

North Fork Crow River Watershed District Regular Meeting Approved Minutes November 9th, 2015

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

Managers Absent: None

Staff Present: Tara Ostendorf, Christine Knutson

Others Present: Kurt Deter(Rinke-Noonan), Ken Hess, Roger Walz, Larry Ladwig, Marvin Borgerding, Steve Notch, Arthur Marthaler, Earl & Linda Kasper, 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 the addition of Resolution 2015-22 to approve the return of unspent grant funding to Stearns County in the amount of \$1,194.58, added to the administrator's report under additional business. Motion to approve agenda with addition made by Manager Brauchler, seconded by Manager Berndt. Motion carried with all in favor.

Consent Agenda Items

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

1. Treasurer's Report and Bills to November 9th, 2015
 - a. Check Register - 106 Bonanza Checking Acct
 - b. P & L Detail – All Accounts
 - c. Balance Sheet – All Accounts
2. Minutes
 - a. October 12, 2015 Regular Meeting Minutes
3. Additional Items
 - a. Approve BWSR Grant Extension Agreement through Dec. 2016
 - b. Approve Contract Amendment 2015-01-01: Additional \$200
 - c. Approve Project Reimbursement: 2015-01-01 - \$3586.05 Ag-BMP
 - d. Approve Contract Alt Drainage 2015-02: \$2,984.40

Open Discussion from the Public

No comments.

Regular Agenda

Public Hearings

JD1 Branch 12 Fork 1 – Tile Closure

Chairperson Wuertz recessed the regular meeting and opened the public hearing at 8:00 pm. Ostendorf stated the record of notice requirements; direct mailer to all residents potentially affected by the proposed open ditch closure, posting on website for two consecutive weeks and a notice on the door for two consecutive weeks.

Chairperson Wuertz called for the engineer's report. Ostendorf summarized the submitted engineer's report and recommendations. As stated in the report, the proposed project seeks to close approximately 720 linear feet of open channel of JD1 Branch 12 Fork 1, located in Section 10 of Raymond TWP, having a drainage area of approximately 34 acres, majority located on the petitioner's property. Engineer's recommendation is to replace the open channel with 12" HDPE dual walled tile at a 0.100% grade at an estimated cost of \$26,350.

Chairperson Wuertz asked for public comment or questions.

Deter instructed the Board to make a motion to close the open comment portion of the hearing. Motion to close public comment made by Manager Barchenger, seconded by Manager Brauchler. Motion passed with all in favor.

Deter advised the Board that they should approve the engineer's report if the project will be a public benefit after all considerations in 103E.715. Motion to accept engineer's report and recommendations and authorize project made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor. Manager Berndt abstained due to a conflict of interest as a benefitting landowner on the system.

Manager Berndt requested that the Board consider a timeline for completion. Board consensus to give the landowner until the end of 2016 to complete; if more time is needed, the landowner can request it.

Chairperson Wuertz asked for a motion to close the public hearing. Motion to close the public hearing for JD1 Branch 12 Fork 1 made by Manager Hanson, seconded by Manager Barchenger. Motion carried with all in favor. Chairperson Wuertz resumed regular meeting.

Staff Reports

Administrator's Report:

Training request for Administrator and Technician: Environmental Statistics Workshop Series.

Ostendorf presented a training opportunity for staff hosted by the University of MN and MPCA. The workshops offered are designed to train staff in applied environmental statistics using "R" software system. Administrator asked for approval for both herself and the technician to attend the training to assist them in analysis of monitoring data. The registration fees will exceed the budgeted amount for training, and will be paid out of reserves. Motion to approve registration and attendance for Administrator and Technician made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor.

Update on "One Watershed One Plan" and request for public input.

Ostendorf gave a status update to the Board. The NFCR Planning Partnership held a public hearing to receive comment for the public on the planning effort. Comment period will be open for 22 days and survey information can be found on the District and CROW website.

Discussion of notice of Stearns County public hearing for changes to septic system certification requirements.

Ostendorf provided summary of request for comment on public hearing noticed by Stearns County and current County ordinance. The County provided notice that a public hearing will be held to discuss potential changes to the ordinance requiring updated septic system certifications at the time of property transfer. Ostendorf asked if the Board would like to consider submitting comment to the Board of Commissioners. Commissioner Notch summarized the potential changes to the ordinance which would eliminate the requirement for certificate of compliance on septic systems at the time of property transfer and gave clarification to the Board on circumstances for ordinance review. Manager Berndt gave comment regarding his opinion as to the role of government in these circumstances. Additional discussion from the Board regarding circumstances applicable to the ordinance. Manager Hanson asked Kurt Deter to elaborate on the County's reference to have the County ordinance follow the state's disclosure statement. Deter gave clarification as knowledgeable. Ostendorf stated that a reason to consider submitting comments as a watershed district is to support ordinances that protect ground and surface water quality. After additional discussion, Deter suggested that the Board take no position on the issue. Manager Berndt made a motion to take no position. Additional discussion related to personal experiences with the ordinance ensued from the Board and public. Motion for the Board to take no position on the matter made by Manager Berndt. Manager Wuertz called for a second to the motion. Manager Barchenger acted to second the motion by Manager Berndt. Chairperson Wuertz called for approval. Motion passed with all in favor.

