

BOIS DE SIOUX WATERSHED DISTRICT
April 21, 2022

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Ben Brutlag, Doug Dahlen, Jerome Deal, John Kapphahn, Steven Schmidt, Allen Wold. Absent: Scott Gillespie. Also present in the District Office: District Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- CONFLICT OF INTEREST** Board Manager John Kapphahn declared a conflict of interest with the Lake Samantha project.
- AGENDA** Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the agenda was approved with the addition of Permit Application #22-013 Kevin Leininger, Tile Pumps, and 404 Assumption.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the consent agenda was approved.
- PUBLIC COMMENT** No public comment was given.
- #21-054
R. ANDERSON** No answer has been given from Mr. Ronald Anderson with regard to the Administrative Compliance Order sent February 10, 2022 for an after-the-fact permit granted for tiling and ditching in Sections 28 and 29 of Donnelly Township, Stevens County. The order included a requirement to restore the ditch channel to its preexisting condition or install a tile pipe in the ditch bottom, adjacent to 560th Avenue, and properly slope the ditch channel in accordance with the District Engineer's design standards on or before May 1, 2022. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, board managers directed staff to contact Mr. Anderson and authorized staff to grant an extension of the May 1, 2022, deadline to July 1, 2022, if Mr. Anderson requests an extension in writing prior to May 1, 2022.
- #22-038
C. GRIMES** A portion of the project, twenty acres, crosses a subwatershed boundary. There were no comments received in opposition to the project, which is controlled by a ¼" drainage coefficient and a 15" culvert downstream. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the permit was approved.
- #22-033
K. LEININGER** The subsurface drainage project described meets District policies, but neighbor Rod Thiel expressed concerns regarding blocked drainage further downstream on lands enrolled in the wetland reserve program managed by NRCS (this project was permitted under #12-214 and #12-234, in which the landowner stated that existing flow through drainage will continue to function without negative impacts to upstream owners). NRCS Area Biologist Jon Frie stated that the drainageway was cleaned in 2003, but had returned to the blocked condition by 2004, and that he has not received a proposal for maintenance. Engineer Technician Troy Fridgen stated that two culverts – one at the south end and one at the north end – were installed at the same elevation, but that the southern most culvert is 3/10' higher. Mr. Rod Thiel stated that even a flat grade between the two culverts would be helpful. NRCS Area biologist Jon Frie stated that a flat grade didn't exist before 1993. District Engineer Chad Engels stated that the purpose of the District is to regulate regional flooding, not fenceline flooding issues. Engineer Technician Troy Fridgen stated that he would like to continue to help on this matter, to see a resolution reached. Kapphahn motioned, seconded by Dahlen and carried unanimously, to approve the permit.
- 640TH AVENUE
ROAD RAISE** District Engineer Chad Engels and Engineer Technician Troy Fridgen continue to work with landowners and Dollymount Township to finalize design features of the 640th Avenue Road Raise project. Dollymount Township officials are working with Interstate Engineering to review the 640th Avenue Road Raise Cost Share Agreement and project design. Administrator Beyer stated that Dollymount Township has not yet signed the Cost Share Agreement, which includes provisions to reimburse Dollymount Township for engineering services, not to exceed \$16,268 pre-project and \$15,525.40 for construction services. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Attorney Lukas Croaker's recommendation was approved, to incorporate these costs in a revised Cost Share Agreement, along with a maximum construction cost based on Interstate's preliminary plans and final estimate of cost – and to include a clause that, in case any of these costs may be exceeded, Township Officials notify and receive approval from the Bois de Sioux Watershed District Board before proceeding.

**WATER QUALITY
GRANT MATCH
PROPOSAL**

Grant County Highway Engineer Tracey Von Bargen and Field to Flyway Engineer Aaron Weinandt presented several water quality and habitat enhancing projects proposed within the Bois de Sioux Watershed District at: Strehlo Slough, Samantha Lake, Elbow Lake, Trisko Lake, West Wetland, and North Wetland. These projects would be included in a broader Lessard Sams Outdoor Heritage Grant application to be submitted May 2022 for possible funding July 2023. Grant awards would then have to be spent within five years. A water control structure is proposed on GCD #11 for potential drawdown of Strehlo Slough, and pursuit of permanent drawdown of Samantha Lake is included as a possible project. The total grant request would be \$2.6 million, for engineering, design, easements, and construction across 8 – 9 wetlands under Minn. Stat. Section 103G.408. Grant County dedicated \$75,000 in matching funds. Field to Flyway Engineer Aaron Weinandt asked if the District would also consider a match commitment that would begin after July 2023 and could be spread out over 5 years, and could be contingent upon permit approval. District Engineer Chad Engels stated that Samantha and Elbow Lakes are included in our 10-Year Joint Comprehensive Watershed Plan, but Strehlo Slough is not specifically included. Board managers asked what the likelihood of a permitted permanent drawdown might be for Samantha and Elbow Lakes. Field to Flyway Engineer Aaron Weinandt stated that the chances are better since they are landlocked lakes, under Minn. Stat. Section 103G.405. Engineer Technician Troy Fridgen stated that he does receive flooding complaints in the Strehlo Slough region, as part of the Fourmile Creek system, and that flooding in that area should be considered a priority.

GCD #21

Grant County is hosting a GCD #21 landowner meeting on April 28, 2022, to discuss a possible improvement project. The presence of District managers and engineering staff were also requested.

**INVASIVE
SPECIES &
WEED CONTROL
QUOTE**

Engineer Technician Troy Fridgen presented a spray price quote from L & M Road Services, LLC. A second price quote was solicited but not returned. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the quote was approved.

