

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
September 15, 2022**

CALL TO ORDER The meeting was called to order by President Vavra at 8:01 a.m. Present in the District Office: Linda Vavra, Allen Wold, Jason Beyer, Benjamin Brutlag, Doug Dahlen, Jerome Deal, John Kapphahn, and Steven Schmidt. Absent: Scott Gillespie. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer. Present remotely: Engineer James Guler.

AGENDA Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the meeting agenda was approved with the following additions: Permit #22-016, Permit #22-147, 640th Avenue Road Raise, North Ottawa Webcam Offer, JD #6 Change Order, JD #6 Pay Application, JD #6 Clean Water & Culvert Sizing Cost Share, JD #6 Prepayment on Bond, RRWMB Joint Powers Agreement, District land discussion, Watershed Based Implementation Fund Grant Amendment, and CliftonLarsonAllen Statement of Work.

CONFLICTS OF INTEREST John Kapphahn declared a conflict of interest with Lake Samantha.

CONSENT AGENDA Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved, to also include a claim in the amount up to \$29,000 to Contech for a culvert invoice that requires a revision to remove state sales tax.

**#22-097
M. TOELLE TRUST** Permit Applicant Mr. Michael Toelle described his project to install subsurface drainage to a parcel that currently surface drains to a nearby pasture/ravine and culvert on the southern edge of the parcel. The proposed project would include extensions for the outlets to bring the tile water to the bottom of the ravine in order to avoid the chance for erosion. However, neighboring landowners Gerald and Dianne Reinart stated that they do not want extensions through their property or outlets on their property. They also expressed a concern about outletting to a ravine with a 46' elevation change. Board Manager Allen Wold and Engineer Technician Troy Fridgen visited the project site. Board Manager Allen Wold offered features that could slow flow velocity. Engineer Technician Troy Fridgen stated that the project has been designed to meet the District's 1/4" drainage coefficient. District Engineer Chad Engels suggested that the outlets be relocated to Mr. Toelle's property, and that the northwest outlet be moved further north and east to an existing swale, and to install riprap at all three outlets. Board Manager John Kapphahn encouraged the applicant to install pipe to an outlet verses outletting to an open ditch. Mr. Michael Toelle was agreeable to the outlet relocations. Upon motion by Brutlag, seconded by Beyer and carried unanimously, the permit application was approved with District Engineer's conditions.

**#22-152
M. BARTELL** The permit application was brought before the board because it was initially believed that the project crossed subwatershed boundaries. Neighboring landowner Bryan Crandall stated opposition to the permit, on the basis that it crossed subwatershed boundaries. Upon verification by engineering staff, and confirmed by Permit Applicant Michael Bartell, the subwatershed boundary drawn by LiDAR was found to be inaccurate. The project meets the District's standards. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the permit application was approved.

**#22-153
K. ZIMMERMAN** Permit Applicant Kelly Zimmerman proposes installation of split flow subsurface drainage, with the majority of the project directed to SCD #15 and 15 acres or less directed to the current outlet, which crosses through a culvert on the eastern edge of the property and continues through the middle of an agricultural field. Landowners Roger and Julene Amborn stated concerns about current and future flows to their land east of the project, with unmaintained public lands to the north a primary cause of upstream flooding. District Engineer Chad Engels recommended that the permit be approved contingent upon written permission from Stevens County which would likely require a successful SCD #15 ditch petition to outlet for the acres that will flow that direction. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the permit was approved with District Engineer's conditions.

**#22-153
PHEASANTS FOREVER** Pheasants Forever Representative Tyler Zimmerman described proposed action to fill all drainage ditches on the SE1/4 of Section 33 of Western Township in Otter Tail County to create a system of wetlands. Mr. Tyler Zimmerman stated that the property will be turned over to the Minnesota DNR

within a year. Neighboring Landowner Brian Lacey stated concerns about water quality issues that could result in response to the proposed project. Board Manager Brutlag had requested that the permit be brought before the board because of the historical flooding issues associated with public lands in the Western 32/33 area. Brutlag motioned, seconded by Dahlen, to approve the permit application. Roll call vote: Kapphahn – aye; Schmidt – aye; Dahlen – aye; Vavra – no; Beyer – no; Deal – aye; Wold – no; Brutlag – aye. Motion carried.

