

**BOIS DE SIOUX WATERSHED DISTRICT  
BOARD MEETING MINUTES  
February 25, 2025**

<b>CALL TO ORDER</b>	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, Steven Deal, Scott Gillespie, Steven Schmidt, and Allen Wold. Absent: John Kapphahn. Also present: District Engineer James Guler, Engineer Chad Engels, Engineer Technician Troy Fridgen, District Attorney Lukas Croaker and Administrator Jamie Beyer.
<b>AGENDA</b>	Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Agenda was approved.
<b>CONFLIT OF INTEREST</b>	No conflicts of interest were declared.
<b>CONSENT AGENDA</b>	Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Consent Agenda was approved, which included a correction in the claims for \$10,800 that was coded in 2024 as a JCD #12 expense, but should have been charged to the Construction Fund's Riparian Buffer Fund.
<b>PUBLIC COMMENT</b>	No public comment.
<b>GORTON TWP &amp; JD #12 LAT. 6</b>	District Engineer James Guler presented a map of concerns identified by landowner Mr. Dwight Veldhouse, in the vicinity of JD #12 Lateral #6. Mr. Veldhouse has asked engineering staff to consider directing more flow north, to the North Ottawa Impoundment, than what is currently being directed. Board Manager Ben Brutlag stated that he has received complaints from other landowners regarding flood concerns in this area. Upon motion by Beyer, seconded by Brutlag and carried unanimously, engineering staff are authorized to assemble a hydraulic study, at a cost up to \$10,000. District Engineer James Guler stated that there are two undersized culverts downstream of Lateral #6, and one of the culverts is set at an incorrect elevation; additionally there are scour holes. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to work with Gorton Township to have the two culverts resized and reset, and to clean-out a portion of the system and repair scour holes. The project is estimated to cost \$60,000 - \$80,000. Mr. Dwight Veldhouse requested compensation for potential lost rent due to the storage of mixed spoils past the area of the drainage system riparian buffer. Engineer Technician Troy Fridgen relayed interested from Mr. Dylan Eckert, in preparation of construction of a farmstead ring dike. Upon motion by Dahlen, seconded by Beyer and carried unanimously, staff are authorized to remove clay from the spoil pile, install three rock checks in Lateral #6, and provide compensation at a rate of \$225/acre if the mixed spoils are not removed in time to facilitate standard farming practices.
<b>UNPERMITTED WORK</b>	Engineer Technician Troy Fridgen received a complaint that drainage infrastructure had been installed without a District permit, and that land forming had been used to block historical natural flow on land owned by Mr. Ronald Anderson. Engineer Technician Troy Fridgen visited the site, and noted a new fence, new berm, newly installed 18" culvert, tile, and surface inlet. A Preliminary Administrative Compliance Order was sent by staff, and subsequently Mr. Ronald Anderson met with Engineer Technician Troy Fridgen to discuss the unpermitted work; to-date no permit application has been received. Upon motion by Wold, seconded by Beyer and carried unanimously, Attorney Lukas Croaker is authorized to draft and send an Administrative Compliance Order and response deadline to forward to District Court.
<b>640<sup>TH</sup> AVE ROAD RAISE</b>	Mr. Jonathan Mathias provided assurance that he continues to work on the easement required for the 640 <sup>th</sup> Avenue Road Raise project. Engineer Chad Engels stated that Dollymount Township has a permit for the 640 <sup>th</sup> road raise, the drainage ditch along side the project, and a related dike in Eldorado Section 7. Mr. Jonathan Mathias stated that on February 24, 2025, he submitted a permit application for the Eldorado Section 7 dike, and stated that nothing in the application is different from the 640 <sup>th</sup> Avenue Road Raise Project. Interstate Engineering's Damon Villers stated that there are changes from the original design: the dike must be 1' lower than the center of the road; the overflow area is no 50' wide; culverts were sized for a 10-year event; and that cumulatively, the purpose is not to impact downstream landowners. Board managers discussed immediate needs: for the easement between Mr. Jonathan Mathias and Dollymount Township to be signed by both parties, and for Moore Engineering to review and provide permit approval for the final project design changes requiring a meeting with Interstate Engineering.

**103E.48 BUFFER  
ACTIVITIES**

Administrator Jamie Beyer provided an update of District staff buffer enforcement activities. In response to May 2024 non-compliance reports provided to the District in December 2024, draft notices have been sent to Attorney Lukas Croaker for review. Board of Water and Resources Staff notified Administrator Jamie Beyer that Grant County Highway had issued Corrective Action Notices in 2022 and 2023 with 11-month deadlines that have expired.

