

CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT
Regular Minutes May 13, 2015

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

Others Present: Jim Shaver (administrator), Carl Almer (EOR), Jed Chesnut and Erik Anderson (WCD), Susannah Torseth (Lawson Law), Jenifer Sorensen (DNR), Dan Fabian (BWSR), Emily Stevens, Meaghan McGinn, Laura Robinson, Megan Kane and Emily Stephens (Capstone Project Team), PJ Flanigan, John Kendra, Lil Duethman, Joe and Jane Lendway, Judy Baker, Catherine Solheim, Joann Grady, Sharry Eibner, Doug Dartsch, Scott and Phyllis Miller, John and Kate Donner, Mike Duethman and Steve Duethman (133rd St./Panorama Ave property owners), Mike White (Marine resident), Christine Maefsky and Pamela Smith (Scandia residents) and Debbie Meister (MMC)

Manager Tuenge called the meeting to order at 6:34 p.m.

1. Approve Agenda—Board Action

Manager Lindberg moved to approve the agenda as amended. Seconded by Manager Polasik. Motion carried 5-0.

2. Approve April 8, 2015 Minutes—Board Action

Manager Tuenge moved to approve the April 8, 2015 minutes as amended. Seconded by Manager DeVault. Motion carried 5-0.

3. Treasurer's Report—Board Action

Administrator Shaver presented the Treasurer's Report.

Manager Tuenge moved to accept the Treasurer's Report. Seconded by Manager DeVault. Motion carried 5-0.

Manager Tuenge requested that the reports include a review of budget and actuals.

Manager DeVault moved to direct the treasure to provide the percentage of the budget to the actuals at the regular monthly meeting. Seconded by Manager Polasik. Motion carried 5-0.

4. Public Comments

There were no public comments.

5. Presentations

a. Introduction of Jenifer Sorensen, DNR Area Hydrologist Replacing Molly Shodeen

Administrator Shaver introduced Jenifer Sorensen and reported that they began a tour of the District as an introduction to the area. Ms. Sorensen thanked the Board for the opportunity to be here, asked those in attendance to let her know if there are any questions or issues she should address and outlined her role as the area hydrologist.

b. 133rd Capstone Presentation

Administrator Shaver Jim stated that the District has been looking at erosion and sedimentation issues in the 133rd St.-Panorama Ave. area for at least 15 years and has installed a few projects on Panorama. Recently, Scott Miller of the Carnelian Heights Association (CHA) suggested that the CHA and the District apply for a University of Minnesota Capstone Project. The 133rd St. project was selected and the Capstone Team—a group of four senior engineering students who were mentored by Carl Almer and Cecilio Olivier of EOR—was introduced. The team provided a summary of the feasibility study they conducted over a three-month period. The issues that were identified were sediment accumulation on properties, the potential impacts on Big Carnelian Lake, private lands with huge slopes and previous attempts to remediate the situation that were not successful. Existing conditions were analyzed to determine the main problems and how much runoff occurs during certain rain events. Eleven subwatersheds were identified and prioritized based on the amount of sedimentation accumulating at the bottom of the road or ravine. Modeling in HydroCAD was used to determine runoff velocity, volume and depth.

Recommendations to address and fix the causes of sedimentation were summarized:

- Regrade 133rd St. and install two bio-retention basins at top of the road to stop the runoff at the source. Cost: \$16,000-\$86,000.
- Install bio-retention basins at the bottom of the road and clean the culverts to keep them operating.
- Add biologs with blankets to reduce the water velocity and hold back sediments in major ravines. This is temporary as biologs last about 24 months. Cost: \$1,000-\$2,250.
- Install rain barrels on properties to capture roof runoff to reduce velocity. Cost: \$400 per house with an additional expense to install gutters, if needed. This will have a small impact.
- Install headcut stabilization—a damlike structure of biologs held with fence stakes to reduce velocity and hold soils. Cost: \$1,000.

Implementing all the options would reduce the phosphorus load by 25% per year. The team also recommended low impact development. Potential grant sources identified for these projects included the District's Cost Share Program, Board of Water and Soil Resources (BWSR) and Minnesota Pollution Control Agency (MPCA).

