

**BOIS DE SIOUX WATERSHED DISTRICT  
BOARD MEETING MINUTES  
August 15, 2024**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Doug Dahlen, Jason Beyer, Ben Brutlag, Scott Gillespie (arrived later), John Kapphahn, Steven Schmidt, and Allen Wold. Also present Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Administrator Jamie Beyer, and Engineer Technician Troy Fridgen. Absent: Jerome Deal.
- AGENDA** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved with additions of Permit Application #24-095, Grant County Ditches, TCD #27 Landowner Meeting, and TCD #52 Landowner Meeting, WBIF #3 Grant Agreement, Rabbit River Flow Conditions, CD Purchase.
- CONFLICT OF INTEREST** Board Manager John 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 JD #11/TCD #27** Public comment: Mr. Chester Raguse requested information on the design of Lateral 4 of JD #11 along the north half of Section 22. Mr. Raguse had previously received board permission to install an 18" culvert to divert high water from TCD #27 to JD #11, Lateral 4, as TCD #27 is no longer providing the designed drainage function. Mr. Raguse requested permission to increase the culvert size to match the drainage area. Engineer Chad Engels stated that the northernmost stretch of TCD #27 in Section 22 had a design gradeline to the south, but it could be graded to the north to connect with JD #11. Attorney Lukas Croaker stated to the District could consolidate and divide drainage systems, if desired. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to prepare for and hold an informal landowner meeting for JD #11, including non-ditch landowners in Sections 14, 21, 22, and 23.
- PETITION: TCD #51 & TCD #7** Upon motion by Wold, seconded by Dahlen and carried unanimously, the joint hearing was opened to consider the petition requesting authority to use Traverse County Ditch #51 and Traverse County Ditch #7 as an outlet for Jonathan Mathias: Parcel #16-0021-000, N1/2 of Section 6, Range 44, Eldorado Township (126), Stevens County. Engineering staff presented the location of the proposed project. Similar petitions have recently been reviewed and approved previously by the board. Engineering staff estimate that 1/3 of the project's flow will utilize TCD #51 and TCD #7. The other 2/3 of the flow bypass TCD #51 and TCD #7 and outlets directly into Fivemile Creek. Attorney Lukas Croaker read the proposed order Authorizing the Use of TCD #51 and TCD #7, to include TCD #51 benefits of \$127.04 and outlet fee of \$2,601.77; TCD #7 benefits of \$203.26 and outlet fee of \$2,244.24. The order also specified that the petitioner is responsible for administrative and hearing costs. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the order was approved. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the hearing was closed.
- PETITION: TCD #18** Upon motion by Wold, seconded by Dahlen and carried unanimously, the hearing was opened to consider the petition requesting authority to use Traverse County Ditch #18 as an outlet for Steven Lundquist: Parcel #06-0084000, NE1/4 of Section 17, Range 46, Lake Valley Township (127), Traverse County. Engineer Technician Fridgen discussed the project area. The flow from the proposed project will be controlled by a 24" culvert, and then pass through a recently reinstalled 18" culvert, near property owned by Ms. Betty Beal. Ms. Beal stated that flood conditions have been alleviated by cleaning out the drainage ditch. Engineering staff stated their support to have the 18" culvert changed to 24". Attorney Lukas Croaker read the proposed order Authorizing the Use of TCD#18, to include benefits of \$320.00 and outlet fee of \$11,881.73. The order also specified that the petitioner is responsible for administrative and hearing costs. Upon motion by Beyer, seconded by Schmidt and carried unanimously, the order was approved. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the hearing was closed.
- PETITION: TCD #11** Upon motion by Dahlen, seconded by Beyer and carried unanimously, the hearing was opened to consider the petition requesting authority to use Traverse County Ditch #11 as an outlet for Miller LLLP: Parcel #13-0082000, SE1/4 of Section 20, Range 45, Tintah Township (129), Traverse County. The project is split by a subwatershed boundary. A portion of the project area drains northwest across an open field to JD #3. The remainder of the property drains south, then west through one mile of

TCD #11, and then ultimately north to the same JD #3 location that the remainder of the parcel drains. Board Manager Wold expressed concern about the capacity of TCD #11. Engineer Chad Engels stated that based on a 2015 review of TCD #11, it is undersized. Engineer Technician Troy Fridgen stated that beaver dams and Texas-style crossings are impeding flow downstream on the Rabbit River, impacting flooding upstream. Board Manager Dahlen stated that the project is controlled with a ¼" drainage coefficient and pump. No public comment was received. Attorney Lukas Croaker read the proposed order Authorizing the Use of TCD #11, to include benefits of \$100.80 and outlet fee of \$3,622.15. The order also specified that the petitioner is responsible for administrative and hearing costs. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the order was approved. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the hearing was closed.

