

North Fork Crow River Watershed District
Approved Regular Meeting Minutes
January 8, 2018

Managers Present: Jim Barchenger, Gary Berndt, Bob Brauchler, John Hanson (via teleconference) and Jim Wuertz

Managers Absent: None

Staff Present: Cris Skonard, Christine Knutson and Christopher Lundeen

Others Present: Maury Noonan (Rinke Noonan), Kevin Bruntlett, Gary Fearing, Boyd Fischer, Angelica Hopp, Roger Imdieke, Dave Jennissen, Clifford Johnson, David Johnson, Oluf Johnson, Joe Lewis (Houston Engineering, Inc.), Roger Lyon, Ken Rademacher, Russ Schmidt, Karl Schlangen, Rick Thompson, Donovan McKigney, Steve Notch, Ken Vogt, Roger Walz, Gregg Weller and Others

1. **Call to Order.** President Jim Wuertz called the meeting to order at 1:00 p.m. and indicated the need to appoint an Acting Secretary until John Hanson returns.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Bob Brauchler, to appoint Gary Berndt as Acting Secretary. MOTION CARRIED.

2. **Review and Approve Agenda**

IT WAS MOVED BY Bob Brauchler, SECONDED BY Jim Barchenger, to approve the revised agenda to include under Administrative Report: Drainage Water Conference and discussion for prepaid assessments. MOTION CARRIED.

3. **Consent Agenda Items.** President Wuertz called for a motion to approve the consent agenda.

1. Treasurer's Report and bills through January 8, 2018
 - a. Check Register—106 Bonanza checking account
 - b. Profit & Loss Detail—All Accounts
 - c. Balance Sheet—All Accounts

Berndt questioned several line items on the Profit & Loss Detail. Itemized charges by Rinke Noonan were reviewed.

IT WAS MOVED BY Gary Berndt, SECONDED BY Jim Barchenger, to approve the Consent Agenda. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz
Opposed: None

4. **Minutes.** The Minutes of the December 11, 2017 Regular Meeting were presented.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Bob Brauchler, to approve the December 11, 2017 Regular Meeting Minutes with corrections. MOTION CARRIED.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Bob Brauchler, to approve the December 27, 2017 Special Meeting Minutes. MOTION CARRIED.

5. **Open Discussion from the Public.** President Wuertz asked for comments from the public.

- Roger Lyon noticed an excavator on site of a completed ditch project of last summer. Cris Skonard shared that minor warranted touch-up work was performed.
- Kevin Bruntlett, Robert Thompson and Dave Jennison asked questions which were moved to the ditch discussion

6. **Buffer Enforcement Rule Hearing**

A. **Procedure.** President Wuertz closed the regular meeting and opened the hearing at approximately 2:00 p.m. The purpose of the hearing is to review the buffer enforcement rule and action by the Board. Attorney Maury Noonan gave an overview. Skonard reported no written comments were received.

B. **Public Comment**

- David Johnson inquired how many feet/miles of watershed are affected. Skonard responded it pertains to all watershed buffers not under 103E. Johnson feels the rule is vague.
- Comment made on the buffer document.
- Comment on 4.1.3 buffer measurement. Are we changing the policy of the Board?
 - Boyd Fisher questioned the policy regarding measurement. Wuertz responded there will be leeway.
 - Roger Lyon also questioned measurements, i.e., crown. Skonard stated BWSR (Minnesota Board of Water and Soil Resources) sets the measurement guidelines.
- Ken Rademacher inquired about brush and trees in the buffer zone. Wuertz stated if they are established, they would be allowable in the buffer strip.
- Donovan McKigney inquired what happens if the Board does not accept the buffer rule. Response: BWSR will enforce the rule.
- Dave Johnson voiced concerns with the number of entities controlling the buffer situation and feels nothing gets done.
- Donovan McKigney inquired what is unique having BWSR enforce the rule. Response: The Board decided to keep it local.
- Roger Walz asked if the fine for non-compliance is daily or weekly. Response: Fine is per day.

IT WAS MOVED BY Jim Barchenger, SECONDED BY John Hanson, to close the public comment period.
MOTION CARRIED.

