North Fork Crow River Watershed District

Proposed Regular Meeting Minutes
May 9th, 2016

Managers Present: Berndt, Brauchler, Wuertz, Barchenger, Hanson
Managers Absent: None
Staff Present: Tara Ostendorf, Christine Knutson, Chris Lundeen
Others Present: Kurt Deter (Rinke-Noonan), Chris Meehan (Wenck Associates), Larry Ladwig (JD1), Todd Heieie (CD 32), John Mueller (JD2), Roger Lyon (JD1), Doug and Mary Durant, Larry Murphy (H2Over Viewers), Paul Reitsma, Harold Marthaler, Boyd Fischer (CD32), Mike Huberty (Meeker County Commissioner), Trina Staloch (USFWS), Roger Imdieke (Kandiyohi County Commissioner), Dave and Cindy Johnson (JD1), Others

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

Review and Approve Agenda
Chairperson Wuertz asked for additions or correction to the agenda. Ostendorf requested to add approval of the April 20th, 2016 special meeting minutes to the consent agenda as they had been included in the Board's packet for review but were missed on the agenda. Motion to approve the 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. Manager Brauchler requested to pull resolution 2016-09 from the consent agenda for additional discussion. Manager Barchenger requested to pull resolution 2016-01 Amendment from the consent agenda for additions. Motion to approve remaining consent agenda items made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor.

1. Treasurer's Report and Bills to May 9th, 2016
    a. Check Register - 106 Bonanza Checking Acct
    b. P & L Detail – All Accounts
    c. Balance Sheet – All Accounts
2. Minutes
    a. April 6, 2016 Special Meeting Minutes – Policy Workshop
    b. April 11, 2016 Regular Meeting Minutes
    c. April 20, 2016 Special Meeting Minutes – Policy Workshop
3. Additional Items
    a. Approve final payment special assessment at 1030 Front Street ($1,094.70 plus applicable interest and fees)
    b. Approve Resolution 2016-11: Amend Public Purpose & Expenditures Policy
    c. Approve Resolution 2016-12: Amend Per Diem Policy

Additional discussion on Resolution 2016-09 authorizing ATV Mileage. Manager Brauchler suggested that the reimbursement rate should be set at an hourly rate instead of the proposed mileage rate. Ostendorf provided examples of applicable hourly rates for machine type. Motion to amend the resolution 2016-09 to set the mileage reimbursement rate at $14.30 per hour made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor.

Additional discussion of amendments to Resolution 2016-01. Ostendorf stated that the resolution would be amended to reflect the District's change in insurance agent and include the additional engineers under contract for 2016. Motion to approve Resolution 2016-01 as amended made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor.

Open Discussion from the Public

Doug Durant presented his estimates for installation of a runoff and erosion control project on their property on Lake Koronis. The project, designed through the Stearns SWCD office, will install rain gardens, terraces and natural vegetation to reduce erosion and sediment contributions to Lake Koronis. Durant requested partial funding from the District to help install the project. Ostendorf asked Durant to clarify his request to the Board. Durant stated that he was requesting any funding to help cover the remaining balance of the project.

Chairperson Wuertz asked District Technician Lundeen to give his opinion on the project based on the site visit conducted. Lundeen stated that the additional projects of terraces are a benefit to the rain garden project and would be a benefit to the lake. Wuertz asked for an update on the available District funds for the project. Funds Manager Knutson reported on the available balances of eligible project funds. Wuertz moved to continue discussion under the Technician report.

Dave Johnson, a landowner on JD1, asked the Board if costs for drainage proceedings were assessed under the category of special assessments. Deter clarified that assessments are done under M.S. 103E. Johnson argued that a different statute should be used. Deter clarified the assessment process under M.S. 103E.

Boyd Fischer, a landowner on CD32, requested to hold his comments until the discussion of CD 32. Wuertz permitted discussion at that time.

Regular Agenda

Public Hearings
Continuation of JD1 BR12 FK6 SP2 Impoundment: USFWS Prairie Storm Wetland

Opening of Public Hearing Continuation:
Chairperson Wuertz recessed the regular meeting and opened the public hearing.

