

North Fork Crow River Watershed District Regular Meeting Proposed Minutes July 13th, 2015

Managers Present: Berndt, Wuertz, Brauchler, Hanson

Managers Absent: Barchenger

Staff Present: Tara Ostendorf, Christopher Lundeen, Christine Knutson

Others Present: Lee Rosen (RESPEC), Nathan Hylla (Stearns SWCD), Kurt Deter (Rinke-Noonan), Various Landowners

Call to Order:

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

Review and Approve Agenda

Administrator Ostendorf added discussion item to additional ditch business. Motion to approve agenda with additions made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor.

Consent Agenda Items

Manager Berndt requested that the consent agenda items be f. through r. be tabled until the Board could consider reapportionment of managers. Manager Berndt stated that he felt that Stearns County was not adequately represented. President Wuertz questioned the necessity of the discussion item in relation to the consent agenda items. Deter stated that the statute (103D.301 sub 3) regarding reapportionment of Manager positions must be made by petition to the BWSR and could only be done once every ten years. Decisions on manager positions cannot be done by the managers themselves. Motion to approve consent agenda made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor.

Open Discussion from the Public

Dave Johnson (JD1 Landowner) requested clarification from Deter on the redistribution of managers by BWSR. Deter stated that the County Board would have to submit the petition to redistribute to BWSR. BWSR would then hold a hearing for the basis of redistribution. Manager Brauchler stated that no significant changes had occurred within the District.

Regular Agenda

CD32 Informational Meeting

Chairperson Wuertz recessed the regular meeting and opened the informational meeting. Lee Rosen gave a presentation to the Board and public which summarized the following: summary of survey methodology, data and information collection, ditch characteristics, and design methodology. Rosen then provided a summary of the work to be proposed and the engineer's estimate of repair. Additional decisions regarding tile replacement, buffer establishment method and payment, water quality practice locations and permitting are still needed. Rosen then summarized the project schedule to date and stated that a set of plans would be available to the public.

Nathan Hylla (Stearns SWCD) presented on the available resources for technical and financial assistance through the Stearns SWCD office and NRCS office.

Rosen summarized the anticipated regulatory response to the project as favorable, although the section of Branch 1 located on the Heieie property would likely not be able to be considered for repair because of the length of time since maintenance had caused the area to be reclassified as a wetland.

Chairperson Wuertz asked for public comment.

Dave Johnson (JD1 Landowner) inquired as to the party responsible for lack of maintenance of the ditch over time causing land use changes that result in an inability for areas to be maintained due to the clean water act. Johnson clarified that he wanted to know who is responsible for the damages that occurred due to converted land use caused by a lack of maintenance. After additional discussion on unrelated matters, Deter stated that he was unaware of litigation or case law that would clarify responsibility.

Harold Marthaler (CD32 Landowner) stated that if the ditch was maintained in anyway [regardless of excavation] then the ditch could still be considered maintained.

Additional discussion from various landowners inquired as to the elevation of the outlet control structure at Banker's Slough and the amount of water being held back. Mark Herickhoff (CD 32 Landowner) stated that at the time of the installation, the elevation of the structure was set by the DNR and agreed to by the landowners. Vickie Rousslange (CD32 Landowner) and John Randall (CD 32 Landowner) stated that they feel the area north of Banker's Slough should be maintained. Ostendorf stated that the ditch north of Banker's Slough cannot be verified as part of the legal ditch system. Additional conversation regarding documentation ensued.

Deter asked for consensus from the landowner's upstream of Banker's Slough to continue with the repair as presented [excluding the area upstream of the Banker's Slough outlet structure] and obtain permission from the various regulators, and to address the upstream area in a separate repair. After additional discussion by the public, consensus was reached to proceed with the project and address the Banker's Slough area as a separate petition. Ostendorf will provide the template petition.

Ostendorf asked the public to spread the word regarding grant funds available for project in conjunction with the repair.

