in Western Township, Sections 32/33, on property owned and managed by the DNR. It was discovered that an extremely thick cattail root mass is blocking the bottom 3' of both the north and south culverts, forcing water flows to overtop adjacent roads. In addition, the natural stream corridor through the DNR property is no longer identifiable as it has been overtaken by cattails. Western Township sent a letter to the DNR, and Otter Tail County may be sending one also, alerting the DNR to the hazardous conditions. Board Manager Brutlag reported that conditions are repeated along several stretches of the stream corridor. Board managers reviewed a letter drafted by engineering staff to the DNR inviting them to the September board meeting to discuss the issue further. Dahlen motioned, seconded by Kapphahn and carried unanimously, to authorize staff to send the notice.

**PERMIT APP.
#21-106
G. MURPHY**

Gene Mensen from Litzau Farm Drainage described a subsurface drainage project proposed in an area where four subwatersheds meet. The project spans approximately 60 acres. Gillespie motioned, seconded by Schmidt and carried unanimously, to set a public hearing on September 16, 2021 if the Administrator receives a signed Petition to Outlet into TCD #52.

**PERMIT APP.
#21-114
DOLLYMOUNT
TOWNSHIP**

The permit application represents half of the response to landowner flood complaints on the Stevens / Traverse County line. Landowners south of Traverse County Road 6 have been encouraged to file a petition for a new drainage system. Landowners north of Traverse County Road 6 have been encouraged to pursue a road raise project that will include improved drainage to mitigate flood damages and provide temporary flood storage, adding a degree of separation between lands that drain into TCD #8 and TCD #37.

The proposed project would include: raising a portion of 640th Avenue north of Traverse County Road 6, improvement of the road ditch on the east side by widening the bottom by 5', resizing of several field approach culverts, and the lowering and replacement of a box culvert at the northwest corner of Section 7. District Engineer Chad Engels recommended two conditions: 1) that the ditch adjacent to the township road in Sections 11 and 12 also be improved with a 5' ditch bottom, and 2) that existing dikes in Section 7 and 18 of Eldorado Township be lowered to an elevation designated by engineering staff (as the adjacent road and field elevations vary; the dikes would be lowered so that there is no chance for the adjacent road to overtop prematurely). Dollymount Township officials expressed concern about a Stevens County culvert in Section 18 that they feel should be reduced. Board Manager Steven Schmidt described the current flow, which is diverted 100% south to TCD #37. This project would split some flows to TCD #8.

Attorney Lukas Croaker reported that around 10:00 pm on August 18, 2021, he had received a 3-page letter from Attorney Bennett Johnson, representing Ms. Marilyn Mathias and Mr. Jonathan Mathias regarding the permit application. Attorney Lukas Croaker asked the Mathias' if they wished for the letter to be read; Mr. Jonathan Mathias declined and provided his comments directly to the Board which included a concern that conditions he discussed previously with District Technician Fridgen and District Engineer Engels were not included in the permit.

District Engineer Chad Engels emphasized that the conditions described were a direct result of an in-person meeting held with Mr. Jonathan Mathias. All drainage currently flows south in the ditch to a ditch blockage; the future condition (with obstructions removed) would direct a portion of the flow to the north. Board managers discussed their options with regard to downsizing the Stevens County culvert in Eldorado Section 18, but decided to leave the requirement out of permit conditions to allow Dollymount Township and Stevens County officials flexibility to come to an agreement outside of the District's permit. District Engineer Chad Engels stated that right-of-way may need to be acquired by the Dollymount Township due to the ditch widening. Mr. Jonathan Mathias requested that a culvert with a flapgate be installed along the north side of Section 7 of Eldorado Township; District Engineer Chad Engels agreed to add the condition. Dahlen motioned, seconded by Gillespie, to approve the permit application with the conditions described by the District engineer.

**WCD #9 BUDGET
UPDATE &
LIQUIDATED
DAMAGES
DISCUSSION**

Engineer James Guler described information discussed at the District's Construction Committee Meeting regarding the timeline, construction costs, and contractual terms with Riley Brothers for the Improvement of WCD #9. Engineer James Guler provided the project timeline which included: the Notice to Proceed issued June 3, 2019; excavation that began August 5, 2019; contractual Substantial

Completion that was not met on November 28, 2019; project seeding that began on July 6, 2020 that was followed by a large rain event that occurred on July 8, 2020; designation of Substantial Completion on October 16, 2020 and the consideration of a designation of Final Completion. There were added costs for construction and corresponding change orders on the project, but additionally there were engineering and inspection costs incurred because dates in the construction contract were not met. Engineering staff recommended that \$62,895.10 in expenses incurred between the contractual Substantial Completion and Final Completion Dates be split 50/50 with the contractor, and \$23,545.82 expenses incurred after the contractual Final Completion Date be assigned 100% to the contractor. Gillespie motioned, seconded by Dahlen and carried unanimously, to authorize engineering staff to deduct \$54,993.37 from the Final Application for Payment as liquidated damages, as described in Chapter 4.03 of the Construction Contract. Board Manager Kapphahn encouraged engineering staff to speak with the contractor ahead of the hearing. The information discussed will be incorporated in the Minn. Stat. § 103E.555 Engineer's Report, which will be filed with the Administrator, who will set the required public hearing.

**JD #11
CHANGE ORDER
NO. 8** Board managers reviewed Change Order No. 8 submitted by the contractor, explaining delays to the repair of the drainage system outlet and requesting that Final Payment Date be changed from August 31, 2021 to September 30, 2021. Dahlen motioned, seconded by Deal and carried unanimously, to approve Change Order No. 8 which extended the Final Payment (Completion) Date.

**JD #6
PAY APPLICATION
NO. 1** Engineering staff provided an update of the repair of JD #6. The railroad bored its culvert, and a corresponding channel was excavated by Wagner Company. Pay Application No. 1 was presented, in the amount of \$311,238.18. Board managers reviewed Change Order No. 1, in the amount of \$1,100 for rock piles to be hauled off-site, and a breakdown of costs to be applied to the ditch bond. Kapphahn motioned, seconded by Schmidt and carried unanimously, to approve Pay Application No. 1, Change Order No. 1, and application of expenses to the ditch bond.

**BEAVER
INVOICE** Schmidt motioned, seconded by Gillespie and carried unanimously, to approve payment to Trapper Don, in the amount of \$1,000 for the removal of nuisance beavers from three drainage systems.

