

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
January 20, 2022**

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, Allen Wold. Arrived later: Ben Brutlag, Scott Gillespie. Also present in the District Office: Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer. Jointed remotely: District Engineer Chad Engels and Engineer James Guler.

AGENDA Kapphahn motioned, seconded by Deal and carried unanimously, to approve the agenda with the following addition: Board of Water and Soil Resources Grant Agreement.

CONFLICTS OF INTEREST No conflicts of interest were declared.

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

PUBLIC COMMENT No public comment was presented.

BRUTLAG ARRIVES Board Manager Ben Brutlag arrived at the meeting.

**P.A. #21-165
G. FRISCH** During the permit notification process, neighboring landowner Paul Koch requested that a township ditch, located on the southwestern border of Croke Township, Section 11, be cleaned. Engineer Technician stated that the project described on the permit application does meet the District's policies, and that he did find 3-4' tree stumps in the ditch, limiting flows. The permit applicant stated that once he has the ditch cleaned, it is possible that the proposed project would be gravity-fed instead of mechanically pumped. Engineer Technician Troy Fridgen informed the applicant that 18" culverts can be installed without a permit, as long as excavation does not extend into clay soils, and that if a larger culvert is needed to direct flow going west, a permit would be required and would trigger sizing by the District's engineers. Frisch and neighbor Koch will work out a cost share agreement to clean out the downstream ditch. Dahlen motioned, seconded by Schmidt and carried unanimously, to approve the permit.

**P.A. #21-166
MNDOT** The permit describes Hwy 55 roadwork, south of Elbow Lake, to be completed by MnDOT in 2022. Sixty-percent of the project is located in the Pomme de Terre Watershed District and the remaining portion is located in the Bois de Sioux Watershed District. Board Manager John Kapphahn, Engineer Technician Troy Fridgen, District Engineer Chad Engels attended a meeting with MnDOT and affected landowners in which landowners expressed frustration at not having been notified prior to the completion of final plans. District Engineer Chad Engels emphasized that the District's role in review of this permit is not to redesign the proposed road project – the District is to consider the proposed culvert sizing from a flood mitigation perspective. MnDOT believe the proposed project will improve existing conditions by installing culverts on-grade, with a newly established ditch grade.

P.A. #21-054 Board managers reviewed a letter from Mr. Ron Anderson, dated December 27, 2021, rescinding the verbal agreement he made with the District on November 18, 2021. Attorney Lukas Croaker stated that the District's concern continues to be the prevention of erosion and sedimentation, and public safety; he recommended that the board consider issuance of an administrative compliance order that formally details the conditions that must be met for after-the-fact permit approval, and prepares the matter to be reviewed in district court. Board managers discussed the date by which the order would need to be complied with, considering Mr. Anderson's December 27, 2021, correspondence stating that he is choosing not to complete the after-the-fact permit conditions. Deal motioned, seconded by Dahlen, to authorize issuance of an administrative compliance order that includes a May 1, 2021, compliance deadline. Motion carried.

GILLESPIE ARRIVES Board Manager Scott Gillespie arrived at the meeting.

PERMIT NOTICES Administrator Beyer relayed the District's policy of notifying adjacent landowners of a permit application; the District has received a couple of recent complaints that only landowners are included in the notification and not taxpayers. Upon motion by Schmidt, seconded by Dahlen and carried

unanimously, the board authorized staff to send permit application notices to both landowners and taxpayers, as listed on county property tax websites.

**WCD #25
REPAIR/
IMPROVEMENT**

In response to complaints of outlet erosion, engineering staff conducted a limited hydraulic analysis of WCD #25, which is located southwest of Campbell. The assessment evaluated the existing culverts and existing condition of the ditch channel using LIDAR (instead of surveyed cross-sections). One culvert was found to be set above grade and the ditch was found to be at a 0.04-0.05 percent slope. The system appears to have adequate depth but resloping would add stabilization. A retrofit repair is estimated to cost approximately \$2 million with an estimated \$1,400,000 assessed directly to landowners. Engineering staff asked board managers if they should move forward with data collection to prepare for a BWSR grant application in August 2022. Board Manager Jason Beyer asked several questions including questions regarding the proposed design method for stabilizing the exiting outlet which is currently in a state of erosion. District Engineer Chad Engels stated that, in the area of the most erosion, a drop structure/weir would be installed to control velocities. Board Manager Jason Beyer relayed that the landowner in Section 17 has expressed interest in moving the ditch to the edge-of-the-field; District Engineer Chad Engels stated that doing so would change the project from a repair to an improvement. Either case will require a petition and redetermination, but an improvement will require landowner bonds. Board Manager Jason Beyer will talk with the landowners. District Engineer Chad Engels stated that, because this system conveys early flood waters, there may be a solid justification to increase culvert sizing for this project. Additional limitations, however, may come from Wilkin County zoning requirements regarding berm heights compared to road elevations.

**WCD #35
SIDE INLET
PROJECT**

The WCD #35 system outlets into Doran Creek, just north of Doran, and so has been identified as a possible source of sediment that may need to be addressed in coordination with the Doran Creek Stream Restoration. Engineer Technician Troy Fridgen stated that a clean-out of this system must be completed – landowners are sloping township ditches away from WCD #35. Landowners do not support a full retrofit, but are amenable to replacement of side inlets. In review of the system, engineering staff have determined that a side inlet project could cost up to \$1,000,000 with direct cost to landowners in the amount of \$663,000. Engineering staff recommended a phased approach – either determined by a set annual budget amount and/or by prioritized sediment load reduction sites. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, a clean-out of WCD #35 was authorized. Engineering staff will meet with Wilkin SWCD to discuss grant funding opportunities.

**LIGHTNING LAKE
PROJECT NO. 1**

DNR Fisheries Specialists Nicholas Kludt, Owen Barid, and Alex Letvin proposed a joint project between the DNR and the District to replace the Lightning Lake outlet structure with 3 rock weirs and an additional culvert, and replace two downstream culverts. The anticipated cost is \$450,000. The previous attempt had been made in coordination with Stony Brook Township and Grant Township, but had failed due to lack of funds. The DNR stated that the project could be financed 90/10 by the Conservation Partners Legacy program, which is set to increase project maximum awards from \$400,000 to \$450,000 later this year. The DNR requested that:

- The District take over the project and submit a Conservation Partners Grant application (Sept 2022).
- The DNR will support design and the grant application.
- The DNR will work cooperatively with the designated hydrologist for permitting.
- The DNR will support onsite oversight for construction of the rapids.
- Construction would take place in 2023.

Board managers asked if upstream culvert conditions had been evaluated; DNR reported that they had not. Kappahn made motion, seconded by Dahlen, to authorize staff to meet with DNR representatives to plan a project and to pledge the 10% match. Motion carried.

WCD #SUB-1

Board managers discussed the likelihood that a landowner petition will be received for the retrofit of WCD #Sub-1. It is possible that landowner signatures will represent between 26% - less than 50% of the assessment district.

**2022 PROJECT
LIST**

Board Managers reviewed the 2022 Project List.

**REDPATH
UPDATE**

Engineer James Guler provided an update on the Redpath project. Coordination of Phase 1 utility relocates (including drainage tile) has begun. Additional information was requested by the Army Corps of Engineers who are currently reviewing the project's permit application.

- SAMANTHA LAKE** Engineering staff estimate costs of \$50,000 to complete an EAW for Samantha Lake with: hydrologic analysis to comparing a road raise vs. a 17" drawdown outlet control; survey and model effects for adjacent wetlands. It is unknown whether Grant County wants to pursue these studies and if they are willing to split these costs. Board Manager John Kapphahn stated that the landowners continue their efforts to form a lake association on Elbow Lake. District Engineer Chad Engels recommended that landowner project consent be gathered before EAW efforts begin. Dahlen motioned, seconded by Brutlag and carried unanimously to authorize legal staff to draw up authorization forms.
- SCHMIDT & FRIDGEN LEAVE** Board Manager Steven Schmidt and Engineer Technician Troy Fridgen left the meeting.
- DORAN CREEK** Engineering staff presented project details of the proposed Doran Creek Restoration. The ultimate goals of the project are to acquire a permit for, and conduct, a clean-out presently and to implement an operation and maintenance manual that will describe the parameters under which future clean-outs can be conducted without future permits being required. In order to meet this goal, engineering staff anticipate that grassland easements will be required and meandering pools be widened. Depending on the event (2-, 5-, or 10-Year), up to 1,100 acres would be put under joint easement. The project would need to be constructed in phases, as grants are available and – because easement grants are the primary mechanism to pay for the majority of the project – willing, supporting landowners are imperative. There are 62 parcels that could be impacted by easements. Setting outcome expectations with landowners is also important for this project – this project will not result in transforming flood prone areas to prime farmland. With backwater effects from the Bois de Sioux River and a relatively flat river bed, a clean-out of Doran Creek will not prevent future floods; the clean-out will result in less frequent flooding, but flooding will still happen and could still happen during the growing season. Due to the accessibility of the creek and cattail growth, winter construction may be needed. Upon motion by Beyer, seconded by Gillespie and carried unanimously, staff are authorized to coordinate a landowner meeting with those directly affected by potential easements.
- LTWQIP NO. 1 PHASE #3** Engineering staff will present two design scenarios to the DNR to permit Phase 3. Once a design is determined, the cost estimate can be finalized and further grant applications can be completed for submission. Soil borings are set to be taken soon. With an estimated project cost of \$3,000,000, the amount to be provided by the water management district is \$367,000, capped at \$75,000 per year annually. Administrator Beyer recommends the District pursue an AgBMP loan through Traverse SWCD and Traverse County. Traverse County would ultimately set repayment terms, with an anticipated interest rate of 0 – 3%. Kapphahn motioned, seconded by Gillespie and carried unanimously, to authorize staff to complete and submit an AgBMP loan application.
- END OF YEAR TRANSFERS** Upon motion by Kapphahn, seconded by Brutlag and carried unanimously, the End of Year Transfer Journal Entries (board manager time allocation split, staff allocation time split, negative interest allocated, CD/bank interest allocated, ditch expenses allocated, and TCD #35/Phase 1 Redpath) were approved.
- 2022 DITCH BUDGET** Administrator Beyer stated that the individual ditch fund assessments set in December are aggregated to create a budget for 2022 for the entire fund. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the 2022 Ditch Budget was approved.
- PROPERTY TAX EXEMPTIONS** Board managers reviewed property tax exemptions for District-owned parcels not put into agricultural production. Upon motion by Dahlen, seconded by Deal and carried unanimously, staff are authorized to submit the corresponding property tax exemption requests.
- 2022 MILEAGE RATES** Board managers reviewed board manager mileage distances and 2022 IRS rate of \$0.585. Upon motion by Beyer, seconded by Deal and carried unanimously, the mileage rates were approved.
- 2022 GRANT AGREEMENT** The Board of Water and Soil Resources combined three grant awards (for TCD #35, LTWQIP Phase 1 No. 3, and Mustinka River Rehabilitation) into one grant agreement. Upon motion by Wold, seconded by Dahlen and carried unanimously, the grant agreement was approved.
- JCWMP DISBURSEMENTS** Reimbursement payments for the Joint Comprehensive Watershed Management Plan Watershed Based Implementation Fund (to Traverse SWCD in the amount of \$800.00 and to West Otter Tail SWCD in the amount of \$3,624.84) were included with, and approved with, the Claims of January 20, 2021.
- Board managers requested that engineering staff provide snowpack updates beginning in February.

Upon motion by Gillespie, seconded by Kappahn and carried unanimously, the meeting was adjourned at 12:42 pm.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
January 27, 2022**

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, Jerome Deal, Scott Gillespie, Steven Schmidt, Allen Wold. Absent: Jason Beyer, Doug Dahlen, John Kapphahn. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, Administrator Jamie Beyer. Joined remotely: Attorney Lukas Croaker, Engineer James Guler.

Attorney Lukas Croaker summarized the purpose of the special meeting, to review proposed changes to the District's rules, bylaws and policies. He explained that there are more procedural requirements needed to change rules, less to change bylaws, and even less to change policies.

The bylaws were reviewed and revisions were discussed.

The policies were reviewed and revisions were discussed.

The rules were reviewed and revisions were discussed.

The meeting was adjourned at 1:30 pm.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
February 17, 2022**

- 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, Scott Gillespie, Steven Schmidt, Allen Wold. Arrived later: John Kapphahn. Absent: Ben Brutlag. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Deal, seconded by Wold and carried unanimously, the agenda was approved with the following changes: Permit Application #22-005, Aastad Township, was removed; Permit Application #22-004, Steven Blume, was added; authorize \$500,000 District Redpath commitment; authorize Conservation Partners Legacy Grant application; discussion regarding the March meeting.
- CONSENT AGENDA** Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the consent agenda was approved.
- PUBLIC COMMENT** No public comment was presented.
- WILKIN SWCD COVER CROP PROGRAM** Kim Melton, Wilkin SWCD, provided an update of the Wilkin Cover Crop Program. The \$5,000 provided by the District contributed to funding the 21 contracts implemented in the watershed, at a total cost of \$31,633. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the third annual payment of \$5,000 was approved.
- P.A. #22-044 N. BLUME** Mr. Neil Blume presented Permit Application #22-004 on behalf of his son Steven. One surface inlet was denied by the District, as it would divert flow across a subwatershed boundary. Mr. Neil Blume stated that Wulff Tiling designed the project, which ties into an existing tile and inlet that crosses subwatershed boundaries. District Engineer Chad Engels noted that this project is controlled by a lift station, and that the inlet meets the drainage coefficient; however, the project is not included in the benefitted area for Grant County Ditch #8.
- KAPPAHNN ARRIVES** Board Manager John Kapphahn arrived at the meeting.
- Upon motion by Beyer, seconded by Gillespie and carried unanimously, the inlet was approved contingent upon written permission from the drainage authority, Grant County.
- TCD #10** Engineer Technician Troy Fridgen stated that TCD #10 needs a complete clean-out, and that the work will likely exceed his spending cap. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Engineer Technician Troy Fridgen is authorized to proceed with the clean-out.
- TCD #35/ REDPATH PHASE I** Advertisements for the bid for TCD #35 Improvement/Redpath Phase 1 Project is happening this week; bids will be due March 15th. District Engineer Chad Engels stated that this ditch system will require a number of large concrete box culverts, and that the contractor may not be able to secure the culverts until later this year. The winning contractor will be asked to use a sequencing plan for construction, so that the drainage ditch work can be completed, and the crossing crew can return to the construction site once culverts are delivered.
- TARA TOWNSHIP PRIVATE PROJECT** Engineer Technician Troy Fridgen met with Tara Township landowners about a coordinated effort to clean out a system of private and township ditches. Board managers supported these efforts, and requested that Engineer Technician Troy Fridgen continue to work on mediating a landowner agreement for construction.
- ZONE 3 DITCH INSPECTIONS** Upon motion by Gillespie, seconded by Deal and carried unanimously, Engineer Technician Troy Fridgen is authorized to inspect the third cycle of District drainage systems (which is located in the mid- to southern region of the District.
- JD #6 BOND** Upon motion by Gillespie, seconded by Beyer and carried unanimously, the board approved the application of \$16,373.53 in project expenses to the JD #6 bond.

