

**OFFICIAL MINUTES**  
**Clearwater River Watershed District**  
**Board of Managers Meeting**  
**October 19, 2016 - 6:00PM**  
**City Hall, Annandale, MN**

Chair Schiefelbein called the meeting to order at 6:00pm. Managers Kathy Jonsrud and Robert Rocheleau were present. Manager Chris Uecker entered the meeting at 6:05pm. Manager Paul DeGree was excused absent. Also in attendance were: Commissioner Chris Husom (left at 8:33pm), Engineer Rebecca Kluckhohn, Advisor Merle Anderson, Assistant Administrator Dennis Loewen and Administrator Cole Loewen. The following were in attendance for the School Section Lake Outlet Control Project Public Hearing: Bob & Lois Rowbottom, Bill & Bev Spies, Mary & Ron Richter, Brad & Jean Ebeling, Bruce & Darlene Way, Kyle Neu, Jeff & Nicole Herr (all left at 7:19pm). Cory Netland, MNDNR Area Wildlife Supervisor, and Eran Sandquist, Pheasants Forever State Coordinator (along with his two children) entered/ left the meeting at 7:00/8:21pm.

Motion #16-10-1: Jonsrud/Rocheleau moved to adopt the agenda. **All Managers voted aye.**

**PRESENTATIONS**

**Public Hearing: School Section Lake Outlet Control Project: proposed reapportionment of benefits for benefitted properties, proposed replacement of ice barrier & corresponding assessment of costs**

Chair Schiefelbein opened the hearing at 6:01pm. Administrator Loewen gave a presentation covering: 1) the proposed reapportionment of benefits, 2) the proposed replacement of the project's ice barrier, 3) the proposed assessment cost structure, and 4) proposed timeline of events related to items 1-3.

During this presentation, multiple questions and comments were fielded from the audience, summarized as follows:

- MN Dept. of Natural Resources' (MNDNR) permitted elevation of project's outlet control structure (aka weir inside manhole). The Board reminded those in attendance the CRWD has no authority to deviate from the set elevation on the MNDNR permit, and if residents wish to have said permitted outlet elevation changed, they need to work with the MN DNR.
- General operation of the project when it is in working order. The Board informed those in attendance of the general operational protocols for the project, including additional MNDNR permit requirements regarding temperature in the downstream receiving water (Theil Creek) in order to protect the aquatic habitat of the stream.
- Level of assurance the proposed ice barrier replacement will last the test of time. The Board informed those in attendance the proposed replacement is similar in design to the Pleasant Lake Outlet Control Structure in Annandale, MN, which was installed around the same time as this Project. That structure has to handle similar ice conditions, and has done so with minimal damage to structure. However, no level of guarantee can be given on such structures; there is always the potential of failure, even if such potential is low.
- Fairness of the current assessment roll's structure. The Board informed those in attendance of the statutory requirements for assessing the costs to operate & maintain the project, specifically that said assessment must follow the benefits originally determined as listed on the original project assessment roll from the mid- 1980s. A redetermination of benefits process could be undertaken to change this assessment roll structure, but it could: 1) require a professional appraisal, 2) increase administrative costs to the project, 3) reopen the project to potential legal challenges, and 4) provide opportunity for the MN DNR permit for the project to be amended in such a manner as to decrease the opportunity for lake out-letting (MN DNR Area Hydrologist Nicola Blake-Bradely indicated by e-mail to the CRWD office on November 2, 2016 that the MN DNR would not have any issue with the CRWD doing a redetermination of benefits for the School Section Lake Outlet Control Project, and would not use said

redetermination as an opportunity to amend the project's DNR permit in such a manner to decrease the opportunity for lake out-letting). The Board encouraged those in attendance to mull over the potential consequences of conducting such a redetermination, to speak with their neighbors who were not in attendance, and to let the Board know if they would prefer such a redetermination to occur.

Hearing no further comments from those in attendance, Chair Schiefelbein called for a motion to close the public hearing.

Motion #16-10-2: Jonsrud/Uecker, moved to close the School Section Lake Outlet Control project hearing at 7:19pm. **All Managers voted aye.**

Those in attendance for the pervious agenda item left at this time (7:19pm).