**PERMIT APP.  
#24-087**

The tile contractor for Mr. Cole Amunderson's project requested that the Board review Permit Application #24-087. A proposed surface inlet/intake was denied until the GCD #21 project moves forward. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the restriction was removed.

**PERMIT APP.  
#24-095**

Engineer Technician Troy Fridgen summarized flooding problems in Bradford Township, Sections 28, 29, 30, and 33, which have been highlighted by Permit Application #24-095, submitted by Mr. Doug Etten. Upon motion by Beyer, seconded by Schmidt and carried unanimously, staff are authorized to prepare for and coordinate an informal landowner meeting.

**REDPATH PH. 2A**

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the final hearing for Redpath Phase 2A was reconvened. The contractor has not been able to complete punchlist items due to rainy weather. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing will be reconvened September 19, 2024.

**WCD #SUB-1**

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the final hearing for the Improvement of WCD #Sub-1 was opened. Engineering staff presented the final balance change order and recommended final payment. No public comment was presented. Attorney Lukas Croaker read the final order and findings. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the pay application and order and findings of fact were approved. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing was closed.

**TCD #27**

Engineering staff discussed the condition of TCD #27. Public waters are overwhelming public drainage systems, and the Mustinka River is backed-up from the mouth into Lake Traverse to TCD #27. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, staff are authorized to prepare for and facilitate an informal landowner meeting.

**GCD #21**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Findings of Fact and Order for the Improvement of GCD #21 was approved.

**GILLESPIE  
ARRIVES**

Board Manager Gillespie arrived at the meeting (10:14 am).

**TCD #52**

Engineer Technician Troy Fridgen stated that water flow is being obstructed upstream of the Lake Traverse Water Quality Improvement Project in TCD #52. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to prepare for and facilitate an informal landowner meeting. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, engineering staff were ordered to present at the September board meeting culvert elevations, weir elevation, and legal gradeline prior to a landowner meeting.

**GENERAL &  
CONSTRUCTION &  
PROJECT BUDGETS**

Upon motion by Dahlen, seconded by Beyer and carried unanimously, the hearing on the 2024 General Budget, Construction Fund, and the levies for projects under their jurisdiction was opened. Administrator Beyer presented draft General Fund and Construction Fund Budgets. Drainage assessments proposed for 2025 will be reviewed in December. Red River Watershed Management Board Executive Director Rob Sip presented their decision on the Construction Fund assessment rate for 2025 and provided general updates about the organization's recent activities. Beyer motioned, seconded by Schmidt to approve the 2025 Ad Valorem Levies Resolution, to include a \$250,000 General Levy; \$2,178,657.39 Construction Levy; \$75,000 Lake Traverse Water . Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Beyer – aye; Dahlen – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Gillespie motioned, seconded by Kapphahn, to approve the 2025 Resolution Budgeting

Annual Redpath Impoundment Project Funds. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Beyer – aye; Dahlen – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**GRANT COUNTY  
DITCHES &  
CONSOLIDATED  
JD #2**

Engineer Technician Troy Fridgen stated that newly acquired Grant County legal drainage systems are being treated for vegetation growth. He has also found clay tile in Consolidated Judicial Ditch #2 that requires immediate repair. The system is also affected by a US Fish and Wildlife control structure that floods downstream with no notice. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to review historical documents, survey the system, and coordinate an informal landowner meeting.

**GCD #3 REPAIR**

The District received a notice from DNR Representative Emily Siira that the GCD #3 project can proceed as a repair, as proposed. Engineering staff will continue to work with Grant County staff to coordinate outstanding WCA permit items. Upon motion by Beyer, seconded by Dahlen and carried unanimously, engineering staff are authorized to prepare bid documents and advertise the project, once final permits have been approved.

