

North Fork Crow River Watershed District Regular Meeting Proposed Minutes October 12th, 2015

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

Managers Absent: None

Staff Present: Tara Ostendorf, Christopher Lundeen, Christine Knutson

Others Present: Kurt Deter(Rinke-Noonan), Roger Imdieke (Kandiyohi County Commissioner), Jason Weinerman (BWSR), Joe Lewis (Houston Eng.), John Maile (DNR), Karen Langmo (KLA), Al Loch (CD 21), Others

Call to Order:

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

Review and Approve Agenda

Manager Hanson clarified motions from the September Board meeting regarding CD 32 petition to repair north of Banker's Slough and requested removal of that item from the agenda. Motion to approve agenda as amended made by Manager Berndt, seconded by Manager Barchenger. Motion carried with all in favor.

Consent Agenda Items

Manager Barchenger removed the September meetings minutes for corrections. Motion to approve consent agenda excluding pulled items made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor.

1. Treasurer's Report and Bills to October 12th 2015
 - a. Check Register - 106 Bonanza Checking Acct
 - b. P & L Detail – All Accounts
 - c. Balance Sheet – All Accounts

September 10, 2015 Special Meeting Minutes and September 14, 2015 Regular Meeting Minutes: Corrections

Addition of CD 32 in the meeting title to identify meeting. Correction to motion and second under JD1 Impoundment Hearing. Motion to approve minutes as corrected made by Manager Barchenger, seconded by Manager Berndt. Motion carried with all in favor.

Open Discussion from the Public

John Maile, MN DNR private lands wetland specialist from Glenwood office, introduced himself to the Board. His position covers the entire state and his purpose is to work with local government units and private landowners to find funding for projects. NFCRWD is a priority area for ag production, habitat and recreational. He expressed interest in being an asset in developing projects and pulling together funding within the NFCRWD.

Roger Imdieke, Kandiyohi County Commissioner, updated the Board on 1W1P progress. Project continuing to make progress. Other updates; activities in MN River Basin to form a MN River Basin Commission.

Regular Agenda

Public Hearings

None

Staff Reports

Administrator's Report:

Approve payment to Michael Arnold (\$5,081 from Rice Koronis Project Fund)

Ostendorf summarized that the project came in under budget and the contribution to the project would be less than the Board allocated in September. Motion to amend and approve the final payment in the amount of \$5,081 from

Rice-Koronis Project Fund made by Manager Hanson, seconded by Manager Berndt. Motion carried with all in favor.

Approve BWSR PRAP grant agreement in the amount of \$1,500 for salary survey and job description revision.

Ostendorf presented the BWSR PRAP grant agreement. Motion to approve grant agreement made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor.

Review of submitted proposals for auditing services 2015-2017 and selection of proposal.

Ostendorf provided summary of proposals. Ostendorf recommended that the Board consider accepting the proposal from BerganKDV. Motion to accept proposal from BerganKDV made by Manager Hanson, seconded by Manager Berndt. Motion carried with all in favor.

Approval of MAWD registration and attendance.

Motion to approve registration to the MAWD Annual Convention for Board and staff who desire to go made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor.

MAWD Resolutions: Review and discussion of Clearwater River WD proposed resolutions.

Ostendorf summarized two MAWD resolutions proposed by Clearwater River Watershed District entitled “Watershed District Input on MN DNR Buffer Protection Map” and “Improvements in Process with Permitting Authorities for Water Quality Improvement Projects”. Motion to join resolution regarding permitting made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor.

Discussion of Drainage Assessments for 2016

Ostendorf presented current fund balances for all drainage system fund accounts including work proposed but not invoiced. After thorough review of current and expected expenses, plus any outstanding assessments, per system, the Board recommended the following assessments to be certified to the counties to begin collection in 2016:

Stearns CD 32: Motion to approve assessment certification in the amount of \$877,258.43 plus county filing fees at 4% interest over 15 years 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.

Pope-Stearns JD1: Motion to approve assessment certification in the amount of \$293,025 plus county filing fees at 4% interest over 4 years made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest as a benefitting landowner.

Stearns CD 37: Motion to approve assessment certification in the amount of \$49,193.34 plus county filing fees at 4% interest over 3 years made by Manager Berndt, seconded by Manager Barchenger. Motion carried with all in favor.

