

**Carnelian-Marine-St. Croix Watershed District
Regular Meeting July 6, 2009**

Managers Present: John Bower, Richard Caldecott, John Lennes, Victoria Dupre and Thomas Polasik.

Managers Absent: Steve Kronmiller and Jason Husveth.

Others Present: Jim Shaver (Administrator), Dan Fabian and Carl Almer (EOR), Amy Carolan (WCD), Michael Blehert, Tony Deloonda, Gene and Maria Hinz, Gary Olson, Rich Burton, Burt Levinee, Craig and Virginia Johnson, Dan and Shirley Bever, and Grant Erickson (residents) and Debbie Meister (MMC).

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

1. Approve July Agenda

Manager Polasik moved to approve the July 6, 2009 agenda. Second by Manager Caldecott. Motion carried 5-0.

2. Approve June 1, 2009 Minutes

Manager Bower requested that under item 5b. the word extension be inserted after the Gruber variance. **Manager Bower moved approval of the June 1, 2009 minutes as amended. Second by Manager Caldecott. Motion carried 5-0.**

3. Treasurer's Report

Manager Dupre presented the Treasurer's Report. **Manager Bower moved to approve the Treasurer's Report as presented. Seconded by Manager Polasik. Motion carried 5-0.**

4. Bills to be Paid

Manager Caldecott moved the current bills to be paid in the amount of \$55,266.64. Second by Manager Bower. Motion carried 5-0.

5. Public Comments

a. Michael Blehert, Big Marine Lake Eurasian Milfoil

Mr. Blehert spoke on behalf of the residents in attendance. He and a few others on the lake are working with the Department of Natural Resources (DNR) and Mike O'Connell (Lake Management Company) on treating Eurasian milfoil. The DNR has identified three infested areas and is willing to treat the areas around the boat launches. Because this leaves about 10 acres untreated, lake residents are asking the District to fund this treatment. The cost is estimated to be about \$300 per acre, if the DNR contractor is used. The goal is to control the milfoil with treatments in early June each year. The DNR will be treating the lake this year. The DNR will expedite a District permit to facilitate a joint treatment. Mr. Blehert stated that he is willing to organize residents to survey the lake each year to identify areas of infestation. The Managers noted that this is one management strategy identified in the Management Plan. Manager Lennes stated that this provides a good chance to unify agencies efforts.

Manager Caldecott moved to provide up to \$3,000, in addition to the DNR's contribution, to treat Big Marine Lake for Eurasian milfoil and work with residents and the DNR on this problem. Second by Manager Polasik. Motion carried 5-0.

The Managers directed Administrator Shaver to continue to work with the residents/lake association and convene a meeting in February with all interested parties to develop a management strategy. Mr. Blehert plans to work with shoreline owners on this issue. Residents thanked Manager Bower for his success in treating purple loosestrife on the lake.

6. Engineer Report, Permits / Violations

a. Current Permit Applications

- *Comment 09-009: Broderson Variance Request and Comment 09-010: Zilmer Variance Request.* Administrator Shaver suggested using these sites to test the new rules stormwater management worksheet. Although both projects are being permitted under the old rules, this is an opportunity to test and evaluate the new rules worksheet for ease and effectiveness. Engineering time is requested to help the applicants with the worksheets by providing volume control numbers and to compare the old and new rules results. Discussion focused on the effect the County's relaxed land use standards might have on permit applicants trying to meet the District's stormwater requirements. **Manager Dupre moved to direct the Administrator to use the Broderson and Zilmer projects as test sites for the new rules stormwater management worksheet, issue the permits and report back to the Board on worksheet results. Second by Manager Polasik. Motion carried 5-0.**
- *Permit 08-008: Gruber New Home.* Mr. Fabian reported that he received the additional permit information on June 30 and requested the managers consider issuing a conditional permit pending completion of the final staff review and the Engineer's recommendation. He highlighted several outstanding concerns including the depth of and soil type in the rain garden and the need to see the plan for the restoration of the cabin removal site. Mr. Fabian stated that he felt the plans could meet the District requirements. The District has until August 28, 2009 (60 days from receipt of the completed permit application) to take action.

Mr. Bower recused himself and spoke in opposition to the conditional permit. As an adjacent property owner he outlined his concerns and questions. 1. From the start, the County ignored the District shoreline requirement and their own variance requirements. 2. How will the applicant treat stormwater to meet the preconstruction standards? 3. How will the porous driveway work as it only treats a small section of the property? Will the rain garden take the balance of the driveway runoff? 4. Is there enough room for the drain field? Because plans are to excavate this area, will the current soil borings be accurate? Has enough storage capacity been added to account for cutting the trees in the drain field area? 5. Trees on the property line will be removed for a retaining wall. Have water storage and runoff volumes been addressed? 6. How will the runoff from the stairs along the property line be addressed? 7. The rain garden is proposed in an area with a lot of springs and groundwater, plus the drain field will add more groundwater. With this in mind, is the rain garden the appropriate size and depth? (Mr. Bower noted that he is also experiencing runoff problems from actions taken by the property owner on the other side of his property including filling in the flood plain and altering the drainage.) Mr.

