

Middle St. Croix Watershed Management Organization

Bayport Public Library

January 14, 2016

Present: Brian Zeller, City of Lakeland Shores; Dan Kylo, West Lakeland Township; Joe Paiement, City of Lakeland; Nancy Anderson, City of St. Mary's Point; Tom McCarthy, City of Lake St. Croix Beach; Dan Goldston, City of Bayport; Doug Menikheim, City of Stillwater; John Fellegly, Baytown Township; Jay Riggs, Acting Administrator; Katherine McLellan, GreenCorps member at WCD and MSCWMO.

Call to Order – Regular Board Meeting

The meeting was called to order at 6:00pm.

Approval of Minutes

A motion to approve the August 13, 2015 and November 12, 2015 minutes was made by Mr. Kylo, seconded by Ms. Anderson. The motion carried.

Treasurer's Report

- a. Report of savings account, assets for January 14, 2016
- b. Approve payment of bills for January 14, 2016

The treasurer's report was presented. The remaining checking account balance is \$162,005.69. First State Bank CDs are valued at \$32,094.13. The ending balance in the RBC savings account is \$43,554.56. Bills to be approved this month are: \$1,508.10 Emmons and Olivier Resources; \$9,138.00 Emmons and Olivier Resources; \$8,344.13 Emmons and Olivier Resources; \$456.89 Out Back Nursery; \$340.66 Prairie Restorations; \$40.80 State Register; \$1,374.00 Washington Conservation District (Educator); \$5,224.87 Washington Conservation District (Water Monitoring); \$2,551.25 Washington Conservation District (Administration- November); \$1,600.90 Washington Conservation District (Administration- December); \$1,261.00 Washington Conservation District (Technical Services- November); and \$7,889.73 Washington Conservation District (Technical Service- December). Bills total to \$39,731.33. Contributions received are: \$350.00 City of Lakeland. Contributions total to \$350.00.

Mr. Zeller and Acting Administrator Riggs provided a brief explanation about the MSCWMO's financial operations and the BWSR grant process for those new to the Board.

Mr. Zeller moved, seconded by Ms. Anderson, to approve the treasurer's report and pay the bills presented. The motion carried.

Public Comment: none

Old Business

a. 2015 and 2016 Invasive Species Funding update

Washington County has been allocated \$200,000 from the State of Minnesota for 2015 and 2016 for invasive species prevention and control. The WCD, in partnership with EMWREP, is submitting a proposal for these funds that includes monitoring and education. The WCD welcomes feedback and additional ideas for invasive species control from the MSCWMO.

Mr. Zeller asked how much of the funding would be directed towards the MSCWMO. Acting Administrator Riggs explained that the funds, which will be administered by the WCD, are primarily going to be used for educational efforts and boat launch inspections. Mr. Menikheim asked how many boat launches in the MSCWMO would be included in the inspections, and Acting Administrator Riggs replied that there are not many public launches in the MSCWMO, but some private launches in the MSCWMO will be targeted. Mr. Zeller reviewed the legislative process that made these funds available, and Acting Administrator Riggs added that Washington County gave the WCD authority on this project. Acting Administrator Riggs went on to say that the focus will be primarily on Eurasian water milfoil, along with other aquatic invasive plants, and that the boat launch inspections would be coordinated with Chisago County. Mr. Zeller asked whether the problem of Asian carp would be addressed by the program, and Acting Administrator Riggs said that Asian carp are not part of the proposal. Mr. Zeller emphasized that Mayor Susan St. Ores of Bayport (a former member of the MSCWMO Board) was very concerned about the issue of Asian carp, so the Board should keep carp in mind for this or future aquatic invasive species efforts.

b. Valley Branch Watershed District Hydrologic Boundaries

The updated hydrologic boundary between the Valley Branch Watershed District (VBWD) and the MSCWMO, which is based on the new MnDNR 2011 LiDAR topography data, was received in February 2015. The MSCWMO and the VBWD are currently in the process of agreeing upon the new legal boundary between the two entities, which will be based upon the updated and more accurate hydrologic boundary. Acting Administrator Riggs explained that the proposed legal boundary change would involve a change in approximately 300-400 parcels from the MSCWMO to the VBWD or vice versa. Ms. Anderson asked how St. Mary's Point would be represented in the VBWD. Acting Administrator Riggs explained that watershed districts' boards consist of five members who are appointed by county commissioners. Ms. Anderson expressed concern at the concept that St. Mary's Point would not have a dedicated representative from the community, unlike in the MSCWMO's Board. Mr. Zeller pointed out that people from St. Mary's Point could express interest to the county commissioner in being on the VBWD Board, or could go to the board meetings and participate in discussions. There was a discussion of the merits and downsides of watershed management organizations versus those of watershed districts. Acting Administrator Riggs returned to the issue on the agenda of communicating the legal boundary change to residents, and asked for Board members to look at the proposed letter from VBWD and give feedback on it to Administrator Isensee. Mr. Zeller and Acting Administrator Riggs agreed that the required public meetings would be a good setting for residents' questions to be answered.

