

NORTH FORK CROW RIVER WATERSHED DISTRICT
BOARD OF MANAGERS
Approved Regular Meeting Minutes
April 9, 2018

Managers Present: James Barchenger, Gary Berndt, Bob Brauchler, John Hanson and James Wuertz
Staff Present: Cris Skonard, Christine Knutson and Christopher Lundeen
Others Present: Kurt Deter (Rinke Noonan), Boyce Fischer, Boyd Fischer, Virgil Fuchs, Robert Groshens, Russell Gruber, Dale Gruber, Roger Imdieke (Kandiyohi County Commissioner), David Johnson, Ralph Klassen, Earl Kasper, Dale Krystocek, (Minnesota Board of Water & Soil Resources), Joe Lewis (Houston Engineering, Inc.), Larry Ladwig, Arthur Marthaler, Harold Marthaler, Steve Notch (Stearns County Commissioner), Rick Thompson, Tom Weber, Jim Weller, Will Wesbur, and others
Recording Secretary: Diane Beck, Legal & Administrative Assistants, Inc. (LAA)

CALL TO ORDER—President Wuertz called the meeting to order at approximately 7:00 p.m.

AGENDA—The following items were added to the agenda under the Administrator’s Report; 1) consideration of CD4 buffer payments, and 2) discussion on the 1W1P Public Hearing in Litchfield on April 16th.

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

CONSENT AGENDA—

IT WAS MOVED BY Bob Brauchler, SECONDED BY James Barchenger, to approve the following Consent Agenda:

1. Treasurer’s Report and bills to April 9, 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, Brauchler, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

MINUTES—The March 12, 2018 minutes were reviewed. Changes noted were:

- Page 8: under CD7 Redetermination of Benefits Hearing--Continued.
 - Motion date is April 9, 2018 instead of April 8, 2018.
- Page 11: under JD1 Main and Branches.

- First sentence should read: Skonard made a site visit and reported a contractor has been hired to remove trees from ditch.
- Page 12/13: under Other Ditch Business:
 - Forth sentence should read: After discussion, Attorney Deter stated that any CD5 parcels not benefitted by the ditch should be removed from the benefitted roster.

IT WAS MOVED BY Bob Brauchler, SECONDED BY John Hanson, to approve the March 12, 2018 Regular Meeting Minutes with the changes noted above. MOTION CARRIED.

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

President Wuertz suspended the regular board meeting at 8:00 p.m. and reopened the CD7 Redetermination of Benefits Hearing—Continued.

CD7 Redetermination of Benefits Hearing—Continued. Attorney Kurt Deter provided an agenda and reiterated the CD7 issue: Is there enough evidence that the grass strip(s) acquisition requirements were or were not met at the time of the last redetermination of benefits of CD7 in the 1980s?

- Attorney Deter noted Stearns County found additional records from the 1980s. After reviewing those records, Attorney Deter stated the grass strips had been acquired for CD7; however, it was not as clear as to the grass strips on CD7A due to the private litigation and settlements.
- Attorney Deter preferred to receive additional public comments.
- President Wuertz opened the floor for public comment:
 - Will Wesbur commented he did not receive damages for CD7A.
 - Virgil Fuchs stated no damages were recorded on his abstract and shared additional concerns.
 - Boyce Fischer inquired if the ditch was consolidated by the county or NFCRWD.
Response: Stearns County.

IT WAS MOVED BY Gary Berndt, SECONDED BY John Hanson, to close the public comments portion at 8:30 p.m. for the CD7 Redetermination of Benefits Hearing—Continued. MOTION CARRIED.

Attorney Deter commented the CD7A portion is a grey area and if the entire approximate 8.5 acres of CD7A buffers were acquired it could amount to \$45,000 with the possibility of an appeal. Attorney Deter stated there is no clearly defined evidence that CD7A damages were paid.

IT WAS MOVED BY James Barchenger, SECONDED BY John Hanson, to split and pay damages for the CD7A grass strips.

Roll call vote was taken.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

Attorney Deter will amend the findings and suggested that payment be by check.

STAFF REPORTS—

Administrator's Report. Cris Skonard reported on the following meetings:

- March 19: Minnesota Association of Drainage Inspectors (MADI) held at the Willmar Conference Center;
- March 20: Pope Local Work Group in Glenwood; and
- March 22: Bonanza Valley Ground Water Management Area (BVGWMA) in Glenwood.