WCD #SUB-1 Board Manager Jason Beyer gave an update on landowner support for an improvement of WCD #Sub-1. There is currently support for the petition, but it is unknown if there is support to provide a bond. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, a landowner meeting was authorized.

**SNOWPACK/
FLOOD
PROJECTIONS** District Engineer Chad Engels presented graphics comparing current snowpack estimates vs. 2019 snowpack estimates; at this time, current snowpack amounts are less than those measured at the same date in 2019.
Board Manager Doug Dahlen asked staff why the Niemackl Lakes chain has been draining. Engineer Technician Troy Fridgen has plans for a drone flight.

**STORAGE GRANT
APPLICATION** Upon motion by Dahlen, seconded by Gillespie and carried unanimously, authorization was approved to submit the Redpath Project on a grant application for water storage through BWSR.

**640TH AVE ROAD
RAISE** District Engineer Chad Engels and District Technician Troy Fridgen have been in contact with Dollymount Township officials and landowners, advising them to hire a separate engineering firm and attorney, to complete the 640th Road Raise project. Staff anticipate that changes may be proposed to both the permitted application and agreement.

**LIGHTNING LAKE
PROJECT** Attorney Lukas Croaker presented a number of statutory procedures that could be used to establish the Lightning Lake Improvement Project No. 1. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, Attorney Lukas Croaker is authorized to pursue project establishment by using Minn. Stat. § 103D.605.

**SOUTHERN
BOUNDARY** BWSR approved the Southern Boundary petition. Changes to individual parcels will take effect for taxes payable in 2023.

**WETLAND CREDIT
BANKING** Wes Boll, of Moore Engineering, provided a wetland credit banking presentation, with the Mustinka River Rehabilitation Project as a possible site. District Engineer Chad Engels stated that any created wetland credits would not immediately be needed by the District itself, but he did ask if board managers knew if there is pressure from landowners to provide wetland credits in our region. Board managers supported a more in-depth analysis to be provided by Moore Engineering at a later date. President Vavra stated concerns that a wetland credit banking program would add obligations to the project.

**FM DIVERSION
REDPATH
FUNDING** Legal and engineering staff reviewed the 2015 grant agreement between the District and the Fargo-Moorhead Diversion Authority. Upon motion by Beyer, seconded by Deal and carried unanimously, staff are authorized to negotiate a new grant agreement with the Fargo-Moorhead Diversion Authority, to be brought back to the board for consideration.

**REDPATH
RRWMB
FUNDING** Engineering staff presented the Redpath Impoundment Project at both the Red River Watershed Management Board and Flood Damage Reduction Workgroup meetings. The District has asked RRWMB to update the project's eligibility for additional cost share funding, through an amendment to the Step 2 process and an updated cost estimate.

**REDPATH
PHASE 1** Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the District approved a \$500,000 contribution to Phase 1 from the Construction Fund.

**SAMANTHA &
ELBOW LAKE** Engineering staff and Board Manager John Kapphahn continue to work with Grant County over increasing control of Samantha and Elbow Lakes. Landowners are also meeting.

**DORAN CREEK
LANDOWNER
MEETING** Preparations have been made for a landowner meeting on February 23, 2022 with Doran Creek landowners.

**LTWQIP NO. 1
PHASE #3** Engineering staff are presenting to the DNR two designs for Phase 3 of the Lake Traverse Water Quality Improvement Project. Both designs must prevent channel erosion under high velocity conditions. One design features sheet pile weirs in a series; the other design will be recommended by Moore Engineering and it utilizes strategic riprap armaments. Upon motion by Kapphahn, seconded by Deal and carried unanimously, staff are authorized to submit a Conservation Partners Legacy Grant application on behalf of the project.

MAWD MEMBERSHIP

Board managers discussed MAWD membership at length – dues must be submitted by April 30th. Wold motioned not to pay MAWD annual dues. No second was presented. Dahlen motioned, seconded by Kapphahn, to send a letter to MAWD detailing the District’s complaints. Dahlen motioned to amend the motion to change from mailing the letter to review of the letter at the District’s next meeting. Kapphahn seconded. Motion carried. Gillespie suggested that the resolution process be utilized to provide MAWD membership feedback.

DEAL LEAVES

Board Manager Jerome Deal left the meeting.

HILL VISITS

MAWD scheduled St. Paul visits the same day as the District’s March board meeting. Because the District is pursuing dedicated funding for Redpath, it was decided to move the meeting to March 24th at 9:00 am.

END OF YEAR JOURNAL ENTRIES

Upon motion by Beyer, seconded by Dahlen and carried unanimously, revisions to the End of Year Journal Entry for Interest were approved.

FARMLAND LEASES

Administrator Beyer stated that the District’s farmland leases contain a provision that rent is due March 1st. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, any rent unpaid by this date will trigger the termination clause, and the land will be rebid.

BEYER LEAVES

Board Manager Jason Beyer left the meeting.

Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the meeting was adjourned at 12:44 pm.

BOIS DE SIOUX WATERSHED DISTRICT
March 24, 2022

- 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, Jerome Deal, John Kapphahn, Scott Gillespie, Steven Schmidt, Allen Wold. Arrived later: Ben Brutlag. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer. Present virtually: Engineer James Guler.
- CONFLICT OF INTEREST** Board Manager John Kapphahn declared a conflict of interest with the Lake Samantha project.
- AGENDA** Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the agenda was approved with the addition of Redpath Phase 1/TCD #35 Utility Relocation.
- BRUTLAG ARRIVES** Board Manager Ben Brutlag arrives.
- CONSENT AGENDA** Upon motion by Gillespie, seconded by Deal and carried unanimously, the consent agenda was approved with a correction to the draft February 17, 2022 minutes to include a motion from Wold not to pay MAWD annual dues. The motioned died for a lack of a second.
- PUBLIC COMMENT** Paul Wulff, Wulff Tiling, provided tiling scenarios under Public Comment, requesting clarification of the 1" drainage coefficient for surface inlets, especially in the case of prior drained wetland depressions, and permits for tiling projects that cross the District's jurisdictional boundary. Board managers referred the scenarios to the Policy Committee for future consideration. Attorney Lukas Croaker stated that changes should be considered for integration into the current draft policy document prior to formal adoption.
- 2021 AUDIT** Miranda Wendlandt, of CliftonLarsonAllen, presented the 2021 audited financial statements. Deal motioned, seconded by Kapphahn and carried unanimously, to accept the reports.
- JD #6** Administrator Beyer stated that there was only one JD#6 bond-eligible expense since the last meeting, so it will be included with a later a bond expense approval authorization.
- WCD #SUB-1** Board Manager Jason Beyer reported that he has met with WCD #Sub-1 landowners with regard to a potential improvement project. Beyer motioned, seconded by Deal and carried unanimously to authorize a landowner meeting for March 29, 2022, at 1:00 PM in Campbell, MN.
- SPRAY QUOTE** Board managers reviewed the District's spray price quote specifications. Gillespie motioned, seconded by Beyer and carried unanimously, authorizing staff to collect quotes.
- SNOWPACK/
FLOOD UPDATE** Over the past two weeks, snowpack has melted; several creeks have crested, and drainage system waters are receding. Engineer Technician Troy Fridgen did have several systems cleared of snow and ice to prevent damage from flooding.
- 640TH ROAD RAISE** Dollymount Township is utilizing Interstate Engineering to review project conditions specified in the draft 640th Avenue Road Raise Cost Share Agreement. Stakeholders, staff, and interested board managers will be meeting later in the afternoon to discuss project specifications.
- REDPATH PHASE #1 / TCD #35** Bids (opened March 15, 2022) were reviewed for Redpath Phase 1/TCD #35 Relocation. Bids ranged from \$1,989,049 to \$2,363,951. Beyer motioned, seconded by Gillespie, to authorize signature of the Notice of Award to Wagner Company, Inc. the apparent low bidder. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the Proposal for Construction Materials Testing Services from Braun Intertec (technical, scientific professional services) was approved at a cost of: Phase 1 \$23,068.00 and Phase 2: \$2,998.00.
- REDPATH IMPOUNDMENT** Staff have been notified that changes have been made to the grant program created by the Fargo-Moorhead Diversion Authority for neighboring community projects – projects must demonstrate benefits to the Diversion's staging area. It will likely take a few months before an application for funding can be submitted to the Fargo-Moorhead Diversion Authority. The Red River Watershed Management Board recently approved the project's Step 2 Amendment, which increases the project's

eligibility for grant funding to \$15,767,000. A \$1,000,000 loan agreement will likely be presented at the April board meeting (as the project will not qualify for a grant until it has completed the Red River Watershed Management's Step 3; the loan will then be converted to a grant). Upon motion by Gillespie, seconded by Beyer and carried unanimously, payments to Traverse Electric in the amount of \$88,791 and \$29,200 were approved to move Traverse Electric utilities in advance of construction of the Redpath Impoundment Project. Engineer James Guler stated that the project's Federal 404 & 408 permits are expected by the end of March 2022. Landowner Dwight Veldhouse presented a number of questions regarding the existing Highway 9/Mustinka River area, and the changes that will be made post-impoundment construction.

- LAKE SAMANTHA** Grant County desires to obtain a MnDNR permit to drawdown Lake Samantha's water elevation 17" below the ordinary high water level pursuant to Minn. Stat. § 103G.405. Staff drafted a landowner drawdown support letter that can be used for the Lake Samantha drawdown permit request.
- LTWQIP NO. 1
PHASE #2** Video was shared of the functioning Phase 2 construction. Surveyors will soon be onsite to mark seeding extents.
- LTWQIP NO. 2
PHASE #3** Engineering staff are waiting for Phase 3 boring results in order to finalize side slopes and setbacks to ensure a stable channel post-construction. Once the design is finished, a cost estimate can be prepared and grant applications submitted. District Engineer Chad Engels stated that a grant application was submitted to the Conservation Partners Legacy Program, but may need revisions and resubmission for the fall grant cycle. Administrator Jamie Beyer stated that Traverse County Commissioners approved submission of an AgBMP loan, if needed.
- RING DIKE
PROGRAM** Engineer Technician Troy Fridgen stated that there are up to 20 homesteads/farmsteads that could benefit from a ring dike. Administrator Jamie Beyer testified to a Minnesota Senate Committee on behalf of a Red River Watershed Management Board bill that requests \$360,000 in state cost share funds for future ring dikes. Attorney Lukas Croaker stated that a draft policy has been drafted, but further review/input is needed.
- NORTH OTTAWA** A representative from the MnDNR has signed the North Ottawa 10-Year Operations and Maintenance Agreement. Board managers were asked if the full board or North Ottawa Committee should nominate Project Team members – board managers requested that the North Ottawa Committee work on the nominations. Engineer Technician Troy Fridgen reported that spring melt has filled Cell C. Cell B4 is currently being filled.
- FARMLAND
LEASES** All farmland lease rentals are paid.
- JCWMP WBIF
GRANT #1
DISBURSEMENT** Board managers reviewed reports for the Joint Watershed Based Implementation Fund Grant C21-9685. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, a disbursement of \$26,417.42 was approved for costs incurred by the District.
- COMMITTEE
CHANGE** Upon motion by Brutlag, seconded by Gillespie and carried unanimously, Administrator Beyer's request to change the "Buffer Committee" title to the "Soil Loss Committee" was approved.
- DISTRICT COPIER
LEASE** The lease on the District's copier/printer has expired. Staff recommend a newer model with additional printing capabilities. Upon motion by Beyer, seconded by Gillespie and carried unanimously, a 60-month lease through Xerox for a Model C8155H was approved.
- TRAVERSE
COUNTY
APPOINTMENT** Traverse County Commissioners recently approved the 3-year appointment of Board Manager Jerome Deal.

The meeting was adjourned at 12:15 pm.

BOIS DE SIOUX WATERSHED DISTRICT
April 21, 2022

- 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, Ben Brutlag, Doug Dahlen, Jerome Deal, John Kapphahn, Steven Schmidt, Allen Wold. Absent: 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.
- CONFLICT OF INTEREST** Board Manager John Kapphahn declared a conflict of interest with the Lake Samantha project.
- AGENDA** Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the agenda was approved with the addition of Permit Application #22-013 Kevin Leininger, Tile Pumps, and 404 Assumption.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the consent agenda was approved.
- PUBLIC COMMENT** No public comment was given.
- #21-054
R. ANDERSON** No answer has been given from Mr. Ronald Anderson with regard to the Administrative Compliance Order sent February 10, 2022 for an after-the-fact permit granted for tiling and ditching in Sections 28 and 29 of Donnelly Township, Stevens County. The order included a requirement to restore the ditch channel to its preexisting condition or install a tile pipe in the ditch bottom, adjacent to 560th Avenue, and properly slope the ditch channel in accordance with the District Engineer's design standards on or before May 1, 2022. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, board managers directed staff to contact Mr. Anderson and authorized staff to grant an extension of the May 1, 2022, deadline to July 1, 2022, if Mr. Anderson requests an extension in writing prior to May 1, 2022.
- #22-038
C. GRIMES** A portion of the project, twenty acres, crosses a subwatershed boundary. There were no comments received in opposition to the project, which is controlled by a 1/4" drainage coefficient and a 15" culvert downstream. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the permit was approved.
- #22-033
K. LEININGER** The subsurface drainage project described meets District policies, but neighbor Rod Thiel expressed concerns regarding blocked drainage further downstream on lands enrolled in the wetland reserve program managed by NRCS (this project was permitted under #12-214 and #12-234, in which the landowner stated that existing flow through drainage will continue to function without negative impacts to upstream owners). NRCS Area Biologist Jon Frie stated that the drainageway was cleaned in 2003, but had returned to the blocked condition by 2004, and that he has not received a proposal for maintenance. Engineer Technician Troy Fridgen stated that two culverts – one at the south end and one at the north end – were installed at the same elevation, but that the southern most culvert is 3/10' higher. Mr. Rod Thiel stated that even a flat grade between the two culverts would be helpful. NRCS Area biologist Jon Frie stated that a flat grade didn't exist before 1993. District Engineer Chad Engels stated that the purpose of the District is to regulate regional flooding, not fenceline flooding issues. Engineer Technician Troy Fridgen stated that he would like to continue to help on this matter, to see a resolution reached. Kapphahn motioned, seconded by Dahlen and carried unanimously, to approve the permit.
- 640TH AVENUE
ROAD RAISE** District Engineer Chad Engels and Engineer Technician Troy Fridgen continue to work with landowners and Dollymount Township to finalize design features of the 640th Avenue Road Raise project. Dollymount Township officials are working with Interstate Engineering to review the 640th Avenue Road Raise Cost Share Agreement and project design. Administrator Beyer stated that Dollymount Township has not yet signed the Cost Share Agreement, which includes provisions to reimburse Dollymount Township for engineering services, not to exceed \$16,268 pre-project and \$15,525.40 for construction services. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Attorney Lukas Croaker's recommendation was approved, to incorporate these costs in a revised Cost Share Agreement, along with a maximum construction cost based on Interstate's preliminary plans and final estimate of cost – and to include a clause that, in case any of these costs may be exceeded, Township Officials notify and receive approval from the Bois de Sioux Watershed District Board before proceeding.

