

NORTH FORK CROW RIVER WATERSHED DISTRICT
BOARD OF MANAGERS
Approved Regular Meeting Minutes
November 13, 2018

Managers Present: Gary Berndt, Bob Brauchler, John Hanson and James Wuertz
Manager Absent: James Barchenger
Staff Present: Cris Skonard, Christine Knutson and Christopher Lundeen
Others Present: Maury Noonan (Rinke Noonan), Boyd Fischer, Steve Fuchs, Virgil Fuchs, David Johnson, Steve Notch (Stearns County Commissioner), Joe Lewis (Houston Engineering, Inc.), Bonita Radermacher, Ken Radermacher, Jim Weller, Dale Wilson and others
Recording Secretary: Diane Beck, Legal & Administrative Assistants, Inc. (LAA)

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

AGENDA—Added to the agenda under the Administrator’s Report was CAC discussion/clarification from October 8th meeting.

IT WAS MOVED BY Bob Brauchler SECONDED BY Gary Berndt, to approve the Agenda with the addition under the Administrator’s Report of CAC discussion/clarification from October 8th meeting. MOTION CARRIED.

CONSENT AGENDA—Manager Berndt inquired if there could be a cutoff date for the bills in order to eliminate the need for two copies of the meeting financials (meeting packet and NFCRWD meeting). Cris Skonard commented the reason for two copies is additional bills, which need to be paid, are received after the meeting packets are mailed and emailed.

IT WAS MOVED BY Bob Brauchler, SECONDED BY John Hanson, to approve the following Consent Agenda:

1. Treasurer’s Report and bills to November 13, 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: Brauchler, Berndt, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

MINUTES—Skonard and Manager Hanson reviewed the October 8th minutes this afternoon. Skonard shared revisions were made under:

- Stearns CD 37 motion with the addition of “plus applicable filing fees with prepays due by November 9, 2018.”
- Stearns CD7 motion: clarifier added (original motion to pay was made at the September Board meeting.)
- Under Permit Application of Tom’s Backhoe Service, Inc.: addition of pre-construction meeting date of October 11, 2018.
- Under Drainage Reports, CD32 Repair: added landowner attendee names “Brad Marthaler, Boyd Fischer, Jim Weller, Roger Walz and John Randall.”

Hanson reported most of the corrections were for clarification and minor spelling purposes and felt the minutes looked good as recorded.

IT WAS MOVED BY Bob Brauchler, SECONDED BY John Hanson, to approve the October 8, 2018 Proposed Regular Meeting Minutes with minor corrections as noted above.

MINUTES—The October 24, 2018 Proposed Special Meeting Minutes were presented with Manager Hanson noting a minor correction should be made in the paragraph that begins with “Discussion followed.” In the second sentence, the word ‘know’ should be corrected to ‘known.’

IT WAS MOVED BY Bob Brauchler, SECONDED BY, Gary Berndt, to approve the October 24, 2018 Proposed Special Meeting minutes as corrected. MOTION CARRIED.

Open Discussion from the Public. Bonita Radermacher raised a question on the drainage assessments of CD36 and CD37 as printed in the October 8th minutes, specifically the \$5,248 suggested assessment and the possible \$2,000 costs for the beaver dam repairs. Christine Knutson, Funds Manager, provided an in-depth explanation regarding past assessment charges to landowners.

Virgil Fuchs expressed concerns with the taxes/assessments for CD37 and landowners not receiving an explanation of where dollars go. Bonita Radermacher concurred landowners received no explanation why their ditch taxes/assessments were raised to 20% and inquired who has the authority to make the decision. Virgil Fuchs shared information from a 1986 document. Knutson shared ditch taxes/assessment information from previous years and reported assessments were done by Stearns County prior to the formation of the North Fork Crow River Watershed District (NFCRWD). Skonard commented NRCRWD is being as transparent as possible and that is why redetermination efforts are being done by NFCRWD. Chair Wuertz stated NFCRWD needs to review the files in order to respond appropriately. Knutson also shared the audit process relating to ditch taxes/assessments. Redetermination is needed so landowners are charged fairly. Skonard commented the drainage area is not being enlarged, but expanding the legal boundaries to the drained area.

Dale Wilson inquired about the JD1 lateral coming out of Grove Lake, Branch 2 on the main. Joe Lewis stated this was brought up at last month’s meeting and the Board approved the repairs. As to the lateral, Skonard shared that excavation of the ditch will be performed to the original bottom elevation and if there is a culvert, it will also be lowered. Skonard is obtaining quotes for cleaning out the ditch.

Discussion also held on JD1 north of Pope County Road 22. Lewis stated the Department of Natural Resources (DNR) has provided preliminary approval. Tree removal will begin this winter with ditch repair being done in 2019, pending written approval.

Skonard stated, after approval, the contractor will be able to complete the repairs/maintenance. David Johnson inquired as to sediment buildup and when can a landowner ask for it to be maintained? Manager Berndt stated there has been some rule changes regarding repair and inspection of the ditches may be needed.

STAFF REPORTS—

Administrator’s Report.

Activities.