**BUDGET,
GENERAL LEVY, &
CONSTRUCTION
LEVY HEARINGS** Dahlen motioned, seconded by Schmidt and carried unanimously, to open the public hearing on the 2022 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems and projects under the Bois de Sioux Watershed District's jurisdiction. Administrator Beyer presented the 2022 General and Construction Fund budgets and corresponding proposed levies. The RRWMB approved a levy at 75% for 2022. Preliminary ditch assessments were also presented, but will not be finalized until a public hearing is held in December. Additional cuts to the General Levy may be considered in December. Gillespie motioned, seconded by Dahlen and carried unanimously, to approve the Resolution of Ad Valorem Levy that included a General Levy of \$200,000 and a Construction/RRWMB Levy of \$1,662,633.55 and the Preliminary Ditch Assessments of \$833,997.00. Deal motioned, seconded by Dahlen and carried unanimously, to close the hearing.

**SOUTHERN
BOUNDARY** The Board of Water and Soil Resources ordered and scheduled a public hearing for revisions to the District's southern boundary, west of State Highway 75.

**640TH ROAD RAISE
ELDORADO TWP
DITCH** The 640th Avenue Road Raise and Eldorado Township Ditch agenda items were discussed earlier in the meeting in relation to Permit #21-114.

**NORTH OTTAWA
O & M
AGREEMENT** Attorney Lukas Croaker presented proposed responses to the DNR's changes to the North Ottawa 10-Year Operation and Maintenance Agreement. Kapphahn motioned, seconded by Dahlen and carried unanimously, to authorize the attorney and staff to convey the responses to the DNR.

**NORTH OTTAWA
RYE** Board Manager John Kapphahn stated that rye grass has been seeded in two weed and cattail dominated cells as a cover crop in an effort to suppress unwanted growth.

**BEYER
ARRIVES** Board Manager Beyer arrived at the meeting.

REDPATH UPDATE Engineering staff continue answering questions from the DNR regarding design details of the Redpath Flood Impoundment, as the DNR considers granting a permit. Moore Engineering staff submitted two grant requests to BWSR – one grant application on behalf of the Mustinka River Rehabilitation Project and one grant application on behalf of Redpath Flood Impoundment Phase 1, the Relocation of TCD #35. The

Minnesota LCCMR Committee will meet August 26th to discuss selections for their recommendations to the legislature for LCCMR grant awards. The Mustinka River Rehabilitation Project is strongly scored.

**REDPATH
PURCHASE
AGREEMENTS**

Attorney Lukas Croaker stated that, although purchase agreements were signed in 2020, two of the seven Bartell family members have not signed the required closing documents for 1.01 acres of land acquired for the Redpath Flood Impoundment. The closing documents were provided September 25, 2020. Efforts by the District's legal representation and staff to collect the paperwork from the two family members have not been successful. Dahlen motioned, seconded by Wold and carried unanimously, to authorize the District's attorney to begin enforcement of the terms of the signed purchase agreement, if needed.

**BIG LAKE
LANDOWNER
MEETING**

Prior to the formal pursuit of a public waters permit from the DNR, engineering staff recommend that a public landowner meeting be scheduled to collect the required landowner signatures. Beyer motioned, seconded by Gillespie and carried unanimously, to proceed with a landowner meeting.

WOLD LEAVEES

Wold left the meeting.

**RRWMB
BUS TOUR**

Following the Red River Watershed Management Board meeting that was hosted at the District Office on August 17, 2021, attendees took a bus tour of the Lake Traverse Water Improvement Project (Phases 1 and 2), and visited the Reservation and the White Rock Dams. Representatives and staff from the following organizations participated: Red River Watershed Management Board, MN DNR, Red River Basin Commission, Flood Damage Reduction Work Group, Red River Retention Authority, Army Corps of Engineers, Lake Traverse Association, Traverse Soil and Water Conservation District, Moore Engineering, and the Bois de Sioux Watershed District.

**LTWQIP NO. 1
PHASE #1**

Engineer James Guler informed Board managers that construction of the Minn. Stat. § 103D.605 Lake Traverse Water Quality Improvement Project No. 1 – Phase I is complete. Staff will prepare a final engineer's report and coordinate the final payment process.

**LTWQIP NO. 1
PHASE #2**

Gillespie motioned, seconded by Kapphahn and carried unanimously, to approve the Purchase Agreement between the Bois de Sioux Watershed District and James E. Graham Estate, for the purchase of buffers and easements, in the amount of \$27,086.00. The Federal 404 Permit has been received for this project, a construction bid has been advertised, and the District is waiting to receive a Public Waters permit from the DNR.

**LTWQIP NO. 1
PHASE #3**

Engineering staff continue to work on design details. Reducing velocities is a challenge to this phase of the project. Grant applications are being submitted to BWSR and to the RRWMB on behalf of this project.

RRWMB UPDATE

Rob Sip, Executive Director of the Red River Watershed Management Board (RRWMB), provided an update of the organization's activities, including LiDAR data collection scheduled Fall 2021, financial details and project spending trends, and legislative achievements.

**COUNTY RESOL-
UTION & LETTER
OF INTEREST**

Dahlen motioned, seconded by Gillespie and carried unanimously, to authorize staff to provide District county commissions with the Resolution of Support to Delay Land Acquisition to Promote Acquisition of Permanent Drainage Easements and a letter of interest in Federal American Rescue Plan County Aid funds.

The meeting was adjourned at 1:05 pm.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
September 16, 2021**

CALL TO ORDER The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Benjamin Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, Allen Wold. Absent: Jason Beyer. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer. Joined remotely: Engineer James Guler.

AGENDA Dahlen motioned, seconded by Schmidt and carried unanimously, to approve the agenda with the following changes: additions: Replace JD #11 Pay Application with Change Order No. 9, JD #6 Change Order No. 2, Rae Hamner Culvert Cost Share, LTWQIP Grant Shift Update, Stevens CSAH 20 Restrictor Plate, JCWMJP WBIF #1 Grant Extension Request, and Spoil Bank Discussion.

CONFLICTS OF INTEREST No conflicts of interest were declared.

CONSENT AGENDA Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the Consent Agenda was approved.

**PERMIT APP. #21-088
T. BATES
D. BLUME
PETITIONS
TCD #23** Dahlen motioned, seconded by Deal and carried unanimously, to open the hearing to consider the petitions from Timothy Bates and Dominic Blume to use Traverse County Ditch #23 as an outlet for the following parcels in Section 32, Gorton Township, Traverse County: Parcel #05-0121-000, SE1/4; Parcel #05-0120-000, S1/2 NE1/4; Parcel #05-0119-000, NE1/4 NE1/4; Parcel #05-0119-500, NW1/4 NE1/4. 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.

