

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
October 19, 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, Jason Beyer, Doug Dahlen, Jerome Deal, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag, John Kapphahn, and Scott Gillespie. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Dahlen, seconded by Deal and carried unanimously, the agenda was approved with the following additions: Schander Ring Dike, Revised High Erosion Cost Share Policy, North Ottawa Update.
- CONSENT AGENDA** Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** No public comment was provided.
- GCD #21 VIEWERS' REPORT & HEARING & NOVEMBER BOARD MEETING RESCHEDULED** Administrator Jamie Beyer stated that the GCD #21 Improvement Viewers' Report had been received on October 17, 2023, and the Property Owner's Report and Final Hearing notices are being prepared. There is a scheduling conflict between the next regular board meeting (November 16, 2023) and the next Drainage Workgroup meeting. Upon motion by Wold, seconded by Dahlen and carried unanimously, the next regular board meeting is moved to November 17, 2023 and the GCD #21 Final Hearing on the engineer's detailed survey report, viewers' report, property owners' report, and DNR Commissioner's final advisory report will be included.
- WCD #SUB-1** Construction continues to progress; the channel is 90% complete. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 3 in the amount of \$658,693.18 was approved. The District declined the railroad's requirement that the District be responsible for maintenance, in perpetuity, for maintenance of a culvert to be replaced near the railroad at State Highway 9 – no response has been received from the railroad. Attorney Lukas Croaker will draft a notice to the Board of Water and Soil Resources for enforcement for consideration at the November 17, 2023 board meeting.
- LTWQIP NO. 1 PHASE #3** Engineer James Guler presented an update on Lake Traverse Water Quality Improvement Project No. 1 Phase #3. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 5 in the amount of \$461,998.99 was approved. Board managers stated concerns that the native mix used for vegetation cover is slow growing, and that projects with high slope erosion could benefit from species that are faster to establish. District Engineer Chad Engels stated that cost savings on the project could be realized by the Construction Fund. Administrator Jamie Beyer stated that \$100,000 in grant funds through the Board of Water and Soil Resources could be moved to match a new grant for Twelvemile Creek; the Red River Watershed Management Board views their funding on a percentage-basis, and will likely expect a cost-savings similar to what the District realizes. Administrator Jamie Beyer will contact Red River Watershed Management Board Executive Director Rob Sip to verify how the maximum grant eligibility will be calculated in this under-budget scenario, and will report at the next board meeting.
- TCD #15 PETITION** Beyer motioned, seconded by Dahlen and carried unanimously, to open the hearing to consider the petition from Schaffer Land Holdings, LLC to use Traverse County Ditch #15 as an outlet for Parcel #03-0076000, E1/2 NE1/4 of Section 15, Range 46, Croke Township (126), Traverse County. Attorney Croaker read Minn. Stat. § 103E.401, subd. 4. Engineer Engels 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 received. Attorney Lukas Croaker read the order. Beyer motioned, seconded by Dahlen and carried unanimously, to approve the Order Authorizing the Use of Traverse County Ditch #15 as an outlet for Parcel #03-0076000, E1/2 NE1/4 of Section 15, Range 46, Croke Township (126), Traverse County with the entrance fee recommended by engineering staff. Deal motioned, seconded by Schmidt and carried unanimously, to close the hearing.
- REDPATH PHASE 2A** Construction continues on Redpath Phase 2A. Upon motion by Dahlen, seconded by Deal and carried unanimously, Pay Application No. 4 in the amount of \$762,149.42 was approved. President Linda

Vavra and District Engineer Chad Engels provided a presentation of the project to the Minnesota State Capital House Bonding Tour; a Senate Committee presentation is scheduled for early November. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the Resolution Granting Authorization to File an Application with the Minnesota Management and Budget Office for 2024 State Appropriations Funded from State General Obligation Bonds was approved. Upon motion by Deal, seconded by Beyer and carried unanimously, the "General Obligation Bond Proceeds Grant Agreement - Construction Grant for the Bois de Sioux Watershed District Redpath Project Under the Flood Hazard Mitigation Grant Assistance Program" was approved contingent on sufficient clarifications verified by Attorney Lukas Croaker.

**TCD #23
PETITION**

Beyer motioned, seconded by Dahlen and carried unanimously, to open the hearing to consider the following petition requesting authority to use Traverse County Ditch #23 as an outlet for: Evergreen Flats LLP, c/o Dale Blume: the S1/2 of Section 4, Range 44, Logan Township (127), Grant County (Parcels #09-0015-000, #09-0016-000, #09-0018-000). Attorney Croaker read Minn. Stat. § 103E.401, subd. 4. Engineer Engels provided an oral presentation of the existing condition of the ditch system along with a map showing the current assessment district. Property owner Mr. Dale Blume explained that the parcels drain both north and west; Mr. Blume requested that an entrance fee calculation comparison be made with a petition approved September 16, 2021, which had a similar split flow. In that case, the landowners similarly stated that the entrance fee calculation did not take into account the split flow for this property, so entrance fees for the parcels were based on the parcels' benefits multiplied by the documented historical expenses. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Order Authorizing the Use of Traverse County Ditch #23 as an outlet for Parcels #09-0015-000, #09-0016-000, #09-0018-000 was approved utilizing the benefit-based calculation of entrance fees. Beyer motioned, seconded by Schmidt and carried unanimously, to close the hearing.

