

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
July 21, 2022**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:03 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn (arrived later), Allen Wold. Absent: Ben Brutlag, Steven Schmidt. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer. Staff present online: Engineer James Guler and Attorney Lukas Croaker.
- AGENDA CHANGES** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the following agenda changes were approved: removal of Permit Applications #22-059, #22-082, #22-092, #22-099; addition of Permit Application #22-091.
- CLAIM ADDITIONS** Gillespie motioned, seconded by Dahlen and carried unanimously, to add claims of \$980 for Whaley Excavating and \$1100 for Dwight Veldhouse.
- CONSENT AGENDA** Deal motioned, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- #22-066
D. SANASACK** Permit Application #22-066 was approved (installation of a flood overflow culvert), but the applicant had requested consideration for District cost-share funds. District Engineer Chad Engels stated that he could not find the legal authority to provide ditch funds or a policy that would allow District funds to be spent, as the culvert is a private crossing. The applicant was encouraged to contact the applicable township.
- KAPPAHN ARRIVES** Board Manager John Kapphahn arrived.
- #22-093
D. CHRISTIANS &
B. GOLOMBIECKI** The applicant stated that the subwatershed boundary displayed on the permit map is not correct; all surface water in Section 16 of Everglade is kept within the project watershed. The project meets district standards, and can be approved by District staff. The landowner in Section 9, at the project outlet, stated no opposition to the project. Following submission of the original permit application, the applicants now wish to add tile in the West half of Section 15 – the applicants were advised that they can add to the current application, which would require re-notice prior to approval, or can receive approval for Permit Application #22-093 and submit a new permit application for the work proposed in Section 16. [what did the applicant decide to do?]
- #22-95
G. BLUME** The SE1/4 of Section 5 in Redpath Township is split between two subwatersheds; the east half flows north. The applicant stated that the west half does not flow, and that splitting the section into two projects would require an additional ½ mile of electric service and an additional pump. District Engineer Chad Engels stated that flow directed to the north will trigger the need for a petition into TCD #11. Mr. Greg Blume stated that he will initiate petition proceedings on behalf of the quarter.
- #22-102
D. BLUME** Applicant Dana Blume requested a variance on crossing the subwatershed in a project located in the SE1/4 of Section 15 in Gorton Township. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the application was approved.
- #22-113
M. SUMMERS** Applicant Mark Summers requested a variance on crossing the subwatershed in a project located in Section 6 of Eldorado Township. No downstream opposition was received. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the variance was approved.
- #22-099** Applicant Matthew Drewicke described a flood control project in the SW1/4 of Section 26 in Graceville Township to address flooding in several sloughs. Mr. Drewicke has been working with downstream landowners to add additional control in Sections 22 and 23 to direct overflow to road ditches. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the permit application is approved upon a condition that staff establish an annual closure operation that prevents flow from occurring during the spring snowmelt.
- COLLECTION CHANNEL** District Attorney Lukas Croaker, District Engineer Chad Engels, President Linda Vavra, Grant County Commissioner Bill LaValley, Grant County Engineer Tracey Von Bargen, Grant County Ditch Inspector Aaron Beyer, and three Grant County landowners met to discuss flooding in Logan Township and

Fivemile Creek, and flow to the Redpath Impoundment. District Engineer Chad Engels updated the Board on the discussion had at the informal meeting, including discussion on a collection channel to the Redpath Impoundment project. Upon motion by Dahlen, seconded by Deal and carried unanimously, engineering staff are authorized to analyze possible locations for a collection channel.

**GCD #21
PETITION**

A Petition for the Improvement and Request for Separable Repair of Grant County Ditch #21 was received, along with personal checks in the amount of \$60,000 in lieu of a bond required under Minn. Stat. Section 103E.202. The petition is signed by 9 of the 17 40-acre tracts that the improvement passes over. The District Attorney determined that the number of signatures meet statutory requirements. Attorney Lukas Croaker stated that Commissioner Bill LaValley is aware of the submission of the petition, and has indicated that there is informal support from Grant County Commissioners to bond on behalf of the project. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the Order Appointing Engineer and Engineer's Oath were approved, which included: acceptance of the petition; appointment of Moore Engineering, specifically, Chad Engels as project engineer; direction to conduct a preliminary survey and create a preliminary survey report; and acknowledgement of Engineer's Oath. The District Engineer will also determine whether separable repair exists according to Minn. Stat. Section 103E.215, Subd. 6.

