

**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.