

NORTH FORK CROW RIVER WATERSHED DISTRICT
BOARD OF MANAGERS
Proposed Regular Meeting Minutes
March 12, 2018

Managers Present: James Barchenger, Gary Berndt, Bob Brauchler and John Hanson (via phone/non-voting)
Manager Absent: James Wuertz
Staff Present: Cris Skonard, Christine Knutson and Christopher Lundeen
Others Present: Mark Origer (ISG), Kurt Deter (Rinke-Noonan), Boyce Fischer, Mike Huberty (Meeker County Commissioner), Eugene Hemmesch, David Johnson, Ralph Klassen, Joe Lewis (Houston Engineering, Inc.), Roger Lyon, Donovan McKigney, John Mueller, Art Wuertz and others

Recording Secretary: Diane Beck, Legal & Administrative Assistants, Inc. (LAA)

Vice President Brauchler fulfilling duties of President in James Wuertz absence.

CALL TO ORDER—Vice President Bob Brauchler called the meeting to order at approximately 1:00 p.m.

AGENDA—The following items were added to the agenda under the Administrator’s Report, Additional Business: Review of CAC meeting; Records Modernization Grant and approval of North Fork Crow River Watershed District’s (NFCRWD) 2018 Annual Report and added under Drainage Report: Update of the Drainage Report, proposal for JD 1, Branch 12, Fork 6.

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

CONSENT AGENDA—

IT WAS MOVED BY James Barchenger, SECONDED BY Gary Berndt, to approve the following Consent Agenda:

1. Treasurer’s Report and bills to March 12, 2018
 - a. Check register—106 Bonanza checking account
 - b. Profit & Loss Detail—all accounts
 - c. Balance Sheet—all accounts

Roll call vote was taken.

Affirmative: Barchenger, Berndt and Brauchler

Opposed: None

MOTION CARRIED.

MINUTES—The February 12, 2018 minutes were reviewed. Berndt inquired on the JD1 record reestablishment hearing, page 12, line 4 “...no changes that would impact the findings.” After discussion, the Board and Joe Lewis of Houston Engineering, Inc. concurred with the statement. Berndt inquired if the minutes should include the attachment of the Findings of Fact and Order Approving Reestablishment of Drainage System plans, memo and signed order. Attorney Deter responded no attachment is necessary as the documents will be filed in the ditch file. No change needed in the minutes.

IT WAS MOVED BY James Barchenger, SECONDED BY Gary Berndt, to approve the February 12, 2018 Regular Meeting Minutes. MOTION CARRIED.

Open Discussion from the Public. There were no comments by the public.

Vice President Brauchler suspended the regular board meeting at 1:15 p.m. and reopened the CD7 Redetermination of Benefits Hearing—Continued.

CD7 Redetermination of Benefits Hearing—Continued. It was reaffirmed additional comments from the public will be received at 8:00 p.m. during the NFCRWD April 9, 2018 meeting.

IT WAS MOVED BY James Barchenger, SECONDED BY Gary Berndt, to continue the CD7 Redetermination of Benefits Hearing until 8:00 p.m. April 9, 2018. MOTION CARRIED.

Vice President Brauchler reconvened the regular meeting at approximately 1:20 p.m.

STAFF REPORTS—

Administrator’s Report.

Meetings—Views and MADI. Cris Skonard attended the Minnesota Viewers Association seminar on January 10th at Jackpot Junction Hotel and Convention Center and reported on the Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast on March 7-8, which was also attended by Brauchler and Barchenger. They met with several legislators and held discussions regarding the open meeting law, raising the levy limit, drainage issues, protective waters and the buffer law. Skonard requested approval to attend the Minnesota Association of Drainage Inspectors (MADI) conference on March 19, 2018, at the Willmar Conference Center at a cost of \$30 and to attend the second seminar of the Minnesota Viewers Association on April 5, 2018 at Jackpot Junction Hotel and Convention Center at a cost of \$25. NFCRWD has paid the annual membership dues.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Gary Berndt, to approve Cris Skonard’s attendance at the Minnesota Association of Drainage Inspectors Conference on March 19, 2018 and the Minnesota Viewers Association Seminar on April 5, 2018.

Roll call vote was taken.

Affirmative: Barchenger, Berndt and Brauchler

Opposed: None

MOTION CARRIED.

Stearns Cooperative Weed Management MOU. The Memorandum of Understanding between Stearns County Cooperative Weed Management Area and various entities, including NFCRWD is up for renewal. This is a formality and non-binding. Meetings will be held twice a year. It was noted another grant was received for this year.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Gary Berndt, that the North Fork Crow River Watershed District sign the Memorandum of Understanding with Stearns County Cooperative Weed Management Area. MOTION CARRIED.

