

**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.