

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
January 26, 2023**

- 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, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag, Jerome Deal. Also present: District Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: LTWQIP Phase #3, Permit #22-050, BdSWd Policy Committee Member Recommendations, Stream Gauging.
- CONSENT AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- CONFLICT OF INTEREST** No conflict of interest was declared.
- PUBLIC COMMENT: ELDORADO** Mr. Bernard Van Zomeren described drainage problems in Eldorado Township and the possibility of initiating a drainage project. Engineering staff will provide Mr. Van Zomeren a timeline of potential action that landowners can take to initiate a drainage project. Staff will coordinate a landowner meeting with those who would be directly affected by a new drainage system on their land.
- PUBLIC COMMENT PA #21-0054** Mr. Ronald Anderson presented pictures of the ditch he created (Permit #21-0054) and a picture of a slope measurement that he took with his equipment. Mr. Anderson stated that he feels the slope is adequate. Attorney Lukas Croaker stated that a Stevens County court judgement has given the District the authorization to repair the ditch this spring; a contractor will be hired and directed according to District engineering staff. President Vavra stated that the ditch is a serious safety hazard and must be repaired. Engineering staff agreed to communicate with Mr. Anderson regarding the proposed solution to repair the ditch.
- WILKIN SWCD PRESENTATION** Craig Lingen of Wilkin SWCD presented information on the SWCD's use of outside funds, including those from the Bois de Sioux Watershed District, to implement several soil health programs with 1-, 3-, 5-year commitment options. Lingen stated that they have been successful in providing all of their available cost share dollars, and that there is a waiting list for future participation.
- LTWQIP NO. 1 PHASE #3** Engineering staff delivered construction contracts to Wagner Company, Inc. and are awaiting signatures and submission of the required documents. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the District President and staff are authorized to sign the required documents on behalf of the District.
- PA #22-050 FINDLAY & ZYCH SURVEY** Engineer Technician Troy Fridgen is working with neighboring landowners for work approved under Permit Application #22-050, Nick Findlay and Daly Zych, Section 12, Arthur Township, Traverse County. DNR staff requested a limited survey. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, Engineer Troy Fridgen is authorized to collect and provide survey information to the DNR.
- GCD #21 PRELIMINARY SURVEY PUBLIC HEARING** The GCD #21 Minn. Stat. Sec. 103E.241 Preliminary Survey Report was filed and forwarded to the Wilkin County Auditor and DNR representatives. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the Order for a Public Hearing on the Preliminary Survey Report was approved. The hearing will be held February 23, 2023.
- FEBRUARY BOARD MEETING MOVED** Board members discussed conflicts with the February 16, 2023 board meeting. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the February board meeting will be held February 23, 2023.
- WCD #25** Board Manager Beyer is circulating a WCD #25 petition amongst landowners.
- WCD #SUB-1 HEARINGS** Dahlen motioned, seconded by Kapphahn and carried unanimously, to open the Final Hearing on the Improvement Petition, Detailed Survey Report, and Viewers' Report for the Redetermination of Benefits and Damages for the Improvement of Wilkin County Ditch #Sub-1 (WCD # 1). Attorney Croaker

introduced the hearing procedures and confirmed that Viewers Mark Dietz and Dwight Veldhouse were present, and Viewer Mark Dietz was not present.

Engineer Guler described the purpose of the project – to reconstruct the ditch, resulting in a new channel bottom profile, new channel cross-sections, new road crossings, side inlet culverts and trap gates, grassed buffers, and grade stabilization features. Attorney Croaker confirmed that the District’s engineer found that: the improvement is necessary, a proper petition has been submitted, and that the benefits of the proposed project exceed the project’s estimated costs, including damages paid.

Engineer Guler presented the Detailed Survey Report, which included a project map, system alignment, extents, culvert crossings analysis, channel cross sections, plan profile sheets and water elevations pre- and post-project. The proposed project is designed for a 10-year precipitation event, which is just under 4” in 24 hours in this location. The proposed project will not be deeper than the original ditch at the outlet. From the outlet, the proposed grade line will have a flatter profile, causing the grade line to gradually become deeper than the original grade line moving upstream. The proposed cross section of the ditch system adjusts the side slopes from 2.5:1 to flatter 3:1 and 4:1 slopes. This change will result in a slightly more cross-sectional area of the channel and, along with the flatter profile, will result in reduced velocities and less chance for in-channel erosion. Side inlet culverts are included in the project, but locations will be finalized on-site with landowners during construction.

Engineering started the design by looking at the outlet, to ensure the proposed project would not worsen a current condition. Then design features encourage the project area to function as an integrated system. The proposed channel is larger at the outlet to handle the cumulative flow, and the channel becomes smaller as it makes its way upstream, to handle less cumulative flow. Overall, the proposed design will equalize breakouts, as much as possible, with the goal that water inundation during larger events will leave the system equally at points upstream, mid-stream, and downstream. A drop of in-channel water elevation will be realized by the widening and deepening of the channel. District Engineer Chad Engels stated that, although the proposed project is not designed to mitigate large flood events, WCD # 1 is located in an “early water” zone of the District and runoff from this location is generally ahead of the flood crest at Breckenridge.

The estimated total cost for the project is \$3,660,000. Of this amount, \$2,300,000 is estimated to be the local cost. The District and Wilkin Soil and Water Conservation District applied for a competitive Clean Water Fund Grant in the amount of \$525,000, which is administered by the Board of Water and Soil Resources. In December 2022, the District was notified that it was not awarded the full amount, and instead was awarded \$244,150. The Board agreed to allocate internal funding in the amount of \$540,850 from the District’s Clean Water Grant and \$580,000 from the District’s Inline Culvert Grant for clean water elements and inline culvert crossings.

Discussion was held on a 24” culvert through the County Highway in Section 19 that was found to have limited, or barely any, measurable hydraulic benefit to the ditch. Because the culvert is not a side-inlet that brings flow into the ditch, but rather is a culvert that removes flow from the ditch, and because it does not serve as a crossing for the ditch, it was determined through discussion that the culvert belongs to Wilkin County and does not fall under the authority of the District.

Attorney Croaker described the formal process, and the Viewers’ Report and Property Owner’s Report were reviewed. The Viewers’ Report sets a monetary maximum limit for ditch construction, assigns a proportion of ditch expense (as a percentage) that each benefited 40-acre parcel is responsible for, and sets the damages payment to landowners for acquisition of easements. Factors affecting these figures are soil types, proximity rating, and hydraulic efficiency. Viewer Veldhouse provided an overall presentation of the current and proposed assessment district. Viewer Veldhouse introduced the Viewers’ Report and described their methodology. Farmsteads, regardless of their actual size, were assessed as 1-acre. Culvert elevations were taken into account in the Viewers’ calculations. Four or five trips were made by the Viewers to see the assessment district, including at least one visit following a ditch clean-out. Protection benefits were considered. Details about the redetermined assessment district were given, including compensation for the easements that will be required:

Permanent Ditch Channel Easement	Will apply to the area encompassed by the road, ditch channel and berm, and buffer area. Landowners will be compensated for the amount of this land that is currently being cultivated at \$12,000/acre for the North/South Channel in Section 15 and
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\$8,000/acre elsewhere along the ditch system. Landowners will not be able to cultivate these acres in the future.

Permanent Backslope

Will apply to the area adjacent to the Permanent Ditch Channel Easement.

Easement

Landowners will be compensated at \$350/acre and the District has the right to use the area for construction for two years (for a total of \$700/acre). The land can be used by the District for future maintenance, repairs, and spoils, but District activities cannot damage crops without compensation.

Engineer James Guler stated that comments from the US Army Corps of Engineers were received January 11, 2023 and the DNR Advisory Report was received November 21, 2022, he then proceeded to read the advisory report into the record. The DNR advisory review found the Engineer's Report complete and acceptable as a project plan.

Landowners were given an opportunity to provide comments. Several questions were answered during the engineer and viewers' presentations. Three landowners requested individual meetings with Viewers Dwight Veldhouse and Donald Metz. These meetings were held in a separate room as the board meeting continued. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the public hearing was closed.

**WCD #SUB-1
GRANT
AGREEMENT**

Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, the grant agreement with the State of Minnesota, in the amount of \$244,150, was approved.

DORAN CREEK

Garrett Monson and Tara Ostendorf of Moore Engineering presented the project purpose, general project design, and funding strategy for Doran Creek. The proposed project would address 80% of the 10-year sediment reduction goal and 53% of the 10-year nutrient reduction goal for the Lake Traverse & Bois de Sioux Watershed District planning region. Initial steps were outlined with a watershed management district set for establishment in Spring 2023. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, engineering and District staff are authorized to develop a Memorandum of Agreement for voluntary RIM easements and to establish a funding partner project team.

FIVEMILE CREEK

Moore Engineering presented a proposal to survey and analyze the existing condition of Fivemile Creek, and create an unsteady, 2D RAS river model. In consultation with the DNR, engineering staff were told that this level of effort is the DNR's expectation for the development of a restoration project that can be permitted. The model can be used for other projects in the same region. Upon motion by Schmidt, seconded by Kapphahn and carried unanimously, the January 25, 2023 Proposal for Fivemile Creek Study was approved, in the amount of \$162,800 to be funded \$100,000 from Joint Comprehensive Watershed Management Grant C23-5729 and the balance from the Construction Fund.

**DAHLEN &
SCHMIDT LEAVE**

Dahlen and Schmidt left the meeting.

**REDPATH
PHASE 2A**

Engineering staff stated that each phase of the Redpath project will need to receive a permit from the DNR, and Phase 2A was recently awarded a DNR permit. Upon motion by Beyer, seconded by Wold and carried unanimously, engineering staff are authorized to advertise the project for bid.

**ELBOW LAKE
OHWL**

A letter was drafted and delivered to Grant County for their use in appealing the Ordinary High Water Level for Elbow Lake.

**NORTH OTTAWA
PT RECS**

The North Ottawa Project Team met and discussed several budget items, including: replacement of two gate mechanisms; tree removal; chains and posts across non-gravel/maintenance paths; a weather station; restroom facility; visitor brochure. The Project Team will meet again in March.

**LIGHTNING LAKE
PROJECT ESTAB.**

A 404 Federal Permit was issued for Lightning Lake. DNR Area Hydrologist Emily Siira notified the District the DNR's Findings of Fact and permit will be issued by the end of the week. Attorney Lukas Croaker recommended that the District initiate project establishment based on Minn. Stat. § 103D.601. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the Preliminary Resolution is approved, the District engineer is directed to prepare a preliminary report advising the

managers whether the proposed project is feasible and estimating the cost of the project, and the Preliminary Resolution Hearing will be held on February 23, 2023.

DISTRICT LAND SALE

Board managers discussed the process to receive offers on land the District owns located in Section 32, Western Township, Otter Tail County ("Copeland" land). Board managers emphasized their preference to keep the land in production, to continue and protect the District's tax base, and to protect the health and welfare of the public served. Board managers reviewed the draft notice, offer forms, and purchase agreement and recommended changes. Gillespie recommended a 45-day closing period. Kapphahn advised staff to have the land abstract updated now. Offers will be received and considered during a closed session of the District meeting, held pursuant to Minn. Stat. § 13D.05, Subd. 3(c)(3), on March 16, 2023. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, staff are authorized to proceed with the recommended changes and revised documents.

WCD #SUB-1

Viewers Dwight Veldhouse and Donald Metz returned to the meeting following meetings with Mr. Dale Hurni, Mr. Brady Barth, and Mr. Doug Christenson. No changes to the Viewers' Report were made as a result of the meetings. A note of project opposition was read from Mr. James and Mrs. Delores Hansen. Upon motion by Beyer, seconded by Gillespie, and carried unanimously, the Findings of Fact and Order for the Establishment of the Improvement of WCD # 1 was approved.

POLICY/RULES COMMITTEE

Board members discussed recommendations by members of the District's Policy Committee who met in January. Administrator Jamie Beyer requested that the committee be renamed, as it is causing confusion with the 1W1Plan Policy Committee. Board members agreed to rename the committee the "Rules Committee." Issues discussed were incorporated in the update of the District's Rules, Bylaws and Policies draft versions. Upon motion by Schmidt, seconded by Gillespie and carried unanimously, staff are authorized to establish a \$50,000 budget to use construction funds to remove silt, sediment, beaver dams, trees, and other debris from public water courses up to 1/2 mile downstream of a 103E ditch outlet, and establish a \$10,000 budget to use construction funds to remove problematic beavers/dams outside of public drainage systems.

STREAM GAGE GRANT

Engineer Technician Troy Fridgen stated that the US Army Corps of Engineers has a grant available to upgrade existing stream gage equipment and to add sites, in an effort to put gages on a standard, modern DATUM. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, engineering staff are authorized to work with the Corps to utilize grant funds. Board Manager Beyer requested additional sites be added between the White Rock Dam and Breckenridge on the Bois de Sioux River.

JCWMP GRANT DISBURSEMENTS

Administrator Jamie Beyer stated that two Joint Comprehensive Watershed Management Plan grant disbursements were included with the meeting's approved claims: \$1,891.91 to Grant SWCD and \$1,530.81 to West Otter Tail SWCD.

PROPERTY TAX EXEMPTIONS

Board managers reviewed annual property tax exemptions for District-owned parcels not put into agricultural production. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, staff are authorized to submit the corresponding property tax exemption requests.

2023 DITCH BUDGET

Administrator Beyer stated that the individual ditch fund assessments set in December are aggregated to create a budget for 2023 for the entire fund, and following the approval of the individual fund amounts, she puts together a budget for the entire ditch fund by account. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the 2023 Ditch Budget was approved.

END OF YEAR JOURNAL ENTRIES

Upon motion by Beyer, seconded by Gillespie 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, general ditch expenses allocated to individual ditch funds) were approved.

MAWD MEETING DELEGATES

MAWD will be holding a delegate session to consider approval of bylaw changes and a change to the organization's name. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, Board Managers Beyer and Brutlag are designated delegates.

EDUCATION POLICY

Administrator Beyer presented the District's Education Policy, along with a list of upcoming events.

**ENGINEERING &
LEGAL RATES**

Upon motion by Gillespie, seconded by Beyer and carried unanimously, proposed engineering and legal hourly rates were approved for 2023.

**ENGINEERING
INTERN**

Board managers discussed the larger-than-normal number of construction projects anticipated for 2023 construction. Upon motion by Schmidt, seconded by Kapphahn and carried unanimously, staff are authorized to hire an intern, if a qualified and available candidate can be found.