Purpose of Hearing:
Deter updated the Board and public that the meeting is a continuation of the public hearing for comment. The meeting was continued in order to provide the affected landowners with additional information. The stated purpose of public hearing was to receive public comment regarding the petitioned impoundment proceeding under M.S. 103E.227. Deter stated that the Board shall take action to approve the impoundment if it appears from the Engineer's report and other evidence presented that the installation will be of public or private benefit and it will not impair the utility of the ditch or deprive affected landowners of drainage benefit. If approved, the Board would also discuss construction and method of payment.

Presentation of the Project:
Chris Meehan, project engineer with Wenck Associates, presented a summary of the project purpose and proposed design. Meehan summarized the concerns and discussion that was had a site visit with stakeholders and various representatives on _____. Meehan stated that the upstream landowners, the District and the USFWS agreed to cooperate to draft a memorandum of understanding for future maintenance and operation of the structure and the private drainage ditch through USFWS property.

Public Comment:
Wuertz asked for public comment on the project. Roger Lyon, an upstream landowner, commented that he would like to see the private drainage ditch through USFWS taken over by the District. Deter stated that it was not possible for the District to do that. The purpose of the MOU is to provide an avenue for continual maintenance of the private system. Additional discussion on the merits of the project as a water quality and habitat enhancement project were discussed. Additional discussion from the affected landowners regarding concerns with the USFWS signing an MOU. USFWS representative, Trina Staloch, stated that they are committed to working through the process of developing the MOU.

Board Decision:

Wuertz called for a close to public comment and a decision from the Board. Motion to close the public comment made by Manager Hanson, seconded by Manager Brauchler. Motion to approve the plan for Phase I construction of the impoundment project as presented by the engineer [and subject to] a runout elevation at 1340.00 and agreement of the parties to enter into a memorandum of understanding for operation and maintenance [subject to] the as-built condition made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor. Managers Barchenger and Berndt abstained due to conflict of interest as benefitted landowners on the system.

Motion to close the public hearing made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor.

Chairperson Wuertz resumed the regular meeting.

Staff Reports
Administrator's Report:
Prairie Storm Wetland Project: Review Draft Memorandum of Understanding.
Ostendorf

Legislative Update; Discussion of BWSR Buffer Implementation Plan
Ostendorf update the Board on the District's current role in the buffer preliminary map review. Deter updated the Board on the clarifications that were made in the revised legislation of the 2016 session.

Review and approve software purchase to be expended from applicable grant funding
Ostendorf and Lundeen updated the Board on the quote presented for purchase of ArcView software upgrades and additional licensing through ESRI in the amount of $3,522.60. Expenses would be funded through existing eligible grant funds available. Motion to approve the proposed purchase using existing grant funds made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor.

MAWD Summer Tour information
Ostendorf presented information on the MAWD Summer Tour to be held in Winona MN and requested approval for attendence. Motion to authorize Manager Wuertz to attend made by Manager Brauchler, seconded by Manager _____. Motion carried with all in favor.

Discussion of Drone Services Presentation
Ostendorf informed the Board that she had been in contact, on the Board's request, with Houston Engineering (HEI). Joe Lewis, engineer with HEI, stated that he would be available to do a presentation at the June Board meeting. It was requested that the Board consider holding the meeting earlier to accommodate the presentation. After discussion, the Board directed staff to schedule the meeting at 6:30 if a field presentation was to be conducted.

Review and Approve Resolution 2016-10 for Intern Billable Rate and Work Week
Ostendorf presented the resolution for Board approval. Motion to approve resolution 2016-10 made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor.

2017-2018 Cycle II Intensive Watershed Monitoring process discussion.
Ostendorf updated the Board that staff will be working in conjunction with the CROW and the MFCRWD to submit a proposal for monitoring sites to be funded through the MPCA Intensive Monitoring process. This process will begin in 2017.

Update on 2015 audit and set time for June audit presentation
Ostendorf updated the Board on audit proceedings. Ostendorf requested that the Board set the audit presentation for the June Board meeting. Board consensus to hold the presentation early in the June meeting.

Liability update regarding Decontamination Unit

Ostendorf informed the Board that she had met with the District insurance agent and inquired about potential liability concerns regarding operation and ownership of a decontamination unit. The agent will provide the District with a list of potential liability applications.

