

North Fork Crow River Watershed District Proposed Minutes June 8th, 2015

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

Managers Absent: None

Staff Present: Tara Ostendorf, Christine Knutson

Others Present: Steve Notch (Stearns Commissioner), Dick Johnson, Larry Ladwig (Stearns-Pope JD1), Harold Marthaler (Stearns-Pope JD1), Louis Smith (Smith Partners), Kurt Deter (Rinke-Noonan), Cindy & David Johnson (JD1 Landowner), Roger Imdieke, Joe Lewis (Houston Engineering), Greg Duchene (JD1 Landowner), Mark Kirckof, Richard Kirckof, Christopher Hall (KDV), Others

Call to Order:

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

Public Hearings

JD 1 Brand 12 Fork 3 – Drainage Rules Violation Hearing

Chairperson Wuertz called the hearing to order at 7:01 pm. Louis Smith summarized proceedings to date as documented in prepared findings. Smith stated that to date the listed conditions of the after-the-fact permit required bond posting and additional deadline conditions, which were not completed by the listed deadline.

Smith called for the Administrator to present conditions report. Administrator Ostendorf presented current conditions of the site during an inspection conducted by staff. Wuertz called for a Liebl Farms representative to state their comments. Mr. Brandon Orsten commented that the company is willing to install the additional 24” tile but questioned the timing of installation before repair, as the tile will be installed at the repair elevation, which will be lower than current conditions of the ditch in its state of disrepair. Upon suggestion from Smith, Chairman Wuertz called for any representatives from upstream landowners to state their name. Hearing none, Smith asked the managers to consider additional issues of upstream flooding provided by Barry Horst to Administrator Ostendorf at an earlier meeting.

Chairperson Wuertz asked for additional information from the engineer, Joe Lewis (Houston Engineering) to explain proceedings for addressing the current issue in conjunction with the Horst request for additional tile upstream from the violation to address the perceived flooding. Lewis stated that tying a larger pipe into the two smaller pipes could be completed. Additional conversation regarding the possibility of tying the additional request for tile and finalizing the enforcement proceedings ensued.

After discussion on technical placement of tile systems, Smith stated that his recommendation would be to finalize the current restoration order with the installation of the 24” tile installed at the suggested elevations on the Liebl Farms property within the timeframe proposed in the drafted order to limit liability to the District in the case of flooding to upstream landowners. Lewis stated that there would be some additional relief with the 24” tile installed below current grade, although it would not be fully realized until Branch 12 was repaired to the proposed ACSIC conditions. Ostendorf summarized the discussion to that point. Smith summarized the purpose of the open hearing and the decisions to be made.

Board allowed discussion from the public.

Ladwig questioned the functionality of the full tile line if the Board continued with the order to install the 24” tile line before the full system repair was completed. Marthaler stated that the timing of the 24” placement of the tile on the Liebl Farms should be concurrent with the replacement of the county culverts at the time of repair. Duchene stated that the ditch used to have capacity because they had bridges and not culverts.

Chairperson Wuertz stated that the purpose of the hearing is to address the current violation on Branch 12 Fork 3 and not the whole ditch system.

Orsten asked for additional clarification regarding the proposed Findings, Conclusions and Order. Additional public comment.

Chairperson Wuertz asked for additional comment from the Board.

Manager Barchenger summarized with clarification from Smith that if the applicant (Liebl Farms) put a bond in place and paid the expenses to date, then the Board could extend the deadline for completion of the tile installation as presented in the Order. Manager Berndt suggested a deadline of 30 days after the County Road 193 culvert is replaced as part of the repair, which is expected in 2016-2017. Board came to the consensus that the order could be modified to state the deadline for tile installation would be 30 days after repair of the County Road 193 culvert with the condition that Mr. Horst agree to the proposed timeline, Liebl Farms posts the bond for the amount stated in the order one week before the July regular Board meeting, and pays all expenses to date one week before the July Board meeting. Board asked for consensus with Orsten. A verbal affirmation to those conditions was given by Orsten.

