

## **North Fork Crow River Watershed District Regular Meeting Approved Minutes September 14<sup>th</sup>, 2015**

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

**Managers Absent:** Brauchler

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

**Others Present:** Kurt Deter( Rinke-Noonan), David & Cindy Johnson (JD1), Larry Ladwig (JD1), Roger Imdieke (Kandiyohi County Commissioner), Diane Sander (CROW), Others

### **Call to Order:**

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

### **Review and Approve Agenda**

Ostendorf added discussion of Mike-Arnold project under Technician Report. Manager Berndt requested addition of discussion on manager distribution under additional business. Motion to approve agenda with additions made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor.

### **Consent Agenda Items**

Manager Barchenger requested to remove item 4d.) August 10<sup>th</sup> meeting minutes for corrections and item 4f.)

Approve AIS Monitoring in-kind donation to SRWD for clarification.. Motion to approve consent agenda excluding pulled items made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor.

1. Check Register - 106 Bonanza Checking Acct
2. P & L Detail – All Accounts
3. Balance Sheet – All Accounts
4. Approve Donation to CROW River Clean-up (Admin-Edu): \$300

### **August 10, 2015 Regular Meeting Minutes; Approve AIS Monitoring In-Kind Donation (Admin-Edu): \$500**

Addition of Manager Barchenger oath of office. Manager Hanson made corrections to motions and seconds, as well as abstentions of managers on JD1 BR12 repair. Ostendorf clarified a request from SRWD for cash match for activities related to AIS monitoring and education events. Motion to approve corrected minutes and approve cash match of \$500 to SRWD made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor.

### **Open Discussion from the Public**

Diane Sander (CROW) gave an update on the CROW River Clean-up and purpose for requested donations. Manager Hanson requested that Sander give a summary of “One Watershed One Plan” (1W1P) activities. Sander summarized the framework and purpose of the policy and advisory committees. Sander stated that to date the group has completed the BWSR grant agreement, advisory committee has reviewed various models available to meet program requirements and made recommendations to the policy committee, and completion of zonation priority identification process. The group will be meeting to go over results of zonation. Various public input meetings will be conducted throughout the process.

Larry Ladwig inquired about procedures for requesting closure of open ditch with tile. Board instructed him to work with the Administrator.

### **Regular Agenda**

### **Public Hearings**

### **Continuation of JD1 Partial Abandonment Hearing**

Chairperson Wuertz recessed the regular meeting and called the hearing to order. Motion to dismiss the petition at petitioner's request made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor.

Motion to adjourn the hearing made by Manager Barchenger, seconded by Manager Berndt. Motion carried with all in favor. Chairperson reconvened regular meeting.

**Continuation of JD1 Branch 12 Impoundment Project Hearing**

Chairperson Wuertz recessed the regular meeting and opened the hearing.

Ostendorf stated that the hearing was recessed from the August meeting to give landowners a chance to review the information presented at the hearing. Ostendorf stated that Mr. Martin had indicated that he was in favor of the project. Manager Berndt stated that he was not in favor of the project proceeding at this time. Motion to table the project indefinitely made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest as an interested party.

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

Chairperson Wuertz reconvened the regular meeting.

**Guest Speakers / Presentations**

**Drainage Assessment Tool – Paul Senne, RESPEC Consulting:**

Paul Senne gave a webinar presentation on a Microsoft Excel-based drainage assessment tool developed in collaboration with the SRWD. Ostendorf summarized the District's need for such a tool in assistance in updating drainage assessment listings and efficiency in annual assessment certification to the various counties.

**RESPEC scope for Drainage Assessment Project Interface: Presentation on tool for conducting drainage assessments; Review and approve statement of work and cost estimate for Ditch Benefit & Development of Ditch Assessment Project Setup Interface in the amount of \$24,336.85 to be spread over corresponding ditch fund accounts.**

Manager Berndt questioned the longevity of the tool and the potential for software upgrades that may leave the tool obsolete. Senne stated that the software is based on Microsoft Excel, a historically update friendly software. Motion to approve the project proposal up to \$25,000 without additional approval made by Manager Hanson, seconded by Manager Berndt. Motion carried with all in favor.