Additional Business
None

Technician's Report:
Lundeen gave activity report. Lundeen stated that Earth Day was conducted and the event enjoyed a good turnout. He attended the KLA Starry Stonewart public information meeting. Lundeen will be working on ongoing monitoring and project inspections.

The Board opened discussion of the Durant request for funding. Lundeen presented the project, including an adjoining project on the Thelen property. Manager Wuertz stated that he had been contacted by the Thelen's. Wuertz presented the Board with additional information regarding project design, costs, and request for funding from Thelen's. Ostendorf stated that the combined request for funding for both projects would be less than $5,000 from the Rice/Koronis project fund. Manager Berndt stated that both projects are improvement to private property. Manager Brauchler stated that he didn't feel landowners should receive 100% funding.

After additional discussion, a motion was made to contribute $1,000 to the Thelen project from the Rice / Koronis Project Fund by Manager Hanson, and seconded by Manager Barchenger. Motion carried with all in favor.

Motion to approve to match KLA contribution of $2,000 for the Durant project from the Rice / Koronis Project Fund by Manager Hanson, and seconded by Manager Brauchler. Motion carried with all in favor.

Bookkeeper / Administrative Assistant Report:
As reported in Financial Statements.

Program Reports
Permit Report:
Review Engineer's recommendations for Permit 2016-03: Heieie Tile Improvement
Ostendorf presented recommendations from Lee Rosen, RESPEC, regarding the approval of Permit 2016-03. The engineer's recommendations included (1) No less than the existing approved diameter currently constricting the flow (18" in this case) (2) Set at a consistent grade (3) Meet manufacturers specifications for depth and traffic weigh (4) Be inspected and approved by NFCRWD (or their engineer) prior to being filled (5) Documented with an as-built survey to ensure proper slope (6) Install manholes every 400 ft to allow for inspection and maintenance. Motion to finalize the permit approval by accepting the engineer's recommendations made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest as a benefit landowner on CD 32.

Drainage Report:
CD 37: Redetermination of Benefits Proceedings: ***Review and approve Findings of Fact and Order. Discussion of proceedings and attorney recommendations.***
Ostendorf presented findings of fact and order to appoint viewers and engineer. Ostendorf also presented additional information and maps of the current benefitted acres of CD 37, CD 29 and CD 36 generated by RESPEC Consulting. Maps of the benefitting acres show considerable overlap between all three adjacent systems. Based on discussion and recommendation of the attorney, the Board found all three systems benefiting and damaged areas of CD 29, CD 37 and CD 36 to have changed from established values. Motion to Order Redetermination of Benefit of CD 29, CD 37 and CD 36 and to appoint H2Over Viewers [Larry Murphy, Bryan Murphy, Debbie Rynda] with Ron Rinquist as an advisor. Motion carried with all in favor.

CD 36 & CD 29: Discussion of Current Benefit Roles: ***Review discrepancies of current benefit roles.***
Addressed with CD 37 discussion.

CD 32 Repair: Status Update: ***Update on preconstruction meeting and proposed schedules.***
Ostendorf informed the Board that the preconstruction meeting for CD 32 had been held on April 28th, 2016. The contractors proposed their various schedules. Excavation and ditch repair are scheduled to start June 1, 2016 with the buffer seeding in conjunction with that work. Tile installation is scheduled to start October 1st barring any weather delays.

Ostendorf submitted anonymous complaint letters that had been received to the District. The Board acknowledged the submittal of the letters and directed staff to maintain the letters in the drainage system records.

Board allowed comment from Boyd Fischer, who questioned whether or not an easement would be required on his property for the rerouting of the drain tile with the repair that will now cross onto his property. Deter stated that damages need to be paid for the right-of-way easement. The Board will set the amount to be paid. The original tile line will be legally abandoned with the proceedings to re-route the tile.