Motion to amend the Findings, Conclusions and Order to reflect the discussion made by Manager Berndt, seconded by Manager Barchenger. Motion carried with all in favor.

Chairperson Wuertz called for motion to close public hearing. Motion to close hearing made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor.

Public Hearings

JD 1 Branch 12 – Repair Hearing

Opening of Public Hearing

Chairperson Wuertz called the hearing to order at 7:40 pm.

Purpose of the Hearing

Deter explained the purpose of the hearing is to accept the petition for repair and review the engineer's proposed plan for repair.

Notice Requirements

Administrator Ostendorf summarized the postings to date consisting of noticing on District website and newspaper notification for at least two weeks in the local papers.

Acceptance of Petition for Repair

Motion to accept the petition for repair made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor.

Engineer's Repair Report

Joe Lewis presented the project overview and methodology used to prepare the repair report. Fieldwork was completed August-September of 2014. Work consisted of survey of approximately 47,000 ln ft of ditch. A total of forty-five (45) soil borings were taken every 1000 linear feet and a total of one hundred (100) bottom profile elevations and seventeen (17) cross sections along the ditch. To construct the As Constructed Subsequently Improved Conditions (ACSIC) grade line, the firm studied the soil borings, reviewed the historic profile drawings provided by the District, and translated the current datum for elevation comparisons. Fork 4 was broken out separately. The proposed ACSIC was designed with two different profile cross sections and bottom widths based on current conditions with some modifications to account for bank sloughing or other widening as allowed under statute.

On direction from the Board and Administrator, the plan includes twelve (12) private crossings to be adjusted based on a previously completed culvert study conducted by Houston Engineering. The purpose of that study was to identify areas that culvert sizes could be adjusted to minimize peak flows to receiving waters while providing maximum drainage function. The repair plan also includes public road crossings, two of which are suggested to be resized and four to be replaced at different grades. Deter requested clarification on why culverts would be downsized. Lewis states that Houston was contracted a number of years ago to study the system to provide storage to provide relief for downstream peak flows.

Lewis stated that he had prepared a formal bid package as statute requirement based on the engineer's opinion of cost, currently valued at over one hundred thousand dollars (\$100,000).

Public Comment and Questions

Chairperson Wuertz called for public comment on the proposed plan.

Marthaler questioned the timeframe for drawdown that was considered in downsizing the culverts. Lewis stated that the study was based on 48 hour drawdown time of the system with a 10 year rain event. Marthaler stated that 48 hours is too long in regard to crop damage and 10 yr events are much more frequent. Lewis stated that the recommendations for downsizing the culverts were based on 24 hours in a ten year event which would be consistent with a 4 inch rain fall event based on updated weather service information available.

Ladwig and Duchene asked for clarification regarding the flow rates gained if the system was repaired so that the culverts were at the ACSIC grade line and some culverts were downsized; would the overall function of the system be improved from current conditions in disrepair? Lewis stated that the benefit of smaller culverts at the ACSIC grade is improved drainage hydraulically. The culverts were sized down to as small as possible without going over the 24 hour holding time.

Marthaler asked if the repair would make the drainage system function better than current conditions. Marthaler stated that as long as the water would not inundate crop land longer than 24 hours he would not be opposed to the repair. Deter clarified that the modeling shows there won't be damage, but if we get a large rain event that is more than the originally designed system can handle, nothing will drain in 24 hours as the system was not designed for that.

Johnson questioned if the roadways at the areas of downsized culverts will be able to withstand additional pressure. Lewis stated the roadways will hold the additional water but one of the criteria was that if the roadways were in danger of overtopping, that culvert was not suggested for downsizing.

Deter questioned how the Board would want to provide payments for private crossings with the repair. Ostendorf questioned Deter on whether that should be paid for by the system or by the individuals. Deter stated that the Board will eventually need to decide on how those crossing replacements would be paid for.

