

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
NOVEMBER 20, 2025**

- 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, Doug Dahlen, Steven Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Ben Brutlag. Also present: Administrator Jamie Beyer, District Engineer James Guler, District Engineer Technician Troy Fridgen, District Attorney Lukas Croaker, and Engineer Chad Engels.
- AGENDA** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Regular Agenda was approved with the addition of a JD #14 repair.
- CONSENT AGENDA** Upon motion by Gillespie, seconded by Schmidt and carried unanimously, the Consent Agenda was approved as presented.
- PUBLIC COMMENT** No public comment was received.
- PA #25-046
R. ANDERSON** Attorney Lukas Croaker stated that he has been contacted by an attorney representing Mr. Ronald Anderson. The attorney requested a delay in board action so that he could visit the permit site and confer with his client. Engineer Troy Fridgen stated that he viewed the berm site from the adjacent property, and that it did not appear that the removal of the berm has been completed. It is not known if the downstream culvert has been resized/removed. Attorney Lukas Croaker stated that there are at least two options: the board could proceed with filing an Administrative Compliance Order with the Stevens County District Court or postponing action. Board Manager Wold stated that the neighboring landowner may sustain damage to agricultural crops if action is delayed. Board Manager Kapphahn stated that court proceedings also take time. Upon motion by Kapphahn, seconded by Wold and carried unanimously, staff are directed to file the Administrative Compliance Order with the Stevens County District Court.
- PA #25-104
L. WIERZEMA** Mr. Luke Wiertzema presented a proposed tile project in East Campbell Township, the west half of Section 14, Campbell Township, in Wilkin County. Natural surface drainage on the parcel goes three different directions (northwest, southeast, and northeast). A pump has been located on the northwest corner, and a pump is proposed for the southeast corner. There are 47 acres in the center of the parcel that drain towards a farmsite in the northeast corner. The applicant proposes tying the 47 acres to the pump in the northeast corner of the parcel. There are downstream channel maintenance and approaches being used as ditch blocks, that compromise the downstream capacity. Board managers stated preference for the proposed drainage plan as it does not direct flow towards a rural property site. Upon motion by Beyer, seconded by Deal and carried unanimously, the project as proposed was approved.
- PA #25-106
L. PEDERSON** Brent Pederson presented a project on behalf of Mr. Lyle Pederson to install subsurface drainage in the NW1/4 of Section 12, Leonardsville Township, Traverse County, and extending a mainline north across the SW1/4 of Section 1 and a portion of the S1/2NW1/4 of Section 1 to the East Branch of Twelvemile Creek to a gravity drain. At the time of this meeting the proposed project did not have permission from the S1/2NW1/4 Section 1 landowner for the mainline tile installation. Because of this, an alternative to the mainline tile was proposed on the permit to pump the water and run it overland, along the natural flow path, in the S1/2NW1/4 of Section 1. Mr. Cal Baldry discussed the S1/2NW1/4 of Section 1, and the farmstead located to the west on Twelvemile Creek. He stated that the house has been flooded due to high creek water. Mr. Lyle Pederson stated that subsurface water pressure is so great, that the current constructed mainline flows backwards, away from the creek, and that flood threats could be alleviated with cleanout of targeted sediment in the creek downstream. The Pedersons discussed whether continued usage of gravity outlets is feasible, and how a pumped outlet could be controlled. Engineering staff stated that the project, as designed with a pump, technically meets the District's permitting rules. Board Manager Steven Schmidt stated his preference to keep drainage at the edges of fields and to not pump across the neighbor. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the permit is approved with the conditions that: a 15" nonperforated mainline is installed for a gravity outlet (assuming permission from the S1/2NW1/4 landowner is provided), shutoff gates are installed on both the existing 10" and proposed 15" tile, and District staff

**PA #25-109
ELDORADO TWP**

coordinate a downstream landowner meeting to discuss permitting for Twelvemile Creek sediment removal.

Mr. David Horning presented a history of the development activities that led to the construction of the project described in the permit application. More than seven years ago, township officials approached the District regarding a road raise project, and were advised by the District to have an engineering firm put together plans. The project funding fell through and this project did not move forward at that time. Frequent in-season flood damage led landowners to petition for a new lateral to the TCD #37 public drainage system and provide a project bond. The material from this proposed ditch was to be used to build up the road to meet the Township goals. The District created preliminary plans, but DNR concerns and permitting requirements – due to a public watercourse located in Section 24, Dollymount Township, Traverse County – forced the abandonment of the project as designed.

