

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
January 25, 2024**

CALL TO ORDER The meeting was called to order by President Vavra at 9:00 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.

AGENDA

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved.

**CONSENT
AGENDA**

Upon motion by Wold, seconded by Deal and carried unanimously, the Consent Agenda was approved.

PUBLIC COMMENT No public comment was received.

**GCD #21
HEARINGS**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Final Hearing on the Improvement Petition, Amended Detailed Survey Report, DNR's Final Advisory Report, and Amended Viewers' Report for the Improvement of Grant County Ditch #21 (GCD #21) was reconvened. Attorney Lukas Croaker stated that the hearing would continue with a presentation of changes to the Viewers' Report, reception of public comment, and a description of changes to the Engineers' Detailed Survey Report since the hearing was continued at the December 21, 2023 meeting. Viewer Dwight Veldhouse confirmed that the updated proposed Viewers' Report includes Section 18 parcels that previously acquired an approved petition processed by Grant County (prior to the transfer of authority from Grant County to the Bois de Sioux Watershed District). Viewer Dwight Veldhouse described a method that could be used to assign benefits to land currently managed under wetland resource programs. Board Manager Gillespie had requested at the December 21, 2023 meeting that the WRP lands be considered because of their use and potential incoming generating/increased market value because of improved drainage. Board Manager Dahlen stated that wetlands that he owns store land and enhanced drainage systems. Landowner attorney Mr. Dean Zimmerli stated that the Viewers' Report reflects a fundamental problem, that benefits should be presented based on the proposed improvement construction project. Mr. Zimmerli stated that Branch #3 will have no change to hydraulic capacity under the proposed improvement (except for a culvert replacement), so no change in benefits would result. Mr. Zimmerli stated that the planned design, with a 1/4" drainage coefficient restriction, will cause water to drain slowly and drown ag land needlessly. District Engineer Chad Engels stated that, as part of the Mediation Agreement implemented in the Red River Valley, the District is regionally restricted to a 1/4" drainage co-efficient. Landowner attorney Mr. Ken Williams stated that the District has failed to provide a calculation of benefits based on the proposed improvement compared to a repair. Engineer James Guler stated that it is possible to provide the cost of a repair project compared to the cost of the improvement project. District Engineer Chad Engels confirmed that the additional information could be added to the Engineers' Amended Detailed Survey Report and Amended Viewers' Report. Landowner Dana Blume stated that, historically, benefits were not consistently applied to parcels, and that land sales sometimes included a negotiated ditch benefit clause. Landowner Nicholas Olsen stated that he believes that maintenance is needed, but an improvement is not, and that if a change to public tile perforation is requested, that the requestor funds the perforation change. Mr. Olsen stated that lands under RIM easements should be exempt from ditch taxes. Kapphahn motioned, seconded by Gillespie to recess the hearing and reconvene at the next regular board meeting to allow the viewers to meet with the District's engineer and attorney to reexamine the Amended Detailed Survey Report and Amended Viewers' Report to address concerns presented by landowners and their representatives. Producer Keith Gerber stated that he does not wish to pay for the improvement project. District Engineer Chad Engels stated that the assessment district that is eventually approved by the Bois de Sioux Watershed District board may be in effect for many years, so considering the data provided is important. Vavra called for a vote. The motion was passed unanimously. Administrator Beyer stated that District staff received notification that the grant application submitted on behalf of the project was not awarded Clean Water Funds; staff may work with the comments provided and resubmit at a later date.

**AREA I
INSPECTIONS**

Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, Area I Drainage Systems were authorized for 2024.

MUSTINKA & REDPATH

Engineering staff did not have a completed pay application to present for payment on the Mustinka River Rehabilitation and Redpath Flood Impoundment project. Bid opening will take place on February 1st for Phase 2B construction. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the water storage grant agreement with the Board of Water and Soil Resources for \$1,000,000 was approved.