**WATER QUALITY
GRANT MATCH
PROPOSAL**

Grant County Highway Engineer Tracey Von Bargen and Field to Flyway Engineer Aaron Weinandt presented several water quality and habitat enhancing projects proposed within the Bois de Sioux Watershed District at: Strehlo Slough, Samantha Lake, Elbow Lake, Trisko Lake, West Wetland, and North Wetland. These projects would be included in a broader Lessard Sams Outdoor Heritage Grant application to be submitted May 2022 for possible funding July 2023. Grant awards would then have to be spent within five years. A water control structure is proposed on GCD #11 for potential drawdown of Strehlo Slough, and pursuit of permanent drawdown of Samantha Lake is included as a possible project. The total grant request would be \$2.6 million, for engineering, design, easements, and construction across 8 – 9 wetlands under Minn. Stat. Section 103G.408. Grant County dedicated \$75,000 in matching funds. Field to Flyway Engineer Aaron Weinandt asked if the District would also consider a match commitment that would begin after July 2023 and could be spread out over 5 years, and could be contingent upon permit approval. District Engineer Chad Engels stated that Samantha and Elbow Lakes are included in our 10-Year Joint Comprehensive Watershed Plan, but Strehlo Slough is not specifically included. Board managers asked what the likelihood of a permitted permanent drawdown might be for Samantha and Elbow Lakes. Field to Flyway Engineer Aaron Weinandt stated that the chances are better since they are landlocked lakes, under Minn. Stat. Section 103G.405. Engineer Technician Troy Fridgen stated that he does receive flooding complaints in the Strehlo Slough region, as part of the Fourmile Creek system, and that flooding in that area should be considered a priority.

GCD #21

Grant County is hosting a GCD #21 landowner meeting on April 28, 2022, to discuss a possible improvement project. The presence of District managers and engineering staff were also requested.

**INVASIVE
SPECIES &
WEED CONTROL
QUOTE**

Engineer Technician Troy Fridgen presented a spray price quote from L & M Road Services, LLC. A second price quote was solicited but not returned. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the quote was approved.

**TRUNK HIGHWAY
27 CULVERTS**

MnDOT has asked for recommendations to replace TCD #1 and GCD #8 culverts below Trunk Highway 27, for construction to begin 2029. Engineer James Guler stated that there has already been some sizing completed on GCD #8. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to make recommendations for TCD #1 and GCD #8 (based on a possible improvement of GCD #8) and to investigate whether MnDOT would cost-share the cost of the culverts at an earlier date, if an improvement proceeding were to take place before the MnDOT Trunk Highway 27 project.

TCD #35

Engineer James Guler reported that the bond and proof of insurance had been received from Wagner Company and that Attorney Lukas Croaker deemed both to be sufficient. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, President Vavra is authorized to sign the Construction Contract and Notice to Proceed.

During review of shop drawings, engineering staff discovered that an increased class size (from Class 1 to Class 4) was not specified for a box culvert and that a change in class and type (from Class 2 arch to Class 3 round) was not specified for two other crossings included in the project bid. All bids received were submitted based on the same information. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Change Order No. 1 in the amount of \$51,286.00 was approved to increase the class size of the box culvert from Class 1 to Class 4 and to change the class and type of two crossings from Class 2 arch to Class 3 round. Board Manager asked if this would impact the timeline for the project. District Engineer Chad Engels confirmed with subcontractor Riley Brothers that the culverts should be delivered before the end of June 2022.

WCD #SUB-1

Board Manager Jason Beyer presented an Improvement Petition for WCD #Sub-1, with 58% landowner signatures. A portion of the bond was also presented, with remaining funds to be provided directly to the District. Attorney Lukas Croaker read the Order Appointing Engineer and the Engineer's Oath. Upon motion by Deal, seconded by Dahlen and carried unanimously, the President is authorized to sign both documents contingent upon full payment of the bond.

JD #6

Beyer motioned, seconded by Deal and carried unanimously, to approve the application of \$538.50 in expenses towards the JD #6 Bond.

**REDPATH
IMPOUNDMENT**

Engineering staff expect the Federal 404 and 408 permits to be issued at the end of April. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to send the subsequent project reports to BWSR and DNR, as required by MN Statute, upon receipt of the federal permit notifications.

**RRWMB
AGREEMENT**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the \$1,000,000 Red River Water Management Board funding Advance Agreement for Redpath was approved.

DORAN CREEK

A meeting was held with landowners adjacent to Doran Creek to discuss a clean-out of a portion of the system that has collected up to 5' of silt, slow down the rate of future siltation, and to secure a permit that allows for some maintenance in the future. Landowners at the meeting expressed support for the project, but less support for permanent land easements. Project design and development have exhausted BdSWD's initial program funding, RRWMB base grant, and WBIF grant. Beyer made motion to transfer \$100,000 from the Construction Fund to the Doran Creek Fund to cover current and future development costs. The motion died for lack of a second. District Engineer Chad Engels stated that staff will present a project financing concept at the May board meeting.

**LTWQIP NO. 1
PHASE #2**

Engineering staff have identified some areas that need additional rock and riprap; the contractor will also need to conduct some dewatering activities in order to install the additional material. Office, legal, and engineering staff continue to work with the project landowner to finalize easement details.

**LTWQIP NO. 1
PHASE #3**

Engineering staff continue to work on design and funding details.

NORTH OTTAWA

Board Managers Vavra, Beyer, Brutlag, and Kapphahn met in April, and made the following recommendations for North Ottawa Project Team Members:

- | | |
|------------------------|---|
| 2 Board Managers | Brutlag and Kapphahn. Alternates: Beyer and Vavra |
| 2 Landowners | Jordan Schneeberger and Dominic Blume |
| 2 County Commissioners | Eric Klindt and Bill LaValley |
| 1 SWCD / BWSR | Randy Larson |

Board managers requested that Engineer Technician Troy Fridgen attend the North Ottawa Project Team Meetings, as the District staff person conducting operations and coordinating activities at the facility. Beyer motioned, seconded by Dahlen and carried unanimously, to approve the recommendations .

Dead birds have been found at the North Ottawa Impoundment. Engineer Technician Troy Fridgen notified the DNR and US Fish and Wildlife about the possibility of the influence of avian flu. All gates are open now, and farm cells have been flooded. Board Manager Kapphahn requested that gates be installed on the E-W road.

**HAYING &
MOWING**

Upon motion by Beyer, seconded by Dahlen and carried unanimously, board managers approved release of the Haying and Mowing Request for Bids for a three year term.

**2021 ANNUAL
REPORT**

Upon motion by Dahlen, seconded by Beyer and carried unanimously, board managers approved the 2021 Annual Report.

**2022 BILLABLE
RATES**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, board managers approved the 2022 Billable Rates.

**COVER CROP
PROGRAM**

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, a one-year extension is granted to Stevens SWCD to use a \$5,000 payment already made to them for a cover crop program.

**WBIF GRANT
REIMBURSEMENTS**

Three Watershed Based Implementation Fund grant reimbursements were included and approved in the Claims of April 21, 2022: a \$11,197.24 payment to Grant SWCD for project development and technical assistance; \$13,672.00 to Traverse SWCD for cover crops/non-structural practices; \$6,024.30 to Traverse SWCD for project development.

MAWD DUES

Deal motioned, seconded by Beyer, to approve payment of MAWD dues in the amount of \$7,500. Motion carried, Wold nay.

Upon motion by Kappahn, seconded by Dahlen and carried unanimously, the meeting was adjourned at 12:55 pm.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
May 19, 2022**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Doug Dahlen, Jerome Deal, Scott Gillespie, Allen Wold. Absent: Jason Beyer (arrived later), Ben Brutlag, John Kapphahn, Steven Schmidt. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer. Present online: Engineer James Guler.
- CONFLICT OF INTEREST** No conflicts of interest were declared.
- AGENDA** Upon motion by Deal, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: stream gage fees, nuisance fees, JD #6 and Big Lake.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Consent Agenda was approved with the addition of payment to Wagner Company, Inc. in the amount of \$3,210 for snow removal.
- PUBLIC COMMENT** No public comment was given.
- #21-052 CHAMPION AG** Tanner Davison spoke on behalf of a Permit Application #21-52. A portion of the project crosses a subwatershed boundary. There were no comments received in opposition to the project, which is controlled by an outlet pump. Mr. Davison stated that permission had already been granted by Traverse County to bore under a county road. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the permit was approved.
- #22-058 T. BACKMAN & #22-059 K. DEAL** Kevin Deal, Tim Backman, and Attorney Jason Lina spoke on behalf of Permit Applications #22-058 and #22-059. Mr. Kevin Deal presented pictures of chronic flooding adjacent to and across from GCD #8. Applicants propose to build dikes adjacent to and across from GCD #8. Board Manager Jerome Deal stated that there is a sensitive area three miles downstream of the proposed projects. District Engineer Chad Engels stated that a dike adjacent to GCD #8 would change the capacity of the Minn. Stat. Chapter 103E drainage ditch system, which requires initiation with a petition to improve the ditch system, which would ultimately get filed with the District, and that successful improvement proceedings would need to pass an adequate outlet test, which will likely not be achieved until the Redpath Flood Impoundment is constructed.
- DIVERSION CHANNEL** Discussion was held on the possibility of developing a diversion to the Impoundment utilizing Minn. Stat. Chapter 103E drainage law in order to compensate landowners for damaged lands, and the need for a redetermination of benefits of the GCD #8 drainage system. District Engineer Chad Engels offered for the District to coordinate a GCD #8 landowner meeting in July 2022.
- GCD #8** Attorney Jason Lina stated that the permit applicants are seeking temporary relief from floodwater damage. Attorney Lukas Croaker stated that the proposed project could be viewed to improve GCD #8, for which the District is not the ditch authority – Grant County is the ditch authority. Mr. Tim Backman stated that a report found that 94 – 96% of the water in GCD #8 originates east of Herman, outside of the current drainage system’s benefitting area, and that he is seeking compensation for water storage on his land. Attorney Lukas Croaker recommended that the applicant work directly with Grant County, as an improvement proceeding would start with a petition and not a permit.
- DITCH IMPROVEMENTS** Attorney Jason Lina challenged the assertion that the dike would increase the capacity of the drainage system. District Engineer Chad Engels stated that Grant County could conduct a review to verify the original condition of the drainage system – if a dike was in place when the system was built, the proposed project is arguably just restoration. If not, increasing the channel berms represent an increase to channel depth, and will be found to be an improvement to the drainage system. Mr. Pat Haney stated that because this project affects GCD #8, that the District should not require a permit.
- JOINT MEETING**

Upon motion by Deal, seconded by Dahlen and carried unanimously, engineering and legal staff are authorized to meet with Grant County officials to discuss the project and project area. Mr. Pat Haney requested that they be part of the meeting.

**#22-059
K. DEAL**

Mr. Kevin Deal asked that his permit application be considered separately, as proposed work is not adjacent to GCD #8. Upon motion by Deal, seconded by Dahlen and carried unanimously, engineering staff are authorized to work with Mr. Deal and evaluate his permit application against District standards and approve the permit if in compliance therewith.

HAY BIDS

There were three submissions for hay bids. Gillespie motioned, seconded by Dahlen and carried unanimously, to approve the high bid received, which was from Mr. Luke Gayton in the amount of \$1,950.

**#21-054
R. ANDERSON**

The District's offer for a restoration/mitigation extension was declined by Mr. Ronald Anderson. Ohnstad Twichell will file a petition for relief with Stevens County to enforce the District's order to require the landowner to either restore the project site to its original condition or install tile and fill in the excavated channel, or to allow the District to hire the work be completed and assess the cost to the parcel.

**640TH AVE
ROAD RAISE**

The District is waiting for final design details to be provided by Interstate Engineering.

**ONLINE PERMIT
APPLICATION**

Administrator Jamie Beyer relayed a request from Board Manager John Kapphahn for the District to develop an online permit application. Board Manager Scott Gillespie requested more information about standard permitting practices for Red River Valley watersheds, and also requested that information be collected from contractors. The District is currently revising its rules, policies, and bylaws, but has put the process on hold until after planting season.

**PERMIT
APPLICATION
REVISION**

Staff relayed confusion with Section 9(A) of the current paper application, which asks permit applicants to identify affected neighbors and report if all neighbors listed were contacted. This activity and information is relatively subjective and is not required for permit approval nor contributes to a permit approval decision; the section does lead to criticism by permit opponents that an application should be deemed "incomplete," and therefore be denied. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, staff are authorized to remove Section 9A - D from the permit application.

**DRAINAGE
WORKSHOP**

Engineer Technician Troy Fridgen proposes a drainage workshop to be held over the summer, possibly in multiple locations throughout the District. Staff have not finalized an agenda but the program would likely feature best management practices following ditch repairs, repair/improvement proceedings, and promotion of in-field water management practices. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, staff are authorized to coordinate the event(s).

**JD #12
COST SHARE**

Wilkin SWCD has offered to provide 75% cost share for the installation of 10 – 12 side inlet culverts on JD #12. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the project is approved pending review by the District Engineer.

**NUISANCE
RATES**

Upon motion by Wold, seconded by Gillespie and carried unanimously, beaver nuisance removal rates are increased from \$75 to \$100 per unit. Nuisances are identified by Engineer Technician Troy Fridgen prior to removal.

**STREAM GAGE
RATES**

Upon motion by Dahlen, seconded by Deal and carried unanimously, the annual fee paid to stream gage readers is increased from \$75 to \$100.

JD #6

There is $\frac{3}{4}$ of a mile of the JD #6 repair project that has failed to establish vegetation. Grass was planted last year, and was established in the majority of the project area. Board Manager Scott Gillespie asked if this work should be pulled out of future construction contracts so that a specialist can be utilized. Engineering staff indicated that during the project, there are stormwater permit requirements for which the contractor is responsible for – including establishment of vegetation, and that often times the contractor hires a 3rd party to conduct the seeding. Board managers determined that no contractor action caused the vegetation to fail. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the District ordered a second seeding, at an approximate cost of \$12,000 to be paid as a project expense .

