

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
September 19, 2024**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:04 a.m. Present in the District Office: Linda Vavra, Doug Dahlen, Ben Brutlag, Scott Gillespie, John Kapphahn, and Allen Wold. Also present Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Administrator Jamie Beyer. Absent: Jason Beyer, Jerome Deal, Steven Schmidt.
- AGENDA** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved with the removal of Permit Applications #24-095, #24-100, #24-111, #24-106, #24-111; removal of Bradford Sections 28, 29, 30, 33 system; addition of Contract for Services.
- 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** No public comment was received.
- P.A. #24-104
B. PIEKARSKI** Engineering staff presented a project map for Permit Application #24-104. The applicant, Mr. Brad Piekarski, was present and stated that he had changed a planned 10" subsurface drainline to 8" to meet the District's ¼" drainage coefficient. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, a variance was granted for the project to cross the subwatershed boundary.
- P.A. #24-114
J & R MURPHY** Engineering staff presented a project map for Permit Application #24-114. A portion of the project is located in the Upper Minnesota River Watershed District. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the portion of the project described in the Bois de Sioux Watershed District was approved upon the condition that the Upper Minnesota River Watershed District provide approval for the portion of the project located within their jurisdictional boundary.
- PERMIT SUBCOMMITTEE** Staff requested that a subcommittee be appointed to review District permit application requirements. Upon motion by Dahlen, seconded by Wold and carried unanimously, the following board managers were appointed for participation: Brutlag, Wold, Kapphahn, Schmidt, and Vavra.
- REDPATH PH. 2A
FINAL HEARING** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the final hearing for Redpath Phase 2A was reconvened. The contractor has minor punchlist work to complete. A final call for public comment was made; no comments were provided. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the contract may be closed and final payment in the amount of \$542,249.88 may be made contingent upon certification by engineering staff that the final punchlist items are satisfactorily completed. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the hearing was closed.
- JD #11 & TCD #27
FLOOD ISSUES** Engineering and legal staff discussed recent landowner meetings held for JD #11 and TCD #27 landowners; one topic of discussion for both meetings was flooding at the confluence of JD #11, Lateral 4 and the upstream portion of TCD #27. The extreme low-slope of TCD #27 causes high flows to feed into JD #11. Engineering staff identified maintenance needed on TCD #27, and will need to resize culverts on JD #11, Lateral 4 to direct flows while controlling the volume delivered to the JD #11 mainstem. District Attorney Lukas Croaker recommended that staff consider the order of events that would need to occur to construct the proposed project: a transfer of a portion of TCD #27 drainage system infrastructure to JD #11; petition for improvement of JD #11, Lateral 4; and a redetermination of benefits and damages of JD #11. Staff will continue to work with landowners to describe and develop the extent of this project.
- TCD #52** Engineering staff relayed that Engineer Technician Troy Fridgen continues to work with landowners on areas of TCD #52 upstream of Lake Traverse Water Quality Improvement Project No. 1. Engineer Guler will work with Engineer Technician Fridgen on culvert elevations.
- GRANT COUNTY
JD #2** No update was provided on Grant County Judicial Ditch #2. Historical records are being reviewed.

BDSWD NO. 5 DNR staff have stated that they will respond to the landowner petition to have land in Section 24 of Dollymount removed from the Public Waters Inventory. Engineering staff have also met with DNR staff regarding general drainage system design principles for new systems that direct flow away from public waters. Bois de Sioux Watershed District projects meet the 10-Year Flood Design Standard established through the Red River Watershed Management Board Mediation Agreement, authored and agreed to by the DNR and Red River Watershed Management Board. Local DNR staff stated that in order to avoid needing a public waters permit, a project design cannot direct more than 10% of flow away from public waters. This diversion requirement is equal on all flood events, despite the size of the flood event – which is not practical. Additionally, the DNR has indicated that projects that store water and reduce flows are also not preferred, because they feel increased duration of flow from releases from impounded waters can be detrimental. The District is caught in an impossible situation for low slope topography: frequent flooding causes significant erosion, delivers vast volumes of sediment and debris to overwhelmed downstream waters, degrades water quality, and damages public and private property, but remedies to prevent or reduce flooding are disparaged for their conversion of large-scale flood events to controlled releases of in-channel flow.

GCD #3 REPAIR Engineering staff are preparing documents to submit a WCA permit to Grant County SWCD showing that the planned repair of GCD #3 does not impose hydrologic changes that will create new impacts to wetlands. The project design describes removal of accumulated sediment from the legal channel and includes routine culvert replacements. This documentation is provided at a cost to the ditch landowners due to new requirements from recent changes to WCA permitting. Engineering staff hope that the documentation provided to Grant County SWCD for this project can serve as a template to reduce the cost on future repair projects.

GCD #21 No update was provided on GCD #21.

GCD #8 FISH BARRIER REMOVAL Administrator Beyer received confirmation from three separate DNR staff that there is no opposition to removal of a historic fish barrier on GCD #8, adjacent to State Highway #27. One of the two affected landowners could not be contacted prior to the application deadline for the Conservation Partners Legacy Grant. Administrator Beyer will continue to pursue confirmation of landowner authorization prior to the next open grant round.

