

NORTH FORK CROW RIVER WATERSHED DISTRICT
BOARD OF MANAGERS
Approved Regular Meeting Minutes
June 10, 2019

Managers Present: Gary Berndt, James Barchenger, Bob Brauchler, John Hanson and James Wuertz
Staff Present: Cris Skonard, Christine Knutson and Tim Struwve (NFCRWD Intern)
Staff Absent: Christopher Lundeen
Others Present: Kurt Deter (Rinke Noonan), Boyd Fischer, Virgil Fuchs, Chris Hall (BerganKDV), Roger Imdieke (Kandiyohi County Commissioner), Roger Lyon, Larry Ladwig, Steve Notch (Stearns County Commissioner), Joe Lewis (Houston Engineering, Inc.), Troy Walz, Tom Weber and others
Recording Secretary: Diane Beck, Legal & Administrative Assistants, Inc. (LAA)

1. **CALL TO ORDER**—President James Wuertz called the meeting to order at approximately 7:00 p.m.
2. **ELECTION OF OFFICERS**—President Wuertz turned the meeting over to John Hanson for election of officers.

Hanson asked for nominations for President. President Wuertz nominated Bob Brauchler. Hearing no further nominations,

IT WAS MOVED BY James Barchenger, SECONDED BY James Wuertz, to close the nominations and elect Bob Brauchler as President. MOTION CARRIED.

President Brauchler asked for nominations for Vice President. Barchenger nominated James Wuertz. Hearing no further nominations,

IT WAS MOVED BY John Hanson, SECONDED BY James Barchenger, to close the nominations and elect James Wuertz as Vice President. MOTION CARRIED.

President Brauchler asked for nominations for Secretary. Gary Berndt nominated John Hanson. Hearing no further nominations,

IT WAS MOVED BY James Barchenger SECONDED BY James Wuertz to close the nominations for Secretary and elect John Hanson as Secretary. MOTION CARRIED.

President Brauchler asked for nominations for Treasurer. John Hanson nominated James Barchenger for Treasurer. Hearing no further nominations,

IT WAS MOVED BY John Hanson, SECONDED BY James Wuertz, to close the nominations and elect James Barchenger as Treasurer. MOTION CARRIED.

3. **REVIEW & APPROVE AGENDA**—President Brauchler presented the Agenda. Manager Berndt asked to add under CD32, leveling.

IT WAS MOVED BY James Barchenger, SECONDED BY James Wuertz, to approve the Agenda with the addition to CD32 to discuss leveling. MOTION CARRIED.

4. **CONSENT AGENDA**— Skonard reported the financials include the H2Over Viewers bill, which was adjusted to withhold \$4,000 as it was decided not to prepay the entire invoice. The remaining \$4,000 will be paid after the landowners meeting and acceptance hearings. Manager Berndt was approached by property owners with a concern regarding being billed for time on drainage ditches and inquired why lake associations are not billed. Skonard explained and stated in the future, lake associations will be billed once a project is established.

IT WAS MOVED BY James Barchenger, SECONDED BY James Wuertz, to approve the following Consent Agenda:

1. Treasurer's Report and bills to June 10, 2019
 - a. Check register—106 Bonanza checking account
 - b. Profit & Loss Detail—all accounts
 - c. Balance Sheet—All accounts

Roll call vote was taken.

Affirmative: Barchenger, Brauchler, Berndt, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

5. **MINUTES**—President Brauchler presented the May 13, 2019 minutes. Berndt noted the discussion under Drainage Report/Boyd Fischer Inspection should have included verbiage that the issue was tabled. Manager Hanson asked Manager Berndt for clarification regarding the Boyd Fischer issue. Manager Berndt commented on the need to discuss how the ground was left after the leveling project. He also noted under Drainage Report second paragraph Brad Marthaler should be changed to Art Marthaler.

IT WAS MOVED BY James Wuertz, SECONDED BY James Barchenger, to approve the May 13, 2019 Minutes with the corrections noted above. MOTION CARRIED.

