

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
May 18, 2023**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, and Allen Wold; absent: Jason Beyer, Scott Gillespie, John Kapphahn, Steven Schmidt. Also present: Engineer James Guler, Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Wold, seconded by Deal and carried unanimously, the agenda was approved with the following additions: Wilkin SWCD Cover Crop Program Request, Spray Bid, Twelvemile Creek Grant Application, Construction Fund Project Closeouts and Fund Transfers, MPCA Professional Judgement Group Response letter, US Fish and Wildlife Comment letter, and claims of \$8,275.34 to Wagner Company, Inc. and \$195.00 to Olson Tile & Excavating.
- CONFLICT OF INTEREST**
- CONSENT AGENDA** No conflict of interest was declared.
- Upon motion by Wold, seconded by Deal and carried unanimously, the Consent Agenda was approved with the addition of claims of \$8,275.34 to Wagner Company, Inc. and \$195.00 to Olson Tile & Excavating.
- PUBLIC COMMENT BDSWD NO. 5** Mr. Bernard Van Zomeren confirmed that the signature and bond needed for the BdSWD Ditch No. 5 petition have been received by the District, and requested that a landowner meeting be held to confirm interest in the project. Administrator Beyer requested that landowners verify the extents of the proposed system. Attorney Croaker stated that his office will review the sufficiency of the petition.
- WCD #SUB-1** Engineer James Guler stated that Gladen staff anticipate WCD #Sub-1 construction will begin the third week of June, along with utility relocations. Administrator Jamie Beyer stated that Wilkin County Commissioners recently approved a bond for the project. Upon motion by Wold, seconded by Deal and carried unanimously, staff are authorized to submit a RRWMB Base Grant application on behalf of the project.
- SPRAYING** Engineer Technician Troy Fridgen contacted L & M Road Services, LLC for pricing of professional weed control services, and was told that 2022 rates will remain in-place. Upon motion by Wold, seconded by Dahlen and carried unanimously, the quote was approved.
- LIGHTNING LAKE JPA & MATERIALS PURCHASE** Attorney Lukas Croaker presented a draft Joint Powers Agreement with Stoneybrook Township for installation, operation, and future maintenance of new culverts on the Lightning Lake outlet. Stoneybrook Township will take over ownership of the project, once installed. The District is not responsible for future maintenance. Rock riffles installed in the public waters portion of the outlet will become the property of the DNR. Upon motion by Deal, seconded by Dahlen and carried unanimously, the Joint Powers Agreement was approved. Upon motion by Deal, seconded by Dahlen and carried unanimously, pursuant to Minn. Stat. §§ 103D.735 and 103D.741, a final hearing is ordered and scheduled for June 15, 2023, on the preliminary resolution, final resolution, engineer's report, DNR advisory report, and BWSR advisory report. Engineering staff have determined that portions of the current infrastructure cannot be reused, resulting in an increase in the cost of the materials that need to be purchased from Forterra, in the amount of \$125,096. Upon motion by Wold, seconded by Dahlen and carried unanimously, the additional materials were authorized for purchase.
- TWELVEMILE CREEK** In response to the recent snowmelt floods, District staff are investigating funding sources for a potential project on Twelvemile Creek to provide additional protection to the City of Dumont. Upon motion by Dahlen, seconded by Wold and carried unanimously, staff are authorized to submit a \$60,000 cost-share request for development of a \$200,000 existing condition model of Twelvemile Creek and to investigate potential flood mitigation funding through a FEMA program.
- TCD #41 PETITION** Deal motioned, seconded by Dahlen and carried unanimously, to open the hearing to consider the petition from Bill and Kayla Schmidt to use Traverse County Ditch #41 as an outlet for the following portion of Parcel #03-0005000 in Section 10, Croke Township, Traverse County: S1/2 of SE1/4 East of Highway 75 of Section 10, Township 126, Range 46, Traverse County. Attorney Croaker read Minn. Stat. § 103E.401, subd. 4. Engineer James Guler provided an oral presentation of the existing condition

of the ditch system along with a map showing the current assessment district. No public comment was presented. The proposed project is located within the TCD #41 drainage watershed. Attorney Lukas Croaker read the Order Authorizing the Use of the Ditch which included a \$3,428.07 entrance fee and \$168.78 benefitted amount. Deal motioned, seconded by Dahlen and carried unanimously, to approve the order. Deal motioned, seconded by Dahlen and carried unanimously, to close the hearing.

**TCD #9
PETITIONS**

Wold motioned, seconded by Deal and carried unanimously, to open the hearing to consider the petition from Scott & Lori Gilsdorf to use Traverse County Ditch #9 as an outlet for the following parcels: Parcel #10-0067000, SE1/4 less 49.32 acres, Section 16, Range 45, Redpath Township (128), Traverse County; and Parcel #10-0063000, NE1/4, Section 16, Range 45, Redpath Township (128), Traverse County. Attorney Croaker read Minn. Stat. § 103E.401, subd. 4. Engineer James Guler provided an oral presentation of the existing condition of the ditch system along with a map showing the current assessment district. No public comment was presented. Engineering staff stated that Parcel #10-0063000 is already in the benefitting area. The proposed project is located within the TCD #9 drainage watershed. Attorney Lukas Croaker read the Order Authorizing the Use of the Ditch which included a \$1,817.02 entrance fee and \$316.54 benefitted amount. Wold motioned, seconded by Deal and carried unanimously, to approve the order. Deal motioned, seconded by Dahlen and carried unanimously, to close the hearing.