LTWQIP NO. 1 PHASE #3	Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the LTWQIP No. 1 Phase #3 Conservation Partners Legacy Grant Program Contract, Conflict of Interest Disclosure, and BWSR Request for Grant Amendment were approved.
RING DIKE AGREEMENTS	Board managers reviewed the revised Ring Dike Cost Share Agreement. Upon motion by Dahlen, seconded by Wold and carried unanimously, the Cost Share Agreement template was approved.
SAMANTHA & ELBOW LAKE COST SHARE	Board managers discussed the proposal from Grant County Highway Engineer Tracey Von Barga and Field to Flyway Engineer Aaron Weinandt regarding several water quality and habitat enhancing projects proposed within the Bois de Sioux Watershed District at Strehlo Slough, Samantha Lake, Elbow Lake, Trisko Lake, West Wetland, and North Wetland. Upon motion by Dahlen, seconded by Deal and carried unanimously, staff are authorized to send a letter of support for the project's grant application. Upon motion by Dahlen, seconded by Deal and carried unanimously, the cost share proposed (\$15,000 for 5 years) was approved contingent upon the successful completion of a permanent drawdown of no less than 17" on Lake Samantha.
NORTH OTTAWA	The North Ottawa Project Team will likely be meeting for the first time in June. The current fund balance of approximately -\$170,000 includes expenses related directly to the 5-year negotiation of the 10-Year Operation and Maintenance Contract with the DNR. Administrator Jamie Beyer recommended a fund transfer in order to close the outstanding balance and provide the Impoundment with operating funds for 2022. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, an intrafund transfer within the Construction Fund (from unallocated to the North Ottawa Fund) in the amount of \$245,000 was approved. Engineer Technician Troy Fridgen stated that the current maintenance needs include: road gravel, gate repair, and A4/B4 conversion from stop logs to solid gates.
LTWQIP NO. 1 PHASE #3	Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to submit a grant application to the Red River Watershed Management Board on behalf of LTWQIP No. 1 Phase #3. Engineering staff presented the approximate temporary and permanent easement footprint for Phase 3, and board managers encouraged engineering staff to begin the land acquisition process with the two affected landowners.
BEYER ARRIVES	Board Manager Jason Beyer arrived at the meeting.
RIVERWATCH	Students participating in the Campbell-Tintah Riverwatch Program provided information on their activities for the school year. The program is comprised of seventeen students, and the regional project for the year was to hold an educational event with elementary students.
GILLESPIE LEAVES	Board Manager Scott Gillespie left the meeting.
GCD #21	A GCD #21 landowner meeting was held in Herman in May, and a petition for improvement is circulating.
TCD #35/ REDPATH PH. 1	All TCD #35/Redpath Phase 1 materials are ordered and are anticipated to arrive on schedule. It is anticipated that the contractor will begin mid-May.
WCD #SUB-1	Landowners have provided a portion of the required bond. Administrator Jamie Beyer attended a recent Wilkin County Commissioner meeting; the governing board did not express any opposition to bonding next year for the project.
REDPATH FLOOD IMPOUNDMENT	Federal permits will be issued within the next 30 days. Engineering staff have begun to assemble bid package documents.
DORAN CREEK	A funding strategy for Doran Creek was presented, divided by three phases (of approximately 2 – 3 project miles each) and various grants. Board managers and District staff discussed assessment calculations, weighing factors such as runoff, sediment transport, and equalization. Board managers supported a hypothetical average assessment of \$5/acre and utilizing runoff and sediment transport as the determining assessment factors. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to apply for external funding, to drive the assessments lower.

Upon motion by Beyer, seconded by Dahlen and carried unanimously, a landowner meeting is authorized.

**LTWQIP NO. 1
PHASE #3**

District Engineer Chad Engels stated that engineering staff have neared completion of permitting for LTWQIP No. 1 Phase #3 and will be finishing the project's cost estimate. At this time, it is clear that this Phase will require assessments from the project's water management district, so the District should highly encourage landowners to attend future project meetings.

**ELECTRONIC &
PAPER PACKETS**

Administrator Jamie Beyer relayed a request from Board Manager John Kapphahn to discuss whether board managers wish to move from mailed paper packets to utilization of a District tablet or laptop to view electronic board packets. Electronic packets are currently emailed the Friday before a board meeting; paper packets are mailed the same day, but are subject to unreliable postal service. The majority of board managers find value in a paper copy.

Upon motion by Dahlen, seconded by Wold and carried unanimously, the meeting was adjourned at 11:45 am.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 16, 2022**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:08 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Jerome Deal, Steven Schmidt, Allen Wold. Absent: Jason Beyer, Doug Dahlen, Scott Gillespie, John Kapphahn. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer. Staff present online: Engineer James Guler and Attorney Lukas Croaker.
- AGENDA** Upon motion by Wold, seconded by Schmidt and carried unanimously, the agenda was approved with the following addition: Permit Application #22-066, Richard Sanasack, Overflow Pipe, Tara Township, Traverse County.
- CONSENT AGENDA** Upon motion by Deal, seconded by Wold and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** Joe Caruso and James Hanson presented information on Summit's installation of a CO2 pipeline through the northern part of Wilkin County and southwestern corner of Otter Tail County. The 4" – 8" line will be installed under a minimum 54" of cover. Summit is obligated to restore disturbances to surface and subsurface sites. Summit is pursuing voluntary easement, utilizing a three-part survey to identify buildable sites (physical survey, cultural survey, environmental survey). Ellingson will be the subcontractor tasked with restoring affected tile lines (landowners may also select their own contractor). District Engineer Chad Engels relayed that severing and replacing/repairing tile lines are not a permissible event for the District, but that crossing a legal 103E ditch would require a District permit.
- CO2 SUMMIT PIPELINE**
- #21-050 FINDLAY & ZYCH** The permit application meets District standards, but was included on the agenda to provide a forum for public comment from neighboring landowners. Mr. Tom Kruger and his mother provided concerns that downstream public water could not hold additional flow and don't want to receive water at a faster rate than the waterway can handle. Engineer Technician Troy Fridgen relayed willingness on Dale Zych's behalf to clean downstream public waters. President Vavra encouraged landowners to work together. Landowner Mary Jo Stueve asked questions about map legends and symbols.
- #22-067 S. MILLER** Applicant for permit application #21-067 is busy in the field, but has proposed to bore under the road and connect subsurface drainage to a permitted drainage ditch. Surface water will continue to flow to WCD-1. Upon motion by Deal, seconded by Schmidt and carried unanimously, a variance for crossing the subwatershed boundary to the Rabbit River was approved.
- #22-066 D. SANASACK** Mr. Richard Sanasack spoke to the need for an overflow culvert adjacent to his property in order to alleviate road overtopping. Tara Township Official Scott Gilsdorf stated that the township signed the permit application, and as the road authority, supports the project. Mr. Sanasack seeks on-site construction management for installation of the culvert, and is seeking cost-share. The project cost estimate is \$21,000 - \$25,500. District Engineer Chad Engels stated that townships typically install and fund these types of projects. Mr. Sanasack stated that he has been stranded at his property for up to 12 days due to flooding. Discussion was held as to the apparent inadequacy of the size of the current culvert/bridge. Upon motion by Wold, seconded by Deal and carried unanimously, the request was tabled to the July meeting.
- GCD #8** A June 23 meeting has been set between Grant County officials, BdSWD staff, and landowners Mr. Tim Backman, Mr. Kevin Deal, and Mr. Pat Haney.
- GCD #21** An improvement/repair petition has not been received.
- TCD #35/ REDPATH PHASE #1** The contractor has begun removing topsoil. A landowner has asked for additional compensation for Redpath land acquired by the District outside of the drainage proceedings, and has stated that he will prevent access to his parcel. Upon motion by Wold, seconded by Deal and carried unanimously, Attorney Lukas Croaker is authorized to send a letter detailing property owner rights following redetermination and repair proceedings.

WCD #SUB-1	The District is waiting for \$5,000 in order to fulfill bond requirements.
JD#6 UPDATE & BOND	A portion of the project was reseeded in May; the District is monitoring establishment of cover. Upon motion by Wold, seconded by Brutlag and carried unanimously, the board approved the application of \$8,918.07 in project expenses..
DISTRICT WORKSHOPS	Board managers discussed topics to be included in upcoming district landowner workshops.
REDPATH PHASE 2 FUNDING STRATEGY	Engineering staff presented three options for Phase 2 of the Redpath Project (comprised of a \$7 million Mustinka River Rehabilitation and \$10 million impoundment construction), now that the legislative session has ended without bonding for the Flood Hazard Mitigation Program. 1) The District could put Phase 2 on hold, but would likely forfeit a \$2.4 million grant from the Lessard Sams Outdoor Heritage Grant and possibly forfeit \$4.4 million in additional Mustinka River Rehabilitation grants. 2) The District could request that the Red River Watershed Management Board and the District split the \$10 million obligation. 3) Phase 2 could be broken into two sub-phases (A & B), in order to provide a bid package and start construction of Phase 2A next summer.
REDPATH PHASE 2 DECLARATION OF RESTRICT CONVENANTS	Engineer James Guler presented a Minnesota Wetland Conservation Act Declaration of Restrictive Covenants for Project-Specific Wetland Replacement, used to fulfill permit requirements to designate Redpath project wetlands. District Attorney Lukas Croaker included language to specify that maintenance and restoration will occur, in accordance with the District's wetland plan approved specifically for the project. Upon motion by Deal, seconded by Brutlag and carried unanimously, President Vavra is authorized to sign the declaration and staff are authorized to record the declaration contingent upon approval from Traverse SWCD/BWSR.
LTWQIP NO. 1 PHASE #2	Board managers reviewed a Lake Traverse Water Quality Improvement Project No. 1 Phase #2 final balancing order for materials installed above the contract price of \$435,279.50 and Pay Application #2. Wold motioned, seconded by Deal and carried unanimously, the Final Balancing Change Order in the amount of \$35,879.50 and Pay Application No. 2 in the amount of \$39,298.65 (includes the Final Balancing Change Order) were approved.
LTWQIP NO. 2 PHASE #3	A cost estimate for Lake Traverse Water Quality Improvement Project No. 1 Phase #3 was presented. A meeting will be held with landowners in July.
640TH ROAD RAISE	No contact has been received from Dollymount engineering staff.
SPRING FLOODS	Engineering staff toured District flooding hotspots this spring.
WESTERN 32 TREE REMOVAL	Engineer Technician Troy Fridgen received a request from an individual to remove dead ash trees on the District's property in Otter Tail County, Western Township, Section 32. Upon motion by Schmidt, seconded by Wold, legal staff are authorized to create a liability waiver to be used for the individual, upon consent by the lessee.
DISTRICT VEHICLE	The District's 2001 Chevrolet Suburban is requiring more frequent repairs. Upon motion by Deal, seconded by Schmidt and carried unanimously, staff are authorized to purchase a new vehicle with riparian funds, and trade-in/sell the 2001 Chevrolet Suburban.
JCWMP REIMBURSEMENT	Board managers reviewed reports for the Joint Watershed Based Implementation Fund Grant C21-9685. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, a disbursement of \$4,043.02 was approved for costs incurred by the District.
WBIF GRANT #2	Board managers reviewed the budget proposed for the second Watershed Based Implementation Fund grant, expected in the amount of \$1,064,522. Upon motion by Wold, seconded by Deal and carried unanimously, staff are authorized to submit a grant application and workplan.
RECORDS RETENTION SCHEDULE	Administrator Beyer stated that she could not find that the District had previously approved a records retention schedule, which describes the conditions under which records can be destroyed. Upon motion by Wold, seconded by Deal and carried unanimously, legal staff are authorized to draft a record retention schedule for subsequent consideration by the board.

PAY EQUITY

Administrator Beyer stated that for compliance with DNR Lessard Sams Grant eligibility, the District must be up-to-date on its Pay Equity Compliance. Employees identified applicable job descriptions from the Minnesota State Job Match System. Points were then assigned and averaged. Upon motion by Deal, seconded by Schmidt and carried unanimously, the Pay Equity Implementation Report was approved for submission and posting.

TORT WAIVER

Upon motion by Brutlag, seconded by Deal and carried unanimously, to not waive the monetary limits on tort liability established by Minn. Stat. § 466.04.

ANNUAL ORGANIZATION RESOLUTION

Upon motion by Deal, seconded by Schmidt and carried unanimously, the 2021 – 2022 Annual Organization Resolution will be maintained and continued through the July meeting, so that elections can be held with greater board manager participation.

CONFLICT OF INTEREST POLICIES REVIEW

Administrator Beyer relayed that DNR grant administrators have requested that the District annually review applicable Conflict of Interest policies. Upon motion by Deal, seconded by Schmidt and carried unanimously, the District’s Conflict of Interest Policy, and 05/19/22 and 09/16/21 DNR Conflict of Interest Disclosure Policies were reviewed and approved without change.

MAWD SUMMER TOUR

The MAWD Summer Tour is scheduled for August 23 – 25.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
July 21, 2022**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:03 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn (arrived later), Allen Wold. Absent: Ben Brutlag, Steven Schmidt. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer. Staff present online: Engineer James Guler and Attorney Lukas Croaker.
- AGENDA CHANGES** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the following agenda changes were approved: removal of Permit Applications #22-059, #22-082, #22-092, #22-099; addition of Permit Application #22-091.
- CLAIM ADDITIONS** Gillespie motioned, seconded by Dahlen and carried unanimously, to add claims of \$980 for Whaley Excavating and \$1100 for Dwight Veldhouse.
- CONSENT AGENDA** Deal motioned, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- #22-066
D. SANASACK** Permit Application #22-066 was approved (installation of a flood overflow culvert), but the applicant had requested consideration for District cost-share funds. District Engineer Chad Engels stated that he could not find the legal authority to provide ditch funds or a policy that would allow District funds to be spent, as the culvert is a private crossing. The applicant was encouraged to contact the applicable township.
- KAPPAHN ARRIVES** Board Manager John Kapphahn arrived.
- #22-093
D. CHRISTIANS &
B. GOLOMBIECKI** The applicant stated that the subwatershed boundary displayed on the permit map is not correct; all surface water in Section 16 of Everglade is kept within the project watershed. The project meets district standards, and can be approved by District staff. The landowner in Section 9, at the project outlet, stated no opposition to the project. Following submission of the original permit application, the applicants now wish to add tile in the West half of Section 15 – the applicants were advised that they can add to the current application, which would require re-notice prior to approval, or can receive approval for Permit Application #22-093 and submit a new permit application for the work proposed in Section 16. [what did the applicant decide to do?]
- #22-95
G. BLUME** The SE1/4 of Section 5 in Redpath Township is split between two subwatersheds; the east half flows north. The applicant stated that the west half does not flow, and that splitting the section into two projects would require an additional ½ mile of electric service and an additional pump. District Engineer Chad Engels stated that flow directed to the north will trigger the need for a petition into TCD #11. Mr. Greg Blume stated that he will initiate petition proceedings on behalf of the quarter.
- #22-102
D. BLUME** Applicant Dana Blume requested a variance on crossing the subwatershed in a project located in the SE1/4 of Section 15 in Gorton Township. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the application was approved.
- #22-113
M. SUMMERS** Applicant Mark Summers requested a variance on crossing the subwatershed in a project located in Section 6 of Eldorado Township. No downstream opposition was received. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the variance was approved.
- #22-099** Applicant Matthew Drewicke described a flood control project in the SW1/4 of Section 26 in Graceville Township to address flooding in several sloughs. Mr. Drewicke has been working with downstream landowners to add additional control in Sections 22 and 23 to direct overflow to road ditches. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the permit application is approved upon a condition that staff establish an annual closure operation that prevents flow from occurring during the spring snowmelt.
- COLLECTION CHANNEL** District Attorney Lukas Croaker, District Engineer Chad Engels, President Linda Vavra, Grant County Commissioner Bill LaValley, Grant County Engineer Tracey Von Bargen, Grant County Ditch Inspector Aaron Beyer, and three Grant County landowners met to discuss flooding in Logan Township and

Fivemile Creek, and flow to the Redpath Impoundment. District Engineer Chad Engels updated the Board on the discussion had at the informal meeting, including discussion on a collection channel to the Redpath Impoundment project. Upon motion by Dahlen, seconded by Deal and carried unanimously, engineering staff are authorized to analyze possible locations for a collection channel.