6. **OPEN DISCUSSION FROM THE PUBLIC.** Boyd Fischer inquired about attorney's fees on CD32. Skonard reported the fees were for Attorney Kurt Deter's attendance at meetings regarding CD32.

7. **STAFF REPORTS—**

a. **Administrator's Report.**

1. **2018 Audit Presentation.** Skonard introduced Chris Hall of BerganKDV. Hall presented the 2018 Audit of the Financial Statements and thanked Christine Knutson for her work. Hall reported a clean opinion with no errors. Hall provided highlights of the Communications Letter and the Special Project Funds. An inquiry was made regarding the monthly meeting Balance Sheet not reflecting changes in some of the numbers. Knutson explained that there would have to be many more journal entries made in QuickBooks during the year in order to reflect the change in some of the items. Other accounting software is available, but is expensive. Hall concurred with Knutson.

IT WAS MOVED BY James Barchenger, SECONDED BY John Hanson, to accept the 2018 Audit of the Financial Statements as presented.

Roll call vote was taken.

Affirmative: Barchenger, Brauchler, Berndt, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

2. **Activities.** Skonard reported:
 - May 14th he attended the Regional Watershed Administrator meeting
 - Attended the Grove Lakeshore Association meeting
 - June 5th he attended the One Watershed, One Plan (1W1P) TAC and Policy Committee meeting
3. **Watershed Boundary Change.** Skonard and Attorney Deter provided information they received from the Minnesota Board of Water & Soil Resources (BWSR). The Petition is being reviewed and if there is no request for a hearing, BWSR could reach a decision in August. Attorney Deter feels a hearing will be necessary, which could delay the decision by a month or two. Skonard inquired if

landowners could be notified regarding the redetermination of benefits; Attorney Deter felt advance notification to landowners can be made. Attorney Deter will keep in contact with BWSR.

4. **Pirz Lake Association Petition—Appoint Appraisers.** Skonard reported he visited with Ron Ringquist regarding appraising the Pirz Lake Project. Skonard recommended Ron Ringquist, Jeff Johnson and Al Kerber be appointed as appraisers.

IT WAS MOVED BY John Hanson, SECONDED BY James Barchenger, to appoint Ron Ringquist, Jeff Johnson and Al Kerber as the appraisers for the Pirz Lake Association Petition.
Roll call vote was taken.

Affirmative: Barchenger, Brauchler, Berndt, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

Skonard reported the project number 2019-1 will be assigned and the preliminary report from Houston Engineering has been reviewed. Tom Weber shared he appreciates the quick response and the project is moving ahead nicely. He also shared the residents are more in favor of the project.

5. **1W1P.** Skonard reported a meeting was held last week where a discussion was held regarding using 1W1P Watershed funds for side inlets. Skonard asked the Board if the side inlets are identified, would the ditch pay for the cost share. The Board concurred to utilize grant money, if possible since it is a 75/25 split.

Skonard reported the Middle Fork Watershed District was appointed as fiscal agent for 1W1P and reviewed the newly-adopted Watershed-based Funding Grant Subcontract Policy and Procedure from Middle Fork.

IT WAS MOVED BY James Wuertz, SECONDED BY James Barchenger, to approve the policy and procedure subcontract with the Middle Fork Watershed for 1W1P. MOTION CARRIED.

6. **MAWD Summer Tour—Attendees.** Skonard reported he and Managers Hanson and Barchenger have expressed interest in attending the Minnesota Association of Watershed Districts (MAWD) Summer Tour June 26-28 at the Courtyard by Marriott in Moorhead.

IT WAS MOVED BY James Wuertz, SECONDED BY John Hanson, to approve the attendance of Jim Barchenger, John Hanson and Cris Skonard at the Minnesota Association of Watershed Districts Summer Tour at the full conference rate of \$175 per person.

Roll call vote was taken.

Affirmative: Barchenger, Brauchler, Berndt, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

7. **Additional Business.** No additional business.

- b. **Watershed Project Coordinator's Report.** Skonard provided the report for Christopher Lundeen, who was unable to attend the meeting.