In response to questions, the Team and Mr. Almer responded that the phosphorus load reduction from the 16 acres in the 11 subwatersheds is small when compared to loading to the entire lake. When the culverts are cleaned out, they should only overflow in a 100-year storm. Because this is a private road, the CHA is responsible for it. To prevent the runoff from flowing down the hill, the road would need to be regarded and paved, which requires further engineering, and a basin in the cul-du-sac would need to be added. The basins should remain useful for 15-20 years. The life-cycle cost of the options was not looked at, but could be a next step. Manager Tuenge thanked the Team for an impressive study. Administrator Shaver suggested that if the CHA wants to move forward, next steps would be setting up a meeting with property owners to the east and requesting a meeting with May Township. He and Mr. Almer would be available to attend both meetings. Mr. Flanigan, as president of the CHA, thanked Administrator Shaver, Erik Anderson and

Carl Almer for mentoring the students and especially thanked the four students. On behalf of the association, he presented the team members with a gift and stated that they are looking forward to next steps and moving forward.

c. Monitoring Review of 2013-2014 Data

Mr. Anderson presented the 2013-2014 lake and stream monitoring data compared to historical data. Monitoring overtime provides a look at water quality trends and identifies pollution sources. For lakes, monitoring includes collection of total phosphorus, chlorophyll-*a* (algae) samples, clarity (Secchi disk depth), measurements of vertical profile of temperature and dissolved oxygen, lake elevation and general observations. Monitoring is based on the Metropolitan Council Citizen-Assisted Monitoring Program (CAMP), which ranks lakes on an A-F scale. In 2013-14, of the 20 District lakes that were monitored, 12 lakes received a rank of A, three received a B, four a C and one a D. Loon Lake, which historically has received an F, was not monitored. Noting the long-term trends, eight lakes are improving in at least one area, while Square Lake is declining. East Boot, one of the District's impaired lakes, is now meeting state standards and could be delisted.

Stream samples, to assess water quality, are collected through grab or automated sampling from early April through early November. In 2013-14, three streams were monitored—Silver Creek, Willow Brook and Zavoral's Creek. In response to a question about the impact of mining on Zavoral's creek, Mr. Anderson stated WCD is closely monitoring the water flow and has not seen an impact yet. He also noted that modeling is used to analyze the data.

6. Permit Violations – Mike White—Board Action

Administrator Shaver reported that he, Ms. Sorensen and city administrator Kristina Handt made a site visit and found that Mr. White had substantially exceeded the limits of his DNR aquatic vegetation permit. The City issued a stop work order and instructed Mr. White to install erosion controls and apply to the District for an after-the-fact permit. In addition to the permit, the District is requesting Mr. White enclose a check for \$3,500—the permit fee doubled, plus a \$500 surety. The site now has silt fencing and was seeded. Administrator Shaver met with Mr. White regarding the permit fees and recommended he attend tonight's meeting. Mr. White stated that he misread the DNR permit that required hand pulling of aquatic vegetation. He used a backhoe, which was easier than pulling plants in the cold water. He is having a well dug and has been without water for five months. He has always had a runoff issue, so built a trough to collect the runoff. He stated that he will do whatever it takes to repair the site, but does not have funds. He is retired and is almost 70. Because of this he requested the funds be a surety, not a fine.

Manager Kronmiller attested that the silt fencing was installed by the deadline the District imposed, but the soil was deposited in the ordinary high water mark. He also noted that Mr. White was issued a permit to dig a well in 1992. Mr. White stated that the well needs to be 50 feet away from a structure and his property is only 50-feet wide. Manager Tuenge stated that Mr. White admitted to violating some of the permit, stated he has a hardship and has started the process to do the work correctly. Discussion included: a Board preference to have the work done and done properly, a similar situation where the District issued a double fine to a property owner for an after-the-fact permit on the St. Croix, a precedent should not be set to collect less than the regular permit fee and surety and a preference to reduce the fee after

the work is completed and to impose a timeline. Further discussion focused on the best way to collect fees without requiring legal action and to ensure the work is done correctly. **Manager Weaver moved to collect from Mr. White \$1,500 for an after-the-fact permit fee and \$2,000 for a surety that will be returned if the project is successfully completed in a timeframe determined by the Administrator. Seconded by Manager Polasik. Motion carried 6-0.**

Ms. Sorensen stated that the City, WCD and the DNR are concerned with the violations, specifically the aquatic plant removal, the shoreline disturbance, the erosion from the disturbance and the placement of the fill. She is encouraged that the District is interested in restoration and Mr. White is willing to do the work. She stated that the silt curtain needs to be moved. She does not want to see a further extension of the lawn and hopes that the vegetation will reestablish. She also noted that the DNR will still be addressing the aquatic plant violation. Next steps: Mr. White will provide an application and checks for the fee and surety, and Administrator Shaver, with guidance from the Board and legal counsel, will work out conditions of the permit including a restoration plan.