Skonard noted a Manager Hanson's three-year term will expire on May 9, 2018 and Manager Barchenger's three-year term expires on June 6, 2018. Applications are available online.

BWSR (Minnesota Board of Water & Soil Resources) PRAP (page 14). Dale Krystosek presented the key findings and conclusions of the Level II Performance Review, North Fork Crow River Watershed District (NFCRWD) Draft Report and reported NRCRWD scored high. Krystosek provided summary information regarding resource outcomes, commendations and the following recommendations:

- Continue and expand the use of Prioritized, Targeted and Measurable as criteria for Goals and Objectives in implementing the North Fork Crow River 1W1P;
- Develop orientation and continued education plan for both board and staff and keep records of trainings attended;
- Structure website information to report progress and trends made in achieving resource goals.

Krystosek noted there were no action items and no compliance reports are needed.

Berndt raised questions/concerns on the Plan Accomplishments, i.e., participation in holding ponds and accountability of feedlots, etc. Krystosek will work with the staff to ensure the review is accurate. Skonard will work with President Wuertz on drafting the District's response.

Nutrient Loading. Hanson mentioned the last annual report showed areas of excess nutrient loading and suggested offering education and communication to look at different programs to address the situation. Berndt commented he would like to have a nutrient loading report. Skonard asked Christopher Lundeen to present the Watershed Project Coordinator's Report showing the nutrient levels, etc.

Watershed Project Coordinator's Report.

2017 Monitoring Review. Lundeen shared the 2017 Monitoring Review and showed bar charts and graphs showing nutrient levels, E.coli averages, phosphorous averages,

suspended solids, organic nitrogen levels and lake monitoring locations comparing the two previous years of monitoring. Lundeen noted E.coli areas above the state level. Berndt asked where the higher counts are coming from. Lundeen stated samples can be taken to determine the kind of animal decontamination. Specific e-coli testing costs approximately \$300+ per sample and multiple tests would be needed for more accurate sourcing. Lundeen also reviewed the secchi readings (water clarity) and water quality graphs for Grove Lake, Rice Lake, Pirz Lake and Lake Koronis.

Meeting Minutes. Skonard reported the decision of hiring Legal & Administrative Assistants, Inc. (LAA) to continue taking board minutes was previously delayed until the April meeting when the full board was in attendance. Skonard felt LAA is doing a good job and saves him time.

IT WAS MOVED BY James Barchenger, SECONDED BY Gary Berndt to hire Legal & Administrative Assistants, Inc. to take the monthly meeting minutes for the North Fork Crow River Watershed District.

Roll call vote was taken.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

Additional Business. Berndt expressed concerns with the 1W1P document and felt more public discussion is needed. Skonard shared that public comment period has been open for 60 days and scheduled to close on April 16, 2018. Skonard encouraged Berndt to attend the 1W1P Public Hearing in Litchfield at 5:30 p.m., April 16th as there will an opportunity for additional public comments. Skonard, Berndt and Hanson (delegate) will attend. Skonard will post the meeting.

Manager Expenses. Skonard commented Manager Hanson requested discussion on the issue of compensation for managers participating in board meetings via teleconferencing. Hanson shared his thoughts and felt the policy should be direct and clear. President Wuertz felt managers should be compensated for participating via telephone even though there are not allowed to vote. This issue will be tabled until the next NFCRWD meeting.

Skonard shared the Natural Resources Conservation Services (NRCS) in St. Cloud has asked if the NFCRWD is interested in helping fund a feedlot site assessment project. The board felt it is a valid consideration. The issue will be discussed on the May agenda.

Funds Manager/Administrative Assistant's Report. As reported in the Consent Agenda.

PROGRAM REPORTS—

Permit Report. None

Drainage Reports.

1. **CD4 Update (Union Grove Culvert).** Rick Thompson and Robert Groshens reported two quotes for replacing the deteriorating 82-foot culvert at 512 Street were received and requested financial assistance from NFCRWD. The Board concurred to provide assistance at the normal practice of 50/50.

CD4 Buffers. Skonard met with Barb Loch of Meeker County and determined that the CD4 buffers were not paid and requested NFCRWD authorize payment of the buffers at a cost of approximately \$29,000 and send checks to record landowners as of 2011 as some of the parcels may have changed owners. Skonard also requested a letter be sent along with the checks.

