

CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT
Regular and Annual Meeting Minutes August 13, 2014

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

Managers Absent: Victoria Dupre

Others Present: Jim Shaver (Administrator), Carl Almer (EOR), Jed Chesnut (WCD), Ray Marshall & Susannah Torseth (Lawson Law), Jeff Dahlberg (Marine on St. Croix resident), Suzie Lindgren, Craig and Sue Wilcox, Cindy and Harold Johnson, Craig Christensen, Barbara Booth, Katherine G. and Katherine M. Lewis, Lisa Plowman and Pam Smith (Scandia residents), John Bower (May Township resident), Chauncey Anderson (Washington State resident and US Geological Survey) and Debbie Meister (MMC)

Manager Tuenge called the meeting to order at 6:40 p.m.

1. Approve Agenda—Board Action

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

2. Approve June 11 Minutes—Board Action

Manager DeVault moved to approve the June 11, 2014 minutes as presented. Second by Manager Polasik. Motion carried 5-0.

3. Treasurer's Report—Board Action

Manager Kronmiller presented the Treasurer's Report.

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

4. Public Comments

John Bower asked if it is possible to get information about the Gruber permit violation litigation. Ms. Torseth stated that prior to the pretrial there was settlement discussion. An agreement to suspend prosecution for 12 months was reached today. Under the agreement, Mr. Gruber provided updated plans that will be reviewed and approved by the District. He agreed to complete the project by November 1, 2014 and signed a statement that he is in violation of the permit. Additionally, he indicated that he hired a professional landscaper to implement the plans. If this agreement is carried out, then the prosecution will be suspended. If not, the court will be notified of noncompliance and litigation will continue. Mr. Almer reported that he has reviewed the plans. The revised project plans are now in compliance with District rules.

Jeff Dahlberg stated that he is representing the Big Marine Lake Association. He surveys the lake for invasive species on behalf of the association. With thanks to the District for its contribution, Mr. Dahlberg reported that 38.2 acres of the lake were treated for Eurasian milfoil. Although the association applied to the Minnesota Department of Natural Resources

(DNR) to treat 40.2 acres, a permit was granted for only 38.2. The association contracted with a different company for treatment this year. The company applied about twice as much product in the same acreage at the same cost as last year. Mr. Dahlberg will resurvey the area next week.

Manager Polasik thanked the association for its work. Manager Tuenge and Administrator Shaver mentioned the County's aquatic invasive species grant program and will continue to work with the association on a proposal.

5. Public Hearing on Budget

Manager Tuenge opened the public hearing at 6:49 p.m. Administrator Shaver stated that the Board reviewed the draft budget at two workshops and is here to take comments on the current proposal. He recommended that the Board not take action until the September 10th meeting. By September 15th, the District must submit a preliminary levy request to the county. The final levy request, which is due in December, can decrease but not increase from the preliminary request. Administrator Shaver noted over the years, the District has used carryover and reserve funds to keep the levy down, but this is no longer sustainable. The budget is proposed to increase by 15% with an overall levy increase of 24%. The roughly \$100,000 increase in the levy is for projects on the ground. Manager Kronmiller noted that grant revenues are budgeted to increase by 325%, which leverages District funds. Manager Tuenge stated that these are the best numbers based on our current knowledge, but things can change.

John Bower stated that he is a former manager who served for 18 years. When the District merged with the Marine Watershed Management Organization, it was thought that costs would be reduced. Even though there is a 24% increase in the levy, projects don't seem to be happening in the old area. Manager Kronmiller replied that the District is required to address issues on Sand and Long Lakes under its focused and impaired lakes plan. Manager Tuenge added that the District is developing an aquatic invasive species (AIS) program that will provide funds for water bodies around the entire District. She also noted that the DNR is responsible for monitoring and treating AIS, but does not have the funds.

Manager Polasik moved to close the public hearing. Second by Manager DeVault. Motion carried 5-0.

6. Annual Meeting

Manager DeVault moved to approve the Annual Meeting agenda. Second by Manager Polasik. Motion carried 6-0.

a. Selection of Consultants—Board Action

Administrator Shaver reported that he posted a request for proposals in three newspapers. EOR, MMC, Lawson Law and Dave McCord—our current contractors—responded. He recommended renewing these agreements and appointing the *Country Messenger* as the paper of record.

Manager Kronmiller moved to approve EOR for engineering, MMC for communications, Lawson for legal and David McCord for accounting services with

the *Country Messenger* being appointed as the paper of record. Seconded by Manager DeVault. Motion carried 6-0.

Manager Tuenge raised concern about the lack of competition. Administrator Shaver then recommended soliciting proposals earlier and setting up a committee to review proposals prior to the next selection period.

b. Election of Officers—Board Action

Manager Kronmiller presented the Nominating Committee recommendations.
Manager Kronmiller moved to nominate Kristin Tuenge as President, Dave DeVault as Vice President and Andy Weaver as Treasurer. Seconded by Manager DeVault. Motion carried 6-0.