#22-016

K. BLUME

Mr. Kevin Blume has an approved permit to install a pump in the NW corner of Section 27, Redpath Township, near District owned land; he will need easements for the project, including a utility easement. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to work with the landowner to establish and record the necessary easements.

#22-147

B. FUHRMAN

Engineer Technician Troy Fridgen stated that the installer for subsurface drainage for Permit Application #22-147 may have crossed the subwatershed boundary, prohibited by conditions of the permit approval. Two phone calls were placed to the installer, and an email was sent to the installer, requesting documentation that subsurface drainage was placed in the correct location. No response has been received. Upon motion by Dahlen, seconded by Deal and carried unanimously, legal staff are authorized to send a formal inquiry.

JD #6

103E.555

HEARING

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103E.555 Public Hearing on the Engineer's Report for JD #6 was opened. Engineer James Guler presented the report, which included project construction details, contract quantity changes, final cost figures, and funding sources. About a month ago, rye was planted on a portion of the project that has so far resisted vegetative establishment; board managers agreed that closure of the construction contract should not be dependent upon vegetative establishment of the area due to unique soil circumstances. Contractor James Lubenow was present to answer project questions. No public comment was received. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Change Order No. 3 and Pay Application No. 5 (Final) were approved. Attorney Lukas Croaker read the Findings and Order. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Findings and Order were approved. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the Resolution Authorizing a Transfer of Funds for the District's Clean Water Retrofit Cost Share Policy was approved in the amount of \$9,212.77. Upon motion by Dahlen, seconded by Deal and carried unanimously, the Resolution Authorizing a Transfer of Funds for the District's Culvert Sizing Cost Share Policy was approved in the amount of \$318,215.50. Because the project cost was less than estimated, there are surplus funds in the project fund that can be applied as prepayment towards the ditch bond held by Wilkin County. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the Resolution Authorizing a Transfer of Funds for Bond Prepayment was approved in an amount that will leave \$100,000 in the ditch fund for future maintenance. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing was closed.

WCD #SUB-1

103E.261

HEARING ORDER

Engineering staff prepared the preliminary survey report and recommend that the Minn. Stat. § 103E.261 preliminary hearing be scheduled. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Order for Public Hearing was approved.

WCD #25

MEETING

Upon motion by Dahlen, seconded by Deal and carried unanimously, staff are authorized to hold a landowner meeting in early November for WCD #25 landowners.

TCD #35/

REDPATH

PHASE 1

Engineer James Guler provided an update on TCD #35/Redpath Phase 1 construction. A pay application, in the amount of \$995,254.86, was presented for channel excavation, embankment construction, and side inlet culvert installation. Crews found more buildable clay and less topsoil than what was anticipated. Although costs will be higher on this phase because more clay is able to be placed permanently, costs will be lower on subsequent phases. Upon motion by Dahlen, seconded by Beyer and carried unanimously, Pay Application No. 2 was approved.

REDPATH

103D.605

HEARING

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103D.605 Public Hearing to Establish a Project as Part of a Plan was opened for the Redpath Impoundment Project. Advisory letters from the Board of Water and Soil Resources and the Department of Natural Resources were presented, along with details about upstream/downstream project benefits, construction details, costs, and funding sources. No public comment was received. The managers find that the project is conducive to public health, promotes the general welfare, and is in compliance with the District's watershed management plan and the provisions of Minn. Stat. Ch. 103D. Upon

motion by Kapphahn, seconded by Dahlen and carried unanimously, the Findings and Order were approved. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the hearing was closed.

**LTWQIP NO. 1
PHASE 2
103D.815/103E.55
HEARING** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103E.555 Public Hearing, held pursuant to Minn. Stat. § 103D.815, subd. 3, on the Engineer's Report for Phase 2 of Lake Traverse Water Quality Improvement Project No. 1 was opened. Engineer James Guler presented the report, which included project construction details, final cost figures, and funding sources. Over the summer, rocks were reset in response to extraordinary flow through the channel following spring flood conditions. Contractor James Lubenow was present to answer project questions. A comment was received that rocks had been driven into the ground on the Phase 1 staging area of the project, and were later excavated and exposed by the landowner during routine tilling activities. Kapphahn motioned, seconded by Beyer and carried unanimously, that any remaining rocks be removed by the contractor. Attorney Lukas Croaker read the Findings and Order. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the Findings and Order were approved. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the hearing was closed.