Motion #16-10-3: Jonsrud/Uecker, moved to table the delinquent utility account hearing agenda item, seeing no one in attendance for said item. **All Managers voted aye.**

### **Acquisition of Kingston Wetland property, request for financial assistance, potential assistance at Watkins Area Stormwater Project**

Eran Sandquist and Cory Netland presented on the potential purchase of property for the purposes of establishing a state wildlife management area where the CRWD holds perpetual easements for a water quality improvement project. Discussion was held on the CRWD's easement rights, specific maintenance and access requirements for the project covered by said easements and ways the CRWD could assist with habitat enhancements from a water quality improvement perspective. Discussion was also held on ways Pheasants Forever could potentially assist the CRWD with native restoration at the Watkins Area Stormwater Treatment Project. The Board was informed the MNDNR and Pheasant Forever would work with the CRWD to address specific maintenance and access requirements. Mr. Sandquist encouraged the submission of a site restoration proposal for the Watkins Area Stormwater Treatment Project to the local Pheasants Forever chapter to see if there is interest in assisting with native restoration.

Eran Sandquist and Cory Netland left the meeting at 8:20pm.

Motion #16-10-4: Uecker/Jonsrud, moved to remove the delinquent utility account hearing agenda item from the table. **All Managers voted aye.**

### **Public Hearing: Delinquent Sewer Utility Accounts**

Chair Schiefelbein opened the hearing at 8:21pm. Seeing no one in attendance for the hearing, Chair Schiefelbein called for a motion to close the hearing.

Motion #16-10-5: Jonsrud/Rochelleau, moved to close the Delinquent Sewer Utility Accounts' hearing at 8:21pm. **All Managers voted aye.**

Motion #16-10-6: Jonsrud/Uecker, moved to certify all delinquent utility accounts to Stearns County for collection as part of 2017 property taxes by 11/30/2016, and for all applicable fees and charges, including interest and county fees, to be included, with the understanding that any delinquent account that is paid in full by November 30<sup>th</sup> will not be certified for collection. **All Managers voted aye.**

### **CONSENT AGENDA**

Action items included in the consent agenda are as follows:

- Approved September 21, 2016 CRWD Board of Managers' regular meeting minutes.
- Authorize Board and staff attendance at list of upcoming events

Motion #16-10-7: Jonsrud/Rocheleau, moved to adopt the consent agenda. **All Managers voted aye.**

### **OCTOBER 19, 2016 FINANCIAL REPORT**

Administrator Loewen reviewed the financial report.

Motion #16-10-8: Jonsrud/Rocheleau, moved to authorize payment of bills, subject to audit. **All Managers voted aye.**

### **OLD BUSINESS**

#### **Update on hydro-geotechnical investigations for Clearwater Harbor/ Hidden River Nitrogen Mitigation & Analysis Plan**

Engineer Kluckhohn updated the Board on the investigations and reviewed next steps for completion.

#### **Cedar Lake Watershed Protection & Improvement Project**

Administrator Loewen reviewed the remaining outstanding items to complete the project and the removal status of the spoils pile. Vegetation management of the limestone filter at the Old Highway 55 component was also discussed.

#### **Clearwater River Restoration & Protection Phase II Project**

Engineer Kluckhohn reviewed the report summarizing the pollutant sourcing and best management practice siting portion of the project. Discussion was held on next steps.

Chris Husom left the meeting at this time (8:33pm).

#### **Watkins Are Isolation Unit Repair**

Administrator Loewen reviewed proposed task order #16-0003 with Wenck Associates, Inc. to provide field investigation, plan development, permitting assistance, and construction oversight for the previously-approved repair work at the Watkins Wetland Isolation Unit.

Motion #16-10-9: Jonsrud/Uecker, moved to authorize task order #16-0003 with Wenck Associates, Inc. **All Managers voted aye.**

### **NEW BUSINESS**

#### **Watkins Area Stormwater Treatment Project**

Engineer Kluckhohn reviewed the draft project manual and corresponding revised contract drawings for the Watkins Area Stormwater Treatment Project.

Motion #16-10-10: Uecker/Jonsrud, moved to:

- Receive, accept and confirm the project manual for the Watkins Area Stormwater Treatment Project.
- Order the bidding of the project forthwith.
- Authorize and direct the CRWD Engineer and Administrator to proceed with all necessary actions such that bidding commences on the project.
- Authorize and direct the Chair and Secretary of the CRWD to take all steps and execute all documents necessary to carry out this resolution in accordance with Minnesota Statutes Chapter 103D. **All Managers voted aye.**

#### **2016 Rough Fish Seining: Lake Louisa**

Administrator Loewen gave a summary of the seining on Lake Louisa performed on October 6th. After discussion, the Board directed staff to: 1) have the commercial fisherman not sein Lake Marie as planned, 2) continue with planned seining of Swartout Lake and 3) have Wenck Associates, Inc. submit

a proposal to conduct radio tagging of rough fish in the Marie, Louis, Scott and Betsy portion of the river system in order to better quantify movement and volume of rough fish present.

