

**BOIS DE SIOUX WATERSHED DISTRICT  
BOARD MEETING MINUTES  
June 21, 2018**

- CALL TO ORDER** The meeting was called to order by Vice President Wold at 8:00 a.m. Present: Allen Wold, Jason Beyer, Doug Dahlen, Jerome Deal, Steven Schmidt. Absent: Scott Gillespie, John Kapphahn, Linda Vavra. Also present: Engineer James Guler, Engineer Tech Troy Fridgen, Attorney Tom Athens, Attorney Jon Cline and Administrator Jamie Beyer.
- AGENDA** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the agenda was amended to include: TCD #52, TCD #27, WCD #8 Bonding Update, and 1W1Plan Sub Designation.
- CLAIMS** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Claims of June 21, 2018 were approved as presented.
- MINUTES** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Minutes of May 14, 2018 were approved.
- TREASURER'S REPORT** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the May Treasurer's Reports were approved.
- TCD #27  
CULVERT  
REPLACEMENT** Fridgen informed board Managers that MnDOT contests its responsibility to replace a collapsed culvert per an agreement dated June 6, 1997. Township Supervisor Glenn Koch stated that the culvert is located between Sections 5 & 8 of East Lake Valley Township, alongside TCD #27. Athens reviewed the signed agreement, and stated that the agreement does not contradict Minnesota statutes: the District is responsible for public ditch maintenance and that the road authority is responsible for public road maintenance; the culvert is considered part of road maintenance. Athens does not believe that the agreement abdicates MnDOT from the present, and future, culvert replacements. The estimated cost to replace the culvert is \$42,000. Upon motion by Deal, seconded by Beyer and carried unanimously, Athens is authorized to call MnDOT, and follow up in writing, a clarification of the Watershed's position and policy.
- TCD #8  
LAMPERT  
PETITION** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Resolution for Mark Lampert to use TCD #8 as an Outlet was approved.
- NORTH OTTAWA  
FDR & NRE  
REPORTS** The 2018 FDR & NRE Management Plan was tabled until July. Fridgen stated that Elbow Lake has had more than 4" of precipitation over the past two weeks. Wilkin County has plans to replace a bridge on the Rabbit River, and have asked for us to hold North Ottawa discharge for 7 – 10 days. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the June 21, 2018 North Ottawa FDR, NRE & Expense Management Report was approved. In a phone call with Kapphahn and Schmidt, U of M Professor Joe Magner proposed that the remaining \$10,000 research grant be used to harvest impoundment cattails and investigate cattail and crop residue enhancements. Kapphahn requested that the funds instead be redirected towards a long-term study building off of the water quality and involving soil samples, tissue samples, and water samples in the farmed cells. Magner withdrew his request and will bring a proposal to the July meeting.
- TCD #37  
CONTRACT  
ACCEPTANCE &  
FINAL PAYMENT  
HEARING  
CONTINUED** At 8:30 am, Wold opened the Hearing to Consider Acceptance of Contract & Final Payment to the TCD #37 Contractor. Athens asked whether all contract work has been completed. Guler responded that the final punch list was given to the contractor in November; the punch list is not complete at this time. Athens confirmed that notice of the hearing was sent to all TCD #37 landowners, and requested comments from the public. No comments were given. Guler recommended that the hearing be continued to September 20, 2018, and stated that progress payments may still be made under the contract up until the final payment. Upon motion by Beyer, seconded by Schmidt and carried unanimously, the hearing is continued until September 20, 2018.
- NORTH OTTAWA  
FARMLAND  
LEASES** Board managers discussed the maintenance and operation costs at North Ottawa, and expressed serious concern that current ag rental rates are not covering annual expenses. Athens recommended a different bidding model for 2019. Managers discussed the small grain restriction that was included in two of the 2018 leases; with the late planting this spring, the clause likely constricted the leasee and resulted in lower rent received by the District.

**JD #11  
HEARINGS  
CANCELED**

At the May 21, 2018 meeting, public hearings for the redetermination and repair of JD #11 were ordered. Following the May meeting, Athens spoke with the Executive Committee and staff and recommended that the hearings be cancelled in order to give time to Moore Engineering to work with the Viewers to finalize the Redetermination Report. Once both entities are in agreement, the report will be filed with the District Office and hearings will be rescheduled.

**JD #11  
DAMAGES  
FUNDING**

Board managers discussed how damages for JD #11 would be funded. Upon motion by Beyer, seconded by Dahlen and carried unanimously, a loan from the Construction Fund and the maximum \$175,000/year assessment will be used to fund damages for JD #11. Bond financing will be sought.

**JD #11, JD #6,  
WCD #9 &  
WCD #10**

Athens relayed concerns about the timing of JD #6, WCD #9 & #10 redetermination and repair hearings, the assumption that landowners wish to maximize grant opportunities, and the potential impact of landowner damages on the financial condition of the District. Athens and Guler recommended that one project be completed per year and timed according to meet BWSR Clean Water grant application processes. Discussion was held as to completion of WCD #9 and WCD #10 in 2019, since landowners provided bond for the projects. JD #11 would take place in 2020. Athens recommended that JD #11 be given priority, since the redetermination process is near completion. Wilkin County SWCD's Don Byjumpaa asked Board Managers to consider using their state buffer aid to supplement funding for these projects.

**BUFFER  
ORDINANCE**

Wold presented a Buffer Ordinance with changes from Athens. Wold did not believe a petty misdemeanor would be accepted by BWSR. The ordinance is compatible with Traverse County's submission. Upon motion by Deal, seconded by Dahlen and carried unanimously, the ordinance is approved for submission to BWSR.