Additional Business

No additional

Technician’s Report:

Activity Report:

Lundeen gave update on the Pope-Stevens Waterfest. Lundeen stated that he is currently working on end-of-year monitoring reporting and data reporting as well as organizing records and completing documentation for grant projects.

Koronis Infestation Report

Lundeen gave summary of September meeting with DNR and stakeholders concerning the Starry Stonewort infestation on Lake Koronis. DNR has allowed closure of Hwy 55 access temporarily for chemical treatment. The chemical treatment was completed. Only the City Park access / Veterans Park will remain open for 2015. DNR and

KLA will be working on coordinating inspection hours from 6-7 am to sunset for the remainder of the open water season if possible.

Susan Langmo, KLA President, stated that Starry Stonewart has been found in other areas of the lake after DNR completed a more intensive survey and found them in a much larger area. DNR treated 4 acres adjacent to the Hwy 55 access.

Installation of I-lids Inspection Equipment – Koronis Landing

Lundeen gave an update on the installation of an I-Lids electronic inspection unit on Lake Koronis, acquired for Koronis Lake Association using existing grant funding for inspections. Lundeen provided an explanation of the purpose and capabilities of the unit. The unit is currently installed on Hwy55 access, but will be moving it to the Veterans Park access, pending the closure of that access. KLA requested from the vendor that the unit be mobile to various accesses depending on inspector availability.

Susan Langmo, KLA President, thanked the Board for obtaining the equipment and participating with the AIS Program.

Bookkeeper / Administrative Assistant Report:

See Financial Reports.

Program Reports

Permit Report:

2015-07: Tile Closure JD1 BR12 Fk 1 – Review permit application and set public hearing date.

Ostendorf presented request to tile and close Fork 1 of JD 1 Branch 12. Board directed Ostendorf to work with HEI to obtain grade and material specifications. Motion to set a public hearing date for November 9th at 8:00 pm made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor.

Drainage Report:

CD 32 Repair: Update on Project Proceedings - Update on permitting issues, schedule for bidding and construction; schedule special meeting to award bid.

Ostendorf summarized the project permitting and additional information requested by Stearns County under the Floodplain and Shoreland Alteration Ordinance and by the MN DNR regarding public water works permits. Deter stated the John Kolb will be working on putting together a memo to address the permitting requirements. Deter stated that the bid should not be awarded until a conclusion regarding permitting and the actual specifications for work can be met.

Ostendorf stated that a meeting date has been set with MN DNR representatives to work through their concerns. Ostendorf stated that bid opening will be conducted on October 15th, 2015. Intent to award as soon as possible.

Chelle Benson, Stearns County Environmental Services Director, summarized the County's requirement regarding the ordinance and regulatory process for work that is conducted in the floodplain. Benson stated that if material is sidecast in the ditch it requires a conditional use permit. If a legal opinion is presented to the contrary, that will be taken into consideration. Benson summarized the schedule for County approvals. Deter stated that staff, DNR and legal council will work to resolve the issue as soon as possible. Ostendorf stated that the biggest issue is the decision of the DNR to require a public water work permit at this point in the process.

Ostendorf stated that the ACOE required soil borings for an exemption decision and referenced the results in the Board handout. With this physical evidence and all of the historical records provided to the TEP and DNR, there is confusion as to what additional information can yet be provided to gain permission for the project.

The Board discussed the possibility of setting a special meeting date to award the bid for construction. Board consensus to set a special meeting to award bid, if needed, once a clear understanding of permit requirements is had.

JD 1 BR 12 Repair: Update on Wetland Permitting– *Update on the progress for wetland permitting.*

Joe Lewis, Houston Engineering, presented a summary of the work to date. Two wetlands were identified that may be impacted by repair and then surveyed. Lewis will put together an engineer summary and an exemption letter if applicable. In the engineer's opinion, based on survey results, the project will qualify for the exemption allowed.