1. **Activity Report.**

- WPLMN site near Paynesville. Tim Struwve is now certified to take watershed pollutant load monitoring (WPLMN) samples.
- Monitoring continues and high phosphorus and E Coli has been reported.
- Lake sampling has begun.
- Watershed Restoration and Protection Strategies (WRAPS) update.

2. **Stearns AIS Committee Update.** As reported at last month's meeting, Lundeen was appointed to the Stearns Aquatic Invasive Species (AIS) Committee.
3. **Pope/Stevens Conservation Day.** Skonard referred to the letter from the Pope & Stevens Soil & Water Conservation Districts (SWCD) requesting funding for 5th graders to attend the Stevens & Pope SWCD Conservation Day at Scandia Wood Environmental Learning Lab (SWELL) on September 26, 2019. Skonard recommended the NFCRWD help fund the cost of one bus to the event.

IT WAS MOVED BY John Hanson, SECONDED BY James Barchenger, to approve funding for bus transportation in the amount of \$200 for the 5th grade Stevens & Pope Soil & Water Conservation Districts Conservation Day on September 25, 2019.

Roll call vote was taken.

Affirmative: Barchenger, Brauchler, Berndt, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

4. **Additional.** No additional business

- c. **Funds Manager/Administrative Assistant's Report.** As reported in the financial statements.

PROGRAM REPORTS

- a. **Permit Report.** No report.
- b. **Drainage Report.**

1. **CD 32 Update: SBC Update-Tentative Agreement.** Skonard reported a letter was sent to States Borders Construction regarding terminating the contract. NFCRWD received a response and a meeting was held. Skonard shared good discussion was held and a tentative agreement was made to settle the project. Skonard reviewed the details of the agreement, i.e., States Borders Construction will replace 377 feet of pipe and NFCRWD will agree to pay \$10,000 on the work already done. Skonard felt it was a good agreement. A lengthy discussion was held regarding the pipe warranty. Skonard will make a site visit. Skonard recommended NFCRWD take the offer negotiated.

Roger Lyon asked about the rights of landowners. Attorney Deter stated it is a board decision. If landowners would like further explanation from Roger Justin, a meeting may be needed. He also stated warranty of the pipe begins after the acceptance hearing. Manager Berndt suggested the CD 32 committee meet and make a recommendation for the Board. Boyd Fischer suggested a special meeting be scheduled with NFCWRD and landowners and invite Justin to explain the agreement. Attorney Deter concurred with Fischer's suggestion. Skonard will contact Justin and schedule and notice the meeting and notify the landowners of the meeting date.

Leveling on Boyd Fischer Property. Skonard made a site visit and reported the leveling has not been completed. Fischer read the portion of the contract regarding returning the property to its original state. Manager Berndt felt NFCRWD should uphold the contract.

IT WAS MOVED BY Gary Berndt, SECONDED BY John Hanson, that the North Fork Crow River Watershed District make the needed repairs to Boyd Fischer's property after crops have been harvested.

Roll call vote was taken.

Affirmative: Barchenger, Brauchler, Berndt, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

Fischer discussed and read the easement contract section regarding maintenance repair covenants and requested reimbursement for crop damage when the repairs were made. Attorney Deter stated Fischer was already paid for four years of crop loss and said no repairs have been made to the tile since the project has not been accepted. Fischer is to present his claim at the acceptance hearing.

2. **JD 2: Spoil bank leveling.** Skonard provided an update. Gruber would like some reimbursement for seed and rent for a skid loader (approximately four hours). Attorney Deter suggested a total reimbursement cost of \$250.

IT WAS MOVED BY Gary Berndt, SECONDED BY John Hanson, that the North Fork Crow River Watershed District reimburse Gruber in the amount of \$250 for seed and rental of a skid loader to repair the JD2 spoil bank leveling.

Roll call vote was taken.

Affirmative: Barchenger, Brauchler, Berndt, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

3. **JD 1: Update.**

Pope CR 22 Stabilization. Skonard reported the rock was delivered, but there has been no activity.

