

OFFICIAL MINUTES
Clearwater River Watershed District
Board of Managers Meeting
July 20, 2016 - 6:00PM
City Hall, Annandale, MN

Chair Schiefelbein called the regular meeting to order at 6:04pm. Managers Paul DeGree, Kathy Jonsrud, Robert Rocheleau, Robert Schiefelbein and Chris Uecker were present. Also in attendance were: Joshua Trutwin (left at 7:28pm), Scott Wroblewski (left at 7:28pm), Engineer Rebecca Kluckhohn, Advisor Merle Anderson, Assistant Administrator Dennis Loewen and Administrator Cole Loewen. Commissioner Chris Husom entered at 6:28pm. John Uecker entered at 7:15pm.

Motion #16-7-1: Jonsrud/Rocheleau, moved to adopt the agenda. **All Managers voted aye.**

CRWD's 2016 Project Inspection Report

Administrator Loewen reviewed the 2016 Project Inspection Report. The Board directed staff to undertake the following activities noted in the report:

- Perform noted primary activities at Pleasant Lake Outlet Control Structure
- Perform noted primary activities at School Section Lake Outlet Control Structure
- Solicit opinion from CRWD attorney on proper handling of decommissioning and removal of aerator equipment and buildings on Lakes Marie and Augusta, while maintaining existing easements for potential future use
- Perform noted primary and secondary activities at Kimball Stormwater Ph I&II
- Perform noted secondary activity at Lake Augusta Erosion Control
- Solicit Meeker County for removal of beaver dams and control of beaver along County Ditch 46 at the Kingston Wetland Project
- Place additional riprap at Kingston Wetland Project to protect bank at beginning of re-meandered channel from further erosion
- Investigate with landowners and township about modifying culvert along Henshaw Lake Outlet to function as a fish barrier
- Move forward with repairs/ replacement at Illsley Ave Fish Barrier
- Perform noted primary and secondary activities at Watkins Wetland Isolation Unit
- Perform noted primary activity at Rest-A-While Sewer System

All other maintenance items were acknowledged by the Board, with the decision to defer maintenance to a future date pending further review and adequate funding.

Commissioner Chris Husom arrived during this presentation.

Consent Agenda

Action items included in the consent agenda are as follows:

- Approved June 15, 2016 regular meeting minutes of the CRWD Board of Managers
- Authorized transfer of \$10,000 from fund 210 to fund 406 in fiscal year 2016
- RESOLUTION AUTHORIZING THE CLEARWATER RIVER WATERSHED DISTRICT (CRWD) TO SUBMIT A POINT SOURCE IMPLEMENTATION GRANT APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY (PFA) AND TO AUTHORIZE ITS ADMINISTRATOR TO EXECUTE A GRANT AGREEMENT ON BEHALF OF THE CRWD FOR THE CLEARWATER HARBOR & HIDDEN RIVER SANTIARY SEWER FACILITIES

WHEREAS, the Point Source Implementation Program, established in Minnesota Statutes 446A.073, as amended provides funds for construction projects; and

WHEREAS, the CRWD is hereby applying to the PFA for funds to be used for eligible costs for the implementation of a nitrogen mitigation and removal system for the Clearwater Harbor & Hidden River Sanitary Sewer Facilities.

BE IT RESOLVED that the CRWD has the legal authority to apply for the grant, and the financial, technical and managerial capacity to ensure proper construction, operation and maintenance of the project for its design life.

BE IT FURTHER RESOLVED, that upon approval of its application by the PFA, the CRWD may enter into an agreement with the PFA for the above referenced project, and that CRWD certifies that it will comply with all applicable laws and regulations as stated in all contract agreements described in the Compliance listing of the grant application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Managers for the Clearwater River Watershed District hereby authorizes its Administrator and Chair, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the above project on behalf of the CRWD.

- Authorize attendance of office staff and members of the Board as deemed prudent at noted upcoming events

Motion #16-7-2: Jonsrud/Rocheleau, moved to adopt the consent agenda. **All Managers voted aye.**

July 20, 2016 Financial Report

Administrator Loewen, in addition to reviewing the monthly financial report, also informed the Board of receipt of pay application #6 from Peterson Companies for the East Swartout project.

