

## North Fork Crow River Watershed District Approved Minutes – Public Hearing September 10th, 2015

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

**Managers Absent:** None

**Staff Present:** Tara Ostendorf

**Others Present:** Kurt Deter (Rinke-Noonan),

### **Opening of Public Hearing**

Chairperson Wuertz called opened the hearing at 7:00 pm.

### **Purpose of Public Hearing – Kurt Deter**

Chairperson Wuertz called on Kurt Deter, Rink –Noonan, to state the purpose of the meeting. Deter stated that proceedings fall under MN Stat. 103E.705, repair by petition. The District received petition for repair from benefitted landowners on the system and the Board made the determination that repairs were warranted. The appointed engineer, RESPEC Consulting, has presented and filed the engineer’s recommendation for repair report and design plan with the District, acting as drainage authority. The purpose of the hearing is to take public comments on filed reports as stated. It is the duty to determine if requirements for repair under MN Stat. 103E.705 have been met.

### **Record of Notice Requirements – Tara Ostendorf**

Chairperson Wuertz called on Ostendorf to state the record of noticing. Ostendorf stated that the landowners were notified of the hearing via direct mail; a notice was posted at the District for three (3) consecutive weeks; notice was posted on the District website for three (3) consecutive weeks.

### **Engineer’s Repair Report and Public Comment and Questions – Lee Rosen, RESPEC Consulting**

Chairperson Wuertz called on Rosen to present the engineer’s report and recommendations for repair. Rosen gave summary of engineers report, engineer’s estimate of cost, repair recommendations, repair construction specifications and plan, schedule and permitting status, as well as proposed construction sequence.

Rosen focused on repair recommendations, including beaver dam removal, tile replacements, buffer establishment, water quality projects, erosion repair, and vegetation removal. The repair plan shows approximately 18,000 ln feet of excavation and/or vegetation removal. The repair plan emphasizes an effort to limit disturbance to well-vegetated banks.

Vegetation removal and maintenance will be throughout the ditch. Rosen gave an example of emergency maintenance conducted on a short stretch of the ditch in 2015 in anticipation of large rain events. Rosen stated that in this areas, removal of vegetation has been effective in restoring drainage capacity and efficiency.

Rosen presented a summary of the recommendation for tile replacement. On the Weller property, tile scoping showed ponding water indicating differences in elevation and tile in disrepair as well as extensive cracking throughout the tile. The recommendation is to replace the tile line with hydraulic equivalent HDPE pipe at a different alignment to allow for future maintenance and inspection. Rosen summarized the best alignment for the tile realignment as the east side of Queensfield road, crossing under the road and outletting into the existing outfall area adjacent to the Twp road. Majority of the cost comes from the excavation of the trench for installation. Public inquired if they could extend the tile further down the open ditch, past the current outfall and cover up the road ditch. Deter stated that it may be possible to do it as separable maintenance in any of these areas. Additional conversation ensued regarding doing additional tile. Manager Berndt asked if there would be road right-of-way (ROW) issues. Manager Berndt directed staff to work with the Twp to extend tile in ROW. Public present inquired to current established grade and if the ditch was to be connected downstream, the drop pipe downstream could be removed and the existing fall could be reasonably modify the grade along the area. Deter stated that if we were not altering control points, it should be possible without falling under an improvement.

Rosen presented recommendations for tile located on Kasper property. Tile alignment will stay almost as it is, with the

addition of man holes for maintenance and viewing being installed. Mr. Kasper asked if the whole pipe under County Road 22 would be replaced. Rosen confirmed that as current proposal. Additional discussion regarding methodology of completing tile work under CR 22, leading to Board consensus to provide the contractor with the lee-way to work with the County to determine method of replacement.

Rosen further explained the recommendation for water quality side inlet locations at points of existing erosion issues, to reduce sediment and nutrient contributions to the system.

Mark Herickhoff inquired how the decision as to which side of the ditch will have the spoil pile will be made. Rosen stated that it will be a field call on where it will be placed, made by the engineer and contractor after inquiring with the landowner if needed.

Roger Walz asked if the plan proposed to excavate to the current depth 1ft below the existing crossings as was constructed in the 1980's. Rosen explained the methodology for the proposed grade line. The District and engineer are currently working to try to keep the current depth to the approved depth from the 1980's.

Rosen presented schedule for repair. Proposal is to start work late fall and complete over the winter of 2015. In order to meet that timeline, the District must obtain all required permits. RESPEC has done quite a bit of work with the Stearns County TEP ahead of the final plan and have submitted all required documentation to the County and State. The County has requested additional information and the District is currently working with them to respond to their comments. As of the meeting, the intent is to advertise for bid, hold a mandatory pre-bid meeting with interested contractors, and hold a bid opening in October. The plan is to start construction in October contingent on permitting.

Mark Herickhoff asked what the procedure will be for questions or complaints from landowners during construction. Ostendorf stated that landowners are asked to report incidents or obtain information directly from the District. Any concerns will be handled by the District.

Roger Walz asked what will happen if the project can't be done this year? The bid will reflect delays due to forces majeure.

Mark Herickhoff asked if the contractors will be given the engineers estimate? Ostendorf and Rosen clarified that potential bidders will be given a bid sheet reflective of quantities and work to be completed. Contractors will be bidding on those figures, without knowing the engineer's estimate for cost on those quantities. Bids are competitive. By law, the District is limited to accepting only bids within a range of percentage of engineer's estimate.

Boyd Fischer inquired as to the methodology for removing and disposing trees and woody vegetation. Rosen stated that at the pre-bid meeting, the contractor will have to explain their process and methodology and get approval.

Deter stated that before final payment, there will be another hearing for landowners comment on project completeness.

**Possible Action by Watershed District, as Drainage Authority – Kurt Deter**

Deter explained the options to the District Board of Managers. Motion to approve repair on the basis that the drainage authority as determined from the repair report and the evidence presented that the repairs recommended are necessary for the best interests of the property owners and the system is in need of repair made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest as a benefitted landowner on the system.

Additional discussion from Board and public resulted in consensus that any tile extensions under the repair, including the requesting tile extension for the Weller property, would be considered as seperable maintenance, whereby the requesting landowner will pay the difference in cost of additional labor and materials.

Hearing no additional comments, Chairperson Wuertz called for a motion to close public hearing. Motion to close hearing made by Manager Hanson, seconded by Manager Berndt. Motion carried with all in favor.