

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
November 26, 2024**

CALL TO ORDER The meeting was called to order by President Vavra at 9:03 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Ben Brutlag, Doug Dahlen, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Also present: District Engineer James Guler, Engineer Chad Engels, District Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.

AGENDA Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the following items were added to the agenda: Permit Application #24-142 Cutting Edge Drainage, Grant County Judicial Ditch #2, Bradford Township Drainage, and a \$300 nuisance removal claim from Mr. Mike Berlinger to be included with the Claims of November 26, 2024.

CONSENT AGENDA & Upon motion by Wold, seconded by Schmidt and carried unanimously, the Consent Agenda was approved.

CONFLICT OF INTEREST Board Manager Kapphahn stated a conflict of interest with the Lake Samantha/Elbow Lake Project.

PUBLIC COMMENT No public comment was received.

**P.A. #24-142
M. LAMPERT
CUTTING EDGE
DRAINAGE** Mr. Justin Tritz provided changes to the proposed project described in Permit Application #24-142 on behalf of Cutting Edge Drainage and Excavating for work proposed in the North half of Section 20 in Eldorado Township, Stevens County. A pump has been added, and the drainage coefficient has been reduced to 0.175". The project does cross a subwatershed boundary. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the project was approved.

**640TH AVE ROAD
RAISE** District Attorney Lukas Croaker stated that an amendment to the Dollymount Cost Share Agreement will be presented at a later date. Mr. Jonathan Mathias spoke on behalf of landowner Marilyn Mathias. Mr. Mathias requested changes/corrections to the legal description used in the proposed right-of-way easement. District Attorney Lukas Croaker stated that he has been notified that the Mathias family is being represented by Vogel Law Firm, and that it is expected that a compilation of changes will be requested and provided by Vogel Law Firm as part of the effort to finalize easement language. The easement is between Dollymount Township and Ms. Marilyn Mathias.

**BRADFORD
TOWNSHIP
FLOODING** Engineering staff met with landowners from Bradford Township to discuss flooding issues on land and roads in the area between WCD #8 and WCD #9. Landowners intend to work with Bradford Township officials to implement a project in the road right-of-way to right-size four miles of culvert sizing and elevations. Upon motion by Beyer, seconded by Gillespie and carried unanimously, Moore Engineering are authorized to provide the necessary hydraulic analysis, including surveys, elevations, and gradelines, at an estimated cost of \$10,000 - \$15,000.

**LAKE TRAVERSE
WMD: PUBLIC
HEARING** Upon motion by Kapphahn, seconded by Beyer, and carried unanimously, the Public Hearing to Consider Assessments for the Lake Traverse Water Quality Improvement Project No. 1 was opened. Administrator Beyer stated that the Lake Traverse Water Management District was formally established in 2020 to support construction of the Lake Traverse Water Quality Improvement Project. Board managers requested that engineering staff pursue, to the greatest extent possible, outside funding to supplement landowner assessments. Administrator Beyer stated that now that construction is completed for Phases 1, 2, and 3, and the project is closed, the amount that will be assessed to the Water Management District for the project is \$343,193. This amount is being financed through Traverse County and Traverse SWCD by a State of Minnesota AgBMP loan, amortized over 10 years at 1% interest. Landowners received a summary, by mail, of two proposed assessments:

- 1) On a per parcel basis: the proposed amount to be assessed for the project cost (as a lump sum payment or assessed at 1% over 10 years). In total: \$343,193.
- 2) On a per parcel basis: the proposed amount to be assessed for 2025 maintenance and repair. In total for 2025: \$7,500.

Per the rules of the Lake Traverse Water Management District, assessments are capped at \$75,000 annually, and the District remains in place in perpetuity. Engineer Chad Engels stated that calculation of

parcel contributions were calculated in part with consideration to soil types and land use, utilizing a runoff formula. In general, lands in the western side of the district are relatively homogenous in their contributions (because they utilize Phases 1 & 2 of the project for drainage) and lands in the eastern side of the District are relatively homogenous in their contributions (because they utilize Phases 1 & 3 of the project for drainage). In general, lands in the eastern side of the district were weighted for a larger assessment to equitably distribute the costs of Phases 1, 2, & 3 as Phase 3 was the most expensive.

