

**BOIS DE SIOUX WATERSHED DISTRICT**  
**BOARD MEETING MINUTES**  
**June 21, 2024**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:03 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Benjamin Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, Administrator Jamie Beyer.
- AGENDA** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: Everglade Township Permits, Wilkin County Culvert Sizing, District Lobbyist.
- CONFLICT OF INTEREST** Board Manager Kapphahn declared a conflict of interest with Lake Samantha.
- CONSENT AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** No public comment was stated.
- EVERGLADE TOWNSHIP FLOODING** Engineer Technician Troy Fridgen is receiving landowner complaints regarding flood conditions upstream of Stevens County Ditch #1, which outlets into Twelvemile Creek. The Twelvemile Creek has accumulated sediment. This is an upstream area of the watershed, and has very low slope. Gillespie stated that Twelvemile Creek is in dire need of a restoration project.
- FINAL HEARING: LIGHTNING LAKE OUTLET NO. 1** Upon motion by Dahlen, seconded by Wold and carried unanimously, the Final Hearing on the Engineer's Report for Lightning Lake Outlet Project No. 1 was opened. Engineer James Guler reviewed project construction details, highlighting the additional culvert that was installed to prevent Stoneybrook Township Road 118 from overtopping, and fish connectivity that has been provided with the replacement of the concrete weir structure with a series of boulders, rocks, and chinking material. Engineering staff met with DNR officials on-site to verify their requests for final punchlist items, but the DNR more recently sent additional requests for changes prior to project closeout. As the new DNR requests were submitted after the contractor's final punchlist was accepted, Engineer James Guler recommended that the contractor be compensated for the additional work by time and materials. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the additional construction is ordered on a time and material basis and the hearing was recessed, and will be continued July 18, 2024.
- FINAL HEARING: LAKE TRAVERSE WATER QUALITY IMPROVEMENT PROJECT NO. 1 PHASE #3** Upon motion by Dahlen, seconded by Schmidt and carried unanimously the Final Hearing on the Engineer's Report for Phase 3 of the Lake Traverse Water Quality Improvement Project No. 1 was opened. Engineer James Guler presented a Final Balancing Change Order in the amount of \$32,768.90, and described the project built in conformance with the project's plans and specifications. Traverse SWCD has made multiple attempts to establish vegetation in different portions of the project, and has begun tree planting. These efforts will continue outside a potential closeout of the contract with the project contractor. Landowners presented a number of comments of unfinished work, including: erosion concerns in specific areas, fence replacement, fence debris, unleveled dirt work, tree debris left on-site, and need for a second cow crossing to prevent destruction of side slopes. Mr. Kevin Pederson, representing landowner Jonathan Pederson, stated that he had to work directly with contractors to restore severed/buried/damaged utilities, including phone, subsurface tile, and tile outlets. Mr. Pederson stated concerns about the amount of erosion that took place following fall construction, and has identified areas where rocks must be removed. Board Manager Scott Gillespie thanked the landowners and representative for their comments. Engineering staff will work with landowners to resolve the outstanding issues. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing was recessed and will be continued July 18, 2024.
- FINAL HEARING: MUSTINKA RIVER REHABILITATION & REDPATH FLOOD IMPOUNDMENT** Upon motion by Kapphahn, seconded by Brutlag and carried unanimously, the Final Hearing on the Engineer's Report for Phase 2A of the Mustinka River Rehabilitation and Redpath Flood Impoundment Project was opened. Engineer James Guler stated that the contractor has not completed the final punchlist items. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing was recessed and will be continued July 18, 2024.

**WCD-SUB #1**

Attorney Lukas Croaker has edited a new legal instrument provided by BNSF to facilitate a culvert replacement through land owned by BNSF. Motion by Gillespie, seconded by Dahlen and carried unanimously to approve the construction and maintenance agreement and work with BNSF to get the additional culvert installed.

**103F.48  
RIPARIAN  
BUFFERS**

Ms. Angelica Hopp joined the meeting by telephone. The District desires to support landowner initiatives to adopt lawful alternative practices that are described in the NRCS Field Office Technical Guide, but not recognized or supported by local government officials, by hiring a third party consultant to work with the District and landowners. Administrator Jamie Beyer stated that Ms. Hopp can provide these professional services. Administrator Jamie Beyer presented broad contractual terms proposed by Ms. Angelica Hopp from Agriboost. Ms. Angelica Hopp formerly worked for Kandiyohi County as a buffer compliance technician. Today she has her own consulting company, working with landowners on agricultural practices. Ms. Angelica Hopp stated her willingness to work directly with landowners, to understand their needs and their land’s specific conditions.

