

**BOIS DE SIOUX WATERSHED DISTRICT  
BOARD MEETING MINUTES  
JANUARY 15, 2026**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Ben Brutlag, Doug Dahlen, Steven Deal, Scott Gillespie, John Kapphahn, and Steven Schmidt. Absent: Allen Wold. Also present: Administrator Jamie Beyer, District Attorney Lukas Croaker, District Engineer James Guler, and District Engineer Technician Troy Fridgen.
- AGENDA** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Regular Agenda was approved.
- PUBLIC COMMENT** No public comment.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Consent Agenda was approved with the addition of the following claim: Mike Burlinger - \$400.
- WCD #25 IMPROVEMENT** Upon motion by Gillespie, seconded by Beyer and carried unanimously, the Minn. Stat. § 103E.261 public hearing on the petition to improve, preliminary survey, and preliminary survey report for the improvement of WCD #25 was reconvened. A landowner meeting was coordinated for petitioners and affected landowners of the proposed WCD #25 Lateral No. 1 project area; landowners requested changes to the project design and requested that the lateral remain with the improvement project. Mr. Steve Neppel, Mr. Dan Swedlund, and Mr. Kurt Krueger have confirmed their interest in providing viewing for the ditch system. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, a rate of \$55/hour was set. Attorney Lukas Croaker read an order approving the preliminary survey report, directing the engineer to prepare a detailed survey report, and appointing the viewers. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the Findings of Fact and Order were approved. Upon motion by Gillespie, seconded by Deal and carried unanimously, the hearing was closed.
- GRANT COUNTY CONS. JD #2** Attorney Lukas Croaker presented a petition signed by Grant County Consolidated Judicial Ditch #2. Landowner signatures did not meet the 26% threshold to order a repair. The board is able to order that an engineering repair report be conducted to evaluate the condition of the drainage system, and if the Board determines from the repair report and the evidence presented that the repairs recommended are necessary for the best interests of the affected property owners, the Board may order the repair. If the estimated cost of the repair of the drainage system exceeds the current drainage system benefits, the Board may order a redetermination. The drainage system has a Fish and Wildlife managed structure at the upstream end of the legal ditch system that outlets to a 12" drainage tile. The system currently has portions of open channel and deteriorating clay tile. The outlet passes through land owned by the MN DNR that has a control structure to manage Ash Lake. Landowners have commented that there is no coordination on the operation of the USFWS structure on the upstream end and the MN DNR structure on the downstream end. Recent maintenance on blocked tile of the system has made it evident that portions of the subsurface drainage is blocked or collapsed, and water is trying to flow along the outside of the tile. Engineering staff have found that the assessment district would likely expand with a redetermination. Additionally, through past discussions, it was evident that an improvement project would be difficult to coordinate with the federal and state government entities involved. Board Manager Beyer requested that additional landowners be contacted regarding petition signatures as the BdSWD's goal is to have 50% before support before a redetermination of benefits be initiated. The redetermination of benefits would occur after the completion of the Engineer's Repair Report. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Findings and Order were approved and the Engineer was directed to prepare the Repair Report.
- PERMIT #25-046 R. ANDERSON** The hearing on the revocation of Permit #25-046 was opened. Attorney Lukas Croaker summarized recent action on Permit #25-046, which on November 20, 2025 included direction to submit the matter to District Court for enforcement. Attorney Matthew Haugen, on behalf of Mr. Ronald Anderson, stated that the District does not have the ability to revoke a permit, and that the District has given Mr. Anderson up to three years to comply with the conditions of the permit. Attorney Lukas Croaker stated that Mr. Ronald Anderson and Attorney Matthew Haugen have explicitly stated that Mr. Anderson will not comply with conditions set by the District. Attorney Matthew Haugen stated that the District has

not provided Mr. Ronald Anderson due process. Attorney Matthew Haugen stated that the facts of the permit are not in dispute and that his argument is procedural in nature. Attorney Matthew Haugen stated that he believes his client complied with the after-the-fact condition to replace the 18" culvert with a 24" culvert, but his client denies that a berm has been created to block flow from the adjacent field, so will not comply with this second condition. Attorney Lukas Croaker recounted that Mr. Ronald Anderson completed landforming activities on the parcel first, and then was given time to submit an after-the-fact permit. Mr. Ronald Anderson failed to submit an after-the-fact permit application, so was given a preliminary administrative compliance order, followed by an administrative compliance order, followed by an amended administrative compliance order over the course of working with District staff and managers over the past year. Mr. Matthew Haugen stated that he has placed a request with the District to meet with himself and Mr. Ronald Anderson at the site. District staff offered to provide survey stakes and markings indicating where berm removal is required. The approved after-the-fact permit and permit conditions were the result of these procedures and activities. Board Manager Steven Schmidt stated that it could have been helpful to have Mr. Ronald Anderson's attorney involved when these prior proceedings were taking place. Board Manager John Kapphahn stated that the landowner should have acquired a District permit prior to commencing the culvert and landforming activities. Attorney Lukas Croaker stated that Board managers may: 1) Revoke Permit #25-046; 2) Perform a Site Visit, as requested by Attorney Matthew Haugen and then take action 3) Take no action and verify compliance with the after-the-fact permit after August 6, 2028. Board Manager Ben Brutlag stated the District could conduct a site visit, and then consider revocation of Permit #25-046. Board Manager Jason Beyer stated his support for a final site visit. President Linda Vavra stated that waiting three years, for a landowner to comply with after-the-fact permit conditions that the landowner has stated that he will not comply with, wastes time and taxpayer money. Upon motion by Dahlen, seconded by Beyer and carried unanimously, Board Managers Gillespie, Vavra, Schmidt, and a surveyor from Moore Engineering are authorized to attend a site visit with Attorney Matthew Haugen and Mr. Ronald Anderson. Attorney Lukas Croaker will also attend.