c. Transfer from Savings to Checking

A motion from the Board was requested to transfer \$8,900 from the RBC savings account to the MSCWMO checking account. Acting Administrator Riggs explained that the expenditure will be used to purchase monitoring equipment for Lily Lake, as well as to perform additional monitoring of Perro Pond and Perro Creek. He also pointed out that this expenditure had already been approved by the Board in a previous meeting. Mr. Menikheim asked for clarification on which account the money was coming from, and Mr. Kylo explained that the savings account is also referred to as the RBC fund. Mr. Zeller further

clarified that this is an unusual expenditure, and is made possible by the fact that the Management Plan update cost significantly less than expected.

Motion by Mr. Zeller, seconded by Mr. McCarthy, to approve the transfer of \$8,900 from the RBC savings account to the MSCWMO checking account. The motion carried.

d. MSCWMO Watershed Management Plan Update Final Budget

The 2015-2025 Middle St. Croix Watershed Management Plan is now complete and distributed. A motion from the Board to approve the revised budget is requested. Mr. Zeller pointed out that the cost of the Plan was less than what was originally budgeted.

Motion by Mr. Kylo, seconded by Ms. Anderson, to approve the 2015-2025 Watershed Management Plan Final Budget Report. The motion carried.

New Business

a. Appointments (Chair, Vice Chair, Secretary, Treasurer)

New appointments for Chair, Vice Chair, Secretary, and Treasurer were requested of the Board. Mr. Zeller stated that he would be willing to continue in his role of Chair, but would also be willing to step down if someone else wanted to take a turn in the role. Mr. Kylo nominated Mr. Zeller as Chair, and Ms. Anderson nominated Mr. Kylo as treasurer. Mr. Zeller described the two remaining roles, saying that the Vice Chair fills in for Mr. Zeller when he misses a meeting (approximately once a year), and the Secretary's role is minimal. Ms. Anderson volunteered to fill the role of Secretary, and Mr. Zeller nominated Mr. Paiement as Vice Chair.

Motion by Mr. Zeller, seconded by Mr. Menikheim, to appoint Mr. Zeller as Chair, Mr. Paiement as Vice Chair, Mr. Kylo as Treasurer, and Ms. Anderson as Secretary for 2016. The motion carried.

b. 2015 Audit Services Contract

The Board was requested to review and approve the audit bid letter from Peterson Companies LTD to perform the 2015 MSCWMO financial audit for \$1,900. The audit includes a field visit to the MSCWMO office on February 11, 2016, at which Board members may meet with the auditor if they would like to ask questions about the process. Mr. Zeller asked why this audit was necessary, and Acting Administrator Riggs explained that BWSR requires that a 3rd party audit be performed regularly.

Motion by Mr. Kylo, seconded by Mr. Menikheim, to engage the services of Peterson Company LTD. for the MSCWMO's 2015 Financial Audit. The motion carried.

c. Lily & McKusick Lakes Clean Water Fund Final Reports

Final reporting is complete for the 2012 Lily Lake Phase II Clean Water Fund Grant and the Lake McKusick Phase II Clean Water Fund Grant. The Board was requested to approve the final reports for

both projects. As part of the final reporting process for the Lily Lake Phase II Project, the remaining grant balance of \$5,996.46 will be returned to BWSR. Mr. Zeller asked why the MSCWMO is returning those funds to BWSR when the MSCWMO is about to spend money on water monitoring for Lily Lake. Acting Administrator Riggs clarified that the timeline for spending the grant money is over, and that furthermore, the grant was for project implementation rather than monitoring. He added that the money could not be spent because the potential projects fell through due to issues with utilities and homeowners.

Motion by Mr. Zeller, seconded by Mr. Menikheim, to approve the 2012 Lily Lake Phase II and Lake McKusick Phase II Clean Water Fund Project Final Reports. The motion carried.

d. Quixote Avenue Clean Water Fund Final Report

Final reporting is complete for the 2013 Quixote Avenue Retrofit CWF Grant. Acting Administrator Riggs explained that the project resulted in the design and installation of two infiltration basins, an iron enhanced sand filter on the west side of the road, a 12" stormwater pipe that delivers water to the bottom of the hill without erosion, and the restoration of eroded bluff areas. The costs for administration, project development, technical, engineering and project installation were \$102,722.50. Mr. Zeller commented that the project has taken a long time, and Acting Administrator Riggs acknowledged that it was a big project.

