

North Fork Crow River Watershed District Approved Regular Meeting Minutes August 8th, 2016

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

Managers Absent: None

Staff Present: Tara Ostendorf, Christine Knutson, Christopher Lundeen, William Lee

Others Present: Kurt Deter (Rinke-Noonan), Roger Lyon (JD1), Larry Ladwig (JD1), John Mueller (JD2), Boyd Fischer (CD32), Jim Weller (CD32), Ralph Klassen (RLA), Merlin Krupke (JD2), Harold Marthaler, Karl Larson (MBC Drainage), Paul Reitsma, Dale Gruber (JD2), Todd Heieie, 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. Motion to approve the agenda made by Manager Brauchler, seconded by Manager Hanson. Manager Berndt requested discussion of buffer staking practice. Chairperson Wuertz tabled discussion to the September meeting. Motion carried.

Consent Agenda Items

Chairperson Wuertz called for a motion to approve the consent agenda. Motion to approve consent agenda items made by Manager Brauchler, seconded by Manager Barchenger. Motion carried.

1. Treasurer's Report and Bills to August 8th, 2016
 - a. Check Register - 106 Bonanza Checking Acct
 - b. P & L Detail – All Accounts
 - c. Balance Sheet – All Accounts
2. Minutes
 - a. June 18, 2016 Regular Meeting Minutes
3. Additional Items
 - a. Approve ADG2016-01 (\$ 4,275) – Rock Inlets
 - b. Approve ADG2016-02 (\$ 12,500) – Rock Inlets

Open Discussion from the Public

Chairman Wuertz asked for comment from the public.

Roger Lyon presented a petition to increase the number of Managers on the Board. Board and Counsel discussed statutory proceedings under M.S. 103E.305. Motion to forward the petition to the Board of Water and Soil Resources, contingent on validation of signatures, made by Manager Berndt, seconded by Manager Hanson. Wuertz called roll call vote. Managers Berndt - Yes, Hanson - Yes, Barchenger – Yes, Brauchler – No, Wuertz – No. Motion carried 3-2.

Patrick Mitchell, a benefitting property owner on CD 32, submitted a letter to the Board requesting that excavation on his property be delayed until such a time that a meeting can be held with the staff and engineer to determine a plan for vegetation removal that is the least destructive to his property. Ostendorf gave summary of the previous discussions with the landowners regarding the repair proceedings. Motion to accept the letter and direct staff to coordinate site visit with affected landowners and engineer made by Manager Hanson, seconded by Manager Barchenger. Motion carried. Manager Berndt abstained due to a conflict of interest as a benefitting landowner.

Merlin Krupke, JD 2 landowner, asked for a status update on the work on JD 2. Differed to later in the discussion.

Regular Agenda

Public Hearings

2017 Budget Hearing

Chairperson Wuertz opened the public hearing at 8:00 pm. Deter stated the purpose of the hearing was to meet requirements under 103D, which require the Board to adopt an annual budget and hold a public hearing to take comment. Ostendorf stated that the noticing requirements were met. Ostendorf presented proposed budget. Wuertz opened the hearing for public comment. Jim Weller asked if the budget had increased. Ostendorf stated the only increase was for insurance levy, and that the general administrative levy had not increased. Harold Marthaler asked for clarification on the public education line item. The Board explained that they budget to fund annual events. Wuertz asked for additional comment and heard none. Motion to close the public comment portion of the hearing made by Manager Hanson, seconded by Manager Barchenger. Motion carried..

Motion to approve resolution 2016-14 to adopt the 2017 budget as noticed made by Manager Barchenger, seconded by Manager Brauchler. Motion carried.

Motion to close the public hearing made by Manager Barchenger, seconded by Manager Hanson. Motion carried. Wuertz reconvened the regular meeting.

Presentations

None

Staff Reports

Administrator's Report:

Buffer Legislation Updates

Ostendorf updated the Board on the upcoming meetings regarding buffer implementation. The Board has a March 2017 deadline to accept or deny authorities under an Administrative Penalty Order (APO) to enforce the buffers. Board requested that the dates and locations be emailed to Managers.

Request for committee for determining 2017 drainage assessments.

Ostendorf requested a committee to review and recommend drainage assessment certifications for 2017. Motion to appoint Jim Wuertz and John Hanson to the committee made by Manager Barchenger, seconded by Manager Brauchler. Motion carried.

Rice Lake Association – Petition for Study for Water Level Control Structure

Ostendorf summarized the petition presented at the July meeting and the revised petition, with the signatures, submitted to the Board. Manager Berndt questioned the need for a structure and the potential impacts to the lake. Board asked for additional clarification on intent and procedures for funding a study. After additional discussion, the Board directed the attorney to outline funding authorities and options under statute to be presented at the September meeting.

