

MIDDLE FORK CROW RIVER WATERSHED DISTRICT
BOARD OF MANAGERS MEETING

August 5th, 2008
MFCRWD Office
Spicer, MN 56288

Present: J. Flanders, G. Behm, R. Hodapp, R. Zenner, and R. Schaefer of the Board; C. Anderson-Administrator, V. Glieden Henjum-Staff, S. Jacobson-Intern, A. Ripple-Rinke-Noonan, P. Votruba-MPCA; , T. Fischer-BWSR, W. Thompson, J. & G. Olson, D. & R. Michaelis, S. & H. Meints, B. & D. Ricklefs, A. & J. Kohn-Diamond Lake; J. & C. Kent-Brooten, M. Johnson-HDR Engineering.

1. Chairman R. Hodapp called the meeting to order at 7:00 pm.
2. A motion to approve the agenda was made by R. Schaefer and seconded by R. Zenner. The motion passed.
3. A motion was made by G. Behm and seconded by R. Zenner to approve the July 1st minutes. The motion passed.
4. Treasurer's Report was provided by C. Anderson, see attached report. Note that previous PERA payments of \$413.42 have now cleared the bank. A motion was made by R. Zenner and seconded by G. Behm to approve the Treasurers Report subject to audit. The motion passed.
5. August bills to pay was reviewed and discussed by the Board. R. Schaefer asked if Calhoun Lake Assn paid for their portion of the extra monitoring that the WD is providing. The Board determined that an invoice will be sent to each Lake Association for additional monitoring. Calhoun and Green Lake Associations will receive an invoice by C. Anderson, for the extra chemistry analysis. A motion was made and seconded by R. Zenner and G. Behm to approve the August bills to pay. The motion passed.
6. Stormwater Management Education: Belgrade-V. Glieden Henjum introduced Chris Kent from Boy Scout Troop #66 of Brooten. As part of an Eagle Scout project C. Kent will undergo a Storm Drain Marking Project similar to the one completed in Spicer. Project will include: determining GPS coordinates of storm drains, apply storm drain markers, create and educational brochure and article on stormwater drain management and make a presentation to a group. C. Kent will be responsible for obtaining permission and permits for the project. Clean Water Partnership funds will cover project costs. V. Glieden Henjum would supervise the project and it would start this fall. A motion was made by R. Zenner and seconded by G. Behm to approve the budgeted amount of \$709.08 and up to \$719.08, if necessary for the completion of this project. The motion passed.
7. Diamond Lake BMP project: C. Anderson provided the following background: Becky and Duwayne Ricklefs of 14189 Breezy Point Road applied for and received a grant from the WD on 10/2/07 for a raingarden. Initial cost estimate was \$9,000.00 for contract K-8-07; see contract. I

& M Landscaping implemented the project in 2008. B. Ricklefs thought she had obtained permission as required by the WD contract from Harrison Township after speaking with the Township Treasurer, this conversation was confirmed by H. Meints also of Diamond Lake. Later a complaint, filed with Harrison Township, noted that a property owner filled in the right away of a Township road. Ron Peterson of Harrison Township contacted the property owners (Ricklefs) and the WD to investigate and did determine violations of right way did occur. Mr. Peterson, WD staff and the property owners created a list of 4 corrective actions to bring the project within Township law. The Township Board will be meeting the second week of July to determine if the four changes outlined in a letter from the WD (see letter) are appropriate to correct said violations. The WD will not ask nor require the property owners to change anything about the rain garden as long as it fulfills the requirements of the contract.

Public comments were provided by G. and J. Olson, neighbors to the Ricklefs, whose “tax money was used for a private lawn project”. Discussion ensued on the difference between a rain garden and shoreline restoration project especially in the different types of plants utilized. The Michaels’ pointed out the requirements they had to fulfill in order to have their shoreline project approved. The Board noted that one property owner restored a shoreline and the other installed a rain garden. Different projects have different criteria. H. Meints stated that he was with B. Ricklefs when she spoke with the Harrison Township Treasurer-Mr. T. Thompson about the project. B. Ricklefs stated that she was informed later that Mr. Thompson had called the other Board members, and she was not informed of any subsequent Township Board requirements.