Ladwig questioned on who would pay for improvements to the crossings.

Ladwig questioned oversight during construction. Administrator stated that construction will be overseen by the engineer and final approvals will be made by the engineer.

Deter recommended that the Board permit Lewis some additional flexibility with final recommendations based on the culvert sizing study.

Deter summarized the proposed repair Findings of Fact and Order and suggested a modification to the order to allow final review of culvert sizing.

Ladwig stated that existing culverts should be used where possible to decrease overall cost.

Acceptance hearing will discuss private vs public costs.

Motion to adopt the amended Findings of Fact and Order made by Manager Brauchler, seconded by Manager Barchenger. Motion passed with all in favor. Manager Berndt abstained due to a conflict of interest.

Motion to close public hearing made by Manager Hanson, seconded by Manager Brauchler. Hearing closed.

Review and Approve Agenda:

Consent Agenda:

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

Open Discussion from the public:

Dick Johnson, representing Koronis Lake Association and Rice Lake Association, summarized feelings stated in a letter included in the Board packet. The lake associations provided support for the District's billable rate as a reflection of actual program costs to the District. Johnson stated that he appreciates the partnership and wants to continue on with the program partnership.

David Johnson presented a petition for partial abandonment of JD1 north and west of Grove Lake due to assessments that do not benefit that area. Johnson gave additional history of the ditch's construction and previous assessments. Deter stated that the Board should accept the petition for abandonment and set a public hearing for the July meeting.

Motion to accept the petition and set the public hearing for July 13th at 8:00 made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor. Additional commentary from the public was allowed. Deter commented that the notice requirement must be mailed to benefitting landowners and posted on the website or the newspaper for 3 weeks.

Manager Berndt made additional comments in response to the public.

2014 Audit Presentation:

Chris Hall from KDV presented the 2014 audit report. Auditors gave a clean report which is the highest opinion that the District can get. Two common findings were reported; lack of segregation of duties, and preparation of financial statements. Both are common and minor findings that occur in an organization of this size. Motion to accept auditor's report made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor.

Election of Officers:

Chairperson Wuertz turned the meeting over to Administrator Ostendorf.

Nomination for Jim Wuertz for Chairperson made by Manager Hanson and Manager Brauchler. Ostendorf called for additional nominations. Hearing none, Ostendorf called for a vote to appoint Jim Wuertz as Chairperson. Jim Wuertz appointed as Chairperson. Ostendorf turned the meeting over to Chairperson Wuertz.

Nomination for Bob Brauchler for Vice-Chairperson made by Manager Barchenger and Manager Berndt. Chairperson Wuertz called for additional nominations. Hearing none, Chairperson Wuertz called for a vote to appoint Bob Brauchler as Vice-Chairperson. Bob Brauchler appointed as Vice-Chairperson.

Nomination for John Hanson for Secretary made by Manager Berndt and Manager Brauchler. Chairperson Wuertz called for additional nominations. Hearing none, Chairperson Wuertz called for a vote to appoint John Hanson as Secretary. John Hanson appointed as Secretary.

Nomination for Jim Barchenger for Treasurer made by Manager Brauchler and Manager Berndt. Chairperson Wuertz called for additional nominations. Hearing none, Chairperson Wuertz called for a vote to appoint Jim Barchenger as Treasurer. Jim Barchenger appointed as Treasurer.

Staff Reports

Administrator's Report:

Beaver Claim – Mark Kirckof

Administrator restated the conclusions of the Board from the June meeting. Mark Kirckof stated that he was a landowner on the ditch. Mark stated that he had a verbal agreement with Josh Reed to trap where he needed for nuisance. Mark stated that he had submitted nine beaver tails that he trapped within a few miles of his property and that he would like to be compensated for his efforts. Ostendorf stated that at the time the animals were taken, she was not here and could not confirm the verbal agreement. Deter advised the Board to consider an offer to pay for those animals that came out of the county ditches, as testified to by Kirckof. Motion for payment for twelve of the beavers from various systems made by Manager Berndt, seconded by Manager Barchenger. Motion carried with all in favor.