**Letter from legal representative for owners of 14872 Hidden River Dr., South Haven, MN**

Administrator Loewen reviewed the received letter, which requests the CRWD refund collected sewer utility bills with interest for two of three parcels owned by said owners, and for collection of sewer utility bills on said two parcels to cease. Loewen also reviewed a previous request from said owners on this same matter to the Board, the Board's position taken at that time and the Board's consistent, uniform position on requests of this nature for all affected properties in the CRWD.

Motion #16-10-11: Jonsrud/Uecker, moved to have the CRWD attorney respond to the legal representative for owners of 14872 Hidden River Dr., South Haven, MN, noting the following:

- The previous history on this matter between the CRWD and the property owners.
- The Board's previous position on this request.
- The Board's consistent, uniform position regarding requests of this nature.
- The Board took no action on this request. **All Managers voted aye.**

The Board directed staff to work with the CRWD attorney to create a policy summarizing the Board's position on these types of matters, and to incorporate this work in the policy updating work underway.

**Comments regarding CRWD handling of servicing individual septic tanks at Hidden River Development**

Administrator Loewen reviewed comments received from several residents of the Hidden River Development regarding the CRWD's handling of individual septic tank servicing. Loewen presented a suggestion to change how servicing of these tanks is handled and to put said responsibility on the individual property owner while requiring proper documentation to be submitted to the CRWD on a recurring schedule so as to continue to protect the sewer system for Hidden River from damage caused by improper servicing of said tanks. The Board directed staff to pose this suggestion to the Hidden River Development Association for comment, and to bring this matter back to the Board at a later date.

**Administrator Loewen- Other Business**

Request to remove parcel #206-059-001040 from future assessment rolls and to refund 2016 paid assessments from Jim Debilzan

Administrator Loewen review the noted request, which stipulates this parcel does not exist. This parcel exists due to an old surveying error that affects the legal descriptions for three parcels that Mr. Debilzan owns. After checking with the county, staff learned the parcel remains in the county's tax system until this surveying error is corrected. As such, the parcel remains in existence. Per the Board's previous position on these types of matters, the CRWD does not remove parcels from assessment rolls for not being in existence unless the county where the parcel resides provides written verification the parcel indeed no longer exists.

The Board took no action on this request, and directed staff to submit a letter to Mr. Debilzan noting both the Board's position on requests of this type and that Mr. Debilzan can come back to the Board at a later date to make this request once the county provides the required documentation.

**Bogs at Clearwater/ Grass Channel Bridge**

Administrator Loewen noted the partial blockage of the river by floating bogs at this location. At this time flow is not being impeded, so no removal action has been instituted.

**Advisor Anderson- Other Business**

None

**Advisory Committee assignments are:**

1. No-wake “flag” notices
2. Aquatic Invasive Species

**Items noted for the November 16, 2016 regular meeting are:**

- Project updates
- MAWD Annual Meeting Delegates
- School Section Lake Outlet Control Project-proposed reapportionment and replacement of ice barrier
- Cedar Lake Watershed Protection & Improvement Project update
- Watkins Area Stormwater Treatment Project update
- Clearwater River R&P Phase II Project update
- Clearwater Harbor/ Hidden River NMAP implementation: hydro-geologic update
- Watkins Wetland Isolation Unit Repairs update

**MANAGERS’ REPORTS**

Manager Jonsrud gave: 1) a summary of the AIS Summit event held recently in St. Cloud, MN, 2) an update on control efforts for Starry Stonewort in Lake Sylvia in Wright County and 3) planning of a local AIS meeting for area lake associations, hosted by the CRWD.

Manager Rocheleau asked for an update on the easement grantor’s offer to provide funds for a specific portion of the costs to replace the ice barrier for the School Section Lake Outlet Control Project.

Motion #16-10-12: Rocheleau/Uecker, moved to adjourn at 9:37pm. **All Managers voted aye.**

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CRWD AUDIT REPORTS ARE AVAILABLE AT THE ANNANDALE PUBLIC LIBRARY

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Chair, Bob Schiefelbein

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Secretary, Paul DeGree