The meeting was adjourned at 3:00 pm.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
February 27, 2023**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:00 a.m. The regular board meeting scheduled February 23, 2023 was cancelled due to inclement weather. Present in the District Office: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag. Also present: District Engineer Chad Engels, Engineer James Guler, Attorney Sarah Wear, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: MPCA Doran Creek Request, Fivemile Creek Update and Landowner Meeting, HSEM 2022 Flood Disaster Claim.
- CONFLICT OF INTEREST** No conflict of interest was declared.
- CONSENT AGENDA** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- Upon motion by Deal, seconded by Dahlen and carried unanimously, Engineer Technician Troy Fridgen is authorized to inspect the first cycle of District drainage systems (which is located in the northern region of the District).
- WCD #SUB-1 AMENDMENT** Board managers reviewed corrections to the WCD #Sub-1 Viewers' Report. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Amendment No. 1 to the Findings and Order Establishing the Project was approved. Board managers reviewed price quotes to move utilities outside of the project construction footprint. Board Manager Kapphahn stated that electric utilities do receive benefits when power lines are buried. Engineer Technician Troy Fridgen suggested that utility 5-year capital improvement plans be collected, to see if there are planned improvements planned in areas of drainage systems – the District may be able to compel utility service to be placed out of the potential project right-of-way. Upon motion by Deal, seconded by Dahlen and carried unanimously, the Traverse Electric utility price quotes of \$17,981.55, \$63,383.11, \$17,441.36, and \$32,280.25 for utility relocation were approved. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Arvig utility price quote of \$20,298.30 for utility relocation was approved.
- TCD #1 MEETING AUTHORIZED** Engineering staff presented current and recommended culvert sizes proposed in coordination with a MN-DOT Hwy 27 project affecting TCD #1. The project will not be constructed this year. Upon motion by Beyer, seconded by Deal and carried unanimously, the District authorized a landowner meeting to gauge interest in a petitioned repair or improvement project.
- TCD #16 MEETING AUTHORIZED** Engineer Technician Troy Fridgen stated that a landowner has expressed interest in a project in the TCD #16 drainage system. Upon motion by Beyer, seconded by Deal and carried unanimously, staff are authorized to hold an informal landowner meeting.
- BDSWD DITCH NO. 5 MEETING** Engineering staff relayed the results of a meeting with landowners who would be directly affected by a proposed legal drainage system in Section 24 of Dollymount Township and Sections 19, 20, and 21 of Eldorado Township. Board managers discussed the requirement that the 640th road raise project be constructed first. Upon motion by Beyer, seconded by Deal and carried unanimously, the District authorized an informal meeting with landowners in the watershed that would potentially be assessed to a future benefit area if the ditch were to be established.
- VIEWERS** Board managers discussed the need for additional drainage system viewers and the desire to find individuals from the area who are familiar with land conditions in the District. Board managers are asked to provide contact information for individuals who may be interested in viewing. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to contact individuals from the statewide viewer list.
- LAKE TRAVERSE-MUD LAKE** Representatives from the United States Army Corps of Engineers have held two in-person listening sessions and one virtual listening session to collect initial comments on the update to the Lake Traverse-Mud Lake operations manual. Staff and board managers participated in the meetings, and put District

comments in a proposed draft comment letter. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, staff are authorized to send the comment letter to the United States Army Corps of Engineers, which includes a request for the US Army Corps to perform maintenance to restore the channel to its original design standard.

MDA WEED GRANT APPLICATION Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, staff are authorized to submit a Minnesota Department of Agriculture Noxious Weed Treatment grant application in the amount of \$5,000.

GRANT SWCD WATER DAY Upon motion by Wold, seconded by Beyer and carried unanimously, staff are authorized to participate in the programming for the Grant SWCD Water Day, to be held from 4 – 7 pm on April 4th, 2023.

MOONSHINE IMPOUNDMENT A historic lakebed in Moonshine Township is currently providing impromptu spring snowmelt runoff storage for the City of Graceville when a downstream channel is frozen and East Toqua is full. Engineering staff have looked at the natural features of the site and have determined there is potential for significant gated storage that could be achieved with minimal berming. A potential project would include a modest dam embankment and a spillway; spring flood conditions and summer operations would be detailed in a formal operations plan. Because of the proximity of the site to the Red River, the project would likely score low with RRWMB funding criteria. No engineer's report (and no cost estimate) has been authorized. Board managers and engineering staff discussed project features that would provide local landowner benefits, including consideration of the downstream channel. Board Manager Gillespie will speak with the three affected landowners directly.

REDPATH PHASE 2 MUSTINKA RIVER REHABILITATION Engineering staff held a pre-bid meeting to answer questions on Redpath Phase 2 bid documents. Bid amounts will determine the length of the Mustinka River restoration and Redpath levy that can be built. Construction will likely be restricted to Redpath Township, Sections 15 and 16.

DORAN CREEK RESTORATION Moore Engineering staff, Garrett Monson and Tara Ostendorf, provided a presentation on the Restoration of Doran Creek, which aims to restore 19.25 miles of channel, remove up to 3' of sediment, reshape the floodplain, and use side inlet culverts to reduce sediment contributions to the channel in the future. The total cost of the project is estimated to be \$8.4 million. One of the potential funding programs available is the RIM easement program, administered by the Board of Water and Soil Resources. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, staff are authorized to prepare the Minn. Stat. Sec. 103D.605, Subd. 2 project plan, and RIM application documents (Doran Creek Restoration Project partner letter and joint cooperative agreement) were approved. Upon motion by Beyer, seconded by Deal and carried unanimously, staff are authorized to apply for an NRCS National Water Quality Initiative Planning Grant to cover a portion of the project development costs.

Board managers reviewed a draft letter on behalf of the District in response to an informal notification that MPCA representatives are considering a reclassification of Doran Creek. Kapphahn motioned to approve the letter. No second. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the letter was approved with a correction from "Doran Slough" to "Doran Creek."

NORTH OTTAWA The North Ottawa Project Team will be meeting in March to discuss operator crops and bathroom facilities.

FIVEMILE CREEK Grant County Zoning Employee Greg Lillemon requested a Fivemile Creek landowners meeting. Board managers discussed possible impacts to the area in the future, including the Redpath Flood Impoundment, Mustinka River Rehabilitation, Grant County Ditch #8, and a possible future diversion channel. Board managers recently approved a modeling study, so there is little to report at this time. Board Manager Gillespie requested that a potential timeline be identified. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to create and present a draft Fivemile landowner letter at the next board manager meeting.

FLOOD 2022 Upon motion by Beyer, seconded by Deal and carried unanimously, the District will accept the 75% reimbursement offered by the Homeland Security Emergency Management office for Flood 2022 damages, in the amount of \$59,756.85.

WBIF DISBURSEMENTS Two Watershed Based Implementation Fund grant disbursements were included in the February 27, 2023 payable: \$5,042.99 was paid to Traverse SWCD and \$103,354.73 was paid to Wilkin SWCD.

JUNE 19TH

The State of Minnesota recently added Juneteenth, June 19th, to Minn. Stat. Section 645.44, subdivision 5 as a public holiday, effective August 2023. As a result, the District is required to add this holiday to its list of employee holidays.

COVER CROP PROGRAM

Stevens SWCD provided a report and reimbursement in the amount of \$3,700 for the unused portion of a cover crop program provided to Stevens SWCD on behalf of the District in 2020.

INTEREST RATES

Board managers discussed interest rates and requested that staff verify that the District's funds are being placed in high-interest bearing accounts.

Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
March 16, 2023**

- 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, John Kapphahn (arrived later), Steven Schmidt. Absent: Ben Brutlag, Allen Wold. Also present: District Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Dahlen, seconded by Deal and carried unanimously, the agenda was approved.
- CONFLICT OF INTEREST** No conflict of interest was declared.
- CONSENT AGENDA** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** No public comment was received.
- WCD #SUB-1** Engineering staff requested a special meeting to be held after March 23, 2023, to consider bids received for the Improvement and Retrofit of WCD #Sub-1. Upon motion by Beyer, seconded by Dahlen and carried unanimously, a special meeting will be held March 24, 2023 at 2:00 pm. Engineering and legal staff continue to oppose terms of a Wilkin County project permit, that attempt to absolve road authority responsibilities assigned in Minnesota Statute.
- BDSWD DITCH NO. 5 MEETING** Two informal landowner meetings were hosted for landowners likely affected by a drainage project and assessment district at the Stevens-Traverse County line in the southwestern area of the watershed district. Landowners are circulating a petition for a new drainage system. Construction of the new drainage system would be contingent upon completion of the 640th Road Raise construction by Dollymount Township.
- GCD #21 TRANSFER** Attorney Lukas Croaker stated that the District received a sign resolution transferring the drainage system authority of Grant County Ditch #21 from Grant County to the District.
- KAPPAHNN ARRIVES** Board Manager Kapphahn arrived at the meeting.
- 103E.261 HEARING FOR GCD #21** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Minn. Stat. Sect. 103E.261 Hearing on the Preliminary Survey Report for GCD #21 was opened. Engineer James Guler described the location, history, and condition of GCD #21, and the need to improve the drainage system to meet modern standards. Members of the public were given an opportunity to provide comments on the need for the improvement project and certain design aspects related to the proposed project. Construction estimates per acre are higher than previous District retrofits, as external clean water funds don't recognize features of underground systems. Engineering staff identified some project features that could be eliminated from the project to reduce the cost (reducing Branch 1 length from 30' to 24', converting a portion of the underground tile to an open channel, stopping Branch 2 in Section 21, etc.). Discussion was also held to spread the cost over a 20-year term instead of a 15-year term. Engineering staff will also review crossings for which road authorities are responsible to replace. Staff were asked to meet with Grant County and Delaware Township prior to the Detailed Survey Report hearing. 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 Dahlen, seconded by Deal and carried unanimously, the Findings of Fact, Order and Administrator's Order Designating Viewers' Meeting was approved. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing was closed.
- 103D.601 HEARING FOR LIGHTNIGHT LAKE NO. 1** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Minn. Stat. Sect. 103D.601 Preliminary Report Hearing was opened for the Lightning Lake No. 1 Project. Engineering staff presented the current culvert and dam condition and plans to increase the culvert size and replace the current dam with two staggered rock weirs. The new system will maintain the current OHWL, but will

feature a small notch that will allow for continuous flow into the downstream channel at X elevation. Permanent and temporary easements will be required for construction and future maintenance. Board managers requested that engineering and legal staff meet with DNR, Stoneybrook Township, and Grant County officials to determine who the future owner of the project will be and to draft legal documents accordingly. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the Preliminary Resolution for the Establishment of the Lightning Lake Project No. 1 was approved. Representatives from the Grant County Highway Department stated that there is a 4-6 month backorder of concrete culverts, and recommended that the District considering those ahead of a potential fall construction. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the District will preorder culverts for the project. Engineering staff will collect price quotes for the project culvert and present them at a later meeting. Upon motion by Deal, seconded by Dahlen and carried unanimously, the hearing was closed.

MOONSHINE Board Manager Gillespie continues to meet with individual landowners affected by a project in Moonshine township. He requested that engineering staff meet with the permitting DNR representative to explore what aspects could be included, as a retention project would outlet to a downstream drainage system that is also classified as a public water.

REDPATH 2A BIDS Engineer James Guler presented bids received for the Redpath Impoundment Phase 2A project. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, a Notice of Award in the amount of \$4,825,212.25 to John Riley Construction, Inc. was approved. A subcontractor will be needed to perform on-site compaction testing; a Request for Qualifications has been drafted by engineering staff. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the Request for Qualifications was approved. The Red River Watershed Management Board provided a draft Redpath funding agreement that has been reviewed by engineering and legal staff. Attorney Lukas Croaker requested that Red River Watershed Management Board Executive Director be notified that the District has a concern over Default Section C(1), which specifies that the project must be completed pursuant to the Engineer's Report schedule and if it fails to meet these deadlines, the District will be required to return unused grant funds. The concern is the District's schedule is dependent on external funding sources of which the District has no control.

DORAN CREEK Upon motion by Beyer, seconded by Deal and carried unanimously, Attorney Lukas Croaker's recommendation to remove project phase details from Doran Creek partner funding agreements was approved.

NORTH OTTAWA Administrator Jamie Beyer relayed the North Ottawa Project Team's recommendation that the 2023 crop planting plan be: 3 cells unrestricted (one cell to include sugarbeets), 2 cells restricted to corn silage/small grain. Board managers expressed no opposition. Board Manager John Kapphahn contacted Runestone regarding an option to bring fiber optic internet to the North Ottawa Impoundment.

FIVEMILE CREEK Board managers reviewed a Fivemile Creek landowner letter drafted by District staff. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, staff are authorized to send the letter to area landowners.

COPELAND WESTERN 32 Pursuant to Minn. Stat. Sec. 13D.05, Subd. 3(c)(3), President Vavra closed the meeting to consider offers for the sale of the following real property: Southwest Quarter (SW ¼) of Section 32, Township 131, Range 44, Otter Tail County, Minnesota; Quarter section, more or less, subject to any easements or reservations of record. Property ID #61000320151000. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the meeting was reopened. Upon motion by Beyer, seconded by Dahlen and carried unanimously, legal staff are authorized to contact the three highest offerors and negotiate the land sale.

JCWMP WBIF Upon motion by Beyer, seconded by Dahlen and carried unanimously, Joint Comprehensive Watershed Management Plan grant disbursement reimbursements to the District in the amounts of \$1,188.12 and \$75,067.13 (they were also included with the Claims of March 16, 2023).

DWG Board managers discussed participation in the Drainage Workgroup and legislative efforts.

The meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
March 24, 2023**

CALL TO ORDER The meeting was called to order by President Vavra at 2:00 p.m. Present in the District Office: Linda Vavra, Jason Beyer, Ben Brutlag (arrived later), Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Allen Wold. Absent: Steven Schmidt. Also present: Engineer James Guler (online), Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.

**WCD #SUB-1
BID** Engineer James Guler presented bids received for the Retrofit and Improvement of Wilkin County Ditch #Sub-1. The apparent low bidder was Gladen Construction with a bid of \$1,664,673.50. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Notice of Award was approved.

**CLEAN WATER
COST SHARE
POLICY** Administrator Jamie Beyer stated that there are several state grant and loan programs that cover costs for repairs and replacements of wastewater and stormwater systems that divert surface water underground to a downstream outlet. Board managers were asked if they were interested in staff reviewing programs in an effort to recognize sediment reductions in public tile systems. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, staff are authorized to draft a cost share policy for 103E public tile drainage systems.

**COPELAND /
WESTERN 32
LAND OFFER** Attorney Lukas Croaker reported that he contacted the three individuals who provided offers for the sale of the Copeland land located in the SW1/4 of Section 32, Western Township, Otter Tail County, MN owned by the District. Two of the three individuals attended a follow-up meeting hosted by Attorney Lukas Croaker and Engineer Technician Troy Fridgen. A final offer was negotiated at a price of \$1,135,000 by Mr. Nicholas Coleman.

BRUTLAG ARRIVES Board Manager Ben Brutlag arrived at the meeting.

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the \$1,135,000 offer from Mr. Nicholas Coleman was accepted.

The meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
April 20, 2023**

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, Scott Gillespie, John Kapphahn, Steven Schmidt, Allen Wold. Also present: District Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker (arrived later), Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.

AGENDA Upon motion by Deal, seconded by Dahlen and carried unanimously, the agenda was approved with the following changes: additions of Permit Application #23-030, Flood Update, and Redpath Change Order and subtractions of 2022 Audit Presentation, Clean Water Cost Share Policy, and Culvert Sizing Cost Share Policy.

CONFLICT OF INTEREST No conflict of interest was declared.

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

PUBLIC COMMENT No public comment was received.

**PERMIT APP. #23-028
C. DAVISON** Mr. Chad Davison described the project on Permit Application #23-028, which includes the installation of a flap gate on an existing township road centerline culvert through 310th Street downstream of a previously approved resized culvert (the culvert has not been installed yet). The applicant made an appeal to the board to reverse the decision of staff to deny the permit application. The District Engineer, Chad Engels, explained why placing flap gates on culverts within river floodplains is counter to District flood management objectives. The board upheld the denial and recommended that the applicant seek to improve the road ditch on the north side of 310th Street from his previously approved culvert to the Rabbit River.