1W1P-Authorize Delegate. Skonard recommended John Hanson be the delegate and authorized to act on behalf of the NFCRWD board at the 1W1P Conference on April 16, 2018.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Gary Berndt, to appoint John Hanson as a delegate and authorize him to speak at the 1W1P meeting on April 16, 2018. MOTION CARRIED.

Berndt clarified one of three public informational meetings is scheduled for March 27, 2018 at the NFCRWD office.

Meeting Minutes. Discussion held regarding hiring Legal & Administrative Assistants, Inc. to continue taking board minutes. Skonard briefly referred to the handout "Meeting Minutes According to Roberts Rules for Dummies, 2nd Edition." Berndt commented the NFCRWD goes by the 10th edition. This agenda topic will be tabled until the April 9th meeting when all managers are present.

Summer Intern. Skonard announced Andy Johnson has been hired as a summer Intern at the rate of \$13/hour. He has good experience and is expected to begin his internship mid-to late May. His duties will be similar to previous interns, i.e., sampling and ditch records, etc.

Additional Business—

CAC. Roger Lyon reported on the CAC (Citizens Advisory Committee) meeting prior to today's board meeting. He learned of upcoming projects. The officers will remain the same as last year with meetings scheduled quarterly. Lyon commented additional feedback from the NFCRWD board is welcome and complimented Christopher Lundeen for providing useful information.

Watershed Project Coordinator's Report. Lundeen attended the Farmers Fair on March 8th in Roscoe. There was a good turnout and various projects throughout Stearns County were discussed. If the Farmers Fair is held in 2019, Lundeen suggested NFCRWD secure a booth at the event. The final monitoring data is now available on the NFCRWD's website from CAC. Monitoring will begin soon as the ice is out; currently ice is approximately 50% out. An application has been made for a federal 319 grant. Continue to work on BWSR (Minnesota Board of Water & Soil Resources) PRAP. Lundeen reported minor corrections were received for the NFCRWD's 2018 Annual Report presented last month and he requested final approval.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Gary Berndt, to approve the NFCRWD 2018 Annual Report with minor corrections. MOTION CARRIED.

Lundeen will post the annual report on the website.

Records Modernization Grant. Joe Lewis of Houston Engineering briefly reviewed some of the purposes of the grant, i.e., assist with drainage records, scanning, indexing, preparation of a GIS database, etc. He expects completion by the end of December 2018.

IT WAS MOVED BY James Barchenger, SECONDED BY Gary Berndt, for NFCRWD to sign the Records Modernization Grant and engage Houston Engineering at a cost of \$17,500.

Roll call vote was taken.

Affirmative: Barchenger, Berndt and Brauchler

Opposed: None

MOTION CARRIED.

Funds Manager/Administrative Assistant's Report. As reported in consent agenda.

PROGRAM REPORTS—

Permit Report. None

Drainage Reports.

1. **JD2 Update.** Skonard reported the ditch is still frozen. Once ice is off, Houston Engineering will proceed with the project; Joe Lewis will report at the April meeting.

Bob Brauchler stated that JD2 line culvert is rusted on both ends and is held up with lumber. Response made that once the report is available, it will be determined if the elevation will change. Lewis stated Houston Engineering could roll this project into the

larger project or do a small repair on the particular segment now. NFCRWD previously approved the project. Skonard will secure a contractor and coordinate with Lewis.

John Mueller stated JD2 was approved for clean out two years ago and inquiry was made as to why the project has not been done. Skonard will coordinate with Lewis.

2. **JD1 Main and Branches.** Skonard made a site visit and reported a contractor has been hired to remove the trees from the ditch. A bond is needed for the contractor. Skonard suggested NFCRWD fund the bond and add the cost to the final project invoice. Another additional cost will be to remove several trees with large branches that hang over the ditch. The project cost will increase from \$43,750 to \$52,100. Photos were also shown of 208th Street looking upstream.

IT WAS MOVED BY Gary Berndt, SECONDED BY James Barchenger, to approve the JD1 main and branches project cost increase of \$8,350 due to increased contractor bid and the removal of extra trees.

Roll call vote was taken.

Affirmative: Barchenger, Berndt and Brauchler

Opposed: None

MOTION CARRIED.

