

**OFFICIAL MINUTES**  
**Clearwater River Watershed District**  
**Board of Managers Meeting**  
**May 17, 2017 - 6:00PM**  
**City Hall, Annandale, MN**

Chair Schiefelbein called the meeting to order at 6:00pm. Managers Paul DeGree, Kathy Jonsrud, Robert Rocheleau, Robert Schiefelbein and Chris Uecker were present. Also in attendance were: Evan Carlson (entered at 6:08pm, left at 6:51pm), Robert Rowbottom (left at 6:07pm), James Vossen (entered at 6:07pm, left at 7:00pm), Commissioner Darek Vetsch (entered at 6:13pm, left at 9:21pm), Engineer Rebecca Carlson, Advisor Merle Anderson, Assistant Administrator Dennis Loewen and Administrator Cole Loewen.

Motion #17-05-1: Jonsrud/Uecker moved to adopt the agenda. **All Managers voted aye.**

The Board granted Robert Rowbottom time to speak on concerns related to the water level of School Section Lake. Mr. Rowbottom left at the end of this item.

**PRESENTATION**

**Evan Carlson, Innovative Power Systems, Inc. – solar garden potential on CRWD property**

Evan Carlson reviewed his firm’s interest in siting a solar garden on a portion of CRWD property in the City of Watkins, MN. The Board indicated interest in working with Innovative Power Systems on a potential solar garden, but indicated there would need to be conversations with the City and county early in the process in order to maintain good relations. The Board gave Mr. Carlson’s firm permission to visit CRWD property to conduct a preliminary suitability visit. In addition, Mr. Carlson indicated someone from his firm would try to visit with the City of Watkins clerk the same day of that visit. The Board directed its administrator to contact the city about this potential use of the CRWD’s property.

Evan Carlson left at the end of this item.

**James Vossen – Add soil to easement area between lots 7-8 of Rest-A-While Shores Plat**

Motion #17-05-2: Jonsrud/Uecker moved to remove from the table Mr. Vossen’s request regarding adding soil to the easement area between lots 7-8 of Rest-A-While Shores Plat. **All Managers voted aye.**

Motion #17-05-3: Rocheleau/Jonsrud moved the following resolution:

**RESOLUTION**  
**APPROVING LANDSCAPING WORK WITHIN DRAINAGE & UTILITY EASEMENT**

**WHEREAS** James R. Vossen and Anita D. Vossen (together, “Owners”) are fee owners of a residential parcel legally described as Lot 8, Block 1, Rest a While Shores Plat (Attachment A), located in Fairhaven Township, Stearns County (the “Property”).

**WHEREAS** the Property is burdened by a drainage & utility (D&U) easement dedicated by plat, which easement has been assigned to and confirmed in the Clearwater River Watershed District (“District”) as memorialized in a Confirmation and Assignment of Perpetual Easement Rights executed by Stearns County and filed in the Office of the Stearns County Recorder as Doc. No. A1461017 on January 27, 2016.

**WHEREAS** within the D&U easement, the District maintains a subsurface connection line, force main and lift station serving a sanitary treatment area on Outlot A, Rest a While Shores Plat.

**WHEREAS** part of an interlocking stone retaining wall, driveway and part of a parking pad encroach within the easement area.

**WHEREAS** Owners wish to conduct certain landscaping and surface shaping work within the easement area described on Attachments B&C to this resolution, generally as follows:

- Add 8.33 cubic yards of black dirt.
- “Bevel” center section of improvement area to contain rain runoff.
- Add 274 square feet of new sod.
- Add 90 feet of Master Mark plastic Gardener black Pro lawn edging.

**WHEREAS** in conjunction with this work, Owners agree to remove from the easement area 24 existing 18-inch-square concrete pavers, and 16 existing 12-inch-square concrete pavers.

**WHEREAS** Owners have requested that the District authorize this work within the easement area.

**WHEREAS** the District seeks to fulfill its responsibility to maintain the sanitary system, and maintain its easement rights so that it is able to do so, without undue burden to encumbered landowners, and accordingly is willing to accommodate reasonable requests provided the system and the District’s easement rights to maintain it are protected.

