

CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT
Annual and Regular Meeting Minutes August 12, 2015

Managers Present: Kristin Tuenge, Dave De Vault, Tom Polasik, Wade Johnson, Andy Weaver, Joel Stedman and Eric Lindberg

Others Present: Jim Shaver (administrator), Carl Almer (EOR), Susannah Torseth (Lawson Law), Jed Chesnut and Bryan Pynn (WCD), Zack Cole (resident) and Debbie Meister (MMC)

Manager Tuenge called the Annual Meeting to order at 6:35 p.m.

1. Approve Agenda

Manager De Vault moved to approve the Annual Meeting agenda as presented. Seconded by Manager Lindberg. Motion carried 7-0.

2. Election of Officers

Manager Tuenge presented a slate of candidates.

Manager Tuenge moved to elect Wade Johnson treasurer. Seconded by Manager De Vault. Motion carried 7-0. Manager Polasik moved to elect Dave De Vault president. Seconded by Manager Lindberg. Motion carried 7-0.

Manager Tuenge stated that the Board of Water and Soil Resources (BWSR) recommended the District have a secretary and volunteered to serve. **Manager Weaver moved to elect Manager Tuenge secretary. Seconded by Manager De Vault. Motion carried 7-0.**

Manager De Vault spoke in favor of electing a vice president, with this position being the president elect and amending the by laws to include this position. Manager Tuenge stated that it is helpful to have the president and vice president serve in the position for two years. Further discussion was tabled.

3. Changes of the By Laws

Manager Tuenge reviewed the recommended by law changes including changing regular meetings to the second Wednesday and fourth Tuesday, voting at the annual meeting on the stipend paid to managers and adding separate secretary and treasurer positions. Discussion: Should the stipend paid be \$55 or \$75 per meeting? Manager Weaver stated that the District has been crying for interested managers and although now there is a full slate, meetings run better than three hours, \$75 is not excessive and it might encourage managers down the road. Manager Tuenge stated that she is open to this, but potentially with an increase to two meetings a month, it is an increased expense, though a small piece. Manager Stedman agreed with both points. Manager Lindberg stated that the second meeting is a floating meeting and is canceled more often than not. Manager Polasik stated that managers' time is valuable, the work is difficult to do, managers get their feet held to the fire and should be compensated. All agreed that an increase would help attract other managers. Administrator Shaver recommended confirming the compensation at the annual meeting. Ms. Torseth stated that as the by law changes are written, there will need to be two motions: one to accept the by laws and a second to establish manager per diem at the annual meeting. She clarified that the duties of the secretary do not imply the secretary takes the minutes, but rather reviews the minutes for compliance under 2Da, if the minutes are taken by staff or a contractor. If the

secretary is not available to sign a contract, arrangements can be made for another officer/manager to do so. Ms. Torseth also noted that statute states that manager compensation may not exceed \$75 per meeting. Administrator Shaver stated that managers generally submit expense reimbursement requests on a quarterly basis, but it is OK with him if managers submit one request at the end of year.

Manager Tuenge moved to approve the by laws as amended and discussed. Seconded by Manager De Vault Motion carried 7-0.

Manager De Vault moved to set the manager per diem at \$75 per meeting and \$10 per hour. Seconded by Manager Tuenge. Motion carried 6-1.

4. Adjourn

Manager Polasik moved to adjourn the Annual Meeting at 7:04 pm. Seconded by Manager Tuenge. Motion carried 7-0.

Regular Meeting

Manager De Vault called the regular meeting to order at 7:05 p.m.

1. Approve Agenda

Manager De Vault moved to approve the agenda as amended. Seconded by Manager Tuenge. Motion carried 7-0.

2. Minutes from June 24 and July 8 and Joint July 14 Meeting

Manager De Vault moved to amend and accept the June 24 and July 8, 2015 regular meeting minutes and accept the July 14, 2015 special meeting minutes as presented. Seconded by Manager Polasik. Motion carried 7-0.

3. Treasurer's Report

Manager Weaver presented the Treasurer's Report, noting that the first property tax levy and the final DNR buffers grant reimbursement have been received. **Manager De Vault moved to accept the Treasurer's Report. Seconded by Manager Tuenge. Motion carried 7-0.**

4. Public Comments

Stillwater resident Zach Cole, residing on May Avenue, asked the Managers why the District is always dredging, draining and killing beavers around him instead of creating wildlife habitat and using the swamps to filter and clean the water? After recovering from a five-year drought, why is the District not saving the water? He stated that he has done some restoration, such as planting wild rice, and his neighbor has planted a prairie, at their own expense. Administrator Shaver stated that the District was established in the early 1980s to control flooding and high water. Easements were obtained, a weir system was developed and an agreement was reached with the Minnesota Department of Natural Resources (DNR) obligating the District to keep water moving through the channel unimpeded. These agreements took three years to adjudicate. Manager Polasik added that the District is also responsible for keeping May Avenue open and clarified that a DNR permit would be needed to dam farther up the system. Manager Lindberg spoke in favor of looking at changing practices to protect habitat and wildlife. He suggested letting nature take its course including letting beaver dams remain and intermittent waterways flood and dry. Wetlands are the most productive environments. It takes time and money in the spring to remove the dams. Administrator Shaver stated that the District has an easement to remove dams on Mr. Cole's

