

North Fork Crow River Watershed District Regular Meeting Proposed Minutes August 10th, 2015

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

Managers Absent: None

Staff Present: Tara Ostendorf, Christopher Lundeen, Christine Knutson

Others Present: Kurt Deter(Rinke-Noonan), Maggie Leach (MPCA), Chris Meehan (Wenck), Roger Imdeike (Kandiyohi County Commissioner), Todd Heieie (CD32), David & Cindy Johnson (JD1), Harold Marthaler (CD32), Others

Call to Order:

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

Review and Approve Agenda

Motion to approve agenda made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor.

Consent Agenda Items

Manager Berndt requested that resolutions be discussed and not added to consent agenda. Manager Hanson requested the proposed July minutes be pulled for corrections. Motion to approve consent agenda excluding pulled items made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor.

Item 4d: July 13th 2015 Proposed Minutes

Manager Hanson requested correction to the minutes for discussion item of JD1 BR12 to be restated as motion made by Manager Hanson, seconded by Manager Brauchler and addition of Manager Berndt abstention to vote due to conflict of interest as an affected landowner on the system. Manager Hanson also requested the correction of the motion to adjourn to reflect motion made by Manager Berndt, seconded by Manager Brauchler. Motion to accept July 13th minutes as corrected made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor.

Open Discussion from the Public

No Discussion

Regular Agenda

Public Hearings

2016 Budget Hearing: Hearing to approve the 2016 proposed budget.

Chairperson Wuertz recessed the regular meeting and called the hearing to order. Ostendorf presented the 2016 proposed budget to the Board and Public. Motion to approve the 2016 proposed budget made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor.

Motion to adjourn the hearing made by Manager Barchenger, seconded by Manager Brauchler. Motion carried with all in favor. Chairperson reconvened regular meeting.

JD1 Branch 12 Impoundment Project Hearing: Review and hear comment on a submitted petition for an impoundment project affecting JD1.

Chairperson Wuertz recessed the regular meeting and opened the hearing. Deter stated the purpose of the hearing under 103E.227 for a grant funded, voluntary impoundment project. Deter advised the Board that if the landowners,

mainly Manager Berndt, was not in agreement with the project, the Board should not consider completing the project and close the hearing. The Board directed the engineer to proceed with his report.

Chris Meehan, project engineer from Wenck Associates, presented the engineer's report regarding the project. The project began as a grant funded outreach project to provide additional storage to relieve capacity issues within the channel. Wenck was asked to design a project to maximize storage in an existing wetland complex to provide additional storage, utilizing the existing CR 18 crossing as control. Meehan discussed project methodology and design and expected results as provided in the engineer's report.

Mr. Martin questioned the need to spend additional money if there would not be a large benefit. Ostendorf clarified that the project would be funded through existing grants.

The objective of the project is to store small rain events, as larger rain events would continue to be controlled by the downstream CR 18 culvert. Low flows would be diverted to the existing wetland complex; an outlet would be installed at an elevation to allow flow back into the main channel so as not to affect upland properties.

Manager Berndt raised concerns regarding the negligible water quality benefits as stated in the engineer's report, as well as concerns with the projected water levels that may impact the lands adjacent to the wetland. Meehan clarified that even with the CR 18 culvert changes proposed with the Branch 12 repair, the wetland would still provide significant storage and reduction in peak flows, although minimal water quality benefits. Meehan also clarified discrepancies with the perceived boundary of the impoundment area. Meehan stated that the project would increase the efficiency of the ditch and help the upland drainage for small rain events by providing additional storage.

Ostendorf clarified that the deadline for grant funding is December of 2015.

Meehan further clarified design and construction specifics for Mr. Martin. Meehan clarified the maps provided to the Board and identified project boundaries.

Deter suggested that the Board continue the hearing to a later date to allow the affected landowners time to submit additional comments based on the engineer's report and presentation. Motion to continue the hearing until September 14th, 2015 at 8:00 pm made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest as an affected landowner.

Chairperson Wuertz reconvened the regular meeting.

Staff Reports

Administrator's Report:

Update on property sale.

Ostendorf informed the Board that the closing date for sale was set for August 13th.

Review and approve estimate for landscaping and driveway work. Set project budget.

Ostendorf presented contractor quotes for exterior landscaping and driveway installation as well as a design for the driveway. Board discussed concerns with meeting city ordinances and fire codes. Ostendorf suggested the Board set a not-to-exceed limit for project, contingent on meeting local ordinances. Motion to authorize Administrator to coordinate work as presented not to exceed forty thousand (\$40,000) subject to meeting local fire codes made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor.