**Staff Reports**

**Administrator's Report:**

**Drainage Records Update & Drainage Management Plan Proposal: Presentation of full system planning needs for all drainage systems**

Ostendorf outlined a need to update records of existing conditions on various drainage systems with outstanding requests for maintenance or repair. Ostendorf requested that the Board authorize the Administrator to prepare requests for proposals for engineering services for survey and conditions reports, including ACSIC grade determination for those systems with outstanding requests. Motion to authorization Administrator to prepare RFP and obtain quotes for the purpose of updating drainage system records made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor.

**Discussion of salary survey and updated payment rate schedule.**

Ostendorf summarized need for updated pay scale and job descriptions for District positions in response to results of 2015 MAWD salary survey and corresponding changes to neighboring Districts' framework. Ostendorf stated that she had applied for and received BWSR PRAP Assistance grant funding, which would cover 50% of the costs for the services proposed by Noah Associates to complete the needed updates. Motion to hire Noah Associates for the proposed services as presented made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor.

**Discussion of goals for CAC: Direction to Administrator on coordinating meetings and overall vision.**

Ostendorf presented current list of CAC members and requested Board direction on level of involvement of CAC. Manager Hanson, former CAC member, stated his preference that meeting topics be centered on citizen concerns within the District and include representatives of lake associations, crop and livestock producers. Technical professionals could be brought in as necessary to address these concerns. Board consensus to set a meeting date for December and commence the meetings on an annual basis structured as a workshop.

**Discussion of holding public information meetings regarding buffer legislation.**

Ostendorf and Deter summarized recent meetings throughout the state to discuss the recent buffer legislation. Board consensus to set a date to hold a local meeting to update District residents January 11<sup>th</sup> at 10:00 am at a location to be decided.

**Additional Business**

**Manager Distribution**

Manager Berndt discussed his desire for the Board to take action in regards to manager redistribution. Manager Berndt stated that Stearns County pays 78% of the levy and only have 40% representation. Manager Berndt feels this must be addressed. Deter stated that the Board could petition the BWSR Board to increase the number of Board members and redistribute managers. The NFCRWD Board could ask for increase, but the BWSR Board would determine the redistribution. Manager Berndt stated his position that the Constitution calls for fair and equitable representation [in regards to taxation] and he does not feel the current framework is representative of the District. Chairperson Wuertz stated that the addition of two managers from Stearns County would leave Stearns County with a voting majority. Manager Hanson stated the example of Senate seat distribution as a comparable framework representation of the current Board distribution. Chairperson Wuertz stated that the Managers should be voting on what's best for the watershed, regardless of County appointment.

After additional discussion, Chairperson Wuertz called for Board consensus to table the discussion of petitioning the BWSR Board until such a time that all managers are present to discuss and vote. Consensus to table the discussion.

**Technician's Report:**

**Activity Report:**

Lundeen stated that he is working on finishing up AG-BMP site inspections when crops come off. Equipment has been installed from DNR for the WPLMN grant, although part of the equipment has since been removed and is still not operational. Once the equipment has been installed, staff will be able to check it from the office and provide water level information to residents.

**Approve Additional Funding: Mike Arnold wetland restoration project.**

Due to cost overruns, the USFWS has requested approval of additional funding contribution of \$1,982 from the Rice-Koronis Project Fund [original approval of \$4,000] for a total contribution of \$5,982 to complete the project. Motion to approve additional funding made by Manager Hanson, seconded by Manager Berndt. Motion carried with all in favor.

**Update on 2015 AIS Program**

Lundeen gave an update on the AIS program and stated that the inspectors have concluded their inspections for the year. In light of the recent discovery of Starry Stonewart in Lake Koronis, DNR inspectors will be at the HWY 55 access every day until October 2nd.

**Koronis Infestation Report**

Lundeen referenced packet materials in an update to the Board on the Starry Stonewart infestation and its possible implications for Lake Koronis.

