

CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT
Regular Minutes November 12, 2014

Managers Present: Kristin Tuenge, Steven Kronmiller, Tom Polasik, Andy Weaver and Eric Lindberg

Managers Absent: Victoria Dupre and Dave DeVault

Others Present: Jim Shaver (administrator), Carl Almer (EOR), Jed Chesnut (WCD), Susannah Torseth (Lawson Law), Steve Miller and Jim and Colleen Smolinski (residents) and Debbie Meister (MMC)

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

1. Approve Agenda—Board Action

Manager Weaver moved to approve the November 12, 2014 agenda as amended. Second by Manager Polasik. Motion carried 5-0.

2. Approve October 8, 2014 Minutes—Board Action

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

3. Treasurer's Report

Manager Weaver presented the Treasurer's Report.

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

4. Public Comments

There were no public comments.

5. New Business

a. Jim & Colleen Smolinski Cost Share

Administrator Shaver stated that the Smolinskis live on Big Carnelian Lake on a steep bank. Mr. Smolinski contacted the District in spring during high water. He was interested in erosion control and a possible cost share for riprap. Administrator Shaver brought the issue to Cost Share Committee. The District has a long-standing policy not to cost share for hard armoring. The District plan prefers biological solutions and the rules require a variance for riprap. Administrator Shaver showed photos of the steep slope, the erosion and mature trees that would be lost if nothing is done. He stated that in this case riprap is needed. Mr. Smolinski thanked the board for their volunteer efforts and for letting him present his case. This property has been in his family since 1958. He has made some shoreline improvements with the help of the WCD. As a fisherman he would like to add native plants to enhance habitat, but is not sure that native vegetation will protect the shoreline. He is north facing so gets very little sunlight. This and waves from motorboats contribute to the inability of plants to take hold. Mr. Smolinski acknowledged that the District might not want to set a precedent with a cost share for riprap, but stated that he cannot afford to install riprap on his own and

believes this is the only solution. Manager Kronmiller stated that the District put prohibitions on this activity because, in many cases, it is the easy answer and the District did not want to see wide-spread riprap. But the District created variances for circumstances beyond the norm and has a responsibility to protect the lake. Other issues discussed were using native igneous rock instead of limestone because of the PH, adding vegetation in the design, protecting a high quality lake and acknowledging wave action from boats and the lake's quick drop off are problematic. Managers requested that Mr. Smolinski get bids from two contractors and noted that the maximum cost-share contribution is \$2,500. Mr. Almer stated that based on this situation indicating the need for the riprap, a variance might not be required.

b. Big Carnelian Homeowners Group (133rd St.)—Board Action

Scott Miller stated that he represents the 20 private homeowners situated on a steep slope on Panorama Avenue. This road and May Township's 133rd St. have long-standing sediment runoff issues. Since about 2000, the District, May, EOR and the WCD have installed some projects, but sediment continues to wash onto properties and into Big Carnelian Lake. Mr. Miller met with Administrator Shaver and Mr. Voedisch of the township about a novel idea to apply for a Capstone Project through the University of Minnesota. If selected, a graduate civil engineering class would spend 80-100 hours studying the runoff issues and developing solutions. To apply, a civil engineer must be identified to serve as a project mentor. This requires a commitment of two hours per week for 15 weeks, plus some prep time. The task that would be posed to the class is how to stabilize the hill, keep the water above or on the properties and do some ponding. The homeowners are asking the District to pay for the engineer to serve as mentor.

Manager Kronmiller stated that there are funds in the budget for 133rd St. and a couple of years ago the District changed its approach to address the source of a problem, rather than installing fixes at the lake. Mr. Almer stated that serving as mentor would cost \$5,500 for 40 hours. EOR has participated in Capstone projects and knows that mentoring can require more time, but that EOR would consider this pro bono. When asked about homeowner participation to install Capstone recommendations, Mr. Miller replied that they have an active association and feels they can be involved with volunteer labor or a possible assessment. The Managers agreed that this could set a precedent using creative ideas to solve problems and the District likes to support homeowner associations.

