

**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.

<b>WCD #SUB-1</b>	The District is waiting for \$5,000 in order to fulfill bond requirements.
<b>JD#6 UPDATE &amp; BOND</b>	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..
<b>DISTRICT WORKSHOPS</b>	Board managers discussed topics to be included in upcoming district landowner workshops.
<b>REDPATH PHASE 2 FUNDING STRATEGY</b>	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.
<b>REDPATH PHASE 2 DECLARATION OF RESTRICT CONVENANTS</b>	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.
<b>LTWQIP NO. 1 PHASE #2</b>	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.
<b>LTWQIP NO. 2 PHASE #3</b>	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.
<b>640<sup>TH</sup> ROAD RAISE</b>	No contact has been received from Dollymount engineering staff.
<b>SPRING FLOODS</b>	Engineering staff toured District flooding hotspots this spring.
<b>WESTERN 32 TREE REMOVAL</b>	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.
<b>DISTRICT VEHICLE</b>	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.
<b>JCWMP REIMBURSEMENT</b>	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.
<b>WBIF GRANT #2</b>	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.
<b>RECORDS RETENTION SCHEDULE</b>	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.