

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
September 21, 2023**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:03 a.m. Present in the District Office: Linda Vavra, Doug Dahlen, Jerome Deal, John Kapphahn (arrived later), Steven Schmidt, and Allen Wold. Absent: Jason Beyer, Ben Brutlag, and Scott Gillespie. Also present: Engineer Chad Engels, Engineer James Guler (by phone), Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Dahlen, seconded by Wold and carried unanimously, the agenda was approved.
- CONSENT AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- P.A. #23-103 GRACEVILLE TWP** Engineer Technician Troy Fridgen presented a copy of a DNR Notice of Violation addressed to landowners on the Graceville/Almond Township border. Upon a site visit, Engineer Technician Troy Fridgen found that one of two culverts controlling the high water level at Campbell Slough has been raised eight-tenths in comparison to District historic culvert inventory records. DNR staff requested that the landowner raise the culvert an additional 1 1/2' – which would cause adjacent crops and a township road to be flooded. Engineer Technician Troy Fridgen has not yet received a copy of the DNR's Requisition for Technical Services and Field Survey Report, although both have been requested several times. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, staff are authorized to submit an appeal of the Campbell Slough Ordinary High Water Level.
- WCD #SUB-1** Construction continues to progress. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Pay Application No. 2 in the amount of \$412,138.90 was approved. Upon motion by Dahlen, seconded by Deal, Managers Dahlen, Deal, Vavra, Schmidt, and Wold in favor of approval of a utility relocation agreement was approved in the amount of \$20,982.27. Manager Kapphahn was opposed. A landowner requested a new approach over the channel. Engineering staff were advised to have the landowner submit a permit application, and to provide to the landowner an overview of the District's standard culvert cost share policy.
- GCD #21** Viewers are finalizing the GCD #21 viewers' report. It is likely that in October the board will consider scheduling a public hearing to be held in November.
- LIGHTNING LAKE** Engineering staff verified insurance and bid bond requirements submitted by Midwest Contracting, LLC for the Lightning Lake Outlet Improvements project. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the President is authorized to sign the Notice to Proceed and Construction Agreement. The contractor may begin work early October.
- CITY OF DUMONT CULVERTS** Moore Engineering received a price quote of \$41,943.12 to improve culvert closures at four locations on behalf of the City of Dumont to provide increased flood protection from Twelvemile Creek. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the project is approved and staff are directed to seek cost share with the City of Dumont and any other outside organizations.
- 640TH AVE ROAD RAISE** The 640th Avenue Road Raise Cost Share Agreement was executed, and the project was advertised for public bid by Dollymount Township.
- SAMANTHA & ELBOW LAKES** Grant County is coordinating drawdowns of Elbow and Samantha Lakes.
- NORTH OTTAWA** Gravel was placed on two miles of roads at North Ottawa. Additional aluminum metal stop logs are being used to replace damaged and warped oak stop logs. Rye has been planted in Cell A3 at two different seeding rates – the thicker rate resulted in marked weed suppression.
- REDPATH** Construction continues on Redpath Phase 2A. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Pay Application No. 3 in the amount of \$1,286,155.22 was approved. Change Order No. 1 (approved at the August 27, 2023 board meeting contingent upon state approval, was executed by President Linda Vavra. The work described in the change order takes place on ground currently being used by a renter to grow corn. The contractor and renter will work together. District

Engineer Chad Engels stated that the final Phase 2 (2B) will likely be available for bid before the end of the year. A groundbreaking ceremony will be held Friday, September 22nd at 2 pm, on-site.

**LTWQIP NO. 1
PHASE #3**

Jamie Lubenow of Wagner Construction Inc. stated that the punchlist and construction has been finalized on Phase 3 of the Lake Traverse Water Quality Improvement Project No. 1. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, Pay Application No. 4 in the amount of \$634,304.55 was approved.

**LTWQIP NO. 1
PHASE #2**

District Engineer Chad Engels relayed that DNR staff requested a repair to a portion of Phase 2 of the Lake Traverse Water Quality Improvement Project No. 1. The repair ordered would establish a pool of water adjacent to the Highway 27 culvert, by building up the current rock riffle structure. The work is scheduled to be started today.

