

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
May 18, 2017**

- Call to Order** 8:00 am Present:
Board members: Linda Vavra, Jerome Deal, Allen Wold, Doug Dahlen, Jason Beyer, John Kapphahn, Steven Schmidt, Scott Gillespie
Engineer: Chad Engels, Jim Guler, Administrator Michelle Swenson, Technician Troy Fridgen, Attorney Tom Athens
- Absent board member: Kurt Erlandson
- AGENDA** Agenda additions: Leo Splonskowski to speak before North Ottawa, add TCD 31 and TCD 43. Motion made to accept the agenda with additions made by Gillespie, second by Beyer, motion carried.
- CLAIMS** Motion to accept Claims of May 18, 2017 was made by Deal, second by Wold, motion carried.
- MINUTES** Motion to accept the minutes of meeting held on 4/20/2017 was made by Gillespie, second by Schmidt, motion carried.
- TREASURER'S REPORT** Motion to accept the Treasurer's Report was made by Schmidt, second by Beyer, motion carried.
- ACCOUNTANT'S REPORT** Athens stated that due to an amendment to the state grant, land purchased with the State funds must be recorded in a document showing the states interest, and stating the land cannot be sold, mortgaged or rented without the states consent He thinks someone should stay on top of the details in these grant agreements. Gillespie made a motion that Renee is in charge of grant reporting under the direction of Athens, with questions being brought to the board, second by Kapphahn, motion passed.
- Public Comment Period:** Erik Klindt said FEMA wants to raise the flood level in Breckenridge and the watershed. He stated they are not taking into account the flood mitigation provided by impoundments. Engels responded that the flood plain draft has been remapped, and believes the flood levels aren't correct. Gillespie wants to work with counties to provide correct hydrology to FEMA and try to find money somewhere to do so. Vavra would like to help resolve this issue. Beyer would like to support it as a partnership. Gillespie made a motion to work on a partnership with Wilkin County to work out flood plain issues along with other partners that are available and coordinate services, second by Beyer, motion passed.
- Leo Splonskowski** – To control spray, Leo will walk while spraying as necessary. To control drift, they use low pressure hand wands and suppressant. He would like a brush map and a separate cattail map. Engels requested Leo to submit a bid per mile using an assumption of 50 miles. Leo could do a test of 10 miles. Wold suggested we decide at our June meeting.

North Ottawa The Joel Heitkamp broadcast will be held live at North Ottawa June 1, weather permitting.

Engineer's Report - see page 1 and 2 of Engineer's Report

Ditch RFM

RFM Update – Engels stated the benefits are too small to do proper maintenance in the majority of the ditch systems, if we could assess more heavily it would be easier to keep the ditch systems in a state of repair. Athens said it reduces risk to assess for repairs before doing the work. In Buffalo Red, they assess for no more than a 3-year payoff. When they know work is going to be done, they assess before construction. Gillespie said this would necessitate more landowner meetings to explain the reasoning.

Ditches

TCD 37 – The ROW has been acquired and the project has been staked. Engels reported the bid opening was held, there were 12 bidders. One quote was for a “basic bid”, the second included top soil stripping and was referred to as the “base bid plus alternate 1”. Fridgen was the apparent lowest bidder, the second apparent lowest bidder for the “base bid plus alternate 1” option was Whaley. M&M was the apparent second lowest bidder for the “base bid”. The three lowest bids were reviewed by Athens and MEI. Two required items were missing from Fridgen's bid: 1. Responsible Bidder Statement (required by law) and 2. A bid bond for the amount of the “base bid plus alternate 1”. Athens stated that MN law requires if there are material deviations from the bid (missing items), it cannot be accepted. He recommended the board not accept the Fridgen bid due to liability. Another alternative is to rebid the job, but that would take months. Gillespie pointed out that there are weather concerns, and our first responsibility is to the landowners to get this project completed. Dahlen made a motion to award the base bid plus the alternative to Whaley, second by Beyer, motion passed.

JD 11 – Tom Fridgen said the work was almost complete, the spoils need to be leveled. The excavator was inexperienced, so Tom discounted the price, the cost is approximately \$10,000.

TCD 13 – Work was approved, but a grade line was not established. RFM was for 2 miles of cleanout plus a new culvert. The benefits are \$7,600. Safety is a concern. The township will pay for 36' wide pipe, but it will require 60 feet. Wold made a motion to size the culvert, work with the township, and get a cost estimate, second by Kappahn, motion carried.

WCD 8, 9, and 10 – Athens recommended the Wilkin County Highway Department submit a proposal to perform the construction for these projects. He spoke with the Wilkin County attorney who will discuss this with their board. If the board agrees in principle, a detailed discussion can happen. Eric Klindt said Carl did not have an issue with Athen's request.