**PERMIT APP. #23-032
T. HOFER** The permit application is considered by the board because the proposed projects crosses a subwatershed boundary. The system would be controlled by a pump. Mr. John Tritz's letter of opposition was read and included concerns regarding the present condition of the downstream ditch. Several neighboring landowners voiced similar concerns. Gillespie motioned, seconded by Kapphahn and carried unanimously; the permit application is approved with the condition that sediment be removed from the first downstream mile.

**PERMIT APP. #23-029
T. ARENS** Mr. Tom Arens presented details of a drainage project, controlled with a pump, that would outlet to the section line between Sections 35 and 36 instead of flow being directed to the SW1/4 of the SE1/4 of Section 35. There is no change proposed to surface drainage flows. Mr. Arens stated that the farmsite in the SW1/4 of Section 36 did not flood this spring.

CROAKER ARRIVES Attorney Lukas Croaker arrived at the meeting.

**TCD #4 PETITION
V. FICKES** District Engineer Chad Engels stated that the addition of flapgates on road crossings changes the flow of water under spring flood conditions and decreases flood storage availability. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the permit application is approved with the conditions that sediment be removed from the first downstream mile and that authorization for boring be obtained from the respective township road authority. The flap gate was not approved in the motion.

**#23-030
T. FRISCH &
S. GRIMES** Upon motion by Gillespie, seconded by Beyer and carried unanimously, the hearing was opened to consider the petition from Virginia Fickes to use Traverse County Ditch #4 as an outlet for the following portion of Parcel # 09-0025-000, SE1/4 of Section 6, Range 44, Logan Township (127), Grant County. 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 #4 drainage watershed. Engineering staff calculated the \$1,823.75 entrance fee and the \$296.00 benefitted amount. Gillespie motioned, seconded by Beyer and carried unanimously, to approve the order. Beyer motioned, seconded by Deal and carried unanimously, to close the hearing.

Engineer Technician Troy Fridgen recommended that the board consider permit application #23-030 for discussion. Manager Schmidt stated that projects can expose that downstream drainage ditches are not working effectively and have sediment affecting a workable grade. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the permit application was approved.

2023 FLOOD UPDATE

Engineering staff presented 2023 Spring Flood conditions utilizing a new online tool to document stream gage readings, flood imagery, and the locations of preventative measures taken to remove snow and ice from drainage ditches. One significant factor that influenced the characteristics of the flood was 70-degree weather in Elbow Lake and 40-degree weather in Wheaton & Dumont. District Engineer Chad Engels stated that the vast majority of the public drainage systems were blocked with snow and ice, in addition they are not designed to carry spring flood flow volumes. Board Manager Steven Schmidt stated that in places where the drainage ditches were full of snow and ice, roads overtopped, eradicating the flood control that roads can provide. Engineer Technician Troy Fridgen stated that snow was packed in places as high as the drainage ditch is deep.

Doran Creek: Flooding occurred in the Rabbit River on and after April 16th. Today, WCD #Sub-1 is backed-up east of Highway 75, possibly because the outlet is full. Board Manager Beyer stated that the new Campbell city bridge needs a stream gage.

WCD #8 & #9: Runoff to WCD #8 came quickly. As Engineer Technician Troy Fridgen was documenting a breakout on the north-south stretch of WCD #9, the road washed out behind him. The Upper Rabbit River Tributary did not breach the ridge in Western Twp Section 32.

JD #11: Board Manager Wold stated that snow and ice in the JD #11 channel melted on April 19.

North Ottawa: Engineering staff emphasized how quickly melted snow and ice arrived in the area of the North Ottawa Impoundment, overtopping roads and overwhelming the frozen collection channel, threatening area farmsteads and a large dairy. Engineer Technician Troy Fridgen stated that each of the inlets on the Impoundment A cells had to be heated to open, and that the road down the center of the Impoundment hadn't been plowed, slowing access. The current elevation is 1012' and water is still coming in. The Impoundment is not discharging now. District Engineer Chad Engels stated that the District could consider raising the road next to the collection channel, along with the overflows (or eliminate them, some are very small). Board Manager Beyer stated that the stereotypical early-middle-late flood timing was flipped this event. Board Manager Brutlag stated that in one day, 1' of snow that covered the open farm fields rapidly melted away. Some areas experienced higher water than in 1997.

JD #14/Mustinka River: The channel was completely jammed with snow and ice; some water broke out and cut to the Rabbit River watershed. District Engineer Chad Engels stated that a ring dike will likely be needed at the Eggers farmstead, immediately upstream of the Redpath Flood Impoundment. Board Manager Beyer recommended that Traverse County submit a permit application to increase the size of a culvert that replaced a former bridge under County Road 16 by the Krenz farmstead. Some areas experienced higher water than in 1997.

Twelvemile Creek to Dumont: District Engineer Chad Engels stated that this event highlighted the lack of control over flooding in this watershed. Without the placement of sandbags on the Dumont levy April 14, floodwaters would have overtopped the levy. The Traverse County Highway and bridge in Dumont had 1.2 feet of headloss at the crest of the flood. Individuals on-site argued whether floodwaters should be kept on the east side of Highway 75, as it would go north if allowed to cross Highway 75. The creek remained at high levels from April 14 – 16, and it is anticipated that two additional surges will be experienced – following the opening of JD #4 and Moonshine. Improved flood risk reduction is needed for the City of Dumont.

Twelvemile Creek downstream of Dumont: Channels and ditches downstream of Dumont were frozen. A portion of flow broke out to Eighteenmile Creek, with significantly

smaller road culverts, eventually flooding at least 4 separate properties. Some areas experienced higher water than in 1997.

Moonshine: Snow and artificial blocks are currently holding floodwaters in storage. The gravel road bisecting the Moonshine Lakebed overtopped for $\frac{3}{4}$ of a mile. District Engineer Chad Engels suggested that a potential storage project may need equalizer culverts to protect the road; Board Manager Scott Gillespie stated that the road is a main travel route for neighboring landowners. Once discharge begins, the lakebed will empty in 2.5 days. Board Manager Scott Gillespie stated that if a future project includes the flattening of downstream ditch slopes, established grass will prevent future sedimentation and maintenance costs. JD #4 opened yesterday and is now south of Dumont.

TCD #52: The Phase 2 channel was partially opened; there appears to be minor damage to some vegetation. The upstream end of Phase 2 was at/near capacity due to downstream snow and ice pinching the full width of the channel. Phase 3 opened April 18.

Lake Traverse: Because the Mustinka River was frozen, a portion of the flow bypassed to the North of Wheaton and entered Mud Lake directly, from the east. Flows overtopped Highway 27 in at least two places on April 17 and receded April 18. Lake Traverse elevations are at 979'. The Reservation Dam was briefly open, but has been closed.

Board Manager Deal complimented Engineer Technician Troy Fridgen on his efforts and long hours, reporting that property in Clifton Township suffered minimal damage. Engineer Technician Troy Fridgen managed 63 sites (but not all the sites required work by a contractor).

WCD #SUB-1 Engineering staff have identified an additional culvert that should be considered for inclusion in the WCD #Sub-1 drainage project, at an estimated cost of \$30,000 - \$50,000, that would be paid for through the District's Culvert Sizing Cost Share Policy. Beyer motioned, seconded by Dahlen and carried unanimously, staff are authorized to create plans and specs for the culvert and create a subsequent change order for later approval. Engineering staff have packaged a construction agreement. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the Notice to Proceed was approved.

WCD #25 Board Manager Beyer continues to contact landowners. Engineering staff stated that a petition is needed ahead of a preliminary engineering report, which is needed in order to complete a Clean Water grant application (due July 2023 for construction in 2024).

LIGHTNING LAKE Engineering staff met with DNR and township officials to identify property and maintenance rights. The DNR will own, operate and maintain all aspects of the project except the road crossing, which will be built within DNR public waters. The township will own and maintain the box culverts. The District will need to secure a temporary construction easement from the project area landowners. Engineer James Guler presented two price quotes for a culvert needed for the project; upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the low price quote from Forterra in the amount of \$102,712.00 was approved.

MOONSHINE District Engineer Chad Engels and Administrator Jamie Beyer met with DNR Representative Ryan Bjerke to discuss possible permitting scenarios for a Moonshine Impoundment and channel improvement project. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to hold a landowner meeting with impoundment owners.

REDPATH PHASE #2 Engineering staff have packaged a construction agreement. Upon motion by Beyer, seconded by Deal and carried unanimously, the Notice to Proceed was approved. A Request for Qualifications was delivered to three geotechnical services companies for site and compaction testing; only one company of the three responded. Upon motion by Dahlen, seconded by Beyer and carried unanimously, a service contract with Braun Intertec was approved.

REDPATH PHASE #1 / TCD #35 Grant County Highway staff reported that a culvert under a county road was damaged during the flood, near the outlet of TCD #35. The damage culvert is scheduled to be resized and replaced in the future during Redpath Impoundment phased construction, but changing the sizing now without adjacent site

work could have unintended consequences. Staff will be directed to replace the culvert with no change in size.

Moore Engineering staff presented options for the future Redpath Collection Channel. Some work has been done to analyze the location of at least three possible routes, and the impact those locations have in relation to alleviating flood pressure on GCD #8 and Twelvemile Creek. Further analysis will be needed once modeling of Fivemile Creek has progressed further.

**DORAN CREEK
LSOHC RIM
APPLICATION**

Administrator Beyer stated that although staff are prepared to submit an application to the Lessard Sams Outdoor Heritage Council on behalf of a dedicated Doran Creek RIM award, discussions with BWSR staff have highlighted several advantages associated with a joint application under the RRWMB's leadership, including reduced grant reporting responsibilities and increased flexibility under a higher award. Attorney Lukas Croaker stated that under the joint application, his concern would be the eventual easement language. Upon motion by Dahlen, seconded by Beyer and carried unanimously, participation in the joint application was approved.

NORTH OTTAWA

Board managers reviewed a DNR North Ottawa dam safety report recently received that describes the condition of North Ottawa in August 2022. Engineer Technician Troy Fridgen identified which repairs have already been made since that time.

**COPELAND /
WESTERN 32**

Staff relayed a notice that closing on the Copeland / Western 32 land sale has been moved from April 14th to April 26th. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the purchase agreement closing date is extended to April 26, 2023, and President Vavra and Administrator Beyer are authorized to sign closing documents.

**WBIF GRANT
AMENDMENT &
REIMBURSEMENTS**

Administrator Beyer stated that the District will not utilize the \$25,000 budgeted for administration of Watershed Based Implementation Fund Grant #21-9685, and recommended that the budget be amended to move \$11,000 from grant administration to Doran Creek Project Development. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the proposed grant budget amendment and reimbursements (\$11,315.51 to Grant SWCD and \$4,890.95 to West Otter Tail SWCD, as included in the approved claims) were approved.

**2022 ANNUAL
REPORT**

Board managers reviewed the draft 2022 District Annual Report. Upon motion by Wold, seconded by Deal and carried unanimously, the report was approved.

**MPCA
PROFESSIONAL
JUDGEMENT
MEETINGS**

Administrator Beyer stated that MPCA has scheduled two Professional Judgement Group meetings on May 9th to discuss natural background factors for impairments. The District has not yet received any information on which waterbodies have been identified for discussion.

The meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
May 18, 2023**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, and Allen Wold; absent: Jason Beyer, Scott Gillespie, John Kapphahn, Steven Schmidt. Also present: Engineer James Guler, Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Wold, seconded by Deal and carried unanimously, the agenda was approved with the following additions: Wilkin SWCD Cover Crop Program Request, Spray Bid, Twelvemile Creek Grant Application, Construction Fund Project Closeouts and Fund Transfers, MPCA Professional Judgement Group Response letter, US Fish and Wildlife Comment letter, and claims of \$8,275.34 to Wagner Company, Inc. and \$195.00 to Olson Tile & Excavating.
- CONFLICT OF INTEREST**
- CONSENT AGENDA** No conflict of interest was declared.
- Upon motion by Wold, seconded by Deal and carried unanimously, the Consent Agenda was approved with the addition of claims of \$8,275.34 to Wagner Company, Inc. and \$195.00 to Olson Tile & Excavating.
- PUBLIC COMMENT BDSWD NO. 5** Mr. Bernard Van Zomeren confirmed that the signature and bond needed for the BdSWD Ditch No. 5 petition have been received by the District, and requested that a landowner meeting be held to confirm interest in the project. Administrator Beyer requested that landowners verify the extents of the proposed system. Attorney Croaker stated that his office will review the sufficiency of the petition.
- WCD #SUB-1** Engineer James Guler stated that Gladen staff anticipate WCD #Sub-1 construction will begin the third week of June, along with utility relocations. Administrator Jamie Beyer stated that Wilkin County Commissioners recently approved a bond for the project. Upon motion by Wold, seconded by Deal and carried unanimously, staff are authorized to submit a RRWMB Base Grant application on behalf of the project.
- SPRAYING** Engineer Technician Troy Fridgen contacted L & M Road Services, LLC for pricing of professional weed control services, and was told that 2022 rates will remain in-place. Upon motion by Wold, seconded by Dahlen and carried unanimously, the quote was approved.
- LIGHTNING LAKE JPA & MATERIALS PURCHASE** Attorney Lukas Croaker presented a draft Joint Powers Agreement with Stoneybrook Township for installation, operation, and future maintenance of new culverts on the Lightning Lake outlet. Stoneybrook Township will take over ownership of the project, once installed. The District is not responsible for future maintenance. Rock riffles installed in the public waters portion of the outlet will become the property of the DNR. Upon motion by Deal, seconded by Dahlen and carried unanimously, the Joint Powers Agreement was approved. Upon motion by Deal, seconded by Dahlen and carried unanimously, pursuant to Minn. Stat. §§ 103D.735 and 103D.741, a final hearing is ordered and scheduled for June 15, 2023, on the preliminary resolution, final resolution, engineer's report, DNR advisory report, and BWSR advisory report. Engineering staff have determined that portions of the current infrastructure cannot be reused, resulting in an increase in the cost of the materials that need to be purchased from Forterra, in the amount of \$125,096. Upon motion by Wold, seconded by Dahlen and carried unanimously, the additional materials were authorized for purchase.
- TWELVEMILE CREEK** In response to the recent snowmelt floods, District staff are investigating funding sources for a potential project on Twelvemile Creek to provide additional protection to the City of Dumont. Upon motion by Dahlen, seconded by Wold and carried unanimously, staff are authorized to submit a \$60,000 cost-share request for development of a \$200,000 existing condition model of Twelvemile Creek and to investigate potential flood mitigation funding through a FEMA program.
- TCD #41 PETITION** Deal motioned, seconded by Dahlen and carried unanimously, to open the hearing to consider the petition from Bill and Kayla Schmidt to use Traverse County Ditch #41 as an outlet for the following portion of Parcel #03-0005000 in Section 10, Croke Township, Traverse County: S1/2 of SE1/4 East of Highway 75 of Section 10, Township 126, Range 46, Traverse County. Attorney Croaker read Minn. Stat. § 103E.401, subd. 4. Engineer James Guler provided an oral presentation of the existing condition

of the ditch system along with a map showing the current assessment district. No public comment was presented. The proposed project is located within the TCD #41 drainage watershed. Attorney Lukas Croaker read the Order Authorizing the Use of the Ditch which included a \$3,428.07 entrance fee and \$168.78 benefitted amount. Deal motioned, seconded by Dahlen and carried unanimously, to approve the order. Deal motioned, seconded by Dahlen and carried unanimously, to close the hearing.