Attorney Noonan reported it is necessary to comply with BWSR and suggested a motion for a resolution be adopted and sent to BWSR.

C. **Acceptance.** A motion for a resolution to adopt the Buffer Enforcement Rule pursuant to Minn. Stat. Section 103F.48 was presented for submission to BWSR in its current form and to suspend the date until the document is returned from BWSR.

- Berndt inquired if the Board can change the top of the crown to the cut edge under 4.0. Skonard felt the Board must comply with BWSR.
- Berndt feels the language needs to be changed. Skonard stated the language has been approved by BWSR. If the language is altered, there will be challenges.
- Hanson commented 4.1.3 will enable the Board to work with local landowners; however, state statutes must be followed.

IT WAS MOVED BY Jim Barchenger, SECONDED BY John Hanson, to adopt the Buffer Enforcement Rule for public ditches as reviewed by the Minnesota Board of Water and Soil Resources. MOTION CARRIED.

Affirmative: Barchenger, Brauchler, Hanson and Wuertz
Abstain: Berndt

IT WAS MOVED BY Jim Barchenger, SECONDED BY John Hanson, to close the Buffer Enforcement Rule hearing at approximately 2:35 p.m. MOTION CARRIED.

7. **JD1 Record Reestablishment Hearing—Continuance.** President Wuertz closed the regular meeting and opened the JD1 Record Reestablishment Hearing at approximately 2:37 p.m.

A. **Procedure.** One letter was received with general comments.

B. **Public Comment:**

- Roger Lyon is in agreement with Joe Lewis of Houston Engineering.
- David Johnson commented the DNR cleaned out its portion of the ditch, which causes backup. He suggested having it dug out and inquired if this will be put on hold until agreement from other parties is received. Also discussed the removal of trees.
- Wuertz stated JD1 needs to be reestablished.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Gary Berndt, to close the JD1 Record Reestablishment Hearing public comment period at 2:46 p.m. MOTION CARRIED.

C. **Acceptance.**

IT WAS MOVED BY Jim Barchenger, SECONDED BY GARY BERNDT, to accept the procedure proposed by Attorney Maury Noonan to draft the findings of fact and order and continue the JD1 Record Reestablishment Hearing at the next meeting at approximately 1:30 p.m. to approve the findings of fact and order. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz
Opposed: None

REGULAR AGENDA ITEMS

8. **Staff Reports**

A. **Administrator's Report:**

1. **Activity Report.** Skonard reported year-end cleanup work on the Activity Report.
2. **Resolution 2018-01.** Skonard reported Resolution #2018-01 is approximately the same as 2017 except for dates.

IT WAS MOVED BY Bob Brauchler, SECONDED BY Jim Barchenger, to approve Resolution 2018-01. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz
Opposed: None

3. **Resolution 2018-02.** Skonard noted the 2018 annual percentage interest rate for borrowed unrestricted administrative funds be set at 4% (accrued monthly) on the unpaid balance.

IT WAS MOVED BY Bob Brauchler, SECONDED BY Jim Barchenger, to approve Resolution 2018-02.
MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz
Opposed: None

4. **Resolution 2018-03.** Skonard noted the resolution authorizing the payment of regular monthly expenditures will show up in the next financial statement and is the same as 2017.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Bob Brauchler, to approve Resolution 2018-03.
MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz
Opposed: None

5. **Resolution 2018-04.** Skonard reported according to the spreadsheet by BWSR, staff rates for 2018 have increased since last year. Berndt has received calls regarding the process of billing. Skonard shared by law, general funds cannot be used for public ditch billings.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Bob Brauchler, to approve Resolution 2018-04.
MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz
Opposed: None

6. **Insurance Update—Dividend, Waiver.** Skonard shared information from the League of Minnesota Cities regarding the 2017 Property/Casualty Dividend of \$1,001, which is down from the 2016 dividend of \$4,200. Skonard discussed liability coverage and noted monetary limits on liability tort limits should not waived.