JD 1 Main and Branches: – *Review scope of services from HEI for survey and ACSIC determination.*

Joe Lewis, Houston Engineering, presented the requested scope of services to conduct survey and ACSIC Determination for the remainder of JD1, not previously included in the Branch 12 survey and ACSIC determination. During the review of the scope, Lewis noticed a small reach that was missed in the proposal, which will need to be approved separately to be included in the project. Motion to approve the presented scope of services in the amount of \$79,800 made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor.

CD7 Repair: Update on Project Status – *Review inspection report; Update on status of CD 7 Survey and Engineer report (Bollig Eng)*

Ostendorf gave a summary on the inspection of the drainage system conducted by staff. Only those areas identified in previous minutes regarding corn stalks in the ditch were inspected. No major issues were found, however, there is a significant amount of vegetation blockage and stagnant flow throughout the system, indicating a need for maintenance.

Ostendorf summarized her discussion with Bollig Engineering regarding an outstanding scope of services to be completed. Bollig was contracted in 2014 to survey and prepare a report of existing conditions. To date, no report has been received. Phone calls with Bollig Engineer Chris Skonard revealed that there were some issues with survey data, but they expect the report to be completed soon.

CD 4: Installation of Sheet Pile Structure – *Review quote for installation of structure and plan for installation / repair.*

Ostendorf summarized the project to date and presented a contractor's quote for approval to install the structure. Chairperson Wuertz recommended that a sheriff be on hand when the contractor begins, based on past incidences in trying to complete the project. Board directed staff to send a letter to the affected landowners, informing them of the intended construction. Motion to approve the project quote from Tim Crompton Excavating in the amount of \$17,846.60 as presented made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor.

Other Ditch Business:

Allen Loch made a complaint to the Board that he has not received any information regarding his request for repair on CD 21. Everything to the north of his property has been repaired, but downstream has not been repaired. Loch also had concerns with a culvert that had been replaced on Josh's approval. Ostendorf stated that there was a lack of information on the system and inspections had found that the area requested to be repaired was likely in a wetland and would need to be considered for permitting. Ostendorf stated that at the September meeting, the Board had approved staff to get proposals for survey and ACSIC determination on the system, but that information had not been collected to date.

Loch stated that he had the area privately surveyed on his land to meet unrelated project permitting. Chelle Benson, Stearns ESD Director, confirmed that survey has been completed. Board directed staff to work with Loch to review existing survey and identify additional information needed.

Board Member Meeting Reports:

Discussion of Manager Distribution

Ostendorf summarized the previous discussions to date. Manager Berndt stated that Stearns County incurs 78% of the [administrative] levy and only has 40% of the [Board] vote. Manager Berndt also stated that the population description in the [NFCRWD Comprehensive] plan is inaccurate. Deter gave a summary of the statutes regarding adding managers 103D.305 and distribution of managers under 103D.301. Deter stated that the NFCRWD Board could petition BWSR through Board motion to increase the managers under 103D.301. BWSR would have the final say.

Manager Berndt summarized his position on the redistribution of managers as wanting to be sure the current distribution was fair and equitable. Chairperson Wuertz stated that the Board would need to increase by 2, and then Stearns County would have a majority of the vote. Manager Berndt stated even if the Board increased to four Managers from Stearns; then they would only have 56% of the vote, so it still wouldn't work [to align with the county administrative levy contribution]. Chairperson Wuertz stated his position that the Board needs to act as a whole on decisions and not be acting only on the behalf of their county appointment. Chairperson Wuertz stated that the producers [on the Board] have never shorted the lake associations in their decisions.

Manager Berndt restated his belief that the current structure of the Board is inequitable. Manager Hanson stated that the County could petition BWSR on their own, and that he sees no benefit to adding managers due in part to the additional cost.

Deter summarized the current issues and recommended that the Board make a motion to petition BWSR if they were in agreement as to the need.

Manager Hanson asked for the BWSR opinion on the discussion from Jason Weinerman, BWSR Board Conservationist. Jason Weinerman summarized the history of the establishment of the current structure of the Board. He stated that historically, across the state, the only other reason for adding managers has historically been because of the incorporation of an additional land area. Weinerman also stated that the Board could add Managers, and then consider asking Counties to share a manager in order to meet the 78% vote that Manager Berndt is concerned with.

Chairperson Wuertz asked for a motion. No motion made.

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.

John Hanson - Secretary