

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
November 17, 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, Ben Brutlag, Doug Dahlen, Jerome Deal, and Allen Wold. Absent: Scott Gillespie, John Kapphahn, and Steven Schmidt. 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 Wold and carried unanimously, the agenda was approved with the following additions: City of Dumont and Doran Creek.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Deal and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** Traverse County Attorney Matthew Franzese stated that he has received a letter from the Minnesota Board of Water & Soil Resources (BWSR) requesting the County present a plan and process for "consistent and comprehensive enforcement of the Buffer Law." Attorney Matthew Franzese requested to work collaboratively with District staff to mediate agreements for compliance. Upon motion by Wold, seconded by Deal and carried unanimously, staff are authorized to support this effort.
- WCD #SUB-1** Construction has met the standards for substantial completion. BNSF Railway Company has had no further communication with the District regarding their attempt to require the District to assume future maintenance and ownership responsibility for the installation of a culvert in their right of way required under the detailed survey report that is statutorily their responsibility. Attorney Lukas Croaker will draft a letter to send to BNSF regarding culvert installation in the spring of 2024. Board Manager Beyer stated that there are at least two culvert flap gates missing; engineering staff reported that the contractor is working with the supplier to acquire the needed flap gates to complete the project. Upon motion by Dahlen, seconded by Beyer and carried unanimously, Pay Application No. 5 in the amount of \$293,065.85 was approved.
- GCD #3** Engineering staff continue to design a project with a cost that will remain under the drainage system's benefitted amount. The system does not currently feature many side inlet culverts, which limits its Clean Water Fund grant eligibility. To increase the likelihood of a grant award, engineering staff recommend that grant eligible items for GCD #3 be submitted with a second drainage system. Upon motion by Dahlen, seconded by Brutlag and carried unanimously, staff are authorized to submit a combined Multipurpose Drainage Management Grant application on behalf of both GCD #3 and GCD #21.
- ZONE 1 DITCH INSPECTIONS** Engineer Technician Troy Fridgen stated that Zone 1 ditch inspections are completed. A full report for inspection is available at the District Office.
- MUSTINKA RIVER & REDPATH** Construction continues on both the Mustinka River Rehabilitation and Redpath Flood Impoundment. Wetland depressions are being dug, and seeding and mulching are following closely behind construction. Upon motion by Dahlen, seconded by Deal and carried unanimously, Pay Application No. 5 in the amount of \$684,770.93 was approved.
- Work under Change Order No. 1 is anticipated to be completed in 2023. Bid and construction documents for Phase 2B are being prepared. This phase will feature road raises and crossings and complete the remaining Mustinka River Rehabilitation. Board managers supported the use of an alternate bid to request pricing for both 2024 and 2025 completion dates.
- 640TH AVE ROAD RAISE** Administrator Beyer stated that, prior to the start of the board meeting, Dollymount Township Official Steven Fridgen reported that a contract with Joe Riley Construction was approved, to begin next spring. Engineering staff are working to acquire the necessary land easements.
- A map from Steven Fridgen was presented, detailing concerns about plans to cap a culvert under County Road 6 in Stevens County; this capped culvert will direct flow away from TCD #37 and into TCD #8. Engineering staff stated that the west culvert will have a weir installed, so the flow will be

split. The east culvert will be capped. The use of the weir and cap will be closely monitored and can be modified in the future if flow distributions are not as intended.

**LIGHTNING LAKE
PROJECT NO. 1**

Construction is complete for Lightning Lake Project No. 1; a pay application will be brought to the December board meeting. Photos were provided of the boulder rock riffle that controls the lake at an elevation set by the DNR. As chinking, rocks, and boulders settle over the winter, there may need to be modifications made in the spring.

**GCD #21
HEARINGS**

President Linda Vavra entertained a motion to open the Final Hearing on the Establishment of the Improvement to Grant County Ditch No. 21 Project. Upon motion by Beyer, seconded by Dahlen, and carried unanimously, the Final Hearing on the Improvement Petition, Detailed Survey Report, DNR's Final Advisory Report, and Viewers' Report for the Redetermination of Benefits and Damages and the Improvement of Grant County Ditch #21 (GCD #21) was opened. Attorney Croaker introduced the final hearing procedures and confirmed that Viewers Dwight Veldhouse, Loretta Pederson, and Dwight Veldhouse were present.