WCD 8 – Engels presented an updated opinion of cost for the retrofit using the lowest bidder prices from the recent TCD 37 bid opening and further refining some of the construction items and quantities. Using this methodology, the entire project would cost approximately \$710,000 of which \$453,000 is for construction. This estimate assumes lands would be donated. At this time, the project is estimated to cost landowners approximately \$6.00 per acre over 15 years on average. Athens stated the benefits for this ditch are from 1915, making the cost an issue.

Beyer said the petition will be brought to the board meeting next month, acknowledging the land must be donated. A hearing would need to be held in July to satisfy the 30-day notice requirement.

WCD 9 & 10 – Engels suggested combining the system and doing an improvement project. A committee needs to bring plans to the board and lay out the improvement process. A petition must be completed and the landowners must put up a bond. Swenson was directed to schedule a meeting and send notice to all landowners.

JD 11 – Engels has completed a hydraulic analysis of the main and is looking into a retrofit which could be done in stages. The highway department could possibly pay a percentage. The outlet has erosion and sediment transfer, the area immediately upstream is in need of repair. An improvement requires 26% of landowner signatures and a redetermination of benefits. Gillespie made a motion to get a cost estimate and set a landowners meeting before the next board meeting, second by Beyer, motion passed.

WCD 20 – James Arnhalt, Champion Township Clerk, stated 3 culverts need replacement; the current policy is to have landowners pay for a 24' pipe and BdSWD pays the remaining cost. The two affected landowners need to discuss the approach and crossing. Fridgen stated that Wilkin County will knock out the seven beaver dams affecting the ditch.

TCD 31 – The County needs to submit a permit application for a culvert on Hwy 75.

TCD 43 – Upstream of the RFM area is sediment build up that must be cleared before June 30 due to CRP planting. The ditch has \$7,800 benefits. Beyer said it is important to clean the CRP area first rather than the RFM area. Gillespie made a motion to put off the original RFM until next year, second by Wold, motion passed. Beyer made a motion to start at the upstream outlet and clean past the CRP area until the benefit amount is used, second by Gillespie, motion passed.

Projects

North Ottawa Impoundment - Engels has requested an update from WSN, nothing has been received. Dahlen made a motion to withhold all payments to WSN until all requested paperwork has been received, second by Schmidt, motion passed. Swenson was directed to send a letter to WSN requesting the operation and maintenance manual, as built record drawings, and the final report. Currently the NRE Team is performing operations. Kapphahn made a motion to turn over operation and maintenance manual of North Ottawa to Engels, second by Beyer, motion passed. Engels recommended keeping the farmland gates completely open.

Redpath Impoundment - Ron Harnack feels the bonding bill will pass. BdSWD requested \$1million from DNR, he would like to see a resolution to request this. Athens reported the Lessard award of \$2.4 million needs to be spent by July 2019 which requires a construction contract by early next year. Engels stated the project phase one is the Northern Corridor. Gillespie recommended selling land to fund the Mathias land purchase.

BdS Direct RCPP - The purpose and needs statement will be rewritten at the June 6th meeting. Beyer made a motion to add Marc and Matt Hasbargen to the Project Team, second by Gillespie, motion passed. Swenson directed to send contact information to Pat Downs.

Big Lake - The current proposed summer pool elevation is 1075, 1073 seems to be the lowest elevation for fall drawdown that the DNR would consider looking into, the DNR will ask Wildlife if this is an acceptable elevation for their requirements. This project will likely require a 404 from the Army Corp of Engineers. If the purpose of this project is to reduce flood risk for the city of Herman, the alternative could be to increase the capacity

through the city. The cost of the 404 permit could be substantial. If there is a partnership with the DNR they might share the cost. Engels will put together a document defining the path forward and the effort it will require.

Deal related his disagreement with the increased expenses the RRWMB has put forward. He does not think there is a need for a full time Executive Director or an office, the board agreed. Deal is to relay the board's disagreement with their proposed expenses.

Attorney Update

Closed Session Upon motion by Beyer, second by Gillespie 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 Beyer, seconded by Dahlen and carried, the meeting was hereby OPEN to the public.

Administrator

Motion made by Gillespie to make Deal and Vavra voting delegates at the MAWD summer conference, second by Kappahn, motion carried.

Motion made by Kappahn to put the boat for sale at an auction, second by Dahlen, motion carried. Gillespie made a disclosure that he will not charge his auctioneers' fee.

Dahlen made a motion to extend Swenson's probationary period for 60 days, second by Beyer, motion carried.

Swenson and Vavra have attended the County Commissioner meetings in Big Stone and Wilkin counties this month.

BWSR PRAP Review

Motion made by Deal that Vavra provide a comment letter to BWSR, second by Schmidt, motion carried.

Beyer made a motion to adjourn the meeting at 1:55 second by Schmidt, motion carried.