Landowners Timothy Bates and Dominic Blume presented information about their joint project, and stated that the parcels identified have a split flow, with 4' of fall heading north to TCD #35 and 6' of fall heading west to TCD #23. District Engineer Chad Engels relayed that TCD #35 is currently under going a redetermination, and that the parcels will be evaluated by the viewers. The landowners stated that the flow is blocked heading west from their parcel to TCD #23. Board managers encouraged the landowners to coordinate a cleanout, as the ditch is not under the District's jurisdiction.

Engineer James Guler described the process to calculate both the entrance fee and the proposed parcels' benefitted amounts. The District's policy to calculate entrance fees adds together all of the documented historical ditch expenses to date and divides this figure by the existing benefitted acres to determine an average cost per acre. This price per acre is then multiplied by the number of acres petitioning into the ditch: Parcel #05-0121-000: \$5,803.20; Parcel #05-0120-000: \$2,901.60; Parcel #05-0119-000: \$1,450.80; Parcel #05-0119-500: \$1,450.80. The proposed parcels' benefitted amounts are based on the amount of the nearest existing benefitting property per acre: Parcel #05-0121-000: 1.231%; Parcel #05-0120-000: 0.616%; Parcel #05-0119-000: 0.308%; Parcel #05-0119-500: 0.308%.

The landowners stated that the entrance fee calculation does not take into account the split flow for this property. In recognition of the split flow, Gillespie motioned to base entrance fees for the parcels based on the parcels' benefits multiplied by the documented historical expenses (Parcel #05-0121-000: \$1,730.40; Parcel #05-0120-000: \$865.20; Parcel #05-0119-000: \$432.60; Parcel #05-0119-500: \$432.60). Roll Call Vote: Brutlag – aye; Gillespie – aye; Wold – no; Deal – aye; Vavra – aye; Dahlen – aye; Schmidt – aye; Kapphahn – aye. Motion carried. No public comment was received. Attorney Lukas Croaker read the order. Kapphahn motioned, seconded by Dahlen, to approve the Order Authorizing the Use of Traverse County Ditch #23 by Parcel #05-0121-000, SE1/4 of Section 32, Gorton Township, Traverse County. Motion carried. Attorney Lukas Croaker read the order. Dahlen motioned, seconded by Deal and carried unanimously to approve the Order Authorizing the Use of Traverse County Ditch #23 in Section 32, Gorton Township, Traverse County by Parcel #05-0120-000, S1/2 NE1/4; Parcel #05-0119-000, NE1/4 NE1/4; Parcel #05-0119-500, NW1/4 NE1/4. Dahlen motioned, seconded by Brutlag and carried unanimously, to close the hearing.

**PERMIT APP.
#21-106
G. MURPHY
TCD #52
PETITION**

Gillespie motioned, seconded by Dahlen and carried unanimously, to open the hearing to consider the petition from Gerald Murphy to use TCD #52 as an outlet for Parcel #09-0085000, SE1/4 of the NE1/4, Section 19, Parnell Township, Traverse County. 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. Gene Mensen of Litzau Farm Drainage presented project details. District Engineer Chad Engels stated that the project meets the District's 1/4" drainage coefficient. Board Manager Gillespie confirmed with engineering staff that the parcel does not have split flow. No public comment was received. Attorney Lukas Croaker read the order. Gillespie motioned, seconded by Dahlen and carried unanimously, to approve the Order Authorizing the Use of Traverse County Ditch #52 by Parcel #09-0085000, SE1/4 of the NE1/4 of Section 19, Parnell Township, Traverse County with the entrance fee recommended by engineering staff. Gillespie motioned, seconded by Dahlen and carried unanimously, to close the hearing.

**PERMIT APP.
#21-108
M. SEVERANCE**

Landowner Mark Severance described the project, stating that the natural flow cuts southwest, across a neighbor's field to Fivemile Creek. The project would redirect flow to the north, across a subwatershed boundary, eventually flowing to Grant County Ditch #8. Dahlen motioned, seconded by Kaphahn, to approve the project contingent upon permission from the ditch authority, Grant County.

**ARMY CORPS
PRESENTATION
MUD LAKE &
LAKE TRAVERSE**

Jill Bathke (Army Corps Water Planner), Mitch Weier (Army Corps Water Levels Engineer), and LeeAnn Blomski (Army Corps Biologist) gave a remote presentation on a proposal to utilize the Corps' Sustainable Rivers Program to initiate a full drawdown of Mud Lake. Army Corps staff described Mud Lake as very shallow, windswept, and nearly devoid of vegetation and find that these conditions provide low quality habitat. They stated that a past growing season drawdown resulted in a high number of shorebird visits, and that a short-lived increase in vegetation was subsequently killed when Mud Lake subsequently was used to store floodwater. Army Corps staff asked board managers if they had any concerns about a summer drawdown of Mud Lake, and if there would be any concerns if they are unable to refill Mud Lake in the fall due to drought conditions. District Engineer Chad Engels stated that overall, the District supports recent management of spring operations for Mud Lake and Lake Traverse, and supports the use of the Moist Soil Management Program for Mud Lake. District Engineer Chad Engels recommended that, as a component of the Corps' future initiative to update the 1994 Lake Traverse Water Control Manual, that a statistical analysis be conducted for the historical use of Lake Traverse to store spring floodwater and an exceedance probability study evaluating what impact to summer flood operations would occur if the summer conservation pool elevation was increased one foot. The basis for the study would be the changes to hydrology in the region since 1994. Corps staff stated that implementation of moist soils management would be considered a deviation from the 1994 Manual, and that Sustainable Rivers funding and an EAW would be needed. If both were approved, moist soil management could begin in Summer 2022. The funding to update the 1994 Manual requires approval from Congress.