**GCD #21
PETITION**

A Petition for the Improvement and Request for Separable Repair of Grant County Ditch #21 was received, along with personal checks in the amount of \$60,000 in lieu of a bond required under Minn. Stat. Section 103E.202. The petition is signed by 9 of the 17 40-acre tracts that the improvement passes over. The District Attorney determined that the number of signatures meet statutory requirements. Attorney Lukas Croaker stated that Commissioner Bill LaValley is aware of the submission of the petition, and has indicated that there is informal support from Grant County Commissioners to bond on behalf of the project. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the Order Appointing Engineer and Engineer's Oath were approved, which included: acceptance of the petition; appointment of Moore Engineering, specifically, Chad Engels as project engineer; direction to conduct a preliminary survey and create a preliminary survey report; and acknowledgement of Engineer's Oath. The District Engineer will also determine whether separable repair exists according to Minn. Stat. Section 103E.215, Subd. 6.

Attorney Lukas Croaker stated that the improvement proceedings are initiated under Minn. Stat. Section 103D.625, Subd. 4, and proceed according to Minn. Stat. Chapter 103E, just like any other similar project. It will be recommended that the Grant County Board of Commissioners motion or adopt a resolution authorizing the transfer of Grant County Ditch #21 to the District's authority, although it is not required under Minn. Stat. Section 103D.625, Subd. 4.

District Engineer Chad Engels and Grant County Ditch Landowner Dana Blume discussed the condition of the current GCD #21 drainage system, and possible improvement project features. A portion of the project is an open channel, which appears to be stable and provide ample capacity. Replacement, and possible realignment for better grade, of specific tile laterals will be included. The current, original tile is 4 – 6" and was buried shallow – the tile is crushed in places.

**TCD #35/
REDPATH PHASE 1**

Dirt work on TCD #35/Redpath Phase 1 continues; the contractor is preparing for the installation of road crossings. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, Pay Application No. 1 in the amount of \$252,536.71 was approved.

**DAMAGES
PROCESS**

Administrator Jamie Beyer reported that the current damages process (board orders the establishment of the project and damages payment; landowner signs and returns purchase agreement, 1099, and easement forms; landowner provides abstract; District has abstract updated and easements recorded; legal staff send damages check to landowner) is not working – the District is experiencing 3+ months to have abstracts updated, resulting in construction on land prior to damages being paid to landowners. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, legal staff are authorized to release damages checks upon receipt of signed easements and the purchase agreement.

WCD #SUB-1

Administrator Beyer stated that the District has not received the full bond amount required to accompany the signed WCD #Sub-1 repair petition. Engineering staff are working on a grant application for the project.

**JD #6
REPAIR**

There are areas that continue to struggle to have grass established. Board Manager John Kapphahn recommended that the District plant rye. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, engineering staff are authorized to order soil tests and rye to be reseeded in unestablished areas, with mulch cover.

**JD #11
REPAIR**

MnDOT installed a new box culvert under State Highway 55, in Judicial Ditch #11. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the Minn. Stat. Section 103E.555 project close-out hearing was ordered, upon recommendation by engineering staff.

**DISTRICT
WORKSHOPS**

District staff gave an update on upcoming district workshops, to be held in three locations in the District August 9 – August 11, 2022. Board managers recommended that if successful, a workshop be held in Wheaton this winter.

**REDPATH PH. 2/
MUSTINKA RIVER
REHAB CORRIDOR**

Engineering staff proposed two subphases (A & B) for Phase 2 of the Redpath Impoundment and Mustinka River Rehabilitation projects in response to the lack of Flood Damage Reduction funding.

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, staff are authorized to pursue Phase 2A funding development and submit a funding request to the Red River Watershed Management Board.

REDPATH LAND OFFER

Owners of land in Section 20 have asked if the District is interested in purchasing additional acres. Board managers discussed opportunities to extend the Mustinka River Rehabilitation further downstream, and requested that District staff collect additional details.

404/408 PERMIT

DORAN CREEK MEETING

Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, President Vavra is authorized to sign the Proffered Federal 404/408 Permit for the Redpath Flood Impoundment Project.

A meeting for Doran Creek landowners will be held July 27, 2022, in Campbell, Minnesota.

LWQIP NO. 1 PHASE #2

Board managers discussed the grass establishment on Phase 2 of the Lake Traverse Water Quality Improvement Project. Engineering staff will request some touch-ups, and would anticipate the board to order the project's close-out hearing in August for September. Deal recommended that the project (all phases) be nominated for BWSR's Project of the Year.

LWQIP NO. 1 PHASE #3

For today's meeting, District staff had expected to receive the BWSR and DNR Advisory Reports for Phase 3. Upon motion by Gillespie, seconded by Deal and carried unanimously, the Resolution Setting Minn. Stat. Section 103D.605 Phase 3 Project Hearing was approved for September 15, contingent upon receipt of the Advisory Reports.

640TH AVENUE ROAD RAISE

Interstate Engineering is scheduled to meet with Dollymount Township next week to discuss changes to the permit application for the 640th Avenue Road Raise and to submit the changes to the District.

EMPLOYEE HOLIDAY

Board managers considered an employee request to add Juneteenth to the list of District holidays. District Attorney Lukas Croaker provided a list of the holidays recognized under Minn. Stat. Section 645.44 on which public business cannot be transacted; Juneteenth has not been included by the Minnesota Legislature. The District's personnel handbook does include several holidays not included in statute. Gillespie recommended that the request be relayed to the Personnel Committee.

2023 BUDGET & LEVY HEARING

Upon motion by Beyer, seconded by Dahlen and carried unanimously, to hold a Public Hearing on the 2023 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems during the next regularly scheduled board meeting at the District Office.

2022 FEMA CLAIM

Administrator Jamie Beyer stated that the District will submit for reimbursement approximately \$60,000 in expenses incurred during the Spring 2022 FEMA/HSEM Flood event.

DATA ACCESS POLICY REVIEW

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, annual review of the District's Data Policy was suspended as the policy has been rewritten and is included in the District's current effort to update its Bylaws, Rules, and Policies; the proposed policy will be considered for approval at a later date.

WBIF #2 GRANT APP.

The District submitted a grant application for \$1,064,522 in Watershed Based Implementation Grant Funds on behalf of the Joint Comprehensive Watershed Management Partners. A grant agreement should be available for consideration at the August board meeting. A request for reimbursement was received from Grant SWCD in the amount of \$6,801.82 and was approved earlier in the meeting with the Claims of July 21, 2022.

ANNUAL REORGANIZATION

2022 – 2023 Annual Reorganization

Beyer called for nominations for the position of President. Dahlen nominated Linda Vavra, seconded by Kapphahn. Upon motion by Kapphahn, seconded by Dahlen, and carried unanimously, the Secretary was directed to cast a unanimous ballot to Linda Vavra for President.

Vavra called for nominations for the position of Vice President. Dahlen nominated Jason Beyer, seconded by Gillespie. Upon motion by Gillespie, seconded by Deal, and carried unanimously, the Secretary was directed to cast a unanimous ballot to Jason Beyer for Vice President.

Vavra called for nominations for the position of Secretary. Gillespie nominated Allen Wold, seconded by Dahlen. Upon motion by Gillespie, seconded by Beyer, and carried unanimously, the Secretary was directed to cast a unanimous ballot to Allen Wold for Secretary.

Vavra called for nominations for the position of Treasurer. Gillespie nominated John Kapphahn, seconded by Beyer. Upon motion by Gillespie, seconded by Deal, and carried unanimously, the Secretary was directed to cast a unanimous ballot to John Kapphahn for Treasurer.

Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, the following designations were approved:

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

CONSULTANTS

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

DEPOSITORIES

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

INSURANCE COVERAGE

League of Minnesota CitiesSaint Paul, MN

**NORTH OTTAWA
PROJECT TEAM &
COVER CROP**

The North Ottawa Project Team met at the end of June. DNR Representatives expressed appreciation for the District’s operation and maintenance of the Impoundment, and were impressed with cattail control efforts and inclusion of honeybee hives. Board Manager John Kapphahn coordinated the purchase of Japanese millet to be planted over 60 acres, and Engineer Technician Troy Fridgen coordinated the planting of the Japanese millet with Traverse County SWCD staff. Rye will be seeded later in the season, along with a mix of rye and Japanese millet.

**MANAGER
UPDATES**

Board Manager Allen Wold reported on discussions held by the Drainage Work Group. President Linda Vavra reminded managers that the MAWD Summer Tour is scheduled for August 23 – 25.

The meeting was adjourned at 11:40 am.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
August 18, 2022**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:02 a.m. Present in the District Office: Linda Vavra, Allen Wold, Jason Beyer, Benjamin Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, and Steven Schmidt. 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 CHANGES** Upon motion by Deal, seconded by Schmidt and carried unanimously, the agenda was approved with the following additions: Hormann Works claims of \$4,925.00 and \$5,380.00; Permit Application #22-47; JD #14 flood damages; Red River Watershed Management Board Grant Agreement; drainage system outlet conditions.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the Consent Agenda was approved.
- CONFLICTS OF INTEREST** Board Manager Allen Wold declared a conflict of interest on the TCD #11 petition to outlet, and Board Manager John Kapphahn declared a conflict of interest on Lake Samantha.
- #22-104
T. FRISCH
TCD #15
PETITION** Dahlen motioned, seconded by Gillespie and carried unanimously, to open the hearing to consider the petition from Felix Frisch & Sons, Inc. to use Traverse County Ditch #15 as an outlet for the following portion of Parcel #03-0079000 in Section 16, Croke Township, Traverse County: SE1/4. 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. Landowner Tom Frisch was available for questions about the project. No public comment was presented. The proposed project is located within the TCD #15 drainage watershed. Engineer James Guler described the process to calculate the \$3,317.26 entrance fee and the \$240.00 benefitted amount. Gillespie motioned, seconded by Kapphahn and carried unanimously, to approve the order. Landowner David Rinke asked about the process to clean a public water. Beyer motioned, seconded by Dahlen and carried unanimously, to close the hearing.
- #22-095
T. KEMPER &
G. BLUME
TCD #11
PETITION** Beyer motioned, seconded by Dahlen and carried unanimously, to open the hearing to consider the petition from Todd Kemper to use Traverse County Ditch #11 as an outlet for the following portion of Parcel #10-0019000 in Section 5, Graceville Township, Big Stone County: SE1/4. President Vavra opened the hearing. Attorney Croaker read Minn. Stat. § 103E.401, subd. 4. Engineer Engels provided a map showing the current assessment district and a discussion of the drainage system, demonstrating that the surface water from the parcel drains into TCD #11. Operator Greg Blume was available for questions about the project. Public comment was received from landowner Angela Wold who stated that the drainage system is already full and recommended that the subsurface drainage be directed to the south, into TCD #10. Operator Greg Blume stated that splitting the flow would increase infrastructure and equipment project costs. District Engineer Chad Engels stated that requiring an applicant to split surface flow and subsurface flow between two different drainage ditches would be a departure from District policies. Landowner Allen Wold stated that current District policies (including benefits) are based on surface drainage conditions, and that the policies should be updated to address subsurface drainage opportunities across a watershed. Engineer James Guler described the process to calculate the \$3,673.49 entrance fee and the \$400.00 benefitted amount. Schmidt motioned, seconded by Dahlen, to approve the order. District Engineer Chad Engels stated that, if this were a new parcel being added from outside the watershed into the drainage system, that the petition would likely be denied; however, the proposed project was found to be located within the TCD #11 drainage watershed. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Vavra – aye; Beyer – aye; Deal – aye; Wold – abstained; Gillespie – aye; Brutlag – aye. Motion carried. Beyer motioned, seconded by Dahlen and carried unanimously, to close the hearing.
- #22-147
BIG STONE
COLONY** Contractor Max Fuxa and permit applicant Tom Hofer were available for questions about their proposed project to install a 36" non-perforated tile to deliver flow from a pond control structure to Big Stone County JD #4. Landowner Don Stueve stated that JD #4 is in poor condition and would not be able to handle the accelerated flow velocity from the proposed tile. District Engineer Chad Engels stated that, in general, the JD #4 watershed drainage infrastructure is undersized. Board managers discussed

the possibility of an operation plan. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the application was tabled.

**#22-147
B. FUHRMAN**

Landowner Bill Fuhrman was present to answer questions about the proposed project. The permit application was brought to the board because a portion of the subsurface drainage proposed crosses a subwatershed boundary (approximately 20 acres). The project will have a gravity fed outlet and will be controlled by a ¼" drainage coefficient. Landowner Bryan Crandall stated concerns that the receiving public water has not been cleaned-out, and the addition of the proposed project will increase flooding on downstream lands. District Engineer Chad Engels presented two options: require that the applicant install controls (ie lift station) or require that the applicant remove the portion of the project that is outside the subwatershed. Landowner Bill Fuhrman was agreeable to the second option. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the permit is approved with the removal of subsurface drainage to portions found in the field to be beyond the subwatershed boundary.

GCD #8

No update.

GCD #21

Engineering plans have begun.

TCD #35

Upon motion by Beyer, seconded by Kapphahn and carried unanimously, Pay Application No. 2 in the amount of \$423,431.38 was approved.