Motion #16-7-3: Jonsrud/DeGree, moved to authorize 1) payment of pay application #6 from Peterson Companies for East Swartout construction in the amount of \$9,256.26, 2) Administrator Loewen to sign said pay application and 3) payment of bills, subject to audit. **All Managers voted aye.**

OLD BUSINESS

Update from Hidden River Homeowners Association re: decoupling/ decommissioning research progress

Administrator Loewen reviewed the list of steps submitted to the Hidden River Homeowners Association (HRHOA) per Board direction at its June 1st, 2016 special meeting. Loewen also reviewed the results of a straw poll undertaken by HRHOA of its members to determine the level of interest and commitment of individual property owners in moving forward with decoupling/ decommissioning the Hidden River Sanitary Sewer System (HRSSS) and converting to the installation of Individual Sewer Treatment Systems (ISTS) by the individual property owners.

Results of said poll are as follows:

- 13 responded 100% committed to ISTS [41.94%]
- 8 responded not 100% committed to ISTS [25.81%]
- 2 responded not firmly on either side of the issue so they abstained [6.45%]
- 1 owner (with three lots) responded declining Hidden River Association representation in the matter and indicated was in consultation with their lawyer [9.68%]
- 5 owners failed to register any response [16.13%]

The Board made note that based on the results of this poll there was not consensus amongst the residents of the Hidden River development to undertake decoupling/ decommissioning of the HRSSS

and converting to ISTSs. As such, the Board instructed staff to not expend any further efforts on this matter until such time the residents of Hidden River are able to demonstrate stronger consensus. The Board also instructed staff to contact the residents of the Hidden River and Clearwater Harbor Sewer Systems if the state legislature does move forward with a special session yet this year.

John Uecker arrived during this item; Joshua Trutwin and Scott Wroblewski left at the end of this item.

School Section Lake Outlet Project: easement and outlet pipe issues

Administrator Loewen reviewed the recent progress made on addressing concerns raised with the ice barrier and maintenance access with James Schwebel. Mr. Schwebel has allowed access via his established driveway as well as trimming of overhanging tree branches so as to allow CRWD access with maintenance equipment to perform needed maintenance on the outlet pipe. This has been allowed with the understanding the CRWD will undertake an action to modify/ replace the ice barrier with an engineered solution that maintains the operation effectiveness of the project while address Mr. Schwebel's concerns with aesthetics.

Engineer Kluckhohn present a memo and draft schematic on potential alternative to replace the ice barrier with a robust solution that would meet MN DNR permit requirements (current and proposed). Administrator Loewen noted the proposed permit requirements.

The Board discussed at length the potential alternatives, funding of said alternatives and the potential of re-determining benefits of those assessed for the project. The Board indicated that the engineer-recommended alternative was the preferred option to move forward with when accounting for all the various aspects of this issue.

The Board directed staff to:

- Forward the engineering memo and schematic to Mr. Schwebel and Mr. Herr (associated of Mr. Schwebel).
- Seek commitment from Mr. Schwebel on funding assistance to implement the engineered-recommended option, with authorization for CRWD attorney involvement in this matter.
- Work with the CRWD attorney for the proper updating of the original roll for School Section Lake such that it meets legal requirements for operation & maintenance fund assessments.
- Install no trespassing signs on the current ice barrier.
- Provide an update on this matter to the Board at its August 17th regular meeting.

Cedar Lake Watershed Protection & Improvement Project: spoils pile issue & general update

Administrator Loewen reviewed the issue with the spoils pile at the Old Highway 55 component of this project and presented a potential solution to expedite closure of the issue. Engineer Kluckhohn reviewed the remaining outstanding items for construction closeout of the East Swartout component.

The Board directed staff to ascertain the costs to spread and seed the spoils pile on the existing lot the CRWD owns, and to report back to the Board at its August 17th regular meeting, at which time the Board will review the proposal for the CRWD to take ownership of the spoils pile by written agreement with the common interest holders of the Cedar Creek Plat. The common interest holders own the spoils via easement agreements with the CRWD.

CRWD Watershed Tour Update

Administrator Loewen review the status of preparation for the CWD tour.

Watkins Area Stormwater Project update

Administrator Loewen & Engineer Kluckhohn gave an update on the progress of the project. The Board directed staff to investigation enrolling the portion of land that will not be directly used for the project

into the Continuous Conservation Reserve Program with the US Dept. of Agriculture, and for the to-be-development project bid manual to include adequate cover and restoration of the land to be eligible for said program. The Board also directed its engineer to continue to contact the MN Dept. of Natural Resources to ascertain the status of the permit for the project, including why it has taken so long for the permit to be issued.

Targeted Fertilizer Project update

Administrator Loewen & Engineer Kluckhohn gave an update on the progress of the project. The draft final project report will be presented to the Board at its August regular meeting.