Motion by Mr. Paiement, seconded by Mr. Kylo, to approve the 2013 Quixote Avenue Retrofit Clean Water Fund Project Final Report. The motion carried.

e. 2016 Project Review Fee Schedule

The Board is requested to make a motion to approve the proposed 2016 MSCWMO Project Review Fee Schedule. The proposed schedule is the same as that of 2015. In 2015, the MSCWMO budget for project reviews was exceeded by \$1,000.00, due primarily to review of Washington County road reconstruction projects. Mr. Zeller asked for clarification on how the review fee payment process works. Acting Administrator Riggs explained that the applicants pay the review fees, and Mr. Zeller requested that the question of who receives the review fees be clarified for the future. Mr. Zeller stated that in 2015, some of the costs to the MSCWMO for project reviews were recovered.

Motion by Mr. Zeller, seconded by Mr. Kylo, to maintain the 2015 MSCWMO Review Fee schedule for 2016. The motion carried.

f. MIDS Calculator Training

East Metro Water Resources Education Program (EMWREP) is coordinating a training session on the MIDS Calculator. The training will be held on Tuesday, February 16th from 9 a.m. to 11 a.m. at the classroom in the WCD office. GreenCorps Member Katherine McLellan said that the training is designed for consultants, development engineers, city engineers, and city planners who will be working with MIDS in Washington County, and that the training will give attendees a better understanding of how to use the calculator. Acting Administrator Riggs and Mr. Zeller explained that MIDS is a design standard that regulates stormwater infiltration for new developments and redevelopments, and creates regulatory

consistency. GreenCorps Member Katherine McLellan explained that the training would help professionals in the field become more comfortable with using the MIDS Calculator.

g. Baytown Township Annual Dues Letter

Baytown Township submitted notice to the MSCWMO on December 1, 2015 that the Board of Supervisors had voted to not pay the annual dues increase for 2016. Staff reviewed the legal requirements for approving an annual contribution increase and verified that all deadlines, notifications and procedures were met. The attached response letter confirms full compliance with the 2006 MSCWMO Joint Powers Agreement and clarifies that, by terms of the joint powers agreement; payment of the dues is not optional. Acting Administrator Riggs explained that the MSCWMO is not sure how to deal with this, and that a discussion therefore needs to occur. Mr. Zeller reviewed the events leading up to this issue: the MSCWMO passed a budget increase but Baytown Township didn't approve the increase, which may not be a legal step for the Township to take. He went on to say that, moving forward, the timing of the MSCWMO budget development and Township budget development will need to be better coordinated so that this problem does not reoccur. Mr. Fellegly noted that this increase was unusual in the recent history of the MSCWMO, and that it came at a bad time for Baytown Township financially. Mr. Zeller said that he believed that the MSCWMO should have a preliminary discussion about the following year's budget in January, so that the Townships could know how to plan for the MSCWMO budget. He said that he thought that next year's budget (2017) would involve only a very modest increase, if any increase. Mr. Fellegly returned to the issue of how to deal with the 2016 budget discrepancy. Acting Administrator Riggs pointed the group to the draft letter that Administrator Isensee is planning to send to Baytown Township. Mr. Zeller emphasized to Mr. Fellegly that the MSCWMO is willing to work cooperatively with Baytown Township on the issue. Mr. Fellegly agreed to bring the issue to Baytown Township for discussion.

h. MSCWMO and Townships Budgeting Timelines

The above discussion in Item G. was deemed sufficient to cover this item.

Plan Reviews/Submittals

a. CSAH 12, Stillwater

The proposed CSAH 12 Improvements project is located within the Lake McKusick watershed. The proposed project reconstructs 5.05 acres of impervious surface and includes new infiltration and filtration practices to retain or filter stormwater discharging to Lake McKusick. MSCWMO staff reviewed the project and recommend approval with four conditions. The conditions involve including additional details regarding pollution prevention and stormwater and construction management in the plan.

Motion by Mr. Zeller, seconded by Mr. Menikheim, to recommend approval of the CSAH 12 Improvements project with four conditions. The motion carried.

Administrator's report

A written report was submitted.

Mr. Zeller announced that he also wanted to discuss the response to the plan and variance review procedure that is being proposed. He said that since he sent a letter to communities regarding the project, he has heard from people with suspicions and concerns about the idea. Mr. Zeller emphasized that if or when other Board members receive this type of feedback, they should make it clear that the process is not going to add another level of government or take authority away from the local communities. He stressed that if a proactive step such as this is not taken, then the DNR will take the authority to review variances. Mr. Zeller asked Board members if a follow-up letter should be sent to assuage concerns, and Mr. Fellegly responded that this would be helpful.

There was a discussion about completing the campaign finance disclosure form.

Adjourn

Mr. Zeller moved to adjourn the meeting, seconded by Mr. Menikheim. Motion carried and the meeting was adjourned at 7:15 pm.