In the current effort, Eldorado Township officials have returned to a road raise project for 2 miles of 140th Street along the section lines in Sections 19/30 and 20/29 in Eldorado Township, Stevens County. Material from ditches on the north and south side of 140th Street and the east side of 640th Avenue has been used to build up 140th Street. Culverts were proposed for the project, but District staff halted installation because the project described on the after-the-fact permit application does not include all of the construction that has occurred. District staff have notified Eldorado Township officials that the permit application is incomplete, pending inclusion of the full details of the project.

Dollymount Township officials and landowners stated concerns that they are responsible for maintenance of 640th Avenue and right of way, and that Eldorado Township did not have permission to complete work in this right of way. Section 24 (Dollymount Township) Landowner Mr. Jon Mathias stated concerns that the current 36" culvert outletting to the public watercourse on his land is frequently overwhelmed and 640th Avenue regularly overtops – resulting in road damage and floodwater that inundates his field. Dollymount landowner Mr. Gary Behrens stated he has farmstead property that is susceptible to flood concerns during winter and spring events, especially if roads are overtopped or snow/ice plugs legal drainage ditches.

District Engineer James Guler identified on a map the areas where both 640th Avenue and 140th Street overtop during the growing season. Additionally, 630th Avenue can overtop, but more often during spring floods. Board Manager Steven Schmidt stated that the area has a series of culverts that do not make sense - a 48" culvert directs flow two miles downstream to a 36" culvert. Mr. Jon Mathias stated that in many areas, the road elevation has been lower than field elevation; he stated that the 36" culvert is too small, road overtopping is a problem, but that there isn't an easy route for the water to flow. He asked engineering staff if a subsurface pipe could route excess flows along the bottom edge of his property into TCD #37.

Engineer Chad Engels stated that there are some actions needed in response to the recent construction: 1) the after-the-fact permit must be updated by the applicant to include all project-work to be considered complete; 2) the District will review the proposed culvert sizes; and 3) that the DNR may have their own conditions due to the public water interest. The applicant is able to replace existing culverts to the same size and same elevation without needing a permit.

Board Manager Scott Gillespie stated that the board may need to consider an order for a redetermination of TCD #37. Board Manager Jason Beyer stated that – because TCD #37 went through a redetermination process in 2015 – 2016, damages for the system were paid so these costs would not be included in a new redetermination process.

Landowners discussed how culvert sizing in Stevens County causes a domino effect of overtopping roads, starting from east to west.

Board Manager Steven Deal stated that a letter of opposition has been sent to the District on behalf of Clifton Township, Traverse County, due to their repetitive flood damage expenses caused in part by Twelvemile Creek. Mr. David Horning stated that Eldorado Township is #1 for total flood damage expenses in Stevens County.

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to work with the permit applicant to amend the project permit application and meet with townships and interested parties to discuss their concerns in relation to the project.

**WCD #25 IMP.
HEARING**

Administrator Jamie Beyer stated that DNR Advisory Letter was received for the Improvement of Wilkin County Ditch #25. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the public hearing on the Minn. Stat. § 103E.261 Preliminary Survey Report for the proposed improvement of Wilkin County Ditch #25 and construction of a new lateral is rescheduled for December 18, 2025, at 10:00 am at the District's office.

**GCD #3 UPDATE
PAY APPLICATION**

District Engineer James Guler provided an update on the repair of Grant County Ditch #3. Upon motion by Beyer, seconded by Gillespie and carried unanimously, Pay Application No. 2 in the amount of \$338,108.80 was approved.

**GCD #21 UPDATE
PAY APPLICATION**

District Engineer James Guler presented an update on the improvement of Grant County Ditch #21. Change Order No. 2, in the amount of \$39,050.00 for the full replacement of a 36" culvert under County State Aid Highway No. 9, was presented. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, Change Order No. 2 was approved. Upon motion by Beyer, seconded by Gillespie and carried unanimously, Pay Application No. 4 in the amount of \$145,915.53 was approved.

**TCD #48
ABANDONMENT
HEARING**

The District received a notice of non-compliance from Traverse SWCD staff Mr. Tate Serocki regarding 16.5 buffers on two upstream portions of Traverse County Ditch #48 in Section 14 of West Lake Valley Township, Traverse County. District staff inspected the area described as a portion of the legal public drainage system, and offered that the landowner could submit a petition for partial abandonment. A Petition for the Partial Abandonment of Traverse County Ditch #48 was submitted by the landowner. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, a hearing on the petition will be held December 18, 2025, at the District's office.

**JD #14
EROSION REPAIR**

District Engineer Technician Troy Fridgen stated that there is a large washout on JD #14 that needs to be repaired in Section 20 of Redpath Township. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to spend up to \$50,000 to have the erosion repaired.

