

North Fork Crow River Watershed District Regular Meeting Approved Minutes December 14th, 2015

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

Managers Absent: None

Staff Present: Tara Ostendorf, Christine Knutson, Christopher Lundeen

Others Present: Kurt Deter (Rinke-Noonan), Larry Ladwig (JD1), Steve Notch (Stearns Commis.), Roger Imdieke (Kandiyohi Commis.), Todd Heieie (CD32), Harold Marthaler, Others

Call to Order:

Chairperson Wuertz called the meeting to order at 1:00 pm.

Review and Approve Agenda

Chairperson Wuertz asked for additions or correction to the agenda. Ostendorf stated that item 6.a.2. on the agenda be corrected to state “Approve Resolution 2015-24: 2016 FLEX Plan”. Motion to approve agenda as amended made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor.

Consent Agenda Items

Chairperson Wuertz called for a motion to approve consent agenda. Motion to approve consent agenda items made by Manager Brauchler, seconded by Manager Berndt. Motion carried with all in favor.

1. Treasurer’s Report and Bills to December 14th, 2015
 - a. Check Register - 106 Bonanza Checking Acct
 - b. P & L Detail – All Accounts
 - c. Balance Sheet – All Accounts
2. Minutes
 - a. November 9, 2015 Regular Meeting Minutes
 - b. November 9, 2015 JD1 BR12 FK1 Public Hearing Minutes
 - c. November 23, 2015 Special Meeting Minutes
 - d. November 23, 2015 CD32 Informational Meeting Minutes
3. Additional Items
 - a. Approve contract amendment: ADG 2013-12-01 (Add \$ 538.87)
 - b. Approve payment: ADG 2013-12 (\$ 2,413.37)
 - c. Approve payment: Ag BMP 2014-03-01 (\$ 1,592.81)
 - d. Approve payment: Ag BMP 2012-08 (\$ 1,326.86)
 - e. Approve Payment: ADG 2015-01 (\$1874.90)

Open Discussion from the Public

Chairperson Wuertz called for public comment. Todd Heieie, a landowner on Stearns CD32, read aloud a letter of complaint regarding wetland determinations on his property which restrict the District’s ability to maintain the ditch through his property. The letter was submitted for the record. Based on legal counsel’s recommendation, the Board directed Ostendorf to set a meeting with Greg Bechtold of Stearns Environmental Services, Kurt Deter, Mr. Heieie and Ostendorf to discuss the determination and try to resolve the issue in favor of repair of the system through Mr. Heieie’s property.

Larry Ladwig asked the Board for a status update on JD1 Branch 12 repair. Ostendorf stated that it would be discussed later in the agenda.

Roger Imdieke updated the Board on the status of the NFCR One Watershed One Plan. The Policy Committee has selected a consultant and a subcommittee will be meeting to negotiate the contract.

Regular Agenda

Public Hearings

CD 4 Repair Proceedings: Review CD4 Inspection Report, Accept Engineer's Plans and Specifications, Select Contractor Quote, Authorize Contract Execution with Contractor

Chairperson Wuertz recessed the regular meeting and opened the public hearing at 2:00 pm.

Ostendorf presented staff's inspection report regarding current conditions of the system. Ostendorf presented the revised engineer's construction plan and specifications [revised from 2007 approved plans]. Ostendorf presented tabular summary of quotes obtained to complete work [begun in 2007]. Ostendorf stated that references for the low quotes from Land Pride Construction and Tim Crompton Excavating were both checked and both contractors had favorable references for relevant work completed.

Chairperson Wuertz asked for public comment or questions. Hearing none, Wuertz asked for a motion regarding approval of the revised plan [from 2007] and specification for work. Motion to accept the engineer's revised plan and specification made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor.

Chairperson Wuertz asked for a motion regarding acceptance of a contractor's quote to complete the work as proposed. Manager Barchenger sought Deter's opinion on whether or not a conflict of interest was present, as the low quote contractor is also a benefitting landowner on the system. Deter stated there was no conflict. Motion to accept the proposal of Land Pride Construction in the amount of \$17,300 made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor.

Ostendorf requested that the Board authorize her to administer and execute the contract with Land Pride Construction in order to expedite the repair and provide flexibility due to timing of construction. Chairperson Wuertz called for motion to that affect. Motion to authorize Administrator to execute contract made by Manager Barchenger, seconded by Manager Berndt. Motion carried with all in favor.

Chairperson Wuertz asked for a motion to close the public hearing. Motion to close the public hearing for Meeker CD 4 made by Manager Berndt, seconded by Manager Barchenger. Motion carried with all in favor. Chairperson Wuertz resumed regular meeting.

Staff Reports

Administrator's Report:

Approve Resolution 2015-23: Personnel Policy Amendment

Ostendorf presented resolution to amend personnel policy to provide definitions and clarification for employment types in anticipation of hiring an intern. Motion to adopt resolution 2015-23 made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor.

Approve Resolution 2015-24: 2016 FLEX Plan

Ostendorf presented resolution to update language and revise allowable maximum contributions for the 2016 FLEX Plan for employees. Motion to adopt resolution 2015-24 made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor.

