

**BOIS DE SIOUX WATERSHED DISTRICT  
BOARD MEETING MINUTES  
January 26, 2023**

- CALL TO ORDER** The meeting was called to order by President Vavra at 9:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Doug Dahlen, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag, Jerome Deal. Also present: District Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: LTWQIP Phase #3, Permit #22-050, BdSWd Policy Committee Member Recommendations, Stream Gauging.
- CONSENT AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- CONFLICT OF INTEREST** No conflict of interest was declared.
- PUBLIC COMMENT: ELDORADO** Mr. Bernard Van Zomeren described drainage problems in Eldorado Township and the possibility of initiating a drainage project. Engineering staff will provide Mr. Van Zomeren a timeline of potential action that landowners can take to initiate a drainage project. Staff will coordinate a landowner meeting with those who would be directly affected by a new drainage system on their land.
- PUBLIC COMMENT PA #21-0054** Mr. Ronald Anderson presented pictures of the ditch he created (Permit #21-0054) and a picture of a slope measurement that he took with his equipment. Mr. Anderson stated that he feels the slope is adequate. Attorney Lukas Croaker stated that a Stevens County court judgement has given the District the authorization to repair the ditch this spring; a contractor will be hired and directed according to District engineering staff. President Vavra stated that the ditch is a serious safety hazard and must be repaired. Engineering staff agreed to communicate with Mr. Anderson regarding the proposed solution to repair the ditch.
- WILKIN SWCD PRESENTATION** Craig Lingen of Wilkin SWCD presented information on the SWCD's use of outside funds, including those from the Bois de Sioux Watershed District, to implement several soil health programs with 1-, 3-, 5-year commitment options. Lingen stated that they have been successful in providing all of their available cost share dollars, and that there is a waiting list for future participation.
- LTWQIP NO. 1 PHASE #3** Engineering staff delivered construction contracts to Wagner Company, Inc. and are awaiting signatures and submission of the required documents. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the District President and staff are authorized to sign the required documents on behalf of the District.
- PA #22-050 FINDLAY & ZYCH SURVEY** Engineer Technician Troy Fridgen is working with neighboring landowners for work approved under Permit Application #22-050, Nick Findlay and Daly Zych, Section 12, Arthur Township, Traverse County. DNR staff requested a limited survey. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, Engineer Troy Fridgen is authorized to collect and provide survey information to the DNR.
- GCD #21 PRELIMINARY SURVEY PUBLIC HEARING** The GCD #21 Minn. Stat. Sec. 103E.241 Preliminary Survey Report was filed and forwarded to the Wilkin County Auditor and DNR representatives. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the Order for a Public Hearing on the Preliminary Survey Report was approved. The hearing will be held February 23, 2023.
- FEBRUARY BOARD MEETING MOVED** Board members discussed conflicts with the February 16, 2023 board meeting. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the February board meeting will be held February 23, 2023.
- WCD #25** Board Manager Beyer is circulating a WCD #25 petition amongst landowners.
- WCD #SUB-1 HEARINGS** Dahlen motioned, seconded by Kapphahn and carried unanimously, to open the Final Hearing on the Improvement Petition, Detailed Survey Report, and Viewers' Report for the Redetermination of Benefits and Damages for the Improvement of Wilkin County Ditch #Sub-1 (WCD # 1). Attorney Croaker

introduced the hearing procedures and confirmed that Viewers Mark Dietz and Dwight Veldhouse were present, and Viewer Mark Dietz was not present.

Engineer Guler described the purpose of the project – to reconstruct the ditch, resulting in a new channel bottom profile, new channel cross-sections, new road crossings, side inlet culverts and trap gates, grassed buffers, and grade stabilization features. Attorney Croaker confirmed that the District’s engineer found that: the improvement is necessary, a proper petition has been submitted, and that the benefits of the proposed project exceed the project’s estimated costs, including damages paid.

Engineer Guler presented the Detailed Survey Report, which included a project map, system alignment, extents, culvert crossings analysis, channel cross sections, plan profile sheets and water elevations pre- and post-project. The proposed project is designed for a 10-year precipitation event, which is just under 4” in 24 hours in this location. The proposed project will not be deeper than the original ditch at the outlet. From the outlet, the proposed grade line will have a flatter profile, causing the grade line to gradually become deeper than the original grade line moving upstream. The proposed cross section of the ditch system adjusts the side slopes from 2.5:1 to flatter 3:1 and 4:1 slopes. This change will result in a slightly more cross-sectional area of the channel and, along with the flatter profile, will result in reduced velocities and less chance for in-channel erosion. Side inlet culverts are included in the project, but locations will be finalized on-site with landowners during construction.

Engineering started the design by looking at the outlet, to ensure the proposed project would not worsen a current condition. Then design features encourage the project area to function as an integrated system. The proposed channel is larger at the outlet to handle the cumulative flow, and the channel becomes smaller as it makes its way upstream, to handle less cumulative flow. Overall, the proposed design will equalize breakouts, as much as possible, with the goal that water inundation during larger events will leave the system equally at points upstream, mid-stream, and downstream. A drop of in-channel water elevation will be realized by the widening and deepening of the channel. District Engineer Chad Engels stated that, although the proposed project is not designed to mitigate large flood events, WCD # 1 is located in an “early water” zone of the District and runoff from this location is generally ahead of the flood crest at Breckenridge.