Upon receiving the applicable files from Grant County Highway staff, Administrator Beyer stated that it was found that the Corrective Action Notices sent to landowners referenced non-compliance with the Grant County Public Drainage System Buffer Ordinance. According to Section I(D), the Ordinance states that it does not apply to ditches for which the County is not the drainage authority. The Ordinance does differ from the District's Ordinance in at least one significant way: Section III(A)(3) states that an alternative practice may only be used if there is a negative slope. Now that the Bois de Sioux Watershed District is judicial ditch authority for several Grant County drainage systems, and the 16.5' riparian buffers are regulated under the District's Buffer Ordinance, the 19 parcels identified will be reviewed by District staff for a determination of whether there are non-compliant parcels under the District's Ordinance. Engineer Technician Troy Fridgen and Administrator Jamie Beyer reported that they met with Traverse SWCD staff to discuss water quality calculations for alternative practices.

**MPCA TMDL  
OPTIONS**

Administrator Beyer presented an email from Minnesota Pollution Control Agency staff with regard to upcoming TMDL projects to be submitted to EPA, offering options to bypass or reduce EPA preliminary review, public notice, final review process timelines:

- 1) Providing a memo to EPA to add -512, -515, and -559 upstream stream segments to the -502 downstream stream segment, and to add the -503 upstream stream segment to the -501 downstream stream segment. This option would result in those impairments being recategorized to 4A, impaired with completed TMDL's. There would not be reduction targets specific to each of the individual reaches, or
- 2) Providing a memo to EPA to add -512, -515, and -559 upstream stream segments to the -502 downstream stream segment, and to add the -503 upstream stream segment to the -501 downstream stream segment, and MPCA staff production of TMDL-like studies for each reach. This would give specific reduction targets but the TMDL-like studies would not go through EPA review or public notice/comment, or

Without action, the process would continue with full, formal TMDL studies for each of the impaired reaches, as originally planned by MPCA. Board managers and staff discussed the three options; it could not be determined how either of the two EPA memo outcomes would benefit District landowners, in the pursuit of successfully permitted, funded, and constructed projects to mitigate flood impacts and provide controlled drainage. No motion was made.

**DITCH AREA  
INSPECTIONS**

District Engineer James Guler presented a revised Ditch Area Inspection Map with a rotation beginning in 2026. This rotation included Grant County Ditches added to each of the three prescribed areas. For 2025 the ditch inspection will be the current Traverse County ditches and several Grant County ditch systems that are overdue for inspection. Upon motion by Beyer, seconded by Gillespie and carried unanimously, Area 3 inspections were authorized for inspection by Engineer Technician Troy Fridgen with support from Moore Engineering staff.

**GCD #3 REPAIR**

District Engineer James Guler presented the low bid on the GCD #3 Repair project, in the amount of \$498,949.00 by Wagner Company. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the bid was approved, and the President is Authorized to sign the Notice of Award.

**2025 BOARD  
MILEAGE**

Upon motion by Wold, seconded by Gillespie and carried unanimously, the 2025 Board Mileage Reimbursement Rate schedule was approved.

**LEGISLATIVE &  
MW UPDATE**

President Linda Vavra provided an update of her visit to the Capitol, and on several bills of interest. President Linda Vavra and Secretary Allen Wold volunteered to serve as delegates for the March 2025 Minnesota Watersheds Special Meeting.

**REDPATH LAND  
OFFER  
CONSIDERATION**

Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the meeting was closed pursuant to Minn. Stat. § 13D.05, subd. 3(c)(3) to discuss the sale of real property (approx. 115 acres, SW1/4 Section 15, Redpath Township, Traverse County). Upon motion by Beyer, seconded by Gillespie and carried unanimously, the meeting was opened. Upon motion by Schmidt, seconded by Brutlag

and carried unanimously, the land offer was rejected, and staff are authorized to advertise non-CRP for lease for crop years 2025, 2026, and 2027.

**REDPATH  
PHASE 3**

Proceeds from an approved land sale were intended to fund 2025 continued construction of the Redpath Flood Impoundment. Without funding, permitting and Phase 3 design will be halted. Engineering staff

**GCD #21  
SETTLEMENT &  
BIDS**

Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the meeting was closed pursuant to Minn. Stat. § 13D.05, subd. 3(b) – attorney-client privilege, to discuss the Notice of Appeal dated September 25, 2024 on behalf of James K. and Charlene R. Nelson regarding Grant County Ditch No. 21 Redetermination, Improvement, and Separable Maintenance. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the meeting was opened. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the Proposed Settlement was approved. District Engineer James Guler stated that they continue to work on WACA permitting for the project; legal staff are preparing easement documents, and construction areas will be staked prior to spring planting.

The meeting was adjourned.