- Dave Johnson stated the tree has always leaned over the ditch and the hole in the tree has been there for years. He was not notified when the work was beginning and a contractor began the process to kill cut the tree.
 - Roger Lyon feels everyone is treated fairly and if it was determined the tree be removed, it should not be questioned.
 - Attorney Deter and Berndt commented that NFCRWD has the right to cut down the trees in the right of way.
3. **JD1, Branch 12, Fork 6.** Lewis explained the process to develop a package for contractors that contains the repairs needed, onsite investigation, etc., for Spur 1 and Spur 2. The project is under three miles. A map was viewed from the Tech Memo, page 30, which was discussed at the February meeting.
 - Lyon shared Stearns County plans to redo County Road 192 this summer. Skonard will check with Jody Teich, Stearns County Engineer, to try and coordinate the road project with the NFCRWD project. Lewis stated CR 192 is not in the current drawings for Branch 12, Fork 6. The culvert has not been surveyed and the elevation needs to be reviewed. Updated information and map will be presented at the April meeting.

- David Johnson inquired why a contractor can't begin working. Skonard met with Emily Siira (DNR) regarding the reestablishment of record that had been approved by the Board.
-
- 4. **CD7 Repair Update.** Mark Origer of ISG reviewed the CD7 repair punch list and reported he visited with Howard Marthaler of MBC to begin moving on other items. A balance of \$110,000 remains on the punch list and overall \$416,000 of the original contract cost of \$525,000 has been paid. Project costs will come under budget. Origer expects the repairs to be complete in approximately two months; there is some minor crop damage.
 - Boyce Fischer asked to see a copy of the crop damages. Origer will prepare a list for the acceptance hearing.
 - Fischer inquired if the rock pile on the buffer at the north portion of CD7 will be in violation. Skonard believes it will not be in violation; however, Origer will check and notify Skonard.
- 5. **CD32 Repair Update – MME Final Payment.** Skonard referred to the letter from RESPEC that Mid-Minnesota Excavating (MME) has completed all items on the punch list and requested payment of \$11,207.95. Skonard suggested NFCRWD approve payment with the caveat that MME provide verification that all subcontractors have been paid. Skonard will handle.

IT WAS MOVED BY Jim Barchenger, SECONDED BY Gary Berndt, to approve payment of \$11,207.95 to Mid-Minnesota Excavating and require the contractor to verify that all subcontractors have been paid.

Roll call vote was taken.

Affirmative: Barchenger, Brauchler and Berndt

Opposed: None

MOTION CARRIED.

- 6. **CD29, CD36, CD37, ROB Update.** CD 29: Skonard reported the landowner reports should be ready this week and individual landowner meetings will be held on March 28th.
- 7. **CD4 Buffers Update.** Skonard has not heard from Barb Loch at Meeker County regarding payments. Attorney Deter offered to follow up and obtain a status report. Brauchler will stop in and visit with Barb next week.
- 8. **CD 43 Buffers.** A status report for CD 43 buffers will be obtained.
- 9. **Other Ditch Business.**

- CD5: Eugene Hemmesch questioned if landowners can be billed ahead of time and explained he has been paying since 1994; Skonard will check the records from the 1990s. Hemmesch further commented the water on his property does not go into CD5. After discussion, Attorney Deter stated that any CD5 parcels not benefitted by the ditch should be removed from the benefitted roster. Hemmesch asked for reimbursement. Hemmesch also reported he is receiving two invoices: one from NFCRWD and one from Sauk River Watershed District. Skonard will check into the issue. Hemmesch also reported he has not been paid for easements for the buffer strips.
- John Mueller commented he has the same issue and wonders where the money they have been paying goes. He would like to see a cost breakdown. Attorney Deter responded it is public record. Staff will follow-up.

Board Member Reports. Brauchler reported on the Paynesville Wellhead Protection meeting and stated the 2018 Drainage and Water Conference was a good conference.

Items for Next Meeting Agenda.

- Meeting Minutes.
- JD2 Update.
- JD1, Branch 12, Fork 6 Update
- CD29, CD36, CD37, ROB Update.
- CD32 project update

Calendar Review. Skonard shared the 1W1P Policy Committee meeting is scheduled for March 14th.

FYI Items. Berndt received a call from a landowner regarding CD32 inquiring when the other side of Banker's slough will be done. The issue will be placed on the April agenda. Mueller suggested moving or slanting the monitor so attendees in the back rows can see.

ADJOURNMENT—

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

The meeting was adjourned at approximately 2:45 p.m.

NEXT MEETING—The next board meeting is Monday, April 9, 2018 at 7:00 p.m.



Gary Berndt, Acting Secretary