

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
APRIL 17, 2025**

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, Steven Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag. Also present: District Engineer James Guler, Engineer Chad Engels, Engineer Technician Troy Fridgen, District Attorney Lukas Croaker and Administrator Jamie Beyer.
AGENDA	Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Agenda was approved with the addition of updates for: GCD #3, GCD #29, and GCD #21
CONSENT AGENDA	Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.
PUBLIC COMMENT	No public comment.
P.A. #25-017 D. HORNING P.A. #25-018 ELDORADO TWP	Landowner David Horning presented Permit Application #25-017, a proposed tiling project in the SE1/4, NE1/4, and NW1/4 of Section 15 of Eldorado Township, Stevens County, stating that the project is not possible unless existing culvert sizes on 120 th Street are increased from 610 th Avenue through 630 th Avenue, as described in Permit Application #25-018. Floodwater from Section 15 frequently overtops roads, most recently in 2024. Engineering staff discussed how flow is controlled with the downstream road culvert, and that approach culverts between this culvert and Section 15 can be changed as long as their size continues to control farmstead flooding. Upon motion by Schmidt, seconded by Gillespie and carried unanimously, the farm yard approach culverts and 610 th Avenue culverts may be increased to 30". The 620 th Avenue road culvert may be increased to 36". Landowner David Horning stated that there are blockages between his land and TCD #8. Engineer Technician Troy Fridgen stated that cattails and vegetation in WRP and DNR managed land do slow flow, but that flow eventually does reach TCD #8. Board Manager Jason Beyer encouraged landowners to address the condition of TCD #8. Board Manager Steven Schmidt stated that the 640 th Avenue Road Raise Project will help prevent overtopping and uncontrolled flows. Board Manager Scott Gillespie recognized the benefit of the proposed tile project to provide additional storage and slow down flows. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the permit was approved with the following conditions: 1) the ditch between the culverts must be cleaned-out; and 2) that the SE1/4, NE1/4, and NW1/4 of Section 15 of Eldorado Township, Stevens County, successfully petition into the TCD #8 benefit area.
CLA 2024 AUDIT	Shawna Jenson, CliftonLarsonAllen Director, provided a presentation of the District's audit conducted in accordance with generally accepted accounting principles. Upon motion by Gillespie, seconded by Deal and carried unanimously, the 2024 audit and financial statements were approved.
WIND & SOLAR AGREEMENTS	Traverse County Highway Engineer Chad Gillespie sent sample Wind and Solar Permit Agreements for the District to consider approving in advance of a developer submitting a permit application for the installation of wind energy conversion systems and related appurtenances. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, staff are authorized to draft an agreement for the protection of public drainage facilities for consideration at the May 15, 2025 District board meeting.
REDPATH LAND LEASE & HAY BID	Administrator Beyer stated that no bids were received before April 16, 2025 at 3:00 PM for the Lease of the SW1/4 of Section 15 in Redpath Township or for North Ottawa haying. One unopened Redpath bid was received after 3:00 PM. Board managers asked for the bid to be opened and reviewed. Upon motion by Beyer, seconded by Dahlen and carried unanimously, an annual payment of \$500 was approved, for three years. District staff will try to identify an individual, directly, to hay for grass and weed control at North Ottawa.
PERMIT APPLICATION	Administrator Beyer stated that District staff are working on a revised District Permit Application, and should be able to present a draft for the May 15, 2025 District board meeting.
US FISH & WILDLIFE EASEMENTS	Board Manager Jason Beyer stated that a legacy US Fish and Wildlife easement has halted a proposed subsurface drainage project in Traverse County. Board Manager Scott Gillespie stated that there are efforts in North Dakota that questions the validity of perpetual easements, and that there are methods to appeal the easements and to force US Fish and Wildlife staff to accurately describe the lands that

are held under easement. Recently, US Fish and Wildlife staff have imposed severe drainage restrictions on acres not covered by federal easements. There are efforts being made to create a Federal easement buy-back program, in order to remove the easements and simultaneously claims of federally imposed restrictions on lands not under easement.

**DORAN CREEK
RESTORATION**

Administrator Beyer gave an update of activities on the Doran Creek Stream Restoration Project. The District sent notices to Phase 1 landowners (10 sets of landowners for the 20 parcels at the outlet/most downstream end of the Doran Creek Stream Restoration Project) to notify them of two limited and competitive funding opportunities available:

**CURRENT
FUNDING
PROGRAMS**

1) Up to \$1,000,000 in funding is available directly to eligible landowners for installation of NRCS practices; NRCS staff have asked that at least one applicant submit the required forms on or before May 1st. Successful utilization of this funding is required in order to qualify for future allocations. Channel work cannot be initiated because the District has not secured the requisite project permits yet.

2) Up to \$2,700,000 in funding is available directly to eligible landowners for RRWMB-BWSR RIM easements. Phase 1 easements are estimated to cost \$1,700,000. The District has committed to a 20% payment for construction and maintenance related easements; this cost is \$340,000 for which the District has not determined a funding source, but also isn't needed until the necessary project permits are secured and channel construction is imminent.