property. Former manager John Bower worked with Mr. Cole to keep beaver dams through the hunting season. The District would need DNR authorization to set this up again, and authorization would be dependent on outflow of Big Marine Lake. The maximum volume out of Big Marine cannot be diminished and a beaver baffle cannot be installed because the District needs the ability to evacuate the entire system. If the DNR would agree to letting nature take its course, who would be liable for the cost of flooding? Manager Weaver stated that it is the District's job to prevent flooding. But he suggested Mr. Cole and his neighbor seek District cost share opportunities for habitat, prairies and wetland restoration and Mr. Cole talk with DNR wetland managers about creating a wetland on his property. Manager De Vault suggested looking at the channel system and Mr. Cole's property this fall and asking legal counsel if changes are possible and, if so, where to start.

Manager Tuenge moved to direct legal counsel to review the channel system and advise the Board on action that can be taken. Seconded by Manager De Vault. Motion carried 7-0.

The Managers thanked Mr. Cole for bringing this to District's attention. Mr. Cole thanked the Managers for the opportunity and the information.

5. Project Updates

a. Log House Landing Ramp

Administrator Shaver reported that he, Mr. Almer and Britta Hansen of EOR met to draft a concept design for the project.

b. 197th Street - Proceed to Bid or Negotiation

Administrator Shaver reported that the ravine stabilization project is ready to proceed. Wenck has prepared a request for quotes, but the District has the option to negotiate with a contractor because the cost is less than \$100,000. Ms. Torseth reported good movement on the easements. Mr. Dunbar, although resistant to a permanent easement, after talking with Wenck engineers agreed to a permanent easement at the ravine and a five-year easement at the marsh area. The Pools also agreed to this arrangement, but easements have not been signed. Administrator Shaver will talk with Wenck about proceeding before easements are signed. The cost estimate of the project is \$65,000.

Manager Tuenge moved to direct the Administrator to proceed with the 197th Street project, contingent on getting signed easements. Scoded by Manager De Vault. Motion carried 7-0.

c. Marine Stormwater

Administrator Shaver reported that he and Mr. Almer visited seven sites on Rose Street over two days last week. Another round of interviews and site visits are planned. There is great enthusiasm for the project. Mr. Almer noted that only one site is being ruled out and all the others are great candidates for getting great drainage before flowing to the creek. The next step is the design. A BWSR grant is funding the project.

d. Sand/Long Implementation

Mr. Almer provided background and stated that the project is ready to go out for bid. The estimated construction cost is \$158,000, which is within the grant limit of \$175,000. Mr. Almer clarified that it will take a few years of monitoring and system management to determine the amount of loading and system longevity. The target is 25-30 years

longevity, based on modeling, grab sampling and past experience. Water draw down is expected in a few hours after a rain event, plus 24-48 hours for drying time. The first year will take a lot of tweaking to get the system operating. Administrator Shaver stated that the property owner would like an easement that pays out over a long period—10-20 years. BWSR will approve this, if it is structured as payment for pounds of phosphorus reduction. If the payment is \$25 per pound, the cost would be \$1,000-\$2,000 per year over 10-20 years. The District is having the property appraised to ensure the pay out is not more than the property is worth.

Manager De Vault moved to direct the Administrator and District Engineer to advertise for the bid. Seconded by Manager Weaver. Motion carried 7-0.

e. Goose Lake Implementation

Mr. Chesnut stated that a feasibility assessment was completed and he has been in contact with one landowner to do a site visit. The project is still on track for going out for bid next spring. Survey work is planned for October.

f. Kiwanis

Mr. Pynn of WCD introduced himself and stated that he provides design support for this project. The project is funded through the Clean Water Fund and the District Cost Share Program. Construction will start at the end of August or in early September for a cost of \$33,900. The project will reduce flooding, dissipate runoff, remove asphalt, restore shoreline, re-vegetate areas and require a change in maintenance practices. Administrator Shaver noted that a planned rain garden will be in a shady area, planted mostly with shrubs. Because of this and the project timing, it is not a good fit for outreach and demonstration to participants and potential participants of the Marine stormwater project.

g. Willowbrook Stream Study and Implementation

Administrator Shaver reported that he, Mr. Almer and Manager De Vault will meet with residents on August 25.

h. 133rd St. Panorama Capstone

Administrator Shaver reported that he had a quick meeting with Mr. Voedisch and the May Township Board about three areas of work: residential cost shares, maintenance issues to be addressed by May and a community cost share. Manager Tuenge noted that the District's anticipated contribution represents a 300 percent increase in the budget.