**WCD #9
103E.555 PUBLIC
HEARING**

**75% GRANT
EQUALIZATION**

Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the 103E.555 Public Hearing on the Engineer's Report for WCD #9 was opened. Engineer James Guler presented the amounts of Minnesota Legacy Act Clean Water BWSR Grant Funds that have been applied to the District's recent multipurpose drainage management projects (for grant eligible features such as side inlet culverts, berms, and seeding), and the percent of total cost that grants have provided to-date. Up to 75% of costs are eligible for grant funding from BWSR, but due to the competitive nature of the grant, project applications have sought varying levels of funding in order to secure an award. In addition, grant requests are based on project estimates, which inevitably vary from the actual amount of grant eligible costs at the close of a project. It is proposed that BdSWD Construction, Buffer, and Watershed Based Implementation Funds could be used to equalize the percentage of grant funding to cover 75% of eligible items across each project. This would require a transfer of funds for: WCD #8 in the amount of \$47,362.75; WCD #9 in the amount of \$197,244.42*; JD #11 in the amount of \$114,640.88*. *These grants have not been closed yet, so final amounts may vary. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, 75% equalization was approved for WCD #8, WCD #9, and JD #11 and to implement a goal to fund future projects at 75%, dependent upon funding levels and availability.

**WCD #9 CHANGE
ORDER & PAY
APPLICATION**

Engineer Jim Guler presented the Final Balancing Change Order in the amount of \$56,410.18 and Pay Application No. 3 (Final) in the amount of \$79,811.42, which includes the Final Balancing Change Order cost. Board managers next reviewed a calculation of actual damages incurred by the Contractor Riley Bros.' inability to meet the substantial and final completion dates. The project is currently 333 days past the final completion date. The contractor was notified of the closeout, did not sign the Final

**MEETING WITH
RILEY BROS.**

Balancing Order, and did not sign Pay Application No. 3. Engineering staff have not received the contractor's lien waivers. District Engineer Chad Engels recommended two options: to recess and reconvene the hearing to October 21 and in the meantime refer the matter to a subcommittee and coordinate a meeting with the Contractor to facilitate and complete a joint project close-out; or 2) utilize the procedures described in the signed construction contract to initiate and complete a one-sided project close-out. Board Manager Gillespie stated his preference for Option #1, but stated that Option #2 may later be necessary; he recommended that President Linda Vavra and Board Manager Beyer be appointed to the subcommittee. Gillespie motioned, seconded by Dahlen and carried unanimously, to pursue Option #1.

**PERMIT APP.
#21-113
DUPREE PORK,
LLP**

Board Manager Allen Wold requested that the permit be brought to the board for consideration. Valley Pork Representative Tyler Scott and ISG Engineer Matt Hudson were present to answer questions. The project utilizes pattern tile to direct stormwater runoff from buildings and graveled areas to storage retention ponds for 48 hours and then to drain tile that discharges into a roadside ditch. The outlet has a pump, and the retention ponds have 12" or more of sand to filter runoff. Hudson described the requirements of the facility to institute a Stormwater Pollution Prevention Plan. Attorney Lukas Croaker confirmed that the applicant received a permit from the MPCA and confirmed that the BdSWD permit application was found by District engineering staff to meet District rules and policies. Gillespie motioned, seconded by Schmidt, to approve the permit. Motion carried.

**LTWQIP NO. 1
PHASE #1
103E.555 PUBLIC
HEARING**

Gillespie motioned, seconded by Dahlen and carried unanimously, to open the 103E.555 Public Hearing on the Engineer's Report for Lake Traverse Water Quality Improvement Project No. 1 Phase No. 1. Punchlist items are done, and engineering staff have declared construction complete. Engineer James Guler presented Change Order No. 2 (Final Balancing Change Order) in the amount of \$15,035.98 to compensate the contractor for increased excavation, riprap and chinking rock less the unused boulder budget. This amount is included in Pay Application No. 4 (Final) in the amount of \$44,866.73. Dahlen

**CHANGE ORDER &
PAY APPLICATION**

motioned, seconded by Wold and carried unanimously, to approve Change Order No. 2 and Pay Application No. 4. Engineer James Guler presented the estimated and final costs. He described the use of Legacy Amendment Clean Water BWSR Project and Practices grant funds for all phases of the Lake Traverse Water Quality Project No. 1, and the ability to supplement these funds with Legacy Amendment Clean Water BWSR Watershed Based Implementation Grant Funds. Engineer James Guler recommends the District request a transfer from Phase 2 grant funds to be used against costs paid under the Phase 1 construction contract in the amount of \$220,000.

**JD #11
CHANGE ORDER**

Engineer James Guler presented JD #11 Change Order No. 9, extending the substantial completion date to November 1, 2021. The contractor has requested the change as soil conditions at the outlet repair are tighter and harder than expected. Engineer Technician Fridgen reported that this is a common problem in the region. Dahlen motioned, seconded by Brutlag and carried unanimously, to approve Change Order No. 9.

**PERMIT AP.
#21-066
D. HOLTE &
WESTERN 32
DRAINAGE
ISSUES**

Board managers discussed an after-the-fact permit application for a dike built to protect land from the widening of a stream managed on DNR land. An extremely thick cattail root mass is blocking the bottom 3' of both the north and south culverts on the DNR-owned property, forcing water flows to overtop adjacent roads. In addition, the natural stream corridor through the DNR property is no longer identifiable as it has been overtaken by cattails. Julie Aadland, DNR Area Hydrologist, and Michael Oehler, DNR Area Wildlife Specialist, were prohibited from attending in-person, but attend the meeting remotely. Otter Tail Commissioner Kurt Mortenson attended remotely, and Western Township Official Joel Borowski was in attendance. DNR Area Hydrologist Julie Aadland stated that there has been no change to the stream path since at least 1993, when a DNR survey was conducted. She stated that this is a natural watercourse, and that the DNR maintains no responsibility to maintain any grade line.

District Engineer Chad Engels asked, if the landowners are correct in their assertion that in previous years the stream channel was defined and the District could put together modeling demonstrating how the cattail mat affects area floodplain capacity, whether it would be sufficient to compel the DNR to conduct a clean-out and restore the function of existing culverts. DNR Hydrologist Julie Aadland responded that it would not, and that the District would instead be asked to evaluate what benefit would be achieved and what other alternatives are available.

Board Manager Scott Gillespie returned to the permit application, and stated that absent DNR maintenance of its own land, the proposed project may be the only method available to control flooding erosion and maintain the integrity of the subwatershed delineation, all at a private landowner's

expense. Gillespie motioned to approve the permit with the condition that the District Engineer will provide the final elevation. Dahlen seconded the motion and it was carried unanimously.