Manager Tuenge moved to fund the request for a civil engineer (Carl Almer) to serve as the project mentor to a Capstone Project not to exceed \$5,500. Second by Manager Kronmiller. Motion carried 5-0.

c. Permit Requests—Board Action

Administrator Shaver presented requests to authorize four permits.

Manager Tuenge moved to authorize the Administrator to issue permit numbers 14-016, 14-015, 14-014 and 14-011 subject to the engineer's review. Seconded by Manager Kronmiller. Motion carried 5-0.

d. Cost share

Mr. Chesnut reported that the committee reviewed and recommended approval of the three cost-share proposals.

Manager Weaver moved to accept the Myers and Miller raingarden cost shares not to exceed \$500 each and the Porubcansky prairie cost share at a 25 percent match not to exceed \$1,793.75. Second by Manager Lindberg. Motion carried 5-0.

e. MAWD Board Representation—Board Action

Administrator Shaver reported he and Managers Weaver and Lindberg are attending the Minnesota Association of Watershed Districts (MAWD) annual meeting.

Manager Kronmiller moved to appoint Managers Weaver and Lindberg to represent the CMSCWD at the MAWD annual meeting. Second by Manager Lindberg. Motion carried 5-0.

f. Insurance Liability Waiver—Board Action

Manager Tuenge moved to not waive the monetary limits on municipal tort liability established by MN Statute 466.04. Second by Manager Kronmiller. Motion carried 5-0.

g. Tax Forfeit Property Bliss Addition—Board Action

Administrator Shaver reported that last week he was notified that a double lot in the Bliss Addition is in forfeiture and up for bid. The District, in the past, has acquired tax-forfeited property to protect tamarack wetlands. Acquiring the Bliss lot could potentially protect a lagoon, a degraded wetland and groundwater. Drainage comes from the residential area and could be redirected. The lot is not buildable. Outstanding questions that Administrator Shaver will investigate: what is the bid process and tax implications; if there are no bids, can the District take title without encumbrance and is the property subject to a Department of Natural Resources restoration order. Manager Kronmiller stated that our goal is to protect our highest priority resources, there is a precedent for acquiring property to do this, it is worth having Administrator Shaver investigate this and if the District does not take control the County could potentially fill the wetland and build a road or develop it. Manager Lindberg suggested letting the county own the land with the District making a proposal to make improvements for protection. He asked if control outweighs liability including service fees imposed by local governments. Manager Polasik also spoke against acquisition with Manager Weaver willing to defer to the Executive Committee if no acquisition cost is involved.

Manager Kronmiller moved to authorize the Administrator and attorney to review final costs and title status and present the results to the Executive Committee for authorization. Second by Manager Weaver. Motion carried 5-0.

6. Old Business

a. Log House Landing Update

Managers Tuenge, Kronmiller and Polasik provided an update on the Advisory Committee meetings. The first several meetings were organizational to select a chair, introduce and update committee members and assign research issues. Manager Kronmiller, on behalf of the District, researched and presented the method for calculating phosphorous loading from gravel runoff. He felt many on the committee liked the rustic look of a gravel road, making the challenge to control the runoff and at what cost. Manager Polasik stated that this is an un-engineered road. By getting water off the road, erosion can probably be reduced by 95 percent. But before the committee can discuss design standards, it must define design criteria.

Discussion included: by improving the boat landing, larger boats and trailers will be accommodated; the project entails different sections with different criteria and different materials for each section; the woods is part of the natural character; class 5 gravel has fines and these fines will quickly fill up a swale and continue to flow down slope; the District does not design roads, but can help design erosion control; the city engineer seems to be willing to participate; maintenance is essential and the MN Department of Transportation is willing to amend the grant and values citizen participation. Suggestions for road material included a clear (crushed) rock, bituminous asphalt, asphalt with a rock gutter, double chip seal or putting gravel on top of asphalt. Adding dips in the road to slow water or directing water out of the right-of-way, were also suggested.