**LTWQIP NO. 1
PHASE 3
103D.605
HEARING** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103D.605 Public Hearing to Establish a Project as Part of a Plan was opened for Phase 3 of the Lake Traverse Water Quality Improvement Project No. 1. Advisory letters from the Board of Water Soil Resources and the Department of Natural Resources were presented, along with details about upstream/downstream project benefits, construction details, costs, and funding sources. Public comment was received; questions/concerns included: tree replanting, passage across the channel, temporary and permanent fence relocation, maintenance of natural springs, and local cost share. Easements will be acquired from two landowners; one landowner has completed the required documents. Attorney Lukas Croaker discussed the Findings and Order. The managers find that the project is conducive to public health, promotes the general welfare, and is in compliance with the District's watershed management plan and the provisions of Minn. Stat. Ch. 103D. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the proposed Findings and Order were approved. Upon motion by Wold, seconded by Beyer and carried unanimously, the hearing was closed.

**640TH AVE
ROAD RAISE** Interstate Engineering President Damon DeVillers presented the 640th Road Raise plans approved by Dollymount Township, and elicited a positive response from Eldorado Township officials. Mr. Jonathan Mathias was present to represent Landowner Marilyn Mathias' interest, and requested a copy of the plans. The project features include changes to culvert sizing and alignments, no work west of 640th Avenue, and a clean-out up to TCD #8. Mr. Janathan Mathias stated that maintenance of the channel is a concern into the future; District Engineer Chad Engels stated that he will add a permit condition that Dollymount Township will be responsible for future maintenance.

**SCHMIDT
LEAVES** Board Manager Steven Schmidt left the meeting.

GCD #21 Engineering staff continue to work on a preliminary survey report.

**LAKE SAMANTHA
& ELBOW LAKE** Board Manager John Kapphahn and engineering staff continue to work with Grant County officials regarding Lake Samantha and Elbow Lake.

**NORTH OTTAWA
WEBCAM** DNR representatives approached the District with an opportunity to place a webcam at North Ottawa during fall migration. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, staff are authorized to work with DNR representatives to place the webcam.

RRWMB JPA Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Red River Watershed Management Board Joint Powers Agreement dated July 19, 2022 was approved.

**WESTERN 32
EASEMENT** Board Managers discussed land owned by the District. Engineer Technician Troy Fridgen relayed a request from Landowner David Holte, who owns property adjacent to the District's property in Western 32, for an easement for subsurface drainage. Upon motion by Beyer, seconded by Dahlen and carried unanimously, an easement is granted and staff are authorized to have the easement recorded with the property.

**JCWMP WBIF
GRANT REIMB.
& AMENDMENT** Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, reimbursement from the JCWMP Watershed Based Implementation Fund Grant C21-9685 to the District in the amount of

\$1,000.86 was approved. Because this grant was not utilized for Phase 2 of the Lake Traverse Water Quality Improvement Project No. 1, Administrator Jamie Beyer recommends that an amendment be filed with the Board of Water and Soils Resources to apply the allocated funds (\$325,000) to Phase 3. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to request an amendment.

**CLA 2022 AUDIT
FEE**

CliftonLarsonAllen declined the District's offer for \$14,000 each year for the 2022, 2023, and 2024 audited financial statements. CliftonLarsonAllen did accept the District's offer for \$14,000 for the 2022 audited financial statements. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the CliftonLarsonAllen State of Work was approved.

**RECORDS
RETENTION
SCHEDULE**

Attorney Lukas Croaker finished his draft of the records retention schedule; he will dispense the classifications to staff and board managers for review. The final version must be submitted to a state review board for final approval.

Board managers discussed activities by the Drainage Work Group and Minnesota Association of Watershed Districts.

The meeting was adjourned at 12:57 pm.