Additional Business

None

Technician's Report:

Activity Report:

Lundeen gave report of his activities, which consisted of applying for Clean Water Fund grants, conducting monitoring, and attendance at upcoming education events.

Prairie Storm Wetland Project- Review and acceptance of bids for construction; approval of change order; update on MOU development.

Ostendorf summarized the project to date and presented a revised memorandum of understanding (MOU). The revised MOU removed individual landowner names from the document and replace it with a general reference to upstream landowners. Manager Berndt asked Roger Lyon if he was accepting of the revisions. Lyon stated that he was accepting of the MOU in the revised form. Board discussed removal of the reference to "minimum elevation" of

the weir height. Motion to accept the revised MOU with revision to remove the work “minimum” from made by Manager Hanson, seconded by Manager Brauchler. Motion carried. Managers Berndt and Barchenger abstained due to a conflict of interest as benefitting landowners.

Board discussed the acceptance of the bid submitted by Sunram Construction and recommended by Wenck Associates, project engineers. Manger Berndt questioned the acceptance of a single bid. Deter stated that it was an acceptable practice. Motion to accept the bid [submitted by Sunram Construction Inc, in the amount of \$128,298.00] made by Manager Brauchler, seconded by Manager Hanson. Motion carried. Managers Berndt and Barchenger abstained due to a conflict of interest as benefitting landowners.

Intern Presentation

William Lee, seasonal intern for the District, presented his activities over the course of his internship. Ostendorf commended Lee on his work with the District.

Funds Manager / Administrative Assistant Report:

As reported in Financial Statements.

Program Reports

Permit Report:

2016-04: Fischer CD 32 Crossing

Ostendorf summarized the crossing request and, recommended that the Board approve the permit for a crossing and provide guidance on cost allocations to install the crossing. Chairperson Wuertz asked Fischer what kind of crossing he would prefer [low flow or field crossing]. Ostendorf stated that the existing location, scheduled for erosion repair, would be considered a low-flow crossing, which could be replaced as part of the repair. Deter stated that as part of the repair, the low-flow, rock crossing could be done and paid for with the repair, but a field crossing would be outside of the repair and would need to be paid for by the landowner. Additional discussion between Fischer and Board. Motion to authorize the replacement of the low-flow crossing [expensed to the system] at a minimum of 20' wide made by Manager Brauchler, seconded by Manager Hanson. Motion carried. Manager Berndt abstained due to conflict of interest as a benefitting landowner.

2016-05: Spring Water Acres – Tile Installation / ROW Work

Ostendorf summarized permit to tile and work within the right-of-way of the ditch. Additional drainage acres are within the benefitting area of CD 7. The proposed activity requires a permit from the District for the activity within the ROW of the public drainage system. Staff recommend approval of permit with the condition that tile outfalls are installed in such a way as to reduce any future erosion. Motion to approve permit 2016-05 made by Manager Brauchler, seconded by Manager Barchenger. Motion carried..

Drainage Report:

CD 32 Repair: Review and Approve Change Orders: *Review and approve/deny change order for additional extents of vegetation removal, additional excavation (Heieie Property), additional water quality side inlets (grant funded) and additional tile extents.*

Ostendorf presented a list of change orders to approve / deny.

Motion to approve item A-17 [additional vegetation removal of 24051 linear feet at the set unit price of \$1.75 /ln ft totaling an additional \$42,089.25] made by Manager Barchenger, seconded by Manager Brauchler. Motion carried. Manager Berndt abstained due to conflict of interest as a benefitting landowner.

Motion to approve item A-18 [additional ditch excavation of 1869 linear feet at the set unit price of \$6.00 /ln ft totaling an additional \$11,214.00] subject to the landowner(s) entering into a hold-harmless agreement with the District, made by Manager Brauchler, seconded by Manager Hanson. Motion carried. Manager Berndt abstained due to conflict of interest as a benefitting landowner.

Motion to approve item A-19 [addition of 5 water quality side inlets at the set price of \$2,233.34 /per unit totaling an additional \$11,166.70] to be funded through existing grants made by Manager Hanson, seconded by Manager Barchenger. Motion carried. Manager Berndt abstained due to conflict of interest as a benefitting landowner.

Motion to deny item A-20 [installation of 740 In ft of additional tile at the set unit price of \$27.50 /In ft totaling an additional \$20,350.00] made by Manager Brauchler, seconded by Manager Barchenger. Motion carried. Manager Berndt abstained due to conflict of interest as a benefitting landowner.