**TCD #9
PETITIONS**

Wold motioned, seconded by Deal and carried unanimously, to open the hearing to consider the petition from Scott & Lori Gilsdorf to use Traverse County Ditch #9 as an outlet for the following parcels: Parcel #10-0067000, SE1/4 less 49.32 acres, Section 16, Range 45, Redpath Township (128), Traverse County; and Parcel #10-0063000, NE1/4, Section 16, Range 45, Redpath Township (128), Traverse County. Attorney Croaker read Minn. Stat. § 103E.401, subd. 4. Engineer James Guler provided an oral presentation of the existing condition of the ditch system along with a map showing the current assessment district. No public comment was presented. Engineering staff stated that Parcel #10-0063000 is already in the benefitting area. The proposed project is located within the TCD #9 drainage watershed. Attorney Lukas Croaker read the Order Authorizing the Use of the Ditch which included a \$1,817.02 entrance fee and \$316.54 benefitted amount. Wold motioned, seconded by Deal and carried unanimously, to approve the order. Deal motioned, seconded by Dahlen and carried unanimously, to close the hearing.

**TCD #31
PETITIONS**

Wold motioned, seconded by Deal and carried unanimously, to open the hearing to consider petitions to use to use Traverse County Ditch #31 as an outlet for the following parcels: Parcel #03-0157001, NW1/4, Section 33, Croke Township, Range 46, Traverse County (less a separate farmstead parcel); Parcel #03-0159000, SW1/4, Section 33, Croke Township, Range 46, Traverse County; Parcel #03-0156000, NE1/4, Section 33, Croke Township, Range 46, Traverse County; Parcel #03-0158000, SE1/4, Section 33, Croke Township, Range 46, Traverse County. Engineer James Guler presented a map of the joint project, all of which is located in the drainage system's contributing watershed. The project has one controlled outlet. Mr. Mark Fridgen and Mr. Ronald Sanasack requested that the mile between the project and TCD #31 be cleaned-out. Engineer Technician Troy Fridgen stated that the permit application has been approved with the only condition that the project successfully petition into the TCD #31 benefit area, and that the District cannot force a township to maintain its ditch. Mr. Ronald Sanasack stated concerns over salts and ponding. Attorney Lukas Croaker read the four related orders, that included outlet fees and benefits of, respectively: #03-0157001 - \$2,188.79, \$175.00; #03-0159000 - \$2,501.47, \$200.00; 03-0156000 - \$2,501.47, \$200.00; 03-0158000 - \$2,501.47, \$200.00. Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the orders were approved. Upon motion by Dahlen, seconded by Deal and carried unanimously, the hearing was closed.

**TCD #39
PETITIONS**

Dahlen motioned, seconded by Deal and carried unanimously, to open the hearing to consider petitions to use to use Traverse County Ditch #39 as an outlet for the following parcels: Parcel #06-0028000, E1/2SW1/4 & Lots 6 & 7 less 59.46 acres in Section 6, Lake Valley Township, Range 46, Traverse County; Parcel #06-0026000, SE1/4NW1/4 & Lots 3 & 4 less 600' x 600' in Section 6 & Lot 5, Lake Valley Township, Range 46, Traverse County. Engineer James Guler presented a map of the joint project, all of which is located in the drainage system's contributing watershed. Mr. Daniel Swedlund requested a clean-out and flood repairs in TCD #39, specifically at the outlet. Attorney Lukas Croaker read the two related orders, that included outlet fees and benefits of, respectively: #06-0028000 - \$1,313.01, \$325.79; #06-0026000 - \$828.77, \$70.81. Upon motion by Deal, seconded by Dahlen and carried unanimously, the orders were approved. Upon motion by Wold, seconded by Dahlen and carried unanimously, the hearing was closed.

**WILKIN SWCD
COVER CROP
PROGRAM**

Wilkin SWCD Technician Kimberly Melton presented details on the Wilkin SWCD One-Year Cover Crop Program, which provides flexibility in planting dates and rates; she stated that growers can utilize the program for up to five years. Upon motion by Wold, seconded by Brutlag and carried unanimously, cost-share in the amount of \$5,000 shall be made available in years 2023, 2024, and 2025 from the District's Riparian Aid. Wilkin SWCD will host a field day on July 12, 2023, from 9:00 AM – 2:00 PM in Breckenridge.

2023 AUDIT

Upon motion by Wold, seconded by Deal and carried unanimously, the 2023 audit, financial statements, and updated billable rates were approved.

**TRANSFERS &
PROJECT
CLOSE-OUTS**

Upon motion by Brutlag, seconded by Dahlen and carried unanimously, three transfers and project closeouts were approved for: 1) Copeland/Western 32 fund balance transferred to Construction Fund;

2) Tintah 34 fund balance transferred to Construction Fund; and 3) Construction Funds transferred to Big Lake Project negative balance.

**MPCA PJG
MEETINGS**

Administrator Jamie Beyer provided an update on the recent Professional Judgement Group meeting held by Minnesota Pollution Control Agency regarding proposed impairments for reaches in Bois de Sioux and Mustinka River Watersheds. Upon motion by Wold, seconded by Deal and carried unanimously, the draft response letter was approved for distribution.

**USFWS TILING
SETBACKS**

Attorney Lukas Croaker described a proposed rule published by US Fish and Wildlife that provides guidance to its staff on making drainage tile setback recommendations, on lands already under federal easement, to landowners requesting recommendations. The proposed rule would offer legal protections to landowners who follow USF&W staff tile setback recommendations that are later found to be made incorrectly or are later found to have a negative affect on the associated wetland under easement. Attorney Lukas Croaker stated that potential federal setback recommendations may conflict with District standards on outlet capacities, drainage coefficients, and/or subwatershed issues. Upon motion by Dahlen, seconded by Deal and carried unanimously, staff are authorized to send a letter of support for drainage tile on federal easement land and landowners legal protections, but that also highlights a potential permitting authority conflict for landowners under which they are forced to choose between compliance with Federal recommendations or watershed district permitting rules.

**RIVERWATCH
PROGRAM**

Riverview students were unable to attend the board meeting, but provided a video presentation of their 2022 – 2023 program.

**TCD #35 FLOOD
DAMAGE**

Engineer James Guler reported that engineering staff met with both Traverse County and Wagner, Inc. to discuss flood damage to TCD #35. The project was seeded and mulched Fall 2022. Repairs are being made presently. Traverse County will submit road washouts to FEMA. Channel erosion repairs will be submitted to FEMA by the District.

**AUDIT
PRESENTATION**

Board Manager Brutlag left the meeting; a quorum was no longer present. Ms. Miranda Wendlandt of CliftonLarsonAllen provided a presentation of the District's audit – which, in previous years, had met the standard applied to Minnesota cities under a population of 2,500, but will now be conducted in accordance with generally accepted accounting principles. This change adds a Statement of Net Position and a Statement of Activities to the annual audit document.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 15, 2023**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt. Absent: Jason Beyer, Allen Wold. Also present: Engineer James Guler, Attorney Lukas Croaker (later, by phone), Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Kapphahn, seconded by Deal and carried unanimously, the agenda was approved with the following changes: survey request from Bryan Crandall, move up Twelvemile Creek discussion and add claims of \$81.21 for travel and vehicle repair reimbursed to Engineer Technician Troy Fridgen.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Consent Agenda was approved with the addition of claims of \$81.21 to Engineer Technician Troy Fridgen.
- CRANDALL SURVEY REQUEST** Mr. Bryan Crandall requested survey work by the District for a public waterways cleanout permit. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to conduct the survey when time allows, and to invoice Mr. Bryan Crandall for the cost.
- P.A. #23-043
640TH AVE
ROAD RAISE** District staff have worked closely with landowners and Dollymount Township to mediate and provide design recommendations in advance of a permit application. The proposed project described in the permit application includes a wider channel bottom for ease of construction and includes the removal of an existing 30" culvert on the county line township road. District Engineer Chad Engels stated that the proposed project will create additional flow to TCD #8 and that several mitigation measures have been incorporated into the project design. The mitigation measures include raising the township road, lowering the adjacent field berm in Section 7 below the road elevation, and eliminating the 30" culvert. Engineer Engels further explained that the project will provide more storage during large floods, but will not provide a balanced benefit during smaller rainfall events, as the new channel capacity is larger than the most limited capacities in TCD #8. The new channel and TCD #8 capacity should balance. Engineer Technician Troy Fridgen suggested additional break-outs upstream of TCD #8 to control and store excess flows. Upon motion by Deal, seconded by Gillespie and carried unanimously, the permit is approved upon District Engineer conditions, to include required breakout elevations.
- Board Manager John Kapphahn asked what the project will cost; staff will request a cost estimate once project design is finalized. Administrator Beyer stated that the Dollymount cost share agreement has not been signed. Board managers supported the use of Construction Funds to cover the cost of modifying berms, installing side inlet culverts, and seeding the lowest portions of TCD #8 as an additional mitigation measure.
- P.A. #23-038
R. JENNEN** Mr. Richard Jennen asked for a culvert to be installed on his east property line with sizing to be completed by the District for the purpose of limiting erosion on his property: W1/2, Section 20, Pomme de Terre Township, Grant County. Flow through culverts in the E1/2 of Section 20 cause frequent washouts in the W1/2 of Section 20 and periodic overtopping of State Highway 59 and flooding on Chad Heidinger's adjacent property. District Engineer Chad Engels stated that improving the existing channel across the W1/2 of Section 20 to better contain flows would not result in a significant adverse impact at Highway 59 as the timing would not substantially change. If District staff recommended sizing by BTSAC standards, the culvert sizing would likely be very large and not achieve the objective of slowing water. Board Manager Scott Gillespie recommended that the applicant work with Grant SWCD to identify a structural practice to address the in-field erosion. Engineer Technician Troy Fridgen stated that MnDOT does not include repairs to Highway 59 in their current 5-year capital plan. Staff encouraged Mr. Chad Heidinger to consider a ring dike for more permanent flood protection. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, engineering staff are authorized to assist the landowner with the SWCD discussion.
- WCD #SUB-1** Utility work has begun at the WCD #Sub-1 construction site.
- WCD #25 &
GCD #3** Engineer James Guler relayed a message from Board Manager Jason Beyer that a petition for the repair of WCD #25 would likely not be received in time for a Clean Water Fund Multipurpose Drainage Management grant application to be submitted in August; Engineer James Guler recommended that an application be submitted on behalf of Grant County Ditch #3. Grant County Ditch #3 landowners

will likely be in attendance at the June 20, 2023 Grant County Commissioner meeting, at which county commissioners will consider transfer of the system's drainage authority to the Bois de Sioux Watershed District, for the purposes of initiating and completing a possible redetermination and repair. Engineer James Guler will ask if landowners would support a grant application for use in 2024 construction.

**TWELVEMILE
PROJECT TEAM**

The Flood Damage Reduction Work Group is changing their method to fund work in the Red River Basin. Allocations will be made based on established project teams. The District currently has an active North Ottawa Project Team. Staff recommend that a Project Team be established for Twelvemile Creek. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, establishment of the Twelvemile Creek Project Team was approved.

**TWELVEMILE
HSEM GRANT**

Engineering staff presented a \$402,000 scope of work described in a Hazard Mitigation Grant Program Application that requests 75% Federal/State cost share in the amount of \$301,500. The funds would be utilized to evaluate floods risk in communities along Twelvemile Creek, particularly Graceville and Dumont, where a significant number of homes and farms are periodically overwhelmed by large scale flood events. BdSWD plans to implement infrastructure projects along Twelvemile Creek to eliminate long-term flood risks to people and property. The grant would be used to complete an engineering feasibility study based on an unsteady HEC-RAS river/floodplain model of Twelvemile Creek from Graceville, through Dumont, and downstream to the confluence of the Mustinka River. The model would subsequently be used to evaluate alternative flood risk reduction practices. These include elevation of roads with strategic culvert sizing, improved flood levees, and distributed flood storage. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, staff are authorized to submit the grant application.

REDPATH PH. 2

Redpath Phase 2 construction began earlier this month. The first pay application will be submitted for approval in July. Because bid prices were distributed more heavily towards work for the Mustinka River Rehabilitation Project and more lightly towards work for the Redpath Flood Impoundment, there is increased Clean Water Fund grant eligibility. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to pursue additional natural resource enhancement funding sources.

**LIGHTNING LAKE
NO. 1**

Attorney Lukas Croaker described the order and format for the Final Hearing for Lightning Lake Project No. 1. Engineer James Guler described the project, which includes the replacement of the current outlet structure with a longer box culvert and series of rock weirs. The project will increase fish connectivity, increase the road crossing's flow capacity, and decrease the frequency of road overtopping. Comments were read from the Department of Natural Resources and Board of Water and Soils Resources. The project received a Public Waters Permit from the Department of Natural Resources and a Section 404 Permit from the Army Corps of Engineers. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the public hearing was opened. Stony Brook Township Official Dominic Blume stated concerns that Grant County Highway staff are not prepared to complete downstream culvert replacements until 2024 at the earliest. No other public comment was received. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the hearing is continued in accordance with Minn. Stat. § 103D.745, subd. 4 and the order was approved to establish the project, and direct engineering staff to prepare plans and specifications and advertise for bids. Board Manager Gillespie recommended that a letter from the District be sent to Grant County Commissioners and staff to encourage them to move forward with downstream culvert replacement.

**LTWQIP NO. 1
PHASE #3**

Construction on Phase 3 of Lake Traverse has begun. Trees were removed, and some rock structures have been installed. Traverse SWCD will be onsite to seed portions of the project that are complete. Upon motion by Gillespie, seconded by Deal and carried unanimously, Pay Application No. 1 in the amount of \$338,510.65 was approved.

DORAN CREEK

Upon motion by Dahlen, seconded by Deal and carried unanimously, the Minn. Stat. § 103D.605 project hearing for the Doran Creek restoration project was scheduled for July 20, 2023.

NORTH OTTAWA

Engineer Technician Troy Fridgen confirmed that millet planted in cell A3 last fall did not re-seed; the cell is full of thistle. Input will be gathered from the Project Team to plant another cover crop.

**WILKIN SWCD
COVER CROP**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Cover Crop Cost Share Agreement with Wilkin SWCD was approved.

**SCHMIDT
LEAVES**

Board Manager Schmidt left the meeting.

SOUTHERN BOUNDARY

Administrator Beyer stated that three quarter-quarters were accidentally omitted from the prior Southern Boundary revision order previously submitted to the Board of Water and Soil Resources. There is only one affected landowner, Mr. Joseph Murphy, and he supports the change from the Upper Minnesota River Watershed District to the Bois de Sioux Watershed District. Upon motion by Gillespie, seconded by Deal and carried unanimously, the resolution and petition were approved.

ENERGY IMPACTS

Administrator Beyer stated that Board Manager Jason Beyer asked staff to consider potential District impacts resulting from installation of wind and solar projects in the District. Administrator Jamie Beyer identified potential impacts to four broad categories: 103E Drainage Systems, 103D Watershed Projects, Permitting, and District owned land. Upon motion by Gillespie, seconded by Brutlag and carried unanimously, staff are authorized to draft recommendations for setbacks, utility permits, and GopherOne registrations.

MOONSHINE

Engineering staff submitted a storage grant on behalf of the Moonshine Project. A landowner meeting will be coordinated next. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, re-establishment of the Moonshine Project Team was approved.

