

CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT
Regular Meeting Minutes June 14, 2017

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

Managers Absent: Tom Polasik

Others Present: Jim Shaver (administrator), Susannah Torseth (Galowitz • Olson), Carl Almer (EOR), Mike Isensee (WCD), Bob Balzart, Steve Magner, Wendy Nelsen, Kevin Johnson, Kirk Johnson, Harold and Cindy Johnson, Susan Wilcox, Tim and Katie Harris and Kim Hough (residents) Paul Richert and John Bower (CAC), Fran Miron (Washington County) and Debbie Meister (MMC)

Manager De Vault called the meeting to order at 6:35 p.m.

1) Approve Agenda

Manager Johnson moved to approve the agenda as amended. Seconded by Manager De Vault. Motion carried 4-0.

2) Minutes from May 10, 2017

Manager De Vault moved to approve the May 10, 2017 minutes as presented. Seconded by Manager Stedman. Motion carried 4-0.

3) Treasurer's Report

Manager Johnson presented the Treasurer's Report.

Manager Johnson moved to accept the Treasurer's Report. Seconded by Manager De Vault. Motion carried 4-0.

Administrator Shaver noted that after paying the bills, the cash balance will be \$60,000-\$70,000, a balance that has never been that low. As 2018 budget discussions begin, remember there is no reserve.

4) Public Comments

John Bower stated that he would like plant species, channel maintenance and a lake association added to the discussion under no-wake controls.

5) Items Subject to Residents' Presence at Meeting

a) Twin Lake Water Level Concerns

Administrator Shaver reported that two weeks ago Bob Balzart emailed him about water levels on Twin and Square lakes. These lakes form a landlocked basin. In the 1990s Marine Watershed Management Organization did a study of increased water levels and explored several solutions including piping water or buying properties. Because water levels receded, no action was taken. Water levels are now back up. Administrator Shaver noted this is not the only landlocked basin in the District. In the mid 2000s, Washington County did a study of 11 basins. In general, solutions have been charged to landowners.

Comments and Discussion:

- Mr. Balzart stated that he has lived on the lake for 25 years and this is the highest the lake has ever been. It is up 1.5 feet from this spring and he wonders if another water source is draining into it. There are seven or eight homes that could be impacted. Square Lake is constantly flowing into Twin.
- Manager Weaver stated that this is an unprecedented situation with the aquifers being so full that there is no place to absorb water. With 11 basins draining to pristine waters there is potential for AIS infestation and culvert blowouts. He suggested possibly running excess water from Twin Lake into the current system in Little Carnelian.
- Manager Johnson asked how many properties are affected, what are we trying to remedy and what could intercept the bounce? He suggested, before starting out with a big engineering project, identifying the properties affected, the issues/impacts and alternative solutions.
- In response to questions on lake bounce, Administrator Shaver stated that Minnesota Department of Natural Resources (DNR) has data starting in the mid 1990s. Other lake residents—such as Big Marine and Big Carnelian—have high water issues. This is a fairness issue and some lakes don't have fixes.
- Mr Bower stated that there might be a plugged culvert that could delay flows and the soil is sandy.

It was agreed to review existing reports, do some surveying to get an itemized list of properties affected, issues and possible solutions.

b) Big Marine Bliss Channel Survey Results and Discussion

Attorney Torseth summarized the District's involvement with Bliss Channel maintenance. In 1989, the DNR issued a dredging permit to Walter Miller. In the 1990s, the District assumed the permit. There was no record of much District discussion on dredging until 2010, when the channel was dredged and vegetation was added by the District. In 2014, residents requested the channel be dredged. At that time, the District discussion focused on what is the purview of the District related to channel maintenance, but authorized up to \$4,000 to survey the channel. No dredging was done. In 2017, residents requested dredging. Administrator Shaver talked with Jenifer Sorensen (DNR) who stated that she does not know of any watershed district paying to excavate for private landowner access.

Comments and Discussion:

- Cindy Johnson stated that Washington County created the issue when the county created the plats. The channel is used by the public and property owners are vehemently opposed to taking on the responsibility for maintenance. The reason the channel filled in is because the permit owner filled in the channel to try to gain more property and that is why she believes the District took on the dredging. Now that water levels are high, maintenance is not an issue, but it will be in dryer conditions.
- Property owner comment: if we close the channel off, then we are no longer lakeside homeowners and should not have to pay the lakeside property tax.
- Manager Andy stated that most watershed districts do not pay for maintenance. Who usually dredges? And if residents do all work to benefit a bunch, where is the

