

CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT
Regular Minutes October 8, 2014

Managers Present: Kristin Tuenge, Steven Kronmiller, Tom Polasik, Dave DeVault and Eric Lindberg

Managers Absent: Victoria Dupre and Andy Weaver

Others Present: Jim Shaver (administrator), Carl Almer (EOR), Jed Chesnut (WCD), Ray Marshall and Susannah Torseth (Lawson Law) and Debbie Meister (MMC)

Manager Tuenge called the meeting to order at 6:33 p.m.

1. Approve Agenda—Board Action

Manager Polasik moved to approve the October 8, 2014 agenda as amended. Second by Manager DeVault. Motion carried 5-0.

2. Approve September 10, 2014 Minutes—Board Action

Manager Kronmiller moved to approve the September 10, 2014 minutes as presented. Second by Manager Tuenge. Motion carried 5-0.

3. Treasurer's Report—Board Action

Administrator Shaver presented the Treasurer's Report.

Manager Kronmiller moved to approve the Treasurer's Report. Second by Manager Polasik. Motion carried 5-0.

4. Public Comments

There were no public comments.

5. New Business

a. Permit Requests—Board Action

Manager DeVault moved to issue permit #14-012 subject to the engineer's review. Second by Manager Tuenge. Motion carried 5-0.

Administrator Shaver reported that he had two unusual permit requests. He issued a permit to Friends of Scandia Parks and Trails for a one-time taking of water not to exceed 200 gallons from the wetland adjacent to Lilleskogen Park. The group will be planting a butterfly garden on October 12 at the park and will use water until the plants are established this fall. Mr. Almer concurred that the water use will not affect the wetland. The second was a pro forma permit application from the developer of Tii Gavo to permit collectively stormwater facilities such as rain gardens on individual properties in the development. It was agreed that one permit, rather than individual property permits be issued.

b. Cost Share- Jed Chesnut—Board Action

i. Porubcansky in Sand Lake Subwatershed

Mr. Chesnut reported that although an application has not been submitted, he and Administrator Shaver made a site visit. Prairie Restoration has provided a bid to convert 1.45 acres of turf grass to prairie at a rate of $\frac{3}{4}$ pounds of phosphorous reduction per year. Part of the property drains to Sand Lake. Because of the drainage, Clean Water Partnership funds could potentially be used, in addition to cost share dollars. Once an application is submitted, the Cost Share Committee will review and rank the project looking at cost-benefits and both funding sources.

ii. Kraig Johnson Reimbursement

Manager DeVault moved to reimburse Kraig Johnson \$374.35 for maintenance of his cost share project. Second by Manager Polasik. Motion carried 5-0.

c. MAWD Resolution Package

Administrator Shaver reported that prior to the Minnesota Association of Watershed District (MAWD) annual meeting, a resolution package is circulated to watershed districts. Resolutions for consideration should be submitted to MAWD by October 24. Manager Tuenge asked if there is a law that requires watershed district projects to be ecologically sound and/or to implement Pollution Control Agency recommendations and best management practices. She suggested that the District should go beyond legal statute and apply green practices. Manager Kronmiller responded that this is subject to personal interpretation and is hard to legislate. He stated that he is not sure decision making should be turned over to another body that is not aware of individual/local situations. Administrator Shaver stated that it is the District's responsibility to interpret state statute and put it into District rules and plans, which the Board of Water and Soil Resources (BWSR) approves. Other discussion comments included holding the District itself and other units of government to higher standards, working and trying to do the best thing for a project site and working through a process. Mr. Marshall stated that Managers may be reading the Watershed Act too narrowly and referred to 103D-201. It covers this situation.

d. Joint Chisago County SWD and WCD Grant Participation

Administrator Shaver reported that Jay Riggs of Washington Conservation District asked for District participation in a joint grant to BWSR for targeted agriculture projects within the District that drain to the St. Croix River. The overall grant request is for \$250,000, of which 38 percent is non-construction expenses. The District's match is \$9,000/year for three years. After checking with BWSR staff to ensure this grant would not compete with other District proposals, Administrator Shaver supported the proposal with conditions. **Manager Kronmiller moved to support involvement in the grant not to exceed \$9,000 per year with the conditions that the District prioritizes and approves projects and their associated project budgets within the District and receives name recognition on the completed projects. Second by Manager Polasik. Motion carried 5-0.**

6. Old Business

a. Log House Landing (LHL) Update

i. Scandia Special Council Meeting September 23

Manager Tuenge summarized the special meeting that identified issues of disagreement including road width, pavement surfaces, parking and design standards, tree removal and other improvements to LHL. The chair of the Planning Commission will chair a special committee to address these issues with the charge to provide a report to the commission on November 5 and recommendations to the City Council in December. The District was allocated two seats on the committee. Manager Kronmiller stated that he is encouraged and feels the process/outcome is not too prescriptive. He and Manager Tuenge agreed to serve on the committee.

