

North Fork Crow River Watershed District Approved Regular Meeting Minutes September 12th, 2016

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

Managers Absent: None

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

Others Present: Kurt Deter (Rinke-Noonan), Roger Lyon (JD1), Larry Ladwig (JD1), Boyd Fischer (CD32), Jim Weller (CD32), Ralph Klassen (RLA), Harold Marthaler, Dick Anderson (Lake Sylvia Lake Association), Ken Schumacher (Lake Sylvia Lake Association), Jeff Roelike (Crow River TWP), Steve Notch (Commissioner), Earl Kasper (CD 32), Kevin Bruntlett (CD 43), Jon Roeschlein, Peter Anton, Susan Anderson (Rice Lake Association), Joe Lewis (HEI), Arne and Jean Tilleson, Lisa Duhamel, Roger Walz, Alan Loch (CD21), Dale Gruber (JD2), Arthur Marthaler, Others

Call to Order:

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

Review and Approve Agenda

Chairperson Wuertz asked for additions or correction to the agenda. Wuertz stated that in light of new information, he would be adding a last agenda item to close the session to discuss personnel issues.

Motion to approve the agenda as amended made by Manager Brauchler, seconded by Manager Barchenger. Motion carried.

Consent Agenda Items

Chairperson Wuertz called for a motion to approve the consent agenda. Manager Berndt requested the minutes be pulled for additional discussion. Wuertz approved the request to pull the minutes for additional discussion.

1. Treasurer's Report and Bills to September 12th, 2016
 - a. Check Register - 106 Bonanza Checking Acct
 - b. P & L Detail – All Accounts
 - c. Balance Sheet – All Accounts

Motion to approve remaining consent agenda items made by Manager Barchenger, seconded by Manager Brauchler. Motion carried.

Discussion of meeting minute format. Manager Berndt requested the minutes from August forward be corrected to restate "motion carried with all in favor" to "Motion carried". Manager Berndt requested that the August 8th meeting minutes reflect the roll call vote and list the votes of individual managers. Manager Berndt requested that the August 8th meeting minutes be corrected to include his statements regarding the Prairie Storm Project number of bids.

Additional discussion from the Board and Mr. Lyon regarding the MOU related to the Prairie Storm Project. Manager Berndt stated that he is not comfortable with the Board not reviewing contracts such as the MOU in their entirety. Ostendorf stated that all contracts and legal agreements have been presented to the Board in their entirety as an inclusion in the monthly Board packet. Manager Berndt stated that the Managers do not receive the information in due time to review in entirety. Ostendorf stated that the Board packet delivery time has not changed, and Managers are welcome to table agenda items for additional review if so needed.

Motion to approve August 8th meeting minutes with requested corrections and August 25th meeting minutes with requested corrections made by Manager Berndt, seconded by Manager Barchenger. Motion carried.

Open Discussion from the Public

Chairman Wuertz asked for comment from the public.

Susan Anderson, Rice Lake Association President, informed the Board that Starry Stonewort has been found in Rice Lake. Anderson extended her gratitude to the Board for their support of the AIS inspection program and expressed her hope that the Board will continue to support the program.

Roger Lyon inquired as to the current list of appointees on the Citizens Advisory Committee. Lyon stated that he had previously requested the information and it was not delivered. Ostendorf stated that she had not received his request. Board directed Ostendorf to prepare a list of Citizens Advisory Committee members. Additional discussion regarding the interpretation of statute related to the Citizens Advisory Committee. Board direction to staff to post on website for persons interested in being appointed to the Citizens Advisory Committee.

Regular Agenda

Presentations

Lake Sylvia (Wright County): Discussion of Possible Enlargement of District under 103D.261 – Dick Anderson

Dick Anderson and Ken Schumacher from the Lake Sylvia Lake Association in Wright County presented their position in regards to expanding the NFCRWD to include the waterbodies of Lake Sylvia, Lake Francis, and Lake Moses. Schumacher stated that the lake association are currently addressing concerns with AIS, flowage lake hydrology, and other water quality threats. Schumacher asked the Board informally if this was a request that they would be in support of.