**THEREFORE BE IT RESOLVED** that the work specified in Attachments B&C is authorized, subject to the following conditions:

- Owners must comply with any county requirements and applicable requirements of any other authority.
- Owners will restore the disturbed area with sod at the earliest occasion.
- Owners will properly install biorolls downgradient of the disturbed area, maintain them in place until all sod is installed, and properly dispose of the biorolls and accumulated sediments.
- To protect the buried facilities, Owners will perform all work without entering any motorized vehicle or equipment into the easement area.
- Owners will engage in surface shaping only to the minimal extent necessary to contain runoff.

**BE IT FURTHER RESOLVED** that by authorizing the foregoing work, the District does not waive any rights under the D&U easement, and does not assume any responsibility for damage to surface improvements resulting from its lawful exercise of those rights;

**BE IT FINALLY RESOLVED** that this authorization does not constitute an acceptance of the retaining wall, driveway and parking pad encroachment within the easement area, and that the District reserves its right under the D&U easement to disturb those structures as may be necessary or convenient to its exercise of rights under the easement. **All Managers voted aye.**

James Vossen left at the end of this item.

**School Section Lake Outlet Control Project, re-institution proceedings**

Motion #17-05-4: Uecker/DeGree moved the following resolution:

RESOLUTION

INITIATING THE SCHOOL SECTION LAKE MODIFIED OUTLET CONTROL PROJECT #17-1

**WHEREAS** the Clearwater River Watershed District (CRWD) constructed and maintains the School Section Lake Outlet Control Project, designated as Project #84-1 (the “Project”), a structural outlet on

School Section Lake, Stearns County, for purposes including managing lake level and flood risk for properties riparian to the lake;

**WHEREAS** Project construction was funded by special assessment on properties benefited by the Project;

**WHEREAS** the CRWD, in accordance with Minnesota Statutes §103D.401, has adopted and implements a watershed management plan that provides for the operation and maintenance of an outlet structure on School Section Lake to manage water levels in the lake and for related purposes;

**WHEREAS** Minnesota Statutes §103D.631 directs that the Board is “responsible for maintaining the projects of the watershed district in a condition so that they will accomplish the purposes for which they were constructed.”

**WHEREAS** pursuant to Minnesota Statutes §103D.631, each year the CRWD Board of Managers (“Board”) has considered and as necessary certified an assessment against benefited properties, in proportion to benefits determined, to fund Project operation and maintenance;

**WHEREAS** in 2015, the outlet structure intake was significantly damaged by ice so that the Project became inoperable, requiring that as an element of repairing the intake and restoring operability, the CRWD installed an ice barrier to protect the Intake from immediate ice damage that was functional but not designed as a long-term element of the outlet and did not incorporate safety or visual considerations;

**WHEREAS** in 2015 and 2016, the Board had multiple discussions on Project modifications to incorporate a permanent ice barrier;

**WHEREAS** on October 19, 2016, the Board convened a public information session concerning the Project at the City Hall, City of Annandale, in accordance with public notice, where all interested parties had an opportunity to address the Board concerning the noticed matters, and where the following subjects, among others, were discussed:

- MN Dept. of Natural Resources (MNDNR) authority to prescribe the permitted elevation of the Project’s outlet control structure (aka weir inside manhole).
- General operation of the Project, including operational protocols and additional MNDNR permit requirements regarding temperature in the downstream receiving water (Theil Creek) in order to protect the aquatic habitat of the stream.
- The durability, design and appearance of a proposed ice barrier and the similarity of a proposed barrier to the Pleasant Lake Outlet Control Structure in Annandale, MN.
- The original benefits assessment for the Project, its use under statute to allocate current operation and maintenance assessments, changed circumstances that may affect the fairness of that benefits assessment for ongoing use, and the interest of benefited property owners in reviewing present benefits and providing for an equitable assessment roll for the future.