b. Reserve Policy Discussion

Administrator Jim reported that for comparison the Comfort Lake-Forest Lake and Spring Lake watershed districts maintain a general unrestricted/unassigned fund balance of 40-50 percent of their operating budget expenses. This is consistent with the guidance from the League of Minnesota Cities. Manager Kronmiller explained his analysis of the District cash flow from January 2014 - July 2014, noting the District merger occurred in 2008. He compared the budget, levy, spending and year-end reserves for the pre- and post-merged District. Percentage-wise the reserve has remained the same. In the last years, the District has taken the approach that unexpended funds should be returned. The question for the Board is how much do you keep in a rainy day fund? Currently, there is somewhat less than \$250,000 in the bank. Over the last years, the District has typically spent \$550,000, which is less than the budget. Administrator Shaver noted that a stable reserve balance will help keep the levy level. He suggested waiting until December when final carryover numbers are available to finalize the levy and reserve. He and Managers Kronmiller and Weaver agreed that without a reserve fund it would not be possible to commit to unexpected projects such as Log House Landing. All agreed that it is responsible to have a reserve fund. Manager Tuenge volunteered to contact Washington County for a recommendation on the amount of a reserve fund.

c. Plan Amendment

Administrator Shaver reviewed the factors that necessitated a plan amendment including citizen requests for an aquatic invasive species (AIS) program, citizen concern about groundwater, plan clarity on focused watershed management and how it integrates with watershed restoration strategies and TMDLs and budgeting and accountability.

Invasive Species Program

Manager Polasik suggested, and all agreed, to change AIS to Invasive Species (IS) Program. A paragraph will be added to broaden the scope. Manager Polasik also suggested that the Chemical Controls on page 7 read Herbicides, insecticides and other pesticides...

It was agreed that the heading "DNR Planning and State Funding" on page 3 will be changed and the primary focus is education over management. Criteria for funding discussed included the need for collaboration and funding from multiple partners; matching new homeowner associations (but at what funding level and for how long, possibly requiring a IS management plan and bylaws and possibly factoring the level of impairment) and possibly funding IS management through the Cost Share Program.

Implementation Program

Administrator Shaver stated that Manager Kronmiller developed Table IV to help more clearly identify capital improvement projects from BMPs and translate what we are doing into the future. Managers discussed whether to expand programs such as education and cost share or to reallocate funds. Other budget issues included increasing the budget based on identified needs, limiting the budget to what can be accomplished and/or catching up on TMDL and focused watersheds implementation improvements.

III. Resource Management Prioritization & Issues

Administrator Shaver stated that the current plan, while it describes focused watershed management, does not explain it. This section provides the opportunity to introduce terms and prioritization of lakes based on local values. Options are to protect, improve or maintain lakes and use this classification to budget and apply for Minnesota Pollution Control Agency protection grants. Mr. Almer developed a better chart—Trend Analysis of Trophostatic Data (TSI)—to assess progress related to individual lakes and their water quality goals. Manager Tuenge stated that this classification seems more like a strategy. Mr. Almer replied that the TSI is one way to present water quality data, which can guide the strategy for the lake. If a lake is trending toward decline or improvement, this could be a trigger for focusing efforts on the lake.

The Management Priority Matrix on page 4 was confusing to all. It was not clear how to allocate resources based on a lake's management priority, classification and strategy. Do you focus on high quality lakes that are trending negative? Manager Lindberg stated that we should try to improve lower quality lakes too. Manager Tuenge stated that this is the dilemma: how do we prioritize our time? And as long as it is feasible, she agreed with Manager Lindberg. Administrator Shaver stated that the matrix was an attempt to prioritize resources. Agencies are asking watershed districts to prioritize resources and link priorities to their budgets. All agreed more time is needed to discuss this concept including defining impaired, focused and standard/routine and simplifying how we prioritize. Administrator Shaver will talk with Mary Peterson of BWSR to help get clarity on this issue and will reschedule the Technical Advisory Committee meeting.

7. Bills to be Paid

Manager Polasik moved to pay bills in the amount of 45,095.03. Second by Manager Tuenge. Motion carried 5-0.

8. Next Meeting

The next regular meeting is Wednesday, December 10 at 6:30 p.m. at Scandia City Hall.

9. Adjourn

Manager Kronmiller moved to adjourn at 10:25 p.m. Second by Manager Tuenge. Motion carried 5-0.

Submitted by
Debbie Meister, MMC Associates