An engineer not involved with project installation did state his approval of the Ricklefs project, noting the project had value in improving water quality of an impaired lake. Title documents presented (see document Diamond Shores Part of Govt Lot 2, Sec 20...) show a 10 foot wide drainage easement entering the Ricklefs property from the road. This would allow run off to travel downhill directly into the lake. Overall, the Board agreed that this project has merit and met the criteria of the grant. In the future, a more detailed checklist will be implemented and verified to eliminate confusion. C. Anderson stated that the WD does deny reimbursement to property owners for unapproved materials/plants.

A. Ripple stated that the dispute over property lines is not within WD jurisdiction. Property line issues are private and should be settled amongst owners, township/county board, and District Court if needed. He advised that Harrison Township will need to address the land use issue and property owners need to follow those established land use laws. The WD paid for improvement and can not take back the money paid to the property owner. He advised the Board to not offer opinion and stated the property owner did their job.

Chairman R. Hodapp asked for final comments before moving on the next item on the agenda. The matter was left with the noted concerns by Galen Olson and Wesley Thompson.

8. Rules update. C. Anderson and A. Ripple reported on the results of the stakeholders meeting held July 28th. Only 5 people attended the meeting, which included the DNR, County Zoning and County Ditch inspector, City of New London, and Spicer’s zoning official along with staff from the NRCS office provided opinions. G. Behm and T. Bonde attended and comments were also sent via email. A. Ripple stated 4 main concerns were raised:

#1 requested more clarification on permits – when the MFCRWD should be sent notice of permits issued, and expressed the need for education on the permitting process.

#2 drainage issues should be more expansive. Concerns were raised on the 12 inch outlet statements and private ditch clean out should be included. J. Flanders asked if the WD could

handle the volume of work involved with private ditch clean outs. C. Anderson conveyed the DNR's concern that some of the private ditch cleanings can cause problems for 2-3 years.

#3 Some felt that the rules were "lopsided, addressing property owners more so than municipalities";

#4 Erosion control was too stringent. The suggestion was made to use different criteria/dimension be used. V. G. Henjum stated the County and City uses 5 cubic yards in their shoreline zone regulations. R. Zenner and J. Flanders stated that 5 cubic yards may be too difficult to measure and quantify.

A. Ripple stated that small projects may accumulate to larger concerns and one way to address these concerns is through the pre-application meeting. Permit and application form will have 2-3 pages of information, which should help resolve confusion for property owners and other agencies. A meeting will be scheduled with C. Anderson, C. Meehan-Wenck, and A. Ripple to further resolve these concerns. A. Ripple again noted that the rules can be changed and staff will meet and redo the language of some rules. He did say that the private ditch clean out is an overlooked loophole. R. Hodapp stated that the WD does not want to reinvent rules and questioned if any other agency could address this issue better than the WD? G. Behm asked, how the WD could enforce such a small ditch cleaning on private property. The Board was not in favor of permitting small private ditch cleaning.

T. Fischer stated he was not able to attend the meeting but did provide his concerns to C. Anderson on paper at the meeting. "BWSR concerns go back to the reason the WD was formed: water quality, staffing needs are unknown, but water quality needs to be the focus.

The Board agreed in general to:

#1 Not requiring a permit for small private ditch cleaning.

#2 Ground disturbances of 200 square feet, try to be consistent with the shoreline regulations. Change to 400 square feet for Tier One and within 100 feet of the shoreline impact zone.

9. Diamond Lake Wastewater Committee. H. Meints reported on the meeting held July 28th. The number of septic in compliance was poor, results indicated 25% in compliance and 75% noncompliant. 60 parcels had passed a previous inspection, of that 60, 11 property owners agreed to be reinspected. Only one or two passed the reinspection process. T. Fischer asked if the rules have changed that much since original inspections took place. H. Meints stated that information presented would indicate that some inspectors were not following the rules of a complete inspection.