Appoint 2015 MAWD Delegates and Alternates

Ostendorf informed the Board that two delegates and one alternate needed to be appointed by the Board for attendance at the MAWD annual meeting. Chairperson Wuertz called for nominations. Chairperson Wuertz

nominated himself as delegate. Manager Brauchler nominated himself as delegate. Board consensus to nominate Manager Hanson as alternate.

Discussion of KLA donation of \$15,000 for intern services to the NFCRWD.

Ostendorf summarized the Koronis Lake Association's generous donation to assist the District in funding an intern. Ken Hess (KLA) summarized the proposal. Motion to accept donation of funds made by Manager Hanson, seconded by Manager Berndt. Motion carried with all in favor.

Discussion of possible workshop to discuss 2016 Programs and Staffing

Ostendorf requested that the Board schedule a meeting to discuss 2016 programs and workloads. A special meeting is called for due to grant application guidelines related to the AIS program. Ostendorf requested guidance from the managers on the 2016 AIS program and other programs. Direction to schedule a special meeting for November 23rd, 2015 at 1:00 pm set by Board consensus.

Discuss grant application to BWSR Multi-Purpose Drainage Management Grant Program and to CWF Conservation Corps. Crew Labor.

Ostendorf informed the Board that staff had submitted an application for funding under the BWSR MPDM grant program and will be submitting an application for CC Crew labor for drainage inspections and the staking project.

Discussion to Amend 2015 Administrative Levy Budget

Ostendorf explained additional expenses incurred in 2015 related to finalizing the office move and exterior landscaping as originally approved in 2014. Ostendorf requested approval of resolution 2015-21. Motion to approve resolution 2015-21 made by Manager Brauchler, seconded by Manager Barchenger. Motion carried with all in favor.

Additional Business: Resolution 2015-22: Return of Excess Stearns County AIS Grant (\$1,194.58)

Motion to approve resolution 2015-22 made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor.

Technician's Report:

No report.

Bookkeeper / Administrative Assistant Report:

See Financial Reports.

Program Reports

Permit Report:

No permits.

Drainage Report:

CD 32 Repair: Update on Project Proceedings - Update on permitting issues and outstanding construction issues.

Ostendorf gave an update on the permitting process with DNR and Stearns County. Staff and engineer met with the DNR staff to discuss the project and possible solutions at an earlier date. At that meeting, it was decided that the project could be divided into two phases, in order to get permission easier. Board and legal discussed alternative options to permitting the project.

CD 32 Repair: Bid Award– Review bid tabulation and consider awarding revised bid

Ostendorf summarized pre-bid and bid proceedings to date, as well as presented the results of bid opening. The District received two sealed bids, both which were over the engineer's estimate. Ostendorf and the engineer worked with the low bidder to present a revised bid to present to the Board. Ostendorf explained the discrepancies between engineer's estimate and revised bid. Deter asked what the percent overage was on the bids. Ostendorf stated that the revised low-bid was still over 30% of the engineer's estimate. Deter and Ostendorf clarified statute regarding bid

rejection and acceptance. Manager Berndt questioned the proposed schedule and specification for the project regarding tile replacement and stated that he felt some of the specifications were unnecessary and should be removed to improve bids. Ostendorf clarified that the specifications are standard specifications that limit liability for the project. Board allowed comment from the public on plan specifications and alternative bidding practices. Manager Berndt questioned whether the project was in congruence with what the public wanted. Roger Walz stated that the previous clean-out was around \$40,000, and questioned why the project costs were higher in this bid. Ostendorf stated that the Board could reject the bids. Ostendorf stated additional contractor reasoning for not submitting bids, including timeframe, lack of experience, and individual bonding issues. Board asked for additional review of bid items. Ostendorf walked through revised bid discrepancies and explained reasoning for unit costs. Motion to reject the bids on CD 32 and rebid the project made by Manager Barchenger, seconded by Manager Hanson. Motion carried with all in favor. Manager Berndt abstained due to conflict of interest as a benefitted landowner. Chairperson Wuertz requested that staff schedule another mandatory pre-bid meeting for the rebid.