CD 32 Repair: Additional Excavation on BR1 - Heieie: ***Review engineer recommendation and approve / deny changes to repair plan.***
Ostendorf presented the engineer's recommendation regarding the addition of the excavation extent to Branch 1 onto Mr. Heieie's property. The engineer's submitted technical memorandum recommended that Mr. Heieie receive clearance from NRCS regarding "Swampbuster" violation before the Board directs the change order to include the extent. Board tabled the discussion on a change order until Mr. Heieie receives NRCS clearance and/or recommendations.

CD 32 Repair: Bid Bond Claim Update: ***Update on process for claim of bid bond from New Look Contracting***
Deter updated the Board on the status of the claim. Rinke-Noonan had submitted a bond claim letter to the bonding agency on behalf of the District. The Bonding agent cited discrepancies in the bid advertising as a reason to deny the claim. Based on attorney guidance, a motion was made to halt any further action on the matter by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor. Manager Berndt abstained due to a conflict of interest as a benefitting landowner on the system.

JD2: Presentation of Requested Information: ***Presentation of information regarding proceedings to date.***
As directed, Ostendorf presented the Board with a report of actions to date. After additional discussion of the stated record of minutes, the attorney advised the Board to direct staff to obtain quotes for repair. Motion to direct staff to obtain scope of services from Houston Engineering Inc (HEI) for verification and oversight and obtain contractor estimates for repair made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor. Manager Brauchler abstained due to a conflict of interest as a benefitting landowner on the system.

JD 1 BR 12 Repair: Bid Review and Award: ***Review bid tabulation and engineer recommendations; award bid.***
Ostendorf presented the tabulation of bids and the engineer's recommendation for award. Deter stated that there were no identified reasons not to follow the engineer's recommendations. Motion to award the bid for repair of JD1 Branch 12 to Mr. Dirt LLC in the amount of $146,975.88 made by Manager Brauchler, seconded by Manager Hanson. Managers Berndt and Barchenger abstained due to a conflict of interest as a benefitting landowner on the system.

JD 1 Main and Branches: Repair Recommendations: ***Action on recommendations based on informational meeting.***
Ostendorf summarized the discussion at the previously held informational meeting. The meeting was not well attended by the public. After additional discussion between the Board and public, the board directed staff to obtain a scope of services from the engineer [Houston Engineering Inc] for developing a prioritized action plan and alternatives for repair.

CD7 Repair: Status Update: ***Action on recommendations based on informational meeting.***
Ostendorf stated that the field survey has been completed and ISG is working on the preliminary plan and drawings.

<u>CD7 Repair: Redetermination of Benefits Proceedings</u>: ***Review and approve Findings of Fact and Order. Discussion of ROB proceedings and incremental acquisition process.***
Ostendorf presented the Findings of Fact and Order to order the redetermination of benefits and appoint viewers and engineer. Deter clarified to the Board that he wanted the Board to make sure they appointed qualified viewers. Larry Murphy, a representative for H2Over Viewers, was present and stated his team's qualifications, including current proceedings in Sibley County. H2Over Viewers is a team comprised of Debra Rynda, Bryan Murphy and Larry Murphy. Wuertz asked how soon they would be able to get to the CD 7 redetermination. Larry stated they would be able to complete the project in 2016. Motion to accept the findings and order and appoint H2Over Viewers made by Manager Berndt, seconded by Manager Barchenger. Motion carried with all in favor.

<u>CD 43 Repair: Status Update</u>: ***Review summary construction report.***
Ostendorf presented the engineer's summary and weekly report of construction observation. Project is nearing completion. Kevin Bruntlett made a statement to the Board that he would like to see more of the ditch cleaned and vegetation removed from the outlet of West Lake. Ostendorf stated that the repair extent was in compliance with existing permits, but would contact the DNR hydrologist and request additional vegetation removal.

<u>Other Ditch Business:</u>
None

Board Member Meeting Reports:
<u>1W1P Update</u>
Manager Hanson updated the Board on the policy committee activity.

Items for Next Meeting Agenda:

Calendar Review:

FYI Items
Manager Berndt inquired on the status of the County culvert repairs for the JD1 BR12 Repairs. Ostendorf stated that she had had conversations with Stearns County engineer Jodi Teich. Planning for the repairs is underway at the County. At least 2 of the 4 replacements will be made in 2016.

Additional commentary from the public.

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

_____
John Hanson –Secretary