**CURRENT
PROJECT
PRIORITIES:
NRCS FUNDING
UTILIZATION &
PROJECT
PERMITTING**

Eight of the 10 sets of landowners were represented at the landowner meeting. Administrator Beyer stated that there are two immediate priorities: successful completion of at least one NRCS practices contract and project permit application submission. Board managers supported the recommendation that RIM easement applications be collected, but not be certified to RRWMB-BWSR until District staff are confident that the project is, or can be, successfully permitted. Engineer Chad Engels relayed a recently held pre-permit application meeting with representatives from the US Army Corps of Engineers, the Department of Natural Resources, and Wilkin County. Although the Doran Creek Stream Restoration Project has been in development in some form since 2011, staff turnover over the past 14 years have resulted in permitting representatives who are new to the Project; additional effort will be made to familiarize individuals with site conditions, project alternatives already evaluated, and the purpose and goals of the proposed project. It was expected that the scope of concern for the DNR's representatives would be the creek itself and the extents represented by a two-year precipitation event, and that the scope of concern for water outside of those events would be the concern of Wilkin County. During the pre-application meeting, staff noted that the expected range of jurisdiction may be exceeded.

**ARCHAEOLOGIC
SURVEY
CONTRACT**

As part of the Federal 404 Permit, the US Army Corps of Engineers will require cultural and archaeological survey. Some of this work may be completed by NRCS staff as they process practice applications, but the scope of those surveys will be limited to the parcels that qualify for funds. Engineering staff requested professional service rates from several organizations, but only received responses to provide the technical services. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the price quote from In Situ in the amount of \$68,919 was approved.

**LTWQIP NO. 1
PHASE 3
TREES**

Engineering staff received a request to increase the amount of trees planted following Lake Traverse Water Quality Improvement Project Phase 3 construction. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, staff are authorized to increase the amount approved on March 30, 2025 (\$1,327.30) by \$2,500.

**BRADFORD
TOWNSHIP
CULVERTS**

Engineering staff recently met with Bradford Township landowners and officials to discuss changes to road culverts in flood prone areas. Engineering staff anticipate that this effort will be over budget by approximately \$5,000.

**REDPATH
PHASE 2B**

Engineering staff described the nature of recent communications with staff from John Riley Construction, Inc. regarding Redpath Phase 2B Construction. In general, there are two disagreements: 1) quantification of excavation and riprap completed, and 2) the terms of Change Order No. 2, signed October 7, 2024 by John Riley Construction, Inc. staff and approved October 11, 2024 by the District Board. Board Managers requested that engineering staff meet with John Riley Construction, Inc. to collect detailed reports on how the District's understanding of both issues differs from theirs; and to provide this information to legal staff in order to make a subsequent recommendation to the Bois de Sioux Watershed District Board.

REDPATH PHASE 2A	District Administrator Jamie Beyer stated that the Minnesota Department of Natural Resources recently closed the District's LCCMR grant, which was partially used on Redpath Phase 2A construction, which was closed. With the finalized grant amount settled, journal entries included with the meeting's approved claims/deposit transactions were used to transfer funds internally from the District's Redpath Ag Lease fund to zero-out the District's cost-share portions of Redpath Phase 2A construction in the amount of \$707,189.87 for the Redpath Flood Impoundment and \$254,200.50 for the Mustinka River Rehabilitation Project, and \$6,424.70 for historical Redpath costs not otherwise covered by a grant program.
GCD #3 REPAIR	District Engineer Jim Guler stated that the District received GCD #3 repair documents from Wagner Company, Inc. Upon motion by Beyer, seconded by Kapphahn, and carried unanimously, staff are authorized to provide a Notice to Proceed contingent upon receipt of an adequate Certificate of Insurance.
GCD #29 SOIL BORINGS	District Engineer Jim Guler reported that two professional service rates were received to conduct soil borings in targeted locations on GCD #29. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, staff are authorized to contact landowners who attended the March 13, 2025 landowner meeting and accept Braun Engineering's \$10,000 proposal if landowners support it.
JCWMP WBI #2 GRANT TERM EXTENSION	District Administrator Jamie Beyer stated that the District received approximately \$424,163 in grants – mostly for Grant and Traverse Soil and Water Conservation District (SWCD) projects. SWCD staff requested that the District, serving as the grant's fiscal agent, submit an extension request; the grant currently expires December 31, 2025. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to request a one-year extension.
COMPUTER UPDATE	Administrator Jamie Beyer stated that the District's computer support technician has stated that the District's computers will not be able to handle the November Windows' update. Upon motion by Beyer, seconded by Deal and carried unanimously, staff are authorized to use up to \$10,000 to update computer equipment.
STEVENS COUNTY APPOINTMENT	The District received notification that President Linda Vavra has been reappointed to represent Stevens County.
	The meeting was adjourned.