

**Middle St. Croix Watershed Management Organization**  
**Bayport Public Library**  
**6:00 pm February 11, 2016**

**Present:** Joe Paiement, City of Lakeland; Doug Menikheim, City of Stillwater; Dan Kylo, West Lakeland Township; Nancy Anderson, City of St. Mary's Point; Dan Goldston, City of Bayport; Brian Zeller, City of Lakeland Shores; Chuck Dougherty, City of Oak Park Heights; John Fellegly, Baytown Township; Tom McCarthy, City of Lake St. Croix Beach; Natalie Warren, St. Croix River Association; Administrator Mike Isensee, GreenCorps Member Katherine McLellan

**Call to Order – Regular Board Meeting**

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

**Approval of Minutes**

A motion to approve the January 14, 2016 minutes was made by Mr. Dougherty, seconded by Ms. Anderson. The motion carried.

**Treasurer's Report:**

- a) Report of savings account, assets for February 11, 2016
- b) Approve payment of bills for February 11, 2016

The treasurer's report was presented. The remaining checking account balance is \$130,873.83. First State Bank CDs are valued at \$32,094.13. The ending balance in the RBC savings account is \$34,654.89. Bills to be approved this month are: \$1,740.04 Emmons and Olivier Resources; \$141.60 Kennedy and Graven; \$2,718.00 Washington Conservation District (Administrative); \$2,392.00 Washington Conservation District (Technical Services). Contributions received are: \$780.69 Lakeland Shores; \$20,491.13 Stillwater; \$9,674.35 West Lakeland; \$6,601.99 Lakeland; \$8,048.12 Bayport; \$10,603.74 Oak Park Heights.

Mr. Kylo and Administrator Isensee explained that there was a payment of \$67,000 that was not issued to the City of Lakeland for the Quixote Clean Water Fund Project at the January 14 MSCWMO Board Meeting. The final report and total budget for the project in question had already been approved at the January 14<sup>th</sup> regular board meeting, but the check was not part of the "bills to pay" motion. The Board of Water and Soil Resources required that the check be issued by January 27<sup>th</sup>, so the payment was issued under the approval of Board Chair Brian Zeller, Treasurer Dan Kylo and Secretary Joe Paiement in order to meet the grant reporting deadline.

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

- c) 2015 Financial Summary

Administration Isensee presented the MSCWMO's 2015 financial summary. The MSCWMO closed out three Clean Water Fund grants in 2015, and the MSCWMO expenditures were under budget by \$2,120. Mr. Zeller expressed his happiness at getting a lot of work done within the anticipated budget. Mr. Fellegly asked about the equipment that was purchased and how well it worked, and Administrator Isensee said that most equipment worked well but that one data

logger that was installed in a storm sewer had been submerged during a high flow and was no longer functional.

**Public Comment:**

a) Natalie Warren, River Corridor Steward at the St. Croix River Association:

Ms. Warren introduced herself and outlined her background: she has a degree in environmental policy, gained an interest in rivers through a 3-month canoe trip from the Minnesota River to Hudson Bay, and founded a non-profit organization to lead wilderness trips. Her position at the SCRA is a 3-year position funded through an LCCMR grant that focuses on protecting the segment of the river from Taylor's Falls to the confluence. She is planning to work with landowners, prospective landowners and realtors, and local units of government.

Mr. Paiement asked whether the SCRA believed that people are unaware of the status of the river when they buy properties on the river, and Ms. Warren replied that since there is no formal method of educating buyers about the protections on the river, sometimes people don't know what they can and can't do to a property they are going to buy, or they make changes without the necessary variance. Mr. Menikheim asked how the MSCWMO and the SCRA should collaborate, and Mr. Zeller said that he had some concerns about working with the SCRA because of the SCRA's previous actions at the legislature. He pointed out that the MSCWMO efforts to standardize variances and create a technical review process was received with resistance, even when the letter describing the process came from him. He said that the topic is an uphill battle because more resident buy-in is needed, but that the MSCWMO and the SCRA have similar goals. Ms. Warren recognized past actions by SCRA had occurred but emphasized that her job is not to push for legislation but rather to reinforce local efforts. She said that the MSCWMO's proposed variance review process would be an improvement because it would take the emotion out of the process, and Mr. Zeller agreed, saying that outside funding was needed to hire a contractor and move the project along. Mr. Zeller said that Administrator Isensee would be sending a follow-up letter describing the process and emphasizing its benefits. Mr. Zeller and Ms. Warren briefly discussed educational efforts along the riverway, and Mr. Zeller said that Ms. Warren was welcome to join MSCWMO Board meetings or collaborate in other ways.