**HSEM GRANT APP
TWELVEMILE
CREEK**

Administrator Jamie Beyer stated that Homeland and Emergency Management staff requested additional action to complete the District's Twelvemile Creek Feasibility Study grant application. The District is advised to amend and adopt the Traverse County Hazard Mitigation Plan to include specific activities requested in the District's grant application. Upon motion by Wold, seconded by Dahlen and carried unanimously, the Resolution Adopting the Traverse County Multi-Hazard Mitigation Plan was approved.

**RING DIKE
COST SHARE**

Administrator Jamie Beyer and District Engineer Chad Engels were unsuccessful in securing Red River Watershed Management Board cost share funds to repair a Bradford Township ring dike burrow pit constructed in 2011-2012. Attorney Lukas Croaker will re-review the project for inclusion on the October board meeting agenda.

**SOIL LOSS
POLICY: USE OF
BUFFER FUNDS**

Board managers reviewed two draft policies created in response to the September 12, 2023 Soil Loss Committee meeting: a Use of Buffer Funds for Ditch Repairs Policy and a Preferred Alternative Practice Policy. Discussion was held on the Use of Buffer Funds for Ditch Repairs Policy, which authorizes the use of riparian aid to stabilize ditches that have both a high ditch grade (which creates fast moving water and can erode side slopes) and steep side slopes (which creates an opportunity for sloughing). The policy would fund riprap, grade stabilization structures, grading, reestablishment of vegetation, and any other repairs qualified under Minn. Stat. § 103E.705. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the policy is approved with the following changes: engineering staff shall finalize qualifying grade and slope measurements; the cost-share is limited to \$50,000 per repair; and the parcel on which the repair will be made must be compliant with the Buffer Law.

**SOIL LOSS
POLICY:
PREFERRED
ALTERNATIVE
PRACTICE**

Discussion was held on the Preferred Alternative Practice Policy. Attorney Lukas Croaker explained that soil and water conservation district staff are conducting aerial or drive-by investigations, and are reporting non-compliant determinations to the Board of Water and Soil Resources and the District. The District then considers whether it will send corrective action notices – however, soil and water conservation boards have enacted different policies, putting the District in a position to vary corrective action notices based on the decisions of individual soil and water conservation districts. Attorney Lukas Croaker stated that Minn. Stat. § 103F.48 allows a landowner to adopt an alternative riparian water quality practice, or combination of structural, vegetative, and management practices, based on the Natural Resources Conservation Service Field Office Technical Guide, common alternative practices adopted and published by the BWSR board, other practices approved by the BWSR board, or practices based on local conditions approved by the local soil and water conservation district that are consistent with the NRCS Field Office Technical Guide, provided that the water quality protection is comparable to the buffer protection. Attorney Lukas Croaker recommended that the board approve a preferred alternative practice that can be offered to all landowners under the District's jurisdiction. Soil and Loss Committee members recommend that the preferred alternative practice be no-till with a cover crop in the same comparable area requiring a Minn. Stat. § 103F.48 16.5' buffer. Board Manager Allen Wold stated that he had a conversation with BWSR Executive Director John Jaschke about the importance of root structure to keep sediment out of the drainage system. Attorney Lukas Croaker added the information to the draft policy. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the policy was approved.

**KAPPAHN
LEAVES**

Board Manager John Kapphahn left the meeting.

**FRIDGEN
PHONE**

Engineer Technician Troy Fridgen stated that his cell phone could no longer operate with the size of programs required for drainage inspections, and he was required to upgrade his cell phone. Upon

motion by Wold, seconded by Dahlen and carried unanimously, the cell data/phone reimbursement for Engineer Technician Troy Fridgen was increased from \$70/month to \$100/month.

DRONE SPRAY SERVICES

Engineer Technician Troy Fridgen stated that Mr. Nick Persing secured the necessary equipment to provide spraying services via drone. The drone spray service was requested by landowners on GCD #21, so it was used as a test for effectiveness and price. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, payment in the amount of \$2,696.25 was approved and Engineer Technician Troy Fridgen will monitor and evaluate the results of the service.

HEI CONTRACT

Administrator Beyer presented a \$7,500 contract with Houston Engineering, Inc. to provide a reduction statistics spreadsheet to be used by soil and conservation district staff in lieu of PTMApp for work completed under the Joint Comprehensive Watershed Management Plan. Grant funds would be used to cover the cost of the project. Upon motion by Dahlen, seconded by Deal and carried unanimously, the contract was approved.

The meeting was adjourned.