The estimated total cost for the project is \$3,660,000. Of this amount, \$2,300,000 is estimated to be the local cost. The District and Wilkin Soil and Water Conservation District applied for a competitive Clean Water Fund Grant in the amount of \$525,000, which is administered by the Board of Water and Soil Resources. In December 2022, the District was notified that it was not awarded the full amount, and instead was awarded \$244,150. The Board agreed to allocate internal funding in the amount of \$540,850 from the District’s Clean Water Grant and \$580,000 from the District’s Inline Culvert Grant for clean water elements and inline culvert crossings.

Discussion was held on a 24” culvert through the County Highway in Section 19 that was found to have limited, or barely any, measurable hydraulic benefit to the ditch. Because the culvert is not a side-inlet that brings flow into the ditch, but rather is a culvert that removes flow from the ditch, and because it does not serve as a crossing for the ditch, it was determined through discussion that the culvert belongs to Wilkin County and does not fall under the authority of the District.

Attorney Croaker described the formal process, and the Viewers’ Report and Property Owner’s Report were reviewed. The Viewers’ Report sets a monetary maximum limit for ditch construction, assigns a proportion of ditch expense (as a percentage) that each benefited 40-acre parcel is responsible for, and sets the damages payment to landowners for acquisition of easements. Factors affecting these figures are soil types, proximity rating, and hydraulic efficiency. Viewer Veldhouse provided an overall presentation of the current and proposed assessment district. Viewer Veldhouse introduced the Viewers’ Report and described their methodology. Farmsteads, regardless of their actual size, were assessed as 1-acre. Culvert elevations were taken into account in the Viewers’ calculations. Four or five trips were made by the Viewers to see the assessment district, including at least one visit following a ditch clean-out. Protection benefits were considered. Details about the redetermined assessment district were given, including compensation for the easements that will be required:

Permanent Ditch Channel Easement	Will apply to the area encompassed by the road, ditch channel and berm, and buffer area. Landowners will be compensated for the amount of this land that is currently being cultivated at \$12,000/acre for the North/South Channel in Section 15 and
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\$8,000/acre elsewhere along the ditch system. Landowners will not be able to cultivate these acres in the future.

Permanent Backslope

Will apply to the area adjacent to the Permanent Ditch Channel Easement.

Easement

Landowners will be compensated at \$350/acre and the District has the right to use the area for construction for two years (for a total of \$700/acre). The land can be used by the District for future maintenance, repairs, and spoils, but District activities cannot damage crops without compensation.

Engineer James Guler stated that comments from the US Army Corps of Engineers were received January 11, 2023 and the DNR Advisory Report was received November 21, 2022, he then proceeded to read the advisory report into the record. The DNR advisory review found the Engineer's Report complete and acceptable as a project plan.

Landowners were given an opportunity to provide comments. Several questions were answered during the engineer and viewers' presentations. Three landowners requested individual meetings with Viewers Dwight Veldhouse and Donald Metz. These meetings were held in a separate room as the board meeting continued. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the public hearing was closed.

**WCD #SUB-1  
GRANT  
AGREEMENT**

Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, the grant agreement with the State of Minnesota, in the amount of \$244,150, was approved.

**DORAN CREEK**

Garrett Monson and Tara Ostendorf of Moore Engineering presented the project purpose, general project design, and funding strategy for Doran Creek. The proposed project would address 80% of the 10-year sediment reduction goal and 53% of the 10-year nutrient reduction goal for the Lake Traverse & Bois de Sioux Watershed District planning region. Initial steps were outlined with a watershed management district set for establishment in Spring 2023. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, engineering and District staff are authorized to develop a Memorandum of Agreement for voluntary RIM easements and to establish a funding partner project team.

**FIVEMILE CREEK**

Moore Engineering presented a proposal to survey and analyze the existing condition of Fivemile Creek, and create an unsteady, 2D RAS river model. In consultation with the DNR, engineering staff were told that this level of effort is the DNR's expectation for the development of a restoration project that can be permitted. The model can be used for other projects in the same region. Upon motion by Schmidt, seconded by Kapphahn and carried unanimously, the January 25, 2023 Proposal for Fivemile Creek Study was approved, in the amount of \$162,800 to be funded \$100,000 from Joint Comprehensive Watershed Management Grant C23-5729 and the balance from the Construction Fund.

**DAHLEN &  
SCHMIDT LEAVE**

Dahlen and Schmidt left the meeting.

**REDPATH  
PHASE 2A**

Engineering staff stated that each phase of the Redpath project will need to receive a permit from the DNR, and Phase 2A was recently awarded a DNR permit. Upon motion by Beyer, seconded by Wold and carried unanimously, engineering staff are authorized to advertise the project for bid.

**ELBOW LAKE  
OHWL**

A letter was drafted and delivered to Grant County for their use in appealing the Ordinary High Water Level for Elbow Lake.

