

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
August 17, 2023**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:04 a.m. Present in the District Office: Linda Vavra, Jason Beyer (arrived later), Doug Dahlen, Jerome Deal, Scott Gillespie, Steven Schmidt, Allen Wold. Absent: Ben Brutlag, John Kapphahn. Also present: Engineers Chad Engels and James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: Hourly Viewer Rates, Lined Waterway Mat Request, Erosion near JD #14.
- CONFLICT OF INTEREST** No conflicts of interest were declared.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Consent Agenda was approved.
- P.A. #21-072
L. DUNN** The project, as originally designed, meets District permit policies, but would result in outlet water flowing south and west, bisecting the neighboring section of land. Engineer Technician Troy Fridgen has secured participation from the landowner of the southwest quarter of Section 13, Donnelly Township, Stevens County to install a tile from the proposed outlet to a drainage ditch at the western edge of Section 13. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the joint project as proposed was approved.
- P.A. #23-075
MNDOT** MnDOT staff submitted a permit application in order to initiate a discussion about culvert sizing at the western edge of the watershed district, in an area that has frequent state highway, county, and township road overtopping. The permit application does not contain a full set of plans and specifications. District Engineer Chad Engels stated that all of the culverts are undersized both upstream and downstream of the proposed culvert replacement. If engineering staff were to recommend a culvert size that would fit between the existing upstream and downstream culvert system as it appears today (undersized), that recommended size would be 54". The culvert is currently 36". Several impacted landowners were in attendance and provided information on the location and frequency of where water flows overtop area roads.
- BEYER ARRIVES** Board Manager Jason Beyer arrived at the meeting.
- P.A. #23-075
MNDOT** Engineering staff will gather additional site information to further define whether a broader flood control project should be initiated prior to the planned MnDOT road and culvert project. Attorney Lukas Croaker recommended that the applicant be asked to withdraw the application, so that engineering staff would not be constricted by a time deadline for action on the permit presented, and that if the applicant is unwilling or unable to withdraw the permit application, that the permit application be denied due to lack of information. Beyer made a motion to request that the applicant withdraw the application or, if not done before the 60-day deadline provided under Minn. Stat. § 15.99, that the application be denied. Deal seconded the motion, which was passed unanimously.
- WCD #SUB-1
PAY APP NO. 1 &
TECH SERVICES
CONTRACT** Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 1 in the amount of \$187,232.83 was approved. Engineer James Guler stated that MnDOT inspection services are required following installation of a large box culvert on the project, for an estimated cost of \$550. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the State of Minnesota One-Time Technical Services Contract was approved pending review by the District's attorney.
- BDSWD NO. 5
PETITION
103E.212** Board managers reviewed a petition for new drainage system, "BdSWD No. 5." Engineer James Guler described the location and nature of the proposed project, in Sections 19 and 20 of Eldorado Township, Stevens County and Section 24 of Dollymount Township, Traverse County. Attorney Lukas Croaker read an order confirming that the petition meets the requirements of Minn. Stat. §§ 103E.202 and 103E.212 and that personal checks, in lieu of a bond, have been sufficiently provided. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Findings and Order Appointing Chad Engels as Engineer and the Engineer's Oath were approved. Engineering staff asked that Eldorado Township officials provide copies of any surveys conducted or engineering plans initiated.

TCD #19 & TCD #40 Engineer Technician Troy Fridgen stated that TCD #19 and #40 incurred more repair expenses than anticipated, at a cost of \$16,000 and \$17,000 respectively. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, payments were approved.

GCD #3 PETITION 103E.715 Board managers reviewed a Minn. Stat. § 103E.715 Repair Petition received from GCD #3 landowners. Gillespie motioned, seconded by Schmidt, to approve the Findings and Appointment of Chad Engels as Project Engineer. Dahlen abstained. Motion passed.

GCD #21 Engineering staff have been working with US Fish and Wildlife staff to define repair project extents on property owned by US Fish and Wildlife. Viewer Dwight Veldhouse requested that viewers be compensated at a rate of \$45/hour. Board managers discussed the quality advantages and cost savings realized by using a local viewing team as compared to a corporate viewing company. Upon motion by Gillespie, seconded by Deal and carried unanimously, the request was approved. Administrator Beyer stated that more viewers may be needed for possible upcoming redeterminations. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to advertise for viewing positions.

TCD #27 CULVERT COST SHARE Engineer Technician Troy Fridgen has received a request for culvert cost share on a bridge providing agricultural equipment access for Mr. Curt Braun. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to have a used culvert in District inventory repaired and installed at a cost-share following the District's culvert cost-share policy.

