

**BOIS DE SIOUX WATERSHED DISTRICT  
BOARD MEETING MINUTES  
December 15, 2016**

**Call to Order** 9:02 am Present:  
Board members: Linda Vavra, Jerome Deal, Allen Wold, Steven Schmidt, Doug Dahlen, John Kapphahn  
Engineers: Chad Engels and Jim Guler  
Administrator Michelle Swenson, Attorney JJ Cline, Accountant Renee Kannegiesser

Absent board members: Scott Gillespie, Kurt Erlandson, Jason Beyer

**AGENDA** Motion to accept the Agenda was made by Deal, seconded by Dahlen, motion carried.

**CLAIMS** Motion to accept Claims of December 15, 2016 was made by Wold, seconded by Deal, motion carried.

**MINUTES** Motion to accept the minutes of meeting held on 11/17/2016 was made by Deal, seconded by Wold, motion carried.

**TREASURER'S REPORT** Motion to accept the Treasurer's Report was made by Wold, seconded by Deal, motion carried.  
Kapphahn requested a Budget vs Actual report to date.

**ACCOUNTANT'S REPORT** Renee has questions on Doran Project.

Public Comment Period: No comment was put forth.

**Engineer's Report**

Permits to discuss due to letter of opposition or unclear policy:

**16-097** Brady Janzen spoke for the Riverview proposed dairy farm which is undergoing an aquifer recharge test performed by the DNR. Janzen said they would clear out any frozen build up using tools or a heating tool to keep the culverts free from ice. There are 6 culverts ranging in size from 48" to 72" between the project and the Rabbit River. Kapphahn made a motion to allow the discharge in the ditch with the condition the culverts are monitored and kept clear, Dahlen seconded, motion carried.

**16-003** The DNR could not allow a private entity to control public water flow. An EAW and hydrological analysis would be required to request permission for this project, costing thousands of dollars. Engels stated he could not see sufficient benefits this project would provide the watershed.

**TCD 52** Moore Engineering provided a recommended grade line, this is a public water system so the DNR has input.

**Buffer** There is a \$500 fine for noncompliance which can be waived by watershed if the farmer is working with the WD. There is also a concern regarding lawsuits.

**Beavers** Deal made a motion to pay beaver trappers if they are trapped downstream from a Judicial Ditch to the point where it prevents adverse effects on the culvert, to be paid by general funds if legal advice supports this decision, second by Wold, motion carried. Athens to give legal advice after researching.

- Redpath** Engels is working on the final design. There is \$500,000 in grant money and a possible \$1MM if approved by legislation. The earliest time frame for construction to begin is 2018.
- BDS Direct** Doran Creek Restoration is being looked at for specific engineering possibilities. The next meeting is in March.
- TCD 37** BWSR approved a Multi-Purpose Drainage Grant for \$135,000. Staking will begin in Spring.
- Future Viewing** Landowner meetings could be held in January and February concerning retrofits. Viewers could begin the paperwork in the winter.
- North Ottawa** NRE meeting was held November 22 to discuss operations and maintenance. It was determined that 2 North cells should be farmed. Cells A4 and B4 are tied up for a study by the Basin Commission until 2018. Flood reduction is the primary goal of this project.
- RFDM Summary**
- TCD 41** Cleaned out in 2015
- TCD 16** Whaley is postponing until Spring
- Moonshine 24** Spoils have been spread
- TCD 23** Spring clean out
- JD 11** Complete
- JD 6** Complete
- WCD 9** Spoils to be spread in Spring
- JD 11** All of Lateral 6 complete
- TCD 27** Complete
- WCD 8** All of 8 Main is complete
- WCD 20** Section 11 complete
- JD 12** Main Branch complete
- JD 14** Appeal coming Monday morning
- 1W1P** Barr could subcontract with ME as a facilitator, next meeting possibly February.
- Houston** Motion by Wold to remove Houston as the primary engineering firm for BdS Direct, second by Dahlen. Swenson is to send a letter informing Erik Jones of Houston. Houston could possibly be subcontracted by ME for future use.
- Technician Position** Vavra made a motion to advertise for and hire a technician for BdSWD, Wold seconded, motion carried. Dahlen made a motion the Personnel Committee and Swenson would interview applicants, Deal seconded, motion carried.
- Drainage Policy** Engels and Guler presented changes made to the Drainage Policy as approved by the Drainage Committee. Wold made a motion to accept the changes, seconded by Dahlen, motion carried.

**Administrator** Brief review of MAWD convention, strong legal sessions and 1W1P information was presented.

Meyer should be allowed to rent the farmland his parents recently sold to BdSWD. Swenson will ask Athens to research the purchase agreement.

A discussion was held concerning the audit RFP. Swenson stated that the previous auditor and the Accounting software were off by a material amount, Renee was hired to reconcile the matter earlier this year but has not finished this assignment as of today. A spokesperson for Clifton, Larson and Allen was present to answer questions. JJ pointed out that as this is a professional service the board is not required to accept the lowest bid. Dahlen made a motion to accept CLA as the auditor for the 2015 and 2016 fiscal year, second by Schmidt. Vavra called an individual vote. Kapphahn abstained; Schmidt yes; Allen no; Dahlen yes; Vavra yes; Deal yes  
Motion carried.

Four managers might attend the March MAWD Legislative Reception; Swenson was instructed to reserve four rooms.

**Recess** Deal made a motion to recess the meeting until December 22, second by Schmidt, motion passed.

**Call to Reconvene** **December 22, 2016** 9:02 am Present:

Board members: Linda Vavra, Jerome Deal, Allen Wold, Steven Schmidt, Doug Dahlen, John Kapphahn

Engineers: Chad Engels and Jim Guler

Administrator Michelle Swenson, Attorney JJ Cline

Absent board members: Scott Gillespie, Kurt Erlandson, Jason Beyer

**AGENDA** Motion to amend the Agenda to discuss ongoing litigation matters was made by Wold, seconded by Dahlen, motion carried.

### **Ditch Assessment**

Engels reported the Board set ditch assessments in September for 2017. The process involved looking at balances, future needs, repairs, and time frame required to assess reasonable amounts to achieve a positive balance.

Drew Donnelly spoke to JCD 14, stating Lundquist will Appeal and asks the board to hold off on the assessment.

Cline advised proceeding with the assessment as there are legal deadlines to meet.

Vavra reminded the attendees that there is a strict timeline and the legal advice is to follow the taxation laws.

Wold made a motion to proceed with JD 14 assessment, second by Dahlen and carried.

### **Land Bid 2017**

NE ¼, Section 24 of Moonshine TWP was rented to Stueve Farms

Lot G of Section 30 in Moonshine TWP was rented to Stueve Farms, Inc.

N ½ of the NE ¼ of Section 31 in Moonshine TWP was rented to Stueve Farms

SW ¼ of Section 32 in Western TWP was rented to Truman Raguse

Wold made a motion to add a clause in future land rental agreements which adds a \$20 per acre fee to any land not worked back within 30 days after completion of harvest, second by Kapphahn and carried.

Deal made a motion to recompense Stueve Farms \$750 for spoils damage, second by Vavra and carried.

**Closed Session** Upon motion by Dahlen, second by Wold and carried, the meeting was Closed in accordance with M.S, 13D.05, Sub. 3, Paragraph B, Attorney/Client Privilege to discuss litigation strategy.

**Open Session** Upon motion by Kapphahn, seconded by Wold and carried, the meeting was hereby OPEN to the public.

**Adjourn** Wold made a motion to adjourn, second by Kapphahn and carried.

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Linda Vavra, President

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Michelle Swenson, Administrator

Motion:

Second:

Date: