

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
JULY 16, 2026**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Doug Dahlen, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Jason Beyer, Steven Deal. Also present: Administrator Jamie Beyer, Attorney Lukas Croaker, District Engineer James Guler, and Engineer Technician Troy Fridgen.
- AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Regular Agenda was approved with the addition of \$62,030.77 added to the Claims of July 16, 2026.
- CONFLICTS OF INTEREST** Board Manager John Kapphahn stated his conflict of interest with Samantha Lake.
- PUBLIC COMMENT** No public comment was received.
- CONSENT AGENDA** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- 26-063
R. NOSBUSCH** The applicant proposes to install subsurface tile drainage to alleviate flooding of an agricultural bin site and adjacent land. Flow will be directed to Big Stone / Traverse County Judicial Ditch #4. Currently, a series of three connected sloughs offer some storage, but are land-locked; the subsurface tile will direct flows to Judicial Ditch #4 during spring floods. Mr. Nosbusch lost 20-30 acres this year due to flooding. Neighbor Mark Strong requested elevations for the pre- and post- conditions, and that control be added to the system to block flow when Judicial Ditch #4 is inundated. Board Manager John Kapphahn recommended that the applicant initiate an Ordinary High Water Level determination by the DNR as soon as possible, expecting that the elevation of the flood control tile will be placed at an elevation above. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the project was approved above the Ordinary High Water Level with the condition of a control structure to restrict flow to times when the downstream JD #4 has capacity. The applicant must ensure they have approval to use Judicial Ditch #4 from the Ditch Authority.
- PA #26-062
R. SCHMIESING** The applicant submitted an application to restore wetlands under a RIM easement on 40 acres of land. Board managers discussed concerns that uncontrolled storage can result in impacts to upstream land and road overtopping. In viewing construction plans, engineering staff do not have initial concerns that the design itself could increase flood risk; however, lack of future maintenance and vegetation control could increase flood risk. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, Attorney Lukas Croaker is authorized to draft a drainage easement template that can be modified by private landowners in order to convey basic drainage easement rights to adjacent landowners. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the project is approved contingent upon implementation of a drainage maintenance easement for the upstream landowner.
- PA #26-066
R. MURPHY** Engineer Technician Troy Fridgen stated that he spoke with both the applicants and opposing landowner Mr. Dale Zych. The applicant seeks to control the elevation of a slough with an intake and gravity outlet. District staff relayed that the applicant withdrew the permit application, orally. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, District staff are authorized to confirm the application withdrawal by writing.
- PA #26-046
R. ANDERSON** Board and staff representatives met with Mr. Ronald Anderson and his attorney on-site. The existence of an 8" berm could no longer be detected at the property line, although drainage continues to appear impeded. Attorney Lukas Croaker stated that Mr. Ronald Anderson's attorney is drafting an easement in order to authorize the upstream landowner to install a short piece of tile to Stevens County Ditch #1 on Mr. Anderson's property. The adjacent landowner requested that the District continue pursuing alternate legal remedies. Attorney Lukas Croaker stated that the terms of the District's Amended Administrative Compliance Order, as written, have been met, but the District continues to offer assistance in an effort to get landowner compromise on a long-term solution. If the landowners are unable to resolve the dispute, civil action between the landowners is an option. Board Manager Scott Gillespie encouraged the upstream landowner to continue the joint tile project that was initiated with

the project site visit, in order to secure a long-term solution to flooded crops. The adjacent landowner requested that Attorney Lukas Croaker delay his next conversation with Mr. Ronald Anderson's attorney until further notice. The adjacent landowner was reminded that a new tile project requires a BdSWD permit and that the Mr. Anderson would need to sign the permit as an owner of the land the tile crosses over.

**ROAD ROW
CONCERNS**

Engineer Technician Troy Fridgen stated that the District Office received a complaint of an unsafe condition created in a township road ditch, the apparent result of the removal of a piece of tile from property Mr. Ronald Anderson owns from a channel that has been steeply cut and left unfilled. Township officials were present in the meeting, and were advised that they have the legal authority to quickly remedy unsafe road conditions. The investigation may require service of a certified letter to the landowner, and a 30-day remedy period; it may then be possible for the township to order the required restoration and levy the cost against the parcel. Attorney Lukas Croaker stated that he will inform the landowner's attorney the next time they speak. Engineer Technician Troy Fridgen stated that he would email the location and pictures of the township ditch to a township official.

