

**Carnelian-Marine-St. Croix Watershed District  
Regular Meeting November 14, 2012**

**Managers Present:** Steve Kronmiller, John Lennes, Tom Polasik, Victoria Dupre, Kristin Tuenge, and Richard Caldecott.

**Managers Absent:** Andy Weaver.

**Others Present:** Jim Shaver (Administrator), Ray Marshall (Attorney), Jed Chesnut (WCD), Carl Almer (EOR), Scott Alexander, Jack Warren, Gerry Mrosla and Kristina Smitten (residents), Stephanie Souder (Washington County) and Debbie Meister (MMC).  
Manager Kronmiller called the meeting to order at 6:31 p.m.

**1. Approve November Agenda—Board Action**

**Manager Dupre moved to approve the November 14, 2012 agenda as amended. Second by Manager Polasik. Motion carried 5-0.**

Administrator Shaver reported that based on BWSR suggestions he has provided more information in the board packet on action items and the Treasurer's Report.

**2. Approve October 10 Minutes—Board Action**

**Manager Caldecott moved to approve the October 10, 2012 minutes as presented. Second by Manager Tuenge. Motion carried 5-0-1 with Manager Dupre abstaining.**

**3. Approve September 24 Minutes—Board Action**

**Manager Tuenge moved to approve the September 24, 2012 minutes as presented. Second by Manager Caldecott. Motion carried 4-0-2 with Managers Dupre and Polasik abstaining.**

**4. Public Comments**

Administrator Shaver introduced Marine planning commissioners Warren, Mrosla and Smitten, who attended to discuss the Marine Local Water Management Plan. Administrator Shaver noted that with the District's approved 2010 Water Management Plan, LGUs are required to update their plans. Mr. Warren outlined concerns with the District's buffer requirements along the St. Croix River and with the stormwater rules in Marine's two urban areas. Two appendices were added to Marine's plan to provide a more cost-effective way to meet District rules and streamline administrative procedures.

**Manager Dupre moved to grant the City of Marine on St. Croix a six-month extension for approval of its Local Water Management Plan and to direct District staff and engineer to prepare a budget and draft plan to work with City representatives for alternative stormwater treatment in the two urban areas and buffer requirements along the St. Croix River. Second by Manager Polasik. Motion carried 6-0.**

Administrator Shaver clarified that the District could pay for any rules update with city small grants funds and Mr. Marshall recommended review of the District rules.

## 5. Square Lake MOU

**Manager Dupre moved to approve signing the Square Lake Memorandum of Understanding between the District and Minnesota Department of Natural Resources with the District Administrator's changes. Second by Manager Tuenge. Motion carried 6-0.**

## 6. Permit Status Update, Permits / Violations

Mr. Almer presented two permits for board action.

Permit 12-011, Gombold, for construction of a new home on Big Carnelian Lake. **Manager Dupre moved to authorize the District Administrator to issue a permit pending the District Engineer's review and approval of stormwater and buffer plans. Second by Manager Caldecott. Motion carried 6-0.**

Permit 12-010, Matt, for an after-the-fact construction of a new porch/shed on Big Marine Lake. Administrator Shaver reported that a permit application from Mr. Matt has not been received. It was agreed that Administrator Shaver will contact the City of Scandia to advise them that a permit application has not been received.

## 7. Project Status Update

Mr. Almer provided an update on the Sand and Long Lakes Clean Water Partnership and the Watershed Assessment Tool and reported that the Goose Lake ravine stabilization project was completed on November 2. He made site visits with Administrator Shaver to Goose Lake and Loghouse landings and provided concept designs and cost estimates for erosion control and water quality improvements. Administrator Shaver added that the landings projects were suggested by residents, he and the Scandia maintenance superintendent explored some ideas to fix the problems and because other BMP projects—specifically Goose Lake ravine stabilization—were significantly under budget, there are funds for feasibility reviews for additional projects. Manager Polasik suggested including the Kiwanis and Boy Scout camps on the ravine project list and developing concept plans for inclusion in the BWSR grant application for ravine stabilization. To document project cost savings, Mr. Marshall recommended noting savings in the minutes and authorizing a budget change.