**640TH AVE
ROAD RAISE**

Bids were received on behalf of Dollymount Township for the Dollymount Township 640th Avenue Road Raise. The Engineer's Opinion of Probable Cost After Bid Opening is approximately \$77,000 more than the estimate provided prior to the bid opening. Board Manager Wold stated concerns that the District has many projects in progress, and that overruns in one project will affect the progress of others. District Engineer Chad Engels stated that project area landowners rejected other project alternatives, including an impoundment and a retrofit of Traverse County Ditch #8. The 640th Avenue Road Raise Project does provide protection for flood damages, and was a project alternative that was supported by area landowners. Board Manager Wold asked if the District could make a loan to Dollymount Township for the amount above the \$475,000 identified in the project's cost share agreement. Dahlen made motion, seconded by Beyer, to revise the District's cost share agreement amount to reflect the \$77,000 increase. District Engineer Technician Troy Fridgen stated that project features evolved as the project plan became more defined, and with that came obvious costs. Board managers expressed concerns that if this project is not constructed, that other landowners would also be affected - the BdSWD Ditch No. 5 project would have to be abandoned. No Dollymount Township officials were in attendance. Role call vote: Schmidt – aye; Dahlen – aye; Beyer – aye; Deal – aye; Wold – nay; Vavra – aye.

**TWELVEMILE
CREEK GRANT**

Moore Engineering staff have secured a grant through FEMA/MN Homeland Security Emergency Management to draft a feasibility study that will utilize an unsteady HEC/RAS river/floodplain model of Twelvemile Creek; the cost of the project is \$402,000, and the grant will cover 75% (\$301,500). The balance will be covered by a FDRWG Project Team grant of \$11,000 and \$100,000 from the District's 2023 – 2025 Watershed Based Implementation Fund Grant. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the grant is accepted and the draft Project Team was approved. District Engineer Chad Engels stated that the study may identify how levy improvements, road raises, and strategic culvert sizing could lessen flood risks for Graceville and Dumont communities. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the "Form 424B - Assurances – Non Construction Projects" terms were approved.

**SCHMIDT
LEAVES**

Board Manager Steven Schmidt left the meeting.

FIVEMILE CREEK

District Engineer Chad Engels relayed findings of a recently completed survey and soil borings of Fivemile Creek. In general, the area is naturally flat and sediment deposits are not frequent in the channel; barring construction of an impoundment, the prior problem contributing to flood conditions are cattail and vegetation growth. Engineering staff met with representatives from the DNR, who were appreciate of the modeling and assessment information, which can accompany landowner applications

to clean-out vegetation. Administrator Jamie Beyer and District Engineer Troy Fridgen discussed the two possible project routes – 1) District-led vegetation clean-out, which would require an Environmental Assessment Worksheet and possible water manage district establishment, with multi-year development, or 2) Cleanout permits filed by individual landowners, with application support of the District if needed, with cleanout work to begin as soon as permits are approved. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to organize a landowner meeting following harvest.

MOORE WETLAND SERVICES District Engineer Chad Engels described services provided by Moore Engineering to private landowners on behalf of wetland delineations and determinations, and asked board managers and Attorney Lukas Croaker if a conflict of interest could arise. Attorney Lukas Croaker stated that he could not identify an issue at this time.

LAKE SAMANTHA ELBOW LAKE District Engineer Chad Engels stated that an existing culvert between Lake Samantha and Elbow Lake was replaced, and set at an elevation determined by DNR staff. Upon motion by Dahlen, seconded by Deal and carried unanimously, payment to the contractor in the amount of \$5,932.48 was approved.

RING DIKE Attorney Lukas Croaker summarized a meeting held by legal, engineering, and District staff to discuss what further action could be taken in response to a complaint made by the neighbor to the ring dike constructed in Section 26 of Bradford Township, following funding denials by the Flood Damage Reduction Work Group and Red River Watershed Management Board. In reviewing satellite photographs of the area, it appears that a fenceline tree grove was removed during or after borrow pit construction, and that there may be an adverse possession issue. No further action is recommended by the District at this time.

NORTH OTTAWA The North Ottawa Project Team met earlier in the week, as leased cells that were restricted to small grain/corn silage have not been harvest yet. Engineer Technician Troy Fridgen has given the renter a deadline to remove the crop and bales by Friday, October 20. If the crop and bales are not removed, District Project Team members agreed to allow flooding of recently planted rye. A follow up meeting is scheduled for the Project Team. Engineer Technician Troy Fridgen stated that Grant County Commissioner Bill LaValley helped with gates at North Ottawa.

MEETING ROOM DISPLAY Board Manager Jason Beyer stated that meeting materials projected during the meeting are difficult to read. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to evaluate alternative technology.

FARMLAND LEASES Administrator Jamie Beyer stated that Redpath and Moonshine leases are up. Board managers supported utilization of the same process that was used prior – to advertise for rental bids, for a 3-year term. Engineering staff will have to consider the impact of the extents of Redpath and Mustinka River construction prior to bid advertisement.

President Vavra provided an update of the happenings at the Drainage Workgroup.

The meeting was adjourned.