WCD #SUB-1

Staff found the WCD #Sub-1 petition and bond to be sufficient for the requirements of statutory drainage system improvement requirements; authorization for signature of the Order Appointing the Engineer and the Engineer's Oath were approved April 21, 2022, contingent upon receipt of the \$20,000 bond. Engineering staff completed the Preliminary Survey and Preliminary Survey Report which was filed with the District Administrator. The District Administrator will deliver the Preliminary Survey Report to the MnDNR in accordance with Minn. Stat. § 103E.251. It is anticipated that the required hearing on the preliminary survey report will be ordered at the September board meeting. Potential viewers will be contacted. Board Manager Allen Wold asked staff to consider recruitment of additional viewer candidates.

JD #6

Engineer James Guler stated that JD #6 has been reseeded with rye in the areas where initial seeding attempts have failed, and that the project close-out process can proceed. It is uncertain if the latest seeding attempt will be successful, however, future reseeding can occur as ditch maintenance until vegetation is established. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the Minn. Stat. § 103E.555 public hearing will be scheduled for the Board's September meeting.

JD #14

Engineer Technician Troy Fridgen reported that a post-flood repair is needed on JD #14, following the 2022 spring flood disaster, in an area repaired following the 2019 spring flood. He estimates that the repair could cost \$40,000, but it has been difficult to find an available contractor. Kapphahn motioned, seconded by Dahlen and carried unanimously, to order the repair with a cap of \$40,000.

**DISTRICT
WORKSHOPS**

Administrator Beyer reported that District Workshops were held last week in Campbell, Graceville, and Herman. Attendees included landowners, tile professionals, township officials, and one state senator. Presentations were given by the District's Engineer Technician, Engineer, and Attorney. Because the workshops prominently featured many recommendations to prevent soil erosion into judicial ditches, including buffer establishment and maintenance, the cost of the workshops will be allocated to the District's Riparian Aid account.

**JD #11
103E.555
HEARING**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103E.555 Public Hearing on the Engineer's Report for JD #11 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 – as stated at the September 16, 2021 board meeting, project close-out calculations include an additional \$21,005.06 – which will be transferred from the BdSWD Construction and Riparian Aid Funds to equalize the percentage of grant funding to cover 75% of eligible items for the project. Engineer James Guler stated that the local cost of the project is \$49,449.17 over budget, but this is due to the replacement of the outlet drop structure at the Bois de Sioux River, which was undermining and discovered during construction. Landowner Ray Ehlers requested that

side inlet culverts in Section 8 be resurveyed to ensure they were installed correctly. He also voiced a need for at least one additional culvert; Engineer Technician Troy Fridgen stated that he would work with the landowner to get the culvert installed, and reported that he is working with landowners Dean Holtz and Ray Ehlers to have an approach installed and an existing culvert moved. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the project was closed and the following documents were approved: Change Order No. 10 (the Final Balancing Order) and the Final Application for Payment in the amount of \$14,553.00. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing was closed.

**GENERAL,
CONSTRUCTION &
DITCH BUDGETS,
LEVIES &
ASSESSMENTS
FOR 2023**

Beyer motioned, seconded by Dahlen and carried unanimously, to open the public hearing on the 2023 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 2023 General and Construction Fund budgets and corresponding proposed levies. The RRWMB approved a levy at 75% for 2023. 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. Motion by Kapphahn, 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 \$1,614,065.81. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Vavra – aye; Beyer – aye; Deal – aye; Wold – aye; Gillespie – aye; Brutlag – aye. Motion carried. The Preliminary Ditch Assessments was presented at \$887,966.18 (this amount includes bond debt service levied by affected counties), but won't be finalized until a hearing later this year. Upon motion by Dahlen, seconded by Deal and carried unanimously, a Resolution to Budget Redpath Impoundment Project Funds was approved, in the amount of \$620,000. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Vavra – aye; Beyer – aye; Deal – aye; Wold – aye; Gillespie – aye; Brutlag – aye. Motion carried. Gillespie motioned, seconded by Kapphahn and carried unanimously, to close the hearing.

RRWMB JPA

Rob Sip, Executive Director of the Red River Watershed Management Board, gave an update of the organization's activities and also presented the latest draft of the Joint Powers Agreement. Attorney Lukas Croaker presented edits, and board managers requested that the edits be made prior to consideration by the board for approval.

**REDPATH &
MUSTINKA
PROJECTS**

State employees have indicated that Advisory Reports will be provided on or before August 26, 2022. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Minn. Stat. § 103D.605 project hearing for the Redpath Flood Impoundment and Mustinka River Rehabilitation is set for the Board's September meeting, pending receipt of the Advisory Reports.

**LAND
ACQUISITIONS**

Board managers discussed whether the District should participate in an upcoming auction for land in Section 20 of Redpath Township; board managers stated that, without an imminent project, it does not seem prudent at this time to consider a purchase. Board Manager Scott Gillespie requested that, beginning in December, each month the District conduct a formal evaluation regarding lands the District currently owns that are outside the footprint of an active project.

**DORAN CREEK
PROJECT**

A landowner meeting was held to discuss the Doran Creek Restoration Project – all landowners who would be included in the water management district were invited; no opposing comments were provided by those in attendance. Staff discussed three initiatives, with separate timelines, that need to be coordinated together in order for the project to be successful: establishment of a water management district, securement of state easement program funding, and project engineering.

**LTWQIP NO. 1
PHASE #3**

The District received advisory reports from the DNR and BWSR. A 404 permit with a condition was provided by the US Army Corps of Engineer (USACE), upon communication with USACE staff, this condition was determined to be from a previous USACE project manager and the new project manager stated this condition has been met and would be sending a letter to that effect. Beyer motioned, seconded by Dahlen, to approve the Resolution Setting the Minn. Stat. § 103D.605 Project Hearing. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Vavra – aye; Beyer – aye; Deal – aye; Wold – aye; Gillespie – aye; Brutlag – aye. Motion carried. The hearing will be held at the Board's September meeting. Upon motion by Deal, seconded by Beyer and carried unanimously, the Red River Watershed Management Board Water Quality Program Funding Agreement in the amount of \$1,200,000 was approved.

640TH AVE

Interstate Engineering has completed its design, and intends to meet with District engineering staff and township officials.

JCWMP WBIF 1 & WBIF 2

Board managers reviewed information about the Joint Comprehensive Watershed Management Plan grants. A payment was included in the meeting's claims to West Otter Tail SWCD in the amount of \$15,658.12. Board managers reviewed a summary of the workplan for the second Watershed Based Implementation Funds in the amount of \$1,064,522; upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the Grant Agreement with the Board of Water and Soils Resources was approved.

MAWD RESOLUTIONS

Board managers reviewed four resolutions to be submitted to the Minnesota Association of Watershed Districts (MAWD): Resolution Clarifying Watershed District Project Establishment with Government Aid or as Part of Plan; Increased Support & Participation for the Minnesota Drainage Work Group; Recommendation to Obtain Stable Funding for the Flood Hazard Mitigation Program; Clarification of the DNR's Ordinary High Water Level Definition. Dahlen motioned, seconded by Kapphahn, to approve submission of the resolutions to MAWD. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Vavra – aye; Beyer – aye; Deal – aye; Wold – aye; Gillespie – aye; Brutlag – aye. Motion carried.

2022 CLA AUDIT

CliftonLarsonAllen has presented a fee increase of approximately \$2,600 (\$15,450) to prepare the 2022 audited financial statements. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, board managers requested that a counteroffer be made: a flat \$14,000 for a three year contract.

PERSONNEL COMMITTEE – EMPLOYEE HOLIDAY

The Personnel Committee met in response to an employee request to include Juneteenth in the District's handbook of recognized employee holidays. On behalf of the Personnel Committee, Board Manager Scott Gillespie recommended a Floating Holiday policy, with the following restrictions: employees cannot take the same day as a floating holiday; employees cannot use the floating holiday on a meeting of the board; employees must give two weeks' notice to use the floating holiday. District Attorney Lukas Croaker stated that, if the State of Minnesota decides to recognize the Juneteenth holiday in the future as a day on which public business cannot be transacted, it will automatically be added to the list of District employee holidays. Board managers stated that they will review the Floating Holiday policy at that time, if the state adopts the additional holiday.

OUTLET MAINTENANCE

Engineer Technician Troy Fridgen requested that the Policy Committee consider a more formal policy to describe when Construction Funds can be used to clean trees, beaver dams, and sediment downstream of a legal assessment ditch. District Engineer Chad Engels recommended that the policy be accompanied by an annual budget.

JD #11 CULVERTS

District Engineer Chad Engels reported that, after reviewing survey data gathered at the close of the JD #11 project, of the approximately 84 side-inlet culverts installed, all except one was sloped correctly from the field to the ditch, one was found to have a flat pitch.

The meeting was adjourned at 1:03 pm.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
September 15, 2022**

CALL TO ORDER The meeting was called to order by President Vavra at 8:01 a.m. Present in the District Office: Linda Vavra, Allen Wold, Jason Beyer, Benjamin Brutlag, Doug Dahlen, Jerome Deal, John Kapphahn, and Steven Schmidt. Absent: Scott Gillespie. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer. Present remotely: Engineer James Guler.

AGENDA Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the meeting agenda was approved with the following additions: Permit #22-016, Permit #22-147, 640th Avenue Road Raise, North Ottawa Webcam Offer, JD #6 Change Order, JD #6 Pay Application, JD #6 Clean Water & Culvert Sizing Cost Share, JD #6 Prepayment on Bond, RRWMB Joint Powers Agreement, District land discussion, Watershed Based Implementation Fund Grant Amendment, and CliftonLarsonAllen Statement of Work.

CONFLICTS OF INTEREST John Kapphahn declared a conflict of interest with Lake Samantha.

CONSENT AGENDA Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved, to also include a claim in the amount up to \$29,000 to Contech for a culvert invoice that requires a revision to remove state sales tax.

**#22-097
M. TOELLE TRUST** Permit Applicant Mr. Michael Toelle described his project to install subsurface drainage to a parcel that currently surface drains to a nearby pasture/ravine and culvert on the southern edge of the parcel. The proposed project would include extensions for the outlets to bring the tile water to the bottom of the ravine in order to avoid the chance for erosion. However, neighboring landowners Gerald and Dianne Reinart stated that they do not want extensions through their property or outlets on their property. They also expressed a concern about outletting to a ravine with a 46' elevation change. Board Manager Allen Wold and Engineer Technician Troy Fridgen visited the project site. Board Manager Allen Wold offered features that could slow flow velocity. Engineer Technician Troy Fridgen stated that the project has been designed to meet the District's 1/4" drainage coefficient. District Engineer Chad Engels suggested that the outlets be relocated to Mr. Toelle's property, and that the northwest outlet be moved further north and east to an existing swale, and to install riprap at all three outlets. Board Manager John Kapphahn encouraged the applicant to install pipe to an outlet verses outletting to an open ditch. Mr. Michael Toelle was agreeable to the outlet relocations. Upon motion by Brutlag, seconded by Beyer and carried unanimously, the permit application was approved with District Engineer's conditions.

**#22-152
M. BARTELL** The permit application was brought before the board because it was initially believed that the project crossed subwatershed boundaries. Neighboring landowner Bryan Crandall stated opposition to the permit, on the basis that it crossed subwatershed boundaries. Upon verification by engineering staff, and confirmed by Permit Applicant Michael Bartell, the subwatershed boundary drawn by LiDAR was found to be inaccurate. The project meets the District's standards. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the permit application was approved.

**#22-153
K. ZIMMERMAN** Permit Applicant Kelly Zimmerman proposes installation of split flow subsurface drainage, with the majority of the project directed to SCD #15 and 15 acres or less directed to the current outlet, which crosses through a culvert on the eastern edge of the property and continues through the middle of an agricultural field. Landowners Roger and Julene Amborn stated concerns about current and future flows to their land east of the project, with unmaintained public lands to the north a primary cause of upstream flooding. District Engineer Chad Engels recommended that the permit be approved contingent upon written permission from Stevens County which would likely require a successful SCD #15 ditch petition to outlet for the acres that will flow that direction. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the permit was approved with District Engineer's conditions.

**#22-153
PHEASANTS FOREVER** Pheasants Forever Representative Tyler Zimmerman described proposed action to fill all drainage ditches on the SE1/4 of Section 33 of Western Township in Otter Tail County to create a system of wetlands. Mr. Tyler Zimmerman stated that the property will be turned over to the Minnesota DNR

within a year. Neighboring Landowner Brian Lacey stated concerns about water quality issues that could result in response to the proposed project. Board Manager Brutlag had requested that the permit be brought before the board because of the historical flooding issues associated with public lands in the Western 32/33 area. Brutlag motioned, seconded by Dahlen, to approve the permit application. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Vavra – no; Beyer – no; Deal – aye; Wold – no; Brutlag – aye. Motion carried.

**#22-016
K. BLUME**

Mr. Kevin Blume has an approved permit to install a pump in the NW corner of Section 27, Redpath Township, near District owned land; he will need easements for the project, including a utility easement. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to work with the landowner to establish and record the necessary easements.

**#22-147
B. FUHRMAN**

Engineer Technician Troy Fridgen stated that the installer for subsurface drainage for Permit Application #22-147 may have crossed the subwatershed boundary, prohibited by conditions of the permit approval. Two phone calls were placed to the installer, and an email was sent to the installer, requesting documentation that subsurface drainage was placed in the correct location. No response has been received. Upon motion by Dahlen, seconded by Deal and carried unanimously, legal staff are authorized to send a formal inquiry.

**JD #6
103E.555
HEARING**

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103E.555 Public Hearing on the Engineer's Report for JD #6 was opened. Engineer James Guler presented the report, which included project construction details, contract quantity changes, final cost figures, and funding sources. About a month ago, rye was planted on a portion of the project that has so far resisted vegetative establishment; board managers agreed that closure of the construction contract should not be dependent upon vegetative establishment of the area due to unique soil circumstances. Contractor James Lubenow was present to answer project questions. No public comment was received. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Change Order No. 3 and Pay Application No. 5 (Final) were approved. Attorney Lukas Croaker read the Findings and Order. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Findings and Order were approved. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the Resolution Authorizing a Transfer of Funds for the District's Clean Water Retrofit Cost Share Policy was approved in the amount of \$9,212.77. Upon motion by Dahlen, seconded by Deal and carried unanimously, the Resolution Authorizing a Transfer of Funds for the District's Culvert Sizing Cost Share Policy was approved in the amount of \$318,215.50. Because the project cost was less than estimated, there are surplus funds in the project fund that can be applied as prepayment towards the ditch bond held by Wilkin County. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the Resolution Authorizing a Transfer of Funds for Bond Prepayment was approved in an amount that will leave \$100,000 in the ditch fund for future maintenance. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing was closed.

**WCD #SUB-1
103E.261
HEARING ORDER**

Engineering staff prepared the preliminary survey report and recommend that the Minn. Stat. § 103E.261 preliminary hearing be scheduled. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Order for Public Hearing was approved.