Placement of riprap along Rest-A-While Sewer System's eastern sedimentation basin; removal of unauthorized landscape pavers adjacent to system's lift station

Administrator Loewen review previous Board discussion on these two items, as well as the current status of the issues that prompted discussion on these items. The Board directed staff to not undertake any action on these items, but to continue to monitor and inform the Board if further issues arise.

NEW BUSINESS

Stearns SWCD free nitrate well clinic in Kimball on August 4th, 2016, 4-7pm

Motion #16-7-4: Jonsrud/DeGree, moved to authorize cost-sharing of \$125.00 for the postcard mailing for this clinic, as well as authorizing the Administrator's attendance at this event at his discretion. **All Managers voted aye.**

Agreement with Sauk River Watershed District on education program via Targeted Fertilizer Project for 2016-17 school year

Motion #16-7-5: Jonsrud/Uecker, moved to accept the agreement with Sauk River Watershed District for educational programming in the 2016-17 school year and authorize the Board chair to sign and execute the agreement. **All Managers voted aye.**

Loewen Administrative Services, LLC annual contract review; PACMA annual contract review; discussion on staffing needs

Administrator Loewen presented proposed revisions to the contract between Loewen Administrative Services, LLC and the CRWD. Advisor Anderson informed the Board he had no changes on PAMCA's contract with the CRWD. The Board had general discussion on potential staffing needs and succession planning.

Motion #16-7-6: Rocheleau/Uecker, moved to establish a personnel subcommittee, with Managers DeGree, Jonsrud and Administrator Loewen serving on said committee with the purpose to research staffing needs and succession planning and report back to the Board at a later date. **All Managers voted aye.**

The Board directed the following be recorded in the meeting's minutes: the contract between PACMA and the CRWD was reviewed and found to be agreeable to both parties in its current form.

Motion #16-7-7: DeGree/Uecker, moved to approve the revisions to the contract between Loewen Administrative Services, LLC and the CRWD, and for the Board chair to sign and execute the revised contract. **All Managers voted aye.**

Draft 2017 CRWD budget; order public hearing on budget

Administrator Loewen reviewed the current draft 2017 CRWD budget. The Board noted a couple revisions to be made and instructed staff to have the budget on the Board's August regular meeting agenda.

Administrator Loewen- Other Business

Administrator Loewen presented a citizen concern regarding 273 Battle Rd's sewer connection to the Clearwater Harbor Sanitary Sewer System. The Board instructed staff to have the owner of the property: 1) contact the CRWD office, 2) detail the perceiving problem, 3) inform what solution they would like to see, and 4) provide written agreement that if the CRWD becomes involved in investigating the perceived problem and finds no problem exist, the property owner will be charged for the services performed.

Advisor Anderson- Other Business

None

Advisory Committee assignments are:

1. No-wake "flag" notices
2. Aquatic Invasive Species

Items noted for the August 17, 2016 regular meeting are:

- Clearwater Harbor/ Hidden River NAMP Implementation: hydro-geologic investigations
- Draft 2017 CRWD Budget
- Targeted Fertilizer Project update
- Clearwater River R&P Phase II Project update
- Cedar Lake Watershed Protection & Improvement Project update; spoils pile issue
- Watkins Area Stormwater Treatment Project update
- Watershed Tour
- CRWD Incentive Program

MANAGERS' REPORTS

Manager Jonsrud reviewed recent activity by MN Lakes and Rivers Advocates regarding Aquatic Invasive Species' issues in the state.

Manager Uecker asked for clarification on the impact of the East Swartout and Old Highway 55 components of the Cedar Lake Watershed Protection & Improvement Project on local water levels.

John Uecker made comments on perceived water level impacts from the East Swartout and Old Highway 55 components of the CLWP&I Project, and asked for a copy of the pre-construction survey for East Swartout that was undertaken by the CRWD per MN Dept. of Natural Resources' requirements to demonstrate that the design of the East Swartout component would not result in significant hydrological impact to upstream, neighboring properties.

Motion #16-7-8: Uecker/Jonsrud, moved to set a public hearing on adopting the proposed 2017 CRWD budget for September 7th, 2016 at 6:00pm at City Hall in Annandale, MN and publish notice of the hearing per statutory requirements. **All Managers voted aye.**

Motion #16-7-9: Rocheleau/Uecker, moved to adjourn at 9:51pm. **All Managers voted aye.**

THESE MINUTES ARE AVAILABLE AT: www.crw.org.

CRWD AUDIT REPORTS ARE AVAILABLE AT THE ANNANDALE PUBLIC LIBRARY

Chair, Bob Schiefelbein

Secretary, Paul DeGree