Next meeting is scheduled August 16th Atwater Community Center at 9:00 am. Kandiyohi County has not yet sent out the results of the inspections. Options and cost information will go out soon. G. Behm is currently consulting property owners to see if they would allow a portion of their property to be used for a cluster type septic system.

10. Administrators Report:

a. Review of August calendar

b. Review of Project Status:

b.1. 319 Grant- P. Votruba put together a Quality Assurance Plan and assisted the WD with the grant application process. Finalization may occur in September.

b.2. County Road 10 project meeting was held at the WD office. In attendance were Larry Rice, Terry Frazee, City of Spicer, Rich Romness & Jay Michels-EOR, G. Kimman-

SEH and C. Anderson. The group reviewed possible sites for the BMP projects. R. Romness will determine specific cost information for the group to consider prior to their next meeting.

b.3. Diamond Lake TMDL Project Update-No stream sampling has taken place due to lack of rain fall. Lake sampling has continued every other week.

b.4. BMP projects: See photos.

1. Nelson shoreline restoration project on Green Lake has been completed.
2. Hazel shoreline restoration project on Green Lake has been completed.
3. Ricklefs raingarden project on Diamond Lake is also done.
4. Flanders stream restoration on MFCR will require a new contract as the original contract expired 7-1-08. A motion was made by R. Zenner and seconded by G. Behm to approve contract M-3-08 Flanders stream restoration project on the MFCR. The motion passed and J. Flanders abstained.

c. Administrative Matters:

c.1. Septic upgrade has been completed for the Moser contract M-1-08 and will be paid out in September.

c.2-c.4. Three septic upgrade/loan applications have been completed (Korn-upgrade, Jensen-upgrade and Ryan-upgrade). A motion was made by R. Zenner and seconded by R. Schaefer to approve the 3 applications. The motion passed. C. Anderson informed the Board that this project is going well. P. Votruba asked if property owners are required to pump individual septic systems on a regular basis. The Board was not aware of a specific requirement; however, the contracts stipulate that the "property owner and its successors and assigns will be responsible for the maintenance, repair, replacement and operation of the individual on-site septic systems, and the undersigned property owner will be responsible for all costs related to such maintenance, repair replacement and operation."

c.5. Previously approved check to Home State Bank of \$680.05 was used to pay on the credit card.

c.6. Quarterly payroll taxes were completed and a check was sent to the US Treasury for the amount of \$131.58. The check was sent by our accounting firm.

c.7. Ditch violation at 275th work is completed. DNR is pleased with work done in the restoration of the river and flood plane area.

c.8. Lake Management Plan-Nest Lake continues to develop. Skip Wright-DNR has offered assistance and S. Jacobson will continue to lead the project with J. Ruter of Nest Lake Association.

c.9. Watershed district vehicle now has a sign in place.

c.10. Adopt the Crow River Watershed Education project is led by V. G. Henjum who contacted teachers at NL-Spicer. Ms. Molenaar, a 5th grade teacher will check their curriculum guidelines to determine which grade level is most appropriate. She felt 7th grade would be a better fit and offered to assist Mr. Tebben is writing the curriculum.

d. Quarterly reports have been filed.

11. Legal Counsel Report- no new information.

12. Public Comments-C. Anderson introduced Mike Johnson, Engineer with HDR. HDR is one of the preapproved Engineering groups that the WD may use. Currently M. Johnson is assisting

the Vermillion WD and is also the Project Manager VP in the Minneapolis office. The firm has over 200 employees in the Minneapolis office and 4 in their Thief River office.

T. Fischer reminded the Board that the budget hearing needs to be approved before September 15th and submitted to BSWR. A public hearing will need to also be scheduled. The Board scheduled a Public Hearing at 6:45 pm on September 2, 2008 prior to the next meeting. G. Behm, J. Flanders will meet with C. Anderson to create a draft budget for the Board to review and present at the Public Hearing.

13.No further information was presented. A motion was made by J. Flanders and seconded by R. Zenner to adjourn the meeting. The motion passed and the meeting was adjourned at 9:10 pm.

Submitted by,

Ruth Schaefer, Secretary
Draft 8-25-08