North Fork Crow River Watershed District
CD 32 Acceptance Hearing
Approved Minutes
November 1st, 2016

Managers Present: Berndt, Wuertz, Barchenger, Brauchler, Hanson
Managers Absent: None
Staff Present: Christopher Lundeen

Opening of Public Hearing:
Chairperson Wuertz opened the public hearing at 7:00 pm.

Purpose of Hearing:
Kale Van Bruggen, attorney representing the NFCRWD Board, stated that the purpose of the hearing was to fulfill requirements of MN Statute 103E.555 which requires that after substantial completion of a project, a hearing shall be held to direct payment for work completed. The hearing is to allow public comment regarding the work completed to determine payment to the contractor.

Notice Requirements:
Lundeen, stated that the Acceptance Hearing was noticed on the NFCRWD website and the Bonanza Valley Voice, one of the official district papers and a direct mailing was sent to all benefitting Landowners on CD 32.

Report on Status of Work:
Lee Rosen, appointed project Engineer from Respec Consulting and Services, provided a summary of the work directed by the Board and the completed work to date. Rosen discussed work completed by Mid MN Excavation (MME) included open channel excavation, water quality side inlets, culvert repair, clearing and leveling of spoil banks, excluding the change order work that will be completed on branch 1 when weather permits, and work completed by MBC Drainage including disking and seeding of buffers. Rosen stated the work was completed by MME to specification, excluding branch 1 changed order, the contractor has previously been paid $188,509.45, with $9,921.55 being held as retainage and recommended that the contractor be paid from work completed.

Public Comment and Questions:
Chairperson Wuertz opened the hearing for public comment.

Jim Weller, benefitting landowner, commented that he had 5 tile outlets that need to be repaired.

Arthur Marthaler, benefitting landowner, commented that he had 5-6 tile outlets that need to be repaired.

Mark Herickoff, benefitting landowner, discussed issues he had with the seeding. Jim Weller, Boyd Fisher, Marv Borgerding and others benefitting landowners, stated that they feel that the crown of the ditch was moved during repair. Rosen, project engineer, stated to the Board that he did not think the crown of the ditch was an issue.

Manager Berndt, benefitting landowner, discussed issues with the spoil bank leveling on the project.

Mark Herkhoff, benefitting landowner, commented on the side inlets, and need for additional inlets. Lundeen, discussed that grant funds were used for some of the project. Rosen, project engineer, discussed how inlets where prioritized to areas of most need to decrease project cost.
Jim Weller, benefitting landowner, discussed trees down in ditch south of Hwy 27. Rosen discussed this area of ditch was not in the repair plans, because of the slope of the ditch downstream of Hwy 27.

The NFCRWD Board discussed the invoices and claims from Boyd Fisher. Motion to approve payment of Fisher claims totaling $1,587.81 was made by Manager Brauchler, seconded by Manager Hanson, Manager Berndt abstained due to a conflict of interest as a benefitting landowner. Motion carried.

Board discussion about Nelson claim. Fisher ask about if trees removed were located on CD 32. Motion to look into tree removal locations was made by Manager Barchenger, seconded by Manager Brauchler, Manager Berndt abstained due to a conflict of interest as a benefitting landowner. Motion carried.

The Board discussed letter from Patrick Mitchell. Motion to not approve any invoice from landowner, with work completed by alternative contractor, appointed contractor will complete work on landowner property when weather cooperates made by Manager Hanson, seconded by Manager Barchenger, Manager Berndt abstained due to a conflict of interest as a benefitting landowner. Motion carried.

Board discussed tile outlet damage letters from Earl Kasper and Mike Rooney, benefitting landowners, both tiles need to be looked at by NFCRWD staff.

**Discussion by Board and Possible Action:**

Discussion by board to continue meeting to a future date, with payment retainage to be withheld until work is completed to fix tile issues, additional work on Branch 1 and further review of the project.

**Discussion of Other Issues Raised:**

Discussion about manholes and tile being installed on Weller and Fisher properties.

**Adjournment:**

Motion to continue the public hearing on November 14th at 8p.m. made by Manager Brauchler, seconded by Manager Barchenger, Manager Berndt abstained due to a conflict of interest as a benefitting landowner. Motion carried.

John Hanson, Secretary

14 Nov 2016