

**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.