

## North Fork Crow River Watershed District Approved Regular Meeting Minutes March 14<sup>th</sup>, 2016

**Managers Present:** Berndt, Brauchler, Wuertz, Barchenger, Hanson (via Teleconference)

**Managers Absent:**

**Staff Present:** Tara Ostendorf, Christine Knutson

**Others Present:** Troy Walz (CD 32), Roger Walz (CD 32), David Johnson (JD1), Kim Soine (Land Pride Construction), Larry Ladwig (JD1), Harold Marthalar, Marvin Borgerding (CD32), Lee Borgerding (CD32), Kevin Bruntlett (CD43), others

**Call to Order:**

Chairperson Wuertz called the meeting to order at 1:00 pm.

Chairperson Wuertz asked for motion to appoint acting secretary. Motion to appoint Manager Berndt as acting secretary made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor.

**Review and Approve Agenda**

Chairperson Wuertz asked for additions or correction to the agenda. Ostendorf added discussion of CD 32 assessment, JD1 BR12 Fk6 SP2 Prairie Storm Impoundment and additional calendar item for special meeting. Motion to approve the agenda as amended made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor.

**Consent Agenda Items**

Chairperson Wuertz called for a motion to approve consent agenda. Manager Berndt made a motion to pull the minutes for corrections. Motion to approve consent agenda excluding the minutes made by Manager Barchenger, seconded by Manager Berndt. Motion carried with all in favor.

1. Treasurer's Report and Bills to March 14<sup>th</sup>, 2016
  - a. Check Register - 106 Bonanza Checking Acct
  - b. P & L Detail – All Accounts
  - c. Balance Sheet – All Accounts
2. Minutes
  - a. Approve 2016 MAWD Dues in the amount of \$1,784.60

Manager Berndt corrected the February 8<sup>th</sup> 2016 regular meeting minutes to correct the date of the CD32 status update. Motion to approve minutes as corrected made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor.

**Open Discussion from the Public**

No discussion.

**Regular Agenda**

**Public Hearings**

**Consolidation of CD 8 and CD 32 Public Hearing**

Chairperson Wuertz recessed the regular meeting and opened the public hearing.

**Purpose of Hearing:**

Ostendorf stated the purpose of the meeting was to take public comment on the submitted petition to consolidate Stearns CD 8 and Stearns CD 32 as presented and accepted. Ostendorf read the petition aloud.

Ostendorf presented historic maps and location of County Ditch 8. County Ditch 8 is currently serving as the outlet for County Ditch 32. The drainage area was incorporated into the CD 32 benefitted area during the 2015 redetermination of benefits proceedings due to a lack of knowledge as to the location of CD 8.

Public Comment:

No comments.

Board Decision:

Motion to approve the consolidation of CD 8 and CD 32 made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest as a benefitting landowner on the system.

Motion to close the public hearing made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor.

Chairperson Wuertz resumed the regular meeting.

**Staff Reports**

**Administrator's Report:**

**Approve 2016 AIS Prevention Program Memorandum of Understanding**

Ostendorf presented memorandum of understanding regarding the operations, roles and responsibilities for the 2016 AIS watercraft inspection program. The MOU will be entered into by the District, the Koronis Lake Association, the Rice Lake Association and Lamb Labor Services. Motion to approve memorandum of understanding made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor.

**Approve Agreement with Lamb Labor Services for 2016 AIS Prevention Program Management**

Ostendorf summarized the agreement as presented to contract with Lamb Labor Services for staffing and management of the 2016 AIS watercraft inspection program. Motion to approve the agreement with Lamb Labor Services as presented made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor.

**Discussion of Field Equipment Needs**

Ostendorf requested that the Board consider replacing the District's current ATV and Trailer with a side-by-side ATV model for easier use in the field when working with landowners and/or consultants as well as two person staff teams. Consensus of the Board to have the Managers obtain estimates and bring back to the Board for discussion.