OFFICE REPAIR

Administrator Beyer let the board know that the District Office’s heat pump must be repaired and/or replaced. A price quote of \$11,582 was received.

TORT WAIVER

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

ANNUAL RESOLUTION

Upon motion by Dahlen, seconded by Deal and carried unanimously, the 2023 – 2024 Annual Organization Resolution was approved (includes billing rates):

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 LawLukas Croaker, Ohnstad Twichell, P.C.
- Engineer..... Chad Engels, Moore Engineering, Inc.
- 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

ELECTIONS

Deal called for nominations for the position of President. Dahlen nominated Linda Vavra, seconded by Gillespie and carried unanimously. Motion passed.

Vavra called for nominations for the position of Vice-President. Dahlen nominated Jason Beyer, seconded by Gillespie and carried unanimously. Motion passed.

Vavra called for nominations for the position of Secretary. Dahlen nominated Allen Wold, seconded by Gillespie and carried unanimously. Motion passed.

Vavra called for nominations for the position of Treasurer. Dahlen nominated John Kapphahn, seconded by Gillespie and carried unanimously. Motion passed.

**JCWMP WBIF
GRANT
DISBURSEMENTS**

Upon motion by Deal, seconded by Kapphahn and carried unanimously, reimbursements to the District were approved in the amount of \$25,521.81 from Watershed Based Implementation Fund Grant C23-5729 and \$11,964.50 from Watershed Based Implementation Fund Grant C21-9685. The Board of Water and Soil Resources opened a \$53,000 grant for Bois de Sioux and Mustinka River SWCD's to offer an incentive for CRP sign-ups. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the District will serve as the grant fiscal agent if all six SWCD's decline the position.

**POSTAGE
MACHINE**

Administrator Beyer was notified that the District's postage machine lease is expiring. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, staff are authorized to renew the lease.

**OFFICE
EASEMENTS**

Board managers discussed the terms of an agreement and easement made with Mrs. Sandra Mitteness when the District Office was built. New owner Patrick Backman is taking over the Mitteness Chiropractic Clinic and the District received a request to update signage. Board Manager Jerome Deal requested that the District's portion of the sign also be replaced, as the current design is difficult to read. Upon motion by Gillespie, seconded by Deal and carried unanimously, staff are authorized to work with the new owner to have signage updated.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
July 20, 2023**

- 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 (arrived later), Jerome Deal, Scott Gillespie, John Kapphahn, Allen Wold. Absent: Steven Schmidt. Also present: Engineers Chad Engels and James Guler, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Kapphahn, seconded by Deal and carried unanimously, the agenda was approved with the following changes: removal of WCD #Sub-1 Pay Application and TCD #19 Update; additions of Red River Retention Authority Update, WCD #Sub-1 Change Order, RRWMB Ring Dike Policy, and board timesheet notice.
- CONFLICT OF INTEREST** A conflict of interest was declared by Board Manager John Kapphahn related to Samantha Lake.
- CONSENT AGENDA** Upon motion by Gillespie, seconded by Deal and carried unanimously, the Consent Agenda was approved.
- P.A. #21-054
R. ANDERSON
FEES** Restoration repairs ordered by the District are complete. Stevens County District Court Civ. No. 75-CV-22-181 order states that the District is awarded remedial actions, including construction, administrative, legal, engineering, and attorney's costs and fees. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, staff were directed to collect the following fees; if not paid within 60 days, this amount will be certified with the affected parcel's taxes: \$11,182.78 in construction fees, \$85.50 in administrative fees, \$10,257.86 in legal fees, and \$38.65 in engineering fees for a total of \$21,564.79.
- P.A. 23-062
B. FEUCHTEN-
BERGER** Landowner Brad Feuchtenberger and Paul Wulf of Wulf Tiling presented details about the project described under permit application #23-062, Parcel #11-0107-002 and Parcel #11-0107-000. A portion of the proposed subsurface drainage is located beyond the legal border of the Bois de Sioux Watershed District boundary, in the Pomme de Terre Watershed (unofficial watershed district). The applicant stated that surface drainage on his land flows northwest, into the Bois de Sioux Watershed District. District Engineer Chad Engels identified four considerations: if surface flow is split or flows northwest, the district boundary may need to be adjusted; the District is only able to permit activities within its own boundaries; the parcel may need to petition into the appropriate Stevens County ditch benefitting area; no letters of opposition were received in response to the District's comment period. The District Engineer also recommended a condition requiring approval from Stevens County (the ditch authority). The landowner supported this condition. Upon motion by Beyer, seconded by Deal and carried unanimously the permit application is approved contingent upon the applicant successfully petitioning the affected lands into the Bois de Sioux Watershed District and approval from Stevens County. Upon motion by Kapphahn and seconded by Beyer and carried unanimously, staff are authorized to draft and submit to BWSR a resolution and petition to add the NE1/4NE1/4, SE1/4NE1/4, and SW1/4NE1/4 of Section 30, Pepperton Township, Stevens County, to the Bois de Sioux Watershed District.
- WCD #SUB-1** Engineer James Guler provided an update on the WCD #Sub-1 drainage project. Several landowners planted crops in the construction project right-of-way both before and after construction stakes were placed. Damage payments previously ordered by the Board are made to landowners for compensation of a loss of two crop seasons. The contractor has been directed to work in the right-of-way without consideration to crop status. The contractor has stated they are volunteering to work around the wheat near the outlet, Board Manager Jason Beyer requested that this statement be confirmed in writing with the contractor. Engineer James Guler described the location of an additional field approach that was requested by a landowner and incorporated into Change Order No. 1. Upon motion by Beyer, seconded by Deal and carried unanimously, Change Order No. 1 in the amount of \$32,160 was approved.
- GCD #21** Engineering staff are in the process of finalizing the Engineer's Report for GCD #21.
- DAHLEN ARRIVES** Board Manager Doug Dahlen arrived at the meeting.

- 103D.605 PUBLIC HEARING FOR DORAN CREEK** Upon motion by Kapphahn, seconded by Deal and carried unanimously, the Minn. Stat. § 103D.605 Public Hearing to Establish a Project as Part of a Plan was opened for the Doran Creek Stream Rehabilitation Project. Advisory letters from the Board of Water and Soil Resources and the Department of Natural Resources were received; a response letter and revisions to the Engineer’s Report in response. Project Manager Garrett Monson presented details about project goals, features and benefits, along with construction details, costs, and funding strategy. Landowner questions about the extents of the project, grant application submissions, and water management district formation were answered. Attorney Lukas Croaker stated that following board action, Minn. Stat. § 103D.605 requires consideration by the Board of Water and Soil Resources prior to project establishment – but that, effective August 1st, Minn. Stat. § 103D.605 has been amended to remove the Board of Water and Soil Resources approval requirement prior to project establishment; his recommendation is to recess and reconvene the hearing until the August board meeting, and then consider board action. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the hearing was recessed and will reconvene on August 17, 2023. Between this meeting and August 17th, landowners were encouraged to contact board managers or staff if they have additional questions or concerns.
- GCD #3** A GCD #3 landowner meeting was held in Elbow Lake. Engineering staff offered two types of projects with the following cost estimates: a limited repair to include Clean Water Fund-supported features and up to \$750,000 in cost (in which landowners cover the cost of their own private road crossings individually), or a repair retrofit supported by \$2,000,000 in Clean Water Fund and outside cost-share and at a potential cost of \$2,600,000 to landowners. A landowner requested petitions for both projects, and will present the petitions to area landowners for consideration.
- TCD #35/ REDPATH PHASE NO. 1** Engineer James Guler stated that the representative from Wagner Company, Inc. requested project close-out of TCD #35/Redpath Phase No. 1. In response, engineering staff presented the Final Balancing change order which will result in a District retainage balance of \$23,449.38. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, Change Order No. 3 was approved, in the amount of \$53,933.57.
- RRRA UPDATE** Former Red River Retention Authority Executive Director Keith Weston introduced his successor Brian Fuder, who began the position on July 6, 2023.
- RRWMB UPDATE** Red River Watershed Management Board (RRWMB) Executive Director Robert Sip provided an update on his organization’s 2022 – 2023 financial statements and activities. RRWMB currently has \$32,000,000 in project funding commitments – of which, 80% are flood damage reduction projects, 12% are water quality projects, and the remaining balance are for one-time projects. Board managers stressed the importance of funds remanded to RRWMB be utilized within the Bois de Sioux Watershed District to the greatest extent possible.
- LIGHTNING LAKE PROJECT NO. 1** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Final Hearing for Lightning Lake Project No. 1 was reopened in accordance with Minn. Stat. § 103D.745, subd. 4. Engineer James Guler presented construction bids received; the apparent low bidder was Midwest Contracting with a bid submission of \$273,745.00. Board managers requested that references be collected and verified, and that the dewatering and water control plans be submitted – this bid item appeared as a lump sum in the bid documents. Board managers stated their support for the use of a special meeting, if necessary, to consider approval of the project bid. Grant County Engineer Aaron Weinandt stated that Grant County has not yet ordered downstream culverts associated with the project, as they are waiting for right-of-way access from the Department of Natural Resources. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the hearing was closed.
- RRWMB RING DIKE POLICY** Red River Watershed Management Board (RRWMB) Executive Director Robert Sip provided an update on their recently updated Ring Dike Policy.
- CITY OF DUMONT CULVERTS** District Engineer Chad Engels stated that his staff met with a representative from the City of Dumont to discuss work needed on two culverts through their partial levy. Upon motion by Kapphahn, seconded by Wold and carried unanimously, staff are authorized to put together an estimate of cost.
- MUSTINKA RIVER/ REDPATH FLOOD IMPOUNDMENT** Engineer James Guler provided an update on the Mustinka River Rehabilitation and Redpath Flood Impoundment funding strategy. The projects were recently awarded a \$4,400,000 Flood Damage Reduction grant through the Minnesota Department of Natural Resources and a \$1,000,000 Legacy Amendment Clean Water Fund Water Storage grant through the Board of Water and Soil Resources. An update of construction progress was provided. Engineering staff are conducting topographic

- REDPATH
PAY APP. NO. 1** surveys of the channel and embankment at regular intervals to verify earthwork quantities. Upon motion by Kapphahn, seconded by Brutlag and carried unanimously, Pay Application No. 1 was approved, in the amount of \$770,447.70.
- LTWQIP NO. 1
PHASE #3
PAY APP. NO. 2** Engineer James Guler provided an update to Phase No. 3 of the Lake Traverse Water Quality Project construction. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, Pay Application No. 2 was approved, in the amount of \$601,880.50.
- CROAKER LEAVES** Attorney Lukas Croaker left the meeting.
- MOONSHINE
LANDOWNERS** An informal meeting was held with Moonshine landowners. Overall, the landowners support a storage project. Engineering staff will proceed with project cost estimates.
- NORTH OTTAWA
PROJECT TEAM** Board Manager Ben Brutlag reported that the North Ottawa Project Team recently met, and the DNR expressed support for wild rice seeding and production, and were supportive of strategic haying to minimize weed growth.
- ELBOW &
SAMANTHA LAKES** District Engineer Chad Engels provided an update of efforts by Grant County to implement a drawdown of Elbow and Samantha Lakes (of up to 18"). Moore Engineering previously drafted a proposal to complete an EAW for lowering Lake Samantha, which contained estimates of cost to complete the following: 1) Desktop Wetland Delineation and Assessment; 2) Bathymetric Survey; 3) Hydraulic Study. The estimated engineering cost for this effort is \$18,000. Grant County intends to complete an EAW for the lowering of Lake Samantha, but is requesting that the District complete the \$18,000 effort. In addition, Grant County is requesting the District lead the culvert replacement between Elbow and Samantha lakes. Grant County Engineer Aaron Weinandt stated that they have withdrawn their petition to the DNR to request the Ordinary High Water Level be lowered. Dahlen made motion, seconded by Brutlag, to approve both requests from Grant County. Kapphahn abstained. Motion carried.
- 2024 BUDGET
HEARINGS** Upon motion by Beyer, seconded by Gillespie and carried unanimously, staff are authorized to schedule a Public Hearing on the 2024 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems during the next regularly scheduled board meeting at the District Office.
- CONFLICT OF
INTEREST & DATA
ACCESS POLICIES** Board managers reviewed the DNR's recommended Conflict of Interest Policy for grant recipients. President Vavra requested that Attorney Lukas Croaker present the policy at the next meeting. The District's Data Access Policy was included in the board packet to provide an opportunity for board managers in accordance with annual review requirements.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
August 17, 2023**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:04 a.m. Present in the District Office: Linda Vavra, Jason Beyer (arrived later), Doug Dahlen, Jerome Deal, Scott Gillespie, Steven Schmidt, Allen Wold. Absent: Ben Brutlag, John Kapphahn. Also present: Engineers Chad Engels and James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: Hourly Viewer Rates, Lined Waterway Mat Request, Erosion near JD #14.
- CONFLICT OF INTEREST** No conflicts of interest were declared.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Consent Agenda was approved.
- P.A. #21-072
L. DUNN** The project, as originally designed, meets District permit policies, but would result in outlet water flowing south and west, bisecting the neighboring section of land. Engineer Technician Troy Fridgen has secured participation from the landowner of the southwest quarter of Section 13, Donnelly Township, Stevens County to install a tile from the proposed outlet to a drainage ditch at the western edge of Section 13. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the joint project as proposed was approved.
- P.A. #23-075
MNDOT** MnDOT staff submitted a permit application in order to initiate a discussion about culvert sizing at the western edge of the watershed district, in an area that has frequent state highway, county, and township road overtopping. The permit application does not contain a full set of plans and specifications. District Engineer Chad Engels stated that all of the culverts are undersized both upstream and downstream of the proposed culvert replacement. If engineering staff were to recommend a culvert size that would fit between the existing upstream and downstream culvert system as it appears today (undersized), that recommended size would be 54". The culvert is currently 36". Several impacted landowners were in attendance and provided information on the location and frequency of where water flows overtop area roads.
- BEYER ARRIVES** Board Manager Jason Beyer arrived at the meeting.
- P.A. #23-075
MNDOT** Engineering staff will gather additional site information to further define whether a broader flood control project should be initiated prior to the planned MnDOT road and culvert project. Attorney Lukas Croaker recommended that the applicant be asked to withdraw the application, so that engineering staff would not be constricted by a time deadline for action on the permit presented, and that if the applicant is unwilling or unable to withdraw the permit application, that the permit application be denied due to lack of information. Beyer made a motion to request that the applicant withdraw the application or, if not done before the 60-day deadline provided under Minn. Stat. § 15.99, that the application be denied. Deal seconded the motion, which was passed unanimously.
- WCD #SUB-1
PAY APP NO. 1 &
TECH SERVICES
CONTRACT** Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 1 in the amount of \$187,232.83 was approved. Engineer James Guler stated that MnDOT inspection services are required following installation of a large box culvert on the project, for an estimated cost of \$550. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the State of Minnesota One-Time Technical Services Contract was approved pending review by the District's attorney.
- BDSWD NO. 5
PETITION
103E.212** Board managers reviewed a petition for new drainage system, "BdSWD No. 5." Engineer James Guler described the location and nature of the proposed project, in Sections 19 and 20 of Eldorado Township, Stevens County and Section 24 of Dollymount Township, Traverse County. Attorney Lukas Croaker read an order confirming that the petition meets the requirements of Minn. Stat. §§ 103E.202 and 103E.212 and that personal checks, in lieu of a bond, have been sufficiently provided. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Findings and Order Appointing Chad Engels as Engineer and the Engineer's Oath were approved. Engineering staff asked that Eldorado Township officials provide copies of any surveys conducted or engineering plans initiated.

