

**CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT**  
**Regular Meeting Minutes June 8, 2016**

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

**Managers Absent:** Tom Polasik and Andy Weaver

**Others Present:** Jim Shaver (administrator), Susannah Torseth (Lawson Law), Carl Almer, Mehgan Funke and Jason Ulrich (EOR), Mike White (resident) and Debbie Meister (MMC)

Manager De Vault called the meeting to order at 6:31 p.m.

**1) Approve Agenda**

**Manager Stedman moved to approve the agenda as amended. Seconded by Manager Tuenge. Motion carried 4-0.**

**2) Minutes from May 4 and May 11, 2016**

**Manager Tuenge moved to approve the May 4, 2016 joint meeting minutes as presented. Seconded by Manager De Vault. Motion carried 5-0.**

**Manager Stedman moved to approve the May 11, 2016 minutes as presented. Seconded by Manager Tuenge. Motion carried 5-0.**

**3) Treasurer's Report**

Manager Johnson presented the Treasurer's Report.

**Manager Stedman moved to approve the Treasurer's Report. Seconded by Manager De Vault. Motion carried 5-0.**

Administrator Shaver noted that salary and related administrative expenses—as per last year's budget—are split between administrative (35%) and project (65%) expenses.

**4) Public Comments**

There were no public comments.

**5) P15-006 Mike White**

Ms. Torseth provided a brief history. Mr. White attended the May 13, 2015 Board meeting, where an after-the-fact permit and surety were required of him. Minutes of the meeting were provided to Mr. White by mail. On December 9, 2015 Administrator Shaver advised the Board that he had not received a restoration plan from Mr. White or his engineer. In January 2016, a letter was sent to Mr. White advising him that the plan was not received and providing a required timeline for the plan and restoration. On April 27, 2016, Ms. Torseth sent a letter notifying Mr. White

that he was in violation of his permit. In May, the Board authorized Ms. Torseth to call Mr. White about using his surety to complete the project. Administrator Shaver added that the plans from landscape engineer Todd Erickson were expected today but had not arrived. Mr. White said he thought everything was on hold until June 1 because of high water and he would like to get the work done. He stated that he drew up a plan that included a sand blanket and riprap and can provide it to the District. He noted that Scandia is OK with what he has done so far.

Administrator Shaver stated that a sand blanket and riprap would require permits. The Board discussed options for approving a plan and getting the work done. Ms. Torseth reminded Mr. White of the language of the permit application Mr. White signed and reiterated that the Board would not approve riprap. She stated that Mr. White has the legal right to do the work but for the District to complete the work access is an issue. However, if legal action is taken and an injunction is issued, the District can ask for attorney's fees. Mr. White agreed to work with the District to get the work done.

**Manager Tuenge moved to use Mr. White's surety to hire an outside firm to produce a plan that will be reviewed by Mr. Almer and presented to Mr. White by the next Board meeting. After reviewing the plan, Mr. White will approve access for the work's completion or the District will take legal action to get access. Seconded by Manager De Vault. Motion carried 5-0.**

## **6) Project Updates**

### **a) Log House Landing Ramp**

Administrator Shaver reported that he met with Scandia Administrator Neil Soltis and provided plans to the U.S. Army Corps of Engineers. Plans are to go out for bid in early July without the formal—but expected—approval of the Amy Corps.

### **b) 197<sup>th</sup> Street**

Administrator Shaver reported that the seeding is done. He noted that the wetland restoration, including maintenance, was included in the scope of work, but was not specifically broken out. He will provide details of the contract and added that there is potential for additional restoration, not included in the original work plan.

### **c) Marine Stormwater**

Mr. Almer reported that resident comments were incorporated into the final rain garden plans and Ms. Torseth reviewed the contract specs, which will be sent to local vendors for quotes. The iron-sand filter cost estimates are about \$15,000 over the grant budget because of a much larger drainage area than was assumed in the concept plan. If additional dollars are needed, a request will be brought to the Board next month. One last BMP at Broadway and Mill Stream was identified. EOR will provide a draft plan and try to leverage unit costs with an upcoming County road project.