DRAINAGE WORKGROUP President Vavra requested that Attorney Lukas Croaker attend Minnesota Drainage Workgroup meetings in-person. The meetings are usually held monthly, in St. Paul, but a request has been made to move the meetings to St. Cloud. President Vavra stated that some of the topics currently considered by the Drainage Workgroup have more to do with legal drainage ditch issues, as opposed to engineering issues, and that the District would benefit from having their attorney participating in the discussions. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Attorney Lukas Croaker is authorized to attend Minnesota Drainage Workgroup meetings in-person.

LINED WATERWAY PROGRAM Administrator Beyer relayed a request from Traverse SWCD staff for an additional \$12,000 in cost share for lined waterway mats. Board managers and engineering staff discussed recent placement of lined waterway mats, and their effectiveness in different situations. District Engineer Chad Engels summarized: for a drainage ditch system with spoil banks/berms, side inlet culverts should be used at field drain points because they can meter flows and deposit sediment in the field; for drainage ditch systems without spoil banks/berms, the lined waterway mats can reduce channel side-slope erosion, consideration should be made against installation when a ditch retrofit is imminent. Upon motion by Gillespie, seconded by Beyer and carried unanimously, lined waterway mats must be permitted, and the additional cost share request was approved.

LIGHTNING LAKE NOTICE TO PROCEED Attorney Lukas Croaker stated that the hearing listed on the agenda is not necessary; the hearing was closed at the July meeting. Per direction given by the Bois de Sioux Watershed District board at the July 20, 2023 board meeting, Engineer James Guler contacted four references for Midwest Contracting; two responded, and both provided positive references. An updated Statement of Cost was provided, with an overall project cost estimated to be \$600,000. Upon motion by Deal, seconded by Beyer and carried unanimously, the Notice of Award was approved. The contractor would like to start construction in October.

DORAN CREEK STREAM REHABILITATION 103D.605 Upon motion by Beyer, seconded by Gillespie and carried unanimously, the Minn. Stat. § 103D.605 Public Hearing to Establish a Project as Part of a Plan was opened for the Doran Creek Stream Rehabilitation Project. Attorney Lukas Croaker recommended that board managers delay action until after either 1) a petition for an EAW is dismissed; 2) a negative declaration on the need for an EIS is issued; 3) an EIS is determined adequate; or 4) a variance is granted under Minnesota Administrative Rules Part 4410.3100. Project Manager Garrett Monson expects this could be provided by December 2023. The requirement was included within the DNR's Advisory Report dated May 2, 2023. Upon motion by Gillespie, seconded by Beyer and carried unanimously, the hearing was recessed and will be reconvened upon DNR EAW decision action.

GILLESPIE LEAVES Board Manager Scott Gillespie left the meeting.

TCD #35 HEARING 103E.555 Upon motion by Wold, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103E.555 Public Hearing on the Engineer's Report for TCD #35 was opened. Engineer James Guler presented the report, which included project construction details, contract quantity changes, final cost figures, and funding sources. No public comment was provided. Attorney Lukas Croaker read the Findings and Order Accepting the Contract. Upon motion by Dahlen, seconded by Deal and carried unanimously, the Findings and Order, Pay Application No. 7, and Change Order No. 3 were approved. Upon motion by Dahlen, seconded by Deal and carried unanimously, the hearing was closed.

EROSION & JD #14 Engineer Technician Troy Fridgen described a flood-related erosion site near JD #14. Board managers determined that the erosion is not part of the legal drainage system, and would be a private landowner concern. Engineer Technician Troy Fridgen stated that Traverse SWCD staff have identified up to 18 erosion sites along JD #14/Mustinka River and are assembling a grant application for funding.

CITY OF DUMONT CULVERTS Moore Engineering staff continue to work on a cost estimate for work needed on two culverts located through the City of Dumont's partial levy.

LTWQIP NO. 1 PHASE #3 Traverse SWCD seeded completed portions of Lake Traverse Water Quality Improvement Project Phase #3. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 3 in the amount of \$458,962.65 was approved.