BR 12 Sloughing-Inspection. Skonard and Joe Lewis made a site visit a couple of weeks ago and drove all of Branch 12. Skonard reported there is sloughing in areas. Lewis showed photographs of the various sites where sloughing is present; Lewis reported some of the areas will be dug out and some areas may revegetate. Skonard and Lewis will recheck the areas in a few months as some areas may stabilize. Lewis mentioned one bank may need to be reshaped and showed a photograph of an area near Grove Lake where water is seeping in from a bank that is adjacent to a wetland. Manager Berndt discussed a field crossing that was damaged. The three areas along Branch 12 that need addressing are:

- Kaminski property
- Fork 4
- Pressler crossing

Manager Brauchler inquired about the Main. Skonard will contact MBC Drainage LLC regarding the status.

IT WAS MOVED BY James Barchenger, SECONDED BY James Wuertz, to authorize Cris Skonard to work with MBC Drainage LLC to make the appropriate repairs.

Roll call vote was taken.

Affirmative: Barchenger, Brauchler, Hanson and Wuertz

Abstained: Berndt

MOTION CARRIED.

4. **CD5: Highway 4 Culvert Update.** Skonard reported an email was sent to the Minnesota Department of Transportation (MnDOT) and shared it sounds like MnDOT may reset the culvert, although they have not made a formal commitment. Skonard reported the elevation needs to be dropped approximately one foot to meet the as-constructed flow line.

IT WAS MOVED BY Gary Berndt, SECONDED BY John Hanson, to have Cris Skonard send or email a letter to the Minnesota Department of Transportation (MnDOT) ordering MnDOT to have the CD5, Highway 4 culvert lowered to the as-built elevation.

Roll call vote was taken.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

5. **CD7: Kasper Property.** Skonard gave an update and shared no petition was prepared and reported some sloughing occurred in the past. Manager Berndt and Kasper will make a site visit and report back at the next NFCRWD meeting.

6. **Other Ditch Business**

- Fischer asked if soil borings were taken at CD 32. Skonard reported soil borings were not taken; Lewis provided an explanation.
- Inquiry made on the status of JD2. Skonard reported soil borings were done and will contact Kandiyohi County.
- Manager Berndt inquired about the field crossing repair and shared what repairs are needed. Skonard will make a site visit.
- Skonard reported on the repairs to CD 37 on the Ken Radermacher property.
- Skonard asked Attorney Deter if RESPEC is required to provide all the requested records/reports/data of CD 32; Attorney Deter stated RESPEC must provide all of the information.

c. **Board Member Reports.**

- Manager Hanson attended the CROW and 1W1P meetings and provided updates.

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

- Special CD 32 meeting
- CD 7 Kasper property

10. **Calendar Review.**

- June 13: Drainage Work Group, St. Paul
- June 19: WRAPS, MFCRWD
- June 26-28: MAWD-Summer Tour, Moorhead
- July 3: 1W1P Policy Committee, Litchfield

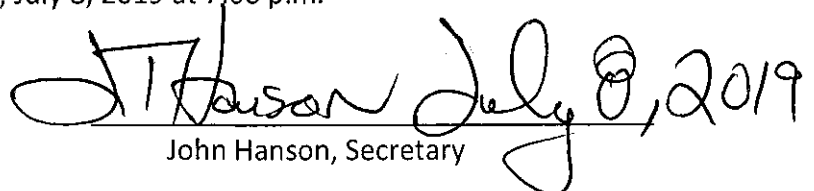
11. **FYI Items.** A discussion was held regarding spraying of thistles. Skonard reported no spraying has been done and suggested contacting AIP to get on their schedule. The Board concurred with having Skonard contact AIP to get spraying of thistles on their schedule.

12. **ADJOURNMENT—**

IT WAS MOVED BY Gary Berndt, SECONDED BY John Hanson, to adjourn the meeting. MOTION CARRIED.

The meeting was adjourned at approximately 9:05 p.m.

NEXT MEETING—The next board meeting is Monday, July 8, 2019 at 7:00 p.m.


John Hanson, Secretary