

**North Fork Crow River Watershed District**  
**Approved Minutes**  
**May 11th, 2015**

**Managers Present:** Barchenger, Berndt, Wuertz, Brauchler, Hanson

**Managers Absent:** None

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

**Others Present:** Kevin Bruntlett (Meeker CD 43), Larry Ladwig (Stearns-Pope JD1), Harold Marthaler (Stearns-Pope JD1), Louis Smith (Smith Partners), Kurt Deter (Rinke-Noonan), Others

**Call to Order:**

President Wuertz called the meeting to order at 7:00 pm.

**Manager Oath of Office:**

Manager Hanson read his oath of office for manager appointment.

**Review and Approve Agenda:**

Administrator Ostendorf added items to her report and FYI Items; Kirckof beaver claim and Stearns County notice for proposed ordinance changes. Administrator Ostendorf also requested to close the meeting after the last regular agenda item to allow the Board to conduct her contracted personnel review. Motion to approve agenda as amended made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor.

**Consent Agenda:**

Motion to approve consent agenda made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor.

**Open Discussion from the public:**

Kevin Bruntlett questioned the Board regarding approval of the additional cleanout on CD 43. Consensus to discuss the item with the regular agenda.

Larry Ladwig requested to make comments during regular discussion of the JD1 Branch 12 agenda items. Consensus to allow discussion at that time.

**Regular Agenda Items:**

**Public Hearings**

**JD 1 Brand 12 Fork 3 – Drainage Rules Violation**

**Managers Present:** Barchenger, Berndt, Wuertz, Brauchler, Hanson

**Managers Absent:** None

**Staff Present:** Tara Ostendorf, Christopher Lundeen

**Representative from Liebl Farms:** None

**Open Hearing**

President Wuertz recessed the regular meeting at 7:15pm and called to convene the public hearing. Administrator Ostendorf turned discussion over to Louis Smith. Smith presented record of noticing and stated the purpose of the hearing was to discuss violation of the District rules and drainage law process.

**Presentation of Index of Exhibits.**

Smith summarized proceedings to date. Smith summarized Board memo submitted from Houston Engineering that describes the probable cost and risk assessment. Due to the risk of flooding of upland areas due to the unpermitted activities undertaken by Liebl Farms, drainage inspector and consultant's recommendation is to order that the site be restored within a reasonable time frame.

Smith presented the Findings of Fact, Conclusions of Law and Order for Restoration. Manager Barchenger made a correction to the draft Order. Additional discussion from Manager Berndt and Board regarding the engineer's recommendation. Additional discussion to correct the draft to reflect actual representatives present. Manager Berndt questioned the ability of the Board to be able to convert it back to open ditch. Smith clarified that the Board could review all options if Liebl Farms decides not to honor conditions of the permit. Smith clarified that the Board should set a date that is reasonable for both construction and risk of flooding as liability to the Board. Smith recommended six weeks for completion of project according to the permit options. Smith stated that a representative from Liebl Farms had met with the Administrator after the submittal deadline and submitted a permit application which select the engineer's option of installing additional 24" pipe with the existing 18" pipe.

Discussion ensued from the public regarding the project.

President Wuertz recommended to the Board to go no longer than 6 weeks for the deadline. Manager Hanson posed the question of process in the event that Liebl Farms does not comply with the terms of the Order. Smith clarified that if posting requirements are not met by the June 8<sup>th</sup> deadline, the enforcement hearing will be held concurrently with the regular Board meeting and the Board then has the authority to complete the project and assess project costs in line with the law. If posting requirements are made by June 8<sup>th</sup>, no hearing is necessary. If construction is not completed by June 22<sup>nd</sup>, then the Board can call on the bond and complete the work.

Motion to adopt the Order with corrections made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest.

President Wuertz reconvened the regular meeting at 7:48 pm.

## **Staff Reports**

### **Administrator's Report:**

#### **Update on office move and property sale listing. Discussion of property survey, exterior landscaping plans and quotes, and current issues with building heating / AC system.**

Administrator gave update to the Board on property listing for 100 Prairie Avenue North. The property has been shown a number of times, but no offer has been made. Administrator Ostendorf stated that quotes for surveying 1030 Front Street property lines were running between \$800-\$1200. Motion to approve a property survey made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor.

#### **Review and approve new and revised Administrative Policies.**

Administrator tabled discussion to June regular meeting.

#### **JD1 Impoundment Project: Review design plan. Approve encumbrance of funding from CWA grant in the amount of \$35,000 for project implementation.**

Administrator gave summary of project purpose and estimated costs as listed in the engineer's technical memo by Wenck Associates. Manager Berndt asked for clarification on purpose of project and potential impacts to surrounding property. Technician Lundeen described physical location of project outlet and specifications of outlet. Deter explained to the Board that the project will need to go through 103E.227 proceedings for impoundment as the project is located on the public drainage system. Under those proceedings, the public can submit comments regarding the project and no further discussion of the item was necessary until the hearing. Deter further described the process under statute clarifying that the Board should draft and submit a petition for the impoundment project to be reviewed at the June meeting. After acceptance of the petition at the June meeting, a public hearing will be set to discuss the

project. Motion to authorize the Board to draft petition for JD1 Impoundment Project made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest.

**Discussion of MAWD Summer Tour and approval of attendance.**

Consensus of the Board to reserve four rooms for Board and staff to attend.

**Additional Business**

**Beaver Claim – Kirckof**

Administrator summarized the claim from Richard Kirckof regarding payment of nine beaver claims from various ditches over an unknown period of time. Deter suggested the Board deny the claim for lack of adequate information under policy but allow Kirckof to present additional information for payment at a later date. Motion to deny claim at this time until additional information is presented made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor.

