

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
MAY 15, 2025**

- 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, Steven Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Jason Beyer, Ben Brutlag. Also present: District Engineer James Guler, Engineer Chad Engels, Engineer Technician Troy Fridgen, District Attorney Lukas Croaker and Administrator Jamie Beyer.
- AGENDA** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Agenda was approved with the addition of updates for: TCD #27, ditch maintenance, North Ottawa Cell A3, board meeting schedule.
- CONSENT AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** Landowner Chester Raguse requested an update on the improvement of JD #11, Lateral 4.
- P.A. #25-002 LISMORE COLONY T. ARENS P. WENCEL M.J. STUEVE** Randy Nessman, Big Stone Ag Service, described proposed subsurface tile drainage in Sections 10 and 11 of Graceville Township. The property is currently included in the Big Stone County Judicial Ditch #4 benefitting area. The proposed Project outlets direct flow west and north, following the surface drainage paths. Landowners discussed concerns on the wet conditions downstream of the proposed project outlets and that between Graceville and Dumont there is a need for public drainage systems to store and control growing season flooding. District staff stated that they do not believe any landowner petition could be successful due to new DNR Public Waters permitting requirements. Board managers asked that a 60-day extension be granted in order for project proposers and adjacent landowners to investigate options to control flows past the current proposed project outlet. Big Stone County Highway Engineer Jorden Roggenbuck stated that his office could help these efforts. Graceville City Administrator Scott Bauer and Public Works Director Chad Zimmer stated that they do not have concerns that this project would increase flood threats for the City of Graceville. Upon motion by Kapphahn, seconded by Wold and carried unanimously, a 60-day extension was approved in order to give landowners more time to work through project details.
- CAMPBELL-TINTAH RIVERWATCH PROGRAM** Campbell Tintah Riverwatch Advisor Ms. Rizza Mae Serino and one participating student provided an update of the group's activities for the 2024 – 2025 school year. The team includes three twelfth graders, one eleventh grader, three tenth graders, and two eighth graders. Students visit a portion of eleven river sites monthly, measuring water levels and chemistry. This year, the program emphasized stewardship activities, and cleanup efforts to keep trash out of waterbodies. Students particularly noted this year how weather, trees, branches, and beaver dams impact water quality.
- GCD #3** District Engineer James Guler presented an update on GCD #3. Legal and engineering staff verified adequate insurance levels, and expect the contractor to commence work at the end of May 2025.
- GCD #21** District Engineer James Guler stated that the bid opening for GCD #21 is on May 29th; he requested a special meeting in order for the Board to review the submissions and consider an award. Board managers will hold a special meeting June 6, 2025 at 8:00 am.
- GCD #29** Administrator Jamie Beyer stated that GCD #29 landowners requested that the District move forward with limited site soil borings prior to consideration of repair work. District Engineer Guler reported that the soil boring field work is occurring within the next week.
- WCD #25 IMPROVEMENT & LATERAL** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the petitions and bond for the Improvement of WCD #25 and new lateral were accepted, and Lead Engineer James Guler, Moore Engineering, was appointed and ordered to prepare a preliminary survey and preliminary survey report.
- GCD #9 & DITCH REPAIRS** District Engineer Technician Troy Fridgen stated that he coordinated approximately \$30,000 in maintenance activities on GCD #9. He is finding that Grant County landowners are interested in having additional work done once contractors are on-site. Board Manager Scott Gillespie stated that it would be helpful if landowners would express their support ahead of repair plans, during budget and special assessment hearings; he stated that staff need to monitor not only the cumulative amount of expenses,

but how those expenses are distributed on a per acre basis within the benefitting area and that repairs may need to be made over the course of several years. District staff discussed the variety of factors when determining the extents of maintenance activities, and District Engineer Technician Troy Fridgen stated that the current flat \$20,000 expense cap can be easily exceeded on larger systems. Board Managers requested that engineering and legal staff draft a more comprehensive policy for authorized maintenance expense limits for staff.

**WILKIN SWCD
RCPP PROGRAM
SUPPORT**

Wilkin SWCD staff members Eric Stroh and Adam Mortenson stated that the soil health program that the District supported at \$5,000 per year for three year terms (offering cost-share for one-year, 50 acre cover crop contracts) has been ceased. Wilkin SWCD is now implementing a joint \$50,000,000 BWSR-NRCS program that provides cost-share to producers for three year contracts for activities such as headland hay planting to draw salts out of the soil profile and upgrading rye cover crops to pollinator varieties. Upon motion by Wold, seconded by Kapphahn and carried unanimously, a three year annual \$5,000 commitment was approved.