**WHEREAS** a modified outlet control that incorporates existing Project #84-1 can provide for the addition of an ice barrier that is durable, well-designed for operation and maintenance and satisfactory in appearance, and can align assessments for construction, operation and maintenance with present benefits.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Managers for the Clearwater River Watershed District as follows:

1. A project incorporating the existing School Section Lake Outlet Control (Project #84-1) with construction of a permanent ice barrier promotes the public interest and welfare, is practicable and conforms to the watershed management plan of the Clearwater River Watershed District.

2. Pursuant to Minnesota Statutes §103D.701, the School Section Lake Modified Outlet Control Project hereby is initiated as CRWD Project #17-1.

3. The CRWD engineer, under supervision of the CRWD administrator, is to prepare an engineer's report on Project #17-1, with said report to be delivered to the CRWD Board of Managers by its June 2017 regular meeting.

**All Managers voted aye.**

Motion #17-05-5: Jonsrud/DeGree moved to waive attorney-client privilege in order to discuss the contents of an e-mail from Attorney Holtman regarding School Section Lake. **All Managers voted aye.**

The Board directed its administrator, attorney and engineer to incorporate any necessary elements into the ordered engineer's report in order for the Board to value benefits for project #17-1, given the Board's previously-noted desire to serve as appraisers for said project.

#### **CONSENT AGENDA**

Action items included in the consent agenda were as follows:

- Approved April 19, 2017 CRWD Board of Managers' regular meeting minutes.
- Authorized Board and staff attendance at upcoming events.

Motion #17-05-6: Jonsrud/Rocheleau, moved to adopt the consent agenda. **All Managers voted aye.**

#### **MARCH 15, 2017 FINANCIAL REPORT**

Administrator Loewen reviewed the financial report.

Motion #17-05-7: Jonsrud/Uecker, moved to authorize payment of bills, subject to audit. **All Managers voted aye.**

#### **OLD BUSINESS**

**Change June regular meeting date to allow attendance at MAWD special meeting and summer tour**

Motion #17-05-8: Jonsrud/Uecker, moved to make Manager Schiefelbein a secondary alternate for MAWD meetings. **All Managers voted aye.**

Motion #17-05-9: DeGree/Jonsrud, moved to change the Board's June regular meeting date and location from June 21<sup>st</sup> at City Hall in Annandale, MN to June 27<sup>th</sup> at City Hall in Kimball, MN, and to instruct staff to post notice per statutory requirements. **All Managers voted aye.**

**Updating lake response models for six CRWD lakes, lake alum dosing**

The Board held this item over for its June regular meeting.

**Update on repairs for Lake Augusta Erosion Control Project**

Engineer Carlson reviewed the request for quotes as well as three received quotes for repairs at Lake Augusta Erosion Control.

Motion #17-05-10: Jonsrud/Uecker, moved to authorize a task order between CRWD and Wenck Associates, Inc. for construction support for repairs at Lake Augusta Erosion Control Project, and to

accept a quote from Michael Watercott in the amount of \$56,339.00 for noted repair work. **All Managers voted aye.**

#### **Update on Watkins Area Stormwater Treatment Project**

Motion #17-05-11: Jonsrud/Rocheleau, moved to authorize Administrator Loewen to negotiate an agreement with Mr. Dennis Libbesmeier to provide a haul route on his property for Watkins Area Stormwater Treatment Project spoils disposal, not to exceed \$5,000. **All Managers voted aye.**

#### **Decommission aerator buildings/ equipment: Lakes Augusta and Marie**

Motion #17-05-12: Jonsrud/Uecker, moved to authorize Administrator Loewen, in conjunction with the CRWD attorney, to draft a resolution for Board consideration for decommissioning the aerator buildings and equipment at Lakes Augusta and Marie, and to work with the CRWD engineer to move other aerator equipment currently stored at Wenck Associates, Inc. offices. **All Managers voted aye.**

#### **Prepare an O&M assessment levy for Pleasant Lake Outlet Project**

Motion #17-05-13: Uecker/Jonsrud, moved to authorize Administrator Loewen to proceed with preparing for the Pleasant Lake Outlet Project an O&M assessment levy for class I & II properties, and an estimate of the costs to administer said levy on class III properties and the corresponding revenue for this class. **All Managers voted aye.**

