

**Carnelian-Marine-St. Croix Watershed District
Regular Meeting November 13, 2013**

Managers Present: Kristin Tuenge, Steve Kronmiller, Eric Lindberg, Andy Weaver, Dave DeVault and Victoria Dupre.

Managers Absent: Thomas Polasik

Others Present: Jim Shaver (Administrator), Carl Almer (EOR), Ray Marshall and Susannah Torseth (Lawson Law), Jed Chesnut (WCD), Jessica Collin-Pilarski (Washington County), Doug Thomas (BWSR), Dan Fabian (HydroMethods) and Debbie Meister (MMC).

Manager Tuenge called the meeting to order at 6:31 p.m.

1. Approve November Agenda—Board Action

Manager DeVault moved to approve the November 13, 2013 agenda as amended. Second by Manager Kronmiller. Motion carried 5-0.

2. Approve October Minutes—Board Action

Manager Weaver moved to approve the October 9, 2013 minutes as amended. Second by Manager DeVault. Motion carried 5-0.

3. Treasurer's Report—Board Action

Manager Kronmiller presented the Treasurer's Report.

Manager Kronmiller moved approval of the Treasurer's Report. Second by Manager Weaver. Motion carried 5-0.

4. Public Comments

There were no public comments.

5. Permit Status Update, Permits/Violations

a. Gombold Permit 012-011 Violation

Administrator Shaver reported that he, Mr. Marshall and Township Board Chair Voedisch met on-site to inspect and discuss the permit violations. Mr. Marshall, in discussion with the attorney for May Township, agreed that each entity will pursue legal action for permit violations. May is most concerned with disturbances to the bluff and the bandaaid approach to restoration. The District can enforce violations through civil action, which requires showing the resource has been irrevocably harmed. Instead Mr. Marshall recommended taking criminal action and will begin the process. A conviction could result in a \$1,000 fine for each day of the violation or 90 days in jail. If the case proceeds to court, the District will argue that the first day of the violation was on November 12, 2012, when a letter outlining the violations was sent. Administrator Shaver noted that the remediation could probably be done for under \$1,000 and a remediation plan was provided to Mr. Gombold. An update about the legal actions will be provided next month.

b. Joseph Matt Permit 12-010 Violation on Big Marine Lake

Administrator Shaver reported that Mr. Matt is in violation of the City of Scandia variance. The City granted Mr. Matt an after-the-fact permit with the stipulation that he obtain a District permit. The District permit was never obtained because adequate plans for shoreline buffers under Rule 4 were not submitted. The Scandia permit has now expired.

c. Gruber Permit 08-008 Violation

Administrator Shaver reported that he, Attorney Marshall and Mr. Voedisch toured the site in early November. Although there was work taking place, the Board at its March 2013 meeting directed Mr. Gruber to complete site work within five linear feet of the Erick and Lynae Marshall retaining wall by November 1. Additional issues with the site were identified. Mr. Gruber claims he does not have the money to finish the project. Attorney Marshall recommended starting a criminal action. John Bower stated throughout the five or six years of construction on the property, he has never seen adequate erosion control. He also stated that it appears there is no longer cooperation between the Grubers and Marshalls regarding erosion issues, the Marshalls, at Mr. Bower's request, installed a berm to retain stormwater on his property, there is no progress on the retaining wall and Mr. Gruber allowed Mr. Bower to install erosion control fabric on the slope. Administrator Shaver noted that the Marshall's retaining wall is part of an unfinished 2010 permit project.

Manager Kronmiller moved to authorize Attorney Marshall to commence enforcement action on the Gruber permit immediately. Second by Manager DeVault. Motion carried 5-0.

Administrator Shaver stated that there has been overlapping oversight of the Gruber and Marshall permits between the District, Washington County and WCD. Informally the District agreed to enforce the Gruber permit, while WCD, on behalf of Washington County, agreed to enforce the Marshall permit. Administrator Shaver will follow up with Washington County and WCD about enforcement of continuing and newly identified permit violations.