### **d) Sand/Long Lakes Implementation**

Mr. Almer reported that the work by Peterson Companies is substantially complete with just a few minor tasks outstanding and he recommended payment. A final-final payment will be requested after vegetation emerges.

**Manager Stedman moved to approve the third payment request of \$5,724.33 to Peterson Companies. Seconded by Manager Tuenge. Motion carried 5-0.**

**e) Goose Lake Implementation**

Ms. Torseth reported that she prepared and sent easements to property owners. Residents requested covenants. One resident, with a long-time boundary issue with this neighbor, requested indemnification if the sand-iron filter basin encroaches on his neighbor's property. After reviewing the survey by Jim Landini and the property description written by Landmark, Ms. Torseth believes the project is on the one property. She told the landowner this and explained that there is typical indemnification in an easement, but a boundary dispute is not what is normally indemnified. The District relies on the property owner's signature on the easement declaring property ownership. She told the property owner she would bring his request to the Board. All agreed indemnification could be a deal breaker. Administrator Shaver added that Jed Chesnut is following up with property owners for backup locations.

**f) Stream Bacterial Assessment**

Mr. Almer reported that data collection for the bacterial assessments will be completed in two to three weeks. Monitoring will continue over the summer and fall.

**g) Lake Assessments**

Mr. Almer reported that water quality data has been collected and summarized. In August the fish survey will start.

**7) New Business**

**a) Permits**

**Manager De Vault moved to authorize the Administrator to issue permits 16-007 and 16-008 after the engineering review. Seconded by Manager Tuenge. Motion carried 5-0.**

Mr. Almer reported that the Heirfort Hills sub-development on Neil Lake is south east of S Twin Lake. The development with associated roadwork, while in Brown's Creek Watershed District (BCWD), drains to both Neil and S Twin. Mr. Almer suggested that the District grant permitting authority to BCWD. BCWD has been apprised that S Twin is a TMDL lake.

**Manager Johnson moved the intent to delegate permitting authority to BCWD for the roadwork with a resolution to follow next month. Seconded by Manager De Vault. Motion carried 5-0.**

**b) Square Lake Monitoring Report**

Dr. Funke presented the findings from the three-year monitoring of Square Lake during the trout-stocking moratorium. The MN Department of Natural Resources (DNR) will not stock again this year while the monitoring results are reviewed. In November 2012, the District signed a memorandum of understanding with the DNR for the stocking moratorium. Leif Hembre of Hamline University provided the monitoring and is finalizing the final report that will be submitted to the DNR at the end of June. An independent third party will review the report by December 1, 2016. The DNR will make a trout stocking decision by January 1, 2017. Monitoring and statistics were presented to DNR staff. They seemed to accept the data and agree that the presence of trout increases algae by eating zooplankton.

The study assumption was statistical changes in any or all of the following in 2013-2015 compared to 2010-2012 would indicate trout were a factor in reduction in water quality. Monitoring found:

- Greater Daphnia density
- Greater large (mature) Daphnia
- Greater total Daphnia biomass
- Greater average length of Daphnia
- Water clarity was at least leveling off or not changing
- Biomass of algae was less in non-stocked years, but not statistically significant
- Dissolved oxygen is still being analyzed

Dr. Funke also reported that no major BMPs were added in the watershed during the study. Monitoring of surface phosphorus concentrations found a statistical difference during the study. Both she and Dr. Hembre agree there is strong evidence to continue the moratorium.

**Manager Tuenge moved to support that DNR continue the trout-stocking moratorium for the benefit of water quality in Square Lake based on the findings from the 2013-2015 moratorium monitoring. Seconded by Manager Johnson. Motion carried 5-0.**

Manager Johnson thanked Dr. Funke for a great project.