Discussion of Manager Reapportionment Process (103D) – Kurt Deter

Deter discussed process under 103D.305 (Increasing Managers) and 103D.301 (Distribution of Manager Positions). For either option, petitioners need to state the reason to the BWSR Board for increasing or redistributing the managers. Chairperson Wuertz asked Manager Berndt to clarify the reason for the discussion of these proceedings. Manager Berndt stated that it came up in discussion with the public. Manager Berndt discussed demographic and

geographic contents of the current overall plan as being outdated. Deter stated that there would need to be reason for a change, and that the petitioners (NFCWRD Board) would have the burden of proof regarding the need.

Ostendorf discussed that any demographic or geographic discrepancies may be addressed in the current planning efforts being undertaken with the BWSR One Watershed One Plan planning process. Ostendorf asked for clarification of the goal in discussing these proceedings. Manger Berndt clarified that he believes, based on the plan, that the information needs to be updated and representation is not fair and equitable.

Deter summarized under one proceeding, the District could be the petitioner, under the other, they cannot be the petitioners. Manager Hanson inquired from Deter on other instances of proceedings with BWSR under 103D.305 or 103D.301. Deter stated that he was only aware of proceedings in this instance of additional acres being assumed. Deter again cautioned that there needed to be a reason. Manager Berndt stated that he would like to have a discussion with BWSR.

No further direction from the Board.

Auditing Services – Request for Qualifications

Ostendorf asked for clarification from the Board on their mentioned desire to request quotes for auditing services based on the length of time since the last quote for services was reviewed. Board consensus to direct Administrator to prepare and distribute RFP for auditing services.

Technician's Report:

Activity Report:

Technician stated that he has been monitoring and getting extra samples due to rain events. He has also worked on semi-annual reporting for grants, project site inspections, and coordination of the AIS program.

Update on DNR Equipment Installation for WPLMN Paynesville Site.

Lundeen stated the DNR and MPCA worked out a permitting agreement directly with Stearns County. The District will not be responsible for any permitting.

Bookkeeper / Administrative Assistant Report:

See Financial Reports.

Program Reports

Permit Report:

No Permits

Drainage Report:

JD 1 Branch 12 – Repair – Presentation of current decisions to be made.

Ostendorf presented current decisions to be made with the repair. Ostendorf provided a summary of the proceedings to date, information requests from Stearns County regarding CR192, County's commitment to replacing CR 193 and CR26 culverts by July 1st, 2016, update on permit status, and inquired as to bidding and construction timeframes desired, as well as the County's request for reimbursement for culvert repair work.

Ostendorf summarized the request from Stearns County to eliminate lowering of CR192, as impacts would be localized due to grade. Ostendorf stated that the County had since completed an inspection of the culvert and stated that the culvert was in disrepair and would likely need to be replaced anyway, at which time they would lower it to meet the given ACSIC grade. Ostendorf asked for a Board decision to clarify the direction to the County. Deter advised the Board to be consistent when making these determinations. Consensus of the Board to direct the County to lower the CR 192 crossing.

Ostendorf summarized the engineer's recommendation for project bidding and timeline for construction. After discussion with Board and public regarding culvert sizing, permitting, and timeframes, consensus of the Board was to direct staff and engineer to coordinate with the County to provide a more concise timeframe.

Ostendorf summarized County's written request for reimbursement for construction costs regarding the culvert replacements and lowering. Motion to allow Stearns County to submit invoices for work completed, to be added to total project cost and assessed to all benefitted landowners, including Stearns County, made by Manager Hanson, 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.

Manager Berndt brought up the addition of managers with discussion from the Board.

JD1 – Johnson Crossing Repair & Culvert Replacement – Inspection Report

Ostendorf presented July 16th, 2015 inspection report. Ostendorf inspected the crossing replacement with Carl Larson (MBC Drainage). The culvert has been replaced and the water level has gone down. However, the crossing will need to have final grading and stabilization.

JD1 BR12 FK6 SP2 - Repair– Inspection Report

Ostendorf presented July 30th, 2015 inspection report. Spoil piles have been removed from sensitive areas. Areas of sediment deposition in channel. Ostendorf stated that projects need immediate stabilization when they are completed.

CD 32 / Raymond TWP – Crossing Repair – Inspection Report

Ostendorf presented July 30th, 2015 inspection report. Tile line has been installed and crossing has been repaired. Stabilization needs to be completed.

CD 32 Maintenance Project – Inspection Report

Ostendorf presented July 21st, 2015 inspection report and summary of emergency repair. Vegetation removal has been completed from station 2230+00 to 2186+00. Noticeable water level reductions after vegetation removal.