Attorney Lukas Croaker stated that the improvement proceedings are initiated under Minn. Stat. Section 103D.625, Subd. 4, and proceed according to Minn. Stat. Chapter 103E, just like any other similar project. It will be recommended that the Grant County Board of Commissioners motion or adopt a resolution authorizing the transfer of Grant County Ditch #21 to the District's authority, although it is not required under Minn. Stat. Section 103D.625, Subd. 4.

District Engineer Chad Engels and Grant County Ditch Landowner Dana Blume discussed the condition of the current GCD #21 drainage system, and possible improvement project features. A portion of the project is an open channel, which appears to be stable and provide ample capacity. Replacement, and possible realignment for better grade, of specific tile laterals will be included. The current, original tile is 4 – 6" and was buried shallow – the tile is crushed in places.

**TCD #35/
REDPATH PHASE 1**

Dirt work on TCD #35/Redpath Phase 1 continues; the contractor is preparing for the installation of road crossings. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, Pay Application No. 1 in the amount of \$252,536.71 was approved.

**DAMAGES
PROCESS**

Administrator Jamie Beyer reported that the current damages process (board orders the establishment of the project and damages payment; landowner signs and returns purchase agreement, 1099, and easement forms; landowner provides abstract; District has abstract updated and easements recorded; legal staff send damages check to landowner) is not working – the District is experiencing 3+ months to have abstracts updated, resulting in construction on land prior to damages being paid to landowners. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, legal staff are authorized to release damages checks upon receipt of signed easements and the purchase agreement.

WCD #SUB-1

Administrator Beyer stated that the District has not received the full bond amount required to accompany the signed WCD #Sub-1 repair petition. Engineering staff are working on a grant application for the project.

**JD #6
REPAIR**

There are areas that continue to struggle to have grass established. Board Manager John Kapphahn recommended that the District plant rye. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, engineering staff are authorized to order soil tests and rye to be reseeded in unestablished areas, with mulch cover.

**JD #11
REPAIR**

MnDOT installed a new box culvert under State Highway 55, in Judicial Ditch #11. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the Minn. Stat. Section 103E.555 project close-out hearing was ordered, upon recommendation by engineering staff.

**DISTRICT
WORKSHOPS**

District staff gave an update on upcoming district workshops, to be held in three locations in the District August 9 – August 11, 2022. Board managers recommended that if successful, a workshop be held in Wheaton this winter.

**REDPATH PH. 2/
MUSTINKA RIVER
REHAB CORRIDOR**

Engineering staff proposed two subphases (A & B) for Phase 2 of the Redpath Impoundment and Mustinka River Rehabilitation projects in response to the lack of Flood Damage Reduction funding.

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, staff are authorized to pursue Phase 2A funding development and submit a funding request to the Red River Watershed Management Board.

REDPATH LAND OFFER

Owners of land in Section 20 have asked if the District is interested in purchasing additional acres. Board managers discussed opportunities to extend the Mustinka River Rehabilitation further downstream, and requested that District staff collect additional details.

404/408 PERMIT

DORAN CREEK MEETING

Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, President Vavra is authorized to sign the Proffered Federal 404/408 Permit for the Redpath Flood Impoundment Project.

A meeting for Doran Creek landowners will be held July 27, 2022, in Campbell, Minnesota.

LWQIP NO. 1 PHASE #2

Board managers discussed the grass establishment on Phase 2 of the Lake Traverse Water Quality Improvement Project. Engineering staff will request some touch-ups, and would anticipate the board to order the project's close-out hearing in August for September. Deal recommended that the project (all phases) be nominated for BWSR's Project of the Year.

LWQIP NO. 1 PHASE #3

For today's meeting, District staff had expected to receive the BWSR and DNR Advisory Reports for Phase 3. Upon motion by Gillespie, seconded by Deal and carried unanimously, the Resolution Setting Minn. Stat. Section 103D.605 Phase 3 Project Hearing was approved for September 15, contingent upon receipt of the Advisory Reports.

