

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
October 17, 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, Jason Beyer, Doug Dahlen, Steven Schmidt, and Allen Wold. Also present: Engineer Technician Troy Fridgen, Administrator Jamie Beyer. Also present online: Engineer James Guler, Attorney Lukas Croaker. Absent: Ben Brutlag, Jerome Deal, Scott Gillespie, John Kapphahn.

AGENDA Upon motion by Wold, seconded by Dahlen and carried unanimously, the agenda was approved with the additions of: payment of claims to Schultz Welding and Hormann Works added to the Consent Agenda, and TCD #27 maintenance.

CONSENT AGENDA & CONFLICT OF INTEREST Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.

No conflicts of interest were declared.

PUBLIC COMMENT 640TH AVE ROAD RAISE Mr. Jonathon Mathias stated that the 640th Avenue Road Raise project has been stalled due to the terms of the easements (a temporary construction easement and a permanent maintenance easement) with Dollymount Township, administered by Interstate Engineering staff. Attorney Lukas Croaker has sent revision suggestions requested by Mr. Mathias to Interstate Engineering staff. Mr. Mathias has submitted a partially complete permit application, with applicant proposed changes to the permit conditions, for the levee associated with the 640th Avenue Road Raise project and private tile in section 7, Dollymount Township. Attorney Lukas Croaker will work with Engineer Technician Troy Fridgen to amend the Dollymount Township permit conditions for the 640th Ave Road Raise permit. Attorney Lukas Croaker confirmed that the terms of the agreement include a damages payment. The contractor desires to begin construction on Monday, October 21, 2024. Attorney Lukas Croaker stated that it is possible that the landowner's recommended easement changes could be made prior to Monday.

P.A. #24-095 D. ETTEN Mr. Ben Loll stated concerns regarding the project described on Permit Application #24-095. Mr. Loll stated that 80% of the flow to the described culvert (proposed for downsizing/blocking) comes from his land. Engineer Technician Troy Fridgen stated that the goal of a future coordinated project should be to direct flow to grassed waterways along roads. Because a landowner meeting will be scheduled after the completion of harvest, a decision on Permit Application #24-095 needs to be made prior to expiration of the 2nd 60-day deadline expiration. Upon motion by Dahlen, seconded by Beyer and carried unanimously, Permit Application #24-095 is denied due to the need for a larger project design to facilitate a more regional flow of water. District staff are ordered to coordinate a landowner meeting to discuss the region's drainage issues.

BDSWD NO. 5 PWI REMOVAL PETITION DNR staff denied the petition to remove land in the SE1/4 of Section 24 of Dollymount Township from the Public Waters Inventory. The DNR's Findings of Fact stated that an appeal process was already held in 1980 and no comments were received at that time. They further state, "The fact that Unnamed Stream (78015a) is intermittent, or that the watercourse has been farmed-through, has no bearing on whether the watercourse is a public water. The fact that the buffer law requirements have not been met to date for Unnamed Stream (78015a) has no bearing on whether the watercourse is a public water." DNR staff have offered no substantive guidance on how flooding of land and roads upstream of their designated public watercourse can be addressed. DNR staff have provided shifting restrictions on projected impacts to the intermittent "public watercourse," that is dry nearly the whole calendar year. Administrator Beyer stated that the legal issue defining "public watercourse" in our cold-climate/spring run-off, extreme low-slope terrain now needs to be separated from the details of a flood mitigation project in the BdSWD No. 5 area. Board Manager Schmidt asked, "Who owns the culvert [upstream of the land designated as a public water]. Is the culvert the property of the DNR, the road authority, the landowner, the watershed?" Upon motion by Wold, seconded Schmidt and carried unanimously, staff are authorized to meet with landowners to discuss project design and options.

640TH AVE ROAD RAISE Joe Riley Construction has been hired by Dollymount Township to build the 640th Avenue Road Raise. Materials have been purchased and stored in preparation for commencement of the project. Upon motion by Wold, seconded by Schmidt and carried unanimously, payment of \$61,872.12 is approved to reimburse Dollymount Township.

MUSTINKA RIVER & REDPATH FLOOD IMPOUNDMENT PAY APP. NO. 6 District Engineer James Guler presented an update of Mustinka River & Redpath Flood Impoundment construction. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 6 was approved in the amount of \$1,790,693.14.

TCD #27 MAINTENANCE Engineer Technician Troy Fridgen is coordinating TCD #27 maintenance. A Traverse County culvert has been found to be sitting at a higher elevation than the drainage system's design and needs to be reinstalled to conform to the system's approved design. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the District will cost-share reinstallation of the culverts at a 50-50 rate. Traverse County Commissioner Dwight Nelson was present at the meeting and will relay the offer to Traverse County staff and officials.

CLOSED MEETING GCD #21 Upon motion by Dahlen, seconded by Schmidt and carried unanimously, to close the meeting pursuant to Minn. Stat. § 13D.05, subd. 3(b) – attorney-client privilege, to discuss the Notice of Appeal dated September 25, 2024 on behalf of James K. and Charlene R. Nelson regarding Grant County Ditch No. 21 Redetermination, Improvement, and Separable Maintenance. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the meeting was opened.

Schmidt and Dahlen left the meeting. With a lack of quorum, the meeting was adjourned.