## 8. Cost Share Program Update

### a. Van Hoose Project

Administrator Shaver reported that the project is looking good, but a final evaluation will be made in spring. He outlined the contract dispute and recommended a payment compromise.

**Manager Dupre moved to authorize the reissuing of the check to contractor Roger Peterson for \$4,300 and splitting the payment on the disputed balance of \$3,090.20 with CMSCWD and Washington Conservation District each paying \$1,543.10. Second by Manager Caldecott. Motion carried 6-0.**

**b. Reimbursements**

**Manager Tuenge moved to authorize cost share reimbursements of \$2,500 to the Miles, \$720 to the Revoirs and \$2,500 to the Stortis. Second by Manager Caldecott. Motion carried 6-0.**

**c. Cost Share Projects**

Mr. Chesnut reported that at the October 10<sup>th</sup> committee meeting five cost share projects were approved and, to date, four residents responded that they want to move forward. It was noted that Managers Lennes, Polasik and Kronmiller are on the committee.

**d. Goose Lake Ravine Reimbursement**

**Manager Dupre moved to authorize payment of \$34,333.00 to Scandia Trucking, a partial payment for the Goose Lake project and payment of \$687.50 to Sandra Goodyear for reimbursement of legal fees for the review of easement issues related to the project. Second by Manager Tuenge. Motion carried 7-0.**

It was noted that the contractor did not need to take out trees during construction. It was questioned if further BMP projects in the Square Lake watershed would skew the results of the proposed study. Administrator Shaver stated that this had been discussed with the DNR and the DNR did not feel that small BMP projects would affect the results over the three-year period of the study.

**9. New Business**

**a. Approve MAWD Conference Expenses**

**Manager Polasik moved to approve additional per diem expenses for Managers Tuenge and Lennes to attend the MAWD annual conference not to exceed \$165 per manager. Second by Manager Lennes. Motion carried 4-2.**

**b. Delegates to MAWD**

**Manager Kronmiller moved to appoint Managers Tuenge and Lennes as CMSCWD delegates to the MAWD annual conference, authorize the Administrator to submit the necessary forms to MAWD and direct the delegates to vote on the resolutions as follows: not to table Resolution #1, but instead to advocate to revise the rule to not require full publication of adopted rules; support Resolution #2 and oppose Resolution #3. Second by Manager Caldecott. Motion carried 6-0.**

**b. Insurance Waiver for Tort Liability**

Mr. Marshall counseled that to waive liability is a judgment call and should be done with the understanding that if there is a claim beyond the limit the District could be liable. He added that to his knowledge this has not happened in Minnesota.

**Manager Dupre moved to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04 and to authorize the Administrator to sign the required document. Second by Manager Tuenge. Motion carried 6-0.**

**d. Audit**

**Manager Dupre moved to receive and accept the 2011 audit, distribute it to agencies and LGUs and post it on the District website. Second by Manager Polasik. Motion carried 6-0.**

**e. EMWREP**

Administrator Shaver reported that Angie Hong has 100 hours devoted to impaired waters and the contract can be terminated with 90 days notice.

**Manager Dupre moved to accept and sign the EMWREP contract for \$11,000 per year for three years. Second by Manager Tuenge. Motion carried 6-0.**

**10. Old/Other Business**

**a. Official Motion to Change Meeting Date and Location**

**Manager Kronmiller moved to change the District meeting dates to the second and fourth Wednesday of the month in the heritage room of the Scandia Community Center effective until further notice and direct the Administrator to make the appropriate changes in the by-laws for Board approval at the December meeting. Second by Manager Polasik. Motion carried 6-0.**

**b. Draft Water Monitoring Report Approval**

**Manager Dupre moved to approve the draft 2011 CMSCWD Water Quality Monitoring Report and post the approved report on the District website. Second by Manager Caldecott. Motion carried 6-0.**

**11. Discussion Points**

**a. BMP Inspection Report**

Administrator Shaver reported that based on the BMP report, about half of the District BMPs need maintenance. There is money in the budget for maintenance. Manager Kronmiller stated that residents need education about what is a weed and what is a plant.