NORTH OTTAWA LEASES

Board managers and staff presented recommendations from the North Ottawa Project Team for 2024 – 2026 operations. Board Manager Kapphahn stated that Project Team members are developing a positive working relationship, and recommend: 2024 activities in preparation for a 2025 & 2026 wild rice production pilot program which will narrow cell options for the current ag producer, result in decreased ag lease revenue for the District but increase natural resource enhancements in the North Ottawa Impoundment and reduce weed and pest suppression methods and District costs. Upon motion by Wold, seconded by Dahlen and carried unanimously, the following were approved: Amendment No. 1 to the current ag lease in-effect; Wild Rice Production Pilot Program Lease, and letter of intent to serve as documentation for a request for crop insurance.

VEGETATION CONTROL & SEDIMENT REMOVAL PERMIT PILOT PROGRAM

Landowners with property along Fivemile Creek were invited to a meeting with engineering staff to review information gathered on the condition of the creek. Engineering staff found that there are some areas of sedimentation, but that excessive vegetation growth is more prevalent and could be controlled by individual landowners. Two options were presented – Option 1: District support offered to landowners seeking private vegetation control/removal permits; Option 2: District creates a project-based watershed assessment District to generate funds for permitting and construction. Engineering staff cautioned that it is not clear whether a creek-scaled vegetation permit or assessment district would be successful with the corresponding stakeholders. District staff requested that the board consider approval of a pilot project to identify a limited number of prioritized landowners, and support individual landowner efforts to achieve a vegetation control permit and employ treatment. There is currently approximately \$45,000 left budgeted in 2024 for Fivemile Creek. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, \$5,000 was authorized to draft legal documents needed to enact the pilot program. Landowner Dana Blume offered to participate. Board Manager Schmidt referred landowners and staff to a previous project coordinated privately by landowners on Traverse County Ditch #36.

SCHMIDT & BRUTLAG LEAVE

Board Managers Brutlag and Schmidt left the meeting.

DORAN CREEK EAW

Engineering staff finalized the documents required to publish a notice and receive comment on the Doran Creek Environmental Assessment Worksheet (EAW). Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the draft EAW was approved and authorized for publication.

MOONSHINE IMPOUNDMENT

Staff reported that they had met informally with Big Stone County Highway Engineer to discuss support levels for a proposed Moonshine Impoundment. The Big Stone County Highway Engineer voiced support for the project, but did not have information on the level of overall support from Big Stone County Commissioners; project design could trigger a transfer in authority for downstream ditch system Big Stone County Ditch #8 from Big Stone County to the Bois de Sioux Watershed District. Big Stone County Commissioner Chad Zimmer also stated support for the project concept. The project will be presented to the Big Stone County Board of Commissioners within 2 weeks; depending on the outcome, a wider landowner meeting may be organized.

LEASE WORKBACK

Administrator Beyer has received a report that former lessor did not fulfill agricultural lease workback terms. Staff will work to rectify the situation.

AG LEASE BIDS

Bids received on the District’s ag leased land were reviewed. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the following were approved for the 2024 crop year submitted by Raguse Family Partnership, with the lease option to renew for the 2025 and 2026 crop years:

Lease #24-01:	\$52,274.82	Lease #24-05:	\$243,268.00
Lease #24-02:	\$56,123.99	Lease #24-06:	\$115,173.50
Lease #24-03:	\$29,025.23	Lease #24-07:	\$145,522.00
Lease #24-04:	\$193,620.00	Lease #24-08:	\$52,440.00

YUKON BID

Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, a bid of \$2,100 was approved, as submitted by Mr. Mike Toelle for the District’s 2001 Yukon.

PROPERT TAX EXEMPTIONS Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the property tax exemptions for taxes payable in 2025 were approved as presented.

GRANT EXPENSES Administrator Beyer stated that Joint Comprehensive Watershed Management Plan grant reimbursement expenses were included in the meeting's claims.

END OF YEAR JOURNAL ENTRIES Upon motion by Gillespie, seconded by Wold and carried unanimously, the end of year journal entries presented were approved.

2024 DITCH BUDGET Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the 2024 Ditch Budget was approved, based on the assessments approved at the hearing on December 21, 2023.

LEGAL RATES Upon motion by Schmidt, seconded by Kapphahn and carried unanimously, the engineering and legal rates presented for 2024 were approved.

MILEAGE & RATES Board managers reviewed the mileage reimbursement distances for 2024 and the IRS reimbursement rate; no changes were requested.

Board managers discussed work group and committee updates.

The meeting was adjourned at 1:37 pm.