**Grove Lake Reimbursement: Approval of Resolution 2015-20 to return funding for 2015 contribution to AIS Inspections.**

Motion to approve resolution 2015-20 made by Manager Berndt, seconded by Manager Barchenger. Motion carried with all in favor.

**Bookkeeper / Administrative Assistant Report:**

See Financial Reports.

**Program Reports**

**Permit Report:**

**Permit 2015-06: Jensen Field Crossing [JD1]**

Ostendorf presented application to install a field road crossing within JD1. Board consensus to table the permit until after additional information is available from the survey and repair plan in order for proper elevation and sizing to be conducted.

**Drainage Report:**

**JD1 BR12 – HEI Change in Scope of Services to include Wetland Permitting**

***Review and approve scope from HEI to assist / prepare wetland permitting requirements for JD1 BR12 Repair; approve scope items 1-2 in the amount of \$6,650.***

Ostendorf presented scope of services and summarized need for information to complete project permitting. Motion to approve scope of services in the amount of \$6,650 [JD1-626] made by Manager Berndt, seconded by Manager Hanson. Motion carries with all in favor.

**CD 32 - Petition to Repair Portion of CD 32 Adjacent to and North of the Public Waters Basin Known as “Banker’s Slough”**

Ostendorf presented petition and stated that the requested area identified in petition was not considered part of the legal public system. Deter suggested the motion to dismiss the petition based on the findings of a lack of jurisdiction.

Motion was made to dismiss the petition based on the findings of a lack of jurisdiction by Manager Hanson and seconded by Manager Barchenger. Motion carried.

Manager Berndt inquired to the status of the Heieie property. Ostendorf explained that Mr. Heieie is working with an attorney, and all information has been provided.

Board allowed comment from the public. Johnson inquired on the accountable party responsible for a land-use change due to a lack of maintenance. Deter stated that he could not give legal advice to the public.

**CD 37– Request for Repair: Review repair request and inspection report for CD 37**

Ostendorf presented repair request for CD 37 and inspection report of current conditions. Ostendorf was not able to determine if the request was for a localized area or full system. Board directed Ostendorf to clarify with the requestor and bring it back to the Board.

**CD 21 – Inspection Report**

Ostendorf presented inspection report and repair request. No Board direction until more information obtained by survey.

**CD 43 – Update on insurance claim; Review and approve HEI Proposal for Survey, Repair Plans, Bid Documents, Construction Oversight and As-Builts (\$34,800)**

Ostendorf stated that Old Republic Surety had requested additional information, which she provided. Ostendorf presented scope of services to obtain information on conditions of system through survey, adjustments to repair plans

to reflect current conditions and work needed to be completed, modification of bid documents and proposal for construction oversight and completion of as-built survey. After discussion between Board and attorney, direction from Board to wait to approve scope until decision from insurance company in an effort to minimize costs that may not be covered.

**JD1 Branch 8 Fork 1 – Weller Drainage Request – Review inspection report.**

Ostendorf presented inspection report on existing conditions and stated that maintenance is likely needed as system is overgrown and dysfunctional. Board direction to table discussion on repair until receipt of proposals for survey and ACSIC determinations are reviewed.

**CD 29: Petition for Repair: Review petition for repair as submitted; legal to advise proceedings**

Ostendorf presented petition for repair. Board recognized petition for repair. Direction to discuss petition after review of proposals for survey and ACSIC determination.

**Other Ditch Business:**

None

**Board Member Meeting Reports:**

Manger Barchenger stated that he attended the Grove Lake Association meeting.

Board allowed public inquiry from Dave Johnson regarding staff's progress in checking Grove Lake dam elevations. Ostendorf stated that staff have not checked the level of the dam. Historic information regarding the elevations is available to the public, but a public data request is necessary in order to spend staff time in retrieving that information.

**Items for Next Meeting Agenda:**

No Discussion.

**Calendar Review:**

No Discussion

**FYI Items**

No discussion

**Adjournment:**

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

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John Hanson - Secretary