Motion to close the informational meeting made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest.

Public Hearings

JD1 Partial Abandonment Hearing: Review and hear comment on a submitted petition for partial abandonment of the public system, north of Grove Lake.

Chairperson Wuertz called the public hearing to order. Administrator Ostendorf stated that the same petitioner who submitted the petition for partial abandonment also submitted a drainage request for repair of the same section of ditch.

Chairperson Wuertz asked the petitioner to summarize his requests.

Dave Johnson (JD1 Landowner) summarized his concerns with the ditch as; Branch 1 had never been repaired and most of the work that has been completed over time has occurred in Stearns County [JD1 BR12 and others]; the landowners on Branch 1 have had to pay for those repairs even though they would never receive benefit from the repairs; [BR 1] was never supposed to be included with the full system; claim that the system was constructed without proper plans and public comment as part of a full-system.

Deter asked for clarification from Johnson regarding the dual petition and which proceeding he wanted to continue with. After additional discussion Deter stated that the systems could be split into separate systems under a different proceeding. After additional discussion with no consensus, Deter recommended that the Board continue the hearing. Steve Fadness (JD1 Landowner) stated that he did not want to proceed with a partial abandonment and felt that being a part of the whole system was cheap insurance. Additional landowners present agreed.

Administrator Ostendorf submitted an additional letter in opposition of the abandonment.

Deter asked Johnson if he would agree to a meeting between himself, Deter and Ostendorf to discuss the next steps. Johnson agreed.

Motion to continue the hearing to September 14th at 7:30 pm made by Manager Berndt seconded by Manager Hanson. Motion carried with all in favor.

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

Chairperson Wuertz opened the hearing. Deter stated that due to a request for information and the need to gather additional information, the hearing should be continued to a later date. Motion to continue the hearing until August 10th at 8:30 pm made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest.

Chairperson Wuertz reconvened the regular meeting.

Staff Reports

Administrator's Report:

Update on property sale listing. Discussion of current issues with building heating / AC system. Review and approve purchase agreement for 100 Prairie Ave North building.

Chairperson Wuertz summarized the purchase agreement. Motion to accept the purchase agreement as presented made by Manager Hanson, seconded by Manager Berndt. Motion carried with all in favor.

Chairperson Wuertz explained the current situation with the heating/cooling system not working. Consensus of the Board to fix the system [no limit set]. Motion to repair the system made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor.

Approve 2014 annual report.

Ostendorf distributed the annual report at the meeting. Motion to approve the 2014 annual report made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor.

Review and approve LMCIT waiver.

Board asked for additional clarification on the insurance waiver. Deter clarified that the Board could elect for additional coverage. Ostendorf stated that in previous years, the Board had elected to waive the additional coverage option. Motion to authorize chairperson to sign the waiver of coverage made by Manager Hanson, seconded by Manager Berndt. Motion carried with all in favor.

Discussion of 2015 Amended Budget and 2016 Budget.

Ostendorf requested nomination for the budget committee and a date for committee meeting and budget hearing. Managers Brauchler and Barchenger will participate in the budget committee. Motion to set the hearing for the 2016 proposed budget for August 10th at 8:00 pm made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor.

Donation to Stevens and Pope Conservation Day.

Motion to approve the donation of \$200 to the event made by Manager Brauchler, seconded by Manager Hanson. Motion carried with all in favor.

Notice of website update.

Ostendorf presented features of the new website to the Board and Public.

Technician's Report:

Activity Report:

Lundeen stated that monitoring has been going well. Currently taking two samples per month on each lake. Lakes are showing high algae concentrations early in the year. Stream samples going well and all streams still flowing.

AIS Inspection Update: One issue with Rice Lake where a boater attempted to launch with milfoil but was caught. Another boater refused to be inspected and was then turned in to the conservation officer which resulted in a citation.

Lundeen currently working on putting together inspections for projects.