**BDSWD DITCH  
NO. 5**

Engineer James Guler relayed results of two meetings with DNR representatives regarding the proposed Bois de Sioux Watershed District Ditch No. 5. At the first meeting, DNR and BdSWD staff discussed potential options to eliminate DNR’s concerns with the project. DNR representatives stated they needed to have internal communication to evaluate the options presented. The second meeting featured different DNR representatives who stated that the land identified as a public water in Section 24 must retain at least 90% of the mean average daily flow following a proposed surface or subsurface project. Staff aren’t sure how to interpret this requirement against the fact that the land identified as “public water,” does not meet the definition of watercourse under Minn. Stat. § 103G.005. The “Report to the Minnesota State Legislature: Definitions and Thresholds for Negative Impacts to Surface Waters” was referenced by DNR Representatives as the basis for the 90% standard, but its intent is in evaluating the average daily flow for streams and rivers with continuous flow, not field channels. Providing a computer hydrologic model that reflects reality would be difficult and would have to include a long list of assumptions. Acceptance of this model would need to include agreement from the DNR on the evaluation and assumptions used. Staff will work with the Section 24 landowner to explore whether a petition for removal from the PWI is feasible and appropriate. Engineer James Guler will request the DNR’s new condition be confirmed in writing, and will schedule a follow-up meeting with DNR to discuss the problematic application of a stream standard to an ephemeral situation. Information about the petition and DNR response will be brought to the Drainage Workgroup, Red River Watershed Management Board, and the Flood Damage Reduction Workgroup. Administrator Jamie Beyer stated that in the DNR’s Advisory Letter, they allege that current conditions and proposed future conditions produce water quality impairments downstream – because these allegations are a significant factor in the DNR’s opposition to the proposed project, and are outside the scope and intent of drainage law, the Construction Fund can be utilized to address these comments.

**GCD #21  
HEARINGS**

**GCD #3 REPAIR**

GCD #21 hearings were held earlier this week; the meeting was recessed and will reconvene July 18, 2024.

**MDM GRANT  
OPEN**

Engineer James Guler responded to several requests for additional information from DNR representatives regarding the proposed repair of GCD #3. An assumption made on the vertical datum utilized on the historic 1980 plan set resulted in DNR representatives stating an improvement had been constructed at some point. With additional information provided to the DNR, it was apparent that an improvement has not been constructed, and the objections have been addressed. Engineer Guler will continue working with DNR to get advisory support for the repair that may affect public waters.

**REDPATH PH. 2B**

A solicitation for Multipurpose Drainage Management grant applications is expected before August. Board Managers supported the submission of any of the qualifying projects currently being developed: WCD #39, GCD #21, GCD #8, BCD #8, BdSWD No. 5.

Engineer James Guler provided an update of Phase 2B construction of the Mustinka River Rehabilitation and Redpath Flood Impoundment. Earthwork continues on the shaping of the meandering channel and embankment walls. The bypass floodway is completed up to Station 116+00 and the meandering channel is completed up to Station 114+00. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Request No. 1 in the amount of \$1,863,983.36 was approved. Dahlen motioned, seconded by Gillespie, to approve temporary electric service to two relocated tile pumps in the Redpath Flood Impoundment construction footprint. Upon motion by Dahlen, seconded by Gillespie and carried

unanimously, staff are authorized to use tile pump easement forms prepared by Ohnstad Twichell as a replacement for easement forms provided by Traverse Electric.

