

## North Fork Crow River Watershed District Approved Regular Meeting Minutes September 11<sup>th</sup>, 2017

**Managers Present:** Gary Berndt, Bob Brauchler, Jim Wuertz, Jim Barchenger, John Hanson

**Managers Absent:** None

**Staff Present:** Cris Skonard, Christine Knutson, Christopher Lundeen

**Others Present:** John Kolb (Rinke-Noonan), Geoff Kramer (RESPEC), Steve Notch (Stearns County), Jim Weller, Art Marthaler, Ralph Klassen, Jeff Hendrickson, Boyd Fischer, Larry Ladwig, Roger Imdieke (Kandiyohi County), Aric Bowen, Craig Duchene, Bob Duchene, Jim Kollman, Paul Reitsma, others

### 1. Call to Order

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

### 2. Review and Approve Agenda

Motion to approve the revised agenda made by Manager Hanson, seconded by Manager Barchenger. Motion carried.

### 3. Consent Agenda Items

President Wuertz called for a motion to approve the consent agenda.

1. Treasurer's Report and Bills to September 11<sup>th</sup>, 2017
  - a. Check Register - 106 Bonanza Checking Acct
  - b. P & L Detail – All Accounts
  - c. Balance Sheet – All Accounts

Manager Berndt questioned the mileage paid to the Administrator for attendance at the BWSR Meeting regarding the petition to increase the number of managers. Consensus of Board indicated appropriate for the Administrator to attend meetings which affect District.

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

Affirmative: Barchenger, Berndt, Brauchler, Hanson, Wuertz

Opposed: None

### 4. Minutes

August 14<sup>th</sup>, 2017 Regular Meeting Minutes

Motion to approve the corrected minutes made by Brauchler, seconded by Barchenger. Motion carried.

### 5. Open Discussion from the Public

President Wuertz asked for comment from the public.

Boyd Fischer discussed the recently discovered culvert outlet near the (manhole) of tile line located on the west side of the Weller property. He wanted to know if it was to be connected to the tile line which is to be installed along the Weller property during ditch closure. Board directed Skonard to have a camera determine the direction and purpose of the tile outlet. Mr. Fischer also discussed the field crossing on his property. Board directed Skonard to go out and look at it.

Jeff Hendrickson requested a redetermination of benefits on his property near Grove Lake as much of his land has changed since the last redetermination. Attorney Kolb recommended that he contact a viewer and possibly petition to remove some property from the roster.

## **6. Acceptance Hearing JD1BR12**

President Wuertz recessed the regular meeting and opened the public hearing at 8:00 pm. Kolb led the discussion of the acceptance process. Joe Lewis, HEI, presented a report of all activities which occurred during the repair. Wuertz asked for public comment. Manager Berndt stated high water observed on FK5 with no water in the wetland. Jeff Hendrickson discussed county road and culvert elevations and the effect on ground water levels. Lewis responded about the established grade line in relation to road culvert elevations. Berndt stated grade line based on soil borings. Dave Johnson asked about financial liability of repairing bank sloughing. Lewis responded there may be localized sloughing but vegetation establishment in the exposed areas in conjunction with no vegetation removal on the upper portions of the ditch banks should alleviate sloughing. Wuertz asked for additional comment and heard none. Kolb recommended the Board accept the report on the following findings:

1. Hearing notice for two weeks in addition to postcards to all landowners on JD1.
2. Receive the Engineer's Final Report.
3. Repair completed according to the plans and specifications.
4. No claims for damages.
5. All work performed within the limits.

Berndt requested that a warranty be included in the Order.

Motion to accept the findings and release MBC retainage in the amount of \$8,516.90 made by Brauchler, seconded by Hanson. Motion carried.

Affirmative: Brauchler, Hanson, Wuertz

Opposed: None

Abstain: Barchenger, Berndt

Motion to close the public hearing and resume the regular meeting made by Berndt, seconded by Brauchler. Motion carried.

## **Agenda**

### **7. Staff Reports**

#### **A. Administrator's Report:**

##### **1. Activities**

Skonard updated the Board on various activities within the District.