**4-WHEELER  
STIPEND**

Upon motion by Dahlen, seconded by Beyer and carried unanimously, a \$350 stipend was approved for the use of Fridgen's personal 4-wheeler for 12 days this spring.

**PTMapp LAKE  
DESIGNATION &  
REVIEW  
REQUESTED**

Board Managers reviewed a request from IWI regarding the inclusion of District lakes in a future PTMapp model. Engineering staff recommended all lakes over 100 acres, and North Ottawa and Redpath Impoundments. Byjumpaa stated that lakes of greatest concern should be included, as the modeling will be used to support grant applications. Upon motion by Deal, seconded by Schmidt and carried unanimously, the engineering recommendation is approved with the requirement that IWI provide a final report of the conditions and assumptions for review by the District.

**SOUTHERN  
BOUNDARY**

Guler presented a map of the proposed southern boundary change. Upon motion by Beyer, seconded by Deal and carried unanimously, Athens is authorized to draft a petition and gather signatures.

**ANNUAL REPORT**

A draft of the 2017 Annual Report was provided, with changes recommended by Athens. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the 2017 Annual Report was approved.

**1W1PLAN**

Minutes of the 1W1Plan Policy and Steering Committees were reviewed.

**REDPATH WCA  
WETLAND  
EXTENSION**

Upon motion by Beyer, seconded by Deal and carried unanimously, a request to extend the Redpath WCA Wetland Delineation was approved.

**REDPATH LEASE**

Upon motion by Deal, seconded by Dahlen and carried unanimously, a Redpath lease assignment from Raguse Family Partnership to Joel and James Rinke was approved.

**WCD #8  
PAYMENT NO. 1**

Guler presented WCD #8 Contractor's Application for Payment No. 1 in the amount of \$40,095 to Fridgen Excavating. Upon motion by Dahlen, seconded by Beyer and carried unanimously, Payment No. 1 was approved. A change order was expected, but not received; it is tabled to the July meeting.

**TCD #23**

Cost share details were reviewed on TCD #23. Guler stated that a recent change to Minnesota Statute 471.345 increases the minimum sealed bid threshold from \$100,000 to \$175,000 and apply to contracts entered into on or after that date. The cost estimate for the project is below the \$175,000 sealed bid threshold. Staff was directed to obtain quotes from contractors to complete the project in September 2018.

**TCD #52**

Board managers discussed TCD #52. Engineering staff have secured approval for the outlet repair design concept, and are now seeking approval from the Corps of Engineers. Beyer asked if this has become a Watershed Project; Athens responded that in the past, a proposed impoundment on top of the hill was made a project. Wold expressed his commitment to expend ditch funds solely on the outlet, and stated that a redetermination should be initiated if more funds are needed. Fridgen has received several Requests for Maintenance from landowners at the top of the hill and expressed frustration at the amount of time that the

approval process is taking. Fridgen stated that ditch maintenance is needed in the meantime, and that the redetermination will be expensive, as both sides of the ditch would require damage payments. Wold requested that staff bring to the July meeting an estimate of how much will be spent at the outlet this year, a projection of the TCD #52 ditch fund balance; if funds are available this year, engineering staff should provide ditch maintenance priorities.

**RRWMB UPDATE** Executive Director Rob Sip gave a presentation on the general activities of the Red River Watershed Management Board.

**SPECIAL LEVY MEETING** The September board meeting will not allow the District's levies to be certified before September 15; Board Managers agreed that a special meeting should be scheduled.

**CHANGE TO 12/15/16 MEETING MINUTES** Upon motion by Deal, seconded by Dahlen, the minutes of the December 15, 2016 were changed from: "SW ¼ of Section 32 in Western TWP was rented to Truman Raguse" to "Copeland Land (SW ¼ of Section 32 in Western TWP) was rented to Truman Raguse." Dahlen, Deal, Schmidt, Wold – aye. Beyer – nay. Motion carried.

**1W1PLAN SUB** Wold will act as the 1W1Plan designated substitute.

**ADVISORY COMMITTEE** Board Managers were given a copy of the current Advisory Committee Members, and asked to bring any changes or recommendations to the July meeting.

**2017-18 ORGANIZATION**

**2017 – 2018 Annual Reorganization**

Wold called for nominations for the position of President. Deal nominated Linda Vavra. Upon motion by Deal, seconded by Beyer and carried, the Secretary was directed to cast a unanimous ballot to Linda Vavra for President.

Wold called for nominations for the position of Vice President. Deal nominated Allen Wold. Upon motion by Deal, seconded by Schmidt and carried, the Secretary was directed to cast a unanimous ballot to Allen Wold for Vice President.

Wold called for nominations for the position of Secretary. Schmidt nominated Scott Gillespie. Upon motion by Schmidt, seconded by Deal and carried, the Secretary was directed to cast a unanimous ballot to Scott Gillespie for Secretary.

Wold called for nominations for the position of Treasurer. Dahlen nominated John Kapphahn. Upon motion by Dahlen, seconded by Schmidt and carried, the Secretary was directed to cast a unanimous ballot to John Kapphahn for Treasurer.

**2017-18 COMMITTEES**

Board Managers reviewed committee assignments. Beyer requested off the Legislative Committee. Kurt Erlandson was removed. Upon motion by Deal, seconded by Dahlen and carried unanimously, changes to the committees were approved.

The meeting as adjourned at 11:35 am.