**LAKE TRAVERSE
WMD: PUBLIC
COMMENT &
CERTIFYING
RESOLUTION**

President Vavra requested public comment. Landowner Michael Schmitz requested that his land in Section 13 be reviewed, as it has a split flow. District Engineer James Guler confirmed that the assessment district recognized that split flow, and included a portion of the acres that flow south to the project. Mr. Kevin Pederson confirmed that project assessments will be used for repair and maintenance of the Lake Traverse Water Quality Improvement Project No. 1, and that Engineer Technician Troy Fridgen will conduct periodic inspections and order repairs/maintenance as needed. Engineer Technician Troy Fridgen described repairs needed in 2025 following construction, including rock picking. Mr. Ben Anderson asked how repairs will be addressed on TCD #52, upstream of the Lake Traverse WQIP; engineering staff stated that a landowner meeting will be held this winter. District Attorney Lukas Croaker read a letter submitted by Landowner Francis Schmitz, who asked that his parcel in Section 24 be removed from the District based on lost rent for the easement area purchased for construction of the project, and the pristine nature of the ravine prior to the construction of TCD #52. Engineering staff confirmed that a small portion of Mr. Schmitz's Section 13 parcel was correctly included in the district, south of an intersecting highway. Board Manager Scott Gillespie thanked landowners for their support and participation in the project. Beyer motioned, seconded by Dahlen, to approve the 275.065 (a)(a) Special District Resolution certifying the proposed project cost assessment and 2025 repair and maintenance assessment. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Beyer – aye; Vavra – aye; Dahlen – aye; Schmidt – aye; Kapphahn – aye. Motion carried. Upon motion by Wold, seconded by Schmidt and carried unanimously, the public hearing was closed.

**MUSTINAK RIVER
& REDPATH FLOOD
IMPOUNDMENT
PH 2B
PAY APP NO 7**

Engineering staff provided an update on Redpath Mustinka River Rehabilitation and Redpath Flood Impoundment Phase 2B construction. The Mustinka River Rehabilitation is complete; the north levy is complete; the east embankment is complete; the north half of the west embankment is complete; the south half of the west embankment is 80% complete (the remaining portion will be constructed spring 2025). Upon motion by Wold, seconded by Beyer and carried unanimously, Pay Application No. 7 in the amount of \$1,813,685.76 was approved.

**REDPATH FLOOD
IMPOUNDMENT
PH 3 /
2025
CONSTRUCTION**

Board managers discussed Phase 3 budget considerations for 2025 construction. The project needs \$25 million total, of which \$13.7 million is allocated from the DNR Flood Hazard Mitigation ("FHM") funds for completion (this program covers 50% of impoundment expenses). Funding is dependent upon the outcomes of the 2025 legislative session and project allocation prioritization by the DNR. The District did spend ahead of the FHM allocation on Phase 2B, extending construction by \$2,195,000 – these local expenses will have to be submitted at a later date to be recognized/matched by the DNR. Administrator Beyer presented a proposed Construction Fund budget, (to be considered for approval at the December 19, 2024 board meeting).

**REDPATH LAND
SALE**

At the proposed 2025 budget levels, it is anticipated that the unallocated balance of the Construction Fund will be reduced from \$5.03 million to \$2.2 million in 2025, and the balance of the Redpath Fund will be reduced from \$2.8 million to \$447,000 in 2025. Prior to the next FHM allocation, the Redpath Fund's \$447,000 balance could be leveraged with \$895,208 from RRWMB for a total phase of \$1,342,812. Board managers discussed an option to sell land acquired in-part of the project that is not needed. These funds could be leveraged with District and RRWMB Redpath funds, and contribute to a larger 2025 construction phase. The project phase would also need to be combined with the current spend-ahead amount of \$2,195,000 to serve as match for the next FHM allocation – likely limiting a future construction phase to FHM-only funding. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to draft land sale bid documents for consideration at the December board meeting, to include the right to reject any and all bids, to require that the land be continued for use in agricultural production, and provide for a 60-day closing.

**LAKE TRAVERSE /
MUD LAKE
OPERATIONS**

Engineering staff and board managers discussed Lake Traverse-Mud Lake operation manual changes proposed by the Army Corps of Engineers. Some of the proposed changes include how flows out of the White Rock Dam to the Bois de Sioux River will be managed.

- **Spring Releases:**

Current Condition: Drawdown may not begin before March 1, and are restricted to a maximum of 1100 CFS (without authorization).

Proposed Condition: Drawdown may not begin before February 1, and is restricted to a maximum of 1500 CFS before May 15 and is restricted to a maximum of 900 CFS after May 15.

- **Non-Spring Releases:**

Current Condition: Drawdown may not begin until 976.8' Lake Traverse Elevation is met; restricted to a maximum of 1100 CFS and there is no minimum flow established.

Proposed Condition: Drawdown may not begin until 976.8' Lake Traverse Elevation is met; restricted to a maximum of 900 CFS before November 15/a maximum of 1100 CFS after November 15 and a passive flow over bulkhead for a minimum flow. A Mud Lake drawdown will be coordinated in September, to the silt.