LMCIT Bonding and Insurance Update

Ostendorf summarized the District's coverage under the League of MN Cities Insurance Municipal Liability and Worker's Compensation policies as well as the District's recently approved Bond Coverage.

Approve Payment of 2015 Property Taxes for 1030 Front Street in the amount of \$1,527.12

Ostendorf informed the Board that 2015 property taxes for the 1030 Front Street office building are due and payable to Stearns County. According to County policy and applicable property purchase date, the District is not exempt from property taxes as a government entity until 2016. Ostendorf stated that conversations with the Stearns County

assessor's office confirmed that the District is exempt from property taxes beginning in 2016. Motion to approve payment of 2015 property tax statement made by Manager Berndt, seconded by Manager Barchenger. Motion carried with all in favor.

Discuss end of year meeting to approve bills.

Ostendorf requested that the Board set a date to approve any final business for 2015, as per Board custom. By consensus of the Board, a meeting is set for Tuesday, December 29th, 2015 at 1:00 pm.

1W1P Update

Manager Hanson, as appointed 1W1P policy committee member, updated the Board on the status of the plan. To date, the advisory committee reviewed and recommended two proposals for plan writing for consideration to the policy committee. The policy committee interviewed the consultants, Wenck and Houston Engineering, and ultimately voted to select the proposal submitted by Houston Engineering. At a later date, a subcommittee of the policy committee will meet with Houston Engineering to discuss contract details. Once the full policy committee approves the contract, Houston Engineering will begin working with the advisory and policy committees to begin writing the plan. Roger Imdieke added additional information regarding the process to date. Manager Berndt stated his concern that the process may lead to a loss of local control in what it is incorporated into the plan.

Additional Business

None

Technician's Report:

2015 Monitoring Report

Lundeen gave report of 2015 monitoring season. Based on the approved plan for 2015, the District monitored six ditch sites, six river sites, and completed sampling on three of four recreational lakes in the District. Lundeen summarized the rainfall data (collected from residents). Data showed Total Suspended Solids (TSS) in line with site averages for the year with higher TSS results for JD1 BR12 and NFCR Hwy 19. Data showed *E.coli* in line with site averages with high readings for CD 7, CD32, JD1 Hwy 18, CD 4 and CD 5. Data showed Total Phosphorus (TP) in line with site averages with high readings for CD 7, CD32, JD1 Hwy 18, CD 4 and CD 5. The majority of the samples fall under state standards set for river sites. CD32, JD1, CD7 far exceed the state standards for TP. The District collected only two samples at its denitrifying bioreactor site. Of those two samples, data showed a reduction in TP, OP, TKN, TSS and N+N had mixed results. For lake sampling secchi readings showed good clarity throughout the season. Trophic State Index (TSI) values showed that the lakes fell within Mesotrophic-Eutrophic TSI standards. TSI averages are unclear as there is not enough data to be significant. No questions from the Board.

Bookkeeper / Administrative Assistant Report:

As reported in Financial Statements.

Program Reports

Permit Report:

No permits.

Drainage Report:

CD 32 and JD1 County Temporary Funding and Bonding- Discussion of funding options and review of resolutions to approve bond funding.

Ostendorf presented resolutions to facilitate bonding and authorize temporary funding measures for repair proceedings for CD 32 and JD 1. Ostendorf stated that both resolutions lay the framework as required by Stearns County for temporary funding from the County and bonding through the County. Motion to adopt resolutions in the matter of the repairs of Stearns County Ditch 32 and Stearns-Pope Judicial Ditch 1 stated as Bonding Deficiency Resolution and Reimbursement Resolution made by Manager Brauchler, seconded by Manager Hanson. Motion carries with all in favor. Managers Barchenger and Berndt abstained due to conflict of interest as benefitting landowners on the systems.

CD 32 and JD1 Drainage Assessments– Consideration of prepayment for 2016 and levy certification in 2017.

Ostendorf informed the Board that the District is required under MN Stat. 103E.731 Subd. 4 to hold a prepayment period to allow those benefitting landowners to prepay assessments to avoid annual interest accrual. Ostendorf requested that the board amend the previous motion to for drainage assessment certification to state that the start date of collection will begin in 2017. This will allow the District to collect prepayments in 2016 prior to the final bonding request. Motion to amend collection of assessments to begin in 2017 and to hold a prepayment period in 2016, made by Manager Hanson, seconded by Manager Brauchler. Motion carries with all in favor. Managers Barchenger and Berndt abstained due to conflict of interest as benefitting landowners on the systems.