**NORTH OTTAWA LEASE**

The three-year North Ottawa Lease (3 cells with no restrictions; 2 cells with natural resource enhancement restrictions) expired. A new lease needs to be publicly bid. Attorney Lukas Croaker collected comments on the lease template from the North Ottawa Project Team. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the revised template was approved for bid.

**2026 PROJECT LIST**

Upon motion by Beyer, seconded by Gillespie and carried unanimously, the 2026 103E/103D Project List was approved.

	<u><b>103E Ditches</b></u>	<u><b>103D Watershed Projects</b></u>
2025 Construction Carryover	GCD #21 GCD #3	Redpath & Mustinka Ph. 2B 640 <sup>th</sup> Ave Road Raise (funding only)
2026 Final Development & Construction	JD #11 Lat 4 WCD #25 Imp & Lat	Redpath Ph. 3A
2026 Prelim. Development	GCD Cons JD #2  JD #14 /Mustinka River & Multi Drainage System Outlet Stabilization	Doran Creek Enhancement Moonshine Lakebed Impoundment Twelvemile Creek Studies Bylaw, Rule, Permitting Update

**TOWNER LAKE WINTER FLOW**

Engineer Technician Troy Fridgen was notified that outflows from the Niemackl Chain have increased. Upon investigation, a control structure on Towner Lake was found to be likely inoperable, and in need of maintenance/repair; water flow is overtopping the water structure, so Towner Lake is draining without control. Staff will now have to monitor downstream culverts to ensure they don't freeze and create flood pressure. DNR staff provided the January 2007 Wildlife Management Plan for Towner Lake that describes four actions: Action 1 – Reestablish emergent vegetation across approximately

1/3 of the basin by implementing a drawdown; Action 2 – Reduce populations of carp and black bullheads by encouraging a winterkill through a drawdown; Action 3 – Plant bulrush at several locations in the basin, if bulrush can't be restored; Action 4 – Restrict motorized boat use year-round. Board managers discussed the lack of success achieved with regard to the lake's vegetation, and annual winter downstream flood effects resulting from lake outflows that exceed control structures. District Engineer James Guler asked if a District permit was issued for the control structures, and if so, whether there were permit conditions that directed specific operation procedures. Upon motion by Kappahn, seconded by Deal and carried unanimously, staff are authorized to advocate for an update to the Management Plan that includes annual operations.

**2026 BUFFER BUDGET**

A draft budget for Riparian Aid use was presented. Administrator Jamie Beyer stated that Traverse County recently remitted its portion of Riparian Aid that was due to the District in August 2025 and January 2026, but Wilkin County only recently acknowledged that the funds had not been sent as required, and will be remitted soon. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the 2026 Riparia Aid budget was approved.

**2025 REPORTS OF BUFFER NON-COMPLIANCE**

On December 30, 2025, Traverse SWCD staff emailed a list of buffer non-compliant parcels. Their determinations of non-compliance were based on either aerial or site visits by Traverse SWCD staff sometime between May and October 2025. No information on inspections was given on a parcel-by-parcel basis, so it is not clear what the status of any parcel was at the end of 2025. BWSR's proposed re-write of its Buffer Law procedures would require that all landowners receive a formal Corrective Action Notice within 45 days of December 30, 2025. Administrator Jamie Beyer presented a list of recommended actions by parcel; upon motion by Dahlen, seconded by Kappahn, and carried unanimously, staff are authorized to pursue the recommended actions.

**2026 DITCH BUDGET**

Upon motion by Gillespie, seconded by Dahlen and carried unanimously, an aggregated ditch expense budget was approved, based on the ditch assessments approved December 18, 2025.

**END OF YEAR JOURNAL ENTRIES & INTERNAL INTEREST RATE**

Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the end of year journal entries for 2025 were approved, based on an internal interest rate of 4.55%.

**MILEAGE REIMBURSEMENT**

Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the mileage reimbursement rates for board managers were approved for 2026.

**PROPERTY TAX EXEMPTIONS**

Upon motion by Dahlen, seconded by Kappahn and carried unanimously, the Property Tax Exemptions for 2026 were approved for submission to Traverse and Grant Counties.

**BILLING RATES**

Upon motion by Dahlen, seconded by Kappahn and carried unanimously, the 2025 Bennett Government Consulting contract is extended for one year, continued at the 2025 rate.

Upon motion by Kappahn, seconded by Brutlag and carried unanimously, the 2026 Schedule of Moore Engineering billing rates was approved. Upon motion by Gillespie, seconded by Deal and carried unanimously, the 2026 Schedule of Ohnstad Twichell billing rates was approved.

The meeting adjourned at 12:25 p.m.