

CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT
Regular Meeting February 13, 2013

Managers Present: Steve Kronmiller, Kristin Tuenge, Richard Caldecott and Victoria Dupre.

Managers Absent: Andy Weaver, Thomas Polasik and John Lennes.

Others Present: Jim Shaver (Administrator), Jed Chesnut (WCD), Carl Almer (EOR), Stephanie Souder (Washington County), Melissa Lewis (BWSR), Ray Marshall (Legal Counsel), Roger Tomten (Tii Gavo), Wendy Adams (resident) and Debbie Meister (MMC).

Manager Kronmiller called the meeting to order at 6:32 p.m.

1. Approve February Agenda—Board Action

Manager Tuenge moved to approve the February 13, 2013 agenda as amended. Second by Manager Dupre. Motion carried 4-0.

2. Approve January 9, 2013 Minutes—Board Action

Manager Tuenge moved to approve the January 9, 2013 minutes as presented. Second by Manager Durpe. Motion carried 4-0.

3. Treasurer's Report —Board Action

Manager Tuenge presented the Treasurer's Report.

Manager Tuenge moved approval of the Treasurer's Report. Second by Manager Dupre. Motion carried 4-0.

4. Public comments

a. Wendy Adams Conservation Trust

Administrator Shaver introduced Ms. Adams and stated that they met with Jane Harper of Washington County to discuss establishing a fund for natural resources protection on the property previously owned by Ms. Adams' mother, now deceased. Mr. Marshall advised that the District is not in the position to manage or invest the funds and he and Ms. Harper suggested establishing a fund with the St. Croix Valley Foundation (SCVF). Under such a fund, \$500 plus interest will be available to the District for BMP projects or resource management on the property each year. The District will check with the Foundation on a yearly basis for instruction and project proposals will go to the Cost Share Committee. If the funds are not used for five years, the District could make them available for projects in other areas. Ms. Adams stated that Parcel A of the estate is scheduled to be sold on February 22 and a motion in support of the fund is needed for the closing.

Manager Tuenge moved to approve the creation of The Earl and Lorraine Adams Land Stewardship Legacy Fund and a subaccount under the District's Cost Share Program by the same name. Second by Manager Caldecott. Motion carried 4-0.

Ms. Adams stated that she will work with the SCVF on a press release and welcomes coverage in the District newsletter.

5. Permit Status Update, Permits/Violations

a. Discussion of Enforcement Issues –Ray Marshall

Mr. Marshall outlined permit violation enforcement actions available to the District. Under District Rule 10.1, violation of rules is a misdemeanor with each day being a separate violation and usually resulting in a fine(s). Under Rule 10.2, the District may seek criminal prosecution (a misdemeanor) or civil action such as an injunction. Under Rule 10.3, the District may issue a cease and desist order where there is a serious threat such as flooding or erosion. With a court action, the successful party can request attorney's fees. If civil action is taken the most important factor is expert testimony (from the District engineer) demonstrating irrevocable harm. If the District goes this route, steps involve preparing a summons and complaint, which is served to the permittee. The summons requires the permittee to show cause as to why the court should not order an injunction. If the permittee does not appear, the injunction can be ordered by default. If the permittee appears, testimony is taken from both sides. If the judge rules there is cause, a trial will occur. The judge also has the option to call for a speedy trial, compel the permittee to put up a bond or require reinstating the land such as replanting trees that were removed.

Specific to the Gruber violation, the County issued a permit of occupancy, even though the permittee is in violation of the District permit—a condition of the County permit. Discussion focused on the cost-benefit of various actions. It was agreed that the next steps are for the Administrator and legal counsel to get detailed information from the engineer and invite Mr. Gruber to the March board meeting.

b. Permit 06-019: Tii Gavo Major Subdivision

Administrator Shaver introduced Tii Gavo representative Roger Tomten. He stated that Phase-I work has been substantially completed, but there needs to be a clear delineation of work between Phase-I and Phase-2, the Phase-I deficiency needs to be made up and a Phase-I final site inspection must be completed in spring. Mr. Tomten provided a map of the maintenance plan. Manager Kronmiller asked about channel maintenance. It was noted that Roger Rydeen has completed an access road to the channel for winter dredging.

Manager Dupre moved to authorize the Administrator to closeout Phase-I of the permit, pending final site inspection by the District Engineer and on successful

completion of the inspection release approximately one-half of the surety. Second by Manager Tuenge. Motion carried 4-0.

c. Permits 13-002: Tiller Corp, Zavoral Gravel Mines 13-001

Scandia City Council met last evening, approved changes to the annual operating and condition use permit and compliance and reclamation agreement and will take a final vote on the permit at the next council meeting.

6. Project Status Update

a. Sand and Long Lakes

Mr. Almer stated that he and Administrator Shaver plan to submit a Clean Water Partnership grant for Phase II implementation. There are \$1 million in potential projects identified. The maximum grant is \$300,000 with a one-to-one match required. The grant application is due on March 8. Mr. Almer recommended submitting the most cost effective BMPs that the District is willing to fund and asked for manager input. It was agreed that the Managers will review the Management Plan and provide input by February 22.

b. Square Lake Clean Water Partnership

Mr. Almer reported that the semi-annual grant report was submitted to the Minnesota Pollution Control Agency. Hamline University began winter monitoring to assess the effect of the stocking moratorium. These results should be ready for inclusion in the annual report.

c. Watershed Assessment Tool

Mr. Almer reported that he anticipates completing the subwatershed routing per culvert survey work in the next month and will meet with Administrator to demonstrate the tool and formulate next steps.