IT WAS MOVED BY Gary Berndt, SECONDED BY Jim Barchenger, to not waive the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz
Opposed: None

7. **ESRI Maintenance Quote.** Skonard discussed and recommended accepting the 2018 ESRI software renewal maintenance quote for GIS software at the annual rate of \$1,200 to ensure software updates. Berndt felt it is cost effective. The drainage assessment tool is a companion part of the software. Discussion held regarding costs billed out to ditches and projects. Christine Knutson shared costs are included in the billable rate charged to ditches and projects.

IT WAS MOVED BY Bob Brauchler, SECONDED BY Jim Barchenger, that when work is performed on a ditch or project, the portion of the indirect expense will be paid through the billable rate and then billed accordingly to the appropriate ditch or project. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz
Opposed: None

8. **1W1P Draft—Authorize 60-day public review.** Skonard shared the 1W1P draft. The Policy Committee approved the plan and authorized individual Boards to release for 60-day comment. This Board needs to authorize the 60-day review. Skonard has contacted Stearns County as to holding a joint meeting. Meetings will be held in February for approval in May 2018.

IT WAS MOVED BY John Hanson, SECONDED BY Bob Brauchler, to approve a 60-day review of the 1W1P Draft. MOTION CARRIED.

9. **Minnesota Viewers Association.** Skonard reported the Minnesota Viewers Association will hold its first seminar of 2018 on Wednesday, January 10th at Jackpot Junction Hotel and Convention Center and suggested joining at the associate membership for a cost of \$200/year. Registration fee for the January 10th seminar is \$25.

IT WAS MOVED BY Gary Berndt, SECONDED BY John Hanson, to approve an associate membership in the Minnesota Viewers Association at an annual cost of \$200 and to authorize the administrator's registration fee of \$25. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz

Opposed: None

10. **Summer Intern.** Skonard shared the need to hire a summer intern to assist with water quality and ditch inspection duties. He noted approximately \$6,453 is allocated for 2018 intern(s) with authorization from President Wuertz. Wuertz suggested conducting interviews and if two candidates stand out, both would be hired. Interns are paid through funding other than the general fund. If interns work on specific ditches or projects, billing would be as designated.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Bob Brauchler, to have the Administrator work with President Wuertz to advertise for interns with the possibility of hiring two. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz

Opposed: None

11. **Additional Business.** Skonard mentioned the Rinke-Noonan Drainage and Water Conference will be held February 15, 2018, at a cost of \$95/attendee. Representatives of North Fork Crow River Watershed District have attended in the past. Registration is due prior to the next board meeting.

IT WAS MOVED BY Bob Brauchler, SECONDED BY Jim Barchenger, to approve attendance by North Fork Crow River Watershed District administrator and board members at the Water Conference. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz

Opposed: None

B. Technician's Report

1. **Activity Report.** Lundeen briefly reviewed the DNR Delegation Agreement Aquatic Invasive Species (AIS) Prevention Inspection of Water-Related Equipment and reported no changes were made to the document except the year.

IT WAS MOVED BY John Hanson, SECONDED BY Bob Brauchler, to approve the DNR Delegation Agreement. MOTION CARRIED.

President Wuertz will sign the document.

2. **Grant Update.** Lundeen reported the Grant Application for C18-6514 – NFCRWD Drainage Records Modernization for the North Fork Crow River Watershed District was approved for funding by BWSR. A check will be received for the remaining percentage (10%) of the grant. Lundeen shared information regarding the Terry Miller project and the need to approve a check for \$1,892.50 when the W-9 is received.

IT WAS MOVED BY Bob Brauchler, SECONDED BY Jim Barchenger, to approve payment of \$1,892.50 from Rice/Koronis project savings account. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz

Opposed: None

C. **Funds Manager/Administrative Assistant Report.** As reported in Financial Statements.

9. Program Reports

A. **Permit Report.** No report.

B. **Drainage Report**

1. **JD 2: Update—HE1.** Skonard referred to the memo received from Houston Engineering, Inc. regarding a proposal for engineering services on Stearns-Kandiyohi Judicial Ditch 2 at an estimated cost of \$6,980 and recommended approving the proposal not to exceed the estimate of \$6,980. Houston Engineering would conduct a field survey along the entire length including soil borings and prepare a profile drawing. Lewis shared the history of the project.