**Old Business**

**a. Lily Lake Targeted Monitoring Data Review**

In 2014 the MSCWMO Board approved targeted monitoring of the stormwater outfalls discharging into Lily Lake. The goal of the monitoring was to further identify the sources and loads of phosphorous. This data will allow more accurate placement and design of stormwater quality best management practices. In 2015 the MSCWMO received a \$40,000 Lake St. Croix Improvement grant to expand the monitoring of the Lily Lake outfalls and begin targeted monitoring of the Perro Creek and Perro Pond outfalls.

Administrator Isensee reviewed the preliminary 2014 monitoring data from seven Lily Lake outfalls, which shows that the phosphorous load from Greeley is much larger than expected but that the phosphorous concentration from Brick Pond is smaller than expected. 2016 monitoring will focus on the Greeley inflow to Lily Lake and on Brick Pond. Mr. Zeller clarified that the goal of this effort is to better understand the problems at Lily Lake so that the best possible solutions can be implemented. Mr. Fellegly asked why phosphorus levels in Lily Lake are of such concern, and Mr. Zeller said that its water quality was a concern because it is a

historically recreational lake that has been closed due to the death of two children. Additionally, Administrator Isensee pointed out that Lily Lake is impaired for too much phosphorous and it's outflow discharges to the St. Croix River which is also impaired for phosphorus. Mr. Paiement asked Administrator Isensee about what the options for reducing phosphorus at Lily Lake were, and Administrator Isensee described the possibilities of using an iron-enhanced sand filter or other new techniques. Mr. Menikheim asked how the nearby ravine factored in to this project, and Administrator Isensee explained that it discharges to Brick Pond, which in turn discharges to Lily Lake, and that piping water to the storm sewer instead of letting it run down the ravine will reduce loads delivered to Lily. No motion was requested of the Board.

**b. Lake St. Croix Direct Discharge South Subwatershed Analysis**

In November 2015 the MSCWMO Board approved Metro Conservation Districts Grant to complete the South Lake St. Croix Subwatershed Analysis. This effort is identified in MSCWMO Watershed Management Implementation Plan to be completed in 2017. The \$10,000 grant was awarded and \$5,000 from the MSCWMO technical assistance budget will be used for match. The outcome of this effort will be a completed subwatershed analysis that will rank stormwater quality improvement projects by cost/benefit. Practices will only be identified in areas directly discharging to Lake St. Croix. This work will guide future grant applications and projects. In addition to a technical analysis of stormwater pollutants the MSCWMO is conducting a survey to identify knowledge and interest levels of landowners within the southern MSCWMO to implement practices on their property.

Motion by Mr. Zeller, seconded by Ms. Anderson, to accept \$10,000.00 grant funding from the Metropolitan Conservation Districts to conduct the South Lake St. Croix Subwatershed Analysis. The motion carried.

**c. Quixote Avenue Final Payment**

This item was covered under the Treasurer's Report.

**New Business**

**a. 2015 BMP Maintenance Summary**

The MSCWMO provides assistance to member communities to track, inspect and maintain water quality improvement projects within its boundaries. In 2015 the MSCWMO conducted inspections of 108 BMPs. Through a grant from the Clean Water Fund, the MSCWMO (for the fourth year in a row) was approved for 15 crew days to maintain stormwater BMPs. Crews provided weeding and rock inlet cleanout for most BMPs. Administrator Isensee emphasized that in 2016 the MSCWMO will need to work with its member communities to address low functioning or nonfunctional BMPs, which often have a build-up of sediment in the inlet and now bypass water instead of draining it.