**HWY 27  
DOT PROJECT**

Board managers discussed DOT plans for Highway 27, and potential effects for GCD #8. Grant County Highway Representative Aaron Beyer stated that construction is scheduled for 2027 – 2028, and that the project will include a full depth claim, mill, and overlay. Some work may include culverts going under the highway, but in general, it was Mr. Beyer's opinion that there will be no effect on GCD #8. Engineering and District staff will hold a virtual meeting with DOT staff to verify impacts on GCD #8 and coordinate other potential projects, i.e. the DOT's plans for an upcoming Highway 75 project.

**PIPELINE &  
WCD #35**

Administrator Beyer relayed that the District has received notice that the Summit Solutions Carbon Pipeline footprint will likely overlap with WCD #35. Upon motion by Gillespie, seconded by Beyer and carried unanimously, staff are authorized to submit a comment letter notifying project proposers of the District's drainage system land rights, permitting, and recommendations for future utility placements.

**WIND/SOLAR  
SETBACKS**

Board Manager Wold requested that the District submit to the Traverse County solar/wind energy subcommittee any setback recommendations and temporary permit application requirements.

**BWSR UPDATE**

Board of Water and Soil Resources representative Pete Waller relayed feedback from their recent visit to Redpath, Lake Traverse Improvement Project, and North Ottawa. He also presented information on recent legislative changes. Board Managers discussed the challenges the new legislation provides to District and private landowner efforts to managing excess water and reduce flood damages.

**WBIF GRANT  
AGREEMENT**

Upon motion by Wold, seconded by Beyer and carried unanimously, BWSR Grant Agreement #C25-0156, in the amount of \$1,594,226 was approved.

**REDPATH PH. 2B**

District Engineer James Guler provided an update of Redpath Phase 2B construction. Box culverts have been installed. Engineering staff have been called to manage road conditions and closures affecting neighboring landowners. Engineering staff also discussed the need to place material excavated under Phase 2A, too wet for placement last year, is now being utilized and placed under Phase 2B for embankment. A change order was presented for the extra handling, which was earlier reviewed by the District's Construction Committee. Upon motion by Brutlag, seconded by Schmidt and carried unanimously, Change Order #1 and Pay Application #3 were approved, authorizing payment to the contractor in the amount of \$974,768.83.

**DORAN CREEK**

A meeting was held with landowners whose permission is needed for Doran Creek Restoration surveys. Right of entry agreements are being sent to landowners who did not attend.

**SOIL LOSS**

Administrator Beyer continues to wait for the Soil Loss Independent Contractor to review and return the contract provided to her by the District related to alternative practices and buffer enforcement under the Buffer Law and the District's Buffer Rule.

**NORTH OTTAWA**

Engineering staff discussed a landowner meeting held to discuss North Ottawa post-planting flood impoundment release and operations. A map of recommended outlet changes was reviewed. Proposed locations of downstream and impoundment monitoring systems were discussed. Engineer Technician Troy Fridgen recently discovered the location of several beaver dams and obstructions in JD #2 and the Rabbit River, including large rocks dropped into JD #2 by a private landowner. Upon

motion by Kapphahn, seconded by Brutlag and carried unanimously, engineering staff are authorized to provide a proposal for determining the feasibility of constructing a new outlet ditch.

**TWELVEMILE  
CREEK**

Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Twelvemile Creek Project Team was established. A series of three meetings will be coordinated by staff.

**RING DIKE  
PROGRAM**

Staff have met with four landowners who are interested in ring dike flood protection. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, staff are authorized to discuss project details with landowners and collect preliminary survey elevations to estimate project costs prior to application to the Red River Watershed Management Board's Ring Dike Cost Share Program. Red River Watershed Management Board Executive Director Rob Sip stated that there are 658 ring dikes currently in the Red River Valley in Minnesota.

**CD PURCHASE**

Upon motion by Dahlen, seconded by Gillespie and carried unanimously, staff are authorized to purchase a 60-day \$2,000,000 CD.

**DWG**

Board managers discussed recent meetings, including the Drainage Inspectors workshop and the Drainage Workgroup.

The meeting was adjourned at 1:30 pm.