**DORAN CREEK
PERMITTING**

District Engineer James Guler stated that the Doran Creek Project has been awarded a Wetland Conservation Act permit; a cultural resource investigation is being conducted as part of the Federal 404 permit; the District must respond to seven items requested by DNR staff with regard to a Public Waters Permit. It is not clear if resolution of the seven items requested will constitute a complete permit application for 60-day decision by DNR staff. Installation of isolated Phase 1 culverts will begin this fall; a portion of the expense is being covered by NRCS NWQI and RRWMB grant funds.

**REDPATH PH. 2B
PAY APPLICATION**

District Engineer James Guler presented Redpath Phase 2B Pay Application No. 10 in the amount of \$943,051.63. A change proposal has not been received for quantities the contractor disputes. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the pay application was approved.

**640TH AVE
ROAD RAISE**

Dollymount Township Official Mr. Steven Fridgen stated that there is no pay application at this time to present, but that the project is nearly complete. There were several field approach culverts that were crushed during construction that will be replaced at no-cost by the contractor.

**ASH LAKE
MANAGEMENT**

District staff participated in a virtual meeting with DNR to discuss a revised management plan for Ash Lake. Through the course of the meeting, staff identified it may make sense to meet with stakeholders for the wider system – which connects Fish and Wildlife controlled water, a legal drainage system, private landowners, and at least one township. DNR staff stated they have found that there are continuous repair and maintenance needs related to Ash Lake's outlet, and the potential for road overtopping if flooding can't be controlled.

**PROCEDURES TO
SUBVERT
103F.48
STATUTORY
AUTHORITIES**

Administrator Jamie Beyer summarized the impact of BWSR's proposed Buffer Program Procedures applicable to counties / watershed districts. Under the pretext of consistency and clarity, BWSR's proposed procedures have the effect of superseding and replacing statutory authorities granted to Minnesota counties, watershed districts, and landowners under the Buffer Law – Minn. Stat. § 103F.48.

According to the revised procedures, watersheds and counties subvert their statutory authority (to resolve noncompliance) to the proposed approval of a county SWCD/BWSR employee – and the statutory authority is subverted in every aspect determining: compliance, availability of alternative practice types, alternative practice comparable benefit calculations, sufficiency of alternative practice implementation, etc. If a county / watershed district does not follow BWSR-approved procedures, BWSR can revoke jurisdiction from the county or watershed district. The county or watershed can appeal this decision; however, the appeal goes before a committee of the BWSR board (appears to be the full BWSR board) who then makes a recommendation to the full BWSR board for a final decision. If BWSR revokes a county or watershed’s jurisdiction, BWSR secures a greater portion of the \$8 million in annual Riparian Aid.

The District will continue working with landowners to explore compliance options available to landowners and to document compliance, including with alternative practices in accordance with the Buffer Law and the District’s Buffer Rule – which was previously approved by BWSR. The District has a very large library of alternative practice water quality benefit calculations available to them – because 16.5’ buffers provide very limited water quality benefits, it is not difficult to find a combination of practices that provide water quality protection comparable to the buffer protection for the water body that the property abuts.

POLICY UPDATES Administrator Jamie Beyer stated that there will be changes to the District’s Policy Manual – the manual will be updated to reflect the stated changes in paid family leave programs, and Open Meeting Law statutes. No change is recommended to the District’s Data Practices policy. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the New Board Manager Orientation Program was approved. It was noted that there are three term expirations in 2026: Grant County (Kapphahn), Otter Tail County (Brutlag), and Traverse County (Wold).

BUDGET, LEVY, & ASSESSMENT HEARING Upon motion by Beyer, seconded by Dahlen and carried unanimously, public hearings were ordered for December 18, 2025 on the 2026 Budgets; General Fund, Construction, LTWQIP District Levies; and Ditch Assessments.

AUDIT STATEMENT OF WORK Upon motion by Dahlen, seconded by Beyer and carried unanimously, the Statement of Work – Audit Services – Special Purpose Framework was approved for Financial Statements and Audit of Calendar Year 2025 at a cost of \$18,000.

MW DELEGATES President Linda Vavra and Secretary Allen Wold volunteered to serve as Minnesota Watershed delegates for the annual conference.

MW MEMBERSHIP Board managers discussed continued membership in Minnesota Watersheds association. Annual dues are currently set at \$7,500. A great deal of frustration has been building for several years over a lack of advocacy during the legislative session, specifically to oppose “housekeeping” measures enacted in 2024 that severely damaged rural watershed district and drainage system authorities, and rapidly expanded BWSR and DNR authorities. President Linda Vavra stated her willingness to continue serving as a Region 1 representative, and member of the organization. Upon motion by Dahlen, seconded by Beyer, a one-year membership was approved by a 6-2 vote with Managers Kapphahn and Gillespie in opposition.

The meeting was adjourned at 12:40 pm.