BUDGET, LEVY, & ASSESSMENT HEARINGS Beyer motioned, seconded by Dahlen and carried unanimously, to open the public hearing on the 2024 General Budget, Construction Fund, and the levies for the Drainage Ditch Systems and projects under the Bois de Sioux Watershed District's jurisdiction. Administrator Beyer presented the 2024 General and Construction Fund budgets and corresponding proposed levies. The RRWMB approved a levy at 75% for 2024. Preliminary ditch assessments were also presented, but will not be finalized until a public hearing is held in December. Additional cuts to the General Levy may be considered in December. Upon motion by Beyer, seconded by Dahlen and carried unanimously:

REDPATH RESOLUTION

- 1) the Resolution of Ad Valorem Levy that included a General Levy of \$250,000.00 and a Construction/RRWMB Levy of \$1,833,097.59, and
- 2) the Preliminary Ditch Assessments presented of \$375,280.00 (this amount excludes bond debt service levied by affected counties), and
- 3) the Resolution to Budget Redpath Impoundment Project Funds, in the amount of \$10,029,500, were approved. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing was closed.

640TH ROAD RAISE District Engineer Chad Engels stated that the plans submitted on behalf of Dollymount Township Permit Application #23-043 are accepted and meet the conditions described in the permit approval. Dollymount Township Supervisor Dean Frisch stated that they support the project. The estimated cost of the project, with road right-of-way, is \$462,000. Upon motion by Beyer, seconded by Deal and carried unanimously, the District will provide cost-share up to \$475,000. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the 640th Avenue Road Raise Cost Share Agreement was approved.

ELBOW & SAMANTHA LAKES District Engineer Chad Engels stated that engineering staff are working to complete a bathymetric survey of Elbow and Samantha Lakes, and other items approved at the July board meeting.

BIRD REPORTS Board Manager Allen Wold asked staff where bird watchers post information about unique birds spotted at the North Ottawa Impoundment. Engineer Technician Troy Fridgen stated that some pictures are posted to a West Central bird watching Facebook page. Administrator Beyer stated that she will resume posting another site which is frequently used: <https://ebird.org/hotspot/L2182908>.

REDPATH PHASE 2 PAY APP NO. 2 Upon motion by Dahlen, seconded by Deal and carried unanimously, Redpath Phase 2 Pay Application No. 2 was approved in the amount of \$692,882.66. Upon motion by Beyer, seconded by Deal and carried unanimously, the Board of Water and Soil Resources Water Quality and Storage Pilot Program Grant Agreement was approved in the amount of \$1,000,000. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, staff are authorized to submit a Flood Hazard Mitigation grant application and Resolution No. 2023-08-17 for State Flood Hazard Mitigation Grant Funding Assistance for Redpath Flood Impoundment. Dahlen motioned, seconded by Deal and carried unanimously, to approve a change order to continue construction of the impoundment levy, contingent upon state approval of dam safety, at a total cost limit of \$1,200,000.

GRANT AGREEMENT

CHANGE ORDER

CONFLICT OF INTEREST POLICIES

Attorney Lukas Croaker reviewed the District's Conflict of Interest Policy and the DNR ENRTF/OHF Pass-Through Grant Agreement Attachment C: Conflict of Interest Disclosure and found no issues. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the DNR ENRTF/OHF Pass-Through Grant Agreement Attachment C: Conflict of Interest Disclosure is approved.

RING DIKE BORROW PIT REPAIR

Administrator Jamie Beyer and Engineer Technician Troy Fridgen summarized findings of a ring dike borrow pit built in 2011 as part of a EQIP cost-share landowner program in the Bois de Sioux Watershed District. Nearly all of the agents involved with the project are no longer available. The landowner sold the property to a new landowner, the on-site engineer is no longer affiliated with the Bois de Sioux Watershed District, the surveyor is no longer affiliated with the Bois de Sioux Watershed District, and the contractor has retired. The location of the ring dike borrow pit was not permitted by the Bois de Sioux Watershed District, and its location today is on, over, and near the neighboring property line, without the required 10' setback. Neighbor Robin Abel has requested that the ring dike borrow pit be moved further from the property line. Engineer Technician Troy Fridgen has worked to lower a downstream culvert, and control the elevation of the borrow pit with a tile intake. Mr. Robin Abel has stated that he is not interested in a flood easement. Engineer Technician Troy Fridgen is working with the current landowner to propose lowering the ring dike borrow pit another 1 – 1 ½', and has had the ring dike surveyed to produce a cost estimate for moving it further away from the property line. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, staff are authorized to submit the project to RRWMB and DNR to request ring dike cost share.

JCWMP WBIF GRANT REIMB.

Administrator Beyer stated that Traverse SWCD submitted a \$27,250.56 request for reimbursement from Watershed Based Implementation Grant C21-9685, but that the documentation was incomplete. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, staff are authorized to reimburse Traverse SWCD up to \$27,250.56 from Grant C21-9685 contingent upon sufficient documentation.

Board managers discussed potential MAWD resolutions and upcoming events.

The meeting was adjourned.