**WCD #25
MEETING**

Upon motion by Dahlen, seconded by Deal and carried unanimously, staff are authorized to hold a landowner meeting in early November for WCD #25 landowners.

**TCD #35/
REDPATH
PHASE 1**

Engineer James Guler provided an update on TCD #35/Redpath Phase 1 construction. A pay application, in the amount of \$995,254.86, was presented for channel excavation, embankment construction, and side inlet culvert installation. Crews found more buildable clay and less topsoil than what was anticipated. Although costs will be higher on this phase because more clay is able to be placed permanently, costs will be lower on subsequent phases. Upon motion by Dahlen, seconded by Beyer and carried unanimously, Pay Application No. 2 was approved.

**REDPATH
103D.605
HEARING**

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103D.605 Public Hearing to Establish a Project as Part of a Plan was opened for the Redpath Impoundment Project. Advisory letters from the Board of Water and Soil Resources and the Department of Natural Resources were presented, along with details about upstream/downstream project benefits, construction details, costs, and funding sources. No public comment was received. The managers find that the project is conducive to public health, promotes the general welfare, and is in compliance with the District's watershed management plan and the provisions of Minn. Stat. Ch. 103D. Upon

motion by Kapphahn, seconded by Dahlen and carried unanimously, the Findings and Order were approved. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the hearing was closed.

**LTWQIP NO. 1
PHASE 2
103D.815/103E.55
HEARING** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103E.555 Public Hearing, held pursuant to Minn. Stat. § 103D.815, subd. 3, on the Engineer's Report for Phase 2 of Lake Traverse Water Quality Improvement Project No. 1 was opened. Engineer James Guler presented the report, which included project construction details, final cost figures, and funding sources. Over the summer, rocks were reset in response to extraordinary flow through the channel following spring flood conditions. Contractor James Lubenow was present to answer project questions. A comment was received that rocks had been driven into the ground on the Phase 1 staging area of the project, and were later excavated and exposed by the landowner during routine tilling activities. Kapphahn motioned, seconded by Beyer and carried unanimously, that any remaining rocks be removed by the contractor. Attorney Lukas Croaker read the Findings and Order. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the Findings and Order were approved. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the hearing was closed.

**LTWQIP NO. 1
PHASE 3
103D.605
HEARING** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103D.605 Public Hearing to Establish a Project as Part of a Plan was opened for Phase 3 of the Lake Traverse Water Quality Improvement Project No. 1. Advisory letters from the Board of Water Soil Resources and the Department of Natural Resources were presented, along with details about upstream/downstream project benefits, construction details, costs, and funding sources. Public comment was received; questions/concerns included: tree replanting, passage across the channel, temporary and permanent fence relocation, maintenance of natural springs, and local cost share. Easements will be acquired from two landowners; one landowner has completed the required documents. Attorney Lukas Croaker discussed the Findings and Order. The managers find that the project is conducive to public health, promotes the general welfare, and is in compliance with the District's watershed management plan and the provisions of Minn. Stat. Ch. 103D. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the proposed Findings and Order were approved. Upon motion by Wold, seconded by Beyer and carried unanimously, the hearing was closed.

**640TH AVE
ROAD RAISE** Interstate Engineering President Damon DeVillers presented the 640th Road Raise plans approved by Dollymount Township, and elicited a positive response from Eldorado Township officials. Mr. Jonathan Mathias was present to represent Landowner Marilyn Mathias' interest, and requested a copy of the plans. The project features include changes to culvert sizing and alignments, no work west of 640th Avenue, and a clean-out up to TCD #8. Mr. Janathan Mathias stated that maintenance of the channel is a concern into the future; District Engineer Chad Engels stated that he will add a permit condition that Dollymount Township will be responsible for future maintenance.

**SCHMIDT
LEAVES** Board Manager Steven Schmidt left the meeting.

GCD #21 Engineering staff continue to work on a preliminary survey report.

**LAKE SAMANTHA
& ELBOW LAKE** Board Manager John Kapphahn and engineering staff continue to work with Grant County officials regarding Lake Samantha and Elbow Lake.

**NORTH OTTAWA
WEBCAM** DNR representatives approached the District with an opportunity to place a webcam at North Ottawa during fall migration. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, staff are authorized to work with DNR representatives to place the webcam.

RRWMB JPA Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Red River Watershed Management Board Joint Powers Agreement dated July 19, 2022 was approved.

**WESTERN 32
EASEMENT** Board Managers discussed land owned by the District. Engineer Technician Troy Fridgen relayed a request from Landowner David Holte, who owns property adjacent to the District's property in Western 32, for an easement for subsurface drainage. Upon motion by Beyer, seconded by Dahlen and carried unanimously, an easement is granted and staff are authorized to have the easement recorded with the property.

**JCWMP WBIF
GRANT REIMB.
& AMENDMENT** Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, reimbursement from the JCWMP Watershed Based Implementation Fund Grant C21-9685 to the District in the amount of

\$1,000.86 was approved. Because this grant was not utilized for Phase 2 of the Lake Traverse Water Quality Improvement Project No. 1, Administrator Jamie Beyer recommends that an amendment be filed with the Board of Water and Soils Resources to apply the allocated funds (\$325,000) to Phase 3. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to request an amendment.

**CLA 2022 AUDIT
FEE**

CliftonLarsonAllen declined the District's offer for \$14,000 each year for the 2022, 2023, and 2024 audited financial statements. CliftonLarsonAllen did accept the District's offer for \$14,000 for the 2022 audited financial statements. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the CliftonLarsonAllen State of Work was approved.

**RECORDS
RETENTION
SCHEDULE**

Attorney Lukas Croaker finished his draft of the records retention schedule; he will dispense the classifications to staff and board managers for review. The final version must be submitted to a state review board for final approval.

Board managers discussed activities by the Drainage Work Group and Minnesota Association of Watershed Districts.

The meeting was adjourned at 12:57 pm.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
October 20, 2022**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Doug Dahlen, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: Jason Beyer (arrived later), Benjamin Brutlag, Jerome Deal (arrived later), and 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** President Vavra acknowledged that a quorum will likely only be available for two hours, so decision items requiring board action will be addressed first, along with the scheduled public hearings. Upon motion by Wold, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: TCD #35 Pay Application, Redpath Shed Rental; Hormann Works Claim of \$21,985.
- CONSENT AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** No public comment was received.
- #22-177
R. THIEL** District Engineer Chad Engels stated that this permit was been approved with conditions.
- TCD #35
PAY APP. NO. 4** Engineer James Guler presented an update on TCD #35 construction – drone technology is being used to verify construction quantities. Upon motion by Schmidt, seconded by Gillespie and carried unanimously, Pay Application No. 4 in the amount of \$468,113.18 was approved.
- GCD #21
LANDOWNER
MEETING** Engineering staff have been meeting with GCD #21 landowners to discuss repair project needs, and this feedback has changed the initial design. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, staff are authorized to organize a landowner meeting.
- LCCMR REDPATH
MUSTINKA GRANT
AGREEMENT** Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the State of Minnesota Grant Contract Agreement for the Environment and Natural Resources Trust Fund Award in the amount of \$2,692,000 was approved for Redpath Phase 2 Mustinka River Rehabilitation.
- REDPATH BINS
DISPOSAL** Engineer Technician Troy Fridgen stated that there are 2 grain bins owned by the District that need to be disposed of prior to Redpath construction. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, staff are authorized to accept a best offer bid for the property, with a strong removal deadline included as a term of the sale.
- BEYER ARRIVES** Board Manager Jason Beyer arrived at the meeting.
- REDPATH SHED
LEASE** Upon motion by Beyer, seconded by Dahlen and carried unanimously, a contract with Mr. Monty Itzen was approved for the Redpath Shed at a rental rate of \$1,000 annually.
- NORTH OTTAWA
LEASES** Upon motion by Dahlen, seconded by Gillespie and carried unanimously, staff are authorized to prepare a bid and lease for the rental of agricultural land in North Ottawa, for a three year term.
- HORMANN WORKS
CLAIM** Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the claim by Hormann Works for \$21,985.
- FIVEMILE CREEK** District Engineer Chad Engels presented a map of the Fivemile Creek watershed, identifying several complexities that will need to be addressed, such as: involvement of two counties, establishment of a watershed management district that would potentially encompass a large area, relationships and connectivity with GCD #8, Redpath Collection Channel, and multiple downstream drainage systems. His recommendation is for a model that demonstrates the existing flow and floodplain, and can then demonstrate impacts of the future project at prioritized downstream locations. The model would be used for analysis of design alternatives, addressing landowner concerns and permitting considerations. Board Manager Scott Gillespie expressed frustration with the cost that is incurred to address government permitting. Board Manager Steven Schmidt added that because Fivemile Creek isn't functioning, flows are redirected, adding pressure to the conveyance of downstream ditches. District Engineer Chad Engels added another recommendation, to establish a technical Project Team to

determine possible extents of the project – establishing extents is needed to determine a scope, and subsequently an estimated cost.

**TCD #15
PETITION**

Upon motion by Wold, seconded by Gillespie and carried unanimously, the hearing was opened to consider the petition from Steven Grimes to use Traverse County Ditch #15 as an outlet for the following portion of Parcel #03-0075-000 in Section 15, Croke Township, Traverse County: W1/2SW1/4. 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. No questions and no public comment were presented. The proposed project is located within the TCD #15 drainage watershed. Engineer James Guler described the process to calculate the \$2,253.09 entrance fee and the \$120.00 benefitted amount. Schmidt motioned, seconded by Dahlen and carried unanimously, to approve the order. Gillespie motioned, seconded by Dahlen and carried unanimously, to close the hearing.

**TCD #7
PETITION**

Upon motion by Gillespie, seconded by Wold and carried unanimously, the hearing was opened to consider the petition from Bryan Crandall to use Traverse County Ditch #7 as an outlet for the following portion of Parcel #09-0139-000 in Section 31, Logan Township, Grant County: 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. The proposed project is located within the TCD #7 drainage watershed, but would be subject to a split flow, with an estimated 1/3 of flow directed toward TCD #7 and 2/3 of flow directed north. A discussion was held on the condition and flow of TCD #7 immediately downstream, adjacent to Section 36 in Clifton Township in Traverse County, which is severed by TCD #51 approximately one mile downstream of the proposed tile project. Engineering staff stated that there are numerous parcels in the area that are assessed to both systems. Landowner Terry Bartell stated concerns about flow, as he currently experiences flooding in a shed in the NW1/4 of Section 36. Board managers discussed the need for a redetermination of benefits for either or both systems. A comment opposing the project was read from Bonnie Bartell. Board managers discussed the current condition of a split flow to the legal drainage system and then a second split between two legal drainage systems. Board Manager Jason Beyer stated that there is a possibility that the calculation of a subsequent outlet fee for both systems could be more than what has been calculated for one. Upon motion by Wold, seconded by Gillespie and carried unanimously, the Hearing on the Petition to Outlet to TCD #7 will be continued to November 17th, and a hearing to outlet into TCD #51 is ordered for the same day.

**WCD #SUB-1
103E.261
HEARING ON
PRELIMINARY
SURVEY REPORT**

Upon motion by Beyer, seconded by Schmidt and carried unanimously, the Minn. Stat. Sect. 103E.261 Hearing on the Preliminary Survey Report for WCD #Sub-1 was opened. Engineer James Guler described the location, history, and condition of WCD #Sub-1, and the need to improve the drainage system to meet modern standards. An inventory of the existing culverts was presented, along with an evaluation of the culvert sizes and the corresponding drainage area. The limiting factor for the existing system is depth and channel size. Concrete culverts are proposed to be reused. Board Manager Scott Gillespie added that availability of new concrete culverts is extremely limited. This project would require cooperation with BNSF Railroad, who may have insurance, flagging, and project design requirements. District Engineer Chad Engels explained that existing channel bends are maintained or replicated, so as not to reduce the overall channel length, which will be beneficial for permitting and mitigation. This project may require a Federal 404 permit. This project is within the Traverse Electric service area, who will likely require that existing affected utilities be buried.

**SCHMIDT LEAVES,
DEAL ARRIVES**

Board Manager Steven Schmidt leaves and Board Manager Jerome Deal arrives.

**WCD #SUB-1
103E.261
HEARING ON
PRELIMINARY
SURVEY REPORT**

Attorney Lukas Croaker read the proposed Findings and Order for Detailed Survey and Detailed Survey Report which discussed the feasibility, necessity, and public benefit and promotion of public health of the project, and the adequacy of the outlet. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Order was accepted. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the Administrator's Order Designating Viewers' Meeting was approved. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the hearing was closed.

**WCD #25
LANDOWNER
MEETING**

A WCD #25 Landowner Meeting will be held November 3rd at 1:30 pm at the Wilkin County Environmental Building in Breckenridge.

Administrator Jamie Beyer reported that BWSR Staff Travis Germundson has been inquiring about a non-compliant buffer list provided by Traverse and Grant SWCD's, and is requesting further action.

**SOIL LOSS –
SWCD BUFFER
REPORTS**

Upon closer verification, the SWCD’s found that, of the 13 parcels deemed “non-compliant” or “potentially non-compliant,” 10 were found to be compliant – leaving 3 parcels between two landowners. It would be impossible to establish a buffer now, as growing conditions are extremely dry and a hard freeze is imminent. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to provide corrective action notices to the two landowners, with 11 month compliance timelines.

**RUNESTONE
CAPITAL CREDITS**

Upon motion by Wold, seconded by Dahlen and carried unanimously, Runestone capital credits will continue to accrue.

**2023 HEALTH
INSURANCE**

Administrator Jamie Beyer stated that health insurance costs will likely increase \$12,000 over the current year.

**LAKE SAMANTHA
& ELBOW LAKE**

District Engineer Chad Engels stated that Grant County was not successful with their joint application to secure a Conservation Legacy Partners grant for additional Lake Samantha work. Grant County will adjust the draft Operations and Maintenance plan for the District’s future approval. Board Manager John Kapphahn secured signatures on Letters of Understanding from Elbow Lake Landowners.

**DORAN CREEK
STREAM
RESTORATION**

District Engineer Chad Engels introduced Engineer Garrett Monson, who will be working on the Doran Creek Stream Restoration. They are working on a Draft Engineer’s Report and meeting with permitting agencies. By April 2023, Phase 1 Design will likely be complete.

**LIGHTNING LAKE
PROJECT**

The project cost estimate is more than the Conservation Partners Legacy grant application; we are currently waiting to hear if the project will be awarded the grant.

**JCWMP
REIMBURSEMENTS**

Reimbursements to Joint Comprehensive Watershed Management Plan partners were included and approved with the October 20, 2022 claims.

**RECORDS
RETENTION
SCHEDULE**

A draft Records Retention Schedule was included in the packet; it will be reviewed and considered next month for approval.