6. New Business

a. Permits

i. Surety Returns - Wally Anderson

Manager De Vault moved to return the \$500 surety to Wally Anderson. Seconded by Manager Polasik. Motion carried 7-0.

ii. Approvals – Permit 15-014 Burton

Administrator Shaver reported that the Burtons are requesting a permit for a tear down on Big Carnelian Lake. The project requires a variance from Washington County. Mr. Almer has proposed conditions. **Manager Tuenge moved to authorize Administrator Shaver to issue permit 15-014 subject to the District Engineer's review. Seconded by Manager Weaver. Motion carried 7-0.**

Manager Weaver suggested permit expirations and changing the surety, be added to the discussion on revising the permit rules. Mr. Almer stated that most watershed districts do not have open-ended permits. Ms. Torseth stated that the District has the authority to make the surety higher or add conditions to the surety. Administrator Shaver recommended setting up a committee to review the rules.

iii. Boomsite Project

Mr. Almer summarized changes to the project including: through a redesign, the project no longer triggers the District rules and two storm drain features are being added. Mr. Almer is still recommending conditional approval because of recommended design improvements to the basins, which could be a routine add-on to the bid. When the project was first introduced, discussion focused on the redevelopment triggering the District rules and did not include discussion on an opportunity to improve the basins/depressions in a very visible location that also provides an educational opportunity. Improving the depressions in a partnership after the original project is completed could be done for about \$3,000-\$5,000 per basin. It would require re-digging the areas to create rain gardens and re-vegetating with plugs. Maintenance will be an issue.

Manager De Vault moved to approve the permit as is and direct the Administrator to explore with the Minnesota Department of Natural Resources a partnership to make this a showcase project. Seconded by Manager Tuenge. Motion carried 7-0. Manager Stedman volunteered to be a liaison for the project.

iv. Permit and Inspection Program Proposal

Administrator Shaver reported that he and Mr. Almer have talked about problems with the permit process, how to improve it and to require less input from Administrator Shaver. Mr. Almer drafted a proposal to include an updated database and spreadsheet. Manager De Vault stated that the District has explored options from sharing staff to hiring another employee. Mr. Almer's proposal is what he/EOR is doing for other watersheds and it is efficient.

Manager De Vault moved to approve the Permit and Inspection Program proposal subject to approval of the program costs by the Board and that the costs of the permit program are differentiated from the inspection program. Seconded by Manager Tuenge. Motion carried 6-0-1, with Manager Weaver abstaining.

Mr. Almer estimated that with the current permit volume, the permitting would be an additional \$10,000 and with inspections it might be \$15,000-\$25,000. He and Administrator Shaver will work on an updated database and get back to the Board.

b. Cost Share Policy

Administrator Shaver reported that he and Managers De Vault and Johnson had a good meeting with BWSR to review the Plan Amendment and Cost Share Policy. After the meeting, the three made revisions to the policy including adding wetland restoration and enhancement standards, referencing state and national BMPs and linking to BWSR's wetland restoration guide. Policy revisions are needed by August 13 to keep on schedule for the BWSR full board meeting in August. Manager Weaver stated that the Cost Share

Program has been one of the District's most positive programs and he wanted to ensure that the new guide will not hamstring cost share projects. Manager Johnson stated that, in terms of standards, it is his experience that these standards are not setting a high bar, they are setting a baseline and would never limit the District's ability to fund a good project. Administrator Shaver clarified that only in focused and priority watersheds do cost shares go beyond 50% reimbursement. Mr. Almer stated that the draft template meets the standards and suggested adding that projects should be designed in accordance with State stormwater standards.

Manager Tuenge moved to approve the District Cost Share Policy as revised, release it to BWSR as an attachment to the Plan Amendment and link it to the District website. Seconded by Manager Polasik. Motion carried 7-0.

7. Old Business

a. Budget Review

Administrator Shaver reported that he and Manager Tuenge met to review the budget and reduced the budget and levy increase from 5% to 2%. Manager Polasik stated that it does not look good to levy money and not spend it. Next month the Board will need to consider tapping into the reserve to fund the Sand Lake project. Manager Tuenge stated that she would like a more focused budget meeting with more discussion. Ms. Torseth clarified that by statute the District must hold a public meeting on the budget by September 15. Because of time needed to notice a meeting, a preliminary budget must be approved this evening for public review. A budget workshop was set for Monday, August 24 at 6:30 p.m. at Scandia City Hall. Administrator Shaver agreed to provide a budget with a 0% levy increase and the budget spreadsheet so managers can manipulate numbers.

Manager De Vault moved to release the preliminary budget to the website and notice the public. Seconded by Manager Polasik. Motion carried 7-0.

8. Bills to Be Paid

Manager De Vault moved to pay bills in the amount of \$52,929.51. Seconded by Manager Lindberg. Motion carried 7-0.

9. Next Meeting

The next meeting is Monday, August 24 at 6:30 p.m. to discuss the budget.

10. Adjourn —Board Action

Manager De Vault moved to adjourn at 9:55 p.m. Seconded by Manager Lindberg. Motion carried 7-0.

Manager De Vault thanked Manager Tuenge for her services as president.

Submitted by
Debbie Meister, MMC Associates