**TRUNK HIGHWAY
27 CULVERTS**

MnDOT has asked for recommendations to replace TCD #1 and GCD #8 culverts below Trunk Highway 27, for construction to begin 2029. Engineer James Guler stated that there has already been some sizing completed on GCD #8. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to make recommendations for TCD #1 and GCD #8 (based on a possible improvement of GCD #8) and to investigate whether MnDOT would cost-share the cost of the culverts at an earlier date, if an improvement proceeding were to take place before the MnDOT Trunk Highway 27 project.

TCD #35

Engineer James Guler reported that the bond and proof of insurance had been received from Wagner Company and that Attorney Lukas Croaker deemed both to be sufficient. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, President Vavra is authorized to sign the Construction Contract and Notice to Proceed.

During review of shop drawings, engineering staff discovered that an increased class size (from Class 1 to Class 4) was not specified for a box culvert and that a change in class and type (from Class 2 arch to Class 3 round) was not specified for two other crossings included in the project bid. All bids received were submitted based on the same information. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Change Order No. 1 in the amount of \$51,286.00 was approved to increase the class size of the box culvert from Class 1 to Class 4 and to change the class and type of two crossings from Class 2 arch to Class 3 round. Board Manager asked if this would impact the timeline for the project. District Engineer Chad Engels confirmed with subcontractor Riley Brothers that the culverts should be delivered before the end of June 2022.

WCD #SUB-1

Board Manager Jason Beyer presented an Improvement Petition for WCD #Sub-1, with 58% landowner signatures. A portion of the bond was also presented, with remaining funds to be provided directly to the District. Attorney Lukas Croaker read the Order Appointing Engineer and the Engineer's Oath. Upon motion by Deal, seconded by Dahlen and carried unanimously, the President is authorized to sign both documents contingent upon full payment of the bond.

JD #6

Beyer motioned, seconded by Deal and carried unanimously, to approve the application of \$538.50 in expenses towards the JD #6 Bond.

**REDPATH
IMPOUNDMENT**

Engineering staff expect the Federal 404 and 408 permits to be issued at the end of April. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to send the subsequent project reports to BWSR and DNR, as required by MN Statute, upon receipt of the federal permit notifications.

**RRWMB
AGREEMENT**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the \$1,000,000 Red River Water Management Board funding Advance Agreement for Redpath was approved.

DORAN CREEK

A meeting was held with landowners adjacent to Doran Creek to discuss a clean-out of a portion of the system that has collected up to 5’ of silt, slow down the rate of future siltation, and to secure a permit that allows for some maintenance in the future. Landowners at the meeting expressed support for the project, but less support for permanent land easements. Project design and development have exhausted BdSWD’s initial program funding, RRWMB base grant, and WBIF grant. Beyer made motion to transfer \$100,000 from the Construction Fund to the Doran Creek Fund to cover current and future development costs. The motion died for lack of a second. District Engineer Chad Engels stated that staff will present a project financing concept at the May board meeting.

**LTWQIP NO. 1
PHASE #2**

Engineering staff have identified some areas that need additional rock and riprap; the contractor will also need to conduct some dewatering activities in order to install the additional material. Office, legal, and engineering staff continue to work with the project landowner to finalize easement details.

**LTWQIP NO. 1
PHASE #3**

Engineering staff continue to work on design and funding details.

NORTH OTTAWA

Board Managers Vavra, Beyer, Brutlag, and Kapphahn met in April, and made the following recommendations for North Ottawa Project Team Members:

- | | |
|------------------------|---|
| 2 Board Managers | Brutlag and Kapphahn. Alternates: Beyer and Vavra |
| 2 Landowners | Jordan Schneeberger and Dominic Blume |
| 2 County Commissioners | Eric Klindt and Bill LaValley |
| 1 SWCD / BWSR | Randy Larson |

Board managers requested that Engineer Technician Troy Fridgen attend the North Ottawa Project Team Meetings, as the District staff person conducting operations and coordinating activities at the facility. Beyer motioned, seconded by Dahlen and carried unanimously, to approve the recommendations .

Dead birds have been found at the North Ottawa Impoundment. Engineer Technician Troy Fridgen notified the DNR and US Fish and Wildlife about the possibility of the influence of avian flu. All gates are open now, and farm cells have been flooded. Board Manager Kapphahn requested that gates be installed on the E-W road.

**HAYING &
MOWING**

Upon motion by Beyer, seconded by Dahlen and carried unanimously, board managers approved release of the Haying and Mowing Request for Bids for a three year term.

**2021 ANNUAL
REPORT**

Upon motion by Dahlen, seconded by Beyer and carried unanimously, board managers approved the 2021 Annual Report.

**2022 BILLABLE
RATES**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, board managers approved the 2022 Billable Rates.

**COVER CROP
PROGRAM**

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, a one-year extension is granted to Stevens SWCD to use a \$5,000 payment already made to them for a cover crop program.

**WBIF GRANT
REIMBURSEMENTS**

Three Watershed Based Implementation Fund grant reimbursements were included and approved in the Claims of April 21, 2022: a \$11,197.24 payment to Grant SWCD for project development and technical assistance; \$13,672.00 to Traverse SWCD for cover crops/non-structural practices; \$6,024.30 to Traverse SWCD for project development.

MAWD DUES

Deal motioned, seconded by Beyer, to approve payment of MAWD dues in the amount of \$7,500. Motion carried, Wold nay.

Upon motion by Kappahn, seconded by Dahlen and carried unanimously, the meeting was adjourned at 12:55 pm.