**TCD #31
PETITIONS**

Wold motioned, seconded by Deal and carried unanimously, to open the hearing to consider petitions to use to use Traverse County Ditch #31 as an outlet for the following parcels: Parcel #03-0157001, NW1/4, Section 33, Croke Township, Range 46, Traverse County (less a separate farmstead parcel); Parcel #03-0159000, SW1/4, Section 33, Croke Township, Range 46, Traverse County; Parcel #03-0156000, NE1/4, Section 33, Croke Township, Range 46, Traverse County; Parcel #03-0158000, SE1/4, Section 33, Croke Township, Range 46, Traverse County. Engineer James Guler presented a map of the joint project, all of which is located in the drainage system's contributing watershed. The project has one controlled outlet. Mr. Mark Fridgen and Mr. Ronald Sanasack requested that the mile between the project and TCD #31 be cleaned-out. Engineer Technician Troy Fridgen stated that the permit application has been approved with the only condition that the project successfully petition into the TCD #31 benefit area, and that the District cannot force a township to maintain its ditch. Mr. Ronald Sanasack stated concerns over salts and ponding. Attorney Lukas Croaker read the four related orders, that included outlet fees and benefits of, respectively: #03-0157001 - \$2,188.79, \$175.00; #03-0159000 - \$2,501.47, \$200.00; 03-0156000 - \$2,501.47, \$200.00; 03-0158000 - \$2,501.47, \$200.00. Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the orders were approved. Upon motion by Dahlen, seconded by Deal and carried unanimously, the hearing was closed.

**TCD #39
PETITIONS**

Dahlen motioned, seconded by Deal and carried unanimously, to open the hearing to consider petitions to use to use Traverse County Ditch #39 as an outlet for the following parcels: Parcel #06-0028000, E1/2SW1/4 & Lots 6 & 7 less 59.46 acres in Section 6, Lake Valley Township, Range 46, Traverse County; Parcel #06-0026000, SE1/4NW1/4 & Lots 3 & 4 less 600' x 600' in Section 6 & Lot 5, Lake Valley Township, Range 46, Traverse County. Engineer James Guler presented a map of the joint project, all of which is located in the drainage system's contributing watershed. Mr. Daniel Swedlund requested a clean-out and flood repairs in TCD #39, specifically at the outlet. Attorney Lukas Croaker read the two related orders, that included outlet fees and benefits of, respectively: #06-0028000 - \$1,313.01, \$325.79; #06-0026000 - \$828.77, \$70.81. Upon motion by Deal, seconded by Dahlen and carried unanimously, the orders were approved. Upon motion by Wold, seconded by Dahlen and carried unanimously, the hearing was closed.

**WILKIN SWCD
COVER CROP
PROGRAM**

Wilkin SWCD Technician Kimberly Melton presented details on the Wilkin SWCD One-Year Cover Crop Program, which provides flexibility in planting dates and rates; she stated that growers can utilize the program for up to five years. Upon motion by Wold, seconded by Brutlag and carried unanimously, cost-share in the amount of \$5,000 shall be made available in years 2023, 2024, and 2025 from the District's Riparian Aid. Wilkin SWCD will host a field day on July 12, 2023, from 9:00 AM – 2:00 PM in Breckenridge.

2023 AUDIT

Upon motion by Wold, seconded by Deal and carried unanimously, the 2023 audit, financial statements, and updated billable rates were approved.

**TRANSFERS &
PROJECT
CLOSE-OUTS**

Upon motion by Brutlag, seconded by Dahlen and carried unanimously, three transfers and project closeouts were approved for: 1) Copeland/Western 32 fund balance transferred to Construction Fund;

2) Tintah 34 fund balance transferred to Construction Fund; and 3) Construction Funds transferred to Big Lake Project negative balance.

**MPCA PJG
MEETINGS**

Administrator Jamie Beyer provided an update on the recent Professional Judgement Group meeting held by Minnesota Pollution Control Agency regarding proposed impairments for reaches in Bois de Sioux and Mustinka River Watersheds. Upon motion by Wold, seconded by Deal and carried unanimously, the draft response letter was approved for distribution.

**USFWS TILING
SETBACKS**

Attorney Lukas Croaker described a proposed rule published by US Fish and Wildlife that provides guidance to its staff on making drainage tile setback recommendations, on lands already under federal easement, to landowners requesting recommendations. The proposed rule would offer legal protections to landowners who follow USF&W staff tile setback recommendations that are later found to be made incorrectly or are later found to have a negative affect on the associated wetland under easement. Attorney Lukas Croaker stated that potential federal setback recommendations may conflict with District standards on outlet capacities, drainage coefficients, and/or subwatershed issues. Upon motion by Dahlen, seconded by Deal and carried unanimously, staff are authorized to send a letter of support for drainage tile on federal easement land and landowners legal protections, but that also highlights a potential permitting authority conflict for landowners under which they are forced to choose between compliance with Federal recommendations or watershed district permitting rules.

**RIVERWATCH
PROGRAM**

Riverview students were unable to attend the board meeting, but provided a video presentation of their 2022 – 2023 program.

**TCD #35 FLOOD
DAMAGE**

Engineer James Guler reported that engineering staff met with both Traverse County and Wagner, Inc. to discuss flood damage to TCD #35. The project was seeded and mulched Fall 2022. Repairs are being made presently. Traverse County will submit road washouts to FEMA. Channel erosion repairs will be submitted to FEMA by the District.

**AUDIT
PRESENTATION**

Board Manager Brutlag left the meeting; a quorum was no longer present. Ms. Miranda Wendlandt of CliftonLarsonAllen provided a presentation of the District's audit – which, in previous years, had met the standard applied to Minnesota cities under a population of 2,500, but will now be conducted in accordance with generally accepted accounting principles. This change adds a Statement of Net Position and a Statement of Activities to the annual audit document.