

**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.