TCD #19 & TCD #40 Engineer Technician Troy Fridgen stated that TCD #19 and #40 incurred more repair expenses than anticipated, at a cost of \$16,000 and \$17,000 respectively. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, payments were approved.

GCD #3 PETITION 103E.715 Board managers reviewed a Minn. Stat. § 103E.715 Repair Petition received from GCD #3 landowners. Gillespie motioned, seconded by Schmidt, to approve the Findings and Appointment of Chad Engels as Project Engineer. Dahlen abstained. Motion passed.

GCD #21 Engineering staff have been working with US Fish and Wildlife staff to define repair project extents on property owned by US Fish and Wildlife. Viewer Dwight Veldhouse requested that viewers be compensated at a rate of \$45/hour. Board managers discussed the quality advantages and cost savings realized by using a local viewing team as compared to a corporate viewing company. Upon motion by Gillespie, seconded by Deal and carried unanimously, the request was approved. Administrator Beyer stated that more viewers may be needed for possible upcoming redeterminations. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to advertise for viewing positions.

TCD #27 CULVERT COST SHARE Engineer Technician Troy Fridgen has received a request for culvert cost share on a bridge providing agricultural equipment access for Mr. Curt Braun. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to have a used culvert in District inventory repaired and installed at a cost-share following the District's culvert cost-share policy.

DRAINAGE WORKGROUP President Vavra requested that Attorney Lukas Croaker attend Minnesota Drainage Workgroup meetings in-person. The meetings are usually held monthly, in St. Paul, but a request has been made to move the meetings to St. Cloud. President Vavra stated that some of the topics currently considered by the Drainage Workgroup have more to do with legal drainage ditch issues, as opposed to engineering issues, and that the District would benefit from having their attorney participating in the discussions. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Attorney Lukas Croaker is authorized to attend Minnesota Drainage Workgroup meetings in-person.

LINED WATERWAY PROGRAM Administrator Beyer relayed a request from Traverse SWCD staff for an additional \$12,000 in cost share for lined waterway mats. Board managers and engineering staff discussed recent placement of lined waterway mats, and their effectiveness in different situations. District Engineer Chad Engels summarized: for a drainage ditch system with spoil banks/berms, side inlet culverts should be used at field drain points because they can meter flows and deposit sediment in the field; for drainage ditch systems without spoil banks/berms, the lined waterway mats can reduce channel side-slope erosion, consideration should be made against installation when a ditch retrofit is imminent. Upon motion by Gillespie, seconded by Beyer and carried unanimously, lined waterway mats must be permitted, and the additional cost share request was approved.

LIGHTNING LAKE NOTICE TO PROCEED Attorney Lukas Croaker stated that the hearing listed on the agenda is not necessary; the hearing was closed at the July meeting. Per direction given by the Bois de Sioux Watershed District board at the July 20, 2023 board meeting, Engineer James Guler contacted four references for Midwest Contracting; two responded, and both provided positive references. An updated Statement of Cost was provided, with an overall project cost estimated to be \$600,000. Upon motion by Deal, seconded by Beyer and carried unanimously, the Notice of Award was approved. The contractor would like to start construction in October.

DORAN CREEK STREAM REHABILITATION 103D.605 Upon motion by Beyer, seconded by Gillespie and carried unanimously, the Minn. Stat. § 103D.605 Public Hearing to Establish a Project as Part of a Plan was opened for the Doran Creek Stream Rehabilitation Project. Attorney Lukas Croaker recommended that board managers delay action until after either 1) a petition for an EAW is dismissed; 2) a negative declaration on the need for an EIS is issued; 3) an EIS is determined adequate; or 4) a variance is granted under Minnesota Administrative Rules Part 4410.3100. Project Manager Garrett Monson expects this could be provided by December 2023. The requirement was included within the DNR's Advisory Report dated May 2, 2023. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the hearing was recessed and will be reconvened upon DNR EAW decision action.

GILLESPIE LEAVES Board Manager Scott Gillespie left the meeting.

TCD #35 HEARING 103E.555 Upon motion by Wold, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103E.555 Public Hearing on the Engineer's Report for TCD #35 was opened. Engineer James Guler presented the report, which included project construction details, contract quantity changes, final cost figures, and funding sources. No public comment was provided. Attorney Lukas Croaker read the Findings and Order Accepting the Contract. Upon motion by Dahlen, seconded by Deal and carried unanimously, the Findings and Order, Pay Application No. 7, and Change Order No. 3 were approved. Upon motion by Dahlen, seconded by Deal and carried unanimously, the hearing was closed.

EROSION & JD #14 Engineer Technician Troy Fridgen described a flood-related erosion site near JD #14. Board managers determined that the erosion is not part of the legal drainage system, and would be a private landowner concern. Engineer Technician Troy Fridgen stated that Traverse SWCD staff have identified up to 18 erosion sites along JD #14/Mustinka River and are assembling a grant application for funding.

CITY OF DUMONT CULVERTS Moore Engineering staff continue to work on a cost estimate for work needed on two culverts located through the City of Dumont's partial levy.

LTWQIP NO. 1 PHASE #3 Traverse SWCD seeded completed portions of Lake Traverse Water Quality Improvement Project Phase #3. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 3 in the amount of \$458,962.65 was approved.

BUDGET, LEVY, & ASSESSMENT HEARINGS Beyer motioned, seconded by Dahlen and carried unanimously, to open the public hearing on the 2024 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 2024 General and Construction Fund budgets and corresponding proposed levies. The RRWMB approved a levy at 75% for 2024. 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. Upon motion by Beyer, seconded by Dahlen and carried unanimously:

REDPATH RESOLUTION

- 1) the Resolution of Ad Valorem Levy that included a General Levy of \$250,000.00 and a Construction/RRWMB Levy of \$1,833,097.59, and
- 2) the Preliminary Ditch Assessments presented of \$375,280.00 (this amount excludes bond debt service levied by affected counties), and
- 3) the Resolution to Budget Redpath Impoundment Project Funds, in the amount of \$10,029,500, were approved. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing was closed.

640TH ROAD RAISE District Engineer Chad Engels stated that the plans submitted on behalf of Dollymount Township Permit Application #23-043 are accepted and meet the conditions described in the permit approval. Dollymount Township Supervisor Dean Frisch stated that they support the project. The estimated cost of the project, with road right-of-way, is \$462,000. Upon motion by Beyer, seconded by Deal and carried unanimously, the District will provide cost-share up to \$475,000. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the 640th Avenue Road Raise Cost Share Agreement was approved.

ELBOW & SAMANTHA LAKES District Engineer Chad Engels stated that engineering staff are working to complete a bathymetric survey of Elbow and Samantha Lakes, and other items approved at the July board meeting.

BIRD REPORTS Board Manager Allen Wold asked staff where bird watchers post information about unique birds spotted at the North Ottawa Impoundment. Engineer Technician Troy Fridgen stated that some pictures are posted to a West Central bird watching Facebook page. Administrator Beyer stated that she will resume posting another site which is frequently used: <https://ebird.org/hotspot/L2182908>.

REDPATH PHASE 2 PAY APP NO. 2 Upon motion by Dahlen, seconded by Deal and carried unanimously, Redpath Phase 2 Pay Application No. 2 was approved in the amount of \$692,882.66. Upon motion by Beyer, seconded by Deal and carried unanimously, the Board of Water and Soil Resources Water Quality and Storage Pilot Program Grant Agreement was approved in the amount of \$1,000,000. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, staff are authorized to submit a Flood Hazard Mitigation grant application and Resolution No. 2023-08-17 for State Flood Hazard Mitigation Grant Funding Assistance for Redpath Flood Impoundment. Dahlen motioned, seconded by Deal and carried unanimously, to approve a change order to continue construction of the impoundment levy, contingent upon state approval of dam safety, at a total cost limit of \$1,200,000.

GRANT AGREEMENT

CHANGE ORDER

CONFLICT OF INTEREST POLICIES

Attorney Lukas Croaker reviewed the District's Conflict of Interest Policy and the DNR ENRTF/OHF Pass-Through Grant Agreement Attachment C: Conflict of Interest Disclosure and found no issues. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the DNR ENRTF/OHF Pass-Through Grant Agreement Attachment C: Conflict of Interest Disclosure is approved.

RING DIKE BORROW PIT REPAIR

Administrator Jamie Beyer and Engineer Technician Troy Fridgen summarized findings of a ring dike borrow pit built in 2011 as part of a EQIP cost-share landowner program in the Bois de Sioux Watershed District. Nearly all of the agents involved with the project are no longer available. The landowner sold the property to a new landowner, the on-site engineer is no longer affiliated with the Bois de Sioux Watershed District, the surveyor is no longer affiliated with the Bois de Sioux Watershed District, and the contractor has retired. The location of the ring dike borrow pit was not permitted by the Bois de Sioux Watershed District, and its location today is on, over, and near the neighboring property line, without the required 10' setback. Neighbor Robin Abel has requested that the ring dike borrow pit be moved further from the property line. Engineer Technician Troy Fridgen has worked to lower a downstream culvert, and control the elevation of the borrow pit with a tile intake. Mr. Robin Abel has stated that he is not interested in a flood easement. Engineer Technician Troy Fridgen is working with the current landowner to propose lowering the ring dike borrow pit another 1 – 1 ½', and has had the ring dike surveyed to produce a cost estimate for moving it further away from the property line. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, staff are authorized to submit the project to RRWMB and DNR to request ring dike cost share.

JCWMP WBIF GRANT REIMB.

Administrator Beyer stated that Traverse SWCD submitted a \$27,250.56 request for reimbursement from Watershed Based Implementation Grant C21-9685, but that the documentation was incomplete. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, staff are authorized to reimburse Traverse SWCD up to \$27,250.56 from Grant C21-9685 contingent upon sufficient documentation.

Board managers discussed potential MAWD resolutions and upcoming events.

The meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
September 21, 2023**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:03 a.m. Present in the District Office: Linda Vavra, Doug Dahlen, Jerome Deal, John Kapphahn (arrived later), Steven Schmidt, and Allen Wold. Absent: Jason Beyer, Ben Brutlag, and Scott Gillespie. Also present: Engineer Chad Engels, Engineer James Guler (by phone), Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Dahlen, seconded by Wold and carried unanimously, the agenda was approved.
- CONSENT AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- P.A. #23-103 GRACEVILLE TWP** Engineer Technician Troy Fridgen presented a copy of a DNR Notice of Violation addressed to landowners on the Graceville/Almond Township border. Upon a site visit, Engineer Technician Troy Fridgen found that one of two culverts controlling the high water level at Campbell Slough has been raised eight-tenths in comparison to District historic culvert inventory records. DNR staff requested that the landowner raise the culvert an additional 1 1/2' – which would cause adjacent crops and a township road to be flooded. Engineer Technician Troy Fridgen has not yet received a copy of the DNR's Requisition for Technical Services and Field Survey Report, although both have been requested several times. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, staff are authorized to submit an appeal of the Campbell Slough Ordinary High Water Level.
- WCD #SUB-1** Construction continues to progress. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Pay Application No. 2 in the amount of \$412,138.90 was approved. Upon motion by Dahlen, seconded by Deal, Managers Dahlen, Deal, Vavra, Schmidt, and Wold in favor of approval of a utility relocation agreement was approved in the amount of \$20,982.27. Manager Kapphahn was opposed. A landowner requested a new approach over the channel. Engineering staff were advised to have the landowner submit a permit application, and to provide to the landowner an overview of the District's standard culvert cost share policy.
- GCD #21** Viewers are finalizing the GCD #21 viewers' report. It is likely that in October the board will consider scheduling a public hearing to be held in November.
- LIGHTNING LAKE** Engineering staff verified insurance and bid bond requirements submitted by Midwest Contracting, LLC for the Lightning Lake Outlet Improvements project. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the President is authorized to sign the Notice to Proceed and Construction Agreement. The contractor may begin work early October.
- CITY OF DUMONT CULVERTS** Moore Engineering received a price quote of \$41,943.12 to improve culvert closures at four locations on behalf of the City of Dumont to provide increased flood protection from Twelvemile Creek. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the project is approved and staff are directed to seek cost share with the City of Dumont and any other outside organizations.
- 640TH AVE ROAD RAISE** The 640th Avenue Road Raise Cost Share Agreement was executed, and the project was advertised for public bid by Dollymount Township.
- SAMANTHA & ELBOW LAKES** Grant County is coordinating drawdowns of Elbow and Samantha Lakes.
- NORTH OTTAWA** Gravel was placed on two miles of roads at North Ottawa. Additional aluminum metal stop logs are being used to replace damaged and warped oak stop logs. Rye has been planted in Cell A3 at two different seeding rates – the thicker rate resulted in marked weed suppression.
- REDPATH** Construction continues on Redpath Phase 2A. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Pay Application No. 3 in the amount of \$1,286,155.22 was approved. Change Order No. 1 (approved at the August 27, 2023 board meeting contingent upon state approval, was executed by President Linda Vavra. The work described in the change order takes place on ground currently being used by a renter to grow corn. The contractor and renter will work together. District

Engineer Chad Engels stated that the final Phase 2 (2B) will likely be available for bid before the end of the year. A groundbreaking ceremony will be held Friday, September 22nd at 2 pm, on-site.

**LTWQIP NO. 1
PHASE #3**

Jamie Lubenow of Wagner Construction Inc. stated that the punchlist and construction has been finalized on Phase 3 of the Lake Traverse Water Quality Improvement Project No. 1. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, Pay Application No. 4 in the amount of \$634,304.55 was approved.

**LTWQIP NO. 1
PHASE #2**

District Engineer Chad Engels relayed that DNR staff requested a repair to a portion of Phase 2 of the Lake Traverse Water Quality Improvement Project No. 1. The repair ordered would establish a pool of water adjacent to the Highway 27 culvert, by building up the current rock riffle structure. The work is scheduled to be started today.

**HSEM GRANT APP
TWELVEMILE
CREEK**

Administrator Jamie Beyer stated that Homeland and Emergency Management staff requested additional action to complete the District's Twelvemile Creek Feasibility Study grant application. The District is advised to amend and adopt the Traverse County Hazard Mitigation Plan to include specific activities requested in the District's grant application. Upon motion by Wold, seconded by Dahlen and carried unanimously, the Resolution Adopting the Traverse County Multi-Hazard Mitigation Plan was approved.

**RING DIKE
COST SHARE**

Administrator Jamie Beyer and District Engineer Chad Engels were unsuccessful in securing Red River Watershed Management Board cost share funds to repair a Bradford Township ring dike burrow pit constructed in 2011-2012. Attorney Lukas Croaker will re-review the project for inclusion on the October board meeting agenda.