In addition, there have been indicators that MCC crew time will likely diminish for maintenance. Administrator Isensee recommended that the board begin to identify the most efficient and effective means for delivering annual maintenance for water quality practices without MCC in the event that the maintenance applications are not approved in the future. Administrator Isensee informed the board that the MSCWMO is working with Brown's Creek Watershed District and South Washington Watershed District to get quotes from private

contractors for performing maintenance on all 3 watersheds' BMPs together, and that this could be a solution to this issue. No motion was requested of the board.

**b. 2016 Minnesota Conservation Corps Grant Award**

Administrator Isensee outlined the projects that received MCC crew time through the 2016 MCC Grant Award. Match for the crew time is provided by the MSCWMO general budget for crew coordination and oversight and from member community's contributions for materials (plants, mulch, sod, equipment, etc.). Administrator Isensee explained that for the communities whose projects were not approved, an alternative method of maintaining BMPs will be needed. Mr. Fellegly brought up the possibility of using volunteer groups for maintenance efforts, and Administrator Isensee acknowledged that this could be a good idea but said that he was hesitant about the possibility because volunteer groups can be unreliable, do not know what they are doing, and do not have the equipment necessary. Mr. Menikheim asked whether the city of Stillwater would need to take on the burden of maintenance after this year, and Administrator Isensee clarified that the MSCWMO would still handle the maintenance, and would probably contract with a private company on behalf of MSCWMO communities, which would potentially raise the cost for the communities.

**2016 MCC Grants**

Motion by Mr. Fellegly, seconded by Mr. Zeller, to accept the grant for 24.5 MCC crew days and provide 111 hours technical assistance match for 2016. The motion carried.

**c. Washington County Maintenance Agreement- Page 22**

During the MSCWMO 2015 Watershed Management Plan update Washington County Transportation requested the MSCWMO develop a maintenance agreement similar to Brown's Creek Watershed District. The agreement will be applicable to all stormwater BMPs designed and installed to meet the MSCWMO Watershed Management Plan performance standards. Staff have reviewed the agreement and made some minor edits, submitted the draft agreement to the MSCWMO for review for edits, then resubmitted the agreement back to Washington County. The final draft 5-year agreement is submitted for the board's consideration. Administrator Isensee recommended that the board look over the agreement and table the item until the next meeting.

**d. Revised Development Review Documents**

MSCWMO Project Review Documents have been updated to align with MSCWMO 2015 Performance Standards. Once finalized, the MSCWMO website will be updated and communications will be sent to member communities. Administrator Isensee described the effort to improve the review documents and make the review process less confusing. He added that in the new process, applicants would send a check directly to the MSCWMO instead of paying the city in which they live, which then pays the MSCWMO. He and Mr. Zeller said that this change could improve the communication process on the fees. Administrator Isensee also distributed drafts of information sheets that will be provided to clarify the erosion and sediment control and the volume control requirements. Administrator Isensee also brought up the issue of inspections, which are performed when requested by the MSCWMO, and said that the wording regarding inspections should reflect that. Mr. Zeller pointed out that coordination with the city inspectors was necessary to make sure that no one is double-inspecting unnecessarily. Administrator

Isensee added that building inspectors were also going to be trained to inspect sites for erosion and sediment control.

#### 2016 Development Review Documents Updates

Motion by Mr. Dougherty, seconded by Ms. Anderson, to approve updated project review documents. The motion carried.

#### **e. Contract for Professional Services- Lily Phase III Survey and Legal Boundaries**

The contract for professional services with Rehder and Associates Inc. will provide land survey and legal boundary services necessary to design the water quality improvements for the Lily Phase III Clean Water Fund Grant gully stabilization project. Funds for these services are included in the technical services grant dollars for the Lily Phase II Clean Water Fund Grant

#### Contract for Professional Services: Lily Phase III Survey and Legal Boundaries

Motion by Mr. Zeller, seconded by Ms. Anderson, to approve the technical services contract with Rehder and Associates Inc. not to exceed \$2,650.00. The motion carried.