DNR Equipment Installation for WPLMN Paynesville Site.

Lundeen stated the purpose of the current MPCA WPLMN grant, and roles and responsibilities for all partners. Lundeen summarized a permitting issue for equipment installation within the county road ROW. Ostendorf summarized that the MN DNR would like the District to pursue permitting for the monitoring equipment through an agreement with both Stearns County and the DNR for long-term maintenance and responsibility. Motion to pursue permitting through the County for equipment made by Manager Brauchler, seconded by Manager Berndt. Motion carried with all in favor.

Bookkeeper / Administrative Assistant Report:

No report

Program Reports

Permit Report:

No Permits

Drainage Report:

JD 1 Branch 12 – Repair - Review and approve scope of services from Houston Engineering in the amount not to exceed \$35,000 (JD1-626) for construction management, staking and observation and completion of as-built survey. Discussion of culvert sizing recommendations, prioritization of replacement of culverts by County, timeframe for bid and repair, and consensus for County reimbursement. Review Engineer’s Report for Culvert Crossing Replacements. Review updated opinion of cost.

Motion to approve scope of services made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest.

Ostendorf summarized the additional items. Motion to allow the County to lower the culvert using existing pipe sizing and authorize the engineer to adjust private crossings as necessary made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor.

Board discussed timeframe for bidding the project. Deter suggested that the Board wait to make that determination until it gets a final confirmation on the schedule for replacement from the County.

JD1 – Johnson Drainage Request - Review request for repair. Direct staff to inspect system, consider posting request for proposals for survey.

Board acknowledged the request. Consensus to wait until meeting between legal, staff, and landowner to determine next steps.

JD1 BR1 – Johnson Crossing Repair & Culvert Replacement - Update on project status

Ostendorf stated that the project had been partially completed; although the conditions did not allow the work to be finished. Karl Larson (MBC Drainage) stated that he had done the work, and although the conditions were not ideal for installation of the culvert the work was completed. Larson stated that additional work would be needed once conditions improved. Administrator to set up meeting with landowner and contractor to finalize plan.

JD1 BR12 FK3 – Violation Proceedings – Update on proceedings.

Ostendorf informed the Board that a bond had been submitted, cost had been paid to date and Mr. Horst had agreed to the conditions of the permit.

CD 43 – Discussion of project proceedings.

Ostendorf informed the Board of options for paying for completion of the work previously approved. Motion to submit a claim to LMCIT to cover the cost of the repair made by Manager Berndt, seconded by Manager Brauchler. Kevin Bruntlett (CD 43 Landowner) urged the Board to inspect the project. Motion carried with all in favor.

JD1 – Martin Drainage Request

Ostendorf requested the discussion tabled. Consensus to table discussion.

Drainage Right-of-Way Boundary Marking - Discussion of boundary marking policy and practices.

Board directed Ostendorf to present additional cost information per drainage system at the August meeting.

CD 4 – Beaver Dam Demolition - Authorize Administrator to enter authorize beaver dam removal in the amount not to exceed \$1000.00 for CD 4.

Motion to approve made by Manger Berndt, seconded by Manager Brauchler. Motion carried with all in favor.

Other Ditch Business:

Raymond Township Culvert Repair (CD 32) / Marthaler Property

Ostendorf stated that a culvert within the right of way of CD32 had failed on the Marthaler property. The culvert takes water from the township road ditch. After a meeting between herself, Brad Marthaler and Harold Marthaler (Township Supervisor), it was suggested that the cost for replacing the culvert be split between the township and the District. Motion to split the cost estimated at \$2,500 between the District and the Township made by Manager Berndt, seconded by Manger Hanson. Motion carried with all in favor.

Board Member Meeting Reports:

Manager Hanson gave a report of the MAWD Summer Tour in Duluth and additional discussions he had with participants in the 1W1P.

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 Barchenger. Meeting Adjourned.

John Hanson - Secretary