**SOIL LOSS
POLICY: USE OF
BUFFER FUNDS**

Board managers reviewed two draft policies created in response to the September 12, 2023 Soil Loss Committee meeting: a Use of Buffer Funds for Ditch Repairs Policy and a Preferred Alternative Practice Policy. Discussion was held on the Use of Buffer Funds for Ditch Repairs Policy, which authorizes the use of riparian aid to stabilize ditches that have both a high ditch grade (which creates fast moving water and can erode side slopes) and steep side slopes (which creates an opportunity for sloughing). The policy would fund riprap, grade stabilization structures, grading, reestablishment of vegetation, and any other repairs qualified under Minn. Stat. § 103E.705. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the policy is approved with the following changes: engineering staff shall finalize qualifying grade and slope measurements; the cost-share is limited to \$50,000 per repair; and the parcel on which the repair will be made must be compliant with the Buffer Law.

**SOIL LOSS
POLICY:
PREFERRED
ALTERNATIVE
PRACTICE**

Discussion was held on the Preferred Alternative Practice Policy. Attorney Lukas Croaker explained that soil and water conservation district staff are conducting aerial or drive-by investigations, and are reporting non-compliant determinations to the Board of Water and Soil Resources and the District. The District then considers whether it will send corrective action notices – however, soil and water conservation boards have enacted different policies, putting the District in a position to vary corrective action notices based on the decisions of individual soil and water conservation districts. Attorney Lukas Croaker stated that Minn. Stat. § 103F.48 allows a landowner to adopt an alternative riparian water quality practice, or combination of structural, vegetative, and management practices, based on the Natural Resources Conservation Service Field Office Technical Guide, common alternative practices adopted and published by the BWSR board, other practices approved by the BWSR board, or practices based on local conditions approved by the local soil and water conservation district that are consistent with the NRCS Field Office Technical Guide, provided that the water quality protection is comparable to the buffer protection. Attorney Lukas Croaker recommended that the board approve a preferred alternative practice that can be offered to all landowners under the District's jurisdiction. Soil and Loss Committee members recommend that the preferred alternative practice be no-till with a cover crop in the same comparable area requiring a Minn. Stat. § 103F.48 16.5' buffer. Board Manager Allen Wold stated that he had a conversation with BWSR Executive Director John Jaschke about the importance of root structure to keep sediment out of the drainage system. Attorney Lukas Croaker added the information to the draft policy. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the policy was approved.

**KAPPAHN
LEAVES**

Board Manager John Kapphahn left the meeting.

**FRIDGEN
PHONE**

Engineer Technician Troy Fridgen stated that his cell phone could no longer operate with the size of programs required for drainage inspections, and he was required to upgrade his cell phone. Upon

motion by Wold, seconded by Dahlen and carried unanimously, the cell data/phone reimbursement for Engineer Technician Troy Fridgen was increased from \$70/month to \$100/month.

**DRONE SPRAY
SERVICES**

Engineer Technician Troy Fridgen stated that Mr. Nick Persing secured the necessary equipment to provide spraying services via drone. The drone spray service was requested by landowners on GCD #21, so it was used as a test for effectiveness and price. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, payment in the amount of \$2,696.25 was approved and Engineer Technician Troy Fridgen will monitor and evaluate the results of the service.

HEI CONTRACT

Administrator Beyer presented a \$7,500 contract with Houston Engineering, Inc. to provide a reduction statistics spreadsheet to be used by soil and conservation district staff in lieu of PTMApp for work completed under the Joint Comprehensive Watershed Management Plan. Grant funds would be used to cover the cost of the project. Upon motion by Dahlen, seconded by Deal and carried unanimously, the contract was approved.

The meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
October 19, 2023**

- 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, Doug Dahlen, Jerome Deal, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag, John Kapphahn, and Scott Gillespie. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Dahlen, seconded by Deal and carried unanimously, the agenda was approved with the following additions: Schander Ring Dike, Revised High Erosion Cost Share Policy, North Ottawa Update.
- CONSENT AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** No public comment was provided.
- GCD #21 VIEWERS' REPORT & HEARING & NOVEMBER BOARD MEETING RESCHEDULED** Administrator Jamie Beyer stated that the GCD #21 Improvement Viewers' Report had been received on October 17, 2023, and the Property Owner's Report and Final Hearing notices are being prepared. There is a scheduling conflict between the next regular board meeting (November 16, 2023) and the next Drainage Workgroup meeting. Upon motion by Wold, seconded by Dahlen and carried unanimously, the next regular board meeting is moved to November 17, 2023 and the GCD #21 Final Hearing on the engineer's detailed survey report, viewers' report, property owners' report, and DNR Commissioner's final advisory report will be included.
- WCD #SUB-1** Construction continues to progress; the channel is 90% complete. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 3 in the amount of \$658,693.18 was approved. The District declined the railroad's requirement that the District be responsible for maintenance, in perpetuity, for maintenance of a culvert to be replaced near the railroad at State Highway 9 – no response has been received from the railroad. Attorney Lukas Croaker will draft a notice to the Board of Water and Soil Resources for enforcement for consideration at the November 17, 2023 board meeting.
- LTWQIP NO. 1 PHASE #3** Engineer James Guler presented an update on Lake Traverse Water Quality Improvement Project No. 1 Phase #3. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 5 in the amount of \$461,998.99 was approved. Board managers stated concerns that the native mix used for vegetation cover is slow growing, and that projects with high slope erosion could benefit from species that are faster to establish. District Engineer Chad Engels stated that cost savings on the project could be realized by the Construction Fund. Administrator Jamie Beyer stated that \$100,000 in grant funds through the Board of Water and Soil Resources could be moved to match a new grant for Twelvemile Creek; the Red River Watershed Management Board views their funding on a percentage-basis, and will likely expect a cost-savings similar to what the District realizes. Administrator Jamie Beyer will contact Red River Watershed Management Board Executive Director Rob Sip to verify how the maximum grant eligibility will be calculated in this under-budget scenario, and will report at the next board meeting.
- TCD #15 PETITION** Beyer motioned, seconded by Dahlen and carried unanimously, to open the hearing to consider the petition from Schaffer Land Holdings, LLC to use Traverse County Ditch #15 as an outlet for Parcel #03-0076000, E1/2 NE1/4 of Section 15, Range 46, Croke Township (126), Traverse County. 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 public comment was received. Attorney Lukas Croaker read the order. Beyer motioned, seconded by Dahlen and carried unanimously, to approve the Order Authorizing the Use of Traverse County Ditch #15 as an outlet for Parcel #03-0076000, E1/2 NE1/4 of Section 15, Range 46, Croke Township (126), Traverse County with the entrance fee recommended by engineering staff. Deal motioned, seconded by Schmidt and carried unanimously, to close the hearing.
- REDPATH PHASE 2A** Construction continues on Redpath Phase 2A. Upon motion by Dahlen, seconded by Deal and carried unanimously, Pay Application No. 4 in the amount of \$762,149.42 was approved. President Linda

Vavra and District Engineer Chad Engels provided a presentation of the project to the Minnesota State Capital House Bonding Tour; a Senate Committee presentation is scheduled for early November. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the Resolution Granting Authorization to File an Application with the Minnesota Management and Budget Office for 2024 State Appropriations Funded from State General Obligation Bonds was approved. Upon motion by Deal, seconded by Beyer and carried unanimously, the "General Obligation Bond Proceeds Grant Agreement - Construction Grant for the Bois de Sioux Watershed District Redpath Project Under the Flood Hazard Mitigation Grant Assistance Program" was approved contingent on sufficient clarifications verified by Attorney Lukas Croaker.

**TCD #23
PETITION**

Beyer motioned, seconded by Dahlen and carried unanimously, to open the hearing to consider the following petition requesting authority to use Traverse County Ditch #23 as an outlet for: Evergreen Flats LLP, c/o Dale Blume: the S1/2 of Section 4, Range 44, Logan Township (127), Grant County (Parcels #09-0015-000, #09-0016-000, #09-0018-000). 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. Property owner Mr. Dale Blume explained that the parcels drain both north and west; Mr. Blume requested that an entrance fee calculation comparison be made with a petition approved September 16, 2021, which had a similar split flow. In that case, the landowners similarly stated that the entrance fee calculation did not take into account the split flow for this property, so entrance fees for the parcels were based on the parcels' benefits multiplied by the documented historical expenses. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Order Authorizing the Use of Traverse County Ditch #23 as an outlet for Parcels #09-0015-000, #09-0016-000, #09-0018-000 was approved utilizing the benefit-based calculation of entrance fees. Beyer motioned, seconded by Schmidt and carried unanimously, to close the hearing.

**640TH AVE
ROAD RAISE**

Bids were received on behalf of Dollymount Township for the Dollymount Township 640th Avenue Road Raise. The Engineer's Opinion of Probable Cost After Bid Opening is approximately \$77,000 more than the estimate provided prior to the bid opening. Board Manager Wold stated concerns that the District has many projects in progress, and that overruns in one project will affect the progress of others. District Engineer Chad Engels stated that project area landowners rejected other project alternatives, including an impoundment and a retrofit of Traverse County Ditch #8. The 640th Avenue Road Raise Project does provide protection for flood damages, and was a project alternative that was supported by area landowners. Board Manager Wold asked if the District could make a loan to Dollymount Township for the amount above the \$475,000 identified in the project's cost share agreement. Dahlen made motion, seconded by Beyer, to revise the District's cost share agreement amount to reflect the \$77,000 increase. District Engineer Technician Troy Fridgen stated that project features evolved as the project plan became more defined, and with that came obvious costs. Board managers expressed concerns that if this project is not constructed, that other landowners would also be affected - the BdSWD Ditch No. 5 project would have to be abandoned. No Dollymount Township officials were in attendance. Role call vote: Schmidt – aye; Dahlen – aye; Beyer – aye; Deal – aye; Wold – nay; Vavra – aye.

**TWELVEMILE
CREEK GRANT**

Moore Engineering staff have secured a grant through FEMA/MN Homeland Security Emergency Management to draft a feasibility study that will utilize an unsteady HEC/RAS river/floodplain model of Twelvemile Creek; the cost of the project is \$402,000, and the grant will cover 75% (\$301,500). The balance will be covered by a FDRWG Project Team grant of \$11,000 and \$100,000 from the District's 2023 – 2025 Watershed Based Implementation Fund Grant. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the grant is accepted and the draft Project Team was approved. District Engineer Chad Engels stated that the study may identify how levy improvements, road raises, and strategic culvert sizing could lessen flood risks for Graceville and Dumont communities. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the "Form 424B - Assurances – Non Construction Projects" terms were approved.

**SCHMIDT
LEAVES**

Board Manager Steven Schmidt left the meeting.

FIVEMILE CREEK

District Engineer Chad Engels relayed findings of a recently completed survey and soil borings of Fivemile Creek. In general, the area is naturally flat and sediment deposits are not frequent in the channel; barring construction of an impoundment, the prior problem contributing to flood conditions are cattail and vegetation growth. Engineering staff met with representatives from the DNR, who were appreciate of the modeling and assessment information, which can accompany landowner applications

to clean-out vegetation. Administrator Jamie Beyer and District Engineer Troy Fridgen discussed the two possible project routes – 1) District-led vegetation clean-out, which would require an Environmental Assessment Worksheet and possible water manage district establishment, with multi-year development, or 2) Cleanout permits filed by individual landowners, with application support of the District if needed, with cleanout work to begin as soon as permits are approved. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to organize a landowner meeting following harvest.

MOORE WETLAND SERVICES District Engineer Chad Engels described services provided by Moore Engineering to private landowners on behalf of wetland delineations and determinations, and asked board managers and Attorney Lukas Croaker if a conflict of interest could arise. Attorney Lukas Croaker stated that he could not identify an issue at this time.

LAKE SAMANTHA ELBOW LAKE District Engineer Chad Engels stated that an existing culvert between Lake Samantha and Elbow Lake was replaced, and set at an elevation determined by DNR staff. Upon motion by Dahlen, seconded by Deal and carried unanimously, payment to the contractor in the amount of \$5,932.48 was approved.

RING DIKE Attorney Lukas Croaker summarized a meeting held by legal, engineering, and District staff to discuss what further action could be taken in response to a complaint made by the neighbor to the ring dike constructed in Section 26 of Bradford Township, following funding denials by the Flood Damage Reduction Work Group and Red River Watershed Management Board. In reviewing satellite photographs of the area, it appears that a fenceline tree grove was removed during or after borrow pit construction, and that there may be an adverse possession issue. No further action is recommended by the District at this time.

NORTH OTTAWA The North Ottawa Project Team met earlier in the week, as leased cells that were restricted to small grain/corn silage have not been harvest yet. Engineer Technician Troy Fridgen has given the renter a deadline to remove the crop and bales by Friday, October 20. If the crop and bales are not removed, District Project Team members agreed to allow flooding of recently planted rye. A follow up meeting is scheduled for the Project Team. Engineer Technician Troy Fridgen stated that Grant County Commissioner Bill LaValley helped with gates at North Ottawa.

MEETING ROOM DISPLAY Board Manager Jason Beyer stated that meeting materials projected during the meeting are difficult to read. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to evaluate alternative technology.

FARMLAND LEASES Administrator Jamie Beyer stated that Redpath and Moonshine leases are up. Board managers supported utilization of the same process that was used prior – to advertise for rental bids, for a 3-year term. Engineering staff will have to consider the impact of the extents of Redpath and Mustinka River construction prior to bid advertisement.

President Vavra provided an update of the happenings at the Drainage Workgroup.

The meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
November 17, 2023**

- 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, Doug Dahlen, Jerome Deal, and Allen Wold. Absent: Scott Gillespie, John Kapphahn, and Steven Schmidt. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Dahlen, seconded by Wold and carried unanimously, the agenda was approved with the following additions: City of Dumont and Doran Creek.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** Traverse County Attorney Matthew Franzese stated that he has received a letter from the Minnesota Board of Water & Soil Resources (BWSR) requesting the County present a plan and process for "consistent and comprehensive enforcement of the Buffer Law." Attorney Matthew Franzese requested to work collaboratively with District staff to mediate agreements for compliance. Upon motion by Wold, seconded by Deal and carried unanimously, staff are authorized to support this effort.
- WCD #SUB-1** Construction has met the standards for substantial completion. BNSF Railway Company has had no further communication with the District regarding their attempt to require the District to assume future maintenance and ownership responsibility for the installation of a culvert in their right of way required under the detailed survey report that is statutorily their responsibility. Attorney Lukas Croaker will draft a letter to send to BNSF regarding culvert installation in the spring of 2024. Board Manager Beyer stated that there are at least two culvert flap gates missing; engineering staff reported that the contractor is working with the supplier to acquire the needed flap gates to complete the project. Upon motion by Dahlen, seconded by Beyer and carried unanimously, Pay Application No. 5 in the amount of \$293,065.85 was approved.
- GCD #3** Engineering staff continue to design a project with a cost that will remain under the drainage system's benefitted amount. The system does not currently feature many side inlet culverts, which limits its Clean Water Fund grant eligibility. To increase the likelihood of a grant award, engineering staff recommend that grant eligible items for GCD #3 be submitted with a second drainage system. Upon motion by Dahlen, seconded by Brutlag and carried unanimously, staff are authorized to submit a combined Multipurpose Drainage Management Grant application on behalf of both GCD #3 and GCD #21.
- ZONE 1 DITCH INSPECTIONS** Engineer Technician Troy Fridgen stated that Zone 1 ditch inspections are completed. A full report for inspection is available at the District Office.
- MUSTINKA RIVER & REDPATH** Construction continues on both the Mustinka River Rehabilitation and Redpath Flood Impoundment. Wetland depressions are being dug, and seeding and mulching are following closely behind construction. Upon motion by Dahlen, seconded by Deal and carried unanimously, Pay Application No. 5 in the amount of \$684,770.93 was approved.
- Work under Change Order No. 1 is anticipated to be completed in 2023. Bid and construction documents for Phase 2B are being prepared. This phase will feature road raises and crossings and complete the remaining Mustinka River Rehabilitation. Board managers supported the use of an alternate bid to request pricing for both 2024 and 2025 completion dates.
- 640TH AVE ROAD RAISE** Administrator Beyer stated that, prior to the start of the board meeting, Dollymount Township Official Steven Fridgen reported that a contract with Joe Riley Construction was approved, to begin next spring. Engineering staff are working to acquire the necessary land easements.
- A map from Steven Fridgen was presented, detailing concerns about plans to cap a culvert under County Road 6 in Stevens County; this capped culvert will direct flow away from TCD #37 and into TCD #8. Engineering staff stated that the west culvert will have a weir installed, so the flow will be

split. The east culvert will be capped. The use of the weir and cap will be closely monitored and can be modified in the future if flow distributions are not as intended.