- fairness? This is where a lake association can play a role. The watershed district's role is water quality.
- It was commented that Mr. Miller brought in truckloads of fill and cut natural vegetation such as cattails that hold the soil. The developer dug the lagoon and added dirt, creating two dead ends. These actions caused the problems. Before excavation in the 1990s, one could barely get through the channel. Harold Johnson stated that it is not the residents' responsibility, but Washington County's or the DNR's.
 - Some possible solutions mentioned included cleaning out the channel and revegetating, stabilizing the banks and adding riprap to the south shore.
 - Mr. Almer reported that he surveyed the channel a couple weeks ago with regard to maintenance. It was notable through the entire channel that the lowest point is lower than the elevation that the DNR will allow excavation. It is a narrow channel that is already at its lowest level.
 - Administrator Shaver noted that the developer of Tii Gavo is responsible for channel maintenance. This is a matter of precedence. Property owners upstream on Big Marine could want a deeper channel to access the big portion of the lake.
 - With regard to the plat map, Attorney Torseth stated that the map is from the 1950s. The District did not exist when the plat was created and its historical perspective does not hold sway.
 - Manager De Vault stated that in 2014, the Board was willing to do maintenance for a one-time solution. With 13 property owners, the maintenance cost would be about \$460 per homeowner every 10 years.
 - Manager Johnson stated that the intent is to stabilize the south shore. Whatever treatment—including riprap—to stabilize the shoreline is a way for the District to be involved and prevent slumping.
 - Harold Johnson noted that ice heaves cause problems and rocks are a solution.
 - Manager consensus: in 2014 the Board approved up to \$4,000 for maintenance, but agreed it is not part of the District's charge. The Managers are sympathetic, are happy to relinquish and support the dredging permit and help find a long-term solution. Managers also discussed ways to help residents in the future including helping to seek grants or a Capstone project with the University of Minnesota.
 - Administrator Shaver suggested that the District host a meeting for those that use the pond—boat and dock owners, Washington County and Scandia—to discuss channel issues and a long-term solution.

Next steps: The Managers agreed to honor the 2014 commitment for a one-time only up to \$4,000 for dredging, at such time dredging is deemed necessary; have Mr. Almer investigate long-term solutions and meet with stakeholders about channel issues and permanent solutions.

c) Big Carnelian No-wake Controls and Ordinary High Water (OHW)

Administrator Shaver reported that he and Manager De Vault have been in discussion with Mr. Voedisch (May Township) on no-wake controls. According to the DNR, May's no-wake controls were last issued improperly. May has been meeting with residents about shoreline erosion caused by high water and boat wakes and discussing lowering the OHW elevation and adopting a permanent ordinance. Administrator Shaver stated that it

is his understanding that no-wake controls do not need to be tied to high water marks. Manager De Vault stated residents, especially in Moonlight Bay, are concerned about erosion.

Comments and discussion:

- Mr. Almer stated that the Big Carnelian OWH seems unusually high. The sticking point for May is the DNR usually accepts no-wake ordinances at the OWH. There are other options for the city including deploying staff/volunteers at ramps to encourage voluntary no-wake boating.
- Steve Wagner (May Planning Commissioner) stated that the last time there was a no-wake control many residents were inconvenienced during the July 4 weekend. To avoid this, May would like to memorialize a decision. Mr. Wagner, at Mr. Voedisch's request, met with lake owners. The group did not believe a no-wake ordinance was needed, but rather an OHW elevation. The residents that attended a township meeting last month were against the no-wake. The damage to the shore is from ice heaves. The lake fluctuates by four-five feet and is now at its normal height. There is water going over the weir by about six inches. There are issues that should be addressed long-term, including vegetating the shoreline. In the 1980s the lake was looked at extensively because of flooding and failed septic systems and it was found the lake is working. We are not looking for a solution for a problem we are not having. He later noted that the only time water reached the OHW was in 1983 and structures were under water.
- John Bower—a past manager, lakeshore owner for 35 years and past lake monitor for 25 years—stated that he has never seen the lake at OHW elevation. There is little native vegetation on the lake. The weir is the controlling factor. He recommended the District reshoot the elevation, determine if sediments are holding the water level higher than it should be and ask the DNR to revisit the OHW level. Residents can't do anything on their property if water is below the OHW.
- Administrator Shaver stated that if the OHW is changed, it would be closer to the lake. There was a lot of engineering that went into the channel project and the OHW was set using 10 years of snow and rain events.
- Another resident stated that there is a consensus not to create a no-wake or change the OHW. Ice damage is the issue. Wind brings waves—not boats.
- Residents expressed concern about not getting channel maintenance on a regular basis. Mike Ripley led a cleanup of the channel the last two years and wonders where the District fits in. John Bower stated that the District owns an easement, should assume the maintenance duties and not rely on residents to do it. He likes the higher water, but noticed that sediments near the weir have raised the elevation. He also noted that curly leaf pondweed and purple loosestrife are increasing. Mr. Wagner stated that the District was established to address the lake outlets and should be paying for maintenance. Residents are happy to volunteer services, but want a commitment for material/brush removal. Residents also would like the District to survey the channel to the weir to see if it is silted up and excavate, if necessary. Manager De Vault stated that the District has a management plan and maintenance is the District's responsibility. Administrator Shaver noted it was a communications

issue on the brush removal, is pleased that residents did the cleanup and hopes this leads to formation of a lake association.