- JD #6
CHANGE ORDER,
UTILITY RE-
LOCATION, PAY
APPLICATION &
BOND EXPENSES** Engineer James Guler gave an update on JD #6 construction progress and presented a number of project documents. Dahlen motioned, seconded by Schmidt and carried unanimously to approve: JD #6 Change Order No. 2 in the amount of \$7,275.00 for work that the railroad intended to complete with their own contractor but requested that the District finish and invoice them; a utility relocation contract with Century Link in the amount of \$2,217.93; Pay Application No. 2 in the amount of \$455,853.48; and application of expenses to the JD #6 bond in the amount of \$291,733.91.
- LINED
WATERWAYS** Schmidt motioned, seconded by Dahlen and carried unanimously to approve cost share of \$20,250 for the joint Traverse SWCD Lined Waterway Program for 2021 and \$20,000 for 2022.
- WCD #35
SIDE INLET
ESTIMATE** Kapphahn motioned, seconded by Dahlen and carried unanimously, staff are authorized to provide a preliminary estimate of cost for the WCD #35 Side Inlet Culvert Project.
- WCD #25
SURFACE PROFILE** District Engineer Chad Engels relayed information from Board Manager Jason Beyer that there is landowner interest for a retrofit of WCD #25. Dahlen motioned, seconded by Deal and carried unanimously, to authorize staff to complete a water surface profile to determine if a repair or an improvement is needed.
- WEBMAP TOOL
BENEFITS** Kapphahn motioned, seconded by Schmidt and carried unanimously, to authorize staff to create 103E benefit and watershed layers for the District's Webmap tool.
- CULVERT COST
SHARE
R. HAMNER** Engineer Technician Troy Fridgen stated that the District received a request for culvert cost-share. Landowner Rae Hamner would like to replace a 60" concrete pipe with a metal pipe of a longer length. The District's policy would result in a cost of approximately \$1,600 to the landowner and up to \$8,000 for the District. The replacement of this culvert would be outside of the current District policy, because this is currently a functional approach. Engineer Technician Fridgen stated that the concrete pipe could be utilized on JD #12. Schmidt motioned, seconded by Dahlen and carried unanimously, the cost-share was approved and Fridgen is authorized to determine a value for JD #12 to compensate TCD #52 for the used pipe.
- LTWQIP NO. 1
PHASE #2
NOTICES &
CONTRACT** Engineer James Guler provided an update of Lake Traverse Water Quality Project No. 1 - Phase II. Construction bids were recently opened. Wagner Company submitted the low-bid with \$399,400. Dahlen motioned, seconded by Schmidt and carried unanimously, to authorize President Linda Vavra to sign the project's Notice of Award, Notice to Proceed, and Contract contingent upon Wagner's submission of required pre-project documentation.
- LTWQIP NO. 1
GRANTS** Dahlen motioned, seconded by Wold and carried unanimously, to authorize staff to work with BWSR staff to determine how best to distribute Legacy Amendment Clean Water BWSR Project and Practices grant funds between Phases 1, 2, and 3.
- LTWQIP NO. 1
PHASE #3** Engineering staff will have a meeting on October 3rd to discuss design details on Phase 3 stabilization.
- 640TH AVE,
PERMIT APP.
#21-114
DOLLYMOUNT &
ELDORADO
TOWNSHIPS** A joint meeting was held between Eldorado and Dollymount Townships to discuss the 640th Road Raise Project and Permit Application #21-114. One requirement finalized is the placement of a restrictor plate on a culvert located 0.6 miles east of the Stevens-Traverse County line on CSAH 20. A permit application has been submitted by the District to Stevens County. A petition for a new ditch has been given to Eldorado landowners. Kapphahn motioned, seconded by Schmidt, to authorize staff to draft a Memorandum of Understanding with Dollymount Township, to detail how the project will proceed and specify that Dollymount Township, as the road authority, will coordinate the project and the District will fund the project under its road raise program. It is anticipated that plans could be available for bid in February/March 2022 and construction could take place in 2022.
- CLIFTON
TOWNSHIP** Engineering staff and a couple of board managers continue to meet with Clifton Township officials and landowners to determine a solution to frequent local flooding.
- NORTH OTTAWA
O & M
AGREEMENT &
COVER CROPS** Attorney Lukas Croaker has contacted the DNR's legal representative regarding the North Ottawa Operations and Maintenance Agreement, but the DNR has not yet provided a response. Board Manager

Kapphahn reported that cover crops were planted in cells A3 and B3, and that large numbers of wildlife have been spotted in the emerging rye.

**POLLINATOR
LEASE DRAFT**

Administrator Jamie Beyer reported that Beekeeper Steve Kellen has been placing hives in the Impoundment without permission from the District, and has set hives in locations that were intended for birdwatcher parking. Gillespie motioned, seconded by Schmidt and carried unanimously, to authorize staff to draft a pollinator lease agreement.

**REDPATH
LESSARD SAMS
EXTENSION &
CONFLICT OF
INTEREST AND
FHM RESOLUTION**

Dahlen motioned, seconded by Gillespie and carried unanimously, to approve the amendment to the Lessard Sams Agreement extending the term through June 30, 2024. Kapphahn motioned, seconded by Gillespie and carried unanimously, the Resolution Budgeting Annual Redpath Impoundment Project Funds for 2022 was approved. Upon motion by Gillespie, seconded by Deal and carried unanimously, President Linda Vavra is authorized to sign the ENRTF/OHF Pass-Through Grant Agreement Attachment C: Conflict of Interest Disclosure.

BIG LAKE

A landowner meeting will be held on September 24th to collect landowner signatures in support of the Big Lake Flood Risk Reduction Project.

**ECOSYSTEM
INVESTMENT
PARTNERS**

Board managers reviewed information from Ecosystem Investment Partners regarding wetland mitigation bank opportunities. Board Manager Steven Schmidt and District Engineer Chad Engels will meet with representatives to gather more information.

**WBIF EXTENSION
REQUEST**

Representatives from the soil and water conservation districts have requested that the District, serving as the fiscal agent for Legacy Amendment Clean Water BWSR Watershed Based Implementation Grant No. 1, request an ending term extension from 12/31/2023 to 12/31/2024. In order to be eligible for funding, cover crops are required by BWSR for a 3-year term, and representatives from soil and water conservation districts would like additional time to line up contracts; the extension would allow them to implement contracts for cover crop planted in 2022, 2023, and 2024.

**BANK OF THE
WEST
CLOSURE**

Administrator Jamie Beyer stated that the Wheaton branch of Bank of the West has announced its closure. Bank of the West houses the District's primary checking account, and it will be difficult to manage deposits without an in-town depository. Deal motioned, seconded by Kapphahn, to authorize staff, board president and treasurer to transfer the account to Star Bank or State Bank of Wheaton.