Engineer Guler described the purpose of the project – to bring GCD #21 infrastructure to modern drainage standards, resizing and regrading the portions of the system that are public drainage tile, and abandoning specific portions of the public tile no longer being used/functioning. Attorney Croaker confirmed that the District's engineer found that: the improvement is necessary, a proper petition has been submitted, and that the benefits of the proposed project exceed the project's estimated costs, including damages paid.

Engineer Guler presented the Detailed Survey Report, which included a project map, system alignment, extents, culvert crossings analysis, channel cross sections, plan profile sheets, and water elevations pre- and post-project. The proposed project is designed to improve the tile laterals to a ¼ inch drainage coefficient, . For the portion of the project that is an open channel, the proposed project will not be deeper than the original ditch at the outlet.

Landowners were given an opportunity to provide comments. Several questions were answered during the engineer's presentation.

Engineer Guler stated that US Fish and Wildlife provided an elevation for a wetland on their land, for which a structure will maintain an elevation of 1068.7'. They declined adjustable equipment to raise/lower the elevation.

Attorney Croaker described the formal process.

District Engineer Chad Engels read the DNR's Final Advisory Report received for the project, which found the Engineer's Report complete and acceptable as a project plan.

Grant County Land Management Administrator Greg Lillemon stated that he and Moore Engineering staff are in the process of identifying wetlands regulated under the Wetland Conservation Act. Administrator Greg Lillemon stated that the majority of the waterbodies are exempt, but wanted to make aware to landowners that the existence of federal wetlands (regulated by USDA) and state wetlands (regulated by Grant County staff) in the project area may limit where non-perforated tile may be used.

Viewer Dwight Veldhouse provided a presentation on the Viewers' Narrative and the Viewers' Report. The Viewers' Report sets a monetary maximum limit for ditch construction, assigns a proportion of ditch expense (as a percentage) that each benefited 40-acre parcel is responsible for, and sets the damages payment to landowners for acquisition of easements. Factors affecting these figures are soil types, proximity rating, and hydraulic efficiency. Viewer Veldhouse provided an overall presentation of the current and proposed assessment district and described the methodology to quantify parcel benefits. Farmsteads, regardless of their actual size, were assessed as 1-acre of soil class "D".

The estimated total cost for the project is \$3,685,000. Of this amount, \$2,595,000 is estimated to be the local cost. The District will pursue BWSR Clean Water Fund Multipurpose Drainage Management Grant opportunities on behalf of the project.

Landowners were given an opportunity to provide comments. Several questions were answered during the engineer and viewers' presentations. Landowner requests for individual meetings were taken; these meetings were held in a separate room as the board meeting continued. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the public hearing was recessed and will reconvene on December 21, 2023.

**CITY OF DUMONT
LEVY GATES** Upon motion by Beyer, seconded by Wold and carried unanimously, the City of Dumont's \$2,000 gate contribution was accepted.

**DORAN CREEK
NWQI GRANT** Upon motion by Dahlen, seconded by Beyer and carried unanimously, the District accepts a \$43,560 Minnesota NRCS National Water Quality Initiative planning grant for FY2024 on behalf of the Doran Creek Restoration project.

CLA AUDIT Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Statement of Work Audit Services agreement with CliftonLarsonAllen was approved in the amount of \$15,500.

MW CONFERENCE President Linda Vavra and Board Managers Jason Beyer, Scott Gillespie, and Allen Wold intend to attend the Minnesota Watershed Conference, held November 29th – December 1st. Allen Wold and Linda Vavra will serve as delegates.

**2024 BUDGETS,
LEVIES &
ASSESSMENTS** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Public Hearing on the Budgets for the 2024 General Fund and Construction Fund Levies, and Assessments for the Ditch System Funds and Projects was ordered for December 21, 2023 at 10:00 am.

**JANUARY
BOARD
MEETING** President Linda Vavra stated that an upcoming conference conflicts with the January board meeting. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the January board meeting is moved from January 18, 2024 to January 25, 2024.

**TERM
EXPIRATIONS** Administrator Beyer stated that the terms for Board Managers Beyer, Gillespie and Schmidt will expire in 2024.

The meeting was adjourned.