

CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT
Regular Meeting Minutes December 13, 2017

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

Others Present: Jim Shaver (administrator), Susannah Torseth (Galowitz • Olson), Carl Almer (EOR), Mike Isensee (WCD) and Debbie Meister (MMC)

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

1) Approve Agenda

Manager Tuenge moved to approve the agenda as amended. Seconded by Manager Polasik. Motion carried 6-0.

2) Minutes from November 8, 2017

Manager Stedman moved to approve the November 8, 2017 minutes as presented. Seconded by Manager Weaver. Motion carried 6-0.

3) Treasurer's Report

Manager Tuenge presented the Treasurer's Report.

Manager Johnson moved to accept the Treasurer's Report. Seconded by Manager Polasik. Motion carried 6-0.

4) Public Comments

There were no public comments.

5) Project Updates

a) 197th Street

Administrator Shaver reported that Roger Peterson completed the project with the addition of new culverts and removal of some sediments from the wetland. Next spring the area will be smoothed over and vegetation added.

b) Marine Stormwater

Administrator Shaver reported that the project was wrapped up for the season. Mr. Almer stated that the final rain garden design will be tweaked. Ryan Goodman of Marine on St. Croix, expects to hear from the Minnesota Department of Transportation (MnDOT) about its \$1 million grant application. Manager Johnson stated that he hopes the District will be part of the project because it is high profile to fulfill previously identified priority stormwater projects, which could provide significant benefits to runoff quality directly connected to Mill Stream and the St. Croix.

c) Sand Lake IESF

Mr. Almer reported that the Goose Lake system is shut down for winter and the appropriate level of boards are in to prevent a system overflow in spring. Administrator Shaver reported that Dan and Dean Lindgren each received a \$500 payment.

d) Goose, Hay and South Twin Implementation

Mr. Isensee reported that he is investigating property around Goose Lake to identify sites for next projects now that the St. Sauver project is in the design phase. Mr. Almer added that finding the drain tile on the St. Sauver property is difficult and he is working with the property owner to submit a formal request to the Natural Resources Conservation Service for the information. A final design will pick up both tile lines and treat the entire area. The wetland delineation has been completed. Scandia is planning extensive road improvements and its plans for wetland improvements are wonderful. The District is talking with Scandia about collaboration on the project. Ms. Torseth reported that Mr. Arndt on Goose Lake has not responded about the easement and the project cannot move forward without it. She and Administrator Shaver will keep trying.

e) Willow Brook Stream Study and Implementation

Administrator Shaver reported that he reassured a Citizen Advisory Committee member that even if the District does not receive a grant award, the District plans to meet with the community about the project.

f) 133rd Street

Administrator Shaver reported that he met with a property owner who is interested in working with the District on a catchment basin at the back of his property in a low-lying area. The resident is also talking with his neighbor about participating in the project.

g) Marine Ravine and Wetland Reconstruction

Mr. Almer reported that, with authorization from Administrator Shaver, he completed the wetland and survey work, but is waiting for the 319 grant funds before starting the design. Administrator Shaver stated that the District will work with MnDOT and hopes MnDOT will contribute to the project. He noted that at most \$3,000-4,000 was expended on the preliminary work.

h) Long/Terrapin AIS

Ms. Torseth reported that she will meet with Mary Brown on Monday to get her signature on the easement papers. The document can then be recorded. Administrator Shaver stated that he plans to meet with Colin Kelly about extending the grant covering the project. Mr. Almer summarized the recommended design for implementation of a control structure upstream of Terrapin Lake to prevent Eurasian watermilfoil fragment migration from Long Lake. The estimated cost for this low-tech design is \$5,000, which includes materials and installation. He added that beaver control might need to be a maintenance decision. In response to questions, Mr. Almer stated that he does not know how much material will be caught in the filter because there is no monitoring data on how much material flows through the system. Once filters are scraped and cleaned out, this information will be known. Administrator Shaver stated that the easement should be written to provide access by CMSCWD and its agents.