#### **Update: Nitrogen Mitigation & Analysis Plan implementation (NMAP) for Clearwater Harbor & Hidden River**

The Board directed staff to let the MN Pollution Control Agency know that while the Board remains committed to implementing the NMAP, the Board is waiting on listing this proposed project on the state's intended use plan (IUP) in light of current negotiations at the state capitol. If legislation moves forward that results in adequate funding for the Point Source Implementation Grant program and a change from 50-50% to 80-20% grant-to-local funding, the Board will consider calling a special meeting to meet the June 2<sup>nd</sup> submittal deadline for the IUP.

#### **Changes to Board of Managers' By-laws**

Motion #17-05-14: Jonsrud/Rocheleau, moved to approve the revisions to the Board's by-laws. **All Managers voted aye.**

#### **Draft CRWD policy book**

Administrator Loewen reviewed the current draft of the CRWD policy book. Discussion was held on ways to improve in the book. This will be an agenda item for the Board's meeting in June.

#### **NEW BUSINESS**

#### **Additional sampling request for Annandale Wetland Treatment System**

Motion #17-05-15: Jonsrud/Rocheleau, moved to authorize additional water quality sampling of the Annandale Wetland Treatment System's western channel. **All Managers voted aye.**

#### **2017 Project Inspections Report**

Motion #17-05-16: Jonsrud/Uecker, moved to accept the 2017 Project Inspection Report, authorize completion of all maintenance items noted as primary in said report, and instruct staff to return to the Board if any secondary or optional item becomes a "primary" item. **All Managers voted aye.**

#### **Integration of unmanned aerial vehicles to achieve efficiencies**

Administrator Loewen reviewed a free demonstration by Wenck Associates, Inc. of unmanned aerial vehicle services. Engineer Carlson reviewed an example proposal of services similar to ones demonstrated. The Board noted the value such services can provide, and instructed staff to inform the Board when opportunities arise where adding such services to work processes would be beneficial.

## **Technology improvements: in-field GIS-enabled data collection**

The Board held this item over for its June regular meeting.

### **Administrator Loewen- Other Business**

Final Pay Request from Michael Watercott for Kingston Wetland and Watkins Isolation Unit repairs

Motion #17-05-17: Uecker/Jonsrud, moved to authorize final payment to Michael Watercott in the amount of \$8,232.57 for repairs at Kingston Wetland and Watkins Isolation Unit, subject to audit. **All Managers voted aye.**

Clearwater Harbor: Lift Station #19 pump repairs

Motion #17-05-18: Uecker/Jonsrud, moved to 1) authorize repairs to pump #2 at lift station #19 for Clearwater Harbor, 2) checking with CRWD insurance to see if the repair is an eligible reimbursement cost, 3) vacuuming lift station #19 in an effort to remove accumulated grit/ gravel and 4) investigate the cost to televisive downgradient lines to lift station #19 as part of vacuuming work in an effort to determine source of grit/ gravel . **All Managers voted aye.**

Commissioner Vetsch left at the end of this item.

### **Advisor Anderson- Other Business**

None.

### **Advisory Committee assignments are:**

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

### **Items noted for the June 27, 2017 special (regular) meeting are:**

- 2016 Audited Financial Statements Presentation
- 2017 Annual Report
- School Section Lake Outlet Control Project re-establishment proceedings
- Project/ program updates
- Updating lake response models for six CRWD lakes, lake alum dosing
- Decommission aerator buildings/ equipment
- In-field data collection solutions: summary on firms' demonstrations
- Watkins Area Stormwater Treatment Project Update
- CRWD policy book
- Plans for 2017-18 school-age education

### **MANAGERS' REPORTS**

None.

Motion #17-05-19: Rocheleau/Uecker, moved to adjourn at 9:29pm. **All Managers voted aye.**

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Chair, Robert Schiefelbein

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Secretary, Paul DeGree