SPOIL BANKS

Board Manager Allen Wold stated that, following a ditch clean-out by the District, that landowners should have the opportunity to form a negative bank with ditch spoils on their own load. Engineer Technician Troy Fridgen stated that he would work with interested, consenting landowners, where feasible, to make a negative slope and install side inlet culverts.

The meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
October 21, 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, Doug Dahlen, Jerome Deal, Steven Schmidt, Allen Wold. Absent: Jason Beyer, Benjamin Brutlag, Scott Gillespie, John Kapphahn. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer. Joined remotely: Engineers James Guler and Nathan Trosen.
- AGENDA** Deal motioned, seconded by Schmidt and carried unanimously, to approve the agenda with the following changes: additions: DNR Meeting with Mr. Jim Harstad, Clifton Township, WCD #9 Final Balancing Change Order and Pay Application, BWSR Clean Water Fund Grant Agreement, Joint Comprehensive Watershed Management Plan Quarterly Reimbursements.
- CONFLICTS OF INTEREST** No conflicts of interest were declared.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Consent Agenda was approved. The Consent Agenda included the following change to the August 19, 2021 Minutes:
Text Added: "Wold left the meeting."
- PUBLIC COMMENT** No public comment was presented.
- DITCH PETITIONS** Dahlen motioned, seconded by Deal and carried unanimously to set public hearings on November 18, 2021 for petitions submitted by Don Stueve to outlet into TCD #28 and TCD #31.
- PETITION FILING AUTHORITY** Board managers discussed the timing of petitions in comparison to the District's meeting calendar, and the requirement to file a petition, and then schedule a public hearing after advertising for three consecutive weeks. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the District Administrator is authorized to file outlet petitions and schedule the required public hearing for the next District meeting following adherence to the publication requirement.
- #21-143, S. SCHMIDT #21-148, D. FRISCH** Deal motioned, seconded by Wold, to authorize engineering and legal staff to work with permit applicants, Steven Schmidt and Dean Frisch, on design issues for #21-143 and #21-148. Schmidt recused himself. Motion carried.
- JOINT MEETING** District Engineer Engels recounted a meeting held by Mr. Jim Harstad, neighboring landowners, representatives from the DNR, and Senator Torrey Westrom, regarding excavation of a drainage ditch and wetland. A consensus for restoration was reached between the parties.
- WCD #9 103E.555 PUBLIC HEARING** Dahlen motioned, seconded by Deal and carried unanimously, to reconvene the Minn. Stat. § 103E.555 Public Hearing on the Engineer's Report for WCD #9. President Vavra, Board Manager Deal, District Engineer Engels, and Administrator Beyer met with Mr. John Riley to discuss project damages, arriving at a negotiated set-off amount of \$22,500. Dahlen motioned, seconded by Schmidt and carried unanimously, to approve the Final Balancing Change Order of \$56,410.18 and Final Pay Application No. 3 in the amount of \$79,811.42 less \$22,500 for a final payment of \$57,311.42.
- JD #11** Outlet work is completed, and seeding is done; grass will be considered next spring for establishment. Schmidt motioned, seconded by Dahlen and carried unanimously, to approve Pay Application No. 6 in the amount of \$268,870.36.
- JD #6** Schmidt motioned, seconded by Dahlen and carried unanimously, to approve Pay Application No. 3 in the amount of \$198,348.87. Dahlen motioned, seconded by Deal and carried unanimously, to approve Bond Expenses of \$117,978.61. Dahlen motioned, seconded by Wold and carried unanimously, to approve the recommendation from engineering staff to deem the project substantially complete.
- TCD #35** The Viewers' Report will likely be filed at the November 18, 2021 board meeting. The Engineer's Report will likely be filed at the December 16, 2021 board meeting. A landowner meeting will likely be held in January.

- RING DIKE POLICY** Staff brought forward a need for a District-wide ring dike cost share program, and presented a sample policy. Ring dikes are identified in the Joint Comprehensive Watershed Management Plan as a tool to protect property from flood impacts, and can be designed to promote protection from 100-year flood events. Ring dikes can prevent the need to relieve flood pressure by cutting a road – leaving roads intact controls flood drainage. Wold motioned, seconded by Schmidt and carried unanimously, to approve the Ring Dike Cost Share Policy. Schmidt motioned, seconded by Dahlen and carried unanimously, to authorize legal staff to draft a corresponding landowner contract.
- BIG LAKE** President Vavra and Board Manager Dahlen will continue to meet with Big Lake landowners.
- LTWQIP NO. 1 PHASE #2 PHASE #3** The contractor has begun construction on Phase No. 2, removing trees and excavating the channel. Engineering staff met with DNR representatives to discuss the design of the ditch repair project for Phase No. 3.
- APIARY LEASE** Schmidt motioned, seconded by Dahlen and carried unanimously, to implement an apiary lease for 3-year terms, at \$0.00 lease amount, in areas identified by Engineer Technician Fridgen. Board managers requested that the beekeeper or District post notice signs informing the public of the keeping of bees on District property.
- REDPATH** It is anticipated that a Findings of Fact and Dam Safety Permit will be issued within a week. District Engineer Engels reviewed the funding strategy for the Mustinka River Rehabilitation and Redpath Impoundment Projects.
- JCWMP GRANT REIMBURSEMENT** Dahlen motioned, seconded by Deal and carried unanimously, to approve the Joint Comprehensive Watershed Management Grant reimbursement requests in the amount of \$49,708.31.
- DEAL LEAVES** Deal left the meeting, concluding the meeting quorum.
- STAR BANK** Administrator Beyer updated the managers on the selection of Star Bank as the designated financial institution for the District’s checking account.
- UPDATES** Individual managers updated the other managers and staff as to meetings held by the various water committees, associations, and workgroups in which those managers are representatives.
- The meeting was adjourned.

**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, 640th 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 16th, 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.

640TH AVE ROAD RAISE An agreement for the 640th 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 16th.