WCD #SUB-1 COST SHARES & BOND PREPAYMENT Final engineering and legal bills were received on behalf of the Improvement of Wilkin County Ditch #Sub-1. Engineering staff calculated the portion of the project that could qualify for District cost-share. Kapphahn motioned, seconded by Dahlen, to approve the Resolution Authorizing Transfer of Funds, Clean Water Retrofit Cost Share Policy, transferring \$110,000 from the Construction Fund to the WCD #Sub-1 ditch fund in recognition of features of the Improvement Project that qualify for Clean Water funds. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried. Kapphahn motioned, seconded by Dahlen, to approve the Resolution Authorizing Transfer of Funds, Culvert Cost Share Policy, transferring \$414,460.42 from the Construction Fund to the WCD #Sub-1 ditch fund. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Dahlen – aye; Kapphahn – aye; Vavra – aye. Motion carried. Administrator Beyer stated that, once the project's rail road culvert crossing is complete, the District will have a second resolution to apply additional District Culvert Cost Share funds. Following today's transfer of District cost-share funds, the WCD #Sub-1 balance is approximately \$336,064.62. Beyer recommends remitting \$184,000 to Wilkin County for prepayment on the project's bond, which will reduce landowner assessments. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, payment in the amount of \$184,000 on the bond was approved.

DAHLEN LEAVES Dahlen left the meeting.

REDPATH PH. 2B PAY APP. NO. 4 & POSSIBLE CHANGE ORDER District Engineer James Guler presented Pay Application No. 4 in the amount of \$890,202.25 for work on the Mustinka River Rehabilitation and Redpath Flood Impoundment Phase 2B. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, payment to John Riley Construction, Inc. was approved. Engineering staff stated that due to project design and soil conditions, excavation of the channel is generating more material than expected – the excavated material is more suitable for embankment construction and more embankment can be constructed than anticipated. The contractor offered to use the extra material to build additional embankment length on a per-unit price basis, and waive hauling charges. Board managers stated support for the engineering staff to pursue a more formal change order, and are willing to schedule a special board meeting, if necessary. The use of the additional excavated material would relieve the District from having to excavate a portion of material

from interior burrow pits and could increase the amount of tillable acres available for lease upon project completion. District Engineer James Guler stated that formation of the additional embankment length may require extension of the current one-year substantial completion date; board managers stated support for a change to the substantial completion date.

DORAN CREEK RIGHT-OF-WAY	Engineering and legal staff continue to collect right-of-entry agreements for preliminary project surveys.
BUFFER LAW	Administrator Jamie Beyer stated that Engineer Technician Troy Fridgen is contacting landowners regarding potential non-compliance with the Buffer Law.
NORTH OTTAWA OUTLETS & VEGETATION	A feasibility study price proposal was presented by engineering staff for an improved or new outlet channel from North Ottawa. Administrator Beyer asked that the study be tabled until December, for consideration in the 2025 budget, as Engineer Technician Troy Fridgen is making a number of repairs within and outside of the impoundment in response to late season Spring 2024 operations. Board managers and staff discussed the increased flow capacity downstream of North Ottawa, achieved by addressing several beaver nuisance dams. Board Manager John Kapphahn requested that an annual inspection be conducted each spring by the District. Administrator Beyer relayed a Cell B3 recommendation from on-site DNR staff who met with District Engineer Technician Troy Fridgen. The DNR staff discussed the use of a specific grassland vegetation mix that they believe could withstand the flood inundation conditions within the impoundment. They recommended that Cell B3 be planted to soybeans, and that the revenue from the rental agreement be used to offset the expense of the grassland vegetation mix. Board Manager Ben Brutlag stated concerns that the vegetation mix could result in a more permanent cover that could prohibit future flexibility; the current North Ottawa operations agreement stated that up to 6 cells can be leased for various agricultural operations, if funds are needed for operation and maintenance. The information will be relayed to the North Ottawa Project Team for their consideration, and then they will provide recommendations to the District Board.
LTWQIP NO. 1 COST SHARE, AG BMP LOAN, CONSOLIDATION	Final engineering and legal bills have been received for Lake Traverse Water Quality Improvement Project No. 1 – Phase #3. Kapphahn motioned, seconded by Gillespie, to approve the Resolution Authorizing Transfer of Funds, Clean Water Retrofit Cost Share Policy. The Resolution includes a transfer in the amount of \$150,000 from the Construction Fund to the Lake Traverse Water Quality Improvement Project fund, utilization of the Water Management District to repay the Traverse County AgBMP loan used to finance the landowner portion of the project, and authorization to combine Phase 1, Phase 2, and Phase 3 fund balances into one consolidated project fund. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Kapphahn – aye; Vavra – aye. Motion carried.
RING DIKE PROGRAM	Engineering staff have begun to make preliminary maps of the four properties identified for possible participation in the District’s Ring Dike cost share program.
LIGHTNING LAKE OUTLET NO. 1 CLOSEOUT	Final engineering and legal bills have been received for Lightning Lake Outlet Project No. 1. The project had only two sources of funding: a DNR Legacy Amendment Conservation Legacy Partners Grant and District cost-share. The DNR grant has been received in-full. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, staff are authorized to apply Construction Funds to fill the District’s cost-share, and to close the project fund.
SERVICE CONTRACT	Administrator Beyer received a contract proposal for services related to state advocacy on legislative water policy issues. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the contract was approved for a one-year term, at a cost of \$12,000 with Bennett Governing Consulting. Board Manager John Kapphahn requested regular updates during the legislative session.
STAFFING	Board Manager John Kapphahn requested that ditch inspector staffing needs be evaluated and contingency plans for succession and transitions be initiated.
MOONSHINE	Board Manager Scott Gillespie continues to meet with landowners affected by the proposed Moonshine Impoundment project.
OTTER TAIL CLOSED BASIN	Board Manager Ben Brutlag is working with Otter Tail County Highway staff regarding regular damages to a county road due to closed-basin flooding.

Upon motion by Wold, seconded by Gillespie and carried unanimously, the meeting adjourned at 11:05 am.