**NORTH OTTAWA  
PT RECS**

The North Ottawa Project Team met and discussed several budget items, including: replacement of two gate mechanisms; tree removal; chains and posts across non-gravel/maintenance paths; a weather station; restroom facility; visitor brochure. The Project Team will meet again in March.

**LIGHTNING LAKE  
PROJECT ESTAB.**

A 404 Federal Permit was issued for Lightning Lake. DNR Area Hydrologist Emily Siira notified the District the DNR's Findings of Fact and permit will be issued by the end of the week. Attorney Lukas Croaker recommended that the District initiate project establishment based on Minn. Stat. § 103D.601. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the Preliminary Resolution is approved, the District engineer is directed to prepare a preliminary report advising the

managers whether the proposed project is feasible and estimating the cost of the project, and the Preliminary Resolution Hearing will be held on February 23, 2023.

**DISTRICT LAND SALE**

Board managers discussed the process to receive offers on land the District owns located in Section 32, Western Township, Otter Tail County ("Copeland" land). Board managers emphasized their preference to keep the land in production, to continue and protect the District's tax base, and to protect the health and welfare of the public served. Board managers reviewed the draft notice, offer forms, and purchase agreement and recommended changes. Gillespie recommended a 45-day closing period. Kapphahn advised staff to have the land abstract updated now. Offers will be received and considered during a closed session of the District meeting, held pursuant to Minn. Stat. § 13D.05, Subd. 3(c)(3), on March 16, 2023. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, staff are authorized to proceed with the recommended changes and revised documents.

**WCD #SUB-1**

Viewers Dwight Veldhouse and Donald Metz returned to the meeting following meetings with Mr. Dale Hurni, Mr. Brady Barth, and Mr. Doug Christenson. No changes to the Viewers' Report were made as a result of the meetings. A note of project opposition was read from Mr. James and Mrs. Delores Hansen. Upon motion by Beyer, seconded by Gillespie, and carried unanimously, the Findings of Fact and Order for the Establishment of the Improvement of WCD # 1 was approved.

**POLICY/RULES COMMITTEE**

Board members discussed recommendations by members of the District's Policy Committee who met in January. Administrator Jamie Beyer requested that the committee be renamed, as it is causing confusion with the 1W1Plan Policy Committee. Board members agreed to rename the committee the "Rules Committee." Issues discussed were incorporated in the update of the District's Rules, Bylaws and Policies draft versions. Upon motion by Schmidt, seconded by Gillespie and carried unanimously, staff are authorized to establish a \$50,000 budget to use construction funds to remove silt, sediment, beaver dams, trees, and other debris from public water courses up to 1/2 mile downstream of a 103E ditch outlet, and establish a \$10,000 budget to use construction funds to remove problematic beavers/dams outside of public drainage systems.

**STREAM GAGE GRANT**

Engineer Technician Troy Fridgen stated that the US Army Corps of Engineers has a grant available to upgrade existing stream gage equipment and to add sites, in an effort to put gages on a standard, modern DATUM. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, engineering staff are authorized to work with the Corps to utilize grant funds. Board Manager Beyer requested additional sites be added between the White Rock Dam and Breckenridge on the Bois de Sioux River.

**JCWMP GRANT DISBURSEMENTS**

Administrator Jamie Beyer stated that two Joint Comprehensive Watershed Management Plan grant disbursements were included with the meeting's approved claims: \$1,891.91 to Grant SWCD and \$1,530.81 to West Otter Tail SWCD.

**PROPERTY TAX EXEMPTIONS**

Board managers reviewed annual property tax exemptions for District-owned parcels not put into agricultural production. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, staff are authorized to submit the corresponding property tax exemption requests.

**2023 DITCH BUDGET**

Administrator Beyer stated that the individual ditch fund assessments set in December are aggregated to create a budget for 2023 for the entire fund, and following the approval of the individual fund amounts, she puts together a budget for the entire ditch fund by account. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the 2023 Ditch Budget was approved.

**END OF YEAR JOURNAL ENTRIES**

Upon motion by Beyer, seconded by Gillespie and carried unanimously, the End of Year Transfer Journal Entries (board manager time allocation split, staff allocation time split, negative interest allocated, CD/bank interest allocated, general ditch expenses allocated to individual ditch funds) were approved.

**MAWD MEETING DELEGATES**

MAWD will be holding a delegate session to consider approval of bylaw changes and a change to the organization's name. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, Board Managers Beyer and Brutlag are designated delegates.

**EDUCATION POLICY**

Administrator Beyer presented the District's Education Policy, along with a list of upcoming events.

**ENGINEERING &  
LEGAL RATES**

Upon motion by Gillespie, seconded by Beyer and carried unanimously, proposed engineering and legal hourly rates were approved for 2023.

**ENGINEERING  
INTERN**

Board managers discussed the larger-than-normal number of construction projects anticipated for 2023 construction. Upon motion by Schmidt, seconded by Kapphahn and carried unanimously, staff are authorized to hire an intern, if a qualified and available candidate can be found.

The meeting was adjourned at 3:00 pm.