**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.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
December 16, 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, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, Steven Schmidt, Allen Wold. Absent: Jason Beyer, John Kapphahn. 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** Wold motioned, seconded by Gillespie and carried unanimously, to approve the agenda with the following additions: Lake Samantha, Doran Lake, Ditch Inspections, 640th Ave Road Raise, WCD #25, WCD #35, Leveling Spoils, BWSR Update.
- CONFLICTS OF INTEREST** No conflicts of interest were declared.
- CONSENT AGENDA** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** No public comment was presented.
- DITCH INSPECTIONS** Engineer Technician Troy Fridgen presented the Area Two Annual Ditch Inspection Report, pursuant to Minn. Stat. Section 103E.705, Subd. 1. Drainage ditches under the District's authority are inspected on a three year cycle, with 1/3 of the systems inspected in a single year. Some repairs were made to the ditches in 2021, but a more comprehensive repair plan will be put together over the winter. There are a number of culverts that need to be replaced in coordination with efforts from road authorities.
- 640TH AVE ROAD RAISE / DOLLYMOUNT** Attorney Lukas Croaker and Engineer Technician Troy Fridgen recently attended a Dollymount Township meeting to discuss the 640th Avenue Road Raise Project and Agreement. Township officials' primary concern is what would happen if the project creates unanticipated negative conditions for TCD #8 landowners. Board Manager Steven Schmidt emphasized that damages currently occur when water overtops 640th Avenue, and that the project will reduce overtopping and control flow during small events. Board Manager Gillespie stated that there were a lot of "what if's" when the TCD #37 retrofit was proposed.
- KAPPAHN & DOLLYMOUNT** Board Manager John Kapphahn and Dollymount Township Supervisor Steve Fridgen arrived at the meeting.
- 640TH AVE ROAD RAISE / DOLLYMOUNT** Attorney Lukas Croaker recommended that Dollymount Township contract with an independent engineer and/or attorney, in order to ensure that the township's rights and responsibilities are verified and protected. District Engineer Chad Engels stated that an alternative process to complete the road raise project would be for the damaged landowners to petition for a new legal ditch, prompting viewing proceedings. If a petition was filed, the Bois de Sioux Watershed District could complete the project as the drainage authority. Action on the road raise agreement was tabled so the Township supervisors could discuss further and obtain engineering and/or legal counsel.
- BUDGET, LEVY, & ASSESSMENT HEARINGS** Deal motioned, seconded by Dahlen and carried unanimously, to open the Public Hearing on the Budgets and Levies for the 2022 General Fund, Construction Fund, and Budget and Assessments for the Ditch Systems. Budgets and fund balances for 2021 were reviewed, along with the corresponding proposed 2021 assessments and levies. Kapphahn motioned, seconded by Dahlen, to approve the Amended 2021 General, Construction, and Ditch Budgets. Budgets and fund balances for 2022 were reviewed, along with the corresponding proposed 2022 assessments and levies. Dahlen motion, seconded by Kapphahn and carried unanimously, to approve the 2022 General and Construction Budgets. Board managers and staff reviewed the proposed 2022 ditch assessments. A significant cleanout was completed on TCD #38, authorized by the board at the July 15, 2021 meeting, resulting in a notable increase in the assessment in response. Deal motioned, seconded by Dahlen and carried unanimously to approve the 2022 Ditch Assessments. Upon motion by Dahlen, seconded by Schmidt and carried unanimously the Resolution of Ad Valorem Levy Tax (with a \$178,700 General Fund ad valorem levy tax and a \$1,662,633.55 Construction Fund ad valorem levy tax) and the Resolution for Ditch Assessment Levies (in the total amount of \$858,647.00). Roll

call vote: Schmidt – aye, Dahlen – aye, Deal – aye, Wold – aye, Brutlag – aye, Kapphahn – aye, Gillespie – aye, Vavra – aye. Motion carried. Upon motion by Brutlag, seconded by Schmidt and carried unanimously, the public hearing was closed.

**DORAN CREEK
WCD #25 & #35** Due to Board Manager Jason Beyer’s meeting absence and interest in Doran Creek, WCD #25, and WCD #35, District Engineer Chad Engels requested that the agenda items be moved to the January 2022 board meeting.

SPOILS LEVELED Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, a transfer of \$28,585 from the District’s Buffer/Riparian Aid Fund was approved for leveling spoils on ditch buffers following cleanouts for: JD #11 (\$1,125), TCD #9 (\$10,725), TCD #23 (\$2,325), TCD #27 (\$5,790), TCD #37 (\$1,757.50), TCD #38 (\$2,960), TCD #44 (\$3,422.50), WCD Sub-1 (\$480).

**SAMANTHA LAKE
& ELBOW LAKE** District Engineer Chad Engels stated that an Elbow Lake project is not a priority for the DNR based on a recent meeting held with the agency. Board Manager John Kapphahn stated that an effort is being made amongst property owners to establish a lake association for Elbow Lake. Dahlen motioned, seconded by Schmidt and carried unanimously, to authorize District Engineer Chad Engels to attend a meeting with the proposed association members.

**103E.341 FINAL
HEARING
TCD #35** Deal motioned, seconded by Dahlen and carried unanimously, to open the Final Hearing on the Improvement Petition, Detailed Survey Report, and Viewers’ Report for the Redetermination of Benefits and Damages for the Improvement of Traverse County Ditch #35 (TCD #35). Attorney Croaker introduced the hearing procedures and confirmed that Viewers Mark Dietz, Dwight Veldhouse, and Donald Metz were present.

Engineer Guler described the purpose of the project – to relocate the drainage system utility in preparation for construction of the Redpath Flood Impoundment, and to improve the current channel grade and cross section. Attorney Croaker confirmed that the District’s engineer found that: the improvement is necessary, a proper petition has been submitted, and that the benefits of the proposed project exceed the project’s estimated costs, including damages paid.

Engineer Guler presented the Detailed Survey Report, which included a project map, culvert analysis, channel cross sections and plan profile sheets. The project will deepen the ditch, and the ditch will be shifted south, further from adjacent roads in order to provide room for the future Redpath Impoundment levees. The outlet for the project, JD #14, L1, is in Section 20 of Redpath Township. Landowner comments influenced the inclusion of an overflow channel to the north along the west line of Section 21, constructed in association with the Redpath Impoundment. Side inlet culverts are included in the project, but locations will be finalized on-site with landowners during construction. Culvert crossings through road intersections immediately south of the future impoundment will appear long for the current road, however, the length is intended for construction of the future impoundment levy and road. The estimated total cost for the project is \$2,623,000 with no local cost. It is anticipated that this project would be funded by cost-share grant funds from BWSR, RRWMB, DNR, and BdSWD. This cost includes removal and replacement of a full layer topsoil where the future Redpath levee will be constructed.