640TH AVENUE ROAD RAISE

Interstate Engineering is scheduled to meet with Dollymount Township next week to discuss changes to the permit application for the 640th Avenue Road Raise and to submit the changes to the District.

EMPLOYEE HOLIDAY

Board managers considered an employee request to add Juneteenth to the list of District holidays. District Attorney Lukas Croaker provided a list of the holidays recognized under Minn. Stat. Section 645.44 on which public business cannot be transacted; Juneteenth has not been included by the Minnesota Legislature. The District's personnel handbook does include several holidays not included in statute. Gillespie recommended that the request be relayed to the Personnel Committee.

2023 BUDGET & LEVY HEARING

Upon motion by Beyer, seconded by Dahlen and carried unanimously, to hold a Public Hearing on the 2023 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems during the next regularly scheduled board meeting at the District Office.

2022 FEMA CLAIM

Administrator Jamie Beyer stated that the District will submit for reimbursement approximately \$60,000 in expenses incurred during the Spring 2022 FEMA/HSEM Flood event.

DATA ACCESS POLICY REVIEW

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, annual review of the District's Data Policy was suspended as the policy has been rewritten and is included in the District's current effort to update its Bylaws, Rules, and Policies; the proposed policy will be considered for approval at a later date.

WBIF #2 GRANT APP.

The District submitted a grant application for \$1,064,522 in Watershed Based Implementation Grant Funds on behalf of the Joint Comprehensive Watershed Management Partners. A grant agreement should be available for consideration at the August board meeting. A request for reimbursement was received from Grant SWCD in the amount of \$6,801.82 and was approved earlier in the meeting with the Claims of July 21, 2022.

ANNUAL REORGANIZATION

2022 – 2023 Annual Reorganization

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

Vavra called for nominations for the position of Vice President. Dahlen nominated Jason Beyer, seconded by Gillespie. Upon motion by Gillespie, seconded by Deal, and carried unanimously, the Secretary was directed to cast a unanimous ballot to Jason Beyer for Vice President.

Vavra called for nominations for the position of Secretary. Gillespie nominated Allen Wold, seconded by Dahlen. Upon motion by Gillespie, seconded by Beyer, and carried unanimously, the Secretary was directed to cast a unanimous ballot to Allen Wold for Secretary.

Vavra called for nominations for the position of Treasurer. Gillespie nominated John Kapphahn, seconded by Beyer. Upon motion by Gillespie, seconded by Deal, and carried unanimously, the Secretary was directed to cast a unanimous ballot to John Kapphahn for Treasurer.

Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, the following designations were approved:

NEWSPAPERS

Traverse County.....Wheaton Gazette
Big Stone County The Northern Star
Grant County Grant County Herald
Wilkin County The Daily News
Otter Tail County.....The Daily Journal
Stevens County..... The Chokio Review

CONSULTANTS

Attorney at Law Lukas Croaker, Ohnstad Twichell
Engineer.....Chad Engels, Moore Engineering
Accountant Renee Kannegeisser, Morris & Associates
AuditorCliftonLarsonAllen

DEPOSITORIES

Bank of the West Morris, MN
Bremer Bank..... Morris, MN
Star Bank Wheaton, MN

INSURANCE COVERAGE

League of Minnesota CitiesSaint Paul, MN

**NORTH OTTAWA
PROJECT TEAM &
COVER CROP**

The North Ottawa Project Team met at the end of June. DNR Representatives expressed appreciation for the District’s operation and maintenance of the Impoundment, and were impressed with cattail control efforts and inclusion of honeybee hives. Board Manager John Kapphahn coordinated the purchase of Japanese millet to be planted over 60 acres, and Engineer Technician Troy Fridgen coordinated the planting of the Japanese millet with Traverse County SWCD staff. Rye will be seeded later in the season, along with a mix of rye and Japanese millet.

**MANAGER
UPDATES**

Board Manager Allen Wold reported on discussions held by the Drainage Work Group. President Linda Vavra reminded managers that the MAWD Summer Tour is scheduled for August 23 – 25.

The meeting was adjourned at 11:40 am.