**b. BSWR Letter of 10-11-12 and Response**

Manager Kronmiller reported on a letter of October 11<sup>th</sup> from James Haertel of BWSR—sent without direction from the BWSR Board—identifying areas where the District could do a better job. Mr. Haertel subsequently met with Manager Kronmiller on October 26<sup>th</sup> to discuss these issues. Manager Kronmiller, Administrator Shaver and Manager Dupre met to review and respond to the issues and Manager Kronmiller drafted a letter in response.

**Manager Dupre moved to strike the second to the last paragraph and send the letter of response to Mr. Haertel. Second by Manager Tuenge. Motion carried 6-0.**

Manager Caldecott raised the question of per diem for the second monthly meeting, recommending all Managers act in unison either all taking per diem or all volunteering. Discussion included: per diem can be donated or not taken; per diem for both meetings is in the budget; if per diem is under budget will it appear Managers are not attending meetings or are not engaged and managers can volunteer to attend conferences.

**c. AIS Committee Report**

Administrator Shaver reported that some Big Marine Lake residents feel the District is not contributing enough for milfoil treatments, which might be an issue before a District aquatic invasive species policy is completed.

**12. Treasurer's Report and Bills to be Paid – Board Action**

Manager Tuenge presented the Treasurer's Report and the current bills.

**Manager Tuenge moved approval of the October 31, 2012 Treasurer's Report. Second by Manager Polasik. Motion carried 6-0.**

**Manager Tuenge moved to pay bills in the amount of 86,437.73. Second by Manager Polasik. Motion carried 6-0.**

**13. Administrator's Report**

Administrator Shaver reported the following:

**a. Conferences**

Managers Tuenge and Lennes and Administrator Shaver plan to attend the MAWD Conference on November 29 –December 1. Manager Polasik attended the River Rendezvous and Managers Tuenge and Dupre attended the Water Resources Conference.

**b. District Tour**

Administrator Shaver coordinated a District tour attended by Mr. Almer and Managers Lennes, Weaver and Tuenge. All felt it was an excellent tour and should be done more often.

**c. Second Meeting of the Month**

The November 28<sup>th</sup> meeting is canceled. The second meeting early next year will cover the Comprehensive and Strategic plans.

**d. Zavoral Mining**

Administrator Shaver will submit comments on Tiller's application for a Conditional Use Permit (CUP), with a recommendation that the CUP be tied to District review and additional monitoring be required. The Planning Commission will hold two public hearings on December 4<sup>th</sup> and 12<sup>th</sup>. The Scandia City Council will have until February 20, 2013 to make a determination on the application.

**e. Wendy Adams Fund**

Ms. Adams has inherited property near Square Lake with funds for a natural resources endowment. She would like to apply the funds to manage invasive species on her property—much like the Bridget Lyle Fund. Mr. Marshall and Administrator Shaver will review if funds can be applied to another property if invasives do not need management on the Adams property.

**f. William O'Brien State Park**

The parking lot is paved and infiltration areas completed. Administrator Shaver spoke to Wayne Boerner (DNR) about the District helping with shoreline improvements. Manager Polasik suggested a pond or catchment basin to reduce silt.

**14. Next Meeting, Adjourn**

**Manager Tuenge moved to adjourn. Second by Manager Polasik. Motion carried 6-0.**

The next meeting will be held on Wednesday, December 12, 2012 at 6:30 p.m. at the Scandia Community Center. The meeting was adjourned at 9:10 p.m.

Submitted by  
Debbie Meister, MMC Associates