**DORAN CREEK:
PERMITTING**

District Engineer James Guler stated that a permit application was submitted to the Army Corps of Engineers and Wilkin County Wetland Conservation Act authorities. Additional materials are needed for the Minnesota DNR Public Waters Permit. District staff continue to try to direct funds offered through the NRCS NWQI for landowners in the Doran Creek Project Restoration area. Application deadlines have been changed several times. Staff were recently notified that limited contract timelines and opportunities for extensions could result in potential repayments or penalties for landowners if land clearing, channel sediment removal, and/or side inlet culvert installation is delayed due to permitting or lack of funding. District staff have decided that only current project features that do not require outside permits should be certified under the funding program, to limit landowner liability. NRCS staff will make funding priority decisions mid-June, and landowner notifications and contracts should follow. There is approximately \$200,000 worth of culvert work needed under Phase 1.

**DORAN CREEK:
DELAY RIM
CERTIFICATION**

Administrator Jamie Beyer stated that the joint Red River Basin Riparian Habitat Program between RRWMB-BWSR involves contracts directly with landowners, based on certification and prioritization by sponsoring watershed districts. Because the Doran Creek Project has not yet received permitting certainty, District staff recommend that certifications be withheld until preliminary authorization has been signaled from permitting entities. Board Manager John Kapphahn stated that landowners do have the ability to customize RIM easement terms, and encouraged landowners to closely review contract documents prior to signing. Gillespie motioned, seconded by Dahlen, to approve the Doran Creek Use and Promotion of RIM Easements Resolution. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Wold – aye; Deal – aye; Gillespie – aye; Vavra – aye. Motion carried.

**DORAN CREEK:
PLAN AMENDMENT**

Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, staff are authorized to draft a Plan Amendment for the Doran Creek Water Management District. The full text will require project details that may not be available or finalized until the project has been permitted.

**FIVEMILE CREEK
VEG & CATTAIL
PILOT PROGRAM**

Grant County Environmental Services Administrator Greg Lillemon stated that, with his work encouraging landowners to initiate cattail removal in Fivemile Creek, he believes that there are several culverts that are inadequately sized and/or at the wrong elevation. District Engineer James Guler stated that the District's Fivemile Creek Hydraulic Report did include culvert head loss information, which can indicate culverts that may not be systematically sized. Guler stated that the level of effort needed to discuss culvert sizing and elevation is simpler than what would be required for a Public Waters Permit, if a road authority submitted an application. Administrator Jamie Beyer stated that the District Board approved engineering support for culvert sizing efforts initiated by Bradford Township in Wilkin County and Eldorado Township in Stevens County – for the current request, it is not clear if the road authorities would support the proposed efforts in the Fivemile Creek footprint, or are interested in culvert construction. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, engineering staff are authorized to spend up to \$15,000 to identify and provide culvert technical information to Grant County.

**REDPATH CROP
DAMAGE & RENT
RETURN**

Administrator Jamie Beyer has been notified that, due to Redpath Impoundment and associated utility construction, Mr. Truman Raguse's 2024 lease will be impacted as follows: 1) 7.14 acres that could not be planted in Section 19, Gorton Township, Grant County, and 2) damage to 22.86 acres of a planted corn crop in Section 24, Redpath Township, Traverse County. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, payment in the amount of \$2,691.78 was approved

for return of rent and \$16,682.11 was approved for the damage to the corn crop, based on NASS yield survey results and December W-D Elevator soybean cash prices.

**REDPATH 2B:
PAY APPLICATION
NO. 9**

District Engineer James Guler presented Redpath Pay Application No. 9 in the amount of \$578,451.25. The pay application is based on quantity measurements conducted by Moore Engineering staff. Mr. Larry Swann and Mr. John Riley stated their opposition to the final quantities from Moore's measurements and believe there are more, based on scale tickets and truck loads. Engineer Chad Engels stated that the construction contract utilizes area to calculate quantities, and that the contractor should provide to engineering staff any conflicting information on measurement of the area in question. Mr. John Riley stated that Moore Engineering staff's area measurement of sand is equal to his scale and truck load measurements, but that the rip rap quantity does not match. Mr. John Riley and Mr. Larry Swann stated their disagreement with the terms of Change Order #2, approved October 11, 2024. Engineering staff estimate the cost of the two contractor objections to be: \$200,000 regarding measurement of materials and \$450,000 for the terms of Change Order #2. Attorney Lukas Croaker recommended that a Construction Contract Committee meeting be held to discuss both matters. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, Pay Application No. 9 was approved as presented and District staff and consultants were directed to meet with representatives from John Riley Construction.