CD 32 Banker's Slough – Upstream – Inspection Report

Ostendorf presented July 30th, 2015 inspection report. Wetland is choked with cattails. Water is flowing over the outlet control structure. Survey of area shows that the ditch bottom is already at or below grade upstream of Banker's Slough. Upstream of CR 22 has minimal to no observable flow, however, survey shows the ditch to be at or below grade. Landowners have requested the Board do a survey of the structure elevation to make sure it has not moved. Ostendorf stated that the operation and maintenance agreement on file may be interpreted as being able to maintain the vegetation within the wetland.

Deter advised the Board to direct the Administrator to work with the DNR area hydrologist to determine what can be done in this area. Board discussed records regarding benchmarks and determined elevation of the structure.

CD 32 Repair - Set hearing date for engineer report (Week of Sept. 7th)

Motion to set public hearing to review and accept Engineer's Report and Repair Plan for September 10th, 2015 at 7:00 pm made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest as an affected landowner in the benefitting area.

CD 32 – Heieie Letter –Review letter from Todd Heieie regarding repair of CD32

Ostendorf summarized letter of complaint submitted by Mr. Heieie regarding his property affected by the repair. Deter suggested that the Board should direct the Administrator to get a response from the Stearns County TEP panel in writing regarding their determination of the property as a wetland not subject to exemptions for drainage repairs. Heieie stated that the reason the land is a wetland is because it wasn't maintained with the last repair. Deter stated that the District will push as hard as possible and pursue an appeal on the determination. Heieie questioned what his

legal standings would be, at which time Deter advised Mr. Heieie that he would need to obtain legal services for advice. The Board directed the Administrator to report any related information when it is obtained.

CD 43 – Review of claim for Old Republic Surety Company

Ostendorf summarized letter and attachments to be submitted for claim. Motion to authorize claim as presented to be submitted to Old Republic Surety Company made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor.

Discussion of Policy for Reimbursement for Work Performed on Drainage Systems - Policy discussion for compensating landowner's time when performing minor maintenance.

Ostendorf discussed current request of ditch landowners to be compensated for time and materials used to perform minor maintenance on ditch systems. Ostendorf requested direction of the Board. After discussion with legal, the Board concluded that a policy would be needed that stated requirements of pre-approval, hold-harmless language, after-the-fact inspection, and documentation as to the required work and amount of payment expected. Board directed staff to draft a policy for review at a later meeting.

Drainage Right-of-Way Boundary Marking - Review of potential costs for program. Direct staff to proceed with drafting a program policy and applicable forms.

Ostendorf presented cost estimates for the project based on ¼ mile and ½ mile increments for markers. Motion to approve project based on ¼ mile increments or as needed made by Manager Barchenger, seconded by Manger Hanson. Motion carried with all in favor.

CD 4 – Beaver Dam Demolition

Lundeen gave inspection report on completed activities.

JD1 Branch 8 Fork 1 – Weller Drainage Request - Request for maintenance.

Ostendorf presented submitted drainage request. Board directed staff to present an inspection report at the next meeting.

Board Member Meeting Reports:

Manger Berndt reported that a CD32 landowner was interested in putting in a lift station within the assessed area. Deter stated that if his acres are within the benefitted area, he has a reasonable use for that activity. Manager Berndt stated the landowner should have a permit to work within the ROW to ensure that erosion control is adequate. On Manager Berndt's information, Ostendorf will contact the landowner and address any permitting requirements.

Manager Hanson asked the Board to discuss the possibility of conducting an open house and to set a date for a District Citizen Advisory committee mtg.

Manager Hanson also asked staff for clarification on how alternative tile intakes projects were being designed and what the procedures are for working with landowners and putting projects on the landscape. Ostendorf stated that to date, most of the tile intakes have been based on a landowner's preference and previous experience. Moving forward, the District intends to improve design and operation and maintenance practices. Additional discussion on alternative practices available.

Manager Brauchler updated the Board on his and Manager Barchenger's attendance at the drainage webinar presented at the District Office. Manager Brauchler stated that the webinar was worth the Board's time to attend.

Manager Barchenger updated the Board on a meeting with the Grove Lake Association regarding their desire to do an aquatic vegetation survey.

Ostendorf stated that she attended the Rice Lake Association meeting , which had a good turnout. Some of the members requested that the District present hydrograph information on the District website.

Items for Next Meeting Agenda:

No Discussion.

Calendar Review:

No Discussion

FYI Items

No discussion

Adjournment:

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

John Hanson - Secretary