- David Johnson inquired if there are any wetlands. The response was no.
- Carl Schlangen mentioned a previous survey at another location and commented soil borings may be needed.
- Costs would be billed to the ditch system.

IT WAS MOVED BY Gary Berndt, SECONDED BY John Hanson, to approve the proposal for engineering services by Houston Engineering, Inc. for Stearns-Kandiyohi Judicial Ditch 2 at a cost not to exceed \$6,980. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Hanson and Wuertz

Abstained: Brauchler

Opposed: None

2. **JD1 Main and Branches—HE1.** Lewis stated they are holding off completing the project until coordination can be made with the DNR. A contract may be awarded in a month of two.

- Comment made regarding the one to two acres of trees between County Road 22 to Grove Lake and inquired if separate tree removal quotes can be obtained.
- Donovan McKigney commented a lot of water is retained and inquired if it is possible to check for beaver dams. Skonard stated a drone may be used to check for beaver dams.

IT WAS MOVED BY Jim Barchenger, SECONDED BY John Hanson, to engage Houston Engineering, Inc. to assist with contract development for removal of trees while the ground is frozen. MOTION CARRIED.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz

Opposed: None

[Brauchler was excused from the meeting.]

3. **CD7 Repair Update.** Skonard mentioned the hearing scheduled for next month. Berndt commented he is concerned with the granite located near the roadway. Skonard will check with ISG and drive out to the site.
4. **CD 32 Repair Update.** Skonard shared a summary of the letter that was sent to RESPEC and reported no correspondence has been received.
 - Boyd Fischer inquired who is liable for attorney's fees. Noonan will defer the question and report at next month's meeting. It is being reviewed from a legal standpoint. Discussion held to attain a copy of the contract to find out if the contractor is responsible.
5. **CD 29, CD 36, CD 37 ROB: Update.** Skonard reported letters will be mailed to landowners and a meeting and public hearing will be set in March 2018. Skonard will work with H2Over Viewers to compile a merged letter for all individual landowners and send it out from the North Fork Crow River Watershed District. Working on buffers for CD 37.
6. **CD4: Buffers.** Skonard reported the buffer payments have not been paid and inquired on next steps.
 - Rick Thompson commented all they do is pay for it;
 - Bob Pederson asked for a copy of the breakdown of what the funds are used for. Wuertz stated this will be provided. Christine Knutson explained the pre-pay process for counties.
 - Berndt inquired when the CD4 redetermination was made. Is there a need for a new redetermination due to timelines? Skonard will coordinate with Attorney Deter.
 - Bob Pederson visited with Barb Loch and there seems to be confusion over Meeker County billing cycles. Skonard will coordinate a meeting.
7. **Other Ditch Business.**

CD Ditch 43: Skonard met with Kevin Bruntlett and toured the property. Also discussed Ethan Jenson's report.

Skonard provided a brief update on ditch pre-pay assessments.

- C. **Board Member Meeting Reports.** Skonard mentioned a Legislative Breakfast will be held on March 7 and 8, 2018.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Gary Berndt, to approve attendance of the administrator and Board members, reserve hotel rooms and to have Skonard coordinate with Board members by the next meeting. MOTION CARRIED.

Affirmative: Barchenger, Brandt, Hanson and Wuertz

Opposed: None

10. **Items for Next Meeting Agenda.**

Two hearings: JD1-Reestablishment Continuance, CD7-Correction to Viewers Report

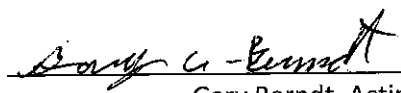
11. **Calendar Review.** A three-month Outlook calendar was provided. Skonard inquired if anyone would like to attend the viewers meeting.

12. **FYI Items.** None.

13. **Adjournment.**

IT WAS MOVED BY Gary Berndt, SECONDED BY Jim Barchenger, to adjourn the meeting. MOTION CARRIED.

The meeting was adjourned at approximately 4:00 p.m.



Gary Berndt, Acting Secretary