#### **f. MIDS Ordinance Update- Service Contract EOR, Inc. - Page 46**

The contract for professional services with Emmons and Olivier Resources Inc. will provide final revisions based on input from planning commissions and councils with communities in accordance with the MSCWMO 2014 Clean Water Fund Accelerated Implementation Grant. This is the final year of that grant. The contract terms identify completion of tasks associated with final presentations and revisions to planning commissions and councils for up to 13 communities not to exceed \$15,360. This contract expires December 31, 2016.

#### Contract for Professional Services: Integrating MIDS into Local Ordinance

Motion by Mr. Zeller, seconded by Mr. Fellegly, to approve the technical services contract with Emmons and Olivier Inc. not to exceed \$15,360.00.

Mr. Fellegly brought up the issue regarding Baytown Township refusing to pay the increase in dues to the MSCWMO in 2016. Mr. Fellegly said that he talked to the Township's board and that their view is that Baytown Township cannot pay the additional dues in 2016 above the 2015 level, which is what they had budgeted for. He said that Baytown Township agreed to pay the increase in dues in 2017, but that they would not make up the lost 2016 dues in 2017. Mr. Zeller expressed that this problem could be fixed with additional planning in future years, but that in 2016 Baytown Township must still pay their full dues. Mr. Kylo pointed out that the MSCWMO could cut back its spending to accommodate for not receiving the additional dues from Baytown Township, but it was agreed that this solution would be unfair to the other communities. It was agreed that Mr. Zeller and Mr. Fellegly would discuss this further and find a solution.

#### **Cost Share Program**

##### **a. Cost Share Program- Review Updated Cost Share Policy Documents**

The MSCWMO Grant Policies have been updated to align with MSCWMO 2015 Watershed Management Plan Goals and Cost Share program. Administrator Isensee introduced the new program's policies, and described the multiple options for potential projects that are

brought to the MSCWMO via an application process. A project may not be funded at all, usually due to a low benefit to cost ratio. Or, a project might fall into one of five grant or cost-share programs. The first program is for conservation landscaping projects in non-prioritized areas, and would award up to \$250. The next program is for landscaping projects in priority areas identified by a subwatershed analysis, and would award up to \$500. Larger habitat restoration projects could be awarded up to \$1000, and larger water quality improvement projects could be awarded up to \$5000. For very large, infrastructure-scale projects, up to \$75,000 could be awarded.

Mr. Zeller questioned the logic of receiving grants from the SCRA, which gets all its funding from grants. He was concerned that money is being lost in the process. Administrator Isensee explained that working with the SCRA is easier than working with the EPA or legislature, and that the MSCWMO would not be a competitive applicant to the grants that the SCRA receives. Administrator Isensee returned to the cost-share policy, and asked board members to look over the programs and provide feedback in the next meeting.

### **Plan Reviews/Submittals**

#### **a) Beach Road (CSAH 23) Reconstruction Project Review**

The Beach Road/Paris Avenue North(CSAH 23) Corridor Management and Safety Improvement Project is intended to improve operations and safety along the corridor, improve stormwater management, and improve pedestrian and bicycle accommodations, as well as accommodate potential future traffic and pedestrian growth. Administrator Isensee stated that the MSCWMO was involved in the process of analyzing several alternatives with regard to stormwater runoff conveyance and treatment. The project meets most of the performance standards of Section 7.0 of the 2015 MSCWMO Management Plan and Administrator Isensee recommended approval with two conditions. Mr. Felleggy asked how maintenance would be handled, and Administrator Isensee said that the maintenance would be handled by Washington County and that the maintenance agreement was in the process of being completed.

#### **Beach Road (CSAH 23) Reconstruction Project Review**

Motion by Mr. Felleggy, seconded by Mr. Dougherty, to recommend approval of the Beach Road (CSAH 23) improvement project with two conditions. The motion carried.

### **Administrator's Report**

A written report is attached.

### **Adjourn**

Mr. Felleggy moved to adjourn, seconded by Mr. Zeller. The motion carried and the meeting was adjourned at 7:30pm.