It was noted that appointments take affect immediately.

Manager Kronmiller moved to adjourn the Annual Meeting. Seconded by Manager DeVault. Motion carried 6-0.

7. New Business

a. Bliss Channel—Board Action

Manager Tuenge stated that her understanding is the District is the only one authorized by the DNR to maintain the Bliss Channel, but the District is not necessarily responsible to pay for it. Administrator Shaver clarified that four years ago the District paid \$3,000 for maintenance. Manager Polasik noted that a few months ago the channel was about three-feet deep. Cindy Johnson stated that although the channel was dredged four years ago, the time before was 20 years ago. If something could be done to prevent silting, maintenance would be less frequent. Mr. Almer stated that a past cost-benefit analysis showed maintenance is less expensive than remediation. Administrator Shaver will ask the excavator to provide a bid for riprap and/or shore stabilization, if it makes sense.

Manager DeVault moved to authorize the Administrator to properly notify the Department of Natural Resources of the District's intent to perform necessary maintenance on the Bliss Channel when it is next required and feasible, to obtain all other necessary permissions and waivers and contract for the maintenance not to exceed \$4000. Motion carried 5-1.

Manager Tuenge stated that the intent of the past Board on continued maintenance was unclear. Mr. Bower recommended that the District do the maintenance and noted funds are in the budget. Administrator Shaver stated that he thinks it was the intent of the past Board to pay for maintenance. Upon inquiry of the DNR about maintenance practices of other watershed districts, Molly Shodeen reported that she is in unaware of other districts paying for channel maintenance. For the next meeting, Administrator Shaver will provide other locations on Big Marine and elsewhere the District might be asked to provide channel maintenance for access. A survey to assess potential dredging needs on other lakes with public access might be needed. Manager Kronmiller stated that the District tries to keep channels open so basins do not end up land-locked. Harold Johnson stated Washington County allowed a developer to dig the channel, this is public water and there

are fish. The Johnsons requested that they be notified when this issue is on the District agenda. Manager Tuenge thanked residents for their comments.

b. Scandia Log House Landing—Board Action

Mr. Almer summarized his memo estimating total phosphorus (TP) and total suspended solids (TSS) loading to the St. Croix River from the Log House Landing (LHL) area under existing conditions and for the proposed conditions with new paving and using best management practices (BMPs). The proposed BMPs would reduce the TP load by about 50% and the TSS load by 94% in the 4.5-acre project area. For the entire 84-acre drainage area, the TP load would be reduced by 1% and TSS load by 75%. The gravel load was based on City reporting. Manager Tuenge stated that this is not a significant load reduction to the Total Maximum Daily Load (TMDL). Manager Weaver noted that there are no BMPs proposed at the launch or for boat traffic and asked if the water quality improvements fit with the overall project cost of \$400,000. Manager Kronmiller stated that the loading report indicates that a certain amount of paving is good. To be 50-50 partners with the City, the District should be involved in the planning and together figure out what meets all our needs. The cost share request that is now before the District is to fund 50% of \$12,000 of the preliminary assessment work, but not the entire project. Manager Polasik stated that the District goal is to solve siltation. He has only seen one design and would like some alternatives. Manager Tuenge added that the City grant requirements from the Department of Transportation are now dictating the design. Administrator Shaver stated that he feels the District's role is to evaluate what Scandia has put forth. He and Manager Lindberg concurred that there will be more information after the survey and tree assessment and invited residents to attend the September 3rd workshop.

Pam Smith provided the context of the September workshop. She approached the mayor about a group of concerned citizens not happy about the project design. She asked for an opportunity to discuss and bring suggestions from the community. The City wants alternative plans, not just suggestions. Before the grant, Scandia was willing to move forward with one proposal for \$215,000 that EOR designed at the District's request. Now the grant is dictating the size of the road and the pavement. A group of residents is circulating a petition to let the City know of their objections. Ms. Smith noted that there is very little information about the amount of gravel being used. She did not recall much being used until 2010.

Chauncey Anderson was introduced as a former part-time resident of the LHL area. He stated that he emailed technical comments on the water quality data on behalf of the residents. He added one point: The modeling is appropriate for the level of decision making to determine whether to go forward with planning, but has not provided enough information for the full project. He suggested using data from the LHL to test the model and see if it is close to reality. He will be submitting information about sediment loading related to critical parameters of the model. The amount of sediments being applied by the City is what should be used to calibrate the model. He understands the need to keep costs down and is including a desktop exercise with some targeted data collection as a follow up to the current model estimations.

The Managers agreed that there is important data needed before a decision can be made. The workshop will provide information and raise questions. The Managers will continue discussion at their September 10th meeting. Data the District has is public and can be made available.

