

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 17, 2024**

CALL TO ORDER

The meeting was called to order by President Vavra at 10:30 a.m. at the Herman Community Center. In attendance: Linda Vavra, Benjamin Brutlag, Doug Dahlen, Steven Schmidt, and Allen Wold. Also present: District Engineers Chad Engels and James Guler; Attorney Lukas Croaker; Administrator Jamie Beyer; Engineer Technician Troy Fridgen; Viewers Dwight Veldhouse, Loretta Gerhardson, and Donald Metz.

**GCD #21
FINAL
HEARINGS**

Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the Final Hearing on the Improvement Petition, Amended Detailed Survey Report, DNR’s Final Advisory Report, Viewers’ Report on the Redetermination of Benefits and Damages, and Amended Viewers’ Report on the Improvement and Separable Repair of Grant County Ditch #21 (GCD #21) was opened. Attorney Lukas Croaker recounted some of the preceding events, including the District’s receipt of a Petition for Improvement, initial final hearings held and continued November 17 and December 21, 2023; January 25, 2024. On February 15, 2024, the District passed the Order Suspending Final Hearing to Correct Procedural Errors, Amended Administrator’s Order Designating Viewers’ Meeting, Findings and Order Initiating the Redetermination of Benefits and Appointing Viewers, and Amended Findings and Order for Detailed Survey Report. This final hearing is subsequent to actions by the Viewers and Engineering staff in response to these orders, and will provide an opportunity for landowners to respond to the amended reports.

Engineer James Guler introduced project costs for the Repair of GCD #21, Improvement of Branch #1, Improvement of Branch #2, and Improvement of Branch #4. Applicable District cost-share was also calculated and subtracted to provide separate local costs (paid by benefit areas).

| Repair Costs | Summary of Project Costs | | Summary of Funding Source | |
|--------------------------------|-------------------------------------|------------------------|---------------------------------|------------------------|
| Entire GCD 21 Watershed | Construction | \$ 1,966,435.00 | BdSWD Clean Water Cost Share | \$ 363,993.75 |
| | Soft Costs Lines 2 - 15 | \$ 1,103,565.00 | BdSWD Inline Culvert Cost Share | \$ 389,960.00 |
| | Total | \$ 3,070,000.00 | GCD 21 Benefit Area | \$ 2,316,046.25 |
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| Additional Improvement Costs | Summary of Project Costs | | Summary of Funding Source | |
| Branch 1 Sub Watershed | Construction | \$ 103,625.00 | BdSWD Clean Water Cost Share | \$ 25,906.25 |
| | 15.3% of Soft Costs (Lines 2 - 15) | \$ 48,617.10 | Branch 1 Benefit Area | \$ 126,335.85 |
| | Total | \$ 152,242.10 | | |
| Branch 2 Sub Watershed | Construction | \$ 416,831.00 | BdSWD Clean Water Cost Share | \$ 104,207.75 |
| | 61.55% of Soft Costs (Lines 2 - 15) | \$ 195,562.02 | Branch 2 Benefit Area | \$ 508,185.27 |
| | Total | \$ 612,393.02 | | |
| Branch 4 Sub Watershed | Construction | \$ 156,800.00 | BdSWD Clean Water Cost Share | \$ 39,200.00 |
| | 23.15% of Soft Costs (Lines 2 - 15) | \$ 73,564.88 | Branch 4 Benefit Area | \$ 191,164.88 |
| | Total | \$ 230,364.88 | | |

Viewer Dwight Veldhouse presented some of the aspects of the Amended Viewers’ Report, including the use of a Hydraulic Efficiency rating that broadly categorizes a parcel’s drainage as a “1” if it accesses an open ditch; < “1” if the open drainage is restricted (i.e. by a culvert); > “1” if the parcel has access to subsurface drainage. Viewer Dwight Veldhouse discussed the decrease in proximity that was applied to some of the lands northeast of Branch #4, as it was found their drainage ultimately flows to Branch #1.

Engineer James Guler strongly encouraged landowners to verify with Grant County’s Greg Lillemon any plans for private subsurface drainage systems in the future.

Landowner comments:

Mr. Ken Derby presented a letter to District Board Managers requesting a review of the elevations of a parcel purported to not benefit from Branch #2 Improvements.

Attorney Dean Zimmerli, representing Mr. Jim and Mrs. Charlene Nelson, suggested consideration for cost savings if existing tile is abandoned and left-in place; consideration of whether concrete water control structures constitute a repair or an improvement; consideration of whether flap gates are appropriate; consideration for an increase of cost if tile is installed to a deeper depth; consideration if Branches #2 and #4 are being designed at a 1/4" drainage co-efficient; verification that the Future Consolidated Benefit column on the Amended Viewers' Report is correct, as the repair benefits + improvement benefits do not equal the Future Consolidated Benefit, specifically citing that land owned by Mr. Lowell Ricks and Mr. Jim and Mrs. Charlene Nelson have higher Future Consolidated Benefits listed than the repair + improvement benefits and that the road authorities, such as Delaware Township, have Future Consolidated Benefits far less than the repair benefits + improvement benefits; questioned the ability of engineers to assist viewers in determining benefits and damages; and has concerns that the public meeting was not timely noticed in the newspaper.

Engineer James Guler relayed that Mr. Paul Raths, Mr. Mark Ellison, and Mr. Daniel Ellison have requested that Branch #2 be increased to a 1/2" drainage co-efficient.

Mr. Scott Biss stated that a corner of his land in Branch #2 does not flow to Branch #2, and that it should be considered for removal from the subwatershed.

Attorney Lukas Croaker read a letter from Mr. Lowell Ricks that stated his belief that the project in Section 17 of Delaware Township is not entirely on his NE quarter, and that the estimated project costs for Branch #4 are too high.

Mr. Paul Raths confirmed with engineering staff that the new tile will be televised after installation.

Mr. Michael Ricks, son of Mr. Lowell Ricks, asked about the assessment timeline and process.

Engineering staff thanked landowners for their time and effort to meet and discuss this project. President Linda Vavra encouraged landowners to continue to work together to address the problems with this public system.

Upon motion by Dahlen, seconded by Wold and carried unanimously, the hearings were recessed and will reconvene at 8:00 am on July 18, 2024 at the Bois de Sioux Watershed District Office at 704 Highway 75 in Wheaton.

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