Attorney Croaker described the formal process, and the Viewers’ Report and Property Owner’s Report were reviewed. The Viewers’ Report sets a monetary maximum limit for ditch construction, assigns a proportion of ditch expense (as a percentage) that each benefited 40-acre parcel is responsible for, and sets the damages payment to landowners for acquisition of easements. Factors affecting these figures are soil types, proximity rating and hydraulic efficiency. Viewer Veldhouse provided a presentation, section-by-section. For this project, all soils were rated “B.” Viewer Veldhouse introduced the Viewers’ Report and described their methodology. Details about the redetermined assessment district were given, including compensation for the easements that will be required:

Permanent Ditch Channel berm, and buffer area.	Will apply to the area encompassed by the road, ditch channel and
Easement	Landowners will be compensated for the amount of this land that is currently being cultivated at \$6,500/acre. They will not be able to cultivate it in the future.

Permanent Backslope Easement. Will apply to the area adjacent to the Permanent Ditch Channel. Landowners will be compensated at \$300/acre and the District has the right to use the area for construction for two years (for a total of \$600/acre). The land can be used by the District for maintenance, repairs, and spoils, but District activities cannot damage crops without compensation.

Engineer James Guler stated that the DNR Advisory Report was received December 13, 2021, and read the report into the record. The DNR Advisory Report approved the Detailed Survey Report and stated that the project promotes public utility and benefit.

Landowners were given an opportunity to provide comments. Several questions were answered during the engineer and viewers' presentations.

Attorney Lukas Croaker read the proposed Findings of Fact and Order. Kapphahn motioned, seconded by Dahlen, to approve the Findings of Fact and Order (approving the Viewers' Report, Engineer's Detailed Survey Report, the redetermination of benefits and damages, the establishment of the improvement project, directing the engineer and Administrator Beyer to prepare bidding and construction documents, and ordering easement acquisition). Roll call vote: Schmidt – aye, Dahlen – aye, Deal – aye, Wold – aye, Brutlag – aye, Kapphahn – aye, Gillespie – aye, Vavra – aye. Motion carried. Upon motion by Deal, seconded by Dahlen and carried unanimously, the public hearing was closed.

WOLD LEAVES Wold left the meeting.

SOUTHERN BOUNDARY A public hearing to discuss the Southern Boundary was held by BWSR in November in Graceville, MN. Attorney Croaker, District Engineer Chad Engels, President Linda Vavra, and Administrator Jamie Beyer attended. District Engineer Chad Engels presented the proposal section-by-section. There were no landowner comments presented in response. The BWSR Board will consider the proposed boundary adjustment for approval at its January 2022, board meeting.

REDPATH & MUSTINKA GRANT APPLICATION Gillespie motioned, seconded by Dahlen and carried unanimously, to authorize Moore Engineering staff to submit a grant application to the Fargo-Moorhead Diversion Authority on behalf of the Redpath Impoundment & Mustinka River Rehabilitation Project.

CWF GRANT AWARDS The District was notified today that it was awarded three Minnesota State Legacy Amendment BWSR Clean Water Fund grants: Redpath Flood Impoundment Phase 1, \$320,000; Lake Traverse Water Quality Improvement Project No. 1 Phase #3, \$800,000; Mustinka River Rehabilitation, \$800,000.

LTWQIP NO. 1 PHASE #2 Engineer James Guler presented an update on Phase #2 on the Lake Traverse Water Quality Improvement Project No. 1; all work, except seeding and stormwater protection, is completed. Dahlen motioned, seconded by Deal and carried unanimously, Pay Application No. 1 in the amount of \$374,216.87, was approved.

LTWQIP NO. 1 PHASE #3 Design for Phase #3 is 80% complete. Landowner meetings are expected Spring 2022.

RING DIKE POLICY Attorney Lukas Croaker described the drafted Ring Dike Policy. President Linda Vavra stated that RRWMB is currently revising its policy, and that it would be prudent to wait until it is complete before finalizing the District's policy.

ENGINEERING & LEGAL RATES Dahlen motioned, seconded by Schmidt and carried unanimously, to approve the 2022 Moore Engineering Preferred Billing Schedule and a \$10/hour increase for Attorney Lukas Croaker.

NORTH OTTAWA AGREEMENT Attorney Lukas Croaker described changes to the proposed 2021 – 2030 North Ottawa Operation & Maintenance Agreement. Gillespie motioned, seconded by Kapphahn and carried unanimously, to approve the agreement. Board Manager John Kapphahn requested that staff investigate gates to prevent damage to roads and levies.

DATA PRACTICES POLICIES Kapphahn motioned, seconded by Gillespie and carried unanimously, to approve the revised Policies and Procedures for Public Access to Documents & Data Protection.

Administrator Beyer notified the board of upcoming term expirations: Dahlen (Grant); Vavra (Stevens); Deal (Traverse). A position description will be sent, along with a notice of expiration, to the affected counties.

**INTERNAL
INTEREST RATE
DESIGNATION**

Administrator Jamie Beyer recapped that in 2019, board managers requested that a set index be used for the District's internal interest rate and in 2020, Accountant Renee Kannegeisser recommended that the District use the Long-Term Federal Interest Rate for December, which was 1.45% in December 2020. Gillespie motioned, seconded by Kapphahn and carried unanimously, to update the internal interest rate to 1.9%.

**JCWMP WBIF
DISBURSEMENT**

Dahlen motioned, seconded by Deal and carried unanimously, to approve the Joint Comprehensive Watershed Management Grant reimbursement request in the amount of \$180,814.37.

**STAFF &
ADMINISTRATOR
INCREASES**

Board Manager Scott Gillespie relayed Personnel Committee recommendations. The committee reviewed staff raises for 2022. Staff were provided a 1%, 3%, and 2% increases for 2018, 2019, and 2020, respectively, at rates lower than county offices. The Personnel Committee commended staff for their quality of work, permit processing efficiency and speed, and project completion. The current 6.2% inflation rate and 9% health insurance rate increase were also discussed. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, effective January 1, 2022, rates for staff were increased by 5% and the hourly rate for part-time Administrator Beyer was increased by \$5/hour.

**BY-LAWS, RULES
& POLICIES
UPDATE**

Staff discussed the need for dedicated time to review the proposed revisions to the District's by-law's, rules, and policies. Board managers decided to hold a special meeting January 27, 2022 to thoroughly review the documents.

Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the meeting was adjourned at 2:20 pm.