CD 32 Repair: Amend 2016 Drainage Assessment: Discussion of amendment to 2016 drainage assessment certification for CD32

Ostendorf requested that this item be pulled from the agenda. Board consensus to pull item from agenda.

CD 32: Request for Benefit Amendment

Ostendorf presented a request by CD 32 landowner of Jane P. Mitchell Trust to adjust benefits. Ostendorf stated that the property is currently being used strictly for wildlife conservation. The landowner is currently working with state and federal agencies to enroll the property in a restricted land use program. Ostendorf stated that in conversations with the landowner, she had stated that benefit reductions could not be considered without a permanent easement.

Deter stated that without an enrollment completed, and due to the fact that the 30 day deadline to file an appeal to the viewer's report had already passed, the Board did not have the authority to adjust benefits. Motion to deny the request due to a lack of authority made by Manager Barchenger, seconded by Manager Brauchler. Motion passed with all in favor. Manager Berndt abstained due to a conflict of interest as a benefitted landowner.

JD 1 BR 12 Repair: Update on Wetland Permitting: Update on the progress for wetland permitting and engineer recommendations.

Ostendorf summarized the engineer's report regarding wetland impacts. A number of wetlands were investigated but found to be unaffected by the repair, due to a lack of proposed work in that area or because of a clarification of wetland type during field investigations. Staff will submit report to permitting authorities for project approval.

JD 1 Main and Branches: Update on project status and approval of amendment to HEI scope of services in the amount of \$4,100.

Ostendorf summarized scope of services amendment. The initial scope failed to include a reach of the system; the amendment included this section in the total cost. Manager Berndt asked for clarification on the scope and the additional area to be included. Ostendorf showed additional area to be surveyed on map. Additional discussion regarding the project limits ensued. Motion to approve the amendment to the scope of services made by Manager Hanson, seconded by Manager Brauchler. Motion carried with all in favor.

CD 4: Installation of Sheet Pile Structure – Status update on project. Approve payment to contractor in the amount of \$ 17,621.60 upon receipt of final materials.

Ostendorf provided update on the project. Sheet pile construction is completed. Contractor needs to furnish stoplogs. Motion to approve partial payment based on work completed and final payment upon delivery of all material made by Manager Berndt, seconded by Manager Barchenger. Motion carried with all in favor.

CD 43: Update on Insurance Claim and Additional Clean-Out – Review Old Republic notice of release of bond, cancellation notice and notification letter.

Ostendorf informed the Board that Old Republic Surety had approved the Board's claim on bond and issued a check for \$50,000, the full amount of coverage under the agreement. With the issuance of the bond check, ORS had also issued a termination of coverage and additional coverage will be needed. Ostendorf requested that the Board accept

the bond check for \$50,000. Motion to accept the bond amount and sign release information made by Manager Berndt, seconded by Manager Hanson. Motion carried with all in favor.

Ostendorf requested that the Board consider approval of HEI scope of services for survey and updated plan sheets tabled from an earlier meeting. Funds will be tracked to complete bank stabilization, buffer seeding and additional open channel excavation as identified by survey and within the original scope of services.

Motion to authorize approval of HEI scope of services items 1 and 2, not to exceed \$10,000 made by Manager Barchenger, seconded by Manager Hanson. JB. Motion carried with all in favor.

Manager Brauchler stated that in his conversation with a DNR representative, the District has authorization to remove a fish barrier located on a private crossing.

Other Ditch Business:

None

Board Member Meeting Reports:

Manager Brauchler and Manager Hanson update the Board on lessons learned from the DNR's public information regarding treatment efforts for Starry Stonewort in Lake Koronis. The DNR treated approximately 4 acres, but did not have good results due to a misapplication of herbicide. Additional treatments are likely to continue as the DNR learns more about the species.

Manager Barchenger updated the Board on the Grove Lake Weed Study meeting to discuss proposals for an aquatic vegetation survey leading to a lake management plan. After discussion, the consensus from the group was to accept the methods proposed by Wenck. The Lake Association will be focused on finding funding for the project through Pope County and the NFCRWD.

Items for Next Meeting Agenda:

Board discussed manager absences for winter months. Board directed Ostendorf to work with Managers on setting up possibilities for online participation in the meetings.

Board directed Administrator to plan for a January 11th public information meeting regarding the buffer legislation. Meeting will be conducted before the regular Board meeting.

Board would like to do salary survey review, personnel review during the December regular meeting. Closed session at end of meeting.

Calendar Review:

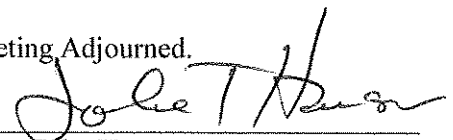
No Discussion

FYI Items

No discussion

Adjournment:

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



John Hanson - Secretary

14 Dec / 2015