Mr. Almer reported that he had a discussion with the DNR about aquatic invasive species (AIS) management. The Department of Natural Resources' (DNR) three-year treatment variance can be extended at the end of three years because the District did not do treatment in the first year. As far as treating more than 15 percent of the AIS areas, the DNR has exceeded this on some lakes but does not like to do it in the first year of treatment because how the lake vegetation will respond is unknown. Will natives come back or will invasives take over? Mr. Almer also noted that a survey of the entire basin was not done and it is possible to do a stopgap treatment in the basin.

i) Lake Assessments

Mr. Almer reported that although macrophyte and fish data were collected on German and Alice Lakes, lake management plans are not planned at this time. German Lake is a high-quality shallow lake. Although the fish survey did not find game species, landowners say there were some. Management of Alice Lake was discussed with Administrator Shaver, with agreement that follow-up discussions should occur to find out about previous lake draining and treatments. Additional discussion included: potential cost-share applications on German and Big Marine Lakes; further targeting of and budgeting for projects on all impaired lakes (an initial list has been started by Mr. Almer); developing a list of potential projects and then prioritizing the list; conducting a visual inspection of lakes, streams and ravines to validate projects and help prioritize them; prioritizing projects will be needed for the next management plan; and monitoring funds should be allocated to high quality lakes. It was agreed that managers, who are interested, can help with inspections.

6) New Business

a) Permits

i) Conditional Approval

Manager Tuenge moved conditional approval of Permits 17-036, 17-037, 17-038 and 17-039 pending the District engineer's review and approval. Seconded by Manager Stedman. Motion carried 7-0.

ii) Keller Subdivision Permitting in Brown's Creek - Permit 17-023

Mr. Almer reported that Brown's Creek Watershed District (BCWD) conditionally approved permitting through CMSCWD and the property owner signed the agreement stating they will abide by CMSCWD rules, which are stricter than BCWD's. Attorneys for both watershed districts prepared an agreement. Everyone is on the same page and time is not a factor. Ms. Torseth suggested a few changes to the agreement including providing mutual indemnification.

Manager Johnson moved to delegate authority to the Administrator to sign the joint powers agreement pending approval of both district attorneys and engineers to designate regulatory and permitting authority over the Keller property to CMSCWD. Seconded by Manager De Vault. Motion carried 7-0.

b) Local Governments Water Plans

Administrator Shaver reported that Stillwater Township and the cities of Stillwater and Hugo have submitted their Local Surface Water Management Plans for District approval. Historically, EOR has reviewed plans for the District. Mr. Almer clarified that most watershed districts formally approve plans after all reviews, comments and changes have been made. In his reviews, he highlights if and where a local plan does not align with the District's plan. The Board reviewed the Marine on St. Croix's plan because Marine proposed an alternate compliance for small properties. Plans are updated every 10 years, but the Met Council has accelerated this because of the 1 Watershed 1 Plan. Administrator Shaver clarified that reviewing local plans is in the District plan, it provides an opportunity for engagement with local government units (LGUs) and a possible opportunity to get LGUs to include funds in their capital improvement budgets. There is a cost to have EOR review the plans but these costs are often shared with other districts with joint jurisdiction. For example Stillwater's plan was reviewed by Camilla Correll for BCWD and shared with Mr. Almer. Administrator Shaver asked for agreement from the Board to accept the cost of review by the engineer. The 60-day comment period for the City of Stillwater will expire on January 7. Because the District Board does not meet again until January 10, the District can ask for an extension until January 12, can review Ms. Correll's comments and make additions or mirror those comments, or approve the plan without comment.

c) CMSCWD Annual Events Calendar

Manager Tuenge suggested a calendar of events to help the Board anticipate what is coming up. She drafted a calendar, asked for input and then stated that request for quotations (RFQs) should be added. Manager Johnson stated that this is a good step in the right direction and volunteered to take a stab at incorporating high-level tasks. Manager De Vault recommended going broader for the RFQs.

d) WCD Service Contract

Administrator Shaver had the Washington Conservation District (WCD) revise its contract to provide a compilation of water-monitoring data rather than a report. Manager De Vault stated that he would like to know what the data compilation will look like. Manager Tuenge asked for accountability to be worked into the contract and noted that 94 percent of the cost-share budget was used this year, the best ever accomplishment. Mr. Isensee answered questions about costs and tasks for water monitoring and the cost-share program noting that the costs are billed on an hourly basis, the cost-share budget is not to exceed and Administrator Shaver and he closely monitor all cost-share expenses before they are brought to the Board for approval.

Manager De Vault moved to enter into the 2018 Service Agreement between WCD and CMSCWD with the amendment of Exhibit E to read: In full consideration for services under this agreement, the WCD shall charge the CMSCWD for its services at the rate set forth in Section F. Costs for services for activities detailed in the attached Exhibits shall not exceed:... without authorization of the CMSCWD Board. Seconded by Manager Tuenge. Motion carried 7-0.