**Technician's Report:**

**Activity Report**

Technician Lundeen gave update on status of monitoring throughout the District.

Lundeen summarized activities for the month consisting of field monitoring, providing water quality data for the manure management program meeting with Stearns County, presentation at the Earth Day event and Paynesville Waterfest.

Technician Lundeen gave an update on AIS Inspection program. Seasonal staff have been hired and have completed DNR Level I training. Inspections started fishing opener weekend and they were quite busy. Manager Hanson gave additional update on Rice Lake activities for opener. New for 2015 is the TimeTracking app for the inspectors to allow for more accountability and ease of payroll administration. The District is still searching for additional inspectors for the season. Technician Lundeen will also be conducting site inspections on current projects under construction to finalize project folders.

**Bookkeeper / Administrative Assistant's Report:**

No Report

**Program Reports**

**Permit Report:**

**Permit Application 2015-02 – CD 32 Tile Installation**

Administrator presented application 2015-02 for an improvement to tile and fill in a portion of CD 32 as an extension of a previous permit. The project would allow for ease of farming and be sized according to the previous tile installation that it will be continuing. Administrator Ostendorf summarized the previous permit. No records were found regarding process under statute and no engineer's report was found. Ostendorf questioned whether or not the existing tile was of an adequate capacity to be able to use as reference for an additional section. Ostendorf recommended tabling the permit until the current repair plan and hydraulic modeling is completed in order to assess an adequate specification for additional tile. Motion to table the permit until additional information is provided through the engineer's report to be submitted by RESPEC made by Manager Barchenger, seconded by Manager Berndt. Motion carried with all in favor.

**Permit Application 2015-03 – JD1 BR12 FK3 Tile Installation**

Discussed and concluded during public hearing.

**Drainage Report:**

**CD 4 - Ethan Jenzen – DNR Hydrologist**

Discussion tabled until June meeting.

**CD 32 – Repair**

Administrator updated the Board on the status of the project. RESPEC has completed the field survey and is currently working on running condition models. A preliminary plan is expected in early June.

**JD 1 Branch 12 Petition - Approve Findings of Fact and Order accepting petition for repair for JD1 BR12 (Ladwig Repair)**

Administrator Ostendorf informed the Board that she requested clarification on the chronological order and the proceedings. The Board will need to set the public hearing on the project which will be the opportunity for the engineer to explain the project. Deter suggested that the Board accept the petition under 103E.715. Motion to accept the petition and set the public hearing for June 8th, 7:30 pm made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest.

**JD 1 Branch 12 – Ladwig Repair - Presentation of additional scope of services from Houston Engineering. Discussion of construction scheduling of Stearns County road authorities for culvert repair / replacement.**

Administrator Ostendorf updated the Board on discussions had with Jodi Teich, Stearns County engineer, regarding scheduling for road crossing repair and replacements in conjunction with the Branch 12 project. There may be a possibility that all road crossings listed in the repair plan could be reset to ACSIC conditions by 2017.

Administrator Ostendorf summarized additional scopes of work submitted by Houston Engineering to finalize the construction plan to include replacement of private crossings and preparation of formal bid documents in place of simple quote requests as the project is over the threshold cost required for a formal bid process. Motion to approve scope items 2-4 (to include private field crossing replacement sizing, construction plan revision, and opinion of probable cost for crossing replacement, prepare bid documents and specifications for bid, and coordinate bid advertisement in local publication and QuestCDN, respond to bidder questions) made by Manager Hanson, seconded by Manager Barchenger. Motion passed with all in favor. Manager Berndt abstained due to conflict of interest.

**JD1 Br 12 Fk 3 Sp 2 – Repair Inspection - Discussion of status of project finalization with MBC Drainage.**

Manager Berndt stated that MBC Drainage has completed the work of removing spoils from adjacent wetlands and leveling spoil banks. Project has probably not been seeded to date. Manager Berndt feels that the project may not need to be seeded. Manager Berndt stated that activity under permit 2015-01 was also completed. Administrator Ostendorf will conduct inspection.

**CD 43 – Discussion of Engineer’s Revised drawings for West Lake.**

Administrator summarized findings from additional surveys conducted by Houston Engineering that identified additional blockages to be removed within CD 43 at the inlet and outlet of West Lake. Ostendorf recommended approving the additional excavation from inlet and outlet of West Lake and apply for appropriate permits. Motion to approve the additional excavation made by Manager Berndt, seconded by Manager Barchenger. Motion carried with all in favor.

**Other Ditch Business:**

No Other Business

**Board Member Meeting Reports:**

Manager Hanson gave update on the Pirz Lake public meeting regarding their AIS efforts, beaver control, control efforts for CLP and regulating water level as well as summarized statements from the DNR hydrologist regarding current regulations in shoreland impact zone. Manager Hanson stated that it was a well attended meeting.

**Items for Next Meeting Agenda:**

Administrator Ostendorf stated that the June meeting will focus on updates to the administrative policies and election of officers as well as the tabled items from tonight's meeting.

**Calendar Review:**

No Discussion

**FYI Items:**

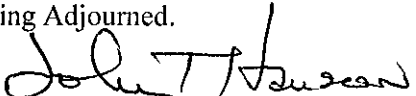
No Discussion

**Closure of Meeting – *Administrator Review***

President Wuertz closed the meeting to conduct employee review for Administrator Ostendorf. After performance review, President Wuertz reconvened the regular meeting.

**Adjournment:**

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

  
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John Hanson - Secretary

June 8,  
2015