6. Project Status Update

a. Engineer's Report

Mr. Almer provided an update on current projects.

b. Other Projects—197th St. Ravine, NPS Ravine, MOSC Stormwater

i. 197th St. Ravine

Administrator Shaver reported that Mr. Marshall provided generic easement forms to two residents, who are preliminarily in agreement with providing an easement. He also recommended getting additional information on Option 2 from Wenck.

Manager Kronmiller moved to authorize the Administrator to request a revised cost estimate for Option 2 from Wenck Engineering. Second by Manager DeVault. Motion carried 6-0.

ii. National Park Service (NPS) Ravine

Manager Tuenge stated that Fairy Falls is deserving of restoration. She and Administrator Shaver toured the site with Kevin Biehn of EOR. Mr. Biehn will draft erosion control plans, not to exceed \$2,000, to provide to NPS.

iii. Marine on St. Croix Local Surface Water Management Plan

Mr. Almer stated that he will review the plan and it appears Marine will be adopting the District Management Plan by reference.

7. Cost Share Report

a Heins Reimbursement

Manager Kronmiller moved to approve the cost share reimbursement of \$700 to Paul and Debbie Heins. Second by Manager Weaver. Motion carried 6-0.

b. Revision to Buffers

Mr. Chesnut reported that there are still funds in the DNR Shoreland Buffers grant. Scandia has agreed to participate with property it owns on Goose Lake and two adjoining property owners are considering joining the effort. The District requested a revised budget from Prairie Restoration to include these projects and deletion of the Mark Rossi portion of the original bid.

Manger Weaver moved to approve Prairie Restoration Inc's (PRI) proposal to improve the lakeshore on City of Scandia property on Goose Lake at a cost not to exceed \$3,875 and upon agreement of additional Goose Lake property owners to participate in the shoreline buffer project, amend the contract between PRI and the District to include the applicable Goose property(ies) into the Native Shoreline Buffer Initiative project. Second by Manager DeVault. Motion carried 6-0.

8. New Business

a. "One Watershed, One Plan" —Doug Thomas, Board of Water and Soil Resources

Mr. Thomas provided a history of soil and water resources management in Minnesota. In 2011, the Local Government Roundtable and BWSR developed policy recommendations to streamline water management. Legislation in 2012 provided BWSR with the authority to develop and implement a comprehensive watershed management approach called "One Watershed, One Plan" as a means to transform the current system of water plans, largely organized along political boundaries, to a system where plans are coordinated and consolidated on watershed basis. The intent is to reduce the number of water plans statewide and tie plans to performance and funding. BWSR's board expects to adopt watershed plan types and a boundary framework in December. It will then send letters of interest asking for participation in pilot projects, which includes funding. Discussion included: how will this affect the District if it moves forward with a plan amendment; is this consistent with the Washington County Governance Study; is it possible for all Washington County watershed districts to adopt one water plan; would one plan for the county reduce costs for developing water plans or would it add more layers; will this process do away with local implementation plans? Mr. Thomas stated that more information will be available after BWSR adopts guidelines for the pilot projects and discussions will continue to help refine the components/implementation of "One

Watershed, One Plan”.

b. Plan Amendment Resolution—Board Action

Administrator Shaver reported that he and Manager Tuenge met with BWSR Board Conservationist Mary Peterson about District programs. Based on new capital improvement projects and a new Aquatic Invasive Species (AIS) Program under discussion, Ms. Peterson felt a plan amendment would be warranted and suggested drafting a resolution to layout the process and budget.

Manger DeVault moved to approve Resolution 11-13-13-01 to begin the process for a plan amendment. Second by Manager Dupre.

Manager Kronmiller moved to amend the motion by adding another whereas: the citizens of the district have expressed concerns regarding the economic impact of the Capital Improvement Program. Second by Manager Dupre. The amendment to the motion carried 4-2.