**GC CONS. JD #2
PETITION**

District staff have determined that the petition for the repair of Grant County Consolidated Ditch No. 2 is sufficient. District Engineer James Guler confirmed that the Engineer's Repair Report is complete. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Public Hearing on the Engineer's Repair Report will be held August 20, 2026.

**WILKIN COUNTY
DITCH
ASSESSMENTS**

Administrator Jamie Beyer was recently notified that the following ditch assessments were not included with Wilkin County property tax statements for payments due May 15, 2026:

WCD #18 - \$5000.00	JD #7 - \$3,047.50
WCD #35 - \$7000.00	JD #12 - \$24,450.00
WCD #39 - \$3300.00	

Wilkin County staff have sent revised property tax statements for taxes payable October/November 15, 2026, and offered to advance these amounts to the District. Administrator Jamie Beyer declined the advance on behalf of the District and will monitor the receipt of the funds this fall.

**WCD #SUB-1
RAILROAD
CROSSING**

Board Managers reviewed the contractor for boring and culvert railroad installation on WCD #Sub-1. One percent of the contract value was added as an expense to cover the project's required performance and payment bonds. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the revised project cost of \$253,660 and the 1% payment and performance bond amounts were approved.

**ELBOW LAKE
EAW RGU**

Grant County Engineer Matthew Yavarow, Commissioner LaValley, and Commissioner Walvatne have requested that the Bois de Sioux Watershed District serve as the Responsible Government Unit (RGU) for the Elbow Lake Environmental Assessment Worksheet. Attorney Lukas Croaker and District Engineer James Guler summarized the RGU's primary role – to determine whether an Environmental Impact Statement must be submitted. A cursory review of the Environmental Assessment Worksheet material indicates that additional information could be necessary for engineering staff to conduct this evaluation. Board Manager Scott Gillespie stated preliminary support, but requested more information regarding the scope of work and potential District cost. Attorney Lukas Croaker stated that the RGU may implement an hourly rate that could be charged to Grant County. District staff have a meeting scheduled with County staff to discuss further details.

**GCD #3
FINAL HEARING**

Upon motion by Brutlag, seconded by Gillespie and carried unanimously, the public hearing was reconvened to review the engineer's contract completion report for the repair of Grant County Ditch #3, pursuant to Minn. Stat. § 103E.555. A landowner identified an area in Section 4, Roseville Township that has spoils that need to be spread and levelled. No further landowner concerns were presented. District Engineer James Guler presented a final pay application in the amount of \$4,752.08. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the project closeout order was approved and final payment authorized, contingent upon completion of spoil spreading and leveling. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the hearing was closed.

**2027 BUDGET
HEARING**

Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the Minn. Stat. § 275.065 2027 Budget Public Hearing was scheduled for August 20, 2026.

MW DELEGATES

Board Managers requested that President Linda Vavra and Secretary Allen Wold serve as delegates to the Minnesota Watershed Resolution session.

**GCD #21
FINAL HEARING**

Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the public hearing was opened to review the engineer's contract completion report for the Repair and Improvement of Grant County Ditch #21, pursuant to Minn. Stat. § 103E.555, showing the contract price, the amount paid on certificates, the unpaid balance, and the work that is completed under the contract for Grant County Ditch #21. Landowners presented information on outstanding construction items and areas of concern for future monitoring. The contractor must honor a one year warranty, that starts from the date of project acceptance. Moore Engineering will repeat project inspections approximately 10 months after close-out in order to verify the quality of project installation. Items to address from landowner comments include; 1) Interrupted field drainage due to high spots from construction on Lateral 2, and 2) Side slope sloughing on the open channel in Section 17. Other comments received were more general concerns that did not require immediate attention. Upon motion by Wold, seconded by Brutlag and carried unanimously, the public hearing was recessed in order to remedy outstanding construction items and staff are authorized to release half of Pay Application No. 6 payment funds recommended by the District Engineer.

**ANNUAL POLICY
REVIEW**

Board Managers acknowledged that the District's Data Access Policies, Records Retention Schedule, and Conflict of Interest Disclosure Policies were included in the board packet for annual review. No changes were proposed.

The meeting was adjourned.