8) Old Business

a) Budget Review and Levy Certification

Administrator Shaver reviewed each proposed change to the 2018 budget and levy that had been approved at the September meeting. Changes included projects that were not finished this year, grant updates, potential projects that were recently identified, insurance changes and the subsequent \$95,000 surplus. Because of the surplus, Administrator Shaver recommended reducing the levy from \$574,943 to \$540,000 and putting \$15,000 into a future implementation line item.

Discussion: Manager De Vault stated that neighbors should contribute to the Willow Brook project. The District agreed to work with MnDOT, if grant funds were secured. Administrator Shaver and Mr. Almer disagreed because the road is the main issue in the trout stream degradation, the funds are for development of the concept and some design in the MnDOT right-of-way and neighbors' contributions will come when work is done on their properties. Manager Polasik stated that maintenance is needed on Silver Creek including Fairy Pond. The District plan prioritizes trout streams. Bacterial impairments to streams have not been addressed and, as discussed earlier, visual inspections are needed to identify potential projects. Further discussion focused on the \$20,000 contingency line item. Administrator Shaver recommended having a policy that limits any unallocated fund balance. Manager Weaver raised concern with the contingency, especially because of the significant balances with the carry-forward and future implementation. Managers all agreed that a contingency line item needs to be succinctly defined to convey the need to cover cost/construction overruns or to fund a great/special project that develops. Consensus was to rename contingency to project contingency and allocate \$20,000 to the fund.

Manager De Vault moved to adopt Resolution 12-13-18-1 to certify the levy and petition Washington County to levy all taxable property in CMSCWD for a total of \$540,000 in 2018. Seconded by Manager Johnson. Motion carried 6-0.

A Resolution to authorize the budget of \$1,162,431 will be presented in January.

b) No Trespassing at 155th St. on Outlet Channel

Ms. Torseth reported that she drafted a no trespassing ordinance conditional on May Township's willingness to enforce it. She is waiting to hear back from May and recommended the District inform its insurance company about the potential ordinance and liability.

c) Planning Updates

i) 1Watershed1Plan Preliminary Meeting Update

Administrator Shaver reported that the plan is getting very muddled. At the Minnesota Association of Watershed Districts meeting, it was announced that there will be \$5 million of water funding in the Metro area to be divided based on private property. If the District does participate, it will need to prioritize projects. The county will then reprioritize the projects to be put in line for funding. He stated that the District will always prepare a long range plan for responsible and transparent use of

local taxpayer funds directed toward local priorities and a part of the plan would be the amount of participation directed toward basin issues as defined under the 1W1P.

d) Administrator 2018 Health Insurance

Manager Tuenge moved to approve the Administrator's Health Reimbursement Account expense of \$9,912 for 2018 based on a monthly cost of \$826. Seconded by Manager Johnson. Motion carried 7-0.

Administrator Shaver stated that health care costs are not consistent. There was a rapid increase in his plan in 2015 and the first half of 2016. Plans rollover automatically, unless a new plan is selected. Because of this, there was no board approval for the rate increase. He requested retroactive payment and suggested this be resolved before the audit. Manager Johnson expressed concern because the expense was two years ago.

Manager Johnson moved to approve \$1,986.34 as part of the Administrator's Health Care Benefit retroactively for 2015 and part of 2016 due to expense changes in the open enrollment period. Seconded by Manager De Vault. Motion carried 7-0.

8) Other Reports

a) AIS Inspections

Administrator Shaver reported that, according to both Comfort Lake-Forest Lake Watershed District and Chisago County Soil and Water Conservation District, lines-of-communication protocol was not followed with a ramp inspection on Forest Lake. A zebra mussel was found on a boat. The boat owner stated that Big Marine was the last lake he had visited. Further inspection of the Big Marine Lake ramp and water will be conducted. Zebra mussels have not been reported in Big Marine Lake.

b) Manitou Fund-Warner Nature Center Agreement

Administrator Shaver reported that Wayne Ostlie of Minnesota Land Trust notified him that the land transaction between Manitou and Warner fell apart, but the organizations are still meeting. Mr. Ostlie is trying to set up a meeting with Administrator Shaver and Washington County to see if they can help make the transaction happen.

9) Pay Bills

Manager Johnson moved to pay the bills in the amount of \$40,183.50. Seconded by Manager Tuenge. Motion carried 7-0.

10) Next Meeting is January 10, 2017

11) Adjourn

Manager Tuenge moved to adjourn at 9:44 p.m. Seconded by Manager De Vault. Motion carried 7-0.

Submitted by
Debbie Meister, MMC Associates