**NORTH OTTAWA:
CELL A3**

DNR Representatives have presented the District with a letter of support to utilize the planting of soybeans (with restrictions) for two to three years in Cell A3 (99.9 acres) in preparation for the possibility to plant native vegetation. Administrator Jamie Beyer stated that she has conveyed to DNR Representatives that she is not confident in how widespread the support is amongst the other Project Team members that an acceptable native vegetation mix can be identified. DNR Representatives presented a seed mix to the Redpath Committee that costs \$1,100/acre but think a more economical option is acceptable for planting in Cell A3; other Project Team members expressed a desire to keep the cost under \$300/acre. She has proposed that the Project Team consider splitting the cell into smaller fields for experimental planting. The 10-Year Operation and Maintenance Agreement states that, one of the options available to the District, if the North Ottawa Fund has a financial deficit, is to temporarily convert Cell A3 to an agricultural lease – so an expensive, permanent native seed mix may not be the best option. The District spends approximately \$14,000 a year attempting to control weeds in the cell during the growing season; a permanent solution is desired by all Project Team members. District Engineer Technician Troy Fridgen coordinated tillage to address the current growth of weeds. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the Project Team is given discretion to offer these acres for soybean planting for the current lease. A Project Team meeting will be held as soon as possible to discuss the plan for permanent native seed planting.

**WIND & SOLAR
PUBLIC
DRAINAGE
SYSTEM
PROTECTION
AGREEMENTS**

District Attorney Lukas Croaker presented the draft Public Drainage System Protection Agreement for the development of wind and solar projects in the District. Agreement terms – such as setbacks, insurance and bonding requirements – will have baseline terms included in the agreement, but county requirements may supersede them. Board managers requested that a 5' clearance below drainage ditches be used for boring. Attorney Lukas Croaker stated that the ideal situation would be for the District's agreement to be included as an official exhibit to the county's master developer agreement. Upon motion by Gillespie, seconded by Wold and carried unanimously, the template was approved with suggested changes to setbacks.

**DISTRICT PERMIT
APPLICATION**

Administrator Jamie Beyer presented the draft revised District Permit Application. There are small changes that will be made, including a request from Board Manager Ben Brutlag requesting the drainage area, slope of outlet pipe, and outlet diameter for gravity subsurface drainage systems. Board managers requested staff include several best management practices in permit approval letters. Board managers supported the staff recommendation to share the revised District Permit Application with stakeholders who most frequently use them.

**BUFFER RULE
NOTICES**

Administrator Jamie Beyer stated that eight landowner letters were recently sent in response to the Traverse SWCD Non-Compliance List sent to the District December 31, 2024. Three of the parcels, owned by two separate landowners, will receive Corrective Action Notices; one Corrective Action Notice will be relayed by personal service, one by certified mail. District Engineer Troy Fridgen requested the Grant SWCD Non-Compliance List several times over the winter, but it wasn't provided until mid-March; he has not had time to confirm buffer status on all of the parcels described. District staff cross referenced past and imminent drainage system repairs to verify if the District is responsible for

replanting/planting 16.5' buffers, and identify opportunities to implement or support landowner efforts to install alternative practices under the District's Section 9, Riparian Protection and Water Quality Practices – "Buffer Rule."

**6/19 BOARD
MEETING MOVED
TO 6/20**

Administrator Jamie Beyer stated that Minnesota Governor Tim Walz has prohibited that public business be transacted on June 19th. Board managers agreed to move the monthly meeting to June 20th at 8:00 AM.

**2024 ANNUAL
REPORT &
2025 BILLABLE
RATES**

Upon motion by Wold, seconded by Gillespie and carried unanimously, the 2024 Annual Report and 2025 Billable Rates were approved.

Board managers discussed a survey circulated by the Drainage Workgroup coordinator, and the failure of program coordinators to secure predictable meeting space.

DWG

Board managers discussed legislative efforts to secure continued funding for Redpath.

**LEGISLATIVE
UPDATE**

The meeting was adjourned.