**Approve purchase of field tablet using grant funds and authorize entry into Verizon 2-yr data contract.**

Ostendorf presented staff memo regarding purchasing options for Apple I-pad tablet for conducting field inspections. The tablet requires a two-year mobile data agreement for field use. All costs will be paid from the District's current Drainage DB Grant and is listed as an eligible item in the grant work plan. Managers questioned the model recommended in the memo. Ostendorf stated that the model was recommended by the drainage database consultant as being compatible with the database software. Motion to approve the use of grants funds to purchase requested equipment and data plan made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor.

**Discussion of MAWD succession planning and surveys**

Ostendorf reminded the Managers to complete MAWD surveys sent out earlier in the month.

**Additional Business**

None

**Technician's Report:**

None

**Bookkeeper / Administrative Assistant Report:**

As reported in Financial Statements.

**Program Reports**

**Permit Report:**

None

**Drainage Report:**

**CD 32 Repair: Review and Award Bid for Construction: *Presentation of bid submittals and award of bid***

Ostendorf presented the extended bid tabulation and apparent low bids resulting from bid opening on March 1<sup>st</sup>. Ostendorf summarized the decision of the Board to rebid the project as three separate items for award; Excavation, Buffer Establishment and Tile Installation. The District received 11 responsive bids for this rebid. Board questioned and discussed with the Administrator and public various aspects of the project and scheduling the work with multiple contractors.

Ostendorf updated the full Board that Managers Brauchler and Barchenger attended a conference call with herself and the attorney to talk through liabilities to the District of not awarding to the low bidder. Manager Brauchler summarized the discussion for the Board. Additional discussion regarding the validity of awarding to the low bidder ensued between the Board and public. Ostendorf explained the additional use of bid, performance and payment bonds, tile guarantee, and project specifications to limit the liability to the District and landowners for work not completed to standard specifications. Board entertained additional discussion from the public.

Board discussed the procedures after bid awarding and the proposed schedule to begin construction. Manager Berndt stated that he would like to see the project begin as soon as possible.

Motion to award bid Item A of Ditch Excavation and Repairs to Mid-Minnesota excavating in the amount of \$175,875.10, award bid Item B of Buffer Seeding and Maintenance to MBC Drainage LLC in the amount of \$79,053.000, and award bid Item C of Tile Replacements to New Look Contracting in the amount of \$123,356.00 made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest as a benefitted landowner on the system.

**CD 32 Bonding & Assessment: *Review of prepayment process and approval of bonding amount***

Ostendorf presented the actual and estimated debt for proceedings conducted on CD 32 and the estimated costs for County bonding. Board allowed comment from the public on the figures. Managers directed changes to the presented figures. Ostendorf requested Board approval of the revised estimate for prepayment collection notices in the amount of \$711,372.89 to be sent to landowners March of 2016 with a prepayment deadline of August 1<sup>st</sup>, 2016. Approval to continue with County bonding process and proceed with prepayment collections in the amount of \$711,372.89 as presented made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest as a benefitted landowner on the system.

**CD 4 Repair: Review Work Completed and Approve Payment Request from Land Pride Construction: *Site inspection photos and engineer's memo recommending payment for work completed to date.***

Ostendorf presented memo from Joe Lewis, HEI, recommending payment for work completed on CD4 in the amount of \$ 39,050.00 after approved change orders for estimated vs. actual quantities of material for excavation. Manager Barchenger questioned how much of the initial contract should be withheld for seeding work to be completed before the June 1<sup>st</sup> deadline. Ostendorf stated the hold back for those bid items would be \$500 for seeding. Motion to approve payment in the amount of \$ 39,050.00 with hold back of \$500 for seeding line item to Land Pride Construction made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor.

Ostendorf presented site inspection photos of work completed.

**JD 1 BR 12 Repair: Status Update: *Update on status of permitting and changes requested by ACOE.***

Ostendorf summarized changes to the plan requested by the ACOE. Houston Engineering will complete the recommendations for private crossing replacements. The project is anticipated to be bid in April.