Kurt Deter provided guidance on statute 103d.261 which outlines requirements for enlarging a watershed district boundary and stated that the Board could act on a valid petition. Additional discussion regarding other alternatives for meeting goals. Discussion on the need to add managers if the District was enlarged. Schumacher and Anderson asked if the Board itself might be in favor of enlarging the District. Board expressed reservations citing travel time and proximity, budget and workload concerns. The Board also noted that the area being contemplated for inclusion in the watershed was not contiguous, a requirement of statute. Board advised the presenters that they would have to be sure that the residents throughout the entire area would need to be in favor of being included in the district in order to have a valid petition.

Anderson and Schumacher thanked the Board for their time.

NFCRWD Buffer Marking Program and State Buffer Program Implementation – Staff and Kurt Deter

Staff presented a summary of the District Buffer Staking Program to the Board and public. The buffer program was approved in August of 2015 and implemented throughout the summer of 2016. Efforts resulted in the staking of the legally acquired buffer strip on five public drainage systems; JD1, CD5, JD2, CD4 and CD43. Staff installed 181 stakes every ¼ mile or as needed. Results of the staking efforts on these systems revealed 60 documented violations of 32 landowners. Staff explained that violation letters had been sent, informing landowners that they needed to correct the issue within 30 days or request an extension. Ostendorf also laid out the administrative process to process complaints and disputes.

Board had additional discussion on the timeline of events. Manager Berndt stated that he had concerns with staff's development of forms and letters to implement the program. Manager Berndt expressed his opinion that he feels the Board did not authorize the program in the manner presented. Ostendorf stated that the presented timeline and Board direction presented were documented from the approved meeting minutes. Manager Berndt stated that he felt the minutes did not accurately reflect the Board's actions and discussions. Ostendorf stated that the minutes are reviewed and approved by the Board and are the official record.

Board discussed the statute definition of the right-of-way of the ditch. Manager Berndt stated to the Board that he was not in agreeance with where buffers had been staked on his property. After additional discussion in relation to the interpretation of statute, Ostendorf stated that the notification letter and the administrative process allows any

landowners with disputes to contact staff to resolve any issues related to the program. Additional discussion from public.

Kurt Deter presented a summary of the buffer law and its requirements. Manager Wuertz summarized comments from meetings he attended hosted by the DNR and the BWSR regarding the requirement of local governments.

Staff Reports

Administrator's Report:

Review Spraying Services Quotes.

Ostendorf presented a quote for services from Aquatic Pest Management. Motion to direct staff to obtain experience statements and references from the company to be presented back to the Board made by Manager Berndt, seconded by Manager Barchenger. Motion carried.

2017 Drainage Assessment Recommendations

Ostendorf presented memo to the Board stating the appointed committee's recommendation to the Board. The committee recommended certifying an assessment of \$10,000 over 1 year at 4% interest for Stearns CD 21. Motion to accept the recommendation made by Manager Brauchler, seconded by Manager Barchenger. Motion carried.

Rice Lake Association -- Petition for Study for Water Level Control Structure - Updates

Ostendorf presented information on the petition on requirements for approval from DNR. Deter stated that the project could be funded by petition under MS 103D.705, but noted that any potential petitioners should be aware that under statute each petitioner is responsible for the costs incurred if the project does not proceed to completion. Susan Anderson summarized the issues that the study seeks to address, such as water level fluctuations. Deters advised the Board to direct the Lake Association to meet with the DNR to discuss project feasibility before continuing with the petition.

CROW River Cleanup: Request for Funding

Ostendorf presented request for funding for 2016 River Cleanup. Motion to approve funding in the amount of \$400 [from the Education Fund] made by Manager Brauchler, seconded by Manager Barchenger. Motion carried.