Manager DeVault moved to pay 50% of preliminary engineering costs of the Log House Landing project not to exceed \$6,110. Second by Manager Tuenge. Motion passed 6-0.

It was clarified that the above costs do not cover the District engineering costs and those should be included in the future project negotiations. Manager Tuenge thanked the residents for their participation.

c. Scandia Lilleskogen Cost Share—Board Action

Manager Polasik moved to approve a District cost share contribution of \$3,186 to the City of Scandia for construction of a bio-filtration basin at the Lilleskogen Park. Second by Manager DeVault. Motion carried 6-0.

d. Rynders Cost Share —Board Action

Manager Tuenge moved to approve a District cost share contribution to the Rynders not to exceed 50% and \$2,500 for the installation of shoreline buffers. Second by Manager Polasik. Motion carried 6-0.

Manager Kronmiller voiced concern about sediment and nutrient runoff created by the previous owners and suggested the Rynders replace the culvert. Mr. Chesnut said this cost share project is just taking a first step.

e. Cost Share Reimbursements—Board Action

- i. Scott Walcker —Rain garden
- ii. Schmidt—Prairie planting on the St. Croix
- iii. Kraig Johnson —Conversion from corn to prairie

Manager Weaver moved to pay cost share reimbursements to Scott Walcker, Joe Schmitt and Kraig Johnson in the amounts of \$549.71, \$832.50 and \$3,586.90 respectively. Second by Manager Kronmiller. Motion carried 6-0.

f. Vercelloti Carnelian Creek Request

Administrator Shaver recommended no action be taken on Mr. Vercelloti's request for a cost share to remove a tree. The tree is not blocking flowage on the creek.

g. Washington County's Aquatic Invasive Species Program

Administrator Shaver reported that to receive state funding the County is required to develop a prevention-focused plan. The County is holding a discussion on September 3rd to gather input. Administrator Shaver will attend.

h. Permit Requests—Board Action

Manager Kronmiller moved to issue permits 13-008, 14-002, 14-003, 14-003, 14-004, 14-005, 14-007, 14-008, subject to the District Engineer's review. Seconded by Manager DeVault. Motion carried 6-0.

8. Old Business

a. Surety Returns—Board Action

Manager Tuenge moved to return surety checks in the amount of \$200 each to David Linder, Linda Christiansen and Mark Lambert. Second by Manager Kronmiller. Motion carried 6-0.

Administrator Shaver noted that sureties, from people not responding to the District memo about returns in the required timeframe, will be turned over to the state.

9. Reports

a. Operations - No report

b. Education/Communications/Outreach

- **Website** – Administrator Shaver reported that the updated site should be uploaded in about seven days. Eventually, the website will link to the Washington County map with information on District BMPs, permits, subwatershed delineations, etc. The map will be housed at WCD.

c. Monitoring-

- **Spring Creek Update Draft-** Administrator Shaver reported that Byron Karns of the National Park Service is willing to make any changes within reason. Suggestions will be provided at a Board workshop. The data will be incorporated into the plan amendment.

d. Maintenance - No report

e. Permitting – See above

f. Projects

- **197th St. Ravine** - Administrator Shaver reported that work is still slated for completion this year. It will require a public meeting, anticipated to be on a weekend in early September.
- **Marine on the St. Croix Stormwater** - Mr. Almer reported that he, Mr. Chesnut and Administrator Shaver toured the road slated for repair by the County in 2016. Wetland impacts will be discussed at an upcoming meeting with Marine and the County.
- **Sand/Long Implementation** – Fish surveys are being completed this week. Macrophyte surveys are scheduled for the fall. Administrator Shaver is planning early fall get-togethers with residents.
- **Plan Amendment** – Administrator Shaver reported that because of the summer MAWD tour and the amount of time coordination took, the work on the plan

amendment was delayed. He will provide a revised schedule. Manager Polasik commended him on a successful event.

h. Water Levels

Administrator Shaver reported that there are on-going problems with vegetation in the channel that are slowing the flow from Big Marine Lake. This will impact District actions in the future and probably will require an annual expenditure. Manager Weaver stated that there are possibly water quality benefits to the vegetation.

10. Bills to be Paid—Board Action

Manager Polasik moved bills to be paid in the amount \$45,994.63. Second by Manager DeVault. Motion carried 6-0.

11. Administrator's Report

a. Log House Landing Requests

Administrator Shaver reported that he has spent a significant amount of time providing data and information to the LHL group.

b. Assessment Tool Presentation

Mr. Almer stated that because of the huge amount of data and need for a high-power computer, the presentation is best done at EOR. A workshop was scheduled for September 24.

12. Next meeting

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

13. Adjourn—Board Action

Manager Polasik moved to adjourn. Seconded by DeVault. Motion carried, 6-0.

The meeting was adjourned at 9:29 p.m.