ii. Direction to Committee Representatives

Mr. Marshall stated that the District does not have a position on the issues, just parameters. He cautioned that the committee is tricky because Managers Tuenge and Kronmiller are members of two committees—the special committee and the District Board. As the special committee develops options that appear to be workable, the Managers do not have the authority to approve the options, but rather must bring them to the Board. While the Managers will be representing themselves, they are free to share BMPs and District rules. Mr. Marshall further cautioned that information and attachments may be shared through e-mail, but without discussion as this could violate open meeting laws. All agreed the process has not been defined and the District Board does not have enough information at this time to make a decision.

iii. Next Steps after Committee Recommendation

It was agreed that because the committee process is not clear, Administrator Shaver and Manager Tuenge will draft and send a letter to the City Council outlining District understanding of ground rules. Once the council receives the committee recommendations it is assumed that the city will draft a preliminary design with a cost estimate and send it to the District for comments based on the District's rules and project objectives.

b. 197th Street – Revisit Option 1

Administrator Shaver reported that there were no attendees at the public hearing. He suggested reconsidering Option 1 to work within the existing ravine bed for the following reasons: fewer trees by half would need to be removed; Scandia needs to redo the road; and it is less costly, though maintenance will be more expensive. Survey work can be done this fall with construction in the winter. It was agreed to move forward with Option 1 including getting a budget from Wenck, working to get landowner approval and working with Mr. Marshall on easements.

c. Grant Applications Update

Administrator Shaver reported that both applications were submitted on time and thanked Mr. Chesnut and Mr. Almer for their work.

d. Plan Amendments Revised Schedule

Administrator Shaver summarized the revised schedule: Board discussion at the November meeting, Technical Advisory Committee meeting on November 20, Citizen Advisory Committee meeting and public hearing in December, Board approval on

December 10 for a 60-day review by agencies, a second public hearing with submittal to BWSR at the end of March for the 90-day final review.

Manager Tuenge moved to approve the revised schedule for the Plan Amendment. Second by Manager DeVault. Motion carried 5-0.

7. Reports

a. Operations

i. Executive Committee Reserve Account

Manager Kronmiller stated that, per his request, Administrator Shaver distributed information on reserve funds related to the levy. Over the past three months they have been working to understand the problem and potential solutions. The District auditor recommends a reserve of the full budget or \$500,000 in 2015. The League of Cities recommends 30-50 percent of the budget, but with a separate capital account.

Administrator Shaver will gather information about other watershed district's reserve funds. Using this information, the Board will make a final decision about the reserve fund and the levy in December.

ii. Discussion of By-Law Issues

Administrator Shaver began a policy discussion related to the by-laws about communication between staff, the Board and the community. He expressed concern about miscommunication and the need to have a unified voice. The MAWD handbook and communication theory can help guide further discussion and possible by-law changes. Communication and other by-law issues discussed: 1. Should discussion between the Board and staff go through the administrator or should the president also have direct access to staff? 2. The administrator is authorized to prepare and manage the budget –but Managers authorize spending money. 3. Conflict of interest. 4. Structure and function of the Board including the size of the Board and BWSR's changing opinion about a recommended size. The MAWD meeting provides a good opportunity to discuss with BWSR staff board size and ways to develop a more effective board. 5. Setting manager per diem at \$55 or \$75 per meeting. 6. Establishing a succession from vice president to president. 7. Manager attendance at Board meetings.

b. Education/Communications/Outreach-no report

c. Monitoring - no report

d. Maintenance - no report

e. Permitting—see above

f. Projects - no report

g. Water Levels

Administrator Shaver reported that Little Carnelian Lake water level has dropped a foot.

8. Bills to be Paid

Manager Polasik moved bills to be paid in the amount of \$18,109.19. Second by Manager Kronmiller. Motion carried 5-0.

9. Administrator's Report

a. Past Events

September Clean Water Summit at the Arboretum and Freshwater Society lecture on depleting groundwater. Managers and staff did not attend.

b. County Board Budget Presentation

Manager DeVault reported that it was pretty uneventful. The county board wanted clarification about the District's levy increase.

c. Upcoming Meetings

Minnesota Water Resources Conference, October 14-15, St. Paul
St. Croix River Research Rendezvous, October 21, Warner Nature Center
BWSR Academy, October 28-29, Breezy Point
MAWD Annual Meeting and Trade Show, December 4-6, Alexandria

d. District Display at Security State Bank

The bank features one customer per month and offered to feature the District. The Managers approved.

e. Remote Minutes

Per Ms. Meister's request to prepare minutes from an audio file this winter, the Managers okayed the request.

f. Cancellation of Board Meetings

Manager Polasik moved to cancel the October 22, November 26 and December 24 meetings. Seconded by Manager Lindberg. Motion carried 5-0.

12. Next Meeting

The next meeting is November 12 at 6:30 p.m. at Scandia City Hall.

11. Adjourn

Manager Polasik moved to adjourn at 8:58 p.m. Seconded by Manager DeVault. Motion carried 5-0.

Submitted by
Debbie Meister, MMC Associates