- Attended a meeting with Brooten city representatives regarding the infrastructure improvement project
- Attended the Minnesota Board of Water and Soil Resources (BWSR) Academy; there were very interesting topics

CAC Appointments. Skonard referred to the 2018 CAC (Citizens Advisory Committee) member attendance included in the meeting packet and shared that the 2019 CAC member appointments will be done at the December meeting. Manager Hanson suggested the NFCRWD contact current members as to their interest in serving in 2019. Two current members have chosen not to serve in 2019. President Wuertz suggested posting the information on the website. Lundeen will also email the current members. Fischer inquired about the time of the last CAC meeting; Lundeen shared the meeting time was listed in the minutes.

Manager Berndt discussed attendance of the NFCRWD Board members at CAC meetings and felt that manager input should be permitted from a citizen/landowner perspective. President Wuertz shared one board member will be appointed to attend CAC meetings; however, a second manager can also attend. Discussion was held of the role of NFCRWD managers at meetings. Manager Hanson felt the manager's role is for observation; however, Attorney Noonan shared it is a policy decision.

MAWD Delegates. Skonard stated at the last meeting the NFCRWD Board appointed President Wuertz and Manager Hanson as delegates for the Minnesota Association of Water Districts (MAWD) 2018 Annual Conference; however, Manager Hanson will not be able to attend.

IT WAS MOVED BY Bob Brauchler, SECONDED BY Gary Berndt, to appoint James Barchenger as the North Fork Crow River Watershed District delegate to the Minnesota Association of Watershed Districts 2018 Annual Conference.
MOTION CARRIED.

MAWD Resolutions Review (MAWD Convention Packet). The resolutions listed below have been reviewed by the Executive Committee and their recommendations are posted online.

- Allow an increase manager compensation
- Increase or remove the \$250,000 general fund tax level limit
- Require timely appointments to the BWSR Board
- Require watershed district permits for DNR
- Adjust WD statutory borrowing limit
- Ensure timely updates to wildlife management area (WMS) plans
- Remove impediments to Common Carp removal in lakes
- Reinforce existing rights to maintain/repair 103E drainage systems
- Recommend Administration for Clean Water Council Appointments

Skonard feels there is nothing adverse in the resolutions that affect the NFCRWD. It was the consensus of the NFCRWD Board to instruct NFCRWD delegates to concur with the resolution changes unless an issue arises during discussion of the resolutions.

Watershed Boundary Change. Skonard referred to the October 11, 2018 letter from Attorney Kurt Deter regarding the procedures for requesting a boundary change for NFCRWD. Skonard shared that CD29 and CD37 will be affected by the boundary changes (acreage will be increased).

IT WAS MOVED BY Gary Berndt, SECONDED BY Bob Brauchler, to have Attorney Kurt Deter draw up a resolution as to the proposed boundary change for the North Fork Crow River Watershed District. MOTION CARRIED.

Attorney Noonan will speak with Attorney Deter and Skonard will contact Middle Fork Watershed District to keep them informed and possibly set up an information meeting.

End-of-Year Meeting. Skonard suggested holding the end-of-year-meeting on December 26th. Discussion was held and the issue will be discussed at the December regular meeting where a day and time will be selected.

Day after Thanksgiving-Office Closed. Skonard suggested the NFCRWD office be closed the day after Thanksgiving.

IT WAS MOVED BY Bob Brauchler, SECONDED BY John Hanson, to close the North Fork Crow River Watershed District office on Friday, November 23, 2018. MOTION CARRIED.

Resolution 2018-08 Flex Plan Renewal. Skonard presented the Resolution 2018-08 regarding renewing flexible benefits for 2019.

IT WAS MOVED BY Bob Brauchler, SECONDED BY John Hanson, to approve North Fork Crow River Watershed District Resolution 2018-08.

Roll call vote was taken.

Affirmative: Berndt, Brauchler, Hanson and Wuertz

Opposed: None

MOTION CARRIED.

Evaluations/Wage Review. Skonard shared that the evaluation/wage review is needed prior to the December 10th board meeting. The Board will meet at noon on December 10th in this regard.

Watershed Project Coordinator's Report.

Activity Report. Christopher Lundeen shared the following information on tasks completed last month:

- Submitted all data for Stearns County grant applications
- Applied for Stearns County AIS grant for boat inspectors and completed the end of year AIS report for Stearns County
- Is conducting WRAP meetings for civic organizations
- Attended the Water Resources Conference in St. Paul and reported good information was presented on project management, marketing, etc.
- Holding cover crops discussions

When questioned, Lundeen responded a full monitoring report will be available on or by February. He can provide a preliminary report, but additional data is needed from the state for the final report.

Funds Manager/Administrative Assistant's Report. As reported.

PROGRAM REPORTS

Permit Reports – Tom's Backhoe Service, Inc. Skonard reported on the emergency meeting held on October 24th to address flooding issues and potential permit. The discharge point was moved to a gravel area of land in order to prevent further flooding for a landowner. This action will not affect CD36 and CD37. Skonard shared the discharge area will be inspected frequently.