BWSR Petition Updates: Citizen Petition Regarding Increasing the Number of Watershed Board Managers

Ostendorf presented a memo received from BWSR which instructed the petitioners to provide valid signatures, with printed names and addresses, for verification. Motion to send the BWSR letter and the petition back to the petitioners for validation of signatures made by Manager Barchenger, seconded by Manager Hanson. Motion carried.

MAWD Resolution Packet

Ostendorf presented MAWD resolution packet and resolution examples. The deadline to submit resolutions to the MAWD Board for approval is Friday, October 14th. Discussion tabled until the October meeting.

Additional Business

None

Technician's Report:

Activity Report:

Lundeen gave report of his activities, which consisted of finalizing monitoring activities for the year, data entry and upcoming submittals, and preparing for upcoming education events. Lundeen presented a thank you letter from the Durants. Lundeen requested to attend the AIS Summit in St. Cloud in October. Manager Hanson stated that the registration fee is \$155 and the two days could be split to pay one registration fee for the two attendees. Manager Hanson would like to see Board and staff participate. Motion to approve attendance for Manager Hanson and Christopher Lundeen made by Manager Brauchler, seconded by Manager Berndt. Motion carried.

Prairie Storm Wetland Project: Status update.

The preconstruction meeting was held and all contracting requirements have been met. Construction will start in November with major completion by November 30th, 2016 and invoices due December 12th, 2016. Manager Hanson inquired whether or not water quality monitoring and flow monitoring could be done on the project in the future. Lundeen stated that he could look into it.

Funds Manager / Administrative Assistant Report:

As reported in Financial Statements.

Program Reports

Permit Report:

2016-06: Berndt Crossing

Ostendorf presented application for installation of a private crossing on JD1 Branch 12. Ostendorf recommended approval of permit with conditions that installation must be in accordance with District rules and the District engineer to set and verify the elevation and slope of the pipe, and that the landowner is responsible for the costs of installation. Motion to approve permit application 2016-06 made by Manager Hanson, seconded by Manager Brauchler. Motion Carried. Manager Berndt abstained due to conflict of interest as a benefitting landowner.

2016-07: North Fork TWP Culvert Replacement

Ostendorf presented application for repair of a road crossing within the right-of-way of the ditch. Ostendorf recommended approval with conditions that the sideslopes of ditch and any disturbed areas within the system right-of-way must be stabilized immediately after installation, engineer is to verify the pipe size, and the contractor must provide grade information of final installation. Motion to approve permit application 2016-07 made by Manager Brauchler, seconded by Manager Barchenger. Motion carried. Manager Berndt abstained due to conflict of interest as a benefitting landowner.

Drainage Report:

CD 32 Repair: Status Update: *Update on construction progress, Heieie agreement, Mitchell property, etc.*

Ostendorf gave summary of excavation extents to date. Board allowed question from Jim Weller. Weller asked what the process is if they have damage to pipe outfalls. Ostendorf stated that the Board will address any complaints or any work not completed to the landowner's satisfaction at the acceptance hearing.

CD 32 Repair: Tile Easement: *Review and approve easement agreement(s)*

Ostendorf summarized the status of the tile easement on Fischer and Weller's property. Deter suggested that the Board give the landowners in question a final dead-line for signature. Additional discussion from the Board. Motion to set a deadline of September 23rd for easement agreement signatures or in the event that no agreement is reached, authorize staff and engineer to move forward with adjusting the tile alignment [to the north side of 330th street] on the Weller property made by Manager Brauchler, seconded by Manager Hanson. Motion carried. Manager Berndt abstained due to a conflict of interest as a benefitting landowner.