Army Corps staff stated that their modeling demonstrates that minimal lands adjacent to the Bois de Sioux River channel are flooded at 900 CFS. Beyond 900 CFS, agricultural lands will be flooded to varying degrees; they also recognized that sediment has accumulated in the Bois de Sioux River channel. Board Manager Jason Beyer stated that a lack of monitoring data may be a contributor to an on-off management of flows from the White Rock Dam, and that with additional channel data, staff may be able to consider a gradient management approach with varying amounts of continuous flow. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to draft and submit comments from the District that include: a request for dredging of the Bois de Sioux River Channel to restore the project to its original design; and a request for a stream gage on the Bois de Sioux River at Highway 55.

**DORAN CREEK
FINDINGS OF
FACT & ORDER**

Administrator Jamie Beyer stated that a review of the Doran Creek project file revealed that a motion to approve the Findings and Fact of the Doran Creek project was either missed in meetings minutes, or was action missed in a past meeting. The Minn. Stat. § 103D.605 public hearing was held April 18, 2024. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the Findings of Fact and Order for the Doran Creek Project were approved.

FIVEMILE CREEK

Administrator Jamie Beyer stated that Grant County officials continue to work with Fivemile Creek landowners, but no cost-share agreement request has been submitted yet.

**WCD #SUB-1
UTILITY**

Upon motion by Gillespie, seconded by Beyer and carried unanimously, a reimbursement agreement to relocate a Sprint utility for WCD #Sub-1 construction was approved, in the amount of \$6,477.22. District staff are still waiting on a response from the railroad regarding the culvert installation.

GCD #3 REPAIR

District Engineer James Guler stated that GCD #3 has received a no-loss wetland determination from Grant County. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, staff are authorized to draft and advertise the project for bid.

BDSWD NO. 5

District staff met with petitioners to discuss project options for public roads and lands flooded in the area of the proposed BdSWD Ditch No. 5. It is not clear at this time what type of project DNR representatives will support to provide agricultural lands 10-year flood design protection, as agreed to in the Red River Mediation Agreement. Establishing road access for vehicles/equipment is an urgent landowner and safety need. Township officials intend to move forward with a road project without development of a Minn. Stat. Ch. 103E public drainage system at this time. Input from the petitioners at the meeting indicated to pause development of the Minn. Stat. Ch. 103E public drainage system while discussions with DNR occur. A future decision will be made to decide if the public drainage system will proceed with development or be abandoned. District staff will ask that the Red River Watershed Management Board and the Flood Damage Reduction Workgroup aggressively address the apparent moratorium on Minn. Stat. Ch. 103E drainage projects in the Red River Valley.

JD #11 LAT. 4

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the petition and bond for the Improvement of JD #11 Lateral 4 was accepted, and Lead Engineer James Guler, Moore Engineering, was ordered to prepare a preliminary survey and preliminary survey report.

**GRANT COUNTY
CONS. JD #2**

Engineering staff discussed the condition of Grant County Consolidated JD #2 – whose original design included subsurface tile and drainage ditches – and the results of a recent landowner meeting.

Landowners requested more information on the cost of a potential improvement compared to a repair of the system. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, Moore Engineering staff are authorized to survey existing conditions, prepare a hydraulic analysis, and feasibility report for a repair and improvement.

- TERM EXPIRATIONS** Administrator Beyer discussed board term expirations in 2025: Stevens County (Vavra); Traverse County (seat formerly held by Mr. Jerome Deal); Grant County (Dahlen).
- 2025 BUDGETS, LEVIES & ASSESSMENTS** Upon motion by Beyer, seconded by Schmidt and carried unanimously, public hearings were ordered on December 19, 2024 for the 2025 General Fund and Construction Fund Levies, and Assessments for the Ditch System Funds and Projects.
- CLA AUDIT** Administrator Beyer received notification that CliftonLarsonAllen’s Miranda Weindlandt will be replaced with a new staff person for the 2024 District audit. Two employees who work more directly on the District’s account will remain the same.
- MW DELEGATES** Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, Board Manager Allen Wold and President Linda Vavra will serve as delegates for the Minnesota Watersheds Annual Conference.
- RRWMB DELEGATE** Upon motion by Beyer, seconded by Kapphahn and carried unanimously, President Linda Vavra is appointed to a three year term to the Red River Watershed Management Board.
- GILLESPIE LEFT** Board Manager Scott Gillespie left the meeting.
- CLOSED SESSION NELSON APPEAL** Upon motion by Wold, seconded by Dahlen and carried unanimously, the meeting was closed 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.
- OPEN MEETING** Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the meeting was opened.
- ADJOURNED** The meeting was adjourned at 12:23 pm.