7. Projects

a. Log House Landing (LHL)

Administrator Shaver met with DNR staff at the landing. The DNR is willing to provide 40-50 concrete planks to help repair the ramp. This will not complete the ramp and does not include installation. The City does not have funds in this year's budget. Administrator Shaver suggested hiring the Rydeens to complete the work.

Manager DeVault moved to authorize the Administrator to request the City of Scandia order planks from the DNR and the District contract for the installation not to exceed \$2,000. Seconded by Manager Polasik. Motion carried 6-0.

Manager Kronmiller stated that he, Ms. Maefsky and Ms. Smith have been exploring alternative road paving material. An expert from South Dakota is being hired by residents to provide information on the material. EOR is supplying data and the working group is requesting an hour or two of Mr. Almer's time to evaluate the expert's information. Scandia is waiting to hear from the District before the city is willing to expend any funds for the project. The DNR grant funds are still available. The group would like to present the road paving information including costs for associated options to the Board at its June 22 meeting. Manager Kronmiller stated that the group is looking to answer several questions: Can this material be used with curb and gutter? Is there a surface that will not produce sediment? Would the District contribute 25% of road costs for a road that is 20-foot wide? Discussion included an article in the *Country Messenger* that was not quite accurate; acknowledgement that the District passed a resolution to contribute 25% of the costs of the project, if the District approves the final design; the District's primary concern is for water quality and stormwater management, not road surfaces; and information from the expert will provide a good opportunity to learn about road surfaces. Administrator Shaver stated that he hopes the Board will retain its independence and represent itself fairly and with transparency. He also reported that this process has taken a lot of his time.

b. 197th Street

Administrator Shaver reported that Ms. Torseth will be contacting three residents about easements for the project and he authorized Wenck to complete the design on one ravine.

c. Marine Stormwater

Mr. Almer reported that he has been contacting the utilities about the city right-of-ways, has met with Marine Stormwater Committee on implementation designs for projects identified in the grant and will be moving ahead on further feasibility assessments. Mr. Chesnut reported that he is following up with residents from the raingarden workshop. If residents are within the grant area, he let's them know how their project could be wrapped into the grant. Administrator Shaver reported that he asked Washington County to do soil borings on key potential sites, when the county is doing road work in the identified areas. Once the utility information is obtained, block meetings will be scheduled.

d. Sand/Long Implementation

Administrator Shaver reported that Ms. Torseth will be following up with the Lindgrens about the iron-sand project. Mr. Almer will complete a delineation and will determine the groundwater source. Administrator Shaver and Mr. Almer toured the Long Lake watershed in May looking for additional project locations, if there are remaining grant funds.

e. Goose, Hat and South Twin Lakes Implementation

Administrator Shaver reported that he, Mr. Chesnut and Mr. Landini toured the four possible Goose Lake project locations and decided on one location to target. A follow-up location was also selected. Mr. Chesnut will re-contact the landowners, who issued a letter of support several years ago.

f. Top 50 P Phase 2

Administrator Shaver reported that current funds have been directed to projects in south Washington County, but Jay Riggs is planning to apply for Clean Water Legacy funds for agriculture projects.

8. New Business

a. Permits —Board Action

Mr. Almer reported that Washington County has applied for permits for several road projects. Permit 15-005 needs a District erosion permit, but not a stormwater permit. The erosion permit might be an after-the-fact. There are four wetlands at Mendel Rd. and 110th St. that are being impacted by the project. Because the wetlands are classified in the District's Management Plan as high quality, .2 acres of mitigation is required, rather than the standard 2:1. The County is asking for flexibility in the timing to get this done and in exploring wetland feasibility on other sites, because there is no on-site replacement possibilities and the County is unable to use the BWSR road bank. If the County cannot successfully identify a wetland site, it would like to pay into the District's restoration fund. Mr. Almer and Administrator Shaver both agree that it is better to pay into a fund, if restoration will not be successful along the corridor. In the plan update there are wetlands that have been identified for restoration. Manager Polasik stated that when the County does a mill and overlay, the road seems to grow about three feet and he is

concerned with this project. Mr. Fabian suggested getting a surety or bond. It was noted that this project will set a precedent.