Drainage Report: CD 32 Repair: Status Update

RESPEC/SBC. Skonard received an email from SBC stating based on the July meeting, they are now requesting payment for warranty work. Skonard will prepare a letter to SBC stating this is not acceptable.

Boyd Fischer reviewed the CD32 landowner committee recommendations from the October 19th meeting in Padua. Discussions included:

- Culvert under County Road 27 may be at an angle and the elevation needs to be reviewed. There may also be another culvert in question. Discussion include whether the District should go after the contractor's bond since nothing has been getting done for the last two years.
- The NFCRWD Board needs to take action on these issues.
- The landowner committee consensus at the meeting was to go after the bond.
- Attorney Noonan suggested contacting Roger Justin; Noonan will notify Justin.
- Discussion held regarding Bankers Slough.
- The committee requested a copy of the States Borders Construction contract. Skonard will provide a copy.
- Discussed vandalism issues concerning damage to the inspection manhole.

Discussion was held regarding next steps. Skonard commented that Attorney Justin provide further guidance and then additional discussions can take place.

Inspections/Vandalism. Skonard reported manhole covers have been locked and MBC has placed a grate on the tile inlet. Skonard showed a photo of a manhole with an apparent bullet hole. Skonard notified the Sheriff's. The Deputy Sheriff found discharged 20 gauge shells near the manhole.

Landowner Committee Meeting. Information was covered above.

Mitchell Control Structure. Skonard referred to the letter to Pat Mitchell from Attorney Kurt Deter regarding the Mitchell control structure and reported the structure will be repaired, and any future maintenance costs will be the responsibility of the landowner.

IT WAS MOVED BY John Hanson, SECONDED BY Gary Berndt, to approve the repair order for the Pat Mitchell control structure. MOTION CARRIED.

Lewis reviewed the recommendations/options for the repair. Discussion was held. Skonard suggested using materials on hand at NFCRWD. The Board concurred with having Lewis prepare a draft for a modified control structure repair and obtain quotes and bring back to the next meeting for approval.

CD7: Buffer Payment Update. Skonard reported letters were sent to landowners stating buffer payments will be made and requested landowners to submit IRS W-9 forms. Skonard anticipates buffer payments will be made in December.

JD 1 Main and Branches: Status Update. Skonard reviewed the repairs and quotes from MBC Drainage, LLC regarding JD1, Branch 11; JD1, Branch 12, Fork 6 and JD1 Branch 10 repairs. Prices will be competitive. Last month an engineers' estimate of \$60,000 was provided.

IT WAS MOVED BY John Hanson, SECONDED BY Bob Brauchler, to accept MBC Drainage, LLC's cost proposal for JD1, Branch 11 in the amount of \$49,305.20.

Roll call vote was taken.

Affirmative: Brauchler, Hanson and Wuertz

Abstain: Berndt (Benefitted Landowner)

Opposed: None

MOTION CARRIED.

IT WAS MOVED BY Bob Brauchler, SECONDED BY John Hanson, to accept MBC Drainage, LLC's cost proposal for JD1, Branch 12, Fork 6 in the amount of \$4,180.

Roll call vote was taken.

Affirmative: Brauchler, Hanson and Wuertz

Abstain: Berndt (Benefitted Landowner)

Opposed: None

MOTION CARRIED.

IT WAS MOVED BY Bob Brauchler, SECONDED BY John Hanson, to accept MBC Drainage, LLC's cost proposal for JD1, Branch 10 in the amount of \$4,490.

Roll call vote was taken.

Affirmative: Brauchler, Hanson and Wuertz

Abstain: Berndt (Benefitted Landowner)

Opposed: None

MOTION CARRIED.

Dave Johnson inquired if a contract is in place for tree removal. Skonard shared he asked Nate Bettis to prepare a price quote for tree removal and will contact him again.

SRWD JD1 Redetermination. Skonard reported he has received calls from landowners to make sure there is no overlap in ditch benefits between JD1 (SRWD) and JD1 (NFCRWD).

Other Ditch Business. None.

Board Member Reports. Discussion was held regarding the Regular Board meeting being held on October 8th. It was decided at the September meeting to hold the regular October Board meeting on the second Monday of the Month. Skonard reported the meeting date was announced at the September meeting and posted on the NFCRWD website. Manager Hanson stated clarification will be made regarding future meeting dates that fall on a federal holidays to avoid confusion.

Items for Next Meeting Agenda.

- End-of-Year Meeting
- Evaluations/Wage Review

Calendar Review.

- November 15: WRAPS, Brooten
- November 15: BGVWM, Glenwood
- November 28: MAWA, Alexandria
- November 29-December 1: MAWD Annual Meeting, Alexandria

FYI Items. None.

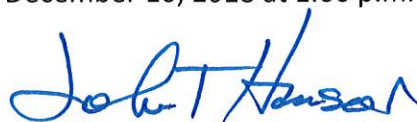
ADJOURNMENT—

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

MOTION CARRIED.

The meeting was adjourned at approximately 9:10 p.m.

NEXT MEETING—The next board meeting is Monday, December 10, 2018 at 1:00 p.m.



John Hanson, Secretary

Dec 10, 2018