

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
March 16, 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, Jerome Deal, Scott Gillespie, John Kapphahn (arrived later), Steven Schmidt. Absent: Ben Brutlag, Allen Wold. Also present: District Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Dahlen, seconded by Deal and carried unanimously, the agenda was approved.
- CONFLICT OF INTEREST** No conflict of interest was declared.
- CONSENT AGENDA** Upon motion by Deal, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** No public comment was received.
- WCD #SUB-1** Engineering staff requested a special meeting to be held after March 23, 2023, to consider bids received for the Improvement and Retrofit of WCD #Sub-1. Upon motion by Beyer, seconded by Dahlen and carried unanimously, a special meeting will be held March 24, 2023 at 2:00 pm. Engineering and legal staff continue to oppose terms of a Wilkin County project permit, that attempt to absolve road authority responsibilities assigned in Minnesota Statute.
- BDSWD DITCH NO. 5 MEETING** Two informal landowner meetings were hosted for landowners likely affected by a drainage project and assessment district at the Stevens-Traverse County line in the southwestern area of the watershed district. Landowners are circulating a petition for a new drainage system. Construction of the new drainage system would be contingent upon completion of the 640th Road Raise construction by Dollymount Township.
- GCD #21 TRANSFER** Attorney Lukas Croaker stated that the District received a sign resolution transferring the drainage system authority of Grant County Ditch #21 from Grant County to the District.
- KAPPAHNN ARRIVES** Board Manager Kapphahn arrived at the meeting.
- 103E.261 HEARING FOR GCD #21** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Minn. Stat. Sect. 103E.261 Hearing on the Preliminary Survey Report for GCD #21 was opened. Engineer James Guler described the location, history, and condition of GCD #21, and the need to improve the drainage system to meet modern standards. Members of the public were given an opportunity to provide comments on the need for the improvement project and certain design aspects related to the proposed project. Construction estimates per acre are higher than previous District retrofits, as external clean water funds don't recognize features of underground systems. Engineering staff identified some project features that could be eliminated from the project to reduce the cost (reducing Branch 1 length from 30' to 24', converting a portion of the underground tile to an open channel, stopping Branch 2 in Section 21, etc.). Discussion was also held to spread the cost over a 20-year term instead of a 15-year term. Engineering staff will also review crossings for which road authorities are responsible to replace. Staff were asked to meet with Grant County and Delaware Township prior to the Detailed Survey Report hearing. Attorney Lukas Croaker read the proposed Findings and Order for Detailed Survey and Detailed Survey Report which discussed the feasibility, necessity, and public benefit and promotion of public health of the project, and the adequacy of the outlet.
- Upon motion by Dahlen, seconded by Deal and carried unanimously, the Findings of Fact, Order and Administrator's Order Designating Viewers' Meeting was approved. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing was closed.
- 103D.601 HEARING FOR LIGHTNIGHT LAKE NO. 1** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Minn. Stat. Sect. 103D.601 Preliminary Report Hearing was opened for the Lightning Lake No. 1 Project. Engineering staff presented the current culvert and dam condition and plans to increase the culvert size and replace the current dam with two staggered rock weirs. The new system will maintain the current OHWL, but will

feature a small notch that will allow for continuous flow into the downstream channel at X elevation. Permanent and temporary easements will be required for construction and future maintenance. Board managers requested that engineering and legal staff meet with DNR, Stoneybrook Township, and Grant County officials to determine who the future owner of the project will be and to draft legal documents accordingly. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the Preliminary Resolution for the Establishment of the Lightning Lake Project No. 1 was approved. Representatives from the Grant County Highway Department stated that there is a 4-6 month backorder of concrete culverts, and recommended that the District considering those ahead of a potential fall construction. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the District will preorder culverts for the project. Engineering staff will collect price quotes for the project culvert and present them at a later meeting. Upon motion by Deal, seconded by Dahlen and carried unanimously, the hearing was closed.

MOONSHINE

Board Manager Gillespie continues to meet with individual landowners affected by a project in Moonshine township. He requested that engineering staff meet with the permitting DNR representative to explore what aspects could be included, as a retention project would outlet to a downstream drainage system that is also classified as a public water.

REDPATH 2A BIDS

Engineer James Guler presented bids received for the Redpath Impoundment Phase 2A project. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, a Notice of Award in the amount of \$4,825,212.25 to John Riley Construction, Inc. was approved. A subcontractor will be needed to perform on-site compaction testing; a Request for Qualifications has been drafted by engineering staff. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the Request for Qualifications was approved. The Red River Watershed Management Board provided a draft Redpath funding agreement that has been reviewed by engineering and legal staff. Attorney Lukas Croaker requested that Red River Watershed Management Board Executive Director be notified that the District has a concern over Default Section C(1), which specifies that the project must be completed pursuant to the Engineer's Report schedule and if it fails to meet these deadlines, the District will be required to return unused grant funds. The concern is the District's schedule is dependent on external funding sources of which the District has no control.

DORAN CREEK

Upon motion by Beyer, seconded by Deal and carried unanimously, Attorney Lukas Croaker's recommendation to remove project phase details from Doran Creek partner funding agreements was approved.

NORTH OTTAWA

Administrator Jamie Beyer relayed the North Ottawa Project Team's recommendation that the 2023 crop planting plan be: 3 cells unrestricted (one cell to include sugarbeets), 2 cells restricted to corn silage/small grain. Board managers expressed no opposition. Board Manager John Kapphahn contacted Runestone regarding an option to bring fiber optic internet to the North Ottawa Impoundment.

FIVEMILE CREEK

Board managers reviewed a Fivemile Creek landowner letter drafted by District staff. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, staff are authorized to send the letter to area landowners.

COPELAND WESTERN 32

Pursuant to Minn. Stat. Sec. 13D.05, Subd. 3(c)(3), President Vavra closed the meeting to consider offers for the sale of the following real property: Southwest Quarter (SW ¼) of Section 32, Township 131, Range 44, Otter Tail County, Minnesota; Quarter section, more or less, subject to any easements or reservations of record. Property ID #61000320151000. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the meeting was reopened. Upon motion by Beyer, seconded by Dahlen and carried unanimously, legal staff are authorized to contact the three highest offerors and negotiate the land sale.

JCWMP WBIF

Upon motion by Beyer, seconded by Dahlen and carried unanimously, Joint Comprehensive Watershed Management Plan grant disbursement reimbursements to the District in the amounts of \$1,188.12 and \$75,067.13 (they were also included with the Claims of March 16, 2023).

DWG

Board managers discussed participation in the Drainage Workgroup and legislative efforts.

The meeting was adjourned.