##### **2. Record Retention Policy**

Skonard presented memo from Rinke-Noonan regarding record retention. District has record retention policy but may not have been approved by the State Records Retention Committee. Skonard to review District policy to ensure conformity to State requirements/law.

##### **3. BWSR Petition to increase Managers**

Skonard informed the Board that he contacted Jason Weinerman (BWSR) regarding manager petition. BWSR Central Committee acted on a decision but was not able to disclose decision until September BWSR Board packet.

##### **4. Paynesville Township Streambank Stabilization**

Manager Hanson provided supplemental information regarding the corrective action taken by Paynesville Township to repair a streambank that was threatening a township road. Noted there was no financial help from SWCD, no DNR permits required and immediate proactive need to complete repairs while river levels were low. Manager Brauchler inquired if lake associations had contributed money. Berndt wanted the lake associations to participate. Hanson shared other township projects which the District had financially contributed noting Rice-Koronis Project savings had money for these types of projects.

Motion to contribute \$8,000.00 from the Rice-Koronis Project savings account to assist with the Paynesville Township riprap project made by Barchenger, seconded by Berndt. Motion carried.

Affirmative: Barchenger, Berndt, Brauchler, Hanson, Wuertz

Opposed: None

### **5. Buffer Violation**

Skonard advised the Board there is no policy on buffer violations and staking. Jim Weller presented his violation notice and asked that common sense be used when sending violations. Kolb lead a discussion on the differences between 103E buffers and the “Governor’s” buffers.

### **6. Drainage Policy**

Skonard informed the Board on the status of the Drainage Policy. It appears that a draft policy had been sent to legal for review last fall. Kolb stated he would look into where the policy draft ended up at the firm.

### **7. BWSR Academy**

Skonard requested authorization for him and Christopher Lundeen to authorize attend the BWSR Academy in Brainerd on November 1-2.

Motion to authorize attendance for the Administrator and Watershed Technician to attend the BWSR Academy made by Hanson, seconded by Brauchler. Motion carried.

Affirmative: Barchenger, Brauchler, Berndt, Hanson, Wuertz

Opposed: None

### **8. Copying Expense**

The District office has, in the past, provided access to copying equipment, material and assistance for the Grove Lake Association to print their annual newsletter which has been reimbursed by the Association. However, the District has been required to file sales tax returns on the reimbursement which is time consuming given the small amount. Consensus of Board to discontinue outside reimbursable copying activities.

### **9. Additional Business**

Jim Weller provided and update on the CAC meeting. Noted the presentation by John Maile, DNR, about the recently published SWAMPD guide. Weller also noted the CAC motion to advise the Board to review the buffer marking policy.

Joe Lewis, HEI, advised the Board of the recently announced BWSR Drainage Records Modernization Grant. He provided details about the grant and requirements.

Motion to have staff work with HEI to develop an application made by Barchenger, seconded by Brauchler. Motion carried by majority.

## **B. Technician’s Report:**

### **1. Activity Report:**

Lundeen gave report of his activities. Noted that monitoring has slowed down for the season. WRAPS II will be holding the third meeting this month. He will be attending two water festivals this month.

### **2. AIS Inspection Update**

Monitoring has slowed since Labor Day but monitoring to continue on Koronis throughout the Fall. Noted Starry Stonewort confirmed on Lake Minnewaska.

### **3. Stearns County Wetland Restoration**

Lundeen presented a financial assistance request for the Terry Miller Wetland Restoration Project located in Section 1 of Paynesville Township, Stearns County. RLA and KLA have contributed \$1,000 and \$500, respectively.

Motion to provide up to \$1,892.50 from the Rice-Koronis Project savings account to the Terry Miller Wetland Restoration Project made by Brauchler, seconded by Barchenger. Motion carried.

Affirmative: Barchenger, Brauchler, Berndt, Hanson, Wuertz

Opposed: None

### **4. Grove Lake Vegetation Survey-Wenck Bill**

Lundeen provided the final bill for the Grove Lake Vegetation Survey. The vegetation study grant and GLLA contribution covered the majority of the project costs. Motion to pay Wenck Engineering in the amount of \$200.42 from the Watershed Wide Project Fund made by Hanson, seconded by Brauchler. Motion carried.