The meeting was adjourned at 11:45 am.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
November 17, 2022**

- 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, Ben Brutlag, Jerome Deal, Scott Gillespie, and Allen Wold. Absent: Doug Dahlen (arrived later), John Kapphahn (arrived later), Steven Schmidt. 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** Upon motion by Beyer, seconded by Deal and carried unanimously, the agenda was approved with the following additions: Permit Application #22-188 and Mud Lake Comment Authorization.
- CONSENT AGENDA** Upon motion by Wold, seconded by Gillespie and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** No public comment was received.
- JANUARY BOARD MEETING** The regular January board meeting conflicts with the Red River Basin Commission International Joint Conference in Winnipeg. Board managers agreed to move the regular meeting to January 26, 2023.
- DAHLEN ARRIVES** Board Manager Doug Dahlen arrived at the meeting.
- OCTOBER BOARD MEETING START TIME** Past board practice has been to move the October board meeting start time to 8:00 AM. Upon motion by Gillespie, seconded by Beyer and carried unanimously, staff are authorized to initiate a change to Bylaw Article VI, § 1.
- TCD #7 & TCD #51 PETITION HEARINGS** Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the hearing was opened/reconvened to consider the petition from Bryan Crandall to use Traverse County Ditch #7 as an outlet for the following portion of Parcel #09-0139-000 in Section 31, Logan Township, Grant County: NW1/4. Three culverts are located in the northwest corner of the parcel, two directed north and one directed to TCD #7. The two culverts directed north do not flow to any Minn. Stat. Ch. 103E ditch system. TCD #7 flows into TCD #51. Upon motion by Gillespie, seconded by Deal and carried unanimously, the hearing was also opened to consider the petition for the same parcel to use Traverse County Ditch #51. Engineering staff estimate that 1/3 of the parcel's flow is directed to TCD #7 which ultimately discharges into TCD #51. The remaining 2/3 of the parcel's flow is directed north and does not utilize any Minn. Stat. Ch. 103E ditch system. The outlet fees were calculated to be \$389.46 for TCD #7 and \$1,168.38 for TCD #51. Based on the proportion of flow, the benefits were calculated to be \$103.24 for TCD #7 and \$193.58 for TCD #51. Comments were received from Mr. Michael Bartell, who stated that when TCD #51 culverts and channel are obstructed with snow and ice and his farmstead is at risk of flooding; he expressed concerns about changes to culvert sizes, grades, and elevations. District Engineer Chad Engels stated that culverts are part of the legal drainage system, and that grade, elevation and culvert size changes cannot result in a change to the hydraulic capacity of the drainage system without following the Minn. Stat. Ch. 103E formal improvement process. No such changes are currently planned. Discussion was held on the need for spot cleaning to remove sediment from areas in the TCD #7 channel.
- KAPPAHNN ARRIVES** Board Manager John Kapphahn arrives.
- Attorney Lukas Croaker read the order, combined to include both the TCD #7 and TCD #51 petitions. Upon motion by Beyer, seconded by Brutlag and carried unanimously, the order was approved. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the hearings were closed.
- P.A. #22-188 G. VIPOND** Work described in the permit application crosses a subwatershed boundary. The applicant described the unique features of the parcel that prevent flow from being directed to the northeast corner of the parcel. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the application is approved contingent upon a cleanout of the private ditch in the northwest corner of Section 12.
- TCD #35 UPDATE** Engineering staff have notified the contractor that TCD #35 has met substantial completion requirements. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Change Order No. 2 was approved for additional ditch cleaning associated with the project. Upon motion by Beyer,

seconded by Dahlen and carried unanimously, Pay Application No. 5 was approved in the amount of \$128,218.69.

- GCD #21 UPDATE** A landowner meeting was held yesterday in Herman, to present to landowners the working improvement design. Currently, the project involves the replacement, resizing and resloping of several tile branches, and a cleanout of the ditch mains. The tile will be sized to the District's ¼" coefficient standard.
- WCD #SUB-1** Engineering staff have filed the Detailed Report; it has also been filed with the DNR Commissioner, along with a request for the required Advisory Report. Engineering staff are working with BNSF and the outlet landowner.
- BUFFER NOTICES** Corrective Action Notices have been sent to two landowners, covering three parcels. BWSR requires that a copy of the notices be sent to their office, although it is likely staff have not returned to the office under pandemic measures.
- LTWQIP NO. 1 PHASE 3** Construction bids are being advertised for Phase 3 construction. Engineering staff will hold a prebid meeting next week to present the plans and address contractor questions.
- SAMANTHA LAKE** Grant County is reviewing operation and maintenance agreement details before turning over the project and right-of-way to the Bois de Sioux Watershed District. A resolution from them is expected after their next meeting.
- ELBOW LAKE** Board Manager John Kapphahn has an Elbow Lake landowner meeting scheduled in December to discuss the DNR's Ordinary High Water Level determination. The DNR's standard method is to prioritize OHWL determinations based on evidence associated with shoreline trees, then consider shoreline changes to soil and last to consider adjacent vegetation.
- REDPATH PHASE 2** The Phase 2 bid package will be sent to the DNR for consideration of dam safety requirements. It is anticipated that the phase will be advertised for bid in late December or January.
- FIVEMILE CREEK** Technical experts in the Fivemile Creek area have been identified, and a meeting will be held soon to discuss the extents of a potential stream restoration or rehabilitation project, as a basis for a quote for modeling.
- FLOODWATER INTERCEPTION** Board managers discussed flooding issues along the east branch of the Rabbit River east of the City of Campbell and potential solutions. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, engineering staff are authorized to conduct a preliminary analysis for a storage solution, not to exceed \$5,000.
- MOONSHINE** Board Manager Gillespie requested that a Moonshine landowner meeting be held this winter.
- MUD LAKE** District Engineer Chad Engels summarized Mud Lake operation changes proposed by the Army Corps of Engineers – the primary change being an incremental drawdown in the fall, exposing mudflats to achieve waterfowl goals. The Corps would re-dredge the center channel next fall. Board managers supported submission of a letter of support.
- RECORDS RETENTION SCHEDULE** Administrator Jamie Beyer and Attorney Lukas Croaker presented the proposed Records Retention Schedule, which has been updated to include permit applications. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the schedule was approved to submission to the State of Minnesota's regulatory authorities for further consideration.
- JD #12 SIDE INLET CULVERT COST SHARE** Upon motion by Wold, seconded by Beyer and carried unanimously, payment to Wagner Company was approved in the amount of \$99,359 for a 75% cost-share project through Wilkin SWCD for side inlet culverts installed on JD #12.
- IMPROVEMENT PETITION** Upon motion by Beyer, seconded by Deal and carried unanimously, Attorney Lukas Croaker is authorized to draft a general ditch improvement template that can be customized in the future by drainage system landowners.
- 2023 BUDGET, LEVIES & ASSESSMENTS HEARING** Upon motion by Gillespie, seconded by Deal and carried unanimously, hearings for the 2023 budgets, levies, and assessments are ordered to be held December 15, 2022.

The meeting was adjourned at 12:20 pm.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
December 15, 2022**

- 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, Ben Brutlag (arrived later), Jerome Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: Doug Dahlen, John Kapphahn. Also present: District Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the agenda was approved with the following additions: JD #12 Side Inlet Culvert, 2022 Drainage System Inspections, Lake Samantha O & M Agreement, LTWQIP No. 1 Phase 3 Notice of Award, Personnel Committee COLA Recommendation.
- CONSENT AGENDA** Upon motion by Deal, seconded by Beyer and carried unanimously, the Consent Agenda was approved.
- CONFLICT OF INTEREST** No conflict of interest was declared.
- PUBLIC COMMENT** No public comment was received.
- ARRIVALS** Board Manager Brutlag and Attorney Lukas Croaker arrived at the meeting.
- REDPATH** A Redpath Project presentation was given. Senator-Elect Jordan Rasmusson suggested sources that could be approached to provide letters of support.
- WCD #SUB-1** Upon motion by Beyer, seconded by Gillespie and carried unanimously, the Order Setting Hearing on the Detailed Survey Report for the Improvement of Wilkin County Ditch #Sub-1 and the Final Hearing Notice were approved. The hearing on the engineer's detailed survey report, viewers' report, property owners' report, and DNR Commissioner's final advisory report will be held on Thursday, January 26, 2022.
- JD #12 GRADE STABILIZATION COST SHARE** The District received bills in the amount of \$128,231.33 for a JD #12 joint grade stabilization project with Wilkin SWCD, who will provide \$89,804.25 in cost-share. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the balance of the project cost will be paid using District Buffer funds.
- 2022 DITCH INSPECTIONS** Engineer Technician Troy Fridgen presented the 2022 Drainage Ditch Inspection report.
- 2023 LEVIES & BUDGETS & ASSESSMENTS** Beyer motioned, seconded by Gillespie and carried unanimously, to open the Public Hearing on the Budgets and Levies for the 2023 General Fund, Construction Fund, and Budget and Assessments for the Ditch Systems. Budgets and fund balances for 2023 were reviewed, along with the corresponding proposed 2023 assessments and levies. Gillespie motioned, seconded by Beyer, to approve the Resolution of Ad Valorem Tax Levy (with a \$178,700 General Fund ad valorem levy tax and a \$1,614,065.81 Construction Fund ad valorem levy tax). Roll call vote: Schmidt – aye, Beyer – aye, Deal – aye, Wold – aye, Gillespie – aye, Brutlag – aye, Vavra – aye. Motion carried. Board managers and staff reviewed the proposed 2023 ditch assessments. Landowner Tom Zych asked if the District would support a JD #4 transfer of authority from Big Stone-Traverse Counties to the District. Board managers requested that affected landowners petition Big Stone County directly or request that the Big Stone County Commissioners hold a hearing and order the District to take over responsibility for the ditch system in accordance with Minn. Stat. § 103D.625, subd. 1. Gillespie motioned, seconded by Beyer and carried unanimously, to approve the Resolution for Ditch Assessment Levies (in the total amount of \$481,700, which does not include assessments for county bond repayment schedules assessed by bond holding counties. Roll call vote: Schmidt – aye, Beyer – aye, Deal – aye, Wold – aye, Gillespie – aye, Brutlag – aye, Vavra – aye. Motion carried. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the 2023 General and Construction Budgets were approved. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the Amended 2022 General, Construction, and Ditch budgets were approved. Administrator Jamie Beyer recapped that in 2019, board managers requested that a set index be used for the District's internal interest rate for future years and Accountant Renee Kannegeisser recommended that the District use the Long-Term Federal Interest Rate for December, which was 4.34% in December 2022. Gillespie motioned, seconded by
- INTERNAL INTEREST RATE**

Beyer and carried unanimously, to update the internal interest rate to 4.34%. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the hearing was closed.

- LTWQIP NO. 1 PHASE 3 BID** Engineer James Guler presented the bid tabulation for the Lake Traverse Water Quality Improvement Project No. 1 Phase #3, along with an updated Statement of Cost. Upon motion by Beyer, seconded by Deal and carried unanimously, the Notice of Award to Wagner Company was approved in the amount of \$2,492,281.
- REDPATH PHASE 2A BID** Bid documents for Phase 2a have been drafted and are being reviewed by various agency partners. This phase will involve rehabilitation of approximately two miles of the Mustinka River, construction of a portion of the north levee embankment, and pre-loading at the outlet structure.
- FIVEMILE CREEK** A technical committee for the Fivemile Creek project met and discussed possible modeling extents. Engineering staff will next meet with DNR staff.
- LIGHTNING LAKE CPL GRANT** Staff were notified that the District's Conservation Partners Legacy grant for the Lightning Lake Project No. 1 was successful, and the District was awarded a full \$500,000 grant. The project would replace the degrading outlet structure with a rock riffle design beneficial for walleye spawning; it is estimated to cost \$660,000. Upon motion by Beyer, seconded by Schmidt and carried unanimously, staff are authorized to sign the grant agreement.
- GRANT COUNTY ELBOW LAKE REQUEST** Grant County Commissioners agreed to submit correspondence to the DNR to request a review of the Ordinary High Water Level for Elbow Lake, and later for consideration to lower elevations on Lake Samantha.
- NORTH OTTAWA FARMALND LEASE BID** North Ottawa had restricted acres (small grain or corn silage) and unrestricted acres for lease. Upon motion by Brutlag, seconded by Schmidt and carried unanimously, \$250/acre unrestricted and \$250/acre restricted was approved from Raguse Family Partnership.
- LAKE SAMANTHA O & M MANUAL** Board managers reviewed recommended changes to the Operation & Maintenance Plan Samantha – Elbow Lake Outlet submitted by Attorney Lukas Croaker. Upon motion by Wold, seconded by Deal and carried unanimously, the manual was approved with the recommended changes.
- COPELAND/ WESTERN 32 LAND HOLDING** Board managers discussed lands held by the District, including the Copeland land located in the SW1/4 of Section 32, Western Township. District Engineer Chad Engels discussed the feasibility of a Western 32 impoundment site relative to other options within the watershed. A significant and problematic issue with the current site is that its frequency of use would be very limited. The site would only have the ability to attenuate floodwaters when the adjacent ridge to the east is overtopped. Because the ridge overtops infrequently, the impoundment would only be utilized on a limited basis. Due to the limited frequency of use, the economic feasibility of the project has become an issue. If the District determines that flood storage is still needed within the watershed, the District Engineer recommends that the board consider possible storage options further downstream where a greater portion of the watershed can be controlled and at a location where continuous use is possible. Beyer motioned, seconded by Wold, to sell the parcel. Administrator Beyer stated that there is a current lease agreement that expires December 31, 2023. Gillespie stated that the new owner would request immediate possession to receive the rental income. Board managers stated a preference for unawarded real estate offer submissions to be kept confidential. Staff will research the issue. Upon motion by Beyer, seconded by Wold and carried unanimously, the motion was amended to include direction to sell the parcel by sealed offer. Roll call vote: Schmidt – aye, Beyer – aye, Deal – aye, Wold – aye, Gillespie – aye, Brutlag – aye, Vavra – aye. Motion carried. Board managers reviewed and discussed other District land holdings.
- JCWMP GRANT DISBURSEMENTS** Administrator Beyer stated that the Claims of December 15, 2022, approved earlier in the meeting included disbursements of Joint Watershed Based Implementation Fund Grant C21-9685 (\$4,104.44) and C23-5729 (\$354.07).
- UPDATES** Board managers discussed drainage proposals brought to the Drainage Work Group. Board Manager Linda Vavra was elected as MAWD President.
- WOLD LEAVES** Board Manager Wold left the meeting.
- 2023 COLA**

Based on information gathered from counties and health insurance costs, Gillespie relayed a Personnel Committee cost of living adjustment of 3% for employees in 2023. Upon motion by Deal, seconded by Beyer and carried unanimously, the recommendation was approved.

The meeting was adjourned at 12:14 pm.