7. Cost Share Program Update

a. Rossi Reimbursements- Board Action

Administrator Shaver stated that the last stage of the project on Sand Lake has been completed and the Rossis are willing to showcase the BMPs to the public.

Manager Tuenge moved to approve the cost share reimbursement of \$1,393.75 to Mark and Carol Rossi. Second by Manager Dupre. Motion carried 4-0.

8. New Business

a. EOR Billing Rates

Mr. Almer state that while EOR usually reassesses its rates annually, EOR has refrained from raising rates for the last two years. The requested new rate increase of 5% is equivalent to the cumulative consumer price index increase over the past two years.

Managaer Caldecott moved to approve the rate scale increase as proposed. Second by Manager Dupre. Motion carried 4-0.

9. Old Business

a. Aquatic Invasive Species (AIS) Program

Administrator Shaver reported that he met with Melissa Lewis (BWSR) to plan for the board meeting/workshop on February 27. Because adding an AIS Program could require a plan amendment, he recommended tabling discussion now and adding it to the 27th agenda. BWSR will determine if this requires a major or minor amendment. Both amendments require a public process.

b. 2013 Auditor

Administrator Shaver summarized the bids from Debra Jezierski of Tautges Redpath and Peggy Ahola. Mr. Marshall suggested telling Tautges the Board voted to hire them if they commit to completing the audit on time.

Manager Kronmiller moved to accept the bid from Tautges Redpath for a fee of \$10,050 with a commitment to complete the audit on-time. Second by Manager Tuenge. Motion carried 4-0.

Ms. Lewis clarified that BWSR is proposing to extend the reporting requirement of 120 days from the end of one's fiscal year with rule revisions. The rules, however, have not been adopted yet.

10. Discussion Points

a. AIS Presentation

The District, along with the Comfort Lake-Forest Lake Watershed District and Chisago County, is sponsoring an introduction to Aquatic Invasive Species with The Lake Detective Steve McComas and National Park Service zebra mussel expert Byron Karns. The workshop is Saturday, March 9, 9-11 AM at Scandia Community Center. Angie Hong will send invitations.

b. District Trout Streams

Administrator Shaver reported that based on the DNR's 2011 fish census, the DNR is proposing to add nine area streams to the designated trout stream list. The DNR is seeking comments from property owners and the District. Administrator Shaver and Mr. Almer commented that the designation indicates clean water, adds special regulations for fishing and opens access to other grant monies for projects and could help with focused management. Managers should e-mail comments to Administrator Shaver by tomorrow.

c. Marine on St. Croix (MOSC) Stormwater

Administrator Shaver reported that he met with representatives of the planning commission and a city councilmember about stormwater permitting. He and Mr. Almer will draft a Memo of Understanding and will keep the Board updated.

d. Cost Share Project

Administrator Shaver reported that at his request, the WCD drafted a one-page BMP project sheet summary. Summary sheets will be used with the county-wide BMP maintenance tracking tool and posted on the District Website.

e. CMSCWD Plan Workshop

Administrator Shaver and Ms. Lewis drafted a workshop agenda to address a focused management plan. Comments and concerns should be provided to Administrator Shaver.

11. Bills to be Paid—Board Action

Manager Tuenge moved to pay bills in the amount of \$56,236.64. Second by Manager Caldecott. Motion carried 4-0.

12. Administrator's Report

Administrator Shaver reported the following:

a. BMP Program Review

Cost share administrators met at the Capitol Region Watershed District office to explore new directions for the program and agreed to meet again and share ideas through a website. A county BMP maintenance group met with a programmer to develop a web based system to track projects.

b. Water Consortium

Craig Leiser spoke on water projects he worked on in Turkey.

c. County Plan

The County intends to discuss its groundwater plan with the ag community and Administrator Shaver will attend.

d. St. Croix River Association (SCRA)

SCRA is offering Park Ranger guided paddle programs in partnership with the National Park St. Croix National Scenic Riverway for the St. Croix and Namekagon Rivers.

e. St. Croix Basin Conference

The conference is April 8 at the University of Wisconsin-River Falls.

f. Board Resignations

Managers Caldecott and Lennes sent letters of resignation. There might currently be two candidates—one from Stillwater Township and one from Marine. The managers were encouraged to suggest other candidates.

The board broke for executive session at 8:23 p.m.

The board reconvened at 8:30 p.m.

13. Next Meeting, Adjourn

The next regular meeting will be held Wednesday, February 27 at 6:30 p.m. at the Scandia Community Center.

Manager Dupre moved to adjourn. Second by Manager Caldecott. Motion carried, vote 4-0.

The meeting was adjourned at 9:45 p.m.

Submitted by
Debbie Meister
MMC Associates