**LIGHTNING LAKE
PROJECT NO. 1**

Construction is complete for Lightning Lake Project No. 1; a pay application will be brought to the December board meeting. Photos were provided of the boulder rock riffle that controls the lake at an elevation set by the DNR. As chinking, rocks, and boulders settle over the winter, there may need to be modifications made in the spring.

**GCD #21
HEARINGS**

President Linda Vavra entertained a motion to open the Final Hearing on the Establishment of the Improvement to Grant County Ditch No. 21 Project. Upon motion by Beyer, seconded by Dahlen, and carried unanimously, the Final Hearing on the Improvement Petition, Detailed Survey Report, DNR's Final Advisory Report, and Viewers' Report for the Redetermination of Benefits and Damages and the Improvement of Grant County Ditch #21 (GCD #21) was opened. Attorney Croaker introduced the final hearing procedures and confirmed that Viewers Dwight Veldhouse, Loretta Pederson, and Dwight Veldhouse were present.

Engineer Guler described the purpose of the project – to bring GCD #21 infrastructure to modern drainage standards, resizing and regrading the portions of the system that are public drainage tile, and abandoning specific portions of the public tile no longer being used/functioning. Attorney Croaker confirmed that the District's engineer found that: the improvement is necessary, a proper petition has been submitted, and that the benefits of the proposed project exceed the project's estimated costs, including damages paid.

Engineer Guler presented the Detailed Survey Report, which included a project map, system alignment, extents, culvert crossings analysis, channel cross sections, plan profile sheets, and water elevations pre- and post-project. The proposed project is designed to improve the tile laterals to a ¼ inch drainage coefficient, . For the portion of the project that is an open channel, the proposed project will not be deeper than the original ditch at the outlet.

Landowners were given an opportunity to provide comments. Several questions were answered during the engineer's presentation.

Engineer Guler stated that US Fish and Wildlife provided an elevation for a wetland on their land, for which a structure will maintain an elevation of 1068.7'. They declined adjustable equipment to raise/lower the elevation.

Attorney Croaker described the formal process.

District Engineer Chad Engels read the DNR's Final Advisory Report received for the project, which found the Engineer's Report complete and acceptable as a project plan.

Grant County Land Management Administrator Greg Lillemon stated that he and Moore Engineering staff are in the process of identifying wetlands regulated under the Wetland Conservation Act. Administrator Greg Lillemon stated that the majority of the waterbodies are exempt, but wanted to make aware to landowners that the existence of federal wetlands (regulated by USDA) and state wetlands (regulated by Grant County staff) in the project area may limit where non-perforated tile may be used.

Viewer Dwight Veldhouse provided a presentation on the Viewers' Narrative and the Viewers' Report. The Viewers' Report sets a monetary maximum limit for ditch construction, assigns a proportion of ditch expense (as a percentage) that each benefited 40-acre parcel is responsible for, and sets the damages payment to landowners for acquisition of easements. Factors affecting these figures are soil types, proximity rating, and hydraulic efficiency. Viewer Veldhouse provided an overall presentation of the current and proposed assessment district and described the methodology to quantify parcel benefits. Farmsteads, regardless of their actual size, were assessed as 1-acre of soil class "D".

The estimated total cost for the project is \$3,685,000. Of this amount, \$2,595,000 is estimated to be the local cost. The District will pursue BWSR Clean Water Fund Multipurpose Drainage Management Grant opportunities on behalf of the project.

Landowners were given an opportunity to provide comments. Several questions were answered during the engineer and viewers' presentations. Landowner requests for individual meetings were taken; these meetings were held in a separate room as the board meeting continued. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the public hearing was recessed and will reconvene on December 21, 2023.

**CITY OF DUMONT
LEVY GATES** Upon motion by Beyer, seconded by Wold and carried unanimously, the City of Dumont's \$2,000 gate contribution was accepted.

**DORAN CREEK
NWQI GRANT** Upon motion by Dahlen, seconded by Beyer and carried unanimously, the District accepts a \$43,560 Minnesota NRCS National Water Quality Initiative planning grant for FY2024 on behalf of the Doran Creek Restoration project.

CLA AUDIT Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Statement of Work Audit Services agreement with CliftonLarsonAllen was approved in the amount of \$15,500.

MW CONFERENCE President Linda Vavra and Board Managers Jason Beyer, Scott Gillespie, and Allen Wold intend to attend the Minnesota Watershed Conference, held November 29th – December 1st. Allen Wold and Linda Vavra will serve as delegates.

**2024 BUDGETS,
LEVIES &
ASSESSMENTS** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Public Hearing on the Budgets for the 2024 General Fund and Construction Fund Levies, and Assessments for the Ditch System Funds and Projects was ordered for December 21, 2023 at 10:00 am.

**JANUARY
BOARD
MEETING** President Linda Vavra stated that an upcoming conference conflicts with the January board meeting. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the January board meeting is moved from January 18, 2024 to January 25, 2024.

**TERM
EXPIRATIONS** Administrator Beyer stated that the terms for Board Managers Beyer, Gillespie and Schmidt will expire in 2024.

The meeting was adjourned.

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
December 21, 2023**

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, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.

AGENDA Upon motion by Dahlen, seconded by Wold and carried unanimously, the agenda was approved with the following additions: Personnel Committee recommendations and beaver nuisance claim.

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

PUBLIC COMMENT Board Manager Kapphahn declared a conflict of interest with Lake Samantha.

TCD #51 PETITION Upon motion by Kapphahn, seconded by Deal and carried unanimously, to open the hearing to consider the petition from Gary Findlay to use Traverse County Ditch #51 as an outlet for Parcel #02-0168000, W1/2 of the SE1/4 of Section 36, Range 45, Clifton Township (127), Traverse County. Engineer James Guler provided a map of the drainage assessment area and watershed indicating that the parcel's surface water already utilizes the Traverse County Ditch #51 drainage system. The landowner was present to answer questions about the project. No public comment was presented. Attorney Lukas Croaker read the order, which includes: an outlet fee of \$1,996.19; hearing costs of \$390.75 and benefits of \$100.00. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the order was approved. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the hearing was closed.

GCD #21 HEARINGS Upon motion by Wold, seconded by Dahlen and carried unanimously, the Final Hearing on the Improvement Petition, Amended Detailed Survey Report, DNR's Final Advisory Report, and Amended Viewers' Report for the Redetermination of Benefits and Damages and the Improvement of Grant County Ditch #21 (GCD #21) was reconvened. Since the hearing was continued at the November 17 meeting to allow the engineers and viewers to reexamine their respective reports, in accordance with Minn. Stat. § 103E.335, landowners have made recommendations and suggestions that have resulted in amendments to the respective reports. Engineer James Guler described changes made to the project, including those made to grades, tile sizes, culvert sizes and perforated/non-perforated sections. The design changes result in a total project cost increase of \$190,000 and a local assessed cost increase of \$160,000. Board Manager Gillespie commented that land cover considerations should be made when determining whether mainline tile will be perforated or non-perforated. Board Manager Gillespie stated that in his experience, in areas with grass cover and trees, plant roots will fill plug perforated tile, especially following a drought; solid pipe protects the conveyance from future plant root blockages. Landowner Paul Rath requested consideration for sandslot tile. Landowner Nicholas Olson stated his opposition to the project, and requested information on repair cost versus improvement cost per lateral. Engineering staff and board managers discussed the petitioners' desire to do an improvement project over a repair project as defined in Minn. Stat. Ch. 103E. At a minimum, the project became an improvement when grade lines were proposed to be changed. Possible replacement costs were discussed to be significant, and a replacement project would not correct original design grades that are too flat and miss an opportunity to bring the system to modern design standards and the proposed 1/4" drainage coefficient.

Viewer Dwight Veldhouse presented proposed changes to the Viewers' Report on a section-by-section basis. Mr. Larry Vipond stated that lands under WRP easements should be considered for an assessment; Viewers proposed to exclude WRP acres. Stevens County Commissioner Ron Staples stated that lands under perpetual easements are not excluded from drainage system assessment districts in Stevens County. Board Manager Schmidt stated that conservation acres provided limited storage capacity; when the capacity is exceeded, flood water has the potential to damage neighboring lands. Board Manager Scott Gillespie stated that some WRP land can be grazed. Viewer Dwight Veldhouse stated that grazing or haying is sometimes used instead of burning vegetation. District Attorney Lukas Croaker stated that there is not a state prohibition that land held for conservation cannot be considered for assessment district inclusion, and that the board has the authority to direct

the viewers to reexamine these areas if the board finds that an inequitable assessment has been proposed. Board Manager Dahlen stated that he uses some of his land in conservation to store water on behalf of his neighbors. Landowner Dana Blume stated that his WRP land will store a set amount of water, and excess flows are directed into Grant County Ditch #21 via an overflow culvert. District Attorney Lukas Croaker discussed Minn. Stat. § 103E.315, Subd. 5, stating that benefits may be based on an increase in the current market value of property as a result of constructing the project. Viewer Dwight Veldhouse continued his presentation of proposed changes. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the Viewers are directed to reexamine the Viewers' Report based on hearing comments and the hearing is recessed to January 25, 2023.

WCD #SUB-1

Construction on WCD #Sub-1 is deemed substantially complete. Upon motion by Beyer, seconded by Schmidt and carried unanimously, Change Order No. 2 for 13 flap gates installed on Wilkin County centerline culverts, was approved in the amount of \$37,210.79. Upon motion by Dahlen, seconded by Beyer and carried unanimously, Pay Application No. 5 in the amount of \$63,651.32 was approved. Engineering and legal staff continue to work with permit requirements for a culvert installation associated with the railroad.

PROGRAM OF THE YEAR: DRAINAGE SYSTEMS

Administrator Jamie Beyer stated that the District was recently awarded Program of the Year from Minnesota Watersheds for the District's rolling Multipurpose Drainage Management Retrofit Program. Over the past seven years, the District has supported landowner-directed repairs and improvements to legal drainage systems, totaling \$14.7 million. The District has employed a continuous development approach whereby construction can be initiated within 2 years of an acceptance of a successful landowner petition. The District leverages its own cost-share programs, and Minnesota Clean Water Fund Legacy Act and Red River Watershed Management Board grant funds, when available and eligible.

REDPATH & TCD #24 TREES

Redpath Pay Application No. 6 will be presented at the January 25, 2024 board meeting. Construction of Phase 2A is deemed substantially complete. Upon motion by Schmidt, seconded by Gillespie and carried unanimously, tree removal was approved in preparation for Redpath Phase 2B. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, additional tree removal is approved for the adjacent TCD #24 area recommended by District Engineer Technician Troy Fridgen.

LIGHTNING LAKE UPDATE

The Lightning Lake Outlet project is complete. There is a punchlist of items that will be addressed Spring 2024. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 1 in the amount of \$262,111.55 was approved.

2023 AMENDED BUDGETS & 2024 BUDGETS, LEVIES & ASSESSMENTS

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Public Hearing on the Budgets and Levies for the General Fund, Construction Fund, and Budget and Assessments for the Ditch Systems. Upon motion by Wold, seconded by Dahlen and carried unanimously, the Amended 2023 General, Construction, and Ditch budgets were approved. Budgets and fund balances for 2024 were reviewed, along with the corresponding proposed 2024 assessments and levies. Traverse SWCD Administrator Sara Gronfeld requested an increase of \$20,000 for the lined waterway outlet cost share program. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the Resolution of Ad Valorem Tax Levy (with a \$200,000 General Fund ad valorem levy tax and a \$1,833,097.59 Construction Fund ad valorem levy tax) was approved, to include \$30,000 in funding for the lined waterway outlet program. Board managers and staff reviewed the proposed 2024 ditch assessments. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the Resolution for Ditch Assessment Levies in the total amount of \$438,080 was approved (which does not include assessments for county bond repayment schedules assessed by bond holding counties and does include a \$30,000 assessment for continued development of a GCD #3 repair). Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing was closed.

FARMLAND BIDS

District Attorney Lukas Croaker presented the District Request for Bids for Farmland at Various Locations in Grant, Big Stone, and Traverse Counties. A clause will be included in the bid document and lease that notifies lessees that final contractual acres may be reduced due to the progress of Redpath Impoundment construction, and that rent will be adjusted on a per-acre basis.

WBIF GRANTS

Upon motion by Beyer, seconded by Dahlen and carried unanimously, watershed based implementation fund grant reimbursements included with claims and supplemental request were approved.

DISTRICT INDEX

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 5.03% in December 2023. Beyer motioned, seconded by Dahlen and carried unanimously, to update the internal interest rate to 5.03%.

CD PURCHASES

Administrator Jamie Beyer gathered CD interest rates from Bremer and Star Bank. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to purchase certificate of deposits with excess funds in a staggered maturity to coincide with 2024 cash flow needs with the vendor with the highest interest rate offer at the time of purchase. Board Manager Beyer recommended that a rate be requested and compared from People's State Bank in Breckenridge.

640TH ROAD RAISE

Dollymount Township Official Steve Fridgen stated that a contract has been awarded for construction of the 640th Road Raise project, and that land easements are currently being negotiated.

DRAINAGE WORK GROUP

Board Manager Wold discussed recent discussions at the Drainage Workgroup, including a proposed extension of the Runoff Sediment Delivery Option, the definition of the adequacy of a drainage outlet, and a proposed drainage registry portal. The DNR recently rejected a proposition for their department to post drainage project details received by their office; they feel the administrative burden would be too great. The Drainage Workgroup recently reviewed which members are included in the definition of a "consensus," as members opposing recent issue developments are not voting members. Obstruction from non-voting members is slowing the pace of progress, despite a significant investment by the Bois de Sioux Watershed District and other entities to provide board manager, legal, and engineering expertise.

JANUARY MEETING CHANGE

President Vavra provided a reminder that the Red River Basin Commission conference will conflict with the January 18th board meeting, so the District board meeting will be held January 25, 2024.

PERSONNEL RECOMMENDATIONS

District Attorney Lukas Croaker presented recommendations from the Personnel Committee to provide: a 3.5% 2024 Cost of Living Adjustment to employees, no change to health insurance coverage offerings, a wage study to assess if current wages are competitive, the splitting of sick time into a Minnesota state-mandated Employee Earned Sick and Safe Time Program, and the removal of the floating holiday in lieu of state-mandated Juneteenth holiday. Upon motion by Wold, seconded by Kappahn, and carried unanimously, the recommendations were approved. Dahlen abstained.

The meeting was adjourned at 12:38 pm.