Bower asked the Board to please do a good job listening to his comments and ensuring that the District standards are being met.

Manager Dupre moved to direct the Engineer to present the full permit evaluation at the August Board meeting including addressing Mr. Bower's issues except the septic issues, which are not part of District permitting. Second by Manager Lennes. Motion carried 4-0-1. Manager Bower abstained.

- *Permit 09-003: MnDNR Gateway Trail Bridge Crossing of Hwy 15.*
Manager Lennes moved to direct staff to proceed with a site visit and work with the DNR to ensure District issues are addressed. Second by Manager Polasik. Motion carried 5-0.
- *Permit 09-002: MnDOT Hwy 95 Upgrades.*
Manager Dupre moved to authorize the Administrator to work with MnDOT, issue the permit upon receipt of the final plans and recommendation of the District Engineer and request MnDOT address erosion problems. Second by Manager Polasik. Motion carried 5-0.
- *Permit 09-007: Scandia Lilleskogen Park Wetland Restoration.*
Manager Polasik moved to authorize the Administrator to issue the permit with the stipulations that the District be invited to a preconstruction meeting and receive construction correspondence, notice of project completion and as-built drawings. Second by Manager Bower. Motion carried 5-0.

7. BMP

a. Sub-committee Recommendation for New Projects

Amy Carolan reported that the Sub-committee reviewed nine projects and is recommending approval of all nine. She summarized the projects and their associated costs. **Manager Lennes moved approval of the nine projects, as recommended by the Sub-committee. Second by Manager Caldecott. Motion carried 5-0.**

b. Grant Opportunities

Ms Carolan reported that the WCD is applying for EPA 319 grant funding for non-point education for municipal officials (NEMO) and the green streets initiative. Matching funds, such as current District BMP allocations, are being sought. **Manager Lennes moved to partner with the WCD on the EPA 319 grants and provide BMP funds as a match. Second by Manager Caldecott. Motion carried 5-0.**

8. New Business

a. 2010 Preliminary Budget Discussion

Administrator Shaver distributed the preliminary budget for the workshop on July 23 at 6:30 p.m. at the District office. The workshop will also cover the 2010 Plan.

b. Office Lease

Administrator Shaver reported that there is no change in the lease contract. **Manager Caldecott moved to approve the lease at \$406 per month plus a share of the property taxes and authorize the Administrator to sign the lease. Second by Manager Bower. Motion carried 5-0.**

9. Old/Other Business

a. Approval of 2008 Audit with Revision

Administrator Shaver noted that \$8,000 under the meeting charges were moved to the consultant line item. **Manager Caldecott moved to approve the audit as amended. Second by Manger Bower. Motion carried 5-0.**

b. Wind in the Pines Proposal

Administrator Shaver reported that Scandia estimated about \$11,000 for trail construction, but received a bid for \$2,300. This reduces the cost share request to the District. **Manager Caldecott moved to provide cost share to Scandia for the path not to exceed \$1,000. Second by Manager Lennes. Motion carried 5-0.**

c. Rules Update

Carl Almer reported that the meeting with Scandia, May Township and the County about the rules was mostly positive, but there were four points warranting discussion.

1. Definition of gardening and landscaping. Anne Hurlburt of Scandia will forward a definition to the District.
2. Stormwater management applicability, Rule 2.2. Overall the District agreed to disagree with the LGUs on the threshold requirement, with the exception of requirements for gravel driveways.
3. Facility maintenance, Rule 2.5.7. In trying to address the need for maintenance of infiltration BMPs, homeowner association maintenance agreements were suggested. After discussion, the Managers agreed not to pursue this option.
4. Wetland exception, Rule 8.10.2. For communities unable to meet the wetland mitigation requirements, allowing BMPs instead of paying into the Restoration Fund was discussed. It was agreed that if this is an option, it should apply to all permittees and that staff would draft mitigation activities for discussion.

d. 2010 Plan Update

The July 23 workshop will include a presentation on the plan amendments based on stakeholder comments.

e. MPCA Clean Water Partners Grants

Mr. Fabian suggested applying for two Clean Water Partners grants—one for the District TMDL lakes that were delisted and the other for Square Lake. The grants are dedicated to protection of clean water and require a 50% match. EOR is willing to write the grants at no cost to the District as a business development expense. Applications are due in September. The Managers authorized EOR to submit applications, if they are appropriate.

f. Surety Account

Administrator Shaver reported that there are about 50-80 outstanding surety accounts that should be closed out including some that are more than two years old. Next steps discussed included sending letters to permit holders or property owners, talking with Steve Hobbs about Rice Creek's experience and/or seeking legal advise.

10. Next Meeting, Adjourn

The next meeting will be held on August 3, 2009 at 6:30 p.m. at the Scandia Community Center. **Manager Polasik moved to adjourn at 9:20 p.m. Second by Manager Caldecott. Motion carried 5-0.**

Submitted by
Debbie Meister, MMC Associates