**JD 1 Main and Branches: Survey Results - HEI submittal of current condition report. Set public information meeting date.**

Ostendorf presented the Board with the plan and profile survey information of current conditions received from Houston Engineering. Ostendorf requested that the Board table discussion on the plan and review the plan at the April meeting. Ostendorf recommended that the Board prioritize and segment the work to be completed over an extended timeframe. Board took comment from the public regarding the current conditions, system benefits, and alternatives for construction.

**CD7 Repair: Presentation of Engineering Proposals: Presentation of ranked proposals for Board consideration.**

Ostendorf presented ranking of engineering proposals submitted for the CD 7 repair. After discussion, Manager Brauchler requested that the Board conduct interviews of the three lowest cost proposals. By consensus the Board directed staff to setup interviews for Houston Engineering, WSN and I+S Group.

**CD7 Repair: Proposal for Viewing Costs – H2Over Viewers: Review of potential costs for redetermination of benefits.**

Ostendorf informed the Board that the benefits roles for CD 7 and CD 7A Lateral are conflicting due to the dates of establishment. Currently, benefits for CD 7A are three times the amount of benefits for CD 7 [main channel]. As the repair plan may show the need to repair both CD7 and 7A, Ostendorf suggests that the Board consider a redetermination of benefits proceeding to correct the viewer's report. Ostendorf presented a proposal for viewing services from H2OverViewers in the amount of \$3.25 per acre over three months. Manager Berndt discussed the possibility of updating the current viewers report using estimated market value of the property. Board discussed the merits of that method versus the current methodology for viewing. Motion to proceed with redetermination of benefits process made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor.

**CD 43: Review of Bids and Award Contract: Review submitted bids and award contract.**

Ostendorf presented bid summary and engineers recommendation memo from Houston Engineering. Engineer recommended acceptance of the low bid from Land Pride Construction in the amount of \$36,234.40 for the base bid or \$48,600.40 with the Bid option. Manager Brauchler inquired on the township's approval of the optional work. Ostendorf stated that she has been in contact with the township and they are in agreement to obtain the quote for work. Motion to award the total bid for repair to Land Pride Construction made by Manager Barchenger. Manager Berndt asked for additional clarification on contractor's ability to complete the work. Managers provided clarification. Manager Brauchler seconded the motion. Motion carries with all in favor.

**JD1 BR12 FK6 SP2: Petition for Impoundment: Accept petition for impoundment and set public hearing date regarding the USFWS Prairie Storm Project**

Ostendorf presented petition for impoundment of a portion of JD1 Branch 12 Fork 6 Spur 2 known as Prairie Storm Wetland submitted by the USFWS as landowner. Ostendorf requested that the Board accept the petition and set a public hearing date. Motion to accept the petition for impoundment and set public hearing date for April 11<sup>th</sup> at 8:00 pm made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor. Managers Barchenger and Berndt abstained due to conflict of interest as benefitting landowners on the system.

**JD1 BR12 FK6 SP2: Prairie Storm: Approve Wenck scope of work for project design finalization, contract administration, construction oversight and as-built plans in the amount of \$6,933.**

Ostendorf presented revised scope of services. Motion to approve scope as presented in the amount of \$6,933 [CWA grant funds] made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor. Managers Barchenger and Berndt abstained due to conflict of interest as benefitting landowners on the system.

**Other Ditch Business:**

None

**Board Member Meeting Reports:**

Manager Brauchler gave update on meetings he attended including a drainage webinar and Irrigator’s Association Meeting.

**Items for Next Meeting Agenda:**

None

**Calendar Review:**

Motion to set date for Board’s drainage policy workshop on April 6<sup>th</sup> at 7:00 pm made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor.

**FYI Items**

None

**Adjournment:**

Motion to adjourn made by Manager Berndt, seconded by Manager Hanson. Meeting Adjourned.

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Gary Berndt – Acting Secretary