JD 1 BR 12 Repair: Status Update and Possible Change Orders: *Review weekly summary report.*

Ostendorf presented the preconstruction meeting minutes and the engineer's weekly summary inspection reports. The contractor has completed approximately half of the excavation and, some of the vegetation removal and ten of the 13 field crossing repairs. The County has completed their culvert repairs on the county road crossings. The spoil banks are graded to an almost 10:1 side slope, striving to stay within the 16.5 right-of-way where possible. Board and public discussed additional work that could be done with the spoil pile leveling.

Ostendorf presented a change order to increase the open channel excavation quantity an additional 648 linear feet, additional pipe at a crossing and additional seed, seeding and mulch material over 4 acres for stabilization. Total change order to increase the contract price by \$5,074.40. Motion to approve the change order made by Manager Brauchler, seconded by Manager Hanson. Motion carried. Managers Berndt and Barchenger abstained due to a conflict of interest as benefitting landowners on the system.

Manager Berndt stated that a culvert needed to be replaced on Branch 12 Fork 5. Joe Lewis, HEI, stated that they would look into any issues or concerns raised by the landowners, and that the landowners should contact the District directly to report damages or work needed. Ostendorf stated that any damages that were caused by the previous contractor should be reported directly to the District, to be documented.

Manager Berndt addressed the audience to inform them that any water quality inlets they wanted to be installed with this project would be charged to the ditch, unlike those practices to be installed on the CD 32 repair, which were grant funded. Additional discussion on grant funding for projects.

JD 1 Main and Branches: Status Update

Joe Lewis, HEI, gave a status update. HEI is on track to present a draft report of recommendations for repair alternatives in November.

CD7 Repair: Status Update:

Board consensus to set hearing date for public comment on engineer’s preliminary repair report for September 28th at 6:00 pm.

CD 43 Repair: Status Update:

Ostendorf stated that a field visit with DNR and Meeker SWCD was scheduled for later in the week.

CD 5 – Status Update:

Ostendorf presented quotes obtained for the repair of Stearns CD 5. After discussion, motion to accept quote by Landpride Construction in the amount of \$8,440.80 made by Manager Hanson, seconded by Manager Berndt. Motion carried.

CD 21– Status Update:

Joe Lewis, project engineer from HEI, summarized the project. Board allowed comment from public on the plan and profile. The majority of the system is in a good state of repair, with the exception of the private outlet to the river and the upstream private culvert and township road culvert, which are out of repair. Alan Loch expressed his opinion that nothing should be done with the township culvert until the outlet issues are addressed. Ostendorf stated that the outlet is not part of the legal system and the landowner would need to obtain the proper permits. Motion to table the discussion until the October meeting, provided that the landowner could obtain permits to maintain the outlet made by Manager Berndt, seconded by Manager Barchenger. Motion carried.

Additional discussion regarding road authorities and ditch authorities related to public road crossing maintenance.

CD32: Landowner Requests for Reimbursement:

Ostendorf presented a memo summarizing various requests for crop damage, reimbursement for equipment damage and landowner labor costs in relation to the CD32 repair. Deter advised the Board to address all requests for damages at the final acceptance hearing for the project. Motion to table the decision on the requests until the final acceptance hearing made by Manager Hanson, seconded by Manager Barchenger. Motion carried. Manager Berndt abstained due to a conflict of interest as a benefitting landowner.

Other Ditch Business:

None

Board Member Meeting Reports:

None

Closed Session: Personnel Matters:

Wuertz closed the open meeting to discuss personnel issues.

Motion to open meeting made by Manager Berndt, seconded by Hanson. Motion carried. Motion to reluctantly accept the resignation of Tara Ostendorf as the District Administrator / Drainage Inspector made by Manager Barchenger, seconded by Manager Hanson. Motion carried with Manager Brauchler opposed.

Items for Next Meeting Agenda:

None

Calendar Review:

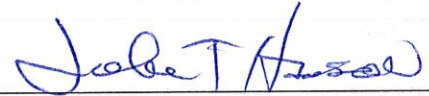
No comment.

FYI Items

No comment.

Adjournment:

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



John Hanson –Secretary

10-10-16