Manager Dupre moved to amend the resolution: Now therefore be it resolved: The Board of Managers of the District directs the Administrator to prepare budgets, schedules and work plan for possible board approval to amend the Plan following a process prescribed by the Board of Water and Soil Resources and by the Section VI of the District’s 2010 Watershed Management Plan. Second by Manager Kronmiller. The amendment to the motion carried 6-0.

The full motion then carried 6-0.

c. Motion to Accept Liability Waiver—Board Action

Manager DeVault moved that the CMSCWD does not waive the monetary limits on municipal tort liability established by Minnesota Statues 466.04. Second by Manager Kronmiller. Motion carried 5-0.

d. MAWD Resolutions and Representatives to Meeting—Board Action

Manager Weaver moved to appoint Managers DeVault and Tuenge to represent the District at Minnesota Association of Watershed Districts meeting. Second by Manager Kronmiller. Motion carried 5-0.

Manager Weaver moved to direct the delegates to vote their consciences. Second by Manager DeVault. Motion carried 6-0.

e. Storage Unit Rental for District Material—Board Action

Manager Kronmiller moved to authorize the Administrator to contract with Scandia Storage for a heated storage unit not to exceed \$60 per month. Second by Manager Weaver. Motion carried 6-0.

9. Old Business

a. Log House Landing Grant—Board Action

Manager Weaver moved to approve the letter sent in support of Scandia’s grant application and to confirm the District’s intent to participate in the project. Second

by DeVault. Motion carried 6-0.

b. AIS Survey Results

Mr. Almer summarized the results of the AIS Survey on the District's 11 previously unsurveyed lakes. All of the lakes were surveyed for invasive vegetation. Carol and North Twin lakes were also surveyed for invasive macrophytes (animals). All lakes were found to have perimeters or virtual perimeters of reed canary grass an/or cattails. Management of these invasives would be very expensive. However, curlyleaf pondweed on Mays and Terrapin lakes, purple loosestrife on Carol and yellow iris and purple loosestrife on North Twin would warrant herbicide treatment. No macrophytes were found in Carol or North Twin.

Managers requested a comprehensive chart of the lakes. Administrator Shaver stated that this survey would be the backbone of an AIS program and Manager Kronmiller asked that the report be amended to note that this report is a supplement to the existing AIS survey of other lakes.

10. Discussion Points

a. Future Meeting Calendar

Mr. Almer stated he will not be in attendance at the December 11 meeting. Managers Kronmiller and DeVault might be absent on January 8. The February meeting will be held on the 19th.

b. Holiday Party—Monday, December 6, 6 pm at the Brookside

11. Bills to be Paid—Board Action

Manager Kronmiller presented the current bills.

Manager Kronmiller moved to pay bills in the amount of \$56,725.24 Second by Manager Dupre. Motion carried 6-0.

12. Administrator's Report

a. St. Croix River Research Rendezvous

Manager Dupre and Administrator Shaver attended. It was a good event.

b. Metro MAWD—Administrator Shaver attended.

c. Tour of the District

Administrator Shaver conducted a tour of the northern part of the District for new Managers DeVault and Lindberg.

d. Washington County Septic System Workshop

Administrator Shaver suggested exploring a septic system replacement loan program possibly not based on income and with a subsidy based on years remaining in the residence. Manager Dupre requested clarification on what constitutes a failed system at the time of sale.

e. BMP Maintenance Web Tool Workshop

Manager Kronmiller attended the workshop hosted by WCD.

13. Next Meeting--Wednesday, December 11, 2013

The November 26 meeting is canceled.

14. Adjourn

Manager Krnmiller moved to adjourn. Second by Manager Dupre. Motion carried 6-0.

The meeting was adjourned at 9:47 pm.

Submitted by

Debbie Meister, MMC Associates, LLP