**103F.48  
RIPARIAN  
BUFFERS**

Administrator Jamie Beyer presented the information as a proposal for the District to consider: Ms. Angelica Hopp will work closely with landowners designated as non-compliant by Traverse, Grant, and Wilkin Counties, with the support of District staff to adopt alternative practices in compliance with the Buffer Law and Buffer Rule. Ms. Angelica Hopp has knowledge and experience with a broad set of conservation practices, and can provide landowners more clear guidance on considerations for 16.5' buffer or alternative practice installation. In Ms. Hopp's proposed work with landowners, District staff will gain understanding of lawful practice alternatives while also bringing parcels into compliance with the Buffer Law. Board Managers supported Attorney Lukas Croaker's offer to put together an independent contractor agreement for signature by the District and Ms. Angelica Hopp. Board Managers reviewed the revised Corrective Action Notice template. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, Board Managers authorized: revisions to the Corrective Action Notice, consultant service contract, and notice to the list of non-compliant parcel landowners. Board Manager Scott Gillespie stated that these actions combined will provide common sense solutions and flexibility. District Administrator Jamie Beyer also presented BWSR Alternative Practice 4B, which includes conditions to employ a 16.5' no-till/strip till or 16.5' cover crops adjacent to vegetated channel and banks. This option appears very similar to the District's Preferred Alternative Practice of 16.5' no-till and cover crop installation which was rejected by local SWCDs and BWSR.

**NORTH OTTAWA  
IMPOUNDMENT**

Board Managers discussed complaints received from 4 – 5 landowners during recent in-season flood impoundment operations. Board Manager Benjamin Brutlag requested that staff assemble an operations manual and checklist that can be followed by anyone put into the position of operating the impoundment. Engineer Technician Troy Fridgen stated that the Impoundment's capacity to receive water is greater than the capacity of downstream outlets and channels to release and convey water. Additionally, public drainage systems downstream of the North Ottawa Flood Impoundment outlets are undersized, and are currently being utilized by large public water systems. These conditions will flood downstream farmland when the North Ottawa Flood Impoundment gates are completely closed. Also, at least one combination of open outlet gates results in floodwater backflowing from Cell C into A/B Cells. Board Managers and staff identified a need for repairs and increased functionality, including installation of culverts with strong traps for neighboring farm fields, and the ability to more quickly drawdown Cell C. Board Managers requested that a meeting be held with the operations committee and landowners to discuss: 1) in season impoundment operations and triggers; 2) current repairs needed; and 3) future improvements needed.

**WATERSHED  
POLICIES**

Administrator Jamie Beyer relayed a need for more support working with proposed watershed policies. Board Managers supported a search for professional services.

**CROAKER  
LEAVES**

Attorney Lukas Croaker left the meeting.

**REDPATH  
FARMLAND  
LEASES**

Administrator Jamie Beyer stated that Attorney Lukas Croaker has clarified how District leases address returning rented farmland. The lease states that lands must be returned in the condition they were originally leased (tilled/not tilled). If at the end of the lease, the renter is unable to complete fall tillage, the renter is charged a flat rate. These funds are used to contract with tillage services in the spring, and bid for rent in the spring. Several Redpath fields were not tilled Fall 2023.

**BEYER TERM**

The District received notification that Wilkin County representative Jason Beyer has been reappointed.

**JCWMP GRANT  
DISBURSEMENT**

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the \$16,945.13 Joint Comprehensive Watershed Management Grant Watershed Based Implementation Fund Grant #2 reimbursement to the District was approved. Upon motion by Beyer, seconded by Gillespie and carried unanimously, staff are authorized to submit a grant application for Watershed Based Implementation Funds #3.

**ELECTIONS**

Wold called for nominations for the position of President. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Linda Vavra was nominated for the position of President. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, nominations were ceased and a unanimous ballot was cast for Linda Vavra.

Vavra called for nominations for the position of Vice President. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, Jason Beyer was nominated for the position of Vice President. Upon motion by Wold, seconded by Gillespie and carried unanimously, nominations were ceased and a unanimous ballot was cast for Jason Beyer.

Vavra called for nominations for the position of Secretary. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, Allen Wold was nominated for the position of Secretary. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, nominations were ceased and a unanimous ballot was cast for Allen Wold.

Vavra called for nominations for the position of Treasurer. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, John Kapphahn was nominated for the position of Treasurer. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, nominations were ceased and a unanimous ballot was cast for John Kapphahn.

**RRWMB  
DELEGATES**

Delegates to the Red River Watershed Management Board will be designated later 2024.

**OFFICIAL  
NEWSPAPERS**

Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the following publications are designated as official newspapers for the respective counties: 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.

**RATES**

Upon motion by Dahlen, seconded by Gillespie and carried unanimously the rates described in the 2024-2025 Annual Organization Resolution were approved for District, legal, and engineering staff.

**ANNUAL ORG.  
RESOLUTION**

Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the 2024 – 2025 Annual Organization Resolution was approved.

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