Next steps: Residents committed to communicating with Administrator Shaver to work out needs before doing a cleanup. The District will investigate silt issues and talk to Jenifer Sorenson about OHW.

6) Project Updates

a) 197th Street

Administrator Shaver reported that he met with a property owner near the river about reclaiming some of a wetland in conjunction with the city project to replace culverts.

b) Marine Stormwater

Administrator Shaver reported that the District and Marine were invited to submit a proposal for reduced funding. He talked with Lon Pardun about ravine reconstruction at the top of the hill or fallback projects.

c) Sand/Long Implementation

Mr. Almer reported monitoring of the iron-sand filter continues to show good results even without drying time, which indicates the filter can run longer than anticipated. The contractor has finished all physical punch-list items. The contractor is also aware that the berm needs to be resurveyed and possibly repaired because of a slight dip.

d) Goose Lake Implementation

Mr. Isensee reported that Goose Lake monitoring from St. Sauver's to the outflow is underway and good data is being gathered. Ten Hay Lake residents attended an April meeting. All wanted site visits, of which five have been completed. Cost-share proposals will be coming. Attorney Torseth stated that she is having problems reaching a property owner about an easement for the Goose Lake sand-iron filter project.

e) Willow Brook Stream Study and Implementation

Manager De Vault reported that he followed up with Minnesota Department of Transportation (MnDOT) about a resident statement that MnDOT is willing to cost share with the District on a stream restoration project. MnDOT concurred about a project in their right-of-way, but not a project on private property. Mr. Almer added that even though MnDOT will not do stream restoration using the western right-of-way, there still is a lot of opportunity to reduce the flash. The sediment coming through is natural background.

f) Marine Ravine and Wetland Reconstruction

Administrator Shaver reported that MnDOT, at least in the past, has agreed to a pay for a portion of the project.

g) Long/Terrapin Aquatic Invasive Species (AIS)

Mr. Almer reported that the macrophyte survey was done, he and Administrator Shaver walked the channel and identified a site for the screen structure and did preliminary work to apply for a DNR variance to treat for AIS.

7) New Business

a) Permit Tracker

Mr. Almer reported that two permits were just received and there was no time to review them, but asked for conditional approval for the rebuild of riprap on Big Carnelian per DNR guidelines and a building permit for Mike White. Manager De Vault expressed concern about the White permit because of the last permit issue.

Manager Tuenge moved to grant permits 17-014 and 17-015 subject to the District engineer's review and approval. Seconded by Manager Stedman. Motion carried 6-0.

b) Ecklund Cost Share Application

Mr. Isensee reported that the project was first discussed in October 2016. Surveying found the ravine above Falls Creek is in DNR water. DNR approved the design, which is now out for a 60-day review. The project uses rock weirs and some grading to reduce flow that drains directly to Falls Creek. The project is estimated to reduce phosphorus by five pounds per year. WCD has approved this project for a 75% cost share.

Manager Stedman moved to approve the Ecklund cost share of up to 25% of the actual costs not to exceed \$4,218.90. Seconded by Manager Tuenge. Motion carried 6-0.

8) Old Business

a) Minnesota Association of Watershed Districts (MAWD) Board Update

Administrator Shaver proposed using proxy votes. A proxy form needs to be submitted to the MAWD secretary before the June 21 meeting. Managers Johnson and Tuenge volunteered to be delegates to MAWD.

Manager Tuenger moved to appoint delegates of Brown's Creek Watershed District to serve as proxies for Managers Johnson and Tuenge. Seconded by Manager De Vault. Motion carried 6-0.

b) 2018 Budget Schedule

It was agreed to hold a budget workshop on June 28. Because of the lack of reserve, Administrator Shaver is proposing a 34% levy increase or making significant cuts in the budget. He will call LGUs for project inputs. The annual meeting in August will include a public meeting to review the budget. The budget can be approved at the annual meeting, a second meeting in August or at a special meeting in September.

c) 2016 Water Monitoring Report

Administrator Shaver reported that although Jim Allmendinger is too busy to review the report, Paul Richert has graciously offered.

d) Square Lake Trout Moratorium Update

Administrator Shaver reported that he is still waiting for TJ DeBates to respond about the proper avenue for communication and Manager De Vault agreed to represent the District for discussions on monitoring protocol.

9) Administrator's Report

Administrator Shaver reported:

- He and Manager De Vault attended a City of Grant meeting on flooded roads.
- Manager Lindberg has not heard about his reappointment to the Board.

10) Pay Bills

Manager Weaver moved to pay the bills in the amount of \$48,024.60. Seconded by Manager Stedman. Motion carried 6-0.

11) Next Meeting is June 28, 2017

12) Adjourn

Manager Johnson moved to adjourn at 9:30 p.m. Seconded by Manager Weaver. Motion carried 6-0.

Submitted by
Debbie Meister, MMC Associates