CD 32 Repair: Status Update & Review from Informational Meeting: Direction on Weller Tile Replacement, Multiple Bid Items, Extended Timeframe for Work, Test Pit and Scoping CR 22 Crossing

Ostendorf restated the discussion items and recommendations from the November 23rd, 2015 landowner informational meeting, as stated in the approved minutes. Ostendorf asked for motions to approve the following:

- 1.) To accept the engineer's modified alignment of the Weller tile, which will now cross south of the township road and be installed on the Fischer property to avoid utility obstruction and possible failures of the Weller manure pit. Motion to accept engineer's modified alignment made by Manager Barchenger, seconded by Manager Brauchler. Motion carries with all in favor. Manager Berndt abstained due to conflict of interest as a benefitting landowner on the system.
- 2.) To break the overall bid request into four separate bid items, to be bid separately or in aggregate as follows: Branch 1 and erosion control practices, Branch 2 and erosion control practices, Tile Replacements and Realignment, and Buffer Reestablishment. Motion to approve bid request modification as stated made by Manager Brauchler, seconded by Manager Barchenger. Motion carries with all in favor. Manager Berndt abstained due to conflict of interest as a benefitting landowner on the system.
- 3.) To extend the timeframe for construction to be commenced within an 18-month period, allowing for contractor flexibility in the bid process. Motion to approve extension for construction made by Manager Brauchler, seconded by Manager Hanson. Motion carries with all in favor. Manager Berndt abstained due to conflict of interest as a benefitting landowner on the system.
- 4.) Motion to decline quote from MBC Drainage in the amount of \$1,500 to investigate tile condition under CR 22 and to forgo further investigation of the tile condition. Motion to decline quote and discontinue additional investigation made by Manager Brauchler, seconded by Manager Hanson. Motion carries with all in favor. Manager Berndt abstained due to conflict of interest as a benefitting landowner on the system.

CD 32 Repair: Adjusted Scope of Services– Review and approve scope of services adjustment from RESPEC due to additional work requested.

Ostendorf presented the Board with an adjusted scope of services request from RESPEC Consulting. This adjustment is requested based on the Board's decision to reject the low bid and commence rebidding as well as additional services required by the ACOE for soil boring which was outside of the original scope of work requested by the District. RESPEC respectfully requests an amendment to its originally approved scope of services to complete the additional work as directed by the Board in the amount of \$12,989.72. Motion to approve adjusted scope of services in the amount requested made by Manager Barchenger, seconded by Manager Brauchler. Motion carries with all in favor. Manager Berndt abstained due to conflict of interest as a benefitting landowner on the system.

JD 1 BR 12 Repair: Status Update

Ostendorf stated the project is being submitted to the applicable agencies for consideration. Ostendorf is working with Houston Engineering to determine the best information to send to regulators for a speedy approval process.

CD7: Bollig Repair Report: Discussion of Board action to receive deliverables.

Ostendorf updated the Board on the status of the deliverables by Bollig Engineering. At the time of the meeting, the deliverables had still not been received, after numerous efforts by staff to contact the principle engineer. After discussion, a motion was made by Manager Berndt to authorize Ostendorf to send a letter of notice to the engineer from the Board requesting deliverables by the next meeting date. Motion seconded by Manager Barchenger. Motion carried with all in favor.

CD 43: Status Update

Ostendorf stated that the engineer will be surveying the ditch before the end of the year. The original plan sheets for the repair will be updated with the new existing conditions line and a bid sheet will be prepared for the Board's approval.

CD29: Dismissal of Petition – *Review and approve request to dismiss petition for repair.*

Ostendorf presented a request to dismiss the submitted petition for repair. The request for dismissal was submitted by the same individual who submitted the original petition for repair. Motion to approve dismissal of the petition for repair made by Manager Hanson, seconded by Manager Berndt. Motion carried with all in favor.

Other Ditch Business:

None

Board Member Meeting Reports:

Manager Brauchler updated the Board on the MAWD drainage seminar. Deter gave summary of the seminar. The Board discussed additional items related to the seminar.

Manager Hanson stated that he attended the Stearns County public hearing for the proposed septic ordinance changes. There was a large turn-out for the meeting with the majority opinion in favor of the current ordinance. The County Board since voted to let the current ordinance stand without change. Some protocol changes regarding disputes may come through at a later date.

Manager Hanson stated the he felt the 2015 MAWD Conference was informative.

Items for Next Meeting Agenda:

Board directed staff to work with Rinke-Noonan regarding the District's upcoming buffer informational meeting.

Calendar Review:

No Discussion

FYI Items

No discussion

Closed Meeting: Personnel Reviews

Chairperson Wuertz closed the meeting for the purposes of conducting personnel reviews and reviewing salary structure revision recommendations. Upon conclusion of discussion, Chairperson Wuertz opened the meeting back up to the public.

Motion to approve 7.1% increase for Watershed Technician in line with the revised salary structure provided made by Manager Hanson, seconded by Manager Berndt. Motion carried with all in favor. Motion to approve 12% increase for the Bookkeeper/Administrative Assistant in line with the revised salary structure provided made by Manager Hanson, seconded by Manager Barchenger. Motion to approve 12.2% increase for the Administrator / Drainage inspector in line with the revised salary structure provided made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor.

Review and approve salary survey information, recommendations for 2016 Payroll

The Board made a motion to approve hourly wage and salary adjustments for staff.

Adjournment:

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

John Hanson - Secretary