Affirmative: Barchenger, Brauchler, Berndt, Hanson, Wuertz

Opposed: None

## **C. Funds Manager / Administrative Assistant Report:**

As reported in Financial Statements.

## **8. Program Reports**

### **A. Permit Report:**

Jim Weller requested that approximately 600-700' of tile be installed on CD32 BR2 FK3 and close that portion of open ditch. Kolb stated this can be handled several ways and will provide advice as this is not simply a discrete Board action.

### **B. Drainage Report:**

#### **1. CD 21: Status Update:**

Skonard updated the Board on schedule. Land Pride Construction will have work completed by October 15.

#### **2. CD 32: Status Update**

Geoff Kramer (RESPEC) provided an update on the buffer installation. Art Marthaler and Jim Weller still had issues on tile outlets and the previous identified outlets. Kolb suggested preparing "final" list and closing out the MME portion of the contract upon completion of the "final" list. Kramer presented pay application for MBC Drainage.

Motion to approve the pay request to MBC in the amount of \$3,578.65 made by Barchenger, seconded by Hanson. Motion carried.

Affirmative: Barchenger, Brauchler, Hanson, Wuertz

Opposed: None

Abstained: Berndt (benefited land owner)

Boyd Fischer presented a claim for damages under the easement agreement with the District. Discussion regarding additional land damage claimed beyond easement area. Kolbe stated damages to be paid according to agreement.

Motion to approve easement agreement claim from Boyd Fischer in the amount of \$4,320.00 made by Barchenger, seconded by Hanson. Motion carried.

Affirmative: Barchenger, Brauchler, Hanson, Wuertz

Opposed: None

Abstained: Berndt (benefited land owner)

**3. CD7: Update:**

Skonard presented a pay application prepared by ISG for MBC Drainage. There were questions on item #5 of the change order in the pay application. Consensus to approve the application minus item #5 until details provided.

Motion to approve the pay application request to MBC Drainage in the amount of \$254,940.93 made by Berndt, seconded by Hanson. Motion carried.

Affirmative: Barchenger, Berndt, Brauchler, Hanson, Wuertz

Opposed: None

**4. JD 1 Main and Branches: Status Update:**

Joe Lewis gave a presentation on the proposed record re-establishment for JD1. Legal counsel to assist with the re-establishment process. Lewis also presented a scope of services to complete the engineering report on the remaining portion of JD1.

Motion to approve the HEI Scope of Services in the amount of \$17,552.00 made by Brauchler, seconded by Hanson. Motion carried.

Affirmative: Brauchler, Hanson, Wuertz

Opposed: None

Abstained: Barchenger, Berndt (benefited land owners)

**5. CD 37: Update**

Skonard informed the Board that a data request from Frank Law Office, representing Virgil Fuchs, has been fulfilled.

**6. CD3: Update**

Skonard informed the Board that Land Pride Construction had submitted a quote for around \$3,400. Skonard checked at the Stearns Courthouse and could not find any other information for CD3.

**7. Other Ditch Business:**

Wuertz and Barchenger volunteered to be on assessment committee which will meet prior to next meeting.

Wuertz inquired on status of Mueller repair. Board directed Skonard to coordinate repair on the Mueller property.

**C. Board Member Meeting Reports:**

None

**9. Items for Next Meeting Agenda:**

**10. Calendar Review:**

Three month outlook calendar provided.

**11. FYI Items:**

None

**12. Closed Session-Attorney Letter from States Borders Construction:**

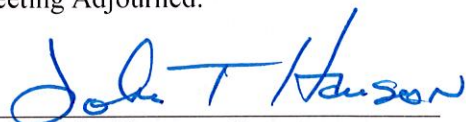
10:10 pm Motion to close the regular meeting and open closed meeting to discuss legal issues with SBC made by Brauchler, seconded by Berndt. Motion carried.

10:55 pm Motion to close closed session and re-open regular meeting made by Hanson, seconded by Barchenger. Motion carried.

Attorney Kolb addressed public regarding nature of meeting and answered questions.

**12. Adjournment:**

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



John Hanson – Secretary

Oct 9, 2017