Manager DeVault authorized the Administrator to issue Permits 15-003 and 15-004 subject to the District engineer's review. Seconded by Manager Polasik. Motion carried 6-0.

Manager DeVault moved to authorize the Administrator to issue Permit 15-005 subject to the District engineer's review and Washington County signing a Memorandum of Understanding for a .2 acre wetland replacement or compensation at the rate of \$1.50 per square foot if the restoration is not completed within two years. Seconded by Manager Polasik. Motion carried 6-0.

b. Cost Share Signs—Board Action

Manager Weaver moved to authorize the Administrator to order signs for BMP projects at a cost not to exceed \$500. Seconded by Manager DeVault. Motion carried 6-0.

c. Schedule One Watershed/One Plan Meeting with BCWD and/or CLFLWD

Administrator Shaver reported that Karen Kill of Brown's Creek Watershed District suggested meeting about the One Watershed/One Plan amendment and shared services between the Districts. He suggested including Comfort Lake-Forest Lake and proposed some dates, if the Board is interested.

9 Old Business

a. Fran Miron Letter Response

Manager Tuenge reported on Fran Miron's letter from the Washington County Board that urged the District to investigate all alternatives to hiring new staff. Discussion included hiring current contractors to fill needs, comparing the cost of current contracts to hiring a part-time employee, a temporary worker or an intern, identifying needs such as help with permitting and beaver dam removal, and evaluating needs and costs of a full- and part-time employee during the 2016 budget discussion. It was agreed that Manager Tuenge will draft a response and Managers DeVault and Kronmiller will review it.

b. Administrator Conference Authorization—Board Action

Manager DeVault moved to authorize the Administrator to attend four conferences. Seconded by Manager Polasik. Motion carried 6-0.

c. Office Move—Board Action

Manager Tuenge moved to approve the contract with Lakes Telecom for installation and office equipment not to exceed \$5,000 and to include recycling in the new office. Seconded by Polasik. Motion carried 6-0.

d. Plan Amendment Comments Response —Board Action

Manager Polasik moved to postpone the plan amendment comments response until the May 27 workshop. Seconded by Manager DeVault. Motion carried 6-0.

10. Reports

a. Operations

i. Manager Board Numbers Manager

Administrator Shaver stated that the Board will address board numbers in fall. If a smaller board is preferred, it can be done through attrition.

ii. Roles and responsibilities

Administrator Shaver reported that he is trying to engage Lewis Smith to lead a workshop on Board-staff roles and responsibilities.

b. Monitoring- Bacteria Impairments

Mr. Almer summarized the memo from Meghan Jacobson on bacterial levels in three streams that are 10 times above the threshold. A molecular study is recommended for Swedish Flag and Gilbertson Creeks because there is no livestock in the area so the bacterial input is unknown. Administrator Shaver has requested information from Valley Branch Watershed District on its bacterial TMDL. Manager DeVault stated that a good starting place is to walk the streams and do an assessment.

c. Education/Communications

Manager Tuenge reported that the St. Croix River Associated presented Sally Leider with the stewardship award. Administrator Shaver recommended nominating Ms. Leider for the MAWD stewardship award.

11. Bills to be Paid—Board Action

Manager Polasik moved to pay the bills in the amount of \$45,304.92. Seconded by Manager DeVault. Motion carried 6-0.

Ms. Torseth reported that the memorandum of understanding between the District, the Big Marine Lake Association (BMLA) and the Initiative Foundation was more complicated than originally thought. Monitoring is required for three years and the DNR rules require bids from two contractors. Asking the BMLA to pay half the legal fees would delay the contract. Manager DeVault suggested considering charging something for legal fees in the future. Ms. Torseth reported that she reviewed the office lease. Manager Tuenge signed both contracts.

12. Next Meeting

The next meeting is May 27, 2015 at 6:30 p.m. at Scandia Community Center. The June 10 meeting will include a public hearing on plan amendment.

13. Adjourn —Board Action

Manager Polasik moved to adjourn at 10:28 p.m. Seconded by Manager DeVault. Motion carried 6-0.

Submitted by
Debbie Meister, MMC Associates