CD 32 Repair: Status Update and Approve Payment Request: Review and approve/deny change order for additional extents of vegetation removal, additional excavation (Heieie Property), additional water quality side inlets (grant funded) and additional tile installation.

Ostendorf presented request for partial payment to Mid-Minnesota Excavating in the amount of \$55,282.10. Motion to approve payment made by Manager Hanson, seconded by Manager Brauchler. Motion carried. Manager Berndt abstained due to a conflict of interest as a benefitting landowner on the system.

CD 32 Repair: Tile Easement:

Tabled until September meeting.

JD2: Update on Project Status: Review engineer's technical memo

Ostendorf presented the engineer's summary. According to the engineer, the tile line in question on the John Mueller property is not below the elevation of the immediately downstream culvert. The engineer concluded that the tile outlet elevation is likely probably too low. The summary also stated that the survey had corrected the elevation of the downstream culvert, and now accurately showed that the culvert was not inverted. Public discussed culvert size and past proceedings. Mueller stated that the field crossing should be upsized to 46" and disagreed with the engineering conclusion that a 36" culvert was sufficient. Board allowed additional discussion from landowners regarding the work that needs to be completed to alleviate flooding downstream. Dale Gruber gave summary of the history of the ditch. Gruber stated that the previous Administrator of the District, due to availability, provided a 42" culvert for installation by Gruber, with assurance from the project engineer at the time that the culvert would be of adequate size to meet drainage coefficient standards. The culvert was installed by Gruber upon completion of the authorized ditch repair by Mueller Excavating. Gruber stated that he is opposed to increasing the size of the culvert or replacing the approach. The downstream landowners are flooded out and the upstream landowners are not getting flooded. Gruber asked the Board to finalize the decision. Deter stated that the Board needs to make a decision regarding the request to downsize the culvert. Motion to leave the culvert as it is (42") made by Manager Barchenger, seconded by Manager Berndt. Motion carried. Manager Brauchler abstained due to a conflict of interest.

Merlin Krupke inquired how to fix the downstream flooding problem. Deter stated that he could file a petition for improvement with the District.

JD 1 BR 12 Repair: Contract Termination / Award: Review contract termination requirements, finalize contract with Mr. Dirt; proceedings to award contract to MBC Drainage as low bidder in line.

Ostendorf stated that the 7 day period for the contractor to submit a written plan of correction had passed without a submittal. Motion to continue with the termination process under guidance of the attorney and award the contract to MBC Drainage [as the next low-bid] made by Manager Hanson, seconded by Manager Brauchler. Motion carried. Managers Berndt and Barchenger abstained due to a conflict of interest as benefitting landowners on the system.

JD 1 Main and Branches: Status Update

Ostendorf stated that additional soil borings had been collected and that the engineer was preparing the repair report.

CD 43 Repair: Status Update:

Ostendorf stated that DNR Hydrologist Ethan Jenzen had conducted a site visit on the outlet to West Lake. Jenzen will review findings and possibly issue an amendment to the permit to include channel excavation through the outlet of West Lake.

CD7 Repair: Redetermination of Benefits Proceedings:

Ostendorf updated the Board that the viewers have received the historical information on the ditch and have begun work.

CD 5 – Status Update:

Ostendorf stated that the engineers have collected survey data and are preparing the repair plan.

CD 21– Status Update:

Ostendorf stated that the engineers have collected survey data and are preparing the repair plan.

Other Ditch Business:

Roger Lyon asked if the segment of public ditch [JD1 BR12 FK6 SP2] downstream of the prairie storm impoundment structure will be repaired. Ostendorf stated that it may be possible to add the extent to the existing contract on JD1 BR12.

Board allowed additional comment from public. Discussion entailed the District’s buffer staking policy. Wuertz stated that buffers will be on the agenda for September.

Board Member Meeting Reports:

John Hanson updated the Board on the 1W1P process for prioritization of concerns and actions. Harold Marthaler stated that Raymond Township will not be submitting the requested information [regarding locations of potential frequent flooding to be included in the plan] because of discontent with the local government units and their management of [public drainage systems]. Ostendorf stated that they do not have to submit the information and that the data request was intended to identify those problem areas that could be incorporated in the plan for future funding to address.

Public discussion and complaints of past mismanagement of the drainage systems by the County and Watershed District.

Items for Next Meeting Agenda:

Presentation on District buffer staking program and recent buffer bill.

Calendar Review:

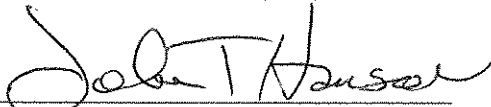
No comment.

FYI Items

No comment.

Adjournment:

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



John Hanson –Secretary
Sept 12, 2016