IT WAS MOVED BY James Barchenger, SECONDED BY John Hanson, that NFCRWD make CD4 buffer payments of approximately \$29,685 via checks to record landowners as of 2011. Letters from NFCRWD will be included with the checks.

Roll call vote was taken.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

Attorney Deter and Skonard will work on the letter.

2. **JD1 Main and Branches (Branch 12, Fork 6).** Skonard reported the trees should be removed soon. Joe Lewis of Houston Engineering provided a progress update.
 - o Dave Johnson had questions from County Road 22 and up regarding the water level. Discussion held.
 - o Skonard commented that he and Lewis met a contractor (MBC) to discuss options for cleaning the ditch including into Grove Lake
 - o Lewis and Skonard discussed obtaining approval from the DNR and why the project is justified.

The Board concurred authorizing Skonard and Lewis to use their discretion in initiating a work plan.

Branch 12 Fork 6. Lewis gave a summary report of the proposed repair project.

IT WAS MOVED BY Bob Brauchler, SECONDED BY John Hanson to accept the JD1 Branch 12 Fork 6 repair proposal from Houston Engineering, Inc. in the amount of \$11,480.

Roll call vote was taken.

Affirmative: Barchenger, Berndt, Brauchler, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

MANAGER BERNDT NOTED HE WAS A BENEFITED LANDOWNER DURING THE VOTE.

Lewis stated work on the BWSR sub-watershed grant is progressing and is expected to be completed in May 2018.

3. **CD7 Repair Update.** Discussion held earlier in the meeting.
4. **CD32 Repair Update (RESPEC Response).** Skonard reported two letters were received disputing NFCRWD's letter of December 29, 2017 stating it will not make further payments to RESPEC for the CD32 project. The disputed amount is approximately \$22,000. The second letter addressed States Borders Construction proposed repair methods. Discussion was held and the following comments were made:
 - If NFCRWD pays for the disputed repairs, does RESPEC have the ability to complete the project in the allowed timeframe? Suggestion made to review the video.
 - Landowners raised concerns if RESPEC should continue the project that they be involved in the proposed work. Consensus to have all concerned (engineer, contractor, administrator, and a board member) and three land owners to observe meeting repair discussion. Skonard noted it may be an issue if RESPEC will not attend unless paid.
 - Skonard will work on a cost estimate of securing another engineer and report back at the next NFCRWD meeting.
5. **CD29, CD36, CD37 ROB Update.** Skonard reported the CD36 and CD37 projects are nearly complete. Landowner reports will be sent in May and that a hearing needs to be scheduled the end of May or early June. Hearing dates/times discussed.

IT WAS MOVED BY James Barchenger, SECONDED BY Gary Berndt, to schedule the CD36 ROB Hearing at 10:30 a.m., Tuesday, June 5, 2018 and the CD37 ROB Hearing at 1:00 p.m., Tuesday, June 5, 2018. MOTION CARRIED.

6. **JD2 Update.** Weather has been a factor in progressing with the project.
7. **Other Ditch Business.**
Skonard reported that land owned by Eugene Hemmisch was reviewed and determined not to overlap with the Sauk River Watershed District.

Board Member Reports. None.

Items for Next Meeting Agenda.

- Managers' Expenses
- BWSR Report
- NRCS feedlot assessment request
- CD32 update

Calendar Review. Skonard shared the calendar review.

- April 10: ROB CD29
- April 16: 1W1P Public Hearing
- April 24: Earth Day, Prairie Woods Environmental Learning Center—Bob Brauchler will attend
- May 4: Paynesville Waterfest—Brauchler will attend

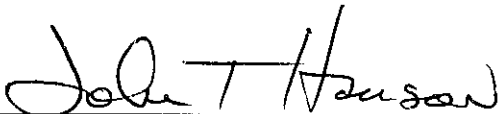
FYI Items. None.

ADJOURNMENT—

IT WAS MOVED BY John Hanson, SECONDED BY Gary Berndt, to adjourn the meeting.
MOTION CARRIED.

The meeting was adjourned at approximately 10:20 p.m.

NEXT MEETING—The next board meeting is Monday, May 14, 2018 at 7:00 p.m.



John Hanson, Secretary

14 May 2018