Review and approve new and revised Administrative Policies.

Administrator Ostendorf request the discussion be tabled due to the late hour. Consensus of the Board to set a special meeting for discussion on June 22nd at 6:00 pm.

Approval of contractual compensation increase.

Administrator provided summary of contract in memo to Board. Motion to obey the contract in regards to Administrator compensation made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor.

Review Glacial Ridge Computing estimate for purchase and installation of District server and computer network configuration in the amount of \$6,704.27 (Admin-642).

Motion to approve estimate made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor.

MAWD Summer Tour attendees.

Discussion of attending Board and staff.

Technician's Report:

Activity Report

No report.

Bookkeeper / Administrative Assistant's Report:

No Report

Program Reports

Permit Report:

Permit Application 2015-04 – CD 32 Field Crossing

Motion to approve permit 2015-04 to install an additional field road crossing as part of the repair proceedings made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor.

Permit Application 2015-05 – JD1 BR12 FK3 Tile Closure

Table the permit as presented and go through the proceedings as approved in the public hearing.

Board allowed comment from David Johnson regarding the maintenance of tile. Deter stated that would be discussed at a hearing for closure.

Drainage Report:

Update of Special Session Buffer Legislation – Kurt Deter

Deter gave presentation of proposed buffer legislation. Deter stated that much clarification will be needed if the buffer language is passed. Legislation states that public waters will need to be average of 50’ no less than 30’ in width for the buffer. Deter stated that there are many unanswered questions regarding what water will be considered, timing of the petition, acquiring the buffer and compliance enforcement. The County SWCDs must provide the maps of the protected waters. The County and District must come up with a plan for enforcement. Deter informed the Board that he will be holding meetings regarding the new legislation. Roger Imdieke stated that enforcement cost will be high. Deter encouraged coordination with other entities to coordinate and to do work sessions.

JD1 Impoundment Project – Petition - Presentation and acceptance of petition for impounding, rerouting and diverting drainage system waters (103E.227) and set public hearing date for comment.

Deter stated that MN Stat. 103E.227 allows for impoundments, diverting and rerouting of drainage systems. Deter summarized the petition as presented by the Board. Notice requirements for public hearing requires notice by 10 days before by mail. Motion for the Board to sign the petition and set the public hearing for July 13th at 8:30 made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor. Manager Berndt abstained due to a conflict of interest.

CD 4 - Ethan Jenzen – DNR Hydrologist - Follow-up and findings from DNR on structure elevations.

Tabled to a further date.

CD 38 – Impoundment Project - Review and discuss technical memo prepared by Wenck for impoundment and habitat project.

Administrator Ostendorf presented a technical memo prepared by Wenck Engineering regarding the project. Deter recommended to discontinue pursuit of the project as the Board being the petitioner. Motion to discontinue the project under grant funding made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor.

Deter stated that MN Stat. 103E.227 could be used by the landowner to continue the project.

Other Ditch Business:

No Other Business

Board Member Meeting Reports:

Manager Barchenger presented information related to issues with weeds in Grove Lake that was mentioned at the Grove Lake Association meeting. Administrator Ostendorf summarized the issues discussed.

Manager Brauchler attended the BVGWMA meeting and summarized some of the concerns presented by the group.

Manager Hanson attended the One Watershed One Plan Policy Committee meeting and gave an update. The committee adopted bylaws and appointed a technical and advisory group. The group will be meeting again within the next 60 days.

Items for Next Meeting Agenda:

Brauchler asked that the Board discuss the information provided to them regarding buffer staking.

Calendar Review:

No Discussion

FYI Items:

Marthaler questioned the Board on who is responsible for failing township culverts in the ditch. Board will address with the repair.

Adjournment:

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

John Hanson - Secretary