**c) PTM Tool Demo**

Hydrologist Jason Ulrich demonstrated the PTM tool that will be used for pursuing MPCA, BWSR and Met Council grants. The tool helps identify strategic hotspots (areas of high phosphorus and sediment loading) and locations for BMPs. Focus was on the 10 TMDL lakes and their watersheds. Mr. Ulrich reviewed limitations of the tool, which was developed for large agricultural areas, and how it was modified to apply to District landscapes.

**d) Monitoring—Accept 2015 Draft Report**

It was agreed that the revised report would be circulated before the Board takes action at next month's meeting.

- e) **Accept District 2015 Annual Report**  
Manager Tuenge moved to accept the 2015 Annual Report as amended and direct the Administrator to post it to the website and mail copies of the report and 2015 Audit to County Commissioners, local governments and state agencies, as required by statute. Seconded by Manager De Vault. Motion carried 5-0.

**8) Old Business**

a) **Big Marine and Outlet Channel Update**

Administrator Shaver reported that the permit for channel maintenance from the DNR was received today. Roger Rydeen will do the work within two weeks. May Township does not have an official right-of-way on the Kelly Farm so a fence can be installed by the culvert to keep hunters from trespassing. Water is about 2” over the Turtle Lake weir on the north side and 2” under the weir on the south. Manager De Vault suggested calling Jeff Dahlberg about dredging.

b) **Administrative Updates**

i) **Outlet Pipe Maintenance Fund Resolution**

Ms. Torseth stated that the resolution was revised based on discussion from last month to require a majority vote to remove funds for pipe maintenance, but require a unanimous vote to remove funds for anything besides pipe maintenance.

Manager Stedman moved to adopt Resolution 16-06-08-02. Second by De Vault. Motion carried 5-0.

ii) **Bylaws Update Resolution**

Manager Tuenge moved to adopt Resolution 16-06-08-01 to amend the bylaws. Seconded by De Vault. Motion carried 5-0.

Manager Johnson moved to adopt the bylaws as amended. Seconded by Manager Tuenge. Motion carried 5-0.

iii) **Administrator Health Care Benefit**

Administrator Shaver reported on the changes to the cafeteria-type benefits plan for a Health Saving Plan, life insurance and PERA pension.

Manager De Vault moved to approve payment of \$865 per month for the medical portion of the cafeteria plan. Seconded by Manager Johnson. Motion carried 5-0.

iv) **General Funds Policy Revision**

Manager Johnson reported that after reviewing the policy, he concluded that the District should have a minimum of 40% of funds in the unassigned category and that is the way the District is operating. The word reserve is what has been confusing and should not be used. It was agreed further discussion would occur at the budget workshop on June 22.

**v) CAC Meeting**

Administrator Shaver reported that the meeting is June 27. Thirty invitations were sent and the meeting will be noticed. The main agenda items are review of the 2015 Annual Report and project suggestions for the 2017 budget.

**vi) One Watershed One Plan Update**

Administrator Shaver stated that Washington County is supporting the One Plan and wants all district watershed plans on one matrix to see how the One Plan could work. How funding and prioritization will work, was not answered. But the One Plan is in state statute, with 2025 for state-wide implementation.

**vii) Permit Language and Process**

Ms. Torseth provided draft language to update District permits regarding sureties and access to properties to complete required work not done by permittees. This will be on the July agenda.

**9) Bills to Be Paid**

**Manager Tuenge moved to pay bills in the amount of \$45,548.59. Seconded by Manager Stedman. Motion carried 5-0.**

**10) Budget Workshop—June 22 at 6:30 p.m.**

**11) Next Regular Meeting—July 13, 2016**

**12) Adjourn**

**Manager De Vault moved to adjourn at 9:32 p.m. Seconded by Manager Tuenge. Motion carried 5-0.**

Submitted by  
Debbie Meister, MMC Associates